13434

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-FOURTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME IV.

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CONGRESSIONAL RECORD.

FIRST SESSION, FORTY-FOURTH CONGRESS.

account of money paid out and expended by said Ariel K. Eaton as such receiver for clerks in his said office during the time he was the incumbent thereof.

The second section provides that the Secretary of the Interior be, and he is hereby, authorized and required to allow and pay to James D. Jenkins, of Osage, Iowa, late register of the United States land office at Decorah and Osage, Iowa, the sum of $3,600, on account of money paid out and expended by said James D. Jenkins as such register for clerks in his said office during the time he was the incumbent thereof.

The third section provides that, to enable the Secretary of the Interior to make the payments hereinbefore required, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,200; and the amounts hereinbefore allowed to said Ariel K. Eaton and James D. Jenkins, respectively, shall be received by them in full satisfaction and settlement of all claims or demands against the Government for the clerical or other expenses of their said offices.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CHARLES MASON.

The next business on the Private Calendar was the bill (H. R. No. 2830) for the relief of Charles Mason.

(Objected to by Mr. HEWITT, of Alabama.)

JAMES ALLENDER.

The next business on the Private Calendar was the bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to James Allender, of Preston County, West Virginia, the sum of $2,350 for the water privilege and franchise pertaining to his mill property on the Monongahela River, and in full of all damage to said property by reason of the improvement erected by the Government of the United States upon said river, in pursuance of an award made on the 26th day of April, 1873, by arbitrators mutually agreed upon by the parties and approved by the Chief of Engineers; provided that no part of said $2,350 shall be paid till said improvement has been completed, and so certified by the Chief of Engineers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

L. MADISON DAY.

The next business on the Private Calendar was the bill (H. R. No. 2831) for the relief of L. Madison Day.

(Objected to by Mr. HURD.)

MRS. ELIZA E. HEBERT.

The next business on the Private Calendar was the bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana.

The bill directs the Secretary of the Treasury to pay to Mrs. Eliza E. Hebert, of Louisiana, the sum of $21,090, in full compensation for stores and supplies taken and used by the Union forces during the years 1863-'64.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SUSAN P. VANCE.

The next business on the Private Calendar was the bill (H. R. No. 2833) for the relief of Susan P. Vance.

The bill directs that the sum of $2,640 be, and the same hereby is, appropriated to pay Susan P. Vance for property of her late husband, Morgan Vance, of Kentucky, taken and used by the United States troops during the war of the rebellion, including the use and occupation of a lot of land at Lexington, Kentucky, and the timber and fencing taken therefrom.

There being no objection, the bill was laid aside, to be reported favorably to the House.

R. J. HENDERSON.

The next business on the Private Calendar was the bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri.

The bill directs the Secretary of the Treasury to pay to R. J. Henderson, of Newton County, Missouri, the sum of $7,253.90, which shall be in full compensation for all balances due said Henderson growing out of a contract made in 1865 with Captain William Mills, post-quartermaster at Nashville, Tennessee, at the time, to cut and deliver three thousand cords of wood at the Cumberland River for the use of the Army, &c.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOSEPH WILSON.

The next business on the Private Calendar was the bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky.

The bill directs the Secretary of the Treasury to pay to Joseph Wilson, of Bourbon County, in the State of Kentucky, the sum of $15,300, which sum shall be in full compensation for ninety mules captured from him by rebels at Beltsville, in the State of Maryland, in the year 1864, which mules were presented at the picket-lines of the defenses around Washington, District of Columbia, in part fulfillment of a contract to deliver in said city five hundred mules.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

MAJOR JOHN S. WALKER.

The next business on the Private Calendar was the bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army.

The bill was read. It authorizes and directs the proper officers of the Treasury to credit the accounts of the late John S. Walker, paymaster, (who was lost while in the discharge of his official duty on the steamer George S. Wright, which was lost at sea near Cape Cantion, on the coast of Alaska, in February, 1873,) with the sum of $2,124 98, which he had in his possession, and was lost with him, and also the further sum of $427.73, of balances charged to his account, which, on account of loss of papers, cannot now be explained.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EDWARD F. EDDY.

The next business on the Private Calendar was the bill (H. R. No. 2837) granting a pension to Edward F. Eddy.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward F. Eddy, who, at the time he was wounded, was second lieutenant Company G, Sixteenth Regiment Michigan Volunteers, and who, when discharged, was lieutenant-colonel Twenty-ninth Regiment Michigan Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS H. MARTIN.

The next business on the Private Calendar was the bill (H. R. No. 2838) granting an increase of pension to Thomas H. Martin.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Martin, who was a private of Company F, Sixty-third Regiment Pennsylvania Volunteers, and from and after the passage of this act pay him a pension of $24 per month, and the pension heretofore granted to said Martin on certificate No. 11986 shall, after the passage of this act, cease.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HENRY W. HIGLEY.

The next business on the Private Calendar was the bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Higley, of Lena, Illinois, late a private in Company G, Third Regiment Missouri Volunteer Cavalry, to take effect after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HARRIET C. DUNHAM.

The next business on the Private Calendar was the bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LOUIS A. M'LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. No. 1521) granting a pension to Louis A. McLaughlin.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis A. McLaughlin, late a scout in the military division of the Missouri, and pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ELLEN MORROW.

The next business on the Private Calendar was the bill (H. R. No. 2839) granting a pension to Ellen Morrow, mother of John Morrow, late private Company H, Potomac Home Brigade, Maryland Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Morrow, mother of John Morrow, late private Company H, Potomac Home Brigade, Maryland Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN J. PARTILLO.

The next business on the Private Calendar was the bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan.

The bill directs the Secretary of the Interior to place upon the pen-

sion-roll the name of John J. Partillo, late a private in Company H, Sixteenth Regiment of Michigan Infantry Volunteers, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WILLIAM THOMAS.

The next business on the Private Calendar was the bill (H. R. No. 2840) granting a pension to William Thomas.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Thomas, sergeant of Company B, Ninety-ninth Regiment Pennsylvania Volunteers, and to pay him a pension for the loss of an eye, in addition to the pension now allowed him for the loss of a limb.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GREEN EDWARDS.

The next business on the Private Calendar was the bill (H. R. No. 2841) granting a pension to Green Edwards.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Green Edwards, late a private in Company A, One hundred and ninth Regiment United States Colored Infantry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ROBERT S. TOLAND.

The next business on the Private Calendar was the bill (H. R. No. 2842) granting a pension to Robert S. Toland.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Toland, late a private in Company K, Twenty-second Regiment Michigan Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JAMES C. BATES.

The next business on the Private Calendar was the bill (H. R. No. 2843) granting a pension to James C. Bates.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James C. Bates, late a sergeant in Company I, Indiana Legion.

Mr. BENNETT. This bill does not give the number of the regiment. I move to insert the words "One hundred and fifth Regiment" before the words "Indiana Legion."

Mr. RUSK. I must object to that amendment; I think there was no such command at all. The bill is correct as it is.

Mr. BENNETT. It does not give the number of the regiment.

Mr. RUSK. There was no such regiment as the gentleman indicates.

Mr. BENNETT. I will not insist upon my amendment.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LEVI D. HAYWARD.

The next business on the Private Calendar was the bill (H. R. No. 2844) granting a pension to Levi D. Hayward.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levi D. Hayward, late a private in Company B, Thirty-first Regiment Iowa Infantry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HERMAN NETTLEFIELD.

The next business on the Private Calendar was the bill (H. R. No. 2845) granting a pension to Herman Nettlefield.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Herman Nettlefield, late of Canby's scouts.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LOVINA ADELINE BOWKER.

The next business on the Private Calendar was the bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lovina Adeline Bowker, step-mother of Wilbur F. Bowker, late a private in Company H, Eighth Regiment of Vermont Volunteers, and cause to be paid to her the same pension which she would be entitled to if the said Wilbur F. Bowker were born of her body.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LUCINDA STARNES.

The next business on the Private Calendar was the bill (H. R. No. 2847) granting a pension to Lucinda Starnes.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Starnes, mother of Jefferson Starnes, late private of Company F, Fortieth Regiment of United States Colored Troops Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. HENRIETTA J. FOUST.

The next business on the Private Calendar was the bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust.

The bill directs the Secretary of the Interior to place upon the pension-roll the name of Mrs. Henrietta J. Foust, widow of Elias Foust, late sergeant of Company C, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, subject to the rules and limitations of the United States pension laws.

There being no objection, the bill was laid aside, to be reported favorably to the House.

F. M. BRUNER.

The next business on the Private Calendar was the bill (H. R. No. 2848) granting a pension to F. M. Bruner.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of F. M. Bruner, late captain of Company A, Seventh Regiment United States Colored Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WILLIAM RULE.

The next business on the Private Calendar was the bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee.

The bill directs the Secretary of the Treasury to place to the credit of the fund for the Post-Office Department on money-order account the sum of $600, and the Auditor of the Treasury for the Post-Office Department to place the like sum to the credit of William Rule in his account as postmaster at Knoxville, Tennessee, it being the amount of surplus money-order funds mailed by said postmaster August 1, 1874, for deposit with the postmaster at Cincinnati, said money having been burned and destroyed with the steamboat Pat Rogers while *en route* to Cincinnati.

Mr. SMITH, of Pennsylvania. I ask that the report in this case be read.

The Clerk read the report as follows:

This is a bill providing for the payment of $600 to William Rule, of Knoxville, Tennessee, for money lost in the mail by fire at the burning of the steamer Pat Rogers on the morning of the 5th day of August, 1874, while the same was *en route* from Knoxville, Tennessee, to Cincinnati, Ohio. Rule was postmaster at Knoxville, and, on the 1st day of August, 1874, as was his duty under the regulations and instructions of the Post-Office Department, made up a package of money from his surplus money-order funds for the purpose of sending it to the Cincinnati office for deposit. It was composed of five notes of different national banks and one United States note, of the denomination of $100 each, the date and number of each being given. The testimony in the case goes to show that the package was made up and deposited in the mail, (registered letter No. 114, inclosed in registered-package envelope No. 105.) The proper receipts at every change in the route seem to have been passed between the route-agents, showing that the package went on board the Pat Rogers at Louisville, Kentucky, August 4, in charge of W. F. Hall, mail-agent on board the boat, who swears that he had the package in his possession, with twenty-five other registered packages, which he took out on the forecastle of the boat soon after she was found to be on fire, hoping that opportunity would offer to save them, but he swears that the boat did not land, and that he was compelled to leave them to be burned, while he saved himself as best he could.

The money belonged to the Post-Office Department and the postmaster was acting in obedience to orders in sending it through the mail in the manner he did.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SARAH F. ALBERTSON.

The next business on the Private Calendar was the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Booneville, Missouri.

The preamble states that Nathaniel Albertson, now deceased, a member of the Thirty-first Congress from the State of Indiana, left undrawn of the moneys due him as such member the sum of $160, which sum has never been drawn.

The bill directs the Secretary of the Treasury to pay to Sarah F. Albertson, of Booneville, Missouri, the widow of the said Nathaniel Albertson, deceased, the said sum of $160; which sum, when paid, shall be in full compensation of said claim.

There being no objection, the bill was laid aside, to be reported favorably to the House.

STEPHEN V. BENÉT.

The next business on the Private Calendar was the bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges.

The bill was read. It directs the Commissioner of Patents to revive the application of Stephen V. Benét for a patent for an improved cartridge, dated April, 1866, and to hear and determine this application in the same manner as if two years had not elapsed since the last action of the office thereon, and to grant letters-patent upon the application if the invention therein described and claimed is found to be novel and patentable. But no person is to be held responsible in damages for the manufacture, sale, or use of such cartridges prior to the issue of the patent. And the subsequent sale and use of those manufactured at the time of the issue are not to be held to be an in-

fringement of the patent. The Government is to be entitled to the free use thereof for the military or naval service.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HUGH W. MERCER.

The next business on the Private Calendar was the bill (H. R. No. 2953) for the relief of Hugh W. Mercer.

The bill was read. It directs the Secretary of the Treasury to pay to Hugh W. Mercer $29,589.14, being the amount received into the Treasury of the United States under certain proceedings and decree in the southern district of New York, attempting to condemn the stock and dividends of Mercer in the Minnesota Mining Company, the same being in full for all claims and demands of Mercer against the United States connected with or in any manner growing out of the claim, for which a receipt shall be taken in full by the proper officer of the Treasury.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. FLORA A. DARLING.

The next business on the Private Calendar was the bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling.

The bill was read. It directs the Secretary of the Treasury to pay to Mrs. Flora A. Darling, out of any moneys in the Treasury not otherwise appropriated, $5,000, in re-imbursement for losses sustained by her in consequence of the seizure by military authority of certain bank-notes and personal effects at the city of New Orleans, in January, 1864, while on a flag-of-truce boat, under the protection of a passport given her by Major-General N. P. Banks, then commanding the Department of the Gulf.

There being no objection, the bill was laid aside, to be reported favorably to the House.

J. E. ROBERTSON & CO.

The next business on the Private Calendar was the bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis.

The bill was read. It directs the Secretary of the Treasury to pay to J. E. Robertson & Co., of Indianapolis, Indiana, $432.96, or so much thereof as Robertson & Co. shall prove, to the satisfaction of the Commissioner of Internal Revenue, that they have expended in the purchase of revenue-stamps used by them to stamp manufactured tobacco upon which a tax had been previously paid under the revenue in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco; payment to be made out of any money in the United States Treasury not otherwise appropriated.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SURGEON-GENERAL CLEMENT A. FINLEY.

The next business on the Private Calendar was the bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired.

The bill was read. It provides that the retired pay of Surgeon-General Clement A. Finley, on the retired list of the Army, shall, from and after the passage of the act, be the retired pay now allowed by law for the grade of the Surgeon-General of the Army as fixed by the act of June 23, 1874, re-organizing the several staff corps of the Army.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DOROTHEA IRONS.

The next business on the Private Calendar was the bill (H. R. No. 2017) for the relief of Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First United States Artillery.

The bill was read. As proposed to be amended by the Committee on Military Affairs, it directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First Regiment United States Artillery, the sum of $512.55, being the amount of pay withheld from Lieutenant Irons on account of commissary funds stolen by his clerk while Irons was acting as assistant quartermaster at Fort Adams, Rhode Island.

The amendments were adopted.

Mr. HOPKINS. I move further to amend the bill by striking out in the fourth line "Dorothea" and inserting "Lizzie;" also by striking out in the fifth line the word "mother" and inserting "sister." While this bill has been pending the mother has died, leaving as the only heir the sister, whose name I propose to substitute.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

COLONEL W. H. EMORY.

The next buiness on the Private Calendar was the bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general.

The bill was read. In view of the long and faithful services of Colonel and Brevet Major-General W. H. Emory, colonel of the Fifth Cavalry, before and during the late war, and the fact that for nearly ten years he has discharged the duties of brigadier and major-general, the bill authorizes the President to place that officer on the retired list of the Army, after forty-three years' active service, as brigadier-general, with the pay and emoluments of a retired officer of that grade.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN S. DICKSON.

The next business on the Private Calendar was the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners.

The bill was read. It directs the Secretary of the Treasury to pay to John S. Dickson, late captain of Company B, paroled prisoners of Wisconsin Volunteers, out of any money in the Treasury not otherwise appropriated, the full pay and allowances of a captain of infantry for the period of nine months and twenty days, the same being the time he served as captain of Company B, paroled prisoners, deducting therefrom the amount of pay received by Dickson as sergeant of Company C, Eighteenth Regiment Wisconsin Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LEGAL REPRESENTATIVES OF GEORGE SCHWARTZ.

The next business on the Private Calendar was the bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late private in Company F, Fifth Regiment Wisconsin Volunteer Infantry.

The bill was read. It directs the Secretary of War to amend the record of George Schwartz, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, by causing the charge of desertion to be removed. The legal representatives of Schwartz are to be treated in respect to claims for pay, allowances, bounty, and pension the same as if the death of Schwartz had been proved to have taken place in the line of his duty and in the military service of the United States.

There being no objection, the bill was laid aside, to be reported favorably to the House.

A. F. M'MILLEN.

The next business on the Private Calendar was the bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery.

The bill was read. It directs the Secretary of the Treasury to pay to A. F. McMillen, late captain First Colored United States Heavy Artillery, $180, the amount of three months' pay proper, as provided by the acts approved March 3, 1865, and July 28, 1866.

There being no objection, the bill was laid aside, to be reported favorably to the House.

OLIVER T. EVERHART.

The next business on the Private Calendar was the bill (H. R. No. 3034) granting a pension to Oliver T. Everhart.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Oliver T. Everhart, late assistant surgeon at the post hospital near Chambersburgh and Camp Curtin, Pennsylvania.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LAFAYETTE DECKER.

The next business on the Private Calendar was the bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SMITH BELL.

The next business on the Private Calendar was the bill (H. R. No. 3035) granting a pension to Smith Bell, late sergeant Company B, Twenty-sixth Regiment United States Colored Troops Volunteers.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Smith Bell, some time sergeant Company I, Twenty-sixth Regiment United States Colored Troops Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY M'LAIN.

The next business on the Private Calendar was the bill (H. R. No. 3036) granting a pension to Mary McLain, widow of Charles McLain, late colonel Two hundred and eleventh Pennsylvania Volunteers.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary McLain, widow of Charles McLain, late lieutenant-colonel of the Two hundred and eleventh Regiment

Pennsylvania Volunteers, and pay her a pension as such lieutenant-colonel's widow in lieu of the pension now allowed to her.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SAMUEL D. FALLS.

The next business on the Private Calendar was the bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel D. Falls, some time unassigned recruit Ninth Minnesota Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ALMON F. MILLS.

The next business on the Private Calendar was the bill (H. R. No. 3038) granting a pension to Almon F. Mills, late a private Company K, Twenty-ninth Regiment Ohio Volunteers.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Almon F. Mills, late private of Company K, Twenty-ninth Regiment Ohio Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY A. CASTERWELLER.

The next business on the Private Calendar was the bill (H. R. No. 1641) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Casterweller, widow of John Casterweller, late a private in the Fourth Regiment of Pennsylvania Cavalry, and pay her a pension from the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ABIGAIL S. DAWNEY.

The next business on the Private Calendar was the bill (H. R. No. 1819) granting a pension to Abigail S. Dawney.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abigail S. Dawney, dependent mother of Nathan U. Dawney, late a private of Company G of the One hundred and forty-fifth Regiment of Pennsylvania Volunteers, deceased, to take effect from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MARTHA WESTERVILLE.

The next business on the Private Calendar was the bill (H. R. No. 3039) granting a pension to Martha Westerville.

(Objected to by Mr. RUSK.)

SARAH J. GOSS.

The next business on the Private Calendar was the bill (H. R. No. 3040) granting a pension to Sarah J. Goss.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Goss, widow of Greenbry Goss, late pilot on gunboat Covington.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

WILLIAM M'LAY.

The next business on the Private Calendar was the bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William McLay, late a private in Company G in the Twelfth Regiment of Illinois Infantry Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JAMES RUFFIN WOOD.

The next business on the Private Calendar was the bill (H. R. No. 3041) granting a pension to James Ruffin Wood.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Ruffin Wood, of Bertie County, North Carolina, father of the late John Wood, late a first-class boy in the United States naval service.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

DAVID M'COMB.

The next business on the Private Calendar was the bill (H. R. No. 2468) granting a pension to David McComb, late employé in the naval service of the United States.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David McComb, late employé in the naval service of the United States.

Mr. RAINEY. I move to amend by striking out lines 6 and 7 and in lieu thereof inserting the following:

David McComb, late an enlisted man in the naval service of the United States on the frigate Brandywine.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

BERTHOLD LOEWENTHAL.

The next business on the Private Calendar was the bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Berthold Loewenthal, of Chicago, Illinois, the sum of $14,850, or so much thereof as the said Loewenthal shall prove to the satisfaction of the Commissioner of Internal Revenue that he has expended in the purchase of revenue-stamps used by him to stamp manufactured tobacco and snuff upon which a tax had previously been paid, under the revenue law in force at the time of their manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco and snuff.

The report was read, as follows:

That Berthold Loewenthal was, at the time of the passage of the act of Congress entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July 20, 1868, a wholesale dealer in tobacco, doing business in Chicago, Illinois, under the firm-name of B. Loewenthal & Co., and had on hand a quantity of smoking and plug tobacco and snuff upon which the taxes imposed by the laws of the United States in force prior thereto had been fully paid.

The affidavits of Mr. Loewenthal, his clerks, (Charles H. Chubback and Edward Loewenthal,) the assistant assessor of internal revenue, (James R. Hugenin,) and of Elias Adler and Elias Kaufman, (manufacturers of tobacco,) show that of this tobacco and snuff there remained in the possession of said Loewenthal on the 15th day of February, 1869, 77,585 pounds of smoking-tobacco and 7,601¼ pounds of snuff, and on the 1st day of July, 1869, 455 pounds of plug-tobacco, at which respective dates, by the provision of the act referred to, it became unlawful to sell said tobacco and snuff unless the same was packed and stamps had been purchased and affixed thereto, as required by the said act.

The affidavit of Mr. Loewenthal, and that of Edward Loewenthal, his clerk, corroborated by the affidavit of William Mumly, clerk in the office of the collector of internal revenue for the Chicago district, so far as his own recollection enables him to do so, (the books and papers of the office having been destroyed by fire,) show that he purchased, between the 15th day of February, A. D. 1869, and the 7th day of October, A. D. 1871, internal-revenue stamps, commonly called tobacco-stamps, of the value and for which he paid to the collector of internal revenue of the district the sum of $14,882.72, all of which tobacco-stamps he caused to be affixed to said tobacco and snuff and to be canceled.

It appears from the affidavit of William M. Loughlin, assistant assessor of internal revenue for the division where the goods in question were kept, that regular monthly inventories were made and returned by Mr. Loewenthal to his office showing the amounts of such tobacco and snuff remaining on hand on such respective dates, and that on the 9th day of August, 1869, he made personal examination of the unstamped smoking-tobacco, plug-tobacco, and snuff then in the possession of Loewenthal, manufactured prior to July 20, 1868, and found on hand, in Mr. Loewenthal's possession, of such goods, 63,697½ pounds of smoking-tobacco, 7,418 pounds of snuff, and 455 pounds of plug-tobacco, and that all of said goods were then contained in packages properly inspected, and all provisions of the internal-revenue laws of the United States, so far as these goods were concerned, appeared to have been fully complied with, and that on the 10th day of September, 1871, there remained in the possession of Mr. Loewenthal, of the goods in question, not more than 300 pounds of snuff.

The evidence Mr. Loewenthal submits seems to satisfactorily establish:

First. That the tobacco and snuff upon which he claims to have been required to pay additional taxes were manufactured prior to July 20, 1868.

Second. That all taxes and assessments thereon imposed by law prior to that date had been paid and the requirements of the law in regard to the same fully complied with.

Third. That after it became unlawful to sell or dispose of this tobacco and snuff without packing and affixing tobacco-stamps thereto he had on hand, unsold, of tobacco and snuff manufactured previous to July 20, 1868, upon which all United States taxes and assessments required by law prior to that date had been paid, 77,585 pounds of smoking-tobacco, 7,601¼ pounds of plug-tobacco, and 455 pounds of snuff.

Fourth. That in order to sell and dispose of the tobacco and snuff in compliance with the act of July 20, 1868, he was required to pay an additional tax thereon and purchase stamps and affix and cancel the same to the amount of $14,882.72.

The petition of Mr. Loewenthal and the proofs supporting its averments present for consideration the propriety and justice of imposing and exacting an additional tax upon tobacco and snuff which had paid the taxes thereon required by existing laws. That taxation should be uniform and its burden distributed as equally as possible upon the subjects of taxation will not be questioned.

Freshly-manufactured goods would come upon the market with great advantage over tax-paid goods as to the price at which they could be sold if the tax imposed by a new law was to be assessed upon both without regard to former tax.

Such taxation would not be uniform; it would unequally distribute its burdens. Consumers would pay as part of the cost the tax imposed upon goods thereafter manufactured, while the additional tax upon tax-paid goods previously manufactured would fall almost exclusively upon the dealers then holding them.

The act of July 20, 1868, changed the classification-rate of tax and manner of packing and stamping manufactured tobacco.

It provided that—

"After the 1st day of January, 1869, all smoking, fine-cut chewing tobacco, or snuff, and after the 1st day of July, 1869, all other manufactured tobacco of every description, shall be taken and deemed as having been manufactured after the passage of this act, and shall not be sold or offered for sale unless put up in packages and stamped as prescribed by this act, except at retail, by retail dealers, from wooden packages, stamped as provided for in this act; and any person who shall sell or offer for sale after the 1st day of January, 1869, any smoking, fine-cut chewing tobacco, or snuff, and after the 1st day of July, 1869, any other manufactured tobacco not so put up in packages and stamped, shall, on conviction, be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years."

Some mode of packing and of identifying tax-paid tobacco was found indispensa-

ble to protect the revenue and prevent frauds. It was necessary to fix some definite time when tobacco should be put up into packages, as prescribed by the law, and fix it at such reasonable date thereafter as would enable the holders of tax-paid tobacco to dispose of their tobacco to actual consumers.

If it had been the intention to collect an additional tax from tax-paid tobacco previously manufactured, this provision would have been made to take effect immediately.

This is a case of individual hardship, where a wholesale dealer has been unable to dispose of previously-manufactured tobacco which had already paid a tax without packing and stamping, and necessarily paying an additional tax amounting to $14,882.72.

He shows that it was impossible for him to dispose of the tobacco within the time limited, except at a ruinous sacrifice. The Government has lost nothing by the tobacco remaining in his hands instead of being purchased by consumers.

The latter evidently have supplied themselves with other tobacco upon which the Government tax was paid, which tobacco would not have been taken by consumers, nor the tax paid thereon have been received by the Government, had they purchased within the limitation.

Section 57 of the act referred to allowed free stamps to be issued to owners of tax-paid distilled spirits on hand at the date of the passage of the law; and it would seem to have been equally just to have authorized the issue of similar stamps to the owners of tax paid tobacco previously manufactured.

Your committee therefore deem it just and equitable to refund to Mr. Loewenthal the amount of additional tax required of him to be paid upon the tobacco and snuff manufactured prior to the passage of the act of July 20, 1868, upon which a tax had already been paid, and which was in his possession when it became unlawful to dispose of the same without paying such additional tax.

There are questions of fact, however, which, in their judgment, the Commissioner of Internal Revenue can pass upon more appropriately and scrutinize more carefully than Congress can upon the statements and evidence accompanying the bill.

The committee recommend that the Commissioner be authorized to examine the claim for refunding the tax in question, and allow and refund the same, or so much as, in his judgment, upon the proofs presented to him, should equitably and justly be repaid; and would recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELIZABETH T. DUBOIS.

The next business on the Private Calendar was the bill (H. R. No. 3177) granting a pension to Elizabeth T. Dubois, widow of Theodore B. Dubois, late acting volunteer lieutenant-commander in the naval service.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth T. Dubois, widow of Theodore B. Dubois, late volunteer acting lieutenant-commander in the naval service of the United States.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN HALEY.

The next business on the Private Calendar was the bill (H. R. No. 1936) granting a pension to John Haley.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Haley, late of Company G, Fifteenth Regiment Michigan Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELEANOR DOUGLASS.

The next business on the Private Calendar was the bill (H. R. No. 2602) granting a pension to Eleanor Douglass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor Douglass, of Venango County, Pennsylvania, mother of Asa O. Douglass, private in Company K, One hundred and eleventh Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

AARON H. MILLER.

The next business on the Private Calendar was the bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private of Company G, Twenty-ninth Regiment Indiana Volunteers.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aaron H. Miller, formerly a private of Company G, of the Twenty-ninth Regiment of Indiana Volunteers, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JONAS A. BIGELOW.

The next business on the Private Calendar was the bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jonas A. Bigelow, private of Company K, Fourteenth Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

THOMAS I. FOX.

The next business on the Private Calendar was the bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas I. Fox, of Clinton County, Pennsylvania, late a private in Company C, Fifty-second Regiment of Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

EMILY E. WEISS.

The next business on the Private Calendar was the bill (H. R. No. 2231) granting a pension to Emily E. Weiss.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and restrictions of the pension laws, the name of Emily E. Weiss, widow of Charles N. Weiss, to be paid from the date of the death of said Charles N. Weiss.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

THOMAS GALLOWAY.

The next business on the Private Calendar was the bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Galloway, some time Captain of Company C, First Maryland Cavalry Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

THOMAS F. WILDES.

The next business on the Private Calendar was the bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Wildes, late lieutenant-colonel of the One hundred and sixteenth Regiment of Ohio Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

THOMAS PULLING.

The next business on the Private Calendar was the bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Pulling, a soldier in the late war of the rebellion in Company I, Seventh Cavalry, Michigan Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SAMUEL SHEAFFER.

The next business on the Private Calendar was the bill (H. R. No. 1814) granting a pension to Samuel Sheaffer.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Sheaffer, late a private in Battery F, Fifth United States Artillery, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

BENJAMIN HICKEY.

The next business on the Private Calendar was the bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Hickey, late a private in Company C, First Regiment of Tennessee Cavalry Volunteers, and to pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

OSCAR S. COLLINS.

The next business on the Private Calendar was the bill (H. R. No. 3180) granting a pension to Oscar S. Collins.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Oscar S. Collins, late a private in Company F, First Regiment Rhode Island Light Artillery, and pay him a pension at the rate of $18 per month.

There being no objection, the bill was laid aside, to be reported favorably to the House.

KENDRICK & AVIS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott,

Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio.

The bill was read, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the following internal-revenue taxes upon low wines produced in the manufacture of vinegar, to wit, $9,792, assessed by the Commissioner of Internal Revenue on the 21st day of September, 1875, against Crawford M. Kendrick and William H. Avis, doing business at said Saint Louis, in the State of Missouri, under the firm-name and style of Kendrick & Avis, and entered upon the August list of said year for the first district of Missouri; $2,007, assessed by said Commissioner on the 2d day of August, 1875, against Max Kuner, John F. Zisemann, and Armin Zott, doing business at said Saint Louis under the firm-name and style of Kuner, Zisemann & Zott, and entered upon the June list of said year for said district; $2,135, assessed by said Commissioner, on said 2d day of August, against Max Kuner and Armin Zott, former partners in business at said Saint Louis, under the firm-name and style of Kuner & Zott, and entered upon the list last above mentioned; and $560.40, assessed by said Commissioner on the 27th day of December, 1875, against C. Nachtrieb, J. F. Nachtrieb, C. E. Kopp, and F. A. Burch, doing business at Galion, in the ninth district of Ohio, under the firm-name and style of Nachtrieb & Co., and entered upon the November list of said year for the district aforesaid.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ALBERT GRANT.

The next business on the Private Calendar was the bill (H. R. No. 3182) for the relief of Albert Grant.

The bill was read. It authorizes and directs the Court of Claims to re-open and re-adjudicate the case of Albert Grant and Darius C. Jackson (doing business as A. Grant & Co.) upon the proofs heretofore submitted to the said court in said cause; and if said court in such re-adjudication shall find, from such evidence, that the court gave judgment for a different sum than the evidence sustains or the court intended to enter, it shall correct such error and adjudge to the said Albert Grant such additional sum in said cause as the proofs shall justify.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JAMES G. HARRISON.

The next business on the Private Calendar was the bill (H. R. No. 1034) for the relief of James G. Harrison.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to James G. Harrison, late assistant assessor in the second revenue district of Indiana, the compensation payable to assessors in said district, from the 4th day of March, 1867, until the 14th day of April, 1869.

Mr. WILSON, of Iowa. I ask that the report may be read.

The report of the Committee of Claims was read, as follows:

It is shown that James G. Harrison was assistant assessor of internal revenue, regularly appointed, for the second collection district of Indiana, from the 1st day of September, 1862, until the 13th day of April, 1869; that during two years, one month, and nine days of that period, to wit, from March 4, 1867, to April 13, 1869, there being no assessor for said district, he served, by direction of the Commissioner of Internal Revenue, as acting assessor of said district, performing all of the duties pertaining to the office of assessor, and that for that period he received only the compensation allowed by law to assistant assessors, to wit, $5 per day. He now asks the payment of such balance as will realize to him the full pay of an assessor for the period during which he discharged the duties of that office. A letter from the Fifth Auditor to your committee, dated March 19, 1874, states that such balance would be $1,555.90.

Your committee believe that the petitioner, having performed the duties of the office of assessor, should receive the full pay provided by law for such services; and for that purpose they report back the bill (H. R. No. 1034) and recommend that it do pass.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CITY OF MACON, GEORGIA.

The next business on the Private Calendar was the bill (H. R. No. 781) for the relief of the city of Macon, Georgia.

The bill was read.

Mr. WILSON, of Iowa. Let the report be read.

The report was read.

Mr. WILSON, of Iowa. I think that bill had better go over, that there may be an opportunity for discussion.

JACKSON T. SORRELLS.

The next business on the Private Calendar was the bill (H. R. No. 755) for the relief of Jackson T. Sorrells.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Jackson T. Sorrells the sum of $53.80, for carrying the United States mails in the year 1865 between Asheville and Franklin, North Carolina.

There being no objection, the bill was laid aside, to be reported favorably to the House.

APPLETON OAKSMITH.

The next business on the Private Calendar was the bill (H. R. No. 3183) allowing Appleton Oaksmith to prosecute certain claims before the Court of Claims.

The bill was read. It provides that the claim of Appleton Oaksmith against the United States for the alleged wrongful seizure and detention of the sea-going vessels Magnolia and Amelia, and their cargoes, by the authorities of the United States, in 1855, respectively in the ports of Mobile, in the United States, and Port au Prince, in the island of Hayti, be, and is hereby, referred to the Court of Claims; and the said court is hereby authorized and directed, under its rules of practice, to examine into and adjudicate the said claim, and give judgment for the amount of damages, if any, directly resulting to said Appleton Oaksmith by reason of said seizure and detention, if found to have been unlawfully seized and detained; provided that said court shall be satisfied that said claimant has not been guilty of gross laches in prosecuting before Congress and in said court said claim for relief.

Mr. HOLMAN. I call for the reading of the report.

The report of the Committee of Claims was read, as follows:

That in 1855 the claimant, as owner of the sailing-vessels Magnolia and Amelia, started out from the city of New York laden with a large amount of arms and munitions of war. She cleared from New York for Saint Mary's, representing that she had no cargo, and only ballast, when her true destination was Saint Joseph Bay, a retired inlet on the coast of Florida. The character of her cargo seems to have been concealed from her crew. She touched at Key West, where the captain was fined $100 for omitting to obtain a clearance at New York. At Key West she cleared for Mobile, but she went to the bay of Saint Joseph, where she remained for many days, and was seized by a United States revenue-cutter and brought into Mobile. In the mean time a brother of the claimant went to New Orleans to try to sell the cargo to a party suspected of outfitting an invasion against Cuba.

The United States district attorney filed a libel against the vessel Magnolia in the United States district court, under the act of Congress of the 20th of April, 1818. On the trial of this cause, while the circumstances surrounding the case were most suspicious, yet the proof, in the judgment of the court, was not sufficiently direct to sustain the proceeding, and the vessel and cargo were discharged. A similar proceeding was instituted against the vessel Amelia in the United States district court for the southern district of New York. This proceeding seems to have been compromised and dismissed on the agreement entered of record that the claimant here should forego any action for damages against the commercial agents for the seizure, or against those who brought the vessel to that port, or for their connection with the seizure.

The claimant alleges that, by reason of the premises, he has sustained damages by the wrongful detention of his vessels; that he, by lapse of time, has lost his right of action against the Government in the Court of Claims; and there is, perhaps, a question as to the jurisdiction of said court over the subject-matter of the claim. The bill for his relief asks that the Court of Claims be authorized and directed, under its rules of practice, to examine into and adjudicate the amount, if any, legally or equitably due the claimant by reason of the premises.

Assuming the facts to be, if the claimant is without such fault as has justly forfeited his equitable right to relief, no good reason is perceived why he should not be allowed to have his rights, whatever they are, of a lawful nature heard and adjudicated by the court, where both the rights of the claimant and of the Government may be protected under the guarantees of judicial procedure.

But the committee, in view of the circumstances of this case, and the lapse of time in its presentation here, deem it unwise to pass upon the question of laches, and to authorize the court to proceed in the investigation without an adjudication of that question; and they therefore report back the accompanying substitute for the bill and recommend its passage.

Mr. HENDEE. I object.

Mr. HOLMAN. I move to strike out the enacting clause of the bill.

The CHAIRMAN. Nothing is in order but the objection which has been made by the gentleman from Vermont. The bill is not before the committee.

Mr. HOLMAN. Is not an amendment to the bill in order now?

The CHAIRMAN. Objection is made to the consideration of the bill, and the motion of the gentleman from Indiana cannot be entertained.

WILLIAM G. FORD.

The next business on the Private Calendar was the bill (H. R. No. 492) for the relief of William G. Ford, of Tennessee.

The bill was read, as follows:

Be it enacted, &c., That the claim of William G. Ford, administrator of John G. Robinson, deceased, for the interest of the American heirs, which was not provided for in the award of the mixed commission under the treaty of Washington, of date September 24, 1873, be, and the same is hereby, referred to the Court of Claims, and such court is authorized and directed to investigate the same, and to ascertain, determine, and adjudge the amount equitably due said William G. Ford as administrator of said John G. Robinson, deceased, if any, for the interest of said American heirs not provided for in said award; and said Court of Claims is authorized and required to receive as competent evidence the testimony already taken by said mixed commission in the said case.

The Committee of Claims reported the following amendments:

In lines 9 to 13 strike out these words, "and such court is authorized and directed to investigate the same, and to ascertain, determine, and adjudge the amount equitably due said William G. Ford as administrator of said John G. Robinson, deceased, if any, for the interest of said American heirs not provided for in said award;" and insert the words "relieved from the bar of the statute of limitations."

In line 15 strike out the words "and required" after the word "authorized," and the word "competent" after the word "as," and insert after the word "evidence" these words: "at its discretion."

At the end of the bill insert the following:

As though taken over again; and either party may take further and additional testimony under the order and rules of the court, as in other cases.

Amend the title by adding the words "administrator of John G. Robinson, deceased."

Mr. WILSON, of Iowa. I call for the reading of the report.

The report of the Committee of Claims was read, as follows:

Under the treaty of Washington of May 8, 1871, between Great Britain and the United States, the petitioner, William G. Ford, as the administrator of John G. Robinson, deceased, late a subject of Great Britain, prosecuted a claim before the mixed commission on British and American cases, and obtained an award of $20,638, in gold, that sum having been found due to Mary G. Barker, a subject of Great Britain, and one of the heirs of the said estate of Robinson.

The sum claimed before the commission was $88,250, with interest from date of seizure, March, 1863, up to date of award, September 24, 1873.

The heirs of the estate of said Robinson were four in number. Two of them were subjects of Great Britain, namely, Mrs. Barker and one who died in England before the award of the commission. The remaining two are American citizens: John G. Robinson, jr., and Eliza Lescesne.

The claim of these two heirs was, because of their American citizenship, dismissed by the mixed commission without prejudice.

The facts before recited are established by properly certified copies of the proceedings of the commission.

The administrator of the estate now asks that he be allowed to institute regular proceedings in the Court of Claims in respect to so much of the claim as relates to the interests of the American heirs.

The statute of limitations prevents the institution of the suit without authority of Congress.

The question arises, Why was not the suit instituted in the Court of Claims before the statute barred it and before the creation of the mixed commission? The explanation is simple and satisfactory.

Believing that, as heirs of a British subject, the only remedy was before a tribunal created for the hearing of the causes of such subjects, the representative of the estate instituted no proceedings until the mixed commission was created. He then sought his remedy, with result as before stated, that the commission granted relief to the foreign subject, but dismissed the cause of the American citizens. Whether the remedy lay before an international commission or the Court of Claims was not determined until the commission rendered its decision, which left the American heirs without remedy.

This is clearly a case where the statute of limitations works an injustice, and the request of the administrator to be allowed to sue in the Court of Claims seems most reasonable.

Your committee respectfully return the petition with a bill, which they recommend do pass.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

There being no objection, the bill and amendments were laid aside, to be reported favorably to the House.

FLOYD C. BABCOCK.

The next business on the Private Calendar was the bill (H. R. No. 516) for the relief of Floyd C. Babcock.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Floyd C. Babcock, of Oconomowoc, Wisconsin, the sum of $556.55, out of any money in the Treasury not otherwise appropriated, to compensate the said Babcock for services rendered by him while acting as deputy United States marshal in the Indian country in arresting and transporting four murderers to Fort Smith, Arkansas.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Mr. DURHAM. I move that the committee rise and report the bills which have been laid aside to be reported for favorable action.

The question being taken, there were—ayes 65, noes 19; no quorum voting.

So (further count not being demanded) the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SAYLER reported that the Committee of the Whole on the Private Calendar had had under consideration sundry bills which they had directed him to report with the recommendation that they do pass, some with and some without amendments.

The SPEAKER *pro tempore*. The Clerk will read the bills which have been reported by their titles, except those reported with amendments, and, if there be no objection, they will be considered as passed.

PRIVATE BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar, without amendment, were severally read by their titles the third time and passed:

A bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins;

A bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana;

A bill (H. R. No. 2833) for the relief of Susan P. Vance;

A bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri;

A bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

An act (S. No. 199) for the relief of the estate of the late paymaster Major John Walker, United States Army;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2838) granting an increase of pension to Thomas H. Martin;

A bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois;

A bill (H. R. No. 2804) granting a pension to Harriet C. Dunham;

A bill (H. R. No. 1521) granting a pension to Louis A. McLaughlin;

A bill (H. R. No. 2838) granting a pension to Ellen Morrow, mother of John Morrow, late private Company H, Potomac Home Brigade, Maryland Volunteers;

A bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

A bill (H. R. No. 2840) granting a pension to William Thomas;

A bill (H. R. No. 2841) granting a pension to Green Edwards;

A bill (H. R. No. 2842) granting a pension to Robert S. Toland, of Bay City, Michigan;

A bill (H. R. No. 2844) granting a pension to Levi Hayward;

A bill (H. R. No. 2845) granting a pension to Herman Nettlefield;

A bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

A bill (H. R. No. 2847) granting a pension to Lucinda Starnes;

A bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust;

A bill (H. R. No. 2848) granting a pension to F. M. Bruner.

A bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee;

A bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Booneville, Missouri;

A bill (H. R. No. 2953) for the relief of Hugh W. Mercer;

A bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling;

A bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis;

A bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, (retired;)

A bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

A bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners;

A bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late private in Company F, Fifth Regiment Wisconsin Volunteer Infantry;

A bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery;

A bill (H. R. No. 3034) granting a pension to Oliver T. Everhart;

A bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery;

A bill (H. R. No. 3035) granting a pension to Smith Bell, late sergeant Company B, Twenty-sixth Regiment United States Colored Troops Volunteers;

A bill (H. R. No. 3036) granting a pension to Mary McLain, widow of Charles McLain, late lieutenant-colonel Two hundred and eleventh Pennsylvania Volunteers;

A bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

A bill (H. R. No. 3038) granting a pension to Almon F. Mills, late a private Company K, Twenty-ninth Regiment Ohio Volunteers;

A bill (H. R. No. 1641) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war;

A bill (H. R. No. 1849) granting a pension to Abigail S. Dawney;

A bill (H. R. No. 3040) granting a pension to Sarah J. Goss;

A bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

A bill (H. R. No. 3041) granting a pension to James Ruffin Wood;

A bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois;

A bill (H. R. No. 3177) granting a pension to Elizabeth T. Dubois, widow of Theodore B. Dubois, late acting volunteer lieutenant-commander in the naval service;

A bill (H. R. No. 1936) granting a pension to John Haley;

A bill (H. R. No. 2602) granting a pension to Eleanor Douglass;

A bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private of Company G, Twenty-ninth Regiment Indiana Volunteers;

A bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry;

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers;

A bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers;

A bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan;

A bill (H. R. No. 1814) granting a pension to Samuel Sheaffer;

A bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry;

A bill (H. R. No. 3180) granting a pension to Oscar S. Collins;

A bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio;

A bill (H. R. No. 3182) for the relief of Albert Grant;

A bill (H. R. No. 1034) for the relief of James G. Harrison;

A bill (H. R. No. 755) for the relief of Jackson T. Sorrells; and

A bill (H. R. No. 516) for the relief of Floyd C. Babcock.

The following bills were reported from the Private Calendar with amendments. The amendments were agreed to; and the bills, as amended, were passed:

A bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia;

A bill (H. R. No. 2017) for the relief of Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First United States Artillery; and

A bill (H. R. No. 3039) for the relief of Martha Westerville.

JAMES C. BATES.

The bill (H. R. No. 2843) granting a pension to James C. Bates was reported from the Committee of the Whole on the Private Calendar without amendment.

Mr. BENNETT. I move to amend that bill by inserting after the words "Company I" the words "One hundred and fifth Regiment."

The amendment was agreed to; and the bill, as amended, was passed.

STEPHEN V. BENÉT.

The bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges.

Mr. RANDALL. I call for the reading of that bill.

The bill was read.

Mr. RANDALL. I want to know if there is any report accompanying that bill; and if so, I would like to hear it read.

The report was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was put on the passage of the bill; and on a division there were—ayes 42, noes 45; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. SAMPSON were appointed.

The House divided; and the tellers reported ayes 56, noes 45.

The SPEAKER *pro tempore*. No further count being insisted on, the bill is passed.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT., from the Committee on Appropriations, reported a bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed, and made the special order for Monday next, after the reading of the Journal, and from day to day thereafter until disposed of.

Mr. BURCHARD, of Illinois. I desire to reserve all points of order on that bill.

ADDRESSES UPON THE DEATH OF HON. H. H. STARKWEATHER.

Mr. VANCE, of Ohio, from the Committee on Printing, reported the following concurrent resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 2,000 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Henry H. Starkweather, of Connecticut, a member of the House of Representatives, and that the Secretary of the Treasury have printed the portrait of Mr. Starkweather to accompany the same.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTERS' UNION.

Mr. VANCE, of Ohio, from the same committee, reported back a remonstrance against the Printers' Union in the Bureau of Printing and Engraving, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Expenditures in the Treasury Department.

The motion was agreed to.

WILSON M'CANDLESS.

Mr. HUNTON, from the Committee on the Judiciary, reported back, with a recommendation that they be concurred in, the amendments of the Senate to the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

The amendments of the Senate were as follows:

Strike out the words "the Hon." before "Wilson McCandless;" also add to the bill the following proviso:

Provided, That the said McCandless shall resign his office within six months next after the passage of this act.

The bill, as amended by the Senate, was read, as follows:

Be it enacted, &c., That the provisions of section 714 of the Revised Statutes be, and they are hereby, extended and made applicable to Wilson McCandless, judge of the district court of the United States for the western district of Pennsylvania, in consequence of his physical disability, notwithstanding he has not attained the age of seventy years: *Provided*, That the said McCandless shall resign his office within six months next after the passage of this act.

Mr. MORRISON. This bill ought to be referred to the Committee on the Judiciary.

Mr. HUNTON. I have just reported it from that committee, with a recommendation that the amendments of the Senate be concurred in.

Mr. HEWITT, of Alabama. I would like to inquire of the gentleman reporting this bill why it is that a provision is put in that this judge shall resign in six months?

Mr. MORRISON. They want the appointment of his successor themselves.

Mr. HUNTON. It is very important for the dispatch of the business of this district that this bill should pass as soon as possible. This judge is an old man, but not quite old enough to be retired under the present law. He is not physically able to hold the court, and the business of the district requires that this bill shall pass at this time.

The question was taken on concurring in the amendments of the Senate; and upon a division there were—ayes 68, noes 34.

Mr. SPRINGER. No quorum has voted, and I ask for tellers.

Tellers were ordered; and Mr. HUNTON and Mr. HEWITT of Alabama were appointed.

Before the tellers took their places,

Mr. HOPKINS said: When this bill was before under consideration in this House a statement was made of the long and efficient services of this distinguished jurist. He is within two years of having reached the age when he could retire under existing law without further action by Congress. His vocal powers have become paralyzed, and he cannot now conduct the business of the court. He is poor, thus attesting the integrity with which he has administered his office. The public business is seriously injured for the want of a judge to preside in that court. Judge McKennon, of the circuit court, is now holding the court in this district, to the delay of the business in his own court. Next week Judge Strong, of the Supreme Court, will go there to relieve him. That shows the delay in the transaction of the public business in that court because of the failure to pass this bill. Judge McCandless has no means of support other than his salary as judge.

Objection is made by some to the amendment of the Senate requiring Judge McCandless to resign within six months after the passage of this act. I have heard this explanation of that amendment: Judge EDMUNDS, chairman of the Committee on the Judiciary of the Senate, says that a few years ago he obtained the passage of a similar bill for the benefit of a judge in Vermont, who declined to take advantage of it and is still on the bench. For that reason, he wants the time fixed within which this judge shall take advantage of this act or it shall become inoperative. That is the reason for this amendment.

Mr. SPRINGER. I move to concur in the Senate amendment with an amendment making it "twelve months" instead of "six months."

Mr. CONGER. One of the principal reasons for the passage of this bill was that this officer might resign his place as judge so that another might be appointed and the business of the court might proceed in that district. I think the limitation proposed by the Senate amendment is a very proper one. If this judge will not resign his place within six months after the passage of this act and accept the proposition which this bill enables him to accept, the bill should not be operative. I would be opposed to the passage of this bill without the amendment, for the reason for its passage is that the business of the court might be disposed of. To extend the time to twelve months, as proposed by the gentleman from Illinois, [Mr. SPRINGER,] would be to delay the transaction of business for that length of time, and would be unjust to the suitors in that court. With such an amendment, for my own part, I should be opposed to the passage of the bill.

The amendment of Mr. SPRINGER was not agreed to.

The question was again taken upon concurring in the amendment of the Senate; and upon a division there were—ayes 86, noes 43.

Mr. SINGLETON. No quorum has voted.

Tellers were ordered; and Mr. HOPKINS and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 88, noes 41; no quorum voting.

Mr. HOLMAN. If it is in order, I desire to move that this bill and the Senate amendment thereto be laid on the table. Before making that motion, I wish to say——

Mr. CONGER. I believe the motion to lay on the table is not debatable.

Mr. HOLMAN. I have not yet submitted that motion. Before doing so I desire to say that this is a bill which extends the civil-pension list, inaugurated a few years ago. Up to a few years ago a civil-pension list was unknown to this Government. It has been but recently inaugurated. It was proposed, as I remember, in the early history of this country to prohibit by a constitutional provision the creation of a civil-pension list in this Republic as antagonistic to the ideas of republican government in view of the experience of the Old World. I have heard it stated once or twice upon this floor, in connection with measures like this, that it was said by one of the brightest ornaments of the country of that day that when the American people were willing to organize a civil-pension list it was scarcely necessary to talk about republican government. We shall begin to lose sight of the high duty of providing for those who have imperiled life in the service of the Army and the Navy when we begin to swell up a civil-pension list, retiring gentlemen upon large pensions who during a long series of years have received compensation far beyond the usual compensation received by citizens engaged in the private pursuits of life. I simply want to call the attention of the House again to the character of this bill or of the amendment.

Mr. HOPKINS. I rise to a question of order. Is discussion in order while the House is trying to ascertain whether there is a quorum present?

The SPEAKER *pro tempore*. The only propositions that the House can entertain, inasmuch as it has been disclosed that a quorum has not appeared, are a motion to adjourn or a motion for a call of the House.

Mr. HOLMAN. I move to lay the bill upon the table.

The SPEAKER *pro tempore*. The Chair can entertain no motion except a motion to adjourn or for a call of the House.

Mr. MILLIKEN. I move that the House do now adjourn.

Pending the motion to adjourn,

LEAVE OF ABSENCE.

Mr. TOWNSEND, of New York, was granted leave of absence for two weeks.

Mr. PHELPS was granted leave of absence for ten days, on account of ill health.

Mr. HARTRIDGE was granted leave of absence for three days, on account of important business.

Mr. SINNICKSON was granted leave of absence for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOLMAN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petition and papers in the case of Mrs. A. H. Thompson, of New York, now before the Committee on War Claims.

The question was then taken on the motion to adjourn; and on a division, there were—ayes 88, noes 40.

So the motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: A paper relating to the petition of Erasmus Cockett, for a pension, to the Committee on Invalid Pensions.

By Mr. BLAND: A paper relating to a post-route from Licking to West Plains, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BURCHARD, of Illinois: The petition of citizens of Freeport, Illinois, that the law regulating the manner of packing tobacco remain as at present, to the Committee of Ways and Means.

By Mr. DOBBINS: The petition of Ann E. Webb, for a pension, to the Committee on Invalid Pensions.

By Mr. ELKINS: The petition of citizens of Elizabethtown, New Mexico, for the establishment of a post-route from Trinidad, Colorado Territory, to Taos, New Mexico, via Elizabethtown, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: A paper relating to the establishment of a post-route from Huttonsville to Hinklesville, via Sago, West Virginia, to the same committee.

By Mr. FOSTER: The petition of citizens of Fremont, Ohio, that the law regulating the manner of packing tobacco remain as at present, to the Committee of Ways and Means.

By Mr. HARDENBERGH: Resolutions of the city council of Hoboken, New Jersey, asking that the free-delivery system of the Post-Office Department be not abolished in cities having 25,000 thousand inhabitants or over, to the Committee on the Post-Office and Post Roads.

By Mr. HOPKINS: Papers relating to the petition of citizens of Allegheny County, Pennsylvania, for re-imbursement for moneys expended in erecting an additional span to the bridge of the Baltimore and Ohio Railroad Company across the Ohio River at Parkersburgh, West Virginia, to secure the safe passage of tow-boats and their fleets under said bridge, to the Committee on Commerce.

By Mr. HUNTON: The petition of Oliver G. Butts, for a reconsideration of his claim disallowed by the southern claims commission, to the Committee on War Claims.

Also, the petition of Daniel Coalman, of similar import, to the same committee.

Also, the petition of George Cooper, of similar import, to the same committee.

Also, the petition of Samuel J. Kolb, of similar import, to the same committee.

Also, the petition of Charles W. Henderson, of similar import, to the same committee.

Also, the petition of John J. Lock, administrator of Uriah Rutherford, deceased, of similar import, to the same committee.

Also, the petition of James W. Myers, of similar import, to the same committee.

Also, the petition of George Show, of similar import, to the same committee.

Also, the petition of Henry Zepp, of similar import, to the same committee.

By Mr. JENKS: The petition of John G. Scherzer, for a pension, to the Committee on Invalid Pensions.

By Mr. JONES, of Kentucky: The petition of manufacturers and dealers in tobacco, that the law regulating the manner of packing tobacco remain as at present, to the Committee of Ways and Means.

By Mr. LANDERS, of Indiana: The petition of Jacob B. Power, for a pension, to the same committee.

By Mr. MAISH: The petition of 116 Union soldiers, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. PIERCE: Resolutions of the Boston Board of Trade, urging the necessity of the Signal Service Bureau and that Congress make appropriations necessary to its full efficiency, to the Committee on Appropriations.

Also, resolutions of the Boston Board of Trade, asking that Congress take no action relative to the taking of sea supplies from bond, or action looking to the advantage in any one particular of the maritime interests of the country, until it is prepared to deal with the whole subject of the ocean commerce and foreign carrying trade of the United States, to the Committee of Ways and Means.

Also, resolutions of the Boston Board of Trade, favoring the passage of the bill providing for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. REAGAN: A letter from William Hill, of Tyler, Texas, relative to the conduct of Colonel Brigland, a United States revenue officer, to the Committee on Military Affairs.

By Mr. RIDDLE: Papers relating to the petition of A. M. Tinsley for a pension, to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of manufacturers and dealers in tobacco of Bloomington, Illinois, that the law regulating the manner of packing tobacco remain as at present, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of Joseph Fuller, for a pension, to the Committee on Invalid Pensions.

Also, the petition of C. H. Hopkinson and 41 others, of Groveland, Massachusetts, that the legal-tender currency of the United States may be a legal tender for duties on imports, to the Committee of Ways and Means.

By Mr. WALDRON: The petition of John B. Hays, for compensation for property taken and destroyed by the United States Army, to the Committee on War Claims.

By Mr. WALLACE: The petition of 9,445 citizens of Pennsylvania, that the Constitution of the United States be so amended as to acknowledge God and Christianity, to the Committee on the Judiciary.

By Mr. WELLS, of Missouri: The petition of citizens of Saint Louis, Missouri, that the present tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. WHITE. The petition of Major John A. Morrison, for compensation for services rendered in recruiting for the Twenty-third Kentucky Volunteers, to the Committee on War Claims.

By Mr. WHITING: The petition of the wholesale dealers of Peoria, Illinois, that the present law relating to the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

IN SENATE.

SATURDAY, *May* 6, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when on motion of Mr. THURMAN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, in answer to a resolution of the Senate of the 24th ultimo in reference to the amount in each case of the average and of taxable capital and of the average and of taxable deposits on May 31, 1875, in savings institutions having a capital stock or bonds of the respective States and Territories, &c., inclosing a statement from the Commissioner of Internal Revenue; which was referred to the Committee on Finance, and ordered to be printed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Pursuant to order, legislative and executive business will be suspended, and the Senate will now proceed to the consideration of the articles of impeachment against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will make the opening proclamation.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

Mr. WRIGHT. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

SWEARING IN A MEMBER.

Mr. POPPLETON. I rise to a question of privilege. I ask that the oath of office be now administered to J. V. Le Moyne, who, by action of the House, has been declared elected a member of this Congress from the third congressional district of Illinois.

Mr. LE MOYNE presented himself at the Clerk's desk and was duly qualified by taking the oath of office.

UNITED STATES COURTS, ETC., NORTH CAROLINA.

Mr. VANCE, of North Carolina. I offer the following resolution, with the approbation of the Committee on Public Buildings and Grounds.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, instructed to cause inquiry to be made into the propriety of taking a perpetual lease on the following rooms in the court-house at Asheville, North Carolina, for the use of the United States, to wit: A room to hold United States courts; a room for the United States district attorney; a room for the United States marshal; a room for the collector of internal revenue seventh district North Carolina; a room for the post-office; a room for the grand juries; and that he report at a day as early as possible, setting forth the sum to be paid for said lease, if, in his judgment, it is proper to make the same.

Mr. WILSON, of Iowa. Is the resolution which has just been read reported from the Committee on Public Buildings and Grounds?

Mr. VANCE, of North Carolina. It is not reported from the Committee on Public Buildings and Grounds, but is offered with the approbation of that committee.

Mr. HOLMAN. It is thought to be a proper subject of inquiry of the Treasury Department—that is, whether it is a proper thing to do.

There was no objection, and the resolution was adopted.

Mr. VANCE, of North Carolina, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STAMP TAX.

Mr. HEWITT, of New York, by unanimous consent, introduced a bill (H. R. No. 3376) to amend the sixth section of chapter 127, United States Statutes at Large; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Ways and Means.

VETERANS OF 1812 AND MEXICAN WAR.

Mr. HURLBUT, by unanimous consent, from the Committee on Military Affairs, reported back a joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia, with the recommendation that it do pass.

The joint resolution, which was read, authorizes and directs the Secretary of War to loan seven hundred wall-tents and twenty hospital-tents from the military stores in charge of the depot quartermaster at Philadelphia, together with necessary camp-equipage, to the committee of arrangements designated by the National Association of Veterans of the Mexican War, to erect an encampment for the shelter and sleeping accommodation of the surviving veterans of the Mexican war and the war of 1812 who may desire to visit the national exposition at Philadelphia during the summer of 1876.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURLBUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY OF THE UNITED STATES.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back a bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, with sundry amendments; which was ordered to be printed and recommitted.

REVISED STATUTES.

Mr. DURHAM. I am instructed by the Committee on the Revision of the Laws to ask unanimous consent of the House that the bill (H. R. No. 3156) to correct errors and several omissions in the Revised Statutes of the United States shall be made the special order for the last day of May, and from day to day until disposed of. This bill embraces omissions and mistakes made in the Revised Statutes, amounting to some three or four hundred, and it is important it should have early consideration.

There was no objection, and it was ordered accordingly.

ARKANSAS SCHOOL LANDS.

Mr. GAUSE, by unanimous consent, introduced a bill (H. R. No. 3377) granting additional lands to the State of Arkansas for the use of schools; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HOT SPRINGS, ARKANSAS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 3378) to provide for the disposition of the Hot Springs reservation in Arkansas; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

BENJAMIN F. BEVEREDGE.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 3379) for the relief of Benjamin F. Beveredge; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DR. D. M. ALLEN.

Mr. NEW, by unanimous consent, from the Committee on War Claims, made an adverse report on the petition of Dr. D. M. Allen, asking for compensation for damages arising from his arrest on the 16th of October, 1862; which was laid on the table, and ordered to be printed.

HEIRS OF HENRY L. CLOK.

Mr. NEW also, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3380) for the relief of the legal representatives or heirs of Henry L. Clok; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. F. AND N. C. ST. JOHN.

Mr. NEW also, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1125) for the relief of A. F. and N. C. St. John, of Virginia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARTIN H. AMESBURY.

Mr. NEW also, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 208) for the relief of Martin H. Amesbury; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SIGNAL STATION ON BLOCK ISLAND.

Mr. HEREFORD, by unanimous consent, from the Committee on Commerce, reported back sundry petitions praying for the establishment of a signal station and telegraph on Block Island, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Appropriations.

The motion was agreed to.

PUBLIC MARINE SCHOOLS.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 3381) to amend an act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend its provisions to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, and Galveston; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY CLARKE BARD.

Mr. WALLACE, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 3382) granting a pension to Mary Clarke Bard, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLERKS, ETC., OF COMMISSIONERS OF CLAIMS.

The SPEAKER *pro tempore*. The Chair lays before the House a letter from the commissioners of claims, transmitting, in compliance with the request of the House of Representatives dated May 1, all complaints and affidavits made against the clerk of their board, or any special agent appointed by them, on file in their office.

This is in answer to a resolution offered by the gentleman from Missouri, [Mr. GLOVER,] and is accompanied by a large bundle of papers. The Chair thinks it should go to the Committee on War Claims, and unless some other reference is suggested that will be ordered.

Mr. CONGER. The subject-matter of this resolution was discussed in the Committee on War Claims, and I believe the resolution was prepared by that committee to obtain this information.

The letter and accompanying papers were referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HOPKINS. I call for the regular order.

The SPEAKER *pro tempore*. The regular order would seem to be the bill which was pending at the adjournment last evening.

Mr. HOLMAN. I rise to a question of order. Yesterday was private-bill day, and the subject pending at the adjournment last evening came up under the call for private bills This is not a private-bill day. I submit that the regular order is the business pending on the preceding day, and I desire therefore to submit the motion that the House resolve itself into Committee of the Whole on the special order to consider the post-office appropriation bill, and in any event the motion would be in order that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of the special order.

The SPEAKER *pro tempore*. The Chair is compelled to rule, in accordance with what has been ruled by the Speaker of the House heretofore, that the business pending at the adjournment of the House yesterday does not come up as unfinished business until next Friday.

The Chair would add that the disposition of unfinished business is of high privilege, recognized and certain. It applies to the unfinished business on private-bill days, but that business is not resumed until the next private-bill day. (See note on page 175, Digest.)

The question being taken on Mr. HOLMAN's motion, it was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

Mr. HOLMAN. It might have been proper that before the House resolved itself into Committee of the Whole an order should have been made to close general debate.

The CHAIRMAN. The time for closing debate has been fixed; but the House on Thursday last gave the gentleman from Indiana who now has the floor permission to conclude his remarks, and after he has finished his remarks the general debate on this bill will be closed.

[Mr. HOLMAN addressed the committee. His speech will appear in the Appendix.]

The CHAIRMAN. All general debate upon this bill is now closed by order of the House. The bill will now be considered by paragraphs for amendment, and the Clerk will read the bill for that purpose.

The Clerk began the reading of the bill, and read as follows:

For office of the Post-master-General:
For mail depredations and special agents, $110,000.

Mr. WALDRON. I move to amend the paragraph just read by striking out "$110,000" and inserting "$160,000." I ask the Clerk to read a letter addressed by the Postmaster-General to the Committee on Appropriations.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 24, 1876.

SIR: In reply to the communication of Mr. Robert J. Stevens, clerk to the Committee on Appropriations, of the 22d instant, requesting by direction of the committee a re-arrangement of certain items in the estimate for the expenses of this Department, I respectfully submit the following facts for the information of the committee.

The appropriation for mail depredations and special agents cannot, from the character of the service, be separated so as to specify a particular sum for each. While employed primarily to detect and punish depredations on the mails and other violations of the postal laws, the special agents are at the same time required to attend to a multiplicity of miscellaneous work connected with every branch of the postal service.

Special agents are required to investigate all irregularities reported as occurring on the mail routes of the country, many of which are located in remote and obscure districts.

The instruction of newly appointed postmasters in their duties and the correction of errors that frequently occur through carelessness or incompetency also occupy considerable of the special agents' time; and they are not unfrequently called upon to take possession of post-offices and discharge the duties appertaining thereto for a considerable period, owing to the removal of postmasters for alleged criminal or other sufficient cause.

It is made a part of the duty of special agents, in cases of controversy, to examine and report the proper location of post-office sites, to arrange terms for leases, and to superintend transfers. This important service requires thorough investigation and a careful consideration of all the surroundings, and intrusted to the special agents, who are free from local influences, both the Department and communities are better served than otherwise could be possible.

The small force of special agents designated for the money-order division is not able promptly to investigate all of the cases of alleged fraud and irregularity that occur therein, and it is of daily occurrence that the special agents of the depredation force are employed to assist in the work connected therewith.

As an illustration of the results accomplished by the force, the mail this morning (March 24) brings reports of eight arrests made by our agents in different parts of the country: a mail-messenger in Connecticut, a postmaster in Georgia, and a gang of six burglars in Eastern Pennsylvania who have for a number of months been raiding through several counties of that State and operating particularly on post-offices. The same agent who effected this wholesale capture also obtained the information which led to the recent apprehension of several counterfeiters in the same neighborhood.

In addition to the great amount of miscellaneous work briefly outlined above, the force nearly averages an arrest for robbery and other penal violations of law for every working-day in the year, and in a large majority of cases the arrests are followed by conviction.

The duties of special agents are always arduous, and often perilous, and in their ramifications extend over every branch of the service, and upon a faithful discharge of those the success of the Postal Establishment in a great measure depends.

I have the honor to be, sir, very respectfully, your obedient servant,
MARSHALL JEWELL,
Postmaster-General.

Hon. WILLIAM S. HOLMAN,
Chairman Subcommittee Appropriations, House of Representatives.

Mr. WALDRON. I have to add only this——

The CHAIRMAN. The five minutes of the gentleman have expired.

Mr. HUBBELL. I move to strike out the last word, and yield my time to my colleague, [Mr. WALDRON.]

Mr. WALDRON. I have only to add to what the Postmaster-General has written that he asked to have $160,000 appropriated for this purpose for the next fiscal year. The amount expended under this item for the year ending June 30, 1873, was $158,000, and for the year ending June 30, 1875, $165,000. Notwithstanding this recommendation of the Postmaster-General, actually asking for a less amount for this service than was expended for the year ending June 30, 1875, the Committee on Appropriations by this bill propose to appropriate only $110,000, or $50,000 less than the amount that has been expended annually for the last two years.

Mr. HUBBELL. I withdraw my *pro forma* amendment.

Mr. STONE. I renew it. Mr. Chairman, I listened very attentively to the reading of the very interesting letter from the Postmaster-General, but I did not observe in that letter any statement as to the salary of these special agents. Now I do know that their salary has been fixed at $1,000 a year, while their per diem has amounted to $1,825 a year, which I claim is not contemplated under the law. The gentleman has stated that $165,000 was expended in the year ending June 30, 1875, for the payment of special agents. In point of fact, but $160,923.49 was expended, being $923.43 in excess of the appropriation. The amount paid to these special agents as salary was $87,481.31; as per diem, $61,840.50; as incidental expenses, $9,746.73; making a total, according to these details furnished me by the Postmaster-General himself, of $159,068.54—a difference of $8,374.76 between the amount stated in the published report and the subsequent report in detail.

Now, it will be observed that an amount equal to 75 per cent. of all that was paid as salary was expended as per diem the per diem in some cases being actually greater than the salary. Allowing for the salaries of forty-six special agents and for paying them for the time they are actually away from headquarters, I am satisfied after careful investigation that the sum indicated in the bill is ample, unless we propose to pay these officers $5 per day for each and every day in the year.

I withdraw my *pro forma* amendment.

Mr. HOLMAN. I think that my friend from Michigan [Mr. WALDRON] is under a misapprehension. Eleven agents are paid out of the transportation fund and only forty-six out of this fund. This will allow them their salaries and $790 a year each for expenses.

The question being taken on the amendment of Mr. WALDRON, it was not agreed to; there being ayes 49, noes not counted.

The Clerk read as follows:

For compensation to postmasters, $6,500,000.

Mr. WALDRON. I move to amend the clause just read by making the amount of the appropriation $7,100,000. I think that my colleague on the committee, the gentleman from Indiana, will concur with me in the propriety and justice of this amendment. The amount actually paid as compensations to postmasters during the present fiscal year will be between $7,700,000 and $7,800,000. Now, assuming that the new plan proposed by the committee for adjusting salaries of postmasters is adopted, it will result in a reduction of about $700,000; and that sum deducted from the amount paid this year as compensation of postmasters leaves $7,100,000 as the amount necessary, even if the new plan for adjusting salaries of postmasters be adopted. I have therefore moved to add $600,000 to the amount of the appropriation.

Mr. BLOUNT. I hope that the amendment will not be adopted. The expenditure last year for this purpose was $7,348,000. After a careful examination of the figures, the committee have come to the conclusion that the amount named in the bill will be sufficient.

The amendment was not agreed to.

Mr. MILLER. I move to amend the pending paragraph by striking out this $6,500,000 and inserting $7,000,000. If I rightly understood the distinguished gentleman from Indiana, [Mr. HOLMAN,] who has advocated this bill, he intimated that he thought the amount named in this paragraph too low and that an amendment should be suggested. I am satisfied that the amount ought to be increased. The sum fixed in the bill is evidently upon the basis of the year ending June 30, 1875; but these appropriations are for the year ending June 30, 1877; and after a lapse of two years, with an enlarged business, the number of post-offices having increased over a thousand a year, a larger appropriation must evidently be necessary. We cannot put back a full-grown man into the boy's clothes.

Mr. WHITE. I move to amend the amendment by adding the following.

Provided, That no postmaster whose duty it is to distribute weekly so many as six mails shall be paid a less annual compensation than $50; and where the number of mails distributed exceeds six per week the Postmaster-General shall pay the postmasters at such places salaries commensurate with the work performed.

The amendment to the amendment was not agreed to.

The question then recurred on the amendment of Mr. MILLER.

The question was then taken; and there were—ayes 60, noes 67, no quorum voting.

Mr. RUSK. I call for tellers.

Mr. HOLMAN. Mr. Chairman——

Mr. RUSK. I insist on tellers, unless the gentleman from Indiana is going to move an amendment.

Mr. HOLMAN. I was going to submit an amendment, but not making the amount nearly so large as has been proposed.

The CHAIRMAN. If no further count is insisted upon, the amendment will be regarded as rejected.

Mr. RUSK. I insist upon a further count.

Tellers were ordered; and Mr. RUSK and Mr. BLOUNT were appointed.

The committee divided; and the tellers reported ayes 59, noes not counted.

So the amendment was not agreed to.

Mr. HOLMAN. In support of an amendment which has been offered, it has been said that it was not easy to foretell what would be the effect of the changes proposed to be made in the law in regard to salaries. An adversity of opinion has existed as to the effect of the new rule which we propose to adopt; but while there is some difference as to the result a majority of the committee believe that $6,800,000 will fully cover the required expenditure. I therefore move to strike out "five" and insert "eight;" so as to make the amount $6,800,000.

The amendment was agreed to.

The Clerk read as follows:

For compensation to clerks in post-offices, $3,200,000; and the Postmaster-General is hereby directed to cause a careful inquiry to be made into the rates of compensation now paid to clerks in post-offices, with a view to a more equitable adjustment and reduction thereof, and, if such re-arrangement is practicable, to put the same in force from and after July 1, 1876: *Provided*, That such adjustment shall in no case involve an increase over and above the present aggregate compensation as provided in this act.

For payments to letter-carriers, $1,650,000; *Provided*, That hereafter the free-delivery system shall not be established in cities of less than forty thousand inhabitants, and may be continued only in cities of not less than forty thousand inhabitants where now established by law.

Mr. CANNON, of Illinois. I move in line 27 to strike out "$200,000" and in lieu thereof insert "$650,000," so it will read "$3,650,000."

Mr. Chairman, the amount spent last year was $3,500,000 for compensation of clerks in post-offices. The proposed increase is $150,000, making $3,650,000. In the main, I concur in the proposition of the committee in reducing the salaries of postmasters. It cuts many from $4,000 down to $3,000, and some still lower. It cuts many from $2,500 to $2,300, and some as low as $2,000. The truth is, outside of a few cities, perhaps, where they have been getting $4,000 a year, postmasters who got over $2,000 a year had to devote all of their time to the performance of their duties, and had to draw largely upon their salaries to help pay for necessary clerk hire. I have an office in my mind, in my district, Champagne, and the allowance for clerk hire in that city of six thousand population is only $300, and the postmaster has to my recollection for years had to pay largely out of his own pocket. This cuts off at both ends, so far as that class of officers is concerned. When, as you announce, you reduce in round numbers $800,000 on salaries of postmasters, it occurs to me you ought not to diminish the fund out of which the clerk hire is to be paid.

It may be replied that there have been abuses in some of these four-thousand-dollar offices. That may be so, but there are many offices where there have been no abuses, and where as gentlemen well know they have not been able to get the amount of clerk hire in the appropriation heretofore that their respective offices ought to have. Therefore I think it is right when you cut off $800,000 from the salaries of postmasters you ought not to cut down this appropriation for clerk hire. It is burning the candle at both ends.

Mr. BLOUNT. Mr. Chairman, the Committee on Appropriations, in this matter of clerk hire in post-offices, determined they would adopt the 10 per cent. rule as to salaries. They believed everywhere, in all the Departments of the Government, by reason of the reduction in value of the necessaries of life and the general depression of business, it was proper to make reduction at least to that extent. They did not follow the rule which had been observed in the other Departments of the 20-per-cent. reduction in force, but have merely allowed a reduction of 5 per cent at first, making in all a reduction of 15 per cent., and finally coming to a reduction of 10 per cent. on last year.

Increase in railroad transportation does not necessarily produce increase in clerk hire. The gentleman from Illinois says that he finds in some places the postmaster at a salary of $2,000, and he gave one instance——

Mr. CANNON, of Illinois. There are many such instances.

Mr. BLOUNT. He says there are many such instances where the salary of the postmaster is $2,000, while the allowance for clerk hire is only $300, and that the postmaster has to draw on his salary for the purpose of paying clerks rendered necessary by the duties of the office. There are many such instances where postmasters follow other avocations and have their time bestowed in other pursuits. It is known to the committee, if we are to come down to instances, that there are many places where the postmaster receives $2,000 a year who absolutely does nothing, while all the work of the post-office is done by the clerks. If I may be permitted to refer to instances—and I think much light may be thrown upon the subject in that way—I know of two instances in the congressional district of my colleague where the postmaster has about that salary and does not do one iota of work, the work being done by the clerks themselves.

There is a very unequal distribution in the matter of clerk hire. We found in many places there was too much clerk hire, too much in number and too much in salary. It has been the habit we found, to put men in these positions because of some political connection. I submit, therefore, to the gentleman from Illinois, in respect to the class of officers he speaks of, whether, if the real wants of such offices are all he seeks, he could not find young men of business qualifications who would take hold of those offices and consider themselves well paid by the salary without regard to any allowance for clerk hire?

Mr. CANNON, of Illinois. Does the gentleman want me to answer?

Mr. BLOUNT. I have only five minutes, and cannot yield.

Mr. CANNON, of Illinois. If the gentleman asks me a question he should permit me to answer it.

Mr. BLOUNT. I understand, and I think the gentleman from Illinois will understand, that very often in the course of these discussions arguments are put in the form of interrogations. I am not alarmed at the answer the gentleman may see fit to give. I would be glad to yield to him if I had time; but I can say but little in five minutes.

I think it will be found as regards that class of officers to whom the gentleman refers, having those small salaries, that the great majority of them have other avocations. I have no doubt that will be found to be true, and it will be further found that if the Department seek to have this work done by the young business men of the community, they will have no trouble in getting men to do it.

[Here the hammer fell.]

Mr. PRATT rose.

Mr. CANNON, of Illinois. I withdraw the amendment, if the gentleman from Iowa [Mr. PRATT] will renew it.

Mr. PRATT. I renew the amendment.

I wish to say one word in reply to the gentleman from Georgia on this proposition. I certainly hope the amendment offered by the gentleman from Illinois will prevail. The fact is, as is known to every western member of Congress, that it is in many instances absolutely impossible to obtain clerks in offices that need them very badly. I know that in my own State during the short time that I have been in Congress my attention has frequently been called to the necessity of clerks in post-offices that but a few years ago were very small affairs, receiving possibly but one or two mails a week, and needing no clerk, but which under the rapid increase of population in that State have now become important offices, which have become distributing offices, and now transact a large amount of business, frequently receiving night mails. And I know of post-offices in my own district where the postmaster is obliged to be up all night long almost every night in order to receive and dispatch the mails. And even in such offices as those no clerk is allowed, and the only way the postmasters can get along is by putting in some son, daughter, or other member of his family to assist him in doing his work; and unless he is so fortunate as to have a member of his family who is capable, and who can be safely intrusted with the duty, he is obliged to spend his entire time, day and night, in the discharge of those duties.

Whenever an application is made in such cases to the Department for a clerk, the invariable reply is that there is no money, that the appropriation does not justify them in paying additional salaries. Gentlemen seem not to comprehend the wants of that rapidly growing and increasing section of the country, where a post-office one year may receive but one or two mails a week and the next year may receive a dozen, coming in from all directions, and some of them in the night-time. Now there should be provision for enabling the postmasters in such offices to properly discharge their functions.

Clerks are urgently needed in many offices in my State, and yet they cannot be obtained, so the Department tells us, for want of funds. Now this strikes directly at the appropriate and efficient administration of the postal service there, and when you touch the postal service you touch the people in a very tender place. The mails have become an absolute necessity to the people of this country. They are not a luxury but a necessity, and ample and generous appropriations ought to be made to sustain every branch of this service. And I condemn and will not support any bill that attempts to stint this branch of the public service, this branch of it which has become such a necessity to the people and that mingles with their daily life and business as this branch of the public service does.

Now, Mr. Chairman, every gentleman, I believe, by consulting the wants of his own district, especially in the newer States of this country, will see the justice of these remarks; and I beg our friends not to cut us off in this important branch with an insufficient appropriation.

[Here the hammer fell.]

Mr. RANDALL. This is a very moderate reduction, and one which leaves the amount appropriated quite adequate. There are not only abuses in the expenditure of this money, but there is gross favoritism shown in the offices as to the allowances to postmasters. And as gentlemen have been citing instances, I will cite one.

Take New Berne, North Carolina, in regard to which I have the figures. In 1860 the expenditures on that post-office were $1,761; the receipts were then $3,444. The actual allowances to-day at that office are $1,600, instead of $1,761, as they were in 1860; and the receipts are $6,900. Thus instead of the increased receipts of $3,450 going in the aggregate or in some relative ratio to the Government, nearly $2,900 of the amount goes to the increased salaries; the difference in the allowances in these two years being the difference between $1,760 and $4,600.

And so it is my belief this thing runs throughout the United States. And here I may just mention another instance as to a post-office in my State. In the city of Scranton there are four postmasters, and when we ask why that is, we are told that the political pressure is so great, that we cannot abolish three of them when there is no need of more than one. Now take this city. There might have been a propriety in having a postmaster and clerks in the town of Georgetown, when Washington and Georgetown were separate cities, but under the consolidation of these two cities there is no occasion but for one postmaster.

I hope that the abuses in this system throughout the United States will be corrected, and I trust that the moderate amount in the bill, which is a reduction of 10 per cent., will not be increased at all, and that the amendment of the gentleman from Illinois will not prevail.

Mr. CANNON, of Illinois. I withdraw the amendment.

Mr. DANFORD. I renew the amendment. I only desire, Mr. Chairman, to say a word. The gentleman from Georgia [Mr. BLOUNT] in his remarks said comparisons or illustrations were unfair and they did not prove much. I happen to have before me, printed by the

committee, the present compensation of the postmasters of Ohio and the salaries under the reduction proposed by the Postmaster-General and the salaries proposed under this bill. I have before me the case of one city in my district, the city of Bellaire, in which the present compensation of the postmaster is $2,400, and under the bill it is $1,800. Now at that office I know that the postmaster is required to keep constantly three clerks. There is an allowance of $400 for clerk hire at that office. The postmaster pays $1,200 for clerk hire, being $800 from his salary; and when you take $800 from the salary of the postmaster at that place, as fixed by the bill, you leave $1,000 for his salary. That is a small compensation, in my judgment, for a city of seven thousand inhabitants.

Mr. BLOUNT. I would ask the gentleman whether the postmaster or clerks have any other employment?

Mr. DANFORD. None of them; their entire time is devoted to that business. This may be an exceptional case. In the city of Steubenville, in the district which I have the honor to represent, the reduction of salary is $1,100 as proposed by the bill. I am not informed what the allowance for clerk hire at that office is. I cannot speak as to whether the postmaster is compelled there to pay any part of his salary for clerk hire or not. I presume he does, but cannot speak so certainly as I can of the city in my own county. I believe that it is not right to cut off at both ends. I agree in the main in the policy of cutting down the salaries of postmasters, for I think in many instances the postmasters' compensation has been too much, but in my experience there has not been any large abuse in the matter of clerk hire; there is but little allowed that is not an absolute necessity in the interests of the service, and I think it unsafe and unwise to cut down the appropriation for clerk hire while we are so largely cutting down the salary of the postmasters. I hope, therefore, the amendment of the gentleman from Illinois [Mr. CANNON] will prevail.

Mr. BLOUNT. I appreciate what the gentleman from Ohio has said. I know that not only in that instance to which he has referred but in many instances clerk hire is not what it ought to be. One instance from the State of Michigan was brought to the attention of the committee; but we found a large number of instances where the amount paid for clerk hire was larger than the service demanded. I have no doubt there ought to be a re-adjustment of the service in this particular.

The question was taken on the amendment offered by Mr. CANNON, of Illinois, as renewed by Mr. DANFORD; and on a division there were ayes 46, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For payments to letter-carriers, $1,650,000: *Provided*, That hereafter the free-delivery system shall not be established in cities of less than forty thousand inhabitants, and may be continued only in cities of not less than forty thousand inhabitants where now established by law.

Mr. MUTCHLER. I rise to a point of order, and the point of order which I make is in reference to the latter portion of that paragraph which I believe to be in contravention of Rule 120 of this House, for the reasons that it changes the existing law, and for the further reason that it does not appear on the face of it that it comes within the line of retrenchment of expenditures. The latter clause of Rule 120 is in the following words:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now I admit that this proviso is germane to the bill, but I deny that *prima facie* it shows a retrenchment of expenditures, and in order to have it sustained it must appear upon the face of the paragraph itself and not by virtue of any extraneous calculation that it will work a retrenchment of expenditures. This rule has received an interpretation by Speaker KERR, and in support of what I say I ask that an extract from the ruling of the Speaker upon this question, when raised by the gentleman from Massachusetts [Mr. SEELYE] on the legislative, &c., appropriation bill and the section of that bill for the transfer of the Indian Bureau from the Interior Department to the War Department, be read. The Speaker in that case decided that inasmuch as it did not appear on the face of the bill itself that there was a retrenchment of expenditures the point of order was good, and that he could not go outside of the bill to ascertain whether it would work a retrenchment of expenditures or not.

Now whether, if this proviso be enacted into law, it will work retrenchment is a matter for argument, because if the letter-carrier system is abolished we all know that it will necessitate the appointment of additional clerks in every post-office where the system now exists, and we know further that it reduces the value of local postage 50 per cent. We know that in addition to that it reduces the volume of local postage, because business men circulate through this medium their circulars and advertisements. In addition to that, Mr. Chairman, if the letter-carrier system is abolished it will necessitate the building or renting of additional establishments for the use of the post-office. That is the case in my own city, where there is but one post-office for three separate municipal corporations. If the carrier system does not exist, we should necessarily be compelled to have two additional post-offices, with all the officers and clerks attached to them. It will be seen, therefore, that it is a question to be ascertained by calculation whether or not, if this proviso becomes a law, it will lead to retrenchment or not. I now ask the Clerk to read the paragraph which I have marked in the ruling of Speaker KERR to which I have referred.

The Clerk read as follows:

Now, the Chair cannot look forward into that legislation and say, upon anything that appears upon the face of this section, that such legislation will in all respects coincide with, sustain, or affirm the provisions of this section and carry out the proposed retrenchments indicated in it. In other words, the Chair desires it to be distinctly understood that the point upon which his decision in this case turns is that from the face of the section it does not appear that the provision comes within the requirement of this rule, which is that it shall be germane to the subject-matter of the bill and "shall retrench expenditures." It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MUTCHLER] raises the question of order which he has stated.

Mr. HOLMAN. I desire to be heard for a moment upon that question.

The CHAIRMAN. The Chair will hear any gentleman upon the point of order.

Mr. HOLMAN. The last three lines of the paragraph just read covers the whole decision, and I ask the Clerk to read the last three lines.

The Clerk read as follows:

It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

Mr. HOLMAN. The substance of that paragraph is that it shall appear on the face of the bill that it promotes a retrenchment of expenditures. I think that this proposition very clearly comes within the rule. The law of the land provides for letter-carriers, and provides for salaries to them to the extent of $1,800,000; that appears clearly. What does the Speaker mean by other propositions? Nothing more is necessary than the statement of the bill, which reduces the appropriation made by the law of the land. That would be the end of it.

What is the meaning of the proposition of the Speaker, "to be ascertained also by the general course of procedure in the House?" He refers, I suppose, to such reports as come to the House under the law. The present law provides a free-delivery system for cities with a population of 30,000. The proviso of this bill now under consideration requires a city to have a population of 40,000 or upward to entitle it to this free-delivery system.

Now that this proviso, if enacted into law, will abolish a multitude of officers is an inevitable proposition. Does the abolition of these officers reduce expenditures? As to the effect of this proviso, we are to look to the reports that come before this House under the law in order to ascertain whether it will or will not redrce expenditures. I refer the Chair to the report of the Postmaster-General, which states that but three of the free-delivery cities of this country meet their current expenses by the local postage, the cities of Boston, New York, and Philadelphia. In all the other cities having the free-delivery system the expenses exceed the local postage.

I refer also to a report coming officially to this House, showing that the effect of this proviso will be to reduce expenditures to the extent of $103,701.62. That is an official report from the Postmaster-General. I take it for granted that the meaning of the proposition of the Speaker, that retrenchment must appear upon the face of the provision from the law of the land and from the usual course of procedure in the House, is that we must consult the reports that come officially before us. Now, the official reports before the House, of which the Chairman must take official notice, show that the abolition of the letter-carrier system in fifty-five towns would reduce the expenditures more than $100,000.

Mr. BANKS. I desire to say a few words upon this point of order, as the proviso will affect a city in the district I represent, for the merits of the proposition can be discussed upon the question of order precisely as it would upon the proviso itself.

It has been conceded, the gentleman from Indiana [Mr. HOLMAN] himself concedes, that a retrenchment of expenditures does not appear upon the face of the proviso in this bill. The gentleman has read from the decision made the other day by the honorable Speaker of this House that the question of retrenchment is to be decided upon a comparison of that which appeared upon the face of the amendment then before the House with other provision of the law of the land, a point then distinctly presented in the argument as in the decision. Now what I have to say will be directed to the question whether upon comparison of this proviso with the law of the land there appears any specific and positive reduction of expenditures under this proviso, because upon the face of the provision there does not appear to be any retrenchment.

Upon this question the Postmaster-General helps us materially. I refer gentlemen to Miscellaneous Document No. 88, which comes to us from the Senate, which contains tables and letters from the Postmaster-General. On page 28 of that document, referring to the fifty-five towns having a free-delivery system mentioned on that and the preceding pages, he says that the percentage of the regular office expenditure was 27.80, and the percentage of the cost of the free-delivery system was 14.68; or about one-third of the total expenses of the offices was to be charged to the free-delivery system.

In another document which he sent to us he states that the increase of receipts from the delivery of letters is at least 75 per cent. and "perhaps more;" that is, the large gain resulting from the operation of this system of delivery is 75 per cent. of the whole receipts. Now if that be correct—and I have had but a moment to examine the subject, and gentlemen of course will be able to state whether it is correct or not—the absolutely certain conclusion is this: while the cost of the free delivery of letters in fifty-five or more towns is but one-third of the entire expenses of the post-offices in those towns, the increased receipts resulting from the system, if it be the same as in all the towns where letters are delivered by carriers, will be 75 per cent. of the total receipts of those offices. In that case there is no certain reduction of expenditures to result from the adoption of this proviso. Therefore, so far as that goes, it seems to me that it must be conclusive upon the honorable chairman that this proviso will not work any reduction of expenditures, compared with the receipts of the Department, and that must of course be the basis of calculation and conclusion. It will be a reduction of a small number of officers employed and the salaries paid them, and a loss of 75 per cent. of the gross receipts for postage. That certainly is not such retrenchment as could justly give this proviso a privileged character over any other proposition that can be moved to this section of the bill.

But that is not all. The honorable Speaker alluded the other day to the necessity there might be for further legislation in order to complete the system of measures for the transfer of the Indian Bureau from the Interior to the War Department, and upon the character of that new legislation would depend the question of retrenchment. That necessity exists in regard to the proposition. It proposes to change the organization of the Post-Office Department for the delivery of letters. In the city of Lynn, which I represent, there are about twenty-five thousand people, the most of them mechanics and working-people, men, women, and children; they are actively engaged in various mechanical and manufacturing pursuits; they are natives of different parts of the country, and in correspondence with all parts of the country. The letter-carriers bring their letters to them. There are very few cities that contribute more to the revenues of the Post-Office Department than the active, industrious, and intelligent people of Lynn.

Now, if you take this letter-carrier system away from the 25,000 people of Lynn, you compel them to restrict their correspondence and thus diminish the postal revenues or to go every day to the post-office for their letters. Will the present post-office accommodations there be sufficient for them? Will there be sufficient room for boxes, or sufficient windows through which to deliver letters addressed to these 25,000 people? Will it not be necessary to enlarge every part of the post-office establishment in that city? And will not the same necessity arise in every other city affected by this proviso?

I state the matter strongly, it is true; but every gentleman can judge whether or not I state it too strongly. Can the honorable members of the Committee on Appropriations say how their own cities and towns may be affected by this proviso? When the increased accommodations which will be required for these people, who are now served with their letters at their homes, are made in the several post-office establishments in the various towns affected by this proviso, is it not perfectly evident that there must be from this item alone a largely-increased expenditure?

The Postmaster-General has called our attention to other facts. I have referred to one, the increased receipts of the Post-Office, which, as I read his communication, is about 75 per cent., and is the creation of the letter-carrier's delivery, or a diversion from private enterprises to the Post-Office to be credited to this branch of the service; and if we strike off the letter-carriers altogether he says that the diminished cost of the system will be only $297,000 less than the cost if the carriers are included in all the cities and towns where the system has been established.

I have shown what additional charge may possibly arise from the necessity of increased accommodations in the way of buildings and appurtenances thereto. I call attention to another fact to which the Postmaster-General has adverted, the increased cost of regular service. Who is to deliver letters addressed to these twenty-five hundred people at the post-office? It must be done by an increased number of clerks. How many; who can tell us? What will be their cost; who can tell us? That is one item. Then we must take into consideration the money which in the event of the abandonment of this system would be lost to the revenues of the Post-Office Department by a resort to the telegraph instead of the mails. Almost every day men resort to the telegraph when it is inconvenient for them to write letters. The Postmaster-General recognizes the fact that the increased conveniences and advantages of the letter-carrier system increased the receipts of the Post-Office Department by diminishing the inducement to resort to the telegraph. The loss from diminution of correspondence is another consideration. If letters are delivered to the people at their houses at intervals of two or three hours every day, the correspondence of the people is thereby increased; nobody can doubt it. This goes therefore to increase the receipts without greatly increasing the cost. If you make the change here proposed you diminish correspondence and to that extent reduce the receipts of the Department. Is it intended that reduction of receipts shall give a privileged character to legislative propositions over those that increase them?

But, sir, there is one other point to which the Postmaster-General alludes which cannot be overlooked by the Chairman or by the House. He says:

> It is believed that at least 75 per cent., and perhaps more, of this amount received should be regarded, if not as a creation of the carrier-delivery system, as a diversion from private enterprises to the post-office, and should therefore be credited to this branch of the service.

The Postmaster-General speaks from experience; and I can say from what has come within my knowledge that, if you take away from the people these conveniences, the express companies will supply them; and unless you by law prohibit private enterprise from supplying the wants of the people in this respect, (which the House would very reluctantly do,) you throw into the control of the express companies that now exist or may be organized for this purpose the very duty that is now performed by the Post-Office Department through the letter-carriers.

One word more and I leave this question. How shall we estimate the time consumed in visits to the post-office by the people of a city like Lynn, with 23,000 or 25,000 inhabitants, and the value of that time to them if appropriated to other labor or to pleasures? The time thus expended by the people in going to and from the post-office should be considered in making this change; and if this loss of time be included in the estimate of cost, then most clearly and absolutely there will be no reduction of expenditures, whether we consider the proposition on its face or whether we compare it with any other provision of this kind now existing in the laws of the land.

Mr. HOLMAN. A single word in reply to the gentleman from Massachusetts, [Mr. BANKS] He has referred to the city of Lynn, Massachusetts, as an illustration of his argument. I desire to refer to the same illustration. I am now seeking to bring the case within the rule laid down by the Speaker of the House, that we should look to such information as comes to the House through its usual course of procedure under the law. I therefore use official records; and by these, taking the case referred to by the gentleman from Massachusetts, I find that in the city of Lynn the local postage, which is the measure of profit to the Government of the free-delivery system, is $1,499.24, while the cost to the Government is $6,302.95. In other words, there goes into the deficiency an item of $5,000 on account of the free-delivery system in that city. Now I could not use this information, I presume, if it came through some other channel than an official record of the House; but it is here in that form.

Take the illustration of Lawrence, immediately preceding. There the profit to Government from local postage, which is the postage resulting from free delivery, is $1,744.67, while the amount paid out by the Government for this service is $6,960, making a difference of $5,200, which becomes a general charge upon the country. In other words, for the benefit of these two localities the whole country is charged $10,000 for the expense of the free-delivery system there. I submit that under the law, and upon the face of this bill, and from reports that came to the House through its regular forms of procedure, it is shown that in the instances referred to by the gentleman from Massachusetts there is an actual reduction here by the abolition of the free delivery, and if the distinguished gentleman will refer to almost any other case of the kind he will find the same result.

The Chair takes official notice of the fact that there is a heavy deficiency; that these estimates call for $8,100,000; and the Chair undoubtedly takes official notice also of the fact that this results in part from the difference between the local revenues of the free-delivery cities and the amount that has to be paid out of the general fund for the purpose of meeting that expense.

Though, if I were occupying the chair, I would not press this rule too far, I think it an admirable rule when applied within the meaning and spirit of its provisions. The present case seems to me to come clearly within its contemplation. The provision is germane, for it has reference to a matter concerning post-office appropriations. It evidently retrenches expenditure, because by the record before the House it is shown that the revenues are but a small sum, while the expenditures are large.

Mr. BANKS. If the House will allow me a moment, I wish to correct an error. In stating the increased cost of the letter-carrier system at $297,000 upon the authority of the Postmaster-General, I understood that to apply to these fifty-five towns; but I am informed that upon the estimate the reduction of expenses for these fifty-five towns will be $180,000, instead of $297,000, as I stated.

Mr. HOLMAN. I think the gentleman is still mistaken, if he will excuse the remark. This official statement shows that taking the whole of the fifty-five towns having a less population than 40,000 the difference between the amount received and the amount expended growing out of the system is $103,701.62.

Mr. BANKS. That is a calculation upon which I will not enter, because it is mere speculation. The honorable Chairman of this committee must have a real and absolute proof of specific reduction in expenses which can be computed in figures. No speculation will answer, no assumption and no argument will answer, for that which the decision of the Chairman will do will be this: it will give a privilege to this proposition over any other proposition which can be presented in this bill or as an amendment thereto, because it reduces expenses. Therefore, the reduction must appear either on the face of the proposition or in comparison with other facts established in the laws of the land. It is not a matter for speculation or argument

which might affect the judgment of the committee on the merits of the bill, but the decision of the Chair will show this is admitted as privileged above every other, because it reduces expenses.

Mr. BLOUNT. Let me ask the gentleman a question?

Mr. BANKS. Certainly.

Mr. BLOUNT. I ask whether he is not speculating, too, when he argues that express companies may carry the mails of these persons in cities? And further, whether he is not speculating when he says that the withdrawal of letter-carriers may bring about the necessity of employing more clerks, when the face of the bill provides for a reduction? I ask whether in reference to both propositions it is not a mere matter of speculation on his part?

Mr. BANKS. I am speaking argumentatively on the points he has named, but substantially as a matter of positive and absolute fact when I state the expenses of the offices will be increased more or less upon those matters, and that that is a matter for the House to determine hereafter; that neither the Chair nor any other member of this nor the House itself can by any possibility determine what will be the amount of increase on these several items. The honorable gentleman of the Committee on Appropriations assumes from certain estimates or reports there may be assumed to be a reduction; but the estimates of appropriations and the reports of committees of the House are not absolute matters of fact, but are matters speculative and argumentative; they are propositions not yet clearly established. What the Chair must have before he can rule this proposition is privileged above any other which can be presented to this bill is that it does absolutely reduce expenses of the Government in a manner which can be computed and stated in sums and figures.

I will read again the items I have jotted down, in a single moment when this question was brought to me, as a probable increase of expense the amount of which no man can tell. One is the increased cost of clerical force. That is something which must be supplied if these 25,000 people who are now supplied by letter-carriers are to be sent to their offices. There must be an increase of clerical force, and neither the gentlemen of the Committee on Appropriations, nor you, Mr. Chairman, nor I, can tell what that is. There must be the increased cost of enlarging the present post-office accommodations. We cannot tell what it is. The amount now saved by preventing people resorting to the telegraph, a matter which the Postmaster-General himself refers to, would be less if this change is made. The loss to the Government by the assumption of more or less of this business of carrying letters by express companies now existing, and which the Postmaster-General refers to, must be considered. But we cannot tell what is the probable or possible increase of expenditures under these different heads. We only know they cannot be avoided. In almost every instance the Postmaster-General calls our attention to them. The speculations of reports, of estimates, or reports of committees, or any arguments which may be made by members of the House are not the kind of things necessary to enable the Chair to admit this proposition as a matter of privilege above all other propositions, because there is no clear or positive fact upon which he can base his decision.

Mr. RANDALL. I am at a loss to know how we can ever determine a fact better than we can determine the fact that is presented in this case in controversy, that it is a saving. Here we have an official document from the Postmaster-General in which he states certain expenses of the system of letter-carriers in certain towns. He gives it for the fiscal year ending June 30, 1875, which is the last fiscal year. Now that shows certain expenditures for that year that has gone past, and is a fact. He shows, furthermore, that in the various towns, fifty-five in number, there was an excess of expenditure over the receipts in those towns of $103,701.62. That is another fact. We establish the fact that by breaking up that system we are enabled to reduce the appropriation. It was last year $1,900,000, and we reduce it to $1,650,000. I want to know how anything can be made clearer than the fact that the effect of this amendment is to reduce expenditures?

Mr. BANKS. One word, if the Chairman will pardon me. I admit the fact the honorable gentleman from Pennsylvania has stated. It is a fact, and if it stood alone it would justify his opinion, but there is in addition the absolute certainty a revision of the Post-Office establishment will follow the adoption of that proposition. Therefore that fact which he has stated and this fact which I state, both of them together, bring it exactly within the scope of the decision of the honorable Speaker the other day when he alluded to additional legislation which must be adopted in order to complete this as it is now under the present system. That additional legislation we cannot yet determine. We do not know what it will be. We cannot determine what the cost of it will be; and until we can determine what cost that legislation may involve, under the decision, which is certainly the rule of the committee, made by the honorable Speaker the other day with the unanimous consent of the House—until we know what that is, we cannot assume there is to be an absolute reduction in the expenses as a matter of absolute fact.

Mr. RANDALL. The statement last made by the gentleman from Massachusetts is purely argumentative. The fact stands there nevertheless. But he wants to argue that by the abolishing of certain offices that are now a cost to the Government we might possibly have to employ others at a greater expense.

Mr BLAND. I would like to ask the gentleman from Pennsylvania [Mr. RANDALL] whether, in case this proviso was stricken out, it would not be necessary to increase the appropriation for letter-carriers?

Mr. RANDALL Of course it would.

Mr. BLAND. Then if in the event of striking out this proviso it will be necessary to increase the appropriation for the letter-carriers, upon the face of the proposition itself it is a proposition of retrenchment. In other words, the bill provides for a certain appropriation to be made for letter-carriers, and if an increased number of letter-carriers is to be provided for if the proviso be stricken out, of course the appropriation must be increased; and hence upon the face of the proposition itself it is in the line of retrenchment, and all this argument is brought in from outside propositions to defeat this proposition of retrenchment. Upon the face of the proviso it is in the line of retrenchment, but gentlemen go outside to bring arguments to show it is not retrenchment. The ruling of the Speaker was, that if the proposition is upon its face in the line of retrenchment it is within the rule. Now, if you strike out this proviso there would be necessitated an increased appropriation, and this shows that the proposition is upon its face within the line of retrenchment. I think there can be no controversy about the matter.

Mr. MUTCHLER. The proposition on which the point of order was raised by the gentleman from Massachusetts [Mr. SEELYE] abolishing the Indian Bureau in the Interior Department bore upon its face that it needed no appropriation at all. As a matter of course it was a retrenchment of expenditure so far as that Bureau was concerned. Yet the Speaker took into consideration the fact that if the Indian Bureau in the Interior Department was abolished it would necessitate an appropropriation in the War Department and additional legislation. Consequently, he decided that it did not appear upon the face of the bill itself that it retrenched expenditure. Now, it may be true that if this proviso be stricken out of the bill it may necessitate an increase of appropriation for carriers; but it also appears that outside of that it necessitates the establishment of new post-offices, the employment of new postmasters and additional clerks, and reduces the revenue 50 per cent. in every city where the carrier system exists, and that it reduces largely the volume of mail matter.

Mr. BLAND. Does this bill make any appropriation for an increased number of clerks, &c.?

Mr. RANDALL. We do not appropriate in this bill for any such increase.

Mr. HARRISON. The gentleman from Missouri [Mr. BLAND] says that if this proviso is stricken out we must necessarily increase the appropriations to pay the salaries for letter-carriers. That does not follow at all. The salaries of letter-carriers may be decreased. We may perhaps cut off five hundred of these carriers or a thousand. They receive to-day $1,650,000 by this bill. If we strike out this proviso, that simply reduces the salaries of the carriers now employed. It does not necessitate one cent of additional appropriation. There is nothing here that shows that it would be necessary to make a dollar's additional appropriation. This amount of $1,650,000 is appropriated, for what purpose? To pay letter-carriers. Suppose you increase the number of carriers, you still leave the increased number of carriers to receive, what? Why $1,650,000 and no more.

Mr. BURLEIGH. I deny that this bill does retrench. I hold in my hand Senate Document No. 88, giving the percentage of cost for letter-carrying in different offices. I find in the city of Brooklyn, with four times the population of 40,000 or more, the cost of the letter-carriers is 44 per cent., while in the city of Portland, with a population of 35,000, the expenses are only 11 per cent. Now by this bill Portland, where the expense is 11 per cent., is stricken out, while Brooklyn, where the expenses of letter-carrying are 44 per cent., is retained. If gentlemen can show me any propriety in retaining the system in Brooklyn, with four times a population of 40,000, and where the expense is 44 per cent., and striking out Portland, where it only cost 11 per cent. to carry their letters, I would like to have them do it.

Mr. RANDALL. I will read to the gentleman precisely what the letter-carrying system costs in Portland. The receipts are $3,269.85 and the expenses $8,792.96. It seems to me it would be retrenchment to strike that out.

Mr. BURLEIGH. I have before me in this Senate Document a statement showing the amount of receipts and expenditures of various post-offices for the fiscal year ending June 30, 1875, wherein it is shown that the expenses for letter-carrying in the city of Portland, with a population of 35,000, are 11 per cent. of the receipts, while in the city of Brooklyn, with five or six times that population, the expenses of the letter-carrying system are 47 per cent. of its receipts.

Mr. RANDALL. The figures I have given are from the statement of the Postmaster-General made within a week.

Mr. W. B. WILLIAMS. Enough has been said on this question of order to show that the question itself must turn upon a speculative idea, not to be drawn from the bill itself; in other words, will the proposed clause of the bill retrench expenses? otherwise it is clearly out of order, and it is a duty on the part of the Committee on Appropriations to show that it will retrench expenditures, not to produce an estimate to show that a certain amount may be reduced. This still leaves the whole question of speculation open, because the practical question is how much is the local postal business which the letter-carrier system produces? That question is not touched by the speculative report of the committee, and I wish to add that in an official

document bearing directly upon this question the Postmaster-General reports that—

No additions have been made during the year to the number of free-delivery offices. The service was, however, extended in five large cities by discontinuing the smaller offices in and adjacent to them, substituting branch offices, and extending the carriers' delivery, in accordance with the policy announced in my last report.

Is not that retrenchment? It is continuing the smaller offices. Now, let us see whether this proviso is in the line of retrenchment or not. I insist that the committee, in order to overcome that and to show that there is retrenchment in this bill, has got to prove to you, Mr. Chairman, that the local postages will continue at the rate they are now; otherwise there is no retrenchment, and they have to go outside of the bill, entirely outside of any report, and prove that fact, and ask the Chair to hear them, and sustain their theory; and that is precisely within the ruling of the Speaker in the case of the transfer of the Indian Bureau. Let us go a little further. The Postmaster-General says:

The general results of the service make a most gratifying exhibit and clearly indicate its usefulness and popularity. For the first time since its establishment the aggregate postage on local matter exceeded the total expense. For the fiscal year ending June 30, 1874, the deficiency of local postage to meet the expenses was $191,214.75. This year the excess of postage over the expense was $67,517.55. The increase in the cost of the service was 4 per cent; the increase in the postage on local matter was 21 per cent.

And now in the line of retrenchment they propose to wipe out the carrier system in cities which give the Government a revenue of $67,517.55 from the local postage in excess of cost, and they say that is retrenchment. I insist that their argument cannot stand; and in order to sustain themselves they have got to introduce theories which cannot be drawn from the bill.

If I can be allowed to go further, I undertake to say that many of the offices in cities retained in the bill are not those which pay the greatest revenue in proportion to the receipts of the offices, and that many of those that are rejected pay as great or greater revenue to the Government in proportion to the receipts of the office. I therefore insist that on any theory that the committee may adopt this paragraph is not in the line of retrenchment at all, and being new legislation, is not in order.

Mr. MILLS. All the gentlemen who have discussed this question of order in favor of the exception made by the gentleman from Pennsylvania [Mr. MUTCHLER] have fallen into this error, that they have departed from the text of the bill and sought the aid of extraneous facts to demonstrate the truth of their logic. This point of order is in the nature of an exception made by an attorney to an instrument calling upon the court for its construction. In the interpretation of an instrument, when exception is made to it, the court cannot resort to extraneous facts to ascertain what that paper means, but must construe it by the evidence on the face of the paper itself.

Now that is a legal proposition that no lawyer will controvert, that when a court is called to construe a paper and decide what it means, and whether it is competent evidence or not, the court must look to the face of the paper and away from all extraneous facts, because if extraneous facts are brought in it then becomes a question for a jury to determine, and not the court. Now, sir, the Chair must look steadily to the language of this proviso to see whether it comes within the exception of the rule, and affirmatively establish the fact that it does retrench expenditures. Looking to that fact it is as clear as demonstration can be, because it does not admit of proof that three times three make nine, or that twice two make four, or that the lesser is embraced in the greater; these are facts the statement of which carries conviction. It is not necessary to prove that forty embraces two twenties, or four tens, or eight fives. Then, if this service is to be confined to cities of 40,000 inhabitants, it shows necessarily that it retrenches expenditures, because it cuts off from the carrier system all cities having a less population than forty thousand. It seems to me that the proposition is clear, and upon its face the provision establishes the conclusive fact that it does retrench expenditures.

Mr. WILSON, of Iowa. When this question was before the House when we were in Committee of the Whole on the legislative, executive, &c., bill, we had a debate against the rule itself, and against the paragraph proposed to be considered under it, as we have had to-day. Whoever has listened to gentlemen speaking about this paragraph can gather very clearly the effect of the paragraph itself. Now, in considering whether this comes under the rule, we must inquire whether it cuts off expenditures, and not whether under some other law additional pay may be given to postmasters in certain cities; whether we will by some provision of law re-enact the expenditure which is cut off by this bill.

I always regarded the adoption of the rule in its present form as being unfortunate, but I do not hesitate a moment to say that this proviso is in conformity with the spirit and letter of that rule, is relevant, and should be admitted.

There is another thing that I desire to call your attention to, sir. You will find that under parliamentary law where there is a doubt as to the relevancy of a proposition, whether it is germane, the deliberative body in which it is offered always has the benefit of the doubt, and in that case it is left to a majority to decide whether it shall be admitted or not. I confess, Mr. Chairman, that you might rule twenty times on propositions in a manner which I might consider entirely wrong and I would not undertake to appeal from the decision of the Chair unless very grave public interests were at stake.

Mr. DOUGLAS. I do not undertake to address this committee with any assumption of a superior knowledge of the rules of this House. But I am clearly of the opinion that unless some restriction is put upon the Committee on Appropriations we might as well dispense entirely with all the other committees of this House. The proposition which is now the subject of discussion under the point of order to my understanding clearly presents two questions or considerations: the one relates to the force to be employed, the machinery to be used in carrying out the postal system of the country; the other relates to the pay and the support of that force. It strikes me that it would be proper for the Committee on Appropriations to determine what provision shall be made for the support of that force. It is equally proper that the Committee on the Post-Office Department should recommend to this House such legislation as may be necessary to provide the instrumentalities, the force, the machinery for carrying on the Post-Office Department. And it is a separate duty for the Committee of Ways and Means to provide the ways and means by which they are to be paid. In that way the several duties are divided and apportioned to the several committees to which those duties properly belong, and there is no confusion, no aggression by one committee on the province of another.

I think that the point of order is well taken, because, while it may be true that this proviso, if enacted into law, would lead to a reduction of the expenditures of the Post-Office Department, it does not necessarily follow that such would be the case. If you reduce the number of carriers, the appropriation in the bill for that purpose remains the same as before, and it might be that the Postmaster-General, in a liberal construction of the law in behalf of the interest of his own service, might distribute the same sum of money among the reduced force provided to carry out the practical working of his Department.

I do not understand that the amount is reduced; but, whether it is or not, the same criticism would apply. It is the province of the Committee on the Post-Office Department to provide the machinery for the carrying on of that Department, to recommend such legislation as may be necessary to provide the instrumentalities and the agencies for carrying on the work of that very important branch of the Government. It is the part of the Committee of Ways and Means to devise the manner in which the revenues shall be raised to defray the expenses of that Department; and it is the province of the Committee on Appropriations to say how much of those revenues shall be devoted to that purpose.

Mr. RANDALL. In reply to the gentleman from Virginia [Mr. DOUGLAS] I will state a fact which will at once dismiss altogether his charge of the assumption of power on the part of the Committee on Appropriations. I find in the appropriation bill of year before last the legislation upon which we now propose to retrench. Of course it is quite proper and quite in the line of the desire of the people of this country that this retrenchment should be made. We have not assumed anything; we have only taken the liberty of retrenching in the exact manner in which this excessive expenditure was placed upon the country.

Mr. LANE. I would inquire if this discussion is in order and how long it is to continue?

The CHAIRMAN. The Chair is hearing gentlemen upon the question of order.

Mr. BLOUNT. Is this debate under the control of the Chair as to the length of time it may occupy?

The CHAIRMAN. When members desire to address arguments to the Chair for the purpose of influencing his decision of any question, the Chair would have great delicacy in refusing to hear any gentleman upon that subject.

Mr. DOUGLAS. In response to the distinguished gentleman from Pennsylvania, [Mr. RANDALL,] I desire simply to say that I have no doubt that he can find precedents enough to sustain the present action of his committee, and I do not mean to impute any intentional wrong to that committee, by any means.

Mr. RANDALL. I know that. I want to run right through all these bills.

Mr. DOUGLAS. I would remind the gentleman that a new rule has been adopted for the guidance of this House since the precedent was set to which he refers; and it strikes me that probably the establishment of that precedent led to the adoption of the new rule.

Mr. RANDALL. Very likely; and we are only running in the line of that rule, which allows us to retrench. Now, if the execution of that rule is to be prevented by these points of order, we will be saying that Congress possesses the power to incorporate in an appropriation bill anything that may increase expenditures, but Congress is impotent to incorporate in that appropriation bill anything to retrench expenditures.

Mr. FORT. I move that the committee now rise.

Mr. RANDALL. O, no; let us have this point of order decided.

Mr. FORT. Let the Chairman have until Monday to reflect upon it.

Mr. HOLMAN. I hope the committee will not now rise.

Mr. FORT. It is now nearly five o'clock.

Mr. HOLMAN. Let the Chair decide this point of order.

Mr. FORT. If the Chair wants to decide it now——

The CHAIRMAN. The Chair is ready to decide the point.

Mr. MUTCHLER. Let the decision of the Chair be given, and let us go on and finish this paragraph of the bill.

Mr. FORT. If the Chair is ready to decide the point of order, I will withdraw my motion that the committee now rise.

The CHAIRMAN. The honorable gentleman from Pennsylvania [Mr. MUTCHLER] has raised the point of order that the clause of the bill now under consideration is in contravention of Rule 120 of the House as amended at this session and as construed by the honorable Speaker of this House on the 28th ultimo on the point of order raised by the gentleman from Massachusetts [Mr. SEELYE] in reference to the provision in the legislative, executive, and judicial appropriation bill transferring the management of Indian affairs from the Interior to the War Department.

Rule 120, as amended by this House January 17, is as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; [nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.*]

The clause of the bill now under consideration, and which it is claimed contravenes this rule, is as follows:

For payment to letter-carriers, $1,650,000.: *Provided*, That hereafter the free-delivery system shall not be established in cities of less than forty thousand inhabitants, and may be continued only in cities of not less than forty thousand inhabitants where now established by law.

That this clause changes the existing law is admitted. That it is germane to the subject-matter of the bill is not questioned. The point of order raised by the honorable gentleman is that the proviso to the pending paragraph does not, upon its face, retrench expenditures, and being a change of existing law, it is not in order to incorporate it in this general appropriation bill.

In view of the local effects of the provision now in question, the present occupant of the chair is not free from embarrassment, as the city in which he resides is affected by that part of the bill upon which the point of order is raised. The Chair trusts, however, that he will be able to divest himself of all personal considerations in deciding a question of so much importance to the people of a large number of the cities of this country, and which involves an expenditure of several hundred thousand dollars; the amount appropriated by the clause in question is $1,650,000, and the amount appropriated for the same service for the current year was $2,000,000.

The decision made by the honorable Speaker of the House on the 28th ultimo has been referred to; and if this case were similar to that decided by the Speaker, the Chair would have no doubt whatever as to the course to be pursued. A portion of that decision has already been read by the Clerk at the request of the honorable gentleman from Pennsylvania, [Mr. MUTCHLER.] The Chair, however, desires to call the attention of the committee to another portion of that decision which has not been quoted. It is found upon page 17 of the RECORD of April 29. The Speaker said:

The inquiry then recurs, is this amendment such a one as by its own force and the other provisions of this bill retrenches expenditures? Does that appear? The Chair might answer, that to abolish an office is the retrenchment of expenditure; and if such abolition were begun and perfected by this bill, the Chair would have no hesitation in holding that such an abolition did accomplish a retrenchment of expenditure.

In the case of the Indian transfer bill, it did not appear that there was an absolute abolishment of offices, but simply a transfer of certain duties from one set of officers to another. But in this case it appears that there is an absolute discontinuance of certain officials or employés of the Government; and it seems indisputable to the Chair that the abolition of an office or the discontinuance of a particular service is *prima facie* a retrenchment of expenditures. The provision of the bill in question discontinues the free delivery system in all cities of less than 40,000 inhabitants, where it has heretofore been established by law. The Chair will take official cognizance of the fact that the appropriation for the same service was, for the current year, $2,000,000, while the clause in question appropriates but $1,650,000. The difference of $350,000 is accounted for in the large decrease of the employés of the Government caused by the discontinuance of the free delivery system in cities of less than 40,000 inhabitants. Hence it seems quite clear to the Chair that this provision does retrench expenditures. Therefore, as to the merits of the point raised, the Chair would be inclined to hold that this question does not come within the rule laid down in the decision of the honorable Speaker in the case referred to, in which decision the Speaker ruled the objectionable section out of the bill.

But upon another ground the Chair would hold that the point of order is not well taken. Upon page 75 of the Digest a ruling is reported as follows:

In the case of an appropriation reported by the Committee on Appropriations in conflict with the one hundred and twentieth rule, and committed with the bill, it is not competent for the Committee of the Whole to rule it out of order, because the House having committed the bill (of course it is otherwise where the point was reserved before commitment) are presumed to have received, as in order, the report in its entirety.

The Chair finds this ruling in the Digest, and presumes that it represents the course of proceeding heretofore in this House. For this reason, as well as that already stated by the Chair, the point of order is overruled.

Mr. BANKS. I would inquire whether all points of order regarding this bill were not reserved?

Mr. RUSK. They were.

Mr. HALE. They were reserved upon my suggestion. I made the point when the gentleman from Indiana reported the bill.

Mr. BANKS. Certainly the House reserved this question of order, and submitted it to the Committee of the Whole for decision.

The CHAIRMAN. The Chair was not aware that all points of order had been reserved on this bill prior to its commitment, but he has already decided the question both upon the merits and upon the technical point also. All points of order having been reserved, the decision of the Chair will stand upon the merits of the question raised by the honorable gentleman from Pennsylvana, [Mr. MUTCHLER,] and for the reasons stated the Chair overrules the point of order.

Mr. MUTCHLER. I move to amend the pending paragraph by striking out the whole of the proviso.

Mr. Chairman, I have been unable to see why the Committee on Appropriations should propose to discontinue the carrier system in cities of less than forty thousand population and to continue it in cities having a population of more than forty thousand. I sent to the Post-Office Department for the purpose of ascertaining precisely what amount of money would be required to continue the system in cities of less than forty thousand, over and above the local postage; and I find that the amount is just $180,000. The amount required to continue the system in cities of more than forty thousand population, exclusive of the city of New York, is $391,000. It will therefore be seen that in fifty-five cities and towns, in which the free-delivery system is proposed to be abolished by this bill, it would require only $180,000 to continue it, over and above the amount realized from local postage; whereas in thirty-one cities in which the system is to be coninued (exclusive of New York) the enormous sum of $391,000 is required to meet the expense. Now, if the committee are desirous of retrenching expenditures, and saving money for the people, why not discontinue the system in these thirty-one cities where it costs $391,000, and continue it in the fifty-five cities where the expense is only $180,000?

The people of all our cities and towns where the free-carrier system has been introduced are strongly attached to it; and if this bill passes in its present form, the Committee on Appropriations will ascertain that this time they have punched the heads of the people, not of the office-holders. This system is intended for the benefit of the laboring-man, the man who goes to his employment at seven o'clock in the morning and does not return until six in the evening; the man who does not have the time or opportunity to walk half a mile or a mile to the post-office every day. It is for such men that this system should be designed rather than for the merchant who has his clerks and other employés whom he can send to the post-office whenever it is necessary.

I say, then, by discontinuing this free-carrier system in fifty-five towns of the country we would not only do a foolish thing, but one which the people would not approve.

Mr. ATKINS. I want to know from the gentleman from Pennsylvania whether a man living in a city who has only half a mile to travel to the post-office is put to any more trouble than a man who rides ten miles in the country to get his mail?

Mr. MUTCHLER. The people throughout the country do have the free-delivery system, because the mails are carried as closely to their doors as it is practicable to have them carried, and this is done at the expense of the Government.

Mr. STEVENSON. I move the committee rise.

Mr. HOLMAN. I hope not.

The CHAIRMAN. A motion to rise is not debatable.

Mr. STEVENSON. I withdraw the motion.

Mr. HOLMAN. It is desirable to go through with the bill before a recess is taken. If the House remain a quarter of an hour I will not object, although I would greatly prefer to have it remain in session half an hour. It has been suggested that we have a night session to dispose of this paragraph.

Mr. RUSK. Let us vote.

Mr. CUTLER. I submit an amendment to the amendment of the gentleman from Pennsylvania by striking out all of the section after the word "inhabitants," in line 39.

Mr. CLYMER. It is evident the amendment and the amendment to the amendment will lead to discussion. They involve matters of great interest to gentlemen upon the floor, more than any other in the bill. I do not know that I care to discuss it myself, but I know others who do, and in order to permit that full discussion to which its importance entitles it, I move the committee rise.

The committee divided; and there were ayes 91, noes not counted.

Mr. HOLMAN. Hunger is irresistible, and I do not ask for any further count.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending 30th June, 1877, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. HARRISON, (at five o'clock and five minutes p. m.,) the House adjourned.

*The part of the rule in brackets is the amendment of January 17, 1876.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: Memorial of manufacturers and dealers of tobacco in Dubuque, Iowa, against any change in the mode of packing tobacco, to the Committee of Ways and Means.

Also, memorial of manufacturers and dealers of tobacco of McGregor, Iowa, of similar import, to the same committee.

By Mr. BANKS: Memorial of A. Gaddis, S. P. Webber, Philip Corridon, and 112 others, representing the suffering that has accrued from the suspension of work at the navy-yard in Washington and asking relief by the supply of work for those usually employed in that yard, to the Committee on Naval Affairs.

By Mr. BLAINE: Memorial of citizens of Florida, remonstrating against the repeal of the homestead law in the limits of Florida by granting lands to railroad companies, to the Committee on Public Lands.

By Mr. CASON: The petition of printers and stationers of La Fayette, Indiana, for such legislation as will relieve them from injurious competition by the Government in the manufacture, sale, and transportation of envelopes, postal cards, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. JONES, of New Hampshire: The petition of Charles George, for a pension, to the Committee on Invalid Pensions.

By Mr. MEADE: The petition of liquor dealers of the city of New York, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

Also, the petition of envelope manufacturers, printers, stationers, lithographers, and others, for such legislation as will relieve them from injurious competition by the Government in the manufacture, sale, and transportation of envelopes, postal cards, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: The petition of dealers in tobacco at Easton, Pennsylvania, that Congress permit the law regulating the manner of packing tobacco to remain as it is at present, to the Committee of Ways and Means.

By Mr. JOHN REILLY: The petition of 35 business men of Hollidaysburgh, Pennsylvania, against tariff changes, to the same committee.

By Mr. SPRINGER: The petition of B. Pyatt & Son, manufacturers of cigars and tobacco at Jacksonville, Illinois, and others, of similar import, to the same committee.

By Mr. STENGER: The petition of 41 citizens of Huntingdon County, Pennsylvania, for the putting aside the consideration of the tariff question for the present year, to the same committee.

By Mr. STEVENSON: Resolutions of citizens of Champaign County, Illinois, in relation to the release of E. O'M. Condon, confined in a British prison, to the Committee on Foreign Affairs.

By Mr. WILLARD: Memorial of Kellogg, Baker & Co. and other manufacturers and dealers of Jackson, Michigan, against any change in the law regulating the mode of packing tobacco, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: The memorial of D. Farrand Henry, relative to an appropriation of $50,000 for experiments in steel and iron, to the Committee of Ways and Means.

Also, the petition of Henry Romeyn, lieutenant Fifth Infantry, United States Army, relative to his accounts as post-quartermaster, to the Committee on Military Affairs.

IN SENATE.

MONDAY, *May* 8, 1876.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*, (at eleven o'clock, a. m.) The Senate sitting for the trial of the articles of impeachment against William W. Belknap, pursuant to adjournment, now resumes its session. The Sergeant-at-Arms will make proclamation.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore* took the chair at twelve o'clock m., and called the Senate to order.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a copy of a letter from Assistant Adjutant-General Thomas M. Vincent, stating that an appropriation of $75,000 for the freedman's branch of the Adjutant-General's Office for the collection and payment of bounties, &c., for the year ending June 3, 1877, need not be made, provided the unexpended balances of appropriations for like purposes for the fiscal years 1874, 1875, and 1876 are rendered available for the purposes of the estimate; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the resolution of the Senate of April 18, 1876, a letter of the Chief of Engineers and report from Lieutenant-Colonel Q. A. Gillmore, Corps of Engineers, in relation to the importance of the harbor of Brunswick, Georgia, and the necessity for its improvement; which was referred to the Committee on Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of George Wetmore and other citizens of Emmet County, Michigan, praying an amendment to the act of March 3, 1875, providing for the restoration to homestead entry and market of certain lands in the State so as to extend the time for actual settlers to make such entry for one year from March 3, 1876; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. WINDOM, from the Committee on Patents, to whom was referred the petition of Albert Fuller, praying for the extension of a patent, submitted a report thereon, accompanied by a bill (S. No. 817) to enable Albert Fuller to make application to the Commissioner of Patents for the extension of letters-patent for improvement in water-faucets.

The bill was read and passed to the second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. DAVIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 818) to incorporate the National Drove-yard Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

PAPERS WITHDRAWN.

Mr. WINDOM. I ask that an order be made for the withdrawal of the papers in the Harvey Lull patent case. The bill has passed both Houses recently, and the papers are desired to be presented to the Commissioner of Patents.

There being no objection, leave was granted.

CHINESE IMMIGRATION.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it appears that the vast influx of Chinese to the Pacific coast is working great injury to the morals and the labor interests of the Pacific States and Territories; and whereas the existing laws against the cooly traffic and the importation of females for immoral purposes fail of execution for want of evidence of intended evasion thereof:

Resolved, That the Committee on Commerce be instructed to consider the subject and report a bill placing adequate restrictions upon the immigration of Chinese to this country.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and five minutes having arrived, the legislative and executive business of the Senate will be suspended, and the Senate sitting in trial, pursuant to order, will proceed with the impeachment of William W. Belknap. The Senate will now hear the managers.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore* announced that the Senate resumed the consideration of legislative business.

On motion of Mr. SARGENT, the Senate (at five o'clock p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

ARMY OF THE UNITED STATES.

Mr. BANNING entered a motion to reconsider the vote by which the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, reported from

the Committee on Military Affairs with sundry amendments, was ordered to be recommitted.

BOARD OF HEALTH, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. STEVENSON, by unanimous consent, from the Committee for the District of Columbia, reported a bill (H. R. No. 3383) to abolish the present and establish a new board of health in the District of Columbia, as a substitute for House bill No. 3194; which was read a first and second time, ordered to be printed, and recommitted.

ADOLPH ERDMAN.

Mr. CLYMER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay to Adolph Erdman, for clerical service rendered to the Committee on Expenditures in the War Department, the sum of $45 out of the contingent fund of the House of Representatives.

IMPORTED MARBLE IN BLOCKS.

Mr. CHAPIN. I ask unanimous consent to report back from the Committee of Ways and Means a bill (H. R. No. 2867) to amend section 2758 of the Revised Statutes, for action at this time. It allows importers of marble in blocks to bond the same in yards instead of warehouses, still to be under the direction of the Secretary of the Treasury and at the expense of the owners.

The bill, which was read, provides that section 2958 of the Revised Statutes be, and the same is hereby, amended to add in the sixth line after the words "other merchandise" the words "and marble in blocks may, in the discretion of the Secretary of the Treasury, be bonded in open yards under the care of an officer of customs at the expense of the owner or importer."

Mr. BAKER, of Indiana. I object.

The SPEAKER *pro tempore*. Then the bill cannot be received.

REGULAR ORDER.

Mr. BAKER, of Indiana. I demand the regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the morning hour now begins at fifteen minutes past twelve o'clock, and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

LIFE-SAVING STATION.

Mr. BURLEIGH introduced a bill (H. R. No. 3384) to erect and complete a life-saving station at Cape Elizabeth, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. W. GARDNER.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 3385) for the relief of Past-Assistant Engineer J. W. Gardner, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ACTING MASTER ROBERT PLATT.

Mr. JONES, of New Hamshire, also introduced a bill (H. R. No. 3386) authorizing the President of the United States to advance Acting Master Robert Platt, United States Navy, to an acting lieutenant, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STEAM FOG-SIGNAL ON WHALE'S BACK ISLAND, NEW HAMPSHIRE.

Mr. JONES, of New Hampshire, also introduced a bill (H. R. No. 3387) for the erection of a steam fog-signal on Whale's Back Island, in the harbor of Portsmouth, New Hampshire; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUSAN S. MARCH SAINT CLAIR.

Mr. BELL introduced a bill (H. R. No. 3388) for the relief of Susan S. March Saint Clair, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SALE AND SETTLEMENT OF PUBLIC LANDS.

Mr. BLAIR introduced a bill (H. R. No. 3389) to facilitate the sale and settlement of the public lands granted to aid in the construction of railroads and lines of telegraph; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

C. W. STINSON.

Mr. HENDEE introduced a bill (H. R. No. 3390) granting a pension to C. W. Stinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNY W. WARNER.

Mr. HENDEE also introduced a bill (H. R. No. 3391) granting a pension to Anny W. Warner, widow of Joseph H. Warner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. HARRINGTON.

Mr. JOYCE introduced a bill (H. R. No. 3392) for the relief of John R. Harrington; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LAURA A. TURNER.

Mr. CRAPO introduced a bill (H. R. No. 3393) granting a pension to Laura A. Turner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD O'MEAGHER CONDON.

Mr. CRAPO also presented a resolution of the Legislature of the State of Massachusetts, asking for the release from an English prison of Edward O'Meagher Condon; which was referred to the Committee on Foreign Affairs.

MRS. E. HUBBARD.

Mr. WHEELER (for Mr. LAPHAM) introduced a bill (H. R. No. 3394) granting a pension to Mrs. E. Hubbard, widow of Solomon Hubbard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTIONS 2927 AND 2943 REVISED STATUTES.

Mr. MEADE introduced a bill (H. R. No. 3395) to amend sections 2927 and 2943 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. POWELL introduced a bill (H. R. No. 3396) donating one condemned cannon and carriage to the Soldiers' Monument Association of Susquehanna County, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA J. PORTER.

Mr. MAISH introduced a bill (H. R. No. 3397) granting a pension to Martha J. Porter, widow of William M. Porter, late a captain in the One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISSUE OF COIN.

Mr. RANDALL introduced a bill (H. R. No. 3398) for the issuing of coin, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LEMUEL B. NORTON.

Mr. O'NEILL introduced a bill (H. R. No. 3399) for the relief of First Lieutenant Lemuel B. Norton, of the First Artillery United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY M. HANNON.

Mr. HENKLE (by request) introduced a bill (H. R. No. 3400) for the relief of Henry M. Hannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BANKRUPTCY.

Mr. ROBBINS, of North Carolina, introduced a bill (H. R. No. 3401) to amend an act entited "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MILLIKEN introduced a bill (H. R. No. 3402) to amend chapter 4, section 572, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPOINTMENT OF ASSISTANT NAVAL CONSTRUCTORS.

Mr. CLARKE, of Kentucky, introduced a bill (H. R. No. 3403) providing for the appointment of assistant naval constructors by the President of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LYDIA HUNTER.

Mr. HOUSE introduced a bill (H. R. No. 3404) granting a pension to Lydia Hunter, widow, and dependent mother of Mark Glasby, of Company I, United States Cavalry, of Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE LAWS.

Mr. WHITING introduced a bill (H. R. No. 3405) to amend the internal-revenue laws relating to taxation on distilled spirits; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JAMES B. GILLESPIE.

Mr. HARTZELL introduced a bill (H. R. No. 3406) granting a pension to James B. Gillespie, late captain of Company I, One hundred and twentieth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK SUNKEL.

Mr. MORRISON introduced a bill (H. R. No. 3407) to cancel and re-

move the charge and finding of desertion against Frederick Sunkel, late private in Company A, Twelfth Regiment Missouri Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS SOLD BY DECREES IN CHANCERY.

Mr. CAULFIELD introduced a bill (H. R. No. 3408) fixing the time for redemption of lands sold by decrees in chancery of Federal courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUBSIDIARY SILVER COIN.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 3409) providing for the issue of subsidiary silver coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RIGHTS OF RAILROADS.

Mr. WELLS, of Missouri, also introduced a bill (H. R. No. 3410) to enable the purchasers of railroads that were authorized to be constructed by Congress to form corporations, and to exercise corporate powers, and to define their rights and powers; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

REPAVING OF PENNSYLVANIA AVENUE.

Mr. BUCKNER introduced a bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PATRICK BYRNE.

Mr. BUCKNER also introduced a bill (H. R. No. 3412) for the relief of Patrick Byrne, of Washington City, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SOPHIA HESS.

Mr. BUCKNER also introduced a bill (H. R. No. 3413) for the relief of Sophia Hess, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

R. T. MERRICK.

Mr. BUCKNER also introduced a bill (H. R. No. 3414) for the relief of R. T. Merrick, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MRS. JULIA H. TOTTEN.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 3415) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general of the United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. FINLEY introduced a bill (H. R. No. 3416) to extend to the State of Florida the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

STEAMBOAT INSPECTION.

Mr. FINLEY also introduced a bill (H. R. No. 3417) to exempt small steam-vessels from inspection and license laws; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

E. H. HAPPE.

Mr. SCHLEICHER introduced a bill (H. R. No. 3418) for the relief of E. H. Happe; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ANDREW NEWMAN.

Mr. SCHLEICHER also introduced a bill (H. R. No. 3419) for the relief of Andrew Newman; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

FREDERICK BANKER.

Mr. RUSK introduced a bill (H. R. No. 3420) granting a pension to Frederick Banker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CARL JUSSEN.

Mr. KIMBALL introduced a bill (H. R. No. 3421) for the relief of Carl Jussen, late adjutant Twenty-third Regiment Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES W. WOOD.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3422) for the relief of Charles W. Wood, late of Company E, first battalion, Thirteenth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REUBEN J. CHANNING.

Mr. STRAIT introduced a bill (H. R. No. 3423) granting a pension to Reuben J. Channing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMISTED BURWELL.

Mr. WELLS, of Mississippi, introduced a bill (H. R. No. 3424) for the relief of Armisted Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRISCILLA W. BURWELL.

Mr. WELLS, of Mississippi, also introduced a bill (H. R. No. 3425) for the relief of Priscilla W. Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT A. GILBERT.

Mr. BRADLEY introduced a bill (H. R. No. 3426) granting a pension to Albert A. Gilbert, of Chesaning, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABSALOM J. FETTER.

Mr. McCRARY introduced a bill (H. R. No. 3427) granting a pension to Absalom J. Fetter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON AND BLADENSBURGH PIKE RAILROAD COMPANY.

Mr. WILLARD introduced a bill (H. R. No. 3428) to incorporate the Washington and Bladensburgh Pike Railroad Company and to prohibit the use of steam-power on the same or adjacent thereto; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

NANCY DIXON.

Mr. WILLARD also introduced a bill (H. R. No. 3429) for the relief of Nancy Dixon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. If there are no further bills to be introduced by members who were not in their seats when their States were called, the Chair will now lay before the House sundry executive communications.

Mr. HALE. I rise to a question of order. It is that the second call of the States must be proceeded with now until the expiration of the morning hour, which will be at a quarter past one o'clock.

The SPEAKER *pro tempore*. The Chair sustains the point of order, but will, with the consent of the House, lay these executive communications before the House.

CORN TRANSACTION AT FORT ABRAHAM LINCOLN.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report showing the circumstances connected with the corn transaction at Fort Abraham Lincoln, &c.; which was referred to the Committee on Military Affairs.

FREEDMEN'S BRANCH OF ADJUTANT-GENERAL'S OFFICE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from Acting Adjutant-General F. M. Vincent relative to an appropriation for the freedmen's branch of the Adjutant-General's Office; which was referred to the Committee on Military Affairs.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers reporting the progress of the improvement of the North Pass of the Mississippi River; which was referred to the Committee on Commerce.

REPRESENTATIVE OF THE EIGHTH DISTRICT OF WISCONSIN.

The SPEAKER *pro tempore* also laid before the House a letter from the governor of Wisconsin, transmitting a memorial of the Legislature of that State relative to the right of Hon. GEORGE W. CATE to a seat as Representative in Congress for the eighth congressional district of Wisconsin; which was referred to the Committee of Elections.

Mr. RUSK. I ask unanimous consent that the communication of the governor, with the accompanying memorial of the State Legislature, be printed in the RECORD.

There was no objection, and it was so ordered.

The letter and memorial are as follows:

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,
Madison, May 3, 1876.

SIR: I have the honor to transmit herewith a copy of memorial to Congress, No. 13, of the Legislature of this State, relative to the right of GEORGE W. CATE to occupy a seat as a member of Congress for the eighth district of Wisconsin, and I have to request that you will lay it before the House of Representatives of the United States of America for consideration at as early a day as practicable.

I am, sir, very respectfully, your obedient servant,

HARRISON LUDINGTON,
Governor of Wisconsin.

Hon. MICHAEL C. KERR,
Speaker of the House of Representatives, Washington, D. C.

Memorial to Congress, No. 13, requesting an investigation to be made into the right of GEORGE W. CATE to occupy a seat as a member of Congress for the eighth district of Wisconsin.

To the honorable the House of Representatives of the United States of America:

Your memorialists, the Legislature of the State of Wisconsin, respectfully represent:

That at the general election held in the eighth congressional district of the State of Wisconsin on Tuesday, the 3d day of November, 1874, for Representative in Congress, the whole number of votes cast for such Representative was as follows: Alex. S. McDill received 9,540 votes, GEORGE W. CATE received 9,502 votes, giving Mr. McDill a majority of 38 votes. By refusal of the county board of canvassers of Wood County to canvass the votes cast in the first ward of the city of Grand Rapids and the town of Lincoln on some alleged slight irregularity in the making of the returns from these precincts 96 votes cast for Mr. McDill and 56 votes cast for Mr. CATE were not included in the canvass made for said county of Wood, and the return of votes cast in that county to the State board of canvassers was fraudulently made as being 655 for GEORGE W. CATE and 457 for A. S. McDill, whereas the vote was in fact 711 for MR. CATE and 553 for Mr. McDill.

The supreme court of the State of Wisconsin, on motion, granted an alternative writ of *mandamus* directed to the State board of canvassers and the secretary of state, commanding said board to determine upon the election returns from the several counties in the eighth congressional district. The case was argued before the court on the 5th day of December, and the court held that it "could not go behind the returns and correct frauds and mistakes, and adjudge which of the candidates was elected," but could only determine whether the State board of canvassers ought to include in its canvass and statement of the votes cast for Representative in Congress those returned from Wood County, (which were incomplete as above recited.) The court said: "We cannot determine the right to the office but only the duty of the State board of canvassers in respect to the canvass. The power to determine the right is, by the Constitution of the United States, vested exclusively in the House of Representatives. (36 Wisconsin, page 505.")

The court added:

"There is nothing in the statement of the board of county canvassers showing or tending to show, neither was it claimed on the argument of demurrer, that any effort was made to procure corrected returns from the rejected town and ward. On the contrary, the silence of their statement on that subject, the suppression of the nature of the alleged defects in such returns, for which they were rejected, and the fact that it does not appear that the board availed itself of the power given by law to adjourn for the purpose of procuring corrected returns, *leaves upon our minds a most painful impression that the county canvassers utterly neglected their duty in this respect, and illegally and wantonly disfranchised all of the electors who voted at such election in the rejected town and ward.* If they did so, they committed a most serious offense, an offense which strikes at the very foundation of our system of government, and which cannot be too severely censured. Hence it was that we felt justified in saying during the argument of the demurrer, that *he who, by fraud or by willful disregard of his sworn duty, defeats the will of the people as expressed by their votes commits a political crime next to treason and nearly akin to it*, and that this court will never fail, on any proper occasion, to characterize such offense in fitting terms.

* * * * * * *

"The State canvassers were powerless in the premises. They can only act upon the certified statements of the county canvassers returned by the several county clerks to the secretary of state, and have no authority to procure corrected returns or to go behind the returns thus made" (Revised Statutes, chapter 7, section 80.)

The official canvass for said district was therefore made without including the votes cast in the town of Lincoln and the first ward in the city of Grand Rapids and was officially declared to be as follows:

GEORGE W. CATE received..... 9,446 votes,
Alex. S. McDill received..... 9,444 votes,

giving MR. CATE an apparent majority of 2 votes.

Your memorialists further represent, that by the rejection of the votes cast in the town of Lincoln and the first ward of the city of Grand Rapids the election of one C. O. Baker, as county clerk, was shown, whereas he was in fact defeated if the votes from these precincts had been received, and that said Baker was the principal canvassing officer. The case was brought before the supreme court of this State at its last term, and after an exhaustive examination of all the facts connected with the rejection of the returns above named by the county canvassers, the court unanimously decided that the canvassers had transgressed their authority in so rejecting the returns.

They characterized the action as "a most indecent and flagrant violation of duty, too palpable for blunder, too corrupt for any mercy of construction."

The court then pronounced judgment of ouster against Baker, and emphasized the judgment by imposing a fine of $200 on him.

That your honorable body may better understand what was decided, the language of the court is here employed:

"4. There is nothing to distinguish the case of Kromer from ordinary cases of the kind. Judgment will therefore go in his case in the usual form against him and in favor of the relator.

"But the case of Baker is very distinguishable from ordinary cases of contest for office. At the time of the election and canvass he was county clerk; one of the officials who made the register of votes in the first ward of Grand Rapids, which he now asks to operate so as to disfranchise at the election all the voters in that ward. The county canvass was made by him and the two officials whom he took to his assistance to form the board of county canvassers. Saving the defendant's personal knowledge of the register in the first ward of Grand Rapids it does not appear that the board of county canvassers had any notice of the irregularities or defects in the register of voters in these five wards now urged for the defendant. Certain it is that they did not, in the canvass, reject the votes in any of them for any irregularities or defects of the registers. The defense which the defendant now sets up for his usurpation of office appears to have been an after-thought, which cannot mitigate his breach of duty then. The board of county canvassers did reject the returns from the town of Lincoln and the first ward of Grand Rapids for alleged illegality and defectiveness, not in the election, but in the returns themselves not now relied on by the defendant. The rejection of these returns, wholly unauthorized, gave excuse to the defendant and his associates in the board of canvassers to declare the defendant himself elected county clerk. This was a most indecent and flagrant violation of duty; too palpable for blunder, too corrupt for any mercy of construction. If the returns from the town and ward were so informal and incomplete—in the language of the board of canvassers, so illegal and defective—that the board could not canvass them, it was the duty of the defendant and his associates to dispatch a messenger for corrected returns. (Taylor's Statutes, chapter 7 of section 89. State *vs.* Pierpont, 29 Wisconsin, page 108; State *vs.* Board State Canvassers, *supra.*) A county clerk cannot be tolerated in so tampering with his statutory duty; in so baffling the constitutionally expressed will of the voters of his county, to keep himself in office to which another is elected, by violation of his official oath and duty.

"Speaking of this very canvass, it was said in State *vs.* Board of State Canvassers, *supra:* 'There is nothing in the statement of this board of county canvassers showing or tending to show, neither was it claimed on the argument of the demurrer, that any effort was made to procure corrected returns from the rejected town or ward. On the contrary, the silence of their statement on that subject, the suppression of the nature of the alleged defects in such returns for which they were rejected, and the fact that it does not appear that the board availed itself of the power given by law to adjourn for the purpose of procuring corrected returns, leave upon our mind a most painful impression that the county canvassers utterly neglected their duty in this respect, and illegally and wantonly disfranchised all the voters who voted at such election in the rejected town and ward. If they did so, they committed a most serious offense; an offense which strikes at the very foundations of our system of government, and which cannot be too severely censured. Thus it was, that we felt justified in saying, during the argument of the demurrer, that he who by fraud or by willful disregard of his sworn duty defeats the will of the people as expressed by their votes, commits a political crime next to treason and nearly akin to it; and that this court will never fail, on any proper occasion, to characterize such an offense in fitting terms.'

"The shameful truth suggested in that case is apparent in this. Then we could only censure; now we can punish. Section 16 of chapter 169, Revised Statutes, under which this proceeding is taken, contains the ancient and salutary power of imposing a fine on the usurping officer in such cases to the extent of $2,000. Such a statute in such cases as this should not be a dead letter. If any defendant in any case of *quo warranto* can earn such fine, this defendant has earned it in this. It is our duty, now about to be fulfilled to oust him from an office which he has usurped for one-third of the official term by willful malfeasance in office, corrupt in fact as in law. And we should feel this court to be in some sort his *particeps criminis* if in doing so we should refuse to exercise the power to punish him with which the law intrusts us. Our only doubt on this point has been the proper amount of the fine to be imposed. This is, so far as we are advised, the first instance of a fine imposed under this statute. And we have been led to think that a fine moderate in amount will be sufficient for the punishment of this defendant and for example in such cases. If the example should prove insufficient, the precedent will not stand in the way of heavier fines in future cases of the kind. The same judgment will therefore go in the case of Baker as in the case of Kromer, with the addition of a fine against the former of $200."

It will thus appear to your honorable body that the vote rejected in the county canvass of Wood County should have been included with the other votes cast for member of Congress. Adding them to their proper columns, it appears that the number of votes cast in the eighth congressional district of Wisconsin for member of Congress on the 3d day of November, 1874, was as follows:

Alex. S. McDill received..... 9,540
GEORGE W. CATE received..... 9,502

showing that Mr. McDill received a majority of the votes cast for member of Congress, but Mr. CATE received a certificate of election through the perpetration of an act which, unless the chief justice of the State of Wisconsin was in error in his judgment and conclusions, was "a most indecent and flagrant violation of duty; too palpable for blunder; too corrupt for any mercy of construction."

Your memorialists further represent that Hon. A. S. McDill, who received a majority of the votes cast for member of Congress for the eighth district of Wisconsin, died in November last.

Your memorialists therefore respectfully pray your honorable body that you will direct the proper committee to inquire why the votes cast in said town of Lincoln and the first ward of the city of Grand Rapids should not be counted; and if, upon such inquiry and investigation, it be determined that such votes ought to be received and counted, then that such committee be instructed to report to the House by what right Hon. GEORGE W. CATE holds a seat in your body and assumes to act as congressman for the eighth congressional district of Wisconsin.

And your memorialists will ever pray.

Resolved, That the governor be requested to send a copy of this memorial to each of our Representatives in Congress and one to each member of the Committee of Privileges and Elections.

R. L. D. POTTER,
President pro tempore of the Senate.
SAM. S. FIFIELD,
Speaker of the Assembly.

Approved March 9, 1876.

HARRISON LUDINGTON, *Governor.*

OFFICE OF SECRETARY OF STATE,
Madison, Wisconsin:

I, Peter Doyle, secretary of the State of Wisconsin, do hereby certify that the annexed and foregoing pages are a true, complete, and full copy of memorial to Congress No. 13, requesting an investigation to be made into the right of GEORGE W. CATE to occupy a seat as member of Congress for the eighth district of Wisconsin, passed by the Wisconsin Legislature at its annual session, 1876, and approved March 9, 1876, and now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the city of Madison, this 3d day of May, in the year of our Lord 1876.

[SEAL.]

PETER DOYLE,
Secretary of State.

ORDER OF BUSINESS.

Mr. CHAPIN. I ask unanimous consent to make a report at this time from the Committee of Ways and Means.

Mr. HALE. For what purpose?

Mr. CHAPIN. For consideration at this time.

The SPEAKER *pro tempore*. Is there objection?

Mr. HALE. I have called for the regular order.

Mr. VANCE, of Ohio. I ask unanimous consent to offer a resolution.

Mr. HALE. I have called for the regular order.

Mr. VANCE, of Ohio. I think the gentleman will withdraw his point when he hears the resolution.

Mr. HALE. The gentleman can offer it on the next call, which will now proceed under the regular order.

The SPEAKER *pro tempore*. Under the rule the next call is for resolutions, "at which time bills on leave may be introduced; and all resolutions which give rise to debate shall lie over for discussion; so also in regard to bills introduced at this time and giving rise to debate." The call begins with the State of Maine.

PUBLIC SESSIONS OF INVESTIGATING COMMITTEES.

Mr. HALE. I offer the following resolution, and upon it ask the previous question:

Resolved, That the several committees of this House charged with investigations be, and are hereby, directed to conduct such investigations with open doors while any testimony is being taken.

Mr. MORRISON. This is the same resolution which was voted on the other day.

Mr. HALE. But it does not require a two-thirds vote on this call. Gentlemen on the other side can vote it down if they choose.

The question being taken on seconding the call for the previous question, there were—ayes 60, noes 89.

Mr. HALE. I call for tellers.

Tellers were ordered; and Mr. HALE and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 69, noes 91.

So the previous question was not seconded.

Mr. RANDALL. I move to suspend the rules to authorize the Committee on Banking and Currency to report at any time touching the questions relating to silver currency.

Mr. HALE. I rise to a point of order. The morning hour not having expired, I submit that the gentleman cannot make that motion until it does expire——

The SPEAKER *pro tempore*. The Chair must sustain the point of order.

Mr. HALE. And he not having——

The SPEAKER *pro tempore*. The Chair does not desire to hear argument upon the point; the point of order is sustained.

Mr. HALE. But I had not got through the proposition I rose to submit. No gentleman having risen to debate the resolution, which would have carried it over, I move to refer it to the Committee on the Judiciary with instructions to report.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] had taken the floor on another proposition; but the Chair has ruled that his motion was not in order under this call.

Mr. RANDALL. I did not suppose anybody would object to allowing the Committee on Banking and Currency to report at any time touching that question.

Mr. HALE. I do not object to the proposition when it comes up in due time; but, until this matter is disposed of, I object to anything else coming up. I move to refer my resolution to the Committee on the Judiciary with instructions to report.

Mr. CLYMER. On that motion I call for the yeas and nays.

Mr. SPRINGER. I rise to a question of order. This call is for a specific purpose. If the House refuses to second the demand for the previous question on a resolution and any gentleman desires to discuss it, it goes over for a day.

The SPEAKER *pro tempore*. The Chair would have recognized anybody who rose for that purpose.

Mr. SPRINGER. I rise for the purpose.

Mr. HALE. That is too late.

The SPEAKER *pro tempore*. The gentleman rose for that purpose, the Chair thinks, after the other proposition was made.

Mr. RANDALL. I maintain that you must go on with the call of the States.

Mr. HALE. Undoubtedly the call of States must go on.

The SPEAKER *pro tempore*. The first call of States was proceeded with and the States and Territories had all been called. Then the Chair was proceeding with the second call, and this resolution came up under that call. It can be disposed of in several ways. If any gentleman had risen at the proper time to discuss it it would have gone over.

Mr. SPRINGER. I rose for that purpose.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman so announce; but, if he says he made the announcement, the Chair will take his word for it.

Mr. SPRINGER. I am not sure that I did; I will let the reporters' notes settle the point.

The SPEAKER *pro tempore*. The Chair is informed by the reporters that the gentleman did not so announce.

Mr. SPRINGER. I do not think I did announce it.

The SPEAKER *pro tempore*. Is there objection to referring the resolution to the Committee on the Judiciary with instructions to report?

Mr. RANDALL. I ask for a division of the question, so that the vote on the instructions may be taken separately.

Mr. HALE. This is not a divisible question.

Mr. RANDALL. The reference is one motion, which would stand alone; the reference with instructions is another proposition.

Mr. BLAINE. But you have a right to combine them.

The SPEAKER *pro tempore*. The question on the two propositions will be taken separately.

Mr. HALE. Do I understand the Chair to rule this motion cannot be divided?

The SPEAKER *pro tempore*. The Chair understands from the gentleman's colleague [Mr. BLAINE] it is not divisible.

Mr. HALE. It has never been disputed to my recollection, that this motion must be voted on as an entirety. My motion is to refer it to that committee, with instructions to report the resolution back to the House at once. I never heard any question raised heretofore that such a motion was divisible.

The SPEAKER *pro tempore*. The Chair understood the gentleman's colleague, who is familiar with the rules, to declare it as his opinion that the motion was divisible.

Mr. HALE. What colleague?

The SPEAKER *pro tempore*. The gentleman's colleague on my right, [Mr. BLAINE.]

Mr. HALE. I do not understand my colleague to hold any such opinion, but, on the contrary, that such a motion is in order, and is not divisible. I understood my colleague to say that I had a right to combine the motions.

Mr. RANDALL. This resolution has already been debated, and must go over.

Mr. BLAINE. Only the question of order has been debated.

The SPEAKER *pro tempore*. The Chair wishes to rule discreetly on this question after full hearing.

Mr. HURLBUT. I read from the rules:

A division is not in order on the motion to commit with instructions or on the different branches of instructions.

The SPEAKER *pro tempore*. That would seem conclusive. The question, then, recurs on the motion of the gentleman from Maine, that the resolution be committed to the Committee on the Judiciary with instructions to report back at once.

Mr. HALE. I demand the yeas and nays on that motion.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order. I do not think the Chair understood the point of order I intended to make before, and I do not believe it was ruled on. It is this: This call was for the introduction of bills and resolutions, and debate arising they were to go over. Debate now having taken place on this resolution, under the rule it must go over.

The SPEAKER *pro tempore*. That point has already been ruled upon. The debate or discussion has not touched the merits.

Mr. BLAINE. Only the point of order was discussed.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 101, nays 111, not voting 78; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, Banks, Blaine, Blair, Bradford, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Chittenden, Cochrane, Conger, Crapo, Crounse, Cutler, Danford, Darrall, Davy, De Bolt, Denison, Dobbins, Dunnell, Eames, Evans, Fort, Freeman, Frost, Frye, Garfield, Hale, Haralson, Hardenbergh, Hathorn, Haymond, Hendee, Henderson, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kelley, Ketchum, Kimball, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Milliken, Morey, Morgan, New, Norton, O'Brien, O'Neill, Page, Plaisted, Platt, Potter, Pratt, Rainey, John Reilly, Robinson, Rusk, Sampson, Seelye, Smalls, A. Herr Smith, Strait, Stevenson, Stowell, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Woodburn, and Woodworth—101.

NAYS—Messrs. Ainsworth, Anderson, Atkins, John H. Bagley, jr., Bell, Blackburn, Bland, Blount, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Culberson, Davis, Dibrell, Durham, Egbert, Ellis, Faulkner, Felton, Franklin, Fuller, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Hartzell, Hatcher, Goldsmith W. Hewitt, Hooker, House, Hurd, Frank Jones, Thomas L. Jones, Kehr, Franklin Landers, Lane, Levy, Luttrell, L. A. Mackey, Maish, McFarland, Meade, Metcalfe, Money, Morrison, Mutchler, Neal, Parsons, Payne, John F. Philips, Piper, Poppleton, Powell, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Warren, Wigginton, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—111.

NOT VOTING—Messrs. Ashe, Bagby, William H. Baker, Ballou, Banning, Barnum, Bass, Beebe, Bliss, Boone, Bradley, Bright, Campbell, Cate, Collins, Cox, Douglas, Durand, Eden, Ely, Finley, Forney, Foster, Goodin, Hancock, Benjamin W. Harris, Harrison, Hartridge, Hays, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hopkins, Hunton, Jenks, Kasson, King, Knott, Lamar, George M. Landers, Lapham, Le Moyne, Lewis, Lord, Lynde, McMahon, Mills, Monroe, Nash, Odell, Oliver, Packer, Phelps, William A. Phillips, Pierce, Purman, Randall, Roberts, Sobieski Ross, Savage, Schumaker, Singleton, Sinnickson, Swann, Martin I. Townsend, Charles C. B. Walker, Walsh, Ward, Erastus Wells, Whitehouse, Whitthorne, Wike, Willis, Wilshire, Benjamin Wilson, and Alan Wood, jr.—78.

So the motion was disagreed to.

During the vote,

Mr. FORT stated that his colleague, Mr. CAMPBELL, was absent from the House by leave of the House.

Mr. LAWRENCE stated that his colleague, Mr. MONROE, was confined to his room by illness.

Mr. VANCE, of North Carolina, stated that his colleague, Mr. ASHE, who was absent by leave of the House, would, if present, vote in the negative.

Mr. HEWITT, of Alabama, stated that his colleague, Mr. LEWIS, was absent by order of the House on business of the House.

Mr. MILLIKEN stated that his colleague, Mr. BOONE, was absent by leave of the House, and that Mr. WILLIS was absent on committee business by order of the House.

Mr. MILLS stated that he was paired with Mr. Ross, of Pennsylvania, who, if present, would vote in the affirmative, while he himself would vote in the negative.

On motion of Mr. WALLING, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

METRIC SYSTEM.

Mr. WOOD, of New York, obtained the floor.

Mr. SAYLER. I ask the gentleman to yield to me for a moment.

Mr. WOOD, of New York. I yield to the gentleman if it is to give rise to no debate.

Mr. SAYLER. I think what I propose will meet with no objection. I offer on behalf of a committee of the American Metrological Society two memorials, and I desire to state in this connection that at the last session of Congress similar memorials were offered, signed by several hundred citizens, embracing among them very large numbers of the

leading merchants, bankers, and professional men of New York, Boston, and other large cities of the United States, and also many men of science and letters as well as others prominent in public life.

The Clerk read as follows:

Memorial of Thomas R. Pynchon, president of Trinity College, Connecticut; Professor H. A. Newton, of Yale College; E. B. Elliott, of the Bureau of Statistics; Hon. Samuel B. Ruggles, of New York; and Dr. F. A. R. Barnard, president Columbia College, New York, committee of the American Metrological Society, praying for the adoption of a uniform system of weights, measures, and moneys to be employed by all nations.

Memorial of Thomas R. Pynchon, president of Trinity College, Connecticut; Professor H. A. Newton, of Yale College; E. B. Elliott, of the Bureau of Statistics; and Dr. F. A. R. Barnard, president Columbia College, New York, committee of the American Metrological Society, praying that the coinage of gold and silver may be made in strict accordance with the denominations of the metric system.

The memorials were referred to the Committee on Coinage, Weights, and Measures.

Mr. SAYLER. In the same connection I offer the following resolution:

Resolved, That the heads of the Executive Departments of the Government be, and they are hereby, requested to report to this House, at as early a date as practicable, what objections, if any, there are to making obligatory in all governmental transactions the metrical system of weights and measures, whose use has been authorized in the United States by act of Congress; and also how long a preliminary notice should be given before such obligatory use can be introduced without detriment to the public service; and that they are also requested to state what objections there are, if any, to making the metrical system obligatory in all transactions between individuals, and what is the earliest date that can be set for the obligatory use of the metrical system throughout the United States.

Mr. KELLEY. I object. I desire to confer with the gentleman on the subject.

NEW YORK CUSTOM-HOUSE.

Mr. PAYNE. By direction of the Committee on Reform in the Civil Service I report the resolution which I send to the desk, and ask that it may be adopted.

The Clerk read as follows:

Resolved, That the Committee of Ways and Means be requested to make a thorough investigation into the management and direction of the custom-house at the port of New York, and as to the changes and reforms necessary to more effectually enforce the laws for the collection of customs revenue, with power to send for persons and papers, and to report at any time.

Mr. RANDALL. Why not make the resolution apply to all the custom-houses?

Mr. PAYNE. One committee could not go around them all.

Mr. RANDALL. One committee can go around some distance. I suggest that it be made to apply to all custom-houses.

Mr. HOSKINS. I would like to hear the resolution read again.

The resolution was again read.

The resolution was adopted.

SUFFERERS FROM OVERFLOW IN MISSISSIPPI.

Mr. WELLS, of Mississippi. I move that the rules be suspended, and that the bill which I send to the desk be passed.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. WOOD] yield for a motion to suspend the rules?

Mr. WOOD, of New York. I do not.

Mr. WELLS, of Mississippi. Then I ask that by unanimous consent the bill be considered now.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections, if any, will be in order.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to issue 500,000 rations, or so much thereof as he may find necessary, to the sufferers from the late overflow in the State of Mississippi; said rations to be distributed under the charge of an officer or officers of the Army, to be detailed for that purpose; and a full and detailed report to be made to Congress of the distribution herein authorized.

Mr. CALDWELL, of Alabama, Mr. HEWITT, of Alabama, and others objected.

Mr. DE BOLT. We have had enough of that kind of distribution.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

OPENING OF THE CENTENNIAL EXPOSITION.

Mr. VANCE, of Ohio. I ask unanimous consent to offer the following resolution:

Resolved, That for the purpose of enabling the officers and employés of the House who may desire to do so to attend the opening of the centennial exhibition, the several offices of the House be closed during the recess from the 9th to the 12th instant, provided that the opening and distribution of the mails shall not be interfered with.

Mr. DANFORD. I object.

ORDER OF BUSINESS.

Mr. WOOD, of New York. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill to carry into effect the Hawaiian treaty, so that it may be brought before the House for final disposition.

Mr. HOLMAN. Before the question is put upon that motion, I would have to submit to the House in the interest of the post-office appropriation bill a question as to the present consideration of this measure, unless it could be understood that there should be some limit to the time that will be consumed over it. I desire to inquire of the gentleman from New York how much time is likely to be occupied in finishing up that bill?

Mr. WOOD, of New York. I have no wish of course to interfere with the bills reported by the Committee on Appropriations, but I do feel as if I had some claim to the consideration of the House in reference to this particular measure, which has been pending now for three or four months. As I understand there are but two gentlemen who desire to speak upon it, and after they have spoken I propose to demand the previous question and to occupy the hour to which I shall then be entitled as I may deem best; after which we will prepare to take the judgment of the House by a vote of yeas and nays.

Mr. HOLMAN. If the gentleman will say that the measure of which he has charge will only occupy three hours from the time the House resumes its consideration, I will have to yield the point. Otherwise I would have to call upon the House to determine whether an appropriation bill should be postponed at all for the consideration of any other general matter of legislation. The House must see that appropriation bills are very far behind for this stage of the session, and their early passage by the House is a matter of high public necessity. But if the time for the consideration of the Hawaiian treaty can be limited to three hours, I will feel justified in giving way to it.

Mr. WOOD, of New York. So far as I have any control over the debate it will not occupy more than three hours, unless the House should unanimously extend the time of the gentlemen who shall speak. If the House shall do so, of course I cannot control the length of time which the debate will occupy; otherwise I guarantee that there shall not be but three hours' debate.

Mr. HOLMAN. I ask unanimous consent that debate upon this measure be limited to three hours.

Mr. MORRISON. I object. Three hours were occupied on the other side by the gentleman from Massachusetts [Mr. BANKS] alone.

The motion of Mr. WOOD, of New York, was agreed to.

HAWAIIAN TREATY.

The SPEAKER *pro tempore*. The motion having been agreed to, the Committee of the Whole on the State of the Union is discharged from the further consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, and it is before the House for consideration.

Mr. WOOD, of New York. When the bill was last under consideration in Committee of the Whole the gentleman from Virginia [Mr. TUCKER] had the floor and is entitled to it.

Mr. TUCKER. It was agreed the other day, as I understand, with the chairman of the committee that my friend from Maryland [Mr. THOMAS] should take the floor this morning and that I should follow him.

[Mr. THOMAS addressed the House. His remarks will appear in the Appendix.]

Mr. KELLEY. I move that the time of the gentleman from Maryland be extended.

The SPEAKER *pro tempore*, (Mr. SAYLER in the chair.) That can only be done by unanimous consent. Is there objection?

Mr. SPARKS. I object.

Several MEMBERS. O, no.

Mr. SPARKS. I withdraw my objection.

Mr. BELL. I renew it.

Mr. KELLEY. Why, the House refused to limit the time for debate this morning.

Mr. WOOD, of New York. I hope the gentleman from Maryland will have additional time if we can possibly reach the question upon this measure before the adjournment to-day. If that can be done I hope every gentleman who speaks can have his time extended. I do not object.

Mr. KELLEY. It is the first time the gentleman from Maryland has raised his voice in this House.

The SPEAKER *pro tempore*. The Chair can make but one decision; objection is made to the extension of time, and the gentleman from Virginia [Mr. TUCKER] is entitled to the floor.

Mr. TUCKER. Mr. Speaker, as a member of the Committee of Ways and Means I formed very early an impression that this treaty should not be confirmed by the action of this House. Subsequent reflection has only deepened that impression into a conviction that it is against the true policy of the Government.

But for the elaborate argument of the gentleman from Massachusetts [Mr. BANKS] I should not have thought it necessary at all to go into the question of constitutional powers, which has been so fully and ably presented by my friend from Maryland, [Mr. THOMAS;] and yet I will venture to say a few words upon this interesting subject in the limited time allotted me.

I apprehend that the delegation of the treaty-making power is no more absolute in its terms than is that of the legislative power. The first clause of the Federal Constitution is that "all legislative powers herein granted shall be vested in a Congress of the United States," &c. Among those legislative powers we have the powers to lay and collect taxes, duties, &c.; to borrow money; to regulate commerce; the power to raise and support armies, to provide and maintain a Navy, and so on. Now the question which is presented by the gentleman from Massachusetts is this: Whether it is competent for the treaty-making power so to tie up the hands of this legislative branch of the Government, as that whatever is determined by it in respect to any of these functions of the legislative department, the Congress of the United

States is not only left without option, but is bound to register the edict. Now, sir, the treaty-making power, as I have said, is no more absolute than the legislative power; and I will show you in a moment that it is less so. There are two classes of treaties; treaties that are self-operating, and treaties that require legislative action in order to their operation; and General Washington's objection, which has been referred to, to the action of Congress in 1796 was based on what he stated had occurred in the convention. I have looked up what occurred in the convention, as recorded by Mr. Madison, (3 Madison papers, 1412 *et seq.*,) and I find that there was a distinction taken in debate between the class of treaties which operate *proprio vigore*, and that class which requires legislative action to give them effect. Now it is true, as General Washington said in his message, that there was an objection to and a voting down of a general proposition, giving to Congress the power to ratify all treaties; but the distinction was made between those which required legislation and those which did not require it; that is to say, that there are cases in which the treaty-making power is not complete, and its action is only inchoate, and can only be consummated by an act of Congress carrying it into effect. Take for instance the matter provided for here, the provision that we shall not hereafter lay duties on articles imported from Hawaii; though such duties are by existing law now imposed upon these articles. Does the treaty operate to repeal without congressional action, all such existing duties; and by anticipation make nugatory any future act of Congress imposing such duties?

If such be the effect of this treaty, it denudes Congress, it divests Congress of a power given to it by the Constitution. Has the treaty-making power the right to take away a function of the Congress of the United States? Has the treaty-making power of the United States the right by compact with a foreign nation to divest us of our vested power; to say that when the necessities of the Government require that we shall lay a duty on sugar imported from Hawaii we are bound hand and foot to that little country not to do that which Congress has the power to do under the Constitution?

Does the gentleman from Massachusetts [Mr. BANKS] maintain that the treaty-making power may make treaties with each and all the nations of the earth to the effect that hereafter we will never impose any duty upon any article imported from any one of those countries? If so, then what becomes of the power of Congress to lay and collect duties and taxes? By the Constitution we are here charged with important duties, which can only be performed by the exercise of this power to raise revenue; and of that power it is said we can be divested by the action of an alien country through the consent of the treaty-making power.

Upon this question I beg leave to say a few words only. The clause to which my friend from Maryland [Mr. THOMAS] has referred (Constitution of the United States, article 1, section 8) is clear upon this point; that wherever there is anything to be done in order to make operative any action by the Government of the United States, or by any other department of the Government except the legislative department, in all such cases Congress has power to pass all laws necessary and proper to carry those powers into effect which the Constitution has thus vested in the Government of the United States, or in any other department or officer thereof. Therefore, if the treaty-making power comes to us and declares "we have made a treaty and we want you to do something to make it effectual," then it follows that the treaty-making power has done an ineffectual thing, has done a thing which is only inchoate, because the Constitution has vested Congress with the exclusive power of doing that which is necessary to make the treaty operative.

I apprehend, therefore, that it is an *organic* principle of our Government that any treaty which cannot be carried into effect without legislation is not a treaty at all until the necessary legislation is passed. It is a principle of construction with which my friend from Massachusetts [Mr. BANKS] is not at all unacquainted, that where there are two provisions of an instrument, whatever that instrument may be, which seem to be repugnant, you must construe them together, and make each and both stand, rather than make either overrule the operation of the other. Therefore it is that where legislation is necessary in order to the operation of a treaty, the treaty is not a treaty at all until the legislation is passed.

Upon this point cases in the books are very confirmatory of my views, and I call attention to them.

In Foster *vs.* Neilson, 2 Peters, 314, Marshall, C. J., says:

> A treaty is, in its nature, a contract between two nations, not a legislative act, and does not generally effect of itself the object to be accomplished, but is carried into execution by the sovereign power of the respective parties to the instrument. In the United States the Constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the Legislature whenever it operates of itself, without any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the Legislature must execute the contract before it can become a rule for the court.

In Turner *vs.* The American Baptist Union, 5 McLean's Circuit Court Reports, 344, (decided in 1852,) Mr. Justice McLean said:

> A treaty under the Federal Constitution is declared to be the supreme law of the land. This unquestionably applies to all treaties where the treaty-making power, without the aid of Congress, can carry it into effect. It is not, however, and cannot be the supreme law of the land where the concurrence of Congress is necessary to give it effect. Until this power is exercised, as where the appropriation of money is required, the treaty is not perfect. It is not operative, in the sense of the Constitution, as money cannot be appropriated by the treaty-making power. This results from the limitations of our Government. The action of no department of the Government can be regarded as a law until it shall have all the sanctions required by the Constitution to make it such. As well might it be contended that an ordinary act of Congress, without the signature of the President, was a law as that a treaty which engages to pay a sum of money is in itself a law.
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> And in such a case the representatives of the people and States exercise their own judgments in granting or withholding the money. They act upon their own responsibility, and not upon the responsibility of the treaty-making power. It cannot bind or control the legislative action in this respect, and every foreign government may be presumed to know that, so far as the treaty stipulates to pay money, the legislative sanction is required.

In Taylor *vs.* Morton, 2 Curtis's Circuit Court Reports, 454, decided in 1855, Curtis, J., said, after quoting the second section of the fourth article of the Constitution, as to the supremacy of the Constitution and laws of the United States made in pursuance thereof, and treaties made under the *authority of the United States*, (and remark in passing it does not say by the President and Senate, but under the authority of the United States; that is, with the sanction of that law which is necessary and proper to carry the treaty into effect:)

> There is nothing in the language of this clause which enables us to say that in the case supposed the treaty, and not the act of Congress, is to afford the rule. * * * This provision of our Constitution has made treaties part of our municipal law. But it has not assigned to them any particular degree of authority in our municipal law, nor declared whether laws so enacted shall or shall not be paramount to laws otherwise enacted.

And after holding that a treaty and its obligatory force as between the United States and the foreign nation is a question for the political and not the judicial department, he says:

> There is nothing in the mere fact that a treaty is a law which would prevent Congress from repealing it.

And again—

> To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of the nation is a matter of the utmost gravity and delicacy; but the power to do so is prerogative, of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case I do not believe. That it must reside somewhere, and be applicable to all cases, I am convinced. I feel no doubt that it belongs to Congress.

The decision was, that a law of Congress could repeal a treaty.

And finally, in the Cherokee Tobacco, 11 Wallace, 616, (decided in 1870,) Swayne, Justice, speaking for the Supreme Court, and citing the case of Taylor *vs.* Morton, already quoted with approval, said:

> A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty.

And this principle was decided in that case.

It thus appears that the judicial department may hold that a treaty stipulation is annulled by an act of Congress, though *inter partes* and by the political department the treaty may still be deemed binding upon the faith of the nation.

But these authorities do conclusively settle that Congress may repeal a treaty by its law, and that the courts, so far from being bound to regard a treaty as the supreme law of the land, are bound to give effect to the law of Congress repealing the operation of the treaty. Judge McLean goes further, and holds that a treaty which requires legislation to give it effect is no treaty until the legislation is passed. Now, if Congress may, under this judicial sanction, repeal the provisions of a treaty, are we in honor bound, are we morally bound here to register the edict of the treaty-making power, when, if the treaty was in existence, and we chose, we could repeal it? Are we bound to sanction a treaty which, when sanctioned, we may repeal?

Look now at a case with which gentlemen are acquainted, and I have no doubt the gentleman from Massachusetts [Mr. BANKS] remembers it; the case of McLeod in 1842. The British government offered to protect McLeod, on the ground that his act, which resulted in the murder of a citizen of the State of New York, was done under the direction of Her Majesty. The British government demanded of Mr. Webster, then our Secretary of State, that McLeod, who was arrested and held by the New York State authorities to be tried for the murder, should be surrendered to the British government, because his act was an act of war, a public act of that government, and not an act of a private British subject against an American citizen. What said Mr. Webster?

In substance his reply was:

> I am very sorry to say that such is the organization of our federal system that McLeod is in the hands of State authorities, and no negotiation or action on the part of the executive department of the Federal Government can take the man out of the hands of the State authorities.

And so it is with all these cases. Our Constitution is such, the organic law of this country is such, the relations of the General Government to the States, and of the different departments of the Government to each other, are such under our Constitution that we are obliged to see, and so is the nation with whom we are treating, whether the action of what is called the treaty-making power is in accord with the powers and functions which are vested in other Departments of the Government, before we can say that the treaty which it claims to have made is operative between the United States and the foreign nation. The doctrine of the civil law bears upon the case: *Qui cum alio contrahit vel est, vel esse debet, non ignarus ejus conditionis;* that is—

> Whoever contracts with another, either is not or ought not to be ignorant of the capacity of that other to contract. (Wheaton's Elements of International Law, [Lawrence,] 329.)

Therefore, when the British government or the government of Hawaii contracts with the treaty-making power of the United States Government they cannot say to us, "You are bound by the contract merely because it has been made by the President and the Senate." They are obliged to look into the Constitution of this Government to see whether the action of the President and the Senate alone is sufficient to make the compact binding between the United States and Hawaii; whether the mere fact has been so sanctioned by the legislative act, essential to its effect, as that the *vinculum juris* is thrown around the parties converting the simple pact into contract.

In Wheaton's Elements, page 329, that author says on this point:

> The treaty, when thus ratified, is obligatory upon the contracting states, independently of the auxiliary legislative measures which may be necessary on the part of either in order to carry it into complete effect. Where, indeed, such auxiliary legislation becomes necessary, *in consequence of some limitation upon the treaty-making power, expressed* in the *fundamental laws of the State*, or *necessarily implied* from the distribution of its constitutional powers—such, for example, as a prohibition of alienating the national domain—then the treaty may be considered as imperfect in its obligation until the national assent has been given in the forms required by the municipal constitution.

We insist that in the distribution of the constitutional powers of our system this limitation upon the power of the President and Senate in respect to treaties is necessarily to be implied, to wit: that no stipulation of a treaty involving legislative action in order to its being effectual can bind the United States until Congress, in the exercise of a full discretion, untrammeled by the obligation of passive obedience, shall pass such necessary law.

And Mr. Lawrence, the learned annotator of Wheaton, claims no more than that "if the treaty be within the constitutional limits, free from fraud, and not destructive of any of the great rights and interests of the country, then there is a moral obligation to grant the aid required." And this accords with Chancellor Kent, (1 Kent, page 285.)

And I beg gentlemen to remember that the case of this treaty is different from one merely involving an appropriation of money to carry it into effect. The question here is whether Congress will divest itself for seven years to come, and perhaps for all time, of its functional and constitutional capacity to lay duties; whether this House will demit its great power to lay duties for the purpose of revenue which has been delegated to it by the Constitution in trust for the protection of the people; whether it will surrender this confided trust and paralyze its organic authority by its own consent or concede the right of the President and Senate thus to cede away the authority of Congress vested in it by the fundamental and supreme law of the land.

Have we the power to do this, or ought we to do it, and thus put this constitutional function beyond the reach of our capacity to reclaim it?

I beg leave now to refer the House to some precedents and authorities on this subject.

In 1796 the House of Representatives contested the question with President Washington, a full account of which will be found in the Peter Force Papers.

The House passed the following resolution, by a vote of ayes 57, nays 35:

> *Resolved*, It being declared by the second section of the second article of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim any agency in making treaties; but that, when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

In 1816 congressional action of like character was taken. (Annals of Congress, first session Fourteenth Congress, page 1018 *et seq.*) In 1844 Mr. Choate, in his report from the Committee on Foreign Affairs upon the Zoll-Verein treaty, took with great force and effect the very ground I am now taking; and upon that ground the treaty was rejected by a vote of ayes 26, nays 18. He said:

> The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the *department* of *Government* by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either *ex directo* and by its own vigor or it engages the faith of the nation and the faith of the Legislature, through which the nation acts, to make the change. In either aspect, it is the President and Senate who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this; the executive department, by the same instrumentality of negotiation, places it beyond the power of Congress to exceed the stipulated maximum of impost duties for at least three years, whatever exigency may intervene to require it.
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> In the judgment of the committee the Legislature, is the department of Government by which commerce should be regulated and laws of revenue be passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is, indisputably, that the control of trade and the function of taxing belong, without abridgment or participation, to Congress. They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods, and of all parties and opinions. They think too, that, as the general rule, the Representatives of the people sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently and more discreetly; may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the executive department of the Government.
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> To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign governments, the legislative will when it has been announced upon the great subjects of trade and revenue, not to interpose with controlling influence, not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

The principle was again asserted in the same way in 1853-'54. General Jackson's position in 1834 in respect to France has been cited in favor of the contrary view. I will merely say in passing that I think that is not a valid precedent for this reason: The debt due by France was not created under the treaty; the treaty merely liquidated an unliquidated claim that had pre-existed, and when the claim was liquidated by treaty, and the Chamber of Deputies in France refused to pay the money, General Jackson said that he would make reprisals on France for the purpose of enforcing the legitimate claims of American citizens, which had antedated the treaty, but which had been sanctioned and recognized by the treaty and were liquidated by it. He would not permit the legislative refusal of the Chamber of Deputies to postpone indefinitely the discharge of a lawful claim which had existed prior to and independently of the treaty itself.

Now, I admit freely (and this is all that gentlemen can claim) that this question is one which has given rise to a vigorous contest, in which giants in former days took part on either side; in which Calhoun and Pinkney were arrayed against Lowndes and others in the Congress of 1816; in which Madison and Macon and Gallatin in 1796 stood on the same side that I now occupy, in opposition to the views of President Washington's administration. But this conflict, as to the relation between the treaty-making and the legislative power, has given rise to provisions in later treaties—certainly in the reciprocity treaty with Canada—in which it was provided that the treaty should not be operative until it had been sanctioned by an act of Congress. In other words, the treaty-making power itself has wisely held that it will not even indicate to a foreign power that the United States are bound by any action of the President and Senate, unless it has been sanctioned by an act of Congress, where a law is needful to give the treaty effect.

But my distinguished opponent, General BANKS, has made a very extraordinary argument which I will not criticise in the terms he has indulged in criticising a portion of the minority report. He says that this treaty is now a complete treaty, because the President has announced it to be binding upon all citizens of the United States, of whom we are a part. Sir, if the President of the United States meant by that proclamation to say that that treaty was binding upon any citizen before the consent of Congress had been given, he has in my judgment transcended his power and has proclaimed that which is untrue as a matter of law. We are not sitting here under the proclamation of the Executive denuded or divested in any degree of our power to examine this treaty and determine whether upon our consciences we think it ought to pass into absolute effect.

The fifth article of this treaty says:

> The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America.

The present convention then has not taken effect. How can it take effect? The gentleman says it takes effect as a contract, as a contract between us and Hawaii; yet the treaty itself says it shall not take effect until a law of Congress is passed. How, then, can the gentleman say it has taken effect, when, by the very terms of the paper itself, a law of Congress is necessary to be passed in order that it shall take effect? I think that is a technicality which, according to the language of the distinguished gentleman, would be unworthy of a grave and statesmanlike argument, but might be worthy only of a member of my profession.

The fifth article continues:

> Such assent having been given, and the ratifications of the convention having been exchanged as provided in article 6, the convention shall remain in force for seven years—

Seven years, counting from what time? I answer—

> From the date at which it takes effect, and thus comes into operation.

In other words, this treaty is not to take effect until a law be passed to bring it into operation. How, then, can there be any constitutional question here between the legislative and the treaty-making power? The treaty-making power has itself said to Hawaii: "Understand that the ratification of this treaty by the President and Senate is not binding on the United States until Congress sanctions it; when it sanctions it, then it shall be enforced."

If this be so, gentlemen may ask, what then has been the use of discussing this constitutional question? Sir, despite the derision of gentlemen who say that constitutional questions have practically passed away and are a part of those Bourbon ideas, as they are called in the cant of the day, which are no longer to be respected, yet while I occupy a seat on this floor I shall never permit to pass without challenge any action of this House which I believe will tend to disturb that splendid equilibrium of power which was established by the

Constitution of our fathers. That equilibrium between the Federal Government and the State governments; between the different departments, executive, judicial, and legislative, of this Government; and between the two Houses of Congress, are all-important to be sedulously conserved, lest the disturbance of the equilibrium may result in the overthrow and ungearing of the whole system of political machinery, so wisely and well adjusted.

Now, look for a moment at the effect of this claim for the treaty-making power in the form insisted on by gentlemen here. According to the census of 1870, nine States (New York, Pennsylvania, Ohio, Illinois, Massachusetts, Virginia, Kentucky, Indiana, and Missouri) can carry this House against the other twenty-eight States by force of numbers. According to the same census, nineteen States (the smallest being taken) with only 8,000,000 of people, or one-fifth of the whole population of the country, can carry the Senate by the force of States. If legislation or governmental action depended then on the action of the Senate alone, the Government would be under the control of an oligarchy of States; if legislation depended on this House alone, the Government would be subject to a simple numerical majority. By requiring the concurrent action of the two, no law can be passed without the consent of a majority of the people, estimated by numbers and by States.

Now, mark again: The President and two-thirds of the Senate—that is, twenty-five of the smallest States, comprising only 14,000,000 of people, or a little over one-third of the whole population of the country—can make a treaty; that is to say, one-third of the people of this country can advise and consent to a treaty proposed by the President.

Now, if the claim of the gentleman be correct, that a treaty made by the President and Senate is binding upon this House, divesting it of its constitutional functions, then it follows that one-third of the people of this country, in two-thirds of the smallest States, may take away all the revenue of the country even against the will of the law-making power of Congress; which will only sit here to register the edicts of the treaty-making power, an oligarchy of States.

Mark again. Suppose we pass this law ratifying this treaty; or suppose it becomes a law without our consent, (as gentlemen insist,) then what? Our power to lay duties on these articles can never be gotten back unless the law we are now proposing to pass is repealed; and yet the repeal of that law may be defeated, as I have shown, by one-fifth of the people of this country who live in a majority of States, the smallest in numbers. In other words, one-fifth of the people of this country, counted by numbers, living in a majority of the smallest States, can keep this House from ever getting back the power to lay and collect duties on these articles produced in Hawaii, which we are now asked to yield by this bill. And the President, although such repealing act passes both Houses, may veto the reclaim we make of our powers. What then? It will require two-thirds of both Houses to get back the power; and then one-third of the States, taking the smallest, containing only one-tenth of the population of the United States, in the Senate may defeat the reclaim we make of this our constitutional power.

Mr. JONES, of Kentucky. And the President and the Senate have the appointment and confirmation of every judge of the Supreme Court and every foreign embassador.

Mr. TUCKER. Certainly.

Now, Mr. Speaker, I have dwelt on this too much at length. I will not detain the House any longer on that aspect of the question; and I have only dwelt on it for the purpose of showing how important it is that, having the power now in our hands, we should keep it under our own control, and not surrender it, when we may never be able to reclaim it; that there is no body of men so well organized and fitted under our form of government to determine what duties shall be laid and what shall be the regulations of our commerce as this body, which represents the popular majority of the country, the majority of men on whom the action of government is to operate; and we have no right to surrender this power or to abandon our duty to exert it faithfully, unless under circumstances and upon exigencies of the most imperative character.

I shall direct my attention for the balance of my time to the graver question whether this treaty is advisable, condensing what I have to say as far as possible.

The first question to which I address myself then is this: Is this treaty advisable? I say not; because it involves a serious loss of revenue. Since the report of the committee was made the chairman of the Committee of Ways and Means [Mr. MORRISON] has been furnished by the Bureau of Statistics with an important paper, which I have before me, the result of which I will give.

For the last six months, or rather for the six months ending December 31, 1875, the duty on sugar imported from Hawaii into the United States was $369,461.69. If it keeps up at that rate for the whole year ending June 30, 1876, we should lose in revenue under this treaty $738,923.38. So that we give up that amount of revenue by passing this bill. Then in reference to rice, in the same way and from the same paper we will give up $42,735.34; making $781,658.72 on sugar and rice.

I beg the House for one moment to permit me to call their attention to another important view of this matter of loss of revenue. By treaties with several other countries, the provisions of which are similar to that which I read from a single treaty, one of the last made—the treaty made with San Salvador—it is provided that—

> No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the republic of San Salvador * * * than are or shall be payable on the like articles being the produce or manufactures of any foreign country. (18 United States Statutes at Large, page 727.)

That is our treaty with San Salvador, that whatever article we let in duty free at any time from any country shall be let into the United States duty free if exported from San Salvador. Our treaty with this Hawaiian government is that we shall let sugar and rice in duty free. By doing so, under our treaty with San Salvador, we let in the same articles duty free from San Salvador. And I have here a table, which I will ask to be printed with my remarks, by which it will appear that on the sugar exported from other countries to our Atlantic and Pacific seaboard there will be a loss, in round numbers, of $284,000; which, with the loss of duties on the like articles from Hawaii, would make a total loss of over $1,000,000; according to the state of things this year $1,000,000 of revenue relinquished by this treaty.

	Value of imports.	Approximate duty.	Revenue.	Ports.
		Per cent.		
Peru, sugars	$21,145 00	40	$8,000 00	Pacific.
Central America, sugars	131,000 00	40	52,400 00	Pacific.
Central America, melado	31,935 00	40	12,000 00	Pacific.
Central America, molasses	7,137 00	20	1,500 00	Pacific.
Hayti, sugars	13,500 00	40	5,000 00	Atlantic.
Liberia, sugars	44,000 00	40	16,000 00	Atlantic.
San Domingo, sugars	153,000 00		60,000 00	Atlantic.
Venezuela, sugars	18,240 00		7,000 00	Atlantic.
Danish West Indies, sugars	216,000 00		86,000 00	Atlantic.
Danish West Indies, molasses	187,379 00	20	37,000 00	Atlantic.
Total			284,900 00	

Of which to Pacific ports	$73,900 00
Of which to Atlantic ports	211,000 00
	284,900 00

Mr. SPRINGER. Annually?

Mr. TUCKER. Yes, sir, annually. It was on this view of this and like clauses in treaties that Great Britain claimed through Lord Aberdeen, when the Zollverein treaty was negotiated with the United States, and Mr. Everett, the American minister, admitted the claim, (in 1844,) that if the Zollverein treaty was made between this country and Germany it would by force of other treaties of like character with those we are considering permit the introduction of like articles from other countries as we should admit free of duty under the Zollverein treaty from Germany. That was admitted to be the true construction of such clauses in treaties. Consequently, if you find any country exporting sugar or rice to this, with an article like that I have read in a treaty between this country and that, the effect of this treaty with the Hawaiian government will be to admit sugar and rice from those countries free of duty, as well as from Hawaii. The consequence will be that all these countries will be looking after their interests under these different treaties, and will be sending their articles to flood our markets to the detriment of the sugar and rice interests in this country, and to the greater detriment of our own revenue.

But I say, sir, that the loss to our revenue will be still greater from another cause. There is a provision in this treaty that certain articles if produced in Hawaii shall be admitted free of duty. But who shall prevent parties in other countries from shipping sugar to Hawaii and then reshipping it from Hawaii as Hawaiian sugar? Who will guard our right to duties on those articles so that frauds on our revenue will not be perpetrated? And the consequence may be that revenue from this article of sugar, which to-day gives to us one-fifth of our whole revenue from duties, which is the goose that lays the golden egg, will be year by year undermined and decreased, and the revenues of the Government, so essential to the public credit, will be so far diminished that we will have to lay duties upon some other articles to make up the deficit.

But, Mr. Speaker, that is not all. The Sandwich Islands are capable of producing much larger amounts of sugar. Twelve thousand acres, I understand, are now in cultivation, but five times that amount can be put in successful cultivation. Let this bill giving effect to this extraordinary treaty, which bestows such a bonus on the planters in Hawaii, be passed and the whole Pacific coast will be supplied with Hawaiian sugar to the utter detriment of all revenue from sugar consumed upon that coast.

Now, suppose we are to lose this revenue; how are we to make up the deficit? Why, sir, we have reported a bill here from the Committee of Ways and Means to diminish the taxation upon the consumers of imports into this country. We are trying to lessen the burdens of taxation. And yet here we are giving away, as I shall show directly, over a million this year (and perhaps millions of revenue in the future) to aliens, for what? And we propose to make up the deficit by taxation on our own people.

But, sir, that is not all. I make another point. The Constitution

of our country, the Constitution of my country and yours, provides that—

All duties shall be uniform throughout the United States. (Constitution of the United States, article 1, section 8.)

Is it a uniformity of duty to say that the consumer on the Atlantic seaboard shall pay a duty of from 40 to 60 per cent. on sugar and that the consumer in California and Oregon shall pay none? Is that uniformity? Gentlemen say: "Well, but we only make a freedom from duty in reference to the Hawaiian sugar; and, as you cannot get it on the Atlantic, we do not make a discrimination in favor of the Pacific consumer. It is your misfortune that you are on the Atlantic and not on the Pacific." Is not that paltering in a double sense? Is not that doing indirectly what you admit you cannot do directly? Is it not—if gentlemen will permit me to say so without meaning any reflection—if not a direct invasion of the Constitution, a palpable fraud upon its purpose and spirit? If you stick to the letter, do you not violate the intent of the Constitution?

But more, sir; the language of the Constitution is that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. (Constitution of the United States, article 1, section 9.)

The ports of California you throw open to sugar duty free; the ports of the Atlantic you close to sugar unless on payment of a duty of 40 to 60 per cent. Is not a preference thus given to the ports of California for the importation of sugar over the ports on the Atlantic seaboard?

But gentlemen say—I do not know, however, that they concur in what they shall say on the point I am about to make—yet they will have to say one of two things. I put them on the horns of a dilemma. Either the passage of this bill will cheapen sugar to the California consumer or it will not. I do not care which alternative you take; take either and you will be impaled upon a fatal horn. If it does cheapen sugar and is a relinquishment of the duty in favor of the California consumer, then is it not an ununiform duty on sugar? Does it not make a discrimination between the Atlantic consumer and the Pacific consumer? And have you under the Constitution the right to do it? But suppose it does not cheapen sugar, (and I think it will not,) what then? The effect of it will then be that, as it will not cheapen it, the price of sugar to the California consumer being the same, it will be just taking the duty from the Treasury and handing it over into the pockets of the Hawaiian producers. In other words, you are asked to-day to sanction a treaty which takes money out of an almost bankrupt Treasury to feed with bounty aliens across the sea. And how are you to make up the difference? Either by increasing the burdens upon your own people or by continuing burdens which we desire to lift from their shoulders.

Mr. Speaker, the divine Master, in one of those passages in his life when he uttered truths of such universality that they are applicable to all the departments of human affairs, said to one of his apostles, "Of whom do the kings of the earth take custom or tribute? Of their own children or of strangers?" The apostle answered, "Of strangers." "Then," said the divine Master, "are the children free." In free America for the first time it is proposed that we shall lay a duty upon children in order to pay bounties to aliens. And thus I may charge as a result of this bill, using with a slight change the phrase of the divine Teacher, "Then are the children slaves," and "Then are the aliens free!"

But who is this alien that gets the advantage? Home-born, sir; born upon our own soil, an ex-patriot to Hawaii, shunning the burdens which we bear and claiming benefits which are denied to us and we cannot get; an alien by choice who seeks to feed on bounties supplied to him by taxation on our own people, and which he has avoided by ceasing to be an American citizen and becoming a Hawaiian subject.

But, sir, there is another point of view to which I desire to call attention. Gentlemen say the Hawaiian sugar cannot get to this side of the continent, and therefore it will not interfere with our sugar production. Sir, I am not a protectionist, I am a free-trader; but when I do go free-trading I like to have genuine free trade. Free trade, to be desirable, must be made for the home consumer. The free trade of this bill of which you boast is made for the foreign producer. This free trade does not lift one cent's burden from you or me or from California; but it involves an increase of the burden we will have to bear by requiring other taxation to make up the deficit of revenue resulting from this treaty. There is no free trade in it.

But it is said that Hawaiian sugar cannot get to the Atlantic markets. Why not? Because, it is said, the cost of transportation prevents it, and therefore it cannot come into competition with our own home-grown sugar. That is to say that gentlemen propose to give such advantage to the Hawaiian producers of sugar on the California coast that if we try to transport our Louisiana sugar to that coast at such heavy freights we will be unable to compete with Hawaiian sugar by reason of the advantages given to the foreigner.

Now, sir, the duties we lay upon foreign sugar are not strictly protective duties. They are highly revenue duties at the rate of from 40 to 60 per cent. The amount of revenue derived from that source is $38,000,000. Now you propose to take away the revenue duties, which help to some extent our own planters, and give the advantage to the foreigner. You do that in view of the fact that every man who is a sugar-planter here pays tariff duties for all he uses on his plantation, for everything he consumes, and pays also heavy internal-revenue taxes for much that he consumes; and yet when these persons slip the noose of our tax-gatherers by becoming aliens, and get out of our hands so that we cannot tax them, you say by this bill that we will pay these men, in addition to their exemption from taxation, these enormous bounties at the expense of and by the taxation of our own people.

Now it is true that in the raw state, much sugar will not go from the Atlantic to the Pacific coast; but there is a form in which it will go, and which gives great advantage to somebody. I do not mean to say that this is a job. The only gentleman with whom I have talked on this subject, except with members of Congress, is a gentleman who is chief justice and minister plenipotentiary of Hawaii, and I take pleasure in saying that he has so conducted himself toward me as to enable me to say upon this floor that I believe him to be a fair-minded and honorable gentleman; but I say that, whatever may be the purpose of the persons who are urging the passage of this treaty, it is going to make in its results a fat job for aliens at the expense of our own children.

Now our sugar does go to the Pacific coast in the form of *refined* sugar; and their sugar will come from the Pacific coast in the refined form, because the cost of the article in the refined shape will bear transportation while it will not in the raw state. One of these great California refiners who may own a good fat plantation at Hawaii will raise his raw sugar and bring it to California, where it is refined, and then transport it to the Atlantic States free of duty; and it will then come in competition with the productions of the Atlantic refiners; so that in the competition between the Atlantic and Pacific refiners you give to the Pacific refiners an advantage of 40 to 60 per cent. on the cost of the raw material, which will by reaction operate injuriously on the home producer of the raw sugar. Now is that fair under a Government of equal laws intended to bear equally upon all parties?

Mr. Speaker, if you will look into this treaty you will not find much free trade in it. Raw sugar comes in free; but not refined sugar. This is for the benefit of the manufacturer of sugar; but the raw sugar comes in in competition with the agriculturist. So, too, in the case of hides, in which the grazier is interested. Raw hides are admitted free; but dressed hides, for the benefit of the manufacturer at the cost of the consumer, come in with a duty upon them. You will find the same principle all through the treaty, which was made for the benefit of certain manufactures of this country, but made without any advantage to the agriculturist or the grazier.

One single remark further on this head, for I must hurry on, and I will say it in a single sentence. It is for the interest of this Congress and of the country that we should adopt no legislation that shall array sections in hostility to each other. We should not array Californian interests in competition with Atlantic interests. We should not say to California, your interests are diverse from Atlantic interests, and we will therefore make one law to suit you and another to suit the Atlantic. That, sir, engenders strife, and dissensions, and discontents, by suggesting diversity instead of unity of interests, which ought to be put down among the different sections of the country. They should be bound together by the bonds of a common interest and in a common brotherhood, with equal rights and privileges under a just and equal Government.

But, Mr. Speaker, what are the advantages which it is alleged will be derived from this treaty? It is said that we get a market in the Sandwich Islands with a population of 56,000 people, about half the population of the cities of Washington and Georgetown. What an enormous market for 40,000,000 of people to be reaching out for! And what do they consume? Six hundred and ninety-five thousand dollars of our products, which is about $11 a head. And who are they? Mr. Speaker, it is a sad thing, but the results accord with all history in cases where civilization and barbarism meet. When we sent to the Sandwich Islands over a half century ago the missionaries of the Gospel, the heathen played the cannibal with our civilization. But we have turned the tables upon him; and civilization is playing the cannibal to the heathen. A population of 400,000 a century ago has dwindled down to a little over 49,000; and civilization is cannibalizing the Sandwich Islands. There are, however, but 7,000 of other nations there; and that is the market we are claiming with so much eagerness. For six hundred and ninety-five dollars' worth of products sold we give up a revenue of over a million; we give up annually $2 out of the Treasury to sell half that amount to the islands. What a magnificent bargain the gentleman from New York [Mr. WOOD] proposes to the country!

Well, what is the tariff that they now lay upon us? Only 10 per cent. That is all of duty released and the extent of our advantage. Cannot we get along well with their 10 per cent. duty and without its being remitted? Coal is free. We gain nothing by the treaty, therefore, so far as coal is concerned, and only 10 per cent. on other articles. But it is said that we will gain the carrying trade. The gentleman from Pennsylvania [Mr. KELLEY] has answered this, and I quote from his able speech:

We are to have the carrying trade. We have it already and no nation can take it from us, nor will any attempt to take it, for it is worth nothing. I will give you the figures of their trade in the last year of which we have returns, 1872. Their records inform us that there were 146 merchant vessels and steamers entered at Hawaiian ports, 91 of which were American, only 16 were English, 6 were German, 9 belonged to other nations, and 25 were Hawaiian. Of the 98,647 tons of shipping, 73,975 were American, 6,514 were Hawaiian, and but 7,741 were British. Of 47 whal-

ing-vessels calling at the island ports during the year, 42 were American, 2 Hawaiian, and 3 British. Of less than 16,000,000 pounds of sugar exported during that year, 14,500,000 came to this country; of 33,000 pounds of coffee exported, we received 34,000; and of 1,349,503 pounds of rice and paddy, we received 1,317,203 pounds. In view of these figures, who will say that we are not in possession of their carrying trade?

It thus appears that we are buying by this treaty what we have already; we are paying over a million dollars a year to Hawaii to give us what we have without price! But, then, gentlemen say, and this strikes them with very great force, we want a half-way house on the great Pacific Ocean, where those young whales are disporting themselves in the animated style described by the gentleman from Massachusetts, [Mr. BANKS.] We want a half-way house on the Pacific. What for? My friend from Mississippi, [Mr. MONEY,] whose speech does him very great credit and honor, said that we want to acquire Hawaii. On the other side of the House, the gentleman from Ohio [Mr. GARFIELD] said: "O, no, I think we want the treaty in order not to acquire Hawaii." Well, gentlemen must settle their disputes among themselves. I cannot compose such strifes.

In my judgment the acquisition of Hawaii would be almost if not absolutely fatal. So far as my judgment is concerned, I would not take it as a gracious gift. Suppose you had war, and you have a chronic fear of war with Great Britain, with whom you have not had a war for sixty years. The bugaboo of the American children is brought forward here to-day to scare this House into now passing this treaty. Great Britain may get Hawaii, gentlemen say. If we take possession of Hawaii and Great Britain wants it, what a time we will have to hold it! What an enormous expense upon an already overburdened people to hold on to this gracious gift of Hawaii!

But furthermore, I would not have it, because its acquisition would increase the patronage of this Government; the prime source of all this rank corruption which is creating this dreadful stench in the land. "The whole head is sick, and the whole heart faint. From the sole of the foot even unto the head there is no soundness in it; but wounds, and bruises, and putrefying sores." Acquire Hawaii, and we will have more post-traderships for sale. I am opposed to it because it would enlarge the Federal power and patronage, either over a merely provincial colony, or over a State to be composed of converted cannibals of an alien race.

Gentlemen say that Great Britain has her colonies and we must have them too. There is a reason for her colonial policy which has no place with us. Great Britain is a little sea-girt island, that is not larger than the Commonwealth of Virginia; I mean the "old Commonwealth of Virginia;" not larger than Texas. She wants to get abroad beyond the seas, and she acquires colonies in order to make her dominion commensurate with her power. But what do we want with more dominion? In the name of God, stretching from sea to sea, from the gulf to the lakes, have we not enough domain?

No pent-up Utica confines our powers,
But the whole boundless continent is ours.

What do we want with more? In addition, I am prepared to show if I had the time—but I have not the time to say all that I should say upon the direct question under discussion—I am prepared to show that while the increase of patronage in the British government strengthens and conserves her institutions, in this Government it is directly the other way, and is a disturbing force which may lead to the overthrow of our institutions. Limitation on power, as the best means of limiting patronage and its corrupting influences, is the only way in which this Government can achieve the great aim of its founders and the great hopes of its friends. And I say to gentlemen now, I fling abroad here the declaration to be heard and read wherever I may be heard or read—and I believe I may speak for those whom a factious press derisively terms the "ex-confederates" around me—that there are no men on this floor, no men who represent constituencies, who are more full of purpose than the people of the South; of honest, earnest, and manly purpose to make this American Union the greatest and most glorious country on the face of God's earth. But increasing the patronage and power of this Federal Government will only disturb that equilibrium of our Federal system, so essential to be preserved, and tend really to bring the Government to its destruction.

But it will end in the acquisition of the islands if we ever begin to tinker with them; if we ever begin to finger them we will acquire them. Gentlemen say it is necessary for us to acquire them, essential to our safety. Why? Great Britain wants them, they say, and Great Britain may take them, and thus deprive us of them, and give her a great commercial advantage and a dangerous advantage in case of war. Why has not Great Britain taken these islands all this time? During our four years of civil war, when the brethren of this country were divided, why did not Great Britain seize upon the prize then?

But, gentlemen, if you are going to take the Sandwich Islands for the purpose of saving California, will you tell me whether it will not be necessary to take the Fiji Islands in order to save your new acquisition of the Sandwich Islands? And if you take the Fiji Islands in order to save our Sandwich Islands, then will it not be necessary to take Australia in order to save the Fiji Islands? As we already have Alaska, will gentlemen tell me why it is not necessary for us to push our acquisitions over into Kamtchatka, and through the Behring Straits into the polar sea, until the flag of the country floats from the north pole itself?

But do not gentlemen remember that this argument does not suit the facts of very recent history? Do you remember that we acquired Alaska a few years ago, between which territory and our other Pacific possessions British Columbia is interposed? If we are really afraid of Great Britain seizing our Pacific States by acquiring Hawaii, is it not clear there is more danger of her seizing Alaska, when she is between us and Alaska, than there is of her seizing California from Honolulu when the Pacific coast is protected by the whole back country?

But there is no soundness in this argument. We have Bermuda and Jamaica and British Columbia and Canada right at our doors, right in our front and on our flanks, and for sixty long years, through the years of our civil strife, Great Britain has never used one of them as a lever with which to overturn our Government or to menace the safety of this country. The proximity of her colonies to us and their distance from the mother-country enable us to hold Great Britain under a recognizance to keep the peace, and the interests of those in language, commerce, and a common civilization will keep peace between the two countries unless ambition or folly should tempt us to aggressions and foreign wars, thus digging the grave of our Republic, from which there would be no resurrection but in the new form of a military empire!

There is a policy which I think is broader, more frank and manly than the one proposed. You ask, how shall we be safe? Suppose Great Britain should undertake to acquire the Sandwich Islands. Sir, in that event I would speak in the language of Mr. Webster quoted in the report of the committee; I would use the diplomacy of Mr. Everett in his celebrated dispatch of 1851 in respect to Cuba; I would adopt the declaration of Mason, Buchanan, and Soulé, in the Ostend manifesto of 1854; I would announce the policy of this Government for more than fifty years, that no European power shall gain a new foothold upon this American continent or the outlying islands that shall menace the safety of the American Union; and that sentiment, which is neither threatening nor aggressive, but the purpose to maintain a proper self-defense under the international law, has never been flung out to Great Britain or any other power on earth that it has not staid the hand of that power in acquiring territory upon the American soil.

[Here the hammer fell.]

Mr. WOOD, of New York. I now demand the previous question.

The previous question was seconded and the main question ordered.

Mr. TUCKER. I would be obliged to my friend from New York if he would give me five or ten minutes.

Mr. WOOD, of New York. Certainly. I cheerfully accede to the gentleman's request, provided the time does not come out of my hour.

The SPEAKER *pro tempore*. The arrangement suggested requires unanimous consent. If there be no objection, the gentleman from Virginia will proceed for five or ten minutes longer.

There was no objection.

Mr. TUCKER. Mr. Speaker, I do not wish gentlemen to forget what was said by my able and eloquent friend from Louisiana [Mr. GIBSON] the other day. Gentlemen must remember that we have a treaty to-day with the Hawaiian Islands—a treaty which I venture to say will be found by any gentleman who will read it to secure us all that we need in our relations with that country. That treaty secures to us reciprocity of commerce and navigation with Hawaii. Equality of duties with reference to any other nation is secured to the United States products. No favor, privilege, or immunity can be accorded to any other nation which shall not at once be accorded to the United States, if gratuitous; or upon like compensation if to be made upon compensation by any other country. No advantage to any trade in Hawaiian vessels is permitted over trade in United States vessels; no duties of tonnage can be laid on United States vessels not imposed on their own; steam-vessels of the United States carrying mails across the Pacific are to have free access to the islands to refit, refresh, and land passengers and conduct business in the ports of Hawaii. Whale-ships are put on the same footing, and so war-vessels; personal privileges of the most important character are accorded to United States citizens. Deserters are to be surrendered. Liberty of conscience is secured to American citizens. In case of wrecks or stress of weather, all hospitality is accorded to our vessels; and the respective mails of the United States and of the islands are permitted to be distributed upon the most liberal terms. What does the treaty now under consideration give us that we have not by the treaty already in existence substantially provided for?

Notwithstanding the criticisms of the distinguished gentleman from Massachusetts, I say that this treaty with Hawaii, which we are called upon to sanction, gives us no foothold in the island at all. It excludes others, but gives us nothing in the territory. It does not give us a port; it does not give us a lease-hold or any other hold upon any portion of the territory or dominion of Hawaii. It provides that no *special* privilege or right of use shall be given in the dominion or territory to any other power; but it does not provide that no privilege shall be given to any other power *equal* to that accorded to us. The distinction I make is one which I think is very clear, although the gentleman from Massachusetts did not perceive it as he usually does clear distinctions. The distinction is that if a special privilege, that is, one not applicable to anybody else, were given to any other nation, that would be prohibited by the terms of the treaty; but if the Hawaiian government merely gives to Great Britain the same privilege accorded to us and to other nations, that is not a special privilege but a general privilege to all.

Again, the language of the treaty is, that the Hawaiian government "shall not grant, &c.;" and in an opinion of Mr. Cushing given many years ago he draws a distinction between the word "grant," which means "a free grant" without consideration, and the passing of a benefit for a consideration. The language used in this treaty is "grant"—"shall not grant any special privilege." It may be given upon compensation; it may be sold.

But that is not all; the treaty provides that there shall not be any lease or possession given of any part of the territory; but it does not exclude Hawaii from making a treaty with Great Britain by which that country may afford a protectorate to the islands, nor does it forbid an alliance offensive and defensive. Why, sir, the openings in the treaty through which the Hawaiian government may escape in order to make treaties with other nations are as wide as a barn-door. Again, no *treaty* shall be made, it says, with any other power to give the same privileges of freedom from duties accorded by this treaty to the United States. But no *treaty* does not mean no *law;* and if the Hawaiian government chooses to pass a law admitting English goods free of duty, it is not within the terms of the prohibition of this treaty which you are called upon to ratify. That government is prohibited from making a treaty, but is not prohibited from lessening or doing away with all duties by legislation.

I think, therefore, that this whole treaty is illusory. But, sir, the treaty is vicious in this respect: that its very terms indicate (and I wish gentlemen to read it before they vote upon this bill) that if Great Britain at the end of seven years shall induce the Hawaiian government to put an end to this treaty and shall be enabled to effect a treaty with the islands of like character with this or obtaining territorial privileges, this Government concedes and is by this treaty estopped to deny the right of Great Britain to get a foot-hold in the islands such as she is by this treaty supposed to be shut out from. By making a treaty that no foreign power shall during the seven years gain any such advantage, you make a concession of the principle that *after seven years* you will not object to it. I say that is contrary to American policy. If the possession of Hawaii by any European power endangers our peace or safety, the ground on which we will put our opposition is not that we will obtain the consent or contract of Hawaii not to do so, but that it *shall not be done.* The safety, peace, and security of our Union demand that no such foot-hold shall be given.

The treaty of Utrecht made provision against certain European combinations *ad conservandum in Europa equilibrium*—to preserve the balance of power in Europe, for the safety and peace of its peoples; and, on like principles, we *ad conservandum in American equilibrium,* make a like declaration here, as a security to the peace and institutions of the New World.

Now, Mr. Speaker, I have said what I intended to say on this subject. Our true policy, in my judgment, is to grant special privileges to no nation, but equal rights to all; or, in the language of Mr. Jefferson, "peace, commerce, and honest friendship with all nations, entangling alliances with none."

Let Europe and Asia commune through our transcontinental lines with each other in trade and travel. Let our land be, as Columbus dreamed it was, but the outer boundary of the Indies. Lighten burdens on all industries, on commerce, manufactures, and agriculture. Abolish privileges to the few at the expense of the many. Give no bounties to aliens by the taxation of your own children. Retrench in public and in private affairs. Scourge out the plunderers and the money-changers from the temple of our liberties. Above all, sir, let there be peace, peace among ourselves, as the greatest security we have for peace with the world. For I say, taking up in echo the eloquent language of the gentleman from Pennsylvania [Mr. KELLEY] the other day, that while we have proved by our civil strife that the boys in blue and the boys in gray may have been a fair match for each other, yet we have demonstrated that the blue and gray, united in one brotherhood, are and will be more than a match for the world in arms. [Applause.]

What we need is to foster the spirit of fraternity between those lately involved in civil strife by the cultivation in each of a generous respect for the conscientious convictions and heroic devotion of the other, and of a broad and catholic charity for those natural sensibilities the presence of which is honorable to each and the absence of which would be discreditable to both. In this temper each may turn from the dead issues of the past to honest and earnest co-operation in this active present for the realization of the splendid possibilities of a noble destiny for our common country. And in this sense, forgetting those things which are behind, and reaching forth unto those things which are before, let us press forward toward the mark for the prize of our high calling under the good providence of God; a calling fraught with true glory to the American Union, and with blessings to mankind; a mission, through peace among ourselves and a liberal foreign policy in trade and intercourse, to induce and command peace with all nations; and thus, by the practice of the principles of the Prince of Peace, to become, as we should and will be if true to our great duties, the peace-makers of the world.

Mr. WOOD, of New York, called the previous question, (which was seconded, and the main question ordered;) when he yielded half of his closing hour to

Mr. BANKS, who addressed the House. [His remarks will appear in the Appendix.]

[Mr. WOOD, of New York, addressed the House. His remarks will appear in the Appendix.]

The SPEAKER *pro tempore.* The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WOOD, of New York. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 101, not voting 74; as follows:

YEAS—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, Banks, Banning, Bell, Blaine, Blair, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, William P. Caldwell, Cannon, Chapin, Chittenden, Conger, Cowan, Cox, Crapo, Crounse, Davis, Davy, Denison, Dobbins, Dunnell, Durham, Eames, Finley, Fort, Franklin, Frost, Frye, Garfield, Gause, Goode, Gunter, Hale, Robert Hamilton, Haralson, Hardenbergh, Hatcher, Hathorn, Haymond, Henderson, Hoar, Hooker, Hoskins, Hunter, Hurd, Hurlbut, Hyman, Thomas L. Jones, Kehr, Kimball, Lane, Lapham, Lawrence, Leavenworth, Luttrell, Lynch, Lynde, Magoon, MacDougall, McCrary, McDill, Meade, Metcalfe, Money, Norton, O'Brien, Page, Payne, Piper, Plaisted, Platt, Potter, Powell, Pratt, Rice, John Robbins, Miles Ross, Sampson, Sayler, Seelye, Slemons, Southard, Strait, Stowell, Tarbox, Teese, Thompson, Thornburgh, Tufts, Van Vorhes, Robert B. Vance, Waddell, Waldron, Gilbert C. Walker, Alexander S. Wallace, Walling, Ward, Warren, Wheeler, White, Wigginton, Willard, Andrew Williams, Wilshire, James Wilson, Fernando Wood, Woodburn, and Yeates—115.

NAYS—Messrs. Anderson, Atkins, Blackburn, Bland, Blount, Buckner, Cabell, John H. Caldwell, Candler, Cason, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Culberson, Cutler, De Bolt, Dibrell, Douglas, Durand, Eden, Egbert, Ellis, Evans, Faulkner, Felton, Freeman, Fuller, Gibson, Glover, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hendee, Goldsmith W. Hewitt, Hoge, Holman, Hopkins, House, Hubbell, Jenks, Joyce, Ketchum, Knott, Franklin Landers, Le Moyne, Edmund W. M. Mackey, L. A. Mackey, Maish, McFarland, McMahon, Milliken, Mills, Morey, Morgan, Morrison, Mutchler, Neal, New, O'Neill, John F. Philips, William A. Phillips, Poppleton, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Riddle, William M. Robbins, Robinson, Rusk, Scales, Sheakley, Smalls, A. Herr Smith, William E. Smith, Stenger, Stevenson, Stone, Terry, Thomas, Throckmorton, Washington Townsend, Tucker, Turney, John L. Vance, John W. Wallace, Erastus Wells, G. Wiley Wells, Whiting, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, and Woodworth—101.

NOT VOTING—Messrs. Ashe, Bagby, William H. Baker, Ballou, Barnum, Bass, Beebe, Bliss, Boone, Bradford, Bradley, Bright, John Young Brown, Campbell, Caswell, Cate, Collins, Danford, Darrall, Ely, Forney, Foster, Goodin, Hancock, Benjamin W. Harris, Hartridge, Hays, Henkle, Hereford, Abram S. Hewitt, Hill, Hunton, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Levy, Lewis, Lord, Miller, Monroe, Nash, Odell, Oliver, Packer, Parsons, Phelps, Pierce, Purman, Roberts, Sobieski Ross, Savage, Schleicher, Schumaker, Singleton, Sinnickson, Sparks, Springer, Swann, Martin I. Townsend, Wait, Charles C. B. Walker, Walsh, Whitehouse, Whitthorne, Wike, Charles G. Williams, William B. Williams, Willis, Benjamin Wilson, Alan Wood, jr., and Young—74.

So the bill was passed.

During the roll-call, the following announcements were made:

Mr. WALSH. I am paired on this question with Mr. WILLIS, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. LEVY. I am paired with Mr. SCHUMAKER, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. SPRINGER. On this question I am paired with Mr. HEWITT, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. WOOD, of New York. I desire to state that Mr. HILL, of Georgia, is paired with Mr. KELLEY, of Pennsylvania. If they were here Mr. KELLEY would vote "no," and Mr. HILL would vote "ay."

Mr. DANFORD. I am paired with Mr. BASS, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. CRAPO. My colleague, Mr. PIERCE, of Massachusetts, is paired with Mr. OLIVER, of Iowa. If they were here Mr. PIERCE would vote "ay," and Mr. OLIVER would vote "no."

Mr. W. B. WILLIAMS. I am paired with Mr. TOWNSEND, of New York. If he were here he would vote "ay," and I would vote "no."

Mr. BRADLEY. I am paired with Mr. ODELL, of New York. If present he would vote "ay," and I would vote "no."

Mr. DURHAM. I desire to state that my colleague, Mr. PARSONS, is detained from the House by sickness.

Mr. MOREY. Mr. GOODIN, of Kansas, is unavoidably absent.

Mr. CALDWELL, of Alabama. My colleague, Mr. FORNEY, is absent by leave of the House. He is paired with Mr. PACKER, of Pennsylvania, and if present would vote "no," and Mr. PACKER would vote "ay." My colleague, Mr. BRADFORD, who is absent by leave of the House, is paired with Mr. WHITEHOUSE, of New York. If present Mr. BRADFORD would vote "no," and Mr. WHITEHOUSE "ay."

Mr. LAWRENCE. My colleague, Mr. MONROE, is detained in his room by sickness.

Mr. HEWITT, of Alabama. My colleague, Mr. LEWIS, is absent by order of the House; if present he would vote "no."

Mr. COOK. My colleague, Mr. HARTRIDGE, is absent by leave of the House; if present he would vote "no."

The result of the vote was then announced as above recorded.

Mr. WOOD, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House take a recess until half past seven o'clock, and I ask also that it be understood by unanimous

agreement that to-morrow no business shall be transacted; that there shall be a merely formal meeting, and an adjournment without the transaction of business. I desire this proposition to be first submitted.

SESSION OF THE HOUSE ON TUESDAY.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Indiana that it be ordered that the meeting of the House to-morrow be merely formal without the transaction of business; that the House shall meet and then adjourn?

There was no objection, and it was so ordered.

MISSISSIPPI LEVEES.

Mr. ELLIS, by unanimous consent, from the Committee on the Mississippi Levees, reported as a substitute for the House bills Nos. 1175, 1498, and 1673, a bill (H. R. No. 3430) to repair and rebuild the levees of the Mississippi River, to reclaim the alluvial lands thereof, and to improve its navigation and promote and protect its commerce; which was read a first and second time, and, with the accompanying report, ordered to be printed.

Mr. ELLIS. I move that the bill be referred to the Committee of the Whole on the state of the Union, and made a special order for Wednesday, May 17, after the morning hour.

Mr. HOLMAN. I suppose that this subject-matter belongs to the Committee of the Whole, and if it does, it is subject to any point of order which may be raised. In order to avoid the necessity of the reading of the bill to-night, I reserve all points of order upon it. I must also object to any special order that does not except reports from the Committee on Appropriations.

Mr. ELLIS. I am willing to make that exception.

Mr. ELLIS's motion was then agreed to.

Mr. HOLMAN. I now make the motion for a recess until half past seven o'clock for the consideration of the post-office appropriation bill.

Mr. O'NEILL. Make it eight o'clock; it is half past five o'clock now.

Mr. HOLMAN. Very well. I move that the House take a recess until eight o'clock.

APPOINTMENT ON A COMMITTEE.

The SPEAKER *pro tempore*. Before that motion is put, the Chair desires to announce that in the absence of Mr. CRAPO he has appointed Mr. CONGER a member of the Committee on the Louisiana Investigation.

The question was put on Mr. HOLMAN'S motion; and on a division there were—ayes 65, noes 92.

Mr. HOLMAN. I shall have to ask for the yeas and nays on that motion.

Mr. HOSKINS. I move that the House do now adjourn.

Mr. HOLMAN. I have called for the yeas and nays on the motion for a recess. I trust the House will see that it will be disgraceful in us to neglect business in this way when we are about to waste so much time. [Loud cries of "Regular order."] I insist on the yeas and nays on the motion to take a recess. [Renewed cries of "Regular order."]

The SPEAKER *pro tempore*. A motion to adjourn is pending.

Mr. HOLMAN. Before that motion was made I called for the yeas and nays on the motion to take a recess. [Cries of "Regular order."]

The question was upon ordering the yeas and nays upon the motion for a recess; and on a division there were—ayes 32, noes 147.

So the yeas and nays were not ordered, one-fifth not voting in favor thereof.

The question recurred on Mr. HOSKINS'S motion.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Pending that motion, the Chair desires to lay before the House certain requests for leave of absence.

Mr. JENKS was granted leave of absence until Monday, 15th instant.

Mr. WOODWORTH was granted leave of absence for fifteen days from next Friday.

Mr. CHAPIN was granted leave of absence for one week from Monday next.

Mr. SPRINGER. I rise to a privileged question. I move to reconsider the vote by which the House agreed to do no business to-morrow. [Cries of "Regular order."]

The SPEAKER *pro tempore*. That motion is not in order pending the motion to adjourn.

Mr. SPRINGER. I was not aware that the motion to adjourn was pending.

The question was taken on Mr. HOSKINS'S motion; and it was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: Resolutions of the board of supervisors of Emmett County, Iowa, requesting that said county may be indemnified for swamp lands to which it is entitled, to the Committee on Public Lands.

By Mr. G. A. BAGLEY: The petition of dealers in tobacco at Little Falls, New York, that the law remain unchanged in regard to packing tobacco, to the Committee of Ways and Means.

By Mr. BLACKBURN: The petition of Robert E. Finnell, for compensation for goods furnished the families of Union soldiers, to the Committee of Claims.

Also, the petition of leaf-tobacco dealers of Cincinnati, that the law remain unchanged in regard to packing tobacco, to the Committee of Ways and Means.

By Mr. BURCHARD, of Illinois: The petition of tobacco dealers and manufacturers of tobacco and citizens of Galena, Illinois, of similar import, to the same committee.

By Mr. BUCKNER: The petition of W. W. Corcoran, Columbus Alexander, and others, that the people of the District of Columbia may be wholly relieved from the unlawful debt created by the agents of the General Government without their consent and over whose official conduct they have no control; that unnecessary expenditures of the public moneys may be arrested; that a rigid, thorough, and exhaustive inquiry and investigation may be instituted to ascertain the true character and nature of this debt, and how much thereof has been created corruptly, dishonestly, or unlawfully, to the Committee for the District of Columbia.

By Mr. CHAPIN: The petition of the Methodist Episcopal church of Russell, Massachusetts, signed by its pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. CLARKE, of Kentucky: The petition of workingmen of Boyd County, Kentucky, that the present tariff laws remain unchanged, to the same committee.

Also, the petition of citizens of Greenup County, Kentucky, of similar import, to the same committee.

Also, the petition of George Wormald, for compensation for services rendered the United States as a detective, to the Committee on War Claims.

By Mr. EAMES: The petition of George F. Wilson, and others, of Rhode Island, against any change of the tariff laws, to the Committee of Ways and Means.

By Mr. GUNTER: The petition of Henry M. Rector, that in the sale and disposition of the Hot Springs lands, Arkansas, certain lands be confirmed to him, to the Committee on Private Land Claims.

By Mr. HARDENBERGH: Remonstrance of citizens of Constable Hook, New Jersey, employed in manufacturing colors, against the passage of the tariff bill, to the Committee of Ways and Means.

By Mr. JOYCE: Papers relating to the application of John R. Harrington, for an extension of his patent on carpet linings, to the Committee on Patents.

By Mr. LAPHAM: The petition of manufacturers and dealers in tobacco of Mount Morris, New York, that the law remain unchanged in regard to packing tobacco, to the Committee of Ways and Means.

Also, a paper relating to a post-route from Naples to Branchport, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. McCRARY: The petition of manufacturers and dealers in tobacco, of Burlington, Iowa, that the law remain unchanged in regard to packing tobacco, to the Committee of Ways and Means.

Also, the petition of E. H. Harrison, president of the Virginia Tobacco-Works, of Keokuk, Iowa, of similar import, to the same committee.

By Mr. McFARLAND: The petition of Jacob Bible, late a private of the Eighth Tennessee Infantry, for bounty, to the Committee on Military Affairs.

By Mr. SCHLEICHER: The petition of D. Von Weltzein for additional compensation as a United States Army officer, to the Committee on War Claims.

By Mr. STRAIT: Remonstrance of Peabody, Lyon & Co., and others, rectifiers and wholesale liquor dealers of Saint Paul, Minnesota, against the proposed reduction of the number of gaugers, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of the heirs of James Byrnes, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Charles Berry, for a pension, to the same committee.

By Mr. THORNBURG: The petition of Adeline Davis, to be restored to the pension-rolls, to the same committee.

By Mr. TUFTS: Memorial of the General Conference of the Methodist Episcopal Church, against the passage by the House of the bill recently passed by the Senate compelling benevolent corporations to pay six times as much postage on printed matter as other publishers are required to pay, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: A paper relating to the establishment of a post-route from Franklin to Shooting Creek, North Carolina, to the same committee.

By Mr. WELLS, of Missouri: The petition of A. Burwell, for compensation for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. A. S. WILLIAMS: The petition of 70 citizens of Pontiac, Michigan, that the law remain unchanged relative to the mode of packing tobacco, to the Committee of Ways and Means.

Also, the petition of 36 citizens of Jackson, Michigan, of similar import, to the same committee.

Also, the petition of citizens of Ypsilanti, Michigan, of similar import, to the same committee.

By Mr. WOODWORTH: The petition of H. R. Dickey & Co. and 17 other manufacturers and dealers in tobacco of Massillon, Ohio, of similar import, to the same committee.

IN SENATE.

TUESDAY, *May* 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The PRESIDENT *pro tempore*. The Secretary will read the Journal of yesterday's proceedings.

Mr. SARGENT. I move that the Senate adjourn.

Mr. EDMUNDS. I insist on the reading of the Journal.

Mr. SARGENT. I insist on the rule which says that no business can proceed without a quorum of the Senate.

Mr. EDMUNDS. The Senator does not know that there is not a quorum present.

Mr. SARGENT. Obviously there is not.

Mr. EDMUNDS. It is not obvious to me, Mr. President.

Mr. SARGENT. I ask for a count of the Senate.

Mr. EDMUNDS. The Secretary had better call the roll, and we can tell.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Chief Clerk called the roll, and twenty-one Senators answered to their names.

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. SARGENT. I move that the Senate adjourn.

The question being put, a division was called for, and the ayes were 4 and the noes 8.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) My colleague is detained from the Senate, having been compelled to return home in consequence of sickness in his family.

Mr. McMILLAN, (when Mr. WINDOM's name was called.) My colleague is necessarily absent from the Senate at this moment.

The Secretary resumed and concluded the call of the roll; which resulted—yeas 13, nays 9; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Cragin, Dorsey, Hitchcock, McCreery, McMillan, Merrimon, Morrill of Maine, Sargent, Saulsbury, and Withers—13.

NAYS—Messrs. Cockrell, Davis, Edmunds, Ferry, Hamilton, Kernan, Oglesby, Paddock, and Wright—9.

ABSENT—Messrs. Allison, Anthony, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Conkling, Conover, Cooper, Dawes, Dennis, Eaton, English, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Harvey, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Key, Logan, McDonald, Maxey, Mitchell, Morrill of Vermont, Morton, Norwood, Patterson, Randolph, Ransom, Robertson, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, and Windom—51.

So the motion was agreed to; and (at twelve o'clock and ten minutes p. m.) the Senate adjourned until Friday, May 12.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 9, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The SPEAKER *pro tempore*. By order of the House on yesterday the meeting of the House to-day is merely formal, for the transaction of no business whatever.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at twelve o'clock and five minutes p. m.) the House adjourned until Friday, the 12th instant.

IN SENATE.

FRIDAY, *May* 12, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

MEAD'S STATUE OF ETHAN ALLEN.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the governor of Vermont; which, on motion of Mr. MORRILL, of Vermont, was ordered to lie on the table and be printed:

STATE OF VERMONT, EXECUTIVE CHAMBER,
Montpelier, May 4, 1876.

SIR: In accordance with the resolution of Congress passed July 2, 1864, inviting each State to furnish for the old Hall of the House of Representatives two full-length marble statues of deceased persons, such as each State shall determine to be worthy of national commemoration, the State of Vermont, by vote of its General Assembly, has caused to be made a marble statue of Colonel Ethan Allen, a most prominent and distinguished man of the State in its early history.

I have now the honor to inform you that this statue, by Larkin G. Mead, an American artist, is finished, and has been forwarded to Washington and delivered to the architect of the Capitol.

I have the honor to be, your obedient servant,

ASAHEL PECK.

Hon. THOMAS W. FERRY,
President pro tempore of the United States Senate.

DISTRICT PUBLIC SCHOOLS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the commissioners of the District of Columbia, in answer to a resolution of the Senate of the 2d instant, requesting information as to whether the standard of qualifications of teachers, text-books, mode of punishment of pupils, rules, regulations, and general supervision of white and colored schools are the same in the District of Columbia, transmitting a communication from the board of trustees of the public schools showing that there is no discrimination in the public schools of the District; which, on motion of Mr. THURMAN, was referred to the Committee on the District of Columbia, and ordered to be printed.

JOURNAL OF MONDAY.

The PRESIDENT *pro tempore*. As the Journal of Monday last was not read on Tuesday, there not being a quorum present, the Secretary will now read the Journal of Monday.

Mr. EDMUNDS. Is there a quorum present now? The Journal ought not to be read if there is not a quorum here.

The PRESIDENT *pro tempore*. The Secretary will count the Senate. (A pause.) The Chair is informed by the Secretary that thirty-three Senators are present; which is not a quorum.

Mr. SHERMAN. I move a call of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the Secretary will call the roll.

The Chief Clerk called the roll, and thirty-eight Senators answered to their names.

The PRESIDENT *pro tempore*. There is a quorum present. The Journal of Monday last will be read.

The Journal of the proceedings of Monday last was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present the petition of certain residents of the State of California, and stockholders in the corporation known as the Central Pacific Railroad Company. They say that "the corporation known as the Central Pacific Railroad Company of California was incorporated under the laws of the State of California, on the 27th of June, A. D. 1861, for the purpose of constructing a railroad from the city of Sacramento to the eastern boundary of said State, a distance of about one hundred and fifteen miles.

"That by virtue of certain acts of Congress, the said railroad company became authorized to construct its railroad from said eastern boundary of said State, eastward until it should meet the railroad then being constructed by the Union Pacific Railroad Company.

"That in pursuance of the authority conferred by said incorporation, and by the acts of Congress aforesaid, the said Central Pacific Railroad Company of California constructed a line of railroad from the city of Sacramento to Promontory Point, in the Territory of Utah, a distance of six hundred and ninety miles.

"That the capital stock of said Central Pacific Railroad Company of California was named in the articles of incorporation at $8,500,000, divided into 85,000 shares of $100 each.

"That at the time of said incorporation there was subscribed to said capital stock as follows: Leland Stanford, one hundred and fifty shares; Mark Hopkins, one hundred and fifty shares; C. P. Huntington, one hundred and fifty shares; Charles Crocker, one hundred and fifty shares; and said persons were in said articles named as directors of said company, and now are directors thereof, and have, from said incorporation to the present time, been the only managers thereof, excepting that one Edwin B. Crocker, a brother of said Charles, was for a short time one of said directors or managers.

"That your petitioner, John R. Robinson, became a stockholder in said company in the year 1862, and your other petitioners in 1864.

"That the various gifts and subsidies of money, bonds, and lands, made to said corporation by the United States, the States of California and Nevada, and various counties and cities in the said State of California, have exceeded in value the sum of $125,000,000, and that there have been issued bonds, secured by mortgages on said road, to the amount of $27,000,000.

"That the portion of the road built by the Union Pacific Railroad Company, lying between Ogden and Promontory Point, both in the Territory of Utah, has been purchased and is now owned and operated by the Central Pacific Railroad Company, and that the total distance from the city of Sacramento is about seven hundred and forty miles."

I may be excused for particularly reciting the facts stated in the petition on account of the importance of the prayer which is made in it, and if the facts themselves should be found true on investigation, they are well worthy of the attention of the Senate. The petitioners further say that "instead of building said railroad in as economical a manner as was possible, and for the best interests of the stockholders of said company, the said managers, in order and for the purpose of cheating and defrauding the petitioners and other stockholders, and depriving them of their just share in the profits of the enterprise, and to make Congress and certain officers of the executive department of the Government, and more especially the Secretary

of the Treasury and the Secretary of the Interior, believe that the said road had cost a much larger sum than it really did, and to obtain from Congress more favorable legislation on behalf of said railroad, the said managers formed a certain firm known as Charles Crocker & Co., and of which all of said managers were members, to which firm they let contracts for building said road, at prices greatly in advance of the value of the work to be done; the profits whereof were divided among said managers for their own use.

"That in the year 1867 the said managers procured one William E. Brown, one Theodore J. Milliken, and one Benjamin R. Crocker, all of whom were clerks or employés of said managers, to form a certain corporation known as the Contract and Finance Company; that although said Brown, Milliken, and B. R. Crocker appear as the corporators thereof, yet the real parties in interest were the said managers, Stanford, Hopkins, Huntington, and Charles Crocker; and that the said managers, acting as directors of said railroad company, contracted with themselves, in the name of said Contract and Finance Company, under the pretense of building and equipping the said railroad, at prices greatly in excess of the work to be done or material to be furnished, whereby all the funds, assets, and property of said railroad company, other than its road-bed and rolling-stock, were transferred to the said Contract and Finance Company, for the use of said managers, in fraud of your petitioners and other stockholders of said railroad company and of the Government of the United States.

"That said Central Pacific Railroad was completed and operated over the whole length thereof, for the carriage of passengers and freight, on or about the 8th day of May, 1869; and that the net earnings thereof, over and above its operating expenses, from said last date to the 31st day of December, 1875, have been about forty millions of dollars.

"That said managers of said Central Pacific Railroad Company of California, and said Charles Crocker & Co., and said Contract and Finance Company built said road with as little outlay of money as was possible to have the same accepted by the commissioners appointed by the Government and to keep the cars running thereon; that much of the trestle-work and many of the culverts and waterways on said road are of the most temporary character; that a large portion of the ties are of inferior pine wood, unfit for the purpose, and are now rotten and unsafe for the passage of trains thereon; that a great portion of the iron rails are now in bad order and need replacing, and are not safe; that the depots, station-houses, and workshops along the line, excepting one shop at Sacramento, are slight and cheap wooden structures, and in marked contrast with the fine stone buildings used for like purposes on the Union Pacific road; and that a large number of the locomotives on said road are also of inferior quality and workmanship.

The petitioners represent that, "if Congress will cause said road to be examined by competent engineers, it will be found that the whole line of road built by said Central Pacific Railroad Company of California can be completed according to the manner in which it was built for a sum not to exceed $35,000,000.

"That the said managers do not expend upon the road-bed, bridges, trestle-work, culverts and water-ways, rails and ties of said road, or upon the rolling-stock and motive power thereon, sufficient money to keep the same in good repair and to render the same safe for the transportation of persons and property; and your petitioners represent that most of the delay and stoppage of business on said road during the past winter was caused by the inferior character of the road-bed, rails, and ties thereon, the same not being of sufficient strength to bear the weight of the snow-plows necessary to be used in removing snow from said track; and your petitioners further represent that to put said road in good order and bring it up to the standard of a first-class road, so that passenger-trains could pass over it with safety at the ordinary rates of speed at which such trains are moved on main roads in New York, Pennsylvania, or Massachusetts, would require an immediate expenditure of about two and a half million dollars.

"And your petitioners further aver and represent that since the completion of said Central Pacific Railroad the managers thereof, from and with the moneys and assets acquired by them in the building of said road in the dishonest and wicked manner before shown, and from the earnings thereof, have constructed a certain railroad known as the California and Oregon Railroad, and also a certain other railroad known as the San Joaquin Valley Railroad, and also a large part of the road known as the Western Pacific Railroad, and also a certain other railroad known as the San Francisco Bay Railroad, all within the State of California; and also a large part of a certain railroad in the States of Virginia and West Virginia known as the Chesapeake and Ohio Railroad.

"And from the said moneys and assets so as aforesaid acquired by said managers they have purchased those certain railroads known as the California Pacific Railroad, the San Francisco and Oakland Railroad, the San Francisco and Alameda Railroad, the Los Angeles and San Pedro Railroad, the San Francisco and San José Railroad, and also a large number of steamboats running on the inland waters of California.

"That the said managers issued bonds upon said railroads as follows:

On the California and Oregon	$8,080,000
On the San Joaquin Valley	6,080,000
On the Western Pacific	2,735,000
On the San Francisco, Oakland and Alameda	1,500,000

"And that a portion of said bonds have been sold and the proceeds thereof received by said managers, and the balance thereof have been divided among said managers, who claim to own the same.

"That all of the aforesaid railroads, excepting the California Pacific, the Los Angeles and San Pedro, and the San Francisco and San José, have been consolidated with said Central Pacific Railroad Company of California under the name of the Central Pacific Railroad, and the said Stanford, Hopkins, Huntington, and Charles Crocker named themselves as directors and managers thereof.

"That the capital stock of said new corporation was made to appear to be $100,000,000, and the said managers have issued to themselves about $54,000,000 thereof, claiming to have paid the company therefor, and to be entitled to the same; but your petitioners aver and represent that said managers have not paid therefor, or any part thereof, excepting the one hundred and fifty shares which each subscribed at the time of the original incorporation as aforesaid, except the same was paid for from or with the money fraudulently and dishonestly abstracted by them from the funds of said corporation."

These petitioners further say that "at no time, either before or since their becoming the managers of said railroad corporation, did either Stanford, Huntington, Hopkins, or Charles Crocker have or own money, assets, or property of any kind exceeding the sum of $50,000; and all of them together never did and do not own over $150,000, except the money and assets so as aforesaid fraudulently and dishonestly acquired.

"That at the time of said original incorporation of said Central Pacific Railroad of California, and for some time prior and subsequent thereto, the said Stanford, in partnership with a brother, carried on business as oil merchants.

"That said Huntington and Hopkins were partners in the hardware business.

"That said Charles Crocker was in the business of retailing calico, tape, pins, and needles.

"That all of said persons were residents of the county of Sacramento, and by a law of the State of California every person is required to make, once in each year, a return under oath to the assessor of the county in which he resides of the property owned by him. That for the years 1860, 1861, and 1862, being the year of the said incorporation, and the year before and after, the said managers made returns as follows:

	1860.	1861.	1862.
L. Stanford & Brother	$53,700	$43,600	$32,950
Charles Crocker	26,750	29,450	25,350
Mark Hopkins	14,200	13,900	9,700
C. P. Huntington	8,930	8,680	7,225
Huntington & Hopkins	15,430	21,405	34,115
Total	119,260	117,035	109,340

"That with the moneys acquired as aforesaid, and from the present earnings of said Central Pacific Railroad, the said managers are now building the railroad known as the Southern Pacific Railroad, and said managers claim to own the same, irrespective of the petitioners and the other stockholders of said Central Pacific Railroad.

"The petitioners further represent that the said managers claim that all the depot grounds, town sites, water-tanks, and sources of supply of water along said Central Pacific Railroad are owned by them in private ownership, although the same are nearly in almost every instance situate upon lands granted by Congress to said railroad company; and the said managers claim to own the lands and buildings in the city and county of San Francisco used by said railroad company as offices."

Mr. EDMUNDS. May I ask the Senator what the document is he is reading?

Mr. SARGENT. I am presenting a petition. Every statement which I have read is pertinent and necessary for the action of the Senate, and, if true, requires legislation by Congress.

Mr. EDMUNDS. I was inquiring for information merely. I have no comment to make.

Mr. SARGENT. Early in the session the Senate, on my motion, passed a resolution instructing a prominent committee of this body to inquire into these matters and report upon them, and I have no doubt that the statements here made, at any rate if proof be taken upon them, will be of some assistance to that committee in reporting their conclusions to the Senate. These petitioners further say "that the said managers have, with the moneys acquired as aforesaid, purchased a considerable interest in the express business of Wells, Fargo & Co., and have given to said Wells, Fargo & Co. the exclusive right to do express business upon and over all said railroads; and have purchased a majority of interest in certain coal mines, and have, as directors of said railroad companies, made contracts with themselves for supplying said railroads with coal; and have, with the moneys so acquired as aforesaid, bought large tracts of land in the city and county of San Francisco, and in various parts of the State of California and the State of Oregon; and have, with the money so as aforesaid acquired, built for themselves large and costly places for residence in the cities of San Francisco and Sacramento; and that said managers claim to

own said stock in said Wells, Fargo & Co., and said coal mines, and all the other property in this paragraph mentioned, in their own right and irrespective of your petitioners and the other stockholders of said railroad company."

I will remark that it seems railroad building is very profitable. Credit Mobilier sinks into insignificance. The Government is inexcusably negligent if it does not take some means to secure the payment of its interest and an adequate sinking fund out of this bonanza of wealth.

The petitioners further represent "that by reason of having the control of such large sums of money and property the said managers possess great influence, and have, so far, succeeded in preventing Congress or any State legislative body from inquiring into their wicked and dishonest practices; and that said managers have expended and paid out large sums of money to influence legislation in their favor and to prevent the passage of adverse measures, both in Congress and in the Legislature of this State, and it is the boast of said managers that, by the use of money, no legislation adverse to them can be had."

That certainly is a very important statement. If they have made any such boast Congress should know it; and if it is true Congress should know it.

The petitioners "have often demanded from said managers an account of their acts and doings in the premises, and to be paid what might be rightfully due to them, and each of them, as their proportion of the earnings and profits of said railroads; but said managers have refused to account to your petitioners, or either of them, or to pay to them, or either of them, their share of said earnings and profits, and have accused your petitioners of trying to levy black-mail upon them, because your petitioners made the demands as aforesaid.

"That although your petitioners have a remedy at law to enforce their rights in the premises, and the courts of this State are presided over by honorable and learned judges, yet your petitioners are all men of small means, and it is well known to your honorable bodies that the said managers, having the control of so much money, and having in their employment a large staff of eminent counsel, the delays of the law can be invoked to hinder and prevent your petitioners from establishing their rights, except at a cost that would be beyond their ability to pay.

"And now, in their extreme need, they come to you, the supreme law-making power of the nation. It is the boast of the people of all countries governed by the common law, that there is no station so high as to be above its reach, none so low as not to be entitled to its protection. In this case we present you the two extremes—those of whom we complain, gilding their moral deformities and corruptions with ill-gotten wealth, stand to-day on the pinnacle of that power which is attained by monetary influence, while the petitioners, having by these unfaithful trustees been deprived of the fruits of the labor which they have invested in this railroad enterprise, are poor and lowly indeed.

"The interests of the Government are identical with those of the petitioners. The Government is entitled to 5 per cent. on the net earnings of the road from the time of completion, and it is of importance to it to determine what charges are properly deductable from the gross earnings, so as to arrive at the true sum of the net earnings. And if, as the petitioners aver, the property and earnings of the said Southern Pacific Railroad belong to the said Central Pacific, then such earnings will largely increase the amount which should be paid to the Government.

"By the act of Congress passed July 1, 1862, it is provided that whenever the earnings of the road amount to 10 per cent. upon its cost, Congress may regulate the rates to be charged for the transportation of persons and property thereon; and if, as the petitioners aver, the said road cost less than $40,000,000, then the time has long since arrived when the power reserved by Congress can be exercised, and it will be of great advantage and benefit to the whole people of the United States so to do, and relieve them from the oppressive and arbitrary exactions made by the managers of this corporation for their own benefit.

"Again, if, as the petitioners aver, the said road was built from and with the subsidies of bonds and lands made by the United States to said company, and the subsidies made by the States of Nevada and California, and various other counties and cities of said State of California, then the issue of the bonds to the amount of $27,000,000, and which now constitute a first lien on said road, was improperly and fraudulently made, and Congress should, by appropriate enactment, compel said managers to take up, cancel, and retire said bonds, and the claim of the United States would then be the first lien upon said road, and be fully protected.

"And the petitioners humbly pray that your honorable bodies will appoint a committee of your two Houses, to sit in the city of San Francisco during your adjournment, with full power to take testimony, and inquire into the affairs of said railroad company, said firm of Charles Crocker & Co., and said Contract and Finance Company; and that all legislation now proposed by the managers of said railroad company may be postponed until after such committee shall have reported the true facts in the premises.

"And the petitioners undertake and promise to establish and make good all the averments and allegations in this petition contained."

The petition is signed by John R. Robinson, Anthony Egl, and Anthony Coolot. I move that it be referred to the Committee on Railroads, and trust the committee will give it an early and careful consideration.

The motion was agreed to.

Mr. CONOVER presented the petitions of citizens of the United States, praying the interposition of the Government to procure the release of Edward O'Meagher Condon, a citizen of the United States, now undergoing a sentence in an English prison; which was referred to the Committee on Foreign Relations.

Mr. KERNAN presented the memorial of A. F. Barker and others, of Jefferson County, New York, remonstrating against the passage of House bill No. 2479, granting an American register to the Canadian steam ferry-boat Geneva, and for other purposes; which was referred to the Committee on Commerce.

Mr. McMILLAN presented the petition of Ephriam C. Ingalls and other citizens of Sunrise City, Minnesota, praying for the establishment of a mail-route in the county of Chisago, Minnesota; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALCORN presented a joint resolution of the Legislature of Mississippi, in favor of an appropriation by Congress to clean out and make navigable at all seasons the Tombigbee River between the town of Columbus, Mississippi, and the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented a memorial of citizens of Louisiana, in convention assembled, in favor of the passage of the bill (H. R. No. 1673) making an appropriation for rebuilding the levees and reclaiming the alluvial lands subject to overflow on the Mississippi River, under the direction of the Secretary of War; which was referred to the Select Committee on the Levees of the Mississippi River.

He also presented the petition of Joseph H. Beardslee, of Moss Point, Jackson County, Mississippi, praying for an additional pension for services rendered against the Indians after the expiration of the period of his enlistment in the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of Reuben Davis, of Monroe County, Mississippi, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. WRIGHT presented a resolution of the board of supervisors of Emmett County, Iowa, in favor of the passage of a law whereby Emmett County may obtain indemnity lands from any of the public lands of the United States, or other indemnification for her swamp lands to which she is entitled, as shown by the certified selection and survey of said lands now on file in the United States General Land Office; which was referred to the Committee on Public Lands.

Mr. CHRISTIANCY presented the petition of Mary E. Porter, widow of Frank W. Porter, late a private in Company A, Fifth Michigan Infantry, praying for the removal of the charge of desertion against her late husband from the records of said company; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL. I present a resolution adopted by the Legislature of Massachusetts in regard to the imprisonment of Edward O'Meagher Condon. I ask that it may be read.

The Chief Clerk read as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1876.

Resolution relating to Edward O'Meagher Condon.

Resolved, That our Senators and Representatives in Congress be requested to use their influence to secure the release from prison of Edward O'Meagher Condon, now in confinement in Portland, England, if in their opinion such release is consistent with the purposes of justice.

HOUSE OF REPRESENTATIVES, *April* 24, 1876.

Passed. Sent up for concurrence.

GEO. A. MARDEN, *Clerk.*

SENATE, *April* 25, 1876.

Passed in concurrence.

S. N. GIFFORD, *Clerk.*

SECRETARY'S DEPARTMENT,
Boston, May 6, 1876.

A true copy.
Witness the seal of the Commonwealth,
[SEAL.]

HENRY B. PIERCE, *Secretary.*

Mr. BOUTWELL. I move that the resolution be referred to the Committee on Foreign Relations and printed.

The motion was agreed to.

Mr. MORRILL, of Maine. I present the petition of James N. Carpenter, pay-inspector in the United States Navy, praying compensation for services rendered as paymaster while at the same time discharging his regular duties as pay-inspector. This is a sort of supplement to a petition already in the hands of the Committee on Naval Affairs; and I move that this paper be referred to that committee.

The motion was agreed to.

Mr. COCKRELL presented the petition of Moody Mansur, M. D., praying compensation for services rendered as surgeon in the United States Army in 1837, during the Florida war; which was referred to the Committee on Claims.

Mr. STEVENSON presented a petition of citizens of Covington, Kentucky, praying for the passage of an act to prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories of the United States, and in all places where Congress exercises exclusive legislation; which was ordered to lie on the table.

PRINTING OF COMMUNICATIONS.

Mr. MORRILL, of Vermont. I have received from the Secretary of the Interior and from the Commissioner of Pensions a communication which I desire to have printed for the use of the Committee on Public Buildings and Grounds. They represent that there is a great present necessity for a new building for the office of the Commissioner of Pensions. I have also a communication from the commissioners of the District of Columbia, who ask permission to take the material of the old jail building and remove the same, and construct another in a different part of the District, and asking for an appropriation to enable them to do it. I ask unanimous consent to have these papers printed for the use of the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. Is there objection to the printing of these papers for the use of the committee? The Chair hears no objection, and the order to print will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which the concurrence of the Senate was requested:

A bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling, of New Hampshire;

A bill (H. R. No. 492) for the relief of William G. Ford, of Tennessee, administrator of John G. Robinson, deceased;

A bill (H. R. No. 516) for the relief of Floyd C. Babcock;

A bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875;

A bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia;

A bill (H. R. No. 755) for the relief of Jackson T. Sorrells;

A bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana;

A bill (H. R. No. 1034) for the relief of James G. Harrison;

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri;

A bill (H. R. No. 1521) granting a pension to Louis A. McLaughlin;

A bill (H. R. No. 1641) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war;

A bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust;

A bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois;

A bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Gallion, Ohio;

A bill (H. R. No. 1814) granting a pension to Samuel Sheaffer;

A bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

A bill (H. R. No. 1849) granting a pension to Abigail S. Dawney;

A bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry;

A bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

A bill (H. R. No. 1936) granting a pension to John Haley;

A bill (H. R. No. 2017) for the relief of Dorothea Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

A bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois;

A bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

A bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private of Company G, Twenty-ninth Regiment Indiana Volunteers;

A bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery;

A bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, (retired;)

A bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners;

A bill (H. R. No. 2468) granting a pension to David McComb, late employé in the naval service of the United States;

A bill (H. R. No. 2602) granting a pension to Eleanor Douglass;

A bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry;

A bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Pennsylvania Volunteers;

A bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins;

A bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana;

A bill (H. R. No. 2833) for the relief of Susan P. Vance;

A bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri;

A bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2838) granting an increase of pension to Thomas H. Martin;

A bill (H. R. No. 2839) granting a pension to Ellen Morrow, mother of John Morrow, late private Company H, Potomac Home Brigade, Maryland Volunteers;

A bill (H. R. No. 2840) granting a pension to William Thomas;

A bill (H. R. No. 2841) granting a pension to Green Edwards;

A bill (H. R. No. 2842) granting a pension to Robert S. Toland;

A bill (H. R. No. 2843) granting a pension to James C. Bates;

A bill (H. R. No. 2844) granting a pension to Levi D. Hayward;

A bill (H. R. No. 2845) granting a pension to Herman Nettlefield;

A bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

A bill (H. R. No. 2847) granting a pension to Lucinda Starnes;

A bill (H. R. No. 2848) granting a pension to F. M. Bruner;

A bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee;

The bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges;

A bill (H. R. No. 2953) for the relief of Hugh W. Mercer;

A bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery;

A bill (H. R. No. 3034) granting a pension to Oliver T. Everhart;

A bill (H. R. No. 3035) granting a pension to Smith Bell;

A bill (H. R. No. 3036) granting a pension to Mary McLain, widow of Charles McLain, late lieutenant-colonel Two hundred and eleventh Pennsylvania Volunteers;

A bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

A bill (H. R. No. 3038) granting a pension to Almon F. Mills, late a private Company K, Twenty-ninth Regiment Ohio Volunteers;

A bill (H. R. No. 3040) granting a pension to Sarah J. Goss;

A bill (H. R. No. 3041) granting a pension to James Ruffin Wood;

A bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased;

A bill (H. R. No. 3177) granting a pension to Elizabeth T. Dubois, widow of Theodore B. Dubois, late acting volunteer lieutenant-commander in the naval service;

A bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers;

A bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers;

A bill (H. R. No. 3180) granting a pension to Oscar S. Collins;

A bill (H. R. No. 3182) for the relief of Albert Grant;

A joint resolution (H. R. No. 111) as to the printing of the delinquent tax-list of the District of Columbia for 1875; and

A joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia.

The message further announced that the House had appointed Hon. SAMUEL S. COX, a Representative from the State of New York, Speaker *pro tempore* during the present absence of the Speaker.

The message also announced that the House had passed the following bills:

A bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California;

A bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry;

A bill (S. No. 139) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; and

A bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

The message further announced that the House had passed a concurrent resolution for the printing of 2,000 copies of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Henry H. Starkweather, of Connecticut; in which the concurrence of the Senate was requested.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 412) to extend the time for presenting claims to the Court of Claims and to the southern claims commission, to report it adversely, and to move its indefinite postponement. The Senator from Alabama, who introduced the bill, [Mr. GOLDTHWAITE,] not being in his seat, I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. EDMUNDS also, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. No. 10) proposing an amendment to the Constitution of the United States; reported it with amendments.

Mr. WRIGHT. The Committee on Claims, to whom was referred a petition of citizens of Oregon, praying for the passage of an act for the relief of Mrs. Minerva Shipley and Miss Nancy Spaulding, daughters of Daniel Spaulding, who served, as is alleged, in the war of 1812, accompanied also by a petition of the heirs themselves, asking that a special act be passed for the relief of such heirs and a sum of money given to them in gross, and also praying for a pension, have instructed me to report them back and recommend that the committee be discharged from the further consideration of the petitions so far as they ask a special act for relief or a sum of money in gross, and that so far as they relate to the claim for pension they be referred to the Committee on Pensions.

The report was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Mrs. Hannah Waters, of Horn Island, Mississippi Sound, praying for compensation for certain beef-cattle and swine taken from her during the rebellion for the use of the Army of the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. No. 87) to repeal the last clause of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 724) granting arrears of increase of pension to Francis A. Liebschutz, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment of Ohio Volunteers, reported it without amendment.

BILLS INTRODUCED.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 819) for the relief of Joseph W. Ireland, of North Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. BOUTWELL. At the request of one of the parties named in the bill, I ask unanimous consent, without previous notice, to introduce a bill for the relief of James Tebault and others, to be referred to the Committee on Claims.

By unanimous consent, leave was granted to introduce a bill (S. No. 820) for the relief of James Tebault and others; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 821) authorizing the sale and disposition of the Hot Springs reservation, in the State of Arkansas, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 822) for the relief of Samuel A. Wilkins; which was read twice by its title, and, with the papers relating to the case on the files of the Senate, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONOVER it was

Ordered, That Mrs. E. Call Long have permission to withdraw her petition and papers from the files of the Senate.

On motion of Mr. McCREERY it was

Ordered, That the petition and papers of Lena Bensinger be withdrawn from the files of the Senate and referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. DORSEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ANGELINE LOGAN.

Mr. WRIGHT. If there be no resolutions, I ask the Senate to proceed to the consideration of a little bill. After I state the circumstances I do not think there will be any objection to it. This bill passed the House at one time and came to the Senate too late; it passed the Senate one time and went to the House too late. It involves about $95 and is to pay a poor colored woman for washing done during the late rebellion. Her claim has been delayed from time to time. A bill for her relief has passed both Houses but never both Houses at the same session.

Mr. EDMUNDS. Has it ever been rejected by either House?

Mr. WRIGHT. No, sir; it never has been. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 696) for the relief of Angeline Logan. It directs that there be paid to Angeline Logan the sum of $95.25 for services rendered to soldiers of the United States as laundress and nurse in hospitals in Van Buren and Little Rock, Arkansas, during the years 1864 and 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECEIVERS OF NATIONAL BANKS.

Mr. SHERMAN. There is on the Calendar House bill No. 2441 authorizing the appointment of receivers of national banks, and for other purposes, which I think would give rise to no discussion. I move to take the bill up at this time.

Mr. EDMUNDS. There is such a subdued and meek air all through the Senate, that I think we ought to have the reflection of our homes and boarding-houses, and I move that the Senate adjourn.

Mr. SHERMAN. I hope not. If the Senator objects to the bill when it is read, I will consent to its going over.

Mr. EDMUNDS. I do not move to adjourn on account of my objection to the bill by any means.

Mr. SHERMAN. I think we might as well stay here an hour longer, at any rate. I would not have any bill passed with a meager Senate that anybody objected to.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw his motion?

Mr. EDMUNDS. No, sir.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont that the Senate adjourn.

The motion was agreed to—ayes 18, nays 13; and (at twelve o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 12, 1876.

The House met at twelve o'clock m.

The CLERK. The Speaker of the House being absent, and the time for which a Speaker *pro tempore* was chosen for the House having expired, the Clerk, in conformity with the rules and usages of the House, now requests that the House will be in order while the Chaplain proceeds with prayer.

Prayer by the Chaplain, Rev. I. L. TOWNSEND.

ELECTION OF A SPEAKER PRO TEMPORE.

The CLERK. The House is now in session, and, if there be no objection, it will be held that the first business in order is the election of a Speaker *pro tempore*.

Mr. MORRISON. I offer the following resolution, and ask its adoption:

Resolved, That Hon. SAMUEL S. COX, a Representative from the State of New York, be, and he is hereby, appointed Speaker *pro tempore* during the present temporary absence of the Speaker.

The resolution was unanimously agreed to; and Mr. COX assumed the chair as Speaker *pro tempore*.

The journal of Tuesday last was read and approved.

Mr. HOLMAN. I submit the following resolution in regard to the organization of the House:

Resolved, That the Clerk of the House inform the President of the United States that Hon. SAMUEL S. COX, one of the Representatives from the State of New York, has been appointed Speaker *pro tempore* during the present temporary absence of the Speaker.

The resolution was agreed to.

Mr. RANDALL. I offer the following resolution:

Resolved, That the Clerk be directed to inform the Senate that the House of Representatives has appointed Hon. SAMUEL S. COX, a Representative in the House from the State of New York, as Speaker *pro tempore* during the present absence of the Speaker.

The resolution was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The pending amendment is the one offered by the gentleman from Pennsylvania [Mr. MUTCHLER] to strike out all after the word dollars, in line 37, down to the end of the paragraph, as follows: "*Provided*, That hereafter the free-delivery system shall not be established in cities of less than 40,000 inhabitants, and may be continued only in cities of not less than 40,000 inhabitants where now established by law;" to which the gentleman from New Jersey [Mr. CUTLER] offered an amendment to strike out all of the section after the word "inhabitants," in line 39, as follows: "Where now established by law."

Mr. CLYMER. I trust that the gentleman from Indiana, the member of the Committee on Appropriations who has charge of this bill, will consent that the proviso be stricken out. I think he must be convinced by this time that a large majority of the committee are in favor of striking it out. It will save time of the committee, and I think will subserve the purposes of the Government if he will agree to that

course. I know that a great many gentlemen who are absent to-day would vote for the motion to strike out, and I feel quite certain that he will be acting in accordance with what he must deem to be the views of the majority of the committee by consenting to strike out that proviso without further discussion.

Mr. RANDALL. Not the whole proviso.

Mr. HOLMAN. I wish to say but a single word as to the effect of the amendment. I hope that neither the gentleman from Pennsylvania [Mr. CLYMER] nor any other gentleman on this floor will insist on striking out the entire proviso. I wish to call the attention of the committee to the fact that if they will examine carefully the report of the Postmaster-General, they will find that the three cities of New York, Philadelphia, and Boston are self-sustaining so far as the free-delivery system is concerned; that the revenues of the United States in those cities are in excess of the cost of the free-delivery system to the amount of $681,308.90; and that coupling these offices with all the other cities with which there is a free delivery, eighty-seven in number, there is an apparent profit to the revenue of $67,517.55. Deduct that amount from the excess of the revenues in the three cities I have named, and it will leave the cost of the free-delivery system to the entire country $613,791.38. Gentlemen therefore must see that in making the change proposed to the extent of striking out the whole provisio the deficit of the Post-Office Department will be increased nearly $613,000, not quite that amount but very nearly so, and very largely in excess of half a million of dollars. Our friends ought to bear in mind that this is for the benefit of comparatively few localities at the expense of the entire country.

In view, however, of the general anxiety on the part of members, that the free-delivering system may continue in the cities where it is now established, although some of them have a population not exceeding 14,000, and from which very inconsiderable revenue is derived and which are a source of very heavy expenditure, I feel authorized to say that the Committee on Appropriations, while in favor of the proviso just as it stands, would concur in the views expressed by gentlemen to strike from the bill the last clause of the proviso: "And may be continued only in cities of not less than 40,000 inhabitants where now established by law." I hope that will be entirely satisfactory to this Committee of the Whole, and that the remainder of the proviso will be left so that hereafter, in the progress of time, something like uniformity may be established, and comparatively small cities shall not possess the privilege, which is not common to the great body of the people of this country, of having the mails delivered at their residences.

I think the present system is exceedingly inequitable and unjust, and it will be cured in part by leaving the proviso as I have suggested. I therefore trust that this committee will adopt the amendment offered by the gentleman from New Jersey, [Mr. CUTLER,] which as I understand is to strike out the words "and may be continued only in cities of not less than forty thousand inhabitants where now established by law." I trust that amendment will be adopted and then the amendment as amended be agreed to.

Mr. W. B. WILLIAMS. I understand that of the thirty-two cities in which the free-delivery system is retained under this bill three are paying cities; that is, in three of them the local postage exceeds the expense of the free-delivery system by some six hundred and odd thousand dollars.

Mr. HOLMAN. Three of them; Boston, New York, and Philadelphia.

Mr. W. B. WILLIAMS. What is the total deficiency in the cities which will be deprived of the free-delivery system upon the basis of 40,000 population?

Mr. HOLMAN. It is stated, in the very hasty statement furnished to the committee by the Post-Office Department, that the deficiency will be $103,000.

Mr. W. B. WILLIAMS. Then I wish to call the attention of the gentleman to this; and I do it simply for the purpose of showing that population is not the true test: In the twenty-nine cities retained, aside from the three paying cities, there is a deficiency of $547,000 and in the fifty-five cities stricken out under this provision there is a deficiency of only $103,000. It does not follow, therefore, that a population of 40,000 is a correct basis. In other words, the cities of Boston, New York, and Philadelphia are paying about $500,000 in round numbers to defray the expense of the free-delivery system in the twenty-nine cities retained under the provision of this bill. Therefore the basis of 40,000 inhabitants does not seem to be the true test at all. It appears by the report of the Postmaster-General that the whole system is a paying system, and during the last year the increase in the revenues was 21 per cent., while the increase of expenditures was only 4 per cent. Therefore, I think the whole proposition is entirely in the wrong direction.

Mr. HOLMAN. My friend is mistaken even as to that; the whole system is not a paying system; on the contrary, the reverse is positively true. The Post-Office Department under this system loses a vast revenue in the shape of box-rents, which is not taken into account by the Postmaster-General in determining the amount of the deficit; that is the trouble. Take the box-rents into account, and the loss to the Post-Office Department is immensely beyond the amount stated in the report of the Postmaster-General. I trust my friend will see that this free-delivery system must stop somewhere. Generally the loss is in proportion to the sparseness of the population. Where the population is small the revenues are slight and the expense very material. The loss in each city is at least several thousand dollars. I trust there will be no objection to adopting the amendment proposed by the gentleman from New Jersey, [Mr. CUTLER,] and leaving the first part of the proviso to stand.

Mr. W. B. WILLIAMS. I have no objections to the amendment.

Mr. FOSTER. I would like to inquire of the gentleman in charge of this bill [Mr. HOLMAN] if I understood him correctly to say that the Committee on Appropriations agreed to the amendment of the gentleman from New Jersey, [Mr. CUTLER?]

Mr. HOLMAN. I did not say that; I said I thought that the Committee on Appropriations would consent to that amendment. The committee are unanimously of the opinion that this paragraph should be adopted as it stands; that this free-delivery system is one serious source of deficit in the Post-Office Department. The Committee on Appropriations are unanimously in favor of the provision as it stands in the bill. I undertook to guard my words by saying that the Committee on Appropriations would consent to the adoption of the amendment of the gentleman from New Jersey, [Mr. CUTLER,] leaving the rest of the proviso to stand.

Mr. FOSTER. For one, I do not concur. I cannot see any propriety in leaving it in a city with less than 40,000 people and hereafter refusing the same facility to cities of the same population; and for one, as a member of the committee, I object to any change of the clause.

Mr. HOLMAN. I should like to say to the gentleman from Ohio that in his absence the committee hastily considered this subject, and, in view of the anxiety on the part of many gentlemen as expressed on the floor to omit these words, we are now inclined to give it concurrence rather than the section should otherwise be in any important degree changed. There is no question, sir, so far as the Committee on Appropriations are concerned, for they are unanimously of the opinion this section should stand just as it is, and they only yield in view of the general sentiment on the part of members of the House.

Mr. BAKER, of Indiana. I should like to ask my colleague what propriety there is in allowing cities with a population of less than 40,000 to retain the free-delivery system, while other cities in the future with a population of less than 40,000 will not be entitled to it. It seems to me as though the whole thing is wrong. If we are to adopt any rule, the population should be fixed beyond 40,000 to entitle a city or town to the free-delivery system. I believe the population of a city or town ought to be much over 40,000 to be entitled to free delivery rather than to retain it in cities having that population.

Mr. HOLMAN. I agree with my colleague.

Mr. BAKER, of Indiana. It seems to me, as it now is, to be nothing more than a needless burden imposed upon the people.

Mr. HOLMAN. Let me say that the whole trouble results from the act of 1867, which fixes the population at 50,000, but allows the postmaster in special cases to extend the free-delivery system to other cities. Unhappily under the pressure of the moment he has extended the free-delivery system down to cities as low as 12,000. The same trouble exists in the present law. It provides a city shall not have the free-delivery system unless it has a population of 30,000. This inequality is unavoidable.

Mr. HALE. I move to amend by striking out the last word.

The CHAIRMAN. Further amendment is not now in order, as the pending amendment is in the second degree.

Mr. HOLMAN. I withdraw it.

The CHAIRMAN. It is in control of the gentleman from New Jersey, [Mr. CUTLER.]

Mr. HALE. If it is a formal amendment, I hope it will be withdrawn.

The CHAIRMAN. It is not a formal amendment.

Mr. HALE. I ask the gentleman from New Jersey to withdraw his amendment, and I will renew it.

Mr. CUTLER. I withdraw the amendment on the condition the gentleman will renew it.

Mr. HALE. I renew the amendment of the gentleman from New Jersey. I wish only to say that for one, and as a member of the Committee an Appropriations, I regret the gentleman from Indiana has in any way lowered his standard. The Committee on Appropriations, Mr. Chairman, is engaged in the work of reducing expenditures. That has been its claim, that has been its labor; and some of us have sustained it pretty constantly on this side of the House.

The things we can cut off, Mr. Chairman, are luxuries and not necessities, and in the work the committee is engaged in, as the gentleman from Indiana well knows, it runs across many gentlemen's tracks, it treads on many people's corns. It is a work when entered upon the committee must have assumed would meet with combinations against its work in the House. It has met such a thing here. The committee reported upon this matter of carrier delivery a general, sweeping proposition that above 40,000 population towns and cities in the country should be allowed this luxury of carrier delivery; but it is a luxury which the rest of us pay for, and that is all there is about it. Most of us gentlemen who live in places smaller than 40,000, smaller than 30,000, smaller than 20,000, but all the time paying taxes, get no carrier delivery. We get no such convenience. We go to our post-offices and take out our mails. In the mean time, while doing that, we are paying the bills for the carrier system in cities above 40,000, or whatever figure they agree to. That being true, it was a certain and predetermined thing when the committee inaugurated this method, this plan of economy, running on the scale to 40,000, and

applying to the future as well as to the present and past, all cities of 40,000 would combine against it here upon this floor. I did hope my friend from Indiana, battle-scarred as he is in this work of economy and in fighting his bills through, would not yield to any combination of this kind. If there is anything which the committee have reported that is a measure of fair economy in the interest of the people it is that this luxury of the carrier system which we pay for should not be applied to small cities and towns. I do not believe for one, sir, it ought to be applied anywhere except in cities so large that a single delivery would be clogged. I do not think that would apply in any city less than 100,000, to say nothing of 50,000 or 40,000. When you get below that, you get something that is not a necessity in the operation of the postal system. You get then where the delivery would not be clogged. You and I and others and all the people are paying the bills for the benefit of all the cities and towns now allowed a carrier system of delivery.

Now, Mr. Chairman, if we are going to yield when these points are made against our post-office bill, we will yield when we come to public buildings, we will yield when we come to navy-yards, we will yield when we come to light-houses; we will have to yield as we did on rivers and harbors. And in the mean time, while we are going on and striking down poor clerks from $1,800 to $1,600, from $1,600 to $1,400, and from $1,400 to $1,200, and driving them out of employment and leaving them to starve, and saving a paltry thousand here and there, we let everything that may get through by a log-rolling operation receive our consent or at least our acquiescence. I do not believe that we ought to do that.

Mr. TARBOX. In respect to the suggestion of the gentleman from Maine [Mr. HALE] I would answer that a public convenience once enjoyed by the people ceases to be a luxury, and comes to take its place among the popular necessities. I understand the suggestion of the chairman of the Committee on Appropriations is to consent to a modification of the proviso so that it shall not apply to the discontinuance of the carrier system in localities where it now exists, but to retain so much of the proviso as applies to the future establishment of the convenience in other cities under 40,000 population. So far as my constituency is concerned, the modification which the gentleman consents to will relieve from any grievance, but I am opposed to it, and in favor of the full measure of the amendment; that is, the striking out of the whole proviso; because I believe that these facilities should be extended as rapidly as is consistent with a liberal public policy of enlargement of postal facilities.

I wish to say here in respect to every proposition of this bill which operates to curtail the privileges and facilities now enjoyed by the people, and which stands in the way of the extension of those same privileges more broadly, that I am opposed to each and all. I doubt, sir, if this particular feature is a measure of retrenchment. In the instance of the city of my residence I am very sure it would not work economy in any considerable degree. The public expenditures in the maintenance of suitable postal facilities would be more by the substitution of the distribution at the post-office for present system of delivery by carriers. The withdrawal of the carriers involves larger expenditures for clerical service within the post-office. It involves more extensive post-office accommodations. It would involve in this instance the establishment of a branch office in a remote portion of the city. And when you come to strike the balance between what you save and what you lose, the balance, in my judgment, would fall on the side of loss. At any rate it is not a retrenchment which a frugal popular sentiment asks for. We should promote and not lop off the advantages of postal communication between different communities or within the several localities. And since this proposition of the bill contemplates the taking away of existing facilities and preventing their extension in due course, I am opposed to it altogether, and hope the entire proviso will be stricken out.

Mr. HARRISON rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HALE. I withdraw the amendment of the gentleman from New Jersey if the gentleman from Illinois will renew it.

Mr. HARRISON. I renew the amendment.

Mr. Chairman, as one of the Representatives of a city which this amendment does not affect, I feel that I can speak of it without any danger of being charged with log-rolling. I am opposed, sir, to any cutting down of the postal facilities of this country. I believe that this is a retrograde step, and one that the democratic party ought not to take. I can fully understand the complacency with which the gentleman from Maine [Mr. HALE] acknowledged that he as one of the Committee on Appropriations was in favor of this. I can imagine how he would feel when fifty-five cities of the United States would come up and charge upon the democracy the taking from them facilities like this.

In every country in the world postal facilities are progressive instead of retrograding. In other countries the telegraph has been attached to the post-office department. In England and in Germany a man goes to the post-office and for twenty-five cents he sends twenty words by telegraph from one end of the country to the other. Everywhere it is known that rapid communication of ideas is rapid advancement of trade. I confess I dislike to oppose the gentleman from Indiana, [Mr. HOLMAN,] but he has fallen into an error that every man has fallen into that pursues a single idea. The line that he has got upon has become a groove; the groove is working itself into a rut; the gentleman has fallen into a gorge as deep as the cañons of Colorado, and into which the sunlight can only reach when at its meridianal height.

Retrenchment and economy are not one and the same thing. True, economy is always retrenchment, but retrenchment may be destructive of true economy. They tell us that the postal service should be made to pay its way. Does the Education Department return anything to the Government? Are we receiving anything from the Education Department other than the benefit of the whole country? Sir, the postal arrangements of this country are worth all the education departments of the country.

Are we receiving any direct return from the Agricultural Department, in connection with which $700,000 to $1,000,000 are paid for the benefit of the farmers? No, sir; we receive a return in the indirect benefit that comes to them, and the city Representative as well as the country Representative is in favor of that expenditure.

The facilities that are given in a large city are facilities to the country. The citizen of Chicago in his facilities of getting mails is giving facilities to his correspondent in the country. The cities of 40,000 population are but the middle-men, the go-betweens, between the people of the country and the rest of the world. Their letter-carrier system is a benefit not to themselves but to their country correspondents. They receive letters and they transmit intelligence to different parts of the country. What for? Why to aid the people who stand back of the plow and are sending their products in. I am opposed to every retrograde movement. I believe that the post-office service is an educational service and you should not go back on it.

Sir, I can well imagine that the fifty-five cities that have been receiving the free-carrier service for a number of years, the thirty or forty thousand inhabitants of those cities cut off from that service, charging it upon the "ex-confederate House" that they are cutting down their rights and cutting down their facilities. Gentlemen, I say to you that no man in the democratic party can afford to take any such position as this. Let us go on and economize; let us make the Postmaster-General make his contracts of the best character and on the best terms, but let us not cut off this service. Let us allow this service to go on, and in the long run it will be a benefit to the people.

I have conversed with men in the different post-offices of the country, and the information I have is that the free-carrier system is adding to the postal facilities to such an extent that instead of being a charge it is becoming a profit to the country. Gentlemen think it is not a profit because the one cent extra does not pay the increased cost, but thousands upon thousands of letters are written at three cents simply because it is known that they will be delivered under the free-carrier system.

[Here the hammer fell.]

Mr. REAGAN. In the discussion upon this question a few days ago, the gentleman from Indiana [Mr. HOLMAN] in expressing some views met a response from me, and a recurrence to that question may not be out of place at this time. The idea he then expressed was that the postal service ought to pay its own way, and that the people of the whole country should not pay for the extra facilities which a portion of the country receive

My friend from Illinois [Mr. HARRISON] has just said that this free delivery confers benefits upon the people, and that, as those benefits have been conferred upon them, we ought not to take them away, and he expressed the hope that democrats would not vote to do so. Now, sir, that sort of democracy that I have been taught is that the Government was instituted for the benefit of all alike at the expense of all alike; that democratic government is not for the purpose of conferring exclusive privileges on any one portion of the people at the expense of others; and that brings the question directly up. If there are democrats here who do not believe that this Government is for the common benefit and to be administered at the equal and common expense, if there are those here who believe that each citizen should be taxed according to the benefit he receives or the amount of protection he receives, he can manifest it by his vote on this amendment.

I have not examined this subject as the Committee on Appropriations have, but if there could be a postage imposed to meet the expenses of the free-delivery system, that would be right. It is undoubtedly a convenience, but it is a convenience at expense of other persons. Free clothing would be a convenience for those who receive it, but not for those who have to pay for it. Free food would be convenient to those who consumed it, but not to those who had to foot the bills. Free anything else would be convenient to the recipients, but not advantageous to those who have to pay for it.

Mr. HOLMAN. Will the gentleman allow me to suggest that it would require an additional tax of one cent per letter to make the free-delivery system pay?

Mr. REAGAN. I was coming to that.

Mr. HOLMAN. So I supposed. It would require nearly an additional cent to make the system self-sustaining.

Mr. REAGAN. For my own part I would give this free-delivery system to any place where they would pay the tax, and I would refuse it to any community where it required that the cost should be paid out of the revenues of the Government. I do not think that we shall ever do right until we make the revenue derivable from the postal service meet the expenditures of that service. I think this proposition recommended by the Committee on Appropriations is a step in the right direction, and I agree with the gentleman from Maine [Mr. HALE] that it is right to sustain the report of the committee as it is whether it is popular or not. It takes from people privileges

which they now enjoy at the expense of others, and I am opposed equally to the amendment which proposes to leave the free delivery with cities of a certain size.

Mr. HARRISON. I will ask the gentleman if he does not know that the revenue derived from the postal service in the State of Texas is $100,000 behind the amount required for the service?

The CHAIRMAN. The Chair desires to say that debate on the pending amendment is exhausted.

Mr. PAGE. Is a motion to strike out the last word in order?

The CHAIRMAN. It is not. There are two amendments pending, and the amendment to the amendment is under the control of the gentleman from New Jersey, [Mr. CUTLER.]

Mr. CUTLER. I will withdraw the amendment so as to allow my colleague [Mr. HARDENBERGH] to renew it.

Mr. HARDENBERGH. I renew the amendment. Mr. Chairman, when I came to the House this morning it was scarcely expected that the pending bill would thus early have been brought to the attention of the House, and having important duties on a committee I had omitted to bring with me some figures which I had obtained on this subject from the Post-Office Department, and they are now unfortunately at my room.

I hold in my hand, sir, a set of resolutions passed unanimously by the common council of Hoboken and approved by its mayor upon the subject of free delivery and remonstrating with earnestness that it be not interfered with.

Were my time not so limited and opportunity afforded me to speak as I could wish for my constituents of Hoboken, I could do no better than recite to you the very able remarks in his defense of the city of Lynn, made by the honored gentleman from Massachusetts, for they apply with equal strength to Hoboken and to her people. Sir, we shall be doing ourselves and the people an irreparable injury by denying to them by the terms of this bill the postal facilities of a free delivery already accorded to them. It is a city standing at the gates of commerce, with a population of 22,000—a loyal, industrious, and generous people.

The figures which I had obtained upon this subject proved that the united population of these fifty-five cities whose privileges of free delivery it is proposed to cut off are served at a much less expense when compared with New York and Philadelphia, whose united population aggregates the same figures.

The people, sir, have become accustomed to these facilities and they have a right to expect their continuance, and we must take no steps backward upon this question of free delivery. It is said that the people to whom these facilities are now extended should sustain the cost of free delivery.

Why should you require this one branch shall be self-sustaining? Are we to cut off the facilities in every department where not actually sustaining? Sir, it is from cities like Hoboken and Jersey City, the latter of which yields to the Department an annual revenue of over $30,000, that you derive the resources necessary to carry your mails along thousands of miles at the South and the West, where the revenue derived is entirely inadequate to their support. We must be generous; we must be liberal in our views of public policy. It is simple retrenchment without reform that seeks by bills such as this to deny the facilities of a free delivery, and they cry out against it, and implore you by their resolutions of public record to take no step backward, while they will cheerfully follow you in all your efforts to correct the abuses of government. Her population are active, busy, and industrious. It is the seat of commerce and of manufactures. Important lines of railroads have their terminus there connecting the great West with the ocean, and at her docks transatlantic steamers receive and discharge their cargoes of untold wealth. She looks forward to a career of honorable prosperity and of annual increase, and has a right to ask that you give recognition to the efforts of her people, and that in the interests of a true economy, as a tribute due to toil, you secure for her through the coming years the facilities of free postal delivery. I ask for my constituents that the amendment may prevail.

Mr. W. B. WILLIAMS. Mr. Chairman, I desire to address the committee for a moment in reply to the position taken by the gentleman from Maine [Mr. HALE] and the gentleman from Texas [Mr. REAGAN] in regard to the equities and justice of the taxation of the people to maintain a free-delivery system upon the basis now established by law. I believe that when this system of letter-carriers was first adopted in 1864, it was adopted because it was believed by the then Postmaster-General of the United States that cities with a population of 12,000 inhabitants were entitled to some additional postal facilities. The gentleman from Maine [Mr. HALE] says that towns in thinly inhabited sections have to contribute for the letter-carrier system in cities of 40,000 inhabitants. He never was more mistaken in a mathematical proposition in his entire life. The facts are the other way. It is not a fact, as was stated the other day, that cities of over 40,000 inhabitants produce the greatest revenue aside from Philadelphia, New York, and Boston; but the fact does appear that twenty-nine cities with a population of over 40,000 inhabitants require over $500,000 from those cities to support their letter-carrier system, while the fifty-five cities stricken out under this provision in the bill require only $102,000, or thereabout. But let us carry the matter a little further. Let us take the State of Ohio for an illustration. There are thirty-seven towns in the State of Ohio in which the post-offices do not pay 50 per cent. of the entire revenue of the Government, while there are eighty cities where the letter-carrier system prevails which pay 56 per cent. of the entire revenue. I wish to call attention to the fact that the little city of Brooklyn, whose representative [Mr. CHITTENDEN] I see is about to speak, costs 84 per cent. to pay for its carrier system and post-office expenses, and that the city of Washington costs 88 per cent. of the revenues derived there. In the city of Albany the cost of the free-delivery system and post-office expense is 54 per cent. of the entire revenue of the post-office in that city. In Allegheny City which, under this bill would retain the free-delivery system, the cost of the local service is 67 per cent. of the revenues, while the cost in all the cities now possessing the system is only 44 per cent. of the postal revenues from those cities.

Why should we adopt the basis of 40,000 population as the rule for this free-delivery system? Why not leave the law as it now stands? The Postmaster-General in his report shows that the local postage is enough to maintain the local business. The gentleman from Texas [Mr. REAGAN] says that he is not in favor of taking from one city and giving to another. There is a city of 30,000 inhabitants in the district which I have the honor to represent on this floor, and the expense of this free-delivery system and post-office expense in that city is but 44 per cent. of its revenues; in other words its letter-carrier system and post-office expenses are but 44 per cent. of its revenues; yet in the city of Brooklyn the letter-carrier system and post-office expenses are 84 per cent. of its revenues. There is no justice whatever in this proviso of the bill. Why not leave the law as it stands, so long as it is doing so well for the country? Why take away any of the privileges to which the people have become accustomed and habituated in all their business relations; why take away any of these privileges under the plea of retrenchment, when the proposition has practically no retrenchment in it?

Mr. HARDENBERGH. I withdraw the amendment to the amendment in order to allow my colleague, [Mr. CUTLER,] who originally moved it, to renew it.

Mr. CUTLER. I renew the amendment, and will be willing to have debate closed upon it after I have said a few words. There is no Department of the Government in which the people have so great an interest as that of the Post-Office Department. There is no hearthstone in our land, not a man, woman, or child who is not interested in it. I regret exceedingly that any attempt should be made in this Congress to abridge or to curtail the advantages of the free-delivery system now enjoyed by the people. It will be met not only by the severe condemnation of the people of this country but by their severe rebuke.

I represent a district in which there is a city of about 39,000 inhabitants, the city of Paterson, a manufacturing city of 39,200 inhabitants. The adoption of this proviso would deprive that city of the benefits of this free-delivery system; it would be a direct blow to its interests and prosperity and a hardship upon her people. In but few States is the Post-Office Department self sustaining, I believe in but six, and my State is one. This attempt at retrenchment and reform, if it be such, I think comes at a bad time. I desire to call the attention of members to the admirable report of the Postmaster-General for 1875, to show that the free-delivery system in this country for the last fiscal year was a paying system. Prior to that time it had been a source of loss to the Government. The Postmaster-General says:

> No additions have been made during the year to the number of free-delivery offices. The service was, however, extended in five large cities by discontinuing the smaller offices in and adjacent to them, substituting branch offices, and extending the carriers' delivery, in accordance with the policy announced in my last report.
>
> The general results of the service show a most gratifying exhibit and clearly indicate its usefulness and popularity. For the first time since its establishment the aggregate postage on local matter exceeded the total expense. For the fiscal year ended June 30, 1874, the deficiency of local postage to meet the expenses was $191,214.75. This year the excess of postage over the expense was $67,517.55. The increase in the cost of service was 4 per cent. The increase in the postage on local matter was 21 per cent.
>
> The aggregate results were as follows:

		Increase over preceding year.
Number of offices	87	
Number of letter-carriers	2,195	146
Mail-letters delivered	179,083,468	13,063,098
Mail postal cards delivered	18,313,565	7,312,756
Local letters delivered	48,839,237	3,659,942
Local postal cards delivered	16,036,212	7,068,106
Newspapers delivered	68,454,476	11,965,894
Letters collected	187,950,641	10,632,167
Postal cards collected	28,204,468	11,905,143
Newspapers collected	27,330,407	5,767,971
Whole number of pieces handled	574,201,474	70,815,077
Pieces handled by carrier	261,595	15,924
Total cost of service	$1,880,041 99	$77,345 58 (or 4 per cent.)
Average cost per piece in mills*	3.26	
Average cost per carrier*	853 95	
Amount of postage on local matter	1,947,559 54	$336,077 88 (or 21 per ct.)
Excess of postage on local matter over total cost of service	67,517 55	

*Based on the aggregate ($1,874,411.71) paid carriers, including incidental expenses at the several offices.

I was glad to hear the chairman of the Committee on Appropriations, the gentleman in charge of this bill, [Mr. HOLMAN,] say they would accept the amendment I have offered, so that the privileges of the free-delivery system may not be impaired in any city where it now exists, and especially at this time, when it has become a paying system.

There is no tax the people will more gladly pay than that tax which brings knowledge and intelligence to their homes.

I trust the free-delivery system will not be abolished in cities where it now exists.

Mr. HOLMAN. I wish to add but a remark or two in this regard, and then I trust this committee will consent to close debate on this paragraph.

I was somewhat guarded in my remark in reference to the action of the Committee on Appropriations upon the pending amendments, the one proposing to strike out the whole proviso and the other to strike out only the last clause of it. I did so for the reason that the Committee on Appropriations, as was so well stated by the gentleman from Maine, [Mr. HALE,] are and have been, ever since we have examined this subject, unanimously of the opinion that this provision of the bill as it now stands ought to become the law of the land. But there is naturally quite an anxiety on the part of the Committee on Appropriations that all of the beneficial reforms they propose should not be lost by declining to yield anything at all. It was for that reason that, speaking for myself rather than for the committee, I said I was inclined to acquiesce in the proposition to strike out the latter part of the proviso. My friend from New Jersey [Mr. CUTLER] has misapprehended me; I suggested that only as a fair concession, in a spirit of compromise. I believe in the provision of the bill just as it now stands. I do not think that any gentleman, when he comes to consider the matter, can claim for his constituents rights which must inevitably be withheld from the great body of the people of the country, who must bear the burden resulting from this system in common with those who alone reap its benefits.

Mr. FRANKLIN. Then why not take the free-delivery system away from all the cities that now have it?

Mr. HOLMAN. For the simple reason that where there is a large population, say 50,000, which was the standard fixed in 18.7, the people do not so conveniently and readily obtain access to the room provided for the post-office, and to the post-office boxes, as they do in smaller places. For that reason and that only is this free-delivery system justifiable in any portion of the country, unless it may be made a common right pertaining to all the people of this country.

I wish to call attention for a moment to the towns which have been mentioned here by gentlemen who are speaking in behalf of this free delivery system. I will take but a few instances. Take Paterson, New Jersey, the town of my friend, [Mr. CUTLER.] There the expenses of this free-delivery system to the people of the country are $5,101 67, while the whole revenue resulting from th payment of two cents on every free-delivered letter amounts to only $1,483.33. Thus the whole people of the country are compelled to pay some $4,000 in order that the constituents of my friend may enjoy the privilege of having letters delivered at their doors.

Take Hoboken, New Jersey. There the revenues are but $638.08, while the expenses are $2,799.74. Thus it is all along the line. The truth is that this $8,100,000 of deficiency, which is a burden upon the whole people, is largely made up of this class of exclusive benefits, benefits conferred upon a portion of the people at the expense of all the rest.

I believe that there is just as much opposition to the residue of this proviso as to the portion that is covered by the last motion; and if the fight must be over the whole, if every attempt at retrenchment here must cease, then the Committee on Appropriations owe it to the House and to the country to stand by their original proposition.

One word in addition, and I trust gentlemen will not forget it. The only bill passed by the House at this session that has been the subject very generally of severe criticism is a measure that appealed to local interests. I refer to the river and harbor bill. That, the only measure adopted by this House which has been (to use the mildest term) universally censured, and which was carried through this House by a two-thirds vote on a motion to suspend the rules, appealed to local interests everywhere; yet the people at home, when they come to consider it, are not so mindful of local interests as we seem to be here; for very generally, from Maine to California, the action of the House upon that question has been condemned. I trust we shall not repeat the same error on this question.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. MUTCHLER. I rise to a point of order. I make the point that if the amendment to the amendment, as moved by the gentleman from New Jersey, prevails, it necessarily takes out the whole proviso, which is my amendment; and the reason for it is this: If the amendment to the amendment prevails, it strikes out that portion of the paragraph which retrenches expenditures, allowing that portion to stand which does not retrench expenditures. Hence, under the ruling of the Chair as made last Saturday, the entire paragraph must necessarily go out.

Mr. HOLMAN. That point comes rather late.

Mr. MUTCHLER. The Chair ruled on Saturday last that a point which I then rased was not well taken, because this proposition to abolish the letter-carrier system in cities of less than 40,000 inhabitants necessarily abolished offices; hence, if the amendment to the amendment prevails, it strikes out that portion of the paragraph abolishing offices, and necessarily strikes out the entire proviso, which is my amendment. I ask for the ruling of the Chair on this point.

Mr. RANDALL. I would like to say a word upon the point of order. This entire proviso has come in under the decision of the Chairman, and surely, after it is once in, it is competent for the Committee of the Whole to change it in whatever manner they may deem fit. I do not see that there is any ground for the point of order.

Mr. HOLMAN. It is a measure of retrenchment, even if the last words be stricken out; but even if it were not so, it must be clear to the Chair that when a proposition germane to the bill and retrenching expenses has come in, no change which may be made in the proposition can again subject it to the point of order.

Mr. BANKS. I would like to say one word.

The CHAIRMAN. Upon the question of order?

Mr. BANKS. No, sir; upon the amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BANKS. Well, I hope the gentleman from Indiana will allow us to have a little further debate.

The CHAIRMAN. The Chair will first decide the point of order raised by the gentleman from Pennsylvania, [Mr. MUTCHLER.]

Mr. BANKS. In regard to the point of order I think the gentleman from Indiana is correct. After a proposition has been admitted as a matter of right, it must of course be subject to amendment.

The CHAIRMAN. The Chair, having already decided that this proviso as an entirety, being germane and retrenching expenses, is in order under Rule 120, overrules the point of order now raised by the gentleman from Pennsylvania that a portion of it is not in order.

Mr. HOLMAN. I ask that the debate in Committee of the Whole on this paragraph be limited by unanimous consent to ten minutes.

The CHAIRMAN. Debate can now be continued upon this amendment by unanimous consent only.

Mr. HALE. Does the gentleman make his proposition applicable to this clause in whatever form it may assume?

Mr. HOLMAN. My proposition applies to the entire paragraph in regard to the free-delivery system.

Mr. HALE. I suggest to the gentleman that he had better modify his proposition; for he can well see that after a vote has been taken upon this proposition it may be left in such a condition with other amendments which would be germane that gentlemen may want to debate it a little while longer. I suggest to the gentleman to confine his proposition to this amendment.

Mr. HOLMAN. I will then confine it to the amendment to strike out all after the word "inhabitants" and the amendments thereto.

The CHAIRMAN. The Chair would state that no amendment is now in order to this amendment. Therefore it can only be further debated by the gentleman from New Jersey withdrawing his amendment and that amendment being renewed by another member. If the gentleman from New Jersey refuses to withdraw his amendment, then the question must be now taken without further debate.

Mr. HALE. Then further debate on the pending amendment can only take place by unanimous consent.

The CHAIRMAN. That is all. Does the gentleman from New Jersey insist on a vote on his amendment?

Mr. BANKS. I hope the gentleman from New Jersey will withdraw his amendment, and I will renew it.

Mr. CUTLER. I will withdraw it on condition the gentleman from Massachusetts will renew it and that debate shall then not extend beyond ten minutes.

Mr. BANKS. I renew the amendment of the gentleman from New Jersey. My constituents are deeply interested in this question. It is a population particularly dependent upon the mails for communication with relatives and friends, merchants, manufacturers, buyers, and consumers in other portions of the country.

Their capacity, industry, and prosperity, the peace of their homes and the success of their multifarious pursuits greatly depend upon communication with the outside world. It must be frequent, constant, and certain. It is a primal necessity of society, industry, and trade. For this they depend upon the postal service, and they cheerfully pay whatever it costs. It is the system the Government has established for this duty. It is Government monopoly and necessity, and no other party or power is permitted to interfere with it.

The post-office, Mr. Chairman, is a Government institution. It holds the country together. The Government could not carry on its business nor maintain its authority or its institutions unless it had some means of special and general communication with its agents and the people at the most distant parts of the Republic, and the mails offer the best means for that purpose.

It is useless to say the mails should be carried only where they are carried at a profit, where they pay their cost, because the necessities of the Government require some means of communication, just as much as it does the exercise of some other powers. What should we say of a proposition made in this House that the Government should not defend its territory except where the people could pay the expense of a military force or maintain and pay an army for that purpose? What should we say of a proposition from the leaders of the House, and especially by gentlemen from the democratic side of the House, that no use of the Navy should be allowed except where the people are able to pay the cost of that service at the particular point where

its use may be required? What would those gentlemen say who only a few days ago voted seven or eight million dollars, and would have been glad to have voted many millions more if they could have got a majority for it—what would they say if it were claimed in every instance where appropriations were solicited for custom-houses or other public buildings or improvements in rivers and harbors, that the particular locality where improvement was proposed to be made should pay the cost of it? Every man knows such a policy would be impossible. The administration of justice is of the same character. It cannot be neglected even if it does not pay its cost in money.

Sir, it does not belong to the Government to urge such reasons. If gentlemen are in opposition and do not want any government, then they are perfectly right in the position they have taken. But if they wish to support the Government and ultimately to assume its direction, they should understand there are certain powers which must be exercised, certain duties that must be performed, cost what they will, and the postal service is one of them.

Mr. Chairman, I represent a constituency which is in a great degree composed of working men and women, manufacturers, mechanics, farmers, and traders, who are employed one day with another ten or twelve hours, and very moderately paid. They cannot go or send, many of them, to the post-office for their letters. There is not a merchant, a corporation, a capitalist who cannot have letters brought to them by their own agents at a cost of not more than six or eight cents a day. And yet where there are twenty or thirty of these people in my district who can get their letters brought as cheaply as that, there are thousands and tens of thousands who cannot get their letters at all unless they go for them before beginning work in the morning, or in the evening after they have ceased to work.

Do gentlemen on the other side of the House mean to say they are going to deprive the working-people of the country of the facilities of the mail simply to carry out a principle which never was and never will be applied in any government on the face of the earth; that is, that everything which is done by the Government must be paid for by the particular locality where the particular thing happens to be required? Look at the railroads which are carrying travelers, the products of industry, and the elements of trade to and from every part of the country, from the ocean coasts east and west to the valley of the Mississippi. How much have the people of the West paid for those railroads? As a matter of general fact, not one dollar. What the Government has not done capitalists have done, and by that aid they have got now in their hands those means of communication which will give them now or hereafter, if wise and just, the absolute control of the Government without the cost of a dollar to the people of the particular localities where the roads are established.

Now, here is the subject of information, intelligence, communication, infinitely more important to the people of this country than any other topic which can be presented, without which no republic can long exist, without which no government can maintain its authority or power. They propose to take this away, not from all classes of the people, but from the common people, the working people, the people who have no other means of maintaining communication with each other. Do gentlemen of the democratic side mean to do this? How can they expect accessions to the democratic party if they set up such bars as that against the masses of the people? Let me tell you, Mr. Chairman, and let me say to gentlemen of this House that it is the working people who finally pay all the costs of Government, of whatever character, for whatever purposes expended.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. Will the gentleman from Massachusetts allow me a single question before he takes his seat? Would he favor the extension of the free-delivery system to all towns where there are bodies of workingmen?

Mr. BANKS. Let me reply to the gentleman's question. It is a fair one. Yes, Mr. Chairman, I would, just as soon as it could be wisely and profitably done, consistently with the general interests of the Government.

Mr. HOLMAN. Down to towns of three or four thousand inhabitants?

Mr. BANKS. Everywhere; as soon—let the gentleman mark this—as it could be wisely and profitably done for the interest of the Government itself.

Mr. HOLMAN. Can my friend intimate to the committee the number of millions of deficit that such a system would necessarily entail on the tax-payers of the country?

Mr. BANKS. Not to the extent of a dollar of taxation. I would not press any policy, whether relating to the post-office or any other, beyond that point which was reasonable in itself. I would not say that every man and woman should have a carrier to bring their letters to their doors. Not at all. But the principle being recognized, it ought to be extended as far and as rapidly as it could be with safety to the interests of the Government. We should build upon it, not overthrow it. And the Postmaster-General has told us that this is a paying principle. We should extend it as rapidly as may be consistent with other general interests of the Government, not cripple or destroy it. We might as well go back to the postage of twenty-five cents a letter on the ground that nothing less has ever paid as to cut off this free-delivery system. The Postmaster-General, who is in favor of a paying policy for his Department, tells us this will pay and is paying better than the old system of high rates and long-deferred mails.

Mr. HOLMAN. The Postmaster-General cannot say that the system has paid except in the three great cities of the country.

Mr. CHITTENDEN rose.

Mr. HOLMAN. I hope that by unanimous consent debate on the pending amendment shall close in ten minutes.

There was no objection.

Mr. CHITTENDEN. The gentleman from Massachusetts [Mr. BANKS] and the gentleman from Illinois [Mr. HARRISON] have advocated principles here in respect to the expenditures of the post-office which, if I have made no mistake, will surely lead in the near future, if carried out in practice, to a deficit of $50,000,000, or even $100,000,000 instead of $8,000,000 per annum.

I hold that the present practice of our Post-Office Department is the most demoralizing influence in the Government. If I have not made a very great error, no high public official has uttered a sentiment within the last ten years which met with so much popular approbation as the suggestion of the present Postmaster-General when he took his present position, that he would endeavor to make the Post-Office a self-supporting establishment. I know, sir, that we have gone the wrong road too long to make it a self-supporting establishment immediately. I cannot believe it possible wisely to cut down in one year as much as the Committee on Appropriations propose to cut down this year. But they are right in principle; and sooner or later, if we are to reform the wrong-doings of Government, we have to reform this.

In respect to this particular question the gentleman from Massachusetts [Mr. BANKS] says that it is the business of the Government to carry the mails. I admit that; but it is not necessarily the business of the Government to deliver every letter and newspaper at the door of every inhabitant of the town the gentleman represents. That is a gratuity. There is scarcely a family in any village of twenty-five hundred people or in any town of twenty-five thousand people that have not children or servants to send to the post-office.

I do not see the force of the argument in favor of giving this free-delivery system to towns and places where it is not self-supporting. The free-delivery part of the postal system should, in my judgment, be self-supporting. Allusion has been made to the town in which I live. Well, sir, it is not the practice of gentlemen to stand here and claim anything less for the towns they represent than they receive; but I believe, and I say it without any regard to the reception the remark may receive at home, that this free-delivery system is carried to excess in the town where I live. I know no reason why letters should be delivered at my door five times a day. I think three times would do just as well. A delivery of letters and newspapers three times a day I think would be sufficient, and the expense would be less. I do not know whether the people of Brooklyn approve of my saying so or not, but I am ready to vote for retrenchment by reducing the delivery to three times a day instead of five times a day, be the consequences what they may.

My point is this, and I ask that it may be remembered: Unless we are to go entirely to the bad, the corruptions which now exist, and which are everywhere recognized as existing in every department of our Government, must be got rid of. We have to reform the Post-Office Department first of all. We have to look to that Department as the place where the employés are necessarily more demoralized and where the whole country is demoralized with them. Does not everybody see it? Is there a man here who has a family of children or a number of servants who would tell them to ask everything and he would give them everything without reference to revenue? Do we not all know that such a system would ruin individuals; and the people for whom the Post-Office Department exists are only men; and yet the Government say to them, "Ask and you shall receive; anything you demand we will give you." Such a system will certainly lead us to enormous extravagance.

Mr. FRANKLIN. The gentleman from New York [Mr. CHITTENDEN] is opposed to the free-delivery system so far as it relates to the fifty-five cities which the committee propose to cut off from its benefits. At the same time he is in favor of keeping it so far as his own city of Brooklyn is concerned, but he is willing to put up with a delivery of three times a day.

Now let us examine the report of the Postmaster-General and see how much it costs the people to maintain the free-delivery system for the city of Brooklyn.

The aggregate cost is $79,320, while the total amount of local postage is only $57,007.84, a deficit of more than $22,000. Yet the gentleman from New York [Mr. CHITTENDEN] is willing to maintain this system in Brooklyn where the cost is more than $22,000 in excess of the receipts on local postage in order that his constituents may be accommodated, but is anxious to take it from fifty-five cities where it is now established because they contain according to the census taken in 1870 a population of less than 40,000.

He tells us in the speech he has just made that the free-delivery part of the postal system should be self-supporting, and would be willing as far as Brooklyn, the city he represents, is concerned should have a delivery only three times per day. Ah! how generous, especially when we remember that there it is not only not self-supporting, but falls more than $22,000 behind.

Now if this system is wrong, why do not the Committee on Appropriations abolish it altogether? Why have it in the great cities of New York, Philadelphia, and Boston, and not have it in the cities

where this committee propose to abolish it? Why change the law in regard to the small cities and let it remain as to the large ones? Why not treat all alike?

Mr. CHITTENDEN. The office in New York returns a profit of $1,800,000 a year.

Mr. FRANKLIN. Now I say that if the system is wrong, it should not be tolerated by the country; cut it off from all or none. I do not intend so far as my vote is concerned to take one step backward, and not a vote of mine shall be given for any bill that will cripple the postal facilities of the country. No plausible reason can be given for changing the carrier system as it now stands. If we change, it should be in the line of progress. Following the logic of the gentleman from Indiana, [Mr. HOLMAN,] who says that the people should not pay for these luxuries, that it is a tax upon them, why not go further and cut off the postal facilities from all the States where the postal service does not pay? He knows that it pays only in six States of the Union. I suppose the gentleman from New York [Mr. CHITTENDEN] would be in favor of that, because New York is one of those six States where the postal service pays its expenses. Now I am opposed to taking away any of the postal facilities from the people, or any of the conveniences heretofore enjoyed by them. I do not know but that as an original proposition I should have voted against extending these facilities to the cities, but after they have had them and enjoyed them, if this House seeks to take them from them it will not only deserve but will receive the censure of the one million two hundred and forty-five thousand inhabitants of those cities.

We should allow the law to stand as it does now. There is no demand for any change. The people do not require it, nor does economy call for it.

It has been clearly shown in the course of this debate that the system is not an expensive one and that it has greatly increased the postal revenues. The Postmaster-General in his last report highly commends the system, and says it is meeting with the "most gratifying results."

One word more. Can we who are in favor of retaining this free delivery where it has been established and where it is so justly popular—can we with any show of fairness, or right, or justice say that we will hereafter require a different standard of population before the same privilege shall be extended to other places?

I would scorn to vote for any proposition that is so manifestly unjust. Let the law remain unchanged.

[Here the hammer fell.]

Mr. PHILLIPS, of Kansas, rose.

The CHAIRMAN. All debate is closed by the unanimous order of the committee.

Mr. BANKS. I desire to offer an amendment.

The CHAIRMAN. That is not in order, there being two amendments already pending, and debate is exhausted upon the pending amendment.

The question was taken upon Mr. CUTLER'S amendment to the amendment of Mr. MUTCHLER, and on a division there were ayes 28, noes not counted.

So the amendment to the amendment was not agreed to.

The question recurred on Mr. MUTCHLER'S amendment to strike out the proviso.

Mr. HOLMAN. Mr. Chairman, I presume that no further debate is desired on this paragraph.

The CHAIRMAN. Debate has been closed by unanimous consent.

The question was taken on Mr. MUTCHLER'S amendment; and on a division there were—ayes 145, noes 29.

So the amendment was agreed to.

Mr. HOLMAN. Has a quorum voted?

The CHAIRMAN. Certainly; 169 members have voted.

Mr. FOSTER. I now call the attention of the gentleman from Indiana to the necessity of increasing this appropriation.

Mr. HOLMAN. We have passed that item, and cannot go back.

Mr. FOSTER. Does the gentleman object to going back?

Mr. ATKINS. I object.

Mr. FOSTER. I ask unanimous consent to recur to that paragraph.

Mr. HOLMAN. I think the appropriation is ample enough.

The Clerk proceeded with the reading of the bill, and read as follows:

For letter-balances and scales, $3,000.

Mr. FOSTER. I move to amend that clause by striking out "$3,000" and inserting "$7,000." And I desire to speak to the other proposition. It seems to me that my friend from Indiana should not now, since he has been beaten in the House—and I am sorry he was beaten, and it only illustrates the principle advanced by my friend from Maine [Mr. HALE] that when we have log-rolling propositions we can get no economy from this House—it seems to me to be trifling with the majority of the House not to give them the full amount necessary to pay this expense. If we do not do it some other House will have to do it, and it will only result in deficiencies.

Mr. HOLMAN. It will result in no deficiency. There is great extravagance now in the postal-mail service, and under an efficient and honest administration of that Department large reductions have been made. There is no reason why certain of our people should have their mails brought to their firesides five times a day while a large majority of the people of the country have to travel miles and miles for their mail. There is no doubt about that.

There is no trouble about this matter. The appropriation here made is $1,650,000, and all that is necessary is for the Postmaster-General to act upon the same economical principle upon which he set out, and to deliver letters in the free-delivery cities only as frequently as the public service actually requires. I believe the amount here appropriated is amply sufficient for that purpose, and I am therefore opposed to increasing it.

Mr. RANDALL. I submit that the paragraph relating to the free-delivery system has been passed by the committee, and that this discussion is out of order.

The CHAIRMAN. The point of order is well taken.

Mr. FOSTER. I withdraw the amendment.

The Clerk read the following:

For rent, light, and fuel, $390,000.

Mr. FOSTER. I move to insert after the paragraph just read the paragraph which I send to the clerk's desk.

The Clerk read as follows:

Additional for letter-carrier system for cities of less than 40,000 inhabitants, $350,000.

Mr. HOLMAN. I raise the point of order that the amendment is not germane to the pending paragraph.

Mr. FOSTER. Why is it not germane?

Mr. HOLMAN. Because it does not apply to the same subject-matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSTER. I appeal from the decision of the Chair.

Mr. HARRISON. You had better not; we will beat you worse than before.

Mr. FOSTER. I insist upon my appeal.

Mr. HOLMAN. I trust not.

The CHAIRMAN. The Chair will ask the gentleman from Ohio [Mr. FOSTER] to restate his point of order and to give the ground of his appeal.

Mr. FOSTER. I do not see why my amendment is not germane and in order. My amendment is to carry out the letter-carrier system, which is provided for in this portion of the bill; and unless this is done all cities of less than 40,000 inhabitants cannot be supplied with this free-delivery system.

Mr. GARFIELD. If the Chair will allow me.

The CHAIRMAN. Certainly.

Mr. GARFIELD. The bill provides for a letter-carrier system in cities having more than 40,000 inhabitants. There was a clause in the bill that proposed to change the law so that for cities of less than 40,000 inhabitants there should be no letter-carrier system, but that clause has been stricken out. Therefore as the bill now stands the letter-carrier system will remain intact as it exists under the present law. My colleague [Mr. FOSTER] offers an amendment appropriating money to carry out the law which the Committee of the Whole has just voted it will not repeal. The existing law provides for establishing the letter-carrier system, and this portion of the bill proposes to leave that law as it stands. In the same portion of this bill we are making appropriations for sundry miscellaneous purposes, for wrapping-paper, for letter-balances and scales, for rent, light, fuel, &c. My colleague offers an amendment to appropriate $350,000 for delivering the letters free to the people from the very post-offices for which we are making these miscellaneous appropriations according to the law which we have just voted shall remain as it now stands. We are working upon the portion of the bill providing for miscellaneous expenses, and this amendment relates to the portion providing a letter-carrier system. If it is ruled out of order, then it is out of order to move an amendment making any appropriation for the Post-Office Department, which is provided by law in the portion of the bill relating to miscellaneous appropriations.

I think there can be no clearer case of a germane provision. This is not a list of clauses independent of each other, but all relating to miscellaneous expenditures, and my colleague proposes to add a clause making further appropriation for one of these miscellaneous expenditures. If he had offered an amendment relating to rivers and harbors, of course that would be ruled out of order. But he offers an amendment to cure a defect in a portion of the bill in which the House, by an overwhelming vote, has resolved not to change existing laws. If it is not germane, then it is not germane to have anything about post-offices in this portion of the bill. The same House that voted that this carrier system should not be destroyed (I agreed with the Committee on Appropriations myself, but we were voted down overwhelmingly) ought to sustain the amendment of my colleague, and ought to sustain him, if need be in overruling the decision of the Chair upon the point of order.

The CHAIRMAN. An appeal from the decision of the Chair cannot be taken in the Committee of the Whole. In practice this has frequently been done; but the leading authorities on parliamentary law do not recognize this practice as regular. The better way to settle the question is for the committee to rise in order to report the point of order to the House, and ask its instruction in reference to the matter in question.

Mr. HOLMAN. I trust the gentleman from Ohio [Mr. FOSTER] will withdraw his appeal.

Mr. FOSTER. I will withdraw it if the gentleman will allow me to go back to the other clause and move my amendment.

Mr. HOLMAN. I move that the committee rise.

Mr. GARFIELD. It can all be settled without trouble if the gentleman will allow the amendment to be offered to the other clause.

Mr. HOLMAN. I feel very confident that this letter-carrier system can be carried on at an expense not exceeding $1,650,000.

Mr. FOSTER. Then the gentleman is guilty of the absurdity of reporting an appropriation of $1,650,000 for carrying on the letter-carrier system in only fifty-five cities.

Mr. HOLMAN. That would appear to be a good answer, but it is not a good one for the reason that had the proviso not been stricken out, a motion would have been made to largely reduce this appropriation. If the gentleman insists upon his appeal, I will move that the committee rise.

Mr. FOSTER. I insist upon my appeal, of course.

The question was taken upon the motion that the committee rise; and the Chairman announced that the noes appeared to have it.

Mr. HOLMAN. I do not see any other mode of procedure, except for the committee to rise, with this point of order pending.

Mr. RANDALL. I suggest that the Committee of the Whole have already passed upon the paragraph relating to the letter-carrier system.

The CHAIRMAN. The Chair has so decided.

Mr. RANDALL. And that is right; otherwise we might forever amend by going back in this way. One of our rules is that we shall not go back.

The CHAIRMAN. The Chair will state the question. It is upon the motion of the gentleman from Indiana [Mr. HOLMAN] that the committee rise for the purpose of submitting this question of order to the House.

The question being again taken, the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair,

Mr. SPRINGER (chairman of the Committee of the Whole) said: The Committee of the Whole on the state of the Union having had under consideration the post-office appropriation bill, have directed me to report that they have made some progress thereon, but that a point of order arose with respect to an amendment submitted by the gentleman from Ohio [Mr. FOSTER] to the forty-sixth line, and that point being decided by the Chairman, the gentleman from Ohio desires to report the point of order to the House and to obtain the direction of the House in reference thereto.

Mr. HOLMAN. The question raised in Committee of the Whole having now been reported, being upon an appeal from the decision of the Chairman, I move to lay that appeal on the table.

Mr. HOAR. I raise the point of order that the question has not been stated.

The SPEAKER *pro tempore*. The Chair was about to state it.

Mr. HOAR. The Chairman of the Committee of the Whole, as was his right, authorized the gentleman from Ohio to state his point to the House as part of the report of the Committee of the Whole; and he is entitled to do so before the question is taken upon the appeal.

Mr. HOLMAN. I understand the practice to be this: The Chairman of the Committee of the Whole reports to the House the question raised in the Committee of the Whole; and it then stands here just as though the appeal had been made from the decision of the Speaker.

Mr. GARFIELD. I make the point that the amendment should be reported to the House before further debate.

The SPEAKER *pro tempore*. The Chair was about to order that the amendment reported from the Committee of the Whole be read. The point of order will then be stated by the gentleman who raised it in Committee of the Whole, so that it can be made a matter of record; and then the Chair will rule upon it.

The Clerk read the amendment of Mr. FOSTER, as follows:

Add after line 47 the following:
For additional for letter-carrier system, $350,000, for cities of less than 40,000 inhabitants.

Mr. HOLMAN. I understand the facts to be these: The paragraph pending in Committee of the Whole was the following:

For rent, light, and fuel, $390,000.

The gentleman from Ohio [Mr. FOSTER] moved, as an amendment to this proposition, to appropriate for letter-carriers $350,000.

Mr. GARFIELD. At the end of that, as an additional paragraph.

Mr. HOLMAN. The gentleman from Ohio moved to add at the end of the paragraph the words "for letter-carriers, $350,000." Now that must be an amendment of course to the printed text. The point of order was made that that was not germane, and the point was sustained by the Chair. On that an appeal was taken, and that appeal now comes before the House.

The SPEAKER *pro tempore*. Under the custom which prevails in the Committee of the Whole, and inasmuch as the clause from line 36 to line 41 pertains to letter-carriers, the Chair rules that it is out of order to go back either directly or indirectly to take up that matter again. The Chair therefore sustains the point of order and rules out the amendment.

Mr. GARFIELD. I desire to ask the Chair whether that ruling would cover the same proposition if offered at the end of the bill as a new section?

The SPEAKER *pro tempore*. The Chair will rule on that question when it comes properly before him.

Mr. FOSTER. I appeal from the decision of the Chair.

Mr. RANDALL. I move to lay the appeal on the table.

The question being taken on the motion of Mr. RANDALL, there were—ayes 76, noes 57; no quorum voting.

Tellers were ordered; and Mr. FOSTER and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 86, noes 64.

So the appeal was laid on the table.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole upon the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the post-office appropriation bill.

The Clerk read as follows:

For inland transportation, $14,500,000.

Mr. HOLMAN. By direction of the Committee on Appropriations, I move to amend so as to make this paragraph read as follows:

For transportation by railroad, $8,862,149; for transportation on star routes and by steamboats and on all other than railroad routes, $6,237,851; in all, $15,100,000.

Mr. Chairman, it will be observed by this amendment, which I submit by instruction of the Committee on Appropriations, that it is proposed to increase this appropriation for inland transportation to the amount of $600,000. The effect of the proposition is to somewhat increase the appropriation for star routes and to diminish somewhat from the appropriation for the present fiscal year the appropriation for railroad transportation.

I wish to call the attention of the House to two facts in regard to star routes. Last fiscal year the whole amount of the star routes and steamboat expenditure, which covered the whole of inland transportation besides railroad transportation, was $6,137,851. It is proposed to increase the appropriation for that purpose, that is, for steamboat and star routes, $100,000 over the expenditure for the last year.

And in that connection I wish to call the attention of the committee to the letter of the Second Assistant Postmaster-General bearing date April 26, 1876, from which it appears that during the present fiscal year, based on returns for three quarters and an estimate for the remaining quarter, the increase in steamboat service will be $21,974, while the decrease in what is known as the star-route service will be $41,745, making a reduction on the expenditures of last year for steamboat and star-route service of a little rising $19,000. This has resulted from more favorable contracts which were made last year and during this year up to the present time for transportation of mails for these two modes of service.

I wish to call the attention of the committee to the fact that the Second Assistant Postmaster-General in his report to the Postmaster-General for the last fiscal year presents this state of things, that there was an increase in the number of miles of postal service for the last year of 8,776, while there was a decrease of expenditures therefor of $48,688, showing the cost last year was a little greater than it will be for the present year. In both those branches of service, the steamboat and star route, there was last year and will be this an actual reduction on the cost last year based on the preceding year and the present year based on last year. But to avoid the possibility of mistakes in this respect, inasmuch as these star routes are of the highest importance to the country, the committee has recommended an increase of that appropriation to the extent of $100,000, making the entire appropriation for star routes and steamboat service $6,237,851 as against an expenditure of $6,137,851 for last year and still less expenditure for the present fiscal year based on returns for three quarters already received at the Post-Office Department. It is believed by the Committee on Appropriations this adjustment of expenditure for inland transportation to the amount proposed to be appropriated for the different branches of that service will be found to be amply sufficient.

I trust the committee will bear with me in mentioning another fact. The committee fixed the rates of compensation to railroad companies at 6 mills per linear foot of car space for a speed up to 25 miles per hour—not exceeding 25 miles per hour—and 7 mills per linear foot of car space for a speed exceeding 25 miles per hour. The subject has been further investigated by the committee, and they propose to modify those figures, and to fix as compensation to railroad companies 5 mills per linear foot of car space for a speed up to 25 miles per hour, and 6 mills per linear foot of car space for a speed exceeding 25 miles per hour. It is believed by some of the members of the committee, although the subject has not been discussed so that an opinion has been expressed by the members of the committee, that these sums will be ample and sufficient to secure the transportation of the mails by railroads, and the cost to the Government will perhaps fall considerably under the appropriation now proposed to be made. I believe that is all I wish to submit at this time.

MESSAGE FROM THE SENATE.

The committee informally rose, and a message was received from the Senate, by Mr. SYMPSON, one of their clerks, announcing the passage of the bill (S. No. 695) for the relief of Angeline Logan; in which the concurrence of the House was requested.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HARRISON obtained the floor.

Mr. REAGAN. Before the gentleman from Illinois begins his remarks, I wish to ask a question of the Chair. I offered two amendments to this section when the bill was under consideration in Committee of the Whole for the first time. Are those two amendments now pending to be considered before other amendments, or have I to again offer them for action?

The CHAIRMAN. The recollection of the Chair is that the amendments referred to by the gentleman were read in committee for information, to be offered at the proper time.

Mr. REAGAN. I do not know what the understanding was, but I ask to offer the amendments now if the understanding was that they were not submitted when they were read from the Clerk's desk.

Mr. HARRISON. I rise now to prevent myself from being cut off when I shall offer an amendment for an increased appropriation which will be necessary to support the fast mail. If the ruling of the Chair shall be continued that we shall not go back, that may be cut off entirely. I now offer an amendment to increase the amount for railroad transportation by $390,000.

I will state my reason for offering this amendment. I have information that it will be impossible for the railroads to transport the mails over thirty miles an hour at 6 mills per foot—the figure at which the gentleman from Indiana proposes to fix it. It is even impossible to get the transportation at 7 mills.

The gentleman from Indiana thinks that the people of the United States are willing to go back to the old stage-coach lines and take days and days for the transportation of our postal matter. The gentleman says it does not make so much difference whether we receive our letters a few hours sooner or a few hours later. Sir, a few weeks ago I was looking over some old correspondence of my father and my grandfather. My grandfather thanked my father, his son, for writing once in three months from college. When I was myself absent from home at school my mother charged me to be certain to write to her once a month. But, sir, a father or mother to-day whose son is absent will demand that he shall write twice a week or every day. *Tempora mutantur et nos mutamur in illis*—times changing, we change. The days of old stage-coaching are done away with. The gentleman from Indiana may be satisfied with them, but out in the West and in the North we are not.

It has been said that every locality shall support its own postal facilities. Now, sir, the fast mail, running from New York and Boston to Chicago, passes through the States of Massachusetts, New York, Ohio, Indiana, Michigan, and Illinois. Those six States pay one-half of all that the Government receives from the postal service. These six States pay $12,703,000; all the others pay $12,956,000. The six States pay the Government one-half of the entire expenses of the postal service, and, sir, what does it cost the Government for transportation in these six States? The whole cost of the transportation of the mails in the United States is $31,057,000, and the cost of the transportation in the six States is $12,645,000, only two-fifths of the whole. It costs the Government for these six States two-fifths of the entire cost of transportation, and they pay the Government one-half of what the Government receives from the postal service. Are we, sir, to be cut off, then, from our rapid facilities when we are supporting them? Gentlemen say that this is for the benefit of Chicago and of New York. Sir, Chicago has no benefit that does not accrue to the entire Northwest. To-day Chicago is the second post-office in America for letter transportation. Chicago is ahead of New York for newspaper transportation, and why? Because, sir, it is the distributing-point for twenty millions of people. This fast-mail line distributes mail matter to very nearly one-half of the entire population of America; as I have stated, to twenty millions of people, it is believed—Minnesota, Iowa, Wisconsin, all Illinois, Missouri, and the great West to the Pacific Ocean, to say nothing of this grand acquisition we made the other day of the Hawaiian Islands. Chicago sends their mails to them and returns their mails back to the whole of the East. Why is it? It is because the railroad communications running toward the West have enabled them to send the mail one day ahead of the old speed that was given us before.

I have said that I am opposed to any going back in this measure. In England they give rapid facilities, and the letters are carried to every man's door, not only in towns, but even in the country. We want to receive the mails from the East at Chicago with rapidity, and thus the villages of Saint Louis, of Saint Paul, and of San Francisco will get the benefit of it. Saint Louis is rather opposed to this fast-mail line. Why, sir, Saint Louis had dropped into a Rip Van Winkle sleep, and would not have waked up for a hundred years, until from Chicago we dug a ditch, and sent a little Chicago River water into the Mississippi, and Saint Louis then waked up, built a bridge, and this year she will elect you a democratic President. [Laughter.] And why, sir? Simply because of her connection with Chicago.

I am opposed, sir, to any striking down of the mail facilities, and I therefore hope the amendment will be sustained.

Mr. PHILLIPS, of Kansas. I observe that there is a reduction in the appropriation in this item of $3,048,000, and I have an amendment to offer. This reduction of the committee is for a branch of the service that is constantly increasing, for carrying the mails. We have in the West and Southwest an increase of many thousand post-offices and post-routes every year. The committee propose to cripple this branch of the service, which furnishes the rapidly-developing parts of the country necessary postal service.

I must, here, Mr. Chairman, protest against the doctrine of the gentleman from New York that the postal service ought to be and can be put upon a paying basis by reducing its non-paying portions. If New York and the other five States which have been named as contributing more than they cost pay more to the postal service of the country than the other States, they must remember that as indemnification they hold the business of the country. They communicate by mail with the most remote post-offices in the country, and so long as they hold the business it does not become them to come here and deny those remote parts of the country the necessary mail facilities, or, in order to reduce the rates of postage between the great cities, sacrifice the newly-developed portions.

I have learned from official sources that if you make this reduction you will cut off some 12,000 post-offices, which of course would all be in the thinly-settled portions, and deny them postal services. I appeal to the House not to permit this reduction, and I therefore move you as an amendment what I send to the Clerk's desk, which is simply the estimate of the Department. I will say in reference to the amendment of the gentleman from Indiana, [Mr. HOLMAN,] who wishes to fix the amount to be appropriated to the railroad service and the steamboat service and the star service, that this would be better left as it is under the present system, to the discretion of the Postmaster-General. Railroads are being built every day, and of course the transportation is taken from the stage lines and put upon the railroads the moment it can be done. I hope the amendment which I send up will be adopted.

Mr. HARRISON. I withdraw my amendment to the amendment.

The question recurred upon Mr. HOLMAN'S amendment.

Mr. REAGAN. I desire to offer a substitute for the amendment and the amendment to the amendment, as follows:

For transportation of mails by railroads $9,000,000: *Provided*, That the maximum amount which shall be paid to any railroad shall not exceed $450 per annum per mile; for all other inland transportation $7,000,000.

It will be seen that I propose to augment the amount included in the amendment offered by the gentleman from Indiana, [Mr. HOLMAN,] and to make the whole sum appropriated for inland transportation $16,000,000 instead of $14,500,000 as provided in the bill; in other words, to make it about a million and a half dollars less than it would be under the amendment offered by the gentleman from Kansas, [Mr. PHILLIPS.] I desire to call attention to a few figures in this connection. The estimate of the Postmaster-General for inland transportation for the year for which we are now appropriating was $17,584,000. The expenditures for the year which ended on the 30th of June last was something over $15,000,000—fifteen million three hundred thousand and odd dollars, I think. The expenditures for the current fiscal year, which will end on the 30th of June next, actual and estimated for the last quarter, will be about $16,103,732, as is stated in the letter of the Second Assistant Postmaster-General, dated April 26 of this year. The amount stated in the amendment which I propose is a fraction less than the expenditures actual and estimated for the current year. I have indicated in my amendment the amount which shall be expended for the railroad service, for the steamboat service, and for the star service, giving nine millions to the railroad service and seven millions to the steamboat and star service.

Now the figures indicated in the amendment of the gentleman from Indiana [Mr. HOLMAN] that five or six mills per linear foot might be possible to keep the appropriation within reasonable limits, but I have my doubts as to that, and my own judgment is that with that deduction the service will require more money than was ever required from the Government for the railroad service in any one year. The railroad service, under the present weighing system, requires $10,500,000, and, if we can reduce the amount by this amendment to five mills ins ead of six and six mills instead of seven, we may possibly arrive at some reduction, but at seven mills it will give to some railroads over $1,000 a mile. Putting it at one mill below that amount, it may possibly make it a little below $1,000 a mile, but very little. I state what I know, and no one will say hereafter that he was mistaken or misled because the calculation was not made.

Mr. ATKINS. Will the gentleman from Texas please give us the basis of his statement? I have heard him make that statement several times, but at present we have only his assertion of the fact.

Mr. REAGAN. I have given the basis several times if the gentleman had done me the honor to listen to me. I take one route, the route from New York to Chicago. I assumed that two hundred and ten feet of linear space in the railroad cars would be necessary on that route. The superintendent of railroad transportation told me that my assumption was correct enough for practical purposes. This line will be run at a rate of speed of more than twenty-five miles per hour. Now, multiply two hundred and ten by seven mills; multiply that product by the number of days in the year; that will give the cost per mile; multiply that product by the length of the route in miles, and you have the cost per mile, and the cost of the service for the whole route.

[Here the hammer fell.]

Mr. REAGAN. I regret that I could not get in any of my other statements.

Mr. DANFORD. In my judgment, Mr. Chairman, the House or the committee in attempting to proceed upon a principle that shall make the postal service of this country self-sustaining is at fault. We should

carefully avoid extravagance, carefully avoid everything that will lead to abuse in the postal system, and yet we should have in view, so far as the postal service is concerned, the facilities of the mail service to every part of the country, and we should take into account and calculation the sentiment of the people in relation to that service and its extent and we should then be willing to pay for it.

Let us examine for a moment what this idea of a self-sustaining Post-Office Department leads to. It is impossible to make the service self-sustaining in the State of Texas or in many of the States of the South and West, and I desire to call the attention of the committee to a fact in that connection. During the war, perhaps in 1864 or 1865, when the South was mainly cut off from the postal service, the Department was self-sustaining. That may be accounted for by the number of persons who were in the Army and the increased correspondence resulting therefrom. To a very great extent it was because of the cutting off of mail facilities for the South, and we cannot have a postal service that is self-sustaining unless we put upon the East the burden of sustaining the service in the South and West.

Take the great cities of Boston, New York, and Philadelphia in the East and the great cities in the West. Undoubtedly they pay more by far of the general revenues of the Post-Office Department than the cost of their free-delivery system and all their other mail expenses together. The excess goes into the general revenues of the Post-Office Department and swells the receipts of the Department. I believe that the true principle for this Committee of the Whole to act upon is to see that there are no abuses in carrying the mails, to see that they are carried with facility and delivered with certainty, and then to pay for that service at fair and remunerative prices, without regard to whether the whole postal system is self-sustaining or not. The amendment offered by the gentleman from Indiana, [Mr. HOLMAN,] perhaps renewed by the gentleman from Texas, [Mr. REAGAN,] in my opinion is objectionable. I find this remarkable fact in connection with the postal service last year, and the attention of the Committee of the Whole was called to it by the gentleman from Indiana [Mr. HOLMAN] in his general remarks upon this bill, that while the cost of the railroad and steamboat service was increased the cost of the star services was decreased. But I appeal to all my colleagues on this floor who represent rural districts to state what was the cause of that decrease. It was because we could not get the proper amount of service.

I have repeatedly gone to the Post-Office Department for the purpose of getting an increase of mail service on particular routes; to get the mail carried six times a week instead of three times, or three times a week instead of once a week, and I was told that there was no money for the purpose. I suppose there is scarcely a member upon this floor who has not received the same answer from the Department.

In this bill is contemplated an adjustment of the compensation to railroads upon a different system from that in vogue at present. It is not safe to say that we will appropriate a specified sum for this service and that we will stop the service when that specific sum has been exhausted. I believe we should put in the hands of the Postmaster-General all he asks for in his estimates. It will be conceded by all parties, I have no doubt, at least by all who have had anything to do with that official, that he is honestly and earnestly attempting to carry on his Department honestly and fairly and in the interest of economy. I do not think he should be crippled by the House dividing up the appropriation for mail transportation, and saying that he shall use only so much of it for one branch of the service and so much for another branch. I believe that it will be true economy and in the interest of the service to give the Postmaster-General what he asks for carrying on the postal service of the country, in the full belief that if it is not all needed for that service it will not be all expended.

Mr. DUNNELL. I move to amend the amendment by striking out "$6,237,851" and inserting "$6,737,851." In the few remarks I made to the Committee of the Whole in the general debate upon this bill I directed my attention to this item of inland transportation.

Mr. REAGAN. If the gentleman will allow me, I wish to call his attention to the fact that that item embraces not only the appropriation for the star service but also the steamboat service, which amounts to $800,000 more.

The CHAIRMAN. The amendment of the gentleman from Minnesota [Mr. DUNNELL] is not now in order, except as an amendment to the substitute of the gentleman from Texas, [Mr. REAGAN.]

Mr. DUNNELL. I offer my amendment to the amendment of the Committee on Appropriations.

The CHAIRMAN. There is already pending an amendment to that amendment, offered by the gentleman from Kansas, [Mr. PHILLIPS.] The question is now upon the amendment to the amendment.

Mr. ATKINS. Is debate exhausted on the pending amendments?

The CHAIRMAN. It is.

Mr. ATKINS. Would it be in order to move to strike out the last word *pro forma*?

The CHAIRMAN. It would be in order to move to strike out the last word of the substitute, but not of the amendment.

Mr. ATKINS. I make that motion for the purpose of saying a word in reply to the gentleman from Texas, [Mr. REAGAN.] He read from the estimates of the Second Assistant Postmaster-General that the amount for transportation was $16,103,000. I wish to call his attention to the fact that in that estimate is an item in the nature of deficiencies of $816,717.56, which if deducted will leave the whole amount for transportation only about $40,000 less than he proposes by his amendment. I believe his amendment proposes to increase the amount to $16,000,000. I desired to call his attention to that particular fact.

I wish to state another thing in regard to the very extraordinary figures which he has so frequently presented concerning the railroad service, which he says will amount in some instances under this bill to over $1,000 a mile. He instanced the route from New York to Chicago. I undertake to say that the gentleman has not as yet satisfied me, nor do I think he has satisfied this House, that his proposition is correct. But suppose it were true with reference to that particular road—the main trunk road; it would not be true with regard to all the other roads in the country. That road is the main carrying line; and if the proposition be true with regard to it, it is not true with regard to any other road. At least he has failed to make a satisfactory exhibit of the figures demonstrating that result. The reason of the high rate of transportation upon that main trunk line is found in the immense concentration of mail matter upon it; and that the rate should be higher is therefore but to be expected.

The gentleman from Ohio has said that the Committee on Appropriations desire to make this a paying service. Sir, I suppose it is true that every member of the committee and every gentleman of the House would be glad to do this; but I do not suppose there is any man here who expects to do it. It has not been a paying service since the war. Many years will elapse before it can be made so. I, for one, would not cut down the transportation of the mails a single dollar below what I believe to be right and essential to an efficient service. It is upon that basis that the Committee on Appropriations have based their calculations—looking to the efficiency of the postal service, at the same time having due regard to economy.

Now, we ought to take something into account for the saving in the letting of contracts. The contracts have been let recently at much lower rates than formerly. This is a fact that ought to be considered by the Committee of the Whole, and it is a very important fact. I have no doubt that under the administration of Postmaster-General Jewell the contracts for mail carrying have been let at far lower rates, and more fairly to the Government, than they have before been since the war. For one, differing in political sentiment with Mr. Jewell, I am free to say that I believe he has an honest desire to administer his office as economically as the nature of the case will permit. It is reasonable to suppose that the recent lettings will save to the Government a considerable amount, and this ought to be credited to the transportation service.

Mr. FOSTER. I would like to ask the gentleman a question. I undertand him to say that he favors the amendment offered by the committee fixing the amount for transportation other than by railroads at $6,237,000.

Mr. ATKINS. I believe that is sufficient.

Mr. FOSTER. I understand the gentleman to say further that the contracts for this transportation to which the $6,237,000 applies have been made at less rates than heretofore.

Mr. ATKINS. I understand so.

Mr. FOSTER. Yet, Mr. Chairman, the amount proposed for this service is greater than the cost of inland transportation of this character last year. I wish to inquire of the gentleman why it is proposed to appropriate in this bill a greater sum than the actual cost last year of this transportation upon other than railroad routes?

Mr. ATKINS. The number of routes of the star service has been increased, and we have enlarged the amount of that service $100,000 above what it was last year.

Mr. FOSTER. But the gentleman says that the contracts have been let at lower rates.

Mr. REAGAN. My friend from Tennessee [Mr. ATKINS] has called my attention to the fact that the statement which I read from the report of the Second Assistant Postmaster-General of April 25, showing that the mail facilities for the year ending June 30, 1876, would cost $16,103,000, embraced three items aggregating $853,000 which he claims do not belong to that estimate at all. Now, my friend as a member of the Committee on Appropriations must have examined all this matter. If he had looked over this statement carefully, he would have seen that after stating as far as possible the cost, the following language occurs:

> This statement does not include the cost of railroad service on routes whereon the compensation has not yet been adjusted under the provisions of the act of March 3, 1873, nor the increase in pay of railroads whose compensation has been adjusted on weights taken during the present fiscal year, and not yet paid, nor the cost of new railroad service ordered during the current fiscal year not yet paid.

It will be seen that these three items are embraced in the calculation and constitute a part of the aggregate. It is not necessary for me to state to my friend, who has looked over this report, that it was necessary to include these items in order to arrive at the cost of the service for this year.

The gentleman from Tennessee has doubted the correctness of the figures which I gave with regard to the mail-route from New York to Chicago, and has said that even if my statement is true with regard to that route, it is the only one to which the statement is applicable. Why, sir, I can tell the gentleman what I supposed he as a member of the Committee on Appropriations had already learned, that, according to the statement of the superintendent of railway mail service, Mr. Vail, it takes twenty linear feet more for the mails

between New York and Philadelphia than for those between New York and Chicago, thus largely increasing the price per mile. Hence my remark applies as well to the Pennsylvania Central, and possibly other roads, as to the line between New York and Chicago. While the gentleman may now believe that my calculation is not correct, yet I am confident that at the next session he will find it to be well founded. As I observed a while ago, I do not want the Committee of the Whole to act in ignorance of the fact that if the original bill passes we shall increase the pay of the railroads to $1,000 a mile.

Mr. ATKINS. Why, then, does not the gentleman propose to reduce the rate of compensation below five and six mills?

Mr. REAGAN. I have not the control of this bill. I do not propose to change the system; but I propose in the amendment which I offer to say that the compensation shall not exceed so many mills per mile, as the Postmaster-General may direct. My amendment does not propose to pay so many mills absolutely, but to fix a maximum so that no railroad shall be allowed more than $450 a mile per annum. Adopting an intelligent basis, I propose to allow an increase of $75 per mile per annum over the highest price that was ever paid for mail service prior to the passage of the act of March 3, 1873.

I have not done it for the purpose of leaving it in the discretion of the Postmaster-General to compensate railroads according to the nature and extent of the service performed within the maximum of $450 per mile per annum. This will make it reasonable. It ought to carry any service. It ought to carry as costly a service as my friend from Illinois can want. The Postmaster-General received as quick service before the passage of the act of March 3, 1873, as he receives to-day and he received it for $375 a mile. I propose to give $75 more.

[Here the hammer fell.]

Mr. HARRISON rose.

The CHAIRMAN. Debate is exhausted.

Mr. HARRISON. I move to strike out the proviso.

My reason for doing that, Mr. Chairman, is this: It seems to be a universal habit in this House for both sides to applaud our distinguished Postmaster-General. Both sides of the House seem to vie with each other in declaring their perfect confidence in the distinguished gentleman who occupies the position of Postmaster-General. Yet gentlemen come here and say you may pay the railroad so much "provided." Why do they not trust to the Postmaster-General, and let him make the best bargain he can? Does the gentleman from Texas pretend to understand so well the service that he can come here and say that more than a certain amount shall not be given? Does he know more than a certain amount will not be earned? If the Postmaster-General is an honest man, and we all proclaim him such, then say to him "you shall have so much money; you shall conduct the transportation of the mails in the most economical manner, but we will not say you shall not give to this or that line more or less."

If the line, for example, from New York to Chicago, which carries so vast a tonnage of mail matter, running three or four immense mail cars, beside the mail carried on other lines—if that railroad shall not receive over four hundred and odd dollars a mile, what would become of the mail which has to go over that route? Will he send it some other way? Is it in the interest of some other railroad?

My impression is that the most economical plan is to let the Postmaster-General make the most economical terms he can with whatever railroad he may. We will get a cheap service then, but we will not get a cheap service if the gentleman's plan comes in to hamper the actions of the Postmaster-General. My own impression is that between New York and Chicago it is utterly impossible to carry heavy mails at over 30 miles an hour at less than $1,000 a mile. But how much is it going to cost? The whole addition is $390,000. Three hundred and ninety thousand dollars to give mail facilities for 20,000,000 of people!

Mr. HOLMAN. Does the gentleman from Illinois know the average speed of the line from New York to Chicago?

Mr. HARRISON. I do not, precisely.

Mr. HOLMAN. I believe it is only 28 miles an hour.

Mr. HARRISON. O, no! I think it is about 37 miles an hour.

Mr. REAGAN. And they are getting over a $1,000 a mile instead of $338.

Mr. HOLMAN. Perhaps in some portions of the route they do run at forty miles an hour, but the average speed I believe is twenty-eight miles an hour.

Mr. HARRISON. The facts are simply these. There is one trunk line which carries the mail from the East, not to Chicago, for that is a mere distributing point, but to the whole Northwest and the whole Southwest—to the great West. It carries it there at a cost even let us suppose of $1,000 a mile. That is simply because there is such a vast amount of mail which goes over it, and which goes by the fast line twenty-four hours, certainly twelve hours, quicker, if it goes at a speed of thirty miles an hour. It is then distributed to Texas, to Kansas, to Nebraska, and away up to the northern part of Minnesota——

[Here the hammer fell.]

Mr. WHITE. Mr. Chairman, it seems to me the objection the gentleman from Illinois has just made to the amendment of the gentleman from Texas will apply with equal force to the whole bill. The gentleman from Texas, as I understand his amendment, proposes that the pay for railroad transportation of mails shall be so many millions of dollars. The criticism made by the gentleman from Illinois is that it should not be limited, but that it should be left to the discretion of the Postmaster-General. I would like to call the attention of the chairman of the committee to a single fact, that the Postmaster-General in his estimate says it will take $10,500,000 to pay for the transportation of the mails by railroad service and it will take $4,659,000 to pay for inland service besides that of railroad transportation. Now I wish to ask the gentleman, if this amount was limited for the transportation of the mails by railroad, whether that will or not cripple the railroad service? If that should be so, I would like to ask the gentleman from Illinois whether the same objection cannot be made so far as the inland service is concerned?

I indorse every word which was said by the gentleman from Ohio [Mr. DANFORD] in regard to the increase of mail facilities. I represent a rural district, and many of my people do not get a mail but once a week. Many have to go twenty-five miles to get a letter. I myself have but three mails a week from the railroad to the town in which I live, and when I asked the Postmaster-General for an increase of service, so I might get a mail a day, I was answered by the Postmaster-General that there was no appropriation for it. If I ask him to put service on a new mail route in some other part of my district, the answer always is "we have no appropriation." If I ask him to increase the salary of a postmaster who gets only $12 a year to $30, $50, or $100, such a sum as would be commensurate with the duties he performs, the avariable reply is "there is no appropriation."

Now, it seems to me that we are to hamper the Postmaster-General still further by this stingy process. It seems to me that we are going to cripple the service and to promote ignorance throughout the country; and since that side of the House say that they do not intend to give every man in this country a chance to receive at least one letter a week or to put it within his reach, they proclaim to the country that they prefer darkness rather than light.

Mr. Chairman, it does seem to me that every man in this country has a right to ask this House to appropriate enough money to bring his mail at least within five or six miles of his home. The amount appropriated by this bill will not do it. The chairman of the Committee on Appropriations himself admits that there are but three of these large cities that pay any revenue for the carrier system. Now, I ask him, if there are but three large cities in the Union where the carrier system pays any revenue to the Government, can it be expected that the rural districts will pay any revenue to the Government? I think there is but one reasonable view of this whole question, and that is to compel the Postmaster-General to bring mail facilities within the reach of every man in this country, at least within four or five miles of his home, let it cost what it will, and that this House shall make appropriations sufficient for this purpose.

I would remark in conclusion that no man on this side of the House will say that I am aiming to run this Government into excessive extravagance. I believe I have voted for every economical proposition that has been submitted. But I think this is going to an unreasonable extreme. If we agree to this we are saving money at the expense of promoting ignorance; and to spread ignorance abroad over the land is worse than to spend money to promote intelligence.

The CHAIRMAN. Debate on the amendment is exhausted. The question is on the amendment of the gentleman from Kansas [Mr. PHILLIPS] to the amendment of the gentleman from Indiana, [Mr. HOLMAN.] The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Strike out in lines 53 and 54 "$14,500,000" and insert "$17,548,000."

Mr. PHILLIPS, of Kansas. I wish to say that that is precisely the estimate of the Postmaster-General.

The question being taken on the amendment of Mr. PHILLIPS, of Kansas, there were—ayes 40, noes 73; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. WHITE and Mr. ATKINS.

The committee again divided; and the tellers reported—ayes 35, noes 66.

So, further count not being demanded, the amendment was not agreed to.

Mr. DUNNELL. I offer the following amendment to the amendment of the gentleman from Indiana:

Strike out "$6,237,851" and insert "$6,737,851."

Mr. GARFIELD. Is that a reduction?

Mr. DUNNELL. It is an increase.

Mr. GARFIELD. How much?

Mr. DUNNELL. It is an increase of $500,000 in the amount for the service other than the railroad service.

I am satisfied, Mr. Chairman, that the gentleman from Indiana has failed to give all the facts relative to the service other than the railroad service. If the amendment of the committee is to be adopted, I would perfect it as far as my amendment goes, as it affects the star service and the steamboat service. The amount of increase has been understated. This item for inland transportation gives us some three millions less than the estimate of the Post-Office Department.

I insisted the other day, as I now insist, that the passage of the bill with so large a reduction for inland transportation will work disastrously in all the remote portions of the country. I endeavored to state how it would affect the State which in part I have the honor to represent.

I voted for the amendment of the gentleman from Kansas, [Mr. PHILLIPS,] preferring that amendment to mine. But if the amendment of the committee is to be adopted, I do claim that the item provided for the star service should be increased to the amount indicated by my amendment. The gentleman from Kansas tells us that the Post-Office Department has insisted that at least 12,000 post-offices must be discontinued if the present amount be appropriated. We know very well that in addition to the increase of some eight thousand mails in the last session of the last Congress, there has been an increase during the present Congress of some seven or eight thousand miles, and another large route bill is being prepared which will also increase the amount of land transportation. There have been within the past week some four hundred new post-offices established, and the number is continually increasing. And yet in the face of this fact that the gentleman from Indiana cannot deny, we are asked to appropriate only about $100,000 more than we appropriated for the year ending June 30, 1875; and the estimates are not brought down to the present time. It will take at least a half million more of money to provide for this branch of the service to which my amendment applies than has been appropriated heretofore. The increase in this inland transportation as a whole comes almost wholly in this branch of the service. The amount of railroad increase is far less than that of the land carriage by all other means of transportation.

Now I will confess to the gentleman from Indiana that I shall be satisfied with his amendment if it be amended as I have indicated; but I had understood him to say in his remarks the other day that that part of the bill which provides for railroad transportation was in harmony with the recommendation of the Post-Office Department. I understand to-day that the Post-Office Department is not in harmony with the committee as to the mode of the computation, and that the Department will be as dissatisfied with this branch of the bill as with any other; but if this amendment of the gentleman from Indiana [Mr. HOLMAN] is to pass, then it will enable the Department to treat the great rural districts of the South and West far better than it could do under the bill as it was originally reported, and I hope the amendment will be adopted.

Mr. HOLMAN. Do I understand the gentleman from Minnesota to say that the Post-Office Department is opposed to the method of compensating railroad companies?

Mr. DUNNELL. I was perhaps unfortunate in the use of a word; I should have said "rate" instead of "method."

Mr. HOLMAN. That is true; the Post-Office Department wanted a higher rate; they propose a rate of from 6½ mills to 9 mills per linear foot of car space, and the bill as it stands provides for only 6 to 7 mills. But the Department was entirely in harmony with the Committee on Appropriations as to basing compensation upon space rather than weight. I understand that the amendment of the gentleman from Minnesota is now the pending question.

The CHAIRMAN. It is.

Mr. HOLMAN. I ask that it be again reported.

The amendment was again read.

Mr. HOLMAN. This is simply an increase of half a million dollars over the sum proposed by the bill. I do not think the gentleman from Minnesota is justified by the data which we have before us in pressing that amendment. I take the last report we have received from the Post-Office Department, the last information received by the House, the letter from the Second Assistant Postmaster-General, who has charge of this matter, and bearing date of the 26th of April last, and on that data contained in that letter I know the gentleman cannot sustain that amendment. I know further that for maintaining in its entire vigor the rural postal service the sum recommended in this bill is sufficient.

Now let me call the attention of the gentleman from Minnesota [Mr. DUNNELL] to a fact to which I have been trying to get the attention of the committee since this bill has been before it. I am anxious to support the usual service performed on horseback and in coaches, and to say that the great railroad service shall be prevented from encroaching upon the rural service. The expenditures for the last year, including the star routes and steamboat service—they are not separated and never have been—was $6,137,857. Now I assume that there must be and should be some increase in that branch of the service; but the Second Assistant Postmaster-General shows in his report that while last year on account of more favorable contracts the number of routes was increased to the extent of 8,776 miles, the cost was actually reduced $46,688.

The gentleman certainly will not expect that the postal service will be extended to a greater degree than 800 or 1,000 miles per year. That is fully up to the average of the increase in the postal facilities of this country, and the gentleman will see that the appropriation of $6,800,000 is sufficient; but then we have additional data, the report made to the House on the 26th day of April, from which it appears that even with this increase in the number of miles of postal service performed, and on account of the more honest administration of the Post-Office Department, there is an actual reduction in the expenditures of the star service for the present year of $41,745. Why, Mr. Chairman, the gentleman seems to lose sight entirely of the fact that this shrinkage of value that is going on in this country in the heavy reduction of the circulating medium is affecting this Department as it has affected every other Department of the Government. And if the House makes this appropriation without taking into consideration the more honorable administration of the Post-Office Department and the great shrinkage of values, they will leave important factors out of the account. Why, certainly gentlemen can see when they look over the increase of inland transportation that it is largely the result of the hopeless demoralization of that branch of our service; but the country is recovering from it, and the extraordinary increase from $9,000,000 up to $16,000,000 or $17,000,000 must naturally recoil again under an honest administration of that Department. Now, to avoid any possibility of doing injustice to this branch of the service we add $100,000 to the amount expended last year; we therefore not only have the advantage in the increased amount available for new routes organized and of the more honest administration of the Department, but we also add $100,000 for the enlargement of that branch of the public service. I am glad, therefore, sir, that this single question of the rural routes, star routes, and steamboat routes stands separate and by itself, so that we shall have the full benefit of a more thorough itemizing of the appropriation than has heretofore been done in the estimates. Mr. Chairman, I trust that the House will now consent to vote on the subject.

The amendment was withdrawn.

Mr. GARFIELD. I renew the amendment. I desire, Mr. Chairman, to call the attention of the Committee of the Whole to the condition in which we are placed. Hitherto the appropriation has been made in lump for the cost of the transportation of the mails. The appropriations have in fact been distributed to three great branches, railway transportation, steamboat transportation, and the star transportation; that is, the transportation on horse-back and in stage-coaches. The aggregate mileage per annum upon railroads was 75,000,000 miles; upon steamboats it was about 4,000,000 miles; and by the star routes about 55,000,000 miles. Thus 40 per cent. of all our mails in this country are carried by the star service. The cost per mile last year was: for the steamboat service, 17¼ cents; for the railroad service, 12¼ cents; and for the star service, 9.97—not quite 10 cents per mile—making the star service the cheapest of all.

It so happens that the railroad service is an inevitable thing in this country, a service which we must have. Nobody proposes to take the mails away from the railroads, nor does anybody propose to take them away from the steamboats. If there be any deficit whatever it must fall on the star service. Now what is that star service? Last year it amounted to 55,000,000 miles of travel, crossing our country in every direction, going into the agricultural and mining districts, even into the wilderness, away from all the great thoroughfares. In those sections of the country the people depend wholly upon this the cheapest of our services, the star service. If there be anywhere any crippling it must fall upon the star routes. It cost us last year $17,500,000 for transporting the mails, not including the other charges. Of that sum about $9,250,000 went to the railroads, $750,000 to the steamboats, and $5,500,000 to the star service.

Mr. HOLMAN. What year was that?

Mr. GARFIELD. Last year. Now if we appropriate a sum in lump, cutting that amount down by three millions, as this bill proposes, where will the reduction be felt? I grant that something may be saved by reduction in the contracts for the star service. Something doubtless may be saved by the new method of compensating the service upon railroad routes. By all these elements we might reduce the appropriation somewhat. But the Committee on Appropriations have succeeded in doing two things: they have put a rate in this bill that will cut off all the fast railroad lines of service; all that we now call the fast railroad service will go by the board. If this bill passes as it now stands every mile of that service must be dropped, and the Committee on Appropriations admit it.

All else that you do in the way of cutting down by this bill will fall upon the star service. There must fall, I believe, of the star service at least 10,000,000 miles in the country districts if you pass this bill as it now stands in this respect. I do not think it is necessary to increase the appropriation as much as some gentlemen have said.

Mr. HOLMAN. The gentleman is mistaken, I think. He assumes that we retain the aggregates for all of the inland transportation, does he not?

Mr. GARFIELD. I am not speaking of the distribution, I am speaking of the lump sum.

Mr. HOLMAN. We do not propose a lump sum. We appropriate specifically for the railroad service, the steamboat service, and the star service.

Mr. GARFIELD. For the moment I am speaking of the bill as it is printed. I do not know the exact form of the amendment proposed. The gentleman proposes to distribute the appropriation, so much for railroad service, so much for the steamboat service, and so much for the star service. I have this to say, that it is impossible at this time and in advance to determine just how this appropriation should be distributed. The railroad postal service is growing rapidly each year. The steamboat service is not growing, rather falling off in mileage. The star service ought to grow perpetually, until the whole country shall become as thickly settled as are the New England States. If you proceed by the rule of last year alone, you will be quite sure to go wrong. I am therefore inclined to think that a lump sum for mail transportation, larger than the committee has reported in this bill, larger by about $1,000,000, will save our transportation of the mails, the star service and all. If you put it below that, the country districts must inevitably suffer and have their short routes cut off.

[Here the hammer fell.]

Mr. HOLMAN. We are now considering only the rural service, the star service and the steamboat service alone, for the amendment applies to them exclusively.

Mr. GARFIELD. I was speaking of the bill as printed.

Mr. HOLMAN. We propose to appropriate so much for the star service and the steamboat service in the aggregate, because the one is diminishing and the other increasing, and we want the star service to have the benefit of the reduction in the steamboat service.

Mr. ATKINS. The amount for the star service last year was $5,553,851 and for the steamboat only $684,000.

Mr. GARFIELD. I quoted those figures.

Mr. SCHLEICHER. The only objection I see to the amendment proposed by the gentleman from Minnesota [Mr. DUNNELL] is that it does not propose a sum high enough. It has been characterized as exorbitant, but I expect to show very conclusively that it is not exorbitant; that a reasonable figure for that service will come fully up to $7,000,000.

It has been said again and again by gentlemen that last year the total allowance for the star service and the steamboat service was $6,137,851. The gentleman from Indiana [Mr. HOLMAN] says that for this year the expenditure will be about $41,000 less, and that was only by making cheaper and better contracts. It is within my own knowledge, and within the knowledge of a great many gentlemen here, that that was not the only mode of reducing the expenditures. The reduction was made by actual reduction of service on routes where the service was needed, by reducing the service to weekly and semi-weekly trips; and in consequence of that reduction complaints have come from every quarter of the western and southern country. That was an exceptional saving, a saving that cannot be renewed. If the gentleman says that it will keep pace with the general reduction of expenditures that we have made, I will convince him in a few words that he is mistaken; for, while the amount of the star service, $6,137,851, was, according to his statement, reduced last year by $41,000, there was an increase of $1,000,000 in the total expense of the service. The aggregate expenditure last year was $15,300,000, this year it will be $16,200,000—an increase of 7 per cent. in the total expenditure, although in the one item of star service there was a decrease. This seems to have been in accordance with the old rule of taking from the poor and giving to the rich. While service was withdrawn from routes on the frontier, the lightning service was established between the large cities. We were deprived of mail service in order to furnish the means for this increased expenditure in localities already enjoying large mail facilities.

I take the position that the increase of 7 per cent. in the total expenditure of last year was a fair annual increase; and it is so stated in another portion of this report. Consequently if the star service had been treated with the same fairness as other branches of the service, there would have been an increase of 7 per cent. in the expenditure for the star service, instead of a reduction of $41,000. Now I propose that we shall not repeat the injustice which was done last year; that we shall first add 7 per cent. to put the service upon the proper footing for the present year, and then add 7 per cent. for the year to come. It has been stated by the Second Assistant Postmaster-General that, according to experience, the annual increase of the total service is about 7 per cent. Now if to the actual expenditure for the star service last year you add 7 per cent. for this year, and then add 7 per cent. for next year, the total amount requisite would be $7,014,000. This is the amount that would be required if we place this service for the present year upon an equality with all other branches of the service and then allow an increase of 7 per cent. for the next year.

But I will go one step farther. If 7 per cent. is the correct addition to be made to the aggregate annual expenditures for this service, I maintain that the frontier States, which are filling up more rapidly than other sections of the country, are entitled to more than the average. Every gentleman who has consulted the statistics or has any general information as to the progress of our country knows that the new States increase in population much faster than the others. Still I ask only that they shall have their fair average of mail service.

[Here the hammer fell.]

Mr. HOLMAN. The general statements and theories of the gentleman from Texas are of very little practical value in comparison with actual past results. Now, the gentleman must have seen that the Postmaster-General in his last report states that 8 776 miles in length of routes have been added to the service, and that there has been a decrease of $48,688 in the cost of routes. Now, how the gentleman, with this information before him, could indulge in his general statements passes my comprehension.

Mr. THROCKMORTON. Does that report show or does the gentleman know the number of routes discontinued, and the amount of decrease in mail service?

Mr. HOLMAN. I suppose there has never been a year in our whole history when more or less lines have not been discontinued. For instance, the mail route by the Ohio River has been discontinued within the present month.

Mr. THROCKMORTON. I merely wish to know whether there was any statement as to the discontinuance of service.

Mr. HOLMAN. No, sir; there is no statement of that; but the increase in the amount of service is stated at 8,776 miles. This results in part, as my friend from Pennsylvania has suggested, from the fact that the increase of our railroad system reduces necessarily the number of rural lines. But my friend must notice another fact, that even last December the Postmaster-General put the expense for this year at $16,471,000, while by the report which came in after three-quarters of the year had gone by, furnishing good data upon which to calculate the fourth quarter, it was found that the expenses for the current year will be about $16,103,000, over $300,000 less than the estimate of last December, this difference resulting from the fact to which attention has been called—a more efficient administration of the Post-Office Department and the making of more advantageous contracts for the Government.

Mr. PAGE rose.

Mr. HOLMAN. I ask unanimous consent that after the gentleman from California [Mr. PAGE] is heard, debate on the pending amendment be closed.

There being no objection, it was ordered accordingly.

Mr. PAGE. Mr. Chairman, I have listened attentively to the very lucid explanations made upon this subject by the gentleman who has charge of this bill; but I fear he has made a mistake in basing the estimate for the star service for the next fiscal year upon the amount expended for the same service during the last fiscal year.

Under the contracts entered upon in 1874 it is very well known there were hundreds of straw bids, that contractors entered upon the service for less than one-fourth the amount Government is to-day paying for the same service. They were run under straw bids for six or seven months during the year to which the gentleman has so frequently referred. It is well known there was a saving under the bids of the year 1874 of between six and seven hundred thousand dollars for the same service over the previous four years. In every instance they were compelled and the Post-Office Department has been compelled to pay in many cases the amount that was paid under the old contract; and if he bases his estimate on the amount paid for carrying this star service from the 1st of July, 1874, to the 1st of July, 1875, he will find that he has, in my judgment, made a mistake, and there will be a large deficiency to carry these mails on the same routes on the amount the Post-Office Department is now paying.

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question recurred on Mr. DUNNELL's amendment to the amendment.

The committee divided; and there were—ayes 96, noes 28.

So the amendment was adopted.

Mr. HARRISON. I offered an amendment increasing the appropriation $390,000 for railroad service.

The CHAIRMAN. The amendment was offered and withdrawn, and not renewed.

Mr. FOSTER. Is not the amendment susceptible of further amendment?

The CHAIRMAN. It is.

Mr. FOSTER. Then I move to add $500,000 to the appropriation for railroad service.

Mr. HARRISON. What became of my amendment increasing the appropriation $390,000?

The CHAIRMAN. It was not renewed.

Mr. FOSTER. I desire to state—it has not been contradicted here and I believe the committee agree with me—that the amount appropriated by the Committee on Appropriations, as shown by the amendment of the gentleman from Indiana, [Mr. HOLMAN,] does in fact destroy the fast-mail trains of the country. I propose an amendment adding half a million dollars for the purpose of maintaining those fast-mail trains.

Now, Mr. Chairman, if there is one thing which illustrates the Bourbon tendency of the democratic party it is this disposition to go back, to recede from the rate of progress made by the Postmaster-General under the auspices of the republican party. This proposition of the committee reduces the speed of the fast-mail trains of the country to twenty-five miles per hour or a little over twenty-five miles per hour. That is the effect of it, and no one denies it. I wish to know whether gentlemen are willing to take a step backward in the interest of Bourbonism or not. The effect of my amendment will be to continue the fast-mail service of the country.

Mr. HARRISON. Gentleman seem to think the fast-mail-train service applies only to the line running between Chicago and New York. Every single train throughout the country, every express train in the United States running over thirty miles an hour has attached to it a car for fast-mail service. It is well known if you reduce the payment below 7 mills per linear foot of car space it will take the mail car off every express train running in the United States, and it will force the mail car to go by accommodation trains instead of by through express trains. You who live at remote distances, who have a train once a week, it will go to you on the slow instead of the fast train. I have information from the superintendent of the postal railroad mail service, Mr. Vail, and he had it from the able man in the position before him, Mr. Bangs, that at a compensation under 8 mills per linear foot it was impossible to support a fast mail. I do not mean only a fast-mail service from Chicago to New York, but a fast-mail service from here to Richmond, or fast-mail service over a single line of railroad which runs at a speed of over thirty miles an hour. If we want a fast-mail service, we are informed from the best authority we must pay at least 8 mills per linear foot of car space. To carry that through, it will require, I am informed from the Post-Office Department, the appropriation which I have proposed; that is, an ad-

dition of $390,000 to the appropriation recommended from the Committee on Appropriations.

I am for retrenchment as much as any man in this House. I have always voted for rtrenchment. I have never opposed it. I am told I voted against it. Sir, I did vote for an appropriation here, but it was for the purpose of celebrating the one hundredth anniversary of our Government, and the gentleman voted against it; and the consequence was he dared not go to Philadelphia the other day to see the inauguration. [Laughter.] I voted for it, and I went there to thank Heaven our country has lived one hundred years.

I am for retrenchment, but if you want mails carried into Georgia, into New Orleans, into any State on an express train, you must pay the railroads at least 8 mills per linear foot of car space. If you do not do that, the railroads have the right to put the mails upon slow trains instead of upon express trains. They will then go upon trains which do the local business instead of trains which run through from remote points at a speed of over 25 or 30 miles an hour. To pay that 8 mills per linear foot we must make an addition to the appropriation—not $500,000, as the gentleman from Ohio proposed, but as I am informed from the Post-Office Department, and I know they are not opposed to retrenchment in governmental expenditures, an addition of $335,000. That addition will be ample to continue the fast-mail service in the country, to the whole country, and not only on the line between Chicago and New York.

Mr. FOSTER. I am willing to change my amendment and make the amount $390,000.

The CHAIRMAN. That can be done by unanimous consent. Is there objection? The Chair hears none, and the amendment of the gentleman from Ohio is modified in the way he has indicated.

Mr. HOLMAN and Mr. REAGAN rose.

The CHAIRMAN. Discussion upon the pending amendment is exhausted.

Mr. FOSTER. I will withdraw the amendment if the gentleman from Indiana will renew it.

Mr. HOLMAN. Very well; I renew the amendment.

If this amendment should be adopted, running the cost of the railroad transportation of the mails something beyond $9,000,000, I should take it for granted that the Committee of the Whole would expect the Committee on Appropriations to reconsider their action adopting the plan proposed for compensating the railroad companies in this bill. The only effect of the proposition of the gentleman from Illinois [Mr. HARRISON] is, not to create a fast-mail line, but to increase the aggregate for railroad transportation from $8,800,000 to about $9,200,000; and gentlemen must see that there is no retrenchment at all virtually in this appropriation. Indeed, sir, the amount appropriated would exceed the expenditures of last year.

The present Postmaster-General, I believe, has never been charged with Bourbonism, and yet the Postmaster-General, following the line of all his predecessors except two, said this:

> For years the franking business was an incubus on the Department and an obstacle to efficient postal reform. Its abolition, for which we are largely indebted to the resolution and wisdom of my predecessor, opens the way for other measures which have yet to be inaugurated and pressed to a successful issue before the Department can become self-sustaining. While I do not flatter myself that I shall be able to accomplish this most desirable end during the short period of my service, I propose to keep it steadily in view and to direct my best efforts toward its attainment.
>
> For the first time in the course of a life devoted actively to business I find myself in charge of an establishment the expenditures of which largely exceed its receipts, a state of affairs which strikes with peculiar force a mind more or less disciplined by that close inspection of accounts enforced in mercantile pursuits. In ordinary business affairs there is but one end to this condition of things—bankruptcy.

That is the view of the present Postmaster-General.

Mr. FOSTER. Will the gentleman allow another passage to be read from the report of the Postmaster-General?

Mr. HOLMAN. I have read the first utterance of the Postmaster-General when he came into this office.

Mr. FOSTER. The other passage bears directly on this question.

Mr. HOLMAN. My friend must see I have not time to be interrupted; I did not interrupt him.

Mr. FOSTER. I thought you wanted to hear this.

Mr. HOLMAN. The gentleman has spoken of the tendency to recoil and go back. I think there are one or two things my friend can learn with advantage by looking back. In that certainly honest period of the administration of our Government up to 1841, there never was a dollar of deficiency appropriated for the Post-Office Department. Up to 1851 the entire deficits would not amount in the aggregate to $2,000,000. Now we have reached a point where a deficiency in this Department of the Government of $8,100,000 is looked upon with composure. The gentleman must remember that in those Bourbon times, if he thinks proper to apply that term to those times of the past, there were no charges of corruption——

Mr. FOSTER. There was a Swartout case.

Mr. HOLMAN. That was not in the Post-Office Department. In those times there were no cheeks turning pale on this floor as when openly and above-board upon the floor of this House, while a bill connected with the postal system, the Pacific mail bill, was pending, it was charged that the measure was being carried through this House by disreputable means. There was no instance where $750,000 were alleged to have been expended for the purpose of influencing the action of Congress. There was no widespread demoralization of the service in those days of economy.

[Here the hammer fell.]

Mr. GARFIELD. I do not desire to go into any political discussion on this occasion. I desire to speak directly to the Committee of the Whole on the question before us: Will we or will we not cut off the fast-mail service? That is the whole question. The amount proposed to be added by the amendment is just the amount needed to keep that service alive. But by voting that down the fast-mail service is cut off.

Why was that service put on? There were two reasons for it. The first was to save expenses. The great postal centers of the country had become so utterly clogged that the Committee on Appropriations were informed two years ago that they must build enormous additions to the leading post-offices at the great commercial centers or they must make some arrangement to empty the mails out faster. A traveling post-office on the cars was devised by which the mails were distributed and hurried through the country. The second was to enhance to a very great degree the value of the service, making it an additional blessing to the people in their commercial relations by increasing the speed with which the mails were carried.

I was reading not many weeks ago the Life and Letters of George Ticknor, who died lately at Boston. He tells us that when a young man he traveled to this city and onward south. He dined with the President on the 15th of January, 1815. That was a week after the battle of New Orleans; and not a word had been heard from that battle during that day. He went hence on a long, weary journey to Monticello to visit Jefferson. Having spent several days there, twenty-nine days after the battle of New Orleans, the first intelligence of that great victory was borne to Ex-President Jefferson by mail. That was the rate at which we were able to transact business and carry on communication between different parts of the country fifty-one years ago.

Now, every step we have taken in making our communications more rapid has lengthened the effectiveness of human life and the effectiveness of human labor. In my judgment it would be a great step backward to lose from our service the immense value to the business of the country and the business of the Government of this fast mail. And I tell you if you cut it off you must appropriate $5,000,000 in a very short time to enlarge your post-office buildings in all the great commercial centers.

Now, my friend from Indiana read a paragraph from the report of the Postmaster-General to show that he was opposed to the fast-mail service. Let me read another passage from the same report:

> During the last few months a new impetus has been given to the railway postal service and new facilities to the business of the country by the establishment of fast-mail lines. Railway post-office cars, in connection with passenger-trains, are now transported at a speed hitherto unattained in the service. Upon one of the largest lines has been placed a postal railway-train under the entire control of the Post-Office Department, carrying no passengers. All these new post-office cars bear the seal of the United States and of the Post-Office Department. It is believed that at no distant day the business of the Department will be so great as to induce the railroad companies to run similar trains from New England to the Gulf, and from the Atlantic to the Pacific.

Now, one word on another point. We found on the Committee on Appropriations when we were discussing this matter two or three years ago that our practice was contrary to that of all wide-awake modern nations in reference to the mail service on railroads. A mail-train with us was one of the slowest trains, almost as slow as a freight-train or a cattle-train; the mail-train was the slow train and the express-train was the fast train, which carried passengers and their baggage. We carried passengers, baggage, and freight fast, but intelligence, thought, and the intercourse of the people was carried slowly. In England it is the other way. Let us have their system here.

[Here the hammer fell.]

Mr. HOLMAN. A single word in reply to the gentleman from Ohio, [Mr. GARFIELD.] I wish to call the attention of the gentleman from Ohio to the fact that he has misapprehended the views of the Committee on Appropriations. It is not proposed to dispense with the fast-mail lines, and that will not be the operation of this bill.

Mr. GARFIELD. That is what my colleague [Mr. FOSTER] says.

Mr. HOLMAN. That is not the necessary effect of the provisions of the bill. The gentleman from Ohio must know the fact that the fast-mail line is kept up now by concentrating a vast amount of postal matter by means of which the amount of compensation paid to the railroads is very largely increased. For instance, the present basis is weight, $25 a ton for every two thousand pounds going beyond a given number of tons. We coupled with the increased allowance for increased postal facilities all elements which enter into and furnish compensation to the railroad companies, paying to some of them as high as $1,020 a mile on the line between New York and Chicago. The gentleman from Texas [Mr. REAGAN] proposes to limit the amount to be paid to any given company. I for myself have no particular objection to that, but the effect of that amendment would be to discontinue the fast-mail service. The fast-mail service could be continued under this bill as well as under the existing law. For instance, they concentrate the entire business between New York and Chicago upon one line, the New York Central, and by that concentration of business the railroad received a largely increased compensation, and is enabled to run a fast train composed entirely of postal cars and nothing else. Gentlemen know very well that these trains do not carry passengers at all, but only railroad postal cars, two of sixty feet each and two of forty-five feet each, and have a compensation of so many mills per linear foot at a given speed, and the railroad company is thus induced to transport the mails more rapidly and expeditiously.

I take it for granted that the fast-mail lines will not be seriously affected by this bill even if you put the rates at 5 and 6 mills per linear foot and fix the rate of speed at twenty-five miles an hour. The Post-Office Department will simply increase the volume of the mails upon a particular line, and that will be the inducement to that railroad company. I feel confident that at the rate of 5 and 6 mills per linear foot, being an average of 5½ mills per foot, the fast lines can be substantially kept up. But it is certainly not consistent that the enormous increase of pay to railroad companies should continue for the purpose of giving local benefits to two great cities of the country. I am not willing to do that, and I think an appropriation of three or four millions for such a purpose is entirely unwarranted by the circumstances of the Treasury and the necessities of the country.

Mr. HALE. Mr. Chairman, it is pretty plain to me that the people who will get pinched by any reduction of this inland transportation appropriation are the people who live upon small routes. In such places as have been stated here by many gentlemen the mail service will be cut off. The railroad interests will look out for themselves. There never has been a time that they did not, and there never will be a time that they will not. The history of legislation and of appropriations upon this subject since the railway postal system was adopted is all in one direction, and that direction is the swelling up of the proportionate part of the appropriation that the railways receive. It is a concentrated interest. It has at its several heads the brightest minds in the country. They can come to Washington; they can make their statement; they can make their argument. All legislation has been in the direction of putting up the pay which the railroad companies receive and swelling the amount they draw from the Treasury, unless, as in this case, a division is made, so that one part of the appropriation cannot be taken for the benefit of another branch of the service.

Now, upon this question of fast trains and slow trains there is a great deal of danger of running into something fanciful, something picturesque, something that appeals to the imagination. I remember when the fast trains were first started the illustrated papers of the country were full of illustrations of these fast trains, and they looked very well on paper. It looked well in pictures, and it was undoubtedly a convenience to New York and Chicago, and to the newspapers in New York and Chicago. But gentlemen forget—my friend from Ohio, [Mr. GARFIELD,] who has just made a speech here—forgets that we are legislating for all the people of the country, not for the people of New York and Chicago alone, and not for the little route along that line.

The gentleman says that the danger is that if this provision is adopted we will fall into the way of carrying intelligence slowly and everything else fast, and that mail-trains ought to be as fast as any other trains, or even faster. Does he not reflect that the reason why mail-trains are slower than express-trains is that they carry the mails to every town and village on the route? An express-train starts from New York for Chicago, and all or nearly all the passengers want to go through, and in the course of fifteen hundred miles it will stop at perhaps not more than ten places, and those the largest on the route. The mail-train is not run in that way; it is run for the people, and ought to be run for the people, who pay the bills, and it stops ordinarily at the smaller places on the routes. Accordingly it will be found that the mail-train he speaks so contemptuously of is a slow train, and people who wish to go clear through to the end of the route do not seek to go upon it.

Gentlemen should bear in mind that there are other places in this country besides New York and Chicago where mails must be carried, and that as they pay for their mails they should have trains that will carry their mails to them.

Mr. PHILLIPS, of Kansas. Will the gentleman allow me to ask a question?

Mr. HALE. Certainly.

Mr. PHILLIPS, of Kansas. If the fast-mail train from New York to Chicago and Saint Louis saves one day's time in the immense volume of the mail it carries to those places for distribution, do not the country towns in that region reap the benefit of it?

Mr. HALE. Undoubtedly that portion of the country that has its mails distributed from Chicago will receive the benefit of that single mail. But other mails are started from here which will go to other places, and the question comes up whether we have money enough to send a single mail through at this extravagant rate, at a cost of $12,000 or $15,000. The trouble in this as in everything else is that gentlemen, in talking about these extravagant experiments, think only of the benefits derived from them by a few large cities. I do not deny that there is a contingent benefit to be derived by other localities near the point where these fast mails are distributed. But mainly these experiments are all in the interest of an extravagant expenditure of money, when we are attempting in every way to curtail our expenses.

[Here the hammer fell.]

Mr. CANNON, of Illinois, and Mr. REAGAN rose.

The CHAIRMAN. Debate is exhausted on the pending amendments.

Mr. GARFIELD. I will withdraw the amendment to the amendment, and the gentleman from Illinois [Mr. CANNON] can renew it.

Mr. REAGAN. I renew the amendment for the purpose of saying a word. In discussing a question of this kind I do not like to see an attempt to make a partisan matter out of it. The gentleman from Ohio [Mr. FOSTER] placed great stress on the Bourbonistic disposition of democrats here who want to stop the fast railroad-mail trains, and his colleague [Mr. GARFIELD] followed in the same strain. What is said about slow and fast mail trains, in view of all the facts, might seem to one who knew what was going on, to be the simplest jargon.

What has been the experience of this country during the last few years in carrying the mails? Before 1873 we had as fast mail trains as we have had since, and paid a maximum of not more than $375 a mile for it. In that year a bill was passed—and the gentleman who is so eloquent about Bourbonism [Mr. FOSTER] may have been one of those who voted for it—which was said to be intended for two purposes, the one to obtain fast-mail trains and the other to reduce expenses. What was the result? The other day I called attention to some routes, one of which before the weighing provided by that bill received $75 per mile annually for its service, and after the weighing it received $575; another road, which before the weighing received $50 a mile, after the weighing received $705. These were two of the fastest trains I have known, and they went directly to the Treasury.

The gentleman from Ohio [Mr. FOSTER] is eloquent about Bourbonism. He may have been equally as eloquent when he was putting upon us in the last Congress this additional expense of $1,600,000 a year. He is certainly eloquent now in advocating the adoption of a measure that will make it still worse; and there are democrats helping him. Now if it is Bourbonism to oppose the robbery of the Treasury of the people, then let him write me down a Bourbon. I propose to pay only a just and honest price for the best kind of mail service, railroad service and all. I want to see it done as a reasonable man would do his own business, upon an intelligible basis. I desire to see it done without that general party declamation which seems to have for its only object the making a point upon a political adversary, unsupported by facts and unsustained by reason.

Mr. CANNON, of Illinois. It occurs to me that in fixing the pay for fast-mail trains (we are discussing that question in this connection) this bill is defective as reported, and it leads to much of the difficulty and confusion that we have had here to-day. I am in favor of the fast-mail train; I believe that we ought to have it. While I partially agree with the gentleman from Maine, [Mr. HALE,] yet he might have stated that the fast-mail train distributes the mails to local post-offices along the line of the road as well as the slow-mail train does, as everybody knows who has seen the mail-catchers operate. Therefore there is nothing in that point.

But I believe that this fast-mail train might be run at less cost than the Committee on Appropriations proposes to allow for it. I would strike out 6 mills and put in 5 mills per mile for trains running under twenty-five miles an hour, and I would strike out 7 mills and put in 6 mills or less for trains running thirty-five miles or more per hour, and I am inclined to believe that the rate should be even lower than this on certain roads. There is the fault in the bill, not that the pay is not enough, but that there is too much pay provided for too small speed.

I know there is a great deal of talk about 6 and 7 mills not being sufficient; it appears to be taken for granted by many gentlemen that these rates are not enough for fast-mail trains, but in my opinion they are more than enough.

I made some remarks on this subject the other day, but was cut off when I had but half stated my argument. I was then about to state, and will now state that according to the "Counting House Monitor" and other reliable authorities these great railway companies, in order to utilize the whole of their space, commute with private parties for car space at an average less than 4 mills per mile per linear foot; or rather to the passenger, he taking a foot of space the width of a car; this rate however, applying only to roads leading out of New York City; and even at that rate they are very solicitous for custom; and they do not all the time run their cars full of passengers so as to get pay for all the space in car. Yet here is a proposition that the Government shall pay 6 and 7 mills a mile per foot and pay for all the space. Now if the authorities to which I have referred be reliable—if it be true that the railroad companies for daily trips of 60 and 80 miles out of Chicago commute for less than 4 mills a mile, should not the pay allowed by the Government to these railroads be something near the same rate?

Besides that, you ought to have a sliding scale of prices. What is a proper compensation for a great railway running almost numberless trains for freight and passengers, and having all its space utilized, is not compensation upon the great majority of railway-trains in the country. Yet under the proposition of the Committee on Appropriations the same scale is to apply to all roads. The impropriety of this uniform scale appears to me too obvious for argument.

While, therefore, I would increase this appropriation, I would have the Committee on Appropriations revise the manner in which these railroad companies are to be paid, making a distinction between the different railroads according to weight carried as well as space used, and cutting down the rates in the aggregate less than 6 and 7 mills a mile.

Mr. HOLMAN. The gentleman can hardly have failed to notice that the very first statement made this morning was that the Com-

mittee on Appropriations had determined to move to fix the compensation at 5 mills for speed up to twenty-five miles an hour and 6 mills for speed beyond twenty-five miles an hour.

Mr. CANNON, of Illinois. But I think those rates are still too high for some roads and not high enough for others.

Mr. HOLMAN. How would you fix it?

Mr. CANNON, of Illinois. I would fix it to some extent according to the weight carried as well as the space occupied, and think the bill should be recommitted for that purpose.

Mr. REAGAN. I withdraw my *pro forma* amendment.

Mr. RANDALL. I renew it. Mr. Chairman, I am one of those who believe that the amount originally fixed by the Committee on Appropriations, $14,500,000, is adequate; but it will be observed that to avoid any misapprehension upon this subject we have inserted as the fourteenth section of the bill this provision:

That no post-office or service on any mail route necessary for the public service and required for the proper and efficient distribution of the mails shall be discontinued.

Mr. HURLBUT. How will you prevent it if you do not appropriate money enough?

Mr. RANDALL. I will show you in a moment that $14,500,000 is enough. The amount expended for the year ending June 30, 1874, was $15,400,000; for the year ending June 30, 1875, $15,350,000; and the estimated expenditure for the present fiscal year, based upon the actual expenditure for the first three quarters of the year, is $16,100,000. Now, according to all the authorities that I can gather, the provision of this bill doing away with the system of payment by weight and substituting a system of compensation by space and speed will effect a saving of $2,000,000. But, to obviate any anxiety in the minds of members, the committee made an addition of $600,000; so that there is ample margin.

But in addition to that the committee propose to reduce the rates per linear foot from 6 and 7 mills a mile to 5 and 6 mills, making a saving of about $400,000 more. Then there comes the fast line, which is to be provided for; and for that purpose $390,000 more is included in this bill. I believe that these roads ought to run at the rate of thirty miles an hour for 6 mills per linear foot of space. I have no tender feeling for the railroads. In my view there is no occasion for considering them in fixing this rate. I believe it to be adequate. I believe it is the rate which ought to be fixed. In view of the $500,000 added upon the motion of the gentleman from Minnesota, I have no doubt that the sum now embraced in this bill is adequate to keep up the fast line. The idea that $390,000 more should be given to the railroads seems to me outrageous; to my mind it is nothing more than a gratuity. I hope, therefore, that it will be voted down. This may be Bourbonism, but it is honesty in dealing with the people's money.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph shall now cease; but before the question is taken on that proposition I wish, in addition to the remarks of the gentleman from Pennsylvania, [Mr. RANDALL,] to read what the Postmaster-General says will be the cost of this system of mail transportation by railroads at 6½ mills. In his letter of the 2d of March he says:

The compensation based on linear space at an average rate of 6½ mills would be about $7,200,000.

The proposition pending in the bill appropriates $8,862,049, and largely beyond the estimate. The following table shows the extraordinary growth of compensation to these railroad corporations, and deserves attention:

A statement showing the amount of receipts and expenditures of the Post-Office Department, the amount paid to postmasters and to railroad companies; also the amount appropriated for deficiency item from 1851 to 1875 inclusive.

Year.	Amount of receipts.	Amount of expenditures.	Amount paid to postmasters.	Amount paid to railroad companies.
1851	$6,410,604 33	$6,278,401 68	$1,781,686 34	$985,019 00
1852	5,184,526 84	7,108,459 04	1,753,360 34	1,275,520 00
1853	5,240,724 70	7,982,756 59	1,821,002 15	1,601,329 00
1854	6,255,586 22	8,577,424 12	1,742,508 26	1,758,610 00
1855	6,642,136 13	9,968,342 29	2,135,335 92	2,073,089 00
1856	6,920,821 66	10,405,286 36	2,102,890 78	2,310,389 00
1857	7,353,951 76	11,508,057 93	2,285,609 86	2,559,847 00
1858	7,486,792 86	12,722,470 04	2,355,016 28	2,828,301 00
1859	7,968,484 07	11,458,083 63	2,453,900 97	3,243,974 00
1860	8,518,067 40	11,170,609 99	2,252,868 10	3,349,662 00
1861	8,349,296 40	13,606,759 11	2,514,097 35	2,543,709 00
1862	8,299,820 90	11,125,364 13	2,340,767 28	2,498,115 00
1863	11,163,789 59	11,314,206 94	2,876,983 34	2,538,517 00
1864	12,438,253 78	12,644,786 30	3,174,325 68	2,567,044 00
1865	14,556,158 70	13,694,728 28	3,383,381 77	2,707,421 00
1866	14,386,986 21	15,352,079 36	3,454,677 44	3,391,592 00
1867	15,237,026 87	19,235,483 46	4,033,728 17	3,812,600 00
1868	16,292,600 80	22,730,592 65	4,253,310 98	4,177,126 00
1869	18,344,510 72	23,698,131 50	4,546,958 43	4,723,680 00
1870	19,772,220 65	24,998,837 63	4,673,466 79	5,128,901 00
1871	20,037,045 42	24,390,104 08	5,028,381 85	5,724,979 00
1872	21,915,426 37	26,658,192 31	5,121,665 20	6,502,771 00
1873	22,996,741 57	29,084,945 67	5,725,468 12	7,277,196 00
1874	26,471,071 82	32,136,414 58	5,818,472 17	9,113,190 00
1875	26,791,360 59	33,611,309 45	7,348,123 10	9,216,518 00

The CHAIRMAN. Discussion is exhausted.

The question recurred on Mr. FOSTER's amendment, and it was rejected.

The question next recurred on Mr. HOLMAN's amendment as amended on motion of Mr. DUNNELL.

Mr. REAGAN. I have a substitute pending for that section.

The CHAIRMAN. That will be in order when the section is perfected. The question now is on the amendment of the gentleman from Indiana [Mr. HOLMAN] as amended by the amendment of the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. HOLMAN's amendment, as amended, was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. HARRISON] to the substitute of the gentleman from Texas, [Mr. REAGAN,] to strike out the proviso. Does the gentleman from Illinois insist on his amendment?

Mr. HARRISON. I do.

The amendment was rejected.

The committee divided on Mr. REAGAN's substitute; and there were—ayes 60, noes 60.

The CHAIRMAN. The Chair votes in the negative and the substitute is rejected.

Mr. REAGAN. I wish to give notice that I shall ask for a vote on my substitute in the House.

The CHAIRMAN. The substitute is not agreed to, and there can be no vote on the proposition in the House.

Mr. MILLS. I offer the following amendment.

The Clerk read as follows:

After dollars, in the fifty-fourth line, insert:

Provided, That all public documents shall be sent through the mails to the people under the frank of a Senator, Representative, or Delegate free of postage.

Mr. HOLMAN. I make a point of order.

Mr. MILLS. The gentleman cannot take the floor from me.

Mr. HOLMAN. I rise to a point of order.

The CHAIRMAN. The gentleman from Texas has the floor, but the gentleman from Indiana rises to a point of order on the amendment.

Mr. MILLS. While I am upon the floor?

The CHAIRMAN. Certainly; but only to state the point of order.

Mr. HOLMAN. My point of order is that the amendment is not germane to the bill; that it changes existing law and is not a measure of retrenchment.

Mr. MILLS. I withdraw the proposition.

Mr. WHITE. I move to insert after the word "dollars," in line 54:

Provided, No more than one-half of this amount shall be paid for railroad transportation.

The CHAIRMAN. The Chair is under the impression that the portion of the section the gentleman proposes to amend has been voted on by the House.

Mr. WHITE. I indorse the statement made by the gentleman from Maine, [Mr. HALE,] that the people are those who are most interested in this appropriation. The railroads and steamboats will take care of themselves, but if we do not restrict the amount to be paid to railroads, the people who live in remote localities will be shorn of the meager mail facilities they now enjoy. I hope some restriction will be made, so that at least one-half of the amount appropriated by this stingy Committee on Appropriations will go to the people.

The CHAIRMAN. The amounts have been inserted by vote of the committee, and cannot now be amended. The gentleman's amendment is therefore not in order.

The Clerk read as follows:

For compensation to railway post-office clerks, $1,125,000.

Mr. FOSTER. I move to strike out "$125,000" and insert "$300,000," so it will read $1,300,000.

There was expended for railroad post-office clerks for the last fiscal year $1,122,000, and there will be expended this year $1,277,000. The estimate is $1,309,000. There are three items following one another, the first for railway post-office clerks, the next for route agents, and the next for mail-route messengers, all of whom the committee have seen fit to reduce 10 per cent. These clerks, with the exception of a very few, are now paid $1,200 a year or less. They do not come within the rule the committee has laid down for the reduction of salaries. I hold in my hand a table which shows the annual compensations to this class of clerks to be $957, and from this 10 per cent. is to be taken. The table is as follows:

Tables showing the number of railway post-office clerks, route agents, mail-route messengers, and local agents in service May 1, 1876, with their aggregate and average compensation per annum respectively; also table showing the general average of the same.

LOCAL AGENTS.

Number.	Compensation.	Aggregate compensation.
1	$50 00	$50 00
2	60 00	120 00
3	100 00	300 00
2	150 00	300 00
6	200 00	1,200 00
2	240 00	480 00
1	250 00	250 00
10	300 00	3,000 00

Table showing the number of railway post-office clerks, route agents, mail-route messengers, and local agents, &c.—Continued.

Number.	Compensation.	Aggregate compensation.
1	$364 00	$360 00
3	400 00	1,200 00
1	450 00	450 00
1	480 00	480 00
8	500 00	4,000 00
1	540 00	540 00
8	600 00	4,800 00
1	660 00	660 00
4	700 00	2,800 00
1	720 00	720 00
2	750 00	1,500 00
18	800 00	14,400 00
11	900 00	9,900 00
3	960 00	2,880 00
19	1,000 00	19,000 00
1	1,080 00	1,080 00
23	1,200 00	27,600 00
5	1,400 00	7,000 00
137		104,970 00

Average pay to each agent, $766.20.

MAIL-ROUTE MESSENGERS.

1	$60 00	$60 00
5	120 00	600 00
1	200 00	200 00
1	240 00	240 00
3	300 00	900 00
3	350 00	1,050 00
3	360 00	1,080 00
6	400 00	2,400 00
7	450 00	3,150 00
1	480 00	480 00
9	500 00	4,500 00
36	600 00	21,600 00
13	650 00	8,450 00
38	700 00	26,600 00
1	720 00	720 00
15	750 00	11,250 00
67	800 00	53,600 00
7	840 00	5,880 00
5	850 00	4,250 00
222		147,010 00

Average pay to each messenger, $662.21.

ROUTE AGENTS.

3	$1,200 00	$3,600 00
173	1,080 00	186,840 00
7	1,050 00	7,350 00
40	1,020 00	40,800 00
6	1,000 00	6,000 00
320	960 00	307,200 00
450	900 00	405,000 00
999		956,790 00

Average pay to each agent, $957.75.

RAILWAY POST-OFFICE CLERKS.

353	$1,400 00	$494,200 00
484	1,200 00	580,800 00
202	1,000 00	202,000 00
1	500 00	500 00
1,040		1,277,500 00

Average pay to each clerk, $1,228.37.

RECAPITULATION.

Name.	Number.	Aggregate compensation.
Local agents	137	$104,970 00
Mail-route messengers	222	147,010 00
Route agents	999	956,790 00
Railway post-office clerks	1,040	1,277,500 00
	2,398	2,486,270 00

Average pay to each, $1,036.81.

I have authority from the Post-Office Department for saying that this class of clerks perform more labor daily than is performed by railroad men on the same trains. There is perhaps no class of public servants who are so hard worked as this class of gentlemen. So far as my personal knowledge goes, there is no excess in number. In all my acquaintance with the Lake Shore route, I know there is not a surplus number, and each and all are required to do their labor daily.

Therefore, Mr. Chairman, I think that the gentleman having charge of this bill has been in error, has been misinformed, as to the pay these gentlemen get. In this city he has not reduced the pay of any officer of the Government whose salary was $1,200 or less; and that is the effect of this portion of this bill.

Mr. HOLMAN. It is a very slight reduction. The committee think the appropriation is sufficient.

The question being taken on Mr. FOSTER'S amendment, it was not agreed to.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

JAMES L. TEBAULT AND OTHERS.

Mr. HOAR, by unanimous consent, introduced a bill (H. R. No. 3431) for the relief of James L. Tebault and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

Mr. VANCE, of Ohio. I rise to make a privileged report. I am instructed by the Committee on Printing to present the report which I send to the desk.

The Clerk proceeded to read the report.

Mr. CONGER. This is a very long document. If it would suit the committee to have it printed in the RECORD we could all see it there.

Mr. VANCE, of Ohio. It will take but little time to read. A certain part of it may be omitted in the reading.

Mr. CONGER. There is a very thin House, and I think the object would be served by having it printed in the RECORD.

Mr. VANCE, of Ohio. I should prefer to have a portion of the report read. It will, of course, appear in the RECORD, and also be printed for the use of the House, but I think it would be advisable to read a portion of the report.

Mr. CONGER. How long would that take?

Mr. VANCE, of Ohio. Fifteen or twenty minutes.

The Clerk resumed the reading of the report. Before he concluded,

Mr. CONGER said: Does the gentleman from Ohio care to have all the details read?

Mr. VANCE, of Ohio. I object to dispense with the reading.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the report.

Mr. WILSON, of Iowa. Does the Chair rule that all those details must be read in full if the gentleman from Ohio insists?

The SPEAKER *pro tempore*. The gentleman from Ohio has a right to bring the report before the House and to have it read?

Mr. CONGER. I asked that it might be printed in the RECORD; that would give it all the publicity necessary.

Mr. VANCE, of Ohio. I object to dispensing with the reading. I want to have the report read.

The Clerk resumed the reading of the report. Before he concluded,

Mr. CONGER said: I object to the further reading of the bill recommended by the committee.

The SPEAKER *pro tempore*. The Chair understands the bill is a part of the report. Does the gentleman from Michigan ask that the further reading be dispensed with?

Mr. RANDALL. Before that is done I desire to suggest to the chairman of the committee that the "instruction" to the Committee on Appropriations be made a "request."

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman brings this up for action now. Is there objection to the further reading being dispensed with?

Mr. VANCE, of Ohio. I shall object, unless the entire report appears in the RECORD.

Mr. CONGER. I hope there will be no objection to its being printed in the RECORD.

The SPEAKER *pro tempore*. Is there objection to the further reading being dispensed with and the report being printed at length in the RECORD?

Mr. BAKER, of Indiana. I object to its being printed in the RECORD unless it is all read.

Mr. WILSON, of Iowa. It is simply an outrage to keep us here so long to have this read. But since gentlemen have insisted upon it, I object to its being printed unless the whole of the report is read.

The Clerk then resumed and concluded the reading of the report, which is as follows:

The Committee on Printing, to whom was referred the following resolution—

"*Resolved*, That the Committee on Printing of this House be, and they are hereby, instructed to inquire into and ascertain the cost of and charges made for work done for Congress and the Executive Departments by the Government Printing Office, and what similar work costs and can be done for in other offices; that they ascertain the cost of printing the CONGRESSIONAL RECORD and the cost of having it printed by responsible private parties; that they ascertain whether the printing for Congress and the Executive Departments is done as economically as it should be or as it may be done by contract or otherwise by private parties; that they in-

quire into the extent of publications and printing ordered by the Executive Departments, and whether any limitations should be made upon such publications and printing beyond what is expressly authorized by law; that they make thorough examination into the operations of the Government Printing Office, with a view to learn whether a different management may be made or plan adopted to lessen the expenses of the Government for the various items of printing required; and that the committee be instructed to make to this House a full report of their investigations, together with the testimony taken by them; and to that end the said committee shall have power to send for persons and papers and to use a shorthand reporter"—

having had the same under consideration, respectfully submit the following partial report:

The resolution contains five points of inquiry, which for the purposes of this report may be stated as follows:

First. What are the cost of and charges for work done for Congress and the Executive Departments as compared with the expense of doing the same work by private parties?

Second. Is the Government Printing Office economically managed?

Third. How does the cost of publishing the CONGRESSIONAL RECORD in the Government Printing Office compare with the cost if done by private parties?

Fourth. What extent of printing is done for the Executive Departments, and would it be advisable to reduce the same?

Fifth. What is the general management of the Government Printing Office?

In order to arrive at reliable information upon which to base comparisons under the first of the above subdivisions, it became necessary to obtain samples of work done at the Government Printing Office for the several Executive Departments, with statements showing the prices charged for the same. These having been procured, your committee summoned and examined as witnesses manufacturers of and dealers in printing and binding materials, also printers and other experts in these matters, to enable them to ascertain the fair expense of producing work of a similar nature. The result shows that the Congressional Printer has charged in excess of market rates in almost every instance, the excess ranging from about 30 to 125 per cent. In one instance—a case of blank-work—the Congressional Printer had charged for a certain list of items $1,824.70. Mr. De Vinne, of New York, examined samples of this work, and estimated that his establishment would produce or purchase and supply the same work, in every way equal to the samples, for the sum of $837 02. Mr. Edwards, of Baltimore, testified that he would do the work in every way equal to samples for the sum of $822.45. It will be observed that there is a difference of but $14.57 in their computations, and the figures named include their contemplated profits, while the prices charged at the Government Printing Office are more than double these figures. In explanation of this enormous discrepancy neither the Congressional Printer nor his assistants offer any excuse; in fact, it is claimed by all of them that the Government Printing Office is now being conducted as economically as possible. It may be well in this connection to state that a partial reason for the difference is to be found in the manner of making what are termed open-market purchases.

The supplies of material used in the Office are procured in two ways: All of the printing paper is purchased under contracts awarded by the Joint Committee on Printing; all other materials are purchased by the Congressional Printer at his own discretion, and this expenditure exceeds the enormous figure of $2,000,000 during the present incumbent's term of office.

Large quantities, and the certainty of prompt payment, are considerations sufficient with every business establishment to induce liberal reductions from regular rates. It was therefore a matter of surprise to your committee that, so far from purchasing at a reduction, the Congressional Printer is actually now, and has been during his entire administration, paying more than the ordinary retail-market prices for many of the articles purchased. Mr. George W. Garner, a member of the firm of John Campbell & Co., successors to Campbell & Armstrong, of New York, from whom the bulk of these purchases is made, admitted, as will be seen by reference to his testimony, that his firm was then, and had been for the last seven years, selling to the Government at prices in excess of regular quotations; he distinctly stated that a great proportion of the goods sold by his house to the Government were purchased by him from the manufacturers after receiving the orders from the Congressional Printer; that a profit ranging from 15 to 40 per cent. was charged in selling them to the Government, and that in a great proportion of cases he paid for his purchases after receiving the remittances.

The Congressional Printer admits that he has never endeavored to inform himself as to the reasonableness of the prices at which he was buying, and never inquired as to the rates charged for the goods by the manufacturers thereof. He has uniformly made all his purchases from what may properly be termed middle-men, allowing to them a heavy profit, which would otherwise have accrued to the benefit of the Government.

The testimony shows that a large manufacturing and importing establishment, one of the largest perhaps of its kind in the country, noticing from the annual reports of the Congressional Printer the high prices paid for materials, caused a member of their firm to visit him in Washington to offer equally good articles at prices much below those reported as having been paid. This proposition was disregarded, and again, about twelve months after, the manufacturers forwarded the Congressional Printer a comparative price-list exhibiting greatly reduced figures, together with a proposal to give bond "that each and every article shall be equal in every respect to those furnished him heretofore." Samples were furnished, and full satisfaction was expressed as to the quality of the goods, when a single small order was given, and then no more notice was taken of the offer.

Nor is this extravagance confined to the purchase of materials alone. The prices paid for labor are greatly in excess of those paid by other establishments, and when we remember that the number of hours constituting a day's work under the Government is fixed by law at eight, while private offices require ten, the futility of the hopes for successful competition on the part of the Government Office becomes apparent.

Two general items make up the total cost of work done in that establishment, namely, the cost of labor and the cost of materials. Rent, wear and tear, profit, insurance, taxes, &c., which must be taken into consideration by private parties, do not enter into the calculations there; but in spite of this decided advantage, the evidence conclusively shows that the cost of the Government printing has been simply enormous, and every consideration of duty requires that there be an immediate reduction of this wasteful extravagance.

In regard to the charges made for work done, your committee find that the Department accounts of the Congressional Printer exhibit a system of charges wholly incorrect. The law directs that the accounts connected with the printing of the debates of Congress shall be kept separate, and accurate reports made of them each year. It is shown in testimony that the full cost of executing this work is not reported, while that done for the legislative and executive departments as a whole is set down in excess. By thus overcharging on the great bulk of the work, a surplus account is created out of which other work can be done without record of its actual cost. As an illustration of the effect produced by this system of charging for the work done, we refer to the item of press-work. Eight single-page reports are locked into one form and printed at one impression, and then eight separate charges are made; one full charge for each document, made up in the following manner: The regular number to be printed is 1,900 and at $3 per 1,000 impressions, the expense of press-work would be fairly stated at $5.70. Now as there have been eight documents printed at one time on this sheet of paper, each one should be made to stand one-eighth of this expense, but instead, each one has been charged the full amount of $5.70, or, in other words, for press-work of 1,900 sheets a charge of $45 60 has been made, which is a little more than eight times the actual cost of the work done. There is, therefore, a surplus in reported expense of seven times $5.70 or $39.90 which is permitted to cover the undercharges made by the Congressional Printer against any other work done in his office. When it is remembered that the printing and binding done for the legislative and executive departments amount to nine-tenths of all the work ordered to be done in the Public Printing Office, and that this system of charging is applied to all of this work, it will be at once understood that a very large surplus in reported expenses is created. But by an examination of the Congressional Printer's annual reports the actual cash disbursements are found to be very near the reported cost of the work executed. Hence it appears that the surplus created in one way is consumed in another not yet satisfactorily accounted for; if honestly, then the Government Printing Office is not economically managed; if dishonestly, its condition is worse than that of extravagance. The conclusion therefore is that, as at present managed, the printing and binding for Congress and the Executive Departments are costing the Government more money than the same work can be done for equally well by responsible private parties.

The second point of inquiry is but a continuation of the first, as an economical management of the office would lead as a natural consequence to more reasonable charges for the work done, and any further extravagance would in like manner tend to increase its cost. Careful examination of the subject has demonstrated that the same reckless extravagance shown to exist in the purchase of materials and the pay for labor pervades every department of the office.

The reasonable limits of a report preclude your committee from entering into all the details of the case. It will be sufficient to call attention to a few examples.

The gold-leaf used in the Government bindery forms an important item of expense. During the term of the present incumbent a sum exceeding $50,000 has been expended for that article alone. The testimony taken by your committee establishes the fact that the men employed in the Government bindery have been allowed to appropriate to their own use the greater part of the wastage of this gold-leaf. The foreman of the bindery pleaded, in extenuation of this abuse, that this custom prevails in all private establishments. Every expert, however, employé as well as proprietor, examined as a witness, testifies that such is not the case, but that this wastage is as much a part of the property of the employer as the tools and machinery of the establishment. It is the opinion of practical binders examined that the proportion of wastage is about one-fourth of the quantity used. Therefore, as the gold-leaf consumed in the public bindery during the past seven years has cost about $57,000, the proceeds of the waste should have reached the sum of $14,000.

The foreman of binding having stated in his testimony that the waste gold reserved by the office during the entire term of the present Congressional Printer was then in his possession, the committee caused an inspection of the same to be made, when it was ascertained that there were but thirty-two and three-quarters ounces, which was subsequently melted, at the instance of the committee, by a manufacturer of gold-leaf in Baltimore, yielding the following result:

Of light gold, 18 carats fine, 449 pennyweights, at 75 cents	$336 75
Of dark gold, 23 carats fine, 30¼ pennyweights, at $1	30 25
Amounting in the aggregate to	367 00

This sum represents the entire return from gold waste during a period of seven years, which should have amounted to upward of $14,000.

Another instance will be found in the material used for binding blank-books, where a high-priced article is used by the foreman, when an article worth about $7 per dozen less would answer as well, if not better, for all practical purposes. About fifteen hundred dozen law-sheep are used annually in this manner, a system pronounced by every one conversant with the business one of unprecedented extravagance.

The quantity thus used aggregates in seven years no less than about 10,000 dozen, and represents a loss of about $70,000.

Other instances of a similar nature, such as the waste of paper, the management of the leather-scraps, the destruction of work, &c., might be cited to show that a system of extravagance unparalleled pervades every department of the establishment; and your committee are therefore of the opinion that the printing for Congress and the Executive Departments is by no means done as economically as it should be. Among the exceptions to this general rule of overcharge is, first, the work done for the United States Supreme Court, and, second, the publication of the CONGRESSIONAL RECORD. In both of these instances a system of undercharging and omissions to charge has been inaugurated by the Congressional Printer, which baffles all hope of arriving at their true cost from the books kept in his office. It is worthy of notice that both these classes of work were formerly done by private parties, and were transferred to the Government Office under the belief that the cost of production would be considerably reduced below that given to private parties. From the illustration heretofore given it is apparent that the Congressional Printer can very easily conceal the truth in regard to the expenses and charges made against any particular job of work, and it was in due appreciation of this fact that Congress, on the 9th of June, 1874, adopted the following resolution:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congressional Printer be, and he is hereby, directed to keep a separate and *exact* account in detail of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD, including specific statements of the cost of all machinery and material which may have been or shall be used for the publication of said RECORD, commencing with its first publication at the Government Printing Office, and that he shall publish the amounts thus yearly expended in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office."

But, in spite of the mandatory provisions of this law, your committee find it impossible to arrive at any definite data as to the actual cost to the Government of publishing the CONGRESSIONAL RECORD. They believe the testimony shows conclusively that the requirements of the resolution have not been complied with, and omissions so numerous have been traced, that the reliability of the entire account seems to them a question of very serious doubt.

It appeared in evidence, for instance, that the cutter-out reported to the foreman of binding—compiled from reliable data—a quantity of leather of a certain kind and price used in binding the RECORD. This report was transmitted to the RECORD clerk, who, upon examination, found the quantity thus stated exceeded the amount of that kind of goods purchased; and thereupon he, with the consent of the foreman of binding, arbitrarily re-arranged these sums and charged them against the RECORD account as though the lowest grade of leather had been used, while the article really consumed amounted to considerably more than the sum thus charged.

In the same manner the Congressional Printer himself asserts that no charge has been made for the wear and tear of material and repairs to machinery, while the foreman of the press-room states that in consequence of the extra speed with which the presses are run in printing the RECORD they are very often found in a damaged condition, requiring frequent and expensive repairs.

Again, to show the unreliability of the charges actually made, it is only necessary to refer to the letter of Mr. J. H. Roberts, (marked exhibit N N, and attached to testimony,) addressed to Mr. DONNAN during a prior investigation, in which he fixes the cost of binding per volume of a thousand pages at seventy-eight and a quarter cents, and, in his examination (May 2) before your committee upon this point, he places the cost to-day of the same work at about seventy-five cents, thus making, during a period of two years, in which the price of labor has remained

stationary, while that of material has depreciated but very little, a difference in amount of three and a quarter cents per volume. In the report of the Congressional Printer, however, the charge for binding the CONGRESSIONAL RECORD for the second session of the Forty-third Congress is stated at about sixty-five cents per volume, or, in other words, at a figure about ten cents per volume *below* the admitted actual cost. In view of such facts it will be seen that it is almost impossible for your committee to arrive at any definite figures upon this point, and the result of their investigation can be, at best, no more than an approximation of the amount actually expended in its production.

But taking the amount of cost as stated in the last annual report of the Congressional Printer as a basis, we have a sum reported expended of $88,959.80, to which should be added the cost of the following items, proved to have been omitted from those charged: Blank-books for keeping the accounts, stationery, brooms, rollers, roller composition, sirup, lye, ice, horse-feed, horse-shoeing, care of horses, repairs to machinery, blankets for presses, oil, benzine, fuel, steam-power, freight, hauling, gas in press and folding rooms, salary of clerk in charge of accounts, binding of one hundred copies of four volumes each in sheep and two copies of four volumes each in calf, the cost of paper for the same, and the difference between the price of leather used and that charged, and other items. The various items thus omitted amount in the aggregate to at least $12,000, so that the price of publishing this work, as established by proof, would really be upward of $100,000 instead of the sum charged; and when, in addition to this, the interest on the capital invested, the wear and tear of type and machinery, and a proportionate share of the waste of material by deterioration in value and accidental causes are taken into account, the cost of printing and binding the CONGRESSIONAL RECORD for the second session Forty-third Congress, would, in the opinion of your committee, far exceed that amount.

Had the contract been awarded, under their bid of 1873 to Messrs Rives & Bailey, the total cost of printing and binding the same for that session would have amounted to only $93,453.75, thus effecting a large saving to the Government, amounting for a short session to not less than $15,000.

Your committee are, therefore, of opinion that it would be in the interest of economy to remove the publication of the CONGRESSIONAL RECORD from the Government Printing Office and award the same to Mr. Franklin Rives, under a contract, the form of which, together with an accompanying letter addressed to the chairman of your committee, is hereto attached and made a portion of this report.

The resolution directs your committee next to inquire into the amount of work done by the Government Office for the Executive Departments. Having made this investigation, they are of the opinion that the quantity done is far more than the necessities require, while the charges made for the same exceed all reasonable bounds. They find that the only limit placed by law upon this class of work is contained in the appropriation acts which make provision for the amount to be expended for it; that this sum is placed to the credit of the public printing and binding account, against which charges are made by the Congressional Printer by the system heretofore described until it is exhausted. They find further that not unfrequently orders for a small number of blanks are sent from the Departments, which orders are repeated at short intervals, and this necessarily increases the cost over what it would be if a larger quantity were printed at the same time.

In their investigation into the general management of the office your committee encountered at the outset a serious and almost insurmountable obstacle in the absence of a reliable system of accounting. No person appears to have been charged with the inspection of the books and accounts of the establishment, and each clerk has conducted his special branch of the business in whatever manner best suited his individual fancy. No day-books or other books of original entry have been kept to show transactions as they occurred, nor do those submitted to your committee show a reliable and exact history of the business of the office. The paper accounts and warerooms-books are incomplete and useless as books of record and reference. The cash-books, supposed to show all receipts from every source, together with the deposits made in this account, show only what the persons in charge of them desired should be known, and demonstrate nothing so clearly as the neglect or incompetency, or both, of those who have kept them. None of the books furnish complete information, and, in fact, they show nothing from which to arrive at positive conclusions in regard to the business of the office.

The committee next appealed to the Congressional Printer for that information which they failed to find upon the books; but he appeared to be unable to give it. At every point he interposed answers of "I do not know," or "I did not expect to be examined upon that point," thus demonstrating fully to the minds of your committee his complete disqualification for the proper discharge of the duties of the office he holds; and the testimony of his assistants will bear the committee out in the assertion that very few of these appear to have a more thorough knowledge of the business than their chief. Under these circumstances it is hardly a matter for astonishment that the affairs of the office are imperfectly and badly managed. Nor is this all; it appears to have been part of the settled policy of the present Congressional Printer to disregard even statutory enactments which tend to subject his action to the inspection or control of others. To instance: the report required by statute to be made by him to the Secretary of the Treasury has never been made. A letter of inquiry upon this point addressed to that official by the chairman of your committee was answered as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
March 3, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, in which you inquire whether the Congressional Printer has complied with the requirements of section 3815 of the Revised Statutes, as follows: "The Congressional Printer shall render to the Secretary of the Treasury, quarterly, a full account of all the purchases made by him, and all printing done in the Government Printing Office for either House of Congress and each executive and judicial department." In reply I have to inform you that the provisions of said section have not been complied with by the Congressional Printer.

Very respectfully,

B. H. BRISTOW, *Secretary.*

Hon. JOHN L. VANCE,
Chairman House Printing Committee, Washington, D. C.

Again, the law requiring him to make an annual report to the Secretary of the Interior has been violated from the first year of his incumbency to the last. The following letter was received upon this point from the chief clerk of the Department of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1876.

DEAR SIR: The report of the Congressional Printer, in compliance with section 3820, Revised Statutes, has been called for this day. On receipt by this Department copy of same will be furnished your committee. No report appears to have been made.

Respectfully,

A. BELL, *Chief Clerk.*

Hon. JOHN L. VANCE,
Chairman House Committee on Printing.

The Congressional Printer, moreover, admits that these laws have never been complied with, and pleads in palliation the lack of sufficient clerical force; but it is the belief of your committee, based upon facts developed in the course of their investigation, that this excuse is inadmissible, because they have every reason to suppose that, with the proper management and an efficient administration of the Government Office, the clerical force as at present provided is amply sufficient to discharge all duties imposed.

The only remaining check placed upon him is his annual report to Congress, and this your committee finds to be as unsatisfactory and unreliable as the books of his office. The indefinite description of articles purchased, the vague system of reporting the amounts paid for labor, and the inaccurate enumeration of itemized charges for work done, render it impossible to gather from its pages the information which the law intends should be conveyed.

But, aside from this, it is unreliable in its entries. In proof of this it is only necessary to recall the facts previously stated in regard to the reported prices for the CONGRESSIONAL RECORD.

Many other instances might be cited, but your committee will allude to but one from among the many in this connection. In the Senate investigation of 1874, (Senate Report 474, Forty-third Congress, first session,) it was charged that these reports were inaccurate in regard to the paper accounts to the extent of more than $40,000, and in explanation the Congressional Printer submitted a series of affidavits, which appear in the report above named as exhibits A, F. These accounts, in connection with the affidavits, were re-examined by an expert accountant, and the result of this examination shows that these fail to balance the account at the end of each year, and are therefore incorrect and not in accordance with the facts. The following facts appear from the comparison thus made, (see exhibit M M appended to the testimony:)

The eighteenth annual report shows a surplus over and above the amount reported of $22,871.85; the nineteenth annual report shows a deficiency of $3,392.13; the twentieth annual report shows a surplus of $3,562.48; the twenty-first annual report shows a surplus of $564.63; thus showing the complete unreliability of this last check placed upon him by law.

But not only in regard to his reports, made or neglected, does this systematic negligence appear. The internal management of the office over which he presides is if anything still more deficient. Machines and materials have been loaned and presented to favorites by officials in that establishment with or without the consent of the Congressional Printer; men have been employed on account of their political influence alone, while the testimony shows their complete unfitness to earn the wages they receive; employés have been paid while absent in their respective States attending elections; records and documents have been sold on credit in violation of law; no accounts have been kept of large sums of money thus outstanding; amounts collected have been applied without crediting them upon the books of the office, and work for private parties has been executed at the Government office contrary to the express provisions of law, while in adjusting the cash on hand to the books balances have been forced and accounts falsified.

The testimony substantiates each and every of these allegations and forces your committee to the conclusion that the general management of the Government Printing Office has been of such a character as would ruin the most substantial private establishment in the country. In the investigations of your committee it became apparent that aside from the dereliction in duty, before alluded to, the Congressional Printer has, during his administration of the office, rendered himself liable to charges still graver in their nature and in contemplation of law. A stationer of Washington City stated under oath before your committee that he had sold to the Government Printer, through his foreman of binding, a quantity of blank-books which, at the instance of the purchaser, were charged as a certain amount of "cap-paper;" the foreman's requisition and receipt for the same, the check on the Treasurer of the United States signed by the Congressional Printer, stating on its face that it was issued "for paper," together with the bill for the same, are submitted with the testimony. The foreman of binding admits the transaction, and asserts that the Congressional Printer was cognizant of it. That official, however, denies all knowledge of the matter, while his financial clerk affirms that the check in question was drawn upon the Treasurer of the United States "by authority of the Congressional Printer" and signed by him in person. Your committee can see in the transaction nothing less than a successful attempt to draw money from the Treasury of the United States upon false and fraudulent vouchers.

In the second place, it appears that the Congressional Printer has received from various sources and at different times large sums of money, the exact amount of which it is impossible for your committee to ascertain, on account of the absence before alluded to of reliable books of account. During the examination of the Congressional Printer the fact incidentally transpired that he had not deposited these sums in the Treasury of the United States in the manner required by law. The clerks in charge of the sales of documents and of the CONGRESSIONAL RECORD each held large sums unaccounted for on the general books of the office, while the financial clerk, who is presumed to have charge of all funds collected, had, at the time of this investigation, an amount approximating $60,000 in his hands which was unaccounted for on any of the books of account.

The information derived from the books would be that every dollar received had been deposited, for the cash account submitted to your committee was balanced to a cent; and when, in addition to this, we refer to the fact that every report to Congress made by the present Congressional Printer contains language to the effect that the total amounts thus received by him during the year have been deposited in the United States Treasury, "as required by law," the conclusion of fraud becomes irresistible. According to his admissions this money thus falsely reported as deposited "has accumulated along" for fully five years, and was used and applied contrary to law. No mention is made of this sum on the books, but a single detached sheet of paper is submitted which purports to contain a list of the items which make up that amount. This paper is the only record kept in the Government Printing Office of the large sum so wrongfully accumulated, and the financial clerk assured the committee that should it be lost or mislaid it would be impossible to make an intelligible showing to account for its accumulation. He further states that this system has prevailed in the establishment for years, and that the books first submitted and sworn to as books of original entry were really no more than copies arbitrarily compiled to suit emergencies from slips similar to the one submitted with the testimony. That these accounts might be submitted to the only test which it was possible to apply, the committee employed a skillful accountant (Mr. Behlé) to make examination of the statements contained in the annual reports as compared with the facts as they appear upon the books of the United States Treasury. The result is set forth in his testimony and clearly shows that in every instance the reports upon the points in question are incorrect.

Large sums have also been allowed to remain in the hands of other clerks, one of whom opened a bank account, as agent, and deposited there moneys and funds belonging to the United States.

To recapitulate, your committee have found—

First. That the cost and charges of the work done for Congress and the Executive Departments are exorbitant and greatly in excess of what the same could be done for by private parties.

Second. That the Government Printing Office is conducted in an incompetent manner.

Third. That the cost of publishing the CONGRESSIONAL RECORD is incorrectly reported.

Fourth. That the amount of work done for the Departments is excessive, and should be limited by law.

Fifth. That the general management by the Congressional Printer of his office is extravagant to a degree that would bankrupt any private establishment in the country.

Sixth. That he has drawn money from the United States Treasury on false vouchers.

Seventh. That he has detained and used Government moneys contrary to law.

Eighth. That money belonging to the United States has been deposited in bank in violation of law.

Before closing their report, your committee deem it their duty to submit the following correspondence. Shortly before the close of their investigation the Congressional Printer addressed the following letter to the committee:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, April 21, 1876.

DEAR SIR: As I have been assured by your committee that I shall have the privilege of reviewing the testimony taken in the printing investigation and of introducing rebutting testimony, and as I am not versed in the laws and rules of evidence, I desire the privilege of being attended by counsel. Will you please answer if that privilege will be granted?

Very respectfully,

A. M. CLAPP,
Congressional Printer.

I have been suffering from sciatic rheumatism for nearly a week past, but hope to be able to get to the Capitol by Monday.

Hon. JOHN L. VANCE,
Chairman House Committee on Printing.

Desiring to afford him every opportunity of explaining his official conduct, your committee directed the following reply to be made:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 24, 1876.

DEAR SIR: I am directed by the Committee on Printing to inform you that they are ready to hear the testimony of such additional witnesses as you may desire to produce. I am further instructed to say that the committee have, at your request, already examined a number of witnesses from the Government Printing Office; but, desirous that no means be left untried to arrive at the truth regarding the cost of public printing, shall be pleased to hear the statements of others. It is necessary that the investigation be brought to a close, and you will therefore bring forward your witnesses during the latter part of the present week.

You are further informed that you can examine the testimony at any time after Thursday morning at ten o'clock, in the committee-room; and the committee desire me to add that you are at liberty to bring before them any reputable member of the legal profession as counsel.

Very respectfully, yours, &c.,

CHAS. J. WIENER,
Clerk of the Committee.

Hon. A. M. CLAPP,
Congressional Printer.

Three days afterward the following letter came to hand:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, April 27, 1876.

SIR: I desire to acknowledge the receipt of the note of your clerk under date of the 24th instant. On consultation with counsel, I am advised that, inasmuch as I am an officer of the Senate of the United States, your committee has no jurisdiction to investigate my conduct in office as Congressional Printer, and that your committee will not pretend to do so.

So far as your inquiries under the resolution of the House of Representatives are concerned, I have no special interest, and therefore I have concluded that I have no duty to perform except to give you any information in my power in regard to the subject under investigation by your committee, which I have already done.

I am, very respectfully, &c.,

A. M. CLAPP,
Congressional Printer.

Hon. JOHN L. VANCE,
Chairman of House Committee on Printing.

In conclusion, your committee, after full consideration of the subject of public printing, are of the opinion that, as now executed at the Government Office, this work is costing half a million dollars annually more than it would cost if done by responsible private parties under a proper contract system; that it has cost the Government during the past seven years three and a half million dollars more to maintain the Public Printing Office than would have been required to pay for the same quantity and quality of work under private contract; that either through incompetency, negligence, or design, or all of them, abuses of various kinds have accompanied the work, adding unnecessarily to its cost; that, while these abuses might by competent and honest supervision have been prevented, it is impossible for the Government by its own direct agency either to print a book or build a ship so cheap as individual enterprise can do it; that not only has experience shown the practice to lead invariably to extravagance and corruption, but the theory which persuades the Government to enter the lists as a gigantic competitor with its own people is wrong, the several branches of industry and their honorable profits belonging by right to the people; that, in view of these several conclusions, it is wise to take immediate steps toward the discontinuance of the Public Printing Office; that in furtherance of this purpose the proposition of Franklin Rives of date May 2, 1876, for the printing and binding of the debates of Congress, should be accepted, and contract entered into to take effect with the beginning of the second session Forty-fourth Congress; that the printing and binding for the Executive Departments of the Government should be under the control of the heads thereof, with authority to contract for the same upon the most advantageous terms to be obtained through the processes of competition; that, as it is necessary to have the printing and binding ordered by the two Houses of Congress done in the city of Washington, and as at the present time there are no private establishments in this city possessing the necessary facilities for the successful and satisfactory execution of this work, it is not judicious to remove it at once from the Public Printing Office, but that the interests of the Government require its removal from that office so soon as any responsible private party with the proper facilities will undertake it upon reasonable terms; that whenever satisfactory contracts can be made for the execution of this class of work, the Public Printing Office and all the property used in connection therewith should be disposed of according to law and the proceeds returned to the Treasury of the United States.

Having thus stated the result of their investigation, your committee submit the following:

Resolved, That the Speaker of the House be, and he is hereby, directed to certify to the proper authorities of the District of Columbia the testimony heretofore taken by the order of this House relating to the conduct of A. M. Clapp as Congressional Printer, to the end that he may be indicted and prosecuted.

Resolved, That the Committee on Judiciary be, and they are hereby, instructed to inquire whether A. M. Clapp, Congressional Printer, is an officer who may be impeached under the Constitution of the United States, and report to the House at as early a day as practicable.

Resolved further, That the Committee on Appropriations of this House be, and they are hereby, instructed to embody in the sundry civil bill to be reported by them to this House, and in which bill appropriations for public printing are made, the following sections, to wit:

SEC. —. That so much of all laws or parts of laws as provide for the election or appointment of Congressional Printer or Public Printer be, and the same are hereby, repealed, to take effect on the 30th day of June, 1876, and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office from and after the day aforesaid; he shall be called the "Government Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Congressional Printer; he shall give bond in the sum of $100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; and he shall receive a salary at the rate of $3,500 a year.

SEC. —. That the amounts appropriated for printing, binding, and blank-books for the several Executive Departments shall be placed under the control of those Departments, respectively, and expended by the heads thereof; and the head of each Department shall cause to be made in the month of July, 1876, and afterward in June and December of each fiscal year, a schedule of all blanks of regular forms and blank-books, and other printing and binding required for the ensuing five months of the year 1876, and subsequently for the following six months' use in that Department, so far as it may be practicable to make such schedule, and shall take proper measures to obtain proposals from various parties for furnishing said blanks and blank-books, and for executing the said printing and binding, or any part thereof, upon paper equal in quality and weight to the present adopted standard; and he is hereby authorized and required to contract for the said blanks and blank-books, and for the said printing and binding, or any part thereof, with the lowest responsible bidder, the successful bidder to give bond in such sum as may be determined by the head of the Department ordering the work for the prompt and faithful execution of the same: *Provided*, That a copy of the schedule aforesaid shall be furnished by the head of each Department to the Government Printer, and he is hereby required to submit at the earliest practicable day a statement to the said head of a Department, showing the cost of executing the work named in the schedule at the Government Printing Office; and the said head of a Department shall award such work to the Government Printer when it shall be found that his estimate of the cost thereof is the lowest or as low as the lowest bid; and whenever such work is executed at the Government Printing Office, it shall be the duty of the Government Printer to furnish with each and every document, pamphlet, blank, blank-book with or without printed headings, job of printing, or job of binding thus executed a bill or memorandum setting forth the number of copies; the quantity, weight, cost, and description of paper; the number of pages, the number of thousand ems printer's measurement, the cost of composition, making-up, and imposing, proof-reading, correcting, and press-work; the cost, if any, of stereotyping, electrotyping, lithographing, or engraving, including paper and printing; the cost of dry-pressing, folding, gathering, stitching or sewing, and binding, including materials. Whenever any work requiring the purchase of materials whose value exceeds $100 is awarded to the Government Printer, he shall prepare an estimate of the quantity and cost of the same for submission to the head of the Department ordering the work, and, upon approval, bids shall be invited by the Government Printer in such manner as the head of the Department may direct, and contracts shall be awarded by the last-named officer, contracts to be made in quadruplicate, for distribution as follows: One copy to the First Comptroller of the Treasury, one copy to the Department authorizing the contract, one copy to the Government Printer, and one copy to the contractor. It shall be the duty of the Department for which the work is to be done to designate some competent person in its employ to inspect the papers delivered under any contract as to quality, quantity, and weight, and no bills arising under such contracts shall be paid except they bear the joint certificate of the Government Printer and an inspector as aforesaid, all accounts so certified and approved to be forwarded to the head of the Department authorizing the contract for payment. When the work is completed and delivered the Government Printer shall prepare an account in detail showing the cost of each item, as provided in this section, and present the same to the head of the Department for whom the work was done for payment; and, if correct, the same shall be paid in full, less the cost of the paper, by check upon the Treasurer of the United States, which check shall be immediately deposited in the Treasury to the credit of the appropriation for the public printing and binding, to be drawn therefrom only upon requisition and warrant in the usual manner. Whenever the Government Printer shall complete any work which may be given him to do under the provisions of this act, he shall report to the proper Department the quantity, kind, and cost of the several papers remaining in his hands, and the same shall be held subject to the orders of the head of that Department: *And provided further*, That the beforenamed provisions shall also apply to the appropriations for printing and binding for the Library of Congress, and that it shall be the duty of the Librarian of Congress to issue schedules of the printing and binding required for said Library to contractors and to the Government Printer, and to have the said work done as it is in this section provided for the execution of the printing and binding for the Departments.

SEC. —. That the Government Printer shall, in his annual report to Congress, as required by existing laws, also render a detailed statement, in tabular form, setting forth the number of copies, amount, and kind of work, and the cost of each document, pamphlet, blank, or other printed matter, executed in accordance with existing laws or by order of either House of Congress, arranging the various items under appropriate headings, as follows: Title or subject of work; number of copies; number of pages; number of thousand ems printers' measurement; cost of composition, proof-reading, corrections, making-up or imposing, and press-work; cost of stereotyping or electrotyping, cost of lithographing or engraving, including paper and printing; quantity of paper used, weight, description and cost per ream; cost of dry-pressing, style of binding, cost of binding per volume, including folding, gathering, and stitching or sewing; total cost of each document, pamphlet, blank, or other printed matter; and the distribution of each.

SEC. —. That the Government Printer shall keep such a set of books as will show the complete transactions of the Government Printing Office under his direction, exhibiting the purchases of paper and other materials in detail, and the uses to which the paper and other materials so purchased have been applied, and enabling him to make the detailed statement called for in the preceding sections, both for work executed for the Departments and for Congress and the moneys paid by the several Departments for work done by their order; the said books to show the description, quantity and cost, of all materials purchased; the description and quantity thereof issued to the various departments of the Government Printing Office; the description and quantity thereof used in the various items of work executed; and the description and quantity of any paper or materials destroyed, lost, or of which fragments shall be sold. And it is made the duty of the Joint Committee on Public Printing to inspect, at least once a year, or cause to be inspected by a competent person, the books of the Government Printer, to ascertain whether they are kept in accordance with this section; and, if they are not so kept, it shall be the duty of the Joint Committee on Public Printing to certify the same through the presiding officers of their respective Houses to the President of the United States as a neglect of duty on the part of the said Government Printer, which shall be a sufficient cause for his removal from office.

SEC. —. That from and after the passage of this act it shall be the duty of the Government Printer to pay no greater price for labor performed by printers, bookbinders, and other employés in the Government Printing Office for each hour's work or piece-work than the average price paid for an hour's work or for piece-work of the same description in the cities of New York, Philadelphia, and Baltimore; nor shall it be lawful for him to employ any workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction.

SEC. —. That whenever it becomes necessary for the Government Printer to make purchases of materials not already due under contracts, he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each

article, and shall invite proposals for furnishing the same either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid, and the awards of the contracts.

SEC. —. That section 196 of the Revised Statutes of the United States be, and the same is hereby, so amended that henceforth it shall be the duty of the heads of each Executive Department, except the Department of State and the Department of Justice, to furnish the editor of the annual abridgment of the message of the President of the United States and accompanying documents with copies of the reports of the various Bureaus and other subordinate offices of their respective Departments on or before the 1st day of November of every year; and it shall be the duty of the said editor of the abridgment, acting under the direction of the Joint Committee on Public Printing, to compile such portions thereof as he may deem of the greatest public interest, with an alphabetical index, and to employ such assistants and copyists as he may deem necessary for the prompt performance of the work, at a cost for compensation and additional compensation not to exceed $1,500, to be paid under the direction of the Joint Committee on Public Printing; and it shall be the duty of the Government Printer to have the said abridgment printed and bound before the close of the month of December in which the said message shall be delivered: *Provided*, That while it shall be the duty of the Government Printer to print copies of the reports proper of the heads of the Executive Departments, as provided in section 3798 of the Revised Statutes, it shall not be lawful for him to print the reports of the various Bureaus and other offices of the Executive Departments, nor shall it be lawful for the heads of Departments or their subordinate officers to have the reports of Bureaus or offices printed by any one at the public expense: *And provided further*, That the papers relating to foreign affairs accompanying the annual message of the President of the United States shall be transmitted to the Senate in writing with the aforesaid message, and the Secretary of the Senate shall at once transmit the same to the editor of the abridgment, who shall insert in that publication such of said papers as he may deem of public interest not exceeding the amount of fifty printed pages; and the publication of the annual volume of papers relating to foreign affairs be, and the same is hereby, discontinued.

SEC. — That from and after the close of the first session of the Forty-fourth Congress the printing and binding of the proceedings and debates of Congress, in the same form as they now appear in the CONGRESSIONAL RECORD, shall be done by Franklin Rives, of Washington City, for the period of six years next ensuing, terminable after notice of two years on the part of either party, terminating at the expiration of a Congress, upon the terms stated in his proposal, to wit: Two and one-half mills per printed page of book edition, and seventy cents per volume for binding; the type to be of the same kinds as now used in printing the CONGRESSIONAL RECORD, the pages to be made up of the same size as those of the CONGRESSIONAL RECORD, the paper to be of the same description, weight, and quality as that now used for the CONGRESSIONAL RECORD, the volumes to be as nearly as practicable of the same size and bound in the same style as the volumes of the CONGRESSIONAL RECORD, and the stereotype plates or duplicates thereof to belong to the United States, the above-named sum of two and a half mills per printed page and seventy cents per volume for binding to embrace all charges made by the said Franklin Rives for the printing, binding, delivery, and all other work connected with the prompt publication of the proceedings and debates of Congress in daily and book form, as the CONGRESSIONAL RECORD is now published, and for the said stereotype plates: *Provided*, That the said Franklin Rives shall enter into good and sufficient bonds, in the sum of $100,000, subject to the approval of the Secretary of the Senate and the Clerk of the House of Representatives, for the faithful and prompt performance of his contract.

SEC. —. That it shall not be lawful for any printing or binding, other than that for Congress or for the Executive Departments, to be executed at the Government Printing Office; and all branch or other printing offices or binderies (except the printing office at the headquarters of the Signal Service Corps) now in the various Departments or Bureaus thereof, be abolished; and that it be the duty of the Government Printer to have all the materials belonging to the United States in the said printing offices and binderies transferred to the Government Printing Office, and that it be unlawful to have any printing or binding executed in any Department or Bureau thereof.

All of which is respectfully submitted.

JOHN L. VANCE.
O. R. SINGLETON.

PAPERS REFERRED TO IN THE REPORT.

CONGRESSIONAL GLOBE OFFICE,
Washington, D. C., May 2, 1876.

SIR: I beg leave to submit to your honorable committee a proposal for printing the debates of Congress, in the form of a contract, to be used in case of the acceptance of the proposal.

In making this proposal I desire to call the attention of your committee and of Congress to some of the reasons which seem to justify and even to necessitate a change in the present mode of printing the debates, which since March, 1873, have been printed by the Government at its public office. Up to the time when the work was taken from the hands of the proprietors of the Globe, the debates had been published by John C. Rives, the founder of the Globe, and by his successors, in a manner which left nothing to be desired. The work was acknowledged by all to be unequaled, unrivaled, and in all respects perfect. The only change suggested by any one was in the *cost* of the publication. It was claimed by some that it could be as well done by the Government Printing Office for less money. Prudent statesmen doubted the propriety of the proposed change, both as a matter of economy and as a matter of justice to those who had so long executed the work with fidelity, with only such profit as its excellence justified, and who had invested in it all their capital on the faith of its continuance. These friends of the Globe knew well that "there is no work so costly as that which the Government does for itself." This they knew from observation and experience. In the debates which took place in the Senate in February, 1869, Senator ANTHONY, then and now chairman of the Senate Printing Committee, spoke of "the deduction that must always be made for Government work in competition with private work." "*It always costs more*," said he. Three years later, when the subject was again considered in the Senate, he said: "It is my opinion now that we cannot profitably carry the publication of the Globe to the Government Printing Office." It is to be regretted that he was afterward led to express a different opinion, which experience has not justified.

In the debates in the Senate in February, 1869, Senators FRELINGHUYSEN, MORRILL of Vermont, Fessenden, Hendricks, and MORTON expressed the opinion that it is the interest of the Government to undertake as few jobs as possible; that instead of making, as was promised, $40,000 a year by printing the debates at its office, the Government would lose $50,000; and that, as nothing is more deceptive than public estimates, and as the private contractors who had done the work could judge best what it could be done for, the Government would find the proposed change a very costly one, at the same time that it would seriously injure faithful public servants. In these opinions as to the cost of the work, Mr. Defrees, the predecessor of the present Congressional Printer, concurred. How far such opinions have been confirmed by experience I am content to leave to your committee to judge. I believe that the investigation made by the Printing Committee of the House in 1874 showed such gross neglect on the part of the Congressional Printer in all his work and such misrepresentations as to the cost of the CONGRESSIONAL RECORD that Congress might then, with profit to the Government, have taken from him the printing of the debates and restored it to the old private contractors. Such was not the conclusion of the House Printing Committee, but I am led to believe that the recent investigation made by your committee has resulted in showing that the RECORD has cost the Government far more than the Globe, and that this fact has only been concealed by the misrepresentations and omissions of the Congressional Printer, who, by neglecting to obey the law requiring him to keep and to publish yearly separate and exact accounts in detail of the cost of the RECORD, and by omitting from his partial accounts innumerable items of expense incurred in the publication, has willfully misled Congress by causing them to believe that the Government saved money by intrusting him with the work.

I will not consume time by attempting to detail the facts which sustain my assertions, inasmuch as the committee are in possession of these facts, and are well aware of the truth of the statement, which I now make, that the Government has lost at least $100,000 in testing the question whether its public agents could print the debates more cheaply than its well-tried private contractors. I will only add that, if again intrusted with the printing of the debates, I will do the work in such a manner as to prove myself worthy of the renewal of the confidence of the Government.

The proposed contract, now submitted, is substantially the same as that proposed by Rives & Bailey in 1874.

Very respectfully,

FRANKLIN RIVES.

Hon. JOHN L. VANCE,
Chairman of the Committee on Printing, House of Representatives.

This agreement, entered into this —— day of ——, in the year of our Lord 1876, by and between Franklin Rives, of the city of Washington, District of Columbia, of the first part, and the United States of America, by the Secretary of the Senate and the Clerk of the House of Representatives, acting under and by virtue of the act of the —— day of ——, A. D. 1876, of the second part, witnesseth: That the said party of the first part, for and in consideration of the money hereinafter agreed to be paid unto him, does hereby covenant and agree with the said party of the second part as follows, namely:

First. To print the debates of Congress in the Daily Globe, on the morning following the day on which they occur, in the same form in which they have heretofore been printed in the CONGRESSIONAL RECORD, using the same kinds of type, the same measure, and the same quality of paper as have heretofore been used in the CONGRESSIONAL RECORD, in season to be sent from Washington by the earliest mails leaving on the morning of its issue when the matter shall not exceed fifty pages, and when the matter shall exceed fifty pages the publication of such excess may be deferred until the said party of the first part, using all due diligence, shall find its publication practicable; and the printing of all speeches not delivered *in extenso* in either House may be deferred until their publication shall not extend the measure of the work beyond the said fifty pages: *Provided*, That the copy is supplied by the official reporters of the two Houses within such reasonable time as is necessary to enable the printers to put it into type; and any such failure on the part of said reporters shall place no responsibility therefor upon the said party of the first part.

Second. To transfer the proceedings from the Daily Globe to the Congressional Globe, in the same quarto form, and to print the same on paper of the same weight and quality as that heretofore used in the CONGRESSIONAL RECORD.

Third. To compile and supply an ample index to the Congressional Globe.

Fourth. To furnish to each Senator, Representative, and Delegate in Congress two copies of the Daily Globe.

Fifth. To furnish to Congress for the use of its members ten thousand four hundred (10,400) copies of the Congressional Globe and Appendix, of which number —— shall be for the Senate and —— shall be for the House of Representatives.

Sixth. To bind the Congressional Globe and Appendix in volumes of the average thickness of the past volumes of that publication, in the same style as that in which they have heretofore been bound at the Government Printing Office and in the same quality of material and workmanship.

Seventh. To allow members of each House the option of receiving copies of the Daily Globe as issued, instead of bound copies of the book edition, and to mail such copies of the Daily Globe without charge for mailing.

Eighth. To deliver the bound books to the folding-rooms of the Senate and House of Representatives.

And the United States, by the Secretary of the Senate and the Clerk of the House of Representatives, acting under and by virtue of the authority aforesaid, do hereby agree with the said party of the first part to pay him for the work hereinbefore specified to be done at the following rates, namely: For all proper service connected with the printing of the debates and the furnishing of the hereinbefore specified number of copies of the two editions, at the rate of two and one-half mills per printed page of the Congressional Globe and Appendix; and for all proper service connected with the binding and delivery of the books, as hereinbefore specified, at the rate of seventy cents per volume; which rates are to cover all charges by the said party of the first part against the United States for the work hereby contracted to be done.

All accounts arising under this agreement for work done for the Senate shall be audited by its Secretary and all accounts for work done for the House of Representatives shall be audited by the Clerk thereof, or by their respective and duly-authorized attorneys, at the request of the party of the first part, as the work progresses; and whenever said accounts shall have been so audited they shall be paid by the proper accounting officers of the Treasury. This contract shall continue for at least six years from the date hereof, and shall terminate only upon a two-years notification for that purpose, which may be given by either party hereto, provided that such termination shall take effect only at the expiration of a Congress.

In testimony whereof the parties aforesaid have hereunto set their hands and affixed their seals this —— day of ——, A. D. 1876.

Mr. VANCE, of Ohio. I move that the report be printed and recommitted.

The motion was agreed to.

Mr. VANCE, of Ohio. I enter a motion to reconsider the vote by which the report was recommitted.

RESUMPTION OF SPECIE PAYMENTS.

Mr. WALLING, by unanimous consent, introduced a bill (H. R. No. 3432) to repeal section 3 of the act to provide for the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM HALL.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 3433) for the relief of William Hall, which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DURHAM. I rise to make a personal explanation.

Mr. VANCE, of Ohio. Will the gentleman yield to me for a motion to adjourn?

Mr. DURHAM. As the explanation I desire to make will take some time, I have no objection to giving way for a motion to adjourn.

Mr. VANCE, of Ohio. I make that motion.

The SPEAKER *pro tempore*. Pending the motion to adjourn, the Chair desires to lay before the House certain executive communications.

ABSENCE OF OFFICERS FROM THE UNITED STATES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in accordance with the request of Hon. C. D. MACDOUGALL, of the Committee on Military Affairs, copies of the instructions under which Lieutenant-Colonel Emory Upton, Major Forsythe, and Captain Sanger, of the Army, are now absent from the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

SETTLERS ON CAMP LOWELL MILITARY RESERVATION.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in accordance with the request of Hon. WILLIAM TERRY, of the Committee on Military Affairs, copy of proceedings of a board of officers appointed to investigate the claims of settlers on Camp Lowell military reservation, Arizona Territory; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

On motion of Mr. MORRISON, by unanimous consent, leave of absence was given to the Speaker of the House for ten days, on account of illness.

Leave of absence was also granted, by unanimous consent, as follows:

To Mr. WILLIAMS, of New York, until the 24th instant on account of important business;

To Mr. SWANN for ten days on account of ill health;

To Mr. HARRIS, of Massachusetts, for one week on account of important business;

To Mr. WILLIAMS, of Delaware, for one week;

To Mr. ROBINSON till the 30th instant on account of important business;

To Mr. WALDRON for ten days;

To Mr. CROUNSE until Tuesday next;

To Mr. THORNBURGH for eight days;

To Mr. MCFARLAND until the 18th instant on account of important business; and

To Mr. G. A. BAGLEY for one week on account of important business.

The motion of Mr. VANCE, of Ohio, was agreed to; and accordingly (at six o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of W. S. Calloway, for the re-examination of his claim rejected by the southern claims commission, to the Committee on War Claims.

By Mr. CANNON, of Illinois: The petition of John Graham and others, of Champaign, Illinois, for action touching the release of E. O'M. Condon, an American citizen confined as a political prisoner by the British government, to the Committee on Foreign Affairs.

By Mr. GLOVER: The petition of 32 manufacturers and dealers in tobacco, of Hannibal, Missouri, against any change in the mode of packing tobacco, to the Committee of Ways and Means.

By Mr. HEWITT, of New York: The petition of druggists and general dealers, for the passage of House bills numbered 2547 and 2548, in reference to trade-marks, to the Committee on Patents.

By Mr. HOLMAN: Papers relating to the claim of the heirs of Asbury Dickins, for compensation for services rendered while acting as Chief Clerk of the Treasury and of the State Department, to the Committee of Claims.

By Mr. HOPKINS: Memorial of dealers and manufacturers of tobacco, against any change in the law regulating the mode of packing tobacco, to the Committee of Ways and Means.

By Mr. HOSKINS: Memorial of W. L. Bass and 14 other citizens of Batavia, New York, of similar import, to the same committee.

By Mr. HURLBUT: The petition of J. R. Underwood and 32 other manufacturers and dealers in tobacco, of Aurora, Illinois, of similar import, to the same committee.

By Mr. KETCHUM: Remonstrance of laboring men of Scranton, Pennsylvania, against any reduction of the tariff, to the same committee.

Also, the petition of citizens of Scranton, Pennsylvania, for the issue of a legal-tender interconvertible currency, to the Committee on Banking and Currency.

By Mr. KNOTT: The petition of F. K. Summers, for additional compensation for carrying United States mails, to the Committee of Claims.

By Mr. LAPHAM: Resolutions of the Chamber of Commerce of the State of New York, relative to silver coinage and recommending an international monetary conference, to the Committee on Banking and Currency.

Also, the petition of J. W. Reford, that his patent dated February 2, 1875, for improvement in rectifying and oxygenating apparatus, be antedated to July 18, 1866, to the Committee on Patents.

By Mr. LORD: The petition of Walter B. Pierce and others of Utica, New York, against any change of the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

Also, the petition of Ethridge, Fuller & Co. and others of Rome, New York, of similar import, to the same committee.

By Mr. LYNDE: Memorial of James Baylein and 50 other manufacturers and dealers in tobacco of Milwaukee, Wisconsin, of similar import, to the same committee.

By Mr. MEADE: The petition of liquor dealers in New York City, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the same committee.

By Mr. MILLS: The petition of manufacturers and dealers in distilled spirits in the city of Houston, Texas, of similar import, to the same committee.

By Mr. NEW: The petition of Edward Gilbert and others, of Indiana, for the repeal of the check-stamp tax, to the same committee.

By Mr. PIPER: The petition of John R. Robinson and others, stockholders, for the appointment of a joint committee to make an investigation into the affairs of the Central Pacific Railroad and the Contract and Finance Company, to the Committee on the Judiciary.

By Mr. PLATT: The petition of citizens of New York, for such legislation as will relieve them from injurious competition by the Government in the manufacture, transportation, and sale of envelopes, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. POPPLETON: The petition of J. W. Sikes, J. Utley, Thomas Vanfleet, and 117 other citizens of Ohio, for the establishment of a post-route from Galena, by way of Harlem, Centreville, Van's Valley, and Green, to Johnstown, Ohio, to the same committee.

By Mr. SAMPSON: The petition of Kingsbakers Brothers and 7 others, of Ottumwa, Iowa, that the law regulating the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

By SLEMONS: The petition of William N. Robertson, for the re-examination of his claim rejected by the southern claims commission, to the Committee on War Claims.

Also, the petition of John J. Busby, for compensation for occupation of his property by the Quartermaster's Department, United States Army, in 1865, to the Committee of Claims.

By Mr. SPRINGER: Memorial of Dial Davis, Ira Ellis, and 226 other citizens of the twelfth congressional district of Illinois, for the unconditional repeal of the resumption act and the substitution of legal-tender notes for national-bank notes, to the Committee on Banking and Currency.

By Mr. TERRY: A paper relating to the establishment of a post-route from Broad Ford to Cross Roads, in Poor Valley, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: A paper relating to the establishment of post-routes from Forks of Pigeon to Waynesville, and from Charleston to Forney's Creek, North Carolina, to the same committee.

By Mr. A. S. WILLIAMS: Petitions of the Detroit Board of Trade, relative to the services of the Signal Corps of the Army, to the Committee on Military Affairs.

The following papers have been presented at the Clerk's desk under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

Memorial of L. M. Harris, of Boston, against the extension of the John Bachelder patent for feeding-device for sewing-machines, to the Committee on Patents.

The petition of citizens of Massillon, Ohio, against any change of the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 13, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise for the purpose of moving that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the post-office appropriation bill.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. DURHAM] is entitled to the floor this morning for a personal explanation.

Mr. DURHAM. I rise to a personal explanation.

Mr. KNOTT. Will my colleague yield to me for a moment?

Mr. DURHAM. Two or three gentlemen have asked me to yield to them to introduce bills and other matters, and I am willing to do so.

CHARGES AGAINST JUDGE WYLIE.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to submit a report, which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on the Judiciary, to whom were referred two memorials of Albert Grant requesting an investigation into the official conduct of Andrew Wylie, respectfully report that they have given the memorialist a partial hearing, from which it appears that a thorough investigation into the subject of the complaint will require the understanding of several quite complicated suits in equity and the examination of a considerable number of witnesses. The committee have formed no opinion whatever of the merits of Mr. Grant's charges; they are satisfied that they cannot examine them so as to do justice to the petitioner or to the judge without devoting more time to the investigation than they can spare from the other numerous and important duties already assigned to them by the House. They therefore ask to be discharged from the further consideration of the matter, and that the same be referred to a special committee.

Mr. KNOTT. I move that the Committee on the Judiciary be discharged from the further consideration of the subject, and that it be referred to a special committee.

The motion was agreed to.

Mr. HOLMAN. I call for the regular order of business.

Mr. DURHAM. I will yield for a moment to one or two gentlemen who desire to introduce matters before the House.

Mr. HOLMAN. The Committee on Appropriations is very anxious to finish the post-office appropriation bill, and I think we ought to have the regular order.

The SPEAKER *pro tempore*. The gentleman from Indiana, [Mr. NEW,] who is about to leave for New Orleans, desires to submit some reports from his committee.

Mr. HOLMAN. I will not object to that.

CORA A. SLOCOMB AND OTHERS.

Mr. NEW, by unanimous consent, from the Committee on War Claims, introduced a bill (H. R. No. 3434) for the relief of Cora A. Slocomb, Ida A. Richardson, and Caroline Urquhart; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

STATE EXPENSES IN THE REBELLION.

Mr. NEW also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 2420) to re-imburse the States for expenses incurred in the late rebellion; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

TREATY WITH MEXICO.

Mr. LITTRELL, by unanimous consent, introduced a joint resolution (H. R. No. 113) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with the republic of Mexico can be arranged; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS B. M'CLEWEE.

On motion of Mr. EDEN, the Committee on War Claims was discharged from the further consideration of the petition of Thomas B. McClewee, for cotton and freight, and the same was referred to the Committee of Claims.

DOORKEEPER OF THE HOUSE.

Mr. DURHAM. I ask the Clerk to read the passage marked in the paper which I send to the Clerk's desk.

The Clerk read as follows:

Judge M. J. DURHAM, the present Representative in Congress from this district, is perfectly cognizant of the truth of this accusation. If put upon the witness-stand, he would be compelled, reluctantly of course, to convict Fitzhugh of perjury. I have been amazed for several months that he has countenanced or acquiesced in the imposition of such a creature upon his House, upon the party, and upon the country. This amazement is not confined to myself. In the opinion of many other friends of the judge it is now entirely in order that he should rise in his seat and explain.

W. G. WELCH.

Mr. DURHAM. Mr. Speaker, the sentence just read is the close of a long article I find in the Louisville Daily Courier-Journal of May 5, and copied in the National Republican of yesterday. The preceding part of the article speaks of the indictments against Colonel Fitzhugh, the present Doorkeeper of this House, his trial and acquittal; that the negro Tom Scott had sued in the Federal court certain parties who he alleged had maltreated him; that Colonel Fitzhugh was sworn as a witness on the trial of the case; that he had sworn falsely in twelve particulars, &c.

Now, I am cognizant of the facts spoken of by Mr. Welch thus far, to wit, that Colonel Fitzhugh was indicted for three offenses spoken of by him; he was tried and acquitted of each and all of them, as stated by him. I was one of his counsel in the cases. Tom Scott, the negro spoken of by Mr. Welch, sued the parties named by him in the Federal court, and recovered judgment against all of them except Dr. Dunlap. Colonel Fitzhugh was sworn as a witness for said Scott. I was summoned and sworn as a witness also in the case. We were both examined as to some matters occurring during the investigation of the charges against Colonel Fitzhugh. In some of these we differed, to what extent and what were the points of difference I cannot now remember, but they were regarded as material in the trial of the case. I then remembered them with distinctness, and thought Colonel Fitzhugh's statements were incorrect where we differed.

I should state further that in consequence of sickness in my family I did not reach Washington until Monday morning the day the House was organized, the democratic caucus at which Colonel Fitzhugh was nominated for Doorkeeper having been held on the Saturday evening previous, and I did not know that he was a candidate for the position until after he was nominated. Had I been in the city before the caucus was held, and had known his name would have been presented, I should have communicated these facts to those who were pressing his claims, that they might have judged as to the propriety or impropriety of his nomination.

I will state further that I had no personal acquaintance with Colonel Fitzhugh until I was employed to defend him in said charges; but, as is stated by Mr. Welch, he was generally popular in the community where he lived.

Messrs. Welch, Dunlap, Jones, Shannon, and all the parties sued by Tom Scott were gentlemen of good standing and high respectability, and that community, knowing them and Colonel Fitzhugh and knowing what occurred at all these trials, have made up their judgment as to the real guilt or innocence of the parties implicated.

I make these statements not for those who know the facts where they occurred, but that the members of this House and others may see how much I know of the matters stated in the article just read and how far I have been connected with them. I have heretofore explained these matters frequently to members who have asked me in regard thereto.

Mr. WHITE. I rise to a question of privilege. [Laughter.] I ask for the reading of the passage marked in the article which I send to the Clerk's desk; but before the Clerk begins to read it I will, with the permission of the House, ask to have printed the newspaper article which I hold in my hand, which is the subject upon which I propose to found a resolution. It is the first part of the article which my colleague [Mr. DURHAM] has just had read.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks to have printed in the RECORD a newspaper slip which he sends to the Clerk's desk.

Mr. WHITE. These are the charges, and I ask to have them read.

The SPEAKER *pro tempore*. Charges against whom?

Mr. WHITE. Charges against the Doorkeeper of the House. The article which I ask to have read has appeared in the Louisville Courier-Journal and was written by Mr. Welch, who I understand is chairman of the democratic committee in that county, and is certainly good authority with gentlemen on the other side.

Mr. EDEN. What is before the House?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] says that he rises to a question of privilege. Is there objection to the printing of the article in the RECORD? [Cries of "Object."]

Mr. WHITE. Then I shall ask that the whole thing be read if gentlemen object to my proposition.

Mr. RANDALL. I submit that this is not a question of privilege. It does not relate to the privileges of any member.

The SPEAKER *pro tempore*. The Chair cannot say whether the member from Kentucky is involved in this matter or not until it is read.

Mr. WHITE. I desire to explain.

Mr. RANDALL. It does not relate to the member.

Mr. SOUTHARD. The gentleman has himself disclaimed that there is any question of the privileges of a member in what he brings before the House; if it did relate to the privilege of a member he would be in order, but not otherwise.

Mr. RANDALL. It does not come within the rule.

The SPEAKER *pro tempore*. It relates to an officer of the House, and the Chair will hear the paper read, and after it has been read the question will be determined.

Mr. HOLMAN. If the gentleman has anything to submit affecting the character of an officer of the House which requires the action of the House——

Mr. WHITE. I have a resolution to submit.

Mr. HOLMAN. That would be a matter of privilege.

The SPEAKER *pro tempore*. The gentleman states that it involves the character of an officer of the House.

Mr. WHITE. If I could have my preference, I would ask that the articles be printed in the RECORD without being read.

The SPEAKER *pro tempore*. Is there objection to printing in the RECORD these newspaper articles without their being read?

Mr. RANDALL. I object, because they do not pertain to any matter connected with the business of the House.

The SPEAKER *pro tempore*. Then the Clerk will read the articles. If it is a matter connected with the organization of the House, or affecting the character of an officer of the House, the Chair has no alternative but to direct the Clerk to read the articles.

Mr. RANDALL. I do not understand the gentleman to say that the matter relates to himself or to any other member of the House. If he chooses to make an accusation against an officer of the House it will be all right, and this House will not shrink from the investi-

gation of it. But I do object to newspaper articles being incorporated into the RECORD.

Mr. LUTTRELL. We have all read these articles time and time again.

The SPEAKER *pro tempore*. The Chair will read the rule on the subject of questions of privilege:

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of. [According to the practice, not finally disposed of, but the House shall proceed to such immediate measures as it may think proper.] Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business. [Such opinion, of course, being subject to an appeal.] And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

Mr. RANDALL. I am quite willing to go farther than the rule, and to say that anything that relates to an officer of this House should be considered by the House; but I do object to the insertion in the RECORD of entire columns of newspaper articles. I am willing that the resolution may be read for information.

The SPEAKER *pro tempore*. The Chair must rule that it is a question of privilege, if it connects itself with an officer of the House.

Mr. WHITE. I ask the Clerk to read the preamble and resolution together with the newspaper articles I have sent to his desk.

The Clerk read the preamble and resolution, as follows:

Whereas the following articles which affect the character of an officer of this House have appeared in the public prints, [the articles were not read:] Therefore, *Resolved*, That the Committee on Rules be, and they are hereby, directed to inquire into the charges publicly made against L. H. Fitzhugh, Doorkeeper of the House, and report by resolution or otherwise whether there is anything in said charges that would render him an improper person to be an officer of this House; and that they be further directed to inquire into the propriety of abolishing the office of Doorkeeper and requiring the duties of said office to be performed by the Sergeant-at-Arms.

Mr. GLOVER. I offer the following as a substitute.

Mr. WHITE. I have not yielded the floor, and do not propose to yield until the articles referred to in the preamble are read.

Mr. HOLMAN. I hope the gentleman from Kentucky [Mr. WHITE] will not insist upon that. I presume every gentleman in the House has read the articles, and time is very valuable to us now.

Mr. HENDEE. The gentleman does not insist upon these articles being read if you will allow them to be printed in the RECORD.

Mr. RANDALL. Why encumber the RECORD with them?

Mr. LUTTRELL. What propriety is there in taking up every newspaper article and printing it in the record of the debates of this House?

Mr. BLAND. If debate is not in order, why is the reading of a newspaper article in order?

The SPEAKER *pro tempore*. The gentleman has a right to make this article a part of his remarks.

Mr. MILLIKEN. If he makes the article a part of his remarks it is not to be read, but merely printed as a part of his remarks.

The SPEAKER *pro tempore*. It is very often the case that the Clerk reads a document, or article, or extract for a gentleman addressing the House as a part of his remarks. The Clerk will proceed to read the article referred to.

The Clerk began the reading, but before concluding,

Mr. GARFIELD said: I ask that there be consent given to have this article printed in the RECORD without reading, in order to save the time of the House.

Mr. RANDALL. Does not the gentleman know that we can reach the result desired without having the article printed? And does he not know also that this printing will involve a large expenditure of money?

Mr. GARFIELD. The gentleman from Kentucky [Mr. WHITE] has a right to have it read, and I make the proposition to print without reading in order to save time.

Mr. HOLMAN. I hope that that will be agreed to. Gentlemen should bear in mind that it is seldom any member has ever asked to have such a body of matter printed in the RECORD.

Mr. WHITE. I object to this interruption, and ask the Clerk to proceed with the reading.

The Clerk resumed the reading, but had not concluded when

Mr. HOLMAN said: This is a very voluminous document, and under the rules of the House the gentleman has the power to compel us to hear this paper read. I therefore ask unanimous consent that it may be printed in the RECORD without reading, so as to save the time of the House.

Mr. WILSON, of Iowa. We tried to have that done last night, in the case of a much longer document, and objection was made.

The SPEAKER *pro tempore*. Is there objection to the printing in the RECORD of these newspaper articles without further reading?

Objection was made.

The Clerk again resumed and concluded the reading of the following article:

The disposition to investigate the characters of public officers has extended within the last few weeks to the offices of the House of Representatives, five having been made to walk the plank, and the following transcript of official documents on file in the several courts of justice would rather seem to indicate that the Doorkeeper of the House of Representatives, in addition to having served in the rebel army and having been sergeant-at-arms of the rebel senate, has been varying his occupation since the war, and from Kentucky and Texas, where he last hails from, has left a trail which, were it not for the following papers, it would be difficult to believe that the House of Representatives had been so shamefully imposed upon. The witnesses of these various crimes are about twenty; the offenses were committed at various times and places. The last indictment for perjury explains how he escaped the penitentiary for his previous offenses. His two sons, James and John, appear to have participated in the case of arson and larceny. Both are now in the employ of the House, or, rather, on its pay-rolls. It is only within a few days that these facts have come to the surface here. Whether the House can afford to make an issue with this representative of the democratic masses remains to be seen:

Commonwealth indictment for grand larceny against L. H. Fitzhugh *et al.*; a true bill—H. Roberts, foreman; April 22, 1871, filed: W. H. Miller, clerk; witnesses examined: D. W. Jones, A. Q. Payne, John Freeland, and J. R. Shannon.

Lincoln circuit court, Commonwealth of Kentucky against L. H. Fitzhugh, James Fitzhugh, and John Fitzhugh, of the crime of grand larceny, committed as follows, namely: The said L. H. Fitzhugh, James Fitzhugh, and John Fitzhugh did, on the 1st day of February, 1871, in the county aforesaid, unlawfully and feloniously, steal, take, and carry away from the possession of D. W. Jones and J. R. Shannon the following-named articles: Three white bed-spreads, worth more than $4; one dozen sheets, one dozen towels, and half a dozen table-cloths, and various other articles unknown to the jury, of the value of more than $4; the property of said Jones and Shannon of the value of more than $4 in specie, and converted the same to their own use, against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for the Commonwealth (Eighth Judicial District) of Kentucky.

A copy. Attest:
D. B. EDMISTON,
Clerk Lincoln Circuit Court.

Commonwealth indictment for arson against Thomas Scott, &c.; a true bill—H. Roberts, foreman; April 22, 1871, filed: W. H. Miller, clerk; witnesses examined: D. W. Jones, J. R. Shannon, Jacob Higgins, W. G. Saunders, Charlie Jones, James Guest, John Edmiston, Dr. J. D. Peters, Dr. Thomas Welch, C. W. Alexander, George Hardin, and Nannie Jones.

Lincoln circuit court, the Commonwealth of Kentucky against Thomas Scott, Colonel L. H. Fitzhugh, John Fitzhugh, and James Fitzhugh, (the latter three white.) The grand jury of Lincoln County, in the name and by the authority of the Commonwealth of Kentucky, accuse Thomas Scott, Colonel L. H Fitzhugh, John Fitzhugh, and James Fitzhugh (the latter three white) of the crime of arson and as conspirators in the burning and destruction by fire of the buildings and houses of the Crab Orchard Springs, and aiders and abettors therein, committed as follows, namely: The said Thomas Scott did, on the 4th day of February, 1871, in the county aforesaid, unlawfully, willfully, and feloniously, set fire to and burn that portion of the buildings and houses known as Crab Orchard Springs, used and at the time in the occupancy of L. H. Fitzhugh and Mrs. Rebecca Jones, and the rooms attached thereto, in the night-time, the property of J. R. Shannon and R. H. Obir, trustee for Mrs. Rebecca Jones, the said L. H. Fitzhugh, John Fitzhugh, and James Fitzhugh having aided, assisted, abetted, counseled, advised, procured, and employed and instigated the said Scott to set fire to, burn, and destroy the buildings and property aforesaid, unlawfully and feloniously, and said burning having been done in consummation of said conspiracy, aiding, and abetting unlawfully against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for the Commonwealth.

A copy. Attest:
D. B. EDMISTON,
Clerk Lincoln Circuit Court.

Commonwealth indictment for false swearing against L. H. Fitzhugh; a true bill—Marquis Helm, foreman; November 2, 1872, filed: W. H. Miller, clerk; witnesses examined: D. W. Jones and J. R. Shannon.

Commonwealth of Kentucky—Lincoln circuit court—against L. H. Fitzhugh. The grand jury of Lincoln County, in the name and by the authority of the Commonwealth of Kentucky, accuse L. H. Fitzhugh of the crime of false swearing, committed as follows, namely: The said L. H. Fitzhugh did, on the 18th day of April, 1872, in the county aforesaid, unlawfully, willfully, feloniously, knowingly, and corruptly, he having been sworn by the clerk of the Lincoln circuit court on application for a continuance in said court in a prosecution therein pending against the said Fitzhugh and others for grand larceny, said clerk being legally authorized to administer oaths, it being a subject-matter upon which said party could be and was legally sworn, and about which he was required to be sworn in order to obtain a continuance in said prosecution at the April term, 1872, of the Lincoln circuit court of the Commonwealth of Kentucky against him and others, utter, state, and swear on said application for said continuance that the trunk in which the articles were and had been placed and held had no lock on it, and had not had for five years, and that said trunk was an old and dilapidated trunk, when in fact and in truth said trunk was locked and had a lock on the same, and said statements then and there made by said Fitzhugh were false and untrue, and known to be false and untrue by the said Fitzhugh when so made, said statements having been made by said Fitzhugh in open court in order to obtain the continuance aforesaid, against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for the Commonwealth (Eighth Judicial District) of Kentucky.

Attest:
D. B. EDMISTON,
Clerk Lincoln Circuit Court.

Extract from deposition of Thomas F. Purnell, United States marshal of Texas, showing attempted black-mail; L. H. Fitzhugh, Doorkeeper of the United States House of Representatives.

Within four or five days after Mr. Peyton arrived in Austin I saw him in conference with Mr. Fitzhugh, of that place, and on the next day Mrs. Fitzhugh sent a message to my wife, requesting her to call upon her (Mrs. Fitzhugh) at her residence. Although she had had no acquaintance whatever with Mrs. Fitzhugh or her family, Mrs. Purnell complied with the request. Upon her arrival Mrs. Fitzhugh, with only a few preliminary words, unblushingly said that Mr. Peyton, a relative of her husband, from Norfolk, Virginia, was in the city to make an investigation of my office; that she was authorized to make this proposition to Mr. Purnell: That if she (Mrs. Purnell) would secure to them a sum of money sufficient to make it an object they would guarantee that Mr. Peyton would not make an adverse report of the affairs of my office. To this proposition Mrs. Purnell indignantly replied that my integrity must stand or fall by the investigation; that I only asked a fair investigation into the affairs of my office; that I did not rely upon the influence of powerful friends, but altogether upon this investigation to vindicate me. And she left Mrs. Fitzhugh at once and made known to me the facts of this interview. I thereupon requested her to take our son and call upon Mr. Peyton and inform him of all that had occurred. When she reached the hotel she sent up her card from the parlor to Mr. Peyton, who, instead of descending to the parlor to see her, sent word for her to come up to his room, and she was thus compelled to go with her son to Mr. Peyton's room, where she found Mr. Britton, who after some delay reluctantly left. In the presence of her son she informed Mr. Peyton of all that had occurred at Mrs.

Fitzhugh's. Mr. Peyton treated the matter with levity, and said he knew but little of Mrs. Fitzhugh. * * *

Very respectfully, your obedient servant,

THOMAS F. PURNELL,
United States Marshal Western District of Texas.

This answer is made by me away from my papers, but, to the best of my knowledge, recollection, and belief, is true in every respect.

THOMAS F. PURNELL.

Sworn to before me this 23d day of November, 1875.

DAVID THOMSON,
Notary Public, District of Columbia.

Mr. WHITE. I ask the Clerk to read also an extract from the New York Tribune of May 5.

The Clerk read as follows:

Doorkeeper Fitzhugh's experience—Attentions from Representatives after his election—The rush for positions—Pleasures of the office.

Mr. L. H. Fitzhugh, Doorkeeper of the House of Representatives, gives, in a letter sent to a friend living at Sherman, Texas, in December last, an interesting description of the pains and pleasures of persons newly elected to an office by the House. Below will be found a verbatim copy of his letter:

D. C., Decr. 15, 1875.

DEAR —: I have been trying ever since my election to write to you but have been besieged from light in the morning until one or two at night. I had about one hundred & thirty appointments to make & have had I reckon without exageration three thousand applications besides men women & children pulling & jurking me every time I would put my head out of the door of my office. I have had to keep two ushers & two to three clerks ever since the hour of my election in my office, & it is now five O'clock in the morning that I have gotten up to write write to you. In regard to — I tried to save a place for him but the members are so clamerous for their constituants that so fur it has been impossible to do so, my force after christmas will be increased and then I will be able to do something for him & I will stick him in. Fay (Fitzhugh's son) arrived on Saturday morning all safe. I set him to work on Monday at a $2,100 place & he is the most delighted fellow you ever saw. I wish you could be here with me do try & come on, the Govnt furnishes me with a fine turnout & and spanking pair of Horses & before & after the house sessions & recess I have exclusive use of them, my coachman comes down every morning for us, that is Fay & myself and after driving around to my breakfast take me to my office, come on & I will give you & — a good time. Congress is invited over to the Centenial on friday, we will have a big time—come back on Sunday, I may draw on you for one hundred & twenty-five dollars tomorrow which you can draw back for on the 1st Jan, I got your telegram telling me to draw for two hundred if needed, but tried to do without any, & may not have to draw tomorrow, but all of our members are like myself tight up on first mo & I hate to ask them, J W come on christmas for a few days & we will have a glorious time. I have more invitations to frolicks with the members & Senators than any man in Washington. I am a biger man now with the members than old Grant. I cannot put my foot on the floor of the Hall but that they make a break for me & sometimes a dozen beging at me at once for places for some friend. I scarcely ever git out of the Office to go on the floor of the House. I have under me the Folding rooms, Document Rooms, File rooms all committee rooms, all employees in the South wing of builing & entire south wing of capital. I have a Supt & assistant in each department and about a dozen book keepers besides my Office clerk, & we do things up in stile. I have a boy to take my hat & coat or I can't turn around without some one at my beck & call, & when I get all my new appointments broken in, I shall have a nice time. * * * I am making up a party already to come on to Texas on the adjourmt, S S Cox to head it he is the warmest friend of mine you ever saw, also the New Speaker Mr KERR. Fay & myself spent the evening with Mr * KERR last eveng * * * —quite a contrast here & Austin. I can't turn for friends here. I have now fifty letters from my Southern friends all parts of the South congratulating me, thus wags the world, let a man be prosperous & every man is his friend. must close, tell —— I will look out for him & if I cannot make a place myself I can get him in some of the Departmts after Christmas, write soon to Your Devoted Friend

L. H. FITZHUGH.

[The reading of the foregoing was frequently interrupted by laughter.]

The SPEAKER *pro tempore*. The Chair would state in confirmation of his ruling that the various categories under which questions of privilege come up are enumerated on pages 185, 186, and 187 of Barclay's Digest; and Cushing, on pages 582 and 583, gives in the list of questions of privilege "questions relating to the conduct of persons in the employment of the House." It is clear, therefore, that the Chair is bound to entertain this as a question of privilege.

Mr. WHITE. I have had no doubt of that all the time.

Mr. HOAR. Allow me to remind the Chair that the Speaker ruled exactly the same way two or three weeks ago.

The SPEAKER *pro tempore*. The Chair thanks the gentleman from Massachusetts [Mr. HOAR] for the suggestion. The Chair also finds in Barclay, page 186, the following:

When a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

So that the responsibility of entertaining this question is shared by the House with the Chair.

Mr. WHITE. I now ask the Clerk to read an article that appeared in the Louisville Courier-Journal of May 5, over the name of one Mr. Welch, who I understand is at this time the chairman of the democratic county committee of Lincoln County, Kentucky. If he is not at the present time he has been, as I am reliably informed. This article, written over his own name, has reference to the matters already read. I ask that it be read.

Mr. HOLMAN. Let it be printed.

Mr. WHITE. I am willing that it shall be printed without the reading.

The SPEAKER *pro tempore*. Is there objection to dispensing with the reading, and printing the article in the RECORD?

Mr. EDEN. I object.

Mr. WHITE. Then I ask that it be read.

The Clerk read as follows:

The Fitzhugh case—A statement prejudicial to the Doorkeeper of the House of Representatives—An old feud revived.

[To the editor of the Courier-Journal.]

STANFORD, KENTUCKY, *April* 29, 1876.

In to-day's issue of your paper is printed an account of an interview of one of your reporters with Mr. T. W. Bullitt, of Louisville, in relation to certain charges recently published in the Chicago Inter-Ocean against L. H. Fitzhugh, the present Doorkeeper of the House of Representatives. Mr. Bullitt, who was Fitzhugh's attorney, is represented as saying, in effect, that these charges of arson, of perjury, and of larceny were utterly without foundation, and that the most serious one, that of arson, was based solely upon the alleged confession of Thomas Scott, a negro, whose confession was extorted by the threats and violence of a mob, and promptly retracted by him as soon as he was placed under the protection of the law. Further inquiry upon the part of the reporter in the United States district court at Louisville discloses the names of the persons who composed this "mob." These are D. W. Jones, an avowed personal enemy of Fitzhugh, Messrs. Shannon, Dunlap, Gilkerson, Higgins, and Alexander, and the writer of this communication, all of whom were sued in the United States court by Thomas Scott for damages, and against all of whom, except Dr. Dunlap, a judgment was obtained by the plaintiff. In brief, the unmistakable purport of the entire article is to the effect that Fitzhugh was merely the victim of a persecution set on foot and directed by personal enmity.

I had a very unpleasant, and I may add a very unprofitable, connection with the affair out of which these charges grew. I retain a very distinct recollection of the facts of the case. I should not have dreamed, however, at this late day, of making any public ado about them, but for the publication of which I have spoken, in which by inevitable inference I am made to appear a party to a dishonorable conspiracy to effect the ruin of an innocent man. Since the organization of the present House of Representatives I have several times been solicited to furnish information concerning Fitzhugh to parties at Washington. I have uniformly declined for the reason that the parties applying for such information desired it, as I conceived, for the purpose either of manufacturing party capital, or of blackmailing Fitzhugh. I preferred that any investigation of his antecedents should originate with the party which gave him his position, and I was quite content that, so long as he held his office, he should enjoy all its emoluments without any molestation from me. I am not sorry, however, to have so proper and justifiable an occasion for saying to the public, of his attorney's own selection, all I know in reference to these charges against Fitzhugh—in honoring whom last winter the democratic party conceived that it was displaying an appropriate recognition of the South and her former soldiers. I propose, by your leave, to do so now, with perfect frankness and as briefly as I may, "naught extenuating nor setting down aught in malice." Before beginning it may not be improper to say, lest I may be suspected of political prejudice or party design, that I was a confederate soldier in the late war, and have ever since been a democrat.

On the night of the 4th of February, 1871, the principal hotel at the Crab Orchard Springs in this (Lincoln) county, a large and valuable frame building, was burned to the ground. The fire originated in a china-closet, almost beneath the rooms of the family of D. W. Jones, one of the proprietors. It was a room rarely visited at that season of the year, in which no fire was used, and which was perfectly empty at the time of the fire. Without going into the detailed evidences of the fact, the fire was unquestionably the work of an incendiary. Who did it? The community was naturally aroused and excited. But of all the community, D. W. Jones alone suspected Fitzhugh. They had been partners in conducting the hotel. They had not gotten along agreeably. Fitzhugh had, only a week before, been finally forced out of the business. He was very indignant against Jones, and believed he had been outrageously treated. I was attorney for one of the parties, familiar with all the circumstances, and thought myself he had been dealt with harshly and ungenerously. Mr. Jones made no secret of his suspicions. They were laughed at by everybody. Fitzhugh was popular. He had been at the place two years. He was a smiling, courteous, well-looking fellow, free-handed with his money, connected by birth and marriage with the best blood of Virginia and Kentucky, and had belonged during the war to that devoted band of "colonels" who lived generously, on mysterious incomes, at Richmond, Augusta, Columbus, and where not, and, far from the disturbing smell of "villainous saltpeter," gave to the armies in front the incalculable benefit of their counsel and criticism. I was a resident of Crab Orchard, and was on friendly, perhaps I should say cordial terms with the "colonel," and believed him utterly incapable of a dishonorable action. He had brought with him from Virginia the negro man Tom Scott, who was at the time of the fire a servant at the hotel. About a week after some negroes told me that Scott certainly knew something about the origin of the fire. Other evidences had already directed suspicion toward him. Four young gentlemen of the village, of steady habits and high character, determined to interview him at night, and endeavor to elicit the truth. They were all friendly to Fitzhugh, and were certain that Tom's disclosures, if he made any, could not affect him, but, on the contrary, would put a quietus upon Jones's suspicions. At their request I accompanied them.

It was solemnly stipulated, before starting on what we all felt to be a very questionable enterprise, that in no event should any personal harm be done the negro. He was to be led to believe that it was a "Ku-Klux" party, and, if he had any dying speech to make, we were prepared to hear it. No intimation was to be given him as to what he was suspected of. If he made any confession, it was to be on his own motion and without any prompting from us. This stipulation was rigidly observed. Scott was easily circumvented in the suburbs of the town, and, being led beneath a convenient and ominous tree, fell upon his knees and made a confession which startled the whole party. In substance it was this: that Fitzhugh had a week before the fire left the springs for Shelbyville wild with rage against Jones and Shannon, the owners of the property; that before leaving he had begged, bullied, and bribed him (Tom) to burn the buildings; that he consented to do so; that full instructions as to time and place of firing were subsequently sent him by Fitzhugh, and that he executed them to the letter. This unexpected *denouement* astounded his captors. We felt that we had an elephant on our hands. After some mummery, designed to gain time and to deepen the impression upon Thomas's mind that his end was at hand, he was cross-examined rigidly and minutely for an hour or more. It only strengthened his story, which dove-tailed exactly with every outlying and trivial circumstance connected with it. It was more consistent with itself and with every fact which we ourselves knew or afterward ascertained than any testimony I ever heard. With what he believed to be his dying breath he solemnly affirmed the absolute truth of all he had said. If it were fabricated by him to suit our supposed wishes, then is Thomas Scott even more a miracle of genius and nerve than he is of mendacity. It was impossible for us to escape the conviction that he had told us only the exact truth, and that conviction, reluctantly accepted, has only deepened with the lapse of time. After his confession the negro was told that no violence was intended him nor should be done him; a formal apology was made for any inconvenience he had been subjected to. He was taken back to town, officers Higgins and Alexander awakened, and he placed in their charge. Mr. Bullitt is misinformed as to the time of Scott's recantation. The remainder of that night and the next day he persisted in repeating his confession to his guards, although warned by them not to do so. He sent for Mr. Shannon, and begged and obtained permission, for the ease of his conscience, to tell it all over once more. He stuck to it when in jail at the county seat. And in point of fact there was at that time actually more danger to him of mob violence from persisting in his story than from de-

nying it. So far as I have ever heard, he never retracted his confession until his case (this being before the negro-testimony bill) was removed to the United States court at Louisville, and he was induced by *somebody* to indict and sue in that court the parties whose names are given by your reporter. These measures were adopted, I had reason to know, for the sole benefit of Jones, Shannon, and Dunlap, neither of whom had any more connection with the alleged lynching than Parson Newman or Dr. Faustus.

A year or so after this Fitzhugh was tried on indictments for larceny, perjury, and arson. In the first two cases, the court, as I remember it, instructed peremptorily to acquit, for the technical reasons that a partner could not commit larceny upon partnership goods, and that the alleged false swearing was merely to a formal affidavit for a continuance. I must say, however, that I don't believe he was really guilty of these charges. In the arson case, owing to the loss of Scott's testimony, who had long since been reconstructed, the evidence was altogether circumstantial. It was amply strong enough to have corroborated Scott, but not complete enough of itself to warrant conviction. The court, however, refused a peremptory instruction, and gave the case to the jury, who acquitted. Whether or not it was an "honorable acquittal" they omitted to state in the verdict.

Strangely enough, after Fitzhugh leaves the county, and after Scott had exerted all his might and main and with singular success, to ruin his former employer's reputation, it is Fitzhugh who furnishes him bail, Fitzhugh who takes him back into his employment, and Fitzhugh who is his chief friend, backer, and witness in the trial for damages in the United States court. I shall not attempt to specify the multifarious iniquities of this proceeding, which the court was pleased to call a trial. Suffice it to say that after the testimony was in, some portions of which raised Mr. Dunlap's venerable hair on end and expanded his eyes to the size of dinner-plates, and after several charges by the court, which were characteristic and infamous, the jury—a truly loyal one—found the verdict which the Courier-Journal reporter has exhumed from its four years' burial. L. H. Fitzhugh, in that solemn farce, was the principal witness for the plaintiff. His entire testimony was a tissue of deliberate, willful, and unblushing falsehoods. I say this advisedly and without any malice whatever toward the "colonel" and Doorkeeper. I even regret that the truth of history and the exigencies of this controversy, to which I am no volunteer, compel me to say it of him. It is unnecessary at present, and would be tedious, to give the details of his testimony. I remember to have made a note of twelve essential and material particulars in which it was false. The unsophisticated may think it strange that the victims of his perjury did not prosecute him, but they will please to remember that the court in which it was committed, and in which alone it could be punished, was not wont to scrutinize false-swearing too closely if only it was done on the proper side of the issue.

Judge M. J. DURHAM, the present Representative in Congress from this district, is perfectly cognizant of the truth of this accusation. If put upon the witness-stand he would be compelled, reluctantly, of course, to convict Fitzhugh of perjury. I have been amazed for several months that he has countenanced, or acquiesced in, the imposition of such a creature upon his House, upon the party, and upon the country. This amazement is not confined to myself. In the opinion of many other friends of the judge, it is now entirely in order that he should rise in his seat and explain.

W. G. WELCH.

Mr. WHITE. Mr. Speaker, I have no ill-feeling against the Doorkeeper of this House; but I think that when such charges as these are circulating all over the country through the public press it is our duty to investigate them; and if the present Doorkeeper be guilty as charged he should be dismissed. I have introduced resolutions heretofore in regard to certain officers of this House; but they seem to be sleeping in the committee-room. I hope that this resolution, if adopted, will not be allowed to sleep in that way. I ask the House to hear the resolution again read and then to adopt it; and, when it has been adopted, I ask the committee to report, if the present Doorkeeper be such a man as is here pictured to us, that he be dismissed.

The Clerk again read the resolution.

Mr. WHITE. I now demand the previous question.

Mr. REAGAN. I would like to say a word before the previous question is ordered.

Mr. WHITE. I will yield to the gentleman. How much time does he wish to occupy?

Mr. REAGAN. Only a moment. Mr. Speaker, inasmuch as Mr. Fitzhugh hails from Texas, I feel it due to the House that some of the members from that State should say a word at this time; and perhaps it is as proper that I should do so as any other member, as I was active in securing his election as Doorkeeper of the House. If the motion had been made to dismiss Mr. Fitzhugh from the service of the House for the imprudent and foolish letter which he wrote, I should have thought the shortest and most appropriate way to dispose of the matter would have been to adopt such a resolution. But the resolution offered by the gentleman from Kentucky [Mr. WHITE] makes criminal charges against Mr. Fitzhugh; and I understand from him that, whatever he might have done as to resigning upon a suggestion in relation to his imprudent letter, he cannot resign with these criminal charges against him without an implied assent to their truth; and hence he desires an investigation of those charges. So I understand him. That is just and right. The charges are very grave. If they are true, it is our misfortune and his; but, if they are not true, he is entitled to a vindication by a committee of this House.

In reference to the charges I desire to say a few words. The writer of the letter which has been read is obliged, in order to make good the charges in his view, to criminate the United States court that tried the case. It is unfortunate for the writer, whether his charges be true or not, that he cannot make them out without charging criminality upon the court that tried the case, the district court of the United States. Therefore, so far as that is concerned, this is simply an appeal from the United States district court to Congress for a retrial of those criminal charges.

I suppose that Mr. Fitzhugh, like all others, could not control the fact that charges were made against him. The court and the jury, after considering those charges, decided in his favor; but they are repeated, very much to the annoyance of many of us who did not know of them. In this connection I deem it due to the House for me to say that as to the charges of criminality, while I have known Mr. Fitzhugh more or less for a number of years, (though not intimately,) I had never heard of them until the last two or three weeks, and knew nothing of them.

However I might have believed him to be innocent on his own statement if I had known he was charged with such an offense, I desire to say for myself, (and I think in doing it I speak for each of my colleagues,) I would not have consented to the nomination or election of any gentleman against whom such a charge had been formally made in a court of the country although we might have believed him innocent. I feel it is due to our delegation and to this House the statement should be made on our behalf that we did not know of the existence of such charges at any time against Mr. Fitzhugh. After Mr. Fitzhugh's foolish letter had been published it was perhaps proper to desire him to resign, as I felt, in common with other members, that it was offensive to the sense and dignity of this House; but as the matter now stands, since criminal charges have been made against him, I trust the resolution will be adopted, a committee appointed, and prompt, thorough investigation of those charges made.

Mr. GLOVER. Will the gentleman from Kentucky allow me to say a word?

Mr. WHITE. Certainly.

Mr. GLOVER. I wish to say to the House that if the previous question is voted down, I shall then present a resolution which I now hold in my hand and ask for its adoption.

Mr. WHITE. Let it be read for information.

Mr. GLOVER. If the House wishes to have information about it I will send it up to the Clerk's desk to be read.

Mr. WHITE. Certainly; I agree to that.

Mr. GLOVER. Before the resolution is read I desire to say that I have had it in my possession for several days seeking an opportunity to introduce it.

The Clerk read as follows:

Resolved, That it is the sense of this House that L. H. Fitzhugh is not a proper person to hold the honorable and responsible position of Doorkeeper of the House of Representatives of the United States, and that the said Fitzhugh as Doorkeeper be, and is hereby, dismissed forthwith from that office.

Mr. WHITE. I am willing to accept that as a substitute for my resolution.

Mr. GLOVER. Do I understand the gentleman to say that he accepts it as a substitute?

Mr. WHITE. I do.

Mr. REAGAN. I would have agreed with the gentleman from Missouri in that resolution before the other resolution was presented, but inasmuch as there is now a resolution charging crime upon Mr. Fitzhugh I trust it will not be insisted upon; that we will not undertake here to convict Mr. Fitzhugh of crime without giving him a trial. I would be glad to have the other resolution withdrawn if this is to come before the House.

Mr. HOAR. I ask the gentleman from Kentucky to yield to me for a moment.

Mr. WHITE. Certainly.

Mr. HOAR. I desire to suggest to the gentleman from Missouri, who proposes to offer the resolution just read, that if such a resolution be adopted by the House it ought expressly to assign the reason which induced its adoption. As I understand it, here are charges of a grave criminal character made against this gentleman which he denies. He has been acquitted of some of them by a court, and of none of them, if I understand correctly the statement which has been made, has he been convicted. Now, justice to him requires the House should take no action which would seem even to imply belief in these charges without an investigation. On the other hand, I understand from the remarks of the gentleman from Texas, [Mr. REAGAN,] the writing of that letter is substantially admitted by the officer, and I suppose nobody can doubt the author of such a letter, whether it is simply folly or otherwise, is not a fit person to be Doorkeeper of this House. The Doorkeeper of the House is intrusted with its secrets, and in the course of public business it may often happen that most important matters of the House the House will desire to keep secret. The Doorkeeper of the House has, too, very much power of affecting, unless he is a man of firmness, of integrity and sense, of affecting the course of legislation. I suggest to the gentleman from Missouri that in justice to this officer he should say in his resolution that the House, after hearing the letter read and without forming any opinion of any matter whatever, comes to the conclusion he recites.

Mr. SINGLETON rose.

Mr. WHITE. I have offered to yield to the gentleman from New York, [Mr. ODELL.]

The SPEAKER *pro tempore*. Does the gentleman yield the balance of his time?

Mr. WHITE. How much time have I left?

The SPEAKER *pro tempore*. Three minutes.

Mr. WHITE. Then I must demand the previous question; but first let me understand what the gentleman from Missouri wants.

Mr. RANDALL. You no longer hold the floor, as you have demanded the previous question.

Mr. GLOVER. I have nothing to say; the gentleman demanded the previous question and the House is dividing.

Mr. HOLMAN. Let us vote down the previous question.

Mr. GLOVER. Then I will submit my resolution.

The House divided; and there were—ayes 14, noes 106.

So the previous question was not seconded.

Mr. WHITE. I hope the House will take no action which would seem to reflect on the Doorkeeper of the House without giving him a chance to be heard; and, as I understand the resolution of the gentleman from Missouri, it proposes to do that very thing.

Mr. GLOVER. I did not hear what the gentleman from Kentucky said.

Mr. WHITE. I said I had no objection to the resolution of the gentleman from Missouri other than this, that it seemed to throw the present Doorkeeper out without giving him a chance to explain these charges made against him.

Mr. GLOVER. Mr. Speaker, have I the floor?

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. GLOVER] has the floor.

Mr. GLOVER. I accept the modification of my resolution suggested by the gentleman from Massachusetts, and will make that a portion of the resolution; and ask the action of the House upon it as a substitute for the resolution of the gentleman from Kentucky. Will the gentleman from Massachusetts send up to the desk the amendment he suggested?

Mr. HOAR. I have not committed it to writing. The idea I had in making the suggestion was this: I supposed that all desire to do justice to this man, and I thought the resolution should recite that, the writing of the letter which has been read to the House being admitted, it seems to the House that the person who wrote it is an improper person to be retained in his present office.

Mr. SINGLETON. I hope the House will take no rash action in regard to the Doorkeeper without giving him an opportunity to make an explanation.

Mr. WADDELL. Does the gentleman from Mississippi know that Mr. Fitzhugh wrote that letter?

Mr. SINGLETON. I do not know the fact personally, but I am going on the supposition that he did write it.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. GLOVER] has the floor. Does he yield to the gentleman from Mississippi?

Mr. GLOVER. I have not yielded the floor.

The SPEAKER *pro tempore*. The Chair directs the resolution of the gentleman from Missouri to be read as now modified by himself.

The Clerk read as follows:

In view of the foregoing letter written by L. H. Fitzhugh, which has just been read to this House, without any reference to other charges made against him, of the truth of which the House is not informed,

Resolved, That it is the sense of this House that L. H. Fitzhugh is not a proper person to hold the honorable and responsible position of Doorkeeper of the House of Representatives of the United States, and that the said Fitzhugh, as Doorkeeper, be, and he is hereby, dismissed forthwith from that office.

Mr. RICE. I hope this hasty action will not be taken.

Mr. GLOVER. If the House does not act upon this question at once, the whole day may be occupied in its discussion. I think the House understands the merits of the case.

I have not any doubt in my own mind, independent of anything contained in these newspaper articles, that the gentleman himself acting as our Doorkeeper is unfit to occupy that position. I apprehend that all that has been said about this House and throughout the country in the last few weeks ought to satisfy every gentleman on this floor that this is not a case to be investigated. I for one do not want our committees to be spending their time during the balance of this session in investigating the character of men who impose themselves upon this House and delegations from States in this House in such a way as this, not making any explanation of their former history.

I call the previous question.

Mr. CONGER. In regard to the matter to be printed, I ask unanimous consent of the House that so much of the letter which has been read as relates to ladies be stricken out.

Mr. RANDALL. That is right.

Mr. GLOVER. I accept that suggestion.

Mr. WHITE. I ask that where the names of ladies or of any members of this House occur blanks be substituted.

Objection was made.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Michigan [Mr. CONGER] that all allusion to ladies in the letter as published in the newspapers be stricken out? The Chair hears no objection, and it is so ordered.

Mr. GLOVER. I yield a few moments to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. SINGLETON. Mr. Speaker, there is always a degree of respect to be paid to officers of this House or to any other officer of the Government who has been chosen to fill an important position. Here and now is a charge preferred against our Doorkeeper in the presence of the country, by a gentleman who I suppose holds himself responsible for what he has done, criminal in its nature, and destructive of good character, involving no less an offense than arson, coupled with a lesser charge of having written an indiscreet and foolish letter; which all acknowledge to be the case, and regret was ever written. The best of men sometimes do such things. In confidence with their friends they write a good deal which they would not have published to the world, and occasionally they are betrayed by these supposed friends, and confidential communications come to light just as has occurred in this case.

For that act, however, and in extenuation of it I have nothing to say, except that he was unfortunate in the selection of his friend and confidant. He must stand or fall by his own act, so far as public taste or public judgment is concerned. But as stated above, in addition to the charge of bad taste, another charge has been preferred, which goes upon the record and which will stand there for all time to come. And now, sir, to adopt this resolution and require him to resign without giving him an opportunity to explain these charges which have been so placed upon the record will be doing, in my opinion, gross injustice to him as a man and officer. Even if he were the most obscure and humble individual in the land, should he not have the opportunity to explain these matters and have accorded to him the same privileges others have had when you have proposed to investigate their conduct? Why adopt a different rule for the Doorkeeper of the House from that which has been established for all other officials with whom the House has had to deal? Why should this summary process be dealt out toward him, when others have had the opportunity to go before investigating committees and explain as far as possible their alleged misdeeds? I can see no good reason for taking a different course with this officer. He should have an opportunity to explain his conduct, and if he can say anything in extenuation of the letter he has written or the other grave charge, let it go to the country for his own benefit and that of his children after him; but let not this body of the representatives of the people, under the excitement now swaying it, condemn the man without giving him a hearing or listening to his side of the case.

There may be extenuating circumstances of which we know nothing. Why, sir, we do not thus condemn unheard the simplest cases that go before our criminal courts. Every man has a right to be heard by himself, or by counsel, or by both. The Constitution guarantees that right to him, however guilty or insignificant; and if we pass this resolution to expel him, he goes out under the ban of this House; and the impression will prevail that we believe him guilty of all the charges made against him, and you cannot prevent the public mind from coming to that conclusion. Why, sir, this case is not more serious than a dozen others that are being investigated. It is said that this man has been guilty of writing an indiscreet letter and that he embraced in it many things that he had no right to mention; and for this cause alone he should be expelled. But connected with it is a criminal charge which involves character, and, if true, would subject him, had this charge not already been inquired into, to criminal prosecution and ignominious punishment. And though this House may declare by its resolution that he is only expelled on account of the letter, yet the public mind would fasten itself upon the criminal charge made, and forever his expulsion would be set down to this cause. The whole thing ought to be investigated, and the country have the benefit of his explanation. I am opposed to the resolution, which goes upon the presumption of guilt, in the absence of all proof, and would condemn and punish him without the privileges extended to the common felon. Let the investigation be had, and, if found guilty, then let the penalty follow. The resolution ought to be referred to a committee.

Mr. GLOVER. I now yield three minutes to the gentleman from Illinois, [Mr. HARRISON.]

Mr. HARRISON. I hold, Mr. Speaker, that this House has no right to investigate charges that have been made against any member or officer of the House in years gone by. This man comes before us charged with crimes; but, sir, the very charges state that he was acquitted. What have we to investigate here as to these things? He was charged with arson, and the court found him not guilty. He was charged with false swearing, and the court said he was not guilty. He was charged with crimes, and upon every charge there was an acquittal, and both are on record here. It is not a question for us to go into and investigate. If every man who comes into this House, either as a member or officer, has to be brought up on every charge brought against him by malevolent men to be investigated, we shall be investigating to the end of the year. But there is another question, and that question simply is, shall we keep Mr. Fitzhugh here? He has written a letter that is pronounced foolish. We probably have no right to dismiss him, and, sir, I desire to offer an amendment to the resolution, that he be requested to resign.

Mr. MORRISON. That is what Belknap did. [Laughter.]

The SPEAKER *pro tempore*. The Chair would say to the gentleman from Illinois that an amendment offered at this time would not be in order, except by the consent of the gentleman holding the floor.

Mr. HARRISON. I stand here to say that there are committees investigating all sorts of charges.

[Here the hammer fell.]

Mr. GLOVER. I now yield for a moment to the gentleman from Kentucky.

Mr. PARSONS. Mr. Speaker, as an act of simple justice to Colonel Fitzhugh, I submit to the House the following papers and documents bearing upon the matters under consideration.

The Clerk read as follows:

[The indictments in Kentucky, and result of the trials.]

1.—*Grand Larceny.*

LINCOLN CIRCUIT COURT.

COMMONWEALTH OF KENTUCKY
vs.
L. H. FITZHUGH, JAMES FITZHUGH, AND JOHN FITZHUGH.

The grand jury of Lincoln County, in the name and by the authority of the Commonwealth of Kentucky, accuse L. H. Fitzhugh, James Fitzhugh, and John Fitzhugh of the crime of grand larceny committed as follows, namely: The said L. H. Fitzhugh, James Fitzhugh, and John Fitzhugh did, on the 1st day of February, 1871, in the county aforesaid, unlawfully and feloniously steal, take, and carry away from the premises of D. W. Jones & Shannon the following-named articles: Three white bed-spreads, worth more than $4, one dozen sheets, one dozen towels, and half a dozen table-cloths, and various other articles unknown to the jury, of the value of more than $4, the property of said Jones & Shannon, of the value of more than $4 in specie, and converted the same to their own use, against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for the Commonwealth.

On this indictment there are the following indorsements:

A true bill: H. Roberts, foreman; April 22, 1871. Witnesses: D. W. Jones, Aquilla Payne, John Freland, J. R. Shannon.

1871, April term. Indictment presented; bench warrant awarded and bail allowed in the sum of $100.

1871, April 24. Bench warrant issued and sent to sheriff of Jefferson County.

1871, October term. Continued on motion of the Commonwealth's attorney; defendants to remain on bond.

1872, April 5. Two subpœnas for defendants issued to Lincoln and Jefferson.

1872, April 10. Subpœna to Boyle and Lincoln issued for Commonwealth.

1872, April 13. Subpœna for Commonwealth to Boyle executed.

1872, April 16. Exhibit and affidavit filed.

1872, April term. Continued by defendants, and defendants to remain on bail.

1872, October 7. Subpœna for Commonwealth to Lincoln and Boyle, and for defendants to Lincoln and Jefferson.

1872, October term. Prosecution continued to the eighth day of term. Witnesses for defendants recognized; warrant of arrest *vs.* J. R. Shannon, witness for defendant.

1873, April 1. Subpœna for Commonwealth issued.

1873, April 9. Subpœna for defendants issued to Jefferson County.

1873, April term. The case was tried and the jury returned the following verdict: "We, of the jury, find the defendants not guilty: W. H. Hocher, foreman."

2.—*False Swearing.*

LINCOLN CIRCUIT COURT.

COMMONWEALTH
vs.
L. H. FITZHUGH.

The grand jury of Lincoln County, in the name and by the authority of the Commonwealth of Kentucky, accuse L. H. Fitzhugh of the crime of false swearing, committed as follows, viz:

The said L. H. Fitzhugh did, on the 18th day of April, 1872, in the county aforesaid, unlawfully, willfully, feloniously, knowingly, and corruptly, he having been sworn by the clerk of the Lincoln circuit court on application for continuance in said court, in a prosecution therein pending against said Fitzhugh and others for grand larceny, said clerk being legally authorized to administer oaths, it being a subject-matter upon which said party could and was legally sworn, and about which he was required to be sworn in order to obtain a continuance in said prosecution at the April term, 1872, of the Lincoln circuit court of the Commonwealth of Kentucky against him and others, utter, state, and swear, in said application for said continuance, that the trunk in which the articles were and had been placed and held had no lock and had not had for five years, and that said trunk was an old and dilapidated trunk, when in fact and in truth said trunk was locked, had a lock on the same, and said statements then and there made by said Fitzhugh were false and untrue, and known to be false and untrue by the said Fitzhugh when so made, said statements having been made by said Fitzhugh in open court at said term to obtain the continuance aforesaid, against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for Commonwealth.

On this indictment there are the following indorsements:

A true bill: Marquis Helm, foreman; November 2, 1872. False swearing against L. H. Fitzhugh. Witnesses: D. W. Jones and J. R. Shannon.

1872, October term. Presented and filed; bail allowed at $500 and bench warrant awarded.

1873, January 30. Bench warrant issued.

1873, March 3. Subpœna for plaintiff issued.

1873, April term. Trial; verdict, judgment of acquittal. Prosecution dismissed. "We, of the jury, find the defendant not guilty of the charge of the within indictment: J. Bright, one of the jury."

3.—*Arson.*

LINCOLN CIRCUIT COURT.

COMMONWEALTH OF KENTUCKY
vs.
THOS. SCOTT, (col'd,) L. H. FITZHUGH, JOHN FITZHUGH, and JAMES FITZHUGH, (the latter three white.)

The grand jury of Lincoln County, in the name and by the authority of the Commonwealth of Kentucky, accuse Thomas Scott, (colored,) L. H. Fitzhugh, John Fitzhugh, and James Fitzhugh (the latter three white) of the crime of arson and as conspirators in the burning and destruction by fire of the buildings and houses of the Crab Orchard Springs, committed as follows, namely: The said Thomas Scott and aiders and abettors therein did, on the 1st day of February, 1871, in the county aforesaid, unlawfully, willfully, and feloniously set fire to and burn that portion of the buildings and houses known as the Crab Orchard Springs, and at the time in the occupancy of L. H. Fitzhugh and Mrs. Rebecca Jones, and the rooms attached thereto, in the night-time, the property of J. R. Shannon and R. H. Aben, trustee for Mrs. Rebecca Jones, the said L. H. Fitzhugh, John Fitzhugh, and James Fitzhugh having aided, assisted, abetted, counseled, advised, procured, and employed and instigated the said Scott to set fire to, burn, and destroy the buildings and property aforesaid unlawfully and feloniously, and said burning having been done in consummation of said conspiracy, aiding, and abetting unlawfully, against the peace and dignity of the Commonwealth of Kentucky.

M. H. OUSLEY,
Attorney for the Commonwealth.

On this indictment there are the following indorsements:

Arson against Thomas Scott *et al.* A true bill: H. Roberts, foreman; April 22, 1871. Witnesses: D. W. Jones, J. R. Shannon, Jacob Higgins, Walter G. Saunders, Charles Jones, (colored,) James Guest, John Edmiston, Dr. J. D. Pettus, Dr. Thomas Welsh, C. W. Alexander, George Harden.

1871, April term. Indictment presented; bench warrant ordered and bail awarded in the sum of $150.

1871, April 24. Bench warrant issued and sent to sheriff Jefferson County.

1871, October 10. Subpœna for Commonwealth issued.

1871, October term. Continued against defendants, the said Fitzhugh and said defendants to remain on their bonds.

Petition for change of venue filed by Thomas Scott granted him to United States circuit court.

1872, March 15. Subpœna for plaintiff issued.

1872, April 10. Subpœna to Boyle and to Lincoln for Commonwealth issued and returned executed.

1872, April 15. Subpœna for Commonwealth issued.

1872, April 16. Two warrants of arrest issued for plaintiff.

Subpœna for plaintiff executed in full and order of arrest executed.

1872, April term. L. H. Fitzhugh filed affidavit, and prosecution continued for cause shown. Warrant of arrest awarded against George Harden, James Guest, J. R. Shannon, witnesses for Commonwealth.

1872, October 7. Subpœna for Commonwealth issued to Boyle and Lincoln and subpœna for defendants to Lincoln.

1872, October 16. Subpœna for defendants issued.

1872, October term. Prosecution continued to eighth day of term. Witnesses for defendants recognized. Warrant of arrest against J. R. Shannon, witness.

1873, February 20. Warrant of arrest against Harry Singleton issued.

1873, March 1. Warrant returned and bond filed.

1873, April term. Warrant of arrest against Commonwealth witnesses; trial; verdict, judgment of acquittal against Fitzhughs.

Verdict of jury is as follows: "We, of the jury, find the defendants not guilty of the charges of the within indictment: L. D. Gorde, foreman."

It is therefore adjudged that this prosecution be dismissed and that the defendants be discharged from custody and bail.

STATE OF KENTUCKY,
Lincoln Circuit Court, ss:

I, D. B. Edmiston, clerk of the Lincoln circuit court, certify that the foregoing are true copies of the indictments against L. H. Fitzhugh *et al.*, and of the various indorsements thereon, as found of the record in my office.

Given under my hand this April 26, 1876.

D. B. EDMISTON, *Clerk*,
By S. S. MCROBERTS, *Deputy Clerk.*

[Letter from Hon. William L. Jackson, of Louisville, Kentucky, at present judge of the circuit court in the Louisville district.]

LOUISVILLE, KENTUCKY, *April* 8, 1876.

MY DEAR SIR: I am informed that certain enemies of yours with a view to your injury (that could be but temporary, for the facts are your triumphant vindication) have forwarded copies of indictments that at one time were pending against you and your son. You were triumphantly acquitted on these charges; so also your son. It was the universal belief of all good people that these prosecutions had their origin in the malice of Jones and others who had been sued in the United States court by Tom Scott for damages, they having, as it was alleged, kukluxed him by hanging him, &c. You incurred their malice because you stood up for Tom Scott, who was a colored man, and because you were an important witness in his behalf. Tom Scott in the suit recovered a verdict of several thousand dollars against the defendants. I was present at the Willard Hotel when the parties implicated by Tom Scott, on the day before the trial of the case, attempted to browbeat and bully you, evidently intending to get you in a quarrel and kill you, and I saw your calm and undaunted courage make them quail and cower. I have always believed that if I had not been present they would have forced you to the difficulty, but I must say that you exhibited a high order of self-possession and courage.

In view of your vindication, both by the verdict in the Tom Scott case and your honorable acquittal, this malice, if it is attempted, will I am sure recoil upon the conspirators and "will plague the inventors."

You are at liberty to make such use of this as may be necessary and proper.

Very truly yours,

WM. L. JACKSON.

Hon. L. H. FITZHUGH.

[Editorial from the Louisville Commercial of February 11, 1871.]

A NEW PHASE OF KUKLUXISM.[1]

The Ku-Klux operations in this State have heretofore almost entirely been confined to outrages on defenseless negroes and white republicans, or Union men. This routine was slightly varied from in the late transaction at Crab Orchard Springs. The burning on the night of the 4th instant of the hotel in that place, owned by Myers, Fitzhugh, and Jones, was the occasion of an outrage which has few parallels for malignity and villainy. The negro boy Robert Scott, who was arrested, and implicated the two sons of Colonel Fitzhugh in the burning of the hotel, convinced almost every one of the truth of the story he told about a lie being extorted from him by white men previous to his examination before 'Squires Carson and Roberts.

The hotel was burned on Saturday night, while Colonel Fitzhugh was absent from the town. He has had several difficulties with his partner, Mr. Jones, and had withdrawn from the business. The boy Scott was an employé of the house. The night following the fire, a band of armed, disguised men went to the house where Scott was stopping, and took him to a tree, where he was threatened with death if he did not confess that he burned the house. A pistol at his head and an oath that his brains would be blown out if he did not confess convinced the boy of the necessity of acceding to the demand made upon him. He admitted that he did burn the house. They then renewed their rope and pistol arguments, and made him implicate Colonel Fitzhugh's two sons, James and John, as the instigators of the deed. Having thus forced him to confess a lie, they took him to a spring-house, where they left him, with the threat that if he stirred from the spot before an officer came to arrest him they would shoot him dead. Returning to their rendezvous, they unmasked themselves, and a portion of them went to the spring-house, where the boy was found half frozen. He was arrested by Constable Higgins, who told the boy, on taking him to his room, to confess everything. The boy then told the constable what these disguised men had done to him to extort a confession of a lie from him.

When he was brought to trial he was not even permitted to make his statement. The boy Scott had been at a party on the night of the fire without absenting himself from the room during the entire evening. The witnesses to this fact were threatened by a negro hired by the Ku-Klux with death if they dared to appear at the trial. They were intimidated by threats of death by hanging. Notwithstanding all this outrageous and villainous proceeding, the boy Scott was held in $150, which was a virtual acquittal, and the sons of Colonel Fitzhugh were honorably discharged.

A rumor was also circulated that Colonel Fitzhugh had gone to Louisville previous to the fire to increase his insurance, when the truth is he came here for the purpose of canceling his insurance, and did have over $9,000 of his policy so canceled.

The Legislature is now in session. Many of the members are personally known to Colonel Fitzhugh and his family. Here is an instance under their legislative nose where an honorable gentleman and his family have been conspired against by a band of Ku-Klux, who have endeavored to force a negro boy on threats of death to implicate himself and two respectable young gentlemen in a crime of which none of them had any knowledge.

This is a stab at even more than the lives of our citizens; it is a fiendish attempt to disgrace innocent men through the forced confessions of a negro. It was done with a purpose so devilish and malignant that Colonel Fitzhugh and his friends should prosecute the villains to the bitter end.

[From the Louisville Courier-Journal of February 12, 1871.]

The Crab Orchard fire.

A gentleman who came down from Crab Orchard yesterday informs us that the prosecution of the young Fitzhughs, on the charge of having burned the Springs Hotel, utterly broke down, and they were discharged yesterday, not a particle of evidence having been adduced against them. Much interest was manifested in the case by the citizens, and the result was received with evident satisfaction by the public. It seems that they were at a party in the neighborhood when the fire broke out, and the negro man, Tom Scott, whose arrest on the charge of having set fire to the house at their instigation we mentioned some days ago, was at another party, given by a negro, and went with others of the company to help extinguish the flames. Eighteen or twenty of the negroes present at the party testify that Tom Scott was presiding over a confectionery table all the evening, and was not out of their company a single minute for hours previous to the alarm. Yet he was taken out on Monday evening by a band of masked men, and forced, under pain of death, and to save his own life, to confess that he had burned the house and had been employed to do so by the Fitzhughs. As he utterly repudiated this confession as soon as he was assured of protection by the citizens, and as his second story was corroborated by so many of his own race, the citizens were naturally indignant at the use of such means to blast the character of respectable people. In view of his own confession, however, Scott was held in $150 to answer any indictment that may be found against him.

[From the Louisville Courier-Journal of May 6, 1876.]

The Cincinnati Gazette, referring to the Doorkeeper of the national House of Representatives, says: "Fitzhugh is a great man. He even declares that he is 'a bigger man than old Grant.' Meantime the Courier-Journal is endeavoring to show that the indictments for arson, perjury, grand larceny, and other crimes found against this great man were not true. As the Doorkeeper thoughtfully remarks, 'thus wags the world.'" The Courier-Journal has merely said of Colonel Fitzhugh what it believes from considerable knowledge of his character—that he is incapable of the charges laid at his door. We published yesterday a letter from W. G. Welch, esq., of Stanford, giving the case against Fitzhugh, and no one could read it without feeling that the points were strained. Our impression at the time was that things had got into a muddle; that one ill-feeling had led to another, the whole resulting in an ugly feud. That is our impression now. Colonel Fitzhugh has always appeared to us to be an exceptionally brave and generous man, overflowing and excitable, but in no sense malignant or vicious.

[From the Louisville Courier-Journal of April 29, 1876.]

Colonel L. H. Fitzhugh—The reckless Inter-Ocean takes up a gauzy yarn about the Doorkeeper of the House of Representatives—The real facts of the case as told by Mr. T. W. Bullitt, counsel for Fitzhugh in the matter in question—Manufactured political capital.

One of the Courier-Journal's local force called on Mr. Thomas W. Bullitt yesterday in relation to an article telegraphed from Washington to the Chicago Inter-Ocean, in which were made very damaging statements concerning Colonel L. H. Fitzhugh, Doorkeeper of the House of Representatives, and his sons, James and John, both of whom are in the employ of the Government. The Inter Ocean asserted, with its accustomed recklessness, that, in addition to having served in the "rebel army," Colonel Fitzhugh had since varied his occupation in even a more disreputable way than in his first great sin. It charged him and his sons with larceny, arson, and false swearing, and published copies of indictments for each of these alleged offenses, said to have been committed in Kentucky, at Crab Orchard Springs. The article in the Inter-Ocean was so ingeniously arranged that no mention of the fact that Colonel Fitzhugh and his sons were honorably acquitted is made. How so great an oversight could creep into the statements of the Inter-Ocean, we have but one solution—it wished to make political capital out of a yarn which they well knew to be without even the semblance of truth.

Yesterday a Courier-Journal reporter showed to Colonel Bullitt a copy of the Inter-Ocean article, and stated to him that he wished to obtain any information concerning the Fitzhugh case that he might be able to communicate, whereupon the gentleman said:

"I have read the article purporting to be from the Chicago Inter-Ocean, as published in the Louisville Commercial of this morning, and having been of counsel for Colonel L. H. Fitzhugh and his sons in the trial of the indictments published, I acquired in that way quite an accurate knowledge of the facts connected with the charges contained in the indictments.

"The first material circumstance which strikes me in reference to the publication is, that the record is not published in full, the fact that Fitzhugh and his sons were acquitted of each charge being omitted. I am unable to perceive how any one taking a copy of this record could accidentally overlook this fact. The trial of these indictments was had several years ago, but I believe that my memory is accurate in respect to the evidence adduced, as well as to the rulings of the court and the findings of the jury. Upon the indictment charging larceny, the court peremptorily instructed the jury to bring in a verdict of acquittal, upon the ground that there was *no evidence* tending to sustain the indictment. On the indictment for arson the case was allowed to go to the jury, which, after an absence of but a few minutes, brought in a verdict of acquittal. I do not now remember whether the indictment for false swearing was dismissed on motion of the Commonwealth or whether it was brought to a trial. If the latter, it also resulted in an acquittal."

"In regard to the evidence adduced in the support of the indictments?" asked the reporter.

"At this distance of time," resumed Mr. Bullitt, "I would not attempt to give the details of the evidence, but believe that I can state accurately its substance. In each of the cases the principal prosecuting witness was one D. W. Jones, who had been a partner with Colonel Fitzhugh as one of the proprietors of the Crab Orchard Springs. It appears from the testimony that the families of Jones and Fitzhugh had divided between themselves certain of the bed-clothing and table-furniture belonging to the hotel, for the separate use of their respective families. That used by Fitzhugh was kept in a trunk in his private room. When the fire occurred which destroyed the Springs hotel this trunk was removed, with other of Fitzhugh's property, to another room in one of the buildings not burned. The trunk was found and opened by Jones, and upon this state of facts the charge of larceny was preferred.

"In respect to the indictment for arson, the evidence was in substance as follows: Colonel Fitzhugh was not in Crab Orchard, but in Shelbyville—a distance of more than one hundred miles by the ordinary mode of travel—on the night of the burning, and had been there for several days. His sons were not at the hotel, but absent at a dancing-party. Directly after the fire a negro, Thomas Scott by name, was taken out by certain of the citizens of Crab Orchard and vicinity, and threatened with death unless he should make a clean breast and confess all his knowledge of the burning. Under the apprehension of these threats, he made what was said by some of the parties to be a confession implicating Colonel Fitzhugh as having employed him to do the burning. I have never seen the negro; he was not introduced as a witness by the Commonwealth, but I am informed that as soon as discharged from the custody of the mob and placed under the protection of the law he steadily and continuously denied all knowledge of the burning, and especially repudiated the idea that Colonel Fitzhugh or his family had instigated it. I believe I may say with certainty that there was no evidence tending to connect Colonel Fitzhugh with the burning of the Crab Orchard Springs other than this forced confession of this negro Thomas Scott. Colonel Fitzhugh lost by the fire a considerable amount of valuable personal property, and there was no evidence conducing to show any possible benefit he could have derived from the burning.

"As to the indictment for false swearing, as I have said before, I fail to remember whether it was tried or not. It was founded upon a statement by Colonel Fitzhugh that he expected to prove by an absent witness that the trunk, containing the clothing previously mentioned, had no lock, or perhaps that the lock was out of order. The charge of swearing falsely upon this point was as entirely without foundation as either of the others."

"What was Jones's motive in the procuring of the indictments?"

"I am not prepared to express an opinion as to the motives of Mr. Jones or of any other person connected with the prosecution of these indictments. I have given you what I believe to be a full and correct statement of the substance of the evidence and the result of the trials. I do not feel disposed to go further. I may, without impropriety, say that the trial developed the fact that there was a strong hostility between Jones and Fitzhugh—reaching back, however, into circumstances of which I have no personal cognizance, and am therefore unwilling to speak."

With a view to procuring further information, if possible, the reporter visited the United States district court-room. He examined the court records, and discovered that the negro Tom Scott, referred to by Colonel Bullitt, had several years ago brought suit against D. M. Jones and others for an outrage alleged to have been committed upon him by them. A verdict of guilty was found in the cases against Jones, Welch, and Gilkerson, each of whom was fined $1,000; Shannon was fined $700, and Messrs. Higgins and Alexander a cent each. The case against Dunlap was dismissed. Jones and the others mentioned are the men who are supposed to have forced the confession from the negro. Jones was an avowed enemy of Fitzhugh, and also very active in procuring his indictment on the testimony of Scott.

[Letter from L. Peyton, concerning the charges made by Marshal Purnell.]

WASHINGTON CITY, *December* 4, 1875.

GENTLEMEN: Having learned that the unsupported statements of Marshal Purnell of Texas are injuriously affecting the interest of Colonel Fitzhugh, I deem it due to him to say that they are false in every particular. Colonel Fitzhugh, nor any other man in Texas, ever approached me in connection with the investigation of the accounts of Marshal Purnell, nor as to the character of the report that I was authorized to make in the case of that corrupt marshal.

I have the honor to be, your obedient servant,

L. PEYTON.

Hon. Messrs. REAGAN, CULBERSON, and others.

[Letter from Ex-Governor Edmund J. Davis, of Texas.]

AUSTIN, TEXAS, *May* 4, 1876.

DEAR COLONEL: Yours of 28th April has been received. I note what you say about that rascal Purnell and his gang trying to injure you by slanderous charges. It is a good joke, indeed, when Purnell attempts that sort of thing: the devil reproving sin.

If my indorsement may serve you with democrats or republicans you are authorized to say from me that your character has, since your residence in Texas and my knowledge of you, which now covers several years, been entirely beyond reproach. You stand infinitely above that fellow Purnell and all of his sort in every respect. I trust that no gentleman in either House will be influenced in his treatment of you by any of the slanderous insinuations you allude to. While you are a decided democrat in politics it is but just to say that you are a fair one, and a gentleman.

Mr Britton will send you some papers.

Very truly, yours,

EDMD. J. DAVIS.

Colonel L. H. FITZHUGH, *Washington, D. C.*

Mr. GLOVER. I now yield three minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. After the statements which have been made here by gentlemen on the other side of the House that this officer was unwilling to resign his position with these charges of a criminal nature hanging over him and desired an investigation of whatever matters the House might require to be investigated, I doubt somewhat if it would be fair play or justice for the House, after such a request as has been presented by this officer through his friends, to summarily adopt this resolution and expel him without a hearing or without the trial and examination he has requested and expel him from his office and his connection with this House.

I am not one who believes that the moment a charge is made against a public man it is necessary for the whole of the House of Representatives to rise in arms and give force and impetus to the slander, if it be a slander, or to refuse a fair examination if it is asked. I am one of those who have stood here in this whirl and confusion of slanderous reports against political friends of my own, and I have tried to stand cool and calm and await the results of examinations. I have demanded it for my friends as I demand it for my foes, for if there be anything in the character of the American people and if there should be anything in the character of the Representatives of the American people it should be that old inherited quality of love of fair play and justice to any man, friend or foe, political or otherwise.

Now this resolution follows in the wake of long, voluminous criminal charges which are placed upon our record. It follows in the wake of criminal indictment placed upon our record. It follows in the wake of a letter giving secret history, as it alleges, of the subject-matter of these indictments. Who believes that any man can go

forth to the world with this accumulation of charges, public and private, and ever regain any respect or confidence among his fellow-men if it is followed by a summary resolution of this House to expel him from his office, even although there be placed in the resolution of dismissal a denial by the House that it is not for the grave charges referred to in all the previous statements?

I have had occasion heretofore to breast this current of what I believed to be slander and calumny against my political friends, inaugurated and pressed forward by gentlemen on the other side of this House; and as long as I believe my political friends to be innocent I expect to stand there and breast the slanderous and calumnious current with such coolness and calmness as I may. I should be unjust to myself, untrue to my own consciousness of what is right if I refused, when the character of a man is assailed, to allow him the same opportunity for investigation that I demand for my own political friends. In that sentiment I believe I represent fully the honest, true sentiment of the American people, that would allow fair play and just dealing to every man when charged with offenses which if true would render him infamous and disgraced in the eyes of his fellow-men.

Mr. GLOVER. I now yield to the gentleman from Ohio [Mr. SOUTHARD] for three minutes.

Mr. SOUTHARD. I rise to support the resolution as it stands. I am not opposed to investigation, and would prefer it if there were anything to investigate. But in this case it would be manifestly improper and altogether impracticable for us to go back and investigate the decisions of courts in past years. As the gentleman from Illinois [Mr. HARRISON] has stated, the courts have passed upon these charges, and have rendered a verdict of not guilty; and there the matter should rest. That verdict cannot be re-investigated and overruled by this House.

Then, as to the letter written by the Doorkeeper, that is not to be investigated, because it is admitted to be true; there is no denial of the contents of the letter as read. It is manifestly indecorous, indecent, and improper, and such as, I think, renders the person who wrote it unfit to hold a position as an officer of this House. This is not, as I view it, a summary proceeding, but a proceeding with all the facts before us. It is a matter upon which we are as competent to pass now as we would be after a week's investigation. Therefore, I say, in no spirit of unfairness and with no desire to do this person any injustice, it is due to the House and to the country that we should say now that this person is unfit to continue to hold the position of Doorkeeper of this House.

Mr. LAMAR. Will my friend from Missouri [Mr. GLOVER] yield to me for one minute?

Mr. GLOVER. I will yield to my colleague [Mr. PHILIPS] for three minutes.

Mr. PHILIPS, of Missouri. I have but one word to say, and that is this: The only question now before this House is as to what action should be taken upon the pending resolution in its present form. With regard to the criminal charges against the Doorkeeper of this House, they are omitted in this resolution. The House is now asked, I am asked, to give a vote for a resolution peremptorily expelling the Doorkeeper of the House from his office upon a letter purporting to have been written by him. I never heard the letter read until it was read a few minutes ago. This House is asked to pronounce judgment of expulsion against this officer upon that letter without one particle of evidence before us to the effect that this Doorkeeper ever wrote it. There is no admission here from the accused that he is the author of that letter. Will the House of Representatives of the United States proceed to pronounce its solemn judgment of expulsion upon a high officer of the House upon a charge wholly unsupported by evidence? Did he write that letter? Who says he wrote it? Does he admit it? If so, when and where? Has he made the admission in such form that we can take judicial cognizance of the fact and attach to it the character of evidence? Have there been any interpolations made in the letter? Is it genuine in all its parts?

I am unwilling, as a matter of justice and common right to the humblest and meanest individual that lives and breathes, to pronounce a judgment upon him without a hearing. Let him be heard. That right is guaranteed by the Constitution and by every principle of justice and of common honesty. Let him give his explanation, and if that explanation be not satisfactory it will be time enough then to pronounce judgment upon him. I trust the action of the House will be so shaped as to refer this matter to a committee, with instructions to report upon it to the House in the shortest possible time. When that is done, we can act advisedly and wisely, as becomes the House of Representatives of the United States.

Mr. GLOVER. I am sorry I cannot yield to other gentlemen. There have been some fifteen or twenty applications made to me, and I suppose before those shall have been exhausted there will be a hundred more.

Mr. HARRIS, of Virginia. I hope the gentleman will yield to the gentleman from Mississippi [Mr. LAMAR] for one minute.

Mr. MILLIKEN. I beg pardon of the gentleman from Missouri, [Mr. GLOVER,] but will remind him that he promised to yield three minutes to me.

Mr. GLOVER. I did, but I understood the gentleman afterward to withdraw his request.

Mr. MILLIKEN. I did, but would ask the gentleman to yield three minutes to me, so that I can give the time to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. GLOVER. If the gentleman considers that I am under obligations to yield to him——

Mr. MILLIKEN. I do not say that, but I make the request.

Mr. GLOVER. I will yield for three minutes to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I desire only a moment, not so much to urge any views to influence the vote of others as to disclose the motive which will control my own on this question. I cannot vote for this resolution as it now stands. I believe this subject should be referred to a committee. I have listened to the suggestion so forcibly put by my friend from Ohio, [Mr. SOUTHARD,] and others, that the action of this House now proposed is not directed against its Doorkeeper as a result of the charges made by the gentleman from Kentucky, [Mr. WHITE.]

The answer which the distinguished gentleman from Michigan [Mr. CONGER] makes is to my mind conclusive. Sir, it is true that those charges present the fact that this Doorkeeper was accused and tried and acquitted of certain crimes, and that he does stand before this body unconvicted of any legal guilt. But, sir, the imputation in those charges is clear, explicit, and unequivocal that the evidence adduced at those trials and other facts show this individual, although acquitted upon technical grounds of the crimes charged, to be guilty of moral turpitude. The accusation made, sir, is distinct that there were facts showing him to be an infamous character, although he was not convicted by a jury. That is the exact point made by resolution and statements submitted by the gentleman from Kentucky. The charge involved in them is not that the Doorkeeper is a convicted criminal, but that he is an infamous person, notwithstanding his acquittal.

Now, can this House properly pass by without notice this charge thus formally preferred, and proceed immediately to the expulsion of this officer for what it deems an act of folly; for having written a letter in the *abandon* of private confidence, showing no guilt of any sort, showing nothing of moral baseness or venality, but simply showing ridiculousness and nonsense?

A MEMBER. It shows indecency and falsehood.

Mr. LAMAR. Where is there anything indecent in it? Where is the falsehood that is spoken of? Where is the imputation upon anybody in the letter for which the writer should be expelled without investigation? To expel this officer upon that letter in the teeth of these charges of criminalty would look like acting upon a pretext, like a backing out from the charges of ignominious conduct against this officer and getting rid of him upon some other ground. For this reason, if it be in order, I move the reference of the resolution to a committee for investigation.

Mr. GLOVER. I yield for a moment to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, the time may come when it will be proper to expel this officer; but I do not think that this is the time. I believe every one is entitled to a hearing; and this officer ought to have a hearing. Cain, although known to be guilty, was allowed a hearing. No interest can suffer by giving this man a full hearing; and I trust that it will be allowed. While we may strike, still we should hear. This course best accords with the dignity of the House. I do not know but that this man is guilty of offenses which when established should prompt the House to dismiss him; but let us at least give him a fair hearing. In that way we shall do ourselves more credit, and perhaps do him less injustice.

Mr. GLOVER. Mr. Speaker, I do not wish to do any injustice, or to act in conflict with the views of members in relation to this subject. My own judgment is that the House should take immediate action and expel this officer.

I wish to say one word in relation to the remarks of my colleague, [Mr. PHILIPS,] who assumes, in advance of an investigation, that the letter spoken of is not genuine. I would like to ask him, or any other member, whether any one questions the genuineness of that letter?

Mr. PHILIPS, of Missouri. I beg to state, with the permission of the gentleman, that I made no intimation that the letter was not genuine. I said that I was asked to vote upon a letter of the genuineness of which I had no evidence. That was all I said.

Mr. JONES, of Kentucky. Has the gentleman from Missouri [Mr. GLOVER] or anybody else seen the original?

Mr. GLOVER. I have seen the original. I have seen several letters from this officer. I think I am about as well acquainted with his handwriting as I am with my own. There can be no question about the genuineness of the letter.

I now move, as it seems to be more in accordance with the sense of the House, that the resolution be referred to the Committee on Rules, who I hope will make it their special duty to report at the earliest possible day, so that the scandal that has been spread over the country in relation to this officer shall be cleared up and he removed from his position. I move the previous question.

Mr. BANKS. Will the gentleman allow me two minutes?

Mr. GLOVER. I have had fifty applications from gentlemen who wish to speak on this question, and I repeat that I cannot yield to gentlemen out of order in this way. I ask the previous question.

Mr. MILLIKEN. I hope the gentleman from Massachusetts [Mr. BANKS] will by unanimous consent be allowed the time he asks.

Mr. BANKS. This is certainly a very important question, and we

are taking a very important step. I hope the gentlemen will allow me two minutes.

The SPEAKER *pro tempore*. The gentleman from Missouri refuses to yield.

Mr. GLOVER. I move the previous question.

Mr. HARRIS, of Virginia. I ask unanimous consent that the gentleman from Massachusetts may be heard.

Mr. GLOVER. If the gentleman from Massachusetts will renew the call for the previous question I have no objection to yielding to him, if it be in order.

Mr. BANKS. Very well; I will do so.

The SPEAKER *pro tempore*. The pending motion, as the Chair understands, is to refer the resolution to the Committee on Rules.

Mr. BANKS. Mr. Speaker, the House owes something to itself in this matter as well as to the officer who is implicated. It certainly would be a very dangerous step for us, upon a charge made as suddenly as this has been, to expel either an officer or a member. In all such cases it is necessary and right that there should be consideration. But I do not think that any charge appertaining to the personal character of the officer in question ought to be considered in this connection. There is enough in the letter which has been published to show that this officer is utterly unfit for the position which he holds. It is not material that this is a private letter, It may just as well be a private letter as a public letter so far as it is an indication of the spirit of the officer as regards the honor of members of this House and other officers of the Government.

Now, sir, I think we should have some positive notice of this letter, and give him, the officer who is charged with having written it, some opportunity for explanation, and a hearing which has not been given to him as yet. Therefore I move to amend the motion of the gentleman from Missouri by providing that the resolution shall be referred to the Committee on Rules, or any other committee which may be designated.

Mr. GLOVER. That is the motion which I have made.

Mr. BANKS. Very well; let it be referred to the Committee on Rules, and in the mean time, until that committee shall report, and they should be instructed to report immediately, the officer in question should be suspended from his duties.

Many MEMBERS. O, no!

Mr. RANDALL. Suppose he is found to be an innocent man, what wrong you would then do him by such suspension.

Mr. BANKS. It can do no harm. If before the committee he shows he is innocent of this offense in any way, then the House can do him abundant justice. There has been opportunity enough for him to have made some suggestion to the House in the way of explanation since this letter was published. If the House shall suspend him from the performance of his duties until this committee shall report and he is found to be an innocent man, then it can vindicate its reputation and honor and do all that is necessary to make the officer in question good for any damage done to him.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri to refer this matter to the Committee on Rules.

Mr. BANKS. I move an amendment that pending the report of the committee the Doorkeeper of the House shall be suspended from his duties.

Mr. GLOVER. I do not yield for that purpose and I do not accept the amendment. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. RANDALL. Is the motion to refer the resolution to the Committee on Rules, or the whole subject?

Mr. GLOVER. My motion is to refer the resolution to the Committee on Rules.

Mr. RANDALL. I thought the motion covered the whole subject.

The SPEAKER *pro tempore*. Of course the resolution will take the whole subject before the committee.

Mr. W. B. WILLIAMS. I ask for the reading of the resolution.

The resolution was again read.

The SPEAKER *pro tempore*. The question now is on referring the resolution and this whole subject to the Committee on Rules.

The motion was agreed to.

Mr. GLOVER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The Clerk proceeded with the reading of the bill until he came under the heading of "office of the Third Assistant Postmaster-General" to the following paragraph:

For pay of agents and assistants to distribute stamped envelopes and newspaper-wrappers, and expenses of agency $10,000.

Mr. FOSTER. I move to strike out the last word of that paragraph for the purpose of calling the attention of the gentleman from Indiana to this item. The amount expended for this purpose last year was $16,300. It strikes me he has overlooked that fact, and that about an equal sum should be appropriated for the next year.

Mr. HOLMAN. The committee thought that $10,000 was sufficient for that purpose. It is $4,000 more than the other agencies.

Mr. FOSTER. But $16,300 was expended last year.

Mr. HOLMAN. It seems to me there is no good reason why there should be any discrimination between this and other agencies. The committee was of opinion this appropriation of $10,000 was amply sufficient.

Mr. FOSTER. I call the gentleman's attention to line 82, where it is provided for pay of agent and assistants to distribute postal cards, and expenses of agency, $6,100. Last year $16,000 was expended.

Mr. HOLMAN. The estimate is only for $6,100, and the appropriation is fully up to the estimate.

Mr. FOSTER. The estimate, I think, is $16,300.

Mr. HOLMAN. Six thousand one hundred dollars as I have it here.

Mr. FOSTER. Very well, if the gentleman is satisfied he is right, I will not insist on the amendment.

Mr. HOLMAN. The expense of the agency for postage-stamps was $6,900; the expense of the agency for postal cards was $6,100; and in view of the character of the labor performed at each of these agencies, the committee was of opinion that the expense of the agency for envelopes and newspaper-wrappers should not exceed the other agencies more than $4,000.

Mr. FOSTER. I withdraw my amendment.

The Clerk read as follows:

For engraving, printing, and binding drafts and warrants, $1,500.

Mr. FOSTER. I move to strike out the last word for the purpose of calling the attention of the gentleman from Indiana to the fact that no appropriation is made for miscellaneous items in the office of the Third Assistant Postmaster-General. Is that intentional?

Mr. HOLMAN. Yes, that was stricken out as to the Third Assistant Postmaster-General's Office. The estimate was $2,500. What does the gentleman from Ohio propose?

Mr. FOSTER. I propose to make it $2,500.

Mr. HOLMAN. These branch offices—Bureaus as it were—I do not think should have special miscellaneous appropriations made for them.

Mr. FOSTER. It is pretty hard to cover every item by appropriation.

Mr. HOLMAN. That is true, but we have appropriated for the general purpose of miscellaneous and incidental items for the Post-Office Department $145,000.

Mr. FOSTER. That is very much less than formerly.

Mr. HOLMAN. That is true. It is somewhat less, but still it is a large sum. Inasmuch as that is an appropriation generally for the Post-Office Department, I think it is hardly necessary to make another appropriation for miscellaneous items here. That was the opinion of the subcommittee, that it was not necessary.

Mr. FOSTER. I withdraw the amendment.

The Clerk read the following paragraph:

For transportation of foreign mails, $220,000.

Mr. FOSTER. I should like the gentleman from Indiana to give some explanation in regard to the amount appropriated for this purpose, the transportation of foreign mails.

Mr. HOLMAN. This is about the amount expended last year. The committee were of opinion in the first instance that this appropriation was not necessary in consequence of the postal treaties between this Government and certain European governments, together with governments elsewhere throughout the civilized world. But we learn from the Post-Office Department that this appropriation is still required, but not to this extent. The amount expended last year was somewhere about the amount we propose to appropriate here, $220,000.

Mr. FOSTER. Does not the gentleman from Indiana see that the Post-Office Department would be greatly embarrassed if a greater sum should be needed, as the probability is that there will be?

Mr. HOLMAN. As I have said, we appropriate about the amount that was expended last year, and my impression is, although I am not quite certain, that $220,000 was deemed by the Department sufficient for this year.

Mr. FOSTER. This is an expense that must be incurred. There is no escape from it. The Government must pay it. And it strikes me the appropriation should be raised.

Mr. HOLMAN. It seems to be a very large appropriation, and I think it is entirely sufficient.

Mr. FOSTER. If the gentleman thinks so, of course it must be so.

Mr. HOLMAN. The amount appropriated heretofore has been $300,000, I admit, but that sum has never been expended. I do not see any propriety in appropriating a larger sum than is necessary.

Mr. FOSTER. The point is this: that this is an expense which must be incurred, and it is a payment to foreign countries; and we cannot afford to take any risk upon it. The gentleman does not charge that any abuse has grown out of this appropriation. It is simply a payment to foreign countries for foreign postages. If the sum to be paid is greater than the amount appropriated, the Department must necessarily be embarrassed.

Mr. HOLMAN. As we appropriate about the amount which has been expended, I think it is a safe thing.

Mr. FOSTER. I withdraw the amendment.

The Clerk read the following section:

SEC. 2. That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $2,680,905, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in revenue of the Post-Office Department for the year ending June 30, 1877.

Mr. HOLMAN. The amount in this section will have to be somewhat increased, and it is difficult at this moment to tell what will be the exact amount. And inasmuch as the amount here will be affected by some of the subsequent provisions, I ask that by unanimous consent this section may be passed over for the present.

There was no objection; and the section was temporarily passed over.

The Clerk read the following section:

SEC. 5. That the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General from their respective quarterly returns to the Auditor of the Treasury for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to an amount of the box rents of the office received or estimated not exceeding $1,200 when the boxes are supplied and owned by the postmaster, and two-thirds of the box rents and not to exceed $1,000 when the boxes are not supplied and owned by the postmaster, commissions on all other postal revenues of the office to an amount not exceeding $1,300, at the following rates, namely: On the first $100 per quarter, 60 per cent.; on all over $100 and not over $400 per quarter, 50 per cent.; and 30 per cent. on all revenues exceeding $400 per quarter, but the aggregate of the said commissions not to exceed $1,300; and at all offices where the total revenues exceed, respectively, $4,000 per annum, there shall be added to the compensation hereinbefore provided from box rents and commissions a percentage of the gross revenues at the following rates, namely: 1 per cent. on all sums over $4,000 and not exceeding $10,000; 9-10 of 1 per cent. on all sums over $10,000 and not exceeding $20,000; 8-10 of 1 per cent. on all sums over $20,000 and not exceeding $40,000; 6-10 of 1 per cent. on all sums over $40,000 and not exceeding $80,000; 5-10 of 1 per cent. on all sums over $80,000 and not exceeding $160,000; 4-10 of 1 per cent. on all sums over $160,000 and not exceeding $320,000; 3-10 of 1 per cent. on all sums over $320,000 and not exceeding $640,000; 2-10 of 1 per cent. on all sums over $640,000 and not exceeding $1,280,000; and 1-10 of 1 per cent. on all sums exceeding $1,280,000; and in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor of the Treasury for the Post-Office Department, at such times and for such periods as he may deem necessary in each case: *Provided*, That at offices, where the letter-carrier system is now, or may hereafter be, established, the box rents, in fixing the compensation of the respective postmasters at such offices, shall be estimated at not less than $1,000 per annum; but at all such offices they shall be estimated at an amount which, with the commissions and percentage hereby allowed, will make the salaries of the postmasters thereat not less than $2,500: *And provided further*, That the maximum salary and compensation of any postmaster under the provisions of this act shall not exceed the sum of $4,000, except in the city of New York, where the salary and compensation shall be the sum of $6,000 and no more.

Mr. CHITTENDEN. I move an amendment, leaving the salary of the New York postmaster at its present rate, $8,000.

Before saying anything in support of that amendment, I wish to say a word in answer to the gentleman from Missouri, [Mr. FRANKLIN,] who made a statement yesterday in regard to the total receipts from local postage in Brooklyn and the expenditures for free delivery which I was not prepared at the moment to answer. I wish now once for all, in the fewest possible words, to explain to the House why it is that the receipts from postage and the expenditures in Brooklyn compare so unfavorably with those of Boston and New York. The truth is that Brooklyn does its business in New York, as I will proceed to show.

The population of Boston is about 350,000 in round numbers. The receipts for postage in Boston are $951,000. The population of Brooklyn is 500,000 in round numbers. The receipts for postage are $168,000. Now it must be perfectly apparent that there is some natural reason for the receipts in Brooklyn being comparatively small. The people of Brooklyn write as many letters as the people of Boston, and yet with a population of 500,000 the total receipts at the Brooklyn post-office, according to the postmaster's report, were $168,000, against $951,000 in Boston, with a population of 350,000. The explanation of this is simple. I have a neighbor, Mr. Claflin, who conducts the largest individual commercial establishment in the world, and who has lived in Brooklyn for more than thirty years my neighbor. I do not suppose that he ever mailed or received three letters a week in Brooklyn, while his commercial establishment during many years of its existence has deposited in the New York post-office at least a thousand letters a day and received as many more. My own correspondents while I am here as a member of this House almost all of them receive and date their letters in New York. This, once for all, explains the reason why Brooklyn is entitled to the free-delivery system, without reference to the comparatively prejudicial contrasts of small receipts.

Brooklyn contributes her full proportion to the $1,800,000 of surplus which New York receives over and above the expenditure. The exact surplus in New York last year was $1,792,000—I stated it yesterday at $1,800,000—of which the people in Brooklyn, who are mostly business men doing business in the city of New York, contribute their full proportion.

Now, a word as to my amendment. From that side of the House, last year, Mr. Potter, of New York—a gentleman not now a member of the House—proposed last year that the salary of the postmaster of the city of New York should be $10,000. It was compromised upon $8,000. Now I will not detain the House by any argument in regard to the absolute necessity of leaving it at $8,000.

I undertake to say here there is not a man to be found in New York in any business whatever of the capacity of the present postmaster there whose services could be secured for any such sum as $6,000 per annum. I know him personally; I know his devotion to his duty; I have seen him sit at his desk attending to matters of detail to protect the Government from loss, and indicating a degree of intelligence, fidelity, and business capacity for which $6,000 is no compensation. It will be most discreditable to the judgment and discretion of the House, with the responsible duties imposed on the postmaster of New York, his salary shall be reduced as here proposed.

Mr. O'NEILL. I wish at the proper time to offer an amendment, so that the paragraph shall read "except in the city of New York and the city of Philadelphia, where the salary and compensation shall be the sum of $6,000 per annum each for the postmasters in those cities."

Mr. Chairman, I recollect very well in the last Congress when the salary of the postmaster of New York was raised to $8,000 by a Senate amendment. At that time I made a great effort to satisfy the Committee on Appropriations, of which I had the honor of being a member, that the salary of the postmaster at Philadelphia should be increased from $4,000 to $6,000 per annum, and I did it principally upon this ground, that the time of the postmaster at Philadelphia was as fully occupied in the performance of his duties as was the time of the postmaster at New York. I am aware that the receipts from the post-office at New York are much larger than the receipts at Philadelphia, the former being in round numbers $2,900,000, while the receipts at the Philadelphia office are about $1,000,000. Both of these offices pay largely in excess of their expenses; that in the city of Philadelphia realizing a clear revenue above expenses of nearly half a million and the New York post-office a clear net revenue of much more than $1,000,000. But, Mr. Chairman, these two postmasters, who have great responsibilities and perform to a great extent the same duties, should receive compensation more equal in amount. I can see that while the gentleman from the Brooklyn district [Mr. CHITTENDEN] complains of the reduction of the salaries of the postmaster at New York from $8,000 to $6,000, yet to equalize the salaries of the two officers in New York and Philadelphia would produce no increase in the expenditures of the Post-Office Department, but would leave the aggregate salaries of these two officials, as now, $12,000. In other words, the proposition in this paragraph of the bill reduces the New York postmaster from $8,000 to $6,000, and my proposition adds $2,000 to the $4,000, the present salary of the postmaster of Philadelphia.

In the office in Philadelphia just now the business is immense, and for the next six months or a year it will so increase, owing to the centennial exposition, that the work to be done is absolutely beyond present computation; it will be doubled and trebled. There is now a post-office in the city and one also on the centennial grounds, and the postmaster himself must see to the performance of the duties of the offices in both places. This will be the case to the close of the present year and will extend far into the coming fiscal year; but I do not see why at any time there should be a difference in the compensation of a postmaster in a city containing over 800,000 population and that of a postmaster of a city containing 1,000,000 inhabitants, the amount of business in each being so large. I do not want to depreciate, nor could I, the importance of the business done in the post-office of the city of New York, but at the same time I want to impress upon the members of the committee the fact that the duties of the postmaster at Philadelphia are as onerous as those of the postmaster at New York; that every hour of the day is given to his duties, while his salary is only one-half that of the latter postmaster. I urgently ask the committee to vote for increasing the salary of the postmaster at Philadelphia. I think it proper, just, and equitable that the postmasters of each of these two cities should receive a salary of at least $6,000 per annum. I believe in giving proper salaries for efficient performance of duty. Those two offices are well organized, that in New York employing five or six hundred persons and that in Philadelphia three or four hundred; and it requires a man of ability, a man of great energy, knowledge, and information, and of great executive power to conduct such offices, and we should be willing to pay appropriate salaries for the performance of such duties.

[Here the hammer fell.]

Mr. CHITTENDEN. I withdraw my amendment to allow a substitute to be offered.

Mr. O'NEILL. I will withdraw my amendment if the gentleman from Missouri [Mr. CLARK] will renew it.

Mr. CLARK, of Missouri. I move to strike out the proviso, as follows:

And provided further, That the maximum salary and compensation of any postmaster under the provisions of this act shall not exceed the sum of $4,000, except in the city of New York, where the salary and compensation shall be the sum of $6,000, and no more.

I agree in most of what the gentleman from New York [Mr. CHITTENDEN] and the gentleman from Pennsylvania [Mr. O'NEILL] have said. I think it is perfectly just and proper that the postmasters of those offices that have an immense amount of business, such as the two in New York and Philadelphia, should receive a larger salary

than the postmasters of offices which do a much smaller amount of business. I believe that the scale adopted by this bill should run as well to the large offices as to the small ones. I will state here to the committee that this part of the appropriation bill was submitted to the Committee on the Post-Office and Post-Roads and considered by them, and they have instructed me to ask that the scale adopted in the bill as first furnished by the Postmaster-General shall be adopted by the House. We have investigated the matter thoroughly, and I desire to submit to the House some figures in regard to the salaries of the postmasters in the larger cities. Under this bill, the following would be the salaries of the postmasters in the leading cities of the Union and of all the cities that go above the maximum now in the bill of $4,000:

City.	Gross amount.	Salary.
Saint Louis	$446,603	$4,279
San Francisco	423,136	4,199
Cincinnati	399,950	4,129
Boston	951,284	5,472
Philadelphia	966,813	5,503
Chicago	903,409	5,376
New York	2,978,678	7,828
Baltimore	335,171	3,900

It will be seen that by this table the postmasters of Saint Louis, San Francisco, Cincinnati, Boston, Philadelphia, Chicago, and New York are the only postmasters whose salaries may run above the maximum fixed by the Committee on Appropriations, and it will make an aggregate difference of only about $7,800. In view of that fact, I believe that the scale adopted in this bill should run from the lowest to the highest offices in the country, so that we can always know precisely what will be the salary of the postmaster according to the amount of business done in his office; and it should apply to New York, Philadelphia, Baltimore, and Chicago as well as to the smaller cities.

The object of the Postmaster-General in adopting this scale of salaries was to remedy the great inequality that exists in the salaries of the different postmasters of the country. Under the law that we seek to repeal by this bill there were nearly one hundred post-offices in the country whose postmasters received the maximum salary of $4,000, some of which offices yielded an annual gross revenue of not more than $26,000. There was the office at Fort Wayne, Indiana, for instance, where the postmaster received a salary of $4,000 a year, while in the cities of Chicago, Philadelphia, and Boston, the gross revenues of which amounted to nearly a million dollars each, the postmasters received only the same salary. In view of these facts, and also in view of the fact that this scale would increase the appropriation for this purpose only about $7,000, I think it would be just and proper for this House to strike out the proviso fixing the maximum salaries in any part of the United States.

Mr. O'NEILL. Will the gentleman again state the salaries under the proposed scale of the New York and Philadelphia postmasters?

Mr. CLARK, of Missouri. I will do so. Under this scale the postmaster at Philadelphia would receive $5,500, the postmaster at Boston $5,500, and the postmaster at New York $7,890 a year.

Mr. O'NEILL. Will the gentleman also be kind enough to state the gross amount of business of the different post-offices?

Mr. CLARK, of Missouri. In round numbers, the revenues of the Boston post-office were $951,000; of Philadelphia, $966,000; of Chicago, $903,000; of Cincinnati, $399,000, nearly $400,000; and of Saint Louis, $446,000.

Mr. RANDALL. I hope the amendment of the gentleman from Missouri [Mr. CLARK] will not prevail. I do not think that now is the time to raise salaries. I will instance a case for which this House has been severely censured in reference to what has been termed loose legislation. I notice in the Washington Republican of this morning an allegation against this House, that we have been reckless in the passage of private bills, that we have been indifferent to the amount of money involved in them, and that on last Friday week this House passed as many as sixty-eight private bills.

I have taken some pains to make an examination into the truth of that allegation, and I find that of the sixty-eight private bills passed on last Friday week two were Senate bills; forty-two were bills granting pensions for services in the Army of the United States; six came from the Committee on War Claims and were for money long delayed, to be paid for supplies furnished to the Army of the United States; seven were from the Committee of Claims, of which two provided for referring claims to the Court of Claims; and three bills provided for refunding taxes illegally and improperly collected, amounting in the aggregate to $29,000.

Now the fact is that the whole of our work on last Friday week involved the taking from the Treasury of but $122,000. A single objection would have prevented the passage of any one of those bills. Of all the money involved in those bills, $50,000 was for supplies furnished the Union Army, either taken by the commanding officers or furnished under contracts, one a mule contract and another a wood contract.

In view of the criticism made upon our action of last Friday week, I hope we shall be careful to give no reason for fault-finding by raising salaries at this time. I call attention to the following review of our action in passing private bills on Friday of last week, showing that not a penny was taken from the Treasury in property.

Number of bill granting relief.	Amount.	By whom reported.	From what committee.	Remarks.
2829	$7,200 00	Mr. Pratt	Claims.	
2832	21,090 00	Conger	War Claims.	
2833	2,640 00	Eden	War Claims.	
2835	7,253 90	Milliken	War Claims.	
2836	15,300 00	Milliken	War Claims.	
2849	600 00	Bradley	Claims	To credit postmaster in settlement of his accounts.
1503	160 00	W. M. Robbins.	Claims.	
2952		Sampson	Patents	To rehear the application of S. V. Benét for a patent.
2953	29,589 14	Ashe	Judiciary.	
401	5,000 00	Cabell	War Claims.	
901	432 96	Tucker	Ways and Means.	To remit tax on tobacco.
2387		Cook	Military Affairs	To fix the retired pay of Surgeon-General Finley.
1846		Glover	Military Affairs	Retiring Col. Emory.
2404		Banning	Military Affairs	Fixing pay of Captain J. F. Dixon, of Wisconsin.
3033	180 00	Strait	Military Affairs.	
1713	14,850 00	Burchard, of Illinois.	Ways and Means.	To refund tax on tobacco and snuff.
1800	14,440 00	Burchard, of Illinois.	Ways and Means.	To remit taxes on spirits.
3182		Bright	Claims	Referring A. Grant's case to Court of Claims.
1034		Bright	Claims	To fix pay of I. G. Harrison, assessor, Indiana.
755	53 80	J. F. Philips.	Claims.	
516	556 55	Tarbox	Claims.	
650	2,350 00	Dunnell	Commerce.	
2017	512 55	J. Reilly	Military Affairs.	
492		Cason	Claims	Referring claim of W. G. Ford to Court of Claims.
24 bills.	122,208 90			

RECAPITULATION.

Pension bills	42
Relief bills	24
Senate bills	2
Total amount appropriated	$122,208 90
Of which to refund taxes paid improperly on tobacco and spirits	29,722 96

Mr. O'NEILL. I think the House should be thankful to the chairman of the Committee on Appropriations [Mr. RANDALL] for making that statement. There was a large attendance in the House on Friday of last week, and the bills were examined as carefully——

Mr. RANDALL. Of the sixty-eight bills forty-two were for pensions. If we had refused to pass them what complaints there would have been.

Mr. O'NEILL. I think the statement of the gentleman is very clear and conclusive. But I do not exactly indorse his views in reference to increasing the expenditures of the Government in respect to salaries. The statement of the chairman of the Committee on the Post-Office and Post-Roads——

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. CLARK, of Missouri. I will withdraw my amendment, if the gentleman from Pennsylvania [Mr. O'NEILL] will renew it.

Mr. O'NEILL. I will renew the amendment of the gentleman from Missouri, [Mr. CLARK,] and will not offer mine if his is to be adopted. In reference to what has been said by the chairman of the Committee on Appropriations [Mr. RANDALL] in regard to economizing expenditures, I think every one desires to economize in a proper way. But I do not think his remarks are very appropriate after the statement made by the chairman of the Committee on the Post-Office and Post-Roads [Mr. CLARK, of Missouri] that the scale of salaries proposed by him for the postmasters in the larger cities does not increase the amount proposed by this bill much over $7,000. Certainly that is not extravagant.

Mr. Chairman, there is one thing to which I desire to call the attention of this committee. I judge the committee have examined the full statements sent here by the Post-Office Department and by the Committee on Appropriations in reference to the details of this bill and the working results of certain post-offices. Hence it is only necessary for me to remind members that in nearly all the cities designated in this scale the post-offices are matters of profit to the Government. By the system of local letter-carrying, local deliveries, and local rates, the profits of these offices are very large, in spite of the very great expenses incurred. From them the Post-Office Department derives the means to sustain various other post-offices in the

country. Thousands of them must however continue to be an expense rather than a profit. The rapid increase of population, the ceaseless tide of the people toward the unsettled portions of the country, demands the establishment of post-offices, and as we add millions to our population the expenses of the Post-Office Department must grow yearly larger than the receipts.

I do not think the salary of the postmaster of the city of New York as graded in this amendment is too high for the duties performed. I think the salaries of the postmasters at Boston and Philadelphia should each be at least $6,000, but I will vote for this amendment which would give them $5,500 each, hoping that in more auspicious times their compensation may be more fairly adjusted.

As has been stated many a time during the consideration of this bill, and in years past, it is impossible that we can ever make the Post-Office Department self-sustaining. It cannot be done; the people are not looking to us to do it. They want postal accommodations, and will have them from one end of the land to the other even at the risk of deficiency bills. I want to say another word in behalf of the postmasters in the larger cities, and I know whereof I speak. There are no such responsible positions under this Government as those filled by them. As I said a while ago, these positions require men of enlarged minds and great executive ability; and those who fill them should have commensurate salaries.

When the receipts of a post-office reach about $1,000,000 a year there can be very little difference in the work done by the postmasters whose office yields above that sum, as far as the question of compensation is concerned, and really there should be very little difference in that respect between New York, Philadelphia, and Boston. In the last Congress I co-operated with great pleasure in increasing the salary of the postmaster of New York, and I had hoped then that the salary of the postmaster of Philadelphia would be increased from $4,000 to $6,000. Now, the Post-Office Committee, which must know more of the details and working of the Post-Office Department than the Committee on Appropriations, have, after a great deal of consideration, presented a scale of salaries, which I think, under all the circumstances, should be adopted. I fear we can do no better. I submit that we may safely indorse their action in this matter, and vote for the amendment proposed to this paragraph by the gentleman from Missouri, the chairman of that committee, in behalf of that committee, as I understand.

Mr. CHITTENDEN. Mr. Chairman, I regard the question now before the House as a very important one; and while I have from the beginning supported the Committee on Appropriations upon every point where I could do so conscientiously, I have been conscious all the time that there were defects in their plan which experience must and would develop immediately after it should be put in operation. They have failed to discriminate in respect to departments of the Government over which we have passed, as I ask them now to discriminate in respect to this matter.

There can be no question about the propriety of maintaining the salary of the postmaster in New York; and I am willing to concede the propriety of the proposition of the gentleman from Missouri with reference to the other officers interested. There can be no question that in order to retain first-class men these salaries should be upon a larger basis than that proposed by the Committee on Appropriations. I accept the proposition of the gentleman from Missouri, although the chairman of the Committee on Appropriations thinks that it will increase the salary of the postmaster at New York above $8,000. Whether it does or not, I say with frankness that I accept the proposition as coming near to justice. I presume that it will be accepted by the postmaster himself as the best he could reasonably hope for. I have never passed a word with him upon this subject; but I know the character of the man; I know the responsibility attending the collection of $3,000,000 in post-office details; I know the responsibility that rests upon him for distributing the numerous mails which concentrate every day in New York. The gentleman from Pennsylvania says that the postmaster in Philadelphia is constantly employed; but the responsibility is threefold greater in New York than in Philadelphia, both in regard to the mails distributed and the money collected. I trust that the Committee on Appropriations will make no objection to this amendment. It is but a picayune, so to speak; it is a pittance of $7,000, to be distributed between five or six officers who have the management of these vast institutions which really control the mails of the whole country. I am sure that a word cannot reasonably be said against the amendment.

Mr. HOLMAN. Mr. Chairman, this is the first proposition that has come into this House to increase salaries; yet we have been in session some four or five months. I feel quite confident that my friend from Missouri, [Mr. CLARK,] who has generally favored every measure of retrenchment that has been presented here, who is entitled to a great deal of credit for the measures of reform attempted in this bill, will not, upon a little reflection, press this motion.

The salaries now paid by this Government are, in the general judgment of the country, far above the salaries paid by the States for official services, and far beyond the salaries paid in private employment requiring corresponding ability and integrity.

The salary of every office that will be affected by striking out this clause is now and will still be under this bill $4,000 a year. I refer to the cities of Philadelphia, Boston, Saint Louis, Chicago, Cincinnati, and Baltimore. These salaries of $4,000 approach the salaries paid to officers having charge of the great Bureaus of our Government. The salary of the postmaster at New York has been made exceptional. It was last winter for the first time fixed by law at $8,000. It had never before been higher than $6,000. Upon the appropriation bill of last session this salary, upon the impulse of the moment, was increased from $6,000 to $8,000. All these other salaries have been for years $4,000—never above that sum.

Now, I wish to appeal to my friend from Missouri that in this instance, where the salaries are very ample, he will not insist upon such an increase. The effect of his amendment is substantially this: The salary of the postmaster at Baltimore will be increased nearly $200.

Mr. CLARK, of Missouri. That is a mistake.

Mr. HOLMAN. Nearly $200. The salary of the postmaster at Boston will be something near $6,000; the salary of the postmaster at Chicago will be increased nearly $2,000; the salary of the postmaster at Cincinnati will be somewhat increased; and the salary of the postmaster at New York will be raised largely more than $2,000—to a sum greater than it ever before has been in our history.

I am not willing, sir, to pay salaries to postmasters of these cities more than we pay to the Treasurer of the United States, or a thousand dollars more than we pay to the heads of the great subtreasury interests of the country at Philadelphia, Baltimore, Boston, and Chicago, where the salaries are fixed at only $4,500.

Mr. O'NEILL. Let me make a suggestion to the gentleman from Indiana. Does he not think there is a difference in the position? A man's ambition might lead him to take the treasurership of the United States at a smaller salary than he would be willing to take the position of postmaster of New York. He must take that into consideration.

Mr. HOLMAN. I do not know why a citizen performing his duties well and faithfully cannot earn as much reputation as postmaster at New York as Treasurer of the United States. But what comparison is there as to responsibility? The gentleman talks about responsibility alone. The fact that the postmaster at the city of New York receives in the progress of twelve months $3,000,000 of revenue and the postmaster at Philadelphia nearly a million is brought forward as a reason why we should vote large salaries. Why, sir, the Treasurer of the United States has hundreds of millions of dollars passing under the control of his subordinates in the progress of a year, and yet you esteem a salary of about $6,000 amply sufficient for him. You invest the great judicial interests of the Federal courts with salaries of not over $6,000, and down as low as $3,500. In the great States of the Union, in the courts of final resort, it is esteemed that salaries of four or five thousand dollars are ample and sufficient to secure the best talent those States can afford.

But a word more, Mr. Chairman. There is no question of responsibility involved here. The practice inaugurated by Congress nine years ago is that it is not a question of the amount of money which comes into the hands of the high official of the Government, for as you put money under his control and responsibility on his office you increase the number of employés, you increase his clerical force, and you actually diminish the labor to be performed. The postmaster at New York or Philadelphia does not perform as much actual labor as the postmaster of some towns where the salary does not run above $2,000. The reason as I have suggested for this is as the responsibilities run up in importance the clerical force is enormously increased. The postmaster is a mere supervisor and the responsibility is not increased, for under the policy which I have referred to, inaugurated nine years ago, you relieve the postmaster whenever he shows you a loss has been sustained not the result of his own want of integrity or because of negligence of duty, so that the responsibility amounts to nothing. All you ask of the postmaster now is an honest performance of his duty—nothing more.

The CHAIRMAN. The gentleman's time has expired, and debate upon the pending proposition is exhausted.

Mr. CANNON, of Illinois. I should like to say a few words on this question before debate is closed.

The CHAIRMAN. The pending proposition is under the control of the gentleman from Missouri, [Mr. CLARK.]

Mr. CANNON, of Illinois. If the gentleman will withdraw his proposition I will renew it.

Mr. CLARK, of Missouri. I wish to correct an error made by the gentleman from Indiana, and then I will yield the floor. I withdraw my amendment.

Mr. CANNON, of Illinois. I renew it, and yield to the gentleman from Missouri.

Mr. CLARK, of Missouri. I desire to correct the figures of the gentleman from Indiana in regard to these large post-offices. I have gone over them carefully, and I do not think I am mistaken. In making the calculations I discover the gentleman from Indiana has given the same figures that were given by Mr. Marshall, who sent the bill to the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. I had that bill before me. I said "about." I said these figures were a little higher than in the bill.

Mr. CLARK, of Missouri. Much higher.

Mr. HOLMAN. Not much.

Mr. CLARK, of Missouri. The bill as presented to the Committee on the Post-Office and Post-Roads reduced the bill as sent by the Postmaster-General or by Mr. Marshall. The salaries I gave to the cities

of New York, Chicago, Philadelphia, Saint Louis, Boston, and Cincinnati, I am satisfied are correct. The salary of the postmaster at New York was $7,800, at Chicago $5,400, at Philadelphia $5,500, and $5,500 in Boston.

Mr. HOLMAN. I think my friend is seriously mistaken as to New York. The First Assistant Postmaster-General, who furnished the original bill upon which this as well as the one prepared by the gentleman from Missouri are founded, puts the salary of the postmaster at New York at $8,500. I do not think the reduction in this bill on that salary exceeds $300.

Mr. CANNON, of Illinois. I do not object to the gentleman from Indiana taking up my time if he will yield me the five minutes to which he will be entitled to when my time has expired.

Mr. HOLMAN. I yield the floor to the gentleman from Illinois now. I wished merely to show the ground of discrepancy.

The CHAIRMAN. The gentleman from Illinois will now be considered as having five minutes in his own right.

Mr. CANNON, of Illinois. I want to say a word as to the amendment. The provisions respecting postmasters' salaries are substantially those contained in the bill reported by the Committee on the Post-Office and Post-Roads. The Committee on Appropriations saw proper to stick it on their bill with two changes only, I believe. One is making the maximum salaries $4,000, except in the city of New York, and the other is as to a matter about which I shall ask the attention of the committee presently when I move an amendment in regard to box rents.

Now, sir, by the bill the commissions to postmasters are limited to $1,300 per annum, whether there be ten thousand dollars revenue or a million dollars revenue at respective post-offices, and two-thirds of the box rents where the boxes are owned by the Government not to exceed $1,000. That makes $2,300. Then the committee agreed upon a small percentage decreasing as the revenues increased in addition. Under the operation of this bill of the Committee on the Post-Office and Post-Roads, which, as I have said, was substantially adopted by the Committee on Appropriations, the salaries are greatly cut down as to offices now getting from $2,000 to $4,000—at least 20 per cent., and in some instances more—aggregating, as is claimed, some $600,000 or $700,000, in fact, I think, about $400,000. Under the bill as proposed by the Committee on the Post-Office and Post-Roads and the operation of a uniform system of percentages, the salary of the postmaster at New York would be reduced a little from the present salary, and the salary of the postmasters at Boston, Philadelphia, and Chicago would be from $5,500 to $5,800; but the Committee on Appropriations fix the maximum salary at $4,000, except New York, which is fixed at $6,000. This interferes with the operation of a just and equitable rule, for the Chicago, Boston, and Philadelphia offices, with a round million of revenue each and many millions of dollars responsibility, annually get but a very slight addition of pay over offices where the revenue is only $100,000.

Ah, but, said the gentleman from Indiana, and it was very well put, salaries ought not to be increased. And he said again in reference to this matter there is not much risk in being postmaster now at these large offices, because the policy of the Government is, where somebody makes a default, for instance a deputy or clerk, that Congress should relieve the postmaster by special act, and these postmasters in large cities have a much easier time than the postmasters in small cities. If the gentleman's argument is worth anything, it proves too much; because by his bill he fixes New York at $6,000. But the bigger the office the less the work, and if Congress can relieve, why put New York at $2,000 more than the other cities? According to the gentleman's logic it should be less.

Mr. HOLMAN. We were yielding to a common prejudice.

Mr. CANNON, of Illinois. The best way is to do what is right and to look the facts squarely in the face that the revenues of the New York post-office amount to millions, and that the revenues of the Chicago, Philadelphia, and Boston offices are nearly a million of dollars in round numbers; and that these offices being the depots for the money-order business and having great risk and responsibility, should have somewhat larger salaries than where the revenues are $50,000 or $100,000.

Hence I say that it is fair and equitable that this percentage should be allowed as to all these offices, Philadelphia, Chicago, Boston, and New York. It only costs (I again call attention to this fact) between $7,000 and $8,000, all told, more under the bill of the Committee on the Post-Office and Post-Roads than it does under the bill of the gentleman from Indiana, saving, I will say, however, again, under both of the bills, as the gentleman claims, $600,000 or $700,000, and, as I say, between $400,000 and $500,000, upon the present salaries of postmasters throughout the country. I hope the Committee on the Post-Office and Post-Roads will be sustained in the amendment which its chairman offers by the unanimous instruction of that committee; and I want to protest here against the establishment of the policy that, where there is a default in a post-office by a deputy or clerk, Congress will relieve the postmaster by special act from loss. Such a practice will encourage carelessness and fraud, and if followed will cost in the end millions of dollars, besides demoralizing the service. The true way is to pay not large salaries, but to pay what the services are fairly worth, taking into account the responsibility and work done, and then if loss occurs let the postmaster be held strictly accountable for the same.

Mr. CLARK, of Missouri. I withdraw the amendment, that the gentleman from New York [Mr. MILLER] may renew it.

Mr. MILLER. I renew the amendment.

I desire to say but a word or two. There seemed to be a discrepancy in the statements made by the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. CLARK] in regard to the salaries at these large offices affected by this amendment. I am satisfied that the statement as made by the gentleman from Missouri, the chairman of the Post-Office Committee, is correct; and I can very easily see how the gentleman from Indiana fell into the error he did. It will be observed that there was a difference in these statements on each salary of about $500. Now, by the bill that we have before us box rents are fixed at $1,000; that is the maximum amount. But in the bill as prepared by the Post-Office Department and from which the gentleman from Indiana made his statement, box rents were fixed at a maximum of $1,500; making in each case, as far as these large offices were concerned, a difference of just $500 in the estimated salary. The gentleman from Missouri is therefore correct, and the salary of the postmaster of New York City, if this amendment is adopted, will be but $7,800; a reduction of $200 from his present salary.

I desire to say one word more. If the amendment is adopted, we have a uniform symmetrical system for estimating these salaries from the lowest to the highest, and giving no postmaster more than the responsibilities of the office entitle him to. It raises no postmaster's salary where the receipts of the office are under $400,000. Now, there is one fact to which attention has not been called that increases the responsibility of the postmaster. The amounts of bonds required from postmasters are in proportion to the receipts of the office. Now at an office where the receipts are above $400,000 the postmaster will be required to give more than $100,000 in bonds. I do not know what is the amount of the bond required at the New York office, but it is possibly $1,000,000. Is not that something that ought to be considered and should it not have its due weight in fixing the salaries? If you adopt the amendment offered by the chairman of the Committee on the Post-Office and Post-Roads, you have a uniform symmetrical system from beginning to end, that in no case puts the salary too high, and besides, when it is all complete, you will have the satisfaction of knowing that you have reduced the salaries in the aggregate to the amount of half a million of dollars. Is not that enough even to satisfy the gentleman from Indiana?

Mr. HOLMAN. I must answer that question in the negative; it does not begin to satisfy me. In my judgment the salaries are all still higher than they ought to be—all of them except the low salaries; and in framing this bill and the basis of the bill prepared by the Post-Office Department and revised by the Committee on the Post-Office and Post-Roads, we have sought to provide well for the smaller salaries, to guard against reducing those salaries which are under $1,500 a year, and we have endeavored to reduce salaries only where the compensation was large in proportion to the duties actually performed. Neither the gentleman from New York [Mr. MILLER] nor any other gentleman can meet this argument against the proposed increase of salaries, and that is that you do not increase the responsibility or the amount of labor in proportion to the amount of revenue derived from an office. The gentleman from New York must bear in mind that the postmaster of New York performs no more work intellectually or officially than a postmaster whose salary does not exceed $2,000. What kind of government is that where the mere dignity of station is taken into account in the question of an increase of compensation? What kind of republicanism is that? Integrity and the duties performed are the elements that should enter into the question of compensation of officers of this Government and not the mere circumstance of high position; but if you adopt the principle of increasing the compensation of men who occupy high offices, why do you give the postmaster at New York more salary than the Treasurer of the United States? The gentleman from New York says that by striking out the limitation on salaries, the old limitation which has existed for years past, we will have a symmetrical system, the salaries running clear up. Does not my friend remember that the same restriction has always existed through our generation and the last? Here is a naked proposition to increase salaries beyond what they were during the expensive period of the war, and that at a time when we are coming down to the hard pan, and at that time the gentleman comes forward with a proposition to increase salaries already ample of offices which are struggled for with absolute vehemence when any vacancy occurs in any of them.

Mr. MILLER. The reason of the limitation heretofore has been that the system was substantially an arbitrary one; there was a difference in percentages allowed to first and second class offices, and we had to have a limitation or the salaries in some cases might have gone up no one knows where. Now we have a system that is fair and just to all parties, and this proposition will add only $7,000 to the expenditure.

Mr. HOLMAN. But my friend must remember that the salaries run by regular grades up to the session before last, when a break was created between the officers of the fourth class and the officers of the highest classes. There has always been a limitation, and what strikes me with astonishment is that when we are diminishing salaries in all the Departments of the Government a proposition is made to increase some of the higher salaries paid by the Government; and what astonished me more is that that proposition comes from the democratic

side of the House, and it is now proposed to increase these salaries at a time when every voice from the people demands retrenchment.

[Here the hammer fell.]

Mr. CHITTENDEN. I move to strike out the last word. The gentleman from Indiana has spoken of a proposition to increase the salary of the postmaster at New York. Does the gentleman forget that he comes here and proposes to reduce it 25 per cent.? The present salary is $8,000 a year, and he proposes to reduce it mercilessly to $6,000. The amendment of the gentleman from Missouri [Mr. CLARK] makes it $7,600, and that is a reduction of 5 per cent. Now, I protest against this question being urged here on the supposition that I have asked an increase of the salary of the postmaster at New York. I am simply protesting against the absurd and indiscriminate carelessness which the committee have shown in reducing this salary to $6,000. The gentleman from Indiana himself, if he will go to New York for one day and visit the office, will not come back and propose that the salary of the postmaster of New York shall be reduced to $6,000. He cannot conscientiously do it, and I know he is a man of conscience. I will say to him that, if he will go there and examine the business of that office and come back here and propose to reduce the salary to $6,000, I will confess to an enormous blunder.

Mr. HOLMAN. I have been there already. I wish to call attention to the fact that the gentleman from New York is not acting with his usual ingeniousness on this subject. He did not tell the House that last winter, for the first time in the appropriation bill, under a spasm of the moment, this salary was raised when the office had been filled at a lower salary by gentlemen of admiral qualifications.

Mr. CHITTENDEN. I did so state, and I stated that the proposition to increase that salary came from the other side of the House.

Mr. HOLMAN. I never heard that the office went begging. A short time ago a vacancy occurred in the Boston office, the salary of which gentlemen desire to increase, and some of the very best business ability in the city desired the position. Mr. Tobie, the present postmaster, is one of the best business men in that city; he is a scholarly gentlemen of wide information with whom I have had the pleasure of coming in contact with on investigating committees.

Mr. PLATT. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. PLATT. Does the gentleman not suppose that there are in his district many persons who would be willing to serve the country as members of Congress for $1,000 a year?

Mr. HOLMAN. The gentleman strikes the key-note of all this matter. The truth is that the unanswerable argument against this increase of salaries, against all high salaries, is that the only effect of them is to introduce cupidity and venality into public employment. The sense of honor dies out, and the money consideration alone remains. Through the first three-quarters of a century of this Republic the key-note of all salaries was that men should not struggle for public position for the sake merely of the compensation, but from that higher motive, that true American motive, of honorable employment in honorable positions. How all that is faded away, in the last few years, as you created the motive in public employment of money and gain instead of the higher motive of honor.

Mr. HALE. Will the gentleman allow me to ask him——

Mr. HOLMAN. The struggle for position has become humiliating to the American people, growing out of the high salaries we pay.

Mr. HALE. Assuming that this day of decadence of public virtue has set in, as the gentleman seems to intimate, does he really believe that the increase of salaries for offices under the General Government, setting aside other advantages which I may call illicit advantages, has led to that decadence? Does he believe that the salaries, generally speaking, of officers to-day under the General Government bear any higher relation to actual expenditures than they did in the days of simplicity and honor to which he refers? I would like the gentleman to answer that question.

Mr. HOLMAN. I will say this, that in spite of the oft-repeated statement of the greater value of money in past years, the compensation in various forms paid to the officials of this Government as a general thing has been increased.

Mr. HALE. Will the gentleman give us an illustration?

Mr. HOLMAN. While I do not conceive that there is a general decadence of public virtue—for there is a great mass of people of this country who have no political aspirations beyond that of seeing their Government well and honestly administered, a great mass composing indeed the great body of the people of this country—still my friend from Maine [Mr. HALE] cannot deny the fact that the extraordinary struggle for position of recent years has been largely induced by motives which in past years were not deemed proper motives in a struggle for public position.

[Here the hammer fell.]

Mr. HALE. Mr. Chairman——

Mr. HOLMAN. It is not simply the amount of money formerly paid for salaries, but the countless other forms of compensation that tend toward the demoralization of the public officers of the Government. I would have those salaries enough to be a fair compensation for the services rendered and to secure integrity and efficiency in every Department of the Government; but I would go no further than that. I would measure salaries by the compensation received by citizens in the private employments of life possessing corresponding qualifications. Whenever you go beyond that, you bring into the public service the motive of venality, the struggle for position, and then venality in the exercise of the powers of the office. My friend must see that as long as the salaries of officers of this Government are beyond the salaries paid by the States to their officers, and beyond the compensation paid in private employments, this venal motive will exist to a great extent. It is proposed here to pay postmasters, who with a business education of a few years are competent to enter upon the discharge of their duties, salaries vastly beyond those which you pay to the highest judicial officers of most of the States of this Union, indeed in excess of the salaries paid to governors of States. However, I do not regard that as a fair comparison; but a comparison between these employments and the highest judicial offices of the States I consider a fair comparison.

In States like my own, and that is only an average State, $2,500 is deemed a good salary for every judicial officer below that of judge of the supreme court; and $4,000 is considered ample to secure the best talent of the State for the supreme judgeships. In many other States there is paid a still lower grade of salaries to such officers.

[Here the hammer fell again.]

Mr. CHITTENDEN. I withdraw my formal amendment.

Mr. HALE. I renew it for the purpose of saying that I do not believe in the wholesale attack waged by the gentleman from Indiana [Mr. HOLMAN] upon salaries in this crusade that is being urged for retrenchment and economy. To me that is one of the least of the evils that rest upon the American people. As yet I have failed to hear from any source, private or public, by letter or conversation or by reading in the newspapers, of any great complaint on the part of the people in regard to the compensation which we pay the officials under the Government of the United States. That is not the evil. It is not true that generally speaking the salaries of the officers of the Government have been increased out of proportion since the first days of the Government.

Why, sir, when the Constitution was adopted, when our frame-work of Government was set up and the wheels put in motion, the pay which was then fixed for all officials in public life here in Washington or elsewhere set those officials by virtue of the salary which they received higher above the ordinary income of the people than they are to-day. No man who will go back and make the comparison can by any fair process come to any other conclusion. The Cabinet officers, the heads of Bureaus, the clerks in the Departments, the postmasters throughout the country, the collectors of customs, the marshals, the judges, were all of them in that day, if we can gather anything from the literature of the time, the correspondence of those days, the history of that epoch, further above the common compensation of unofficial life than they are to-day. There was then no such competition in business, no such extent of business as gave men the immense incomes which are realized to-day. I say to my friend from Indiana (and investigation will confirm the statement) that the office-holder of sixty, seventy, and eighty years ago stood above the people by virtue of his salary infinitely—I use the word advisedly—infinitely further than he does to-day.

We have not gone on demoralizing the public service by increasing salaries unduly; and the gentleman from Indiana, when he wastes his strength upon this subject-matter, is wasting strength that he could better bestow elsewhere. These are not the evils that the American people are complaining of to-day. We are feeling at this time the effects of a tremendous war just closed and the convulsions that have come down to us from that war. A certain looseness of public spirit, a certain desire for public gain, has, as I do not deny, unfortunately crept into public life; but it is not the allurement of increased salary that draws men improperly into public life; it is not the incitement of too much pay to be received legitimately from the Treasury that has drawn improper men into the public service. It is not this that has given rise to the scandals of the day. The gentleman from Indiana ought to see this and know it, and should spend his strength in other matters where it is more deserved.

Mr. RANDALL. Will the gentleman from Maine tell me what is the salary of the governor of Maine?

Mr. HALE. Twenty-five hundred dollars.

Mr. RANDALL. Now does not the gentleman think that the governor of a State like Maine should have quite as much salary as the postmaster in any city other than New York?

Mr. HALE. I am not making the application specially; but I am glad that my friend has referred to the salary of the governor of Maine. It was formerly $1,800; and $1,800, the sum fixed by the fathers of the State when the constitution was framed in 1820, was as to the purposes to which the money could be applied and the things it would purchase, double the $2,500 which was fixed by the Legislature of Maine ten years ago, when I was a member of that body. The salary to-day is small, too small.

Mr. RANDALL. The salary of the governor of the State of Massachusetts is $5,000; that of the governor of Michigan, as I am informed, is only $1,000.

Mr. HOAR. I wish to make one statement, which I think may not be uninteresting, in illustration of the point made by my friend from Maine. It will aid in giving the means to compare the salaries paid to public officers at the beginning of this century with the earnings of the people in other walks of life which were well paid.

The city of Boston at the beginning of this century was the second city in the Union. It was surpassed by none in wealth and general

scale of living. It had a very large India trade, very large commerce, and very large business with the interior. One of the famous India merchants of that day is said to have had twenty ships in Holmes's Hole at one time.

Christopher Gore was one of the most eminent lawyers of that day. He was minister to England under John Adams. He thought of resigning his office, and he wrote home to Fisher Ames, then the most eloquent and able advocate of Massachusetts and one of the greatest orators that ever lived, asking him what he could hope to earn at the bar if he should resign his office as minister to England and come home. The letter which Mr. Ames wrote in reply is preserved. He tells Mr. Gore that he will have no competitor at the New England bar except himself and Samuel Dexter, then one of our ablest lawyers, who, as gentlemen will remember, was afterward Jefferson's Secretary of the Treasury. They three, he said, would share the principal law business of that commercial city; and he assured Mr. Gore that he might well hope in a very short time to earn an income of $1,500 a year! Mr. Gore resigned his office and came home. He earned such income—I do not know what—as might be expected; he lived in affluence, and left a beautiful country-seat, which is still to be seen, in the neighborhood of Boston.

Thomas H. Perkins, the most famous and wealthy merchant of Boston, went to New York about the same time and consulted Alexander Hamilton, a year or two before his death, about a case involving the entire value of an India ship and its costly cargo. Mr. Hamilton examined the question with great care, for the question of law was a difficult one; and for that opinion he charged the enormous sum of $20! Chief Justice Parsons, than whom there was never a greater intellect on this continent, before he went upon our supreme bench argued in the neighborhood where I was born the case of the will of General Rutter, involving the entire property in what in those times was a very large estate. He came from Boston twenty miles, and delivered a most extraordinary argument, the tradition of which still lingers in that neighborhood; and for that argument he received $20!

Certainly, if you compare the compensation of the best paid profession in those days with the official salaries received at that time, and then compare the salaries of this day with the incomes of the great lawyers of our commercial cities—New York, Boston, Philadelphia—I do not think there will be found any ground for the belief that there has been a degradation of our public virtue by raising unduly the salaries of our officials.

Mr. HEWITT, of New York. If the gentleman from Massachusetts will withdraw the amendment I will renew it.

Mr. HOAR. I withdraw the amendment.

Mr. HEWITT, of New York. I renew it.

It seems to me, Mr. Chairman, that the gentleman from Indiana, [Mr. HOLMAN,] in charge of the bill, has laid down what I regard as a proper standard of compensation for public service; that public officers filling responsible positions should be paid in proportion to the service of men of equal talent, character, and standing in private life. I accept that statement fully. The trouble which I see in the gentleman's argument is this, that he undertakes to export the rates of compensation which prevail in his own State to other localities where different rates of compensation exist. I am very familiar with the salaries paid for service in private life in the city of New York, and I can say the salary which the postmaster of that city receives, $8,000 per annum, is a low salary compared with what a man of similar ability, fidelity, character, and general capacity to deal with the peculiar duties which he has in hand would receive in private life. As a rule the salaries of presidents of banks are $10,000. The salaries of most cashiers of banks in New York are $10,000. Some, however, receive $8,000, and in smaller banks some receive as low as $5,000; but in any bank entitled to be considered a first-class bank the salary is not less than $10,000 per annum.

Now the analogy which is sought to be established between the compensation paid for business service and the compensation which is paid to men chosen to fill high positions of honor does not apply to the case of the postmaster at New York. It is simply a business position, and I am glad, as the occupant of that office to-day happens to belong to the party to which I do not belong, to be able to bear testimony here to the fact that he has discharged his duty with an acceptance so great that no man, democrat or republican, in the city of New York desires his removal. I say that the institution itself is on a scale of such magnitude it would be a blunder of the grossest character to remove or to do anything which would cause the resignation of a man so eminently fitted to discharge the difficult duty of that position.

The post-office of the city of New York differs from the post-office of any other city in this country. It is the *entrepôt* of the foreign trade of this country. Foreign commerce centers there and foreign correspondence and foreign mails pass through that office. The management of that institution is extremely difficult; and while I do not wish to say anything in derogation of the officers who have filled that place prior to the present postmaster—and I do not forget that among them was General Dix—I say in my day no man has exhibited the capacity to deal with the difficult duties of that office as the present postmaster of New York has dealt with them. I can say, if such service could be secured in private life for the sum of $8,000 a year, the person who could get them would deem himself extremely fortunate.

Now, the question presented here is whether the postmaster at New York shall be singled out and made an exception to a general principle, or whether a general principle shall be applied which will encourage officers in other cities to become equally valuable and efficient? I come to the conclusion we should not deal by exception. We ought to deal as far as possible by general laws based upon general principles, and hence I think the amendment offered by the gentleman from Missouri on my right [Mr. CLARK] is a proper one to be adopted, for I should be glad to see the same results we have by accident achieved in the city of New York achieved elsewhere and in every city throughout the country. Therefore, Mr. Chairman, I trust this amendment will prevail. In any event I think I am safe in protesting in behalf of the business people and the entire population of the city of New York against any reduction in the salary of the present very valuable and efficient postmaster.

[Here the hammer fell.]

Mr. RANDALL. I wish to remind the gentleman from New York that his State Legislature does not accord with his sentiments as to the manner of paying its public officers. The salary of the governor of the great State of New York, like the salary of the governor of the State of Ohio and many other States, is only $4,000.

Mr. HEWITT, of New York. The gentleman will excuse me, it is $10,000.

Mr. RANDALL. Here I have it at $4,000.

Mr. HEWITT, of New York. I cannot help what you have, the salary is $10,000.

Mr. RANDALL. Then it has recently been changed.

Mr. HEWITT, of New York. It has been changed and it is $10,000, and the salary of the governor of New Jersey is $5,000, having been changed last year.

Mr. RANDALL. I know the salary of the governor of my own State, that poor tax-and-ring-ridden State, is $10,000, and I did not think it was as high anywhere else.

Mr. O'NEILL. I think I would leave out the "poor tax-and-ring-ridden" epithet.

Mr. RANDALL. I think not.

Mr. O'NEILL. It was in the earlier days, during the ascendency of the loco-foco party, a fearfully tax-ridden State. The republican party has taken off the taxes, and I think the gentleman had better state that fact.

Mr. RANDALL. I would like to leave out the statement I made, but it is too true.

Mr. O'NEILL. The gentleman will not assert in this committee that there is a State tax in Pennsylvania.

Mr. RANDALL. I assert if your State treasury was examined many men would be or ought to be in the penitentiary that are now out of it.

Mr. O'NEILL. I assert that the State treasury has been examined, and that the republican party which has controlled the State of Pennsylvania for fifteen years has reduced the debt put on it by a loco-foco administration from $40,000,000 to $20,000,000. The gentleman cannot deny that.

Mr. HOLMAN. To bring about a restoration of harmony, I suggest that the debate close on this amendment. And I hope the committee will leave no high salary as a fulcrum on which to raise the others.

The question being taken on the amendment of Mr. CLARK, of Missouri, there were—ayes 37, noes 44; no quorum voting.

Mr. CHITTENDEN. I raise the point that a quorum has not voted. I regard this question as one of great importance.

Mr. RANDALL. You are for economy; are you not? Why raise the point?

Mr. CHITTENDEN. I insist on it.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from Missouri, Mr. FRANKLIN.

The committee again divided; and the tellers reported—ayes 38, noes 47.

Mr. MACDOUGALL. I insist upon a quorum.

Mr. HOLMAN. I hope the gentleman will not do that. Let us get on with the bill.

Mr. MACDOUGALL. If the gentleman will allow a vote on this amendment in the House I will not insist upon the point that a quorum has not voted.

Mr. RANDALL. You will be beat all the worse in the House.

Mr. MACDOUGALL. I cannot help that.

Mr. O'NEILL. I would like to have the salary in the Philadelphia office made $6,000, and I desire to have a vote of the House on that also.

Mr. HOLMAN. As I stated a little while ago, if you once get one salary a little higher than the others that is used as a fulcrum on which to raise the others.

Mr. RANDALL. I suggest to the gentleman from Pennsylvania that he had better let New York go ahead and drag Philadelphia after it next year.

Mr. O'NEILL. If the gentleman will set about dragging it up at any time, I will be glad to help him. I hope the gentleman from Indiana will allow us to have a vote on this amendment in the House.

Mr. RANDALL. If we go on we can finish the bill to-night.

Mr. O'NEILL. That is what we want to accomplish. But this is

a very important point in this bill, and gentlemen want to vote upon it in the House; and I think in the accommodating spirit in which the gentleman from Indiana is now he will agree that it shall be voted on. And we can then go on with the bill and finish it.

Mr. RANDALL. The important point in this section is involved just here, in keeping the salary of the postmaster at New York where it is.

Mr. MACDOUGALL. I move that the committe rise.

The question being taken on Mr. MACDOUGALL's motion, there were—ayes 17, noes 55.

Mr. HOLMAN. Under duress, rather than let the committee rise and have the public business suspended, we will have to agree that a vote be taken in the House on this amendment.

The CHAIRMAN. If there be no objection, with that understanding the Clerk will proceed with the reading of the bill.

Mr. CANNON, of Illinois. Before we leave this section I desire to offer the following amendment:

In line 11, section 5, strike out these words: "and two-thirds of the box-rents;" so that it will read: "And not to exceed $1,000 when the boxes are not supplied and owned by the postmasters."

I think, if the gentleman from Indiana will listen to a statement as to the practical operation of this amendment, he will assent to the striking out of those words. Under the law as it now stands—and it is not proposed to change it—where the compensation of the postmaster is $2,000 the Postmaster-General may make an allowance for clerk hire, but not where the compensation is under $2,000; and it is the same in regard to rents, light, and fuel. Now under the operation of this bill greatly cutting down the class of salaries between $1,500 and $4,000, and cutting down the commissions to $1,300 and no more, and box rents to $1,200, where the boxes are owned by the postmasters, and two-thirds where they are owned by the Government not exceeding $1,000, the salaries in many of the offices will be cut down below $2,000, and it will be out of the power of the Postmaster-General to give clerk hire where it may be absolutely necessary.

There is a large class of offices in the country, in towns having from five to ten thousand population, where, from the location of the post-office, by competition the citizens have leased the rooms to the Government rent free, or at a nominal rent, and also fitted up the boxes. For instance, there is in my district one such office at Decatur, there is one also at Champaign, and one I understand at Evanston, and one at Jacksonville. Now Champaign is a city at which is located the Industrial University; it is a city of six or eight thousand people. The revenue in round numbers is $10,000; the commissions under this bill to the postmaster are $1,300. The box-rents in fact are $500; two-thirds of those going to the postmaster under this bill, so the compensation of the postmaster will be largely under $2,000; and the Postmaster-General therefore, under the law, will have no power to make an allowance for clerk hire; yet it will be impossible for one man to perform all the duties of the office. It is the same thing at Decatur and the same at Jacksonville.

Now, then, the Government in fact only owns the boxes at a few large offices; that is, in fact, they only have borne the expense of fitting them up in cities like Indianapolis, Saint Louis, and a few others. So there is no equity in these small cities where the boxes do not in fact cost the Government anything in only giving the postmaster two-thirds of the box rents and in no event over $1,000, and in other cities of same size allowing the postmaster to have all the box rent up to $1,500.

Mr. HOLMAN. Mr. Chairman, at the last session of Congress the post-office appropriation bill contained a clause making it the duty of the Postmaster-General in his annual report to suggest to Congress some mode of reducing the expenses of the Post-Office Department.

Mr. CANNON, of Illinois. Allow me one word; I yield the gentleman the balance of my time on the condition that he will give me one minute to reply.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOLMAN. Under that instruction to the Postmaster-General two measures came before the House, one a bill containing substantially the principle of the bill now before the House and the other in relation to the transportation of the mails. General Marshall, the First Assistant Postmaster-General, submits the following report in favor of this provision of this bill. The language of the law is:

When boxes are not supplied or owned by the postmaster, two-thirds of the rent are to be allowed to him.

The First Assistant Postmaster-General, Mr. Marshall, says:

It has seemed to me that a just discrimination might be made, so far as compensation is concerned, between those postmasters who themselves incur the expense and risks of supplying their offices with boxes, &c., and those for whom these sources of income are supplied. My plan, therefore, reserves for the use of the Government one-third of the box rents accruing at an office where the boxes are not supplied and owned by the postmaster.

To secure a general reduction in the amount of compensation, affecting mostly the grade of postmasters whose compensation has been the subject of complaint as out of proportion to the business of their offices, and of the compensation paid to State officials and business men of their localities, I have reduced the maximum limit from $2,000, commissions on revenue, and $2,000, of box rents, to $1,500 each, thus making the limit of compensation from these $3,000, instead of $4,000 as at present; which limit is still further reduced by $500 where the boxes forming the basis of revenue are not owned and supplied by the postmaster.

Now, the Committee on Appropriations, and I presume the same is true of the Committee on the Post-Office and Post-Roads, adopted the views of the Post-Office Department in the main, and this is simply one of the suggestions of the First Assistant Postmaster-General. I believe this proposition received the unanimous assent of the Committee on Appropriations as emanating from a source on which we could implicitly rely, and it seems reasonable that if the postmaster furnishes the boxes we should give him a proportion of the rent, but that if the Government furnishes the boxes it is right that the Government should derive the benefit from them; but beyond that I simply rely upon this argument of the First Assistant Postmaster-General in behalf of this provision, and I trust that it will not be stricken out. If it be stricken out, it will involve a further modification, or we shall find that the reduction in expenses is very trifling.

[Here the hammer fell.]

Mr. MACDOUGALL. I renew the amendment, and yield my time to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. I would not take the time of the House about this matter if it was not of great importance to some small cities of from three to ten thousand inhabitants in my section of the country, and indeed I believe all over the country. The gentleman is right about the recommendation of the First Assistant Postmaster-General, but he does not state it all. The original bill drawn up by the First Assistant Postmaster-General fixed the limit to box rents at $1,500, which would give to the postmaster $1,000 when the Government owns the boxes; but the gentleman has cut that down to $1,000, which entirely changes the character of the proposition.

I wish to say that while I have great respect for the Postmaster-General and for the Assistant Postmaster-General I do not consider them by any means infallible, and in offering this amendment I only do what the Committee on the Post-Office and Post-Roads unanimously agreed should be done. We considered the bill prepared by the Post-Office Department with the view to cut down expenses with great care and diligence. I believe, Mr. Chairman, that Jacksonville, Illinois, is in your district, being a city of twelve thousand people and the salary of the postmaster in that city will be cut down by this bill below $2,000 because the box rents added to the commissions of $1,300 would not make $2,000, and the same will be the case at Champaign and at Decatur, cities of from six to twelve thousand inhabitants, and so it is all over the country with a few cities here and there.

I do not want to be misunderstood. I am not opposing the cutting down of salaries for postmasters, but am opposing the unjust discriminations made by this bill, where offices and boxes have been furnished free or at a nominal rent to the Government the salaries will be cut below $2,000, and in such cases no allowance can be made for clerk hire, and at offices like Decatur, Illinois, from two to three clerks are absolutely necessary to run the office.

Now I say that it is but fair and reasonable that all the box rents up to $1,000 where the Government owns the boxes should go to the postmaster, this bill allowing all the box rents up to $1,500 to go to the postmaster where the Government does not own the boxes. I do not desire to multiply words about this matter if I have made myself understood.

Mr. HOLMAN. We wish to stand by the Postmaster-General.

Mr. CANNON, of Illinois. But you do not stand by the Postmaster-General. You blow hot out of one corner of your mouth and cold out of the other. You quote the Postmaster-General to sustain you when you must know he was writing about another proposition. If you will stand by the Postmaster-General I would not object, but you do not stand by him, because you have cut his estimate down $500 on box rents, when boxes were owned by the Government. As the bill came from the Postmaster-General it provided that two-thirds of the box rents, not to exceed $1,500, should go to the postmaster, and your bill provides two-thirds of the box rents not to exceed $1,000. Now I do not wish any proposition to be carried which would cripple the class of cities to which I have referred, and with all due respect to New York, Boston, and Chicago, I apprehend that that class of cities embracing a population of from five to twelve thousand people ought not to be crippled in their postal service because under the law the Department cannot give them clerk hire, fuel, or anything else unless the salary, made up of commissions and box rents, amounts to $2,000.

[Here the hammer fell.]

The question was taken on Mr. CANNON's amendment; and there were—ayes 37, noes 34.

Mr. CANNON, of Illinois. No quorum has voted.

Mr. HOLMAN. O, do not break up the committee.

Mr. CANNON, of Illinois. I will break it up, sure, upon this matter.

Tellers were ordered; and Mr. CANNON of Illinois, and Mr. HARTRIDGE were appointed.

The committee again divided; and the tellers reported—ayes 32, noes 39.

Mr. CANNON, of Illinois. No quorum has voted.

The CHAIRMAN. Does the gentleman make that point of order?

Mr. CANNON, of Illinois. I do.

The CHAIRMAN. The point of order is well taken. No quorum having voted, the amendment is not agreed to.

Mr. CONGER. Do I understand the Chair to announce that because no quorum has voted, the amendment was not agreed to?

The CHAIRMAN. When there is no quorum voting, there is no decision of the question.

Mr. CONGER. I understood the Chair to say that for that reason the amendment was lost.

The CHAIRMAN. The Chair decides that the amendment was lost for want of a quorum.

Mr. HOLMAN. That is better than a call of the House.

Mr. RUSK. We had better quit, as we have no quorum.

Mr. CONGER. I did not distinctly understand the Chair. Does he decide that because there is no quorum voting the amendment is lost?

The CHAIRMAN. The Chair announced that the vote upon the amendment was in the negative. But when the point of order is made that no quorum has voted, there is no decision of the question at all.

Mr. CONGER. The gentleman from Illinois [Mr. CANNON] did make the point of order that there was no quorum voting.

The CHAIRMAN. And the Chair sustained the point of order.

Mr. HOLMAN. Will the gentleman from Illinois [Mr. CANNON] consent that a vote be taken upon his proposition in the House?

Mr. CANNON, of Illinois. No; and for the reason that I am certain, if gentlemen can be made to understand his proposition, he will not get a baker's dozen to vote for it.

Mr. HOLMAN. The gentleman will not be very apt to get his measure through if he goes on in that way.

Mr. CANNON, of Illinois. I am making no threats; but I do not think the gentleman himself understands the scope of his own proposition.

Mr. HOLMAN. It is because I do understand it that I am against you

The CHAIRMAN. The Chair begs to inform the committee that he has the floor.

Mr. HENDEE. Then I call for the regular order.

The CHAIRMAN. When the committee finds itself without a quorum, it is the duty of the Chair to direct the Clerk to call the roll of members, in order to ascertain who are absent.

Mr. FOSTER. Is a motion that the committee now rise in order?

The CHAIRMAN. That motion is in order.

Mr. MACDOUGALL. Mr. Chairman——

Mr. FOSTER. Then I move that the committee now rise.

Mr. HOLMAN. I hope the gentleman will not make that motion.

Mr. FOSTER. It is now after four o'clock.

The CHAIRMAN. The Clerk will call the roll.

Mr. MACDOUGALL. Why should the roll be called?

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the Chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

Mr. CANNON, of Illinois. I think I can submit a proposition that will settle this difficulty.

The CHAIRMAN. The Clerk will call the roll.

Mr. FOSTER. What has become of my motion that the committee rise?

Mr. CANNON, of Illinois. If the gentleman from Indiana [Mr. HOLMAN] will allow us to go back one paragraph——

Many MEMBERS. Regular order.

The CHAIRMAN. The Clerk will call the roll.

Mr. FOSTER. What has become of my motion that the committee now rise?

The CHAIRMAN. When the Committee of the Whole finds itself without a quorum, it is the duty of the Chair to direct the roll to be called.

Mr. FOSTER. I thought the Chair entertained my motion that the committee now rise.

The CHAIRMAN. The Chair had recognized the gentleman from New York, [Mr. MACDOUGALL.] The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Anderson, Ashe, Atkins, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Banning, Barnum, Bass, Beebe, Blaine, Blair, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Horatio C. Burchard, Samuel D. Burchard, William P. Caldwell, Candler, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, Cowan, Crounse, Danford, Davis, Davy, De Bolt, Denison, Dibrell, Douglas, Eames, Egbert, Ely, Faulkner, Finley, Forney, Fort, Freeman, Frost, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Robert H. Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Hatcher, Hays, Henderson, Henkle, Hereford, Hill, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hunton, Hurlbut, Hyman, Jenks, Frank Jones, Joyce, Kasson, Kelley, Kimball, King, Knott, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lewis, Lord, Lynch, L. A. Mackey, Magoon, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Monroe, Nash, Neal, Norton, O'Brien, Odell, Oliver, Packer, Page, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Platt, Purman, Rainey, Rea, Reagan, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Sobieski Ross, Savage, Sayler, Scales, Schumaker, Seelye, Sheakley, Sinnickson, Siemons, Smalls, William E. Smith, Stenger, Stevenson, Stone, Swann, Tarbox, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Van Vorhes, Waddell, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, G. Wiley Wells, White, Whitehouse, Whiting, Whitthorne, Wigginton, Andrew Williams, Charles G. Williams, James Williams, Jere N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Yeates—176.

The CHAIRMAN. The call of the roll having been completed, the committee will now rise, in order that the Chairman may report the list of absentees to the House.

Mr. HENDEE. Should not the list of absentees now be called?

The CHAIRMAN. They will be called in the House.

Mr. HOLMAN. I hope the Chair will announce the number of members present.

The CHAIRMAN. The Chair will do so as soon as the Clerk has made up the count.

Mr. BLACKBURN. I did not fully understand the ruling of the Chair in reference to the calling over of the list of absentees. Does not the rule require that as soon as the call of the roll is completed the names of the absentees shall be called?

The CHAIRMAN. They will be reported to the House.

Mr. BLACKBURN. Can the report of absentees be made to the House until the names of those absentees have been called over by the Clerk under the rule?

The CHAIRMAN. The Chair will call the attention of the gentleman from Kentucky to Rule 106, which provides:

Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the Chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

Mr. BLACKBURN. I am not making a point of order; I am simply inquiring whether it is not the general rule of the House that after the roll-call is concluded every member has the right to be recorded upon the assurance that he was within the bar of the House before the last name on the roll was called and whether any member can under the present proceedings be deprived of that right?

The CHAIRMAN. The rule does not apply in this instance.

The committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the post-office appropriation bill, had made some progress thereon, but finding itself without a quorum the Chairman had caused the roll to be called, and now reported the absentees to the House.

The SPEAKER *pro tempore*. The roll of absentees will now be called. If it should be found that a quorum is present, the House will at once resolve itself again into Committee of the Whole.

The Clerk proceeded to call the list of absentees. During the call the following-named members answered to their names: Mr. BANNING, Mr. BLAND, Mr. BOONE, Mr. CALDWELL of Tennessee, Mr. DE BOLT, Mr. HENKLE, Mr. HOSKINS, Mr. HUNTON, Mr. MILLS, and Mr. SAYLER.

During the reading of the names,

Mr. WILSON, of Iowa, said: I submit that the list now being read is the report from the Committee of the Whole of the members absent in committee; and gentlemen have no right now to answer to their names.

The SPEAKER *pro tempore*. The Chair will ascertain whether there is a quorum present.

Subsequently during the reading,

Mr. HENDEE said: I wish to inquire as a question of order whether it is proper at the present stage of proceeding to allow members to be recorded upon the roll as present who were not present in Committee of the Whole when the roll was called.

The SPEAKER *pro tempore*. The Chair understands that these members were present.

Mr. HENDEE. I understand that by the rules the only object of this proceeding is to determine whether a quorum was present in Committee of the Whole, and that if, when the Chairman of the Committee of the Whole has made his report to the House, there is no quorum, the only motion or business is for a call of the House or to adjourn.

The SPEAKER *pro tempore*. The Chair would suppose that the list of absentees might properly have been called over in Committee of the Whole.

Mr. HOLMAN. I move that the House adjourn.

STOCKBRIDGE RESERVATION, WISCONSIN.

Pending the motion to adjourn,

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, requesting legislation to authorize the sale of logs on the Stockbridge reservation, Wisconsin; which was referred to the Committee on Indian Affairs.

EDUCATION OF POTTAWATOMIES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, requesting legislation to render available certain funds appropriated June 22, 1874, for educational purposes for Pottawatomies; which was referred to the Committee on Appropriations.

SEAL LOCKS, ETC., IN REVENUE SERVICE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting information and papers in response to a resolution of the House dated April 4, 1876, calling for copies of contracts, &c., relating to seal locks, &c.; which was referred to the Committee of Ways and Means.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HENKLE, by unanimous consent, introduced a bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

GEORGE MARTZ.

Mr. JOHN REILLY, by unanimous consent, introduced a bill (H. R. No. 3436) granting a pension to George Martz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. T. MAGINNIS.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2257) for the relief of J. T. Maginnis, captain of Thirteenth Infantry, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, as follows:

To Mr. FAULKNER from Monday the 15th instant inclusive for four days;

To Mr. WHITING for two weeks on account of important business;

To Mr. WALLING for one week commencing Monday 15th instant on account of important business;

To Mr. PHELPS for two weeks from Monday next on account of sickness;

To Mr. NASH for ten days;

To Mr. HURD for five days on account of important business; and

To Mr. HARALSON for one week.

And then, on motion of Mr. HOLMAN, (at four o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: Papers relating to the claim of Erasmus A. Cockett, to the Committee on Invalid Pensions.

By Mr. BRADLEY: The petition of 27 dealers in tobacco, of Bay County, Michigan, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. COX: Resolutions of the Chamber of Commerce of the State of New York, relative to silver coinage, to the Committee on Banking and Currency.

Also, resolutions of the Chamber of Commerce of the State of New York, relative to the Signal Service Bureau, to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, in regard to the navy-yard at New London, to the Committee on Naval Affairs.

Also, memorial of the New York Board of Trade, that House bill No. 3266, relative to the fixing the rate of postage on certain mail matter, be passed, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNDE: Memorial of Peter Reinhard and 40 others, of Milwaukee, Wisconsin, manufacturers and dealers in tobacco, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. MORRISON: The petition of Adolph Mueller, for compensation for medical stores furnished the United States Army, to the Committee on War Claims.

By Mr. WALSH: The petition of John Barry, for compensation for canal-boat Michael O'Shea, burned by United States forces on 17th September, 1862, at Williamsport, Maryland, to the same committee.

By Mr. WIGGINTON: The petition of L. H. Short and 50 others, for a post-route from San Louis Obispo to Avila, California, to the Committee on the Post-Office and Post-Roads.

Also, the petition of James H. Boyd and 123 other citizens of San Bernardino County, California, for a post-route from Rock Spring Station, via Ivanpoh, to Soda Lake Station, California, to the same committee.

IN SENATE.

MONDAY, *May* 15, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PRINTING OF EULOGIES ON THE LATE MR. STARKWEATHER.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 2,000 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Henry H. Starkweather, of Connecticut, a member of the House of Representatives, and that the Secretary of the Treasury have printed the portrait of Mr. Starkweather to accompany the same.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling, of New Hampshire;

A bill (H. R. No. 492) for the relief of William G. Ford, of Tennessee, administrator of John G. Robinson, deceased;

A bill (H. R. No. 516) for the relief of Floyd C. Babcock;

A bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia;

A bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri;

A bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana;

A bill (H. R. No. 2833) for the relief of Susan P. Vance;

A bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Missouri;

A bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky; and

A bill (H. R. No. 3182) for the relief of Albert Grant.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 901) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana;

A bill (H. R. No. 1034) for the relief of James G. Harrison;

A bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois; and

A bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Gallion, Ohio.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general;

A bill (H. R. No. 2017) for the relief of Dorothea Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

A bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, (retired;)

A bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners;

A bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery; and

A joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 755) for the relief of Jackson T. Sorrells; and

A bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins; and

A bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private of Company C, Fifty-second Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1521) granting a pension to Louis A. McLaughlin;

A bill (H. R. No. 1641) granting a pension to Mary A. Casterweller, widow of John Casterweller, a soldier of the late war;

A bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust;

A bill (H. R. No. 1814) granting a pension to Samuel Sheaffer;

A bill (H. R. No. 1849) granting a pension to Abigail S. Dawney;

A bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry;

A bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan;

A bill (H. R. No. 1936) granting a pension to John Haley;

A bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois;

A bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers;

A bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private of Company G, Twenty-ninth Regiment Indiana Volunteers;

A bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan;

A bill (H. R. No. 2231) granting a pension to Emily E. Weiss;

A bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, Fourth New York Heavy Artillery;

A bill (H. R. No. 2468) granting a pension to David McComb, late employé in the naval service of the United States;

A bill (H. R. No. 2602) granting a pension to Eleanor Douglass;

A bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry;

A bill (H. R. No. 2804) granting a pension to Harriet C. Dunham,

widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Pennsylvania Volunteers;

A bill (H. R. No. 2837) granting a pension to Edward F. Eddy;

A bill (H. R. No. 2838) granting an increase of pension to Thomas H. Martin;

A bill (H. R. No. 2839) granting a pension to Ellen Morrow, mother of John Morrow, late private Company H, Potomac Home Brigade, Maryland Volunteers;

A bill (H. R. No. 2840) granting a pension to William Thomas;

A bill (H. R. No. 2841) granting a pension to Green Edwards;

A bill (H. R. No. 2842) granting a pension to Robert S. Toland;

A bill (H. R. No. 2843) granting a pension to James C. Bates;

A bill (H. R. No. 2844) granting a pension to Levi D. Hayward;

A bill (H. R. No. 2845) granting a pension to Herman Nettlefield;

A bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker;

A bill (H. R. No. 2847) granting a pension to Lucinda Starnes;

A bill (H. R. No. 2848) granting a pension to F. M. Bruner;

A bill (H. R. No. 3034) granting a pension to Oliver T. Everhart;

A bill (H. R. No. 3035) granting a pension to Smith Bell;

A bill (H. R. No. 3036) granting a pension to Mary McLain, widow of Charles McLain, late lieutenant-colonel Two hundred and eleventh Pennsylvania Volunteers;

A bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers;

A bill (H. R. No. 3038) granting a pension to Almon F. Mills, late a private Company K, Twenty-ninth Regiment Ohio Volunteers;

A bill (H. R. No. 3040) granting a pension to Sarah J. Goss;

A bill (H. R. No. 3041) granting a pension to James Ruffin Wood;

A bill (H. R. No. 3177) granting a pension to Elizabeth T. Dubois, widow of Theodore B. Dubois, late acting volunteer lieutenant-commander in the naval service;

A bill (H. R. No. 3178) granting a pension to Thomas Galloway, late captain of Company C, First Maryland Cavalry Volunteers;

A bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers; and

A bill (H. R. No. 3180) granting a pension to Oscar S. Collins.

The bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, was read twice by its title and referred to the Committee on Foreign Relations;

The bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges was read twice by its title and referred to the Committee on Patents;

The bill (H. R. No. 2953) for the relief of Hugh W. Mercer was read twice by its title and referred to the Committee on the Judiciary; and

The joint resolution (H. R. No. 111) as to the printing of the delinquent-tax list of the District of Columbia for 1875 was read twice by its title and referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of Samuel Marshall, late of Company E, Second North Carolina Mounted Infantry Volunteers, praying to be relieved of the charge of desertion; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented resolutions of the Chamber of Commerce of the State of New York, in regard to the navy-yard at New London, Connecticut, and in favor of its preservation; which were referred to the Committee on Naval Affairs.

He also presented resolutions of the Chamber of Commerce of the State of New York, relative to silver coinage and in favor of the adoption of measures authorizing the President to call an international monetary conference in the United States during the present year; which were referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of the State of New York, relative to the signal service; which were referred to the Committee on Commerce.

He also presented the petition of John R. Geary, vice-consul of the United States at Malaga, Spain, praying to be re-imbursed for moneys expended by him for the relief of John Somers Smith, late United States consul at that place; which was referred to the Committee on Claims.

Mr. SHERMAN presented a memorial of the officers and members of the Zanesville Academy of Medicine, Zanesville, Ohio, remonstrating against the passage of the bill to incorporate the National Surgical Institute of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of William L. Riley, of Washington, District of Columbia, praying compensation in the sum of $255.75 for one thousand and twenty-three cubic yards of earth deposited upon the grounds of the Smithsonian Institute; which was referred to the Committee on Appropriations.

Mr. CRAGIN presented a memorial of the officers of the Board of Trade of the city of Portsmouth, New Hampshire, and 80 other citizens of Portsmouth, representing that for the safety of vessels entering the harbor at that place there is need of a steam-whistle at Whale's Back Light, and praying that a suitable one be located there; which was referred to the Committee on Commerce.

Mr. DAVIS. A month or six weeks ago I presented papers in support of the claim of Peter Welch, Edward Welch, and Elizabeth Minion, of Mineral County, West Virginia, for compensation for property destroyed during the late war. I now present additional papers, which I move be referred to the Committee on Claims to accompany the papers formerly presented.

The motion was agreed to.

Mr. WALLACE presented a memorial of 41 citizens of Huntingdon, Huntingdon County, and a memorial of 33 citizens of Hollidaysburgh, Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to the Committee on Finance.

Mr. McCREERY presented the petition of J. A. Briggs, executor of Charles M. Briggs, deceased, praying compensation for four hundred and fifty-five bales of cotton seized by the Government during the late war; which was referred to the Committee on Claims.

Mr. DENNIS presented a petition of citizens of Baltimore, Maryland, in reference to the distribution of the balance of the Geneva award, and praying for the passage of a bill providing for the payment of war premiums, hulls, and cargoes; which was referred to the Committee on the Judiciary.

Mr. WITHERS presented a joint resolution of the Legislature of Virginia, in favor of refunding the cotton tax collected by the United States authorities for the years 1864, 1865, 1866, and 1867; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of Virginia, in favor of an appropriation for the construction of fish-ladders at the Great Falls of the Potomac; which was referred to the Committee on Appropriations.

Mr. WADLEIGH presented resolutions of the Board of Trade of Manchester, New Hampshire, in favor of a return to specie payments; which were referred to the Committee on Finance.

He also presented a petition of citizens of Concord, New Hampshire, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MAXEY presented a petition of citizens of Alvarado, Johnson County, Texas, praying for the establishment of a mail-route from Waxahachie, Ellis County, by way of Alvarado to Cleaburn in Johnson County, Texas; which was referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore* presented the memorial of John A. Morrow and other citizens of Benzonia, Michigan, remonstrating against any change in the present law for the settlement of pensions in specified localities throughout the country; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

LOUISIANA INVESTIGATION.

Mr. WEST. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3368) appropriating $9,000 to pay the expenses of the Select Committee to Investigate the Federal Offices in Louisiana, to report it without amendment, and I ask the unanimous consent of the Senate to put the bill on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. WRIGHT. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee, to report it back adversely and recommend its indefinite postponement. I am requested to ask that the bill go upon the Calendar.

Mr. DAVIS. I believe it is understood that that bill shall go upon the Calendar with the adverse report of the committee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. DAVIS. There is a written report, I take it.

Mr. WRIGHT. A written report accompanies the bill.

Mr. DAVIS. I ask that the report be printed.

The PRESIDENT *pro tempore*. The report will be printed under the rule.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 476) to amend the fifth section of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government," approved May 18, 1872, and to extend the time for the presentation of claims for cotton seized after the 30th day of June, 1865, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 784) for the relief of Enoch Totten, administrator of the estate of William A. Lloyd, deceased, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 372) for the relief of J. L. ReQua, S. B. Hubbard, and others, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Consider Parish, of Hinds County, Mississippi, praying compensation for cotton and other property taken during the late war, submitted an adverse report thereon; which was agreed to and ordered to be printed.

He also, from the same committee, to whom was referred the petition of David Klein, a citizen of New York City, praying to be allowed a royalty for the use by the United States authorities of his patent for ponton bridges, asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 477) to re-imburse the loyal owners of the steamer Planter for the sale of that vessel by the Government, have instructed me to report it adversely and recommend its indefinite postponement. At the request of the Senator from West Virginia farthest from me [Mr. CAPERTON] I ask that the bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, if there be no objection.

Mr. WRIGHT. I am also directed by the Committee on Claims, to whom was referred the bill (S. No. 712) for the relief of William Rutherford, of Washington, District of Columbia, to report it adversely. I may state that this is the same bill, upon the same facts precisely, that the committee acted upon at the last session of Congress. They recommended its indefinite postponement then, and their report was concurred in. The committee now make the same recommendation.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be postponed indefinitely.

Mr. SHERMAN. I will ask if an order of the Senate to postpone a bill amounts to a rejection of the claim?

Mr. WRIGHT. I understand it so.

Mr. SHERMAN. I do not know that the claimants so regard it. The mere postponement of a bill indefinitely is not a rejection of the bill. It seems to me, after this case has been rejected time and again on the same papers, the bill ought to be rejected formally, so as to come under the rule and not be again referred to the committee.

Mr. WRIGHT. I suppose that would be the effect of its indefinite postponement so far as the present Congress is concerned; and, if we reject the bill formally, it can again nevertheless be presented at the next Congress. An indefinite postponement would have equal effect with a rejection, so far as this Congress is concerned.

Mr. SHERMAN. I supposed the rule extended also to future Congresses, so that the claim could not be repeated over and over again. That seems to be the law.

Mr. WRIGHT. I suppose the claim might be presented on new testimony. Under the rule of the Senate the claim could not be considered again at this Congress if the bill be postponed indefinitely, unless there was new testimony; but it could be presented again at a subsequent Congress.

The PRESIDENT *pro tempore*. The practice is, that indefinite postponement closes the claim for the current session; but it may be recalled at a subsequent session and acted upon again.

Mr. WRIGHT. I suppose that would be equally true if the bill were rejected.

The PRESIDENT *pro tempore*. Indefinite postponement operated as a rejection until the Senate reversed the rule in the McGarrahan case.

Mr. SHERMAN. Then I suggest to the Senator to move that the bill be rejected. That will dispose of it for this Congress at any rate.

Mr. WRIGHT. I have no objection to that course. I make the recommendation that the bill be rejected.

The PRESIDENT *pro tempore*. The committee report that the bill be rejected. Will the Senate concur in the report of the committee? The Chair hears no objection, and the report is concurred in.

Mr. WRIGHT. I have in my hand a bill (S. No. 511) appropriating money to compensate Fisk Mills, sculptor, for the plaster model of General Rawlins, which was referred to the Committee on Claims. It is to pay Fisk Mills $15,000 for the preparation of a life-size plaster cast of the late General John A. Rawlins. There is accompanying the bill a petition, which prays that he be released from further obligation under his contract. It seems that this contract, if any, was made under a joint resolution of the two Houses approved the 14th of July, 1870, and that the work was to be done under the supervision of and the statue to be placed in such part of the city as should be directed by the Joint Committee of the two Houses on the Library. Your committee ask to be discharged from the further consideration of the bill; and under the circumstances I move that it be referred to the Joint Committee on the Library.

The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the memorial of Durant H. L. Bell, of Kansas City, Missouri, asking compensation for property destroyed during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of John G. Taylor, late collector of customs at Annapolis, Maryland, praying to be relieved from liability and responsibility for moneys paid to John R. Briscoe as surveyor of customs at the port of Nottingham, in the district of Annapolis, submitted a report thereon, accompanied by a bill (S. No. 823) for the relief of John G. Taylor, of Annapolis, Maryland.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. I have in my hand the petitions of Peter Welch, Edward Welch, and Elizabeth Minion, praying compensation for property destroyed during the late war. These petitions were presented by the Senator from West Virginia nearest me, [Mr. DAVIS.] If I remember correctly, this morning he presented additional testimony in regard to these claims. The committee agree upon these three cases, and are prepared to make a report; but if the Senator from West Virginia prefers, I will withhold the reports for the present until we examine the additional testimony.

Mr. DAVIS. I think that would be the proper course to pursue in view of the additional evidence which I presented this morning and also a petition from the same parties in support of their claims. I concur with the chairman of the committee that it would be better to withhold the reports for the present.

Mr. WRIGHT. Very well.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (H. R. No. 917) to amend section 4898 of the Revised Statutes in relation to patents, reported it with an amendment.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of Hannah L. Lloyd, praying compensation for one-fourth interest in the Brig Fanny, seized and sold by the United States marshal in New York in 1862, submitted a report thereon, accompanied by a bill (S. No. 824) for the relief of Hannah L. Lloyd as executrix and George W. King executor of William Lloyd, deceased.

The bill was read and passed to the second reading and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 674) for the relief of W. H. Woodward, of Indianola, Texas, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. COCKRELL. I am directed by the Committee on Claims to report back the bill (S. No. 186) for the relief of Andrew Johnson, of Logansport, Indiana, and ask to be discharged from its further consideration, as the Treasury Department has already paid the claim.

The report was agreed to.

Mr. BOUTWELL, from the Select Committee to Examine the Several Branches of the Civil Service, reported a bill (S. No. 825) to provide for a more speedy adjustment of the accounts of the Treasurer of the United States; which was read and passed to the second reading.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made, reported it without amendment.

BILLS INTRODUCED.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 826) to enable the Court of Claims to hear and determine the claim of the personal representatives of Ferdinand Cais, a citizen of France; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 827) to amend section 2441 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 828) for the relief of Peter Phillips, late first lieutenant Company F, Fifteenth Regiment Illinois Cavalry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 829) to restrict the immigration of Chinese to the United States; which was read twice by its title.

Mr. SARGENT. I ask that the bill be printed and referred to the Committee on Commerce.

Mr. MITCHELL. I desire to submit a few remarks upon the general subject-matter to which the bill relates, and I should be very glad to do so to-day if the Senate would indulge me so far. If the honorable Senator from California will permit the bill to lie upon the table for the present, I shall be obliged to him.

Mr. SARGENT. Very well.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill will lie on the table for the present.

Mr. MITCHELL. In view of the business assigned for to-day, I give notice that to-morrow morning, after the morning business, I shall ask the indulgence of the Senate to submit a few remarks on the Chinese question.

Mr. SARGENT. Then it will not be necessary to retain this bill. Let it go to the Committee on Commerce. I am anxious to have it considered by the committee.

Mr. MITCHELL. Then there will be nothing before the Senate for me to speak upon.

Mr. SARGENT. If the Senator makes as good a speech as I know he can make in favor of the bill, I shall be paid for waiting.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 830) for the relief of Joseph W. Parish; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 831) requiring the removal of the tracks of the Baltimore and Ohio Railroad Company from certain streets in the city of Washington, and for other purposes; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

Ordered, That the petition of Bernard Pitzer, of Roanoke, Virginia, asking compensation for property taken and destroyed by the troops of the United States in 1863, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That J. T. Leary have leave to withdraw his petition and papers from the files of the Senate.

AMENDMENTS TO APPROPRIATION BILL.

Mr. HOWE, and Mr. MORRILL of Vermont, submitted amendments intended to be proposed by them to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

TIMBER CULTURE ON WESTERN PRAIRIES.

Mr. PADDOCK. I should like to ask unanimous consent to call up House bill No. 2427. I think it will take but a moment. I doubt whether there will be any objection to the bill; but if there be I will not insist upon it at this moment, though I regard it as important that the bill should pass at once if at all.

There being no objection, the bill (H. R. No. 2427) to amend the act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on western prairies,'" approved March 13, 1874, was considered as in Committee of the Whole.

The first section amends section 3 of the act of March 13, 1874, by adding thereto the following further proviso:

Provided further, That whenever a party holding a claim under the provisions of this act, or whenever making final proof under the same, shall prove by two good and credible witnesses that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years while holding said claim, said year or years in which said trees were so destroyed shall not work any forfeiture of any of the rights or privileges conferred by this act; and the time allowed by this act in which to plant the trees and make final proof shall be extended the same number of years as the trees planted on the said claim were destroyed in the manner specified in this section.

The second section declares that the planting of seeds, nuts, or cuttings shall be considered a compliance with the provisions of the timber-culture act, but such seeds, nuts, or cuttings of the kind and for the purpose contemplated in the original act shall be properly and well planted, the ground properly prepared and cultivated; and in case such seeds, nuts, or cuttings should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other inevitable accident, the ground shall be replanted or the vacancies filled within one year from the first planting. Parties claiming the benefit of these provisions are to prove, by two good and credible witnesses, that the ground was properly prepared and planted in such seeds, nuts, or cuttings, and were so destroyed by inevitable accident in such year.

The third section provides that it shall not be necessary to plant trees, seeds, nuts, or cuttings in one body, provided the several bodies, not exceeding four in number, planted, by measurement, aggregate the amount required and in time required by the original and amended act.

Mr. WRIGHT. I ask the Secretary to be good enough to read the first part of the bill.

The Chief Clerk read the first section.

Mr. WRIGHT. I suggest to the Senator from Nebraska that the language speaks of "entries under this act." He ought to amend it so as to say, "or the act to which this is amendatory."

Mr. PADDOCK. It does not seem to me that that is essential; and as this is a House bill, if we amend it here, of course the consequence is to defer action; and it is important, if action is to be taken, that it shall be had at once. Large districts of the Western States, particularly in Kansas and Nebraska, were devastated by grasshoppers during the last year and the year preceding. Planting time is upon us, and the citizens are very anxious that the relief provided for in this bill may be granted at once, in order that they may resume planting. I trust my friend will not object.

Mr. WRIGHT. I suggested the amendment in the interest of the bill. As it stands, the bill, I fear, will be worthless, because it speaks of "entries under this act," and the act itself does not provide for any entries. I suggest that if the Senator incorporates the amendment, the bill will then speak for the other bill under which entries were made as well as this. I only make the suggestion in the interest of the bill; but if the Senator thinks otherwise, I shall not press the amendment.

Mr. BOUTWELL. I should like to hear from the Senator who has charge of the bill the effect of the second section, which changes the law materially, I believe.

Mr. PADDOCK. In reference to the planting of seeds and cuttings?

Mr. BOUTWELL. Yes, sir.

Mr. PADDOCK. In some districts it is impracticable to procure trees for resetting; but it is practicable to procure the seeds and the cuttings, and where it is practicable to get them in place of the trees, it is a surer means of securing timber in the end than by using the trees. The trees are liable, if procured at all, to be in a damaged state. In these districts the seeds and cuttings do better, and I think in the interest of timber culture it is better that that provision should be made.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

RELIEF OF PRE-EMPTORS.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived——

Mr. WINDOM. I ask unanimous consent for the consideration of House bill No. 2452.

There being no objection, the bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands was considered as in Committee of the Whole.

The Committee on Public Lands proposed to amend by striking out all after the enacting clause of the bill and in lieu thereof inserting:

That whenever any pre-emptor on public lands or Indian reservations shall make satisfactory proof at the local land office, under rules and regulations to be prescribed by the Secretary of the Interior, that the crops upon the lands occupied by him have been destroyed by grasshoppers within two years prior to the passage of this act, the time within which such pre-emptor is required to make final proof and payment is hereby extended two years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFIN, one of his secretaries, announced that the President had, on the 8th instant, approved and signed the act (S. No. 761) to remove the political disabilities of James E. Slaughter, of Alabama, and on the 9th instant the act (S. No. 130) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California.

NATCHEZ MARINE HOSPITAL.

Mr. MORRILL, of Vermont. I ask for the consideration of Senate bill No. 699.

Mr. McDONALD. I must object to any further business in the morning hour. I think we had better proceed with the pending question in the trial of impeachment of Mr. Belknap.

Mr. MORRILL, of Vermont. I hope the Senator from Indiana will allow this bill to pass.

Mr. McDONALD. I will yield for this purpose.

Mr. SHERMAN. I give notice that after this matter is over—I do not know what it is—I shall call for the regular order of business.

There being no objection, the bill (S. No. 699) to confirm the sale of the marine-hospital building and grounds at Natchez, in the State of Mississippi, was considered as in Committee of the Whole.

The preamble recites that the marine-hospital building and grounds at Natchez, Mississippi, are not required for the service of the United States; that the building has been for many years in a process of dilapidation and decay; and that the building and grounds have been offered for sale at different times by auction under and in pursuance of law. The bill directs the Secretary of the Treasury to confirm to the highest bidder the sale made under his direction and in pursuance of law, February 15, 1876, it being satisfactorily shown to him that the building is to be reconstructed and devoted, under responsible auspices, to purposes of instruction for the benefit of the colored people of the United States.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and was read the third time.

Mr. BOGY. Mr. President, this bill it seems to me is very indefinite. I call upon the Senator from Vermont to give us some explanation. Was the property sold for any amount at all?

Mr. MORRILL, of Vermont. I will say to the Senator from Missouri that the building and grounds have already been sold, but it was at so low a price that the Secretary of the Treasury considered that it was safer to ask the consent of Congress to ratify the sale. The building is unroofed and is nearly destroyed, entirely useless; the floors are all broken up and the interior very much dilapidated; and probably this is about as large a sum as could be obtained for it in any way or manner; and it is not wanted by the Government for any purpose whatever. We have a communication from the Secretary of the Treasury approving of this proposition to have it sold.

Mr. BOGY. Does the Senator from Vermont know the amount obtained at that sale?

Mr. MORRILL, of Vermont. Somewhere about $5,000.

The bill was passed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour fixed for that purpose having arrived, the legislative and executive business of the Senate will now be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The Senate resumed its legislative session; and,

On motion of Mr. WRIGHT, (at four o'clock and fifty-three minutes p. m.,) adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour now begins at ten minutes after twelve o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

Mr. DUNNELL. Before this call begins, I ask unanimous consent that the call shall proceed this morning until it is completed, without reference to the termination of the morning hour.

There was no objection.

The SPEAKER *pro tempore*. The call will therefore proceed until all the States and Territories have been called.

DAVID O. LAWS, DECEASED.

Mr. HENKLE introduced a bill (H. R. No. 3437) for the relief of the legal representatives of David O. Laws, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT C. POOLE.

Mr. WALLACE, of South Carolina, introduced a bill (H. R. No. 3438) for the relief of Robert C. Poole, of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN L. YOUNG.

Mr. WALLACE, of South Carolina, also introduced a bill (H. R. No. 3439) for the relief of John L. Young, of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LUDWIG UEBER.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 3440) granting a pension to Ludwig Ueber, late private Company —, Thirty-seventh Regiment of Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL C. LARABEE.

Mr. WILLARD introduced a bill (H. R. No. 3441) granting a pension to Daniel C. Larabee, of Coldwater, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSOURI AND KANSAS BOUNDARY.

Mr. DURAND (by request of Mr. GOODIN) introduced a bill (H. R. No. 3442) to provide for establishing a new boundary line between the States of Missouri and Kansas south of the Missouri River; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WRITS OF ERROR TO STATE COURTS.

Mr. LYNDE introduced a bill (H. R. No. 3443) relating to writs of error to State courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 3418 REVISED STATUTES.

Mr. CASWELL introduced a bill (H. R. No. 3444) to amend section 3418 of the Revised Statutes relating to stamps upon bank-checks, limiting the tax to drafts drawn by a bank; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ARTHUR SIDNEY NESMITH.

Mr. DUNNELL introduced a bill (H. R. No. 3445) for the relief of Arthur Sidney Nesmith; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN N. HALL AND OTHERS.

Mr. DUNNELL also introduced a bill (H. R. No. 3446) for the relief of John N. Hall and others; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories for bills on leave and joint resolutions is completed. Gentlemen who were not in their seats when their States were called, and who have bills to present for reference, will now be recognized.

H. H. ALEXANDER.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 3447) for the relief of H. H. Alexander; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

RAILWAY FROM SOUTHEAST ATLANTIC SEABOARD TO LAKE MICHIGAN.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 3448) chartering a passenger and freight railway from the southeast Atlantic seaboard to Lake Michigan; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

HEIRS OF JAMES W. HYLTON.

Mr. WHITE introduced a bill (H. R. No. 3449) granting a pension to the widow and infant heirs of James W. Hylton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEDERAL APPOINTMENTS.

Mr. WHITE also introduced a bill (H. R. No. 3450) to apportion Federal appointments among the several congressional districts, and for other purposes; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

SECTION 3945 OF REVISED STATUTES.

Mr. WHITE also introduced a bill (H. R. No. 3451) to amend section 3945 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

VOTING ENVELOPES.

Mr. WHITE also presented a joint resolution (H. R. No. 114) directing the Postmaster-General to provide for the issue of "voting envelopes" to be used for inclosing ballots to be cast for Representatives in Congress; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

MILITARY WAGON-ROAD.

Mr. ELKINS introduced a bill (H. R. No. 3452) for the construction of a military wagon-road from Trinidad, Colorado Territory, to Taos, New Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 5219 OF REVISED STATUTES.

Mr. WILLIS introduced a bill (H. R. No. 3453) to further declare the meaning of section 5219 of the Revised Statutes and its correct interpretation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TAX ON NATIONAL BANKS, ETC.

Mr. WILLIS also introduced a bill (H. R. No. 3454) to provide for the repeal of all taxes on capital and deposits of State and national banking institutions, corporations, companies, and associations, or persons engaged in the business of banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 3455) granting certain condemned cannon to the Palmetto Guards of Charleston, South Carolina, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUITS ON BONDS OF COLLECTORS OF INTERNAL REVENUE.

Mr. SCALES introduced a bill (H. R. No. 3456) to limit the time within which suits on bonds of the collectors of internal revenue shall be brought; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFUND OF DIRECT TAXES.

Mr. YOUNG introduced a bill (H. R. No. 3457) to provide for refunding direct taxes illegally assessed; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MARY MAGUIRE.

Mr. YOUNG also introduced a bill (H. R. No. 3458) for the relief of Mary Maguire, of Shelby County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELISHA E. RICE.

Mr. RANDALL introduced a bill (H. R. No. 3459) for the relief of Elisha E. Rice; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SAFETY-MATCHES.

Mr. EGBERT introduced a bill (H. R. No. 3460) to relieve safety-matches from the payment of stamp-tax; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE GROVE.

Mr. RUSK introduced a bill (H. R. No. 3461) granting a pension to George Grove; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. HUBBELL.

Mr. BRADLEY introduced a bill (H. R. No. 3462) for the relief of William W. Hubbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I now ask that the House proceed with the consideration of resolutions which have been laid over under the second call of the States and Territories.

The SPEAKER *pro tempore*. The next order of business will be the second "call of the States for resolutions, at which time bills may be introduced, and all resolutions which shall give rise to debate shall lie over for discussion." The previous unfinished business under this call is demanded by the gentleman from Pennsylvania, [Mr. RANDALL.]

CHINESE IMMIGRATION.

Mr. PAGE. Will the gentleman yield to me for one moment to offer a resolution?

Mr. RANDALL. For reference?

Mr. PAGE. No, no; for adoption.

Mr. RANDALL. O, I cannot yield for that purpose.

Mr. PAGE. I desire, then, to offer the resolution, and I move a suspension of the rules.

Mr. RANDALL. If it takes no time I will not object.

Mr. PAGE. It will give rise to no discussion.

The resolution offered by Mr. PAGE was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President be requested to submit to the Chinese government the following additional article to the existing treaty between the United States and the Chinese Empire, with an urgent pressing suggestion that it be accepted, namely, to wit, as follows: That the Government of the United States reserve the right to regulate, restrict, or prevent the immigration or importation of Chinese subjects into the United States, and that the empire of China also reserve the right to regulate, restrict, or prevent the immigration into the said empire of American citizens, anything in the existing treaty to the contrary notwithstanding.

Mr. RANDALL. Is that offered for reference?

Mr. PAGE. No; I want it passed.

Mr. RANDALL. I must object to that.

Mr. PAGE. Cannot I move to suspend the rules?

The SPEAKER *pro tempore*. No; the gentleman only holds the floor through the courtesy of the gentleman from Pennsylvania.

Mr. PAGE. I will then ask that the resolution be referred to the Committee on Commerce.

There was no objection, and the resolution was so referred.

ORDER OF BUSINESS.

Mr. RANDALL. I now call up the resolutions offered on Monday under the second call, and I ask that the Clerk shall read the first resolution on the Calendar.

BUREAU OF INTERNAL REVENUE.

The first resolution on the Calendar was the one offered by Mr. O'BRIEN on December 14, 1875; which was read as follows:

Resolved, That the Secretary of the Treasury, if not incompatible with the public interests, be directed to communicate to this House, at the earliest practicable moment, in what manner, with due regard to economy and dispatch of public business, the various duties now assigned to the Bureau of Internal Revenue may be absorbed by the Bureau under the charge of the Commissioner of Customs.

Mr. O'BRIEN. Upon that resolution I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted; there being upon a division ayes 91, noes not counted.

Mr. O'BRIEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. I ask leave to report a resolution from the Committee of Ways and Means.

Mr. RANDALL. O, no; not now. That would interrupt the regular order.

DISMISSAL OF EX-SENATOR JOHN B. HENDERSON.

The next resolution on the Calendar was the one offered by Mr. BUCKNER on December 14, 1875; which was read as follows:

Resolved, That the President of the United States be requested to transmit to the House all correspondence in reference to the dismissal of Ex-Senator John B. Henderson, of Missouri, as one of the special counsel of the United States in the prosecution of the whisky-fraud cases before the United States court at Saint Louis.

Mr. HALE. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HALE. I wish to inquire under what rule of the House this matter comes before the House at the present time. I believe the invariable practice heretofore upon the second call is under the rule on page 150, that the States being first called for bills for reference and then in order for bills on leave and resolutions if anything gives rise to debate it goes over for discussion and the call continues; and I think the present occupant of the chair will remember that that rule has never been broken in upon.

Now, during the present session the first time the second call was started was on Monday last with the State of Maine, and a resolution was then introduced by myself upon which a vote was taken and the resolution was voted down. Now my point of order is that under the rule on page 150 nothing is in order on the second call of the States but the call for bills and resolutions, upon the passage of which the gentleman calling for the previous question can have a vote.

The SPEAKER *pro tempore*. The Chair understands the point of order before the House and anticipated the point. At the close of the first call for bills and resolutions during the morning hour the Chair called for the second call of the States under the rule precisely as on last Monday. The Chair at that time called the States for resolutions, when the gentleman from Maine was recognized. But if any member had demanded the unfinished business under that call the Chair would have been bound to recognize him, and the unfinished business which had come in previously under that call would have been first in order. Unfinished business is regarded as of high privilege and it must be concluded. The continuity and dispatch of the public business is the foundation of this rule. The Chair would refer to Rule 56, page 225 of the Digest:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

The Chair was therefore bound to recognize the gentleman from Pennsylvania to call for the conclusion of the unfinished business at this juncture, when the class of business to which it belongs is in order. This is that time.

Mr. HALE. Has that always been the rule?

The SPEAKER *pro tempore*. The Chair recollects that unfinished business of this character has been thus called up and disposed of.

Mr. HALE. My recollection is very clear that the whole morning hour has never been interfered with, but that the sixty minutes must be proceeded with in the two calls of the States, and I am borne out in that impression by the rule to be found on page 150.

Mr. RANDALL. Rule 56 is as clear as possible.

The SPEAKER *pro tempore*. The Chair holds that this is unfinished business, and he is informed by those who have practiced under this rule, and recorded our proceedings for years, that it has been the uniform practice that unfinished business under this call has always been taken up and disposed of.

Mr. HALE. Then it practically shuts out the second call of the States, which is a thing which I have never known to be done.

Mr. RANDALL. Practically it does not do any such thing; it practically disposes of resolutions under the call of the States which have been laid over.

Mr. HALE. But not under this call.

Mr. RANDALL. It is under this very call.

Mr. HALE. My recollection, if the Chair will allow me——

Mr. RANDALL. If the gentleman will read the latter clause of Rule 56 he will be convinced.

Mr. HALE. I think the Chair will find upon investigation that the entire sixty minutes of the morning hour of Monday has never before been interfered with.

The SPEAKER *pro tempore*. This is the only way to utilize the second call of States and to finish up the business commenced, and that goes over and should be concluded under this call. Besides, this proceeding has been going on without objection, and the point of order is too late and should not be sustained.

Mr. BUCKNER. I call the previous question upon the resolution just read by the Clerk.

Mr. HOAR. Is that resolution within the ruling of the Chair as unfinished business?

The SPEAKER *pro tempore*. It is the second resolution upon the Calendar under the head "Resolutions where debate has arisen, and laid over under the rule."

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. C. C. SNIFFEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 522) to define the tax on fermented or malt liquors;

An act (H. R. No. 1251) to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872;

An act (H. R. No. 3269) appropriating $50,000 for subsistence supplies for Apache Indians in Arizona Territory, and for the removal of the Indians of the Chiricahua agency to San Carlos agency;

An act (H. R. No. 3356) authorizing the transfer of a certain appropriation;

A joint resolution (H. R. No. 99) concerning special-tax stamps; and

A joint resolution (H. R. No. 110) authorizing the exhibition of a life-saving station-house at the centennial exposition.

DEFAULTERS.

The next resolution on the Calendar was the following, offered by Mr. HEREFORD:

Resolved, That the Secretary of the Treasury is hereby directed to furnish the House of Representatives with the following information, namely: The names of the various persons or officers whose accounts have not been settled, or who have been defaulters to the General Government since March 2, 1865, together with the amounts of each, and by whom appointed.

Mr. RANDALL. I call the previous question on that resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

WHISKY RINGS.

The next resolution upon the Calendar was the following, offered by Mr. RANDALL:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to this House copies of all letters, telegrams, orders, and instructions relating to the organization and prosecution of the present movement against the so-called "whisky rings" at Saint Louis, Chicago, and Milwaukee.

Mr. RANDALL. I call the previous question on that resolution.

Mr. FORT. I would suggest to the gentleman to insert the words "if not inconsistent with the public interest."

Mr. RANDALL. I do not think that is necessary; there can be nothing in the information called for which Congress ought not to know.

Mr. PAGE. Is it in order to offer an amendment?

The SPEAKER *pro tempore*. That is not now in order, the previous question having been called. If the call for the previous question shall not be sustained, then an amendment would be in order.

The question was then taken upon seconding the previous question, and upon a division there were—ayes 93, noes 45.

No further count being insisted upon, the previous question was seconded, and the main question was ordered.

Mr. HOAR. Mr. Speaker——

Mr. RANDALL. I object to debate.

Mr. HOAR. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOAR. Is a motion to suspend the rules now in order?

The SPEAKER *pro tempore*. The morning hour has not yet expired.

Mr. RANDALL. That will not work.

The SPEAKER *pro tempore*. The morning hour will expire at ten minutes past one o'clock.

The question was upon adopting the resolution.

Mr. PAGE. If the gentleman will consent to make the resolution respectful, we will vote for it.

Mr. RANDALL. Respectful! We are hunting up testimony against those who have committed frauds.

Mr. HALE. The country will trust the Secretary of the Treasury twice where it will trust the other side of the House once.

Mr. FORT. You are very honest, all at once.

Mr. PAGE. I call for the yeas and nays upon the adoption of the resolution.

Mr. RANDALL. Let them have the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Will the gentleman allow a suggestion?

Mr. RANDALL. I object to debate.

Mr. PAGE. I ask the gentleman to yield to an amendment, to insert the words "if not incompatible with the public interest."

Mr. FORT. He has already been requested to do that and refused.

Mr. RANDALL. If I had the disposition to do it I have not now the power, as the previous question is operating.

The question was taken; and there were—yeas 143, nays 67, not voting 80; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., John H. Baker, Banning, Beebe, Bell, Blackburn, Bland, Blount, Boone, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Finley, Franklin, Fuller, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Thomas L. Jones, Kehr, Knott, Franklin Landers, Lawrence, Le Moyne, Levy, Lewis, Lord, Lynde, L. A. Mackey, Maish, McMahon, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, New, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Sayler, Scales, Schleicher, Schumaker, Sheakley, Slemons, William E. Smith, Southard, Sparks, Springer, Stone, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, Walsh, Warren, Erastus Wells, Whitthorne, Wigginton, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Fernando Wood, Yeates, and Young—143.

NAYS—Messrs. Adams, William H. Baker, Ballou, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Danford, Darrall, Denison, Dobbins, Dunnell, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hunter, Hyman, Joyce, Ketchum, Lapham, Leavenworth, Lynch, Edmund W. M. Mackey, MacDougall, McCrary, McDill, Miller, Monroe, Norton, O'Neill, Page, Plaisted, Pratt, Rainey, Rusk, Sampson, Smalls, Strait, Washington Townsend, Tufts, Van Vorhes, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Willard, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodburn—67.

NOT VOTING—Messrs. Ashe, George A. Bagley, Banks, Barnum, Bass, Blaine, Bliss, Bradford, Bradley, Chapin, Chittenden, John B. Clark, jr., of Missouri, Cox, Croome, Davy, Durand, Eames, Ely, Forney, Goodin, Hancock, Haralson, Hays, Hereford, Abram S. Hewitt, Hoge, Hooker, Hoskins, Hubbell, Hurd, Hurlbut, Jenks, Frank Jones, Kasson, Kelley, Kimball, King, Lamar, George M. Landers, Lane, Luttrell, Magoon, McFarland, Meade, Morey, Nash, Neal, Oliver, Packer, Phelps, William A. Phillips, Pierce, Platt, Purman, John Reilly, Roberts, Robinson, Sobieski Ross, Savage, Seelye, Singleton, Sinnickson, A. Herr Smith, Stenger, Stevenson, Stowell, Swann, Thomas, Thornburgh, Martin I. Townsend, Waldron, Walling, Ward, Whitehouse, Whiting, Wike, Andrew Williams, James Williams, Benjamin Wilson, and Woodworth—80.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. COCHRANE. My colleague, Mr. STENGER, is absent from his seat on account of important business.

Mr. DURAND. On this question I am paired with my colleague, Mr. WALDRON. If present he would vote "no" and I should vote "ay."

Mr. SOUTHARD. The gentleman from Missouri, Mr. CLARK, is confined to his room by illness.

Mr. BAKER, of Indiana. My colleague, Mr. ROBINSON, is absent by leave of the House.

Mr. WILLARD. My colleague, Mr. HUBBELL, is absent on account of important business. If present he would, I presume, vote "no."

Mr. WIGGINTON. My colleague, Mr. LUTTRELL, and the gentleman from Oregon, Mr. LANE, are confined to their rooms by sickness.

Mr. BRADLEY. On this question I am paired with the gentleman from Ohio, Mr. HURD. If here, he would vote in the affirmative and I should vote in the negative.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania, Mr. PACKER, who is absent on business, would, if here, vote "no." The gentlemen from Ohio, Mr. NEAL and Mr. WOODWORTH, are paired on this and similar questions.

The result of the vote was announced as above stated.

Mr. RANDALL. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. HOAR. I move to suspend the rules and adopt the following resolution——

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I presume the Chair does so now.

The SPEAKER *pro tempore*. The Chair was about to put the question on the motion of the gentleman from Pennsylvania, [Mr. RANDALL.]

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Ohio, [Mr. PAYNE.]

FRACTIONAL SILVER CURRENCY.

Mr. PAYNE. I move to suspend the rules and pass the joint resolution which I send to the desk, and which has the unanimous approval of the Committee on Banking and Currency.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury to an amount not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

Mr. STONE. I call for the yeas and nays on the motion to suspend the rules.

The question being taken on ordering the yeas and nays, there were ayes 16, noes not counted.

The SPEAKER *pro tempore*. In the opinion of the Chair a sufficient number have not arisen.

Mr. HOLMAN. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. HOLMAN and Mr. PAYNE were appointed.

The House divided; and the tellers reported ayes 38, noes not counted.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 73, not voting 82; as follows:

YEAS—Messrs. Adams, Bagby, John H. Bagley, jr., Ballou, Banks, Banning, Beebe, Bell, Blair, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Caswell, Caulfield, Clymer, Cochrane, Conger, Cowan, Crapo, Cutler, Danford, Davy, Denison, Durand, Ellis, Felton, Foster, Freeman, Frost, Garfield, Gause, Goode, Hale, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Hartridge, Haymond, Hendee, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoskins, Jenks, Joyce, Kehr, Ketchum, George M. Landers, Lapham, Leavenworth, Le Moyne, Levy, Lewis, Lord, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, McCrary, McDill, Metcalfe, Miller, Mills, Money, Monroe, Morey, Morrison, Mutchler, Norton, O'Brien, Odell, O'Neill, Page, Parsons, Payne, John F. Philips, Piper, Plaisted, Potter, Powell, Pratt, Rainey, Randall, Reagan, John Reilly, John Robbins, Miles Ross, Rusk, Sampson, Scales, Schleicher, Schumaker, Smalls, A. Herr Smith, Strait, Stowell, Tarbox, Teese, Thompson, Throckmorton, Washington Townsend, Tufts, Van Vorhes, Waddell, Wait, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Wigginton, Willard, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., Woodburn, and Young—135.

NAYS—Messrs. Ainsworth, Anderson, Atkins, John H. Baker, Bland, Blount, Boone, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, Cook, Culberson, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Evans, Faulkner, Finley, Franklin, Fuller, Glover, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Hartzell, Hatcher, Holman, Hooker, Hopkins, House, Hunter, Hyman, Thomas L. Jones, Franklin Landers, McMahon, Milliken, Morgan, William A. Phillips, Poppleton, Rea, Rice, Riddle, William M. Robbins, Sheakley, William E. Smith,

Southard, Sparks, Springer, Stone, Terry, Tucker, Turney, John L. Vance, Robert B. Vance, Gilbert C. Walker, Walsh, Whitthorne, James D. Williams, Wilshire, Fernando Wood, and Yeates—73.

NOT VOTING—Messrs. Ashe, George A. Bagley, William H. Baker, Barnum, Bass, Blackburn, Blaine, Bliss, Bradford, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Collins, Cox, Crounse, Darrall, Eames, Ely, Forney, Fort, Frye, Gibson, Goodin, Haralson, Harrison, Hathorn, Hays, Henderson, Hereford, Hoge, Hubbell, Hunton, Hurd, Hurlbut, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, Lane, Lawrence, Luttrell, Magoon, McFarland, Meade, Nash, Neal, New, Oliver, Packer, Phelps, Pierce, Platt, Purman, James B. Reilly, Roberts, Robinson, Sobieski Ross, Savage, Sayler, Seelye, Singleton, Sinnickson, Siemons, Stenger, Stevenson, Swann, Thomas, Thornburgh, Martin I. Townsend, Waldron, Walling, Whitehouse, Whiting, Wike, Andrew Williams, James Williams, Benjamin Wilson, and Woodworth—82.

So the rules were not suspended, (two-thirds not voting in favor thereof.)

During the vote,

Mr. DURAND stated that his colleague, Mr. WALDRON, was absent by leave of the House, and if present would vote in the affirmative.

Mr. BAKER, of Indiana, stated that his colleague, Mr. ROBINSON, was absent by leave of the House, and if present he thought he would vote in the negative.

The vote was then announced as above recorded.

MRS. MINNIE SHERMAN FITCH.

Mr. MORRISON. I am directed by the Committee of Ways and Means to report back a bill (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive free from duties a wedding present from the Khedive of Egypt, with the recommendation that it do pass. I move to suspend the rules and put the bill upon its passage at this time.

Mr. FAULKNER. I object to the passage of that bill.

The SPEAKER *pro tempore*. The gentleman from Illinois moves to suspend the rules and pass the bill.

The question was put to the House.

The SPEAKER *pro tempore*. The Chair thinks two-thirds have voted in the affirmative.

Mr. FAULKNER. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. FAULKNER. I now demand a division on the passage of the bill.

The House divided; and there were—ayes 126, noes 28.

Mr. HEWITT, of Alabama. I demand the yeas and nays.

Mr. MORRISON. The bill is passed, as my motion was to suspend all the rules and pass the bill.

Mr. RANDALL. The Chair declared the motion to suspend the rules and pass the bill carried when the yeas and nays were demanded, and the yeas and nays being refused, the bill was passed of course.

The SPEAKER *pro tempore*. Such is the fact. The gentleman from Illinois having moved to suspend the rules and pass the bill, the bill is therefore passed, the rules having been suspended for that purpose.

Mr. POPPLETON. I move to reconsider the vote by which the bill was passed.

The SPEAKER *pro tempore*. A motion to reconsider a suspension of the rules is not in order.

Mr. FAULKNER. Do I understand the Speaker to decide the yeas and nays cannot be ordered on the passage of the bill?

The SPEAKER *pro tempore*. The official reporter of the RECORD and the Clerk both agree that the motion was to suspend the rules and pass the bill, and that motion the Chair declared to be carried when the yeas and nays were demanded, and not being ordered, the rules were accordingly suspended and the bill passed.

WHISKY RING.

Mr. HOAR. I move to suspend the rules and adopt the following resolution:

The Clerk read as follows:

Resolved, That the House has entire confidence in the wisdom, integrity, and efficiency with which the Secretary of the Treasury has prosecuted and is prosecuting that class of offenders against the revenue laws known as the "whisky ring," and does not desire him to make public any information in regard thereto which in his judgment will impair the efficiency of such prosecutions.

Mr. RANDALL. That reverses what the House has done. I hope it will be voted down.

Mr. HOAR. I demand the yeas and nays.

Mr. BUCKNER rose.

The SPEAKER *pro tempore*. The gentleman from Missouri, [Mr. BUCKNER,] chairman of the Committee for the District of Columbia, rising to call up the District of Columbia business at the hour of two o'clock, under the rule, the Chair decides he has the absolute right to call it up to the exclusion of all other business. The third Monday of each month, after two o'clock, is set aside for that purpose; and it has always been held by every Speaker that that business is privileged over every other at that hour on the third Monday of each month.

Mr. HOAR. I suppose that the resolution on which I have moved a suspension of the rules is pending and will come up when it is again in order to suspend the rules?

The SPEAKER *pro tempore*. Yes, sir.

Mr. BUCKNER. I yield to the gentleman from California [Mr. PIPER] to introduce a bill for reference.

Mr. PIPER. I desire to introduce a bill for reference to the Committee on Commerce, to restrict the immigration of Chinese to the United States.

Mr. HOAR. I make the point that if I am taken off the floor by the gentleman from Missouri he cannot yield to other gentlemen.

Mr. BUCKNER. Very well. Then I yield the floor to my colleague on the Committee for the District of Columbia, the gentleman from Vermont, [Mr. HENDEE.]

CAPITOL, NORTH O ST. AND SOUTH WASHINGTON RAILOAD COMPANY.

Mr. HENDEE, from the Committee for the District of Columbia, reported back, with the recommendation that it do pass, the bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act to incorporate the Capitol, North O Street and South Washington Railway Company," approved March 3, 1875, be, and the same is hereby, amended so as to authorize and allow said company to extend its line on Fourth and Eleventh streets west from O street to P street north, and to lay a single track and run its cars one way upon P street between Fourth and Eleventh streets, instead of laying a double track and running its cars both ways upon O street.

Mr. HENDEE. Mr. Speaker, the only object of this bill, which has come to us from the Senate, is to allow the O street road, as it is called, to build its track between Fourth and Eleventh streets, in the northern portion of the city on P street instead of O street. The company has one track on O street. That street is too narrow for two tracks, and it has been thought best in the interests of the property on those streets and the business of the city that the company be allowed to put one of its tracks on P street. I think there can be no objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHOCTAW NATION OF INDIANS.

Mr. WILSHIRE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3463) for the relief of the Choctaw Nation of Indians; which was read a first and second time, recommitted to the Committee on Indian Affairs, and, with the accompanying report, ordered to be printed.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. HENDEE also, from the Committee for the District of Columbia, reported back, with the recommendation that it do pass, the bill (H. R. No. 2962) to amend the act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington."

Mr. HENDEE. If no one asks for the reading of the bill, I will make a short explanation of its purpose.

Mr. WILSON, of Iowa. I think the bill should be read.

The bill was read, as follows:

Be it enacted, &c. That the act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington," approved March 2, 1867, be, and the same is hereby, amended as follows, namely:

SECTION 1. That the joint stock company of the Young Men's Christian Association be, and it is hereby, authorized and empowered to borrow, on the security of the real estate now owned by it in square No. 407, in the city of Washington, District of Columbia, not exceeding the sum of $33,000, at a lawful rate of interest, for the purpose of paying off the debt now due from said joint stock company to the Freedman's Savings and Trust Company, and to secure which said indebtedness the said Freedman's Savings and Trust Company now holds a deed of trust upon said real estate, the validity of which is doubted and is in dispute.

SEC. 2. That in order to secure the amount authorized to be borrowed by the preceding section, the said joint stock company is hereby authorized to execute and deliver its note for the amount borrowed under authority of this act, bearing such lawful rate of interest, and payable at such time, principal and interest, as may be agreed upon between it and the persons from whom it may borrow such money; and to secure the payment of such note and interest, to convey said property to two trustees in fee-simple, with power in said trustees, or the survivor of them, to sell said property at public auction, in case of default made in the payment of said note, or any installments of interest due thereon, upon such terms and after such notice by advertisement as the said trustees, or the survivor of them, may deem best for the interest of all parties concerned; and to convey the same to the purchaser in fee-simple.

SEC. 3. That the rents and revenues derived from said property shall be retained by the board of directors of said joint stock company, and applied to the payment of indebtedness hereby authorized, and shall not be applied to the payment of interest on the capital stock of said corporation until said indebtedness is fully paid.

SEC. 4. That nothing herein contained shall be construed as authorizing said joint stock company to encumber said real estate for any other purpose or in any other manner.

Mr. HENDEE. A short statement in explanation of this bill may be necessary. This joint-stock company built heretofore a fine building upon Ninth street in this city, and, after exhausting the money raised from stock subscriptions, borrowed of the Freedman's Bank $33,000. The Freedman's Bank has brought a suit against the institution to recover that money. The company has found an opportunity by which it can borrow sufficient to pay that debt. But in the original charter there is no power given by which they can encumber the property.

This bill simply gives the joint-stock company power to mortgage this property for the purpose of raising $33,000 to pay the debt which it owes to the Freedman's Bank. The Young Men's Christian Association is a small stockholder in the joint-stock company, but is not responsible for its acts, nor for any default which may have been allowed to occur by the stock company in regard to its loan from the Freedman's Bank.

I hope the bill may pass. It will allow the joint-stock company to borrow this money and pay the debt of the Freedman's Bank, which is now, I think, in a judgment.

Mr. DOUGLAS. I am not disposed to throw any obstacle in the way of any measure by which the Freedman's Bank can be put in the way of getting the money out of which it has been so long kept by this double-jointed association, which is sometimes called the building company of the Young Men's Christian Association, and sometimes the Young Men's Christian Association itself.

The explanation of the gentleman from Vermont is perhaps correct. I am not prepared to say it is not. But I would like to know what there is peculiar in this case requiring the passage of this bill? This building association is an incorporated body. What is there peculiar in the circumstances of this artificial person known as a corporation which makes it differ from any other? For without any special provision in the charter creating one of these artificial things known as a corporation, they all have the power to contract and be contracted with, to sue and be sued. I see no reason why this corporation should be different in this respect from every other. If there is any peculiarity about it, no doubt the gentleman from Vermont can point it out. At any rate I am not disposed to be very critical in this regard. If the object is, as I understand from the gentleman from Vermont, to enable these associations both combined, or either of them, to refund to the Freedman's Bank the money borrowed, I will go heartily hand in hand with the gentleman in favor of its passage.

Mr. HENDEE. The gentleman from Virginia has incidentally correctly stated the purpose of this bill. It has been usual in granting charters in this District to put in a provision by which property held by companies might be mortgaged or pledged for the security of money borrowed. But in this charter it was omitted. Now a suit has been brought for the recovery of the $33,000, and I think a judgment has been obtained this last week, although about that I am not certain. At any rate the case is pending in the courts, and if judgment be obtained for the amount, if it has not already been obtained, it will have to be paid to save a sale of the property. A party proposes to loan this corporation the $33,000, so that the Freedman's Bank may be paid immediately and without further cost; but good counsel have advised the company that it has no power to pledge its property for that purpose. The party will loan the money if he can be secured by a lien on the property. This bill, if passed, will inure to the benefit of the joint-stock company as well as to the Freedman's Bank.

Mr. DOUGLAS. I desire to ask the gentleman a single question. The bill as explained meets my entire approval; but what guarantee is there that the Freedman's Bank will get the money?

Mr. HENDEE. The bill provides that the Freedman's Bank shall have the money and that the property shall be mortgaged to raise money for that purpose, and that it shall not be used for any other purpose.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 159) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California;

An act (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry;

An act (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; and

An act (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

RECORDING OF DEEDS, MORTGAGES, ETC.

Mr. CRAPO, from the same committee, reported back the bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia, with the amendments of the Senate thereto, and with the recommendation that the amendments of the Senate be concurred in.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 446 and 447 of the Revised Statutes relating to the District of Columbia, passed at the first session of the Forty-third Congress, 1873 and 1874, be, and the same hereby are, repealed; and there is enacted in lieu thereof the following:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds shall take effect and be valid, as to creditors, and as to subsequent purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage, conveyance, covenant, agreement, or instrument in writing shall have been acknowledged, proved, or certified, as the case may be, and delivered to the recorder of deeds for record, and from that time only.

The amendments of the Senate were read and concurred in, as follows:

And the recorder of deeds shall note on each deed or other instrument of writing required by law to be recorded the time of delivery of the same to him to be recorded.

SEC. 2. That this act shall not be so construed as to affect any deed or other instrument of writing heretofore recorded.

Mr. CRAPO moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROBATE BUSINESS IN THE DISTRICT OF COLUMBIA.

Mr. CRAPO also, from the same committee, reported back, with amendments, the bill (H. R. No. 3046) to amend the law with respect to wills, to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes.

The amendments were read, as follows:

In section 5, line 5, strike out "three" and insert "four;" so that it will read, "between the hours of nine in the forenoon and four in the afternoon."

In section 2, line 69, insert the word "twenty" before the word "five;" so that it will read, "twenty-five."

Mr. HOLMAN. I think it better that the bill should be read as proposed to be amended.

The Clerk read the bill, as proposed to be amended, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register of wills of the District of Columbia is hereby declared to be an officer of the supreme court of said District, and shall hereafter be appointed by said court, and all official acts of said register, and all proceedings of said court holding a special term for orphans' court business, and all transcripts from the books or records of said register's office which require to be authenticated by seal, shall be so authenticated by the seal of said court and the signature of said register.

And until a future appointment shall be made, as aforesaid, the present register of wills is hereby continued in office, and all the provisions of this act shall apply to him in like manner as if he were newly appointed in pursuance of this act.

SEC. 2. That from and after the passage of this act, in lieu of the fees heretofore allowed to the said register of wills, there shall be allowed and paid to him the following fees, and no other; that is to say:

First. For filing a will and any number of codicils, administering all necessary oaths, taking the deposition of the subscribing witness or witnesses, and entering the judgment or order of court admitting the same to probate, in a case where there is no contest, $1.

Second. For granting and issuing, under the seal of the court, of letters testamentary or of administration, letters *de bonis non* or *ad colligendum*, (whether one or more persons be included therein,) and administering the necessary oaths to the person or persons to whom such letters shall be granted, seventy-five cents.

Third. For every exemplification of letters under seal or certificate under seal of the appointment of an executor, administrator, collector, or guardian, when the same is demanded, and not otherwise, twenty-five cents.

Fourth. For drafting, taking, filing, and recording bond of executors, administrators, collectors, or guardians, and administering all necessary oaths, seventy-five cents.

Fifth. For drafting, filing, and entering the renunciation of a widow, executor, guardian, or other person, irrespective of the number of persons joining in the same renunciation, twenty-five cents.

Sixth. For issuing warrant, under seal, to appraisers, and administering necessary oaths to them, fifty cents.

Seventh. For notice of executor or administrator to creditors, and entering orders of court thereon, twenty-five cents.

Eighth. For filing and entering a caveat, twenty-five cents.

Ninth. For issuing a citation under seal, whether one or more persons be named therein, fifty cents; for every copy thereof demanded, ten cents.

Tenth. For filing and indorsing list of articles appraised, or list of articles sold at vendue, ten cents.

Eleventh. For writing any affidavit or probate of executor, administrator, collector, or guardian to any inventory, account of sales, list of debts, or any account required by law to be verified and not herein specially provided for, and administering all necessary oaths, twenty-five cents.

Twelfth. For entering order of court appointing persons to ascertain and report the annual value of the real or personal estate of minors, and issuing warrant under seal, including the administration of all necessary oaths, seventy-five cents.

Thirteenth. For entering order of court appointing guardian and approving bond, twenty-five cents.

Fourteenth. For taking, filing, and recording the indenture or recognizance of an apprentice, fifty cents.

Fifteenth. For examining and passing any claim against a deceased person's estate and indorsing a certificate thereof ou such claim when passed, including the preparation of the affidavit and administration of the oath thereto, twenty cents.

Sixteenth. For stating, passing, and filing the account of an executor, administrator, collector, or guardian, including all searches and references for that purpose, and administration of all necessary oaths, when the account does not exceed seventy-five items, $3; every additional item, two cents.

Seventeenth. For examining, passing, and filing an account of an executor, administrator, or guardian, not stated by the register, including all necessary searches and references for that purpose and the administration of all necessary oaths, $2.

Eighteenth. For making outand filing an account of the distribution of the balance of a deceased person's estate, including all necessary searches and references, fifty cents; and, in addition, for every person named in said distribution, either as legatee, heir, or creditor, twenty-five cents. Where such account of the balance of distribution is not made by the register, no fee shall be allowed him save for filing and recording it.

Nineteenth. For issuing subpœna, twenty-five cents; all witnesses to be included in one subpœna, unless separate ones are required by the party applying therefor.

Twentieth. For a *subpœna duces tecum*, twenty-five cents.

Twenty-first. For taxing all costs in any one case, to be charged only once against each estate, twenty-five cents.

Twenty-second. For writ of execution under seal, twenty-five cents.

Twenty-third. For commission under seal to examine witnesses, fifty cents.

Twenty-fourth. For issuing attachment and entering motion therefor, fifty cents.

Twenty-fifth. For taking a recognizance, twenty-five cents.

Twenty-sixth. For taking, filing, and recording every bond not hereinbefore provided for, including all necessary oaths, $1.

Twenty-seventh. For administering any oath not hereinbefore provided for, five cents.

Twenty-eighth. For issuing, under seal of court, a writ of execution on definitive sentence, a writ of sequestration, an attachment on a decree, a writ of *scire facias*, a *dedimus potestatem*, to take answers on interrogatories, a commission to examine witnesses, a commission or warrant to audit accounts or marshal assets, or any other writ or process not hereinbefore particularly enumerated and provided for, for every ten words or figures thereof, two cents.

Twenty-ninth. For filing and indorsing petitions and all other papers not hereinbefore specially provided for, for each paper, five cents.

Thirtieth. For making all docket entries and indexes, for every ten words or figures, two cents.

Thirty-first. For entering on the minutes of the court any order, judgment, decree, or sentence, of whatsoever nature, or making any other entry required by law to be made in said minutes, save those hereinbefore provided for, at the rate of fifteen cents for every hundred words or figures thereof.

Thirty-second. For recording any will, inventory, account, or other paper not hereinbefore specifically provided for, where the same is required by law or by order of court to be recorded, at the rate of ten cents for every one hundred words or figures thereof.

Thirty-third. For making any copies of any will, account, or any other paper whatsoever, when the same is demanded by the parties, and not otherwise, at the rate of ten cents for every one hundred words or figures thereof; but no fee shall be charged when the party himself makes a copy.

Thirty-fourth. For every certificate, under seal, not hereinbefore specially provided for, when the same is annexed to any paper at the request of any party, and not otherwise, twenty-five cents.

SEC. 3. That the said register shall keep a general docket, whereon shall be entered in order all causes, *ex parte* or otherwise, which shall hereafter be commenced in the special term of the supreme court of the District of Columbia for orphans' court business, and all causes which are now pending therein, in which no account of administration or guardianship has yet been stated. And the said register shall cause to be entered upon said docket all proceedings had in any such cause, and shall also note therein, in plain figures, each and all fees chargeable by him in each cause, the amount of the fee to be set opposite the matter for which it is charged. And the said register shall cause to be recorded every will and testament admitted to probate in the District of Columbia.

SEC. 4. That the said register shall, within three months from the passing of this act, set up in some conspicuous part of his office fair tables of the fees hereinbefore prescribed, on pain of forfeiting, for each day the same shall be missing through his neglect, the sum of $10, to be recovered by any one suing therefor in the same manner in which debts of the same amount are recovered.

SEC. 5. That for the purposes for which fees are chargeable as aforesaid and for inspection of the records made by the said register his office shall be open on all days, excepting legal holidays, between the hours of nine in the forenoon and four in the afternoon; that the salary, emoluments, and fees of said register shall not exceed the sum of $3,500 per annum, and the excess of fees collected by him, after defraying the necessary expenses of his office, including clerk hire, shall be paid into the Treasury of the United States; that the said register shall make semi-annual returns of the amount of fees received by him to the Secretary of the Treasury, and the accounts of his earnings and expenses shall be rendered and adjusted in the same manner and at the same times as the accounts of the clerk of said court are now by law required to be rendered and adjusted, and the said court shall have the same power to pronounce orders or decrees in the premises respecting said register that it has in like cases respecting the clerk.

SEC. 6. That all writs issued or ordered to issue by the justice of the supreme court of the District of Columbia administering the orphans' court jurisdiction of said court shall be served by the United States marshal for the District of Columbia, who shall be allowed the following fees for such service, namely:

For serving a citation, summons, subpœna, or rule to show cause, for every person upon whom such service is had, fifty cents.

For serving an attachment, for each person served, $1.

For all other writs, the same fees which are now allowed by law for serving the same writs when issued by the justice holding the law or equity term of said court.

SEC. 7. That in all cases in which the court has no notice of an intention to contest the probate of a will or the granting of letters of administration, and in which one or more of the witnesses to the will appear in court to testify, or where the handwriting of such witness or witnesses, if not living or within the jurisdiction of the court, is proved in the manner now provided by law, and the party or parties named in the will as executor or executors, or entitled by law to letters of administration, furnish to the court, by the affidavit or oral testimony of a credible witness or witnesses, proof of the death of the testator or intestate, of his last place of abode or domicile, of the probable amount of his personal property, its character, and where located, of the identity of the party or parties applying for letters, and of his or her title to such letters, the court, in its discretion, may proceed to determine upon the evidence before it whether the will shall be admitted to probate or letters granted, without requiring notice to the devisees, legatees, or next of kin, by citation, publication, or otherwise, to be first given; and whenever any will is admitted to probate, the same shall be recorded, and the record thereof shall be *prima facie* evidence of any devise of real estate therein made in any suit, action, or proceeding instituted in the supreme court of the District of Columbia, provided the record show that the said will was executed as by law required: *Provided*, That such probate shall not be regarded as *prima facie* evidence in any proceeding instituted to contest the validity of such will or testament.

SEC. 8. That every will hereafter made shall be construed with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

SEC. 9. That where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

SEC. 10. That every will or testament, made by a man or woman, shall be revoked by his or her marriage, (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not, in default of such appointment, pass to his or her heir, executor, or administrator, or the person entitled as his or her next of kin, under the statute of distributions.)

SEC. 11. That no will or testament shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

SEC. 12. That in case a will be attested by a person to whom, or to whose wife or husband, any beneficial interest in any estate is thereby devised or bequeathed, if the will may not be otherwise proved, such person shall be deemed a competent witness, but such devise or bequest shall be void, except that, if such witness would be entitled to any share of the estate of the testator in case the will were not established, so much of his share shall be saved to him as shall not exceed the value of what is so devised or bequeathed.

SEC. 13. That from and after the passage of this act, unless a contrary intention shall appear by the will, when a devise, legacy, or bequest is made to a child or other relation of the testator, and the devisee or legatee dies before the testator, leaving issue who survive the testator, such issue shall take the estate so given in the same manner as the devisee or legatee would have done if he had survived the testator.

SEC. 14. That after the passage of this act two witnesses shall be sufficient to attest and subscribe any will made to devise real estate in the District of Columbia.

SEC. 15. That no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof or by a codicil showing an intention to revive the same; and when any will or codicil which shall be partly revoked and afterward wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

SEC. 16. That no conveyance or other act made or done subsequently to the execution of a will, of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

SEC. 17. That whenever a testator having no child living makes a last will and testament or a codicil wherein any child that he might thereafter have is not mentioned or provided for, and after the making thereof shall have a child born, whether in the life-time or after the death of the testator, and such testator shall die without making any provision by settlement or otherwise for the child so after born, the will and testament or codicil by him made, except so far as it provides for the payment of the debts of the testator and the necessary charges upon his estate, shall be construed as if the devisees and bequests therein made had been limited to take effect in the event that such child shall die under the age of twenty-one years unmarried and without issue.

SEC. 18. That, if a will be made when a testator has a child living and a child be born afterward, such after-born child, or any descendant of his, if not provided for by any settlement, and neither provided for nor expressly excluded by the will, but only pretermitted, shall succeed to such portion of the testator's estate as he would have been entitled to if the testator had died intestate; toward raising which portion the devisees and legatees shall, out of what is devised and bequeathed to them, contribute ratably, either in kind or in money, as a court of equity, in the particular case, may deem most proper. But if any such after-born child or descendant die under the age of twenty-one years, unmarried and without issue, his portion of the estate, or so much thereof as may remain unexpended in his support and education, shall revert to the person to whom it was given by the will.

SEC. 19. That the illegitimate child or children of any female, and the issue of any such illegitimate child or children, shall be able and capable in law to take and inherit both real and personal estate from their mother or from each other or from the descendants of each other, as the case may be, in like manner as if born in wedlock.

SEC. 20. That a special term be held every month of the year by the supreme court of the District of Columbia for the transaction of business appertaining to a probate or orphans' court; that one of the justices of said court may hold such special term, and shall sit for the transaction of its business at least twice a week. The said court shall have all the duties, powers, and jurisdiction which were devolved upon, vested in, and possessed by the judges of the orphans' court within the State of Maryland prior to the 27th day of February, 1801.

SEC. 21. That the supreme court of the District of Columbia, when holding a special term for the orphans' court business, shall have the like powers, jurisdiction, and authority for enforcing the attendance of persons required by it, and for punishing persons failing, neglecting, or refusing to produce deeds, evidences, or writings, or refusing to appear to be sworn or make affirmation or declaration, or to give evidence, or guilty of contempts, and generally for enforcing all orders, decrees, and judgments made or given by the court under this act or other acts of Congress in force, or acts of the assembly of the State of Maryland continued in force by any act of Congress, touching orphans' court matters, and otherwise in relation to the matters to be inquired into and done by or under the orders of the court as are or may hereafter be by law vested in the said court holding a special term for the hearing of equity suits and matters, for such purposes in relation to any suit or matter in equity depending.

SEC. 22. That any party aggrieved by an order, decree, or judgment of the court holding a special term for orphans' court business may appeal therefrom to the general term: *Provided*, That such appeal be made within thirty days after such order, decree, or judgment; and upon such appeal the general term shall review such order, decree, or judgment, and affirm, reverse, or modify the same, as shall be just.

SEC. 23. That in case a witness to a will shall be dead, insane, or incompetent to testify, the court holding the special term for orphans' court business, upon proof thereof, may, if it becomes necessary, take and receive proof of the handwriting of such witness, and of the handwriting of the testator, and of such other facts and circumstances as would be proper to prove such will on a trial at common law.

SEC. 24. That the supreme court of the District of Columbia holding a special term for orphans' court business shall have full and sole power and authority, subject to appeal to the general term, to order the sale of the real estate of the ward, or any part thereof, whenever the same may become necessary or expedient. The said court shall have like power and authority to permit the guardian to borrow money for the benefit and improvement of the ward's estate or for the maintenance and education of the ward, and to secure the same by the giving of a mortgage or deed of trust with power of sale on the ward's real estate, or some part thereof if, in the opinion of the court, the ward's interest in his property would thereby be better protected than by sale of the property. The said court shall exercise the power hereby conferred only when a petition for the purpose is presented by the guardian or next friend of the ward, showing proper cause for the exercise of the power, and supported by the testimony of one or more disinterested witnesses, which testimony shall be satisfactory to the court. The proceeds of all sales, whether made under the immediate direction of the court or by mortgagee, trustee, or trustees, under the mortgage or deed of trust given by the guardian shall be brought into court, and be held subject to its order, and all such sales shall be made subject to the confirmation of the court. Whenever the guardian shall borrow money for the ward by direction of the court, under this act, the kind of security, the amount thereof, the selection of trustee or trustees, if any, the terms of sale, and the provisions as to the distribution of proceeds shall be subject to the approval of the court, which may make any directions in respect to the security that may be necessary to keep the ward's interest in his property within the protection of the court holding the special term aforesaid.

SEC. 25. That a guardian having the care and custody of a ward's real property may lease the same for a term embracing any period of time within the nonage of the ward, provided he obtain the approval of the supreme court holding a special term for orphans' court business for any leasing of the ward's property for a term embracing a longer period of time than three years.

SEC. 26. That whenever any sale shall be made of any real estate by any executor or executors in pursuance of any authority, power, or direction contained in a will or codicil, or by force thereof, either for the payment of debts or of legacies, or for the support of children, or for the distribution of the proceeds, or for other purposes, the purchaser or purchasers of such real estate may, upon the court's order, pay the purchase-money or consideration of such sale into the supreme court of the District of Columbia holding a special term for orphans' court business, having the jurisdiction of the accounts of such executor or executors, or with leave of such court, to the executor or executors making the sale, to be by him or them disposed of according to the uses and trusts contained in such will or codicil, and any such payment shall be deemed valid against all persons having or who may have an interest therein: *Provided*, That before any such order shall be passed by the court or any act done by the court in the premises, the person or persons intrusted to sell the property shall give adequate security to the United States of America, to be approved by said court, conditioned for the faithful execution of the trust and proper application of all moneys to be received according to the uses and trusts of the will and the decree of the court, which security shall inure to the benefit of all parties interested; and upon such security being so given, no purchaser shall be bound to

see to the application of the purchase-money, or be in any manner liable to be affected by the former trusts or limitations upon the premises.

SEC. 27. That no sale made by an executor or executors of land in the District of Columbia shall be valid or effectual unless ratified or confirmed by the supreme court of the District of Columbia holding a special term for orphans' court business in the same manner practiced in cases of sales of land under decrees in equity; and the bond of any such executor or executors shall be answerable for the proceeds of sales of real estate which may come into his or their possession to the same extent as if it were personal estate in his or their hands. The said court shall require in the premises the same kind and amount of security as in cases of personal property.

SEC. 28. That where a devise or conveyance is made to two or more persons not trustees, the devisees or grantees shall take and hold as tenants in common and not as joint tenants, unless it is expressly stated or provided in said devise or conveyance that the property thereby devised or conveyed is to be held in joint tenancy.

Mr. HOLMAN. I called for the reading of that bill hoping that at this enlightened capital of the nation the general drift of legislation throughout the country for the last fifty years in regard to the administration of estates would have had a very full development, and that either the surrogate system or the prothonotary system with commissioners' powers would have been adopted as the system of administering probate matters in this District.

I do not think the gentleman who reports this bill is chargeable for this ancient system of legislation. He comes from New England, where the surrogate system had its origin. But I understand the truth to be that the bill was framed under the auspices of the learned bar of this city, and accommodates itself somewhat to the legislation of Maryland and Virginia. My friend from Massachusetts [Mr. CRAPO] is well aware of the fact that the prothonotary system in all of its various forms, wherever adopted, has continued to be the system of administrating the probate laws in the various States of the Union; that it has been found far the most effective system that has been devised, and that the system of authorizing or throwing probate business to the courts of general jurisdiction has been found to leave the business in the hands of persons not invested with judicial powers. The court itself gives but little attention to that class of business.

There are States where the adoption of the prothonotary system could not be possible in counties where there is a sparseness of population, but I believe that in every State where the population justifies it a system corresponding with the prothonotary system has been adopted and found admirably adapted to that class of business, while the fact of throwing that class of business into the courts of general jurisdiction is to have this class of business to be administered by the clerk alone. If the clerk were invested with judicial powers and his office was increased in responsibility it would almost certainly secure an efficient officer for the discharge of these duties, because the handsome salary proposed to be paid here, $5,000 a year, would secure very efficient and good officers. I regret that that system has not been adopted, but at the same time I did not rise to antagonize the bill. I trust that we shall soon see this register of wills converted into a prothonotary or surrogate or judge, with power to administer the business of his own office with the right of appeal.

Mr. CRAPO. It is true, as the gentleman from Indiana [Mr. HOLMAN] says, that this bill was first prepared under the auspices of the Bar Association of the District of Columbia; but it has been subjected to, and has received, such changes and modifications as have seemed best to the Committee for the District of Columbia. It was thought that lawyers residing here in the District and practicing here were more familiar with the features of the present system and better aware of the methods necessary to be adopted to obviate the defects of that system and to meet the wants of the people of the District than strangers would be.

It will not be necessary for me to explain the bill in detail, section by section; a simple statement of its general character and purpose I think will be sufficient. By reference to the Revised Statutes relating to the District of Columbia, it will be seen that there are no special, expressed statutory provisions relating to the disposition of property by will or to the distribution of intestate effects. There are provisions in the statutes relating to the appointment of administrators, executors, and guardians, the giving of bonds by them, their qualifications, and the proper methods of administering their trusts. But concerning the distribution of property, both of persons dying testate and persons dying intestate, there is nothing in the statutes of the District of Columbia except by reference, as stated in section ninety-two, which reads as follows:

> The laws of the State of Maryland, not inconsistent with this title, as the same existed on the 23d day of February, 1801, except as since modified or repealed by Congress, or by the authority thereof, shall continue in force within the District.

The law governing the disposition of property, both real and personal, of persons deceased in the District is the law of Maryland as it existed in 1801. Since that time, during the past seventy-five years, there have been of course many changes in the Maryland code, as there has been in the laws of the several States, upon this subject. In this branch of the law, as in other branches, there has been much progress; but in that progress the District has not shared. The result is a system of probate law in this District which is antiquated, inadequate, and entirely unsuited to the present time.

I will cite a single example. Under the present law in this District—that is, the law of Maryland of 1801—a will relates only to the specific property the testator held at the date of the making of the will. All subsequently acquired property and all property changed by sale and re-investment was not operated upon by the will; that is, such subsequently acquired is treated as outside of the will and is subject to the laws of distribution as intestate assets. This is simply one illustration of the imperfection of the present probate laws of this District when compared with more modern legislation upon the subject.

The provisions of this bill relating to wills and their legal effect and to the distribution of property are similar to the statutes of Maryland, Virginia, and Pennsylvania, the States which are in the immediate neighborhood of the District and with which the people of the District are in the closest relations both personally and socially.

The probate law of this District was formerly administered under an orphans' court as a separate court. By an act of Congress, approved June 21, 1870, the orphans' court of this District was abolished, and all the powers and duties of such orphans' court were transferred to the supreme court of the District of Columbia. While some of the provisions of the act of 1870 were incorporated in the revised code for this District, the provision conferring upon the supreme court of the District the jurisdiction of the orphans' court was omitted, or, if not omitted, it was not stated in express terms. This omission has raised a doubt as to the jurisdiction of the supreme court in probate matters. The bill now under consideration remedies this omission and doubt.

Under the law of 1870 abolishing the orphans' court it was provided (chapter 141, section 5) that nothing in that act should be construed as abolishing the office of register of wills. The bill now under consideration does not abolish that office or interfere with it. The present register of wills, who, I understand, is discharging his duties acceptably and satisfactorily, still remains under this bill as register of wills. The change made is with reference to the future appointment of that officer. In case of a vacancy, the office is to be filled by appointment of the judges of the supreme court of the District rather than by nomination of the President, as is now the case.

There is a change made by this bill in the fee bill for the transaction of probate business. Under the present law there is no accounting by the register of wills for the fees which he receives; there is no docket kept showing the amount of fees in each particular case. It is provided by their bill that all fees received by him shall be docketed, so that their amount may be known, and that he shall account for those fees to the Government of the United States.

Under the present law, the register of wills has received all the fees of the office, paying from them the clerical service which he has employed; and the balance has been taken for his own compensation. There is no exact or accurate means of knowing just what the amount of that compensation has been; but this bill provides that while all the fees shall be accounted for and turned into the Treasury, the compensation of this officer shall be limited to $3,500 a year.

There has been a reduction in the fee bill. The amounts charged for various services in the probate office were fixed by statute in 1824, and have remained with but slight modifications until the present time. The committee have thought that with the increase of population and property in the District those fees might be somewhat reduced; and they have been reduced upon the principle which has been thought to be correct, that while the fees should make the office self-supporting, it should not be made specially the source of revenue either to the District or to the General Government. The amendments proposed by the committee are simply formal; and, unless some gentlemen desire to ask questions with reference to the bill, I ask that it be put on its passage.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. No. 3368) appropriating $9,000 to pay the expenses of the Select Committee to Investigate the Federal Offices in Louisiana; and

A bill (H. R. No. 2427) to amend the act entitled "An act to encourage the growth of timber on western prairies," approved March 13, 1874.

The message also announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested:

A bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 699) to confirm the sale of the marine-hospital building and grounds at Natchez, in the State of Mississippi.

INTERMENTS IN CONGRESSIONAL CEMETERY.

Mr. WILLARD, from the Committee for the District of Columbia, reported back, with a recommendation that it pass, the bill (S. No. 679) relative to interments in the Congressional Cemetery.

The bill was read. It provides that hereafter, whenever any deceased Senator or member of the House of Representatives shall be actually interred in the Congressional Cemetery, so called, it shall be the duty of the Sergeant-at-Arms of the Senate in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives in

the case of a member of the House, to have a monument erected of granite, in the form of the cenotaph heretofore provided, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent fund of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions are authorized to be supplied in like manner. All previous laws upon the subject of monuments in the Congressional Cemetery are repealed.

Mr. HOAR. I wish the gentleman having charge of this bill would allow an amendment to strike out the provision that all monuments hereafter to be erected shall be in the form of the cenotaph heretofore provided. It is certainly adding new terror to death to propose that in any contingency, whatever may be the poverty or degradation of any member of Congress, his body should be put under a structure similar to the cenotaphs now there, which are only excusable on the ground that nobody is buried under them. I cannot conceive of an uglier shape to be made out of granite or marble than those cenotaphs now there. To propose gravely to require by law that for all time structures of that fashion shall be placed over deceased Congressmen seems to me a little too bad. I move to amend the bill by striking out the words "in the form of the cenotaph heretofore provided."

Mr. WILLARD. I do not know that I have any objection to this amendment. I suppose that the words which the gentleman proposes to strike out were put in the bill with the idea of making the new monuments correspond in shape with those already erected. But I have no objection to the amendment.

The amendment was agreed to.

Mr. WILLARD. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. WILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNATION OF GROUND FOR AN ALLEY.

Mr. WILLARD also, from the Committee for the District of Columbia, reported back, with a recommendation that it pass, the bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes.

The bill was read.

The first section authorizes the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for the purpose of locating a public alley in that square, should they deem the abandonment of the projected alley compatible with the interests of the public; but the abandonment is only to be made upon the petition of a majority of the residents and owners of the property in that square.

The second section directs that the commissioners shall take steps to recover into the treasury of the District of Columbia any damages paid to any person or persons occupying or owning property in the square named where the property of said person or persons has been in no manner interfered with or damaged; and that, upon such recovery, the commissioners shall refund any benefits assessed against any person or persons owning or occupying property in the square, provided such benefits shall have been paid.

The bill was ordered to a third reading, read the third time, and passed.

Mr. WILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. E. HALL.

Mr. CATE, from the Committee for the District of Columbia, reported back a bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the commissioners of the sinking fund of the District of Columbia to pay out of moneys in their hands to the legal representatives of the estate of Mrs. A. E. Hall, widow of David A. Hall, deceased, the sum of $1,955, being the amount found to be due the estate of said David A. Hall by the accounting officers of said District, pursuant to the opinion of the attorney of said District in relation to the liability of said District to said estate for taxes collected and illegally detained from said deceased, and interest thereon.

Mr. CATE. I will make a brief statement of the facts in this case.

Mr. HOLMAN. I wish to reserve the question of order on this bill.

Mr. CATE. Before proceeding with my remarks, I will allow the question of order to be decided as to whether this bill can be considered in the House or must under the rule be referred to the Committee of the Whole on the Private Calendar.

Mr. BUCKNER. This bill does not affect, as I understand, the funds of the Government at all, but only the funds of the District in the hands of the sinking-fund commissioners. I have been advised by my friend that he did not think it was a case of that sort which under the rules must be referred to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN. I did not hear the bill distinctly when it was read, and do not know whether it merely directs money of the District to be paid by the sinking-fund commissioners or not.

The SPEAKER *pro tempore*. The Chair understands this money has been heretofore appropriated by Congress, and that this bill merely proposes the payment out of a fund already in the hands of the commissioners belonging to the District.

Mr. HOLMAN. I hope the bill will be again read.

The bill was again read.

Mr. HOLMAN. If this money had been appropriated heretofore out of the Treasury and placed under the control of the commissioners of the sinking fund of this District, then the application of that money by this bill would come within the rule adopted at the first session of the last Congress, although not covered by the former rule. That rule applied not only to appropriations of money out of the Treasury but to bills requiring payment out of appropriations previously made. I do not recollect the number of the rule.

Mr. BUCKNER. Rule 112.

Mr. HOLMAN. Rule 112. If this is the money of the District of Columbia and not appropriated out of the national Treasury, then I concede the point of order does not lie.

Mr. BUCKNER. The sinking-fund commissioners of this District have no other funds than those arising from the collection of taxes in this District.

Mr. HOLMAN. I do not persist on the point of order, in that event.

The SPEAKER *pro tempore*. Rule 112 provides that all proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. HOLMAN. On reflection I wish to state that I do desire a ruling of the Chair on this point, as there seems to be great diversity of opinion on the subject. If this fund has never been covered into the Treasury and never appropriated out of the Treasury, the rule would not seem to apply to it. The question is raised, if this is a District fund, why Congress should direct its application, and why, on the contrary, it should not be disposed of in conformity with general law instead of by special enactment, as is now proposed?

Mr. BUCKNER. Because there is no law for the purpose.

Mr. HOLMAN. If the chairman of the Committee for the District of Columbia is able to state to the House, as I understand he is, that this money was never appropriated out of the national Treasury, and is a fund which came into the hands of the sinking-fund commissioners from the tax-payers of the District, then I suppose the rule which was intended to protect the public funds of the United States would not have any application.

Mr. BUCKNER. That is the fact. As I understand it, this is a fund in the hands of the sinking-fund commissioners of the District of Columbia, and the Government of the United States has nothing to do with it. It is a matter partly belonging to the District of Columbia, and is not covered by the rule.

Mr. GLOVER. I wish to ask my colleague what is his source of information on that subject? Is it entirely reliable that this has not been appropriated at any time out of the Treasury of the United States?

Mr. BUCKNER. As I understand it, it has not been appropriated out of the Treasury of the United States. The sinking-fund commissioners are not authorized to have any funds belonging to the Government of the United States.

Mr. GLOVER. I did not know but what the money appropriated from the Treasury of the United States by Congress went into a common fund made up partly of appropriations from the Treasury and partly of taxes collected from the people of the District.

Mr. BUCKNER. No, sir.

Mr. HOLMAN. The point is an interesting one, and I ask for the decision of the Chair. It is important in view of the relations the Government holds toward this District and the extent to which the General Government is responsible for the application of the funds of the District.

The SPEAKER *pro tempore*. Has this money ever been covered back into the Treasury?

Mr. BUCKNER. I think not.

The SPEAKER *pro tempore*. Does the gentleman know?

Mr. BUCKNER. I do not know positively.

The SPEAKER *pro tempore*. The Chair sustains the point of order under that part of the one hundred and twelfth rule which provides that bills authorizing payments out of appropriations already made must have their first consideration in Committee of the Whole House. There has been an appropriation already made, and this therefore must go to that committee. The bill is referred to the Committee of the Whole House on the Private Calendar.

Mr. HENDEE. Is it not customary on District of Columbia day to move to go into Committee of the Whole, and when the House has resolved itself into committee is not the only business in order the District of Columbia business on the Calendar?

The SPEAKER *pro tempore*. The Chair makes no ruling about that till the matter comes up.

Mr. CATE. Is the bill before the House for consideration?

The SPEAKER *pro tempore*. It is not, under the ruling of the Chair.

ELLA LONG.

Mr. HARTRIDGE. I am instructed by the Committee for the District of Columbia to report back the petition of Ella Long, praying Congress to pass a law making her the lawful heir of Jeremiah D. Long, together with a bill carrying out the object of the petition.

The bill (H. R. No. 3464) for the relief of Ella Long was received and read a first and second time.

The bill declares Ella Long, of the city of Washington and District of Columbia, the illegitimate child of Daniel Long and Margaret Haggerty, both deceased, the heir of her illegitimate brother, Jeremiah D. Long, deceased, in like manner and degree as though both were born in lawful wedlock.

Mr. HARTRIDGE. I can explain in a few words the object of this bill without, I think, the necessity of having the petition read. The petitioner, Ella Long, and her brother, Jeremiah D. Long, were the illegitimate children of their parents. Jeremiah D. Long has died, leaving no children, and leaving a small piece of property in this city. By the law of the District of Columbia as it now stands this petitioner cannot inherit this property from her illegitimate brother. This bill simply provides that she shall stand in the position of heir to her brother, just as she would have done if they had both been born in lawful wedlock. That is the only purpose of this bill.

Mr. EDEN. Does any one else claim the title to this property?

Mr. HARTRIDGE. No, sir; if the title is not given to the petitioner in this way the property by the law of the District escheats to the Government. It is proposed by this bill that she shall be the heir to her brother's property, and that it shall not escheat to the Government. That is the sole purpose of the bill. If no further explanation is desired, I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARTRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HIGHWAY IN THE DISTRICT.

Mr. HENKLE, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 2881) to authorize the establishment of a certain free public highway in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized and directed, within thirty days after the passage of this act, to locate, construct, and maintain a free public highway on and over that part of the Georgetown and Rockville turnpike-road which leads from the boundary of the city of Georgetown to the boundary of the District of Columbia, toward Rockville, the county seat of Montgomery County, Maryland, and which is styled the Washington Turnpike Company, described in the act of Congress approved February 27, 1813, (volume 2 of the Statutes at Large, page 808,) incorporating said turnpike-road as the line of the most direct and practicable route from the boundary of Georgetown to the boundary of the District of Columbia; and for the purpose aforesaid the said commissioners of the District of Columbia shall have power to take any real estate or franchise of said turnpike company necessary for the construction and maintenance of a free public highway, and no more.

SEC. 2. That just compensation shall be made to said turnpike company for the real estate and franchise so taken, and which compensation shall be ascertained, either by jury or arbitrators, selected by the marshal of the District of Columbia, after due notice be given to the president and directors of the turnpike company, proceed under oath to assess the damages due the said company, which shall be paid by said commissioners out of the general fund of the District of Columbia.

SEC. 3. That in fixing the measure of damages and in fixing the present value of the franchise of said turnpike company, the jury or arbitrators, as the case may be, shall take in consideration the question whether such franchise has been forfeited in any manner by said company.

The amendments reported by the committee were as follows:

Strike out sections 2 and 3, and insert at the end of the first section the following:

Provided, however, That the president and directors of the said Washington Turnpike Company shall surrender and convey to the commissioners of the District of Columbia all the real estate and franchises to them now belonging and necessary for the construction and maintenance of the aforesaid free public highway free of cost to the District of Columbia.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENKLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBURBAN RAILROAD COMPANY, DISTRICT OF COLUMBIA.

Mr. HENKLE also, from the Committee for the District of Columbia, reported back, with the recommendation that it do pass, the bill (H. R. No. 2604) to incorporate the Suburban Railroad Company of the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That George E. Kennedy, G. W. Browning, Hawkins Taylor, Robert K. Elliot, Sayles J. Brown, B. F. Guy, J. Q. Howard, Henry L. Carlton, William C. Dodge, Jos. B. Bryan, John J. Johnson, Charles Kennedy, George W. Linville, William J. Murtagh, Amos Hunt, W. G. Palmer, Appleton P. Clark, and H. Nelson Chapman, their associates and successors, are hereby constituted a body corporate by the name, style, and title of the Suburban Railway Company of Washington in the District of Columbia, with power to sue and subject of being sued, plead and being impleaded, and cause to be made a common seal, and the same to alter at pleasure, with authority to construct a single or double track railway, with the necessary appurtenances, within the city of Washington, in said District, and through and along the following-named street, avenue, and highway, to wit: Commencing at or near the center of the crossing of C street northeast and Delaware avenue, thence in an easterly direction on said street to its intersection with Maryland avenue, thence through Maryland avenue to its intersection with the highway formerly owned by the Columbia Turnpike corporation, thence continuing on the right side of said highway to the line of said District, with the right to run public carriages thereon propelled by either horse, steam, or other improved motor power, receiving therefor a rate of fare not exceeding five cents a passenger within the city limits and five cents additional to the line of the District.

SEC. 2. That the said railway shall be deemed real estate, and, together with other real and personal property, shall be liable to taxation as other real estate and personal property.

SEC. 3. That the portion of said railway as shall be laid within said city shall be laid in conformity to the requirements imposed by law upon similar railways therein, (unless when said railway shall be constructed on the tram-system,) and shall be provided with rails of the most improved pattern and of a gauge not less than three feet in width.

SEC. 4. That nothing herein contained shall prevent the Government of the United States from altering the grade or otherwise improving the street, avenue, and highway occupied by said railway; and in such event it shall be the duty of said railway company to conform to such alterations and improvements.

SEC. 5. That the capital of said company shall not exceed $250,000, to be divided into shares of $50 each, and shall be deemed personal property, and transferable in such manner as the by-laws of said company shall direct.

SEC. 6. That the said company shall furnish convenient and comfortable cars for use on said road, and shall run the same interchangeably, at least one in every hour, from six o'clock in the forenoon to the hour of midnight of the same day, reserving as an intermission one hour to be divided by the meridian, and shall provide passenger-rooms, ticket-offices, and stations, as the business of said company may require. And said company is authorized to construct all necessary railways through transverse streets and roads for the purpose of connecting said stations with the main track; and said company is authorized to purchase or lease such lands and buildings as are necessary for the purposes mentioned in this section.

SEC. 7. That within ninety days after the passage of this act the corporators named herein, or a majority of them, or, if any refuse to act, then a majority of the remainder, shall cause books of subscription to so much of the capital stock of said company as shall be necessary to build and equip a single track of said railway, the amount to be determined by said corporators, to be opened and to be kept open in some convenient place or places in the city of Washington, for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice by advertisement in some daily paper published in said city of the time when and the place where said books shall be opened; and subscribers upon said books to said stock shall be held to be stockholders: *Provided*, That no one person shall be allowed to subscribe for more than two hundred shares: *Provided further*, That each subscriber shall pay at the time of subscribing 25 per cent. of the amount subscribed to the treasurer appointed by said corporators, or said subscription shall be null and void. If, at the end of twenty days, a larger amount than is estimated to be sufficient to construct and equip the railway as aforesaid shall have been subscribed, the books shall be closed, and the corporators herein named shall proceed to apportion the stock so taken among the subscribers *pro rata*, and make public proclamation of the number of shares allotted to each, which shall be completed on the day the books are closed: *Provided*, That nothing shall be received in payment of the percentage as aforesaid but money. When the books of subscription of stock shall be closed as aforesaid, the corporators, or a majority of them, and, in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for five days in some daily paper published in the city of Washington, or by written or printed personal notices to each stockholder by the secretary of the corporation. And in all meetings of stockholders each share shall entitle the holder to one vote, which may be given in person or by proxy.

SEC. 8. That the government of the affairs of said company shall be vested in a board of directors, who shall be stockholders, and who shall hold office for one year, and until others are duly elected and inducted to take their places. A majority of said directors, the president being one, shall constitute a quorum, shall elect a president of the board, who shall be president of the company; they shall also choose a secretary and a treasurer, the latter giving bond with security to said company, in such sum as shall be prescribed by the directors, for the faithful discharge of his trust. In case of a vacancy occurring in said board by death, resignation, or otherwise, the same shall be filled by the remaining directors.

SEC. 9. That the directors shall have power to make such by-laws and regulations as shall be needful respecting the disposition and management of the stock, estate, and effects of said company, not contrary to this act or the laws of the United States, and especially those enacted for the government of the District of Columbia: *Provided*, That the directors of said corporation shall have power to require the subscribers to the stock to pay the amount subscribed at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and, if any stockholder shall refuse or neglect to pay any installment as required by resolution of the board of directors after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installments, under such general regulations as may be adopted in the by-laws of said corporation, or said body corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 10. That there shall be an annual meeting of the stockholders for the choice of directors, to be holden at such time and place and under such conditions as the directors shall prescribe; and the said directors shall make detailed reports annually of their doings to the stockholders in general meeting.

SEC. 11. That all persons exercising municipal authority in said District, the officers or agents of any body corporate within said District, are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railway as herein authorized.

SEC. 12. That the said company shall have at all times the free and uninterrupted use of said railway. And if any person or persons shall willfully obstruct or impede the passage of, or destroy or injure, the cars, depots, stations, or any other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense the sum of $10 to said company, to be recovered and disposed of as other fines and penalties are in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within ninety days after said offense shall have been committed.

SEC. 13. That the construction of said railway shall be completed within three years after the said company shall have organized and have consolidated with some foreign company desiring the same; otherwise all rights and privileges herein contained shall cease and be determined.

SEC. 14. That no person shall be prohibited the privilege to travel on any part of said railway, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare demanded, or to comply with the general regulations of the company.

SEC. 15. That the stockholders of said company shall be liable individually for all the debts and liabilities of said company to an amount equal to the amount of stock held by such stockholder.

SEC. 16. That for the purpose of readily constructing and equipping said railway the said company is hereby fully authorized to borrow money to any amount not exceeding $100,000, at a rate of interest not to exceed 8 per cent. thereon, payable semi-annually, and to issue coupon bonds therefor in sums not less than $100, and, to secure the payment of said bonds and the interest accruing thereon, shall execute and deliver, to such trustee or trustees as shall be selected by the president and directors of said company, a mortgage or mortgages of all or any part of the property belonging to said company.

SEC. 17. That the transit of the cars of said company on any portion of said railway within the city limits shall not exceed five miles per hour, unless the railway shall have been constructed on the tramway principle, when the speed of transit may be regulated by the board of directors of said company: *Provided always*, That at all crossings the momentum of the cars shall be reduced to a rate so slow as to be instantly stopped, and when receiving and discharging passengers the motion of the cars shall cease.

SEC. 18. That to obviate as far as possible any impediment in the free and unobstructed use of the highway aforesaid by the public, the said railway shall be constructed on the right side of the highway leading from the city limits and next adjoining the adjacent property; and should the business or the safety and convenience of the said railway require an additional track, the said company may apply to the proper authorities of said District for permission to appropriate a strip of land lying next adjacent to said railway, in width not exceeding twenty-five feet, the mode of proceeding to be regulated by the laws now in force for condemning lands to public uses.

SEC. 19. That whenever the line of any railway in the State of Maryland has been or may be constructed so as to admit the passage of burden or passenger cars over the railway herein established without break or interruption, said railway company is hereby authorized to consolidate itself with such foreign corporation by entering into an arrangement, under the corporate seal of each, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of its directors, which shall not exceed thirteen nor in a less number than seven, the time and place of holding the first election of directors, to fix and establish the capital stock of said company, not exceeding $300,000, the shares being limited in amount to $50, the manner of converting the shares of capital stock in each of said corporations into shares in such new corporation, the manner of compensating stockholders in each of said corporations who refuse to convert their stock into the stock of the new corporation, with such other details as shall be deemed necessary to perfect the consolidation of said corporation; and such new corporation shall possess all the powers, rights, and franchises conferred originally upon said corporations, and shall be subject to all the restrictions and perform all the duties imposed by this act.

SEC. 20. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENKLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARGES AGAINST JUDGE WYLIE.

Mr. KNOTT. I observe that in the order of the House on Saturday appointing a special committee in relation to the memorial of Albert Grant requesting an investigation into the official conduct of Judge Wylie there is no suggestion as to the number of which the select committee shall be composed. I move that it be composed of seven members.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair names the following members to act as such special committee: Mr. WARREN of Massachusetts, Mr. FINLEY of Florida, Mr. LE MOYNE of Illinois, Mr. WILLIAMS of Alabama, Mr. CUTLER of New Jersey, Mr. CROUNSE of Nebraska, and Mr. LEAVENWORTH of New York.

CLAIMS AGAINST THE DISTRICT.

Mr. HENKLE also, from the Committee for the District of Columbia, reported back, with the recommendation that it do pass, the bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes.

The bill was read, as follows:

That immediately upon the passage of this act, the Presiding Officer of the Senate shall appoint one suitable person, a tax-payer of the District of Columbia, and the Speaker of the House of Representatives shall, in like manner, appoint two such persons, and the three persons so appointed shall be known as and styled District claims commissioners; and each of them, before entering upon the duties of his office, shall make oath, in legal form, before a notary public for the District of Columbia, that he will discharge the duties of his office justly and without fear or favor; and shall likewise give bond to the Government of the United States in the penal sum of $20,000, to be approved by the Secretary of the Treasury of the United States, for the faithful discharge of the duties of his office.

SEC. 2. That it shall be the duty of said claims commissioners, immediately upon entering upon the discharge of the duties of their office, to give notice by advertisement for ten consecutive days, Sundays being excluded, in two daily newspapers published in said District of Columbia, for all persons having claims against said District of Columbia to present the same before the said claims commission, in writing, under oath, for their examination and adjustment; such presentation to be made within sixty days from and after the first publication of said advertisement; and the said claims commissioners, before considering any such claim, shall require the same to be supported by the testimony of witnesses, in writing, under oath, or by official vouchers and documents, as the case may be; and shall likewise require satisfactory proof, to be produced by such claimant, under oath, that such claim has never been before presented for audit, adjustment, or payment, either to the late board of public works of said District, or to the board of audit created by act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, A. D. 1874, or if such claim has been presented that it has not been adjudicated upon its merits.

SEC. 3. That the said claims commissioners, for the purposes in this act specified, shall have power to subpœna witnesses and compel their attendance, administer oaths, and examine witnesses under oath; and shall have full access to all the records, books, papers, and vouchers of every kind whatsoever of the late board of public works, and of the District of Columbia, and of the commissioners of said District, and of the engineer of said District.

SEC. 4. That the said claims commissioners shall carefully examine into all the facts and circumstances pertaining to each claim that may be properly presented in conformity with the provisions of the second section of this act; and likewise carefully consider the proofs and evidence submitted in support thereof, and determine the amount, if any, that may be due and owing thereon; shall make a detailed and tabular statement of all claims presented, together with their action thereon; and such statement shall contain the name of the claimant, the nature of the claim, the date of the contract and agreement upon which said claim is based, if such claim arises out of any contract or agreement; the names of the original parties to such agreement or contract, the name of the assignee of such contract or agreement, if such contract or agreement has been assigned; the price to be paid, as stipulated in such agreement or contract, and whether such price was to be paid in money or in bonds, and if in bonds or other evidences of indebtedness, the kind and character thereof; the amounts or amount already paid on such claim, and whether in cash or in bonds; and said claims commissioners shall report their proceedings from time to time to Congress in the manner aforesaid.

SEC. 5. That said claims commissioners shall have authority to receive, consider, determine, and report upon, as herein provided, all claims for work and labor performed, or materials furnished, upon any order of the board of public works, or order of the commissioners of the District of Columbia, or founded upon any contract or agreement made by virtue of any act of the Legislative Assembly of the District of Columbia with the board of health of said District or said board of public works; or founded upon any contract or agreement made with the present commissioners of said District, or late board of public works, or the authorities of the late government of the District of Columbia; and all claims for special damages to real property in the District of Columbia, arising out of injuries to such property, caused by improvements or repairs, made by the said board of public works, or said commissioners, or government of the District of Columbia, or Government of the United States; and also all claims for labor performed on public improvements on the streets and excavations of Washington under direction of the board of public works of the District of Columbia, or the contractors of the same, by any person employed by said board of public works or by said contractors, and for which labor it shall be claimed the United States is liable under a proviso in the act of June 23, 1874, appropriating the sum of $75,000 for the payment of workingmen employed on said public improvements; but in determining upon any claim founded upon any special damages arising out of injuries to real property, said claims commissioners shall take into consideration and allow as a proper offset to any such claim for injuries any direct and special benefits or advantages resulting to such property by reason of such improvement or repairs.

SEC. 6. That said claims commissioners may employ one accountant, who shall also act as their secretary, at not more than $100 per month. They also have power to issue subpœna for witnesses, and compel their attendance by attachment or otherwise, and fix their compensation; and it shall be the duty of the commissioners in all cases to view the premises in question before making a final disposition of the case. They shall be allowed for their services $5 per day for the time necessarily and actually employed under the provisions of this act, and such necessary expenses and disbursements as may be necessary for the due execution of the powers hereby conferred. And the said commissioners shall from time to time certify to the Secretary of the Treasury the costs, expenses, salaries, disbursements, and fees of witnesses necessarily incurred under this act, and the said Secretary shall pay the same out of the funds of the said District of Columbia: *Provided*, That the term of office of the said claims commissioners shall not extend beyond the 1st day of January, 1877.

SEC. 7. That said claims commissioners, before proceeding to the examination and adjustment of any claims for special damages to real property in the District of Columbia arising out of injuries to such property caused by improvements or repairs, as provided in the fifth section of this act, shall first consider and adjust all claims for work or labor performed or materials furnished upon any order of the board of public works, or order of the commissioners of the District of Columbia, or founded upon any contract or agreement made by virtue of any act of the Legislative Assembly of the District of Columbia with the board of health of said District or said board of public works, or the authorities of the late government of the District of Columbia, and report the same to Congress: *Provided, however*, That this act shall not be so construed as to make the United States Government liable for the payment of the whole or any part of the claims herein authorized to be presented, considered, and adjusted.

SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HENKLE. This is an important bill, and perhaps requires some explanation. The object of it is to appoint a board of District claims commissioners, two of whom are to be appointed by the Speaker of the House, and one by the President of the Senate. Their duty is to examine into the claims, the outstanding, unadjusted claims against the District of Columbia.

There are a multitude of claims of various kinds and character outstanding and unadjusted against the District of Columbia. As soon as the Committee for the District of Columbia entered upon the discharge of their duties they were beset by a swarm of persons presenting claims of various characters, requiring for a thorough investigation an amount of application and research that no committee of Congress could ever have the time to devote to such an investigation, and very few committees would be capable of completing such an investigation in a satisfactory manner, for to discharge that duty in a satisfactory manner would require a very intimate acquaintance with the affairs of this District.

There are perhaps two or three hundred of these claims for contract work done, claims that have not been settled, that have been open and unsettled for two or three years. In many instances those who have done work, and done it most faithfully, have been the victims of the mismanagement of the public affairs of the District, and many men have gone into bankruptcy and been rendered insolvent because their just claims have not been adjudicated and paid by the authorities of the District. Many cases of this kind have come to the knowledge of the committee. There are other cases no doubt that have no merit, that are not just and proper, but the committee were unable to discriminate between these cases for want of time and for want of the necessary information. There is a large number of claims for damages done to property by the changes of grade and filling up which have been done all over the cities of Washington and Georgetown in the improvements which have been made in the last three, four, or five years. It is desirable that in the chaotic condition of public affairs in the District of Columbia there should be some authority somewhere with some competent power to investigate thoroughly, candidly, fairly, and judicially all these claims, and to present them to Congress in a tabular form in a concise and proper

manner, so that Congress may be able to legislate, if necessary, for their payment.

The provision of this bill is simply that three commissioners shall be appointed, as I stated, and that they shall give notice in two public papers of this District where claims may be heard, and that they shall investigate all claims that may be presented carefully, all in regard to the matter of contracts, all in regard to the matter of services performed, the payments if any made, and assignments if any made, and everything pertaining to the nature of the claims, and present them to Congress in their report in such form that Congress shall be enabled to legislate intelligently on the subject. As I have said, there is a great necessity for this action. I know the disposition of Congress to provide for the payment of every debt justly due to honest claimants in the District of Columbia; but it is impossible to discriminate without such information by parties who are residents here and who are familiar with other parties in the District of Columbia what claims are just and what are unjust.

This bill does not take any money out of the Treasury. The report of the commissioners is not to be conclusive. They are simply to investigate these matters, and report the nature and character of these claims to Congress, when they are prepared so to report. This bill, I may say, is acceptable to the parties having claims against the District of Columbia. They say that it is the only practical way by which their claims are able to be adjusted. They know that it would be utterly impossible for Congress to pass a bill for the relief of every individual who has a claim in the District. We were beset and besought by individuals at the commencement of this session asking us to report bills for their relief, and we soon saw that it would be a Herculean work, and that it would be impossible for Congress to pass bills for the relief of individual claimants. The only relief then apparent was to provide a proper commission to investigate these matters and, if Congress sees fit, to provide by legislation hereafter to compensate and pay them in the manner thought best. There is no money taken by this bill from the Treasury; even the expenses of this commission are to be paid by the Treasurer of the United States out of the funds of the District of Columbia.

Mr. LAWRENCE. I desire to ask the gentleman one question. I do not propose to antagonize the bill, but I understand it proposes the appointment of officers by the Speaker of the House and the President of the Senate. Now, what does the gentleman do with this clause of the Constitution:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Now the Speaker of the House is not the head of a department.

Mr. HENDEE. These are not officers at all.

Mr. LAWRENCE. They are appointed under the laws of the United States.

Mr. HAMILTON, of New Jersey. They are only a commission to investigate and report information to the House which the House itself has not time to procure.

Mr. LAWRENCE. Can we provide by law for the appointment of commissioners of claims to examine claims, for instance in the Southern States? Is the appointment of such officers as that vested in the House of Representatives?

Mr. HOLMAN. This will be in the nature of a joint committee appointed by the two branches of the Legislature. These will not be officers, but commissioners for the purpose of taking testimony on which Congress shall act.

Mr. LAWRENCE. But they are commissioners so far when clothed with the duties imposed upon them by this bill. I am not antagonizing the bill, but it is better to relieve ourselves of any constitutional objection, if there be any, and it seems to me that there is a difficulty. I would inquire if there are precedents for the appointment of such officers as these by the Speaker of the House?

Mr. HOLMAN. Was it not the Senate who appointed the Congressional Printer?

Mr. LAWRENCE. O, yes; he is an officer of the Senate, and the Senate and House may each appoint its own officers.

Mr. HOLMAN. That was a mere evasion. In fact, he is an officer of the United States in some sense, although in another respect he is simply an agent of the two Houses, although appointed by the Senate. He discharges functions which belong in fact to the House and Senate which appertain to their legislative powers while here. These proposed commissioners are not in any proper sense officers, because they are commissioners simply to furnish data on which Congress shall legislate.

Mr. LAWRENCE. Still the duties with which they are clothed make them officers.

Mr. HENKLE. I am not a lawyer and do not profess to be conversant with these technical niceties at all, but I think the duties imposed upon these commissioners hardly amount to the dignity of official duties. They are appointed by the two Houses simply for the purpose of collecting information which the two Houses are not in possession of and report it to the Houses. They are truly authorized to summon witnesses and to administer oaths, and to compel the attendance of witnesses, and to enforce their investigations in a satisfactory manner. That is necessary in order to carry out the investigation; but they are simply and only appointed to gather information which the House has not possession of, to enable the two Houses to legislate intelligently on this question.

The Committe for the District of Columbia has considered the subject thoroughly and carefully. This bill is an important one, and the ends of justice demand that something shall be done for the many persons in this District who are in needy circumstances. I call for the previous question on the bill.

Mr. HOLMAN. Will the gentleman allow me one question?

Mr. HENKLE. Certainly.

Mr. HOLMAN. It is, whether these commissioners are required to report to Congress the testimony taken by them?

Mr. HENKLE. They are required to report to Congress all the evidence and everything pertaining to the investigation.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENKLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. HENDEE, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.

The preamble of the bill states that it is represented to this present Congress that the Southern Maryland Railroad Company, organized under the provisions of the act of the General Assembly of the State of Maryland entitled "An act to incorporate the Southern Maryland Railroad Company," approved March 20, 1868, desire to extend their railroad into and within the District of Columbia.

The bill, as proposed to be amended, authorizes the Southern Maryland Railroad Company to extend their railroad into and within the District of Columbia, to a point on the Eastern Branch of the Potomac River between the Anacostia Bridge and Benning's Bridge, over the said Eastern Branch of the said Potomac River, to form a convenient junction with the Baltimore and Potomac Railroad and the Baltimore and Ohio Railroad within the District of Columbia, as may be determined on by said companies; to exercise the same powers, rights, and privileges, and be subject to the same restrictions, in the extension, construction, and operation of their said railroad into and within the said District, as are extended to like corporations under the existing laws of the District of Columbia.

Mr. HENDEE. This bill does not allow this road to come on this side of the East Branch, as it is called. It allows it only to make connection with the Baltimore and Ohio and Baltimore and Potomac Railroads on such terms as may be agreed upon by the companies. The road is now being built from Point Lookout, at the confluence of Chesapeake Bay and the Potomac River, to this city and to the city of Baltimore. It is simply for the convenience of the public that these connections are allowed to be made.

The amendments of the committee were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUCKNER. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of considering House bill No. 3411, authorizing the repavement of Pennsylvania avenue.

Mr. HENDEE. I hope the gentleman will include in his motion the bill reported by the gentleman from Wisconsin [Mr. CATE] today and referred to the Committee of the Whole.

Mr. BUCKNER. I will move that the House resolve itself into Committee of the Whole on the District of Columbia business.

Mr. HOLMAN. Is it not rather late to go into Committee of the Whole on this bill? It is a very important measure, and it is now after four o'clock.

Mr. BUCKNER. I know it is rather late; but if Congress proposes to do anything in reference to the repavement of Pennsylvania avenue, it is important that we should act as early as possible. The Committee for the District of Columbia will not be entitled to another day for their business for a month unless by special assignment. I would prefer that the House should act on this bill now, and either pass it or reject it.

The question was taken on the motion of Mr. BUCKNER; and upon a division there were—ayes 86, noes 21; no quorum voting.

Mr. EDEN. I move that the House now adjourn.

The question was taken on the motion to adjourn; and upon a division there were—ayes 55, noes 81.

Before the result of the vote was announced,

Mr. SPRINGER called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. PIPER were appointed.

Mr. BUCKNER. I am not disposed to press this matter now, but I would ask unanimous consent that this bill be assigned for consideration next Friday evening at half past seven o'clock.

The SPEAKER *pro tempore*. The House is now dividing on the motion to adjourn.

The House again divided; and the tellers reported that there were—ayes 55, noes 61.

Pending the announcement of the result of this vote,

Mr. HENDEE said: I rise to a parliamentary inquiry. At the time the motion to adjourn was made the bill under consideration had been partly read by the Clerk. If the House should now adjourn, will it come up to-morrow as unfinished business?

The SPEAKER *pro tempore*. The Chair will rule on that question to-morrow after consulting the rules.

LINES OF COMMUNICATION IN COLORADO.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the lines of communication between Northern and Southern Colorado; which was referred to the Committee on Railways and Canals.

CAPTAIN GEORGE ARMISTEAD.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report in the case of Captain George Armistead, late of the United States Army; which was referred to the Committee on Military Affairs.

TESTIMONY OF LIEUTENANT-COLONEL JONES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a letter from the commanding general of the Division of the Pacific relative to the testimony of Lieutenant-Colonel Jones; which was referred to the Committee on Military Affairs.

POST FUND AT WEST POINT.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a communication from the Superintendent of the United States Military Academy relative to the post fund at West Point; which was referred to the Committee on Military Affairs.

INDIAN INTERPRETERS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a statement of the men regularly employed as Indian interpreters at frontier military posts; which was referred to the Committee on Appropriations.

MANNERS AND CUSTOMS OF CERTAIN INDIANS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting sketches illustrating the manners and customs of certain Indian tribes; which was referred to the Committee on Indian Affairs.

AFFAIRS AT FORT SILL.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a copy of an article from the New York Times relative to matters at Fort Sill; which was referred to the Committee on Expenditures in the War Department.

NATIONAL ASSOCIATION OF VETERANS OF THE MEXICAN WAR.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report by the Quartermaster-General on the application of the National Association of Veterans of the Mexican War for loan of tents; which was referred to the Committee on Military Affairs.

CLAIMS UPON VENEZUELA.

The SPEAKER *pro tempore* also laid before the House a message from the President of the United States, transmitting, in answer to a resolution of the House of the 10th instant, a report and accompanying papers from the Secretary of State in relation to the course pursued to enforce the provisions of the convention with Venezuela of April 25, 1866, and the payment of adjudicated claims under the act approved February 25, 1873; which was referred to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LUTTRELL for a few days on account of sickness; to Mr. WHEELER indefinitely from May 15; to Mr. HURLBUT for fourteen days on account of important business; to Mr. ANDERSON for four days on account of important business, and to Mr. NEAL for one week.

COMMITTEE ON REAL-ESTATE POOL.

Mr. NEW, by unanimous consent, was excused from further service upon the Committee on the Real-Estate Pool; and the Speaker *pro tempore* announced the appointment of Mr. CULBERSON to fill the vacancy thus created.

WITHDRAWAL OF PAPERS.

On motion of Mr. CALDWELL, of Tennessee, by unanimous consent, leave was granted for withdrawal from the files of the House of the petition and accompanying papers of Robert B. Randolph.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. DIBRELL: The petition of 84 soldiers of the Union Army, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. FAULKNER: A paper relating to the establishment of a post-route from Capon Bridge, via Dillon's Run, to Millbrook, West Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. FROST: The petition of Hiram S. Lathe, for a pension, to the Committee on Invalid Pensions.

By Mr. FOSTER: The petition of citizens of Sandusky, Ohio, that the law remain unchanged relating to the manner of packing tobacco, to the Committee of Ways and Means.

Also, the petition of citizens of Tiffin City, Ohio, of similar import, to the same committee.

By Mr. HEWITT, of New York: A resolution requesting the Secretary of War to inform the House respecting the campaign against the Cheyenne and Arapahoe Indians in the winter of 1868–'69, under orders of General Sheridan, showing the number and character of soldiers employed, the loss of men, horses, and supplies, more especially in the troops under command of General Custer and Colonel Evans, and the cost of the campaign and number of Indians killed, stating sex, adults, and children; and also copies of the orders issued by General Grierson, in command of Fort Sill in 1869, relative to the intercourse between soldiers and Indians after sundown and before sunrise; and also copies of other papers and facts relating to the treatment of the Apache and Modoc Indians by United States Army officers, to the Committee on Indian Affairs.

By Mr. JOYCE: The petition of W. B. Mussey & Son and others, of Rutland, Vermont, that the law regulating the mode of packing tobacco remain unchanged, to the Committee of Ways and Means.

Also, the petition of John B. Beaman and others, of Vermont, for the repeal of the check-stamp tax, to the same committee.

By Mr. MACDOUGALL: Memorial of John B. Richardson, Peter K. Kennedy, and others, manufacturers and dealers in tobacco, against any change in the law regulating the manner of packing tobacco, to the same committee.

By Mr. O'BRIEN: The petition of Annie Lieutand, for a pension, to the Committee on Revolutionary Pensions.

By Mr. PAYNE: The petition of John Schriber & Co. and other wholesale dealers of Cleveland, Ohio, that the law regulating the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

By Mr. PHILIPS, of Missouri: Memorial of the merchants of Sedalia, Missouri, against any change in the law regulating the manner of packing tobacco, to the same committee.

By Mr. TERRY: A paper relating to the establishment of a post-route from Osborn's Ford to Guest's Station, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THROCKMORTON: The petition of citizens of Clay County, Texas, for a change of the post-route from Fort Sill to Jacksborough, so that the same shall run through Henrietta, Clay County, Texas, to the same committee.

By Mr. WALSH: The petition of Mrs. Mary E. Peacher, administratrix of John Peacher, deceased, for compensation for use and occupation of lands of said Peacher by United States troops, to the Committee on War Claims.

By Mr. WELLS, of Missouri: The petition of manufacturers and dealers in tobacco in Saint Louis, Missouri, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. WHITE: The petition of Susan Hylton, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The petition of G. J. Harris, to be reinstated as mate in the United States Navy, to the Committee on Naval Affairs.

By Mr. WILLARD: The petition of owners of stalls in the old Northern Liberty Market, for compensation for articles destroyed in them by the tearing down of said market buildings by order of General Babcock, to the Committee for the District of Columbia.

By Mr. WILLIAMS, of Alabama: A paper relating to the establishment of a post-route from Clayton to Little's Store, by way of Mount Andrew, Barbour County, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WILSHIRE: The petition of officers of the United States Army, that a pension be granted to Sarah Jane Pratt, to the Committee on Military Affairs.

Also, the petition of Jeremiah F. Dorris, for the reconsideration of his claim rejected by the southern claims commission, to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 16, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. DENNIS presented a petition of citizens of Maryland, praying that the internal-revenue tax on home-made brandies be so modified as to exempt entirely from the tax a certain quantity for home consumption or reduce it one-half on the whole quantity made; which was referred to the Committee on Finance.

Mr. THURMAN presented a memorial of medical gentlemen of Zanesville, Ohio, remonstrating against the passage of the bill to incorporate the national surgical institute of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SARGENT. I present the petition of Allexey W. von Schmidt, of San Francisco, California, who recites that he is the author of an invention which is patented for removing obstructions to navigation, and that his method is being infringed upon by the Government of the United States at Hell Gate, Willett's Point, and other places. He states that if this infringement were by a private citizen he would have a remedy at law, but as it is by the Government of the United States he has none, and he therefore asks leave to bring suit in the Court of Claims. As the petition relates to operations being carried on by the Engineer Corps, perhaps it would be better that it should go to the Committee on Military Affairs.

Mr. EDMUNDS. Why not have it go to the Committee on Patents?

Mr. SARGENT. It is not a question of the extension of a patent, or anything that ordinarily comes within the province of that committee, as I understand it.

Mr. EDMUNDS. It is a question of infringement, the petitioner says.

Mr. SARGENT. The evidence whether it is an infringement or not perhaps will be best shown in the Court of Claims. If the Committee on Military Affairs, on consultation with the War Department, are satisfied that there is a collision between the rights of this party and the action of the Government, I suppose they would authorize a suit of that kind. As they are in communication with the War Department in ordinary business, perhaps they would have more facility for investigating the case. I am not particular, however, about the reference to the Committee on Military Affairs, but suggest that committee on account of the intimate relation between it and the Department.

Mr. EDMUNDS. Undoubtedly that would be very convenient; but, on the same principle of the relation of committees, if an Indian agent were infringed in the use of his patent by the Government his claim of infringement would have to go to the Committee on Indian Affairs. I think the essential reason of the thing is that if it be a matter which grows out of a patent-right and a claim upon the Government in respect of the Government infringing the use of the patent, the Committee on Patents is the proper committee, because they are supposed to be able to understand better than the rest of us on a cursory examination whether there is any *prima facie* ground for the claim.

Mr. SARGENT. I am very well satisfied with the Senator's reasoning.

Mr. EDMUNDS. Of course the Senator sees the point of my objection to the petition going to the Committee on Military Affairs.

Mr. SARGENT. I have no doubt the Committee on Patents will act fairly, and I am satisfied with the reference suggested by the Senator from Vermont.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Patents, if there be no objection.

Mr. WHYTE presented the memorial of Alexander Brown & Sons, C. Morton Stewart & Co., and other merchants of Baltimore, in relation to the distribution of the balance of the Geneva award and in favor of the passage of the bill providing for the payment of war premiums, hulls, and cargoes; which was referred to the Committee on the Judiciary.

Mr. BOOTH presented a resolution of the Legislature of California and a petition of the State officers of California and 700 others, praying immediate legislation on the part of Congress to quiet the title to certain school lands donated by Congress to the State of California; which were ordered to lie on the table, as he was about to report a bill on the subject.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 270) relating to pre-emption claims, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory, reported it without amendment.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 149) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, to report it back and ask to be discharged from its further consideration. The purpose of the bill is to enable creditors to proceed against the stockholders of a banking association upon the failure of the receiver or comptroller to answer the complaint of the creditors. This matter has been already provided for by amendments reported from the committee to a House bill, so that this bill is not necessary.

The report was agreed to.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 456) to reduce the interest upon the public debt; provide for a safe and elastic currency; for the speedy appreciation of the value of Treasury notes and national-bank notes to that of coin; and to guard against panics and inflation of bank credits, asked to be discharged from its further consideration; which was agreed to.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 686) to amend the second, fourth, and fifth sections of the act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes, to report it with amendments. This is the bill introduced by the Senator from Indiana [Mr. MORTON] to endeavor to bring the statutes of the United States up to a "concert pitch" with the decisions of the Supreme Court on the subject of civil rights and the right of suffrage. The committee have carefully considered it and have made such amendments as they thought were desirable. I wish to give notice that at the earliest opportunity, which I shall endeavor to find very soon, we shall ask to have the bill taken up and disposed of.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons, reported it without amendment.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2110) for the restoration to market of certain lands in the Territory of Utah, reported it without amendment.

He also, from the same committee, to whom was referred a memorial of the board of county commissioners of Saline County, Kansas, in favor of the passage of the bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred two petitions of citizens of Emmett County, Michigan, praying for an amendment of a law in relation to public lands in that State and in favor of extending the time for actual settlers to make homestead entry for one year from March 3, 1876, asked to discharged from their further consideration; which was agreed to.

Mr. OGLESBY. If it will meet the favor of the Senate I would be very glad if the Senate would take up and pass—for I think there will be no debate about it—House bill No. 3136, reported from the Committee on Public Lands yesterday, extending the time within which homestead entries upon certain lands in Michigan may be made. The reason why I ask its present consideration is this: There are one or two townships in Michigan where certain tribes of Indians were to have title and be settled under some legislation to be had subsequently. That legislation has all been had, and the title those Indians have to the land has been settled. Patents have been issued to them in regard to those lands. There are certain valuable pine lands in the same townships, timber lands valuable for the pine upon them. That pine land was reserved for the public by the act. There are also in the township other lands not pine lands, not mineral lands, and not Indian lands; simply public lands. The act, which passed a year ago, held that land for occupancy by homestead settlers open for one year. That year expired in March last. Sixty days from that time it will be open again to entry by purchasers. The committee thought that as it was simply public land, and not the township's land, and free from any objection in the world, it should be open to homestead settlement. This bill simply provides that the homesteaders may settle upon it and get the benefit of it, as they do in every other State and Territory in the Union. The sixty days will very soon expire. The bill has passed the House, is now in the Senate, and, if there be no objection to it, it will pass in a minute or two, and then the homestead settlers may take about 10,000 acres of land left yet for that purpose.

Mr. MITCHELL. I should like to inquire of the chairman of the Committee on Public Lands whether the bill will probably lead to debate?

Mr. OGLESBY. Not at all.

Mr. MITCHELL. If not, I have no objection to its present consideration; but, if it is to lead to debate, I must object.

Mr. OGLESBY. The explanation I have made about it is all there is of it.

The PRESIDENT *pro tempore*. The Senator from Illinois asks the present consideration of the bill he has named. Is there objection?

Mr. OGLESBY. I am under the impression that another matter, perhaps of rather more pressing importance than this bill, will be worthy of the attention of the Senate; and that that subject may re-

ceive due and prompt attention I yield the floor to the Senator from Oregon [Mr. MITCHELL] and withhold my motion to take up the bill until to-morrow morning.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 129) for the relief of the heirs of Asbury Dickins, reported it without amendment.

Mr. WRIGHT. I present the views of the minority upon the bill, which I ask may be printed with the report of the committee.

The PRESIDENT *pro tempore*. That order will be made.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army, reported it with an amendment.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 805) relating to indemnity school selections in the State of California, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom were referred the bill (H. R. No. 2160) for the relief of Lewis Goodwin, and the bill (S. No. 103) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina, to report adversely upon them. At the request of the Senator from North Carolina, [Mr. MERRIMON,] I ask that the House bill go upon the Calendar, but that the Senate bill be rejected.

The PRESIDENT *pro tempore*. The House bill will be placed upon the Calendar with the adverse report of the committee and the Senate bill will be rejected, if there be no objection.

BILLS INTRODUCED.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 832) to increase the pension of Helen M. Stansbury; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 833) granting a pension to Johanna Luskey; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 834) to restore to the pension-roll the names of Bridget Ahern and Catharine Maloney; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 835) for the relief of the Industrial Home School of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 836) for the relief of Alexander Repine; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 837) to provide for a reduction of the area of the Nez Percé and Fort Hall Indian reservations, in the Territory of Idaho; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 838) for the relief of William C. Spencer; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

IMMIGRATION OF CHINESE.

Mr. MITCHELL. Mr. President, I gave notice yesterday that I desired to-day to submit a few observations on the general subject of Chinese immigration; and if it is the pleasure of the Senate that I shall proceed now I shall feel under many obligations.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. Do I understand that to be a desire on the part of the Senator to proceed beyond half past twelve o'clock?

Mr. MITCHELL. I should like, if it be the pleasure of the Senate, to have the time extended until I shall have finished what I desire to say.

Mr. EDMUNDS. I certainly have no objection as an accommodation to the Senator, if there is unanimous consent.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SHERMAN. How long does the Senator desire to speak?

Mr. MITCHELL. Half an hour or three-quarters.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. MITCHELL. Mr. President, the bill of the honorable Senator from California, [Mr. SARGENT,] presented by him yesterday, not having been printed, I have not had an opportunity, of course, to examine its provisions. I have, however, a general knowledge, I think, of their import. I move, therefore, to take up the resolution introduced by the Senator from California a few days ago, having reference to the reformation of the treaty with China.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to take the resolution offered by the Senator from California [Mr. SARGENT] from the table. The Chair hears no objection, and the following resolution is before the Senate:

Resolved, That the Senate recommends to the President that he cause negotiations to be entered upon with the Chinese government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country.

Mr. MITCHELL. I was about to say that not having had an opportunity to examine into the provisions of the bill introduced by the Senator from California yesterday, I desire more especially to speak to the resolution now before the Senate.

The importance of the questions involved in the pending resolution and the magnitude of the evil sought to be remedied have induced me to vary from my more usual course of keeping silence in this Chamber. Nor would I now depart from my customary course were it not for the fact that the Pacific States and Territories are, more than any portion of our country, the theater upon which this new evil, dangerous, threatening, imminent as it is, as I believe, to our moral, social, and political structure, is exhibited in all its loathsome features and degrading tendencies. Perhaps, Mr. President, no question of graver import could be presented to the consideration of the American Senate than that involved in the general subject of Chinese immigration and the results it must necessarily have upon our civilization. It is a question, to my mind, that the Congress of the nation cannot evade if it would, and one that it cannot afford to ignore if, by any possibility, it could.

The evil, Mr. President, which this sudden and alarming influx of the Mongolian race is casting upon our common country is one which to my mind, which to the minds of the people of the Pacific coast, menaces to-day the stability and purity of our moral peace, the integrity of our social and political structure, and jeopardizes and disturbs the civilization of our age. And, sir, as the offal of the slaughter-house and the putrescence of the cess-pool will the more readily and the more completely impart impurity and general pollution to the small stream near the mountain-side than to the deep, broad river nearer to the sea, so will communities that are new, sparse in numbers, weak comparatively by reason of their infancy, like those of the Pacific States and Territories, be more likely to be trampled down, corrupted, and defiled by this species of immigration than will be those communities that are older and more firmly established, like those that exist on the Atlantic coast.

Standing, therefore, in their infancy, comparatively, as do the people of the North Pacific coast, face to face with a population of over four hundred million people, in the very gateway, if you please, of the Chinese empire, of a people the dregs and the debased of whom are by the thousands upon thousands to-day flooding our country, is it at all strange that this people should appeal to the Congress of the nation in terms of more than ordinary earnestness for some measure of relief against this great evil?

It would be useless for me, after the very able argument of the honorable Senator from California, in which he elaborated truthfully the evils of Chinese immigration upon the Pacific coast, to detain the Senate for any great length of time in any attempts on my part to add, or attempt to add, either to the verity or the loathsome character of the picture so truthfully and so vividly drawn by him. He has stripped of its bandages this festering sore which, like a plague-spot, has fastened itself upon the very vitals of our western civilization and which to-day threatens to destroy it. And, Mr. President, almost at the expense on his part of a violation of the conventionalities of speech in reference to delicacy in the use of terms in this presence, he has presented this sore to the gaze of the Senate, the country, and the world, in all its sickening putrefaction and contaminating touch. He has arrayed before you witnesses from the courts, from the prisons, from the almshouses, from boards of trade, from chambers of commerce, from city, county, and State authorities, and from private citizens as well, whose concurrent testimony establishes beyond the possibility of successful contradiction the alarming facts, that the effect of Chinese immigration upon the Pacific coast is to degrade the industry of the country, to subordinate the labor of the honest, hard-working, free American citizen to that of the dishonest, servile legions of a rice-eating and heathen race; to establish within our borders a system of serfdom equal to, and, I think I may say with safety, infinitely worse in some respects, than any that has ever heretofore cursed our country with its iniquity; to debauch and defile our youth; to corrupt the channels of trade; to set upon the face of our beautiful cities the degrading seal, the disgusting impress of Asiatic life and manners; in a word, to contaminate and blast our civilization with the degrading tendencies of a people numbering nearly, if not altogether, one-half the entire population of the globe; a people whose history, customs, habits, modes of life, and aspirations have for ages, and must of necessity continue to be for centuries yet to come, surrounded in the shades and consequent darkness of heathenism.

O, but says one, even admitting our physical power to inhibit this class of immigration to our country, yet upon the broad principles of humanitarianism, on the doctrine of the right of expatriation, our doors should not be closed. No, say they, not even against the criminal heathen of the nations; but, on the contrary, this asylum of ours, of which we are all so proud to speak, and the more especially in this centennial year, should, like the gates of gospel grace, stand forever open night and day to all people, of all lands and creeds and tongues and customs and habits and dispositions and aspirations, and of all virtues and vices as well.

This, Mr. President, is all very fine, and in sentiment and theory may be all very well; and I concede, as a general rule, with exceptions perhaps as to criminals and paupers, it may with safety to our institutions be applied to the Christian nations of the world. But it does seem to me that the people of America, the people of the United States, should have some regard for themselves, and while they are willing that the light of our civilization should be diffused among the millions, that

the humanizing and Christianizing influences of our institutions should be extended to all lands and among all peoples, yet at the same time we do absolutely owe something to ourselves; and the question here presents itself whether our civilization, pure, ennobling, strong, powerful, and good as it is to-day, can afford to stand the corruptions and the deadly vices that must necessarily result to it from flooding our land with a nation of criminal, debased, and debasing slaves; whether we can afford that our land should be overrun and our institutions permeated with the influence of a pagan people, uneducated, as a rule, save in the worst vices of a dark age, a people schooled in a forum presided over by neither God nor conscience, guided and controlled in their course of conduct only by the gratification of their lusts, restrained solely by a cruel superstition, which in most cases transforms the most infamous crimes into the fancied virtues of their race, such as the abandonment of their young, their sick, their aged, their decrepit, their dying, to the tender mercies of the elements; a people that never have been and never can become attached to the principles of the Constitution of the United States, nor be well disposed toward the peace and good order of our country; a people whose religion is pagan, and whose god an idol, whose element of warfare against decent, respectable society is that irrepressible stench that inevitably arises from the dens and caverns in which they in our cities do congregate more like unreasoning beasts than reasoning men. The question is whether we can afford to submit our civilization and our institutions to all the untold horrors that must necessarily result to us and our posterity, to the peace, the good order, the general welfare, the tranquillity of our country, by planting in our midst a people such as this? Can we afford, in justice to the poor, hard-working, toiling millions of the land, men and women, who earn for themselves and their families their daily bread by the sweat of their faces, to see their means of subsistence filched from them by a species of serfdom, by a slavery, if you please, the very counterpart of which, in years not long gone by, evolved an issue in this country which drenched our land in blood?

The question presented, Mr. President, is not an old one. As stated in an article recently published in the New York Nation, and referred to by the honorable Senator from California in his speech the other day—

California—

And the editor might have added the whole Pacific coast—

is the only American community and, in fact, the only western community from the beginning of history which has had any experience of the actual effect of a Chinese immigration. The immigration from which we in the Eastern States are obliged to draw all our inferences as to the probable effect of such an experiment has been from countries which are allied to our own by race, language, religion, or customs; and the few Chinese whose acquaintance we have made have been chiefly objects of curiosity to us. To California they have come in numbers, and, speaking a different language, worshiping unknown gods, keeping alive imported customs and traditions, they form almost a separate caste. Now such a state of affairs is, under our system of government, very difficult to deal with. In mediæval times it would have been simple enough, because laws and customs would have arisen based on the inferiority of one race and the superiority of the other.

The question then, Mr. President, is a new one, and it is as difficult, complicated, and intricate as it is new. It is not a question as to obligation, or duty, or power with reference to our attitude toward or our dealing with those inferior races and classes of people which from time immemorial, from the earliest period of our country's history, have formed a part and parcel of our population. From those, under the judicious management and guidance of our Government and our people, our civilization has nothing to fear; while in fact the attitude of our Government in that direction in years but recently passed has brought new stars to the crown of our civilization. The question of dealing with those born on our own soil, and with those who from the Christian nations of the world seek an asylum, a home here, is one thing; while throwing wide our doors to the vassals, the criminals, the lepers, and the debased of the Asiatic countries of the world is quite another and a very different thing. And the very fact that a large part of our population, of those who shape and control its legislation, State and Federal, once bore allegiance to some of the Christian European powers, tends to a feeling of international unity and adds to our peace, our commercial and political prosperity among the nations of the world.

Since the beginning of our history no such question has been forced upon us; and can we, upon the ground of humanity, upon any principle of world-wide patriotism, on the doctrine of the right of expatriation, on the principles of the Christian religion, upon any of these or upon all of these combined, afford to have our land deluged by the dregs of the Mongolian race? A race which, according to the well-selected language of the "Nation" to which I have attracted attention, "speak a different language, worship unknown gods, keep alive imported customs and traditions, and form almost a separate caste."

I know that their influx into this country will widen the field of the missionary within our own bounds. I know that so long as they are permitted to come some of their number, but the very fewest, will be lifted from the depths of their degradation, and through the commendable efforts of Christian men and Christian women be placed upon the higher and broader and better plane of American civilization and of Christianity. But will even this, either in a moral or Christian point of view, compensate for the pestilence, the moral, social, political pestilence with which the countless thousands that will come, and who are necessarily unreclaimed, will infect the present and future generations of our people? I am not unmindful of the value of an influence that will result in lifting even one soul from the depths of heathenism; but, much as that influence is to be valued, it is no more to be prized than is to be deplored that other influence which will result in leading even a solitary American youth away from the traditions of his fathers and the influence of his country down to the doors of moral death and to a grave of infamy and disgrace.

But, Mr. President, it is said there is no danger, after all; but few will come, and there is no reason for alarm. Let me say that in my judgment the man who believes this, the statesman who acts upon this to-day, will be like certain men we read of who believe a lie and are damned. Asia can spare fifty million and scarcely miss them from her shores, and they are coming. Already the tide of immigration has set in across the waters of the Pacific, and to-day they are coming by the thousand into the ports of California and Oregon and Washington Territory, and all the other ports of the Pacific coast, bringing with them—what? Intelligence, wealth, virtue? Not much, but rather ignorance, and poverty, and crime, pestilence, moral, social, political, in their most alarming and dreaded forms.

A reference to a few arrivals of steamers recently on the Pacific coast will give some idea in regard to the alarming character of this immigration at the present time. In a dispatch from San Francisco, April 16, I read:

The British steamer Crocus arrived to-day from Hong-Kong via Yokohama, with rice and eight hundred and eighty-two Chinamen. She reports two other British steamers there up for this port.

Three days after we have another dispatch dated April 19, 1876, which says:

The Pacific Mail steamship Great Republic arrived in this port from China yesterday morning after a smooth passage of twenty-four days. She had on board one thousand and seventy-five Chinese, having lost one through suicide. The Great Republic reports the Belgic to follow with about six hundred Chinese. She also reports leaving the Quang Se ready for a shipment of coolies. The officers of the Great Republic say that all steamers from China for the next four months will be crowded with coolies.

So we see that in a short space of three days we have two thousand one hundred and fifty-seven Chinese arriving in the port of San Francisco alone, and it is a matter of history that for the past number of months and to-day they are arriving in San Francisco alone at the rate of from a thousand to twelve hundred per week; from four to five thousand per month; at the rate of sixty thousand a year. The man who imagines that this flood will not increase in volume and in power so long as our gates are open, until we have an *imperium in imperio*, an Asiatic government within our own founded upon the worst elements of human depravity, mistakes in my judgment the signs of the times, and fails to correctly trace the inevitable logic of events.

But, sir, what is the remedy for this evil? Is there any remedy, I ask, that can be applied with complete effect to this great, this new evil short of that of absolute prohibition of the Chinese immigration? I believe that there is not; and, until this is done, all the efforts that may be devised by the brains of the wisest statesmen intended to regulate this species of immigration will stand a dead letter on the statute-book. A law which cannot be enforced by reason of the peculiar circumstances surrounding its violation is as no law at all; and in the mean time the evil intended to be interdicted goes on with giant strides, boldly and defiantly. And such, let me say to the Senate, is the present condition of our congressional legislation on the subject of prohibiting the importation of coolies and of women for immoral practices. Why, sir, the whole of the present Chinese population of our country, with the exception of a mere fraction, is composed of these two classes; and therefore, to this very large extent, is the present immigration from China in direct violation of law. But, notwithstanding this, on account of the unrestrained fraud, the black perjury, the subtle chicanery, the dark-eyed conspiracy peculiar to this class of people, and for which those who engage in this nefarious business are notorious, conviction is simply impossible. The remedy, therefore, in my judgment, that is, the complete remedy, is in a large limitation upon, or an absolute abrogation of, the right of the Chinese subject both to expatriation and immigration, in so far as our country is concerned.

But here we are met with the objection again that this is a favored doctrine of our Government, and especially with the present Administration and the republican party, and that it was incorporated in terms by this Administration in the Burlingame treaty. This is all very true, and, as a general rule, I contend that the doctrine of the right of the subject of any civilized European country to abjure his allegiance to his own government and better his political fortunes by attaching them to another government is one that ought to be upheld by the civilized world, one that should receive the approbation of mankind; and especially should intelligent, free America extend this doctrine to the civilized governments of Europe, and not only extend it to them but insist upon it with reference to all such governments whose subjects—either in large or small numbers—may desire to better their political condition by seeking a home and asylum in our country, by becoming citizens of our Republic, and thus availing themselves of the superior immunities from political oppression afforded by our peculiar form of government.

But, Mr. President, there are nations, in my judgment, that are exceptions to this rule, and if they do come technically within the rule, as no possible good can come to the subject, nor to our own country,

but on the contrary an infinitude of harm, then I contend they should mark the exception, and thus add stability and force and power and strength to the rule itself.

Let us look at this rule for a moment and at the exception, because I claim that there is an exception, and that it is in this case. We go down then into the depths of Asia, among the Chinese of China, if you please; we look upon that strange people, the history of whose imperialism runs back into the ages, yes, even so far back that the penetrating eye of the nineteenth century fails to trace its origin in the shades of departed time; and we ask of them, "Do you desire a change in your government?" and they answer, "No." We then say to them, "Do you, as individuals, desire to better your political condition; do you desire to abjure your allegiance to imperial power: do you desire to attach your allegiance to our institutions, to our country; do you desire to become citizens and sovereigns in America?" and they again answer, "No!" emphatically, "No!" They will say to you in their broken tongue, "Me no likee Melican man; me no sabe Melican Government." And then we go to the better classes of the people of that country, and say to them—I refer now to men engaged in commerce, in agriculture, in manufactures, we go to the merchant, the manufacturer, the artisan, and the professional man, to the better classes, if you please, of China and of Asia generally—and we say to them, "Do you desire to change your domicile across the water? Do you desire to establish yourselves firmly in business in America, there to better, if you please, your political and your personal condition, there to add intelligence, wealth, and power to our institutions and government, there to live and there to die?" and you will be again met in nine cases out of ten with a negative answer. But there is another class—I refer to men who traffic in human flesh and female virtue; who subsist on the fruits of crime; whose history, from its birth, is marked with treason against morality, and peace, and law, and order, and good government, and these, and these alone, are the men of the empire who have their eyes on America, and through their influence and their machinations our shores on the Pacific coast—you may not feel it here, but our shores, the golden shores of the Pacific are to-day being flooded with the serfs, the criminals, the mendicants, the opium-eating gamblers, the leprous prostitutes, the most debased, in every sense of the word, of the Chinese Empire.

To permit this, when no possible good can come to the Chinese subject, as I have already shown, and when, instead of adding to the intelligence, the wealth, the prosperity, the dignity of our country, it but brings poverty, and disease, and pestilence, and crime, simply out of a desire on our part to adhere to a principle, is, to my mind, to subordinate the truest and best interests of this Government, the general welfare, and the domestic tranquillity, to the vindication of a mere idea in political ethics. It is one, in my judgment, that cannot be sustained for one solitary moment by any element of true statesmanship; and, sir, if it is persisted in, I predict here and now that the people of the next centennial, if not of the next generation, will eat of its bitter fruits and drink of its poisoned waters.

Mr. MERRIMON. May I ask the Senator a question?

Mr. MITCHELL. Certainly.

Mr. MERRIMON. I ask whether any portion of the Chinese on our western shores are naturalized; and, if so, do they belong to the voting population of California and Oregon?

Mr. MITCHELL. They are not naturalized; and not only that, but they do not desire to be naturalized; and that is the very point I have been trying to make, that the country from which they come is an exception to the nations of the world to which the doctrine of the right of expatriation ought to be extended by our country.

Mr. MERRIMON. Suppose they are content to be naturalized and our people are content that they shall be and become voters among them?

Mr. MITCHELL. That is simply supposing a case that never will occur, as I have been endeavoring to show. I have been endeavoring to show that all their inclinations and aspirations and dispositions are in the other direction. They do not desire either a change of government in their own country or a transfer of their allegiance to this.

Mr. SARGENT. If my friend will allow me, I will say that the people of the Pacific coast do not wish them to be naturalized. Naturalization would only add to the mischiefs. Put the ballot in the hands of the sixty thousand Chinese in California, and they would be marshalled in squads at the polls by their masters, the six companies, with ballots prepared beforehand and dictated to them, and the influence of white men in the government of California would soon cease to exist. California would be a mere Asiatic province.

Mr. MITCHELL. This is unquestionably true, and the same thing applies in relation to the State of Oregon. The whole immigration is not a voluntary one; it is controlled, as stated by the Senator from California, by these six companies, by these masters, if you please, in whose control and under whose subjection is every Chinese, male and female, that comes from the empire to our shores; and, as stated, the ballot in their hands would but add to the horrors of the situation.

But, Mr. President, can the Congress of the nation, in the face of the Burlingame treaty, provide a remedy constitutionally or consistently equal to the magnitude of this great evil? Perhaps they can. Perhaps they may upon the ground that, I understand, has been decided more than once by the Supreme Court of the United States, to the effect that, although a treaty is the supreme law of the land yet an act of Congress passed subsequently to the date when the treaty went into operation will, so far as it conflicts with the provisions of the treaty, abrogate it or suspend its functions. Whatever may be our power in this respect—and I concede that, if we have the power, it is one that should be approached with care and with great caution—it is certain that we have the power to appeal to the Executive of the nation, and ask of him and of our Secretary of State to enter into negotiations with the Chinese government looking to a reformation of the treaty; and this, in my judgment, after all, is the real remedy that ought to be applied in this case.

While I have said that I would approach with extreme caution any legislation by Congress upon this subject that would come in conflict with any existing treaty stipulation, still I will say that, if it is apparent to the country that the civilization of our land is in jeopardy, that our institutions are in imminent danger from this species of immigration, and you cannot reach it in any other way, then I would apply the remedy, desperate as it is, although it shake the empire to its foundations.

I hope then, Mr. President, to see the pending resolution adopted by this honorable body, and adopted at an early day. It is demanded by every consideration of humanity; it is demanded as a matter of justice to the poor, toiling, hard-working men and women of the Pacific coast who by the wages resulting from their daily toil, which at best is but meager, support themselves and their families, and whose labor to-day is being brought into direct and dangerous competition with the labor of Chinese serfs, whose food and raiment and other necessaries cost, under their peculiar modes of life, but little or nothing. Without families to support, their masters can afford to work them at rates far below those that are absolutely necessary to maintain one of our own citizens alone, to say nothing of his family.

But, Mr. President, it is demanded also by the merchant and the manufacturer, who in many instances on our coast are unable to compete in their productions with prices regulated by cooly labor, and who are, therefore, necessarily compelled to close their stores and shut up their shops. But, above all, it is demanded by the highest considerations of justice and right that can possibly attach to the American name or direct the destiny of the American people.

And here, Mr. President, let me read for a moment—and I will detain the Senate but a very few minutes longer—a dispatch of May 1 from Antioch, California, which reads as follows:

ANTIOCH, CALIFORNIA, *May* 1.

A fire occurred here which was the culmination of an excitement that has been growing since last Saturday, when one of the doctors informed various parties that several boys had visited a Chinese house of prostitution on the outskirts of the town and were now, in consequence, under his treatment. In a short time their parents heard of it and extreme measures were talked of, but better counsel prevailed. On Saturday morning thirty-five or forty citizens proceeded to the Chinese dens and notified them to leave town before three o'clock, or trouble would ensue. This all promised to do, and several of them started up the river in a sail-boat for Stockton and others taking the steamer for San Francisco. Among the latter was one woman who was nearly gone with disease. A boss Chinaman was sent with them, but much against his will, it requiring the efforts of two men to get him on the boat. It being supposed that the women had left for good, the excitement subsided. However, on Sunday afternoon, it was reported that the women who had started for Stockton had returned, which revived the excitement of Saturday, but nothing occurred to disturb the serenity of the Sabbath until about eight p. m., when a cry of fire was raised, and it was soon apparent that action had been taken. Chinatown was on fire, and a crowd of curious lookers-on assembled, together with the fire company, but little was done to stay the progress of the fire, and all but two of the buildings were destroyed—the inmates fleeing terror-stricken. How the fire was started, no one knows. To-day the remaining buildings have been removed, and Antioch is now free from this degraded class.

Again, a San Francisco dispatch to the eastern papers says:

SAN FRANCISCO, *May* 3, 1876.

The South San Francisco Anti-Cooly Club and the Young Men's Universal Reform Society held meetings last night and passed resolutions indorsing the destruction of the Chinese quarters in the town of Antioch, and advocating a similar course in this city unless the Federal Government should take immediate steps to abate the evil of Chinese immigration. Highly incendiary speeches were made and letters read from societies in the interior of the State seeking the co-operation of San Francisco anti-cooly organizations. The sergeant-at-arms of the Young Men's Universal Reform Society announced that he had received a telegram from New York saying that twenty-six hundred stand of arms could be delivered here at ten days' notice.

While such talk and action are universally reprobated by the great mass of thinking people in this city, there can be no doubt that it meets the approval of a large and dangerous class in the community, and that, in the event of no action being taken in the matter by the General Government, there is grave reason to fear serious disturbances here at no distant day.

Now then, Mr. President, while that spirit of mobocracy which sometimes invades the domain of law and order should be condemned by all good citizens at all times and under all circumstances and at all places, still when these things do occur, whether from real or imaginary causes, I contend, as did the Senator from California the other day, that it is the duty, the bounden duty of the Government to inquire into the cause of discontent, and if it is found that any real cause exists, then to apply the remedy by abating the cause.

The sentiment of the people of the Pacific coast is, universally I may say, opposed to further Chinese immigration. This is the view of everybody, of all political parties. It is not a party question. But while this is so, they, as a rule, are a law-abiding people, and they recognize the fact that the Chinese that are absolutely here are here in virtue of treaty stipulation; that they, therefore, are rightfully here; and that being here, they are in all their civil rights entitled to the equal protection of the law. If there are any others—and I

must confess there are a few on our Pacific coast—who do not recognize these facts, and who counsel a resort to violence, they do but paralyze the arms of the real reformer at home, in the East, throughout the country, in the councils of the nation, and everywhere else. They trample upon law and order. They excite to anarchy and confusion. They fan the flame of prejudice and discord; and so far from removing the cause of the discontent by such a course of action, they do but rear formidable impediments in the only legitimate way in which the evil can be corrected.

I then, Mr. President, in conclusion appeal to the Senate; I join my friend from California in behalf of the people of the Pacific coast in appealing to the Senate, and the Congress, and the President, and the Secretary of State, and to the whole people, to all men and all women everywhere throughout this land who love their country, who have a pride in its progress, in its civilization, and a high hope for its future destiny, to come now to the rescue and crush out in its infancy this viper that, if permitted to live and grow, will at last and at no distant future gnaw with deadening effect at the very vitals of the civilization of this country.

Mr. SARGENT. I ask that the bill (S. No. 829) to restrict the immigration of Chinese to the United States, which I introduced yesterday, be now ordered to be printed and referred to the Committee on Commerce, allowing this resolution to lie on the table for the present.

The PRESIDENT *pro tempore*. That order will be made. The resolution will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive free from duties a wedding-present from the Khedive of Egypt;

A bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company; and

A bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.

The message further announced that the House had passed the bill (S. No. 679) relative to interments in the Congressional Cemetery, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3464) for the relief of Ella Long;

A bill (H. R. No. 2962) to amend the act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington;" and

A bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California;

A bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry;

A bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army;

A bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina; and

A bill (H. R. No. 3368) appropriating $9,000 to pay the expenses of the Select Committee to Investigate the Federal Offices in Louisiana.

IMMIGRATION OF CHINESE.

Mr. CONKLING. Not without the consent of the Senator from California, I suggest that the bill just referred to the Committee on Commerce more appropriately belongs to the Committee on Foreign Relations. I move therefore that the reference be changed, the Senator from California having no objection.

Mr. EDMUNDS. I should have some question about that. I think that this matter, in accordance with the views expressed by the Supreme Court and in accordance with the Constitution, belongs to the subject of commerce, and that whatever regulations are to be made upon the subject must be made as regulations of commerce. I do not know the precise phraseology of the bill, exactly what it purports to do.

Mr. SARGENT. The bill in effect limits the number of Chinese who may be imported in any one year.

Mr. EDMUNDS. That is purely a regulation of commerce, and I submit to my honorable friend from New York that the committee of which he is the chairman is the appropriate committee to consider a question of that kind.

Mr. CONKLING. I made a mistake in not consulting my honorable friend from Vermont, instead of consulting the mover of this bill, in order to get consent to move in the Senate that it should take what seems to me its appropriate reference. Doubtless, if I had made to the Senator from Vermont the suggestions which I think I could make now to the Senate, he would have seen some reasons which are not covered by the remarks he has made; but speaking to the Senator who moved the bill, and finding that he concurred with me, I made the suggestion at once. Without going into the reasons generally, I will assign one.

The proceeding against which this bill is aimed is of course more or less in consequence of, if not by virtue of, a treaty, as all those who have listened to the very interesting and able speech made by the Senator from Oregon have perceived, if their attention has not been drawn to that before. In dealing with that subject, certainly it seems to me, the considerations involved are those appropriate to the Committee on Foreign Relations.

I have no personal objection myself—and if I had it would be counterbalanced—to considering this bill, because it so chances that I am a member of each of these committees. It is not therefore in my own behalf in any sense that I make this suggestion; but it seems to me very clear that a measure which is to execute, to coincide with, or to impinge upon an existing treaty, ought appropriately to be considered by the Committee on Foreign Relations and not by the Committee on Commerce, although in some general sense or relation the bill may be commercial in its effect. Congress has power to regulate commerce with foreign nations, and anything that regulates commerce merely is appropriately referred to the committee having charge of such topics; but every Senator must see that a provision restricting emigration from a foreign land which emigration proceeds largely in consequence of a treaty made with that country, is a great deal more than a matter concerning commercial relations.

But, as I said, I am not going to be tenacious about this matter, for it is not likely in any personal sense that it would make a difference to me whether it goes to one committee or to another committee, both of which I happen to be a member of. I have no doubt, however, that the appropriate reference of the bill would be to the committee which I suggested after finding that the mover of the bill had no objections to its going there.

Mr. EDMUNDS. Mr. President, I must express a profounder humiliation to my honorable friend from New York than he seems to feel, that I should have ventured to address myself to a question which was pending before the Senate without having first consulted him, and I offer all the apology that is possible under the circumstances. I am very sorry indeed that I did not know that I was offending the sensibilities of the distinguished Senator by proposing that a bill to regulate commerce, as it is understood under the Constitution and as it is settled by the decisions of the Supreme Court, should go to the committee of which he is the distinguished head. I shall hope that I shall so conduct my duties as Senator hereafter that I shall never do a thing of that kind again without first appealing to him either privately or publicly.

Having made this apology, I will, with what little strength I have left after such a painful procedure, proceed to say a word upon the topic. The honorable Senator from New York says that this has relation to a treaty. I should be glad to know upon what principle of international law it is that a statute which simply regulates the number of persons that on a particular voyage of a ship shall be brought into the United States has relation to any treaty of the United States that now exists or that is likely to exist. The treaty of the United States with China does not provide that there shall be unlimited passengers of the Chinese nation on any particular ship of the United States or any other state or country. It provides for free emigration from both countries, or rather for the free equal right of denizenship to the subjects and citizens of each country who happen to be in the other. That is the substance of the treaty; so that we have, the treaty notwithstanding, exactly the same power to regulate the number of passengers and the kinds of merchandise to be carried upon ships which are to be brought into our ports that we had without any treaty at all. That is purely and exclusively a regulation of commerce. So the Constitution seems to say and so repeated decisions of the Supreme Court have determined it to be. Therefore I do not think that I ought to be severely censured for suggesting that a measure of this kind, in the order of the business of the Senate, should go to the committee charged with subjects of that character, and not go to the Committee on Foreign Relations, as if there was something in this bill that might be thought to invalidate or to overthrow the provisions of our treaty with the Chinese.

Mr. CONKLING. If at this moment I am not prepared to be facetious with the Senator from Vermont, I am willing to be frank; and therefore I will not be disingenuous enough to seem to display the impression made on me by the suggestion of the Senator from Vermont. He found it convenient during his brief remarks to employ several times the terms "regulate" and "regulation." It seems to me that few words would naturally be more convenient to my honorable friend. I think a mission of his of late is to regulate, not so much commerce, as the Senate and his fellow-Senators.

Now, Mr. President, when a member of the Senate moves a bill in which he is deeply in earnest, so that no other member, however suspicious he may be, has the possibility of ground to doubt that it is a serious

proceeding, and when he indicates a committee to which he is willing it shall go, and so indicates upon conference with a member of that committee, is it not true that it is somewhat unusual for any other member of the Senate to feel constrained, he being a member of neither committee, to interpose an objection, as if some serious reason existed why these two members of the Senate, (one the mover of the bill, and the other a member of each of the two committees to which it is proposed to refer it,) might not, as to the mere mode of proceeding, as to the mere detail of the treatment of the subject, arrange between themselves, without any other member of the Senate being moved for no reason except such as the honorable Senator from Vermont has suggested, to interpose and prevent it? The honorable Senator thinks, speaking his judgment, that it would be more appropriate that this bill should go to one committee of which he is not a member, rather than to another of which he is not a member. No member of either committee makes such a suggestion. As I have already said, the mover of the bill is agreed; the chairman of one of the committees proposed makes the suggestion, and nobody on either committee dissents.

Now, Mr. President, in all kindness to the Senator from Vermont and in all frankness also I submit to him that it is not a part of the obligation which rests upon him or any other Senator to be quite so alert, quite so careful in the supervision and government of the proceedings of the body and of others as this suggestion of his would indicate. I meant that frankly in my remarks; I do not disclaim it; and in order to show the Senator that I do it without any feeling ungracious toward him I say sincerely that I should have held myself guilty, if not of an affront, of something coming very near to that had our positions been reversed. Had the honorable Senator, being chairman of one of the leading committees of this body, of which it happens that I am a member, proposed that a bill which was to be sent to that committee by the formal motion made and which might appropriately go to another, of which he was also a member, should be sent to that other committee, and had the mover of the bill been entirely satisfied with that, I repeat that without some reason more cogent than the Senator from Vermont has suggested I should have thought that it was hardly courteous, hardly observant of that equality which exists in law and in fact between Senators and of that comity and regard by the members of the body for each other which makes it necessary for us to depend so little upon rules, for me to interpose at once with an objection without knowing whether convenience, some consideration having no public concern but perhaps being of some interest to some member of the body, might or might not exist. So it would have struck me, Mr. President; and yet I believe that among my many faults a chronic habit of objecting is not one. I hope no other member of this body has such a habit. I impute it to nobody; but had I made such an objection, I should have thought it signified on my part an ambition, a disposition at least, to seem to be somewhat pragmatic, somewhat more than careful in regulating the doings of the Senate and the disposition of its members. Therefore I was surprised at what the Senator from Vermont said. I made this suggestion originally, and I now adhere to it without the slightest feeling. If this bill is sent to the Committee on Commerce, as cheerfully as my honorable friend from North Carolina, [Mr. RANSOM,] who sits before me, who is a member of this committee, I shall address myself to it. I know of no reason in the world which will make me reluctant to address myself to this bill rather than to any other. Therefore I beg the Senate to understand that in that respect no imposition whatever will occur upon the Committee on Commerce should it be the pleasure of the Senate that the bill take that direction. But, on the other hand, it seemed to me a proper bill to go to the other committee. Not seeing the chairman of the Committee on Foreign Relations at the moment, I made the suggestion to the Senator from California. He acquiesced in it, and said on the whole he preferred to have the bill go to the Committee on Foreign Re'ations; and, as I did not say before, but which he will now permit me to say, it was upon his suggestion that I, rather than the Senator himself, made this motion. I did it indeed at his request, and therefore I was surprised when the honorable Senator from Vermont was not willing to allow even that little suggestion to pass without it being subjected to somewhat of regulation and supervision on his part.

Mr. EDMUNDS. Mr. President, the Senate will pardon me if I put in a second confession, because my honorable friend from New York has entirely vanquished me by what he has said now. He has stated that the ground of my suggestion must have been, as I understand it, that I am a chronic objector, and that I have interfered with what I ought not to have interfered with, and my good friend has said that he does not consider himself to be a chronic objector. I agree to that. I believe all the people of the United States know that "Barkis is willin';" there is no objection. I am quite sure also that if I could have had the benefit of knowing by some potent and invisible influence that the Senator from California, in private consultation with the Senator from New York, had desired that this bill should go to the Committee on Foreign Relations, I should have made no suggestion about it. It is nothing to me.

Mr. CONKLING. If the Senator will allow me a moment, I beg to remind him that I made my motion in these terms: "Not without the consent of the Senator from California, I suggest" so and so. I put the wish of the Senator from California in front of my motion.

Mr. EDMUNDS. The RECORD will show what the Senator said; but if he said what he now thinks he said, I certainly did not hear it. If the Senator from New York had stated in my hearing that the Senator from California desired this bill to go to the Committee on Foreign Relations, I should have said nothing about it, although my opinion (if I am allowed to have an opinion, as I believe I am by the Constitution, notwithstanding my friend from New York) would have been exactly the same. If there is any occult reason why the Senator from New York is shy of this question of Chinese immigration, and why his committee is shy of it, certainly I have not the slightest disposition to interfere. If the Committee on Foreign Relations is the better committee to regulate commerce in this particular instance, it is certainly nothing to me. Both committees are good ones, because, as my honorable friend from New York says, he is a member of both of them; therefore both committees will report the best possible bill, and it cannot be a bad one, because, as the honorable Senator from New York says, I am not a member of either of them. [Laughter.] So I am sure my good friend will give me the credit of not being particularly selfish or particularly proud (except in the sense of being generally unwilling, in which respect I am entirely different from him, if common report is true) in having spoken about this matter at all.

But so much, Mr. President, for the humor of the thing. I repeat what I believe I have already said, that if the Senator from California desires this measure of his to be considered by the Committee on Foreign Relations rather than the Committee on Commerce, I have no suggestion to make; but I did not know that before. Very likely it was my own fault. If he states so now, I have not a word to say.

Mr. SARGENT. It is only fair to the Senator from New York that I should state that he consulted with me in reference to the matter, and that I said I should like to have the bill go to the Committee on Foreign Relations.

Mr. CONKLING. Will the Senator from California state whether I am right or not in my recollection that I so stated to the Senate in substance?

Mr. SARGENT. My recollection concurs with that of the Senator.

The PRESIDENT *pro tempore*. It is moved that the bill be referred to the Committee on Foreign Relations.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2982) to amend the act entitled "An act to incorporate the Joint Stock Company of the Young Men's Christian Association of Washington;" and

A bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.

The bill (H. R. No. 3464) for the relief of Ella Long was read twice by its title and referred to the Committee on the Judiciary.

INTERMENTS IN CONGRESSIONAL CEMETERY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 679) relative to interments in the Congressional Cemetery.

The amendment was in lines 7 and 8, to strike out the words "in the form of the cenotaph heretofore provided."

The amendment was concurred in.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Pursuant to order the legislative and executive business of the Senate will now be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The Senate resumed its legislative session; and

On motion of Mr. SARGENT, (at five o'clock and twenty-five minutes p. m.,) adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 16, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. VANCE, of Ohio. I desire to call up the motion I entered on Friday last to reconsider the vote by which the House recommitted to the Committee on Printing the report on the subject of the conduct of the Government Printing Office.

Mr. HOLMAN. I shall be compelled, in the interest of the post-office appropriation bill, to raise the question of consideration on this report, unless there can be some definite understanding by unanimous consent as to the time that shall be consumed. Every gentleman must perceive the absolute necessity of disposing of the appropriation bills at the earliest possible moment; and I am instructed by the Committee on Appropriations to ask the House to consider those bills to the exclusion of all other business until they shall be disposed of. The naval appropriation bill is now before the Committee of the Whole and ready for action. The post-office appropriation bill is almost disposed of in Committee of the Whole; and we are extremely anxious to dispose of it to-day. But, in view of the anxiety of the gentleman from Ohio [Mr. VANCE] to leave the city at an early moment with the committee appointed to visit New Orleans, I am willing that this report of the Committee on Printing shall now be considered if the House will give unanimous consent that the Committee on Appropriations shall have the floor in two hours from this time for a motion to go into Committee of the Whole.

Mr. WARD. I have charge of a special order for this morning after the morning hour; and I would not like it to be interfered with.

The SPEAKER *pro tempore*. Special orders have not yet been reached. The gentleman from Ohio [Mr. VANCE] proposes to call up a motion to reconsider the vote by which a report of the Committee on Printing was recommitted. The question of reconsideration takes precedence of many, if not all other motions; and the question of printing is also a matter highly privileged. The gentleman from Indiana [Mr. HOLMAN] desires to make a privileged motion that the House go into Committee of the Whole on the post-office appropriation bill; but as a compromise, he asks unanimous consent that two hours from this time the House go into Committee of the Whole on the post-office appropriation bill. Is there objection to that arrangement?

There was no objection, and it was ordered accordingly.

Mr. VANCE, of Ohio. I now yield to the gentleman from Pennsylvania, [Mr. HOPKINS.]

INVESTIGATION OF RAILROAD COMBINATIONS.

Mr. HOPKINS. I ask unanimous consent to offer for adoption at this time the resolution which I send to the Clerk.

The Clerk read as follows:

Whereas it is alleged that certain of the leading railroads engaged in interstate commerce, and in commerce from the inland States to the seaboard for exportation, have combined for the purpose of controlling said traffic, and have made and continue to make unjust discriminations in the carrying of such freights, whereby many industries have been crippled and are threatened with extreme prostration; and whereas numerous petitions have been presented during the present session of Congress praying for the passage of an act to regulate such commerce and to prohibit such discriminations: Now, therefore, in order that Congress may be fully advised of the truth and extent of such alleged combination, and of the effect thereof, and of the most complete remedy therefor,

Be it resolved, That a select committee of five be appointed to investigate the allegations aforesaid, and report by bill or otherwise, with power to send for persons and papers.

Mr. WARD. I desire to ask where the action of the House, just taken, will place the special order in which I am interested?

The SPEAKER *pro tempore*. The special order to which the gentleman refers comes up after the morning hour; but the morning hour has not been called this morning.

Mr. WARD. I desire to ask whether that special order will come up after the post-office appropriation bill is disposed of?

The SPEAKER *pro tempore*. If the gentleman chooses to raise the question of consideration upon the post-office appropriation bill, the Chair will decide the question at that time.

Mr. RANDALL. I do not understand that the gentleman from New York [Mr. WARD] is disposed to do that. I understand that he wishes his special order to come up after the disposition of the post-office appropriation bill.

The SPEAKER *pro tempore*. Is there any objection to the special order in regard to reciprocity being made the order at the conclusion of the post-office appropriation bill?

Mr. W. B. WILLIAMS. I object.

The SPEAKER *pro tempore*. The question then recurs on the resolution of the gentleman from Pennsylvania.

Mr. PAYNE. Is that resolution before the House?

The SPEAKER *pro tempore*. The Chair heard no objection to its introduction.

Mr. PAYNE. I object.

Mr. HOPKINS. I make the point that the objection comes too late.

The SPEAKER *pro tempore*. The Chair is of the opinion that the objection does not come too late. The Chair did not ask whether there was objection to the introduction of the resolution. Objection being made, the resolution is not before the House.

Mr. COCHRANE. I hope the gentleman from Ohio will withdraw his objection and allow the resolution to be adopted and the committee asked for appointed. This is an important matter and should be inquired into at once.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw his objection?

Mr. PAYNE. I do not.

The SPEAKER *pro tempore*. The resolution is not before the House.

ORDER OF BUSINESS.

Mr. STRAIT. I ask unanimous consent to report from the Committee on Military Affairs two bills in order that they may be referred and the reports ordered to be printed.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business being demanded, the House proceeds with the consideration of the report from the Committee on Printing, on which the gentleman from Ohio [Mr. VANCE] is entitled to the floor.

Mr. MACDOUGALL. I hope there will be no objection to the submission of the reports from the Committee on Military Affairs by the gentleman from Minnesota.

Mr. VANCE, of Ohio. I must proceed, as my time is limited.

REVISION OF STATUTES.

Mr. LAPHAM. I ask unanimous consent in behalf of my colleague, [Mr. WHEELER,] who is absent, to present a bill for reference only.

Mr. VANCE, of Ohio. I will yield for that purpose.

Mr. LAPHAM, for his colleague, [Mr. WHEELER,] introduced a bill (H. R. No. 3465) to amend section 5108 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWIN EBERT.

Mr. STRAIT. I understand the gentleman from Pennsylvania withdraws his objection to my report.

The SPEAKER *pro tempore*. The gentleman from Ohio is on the floor.

Mr. VANCE, of Ohio. I will yield to the gentleman from Minnesota, as I understand he wishes to submit some reports for reference only.

Mr. STRAIT, by unanimous consent, from the Committee on Military Affairs, reported back a bill (H. R. No. 940) for the relief Edwin Ebert; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PRESBYTERIAN CHURCH, GRATIOT, MICHIGAN.

Mr. STRAIT also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 3331) authorizing the Secretary of War to permit the Presbyterian church of Gratiot, Michigan, to erect and maintain a wooden building on the Fort Gratiot military reservation, Michigan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 3368) appropriating $9,000 to pay the expenses of the Select Committee to Investigate the Federal Offices in Louisiana; when the Speaker signed the same.

GOVERNMENT PRINTING OFFICE.

The SPEAKER *pro tempore*. Before the gentleman from Ohio proceeds, the Clerk will read the resolutions reported from the Committee on Printing.

The Clerk read as follows:

Resolved, That the Speaker of the House be, and he is hereby, directed to certify to the proper authorities of the District of Columbia the testimony heretofore taken by the order of this House relating to the conduct of A. M. Clapp, as Congressional Printer, to the end that he may be indicted and prosecuted.

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire whether A. M. Clapp, Congressional Printer, is an officer who may be impeached under the Constitution of the United States, and report to the House at as early a day as practicable.

Resolved further, That the Committee on Appropriations of this House be, and they are hereby, instructed to embody in the sundry civil bill to be reported by them to this House, and in which bill appropriations for public printing are made, the following sections, to wit:

SEC. —. That so much of all laws or parts of laws as provide for the election or appointment of Congressional Printer or Public Printer be, and the same are hereby, repealed, to take effect on the 30th day of June, 1876, and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office from and after the day aforesaid; he shall be called the "Government Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Congressional Printer; he shall give bond in the sum of $100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; and he shall receive a salary at the rate of $3,500 a year.

SEC. —. That the amounts appropriated for printing, binding, and blank-books for the several Executive Departments shall be placed under the control of those Departments, respectively, and expended by the heads thereof; and the head of each Department shall cause to be made in the month of July, 1876, and afterward in June and December of each fiscal year, a schedule of all blanks of regular forms and blank-books, and other printing and binding required for the ensuing five months of the year 1876, and subsequently for the following six months' use in that Department, so far as it may be practicable to make such schedule, and shall take proper measures to obtain proposals from various parties for furnishing said blanks and blank-books, and for executing the said printing and binding, or any part thereof, upon paper equal in quality and weight to the present adopted standard; and he is hereby authorized and required to contract for the said blanks and blank-books, and for the said printing and binding, or any part thereof, with the lowest responsible bidder, the successful bidder to give bond in such sum as may be determined by the head of the Department ordering the work for the prompt and faithful execution of the same: *Provided*, That a copy of the schedule aforesaid shall be furnished by the head of each Department to the Government Printer, and he is hereby required to submit at the earliest practicable day a statement to the said head of a Department, showing the cost of executing the work named in the schedule at the Government Printing Office; and the said head of a Department shall award such work to the Government Printer when it shall be found that his estimate of the cost thereof is the lowest or as low as the lowest bid; and whenever such work is executed at the Government Printing Office, it shall be the duty

of the Government Printer to furnish with each and every document, pamphlet, blank, blank-book with or without printed headings, job of printing, or job of binding thus executed a bill or memorandum setting forth the number of copies; the quantity, weight, cost, and description of paper; the number of pages, the number of thousand ems printer's measurement, the cost of composition, making-up, and imposing, proof-reading, correcting, and press-work; the cost, if any, of stereotyping, electrotyping, lithographing, or engraving, including paper and printing; the cost of dry-pressing, folding, gathering, stitching or sewing, and binding, including materials. Whenever any work requiring the purchase of materials whose value exceeds $100 is awarded to the Government Printer, he shall prepare an estimate of the quantity and cost of the same for submission to the head of the Department ordering the work, and, upon approval, bids shall be invited by the Government Printer in such manner as the head of the Department may direct, and contracts shall be awarded by the last-named officer, contracts to be made in quadruplicate, for distribution as follows: One copy to the First Comptroller of the Treasury, one copy to the Department authorizing the contract, one copy to the Government Printer, and one copy to the contractor. It shall be the duty of the Department for which the work is to be done to designate some competent person in its employ to inspect the papers delivered under any contract as to quality, quantity, and weight, and no bills arising under such contract shall be paid except they bear the joint certificate of the Government Printer and an inspector as aforesaid, all accounts so certified and approved to be forwarded to the head of the Department authorizing the contract for payment. When the work is completed and delivered the Government Printer shall prepare an account in detail showing the cost of each item, as provided in this section, and present the same to the head of the Department for whom the work was done for payment; and, if correct, the same shall be paid in full, less the cost of the paper, by check upon the Treasurer of the United States, which check shall be immediately deposited in the Treasury to the credit of the appropriation for the public printing and binding, to be drawn therefrom only upon requisition and warrant in the usual manner. Whenever the Government Printer shall complete any work which may be given him to do under the provisions of this act, he shall report to the proper Department the quantity, kind, and cost of the several papers remaining in his hands, and the same shall be held subject to the orders of the head of that Department: *And provided further*, That the beforenamed provisions shall also apply to the appropriations for printing and binding for the Library of Congress, and that it shall be the duty of the Librarian of Congress to issue schedules of the printing and binding required for said Library to contractors and to the Government Printer, and to have the said work done as it is in this section provided for the execution of the printing and binding for the Departments.

SEC. —. That the Government Printer shall, in his annual report to Congress, as required by existing laws, also render a detailed statement, in tabular form, setting forth the number of copies, amount and kind of work, and the cost of each document, pamphlet, blank, or other printed matter, executed in accordance with existing laws or by order of either House of Congress, arranging the various items under appropriate headings, as follows: Title or subject of work; number of copies; number of pages; number of thousand ems printer's measurement; cost of composition, proof-reading, corrections, making-up or imposing, and press-work; cost of stereotyping or electrotyping, cost of lithographing or engraving, including paper and printing; quantity of paper used, weight, description, and cost per ream; cost of dry-pressing; style of binding, cost of binding per volume, including folding, gathering and stitching, or sewing; total cost of each document, pamphlet, blank, or other printed matter; and the distribution of each.

SEC. —. That the Government Printer shall keep such a set of books as will show the complete transactions of the Government Printing Office under his direction, exhibiting the purchases of paper and other materials in detail, and the uses to which the paper and other materials so purchased have been applied, and enabling him to make the detailed statement called for in the preceding sections, both for work executed for the Departments and for Congress and the moneys paid by the several Departments for work done by their order; the said books to show the description, quantity, and cost of all materials purchased; the description and quantity thereof issued to the various departments of the Government Printing Office; the description and quantity thereof used in the various items of work executed; and the description and quantity of any paper or materials destroyed, lost, or of which fragments shall be sold. And it is made the duty of the Joint Committee on Public Printing to inspect, at least once a year, or cause to be inspected by a competent person, the books of the Government Printer, to ascertain whether they are kept in accordance with this section; and, if they are not so kept, it shall be the duty of the Joint Committee on Public Printing to certify the same through the presiding officers of their respective Houses to the President of the United States as a neglect of duty on the part of the said Government Printer, which shall be a sufficient cause for his removal from office.

SEC. —. That from and after the passage of this act it shall be the duty of the Government Printer to pay no greater price for labor performed by printers, bookbinders, and other employés in the Government Printing Office for each hour's work or piece-work than the average price paid for an hour's work or for piece-work of the same description in the cities of New York, Philadelphia, and Baltimore; nor shall it be lawful for him to employ any workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction.

SEC. —. That whenever it becomes necessary for the Government Printer to make purchases of materials not already due under contracts, he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article, and shall invite proposals for furnishing the same either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid, and the awards of the contracts.

SEC. —. That section 196 of the Revised Statutes of the United States be, and the same is hereby, so amended that henceforth it shall be the duty of the heads of each Executive Department, except the Department of State and the Department of Justice, to furnish the editor of the annual abridgement of the message of the President of the United States and accompanying documents with copies of the reports of the various Bureaus and other subordinate offices of their respective Departments on or before the 1st day of November of every year; and it shall be the duty of the said editor of the abridgement, acting under the direction of the Joint Committee on Public Printing, to compile such portions thereof as he may deem of the greatest public interest, with an alphabetical index, and to employ such assistants and copyists as he may deem necessary for the prompt performance of the work, at a cost for compensation and additional compensation not to exceed $1,500, to be paid under the direction of the Joint Committee on Public Printing; and it shall be the duty of the Government Printer to have the said abridgement printed and bound before the close of the month of December in which the said message shall be delivered: *Provided*, That while it shall be the duty of the Government Printer to print copies of the reports proper of the heads of the Executive Departments, as provided in section 3798 of the Revised Statutes, it shall not be lawful for him to print the reports of the various Bureaus and other offices of the Executive Departments, nor shall it be lawful for the heads of Departments or their subordinate officers to have the reports of Bureaus or offices printed by any one at the public expense: *And provided further*, That the papers relating to foreign affairs accompanying the annual message of the President of the United States shall be transmitted to the Senate in writing with the aforesaid message, and the Secretary of the Senate shall at once transmit the same to the editor of the abridgement, who shall insert in that publication such of said papers as he may deem of public interest not exceeding the amount of fifty printed pages; and the publication of the annual volume of papers relating to foreign affairs be, and the same is hereby, discontinued.

SEC. — That from and after the close of the first session of the Forty-fourth Congress the printing and binding of the proceedings and debates of Congress, in the same form as they now appear in the CONGRESSIONAL RECORD, shall be done by Franklin Rives, of Washington City, for the period of six years next ensuing, terminable after notice of two years on the part of either party, terminating at the expiration of a Congress, upon the terms stated in his proposal, to wit: Two and one-half mills per printed page of book edition, and seventy cents per volume for binding; the type to be of the same kind as now used in printing the CONGRESSIONAL RECORD, the pages to be made up of the same size as those of the CONGRESSIONAL RECORD, the paper to be of the same description, weight, and quality as that now used for the CONGRESSIONAL RECORD, the volumes to be as nearly as practicable of the same size and bound in the same style as the volumes of the CONGRESSIONAL RECORD, and the stereotype plates or duplicates thereof to belong to the United States, the above-named sum of two and a half mills per printed page and seventy cents per volume for binding to embrace all charges made by the said Franklin Rives for the printing, binding, delivery, and all other work connected with the prompt publication of the proceedings and debates of Congress in daily and book form, as the CONGRESSIONAL RECORD is now published, and for the said stereotype plates: *Provided*, That the said Franklin Rives shall enter into good and sufficient bonds, in the sum of $100,000, subject to the approval of the Secretary of the Senate and the Clerk of the House of Representatives, for the faithful and prompt performance of his contract.

SEC. —. That it shall not be lawful for any printing or binding, other than that for Congress or for the Executive Departments, to be executed at the Government Printing Office; and all branch or other printing offices or binderies (except the printing office at the headquarters of the Signal Service Corps) now in the various Departments or Bureaus thereof, be abolished; and that it be the duty of the Government Printer to have all the materials belonging to the United States in the said printing offices and binderies transferred to the Government Printing Office, and that it be unlawful to have any printing or binding executed in any Department or Bureau thereof.

All of which is respectfully submitted.

Mr. WILSON, of Iowa. I demand a separate vote on each one of these resolutions.

The SPEAKER *pro tempore*. The Chair sees no objection to that course being pursued.

Mr. WILSON, of Iowa. I have the right under the rule to demand a separate vote on each resolution if it contains a substantive proposition.

Mr. VANCE, of Ohio. Mr. Speaker, your committee, in entering upon the consideration, and in making the inquiries directed by the resolution adopted by the House some time since, by which they were required to examine into the cost of public printing, and suggest reforms if such were needed, took all the means in their power to get information in regard to the question of printing done for the Executive Departments and for Congress. That information could only be obtained by calling upon the several Departments for reports of the work done. Letters were addressed to the heads of the various Departments, asking for a full and detailed report of the work done in each one of those Departments, and for each and every separate Bureau and office by the Government Printing Office during the two years ending December 31, 1875. The committee also asked for copies of all blanks, and other work executed. The answers were generally full and complete, but prior to about February, 1874, the Congressional Printer had failed to furnish the Departments with any bill or memorandum setting forth what he had charged for the work done. They could and did furnish specimens of the work executed for the period when no bills were furnished, but no prices were attached; and I will say here that prior to the time bills were furnished, the Departments possessed no means of knowing the condition of their appropriations, and were compelled to depend entirely upon information received from the Congressional Printer.

The committee received a great number of specimens or samples—and the reports were generally as full as could reasonably be expected—and for three months your committee has industriously labored for the purpose of ascertaining what this item of public printing has cost, and what it should properly cost the Government. No means were left untried to arrive at correct conclusions. The Congressional Printer and numerous employés from his office, including the heads of the various departments there, were examined fully. Full facilities were given to the Congressional Printer to make known every matter of interest or of public importance in regard to this matter.

In times past, as many of the older members here may remember, the question of public printing has engrossed much attention. Abuses grew up under the contract system which were of a damaging nature. The printing cost too much, and it was found impossible to remedy it. Upon the question of the contract system evidence had been given by members of both Houses of Congress. It had grown to be such an abuse that some remedy, it was felt, should be found for it. Upon this point I shall read from the remarks of Senator ANTHONY, in the first session of the Thirty-sixth Congress, (Congressional Globe, volume 41.) He says:

The price of printing the post-office blanks, as of the other printing, is fixed by law; but by a monstrous evasion and perversion of the law, constructive charges were allowed four times greater than the just and legitimate charges. The types were set once a year, and charged for setting every day, often three or four times a day. I will explain the manner in which this was done. Two elements enter into the cost of printing these blanks, composition and press-work. Composition is setting the type; press-work is striking off the sheets after the type is set. The price of composition on a sheet of these blanks was $13; the price of press-work was $1 for a thousand sheets. The type, once set, would last for millions of impressions. It was generally stereotyped. If an order was given for one thousand sheets of blanks, the bill would be: for composition, $13; for press-work, $1—$14 a thousand. If the order was given for 10,000 sheets, the bill would be: for composition, $13; for press-work, $10—$23; or $2.30 a thousand. If the order was given

for 30,000 sheets, the bill would be: for composition, $13; for press-work, $30—$43; or $1.43 a thousand; and all under the same law, and at the same nominal price. No charge should have been made for composition except in the first instance. Mr. Rives printed the blanks for nine years and never made a single charge for composition—not once, not in the first instance. He, a practical printer of great experience, was consulted in framing the law, and it never occurred to him that composition would be charged under it. He would as soon thought of guarding against an extra charge for ink.

I shall show later, Mr. Speaker, that the same system there spoken of, and justly condemned by Senator ANTHONY, has entered into the charges made at the Government Printing Office here.

It was deemed advisable, and discussion came up upon the question, to establish a Government Printing Office. I regret that my time will not permit me to go into details and quote at length from that discussion. Upon this question Mr. Burnett, in the Congressional Globe, volume 41, page 2504, made use of the following language:

> Now, when we have bought or built a printing establishment, when we have the presses and all the other necessary materials ready, how many employés will be found there? How much will it take to start this immense machine? How much will it cost to build the establishment, provide it with presses and other material, and then, how much will it cost to keep it in working order? All these are pertinent questions. With all due respect to the gentlemen who favor the amendment of the gentleman from Ohio, and who may, perhaps, know more about the public printing than I do, I must be permitted to say, that in my judgment, a few years' trial of such a vast concern will demonstrate its impracticability. It will prove the means, I think, of corruption that will smell badly in the nostrils of the people. It will, sir, in my judgment, be a heavy drag upon the Treasury. Hence I shall vote against it.

Senator Pugh spoke as follows, page 3060 of the Congressional Globe, volume 42:

> Now, sir, I am opposed to this Government Printing Office. It will be the worst job, the worst nuisance, an incubus that you cannot get rid of, unless you set it on fire and burn it down. Once let it be established, and it will be the greatest source of abuse and corruption. There will be committee of investigation after committee every session, to overlook it. I do not want any more departments added to this Government; I do not want any more establishments. We have got enough, too many, now; and I cannot understand why the business of printing cannot be left to the ordinary law of competition, as every other business is. If we want a house built for a particular purpose, and do not choose to build it ourselves, we hire some person to build it; we receive proposals from him; if he does it according to contract, we pay him; if he does not, we do not pay him; and I cannot conceive what there is of mystery about this matter to take it out of the ordinary rule. The experience of my own State is in favor of the contract system. The work is better done, more cheaply done, and more promptly done. It has been a great relief to us.

But despite the discussion, despite the remarks of gentlemen who appeared to speak with prophetic knowledge of what would follow the establishment of a Government Printing Office, it was established by a joint resolution of the two Houses of Congress, and an evil was fastened upon the Government that has grown with years.

Now let me give a brief outline: The office of Superintendent of Public Printing was established by an act approved August 25, 1852, (Statutes at Large, volume 10, page 30.) The Superintendent of Public Printing was authorized to contract for the erection or purchase of a Government Printing Office, by joint resolution of June 30, 1860, (Statutes at Large, volume 12, page 117.) The office of Superintendent of Public Printing was abolished, and that of Congressional Printer created February 22, 1867, (Statutes at Large, volume 14, page 398.) John D. Defrees was elected Congressional Printer in February, 1867. In 1869 Mr. A. M. Clapp was elected, and has since held the office, a period of about seven years.

I have briefly referred to the manner in which the office has been managed, and under former rules the Executive Departments have had no knowledge of the prices charged for printing. Orders have been sent to the Government office for certain work, and until about two years since no bills have been furnished for the work done.

The heads of the Departments and Congress itself have had no control over the prices charged for work done for them.

The evident intention in the formation of a Government office was to get the work done at cost price. The Government furnished all the buildings and all materials. No taxes or insurance or rent enter into the computation of the cost of the printing for the Departments and for Congress. The theory, therefore, is a good one, that if there was anything to be made in the printing business the Government itself should have made it. But what has been the result?

I am free to say that if the proper system of economy had been pursued, if the office had been managed honestly and with an eye to the benefit of the Government, the printing should have been done as cheaply as by private parties, always subject, as Senator ANTHONY once said, "to the deduction that must be made for Government work in competition with private work." I do not pretend to quote the exact language of the Senator on this point, but I give the substance.

Now, there are two items of cost which should enter into the charges made by the Congressional Printer for the work done in his office, namely, labor and material. These items alone should be considered in computing the charges. We have had samples of much of the work executed at the Government office during the past two years. These samples have been submitted to experts, who have carefully examined every particular item; and what has been the result? But before doing this it would perhaps be well to glance at the manner of purchasing articles needed. The great majority of paper, it should be borne in mind, is purchased by contract under the supervision of the Joint Committee on Printing of both Houses of Congress. But there are a great many "open-market" purchases (so-called) of binding material, of some classes of paper, the latter made when the need of the Government requires them to be purchased in "open market." We find that about $175,000 a year has been spent in the purchase of binding materials. We find distinctly that no efforts have been made by the Congressional Printer or by the foreman of the binding department to get these articles from the manufacturers or to get them at the lowest price. It is in evidence that these gentlemen have never made any attempt to protect the interest of the Government by seeking for these articles at the lowest price; but, on the contrary, orders have been made up and sent to one particular house (save in one case) for the purchase of this kind of material for the last seven years, and to one house alone.

Now, Mr. Speaker, a private establishment doing a large business requiring one hundred and seventy-five thousand dollars' worth of articles of a certain class would without question make all endeavor to get those articles at the lowest possible price at which they could get good articles. We here find that the Congressional Printer, charged with the responsible duty of doing all that he can to secure material at low prices, and thereby to save money to the Government, has failed to make any exertion to do so. We find still further that one gentleman from the State of New York, representing perhaps one of the largest houses in the country in this particular class of goods, came on to Washington in January, 1874, and told the Government Printer that he was paying too much for these articles, and that he himself was willing to furnish equally as good articles at a much less price. No attention whatever was paid to this. If the Congressional Printer had up to that time been acting ignorantly in this matter, he cannot plead that excuse after the information he received from the member of that firm. No attention was paid to this. A year elapsed, and in January, 1875, the same gentleman called on the Congressional Printer with a schedule showing the prices of all the articles he could determine from the report of the Congressional Printer of purchases made of binding materials during the preceding year, and offered to furnish the same quality of goods at a much lower price; he stated that he could furnish the material described in the schedule, and for which about $140,000 had been paid, for about $16,000 less than the Congressional Printer had paid, and he offered to give security to furnish equally as good materials as had been purchased and at the decreased prices. He was requested to send on samples, and he did so. A letter was sent to him expressing satisfaction with the samples, and one small order was given to him; and there the matter stopped. The Congressional Printer returned to the firm he had been patronizing for the last seven years.

A member of this firm testified that out of every fifty dollars' worth of gold-leaf sold by his house, forty-nine dollars' worth went to the Government Printing Office, and $1 to other customers. The same proportions hold good regarding many other articles.

Further, in regard to this subject, the firm from which the Congressional Printer has made these purchases was originally Campbell & Armstrong; the successors are John Campbell & Co. Mr. Garner, the junior member of the firm, was placed upon the stand. He testified that he had supplied the Government with binding materials, and that during all these years, almost without exception, he had charged the Government more for goods than he charged his ordinary customers. The House will bear in mind that when the Congressional Printer began his purchases of this establishment it was a small one, and did but a very little business; and to-day the purchases made by the Congressional Printer of this House exceed those made by all other parties.

To give one example of the manner in which these open-market purchases have been made, I will state that upon an investment of $879.25 in imitation gold-leaf this establishment made a profit of $570.25. The testimony is that the Congressional Printer originally gave the order in person to purchase from this establishment, and the practice has continued ever since.

It is further of interest, in considering this question of open-market purchases, to note that the member of the firm that the committee had upon the stand stated that in the great majority of cases, after he had received his order from the Congressional Printer, he went out and bought the goods ordered from manufacturers and large dealers, shipped them to the Congressional Printer, and, before paying for them, awaited the arrival of remittances from the Government and then paid for them. In other words, this vast sum of open-market purchases, averaging about $175,000 per year, has been disbursed by middlemen; and no effort has been made on the part of the Congressional Printer to obtain lower prices from manufacturers or others.

It is proper for me to say that a careful examination of the reports of the Congressional Printer—I hold in my hand at this moment a copy of the Twenty-third Annual Report of the Congressional Printer—fails to give information in regard to the kind and quality of articles purchased. I have had this report and others examined by experts, and it is impossible, in the great majority of instances, for them, as it is equally impossible for any gentleman upon this floor, to tell in many instances the kind and quality of goods purchased.

I called a paper-dealer from Baltimore, and he examined page 30 of the Twenty-third Annual Report of the Congressional Printer, referring to certain purchases of paper amounting to about $52,000. I put him upon the stand and questioned him as to what he would charge for the same articles of paper.

I have here his testimony. He testified, after a careful examination, that he would furnish the same papers, equal in quality in all respects, for about $40,000, or in that neighborhood. To be precise,

the Congressional Printer's charges were $51,862 09, and the Baltimore merchant said that he would furnish the same paper for $40,894.54.

Mr. MACDOUGALL. Why call a paper-merchant from Baltimore? Is that the paper mart of the United States?

Mr. VANCE, of Ohio. No.

Mr. MACDOUGALL. Why not call a dealer from New York or Philadelphia?

Mr. VANCE, of Ohio. I desired an expert to examine it, and called him.

Mr. MACDOUGALL. And you called an expert from Baltimore?

Mr. VANCE, of Ohio. I will state further, for the benefit of the gentleman from New York, [Mr. MACDOUGALL,] that if I had called a paper-merchant from the markets farther east than Baltimore, I would have obtained lower prices than I have named.

Mr. MACDOUGALL. Why did you not do it?

Mr. VANCE, of Ohio. I will speak further on that point after a time. I desire to go into this particularly for the benefit of the gentleman from New York. This gentleman stated that it was impossible for him to arrive at the weight or the quality of the paper that he testified about, and consequently he took the very best articles of every kind there described and gave his estimates.

Mr. MACDOUGALL. He brought his prices from Baltimore, not from New York.

Mr. VANCE, of Ohio. I do not know whether he brought them from Baltimore or not; he took the best papers of that class.

Mr. MACDOUGALL. You did not go to the paper marts of the United States to get your information.

Mr. VANCE, of Ohio. I had information from a responsible, reliable gentleman, thoroughly acquainted with the paper markets.

Mr. MACDOUGALL. In Baltimore?

Mr. VANCE, of Ohio. With the paper markets of Baltimore, New York, Boston, and all the eastern cities; thoroughly familiar with them.

Mr. MACDOUGALL. Why did you not call gentlemen from all those places to testify?

Mr. VANCE, of Ohio. That has nothing to do with the question at issue. What I have stated gives but a faint description of the condition of affairs relating to the open-market purchases, and I have not time to go into them. I could specify every article examined upon; and the statement would probably be of interest, as showing an utter disregard of all attempts to protect the Government. In conclusion of this subject, I will refer those curious to the testimony of Mr. Garner, reported at length in the testimony taken before the committee. It is instructive reading, and gives a better picture than I can portray of these matters.

This New York gentleman, representing the house from which hundreds of thousands of dollars of open-market purchases had been made, brought his books here at the request of the committee; and what did they show? You cannot in one case out of ten, from those books, arrive at the sort of goods he had furnished the Congressional Printer; and he so stated in his testimony. He stated further that no expert could take his books, unless he himself was present to explain them, and tell anything about the goods he had sold to the Government. These are facts, and stubborn facts. I saw the books; examined them myself; I had this man examine them before the committee, and he made these statements. That man, without any question as to his prices, (so he says,) without any question whether or not he was treating the Government fairly or unfairly, has been furnishing to this Government upon an average one hundred and seventy-five thousand dollars' worth of goods every year and making upon them an enormous profit; and mark this, the firm of which he is a member are not large dealers, would not be termed manufacturers, but in the great majority of instances purchased the articles from somebody else and sent them on here.

Mr. MACDOUGALL. Will the gentleman allow me another question.

Mr. VANCE, of Ohio. Not at present; I will after a while. I want to get through with this branch of the subject.

I will close what I have to say in regard to this witness from New York by reading one question which I propounded to him and the answer which he gave. It was very near the close of his testimony. I ask the House to bear in mind that the sales he has made to the Government during the past seven years have exceeded the sales made to all other parties. I asked him this question.

> Question. What do you sell to the trade for?
> Answer. The same price, 10 per cent. off.

In other words, he would sell one hundred and seventy-five thousand dollars' worth of goods to any supposed responsible house, running the risk of getting his money, at 10 per cent. less than he sold to this cash customer, the Government of the United States. Comment is unnecessary.

Now, Mr. Speaker, I must look at the comparative cost of binding and printing. I find that my time flies very rapidly, and I cannot go into the details as I should like to. We examined all the specimens, so far as it was possible for us to do so. In regard to the binding executed at the Government office, I received from the Treasury Department certain books, with the bills for binding. I refer to the samples sent by that Department simply because our information was to the effect that there the interests of the Government had been carefully guarded and prices watched so far as possible. The bills from the Government office for binding these books amounted to $1,824.70. I submitted the matter to binders of experience, men skilled in the business, for their computation. One of them stated that he would do this work for $822.48; the other, without knowing the figures of the one I just referred to, made his estimate, and it was $837.02. This work cost the Government, according to the report of the Congressional Printer, $1,824.70; and in these figures there is no profit calculated; it is supposed to be the actual cost of the work, while these gentlemen who gave me the figures I have just repeated left in each instance a margin for profit. Deducting from their estimated figures the profit, it gives not less than 250 per cent. of overcharge in this item alone; and the same thing runs through all the work we have examined to a greater or less extent.

I made an examination of the binding executed for the Congressional Library. I called upon the librarian and asked him to submit to me samples showing the different sizes and styles of the binding executed. He did so; and I caused estimates to be made. The Congressional Printer had charged $29 for a lot embracing, as the librarian informed me, the different sizes and styles of the books bound for the Library. Upon submitting these specimens to experts, I received from them their figures, amounting in one instance to $13.90, and in the other to $13.05 for the same work. In each case a margin for profit was left, showing upward of 100 per cent. of overcharge in those cases.

It is to be observed also that these parties did not take into consideration the fact of having a great amount of such work to do; they simply estimated for this one lot of books, precisely as if any gentleman on this floor had gone into their establishment and asked them to bind for him these twelve or fifteen volumes as a single job. They both stated in their testimony that if they had had twenty or thirty thousand dollars' worth of work to do they would have charged much less than the figures they named.

Mr. MACDOUGALL. Did you tell these gentlemen that made these estimates who you were and what you came for?

Mr. VANCE, of Ohio. That makes no difference whatever; but for the gentleman's satisfaction I will explain. I had these books sent by Mr. Spofford to my committee-room; and when one of those gentlemen was placed on the stand I asked him to calculate in the presence of the committee what he would do the work for; he did so, and gave us the figures.

Mr. MACDOUGALL. Had he ever done any work of that kind before?

Mr. VANCE, of Ohio. He has one of the largest private establishments in the country.

Mr. MACDOUGALL. In the city?

Mr. VANCE, of Ohio. In the country. The other gentleman I subjected to the same process. He made the examination then and there, calculating every item that entered into the cost, and leaving a margin for his profit.

Mr. MACDOUGALL. Will the gentleman allow me another question?

Mr. VANCE, of Ohio. Not at present. The gentleman has expressed some uneasiness in regard to experts from New York. I beg to say to him and to the House that I sent for one of the most distinguished gentleman in New York connected with the printing business; and I examined him fully and carefully upon various matters.

I refer to Mr. Theodore L. De Vinne, of New York, one of the best men in his profession in this country, and perhaps in the world. I examined him carefully on all these points, and I beg to cite the result of some of his calculations. You will permit me to say, Mr. Speaker, that one of the estimates on binding which I have referred to, where $1,800 was charged and an $800 estimate was given, came from that gentleman. He examined various samples and kinds of work. For instance, he examined the "Dead-Letter Office sale" I hold in my hand, marked X. I will read from the testimony:

> Question. Make an estimate of the pamphlet marked "X" as you believe it would be made by the printers of New York, Baltimore, or Philadelphia, if they had workmen by the piece, for one thousand copies.
> Answer. The paper for a thousand copies, four and one-third reams, at $8.50 a ream, $36.83; composition of sixty-six pages, at $2.70, $178.20; press-work of five forms, $5 a form, $25; binding of a thousand copies, $6; sum total, $246.03.
> Q. Is this the lowest price, or nearly the lowest price, for which this work could be done?
> A. It is not; this is the price which would be charged by the better class of printers, being charged at what are known as established rates. There are printers in the city who would do it for a much smaller sum.

The answers to these questions are to the point. Now, what did the Congressional Printer charge? He charged $645.75! If this was but an isolated case of overcharge, it might not be necessary to speak particularly of it; but it is one of many—almost all the items charged being in excess of what similar work may be procured in private establishments. The testimony of Mr. De Vinne should be examined carefully upon many other points.

Just here it may be well to state that in all the examinations and calculations made no estimate was taken of wear and tear, the deterioration of material. Upon this Mr. De Vinne says in a private letter:

> In making up the statement of a year's business, we always allow 10 per cent. on capital invested for depreciation of types and presses. For types, 10 per cent. is too little; for presses carefully used, 10 per cent. is too much; but on a ten years' average it comes out about right. Repairs, rent, insurance, and sundries of like

nature are always about 15 per cent. of our receipts. In making up an estimate of cost or of what the cost of doing work should be in the Government Printing Office, these rates should be applied, for I don't think any economy in management could make them smaller.

If those matters had entered into the consideration of the question they would have made the discrepancy between the cost of the Government printing and the cost at responsible private establishments much greater.

I hold in my hand, Mr. Speaker, Executive Document No. 10, Forty-third Congress, second session, "Receipts and expenditures for the fiscal year ending June 30, 1873." There is one page of long primer and six hundred and fifty-six pages of nonpareil type. I have had this examined carefully as to what it would cost if done in private establishments in this city. One estimate I have before me is $2,043.75. The estimates varied but a little. The Congressional Printer charged $4,781.15.

But I have not time to go into detail in reference to all matters; these examples serve to cover the whole ground. We find the same thing all the way through in reference to overcharges.

I now come to the question of Government binding. We find there has been wasteful extravagance, to use no harsher term, in the orders given by the Departments for various kinds and classes of binding. I hold in my hand a book, a bound book, "The Birds of the Northwest." You will observe by looking at it where some of the gold-leaf has been used so profusely. Of this book there were fifty bound, at a cost of $212.50, or about $4.25 per volume, for the binding alone. This work was done for the Interior Department. Here is the Report of the Secretary of the Interior, volume 1, for 1875, of which five hundred copies were bound, at a cost of $471.30, one hundred bound in the style which gentlemen can see, and four hundred in cloth. The cloth copies, according to the estimates, cost about twenty cents a volume, which would leave the cost of this bound copy at about $3.90 per volume.

In examining the report of the Secretary of War, by the way, I saw that $1,290 was charged for binding a few books. I could not understand it and made inquiries, and found that they were photographic views which had been bound at this great cost. The Secretary of War states, under date of March 16, 1876, that—

> The requisition for binding the Wheeler photographs was made by the Chief of Engineers in accordance with instructions from the Secretary of War. It is included in the report of the Chief of Engineers furnished your Committee on Printing and Binding for 1874 and 1875—No. 414 on the engineer list, and dated November 8, 1875—amounting to $1,292.50 for binding one hundred and ten volumes of photographs in half turkey. There were sixty volumes of twenty-five views each, bound on short edge, as per sample herewith: Cover, 15½ by 21 inches; thirty-four volumes of fifty views each, bound on short edge, cover 15½ by 21 inches, and sixteen volumes of fifty views each, bound on long edge, cover 18 by 22 inches.

The examination of witnesses, as well as the samples furnished, show that this same system of extravagance has prevailed for years past in reference to the binding and printing of the Government, and we have found nowhere that any effort has been made to put a stop to it.

I next come to the question of overcharges. The overcharges referred to in the contract system have prevailed here; the same system of "doubling up," or charging for work that has not been done.

This paper that I hold in my hand is what is termed a form of sixteen pages. These sixteen pages are made up in type, locked up in what is termed a chase, and put upon a press. The paper is put in and run through the press and comes out with sixteen pages printed on it.

Now, the complaint that was made heretofore in discussing the wrongs practiced under the contract system was that the contractor would print these sixteen pages—would tear them apart and charge sixteen times for the work. But what do we find in reference to the work of the Congressional Printing Office? We find this identical system carried out there, and it has been carried out there through all the books that I have examined.

Before I make a further explanation in regard to this, let me say that the charges were changed two years ago upon complaint of the Post-Office Department, as stated in the testimony of the Congressional Printer; a reduction of 40 per cent. was made in the charges against the Department. Now, Mr. Speaker, let me ask here if that change of 40 per cent. was made why had not the error been discovered before and remedied?

But now I am speaking upon the present charges. Look at this. Here is a form of sixteen pages. If these forms were made up of single-sheet reports there would be sixteen printed at once. Here are sixteen cut apart. Now the Congressional Printer prints off these forms of sixteen pages each. He tears them into sixteen pieces. He makes sixteen separate and distinct jobs of nineteen hundred copies each. And what does he charge? Not one press-work, but sixteen press-works. What is the result? He makes an overcharge of about $85 for press-work alone upon each and every form of that sort that he puts through his press. An examination of the books of the Congressional Printer shows that full press-work is charged upon each and every job of work, whether put through the press singly or combined with other jobs.

Then there are overcharges made in composition. We find by further examination of the Congressional Printing Office that a great many jobs are stereotyped there—hundreds of them—and that all that is necessary to do when an order comes from a Department is to take one of these out, lock it up in a chase, put it on a press, and print it. We find that in almost every such case full composition is charged, and charged every time the job is ordered. The books show that these charges have been made; that it is the rule to so charge.

Mr. Speaker, during the progress of the investigation we discovered that two classes of work were undercharged. One of these was the CONGRESSIONAL RECORD, and another was the work for the Supreme Court. The CONGRESSIONAL RECORD had been taken from a private establishment in this city and the Supreme Court work was also taken from private parties in the city of Washington. For forty years the Congressional Globe had been printed by private parties here, and always to the satisfaction of Congress.

Speaking of the manner in which the work on the Globe had been performed, Senator ANTHONY (Congressional Globe, volume 93, page 1473, February 19, 1873,) said:

> I have several times borne my testimony, and I very cheerfully do it now, to the manner in which the work has been performed by the present contractors. It is as near perfect as anything of the kind possibly can be. This work is done easily, quietly, promptly, and we never hear from the contractors. I do not think that I have spoken to them more than once this session. They never come near us, but always send us their work well done.

In a discussion in regard to the publication of the debates, Senator ANTHONY (Congressional Globe, volume 73, page 1512) said:

> I have no doubt that the Congressional Printing Office can do this work as cheaply as it can be done by anybody, and that whatever money a contractor can make on it will be saved by the Government, subject, of course, to the deduction that must always be made for Government work in competition with private work. It always costs rather more.

And again, in 1872, (Globe, volume 88, page 1319,) he said:

> We investigated that matter and made a report to Congress on it three or four years ago. We then had an offer for the printing of the debates from the present contractors; we had proposals from a firm of printers, I believe, in New York, and we had an estimate of the cost at the Government Printing Office from the Congressional Printer. The cost at the Government Printing Office and the figures given by the New York parties were about the same, and were considerably less than those of the Globe, I think about thirty or forty thousand dollars less; but, upon a very full debate in the Senate, the committee, who recommended that the work be done at the Government Printing Office, were voted down by a vote of two to one. It was the opinion of the Senate and also the opinion of the House of Representatives that the amount which it was estimated would be saved by doing the work at the Government Printing Office was not worth the change; and although I was voted down, for I took the other side, it is my opinion now that we cannot profitably carry the publication of the Globe to the Congressional Printing Office. I do not think any officer holding his place by the votes of the Senate could print the Globe. I think nothing in Fox's Book of Martyrs would be equal to the sufferings which he would have to endure. [Laughter.] I think if we are going to print the Globe, we cannot do it any better than the way it is done now, unless there should be an edited edition of the Globe, something like Hansard's Debates. That would be a very great saving; and it would be a great convenience in many respects; but I do not know the man who would like to undertake the task of editing the Globe. I would not do it for $50,000 a year.

Senator FRELINGHUYSEN (Globe, volume 73, page 1512) said:

> We are told this change will be a saving of $40,000; but how is that estimate made? That estimate is made not by a person who is going to take the contract and who is unaffected entirely by the question whether his estimate is correct or incorrect, and I have not a great deal of confidence in it. Besides, I believe it is the true interest of the Government to make as few contracts, to undertake as few jobs, whether in printing or in building railroads or canals, or anything of that character, as possible; but to make contracts with individuals and make them strictly and have them rigidly enforced.

Senator MORRILL, of Vermont, (Congressional Globe, volume 73, page 1512,) said:

> If this change should be made, I have no idea but that, instead of making $40,000 for every two years of congressional printing, we should run under at least $50,000 a year.

And again (page 1513) he said:

> I do not believe that we are on the road to retrenchment by making this change; but I believe that if it should be made we should revert and turn back to the same system within four years.

Senator Fessenden (Globe, volume 73, page 1513) said:

> As it stands now, the question is whether we should gain or lose by it. My opinion is that we should only lose by attempting to do it, because I think it is overburdening the Public Printer; and I think those men have done the work so well and so long that their judgment as to what they can do it for, as they certainly must be very desirous of getting the contract, is a good deal better than the judgment of anybody else.

Senator Hendricks (Globe, volume 73, page 1514) said:

> Mr. President, nothing is more deceptive than public estimates; we know that in the great body of the work that is done for the Government, the construction of public buildings and repairs and all that. Now, sir, I have very little confidence in the estimates that are presented here from the bureau of public printing, if it may be so called. I do not believe that this printing will be done at the Public Printing Office for the price that we are paying to the present company. I do not expect it to be done for that price. I know that the Government never does work as cheap as individuals do it. Ordinarily we can pay individuals for work done and a reasonable profit, and save money to the Government, rather than do it directly through the agents of the Government. This work has been carried on a long while by this office to the satisfaction of members of Congress. It reflects credit upon the Government, and I am very reluctant to see a change made. In the course of a Congress I believe it is now claimed that there can be a change made in favor of the Treasury of forty or fifty or sixty thousand dollars. When we come to test it by experience I think that the change will be the other way; it will cost that much more than it does now.

Senator MORTON (Globe, volume 73, page 1515) said:

> I have no faith myself in the Government directly procuring heavy work of this kind to be performed cheaper through its own immediate agents than by contract. It is contrary to all governmental experience. Wherever the Government has work to be done of a continuous or important character it has uniformly been found to be cheaper to let it out, under fair terms of contract, than to undertake to execute the work itself.

If the Government has a harbor to repair or construct, or any public work to do, it has been found cheaper by experience to let it out by contract than for the Government to undertake, through its own agents, to hire the hands and execute the work. The Government tried that experiment once in the construction of the Cumberland road. The construction of that road was first put under the care of engineers, with authority to employ superintendents and agents, to hire the hands and construct the road, without the intervention of contractors; and I believe it is a notorious fact that the work cost the Government at least twice what it would have cost if it had been let out under fair terms of contract; and more than that, it progressed far more slowly than it would have done if it had been fairly contracted for.

Why, sir, the operation of this principle is so well understood that railroad companies, private corporations, where they have a railroad to construct, will not undertake to construct it directly by their own agents. Some roads have attempted that; but they have been, I believe, uniformly unfortunate. I remember one instance where a railroad company undertook to build a road through its own superintendents, to employ hands, and superintend them; and after having partially constructed the road it was compelled to abandon that system and resort to the ordinary one of contract, where the work is let out to contractors under fair competition.

Now, sir, if the Government of the United States can save money by undertaking to execute a long and heavy work of this kind directly through its own agents, I undertake to say it will be the first time that that experiment has ever been successful. As I said before, it has been tried in regard to railroad companies, where the parties managing the company were directly parties in interest; and it has been found, even with regard to railroad companies, that it is to their advantage to let the work out to contractors and allow the contractors to make fair profits, and that they can construct the work cheaper and faster.

As this is the almost universal experience with regard to the Government in other particulars, with regard to corporations, with regard to the construction of all works of improvement, it seems to me there is no reason to suppose that the Government can execute this particular work cheaper through its own agents than it can by contractors, with fair competition.

The examination made of the cost of the CONGRESSIONAL RECORD shows that it has been undercharged ever since its establishment; that many and important items that were properly chargeable have been omitted, and in the main the prophecies of the gentlemen whose remarks I have quoted have been verified.

[Here the hammer fell.]

Mr. REAGAN. I ask that the gentleman's time be extended.

Mr. MACDOUGALL. I hope there will be no objection to the time of the gentleman from Ohio being extended.

Mr. GARFIELD. How much more time does the gentleman desire? The gentleman from Rhode Island [Mr. BALLOU] proposes to reply, and the time allowed for this question is limited by order of the House.

Mr. VANCE, of Ohio. I will try to finish in ten minutes.

Mr. FOSTER. Will that come out of the time of the gentleman from Rhode Island?

The SPEAKER *pro tempore*. It will not.

There was no objection, and the time of Mr. VANCE, of Ohio, was extended for ten minutes.

Mr. VANCE, of Ohio. Mr. Speaker, an examination of the books of the Congressional Printer, and a very careful examination, shows that the charges for the CONGRESSIONAL RECORD have been underestimated; in other words, that a system of undercharging has been pursued ever since the RECORD has been printed at the Government Printing Office. The undercharge for a short session of Congress reaches from $15,000 to $18,000. Taking an entire Congress, should the same system be pursued that has prevailed in the past, it will reach $40,000 of an undercharge.

The same statement applies to the Supreme Court work. We find there a charge for type-setting of but sixty cents a thousand ems, when it is well known that in addition to the sixty cents must be charged the cost of proof-reading, revision, extra corrections, and all that sort of thing—amounting to fully one-third of the price paid for composition.

I shall have to omit many matters on which I should have been pleased to have spoken with some detail, and must simply glance hastily at some of the matters presented in the new sections proposed by the Committee on Printing.

The first section abolishes the office of Congressional Printer, and authorizes the appointment of a Printer by the President of the United States, to take office on and after the 1st day of July next. At present the claim is made by the gentleman who occupies the position of Congressional Printer that he is not amenable to this House, although he does all the work for it and receives the appropriation for his work here. After being offered all the facilities in the power of the committee to explain these damaging charges against him, after he requested to be heard before the committee and the request had been acceded to cheerfully, he comes in and pleads the jurisdiction of the committee, interposing the plea that he is an officer of the Senate.

Another section provides for appropriations to the heads of the various Departments to be expended by them for the printing they require. We have seen how the contract system worked; we have seen to-day how the Government system works. Now this section provides that appropriations shall be made to the heads of the various Departments directly; that they shall ask for bids for work; that they shall also call upon the Congressional Printer to put his bid in giving the actual cost to the Government, and if his bid is found to be lower or as low as that of any outside party then he shall have the work. By this means we put a check on any contract and any contractors.

It is also provided that the Government Printer shall keep and make to Congress and each Department a detailed statement of each and every article of work executed for them, and that this exhibit shall show the cost of paper, labor, and all the other items properly chargeable in it. The books as now kept at the Government office are imperfect, and do not give a correct statement of the affairs of the office. What appears to be absolutely necessary is a system of checks and balances which will secure exact and reliable accounts of the cost of each and every job of printing and of binding in detail. Such a system of accounts will show also the value of the paper and of the binding material used during each year, and will balance the gross amount of those materials purchased. It will also show the amount of composition, the cost of proof-reading, and correction, the cost of press-work, and other items of labor, which will balance the gross cost of labor.

An important provision is made in one of the sections for the preparation and publication of an abridgment of reports of chiefs of Bureaus and other subordinate offices in the Executive Departments.

A large item of the expense of congressional printing is the publication of the reports of the chiefs of Bureaus and other subordinate officers in the Executive Departments. These reports were originally intended for the information of the heads of the respective Departments to which the Bureaus and other offices belong; but of late years each one has been magnified into a separate document, often forming one or more volumes. In some Bureaus clerks are occupied during several months of the year in compiling these volumes, when the desired report of the actual workings of the Bureau might be written on half a dozen sheets of paper. Journals of travels and explorations, essays on ordnance, finance, and navigation, with other topics entirely out of place in what should be a single report of Bureau or office work for the information of the Secretary in compiling his annual report to the President, are given without stint. And the Government has not only paid for the printing of these in a series of volumes, but extra editions have been published for distribution by the Bureaus or offices issuing them, and many copies have been bound in the most expensive style. It is within bounds to estimate the annual cost of the printing and binding of these Bureau and office reports at upward of $75,000 per annum for the past fifteen years.

Meanwhile a volume has been issued from the Government Printing Office, compiled under the direction of the Joint Committee on Public Printing, which has given the cream, if the expression may be used, of these Bureau and office reports, in addition to the message of the President of the United States and the reports of the heads of the Executive Departments. No complaint has ever been made that this abridgment has not given a fair and complete idea of every Bureau or office report, with the important statistical tables and records of what has been the work of the year.

Under the existing law reports of Bureaus or offices in the Departments have to be handed to the Congressional Printer on or before the 1st day of November. By having the manuscript placed in the hands of a competent editor, at that time, he, with such assistance as the Joint Committee on Public Printing may deem necessary, can make the abridgment as it is now made from the printed reports, and it can be ready for distribution at the close of the year. An estimated expenditure of $1,500, or less, for this compilation will save from fifty to seventy thousand dollars per annum. The abridgment will also give, generally speaking, all necessary information concerning the details of Bureau work for the use of Congress, and should any more extended information be needed, it can easily be obtained from the Bureau or office.

By making it unlawful to have these minor documents printed at public expense a large saving is guaranteed, and the efficiency of the public service is in no way impaired. The annual message of the President, the annual reports of the Secretaries, and the abridged Bureau and office reports will supply ample and accurate information concerning the workings of the Executive Departments of the country for the press, the public, and Congress.

A word in conclusion. An examination of the Government Printing Office and its operations for seven years past shows that $11,901,351.70 have been expended for public printing and binding, being an average of a little upward of $1,700,000 per annum. Now I say here distinctly, knowing the full import of every word that I utter, that this printing and binding has cost the Government $500,000 a year more than it ought to have cost, $500,000 per year more than it would have cost under a carefully guarded system, and in this estimate I leave a large margin for profit. I know what I say is true, and the evidence taken during the investigation demonstrates the correctness of the assertion. This thing has been going on for years; these exorbitant charges have been made upon the books of the office; these large sums have been expended, and until this inquiry no wrong had been discovered. I do not propose to charge the responsibility for this upon anybody. It is one of those things that might have occurred under any circumstances; but, in my judgment, if the proper steps had been taken in the past, the wrongs and abuses practiced in the Government office would have been discovered, and some remedy proposed. If, as is now proposed in one of the sections, a regular and careful examination of the books had been made, the overcharges would have come to light, and a check been placed long ago upon the system of so-called "open-market" purchases—the evils of the system exposed whereby the Government has been defrauded of $500,000 a year, an aggregate loss in the past seven years of fully $3,500,000. No private establishment in the country could have stood the opera-

tions of such a system, and it is in evidence that no private establishment could have been conducted in this manner without coming to speedy bankruptcy.

The committee examined about fifty witnesses. The Congressional Printer requested that certain employés in the Government office be called and examined, and all he desired to have called were sent for and examined upon the questions which had arisen during the progress of the investigation; he was also informed that he might bring forward (if he so wished) other witnesses. But we did not send for certain important witnesses from the Government Office. And why? We omitted to call a number of the workmen in the establishment, all of whom would have proven valuable witnesses, because if we had called them, and they had come forward and testified, they would have been discharged from their positions, as was done in a similar case in times past. That class of men we did not send for; we sent for every man whom we were called upon to send for.

I now call for the previous question upon the motion to reconsider the vote by which the report was recommitted to the committee.

Mr. PAGE. Does the gentleman call for the previous question after one hour's debate?

Mr. VANCE, of Ohio. No, sir; I only call for the previous question on the motion to reconsider. When that motion prevails I shall yield to my colleague on the committee, [Mr. BALLOU.]

The previous question was seconded and the main question ordered, and under the operation thereof the motion to reconsider was agreed to.

The question recurred upon agreeing to the report of the Committee on Printing.

Mr. BALLOU. I now desire to have read the minority report.

The Clerk read the report, as follows:

VIEWS OF THE MINORITY OF THE COMMITTEE ON PRINTING.

The investigation and report of the majority of the committee was made under a resolution of the House, as follows:

"*Resolved*, That the Committee on Printing of this House be, and they are hereby, instructed to inquire into and ascertain the cost of and charges made for work done for Congress and the Executive Departments by the Government Printing Office, and what similar work costs and can be done for in other offices; that they ascertain the cost of printing the CONGRESSIONAL RECORD, and the cost of having it printed by responsible private parties; that they ascertain whether the printing for Congress and the Executive Departments is done as economically as it should be, or as it may be done by contract or otherwise by private parties; that they inquire into the extent of publications and printing ordered by the Executive Departments, and whether any limit should be made upon such publications and printing beyond what is expressly authorized by law; that they make thorough examination into the operations of the Government Printing Office, with a view to learn whether a different management may be made or plan adopted to lessen the expenses of the Government for the various items of printing required; and that the committee be instructed to make to this House a full report of their investigations, together with the testimony taken by them, and to that end the said committee shall have power to send for persons and papers, and to use a short-hand reporter."

The Government printing is done under the supervision of a Congressional Printer elected by the Senate. The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors * * * and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law," &c.

The Constitution also provides, in regard to each of the two Houses of Congress, that it shall choose its officers.

By the act of February 22, 1867, it was enacted:

"That the Senate shall elect some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office. That the person so elected shall be deemed an officer of the Senate, and shall be designated 'Congressional Printer.'"

Whether Congress can create an office the duties of which are public and by designating it an office of the Senate or an office of the House, and thereby withdraw from the President the constitutional power of appointing the person to fill and exercise the office, need not be discussed here. Because, conceding the act to be unconstitutional, it would follow that the Congressional Printer is not an officer at all. But, assuming the act to be constitutional, it is manifest that the present Congressional Printer is an officer of the Senate; and the House has no more authority to inquire into the manner in which he performs his duties than it has to inquire into the manner in which the Secretary or the Sergeant-at-Arms of the Senate performs his duties.

As an officer of the Senate, the Congressional Printer is not subject to impeachment, because only officers of the United States, or persons who have held such office, are liable to impeachment.

From this it follows that neither the House nor a committee of the House has any authority or jurisdiction to inquire into the conduct of the Congressional Printer with a view to impeachment, or for the purpose of passing any criticism upon the manner in which he has performed his duties. It is believed that this House would be very restive should the Senate institute investigations in regard to the manner in which the officers of this House perform their respective duties.

But it is due to this House to say that the resolution under which the Committee on Printing has proceeded contemplated no such action, but intended only an inquiry upon which subsequent legislation, if found necessary, should be based.

I therefore dissent from so much of the report of the committee as pretends to criticise or censure the conduct of the Congressional Printer; upon the ground, first, that the committee was charged by the House with no duty in that behalf; and secondly, because, even conceding that the resolution could be construed as giving such authority, it was beyond the jurisdiction of the House, and utterly void.

I also dissent from all that part of the report, because in my opinion the testimony fails to show a case justifying any harsh criticism or condemnation of the Congressional Printer.

I pass without particular mention the course pursued by the committee in the examination of witnesses, the fact that the examination was held in secret, and exhibited a purpose to travel beyond what was necessary to form the basis of legislation to cast discredit upon the Printer. But from the testimony as taken I am unable to find any just ground for condemnation in regard to the manner in which the business of this branch of the public service has been conducted. In one or two unimportant particulars there may have been such departures from the strict letter of the law as lawyers would denominate irregularities. But in no instance has the Treasury been defrauded of a cent; and in no instance is it even pretended that the Printer, or any friend of his, has profited one cent from any contract, business arrangement, or transaction of his office. Indeed, the proof, elicited by questions not very friendly to the Printer, proves the negative affirmatively.

There is, therefore, no ground upon which any censorious criticism of the Printer can be based.

It is said that the Departments have been charged too much for printing and binding. But it is to be borne in mind that appropriations of definite sums are made for the printing and binding of each Department, and when that limit is reached their printing and binding must stop; so that the only result of charging a Department too much is to limit the amount of its printing and binding, and every overcharge is a diminution of its quantum of printing, and *pro tanto* a saving to the Government. In no case does any money pass between the Departments and the Printer on this account, and in no event can he be benefited by an overcharge to a Department.

It is said that the Printer has paid too much for material, and that by resorting to manufacturers better terms might have been made. This, however, is mere matter of opinion; and the witnesses relied upon to establish the charge had such manifest interest in changing the policy of the Government with regard to its own printing and binding as to greatly diminish the weight of their testimony. In this particular, also, the testimony shows that the Printer was in no way interested or benefited, and that the persons with whom he dealt did not, on the average, make more than 15 per cent. above actual cost, which, in view of the amount of stock they had to keep on hand, involving heavy insurance and interest on the investment, cannot be regarded as an unreasonable profit.

I cannot avoid the conviction that the majority not only forgot the primal object of the investigation as set forth in the resolution under which they acted, but that they were largely influenced by a desire to re-instate Franklin Rives to the profitable printing of the proceedings and debates of Congress, even at a much higher rate than the Government is at present paying therefor, and that, too, by positive enactment in his favor, without opening the work to competition.

It is impossible to overlook the fact that the testimony of many of the printers, who have been willing witnesses, may have been prompted by the hope that by destroying the present system they would acquire profitable contracts with the Departments.

It is my belief that the present system should be adhered to, as the most convenient, economical, and satisfactory method of doing the Government printing; and that a departure from this system, while it would result in fat jobs to individuals, would cause depreciation in the quality of work and increase the expense to the Government.

Respectfully submitted,

L. W. BALLOU.

Mr. BALLOU. Mr. Speaker, I regret that I was not able to be present during the last part of the time of the examination of witnesses on the investigation of the Government Printing Office, and to consult with the committee on the report. I only heard it read on the day it was reported to the House. Though surprised at the conclusions to which the committee had come, I at first thought that I would only make as brief and clear a statement as I could of the reasons for my dissent from the majority of the committee, and leave the matter with the House, without a minority report. But upon further consideration, as the character and reputation of one whom I believed to be upright and honorable was assailed, I felt it my duty to do for him what under a reverse of positions I should wish to have done for me, and the cause of justice and truth.

It is a very common thing in high party times to assail and vilify the reputation of those who may seem to stand in the way of our personal success or party triumph, but, without just cause, it is one of the darkest features of our present civilization.

Character is our richest treasure to keep, and all that we have that is worthy transmission, and he who takes it from us makes us poor indeed.

The great responsibility of the office of Congressional Printer, with its complicated and onerous duties, demands a lenient judgment unless there is good evidence of intentional fraud.

Perhaps there is no department in the Government more trying to a faithful officer anxious to do his duty in its varied and multiplied relations than that of the Congressional Printer. He not only has the charge of one of the largest printing establishments in the country, but must also carry on the separate business of a stereotype foundery, an extensive bindery, and a large mercantile business. He is also subject to the orders of both branches of Congress, the executive and its several Departments, and, what perhaps is still more trying, the importunities of members of Congress for various favors and accommodations. Add to these the printing of the RECORD, which is equivalent to a daily paper, during the sessions of Congress, and consider that more than a thousand hands are employed in performing the necessary labor, and it will not be strange if some imperfections should be found in the complicated workings of the machine.

Doubtless there have been mistakes, inaccuracies, and perhaps sometimes looseness in the performance of the work necessary to keep all in order and moving on harmoniously; yet the testimony, though in secret, and to a great degree *ex parte* and seemingly summoned to confirm presumed guilt, finds no corruption or fraud in the head of the house or of any of the subordinates.

The specific charges and resolutions looking toward the indictment and impeachment of the Congressional Printer, an officer of the Senate, and not of the House, seem to have been paramount to every other consideration in this investigation.

I wish briefly to notice these charges in the order in which they are recapitulated in the majority report.

1. *The extra cost of work*, if true, should not be charged altogether upon the Congressional Printer, as Congress makes eight hours a legal day's work, while in most private offices ten hours is the rule, making a difference of 25 per cent.; and the printers' union, on the ground of extra expense of living in Washington and the inconstant work in the Government Office, demands higher wages than the average in other cities.

2. *Incompetency.* The tree should be judged by its fruits. The neat and workman-like appearance of the Government office in all its de-

partments is the uniform testimony of all visitors. The promptness and admirable manner in which the work is produced, whether bills or books, reports or RECORD, testify of care and ability and is the best answer to this charge.

3. *Cost of Record incorrectly reported.* It would almost seem by the strenuous effort to take the RECORD from the Government office and place it in private hands at a higher price than is now charged that there was some interest besides the Government's that was to be looked after. For I am assured that though it is difficult to give the exact cost of any particular work where so many kinds are carried on at the same time, yet the reported cost of the RECORD is a very close approximation to the reality.

4. *The work done for the Departments excessive.* I think this is true; and we may include the legislative department with its superfluous volumes of investigating testimony. Very much here may be judiciously abated with a great saving to the Government.

5. *General extravagance.* This is a sweeping but indefinite charge, and must have reference to prices paid for labor and material, as there are no salaried supernumeraries, no pay for titles, no stylish "turnouts;" only those who work get pay in this office; yet in the purchase of material it is quite probable that, with judicious management, a saving can be made, but not to that extent which the testimony of witnesses anxious for Government patronage would seem to indicate.

6. *False vouchers.* This charge is based on the ground that some blank-books, owned by Philp & Solomons and needed by the Treasury Department, were transferred to the same through the agency of the Government Printing Office in a manner perhaps which was not technically legal. It should be borne in mind, first, that the Treasury Department, which needed the books, had no money to be used in their purchase; second, that the Government Printing Office could not under the law buy books, but could buy paper, and that to accommodate both Departments a bill was made out for paper, and the goods transferred to the Treasury Department. By this arrangement all parties were accommodated and the Government suffered no loss.

7. *Detained money contrary to law.* The Government Printer is allowed to draw from the Treasury on his bond $53,000; his pay-roll is oftentimes considerably more than that amount, and by retaining money which he receives from various sources and adding it to the amount which he can draw from the Treasurer he is enabled to complete his monthly pay-roll and then deposit the vouchers in the Treasury as so much to be placed to his credit as money received. Perhaps the letter of the law may be violated, but not its spirit.

8. *Government money deposited in bank.* This is not strictly accurate, as only checks have been deposited in bank, received from various sections of the country and placed there for collection, which was the very best course to take.

I have thus, as briefly as I could, stated my general impressions in relation to this investigation, and my conviction that the Congressional Printer is an honest, upright, and faithful public servant, needing counsel and assistance rather than censure, and that the most unwise thing that the Government can do would be to surrender its ownership and control of the Printing Office or any of its departments, and become dependent on and subject to private contractors. With these views I submit the minority report to the consideration of the House.

Mr. SINGLETON Mr. Speaker, at an early day of the session of Congress a resolution was adopted instructing the Committee on Printing to investigate the books and accounts of the Congressional Printer; to inquire into the affairs of the Government Printing Office; the cost of printing for Congress, and the several governmental Departments; the comparative cost of having it done in said office and by private contract; whether proper economy has been practiced in this branch of the public service; whether the amount of public printing may not be lessened; and requiring said committee to make full report of said investigation, together with the testimony taken.

Your committee entered upon this duty at once, and have labored faithfully and diligently to evolve the truth and arrive at just and proper conclusions in respect to the several propositions contained in said resolution. We found many difficulties meeting us at every step, arising from the chaotic condition of things in said office. There seems to have been wanting proper system in keeping the books, and a well-planned scheme to cover up and hide from public scrutiny all the transactions of its officers.

We have personally examined, and had examined by experts, the books, so far as any have been kept; we have called before us about fifty witnesses, embracing the Congressional Printer, his book-keepers, foremen, and others of the establishment; we have examined dealers in all or most of the articles used in the same; we have gone into the character of labor done, the prices paid, and a comparison of those prices with such as are paid outside of it; the receipt and disbursement of money, the cost of the CONGRESSIONAL RECORD, the cost of Department printing, and indeed into every matter tending to show the management of the office, its true state and condition. In the report which we have made to this House is to be found the result of our labors.

The task has been by no means a pleasant one, but has subjected us oftentimes to harsh and unjust criticisms in the public prints, and to false and slanderous reports by interested parties.

It should be remembered by those who indulge in these criticisms that the task is not one self-imposed, but thrown upon us by act of this House. We are not to be understood, however, as wishing to apologize for anything we have done. Official position ever carries with it the corollaries of duty and responsibility. Having assumed the one, we can neither shun nor avoid the others, unless at the expense of conscience, and a disregard of truth and justice.

This axiomatic truth applies with equal force to every department of Government. The ministerial peace officer who arrests the criminal and shuts him up in prison finds no pleasure in it, but duty and responsibility urge him forward. The jury that renders the verdict of guilty against him would listen to the plea of mercy and bid the prisoner go free, did not duty and the law stand in the way. The judge who pronounces the sentence, it may be, signs the death-warrant, in feeling and in heart revolts at the act, but duty and official responsibility rise up and assert claims which cannot be disregarded nor postponed. Society must be protected, and the strong arm of the law is properly invoked to guard the weak against the strong, the innocent against the guilty, the honest and just man against the knave and plunderer.

Another thing should be borne in mind, that the damaging facts and astounding revelations which have been brought out in evidence and reported to this House in relation to the Congressional Printer and Government Printing Office are not mere skeletons of events long since transpired, which ought to rest in the grave of oblivion and which are now exhumed for sensational purposes; but they are things of to-day, practical, tangible issues, which as Representatives of the people we can neither ignore nor palliate. As honest fiduciaries of public trusts we must apply the corrective, and if cautery and the knife be necessary, let them be applied with a steady, skillful hand, that the body-politic may be saved from total depravity and civil government from ultimate disintegration.

In this spirit your committee have begun and carried on the work to this point, and it now remains for this House to sit in judgment on the case. That I may not fail in the discharge of my duty as an integral part of it, I ask the indulgence of the House while I allude to some parts of the testimony, apply the law to it, and state my conclusions.

There is much in this case to call forth severe animadversion; but I shall endeavor in the further remarks I am called upon to make to sink the partisan, the politician, and even the prosecutor, and give utterance to no sentiment nor word which shall bring the tinge of shame to the face or sorrow to the heart when the heat and excitement of the present hour shall have passed away and I come to read what I now say in calmer times and in the light of other days.

Mr. Speaker, we are too prone to forget that every word that escapes us in debate in this Hall, every unguarded expression conveying more or less than the truth, every pungent satire hurled at each other half in anger and half in merriment, every unkind word wounding the sensibilities of members, every unfounded charge affecting the reputation of those inside or outside of this House, every unsound opinion, false theory, or impracticable idea uttered upon this floor is caught up by means of the phonographic art, conveyed to the records of the House, and becomes a history of the times.

In view, then, of the responsibility resting upon me in dealing with the character of a fellow-man, standing in the forum of conscience, I am impelled by a sense of duty to prefer against A. M. Clapp, Congressional Printer, the following well-considered charges, namely:

First. A want of proper qualifications and total incapacity to fill the office of Congressional Printer.

Secondly. Gross and unpardonable malfeasance in the management of said office, resulting in heavy pecuniary loss to the Government.

Thirdly. Embezzlement of money of the United States, as declared and defined by the statutes thereof.

Upon the hypothesis that the evidence proves him to be guilty of these charges, I assume that for the first, namely, incapacity, he should be summarily dismissed from office; for the second, namely, malfeasance resulting in damages to the Government, his official bond should be put in suit and the Government indemnified for losses as far as practicable; for the third, namely, embezzlement, he should be impeached before the Senate, if the proceeding will lie, and indicted and tried criminally before a court having jurisdiction of the case.

As to the charge of "incompetency" I might rely confidently upon the entire want of system in the management of every department of the establishment, but especially in the matter of keeping books, which is so imperfectly done as to be beyond his own power to explain, and totally incomprehensible, either to his own clerks or to the most skillful experts we could bring to our assistance. To leave nothing to implication, however, but to establish his total unfitness for the office, I read extracts from his own deposition taken before the committee. These details cannot but prove irksome to the House, but nevertheless should command its attention, for its judgment is to be pronounced upon them. My interest in this matter is no more than that of every other member, and therefore I may invoke a patient hearing of what I have to say.

The deposition of A. M. Clapp:

Question. What percentage is charged for proof-roading, where proof-reading is charged?

Answer. I cannot answer you as to the percentage, because I do not know really, where proof-reading is charged, in what specific percentage it is charged.

Q. What precentage is charged for making up?
A. I cannot answer you that, the specific percentage. If I had known that you would ask me that, I would have brought memoranda of it.
Q. What charge is made for making up?
A. Where we charge the composition in document-work, I cannot tell you what percentage is charged for making up, if there is any distinct percentage.
Q. What percentages are allowed for proof-reading and making up of piece-work?
A. That I cannot answer now.
Q. I have here a report from the Secretary of War, giving a list of clerks and others employed in the respective Bureaus in the War Department, (Executive Document No. 176, Forty-third Congress, second session,) of which one hundred copies were printed for the War Department, and for which you charged $91.21; is that correct?
A. I cannot tell you anything about that until I go to my books.
Q. I have a copy of this document from the document-room here, which evidently shows that it is a reprint. Here is the same sort of a document, (Executive Document 275, Forty-third Congress, first session,) letter of the Secretary of War, referring to the resolution of the House of April 13, 1874. I find that you printed fifty of these for the War Department, and charged $17.18 for the fifty. Do you know whether that is a reprint or not?
A. I don't know anything about it.
Q. I have here War Department numbers 67, 143, 159, the numbers referring to the sample of the work sent from the Department to me. One is the annual report of the Secretary of War of the operations of his Department for the year ending June 30, 1874. Can you tell whether that is a reprint?
A. I cannot tell you whether it is a reprint or not, because I do not keep those books or accounts, and it is not possible for me to tell.
Q. Is it or is it not customary for the Secretary of War to order extra copies of his reports?
A. That I cannot say.
Q. If any errors had been discovered, would they appear on your books?
A. If we had discovered errors I think they would have appeared on the books.
Q. I mean this: if you had made an overcharge, through inadvertence or otherwise, would you discover it in making your settlement at the end of the year or when you made your report?
A. No, sir; I do not think that I should discover it. It would be liable to pass into my report.
Q. If the sum-total of charges made in your books should exceed the cost of material and labor, where would the correction appear on your books?
A. I do not know that a correction would appear on my books.

It will be seen that eleven questions were put to him in the above, all pertinent to the matters of investigation, affecting the interest of Government he professes to represent and involving his character as an officer in the management of an establishment costing about $1,600,000 annually, and yet to the plainest questions, with his books all before him, he responds, "I cannot answer;" "I cannot tell;" "I do not know anything about it;" "That I cannot say;" "I do not think I would discover it," referring to mistakes made in the way of an overcharge made for work done; "I do not think I would discover it," the mistake; "It would be likely to appear in my report"—all of which answers show a degree of stupidity or turpitude, or both, almost incredible.

But again:

Q. Did you make a special purchase of Russia leather cowhide for the RECORD; and, if so, for what and to what amount, and where?
A. That I cannot tell.
Q. Do you know whether you made a special purchase?
A. I do not know anything about it.
Q. Have you made any repairs on the presses on which the RECORD is printed, and where have you charged them?
A. That I cannot answer.

Still his answers are not more intelligent or satisfactory: "I do not know anything about it;" "That I cannot say." I now propose to sound his intelligence upon another point:

By Mr. SINGLETON:

Question. Have you collected the amount due for those books ordered and delivered?
Answer. As far as possible, we have.
Q. If there are delinquents from whom you are not able to collect these several amounts, on which one of your books would this be made to appear?
A. I am not sure that the books show where we do not collect the money. It is possible that there is a memorandum-book.
Q. Do you think it a proper system of book-keeping, and acting in good faith to the Government, which you represent, to deliver Government property to outside parties, and make no record of the fact in your books?
A. I stated there might be a memorandum-book of accounts.
Q. In the report which you have made of your acts and doings as Congressional Printer, have you made any showing whatever of those delinquencies, what amount has been lost, and who are the debtors for such amount?
A. I did make such a report as that some years ago on call.
Q. You say there may be a memorandum-book kept of such things. Do you know that there is any such book kept; and, if so, have you submitted it to this committee for inspection?
A. I do not know that I have. I know there ought not to be such a book, because there ought not to be such transactions.
Q. If your office were vacated, and you ceased to be Public Printer, what knowledge would the Government have of those transactions, and what opportunity of collecting what might be due to the Government, if they are not put on your books with other transactions?
A. If there was no book, there would be none.
Q. Is there, or not, a considerable amount of money—say $800 or $1,000—due to the Government from Morrison, bookseller of the city, for books and documents furnished him from the Congressional Printing Office?
A. Not that I know of. I really do not know the fact that he owes anything. I do not think he does owe anything under my administration.
Q. Does he, or not, owe a considerable amount of money for reports of the decisions of the Court of Claims, furnished by you from year to year, which has not been settled?
A. I do not know that he owes anything.
Q. Have you not your books before you, and cannot you tell from them?
A. This cash-book shows money that has been paid, not money that has not been paid.
Q. Do you not know that he has been in the habit of receiving reports of the decisions of the Court of Claims, and five hundred copies of every volume that has come out since that court has been organized?
A. I do not know that he has.
Q. If he has, should not your books show that?
A. If he has the books would show it; but I do not think that they would have been continued to have been furnished to him without pay.

It is in proof by Morrison, Solomons, Parker, and others, book-sellers in Washington, that they have bought large numbers of books, documents, and other printed matter from the Government Printing Office, the same being Government property sold by Mr. Clapp and his employés, of which no account has been taken on the books of the Congressional Printer, for which a part of the money has been paid, as appears by receipts filed with the testimony in this case, and the balance is still outstanding and unpaid, and has remained so for years, while the parties owing have remained solvent all the while, and only awaited the presentment of the account. All these sales have been made in defiance of the law, which reads as follows:

If any persons desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, *in advance, the estimated cost thereof, and* 10 per cent. thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same. (Section 3869 of the United States Revised Statutes.)

Yet Mr. Clapp, in ignorance or defiance of said law, has disposed of the public property, making no entry upon his books of any character of a large proportion of said sales. Every sane mind called to consider these facts is forced to one of two conclusions, either that he was ignorant of the law and his duty thereunder, and is consequently unfit for the office, or else that his object was to appropriate the proceeds of those sales to his own use and leave no traces on his books of the transaction. If his ignorance disqualifies him for the office, much more then his dishonesty.

I cannot pursue this question of incompetency any further, as I think enough has been brought to the attention of this House and to the country to show his utter unfitness for the responsible office he pretends to fill.

MR. CLAPP'S SYSTEM OF BOOK-KEEPING.

I next call the attention of the House more specifically to the manner of keeping books in the Government Printing Office.

Mr. Clapp, in response to a question, gives his opinion of it as follows:

I think the system of book-keeping is perfect in its details, so as to show clearly what becomes of every quire of paper that is used in that office. My books will vindicate themselves or impeach themselves, one of the two.

When interrogated a little more closely, he admits that they do not show quite distinctly all that might be expected of them. Hear the subjoined answers:

Q. Do your books in which the work done is charged against the legislative and executive departments exhibit statements of the condition of the appropriation as shown by the books of the Treasury?
A. They do not bear any relation to my accounts at the Treasury at all.
Q. Is it possible to tell from your books what amount of waste is made in the bindery alone?
A. No, sir; I think not, unless I am mistaken in regard to the manner of keeping the books.
Q. If the sum total of charges made in your books should exceed the cost of material and labor, where would the correction appear on your books?
A. I do not know that a correction would appear on my books. I do not know that such discoveries have been made.
Q. From a comparison of your books and your vouchers, do the same appear to agree or to tally one with the other?
A. I have never compared my books and my vouchers, because my books do not bear any relation to my vouchers.
Q. I hand you a check, signed by W. H. Morrison, dated September 7, 1875, payable to A. M. Clapp, Public Printer, or order, for $205, for payment for five hundred Opinions of Attorneys-General, volume 14. Did you indorse this check?
A. Yes, sir.
Q. Did you receive the money on it?
A. I think my chief clerk may have received it.
Q. Please refer to your book, September 7, or any time after that, and see if this check is to be found there.
A. I do not see it here.
Q. I hold in my hand a paper reading as follows: "Office Congressional Printer, Washington, D. C., September 14, 1875. Received from Solomons & Chapman $60, deposit on account of printing and binding seventy-five copies of the Morse Memorial; should the work not amount to $60, the excess to be returned. (Signed) H. H. Clapp, chief clerk." Is that an official document from your office?
A. It is.
Q. Was that amount of money received on that day?
A. As appears on a package in the safe, it is there now.
Q. Is it entered on your cash-book?
A. It is not, sir.

I now introduce H. H. Clapp, chief clerk and book-keeper of the Congressional Printer, to tell his story as to the *modus operandi* of keeping accounts at the Government Printing Office. Comment is needless. Money is acknowledged to have been received and not accounted for:

Question. Are the entries for cash, received from the catalogues of the Library of Congress, in your handwriting?
Answer. Yes, sir.
Q. Where has the amount received of Weinberger, June 24, $8.20, been accounted for by you?
A. I do not see it here.
Q. Where has the amount noted as received from the Free Public Library of Worcester, $14, November 21, been accounted for?
A. I do not see that here, either.
Q. Do the entries in cash-book No. 1 always show the day on which money was received?
A. I think they do.
Q. Look at pages 2, 19, 20, and 24, and explain the irregularities as to dates?
A. I cannot explain that now.
Q. Were the orders noted in the front part of the cash-book No. 1 for public documents, &c., actually filled, if not marked to the contrary?
A. I suppose so, but I don't know.

Q. State whether the amount realized from such orders, or from the sale of documents, should appear in the cash-book.
A. Yes, it should.
Q. Show where the amounts received from Dr. Englemann and S. Watson, noted on cash-book No. 1, page 14, appear.
A. I don't think they have been paid. I see they are not marked paid.
Q. Do you know whether they have paid or not?
A. I think they have not.
Q. By whose authority did these men receive documents and not pay for them?
A. I don't know if they have ever received them.
Q. What does your book show?
A. The book would show that they had.
Q. If the book shows that they had received them, by what right were they given to them without the money?
A. I cannot answer that question satisfactorily.
Q. Have all the moneys received by you from sales of documents been accounted for on the cash-book?
A. No, sir; I know there must be some mistake on the books, because when I made up my cash after the books were turned over to you, I had $87 and something over in cash, and it has been over for some time, and I have been trying to find where the error was.
Q. State what balance remains in your hands, say to the 10th of March, 1876, from the sale of documents, &c.
A. About $3,644.26.
Q. You have stated that you have a surplus of $87; how do you explain an additional surplus of about $200, as appears by a correct addition of the figures on the first page of the cash-book?
A. I cannot explain that.
Q. Can you make any explanation of the additional surplus by correctly adding page 9 of the cash-book?
A. No, sir.
Q. I discover another similar error on page 10, cash-book No. 2; have you any explanation in regard to that?
A. I suppose I have made my footing wrong.
Q. Those errors amount to $206.40; will you show where your cash-book takes up this amount of surplus?
A. No, sir.
Q. Why did you fail to correct those errors?
A. I cannot for my life see how I could make a mistake as to the first one; the other two are very easy to make.
Q. I hand you Exhibit DD, and receipt of Mr. Buchecker, dated October 6, 1873, for binding one volume, $3; is that receipt in your handwriting?
A. Yes, sir.
Q. Please examine your books and see if there is any entry showing the receipt of that money from Mr. Buchecker?
A. No, sir.
Q. Did you keep the books at that time?
A. Yes, sir.
Q. What explanation do you give of the non-appearance of that money?
A. I cannot give any. It is not here.
Q. I wish you to examine your book of accounts showing the work done for the special session of the Senate, Forty-third Congress, and tell me if a charge appears there for printing Executive Document No. 2.
A. It does not.
Q. Why was it omitted?
A. I do not know that it was ever printed.
Q. Here is the document.
A. It was never put on my desk, and therefore I omitted it.
Q. With this document omitted, does your book show a correct exhibit of the work done, or does the Congressional Printer's report show a correct exhibit of the work done?
A. No, sir; not for that session.
Q. The Morrisons having received five hundred copies of volumes 5, 6, 8, 9, two thousand copies in all, what is the value of them?
A. Something like $1,000.
Q. And your books show no entry of the delivery of those books and no cash receipts for the same?
A. I suppose the receipt-book would show for the delivery of all of them. There is no book shows that any cash has been received.
Q. Then there is due to the Government Printing Office something like $1,000 for the reports sold and delivered to Morrison for which there has either been no payment, or, if paid, no entry has been made?
A. Yes, sir.

The next witness I will introduce shall be W. H. Collins, clerk in charge of CONGRESSIONAL RECORD accounts. He is a novelty in book-keeping, and exhibits rare talents in forcing balances when his cash received and disbursements do not agree. He is equal to any emergency, however, and has proven himself to be an accountant whose genius is not to be trammeled by arithmetical rules or truth-telling figures. Let him tell his own story:

Question. Are you in the habit of keeping money which comes into your hands in the early part of the year until the end of the year before passing it into the hands of the financial clerk?
Answer. Yes, sir.
Q. Will you tell me, when you made your settlement last year with the financial clerk, what amount you had in that box?
A. I think in the neighborhood of $50.
Q. Then you have made other errors besides the $20 in the keeping of your cash account?
A. I must have done so.
Q. Who has access to the cash-box except yourself?
A. No one.
Q. How often do you make entries in your cash-book?
A. Every day.
Q. You enter cash as you receive it every day?
A. Yes, sir.
Q. How would it be possible for you to omit this and make your cash at night agree with your entries that day?
A. I do not keep the cash of each day separate.
Q. It is not possible for you to tell whether you have been robbed of $100 or any other amount during the session?
A. No, sir.
Q. You tell me that as a book-keeper?
A. Yes, sir; that is the way we have been doing it.

By Mr. BALLOU:

Q. Do you only once a session count up your cash and compare it with your cash-book?
A. That is all.

By the CHAIRMAN:

Q. Do you mean by that once a year?
A. Yes, sir.

By Mr BALLOU:

Q. At any particular time?
A. No, sir.
Q. After you have settled up, what do you do with the money?
A. I turn it over to the financial clerk of the office. I turned it over to him twice before the end of last year.

By Mr. SINGLETON:

Q. Does that receipt (referring to Mr. Larcombe's receipt in the cash-book) show the true state of the case?
A. It shows the amount of money he received; but he did not receipt it all that day.
Q. Then the receipt does not import verity on its face?
A. No; but it is meant to.
Q. In what book do you keep the several amounts you pay him from time to time?
A. I have no book.
Q. How do you manage to keep all those things without a record?
A. I kept it on a memorandum. I took no receipt. I simply made memoranda.
Q. You only took his general receipt at the end of the year?
A. Yes, sir.
Q. Will the finance clerk's books show the time when you paid him the money?
A. I do not think they will.
Q. Where are the books kept showing the amount of the binding materials and the quality used in the RECORD?
A. My books should have shown that, but I have not put it on there.
Q. Where is it?
A. I have them all.
Q. In what sort of shape?
A. On memoranda.
Q. Do you keep an account of the binding material used for the RECORD, reaching about $20,000 for a short session?
A. (Handing paper, Exhibit BB.) This is the report made to me.
Q. Is this single half-sheet of letter-paper, written on one side, which I hold in my hand, the only data furnished you on which to make entries on the book?
A. Yes, sir.
Q. When was this furnished to you?
A. At the end of Congress.
Q. Who furnished you this paper?
A. Mr. Roberts. Mr Roberts first furnished me a report the same as this with the exception of the price paid per foot for leather. I found when I came to make out the report that he had used more leather at twenty-four cents a foot than had been bought, which could not have been possible. Then he made up another report.
Q. How did he remedy the error?
A. I got him to rectify it. I took out all the amount which had been purchased at twenty-two cents.

I dismiss Mr. Collins and introduce another of the clerks of said establishment, who is also foreman of printing, H. T. Brian, who being examined in reference to his department answers as follows:

By Mr. SINGLETON:

Question. How is it possible, then, for Congress to judge of the correctness of work done in the Congressional Printing Office if you lump your charges, as you have stated you do?
Answer. We lump them on one job; we would not lump that job with something else.
Q. Is this the only job you do where you lump the charges?
A. We charge the work at sixty cents. What we lose on the lean we gain on the fat.
Q. Do your books, then, show in any instance the cost and detailed statement of any job of work done in that office?
A. They will show the approximate cost.
Q. Could any expert in book-keeping take the books kept in the Congressional Printing Office and figure out under each head what any job of work has cost?
A. He could not on one job; he could on the whole.
Q. What do you mean by "he could on the whole?"
A. On the whole amount of work done.
Q. Where errors have been made in the cost of composition, or binding, or any other item going to make up the expenses, could any expert tell when and how those errors have occurred?
A. I don't believe he could.
Q. Don't you know he could not?
A. I don't believe he could.
Q. In regard to the charges for the press-work, don't the books of the Congressional Printing Office show that charges have been made for more press-work than has absolutely been done in the office?
A. The books show press-work on every job. The fact is, we combine the jobs where they can be combined.
Q. When you combine them and make but one impression, turning out eight separate jobs, do you not find the press-work charged eight times on that particular job?
A. Yes, sir.
Q. Do or do not these books convey a false impression by their charges on press-work?
A. Yes; I believe they do.
Q. Is there any more labor in making an impression where you have combined eight forms of one page each than there is if you had but a single form?
A. No, sir.

I next read from the testimony of the financial clerk, John Larcombe, sharp, oily-tongued, and unscrupulous. He needed but a few hours to improvise a cash-book which would balance all accounts of money received and money disbursed, and yet leave his employer, A. M. Clapp, according to his own testimony, the neat little sum of $58,000 as his perquisites:

By Mr. SINGLETON:

Question. Who keeps the waste-paper account-books?
Answer. I do.
Q. Will you please show, from your book or books, where an accumulation of more than $50,000 has been made?
A. I will show from this paper before me. [Exhibit EE.]
Q. Is there any entry in any book in your office showing an accumulation of upward of $50,000 from sale of waste, imperfections, &c.?
A. Not in any book.

Q. Examine your cash-book and state if the entries contained therein account for moneys as they were received from day to day?

A. Every day on which moneys were received. There is not a falsehood in any one figure.

Q. State how long this cash-book has been used by you.

A. Since the creation of that office.

Q. Were the entries contained therein made by you on the day when you received the money?

A. In every case, with one single exception.

Q. How can you account for the irregularity with which entries follow each other without regard to dates? I refer you to pages 4, 5, 6, 7, and 9.

A. The memorandum from which these entries were made was a perfect record as to dates, names, for what object, and amount, but in depositing the moneys in the Treasury, until recently, they were deposited to the credit of printing or binding, as the case may have been.

* * * * * * *

Q. This book then was made up from memoranda?

A. The book was made up from a statement of facts as they existed at the time, whenever a deposit was made in the Treasury.

Q. Instead of this book being a book of original entry, has it not, in truth and in fact, been made up from other books, and almost all the writing in it put on it in one sitting?

A. That book is a perfect and exact copy of the same information, as far as it goes, taken from other books in which it was first kept, because of the fact that there were other things in that book, and I thought that that book ought to be kept separate.

Q. It is not, therefore, a book of original entry?

A. It is not.

Q. Have you any book of original entry of receipts from sales of waste, imperfections, &c.

A. No.

Q. Were the contents of those loose sheets of paper which show an accumulation of about $50,000 copied from other slips of paper?

A. A portion of it was and a portion is original entries.

Q. Was not, in truth and in fact, this paper copied at one time and at one sitting?

A. It was not.

Q. How much was copied?

A. The greater portion of it.

Q. Where is the book, then, which shows the amounts of receipt of money?

A. This book, as far as it goes, with this paper added, shows it down to the 10th of March.

Q. So, then, this book as far as copied from the other one, only shows the deposits made in the Treasury, and does not show the amount of cash which has been received from time to time?

A. That is right.

Q. You have no book, then, in your possession other than the one now before us, labeled "Summary Cash-book," and have never had any book since you have been in the position which you now occupy, which shows the amount of cash which has come into your hands?

A. No, sir; I have no other book.

Q. Do you not, in fact, arbitrarily make up the amount you put in the Treasury, and after making up this amount make entries to correspond, in that summary cash-book?

A. Yes, sir; of course.

Q. Does the book marked "Summary Cash-book" show the full and true amounts which have been received from year to year?

A. No, sir; it does not.

Q. When, therefore, you have put certain amounts into the Treasury, have you not retained from year to year large amounts of cash which have been received by the Congressional Printer from shavings, imperfections, &c., in the Government Printing Office?

A. Not in every instance; generally so; there have been periods when the very last dollar in the possession of the office has been paid into the Treasury.

Q. Has there been any time since Mr. Clapp has been the Congressional Printer, when you have paid into the Treasury the full amount of cash which you received?

A. Not since Mr. Clapp has had charge.

Q. Is there any evidence in this cash-book to show that you have a surplus on hand?

A. No, sir.

Q. Does it not, on the contrary, convey the impression that everything is squared up to the respective dates?

A. I cannot answer that in the affirmative, because I know the contrary is the intention.

Q. Have you not balanced your books from time to time, which would indicate that you have received just so much money and paid that amount over to the Treasury, and that there was no balance remaining in your hands?

A. No, sir; my books do not pretend to indicate that.

Q. The book is before you; show me on any page of it, since Mr. Clapp has been in the office, an entry indicating that there was still a balance in your hands.

A. There is no such entry.

Q. Have you any evidence, other than the slip marked "Exhibit EE," whereby you can determine, or any one else can ascertain, what amount of public funds the Congressional Printer has in his hands?

A. None.

Q. Had the sheet of paper or memorandum on which you have kept the amount of money received from year to year been lost or misplaced, could you have made any proper showing of the amount of money due to the Government from that establishment?

A. No, sir.

Q. Please examine the book which is marked "Summary Cash-book," and answer the question why it is that you have kept the money which finally you have deposited from time to time in the Treasury, most of it for twelve months and much of it for two years after it has been received?

A. Because those moneys had been retained for that purpose.

Q. You have retained those several amounts, besides other large amounts which you say the books do not show as coming to your hands, all for the purpose of paying hands?

A. Whatever moneys have been received have been withheld for that purpose.

By the CHAIRMAN:

Q. In a regular system of book-keeping, where moneys may be retained at will, is it not customary in a book like your summary cash-book to enter on the debit side every transaction which brings money into the fund from waste-paper, shavings, imperfections, &c., while all deposits in the Treasury are entered on the credit side, so that the difference between the two amounts would show the balance in your hands at any time?

A. I have no doubt of it.

Q. Why, then, do you not keep your book in that way?

A. In the first place, I did this for the very reason that if anybody would want to look at this matter they could see this matter as it occurred.

Q. But have you not, in truth and in fact, concealed this transaction from any one who examines your books?

A. I do not see how it is concealed.

Q. You have admitted that the book does not show the amount you have on hand. The system which I have indicated would show that amount. This book shows the amount you have paid into the Treasury; therefore, this being the case, why have you kept the information out of the book?

A. Because, in my judgment, this method would be a very convenient one for referring to the transactions.

The last witness who testified in relation to the book-keeping is Charles E. Behle, an expert, who spent many days in his efforts of find some key which would unlock the door and reveal the arcana to our Government Printing Office.

Hear what Mr. Behle says:

Question. Is it possible to keep the books of the Government Printing Office in such a manner as to exhibit clear results as to the cost of the work executed there, the quantity and cost of the materials purchased, the quantity and cost of those consumed, and the quantity and cost of those remaining on hand?

Answer. It is. They ought to be so kept, in order to guard against all losses, and to conduct the business in such way that at any and all times the transactions of the Office should appear; and to guard the Government against losses, fraud, &c.

By Mr. SINGLETON:

Q. From the thorough examination of the books which have come under your eye and the manner in which they have been kept, is it possible to guard against frauds and losses if this system of book-keeping continues?

A. It is not; on the contrary, I should say that the doors would be wide open to fraud with dishonest officials.

Q. Taking into consideration the way the books have been kept and the office of the Congressional Printer managed, as shown by the books, could any individual or corporation pursue the same system and hope to escape bankruptcy?

A. I should say that under this system of book-keeping an individual or corporation, being constantly at sea as to the actual state of his business affairs, it necessarily might involve him in bankruptcy.

Q. From your examination of these books, compared with the reports of the Congressional Printer, do you consider them as in any sense reliable?

A. I do not from actual examination of the books before me; I should say that they were not reliable; they are unreliable.

Theodore De Vinne, as to management of office and payment of hands:

Question. What hours are required of, and what wages are paid to, printers in the Congressional Printing-Office in this city?

Answer. I am informed and believe that they are paid $24 a week for a day of eight hours, and sixty cents a thousand when they work by the piece.

Q. How much higher, then, are wages in this city than in New York?

A. Fifty per cent.

Q. In the book-offices of New York and in the job-offices that do book and pamphlet work, how are men employed—by the week or by the thousand ems?

A. By the thousand ems, excepting the very few men who are employed as makers-up, readers, and foremen. Nine-tenths of the men employed work by the piece.

Q. If the average New York compositor did this work on time, what would be his daily performance and his earnings?

A. His performance would be one-fifth more; his earnings $3.33.

Q. He would set, therefore, about three and three-fourths pages a day of ten hours, for which he would be paid $3.33?

A. Yes, sir; he would be paid $3.33, and he would do a fifth more than the same man would do here at eight hours.

Q. Do you know any office in the country, excepting the Government Printing Office, in which book and pamphlet compositors are paid by the day?

A. I do not.

By Mr. SINGLETON:

Q. You have examined a good deal of the printing done in the Government Printing Office?

A. I have, sir.

Q. From the examination which you have given the printing done by the Government Printing Office for the various Departments and the comparison of the total cost of such printing with the cost of like printing done by other offices in New York, Baltimore, and Philadelphia, are you prepared to say whether the printing done in the Congressional Printing Office costs more than printing of like character done elsewhere?

A. It does cost more.

Q. Please state about the per cent. of additional cost.

A. I have never formulated it in my mind, but I can make this answer, that the returns, as I have examined them, show very clearly that labor costs one-half more here than it does in northern cities. It is shown in the charges, or, in other words, the cost is about one-half greater.

Q. Upon an examination of the facilities for printing connected with the Government establishment, as you find them at present, is there any good reason why the Government printing should cost 50 per cent. more than printing of the same sort elsewhere?

A. There is no reason but the high price of labor.

Q. Can you account for the Government paying sixty cents per thousand ems, while equally as skillful labor is employed in the city of Washington, in outside or private establishments, at fifty cents a thousand?

A. No, I do not see why the rule which applies to one should not apply to the other.

Q. If the Government Printing Office were conducted upon the same principles that govern the conduct and management of a private establishment, ought not work to be done cheaper there than in a private establishment?

A. I think it could be done cheaper; that is, provided it did not attempt a great variety of work.

By Mr. BALLOU:

Q. Do you not think that the Government can control the price of labor as well as individuals could control it?

A. I do.

Q. Then the only thing required in order to have it done cheaper in the Government Printing Office than it can be done by private parties is to have the office well managed?

A. It needs some discretion in the selection of work, as well as economical management.

The testimony of John G. Judd, Daniel P. Steele, Joseph L. Pearson, John R. Edwards, L. A. Lipman, and Grafton Johnson, all practical men, successfully engaged in business, corroborates Mr. De Vinne in the statements he made, while it leaves no room to doubt the grossest extravagance in the administration of the Public Printing Office. These gentlemen, summoned as experts before your committee, are men of high standing in their vocation, and by no means envious or

desirous of Government work. In fact most of them, when asked, distinctly stated that they are not now, nor do they expect to be in the future, applicants for Government patronage. The charge, therefore, that these gentlemen did what they did from envy, or prompted by any other motive than that of telling the truth, rests upon no foundation in fact other than the simple assertion of the minority of this committee, unsustained by the testimony.

I next propose to show the reckless and criminal manner in which purchases of materials for the Government Printing Office have been made; the enormous losses which have occurred to the Government in this way, for which Clapp and his securities should be made responsible to the extent of the penalty of their bond. I have a copy of said bond before me, which is executed in a penalty of $80,000, payable to the United States, and contains the following among other provisions:

Now, therefore, the condition of the foregoing obligation is such that if the said Almon M. Clapp has truly and faithfully executed and discharged and shall continue truly and faithfully to execute and discharge all the duties of said office according *to law* then the above obligation to be void and of none effect, otherwise it shall abide and remain in full force and effect.

A. M. Clapp testifies as follows:

Question. In making purchases in open market do you endeavor, by inquiry or otherwise, to arrive at the lowest prices?

Answer. I have always done that. I have tried to get at the bottom of the market.

Note this answer, and compare it with others made almost immediately after:

Q. Do you know whether or not you could have made these purchases for a less amount of money if you had gone directly to the manufacturers?

A. I cannot answer that.

Q. Have you made any inquiries?

A. Only through my foreman.

Q. Have you ever made any effort to ascertain, outside of the information you received from your foreman, as to the manner, and mode, and place of purchase, and the amount?

A. No, sir.

Q. Have you ever advertised for proposals for articles which you are required to purchase?

A. No.

Q. Have you ever taken steps by issuing circulars, or giving information that you needed them, that you could make good rates, considering the number you purchase?

A. I have not.

Q. Have you ever visited the manufacturers or had any one else do so?

A. No.

Mr. Clapp stated above that his purchases of materials were made through J. H. Roberts, foreman of the bindery, and that said foreman sought to buy them at "bottom prices." In denial of this assertion, let Mr. Roberts speak for himself:

Question. Has the Congressional Printer acted under your advice in making purchases of binding materials?

Answer. Not at first; but lately he has.

Q. Who made the original purchases from Campbell & Armstrong?

A. Mr. Clapp gave the order to purchase from Campbell & Armstrong. I gave the official order on Mr. Clapp as usual, and *he directed where it should go.*

Q. About what amount of binding materials do you purchase per year?

A. I cannot answer that.

Q. Does it reach about $175,000 a year?

A. In that neighborhood.

Q. Have you made efforts to purchase those materials by inquiry of and correspondence with manufacturers, so as to get the bottom prices?

A. I have never made much effort on that score. * * *

I now offer extracts from the testimony of dealers in the articles purchased by the Congressional Printer, showing to some extent the losses to the Government by his neglect of duty:

B. C. DORSEY sworn and examined.

By the CHAIRMAN:

Question. In what business are you engaged?

Answer. The paper business.

Q. Where are you located?

A. Nos. 33 and 35 South Charles street, Baltimore.

Q. How long have you been engaged in that business?

A. I went into that business in 1844. I may say I have been a practical paper-dealer twenty-five years.

Q. Are you familiar with the various kinds of paper used in the Government Printing Office?

A. I think I am, sir.

Q. Have you made an examination of the last report of the Congressional Printer?

A. I have, sir.

Q. Have you examined page 30 of said report, under the head of "Ledger and other papers purchased in open market?"

A. I have, sir.

John R. Edwards, practical binder, of Baltimore, after examining prices reported by Congressional Printer as paid for a bill of articles, testifies as follows:

Question. Will you now state the total cost as reported by the Congressional Printer of the samples upon which I have examined you?

Answer. Eighteen hundred and twenty-four dollars and seventy cents.

Q. And for what sum would you furnish the entire number?

A. Eight hundred and twenty-two dollars and forty-eight cents.

Q. Leaving a difference of how much?

A. One thousand and two dollars and twenty-two cents.

Q. About what per cent. of overcharge is this?

A. I should say it was about 125 per cent.

Q. Please state to the committee what it cost you to furnish this kind of work upon which you have been examined.

A. The cost would be $654.66.

Q. Leaving a percentage of difference between your cost and the cost as reported by the Congressional Printer?

A. About 300 per cent. more than mine.

Q. In making your estimates have you included everything?

A. Everything, sir.

By Mr. SINGLETON:

Q. Would you consider it fair to the Government that such prices should be paid as the Congressional Printer paid for the materials which you have spoken of without first submitting the same to competition?

A. No, sir; there is no individual binder in the country that would pay those prices.

Q. Have you ever known of an opportunity being afforded by the Congressional Printer to dealers in binders' materials to compete for the articles which you have mentioned?

A. No, sir; I have not.

Daniel P. Steele, a practical binder, who served a regular apprenticeship, and for thirty years has been engaged in the business both as journeyman and manager, says:

Question. From your examination of the Congressional Printer's report, what say you as to the per cent. overpaid for binders' materials?

Answer. As an average of the entire purchases, I find that the excess is all the way from 30, 35, to 40 per cent. in excess of retail prices.

George A. Gane, being a large dealer in binding materials, gives his testimony as follows:

Question. Did you, at the time you called upon Mr. Clapp, present a schedule of materials with the prices at which you would furnish them?

Answer. I did not.

Q. At what time, or about what time, was this first visit made to Mr. Clapp?

A. I should say about a year before we presented the schedule.

Q. Did you, at the time you called upon him, make a statement to him or let him know, in any way, that you could furnish goods cheaper than he had been getting them?

A. I did. The simple remark was made that we could furnish him goods to better advantage than he was buying them.

Q. He told you that he would look into it?

A. He did.

Q. Did he look into the matter, or did you hear from him at that time?

A. No, sir; not at that time.

Q. Did you ever afterward make an attempt to secure any of the business of the Government Printing Office?

A. We did.

Q. State when you made the second application and all about it?

A. In January, 1875, we made extracts from the Printer's report of the previous year, showing what he had paid for binding material during that year, and against the said prices we placed the figures at which we would be willing to furnish the goods. We were, as I said before, only able to bid against some of the prices of which we had definite knowledge as to what the goods were, other goods being stated without anything in relation to sizes or qualities, simply giving the quantity and the prices paid, so that there was no chance to bid on them.

Q. State the amount and kinds of goods embraced in the schedule you speak of in round numbers.

A. The value of goods purchased in 1874, for which we made proposals to furnish them in 1875, would be about $140,000. The following schedule will cover the kinds or varieties of goods: Binders' cloth, imitation Russia cow-hide, raw-sheep, raw-calf, roans, parchment, gold-leaf, twine, marble-paper, albumen, supers, and binders' boards. The saving to the Government, had we furnished the goods at the prices given in our schedule, would have been about $16,000 on the above-mentioned sum.

Henry Franz, having listened to the testimony of Mr. Gane, fully confirms his statements. He says:

A. I did hear the testimony, and I think it is correct, to the best of my knowledge and belief, regarding the quality of goods, prices, &c.

George W. Garner, a member of the firm of John Campbell & Co., which house has been furnishing materials to the Congressional Printer for seven years, gives the following testimony:

Question. How long has your house, or the house that you are now connected with, furnished goods to the Government Printing Office?

Answer. About seven years.

Q. What is the present amount of business done by the house?

A. About $300,000.

Q. About what amount of goods do you annually furnish to the Government Printer?

A. I would say from $125,000 to $150,000—say about $150,000; last year it was considerably less than the year before.

Q. Referring to your books of account, I find a bill to Mr. Clapp under date February 28, 1874; is it possible, by an examination of this book, to arrive at the quality of goods furnished in that bill without your personal explanation accompanying it?

Mr. SINGLETON. From the book itself, if it were put in the hands of a stranger?

A. No, sir.

By the CHAIRMAN:

Q. Consequently, taking all the data you have, it is impossible to arrive at the quality of goods furnished, without you are put upon the stand and questioned in regard to them?

A. Yes, sir.

Q. I find you purchased $879.75 worth of imitation gold-leaf, and you sold it to the Government at a profit of $570.25?

A. Yes, sir.

Q. Do I understand you to say that on an investment of $879.25 you realized a profit of $570.25?

A. Yes, sir.

Q. Where is Mr. Valleau's establishment?

A. In New York City.

Q. Do your books show that every time you received an order from the Congressional Printer you purchased from Valleau just the amount ordered by the Congressional Printer during the past two years?

A. With one exception, to my knowledge, they do.

Q. Were the purchases made before the reception or after the reception of the order of Mr. Clapp?

A. Occasionally before.

By Mr. SINGLETON:

Q. Did Mr. Clapp know that you bought those materials from Valleau?

A. Not to my knowledge.

Q. Does not the gold-leaf show from what house it comes?

A. Yes.

Q. Could he fail to know from what house it came?

A. Of course I do not know; every pack is stamped with Valleau's name.

By the CHAIRMAN:

Q. Is this paper which I hand you a correct exhibit from your bills and vouchers of the profits made on various sales?

A. Yes, sir.
Q. On one sale of $4,452 of law-calf did you realize a profit of $1,264?
A. Yes, sir.
Q. What profit per dozen have you made on law-calf sold to the Government?
A. Six, and perhaps eight, dollars per dozen.

By Mr. SINGLETON:

Q. In the matter of gold leaf, what amount do you keep on hand outside of what you sell to the Government?
A. We keep a small stock. Things we can supply we do not keep on hand, but buy from manufacturers.
Q. Is not this the case in most of the materials you sell to the Congressional Printer, so far as the value of them is concerned?
A. Yes, sir.
Q. In the articles which you sell to the Congressional Printer, what proportion of them do you buy from the manufacturers after you receive orders from the Printer?
A. About two-thirds.
Q. What proportion of the goods you sell to the Congressional Printer have you manufactured heretofore?
A. None.
Q. You say that you have charged the Government higher prices in some cases. Please state on what articles.
A. I cannot remember any particular articles.
Q. How, then, can you say, if you do not recoll ct any particular article, that you have charged higher prices than you have charged private individuals in some instances?
A. By the general prices.
Q. By the general prices on what articles?
A. Cowhide, cloth, sheep, gold-leaf, calf; that is all, I believe.
Q. Do not those articles cover a majority in value of the articles sold to the Government?
A. Yes, sir.

Interesting as it may be to follow up the devious ways and malpractices of the Congressional Printer and his *confrères* in the sales and purchases of materials for the Government Printing Office, I must close up this point. I think enough has been disclosed to carry conviction to every unbiased mind that there has been collusion between these parties to defraud the Government and enrich themselves at the expense of virtuous manhood and every principle of honest and fair dealing. What wonder that the house of John Campbell & Co. has waxed fat, after feeding so luxuriously from the "public crib," buying $879.75 worth of *imitation* gold-leaf, and selling it at a profit of $570.25, not advancing one cent, but paying with the money drawn from the Treasury upon a voucher furnished by them to A. M. Clapp? What wonder that this house should be able to double its capital in a few years, when on a sale of $4,452 of *calfskin* to the Government it should be able to realize a profit of $1,264, and never wake a sleeping penny that was resting in their pockets? What wonder that A. M. Clapp should be the possessor of houses and lots in Washington, the owner of bank stock and bank deposits, aggregating many tens of thousands of dollars, when it is understood that he came to this city a bankrupt?

I ask for a short time the attention of the House while I lay before it a gross violation of the criminal law of the land by imposing upon the Secretary of the Treasury a false voucher in the settlement of his accounts.

A. M. Clapp's testimony:

Question. Referring to the stubs of your check-book, under the date of March 13, 1872, do you find that a check was drawn in favor of Philp & Solomons for $234?
Answer. I do.
Q. Can you explain for what that check was drawn?
A. I cannot here say.
Q. Do the data you have show that fifty reams of white cap paper were purchased from Philp & Solomons on February 20, 1872?
A. Yes; and receipted for by my foreman of binding.
Q. It shows that you purchased paper from Philp & Solomons?
A. Yes, sir.

A. S. Solomons testifies to the fact that not one sheet of such paper was purchased from him by the Congressional Printer, but that a false voucher was made out for the benefit of Mr. Clapp, and used in his settlement with the Treasury.

Question. Did you make an examination in regard to the transaction of March 13, 1872, when the Congressional Printer drew a check in favor of Philp & Solomons for $234?
Answer. I did.
Q. Please state the result of that examination.
A. We had a large number of blank books which we desired to sell to the Treasury Department. They needed the books but had no fund out of which they could pay for them, and suggested that we should see some one connected with the Public Printer. I met Mr. Roberts, whom I believed to be the foreman of the bindery, and related to him the circumstances. He said he would see about it. Shortly thereafter he made inquiry as to the number of books in our possession, and subsequently saw and made a selection from them, footing up the amount we asked for such books. He then informed me that under the law they could not buy blank-books, but had to buy paper, and he asked me to make out the bill for the gross amount of the books, that was $234. The bill read, "Fifty reams white cap paper, 18 pounds, at 26 cents per pound, $4.68 per ream," making, in the aggregate, $234. Subsequently that amount was paid to us by a check from the Government Printer, and the account was closed.
Q. How many books did you sell them?
A. Somewhere between one hundred and twenty-five and two hundred demy and crown cloth-covered books, ruled faint only, and paged.
Q. Did you include in this charge paper, books, binding, and all else connected?
A. Yes.
Q. In this bill of $234 did you furnish any white cap paper?
A. None whatever.

J. H. Roberts, foreman of binding, through whom the blank-books were purchased, fixes the responsibility upon the Congressional Printer, where it properly belongs, although the Printer feigns utter ignorance of the whole transaction.

Question. Did you ever make a purchase of Philp & Solomons of books, and have them make out a bill for the same as paper?
Answer. Yes, sir.
Q. Was Mr. Clapp conversant with that transaction in its various stages?
A. I cannot say that. I presume I reported to him when I came back.
Q. Did he know that you were requested to, or proposed to, get this property from Philp & Solomons?
A. Yes, sir.
Q. Did he acquiesce in it?
A. He told me to buy the books if I thought it to the advantage of the Government.
Q. Did Mr. Solomons make out a bill for fifty reams of white cap paper, amounting to $234, and did you make a requisition on the Congressional Printer for fifty reams of white cap and acknowledge the receipt of the same?
A. Yes, sir.
Q. What did you receive from Philp & Solomons?
A. I received three different kinds of books.

John Larcombe, the cash-book-maker and voucher-manufacturer, tells how and why it was done:

Question. Please examine the check which I hand you. * * * Did you fill up the body of that check?
Answer. That check was filled up by me and that check was paid by me.
Q. By whose authority and under whose instructions was this check drawn?
A. By authority of the Congressional Printer.

But, Mr. Speaker, I come now to the very gist of the whole transaction. The admissions of the Congressional Printer, with abundant testimony outside, show that in violation of law he has retained in his hands for years and still retains some $60,000 of money of the United States, which it was his duty to have covered into the Treasury as fast as it accumulated. I invoke a careful consideration of this point by the House, as it is the most important one.

A. M. Clapp testifies:

Question. Have you now a large amount of money in your hands or on deposit belonging to the Government of the United States?
Answer. I have.
Q. State what amount.
A. I think somewhere in the vicinity of $50,000.
Q. How long have you had this money in your hands, or a portion of it?
A. It has been accumulating along.
Q. Does it reach back to the beginning of your administration?
A. Not entirely back.
Q. Have you any authority of law for using this money in any other way than to cover it into the Treasury?
A. I only pay the Government employés.
Q. Have you a right so to use it under the law?
A. I judge so.
Q. Is there not an annual appropriation made by Congress for the purpose of paying the employés?
A. Yes; but the Government Printer can only draw $53,000 at a time, and the pay-roll amounts to over $80,000.
Q. You now hold in your hands $50,000 belonging to the United States Government?
A. I think I have.

By Mr. SINGLETON:

Q. Please state the amount of money *you now have on deposit* in your safe belonging to the Government accumulating from the sale of documents, waste, &c.
A. Somewhere in the vicinity of $50,000.
Q. Will you permit the clerk of this committee, Mr. Wiener, to go to your office and, in your presence, count the money?
A. Yes, sir.
Q. Have you no deposit in any bank in the city?
A. No, sir.

Charles J. Wiener, the clerk of this committee, having made count of the moneys on hand, says:

I was instructed to proceed to the office of the Congressional Printer, with him, in order to make count of all moneys belonging to the Government, and which were included in what Mr. Clapp calls a surplus fund. When I reached the office Mr. Clapp introduced me to Mr. Larcombe, the financial clerk, and left me with him. Mr. Larcombe expressed his regret, first, that I had called at so late an hour in the day; second, that I had called at a very inopportune moment, since all of the money was not on hand at that time; he proceeded to say that the Congressional Printer, or rather the officer in charge, does not pretend to have all that money in cash. I counted the sum in the safe and found that it amounted to $16,257.99. Mr. Larcombe counted the amount as soon as I was through, and our accounts tallied, all but one cent, he making it ninety-eight cents and I ninety-nine.

In the testimony in the case here given, it will *be seen* from the statements of Charles Wiener and J. A. Ruff that Clapp has made two gross misstatements: first, that he had *in his safe* $50,000 when, in fact, there was but $16,257.99, and, secondly, that he had no deposits in any bank in this city, when at that moment he had deposited $12,000 in the Metropolis Savings Bank and $1,800 in the Second National Bank.

J. A. Ruff, cashier of the Metropolis Savings Bank, states:

Question. Do you receive money on deposit and pay interest on deposits?
Answer. Yes, sir.
Q. Does Mr. A. M. Clapp do business with your bank?
A. Yes, sir.
Q. What amount of money has he on deposit in your bank?
A. I think about $12,000. On March 11, A. M. Clapp deposited $12,641.05, and on the same day he made a check for $300. On March 29 he made a check for $46.81.
Q. Is this deposit of Mr. Clapp's a time-deposit or subject to draft?
A. Subject to sight-drafts. All our deposits are.
Q. What is your rule in regard to allowing interest on deposits?
A. We do it by the calendar month. Money paid in to-day commences interest on the 1st May. We allow interest on the minimum balance for the current month.
Q. What rate of interest do you pay?
A. Five per cent. per annum.

H. C. Swain, cashier of Second National Bank, bears testimony to the falsity of the statement that Clapp had no bank deposits.

By the CHAIRMAN:

Question. Are you cashier of the Second National Bank of Washington?
Answer. I am.
Q. Is A. M. Clapp, the Congressional Printer, a stockholder in your bank and does he do business with your bank?

A. He is a stockholder and does business as an individual there.
Q. What amount does he hold?
A. Fifteen shares, amounting to $1,500.
Q. Has Mr. Clapp, at any time since your connection with the bank, had a large amount of money deposited?
A. He has had a balance in bank since I have been there—a balance of about $8,000.
Q. After examination of the books, what amount, at any one time, or at various times, did Mr. Clapp have on deposit before you became cashier?
A. Not exceeding $15,000 or $16,000 at any one time.
Q. Has your bank been in the habit of allowing interest on deposits?
A. In certain cases by arrangments, when the money remains some length of time.
Q. Has your bank at any time allowed interest on deposits?
A. It has.
Q. Did Mr. Clapp receive interest on the $16,000, which you say he had on deposit, at any time?
A. That came from the average of accounts.
Q. What amount of money has been paid to Mr. Clapp for interest on deposits since the organization of the bank?
A. Nine hundred and eighty dollars.
Q. What amount has he now on deposit?
A. Not exceeding $1,800.

By Mr. BALLOU:

Q. What would be the average of Mr. Clapp's deposit since he has had an account at the bank.
A. About $8,200.

John Larcombe again appears, and admits that there is in his hands, as financial clerk, *or ought to be*, $56,382.07, exclusive of $4,855.90 accumulated since 19th November, 1875, thus corroborating the statement of C. E. Behle, an expert, who examined the books, and testified in relation to them:

Question. State, from the cash-book before you, the amount of money on hand from all amounts realized from the sale of shavings, documents, &c., to the 10th of March, 1876?
Answer. The book before me does not show that fact. It is on a detached sheet. If I have made no error, the amount is $56,382.07.
Q. Does this amount include all receipts to March 10, 1876?
A. Yes, sir.
Q. Where are the receipts from the sale of documents, &c., from November 19, 1875, to March 10, 1876, accounted for, as shown by the cash-book to amount to $3,644.26, inclusive of balance of $1,211.64 from September 30, 1875?
A. I do not know where they are.
Q. Why was the amount of $3,644.26 omitted in the statement on the loose sheets?
A. For the simple reason that I had never seen or heard of it.
Q. Why were those moneys not deposited monthly, as the law directs?
A. I never heard of such a law.
Q. Why was this money not deposited monthly as it was received?
A. Because, in the absence of any law to the contrary, the exigencies of the office required it.

I now read from the testimony of C. E. Behle, a very skillful accountant, who, before another committee of this House, demonstrated his thorough ability to sift and digest the most complicated system of book-keeping, and who spent days in trying to comprehend the affairs of this office, says:

Question. Do the amounts stated in the reports as realized (from sales of waste, &c.,) agree with the book-entries?
Answer. They do not.
Q. Should, or should not, the books sustain the reports?
A. By all means, the books should corroborate the statements of the reports.
Q. From your examination, state the amounts deposited from October 1, 1875, to March 10, 1876?
A. There are two deposits on October 12 of $9,137.38; and on November 12, $10,889.93.
Q. What balance, then, would this show to be on hand on the 10th of March?
A. The amount realized from October 1, 1875, to February 18, 1876, as shown by loose sheets accompanying summary cash-book, was $12,580.50; with the balance on hand not deposited on September 30, $63,828.88, and the balance as shown by cash-book from H. H. Clapp, from October 4, 1875, to March 10, 1876, $3,850.66, or total receipts amounting to $80,260.04, would show, after the deduction of the two deposits, a balance on hand on March 10, 1876, amounting to $60,232.73.

DEPOSIT OF GOVERNMENT FUNDS IN BANK WITHOUT AUTHORITY OF LAW.

H. H. Clapp, chief clerk, testifies:

Question. Do you deposit Government funds in the bank?
Answer. Yes, sir; Government checks, no currency.
Q. Do you draw the checks out of the bank, or the money?
A. I draw currency.
Q. When you made a deposit were you credited with so much money?
A. Yes, sir.
Q. Do you recollect how long you kept this money in the bank?
A. I opened an account some time last fall, I think, in the name of H. H. Clapp, agent.
Q. And placed to the credit of H. H. Clapp, agent, funds belonging to the Government?
A. Yes, sir.
Q. Does this bank allow interest on deposits?
A. Yes, sir; but I will say that Mr. Larcombe had formerly gotten our checks cashed at Riggs's, and he went there and he was told that it was too much trouble; that they could not cash them for any price he would be willing to pay. I went to Mr. Ruff and asked him if the use of this money would repay him if I left it in the bank from time to time for the trouble of collecting it. He said it would, and I commenced depositing my checks, with an understanding that no interest at all would be paid.
Q. If you should demand interest, under the rules of the bank, would it not be compelled to pay you interest on the balance?
A. I don't know that.
Q. Are you not aware that the rules of the bank are that you can demand and draw interest on the balances you have there from time to time?
A. I am not.
Q. Is Mr. Ruff, the cashier of that bank, related to you or connected with you?
A. No, sir; no further than that his son is married to my daughter.
Q. When did you draw the money out of Mr. Ruff's bank? I refer to the money of the Government.
A. I don't know that I can state the date.
Q. Was it not the morning after an examination had been made by the clerk of this committee of the cash in Mr. Larcombe's safe in the Congressional Printing Office?
A. Yes, sir.
Q. What disposition did you make of the money after drawing it?
A. I turned the portion belonging to me into my safe, and turned over the portion belonging to Mr. Collins to him.
Q. Do I understand you to say that you had, in addition to the money which you had received, a portion of the money received by Mr. Collins from the sales of the Record?
A. Yes.
Q. By what authority did you have possession of the funds?
A. It was nothing but checks. He could not get rid of them, and I said he had better let me deposit them in that way, and we could keep our cash-account without checks. If he had a check and I had a check, I made a deposit on a slip for him, and I deposited on a slip for myself, and when I came back I marked his with with an "R" in red ink, so that it would not get mixed.
Q. It appears that Mr. Ruff first testified before this committee on the 7th of April, 1876, and that on that morning you drew from his bank the sum of $2,912.35.
A. I presume that is correct; I do not recollect the amount.

Mr. Speaker, I have in a most imperfect manner run through such portions of the testimony in this case as I thought bore most directly upon the important points in it. I think it establishes most conclusively the charges which I preferred in the outset of my remarks: First, incapacity; second, malfeasance in office, resulting in great detriment to the Government and heavy pecuniary losses, for which the official bond of A. M. Clapp should be put in suit; and, third, embezzlement under the laws of the United States, for which he should be tried and punished. I shall refer briefly to the law governing the case, and then close.

The first section of the Revised Statutes to which I call attention is section 3617, which reads as follows:

The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claims of any description whatever.

Under and by virtue of this section without limiting the time within which the money is to be paid over, it shall be done as soon as practicable. Under the provisions of a subsequent section, (3622,) however, the time is definitely prescribed within which these deposits shall be made. Said section reads as follows:

Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. * * * * * * *

It may be contended that the Congressional Printer is neither an agent nor officer of the United States, but this view of the question is not sustained by a fair interpretation of other sections of the statute, which treat him as a disbursing officer of the Government. Section 3817 reads as follows:

The Congressional Printer shall settle the accounts of his receipts and disbursements in the manner required of other disbursing officers.

In addition, the official bond executed by him is made payable to the United States, and he is charged with the disbursement of funds of the Government not appertaining to the Senate alone, but as well to this House and to the different Departments for which printing is done in his office; though he may be *pro forma* an officer of the Senate, and doubtless is, yet these sections of the Statutes declare him to be a disbursing officer of the Government, and require him to settle his accounts *as other disbursing officers* do. Upon failure to do so section 5491 declares the act to *be embezzlement*, and prescribes the punishment. It reads as follows:

Every officer or agent of the United States, who having received public money which he is not authorized to retain as salary, pay or emolument, fails to render his account for the same, as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months nor more than ten years.

It is in evidence that the Congressional Printer has retained large sums of money in his hands not for one month only but for years, while he lived in the very shadow of the Treasury, and could have paid it over at any time. But this is not the only case in which he has laid himself liable to a charge of embezzlement.

Section 5488 (Revised Statutes) reads as follows:

Every disbursing officer of the United States who deposits any public money intrusted to him, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not provided by law, withdraws from the Treasurer or any Assistant Treasurer or any authorized depository, or for any purpose not prescribed by law, transfers or applies any portion of the public money intrusted to him, is in every such act deemed guilty of embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied, and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by fine of not more than the amount embezzled or less than $1,000; or by both such fine and imprisonment.

It is in evidence from the deposition of the cashier of a bank of this city, corroborated by the statements of H. H. Clapp and W. H. Collins, that Government funds have been deposited by the Congressional Printer, through his chief clerk, in direct and open violation of the provisions of the law just cited.

But, by the further provision of this section, it will be seen that if he apply the funds in his hands to any purpose not prescribed by law, then he is guilty of the crime of embezzlement and liable to like punishment. By the admissions of A. M. Clapp himself, as appears in his evidence before the committee, he has applied the money received by him, not by authority of law, but contrary to its express provisions, to purposes other than those contemplated by the statute.

It is clear, by these several acts of placing money in a bank not a Government depository and by applying other sums to purposes not authorized by law, that he has been guilty of the crime of embezzlement.

The only other criminal act of which I propose to take notice is the use of a false voucher in his settlement with the Treasury of the United States. Section 5438 reads as follows:

Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any Department or officer thereof, knowing such claims to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false *bill, receipt, voucher*, roll, *account, claim*, certificate, affidavit, or deposition, knowing *the same to contain any fraudulent or fictitious statement or entry*, * * * shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars.

It will be seen from the evidence that a false bill was made out, a receipt thereon obtained from A. S. Solomons, and a check for the amount given to said Solomons, which was paid and subsequently used as a voucher in his settlement with the United States Treasury.

Although this act does not constitute embezzlement, yet it is a crime under the statutes for which he may be indicted and punished.

Mr. Speaker, in my feeble and broken way I have presented this subject to the House. While I have spoken plainly and characterized things by their proper names, I have endeavored to excite no prejudices in the minds of members, nor would I, if I had the power, secure any decision either upon the part of this House or of the country unjust to the Congressional Printer and not fully sustained by the testimony. In what I have done I have had no enemies to punish, no friends to reward. I have endeavored to keep an eye steadily fixed upon the duties of my position, as well those to the person whose conduct has been criticised as to those due myself and to the country. I have felt at every step taken that I had to deal with one who was backed by strong political power and influence, and who relied upon the strength he could muster in the other end of the Capitol for deliverance from the meshes and entanglements into which his official misconduct had brought him. His letter of defiance to the committee denying their right to investigate his acts as Congressional Printer after asking the privilege of appearing before that committee with counsel but too plainly showed the drift of his hopes, his trust, and confidence. He appeals to Cæsar, and to Cæsar let him go. The country will take cognizance of the fact whether a man all over blackened with infidelity and crime, a defaulter and official plunderer, can find defenders or apologists among those who are called to sit in judgment on his case. It is to be seen whether in any forum where he may be called to answer party prejudices and predilections are to outweigh the claims of law and justice.

Under every form of government, but more especially in a republic, the peace, prosperity, and happiness of the governed depend upon the honesty, capacity, and fidelity of those who are called to be rulers. Whenever a people become so demoralized as to tolerate, unrebuked, corruption in their officials, that moment the government begins to sweep the down grade to ruin, gathering impetus as it moves on, until it dashes itself to pieces, covering with its *débris* the hopes and happiness of a too confiding people.

In the application of these remarks to our people and Government, the fact is not to be disguised that in the light and experience of a hundred years there is but little room to congratulate ourselves upon the sterling integrity of office-holders, the unswerving fidelity to public trusts, and the high standard of official conduct which made our fathers the admiration of the world.

No, sir; corruption stalks brazen-faced through the land. It does not confine its leprous touch to the inmate of the hut of squalid wretchedness, where cold and hunger plead trumpet-tongued for the victim who has violated the decalogue. It has not confined its companionship to outcasts from society, who know no check but human law, to soulless corporations, political cabals, and money rings. It has not consorted only with petty officials who interpose the plea of insufficient salaries to the charge of fraud and peculation. It has stalked boldly into the halls of legislation and left its slimy touch upon the statute-books; it has soiled the judicial ermine, by subordinating the opinion of judges to party politics; it has entered into our revenue service, breeding perjury and robbing the Treasury of millions; it has stolen the rations of the soldier and the Indian; it has followed our accredited ministers abroad, and brought odium upon the American name; it has entered the Cabinet, making merchandise of offices; ay, sir, it has gone to the very door of the presidential mansion and vaunted itself as on most intimate terms with those who are the daily trusted companions of the President of the nation.

What American citizen does not feel the blush of shame upon his cheek as he reads day by day the developments of official misconduct? What citizen traveling abroad, when he reads the comments of foreign journals, morning after morning, upon the venality and corruption of American office-holders, would not be tempted to deny his nationality? Sir, this state of things is terribly appalling. I am not gifted with the power of divination and shall not undertake to play the seer; but, if the lights of history which shine out from the past are not delusive, we are traveling the open broad road marked by the foot-prints of the republics of other days. The march of history is strewn with their wrecks, and the story of one is the story of all, as they have risen, flourished, and passed away. History teaches us that the gradations by which they rose to their culminating point were purity of public and private life, industry, frugality, simplicity of habits, fidelity to trusts assumed or imposed, respect for constitutional and statute law, and a penetrating sense of honor and honesty, whether in office or out of it. These are and ever have been the underlying principles of all well-regulated popular governments, and as long as properly adhered to will give stability and success.

We are further taught that the gradations by which they descended were loss of personal integrity, luxurious habits of living, consequent inertness, the greed of gain, open disregard of the claims of morality and religion, unfaithfulness to public trusts, and finally a shameless, open prostitution of public offices to private ends.

This is the mirror held up to us by the genius of history, and we have only to look into it to see how far we have progressed in the road that leads to anarchy. The inquiry pertinent to the occasion is, can we retrieve ourselves; can we shake off the entanglements and embarrassments which hang about our Government? Can we put down the combinations, rings, and individuals who are sapping the foundations of Government and extracting the life-blood of the nation? Can we make a return to the better days of the Republic?

I answer yes, a thousand times yes. Everywhere the people are clamoring for reform. The cry comes up from every city, town, and hamlet in the country, Overturn the tables of the money-changers and kick out the dove-sellers who pollute our offices and temples of justice. Much has been accomplished and more can yet be done by this House to meet the just expectations of an outraged people. In the case before us the pathway is plain and open. Let us remand A. M. Clapp to the courts of the country, that he may be dealt with civilly and criminally for his violations of law; and if impeachment will lie let us send in articles to the Senate and demand that he be arraigned and tried in that forum. I trust the House will concur in the recommendations made by the committee.

Mr. HOAR. I would inquire of the gentleman from Mississippi [Mr. SINGLETON] what is the purpose of the Committee on Printing in regard to bringing this question to a vote; whether it is proposed to have a vote this afternoon?

Mr. SINGLETON. That depends upon the wish of the House. I have no proposition of that sort to make; I do not propose myself to force a vote upon this question until it has been fully discussed.

Mr. VANCE, of Ohio. I call the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WILSON] has called for a separate vote on the several resolutions reported from the Committee on Printing. The first resolution will now be read.

The Clerk read as follows:

Resolved, That the Speaker of the House be, and he is hereby, directed to certify to the proper authorities of the District of Columbia the testimony heretofore taken by the order of this House relating to the conduct of A. M. Clapp as Congressional Printer, to the end that he may be indicted and prosecuted.

The question was taken upon adopting the resolution; and upon a division there were—ayes 117, noes 63.

Before the result of this vote was announced,

Mr. YEATES called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 33, noes 61.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 73, not voting 80; as follows:

YEAS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate-Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Felton, Finley, Forney, Franklin, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Jenks, Thomas L. Jones, Kehr, Lamar, Franklin Landers, George M. Landers, Levy, Lewis, Edmund W. M. Mackey, McMahon, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, New, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Sayler, Scales, Sheakley, Singleton, Slemons, Smalls, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Ward, Warren, Erastus Wells, Whitthorne, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, and Yeates—137.

NAYS—Messrs. Ainsworth, John H. Baker, William H. Baker, Ballou, Bass, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dunnell, Eames, Evans, Fort, Foster, Freeman, Garfield, Benjamin W. Harris, Hathorn, Hendee, Hoge, Hoskins, Hunter, Hyman, Joyce, Ketchum, Kimball, Lapham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, Plaisted, Potter, Pratt, Rainey, Rusk, Sampson, Sinnickson, A. Herr Smith, Strait, Stowell, Washington Townsend, Tufts, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, White, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodburn—73.

NOT VOTING—Messrs. Adams, Anderson, George A. Bagley, Banks, Barnum, Beebe, Blaine, Bliss, Bradley, Campbell, Chapin, Chittenden, Cox, Dobbins, Durand, Ely, Faulkner, Frost, Frye, Fuller, Hale, Haralson, Hays, Henderson, Hereford, Hoar, Hubbell, Hurd, Hurlbut, Frank Jones, Kasson, Kelley, King, Knott, Lane, Le Moyne, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McFarland, Meade, Morey, Mutchler, Nash, Neal, Phelps, William A. Phillips, Pierce, Platt,

Purman, Roberts, Robinson, Sobieski Ross, Savage, Schleicher, Schumaker, Sculye, Stevenson, Swann, Thomas, Thornburgh, Martin I. Townsend, Waldron, Charles C. B. Walker, Walling, Walsh, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wigginton, Willard, Andrew Williams, James Williams, Wilshire, Benjamin Wilson, Woodworth, and Young—80.

During the call of the roll the following announcements were made:

Mr. ROBBINS, of North Carolina. I desire to state that Mr. KNOTT, of Kentucky, is detained from the House by sickness.

Mr. DURAND. I am paired with my colleague, Mr. WALDRON; if he were here I would vote "ay," and I think he would vote "no."

Mr. BAKER, of Indiana. My colleague, Mr. ROBINSON is absent by leave of the House; if present I think he would vote "no."

Mr. BRADLEY. On this question I am paired with Mr. HURD, of Ohio; if present he would vote "ay," and I should vote "no."

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real-estate in the District of Columbia; and

An act (H. R. No. 2427) to amend "An act entitled 'An act to encourage the growth of timber on western prairies,'" approved March 13, 1874.

GOVERNMENT PRINTING.

The SPEAKER *pro tempore*. The Clerk will read the second resolution reported from the Committee on Printing.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire whether A. M. Clapp, Congressional Printer, is an officer who may be impeached under the Constitution of the United States, and report to the House at as early a day as practicable.

The question was taken upon the resolution, and it was adopted.

The SPEAKER *pro tempore*. The Clerk will now read the last resolution reported by the Committee on Printing.

The Clerk read as follows:

Resolved further, That the Committee on Appropriations of this House be, and they are hereby, instructed to embody in the sundry civil bill to be reported by them to this House, and in which bill appropriations for the public printing are made, the following sections, to wit:

Mr. VANCE, of Ohio. It is not necessary to read the sections. It was the intention of the Committee on Printing to have these sections referred to the Committee on Appropriations, with a request that the committee embody them in the sundry civil appropriation bill. I ask consent to change the word "instructed" to "requested."

Mr. HOLMAN. Also add the words "to inquire into the propriety of embodying," &c.

Mr. HOAR. I object to any change until I can know what these sections are.

Mr. VANCE, of Ohio. They have all been printed.

Mr. HOAR. I do not care to have them read through.

Mr. VANCE, of Ohio. They were read and printed last Friday.

Mr. HOAR. What is the effect of them?

Mr. VANCE, of Ohio. It would take me some time to explain them all; they change existing law.

Mr. HOAR. And provide for the appointment of a new Printer?

Mr. VANCE, of Ohio. They authorize the appointment of a new Printer by the President of the United States. This matter will all come up for discussion when the bill is reported, if it should be reported by the Committee on Appropriations. I hope the gentleman from Massachusetts [Mr. HOAR] will withdraw his objection.

Mr. RANDALL. I think we ought to accede to the request of the gentleman from Ohio, [Mr. VANCE.] The Committee on Appropriations might want to modify some of these provisions. One of the sections provides for binding Congress to having the congressional debates printed by a particular party for six years. I doubt very much the right, and I have very much greater doubt as to the propriety of this Congress attempting to bind any future Congress. I have also very great doubt whether this matter ought not to be thrown open to public bids, and not assigned to any particular individual.

Mr. HOAR. If the gentleman from Ohio [Mr. VANCE] will allow me to make a suggestion; I wish to say that I was a very earnest opponent of the present arrangement. I think the House laid down its prerogative when it permitted the Public Printer to be an officer of the Senate, when it gave the entire control of this officer to the other branch of Congress. Without expressing any opinion as to the alleged misconduct of this officer, (for I have not yet formed any opinion on that subject, as I was not able to be here during the discussion,) I wish to say that I shall support very heartily any proposition which will prevent the Public Printer from being in future an officer of the Senate. I do not, however, quite see the power of the Committee on Appropriations to deal with this subject under so limited and narrow an instruction.

Mr. GARFIELD. In an appropriation bill last winter, the provision relating to the Congressional Printer was repealed, so that whenever a vacancy shall occur—so soon as the present occupant of the office dies, resigns, or is removed—the tenure of the office will be entirely changed, and this officer will be appointed by the President, by and with the advice and consent of the Senate.

I wish to say in this connection that in my judgment the arrangement by which the Senate was made the appointing power with reference to this officer was a wholly indefensible and, I believe, a wholly unconstitutional provision. To suppose that we could, by an indirection of that sort, make the Senate the power to appoint an officer having public duties not only with regard to the two Houses of Congress, but also with reference to the various Departments of the Government, is to assume that the Senate might appoint the Commissioner of Indian Affairs or any other officer.

But this matter has all been adjusted in the appropriation bill of last year; and it is not necessary now to have any new legislation on the question. Let me say, however, to my colleague [Mr. VANCE] that I should be very sorry if we should now make a sort of legislative contract binding the Government for six years ahead as to the printing of the RECORD. Should there be any charge of exorbitance in regard to this matter, it might find good ground as against this House, should we agree to a measure of this sort without any opportunity for competition.

Mr. HOLMAN. This is simply a proposition to refer these sections to the Committee on Appropriations with instructions to inquire into the propriety of their adoption.

Mr. GARFIELD. No; the proposition is that the committee be instructed to report these provisions.

Mr. HOLMAN. But the gentleman from Ohio [Mr. VANCE] proposes to strike out that absolute instruction.

Mr. GARFIELD. But objection is made to the modification.

Mr. VANCE, of Ohio. Permit me to say one word. Under the law to which my colleague [Mr. GARFIELD] has referred, passed in the last Congress, the present Congressional Printer is in reality made a life officer.

Mr. GARFIELD. O, no; the Senate can remove him.

Mr. VANCE, of Ohio. Well, he is in office until removed; his tenure is for life or good behavior; it is the same thing. Now, Mr. Speaker, I desire to call attention for a moment to these provisions, which we wish to refer to the Committee on Appropriations that they may inquire into their expediency and report them if they see fit.

Mr. WILSON, of Iowa. The gentleman who makes this report might just as well refer his tobacco-box to the Committee on Appropriations as refer these sections to that committee for consideration; because, if they should report a bill containing these provisions, it would be subject to a point of order as changing existing law; and this House cannot do indirectly, by a majority vote, what it cannot do directly. It would require a suspension of the rules on Monday by a two-thirds vote to authorize the committee to incorporate these provisions in an appropriation bill.

Mr. VANCE, of Ohio. Every proposition here is germane to the bill and in the line of retrenchment.

Mr. WILSON, of Iowa. They are not evidently in the line of retrenchment.

Mr. VANCE, of Ohio. Yes, sir, every one of them.

Mr. WILSON, of Iowa. Only speculatively.

Mr. VANCE, of Ohio. No, sir, directly.

The SPEAKER *pro tempore*. This debate is proceeding by unanimous consent.

Several members called for the regular order.

Mr. HOAR. I will waive the objection I made to the modification of this resolution.

Mr. VANCE, of Ohio. Then I modify the resolution so as to direct the Committee on Appropriations to inquire into the propriety or expediency of incorporating these provisions in the sundry civil appropriation bill.

Mr. BURCHARD, of Illinois. I object to the modification. I think the subject ought to be considered in the House rather than referred to the Committee on Appropriations.

Mr. VANCE, of Ohio. You will have an opportunity to consider it after it comes back.

Mr. HOLMAN. And besides it will be subject to a point of order.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] objects to any modification. The question is on the adoption of the resolution.

Mr. HOLMAN. For the purpose of making the modification I shall have to move to reconsider (if it can be done at this stage) the vote by which the previous question was ordered. I do not think the gentleman from Illinois should place us in this position, and make us vote directly upon these propositions without further consideration. I trust the gentleman from Illinois will withdraw his objection to the modification. If he does not, I will make the motion to reconsider, if it is in order.

The SPEAKER *pro tempore*. The Chair is of opinion that the previous question, being partly executed, cannot now be reconsidered.

Mr. HOLMAN. That was my apprehension.

The SPEAKER *pro tempore*. The question is upon the adoption of this resolution.

Mr. RANDALL. It is certainly in order to ask for the reading of those sections.

Mr. BALLOU. It ought to be understood that this proposition contemplates the turning over of the printing of the debates from the Government Printing Office to a private contractor.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. O'BRIEN. I rise to a parliamentary question. The proposition

has been made by the gentleman from Indiana to reconsider the previous question. I put to the Chair this point, whether the previous question has partly operated upon this resolution. I grant that it has been entirely executed in regard to the previous resolution, but I say that it has not operated at all in regard to this resolution. Therefore I submit that the motion to reconsider the previous question is in order.

The SPEAKER *pro tempore*. It is not in order to move a reconsideration of the vote ordering the main question when it has been partly executed. It applies to all the resolutions.

Mr. O'BRIEN. We did not understand the main question had been ordered on all.

Mr. WILSON, of Iowa. Let us have the resolution and the accompanying bill read.

The SPEAKER *pro tempore*. The resolutions have all been read two or three times.

Mr. WILSON, of Iowa. The resolutions have been read, but I want all the sections of the bill accompanying the resolutions now pending to be read.

The SPEAKER *pro tempore*. They are part of the resolutions.

The Clerk proceeded to read the resolutions.

Mr. WILSON, of Iowa. I withdraw my demand for the reading of the bill.

Mr. MORRISON. Is it in order to lay the resolution on the table at this stage of the proceedings?

The SPEAKER *pro tempore*. The Chair decides that it is in order.

Mr. MORRISON. Then I make that motion.

Mr. HOLMAN. If the vote on this proposition should be in the negative and the resolutions should be rejected, will not the previous question then exhaust itself?

The SPEAKER *pro tempore*. It will.

Mr. HOLMAN. Would it then be in order to reconsider the vote by which the main question was ordered, with a view to recommit the resolution and the sections of the bill accompanying it with instructions?

The SPEAKER *pro tempore*. If the resolution be rejected, the previous question will exhaust itself, and it will then be in order to move to reconsider the vote by which the resolution was rejected, and in that way the gentleman can accomplish his purpose.

Mr. HOLMAN. Then instead of laying the resolution on the table I suggest that the resolution be voted down, when I propose to move to reconsider, and when reconsidered, to suggest a modification of the resolution.

Mr. MORRISON. I withdraw my motion to lay upon the table.

The resolution was rejected.

Mr. HOLMAN. I now move to reconsider the vote by which the resolution was rejected.

The motion was agreed to.

Mr. HOLMAN. That brings the resolution again before the House?

The SPEAKER *pro tempore*. It does.

Mr. HOLMAN. I move to recommit the resolution with instructions to strike out the provision making it imperative upon the Committee on Appropriations.

Mr. BURCHARD, of Illinois. Is that motion in order?

The SPEAKER *pro tempore*. The motion is in order. The resolution was rejected and the vote by which it was rejected was reconsidered when the previous question exhausted itself, and the resolution now being before the House, the gentleman from Indiana [Mr. HOLMAN] has the right to make the motion he indicates.

Mr. BURCHARD, of Illinois. Is not the resolution brought back into precisely the same state in which it was before the rejection?

The SPEAKER *pro tempore*. It is brought back with the previous question exhausted.

Mr. HOLMAN. I wish to have the resolution so modified as to make the subject a matter of inquiry, instead of imperative upon the Committee on Appropriations, to embrace the sections accompanying the resolution in the sundry civil appropriation bill.

Mr. WILSON, of Iowa. I hope that the Committee on Printing will have leave to report at any time.

Mr. HOLMAN. I move to recommit this resolution to the Committee on Printing with instruction instead of leaving it as it is imperative upon the Committee on Appropriations, to direct them to make inquiry into the subject.

Mr. HOLMAN's motion was agreed to; and the resolution was recommitted with instructions.

Mr. HOLMAN. I now enter a motion to reconsider the vote by which the first resolution was adopted, and would suggest to the gentleman from Ohio, chairman of the Committee on Printing, to strike out the words "to the end he may be indicted and prosecuted," and substitute therefor "to the end the same may be laid before the grand jury for proper action."

The SPEAKER *pro tempore*. Is there objection to such reconsideration and modification of the first resolution?

There was no objection, and it was ordered accordingly.

Mr. VANCE, of Ohio, moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTIMATES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with a resolution of the House of April 7, 1876, a report of reductions in the estimates contained in the Book of Estimates for the fiscal year ending June 30, 1877; which was referred to the Committee on Appropriations, and ordered to be printed.

MRS. MARY SCOTT.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting information in regard to the claim of Mrs. Mary Scott, of Jessamine County, Kentucky; which was referred to the Committee on War Claims.

COMMERCIAL RELATIONS.

Mr. WARD. I ask unanimous consent that the commercial relations transmitted to the House by the Secretary of State, and referred to the Committee on Commerce, be printed pursuant to section 3798 of Revised Statutes of the United States.

Mr. HOLMAN. Is not the rule imperative that all such matters should be referred to the Committee on Printing?

Mr. WARD. The statutes require the printing of this document.

The SPEAKER *pro tempore*. The rules require the question, as to the number of copies to be printed, shall go to the Committee on Printing.

Mr. WARD. The statute regulates the printing of this document; but I do not object to the reference to the Committee on Printing. My only object is to facilitate the printing of the document at the earliest moment.

The SPEAKER *pro tempore*. The question of printing is referred to the Committee on Printing.

E. K. SNEAD.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 3466) for the relief of the sureties of E. K. Snead, late collector of internal revenue of the first district of Virginia, and for the release of the said Snead's estate from liability for the loss of certain books of special-tax stamps and coupons; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JONES COUNTY, NORTH CAROLINA.

Mr. HYMAN, by unanimous consent, introduced a bill (H. R. No. 3467) to re-imburse Jones County, North Carolina, for the loss accruing from the destruction of the court-house by the forces of the United States in the year 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAUSES AT INSTANCE OF A STATE.

Mr. HOGE, by unanimous consent, submitted the following preamble and resolutions; which were read, and referred to the Committee on the Judiciary:

Whereas the Supreme Court has recently refused to advance and hear a cause at the instance of a State, wherein said State was the party in interest, in preference to civil causes pending in said court between private parties, under the provisions of section 949 of the Revised Statutes of the United States: Therefore,

Resolved, That the Judiciary Committee be instructed to report at the earliest practicable day what legislation, in addition to section 949 of the Revised Statutes of the United States, is necessary to secure to a State, when the party in interest in a cause pending in the courts of the United States, preference in trial to civil causes pending in said courts between private parties.

CHINESE IMMIGRATION.

Mr. PIPER, by unanimous consent, introduced a bill (H. R. No. 3468) to restrict the immigration of Chinese to the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARIA L. LEE.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 3469) granting a pension to Maria L. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MACDOUGALL. I send to the Clerk's desk the following resolution, which I desire to have put upon its passage.

Mr. HOLMAN. I can only yield for references. I shall have to insist on my motion that the House go into Committee of the Whole.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from Indiana [Mr. HOLMAN] that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the post-office appropriation bill.

The question being taken on Mr. HOLMAN's motion, it was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. When the Committee of the Whole had this bill formerly under consideration there was an amendment pending offered by the gentleman from Illinois, [Mr. CANNON.] The Clerk will report the pending amendment.

The Clerk read as follows:

In section 5, line 11, after the words "owned by the postmaster," strike out the words "and two-thirds of the box-rents;" so that it will read by adding to an amount of the box-rents of the office, received or estimated, not exceeding $1,200, when the boxes are supplied and owned by the postmaster, and not to exceed $1,000 when the boxes are not supplied and owned by the postmaster, commissions on all other postal revenues of the office to an amount not exceeding $1,300, at the following rates, namely, &c.

The CHAIRMAN. Discussion on the pending amendment is exhausted.

The question being taken on the amendment of Mr. CANNON, of Illinois, there were—ayes 40, noes 69.

So (further count not being demanded) the amendment was not agreed to.

Mr. CANNON, of Illinois. I offer also the amendment which I send to the desk.

The Clerk read as follows:

After the word "postmaster," in line 13 of the section, insert these words: "Provided that at such office the postmaster shall at least receive $700 per annum out of the box rents, if so much as that shall be collected." So that it will read: "And two-thirds of the box rents, and not to exceed $1,000, when the boxes are not supplied and owned by the postmaster, provided that at such office the postmaster shall at least receive $700 per annum out of box rents, if so much as that shall be collected."

Mr. CANNON, of Illinois. I will ask the gentleman from Indiana if he would not be inclined to accept this amendment? It is to do away with punishing the small class of officers in the country, where, by the liberality and enterprise of the citizens, there has been furnished a good post-office room and good boxes to the Government free of rent. Where the Government pays the rent for the room or the post-office—I mean a *bona fide* rent—and the postmaster furnishes the boxes, by the bill you allow him $1,200. But where they are a little more liberal and enterprising and add the boxes, and give both the room and the boxes to the Government rent free, or for a nominal rent, as they do in two cities in my district, you cut off the postmaster with less than $700 box rents, because in this class of cases you only allow two-thirds of the box rents.

Now, my amendment would allow in that class of offices all the box-rents up to $700 to the postmaster. In the other class of offices the bill allows all the box-rents up to $1,200 to the postmaster. There is, therefore, a difference of $500 between the two classes. The effect of my amendment is to make the commissions and the box rents amount to $2,000; thereby in cities of eight thousand and ten thousand people placing it in the power of the Postmaster-General under the postal code to make an allowance for clerk hire in that class of offices if needed. Otherwise, under the postal code—and I call the attention of the gentleman from Indiana to this statement—the Postmaster-General does not have the power to give one cent for clerk hire to that class of offices; although one or two clerks are frequently needed, and in a few cases three. Now, a postmaster having a compensation of less than $2,000 could not pay the salaries of these three clerks and have anything left, and hence the office would have to be substantially cut off.

I am not antagonizing the bill, but I come, representing my committee, the Committee on the Post-Office and Post-Roads for the time being, in a unanimous recommendation that an amendment in substance such as I have offered to this bill be adopted. I will admit that great wisdom and great industry reside in the gentleman from Indiana and his colleagues on the Committee on Appropriations. But it must be remembered that they have to spread themselves out in three short months over every department of the Government, and in all modesty and fairness I do suggest in a matter not only of economy but in a matter of substantial justice in equalizing these salaries, that the committee of this House possessing, I think, a fair amount of intelligence, who have investigated the matter carefully and laboriously, ought at least to be heard on a suggestion of this kind that is evidently equitable and right.

I say again that I have no desire to antagonize the gentleman's economy in this bill in the main as to revising salaries, but I appeal to him with this explanation to accept this amendment and let the recommendation of the Committee on the Post-Office and Post-Roads, which was unanimously made, be adopted.

Mr. HOLMAN. The gentleman from Illinois must know that this bill actually adopts a higher standard of compensation to the postmasters than the bill agreed upon by the Committee on the Post-Office and Post-Roads; in other words, if I understand this matter, that committee fixed the salary at $1,200 as the limit of commissions, while this bill fixes them at $1,300. This bill is actually more liberal, but it is liberal to all equally, while the gentleman from Illinois [Mr. CANNON] would so amend the bill as to make it apply to one or two offices only so far as increase is concerned. This bill—and I hope the gentleman from Illinois and the whole committee will be fully informed in this respect—was framed on the judgment of the First Assistant Postmaster-General, and in that respect has the full approval of the Committee on Appropriations, and it provides that where the boxes are furnished by the Government or at a low cost to the postmaster he shall receive two-thirds of the rents up to a given sum, which is an amount one-third more than the report of the Committee on the Post-Office and Post-Roads allows. But when the boxes are furnished by the postmaster himself he gets the whole of the box rents.

Mr. CLARK, of Missouri. I submit that the Committee on Appropriations in the bill reported to the House by the Committee on the Post-Office and Post-Roads allows only two-thirds of the box rents not to exceed $1,000. The bill now reported to the House by the Committee on Appropriations allows one-third more box rents to the postmaster than was reported by the Committee on the Post-Office and Post-Roads. That is the point that the gentleman from Illinois [Mr. CANNON] is trying to impress upon the House, and I call the attention of the gentleman from Indiana [Mr. HOLMAN] to that point.

The question was taken on the amendment offered by Mr. CANNON, of Illinois; and on a division there were—ayes 71, noes 36.

Mr. HOLMAN. I call for tellers on this amendment; this is a very important feature of the bill.

The CHAIRMAN. No quorum having voted, the Chair orders tellers, and appoints as tellers Mr. CANNON, of Illinois, and Mr. HOLMAN.

The committee divided; and the tellers reported—ayes 87, noes 37.

Mr. HOLMAN. No quorum has voted, but I will not call for a vote now as we can have one in the House.

So the amendment was agreed to.

Mr. HOLMAN. I wish, for the purpose of equalizing the bill somewhat, inasmuch as this is an increase of salary, to move an amendment to strike out the word "thirteen" where it occurs and insert in lieu thereof the word "twelve;" so that it will read:

Of the office to an amount not exceeding $1,200, at the following rates, namely: on the first $100 per quarter, 60 per cent.; on all over $100 and not over $400 per quarter, 50 per cent.; and 30 per cent. on all revenues exceeding $400 per quarter; but the aggregate of the said commissions not to exceed $1,200.

The effect of the amendment adopted on the motion of the gentleman from Illinois is to increase certain salaries of postmasters. The object of it was to enable certain postmasters to get the benefit of clerical force allowed to officers having salaries exceeding $2,000. The Committee on the Post-Office and Post-Roads had fixed as the basis of compensation of box rents up to $1,000 per annum, on commissions up to $1,200, in view of the fact that under the provisions of this bill the box rents, when the Government furnishes the boxes, would go two-thirds to the benefit of the postmaster and one-third to the benefit of the Government. The Committee on Appropriations struck out $1,200 and inserted $1,300, which embraced commissions up to 30 per cent. If gentlemen will take the report on page 34 of the Committee on Appropriations, they will have some general idea of the effect of this bill on the salaries of postmasters. Gentlemen know that the salaries of these officers are quite high; they are greatly above corresponding salaries paid in the States or in private business, and the effect of the amendment just adopted is to increase certainly the salaries. I can scarcely conceive that the committee really intended to increase these salaries above the rate fixed by this bill, for every expression that comes to the Committee on Appropriations from outside sources has been that these salaries are now high enough and generally too high. I have heard no contrary opinion expressed except by gentlemen who hold the offices in the first, second, and third classes. The committee has published in connection with the bill a report showing the effect of the bill upon the postmasters in Ohio of the first, second, and third class. To illustrate the amount to which the salaries are reduced in accordance with the recommendation of the Postmaster-General, we make the small salaries a little higher than those recommended by the Postmaster-General, but we make them lower in the second and third class. I offer this amendment and I trust it will be adopted. It affects the higher salaries to the extent of about $100 a year upon salaries reaching $1,000.

Mr. CANNON, of Illinois. If I understand this proposition—and I am confident that I do—it is a proposed reduction of the salaries of every postmaster to the extent of $100, arising from commissions, who gets a salary of $1,000 or upward in the United States, from the amount fixed by the bill reported by the gentleman from Indiana.

Mr. HOLMAN. It is only just what your bill fixes it at.

Mr. CANNON, of Illinois. Just at the amount that the bill from the Committee on the Post-Office and Post-Roads fixes it at, so far as commissions are concerned. I am rejoiced to know he is able on that proposition to agree with the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. I could not help myself.

Mr. CANNON, of Illinois. I am delighted with the result so far as the gentleman has gone, and I ask the gentleman if he had not better travel the balance of the way and adopt the whole bill of the Committee on the Post-Office and Post-Roads, for if he does he will increase the box rents to postmasters at the time that he decreases the commissions. It is not just to cut down, as that committee suggests, and purport to do so upon its recommendation, unless the gentleman also increases as the same committee suggests. The gentleman said that owing to the fact that this House had, by the adoption of my amendment, indicated a desire to raise by $100 of box rents the salaries of postmasters, therefore he would propose to cut down the commissions by $100. Now the House has not done any such thing as that.

Mr. HOLMAN. I did not say that.

Mr. CANNON, of Illinois. That is the idea I gathered from the gentleman's remarks. Now, all in the world that the House did by the adoption of the amendment suggested by the Committee on the Post-Office and Post-Roads was in perhaps five or six offices in a State, at least a small number, to give the postmasters the box rents up to

$700, if they collect that amount, where the Government owns the boxes, or rather the boxes are given to the Government. In all the United States it would not increase the salaries of postmasters in the aggregate over from $5,000 to $15,000 more than the bill proposes. The amendment was a mere matter of justice and equalization. Yet the gentleman gets up here and gravely states in his place that, because the House adopted that just amendment, it will cut off $100 from the compensation of every postmaster who receives over $1,000.

Mr. HOLMAN. You thought it right.

Mr. CANNON, of Illinois. I agreed in committee that the sum of $1,200 might be reported, and I propose to stand by it. But when you do this because the Committee on the Post-Office and Post-Roads recommended it, had you not better fix the box rents also at what that committee recommended, and thus make this bill symmetrical? In other words, the increase in box-rents would equal your decrease in commissions.

Mr. HOLMAN. I will only state that this amendment is in harmony, as to commissions, with the report of the Committee on the Post-Office and Post-Roads.

Mr. CLARK, of Missouri. That is true, and I hope the amendment will be adopted.

The amendment was agreed to.

The Clerk read the following:

SEC. 6. That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices, and commissions on other postal revenues of their offices at the following rates, namely: On the first $100, or less, per quarter, 60 per cent.; on all over $100, and not over $400, per quarter, 50 per cent.; and all over $400 per quarter, 30 per cent.; the same to be ascertained and allowed by the Auditor of the Treasury for the Post-Office Department in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the said Auditor shall report such fact to the Postmaster-General in order that such postmaster may be assigned to his proper class, and a salary fixed as heretofore provided.

Mr. WHITE. I move to amend the section just read by adding to it that which I send to the Clerk's desk to be read.

The Clerk read as follows:

And provided further, That the minimum annual compensation of any postmaster shall not be less than $25: *And provided also*, That wherever the aggregate annual compensation of any postmaster shall amount to less than $300, the Postmaster-General is hereby authorized and directed to pay such salary, not exceeding that amount, as he is satisfied will be a reasonable compensation for the postmaster's services.

Mr. WHITE. This section provides that when the compensation of a postmaster shall amount to $1,000 a year, he shall be assigned by the Postmaster-General to his proper class with a fixed salary. But it fails to provide that where a postmaster is performing service that is worth more than the revenues of his office amount to, he shall receive a reasonable compensation for his services.

It is not the fault of the postmaster that the neighborhood for which he is postmaster is thinly populated. He must be at his post when the mail comes in or goes out, must distribute what little mail there is at a great inconvenience to him, and very frequently he receives for a whole year's service the enormous sum of twelve or fifteen dollars. Many of these postmasters who receive but $75 per annum do more work than other postmasters who receive $200 or $300 per annum. There should be some provision in this bill to remedy this injustice to the small postmasters.

I think what I have submitted in reference to this case should recommend this amendment to the favorable consideration of the House, and I hope it will be adopted. If, in the opinion of the Postmaster-General, these postmasters are already sufficiently compensated he will not give them any more; but if in his opinion a postmaster is doing three hundred dollars' worth of service and receiving only $50 compensation, he will give him the additional amount or such portion of it as he may deem his services worth.

The amendment was not agreed to.

The Clerk read the following:

SEC. 7. That railroad companies furnishing cars or parts of cars for the exclusive accommodation of the United States mails and the agents in charge of said mails, for what is known as postal-car, route-agent, or baggage-car service, shall be paid at the following uniform rates, to wit: When by an order of the Postmaster-General the mail-car is attached to trains or space set apart for through or express mails on trains run regularly during any quarter on a schedule time between terminal points at a rate of speed not exceeding twenty-five miles per hour, six mills per linear foot of interior full-width car space per mile run; attached to or set apart on trains run regularly during any quarter on a schedule time between terminal points at a rate of speed exceeding twenty-five miles, seven mills per linear foot of interior full-width car space per mile run: *Provided*, That no railroad company transporting the United States mail shall, when all the requirements of the Postmaster-General under the laws governing the transportation of the mail by railroad are complied with, be paid a less rate than $25 per mile of road per annum.

Mr. HOLMAN. I move to amend the section just read by striking out the word "six" before "mills," and inserting "not exceeding five;" so that it will read "not exceeding five mills per linear foot;" also, by striking out the word "seven" before "mills," and inserting "not exceeding six;" so that it will read "not exceeding six mills per linear foot," &c. Then there should be a further amendment, inasmuch as these are maximum sums, to strike out the word "uniform" in the phrase "shall be paid at the following uniform rates." As these three propositions together constitute but one amendment, and have already been somewhat considered by this committee in discussing other provisions of this bill, I shall not have occasion at this time to submit any remarks.

Mr. ATKINS. I am not quite satisfied with this section of the bill, even with the amendment proposed by the gentleman from Indiana, [Mr. HOLMAN.] The gentleman from Texas [Mr. REAGAN] very roundly asserted here the other day that under this bill some railroads would receive for transporting the mails over $1,000 per mile. If that be true, then I am satisfied the rates here proposed are too high. I do not believe that this Government ought to pay any road $1,000 per mile for transporting the mails; I was about to say that I did not care how much mail was carried. I would say to my friend from Indiana that I am apprehensive he has not in his amendment put the rates at sufficiently low figures. I am rather inclined to believe that the rates should be 4 and 5 mills instead of 5 and 6 mills, as he proposes. I move to amend his amendment by making it 4 and 5 mills instead of 5 and 6; and I give notice that at the proper time I shall move an amendment to come in at the close of the section.

The question being taken on the amendment to the amendment, it was declared adopted.

Mr. HOLMAN. I call for a division on this question. All I ask is that the exact effect of the amendment shall be well understood. I am anxious that the rates shall be reduced to the lowest possible point at which it is proper and just for Congress to require the mails to be carried. My friend from Tennessee [Mr. ATKINS] overlooks the fact that the amount paid to any one railroad company depends not only under this plan but under the existing law upon the amount of business thrown upon any given road. Under the existing law the compensation is regulated by car space furnished and the weight of the mails. Under the present bill we propose to fix the compensation on the basis of space furnished alone. Now it will be seen that under either plan, on the route, for instance, between New York and Chicago, where vast mails can be accumulated, compensation either by weight or by car space could be run up to a high rate per mile. I apprehend that such a result is inevitable. Either you must allow such a possibility or you must impose such restraints upon the Postmaster-General as may greatly embarrass the proper administration of his Department.

I have carefully examined, as I presume my friend from Tennessee has done, the report made to the Senate by the Transportation Committee of the last Congress—report No. 478, first session Forty-third Congress; and I am led to believe that at 5 and 6 mills—an average of 5½ mills per mile—the mails can be carried with a fair profit to the railroad companies. I am not certain that 4 and 5 mills, averaging 4½ mills, will not be a sufficient compensation. It is very clear that this great body of corporations that now largely control the postal interests of the country, constituting a great monopoly not only in reference to the transportation of the mails but also with regard to the general commerce of the country, should not be allowed by Congress a higher compensation than is fair and reasonable. I shall favor the lowest rates that the Committee of the Whole may think consistent with the public service. All I ask is that there shall be a distinct understanding of the proposition.

Mr. REAGAN. The amendment now proposed by the gentleman from Indiana, [Mr. HOLMAN,] fixing certain rates as the maximum, would, with the limitation which I gave notice I would offer as an amendment, leave it in the power of the Post-Office Department to make contracts which would secure the public service without detriment to the interests of the carriers by railroad.

I want to say to my friend from Tennessee that, while by his amendment the aggregate would be sufficient for all necessary purposes, yet under the system adopted, unless some discretion be given to the Postmaster-General, it would still leave the pay of the leading roads, the great trunk roads, too large, while the compensation of roads upon which the mails are light would be too small. Unless the Postmaster-General be enabled by law to arrange the equities of the case, the whole system would be found to work as suggested by him in his annual report, giving too large compensation to trunk lines and too meager compensation to the small lines. But taking the amendment now proposed by the gentleman from Indiana, [Mr. HOLMAN,] providing certain maximum rates, and then adding the proviso which I shall offer after this amendment is acted on, we may enable the Postmaster-General to carry on the service without doing injustice to anybody and yet to give just compensation to the railroad companies.

Mr. ATKINS. May I ask the gentleman to state the proviso which he proposes to offer?

Mr. REAGAN. I propose to add to the proviso at the end of this section the words "nor more than $450 per mile per annum;" so that the proviso will read thus:

Provided, That no railroad company transporting the United States mail shall, when all the requirements of the Postmaster-General, under the laws governing the transportation of the mail by railroad, are complied with, be paid a less rate than $25 per mile of road per annum, nor more than $450 per mile per annum.

Some gentlemen have expressed to me a doubt whether $450 is sufficient.

Mr. ATKINS. Say $500.

Mr. REAGAN. I will leave that to the judgment of the House. In my view, $450 is a sufficient maximum. Under the law of 1873, the maximum on first-class roads, for night service and everything else, could not be more than $375 a mile; and it has occurred to me that an addition of $75 per mile would be sufficient. It is right, however, to say that this change of system involves some new expense to the railroads in this: that it is proposed to have the cars fitted up and

clerks employed in them for the distribution of the mails. But this would take from the distributing offices, as we have had them, a portion of their force; and thereby the expenses of those offices would be to some extent reduced. I think that $450 would be a sufficient maximum; certainly it approximates closely to the proper limit, and with this maximum fixed I would be inclined to risk the adoption of the amendment offered by the gentleman from Indiana as being likely to give reasonable compensation to railroads carrying light mail.

Mr. ATKINS. In view of the amendment which the gentleman from Texas [Mr. REAGAN] has indicated, I withdraw my amendment.

Mr. HARRISON. I renew it.

Mr. Chairman, we are talking here, it seems to me, a great deal, and from the manner in which we talk I think we are talking a great deal about what we know little about. The gentleman from Tennessee [Mr. ATKINS] proposes to cut down the pay of the railroads to 4 mills per mile; and why? Because the gentleman from Texas [Mr. REAGAN] has said that certain railroads are going to get a great deal of money, and he is opposed to giving a great deal of money to certain railroads. Does it matter to the Government whether we pay to one road or to two roads, provided we have the service? Is it a matter of any importance to the gentleman whether we pay a road $500 or $1,000 per mile if the road that takes the $1,000 does twice the service of the road that gets $500?

We are apparently legislating here simply in a manner to fight railroads. Now that seems to me to be poor policy.

The information, Mr. Chairman, which I have is this: that a large number of the smaller railroads carrying ten feet at 5 mills a foot will only get $30 or $31 per mile per annum. To many of the roads it will not pay the cost of messengers to attend to them—the messengers who take the mails from the depots and carry them to the post-office. The road, for instance, from New York to Philadelphia, from Philadelphia to Pittsburgh, from Pittsburgh to Columbus, to Cincinnati, Indianapolis, and on to Saint Louis, carries a large amount of mail. It carries mails to those points to distribute them. It must receive a larger amount of pay to enable it to carry the mails rapidly, and we should be willing to give the road a larger amount of pay. My information is that the fast mail which runs from New York to Buffalo and on to Toledo, one branch from Toledo to Saint Louis and another to Chicago, runs from thirty to thirty-five miles an hour, and that it will be compelled to stop even at 6 mills per linear foot of car space.

The gentleman says put a limit. If you have the words "not exceeding," does not that give the ability to the honest postmaster to make a trade with the railroad and to fix a limit? Are we supposed to be better traders than our executive officers, who are at the head of the Departments? We say they may go below, but, if they wish to raise, the gentleman from Texas says "You shall not go beyond a certain amount." That certainly seems to me to be poor policy. At 4 mills we will cut off all the smaller roads—destroy the carrying power of all the small roads. At 5 and 6 mills you cut down every single fast mail in the country.

Gentlemen say fast mails are of no great importance. The fast mail carries to Saint Louis, to Buffalo, and to Chicago bills from New York. They are received at once, and are returned with the money collected, saving twenty-four hours of interest to the great traders of Chicago, Saint Louis, and Cincinnati. The very interest saved will more than pay the cost.

Now I must speak of Chicago, [laughter,] although I do it with diffidence. I am modest; and I do it with diffidence, because that town has talked so much for itself that every one who says anything about it on this floor is supposed to be "blowing." Millions upon millions of dollars in bills pass between Chicago and New York every day. Twenty-four hours saved is the saving of that much interest upon the millions of dollars of bills sent between Chicago and New York for collection. The saving to the farmers and small traders everywhere is more than to the people of Chicago. Chicago is simply the "go-between," the "middleman" between the great merchants of the East and the farmers of the West.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Chairman, I do not desire to multiply words to any considerable extent on this question; but I agree with my colleague from Illinois that to a very great extent we are striking in the dark in this legislation. Ay, and I should not wonder if even my colleague, if this bill is passed, should come to see he too was striking in the dark. What is this bill? It proposes to fix a uniform compensation for railroad transportation all over the United States, whether there be much or little business, whether space is the principal object to the railroad or the making a trip is the principal object to the railroad.

The gentleman also says in this connection in regard to a great many of the small roads of the country from eight to twelve feet is enough. Certainly it is enough, but it cuts the pay down on this class of roads, even at six mills, nearly one-half. Yet upon these other large roads, which run so much more rolling-stock and more trains, and utilize all their space, it greatly increases their pay. O, but says the gentleman, it will cut off the fast-mail service! I do not understand that it will cut off the fast-mail service. It is true that the gentleman from Indiana has spoken of the report of the Transportation Committee and of the price of commutation to passengers. But I appeal to the gentleman whether it is not the fact that these roads—I mean the great trunk lines—can do the mail service at greatly less pay than they now get, while the small roads cannot afford to do it for less than they now get. But here you apply the same schedule of pay to the small roads and the big roads.

How is it that these big roads can carry passengers at two cents a mile while your roads in Illinois and Texas require three and four cents a mile? Because the most of the car-space on the large roads is utilized, and it requires no more engines to draw a train full of passengers than one partially full. Hence passenger rates are different on different roads, and a bill ought to be devised providing different compensation for different roads; but under this bill the rate for both is made the same.

I desire to refer to another point. I have been challenged in private by two or three gentlemen as to my information how these great trunk lines which utilize the whole of their space can afford to sell commutation tickets at less than four mills per mile. The correctness of the statement has been denied. Now, I have in my hand, and will incorporate in my remarks, a statement made by one of the most competent men, in my opinion, in the country in regard to such matters. I refer to Hon. Mr. Davis, adjuster of pay of railroads in the Post-Office Department. The statement is as follows, speaking of the Erie Railroad:

The Counting-house Monitor shows the commutation rates for passengers whom the company engaged to carry daily to an fro throughout the year were, for a distance of 10 miles from New York City, a little over 9½ (9.584) mills per mile; for a distance of 48 miles, a little under 4 (3.918) mills per mile; and for a distance of 88 miles, a little over 3½ (3.267) mills per mile, the rate decreasing in every instance as the distance increased. Comparing the regular rate of fare for passengers traveling the greatest distance, that is, for through passengers, with the commutation rate for the greatest distance, the former, being 22 mills, is 6.73 times as great as the latter, which is 3.267 mills, (22÷3.267=6.73+.) These two rates are deemed to be the fairest for comparison. But the lowest commutation rate on the Erie is not as low as that of the Philadelphia, Wilmington and Baltimore Railroad, on which annual tickets between Philadelphia and Baltimore, a distance of 98 miles, for a year commencing on the 1st of January, as it is ascertained by inquiry from an officer of the company, are sold for $200, which is at the rate of 3.260 mills per mile; and the average rate for a less average distance on several other roads mentioned in the Monitor is still less, the rate being for 88 miles on the New Jersey Midland 2.904 mills; for 73 miles on the New York, New Haven and Hartford, 3.194 mills; for 62 miles on the Delaware, Lackawanna and Western, 3.220 mills; for 59 miles on the Long Island, 2.978 mills; for 54 miles on the South Side, 3.254 mills; and for 40 miles on the New Jersey, 3.394 mills—an average rate for the whole of 3.126 mills per mile for an average distance of 66⅔ miles.

Thus it will be seen the commutation rates on these roads are a little over 3 mills a mile, yet for the same space a passenger takes you propose the Government shall pay 5 and 6 mills.

Mr. STONE. How much travel have they?

Mr. CANNON, of Illinois. Why, sir, their cars are full, I presume, as a general rule; hence the company can afford to carry at these prices, and that is the kind of a customer the Government becomes of the railways. The Government takes the whole space both ways, and pays full price for it whether it is filled or not; yet you propose the Government should pay nearly twice as much as individual passengers do under the same circumstances.

Mr. FOSTER. How does the gentleman make his comparison between a passenger and the linear foot?

Mr. CANNON, of Illinois. A passenger is agreed by all gentlemen to represent a linear foot across the car; in other words, a fifty-foot car carries fifty passengers when full.

Mr. JOHN REILLY. Are not these commutation tickets sold for the entire year?

Mr. CANNON, of Illinois. Of course; but then you propose the Government should be just that kind of a customer, to pay for every inch of space usually occupied by its mails and this, too, whether the car is empty or full. Under this bill there is no hauling of empty mail cars by the company without pay, full pay, both ways, whether the space is filled with mail or not, and the cars to run every day and on many roads more frequently, and over the whole length of the road, and you know the longer the haul the more profitable it is to the company; still the Government is to pay nearly twice as much as the commutation passenger.

Now in view of these facts I do hope, before we go into this thing blindfold and stumbling, that this bill will be recommitted to the committee or this section stricken out, and that the committee and the House will get some intelligent knowledge on the subject, and fully understand the same. This bill to my mind is a corner to bleed the Government greatly more than it is being bled under the present law.

Mr. HARRISON. I withdraw the amendment to the amendment.

Mr. ATKINS. I renew it.

The question being taken on Mr. ATKINS's amendment to Mr. HOLMAN's amendment, it was not agreed to.

Mr. HOLMAN's amendment was agreed to.

Mr. HARRISON. I offer the following amendment.

In section 7, page 10, line 14, strike out all after "miles" down to "provided," in line 16, and substitute the following: "And not over thirty miles per hour, not exceeding 6 mills per linear foot of interior full-width car space per mile run; attached to or set apart on trains run during any quarter, on a schedule time between terminal points, at a rate of speed exceeding thirty miles per hour, not exceeding 7 mills per linear foot of interior full-width car space per mile run."

That simply gives 6 mills, the rate adopted in the amendment of the gentleman from Indiana, up to thirty miles an hour and 7 mills above thirty miles. That will simply touch the rates from New York to Saint Louis, by way of Pittsburgh and Columbus and Indian-

apolis; from New York to Cincinnati, by Pittsburgh; and from Cincinnati to Louisville; and by the same route on to Chicago and Saint Louis, by way of Toledo.

The question being taken on Mr. HARRISON's amendment, there were—ayes 33, noes 77.

So (further count not being demanded) the amendment was not agreed to.

Mr. REAGAN. I offer the following amendment:

At the end of the section, after the words "per annum," add these words: "nor more than $450 per mile of road per annum."

Mr. LAWRENCE. I propose to avail myself of this opportunity to say a word on a totally different matter.

Mr. HOLMAN. Let us get through this section first.

Mr. LAWRENCE. I will only occupy a moment. It is in order, I believe, when we are in Committee of the Whole to speak of everything except the matter that is before the committee. I do not propose, therefore, to violate the rules or proprieties on such occasions; but I rise simply for the purpose of saying that when the vote was taken yesterday on the silver-resumption bill I was detained in the Judiciary Committee on an investigation and the examination of witnesses. If I had been here I should have voted for that bill. I am not sure that it was wise to have commenced on the policy of silver resumption; but, having commenced on it, I think it is better to go on with it, as we can probably learn by this silver-resumption measure that gold resumption on the 1st January, 1877, is a total impossibility. I should have voted for the bill.

The CHAIRMAN. The gentleman's remarks are not in order during the consideration of this bill under the five-minute rule.

Mr. LAWRENCE. O, yes, my remarks are in order; as much in order as the remarks which have been made generally upon this bill.

Mr. JOHN REILLY. I hope that the amendment will be voted down, and that the compensation by space will give every road the actual pay for the services performed. It would not be just to one of the large roads upon which a large amount of mail matter is thrown, given in the official figures as high as $70,000 per day, that their compensation should be limited in any way; they should be paid for the services performed by the space occupied, the same as others.

The question was taken on Mr. REAGAN's amendment; and on a division there were ayes 29, noes not counted.

So the amendment was not agreed to.

Mr. CANNON, of Illinois. I offer the following amendment: I move to strike out the word "twenty-five" in line 20, and to insert in lieu thereof the word "fifty," and to add at the end of the section the following:

And not less than $25 per mile to roads not carrying a route-agent or mail-messenger.

Mr. HOLMAN. Before the gentleman from Illinois discusses that amendment, I ask him to allow me to move that the committe rise, so that we may have an evening session at which we can finish the bill.

Mr. CANNON of Illinois. I yield for that purpose.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending 30th June, 1877, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House now take a recess until seven and a half o'clock.

Many MEMBERS. Say eight o'clock.

Mr. HOLMAN. I will modify my motion so as to say eight o'clock; but before asking for a vote upon it I will yield for a moment to the gentleman from Ohio, [Mr. VANCE.]

EXPENSES OF THE NEW ORLEANS INVESTIGATION.

Mr. VANCE, of Ohio, submitted the following resolution:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay out of the contingent fund to the Sergeant-at-Arms of the House the sum of $9,000 to defray the expenses of the select committee, of which Hon. RANDALL L. GIBSON is chairman, appointed under a resolution of this House of the 26th day of April, 1876, with leave to sit in New Orleans, to investigate the New Orleans custom-house and other Federal offices in Louisiana, and the receipt of the Sergeant-at-Arms for said money shall be a good and sufficient voucher in the settlement at the Treasury of the accounts of the said Clerk. That the Sergeant-at-Arms shall pay the current expenses of said committee on vouchers approved by the chairman of said committee.

Mr. HOLMAN. I do not wish to object to that resolution, but I wish to inquire whether it is the purpose to have all this entire fund under the control of the committee. I think the practice is not the usual practice. The usual practice is that the Sergeant-at-Arms should meet the current expenses of the committee and report to the Clerk of the House.

The SPEAKER *pro tempore*. Does the gentleman object to the consideration of the resolution?

Mr. HOLMAN. I do not object.

Mr. VANCE, of Ohio. This resolution was prepared at the instance of Mr. HOSKINS, a member of the committee, who states that it is in the usual form.

Mr. HOLMAN. It is not customary to put the entire sum of money appropriated under the control of the deputy sergeant-at-arms who accompanies the committee. He meets the current expenses and the money is left with the Clerk, from whom he draws it as required.

Mr. VANCE, of Ohio. I understood that the law passed in reference to this matter placed the money in the contingent fund of the House.

Mr. HOAR. I understand that this resolution does not change the responsibility; it merely puts the money in the custody of the Sergeant-at-Arms, but the payments will be under the authority of the chairman of the committee, and the chairman of the committee is responsible for its expenditure.

Mr. HOLMAN. I move to add the words "that the Sergeant-at-Arms shall pay the current expenses of the committee and report to the House."

Mr. LAWRENCE. I would suggest to the gentleman that he add "upon vouchers duly certified by the chairman of the committee." That is the usual practice.

Mr. HOLMAN. I move to add the words "that the Sergeant-at Arms shall pay the current expenses of said committee on vouchers approved by the chairman of said committee."

Mr. VANCE, of Ohio. I accept that modification.

The resolution, as modified, was agreed to.

OFFICES OF DOORKEEPER AND SERGEANT-AT-ARMS.

Mr. LEWIS, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the Committee on Rules inquire, and report without delay, whether any substantial reason exists why the offices of Sergeant-at-Arms and Doorkeeper of this House should not be consolidated in the Sergeant-at-Arms, as in the Senate.

E. & W. BUDER.

Mr. HARTZELL, by unanimous consent, introduced a bill (H. R. No. 3470) for the relief of E. & W. Buder, of Cairo, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HOLMAN. I now insist on my motion for a recess.

The question was put; and on a division there were—ayes 68, noes 69.

Mr. HOLMAN. I ask for tellers on that proposition; we have to hold evening sessions if we intend to adjourn before next fall.

Tellers were ordered; and Mr. FORT and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 70, noes 65.

Several MEMBERS. No quorum has voted.

The SPEAKER *pro tempore*. No quorum has voted.

Mr. PLAISTED. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BASS: Remonstrance of S. G. Cornell and other citizens of Buffalo, New York, against the passage of the Morrison tariff bill, to the Committee of Ways and Means.

Also, remonstrance of R. L. Howard and 350 other citizens of Buffalo, New York, of similar import, to the same committee.

Also, the petition of A. B. Smith and 41 citizens of Buffalo, New York, for the repeal of the check-stamp tax, to the same committee.

Also, the petition of Dr. R. V. Pierce and others of Buffalo, New York, for the repeal of the law requiring stamps on medicines and other proprietary articles, to the same committee.

Also, the petition of the savings-banks of Buffalo, New York, for the repeal of the stamp tax requiring stamps on receipts from savings-banks and on checks against deposits, to the same committee.

Also, the petition of Francis Black, for compensation for property taken and used by the United States Army and for services rendered the United States, to the Committee on War Claims.

Also, the petition of 111 citizens of Cuba, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. COX: The petition of J. Y. Welsh and other dealers in tobacco in New York City, against changing the law relating to the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. GOODIN: The petition of Hugh McHugh, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of citizens of Virginia, for an appropriation for the establishment of a light-house at the mouth of Nansemond River, to the Committee on Appropriations.

By Mr. HOUSE: The petition of Michael L. Kiggins, that he be paid the amount due James Walsh at the time of his death as a United States soldier entitled to a pension, in accordance with the wish of said Walsh, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of the pressmen employed in the Government Printing Office, against the change proposed by the fifth section of the bill reported by the Committee on Printing, relative to the pay of printers and employés, and asking that the head of the Government Printing Office be allowed to regulate the time of labor and prices for work as the state of the market for such skill and labor may render just and equitable, or that he be limited to no other re-

strictions upon his discretion than would conform to the standard in the best paid localities, all other matters being equal, to the Committee on Printing.

By Mr. PIPER: The petition of citizens of the city of San Francisco, California, that the old marine hospital in that city may be used as a sailors' home, to the Committee on Commerce.

By Mr. RIDDLE: Papers relating to the petition of A. M. Tinsley for a pension, to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Samuel Bancroft, John A. Wallace, William Parker, N. L. Yarnall, G. O. Yarnall, James M. Statesbury, Robert Hall & Son, and 228 other manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties on foreign goods which enter into competition with American manufactures, to the Committee of Ways and Means.

By Mr. WELLS, of Missouri: The petition of citizens of Washington, District of Columbia, for the removal or sale of Columbian Armory building on account of its dilapidated appearance and the riotous conduct of persons who assemble therein at balls and parties, subjecting persons living in the vicinity to annoyance, to the Committee on Public Buildings and Grounds.

By Mr. WHITTHORNE: The petition of Easter Atkinson, for compensation for property taken by the United States Army, to the Committee on War Claims.

By Mr. A. S. WILLIAMS: Resolutions of the Wayne County Medical Society, setting forth the advantages of the United States Signal Service to medical science, agriculture, and commerce, and protesting against any reduction in the amount usually appropriated for its maintenance, to the Committee on Military Affairs.

Also, resolutions of the Michigan State Board of Health, of similar import, to the same committee.

IN SENATE.

WEDNESDAY, *May* 17, 1876.

Prayer by Rev. H. RITCHIE, of Formosa, China.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present the application, together with additional papers, of A. C. Crawford, praying that his claim may be re-examined by the Committee on Claims or by the Senate. I move that these papers be referred to the Committee on Claims.

The motion was agreed to.

Mr. WRIGHT. In this connection I also move that the order of the Senate heretofore made concurring in the adverse report of the committee in this case be reconsidered, and that the papers already on the files of the Senate be recommitted to the Committee on Claims.

The motion was agreed to.

Mr. WALLACE presented a memorial of the Board of Trade of Philadelphia, remonstrating against any reduction in the salaries of the officials in the Patent Office as contemplated by House bill No. 2571, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which was referred to the Committee on Appropriations.

Mr. LOGAN presented the petition of C. D. Grisham, of Marion County, Illinois, praying for a repeal of the resumption act; which was referred to the Committee on Finance.

He also presented a petition of citizens of Grundy County, Illinois, praying for the establishment of a post-route from Nettle Creek to Morris, in that county; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Board of Trade of Chicago, Illinois, in favor of making the Signal Service a separate Bureau and placing it on the same footing with the most favored branch of the Army; which were referred to the Committee on Military Affairs.

Mr. CONOVER presented the petition of James G. Gibbes, of Columbia, South Carolina, praying that he may be refunded certain moneys advanced to Union soldiers during the late war; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented the petition of H. L. Stout and others, of Dubuque, Iowa, praying an appropriation for the improvement of the navigation of the Mississippi River between Saint Paul, Minnesota, and Keokuk, Iowa; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 37) for the relief of William H. Nessle, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WRIGHT. I hold in my hand the petition of John R. Geary, which was referred to the Committee on Claims. It seems that Mr. Geary was connected with one of our consulates abroad; that the consul, as he alleges, either by profligacy or extravagance, became largely indebted; and that he, Geary, advanced money to assist him in his embarrassment. Mr. Geary insists that, by reason of his connection with this consul and this payment of money, the Government owes it to its self-respect and duty to refund him the money. Your committee conclude that the Government is under no such obligation, either legally or morally, and ask to be discharged from the further consideration of the petition.

The report was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Peter Welsh, praying compensation for property alleged to have been destroyed by United States troops in 1864, submitted an adverse report thereon; which was agreed to and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Edward Welsh, praying compensation for property destroyed during the late war, submitted an adverse report thereon; which was agreed to and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Elizabeth Mannion, praying compensation for property destroyed during the late war by United States troops, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. WRIGHT. I deem it proper to say in connection with these three petitions that on Monday morning I called the attention of the Senator from West Virginia to these cases which the committee had then agreed to report. He at that time submitted some additional testimony which has been considered by the committee; but inasmuch as it in no manner reaches the objection which the committee then had, I report the cases back as I have already stated.

I am also directed by the Committee on Claims, to whom was referred the petition of Bernard Pitzer, of Roanoke, Virginia, praying compensation for property taken and destroyed by United States troops in 1863, to report adversely. The committee have examined the petition, but there is no testimony accompanying it, and they therefore ask to be discharged from its further consideration.

The report was agreed to.

Mr. McCREERY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 831) requiring the removal of the tracks of the Baltimore and Ohio Railroad from certain streets in the city of Washington, and for other purposes, reported it with amendments.

Mr. OGLESBY. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 716) to authorize the execution of a resolution of the national council of the Osage Indians, to report adversely. The bill is of importance to certain parties who have received $50,000 as attorney fees, and the bill contemplates the payment of about $180,000 more out of the funds of the Osage Indians. I state this fact because the bill is of some importance to the parties to be affected by it. The committee have given due consideration to the subject, and their conclusion is—and I am instructed to make that report—that the bill be indefinitely postponed.

Mr. ALLISON. I call the attention of the Senator from Ohio [Mr. SHERMAN] to this bill, as he introduced it.

Mr. SHERMAN. I ask that the bill be placed on the Calendar, that I may have an opportunity to examine the subject.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the petition of Robert Smalls, of South Carolina, praying an allowance of prize money for the capture of the steamer Planter, in 1862, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 839) to provide for the establishment of a board of land commissioners; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 840) for the relief of Norman H. Ryan; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 841) for the relief of Bayse N. Westcott; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM S. ROBINSON.

Mr. DAWES. I ask the Senate, with the concurrence of the chairman of the Committee on Claims, to recommit to that committee the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, which the committee reported adversely.

Mr. WRIGHT. I will say in reference to the bill that I have learned from my friend from Massachusetts that there are some circumstances in connection with the case and some facts not known to the committee at the time it was considered. I have no objection to the recommittal of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to recommit the bill to the Committee on Claims.

The motion was agreed to.

LANDS IN MICHIGAN.

Mr. OGLESBY. I yesterday morning asked the indulgence of the Senate to take a bill up and gave some reasons why it should pass at that time. I stated that I would ask the indulgence of the Senate again this morning to take up the bill and pass it for reasons which I will again state.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made.

The bill proposes to amend section 101 of an act entitled "An act to amend an act entitled 'An act for the restoration to market of certain lands in Michigan,' approved June 10, 1872," approved March 3, 1875; so as to read:

That the act approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," be, and is hereby, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawas and Chippewas of Michigan for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of and not valuable mainly for pine timber shall be subject to entry under the homestead laws.

Mr. OGLESBY. I will state again to the Senate the peculiarity of this case. There are one or two townships in Michigan which are in an Indian reservation, and Congress has got through with fixing the title in the Indians. The law was amended once or twice so as to get some two or three hundred Indians secured in their title. The law also provided that all lands not valuable for pine timber might be taken up under the homestead law within the period of one year, but if at the expiration of one year it was not all taken up, then it should be sold at public sale at $2.50 or $1.25 an acre, I do not remember which. That year has expired, but a notice of sixty days is required to be given under the regulations of the Interior Department. Those sixty days will in a very short time expire. The bill simply provides that the land, probably 20,000 acres, shall be open for homestead settlement, and that settlers may go upon it under the homestead law and make actual settlement upon it under that law, instead of putting it into the market.

The bill applies only to Michigan, where these two townships are situated. The bill puts the land back under the homestead-settlement law; that is all. The land was exempted from it in some sense in the statutes which this bill refers to, and the Committee on Public Lands thought that as it was public land and not valuable for pine timber, nor mineral, but simply ordinary public land, the best disposition of it would be to open it to homestead settlement, and not to preemption or to sale. That was the motive which controlled the committee, and the reason why I ask its passage is that the homestead settlers may have a chance to go upon it before the expiration of the sixty days.

The honorable Senator from Vermont [Mr. EDMUNDS] has called my attention to a clerical error in the bill. The bill reads "that section one hundred one of an act entitled 'An act,'" &c. The words "one hundred" should be stricken out in the third line of the bill, so as to read "that section one of an act," &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

CLAIMS FOR ARMY SUPPLIES.

Mr. WRIGHT. I wish to call to the notice of the Senate House bill No. 1218, and I ask the attention of Senators to this subject and for just one moment. My intention was to call it up and insist upon its being put on its passage, or, at least, that it should receive consideration, this morning. Under the circumstances, and as I am appealed to by the Senator from New York [Mr. KERNAN] and also the Senator from Minnesota, [Mr. MCMILLAN,] who have to leave the Senate to be absent for some time, I shall not press it; but I will state the nature of the bill.

The bill passed the House at the last Congress, having been reported from the Treasury Department, and it provides for the payment of the claims that were allowed under the act of 1870 for commissary and quartermaster stores in the resolution of that year. The bill was passed at the last Congress by the House and came to the Senate, but at so late an hour that we were unable to consider it. It was reported from the Committee on Claims at that time, and the then chairman of the committee, Mr. Scott, having charge of the bill, stated that we had been unable to examine it with such care as that we could say in all respects it was correct. The Committee on Claims, having had the same bill before them at the last session, have again examined it and are satisfied with the correctness of the bill. This report was made from the Department eighteen months ago, and was also made to this Congress at the commencement of the present session, and the bill passed the House some three or four weeks since. We have considered it and have reported it back and recommended its passage. I suppose, as the time is so near when we shall be compelled to proceed with hearing the matter of impeachment, I shall not have time to have the bill read this morning, but I call the attention of the Senate to it and to the fact that it is a matter of actual, clear, and most manifest justice to these persons that the bill ought to pass. It includes claims from ten dollars up to two or three thousand dollars which have been passed upon twice by the committee of the House and also twice by the Committee on Claims of the Senate. It makes an appropriation to pay these claims. I shall ask the Senate to-morrow morning, if I can get the floor, to proceed to consider the bill, because I think it right and just and fair to these parties that they should have a hearing.

WILLIAM L. MAURY.

Mr. KERNAN. I move to take up the bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York, reported from the Committee on the Judiciary. The chairman of the committee [Mr. EDMUNDS] has suggested that there is no objection to the bill, and it has of course been considered by the committee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, in line 4 to strike out the words "legal and," so as to read "that all political disabilities imposed," &c.

The amendment was agreed to.

Mr. MORTON. I should like to inquire if that is Mr. Maury, the Naval Observatory man?

Mr. KERNAN. I understand it is not the Naval Observatory man.

Mr. EDMUNDS. It is a nephew of his, or some relative, but it is not the Naval Observatory man.

The PRESIDENT *pro tempore*. Matthew F. Maury is the name of the person referred to by the Senator from Indiana.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed, two-thirds voting in favor thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 2604) to incorporate the Suburban Railroad Company of the District of Columbia;

A bill (H. R. No. 2881) to authorize the establishment of a certain free public highway in the District of Columbia, and for other purposes;

A bill (H. R. No. 3046) to amend the law with respect to wills, to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes; and

A bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2427) to amend the act entitled "An act to encourage the growth of timber on western prairies," approved March 13, 1874; and

A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.

PUBLIC BUILDING AT MEMPHIS.

Mr. COOPER. I move that the Senate proceed to the consideration of House bill No. 2286.

The motion was agreed to; and the bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-rooms, &c., in the city of Memphis, Tennessee, was considered as in Committee of the Whole.

Mr. SHERMAN. We have so short a time now that I think the Senator ought not to press the bill.

Mr. COOPER. It is not a purchase; it is the acceptance of a donation.

Mr. SHERMAN. Does it not commit the Government for the first time to the erection of this public building?

Mr. COOPER. No, sir. We do not ask an appropriation. There is an appropriation already. This is to accept a site donated by the city. A previous law authorizes the erection of the building.

Mr. SHERMAN. Is this bill reported from the Committee on Public Buildings and Grounds?

Mr. COOPER. It is.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of twelve o'clock and thirty minutes having arrived, the legislative and executive business of the Senate will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The Senate resumed its legislative session.

EXECUTIVE SESSION.

On motion of Mr. BURNSIDE, the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were re-opened, and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 17, 1876.

The House met at twelve o'clock m. Prayer by Rev. JOHN HARRIS KNOWLES, canon of Cathedral, Chicago, Illinois.

The Journal of yesterday was read and approved.

SAVINGS-BANKS—RECEIPT STAMPS.

Mr. WOOD, of New York. I am directed by the Committee of Ways and Means to report a bill to the House, and recommend its passage, for the purpose of correcting what is evidently an error in the law relating to stamps upon savings-banks receipts.

The SPEAKER *pro tempore*. The bill will be read, after which objections will be in order.

The bill, which proposed to amend the sixth section of chapter 1276 of the United States statutes, provides that so much of said section as relates to receipts of savings-banks shall be amended to read as follows:

That no stamp-tax shall be required on receipts of savings-banks or institutions for savings, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company.

The SPEAKER *pro tempore*. Is there objection to considering this bill at this time?

Mr. WILSON, of Iowa. I will reserve my objection or any point of order upon the bill until I have heard an explanation.

Mr. HOLMAN. I trust the gentleman from New York [Mr. WOOD] will give some idea of the length of time that will be occupied in the consideration of this bill.

Mr. WOOD, of New York. Only a few minutes. The law which it is proposed to amend is one which relieves a certain class of savings-banks, where the profits go entirely to the depositors, from the stamp required upon the receipts which depositors give when they withdraw any money deposited by them in the banks. The law of the last Congress relieved savings-banks from such taxes where the receipts were in books, omitting to cover the same class of institutions where the receipts are given upon loose pieces of paper.

It is proposed by this bill, which is unanimously reported from the Committee of Ways and Means, to correct what is evidently an error in the law, so that all savings-banks where the profits inure entirely to the benefit of depositors shall be relieved from this tax of two cents upon each receipt given by the poor people who have deposits in such institutions. I am sure there can be no objection to the bill, and I hope it will be passed.

Mr. WILSON, of Iowa. Will the gentleman allow me a question?

Mr. WOOD, of New York. Certainly.

Mr. WILSON, of Iowa. The two-cent stamp on all bank checks is exceedingly disagreeable to all people in the West. I will ask the gentleman my question after I shall have explained one thing. Our people are in the habit of taking everything to town in wagons, and are paid by checks or orders on the banks. Two cents is exacted of them for every separate check or order, whether for a dozen of eggs, a load of wheat, or a drove of cattle. I would inquire whether the Committee of Ways and Means intend to give relief in that direction and to take off that obnoxious tax?

Mr. WOOD, of New York. In reply to the gentleman from Iowa, [Mr. WILSON,] I think I violate no injunction of secrecy in saying that the Committee of Ways and Means are considering the very question to which the gentleman refers. As this, however, is a different matter, applicable solely to the correction of an error in the existing law in regard to depositors in savings-banks, I hope there will be no objection to the passage of the bill.

Mr. WILSON, of Iowa. I withdraw my objection.

The bill (H. R. No. 3471) was then received, and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. RANDALL. I would inquire of the gentleman from New York [Mr. WOOD] what amount of money is now realized from this tax?

Mr. WOOD, of New York. We made application to the Treasury Department for that very information, and the answer, which I have here by telegraph from the Commissioner of Internal Revenue, was that, as these stamps were purchased outside, it was impossible to tell the exact amount received from this particular tax. I will say, however, that it cannot be much, and it is paid by the depositors in the savings institutions. I hope there will be no objection to the bill.

Mr. RANDALL. I have no objection to the bill, but it seems to me that we ought to be apprised of the amount that will be kept out of the Treasury by the passage of this bill. The amount received from checks on bank-stamps is very large. Although there have been many petitions for the remission of that tax, yet the amount received into the Treasury from it makes it a question of serious import.

Mr. WOOD, of New York. There is a very wide distinction between the bank-check stamp in banks of discount, deposit, and issue and the stamps which are covered by this bill. The savings-banks tax is paid by the poor people who make deposits in such institutions. The other bank-check stamp is required of every one who draws a check upon a bank of discount, deposit, and issue, and yields an annual revenue of from $1,250,000 to $1,500,000. That is a different matter from the one covered by this bill. The tax is imposed upon the humble, poor depositor who goes to the savings-bank to draw $5 or $2; and he is obliged to pay the same tax as the gentleman from Pennsylvania [Mr. RANDALL] would pay upon a check of $100,000.

Mr. RANDALL. This is an analagous case to the bank-check stamp, which, in my judgment, ought to be repealed, in view of our large retrenchment in expenditures rendering unnecessary the longer continuance of that tax.

Mr. TUCKER. I think I may say that the Committee of Ways and Means are considering that matter, and are united in favor of the repeal of that tax.

Mr. WOOD, of New York. I entirely concur with the gentleman from Pennsylvania, [Mr. RANDALL,] and I have no doubt that the Committee of Ways and Means will soon report upon the subject.

Mr. RANDALL. Of course I have no objection to this bill; it is in the right direction. But I rose rather to make inquiry in regard to the amount. It cannot be very large.

Mr. WOOD, of New York. It is impossible to state it definitely.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed,

Mr. WOOD, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY, ETC., OF NAVAL OFFICERS.

Mr. WHITTHORNE, by unanimous consent, reported from the Committee on Naval Affairs a bill (H. R. No. 3472) to reduce the pay of officers of the Navy and to reduce the number of officers in the line and staff thereof; which was read a first and second time, ordered to be printed, and recommitted.

RE-ORGANIZATION OF MARINE CORPS.

Mr. WHITTHORNE also, by unanimous consent, reported from the same committee a bill (H. R. No. 3473) to re-organize the Marine Corps; which was read a first and second time, ordered to be printed, and recommitted.

NAVY-YARDS.

Mr. WHITTHORNE also, by unanimous consent, reported from the same committee a bill (H. R. No. 3474) to retain certain navy-yards and abolish others; which was read a first and second time, ordered to be printed, and recommitted.

Mr. HALE. I wish to have it understood that the three bills just reported from the Committee on Naval Affairs, and recommitted, are not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. It is so understood.

SETTLEMENT OF ACCOUNTS OF INTERNAL-REVENUE COLLECTORS.

Mr. GARFIELD. I ask consent to report back from the Committee of Ways and Means a bill with an amendment, and to have it put on its passage.

Mr. HOLMAN. If it will occupy but a moment I make no objection.

Mr. GARFIELD. There will be no debate. I will simply state what the bill is.

The bill (H. R. No. 2192) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlement of their accounts, was read.

Mr. RANDALL. I must object to the consideration of this bill at the present time unless it comes up in regular order.

The SPEAKER *pro tempore*. It is not the regular order.

Mr. GARFIELD. It is the unanimous report of the Committee of Ways and Means.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] objects.

Mr. HOLMAN. I trust there will be no objection this morning to finishing up the post-office appropriation bill. These other measures can all come in afterward.

Mr. MILLER. I would like to offer a resolution for reference.

Mr. HOLMAN. Any matter offered for reference merely, I shall not object to; but I must object to everything else.

COMPENSATION OF RAILROADS FOR MAIL TRANSPORTATION.

Mr. MILLER, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Committee on the Post-Office and Post-Roads be, and they are hereby, instructed to take into consideration the whole subject of compensation to railroads for mail transportation, and to report to this Congress at an early day of its second session a practicable and just plan to secure the most efficient railroad service at the least equitable cost to the Post-Office Department.

WAR CLAIMS.

Mr. EDEN, by unanimous consent, reported from the Committee on War Claims a bill making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of Congress of March 3, 1871, and for other purposes; which was read a first and second time.

Mr. EDEN. I move that this bill be referred to the Committee of the Whole and made a special order for Friday next, after the morning hour.

The SPEAKER *pro tempore*. Subject to appropriation bills.

Mr. HOLMAN. It will have to be subject also to points of order.

Mr. JONES, of Kentucky. I desire to say that two bills of which I have had charge were fixed for consideration on the 9th and 10th of this month. I would like to know when they are to come up. I am opposed to any other bills being brought up until those are disposed of.

The SPEAKER *pro tempore*. The gentleman cannot make a conditional objection.

Mr. JONES, of Kentucky. If this is a proposition to give preference to bills that have been deferred or have not been reached, then I must object.

The SPEAKER *pro tempore*. The Chair would say to the gentleman that a large number of special orders are already pending.

Mr. JONES, of Kentucky. The presumption is that it will come up after prior special orders.

Mr. EDEN. Friday is private-bill day, and this is in the nature of a private bill.

The SPEAKER *pro tempore*. The Chair hears no objection.

There was no objection, and Mr. EDEN'S motion was agreed to.

SILVER COINAGE.

Mr. TOWNSEND, of Pennsylvania. I ask unanimous consent to report back from the Committee on Banking and Currency resolutions of the Chamber of Commerce of the city of New York relative to silver coinage, and move their reference to the Committee on Coinage, Weights, and Measures.

Mr. FRANKLIN. I object.

Subsequently Mr. FRANKLIN withdrew his objection, and the Committee on Banking and Currency was discharged from the further consideration of the resolutions, and they were referred to the Committee on Coinage, Weights, and Measures.

DEFICIENCY ESTIMATES.

Mr. WELLS, of Missouri. Mr. Speaker, I am directed by the Committee on Appropriations to report the following resolution, and to move its adoption.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be discharged from the further consideration of so much of the Executive Document No. 154, Forty-fourth Congress, first session, (it being the letter of the Secretary of the Treasury transmitting the deficiency estimates for the fiscal year ending June 30, 1876, and for prior years,) as relates to the items on page 7 of said document under "War Department," "Barracks and quarters," "For hire of quarters," &c., $114,285.74, being for the fiscal year ending June 30, 1871, and for prior years, and recommend its reference to the Committee on War Claims.

The SPEAKER *pro tempore*. The Chair hears no objection.

So the resolution was adopted, and the Committee on Appropriations was discharged from the further consideration of the subject, and it was referred to the Committee on War Claims.

CALIFORNIA SETTLERS.

Mr. WIGGINTON, by unanimous consent, introduced a bill (H. R. No. 3475) to confirm the title in the settlers to certain lands in California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. COOK. I move, by unanimous consent, that the bill (H. R. No. 58) reported from the Committee on Military Affairs to equalize the bounties of soldiers who served in the late war for the Union be made the special order in the Committee of the Whole on the state of the Union for Tuesday week next after the morning hour. It was made the special order for Thursday, March 23, after the morning hour, and from day to day thereafter until disposed of, to the exclusion of all other orders, excepting the business of the Committees on Appropriations and Ways and Means. On March 23 it was postponed until March 29, at two o'clock p. m. On March 29 it was made the special order for Wednesday, April 5, after the morning hour. I now ask that it be made the special order for Tuesday week next after the morning hour.

Mr. RANDALL. I must interpose an objection unless appropriation bills are excepted.

Mr. COOK. They were excepted in the original order, and I am willing to consent to the gentleman's suggestion.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania objects.

Mr. RANDALL. I do unless appropriation bills are excepted.

Mr. HOLMAN. The gentleman from Pennsylvania does not object if appropriation bills are excepted.

Mr. RANDALL. That is all.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is made the special order for Tuesday week after the morning hour, to the exclusion of all other business except appropriation bills.

PAINTED OR STAINED GLASS.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 3476) to amend section 2505 of the Revised Statutes, relative to the importation of painted or stained glass for religious purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

RELIEF OF PRE-EMPTORS.

Mr. DUNNELL. Mr. Speaker, I move, by unanimous consent, to take from the Speaker's table the amendment of the Senate to the bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands for the purpose of considering it at this time.

There was no objection, and it was ordered accordingly.

The amendment of the Senate was to strike out all after the enacting clause, and in lieu thereof to insert the following:

That whenever any pre-emptor on public lands or Indian reservations shall make satisfactory proof at the local land office, under rules and regulations to be prescribed by the Secretary of the Interior, that the crops upon the lands occupied by him have been destroyed by grasshoppers within two years prior to the passage of this act, the time within which such pre-emptor is required to make final proof and payment is hereby extended two years.

Mr. DUNNELL. I move a concurrence in that amendment of the Senate.

The motion was agreed to.

Mr. DUNNELL. I move to reconsider the vote by which the amendment was concurred in; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL SOLDIERS' RE-UNION, CALDWELL, OHIO.

Mr. DANFORD, by unanimous consent, introduced a joint resolution (H. R. No. 115) granting the use of artillery, &c., to the national soldiers' re-union at Caldwell, Ohio; which was read a first and second time.

The joint resolution authorizes the Secretary of War to send from some convenient Government arsenal, to be used at the national soldiers' re-union at Caldwell, Ohio, at its next meeting, four pieces of artillery, and such blankets, muskets, and blank cartridges as can be spared; said cannon, blankets, and muskets to be returned after said re-union meeting.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DANFORD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN ROBERT C. BRAMFORD.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 3477) granting a pension to Captain Robert C. Bramford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the post-office appropriation bill. And, pending that motion, I move that all debate on the pending paragraph be closed in ten minutes.

Mr. BANNING. Before the gentleman makes that motion, I desire to report back from the Committee on Military Affairs the bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers.

Mr. HOLMAN. For recommittal?

Mr. BANNING. No, sir; for passage at this time.

Mr. HOLMAN. I think the bill would give rise to some debate.

Mr. BANNING. If it raises discussion, I will withdraw it. I report it now because I think there is great necessity for its passage, and I understand the Appropriation Committee have no objections to it in the shape in which it now is.

Mr. HOLMAN. Some explanations in regard to it would be necessary, and it would probably give rise to discussion.

Mr. BANNING. I think it would be disposed of in two minutes.

The SPEAKER *pro tempore*. Does the gentleman from Indiana object to the consideration of the bill which the gentleman from Ohio desires to report?

Mr. HOLMAN. I do not object. I simply make my motion that the House resolve itself into Committee of the Whole.

Several members called for the regular order.

Mr. CANNON, of Illinois. I hope the gentleman from Indiana will extend the time for debate on the pending section beyond what he has indicated in his motion.

Mr. HOLMAN. Very well, I will satisfy my friend by saying twenty minutes.

The motion limiting debate on the pending paragraph to twenty minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole was also agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations

for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment, being that offered by the gentleman from Illinois [Mr. CANNON] to the seventh section of the bill.

The Clerk read as follows:

Strike out the word "twenty-five" in line 20, and insert in lieu thereof the word "fifty," and add at the end of the section the following:

And not less than $25 per mile for roads not carrying a route agent or mail-messenger.

Mr. CANNON, of Illinois. I desire to withdraw that amendment and to move a substitute for the section.

The CHAIRMAN. Is there objection to the gentleman from Illinois withdrawing the pending amendment?

There was no objection.

Mr. CANNON, of Illinois. I now offer what I send to the desk as a substitute for section 7.

The Clerk read as follows:

That as existing contracts or agreements with railroad companies for the transportation of mails upon their respective roads shall expire, and whenever it shall become necessary to enter into contract or make new engagements for such transportation of the United States mails upon any railroad route, the Postmaster-General shall be, and he is hereby, authorized and directed to determine the compensation to be paid for such transportation upon the conditions and at rates not exceeding those hereinafter mentioned, to wit: That the mails shall be conveyed with due frequency and speed; that suitable room, fixtures, and furniture, in cars or apartments properly lighted and warmed, and of the respective dimensions hereinafter prescribed, shall be provided, once a day each way, omitting Sundays, for route agents or railway post-office clerks to accompany and distribute the mails, or for the accommodation and transportation of mails alone on trains not accompanied by such agents or clerks, as the Postmaster-General may elect; that, on the call of the Postmaster-General, cars or apartments shall be provided of such dimensions, in excess of the amounts hereinafter prescribed, as may be necessary to meet the requirements of the service, at the rate of compensation hereinafter provided; and that the pay per annum per mile of the routes' length shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds and furnishing 72 square feet of room, $50; on routes carrying 500 pounds and furnishing 108 square feet, $75; on routes carrying 1,200 pounds and furnishing 144 square feet, $100; on routes carrying 2,000 pounds and furnishing 180 square feet, $125; on routes carrying 3,500 pounds and furnishing 225 square feet, $150; on routes carrying 5,000 pounds and furnishing 270 square feet $175; on routes carrying 7,000 pounds and furnishing 315 square feet, $200; on routes carrying 10,000 pounds and furnishing 360 square feet, $225; and $25 additional for every 5,000 pounds in excess of 10,000 pounds with 45 additional square feet for each 5,000 pounds of such excess—the average weight to be ascertained in every case by the actual weighing of the mails by persons duly sworn to make correct returns of such weighing, under the supervision, if the Postmaster-General shall see proper, of an agent or agents of the Post-Office Department, for such number of successive working days not less than thirty, at such times not less frequently than once in every four years, and the result of such weighing to be stated and verified in such form and manner as the Postmaster-General may direct: *Provided*, That, in case of any deficiency of space, compared with the amounts above prescribed, deductions shall be made from the foregoing rates at the rate of $3.75 per annum per mile of the route's length for each 9 square feet once a day each way of such deficiency; and that for any excess over the amounts above prescribed which may be provided on the call of the Postmaster-General to be used for railway post-office or other postal purposes additional allowances shall be made at the rate of $3.75 per annum per mile of the route's length for each 9 square feet once a day each way of such excess: *And provided further*, That in case of the refusal or failure of a railroad company to comply with any call of the Postmaster-General for cars or apartments of the dimensions above prescribed or of such dimensions in excess thereof as he may deem necessary to meet the requirements of the service, the whole pay of such company for the transportation of mails shall be subject to a deduction of 25 per cent. from the foregoing rates: *And provided also*, That the maximum pay to any railroad company for carrying the mails shall not exceed $— per mile per annum.

Schedule of rates for railroad-mail service, under proposed modification of act of March 3, 1873.

Average weight of mails whole distance per day.	Linear feet—say.	Square feet of car space.	Pay per annum per mile of route's length.
200 pounds	8	72	$50
200+ 300= 500 pounds	12	108	75
500+ 700= 1,200 pounds	16	144	100
1,200+ 800= 2,000 pounds	20	180	125
2,000+1,500= 3,500 pounds	25	225	150
3,500+1,500= 5,000 pounds	30	270	175
5,000+2,000= 7,000 pounds	35	315	200
7,000+3,000=10,000 pounds	40	360	225
10,000+5,000=15,000 pounds	45	405	250
15,000+5,000=20,000 pounds	50	450	275
20,000+5,000=25,000 pounds	55	495	300
25,000+5,000=30,000 pounds	60	540	325
30,000+5,000=35,000 pounds	65	585	350
35,000+5,000=40,000 pounds	70	630	375
40,000+5,000=45,000 pounds	75	675	400
45,000+5,000=50,000 pounds	80	720	425
50,000+5,000=55,000 pounds	85	765	450
55,000+5,000=60,000 pounds	90	810	475
60,000+5,000=65,000 pounds	95	855	500
65,000+5,000=70,000 pounds	100	900	525
70,000+5,000=75,000 pounds	105	945	550
75,000+5,000=80,000 pounds	110	990	575
80,000+5,000=85,000 pounds	115	1,035	*600

*And $25 additional for every additional 5,000 pounds, with 45 additional square feet.

With $3.75 per 9 square feet for excess of space over required complement, and deduction at same rate for deficiency of space.

Mr. CANNON, of Illinois. Mr. Chairman, I cannot hope to explain the provisions of the proposed substitute in five minutes' time with any satisfaction to myself, and certainly I cannot do it with much satisfaction to the House. I must content myself with saying that while I do not pretend to be an expert in this matter, yet I have not been an inattentive observer of the question for three years past as a member of the Committee on the Post-Office and Post-Roads. And about all I can say in regard to this substitute in five minutes is that it leaves the law as it now is as regards all railroads that carry 200 pounds of mail, and whose compensation is at the rate of $50 per mile; and also as to all railroads that carry up to 300 pounds of mail, whose compensation is at the rate of $75 a mile for the full 300 pounds. For roads carrying a weight of mail over 300 pounds the compensation by this substitute is greatly decreased from what it is under the present law, the compensation decreasing in proportion to the weight as the weight increases.

For instance, the law now is that railway companies carrying one thousand pounds of mail per annum over each mile get $100. This substitute would raise the weight to twelve hundred pounds for $100. The law now is that railways carrying fifteen hundred pounds of mail get $125. This makes them carry two thousand pounds to get that compensation. The law now is that railways carrying two thousand pounds get $150 a mile. This would make them carry thirty-five hundred pounds of mail before they can get $150.

Under the present law the railroads carry 3,500 pounds of mail for $175 per mile; my substitute requires them to carry 5,000 pounds for that sum. They now carry 5,000 pounds for $200 per mile; this proposition requires them to carry 7,000 pounds for that price. Under the present law, when the limit of 5,000 pounds of mail matter is reached, the railroads are entitled to $25 for every additional ton of mail. My proposition allows them $25 for every additional 5,000 pounds of mail over 5,000 pounds, instead of for every additional 2,000 pounds over 5,000.

The amount of car space allotted to weight by my amendment is about the same that is ordinarily allowed under the present law. But it contains a provision that if so much car space is not used the compensation shall be cut down at the rate of $3.75 for each nine square feet, or a reduction of between 5 and 6 mills per linear foot, if calculated on that basis. If more space should be necessary—that is, if two, or three, or four mail cars shall be necessary to carry the mail—the substitute provides that there shall be an increased compensation at the same rate for the extra space.

I have also incorporated in this substitute a provision that there shall be a maximum above which railroads shall not be paid. I think there ought to be such a provision as that. For instance, take the fast-mail line from New York to Chicago that runs four postal cars. Under my substitute the pay would be just about what it is now, the railroad carrying about 50,000 pounds of mail. Of course it will be well enough to put in a maximum, and I have provided for it, although I have not filled in the figures. If the substitute shall be adopted, then the figures can be filled in afterward, as the House may determine. My own opinion is that the maximum price paid per mile should be six hundred or seven hundred dollars.

From the best examination I have been able to give the subject, this proposition is the most equitable for the railroads and I think will result in a greater saving to the Government than the bill of the Committee on Appropriations. I know this is a somewhat intricate subject, and any man who attempts to explain it to the House in five minutes' time undertakes to do a vain thing. I would prefer, even to the adoption of this substitute, that the whole section be stricken out and that the subject be referred to the Committee on the Post-Office and Post-Roads or to the Committee on Expenditures in the Post-Office Department, of which the gentleman from Missouri [Mr. STONE] is chairman, in order that they may work the matter up fully. It is a subject which involves the expenditure of from eight million to twelve million dollars a year by this Government, and should not be passed upon in a hasty manner. But if you must put it upon an appropriation bill, then I insist that this substitute is far superior to the bill of the Committee on Appropriations.

[Here the hammer fell.]

Mr. HOLMAN. I desire to submit an amendment to the original text of the bill. I move to add to the pending section—section 7 of the bill—that which I send to the Clerk's desk to be read.

The Clerk read as follows:

But the sum paid to any railroad company for such transportation shall not exceed $600 per mile for such services for any one year.

Mr. CANNON, of Illinois. The gentleman proposes to amend the bill?

Mr. HOLMAN. The amendment of the gentleman from Illinois [Mr. CANNON] is to strike out and insert; I propose to amend the text before the question is taken upon striking out and inserting.

The effect of the substitute proposed by the gentleman from Illinois would be not only to perpetuate the present evil system of basing compensation upon space and weight, but, in my judgment, from a hasty reading of the substitute, it would result in an absolute increase of expenditures over the present rates. The gentleman assumes, it seems to me, in a very extraordinary manner that this measure has not been the subject of any special consideration.

Mr. CANNON, of Illinois. Not at all; I do not assume any such thing.

Mr. HOLMAN. There are gentlemen on the Committee on Appropriations who have been examining this subject for ten years. I have myself had the honor before the present Congress of being upon a committee that examined this subject. The question of providing reasonable rates of compensation to railroad corporations for the transportation of the mail has been the subject of very special interest. The Committee on Appropriations, aided by the Committee on the Post-Office and Post-Roads, of which the gentleman from Illinois [Mr. CANNON] is a distinguished member, and aided also by the Committee on Expenditures in the Post-Office Department, have spent an unusual amount of time in the investigation of this subject at the present session. Whatever information could be furnished them, either by the Post-Office Department on the one hand or by the railroad companies on the other, together with the information furnished to the Senate at the first session of the last Congress by the Committee on Transportation of that body—all this information has been very carefully considered by the Committee on Appropriations. I am surprised, therefore, that the gentleman should assume that this subject has not received due consideration from that committee.

I object to the substitute of the gentleman for two reasons: first, because it perpetuates the present evil system out of which frauds have grown, that is, the system of basing compensation upon the double standard of weight and the space occupied by the mails in the cars. The late superintendent of postal transportation by railroads makes his main point that the system of weighing the mails is necessarily attended with fraud, unless you are able to obtain absolute security in the integrity of the innumerable officers necessarily employed in the performance of that duty. I object also to the substitute because its effect will be rather to increase than to diminish the compensation to be paid to railroads for this service.

One word now in regard to my amendment. I have not offered it as coming from the Committee on Appropriations, although it has been somewhat considered by that committee and I think a majority of the members, if not all of them, think that some limitation should be imposed. Upon examining the last report of the Postmaster-General, I find that the highest pay per annum was $628, and that was paid to the Pennsylvania Railroad. It is true that in the effort to maintain a fast-mail line from New York to Chicago the expense ran up as high as $1,018 a mile; and I think the gentleman's plan would run it up as high as $1,025 per mile.

Mr. CANNON, of Illinois. No; for fifty thousand pounds of mail matter, which is the amount now carried by the fast-mail train, the compensation under my substitute would be $675 per mile.

Mr. HOLMAN. What is the highest rate per mile which would be paid under the schedule?

Mr. CANNON, of Illinois. The highest rate named in the schedule is $1,035 per mile for 80,000 pounds of mail. The fast-mail train from New York to Chicago carries only 50,000 pounds per mile.

Mr. HOLMAN. I think it is safe to limit the amount paid to any one railroad company to $600 per mile. The facts which have come to the knowledge of the House since this report was made relate only to one or at the furthest to two railroad lines. According to this report the Pennsylvania Railroad, during the last fiscal year, transporting the mails with reasonable frequency and reasonable speed, received $628 per mile. I therefore think it is safe to limit the amount to be paid to any one company to the sum of $600 per mile.

I trust the gentleman from Illinois [Mr. CANNON] will not seek to perpetuate the present system, which has resulted in an enormous aggregate increase of expenditure for transporting our mails, running up rapidly from $5,000,000 to $8,000,000 during the present fiscal year. I think I am safe in saying to the House that on the basis of the bill of the Committee on Appropriations $8,800,000 will be a sufficient appropriation for this service. I doubt very much, however, whether it will be near the necessary amount required, if the amendment of the gentleman from Illinois [Mr. CANNON] should be adopted.

I should add that the Post-Office Department is very clear, not only in the opinion expressed by its chief, but in the opinion expressed by the late as well as the present superintendent of mail transportation, that the present system is attended with inevitable fraud; that is, the system of adopting both weight and space as the basis of compensation. You ought to take one or the other; you cannot take weight alone; but if you take space alone it furnishes the best guarantee you can have that fraud will not be perpetrated on the country. That is the judgment of the Post-Office Department.

Mr. CANNON, of Illinois. Allow me one question. The gentleman says the Post-Office Department is against the present system of compensating railroads for carrying the mails, and I understood him to say that the Department is in favor of the system which he proposes. While I have nothing officially upon the subject and do not propose to state anything as coming officially from the Department, yet from common conversation I may say that a very considerable majority of persons having charge of this matter in the Department are by no means in favor of the scheme of the gentleman.

Mr. HOLMAN. Who are they?

Mr. CANNON, of Illinois. I am not speaking officially for any person in the Post-Office Department, because they speak only through the head of the Department.

Mr. HOLMAN. Allow me to call the attention of the gentleman to this fact: the Postmaster-General says that the space basis is the true method of compensation, and that it needs no argument in its favor. That is the last communication we have from the Postmaster-General.

Mr. CANNON, of Illinois. I will not dispute your official communication. You cite the Post-Office Department in favor of your plan, and I say that a majority of the persons in the Post-Office Department having charge of these matters, while they have not spoken officially, by no means favor the bill the gentleman reports, as I happen to know.

Mr. HOLMAN. I hope my friend will remember that I only cited the Postmaster-General and the late and present superintendents of railroad-mail transportation. Those gentlemen have been before the Committee on Appropriations, and they all concur in the opinion that compensation by space is the fairest, the most just, and the least subject to fraud of any system that we can adopt.

Mr. CANNON, of Illinois. Allow me one question.

Mr. HOLMAN. Certainly.

Mr. CANNON, of Illinois. It is only a make-weight, I will acknowledge. Does not the gentleman know that this proposition of his to pay by space, even at the rate of 5 or 6 mills per mile, is a proposition that the great railway companies have been fighting for for years, and that they are making no opposition to it now?

Mr. HOLMAN. Oh, yes; let the gentleman hear me; they are asking 13 mills per mile.

Mr. CANNON, of Illinois. Certainly; but they make no objection even to your 5 or 6 mills per mile; they only wish to have the system adopted.

Mr. HOLMAN. I hope they will not. They are asking, however, 13 mills. Now, I am afraid the gentleman from Illinois is not in this matter as ingenuous as he usually is. He knows very well that the only reason why the railroads favored this plan was that they asked 13 mills per mile instead of 5 or 6 mills, the figures we have adopted.

The CHAIRMAN. Debate on the pending section, and all amendments thereto, is now closed by order of the House.

Mr. REAGAN. I desire to offer an amendment to the amendment.

The CHAIRMAN. That is in order.

Mr. REAGAN. I move to amend the amendment of the gentleman from Indiana [Mr. HOLMAN] by striking out "$600 per mile" and inserting "$500 per mile;" so as to make the maximum compensation of the railroad companies $500 a mile. I have several times called attention——

The CHAIRMAN. It is in order to offer an amendment to the amendment, but it is not now in order to debate amendments. The House instructed the Committee of the Whole to close debate on this section and all amendments thereto after twenty minutes.

Mr. REAGAN. I would like permission for one moment to state my reason for offering the amendment. I ask unanimous consent.

The CHAIRMAN. The Chair is not empowered even to ask unanimous consent for an extension of the time; but, if no member objects, the Chair will not.

Mr. REAGAN. Mr. Chairman, the mails were carried with as much expedition and celerity up to the passage of the act of 1873 as we are likely to have them carried hereafter; and they were then carried for a maximum pay of $375 a mile. If we now allow $500, we add $125 to the pay allowed at that time. What is there in the growth of this business between 1873 and 1876 that makes it necessary to increase the maximum compensation from $375 to $600 a mile, the amount proposed by the gentleman from Indiana. Is it true that the former compensation was inadequate? I do not believe that it was. I believe that it paid the companies who carried the mails better than their freight or passenger carriage. Is it proposed to give them a mere gratuity over and above what the service is worth because they demand it? I know how difficult it is to resist the combined influences of such vast power as that of these railroad companies when legislation is to be had. I know the many forms in which those influences operate, the power of these corporations to concentrate agencies here to secure such action as suits them. But, sir, it seems to me evident without specific argument that there is no sufficient reason for increasing the compensation for carrying the mails $225 per mile within three years. The maximum amount paid prior to 1873 being, as I have stated, $375 a mile, I cannot but believe that $600 a mile is exorbitant and unreasonable. So believing, I have offered this amendment to reduce the maximum to $500 a mile, which seems to me sufficient.

Mr. HOLMAN. I will withdraw my amendment for the present. I am anxious to fix the lowest limit which is believed to be consistent with the efficiency of the service.

The CHAIRMAN. The gentleman from Texas has offered an amendment to the amendment; and unless that be withdrawn the amendment cannot be withdrawn.

Mr. HOLMAN. Very well; I leave my amendment pending. The result will be the same.

Mr. FOSTER. Would it be in order now to move to strike out the section?

The CHAIRMAN. Not now. There are pending two amendments to the text of the section and a substitute for the section.

The question being taken on the amendment of Mr. REAGAN to the amendment of Mr. HOLMAN, it was agreed to.

The amendment of Mr. HOLMAN, as amended, was adopted.

The question then recurring on the substitute of Mr. CANNON, of Illinois, it was not agreed to; there being ayes 30, noes not counted

Mr. FOSTER. I move to strike out the section. Mr. Chairman, it is evident——

Mr. HOLMAN. Debate is closed.

Mr. FOSTER. I hope I shall be allowed five minutes.

Objection was made.

Mr. CANNON, of Illinois. I rise to a question of order. Would it be in order to move that the committee rise with the view of extending for ten or twenty minutes the time for debate?

The CHAIRMAN. It is always in order for the committee to rise; the Chair cannot control that; but the motion is not debatable.

Mr. FOSTER. I hope there will be no objection to allowing me to explain my motion.

Mr. HOLMAN. Would it not be better for the committee to rise and extend the time, inasmuch as it is contrary to the rules for the Committee of the Whole to reverse the order of the House.

The CHAIRMAN. If there be no objection, debate can be extended for five minutes.

Mr. FOSTER. Mr. Chairman, it is evident that the House and the committee do not thoroughly understand this question. In the first place, the committee proposed to the House the principle of compensation by space and speed, fixing the rates from 6 to 9 mills, thereby saving to the country the benefits of what is known as the fast-mail service. That was amended, and the clause in regard to 8 and 9 mills was struck out. That was again amended, and 5 and 6 mills were substituted for 6 and 7 mills. To-day in this House another amendment has been proposed, limiting the total cost to $500 a mile. The present cost of the fast-mail is $1,000 per mile, and to my certain knowledge there is not a single company that wants to do this service at the price we now give.

The effect of all this is completely to destroy all the present mail facilities. It reduces the expense of running these trains to less than $1,250 a trip—a thousand miles running at forty miles an hour carrying four cars at $1,250 a trip. This is simply impossible, and it strikes me, Mr. Chairman, the best thing we can now do is to strike out this section and refer it to the Committee on the Post-Office and Post-Roads, and let them examine into the matter thoroughly.

There is one point I omitted. Something has been said about railroads. I hold in my hand a letter from the president of the Pennsylvania Railroad, in which he takes exception to these low rates, and I shall ask to have it printed with my remarks.

The letter was read, as follows:

PENNSYLVANIA RAILROAD COMPANY, OFFICE OF THE PRESIDENT,
Philadelphia, March 31, 1876.

MY DEAR SIR: This morning I am in receipt of House bill No. 2815, as presented by Mr. STONE, of Missouri, fixing the rate of compensation for the transportation of the mails.

When the representatives of the railroad companies were before your committee they suggested that if you would make the minimum rate of speed fifteen miles per hour, with the compensation of 6 mills per linear foot—with each five miles increase of speed increasing the rate of compensation 1 mill, say to 7, 8, 9 mills, &c.—it would to a certain degree give the railways a fair rate for the service performed.

The bill as now framed fixes, on the eleventh line of the first page, the minimum rate of speed at twenty-five miles per hour, and gives a compensation of 6 mills therefor. Either this rate of speed is too high or the rate of compensation too low. I would suggest as a matter of compromise, in order that this new system may be thoroughly tried during the coming year—in which case I know it will prove so satisfactory to the Department and so valuable to the Government and the public that it will always continue—that twenty miles shall be inserted instead of twenty-five, which will cover nearly all the roads in the country except those from which the Department exacts high speed. This would make lines 11 and 12 read "at a rate of speed not exceeding twenty miles per hour, 6 mills;" lines 15 and 16, "speed exceeding twenty miles and not over twenty-five miles per hour, 7 mills;" lines 19 and 20, "speed exceeding twenty-five miles per hour and not over thirty, 8 mills;" lines 23 and 24, "speed exceeding thirty miles and over, 9 mills."

This, as you see, makes no change in the rates fixed by the bill, but simply makes a reduction of five miles in the speed.

Will not you have this change made, and oblige yours, very truly,

THOMAS A. SCOTT, *President.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

Mr. HOLMAN. My friend knows that this is an argument in the interest of the railroads, and that is all there is about it. Every one of these matters, as he knows, has been considered fully by the committee. The gentleman has considered them himself, and the only objection he has is that it puts the rates too low.

Mr. FOSTER. And therefore destroys the mail service of the country.

The CHAIRMAN. All this discussion is out of order. The question recurs on the motion to strike out.

The committee divided; and there were—ayes 70, noes 77.

So the motion to strike out was disagreed to.

Mr. CANNON, of Illinois. I move in line 20 to strike out "25" and insert "50," and at the end of the section to add, "not less than $25 per mile for roads not carrying a route agent or mail-messenger."

Mr. HOLMAN. I hope that amendment will not be adopted. I think the present rate is enough. Many receive $20 a mile.

Mr. FOSTER. Only six miles long.

Mr. HOLMAN. There are three roads as low as $25.

Mr. CANNON, of Illinois. I wish to ask the gentleman a question.

The CHAIRMAN. Debate is not in order.

Mr. CANNON, of Illinois. The gentleman has gone on by unanimous consent and I ask the same courtesy. Is it not true that eight feet of space is enough to carry from two hundred to five hundred pounds, and they have cut down roads now getting from $50 to $75 to $25 and $35.

Mr. HOLMAN. Some are as low as $25.

The amendment was disagreed to.

The Clerk read as follows:

SEC. 10. That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their road at such price as Congress should by law direct, shall receive only 80 per cent. of the compensation authorized by the seventh section of this act.

Mr. CANNON, of Illinois. In order to get the question before the committee, I move to strike out section 10, which is as follows:

SEC. 10. That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their road at such price as Congress should by law direct, shall receive only 80 per cent. of the compensation authorized by the seventh section of this act.

Now, Mr. Chairman, I doubt the wisdom of this section. The first railway which was built in this country by a land grant was the Illinois Central Railroad by a grant made to the State of Illinois and by the State to a company. At that time it was doubted whether or not the Government could compel a railroad company to carry the mail. I believe even at this time it is a matter of some doubt; at least it is a matter upon which gentlemen disagree. That being the case, I take it that the provision inserted in the act making a grant of lands to the State of Illinois was to set that question at rest, at least so far as those railroads were concerned. Whatever question other railroads might make as to whether they would carry the mails at such price as the Government should provide, these railroads could never raise any such question. I do not believe Congress contemplated at the time it made the original grant that one rate of pay should be fixed for that class of roads and another for the other class of railroads.

Well, the railroad was built across and through the prairies of Illinois, where at the time the grant was made you might travel almost for days and not find a house or a farm. The country has been developed by the construction of the road. The Government placed a price of $2.50 an acre upon the alternate sections of land, and sold what it retained for as much as the whole would bring at $1.25 per acre. More than that, the Government got customers for its lands outside of the belt granted to the State. More than that, since this grant of lands to Illinois a great and powerful Commonwealth has grown up there—the third or fourth in this Union. A State has been there developed, and that development hastened by a quarter of a century by this land grant that pays millions of dollars annually, more internal-revenue tax than any other State in the Union—last year alone over $17,600,000, and this year over $20,000,000.

That is what the land grant did, and now the gentleman from Indiana comes in here and proposes to make that railroad carry the mails at 20 per cent. less than other railroads. Now, who pays that 20 per cent. that is cut off from this road and allowed to other roads? I answer, the men who went out there as pioneers and settled up the country, took up the land, made the farms, raised the corn, built the distilleries that pay this revenue. The men that live along the line of road have to pay the rates fixed for freight and passenger carriage, and if the amount fixed by this bill for payment of railways generally for carrying the mails is only sufficient to compensate such railways for the bare cost of carrying the same, as gentlemen claim, then the cutting off of 20 per cent. from that bare cost as to the Illinois Central Railroad and other land-grant roads results in a loss of just 20 per cent. to the railroad.

Now, then, the railroad gets its revenues from carrying the mails and from transporting passengers and freight, in the main the passengers living and the freight being produced in the section of country contiguous to the railroad; so what is lost to the road in not getting the cost of mail service will of course be added by the railroad as an additional burden upon the freight and passenger traffic. To illustrate, say it actually costs per annum (for the argument) the railroad $100,000 to carry the mails, $100,000 to carry the passengers, and $100,000 to carry the freight, making a total of $300,000. By this section the railroad gets from the Government $80,000, which is a loss of $20,000, and the railroad will not only get the $100,000 by charge to passengers and $100,000 by charge on freights, but will put the $20,000 lost by carrying the mails upon the freight and passengers, which the Government should have paid. That is, the people along the line of the road will have to pay the $20,000 that all the people of the United States should pay and that all the people of the United States do pay as to all roads other than the Illinois Central Railroad and land-grant railroads.

This is a scheme of the Committee on Appropriations to tax the people that live along the Illinois Central Railroad from Chicago to Cairo and from Centralia to Dunleith more than the balance of the people of the United States are taxed, and to do it under the guise of taxing a railroad company. Why whip the devil around the stump? Why not be manly about it, and provide by a bill with a preamble reciting whereas Illinois is a great State and pays more internal revenue by millions than any other State, therefore be it enacted, &c., that the people of Illinois shall not only pay their due proportion toward transporting the mails, but shall also pay a part of the amount the people of Indiana, Massachusetts, New York, and other States should pay? Mr. Chairman, the section should be stricken out.

Mr. WILSON, of Iowa. I desire to offer the amendment which I send to the desk, to perfect this section before it is stricken out.

The Clerk read as follows:

Add to the end of section 10 the following:

Provided, That the 20 per cent. required to be retained by this section shall only be withheld after Congress shall by legislation have taken steps to prevent the said land-grant railroads from so increasing their charges as to assess the amount so withheld on the people doing business with them.

Mr. WILSON, of Iowa. The provision in this bill withholding from the land-grant railroads 20 per cent. of the amount allowed for carrying the mails, will save a large sum to the Treasury; but experience has taught citizens of the States where those roads are located that where their tariffs are restricted on one class of freight, equal or greater amounts are charged upon others. The State law of Iowa, for example, limits the charges on local transportation, but has not jurisdiction over shipments from points within the State to points outside of the State. The State does not reach either the lakes or the permanently open navigable waters of the Mississippi. Most of our shipments are to markets foreign to the State and her jurisdiction, consequently the railroads cannot be controlled in their charges on interstate commerce, and levy upon it as much as the State reduces their charges on local commerce.

Iowa has perhaps more miles of land-grant roads than any other State. The settler paid double entry for one section, the railroad company got the other. The United States Government lost nothing. The obligation of the railroad companies to carry the mails and munitions of war at a reduced cost, according to the terms of their charters, may be the most binding, but in the light of our experience in Iowa with these companies, I see very clearly that what is saved to all the people by this provision will be paid by the patrons of the roads living along them.

I think gentlemen will not fail to see the great injustice this legislation would inflict upon the most deserving class of American citizens. They have invoked the aid of Congress to remedy evils and correct abuses that have grown up with the growth of the corporations that carry the mails and transport to market the enormous surplus required in the East and shipped abroad. They have asked Congress to prevent extortion and discrimination where State law cannot reach, and so far their petitions have been denied. It has never entered the minds of any of them that they were to be selected as proper subjects of additional taxation. It is true the fertile acres of the Northwest yield abundantly. The States comprising this section are the most prosperous of any in the Union, but surely this House will hesitate even indirectly to lay heavier burdens upon the broad shoulders or fetter the strong arms or discourage the stout hearts that have made States out of the storm-swept prairies and garnished them with the accompaniments of civilized and enlightened life.

If you will go a step farther and prevent the large sum of money proposed to be saved to the Treasury from being assessed upon the people who are tributary to the land-grant roads, the controversy arising out of the legislation will be between the corporations and the Government; but if the corporations are permitted to exact the amount from the people that is to be saved by this clause to the General Government, the retrenchment of expenses affected in this case may be matter of satisfaction to some sections of the country, but will be bitter legislation for my constituents, who are tributary to two of these roads.

It seems that this House is anxious to investigate every Department of the Government, every individual connected with it, every interest with which our people are connected, except that of transportation, no matter in what shape this subject comes before this House, whether on call of the States, or on leave for unanimous consent, a majority in the one case or an individual in the other is ready to choke off favorable action.

The great producing Northwest is the plaything of a very few men who control our railroad system; combinations raise and depress rates at pleasure. This House while it refuses to consider this great and overshadowing question directly, must not indirectly add new burdens by placing part of the expenses of the Post-Office Department on us that should be borne by the general Treasury.

Now I want to call attention to one thing more while I am on my feet. The gentleman from Massachusetts [Mr. BANKS] the other day made these remarks, which I quote from the CONGRESSIONAL RECORD of May 13:

> How much have the people of the West paid for those railroads? As a matter of general fact, not one dollar. What the Government has not done capitalists have done, and by that aid they have got now in their hands those means of communication which will give them now or hereafter, if wise and just, the absolute control of the Government without the cost of a dollar to the people of the particular localities where the roads are established.

Sir, let me tell you something about what the people of the West have done to help build their railroads. Almost every man interested has contributed. Every village, town, and city has contributed. The State of Iowa permitted townships to tax themselves 5 per cent. to build these railroads.

Counties voted bonds upon themselves to the extent of $100,000 in some cases to help construct railroads. It has been carefully estimated by competent men that perhaps 20 per cent. of the total cost of all the railroads was contributed by the people living along the line, who do not receive any benefit at all in the way of stocks of the roads. It is therefore clear, having paid for the lands granted to the roads and paying liberally in donations, any action the General Government may take toward reducing the pay given for carrying the mails must not be at their expense.

And I want to say one thing more, for the benefit of those gentlemen who tell us here that they have bought stock in western railroads which have defaulted in the payment of interest and they have lost their money, that not one dollar was ever carefully invested in a railroad in Iowa that did not make a return of a reasonable amount of interest. The people are not responsible for all the bonds that may have been issued.

[Here the hammer fell.]

Mr. HOLMAN. This opposition to this paragraph is not unexpected. I have never known a measure brought before this House proposing to compel justice at the hands of railroad corporations that they did not appear upon this floor in pretty strong force. I understand that pretense of exempting the people of Illinois and of Iowa from taxation; I understand that very well; I have heard it before. I heard it when we attempted to impose taxes upon these land-grant railroads for the support of the Federal Government in the hour of its peril.

I would like to ask the gentleman from Iowa [Mr. WILSON] if, when the people of Iowa imposed taxes upon the railroad land-grant corporations, they added a clause that imposed such restrictions upon the charges made by the railroad corporations as that they should not add the taxes imposed by the State to the cost of transporting passengers and freight in the State?

Mr. WILSON, of Iowa. I will answer the gentleman by asking how the people of Iowa can prevent this money, which will be withheld under the tenth section of this bill, from being assessed on the transportation of their persons and property?

Mr. HOLMAN. Do I understand the gentleman to say that when they imposed taxes in Iowa upon these railroad corporations they added a clause providing that such taxes should not be added to the cost of transporting passengers and freight?

Mr. WILSON, of Iowa. I do not remember about that.

Mr. HOLMAN. I thought not; I saw the fallacy of the gentleman's argument at once. And yet he lives in a State that imposes a pretty heavy tax on railroad corporations, and yet they never dreamed of putting in a restriction.

Mr. WILSON, of Iowa. Will the gentleman allow me one moment?

Mr. HOLMAN. My friend must excuse me. He must bear in mind that every act of past Congresses making these grants of land to railroads contained, as a condition of the grant, the right of Congress to regulate the cost of transporting the mails, for the reason that it was considered but fair and proper that the value of those grants should be taken into consideration when fixing the compensation of railroads for transporting the mails.

In the Illinois Central Railroad bill you had a clause requiring that road to transport the supplies and troops of the Government free of charge. Yet that company obtained $3,500,000 from the public Treasury in the hour of this nation's peril for the transportation of the troops and supplies of the Government, and up to this time every effort has been insufficient to secure the refunding of that amount. That corporation was more than built by your munificent land grant; it is the wealthiest corporation in this country, built up by your munificence, and it is the last corporation that should come into this House and protest against carrying the mails at a fair and reasonable rate. We propose to pay the land-grant railroads what it is worth to convey the mails, but not a profit. It is the refusal to give them a profit on the transportation of the mails that excites the indignation of such corporations as the Illinois Central Railroad. That railroad has $3,500,000 of the public money in its treasury wrongfully obtained during the period of war.

Mr. WILSON, of Iowa. Allow me one minute.

Mr. HOLMAN. I do not object to the gentleman moving to add to this section a provision that the one-fifth deducted from the cost of transporting the mails by the land-grant railroad companies shall not be added by them to the cost of transporting persons and freight in the various States of this Union. But the amendment of the gentleman as now offered is so drawn up as to simply defeat this provision of the bill, for he makes it depend upon future legislation of Congress; and how soon that legislation can be effected no one can tell. His State can very readily apply the remedy, and say that no such addition shall be made, for that is under State control.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. FORT. I move to strike out the last word.

Mr. WILSON, of Iowa. Will the gentleman yield to me for one minute?

Mr. FORT. I will do so.

Mr. WILSON, of Iowa. There is no quarrel between me and the gentleman from Indiana [Mr. HOLMAN] upon this section. The people have asked and asked repeatedly, through every avenue by which they can reach Congress, that steps should be taken to prevent extortion and discrimination by railroads in interstate commerce. We passed a bill to that effect in the last Congress. I offered resolutions in this House to have the subject considered, and they were kicked out contemptuously. The gentleman now proposes to put a burden on my constituents that the Legislature of the State of Iowa cannot relieve them from. I only ask that it be not done until such time as

this Congress, the only power in the country that can protect the people in this matter, shall have done it. This is the only difference between us.

Mr. HOLMAN. Do the railroad corporations of Iowa add to the cost of transportation all the taxes we impose upon them?

Mr. WILSON, of Iowa. The people of Iowa are not able to prevent any tax levied by Congress from being assessed on interstate commerce.

Mr. HOLMAN. I ask the gentleman this question, When we tax these railroad corporations, do they add that tax to the cost of transporting passengers and freight?

Mr. WILSON, of Iowa. The States can regulate everything in regard to State commerce; but the gentleman knows very well that they cannot regulate interstate commerce.

Mr. HOLMAN. I will gladly join with the gentleman in restraining the cupidity of these corporations; but when he attempts to defeat a proper measure of regulation of these railroad corporations as to the amount they shall charge for transporting the mails, then I think he goes far beyond his duty in this respect. He should seek to accomplish both purposes, instead of defeating both.

Mr. WILSON, of Iowa. Just one word in conclusion. My friend from Indiana [Mr. HOLMAN] is a prominent man in this House. This is a democratic House. I have no influence here to secure protection for my people. I say that he and other gentlemen who have influence on that side must not put weights of this kind upon us before they make it possible, through some machinery, for our constituents to be protected.

Mr. HOLMAN. My friend and his political associates had control of this House many years. Why did they not pass such a measure as he indicates?

Mr. WILSON, of Iowa. We did pass a bill here in this House.

Mr. HOLMAN. And it was passed by democratic votes. Why did it not pass in the other branch of Congress?

Mr. WILSON, of Iowa. I am not a member of the Senate, and never was.

Mr. FORT. Mr. Chairman, I do not rise to defend the Illinois Central Railroad Company, although both branches of that road pass through my district; nor do I wish to defend any other railroad corporation. We generally find that those corporations can defend themselves. But I do think that my friend from Indiana in what he has said has, unintentionally no doubt, misstated the facts in speaking of the Illinois Central Railroad Company as having demanded and received $3,000,000 for transporting troops and munitions of war during the late war. It may be true that that railroad company has been paid $3,000,000; but for what? Does the gentleman claim that, although it is stipulated in the law that they shall transport troops and munitions of war free, the company was bound to furnish its cars, its men, its oil, and to do all this work for nothing during the four years of the continuance of the war? Of course that is unreasonable. But the gentleman knows, as does every one who has investigated the subject, that the Illinois Central Railroad Company did not get as much for transporting troops, &c., as other companies received. This company was paid for service, for the men it employed, for the oil and coal it burned, not for the use of its road. The gentleman from Indiana should not mislead the House in this regard.

So far as regards his claim that this railroad company should now transport the mails cheaper than others I am with him if he can saddle the difference upon the road. But there is the difficulty. As has been well asked by my colleague [Mr. CANNON] and the gentleman from Iowa, [Mr. WILSON,] can this company be compelled to bear this burden and not saddle it on us? If the gentleman will devise some means by which that railroad company will be compelled to carry these mails for 80 per cent. of the ordinary compensation and not charge the remaining 20 per cent. upon those who happen to live along their line, then, of course, I would be disposed to support his proposition.

Mr. HOLMAN. But one word, and I shall then ask the House to close debate on this paragraph. My friend from Illinois is mistaken simply in this: The law making the grant to the Illinois Central Railroad Company contained this provision: "The said road shall be a public highway for the transportation of the troops and supplies of the United States, free of toll or other charge;" yet that company, taking advantage of the peril of the Government in the years 1862, 1863, and 1864, received from the Treasury over $3,000,000. On two occasions, upon the motion of a distinguished citizen of that State, who like a man stood by the people of Illinois and of this country in their hour of peril, this House incorporated upon an appropriation bill a provision instructing the Attorney-General to bring suit to compel that corporation to disgorge that money. But that measure was twice defeated in the Senate; and the gentleman understands as well as myself the agencies through which that measure was defeated.

Mr. FORT. Does the gentleman claim that the Illinois Central Railroad Company ought to have transported troops and supplies free during all that time?

Mr. HOLMAN. By every reasonable interpretation of the law, by the language used in the debates at the time the bill was passed, and by the nature of the corporation, that company was bound to transport the troops and supplies of the Government free from toll or other charge.

Does the gentleman want me to go into the history of that transaction? Does he not know that the recital of the conduct of every man connected with the Illinois Central Railroad, as well as of other corporations which received munificent grants from the Government, would make every citizen blush with shame—I mean their selfish conduct in the hour of the nation's peril. I have but this to say, that we propose to pay these railroad corporations what it will cost to transport the mails. We do not propose that roads built by our munificence shall reap a large profit from the transportation of the mails. Gentlemen attempt to shield these railroads under the pretense they are sheltering the citizens of the State. It is a far-fetched argument and will not answer. The object of the amendment is to put these land-grant railroads upon the same footing with the others. We literally built those land-grant railroads, and we propose to pay them what it costs to transport the mails.

I ask by unanimous consent that all further debate on this paragraph terminate in five minutes.

Mr. CANNON, of Illinois. Say ten minutes and I will not object. My colleague wants five minutes, and I also want five minutes.

Mr. HOLMAN. Unless that is agreed to I will move that the committee rise.

Mr. CANNON, of Illinois. The gentleman from Indiana cannot make his attack by innuendo and then refuse to permit reply by cutting off debate.

Mr. HOLMAN. I propose to allow five minutes, and to give the gentleman that five minutes.

Mr. CANNON, of Illinois. But my colleague also wants five minutes. Say ten minutes and I will not object.

The CHAIRMAN. Is there objection to debate being closed on this paragraph in five minutes?

Mr. CANNON, of Illinois. I object.

MESSAGE FROM THE SENATE.

The committee informally rose.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced concurrence in amendment of the House to the bill (S. No. 679) relating to interments in the Congressional Cemetery.

It further announced the passage of the following bills, with amendments; in which concurrence was requested:

A bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made; and

A bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York.

It further announced the passage without amendment of a bill (H. R. No. 2286) to further provide for the building of a custom-house and post-office, court-rooms, &c., in the city of Memphis, Tennessee.

The committee then resumed its session.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I move that the committee rise, for the purpose of closing debate on the pending paragraph.

Mr. CANNON, of Illinois. There is no necessity of the committee rising if the gentleman will only agree to close all debate in ten minutes.

Mr. HOLMAN. I think five minutes is enough.

Mr. CANNON, of Illinois. I object, unless we have ten minutes.

Mr. HOLMAN. I will yield to the demand for ten minutes, and will divide that time with the gentleman.

The CHAIRMAN. Is there objection to closing debate on the pending paragraph in ten minutes?

There was no objection, and it was ordered accordingly.

Mr. WILSON, of Iowa. I now withdraw my amendment in order that the gentleman whose time I took may renew it.

Mr. FORT. I renew the amendment.

The gentleman from Indiana in his zeal, I think, misrepresents the true state of the facts which transpired during the late war. He knows, and if he does not any gentleman of the House can soon learn the fact, that there were months during that time when the Government monopolized every single freight-car on the Illinois Central Railroad, and would not allow a citizen a single car for the transportation of his corn, or oats, or wheat. The Government took possession of every one of them, and every freight-car for months was employed in Government transportation. The gentleman under the law certainly will not claim this railroad was compelled to render all the service it could perform to the Government free of charge. How, then, could the company pay its men? How could the company pay its expenses? Such a demand is utterly unreasonable. The emergency which then arose was unlooked for. Nothing of the sort was or could have been foreseen when the building of the railroad was undertaken under the land grant made to the State of Illinois.

There were times when the road was entirely under the control of the Government—completely monopolized by the Government. There were times when even passengers were not taken over the road. The transportation of troops and munitions of war and supplies occupied the entire road for months, and for months nothing else could be done upon it. This is well known to men who lived along the line of the road. It is known that men were broken up who had purchased grain, and corn, and other supplies, and desired to get them to market, but could not do so for months simply because the use of the road was monopolized exclusively by the Government.

Now, sir, let me get back to the question which we have here. I say

to the gentleman from Indiana if he can compel the Illinois Central Railroad to do this service for 80 per cent., all right; but he cannot do it. The gentleman may say that he will pay them but 80 per cent.; but we must make up the other 20. He says that the Government built the Illinois Central Railroad. I will confess that the land grant was the occasion of the building of that road. But what did the Government lose? As has been stated, they got $2.50 per acre for every other section, and much of it was sold for $5 and some for $10 an acre. The records of the Department will show that the Government got more money for their alternate sections than they would have got for the whole of their land if they had sold it for $1.25 per acre. It was a benefit to the Government, it was a benefit to the railroad company, it was a benefit to the people of the State of Illinois. It benefited that country, and brought it forward faster than would have been the case otherwise.

But, Mr. Chairman, the gentleman from Indiana so far has failed to show us how we can compel the Illinois Central Railway Company to bear this burden. The people of some other country, perhaps of the East, perhaps of England, have built the Illinois Central Railroad as they have built other railroads in the West, and I say that in all fairness they are entitled to their dividends. We are not to suppose that they were persons so disinterested, so benevolent, as to contribute their means to make improvements for us without the possibility of making profit for themselves; and I say when they have a chance of making a profit they are entitled to it. And it is little less than repudiation for us to turn upon them and say you shall not make a reasonable profit on your investments. I think all such arguments as that should go for nothing; it certainly is not becoming for gentlemen on this floor to insist upon them.

[Here the hammer fell.]

Mr. HOLMAN, and Mr. CANNON of Illinois, rose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois, [Mr. CANNON.]

Mr. HOLMAN. Then there will be two speeches on the same side, instead of one for and the other against.

The CHAIRMAN. The Chair understood that the gentleman from Indiana [Mr. HOLMAN] allowed ten minutes to the other side on this question.

Mr. HOLMAN. I did not intend to allow the whole of the last five minutes to go to the other side.

Mr. CANNON, of Illinois. After I have had to beg ten minutes of the gentleman, he wishes to take back part of the time.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. CANNON, of Illinois. I hold in my hand the original land-grant act making this grant to Illinois and other States. In its fourth section it provides—

That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other; and the said railroad and branches shall be and remain a public highway, for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

That is one section. Then the sixth section provides—

That the United States mail shall at all times be transported on the said railroad under the direction of the Post-Office Department—

Not free, but—

at such price as the Congress may by law direct.

Now, it is not necessary to discuss the first section I have read. It has been discussed in this House years ago, long before I had the honor to be a member of Congress. Some gentlemen say that the railway company ought to have done all the transportation free of charge for the Government and furnished the rolling-stock and employés without charge. Others say the company was only bound to let the Government have the use of the track, &c., without charge. I do not know which is the proper legal construction of the act. That was settled by a former Congress, at least for the time being. If, however, the gentleman from Indiana should see proper to introduce a resolution instructing the Attorney-General to bring suit against the company for the recovery of amounts paid by the Government to that road for transportation, let him do so; and if it passes, then the courts can pass upon the question. But the gentleman comes with this other proposition. It is not right that he should go back and drag in this old matter as a make-weight to carry his unjust and improper proposition in reference to the question now pending. The rights of the Government as to the transportation of the mails under the section last quoted are very different from its rights under the first section quoted.

O, yes; the gentleman is very astute; he is very good at argument and is very good at subterfuge. If he can only introduce some proposition under the pretext of economy and mix it up with something that happened years before that was done wrong, as he alleges, so as thereby to pull his measure through right, not upon its merits, but upon a matter arising under an entirely different section of the law, then he is all right, and I suppose he calls this kind of thing statesmanship.

Let me allude to another point in this connection. The gentleman from Indiana says he wants to compel those land-grant railroad companies to carry these mails for what the work is worth, and not to give a large profit to them for carrying the mails, therefore he cuts them down 20 per cent. below other roads. O! I thought the gentleman contended that his bill here was only paying the railroad companies generally the mere cost of carrying the mails. He blows hot out of one corner of his mouth one minute, and the very next minute he blows cold, and says that 80 per cent. of the amount he proposes to allow to the railroad companies of the United States is a fair compensation for carrying the mails and the other 20 per cent. is a large profit. That is the gentleman's consistency. I wish he would hang together for ten minutes upon some proposition or other in reference to this matter. First it is very cheap; first it is bare cost; first it is low enough for all the railroad companies of the United States; and the next minute 80 per cent. is enough and covers the cost, and he does not want to pay more than the cost to these railroad companies for carrying the mails.

The right way and the fair way is not to deceive or impose upon anybody. It would be the part of statesmanship to examine the law itself and the circumstances under which it passed to ascertain what it meant, and after you have done that, do what is right about it and quit trying to cheat somebody; when I say cheat somebody, I mean trying to deceive somebody; in other words, trying to drag through an unjust bill in the interest of the great railways to pay them for carrying the mails that will cost the Government millions of money more than the present system, and then diverting the attention of the people from the unjust features of this bill by saying we pay those land-grant companies 20 per cent. less than other companies. I appeal to the future, should this bill become law, to say who is right, the gentleman from Indiana or myself. I appeal to the intelligent judgment of the future to decide who is standing here and advocating legislation in the interest of railroad companies, the gentleman from Indiana or myself.

[Here the hammer fell.]

Mr. WILSON, of Iowa. I ask unanimous consent that the gentleman from Indiana may have five minutes.

Mr. PAGE. I object.

Mr. HOLMAN. I do not ask for five minutes; you gentlemen on the other side have had all the time you desire.

Mr. WILSON, of Iowa. The gentleman from California seems to find it convenient to object at all times.

Mr. PAGE. The gentleman from California will object whenever he feels like it.

The question was taken on the amendment of Mr. WILSON, of Iowa; and on a division there were ayes 29, noes not counted.

So the amendment was not agreed to.

The question recurred upon the motion of Mr. CANNON, of Illinois, to strike out the tenth section of the bill; and on a division there were—ayes 44, noes 67.

Mr. CANNON, of Illinois. I call for tellers, as no quorum has voted.

Tellers were ordered; and Mr. CANNON, of Illinois, and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported ayes 36, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read as follows:

SEC. 11. That section 4017 of the Revised Statutes be so amended as to read as follows:

"SEC. 4017. The Postmaster-General may employ such a number of special agents as the good of the service and the safety of the mail may require. Such agents shall be paid a salary at the rate of not more than $1,600 a year each; and they shall be allowed, on proper vouchers, for living and incidental expenses actually incurred while traveling and absent from their headquarters in the discharge of their official duties, not exceeding $5 a day: *Provided*, That in the employment of such special agents the appropriation made in the first section of this act for mail depredations and special agents shall not be exceeded."

Mr. FOSTER. I move to strike out that section. I believe that the only difference between that section and the law as it now stands is in regard to the manner in which these special agents shall be paid. Under the present system they are allowed a per diem. This proposition is that these expenses shall be paid by vouchers. Now, this is a special agency—a detective service to a certain extent—and I think every gentleman must see how difficult and embarrassing it must be for the special agent to be compelled to take vouchers for the expenses he incurs. Under the present system the management of this branch of the service is perhaps superior to anything we have ever had. It is sustained in the present form by the Postmaster-General and by the head of the special agents, and I think it would be a mistake to compel special agents to take vouchers. They have to travel under cover—sometimes under two names—and it will be seen how difficult it will be to take vouchers for their expenses. The present system, in my judgment, is the most correct.

Mr. HOLMAN. My friend is mistaken as to the effect of this provision. Its object is to limit the allowance to the special agents employed by the Post-Office Department. Under the existing law they get a salary of $1,600 and I believe $5 a day for expenses during the entire year, making a very large salary, as my friend will observe. The object of this change of the law is to pay them the same salary, $1,600 a year, and to pay them in addition to that their actual expenses incurred in traveling while on service. Under the present law these agents while stationed here at headquarters receive $5 a day for expenses.

Mr. FOSTER. Not all of them.

Mr. HOLMAN. I understand they all do.

Mr. FOSTER. Some of them get only $3 and some $4 a day.

Mr. HOLMAN. The object of this provision is to pay them extra compensation whenever they are actually employed. My friend does not believe that it is true policy to pay them per diem expenses,

largely increasing their salaries. Rather than do that, the present salary of $1,600 should be largely increased. The salary should be a specific sum. The object of this provision is to pay the same salary, but only actual expenses while on duty, and the voucher required is not the voucher of railroad companies or hotel-keepers, but of the agent himself. He makes out his own account, and there is no embarrassment about it.

I am quite confident that my friend ought not to press this motion. I will say further that this section was not only adopted by the Committee on Appropriations but was very carefully prepared by the Committee on Expenditures in the Post-Office Department.

Mr. FOSTER. I have only one word to say in answer to the gentleman. This allowance of three, four, or five dollars a day for expenses is not considered as an increase of salary. The allowance is made to cover the expenses of these agents, and the Department find it is better to make an allowance of so much money than to pay on vouchers. I think perhaps that the Department of the Interior works on the other principle in relation to this matter, but it is true that this special service in the Post-Office Department is superior to any such service in the country. The present head of it and the Postmaster-General desire the retention of the present system, not because it increases salary, but they prefer the present mode of paying expenses.

The question was taken upon Mr. FOSTER's amendment to strike out the twelfth section, and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 13. That section 4020 of the Revised Statutes be so amended as to read as follows:

"SEC. 4020. The Postmaster-General may appoint one special agent as superintendent of the railway-postal service at a salary at the rate of $2,500 a year, and not to exceed six special agents as assistant superintendents of the railway-postal service at a salary at the rate of $1,600 a year each; and the superintendent and assistant superintendents shall receive such additional allowances only as are provided for by section 4017, which allowances, together with their salaries, shall be paid out of the appropriation for the transportation of the mail; and the Auditor of the Treasury for the Post-Office Department shall charge to the appropriation for the free-delivery system the salary and allowances made to one special agent who may be detailed for that service; and the salary and allowances made to not exceeding five special agents who may be detailed for employment in the money-order service shall be paid out of the proceeds of that service: *Provided*, That nothing in this section shall be construed to prevent the temporary detail of any special agent in the employment of the Post-Office Department for special agent's duty in connection with any branch of the postal service in cases of emergency."

Mr. FOSTER. I move to strike out section 13. This provision is offered in lieu of the present provision, which provides for two special agents and ten assistants. The purpose of it is to throw out of employment the special agent of depredations and to reduce the number of assistants by four. As I said before, there is no special agency service in this country, nor has there ever been one that began to equal in efficiency the present special agency service of the Post-Office Department. The existing force is composed of two special agents, one of whom has charge of the railway-mail service and the other has charge of depredations. There are ten assistants at present, and those ten are located one at Boston, one at New York, one at Washington, one at Atlanta, one at Saint Louis, one at Toledo, one at San Francisco, and one at large.

The present force have each in charge 7,500 miles of railroad, of 27,000 miles each of interior transportation, and an average of over 4,000 miles of postal mail service each. If the proposition of the committee is adopted, it will simply double the duties of these men.

Now, Mr. Chairman, so far as the chief of mail depredations is concerned, I hold in my hand a tabular statement prepared by the chief showing the operation of the service in that Department during the past year, which I incorporate as a part of my remarks.

Arrests made by special agents of the Post-Office Department from May 1, 1875, to April 30, 1876. Tried in State and United States courts.

Date.	Convicted.	Acquitted.	Nolle prosequi.	Escaped.	Failure of grand jury to find bill.	Forfeited bail.	Prosecution abandoned.	Dismissed.	Jury failed to agree.	Awaiting trial.	Total arrested.
1875—May	13	2	2	...	1	2	1	2	.....	4	27
June	8	...	3	1	3	1	2	1	.....	8	27
July	6	...	...	...	1	...	.....	1	1	11	20
August	10	1	3	....	1	...	1	1	.....	5	22
September	8	2	...	...	.....	2	.....	1	.....	9	22
October	16	...	.....	1	2	...	.....	1	.....	9	39
November	2	...	...	...	1	...	.....	1	.....	26	30
December	11	1	1	...	.....	...	.....	1	.....	10	24
1876—January	8	2	...	...	.....	...	.....	...	.....	13	23
February	7	...	...	...	.....	...	.....	1	1	13	22
March	2	1	1	...	.....	...	.....	1	.....	17	22
April	...	...	...	...	.....	...	2	...	.....	15	17
Arrested by special agents, but not tried in United States courts	...	...	...	...	.....	...	.....	...	.....	.....	125
Total	91	9	10	2	9	5	6	11	2	140	410

OFFENSES FOR WHICH ARRESTS WERE MADE.

Embezzling letters, mail and post-office robberies	259
Embezzling Government funds	11
Using the mails for fraudulent purposes	18
Mailing obscene literature	27
Other offenses	95
Total	410

CONVICTIONS.

Convictions from May 1, 1875, to April 30, 1876, from arrests made previous to May, 1875	58
Convictions from May 1, 1875, to April 30, 1876, from arrests as above enumerated	91
Total convicted	149

I undertake to say that if the provision proposed by the committee is adopted it will very seriously embarrass the operation of the Department.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. FOSTER. Certainly.

Mr. ATKINS. Under section 12 of the bill how could the service be embarrassed when the Postmaster-General has the right to appoint any officer of his Department as a special agent?

Mr. FOSTER. He has, but we have reduced his force 20 per cent. and the amount of the appropriation 50 per cent.

The opinion of that officer, who has been complimented time and again by gentlemen upon the other side—and he deserves compliments for his efficiency and ability—is that this provision will materially cripple the service.

Mr. STONE. I did not hear the opening remarks of the gentleman from Ohio, [Mr. FOSTER,] but I did hear him say that this provision will cripple the service of the Post-Office Department. It may be that it will cripple the service of the Department if he wants to continue the enormous salaries paid to these special agents. These special agents have a salary of $1,600, and receive in addition $5 a day for three hundred and sixty-five days in the year.

Mr. FOSTER. That is for expenses.

Mr. STONE. I beg pardon; it is not for expenses. I have here a statement from the Postmaster-General himself, giving salary, per diem, and incidental expenses of each of these special agents.

Mr. FOSTER. All I have to say is that if the salary is too large reduce it, but do not reduce the numbers.

Mr. STONE. The salary is just and right. The salaries for the year ending June 30, 1875, amounted to $87,481.31; the per diem amounted to $31,840.50. All I object to is the allowance of $5 a day for each day in the year.

Mr. FOSTER. The gentleman may understand this question better than I do; but I understand that the $5 a day is paid for expenses and that the sixty-one thousand and odd dollars is for expenses.

Mr. STONE. It is paid directly to them as a per diem, regardless of whether they incur any expense or not, and amounts to $1,825 each, which with the salary of $1,600 aggregates $3,425 per annum, and is not contemplated, as I claim, under existing laws.

Mr. WAIT. It strikes me that it would be most unfortunate legislation to change the law as it now stands and adopt the amendment proposed by the committee. Gentlemen know that the head of this department of the service has been there for years. He is a gentleman remarkably adapted to perform the very onerous duties of his position. He is a very intelligent man, and his men are trained to perform their duties. If you reduce his force you virtually strike a blow at that service which will destroy its efficiency. Under the existing law there are two special superintendents of the postal-mail service. How has he arranged it? He has placed one of these special agents in charge of the contract postal-mail service, and that gentleman discharges his duties as he should do and as I know he does and is entirely occupied in the performance of the duties assigned to him. Now, the other gentleman, let me say, requires the aid of every man on his force. They are not ordinary employés of the Post-Office Department; but trained to their positions they have been advanced by merit, and occupying connections with the Post-Office Department relatively the same positions that an intelligent detective force in one of our large cities occupies in relation to the regular police force of the city. Now, ought not men of that class, selected on account of their intelligence and advance, on account of their experience, be fully compensated? The present salary, as I look at it, is smaller than they should receive, and the extra allowance is expended for their traveling expenses. Break down this force and what will be the effect of it? The effect of it will be that the head of the Department will be deprived of the means of convicting and breaking down that class of men who are a nuisance to the community by sending through the mails licentious literature and debauching the people of the country.

Let me say to the chairman of the committee that I do not believe the great body of the American people would not regard this as a blow struck at the very vitals of this system. I know the gentleman who is at the head of this Department intimately; I know him personally; I know his ability; and I know it would be a serious public calamity to have the influence of that officer decreased or destroyed.

Mr. STONE. I desire to correct one statement made by the gentleman from Connecticut. I do not propose to reduce the number of employés under the superintendent of the mail service, nor will I detract from the merits of any gentleman connected with the railroad

mail service; but if the gentleman will take the roster of the Post-Office Department for 1876 he will find that the Postmaster-General has placed one of the superintendents of railroad mail service as chief of the special agents, and not superintendent of the railroad service. I have no objection to the salaries paid to these agents, but I do protest against their being paid $5 a day while they are doing duty at headquarters; but when they are ordered away they ought to be paid their expenses, as it will be found they are whenever traveling on business of the Department.

Mr. WAIT. A single word in reply to the gentleman from Missouri. If I understand him, the Postmaster-General has appointed an officer and clothed him with powers with which he had no authority to clothe him. I think the law is entitled to a liberal construction, and when I point out the evils which it is the duty of this officer to protect the country against, I say that the law should have that construction, and should not be construed like a criminal law. This gentleman is charged with the protection of the mails of the country, not only against preventing persons from stealing money out of letters, but to prevent the using the mails to befoul the public mind, by which the American people are shocked. I withdraw my formal amendment.

The question was taken upon striking out the section; and on a division there were ayes 38, noes not counted; so the motion was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 14. That no post-office or service on any mail-route necessary for the public service, and required for the proper and efficient distribution of the mails, shall be discontinued.

Mr. FOSTER. I move to strike out that section. This bill is absurd enough without this provision; we have stricken down fast-mail trains; we have decreased the mail facilities of the people, and now we propose to compel the Postmaster-General to create deficiencies. It strikes me that there was absurdity enough in this bill without this provision.

Mr. HOLMAN. I call for a vote.

The question was taken on Mr. FOSTER's motion, and it was not agreed to.

Mr. DIBRELL. I move to strike out section 14 and to insert in lieu that which I send to the Clerk's desk to be read.

The Clerk read as follows:

That no post-office or service on any mail-route now in existence or established by the present Congress shall be suspended or discontinued by the Postmaster-General on account of the amount herein appropriated.

Mr. DIBRELL. The object of my amendment is to protect the star routes, as they are called, and the small post-offices. Much has been said in the discussion of this bill in the interest of railroads and of post-office accommodations in the large cities. But not a word has been said in defense of the star routes, and the small post-offices in the interior of the country.

Mr. HOLMAN. There has been made by this House an unanswerable argument in favor of the star routes. In other words, we have appropriated for the star routes and steamboat service $600,000 more in this bill than was expended for that service in the last fiscal year. There was therefore no necessity for making any other argument in favor of the star routes. Yet my friend from Tennessee [Mr. DIBRELL] is apprehensive that the star routes will suffer; I think they are safe enough.

Mr. DIBRELL. My amendment, then, will do them no harm.

Mr. HOLMAN. My friend must see that the star routes do not need any protection. How are they established? Any one of my constituents, or of the constituents of the gentleman from Tennessee, [Mr. DIBRELL,] sends a communication to us asking for the establishment of a new route. We slip the memorandum into the little box at the Clerk's desk, it goes to the Committee on the Post-Office and Post-Roads, and the new route is incorporated in the annual post-route bill. Neither the gentleman nor myself ever thinks of examining the matter. Sixty per cent. more routes have been established at each session of Congress than service is put on. If every new route provided for in the post-route bill had to pass the examination of the member of Congress in whose district it is established, it would impose a very heavy duty upon members of Congress. I do not think that any of us ever considers the question of the necessity of these new routes. It is convenient to have them established. We have them on every road in the country. Nearly every turnpike road in the United States is a post-route. Sometimes a railroad runs right along by the side of the turnpike, and would my friend require that the mail should be carried upon the turnpike road, with a railroad running by the side of it?

The Ohio River at one time was a post-route established by law; but railroads have now been built on both sides of the river, running between the principal cities, and the mail service on the river itself has now been discontinued as unnecessary. I think the amendment of the gentleman is unnecessary. The language used by the committee in this section accomplishes all that my friend says he desires to accomplish by his amendment.

Mr. WHITE. I move to amend by striking out the last word, for the purpose of expressing my entire approbation of the amendment offered by the gentleman from Tennessee, [Mr. DIBRELL.] It is just such a provision as should be adopted. The gentleman in charge of this bill [Mr. HOLMAN] must see the utter worthlessness of all the new post-routes established by this Congress if no appropriation is to be made for them, or no provision passed by which a deficiency can be hereafter appropriated to put service on those routes. There have been several new routes established in almost every congressional district in the United States. What is the use of establishing these post-routes if there is to be no service upon them? And how can service be put upon them unless the Committee on Appropriations will allow a sufficient appropriation to defray the expenses?

If I apply at the Post-Office Department for an increase of service on any route, I am all the time met by the declaration that there is no appropriation for that purpose. When I ask that a new post-office be established where the postmaster would get only $12 or $15 a year, but the office is needed for the convenience of the neighborhood so that they may not be obliged to go fifteen or twenty miles for their mails, the Postmaster-General tells me that there is no appropriation for the purpose and he will not establish the office. I understand that this amendment covers such cases as these. In order that the committee may understand exactly the condition in which many localities of this country are placed, I ask the Clerk to read a letter which I have received from the Post-Office Department in confirmation of what I have said. I hope that letter will make some impression upon the gentleman in charge of this bill, if my remarks fail to do so.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, APPOINTMENT OFFICE,
Washington, D. C., April 24, 1876.

SIR: The application of your correspondent, * * * of Stanford, Kentucky, for the establishment of a post-office at Cumberland Falls, Whitley County, Kentucky, submitted with your indorsement of the 21st instant, is received.

In reply thereto, I have to say that in consequence of the uncertainty of congressional legislation in regard to the appropriation for postal purposes for the year 1877, the Postmaster-General is constrained to decide against the establishment of any additional post-offices at this time.

In order that the case may be prepared for future consideration, the usual letter of interrogatories as to locality, the population to be supplied, &c., has this day been sent to * * * the person recommended for postmaster, to the care of the postmaster at Young's Creek, Whitley County, Kentucky.

I am, sir, respectfully, &c.,

J. W. MARSHALL,
First Assistant Postmaster-General.

Hon. JOHN D. WHITE,
House of Representatives.

Mr. WHITE. As the First Assistant Postmaster-General writes me in regard to establishing new post-offices, so the Second Assistant Postmaster General will write to every member with regard to putting service upon these new post-routes. He will tell them that there is not a sufficient appropriation for the purpose. I would like to know what is the use of establishing post-routes, if you do not put service upon them? Does the gentleman in charge of this bill imagine that he is serving the people of this country by refusing to give them mail facilities? If he thinks so, I can tell him that he is mistaken. If I understand the wants of the people of this country, what they most desire is intelligence, above all things mail facilities by which they can speedily communicate with all parts of the country. It may serve the purpose of the party in power to keep the people in darkness during the campaign that is now approaching, but it will not do for all time; it will not do for the coming years. I beseech the gentleman having charge of this bill, as I do the entire committee, to make a sufficient appropriation to cover all the necessary expenses of this Department.

Mr. HOLMAN. How much does the gentleman want?

Mr. WHITE. I suggest that several million dollars be added to the amount proposed in the bill. [Laughter.]

Mr. HOLMAN. The young gentleman from Kentucky ought to say to his people that this House has appropriated $600,000 more for this service than was expended last year.

Mr. WHITE. That is not a sufficient answer.

Mr. HOLMAN. I am not answering the gentleman at all. But he should tell his constituents that at the time of the writing of this letter—a sort of letter which I have been receiving for sixteen years from the Post-Office Department, but with which I never troubled the House or occupied the space of the Congressional Globe or RECORD—at the time this letter was written this House was adding $600,000 more for the star-route service than was expended last year, and a larger sum for this particular service than was ever appropriated by Congress.

If the First Assistant Postmaster-General intends to say to the country that this House is embarrassing the proper administration of the Post-Office Department, he makes a statement that is not sustained by the records of this House. It does not become an officer of the Post-Office Department to pretend that Congress will not make the necessary appropriations. This letter is in one of its features very remarkable; different in temper and spirit from any that I have ever known to emanate from the Post-Office Department. I have received a great many statements from the Post-Office Department in regard to the establishment of post-offices and mail service.

Mr. WHITE. Did I not understand the gentleman to say that he had received just such letters from the Post-Office Department for sixteen years?

Mr. HOLMAN. The gentleman must excuse me. I have received a great many letters from the Post-Office Department during the last sixteen years, stating embarrassments in the way of establishing post-offices. Such things are proper enough. But to intimate an apprehension that Congress will not make the proper appropriations to sustain one of the Departments of the Government is unauthorized

and unwarranted. Such an intimation comes with very poor grace from one of those Departments, particularly when at the very time the letter seems to have been written we were appropriating a larger sum for this specific service than has ever before been appropriated; for gentlemen must remember that we are now appropriating definitely for the star-route service $6,800,000, though only $6,100,000 has been expended for such service during the last fiscal year.

I am sorry to say a word in regard to the Post-Office Department that is not kind and complimentary; for in the main I am pleased with the administration of that Department, but a letter of this temper, emanating from the head or a leading official of a Department and reflecting upon the intentions of Congress in regard to the proper support of one of the great Departments of the Government, I have never before heard read in this House, no matter what party was in power.

Mr. WHITE. Mr. Chairman——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. WHITE. I move to strike out the last word. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The motion to strike out the last word is the amendment of the gentleman from Kentucky already pending.

Mr. WHITE. I move then to strike out the next to the last word.

The CHAIRMAN. The Chair recognized the gentleman from Kentucky to make a formal amendment, which he has done; and he has occupied five minutes in discussing it. The gentleman from Indiana [Mr. HOLMAN] occupied five minutes in opposing it. Therefore, the Chair held that debate on the formal amendment was exhausted.

Mr. TOWNSEND, of Pennsylvania. I move to strike out the last word; and yield my time to the gentleman from Kentucky, [Mr. WHITE.]

The CHAIRMAN. That is the motion now pending.

Mr. HOLMAN. If the gentleman from Kentucky is anxious to be heard, I will withdraw the amendment that he may renew it. But I think we are consuming a great deal of time unnecessarily over this matter.

The CHAIRMAN. The amendment can only be withdrawn by unanimous consent.

Objection was made.

The question being taken on the *pro forma* amendment to strike out the last word, it was not agreed to.

Mr. FOSTER. I renew the amendment to strike out the last word, and yield my time to the gentleman from Kentucky, [Mr. WHITE.]

Mr. WHITE. I thank the gentleman from Pennsylvania, and also the gentleman from Ohio, for their courtesy and kindness. I wish to say a single word in reply to the gentleman from Indiana. He knows very well that I have voted in this House for every measure of retrenchment and reform proposed by the majority of the House that has been warranted by reason or by ordinary common sense. But whenever it is proposed to restrict mail facilities I must refuse to go with this majority. If I understand the temper of the American people, they not only wish but demand that they shall have first-rate mail facilities. The amount proposed by the committee to be appropriated is inadequate. We are told by the Postmaster-General, as well as by numbers of members on this floor, that it will not be sufficient.

The gentleman from Indiana objects to the letter which has been read from the First Assistant Postmaster-General. I appeal to the common sense of this House and the country at large whether that letter is not warranted by the "retrenchment and reform," so called, which has been attempted in this House all winter, and which is recognized in this House and all over the country as mere political clap-trap. Now I object seriously to any effort at retrenchment and reform which is calculated to restrict at present or in the future any privileges now enjoyed by the American people in regard to mail facilities.

Mr. HOLMAN. What measure of reform have you voted for at this session?

Mr. WHITE. Mr. Chairman, the gentleman from Indiana asks me what measure of reform I have voted for this winter. I ask the gentleman to look at the RECORD and see if he can what I have not voted for in the interest of retrenchment and reform. I think I went as far as the farthest in regard to the Military Academy appropriation bill. In my judgment I then threw out a suggestion to the House which at some future day I am sure will be adopted, and that is to limit this unwieldy body to two hundred members, thereby effecting a considerable retrenchment and most justifiable at this time. I also voted for the legislative, executive, and judicial appropriation bill. I do not know what other measures of reform and economy which have been proposed I did not vote for. If there are any, let the gentleman state them. I think I should be safe in referring the gentleman to the RECORD to see whether I have not voted for every measure of retrenchment and reform which has been proposed warranted by common sense. I will not vote for this one because it is not warranted by common sense or reason.

The people of the country demand better mail facilities than they have, and not to have the present mail facilities cut down. I ask this committee to make sufficient appropriation to defray all the expenses of the postal service for the next year. If gentlemen on the other side want political capital with which to go into the next presidential election, then pass this bill, but let them insert such a clause in it as that suggested by the gentleman from Tennessee, which will enable the Postmaster-General to go on and spend the necessary money, and look to a future session of Congress for a deficiency appropriation bill.

[Here the hammer fell.]

Mr. FOSTER. There are two minutes and a half left, and I propose to occupy that time.

I do not think, Mr. Chairman, the criticism made on the Postmaster-General by the gentleman from Indiana is entirely just. When that letter was written the Committee on Appropriations had reported to this House a bill in which it provided but $14,500,000 should be paid for the transportation of the mails. He had expended this year over $16,000,000. I think the gentleman's criticism was unjust, and that the Postmaster-General was simply exercising due caution when he saw this House intended to decrease his appropriation from $17,000,000, which was his estimate, down to $14,500,000, to look to the future and see how much he could reduce and retrench expenditures instead of increasing them. He had to give those gentlemen some answer, and he gave this one. It may not have been in the best taste, but I think the Postmaster-General knew what everybody else knows, that it is the disposition of the controlling power in this House to reduce expenses to a point which is so low that the service cannot properly be performed. We have a right to judge that by what they have already done. Take the legislative appropriation bill, and it is clear to every thinking man—indeed I do not believe there are twenty men in this House who do not know that several of the Departments under that bill will be seriously crippled if it should become a law as it has passed this House.

[Here the hammer fell.]

Mr. CHITTENDEN. I move to strike out the last word.

The CHAIRMAN. That is the motion now pending, but the gentleman can have the floor for five minutes to oppose it.

Mr. CHITTENDEN. Mr. Chairman, having had no special responsibility in regard to this bill, I have watched it during the various stages of its progress with perhaps a somewhat critical eye, and yet with a sincere desire to discover every possible, practicable, and useful reform involved in the measure proposed by the committee. I do not propose even to occupy my five minutes in commenting upon its conclusion, but I wish to say here, and have it go into the RECORD, that, in my judgment, as a practical business proposition it is utterly and absolutely impracticable, and therefore in the last degree discreditable to the two hundred and ninety Representatives of the United States. I will make but one suggestion to establish my point, and that is founded upon what appears at or near the very conclusion of the bill. The fourteenth section provides that no post-office or service on any mail-route necessary for the public service and required for the proper and efficient distribution of the mails shall be discontinued; and then, turning over the leaf, the bill states that the appropriations are diminished below the estimates and also below the expenditures of last year by $5,750,000. If it be possible for any man to invent a more impossible proposition than is here presented to the country, then I am incapable of appreciating the force of language.

The Postmaster-General reports that during the last year he succeeded in reducing the expenses of the Post-Office Department for the first time in the history of the country, I believe, to the extent of $48,000, and yet here the Committee on Appropriations—I do not speak of them as opposed to me in politics; I do not speak from any partisan position—but I say the Committee on Appropriations come here and require him to perform the same service and all necessary increase of service with appropriations diminished by $5,750,000! I say, it seems to me discreditable to the ordinary intelligence of the House of Representatives that such a bill should go out of this committee. It never can become a law, and it never can be executed if it does become a law; and for one I wish to be recorded as speaking of this measure proposed by the Committee on Appropriations, as a whole, as utterly and absolutely impracticable.

Mr. HOLMAN rose.

The CHAIRMAN. Does the gentleman from Ohio withdraw his motion?

Mr. FOSTER. I do.

Mr. HOLMAN. I renew it. I should like to ask the gentleman from New York whether he knows what the expenditure for the first three quarters of this year was, and, based on that, what would be the expenditure for this entire year? Is my friend able to state it?

Mr. CHITTENDEN. I did not hear the gentleman's question exactly.

Mr. HOLMAN. What is the current expenditure of the Department?

Mr. CHITTENDEN. I stated at the outset that I had not studied the subject, but merely referred to the last page of the bill, and I am not prepared to answer him accurately.

Mr. HOLMAN. Will not my friend answer me with some approach to accuracy?

Mr. CHITTENDEN. Will the gentleman address himself to the point I made, that what is proposed in this bill is utterly impracticable?

Mr. HOLMAN. Those glittering generalities may do at Brooklyn, but they will hardly do here when applied to the discussion of practical questions.

Does not my friend know that the whole expenditures of this year, based on the expenditures of the first three months, will not exceed for transportation $16,100,000? And does he not know that this bill

appropriates for that purpose very nearly that sum of money? Will my friend state now how much this bill appropriates less than the expenditures of this current year?

Mr. CHITTENDEN. This is the proposition I made: You require that the mail shall be carried, that there shall be no diminution in the public convenience, and that whatever is necessary shall be done according to the previous practice of the Government——

Mr. HOLMAN. Certainly.

Mr. CHITTENDEN. And then you require that it shall be done for $5,750,000 less money. What I say is that that is utterly impracticable.

Mr. HOLMAN. Now, if the gentlemen is able to state how much it cost to carry on the Post-Office Department for this year, we shall have a tangible point to begin at; but if my friend is not able to state what it costs for the present fiscal year, he should inform himself of that by looking into the record.

Mr. HOAR. Will the gentleman from Indiana allow me to ask him one question?

Mr. HOLMAN. Yes, sir.

Mr. HOAR. I would ask the gentleman cannot a man say that it hurts him to cut six inches off his head, although he may not know how tall he is?

Mr. HOLMAN. That may be a very good anecdote, but I do not see the point of it.

Mr. HOAR. The gentleman from Indiana says——

Mr. HOLMAN. I hope the gentleman from Massachusetts will excuse me. I have only five minutes, and cannot yield to him further.

By examining the record the gentleman from New York would have been able to furnish us the first point of importance in this inquiry, what the cost is to the Department for the present fiscal year. Now there are items of expenditure absolutely increased by this bill over the expenditure of last year. Last year the star and steamboat routes cost us about $6,100,000, in round numbers, while we appropriate this year half a million dollars more.

Mr. CHITTENDEN. The fast-mail line from New York to Chicago has been receiving $1,000 per mile, and by this bill you limit it to $600 a mile.

Mr. FOSTER. I think it is hardly fair in the gentleman from Indiana to say that we are appropriating half a million dollars more for the star routes. We made no appropriations for the star routes at all; we appropriate in bulk.

Mr. HOLMAN. The gentleman must excuse me, for that is a mere evasion, if I may be allowed to use the expression.

Mr. FOSTER. The evasion is on the other side.

Mr. HOLMAN. Last year it cost us $6,100,000; and do we not appropriate half a million dollars more for this purpose this year?

Mr. FOSTER. What did you appropriate last year for that service?

Mr. HOLMAN. We did not appropriate for it definitely, but in round numbers for that entire service. But I wish to say that, if my friend from New York will inquire a little more into the details of this service, the expenditure for the present and past years, if he will inform himself of these various details, and when he shall have devoted months to the investigation, then perhaps he may be justified in rising in his seat and denouncing the bill as impracticable and contrary to the common sense of this House, if such examination justified such sweeping remark.

Mr. CHITTENDEN. I did not say that. I said the bill was impracticable. I was very polite, and if my words have been taken correctly I think it will appear from the RECORD that I did not say a discourteous word. I certainly had no discourteous feeling.

Mr. HOLMAN. The gentleman is always courteous, but he pronounced the whole measure an absurdity, without even examining the details of expenditure in this Department during the past years or what they are during the present year. I hope, Mr. Chairman, we will now have a vote on this proposition.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee, [Mr. DIBRELL,] which the Clerk will report.

The amendment was again read.

Mr. HOLMAN. I ask that the original proposition may be reported to the committee.

The Clerk again read section 14.

The question being taken on Mr. DIBRELL'S amendment, there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. HOAR. I move to add, after the fourteenth section, the following:

Provided, That no stamped envelopes, newspaper-wrappers, or postal cards shall be sold by the Post-Office Department at less—in addition to the legal postage—than the cost, including all the salaries, clerk hire, and other expenses connected therewith, and cost of transportation per pound, including wrappers and cases, at not less than the lowest average cost per pound of the same as named in the letter of the Postmaster-General, in tabular form, under date of February 8, 1876, (Senate Miscellaneous Document 51, page 9,) and on all printed requests, stamped envelopes, fifty cents per thousand or half thousand envelopes.

I desire to have for a moment the attention of the committee to this very important proposition, and I hope I shall have the support of both sides of the House, as I know already I shall have the support of many members both of the Committee on Appropriations and of the Committee on the Post-Office and Post-Roads.

This amendment in substance prohibits the Postmaster-General from selling stamped envelopes and newspaper-wrappers at a price less than the actual cost to the Government. That is the whole of it in substance. The Post-Office Department contracts for envelopes and prints upon them the name of the sender with the direction to return if not called for within a certain time, procures newspaper-wrappers and transports them to different parts of the country and sells them at a loss, at an actual loss to the Government, as demonstrated by some tables which I have in my hand, amounting in all to upward of $2,000,000 a year.

In other words, while we are endeavoring to reduce the expenditures of the Post-Office Department to the lowest mark, while we are economizing in the matter of new post-offices in the sparsely-settled regions of the West and for the thickly-settled regions of the East, business men, wealthy, active business men, who use stamped envelopes, have their names stamped on them and tax the people to the amount of over $2,000,000 a year for the purpose of giving them that business facility. The effect of it is twofold: first, it increases by this large amount the deficit of the Post-Office Department; and, second, it enables the Post-Office Department to give a bounty to a few favored manufacturers of envelopes at the expense of all the other envelope-manufacturers of the country, giving to these favored few $2,000,000 for supplying the Government with this important branch of the service. I have a statement here which occupies eight or ten pages of this little pamphlet made up largely of figures, and I ask unanimous consent to have it printed as a part of my remarks.

No objection was made, and the pamphlet is as follows:

Mr. Chairman and gentlemen, we appear before you representing the stationery, printing, and envelope interests, which are seriously affected by what we deem an unjust, unfair, and necessarily unequal competition. How large these interests are is best illustrated by saying they greatly exceed in number all the post-offices in this country, now numbering nearly thirty-six thousand.

Perhaps we cannot do better than lay our ground-work of complaint upon official data; and to begin with we beg to refer to the Postmaster-General's report, 1869, page 31, wherein he says:

"But the remaining cause of complaint has become intolerable, and must be removed, if the Department is to be saved from utter demoralization. The franking privilege has grown to be an abuse so monstrous that it now threatens the very life of the service."

Postmaster-General's report, 1869, page 32:

"It is clear, therefore, that all special privileges, to whomsoever granted, at the expense of the postal system, are hostile to the established theory upon which that system was founded, and has ever since been conducted, and that Government itself cannot justly claim such privileges, unless they can be shown to be essential."

Postmaster-General's report, 1869, page 34:

"If, therefore, the postage value of this free matter be computed at the minimum estimates of $1.25 per pound for letters and sixteen cents per pound for documents."

Postmaster-General's report, 1869, page 35:

"It will appear that the Government is bound in honor and justice to appropriate $5,000,000 instead of $700,000 for this service."

Postmaster-General's report, 1869, page 37:

"Should Congress conform to my recommendations in this respect, I confidently predict that millions will be saved annually to the Government, that the Department will be at once redeemed from its present condition of chronic bankruptcy, and that the postal service will speedily become the potent coadjutor of the people in developing and adorning our great country."

Franking privilege abolished July 1, 1873.

There seems, between the above and the clause following, from the same Postmaster-General, an inconsistency, which we cannot reconcile; if the abolishment of the franking privilege, in transportation of free matter will save $5,000,000 annually to the Department, how can 2,000,000 pounds of stamped envelopes, newspaper-wrappers, and postal cards be carried for nothing?

"Stamped envelopes are transported through the mails, it is true; but no mail contractor has ever asked or received any additional or extra compensation for that service; and were envelopes to be abolished entirely, it is very certain no abatement in the cost of transportation would be made. The envelopes are packed and delivered at the post-office in New York by the manufacturer, and at his expense; they are then handled, like other mail matter, by the Department's own officers and agents, until they reach their destination. No extra expense whatever is incurred; consequently the Department loses nothing."

Postmaster-General Jewell's report, 1874, page 28:

"For years the franking privilege was an incubus on the Department and an obstacle to efficient postal reform. Its abolition, for which we are largely indebted to the resolution and wisdom of my predecessor, opens the way for other measures which have yet to be inaugurated and pressed to a successful issue before the Department can become self-sustaining. While I do not flatter myself that I shall be able to accomplish this most desirable end during the short period of my service, I propose to keep it steadily in view, and to direct my best efforts toward its attainment. For the first time in the course of a life devoted actively to business, I find myself in charge of an establishment the expenditures of which largely exceed its receipts—a state of affairs which strikes with peculiar force a mind more or less disciplined by that close inspection of accounts enforced in mercantile pursuits. In ordinary business affairs there is but one end to this condition of things—bankruptcy."

Now, gentlemen, with all these official statements and data before you, how stands the yearly deficiency of the Post-Office Department? In 1869, $5,353,620.80; 1870, $3,969,383; 1871, $4,749,000; 1872, $6,310,602; 1873, $4,636,363; 1874, $7,815,878; 1875, $8,181,602.19; and for the centennial year it is estimated a general increase of 20 per cent., which would make the deficiency $9,817,922.63. This, since the abolishment of the franking privilege in July, 1873, which was to save $5,000,000 per annum.

If to this you add for the fiscal year 1876 the $5,000,000 (which was to have been saved, but was not, by the abolition of the franking privilege) you have a total prospective deficiency for the fiscal year 1876 of $14,817,922.63.

Having thus shown you the annual deficit for several years past and the prospective deficit for a year to come of nearly $10,000,000, it may be interesting at this point to make comparison of certain data. The Postmaster-General's report in 1869 estimated the cost of transportation of letters, &c., at $1.25 per pound and printed matter at sixteen cents per pound. In a letter to Postmaster-General Jewell, which we have before us, a most complete and exhaustive treatment of this subject-matter by George S. Bangs, esq., superintendent railway service Post-Office Department, we find the cost of carrying first-class matter, namely, letters, &c., $1.13-937 per pound, and the profit on this matter, 31.63 cents per pound; while on second class the cost is 14.28 cents, and on third class it is 20.07 cents per pound.

Therefore it will not be considered unfair to take this last and most elaborate and detailed statement, published within a few weeks, for our basis of comparison, namely: Total profit, first class, $4,212,390.70; loss, second class, $6,993,023.91; loss, third class, $4,113,915.53.

Profit, (as above,) $4,212,390.70. Loss, (as above,) $11,106,939.44.

We have a tariff to protect us from foreign competition; while we have a Department of the Government making war upon us, with a deficiency of $10,000,000 per annum, a large part of which deficiency supplies the sinews of war for that purpose.

We now propose to show you how a large part of such deficit affects the business interests we represent.

1. That the stamped envelopes now manufactured by the Post-Office Department are furnished exclusively for sale, and not for Government use.

2. That the manufacture and sale of stamped envelopes, and the printing of address cards on the same by the Government, without any charge therefor, is an unjust and improper interference with your petitioners' business.

3. That the Government thereby becomes a powerful competitor against all envelope manufacturers, printers, lithographers, stationers, and over 50,000 dealers throughout the country, for business which should be conducted solely by private citizens and with private capital.

4. That the Government, by soliciting orders for envelopes through its 36,000 postmasters and carriers, comes upon the market as a retail dealer, offering to print address cards on them without charge, in direct competition with envelope manufacturers, printers, stationers, and other dealers, none of whom can afford to print envelopes for their customers gratuitously.

5. That the Government delivers envelopes through the mails to all of its 36,000 post-offices without charge to the consumer, overburdening the mails by adding many hundreds of tons annually, and increasing the rates charged by transportation companies for the mail service. While your petitioners are compelled to pay for such transportation they cannot compete with the Government, which has its printing and transportation done at the public expense.

6. That supplying stamped envelopes at less than cost benefits only large firms and corporations, who are abundantly able to pay a fair price for making and printing envelopes.

7. That by this interference of the Government their business is largely diminished, their machinery reduced in value, many hands thrown out of employment, and a great want of confidence felt in the trade, because the regulation of the prices of envelopes can be made arbitrarily by a single officer of the Government.

8. That this action of the Government operates as an invidious discrimination against your petitioners, and one not made against any other class of manufacturers or dealers, and constitutes a dangerous precedent, which, if followed in other Departments of the Government on all articles requiring a stamp, would powerfully tend to discourage private enterprise, and concentrate in a single Department of the Government unwarrantable powers.

The envelope manufacturers, printers, and stationers respectfully represent that the United States Government, through the Post-Office Department, has been for some years past manufacturing, selling, and printing envelopes, together with newspaper-wrappers and postal cards, at or below their cost to the Government, and delivering the same through the mails to all parts of the country free of charge, at a loss to the Post-Office Department of the cost of transportation, handling, &c.; printing address cards on the same gratuitously for merchants and others, requiring a large and expensive clerical force to receive copy and transmit orders for the same, at a total estimated loss to the Department for the fiscal year 1875 of $4,925,736.

In justice to the Post-Office Department we ought here to explain that all the foregoing is carried as registered matter, for the reason that it is the representative of money, or is, in fact, so much money; that is, one thousand envelopes with a three-cent stamp thereon represent a value of $30, while the envelopes themselves may only be worth $2 and $3.

Postmaster-General's report, 1875, pages 6 and 7:

"To this Department, in the transmission of packages of postage-stamps, stamped envelopes, postal cards, and other supplies for postmasters, the system is invaluable, as from a total number of 359,462 registered packages transmitted during the year, the postal value was $25,477,511.24."

Of these registered packages, 62,099 were plain stamped envelopes, 42,199 printed stamped envelopes, 32,931 postal cards. Total number of registered packages carried for the year 1875, 359,462. Of these 104,298 were stamped and printed envelopes, and 32,931 were postal cards, the last two combined making a total of 137,229 registered packages, or 17,409 packages more than one-third of the whole number carried, representing in weight 2,000,000 pounds, and in money value $5,200,636, or one-fifth of total revenue of the Post-Office Department.

We have been at some trouble to find out the checks the Post-Office Department put upon so much money value passing through the mails as "registered packages." These checks seem ample and justly so. This is the process to get five hundred request envelopes into the hands of a consumer at his own post-office:

FOR THE FISCAL YEAR 1875.

	Registered packages.	*Registrations filed.*
Plain envelopes	62,099	43,673
Printed request	42,199	53,240
Postal cards	32,631	30,968
	136,929	127,881

1. Postmaster takes order, first blank.
2. Postmaster records order, first record-book.
3. Postmaster orders from Washington, second blank.
4. Postmaster mails to Washington.
5. Order received and recorded at Washington, second record-book.
6. Ordered from contractors, third blank.
7. Order from contractors recorded at Washington, third record-book.
8. Order received by United States agent at Government envelope-factory.
9. Order recorded by United States agent, fourth record-book.
10. Ordered by United States agent of contractor, fourth blank.
11. Received and recorded by United States agent, fifth record-book.
12. Mailed to postmaster by United States agent, sixth record-book.
13. Bill mailed to postmaster by United States agent, fifth blank.
14. Receipt given as registered matter, sixth blank.
15. Recorded by United States agent as mailed, seventh record-book.
16. Statement sent to Washington by United States agent, seventh blank.
17. Charged at Washington to each postmaster, eighth record-book.
18. Receipt returned by each postmaster.
19. Amount credited to contractor, ninth record-book.
20. Amount credited to United States agent, tenth record-book.
21. When paid by postmaster to credit to him, eighth blank.

Requiring ten record-books, eight blanks, and clerical labor, to do a business that pays the Post-Office Department nothing; in fact, creates a deficiency, an absolute loss.

We beg to call your attention to a few facts and figures on this subject.

Total receipts of the Post-Office Department from all sources for the fiscal year 1875, $25,500,000; $5,200,636 of which was collected by the use of—

72,285,000 stamped envelopes, plain	$2,046,111
54,631,000 printed envelopes, request	1,791,686
22,850,000 stamped newspaper-wrappers	286,679
107,500,000 postal cards	1,076,160
Total from the above four items	$5,200,636

The cost to transport this vast amount of merchandise and postal cards to post-offices was, on 156,000,000 of envelopes and newspaper-wrappers, averaging ten pounds to 1,000, packed in wooden boxes, estimating as per Superintendent Bangs's letter to Postmaster-General Jewell, December, 1875, on the business for the fiscal year, on 1,500,000 pounds first-class matter, at $1.14 per pound | $1,710,000
On 107,500,000 postal cards, averaging 7 pounds to 1,000, 752,500 pounds first-class matter, $1.14 per pound | 857,850
Cost of above 107,500,000 postal cards at $1.39½ per 1,000 | 150,500
Total cost | 2,718,350

Total receipts to Post-Office Department for above			5,200,636
Cost to send to post-offices in bulk as above	$2,718,350		
Cost to distribute to the people, namely, 150,000,000 envelopes and wrappers, 8 pounds to 1,000, $1.14 per pound	1,368,000		
107,500,000 postal cards, 6 pounds to 1,000, $1.14 per pound	735,300		
		4,821,650	
SPECIAL ITEMS.			
Salaries, &c., stamp and postal agents of Post-Office Department	22,000		
Extra compensation to New York and New Haven Railroad, for transportation	34,000		
Cost blanks, envelopes, &c., to Department, estimated at	48,086		
		104,086	
			4,925,736
Net profit to the Post-Office Department			274,900

If only postage-stamps were used, and stamped envelopes, newspaper-wrappers, and postal cards abolished, the profit to the Post-Office Department would be as follows:

Total received		$5,200,636
Cost to distribute 257,500,000 envelopes, cards, and newspaper-wrappers, $1.14 per pound, to the people	$2,103,300	
Cost of 257,500,000 postage-stamps, at 15 cents per thousand	38,625	
		2,141,925
Profit to the Post-Office Department by abolishing the use of stamped envelopes, newspaper-wrappers, and postal cards		3,058,711
As against the profit by the use of stamped envelopes, newspaper wrappers, and postal cards		274,900
Yearly increase of net revenue to the Post-Office Department by the sole use of stamps		2,783,811

Special estimate.

LOSS ON POSTAL CARDS.

107,500,000, at 7 pounds per thousand=752,500 pounds to post-offices, in wooden boxes, at $1.14 per pound	$857,850
The same, at 6 pounds, distributed to people at $1.14 per pound	735,300
Cost of 107,500,000 postal cards at $1.39½ cents (say $1.40) per thousand	150,500
Total cost to the Post-Office Department on the three items, above	1,743,650
Total income from above to Post-Office Department on 107,500,000 postal cards, at postage 1 cent each	1,075,000
Loss to the Post-Office Department on postal cards	668,650

In view of the above stated facts, your petitioners respectfully make the following suggestions:

SUGGESTIONS.

The manufacture and sale of stamped envelopes by the Post-Office Department, and the printing of address cards on the same, is not a necessity, and should be discontinued.

If this cannot be done, we would ask your honorable committee to add to the price of stamped envelopes, (and for printing thereon,) postal cards, and newspaper-wrappers enough to cover a part of the loss to the Post-Office Department by their use.

This loss, in excess of cost by the sole use of stamps, would be for the fiscal year, 1875 | $2,783,811

There should be added toward defraying cost of transportation *$1.60 per 1,000 on stamped envelopes and newspaper wrappers; $1.40 per 1,000, cost of postal cards to the Post-Office Department; $1, per 1,000, as part cost of transportation, making a charge of $2.40 per 1,000 for postal cards. (Why should Post-Office Department give away postal cards when they sell envelopes?) Add 50 cents per 1,000, (or half thousand) to printed-request envelopes, to pay for extra expense to Post-Office Department to print, receive, record, and transmit orders therefor. If the suggestions above were made the law, the increase of revenue to Post-Office Department, based on the above estimates, would be for the fiscal year 1875, $525,315; namely, $1.60 per 1,000, on 150,000,000 envelopes and newspaper-wrappers would give $240,000; $2.40 per 1,000, on 107,500,000 postal cards, $258,000; 50 cents per 1,000 on 54,631,000 printed request envelopes, $27,315; total increase of revenue, $525,315.

If the post-office appropriation bill is amended in accordance with the above suggestions, for the fiscal year of 1876, it will amount to (on 20 per cent. increase of business, as per Postmaster-General's estimate) $630,378.

Respectfully submitted by,

WILLIAM E. LOCKWOOD, Philadelphia, Pa.,
CYRUS WHITE, Rockville, Conn.,
L. J. POWERS, Springfield, Mass.,
G. H. WHITCOMB, Worcester, Mass.,
C. H. LAMPORT, New York,
WILLIAM IRVIN MARTIN, New York,
Committee appointed by convention held at Astor House, New York, January 13, 1876.

Mr. HOLMAN. I desire to ask a question. This is a subject which was not considered very much by the Committee on Appropriations, but it has been considered somewhat in the Committee on the Post-Office and Post-Roads.

Mr. HOAR. Is that a question?

Mr. HOLMAN. My question is this: The policy of the Government to encourage the use of stamped envelopes is against stamps. It is not a very important matter to the Government to introduce by every

*One dollar and sixty cents is the cost to transport third-class matter, as per Superintendent Bangs's estimate—say 8 pounds at 20 cents per pound for 1,000 envelopes.

method the use of envelopes instead of stamps? If I understand it, the Government is losing heavily every year by the washing out of stamps.

Mr. HOAR. I understand that this matter was brought to the attention of the Committee on Appropriations, and they were unable to give a thorough consideration to it, and when the post-office appropriation bill was introduced I inquired of the gentleman from Indiana whether the failure to put this clause in the bill indicated the opinion of the committee and itsho stility to it.

The gentleman answered in the negative, but that under the pressure of time they had failed to consider the subject in full; and that the subject was then before the Committee on the Post-Office and Post-Roads, and I understand that a considerable number of that committee are in favor of the amendment. Whether the majority are or not, I cannot say. I do not doubt that gentlemen on the committee will say how far it was gone.

Now, in answer to the gentleman, it is true that it would be more agreeable to the Department to substitute the use of stamped envelopes for the use of stamps, but it certainly cannot be for the interest of the American people to pay $2,700,000 a year to accomplish that result. The gentleman has been cutting off many things in the Post-Office Department, and I say that although the Post-Office Department may find certain things convenient, yet that in the condition of the Department at the present time, while we are making these reductions, to permit them to pay out of the pockets of the people the sum of $2,700,000 a year to help to furnish these facilities to the business men of the country is not right, and especially it is not right to have their favorite manufacturers crushing out everybody else in the business.

Now the committee will notice that my amendment provides for a single thing, that these envelopes shall not be furnished to the people at less than their cost to the Government.

Mr. HOLMAN. What is the whole amount of saving to the Government?

Mr. HOAR. It is estimated in this statement, which comes to me from a source which I highly respect, at $2,700,000.

Mr. HOLMAN. Has the gentleman examined the subject enough to have a judgment of his own?

Mr. HOAR. I cannot say that I am authorized to state as of my own knowledge as an expert that this statement is true, but it seems to be irrefragable and impregnable. It is based on the reports of the Postmasters-General in the past. I have had a conversation in reference to the matter with the last Postmaster-General, and it is not denied that these envelopes were furnished to the people at great loss; and, in addition to that, two or three genglemen whose intelligence and business accuracy assure me that they are correct, although it is due in candor to the House to say that they are connected with this envelope business——

[Here the hammer fell.]

The CHAIRMAN. The Chair would suggest to the gentleman from Massachusetts that his amendment would be more proper as an additional section.

Mr. HOAR. The Chair will pardon me. I offer it as an additional section, but as the fifteenth section of the bill repeals all acts and parts of acts inconsistent with this, it should come in as an additional section at this point.

Mr. FORT. Does the gentleman mean to say that the Government loses over $2,000,000 by furnishing these envelopes?

Mr. HOAR. I so understand it.

Mr. CANNON, of Illinois. I desire to say, as a member of the Committee on the Post-Office and Post-Roads, that this matter was brought to their attention two weeks ago, as I now recollect, and was referred to a subcommittee which has not yet reported. From an investigation that I made in a former Congress I may say that I have a very decided opinion about the proposed amendment. Gentlemen will bear in mind that the whole envelope business was built up by the Post-Office Department. Formerly there was a full rate of postage charged upon letters and also a full rate upon every envelope and inclosure; but a good many years ago, I think in 1850 or about that time, the law was amended so as to carry a letter for one rate of postage weighing one-half ounce, without reference to the envelope or the number of inclosures it contained, and then for the first time the envelope was introduced and the business of envelope manufacturing grew up.

Now, I do not think this legislation is wise, for several reasons, and principally as to the postal revenues.

Mr. HOAR. I desire to ask the gentleman one question. Does not the furnishing of these envelopes cost the Government $2,700,000 or thereabouts?

Mr. CANNON, of Illinois. If the gentleman will allow me, before I get through I will answer him. Take the postal cards alone. The pamphlet to which the gentleman from Massachusetts has referred is directed, not only against the stamped envelopes but against postal cards. A thousand of those cards cost the Government manufactured $1.40, and yet there is great profit in selling them at $10, notwithstanding that the Government pays for making them.

If you could have twenty times more postal cards than you have, you would not have any deficiency at all of the revenues of the Department. The gentleman from Indiana made an argument which alone would be conclusive against this amendment. He stated that the washed stamps, with all the appliances and safeguards that can be devised against such frauds, amount to between one and two million dollars annually. Sir, that is the estimate as to the loss of the Department in this particular. Now, you cannot wash the stamp on a stamped envelope. When the envelope is used, that is the end of it.

Again, under the postal code you cannot mail a letter with a stamp on it on any train except a railway post-office train, because only such trains are provided with the appliances for canceling the stamps as required by law; but the moment you put a letter in a stamped envelope you can mail it anywhere upon a post-route or a railroad.

Besides, the Government gets the net cost for these envelopes. True, it loses the transportation from the manufactory to the post-offices throughout the country; but that is all it loses. It gets the net cost for the envelopes; and where envelopes are sold by the single package or retailed, it gets a little more than net cost.

Mr. LAWRENCE. Does the Government lose the cost of transportation? Is there really any additional cost by reason of the fact that these envelopes are carried in the mails?

Mr. CANNON, of Illinois. O, no; this cost of $2,500,000 for transportation is figured up at fancy rates—at $1.14 a pound, I believe. The Government really does not lose anything upon the stamp envelopes unless it loses in their transportation from the manufactory to the different offices; and this is more than made up by the encouragement of this first-class matter which pays a profit and should be encouraged. Again, the printed return request on stamped envelopes is not only a matter of great convenience to the people, but I am told at the Department if it was not used upon those envelopes you would have to employ at least one hundred more clerks in the dead-letter office to dispose of the matter that would then accumulate.

I might talk longer about this; but I am satisfied, from a careful investigation, that the legislation here proposed is not wise. It is nothing more nor less than the protection of a special interest, namely, the manufacture of envelopes; and I do not think that we want to protect any special interest at the expense of the people and at the expense of the Post-Office Department.

[Here the hammer fell.]

Mr. HOAR. I move to amend by striking out the last word. It seems to me that the reply to the whole argument of the gentleman from Illinois is this: These figures are taken from the estimates in the Postmaster-General's reports; they are official. This amount of loss to the Department—I say this in answer to the gentleman from Ohio, [Mr. LAWRENCE]—is an inference from the estimate of the Postmaster-General.

Now, the amendment which I offer avoids carefully the objection which has been made. It simply provides that the Postmaster-General shall not sell these articles at a loss. If, therefore, it is true that they are not sold at a loss, the Postmaster-General is not in the least hampered by the amendment. It simply says: "As the Postmaster-General's reports show that $2,700,000 is lost to the Government by furnishing this particular facility to business men, you shall hereafter afford it at what it costs, taking your own estimate of the cost."

It is said that this amendment is in the interest of a monopoly. How absurd to say that an amendment which provides that the Government shall not go to a particular manufacturer of envelopes and pay him out of the Treasury $2,700,000 more than you can sell the articles for is encouraging a monopoly! On the contrary, this strikes at a monopoly. The complaint which men engaged in the general envelope business make is that, under the existing practice, the Government is giving to one of their rivals the power to crush them all out by paying him for these articles $2,700,000 more than the Government realizes from them.

Mr. CANNON, of Illinois. Is it not true that the contract for making the envelopes and postal-cards is open to competition by everybody? Cannot all these gentlemen engaged in the manufacture put in bids?

Mr. HOAR. I say very frankly that I am not able to answer that question. This is a question I have heard put a great many times about Government contracts; and the answer is always in the affirmative; yet, somehow or other, Government contracts ever since the days of George Washington have gone in certain directions; and all the legislation we can devise does not prevent it.

But let me repeat—and I call the attention of the committee to the statement—we do not propose to prohibit the Postmaster-General from doing what he does now in regard to contracting with the lowest bidder. We merely propose to say to him, "You shall not sell these things to business men for less than they cost the Treasury." We do not go into any detail. We do not give any man any improper advantage in the contract, or prohibit any man from having any proper advantage. We simply say by law that the Post-Office Department shall sell these things for what it has to pay for them.

The amendment of Mr. HOAR was again read.

Mr. HOAR. I will modify my amendment by striking out "postal cards."

The CHAIRMAN. Does the gentleman withdraw his formal amendment.

Mr. HOAR. I do.

Mr. GARFIELD. Perhaps that will answer the purpose I have in view. I wish to say this: The theory of the postal-card service is that the citizen should be afforded a card upon which limited correspondence may be carried on at one cent. If the amendment of the

gentleman from Massachusetts goes to the extent of saying these postal cards shall not be sold for less than one cost with the charge of postage, then it will follow that we will raise the postage on postal cards from one cent to one cent and the fraction of a cent to the extent of the cost of the card itself. I take it my friend does not mean to say what he does say if his amendment stands as at first written, for it raises the postage, as I have stated, on the postal card from one cent to one cent and, say, one-fifth of a cent. It would be difficult to manage postage of that kind. We could not make change. We must have it fixed at one cent or two cents; we cannot have the fraction of a cent in our postage.

Again I wish to say to the gentleman from Massachusetts that if his amendment applies to stamped envelopes there I think he is only right. If we are paying a sum for the manufacture of stamped envelopes greater by any amount whatever than we get for them when we sell them as envelopes that ought to be corrected. If he alleges, with ground for believing it is so—I know, of course, he believes what he says—but if he has any facts which justify our action in that regard I am with him heartily and wholly that we ought not to go into the market as a manufacturing corporation as it were, "cutting under" private individuals engaged in the same manufacture. I wish to say if the statistics he has given, which were startling to me, are found to be true, leaving out "postal cards," if they are true as to stamped envelopes or in reference to anything furnished by the Post-Office Department, then I am with him.

Mr. HOAR. I was led to strike out "postal cards" because I saw myself the difficulty of having for postal cards the price of a cent and the fraction of a cent. It did not occur to me when I offered my amendment. As it now stands I think it is a good one.

Mr. HARRISON. Allow me to make a suggestion.

Mr. HOAR. I am speaking in the time of the gentleman from Ohio. In regard to the other proposition it makes no difference. The amendment is they shall not sell for less than cost.

Mr. HARRISON. I suggest to the gentleman from Massachusetts if he proposes to add to the cost of the envelopes their transportation, then envelopes printed in Washington will cost persons a certain amount, while to persons far off in the country to whom they will have to be carried, they will cost a different price, as the cost of the carriage will have to be added.

Mr. HOAR. I do not so understand it.

Mr. HARRISON. Does not that necessarily follow?

Mr. HOAR. I understand the Post-Office Department will take the aggregate or average cost.

Mr. HARRISON. Is it proposed to have it at the average cost?

Mr. GARFIELD. By leaving out postal-cards we get at what is proposed.

Mr. HOLMAN. Read the amendment again.

The amendment was again read.

Mr. HARRISON. I suggest to the gentleman from Massachusetts to strike out the cost of transportation, because it does strike me that will make it exceedingly difficult to get at the average cost; besides, it is not fair.

Mr. HOAR. I am authorized to state that the chairman of the subcommittee of the Committee on the Post-Office and Post-Roads, if he had been present in the House, would have moved the amendment himself.

Mr. WADDELL. I would have offered this amendment myself if I had been here. I am chairman of the subcommittee on the Committee on the Post-Office and Post-Roads which had this subject under consideration. We considered it quite fully. I have a communication from the Postmaster-General on the subject, which we also considered.

Mr. HOLMAN. Inasmuch as we have no statement from the Post-Office Department on the subject, I trust the gentleman from North Carolina will leave that out. While he is getting the letter, I suggest "transportation" should be stricken out. This is a question which concerns the Government. It is true the Government should not be allowed to enter into private enterprise, thus coming into conflict with the enterprise of private individuals of whatever pertains to the Post-Office Department, and its various economies must be considered to concern the Government, no matter what other interests are affected thereby.

Mr. HOAR. The gentleman does not take the ground this House is not to be the judge after we get to the end of the bill. I do not wish to misunderstand his objection.

Mr. HOLMAN. Congress is the only judge of what is proper, but of course it must listen attentively to the views of the Postmaster-General on such a subject. It seems to me whatever does not enter into the cost of these envelopes ought not to be included; and transportation does not.

Mr. CLARK, of Missouri. Transportation does.

Mr. HOLMAN. Under our postal system, the cost to the Government is almost unappreciable, and there is no reason for taking it into the account. I ask that portion of the gentleman's amendment be omitted. I make the motion to strike it out.

Mr. WADDELL. I now ask the Clerk to read the letter.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., April 18, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing bill (H. R. No. 2945) requiring the Postmaster-General "to procure for the use of every post-office in the United States a post-mark and canceling stamp and a uniform canceling ink of an inerasible character," and requesting my opinion of the same.

Section 175 of the postal code of 1873 enacts "that postage-stamps affixed to all mail matter, or the stamped envelopes in which the same is inclosed when deposited for mailing or delivery, shall be defaced by the postmaster at the mailing office in such manner as the Postmaster-General may direct;" * * * and the post-office appropriation bills contain an item for the purchase of "post-marking and canceling stamps." It would therefore appear that the Postmaster-General has all the authority sought to be conferred by this bill.

With reference to the manner in which the Department exercises its discretion in the matter, all post-offices yielding a revenue of $50 and upward are supplied with post-marking and canceling instruments; and section 404 of the postal regulations requires that at such offices the cancellation shall be effected with black printing-ink, and at other offices with a pen dipped in good black writing-fluid.

For more than a year past the Department has devoted a large share of attention to the examination of mechanical devices and so-called indelible inks intended for the better cancellation of stamps; but the results have not been sufficiently satisfactory to induce me at this time to ask any legislation upon the subject. I must therefore respectfully decline to recommend the passage of the bill in question. It might be urged, also, as a serious objection to the bill, that it appropriates an indefinite amount of money to enable the Postmaster-General to carry out its provisions.

In answer to the inquiry in the last paragraph of your letter, I am most emphatically in favor of continuing the manufacture and sale of stamped envelopes. These envelopes, by their convenience and utility, have so commended themselves to the public and the Department that their discontinuance would justly be regarded as a long stride backward in the march of postal progress. In my judgment the effort of legislation should be rather to encourage than to prevent the use of stamped envelopes, so indispensable have they come to be regarded by the public and so great are their advantages in every point of view over adhesive postage-stamps. One advantage is suggested by the bill referred to above, which aims to correct an abuse in the re-use of postage-stamps, an abuse which manifestly cannot exist in the case of stamped envelopes.

Herewith bill H. R. No. 2945 is returned.

I have the honor to be, very respectfully, your obedient servant,

MARSHALL JEWELL,
Postmaster-General.

Hon. A. M. WADDELL,
Chairman Subcommittee Post-Office and Post-Roads,
House of Representatives.

Mr. HOLMAN. I ask that debate shall now close on this paragraph.

Mr. FOSTER. I desire just a moment.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Indiana that debate shall close on the pending section?

Objection was made.

Mr. HOLMAN. I will agree that five minutes shall be allowed, if that would satisfy the gentleman from Ohio, [Mr. FOSTER,] otherwise I must move that the committee rise that I may ask the House to close debate on the pending section.

The CHAIRMAN. Is there objection to the proposition that debate shall close in five minutes?

There was no objection.

Mr. FOSTER. I want to call the attention of the House to the fact that in this very large saving proposed here the rate of transportation on this mail matter is $1.14 per pound. I think my friend from Massachusetts has put the cost of transportation pretty high. I think in freight-cars this matter might be transported for a half cent per pound, and it would amount to a small item. But it is put in here at $1.14 per pound. There might be a large saving to the Government on this item.

Mr. HOAR. My answer to the proposition of the gentleman from Ohio is that this amendment only directs the Postmaster-General to sell these things at the actual cost, and no less. Now, if the actual cost is $1.14 a pound, then that is put in to make up the average. If it is a tenth of that, he adds only a tenth. He being in favor of the system will make the cost as low as he possibly can cipher it down to. All this we leave to him. We only say he shall charge the actual cost.

Now as to the desirability of using stamped envelopes, I agree to that. But stamped envelopes are for the convenience of a class of persons who will buy and pay for them whether you add a mill or five mills to the cost of the envelopes. That is, the addition to the price of these things of the actual cost will not very largely diminish their sale, because they are purchased by a class of persons to whom a slight change of price is a matter of indifference. But the burden now existing comes upon the whole body of the people, and to maintain this convenience to the merchants and business men of this country, there must be hundreds of post-offices refused in the West, in Texas, in the South, and all over the country. When you apply, as the gentleman from Kentucky did, to the Postmaster-General to extend postal facilities to your people, or revive those discontinued during or since the war, the Postmaster-General will reply, "I am using up $2,000,000 of the revenue of the Department in furnishing these things at less than cost to these wealthy business men; therefore you cannot have your postal facilities."

Mr. HOLMAN. I ask that the amendment of the gentleman from Massachusetts may be again read.

The amendment was again read.

Mr. HOLMAN. I move to amend the amendment by striking out the words:

And cost of transportation per pound, including wrappers and cases, at not less than the lowest average cost per pound of the same as named in the letter of the Postmaster-General in a tabulated form under date of February 8, 1876. (Senate Miscellaneous Document No. 51, page 9.)

Mr. CANNON, of Illinois. I desire to suggest an additional amendment to the gentleman from Indiana.

The CHAIRMAN. All debate has been closed on the pending section, and that is in the nature of discussion.

Mr. CANNON, of Illinois. I merely wish to ask a question. The

gentleman from Indiana proposes in that amendment to allow the charge of fifty cents per thousand or half thousand printed request-stamped envelopes to remain.

Mr. HOLMAN. I do not propose to strike that out.

Mr. CANNON, of Illinois. I desire to call the gentleman's attention to this fact——

Mr. HOAR. I object to debate.

Mr. CANNON, of Illinois. I will make my statement in this way. If you quit selling those printed-request stamped envelopes——

The CHAIRMAN. Debate is not in order.

The question being taken on Mr. HOLMAN'S amendment, it was agreed to.

Mr. CANNON, of Illinois. I now move to amend the amendment by striking out these words:

On all printed-request stamped envelopes, fifty cents per thousand or half-thousand envelopes.

If this be adopted, the Postmaster-General will have to employ fifty additional clerks in the Dead-Letter Office.

The question being taken on the amendment of Mr. CANNON, of Illinois, there were—ayes 57, noes 40.

So (further count not being demanded) the amendment was agreed to.

Mr. HOAR'S amendment, as amended, was agreed to.

Mr. CLARK, of Missouri. I offer the following as an additional section.

The Clerk read as follows:

That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. STOWELL. I raise the point of order on that amendment.

Mr. CLARK, of Missouri. The House suspended the rules, and made the amendment in order.

This subject has been debated frequently in the House in an exhaustive and elaborate manner; and I only deem it necessary to state that this amendment fixes the rate of postage on third-class matter as described in section 3878 of the Revised Statutes at one cent for two ounces, and that the Committee on the Post-Office and Post-Roads are unanimous in their recommendation that this amendment be adopted. I will also state further that this is a precise copy of a bill that passed this House some three months ago in relation to this subject. I suppose that it is not necessary to discuss the subject at all.

Mr. STOWELL. I desire to raise a question of order on this amendment, and it is that it is not germane to the subject-matter and that it changes existing law.

Mr. RANDALL. The rules were suspended to allow it to be offered.

Mr. CLARK, of Missouri. I moved on a Monday to suspend the rules to make this amendment in order, and the rules were suspended. I suppose therefore that the point of order does not apply to this case.

The CHAIRMAN. The Chair is informed by the Clerk that on a Monday the rules were suspended to enable the gentleman from Missouri to offer this amendment in the Committee of the Whole. A suspension of the rules is a suspension of all rules that are in the way of the committee doing what they desire to do.

Mr. LAWRENCE. The subject has been so fully discussed that it is unnecessary to further debate it now.

I desire to put in the RECORD an extract from a petition of New York book-publishers which refers to the Senate postal bill under consideration in that body in April last. The extract is pertinent to the amendment now submitted and shows the propriety of it. It is as follows:

Our objection to the bill is the excessive rate to which it subjects the transportation of books and other printed matter not issued at stated intervals; and our prayer is for restoration of the old rate, namely, one cent per two ounces or fraction thereof. In support of this petition, we would offer briefly the following considerations:

First. The assumption by the Government of the business of carrying letters and printed matter is founded upon the theory that it is to the interest of the Government to facilitate communication among the people, and thereby the spread of intelligence. This point is strongly urged, and has, we believe, been considered convincing in determining the question of postage on newspapers. If it is convincing in that class of printed matter, how much stronger is it with respect to books, the most potent and permanent of all intellectual agencies? And this argument acquires additional force from the fact that of all the books published in the United States three-fourths are of an educational character. If the dissemination of knowledge is any part of the duty of the Government, surely this class of matter deserves its first consideration. Thousands of educational works are sent out annually without charge, to teachers, school boards, and others, for examination. This is a necessary step in the introduction of educational works, and has led to that active competition among authors and publishers which has produced the superior school literature of to-day, as compared with that of former times. We urge, then, that the same enlightened motive which induces both the national and the State governments to favor universal education may with conspicuous consistency extend to such legislation as shall facilitate rather than obstruct the distribution of text-books, which are the necessary apparatus of popular instruction. In this connection we would state, also, that all books cannot be purchased at every cross-roads store, as can articles of merchandise, and the residents of those isolated localities are justified in expecting the Government to carry to them articles essential to their education and which they cannot in any other way readily obtain.

Secondly. As regards other printed matter not issued at stated intervals, as circulars, catalogues, &c., it is susceptible of abundant proof that the distribution of this class of matter not only improves the trade of the country, but likewise materially increases written correspondence, the carrying of which is admittedly profitable to the Government. There is, therefore, every reason derived from considerations of the public good why the carriage of such matter should be placed at a minimum rate, and that the present onerous and prohibitory charges, which have proved a serious drawback to the business of the country, shall be removed.

Thirdly. We hold that if your honorable body will obtain all the facts relating to the weight and cost of transportation of each class of mail matter it will be manifest that no part of the deficit of the postal service was caused by the transportation of printed matter of the third class at 1 cent per 2 ounces, when that rate obtained. A tabular statement submitted by the Postmaster-General to the Committee of your honorable body on Post-Offices and Post-Roads, under date of February 8, 1876, shows the average distance to which all matter of the third class was conveyed was 813⅓ miles, and the average weight of each piece was only 3 ounces. We have no reason to doubt the accuracy of this part of the statement, but we know that the average distance which books, especially those of an educational character, are conveyed is less than half the distance. Indeed, the average, according to the best of our judgment, will not exceed 400 miles, and the parcels, as a rule, contain only a single copy, and therefore are in no way burdensome to the Department. Add to this the significant fact that express charges for the average distance to which educational works are sent would not exceed 3 cents per pound, and we are brought to the conclusion that the price proposed in the bill is far in excess of cost of service.

Fourthly. We urge that so far as regards the revenue to the Government a recurrence to the old rate of postage on the class of matter now under consideration would be more productive than under the present rate; and this for a twofold reason: First, the large positive diminution of mailage in this class of matter, caused by the existing onerous charge and, secondly, the diversion into other channels of transportation of a large volume of printed matter, the carrying of all of which would be profitable to the Postal Department.

Fifthly. We respectfully call your attention to the following strange anomaly resulting from the action of the proposed law in connection with the existing postal treaty with foreign countries. Under our postal arrangement with Canada, the Canadian citizen can have his circulars and catalogues carried to any part of the United States at the rate of 1 cent per 4 ounces, or 4 cents per pound, while his American competitor, under your proposed bill, has to pay 1 cent per ounce, or 16 cents per pound. If this bill becomes a law, then the Canadian publisher may issue a non-copyright book in competition with the American publisher, and the American Government not only allows this foreign competitor to reach the American market with his advertisements at a less rate, but even permits these books of this foreign competitor to reach the consumer in the United States at one-fourth the charge that it makes to its own citizens. The only way for the American citizen to compete with this rival across the border is by sending his catalogues and other mailable packages to the nearest Canadian post and custom office, and mailing them from there. It is not to be doubted, however, that by the restoration of the old rate, though there would still be inducement to take this course, the temptation to do so would be substantially removed.

In conclusion, we beg leave to state that in making our petition to your honorable body, we do not ask any legislation specially favorable to our calling; but we do urge that the proposed rates are exorbitant for transportation of printed matter of the third class; that they will prove injurious to the business interests of the country; that they will oppose what they should aid, to wit, the better education of the people, and, finally, that they will not give you the increase in the revenue which you desire. For these reasons we pray for a return to the former rate of postage, to wit: 1 cent for each 2 ounces or fraction thereof.

Mr. STOWELL. I trust this amendment will not be adopted. This subject has been considered by the House and the House has passed a bill in reference to it and sent it to the Senate. The Senate have also considered the subject and made an amendment to the bill, and I understand that the bill is now in a committee of conference, or if not, it is upon the Speaker's table. That bill regulated this whole question of postage on third-class matter. The subject having received the consideration of both Houses of Congress, and a bill having been passed, it ought not to be tacked to an appropriation bill. So far as the Committee on the Post-Office and Post-Roads is concerned, I think the gentleman from Missouri [Mr. CLARK] is mistaken in saying that they were unanimous.

Mr. CLARK, of Missouri. I beg to correct that statement. The gentleman from Virginia has been absent so often of late that I had forgotten that he was opposed to the bill.

Mr. STOWELL. This subject has been considered in the first place by the House. The House, as I have said, passed the bill and sent it to the Senate. The Senate have made an amendment in one particular only, and the bill is now either on the Speaker's table or in a conference committee, one or the other. I think we should not endeavor to force legislation in this way through the means of an appropriation bill.

Mr. RANDALL, I should not have said a word upon this question if the gentleman from Virginia had not said that it was improper to connect this provision with an appropriation bill. Now, he must remember that the two sections which we proposed to restore were abrogated on an appropriation bill and it was done without the consideration or approval of the House, without any discussion or without the knowledge of one in twenty of the members of the House.

Mr. STOWELL. The very fact that these sections were originally passed on an appropriation bill without the opportunity of a consideration or discussion is the very reason why we should not agree to this proposition now.

Mr. RANDALL. We are remedying a great wrong, not in the manner suggested by the gentleman from Virginia, but after full discussion and after the deliberate judgment of the House, which has been clearly reached. And I say to the gentleman here that unless we put this provision in an appropriation bill the infamy perpetrated by the last Congress in an appropriation bill cannot be made null and void. The interests at stake are enormous. There are gentlemen in this city representing the envelope interest, some of whom have spoken to me and appealed to me in reference to this matter. They are here, and unless we take this proposition right by the throat and force it into the bill, the result will be that the express companies will again force through Congress provisions in their interest.

Mr. EAMES. I offer the following amendment, to be added to that of the gentleman from Missouri, [Mr. CLARK:]

And on and after the 1st day of July, 1876, the postage on letters to and from any place in the United States, excepting local and drop letters, shall be charged at the uniform rate of two cents for each half an ounce or fraction thereof.

Mr. Chairman, since the adoption of the postal service great changes have been made in the postage on letters. The first law fixed that postage at from six to twenty-five cents, and was based upon distance. In 1845 a change was made to five cents under and ten cents over three hundred miles, and from time to time since the rate has been reduced on letter postage, and in the year 1863 the rate was fixed at three cents for each half ounce or fraction thereof without regard to distance.

It is thirteen years since any change has been made, and my proposition now is to reduce the postage on letters to the point where it has been in England since 1840; that is, to the uniform rate of two cents. Under the law of March 3, 1845, the postage was fixed at five cents under and at ten cents over three hundred miles. The receipts in 1844 were $4,237,287.88 and the expenditures were during the same year $4,296,512.70. In 1845, after the passage of the act to which I have referred, the receipts were $4,289,841.80 and the expenditures $4,320,731.99. On the 3d of March, 1851, the postage on letters was fixed at three cents, prepaid, and five cents, unpaid. The receipts in the year 1850 were $5,499,984.86 and the expenditures $5,212,953.43.

In 1851 the receipts were $6,410,604.33 and the expenditures were $6,278,401.68. This shows that the deficiency in the postal service was less than it had been before this reduction was made. In 1855 the rate established was three cents under and ten cents over three thousand miles prepaid; and in 1854 the receipts were $6,255,586.22 and the expenditures were $8,577,424.12. In 1855 the receipts were $6,642,136.13 and the expenditures $9,968,342.29, showing an increased deficiency under the act of March 3, 1855.

The act of March 3, 1863, fixed the rate of letter postage prepaid at three cents for each half ounce or fraction thereof, without regard to distance, and this rate has continued to the present time. The receipts in 1862 were $8,299,820.90 and the expenditures $11,125,364.13. In 1863 the receipts were $11,163,789.59 and the expenditures $11,314,-296.84. In 1864 the receipts were $12,438,253.78 and the expenditures $12,644,786.20—showing in these years, as also in 1865, that the receipts were nearly equal to the expenses of the service. Since 1865 under this law the receipts have increased from about $14,000,000 to $27,000,000 and the deficiency has been from about $4,000,000 to $6,000,000.

Now, Mr. Chairman, these figures, I think, indicate that the reduction of postage has been attended by a large increase of the revenue, and, although the expenses have also increased by extending the postal service, the deficiency has been but slightly increased.

In 1837, from a statement which I think is reliable, the number of letters carried through the mails in England was 82,000,000. The penny postage in that country went into operation in 1840, and in 1859 the number of letters increased to 545,000,000.

The postal revenue in England in 1835 was about $8,000,000, and in 1859 was $15,000,000, an amount in excess of the postal expenses.

In this country the result of reducing postage has been followed with a like result in increasing the postal revenues, and the deficiency between receipts and expenses has not been much increased.

Even if the deficiency has increased, it is no reason why the reduction should not be made. The rates of postage on letters, as now established, operate unequally and unjustly.

A letter that is carried a distance of a mile pays three cents, and a letter that is transported across the continued pays only three cents. In only seven of the States are the postal receipts in excess of the expenses incurred. In all of the other States the expenses exceed the postal receipts.

The deficiency in the postal service if paid from the Treasury will be a more just and equitable distribution of the expenses of the postal service than the rates of postage now required under existing laws.

[Here the hammer fell.]

Mr. HOLMAN. I ask unanimous consent that the debate close.

Objection was made.

Mr. HOLMAN. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union on the post-office appropriation bill, and pending that motion I move that all debate upon the paragraph now before the committee close in one minute.

Mr. EAMES. I hope the gentleman will amend that motion so as to make the time five minutes.

Mr. HOLMAN. I will modify my motion in that way.

The motion, as modified, was agreed to.

The question was then taken upon the motion that the House resolve itself into Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

Mr. HOLMAN. I yield the remainder of my time to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. I do not desire, Mr. Chairman, to detain the committee any length of time, but I have one or two remarks that I desire to make. This deficiency which has existed in the Postal Department for ten years or more has originated entirely from the second and third class mail matter. The deficiency in the second class has been something like $4,000,000 a year, and the deficiency in the third class about $6,000,000 a year, while the excess upon letter postage has been something like $4,000,000 for years past.

The reduction of letter postage proposed by this amendment has been already commenced by the introduction of the postal card. In the last year postal cards to the number of 107,000,000 have been disposed of at one cent each, and I can see no good or substantial reason why a postal card should be passed through the mails for a cent and the postage on a letter of a half ounce or less should be three cents. It costs no more to carry the one than the other.

The effect of this amendment, I think, will be to reduce the number of postal cards and increase the number of letters at double the postage of the postal card, and thus rather reduce than increase the present deficiency in the postal service.

I want to say further to the committee that this is no party measure. It has been proposed in the conventions of both political parties in years past, and bills of the same tenor, some of them proposing the reduction to one cent and some to two cents, have been introduced here by members on both sides of the House. It is a measure in the interests of the people. It is one of the measures that the people will approve, and its benefits will reach every hearth and home throughout the broad expanse of the Republic.

Mr. STOWELL. I want to say that, as the gentleman from Rhode Island [Mr. EAMES] has just said, there is a revenue from first-class mail matter of $9,000,000, while there is a deficit in the second-class mail matter of $4,000,000, and a deficit in the third-class mail matter of $6,000,000. This amendment proposes to reduce the postage on third-class mail matter from one cent an ounce to half a cent. A bill has already passed the House having the same object in view as this amendment, to reduce the postage on third-class mail matter from one cent to a half cent an ounce; but that class of matter which comes under the head of merchandise, and which does not properly apply to the mails, is left at one cent. That bill is now upon the Speaker's table ready to be acted on at any time, and it seems to me that it would be better for the House to act on that bill instead of forcing legislation through an appropriation bill.

The question was taken on Mr. EAMES's amendment, and it was not agreed to.

Mr. TOWNSEND, of Pennsylvania. I offer the following amendment to the amendment of the gentleman from Missouri, [Mr. CLARK,] to be inserted in the proper place:

And that all annual reports of universities, colleges, and other institutions, and annual catalogues, shall be deemed third-class matter.

That class of matter has been considered first-class matter heretofore and charged at a higher rate.

Mr. LAWRENCE. That amendment is right, and I think there can be no objection to it.

The amendment to the amendment was agreed to; there being on a division ayes 99, noes not counted.

The amendment of Mr. CLARK, of Missouri, as amended, was then agreed to.

The Clerk read the last section of the bill, as follows:

That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. HOLMAN. I ask unanimous consent of the committee to go back to page 2, line 36, of this bill, for the purpose of moving an increased appropriation for letter-carriers.

There was no objection.

Mr. HOLMAN. I move in lines 36 and 37 to strike out "$1,650,000" and to insert "$1,800,000;" so that it will read:

For payments to letter-carriers, $1,800,000.

Mr. LAWRENCE. If the gentleman from Indiana [Mr. HOLMAN] says that is right, we will all agree to it.

Mr. FOSTER. I wish to call the attention of the gentleman from Indiana to the fact that it cost this year $2,000,000 to perform this service, and the service is not lessened in any way by this bill. Those who perform this service now get very small pay, and I do not think the gentleman can afford to propose any reduction of that compensation. I want to know how the gentleman proposes to run this service for $250,000 less next year than this year.

Mr. HOLMAN. I have an amendment, which I will offer after the pending amendment is adopted, which I think will meet the point.

The amendment was agreed to.

Mr. HOLMAN. I move to further amend the paragraph by adding the following:

It shall be the duty of the Postmaster-General to carefully inquire into the number of carriers employed in the several cities where the free delivery of mail-matter is established, and to reduce the number of carriers and the number of deliveries of the mail by such carriers, for each day, to the reasonable requirements of the service.

It will be seen on examining the report of the Postmaster-General, on pages 205-9, that there should be a very careful revision of this branch of the service. It is believed that if that revision is made

the estimate of the Committee on Appropriations, $1,800,000, will be found to be sufficient.

The question was taken upon the amendment; and upon a division there were—ayes 70, noes 28.

No further count being demanded, the amendment was declared to be adopted.

Mr. HOLMAN. I now ask unanimous consent to go back to section 2 of this bill, the section appropriating for deficiencies in the Post-Office Department.

There was no objection.

Mr. HOLMAN. The deficiency originally reported in this bill was $2,680,906. The Committee of the Whole have added $1,100,000 for transportation, $300,000 for postmasters and $150,000 for carriers, making the whole amount of deficiences $4,230,906. I move to amend section 2 by striking out "$2,680,906" and inserting "$4,230,906."

I desire to state that the total appropriations by this bill, as amended, are not materially less than the appropriations made by the last Congress for the Post-Office Department for the present fiscal year. The deficiency for the present fiscal year was estimated at $6,852,705, and for the next fiscal year the appropriation for deficiency will be $4,230,906. The reduction by this bill from the appropriations for the present fiscal year is only about $2,520,000. Therefore the apprehension of gentlemen that there was to be a greater reduction by this bill than the public service justifies, is of course without foundation. If the Post-Office Department is correct as to the reform proposed in the manner of paying railroads for transporting the mails, the saving to the Government on that item alone will more than justify the reduction made by this bill.

Mr. LAWRENCE. Where are the principal reductions made by this bill from the appropriations made last year?

Mr. HOLMAN. There is but one item of reduction that is material, that amounts to any considerable sum, that is in the matter of transportation of mails by the railroads. The estimate for the present fiscal year was $10,500,000; the expenditure for the last fiscal year was about $9,100,000. If the Committee on Appropriations is correct in its assumption of what will be the reduction of the cost of transporting the mails by railroads under the new system of payment proposed by this bill, then this appropriation will be ample for every branch of the Post-Office Department. With the affairs of the Department administered honestly, as we have reason to believe they will be, as we trust they will be, the appropriations made by this bill will be ample.

The amendment moved by Mr. HOLMAN was agreed to.

Mr. HOLMAN. I move that the committee now rise and report this bill with the pending amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, and had directed him to report the same to the House, with sundry amendments, and recommend that the amendments be concurred in, and the bill as amended passed.

Mr. HOLMAN. Before calling the previous question on the bill and pending amendments, I will yield, according to my promise, to the gentleman from Missouri [Mr. CLARK] to move the amendment which he indicated while the bill was under consideration in Committee of the Whole, in regard to the limitation upon the salaries of postmasters.

Mr. CLARK, of Missouri. I move to amend section 5 of the bill by striking out the last proviso.

The proviso proposed to be stricken out was as follows:

And provided further, That the maximum salary and compensation of any postmaster under the provisions of this act shall not exceed the sum of $4,000, except in the city of New York, where the salary and compensation shall be the sum of $6,000, and no more.

Mr. HOLMAN. I now call the previous question on the bill and pending amendments.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. I ask unanimous consent that all the amendments reported from the Committee of the Whole be considered as concurred in by the House, except where a separate vote may be asked on any of them.

There was no objection, and it was so ordered.

The following amendment (on which a separate vote was asked by Mr. HARRISON) was read:

Add to the seventh section the following: "But the sum paid to any railroad company for such transportation shall not exceed $500 a mile for such service for any one year."

The amendment was agreed to, there being ayes 144, noes not counted.

The question then recurred on the amendment of Mr. CLARK, of Missouri, to strike out the proviso at the end of section 5.

The amendment was not agreed to, there being ayes 46, noes not counted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMESTEAD ENTRIES IN MICHIGAN.

Mr. HUBBELL. I ask unanimous consent that the bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made be taken from the Speaker's table in order that a verbal amendment of the Senate may be concurred in.

There being no objection, the amendment of the Senate to strike out "section 101" and insert "section 1" was read and concurred in.

MISSISSIPPI LEVEES.

Mr. ELLIS. I ask unanimous consent that the bill (H. R. No. 3430) to repair and rebuild the levees of the Mississippi River, to reclaim the alluvial lands thereof, to improve its navigation, and promote and protect its commerce, which was made a special order for to-day, be made a special order for Wednesday next, the 24th instant, after the morning hour, and from day to day until disposed of.

Mr. RANDALL. Subject to the priority of general appropriation bills.

Mr. HOLMAN. And I still reserve the point of order on that bill.

The SPEAKER *pro tempore*. Subject to those reservations the order will be made, if there be no objection.

There was no objection.

CONGRESSIONAL PRINTING.

Mr. SINGLETON. I rise to a privileged question—to report back with certain amendments the resolution referred yesterday to the Committee on Printing.

Mr. WILSON, of Iowa. I understand that the Committee on Printing have the privilege of reporting at any time for the purpose of reference to the Committee of the Whole; but——

The SPEAKER *pro tempore*. The gentleman from Iowa made no objection. The gentleman from Mississippi, [Mr. SINGLETON,] representing the Committee on Printing, is on the floor upon a privileged question.

Mr. WILSON, of Iowa. It is always in order to make a point of order, even after a proposition has been read.

The SPEAKER *pro tempore*. The Chair rules that the matter of printing is a highly privileged question. The Committee on Printing have the right to report at any time.

Mr. WILSON, of Iowa. Relative to matters referred to them.

The SPEAKER *pro tempore*. The language of the rule is "about printing." This is about "matters of printing."

The Clerk read as follows:

The Joint Committee on Printing on the part of the House of Representatives, to whom was referred back one of the resolutions reported by said committee, containing an instruction to the Committee on Appropriations to insert certain sections in the sundry civil bill to be by them hereafter reported to this House, having had the same under consideration, have instructed me to report back the said resolution and a bill accompanying it, with the following amendment:

In the second line of said resolution, to strike out the words "instructed to embody," and insert in lieu thereof the words "requested to inquire into the expediency of embodying."

Mr. HOAR. I rise to a question of order. I desire to call the attention of the Chair to the fact that the question of order which I now propose to raise was up in the last Congress, or last but one, upon this very matter. At that time General Beatty, of Ohio, then chairman of the Committee on Printing, claimed the right to report at any time a general bill concerning printing; and the Speaker made a very careful statement to the House on the proposition that the privilege of the Committee on Printing related only to the current printing of the House, and did not include a matter of general law in regard to printing. He illustrated that position by a like ruling which had prevailed in regard to other committees authorized to report at any time—the Committee of Ways and Means and the Committee on Appropriations. That decision was submitted to the House on an appeal, and, with but three or four dissenting voices, the opinion of the Speaker was sustained.

I therefore make the point that this report is not in order. I do not specially desire to oppose this proposition, but merely to preserve the privileges of the House. The ruling referred to was one of the most carefully considered that has been made since I have been a member here.

Mr. BURCHARD, of Illinois. And it was sustained by the House.

Mr. WILSON, of Iowa. Having originally raised this point of order, I desire to add further that there must be a distinction between the printing of current documents for the use of the House and a proposition for a change in the general law. Upon the call of committees, this committee has the right to report changes in the general law; and in that way such a proposition as this might come in.

Mr. HOAR. If the Chair will allow me one word, I wish to say that Mr. Speaker BLAINE at the time referred to traced the history of this very point through a series of rulings going back to the original adoption of the rule, and embracing decisions by Speaker Winthrop and some of the old democratic Speakers. He fortified himself by several very important precedents adopted on careful consideration, and also by reference to the debates in which, with others, Mr. Andrew Stevenson had taken part.

I have no particular interest in opposing this proposition; I merely desire that the ruling shall be correct. Rather than have a wrong decision, I would prefer that the matter should come in by unanimous consent. In the decision of Mr. Speaker BLAINE, when General Beatty raised this question, the Chair will find a very full and interesting discussion of this whole subject.

Mr. SINGLETON. It seems to me the objection comes too late. If it had been made yesterday, when the report from the Committee on Printing was first brought up for consideration, perhaps it would have been well taken. We propose now to report back a resolution which was recommitted to the Committee on Printing in accordance with the instructions of the House, and that certainly is in order.

Mr. RANDALL. I suggest to the gentleman from Mississippi that he can escape all difficulty in this connection by now moving to reconsider the vote by which this subject was recommitted.

Mr. HOAR. That will cover it.

Mr. SINGLETON. I move to reconsider the vote by which the subject was recommitted to the Committee on Printing.

Mr. RANDALL. Pending that motion, I move the House adjourn.

The SPEAKER *pro tempore*. The Chair would gladly postpone any ruling in reference to these "matters of printing" and their privileges. The case referred to by the gentleman from Massachusetts, brought in by Mr. Beatty, of Ohio, is remembered by the Chair. At that time, as the Chair thinks, Mr. Speaker BLAINE overruled previous decisions. That is the present impression of the Chair. He would be glad, if he could, to have this matter postponed or not ruled on, until a thorough examination of previous rulings could be made. The Chair would add that in his position as a mere *locum tenens* he craves the forbearance of the House in rulings so frequently *eo instanti*.

Mr. RANDALL. The motion to reconsider the vote by which the subject was recommitted does not involve the decision of the question at all.

Mr. WILSON, of Iowa. I raised the point of order against the reception of the report from the Committee on Printing, and that point did not come too late, as it has been frequently held that it is in time to raise the point of order until after the proposition has been read.

Mr. RANDALL. This question was considered yesterday on a report from the Committee on Printing. That committee reported for the action of the House three resolutions, two of which were adopted and the third recommitted to the Committee on Printing with instructions. In my judgment, it is now entirely competent for the gentleman from Mississippi, from the Committee on Printing, to report back that resolution under the instructions with which it was recommitted. To avoid all question, however, he has moved to reconsider the vote by which the resolution was recommitted. That has been done time and again.

Mr. HALE. I rise to the point of order that the gentleman from Mississippi cannot now take this method of bringing the matter up on a motion to reconsider. Yesterday the subject was recommitted to the Committee on Printing, and that committee has to-day already reported it back. It has therefore gone beyond any stage where they can select the manner of bringing it up by a motion to reconsider. The ruling of the Chair, therefore, must be whether the report of the committee as made by the gentleman from Mississippi can be considered at once unless by unanimous consent.

The SPEAKER *pro tempore*. The Chair sustains the point of order of the gentleman from Maine. He is evidently right in saying that the committee to-day has reported it back. The gentleman from Mississippi has to-day submitted his report, and therefore it has gone beyond the stage when a motion to reconsider will lie. The committee having reported the matter back, it comes up before the House on that report. It being before us, can a motion to reconsider its recommitment be in order?

Mr. BURCHARD, of Illinois. The subject was up by unanimous consent yesterday. The proposition now is to report again from the Committee on Printing. It is now a new proposition.

The SPEAKER *pro tempore*. The Chair sustains the point of order made by the gentleman from Maine, as it is evidently correct. The committee having reported the subject back to the House, the motion (according to his point of order) to reconsider the recommittal does not lie.

Mr. RANDALL. Does the Chair say the gentleman from Mississippi has no right to enter a motion to reconsider the vote by which the resolution was recommitted to that committee on yesterday?

The SPEAKER *pro tempore*. Not after the committee has reported the subject back to the House.

Mr. RANDALL. The question of order was raised against the reception of the report, and to avoid that difficulty the motion to reconsider was made by the gentleman from Mississippi.

Mr. WILSON, of Iowa. I have raised the point of order against the reception of the report, and that point of order is still pending, the Speaker not having decided it.

Mr. RANDALL. The point of order has been raised against the reception of the report, that it was not an ordinary report from the Committee on Printing, which could be made at any time, but that the report was of a proposition changing existing law, which could only come in by unanimous consent.

The SPEAKER *pro tempore*. This matter was before the House without objection, by unanimous consent, when the point of order was made against it.

Mr. SINGLETON. I withdraw the motion to reconsider.

Mr. RANDALL. No; the report and then the motion to reconsider is in order.

Mr. WILSON, of Iowa. I objected to the reception of the report as soon as it was stated to the House, and my point of order is perfectly good until the proposition was read.

The SPEAKER *pro tempore*. This report is before the House, and will come up to-morrow as the unfinished business.

Mr. RANDALL'S motion was agreed to; and then (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BASS: Remonstrance of Robert Dunbar and other citizens of Buffalo, New York, against the passage of the Morrison tariff bill, to the Committee of Ways and Means.

Also, remonstrance of R. H. Plumb and 100 other citizens of Buffalo, New York, of similar import, to the same committee.

Also, remonstrance of George W. Tifft, Sons & Co., and 100 other citizens of Buffalo, New York, of similar import, to the same committee.

By Mr. CASON: The petition of dealers in tobacco of Crawfordsville, Indiana, that the law remain unchanged regulating the mode of packing tobacco, to the same committee.

By Mr. CLARKE, of Kentucky: The petition of George W. Morse, for compensation on account of labor and money expended in inventing the modern metallic center-fire cartridge system of breech-loading fire-arms adopted by the United States Army, to the Committee on Patents.

By Mr. GARFIELD: The petition of the faculty of Dartmouth College, in relation to the metric system and its adoption for use in the United States, to the Committee on Coinage, Weights, and Measures.

By Mr. GOODE: Papers relating to the claim of James E. Hozier, for compensation for the destruction of an oyster-bed by dredging by orders of the commandant of the Norfolk navy-yard, to the Committee of Claims.

By Mr. HARRIS, of Massachusetts: The petition of John W. Gardner, a passed assistant engineer United States Navy, that his pay in his present grade may commence at the time the vacancy occurred to which he was promoted, to the Committee on Naval Affairs.

By Mr. HENDERSON: The petition of Henry Dart & Sons and other citizens of Rock Island, Illinois, that the law regulating the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

By Mr. LEAVENWORTH: The petition of Hile & Aldrich and others, of Syracuse, New York, of similar import, to the same committee.

By Mr. MILLER: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 3,219 persons from the States of New York and New Jersey, to the Committee on the Judiciary.

By Mr. RIDDLE: A paper relating to the establishment of post-routes from Carthage via Snow Creek to Chestnut Mound, Tennessee, and from Chestnut Mound via Granville to Flynn's Lick, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Memorial of the officers of the Academy of Medicine of Zanesville, Ohio, protesting against the passage of the bill to incorporate the National Surgical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Samuel Riddle & Son, J. M. & D. Lewis, Licly & Co., Burnley & Co., James Barton, jr., and 315 other manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties upon foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

By Mr. TUFTS: The petition of manufacturers and dealers in tobacco of Muscatine, Iowa, against any change in the law regulating the manner of packing tobacco, to the same committee.

By Mr. WIKE: The petition of manufacturers and dealers in tobacco of Quincy, Illinois, of similar import, to the same committee.

IN SENATE.

THURSDAY, *May* 18, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2604) to incorporate the Suburban Railroad Company of the District of Columbia;

A bill (H. R. No. 2881) to authorize the establishment of a certain free public highway in the District of Columbia, and for other purposes;

A bill (H. R. No. 3046) to amend the law with respect to wills, to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes; and

A bill (H. R. No. 3435) providing for the adjustment of claims against the District of Columbia, and for other purposes.

ROBERT SMALLS.

Mr. MORTON. Although it is not in order at this time, as I see the Senator from Maryland [Mr. WHYTE] in his seat I should like to enter a motion to reconsider the vote agreeing to a report made by him yesterday from the Committee on Naval Affairs adversely on the petition of Robert Smalls, of South Carolina, praying an allowance of prize-money for the capture of the steamer Planter in 1862. If there is no objection on the part of the Senator, I move to have the vote by which the report was concurred in reconsidered, and that the petition be recommitted to the committee in order that an additional statement may be presented in regard to the claim.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and that order is made by unanimous consent.

PETITIONS AND MEMORIALS.

Mr. ENGLISH presented the memorial of Messrs. Bushwell & Dewell, and other citizens of New Haven, Connecticut, remonstrating against any change in the law regulating the mode of packing tobacco; which was referred to the Committee on Finance.

Mr. BURNSIDE presented the petition of George G. Stillman and others, of Westerly, Rhode Island, praying an amendment to the river and harbor appropriation bill authorizing an appropriation to complete the improvement in Little Narraganset Bay, as recommended by General Warren; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, who were directed by a resolution of the Senate to inquire into the jail accommodations of the District of Columbia, reported a bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail in Judiciary Square to grounds near to the Washington Asylum for the use of the District; which was read and passed to the second reading.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 308) for the relief of B. D. Morton, of Clarkesville, Virginia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Matthew Callaghan, praying compensation for having originated and furnished the Post-Office Department with the plan now in use for the return to the writer of letters not delivered to the person addressed, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 702) to change the name of the steam-propeller Senator Mike Norton to America, reported it without amendment.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. No. 843) establishing the rank of the Paymaster-General; which was read and passed to the second reading.

Mr. SARGENT. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 841) for the relief of Bayse N. Westcott, to report it back adversely. My colleague on the committee [Mr. CONOVER] desires to make a minority report, and therefore I ask that the bill go on the Calendar.

Mr. CONOVER. I present the views of the minority to go with the bill on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the views of the minority will be printed.

Mr. BRUCE, from the Committee on Pensions, to whom were referred thirteen petitions of citizens of New York, late soldiers in the Union Army, praying for an amendment to the pension laws so as to extend the time in which to make application for arrears of pensions to July 4, 1876, submitted an adverse report thereon; which was agreed to and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1944) granting a pension to Njram W. Pratt, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the petition of Nathaniel P. Harbin, of Georgia, praying compensation for certain property seized and taken possession of by United States troops during the late war, submitted a report thereon, accompanied by a bill (S. No. 844) for the relief of Nathaniel P. Harbin, of Georgia.

The bill was read and passed to the second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. MAXEY. I ask unanimous consent to introduce a bill to be referred to the Committee on Claims. I will state for the information of the chairman of the committee that a bill was originally introduced for the relief of Mr. Woodward and referred to the Committee on Military Affairs, and by them returned and the case transferred to the Committee on Claims. The object of the bill which I now introduce is to correct an error in the bill which is already before the Committee on Claims.

By unanimous consent, leave was granted to introduce a bill (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale or dealing in of counterfeit trade-mark goods; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 847) for the relief of the heirs of Captain Joshua Chamberlain; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. NORWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 848) for the relief of William Battersby; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. STEVENSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 849) for the relief of the Choctaw Nation of Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONKLING, it was

Ordered, That the papers relative to the application of the heirs of Captain Joshua Chamberlain be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. STEVENSON, it was

Ordered, That Elizabeth M. Dittoe have leave to withdraw her petition and accompanying papers from the files of the Senate.

SALMON FISHERIES ON THE COLUMBIA RIVER.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the extent and condition of the salmon fisheries on the Columbia River in Oregon and Washington Territory, and report to the Senate, by bill or otherwise, such measure as, in its judgment, is expedient and proper for the regulation of such fisheries and the artificial hatching of salmon in such river.

CLAIMS FOR ARMY SUPPLIES.

Mr. WRIGHT. I move that the Senate proceed to the consideration of House bill No. 1218, of which I spoke yesterday, stating the importance of action upon it at the very earliest moment.

Mr. SARGENT. It is very well understood that the legislative session was extended half an hour longer this morning on my motion, my purpose being to call up a bill very important in reference to my own State, which will not lead to much discussion.

Mr. WRIGHT. I will state to the Senator from California that this bill will lead to no discussion at all. It was reported at the last session of Congress, and it has come to us from the House of Representatives at this session. It includes claims reported from the Treasury Department eighteen months ago.

Mr. SARGENT. I think there are a large number of items in the bill, are there not?

Mr. WRIGHT. It will take no longer to read the bill now than at any other time, and it is a matter of great importance.

Mr. SARGENT. I only hope that I may have some time during the morning hour to call up the bill to which I have referred.

Mr. WRIGHT. I will cheerfully assist the Senator in getting up his bill. I do not think there will be any trouble about it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to proceed to the consideration of the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress, under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LICK OBSERVATORY.

Mr. SARGENT. I move to proceed to the consideration of Senate bill No. 677.

The motion was agreed to; and the bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California was considered as in Committee of the Whole.

The first section recites that James Lick, of San Francisco, California, has by deed of trust given a large sum of money for the erection and equipment of an observatory, dedicating the same to the astronomical department of the University of California for scientific and educational purposes, and has selected Mount Hamilton, in the county of Santa Clara, as the site for the observatory, and which is situate on the public lands of the United States, in township 7 south and range 3 east, Mount Diablo meridian, and reserves from sale or disposal under the general laws of the United States section 9, the north

half of section 10, the south half of section 3, the fractional north half of section 16, and the fractional section 17, in that township.

Section 2 grants so much of said land as is not already granted or disposed of by the United States, to wit, section 9, the north half of section 10, the south half of section 3, and fractional section 17, to the trustees of the Lick Observatory of the astronomical department of the University of California, with authority and in trust to convey the same to the regents of the University of California, and their successors, in trust for the use and benefit of the astronomical department of the University of California.

The Committee on Public Lands reported an amendment to insert at the end of section 2 the following:

Provided, That if the land herein granted shall be used for any other purpose than the site of said observatory, and the necessary purposes in connection therewith, the same shall revert to the United States.

The amendment was agreed to.

Mr. SARGENT. In line 15 of section 1, I move to strike out the words "the fractional north half of section 16." It is not granted by the bill, but reserved for school purposes. I see no object in retaining the words, and therefore move to strike them out.

The motion was agreed to.

Mr. BOOTH. I move to strike out section 3 of the bill. It is unnecessary here; but it is the usual formality in California to provide that an act shall take effect from and after its passage.

Mr. SARGENT. That section should go out.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EDMUNDS. I should like to have the last section read.

The PRESIDENT *pro tempore*. The section will be reported.

The Chief Clerk read section 2 of the bill.

Mr. EDMUNDS. I want to inquire if there is a provision which requires the land to be used exclusively for the purpose, and reserves the right to withdraw the grant if it be not?

Mr. SARGENT. There is.

The Chief Clerk read the following amendment made to the bill:

Provided, That if the land herein granted shall be used for any other purpose than the site of said observatory, and the necessary purposes in connection therewith, the same shall revert to the United States.

Mr. EDMUNDS. All right.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE NATIONAL BANK OF PITTSBURGH.

Mr. WALLACE. I move that the Senate proceed to the consideration of House bill No. 2018.

The motion was agreed to; and the bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate was considered as in Committee of the Whole. It provides that the Exchange National Bank of Pittsburgh shall have power and authority to hold, improve, and lease that lot or piece of ground situate on Fifth avenue and Diamond street, in the city of Pittsburgh, adjoining the property owned and used by the corporation as its banking-house; the lot, the improvement of which is authorized, having been owned by the institution during its existence under a State charter and since its organization as a national bank. No funds of the bank, except its surplus beyond the amount required to be retained by section 5199 of the Revised Statutes of the United States, are to be applied to said improvement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI-ELECTION INVESTIGATION.

Mr. MORTON. I offer the following resolution:

Resolved, That the special committee heretofore appointed by the Senate to investigate the late election in Mississippi be instructed to investigate also the late alleged killing of people and outrages committed near the Mississippi and Louisiana line, and on and near Bayou Tunica, and on Red River; and that, for this purpose, the committee shall have all the power and authority conferred by the original resolution for their appointment.

I should like to read in connection with the resolution the following dispatch received by Governor Kellogg, who is now in the city, late last night from H. C. Clarke, his private secretary:

NEW ORLEANS, *May* 17, 1876.

To Governor KELLOGG,
Willard's Hotel, Washington, D. C.:

Watson, supervisor registration, Swaizie's son, and other colored fugitives from Feliciana, arrived; details horrible; two young colored girls taken from church at Ivens place two miles Mississippi line, Sunday, and ravished to death by young white men from Mississippi. About six white men known to be killed, and nearly sixty colored men hanged or shot up to Tuesday night. At Bayou Tunica four hundred colored and about the same number whites are under arms, the Bayou between them, colored men resisting passage of Bayou by white regulators. If committee comes, cannot they be instructed to take testimony?

H. C. CLARKE.

The resolution was considered by unanimous consent, and agreed to.

RECEIVERS OF NATIONAL BANKS.

Mr. ALLISON. I move that the Calendar be now taken up for unobjected cases.

Mr. SHERMAN. There is some necessity for acting on a bill authorizing the appointment of receivers of national banks, and for other purposes, which has been reported for some time. If it is objected to, I will not insist on it now.

Mr. ALLISON. I do not object; but it occurs to me that if we go to the Calendar we shall get all the unobjected cases out of the way; and there are a great many of them. I will not object to this bill.

Mr. SHERMAN. I move to take up House bill No. 2441.

The motion was agreed to; and the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, was considered as in Committee of the Whole.

The bill was reported by the Committee on Finance with amendments.

The first amendment was in section 2, line 8, after the word "creditor," to strike out "on his own behalf, or;" after the word "and" in the same line, to insert "of all," and in line 11, after the word "district," to strike out "within which any of the shareholders may reside or be found, or," so as to read:

That when any national-banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditors' bill, brought by such creditor, on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

The amendment was agreed to.

The next amendment was in section 3, after the word "on" in line 17 to insert:

Or, if no newspaper is there published, in the newspaper published nearest thereto.

The amendment was agreed to.

The next amendment was to strike out the fourth section of the bill in the following words:

SEC. 4. That the Comptroller may, if, in his judgment, the interests of creditors or of shareholders of national banks which are in the hands of receivers will be promoted thereby, invest the money of such associations which may be on deposit with the Treasurer of the United States, subject to the order of the Comptroller, in interest-bearing bonds of the United States, which may be subsequently sold by him, and the interest accruing on such bonds, together with the principal thereof, be distributed among the creditors and shareholders, with the avails of the other assets, as prescribed by law.

The amendment was agreed to.

The next amendment was in section [5] 4, line 5, to insert after the word "shall" the words "neglect or;" so as to read:

That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment as provided in this section.

The amendment was agreed to.

The next amendment was to strike out in section [7] 6 the proviso at the end of the section, in the following words:

Provided, That such banks shall not be required to have a paid-in capital exceeding $100,000.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. That so much of section 553, Revised Statutes of the United States, relating to the District of Columbia, as authorizes the organization of savings-banks within said District, be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SHERMAN. Perhaps Senators who have listened to the reading of this bill do not need any explanation, and those who have not do not want any. Therefore, perhaps I had better say nothing about it. I will simply remark that the bill has been very carefully prepared at the Bureau of the Comptroller of the Currency and has passed the House of Representatives. Its chief object is to extend the cases in which receivers of national banks may be appointed. I can refer to the law and show the exact changes made; but I do not know that it is necessary. The principal object is to authorize the appointment of receivers of national banks in cases not now provided for by law.

Mr. ALLISON. Who appoints these receivers?

Mr. SHERMAN. The Comptroller, with the approval of the Secretary of the Treasury, just as in other cases. I will say that now under existing law receivers can only be appointed on a failure to make the capital equal to the legal minimum, and also when the reserve is not made good, and also when the bank fails to redeem its notes. Senators can see that there are many cases when a bank may be utterly insolvent and yet because its notes are not presented the Comptroller has no power to appoint a receiver, and in many cases great injustice has been done, and banks in a crippled and failing condition and actually known to be insolvent have still gone on doing business. This bill extends the law to a number of cases where the insolvency is shown to the Comptroller, or where judgments have been had in courts of record and not paid, and also when a bank fails to comply with the statutes generally, especially section 5239 of the Revised Statutes.

Mr. THURMAN. I wish to make one or two inquiries about this bill. In the first place, section 2 of the bill authorizes the individual liability of the shareholders to be enforced by a bill in equity filed by any creditor in the nature of a creditor's bill.

Mr. SHERMAN. I will state to my colleague that that does not apply except when a bank chooses to go into voluntary liquidation, and in such cases banks being a little crippled have gone into voluntary

liquidation. Under the statute as it stands the Comptroller cannot enforce the individual liability until the assets are exhausted, and thus they get time, unjustly in many cases, for the payment of their debts, when, if he had the power or if the creditors had the power to enforce the individual liability of the stockholders, the matter might have been wound up in thirty or sixty days.

Mr. THURMAN. It is to compel a resort to this individual liability before exhausting the assets—is that the object of section 2?

Mr. SHERMAN. It is only in cases where the bank stops voluntarily and is in process of voluntary liquidation—in such cases the individual liability, under the limitations of this section, may be enforced by a bill in equity brought by a creditor in behalf of himself and all the other creditors of the association against the shareholders.

Mr. THURMAN. It seems to me that it will leave a very great ambiguity, because the section of the bank charter referred to—5151—is not perhaps so clear for the courts to decide upon.

Mr. SHERMAN. Fifty-two hundred and thirty-nine.

Mr. THURMAN. The point to which I wish to call the attention of the chairman of the Committee on Finance is whether or not this bill makes it certain when the shareholder shall be compelled to respond under the individual-liability clause of the bank charter. In respect to individual liability, where it is provided for generally, the decisions of the courts have been very contradictory in different States. I do not know that they have been under this banking act, for I am not familiar with the decisions under it. In some States it has been held that that makes the stockholder liable as if he were a mere partner, and an action at law may be brought against him. In others it has been held that he can be proceeded against by a creditor's bill and compelled to pay without waiting for the assets of the corporation to be exhausted. In others, as in my own State in the last decision made, it has been held that the assets of the corporation must be first exhausted. I do not know how this will be construed. It seems to me it ought to be clear one way or the other.

Mr. SHERMAN. As we have but five minutes' time, I will state to my colleague that this section does not change in the slightest degree the amount of the liability, the nature of it, or the mode of prosecuting it; it simply says that when a bank chooses voluntarily to go into liquidation, its creditors may file a creditor's bill to compel the individual stockholders to respond to their individual liability. It does not change the case at all as to other banks that are either wound up by a receiver or in process of liquidation under the law. I do not think there can be any objection to this section. The power they have had heretofore has been abused.

Mr. THURMAN. The bill will leave it to the courts, just as it is now. If the committee are satisfied with it in that way, I do not know that I shall interpose any objection; although it does seem to me that it would have been better to have made that individual-liability clause clear, so that the courts might know whether they could give judgement at once upon the individual-liability clause or whether they must wait until the assets were exhausted.

I wish, however, to call attention to another section of this bill that I am not quite sure is not a little questionable. Section 5 provides—

That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless" upon all fraudulent notes issued in the form of, and intended to circulate as, money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof.

I am not aware of any such provision as that in the law now, though there may be. I am a little apprehensive that it might be dangerous. I am not opposed to the section, because it might tend to prevent an inflation of the currency; for I am opposed to inflation, and especially to inflation by means of counterfeit paper. I am not opposed to it on that ground; but this makes it the duty of every bank officer and every receiving and disbursing officer of the United States, when a note is presented, to decide whether it is altered, counterfeit, or worthless, and stamp it right on the spot as such. I think that would pretty effectually stop its circulation; but if the man whose note has thus been stamped is not satisfied with that, he may present it again and prove, I suppose, or bring suit and prove that the officer stamped it wrongfully or without sufficient cause, and then the officer is to redeem the note. How it is to circulate with this stamp on it, after the officer has redeemed it, I do not know.

Mr. SHERMAN. He can send it in and get his money for it.

Mr. THURMAN. I do not know how that is to be done. It seems to me that it is a very questionable provision.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

CHANGE OF REFERENCE.

Mr. WRIGHT. On Monday last the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins, which was received from the House of Representatives, was by mistake referred to the Committee on Public Lands. I move that that order be reversed and that the bill be referred to the Committee on Claims.

The motion was agreed to.

PAYMASTER-GENERAL.

Mr. BURNSIDE. I ask for the present consideration of the bill (S. No. 843) establishing the rank of the Paymaster-General.

The bill was read. It provides that from and after its passage the rank of the Paymaster-General of the United States Army shall be brigadier-general; and no pay and allowances shall be made to him other than from the date of appointment under the act.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. SHERMAN. I think it had better lie over, as it was only reported to-day.

Mr. BURNSIDE. The bill has been reported from the Military Committee once before and recommitted.

The PRESIDENT *pro tempore*. The bill will lie over.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, the legislative and executive business of the Senate is suspended, and pursuant to order the Senate proceeds to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment having adjourned, resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in answer to a resolution of the Senate of April 10, 1876, a report of the commissioners of the sinking fund of the District, showing the amount of certificates of indebtedness issued by virtue of acts of the Assembly of the District of Columbia and of Congress, and also the amount of assessments made in pursuance of said acts to secure the payment of the certificates; which was ordered to lie on the table and be printed.

On motion of Mr. SARGENT, (at five o'clock and four minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 18, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. BAKER, of Indiana, by unanimous consent, obtained leave to withdraw from the files of the House the petition and papers in the claim of John B. Chapman, of Indiana.

Mr. POWELL, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of Elizabeth J. Scott, being an application for a pension, there being no adverse report thereon.

LEAVE OF ABSENCE.

Mr. STRAIT, by unanimous consent, obtained leave of absence for two weeks on account of important business.

NORTH CAROLINA INDIANS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, inclosing a communication from the Commissioner of Indian Affairs, relative to an appropriation for the benefit of the North Carolina Indians; which was referred to the Committee on Appropriations.

PRESIDIO RESERVATION.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers and of the commanding general, Division of the Pacific, on the bill (H. R. No. 1301) relative to the Presidio reservation; which was referred to the Committee on Military Affairs.

PUBLIC GROUNDS OF WASHINGTON.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter of the Secretary of War, transmitting, in response to a resolution of the House of March 9, the report of Colonel O. E. Babcock, together with itemized vouchers, &c., pertaining to the public grounds of Washington; which was referred to the Committee on Public Buildings and Grounds.

JURISDICTION OF THE COURT OF CLAIMS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting documents relative to the extension of the jurisdiction of the Court of Claims, and for other purposes; which was referred to the Committee on Patents.

CLERK OF THE HOUSE.

The SPEAKER *pro tempore*. The Chair is requested by the Clerk of the House to lay before the House the following communication.

The Clerk read as follows:

SIR: My attention has been called to the following telegram from this city to the Chicago Inter-Ocean of the 15th instant:

"THE NEXT MAN.

"Adams, the Clerk, is said to be the next man to have trouble. A member of Congress claims to have in his possession facts, which he will make public soon, to show that he (the Clerk) has been selling his appointments at sums ranging from $100 to $500."

I regret to obtrude this matter upon the attention of the House of Representatives; but, as these charges affect my honor as a man and my conduct as a responsible officer of this body, I feel impelled to do so, lest my silence under the circumstances might be misconstrued.

I therefore respectfully request that the House shall direct a committee to make an immediate and exhaustive investigation of this subject, and I challenge all persons who profess to have any knowledge or information of any official misconduct on my part to appear and communicate the same to said committee, to the end that the truth or falsity of such charges may be determined at once and forever.

I will here add—and I do so with the absolute and defying confidence of a man conscious of the perfect rectitude of his official conduct—that all such charges are infamous slanders, having not a shadow of foundation in truth.

Very respectfully,

GEO. M. ADAMS.

Hon. S. S. COX,
Speaker pro tempore House of Representatives.

Mr. BROWN, of Kentucky. I offer the following resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the communication from the Clerk of this House just read be referred to the Committee on Rules, with instructions to make a thorough investigation into the matters therein contained, and report thereon at the earliest practicable day, and that the said committee have power to send for persons and papers and make report at any time.

Mr. BROWN, of Kentucky. I doubt not, sir, that the House will readily accede to the request of its officer and pass the resolution I have submitted. This scandalous charge has been spread all over the land in newspapers, and it is but an act of simple justice to Mr. Adams that it be investigated.

I have known him, sir, for many years, and he has always had my unquestioning, undoubting, absolute trust. I believe him to be a gentleman possessed of the highest sense of honor, of incorruptible integrity; and I am sure that this estimate of his character is shared by all his friends. He was for eight years a representative on this floor from Kentucky, and he has in many other ways received manifestations of the confidence and regard of his fellow-citizens. His friends believe it impossible that he could have been guilty of anything unworthy in his official conduct. They believe that he will come out of this investigation without the shade of a shadow of suspicion upon his reputation, and that nothing that can be produced against him can be tortured into the semblance even of misconduct in office. Malignity has gone on its stealthy, hungry hunt along the gutters of calumny, hoping to be able to hook up something foul with which to smirch the escutcheon of this man. The charge we have heard is the product of that nasty search. It is a grave one. If true, he is disgraced and should be driven from his office; but, if false, he should be vindicated. Mr. Adams confronts the accusation. He defies the accuser. He demands the proof. Let it be produced, or the instigator of the vile slander stand condemned and despised.

I move the previous question.

Mr. ATKINS. I desire to ask the gentleman from Kentucky whether he has any idea who the instigator of this charge is.

Mr. BROWN, of Kentucky. The paragraph quoted in the letter of the Clerk refers to a Congressman.

Mr. BANKS. I ask the gentleman from Kentucky to withhold the call for the previous question for a moment that I may say a word in regard to the committee to which it is proposed that this communication shall be referred.

Mr. BROWN, of Kentucky. I yield to the gentleman from Massachusetts.

Mr. BANKS. Of course I do not wish to say a word against the investigation that is proposed. But I ask the attention of the gentleman from Kentucky and the House to the constitution of the committee to which this subject is proposed to be referred.

The Committee on Rules is appointed for the purpose of considering one distinct subject relating to the order of transacting the business of the House, the order of the course of legislation; and while of course gentlemen on that committee cannot object to considering any other subject referred to it, inasmuch as they were selected for particular reasons and on account of the positions they had held heretofore in this House either as its officers or as controlling its business, it seems better on general consideration that this subject be referred to a special committee, it being an important investigation and which should be made with as much speed as possible.

But there is another reason. The chairman of the Committee on Rules, who is the Speaker of the House, is absent. If he were present it would certainly occur to every gentleman that the Speaker of the House, on any consideration, ought not to be made the chairman of a committee of investigation on account of the powerful influence which he would naturally exert as an officer of the House. It would naturally suggest itself to every member that that powerful influence ought not to be thrown in the one scale or the other. As the Speaker is absent the committee cannot be charged with the consideration of this matter before his place is filled. I believe there are five members of the committee, and one being absent, the committee is equally divided. In the absence of the Speaker the Speaker *pro tempore* would be chairman of the committee, not absolutely, but by the general course, as it happens that the member of the House who is now Speaker *pro tempore* is also a member of the committee. The committee therefore is reduced to three members, the Speaker *pro tempore*, and two of the members are ex-Speakers of the House. It is not such a committee that ought to be charged with the very important duty of considering this matter, affecting not only the character of one of the principal officers of the House, but to a great extent the character of the House itself. Now I suggest to the gentleman from Kentucky that this matter be referred to a special committee of five or seven members, to be appointed by the Chair, and with the due consideration of all circumstances connected with it and its importance, and then the House will be entirely satisfied with its judgment, and I hope the House will make that change in the motion.

Mr. RANDALL. I concur very fully with the gentleman from Massachusetts. The Committee on Rules have already one investigation before them, and we find great difficulty in getting a quorum. As the gentleman from Massachusetts [Mr. BANKS] has stated, the Speaker is absent, and another member of the committee is not well and confined to his house. The truth is that as a member of that committee I have not time to attend to it. I have been unable to meet with the committee in the investigation already ordered because I am on another committee, and my presence there as its presiding officer is absolutely necessary. I concur with the gentleman that this matter should be referred to a special committee.

Mr. BROWN, of Kentucky. I am entirely indifferent as to what committee shall have charge of this matter, and in view of the suggestion of the gentleman from Massachusetts I will modify the resolution and propose the reference of these charges to a select committee of five to be appointed by the Chair; and in that connection I desire to say that standing as I am in intimate relations with the Clerk of the House I do not wish to serve on that committee, and I am authorized by him to say that he would prefer that no democratic Kentuckian should be on that committee.

The question was taken on the resolution, as modified, and it was agreed to.

LANDS IN MISSOURI.

Mr. GAUSE. I am instructed by the Committee on Public Lands to report back, with amendments, the bill (H. R. No. 1253) granting to the State of Missouri all the lands therein selected as swamp and overflowed land.

Mr. WILSON, of Iowa. I make the point of order that that bill should be referred to the Committee of the Whole.

Mr. BLAND. I hope the gentleman will not insist upon that point of order. Let the bill be read.

The Clerk commenced the reading of the bill.

Mr. BLOUNT. I object to the consideration of the bill.

The SPEAKER *pro tempore*. Then the bill is not before the House.

Mr. HOLMAN. I think the bill should go to the Committee of the Whole.

The SPEAKER *pro tempore*. The bill is not before the House, objection being made.

Mr. HALE. I call for the regular order of business.

CONGRESSIONAL PRINTING.

The SPEAKER *pro tempore*. The first business in order this morning is the consideration, as unfinished business, of the report from the Committee on Printing in relation to the Government Printing Office.

A point of order is pending concerning the reception and consideration of this report.

The Chair begs the attention of the House to this matter as of considerable importance concerning the rules of the House. It is important because it affects several committees which under the rules have "leave to report at any time," and, further, because it affects current legislation—its order and priority. To illustrate by a few queries: The Committee of Elections may "report at any time;" but is not that limited to contested-election cases and thus privileged? Can it, however, under the rule report a general election law? The Committee on Enrolled Bills has a similar privilege; but is not the limit fixed upon reporting enrolled bills only?

What is the condition of the report upon which this point of order is raised?

The gentleman from Ohio, [Mr. VANCE,] chairman of the Committee on Printing, on the 12th instant, submitted a report from that committee in relation to the Government Printing Office. That report was read at length and recommitted to the same committee. On Tuesday, the 16th instant, the House reconsidered the vote by which the report was recommitted to the committee, discussed the report nearly four hours, adopted two of the three resolutions submitted in that report, and recommitted the third resolution to the committee with instructions to modify the same. The vote by which the resolution was recommitted was reconsidered and the motion to reconsider laid on the table. The report was prevented from being brought back upon a motion to reconsider the vote of recommitment.

The gentleman from Mississippi [Mr. SINGLETON] on yesterday reported back the resolution with certain modifications. In fact his committee only obeyed the instructions of the House.

The gentleman from Iowa [Mr. WILSON] thereupon made the point

of order that the privilege of the committee to report at any time extended only to reference of their reports to the Committee of the Whole.

The gentleman from Massachusetts [Mr. HOAR] also raised the same point at a subsequent stage of the proceeding.

The Chair was inclined to rule promptly that the committee had the right to report at any time, and that the report was properly before the House for consideration, as consideration and report go together. (Barclay, 187.) The matter being of unusual consequence, the Chair desired to examine heedfully the question presented, as well as the reasons and precedents.

The gentleman from Mississippi [Mr. SINGLETON] temporarily complicated the question by moving to reconsider the vote by which the report was recommitted to the Committee on Printing. The gentleman from Maine [Mr. HALE] made the point of order that the committee having made the report recommitted to them, the motion to reconsider the vote of recommitment was not in order; which point of order was sustained by the Chair. In this ruling the Chair was clearly right, and for another reason besides that stated by the gentleman from Maine, [Mr. HALE,] namely, that there had been on Saturday a prevailing motion to table the question of reconsideration of the recommitment.

The present occupant of the chair has carefully looked into the subject and examined the authorities and precedents. He has read the decision of Mr. Speaker BLAINE in the case alluded to yesterday by the gentleman from Massachusetts, [Mr. HOAR.] It is found in the Globe, second session Forty-second Congress, page 2478. He has also read the reply and speech of Mr. Beatty at that time. (See Globe of same session, page 2408.) He has also examined other decisions which seem to differ from that of Mr. Speaker BLAINE.

While he believes now as he did then, that that decision under the strict construction of the rules was correct, he is of opinion that the present matter involves and presents an entirely different and exceptional question. At that time and in that case the origin of the rule and the necessity out of which it grew sanctioned the decision. The rule is as old as the Thirtieth Congress. Its author was Mr. Henley, of Indiana. It was intended to save a large amount of money which would otherwise be paid for additional composition of documents, &c., when matter had been taken down and after extra numbers were ordered. The rule was founded in convenience and economy, and was not to be enlarged to comprehend the report at any time of general legislation.

Frequently this rule has received a too literal interpretation, which led to its abuse. In fact Mr. Beatty quoted many occasions when Mr. Speaker BLAINE himself allowed the committee to report other matters than those strictly belonging to the current printing of the House. The Tributes to Abraham Lincoln and their distribution by law was instanced. This instance is found in the Globe, second session Forty-first Congress, page 3118. But in that case the resolution had been referred to the committee. The subject-matter was committed to the committee by the House itself and the Chair allowed the report to be made "at any time." Therein it is akin to this present case.

Inasmuch as the original resolution of investigation in this case gave no authority to report or suggest general legislation, the Chair is of opinion that the point of order now raised would have held good, if made at the proper time, i. e., when the report was first made on the 12th instant. But he is also of opinion that the report having been received, read, and, with full knowledge of its purport, recommitted to the committee, again reported on the 16th, considered, and partly disposed of, again recommitted to the committee with instructions embodying the wish and conclusion of the House, it is now in order. The instructions so enlarged the original jurisdiction of the committee that the point of order that the report is not a privileged one does not now lie.

The gentleman from Massachusetts [Mr. HOAR] stated yesterday that Mr. Speaker BLAINE in making his decision recurred to the origin of the rule and fortified himself by several important precedents, among others, decisions of Speakers Winthrop and Cobb.

The Chair was aware of the decisions. He stated yesterday that his impression was that Speaker BLAINE had overruled them. Whether his decision, which was made that of the House by a resolution from Mr. BANKS sustaining it, (Journal, April 16, 1872, page 697,) overruled that of his eminent predecessors or not, is not very material to the present decision. They are referred to only to show that they are not absolutely necessary to the present ruling, either as reason or authority. In certain respects, they confirm the present ruling of the Chair, while in other respects the decision of Mr. Speaker BLAINE does not conflict with it. For all that appears in his own decision, Mr. Speaker BLAINE could consistently coincide with that of the Chair. The Clerk will read the opinions of Speakers Winthrop and Cobb.

The Clerk read as follows:

The Speaker stated the question. The Chair understood the gentleman from Georgia to claim for the Speaker the discretionary power to say what character of reports the Committee on Printing might make under their general leave to report at any time. The Chair overruled the point of order, and disclaimed any such power. The rule was express that the Committee on Printing might report at any time, without reference to the nature or character of the report.—*Speaker Winthrop.*

The SPEAKER. * * * The gentleman from South Carolina [Mr. Burt] submits as a point of order that under the rules of the House the gentleman from Mississippi is not entitled to make this report as a privileged question. The Chair overrules the point of order upon the ground that the twenty-first rule of the House provides that it shall be in order for the Committee on Printing to report at any time. The rule places no restriction whatever upon the subject-matter to be reported; and, in the opinion of the Chair, it is limited only to the fact whether or not the subject be legitimately before that committee.—*Speaker Cobb.*

In the decision of Mr. Speaker BLAINE he did not hesitate to declare that he differed from these ex-Speakers; and that he took the responsibility of overruling them. The present acting Speaker would hesitate before following such an example, even as against one ex-Speaker. Nor is it necessary for the decision of the present point of order.

It will be observed that both these eminent Speakers were of opinion that the Committee on Printing possessed the right to report at any time "without reference to the nature or character of the report." Mr. Cobb limits his ruling by the fact, significant in the present case, whether or not the subject was legitimately before that committee. The Chair presumes that no member of the House will deny that the committee had obtained jurisdiction of the subject of the resolution.

Mr. Speaker BLAINE in his decision urged as a strong reason against the privilege claimed by Mr. Beatty, the chairman of the House Committee on Printing in the Forty-second Congress, that if it was conceded the House might suddenly and without warning have precipitated upon it bills embracing extraordinary and general legislation. He held that the rules, which were largely for the protection of minorities, were intended to prevent such legislation. Certainly in the present case it cannot be urged that the House was not fully aware of the legislation proposed in the report under consideration, and therefore that portion of the argument made by Mr. Speaker BLAINE in making that decision does not apply in this case.

The sections of the pending resolution for the Committee of Appropriations to consider, reported by Mr. VANCE, the chairman of the Printing Committee, comprehend a large sphere of repealing and original legislation. They create an office of responsibility. They provide an extensive scheme of Government printing, binding, &c., for the legislative as well as the Executive Departments. At first sight they would seem to be ruled out by the decision of Speaker BLAINE; but of their general tenor was not the House fully advised by the report on the 12th, as well as by the lengthy debates, which followed? Did not the House deliberately consider and reconsider, and finally recommit them; and that, too, with instructions? No member or committee was surprised or embarrassed by this last report of the Committee on Printing. It was acting only perfunctorily and almost formally, in answer to the express call of the House, which gave them special jurisdiction.

The reasoning of the decision of Ex-Speaker BLAINE, therefore, in 1872, cannot be tortured into sustaining this point of order. This last report does not, except by the action of the House itself disturb or crowd out the right of other committees on other questions. It is only by the consent of the House, deliberately given, that the privileges of other committees can be disturbed by this privilege of the Printing Committee to report at any time on other matters besides the "current printing."

The Chair repeats that while he is of opinion that the present case is essentially different from that decided by Mr. Speaker BLAINE, he is clear that the House, having full knowledge of the report now in question, committed the same to the committee. It thereby cured any defect or lack of jurisdiction as an original proposition.

Further, the gentleman from Massachusetts, Mr. DAWES, long a member of several privileged committees, and frequently acting Speaker, was of opinion that the reference of a bill or resolution to the committee gave it a broader jurisdiction than it originally possessed. He could not avoid this conclusion, as it had been held by eminent authority. In reply to Mr. Beatty he said:

I do not doubt that the House can give the committee a new or extended jurisdiction; but in the absence of that, it must be perfectly apparent that the right to report at any time can only be co-extensive with the jurisdiction of the committee; and a reference to the rule creating the committee shows the limited character of its authority, in the absence of any new or additional authority given by the House.—*Globe*, page 2480, second session Forty-second Congress.

Fortified by the reasoning of Ex-Speaker BLAINE in his decision, and by Mr. DAWES, of Massachusetts, in his remarks, as well as by other rulings in other cases in conflict with that decision on other points not here relevant; fortified by the decisions of Ex-Speakers Winthrop and Cobb, which apply to this case even if they go further than they should; strengthened by the peculiar situation of this question, because of its most deliberate consideration by the House and its recommittal to the committee, as well as by the statement of the gentleman from Iowa [Mr. WILSON] himself, who made the point of order, that when this recommittal was made the resolution could be reported at any time, the Chair overrules the point of order.

The report is therefore before the House; and the gentleman from Mississippi [Mr. SINGLETON] has the floor.

Mr. WILSON, of Iowa. One word, Mr. Speaker. You have quoted me as making a statement that is directly contrary to what I did say. I said the Committee on Printing should not have the right to report at any time; I am in the RECORD made to say directly the opposite.

The SPEAKER *pro tempore*. The Clerk will read from the RECORD.

Mr. WILSON, of Iowa. I know that the RECORD makes me say so, but the RECORD is wrong; and as the correction of the RECORD is not a question of privilege, I have not had the opportunity to make the correction

Mr. HOAR. I am entirely satisfied with the decision of the Chair. As I stated yesterday, I raised the point of order, not for the purpose of embarrassing this resolution at all, but simply because it was so grave a matter. The point to which I wish to call the attention of the Chair now is this: I understand that the present ruling is not in conflict with the ruling of Speaker BLAINE, but stands upon its own ground. The ruling of Speaker BLAINE, however, is not the real authority in favor of the position which he took; but the authority is the decision of the House on the appeal from his ruling. Unless I am mistaken, there was no appeal in the cases referred to by the Chair where decisions were made by Speakers Winthrop and Cobb. I am not sure about that, but the Chair perhaps has observed whether that is the case or not. Under the ruling of Speaker BLAINE, in the Congress before the last, his decision derived its authority as a precedent from the fact that it became the decision of the House on appeal, and as such is by the rule expressly required to be recorded at the end of the Journal. I do not say this as contravening anything that the Chair has now said, for I do not understand that the Chair has said anything in conflict with that decision, but rather in accord with it.

The SPEAKER *pro tempore*. The Chair confirmed his decision with what Mr. Speaker BLAINE said.

Mr. HOLMAN. On this question of order I desire to say a single word. There are two other committees of the House, the one intrusted with the duty of raising revenue, and the other of making appropriations to carry on the Government, which committees are, by the rules of the House, invested with the right to report at any time. I believe, however, it is generally understood that they may report at any time only upon the subject-matters of the revenues of the Government and the appropriations to carry on the Government. As this is a question of the very highest importance in connection with the current business of this House, I trust that the ruling of the Chair may be considered to be perfectly consistent with the assumption that those two committees will still possess the right to report at any time only upon those subject-matters which immediately pertain to their deliberation, and not upon any incidental matters which from time to time may be referred to them. I understand that the ruling of the Chair is perfectly consistent with that view, for it is very clear that the House would not desire to confer upon the Committee on Appropriations and the Committee of Ways and Means the right to report at any time upon the multitude of incidental matters not directly connected with the revenues of the Government and appropriations from the Treasury.

Mr. GARFIELD. Allow me to suggest in that connection that it has been repeatedly ruled that the Committee on Appropriations could not report at any time anything but one of the twelve regular appropriation bills; and last session it was ruled by the Speaker that when we had introduced and carried through a deficiency appropriation bill an additional deficiency appropriation bill was not under our privilege; that we had exhausted our function when we had reported one general deficiency bill, and could not claim the right to report subsequently another deficiency bill at any time.

Mr. HOLMAN. The rule creating the Committee of Ways and Means expressly limits that committee to reports upon the subject-matter of the public revenue.

The SPEAKER *pro tempore*. The Chair has not gone further in his decision than the subject before the House requires. When other subjects come up upon which his ruling is required he will studiously endeavor to make that ruling according to the usual construction of the rules.

Mr. BANKS. I desire to say a word or two on this question of the decision of the Chair.

Mr. SINGLETON. I believe I am entitled to the floor, the Chair having decided that the report of the committee is in order.

Mr. BANKS. If the gentleman from Mississippi [Mr. SINGLETON] will allow me——

Mr. SINGLETON. I must decline to yield further.

Mr. BANKS. Then, for the purpose of getting an opportunity to say what I wish to say, I will appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BANKS] appeals from the decision of the Chair, and the question before the House is, Shall the decision of the Chair stand as the judgment of this House?

Mr. BANKS. I do not propose in any way to set myself in opposition to the decision of the Chair upon this question. I want, however, to call the attention of the House to one or two facts connected with it which ought to be understood, and upon which, if the statement of the Chair shall be accepted as an absolute rule in all cases, the House will some time find itself in very great difficulty.

The decisions of Mr. Speaker Winthrop and Mr. Speaker Cobb upon this question do not apply, I think, to the business of the House and its rules at the present time. A law has been passed which requires that every proposition relating to the printing of documents shall be referred to a committee, not by the House, but by the officers of the respective Houses. The House exercises no discretion and has no power in effecting this reference. A large class of papers are referred to the Committee on Printing by the Clerk. This was not the law at the time those decisions were made; and therefore, so far as the rules existing then and now apply, the condition of the matter is not the same. When the House refers a matter to a committee—the Committee on Printing or any other—of course that committee has all the rights upon the question referred to it which are given to that committee by the rules. But in this case the House does not refer these questions to the Committee on Printing; they are referred in one case by the law and in the other by the rules of the House. Rule 100 provides that a large number of cases shall be referred to the Committee on Printing by order of the Clerk. Now, if the House refers a matter of general legislation to the Committee on Printing, that committee upon that matter should be held to the proceedings under the rules affecting all other committees in regard to subjects of general legislation. If this be not the rule now, it ought to be changed. Otherwise many subjects appropriate to the business of other committees will be referred to the special committees invested with the high privilege of presenting their reports at any moment, irrespective of the business which may occupy the House. It is a high privilege, which ought to be limited to privileged subjects of legislation, and the printing of documents presents a question of this character. It must often be decided without delay, and the rule is framed to secure this result. Propositions to change the general laws relating to the general subject of printing are not of this character, and ought not to enjoy this exclusive privilege.

Let me state a case which will show the House that I am right upon this point. There is a great difference of opinion upon the question of currency; and I have observed that gentlemen on all sides and from different sections have been indisposed to admit propositions that should subject the House to a decision of this subject by a majority vote. Now, if the ruling of the Chair be correct, to-morrow morning there may be brought before this House from the Committee on Printing a bill on the subject of currency, or a bill changing fundamental provisions of our law upon any other matter; and the House will have lost the control of the question, because it must be remembered a petition gives a committee jurisdiction of a subject of legislation as completely as the reference of a bill. A member may file a petition with the Clerk; he need not publish it in the newspapers; no member of the House will know what subject is embraced in it; and if that petition goes to the Committee on Printing, or another having the same exclusive right, giving that committee jurisdiction of the subject, as it will under the ruling of the Chair, and that committee having the right to report at any time, the House will be compelled to act upon any subject, no matter what it may be, at an instant's notice without preparation and without any previous consent to the introduction of the matter.

Now, that ought not to be. I do not mean to set this statement against the decision of the Chair; but I suggest to the Chair and to the House that there ought to be some revision of this matter so that every committee shall be held in regard to its privilege to exactly that line of conduct which the House understands and directs to be pursued. I withdraw the appeal.

The SPEAKER *pro tempore*. The Chair would say that he especially avoided any difficulty such as is suggested by the gentleman from Massachusetts, [Mr. BANKS.] The ruling of the Chair is based on the recommittal of this third resolution to the Committee on Printing, with leave to report at any time.

Mr. SINGLETON. I now ask for the reading of the report.

The Clerk read as follows:

The Joint Committee on Printing on the part of the House of Representatives, to whom was referred back one of the resolutions reported by said committee, containing an instruction to the Committee on Appropriations to insert certain sections in the sundry civil bill to be by them hereafter reported to this House, having had the same under consideration, have instructed me to report back the said resolution and bill accompanying it, with the following amendments:

In the second line of said resolution, to strike out the words "instructed to embody," and insert in lieu thereof the words "requested to inquire into the expediency of embodying."

Strike from section —, being by count the ninth section of the bill reported with the resolution, all after the word "for," at the end of the fourth line in said section, down to and including the word "Congress," in the seventh line, and insert in lieu thereof "and during the second session of the Forty-fourth Congress;" so that said section will read as follows:

SEC. —. That from and after the close of the first session of the Forty-fourth Congress the printing and binding of the proceedings and debates of Congress in the same form as they now appear in the CONGRESSIONAL RECORD shall be done by Franklin Rives, of Washington City, for and during the second session of the Forty-fourth Congress, upon the terms stated in his proposal, &c.

At the end of said section, insert the following:

And provided further, That after the expiration of the said second session of the Forty-fourth Congress the printing and binding of the proceedings and debates of Congress in the same form as they now appear in the CONGRESSIONAL RECORD shall be let by the Joint Committee on Printing of the two Houses of Congress by contract, in writing, to the lowest responsible bidder or bidders, after advertising for one month during the second session of the Forty-fourth Congress for bids in at least one public newspaper in each of the cities of Washington, Philadelphia, Baltimore, and New York, specifying in said advertisements the work for which bids are invited; and the said Joint Committee on Printing of the two Houses shall take bond and approved security in the sum of $100,000, payable to the United States, for the faithful and prompt performance of the contract entered into by said successful bidder or bidders; said contract to cover the work for the two sessions of the Forty-fifth Congress, and to embrace all the provisions as to the character of type, manner of making up the proceedings and debates, size and binding of volumes thereof, paper to be used, stereotype plates or duplicates, and every other stipulation in relation thereto deemed advisable by said Joint Committee on Printing.

Mr. RANDALL. I do not think that the modifications proposed in this report go to the extent that the House, from the tone of the discussion the other day, intended. There is yet retained a provision that the printing of the CONGRESSIONAL RECORD for the second session of this Congress shall be awarded to a particular individual; in other words, it is proposed by legislation to make a contract with an individual named, excluding competition. Now I would like to

amend that part of the report so as to provide that the printing of the CONGRESSIONAL RECORD for the second session of this Congress, as well as for subsequent Congresses, shall be open to competition. The gentleman from Ohio [Mr. VANCE] who sits behind me tells me that it will be all right; but in my judgment the way to insure having matters right is to make them right upon the face of the record. I therefore ask the gentleman from Mississippi [Mr. SINGLETON] to allow me to offer an amendment that the printing of the RECORD for the next session of the present Congress, as well as for future Congresses, shall be open to competition.

Mr. SINGLETON. I will explain the report of the committee, and then the gentleman from Pennsylvania can see whether or not his objection will apply.

Mr. RANDALL. Certainly I shall be glad to hear the gentleman.

Mr. SINGLETON. Mr. Speaker, it will be remembered by the House that the report simply recommends this resolution and the accompanying bill shall be referred to the Committee on Appropriations for consideration. There is nothing to be determined at this time except the simple question of reference.

The first amendment which was made to the resolution by the Committee on Printing in obedience to the instructions of the House was to strike out the word "instructed" and in lieu thereof to provide that the Committee on Appropriations be requested to inquire into the propriety of embodying certain matters in the sundry civil appropriation bill. To that there can be no objection. It seemed to be the wish of the House when the resolution was recommitted that that should be done.

It will be further remembered that by one of the sections of the bill accompanying the resolution the proposition was made to give to Franklin Rives for six years the printing of the Congressional Globe or CONGRESSIONAL RECORD upon terms which he himself submitted. Now that section has been modified to this extent: It is not now proposed to enter into any contract for six years, which the House seemed to think was too long a time and would look like an attempt to bind subsequent Congresses, but that has been modified to the extent that he is only allowed to do the printing of the CONGRESSIONAL RECORD during the short session of the present Congress, and when that time shall have expired then the whole matter is left to the control of the Joint Committee on Printing to advertise for bids and let the contract out to the lowest bidder with good sureties for the proper execution of the work. That is as far as the report goes.

The gentleman from Pennsylvania objects to that, and thinks we ought to advertise and receive bids for the execution of this work during the coming short session of the present Congress. It seems to me we will meet with some difficulty in that regard from the fact that we have hardly time now to attend to it.

Mr. RANDALL. Mr. Speaker, I am unwilling, inferentially or in any other way, to countenance a contract by legislation with any individual that is not open to competition. Secondly, I do not think it right, by implication even, to embarrass the action of the Committee on Appropriations in that respect.

Mr. SINGLETON. I will add but one word.

Mr. RANDALL. I have an amendment to offer.

Mr. SINGLETON. Certainly the gentleman can offer his amendment; but I wish to say one word only in regard to that provision of the bill. It will be found from the testimony which has been taken in this case in regard to the public printing that the proposition which is made by Mr. Rives to do the printing is about $16,000 less a session than it has been done for; and it was on that ground we felt inclined to accept the proposition with a view to saving to this Government that amount during each session of Congress. But I wish to say in addition that we have no special interest in Mr. Rives or any other individual. We do not propose to favor him above any one else; but as he made the proposition, and we believe it to be a good one and in the interest of the Government to accept it, we therefore embodied it in our report. I know the chairman of the committee, as well as the gentleman from Rhode Island [Mr. BALLOU] and myself, are all perfectly willing, indeed anxious, that this whole matter shall be thrown open to competition, so that the public printing shall be done at the least possible cost.

Mr. RANDALL. I wish to say to the gentleman from Mississippi that in anything I have said I have not attempted, nor was it my intention, to reflect on the proposition as reported from the committee, because I believe it to be in the direction of economy to the extent, as the gentleman has stated, of $16,000 a session. But the gentleman will readily see that we should subject ourselves to great criticism if we should attempt even with that reduction to shut off from competition others who might be willing to do it for still less.

I now ask the Clerk to read my amendment. It is to strike out all giving the contract to Mr. Rives, and in lieu thereof to insert the following:

The Clerk read as follows:

The printing of the CONGRESSIONAL RECORD for the second session of the present Congress, as well as for subsequent Congresses, shall be open to competition.

Mr. RANDALL. That is my amendment, and I hope it will be adopted.

The amendment was adopted.

Mr. SINGLETON. I now call for the previous question on the adoption of the resolution as amended.

Mr. BALLOU. I ask the gentleman from Mississippi to yield to me for a moment.

Mr. SINGLETON. I withdraw the demand for the previous question for that purpose.

Mr. BALLOU. Mr. Speaker, I assented to this reference in committee because I was unwilling to oppose anything like inquiry, but I think this whole matter is wrong. The gentleman from Mississippi has stated that what is proposed by Mr. Rives is $16,000 less, but, according to the statement of the Congressional Printer, his proposition is $88,000, while Mr. Rives's is $93,000.

But it is said the Congressional Printer underestimates. Now I think it can be shown that the committee have made some mistakes as well as the Printing Office. In relation to the charge for gold-leaf of $57,000 it has been said one-fourth of that was wastage, making $14,000. I understand, however, that there is not more than 20 per cent. of gold-leaf of intrinsic gold value, making the one-quarter less than $3,000.

Mr. SINGLETON. I wish the gentleman would yield to me for just one moment. I want to say that the gold-leaf has nothing in the world to do with the CONGRESSIONAL RECORD. It does not touch this question in any shape or manner whatever.

Mr. BALLOU. It touches the matter of transferring the printing of the RECORD to anybody else. And I wish to state this: If there is a profit—and no private contractors would take the work without a profit—why should not the Government have that profit itself? And if the present Congressional Printer does not do the work as economically as it can be done, then there are men in the country who can do it. And why should not the Government make the saving of the profit that comes from this printing?

Mr. Speaker, this whole matter, in my judgment, has been conducted in an unsafe and wrong manner. You, Mr. Speaker, and the honorable chairman of this committee, and the members of committees of investigation of this House could not stand, and none, if they were as pure as the angels of light, could stand and have charges brought against them by those who had enmity and prejudice and selfishness to minister to, while those who were accused were not able to be present and face the charges. And I say that the Congressional Printer has not had the opportunity of standing up before these witnesses and cross-examining them and defending himself. There is not a criminal in the land, however black his character, but would have a better chance than the Congressional Printer has had in this investigation.

I wish to refer to one of the statements made by the chairman of this committee in his speech the other day. He said:

I refer to Mr. Theodore L. De Vinne, of New York. * * * He examined various samples and kinds of work. For instance, he examined the "Dead-Letter Office sale" I hold in my hand, marked X. I will read from the testimony:

"Question. Make an estimate of the pamphlet marked "X" as you believe it would be made by the printers of New York, Baltimore, or Philadelphia, if they had workmen by the piece, for *one thousand* copies.

"Answer. The paper for a thousand copies, four and one-third reams, at $8.50 a ream, $36 83; composition of sixty-six pages, at $2.70, $178.20; press-work of five forms, $5 a form, $25; binding of a thousand copies, $6; sum total, $246.03.

"Q. Is this the lowest price, or nearly the lowest price, for which this work could be done?

"A. It is not; this is the price which would be charged by the better class of printers, being charged at what are known as established rates. There are printers in the city who would do it for a much smaller sum."

The answers to these questions are to the point. Now, what did the Congressional Printer charge? He charged $645.75!

Now, Mr. Speaker, what are the facts? The charge ($645.75) by the Congressional Printer for the work above referred to was for 10,000 copies, and is made up as follows—I hold the bill in my hand:

Composition, (double-price matter)	$282 20
Press-work, 200 tokens, at seventy-five cents, (which covers folding, gathering, stitching)	150 00
Paper, (42½ reams, at $6.20 1-10)	263 55
	645 75

That is the way in which the total of $645.75 is made up; and this shows that even our committee as well as the Congressional Printer may sometimes make mistakes. And now let me read another statement from the speech of the chairman of the committee. He says:

Here is the report of the Secretary of the Interior, volume 1, for 1875, of which five hundred copies were bound, at a cost of $471.30, one hundred bound in the style which gentlemen can see, and four hundred in cloth. The cloth copies, according to the estimates, cost about twenty cents a volume, which would leave the cost of this bound copy at about $3.90 per volume.

Now, what are the facts? The charge of $471.37 above referred to is made up as follows:

No composition, it being printed at the same time as the regular congressional edition.	
Press-work, (which covers folding, &c.)	$93 00
Paper, (31 11-20 reams, at $6.14 4-5)	193 97
Inserting plate-work	4 40
Binding four hundred in cloth, at twenty cents, and one hundred in half Turkey, at $1	180 00
	471 37

I mention these things not to intimate that there is any wrong intention on the part of the committee, but to show that all of us are liable to mistakes. And I wish to say here that I doubt not there have been mistakes and perhaps extravagance in some respects in the Government Printing Office. But though search has been made from New York to Washington as with a lighted candle in every place

where it was possible to get proof, yet I assert that though there may have been mistakes, and though in some instances work might have been done cheaper, yet there has not been discovered one cent of fraud, one dollar used illegally by the Government Printer or any of his subordinates. The book-keeping in the Congressional Printing Office may be improved unquestionably; but it is the same system that came to the Congressional Printer when he entered the office; and I believe, as I said the other day, that he is an honest and honorable man.

Since I made my statement the other day, conscientiously and honestly, I have been threatened by an anonymous letter that I have got to be killed off. Well, it does not matter much to me about being killed off; I do not know exactly what it means. But I did not seek this place, and it will be no particular sacrifice for me to resign it. But while I stand here I will stand up for the rights of an American citizen when I believe he is treated unjustly; and I think the Congressional Printer in this secret examination, without the privilege of meeting his accusers face to face and of cross-questioning them, has been treated unjustly. I cannot do otherwise than express the thought of my heart that he is an honest man. And though there may be things to improve, as I doubt not there are, yet he is not to be condemned for fraud or intentional dishonesty in any respect whatever.

Mr. VANCE, of Ohio. In justice to the majority of the committee, after the remarks of the gentleman from Rhode Island, I deem it proper to make a very brief statement in regard to one charge that is preferred, and that is that the Congressional Printer has not had an opportunity to meet the charges against him. The gentleman himself was present until called away from Washington by pressing business and he knows the truth of what I say. There was no matter affecting the Congressional Printer in regard to which he was left uninformed. Every time any point came up affecting his administration of the Government Office, no matter how trivial, he was placed in possession of the facts and asked to explain or bring forward testimony upon the point.

This was not a partisan or a political inquiry. It was merely a matter of business, and it was treated as a matter of business by the committee.

I hold in my hand here the testimony, and appeal to the gentlemen upon this floor to examine it. Look at the list of the witnesses called. First, there was the Congressional Printer. He said that he could not answer certain questions, and asked the committee to call men from his office to answer in reference to those matters. We did call them. And of the fifty witnesses or thereabouts that we called, about thirty, perhaps upward of thirty, were out of the Congressional Printing Office or were friends of his. The testimony shows this. We had no charges to make. We found a certain state of things existing. We asked the Congressional Printer to explain it. He was unable to explain it. The testimony shows he was utterly unable to explain it. This is clearly and distinctly shown.

Now, Mr. Speaker, one word in regard to the administration of this office, although I do not desire to trespass on the time of the House. The first is to the gold-leaf which has been referred to. The testimony is very explicit that in using gold-leaf there is and must be a large waste. The testimony shows that the waste amounts to one-fourth of the gold-leaf purchased——

Mr. BALLOU. I wish to say, in answer to that, that the cost of the gold-leaf wasted is about 20 per cent. on the intrinsic value of the gold-leaf purchased, but the principal cost of the gold-leaf is in labor. But of the $50,000 of gold-leaf purchased there is not a loss of over $400.

Mr. VANCE, of Ohio. I speak of the amount purchased; and the testimony bears me out in the statement that one-fourth of it comes back in waste; that there is a waste of one-fourth of the gold-leaf which is put on books broadcast and is then scraped off and becomes waste. Now, that waste when brought together, melted, and refined, is about 25 per cent. on every dollar's worth of gold-leaf that is used. That is the distinct testimony of the men who handle it.

One word more. The gentleman has referred to the making of private contracts. The old contract system was iniquitous. It worked wrong to the Government, as I said the other day. But what was the result after its abolition? We find that a greater waste is made by the Government Office than was made by private contracts. We find, too, that the expenditures have averaged $1,700,000 a year for the last seven years, and that there has been a net loss to the Government of not less than $500,000 a year. I am making no charges now of fraud or corruption. I simply state facts, and gentlemen can find them by an examination of the report.

Now, the gentleman from Rhode Island has referred to "slight" irregularities in the book-keeping of the Government Printing Office. What did we find during this investigation? Mr. Clapp, the Congressional Printer, was placed upon the stand first, that he might give the committee information in regard to the workings of the office and the book-keeping there. He did so as far as it was in his power, or professed to do so. We asked him all that we could think of in regard to it. Every point that occurred to the mind of any member of the committee was suggested to him, and finally we sent for the cash-books of the office. An examination of the cash-books revealed that large sums of money had not been entered upon these books at all. We found that documents had been sold to various parties, and the cash-books showed no entry of the transactions. From one firm alone the Congressional Printer has received upward of $1,000 since the close of this investigation for documents, which he had failed to enter. That was one item alone. I should call that a very serious, not a "slight," irregularity. We found in one column of the cash-books an error of $200, and that a forced balance was made, and no explanation whatever was given to the committee.

Again, when the cash books were brought to us it was stated that large sums of money from the sale of waste and documents of every kind, all of which should have been put in the Treasury, had not been entered in the books at all. It will be found from the reports of the Congressional Printer that for years past he states that so much had been realized from the sales of waste and documents and deposited in the Treasury. We were furnished a loose sheet of paper, and when traced to the legitimate conclusion it showed that the Congressional Printer had in his hands about $60,000 of money, not a dollar of which had been placed on the cash-books, and we have no explanation of the fact that is satisfactory to the committee, to the House, or to the country. If that is a "slight" irregularity, I have no idea what a *bona fide* genuine irregularity would be. It will be thus seen that these irregularities are enough to condemn the administration of the office.

The printing of the CONGRESSIONAL RECORD has been referred to here. Special inquiry was made by the committee in regard to the RECORD. We found—and mark you, upon this point we examined employés of the Government Printer—that a great number of items and the cost thereof were omitted. For instance:

Blank-books for keeping the accounts, stationery, brooms, rollers, roller-composition, sirup, lye, ice, horse-feed, horse-shoeing, care of horses, repairs to machinery, blankets for presses, oil, benzine, fuel, steam-power, freight, hauling, gas in press and folding rooms, salary of clerk in charge of accounts—

This last item alone amounting to $1,200 a year—

binding of one hundred copies of four volumes each in sheep, and two hundred copies of four volumes each in calf, the cost of paper for the same, and the difference between the price of leather used and that charged, and other items.

This is but an imperfect list of the matters omitted from the statement reporting the cost of the RECORD, every one of which it was admitted by employés of the Congressional Printing Office should have been charged. The various items I have enumerated, and others not reported, aggregate not less than $12,000 for a short session of Congress. Now, I have omitted calculating the decrease by wear and tear of type, machinery, &c., which amounts to at least 10 per cent. of the investment. Taxes, insurance, and rent, of course, and probably other items have not been counted. The committee examined this matter thoroughly, and if gentlemen will examine the testimony and the history of the last few years they will find that we were right in our conclusions. Take a long and short session of Congress, combine the two, and you will find that as the proceedings and debates are now printed at the Government office they cost $50,000 more to the Government than if done by private contracts as proposed by the committee.

Mr. SINGLETON. In reply to what has been said by my colleague on the committee, [Mr. BALLOU,] I wish to say a few words; and first, as to the charge that his friend, Mr. Clapp, has not had a fair chance before the committee. Now, sir, it will be remembered that the gentleman from Rhode Island himself is a member of that committee, and a very zealous and watchful friend of the interest of the Congressional Printer, and if the gentleman had reason to complain of the manner in which the investigation was conducted it should have been made then and there. But no word of complaint or objection ever escaped his lips that I now call to mind, and if the gentleman now rises and says that in the examination of witnesses the investigation was not conducted in fairness to Mr. Clapp, he is putting himself in a position where his negligence is not to be easily explained.

Mr. BALLOU. It is not fair under any circumstance that a man should be accused and not be able to meet his accusers; and this committee has not allowed Mr. Clapp, the Congressional Printer, to be present during the examination of witnesses. Now I am no lawyer and I am a novice in legislation, but I do feel that when a man is accused he should have the privilege of standing up before his accusers and cross-examining them.

Mr. SINGLETON. I hope the gentleman will take his seat and hear me through as I did him. I do not like to be interrupted at every step I take in answering his remarks. I now decline to yield further to interruptions. You will have an opportunity to respond to what I say. I state here that the Congressional Printer was never prevented from being present at the examination of witnesses, never refused the privilege of cross-examining them. I appeal now to my colleague on the committee, the gentleman from Ohio, [Mr. VANCE,] to state whether the Congressional Printer was ever excluded from the committee-room, or prevented from examining a witness.

Mr. VANCE, of Ohio. He never was.

Mr. SINGLETON. I state again that he had the opportunity of coming to the committee-room at all times and of being heard, not only by himself, but, as the correspondence between himself and the committee will show, he had the privilege of bringing counsel with him.

Mr. BALLOU. That was at the close of the investigation.

Mr. SINGLETON. I will read the correspondence between Mr. Clapp and the chairman of the committee, in order that I may forever settle this question as to whether Mr. Clapp had the privilege of being present and examining witnesses or introducing such witnesses as he chose.

Mr. FOSTER. From what page is the gentleman reading?

Mr. SINGLETON. I read from pages 10 and 11 of the report of the Committee on Printing:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, April 21, 1876.

DEAR SIR: As I have been assured by your committee that I shall have the privilege of reviewing the testimony taken in the printing investigation and of introducing rebutting testimony, and as I am not versed in the laws and rules of evidence, I desire the privilege of being attended by counsel. Will you please answer if that privilege will be granted?

Very respectfully,

A. M. CLAPP,
Congressional Printer.

Now this letter contradicts directly what my friend from Rhode Island [Mr. BALLOU] says. Here is an acknowledgment of a fact which is true that he should have the privilege of reviewing and introducing rebutting testimony, &c. There is a little postscript to this letter which I will read, that I may not be charged with suppressing any part of it:

I have been suffering from sciatic rheumatism for nearly a week past, but hope to be able to get to the Capitol by Monday.

Hon. JOHN L. VANCE,
Chairman House Committee on Printing.

The gentleman says that charges were preferred against the Congressional Printer. What charges were preferred and who preferred them? We were required by the order of this House to investigate the affairs of the Printing Office and the conduct of the Congressional Printer himself. There were no charges preferred against the Congressional Printer. We were simply looking into his conduct and the management of that office, as you would inquire into any other office or any other Department of the Government. There were no charges preferred against Mr. Clapp. The letter in reply to that of the Congressional Printer I will now read:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 24, 1876.

DEAR SIR: I am directed by the Committee on Printing to inform you that they are ready to hear the testimony of such additional witnesses as you may desire to produce. I am further instructed to say that the committee have, at your request, already examined a number of witnesses from the Government Printing Office, but, desirous that no means be left untried to arrive at the truth regarding the cost of public printing, shall be pleased to hear the statement of others. It is necessary that the investigation be brought to a close, and you will therefore bring forward your witnesses during the latter part of the present week.

You are further informed that you can examine the testimony at any time after Thursday morning at ten o'clock, in the committee-room; and the committee desire me to add that you are at liberty to bring before them any reputable member of the legal profession as counsel.

Very respectfully, yours, &c.,

CHAS. J. WIENER,
Clerk of the Committee.

Hon. A. M. CLAPP,
Congressional Printer.

Mr. FOSTER. I wish to call the attention of the gentleman and of the House to the fact that that letter was written after all the testimony had been taken with the exception of one witness. Then the committee proposed to give Mr. Clapp time in which to examine the testimony and introduce witnesses.

Mr. SINGLETON. It does not matter whether it was written before or after. He had full opportunity to be present at *all times*, and at his request the further privilege was granted of reviewing all the testimony and being represented by counsel in the examination of other witnesses by way of rebuttal.

Mr. FOSTER. I want to know if that is fair play?

Mr. SINGLETON. I so regard it.

Mr. FOSTER. You conduct a star-chamber investigation in secret and you give the man a single day to be heard.

Mr. SINGLETON. You are altogether mistaken about the star-chamber investigation.

Mr. VANCE, of Ohio. He was invited to be present at the examination of every witness.

Mr. FOSTER. That does not appear from the record.

Mr. VANCE, of Ohio. I do not care whether it appears or not; that was the fact. He was there part of the time and was never denied the privilege of being there. An invitation was extended to him to be present.

Mr. FOSTER. I desire to understand whether the gentleman from Mississippi [Mr. SINGLETON] undertakes to prove from this report that the committee gave the Congressional Printer a chance to be present when witnesses were examined.

Mr. SINGLETON. Yes, as far as the report shows anything on the subject.

Mr. FOSTER. I say that the record is to the exact contrary.

Mr. SINGLETON. And I say it is not.

Mr. FOSTER. There is no such proof in the record.

Mr. SINGLETON. I will again refer the gentleman from Ohio [Mr. FOSTER] to the letter just read in the hearing of the House, which constitutes a part of the record of the committee's proceedings. From the statement of the chairman, [Mr. VANCE, of Ohio,] corroborated by my own statement, and not denied by any one, it will be seen that whenever he chose to be present at the examination of any witness he was never excluded from the committee-room. He was there on many occasions, as is well known to the gentleman from Rhode Island [Mr. BALLOU] as well as to the chairman and myself. When his clerks and foremen were examined, he was present at the examination of several of them, and I might say that he prompted them so far as he was allowed to do so. Not only that, but when he was first put on the stand we allowed him to send for his clerk to make explanations——

Mr. BALLOU. When the gentleman makes a charge——

Mr. SINGLETON. I will not submit to further interruption.

Mr. BALLOU. I ought to answer the charge——

The SPEAKER *pro tempore*. The gentleman from Mississippi is entitled to the floor.

Mr. SINGLETON. I say that when the Congressional Printer was first on the stand, not being able to explain his transactions, he was permitted to send for his clerk to aid him, and he had him there as a prompter and to put answers into his mouth which he could not make himself.

Now, sir, after all this courtesy on our part—after we have given him every opportunity to make his explanation, and examine witnesses, which he has declined as I will presently show by his letter—to charge that we have not given him a fair chance, is a reflection upon the committee which I think is not warranted and wholly unexpected on the part of my colleagues on the committee. I will now read the response made by Mr. Clapp to that letter of invitation:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, April 27, 1876.

SIR: I desire to acknowledge the receipt of the note of your clerk under date of the 24th instant. On consultation with counsel, I am advised that, inasmuch as I am an officer of the Senate of the United States, your committee has no jurisdiction to investigate my conduct in office as Congressional Printer, and that your committee will not pretend to do so.

So far as your inquiries under the resolution of the House of Representatives are concerned, I have no special interest, and therefore I have concluded that I have no duty to perform except to give you any information in my power in regard to the subject under investigation by your committee, which I have already done.

I am, very respectfully, &c.,

A. M. CLAPP,
Congressional Printer.

Hon. JOHN L. VANCE,
Chairman of House Committee on Printing.

The members of this House and the country can judge whose fault it is that Mr. Clapp was not present and did not make his explanations. Here was the evidence all before him; he was permitted to examine the whole of it; he was invited to bring other witnesses there; because we wanted to arrive at the truth; we did not want to blacken the character of any man without giving him an opportunity to explain. Yet he throws himself upon his dignity and appealed to another forum where he might make his plea of justification of his conduct. He peremptorily refuses to come before this committee with his witnesses and attorney as he might have done, and vindicate, if possible, his good name and character from the damaging facts in testimony before said committee. The plain truth is, that there is no explanation to be given; he cannot contradict his own statements; he cannot contradict his own clerks and foremen, who were examined. The only chance for him to escape the penalty of the law seems to be in retreating behind the fact that he is an officer of the Senate; and that I do not believe will avail him. He was never precluded from examining witnesses. Besides that, I repeat, the gentleman from Rhode Island [Mr. BALLOU] was there, and always put such questions to the witnesses as he thought would bring out proper explanations. We, as members of that committee, had no attorney to represent us. We had no feed counsel to prosecute him on the part of the Government. We were sitting there for the purpose of getting at the truth of this whole matter—not to furnish anything for our report except what was strictly true.

Mr. FOSTER. Will the gentleman allow me a question?

Mr. SINGLETON. Yes, sir.

Mr. FOSTER. You say you had no attorney before your committee.

Mr. SINGLETON. We had not.

Mr. FOSTER. Where was Rives?

Mr. VANCE, of Ohio. He was never in the committee-room during the examination of witnesses.

Mr. SINGLETON. I corroborate the statement of the chairman, [Mr. VANCE.] He was never present when witnesses were being examined.

Mr. FOSTER. He prompted probably almost every question put.

Mr. VANCE, of Ohio. He did not.

Mr. FOSTER. He induced the committee to report in favor of giving a contract to him for six years.

Mr. SINGLETON. Well, sir, the gentleman undertakes to state what he does not know, and what is not true in point of fact.

Mr. FOSTER. I know that the committee reported in favor of giving him the contract.

Mr. VANCE, of Ohio. The gentleman has made an assertion which is not the fact, and which there is not a scintilla of proof to sustain. I say distinctly that Mr. Rives was never present during the examination of any witness; he never came there except at the request of the committee to give information.

Mr. FOSTER. Has not the gentleman been in consultation with him?

Mr. VANCE, of Ohio. Yes, sir.

Mr. FOSTER. About this thing?

Mr. VANCE, of Ohio. Yes, sir.

Mr. FOSTER. Time and again?

Mr. VANCE, of Ohio. Yes, sir.

Mr. FOSTER. That is all.

Mr. VANCE, of Ohio. Furthermore, I will say that I have been in consultation with Mr. Clapp——

Mr. FOSTER. That is all.

Mr. VANCE, of Ohio. No, I beg the gentleman's pardon; it is not all; I have been in consultation with Mr. Clapp time after time; with Mr. De Vinne, of New York, time after time; with more men than there are fingers on both my hands time after time, seeking for facts.

Mr. SINGLETON. It is not quite ingenuous for the gentleman from Ohio [Mr. FOSTER] to undertake to cast a reflection upon the committee because we have consulted with Mr. Rives in order to find out what we could in reference to the conduct of this officer.

Mr. FOSTER. Does the gentleman call it a reflection to intimate that the committee have been consulting with Mr. Rives?

Mr. SINGLETON. You seem to laugh as if you thought there was something in it.

Mr. FOSTER. O, no; not at all.

Mr. SINGLETON. The gentleman seems to be very much amused and supposed from that fact that he thought he had made a point against the committee.

Mr. FOSTER. I understand Mr. Rives to be a very respectable man.

Mr. SINGLETON. I cannot yield to the gentleman further. I wish to be courteous, but I must decline to submit to further interruption.

I wish to put this matter before the country in its proper light. I affirm again that what we have done has been done in no spirit of bitterness. We have given Mr. Clapp at all times and under all circumstances full opportunity to be heard before us by himself, his attorney, and his witnesses, and to cross-examine the witnesses that have been produced. We have offered him the opportunity to be present with or without counsel; yet he declines to appear and now comes into this House through his friends and declares that we have not dealt fairly with him. It is a mere subterfuge gotten up to hide him from public indignation, to create sympathy in his behalf, which, it is hoped, will cover up his enormities as a public functionary. The public will hold him accountable, whatever may be done here.

I am perfectly willing the whole testimony shall go before the country that it may determine whether we have conducted this examination in that spirit which should animate honest and straightforward men.

But, Mr. Speaker, there is one other thing to which I wish to refer. The gentleman from Rhode Island to-day, as on a former occasion, vaunts the honesty and integrity of the Congressional Printer. I dislike to say anything on that subject, preferring to let the testimony determine the question whether he is honest or not, but when the gentleman declares and reiterates the fact that he is honest and his skirts are clear, I feel I must call the attention of the House to a few of the statements and facts contained in the testimony.

You will find that Mr. Clapp came before the Committee on Printing, and, when interrogated as to whether he had deposits in any bank in this city, his response was that he had not. But I will turn to the testimony itself, lest you might suppose I have not quoted him correctly. I will let his own statements speak, together with answers given by others, to show whether he is honest and truthful or not. I read from page 82 of the testimony taken in this case and accompanying the report of the Committee on Printing.

The Congressional Printer, being under oath, answered as follows:

Question. Have you no deposit in any bank in the city?
Answer. No, sir.

Such is the response which he makes to a question propounded to him by the Committee on Printing.

A few days afterward the cashier of the Metropolis Savings Bank in this city, J. A. Ruff, testified before the committee, and answered in this wise:

Question. What amount of money has he on deposit in your bank?

That question refers to the Congressional Printer, Mr. A. M. Clapp. Mr. Ruff's answer was:

Answer. I think about $12,000. On March 11, A. M. Clapp deposited $12,641 05 and on the same day he made a check for $300. On March 29 he made a check for $46.81.

Leaving about $12,300. How does this tally with his statement that he had no deposit in any bank in the city? Now let the gentleman reconcile these statements if he can, and then boast of the honesty and integrity of the Congressional Printer.

Again, we introduced Mr. H. C. Swaine, cashier of the Second National Bank, as a witness, who also bears testimony to the falsity of the statement that Clapp had no bank deposits. Here are the questions and answers:

Question. After examination of the books, what amount at any one time or at various times did Mr. Clapp have on deposit before you become cashier?
Answer. Not exceeding $15,000 or $16,000 at any one time.

* * * * * * *

Q. What amount has he now on deposit?
A. Not exceeding $1,800.

We next examined George H. B. White, cashier of the National Metropolitan Bank of this city.

Question. What amount of money has Mr. Clapp had on deposit at your bank?
Answer. I cannot say that I have examined carefully into that, but as high as $10,000, or more possibly, at a time; not many times. I think, probably, hardly at any time more than $10,000, and not that I know of more than on one occasion.

To the question whether he had *any deposits* he answered unequivocally that he had none. Mr. Ruff, cashier of the Metropolis Savings Bank, and Mr. Swaine, cashier of the Second National Bank, testified before the committee as stated above, fully contradicting him.

Mr. BALLOU. Is there any evidence that was Government money?

Mr. SINGLETON. I do not yield for further interruption.

The SPEAKER *pro tempore*. The gentleman from Rhode Island is not in order.

Mr. BALLOU. I merely wish to state that there is no evidence these deposits were Government money.

Mr. SINGLETON. The question, it will be observed, did not make any reference to Government money, but was general in character.

I cannot submit to further interruptions.

I wish now, Mr. Speaker, to call the attention of the House to another gross misstatement, to use no stronger term, which was made by the Congressional Printer. I refer to page 85 of the testimony:

By Mr. SINGLETON:

Question. Please state the amount of money you now have on deposit in your safe belonging to the Government, accumulating from the sale of documents, waste, &c.
Answer. Somewhere in the vicinity of $50,000.

Now, sir, I turn to page 108. The question was asked Mr. Clapp:

Will you permit the clerk of this committee, Mr. Wiener, to go to your office and in your presence count the money?
Answer. Yes, sir.

Mr. Wiener did accompany him. They went to the office together, as Mr. Wiener testified. And what does Mr. Wiener, the clerk of the committee, say, after he had gone and counted the money? He says:

I counted the sum in the safe and found that it amounted to $16,257.99.

Mr. Clapp had sworn in the committee-room not many minutes before this examination took place that there was in his safe at that moment a sum in the neighborhood of $50,000 belonging to the Government; and the clerk of the committee leaves the room with him, goes with him to the office and counts the money, and there finds $16,257.90.

Mr. BALLOU. Will the gentleman allow me——

Mr. SINGLETON. No, sir; I have been interrupted enough. Such is the evidence of the honesty of this friend of the gentleman from Rhode Island.

I will not characterize the offense of which he has been guilty. Other officials of the country must look into that, and determine whether he is not indictable for a grave offense under the criminal law of the land. But again this honest official, of whom the gentleman talks, has kept in his possession, as he states himself, for about five years large sums of money that belonged to the Government, amounting, as the testimony of his own clerk, Mr. Larcombe, shows, to $50,000, but which under an examination made by an expert, Mr. Behle, amounts to upwards of $60,000. And yet there is not one scratch of a pen in any book in his office which shows that there is one single dollar in his hands belonging to the Government. The books of the office have been balanced from year to year. The amounts of money they profess to have received and profess to have paid over are there balanced—and any gentleman can examine them—and there is not a trace on those books of this large amount of money that belongs to the Government of the United States. Such is another evidence of the honesty of the Congressional Printer.

Let me refer to another matter. In regard to this question of gold-leaf it is in proof here—and I ask that members of this House will examine the proof—that the amount of gold-leaf bought by the office during the last seven years there should be no less than $14,000 of waste which belongs to the Government; and yet, when we came to examine into it, we found there was less than four hundred dollars' worth of that waste of gold-leaf. We sent it over and had it refined at Baltimore in the presence of Mr. Roberts and Mr. Wiener, and it turned out less than $400, there being a loss to the Government of almost $14,000 by the neglect, or whatever you choose to characterize it, of this Congressional Printer. Here is additional evidence of the honesty of that gentleman.

I need not read from the testimony in regard to these points. What I have said in reference to them will not be controverted. What I have said in regard to the amount of money in the hands of the Congressional Printer he does not deny, and it is proved by his own bookkeeper and by Mr. Behle, the expert who examined the matter. It is settled beyond any controversy.

I might follow up these charges against the Congressional Printer and show that in other respects he has been grossly delinquent; that he has received money—the receipts for which accompany the testimony reported—from divers individuals and given his receipts for it which are before this House as exhibits, and yet there is not a particle of evidence on his books showing that that money came into his hands. Do you call this honesty? Will you now vaunt your friend as an honest man in the face of the world with all these facts staring you in the face? If they prove anything they prove just the reverse of what the gentleman from Rhode Island has stated to-day. They prove that there is no honesty, no soundness, no integrity in the Congressional Printer.

If the Congressional Printer and his friends are anxious to have further examination into his acts and doings, ample time will be af-

forded. If he can explain away what he has said himself, or can contradict any of the evidence against him by his book-keepers, clerks, and foremen, let him do it and produce his evidence before this House, and perhaps its decision will be reversed. But I venture the assertion to-day that he cannot get out of these charges unless he is able to shield himself behind the fact that he is an officer of the Senate and not responsible for his acts to this body. But I do not wish to prosecute this matter any further. What I have done has not been done in an improper spirit. I wish it to be distinctly understood that this was no pleasant task to me. I have not been the prosecutor of any criminal for years. I have been a practitioner of law, and have declined to take fees for prosecutions because contrary to my feelings and my heart. I have been defending law-breakers all my life. But here I had no discretion. I had not the privilege of selecting my client. And when a duty is put on me I will discharge that duty in the face of the country, to the best of my ability, even though I should get letters such as the gentleman from Rhode Island spoke of, threatening my life. Let me say that the matter of these letters is too frivolous to be paraded here, too ridiculous to bring to the attention of the House. I have no hesitation in saying, in view of my knowledge of men, if the gentleman has received those letters they have been prompted by A. M. Clapp and his friends, that capital might be made out of these facts. I think the chairman of this committee, [Mr. VANCE,] who has been diligently following this matter up, will bear testimony that his House has been watched time after time to see who went in there to communicate information. And we know that the men holding office under the Congressional Printer are afraid to come before the committee and give evidence, knowing that if they do they will be turned out of their positions. And they have declined to do so because they knew it would be their death-warrant.

Now, Mr. Speaker, I call the previous question.

Mr. GARFIELD. I desire a few moments.

Mr. SINGLETON. I had no desire to debate this question, but was forced to do so by remarks made by my colleague on the committee, [Mr. BALLOU.] I do not wish to have it debated further at this stage of the question.

Mr. GARFIELD. I desire to say a few words at this stage of the question.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi insist upon the previous question?

Mr. SINGLETON. I do.

Mr. GARFIELD. I hope the House will not sustain the demand.

Mr. SINGLETON. I do not wish to be discourteous, and I withdraw the call for the previous question.

Mr. RANDALL. Is the hour up?

The SPEAKER *pro tempore*. It is not; ten minutes remain.

Mr. GARFIELD. I desire only to make two or three points on the merits of the proposition, not on the question of what has been done fairly or unfairly about the matter of investigation, although it does appear to me that that sense of Anglo-Saxon fair play which I believe every white man has inherited with his blood—I mean which every Anglo-Saxon inherits from his race—that when a man is accused of anything, and especially of criminal acts, he ought to have a chance to meet his accusers face to face and be permitted to cross-examine them——

Mr. WILLIS. Why do you not include the colored brethren? They are equally entitled to fair play.

Mr. GARFIELD. That right, as I understand, was not given to the Congressional Printer in this investigation; but no matter. I pass all that by to call the attention of the House to the thing which it is now proposed to do, namely, to abolish our present method of printing the CONGRESSIONAL RECORD; to take it out of the hands of the Government Printing Office and turn it over to the system of contract. Is that a wise thing to do? If we refer this matter to the Committee on Appropriations we provide that they shall do this thing; it is a recommendation to them to do it. Now, I say that the largest share of the experience of the Government in reference to this matter has been in the way of contract printing, and the largest share of scandal that has ever come out of any Government work in proportion to the amount has been in regard to the printing. No political scandals connected with any one of the smaller expenditures of the Government have ever equaled the scandals which have arisen from this business of public printing. If we have the work done by the Government we will have the business in our hands and under the direct supervision of our committee and inspectors as to the honesty and fairness of the work; but, under the contract system, when we have once made a contract and turned it over to the contractor, it is almost impossible in the very nature of the case that any amount of rascality shall not happen.

Now, I am not saying a word against the party to whom it is proposed to give this contract, but I want to refer to a fact or two. For example, in the years just preceding the war this business of Government printing was done by contract, and I hold in my hand a volume nearly one-half of which is taken up with the report of the dreadful abuses of printing at that time. There was a printer to the House and a printer to the Senate, and by a sublease they gave the work to a third party, and a large sum of money paid was a bonus to that third party. He actually let out the printing to a political editor at 43 per cent., not on the net profits but on the gross receipts. It was a clear, naked gift to a political party for political purposes. It was sworn to and so testified to that 43 per cent. of the gross profits were a political contribution to a political party.

Now, there is another thing that can happen under the contract system to which I wish to call attention. When the printer was paid so much per thousand ems on one occasion a new font of type was procured, what is known as broad-shouldered type. It takes only two-thirds as many to fill a line as the original type, because under the old rule the counting was so much per type; and the Government had to pay one-third more for composing in consequence of the increased space occupied by the broad-shouldered type, which was an increase of 33⅓ per cent.; and this was just by the trickiness of certain firms in using certain forms of type; the letters were the same at the time, were broad-shouldered, and occupied more space; and all the tricks of the trade were resorted to. If we recur to the contract system all these old evils will return; and we are called upon now, after three years' experiment of doing the work ourselves, to abandon the experiment and go back to the worst policy in reference to this public printing that we have ever known.

Mr. VANCE, of Ohio. That does not refer to the printing of the CONGRESSIONAL RECORD.

Mr. GARFIELD. I am not now talking of the printing of the RECORD.

Mr. VANCE, of Ohio. The gentleman can say nothing in regard to the contract system but what will meet my approval, but at the same time the entire cost of printing during the years to which he refers will not cover the excess of charges now in one year.

Mr. GARFIELD. Of course my colleague if he had been here for three or four years would have known that I have been laboring in season and out season in the Committee on Appropriations to cut down the cost of the public printing. The trouble is not in the rate of printing, but in the enormous demands for printing that the two Houses of Congress make.

Mr. VANCE, of Ohio. That is not the trouble.

Mr. GARFIELD. Two years ago the Committee on Appropriations brought in a clause in a bill relating to the public printing, providing that the rate in our printing office should not be more than 5 per cent. in excess of the rates paid in New York, Philadelphia, and Baltimore, which is fixed by the printers' typographical union. We carried it through tellers, but were beaten on the yeas and nays. Why? Because the printers' union controlled by their rules the price of labor; and when a member of the Union in some other place comes here he is compelled to obey the rules of the printers' union here.

Now it so happens that a majority of the printers employed in the Government Office belong to the printers' union, and the wages they demand are 50 per cent. higher than they are in Philadelphia, Baltimore, and New York. The Committee on Appropriations, the time to which I have referred, was overruled because an election was pending and gentlemen did not like to oppose the printers' union. I was confronted here by that printers' union. I was told that that printers' union had marked me for slaughter at home politically, and that if it was necessary to raise money to beat me it should be done by the printers' union. They tried it and failed, and we have been paying about 40 per cent. more here than is paid in other cities. If you want reform, here is the place to make it.

[Here the hammer fell.]

Mr. VANCE, of Ohio. The Government office is paying more for labor now than outside offices in the city of Washington.

Mr. SINGLETON. I now move the previous question.

The previous question was seconded and the main question ordered.

The question was taken on agreeing to the report of the Committee on Printing; and on a division there were—ayes 107, noes 74.

So the report was agreed to.

Mr. SINGLETON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order immediately after the disposal of the naval appropriation bill.

Mr. SEELYE. I desire to reserve all points of order on that bill.

TRANSFER OF APPROPRIATIONS.

Mr. BLOUNT. I desire to call up the naval appropriation bill, but before doing so I will yield to the gentleman from Mississippi.

Mr. WELLS, of Mississippi. I ask consent to introduce for action at this time a bill making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year.

The SPEAKER *pro tempore*. The bill will be read, after which objections will be in order.

The bill was read, as follows:

Be it enacted, &c., That the provisions for the contingent expenses of the Department of Justice in the act approved March 3, 1875, making appropriations for the

legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, be amended by transferring to the appropriation for miscellaneous expenditures the following sums from their specific appropriations, to wit:

Three hundred dollars from the appropriation for furniture and repairs;

Three hundred dollars from the appropriation for care and subsistence of horses; and

Two hundred dollars from the appropriation for repairs of carriages and harness, making the amount so transferred $800.

Mr. RANDALL. That bill has been examined by the Committee on Appropriations, and is believed to be correct.

There being no objection, the bill (H. R. No. 3479) was received, read three times, and passed.

Mr. WELLS, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-rooms, &c., in the city of Memphis, Tennessee;

An act (H. R. No. 2452) to extend the time to pre-emptors on public lands; and

An act (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made.

ORDER OF BUSINESS.

Mr. BLOUNT. I now yield to the gentleman from New York, [Mr. WARD.]

Mr. WARD. I desire to call up the special order, being House joint resolution No. 14, authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged.

Mr. HALE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HALE. I desire to inquire of the gentleman from Georgia [Mr. BLOUNT] if he proposes to call up the naval appropriation bill, in accordance with the understanding which has been had. Some of us have been waiting for days for that bill to be reached.

Mr. BLOUNT. I propose to call up that bill in one hour and a half from this time.

Mr. HALE. This is the first intimation I have had that it was not to be brought up directly after the printing matter was disposed of.

Mr. BLOUNT. Perhaps I should state to the gentleman from Maine [Mr. HALE] what was the understanding.

Mr. HALE. I have been in conference with the gentleman from Georgia [Mr. BLOUNT] about the matter within ten minutes.

Mr. BLOUNT. The gentleman is mistaken about that. I will say that I do not intend to do anything that is unfair.

The SPEAKER *pro tempore*. It is the understanding that the naval appropriation bill will come up in one hour and a half from this time.

Mr. HALE. Supposing the gentleman from Georgia [Mr. BLOUNT] yields the floor now, how does this matter of the gentleman from New York [Mr. WARD] come up?

The SPEAKER *pro tempore*. As the Chair understands, the gentleman is about to call it up.

Mr. HALE. Can the question of consideration be raised?

The SPEAKER *pro tempore*. If the gentleman chooses to raise that question.

Mr. BLOUNT. I do not raise it myself.

The SPEAKER *pro tempore*. It is always in order.

Mr. WARD. I hope I may be allowed to proceed, and not have the time consumed in this way.

The SPEAKER *pro tempore*. Does the gentleman from Maine [Mr. HALE] raise the question of consideration between the naval appropriation bill and the subject which the gentleman from New York [Mr. WARD] proposes to call up?

Mr. HALE. I do not desire to yield any rights that I may have. Let me understand what the gentleman from New York [Mr. WARD] proposes. I am opposed to the joint resolution which the gentleman ftom New York has referred to, as are other gentlemen. If the gentleman from Georgia [Mr. BLOUNT] has made an arrangement that the gentleman from New York [Mr. WARD] shall now make his speech upon that subject, and that then the subject shall drop, so that it will stand as it does now, I will have no objection.

Mr. BLOUNT. That is the understanding.

Mr. HALE. Not that it shall be considered as unfinished business?

Mr. WARD. It will stand as a special order, following the appropriation bills.

Mr. HALE. There is to be nothing now more than the gentleman's speech?

Mr. WARD. That is all.

The SPEAKER *pro tempore*. And at the conclusion of the remarks of the gentleman from New York [Mr. WARD] the naval appropriation bill will come up.

Mr. RANDALL. I would suggest to the gentleman from Georgia to ask that the House now make an order for a recess from half past four this afternoon to half past seven, the session of this evening to be for general debate on the naval appropriation bill.

Mr. BLOUNT. I intended to do that after the remarks of the gentleman from New York.

Mr. HALE. You had better do it now.

Mr. BLOUNT. At the suggestion of several gentlemen I will ask that the House now order that a recess be taken from half past four to half past seven.

Mr. HENDEE. I desire to make a suggestion.

Mr. BLOUNT. I will hear the gentleman.

Mr. HENDEE. I desire to bring to the attention of the House a joint resolution in reference to the acceptance of a statue of Ethan Allen. I have been waiting for several days for that purpose, but other business has intervened. I ask that, if an evening session be ordered, before the House goes into Committee of the Whole this evening upon the naval appropriation bill, I may be allowed to present that resolution for the action of the House and to submit some remarks upon the subject; also, that my colleagues may have an opportunity to submit some remarks.

Mr. BLOUNT. I have no objection to that.

The SPEAKER *pro tempore*. The gentleman from Vermont [Mr. HENDEE] proposes that if a recess be taken he shall have the opportunity to call up this evening the subject of the Ethan Allen statue.

Mr. O'NEILL. I suggest that we take a recess from five o'clock to eight o'clock, instead of from half past four o'clock till half past seven.

Several MEMBERS. O, no.

Mr. GARFIELD. Is it the understanding that no business is to be done this evening?

Mr. BLOUNT. I said for general debate only.

The SPEAKER *pro tempore*. The Chair desires to state the arrangement, so that there may be no conflict this afternoon or this evening.

Mr. HALE. I wish to qualify a remark I made a moment ago in regard to the gentleman from Georgia, [Mr. BLOUNT.] He and I had been talking about this matter, but it was not so lately as I supposed, and afterward he may have had conference with the gentleman from New York, [Mr. WARD,] and was undoubtedly doing what he thought was fair.

The SPEAKER *pro tempore*. The Chair understands the arrangement to be that at the end of the speech of the gentleman from New York [Mr. WARD] the naval appropriation bill shall come up; that a recess be taken from five o'clock till eight o'clock, as suggested by the gentleman from Pennsylvania [Mr. O'NEILL]——

Mr. JONES, of Kentucky. I desire to ask a question.

The SPEAKER *pro tempore*. The gentleman will allow the Chair to state the proposition. When the House meets at eight o'clock the joint resolution in regard to the statue of Ethan Allen will come up; and when that is disposed of, the naval appropriation bill will be taken up for general debate only. Is there objection to this arrangement? The Chair hears none.

Mr. BLOUNT. I understood that half past seven was to be the hour of meeting this evening.

The SPEAKER *pro tempore*. That was modified by the gentleman from Pennsylvania, [Mr. O'NEILL.]

Mr. BLOUNT. I did not accept the modification.

Mr. JONES, of Kentucky. I desire to know whether the gentleman from New York [Mr. WARD] is now to speak upon a bill fixed for this day?

The SPEAKER *pro tempore*. He is.

Mr. JONES, of Kentucky. Then allow me to ask what becomes of the special orders fixed for consideration on days previous to this, and which were not considered on those days? What becomes of those bills? Are they lost?

The SPEAKER *pro tempore*. They are not lost.

Mr. RANDALL. Not if they were made orders to continue from day to day.

The SPEAKER *pro tempore*. They are continuing orders from day to day. The gentleman from Kentucky has the right to raise the question of consideration between those special orders and the business of the Committee on Appropriations.

Mr. JONES, of Kentucky. Then I desire to ask whether a bill fixed for to-day takes priority of bills fixed for previous days?

The SPEAKER *pro tempore*. The Chair understands that special orders take priority in the order of the time for which they were fixed.

Mr. JONES, of Kentucky. I would like to have this question understood.

Mr. WARD. I think I must call for the regular order.

Mr. RANDALL. I desire to say in reply to the gentleman from Kentucky that there is now being prepared by the proper clerk of the House a list in chronological order of the various special orders; so that to-morrow, when that list is expected to be ready, we shall be able to see exactly what special orders there are and the relation in which they stand to each other.

Mr. JONES, of Kentucky. Then I desire to put a question to the Chair.

The SPEAKER *pro tempore*. The Chair has already directed the Clerk to make out such a list. It is being made at this time.

Mr. JONES, of Kentucky. That does not answer my question. I desire to know (and I presume it is a parliamentary question) whether bills which have been fixed for certain days and which were not reached on those days must be fixed for other days; or will they come up in order without fixing anew a time for their consideration?

The SPEAKER *pro tempore*. If they are continuing orders, it is not necessary to fix another day for their consideration.

Mr. JONES, of Kentucky. I am speaking of bills fixed to be considered from day to day.

The SPEAKER *pro tempore*. The order in which the gentleman is interested is a continuing order from day to day.

Mr. JONES, of Kentucky. I had an apprehension that bills fixed as subsequent special orders were being allowed priority.

Mr. BLOUNT. Before the gentleman from New York [Mr. WARD] begins his remarks, I want it understood at what time the House is to convene this evening.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Georgia [Mr. BLOUNT] insists on the proposition for a recess from half past four until half past seven o'clock.

Mr. BLOUNT. Yes, sir.

Mr. O'NEILL. I merely made a suggestion; I did not offer an amendment.

The SPEAKER *pro tempore*. It will be understood, then, that the recess shall be from half past four until half past seven.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury; and

A bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate.

The message also announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 2441) authorizing the appointment of receivers of national banks and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California.

RECIPROCITY.

The House, according to order, proceeded to the consideration of the joint resolution (H. R. No. 14) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged.

Mr. WARD. Mr. Speaker, at the present time, when capital seeks investment, interest is reduced beyond all precedent in this country, wages are lowered, immigration decreases, the value of our exports is diminished, and hundreds of thousands of our people are in search of work by which they may earn a livelihood, it is the duty of wise statesmen and sound patriots to do the utmost in their power to promote the return of prosperity by such measures as will best extend the sales of our productions and promote our carrying trade and commerce. Hitherto, intent upon the development of our unparalleled resources, and having a sparse population, we have paid too little attention to external trade and the encouragement of foreign markets for our products, especially for those of our manufactories, the number of which we have stimulated to an extent far greater than is commensurate with the demands of our own population.

There is no more obvious remedy for this state of affairs at present, nor any more sure and stable foundation of our prosperity in all time to come, than the extension of our commercial relations with the adjacent countries on this continent—on the north with Canada, and on the south with Mexico.

EXTENT AND RESOURCES OF CANADA.

We yet seldom appreciate at their great and practical value the importance of the vast regions north of the United States on this continent. Stretching from the Atlantic to the Pacific Ocean, they contain an area of at least 3,478,380 square miles; more than is owned by the United States, exclusive of our newly acquired territory in the far northwest, and not much less than the whole of Europe with its family of nations. No small proportion of these Territories consists of barren and inhospitable regions in the extreme north; but, as a recompense, the arid plains extending through Texas, and thence northward beyond the limits of the United States, are comparatively insignificant as they enter the British possessions, where the Rocky Mountains, being less elevated and having a narrower base, admit the passage of the clouds from the Pacific Ocean, bearing ample rain with its fertilizing influences into the interior of the continent. By the same cause the climate is tempered.

The isothermal line of 60° for summer rises on the northwestern plains as high as the sixty-first parallel, its average position in Europe; and a favorable comparison may also be traced for winter and the other seasons of the year. Spring opens almost simultaneously for a distance of about twelve hundred miles on the vast plains reaching northerly from Saint Paul. Along the valleys of the Red, Assinaboine, Saskatchewan, and Mackenzie Rivers, for more than seven hundred miles north of the limit of the United States, wheat has been grown, yielding most abundant returns, thus indicating a soil and climate well suited for the crops ordinarily produced in the cooler parts of the temperate zone. Barley, the grasses, and many root crops grow twelve hundred miles north of the same boundary.

These facts are significant proofs of the immense capabilities of the agricultural areas in the interior of the continent north of the forty-ninth parallel. Westward from these regions—yet scarcely inhabited, but of incalculable value in the future—are countries of yet milder climate on the Pacific coast, whose relations to California are already important. On the eastward are the rapidly increasing settlements, enjoying the rich lands and pleasant climate of Manitoba, on the Red River of the North, a stream capable of steamboat navigation for four hundred miles.

It is asserted by those who add personal knowledge of the subject to scientific investigation, that the habitable but undeveloped area of the British possessions westerly from Lake Superior and Hudson's Bay comprises sufficient territory to make twenty-five States equal in size to Illinois. Bold as this assertion is, it meets with confirmation in the isothermal charts of Blodgett, the testimony of Richardson, Simpson, Mackenzie, the maps published by the government of Canada, and recent explorations.

North of a line drawn from the northern limit of Lake Superior to the coast at the southern limit of Labrador exists a vast region, possessing in its best parts a climate barely endurable, and reaching into the arctic regions. This country, even more cold, desolate, and barren on the Atlantic coast than in the interior latitudes, becoming early known to travelers, has given character in public estimation to the whole north.

Another line, drawn from the northern limit of Minnesota to that of Maine, includes nearly all the inhabited portion of Canada, a country extending opposite the Territory of Dakota and States of Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, and Maine, possessing a climate identical with that of our Northern States.

THE MARITIME PROVINCES.

The "maritime provinces" on the Atlantic coast include New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland. Geographically they may be regarded as a northeasterly prolongation of the New England system. Unitedly they include an area of at least 86,000 square miles, and are capable of supporting a larger population than that at present existing in the United States or Great Britain. They are equal in extent to the united territory of Holland, Greece, Belgium, Portugal, and Switzerland.

The natural interests of New Brunswick and the adjacent State of Maine are inseparably connected. New Brunswick has an area of 22,000,000 acres and a sea-coast four hundred miles in extent and abounding in harbors. It had at the census of 1871 a population of 285,594, being nearly equal to that of Nebraska, Nevada, Oregon, and Colorado. The chief occupations of its inhabitants are connected with ship-building, the fisheries, and the timber trade. Judging from authentic surveys and records, it is scarcely possible to speak too highly of its climate, soil, and capabilities. Few countries are so well watered and wooded. On its unreclaimed surface are large stocks of timber; beneath are coal-fields. The rivers, lakes, and sea-coast abound with fish.

Nova Scotia, a long peninsula, united to the American continent by an isthmus only fifteen miles wide, is two hundred and eighty miles in length. The numerous indentations on its coast form harbors unsurpassed in any part of the world. Including Cape Breton, it has an area of 12,000,000 acres. Wheat and the usual cereals and fruits of the Northern States flourish in many parts of it. Its population in 1871 was declared by the census to be 387,800. Besides possessing productive fisheries and agricultural resources, it is rich in mineral wealth, having beneath its surface coal, iron, manganese, gypsum, and gold.

The province of Prince Edward Island is separated from New Brunswick and Nova Scotia by straits only nine miles in width. It is crescent-shaped, one hundred and thirty miles in length, and at its broadest part is thirty-four miles wide. It is a level region, of a more moderate temperature than that of Lower Canada, and well adapted to agricultural purposes.

The island of Newfoundland has a sea-coast of one thousand miles in extent. It has an area of 23,040,000 acres, of which only a small portion is cultivated. Its spring is late, its summer short, but the frost of winter is less severe than in many parts of our own northern States and Territories. It is only sixteen hundred and sixty-five miles distant from Ireland. It possesses a large trade with various countries, including Spain, Portugal, Italy, the West Indies, and the Brazils.

The chief wealth of Newfoundland and of the Labrador coast is to be found in their extensive and inexhaustible fisheries, in which the other provinces also partake. The future products of these, when properly developed by human ingenuity and industry, defy calculation. The Gulf Stream is met near the shores of Newfoundland by a current from the polar basin, vast deposits are formed by the meeting of the opposing waters, the great submarine islands known as "The Banks" are formed, and the rich pastures created in Ireland by the warm and humid influences of the Gulf Stream are compensated by the "rich sea-pastures of Newfoundland." The fishes of warm or tropical waters, inferior in quality and scarcely capable of preserva-

tion, cannot form an article of commerce like those produced in inexhaustible quantities in these cold and shallow seas. The abundance of these marine resources is unequaled in any other portion of the globe, except where similar conditions exist in the northern Pacific ocean.

ONTARIO AND QUEBEC.

The provinces of Ontario and Quebec, known as Canada, before the union with the Dominion, include an area of not less than 185,115,607 acres, independently of the northwestern regions yet scarcely open for settlement. Their territory is three times as large as that of Great Britain and Ireland, and more than three times that of Prussia. It intervenes between the great northwest and the maritime provinces, and consists chiefly of a vast projection into the territory of the United States, although it possesses a coast of nearly one thousand miles on the river and gulf of the Saint Lawrence, where fisheries of cod, herring, mackerel, and salmon are carried on successfully. Valuable fisheries exist also in its lakes. It is rich in metallic ore and in the resources of its forests. Large portions of it are peculiarly favorable to the growth of wheat, barley, and the other cereals of the North.

Within thirty-five years, or less than the life-time of nearly all who are now hearing me, the population of Ontario and Quebec has increased about fivefold, or from 582,000 to 2,812,367.

THE PEOPLE OF CANADA.

The population of the Dominion of Canada and the other possessions now exceeds four millions, being more than that of Arkansas, California, Delaware, Florida, Kansas, Louisiana, Maine, Minnesota, Nebraska, Nevada, and New Hampshire, added together, at the last census. Many of their inhabitants are of French extraction, and a few German settlements exist; but two-thirds of the people of the provinces owe their origin either to the United States or to the British islands, whose language we speak, and who "people the world with men industrious and free." The identity of language in contiguous countries is a fair exponent of the tendency to amalgamation. It generally implies great similarity, if not identity, of religion, laws, and habits, the essential elements of thorough fusion.

NATURAL COMMERCIAL RELATION.

Apart from the artificial regulations by customs-duties, the exchanges of the products of labor between the people of the United States and their neighbors on the north would be as intimate and, in proportion to the population, at least as various and comprehensive, as those of the States of our Union with each other. In fact the commercial relations of our northern, northwestern, and eastern States with the Dominion of Canada, if left simply and without obstruction to the practical test of benefits or profits given and received by the people of both countries, would be more close and intimate than those between most parts of the Union. The great lakes, which for some thousands of miles politically separate us, are themselves among the cheapest and most useful means of intercommunication for the northwestern and eastern States, and, with the majestic river through which their waters flow, have long furnished, by aid of short canals, one of the most important channels of trade and travel from the interior to the ocean, and thence to the chief markets of the world.

Nearly three-fourths of the people of the Dominion inhabit a territory in latitudes south of our boundaries in Maine and Minnesota. Across this region, and especially the peninsula between Lakes Huron and Michigan, is the direct line of communication between the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York on the one side, and Michigan, Wisconsin, Minnesota, and all our Territories west of them on the other.

IMPORTANCE OF FREE EXCHANGES WITH CANADA TO ALL PARTS OF THE UNION.

Great as the value of transit through Canada is to our people, similar freedom through our territory is perhaps even more important to the Canadians. Excepting the maritime provinces, the whole of the British North American possessions until they approach the Pacific Ocean is dependent upon the railroads, canals, rivers, and other means of communication in the United States for the shortest routes to the ocean. Fortunately, what is in this respect almost the necessity of the Canadians is one from which must result the employment of our people and profit to our forwarders on such a scale that it will confer conspicuous national benefit upon us if we do not prevent the natural interests of the people from attaining due and harmonious development. More than that, the great natural, permanent system of exchanges is between the North and South; their productions being necessarily distinct, and modern civilization having rendered them practically necessaries of life to the people of each region.

Regarding the subject from a broad and national point of view, it is instructive to see how great and varied are the advantages that would result to all parts of our country from free intercourse with the neighboring nations. The northern and southern parts of our continent possess special and distinct advantages for producing commodities with which each can purchase those of other sections. The Northern States, for instance, need fear no competition with Mexico or Cuba in manufactures or agriculture. These countries would purchase, in increased quantities, our manufactures, cereals, meats, and fish, while we in return should consume more of their sugar, coffee, fruits, and other tropical productions. The agricultural productions of Canada are almost identical with those of the Northern States, but would be exchanged for our own manufactures, and for the products of warmre climates, in part those of our Southern States and in part of regions yet farther south, whose products would thus be brought through our territory, and afford employment and profit to our people, with advantages to all the countries which would be parties to the arrangement. Our agriculture, manufactures, and carrying trade would alike be benefited, and the natural operation of the laws of trade would necessarily confer corresponding benefits on those for whom our work would be done and with whom our exchanges would be made.

The trade between the northern and southern parts of this continent must attain enormous proportions. It is very desirable for our people that it should as soon as possible be developed to the utmost. Its natural course will be through the central or intermediate States, creating in them commercial interests of a magnitude which it is almost impossible now to calculate. The mutual benefits thus given and received would be perpetually diffused and circulate in every vein and artery of commerce and manufactures throughout the Union and be accompanied with the gratifying knowledge that they were derived from the prosperity of our neighbors in other countries.

RECIPROCITY APPROVED BY LEADING STATESMEN OF BOTH PARTIES.

As the naturally interdependent commercial relations of the United States and Canada arise from geographical and climatic causes which are permanent and unchangeable, and the cost of labor and the interest on capital in both countries are, reckoning from a series of years, nearly alike, they have from the beginning of our history attracted the attention of our leading statesmen without distinction of party.

During the Presidency of General Jackson, Mr. Van Buren, when writing in 1829 to Mr. McLane, then our minister at the court of St. James, referring especially to the North American colonies, said:

> The policy of the United States in relation to their commercial intercourse with other nations is founded on principles of perfect equality and reciprocity. By the adoption of these principles they have endeavored to relieve themselves from the discussions, discontents, and embarrassments inseparable from the imposition of burdensome discriminations. These principles were avowed while they were yet struggling for their independence, are recorded in their first treaty, and have been adhered to with the most scrupulous fidelity.

The exceptional character of our natural commercial relations with Canada has also been duly observed by some of the most eminent advocates of what is termed a "protective" policy. One of the chief arguments in its favor is that against admitting the products of "pauper labor" to compete with those of our own citizens. It has no force in reference to a contiguous country, from which people can pass to the United States in a few moments or at most a few hours. The other argument of the same class of theorists is derived from the importance of a "home market." But a "home market" is the market nearest home, and this is furnished by the respective countries to each other at every point of their coterminous territory.

Mr. Clay, who was called the father of the "protective" system, duly appreciated these facts, and from his stand-point added valuable testimony to the uniformity of opinion among American statesmen in his time, and his conviction as to the policy by which he desired our country to be guided.

The Government of the United States—

He said—

> has always been anxious that the trade between them and the British colonies should be placed on a liberal and equitable basis. There has not been a moment since the adoption of the present Constitution when they have not been willing to apply to it principles of fair reciprocity and equal competition.

As time has passed and the country on both sides of the frontier has become more closely inhabited, farms, villages, and cities taking the place of the primeval wilderness, the value of the intercourse of the people has immensely increased. When Mr. Clay and Mr. Van Buren deemed it important the population of Canada was insignificant. It is now larger than that of all the six New England States added together.

The interests involved and the benefits each country can confer upon itself by due emancipation of its industry are so many and obvious that they will continually demand discussion until they are fully settled on the basis of perfect freedom and our trade with Canada is as unrestricted as that of our different States among themselves. It is our duty to regard these questions practically, avoiding alike on one side the inconsiderate haste which might result from political sentimentality, and on the other the influence of the absurd and pernicious dogma which carried to its logical results would put an end to all trade, individual as well as national, that whatever is profitable to others must be injurious to ourselves.

THE MAGNITUDE OF CANADIAN TRADE.

The modern increase of facilities of communication by canals, railroads, bridges, steamboats, telegraphs, and the press, assisting the transfer of merchandise, the travel of passengers, and the free interchange of thought between the United States and the Dominion, add to the policy enunciated by Mr. Clay and Mr. Van Buren a value we cannot estimate too highly. The commercial spirit and resolute enterprise of the Canadians is shown no less by the attractions they have presented to immigration and the consequent increase of their population than by the fact that with a population small in comparison with that of many nations in the Old World they already rank as the fourth power on the globe in the extent of their merchant shipping, taking precedence in its extent and quality of all countries except Great Britain, the United States, and Germany.

The aggregate of the foreign trade of Canada in 1872–'73 and 1873–'74 was about two hundred and seventeen millions, each year, being considerably more than one-sixth of all the imports and domestic and foreign exports of the United States. The aggregate of our foreign trade in 1875 was $1,219,434,544. If it had been as large as that of Canada in proportion to the population of the two countries, it would have exceeded $2,400,000,000.

OUR TRADE WITH CANADA.

Notwithstanding the adverse laws in both countries, preventing a free exchange of the products of the industry of their people, thus depriving Canada of her natural prosperity, injuring the business of many of our States, and most seriously impeding the progress of those parts of our country which are near the Canadian frontier, our exports of articles the growth, produce, and manufacture of the United States to Canada, according to the report of the Treasury Department, amounted in 1873–'74 to no less than $42,505,914, being more than twenty times as large as those to China, whence we draw so large a proportion of our imports, and larger than our exports of a similar character to any country in the world excepting only Great Britain, Germany, and France. Our exports to Canada of goods of foreign origin in the same year amounted to $4,589,343, and the total trade with her to at least the vast sum of $85,253,168.

Taking the official statistics of Canada as the test of our exports to the Dominion, the value of our exports was much larger, those entered for consumption there having amounted to $54,279,749, and our imports to $35,061,117—the aggregate trade having been $90,524,000.

In 1874-'75 the aggregate of our domestic exports to Canada, as shown in the Report on Commerce and Navigation, including the additions on page 416, was $49,906,285, and the trade between the two countries amounted altogether to $86,256,925.

An examination of our exports to Canada shows that her value as an outlet for our manufactures has long been much underrated. This has, no doubt, arisen in part from the fact that we compute the amount of our exports from our own custom-house statistics. These are the best sources we have of information as to our imports, on which accuracy is exacted because they are subject to duty; but there is no such urgency as to our exports. They pass from our side of the lines without much attention from our officers. Modern political economists and statisticians have observed the operation of the same rule in various countries, and regard it as an established axiom that "the amount of export is always less exactly registered than the amount of import because with the former duty is but rarely levied." This rule applies with peculiar force to the ordinary data furnished by the official reports of the commerce and navigation of the United States so far as they refer to Canada.

In 1874 the Chief of the Bureau of Statistics asked the attention of the national Legislature to this subject and repeated his request in 1875. He found it impracticable, if not impossible, to obtain full returns of merchandise exported to the provinces of Ontario and Quebec. Our custom-house returns on the Canadian border are necessarily defective, in part for want of legislation requiring persons exporting merchandise by railway-cars or other land-vehicles, which have long been used in the transportation of merchandise across the Canadian borders to file full manifests of such merchandise with the collector of the customs as is required in the case of all exports to foreign countries in vessels. It has been found on close investigation into the facts that in both countries the accounts of imports from each into the other are the more accurate, because "the customs-officers of both are constantly on the alert to see that no dutiable merchandise crosses the border without paying its prescribed impost."

Upon the basis thus irrefutably laid down, it is found that the value of articles of domestic production exported from the United States to Canada in 1874 was $11,424,566, and in 1875 no less than $15,660,281, in addition to the amounts shown by our own official records. This enormous amount of over $27,000,000 consisted chiefly of the products of the manufacturing industry of our people, and I desire to direct to it the special attention of those who fancy an extension of reciprocal trade with Canada would be injurious to the manufacturing population of the United States.

LARGE IMPORTS OF OUR MANUFACTURES.

One of the most efficient and beneficial means of protecting our manufactures would be to encourage the demand for them in Canada. Including the amounts given in the statement of the quantities and values of our domestic exports in the official records of the Bureau of Statistics, and the additions corrected from the reports furnished by the Canadian commissioners of customs, our exports last year of our own productions to the Dominion included books and stationery to the value of $794,846; cotton manufactures, besides raw cotton, $1,591,844; musical instruments, $639,027; leather and its manufactures, $789,428; tobacco and its manufactures, $1,673,366; refined sugar and molasses, $1,988,733; manufactures of iron and steel, $6,833,649, besides other manufactures to the value of many millions. Our imports during the same year from all parts of the Dominion of her staple productions of wheat and flour amounted only in value to $363,317.

If we can export our manufactures in such large quantities to Canada when impeded by her present tariff, it cannot be disputed that we should increase our sales of them if they were admitted at lower rates of duty, and yet more if they were admitted free of all duty whatever

THE FORMER TREATY.

The treaty of 1854 provided for a reciprocal trade between the United States and the British North American possessions in certain articles, consisting mainly of the unmanufactured productions of the farm, forest, mines, and fisheries. It was for several years mutually satisfactory, but under the pressure of debt and the need of increased revenue the Canadians raised the duties on manufactured goods to such an extent as to destroy its natural effects in promoting many branches of the industry of our people.

The Legislature of the State of New York passed concurrent resolutions complaining of the tariff thus exacted by Canada and demanding a revision of the treaty, but expressing approval of the principle of reciprocity and a desire for an extension of its application. It was seen that unrestricted trade between the United States and Canada must be mutually beneficial for the same reasons as make it desirable between New York and Pennsylvania or any of the other States in the Union.

The resolutions of the State of New York asserted that "free commercial intercourse between the United States and the British North American possessions, developing the natural, geographical, and other advantages of each for the good of all, is conducive to the present interests of each, and is the only proper basis of our intercourse for all time to come;" and, in pursuance of the request of the State of New York, that its Senators and Representatives in Congress should take such steps as would regulate the commerce and navigation between the two countries in such manner as to render the same reciprocally beneficial and satisfactory, I moved in the House of Representatives that the President of the United States should be authorized and required to give notice to the British government that the treaty of commerce then existing, as to the British North American colonies, would be terminated at the earliest date legally permitted, but that the President should be authorized to appoint three commissioners for the revision of said treaty, and to confer with other commissioners duly authorized therefor, whenever it should appear to be the wish of the government of Great Britain to negotiate a new treaty between the governments and the people of both countries, based upon the true principles of reciprocity, and for the removal of existing difficulties.

RECIPROCITY APPROVED BY CONGRESS.

The preamble declared that inequality and injustice existed in our present intercourse with Canada, subversive of the true intent of the treaty, owing to the legislation of Canada after the treaty had been adopted, and that it was desirable that friendly relations should be entertained between the United States and the British North American provinces, and that commercial intercourse should be thereafter carried on between them upon principles reciprocally beneficial and satisfactory to both parties.

A motion to lay the preamble and resolution on the table was rejected by a vote of 76 to 73. Thus the House refused to terminate the treaty unconditionally. A notice simply to abrogate the treaty was voted down, and the preamble, which asserted that commercial intercourse between the United States and the British North American provinces should be hereafter carried on between them upon principles reciprocally beneficial and satisfactory, was adopted; and the resolution would also have been carried if a few members who together with their constituents were conspicuously in favor of and especially interested in the utmost possible freedom of exchanges between the two countries had not been induced to believe that they would obtain better terms by postponement to the next session of Congress. But the postponement was only adopted by a majority of 5 out of 159 votes.

Just before the time for reconsideration arrived the war feeling had attained increased intensity, and the exigencies and temper of the occasion threw all commercial considerations temporarily aside.

CANADIAN TARIFF.

Since that time the Canadian tariff has undergone great and liberal changes. Very many of the articles on which we charge duties almost prohibitory are admitted free of all duty into Canada, and her old tariff of 25 or 30 per cent. has been reduced to a general rate of 17½ on manufactures, and can no longer be a subject for complaint of injustice on our part while we charge 40 or 60 per cent. We now approach the whole subject under new and favorable auspices.

OBSTACLES TO COMPLETE RECIPROCITY.

As the exports of Canada consist chiefly of raw productions of the farm and forest, of which we export little for actual consumption in Canada, the admission of these articles free of duty by each country into the territory of the other is not the most just or desirable form of reciprocity. To place our trade with the Dominion on a satisfactory basis, manufactures also should be admitted free of duty from each country into the other. But to effect this it is necessary that no higher duty should be levied in one country than in the other on iron, silk, wool, and the other materials of manufactures. Without this the country admitting them at low duties, or without any, would manifestly be able to undersell the other if it continued such duties as it might deem necessary for its revenue or prudent for the protection of its labor against the competition of countries under different social and monetary conditions.

The best arrangement of reciprocal trade between the two countries must include more or less the manufactured as well as the raw pro-

ductions of each, thus giving mutual encouragement to various and differing industries on both sides of the line and permitting labor in each to adjust itself to the most advantageous employments. The United States have never yet made decisive efforts to secure the benefits thus within their grasp.

If such a system of reciprocal exchanges could be extended to manufactured productions, both countries would assuredly profit. The first effect might seem detrimental to special interests in both, but a natural equilibrium would soon establish itself, producing conditions under which capital and labor would be applied to the best advantages. It would be found what each country can produce better and more cheaply for the other than the latter can for itself, and under such circumstances each would obviously be the gainer by mutual exchanges. It is the nature of trade that it will not long be continued unless all the parties gain by it. Both as producers and consumers the people of each country would profit by such an economical adjustment of affairs.

As many manufactures in both countries are made of materials imported from various parts of the world, it would manifestly be impossible to establish a completely free system of commercial intercourse with Canada, except under duties not only corresponding but also equitably divided on the productions of other countries. This is the chief obstacle to any fair, mutually advantageous, and complete arrangement of reciprocity between us.

If, for instance, wearing-apparel, of which we formerly sold large quantities to the Canadians, were included in a list of free exchanges between us and them, without any more fundamental and comprehensive change, Canada, by admitting free of duty wool, or, if she chose, cloth and the other articles used in making the apparel, could undersell us so far as to drive us out of our own markets. The principle thus illustrated is applicable to almost all other manufactures. The materials for manufactures of wood, wool, and iron are already brought into Canada either free of all imports or under nominal duties for the purpose of encouraging cheap production. There is nothing to prevent their being admitted wholly free. Under these circumstances the Canadian manufacturers would have an unjust advantage over those of our own country. On our side we might reverse all this by a lower tariff or a system of bounties. But if the materials of manufactures were admitted on the same terms into the United States and the Dominion and an equitable distribution made of the revenues, the manufactures of each might safely and profitably be admitted into the other. In fact, with our larger capital and more advanced manufactories we should have an advantage in the competition, while it would also inure to the benefit of the Canadian people.

INTERESTS OF OUR MERCHANT FORWARDERS.

Manufactures are not the only form of industry which is worthy of consideration. The interests of our merchants and forwarders, as well as the people of Canada, are seriously injured by the present obstacles to their intercourse. There is a great difference between a bonded system and a system of perfect freedom, as to exports or imports. The annoyances, vexations, and delays necessarily attached to any bonded system are often sufficient in this day of easy communication to turn away business from its natural and best center. It is also to be remembered that hitherto the Government of the United States has not thought it expedient to refund duties on the re-exportation of foreign merchandise in less quantities than the original package, thus creating an obstacle, often amounting to prohibition, to the jobbing and retailing of goods.

That the mere adoption of the same rates of duties in the United States and Canada on articles imported from other countries would not be politic is evident on the ground that customs-revenue is chiefly collected in a few ports, although ultimately paid by the consumers, often in very remote parts of the country.

A CUSTOMS UNION SUGGESTED.

All these difficulties might be solved by adopting the principles embodied in the Zollverein or Prussian confederacy of the German states, with such modifications as may be found expedient between ourselves and the Canadians. By this course both can obtain all the commercial advantages of union without political entanglement, leaving each country free to practice in its own self-government such rules as it believes to be most in accordance with the genius of its people, and best adapted to promote its own interests.

Previous to the adoption of the Zollverein, it had been the misfortune of Germany to be divided into a large number of independent states—most of them of petty dimensions and small population—every one having distinct custom-houses, tariff and revenue laws, often differing very widely from those of the neighbors surrounding it. Sometimes one part of a state was separated from its other parts, and was as a commercial island encompassed by states having different laws. The condition was such as would have existed in New York or any other of our States, if each of the different counties had been commercially divided from the rest, and the inhabitants of one county could not, without paying heavy imposts, pass into another with a horse, ox, or load of grain, the product of their own farms, or take imported goods into any of the counties adjoining their own, and the difficulty continually increased on passing through additional counties. Thus the inland trade of Germany was subjected to all the restrictions that are usually laid on the intercourse between distant and independent states.

PRINCIPLES OF THE ZOLLVEREIN.

The principle of the Zollverein or customs union is that there shall be entire and unrestricted freedom of imports, exports, and transit among all the states which are its members. The same duties are collected on the outside frontier of the states thus united. Within that line all trade is as untrammeled as within our present Union. An equitable distribution of the revenue thus obtained is made among all the states of the confederation.

The Zollverein is comprehensively defined to be the association of a number of states for the establishment of a common customs law and customs line with regard to foreign countries, and for the suppression of both in the intercourse of the States within the border line. There would be no impediment by discriminating duties on the importations for Toronto if made via New York or Boston. If the merchants of Chicago found it to their interest to purchase at Montreal, they could do so; and buyers from the new province of Manitoba might buy and sell at Saint Paul, Du Luth, Saint Louis, or New Orleans, as freely as at Halifax or any city in the Dominion. The merchants of British Columbia would buy and sell in the markets of San Francisco as freely and with as little hinderance as in those of their own country. All means of transit would be entirely open to the people of both countries, and those most conducive to the public welfare would take the trade. Internal-revenue laws could, so far as necessary, be made in conformity with the principles of the Union. There could be fair and complete competition everywhere within the confederation, and full scope could be given to the development of natural advantages wherever they would bring profit to the merchant and save needless labor of the people or yield remunerative employment to them.

SKETCH OF THE GERMAN ZOLLVEREIN.

The German Zollverein began in 1818, considerably more than half a century ago. Its progress is a sufficient proof of the excellence of the principles it embodies and of the mode by which they are carried into effect. The enlightened state of Prussia was the originator and leader in the movement, by forming a commercial union with a few minor states; the whole population thus included being at first only nineteen millions. The experience of the benefits thus created is so satisfactory, that the best publicists of Europe believe that Prussia thus conferred upon the German people advantages scarcely inferior to those she initiated by the diffusion of education and intelligence. It not only promoted the industry and prosperity of the allied states more than any other measure or sets of measures that their governments could have devised, but it was found that the increase of wealth and population thus arising created an additional demand for foreign products.

Whatever opposition there is to unembarrassed intercourse with Canada proceeds mainly from a fear lest it might revolutionize our tariff or injure our revenue. It is well to remind the alarmists who raise this outcry that such results are no necessary consequence of an American zollverein. So far as the Zollverein of Germany is a precedent, such apprehensions are entirely groundless. As Prussia was the largest and most populous country when the Zollverein was begun, her tariff was adopted; and owing to increased prosperity and the consequently increased consumption of tax-paying articles, the revenue of Prussia rose about 30 per cent. in the four years next following the amalgamation of the North German and South German states into one grand union on the 1st of January, 1834.

In 1865 the benefits of the German Zollverein had become so well proved and appreciated, that instead of the three original states or duchies it included fourteen, with a population of nearly 36,000,000.

The solidity and cohesive power of the Zollverein were decisively tested in the war which began between Prussia and Austria in 1866. The governments of the North German states included in the union sided with Austria, and it was feared that a dissolution of the Zollverein would ensue, but, says one of the historians of the time, the extraordinary spectacle was presented that while "its component parts were waging open war with each other, its custom-house authorities remained in their functions in the general name and received and divided the revenue moneys in the general name, a spectacle which surprised nobody in Germany, but caused general astonishment abroad as something quite incomprehensible. German nationality, and the inner conserving power which animates the Zollverein received hereby the most glorious confirmation."

After the war of 1866 the German states to the south of the river Main, having preserved their independence, were not under any obligation to renew the Zollverein, but preferred to continue members of it. In 1867 a new Zollverein treaty was concluded between the states of the North German Confederation and the North German states, the scope of which extended to the whole of Germany except Austria. Even with Austria a liberal and comprehensive treaty was effected in 1868, mutually reducing duties on both sides and abolishing all transit duties and nearly all those on exports.

A traveler who has crossed the outer line is freed from the vexations of the *douanier* in every part of Germany, and may proceed without interruption from Belgium to the frontier of Russia, and from Tyrol to the Baltic, a distance of seven hundred or eight hundred miles, including a population of 70,000,000.

MUTUAL BENEFIT OF A CUSTOMS UNION.

Until the Canadians are ready for annexation to the United States by their own appreciation of republican institutions, no solution of the commercial questions at issue between us and them can be complete

except by means of a customs union. I, for one, am not desirous of incorporating in our political union 4,000,000 of people who desire a form of government essentially distinct from our own. But it by no means follows that we and they should not mutually develop in harmony our material interests and regard them and the character of our respective populations as a basis on which such future political arrangements may be made as time may prove to be wise. The quality of grain or lumber and the desirability of selling or purchasing manufactures are utterly independent of the political preferences of the producers or consumers, and on neither side can natural prosperity be promoted by chronic commercial jealousy.

It is evident that the policy I advocate would tend to lessen the hostility of differently instituted governments, while it would not interfere with the political institutions of any, and that a strong bias toward the most friendly relations on other points must naturally arise upon the basis of mutual pecuniary interests and intimate social intercourse.

THAT "BALANCE OF TRADE."

Meeting upon their own ground the theorists who regard "a balance of trade in our favor" as the chief test of the benefits of commercial exchanges with any single country, I find that, according to the reports of the Secretary of the Treasury, there appears to have been during the thirteen years when a treaty for the reciprocal exchange of grain, lumber, and many other natural productions existed, a balance in our favor amounting to some $83,000,000, and that ever since the termination of the treaty until 1874, when the pressure on our affairs tended to force sales at low prices, there has been a balance against the United States in the trade with the Dominion. So much for the present exclusive policy in comparison with the more liberal but incomplete system under the treaty, judging them from the ordinary stand-point of many protectionists.

Since the termination of the treaty the proportion of the trade of Canada with this country in comparison with the whole foreign trade has been reduced from 52 to 35 per cent., until the necessities of our people compelled them to part with the products of their labor at reduced prices.

The tariff of Canada is moderate as compared with our own; but, in connection with our taxation of many materials, it is enough to have caused some important branches of manufacture, notably those of wood-screws and musical instruments, to be lately transferred by our own citizens to the other side of the northern frontier, where they are not only established for the supply of the people of the Dominion, but, if we persist in our present course, will undoubtedly at no distant date compete on terms favorable to the Canadians in neutral markets with the products of our own labor on a very extensive scale and in many various manufactures.

THE REAL BALANCE.

While it is desirable to encourage as far as we are able the sales of our manufactures to Canada, it is always to be remembered that the trade between that country and the United States is to a considerable extent one of transit or carrying to other countries, and thus what is called "a balance" against us, which is really an advantage, may exist, because it may merely represent what we have bought from one country to sell at a profit to others. If our merchants buy the bulky productions of Canada to the extent of many millions and carry them through our own country to our sea-ports, they give employment to our laborers, create a demand for the products of our farmers, and cause the expenditure and employment of vast sums of money among our traders and capitalists, while the articles thus carried and exported stand to our credit and profitably swell the balance in our favor in other countries, being at least as valuable in our exchanges with the rest of the world as if they were gold or silver.

The Canadians, understanding this natural operation of the simple laws of business and carrying it into their affairs of state, have, with an enlightened self-interest, attempted to diminish what might by more short-sighted economists be called "the balance in their favor," by admitting our wheat, flour, corn, oats, barley, pease, and many other productions entirely free of all duty. They would like the exchange to be much more—as some of our doctrinaires would call it—"against them." The more of our wheat, corn, and flour they buy, or, in other words, "the larger the balance against them," the more their shipping and canals, and with them their merchants and the rest of their population, prosper. We take the other course, and by way of fancied "protection" levy a duty of twenty cents a bushel on their wheat, fifteen cents on their barley, ten cents on their oats, 20 per cent. on their flour, and from 10 to 20 per cent. on their pease.

Under the treaty, the quantities of grain exchanged between the two countries were almost exactly equal. In 1874 our exports of grain and breadstuffs to the Dominion, exclusive of barley, for which we pay Canada a better price than she can find elsewhere, amounted to $16,477,674, while the imports of the corresponding articles were $3,473,352, showing what is called "a balance in our favor" of $13,004,322; our exports of grain and breadstuffs to Canada, as thus shown, being, in consequence of our duties on her products and her exemption of ours, more than four times as large as our imports from her. This "balance in our favor" shows that we expel the trade in certain classes of products from our shipping, railroads, elevators, and warehouses with incalculable injury to all classes of our people and force it into Canadian channels. This is more fully shown by the official reports of Canada, where it appears that in the same year nearly twenty-one millions of bushels of grain were certainly exported from that country, being between six and seven millions of bushels more than her imports.

Thus we see that the purchases of grain by Canada are for re-exportation, either directly or for such consumption as leaves a corresponding surplus on her own side for exportation. No bonded system regarding grain from Canada can afford such facilities for profits by our merchants, millers, carriers, and others as would arise from free and untrammeled trade in it.

WE DRIVE AWAY THE TRADE WE MIGHT ATTRACT.

The enlargement of the Canadian canals, with a view yet further to draw away from this country the transit of its own productions and trade in them is at the present moment going on, and that on a magnificent scale. In 1855, the year after the treaty went into operation, as soon as routes and markets of the United States were opened freely to the grain, flour, and timber of Canada, the trade by way of the Saint Lawrence was $18,469,528, or not much more than half its amount in the previous year. The decrease was $15,203,600, and a corresponding amount was transferred to other carriers, for the Canadian trade in the United States increased in the same time $15,856,624, or from $24,971,096 to $40,827,720. In view of these facts, the urgency of removing from those who are employed on our railroads, rivers, and canals the restrictions imposed on them by duties on Canadian grain, and placing them on an equal footing with their foreign competitors, cannot be reasonably disputed.

If we bought from Canada every bushel of wheat that she now exports to other countries, the demand in those countries would remain the same. The difference would chiefly be that after paying for it in the products of our labor, we should send it or its equivalent to the present consumers and that we should do the business and make the profits now made by the Canadians. If there should be what some call "a balance against us" with Canada, it would be more than made up through the amounts placed to our credit by our sales to other countries.

AN INCREASED SUPPLY OF PROVISIONS.

Mainly for those agricultural productions which are not "perishable" and will bear transportation the markets of the world at large regulate our own. The prices alike of grain and dairy products are transmitted by cable and eagerly examined by the dealers in them on this side of the Atlantic. The free admission of these articles into this country will stimulate industry without reducing general prices, not only through increasing the business of our railroads, canals, rivers, and sea-ports, but by furnishing them to consumers as nearly as possible to the places where they are produced, and by passing them through the hands of the fewest intermediate dealers. There are also many agricultural products—notably animals and fresh meats—which might profitably be exchanged by Canada for our manufactures, thus furnishing an increased and cheaper supply of provisions to our people, who, under the system I advocate, would pay for them in the products of their looms and workshops.

Even as to these articles many errors are current. It appears from the tables published by the Bureau of Statistics that last year our imports described as animals from the British American colonies amounted to $1,987,231, and those of meats, butter, cheese, poultry, lard, &c., to $533,886; a total of $2,521,117. An outcry is raised that our farmers are oppressed by these inundations of provisions. But their amount is little more than equal to our exports of meats alone to Canada. Their amount is no less than $2,457,904. Of animals, meats, butter, cheese, lard, and tallow only our exports to the same country were $4,398,060, or about two millions more than our imports.

FREE TRADE IN COAL.

It would be improper to pass without examination our trade with Canada in coal, an article which is one of the essential elements of manufactures, and in the North becoming daily more and more one of the prime necessaries of human life. It is found in abundance on the sea-coast of Canada, whence it is advantageously exported to the New England States and New York. But it is not found in the interior and well-settled parts of the Dominion. They depend on our mines for a supply, and obtain it, free of all duties, principally from Pennsylvania, Virginia, and Ohio. Anthracite coal is extensively imported into the maritime provinces. Altogether, regarding the subject from a national point of view, our imports of coal last year from Canada amounted to $697,673, and our exports to her were, as shown by our own returns alone, $2,034,527. The imports, taking a series of years, are nearly stationary; but our exports increase enormously, and in the last three years were $7,272,964, not far from four times as large as in the three years from 1863 to 1867. Under these circumstances any imposition of duty on coal from the Dominion is evidently unjust, favorable only to petty local interests at the cost of important communities and contrary to the spirit in which each part of the Union should regard all the others.

WE PAY OUR OWN TAXES.

Among our largest imports from Canada, timber is probably on the whole the one most necessary to our citizens. It forms a part of every house in city and country. It is directly or indirectly a part of almost every manufacture, and the cost of the home of every workman in the manufacturing parts of our country depends upon its price. Consid-

ered with regard to the tariff and its "protective" character, lumber is unlike any other article. Our iron-ore being inexhaustible, the production of that metal may be stimulated to any extent. The more there is made of it the more can be made. The same is true of manufactures of wool and cotton, or of those articles themselves. Looms, sheep, and cotton plantations can be almost indefinitely multiplied. But, for all intents and purposes, a high price for lumber is not only a tax on the people, but stimulates present production with the absolute certainty of speedy, spendthrift, exhaustion of the supply. By duties on Canadian lumber we simply exhaust our resources and pay for drawing what we need from places remote or difficult of access when we might get it easier elsewhere. It would be even more reasonable to dig holes and fill them up again than to indulge in this delusive and extravagant legislation.

There has been a too common belief that by duties on the productions of Canada we make her people pay our taxes. Perhaps the fallacy yet lingers in some minds. The fact that we have destroyed our importations of wheat and flour from Canada, and that she now sends her surplus together with much of our own to other markets, may convince of their error some of those who have imagined she must depend upon us for the sales of her productions. It was argued when the treaty was repealed and a duty was imposed on Canadian timber that we should buy it as cheaply as ever. Instead of this consummation, it has been found that our importations became nearly threefold as large as before, and that the prices in Canada doubled, showing clearly that we pay the duty and injure every branch of industry in which northern timber is a material.

The well-known fact is that we are rapidly exhausting our supplies of timber in the Northern States. The demand for it increases at the rate of 25 per cent. a year, and even those who are interested in high prices and immediate sales of what is left of it admit that in twenty years building timber will be extremely scarce, and that in many parts of the country, yet supplied in part from their own soil, it will have entirely disappeared. It is stated on good authority that no less than 63,928 establishments, employing 393,378 persons and using material to the value of $310,000,000 a year, were engaged in 1869 in manufacturing articles entirely from wood, in addition to 7,439,840 persons partly employed on wood and using that material yearly to the value of $554,000,000. In some instances, following the example of more experienced nations, premiums are given to those who plant certain areas with forest trees. Yet in the face of all these facts we, under the name of "protection," betray the public interests into the hands of a few monopolists, and condemn our people to pay large rewards for the too rapid destruction of our remaining forests. In considering these facts it is desirable to remember that under a free system of exchanges Canada would be paid for her lumber in the products of our labor.

PUBLIC OPINION ON TRADE WITH CANADA.

The value of an extension of trade with Canada is duly appreciated by all thoughtful commercial men. The National Board of Trade passed resolutions and petitioned Congress in its favor. The New York Chamber of Commerce regards it as "specially desirable, on political as well as economical grounds, that all unnecessary hinderances should be removed from the commercial intercourse between the United States and the great Dominion which borders our northern border for so many thousands of miles," and "strongly recommends the proper authorities at Washington to enter into such treaty stipulations whenever the Canadian authorities may be found ready to meet them on a basis of perfect fairness and equity." The boards of trade in Boston and Chicago, and many other similar associations, have earnestly expressed the same views. Various State Legislatures, notably that of New York, have passed resolutions to the same effect. Proof that the importance of the interests involved is fully appreciated, and of a willingness to negotiate, abounds in Canada.

CANADA WILLING TO NEGOTIATE.

In 1873 the Dominion board of trade presented a memorial to Earl Dufferin, the governor-general of the Dominion, expressing a "sincere and cordial desire" that he would "be pleased to make such representations to the imperial government as will procure the appointment of a commission to meet and confer with a similar commission on the part of the Government of the United States, (if such commission has been or shall be appointed,) for the purpose of framing and negotiating such a treaty of reciprocal trade as will be for the mutual advantage and benefit of the trade and commerce of the Dominion of Canada and the United States." The Canadian minister of customs, the privy council, and the governor-general fully concurred in these views, and the governor, in council, formally promised that "should the Government of the United States comply with the wishes expressed by the National Board of Trade, the subject will receive the fullest consideration of the government of Canada." There is good reason for believing that no change has been made in their views.

During the present year a leading member of the Dominion board of trade, at its annual meeting, expressed the general sentiment of those who were present by saying, "We are anxious to deal fairly and liberally with our neighbors, and on condition that they meet us in a liberal spirit." A resolution was passed, declaring "that this board is of opinion that it is very desirable that a treaty of reciprocity in trade with the United States, on a comprehensive, liberal, and fair basis, should be obtained; and is also of opinion that the initiatory steps thereto ought to come from the Government of the United States, seeing that it was by their action that the old treaty was abrogated." Thus there is ample proof that commissioners would be promptly appointed to meet and confer with our own.

While we now possess a most valuable market and increasing market for our manufactures, it is quite as certain that its continuance depends on the duties levied by the Canadian tariff. A large proportion of the manufactures we export so extensively to the Dominion, conspicuously many of iron, copper, brass, lead, cotton, &c., are admitted free of duty or at almost nominal rates of 5 or 10 per cent., and those charged at higher rates than 17½ per cent. are few in number and insignificant in quantity. The Canadians have it in their power, and it could be no just cause of complaint by us, to adopt our own scale of duties. The effect of such a step could not fail to inflict serious injury on our manufacturers, many of whose products would soon be excluded from the Canadian markets, which it is for our interest to open yet more widely.

CONTRAST CANADIAN WITH HAWAIIAN TRADE.

The importance of our present and future commercial relations with the Hawaiian Islands has been ably discussed. I have not underestimated nor will I now depreciate it. But it shrinks into seeming insignificance in comparison with the value of the trade between the people of the United States and Canada. In the same year when our exports of cereal productions to the islands amounted to the value of about $45,000 those to the Dominion were of the value of over fourteen millions, our exports of cotton and its manufactures to the islands were about $16,000, and of iron and steel, including woodenware, were nearly $20,000, while those of the same classes to Canada were over one million one hundred thousand and over six millions, respectively, exclusive of woodenware. The exports I have specified to Canada are exclusively of our own productions, the aggregate of which to Canada was about ninety times as large as that of all our exports to the Hawaiian Islands during the same time. Without pursuing the comparison further it is absolutely unquestionable that, if our commerce with the Hawaiian Islands is worthy of special attention, that with the Dominion of Canada is almost immeasurably more so; and the comparison loses nothing of its force either commercially, politically, or in a military point of view if we consider the limited area of the islands and the vast territory of the Dominion coterminous with our own to be inhabited by people sprung from ourselves or, like ourselves, from the foremost nations of the Old World and whose number will be computed by hundreds of millions.

ENCOURAGEMENTS TO SMUGGLING.

While the moderate rates of duty exacted by the Canadian tariff enable us to make large exports of manufactures, they also permit goods from other countries to be imported on the same terms. Silks, broadcloth, plate, watches, jewelry, &c., are charged with a duty of only 17½ per cent. The boundary between the two countries not only extends across the continent, but the shore-line is increased for thousands of miles by innumerable bays, affording great facilities for defrauding the revenue. At other places a smuggler can go in the day or night from one side of the frontier to the other laden with jewelry, laces, or other expensive goods literally as easily and with as much security as a traveler can pass from one farm to another or through the unbroken forest. It is stated that stores, kept by enterprising merchants, are built on the imaginary or mathematical line separating the two countries, and that goods bought in each are sold freely to all customers; the merchandise itself changing places from the shelves on one side to those on the other at those hours and opportunities when it is impossible for a custom-house officer, however vigilant, to watch what may be done inside the building. No wonder, then, that the Secretary of the Treasury shou'd have found "the difficulty attending a proper surveillance of our northern frontier" of sufficient importance as to direct special attention to it in his last report as being "under existing circumstances very great, if not in some respects insurmountable." To guard these lines with moderate security an enormous increase of the revenue service would even now be absolutely indispensable. In the four collection districts of Vermont, Champlain, Oswegatchie, and Cape Vincent, having a frontier line of more than three hundred miles, after deducting for a few officers employed in permanent service at the principal ports and minor stations, "there remain," says the Secretary of the Treasury, "but fourteen as a preventive force, or less than one man for every twenty-one miles of frontier."

As the frontier regions become more populous and goods brought from one country to the other meet with readier sales, these difficulties will be incalculably increased and it will be absolutely impossible to prevent immense quantities of valuable goods from being illicitly brought across the line without payment of any duty.

In addition to these suggestive facts it is to be remembered that some of the most liberal and advanced statesmen in Great Britain, not content with the present anomalous relations of the mother-country and the colonies, entertain the project of a Zollverein or customs-union between them. The people of these countries have as undoubted rights to free-trade with each other as the citizens of our different States now enjoy among themselves.

But, if the difficulties attending our present tariff are now "in some respects insurmountable," what would they become if the same freedom of trade as exists between the States of the Union were also a

matter of fact between the different parts of the British Empire? There is no complete remedy but such a customs-union as I have suggested between the United States and the Dominion.

COMMISSIONERS WOULD REPORT IMPARTIALLY.

In proposing the appointment of commissioners to confer with other commissioners duly authorized by the government of Great Britain, or whenever it shall appear to be the wish of that government to appoint such commissioners, to investigate and ascertain on what basis a treaty of reciprocal trade for the mutual benefit of the people of the United States and the Dominion of Canada can be negotiated, and to report the results of their investigation to the President of the United States, there is no bias toward any special form of reciprocity. They may or may not approve of such a customs-union as under existing circumstances seems to me the best and only perfect solution of the embarrassments attending the present commercial relations of the two countries, as it would effect a great saving in the revenue service, abolish smuggling, give complete freedom of transit to the people on both sides, and by a continuous and harmonious development of their resources encourage social intercourse and prepare the way for whatever other institutions their intelligence and mutual good-will might hereafter suggest and approve. But between such an arrangement and the present condition of trade there are many intermediate steps. It ought not to be difficult to agree upon the basis of a common tariff on all articles, such as silks, laces, brandies, wines, jewelry, &c., the importation of which is taxed only for revenue, and in regard to which no irreconcilable differences of politico-economical theory arise, or to determine the terms of equitable division of the revenue collected from them in common. If this only were done, the most extensive smuggling from which the revenue of the United States suffers would be stopped, and our own public Treasury would be the gainer by many millions. Some at least of the manufactures and raw products of each country could be admitted to free exchange with those of the other.

SUMMARY AND CONCLUSION.

Beyond these considerations, or rather as their basis, are the plain and well-known facts that the prosperity of our people and our strength as a nation depend upon their unrestricted exchanges of the products of their labor more than upon any other material cause, and that the relative positions of the United States and the Dominion render similar commercial relations no less valuable to our citizens and the Canadians; that if permitted to develop themselves harmoniously, according to the unrestricted wishes of the people, the mutual interests of the two countries are even more important than those of many of our own States, and that whatever would directly benefit so large a number of them must be profitable to them all and should be desired by all.

Whatever arrangements may be made might properly include various regulations necessary for the freedom and convenience of our commercial and social neighborhood and intercourse, such as a uniform system of extradition, light-houses, copyrights, postage, patents, telegraphs, weights, measures, and coinage.

The principles I am desirous of seeing brought into active use are simply those expressed nearly a century ago by Girard, Franklin, Deane, and Lee in a treaty of commerce between France and the United States, in which they, on the part of this country, agreed to avoid "all those burdensome prejudices which are usually sources of debate, embarrassment, and discontent," and to take as the "basis of their agreement the most perfect equality and reciprocity," "founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse." Thus all petty, acrimonious debates as to whether one party would make more or less than the other would cease. All would be merged in considerations of plain and palpable benefit as far as it is between States and individuals in the Union.

It is undeniable that the government and people of Canada are desirous of meeting in a friendly and liberal spirit whatever efforts we may make toward extending our trade with them. Thus apparently the means of benefiting a large and suffering portion of our population are open to us by giving them employment through an extended market for their productions. How much this is needed may be estimated from the statement of the Secretary of the Treasury in his annual report, that our domestic exports to all countries decreased in value $70,149,321 last year. By opening trade with Canada we should also furnish our people with a more abundant supply of the necessaries of life and some of the materials for manufactures. The purpose of the resolutions now under consideration is simply to ascertain, after full and careful investigation by intelligent citizens of the United States, how far and through what measures we can best bring into actual practice the opportunities which are placed within our reach by the circumstances of the times and by immutable nature, or rather by Providence itself.

Mr. BLOUNT. I rise to move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the naval appropriation bill.

BALTIMORE CITY WAR CLAIMS.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 3480) to provide for the recomputation of the accounts between the United States and the city of Baltimore growing out of money expended by said city for the use and benefit of the United States during the war of 1812 with Great Britain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. BANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Rules be directed to consider and report what change, if any, is required in the rule of the House which gives to certain committees therein named the right to report at any time.

COURT OF CLAIMS.

Mr. DOBBINS, by unanimous consent, introduced a bill (H. R. No. 3481) extending the jurisdiction of the Court of Claims of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PALMETTO GUARD.

Mr. MACKEY, of South Carolina, by unanimous consent, presented the memorial of the Palmetto Guard of Charleston, South Carolina; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD.

The memorial is as follows:

CHARLESTON, SOUTH CAROLINA, *April* 29, 1876.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial and petition of the undersigned, officers and members of the centennial committee of the Palmetto Guard, a military company at Charleston, South Carolina, respectfully show:

That they are preparing and erecting a suitable monument at Charleston in memory of the battle of Fort Moultrie, successfully fought against a British fleet on the 28th day of June, 1776.

That said monument is to be surmounted by a figure in bronze of a Continental soldier replacing the flag of the fort, which had been shot down, and they pray your honorable body to cause to be delivered to them for said purpose bronze cannon-metal of the weight of forty-five hundred pounds.

They have been advised and understand that there is on hand of captured or disabled cannon ample quantities of such metal belonging to the United States, and they ask that so much of it may be devoted to this patriotic purpose.

GEORGE L. BUIST,
BENJAMIN C. WEBB,
JULIUS J. WESCOAT,
and others.

EXECUTIVE CHAMBER,
Columbia, South Carolina, May 1, 1876.

I cordially indorse and approve the above request. Such an act of grace would produce the most beneficial results to this State and to the country.

D. H. CHAMBERLAIN,
Governor, South Carolina.

CONTINUANCE OF COMMITTEE-CLERKS.

Mr. WILLIAMS, of Indiana. Mr. Speaker, I am directed by the Committee on Accounts to report the following resolution and to ask that it be adopted.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of State be, and they are hereby, allowed to employ a clerk for the period of thirty days, and the compensation of said clerk be fixed at $4 per diem.

The resolution was adopted.

Mr. WILLIAMS, of Indiana. I am also directed by the same committee to report the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, allowed to retain the service of a clerk for the period of thirty days from the expiration of the last term.

The resolution was adopted.

PAINTED OR STAINED GLASS.

Mr. O'NEILL. I ask unanimous consent to present the memorial of citizens of Pennsylvania, asking for an amendment to section 2505 of the Revised Statutes, relative to the importation of painted or stained glass for religious purposes, for reference to the Committee of Ways and Means, and also that it be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, citizens of the Commonwealth of Pennsylvania, respectfully represent:

That under the revenue laws of the United States religious societies from 1861 to 1874 enjoyed the same privileges as philosophical, educational, scientific, and literary societies and institutions;

That the word "religious" was omitted from the act of June 22, 1874, and from section 2505, schedule M, title 33, Revised Statutes of the United States.

Your petitioners therefore pray that this inequitable and invidious discrimination against religious societies and institutions and against the cause for which they are organized and established be removed, and that an act be passed to insert the word "religious" after the word "scientific" and before the words "or literary" in section 2505, schedule M, title 33, Revised Statutes of the United States,

SAM. H. WELSH,
EDW. Y. BUCKLEY,
LAWRENCE LEWIS,
and many others.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker *pro tempore* signed the same:

An act (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company;

An act (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley and for other purposes;

An act (S. No. 679) relating to interments in the Congressional Cemetery; and

An act (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive, free from duties, a wedding present from the Khedive of Egypt.

DISABLED NAVY-YARD EMPLOYÉS.

Mr. GOODE, by unanimous consent, introduced a bill (H. R. No. 3482) to provide for the relief of navy-yard employés who shall be disabled while employed in the line of their duty; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I move the rules be suspended and the House resolve itself into Committee of the Whole on the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CLYMER in the chair.

The CHAIRMAN. Under the order of the House the committee now proceeds to the consideration of the naval appropriation bill.

Mr. BLOUNT. I move by unanimous consent that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. PHILIPS, of Missouri. Mr. Chairman, there is an old legend of the seven wise men of Greece which tells of the finding of a golden tripod in the nets of a Milesian fisherman. The Delphian oracle was asked to whom it should be given. The answer was, to the wisest man. The fisherman's patriotic pride led him to offer it to his own countryman, Thales. He declined it with modesty, and offered it to Bias of Priene. Thus it passed in succession through the hands of the seven wise men until Solon dedicated it to Apollo as alone worthy to be called "the wise."

But the true moral to be drawn from the fabled history of this Apollo even is that he who gave oracles to all the world was not wise enough to look into his own fortunes; for he gave up all in the vain pursuit of the inexorable Daphne.

Learned men are often unwise; they are impractical. It was a severe but not ill-founded judgment pronounced by one, when he said if he had a province to punish, he would send a philosopher to govern it. That practical wisdom which shall in these days look through the mist and fog of speculative philosophy and attenuated theory and discover the true condition of the country and the prime causes of its troubles and dangers would indeed entitle its possessor to the designation of "the wise."

In this presence I would not even enter the lists to contend for such a prize. Doubtless it would prove the unreached paradise of my earthly despair. And yet there are some facts lying so near the surface of our financial embarrassment that the shortest vision may discover them. Amid the jarring, conflicting opinions unfortunately existing here and obstructing legislation, the only important monetary measure we have been able thus far to adopt is the so-called silver bill. During its consideration it occurred to me as one of the strangest complexities of the times that even silver money should be distrusted and discredited. Certainly it is an old-fashioned money, and the people like it. It is historic. Our fathers prized it. And I am persuaded, if the American Congress could divest itself of that notion which might not inaptly be termed the financial alchemy, that must first transmute everything into gold-interest-bearing bonds before any principle can be reduced to practical utility, we would have made an advance in the effort to bring back the appearance, if not the substance, of the good olden times. For the moral effect of some legislation is better than its intrinsic merit. Confidence and stability are important factors in monetary matters. Fear is the worst element in all panics. Hope is the life-power that moves all enterprise and anchors all prosperity.

After the accumulation in the Treasury of $10,000,000 in silver, at a loss to the Government of $1,000,000, the people demanded its utilization by forcing it into circulation. They would be glad to see this circulation still further promoted by securing to the citizen who may have bullion the right to go to the mints, under governmental regulations, and have coined his silver bullion on payment of the seigniorage. Yet some of us do not think it either the part of wisdom or sound policy to assume either the responsibility of directing the Secretary of the Treasury to execute the blundering legislation of the republican party in the resumption act or to authorize him to issue more gold-interest-bearing bonds to buy up a depreciated and fluctuating silver metal which, under the refinement of prevailing jobbery, might inure more to the benefit of the "bonanza" kings than the people. For one, I cannot give my consent to involve the Government in additional bonded indebtedness until all honest, determined effort be made in other directions for financial relief. The curse of this country to-day is its bonded debt. We are a nation under bonds. The great mass of the American people are but hod-carriers to build palaces for the nabobs who clip coupons from public and local bonds. And I apprehend that if the inner springs of the movement to-day from certain quarters in favor of abrupt, immediate resumption could be seen, the fact would be disclosed that the bondholders are not so much in favor of specie payments as a wise public policy as they are to secure gold, the most valuable of all coins, in payment of their bonds, for which they paid in greenbacks an average of about sixty-five cents on the dollar.

The republican party set the example of issuing bonds at a high rate of interest. While England on her debt of $4,000,000,000 pays $120,000,000 annual interest, we on our $2,200,000,000 pay $132,000,000.

This bad example of the Government in issuing high-interest-bearing bonds, non-taxable, produced results of a most vicious, hurtful nature, often lost sight of in our inquiries into the true philosophy of the financial embarrassments of the American people. It not only drew from less productive investments in industrial pursuits the capital of the country, visibly checking its development, but it hid these investments from taxation, leaving the industrial producing classes to bear the whole burden of supporting the Government.

Nor was this all. It set in motion a like pernicious practice throughout the States and their local subdivisions, stimulating frenzied speculation in bonds, inciting the people and bribing officials to issue State, county, and municipal bonds bearing exorbitant rates of interest for the most ordinary and extraordinary objects. A somewhat careful study of this question discloses a most appalling state of affairs in this country. One of its most startling phases is the marvelous ratio of increase of municipal indebtedness in the past few years. The census computation for 1870, little reliable at best, gives no premise from which any safe deduction can be approximately made as to the condition of this class of debts to-day. The census for 1870 gives $330,867,714 for this debt. In the last eight years the increase has been fearful. In New York City it has been increased fourfold. Philadelphia has doubled her debt. Saint Louis has gone from $5,500,000 to $16,500,000. Chicago has trebled her debt. The debt of Baltimore has increased 69 per cent., Allegheny City 500 per cent., and Albany 250 per cent. Boston has jumped from $13,000,000 to $43,000,000. Cleveland has quadrupled. Detroit has doubled. Louisville has doubled. Milwaukee has nearly trebled. Newark has gone from $2,110,300 to $5,600,000; New Orleans from $14,000,000 to $22,000,000. Portland has trebled. Providence has multiplied sevenfold. Richmond has doubled. Rochester has increased fivefold; Pittsburgh four and a half.

So that in these nineteen cities alone where the aggregate debts in 1867 were not $100,000,000 they are to-day in round numbers $332,000,000, a net increase of $232,000,000 or 232 per cent., being within $867,714 of the computation made in the census of 1870 for the entire indebtedness of all the cities and towns of the Union.

There are eighteen other cities with an aggregate debt of $105,342,570, to wit:

Augusta, Georgia	$1,751,000
Bangor	2,484,000
Brooklyn	17,432,000
Charleston	5,514,814
Cincinnati	15,547,000
Columbus, Georgia	572,800
Elizabeth, New Jersey	5,402,000
Galveston	872,000
Indianapolis	1,454,500
Jersey City	14,239,850
Memphis	3,985,500
Mobile	2,863,109
Newark	8,716,000
Pittsburgh	12,783,535
San Francisco	3,421,000
Savannah, Georgia	3,668,063
Saint Joseph	1,380,900
Saint Paul	1,231,262

The aggregate debt of all the other cities and towns, from the best data at my command, may be approximately estimated at $250,000,000. The whole municipal debt therefore is about $687,342,570. The average interest is not far from 7 per cent. per annum, which would be $48,113,979 annual tax on this debt alone. The county debts are not far from $225,000,000. The State indebtedness I put at $450,000,000. The aggregate of this threefold indebtedness is therefore $1,362,342,570. The debt of the District of Columbia is $23,143,000. The national debt on the 1st day of April, 1876, was $2,224,671,860.41. The entire bonded debt of the country is consequently $3,610,157,430.41.

In the foregoing calculations no account is taken of the vast amount of bonded indebtedness of those business corporations which embrace in a sort of governmental form miniature communities of men; nor does it embrace the contingent liability of the States and municipal corporations, which may have to be paid, and which in the commercial world so much affects their credit; nor does it embrace individual indebtedness.

Furthermore, the American people, unlike the English and French, are not the holders of all their obligations, so that the interest money paid by the debtor to the creditor class passes from one citizen to another, whereby it is kept in circulation in their midst; but from the most authentic statistics, freest from exaggeration, it may be asserted that our foreign debt is not far from $15,000,000,000; so the volume of interest money to meet these obligations annually flowing out from our shores never returns to bless us; while our cisatlantic creditors are the favored class, who either by adroit legislation or man-

agement make little contribution to appease the tax-gatherer who comes with such unfaltering regularity, through sunshine or shadow, in our adversity as in our prosperity.

When we consider the interest on this $36,000,000,000 of debt, to which must be added our annual public expenditures, which, exclusive of interest on the national debt and the Pacific Railroad bonds, is $335,638,201.16, and the expenses of conducting the State, territorial, county, and municipal governments, we can begin to see what becomes of the earnings of the producing classes of this country, and how little they have left to live on. It must be borne in mind, too, that no corresponding benefit has accrued to the material interests of this country on the issue of this mountain of bonds. No $36,000,000,000 of money was applied to its development and enrichment. The bulk of the debt is the inheritance of a wasting, desolating war. Of the $1,300,000,000 State and local indebtedness it may be asserted with the grave assurance of truth that not fifty cents on the dollar was realized to the people who have the taxes to pay. The other half went into the pockets of the "ring men," or it was shamefully squandered upon unremunerative enterprises and corrupt jobbery. The General Government itself most wantonly, if not corruptly, paid an unconscionable percentage of its bond issues to syndicates and favored agents.

When, therefore, Mr. Chairman, a western man stands here who knows how the tax-gatherer year by year takes from the husbandman and laborer of his district his whole year's planting and harvesting and labor to pay the coupons on such bonds; when we tell you that while, in our judgment, the plain reading of the Constitution, interpreted by the light of the debates of its framers, recognizes gold and silver as the legal tender; when we concede that it is the traditional money of the democratic party and the money of value in the recognition of the commercial world—and we long for its day of stability among us—yet in the light of inexorable facts neither the patriotism nor the judgment of the West is to be challenged when we say that the power lodged in a single man, the Secretary of the Treasury, by the resumption act of January 14, 1875, authorizing him to issue additional gold-interest-bearing bonds to enable him to go into the markets of the world to buy at any price the gold requisite to execute that act by the 1st of January, 1879, is not only a dangerous power but, if arbitrarily exercised, would drive the people to despair, if not revolution.

Nothing so arouses the desperation of our nature as the dread of starvation at the hearth of our household. How many homilies are read us nowadays from certain quarters, on the necessity and propriety of maintaining our foreign credit. I sometimes feel like that proverbial wit of illustration, Patrick Malloy, who had just laid in a fat pig and a jug of the "O, be joyful" for "swate Christmas," when a friend called and announced the arrival in town of a relative from "Ould Ireland." Pat said "Dem his eyes, I don't want to see any furrin relations; theys always hungry and dry buggers." I could almost wish sometimes we had no foreign relations. They are a hungry set, crying for gold. We have public men and politicians in this country who seem to think that the whole financial policy of the country ought to be based on the enhancement of the value of our foreign-held obligations. It was this that in 1869 induced Congress to change the 5.20 bonds to gold bonds, thereby defrauding the people out of millions of money.

The first duty of an American Congressman is to the people of his own country. If there be one especial case where the maxim "Charity begins at home" could be applied with all consistency and propriety it is in our legislation. A government accredited abroad at the sacrifice of the home comforts and manhood of its own citizens is but a giant monster, which, while it commands the attention of the world, tramples down its own subjects, and in its very presence the spirit of true liberty pales and dies.

The gentleman from Pennsylvania, Judge KELLEY, said on this floor not long since that "the American people are patient asses." They certainly have been patient; but Josh Billings said he had known a mule to wait twenty years for a good chance to kick a man's brains out; and, if this disposition of the mule be inherited, may not his "illustrious ancestor" some day ere long turn his heels upon those who have been so severely testing his patience with burdens grievous to be borne and kick them out of time and place.

See what these people have borne. Since 1863 there have been collected from them by way of internal revenue, $2,086,590,703.88, and since the close of the war $1,928,441,762.43; customs receipts since the war, $1,910,445,897.25—making an aggregate paid by these people, directly and indirectly, into the public Treasury in the last ten years, $3,838,887,659.68. If we were to add to this the sums which the officials actually gathered from the people and stole, like one of Wilkie Collins's heroes, Captain Wrag, who, when he stole money from his employer, entered it in his private book account as a "self-presented testimonial of merit," the amount would exceed $4,000,000,000, nearly enough to have paid off the entire public debt if the Government had been frugally and honestly administered.

OUR EXCISE LAWS.

It is an instructive lesson suggestive of how far beyond all intendment of the founders of the Government we have traveled in these latter days to read Madison's discussion in the Federalist, (No. 45,) vindicating the Union against supposed danger to the State governments from its powers. He says:

> If the Federal Government is to have collectors of revenue the State government will have theirs also, and as those of the former will be principally on the sea-coast and not very numerous, while the latter will be spread over the face of the country and will be very numerous, the advantage in this view lies also on the same side. The eventual collection under the immediate authority of the Union will generally be made by the officers and according to the rules appointed by the several States.

He had no conception of the realities of this day, when the Federal officials permeate the whole domain of the States, thronging the highways and scouting the bypaths, overawing with the insolence of power the citizen and overshadowing and challenging to interference the authorities of the States. Under our excise laws a system of espionage and oppression has sprung up which is a disgrace to our civilization, and finds a parallel only in the revenue system enforced with such cruel and heartless exactness by the English upon the poor, helpless, fallen Scots.

Revenue exactions seem to have been especially aimed at the article of tobacco. It has been thought wise by those charged with devising ways and means for the Government to hedge in this product with such refinements and complications and to load it down with such burdens that the ordinary agriculturist cannot comprehend it or steer clear of its breakers or scarcely hazard its cultivation. Even those whose office it is to interpret and enforce it are often puzzled, and have no uniform system for its application. So the plain, honest, man whose study is how to plant and cultivate, when to cut and how to cure, is often amazed to find himself in the iron hands of a deputy United States marshal, and arraigned in the criminal's dock for the violation of a crude statute of which he is as ignorant as the subjects of Caligula were of the laws hung so high no one could see to read.

But too recently I saw arraigned in a United States court, under an indictment for manufacturing and selling tobacco without a license, an old man. On his head had fallen the frosts of more than threescore winters. He was an old settler. From the western slopes of the Alleghanies, over half a century ago, perhaps, he had caught the glimpses of that star of empire which beckoned him westward; and he heeded its invitation. With no fortune but a brave heart and a strong arm he penetrated the wilds of the western bank of the Mississippi, beat down the wild-brier and bull-nettle, and where not long before the smoke curled up from the Indian wigwam, he pitched his tent, felled the forest, and hewed out his humble home. Unambitious of the world's glory and its ignoble strifes, he sought alone that peace and happiness which spring from honest industry and a competency.

As had been his custom for many years, he planted a few acres of tobacco on this homestead where he had reared his family. To one of his neighbors he had sold fifty cents' worth of tobacco. Learning in a few days that he had violated a law of the United States statutes, like an honest man he went to his neighbor to make restitution. But the greedy eye of the lurking spy was on him, and he was arrested. When his case was called this venerable old man stepped inside the bar and with a voice and face every tone and lineament of which bespoke the truth more eloquently than the advocacy of any counsel, he told his plain, unvarnished story, which was corroborated by his neighbors. The judge looked upon him with a pitying eye; but the cold, unrelenting rigor of the revenue law was such that no mercy was there, and the verdict of guilty went upon the record.

This is but one of many such instances illustrative of a bad law and its worse enforcement, by which the little homes and their all are swept from the poor, unsuspecting, and uninformed. Let it be modified. Let there rest upon our public statutes no law that has not in it the elements of mercy and reason. Let us strike down in our whole revenue system the prize-money of the spy and informer, who are but sleuth-hounds to scent the heels and beset the homes of poor farmers and workingmen. This is not the game for which in our public enactments we should set the fowler's net. If one-half the vigilance displayed by these hirelings in hunting down, without discretion or humanity, honest men had been exhibited in other directions, the pampered parasites of the Government, who have rioted for years in palaces of splendor and luxury under the very eye of power on stolen money, would long since have adorned niches in a felon's cell, instead of the drawing-rooms and parlors of stilted society.

No higher evidence of the viciousness of the present internal-revenue system could be adduced than the fact that with four taxable articles the officers and employés for its enforcement number 3,734, exclusive of deputy collectors, at an expense in the last fiscal year of $5,606,000; penalties collected from the people under it amount to $331,933,000.02; the amount paid to informers, exclusive of moieties, is $231,317.94.

YANKEE SHREWDNESS.

Dr. Bull Run Russell, wishing to express delicately the corrupt habits of a certain prince of India, wrote: "He is a very able man with strong commercial tendencies which are developed to benefit his own interests." So the long dominant element in this Congress, possessing unquestioned ability, have legislated to benefit most their own interests.

In 1870 when a tax was imposed on incomes and salaries the amount of internal revenue collected from the different States was more nearly equal; but with its abolition the following table shows how the great bulk of this burden rests upon the South and West:

Amount of income paid in 1870 and 1875.

States and Territories.	1870.	1875.
Alabama	$595,700 17	$115,689 37
Arizona	15,616 43	10,263 06
Arkansas	369,284 10	75,377 44
California	4,602,439 31	2,988,033 26
Colorado	73,910 34	70,531 82
Connecticut	2,564,477 14	627,717 96
Dakota	8,715 61	10,040 18
Delaware	451,985 70	260,331 03
District of Columbia	514,482 20	112,226 69
Florida	106,318 42	184,777 59
Georgia	1,144,241 34	388 226 84
Idaho	65,424 05	19,136 00
Illinois	18,364,366 66	17,634,026 71
Indiana	5,045,023 82	4,653,789 05
Iowa	1,377,981 34	1,040,217 69
Kansas	343,231 15	133,685 86
Kentucky	9,887,623 73	9,025,587 88
Louisiana	2,981,524 02	606,264 38
Maine	807,224 36	107,473 15
Maryland	5,438,472 91	2,760,736 57
Massachusetts	10,684 090 19	2,708,014 29
Michigan	2 918,987 30	1,931,284 80
Minnesota	467,879 15	228,362 45
Mississippi	284,702 49	96,967 92
Missouri	6,004,278 11	4,594,875 31
Montana	103,555 55	23,666 10
Nebraska	308,501 51	292,472 30
Nevada	188,027 45	58,803 30
New Hampshire	632,407 38	299,389 55
New Jersey	4,075,350 85	2,363,469 41
New Mexico	46,827 24	22,666 19
New York	36,361,550 38	15,238,881 81
North Carolina	1,398,719 95	1,630,423 58
Ohio	19,568,743 80	14,662,720 17
Oregon	329,212 01	47,939 64
Pennsylvania	16,748,704 05	6,157,960 04
Rhode Island	1,282,376 69	231,978 00
South Carolina	412,039 59	122,277 92
Tennessee	1,470,859 57	861,645 28
Texas	390,954 33	258,297 29
Utah	46,296 41	34,899 68
Vermont	352,316 65	58,562 18
Virginia	5,496,351 39	7,660,931 20
Washington	83,272 63	21,146 60
West Virginia	756,967 15	508,868 20
Wisconsin	2,363,015 03	2,722,076 75
Wyoming	25,879 82	11,942 11
Total	167,560,107 49	103,771,664 60

From the State of Missouri alone, with a population of about 2,000,000, there was collected in 1875 $4,594,875.31, while the whole six New England States, on an aggregate population of about 3,500,000, paid only $3,989,810.75, less by $605,046.02 than one western State.

SAVINGS INSTITUTIONS.

On the 18th day of June, 1874, an act of Congress was passed exempting from taxation all deposits in associations known as provident or savings institutions on sums not exceeding $2,000. This exemption is not confined, as under the law of 1866, to that class of institutions having no capital stock and doing no banking business, but is extended to those of like name having a capital stock and declaring dividends. Under the operation and cover of this law the six New England States in May, 1875, on an invested capital of $13,291,767, had a deposit account of $432,077,436, making an aggregate of $445,369,203, of which there was taxable only the sum of $70,625,228. The single State of Missouri had in such banks a capital of $9,226,683 and deposits $35,723,844, making an aggregate of $44,950,527, while her taxable sum for the same period was $48,192,328.

The Commissioner of Internal Revenue in his late report shows that the average amount of capital held by these banks and bankers, not national, in May, 1875, was $200,316,008; that the average amount of their deposits in the same month was $1,346,014,813; the total of capital and deposits in the same month was $1,546,330,911. The amount of the taxable capital and deposits of these banks and bankers during said six months was only $780,494,076, or a little more than three-quarters of a million of dollars, while the amount of the actual capital and deposits of these same institutions was in round numbers $1,546,000,000. The Commissioner says:

> It will also be apparent from the table how unequally this taxation is distributed among the States. Thus upon a given amount of capital and deposits the tax on California as compared with Massachusetts is as ten to one, on Michigan as compared with the same State as sixteen to one, on Virginia as compared with Vermont as five to one. The city of New York, possessing of taxable capital and deposits $50,000,000 less than Maine, New Hampshire, Vermont, Massachusetts, and Connecticut combined, pays a tax three times as great as these States. While these same States, having capital and deposits three times as great as California, pay about one-half the tax thereon that is paid by California.

No wonder New England in the aggregate is so true to republicanism when republicanism is so true to her.

> 'Tis their duty, so all the learned think,
> To 'spouse the cause by which they eat and drink.

As she looks first at her bank account and then at her tax receipt, she might well exclaim, "*Mutare vel timere sperno*"—I scorn to change or to fear.

TARIFF.

Not content with all this, she joins hands with the Key-stone State and a few recruits scattered over other States, armed and equipped as they are with every offensive and defensive weapon, bright and gleaming with the burnish of syllogism, antithesis, and sophism, to bolster up and continue that relic of barbarism called a protective tariff, but which it will be hard to persuade a plain man, not a participant in its monopoly, is not a license to nine millions of people to rob thirty-one millions.

A half a century ago the argument of the high tariffites was that our American manufactures should be protected during the country's infancy, but when the country was maturer and its position among the commercial powers of the world was assured, then the fostering hand of the Government might be withdrawn. Well, this Republic is now one hundred years old—a rather tough old infant, and with teeth so sharp and keen as to make it a little unpleasant, I should think, for it to be tugging at the paps. But the Vulcan of the iron-works of Pennsylvania, Judge KELLEY, whose transcendent ability enables him to serve a bad cause as well as a good one, comes forth to forge a new argument to take the place of the old worn-out one. He argued on this floor not long since that when the Government was young, dependent, and undeveloped a free trade might be needful; but when it had grown into full manhood, and its mines and manufactures pervaded, then protection was an absolute necessity! Both of these arguments and theories cannot be true. And a plain, fair, free-thinking man will more than suspect that when the one has served its purpose, if it be at once abandoned for another, both are probably impudent shams and pregnant falsehoods.

A tariff for revenue may be tolerated as a sacrifice of individual interest for the maintenance of Government, but when its object goes beyond that to build up individual interests at the expense of the many, it is a perversion of the very objects of just Government and a travesty of democratic institutions whose chief element is equality of right.

> The highest right pertaining to property is the right to freely exchange it for other property.

When therefore, a farmer on his own homestead, with his own hands, raises more corn and wheat than he consumes, and under the privilege which is his goes to a foreign market with this surplus and exchanges it for what he needs most for home use, such as woolen cloth, that cloth is as much the product of his toil and sweat as though he had produced the raw material and fabricated the cloth; and when he is stopped on his return trip at our port of entry and told that he must pay a duty on this cloth of 50 per cent. for the purpose of protecting some home manufacturer, he can never be made to understand that it is a "blessing in disguise." When the poor mechanic or day laborer has worked hard all day for his one dollar or dollar and a half, and goes home to find his little ones shaking and burning with malarial fever, and he must go to a druggist and pay $2.20 for an ounce of sulphate of quinine instead of $1.56, only because two companies in the State of Pennsylvania are engaged in its manufacture, he can never be made to feel happy and content as he returns home to sit with supperless stomach chewing the cud of Judge KELLEY's philosophy on the blessings of a tariff to the poor man. Doubtless if the judge's constituents had had erected near by a butcher-stall when it rained meat over in Kentucky, he would have cited precedent and "drawn the thread of his verbosity" for the establishment of a port of entry for foreign meat in Bath County! This phenomonal shower undoubtedly did interfere with "home industries," for it is said that every "mother's son" of the fifteenth amendment quit all manner of work and sat down to rejoice, and sang—

> I tells you, niggah, once for sho',
> Dis chile work neber any mo';
> For you kin jes look to the groun',
> Where de Lord frows de mutton down.

Journals like the Bulletin belabor us with essays to prove that protection cheapens the price of commodities. If its tendency be to reduce prices to a starveling grade, why is it that the manufacturer clamors for its continuance? If there be one characteristic of the American more conspicuous than another, it is that he does not expend his energy and talent willingly except in the line of his personal aggrandizement. If a duty of 25 per cent. should cheapen the commodity in the same ratio by the *argumentum ad absurdam*, a duty of 100 per cent. ought, upon the same parity of reasoning, to make it sell for nothing. And if protection so modifies the price of the commodity, where is the manufacturer's profit? And why does he contend for a system that promotes competition and low prices? Surely in all the years since 1842, if the tariff alone reduced prices, Congress had not been beset by the protected classes for its continuance. If, notwithstanding the duties imposed on every article imported from abroad, the importers can yet enter into competition with our home manufacturers reducing the prices owing to the abundance of foreign material, the cheapness of labor, improved mechanism, and skilled labor, combined with like causes at home, what might we not witness if the embargo of impost duties were removed? If it be true that a high tariff be essential to protect the life of our industrial interests against European pauper labor and superabundant material, it is a curious process of ratiocination by which it is explained how our manufacturers of calico and other articles are boasting of becoming exporters and selling in the markets of Europe.

Beyond all question protection possesses a reducing power in a given direction. If any one doubts it let him look into the statistics of

OUR AMERICAN SHIPPING.

In 1860, before the present tariff system, the heart of every American citizen beat high with patriotic emotion as he went upon the high seas and wherever his eye turned beheld our flag streaming from the masthead of every ship floating our commerce. Then the tonnage of our vessels entered and cleared with cargoes at our ports from and to foreign countries was 12,086,209, while the tonnage of the foreign vessels was 4,977,916. But to-day our flag has almost disappeared from the seas. In the fiscal year just passed the tonnage of American vessels had shrunk to 7,310,589, while that of the foreign vessels had increased to 16,278,728; so that, while ours has fallen in these fifteen years 40 per cent., the foreign vessels have increased 250 per cent. The protectionists say the reason for this is that "our capital finds more remunerative employment in some other business." Pray tell me where is that remunerative business?

In the year just closed there have been eight thousand prominent failures in business with the spectacle of half a dozen States in default on their interest, unable to meet their obligations. Paralysis seems to have seized all enterprise; pauperism is crowding our almshouses and driving virtue mad with squalor; the ruthless plowshare of social caste, worse than feudalism, is plowing its way through the land, while on either side of the widening chasm are to be seen our debtor and creditor classes, the one gaunt with famine and mute with despair, the other plethoric with bonds, eager with greed and clamorous for immediate resumption and more protection. And though our western fields bloom and groan under loads of golden grain, and the cotton-fields of the South wave as if all Dixie floated with white banners, tokens of peace to the country, yet all is gathered and turned over to the tax-gatherer and to monopolizing tariffs. The truth is the money wrapped up in bonds and in the so-called provident banks is hid away from assessors, so that the whole burdens of government fall upon landed estates, personal property, and the industrial interests of the country. This it is that makes capital timid. This it is in part that hoards money in banks. It skulks from the tax-gatherer. It shrinks from investments in property the value of which no economist can foretell a year. Protection on lumber and iron and all the materials of construction has hushed the din of busy industry in our ship-building docks and made the shores of England resonant with the cheerful hum of the employed artisan and mechanic.

Publicists and financiers may read us essays on the laws of nations and trade until our ears are tired with the monotony of their maxims; but the plain road after all is that taken by the Committees on Appropriations and Ways and Means to bring at least moderate relief to the people of this country. The one checking the lavish expenditure of public money, breaking down the idea that the governmental departments are a sort of eleemosynary institutions for the support of political "dead beats," our diplomatic service fat places for partisan parasites who beset the Federal board for crumbs and honors, administering the Government on the broad idea of frugality without parsimony, efficiency without prodigality; the other recognizing the necessity of a large yielding revenue system to meet the country's indebtedness, yet laboring to restrict our excise and custom laws to a revenue basis, thus unloosing the iron grasp of tariff monopolies, allowing other industrial interests a breathing-spell, and inspiring the producers and laborers to look beyond the scanty confines of their present paltry fortunes to a day when he who sows shall reap and he who plants shall eat the fruit of his labor.

The American Congress, in view of the weight of debt on the people, have one plain, unfaltering duty before them, to see that it is not increased. No maudlin sentimentality nor that spasmodic, emotional, gushing philanthropy and patriotism which somehow seizes all parties on the eve of a presidential election should betray us into bequests of millions on millions more of money that must be wrung like teeth or drawn like blood from a suffering, struggling people. Extravagance and corruption have filled the whole land with a plenteous harvest of "pious prostitution and reverend rascality." Severe and solemn is the duty of the hour which demands that we should bring back the country to that condition of public virtue in which we shall have patriotism for partisanism, liberty with law, and government without oppression.

Mr. HOUSE obtained the floor, but yielded to Mr. ROBBINS, of Pennsylvania, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. CLYMER reported that the Committee of the Whole on the state of the Union had according to order had under consideration the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had come to no conclusion thereon.

The SPEAKER *pro tempore*. The hour of half past four o'clock having arrived, under the order made this morning, the House now takes a recess until half past seven o'clock this evening.

EVENING SESSION.

The recess having expired, the House re-assembled at seven o'clock and thirty minutes p. m.

The SPEAKER *pro tempore*. The gentleman from Vermont [Mr. HENDEE] is entitled to the floor.

Mr. HENDEE. Before offering the resolution in relation to the acceptance of the statue of Ethan Allen, I yield to the gentleman from Pennsylvania, [Mr. FREEMAN.]

TARIFF.

Mr. FREEMAN addressed the House on the bill in relation to the tariff reported by the Committee of Ways and Means. [His speech will appear in the Appendix.]

FINANCE.

Mr. HENDEE. I now yield to the gentleman from New Hampshire, [Mr. BLAIR.]

Mr. BLAIR. Mr. Chairman, the most absorbing and important political issue of the day, excepting the condition of the South and the purposes of her leaders, is the industral and financial condition of the whole country.

As in all confused discussion of questions, the determination of which is within the limit of human powers and required by human necessities, so in this, one of the chief difficulties arises from the fact that fundamental truths are overlooked or ignored, and the combatants strike wildly at phantoms in the air, false theories and issues abound, and secondary questions are elevated into undue importance, when careful examination of elementary principles and reflection upon them, until they are clearly comprehended, would lead all sound minds to the same conclusions.

I conceive that the real contest now raging in this country is not between those who differ as to the when and the how of returning to specie payments—that is, to coined property as the best visible representative of abstract value, and its most accurate and unvarying measure in contracts and exchanges—but between all who believe that value requires a concrete measure, in order that mankind may transact the business of life, a belief which is a part of the soul, an innate idea clearer than an axiom, and illustrated by the spontaneous and necessary practice of the human race in all ages, both in the barbarous and in the civilized states, under all forms and under no forms of government, because independent of and more necessary than any government to the existence of men, is a material standard of value, which in itself posseses value as a commodity; and those, on the other hand, who deny totally this theory of all time, and claim that real money is not intrinsically property, but a mere token or sign, endowed with power to cancel debts by positive law, which enforces its mandate by denying further remedy in the courts. In other words, it is a dispute as to the real nature and uses of money and of exchange.

PRIMARY TRUTHS.

I beg pardon for calling attention to a few primary truths. First, to the universal law of labor. Compliance with this law alone creates value. Labor is that which confers values. Without it few commodities would exist at all, and those which did would lack essential worth; and the relative value of all depends upon the quality and amount of intellectual and manual labor bestowed upon them. Kindly nature furnishes the clay and straw, but we must apply labor or starve. Skill results from practice, and hence every man devotes himself to the production of some particular thing and not of everything in general. This is the division of labor.

Again, resulting from compliance with this universal law and the further truth that labor belongs to the laborer, because man is not a slave, is the essential and inalienable right of every man to the ownership of that which his labor has produced and to dispose of it as his inclination or wants require. Now the primal wants of mankind are food, clothing, and protection from the elements. These are in the highest sense necessaries, for without them life cannot exist; and there is a great diversity of employments and productions for the purpose of supplying these wants. And as no man has produced or can produce all that is necessary to enable him to live, men must exchange the produce of their industries. Here lies the fundamental idea of convertibility. It is found imperfectly in exchange by barter, that is, the exchange of articles which have no common measure of value, and which are the immediate objects of desire between the parties; as, for instance, when a farmer desires to exchange the produce of his fields with the manufacturer of cloths who is in want of food. The inequality of the relative value of the things to be exchanged compelled the invention of money. I refer to real money, which is property, and not a creation of government; gold and silver being universally used as such by civilized people, because they have the quality of absolute convertibility among all nations. That is, a man having any kind of property can convert it into gold and silver, and that silver or gold will buy any property whatever in any country. But we should not lose sight of the fact that it is an exchange of properties just as much as where men swap horses or oxen or farms. In every honest trade or sale ever made there was, or was designed to be, an exchange of values, which had been produced by equivalent amounts of labor at some time applied to the commodities exchanged. If a horse is exchanged for $100 dollars in gold, then if the sale is a fair and just sale, the average cost of producing and training horses of like quality is just the same as the cost of producing $100 in gold coin.

Gold and silver are selected as the commodities which shall be used as the measures of values, because of their great worth in small

bulk, their scarcity requiring protracted labor to obtain them, their durability, malleability, and beauty, which render them desirable in the arts, for personal ornaments, and many other uses, all combining to give these metals uniformity of value and especially as money.

Now these precious metals do not cease to be property because they are converted into money, nor is the act of Government coinage necessary to make them money. Government can make them legal tender, and thus increase somewhat their usefulness; but they are money by virtue of their own nature and the universal assent and sanction of mankind.

A piece of gold is worth as much before coinage as afterward, less the charge of the Mint. Even if demonetized by act of government—that is, deprived of its quality as a legal tender—it will still continue in use somewhere among mankind as money, simply because it is made money by virtue of its own nature and its adaptation to the necessities of society. Thus it is apparent that real money may be defined as that form of property which is by its own intrinsic qualities adapted to facilitate the exchange of commodities in general, and therefore, by consent of mankind, applied to that use.

CREDIT.

But it is found by experience that credits must exist in the very nature of things.

Capital is a very broad term, and in one sense it embraces all the factors of production, land, implements, muscle, brain, in short all the elements of power applied to the creation of property. But the ownership of capital is often in the aged, the sick, the retired, the incompetent, in those who lack either the capacity or disposition to use it, while, on the other hand, those possessing capacity, endurance, and enterprise lack the accumulated wealth or capital which is the necessary foundation of business. These parties meet. It is natural and often indispensable for us to put faith in each other; it is generally kept. Here, then, is the foundation of credit, which is the transfer of an actual property for a promise or an act of the mind.

Now all that gives value to the promise when it is used as a medium of sale or exchange is confidence that it will be performed. Another promise replacing the first is not performance, although, if confidence, which is a state of the mind, remains unshaken, the credit may be extended by the substitution of the new promise for the old one. But it is apparent that the promise must some time be kept by an actual payment or redemption in actual property for that originally received, otherwise the creditor or his assignee is wronged and confidence, the basis of all credit, must disappear. Contracts are not always kept, and disputes arise as to their obligation; hence society establishes courts of justice, and these fortify our faith in each other by compelling performance, and thus serve as a most essential basis of credit. The judgments of courts must be paid, not in promises, but in property, if it can be found from which to obtain satisfaction. And here again arises a new necessity for the existence of money, or fixed measure of value known to the civil law, in which its decree may be intelligibly expressed and by which it can be satisfied, which measure of value is called legal tender. This should of course be and, when things are in their normal state, is gold or silver, the money of the world. Sometimes temporarily a nation is obliged to substitute for its own indebtedness and that of its citizens a promise to pay, instead of an actual commodity, as a legal tender, as, for instance, the greenback for coin. The greenback is a promise. Like that of an individual, its value depends wholly upon its being performed—paid; and it is only in that faith that it circulates among the people. The act of Government making it legal tender cannot give a permanent value to it. Replacing it with a new promise, whether a bond or otherwise, will give it no more value. Nothing but payment or belief in payment can give a permanent value to a promise. Payment in lies is poor stuff, no matter who tells them.

I trust the House will pardon me for the liberty I have taken in calling attention to these, as they appear to me to be, self-evident truths, because they are directly contravened by the teachings of able men upon this floor and throughout the land—teachings which, although they may be popular for a time, are in my judgment of pernicious effect upon the business and honesty of the country; and I beg leave to examine more closely the doctrines of the advocates of a paper currency not redeemable in coin.

THE AMERICAN SYSTEM OF FINANCE.

"The American system of finance," so called, is to my apprehension substantially the same, whether expounded by the distinguished and eloquent gentleman from Pennsylvania or by the subtle and analytical intellect of the gentleman from Illinois, or by Mr. Britton A. Hill or General Butler in their able expositions of their views of the principles of finance and the proper application of those principles to the affairs of this country.

The substance of all their theories is, first, the abolition of property in any form as a medium of exchange and circulation, and, second, the substitution therefor of some cheap material, which, being stamped with a mark or inscription by which it may be identified and being made a tender by law for the satisfaction of debts both public and private, shall be money, and, by force of the statutes of the land, the only real money of the American people. Gold and silver will be demonetized, and will continue to exist only as wheat, corn, horses, houses, and lands exist; that is, in the form of commodities. They could still be bought and sold, and by common consent could still remain in use as money; but they would not be money. Their transfer from hand to hand would be mere barter or exchange.

Now, under the system of finance which has thus far obtained upon earth, it will be observed, as already shown, that whenever men trade with each other, if there is any difference in the values of the properties exchanged to be adjusted, that difference is paid in actual money, which is just as much property as potatoes, iron, or tin, or that a credit is given for the balance that may be due; that is, a promise to pay it is accepted instead of the actual delivery of property at the moment of the principal transaction. The credit is simply payment deferred. Thus each party gets an equivalent value in property or in a promise, the performance of which is relied upon, and is therefore treated as property. But this new system abolishes both property and promise from the legal-tender circulation of the country. It substitutes for them an act of law compelling the creditor to receive a thing worthless in itself, having no substantial value except what lies in the law making it a legal tender. The new legal tender is to be no promise to pay, nor is it to be a commodity having any value in itself except what lies in the fact that the creditor is compelled to receive it or lose his claim absolutely. It is the same as to say that one grain of corn shall be legal tender for a farm, two grains of corn for two farms. Chips, shells, paper, bits of tin, iron, silver, copper, zinc, or gold, or any other substance capable of being marked or of receiving a durable impression can be made money by act of law, having a paying power according to the amount which the law shall prescribe without regard to the value of the thing selected to perform this function as a commodity.

A piece of silver which is now of the value of $1 could be made legal tender for one hundred or one thousand; a five-dollar gold piece could by law be transformed into one or ten thousand dollars by act of Congress, while a bit of tin no larger than the ear of a mouse could be made a legal tender in full satisfaction of a debt of millions of dollars actual value in the coin currency of the world, according to the astonishing pretentions of this "new national system of finance," as it is reverently called by its advocates. It is better than the miracle of the alchemist performed. It does not, for it needs not, transmute anything into gold: for gold as money is no better than brass. It does better. It creates out of nothing, and, if made universal, would enable one of our enterprising Yankees, if he could get trusted for the universe, to pay for it with a wormy wooden nutmeg, provided it had received the Government stamp.

That I state the position of the advocates of paper currency, irredeemable in any kind of commodity by the Government correctly will be seen from the following extract from the speech of Hon. ALEXANDER CAMPBELL, delivered on this floor January 29, 1876:

> Money is a legalized agent, invented to facilitate the exchanges of property and products and to pay debts. To be fitted for the performance of these functions it must have uniform credit and equal legal powers in the payment of debts throughout the jurisdiction of the government instituting it and putting it into circulation. These properties or powers are imparted to it by the law making it a tender in the payment of debts, and are in no degree dependent upon the quantity or quality of the material by which they are expressed. The only thing that gives one substance the preference over another for the material of money is its superior convenience. It has no material value but only an immaterial or legal value.

And again, in Hill upon Absolute Money, page 47, the author says:

> This national money should not have any intrinsic value whatever, nor should it bear the character of a "promise to pay," since in either case it would become a purchasable commodity, and the money of the nation must not be purchasable.

In his address before the New York Board of Trade, delivered October 14, 1875, Hon. Benjamin F. Butler says, page 19:

> Third. I want that dollar—

Speaking of the dollar which he would introduce in his system of finance—

> stamped upon some convenient and cheap material of the least possible intrinsic value, so that neither its wear nor its destruction will be any loss to the Government issuing it.
>
> Fourth. I also desire that the dollar be made of such material, for the purpose that it shall never be exported or desirable to carry out of the country. Framing an American system of finance, I do not propose to adapt it to the wants of any other nation, and especially the Chinese, who are nearly one-quarter of the world.
>
> Fifth. I desire that the dollar so issued shall never be redeemed. I see no more reason why the unit of measure of value should be redeemed or redeemable than the yard-stick with which I measure my cloth or the quart with which I measure my milk should be redeemed.

This issue, then, is fundamental. It must be settled. Here, sir, is the pivot upon which turns the whole financial question now agitating the country, and there never can be real business prosperity until the people have thought this thing through and out.

The advocates of the present financial system of this and of all nations assert that money is tangible property, the equal in value of that for which it is exchanged, and that where paper is a substitute for money it contains the promise of such value to be paid in true money on the part of the source of issue; and the confidence that such promise will be kept is all that gives permanent value and currency to any kind of paper or promissory circulation.

They assert that the proposed elimination of the promise of the Government to pay will destroy the value of any paper money which the American or any other government can issue. On the other hand, the advocates of absolute money deny this and claim that the promise is unnecessary, and the Government stamp and compulsory laws making paper legal tender for debts will make the paper the same or better than coin for all monetary purposes.

WHICH IS RIGHT?

Which is right? The answer to this question settles the whole discussion. Now, it is idle to say that Government has not the physical power to create a new legal tender, out of any substance or out of no substance whatever, for existing debts. It can abolish the courts and all legal remedies. It can repudiate its own obligations and decree universal liquidation of all debts, both public and private. The nation, by constitutional or other legislation, can prohibit the contraction or payment of any indebtedness whatever; that is, the power resides in sovereignty to confiscate all property of the citizen. But the question is not as to its power, but as to its right to destroy. I assert that the creation of a legal tender which the creditor is bound to accept in satisfaction of his debt, which tender is neither actual property having dimensions and salable value in the market and money of the world, of the same nominal and real worth as his demand, nor the promise of Government, nor of a bank, nor of any other party whose promise the law does not make equivalent to performance, is repudiation and confiscation, and nothing else. The creditor may be thus robbed of his existing debt contracted in good faith upon a promise to pay, but the operation will stop there. No man can be persuaded again to part with his property on trust. He will resort to barter, excepting so far as he relies for payment upon the force of honor, and credit will forever cease among men.

It is no reply to say that the greenback is a promise not redeemed, but is still accepted as a measure of value and medium of exchange, though fluctuating and far below the value of gold. Nothing gives the greenback the least value to tempt men into new commercial transactions but the belief that it will be paid. It is simply a broken promise, not bearing interest. The fact that the time when it will be paid is unknown depreciates but does not destroy its value, because there is still faith in the promise of the Government; and meanwhile it is available as a legal tender to discharge existing debts. It is true also that the fact that it bears no interest causes less depreciation than in case of an ordinary debt, the time of payment of which is uncertain and which bears no interest, for the legal-tender quality of the greenback keeps it in constant circulation. No man possesses a given bill longer than he is obliged to. He pays it out to cancel an interest-bearing debt which he owes, or lends it to some one who will pay him interest, and who in his turn cancels a debt, or engages in business with it as capital, the profits upon which he hopes will be more than equivalent to the rate he pays for its use. Thus, although payment is deferred, yet the ability and intention of the promisor to pay is not questioned, and there is but small depreciation of the Government promise; and whenever the time of payment is made certain, and is so nearly reached that the greenback can be profitably held as an investment, for the margin between its existing value and coin it is sure to be hoarded for the sake of this interest and gradually to appreciate to par value with coin, regardless of the amount of bills to be redeemed. Satisfy the holder of the greenback that he will be paid in gold dollar for dollar at a fixed time, and every one of them will be already funded except what the demands of the country keep in circulation as a medium of exchange.

But it is wholly incorrect to draw the inference, as the advocates of the "great American system" do, because the dishonored promise of the Government still floats that mere paper would do so, and I reiterate what I have already said to show why it cannot and the crime it would be to make the attempt. Every sale, or exchange, or commercial transaction whatever is an exchange of property or values supposed and agreed by the parties to be equal. It is so in the nature of things. It can be nothing else. Legislation is powerless to make it anything else. It would be an exchange of equal supposed values if there were no civil government whatever and a legal tender was impossible. The civil law can create nothing. It merely facilitates a transaction which would still be necessary and would still be the same if civil laws and courts for the enforcement of obligations were unknown. A sale or exchange is the same whether perfected among savage tribes or among civilized nations with laws prescribing a legal tender and courts to vindicate the sanctity of contracts, and will remain unchanged in the great millennial future when the machinery of government shall be abolished by the moral and intellectual perfection of the race. Individual men always have made and forever will make their agreements, and from the nature of man it will always be the case that each party will endeavor to get in property the equivalent of that with which he parts, both articles being measured by comparison with each other or by some common standard or measure of value. It is always the same, whether it be an exchange of similar or diverse articles, or miscellaneous commodities, or for that commodity known from the nature of its uses as money. The man who sells his horse for $100 may just as properly be said to purchase the money as to sell the horse; one article is bought and sold just as much as the other; and this relation of buyer and seller is the only essential one known in commercial affairs. All other relations and agencies, the laws, customs, and rules of trade, banks and bank bills, commercial paper, coinage or governmental authentication of money or paper promises to pay, the courts, and all other machinery of commercial transactions, are only subordinate and concomitant facilities for the performance of that which, if none of these things existed, would otherwise be performed, though with greater labor and embarrassment, and imperfectly at the best.

Labor and the adaptation of the thing upon which it is expended to the uses of man alone giving value, the Government can do it only incidentally in the way of protection against violence and fraud. The law can no more create a dollar in value than it can make a horse or a watch. It cannot give exchangeable value at all. It may arbitrarily regulate, although it has no right to, but it cannot create property. It has no right to interfere with property at all, except in furtherance of the general purposes for which governments are instituted among men, of which the protection, and not the arbitrary destruction, of the right of property is one of the chief. Now, when the Government steps in, and finding the relation of debtor and creditor universally existing among the people, says that wood or tin or paper shall be dollars, and that the tender of these worthless tokens shall extinguish debts, it simply confiscates by force. It utterly destroys that inalienable right of property which all just government is organized to protect, and becomes the robber of every creditor in the nation, and of every man who is not already insolvent; for every claim will be canceled by the same act.

Then, with confidence destroyed, who would trust his fellow-man or his country again, to be paid in nothing? It would drive society at once to the manual exchange of commodities, and contracts payable only in specific articles. And how easy for an unwilling debtor to divest himself of the specific article long before execution could be obtained by the tedious processes of the courts, and which must be satisfied in the specific article which the contract called for, because the legal tender of the country would be worthless. Commercial paper and bank currency would be utterly destroyed, because neither can exist unless convertible by law and by decree and execution of the courts into some legal tender having value as, or payable in, a commodity. Property would be destroyed, society would be reduced to barbarism, and ultimately the country would be depopulated, or rather, realizing at once the enormous villainy of the deed, the whole nation would rise and crush its perpetrators, re-establish honest government, and restore to circulation as the standard measure of values the honest dollar of our fathers.

DEALINGS WITH FOREIGN NATIONS.

Besides, even if a currency which is neither property itself nor a promise to pay property could be made to circulate in our own country by reason of the fact that people must buy and sell, and that whatever will pay debts will have some value for that reason alone—an aspect of the subject to which I will call attention hereafter—how could our transactions with foreign nations be carried on? We should have no use for gold at home, except as an article of merchandise. We should require it for exportation as a commodity; but the demand for it as coin, as well as a commodity, in all the rest of the world would cause its constant exportation, whether the balance of trade was for or against us. The country would be emptied of its precious metals as fast as they were dug from the eternal mountains. What should we do, then, if the markets of Europe were closed against us by the chances of war, by foreign tariffs, or other causes which might prevent us from selling our commodities abroad, and thus obtaining those productions of other lands which are indispensable to the comfort and happiness of our people, and the possession of which constitutes a not inconsiderable part of the enjoyment of civilized life? How in case of insufficient production within our own borders, where we must buy or starve, and we have no gold, the money of the world, to sell?

The balance of trade against us, wherewith should we pay the interest and principal of that portion of our national debt now owned abroad? That, however, would probably be extinguished in the original act of confiscation, by virtue of which this vaunted system of finance is to be introduced. Grant, contrary to the fact, that in time of peace, so long as the balance of trade is in our favor, we should not export coin; but the time now is and must long continue, and in the exigencies of national life will often return, when the balance of trade will be against us. What then can we do without coin, or paper which promises coin and is convertible into coin by law and in fact? Accidents of climate and a thousand causes may deprive us of exportable commodities. Suppose, as is sure to be the case, that in the centuries to come we are involved in wars with the empire silently consolidating on our northern border, or with Mexico, with island confederations, or among ourselves; suppose that our mining regions are wrested from us and the existence of the Government seriously threatened, or that for any cause the immediate necessity for the precious metals, to enable us to purchase abroad the means of warfare, should become indispensable to the existence of the American nation; how would you get them with no credit, no coin in the country, and with nothing to export? Would your worthless tender avail at such a crisis, when delay would be destruction? Would you not then require either coin or credit—either the world's money or a market for your national promises, your bonds, payable in the money of the world at a future day? But perpetrate one such act of repudiation as is the very corner-stone of this vaunted "American monetary system," and the American flag would not sell for ten cents in coin, and the Government could not borrow enough on its bond to pay the disgusted Irishman who, in his generosity, might fill up its dishonored, self-dug grave.

No civilized nation can segregate itself from the rest of mankind and remain civilized. God has made of one flesh all the nations of the earth. Commercially there is but one nation, and this truth is

inexorable. That only is money which all commercial mankind recognizes as such. Political edicts may transiently interfere with nature, by establishing a legal tender which is not universal money, nor convertible into it by the holder, but the ruin which follows demonstrates the truth of the main proposition.

Urgent political necessity may override business necessity, and compel this to be done, as was the case in our country, but there is no other excuse. All that a nation has it will give for its life. Unless justified by such necessity it is a crime, and when, for such cause, an inconvertible legal tender exists, there is no possible extrication from industrial ruin but in a steady return to the money of the world and compliance with the laws of trade.

THE LEGAL-TENDER QUALITY.

But it is said that the proposed currency would have value, because being a tender for all debts, public and private, it would pay taxes. But what could Government do with the stuff? Having once repudiated its debts by issuing such a currency, who would voluntarily become its hired servant or its creditor again? Why, if such a currency is valuable without payment immediate or remote, should taxes be levied at all? Why not print more of it and abolish taxation, thus saving the dear people that burden which Franklin said was the only thing certain to the lot of humanity but death?

Let us apply this theory to the present condition of the country.

The national debt, including greenbacks, is about	$2,200,000,000
The sum total of all debts, State, county, municipal, and personal, has been estimated at	13,000,000,000
Making in round numbers about	15,000,000,000

It is proposed to pay this and do the business of the country with mere paper tokens, which are neither commodities, nor money, nor the promise to pay money. When, then, shall the system be introduced? If now, I propose to show that it is bald repudiation; if after payment of the national debt, that it is and will be irrelevant for many years and could never be introduced at all. By existing law, which cannot be avoided without a breach of public faith already pledged most solemnly both at home and abroad, the entire public debt is payable both principal and interest in coin. Now, if the public faith is kept, the whole problem will have been already solved, the country will have already discharged its obligations on a coin basis and will be free from debt. I take it that, whatever theorists might desire, if we should be able once more to place our currency and our business upon a specie basis all the powers and persuasion of this world would fail to delude the American people from their fast anchorage to coin as a measure of value. And if this "American system" of finance is only designed for introduction after the resumption of specie payments, and the national debt is paid, according to the contract between the country and its creditors, it is only an *ignis fatuus*, wholly irrelevant to the discussion of our present difficulties, and it is a matter of indifference to the American people whether this system might or might not work well in Utopia, or even on earth under conditions which do not and for generations cannot exist in this country, or whether it is a mere vision, or the dream of a poet, a philosopher, or an ass. No; it is idle to say that the advocates of this system mean to pay the debts or the interest on them in coin. Their remedy is designed to relieve the people of their debts by application to the present situation. The first step is indicated in the pending bill, sections 9 to 11 inclusive, and on page 6 of Mr. CAMPBELL'S speech, before quoted, as follows:

> Sections 9 to 11 inclusive provide for the issue of Treasury certificates in payment of the debts and current expenses of the Government, which certificates shall be a legal tender in payment of all debts, public and private, (except when it is provided that payment shall be made in coin,) and interconvertible at the option of the holder with registered Government bonds, bearing such equitable rate of interest as will distribute property and products to labor and capital according to the labor or service performed in production.

Now, these Treasury certificates or tokens are never to be paid, for they are not promises to pay. They are merely pieces of paper of convenient form and suitable texture for circulation, labeled with figures indicating that the Government has received value for them, and the amount of value which the creditor must give up when they are tendered to him. There will thus be thrown upon the country $2,200,000,000 of these certificates, unless we repudiate the $700,000,000 owned abroad, without any juggling ceremony whatever. The national-bank system and currency will be annihilated, because the national bonds which are their basis will be sequestrated. The greenback will be canceled. The country will then be left with no circulating medium whatever save these $2,200,000,000 of nothing—absolutely nothing but so much paper material, clothed arbitrarily by law with the power of extinguishing debts when tendered for that purpose. It will be of no earthly value except to pay debts, and those who thus receive it from this paternal Government can do nothing at all with it except to pay their own debts, as they have themselves been paid, or lend it to borrowers who desire to get it for the same purpose.

The amount of national-bank notes and of greenbacks, including fractional currency, is $762,000,000; and this sum stands to-day at not more than eighty-eight cents on a dollar in gold, and much of this is not required by the business of the country. There is in actual circulation among the people to-day only $532,000,000. Of the remainder $60,000,000 is in the Treasury and $170,128,699 is lying in the banks. If now for these $762,000,000 of unpaid promises we substitute three times that amount—that is, the whole national debt—of token legal-tenders, which are never to be paid, what will be the effect upon the dollar or circulating medium of the country? There will be more than three where there is now one worth eighty-eight cents in gold; and if the new currency was an unredeemed promise to pay a dollar in gold, instead of no promise at all, even then the inevitable effect would be to liquidate every debt in the country at less than thirty cents on a dollar. But these Treasury certificates are not to be payable—that is, redeemable—at all in anything, and as soon as they have once served their purpose of confiscating the debts of the country and have destroyed the existing relations of debtor and creditor and ruined America forever, I would like to ask any sane man to give a reason why these billets of death will be worth anything at all.

It is no reply to this inexorable destiny to say that the "system" contemplates the convertibility of this trash into the form of a bond with principal and interest payable in the same trash. Nor is it of any use to endeavor to escape the conclusion that this currency would be worthless by saying that only so much as might be necessary to perform the business of the country would be issued. Such is not the theory itself, but sometimes its advocates take to this subterfuge when driven to the wall. France is said to have $33 of currency *per capita*. We have 44,000,000 of people, and at the same rate require $1,452,000,000. But, it is said, we are far more active as a people, our industries more diversified, and our population spread over a territory as large as all Europe, so that we absolutely require more than $2,000,000,000 of circulation, which, strangely enough, by this ingenious reasoning, amounts to just about the same as the national debt, which it is so much easier to repudiate than to pay.

DEPRECIATION.

But suppose that only $700,000,000 of this robber currency should be issued, and that we should try to do the business of the country upon it and never pay the currency itself. The Government, however, will receive it for taxes, and of course pay it out to pensioners and public servants, and for all running expenses. Would or would not this currency depreciate? How can you make the people believe that a currency is good for anything when you tell them at the same time that it will never be paid? Surely legal-tender currency which the Government promises to pay in coin is no worse because of the promise of the Government. Divest your present legal tender of the promise of the Government, and it remains just what you propose to issue. If now the present legal tender is so far depreciated, and, as all concede, has played such fantastic and ruinous tricks with trade and business in the past, how is it possible to expect the new legal tender to approximate the standard value of gold, affording a safe and steady measure of value for the business of this country and ultimately of the world? No, it is self-evident that the new currency would not appreciate above the value of the greenback; and such is the constitution of the human mind that ordinary mortals will consider the solemn promise of a great, honorable, and wealthy nation to pay its honest debts as worth something. Repudiation, or the elimination of that promise from the new currency, will depreciate its value (if it should have any) somewhat at the outset, and you would be absolutely obliged to replace that depeciation with a still further issue, which would increase the evil like a salt-fish diet in the desert.

Next, having once paid and cheated the public servants, by putting upon them a currency which will not enable them to live in your employ, you must raise their salaries and increase taxes for the defrayment of all the expenses of government. And then there is the interest on the public debt, foreign and domestic, payable in coin, for I am now supposing that you merely replace the national-bank bills and greenbacks with your new tender; your tariff dues, as well as internal revenues, under this new order of things are to be payable in this depreciated and depreciating token tender, and with it you must buy your gold, already banished by your new "system" from the American market. You will have to increase the issue on that account. Thus from year to year taxes would inevitably increase, more paper tokens would have to be issued as long as any one would receive them. Pensioners would be robbed, at first partially, in the end utterly. The public service would be destroyed. As the Government would have no power to collect taxes in anything but this paper folly, it could get nothing wherewith to make purchases in foreign markets in any of the great exigencies of peace or war when the possession of or power to get coin by taxation would be indispensable to the existence of the nation. Under such a system of finance this country would require nothing further than a mule-skin for a winding-sheet and room enough on the back door of a mad-house to write its appropriate epitaph. It demands no reach of intelligence to see that the abandonment of the right to levy and collect taxes in coin—that is, in actual property—is the abandonment of the right of taxation itself. If taxes cannot be collected in that which the world will accept as money we are no longer a nation, and the further application of this delusion by the heavily-burdened governments of the States would effectually extinguish their local sovereignty and at once dissolve all forms of civil government in the land. There would be no remedy but instant revolution.

I have not dwelt upon the miseries which would be inflicted upon the people at large by the continual and unavoidable depreciation of

any legal tender not redeemable in actual property, either gold or other commodities. The bitter experience of this generation, even with a currency redeemable in coin, but upon which payment has been deferred, without, however, shaking the confidence of the people in the ultimate performance of the national pledge, ought to be a sufficient suggestion of the ten thousand times greater calamities which would follow such a deed of ill-designed repudiation as this scheme proposes to the American people. If the evils of a depreciated and irredeemed paper legal tender adopted under compulsion of war are not already sufficiently patent and destructive to warn us from the adoption of a system infinitely worse, having all the elements of calamity and dishonor which the financiers of the infernal regions could devise for us, it is useless for my feeble powers to attempt the impossible task.

There is reason to think that the gentlemen who have devised and advocated this system of so-called "finance" are misled in their judgment as to the magnitude of the financial evils which surround us and do not sufficiently realize the immense powers of payment and recuperation with which we have been endowed by a bountiful and benign Providence; and in their desperation, born of deep sympathy for the great prostration of business interests in some portions of the country, they have been tempted to seek escape from honest obligations at the expense of good faith, not designing, however, to recommend to the people a dishonest deed. They have really made themselves believe that this system could, by its magic and mystery, perform the impossible thing; and what wonder then if large numbers of men, to whom the study of finance is unknown, have embraced their plausible and comforting theories?

I devoutly wish that I could believe and act with them. I, too, am largely a debtor, and, if possible to see hope in their views, I should sleep far better o' nights myself. But I do not think that a disposition to exaggerate and overbewail the difficulties of the situation is beneficial or justifiable, and hence I feel called upon to pay some attention to doctrines upon the subject of

INTEREST

advanced by the honorable gentleman from Illinois. If his views are correct, it is an absolute impossibility for the business of the country to go on upon any system of finance. He informs us that the increase of property is not over 3 per cent. per year, and proves it by the statistics of the census. I will not contradict his premises, since I am not aware of the existence of reliable data to the contrary. He says that the average rate of interest paid in the country is not less than 8 per cent., which estimate is none too high. I also agree with him that, in my judgment, this is more than it ought to be, and that the true interests of borrower and lender would be promoted by a large reduction of the rate. I further agree that there now exists a large mass of contracts in all parts of the country, and probably this is particularly true of some portions of the West, where the inevitable result of these high rates, if they continue to be exacted, will be ruinous to the debtor and perhaps to the creditor also where his eagerness for high interest has tempted him to invest in hollow securities.

But allowing this to be so, what remedy has he to offer as an honest man? Unless the parties can agree, or the debtor can replace the existing with a cheaper loan, is there any other remedy but such as is found in the law of the land, either in the statutes of usury or bankruptcy, or in the enforcement of the obligation of contracts? The day fixed for the resumption of specie payments can be postponed if necessity requires it to be done; but is the legal existence of a large debt and a high rate of interest, as matter of contract, a reason for the introduction of a national swindle, under the specious name of the "American system of finance?"

But it should be remembered that the law of demand and supply regulates to a great extent the price of the use of money, or the rate of interest, as it does all the relations of value; and that during a period of universally high prices the rate of interest must necessarily be enhanced. On the other hand, when prices fall and things are adjusted and in their natural condition, whoever has good security to give can raise the money from some other source, or agree upon more favorable conditions with his creditor, and thus realize that reduction of interest which the times require.

As before stated, it is claimed that the average increase in the value of property in this country is not over 3 per cent. yearly. Does it follow as a logical conclusion that the rate of interest upon hired capital can be no more than 3 per cent. without ultimate loss to the borrower? Certainly the experience of men for generations has taught them otherwise in this country. I know of no State in the Union where the legal rate of interest has been less than 6 per cent. during this century; nor can the rate which the borrower can afford to pay be judged by a general and inflexible rule. So much depends upon the ability and good fortune of the borrower and the nature of the business in which the hired capital is expended that it is very difficult to see how the rate of interest can be regulated by the average increase of the specific property of the country. It would appear to be far more reasonable to suppose that the safe average of interest could be inferred rather from the increase of the valuation of the entire property of the country, for the reason that interest is the price of the use of property employed in the production of other property, and thus contributes to the enhancement of general values rather than to the multiplication of specific things.

Usually interest is paid upon capital employed in the more lucrative ventures and more productive business of the country, from which greater returns can reasonably be expected than would be indicated by the average increase of specific agricultural property; and it should be borne in mind that the average profits of agricultural pursuits, while surer, are less in amount than in other branches of industry; but the gentleman's method, as will be seen hereafter, even ignores the profits of the farmer, which he may invest in stock, bonds, and various other ways too numerous to mention.

The gentleman from Illinois overwhelms us with terrors born of false premises. He makes from the census an inventory of the farms and production of agriculture in 1850; and calling horses and mules $32.50 per head, neat cattle $1[illegible].80, sheep $1.31, swine $4, wheat per bushel $1, corn and rye 50 cents, and oats 33½, improved land $16.09 and unimproved land $8.04½ per acre, he finds a total valuation of $4,267,751,473. Each item of property being valued at the same price in 1870, he finds a total of $6,288,115,219, or an average income or increase of 3 per cent. for each of the twenty years, after making what he considers a just allowance for the destruction of property and interruption of industry by the war. Now, if the gentleman's calculation had led him to compare the actual value of this property in 1850 with the actual value of all similar property in the country in 1870, there would have been greater probability of approximate, although not complete, accuracy in his conclusions. By comparing values thus, which I insist is the only proper way in a reasoning process—which in its very nature can be nothing but a comparison of values or prices—the census shows the following result:

	1850.		1870.	
	Number.	Value.	Number.	Value.
Horses and mules	4,896,050		8,270,785	
Neat cattle	17,778,907	$544,180,516	23,629,608	$1,525,276,457
Sheep	21,723,220		28,477,954	
Swine	30,354,213		25,134,569	
Bushels of wheat	100,485,944	100,485,994	287,745,626	431,618,439
Bushels of corn and rye	606,259,917	303,129,958	777,863,344	583,397,508
Bushels of oats	146,584,179	48,861,393	282,107,157	94,035,719
Acres of improved land	113,032,614	3,271,042,469	188,921,099	9,262,803,861
Acres of unimproved land	180,528,000		218,813,942	
Total		4,267,740,330		11,897,331,984

Being an increase of more than 278 per cent. in twenty years and 14 per cent. yearly. This is the true lesson to be obtained from the census reports if anything is taught by the gentleman's method. But in my judgment the result in any case is wholly unreliable, because it is utterly impossible to ascertain how much of the increase, both of specific property and of valuation, is due to the employment of hired capital, labor, immigration, inflation of the measure of value, and many other factors which have entered into the complex problem. We know the rates of interest which experience has induced mankind to establish by positive law, by custom of localities, and by agreement of parties; and the law of demand and supply operates with substantially the same results in fixing the price of the use of capital that it does in determining the price of any other element of production.

It is singularly inconsistent in the gentleman from Illinois, after making the tables of the census the foundation of his own argument, to turn round and accuse the source of his own information of unreliability and its authors almost of crime, as he does in these words:

The rates, as given in the census reports, are obtained by placing a fictitious valuation upon the several descriptions of property named.

It is accusing his own witness of lying whenever the testimony conflicts with his theory, at the same time that his own case depends upon the veracity of the same witness.

But there is no more reason to dispute the fairness of the estimated values than of the enumeration contained in the census. It undoubtedly contains in both respects the best data available. But even if values were inflated in 1870 as compared with 1850, in what way does that circumstance justify the views of the gentleman from Illinois? If our dollar was inflated, so was the interest. If the dollar was easier to get in 1870, so was the interest paid upon it, and the higher rate does not indicate necessarily a greater burden upon industry.

We pay interest upon just such a dollar as we hire. Interest fluctuates with prices, and will inevitably fall with them. In fact, interest during the last fifteen years has not held throughout the country so high a rate as the general prices of commodities, compared with what they were before the war. This fact is within the knowledge of every business man.

FALLACY.

Again, there is another most notable fallacy in the gentleman's deduction. He claims in twenty years an annual increase of 3 per cent. in the value of the agricultural wealth of the country. Now, what does that represent? Why, just what the borrowers have made and added

to the permanent value of their own wealth, after supporting their families, the Government, and payment of losses of the war by the billion, and these ravenous rates of interest besides. Thus, if his illustration is good for anything at all, it proves that the foxy farmers have filched 3 per cent. annually out of the unfortunate Jews and usurers of the land; and this is again proved by the well-known fact that never was the great interest of agriculture so prosperous as it has been for the last twenty-five years. I admit that the result is ludicrous and that his whole argument is false, but I am not responsible for it.

COMPOUND INTEREST.

Startling and sensational statements as to the magic powers of compound interest at various rates and for long periods have been made upon this floor which, whatever may be designed by their authors, are calculated to alarm debtors, to increase their disquiet, and kindle the latent fires of repudiation and communism, by creating the impression that all experience is unreliable, and that they are being devoured by voracious creditors, and as most creditors are also debtors, that in short they are eating themselves. For instance, it has been supposed here that had America been purchased in 1607 for $1 and payment secured by bond payable with interest annually compounded in 1876 at 10 per cent., the amount would be—I have not verified the calculation—the very snug little sum of $136,000,000,000; five times as much as the country will sell for to-day. Captain Smith or Newport, whichever it was, has therefore been ruined, or would have been if he had run in debt a dollar for this continent.

It is very much like supposing that if Adam and Eve had continued to multiply and replenish once in two years until the present time, and all their descendants had lived and had been equally prolific, then, saying nothing about twins and triplets, there would now be actually alive upon the earth a quantity of human beings in solid measure of more than thirteen and one-fourth times the bulk of the entire planet; and if all these people had been thrifty and saved one cent a year and invested it at 10 per cent. compound interest, the amount in currency at eighty-eight cents in gold would buy not only all the real estate there is in this world, but ten times as much as there is in the universe at double the Government price for public lands, and leave enough to do the entire sewerage for the main streets connecting the fixed stars and to pave the milky way with well-cut diamonds of the first water, nine feet cube, three thousand miles wide, (excluding sidewalks to be made of condensed rainbows three billion to the square yard,) and a distance of 996,834,329,648,195,314,983 thousand million billion trillion miles long. And I believe there would be considerable left in bank even then.

But the truth is that Captain Smith ought not to have run in debt for his continent unless he was going to pay for it within twenty years. Even a debt of record outlaws in that time. Then he would have got it for less than $15, interest and all; and it does seem as though one dollar, especially in paper money, was cheap enough for such a farm as these 3,600,000 square miles, even at 10 per cent. compound interest. Almost any one would be willing to hire one dollar if he had a chance to make such an investment, yet the claim is made that he could not afford to, and this fanciful trash is sent broadcast over the land labeled mathematics, in order that the unthinking may not see the lie which such mathematics most certainly do tell. Really, has not the use of this 3,600,000 square miles of soil been worth something during the last three centuries? And if the rents and profits and net increased value had been invested in a sinking fund at the same rate of interest, it seems to me decidedly probable that Captain Smith and his heirs could pay up for the old place and have something laid by for a rainy day. It must be conceded that the down-trodden debtors of the Smith family have done well in this country on the whole.

The principle of interest upon interest does not exhibit its startling power for many years. It is in the interest upon the interest upon interest, and so on and on, which conceals the dynamitic fiend of high interest at short intervals unpaid for long periods. Nearly all interest-bearing debts are discharged within the term of the statutes of limitation. If not, and year after year the debtor adds the interest to the principal, it becomes like the conflagration, which, while yet a spark, might have been extinguished by the breath of a babe, but neglected too long, raging, devouring, destroying, becomes a terrible master, where it had been an obedient slave, and even an indispensable blessing. Interest is rent upon capital in the form of money, and, like rent, should be paid when due, as it is often the only income of its owner. To him it may represent the necessaries of life, just as to the borrower the use of capital hired may be essential to the transaction of that business from which he sustains himself and family. If not paid when due, it becomes a new debt or capital, for the detention and use of which there should be compensation.

Let any laboring-man count up the net savings which remain to him when wages are at the highest he has ever known, and then calculate whether he can provide for the contingencies of life and the decrepitude of age if obliged to invest his hard-earned and more hardly saved pittance at 3 per cent. What is true of his dollar is true of every other dollar. The experience of ages has given capital not far from 6 per cent. as a fair compensation for money used as an element of production. Whoever cannot employ it profitably at that rate should not contract debt at all unless unavoidably. He should rather, if in debt, go and sell all that he has and begin anew. No wiser economic saying was ever uttered upon the shores of time than the erratic exclamation of John Randolph of Roanoke, upon this floor, when, in the midst of a prosy debate, he sprang to his feet from a profound reverie, crying at the top of his shrill voice:

Mr. Speaker! Mr. Speaker! I have found the philosopher's stone: It is pay as you go; it is pay as you go.

But we are in debt, and the path of liquidation is thorny and difficult. Still it is better to be honest with ourselves even if it disturbs our complacency. There is no patent method which pays debts by miracle. We must toil and save. We must rely upon our brains and muscles in the field of productive industry, and, circumscribing our undertakings within the limits of our own capital and capacity, let usurious money-lenders and moonshine speculations alone, attend to legitimate business, cultivate the home virtues, and the employments of common life. Be content with a humble lot. The day laborer in this happy land feeds at a table which would have tickled the palate of Alexander. Here nothing is so independent, nothing so honorable as honest toil; so grand a thing it is to be an American citizen. No man, unless already involved in heavy business, is obliged to follow any pursuit which requires him to borrow his capital, and no man should, without reasonable prospect of satisfactory return And, as a rule, our people will not pay ruinous rates of interest long. Interest must fall and will fall as soon as confidence returns, and capitalists must seasonably heed the signs of the times; they should do so at once, otherwise production, now crippled, will cease, and general ruin stalk abroad. It is not to be wondered at, however, that the threat of repudiation, which is the inevitable consequence of the adoption of paper tokens for metallic currency, or convertible promises to pay, has startled capital and destroyed confidence. But for this, I believe that capital in abundance would be ready for investment all over the country in good securities at very low rates of interest to-day, and high loans could readily be replaced with others, and save many a farm and homestead which will now go to the block.

The remedy for excessive interest is in our own hands. What is needed is a steady head and a firm hand and comprehensive views in applying it. But appeals to the wild and communistic elements, which are latent in every society, exaggerated and agrarian declamation, will yield the fruit of anarchy and despair. But it is our duty to take a much broader view of the subject, for rates of interest will be adjusted by other causes when they are once set in motion.

THE REAL DIFFICULTIES.

The real difficulties of the situation remain, and it is our duty to address ourselves to the alleviation of the actual condition of the country. We have now a circulation of $371,827,220 in greenbacks, the Government's dishonored promise to pay, not bearing interest; $45,000,000 of fractional currency, the same in nature; and $346,479,756 of national-bank notes, redeemable in and therefore of the same value as greenbacks; making $762,523,690 in existence as a medium of exchange among the people. All this is worth about eighty-eight one hundredths of each dollar, and the greenbacks are a legal tender for all debts, public or private, except interest on the public debt and duties upon imports.

The existing contracts of the country, with exception of the national debt, have nearly all been measured at their inception by the dollar in currency, that is, eighty-eight cents in gold or less. Now, the problem which staggers the statesmen and business men and everybody in this country is on the one hand how to pay twelve cents on every dollar more than was originally received by the debtor and, on the other hand, how to transact the business of the country with a value measurer which is constantly fluctuating, and which, being already dishonored, will ultimately become a dead loss by depreciation unless the public faith in its redemption in coin is preserved intact.

But the loss of the currency is not the chief injury to be apprehended; its fluctuations operate precisely the same, only much more extensively, as would arbitrary and unforeseen changes in all the standards of weights and measures throughout the country on every day of the week, so that a man who had contracted to deliver bushels of sixty pounds might discharge his contract with forty pounds, or if in a pound of sixteen ounces he might be called upon to deliver thirty-two, or if for yards of cloth of thirty-six inches he might be called upon to deliver in yards of forty-eight inches or twenty-four; add to this the high percentage of profit which dealers demand to cover the increased risk of doing business, and which is in the nature of higher premiums for greater hazard in rates of insurance, also the perpetuation of the paralysis of production, industry, and commerce which already exists in consequence of the false relations of values growing out of variations in the standard used among the people, and from all these will inevitably result the destruction of the business and property of the country, as the process of depreciation and fluctuation hurries us with accelerated force to the bottomless pit of financial ruin. It is utterly impossible to remain stationary. Public confidence in a fixed measure of value, or in that which is least liable to variation, and which is therefore adopted by all nations as such, and that all commodities, credits, and values will continue to be measured and paid and estimated by that standard, is the thing to be attained.

Now, public confidence is a state of mind. The mass of movable

capital in the country, or that which is available for investment, is in the hands of those who believe that they will lose it if they part with it for investment in production, unless the country returns to a specie measure of value in the transaction of business; because a coin is the nearest possible tangible representative of the abstract value called a dollar, so that practically it and the coin are the same. The world, with its accumulated wisdom, drawn from reason and experience, both sweet and bitter, is with them, and capitalists can wait, and will wait, choosing to foreclose their mortgages, apply their securities and lose interest for a while, rather than risk the destruction of their principal in that final conflagration of all property which would follow the introduction of the American system of finance, or from a prolonged refusal to return to the standard of coin. Confidence, then, must be restored in the minds of those who have capital to lend. It is not sufficient to convince those heavily pressed with debt that more printed money is or is not a good thing.

Business cannot revive until men see that it is safe to invest more money and make new contracts; that they can buy and sell upon credit with reasonable hope that their capital will not be destroyed and that their labors will not be in vain. Producers must have hope of reward, as well as mere lenders. This faith in the future can never revive until the return to a coin standard, by resumption of specie payments, is placed beyond reasonable doubt. The time when is less material. If the people believed in it and it were possible to make this new patent system work, that would be a different case; but the very fact that they do not believe in it and that you cannot make them believe in it is the one unanswerable objection to the attempt to agitate and introduce the scheme. Confidence and belief are the same thing, and it would be the work of generations to supplant the existing faith of mankind in the precious metals as the only safe measure of values. It is impossible to eradicate this sentiment of the soul. Confidence, which is only another name for credit in business, is most emphatically a plant of slow growth; and there will be no such thing as prosperity ever again known in these United States until the American people resolve by an overwhelming public sentiment to place all business transactions upon the world's basis of value. Meanwhile the losses of the nation by the inactivity of production are enormous. It is counted by billions since the panic of 1873, when the bubble burst and we found ourselves face to face with the troubles which beset us still.

Probably every year we now lose at least the amount of the national debt by enforced idleness of the people. What intolerable distress all this implies imagination is powerless to conceive. There is no way for debtors to extricate themselves but to repudiate, and that is ruin, or to get to work once more, which cannot be accomplished until the coin standard is placed in process of ultimate restoration, and continual, although it may be slow progress in that direction, is absolutely assured and is recognized as a fixed fact by the nation.

OUR GREAT DIFFICULTY.

Right here we meet with our great difficulty. While they who see the true state of the case are combating upon methods of returning to specie payments, the confidence that it will soon be done or that it will be done at all until after years of calamitous experience and universal bankruptcy does not return, because the question between specie and the paper token is still undecided. The public mind is still confused by the plausible and entrancing charms of these sirens of the great American system of finance. If at once all political parties, by conventions held in every State and by unanimous resolution in Congress, would declare their fixed determination to return by safe and careful steps and by wise measures, especially considerate and just in their operation upon the debtor class, to a coin standard of values, and that meanwhile there shall be no step backward, no further inflation of the currency, no pernicious efforts to destroy the national-banking system, no effort to set up the Government as the great banker of the nation and make the amount of the circulation dependent upon the will of a partisan majority of Congress, the necessities of faction, or the howlings of a communistic mob, confidence would return, and our troubles would cease.

I believe the decisive battle is yet to be fought, and that more attention should be given in these debates to the discussion of the fundamental principles of finance. It is assumed that they are too intricate for popular apprehension. But either truth or delusion will prevail, and the American people are wonderfully intelligent and quick to comprehend their own interests. The subject is abstruse in itself. It can hardly be otherwise when men of great powers of mind arrive at directly opposite conclusions relating to our financial condition, its remedies, and the proper methods of their application.

The ultimate question which arises in the mind of the capitalist and of the business man is, will the people choose a mere paper token without value, or coin, as a measure of value? Will they choose repudiation or the observance of the public faith? The fact that there is such a question at all is what prostrates business and buries innumerable homes in gloom. And this great, broad question, embracing all others, the people will settle by virtue of the instinct of honesty, whenever it is fairly and fully presented, so emphatically that agitators will not be able to find the chasm wherein their theories disappeared.

It ought to be possible for this Congress unanimously to set this question at rest by action dictated by an expansive patriotism which should eliminate the financial issue from politics. Any measure which provides for the gradual funding, payment, and cancellation of the greenback, at least until the amount is reduced to $300,000,000, and for the necessary and gradual accumulation of gold in the Treasury and in the national banks, and which, by virtue of the means it provides rather than the profession it makes, is a pledge of the nation to resume specie payments, which involves the restoration of the coin standard of values, and which insures that result within a reasonable time, even though the exact date be not specified, ought to and, I trust, would command the support of a majority of all parties in Congress, as it most certainly would of the country.

Although, as I said before, the only possible extrication of those heavily in debt lies in the restoration of business activity, of production and markets for production, which can only be found among those who, having themselves been enabled to produce, have something wherewith to buy; and although the restoration of confidence depends absolutely upon an assured return to a specie measure of values, yet I do not consider it indispensable that any fixed time be specified. But there must be measures taken and laws enacted which will lead inexorably and constantly, though not too rapidly, to the specie standard, and when enacted they must be let alone by Congress and enforced by the Executive.

We have now a date fixed for resumption. The method provided by law to enable the Secretary to resume is by sale of bonds at par, bearing interest at 5 per cent. on ten years', 4½ per cent. on fifteen years', and 4 per cent. on thirty years' time, and none of these bonds can be sold at par in gold. With no more gold in the Treasury than is required for the ordinary uses of the Government and no authority to reduce the volume of the currency gradually by funding, the Department must be extremely embarrassed, and probably must fail to resume without additional legislation. If such legislation is denied, how will it be possible to keep faith with the public, to whom we have pledged resumption on the 1st day of January, 1879?

It is hardly too much to say that the hesitation and delays of this Congress to promptly grant power to the Secretary of the Treasury to buy gold by the sale of bonds which can be sold, and to fund the legal tender while the abundance of idle capital will permit this to be done at advantageous rates, already constitute a breach of the public faith, for the loss of time and opportunity has greatly decreased the probability that resumption can be accomplished at the time now fixed by law. It is no excuse for us to say that the law of January 14, 1875, is imperfect. It was good as far as it went. It was the utmost that could then be accomplished. It was supposed to confer sufficient power to effect its purpose. It was invaluable as the expression of the sentiment and pledge of the nation to the restoration of specie payments. As the act of 1869 was a solemn promise to pay the public debts in coin at some time, so this was an equally solemn pledge to pay so much of it as then should be due on the 1st day of January, 1879.

This pledge is the law of the land. It was a promise to supply the means by enacting the measures found to be necessary. It is a breach of public faith not to do so at once, since experience has shown that further legislation is required. But two and one half years of the four during which it was proposed to prepare diligently for resumption remain, and we have less gold now than when the law was enacted. Meanwhile we squabble—we do not intelligently maneuver—for position in the great presidential contest close at hand; and, while the clamor grows for the repeal of the date of resumption, nothing is proposed to be substituted which shall necessarily produce resumption at all.

What would be the effect upon business and credit to repeal the act of 1869? Still more disastrous would it be to repeal the resumption act and provide nothing in its place. It would be a substantial repeal of both acts, and would be notice to the world, and still worse to ourselves, that the word of the American people is not better than that of a common thief.

Bad as the state of the country now is, the repeal of the resumption act with nothing substituted in its place will destroy all credit and make our condition far worse. It is our duty first to supply all needful legislation with intent to carry out our solemn pledge. It is soon enough to extend the time when its near approach shows that an extension is necessary. There will be three sessions of Congress after this and two and a half years' time prior to the date now fixed by law for resumption; but it is legislative shystering, by our present neglect, to compel the breach of our solemn pledge. We well know that to attempt resumption and fail would cover our country with a pall; it would ruin this generation; and there will be good sense enough extant when the time comes not to commit suicide. But if we go resolutely and honestly to work in these Halls and at the other end of the Avenue to make the necessary laws the people will concentrate their energies upon the accomplishment of the great event. Confidence will be restored at once, and the two years next to come will witness such a revival of industry and increase of our credit at home and abroad, as will either enable us to resume at the time indicated or after an extension very slight at furthest and wholly free from shock.

It is then a duty, not merely the dictate of expediency, to provide the means as rapidly as possible and resume at the earliest practicable moment. Men will understand it. There will be a policy permanent, safe, and we shall be on our way to the golden gate. It will be certain

that our measure of value cannot fluctuate in any substantial degree. It must gradually rise to par with coin. It might even so exhilarate and stimulate the nation, which is really a giant bound with gossamer, as to bring about resumption before 1879. Sell bonds of small as well as large denomination, payable principal, with low interest, in gold, on very long time, in the best market possible, which is the home market; but sell them somewhere, and accumulate gold. A circulation of five hundred millions cannot be floated without three hundred millions of coin in the country. We have less than one hundred and fifty millions, of which twenty millions is silver. We ought to accumulate fifty millions or more yearly, and fund all the circulation not required by the wants of trade besides. Meanwhile our people would economize; capital would flow out into all the now stagnant currents of business once more.

Our teeming soil and the glittering treasures of the mountains will contribute inexhaustibly to returning prosperity. Every branch of industry will revive, and the despondent debtor will see light breaking in upon his pathway through all the varied avenues of profitable production. Real, and nearly every kind of personal property will rise in value at once, for values to-day are below the standard of gold, and the restoration of the old and tried measure of value will by the stimulation of prices more than pay the margin of 12 per cent. which the debtor fears to lose in passing from currency to coin. Resumption of the coin standard is chiefly an effort of the national will—a mental operation. It is the inexorable resolution to resume, and providing the ways and means to do it. The country demands a bold, strong act; it should be proposed at once; the path is plain.

TARIFF AND SPECIE PAYMENTS.

But I desire to offer some considerations upon the connection of the tariff with the resumption of specie payments.

I believe that this subject is at the bottom of the whole question of resumption. Resumption by the Government merely is comparatively easy. The heavy margin of loss to debtors, which lies between the measure of currency and that of gold, is the real difficulty. Almost every debt not payable by its terms in coin has been contracted by a measure of not over eighty-eight cents in gold for a dollar; and justice would be attained by making eighty-eight cents in gold a legal tender for every dollar of debt contracted at that or a lower measure in currency. If at the same time every new contract made on or after July 1, 1876, was measured, that is, made payable by coin, all business would be at once upon a specie basis. Eighty-eight cents in gold is all that creditors would receive if they were paid in full to-day; and with property depreciated below coin values, as they were before the suspension of specie payments, this is certainly sufficiently burdensome to debtors. Creditors would really get into their hands more property in satisfaction of their debts than if paid in gold values when business is active and prices are in their normal state, and an amount in gold which at interest would increase more than the 12 per cent. before resumption will be reached.

But such are the complications of the subject, and the conflicts of interest, opinion, and prejudice, that no measure of this kind will be adopted by the country, and the only solution is to take such measures as will enable producers to work out this large margin of 12 per cent. between currency and coin. And here we behold a wonder indeed. Just at the very time when all experience and common sense dictate a very large addition to our average tariff upon all foreign articles which compete with American industry and labor, we are met by a proposition to reduce the tariff. It seems as though, not satisfied with mere ruin, the statesmen who attempt a scheme like this were emissaries of a foreign nation, and were anxious to seize the moment when we are prostrate to take our life.

After the disasters of 1837 and 1857 we found relief by raising the tariff. We saved the country in 1862 by increasing the tariff. We have since too largely reduced it while the consequences of the war still remain, and now, just at the time when we ought to adopt a tariff almost prohibitory, this branch of Congress, under its acknowledged leadership, undertakes to legislate in the interest of free trade, so called, which is really the slave trade of American industry. True, a very high tariff checks importations and lessens the revenue derived from them; but, on the other hand, by its magic influence upon home industry and wealth, its irresistible stimulus to wages, immigration, and home markets, the taxable property of the country is increased in far greater proportion.

Foreign importations have drawn from us more than $1,000,000,000 in gold—the balance of trade against us since 1863—almost every dollar of which might have remained in America under a higher tariff, for American industry ought to be so protected as to supply American wants. An increased and properly adjusted tariff would increase the wealth of the country within two years more than the entire 12 per cent. of the margin of increased indebtedness which must be paid in passing from the currency to the coin dollar. The debts of the country, public and private, are estimated at not more than $15,000,000,000, of which 12 per cent. would be $1,560,000,000. The entire production of the great interest of manufactures in the United States in 1870 was estimated at $4,232,325,442. Under the present stagnation of industry, which, unless experience is a lie, would disappear under the fostering care of a high tariff, the value of manufactures of the country cannot be more than 60 per cent. of that which it would be in what are known as good times—that is, when every one is at work—which makes a difference of $1,692,930,176 in the cash value of the annual production in a single department of American industry; actually more than enough to enable the debtor class to pay the difference between their debts in paper and in coin, and almost enough to pay our entire bonded debt.

When we consider the impulse which a high tariff, by increasing wages, would give to immigration and to the value of agricultural production, by creating a more active and extensive market at home without decreasing the demand for our breadstuffs abroad, and the revival of labor all over the country; the construction of great lines of railroad communication along our northwestern and southwestern borders, which would be resumed with confidence if our people only could see that Congress was determined that American producers should be protected by American law, who can doubt that under a judicious increase of the tariff the people would lift up the burden of specie resumption like a strong man rising from sleep, and that the face of honest toil would once more beam with the sunshine of hope?

But no such prospect is before us now. This Congress has been urged by the leaders of the majority of this House not only to reduce the ordinary imports upon foreign articles competing with those of American manufacture, but even by a counter-craze to heavily tax almost the only indispensable articles for which we must depend wholly upon foreign nations, tea and coffee, the common solace of all. The men who cry out for free trade and gold dollars at the same time are cannibals, eating both their ancestors and their descendants, and yet howling for more population. They murder industry while they double its burdens. If there is no stop put to this insanity, the financial funerals of the money-centers of the country will ere long toll in fitting correspondence to the wail of the mechanic by the silent factories of New England, from the husbandman on the mortgaged prairies of the West, and from the devasted cotton and sugar plantations of the South.

But wiser men will come after us, and another Congress will lay the foundation for the permanent maintenance of specie payments by an increased tariff for the protection of American production.

NATIONAL BANKS.

There is one other important factor whose agency in the process of resumption is of great consequence, although not indispensable, to success, in regard to which I crave permission to offer a few additional observations. I refer to the national banks. They control to a great extent the movable capital of the nation and can greatly facilitate the process of resumption. The fate of business men is largely in their hands. They are now strong. They have passed through years of great prosperity, and they owe to the country which has fostered and enriched them now, while it is passing through the crisis from currency to coin, the most equitable, elevated, and patriotic action. This aid should be given by extending to business men every possible indulgence consistent with safety, by reducing rates of interest and discount, and by fortifying the hands of Government continually and in every exigency which may arise.

Not only duty but self-interest demands this course of conduct upon their part. Their continued existence as banks of issue may depend upon the exercise of an enlarged liberality to the debtor and business classes in this time of their utmost need. Based as they are upon the unimpeachable credit of the Government bonds and the personal liability of stockholders, and at the same time subject to action at law, as the Government is not, for the collection of its notes and promises when dishonored; non-political in their organization and influence; free from partisan control, which might adapt the volume of currency to its own purposes and to the ruin of business if it was issued directly from the Government to the people, the national banks have furnished to the country the safest and best circulation it has ever known except gold and silver. It is an act of great injustice to these banks, and, since they must for years remain an integral part of our money system, a great injury to the nation, to endeavor, as is so frequently done, to create prejudice against them by producing the impression that their profits have been greater than those of ordinary banking under the former system established under the laws of the States, and that they are merely licensed beasts of prey.

The national banks have first been obliged to buy the Government bonds and pledge them to secure their circulation, in the same way that the State banks were accustomed to pledge interest-bearing securities as the basis of theirs. The State bank issued circulation to the amount of one, two, and in some cases even three times its capital, the national bank only 90 per cent. of the amount invested in Government bonds. As banks of issue, both derived their profits from the interest upon their notes loaned. In no event could the Government, any more than the States, have any interest in the business of either system as banks of deposit, that being a purely private business, except to exercise the power of taxation upon deposits, which the Government has done with great profit to the revenues, while the State governments impose upon their capital an average tax of 2 per cent., and the aggregate of State and Federal taxes upon these banks is 4 per cent. upon their capital.

It appears from the official reports of the Treasury Department of the current year that the bonds bought by the national banks of the Government and held by the Government as security for the redemption of their notes in circulation as money were worth, on the 1st day

of November last, at par, $361,498,112, and that, if the banks were destroyed and the bonds again distributed among the stockholders, they would sell in open market for $425,840,533. The total value in currency of the yearly interest on these bonds was $22,264,312. Now, this interest, it should be observed, is upon a principal bought and paid for by the stockholders and should be paid to them just as it would be if they were not engaged in banking at all.

The banks pay an annual tax of 1 per cent. of their circulation, or $3,253,482, which leaves the banks $19,010,830 in currency as the net amount of interest derived from their bonds; and I again call attention to the fact, which, unaccountable as it may seem, vast numbers of people overlook, that this interest is the same as that which the stockholders would have received if their money had been invested in real-estate mortgages or other securities, irrespective of their connection with any banking corporation whatever.

Upon the bonds deposited with the Treasury, the banks receive 90 per cent. of their par (not their market) value, in national-bank bills, or, November 1, 1875, the sum of $325,348,250. They are required to deposit 5 per cent of this—$16,267,413—in the Treasury as a redemption fund, leaving only $309,080,847 for actual use for banking purposes. Eight per cent. is assumed by the honorable gentleman from Illinois as the average interest received on this, which will produce an income of $24,726,467. Add to this the actual interest received from Government upon the par value of the bonds and the total amount derived from bonds and circulation is $43,737,297. The interest at the same rate upon the capital invested in the bonds would produce an annual income of $34,067,042, and deducting this from the combined income of the banks from bonds and circulation and we have $9,670,055, or 2¾ per cent. upon the market value of the capital as the amount of profit realized by the stockholders yearly more than they would derive from the same value of capital invested in other business or securities returning ordinary rates of interest.

I copy the following table from the last report of the Comptroller of the Currency:

Interest on $309,080,847 of circulation, loaned at 8 per cent	$24,726,467
Interest on United States bonds, ($768,870 currency, $18,530,554 gold)	19,249,424
Premium at 16 per cent. on $18,530,554, gold interest	2,964,888
Total	46,990,779
Less tax on circulation	3,253,482
Total profit on capital employed	43,737,297
The total capital loaned directly at 8 per cent. would earn	34,067,241
Difference which represents profit on circulation	9,670,055

As above stated, the average taxation by the States upon the capital of the banks is over 2 per cent., which it will be perceived nearly cancels the profit upon the circulation realized beyond the amount they would receive if their capital were otherwise employed, and hence it is that so many banks are now surrendering their circulation, and either winding up or relying upon their business as banks of deposit, which has no connection with their functions as national banks of issue, and in which any association of men, firms, or private persons may engage without authority from the Government. I invite attention also to the following table from the same report, showing corresponding ratio of dividends for the last six and a half years in the several geographical sections of the country and the average ratio for the whole period:

Ratio of dividends to capital and surplus semi-annually.

Date.	New England States.	Middle States.	Western States.	Territories.	United States.
1869, September 1	4.4	4.3	5.3	5.1	4.5
1870, March 1	4.3	4.1	5.6	4.4	4.3
September 1	4.2	4.0	5.0	4.0	4.1
1871, March 1	4.2	4.0	5.5	4.7	4.2
September 1	4.1	3.9	4.8	4.3	4.1
1872, March 1	4.1	4.0	4.7	4.4	4.2
September 1	4.0	3.9	4.9	4.9	4.2
1873, March 1	4.1	4.0	4.7	4.5	4.2
September 1	4.1	3.9	4.2	4.5	4.1
1874, March 1	3.8	3.7	3.9	4.1	3.8
September 1	3.9	3.8	4.3	4.5	4.0
1875, March 1	3.8	3.9	3.8	4.4	4.0
September 1	3.8	3.7	3.9	4.2	3.9
Average	4.1	3.9	4.5	4.4	4.1

The law requires the banks to carry one-tenth part of their net profits semi-annually to the surplus fund, which is not allowed to be drawn out in dividends, but is to accumulate until it amounts to 20 per cent. of the capital, and is to be first applied to payment of all debts and losses. This will be observed to include not merely one-tenth of the profits upon circulation, which is the only privilege derived from the Government that the banks enjoy, but also, what is far more important, one-tenth of the profits derived from their function as banks of deposit, which is a privilege or business indispensable to society and in which everybody is free to engage. This surplus is very large and in June, 1875, amounted to $133,169,095, or about 32 per cent. of the capital invested. This represents the accumulation since 1863, including that of State banks, merged in national, owned by two thousand and seventy-six banks, and is very largely derived from the loan of the deposits of their customers, and not from their circulation, as we have seen from the preceding analysis, and which they would still receive if the circulation was taken away from them.

The following table taken from the public records exhibits the number of banks, amount of surplus, and its semi-annual increase from 1863 to 1875:

Date.	Number of banks.	Amount of surplus.	Semi-annual increase.
Ju'y, 1864	467	$1,129,910	
January, 1865	638	8,663,311	$7,573,401
July, 1865	1,294	31,303,566	22,640,255
January, 1866	1,582	43,000,371	11,696,805
July, 1866	1,634	50,151,992	7,151,621
January, 1867	1,648	59,992,875	9,840,883
July, 1867	1,636	63,232,811	3,239,936
January, 1868	1,642	70,586,126	7,353,315
July, 1868	1,640	75,840,119	5,253,993
January, 1869	1,628	81,169,937	5,329,818
July, 1869	1,619	82,218,576	1,048,639
January, 1870	1,615	90,174,281	7,955,705
July, 1870	1,612	91,689,834	1,515,554
January, 1871	1,648	94,705,740	3,015,906
July, 1871	1,753	98,322,204	3,616,464
January, 1872	1,790	101,573,154	3,250,950
July 1872	1,853	105,181,943	3,608,789
January, 1873	1,940	111,410,249	6,228,306
July, 1873	1,968	116,847,455	5,437,206
January, 1874	1,976	120,961,268	4,113,814
July, 1874	1,983	126,239,308	5,278,040
January, 1875	2,027	130,485,641	4,246,333
July, 1875	2,076	133,169,095	2,683,454

The great increase in the years 1865 and 1866 is owing to the conversion of State institutions into national banks, and represents accumulations of those institutions in previous years, and hence is not properly a portion of the earnings of national banks as such. The dividends declared from time to time, averaging 4.1 per cent. semi-annually, with the addition of this surplus and the interest accumulating upon it, held as above stated as a security for the solvency of the banks, represent the profits of these institutions in the departments both of issue or circulation and deposit.

The total average earnings of the banks during the last six years has been a little less than 10½ per cent. upon their investment. Such a business as this is sufficiently profitable; and if its returns were purely in the nature of interest upon money loaned by individuals it would be just cause of complaint by the business interests of the country; but the great care and responsibility, as well as the labor required in the proper management of the complex and important affairs of a bank of deposit and issue, fairly entitle capital so engaged to some extra compensation. The trouble in the country today is not that the banks are strong, nor is it true that they have become so by reason of the excessive gains they have made from the business interests of the country; on the contrary, if they were weaker affairs would be far worse. But it is because an inflated currency, a spirit of wild speculation and reckless extravagance, and a reduced tariff have prostrated industry, destroyed markets, and banished confidence from the marts of trade. Thus it is seen that by the wise foresight of the great men who framed the national banking law, the circulation of the country is founded upon a basis which cannot fail.

The entire wants of the country, which before the war demanded a circulating medium of about $400,000,000, including coin, are probably upon a coin basis not far from $500,000,000 or $550,000,000, of which $300,000,000 in greenbacks, by the present law, will continue in circulation after as well as before their redemption in gold; or they may be replaced by national-bank notes by subsequent legislation. The redemption of the bank-notes which, January 1, 1876, amounted to $346,000,000, is secured by the total surplus and the market value of the bonds, (beside the personal liability of the stockholder to the extent of his stock,) making in all $569,000,000, to carry the sum of $346,000,000 of bills then in actual circulation, and the provisions of law are such that it will be impossible ever to destroy the safety of the national-bank bill. It is difficult to conceive of a system which could combine in a greater degree security and elasticity. Since the national-bank note is based upon the bond of the Government expressly made payable in coin, the people must defend the integrity of the Government, thereby protecting the solvency of the bond in order to maintain the value of the note which they use as their money. Thus it is clear that the national-bank system presents the same strong appeal to patriotism which is so eloquently urged as an argument for the direct issue of currency by the Government. Beyond this the personal liability of the stockholders would be available even if the Government should fail, an event which would utterly destroy a government currency, for any subsequent government would enforce personal liability upon contracts of a bank existing under the one destroyed.

ALL MONEY MUST BE PAID FOR.

Should the present system be replaced by direct issue of paper tokens, or even by the greenback currency, which, being a promise to pay by the Government, is therefore valuable, it has thus far been impossible for me to understand how individuals will get it without paying for it, and paying interest upon the capital it represents to individual lenders. These lenders must first pay for it, and thus part with that which would draw interest if retained. Having paid for the Government issue themselves, they will be likely to take interest when they part with it, unless they receive payment in property at the time.

There seems to be desired a vast system of Government banking, which must, until human nature changes, cost in salaries and stealings and mismanagement, far more than would be saved to the Government as the interest withheld upon the entire circulating medium. The Government will pay out these tokens directly to bondholders, public servants, and other persons who have demands against it. It will thus become their property. Will they part with it until it is paid for with other property equally valuable, or if loaned, until fully secured with interest? How, then, has this process benefited any one? Certainly it has not, unless the issued currency is worth less than the medium in which the nation was under obligation to pay, in which case something would be saved by robbing the creditors of the American people. Some have a vision, too, of saving interest upon capital by the Government opening broker's offices in every city, village, and corner grocery of the country, and delivering money which it is never to pay to everybody who is short, either with or without security, it makes no difference which; for in the first place the money would have no value, and in the next, if it had, the result would be that in many cases the Government would be cheated in securities; by fraud or incapacity of the innumerable agents it would be obliged to employ in transacting a business now performed by more than two thousand banks, and a multitude of brokers and private bankers which no man can number; by making investments, ascertaining responsibility of borrowers, and managing and collecting loans; and the Government would soon find itself a party to every lawsuit and controversy in the country, foreclosing mortgages, selling out securities—in short, transacting the private business of the American people.

DUTY OF THE NATIONAL BANKS.

The banks suffer with all classes in this time of depression and gloom. They are rapidly surrendering their circulation. More than $33,000,000 are already given up, and the best authorities anticipate the surrender of at least five millions monthly until business revives. Yet such are their resources that they cannot fail; but their financial strength and power of ready combination place them in a position to uphold both public and private credit in this emergency, and by so doing they may endear themselves to the people and perpetuate the system in the confidence of the country. It is an opportunity which both wisdom and patriotism must prompt them to embrace; a duty which they are under strong moral obligation to discharge, and neglect of which will insure their condemnation in the public judgment and lead to the final destruction of the system itself. The national banks exercise, under restrictions of law, in trust for the people, a portion of the sovereign power; that of furnishing a part of the current money of the land. Such a trust cannot be managed and enjoyed merely as a profitable privilege for private gain. Those who control these institutions are bound to remember their high functions and their semi-official relations with the Government and to the whole American people. They should cherish broad views and elevated sentiments; they should pursue that financial policy which shall disarm unfriendly criticism, relieve the burdens of industry, liberate the wheels of traffic and production, and place the financial condition of the country upon the indestructible basis of an elastic currency interconvertible with coin.

Every bank holds the chartered right to exist for twenty years from its inception, provided it does not violate the conditions of the organic law; and the current threat of their abolition against their consent is impossible of execution without the destruction of vested rights. It is, therefore, far better for the peace and prosperity of the country that the people should so understand it. Honest statesmanship owes, and will ever pay, candor to its constituency. The system will remain, certainly until this crisis is past, and we must deal with it as one element of the situation; and should these institutions rise with the occasion, they are our chief reliance; but should their conduct be antagonistic to the public good, should they degenerate into mere corporate Shylocks, illustrating anew the old saw that corporations have no souls; should they crush the credit and business of the country, by grasping enforcement of their claims and destruction of securities by ruinous rates of interest extorted from the necessities of prostrate industries, which should be fostered and stimulated by forbearance and by largely reduced rates of discount, it will be, and ought to be, found most difficult to restrain the people from the indignant abolition of the entire system, regardless of consequences to the banks as well as to themselves.

There is every reason to believe that the dictates of patriotism and enlightened prudence will prevail, and that the national-bank system will prove hereafter, as hitherto, a powerful bulwark in the maintenance of our credit at home and abroad. Considering the great service which we may justly require and expect of these banks in carrying business and credit steadily and at reasonable rates during this season of depression, it would be well for us to consider that it would be a process of years to accomplish the substitution of any other agency to transact the banking business of the country. What other agency can be devised, or, if devised, can be agreed upon?

FORCED LIQUIDATION OF THE BANKS.

The liquidation of the banks involves the collection of all their loans, amounting now to more than $1,000,000,000; and there is not a business man in the country who does not know that this process, arbitrarily enforced, involves the sacrifice of his property, pledged as collateral security, for a song, and general bankruptcy, by which enormous masses of property would fall into the hands of the banks. It is no sufficient reply to this to say that the loan and discount department of the banks could continue in operation after compulsory withdrawal of the national circulation; for while some of the heavy city banks might continue simply as banks of deposit, yet the great mass of these two thousand money centers, scattered all through the country, in these hard times, would be prostrated by the loss of the small margin of profit on circulation, and, preferring to rely upon the interest of their bonds only, would retire from the risks of business and cease to exist at all. And what then? After ten years of uncertainty, anxiety, and ruin, what will be substituted in their stead? All the problems which now perplex us will remain. The national debt will remain. Gold value will still be the measure of the world, and the same inexorable necessity of conformity to it will remain, and, after the loss of ten years of production and the destruction of the hopes, energies, and happiness of a generation, we or our children shall begin once more in sadness at the foot of the hill.

I am under special obligation to you, sir, and to the House for this extended courtesy, but I shall seldom trespass upon the attention of this honorable body.

Our country has completed the first century of her history, and now turns with gratitude, courage, and hope to the solution of the great problems and to the achievement of the grand possibilities of her illustrious destiny. Seven terrible years of blood won her independence from the world, and the tremendous internecine conflict of this generation has decreed the integrity and sovereignty of the American Union. We are a nation. A few men who have learned nothing while the foundations of the great deep were broken up are still harping of State rights and sovereignty. Should their physical lives be spared until the trump of judgment sounds, they would mistake it for the bugles of Beauregard signaling the bombardment of Sumter and the war of 1861. But these men are of the dead past. To them there is no future. Their voices will soon grow husky with time and their forms will disappear with their long-departed theories in the peaceful bosom of our common mother.

The nation is a unit. The man who now knows a North, a South, an East, or West, is a traitor in his heart. The future of this country is not in the hands of traitors or fossils. Inexorable destiny has made every man free, and our destiny is greater than we know. But our fate now lies in the just settlement of the great economic questions of the day. The laws of eternal justice will assert themselves, so will the fundamental principles of industrial economy, for they are founded in morality and necessity. They will be vindicated by the prosperity or destruction of the nation, according to the election it shall make of integrity or fraud as the touch-stone of its policy. The credit of the honest man is sure, and the nation can carry its burdens for generations only by preserving its reputation for scrupulous good faith. Neither can we preserve the high sentiment of patriotism in the citizen if there is a taint of dishonor upon the now bright shield of our national integrity.

No matter what clamor may fill the air for retrenchment, reform, and purity in the civil service, the great basic question before the country is, Will the American people keep their word and tell the truth by their deeds? Can the stream rise higher than the fountain? And will a people who vote to defraud their creditors be likely to maintain elevated morality in a government purely representative? All reform, all hope of permanent reform is in the essential honesty, self-sacrifice, and vigorous enterprise of the common people of the land. Every citizen, in private as well as in public station, is responsible; and while he denounces with unsparing tongue and pen all venality in high places, let him reflect upon his own life, and see whether he has not cheated his washerwoman or needlessly enforced his mortgage upon some poor man's cow. The man who finds none but villains in public or private life may thank God for the mercy, or luck, which has thus far enabled him to cheat the gallows of himself.

The retrenchment and reform which alone will bring permanent relief to this country are radical. They must be everywhere. Denouncing others, we must not forget ourselves; but listening to the still small voice of conscience and self-review, begin the renovation of the Republic in the bosom of the family and the silence of the individual heart. As a whole, the American people have never failed to manifest exalted sentiments and heroic devotion to all that ennobles human nature both in peace and in war. Financial adversity is now testing them in its fiercest fires. But let no man despair of the Republic. The integrity of the nation is sure, its courage indomitable, its resources boundless, and its prosperity, glory, and perpetuity are built upon the eternal rock.

STATUE OF ETHAN ALLEN.

Mr. HENDEE. I offer the concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the thanks of this Congress be presented to the governor, and through him to the people of the State of Vermont, for the statue of Ethan Allen, whose name is so honorably identified with our revolutionary history; that this work of art is accepted in the name of the nation and assigned a place in the old Hall of Representatives, already set aside by Congress for the statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Vermont.

Mr. HENDEE. Mr. Speaker, in 1864 Congress passed an act setting apart the old Hall of the House of Representatives for the reception and protection of statuary; and the President of the United States was authorized to invite each State to furnish the statues of two deceased citizens illustrious in the civic or military history of the State.

Rhode Island was the first to respond, and placed therein the statues of Roger Williams and Nathaniel Greene. Other States have, in a most worthy manner, complied, and now Vermont asks to be represented in that group and to be allotted its proper place in that historic and memorable Hall. My State has, through its governor, now passed over to the Government the marble statue of one of her deceased citizens illustrious mainly in its military history—Ethan Allen.

It seems to me, Mr. Speaker, to be appropriate and worthy of this House to pause in its deliberations for a while and forget for the moment the business of the hour that it may look back into the history of the struggle which made us the happy, united, and prosperous people we now are.

In accepting this statue from my State it is well, I think, to contemplate and speak briefly of the life, character, and services of so distinguished a citizen as it represents. Ethan Allen was born in Litchfield, Connecticut, on the 10th day of January, 1737. He lived in that State until 1769, when he moved to Bennington, Vermont, being thirty-two years of age. In order, Mr. Speaker, to acquaint this House more fully with the services of Allen, I may be permitted to refer briefly to the early history of my State.

The territory now the State of Vermont, was originally claimed both by New York and New Hampshire and a portion of it by Massachusetts. Settlements commenced in 1724 under grants from New Hampshire. Under these grants land was cleared, houses erected, and neighborhoods created. The grants were issued under royal authority and were purchased mostly by men from New Hampshire, Massachusetts, and Connecticut. The lands occupied by the very first settlers were granted by the provincial government of Massachusetts, but by a decree of King George II made on the 5th of March, 1740, this portion of the State was found to lie north of Massachusetts and was made a part of New Hampshire. About this time Benning Wentworth was commissioned as governor of the province of New Hampshire, who continued to make further grants which amounted in 1754 to fifteen townships. In 1761 these grants had extended over a territory of more than one hundred townships each six miles square, and many actual settlements had been made and the inhabitants were increasing in number and improvements were progressing in proportion.

The government of New York, wishing to secure to itself the profits of these lands, became alarmed and determined to stop all further proceedings on part of the New Hampshire government. And in 1763 Lieutenant-Governor Colden, of New York, issued his proclamation, in which he asserted jurisdiction over all the territory from the west side of the Connecticut River to the east side of Delaware Bay. He based this act upon the grants made by Charles II to the Duke of York in 1664 and 1674. The effect of this proclamation among the settlers was to make them restless and doubtful as to the validity of their titles; and, to inspire confidence in the soundness of the New Hampshire titles, the governor of that province issued a counter-proclamation, setting forth that the grant to the Duke of York was obsolete and that the grants made by New Hampshire would be confirmed, even if the Crown should alter the jurisdiction. The inhabitants were exhorted by the governor to be industrious and diligent in cultivating and improving their lands and not to be intimidated by the threats of New York. The settlers became quiet and believed, as they had a right to, that, though the jurisdiction should be changed, their titles and the right to possess the lands they had purchased would remain undisturbed. New York appealed to His Majesty by petition for jurisdiction over the disputed territory, and on the 20th of July, 1764, he ordered that the western bank of the Connecticut River form the boundary line between New York and New Hampshire. This created no particular alarm among the settlers, as they believed, having purchased and paid for their lands and secured deeds under grants from the same Crown that had now changed the jurisdiction, that their titles were good and that they should not be compelled either to abandon or repurchase their lands, and, entertaining this belief, they were willing to submit to the authority and laws of the colony of New York. Now the trouble commenced; for the government of New York called upon the settlers to surrender their charters and repurchase their lands under grants from New York. Some complied, but most asserted in firm language their rights and refused absolutely to obey. They determined to resist all efforts to dispossess them of their lands, and for that purpose various associations were formed among the settlers. Appeals were made to the Crown, messengers sent to England, and many other steps taken to protect their rights and to secure to themselves permanent and indisputable titles. In the mean time suits of ejectment were brought in New York and judgments obtained against the settlers; but they resisted the decisions being carried into effect by various devices and sometimes by force.

The struggle went on in different ways until about the year 1769, when Ethan Allen came to reside among the grants and located at Bennington; and from this time forward his life was an active and remarkable one. Being an honest and just man, he at once joined the settlers in opposition to the authorities of New York. He first attempted to have the rights of the New Hampshire grantees protected by the courts; several cases were tried, but in every instance the settlers were defeated. These trials occurred in Albany, New York, and Allen was there in person. Before leaving Albany he was advised by the attorney-general to go home and advise his Green Mountain friends to acquiesce in the decrees of the New York courts and make terms with their new landlords and was reminded of the old proverb, that "Might often prevails against right." Allen coolly replied to him that the gods of the valleys are not the gods of the hills, meaning, evidently, that though the land-jobbers of New York were the gods of the valley of the Hudson they were not the gods of the green hills of Vermont. He returned to his home and a convention of the settlers was immediately called, in which it was decided to defend their rights and property which they possessed under the New Hampshire grants against the usurpation and unjust claims of the governor of New York *by force*, as law and justice were denied them. They carried their resolution under the leadership of Allen into execution. As they were resisting the laws of New York they were indicted as rioters, but the officers of the New York courts who were sent to arrest them, as one has said, were successfully resisted by force and were severely chastised "with twigs of the wilderness."

In order to render the opposition more effectual a military association was formed, and Ethan Allen was appointed commander. The association was composed entirely of the settlers, and from that time forward they were known as the "Green Mountain Boys." They were a brave, noble, and honest band of men, and while contending for a known right knew no fear, and dared to resist the unjust and oppressive laws of New York and its officers. They were denominated the Bennington mob by proclamation of the governor of New York, and by the people were resolved to be lawless banditti, and at different times rewards of £50 and £100 were offered for the arrest of Allen, and smaller sums for those associated with him; but all this availed nothing, as Allen kept up the resistance, and the New York land-jobbers, as they were termed, never succeeded in securing his arrest.

The sufferings and hardships of these early settlers were most severe and unparalleled. Houses were burned, crops destroyed, homes made desolate, and yet they resisted the authority of the laws and successfully maintained their organizations and retained their possessions until the close of the controversy which was ended by the prorogation of the New York Assembly in April, 1775, which never met again, being superceded by the revolutionary authority of the Provincial Congress. Thus far Allen had been contending for his own rights and those of his neighbors without commission or pay and as a private citizen.

It will be seen that Allen was engaged in contending with the authorities of New York for the supremacy of his rights and those of the other New Hampshire grantees for about six years. At this time war was imminent with England. The people had determined to throw off the yoke of tyranny and sue if need be at the point of the bayonet for liberty.

Allen loved liberty and now seemed to approach the time when the occasion for which he was born was before him. The time when he would be allowed the privilege and honor of striking a blow at the enemies of the principles he so much cherished and to vindicate his rights as an American citizen. He believed that—

> When God from chaos gave this world to be,
> Man then he formed, and formed him to be free.

At a meeting of a few citizens of Hartford, Connecticut, held about the 27th of April, 1775, it was decided that Ticonderoga, a fort on the New York shore of Lake Champlain, must be taken, and Benedict Arnold asked the privilege of attempting its capture, but the command was finally awarded to Colonel Allen, though Arnold appeared, presented his commission, and demanded the right to take charge of the expedition; but the men, most of them Green Mountain Boys, refused to serve under Arnold, and threatened to abandon the expedition unless commanded by Colonel Allen. Arnold yielded, but was allowed to serve as a volunteer. Allen had under his command about two hundred and seventy men, two hundred and thirty of whom were "Green Mountain Boys." On the 9th of May, 1775, he had marched from Castleton, Vermont, to a point on Lake Champlain opposite the fort. In the night he crossed the lake in small boats but was able to land only eighty-three of his men in time. The morning was approaching, and his men were drawn up in three ranks, when Allen thus addressed them:

Friends and fellow-soldiers: You have for a number of years past been a scourge and terror to arbitrary power. Your valor has been famed abroad and acknowledged, as appears by the advice and orders to me from the General Assembly of Connecticut to surprise and take this garrison now before us. I now propose to

advance before you and in person conduct you through the wicket-gate; for we must this morning either quit our pretensions to valor or possess ourselves of this fortress in a few minutes; and inasmuch as it is a desperate attempt, which none but the bravest of men dare undertake, I do not urge it on any contrary to his will. You that will undertake voluntarily poise your firelocks.

Every man poised his firelock, and Allen at the head of the center file marched them immediately to the gate of the fort. He entered, driving the sentry before him, who gave the alarm; but Allen in an instant had possession, and demanded the surrender of the fort amid the huzzas of his men. Captain Delaplace, who was in command, soon appeared, and demanded by what authority, when Allen replied, in that sentence so familiar in every New England home, "In the name of the Great Jehovah and the Continental Congress." Delaplace remonstrated; but Allen, with drawn sword, again demanded the surrender of the fort, and it was surrendered.

This was the first great event in the military life of Allen, and I should say the crowning event; and it shows him to have been a man of executive ability, boldness, courage, and perseverance—a man who could command and at the same time inspire confidence and fidelity in those under him. The speech delivered to his men before they moved on the garrison though simple was effective. It touched the pride as well as the hearts of his followers, and under the lead of Allen they knew no fear as they, too, believed that his commission was from a source higher than that of any earthly tribunal. Allen afterward said of this event:

This surprise was carried into execution in the gray of the morning of the 10th of May, 1775. The sun seemed to rise that morning with a superior luster, and Ticonderoga and its dependencies smiled on its conquerors, who tossed about the flowing bowl and wished success to Congress and the liberty and freedom of America.

Mr. Speaker, this great event, one of the first successful blows of the Revolution, occurred on the 10th of May, 1775.

One hundred and one years from that very day, the 10th of May, 1876, this Congress and all the people of this great land and the whole world beside were invited to Philadelphia, the birth-place of our Republic, to witness the opening ceremonies of our magnificent International Exposition. An event, sir, which must and which does inspire every true American with that love of country, that devotion to principle, and that hatred of oppression which so filled, moved, and made victorious the hero of Ticonderoga.

Early in the fall of 1775, the little army which was commanded by Generals Schuyler and Montgomery, were ordered into Canada, and Montreal became one of the objective points. Allen, who was still at Ticonderoga, was requested to accompany the expedition. He went, and attempted, in connection with Major Brown, to capture the city of Montreal, which was guarded by royal soldiers. Allen was to cross the river Saint Lawrence a little to the north of the city, and Brown a little to the south. Allen executed his part of the plan, and on the night of the 24th of September, 1775, crossed the river in canoes, taking with him one hundred and ten men. Brown failed to co-operate, and the result was, of course, disaster. I will not here give details, but will content myself with saying that Allen made a desperate fight. The battle commenced about two o'clock in the afternoon, and lasted till near night, when Allen was forced to surrender, and, with his men, was taken prisoner.

Allen was in captivity for two years and eight months, and his treatment and sufferings for a portion of the time were of the most severe character, and worthy only to be inflicted by a half-civilized nation. He was placed in heavy irons, and taken on board a man-of-war, and sent to England. He was threatened with and expected nothing short of death as his punishment. Yet he was brave, independent, and never for an instant yielded his convictions that he had been fighting for a noble and liberty-deserving people, and a cause which must ultimately give freedom and independence to his native country. Allen was at times rough in his language, and was not what is now known as the polished gentleman. He was plain, blunt in expression, but determined in his purposes, and a man who could not be induced by threats or the offer of bribes to do a mean or wrong act, or for a moment to abandon his principles or become a traitor to his friends or country. As proof of this I will only call attention to one instance which occurred during his captivity. It was after he had been brought back to America, but before he had been exchanged, and at a time when he had no expectation of release.

A British officer of high rank sent for Allen, and when he appeared the officer addressed him thus:

Your faithfulness, though in a wrong cause, has nevertheless recommended you to General Sir William Howe, who is minded to make you a colonel of a regiment of new levies in the British service, and I propose that you go with me and other English officers to England and there be introduced to Lord G. Germain and probably to the King.

He also proposed to Allen "that he should be clothed equal to such an introduction and that for his services as such colonel he should be paid not in paper rags but in hard guineas. He further said to him that he should join General Burgoyne and assist in the reduction of the country, and when that was accomplished, which was certain to be done, he (Allen) should have a large tract of land either in the New Hampshire grants or in Connecticut, it would make no odds which, as the whole country would be forfeited to the Crown." To this, Allen replied:

That if by faithfulness I have recommended myself to General Howe I should be loth by unfaithfulness to lose the general's good opinion; besides that, I viewed the offer of land to be similar to that which the devil offered Jesus Christ: to give Him all the kingdoms of the world if He would fall down and worship him, when at the same time the miserable soul had not one foot of land upon earth to give.

After this Allen was admitted to parol in New York, and about the 1st of May, 1778, he was exchanged for Colonel Archibald Campbell and set at liberty. He immediately started for Valley Forge, where he was welcomed by General Washington with peculiar marks of approbation and regard. Allen at once offered his services in behalf of his country. He obtained leave to visit his home in Bennington, Vermont, which he called the "capital" of the "Green Mountain Boys." He arrived there the latter part of May amid great rejoicing, and under order of Colonel Herrick fourteen cannon were fired, thirteen for the United States and one for young Vermont.

While Allen was a prisoner his State or the people of the grants asked admission into the Union of States, but they were resisted by New York, and so fierce became the contest, and so uncertain the result, that on the 15th of January, 1777, the people of Vermont, through delegates in convention assembled, declared themselves independent. They took this bold step with the same spirit and determination that moved the colonies in declaring their independence.

Yes, Mr. Speaker, Vermont made a declaration of independence. It was short and decisive. I will give it:

This convention, whose members are duly chosen by the free voice of their constituents, in the several towns on the New Hampshire grants, in public meeting assembled, in our own names, and in behalf of our constituents, do hereby proclaim and publicly declare that the district of territory comprehending, and usually known by the name and description of the New Hampshire grants, of right ought to be, and is hereby declared forever hereafter to be, a free and independent jurisdiction, or State; to be forever hereafter called, known, and distinguished by the name of New Connecticut, *alias* Vermont.

That the inhabitants who at present are, or who may hereafter become residents, either by birth or emigration, within said territory, shall be entitled to the same privileges, immunities, and enfranchisements as are allowed, or may hereafter at any time be allowed, to the inhabitants of any of the free and independent States of America. And that such privileges and immunities shall be regulated in a bill of rights and by a form of government to be established at the next session of this convention.

From this time forward until her admission into the Union, in 1791, Vermont was as independent as are the United States to-day, and yet she was vigorously and continually pleading at the door of Congress for admission, and New York was as continually and vigorously opposing her.

As soon as Allen was released he took a hand in this contest which Vermont had inaugurated for admission as one of the States of the Union.

In February, I think, 1778, Governor Clinton, of New York, issued a proclamation in which he said that that government "would vigorously maintain its rightful supremacy over the persons and property of those disaffected subjects"—referring to the people who had heretofore defended the New Hampshire grants and who had now declared themselves independent.

Colonel Allen published an address to the people in answer to this proclamation, in which he claimed it was mere "sophistry" and designed "only to deceive the woods people."

He closed his address by the following appeal to his followers:

You have experienced every species of oppression which the old government of New York, with a Tryon at its head, could invent and inflict; and it is manifest that the new government are minded to follow nearly in their steps. Happy is it for you that you are fitted for the severest trials! You have been wonderfully supported and carried through thus far in your opposition to that government. Formerly you had everything to fear from it, but now little; for your public character is established and your cause known to be just. In your early struggles with that government you acquired a reputation for bravery; this gave you a relish for martial glory, and the British invasion opened an ample field for its display, and you have gone on conquering and to conquer until tall grenadiers are dismayed and tremble at your approach. Your frontier situation often obliged you to be in arms and battles; and by repeated marchings, scoutings, and manly exercises your nerves have become strong to strike the mortal blow. What enemy to the State of Vermont, or New York land monopolizer, shall be able to stand before you in the day of your fierce anger?

Allen and his friends continued these efforts for admission annually before Congress, when, in 1780, or thereabouts, Colonel Robinson, a British officer, wrote Allen two letters proposing that he should join the British cause or assist "in uniting America to Great Britain, and thereby restore the happy relations which have been so wantonly and unadvisedly destroyed." In short, he asked Allen to become a traitor to his cause and his country. To these letters Allen made no reply, but inclosed them in a communication to Congress. In his communication Allen justified the course of Vermont in declaring herself independent, in the strongest terms, and to show his determination to establish that independence, and at the same time his desire for peace, and that Vermont should be admitted as one of the States, I will read a part of his letter to Congress:

I am confident that Congress will not dispute my sincere attachment to the cause of my country, though I do not hesitate to say, I am fully grounded in opinion, that Vermont has an indubitable right to agree on terms of a cessation of hostilities with Great Britain, provided the United States persist in rejecting her application for a union with them. For Vermont would be, of all people, most miserable, were she obliged to defend the independence of the united claiming States, and they be, at the same time, at full liberty to overturn and ruin the independence of Vermont. When Congress considers the circumstances of this State they will, I am persuaded, be more surprised that I have transmitted them the inclosed letters than that I have kept them in custody so long, for I am as resolutely determined to defend the independence of Vermont as Congress is that of the United States; and rather than fail, I will retire with the hardy Green Mountain Boys into the desolate caverns of the mountains, and wage war with human nature at large.

From what I have said and read it will be seen that Allen was a bold, determined man, and though sometimes rash, a most successful leader. The masses were ever wont to go where he might see fit to lead.

Allen was afterward made brigadier-general of the militia of Vermont, and rendered great service to his State and country. I will not go further into detail only to say that Allen finally settled in Burlington, Vermont, where he died February 12, 1789, at the age of fifty-two years. His remains lie buried near Burlington, Vermont, on a high point of land overlooking Winooski village and the valley of the Winooski River, one of the most beautiful and fertile valleys in New England.

The people of Vermont have always had the highest regard for the memory of Ethan Allen, and now that regard is attested by the act of the Legislature of that State authorizing the placing in one of the public halls of the nation at its capital his statue. The statue is of marble and is most beautiful in design and impressive in attitude and expression. It is creditable to the artist, and he may well be proud of it as a work of art. It was executed by Larkin G. Mead, a native of Vermont, whose reputation as an artist in foreign countries as well as in his own is of the highest character. The statue speaks for itself.

In our struggle for independence Allen took an active and decisive part. He was moved in this not by that love and morbid ambition to be heard and known of his fellows, which so much actuates men of the present day, but by that sense of justice and patriotism which brought into active service the best and most effective men of his time.

Mr. Speaker, we of to-day know of each other by being associated together officially and socially, we know our neighbors by daily contact in business. We judge the world and the times and the great men of the age by what we observe and know and we judge with commendable accuracy, but as to men of the heroic age we must appeal to history.

Allen was of that age, and from its history we are justified in saying that he was one of the pioneers of liberty and manfully wielded his powers and weapons in hewing the way for the progress, happiness, and independence of these United States. He helped to found the colonies from which the States sprung and to plant in their soil the scions from which has grown this great country with its institutions, its prosperity, and its model free government.

Yes, Mr. Speaker, Vermont honors the name of Ethan Allen by placing his statue in the Old Hall of this Capitol, which to-day floats the flag of a free and united country, for which he fought and under which he led his little band of "Green Mountain Boys" to victory. In that hall among others are the statues of Washington, Greene, Roger Williams, Lincoln, Sherman, Trumbull, and Winthrop, the fathers and defenders of this magnificent Republic, and now Vermont contributes to that group a fit companion, a monumental representation of one whose memory and deeds it will ever cherish with that enduring regard and affection which has no common limit.

Allen was a man of spirit, power, indomitable will and courage, and yet was kind, just, and remarkable for his anxiety and efforts for any in trouble. He was a terrible foe to traitors, and his hatred for those who would abridge the rights and liberty of the American citizen had no limit; and let me say that Vermont has that love for the name of Ethan Allen which approaches near to reverence. Her sons of to-day partake of the same sentiment, patriotism, and courage which filled the breast of Ethan Allen, and the Government which he fought to create the Green Mountain Boys of to-day, if need be, will fight to protect and perpetuate. He taught a lesson and lived a life which has been read and reread until every true Vermonter is led to exclaim, "Let no man speak ill of Ethan Allen."

Mr. Speaker, Colonel Allen fought for a principle—the equality of all men before the laws. With his copatriots he helped to secure and make fast that principle and to establish that independence in this broad land which has been recognized by all governments for a full century.

Yes, sir, Ethan Allen was present at our national birth, of which this is the centennial year, and every Vermonter, yes, every American citizen, will recognize the appropriateness of the time sought by my people to make this presentation of his statue to this great Government.

One hundred years ago Allen was one of Vermont's most honored and devoted citizens, and at that time was giving his manly and heroic services for her protection, with a faithfulness, with a zeal, with an unselfishness and patriotism known only to that age.

That was the first period in our history that "tried men's souls." The second was in 1861-'65, when the same power which moved and sustained the patriots of '76 moved, sustained, and carried to victory the patriots of 1861.

When Allen was fighting to establish a free government, and to give it the ensign of liberty, the "stars and stripes," little did he think that in less than a century the grandsons and great-grandsons of the men who fought by his side would strike at the life of his and their country and ignominiously trail that ensign in the dust.

He did not once think, sir, that any generation that should follow his of American birth could produce a people that would without cause attempt to destroy the noble work of their fathers; but such is history. And I may be pardoned for saying here, I think, what the historian has long since truthfully recorded, that the Green Mountain Boys of 1861 carried into the battles for the preservation of the Union the same spirit, the same courage, the same faith in a just Providence, and the same patriotism that did the Green Mountain Boys of 1776 into the revolutionary war for the creation of this magnificent and permanent free government and the establishment of liberty throughout our entire domain.

Mr. Speaker, the green hills and rich valleys of Vermont are to-day inhabited by men and women whose sires and grandsires were the original settlers and pioneers of the New Hampshire grants, and I might say many of them are the direct descendants of the historic Allen family. And what are they? I answer, an intelligent, industrious, sober, honest, and brave people, who know but one allegiance, that to their native country; but one flag, that the "stars and stripes;" and but one god, and that the God of their fathers.

Mr. Speaker, on the 14th of May, 1778, Congress recognized Colonel Allen's services, and honored him by passing a resolution granting him a brevet commission of lieutenant-colonel in reward of his fortitude, firmness, and zeal in the cause of his country, and now let the American Congress honor his memory and that of the Green Mountain Boys who stood side by side with him in the country's peril by the unanimous adoption of this resolution.

Mr. JOYCE. Mr. Speaker, I venture to assert that no act of this Government during the past fifteen years of our marvelous history brings out in a stronger or clearer light the hopeful and buoyant character of our people, and the perfect confidence felt at all times by the loyal men of the North in the strength, integrity, and perpetuity of the American Union, than the law providing for a national gallery of statuary, in which "each and all the States" should be represented.

In the midst of that gigantic civil war, when the people of nearly one-half the States of the Union were in arms against the Government, and while General Grant, backed by the whole North, was striving with varying fortune to grasp the prize which McClellan, and Burnside, and Pope, and Hooker had, after the most desperate conflicts, failed to obtain, Congress, on the 2d of July, 1864, passed an act which declared that—

> The President is hereby authorized to invite *each* and *all* the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or for distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration.

On the 27th of November, 1872, the people of my State, in order to avail themselves of the benefit of said act and have Vermont properly represented in that illustrious collection of American statuary, by their Legislature, passed an act declaring that—

> The governor of this State is authorized and requested to contract, in behalf of the State, with Hiram Powers, for a statue in marble of the late Jacob Collamer, and with Larkin G. Mead, for a statue in marble of Ethan Allen, and said statues, when completed, to be placed in the National Statuary Hall in Washington.

It was the sublime conception of a noble and patriotic soul that first suggested the plan of inviting "each and all the States" to bring the statues of their illustrious citizens to this national gallery, that our whole country might be represented in this imposing and majestic assemblage of the worth and valor of the early days of the Republic. By it the history of this vast country during the first hundred years of its existence, wild and grand as it is, will be concentrated and made manifest in that hall to the people of all nations and all ages.

This tribute of gratitude and homage, although in forms more simple, has always been paid to the chivalrous hero and patriot statesman by those for whose rights and liberties they have labored and died. The brazen pillar and marble shaft, together with the life-like statue, wrought and adorned by genius and art, have perpetuated their names and images and immortalized their brave and virtuous deeds. It is the decisive and imperishable evidence of the people's appreciation of true heroism and exalted worth, which they demand shall be transmitted perfect and unchangeable to posterity.

If "Ilium such honors to her heroes paid," how fitting and appropriate that America, the last born among the nations, the secure abode and guarded dwelling-place of liberty protected by law, should not only imitate but excel all the nations of the earth in honoring and revering the memories of those through whose valor in the field and intellectual power in the council we are to-day the model republic and the leading sovereignty among the powers of the earth.

We learn from history's vast store-house of crystallized human observation and experience that divine Providence has always raised up men, prepared the way, and shaped the affairs of mankind for the birth and advent of any great and important occurrence in the history of our race. When Heaven interposed, in the person of our Saviour, for the salvation of a lost world, Augustus Cæsar sat among the seven hills of Rome and waved his supreme scepter of power and authority over a world prostrate at his feet.

Yet, a babe is born in a manger in the little village of Bethlehem, in an obscure province of his empire, whose kingdom has eclipsed all the splendors of the Cæsars, and shall have no end.

Leonidas and his two hundred brave Spartans at the pass of Thermopylæ, checked by their stolid valor the victorious armies of Persia, as they were sweeping like an avalanche from the orient, and saved for a time the tottering republics of Greece; and in later years

Boszaris, whose "sword won the battle for the free," drove the Musselman invader from her sacred soil and inspired her people with a new hope and courage.

The honor and heroism of Scotland were vindicated and her liberties preserved, in the hour of her direst peril, amid defeat and victory, by Wallace at Sterling and Bruce at Bannockburn.

Tyranny and despotism were driven from Switzerland and a perpetual republic established among her silver lakes and Alpine peaks by the patriotic sacrifices and illustrious valor of William Tell.

History while teaching by examples often repeats itself, and so when King George the Third finally committed himself to the fatal policy of taxing his American colonies without permitting them the right of representation, England was the first power in Europe and her jurisdiction covered the earth; "her flag was its symbol, and the hiding place of its power was within dark and frowning tiers of artillery; it compassed the earth with an iron belt of glittering bayonets; it spoke in the voice of the morning drum, and stalked with the nightly sentinel along the battlements of impregnable castles."

The "embattled farmers" at Lexington and Concord "fired a shot heard round the world;" Ethan Allen and his Green Mountain Boys demanded the surrender of Old Ti. in "the name of the Great Jehovah and the Continental Congress," and England lost her colonies, was shorn of her strength, and came near being reduced to a second-class power among the nations of the earth.

Vermont has now made her first contribution to the national gallery, and the statue of Ethan Allen, bold, commanding, and majestic, a credit to the youthful sculptor and an honor to the State, stands there amid the wondering and admiring throng, in an attitude of defiance and power.

The order of exercises to be observed on this occasion is prescribed by custom, and in accordance therewith I shall proceed to speak in the briefest manner possible of the life and character of the man whose effigy the people of Vermont, through their Representatives, now deliver to the care and custody of the General Government.

Of the early history and boyhood days of Ethan Allen we know but little, except that it is said he was born in Litchfield, Connecticut, on the 10th of January, 1737, and, following the impulse of his daring and adventurous spirit, removed to the New Hampshire grants when in the prime of life and cast in his lot with that liberty-loving, independent, and struggling people.

The first settlement within the present limits of the State of Vermont was undertaken by the government of Massachusetts in 1724, when they built a fort in the town of Dummerston, on the east side of the Green Mountains; but no sooner was this done than New Hampshire claimed that her jurisdiction extended to within twenty miles of the Hudson, which covered the fort and reached many miles to the westward.

To put an end to the conflict of jurisdiction between Massachusetts and New Hampshire, King George II immediately directed Benning Wentworth, then governor of New Hampshire, to drive off all intruders and take possession of the fort.

In 1749, the famous town of Bennington, on the west side of the mountain, was laid out, and its settlement commenced by order of Governor Wentworth.

The claims of Massachusetts and New Hampshire having been partially disposed of, New York now came forward and laid claim to all the territory as far east as Connecticut River, by virtue of a previous grant from the Crown of Great Britain, and proceeded to turn off all clearers of the land and cultivators of the soil. She at once established courts of justice over the disputed territory, and caused decisions to be made in favor of those who claimed the lands under her authority. She refused utterly to acknowledge the title of the settlers to their lands, and compelled them to either lease them, with all their buildings and improvements, or purchase them from those whose usurped rights and titles they repudiated. The result was the settlers refused to vacate, and the new claimants commenced actions of ejectment in the courts of New York, obtained judgments, and attempted to remove the settlers by force. In the midst of all these collisions and conflicts Ethan Allen, then about thirty-two years old, removed from Connecticut to the grants, and at once took a very decided stand in favor of his fellow-settlers and against the usurpations and encroachments of New York. The mind shudders to contemplate what the consequences might have been in this state of affairs between the New York authorities and the settlers on the grants had not Providence interposed and turned aside the impending evil by calling both parties to unite their efforts against a common foe.

The daring achievement which flashed the name of Ethan Allen, like a meteor athwart the nation's sky, was the first act in a drama which changed the whole history of this country, and gave to the world a nobler humanity and a purer and more enlightened civilization. That sublime deed of voluntary and self-imposed duty, performed by Allen and his devoted followers, emitted a spark which exploded the world's magazine, and lit up the whole universe of God with a light whose dazzling brilliancy shall continue to increase until earth shall be from her center hurled, and the dark shadows of time shall melt away into the glorious brightness of a heavenly eternity.

The colonies of Massachusetts and Connecticut were settled by a race of men composed of the very cream and essence of European society, and whose equals have not been known in the world's history. From this stock came the seed which caught root amid the rocky wilds and snow-capped hills of the Green Mountain State, and there, surrounded by domestic violence, menaced by the savages of the forest, and rocked by the throes of a revolutionary convulsion which shook every throne in Christendom, grew up a race of men who loved liberty and hated oppression and tyranny; who were born and reared in the vitalizing atmosphere of rugged virtue and honest industry; a race which has never deserted its first love, and has never, thank God, disgraced the name or brought discredit or shame upon a noble ancestry. They were men who sincerely and religiously believed that "resistance to tyrants was obedience to God;" "that the gods of the valleys are not the gods of the hills." They were an uncomfortable race to coerce into any line of conduct not agreeable to their sense of duty and of right. No blandishments could seduce them and no threats intimidate them; they could endure the heat of summer and the frosts and snows of winter; they were as handy with the pen and upon the stump as they were with the rifle and the sword; they had strength and manly courage, with will and conscientious convictions, to back them up; they were a perfect leprosy, and worse than the plagues of Egypt, to old King George, and Burgoyne said they were "the most wild, active, and rebellious race that he knew on the whole continent."

With New York upon one side, and New Hampshire upon the other, seeking to rob them of their birth-right, Great Britain upon the north threatening them with slaughter and fiery vengeance, and the Continental Congress treating them as the illegitimate offspring of an illicit intercourse; smarting under their wrongs, writhing under the scorn and insults heaped upon them, and ready to retire to the rocks and caves of their native mountains and wage unceasing war with humanity at large for what they knew to be their rights, it is no wonder that, when the news spread through the valleys, over the hills, and along the shore of their beautiful lake, that the blood of their fathers and brothers had been shed by a hireing soldiery; that the long expected and anxiously looked for moment had arrived; that the spirit of American liberty had received its first baptism of blood and fire at Lexington and Concord; that the tocsin of freedom had been sounded and the flag of Independence unfurled—was it any wonder, I say, that from every log-cabin and cave upon the grants should have burst forth the inspiring and defiant notes of Ethan Allen's war-song?

Tradition has it that the following lines were composed by Colonel Allen when gathering his clans. However that may be, there can be no doubt but they breathe the spirit which inspired the hero in his determined opposition to British tyranny:

Ho—all to the borders! Vermonters come down,
With your breeches of deer-skin and jackets of brown,
With your red woolen caps, and your moccasins, come
To the gathering summons of trumpet and drum.

Come down with your rifles!—let gray wolf and fox
Howl on in the shade of their primitive rocks;
Let the bear feed securely from pig-pen and stall—
There's a two-legged game for your powder and ball.

What seek they among us? The pride of our wealth
Is comfort, contentment, and labor, and health,
And lands which, as freemen, we only have trod,
Independent of all save the mercies of God.

Come York or come Hampshire—come traitors and knaves;
If ye rule o'er our *land*, ye shall rule o'er our *graves;*
Our vow is recorded, our banner unfurled;
In the name of Vermont we defy *all the world!*

The moment colonial valor had struck the first spark of American liberty, Allen began to look with longing and anxious eyes upon Fort Ticonderoga. The capture of that fortress, he knew, would not only give him vast quantities of arms, ammunition, and stores, but would break the cordon of forts extending from Canada to the Hudson River, secure the possession of Lake Champlain, and enable him to protect the settlers upon the grants from the power of England and her savage allies.

The forts of Ticonderoga and Crown Point had always been regarded as of the most vital importance by the French and English respectively, as each had held possession of the country, because they constituted the gate-way between Canada and the colonies. Consequently this region had been the scene of hostile strife and bloody battles for two centuries.

Only a few months before the affair at Lexington and Concord, General Gage, then in command of His Majesty's forces at Boston, had determined to repair and re-enforce both of these forts, but in his fancied security, arising no doubt from his contempt of the colonists, he had neglected it.

This fact, and the condition of the forts and number of the garrisons, was known to Allen, to Samuel Adams, and Joseph Warren, and also to two or three members of the provincial legislature of Connecticut, who took a deep interest in the welfare of the colonies, who at once adopted measures looking to their capture, whenever hostilities should commence, which was then hourly expected. On the 19th of April the bloody scene on Lexington Common and the skirmish at Concord Bridge set the whole country in a blaze, banished all hopes of a reconciliation with the king, and put the patriots of America in a defensive attitude to the Crown and power of the mother country.

Eight days after this every man in the colonies and upon these

grants had a full knowledge of the situation, and the previously arranged plans for the capture of these forts were put into practical operation. Upon the personal responsibility of Silas Dean and David Wooster, of New Haven, $1,000 was raised to pay the expenses of the campaign, and Edward Mott and Noah Phelps were sent to the frontier towns to spy out the land, and, in connection with Allen, to start the expedition.

Full of hope and burning with holy zeal in the cause dear to their hearts, these men proceeded northward, arriving in due time at Pittsfield, Massachusetts, with sixteen men. Here they were joined by Colonel Easton and John Brown, with men enough from Massachusetts to swell the whole number to forty men all told.

Not halting at Pittsfield, only to collect up their men, they pushed on to Bennington, where they found Allen, who had already been notified of their coming, ready to receive them, with the squad of Green Mountain Boys which he had called together. At Bennington a council of war was held, Allen appointed commander, the place of rendezvous fixed at Castleton, and all the plans laid and matured for the capture of the forts. On the 7th of May an intrepid band of two hundred and seventy men, all of whom except forty-six were Green Mountain Boys, had collected at Castleton, with Allen at their head, devoted, soul and body, mind and spirit, to the accomplishment of this bold and daring design. All was now ready, Allen was in his glory, and the men impatient for the word. Captain Herrick was sent with a detachment of men to Whitehall to capture the younger Skeene, together with all the materials collected at that place, and then join Allen with the main body at this point. Major Douglas was sent to Panton to secure all the boats that could be discovered, and return to Shoreham with all possible dispatch, as upon his success chiefly depended the means of transporting the troops across the lake. Word was sent to Remember Baker to co-operate with the expedition from his position at Otter Creek, while Major Beach was sent to Rutland and adjoining towns to arouse the settlers and gather in the volunteers, which duty he faithfully performed, traveling on foot a distance of sixty miles in twenty-four hours, and reported to Allen in time to aid in the capture of the fort.

The present is not the time and this is not the place to enter into a critical analysis of the life and character of the hero of the Green Mountains; suffice it to say that at the time he took command of this expedition he was thirty-eight years old and, as has been well said, was in every sense a remarkable man. His physical organization and character eminently fitted him for the task upon which he was about to enter, and his whole life seemed to have been spent in rendering him more fit for it. In frame he was gigantic, in disposition bluff, petulent, willful, daring, jealous, and tenacious of his individual rights and those of his fellow-settlers; he added to these qualities a sincere and pure patriotism that never cooled or grew dim, and a courage and sagacity equal to any emergency.

"Out of his fiery zeal and fierce struggles, in the end," came the State of Vermont and the establishment of all her boundaries. He was the pet and idol of every man upon the grants and the scourge and terror of their foes. The beach seal and the skin of the catamount were the instruments of his vengeance; and usurping magistrates and bogus tax-collectors fled the borders at his approach. His presence was commanding and his soul deeply imbued with the spirit of liberty. He was thoroughly acquainted with the wants of his people and the wrongs and insults they had suffered. His whole life had been one of strife and contention while battling for the right. Through his prowess and negotiations Vermont became neutral ground during the war, by his strategy the desolating scourge was averted from her people, and through his statesmanship she was at last admitted into the Union.

It is no wonder then that this man in the spring of 1775, when the light in the steeple of the old South church called freemen to arms, should be found thoroughly disciplined and "ripe for treason, stratagems, and spoils."

On the 9th of May, Allen with his little army of two hundred and seventy men, moved cautiously through Sudbury, Whiting and Shoreham to a point called Hand's Cove, on the eastern shore of the lake, arriving there under cover of darkness. Here new difficulties awaited them. Douglas had not reported with boats, and Captain Herrick had not then arrived with his new levies of men, designed as re-enforcements; hour after hour passed, and yet no boats appeared; Allen chafed and roared like a caged lion, and the men, as soldiers always do when kept still, swore like the army in Flanders. Daylight was now approaching and unless the assault was made upon the fort at once, they would be discovered by the garrison, and the entire object of the expedition be defeated, for they could no more capture the fort, except by surprise, than Satan could carry the battlements of heaven by storm. At last one old scow, scarcely able to hold itself above water, is brought from Panton, and another captured from a negro, and the two are found to constitute the only means of transporting these Argonauts in search of the golden fleece on the other side.

Into these two frail barks Allen loaded himself and eighty-two of his courageous and desperate men; the old boats, heavy laden, sink deep in the soft blue waters, while the bronzed and weather-beaten Vermonters, with strong arms and stout hearts, with vigorous strokes drive them toward the opposite shore. As they near the shore the misty outlines of the fort loom up in the gray of the morning, like some grim giant waiting to crush them at a single blow; and just as the first faint light of the approaching day becomes visible above the summits of Killington, Pico, and Bristol, the keels of the old scows touch the western bank, and Allen and his men spring eagerly upon the beach.

The line is silently and quickly formed; young Beman is at the front to act as guide and devote the first act of his young life to his country, and link his name in history with Allen's. Every hand clutches firmly and closely his trusty rifle. Every heart throbs with high hopes and stern resolves as they gaze upon the grim walls of the frowning fortress and the brazen mouths of hostile cannon, which at the least sound of alarm would vomit forth a storm of fire which would sweep them from the earth.

Only about one-third of the men are across, but delay is impossible; the assault must be made at once; the undertaking is dangerous, and the result doubtful. No man should be compelled to go against his will; the order is given that those who are willing, single-handed, to beard the lion in his den, to storm the fortress, to join this forlorn hope, to rush to glory or the grave, should poise their firelocks. Instantly every gun is poised, and Allen knows he has no cowards in his band.

One word before the order is given to forward, and the lion-hearted leader mounts the log: "Vermonters, I have summoned you from your homes and led you into the very jaws of death; we must this morning quit our pretensions to valor or possess ourselves of this fortress; this covered way to yonder fort will be to us the path to immortality or the grave; up that dangerous steep I propose to lead you; if we fall a sacrifice, liberty and our country demand it. The loved and helpless ones in yonder cabins among the hills implore us to be brave and drive these ruthless invaders from our soil and our homes. I hear the voice and cheerfully obey. I feel the inspiration of this moment, and hasten to seize the prize; and trusting in the God of battles and the justice of our cause, follow me and I will lead you to deeds which shall make this day immortal, cover the Green Mountain Boys with imperishable glory, and make their names the watchword of liberty, while a tyrant shall remain to disgrace the image of his Maker, or pollute the earth with his presence."

His words are finished; the hero draws his sword; the order comes to "right face!" every man is in his place, and every heart beats responsive to the hero's will. Cautiously, silently, but swift as lightning he leads them on, while the youthful hero, Beman, points out the devious way. The frightened and astonished sentinel at the gate, as he meets the fiery gaze of Allen, snaps his musket, which God prevented from being discharged, and flies to the fort for succor and alarm. When he gets to the inner gate, he attempts to bar it against the approach of Allen and his men. Deacon Amos Weller, of Rutland, with the body of a giant, was in the front file. "Uncle Amos, put your shoulder to this gate!" shouts Allen, ere the line had come to a halt. Uncle Amos obeyed, and in a moment more down came gate, sentinel, Uncle Amos and all, thundering to the ground. They are now within the fort, and Allen, in his wild excitement, rushes for the officers' quarters, while the men come leaping in through the casemates and the gate, and quickly form in a hollow square upon the parade.

"Where is the officer of this fort?" cries Allen. "Let him come forth and instantly surrender, or I will sacrifice every man in the garrison." With blanched cheek and trembling limbs, Delaplace hurriedly opens his bed-room door, and with pants in hand and drawers but partly on asks by what authority he makes the audacious demand for the surrender of the fort. "In the name of the Great Jehovah and the Continental Congress!" roared Allen, in tones which awoke the echoes in the far-off Green Mountains, while his sword quivered and trembled over the head of the frightened Briton.

As might be supposed, after such a demand, by such a man, in the name of such a power, no more parley could be held; and the fort, with two officers, forty-eight men, rank and file, one hundred and twenty pieces of artillery, together with a large amount of arms and ammunition, was instantly surrendered, and Ethan Allen and Old Ti. were from that moment immortal.

Soon after the capture had been made, Seth Warner came over with the remainder of the force, and Allen found himself in this British stronghold at the head of two hundred and twenty-six men, of whom one hundred and forty were from the New Hampshire grants and known far and wide as Green Mountain Boys, seventy were from Massachusetts, and sixteen were from Connecticut. With so small a force it was necessary to be constantly on the alert, and Warner was sent off instantly to take Crown Point, which he did next day, capturing eleven men and sixty-one serviceable cannon. The conquest having been made reasonably secure, the old dispute between Allen and Arnold, which had been compromised at Castleton, broke out again; but it was at last arranged by a sort of joint command, under which St. John was seized and all British craft on the lake captured. The enemy having been swept out on the north, Ethan Allen went away to receive the plaudits due to his exploits. He was accorded the honor of a public reception on the floor of the Continental Congress, and a similar mark of public gratitude was accorded him by the provincial congress of Massachusetts. The whole land rang with his name and fame. "In the name of the Great Jehovah and the Continental Congress" became a watchword and a pean.

In the midst of his glory Ethan Allen organized an expedition to take Montreal and Quebec. At the outset of this enterprise he was

taken himself, and the next two years and seven months he spent as a prisoner in British dungeons and war vessels. Most of the time he was in irons, and hardly ever was he treated as a prisoner of war. In British eyes he was an audacious rebel, and the wonder is he was not hanged. But at last he was exchanged at the Staten Island station, and was at home again in the American lines at New Brunswick, New Jersey. Congress sought to recompense him for his sufferings by voting him a commission as colonel in the Continental Army. He accepted it; but it does not appear that he ever joined the army. As the hero of Ticonderoga his military career began and ended, and his restless, adventurous life came to an early close in 1789 from an attack of apoplexy.

From the capture of Old Ti. down to the close of his life Allen devoted himself wholly to the work of quieting the titles of his people to their lands, settling their disputes, protecting them by force and strategy from the ravages of the war, and by his boldness, sagacity, and dashing policy overcame all opposition and prepared Vermont for admission into the Federal Union, which was finally accomplished two years after his death.

Such in brief, Mr. Speaker, is the history of the man and of the capture of that renowned fortress which, although not vast in the number of men and value of property captured, yet was transcendently important when it is remembered that it was the first offensive and aggressive movement on the part of the colonists and the first grand success in the long struggle for independence which followed. It formed a barrier against the intrusions of the treacherous Canadians and savage Indians on the north; it gave the colonists confidence in themselves and secured them the respect and esteem of mankind; the name of Allen and his Green Mountain Boys became the patriot's battle-cry, and will live in song and story as long as heroic deeds and noble self-devotion to the cause of liberty and free government shall command the veneration and homage of our race.

In the wealth and abundance of Vermont's great names and glowing examples I can but feel that the selection made by the people of my State of the men to represent them in that mute but eloquent group is peculiarly apt and fortunate.

While Ethan Allen nobly represented one extreme of Vermont character and reputation Jacob Collamer as fully and worthily represented the other; and together they embodied and combined the patriotism, learning, culture, daring, intelligence, pluck, advancement, and civilization of the people of that State during the first century of their political existence.

The statue is certainly one of the boldest designs and finest specimens of art produced by American genius and skill. It represents the hero at the moment when, standing upon the stair-case with his left arm thrown across his breast and his right hand grasping his huge blade, he announced to the astonished and affrighted Laplace the high authority by which he demanded the immediate surrender of the fort.

The people of Vermont prize this statue, not only because it is a true and vivid representation of their early champion and patron saint, but because it was conceived and executed by one of her own talented and worthy sons.

"The sculptor's chisel cannot delineate his qualities of mind and heart," or produce that voice which, amid gloom and despair, echoed from Maine to Georgia as it called the men of the Green Mountains to arms in the cause of freedom and independence, but it will, at least, "remind the observer of one whose life was made illustrious by distinguished services rendered in the dark day which ushered our nation into being."

Vermont presents this noble effigy of her son as worthy the companionship of the most illustrious dead by which it will be surrounded and as her rich offering to the nation's sacred treasure. In the name of that gallant people we bring it here and place it beside those of the men who knew and trusted him in the dark and bloody days of the Republic. The spirits of heroes and statesmen welcome him to that august presence, and the bronze and marble lips greet him as he steps forth to take his place among that immortal band. It is well that they should be placed here in the nation's Capitol, in the very center of the strength and majesty of the republic and in the hall which has so often echoed the voices of the ablest orators and statesmen in the land.

The simple ceremonies we perform to-day will soon be forgotten and those who engage in them will pass away, but the hero we honor and the principles his marble is intended to commemorate will live forever.

In coming years it will be the Mecca, and our children will gather there to renew their loyalty and gain fresh courage and a new inspiration for the high and sacred duties of life; there they will recount the deeds of heroic valor of Allen and his brave men, and in that sainted presence rekindle the holy fires of liberty and patriotism which flashed forth on the 10th of May, 1775, at Old Ti. What Vermont heart shall ever grow so callous as not to warm when he beholds it? What American will not be strengthened when his eyes shall rest upon it? And as we stand in that consecrated hall and look upon that towering and majestic form and those that surround it, God grant that it may always inspire us with the same love of liberty, devotion to duty, and contempt of danger in the cause of right which have enshrined the name of Ethan Allen in the hearts of the American people and placed his statue in the nation's niche of fame.

Mr. HENDEE. I move the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the concurrent resolution was unanimously adopted.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole to resume the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

CHINESE IMMIGRATION.

Mr. PIPER. Mr. Chairman, migration, considered as to its causes and effects, presents analogous and even identical characteristics in all ages and in all countries. On every page of history we find accounts of the wanderings of patriarchal tribes and barbarous hordes, and since the dispersion of the peoples by the confusion of tongues, human families have been moving over the earth, from north to south, from east to west, impatient and unweary, until they succeed in finding a territory suited to their tastes and wants, which becomes their adopted country, the theater of their future development. When once transplanted to a propitious spot, they take root, grow, and perpetuate themselves as a distinct people. Inspired with a desire of improving their condition, actuated by a love of conquest or of gain, or impelled by a spirit of enterprise, these hardy pioneers become the founders of colonies, which, by gradual accretions, grow to be powerful nations.

Careful and judicious observers have proved that these movements took their start from the elevated region of Central Asia, the supposed cradle of mankind. Its nomadic inhabitants, in process of time and to escape the evils of overpopulation, poured out in swarms through its solitary passes and spread over the countries of the Eastern Hemisphere. From this center came the Huns, the Tartars, the Mongols, and other Asiatic tribes which devastated Europe and whose exploits are recorded by the Roman and the Byzantine historians. These conquests, originating through love of plunder, were also inspired by the fierce pleasures of war and of senseless devastation.

But there were other migrations much more peaceful in their nature, and of these the most prominent were the expeditions to strange and unknown countries conducted by the Phenicians and Carthagenians in ancient and by the Iberians and the Anglo-Saxons in modern times. As for many centuries the means of locomotion were limited, the progress of these early movements was slow, being made principally by land, while the naval adventures sent out in ships of diminutive size were comparatively few in number.

This circulation of tribes and companies continued for many thousand years; but at last the human race settled down in permanent occupancy of certain well-defined limits, and now, toward the close of the nineteenth century, the globe is portioned out among four distinct races, destined hereafter to keep separate and apart.

THE FOUR GREAT RACES OF MEN.

The four great races of mankind—the white, the yellow, the black, and the red—in their migrations have divided the earth among themselves in unequal proportions. The white race, excelling in strength, activity, and intelligence, and possessing a high degree of civilization with its predominating forces, has conquered three-fifths of the habitable globe, leaving the remaining two-fifths for the semi-civilized yellow race, the savage African, and the perishing red man. The white race has been endowed with qualities especially fitting it for possessing and occupying the earth to the exclusion of all other classes of mankind; it seems to be instinctively cosmopolite, disseminates itself easily in places propitious to the whites, and does not recoil before the heats of the torrid zone.

The members of the Anglo-Saxon branch, possessed of high and undaunted courage and gifted with muscles of iron, have been remarkably successful in founding colonies; and this success can be attributed chiefly to their great adaptability to self-government. They absorb within themselves all other families of the same race, and those who refuse to assimilate are either driven out or wither and decay under the overshadowing influence of a more active civilization.

THE ANGLO-AMERICAN RACE.

Assimilation and absorption constitute the essential characteristics of the people now inhabiting our country. The Spaniards made settlements in Florida, the French in South Carolina and Louisiana, the Swedes on the Delaware, and the Hollanders in New Amsterdam; but all these once prosperous colonists have become absorbed by their more active neighbors, and now it is hard to distinguish between the descendants of the phlegmatic Dutchman or the simple-hearted Swedes and those of the Britons. San Augustine, in Florida, the oldest town in the United States, is little better than a ruin, and the only cause of the prosperity of Charleston and New York is the infusion of the more vigorous blood of the Saxon and the Celt. Again, in 1763 a chain of French forts and trading-posts extended from the Niagara to the mouth of the Mississippi, but the descendants of the old French colonists have so intermingled with the settlers from the more

northern parts of Europe that very little distinct trace of the Gallic blood can be found.

The early emigration to the Western World was conducted on the society and land-company system, and hence arose many of the difficulties both internal and external in the colonies, among which may be mentioned the obstinate endeavors of the German settlers to preserve the customs of their old homes and their resistance to English schools; but now they have assimilated and cannot be distinguished from the descendants of the Anglo-Saxon and the Celt. The Constitution of the United States was intended to combine in one harmonious whole these dissimilar colonies; but, had the system of colonization by societies continued, no one can tell into how many discordant and belligerent States our country at the present time would have been divided. Providentially the system changed. Through the general distress caused in Europe by the wars of the French revolution and the consequent disruption of society and of families, the emigration by individuals commenced. The subsequent extensive application of steam both to land and sea carriage increased the means of locomotion, and by bringing together the natives of different countries in large masses tended to break down the barriers of language and prejudice. In this way the people of our country have formed a race of their own—the Anglo-American—speaking the same language, the English, but combining all the best qualities of the different white races now assimilating and forming a homogeneous whole.

The energy of the Anglo-American race is remarkably observable when the decay of the red man is studied; this subject needs no amplification, for the fact is fully proved from the circumstance that at the present time our Government is embarrassed with the difficulties of the treatment of the Indian tribes, and cannot decide which of the many plans proposed shall be adopted to delay their extinction and render it the least painful.

THE AFRICAN A DISTURBING ELEMENT.

Through man's avarice and the desire to facilitate the opening of the boundless forests and the cultivation of the rich virgin soil, the African was stolen from his native jungle and transported to the colonies of the New World—a fatal measure, sowing dragon's teeth; and no Cadmus could have anticipated the crop of armed men which actually sprung up in the irrepressible conflict between the sections of our once happy country, bringing on a civil war the like of which the world had never before seen and inflicting heavy penalties both upon the white and the black man. And this happened, not because the African was by nature aggressive and a disturber of the public peace, but from other causes. Indeed the negro was peculiarly docile, impressionable, and emotional, readily accommodating himself to our habits, civilization, and religion. But the real cause of his being a disturbing element in the body-politic arose from his physical differences and his incapacity of assimilation with the white race, and hence he was held in bondage by the superior man. If he had belonged to our own race, does any one believe that his shackles would not have fallen off when the Declaration of our Independence was promulgated?

IMPOLICY OF INTRODUCING THE CHINESE.

With these warnings and examples before us, it seems astounding that men—some actuated by mistaken humanitarian ideas, others impelled by a greedy desire for gain—will insist on importing Chinese into our country, since this short-sighted policy will only bring ruin and destruction upon us. We are all familiar with the mental and physical characteristics of the African, but very little is known about the Chinese except by residents on our Pacific coast. A careful study, however, of their peculiarities will show that they are unfit to become even residents of the American Republic.

THE CHINESE AT HOME.

The Chinese are of a sickly white or light-yellow color, with coarse, glossy, lank, black hair, and thin, scanty, black beards. Their eyes are invariably black, and apparently oblique, owing to the internal corners being more acute than in the white race. Their faces are remarkably round, with high cheek-bones and small, much depressed noses, and thick lips. The women are disproportionately small in size, and, with their broad upper face, low nose, and linear eyes, possess little beauty, and in fact are quite the reverse of handsome.

These are the characteristics of a subject, servile race; and the Chinese in fact for over six hundred years have been slaves of the Tartars, to whom even in remote times they paid tribute. Unable to relieve themselves by their own exertions from their cruel enemies, they called in the assistance of Kubla Khan and his fierce Mongols; but by this course they simply placed themselves under a more arbitrary oppressor, who subjugated them with cruel slaughter. During the ensuing century several insurrections broke out, only to be quelled with great loss of life; but at last the Mongols were expelled.

The Chinese, however, were not able to maintain themselves before the Tartars, and the warlike Manchus with a small force subdued the entire country, devastating the sea-coast and effectually crushing out all resistance. As a sign of submission, the Manchus compelled them to adopt the national Tartar mode of shaving the front of the head and of braiding the hair in a long cue. This order was resisted, and many suffered decapitation rather than part with their hair, but the mandate was gradually enforced, and for two centuries this degrading sign of conquest has been one of the distinguishing marks of a Chinaman. This condition of abject servitude still exists, and the present rulers, from the Emperor downward, exercise irresponsible autocratic powers, making the government an absolute despotism of the worst kind.

THEIR INGRAINED DUPLICITY.

Consequently the effect upon the subject race is highly injurious and destructive of all moral qualities. The arbitrary power of the officials has rendered falsehood absolutely necessary as a means of escape from oppressive burdens, unjust punishments and extortions. The rapacity of the magistrates compels the people to resort to every kind of subterfuge, and hence the spirit of duplicity has become ingrained in the Chinese, who exhibit all the vices of a people forced to resort to low cunning as a means of carrying out their schemes. In order to retain the mastery, the Manchu rulers have established a system of surveillance and isolation, and the natural effect has been to crush out all honorable feeling among the Chinese. A cold selfishness is the prime motive of their actions, and all sense of justice, truth, honesty, and natural affection is destroyed.

IGNORANT, SUPERSTITIOUS, AND ATHEISTS.

The Chinese are also an ignorant people, as the practical difficulties of their language are very great. There are at least 25,000 different characters sanctioned by polite usage, while the entire number is placed as high as 261,000. The burden of remembering so many complicated symbols whose form, sound, and meanings must all be understood, is so great that a life-time is consumed in acquiring an education, and the result is valueless. Only three men in one hundred and only one woman in a thousand can read works written in the classic style. The books teach little worth knowing except maxims of morality long reduced to actual practice by the western nations, but neglected and forgotten by the Chinese; and the histories only furnish a warning against the results of a false system and a vicious policy.

They are grossly superstitious, believing in the efficacy of magical arts of the most revolting description, and they have no religion except the worship of the tablets of Confucius and of their individual ancestors. Having no moral sense of right and wrong, they are practical atheists, determined suicides, and systematic infanticides. They do not observe any weekly day of rest, and, in their worship, beat gongs, ring bells, explode fire-crackers, and burn paper petitions. They use praying-machines and expend immense sums in the repair of temples and in the purchase of idols in which they do not believe. Their form of oath consists in cutting off a chicken's head—a symbol that a like fate awaits the false witness—but there is no solemn appeal to a supreme being who will punish him either here or hereafter.

This description is not overdrawn, for a prominent missionary who has been living in close intimacy with this people for over forty years likens Chinese society to a stagnant pool fermenting in its own feculence, whose torpor is only disturbed by the monstrous things its own heat generates, and becoming more and more polluted casts up nothing but mire and dirt.

RANCOROUS HOSTILITY TO FOREIGNERS.

The most striking traits of the Chinese, however, are exhibited in their intercourse with other countries, and their odious superstitions have been proved beyond the possibility of doubt by their bitter, ineradicable hostility to the western nations and especially by their savage attacks upon foreign residents.

The Chinese Empire, surrounded by lofty snow-covered mountains, impenetrable jungles, and artificial walls, has from time immemorial been the symbol of bigoted exclusiveness. With these barriers, the intercourse with foreigners, confined to the frontiers and the sea-coast, was merely commercial, and was conducted on principles degrading to the pride of the western nations; and history furnishes a curious and melancholy record of ill-requited obsequiousness before insolent barbarian lackeys. The early embassies were subjected to humiliations and the embassadors were guarded like criminals, treated like beggars, and entertained like mountebanks. In later times, the grievances became more serious. The loading of ships was delayed, goods were stolen, crews were maltreated, underlings were extortionate, and access to the high authorities for complaint and redress was denied. The dealings with foreigners were conducted in the spirit of a government proclamation that the *fankwei*—that is, the "foreign devils"—are like beasts and not to be treated like the natives.

COMMERCIAL TREATIES EXTORTED BY FORCE.

The modern relations between China and the western nations have been almost exclusively commercial, but the treaties were not negotiated by pure diplomacy, they were rather extorted by an overpowering exhibition of force. The principal disagreements arose from the persistent refusals of the officials to redress grievances, and their obstinate denial of access to the Emperor. From these causes a state of war continued from 1836 to 1860, when, in consequence of the capture of Peking and the sacking of the Emperor's summer palace, the Chinese granted to foreign embassadors the right to reside at the capital, and also opened twenty-one ports to trade. During this period of twenty-four years of war several commercial treaties were negotiated by Great Britain, the principal belligerent, and other powers, including the United States, were admitted to similar privileges. These treaties, however, were wrung from the Chinese by fear, and were not obtained through a sense of reciprocal advantage, since all they desire is to work out their own destiny in their own way—that is, simply to retrograde and to relapse into barbarism. They made small concessions to avert great demands, and their whole struggle was and continues to be against making any concessions at all.

THE BURLINGAME TREATY.

After this effectual chastisement of their barbarian arrogance, the Chinese, with characteristic duplicity modified their policy, and dreading the return of the fleets and armies of the western nations, adopted the plan of conducting negotiations at the capitals of the Christian powers, and to effect that purpose sent out Mr. Anson Burlingame and two Chinese envoys of the second rank on a roving diplomatic mission. From this source originated the famous Burlingame treaty of 1868, the effects of which have so recently been complained of. Under this treaty the citizens of the United States residing in China enjoy the same privileges in respect to travel and residence as may be there enjoyed by citizens and subjects of the most favored nations, and reciprocally the Chinese in the United States are entitled to similar privileges.

But, although the language of the treaty is identical in establishing the rights of the citizens of one country in the dominions of the other, yet the actual concessions are by no means identical; for in China the citizens of the most favored nation have no rights of residence except within certain narrow limits at the treaty ports, while in the United States citizens of all nations can reside where they please and travel anywhere without molestation. The treaty also provided for the introduction of railroads and telegraph lines, but this concession could only have been intended for the benefit of speculators and not of the people of the United States.

After concluding this treaty at Washington the mission proceeded to Europe; but in consequence of the profound distrust of Chinese professions entertained by the western nations Mr. Burlingame was unsuccessful in further negotiations, and the pretended objects of the embassy were effectually frustrated by his sudden death under circumstances casting suspicion on his Chinese colleagues.

THE TIEN-TSIN MASSACRE.

A few months had hardly elapsed after Mr. Burlingame's sudden death when this incredulity of Chinese professions was strikingly confirmed by the news of the horrible massacre at Tien-Tsin, June 21, 1870. This fearful tragedy deepened the impression of the ignorance and superstitions of the Chinese, of their dark and hideous crimes, and of their bitter hatred of foreigners. The atrocities of this outbreak were almost too fiendish for belief. Aided and abetted by the authorities, the Chinese mob murdered and then mutilated the French consul and several French priests, civilians, and servants, burned down the consulate, the mission church and hospital, and tortured the Sisters of Charity to death in the most horrible manner, cutting their bodies into small pieces and distributing the fragments among the rioters. Over twenty Europeans perished in this ferocious onset which, since its causes are still operative, may at any time be repeated. No regret or sorrow was felt by the Chinese; and the murderers who, under the pressure of a threatened retaliation, were executed for this savage crime, have been canonized as martyrs in a holy cause. Since then, with the evident motive to incite the populace against foreigners, large highly-colored pictures representing this massacre have been exhibited at Chinese fairs, and threatening placards are continually appearing on the walls of Pekin and the treaty ports. Attacks on missionaries and consuls are of frequent occurrence, and a general apprehension is always prevailing that a wide-spread plot for the extermination of all foreigners is on the eve of breaking out.

THE CHINESE IN CALIFORNIA.

Having described the characteristics of the Chinese in their own country, I shall now direct attention to that race on our Pacific coast.

At the present time there are in California 150,000 Chinese, of whom 50,000 live in San Francisco; and the steamers from Shanghai and Hong Kong are weekly bringing over immense numbers in addition. The alarm excited by this invasion is wide-spread, and the aid of Congress is invoked to put a stop to this influx of semi-barbarians now threatening to outnumber the white population of the Pacific coast, imperiling their best interests and endangering the existence of free institutions. Entertaining a deadly hatred of the whites, being of a distinct race, they can never become homogeneous with the people of our country. They will neither learn our language nor adopt our manners, customs, and beliefs, only eighty converts of doubtful Christianity being the result of twenty years of missionary labor in San Francisco. Pagans in religion, they hold in contempt the oaths and solemn proceedings of our courts of justice, and establish secret tribunals of their own, enforcing their decrees even to the taking away of life. With the exception of a few merchants the great mass pay no taxes, and the burden of their support in asylums, hospitals, and prisons falls upon our citizens.

FREE INSTITUTIONS ENDANGERED.

From ignorance they are unable to perform either civil or military duties. They cannot serve as jurors in the courts, as soldiers in the Army, or as sailors in the Navy. Should the country be invaded they would be perfectly useless for purposes of defense, and the enemy would have in them a corps of cunning spies more than ready to sell their information. They will not conform to sanitary and police regulations, and live miserably, crowded together in filth and wretchedness, eaten up by horrible diseases. From their carelessness in handling fire terrible conflagrations break out in their over-populated dens and devastate the neighborhood.

THE CHINA QUARTER ABOMINATIONS.

The China quarter in San Francisco has driven off the old white residents from the vicinity, and put a stop to improvements; it is a hiding-place for shame, filth, crime, disease, and abject poverty, and every town on the Pacific coast is cursed with similar abominations.

They have no domestic life worthy of the name, the sacred relations of husband and wife being almost wholly disregarded. The women are nearly all slaves in condition and prostitutes by vocation, and the men, substantially the bondsmen of the six companies, are abandoned and dangerous criminals, opium smokers, and gamblers.

DESTRUCTION OF LABOR INTERESTS.

They have monopolized menial labor and many of the lighter mechanic arts, thus depriving American boys and girls of opportunities of employment, closing the avenues of labor, and driving many to enforced idleness and want, resulting in confirmed poverty and crime. They have robbed women of work which afforded them an honest and virtuous independence and have compelled many to resort to doubtful means of support. They have taken the place of tens of thousands of white men who would have immigrated to the Pacific States and who would have bought farms, built houses, raised families, and supported numerous dependents.

The fatal and unwise policy of corporations in importing and employing Chinese of the lowest caste has turned in our direction a stream of undesirable immigrants which, unless checked, will in a short time overflow the Pacific coast and reduce that region to a condition of barbarism. Had these corporations employed white laborers, at the present time in the Pacific States there would be thousands of homesteads occupied by able-bodied fathers of families, cultivating the soil and building up for the railroads an immense business in the transportation of farm products. Instead of securing these substantial and enduring benefits, these corporations imported a vast army of Asiatics, who remit their earnings to China and send to that country for the clothes they wear and even for the food they eat. Instead of introducing permanent settlers, these companies brought in upon us the very lowest of the low classes of a semi-barbarous people with ineradicable vices and prejudices.

WIDE-SPREAD ALARM ON THE PACIFIC COAST.

The people of the Pacific coast regard these hordes with fear and alarm, believing that superiority of race and intelligence will probably not be able to resist such overwhelming superiority of numbers. They love their own wives and children, their own families and homes, their own country and laws, better than the interests of Asiatic aliens, and insist that, if the trade with China cannot be secured except at the expense of the comfort and happiness and welfare of the American people, it must be relinquished, no matter how profitable it may be to a very few. They have of themselves endeavored to remedy the evil by the passage of laws calculated to prevent the introduction of lewd and debauched woman, convicted criminals, and helpless paupers, while permitting the immigration of persons who will add to the industrial classes of the community.

THE ADVERSE DECISION OF THE SUPREME COURT.

But the Supreme Court of the United States has decided that the passage of laws concerning the admission of citizens and subjects of foreign nations belongs to Congress, and not to the State Legislatures; and the anticipated injurious effect of the California statute is illustrated by hypothetical cases which the court admits are highly improbable and not likely ever to occur. It may here be remarked that this objectionable State immigration act does not differ in principle from similar statutes in force in reference to poor-law-settlement cases, nor are the powers of the commissioner of immigration as extensive as those of magistrates under the professional-thieves acts or under the laws prohibiting the carrying of concealed deadly weapons.

It does seem singular that, while our own dangerous classes, who have a constitutional right to a trial by jury, can by summary conviction be imprisoned in jails and workhouses, yet foreign criminals, paupers, and lewd women must be permitted to land on our shores in defiance of the police authorities of the separate States. Every law of this description leaves a wide margin of discretion within which the magistrate can act, and it is not to be presumed that he will decide arbitrarily and without good reasons; yet, under the rigid criticism of the California statute, it might be supposed that no Chinese common prostitute could be considered a lewd woman, unless, like in the case of high dignitaries under the canon law, the evidence of seventy witnesses to each separate act of incontinency was produced.

Again it is argued that, if such State laws were to be enforced against the subjects of Great Britain, our Government would become involved in difficulties leading to war or a suspension of intercourse. But the cases are not parallel, for the rights of emigration as between Great Britain and the United States are reciprocal, while immigration to China is entirely forbidden, except at a few ports where foreigners even when admitted must reside within certain narrow limits, like wild beasts in a cage. Much just criticism might be expended on this decision; but, as the opinions of the United States Supreme Court, however injurious in their practical effect, should be respected, the people of the Pacific coast will obecalhe mandates of the highest tribunal of the land without murmuring, at the same time praying Congress, which it has been decided has the sole power over the subject, to act promptly and apply an efficacious remedy for these evils. And what that remedy should be, I shall now endeavor to show.

PROPOSED REMEDIES.

In a previous portion of these remarks I have proved by incontestable evidence that the Chinese are bitterly hostile to foreigners, and desire nothing but to maintain a policy of isolation; that every treaty without exception has been wrung from them by force, and that even the Burlingame treaty, far from being a spontaneous expression of good-will, was in reality inspired by fear, was a device to ward off greater evils, and was ratified with reluctance.

Anson Burlingame, although nominally a plenipotentiary from China, was in every respect a representative of Christian civilization, and in reality accepted the position with the mistaken idea that he could bring the empire under the influence of a more liberal policy. He left the diplomatic service of the United States and entered into that of China only after consultation with the representatives of the western nations. The mere fact of his appointment he looked upon as proof positive that Chinese exclusiveness had been broken down, and being misled by erroneous information as to the character and extent of the Tae-Ping rebellion, in his enthusiasm he believed that the mass of the people were about to become Christians and were ready to assimilate with the white races.

Hence, while acting as it were as an intermediary between the peoples of the East and of the West, he seems to have been governed by the idea that by granting to the Chinese advantageous terms, even without receiving reciprocal benefits, they would in a short time abandon paganism, embrace Christianity, become less rancorous toward foreigners, and, in brief, would willingly adopt the manners and customs of western civilization. This policy was based upon the chimerical view that they would be influenced by this unselfish generosity and would spontaneously imitate the example set before them by the Burlingame treaty. But Mr. Burlingame was completely hoodwinked by the Chinese, who in this instance exhibited their characteristic duplicity. The treaty in reality amounted to a claim to resume the grants of land previously made to foreign nations for commercial settlements and was only another instance of barbarian arrogance. It was not ratified for two years, and serious doubts were for a long time entertained and expressed whether it would ever be ratified at all by the Chinese.

MODIFICATION OF THE BURLINGAME TREATY.

Mr. Fish, who in the interim had succeeded Mr. Seward as Secretary of State, would have been perfectly satisfied if the Chinese had postponed forever the exchange of ratifications. He evidently believed that the "favored-nation" clauses contained a one-sided compact, benefiting the Chinese only, and the fair inference can be drawn from his published diplomatic correspondence that he was grievously disappointed when the treaty was finally ratified. On his entrance into office in 1869, Mr. Fish appears to have taken into serious consideration the propriety of withdrawing altogether from the engagements contracted by his predecessor—the negotiation having been a grave blunder involving future embarrassment. However, from a variety of causes, unnecessary to dwell upon, he thought it best to trust to the chapter of accidents; and this "let-alone" policy has ended by convulsing the Pacific coast.

At the present time, I have no doubt, he regrets his inertness and would be only too glad of an opportunity to retrace his steps, if just grounds for such action should be afforded him. And there are abundant reasons to justify him in such a course. The Chinese themselves, in not protecting resident foreigners from the fury of mobs, have violated the treaty over and over again, and under similar provocations we ourselves should at once have abrogated a treaty with any other, even more powerful, nation. It seems singular that so much forbearance should be exercised toward the Chinese and that such a tender regard for their feelings should be displayed by us. We would not, for one instant, allow such a one-sided treaty to govern our relations with Great Britain, and the enforcement by that power of Chinese restrictions upon trade and travel would result in complete non-intercourse and even in hostilities. Why, then, should we submit to such indignities from a semi-barbarous infidel nation?

The rulers of China are totally incapable of compelling their subjects to observe the commonest rights of hospitality toward American and other foreign residents, and diplomatic intercourse with them is confined on the one side to repeated formal appeals for redress for savage, brutal attacks upon consuls, missionaries, and civilians, and on the other side to cunning apologies and confessions of inability to restrain the animosities of the populace.

The Burlingame treaty, I therefore contend, should be modified by reducing it to a mere commercial convention, giving the Chinese the right of residence in this country for the purposes of trade only; or an additional article might be inserted reserving to the United States the right to regulate, restrict, or prevent the immigration or importation of Chinese subjects. Negotiations should immediately be instituted coupled with an urgent pressing suggestion that the proposed terms must at once be accepted. Such a course would direct the attention of the Chinese government to the troubles from which we are suffering, and that empire may voluntarily offer to apply a remedy. No interruption of harmonious relations need be anticipated, for the ruling princes of China are just as unwilling to lose their subjects as we are indisposed to receive them, and almost any measure whereby this immense outflow from the empire could be stopped would be cheerfully adopted.

NECESSITY OF A MORE RIGID ENFORCEMENT OF THE LAW.

But with the usual delays of diplomacy such negotiations would consume considerable time, and meanwhile coolies, criminals, and lewd women will continue to pour in by steamer and ship loads, and some immediate step must at once be taken to resist this vast tide of pagan Chinese. For this end the immigration acts now on the statute-books, although not furnishing an entirely effective remedy, must be more rigidly enforced.

The personal examination as to the voluntary emigration of coolies, required to be made by consuls in oriental ports, is very imperfectly conducted, and the certificates are very carelessly granted. In consequence of this neglect large gangs of cooly bondsmen, virtually the slaves of their employers, are brought to our Pacific coast. In fact, it is asserted our consuls sign the certificates of voluntary emigration upon the representations of the master of the vessel, without any personal examination. And it is also difficult to believe that such droves of coolies could come over and land on our shores unless our consuls had been remiss or had connived at illegal emigration. They also neglect to inquire whether Chinese women coming to this country have entered into agreements for a term of service for lewd and immoral purposes; and through this remissness our Pacific States are flooded with prostitutes, inflicting ruin both as to body and soul upon the rising generation.

Our consuls at oriental ports should therefore be kept under more rigid supervision, and a failure on their part to enforce the cooly-immigration acts should be promptly followed by dismissal in disgrace or by other more severe punishments.

The penalties of the law should also be enforced against all persons importing cooly bondmen and lewd women. This matter is within the control of the United States, and the district attorneys should be compelled to act promptly and vigorously under pain of dismissal. A few convictions of the most prominent offenders against the immigration acts would serve as a wholesome warning to all others.

In our own ports the collectors of customs are careless about inspecting arriving vessels and excluding women imported for immoral purposes and other obnoxious persons. Through this dereliction of duty, whether from heedlessness or connivance, or in defiance of the statute, the landing of Chinese paupers, criminals, and lewd women is of constant occurrence, and the only method of checking this evil, of which we have the most conclusive evidence, is to compel the collectors to perform their duties, and in default thereof to inflict a heavy penalty upon them.

To effect this purpose, the House should promptly pass the act amending the immigration acts which has been ordered to be reported from the Committee on Commerce.

Mr. HOUSE. Mr. Chairman, as the struggle between the two great parties for the control of this Government with all its vast patronage and power approaches, and another presidential election begins to cast its shadow before us, it behooves every man who desires the prosperity and happiness of all sections of the country to pause and calmly survey the situation before the voice of reason shall be hushed in the uproar of the conflict, and the suggestions of patriotism silenced by the demands of party.

If there ever was a time in the history of our country when its supreme welfare demanded the best efforts of its friends of all parties and all sections to exorcise the demon of sectional hate, it is now. It was not reasonable to expect that after a long and bitter sectional struggle, which culminated in a gigantic civil war, the combatants would become friends in an hour or a day. War is not the nursery of fraternal feeling, and time is required to heal its ghastly wounds and to restore the friendships it has sundered and the affections it has alienated. But more than fifteen years since the first and more than eleven years since the last gun was fired have elapsed; and if we ever mean to be friends it is time for the honest and thoughtful men of both sections to consider the questions that disturb our peaceful relations from the stand-point of reason and patriotism; it is time for crimination and recrimination to cease and let the matter be discussed as becomes men who have a common country, a common ancestry, a common history, and a common destiny.

Will the period never arrive in American politics when bitterness and jealousies between the North and the South shall cease to be factors in our presidential elections? Shall the dead-line of sectional hate forever divide us? Can those who were enemies in war never learn to be friends in peace? Is there no process by which the victor can be induced to trust the vanquished, or the conquered to look kindly upon the conqueror?

These are questions upon the solution of which depend the restoration of the American Union in the spirit in which it was originally formed by our fathers and the transmission of its blessings to the generations that are to come after us.

The North still distrusts the South, and views all her actions and utterances with a critic's eye and a jealous scrutiny; watches her—

> As a lion's whelp,
> That gnaws, and yet may break her chain.

The South regards the North as still willing to oppress and slow to forgive.

These are facts which it is neither wise to ignore nor honest to conceal. We sometimes, in moments of sentimental patriotism, call each other brethren; but the ease and facility with which an un-

guarded word can raise the devil of sectional hate in our bosoms shows that there are still live coals beneath the ashes of the war. The fact that the candidate for popular favor thinks it profitable to light the torch of his ambition at this funeral pile demonstrates the presence of a large residuum of unfriendly feeling in the hearts of the people. The man who has made politics his study, and place and position the goal of his aspirations, is not likely to appeal to a feeling which does not exist, to waste his time in drawing drafts on a bank that has no funds, or in sweeping the cords of an instrument that yields no music. His shrewdness and sagacity, whetted and sharpened by long and interested study of the peculiarities of the people, their habits of thought and feeling, will always save him from the idle and hurtful task of calling spirits from a vasty deep that contains none. When, therefore, I see the ablest and most distinguished leaders of a party making inflammatory appeals to the people, based on the assumed prejudices of one section against the other; when I see them, on a deliberate calculation of the chances of success, choosing this road to the Presidency, I must be excused for coming to the conclusion that they are operating outside the pale of popular sympathy. The people harbor these unfriendly feelings; otherwise candidates for their suffrages would never base the hope of success upon an appeal to them. However much this state of affairs may be deplored, we cannot shut our eyes or stop our ears to what is too obvious to be avoided or evaded. Centennial gush and declamatory patriotism may gloss it over, but these spasmodic and ephemeral exhibitions of fraternal feeling are but the prismatic hues that shimmer on an iceberg when the rays of a winter sun fall upon its cold bosom.

That a majority of the people of both sections desire a restoration of peace and fraternity, that in their moments of cool reflection they feel convinced that the welfare of the country is not promoted by the indulgence of angry feeling and bitter words, but the interests of both sections demand a cessation of the unseemly quarrel, I have no doubt. But it is so difficult to abandon leaders whom we have been accustomed to follow, to break up party associations of long standing, that many whose intentions are good, whose purposes are pure and unselfish, are borne along by the force of circumstances in a course of action which their sober reason cannot approve and their deliberate judgment condemns. But the time has come when if politicians in their crusades of hate and denunciation do not represent the people, they must make it known to the country through the ballot-box, by consigning to the shades of private life all these disturbers of the peace. Sectional feeling may be fomented and fostered until it becomes chronic, when time, which heals many wounds and re-unites many sundered ties, will be impotent to bring us together, and revolving years will only witness the gulf widening which divides us.

The man who willfully promotes the indulgence of sectional animosity and represses the growth of fraternal feeling among the people, relying upon the use of the sword by the majority to keep the minority in subjection, is a despot at heart, false to all the teachings and traditions of American history, and a foe to the Constitution of his country. The strongest bulwark of a republic is not to be found in forts and arsenals and armaments, but in the affections of the people for the government. We sometimes dispute about the term to be applied to our Government to designate its character, some asserting that we are a nation, others that we are a republic, and others that we are something else. But it matters not what terminology may be employed to characterize our form of government, whether we call it a nation, a republic, a confederation of States, a democracy, *quocunque nomine gaudet*, if it is not founded on the affections of the people it bears within its bosom the seeds of decay and the elements of dissolution.

Do we expect or intend that the process of alienation shall always continue; that there is to be no end to mutual distrust and sectional antipathy? If not to continue forever, when do we propose to change the situation, and how? If sectional hate is a national blessing, let it be promoted by all means. Let us hail its most active propagators as the best friends of the country, and crown them with the highest honors of the Republic. Let us hate each other with all the powers that God has given and the devil has perverted; let epithets that hiss with scorn, words that burn with passion, denunciations that scream like shells through the air, be exchanged between us as fast and thick as bullets flew upon the bloodiest battle-fields of the war. The more we hate each other the stronger the Government will become. Trade will revive under it, commerce will spread her sails on new seas, confidence will be restored, and general prosperity will revisit all the people. The national debt will be borne with cheerfulness and paid without difficulty. Under its benign influence the South will recuperate and grow rich and the great and wealthy North will reap from her re-established trade with the South the golden harvests of other years. The representatives of foreign nations who come to our Centennial will regard the grand display as a national joke, and, lifting their hands in admiration at our discovery of a new way to prosperity and happiness, will exclaim, "Behold how sweet and how pleasant it is for brethren to dwell together in perpetual strife."

Ah, Mr. Chairman, if we have only exchanged a war of the sword for a war of words, the passions of belligerents for a settled hate that cannot be appeased, the Union has only been restored in name, and the mighty conflict waged, professedly to save it, a terrible and melancholy failure. A union pinned together only with bayonets and compressed alone by the strong arm of a powerful government, while the hearts of the people are at perpetual war with each other, is not the Union our fathers formed and is not worth preserving. It is an abuse of the English language and a fraud upon mankind to call it a union. A union of what? A union of the majority to trample the rights of the minority beneath their feet; a union of the victors to divide the spoils, it may be; but the Union that Washington loved, and that Jackson said must be preserved, it certainly is not.

What rational motive can the northern people have for cherishing vindictive and unkindly feelings toward the South? What material interest is advanced by it? What arm of the Government is strengthened by it? What feature of the national character does it render more lovely? What page of our history as a people is it expected to illustrate or adorn? Whose interest requires that it shall go on, and who can possibly reap any benefit from a field thus sown in tares? No one but the selfish demagogue; and as long as the people permit their sectional prejudices to be used as a ladder by which ambition may climb to power, so long will the busy feet of the unscrupulous partisan be seen ascending its rounds.

It has been many long, unhappy years since the minds of the northern and southern people have been sufficiently calm to understand each other, and to appreciate with judicial fairness each other's motives. They did not understand each other when the war commenced; if they had appreciated the situation, humanity requires us to believe that both sides would have paused long before plunging the country into all the horrors of that terrible struggle. I shall always believe—though in this I may be mistaken—that if the voice of the border States, even after the secession of their southern sisters, had been heeded, the war might have been averted. Theirs was the calmest voice that rose above the storm of passion that preceded active hostilities. They knew that their territory would be the battle-field, and upon them would fall the heaviest blows of the war. They were not responsible for the war, whoever else may have been. They exhausted every effort to avert it. They were sincerely attached to the Union, and anxiously desired its preservation. But the war came, against their protest and despite all their efforts to prevent it. And whatever may be thought of the course they saw fit to take, when they were forced to fight on one side or the other, this much may be said in vindication of their motives: They cast their fortunes with the weaker side, and did not seek to save themselves or their property by taking shelter under the protection of the heaviest artillery and with the most powerful army.

But these things belong to the past, to which I do not propose to refer any further than to draw lessons for the present and warnings for the future. If sectional strife has once hurried us into the miseries of war, let us see to it that it never does it again. Let us cease to travel a road beset with so many dangers and that once led us through so many horrors.

Mr. Chairman, he who seeks to perpetuate strife between the sections who engaged in the war insults the grave of every Federal soldier who offered up his life to save the Union and robs the victory won by Federal arms of its chief and only glory. For what purpose was the war waged by the Government of the United States?

When McDowell's well-appointed Army, with flying banners and rolling drums, marched from Washington, it was expected that the rebellion would be crushed as soon as the Federal Army could come up with it, and that the national flag in less than a month would wave over the capitol at Richmond. The man who at that time would have been bold enough to suggest a different result would have been arrested for disloyalty. The result of the first great battle of the war is well known. That magnificent Army that marched out under the inspiration of the gay romance of war soon learned that war was no holiday pastime, and broken and scattered fell back upon the capital in wild dismay. Consternation reigned in the streets of Washington, as the confederate army was hourly expected to enter and take possession of the city. President Lincoln had called for seventy-five thousand troops to put down the rebellion. General Scott, having suggested that it would take three hundred thousand men to suppress it, was charitably set down as in his dotage. The North now began, for the first time, to realize the magnitude of the enterprise on which they had embarked. For the first time they felt that the necessity was upon them to husband all their resources, to make as few enemies and as many friends as possible. Hence, soon after this disheartening and humiliating rout of their Army, on the very next day, I believe, the venerable John J. Crittenden, of Kentucky, who had made a noble and patriotic, though unsuccessful, effort to compromise the differences between the sections and thus avert the threatened catastrophe of war and dissolution, came forward in this House and offered the following memorable resolution:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the constitutional Government and in arms around the capital; that in this *national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country*; that this war is not waged upon our part *in any spirit of oppression*, nor for any purpose of *conquest or subjugation*, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain *the supremacy of the Constitution* and to *preserve the Union with all the dignity, equality, and rights of the several States unimpaired*; that as soon as these objects are accomplished the war ought to cease.

This resolution passed the House with only two, and the Senate with only five, dissenting voices.

There is no mistaking the profound concern and painful apprehensions that pervaded both Houses of Congress when this resolution was passed. They stood in the presence of a hitherto unappreciated and unrealized danger that appalled them. Their utterance was a cry of agony from the national heart. They declared that they would banish from their hearts all passion and resentment and would only recollect their duty to the whole country; they disclaimed all intention to oppress or subjugate or conquer the South, and, in clear ringing tones, intended to be heard from one end of the country to the other, and with all the solemnity of an oath, they proclaimed that they were waging war for no other purpose than to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired. If, in the hour of great national danger, with an enemy "in arms around the capital," Congress could thus speak in language too plain to be misunderstood and too impressive to be forgotten, now that those enemies have long since laid down their arms and the supremacy of the Constitution has been established from the Gulf to the lakes and from ocean to ocean, may I not invoke the banishment of all passion and resentment and the recollection of the duty of all men to the whole country, not forgetting the *dignity*, *equality*, and *rights* of the several States in a re-established Union? May I not make the invocation in the names of the brave men who were induced by the promises and pledges contained in that resolution to march to the field of battle and a soldier's grave?

Mr. Chairman, Fort Donelson, one of the great battle-fields of the war, is situated in my congressional district. It was upon that memorable field that General Grant won his spurs and entered upon that career of distinction which made him Commander-in-Chief of the Federal Army, the hero of the war, and finally President of the United States. On a commanding eminence, overlooking the town of Dover, where the battle was fought, is located a national cemetery, where a grateful country has collected the bones of her brave defenders. During my canvass, being in the vicinity, in company with a friend I visited the spot. A wounded soldier, who had charge of the place, received us with courtesy and politeness, and we were permitted to drive within the inclosure and survey the scene. It was as lovely an autumn day as ever smiled upon the earth. From a lofty staff in the center of the grounds the American flag floated gracefully in the breeze. At the base of the hill the beautiful Cumberland, like a belt of silver, glided on its peaceful way. No iron-clad monitors now thundered upon its bosom, and the surrounding hills, no longer swept by the storm of battle, seemed quietly dreaming in the golden light that bathed their summits. Just in sight were the confederate rifle-pits. The winds and rains and storms of intervening years had filled them nearly even with the surface of the earth, and trees as large as a man's body had grown upon the spot where they were dug. I looked upon the graves that lay around me with no other feeling than that of reverence and respect. The grave that contains the ashes of one who had faith enough in his cause to die for it, whether his cause and mine were the same or not, could never fail to command from me the homage due to integrity of purpose and lofty courage. As I walked amid those graves I asked myself the question, "Did these men die in vain? Is the Union they fought to save never to be restored save in theory and in name? Is the sectional strife that preceded and produced the war to still pursue this unhappy country like a sleepless and remorseless Nemesis?"

But the place and its associations called up in my mind thoughts of other men. They, too, with that sublime faith in the justice of their cause which forms the martyr's crown and the hero's passport to immortality, had found a soldier's sepulcher. But no grateful government had gathered their bones into magnificent cemeteries, adorned with all that wealth can command or taste suggest to beautify those cities of the dead. Thousands of them sleep far away from the homes of their childhood, in the deep bosom of forests, where human footsteps rarely tread. The birds of the wild-wood sing their morning and evening hymns above their unrecorded graves. No monumental marble stands sentinel at the spot where they sleep and no ancestral oak shall ever throw its welcome shadow above their heroic dust. By many their names are cast out as evil and hands are not wanting that would write the word "traitor" as the epitaph upon their tombs. But no amount of detraction can shake my faith in their integrity and no temptation of power or position ever make me false to their memories. My blood must turn to water and my heart become as cold as death can make it before I can consent to assail their motives while they lived or insult the humble graves in which they sleep. I know they were actuated by purposes as pure, by a courage as high as ever followed any banner or illustrated the annals of any land. It is not only uncharitable but unjust to regard every man who followed the fortunes of the lost cause as a conscious traitor, devoid of honor and unworthy of trust. Reason rejects such a view of the subject as absurd, justice stamps it as untrue, and the muse of history will decline to transfer it to her immortal page. Questions that rallied so many thousands, as well educated politically as the American masses, to the battle-field for their solution must have had, did have two sides to them. Is it, then, fair or rational for the strong and victorious party to assume that their vanquished antagonists had neither reason nor plausibility on their side, but were actuated in all they did by hearts regardless of all social duty and fatally bent on mischief? I would say to the entire northern people, if my humble voice could reach them, that history has furnished no example where large masses of men have periled life, property, home, wife, children, all that man loves most fondly, all for which he dies most willingly, in a cause which they believed to be wicked and unholy. Believe as firmly as you please that their judgment was at fault and that their views were wholly erroneous. We do not ask you or expect you to believe as we believed on the dead issues of the war.

Our opinions are generally the outg owth of education and association. If, then, your brother, differently educated, differently located, and differently surrounded, has, in your view of the case, erred in his judgment or action, charge not upon him his error as a crime, not to be forgiven in this world or the next. Put yourself in his place, and answer at the bar of conscience whether under similar circumstances you might not have done the same thing. Go a step further. Let him put himself in your place, and answer honestly how you would have him regard and treat you. "Therefore all things whatsoever ye would that men should do to you, do ye even so to them."

But it is sometimes urged as a matter of complaint and an evidence of disloyalty that the people of the South have joined what is termed the secession democracy. I invoke the attention of every candid and intelligent northern republican to a few suggestions on this subject. I will take my own case, not referring to myself in any spirit of egotism, but because my case illustrates that of thousands of others.

From my political infancy, I was a member of the whig party, to the day of its dissolution, and acted and voted against the democratic party in all political contests before the commencement of the war. When the war was over I returned to my home, with no other purpose, intention, or desire than to obey the laws and strive as best I could to make an honest living. Very soon, a sweeping act of disfranchisement was passed by a body known in the nomenclature of the times as the Brownlow Legislature. In the county where I live, containing a voting population of about five thousand, not more than two hundred white men were allowed to vote at all. The power given to the governor in the appointment of registration officers was arbitrary and absolute. If such officers dared to register voters whom the executive did not wish registered, the registration was set aside and the recalcitrant officials removed and others appointed in their places. Thus, virtually, the right of the citizen to vote depended upon the will of the governor. Under this system, the voting in my county was done by the recently-enfranchised colored people. I have stood upon the streets of the town where I live, and seen as many as two thousand of these colored voters, marching to the polls in solid column, under the leadership of a carpet-bagger—a stranger to our people, while scarcely a tax-payer in the county was allowed to approach the ballot-box.

It is true I had been conquered, the cause I had espoused had been lost, and the banner I had followed through the storm of battle had been furled forever, but I still had the instincts, the feelings, and the sensibilities of a man who was born free—and all candid men must admit, whatever they may think of the propriety or justice of the law in question, that the system was not very happily framed or managed to induce me to become a member of the republican party. By what to us seemed a providential disagreement between the leaders of the republican party in Tennessee, that State, sooner than her sisters of the South, passed from under the yoke, and in 1870 was enabled to call a convention of her representative men who framed a constitution which conferred upon every man in the State, white and colored, the right of suffrage. During those dark years of proscription and passion you of the North can never know with what anxiety and apprehension we watched the infuriated march of the dominant party over the barriers of the Constitution in the direction of our subjugation. From the serried ranks of that party scarce a gleam of magnanimity could be discerned or a word of kindness and generosity heard. The only voices raised in our behalf, pleading for the guarantees of the Constitution, for oblivion of the past, came from the democratic party. They expressed confidence in our plighted honor, they held out the hand of greeting, and spoke to us words of kindness.

The Freedmen's Bureau was established as one of the inventions sent to plague us, the agents of which robbed the colored man with one hand and scattered the seeds of distrust between him and his former master with the other, thus destroying any system of labor by which we might hope to repair our waste places and rebuild our shattered fortunes. The carpet-baggers descended upon us like the locusts, and the scalawags sprung up among us like the lice of Egypt. These things may have been blessings in disguise, but they were so well disguised that we ought not to be censured if we failed to perceive just where the blessing came in. Could Louisiana be expected to lift her long, bony hands in token of gratitude for the gift of a Kellogg, a Packard, and a Casey; Arkansas to throw up her hat for the republican party for the inestimable boon of a CLAYTON and a McClure? Could Mississippi be called on to sing peans of praise for the reign of Adelbert Ames, the son-in-law of his father-in-law; Alabama to kneel in thankfulness at the shrine of a Busteed and a SPENCER, or Georgia to sing hosannas in the wake of a Bullock and a Blodgett?

Would you expect old Virginia, standing amid the graves of her illustrious dead, to sing the song of jubilee over Underwood and Wells; or North Carolina to be thankful for the distinguished honor of having Holden to rule over her; or Tennessee to kindle bon fires

for the services of those loyal men who composed a legislature without constituents and entailed upon her tax-payers a debt under which they are now staggering? Or poor old South Carolina, in rags and wretchedness, trembling with the palsy of reconstruction through every limb of her wasted body, to throw her arms around the republican party for fastening upon her the vampires that have sucked her blood and the vultures that are picking her carcass? No, gentlemen, of the republican party, you have none to blame but yourselves for the unanimity with which the white people of the South have allied themselves with the democratic party. Your leaders in the hour of our sore trouble, humiliation, and despair denounced us as rebels and traitors, having but two rights, one to die and the other to be damned. You inaugurated, confessedly outside of the Constitution, a system of reconstruction that has made some portions of the South a waste howling wilderness, and that which once rejoiced and blossomed as the rose a desert and a solitary place.

I am not now animadverting upon your motives. I am speaking of results. Had your statesmen possessed the magnanimity, the broad and comprehensive patriotism, the grasp of the situation which would have lifted them above the passions and resentments of the hour, how different would have been the result to you as a party and to us as a people. If you could have said to the mutilated and bleeding South, "We have been enemies in war, let us be friends in peace. You have fought us like brave men, long and well, but we are victorious and can afford to be generous. You give us your word of honor that you accept the situation, we believe you—we are willing to trust you. Take your war-wasted country into your own hands and build it up. All the aid that we, who now control this powerful Government, can give you in restoring prosperity to your section shall be freely given. We believe you have grievously erred, but it is human to err. The past is in the eternal past, let us make the future as bright and happy as time and our joint efforts can make it, and we bid you God-speed in all your undertakings to build up your ruined fortunes." If the republican party could have risen to this height, they would have been to-day far stronger in the South and the whole country far more prosperous and happy. But instead of this policy which the situation demanded and a wise statesmanship would have adopted, the colored man, but recently emancipated from slavery, necessarily ignorant of all system of Government, was, with a stroke of the pen, enfranchised; the power to control the destinies of great States placed in his unskillful hands, while the intellect and culture of the South were forced into the background, a course which has entailed upon both races curses from which it will take them years to recover.

I am aware that at the close of the war the republican party manifested great solicitude for the welfare of the emancipated slaves. Of this I do not complain. It was the duty of the Government to see to it that the negro was protected by the laws of the country. But it was a great mistake to assume that the emancipated slave and his former master were natural enemies, and that the efforts of the master would be directed to the maltreatment and oppression of his former slaves. The behavior of the colored people during the war forms a record of which as a race they may well be proud. Their conduct under the trying circumstances that surrounded them disappointed both the northern and southern people. It was expected at the North that they would, under the accumulated wrongs of years, eagerly rush, when the means were put into their hands, to take vengeance on their oppressors. At the South it was feared that, inflamed by appeals to their passions, they would use their newly-acquired freedom by seizing the torch of the incendiary and filling the land with all the horrors of a vindictive and licentious insurrection. But they did neither. In thousands of instances, when the master was out in the confederate army, the faithful negro remained at home with the wife and children until the close of the war, protecting and supporting them. This course on the part of the colored race demonstrated two things: First, that the northern people had misconceived the extent of the sufferings of that race under the institution of slavery, and had consequently exaggerated the wrongs which they had to avenge; and secondly, that the colored man had more principle and honor than the southern people had given him credit for. Left to themselves, without the baleful influence of the bureau, the carpet-bagger, and the premature bestowal of the ballot, the two races at the South would have adjusted themselves in their new relations to each other far more speedily, harmoniously, and satisfactorily. The conflicts that have taken place in the South between them, greatly exaggerated for party effect and earnestly deprecated by the mass of our citizens, have had their origin and inspiration, for the most part, in the evil agencies thrust by the system of reconstruction between the white and the colored people of the South.

It was an unfortunate day for the colored man when the advancement of party interests or the suggestions of a misguided zeal for his welfare required him in his ignorance and inexperience to be transformed into a politician. It was putting into his hand an edged tool with whose use he was wholly unfamiliar, and it is not strange that he should have wounded himself in handling it. The whole race, manipulated by the cunning hand of the carpet-bagger, went ever *en masse* to the republican party, and became under the influences that controlled them the oppressors of the white race among whom they lived and whose friendship and good-will every instinct of interest would have led them to cultivate, if they had been left to choose their own course. They could not hope to live forever under the shadow of United States bayonets or to remain for all time in a state of quasi infancy as wards of the Government. All these agencies must needs be withdrawn at some time, and the colored man be thrown upon his own resources to shape his own destiny. Even the carpet-bagger in time

> Would fold his tents, like the Arabs,
> And silently steal away,

after he had stolen everything else he could lay his hands on. It was the most natural thing in the world that the colored people should have formed an alliance with the republican party. With their feelings alienated from the southern people by their unfortunate surroundings—not able to detect and most unlikely to suspect the motives of those who controlled them, filled with gratitude to the republican party for their newly-acquired freedom, ignorant of politics and parties—it would indeed have been strange if they all had not rushed into the arms of that party. But a division of political sentiment among them is only a question of time. As they become educated and learn to think, they will inevitably divide. And it will be an auspicious day for them when this division takes place, when they become factors in the success of both parties, thus interesting both in the maintenance of their rights and the elevation of their race. The South is more directly interested in the education of the colored man than the North; for, as he lives in the South and casts his vote there, it is among the southern people that his political power must be felt for weal or woe.

Although we believe that the negro was clothed with all the rights of citizenship too soon for his own good and for ours, no one proposes to undo what has been done or to deprive him of the rights he enjoys under the law. As he has been made a citizen by law, let him be made one in fact, by enlightening his mind and teaching him to think for himself. If one man does the thinking for a thousand they will be mere instruments in his hands, and like dumb driven cattle, obey his voice. But let each be taught to think for himself, and the constitution of the human mind will insure a diversity of opinion. Already the more intelligent of the colored race are beginning to perceive the unwisdom of thrusting citizenship upon them immediately after their emancipation, the failure of the reconstruction measures to promote their welfare, and the advantage to them of cultivating friendly political relations with the people among whom they are destined to live.

In the recent national convention held by the colored people at Nashville, Tennessee, the ablest speech made before that body was delivered by Senator C. S. Smith, of Alabama, a colored man and delegate to the convention. Among other things, he said:

> Now, every intelligent man will bear me out that it would have been far better for the General Government, upon the emancipation of the negro, to have given the black man a spelling book rather than the ballot-box. One of the great mistakes which the Government made in its reconstruction policy was to invest the colored people of this country, just emerging from slavery, with the rights of citizenship. I am honest in my convictions. But complaint never remedies an evil. As I remarked before, when these poor colored men were left to paddle their own canoe they drifted out to sea without a pilot, rudder, or compass. Then came the carpet-baggers, adventurers, and robbers, who cast about and took the colored man into their piratical craft and became his leaders.

And again he says:

> I give the republican party a place in the third heaven of my gratitude and affections, but I will tell you the republican party has failed to restore law, peace, and order in this country, and it has failed to relieve the distressed in time of need.

He further proceeds:

> I am surprised at the obstinacy of colored men, who shut their eyes to facts. Turn your backs upon those things which are real, blindly follow the lead of party and not principle, follow the lead of men that have damned us in the past and who will damn us in the future, and you will have cause to deeply regret it. Let us strike hands with the independent conservative element of the South.

The Nashville Daily American, in whose columns the speech was published and from which I have taken the above extracts, says of the manner in which the speech was received:

> As he closed he was greeted with deafening applause. Members of the convention congratulated him, and men, both white and black, rushed upon him from behind the bar and from the galleries and took him cordially by the hand.

Much has been said and written of the outrages committed by the white people of the South upon the colored people, and our whole population have been represented as indulging toward the emancipated slaves a feeling of vindictive hate and merciless persecution. Outrages have occurred in different localities of the South, very much to the regret and against the wishes of the order-loving people of our section. If, under the trying circumstances surrounding both races, conflicts had nowhere occurred, and outrages have been nowhere committed, it would have been a standing miracle in the history of human affairs. The wonder is, not that now and then, and here and there, these lawless demonstrations have been made, but that they have not been more general and frequent. Why, then, bring against a whole people a sweeping charge of inhumanity and lawless violence for occasional excesses, which are the necessary incidents and the legitimate outgrowth of the situation?

I again call on all fair-minded men of the North who love truth and justice to put themselves in our place. Suppose you had been conquered, your property destroyed, your families reduced to poverty, your homes made desolate; and after you had surrendered your arms and given your paroles of honor, the control of your States had been taken from your hands, an ignorant population, your former slaves, put in control of your State governments, you disfranchised and al-

lowed no privilege, save that of paying taxes to support a government carried on by these ignorant and irresponsible voters, manipulated by adventurers, strangers to you, who left their own section of the country for their country's good and your oppression; in a word, suppose you had been called on to pass through the fiery crucible of reconstruction. I ask every honest man in the North, do you think you would have been able to so control all classes of your population that no outrages would have occurred, no outbreaks have taken place? Go feel what we have felt, go suffer what we have suffered, go submit to what we have submitted to, and then judge us as you shall hope to be judged at that great bar where no subterfuge can hide the truth and no self-righteousness evade the fiat of inexorable justice. We have lawless men among us; so have you, so have all communities and all States. None of us can afford to be weighed in millennial balances.

I believe as firmly as I believe I am standing on this floor, that if our positions had been reversed, and you had been placed in our situation and we in yours, there would have been as many, if not more outrages with you than there have been with us. Our war experience was far different from that of the North. Our people who remained at home, and those who went to the field were subjected to a discipline of hardship and a trial of patience that the northern people, who were growing rich all the while, and the Federal soldiers, who were well supplied with all the necessaries, and even such of the luxuries of life as the camp would allow, knew nothing of. And there would have been many more outrages in the South but for the high courage of our people, who, thus trained in the severe school of privation during the war, determined that they would suffer and be strong, and endure manfully all the multiplied evils that beset them, in the hope that a better day would dawn upon them.

The problem between the races will work itself out, and all the sooner and better if the fanatic and the demagogue can get their own consent to leave the matter to the parties more immediately interested in its solution, under the guidance and supervision of a Divine Providence whose counsels we cannot inform and whose methods we cannot improve.

But it is said that the people of the South have shown their disloyalty to the Government by electing to Congress men who were engaged in the rebellion, and by way of derision this is called the ex-confederate House of Representatives. No man occupies a seat upon this floor who is not by the law of a republican Congress made eligible thereto. When you removed the political disabilities of those southern men who occupy seats upon this floor, for which I give you all credit and honor, you by that act proclaimed to the world that there was no reason in your opinion against their filling any position of trust or honor to which their fellow-citizens might see fit to elect them. Whom did you expect the southern people would elect to Congress when you passed your amnesty bill, and by repeated private acts removed the disabilities of such as had been in rebellion? With comparatively few exceptions, the men of intellect and cultivation in the South were all engaged in the rebellion in either a civil or military capacity. The people of their section were in full accord and sympathy with them. They belted on their swords and knapsacks in obedience to or with the full approbation of their fellow-citizens among whom they lived. Why, then, when the war was over, when a republican Congress had by their amnesty acts said there was no longer any cause for treating these men as unworthy or unsafe to hold office, should you suppose that their fellow-citizens would regard them as only fit subjects of proscription and unworthy of promotion? The people of the South did not, and do not now, so regard the men who went to the front, and for four long and bloody years imperilled their lives in a cause which not only they, but those for whom they fought, believed to be right. Nor do the people of the South regard the southern man who honestly and from principle adhered to the Union during the war as unworthy of their confidence and support. They fully recognize his right to his opinions, and respect him for a conscientious adherence to them. This class of high-minded and honorable men must not be confounded with the scalawag. Nor do our people withhold their respect and support from the Federal soldier, nor the honorable northern man who settles among us as a citizen, and does not come to spy out our liberties and defame our character. Let these be carefully distinguished from the carpet-bagger.

But there is a class of men born in the South whom our people despise, and for whom they feel a contempt which they do not seek to disguise. They are men who, in the earlier days of the war, when the confederate flag floated in the breezes of victory, shouted more loudly than any one else for the South, but who, when the night of misfortune gathered around us, took advantage of the darkness to desert their associates, and with loud professions of loyalty to the Union and love for the old flag leaped into the arms of the stronger side, simply because it was stronger. They were actuated by the same motive which impelled Judas to desert his Master and form a conspiracy with the Jews to put him to death—with this difference in favor of Judas, he had conscience enough left, when he had time to reflect upon the baseness of his act, to throw away the money that bought him, and to go out and hang himself—while the scalawag still lives, holds on to the price he was paid, cries for more, and much to the annoyance, in many instances of his new-found friends, clings like a barnacle to the republican ship.

When they came to you with denunciations of their former associates and love for the old flag on their lips, you would have been more respectable as a party in the South if you had said to them, as John the Baptist said to the Pharisees who crowded to his baptism on the banks of the Jordan, "O, generation of vipers, who hath warned you to flee the wrath to come?" They joined you for the loaves and fishes; cut off their rations and they will turn upon you and rend you. They belong to a race whose instincts lead them to wag the tail and bark, whether the bone that wins their hearts is thrown from a northern or a southern hand. You may think a man of this character more trustworthy, one in whose hands the honor and glory of this country would be more safe than with the man who faced you in the red hour of battle upon the fields of Gettysburgh and Chickamauga, who followed the fortunes of the confederacy, until, surrendering his arms at Appomattox, he dropped a tear upon the grave where his cause was buried, gave his parole of honor to fight no more, and turned his melancholy footsteps toward his ruined home. But I beg leave to differ with you. In the hands of the man who gave up fortune, abandoned his home, welcomed hardship and suffering, endured the fatigue of the long march, the monotony of the camp, the horrors of the hospital, the peltings of the storm in the lonely bivouac, and faced the dangers of the battle-field, the flag of this country would be far safer than in the hands of all the deserters that ever bent the pregnant hinges of the knee that thrift might follow fawning. One drop of his blood would enrich the veins of a thousand scalawags. If you expect our people to elect such creatures to represent them here, they will earnestly ask you to excuse them. They have too much respect for the honorable representatives of the republican party upon this floor to force such an association upon them.

But it is said that the people of the South not only believed during the war that they were right on the issues involved in the struggle, but that they still think so. Well, suppose they do. What difference does it make what any man's opinion may be to-day upon the abstract question of who was right or wrong in the war. All agree that the questions, whatever they were, whatever of right or wrong, of merit or demerit they possessed, have been forever settled, and settled against the South. If there is even a moderately well-informed man at the North who believes that the southern people intend or desire or hope or dream of reviving those issues or that conflict, his ignorance of the truth upon that subject is so dense that I should despair of evidence or argument ever being able to reach him. The idea is so absurd that I would feel absurd myself in adverting to it, if it was not frequently used by the demagogue to arouse his constituents and excite their distrust of us. Our people no more think of resurrecting those questions than they would think of exhuming the bones of those who fell in their defense from the lonely grave-yards where they are crumbling into dust. Their abstract opinions upon those points have no more to do with their fealty to the decision which the supreme arbiter, the sword, has made in the premises, than would their opinions upon the decline and fall of the Roman Empire.

There are not in all the South, outside of her lunatic asylums, fifty men whose opinions are of sufficient importance to be known five miles from their homes who do not believe and feel that it is their duty and their interest and the duty and interest of the people of their section to bear allegiance to the Government of the United States with all the good faith that honest men can exercise and to remand all such questions to the impartial judgment of history, to whose decrees both sides must submit whether they are willing or not. Before that august tribunal where the causes of nations are determined we shall file our record, expect to be represented, and ask to be heard. We desire that posterity shall do simple justice to our motives and that our memories shall not pass to the generations that are to come after us coupled with disgrace. We mean, as far as in us lies, to preserve unchanged and unmutilated the materials out of which the historian shall construct our side of the story of the war. We should certainly be lost to all sense of honor and unworthy the name of men if we could consent, in silence and without a protest, to pass into history so covered with infamy that our descendants would blush at the mention of our names and deny the ancestry from whom they sprang; and this is the whole of it.

The effort to go through the minds and hearts and consciences of the southern people with a lighted candle to ascertain if there are lurking in their hidden recesses any opinions or sympathies or feelings that a loyal man ought to have expelled is a vain and futile undertaking. Since the world began neither the ingenuity of hate nor the omnipotence of power has ever been able to invent a process by which the mind can be manipulated and its thoughts controlled or the heart entered and robbed of its memories. This is hallowed ground on which God has decreed that no tyrant shall ever set his foot. No legislative enactments can reach it, no sheriff with his *posse comitatus* can search it, no detective can explore it, and no army invade it. It is a fort that cannot be taken, a citadel that cannot be stormed, for the angels of God stand guard upon its parapets and their flaming swords turn every way to defend its approaches.

What we think of the past, how many tears we shed on the graves of our dead, how sacredly we enshrine their memories in our hearts, are questions which belong to us, and to no one else. What we think of the present and what we propose to do in the future are questions that affect us and our children and you and your children.

Mr. Chairman, since I have had the honor of a seat upon this floor I have been a silent but not uninterested spectator of what has trans-

pired around me. I have witnessed with pain and deep regret exhibitions of unfriendly feeling toward the section of the country which I in part represent. The very first week of the session was signalized by an assault on the part of a distinguished gentleman from whom I had expected better things. I had been led to believe that he was a gentleman of broad and liberal views and felt kindly toward the unfortunate people of my section, who, if they have sinned, have also suffered much. I had been induced to think that he was too magnanimous to strike a fallen foe and too chivalrous to make an attack where he knew no antagonist could meet him on equal ground to make a defense. But when I saw him ransacking the grave-yards of the war for material with which to blacken the character of a whole people and to arouse passions that every instinct of patriotism demanded him to repress, I was reluctantly compelled to change my opinion of him.

While the gentleman from Maine [Mr. BLAINE] was pouring out his torrents of bitter denunciation against Jefferson Davis, I could not avoid running a parallel in my mind between his course and that of another no less distinguished statesman of the republican party. When the pale prisoner of Fortress Monroe lay manacled upon the cold floor of his dungeon, bearing in his feeble and emaciated body the sins of his whole people, Horace Greeley, actuated by an impulse which will form a crown of glory to his memory forever, went through a storm of indignant opposition, opened the prison-doors and bade the captive walk out unfettered into heaven's glad sunlight once more. Sir, if I wished to erect a monument to moral heroism, I would lay the foundation-stone upon the spot where Horace Greeley signed the bond of Jefferson Davis! It is by such acts as these that the bitter memories of the war will give place to fraternal feeling.

And here, in passing, let me say of Horace Greeley that he alone of all the leading statesmen of the republican party at the close of the war seemed possessed of those comprehensive ideas of statesmanship, those broad and liberal views which subsequent events have shown were demanded by the situation. The reverberations of hostile cannon had scarcely died away amid the blue mountains of Virginia when he seized the silver trumpet of peace and sounded the reveille of reconciliation. O that the republican party in that critical hour, when statesmen were so much needed, had possessed more Horace Greeleys among its leading men! How much happier, how much more prosperous would this country be to-day! In the light of his illustrious example how do the exploits of the mere politician and partisan pale their ineffectual fires. On the ante-bellum issues and the issues of the war no man, perhaps, in all the North could have been found more distasteful to the southern people than Mr. Greeley. Yet, when the war was over and he came to us with sympathy in his heart, words of kindness on his lips, and the olive-branch in his hand, our people forgot the antagonisms of other days and gave him their support for the highest office in the Republic. This ought to be some evidence to the northern people that our hearts will respond to kindly treatment and that we are willing to bury the past.

When this Congress first convened, a few old war-broken soldiers who were in the rebel army, laboring under the delusion that the war was over, that they were American citizens, that they had a country, and this was its Capitol, came to Washington to run for office. Some of the minor positions were given to them, and so intense seems to be the feeling even against those who occupied the position of private soldiers, that a resolution was introduced with the manifest object of excluding them from all appointments. It matters but little, Mr. Chairman, with the masses of our people whether a few crippled rebel soldiers succeed in picking up here and there a crumb that may fall from the Government table or not. It is the spirit displayed, the rule of action sought to be established by inducing this House to solemnly pass a resolution of the character indicated, that is objectionable. Those men are American citizens or they are not. If they are, then this resolution is unjust and improper; if they are not, and are not worthy to be, so declare, and leave them beyond the pale of citizenship to shiver forever in the cold blasts of loyal scorn or to roast in the furnace of loyal hate. A nominal restoration to citizenship is simply a mockery, if persecution is to follow in the footsteps of pardon and the subjects of national clemency are to become the victims of national spite.

Men who claim to have been loyal in the South cannot present a respectful demand against the Government for payment of losses without provoking the declaration upon this floor that every man in the South who lost a mule during the war has come here to ask the Government to pay him for it, when every member on this floor knows full well that unless the claimant establishes his loyalty and his losses by competent evidence he cannot receive a cent, and in many cases, when both points are proven, he will never get a dollar unless a vigorous constitution should prolong his life to the next centennial. I have heard of cases where the loyalty of the party and the losses sustained have been proven by the most indubitable testimony before the Departments, but without the claimant's knowledge a secret detective has been dispatched, has gone silently and with noiseless step, returned with an adverse report, which the claimant is not allowed to see and which he has, therefore, no opportunity to refute, but on the faith of which his claim is pigeon-holed, there to sleep until Gabriel blows his trumpet, when all the dead shall arise. As long as this patent-right justice is administered to southern claimants, no fears need be entertained of very extensive raids upon the Treasury, unless the tribunals organized to reject claims should prove unfaithful to their trust. The Rhadamanthian justice which decides against the claim and then, with a show of decency, hears the claimant is admirably adapted to shield the Treasury from all claims—the just as well as the unjust. Congress ought to declare that no claim south of the Ohio River shall ever be paid or erect some tribunal where men can have a fair investigation made of their demands and their causes determined not on the irresponsible opinions of a detective—the correctness and honesty of whose conclusions are placed beyond the reach of attack or correction by being concealed in a Department pigeon-hole—nor yet on the utterances of politicians, made in the interest of party, to meet the exigencies of a campaign. I do not desire, I am sure, to see any claim paid which, under the law, ought not to be paid. But the present mode of disposing of the cases of claimants against the Government for war losses in many instances is simply a burlesque on investigation and a mockery of justice.

But my object, Mr. Chairman, was not to discuss this matter of claims against the Government, but to refer to the spirit manifested on the other side of this House toward everything emanating from the South. These repeated flings at our people, these centennial bouquets thrown from the other side of the House to this as fragrant reminders by our republican brethren on this floor of their great admiration for the ex-confederate element over this way, though the pastime may be fun to them, are not as agreeable to us as they seem to suppose. How the welfare of either section is to be promoted by such exhibitions of sectional animosity I have never been able to see. What is the object of it? Is it to degrade us in our own estimation and to call the blush of shame to our cheeks, that our assailants may enjoy our confusion? If so, the unprofitable task might as well be abandoned. It is not to the vain carpet-knight, who struts in all the glory of political regimentals after the war is over and who never smelt sulphur in his life save when his anxious mother rubbed it on him for the itch, that we propose to submit the censorship of our actions or the purity of our motives.

We are here as members of Congress to represent our constituents and to discharge our duty to the country according to the best of our ability. Does any republican upon this floor believe that when the members from the South who were engaged in the rebellion went to the Clerk's desk and took an oath to support the Constitution of the United States we did it with the intention to break it whenever a favorable opportunity might present itself? Do the northern people believe or are you endeavoring to make them believe that we have entered the American Congress for the purpose of subverting the Government or being disloyal to its interests? Do you wish to make the South disloyal? Are you unwilling for her people to return to their allegiance and bring with them all that they can contribute to the future prosperity and glory of the country? We know we took up arms, not, as you say, to destroy your Government, but to establish one of our own, in its constitution and all its essential features similar to the Government of the United States; that when you endeavored to force us back we fought you with all the power and resources we could command. All the world knows this; you know it; we know it, and do not and cannot deny it. But this is past; it cannot be altered. What do you propose to do about it? Do you never mean to forgive it? Do you intend forever to throw into our teeth the hissing words of rebel and traitor and to hold us up to the world and hand us down to your children and ours as infamous beyond the reach of mercy or the arms of charity?

I will tell you what we are willing to do, what we have anxiously desired to do ever since the smoke of battle faded from the last field where we met in the stern clash of arms. I do not propose to gush or centennialize on this subject, but to state the proposition with all the frankness which its gravity and importance demand. When the war closed, President Johnson sent General Grant, the victorious leader of the Federal Army, on a tour of inspection through the Southern States to ascertain and report to him the animus and disposition of the southern people. On the 18th of December, 1865, General Grant made his report, in which, among other things, he said:

> I am satisfied that the mass of thinking men of the South accept the present situation of affairs in good faith. The questions which have heretofore divided the sentiments of the people of the two sections, slavery and State rights, or the right of a State to secede from the Union, they regard as having been settled forever by the highest tribunal—arms—that man can resort to.

And he says further, in the same report:

> My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing, they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens, and that if such a course was pointed out they would pursue it in good faith.

Such was the testimony of General Grant as to the wishes and temper of the southern people in the very year of the close of the war. It was true in every particular, and I here aver upon this floor that there has never been a day or an hour since that truth was written when the southern people were not willing, ay, anxious to do whatever they thought "the Government required, not humiliating to them as citizens." Such is the temper, such the wish of the southern people to-day. We are anxious to discharge in good faith all our duties as citizens, to contribute as far as we are able to the glory of the American name and the stability of the Government of the United States, but spare us the bitter cup of degradation and a surrender of

our manhood. To rob us of this would not enrich you and would make us poor indeed. Waive this demand which manhood forbids you to make and us to yield, and the past can be buried forever. Upon this platform we can meet and shake hands over the graves of our soldiers, and under the auspices of a restored Union march on together in peace and fraternity to grander achievements than we have ever known and a future far more glorious than our past.

Stripped of her wealth, and, I fear, growing poorer every year; crippled by the war, depressed in spirit, staggering under the weight of accumulated debt, the South looks and longs for peace as anxiously as ever the mariner looked for the star by which he might guide his wandering bark aright when "night and the tempest had gathered around him." If any one section of this country has a deeper interest than another in the restoration of fraternal peace and the stability of good government, the South is that section. If the northern people cannot bring themselves to the point of trusting the honor and relying on the pledges of the South, they certainly cannot be unmindful of the fact that her interest in keeping the peace is fully equaled by her inability to break it. But we have no desire to break it. If the flag that floats over this Capitol is not our flag, we have none; if this is not our country, we have none; we are aliens in the land of our birth and exiles in the homes of our childhood. Here the bones of our ancestors are buried, and here we expect our dust to sleep when our weary feet stand still upon the thorny road we have traveled. This country must be the home of our children; they will have no other home, no other country but this; here they must live, here die, and here be buried. For party purposes our loyalty may be doubted, and our names sought to be dishonored and detested, but if the time should ever come when a foreign enemy shall invade these shores and this country needs stout hearts and true to defend it, all will then see in that hour of trial and national danger—

> Whose dripping blade and stalwart arm
> Will hew a red circle in the line,
> And fence their country's flag from harm.

Mr. Chairman, the national conventions of the two great parties will soon convene, when one or the other will nominate the man destined to preside over the affairs of this great country for the next four years. It will be a contest fraught with momentous interest to the whole country, but particularly to the suffering South. Her people will look to it with a concern more painful and profound than they could regard any mere party ascendency. The struggle will possess enough of doubt and uncertainty on both sides to impress each one of the parties with the necessity of husbanding all their resources and putting forth all their strength. From this fact let us indulge the hope that each will be induced to nominate for that high office its best and broadest man.

I do not sympathize with the desire which I have heard expressed by some of my political friends that the republican party may nominate some narrow and sectional partisan, whose extreme and illiberal views may constitute an element of weakness to him in the contest. The situation is far too grave, and the consequences of the election of such a man will be far too vital and disastrous to my section, for me to regard his nomination with any other feeling than that of sincere deprecation. If the democratic party should fail in the coming contest to elect their candidate and victory should again perch on the republican standard, I earnestly trust that the best, the most national, the most just, the most honest, and the most liberal man in all the republican party may be elevated to the Presidency.

The interests of every section of the country demand as the Chief Executive Magistrate the services of a statesman who will stand on an elevation where party will not obscure his vision or passion warp his judgment, and who, by the exercise of a liberal policy and a broad charity toward every section of the country, will make each State feel that it is a State and a component port of the American Union. I hope he will have the breadth of mind to see that one section of this country cannot be given over to ruin and desolation without blasting the other; that the blow which kills the South must also paralyze the North; that he will hold the military subordinate to the civil authority; that he will fill the high places of the Government with statesmen of undoubted integrity and worthy of the high positions to which he may assign them; and that he will appoint to office honest and honorable men in every section of the country, and not a hungry horde of political buccaneers, who will prey upon the people and consume their substance. May no corrupt rings, bloated with Treasury pap and wallowing on the green pastures of executive patronage, be allowed to rob the Government and to degrade the public service, and may the atmosphere that pervades his entire administration be so pure and healthful that official integrity shall again become the rule, and not the exception, in positions of trust and honor. Such a President the country needs, and to such an administration good men of all parties will give their hearty co-operation.

> God gives us men! A time like this demands
> Strong minds, great hearts, true faith, and ready hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office cannot buy;
> Men who possess opinions and a will;
> Men who have honor—men who will not lie;
> Men who can stand before a demagogue,
> And damn his treacherous flatteries without winking!
> Tall men, sun crowned, who live above the fog
> In public duty, and in private thinking.

During the delivery of the remarks of Mr. HOUSE the hour allowed under the rule expired, and his time was extended by unanimous consent, on motion of Mr. HEWITT, of Alabama.

Mr. DAVIS obtained the floor, and yielded to

Mr. JONES, of Kentucky, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. JONES, of Kentucky, having taken the chair as Speaker *pro tempore*, Mr. CLYMER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. CLYMER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ADAMS: The petition of W. D. McLean, James Stevens, and others, of Cohoes, New York, envelope manufacturers, printers, and stationers, for such legislation as will relieve them from injurious competition by the Government through the Post-Office Department in the manufacture, transportation, and sale of envelopes, postal cards, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. BASS: Remonstrance of T. Guilford Smith and 200 other citizens of Buffalo, New York, against the passage of the Morrison tariff bill, to the Committee of Ways and Means.

By Mr. BLISS: The petition of Ann Vashage, widow of Adolph Vashage, late a private of Company L, Ninth New York Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. CHITTENDEN: The petition of Mrs. M. Hart, for a pension, to the same committee.

By Mr. CROUNSE: The petition of members of Grange 424, Patrons of Husbandry, Jefferson County, Nebraska, for a return to former postage rates on third-class matter, to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS: Resolutions of the Pittsburgh Coal Exchange, protesting against the construction of a bridge over the Ohio River at the foot of Elm street, Cincinnati, Ohio, and urging the passage of a law which will prevent the construction of bridges over navigable waters that will in any manner interfere with navigation, to the Committee on Commerce.

By Mr. LAWRENCE: The petition of J. W. Timberlake and other citizens of Logan County, Ohio, that the Indian Bureau shall not be transferred from the Interior to the War Department, to the Committee on Indian Affairs.

By Mr. MACDOUGALL: The petition of 1,173 late Union soldiers of Iowa, for the passage of a law granting bounty land to Union soldiers, to the Committee on Military Affairs.

By Mr. MCFARLAND. The petition of George W. Huntsman, of Hawkins County, Tennessee, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the claim of Pleasant H. Starnes, late a captain in the Eighth Tennessee Cavalry, for pay as a captain from the 17th day of September, 1863, to the 7th day of April, 1864, to the Committee on Military Affairs.

Also, the petition of Mary A. Andes, widow of Adam Andes, deceased, a private in Captain Hartsell's Company, Lillard's Regiment, United States Army, in the war of 1812, to the Committee on Revolutionary Pensions.

By Mr. POTTER: The petition of John C. Hawley, that the Secretary of War be directed to enroll his name as a veteran volunteer as though he had enlisted as such under the provisions of the joint resolution of Congress approved July 13, 1864, providing for the re-enlistment during the continuance of the rebellion of veteran soldiers whose term of service was then about to expire, he being prevented from re-enlisting by reason of his being held as a prisoner of war by the rebels, to the Committee on War Claims.

By Mr. STENGER: The petition of 10 citizens of McConnellsburgh, Fulton County, Pennsylvania, against making any change in the tariff laws at the present time, to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *May* 19, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The PRESIDENT *pro tempore*. The Secretary will read the Journal of yesterday's proceedings.

Mr. MORTON. May I inquire if the court is not to meet at twelve o'clock to-day?

The PRESIDENT *pro tempore*. It is; but the Chair supposed the Journal could be read, unless some Senator objected.

Mr. HAMLIN. Yes; let the Journal be read.

Mr. EDMUNDS. Let both journals be read.

The Journal of yesterday's legislative proceedings was read and approved.

The PRESIDENT *pro tempore*. Pursuant to order the legislative and executive business will be suspended and the Senate will now proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

While the doors were being closed, morning business was presented and received by the Chair as follows:

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of John C. Barron, of New York, executor of Thomas Barron, praying that he may be refunded certain moneys taken from the Citizens' Bank of Louisiana during the late war under order of the general in command of the forces in that State; which was referred to the Committee on Claims.

He also presented the petition of James Colles, of the city of New York, praying that he may be refunded certain moneys taken from the Citizens' Bank of Louisiana during the late war under order of the general in command of the forces in that State; which was referred to the same committee.

REPORTS OF COMMITTEES.

Mr. KEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of John L. Divine, and J. C. Edmonson, guardian of the heirs of the estate of William E. Kennedy, deceased, praying remuneration for losses alleged to have been sustained by them by reason of the change made by the Postmaster General in their contract for transporting the United States mails between Jacksonville, Alabama, and Chattanooga, Tennessee, in 1858 and 1859, submitted an adverse report thereon; which was agreed to and ordered to be printed.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (S. No. 22) for the relief of James H. Burgess, of Frederick County, in the State of Virginia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 104) for the relief of John W. Watson, of the State of North Carolina, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 850) to provide for the payment of outstanding certificates of the late board of audit of the District of Columbia and the settlement of certain claims against said District; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MERRIMON. At the request of a citizen of this District, a highly respected citizen, I ask leave to introduce a bill, the merits of which I know nothing about.

By unanimous consent, leave was granted to introduce a bill (S. No. 851) to amend the charter of the Washington Market Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 852) for the relief of Elisha E. Rice; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 853) for the relief of Horace K. Drake; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 854) to repeal a part of section 4713 of the Revised Statutes of the United States relating to pensions; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

IMPEACHMENT OF W. W. BELKNAP.

The Senate thereupon proceeded to deliberate upon the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting, in answer to a resolution of the Senate of March 16, 1876, a report of the Director of the Mint, showing the product in gold and silver in the United States and other countries of the world from 1845 to 1875, inclusive; which was ordered to lie on the table, and be printed.

DAVIDSON'S REPORT ON IRRIGATION.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate a report made to the Superintendent of the Coast Survey by George Davidson, assistant, describing and illustrating the methods employed for the irrigation of land in India and Southern Europe.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 19, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ADJOURNMENT SINE DIE.

Mr. MORRISON. I offer the resolution which I now send to the Clerk's desk.

Mr. WILSON, of Iowa. I rise to a point of order upon that resolution; and I want the Chair to decide whether this is the right time to make an objection to a resolution. It appears from this morning's Journal that unanimous consent was given to the Committee on Printing because the point of order had not been taken in time. Now I make the point before this resolution of the gentleman from Illinois is read.

The SPEAKER *pro tempore*. The Chair accepts the point of order as being made now, but the resolution must be read before the Chair can rule on it.

Mr. WILSON, of Iowa. Does the Chair say that on the resolution of the gentleman from Illinois it will be in order to raise the question of order after it has been read?

The SPEAKER *pro tempore*. The Chair will hear the resolution read before he decides upon it.

Mr. WILSON, of Iowa. Will it be in time to make the point of order after the resolution is read?

The SPEAKER *pro tempore*. The gentleman reserves the point of order, as the Chair understands.

Mr. WILSON, of Iowa. Then do I understand the Chair to say that the point of order must be raised before the paper is read?

The SPEAKER *pro tempore*. It has always been the custom of the Chair to allow a paper to be read for information. How can the Chair rule on it until it is read?

The Clerk read the resolution offered by Mr. MORRISON, as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on the 12th day of June next at four o'clock p. m.

Mr. MORRISON. I move that the resolution be referred to the Committee of Ways and Means.

The motion was agreed to.

FREEDMAN'S BANK.

Mr. DOUGLAS. I rise to a privileged question. I am instructed by the select committee on the investigation of the affairs of the Freedman's Bank to submit the majority and minority reports, and I ask that they be recommitted to the committee and ordered to be printed.

Mr. HALE. I object to that unless it is agreed that they shall not be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. That will be understood.

The motion of Mr. DOUGLAS was agreed to.

SWAMP AND OVERFLOWED LANDS IN MISSOURI.

Mr. GAUSE, by unanimous consent, from the Committee on Public Lands, reported back the bill (H. R. No. 1253) granting to the State of Missouri all lands therein selected as swamp and overflowed lands, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in the State of Missouri selected as swamp and overflowed lands, and now withheld from market as such, be, and the same are hereby, confirmed to said State, and all title thereto vested in said State; and it is hereby made the duty of the Secretary of the Interior to cause patents to issue for the same.

The amendments reported by the committee were read, as follows:

In line 4, after the word "land," insert the following: "And regularly reported as such to the Land Office."

Also, at the end of line 4, add the following: "So far as the same remain vacant and unappropriated, and do not interfere with any pre-emption, homestead, or other claim under any laws of the United States, and the claim whereto has not been rejected heretofore by the Commissioner of the General Land Office or other competent authority."

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. HOLMAN. I ask that the bill be again reported.

The bill was again read.

Mr. JENKS. I object to the consideration of the bill.

The SPEAKER *pro tempore*. The Chair thinks that the objection comes too late, the amendments having been read.

Mr. GAUSE. I ask that the Clerk read a letter from the Commissioner of the General Land Office on this subject.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 18, 1876.

SIR: In reply to your letter of 15th instant, referring bill 1253, entitled "A bill granting to the State of Missouri all lands therein selected as swamp and overflowed lands," I have to say that I know of no objection to the passage thereof with the following amendments, to wit:

In fourth line, after the word "lands," insert the following:

"And regularly reported as such to the General Land Office."

Between lines 4 and 5 insert the following:

"So far as the same remain vacant and unappropriated and not interfered with by any pre-emption, homestead, or other claim under any law of the United States, and the claim whereto under the swamp-land grant has not been heretofore rejected by the Commissioner of the General Land Office or other competent authority."

Very respectfully,

U. J. BAXTER,
Acting Commissioner.

Hon. R. P. BLAND,
House of Representatives, Washington, D. C.

Mr. GAUSE. The amendments reported by the committee to the bill are in accordance with the suggestions made in that letter.

The amendments were agreed to.

Mr. HOLMAN. I understand this to be a report from the Committee on Public Lands; is it a unanimous report from that committee?

Mr. GAUSE. It is.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL ORDERS.

The SPEAKER *pro tempore*. The Chair lays before the House a list of the special orders which has been made out by the Clerk, and would suggest that they be printed in the RECORD for the convenience of members.

No objection was made, and the list is as follows:

Special orders in the House.

Reported.	Title of bill.	Special order.
January 24	A bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes concerning mineral lands.	Special order for March 9, 1876, after the morning hour, and from day to day thereafter until disposed of. March 9, postponed until the legislative appropriation bill is disposed of.
March 9	A bill (H. R. No. 1993) to repeal section 11 of the act approved June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes," and to enact a substitute therefor.	Special order for Thursday, March 16, 1876, after the morning hour, and from day to day thereafter until disposed of, not to obstruct the consideration of the legislative appropriation bill.
March 16	A bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award.	Special order for March 29, 1876, after the morning hour, and from day to day thereafter until disposed of, not to interfere with the general appropriation bills. March 29, postponed and made the special order for Wednesday, April 5, after the morning hour. April 25, postponed until Friday, April 28, after the morning hour, and from day to day thereafter until disposed of, not to interfere with the general appropriation bills.
March 30	A bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution, concerning citizenship, and to define certain rights of citizens of the United States in foreign countries, and certain duties of diplomatic and consular officers, and for other purposes.	Special order for Saturday, April 15, next, after the morning hour. April 15, postponed until Saturday, April 22, and from day to day thereafter until disposed of. April 22, further consideration postponed to Thursday, April 27, after the morning hour, and from day to day thereafter until disposed of.
March 30	A bill (H. R. No. 2798) to authorize the Washington, Cincinnati, and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago.	Special order for Tuesday, April 18, next, after the morning hour. April 18, postponed until Tuesday, May 9, after the morning hour, and from day to day thereafter until disposed of.
April 4	Joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the lower Rio Grande.	Special order for Thursday, April 20, next, after the morning hour, not to interfere with the regular appropriation bills.
April 11	Joint resolution (H. R. No. 14) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged.	Special order for the third Tuesday in May, next, after the morning hour, and from day to day thereafter until disposed of, not to interfere with regular appropriation bills.
	A bill (H. R. No. 3156) to correct errors and supply omissions in the Revised Statutes of the United States.	Not reported, but made a special order for Wednesday, May 31, after the morning hour, and from day to day thereafter until disposed of.

Special orders in Committee of the Whole House, &c.—Continued.

Reported.	Title of bill.	Special order.
March 11	A bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.	Special order for Thursday, March 23, after the morning hour, and from day to day thereafter until disposed of, to the exclusion of all other orders, excepting business of the Committees on Appropriations and Ways and Means. March 23, postponed until March 29, at 2 o'clock p. m. March 29, special order for Wednesday, April 5, after the morning hour. May 17, Committee of the Whole House on the state of the Union discharged, and made special order in the House for Tuesday, May 23, after the morning hour, and from day to day thereafter until disposed of, not to obstruct the general appropriation bills.
May 8	A bill (H. R. No. 3430) to repair and rebuild the levees of the Mississippi River, to reclaim the alluvial lands thereof, to improve its navigation, and promote and protect its commerce.	Special order for Wednesday, May 17, after the morning hour, and from day to day thereafter until disposed of, not to obstruct the general appropriation bills. May 17, Committee of the Whole House on the state of the Union discharged, and made a special order in the House for Wednesday, May 24, after the morning hour, and from day to day thereafter until disposed of, not to obstruct the general appropriation bills.
May 17	A bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871, and for other purposes.	Special order for May 19, after the morning hour, and from day to day thereafter until disposed of, not to interfere with appropriation bills.

Special orders in Committee of the Whole House on the state of the Union.

February 15	A bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people.	May 3, made special order for Thursday, May 18, after the morning hour, and from day to day thereafter until disposed of, not to interfere with appropriation bills.
February 24	A bill (H. R. No. 2283) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same.	May 3, made a special order for Tuesday, May 16, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation bills.
March 13	A bill (H. R. No. 2952) to transfer the conduct of Indian affairs from the Interior Department to the War Department.	Special order for Thursday March 30, after the morning hour, and from day to day thereafter, to the exclusion of all other business, until disposed of. March 30, postponed until Tuesday, April 4, in the same order.
March 22	A bill (H. R. No. 2803) to provide for arrears of pensions on account of death, or wounds received or disease contracted in the service of the United States since the 4th day of March, 1861, and for the payment of the same.	Special order for Wednesday, April 5, 1876, after the morning hour, and from day to day thereafter until disposed of.
April 4	A bill (H. R. No. 3204) in relation to the Japanese indemnity fund.	Special order for Thursday, April 27, next, after the morning hour.
April 6	A bill (H. R. No. 2929) to provide for cheap transportation of freight between tide-water on or near the Atlantic Ocean and the Ohio and Mississippi Valleys.	Special order for May 10, after the morning hour, until disposed of, not to interfere with the regular appropriation bills.
April 13	A bill (H. R. No. 3132) to revise and simplify existing laws imposing duties on imports, and to reduce taxation.	Special order for Wednesday, April 26, next, after the morning hour, and from day to day thereafter until disposed of.
April 15	A bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874.	Special order for April 22, next, after the morning hour, and from day to day thereafter until disposed of, not to interfere with the regular appropriation bills.
May 5	A bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.	Special order for Monday, May 8, 1876, and from day to day thereafter until disposed of.
May 18	A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1877, and for other purposes.	Special order immediately after the passage of H. R. No. 3375, (naval appropriation bill,) and from day to day thereafter until disposed of.

ADMISSION OF NEW MEXICO.

Mr. SOUTHARD, by unanimous consent, from the Committee on Territories, presented the majority and minority reports upon the bill for the admission of New Mexico, and moved that they be printed and recommitted to the committee, not to be brought back by a motion to reconsider.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will ask unanimous consent to lay before the House various bills on the Speaker's table, and if there be no objection, they will be read and referred to the proper committees.

No objection was made.

LICK OBSERVATORY.

The first business on the Speaker's table was the bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California.

Mr. SAYLER. I ask unanimous consent that that bill be put upon its passage. This matter was considered by the Committee on Public Lands, and I was ordered by that committee to ask the passage of a bill similar to this. It is beneficial to the university and injurious to nobody, and I ask that the bill be put upon its passage.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS REFERRED.

The following Senate bills were taken from the Speaker's table, read a first and second time, and referred as indicated below:

A bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon—to the Committee on Military Affairs.

A bill (S. No. 696) for the relief of Angeline Logan—to the Committee on Military Affairs.

A bill (S. No. 699) to confirm the sale of the marine-hospital building and grounds at Natchez, in the State of Mississippi—to the Committee on Commerce.

A bill (S. No. 729) authorizing the issue of patents to the purchasers of certain Miami lands in Kansas—to the Committee on Public Lands.

A bill (S. No. 745) to authorize the Secretary of the Treasury to issue a register and change the name of the brig A. S. Pennell to the City of Maule—to the Committee on Commerce.

RECEIVERS OF NATIONAL BANKS.

The Senate amendments to the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, were taken from the Speaker's table and referred to the Committee on Banking and Currency.

WILLIAM L. MAURY.

The Senate amendment to the bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York, was taken from the Speaker's table.

The SPEAKER *pro tempore*. The Chair would ask that the amendment of the Senate, simply a verbal one, be concurred in. This bill was introduced by the present occupant of the chair.

Mr. HOLMAN. Let the amendment be read.

The amendment of the Senate was to strike out the words "legal and" before the words "political disabilities."

There being no objection, the amendment was concurred in.

EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. MEADE. I am directed by the Committee on Expenditures in the Department of Justice to submit for adoption at the present time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That for the purpose of enabling the committee of this House on expenditures in the Department of Justice to facilitate the discharge of the duties imposed upon them by the House resolution bearing date January 14, 1876, requiring said committee among other things to inquire into any errors, abuses, or frauds in said Department, it is hereby directed that said committee designate from the same a subcommittee, and that said subcommittee proceed to the cities of New York and Brooklyn, and make such examination there concerning the various offices, officials, and matters pertaining to the Department of Justice as may by said committee or said subcommittee be deemed necessary, requisite, or material in the premises.

Mr. HALE. I have no objection to this resolution, if it is adopted without taking up time.

The resolution was adopted.

Mr. MEADE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON NAVY-YARD.

Mr. FAULKNER. I ask unanimous consent to present and have referred to the Committee on Naval Affairs a memorial, signed by some 900 citizens of the city of Washington, concerning that portion of House bill No. 3375 as relates to the Washington navy-yard. I also ask that the memorial, without the names, be printed in the RECORD; it is very brief.

There was no objection, and it was so ordered.

The memorial is as follows:

To the honorable Senate and House of Representatives:

We, the undersigned, respectfully petition your honorable bodies not to pass that portion of House bill No. 3375 as relates to the Washington navy-yard, for the following reasons:

First. This yard possesses greater facilities for the manufacture of steam-engines, boilers, cables, anchors, galleys, guns, gun-carriages, and ordnance stores of all kinds, as well as the various outfits for naval vessels, than any other station of the United States. Has also within its limits a large copper-refining and rolling mill of sufficient capacity to furnish all the copper and lead required for the purposes of the Navy, even when the entire Navy is in active service. This is the only mill of the kind owned by the Government.

Second. The machinery now contained in this yard cost over $3,000,000, and is in excellent condition, and prepared to execute any work that may be ordered. Besides the immense value of the workshops, offices, officers' quarters, wharves, marine railway, ship-houses, &c., which are all in fine order and fully prepared for the purposes for which they were constructed.

Third. The climate of Washington is such as to permit outdoor work to be done at all seasons of the year, which in itself is an important feature in an establishment of this kind.

Fourth. Ship and other timber can (as an inspection of the records will show) be furnished here as cheap as at any other yard in the country. And evidence is now on record that the water at this yard possesses special qualities (not possessed by any other location) for the seasoning and preservation of ship timber.

Fifth. Coal (bituminous being for the most part used) can be purchased at much lower rates than at any other station.

Sixth. It is the only yard that possesses facilities for the manufacture of guns, iron gun-carriages, and ordnance stores, and has for these purposes a fine machine-shop with all the necessary machinery, as also the finest foundery in the country.

Seventh. The yard being located so near the Department gives its officers opportunity to have immediate supervision over all work to which they may desire to give direct attention, and in case of testing inventions, &c., for the benefit of the Navy Department or Patent Office, the officials of those Departments are enabled to give these tests their personal attention without at the same time neglecting other duties, which would be the case were the experiments made elsewhere.

Eighth. This yard has been established for seventy years, and is now, so far as relates to a manufacturing yard, in a high state of perfection, and to sell or close the same would not in any way result to the interest of the Government.

Ninth. Labor is abundant, and can always be obtained at as low rates as at any other station in the United States.

Tenth. This yard, being located outside of any of the great States, is entirely removed from the effects of political influence, and is thereby enabled to do all work ordered with promptness, and at the same time for much less than similar work costs at other stations.

Eleventh. Vessels of eighteen feet draught can be brought to the yard; and with an expenditure of $100,000 the channel can be so deepened as to admit the largest vessel in the Navy, when fully prepared for service, to come to it.

Twelfth. The water of the harbor is fresh, and affords the very best place of all the naval stations for the placing of the iron-clad vessels of our Navy. There is sufficient area in the harbor of this station to float nine-tenths of the vessels of our Navy.

During the late war nearly all of the shot, shell, &c., used in the Navy of the United States were manufactured at this yard, as also a large quantity of the same articles for the Army. The Government having some years ago discontinued all work at the arsenal in this city is an additional reason why they should not now close this yard.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the rules be suspended and that the House now resolve itself into Committee of the Whole for the further consideration of the naval appropriation bill.

Mr. JENKS. I move to amend that motion so that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. BAKER, of Indiana. Before action is taken upon the motion to go into Committee of the Whole, I desire to be heard upon a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state his question of privilege.

CONGRESSIONAL RECORD.

Mr. BAKER, of Indiana. On the 16th day of the present month the House had under consideration the motion of the gentleman from Ohio, [Mr. VANCE,] the chairman of the Committee on Printing, to reconsider the vote by which the House recommitted to the Committee on Printing the report on the subject of the conduct of the Government Printing Office. On that subject, on the 16th day of May, the gentleman from Mississippi, [Mr. SINGLETON,] a member of that committee, addressed the House at great length. On the character and temper of that speech I disclaim any purpose to comment. My purpose is to call the attention of the House and country to the fact that in the course of the delivery of that speech the gentleman from Mississippi was interrupted on several occasions by his colleague on that committee, the gentleman from Rhode Island, [Mr. BALLOU,] who took occasion to dissent from some of the statements and conclusions of the gentleman from Mississippi and to qualify and explain others of his statements and conclusions. The other gentleman from Rhode Island [Mr. EAMES] made some remarks which I find are also entirely omitted. On the same occasion the gentleman from Ohio [Mr. GARFIELD] called the gentleman from Mississippi to order for a breach of the rules of debate in alluding by name to a member of the Senate in violation of the rules of the House. Out of the action of the gentleman from Ohio in calling the gentleman from Mississippi to order grew an exciting and animating discussion, a discussion in its nature calculated to arrest the attention of the House. Of the merits of that controversy it is not my purpose to speak. I merely mention these things to call the attention of the House to their occurrence as a part of the current proceedings of the House.

The speech of the honorable gentleman from Mississippi is printed

in the CONGRESSIONAL RECORD of May 17, 1876. In the printed record of that speech the remarks made by the two gentlemen from Rhode Island [Mr. BALLOU and Mr. EAMES] are entirely omitted. The same also is true in reference to the point of order raised by the gentleman from Ohio [Mr. GARFIELD] and the discussion which arose thereon, and the ruling of the Speaker on the question of order.

I should exceedingly regret to give occasion of offense to any gentleman by calling attention to this subject. I disclaim any such purpose. I entertain the highest respect and am animated by nothing but the most friendly feelings for the distinguished gentlemen who participated in that debate. I disclaim any purpose to ask to have placed upon the record anything which would prove unpleasant or injurious. The question is one which, in my judgment, rises above all considerations of personal feeling.

The RECORD was intended to be the faithful chronicle of all that is said and done on the floor of this House. It was intended to be the solemn and authentic memorial by which our acts, our conduct, and our speeches in the order of their occurrence and the language in which they were embodied should go to our constituents and remain for the use and guidance of our posterity. It is of the last importance that this RECORD should be authentic; that it should be a faithful and impartial witness of everything done and said on the floor of this House. The verity of this RECORD ought to be as absolute as that of the judgment of a court of last resort. It should set down nothing in malice, and in it nothing should be extenuated, nothing omitted. Everything should be placed upon the cold, undying record for the judgment of the present and future ages just as uttered, just as it occurred. The interests of truth demand it. The cause of justice to ourselves, to our constituents, and to those who come after us require at our hands that we see to it that we make our record speak the truth, the whole truth, and nothing but the truth.

I send to the Clerk's desk for consideration and adoption at this time two resolutions, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the reporters of this House who took down the remarks of the gentleman from Mississippi, Mr. SINGLETON, of the two gentlemen from Rhode Island, Mr. BALLOU and Mr. EAMES, and of the gentleman from Ohio, Mr. GARFIELD, and the ruling of the Speaker on the point of order made during the delivery of the speech of the gentleman from Mississippi, and which are omitted in his speech as printed in the RECORD of May 17, 1876, cause the same to be fully and truly printed in the CONGRESSIONAL RECORD.

Resolved, That the Committee on Rules be, and they are hereby, instructed to inquire and report to this House whether any, and, if so, what, amendment is needed to existing rules to require the debates of this House to be printed without any change, alteration, or omission.

Mr. RANDALL. Does the Chair hold that that is a privileged question?

The SPEAKER *pro tempore*. The Chair holds that, according to the Digest, all matters connected with the omission, change, or alteration of the debates as published in the RECORD pertain to a question of privilege.

Mr. BAKER, of Indiana. I call the previous question on the resolutions.

Mr. SINGLETON. Will the gentleman allow me one remark?

Mr. BAKER, of Indiana. Certainly.

Mr. SINGLETON. I wish to say that so far as the reporters are concerned no blame can attach to them in regard to this matter. I understood from some gentleman, perhaps one of the reporters, who came to me, that it had been agreed by the gentlemen on the other side of the House who had been engaged in the little controversy that took place on that day that they did not care about their remarks going into the RECORD, and my response was that I did not myself care about it. So, I believe by general consent, the omission was made. I have no objection at all to the correction of the RECORD in the manner proposed. I never say anything upon this floor that I am not willing shall go before the House and the country. I am willing that every word of the controversy in question should appear.

Mr. GARFIELD. I desire that the exact facts of this case, so far as they relate to me, shall be known. The gentleman from Mississippi, [Mr. LAMAR,] whom I do not now see in his seat, came to me shortly after that debate and, as I understood, from the gentleman from Mississippi, [Mr. SINGLETON,] stating that the gentleman's speech was in manuscript, and asking if I had any objection to allowing it to be printed continuously without the interruptions. I answered that so far as I was personally concerned I had no objection to his leaving out what I had said. The suggestion did not come from me; it came, as I understood, directly in the form of a request through the gentleman from Mississippi, [Mr. SINGLETON.] I suggested either to him [Mr. LAMAR] or to the reporter, who also spoke to me on the subject, that the gentleman's manuscript speech might appear in continuous form, with the interruptions added at the close, and thus the record would be preserved. But I understood it was the wish of the gentleman from Mississippi [Mr. SINGLETON] that the interruptions should be left out altogether; and, as I felt it might be ungracious on my part to object, I said that I would make no personal objection.

I quite agree with the sentiments expressed by the gentleman from Indiana, [Mr. BAKER,] that our RECORD ought fully to show substantially what occurs in the House. No other than verbal corrections should be allowed. In this case I understood that I was only granting a personal favor in consenting that, so far as I was concerned, the small part which I took in that debate might be omitted. The proposition certainly did not originate with me, and my concurrence in it was a matter of courtesy. What I said was what I deemed my duty to say, and I had no desire to suppress it.

Mr. SINGLETON. I wish simply to say that it did not originate with me; I had nothing to do with it.

Mr. BAKER, of Indiana. I now yield to the gentleman from Rhode Island, [Mr. BALLOU.]

Mr. BALLOU. I think it was one of the reporters who came to me and said that it was the wish of the gentleman from Mississippi [Mr. SINGLETON] that the matter should be left out and that the gentleman from Ohio [Mr. GARFIELD] assented. I said that, if such was the case, I should not put in any objection. I assented supposing that it was a request and for the purpose of having the speech appear continuously.

Mr. RANDALL. We cannot hear anything that the gentleman is saying.

The SPEAKER *pro tempore*. The House must come to order. The Chair will call gentlemen by name, if necessary to preserve order.

Mr. BALLOU. I do not know that it is worth while for me to repeat what I have just stated. One of the reporters told me that it was the wish of the gentleman from Mississippi that the colloquial remarks should be omitted and that the gentleman from Ohio [Mr. GARFIELD] who had taken some part in them had assented to the arrangement. Understanding that such was the general wish, I put in no objection, but assented to it. I wish, however, to say that I made no remark on that day, and I have made no remark in connection with this general subject, which I wish to recall or which I am ashamed to have upon the record; and I trust that while I remain a member of this House I may never do that which I shall be ashamed to have appear.

Mr. BAKER, of Indiana. I now yield to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. Mr. Speaker, I took no part whatever in the discussion of the resolution reported from the Committee on Printing, but, when the point of order was raised by the gentleman from Ohio [Mr. GARFIELD] in regard to mentioning the name of a Senator, I did make a few remarks. After the debate was over I learned from my colleague [Mr. BALLOU] that there was an understanding between the gentleman from Mississippi, [Mr. SINGLETON,] the gentleman from Ohio, [Mr. GARFIELD,] and my colleage that the remarks which were made in the discussion of the point of order should not appear in the RECORD. Upon learning that, I went myself to one of the reporters and stated to him that, inasmuch as what I had said had a bearing simply upon that point, I supposed that my remarks would also be left out. This is all that I have had to do in connection with this matter.

Mr. RANDALL. Mr. Speaker——

Mr. BAKER, of Indiana. I desire, before the hour expires, to say a few words more. I yield to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. There are two points in this matter which it is well to consider. The first is whether a member should be allowed to review a speech after its delivery. So far I know, that right has always been conceded and in almost all instances exercised.

Now the next point is that which relates to personal matters in debate, about which the House and the public have not much concern. In the spirit of good feeling and with a view to the proper dignity of the proceedings of Congress and the best manner of preserving its records, the practice has always been that a personal controversy on this floor might, by the request and with the concurrence of the parties involved in it, be left out of the RECORD.

Now, in so far as this proceeding is concerned, the two gentlemen from Rhode Island, the gentleman from Ohio, and the gentleman from Mississippi have in no manner, so far as my knowledge goes, acted differently from many, very many, who have gone before. I recollect distinctly, in one instance where I was involved with the Speaker of the House, that he and I agreed the record should be purged of what had passed between us in controversy. Neither of us desired at that time anything we said should appear. It was said, it is true, in the heat of debate, just as what was said by these gentlemen in the debate in which they were engaged, but both the Speaker and myself considered at that time it was proper to eliminate it from the record. I think these gentlemen have not only acted in due line of example, but they have acted so as to make harmony in our proceedings and have reconciled their difference and affronts on the floor in a manner worthy of men and gentlemen.

Mr. PATTERSON. Does the gentleman from Pennsylvania refer to any controversy between himself and the Speaker of the present House?

Mr. RANDALL. Not at all, but a Speaker of a former House; and I only brought it up as an example of what has been so frequently done under like circumstances. Mr. BLAINE, then Speaker, suggested to a friend of his, Mr. Peters, of Maine, that the record should be purged, and it was purged, and properly purged, and I felt myself better when it was done, and I have no doubt the gentleman from Maine did after cool reflection, just as these four gentlemen, I have no doubt, do now.

Mr. BAKER, of Indiana. I now yield to the gentleman from Wyoming.

Mr. STEELE. Mr. Speaker, I desire to say just one word in reference to this matter. Having during the debate and after its close sat adjoining the gentleman from Mississippi, I presume a great deal of the trouble which has grown out of this matter occurred from the fact that the gentleman from Mississippi, by reason of interruptions on the part of other gentlemen, and the consequent consumption of his time, was prevented from finishing his speech. A portion of the speech which has been printed in the RECORD had not been delivered at that time. The reporters came to the gentleman from Mississippi while I was sitting near him to see how his speech should be arranged for printing in the RECORD. They asked the gentleman if it was desired by him that this controversy should go into the RECORD, and the gentleman from Mississippi then replied that it was a matter of indifference to him; that if the other gentlemen were satisfied to have it go in he was entirely satisfied; that all he desired in the matter was, that if the remarks made by the gentleman from Ohio and the two gentlemen from Rhode Island went into the RECORD he should insist, in justice to himself, the remarks he made should go in also, but beyond that he had no interest in the matter whatever.

Sitting next to the gentleman from Mississippi during this conversation with the reporters, it seems to me, in view of the remarks made by gentlemen that they hoped they should never have to expunge anything from the RECORD they had said, that it is but a simple act of justice for me to say this much in reference to the part which the gentleman from Mississippi had in eliminating this controversy from the RECORD.

Mr. RANDALL. Mr. Speaker, one word more. Much of this debate was injected against the consent of the gentleman from Mississippi, and the gentlemen carrying on this controversy were not recognized by the Speaker at all with any view to make the remarks they did on that occasion.

Mr. BAKER, of Indiana. I introduced this question of privilege on my own responsibility and upon my own motion, without any previous consultation with any person whatever. I did it from a sense of duty. I agree to some extent with the observation made by the gentleman from Pennsylvania, that there ought to be some degree of liberality in correcting remarks which are made extemporaneously on the floor of the House in the heat of debate. But I believe, Mr. Speaker, that these corrections and emendations should not go further than correcting the grammatical sense of the text, or in making merely verbal alterations. Wherever whole paragraphs, whole sentences, in fact whole speeches, are eliminated from the RECORD, then the RECORD ceases to be the truthful exponent of the action and deliberation had on the floor of this House.

Mr. ATKINS. I rise to a question of order. It is impossible to hear what the gentleman says.

The SPEAKER *pro tempore* called the House to order, and directed gentlemen to resume their seats.

Mr. BAKER, of Indiana. I was about saying, Mr. Speaker, that I agree, so far as mere verbal or grammatical corrections are concerned, it is proper they should be made; but when it went to emasculation of the RECORD by striking out whole sentences and whole paragraphs, entirely changing the current of debates occurring upon the floor of this House, I for one say I believe that it is a fatal perversion of the purpose for which a record was intended to be kept by the House of Representatives.

It is said that gentlemen on the floor of the House, where two individuals who may happen to become engaged in angry and exciting colloquy, have a right by common consent to cause the records of the proceedings of the House, participated in by the whole members of the House by being present in their capacity as legislators—that these two gentlemen should have the right to entirely emasculate it from the RECORD, and to have the proceedings of this House changed and say nothing of it. I say, Mr. Speaker, that the record of this House should not be allowed to rest at the mercy of any one, whether two or a dozen members upon the floor of this House.

If it is to be worth anything to the country, worth anything to the public history of the nation, if it is to be of any value to posterity, I say that the demand is imperative that the record of our proceedings should be absolutely truthful, and should represent them exactly as they occurred.

We will see, Mr. Speaker, when the vote is taken, whether or not the House will sustain the suggestion made by the gentleman from Pennsylvania, [Mr. RANDALL,] that the proposition to correct the RECORD in this case, where whole paragraphs have been omitted, is to be voted down, and the country notified that the RECORD, which the law requires shall be a truthful report of our proceedings, is to be emasculated—not to speak the truth, but to speak so much of the truth as the actors engaged in the debate may see fit to have go down upon the RECORD as the truth. I insist that the cause of truth, that the cause of justice, that the interests of our constituents, and of the country, and of posterity, demand that no man shall be permitted to make the RECORD speak differently from what is really uttered in the progress of debate on the floor of this House. And for one, whenever I see any attempt at omission, or any attempt to make the RECORD speak substantially different from what occurred here on the floor of the House, I will feel it my oath-bound duty to stand up in my place and protest against it, and call the attention of the country to the fact that members on the floor of this House boldly state as a rule that individuals who may have been guilty of conduct on the floor of the House that is unseemly, that they are ashamed of, have the right, without taking the judgment of the House upon it, to change the record in order that it may more perfectly harmonize with the exhibition of the Christian amenities of discussion that ought to have obtained.

I now call for a vote.

Mr. HOOKER rose.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield to the gentleman from Mississippi, [Mr. HOOKER?]

Mr. BAKER, of Indiana. I think the debate has gone far enough. I call for a vote.

Mr. RANDALL. I move that the whole subject be laid on the table.

Mr. BAKER, of Indiana. On that motion I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 28, noes 177; the affirmative not being one-fifth of the whole vote.

Mr. BAKER, of Indiana. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. RANDALL, and Mr. BAKER of Indiana, were appointed.

The House again divided; and the tellers reported—ayes 34, noes 139.

So (the affirmative being less than one-fifth of the whole vote) the yeas and nays were not ordered.

The motion of Mr. RANDALL was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. I now insist on my motion that the rules be suspended, and that the House resolve itself into Committee of the Whole on the naval appropriation bill. I cannot yield further.

Mr. BRIGHT. I rise to a question of order. Is it in order to call for the regular order at this time, which is the morning hour?

The SPEAKER *pro tempore*. The Chair would rule that that would be in order.

Mr. BRIGHT. Then I call for the regular order.

The SPEAKER *pro tempore*. The regular order this morning would be the call of the committees for private bills.

Mr. HOLMAN. Will the Chair permit me a remark? The gentleman from Georgia [Mr. BLOUNT] moves to suspend the rules that the House may resolve itself into Committee of the Whole. I submit that that is the regular order, and that if the gentleman had the floor for that motion to suspend the rules to go into Committee of the Whole on an appropriation bill it can be carried by a majority vote. If he had the floor for that motion he had the right to have it put. If the gentleman from Tennessee desires to submit some other motion it can only be submitted by voting down the motion to suspend the rules.

Mr. HALE. I think that must be very clear. That has been the invariable practice.

The SPEAKER *pro tempore*. The Chair would rule that the gentleman from Georgia [Mr. BLOUNT] having been recognized an hour ago, and, being on the floor, having yielded for various matters to a number of members, is entitled to make his motion.

Mr. BLOUNT. I now make that motion, that the rules be suspended and that the House resolve itself into Committee of the Whole on the naval appropriation bill.

Mr. HEWITT, of Alabama. I desire to amend that motion so that when the House shall go into Committee of the Whole the bill to be considered shall be the bill (H. R. No. 2283) granting pensions to certain soldiers and sailors of the Mexican, Florida, and the Black Hawk wars, and certain widows of deceased soldiers and sailors of the same.

The SPEAKER *pro tempore*. The gentleman from Alabama cannot move to amend the motion.

Mr. HEWITT, of Alabama. Then I hope the House will vote down the motion of the gentleman from Georgia.

Mr. CONGER. I desire to request the gentleman from Georgia to permit us——

Mr. BLOUNT. Is the question debatable?

The SPEAKER *pro tempore*. It is not.

Mr. CONGER. I wish to make a request of the Chair.

Several members called for the regular order.

Mr. CONGER. Will the gentleman allow me to make a suggestion about the order of business; or is there such a determination about this business being taken up that we cannot have a word upon the subject? I ask permission of the gentleman to make a suggestion about the order of business.

Mr. BLOUNT. There has been a great deal of time lost already, and I must decline yielding further.

The question being taken on Mr. BLOUNT'S motion, there were—ayes 93, noes 91.

Mr. BRIGHT called for tellers.

Tellers were ordered; and Mr. BRIGHT and Mr. BLOUNT were appointed.

The House again divided; and the tellers reported—ayes 93, noes 83.

So the motion was agreed to.

PERSONAL EXPLANATION.

Mr. LAMAR. Mr. Speaker, before the House goes into Committee of the Whole I ask unanimous consent to make a very brief personal explanation.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none.

Mr. LAMAR. Mr. Speaker, I was not present this morning when the attention of the House was called to an altercation which took place the other day between my colleague [Mr. SINGLETON] and the gentleman from Ohio, [Mr. GARFIELD,] and the running discussion which occurred between the gentleman from Ohio and my colleague. After that discussion took place, sitting near my colleague, I heard a conversation between him and one of the reporters (who had in his hand the manuscript of my colleague's speech) in reference to the omission from the RECORD of the personalities between the gentleman from Ohio and my colleague. I heard that conversation, and seeing no disposition upon the part of my colleague to initiate anything of that kind I voluntarily, and not at his request, and, so far as I know, without his knowledge, approached the gentleman from Ohio and used this language to him, if I recollect it, though I am not by any means certain of my language: "General, you have no objection to that altercation between yourself and SINGLETON being omitted, have you?" And he expressed, as I understood, a willingness to have it done, which willingness I communicated to my colleague. I understand that this morning the gentleman from Ohio stated that he was in some way under the impression that I came at the request of my colleague, [Mr. SINGLETON,] and that it was his desire that this omission should take place. If I said anything of the kind or if there was anything in the manner in which I spoke to him to leave that impression upon his mind, I was not happy either in my language or manner. I did not intend to convey that impression, nor did I intend to convey the impression to the gentleman that it was even my colleague's desire. I simply understood that these gentlemen privately entertained kindly feelings toward each other, and that there was an entire willingness on the part of each of them that whatever unpleasantness had occurred between them should disappear and not be published in the RECORD.

The SPEAKER *pro tempore*. The Chair desires to say a word in justice to the reporters; that the rule of the House is that when a member is called to order he shall take his seat, and all matters that occur in the House after that call to order and while the Chair is endeavoring to preserve order and to inaugurate the debate in order were formerly omitted from the RECORD. The Chair is not clear but that they should be omitted now. The only person aggrieved by the omission of anything in that report would be the Chair himself and the gavel used on that occasion.

Mr. LAMAR. I would add that in making the suggestion to these gentlemen I considered it in accordance with the common-law rule of the House, that personalities occurring between two members are within their mutual control, and that they may be stricken out if both agree that it shall be done. I have not only seen that rule acted on but I have heard it repeatedly stated formally from the chair.

Mr. GARFIELD. The gentleman's recollection and my own are perfectly at one. The reporter had spoken to me as he had to the gentleman from Rhode Island, and my answer was that the interruption was in the speech of the gentleman from Mississippi, and not in mine, and therefore I had no control over it. Very soon after that the gentleman from Mississippi came down the aisle from his colleague's seat, and, both from that and from what had already passed, I assumed that he had come at his colleague's suggestion, and I acted on the supposition that I was granting a request from his colleague. But I certainly had no reason or disposition to have anything whatever which I had said stricken out for my own sake, nor did I desire anything to be retained for my own advantage.

NAVAL APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

Mr. WILLIS. Mr. Chairman, by the courtesy of my friend from Georgia [Mr. BLOUNT] I am permitted to express my views as a member of a subcommittee on naval affairs in so far as the question of navy-yards is concerned. The measures heretofore presented by the Committee on Appropriations have met with my hearty approbation and commanded my most zealous support. I believe that no stride has been taken in the direction of retrenchment and reform not thoroughly justified by every consideration of prudence, by every requirement of good government, and I rise not for the purpose of opposing the committee in so far as their bill relates to reduction of expenditures, but rather because it has in this respect not fully met the public expectation. The committee charged with the duty of inquiry into the condition of the navy-yards of the United States and of ascertaining whether or not their number cannot be reduced, and, if so, in what mode, have conscientiously examined this whole subject and have had before them nearly one hundred witnesses, and they have in so far as one particular navy-yard is concerned unanimously agreed, with one exception, as to their policy. I am not, however, speaking for the Naval Committee as such, but in my own behalf as one of the individual members of the committee.

I am convinced, after a due consideration of all this testimony so submitted to the committee, after a full examination of all the witnesses competent to testify regarding this subject-matter, that the number of navy-yards, now amounting to nine, can be reduced to three without any detriment to the public service; and that the three which should be retained are the navy-yard at Brooklyn, the navy-yard at Norfolk, and the navy-yard at Mare Island on the Pacific coast.

Mr. HARRIS, of Massachusetts. Does the gentleman mean to say that the Naval Committee have reached any such conclusion or made any such recommendation?

Mr. WILLIS. If the acoustics of this Hall had been more admirably adjusted, the gentleman would have thoroughly understood that I especially disclaimed speaking for the whole committee; that I was speaking only for myself as an individual member of that committee.

Mr. DANFORD. Will the gentleman allow me a moment?

Mr. WILLIS. Certainly.

Mr. DANFORD. The gentleman in prefacing his remarks spoke of the action of the subcommittee on naval affairs upon the subject of navy-yards, their number, &c. As the record shows that I am a member of that subcommittee, I ask the gentleman whether he intends to say to the Committee of the Whole that I, as a member of that subcommittee, agreed to the proposition to which he has referred?

Mr. WILLIS. I now state that in my remarks I have in no wise committed the gentleman from Ohio, [Mr. DANFORD;] I have qualified them throughout.

There is not a doubt but that all the business, all the work of construction, all the work of repairs demanded by the best interests of this country, if committed to a private establishment, could be well executed and well carried out in one immense dock-yard. It occurs to me as very strange that the Government should not in this respect recognize those considerations which govern private individuals in their business affairs. Government work is to-day almost at a standstill. It is justly the policy of this Congress to reduce expenditures to such an extent that construction and repair to any great amount will be entirely out of the question. It, therefore, is befitting when we have such an opportunity, an opportunity that will in no wise conflict with the best interests of the Government, to recognize it and bow to it.

The reason why the Brooklyn navy-yard should be retained is because it is the center of a grand commercial population; within a radius of thirty miles there are more than two millions of people. It is because more than $20,000,000 have already been expended to make it sufficient to meet all the needs and requirements of the naval service. It is because only a few miles back from and above that city the broad Hudson becomes fresh, and iron-clads can rendezvous there without their bottoms being injured and becoming covered with barnacles, without the Government incurring expense. It is because if a notice be posted on the walls of that yard to the effect that workmen are required, before the following morning a response will be made by thousands upon thousands of persons seeking work. It is because, furthermore, that the approaches to the yard, both that through the Narrows and through the Sound, are never frozen up even in the coldest winters.

It is true that other yards possess all these excellencies, excepting perhaps population and the material resources of a great city and communication with all parts of the country. But it being the fact that we can dispense with many of these yards, that only a few should be retained, it behooves us to consider which should be selected for retention.

There is the Kittery navy-yard, a most excellent retreat in the hot summer months, where ships returning from long voyages with their seamen out of health can retire for sanitary purposes. There is Pensacola, which in the contingency of a war with Mexico or with the islands of the Caribbean Sea might be used to excellent purpose. And inasmuch as these yards, if sold, would yield but a small amount of money to the Government, and such sale would involve a great sacrifice, it would not be good policy to dispose of those two yards. A small amount of money should be appropriated to keep them in a state of thorough repair and to secure the Government property from damage.

In my judgment it is entirely proper, as this bill provides, that the navy-yards at Charlestown, Massachusetts, and Washington, District of Columbia, should be sold at such time and on such condition as will be most advantageous to the United States. Herein we take no issue with the Committee on Appropriations. The reason why we recommend the sale of these yards is predicated upon the fact that the land is situated in the heart of two cities, and when the country shall have recovered from its condition of depression and paralysis of industry the ground will undoubtedly command a fair market price.

In connection with this subject of dock-yards I shall take the liberty of reading an extract from Barry's work on dock-yard economy, the ablest author who has written upon this subject, and a work which shows a thorough familiarity of the author with the dock-yards of

both France and England and with the whole system of dock-yard economy.

Mr. O'NEILL. I would like the gentleman to explain to this House why in a preceding Congress—I think in the Congress before the last—an effort was made here by a representative from the city of Brooklyn to secure the sale of the Brooklyn navy-yard. He introduced a bill for that purpose and urged it here. What was the reason for urging the sale of that yard? I do not want to interrupt the gentleman in his remarks, but I think this is a proper place for him to give that information.

Mr. WILLIS. The gentleman who introduced that bill must upon his own conscience answer what were his motives for the act.

Mr. O'NEILL. I merely asked the question because I thought the gentleman now representing the district in which the Brooklyn navy-yard is could tell us why the citizens of Brooklyn at that time through their Representative on this floor, a very able gentleman, urged Congress to authorize the sale of the Brooklyn navy-yard.

Mr. WILLIS. I suppose that the reason was that heretofore it has been an administration nursery, where a good many republican votes have been manufactured for the thirty days preceding elections. I am impartial in this matter. I represent neither Brooklyn nor Philadelphia.

I will now read from the volume which I have named and now hold in my hand:

There is an obvious consequence of some importance arising out of this first intention, (of dock-yards.) It is that, as the dock-yards have their origin in the necessities of naval war and in the absence of great private establishments in which ships of war could be built, there is not another word to be said in support of the continuance of the dock-yards than that they exist, or, what is the same thing, that we possess them. Manifestly, if up to the present time war had been unknown, and all at once its ghastly forms presented themselves to men's minds as something with which at last they must become familiar, no sane man would have thought of providing ships in any other way for the public service than ships are provided for private persons; because, if it were impossible to supply the public service properly, the question would arise whether it would not be as much the duty of the Government to save private persons from what we shall call the rapacity and incompetency of the ship-builders as to save the public. From this conclusion there is no logical escape. Some may answer that the dock-yard work is better and more to be depended on than ship-yard work; but surely it must be apparent that this is only saying the dock-yard officials are incapable of superintending ship-yard work, and that workmen cannot perform their tasks in so satisfactory a manner outside of the dock-yards as they can within. The objection, it will be shown hereafter, is altogether groundless. The first intention of the dock yards was to provide that which could not be conveniently or so well provided elsewhere; therefore all that the warmest friends of the dock-yards can rationally say in support of them is that we have them, and for that reason we ought to use and cherish them. But exactly the same logic would lead us to use and cherish the coats of mail in the Tower of London, because we have them, and the battle-axes, broadswords, and unmelted cannon of the last century that still encumber our great arsenals.

Mr. Chairman, these reasons must commend themselves to all intelligent men. Now, all the work that needs to be done for the United States Navy can be done better in one yard than in eight yards. Yet we have eight separate establishments. We have the bureau system carried into each yard. We have sixty-four distinct sets of books where we should have but one. We have sixty-four clerks where we should have but one. We have eight different parties acting as responsible heads where we should have but one responsible head. Without reference to what ought to be done regarding other yards, there can at least be no discussion as to what ought to be done regarding the creation of a new dock-yard. Notwithstanding the manufacturing interests of this country had climbed to that height where ships could be built with the same facility and at as slight cost in this country as anywhere else upon the globe; notwithstanding in every exigency we have been compelled to resort to private enterprise to enlarge our Navy, we find this Administration, after a period of war, when the people were burdened with a mountainous debt, devising a method whereby another large load shall be added to the oppressive weight and thrust upon our people. A commission, composed of seven distinguished officers of the Navy, at the head of which was Commodore Stringham, was appointed to select a new navy-yard; and the majority of that commission reported that it was utterly incompatible with the public interests to establish a navy-yard at League Island. But we find that by virtue of political maneuvers, by virtue of tactics with which I am unfamiliar, the Government was induced to resolve upon this change, resolved upon it notwithstanding what was contained in the report made by the majority of that commission.

Mr. O'NEILL. Let the gentleman frankly say that in establishing the navy-yard at League Island it was always the intention to do away with the old Philadelphia navy-yard.

Mr. WILLIS. Undoubtedly. In obedience to the wishes of Philadelphia, which city wanted a double bounty—a navy-yard removed, a navy-yard created.

Mr. O'NEILL. Because Philadelphia had the best place in the world to offer for a navy-yard, as is established to-day.

Mr. KELLEY. If the gentleman from New York [Mr. WILLIS] will allow me one moment——

Mr. WILLIS. If my time is limited I must insist on proceeding. If gentlemen wish to indulge in *ipse dixits*, they must seek some other time and occasion. I will now read from a report made by experts who, if they were men of only tolerable understanding, must be as capable as the distinguished gentleman from Philadelphia of coming to a correct conclusion upon this subject.

I read from the report signed by a majority of this commission:

League Island is a reclaimed marsh, surrounded by a dry stone wall and embankment of earth, raised to *erebude* the river. A portion of the island was reclaimed many years since, and is known as the old meadow; we have no positive information on this point, but presume that at the time the wall and embankment were built all the land worth reclaiming was embraced within the inclosure; subsequently, and about eighteen years since, as we are informed, the inclosure was extended so as to embrace an additional area, now known as the new meadow. According to a plan which has been submitted to the board by a committee from the board of trade, this old meadow contained two hundred and nineteen acres and the new meadow one hundred and fifty-five acres. On the north of the island, and between it and the main there is a channel, which we are told was of sufficient depth in former days to float large ships of war; now it is a narrow and shallow channel, not sufficient to float vessels of any size used by the Navy. Large areas of marshes have formed on the east and west ends and on the north side of the island, and the whole appearance indicates a constant and rapid accumulation from the immense deposits of the Delaware River.

I wish to call the attention of the committee to what I am about to read further:

To raise the surface of this island to a height which would render it safe from the encroachments of high tides will require a filling in of from nine to ten feet over the whole area; and if, as has been suggested, a line of wharf front be carried out to the twenty-three-foot line, it will involve an additional filling of a space one mile long and averaging four hundred and eighty-one feet wide and nineteen feet deep.

Mr. Chairman, I will also call the attention of the committee to another feature of this report which, in my judgment, is of supreme importance in the consideration of this matter:

League Island is situated on a fresh-water river, nearly surrounded by marshes covered with vegetable matter and exposed to the sun at every low tide during the day; and, although we are told that it is as healthy as other places in the vicinity, we cannot believe that League Island can be regarded as a healthy place.

And then the majority of this commission—

Resolved, That, in the opinion of the board, the public interests will not be promoted by acquiring the title to League Island for naval purposes.

It is signed by S. H. Stringham, presiding officer; W. H. Gardner, commodore; G. J. Van Brunt, commodore; and W. P. S. Sanger, engineer.

Mr. O'NEILL. Will the gentleman from New York please give the committee the date of that report?

Mr. WILLIS. I will permit my friend from Pennsylvania to pursue the subject at his leisure, but will not permit him to interrupt me.

Mr. RANDALL. I hope the gentleman will insert in his speech various other reports in favor of League Island which have since been made as a set-off against that solitary one against it.

Mr. WILLIS. I have already stated to the committee that this is an original report made by competent experts and is in all respects sufficient for our purpose, but despite the filing of such an opinion, and the due consideration thereof, various contrivances have been resorted to which have resulted in a pledge on the part of the Congress of the United States to impose upon the people of the country a foolish and utterly unwarranted expenditure of at least $40,000,000.

In addition to what has been before urged in regard to League Island, let me say that it is no less than seventy miles from the sea. A few vessels of the enemy rendezvousing in its mouth could blockade the grand navy which happened to be at that particular point, and prevent its issuing forth to protect the coasts of the country.

There is beyond this still another objection. Every winter, sometimes for months, those narrow channels which surround that mud-flat, properly called an island, for it is very much of an island, being surrounded by water on top as well as on all sides—those narrow channels are blockaded by ice, rendering League Island useless for any just purpose for which navy-yards are maintained.

But I do not wish to detain the committee longer on this subject-matter. I wish to justify the position that has been assumed by myself in making the report of the subcommittee on this subject. When the proper time comes, in view of all the considerations presented, I shall take the liberty of moving an amendment to give effect to the recommendations urged in that report.

Mr. RANDALL. Will the gentleman from New York allow me to ask a question?

Mr. WILLIS. I will, with pleasure.

Mr. RANDALL. Did you ever personally inspect League Island?

Mr. WILLIS. I did not; but I trust to the eyes of Commodore Stringham rather than to the judgment of the distinguished gentleman from Pennsylvania on this question.

Mr. RANDALL. When you rely on another, then we will come back to his say-so. For the gentleman himself to rise up here and inveigh against League Island when he has never seen it, as he himself confesses, seems to be a most extraordinary proceeding.

Mr. WILLIS. I saw it sufficiently in the report, made by eye-witnesses, who thoroughly understood their duty in the premises.

Mr. RANDALL. That is on paper.

Mr. WILLIS. I wish also to say on this subject that although the Navy of the United States is very inconsiderable compared to that of France or Great Britain, France having 402, England 242, and the United States 117 ships of war, the acreage for dock-yards in England amounts to only 866 acres, and in France to only 865; while in the United States, exclusive of League Island, it amounts to 1,595 acres. The fact appears by the following tabular statement:

English dock-yards.

	Area.	Slips.	Docks.
	Acres.		
1. Deptford	38	5	2
2. Woolwich	56	6	3
3. Chatham	95	8	4
4. St. Mary's Island*	24	0	0
5. Sheerness	57	1	5
6. Portsmouth	115	5	11
7. Devonport	71	6	5
8. Keyham	73	0	3
9. Pembroke	77	13	1
Totals	866	44	34

French dock-yards.

	Area.	Slips.	Docks.
	Acres.		
1. Cherbourg	256	12	7
2. Brest	131	12	4
3. L'Orient	106	18	2
4. Rochefort	132	14	3
5. Toulon	240	20	8
Totals	865	76	24

United States dock-yards.

	Area.	Slips.	Docks.
	Acres.		
1. Portsmouth, New Hampshire	164	3	1
2. Boston, Massachusetts	84	3	1
3. New York	193	2	1
4. Philadelphia, Pennsylvania	20	2	1
5. Washington, District of Columbia	42	2	0
6. Norfolk, Virginia	109	3	1
7. Pensacola, Florida	83	1	1
8. Mare Island, California	900	1	1
Totals	1,595	17	7

BUREAU OF YARDS AND DOCKS, *May* 17, 1876.

I also add as part of my remarks the report of the subcommittee, written by myself, and which is the embodiment of my views and suggestions upon the subject I am now discussing:

The subcommittee on naval affairs, who were instructed to take into consideration and investigate the subjects embraced under the second head of the subdivision of House resolution No. —, introduced by Mr. MORRISON, namely, "On navy-yards and their management, to inquire whether their number may be reduced, and, if so, in what mode and to what extent, and, in their management, what change can be made to reduce the costs thereof, and reform the alleged abuses and corruptions existing therein," respectfully submit the following as their report:

The United States Government now possess the following navy-yards, to wit: Washington, Norfolk, Kittery, Brooklyn, New London, Charlestown, League Island, Pensacola, and Mare Island, all, save the two latter, being situate upon the Atlantic coast.

After considering duly a vast amount of testimony bearing upon the subject-matter, the scope of work to be done in and about the repair and construction of vessels and other labor required by the Navy, having due reference to the efficiency of the service, your committee recommend:

First. That all navy-yards be closed, excepting the one at Brooklyn, the one at Norfolk, and the one at Mare Island, which be kept open for the purposes of repair.

Second. That eventually but two yards be maintained and kept open, to wit, the one at Mare Island and the one at Brooklyn.

Third. That no naval station be authorized or established unless in case of necessity when it shall be selected at such of the closed yards as may be most expedient in the judgment of the Secretary of the Navy.

Fourth. That sale be made of the navy-yards at Charlestown and Washington with all convenient speed.

Fifth. That the Kittery and Pensacola yards be retained as Government property, that the same may be used in period of war or other exigency.

Sixth. That no further money be expended upon League Island, and that said island, together with the yard at New London, be receded to the original grantors at such time, in such mode, and upon such conditions as may be deemed expedient and just; and, at all events, that no further money be expended in the creation, enlargement, or improvement of either.

Seventh. That provision be made to guard, at the slightest possible cost, all the property and material of any description whatsoever in or about the yards to be closed pursuant to the foregoing suggestions, until the same may be disposed of with the least prejudice to the Government.

The foregoing recommendations have reference to the first branch of the inquiry, as hereinbefore stated. The yard at Brooklyn is confessedly the most valuable and important one owned by the Government. The testimony of all witnesses examined is uniform in this respect, and, without reference to its intrinsic excellence and fitness, it is, while sufficiently remote from the sea for purposes of defense, sufficiently convenient for the purposes of coast defense; it would cost more than $20,000,000 to replace it; it has at hand all the resources of men and material which a commercial city in communication with every part of the country, containing more than a million of people, can yield, and there are yet a million more of people within a radius of thirty miles. The approaches to the yard by Sound or Narrows are never frozen up. A notice that workmen are required posted upon the outer gates of the yard is responded to by thousands within a few hours. A few miles above the city the waters of the broad Hudson become fresh—a retreat just at hand where a fleet of iron-clads could rendezvous and avoid the inconvenience or damage resulting from salt water. One yard is sufficient for all the purposes of the Government, where all the resources of the Government could be centered and work prosecuted under the control and direction of one competent official, avoiding the confusion inseparable from having the business of the Navy divided up under so many different heads, dividing responsibility and thereby reducing effectiveness to the minimum.

Other yards have undoubted excellences, but can be dispensed with. The best of these upon the Atlantic coast, reference to geographical position, depth of water, distance from the sea, and defensibility being considered, is Norfolk. League Island is too remote from the sea; is upon narrow rivers, which are invariably blocked every winter with ice, sometimes for months; it is near a large city; is accessible to coal and iron regions, and the water is fresh; considerations indeed favorable, but overshadowed by an objection to its locality, its annual blockade of ice; and another yet more commanding, indeed, insuperable, the immense cost which its completion would necessitate. Let us reign ourselves with composure to the amount of money already uselessly expended and halt where we are. The sum of money required to complete the yard, to render it in anywise fit for the purposes intended, is variously estimated at from twenty to sixty million dollars. The island is nothing but a mud-flat, which will require endless filling and piering; it will require for years and years an annual appropriation from Congress, and the American people should decide, before further money is invested, whether they are willing to pay the cost of this yard, say, at a low estimate, $40,000,000.

A naval station in time of peace, when so many navy-yards are scattered along the full length of our coast, is wholly needless, and, unless made such with no outlay, without justification.

The land comprising the Charlestown and Washington navy-yards, being in the central portions of large cities, could be advantageously sold, especially when the country shall have recovered from business depression.

The land comprising Kittery and Pensacola would, if sold, yield but a trifling sum of money to the Treasury, and their retention may be of ultimate service to the Government.

As League Island and New London were respectively ceded to the Government on condition that they should be used as navy-yards and naval establishments maintained thereon, good faith demands that in due time proper steps be taken to surrender the same and cause their reconveyance to the bodies-politic from whom they were received.

The value of governmental property at the several yards designated as proper ones to be closed is immense, amounting to several millions of dollars. The most prudent precautions must be employed to prevent destruction either from want of care or removal. A proper amount of money, therefore, appropriated for such purpose would be an intelligent exercise of economy.

Respectfully submitted.

Mr. HARRIS, of Massachusetts. I ask the gentleman from New York [Mr. WILLIS] whether the subcommittee or the general Committee on Naval Affairs have ever taken any testimony whatever on the subject of the sale of any navy-yard of the United States?

Mr. WILLIS. I wish to say distinctly that they have. But in so far as my remarks are concerned and in so far as this particular appendix, which I have asked leave to print, is concerned, they are my own individual views, and I am alone responsible therefor, although I believe for the honor and credit of this Congress that they will be shared and sustained by a majority of the members thereof.

Mr. HARRIS, of Massachusetts. I would ask my friend if he has ever visited any navy-yard in this country except that of Brooklyn?

Mr. WILLIS. It is not my business to travel around, after the manner of clowns, looking at what may be in Boston, or what may be in Philadelphia, or sundry other small towns. But I have sought information from such genuine and authentic sources as must put all gentlemen to the blush who would indulge in any statements to the contrary, not having the knowledge of experts on the subject.

Mr. O'NEILL. The gentleman from New York is so obliging that I really dislike to ask permission of him to say a word.

Mr. WILLIS. Justice to my distinguished colleague on the Committee on Naval Affairs, the gentleman from Tennessee, [Mr. WHITTHORNE,] compels me to say that I must yield to nobody but him.

Mr. O'NEILL. There is one question I wish to ask the gentleman, whether he was ever in the Brooklyn navy-yard?

Mr. WILLIS. Yes; and now the gentleman, having placed himself on the witness-stand and wishing to testify, he may state whether there is anything in the report signed by Admiral Stringham and four other naval officers which is not strictly true.

Mr. O'NEILL. That report belongs to a past generation of men; forgotten almost, except for their deeds in the Navy of the United States fighting her enemies gallantly.

Mr. WILLIS. And with them simplicity and true economy have been also forgotten.

Mr. DUNNELL. Will the gentleman from Tennessee [Mr. WHITTHORNE] yield to me for one moment?

Mr. WHITTHORNE. For what purpose?

Mr. DUNNELL. I rise to express the hope that these gentlemen who are participating in these personal altercations which are so rich will not strike them out of the RECORD to-morrow.

Mr. HAMILTON, of New Jersey. I hope they will not go into the RECORD. They were out of order, every one of them.

Mr. WHITTHORNE. It is not my purpose on this occasion to review the general condition of the Navy. I had hoped that prior to the discussion on this bill it would have suited the convenience of the Committee on Appropriations to have reported the Army appropriation bill, with the view that whatever reduction might be made in the pay of the Army that reduction should be made in the naval service, so that the services hereafter would harmonize alike in their assimilation of grade and of pay. That has not been done, and there has been brought upon the House, and more particularly on the Committee on Naval Affairs, the consideration of questions that they would have liked to be postponed for the reason I have intimated.

I purpose simply on this occasion, Mr. Chairman, to call the attention of the House to what I have been instructed to do by the Com-

mittee on Naval Affairs, to wit: To offer for the consideration and approval of the Committee of the Whole three distinct propositions, which are to be found embodied in the bills which I had the honor to report from that committee the day before yesterday.

These bills refer, first, to the reduction of the pay and the number of officers in the Navy; secondly, to the reduction of the navy-yards; and, thirdly, to the re-organization of the Marine Corps. And it is to these subjects that I propose now to call the attention of the committee.

The first, sir, is the question of the reduction of pay. In order that the Committee of the Whole may fully understand the purposes and labors of the Committee on Naval Affairs, I have to invite your attention to what is the present pay of the Navy and to what is proposed by the Committee on Appropriations. Speaking in round numbers, without referring now to the bill, the amount reported by the Committee on Appropriations is $6,250,000, while the sum of $7,600,000 is demanded in the estimates submitted from the Treasury Department. I am of the opinion that, if the recommendations made by the Committee on Naval Affairs shall meet the approval of this House, the sum reported from the Committee on Appropriations may be reduced from four to five hundred thousand dollars; in other words, making the appropriations $5,750,000.

Now, sir, in the amendment which I shall have the honor to submit to this committee—I speak relatively or comparatively—the proposed reduction averages about 10 per cent. in the pay of officers upon the active and retired list. At that point the committee for the present stopped. They propose in the discharge of the duties devolving upon them to submit to this Congress before it adjourns sundry other measures which, in the opinion of the committee, will materially reduce the expenses in the management of the Navy. But just now, sir, I desire to invoke your particular attention to this statement. I submit it as a statement merely, and I ask the attention of the Committee on Appropriations, or the gentleman who has reported this bill, or of any gentleman who takes an interest in the naval service, to the fact that I have correctly tabulated the present rate of the pay of the Navy. I submit the tabulated statement showing that expense, as nearly as it can be done from the last Naval Register:

Line officers, active list, (776)		$1,902,500
Staff officers, active list, (592)		1,562,600
Line officers, retired list, (109)		333,825
Staff officers, retired list, (135)		224,030
Total pay commissioned officers		4,022,955
Warrant officers, active list, (212)	$270,600	
Warrant officers, retired list, (28)	28,650	
Cadet midshipmen and engineers, (317)	158,500	
Mates, (50)	18,000	
		475,750
		4,498,705
Estimated for officers volunteer Navy		40,400
		4,539,105
Estimated pay for petty officers and seamen, &c., 7,500, at average of $20 per month		1,800,000
		6,339,105

Will you reflect, gentlemen, for a moment on the fact that the number of officers on the active list of the Navy line and staff is to-day 1,368; that those upon the retired list, including chaplains and professors of mathematics, foot up a total of 1,612 officers; and if you add to this the cadet midshipmen and the cadet engineers you have a total of 1,924, and adding to that number the volunteer officers, which the amendment which I propose to offer will abolish, you have 1,953 officers for the United States Navy, that number including the cadet midshipmen and the cadet engineers, who are officers in embryo? Now then, take 1,953 as the number of our officers who either are commissioned or may be commissioned, and you have that number of officers commanding 7,500 men. Is it not time, in view of the immense amount of money that you are paying to this class of officers, that you should commence the work not only of reduction of pay but of reduction of their number? The Committee on Naval Affairs, believing the establishment to be top-heavy, and representing the great body of the taxpayers of the country and not representing one particular class, believe it just to the people that the reduction should be made not alone among sailors, but among the officers of the Navy. I apprehend that no man will take issue with me on that question; but the difficulty with the committee was how it should be done with justice to the officers of the Navy. We got over that difficulty by providing that hereafter in the rank of rear-admirals the number should be reduced from twelve to three; that we awaited the slow process of death or retirement to make that reduction. The number of commodores is now twenty-five, and we propose to reduce it to six, and so on, following that idea through all the grades of officers, with the intention that the number of officers in the Navy shall eventually be made to correspond with the number of men in the Navy.

In addition to that I desire to call the attention of the committee to the further fact that to-day—and I am making no comment or reflection, nor do I so intend anything I may now say on the management of any party or of any Secretary—but I do call attention to the fact that to-day, with all of our efforts, it would not be possible to put into commission or to put afloat more than eighty vessels. We have to-day in the squadron service or active sea service but fifty-one vessels, and merely for the purpose of keeping those fifty-one afloat the people of the United States are taxed over $4,000,000 to sustain an unnecessary number of officers. Right here, Mr. Chairman, speaking for the members of the Committee on Naval Affairs, I desire to say that they have no thought or purpose whatever to make war on the Navy. I think myself, as an American citizen to-day and as an American citizen in the past, I have never seen an hour when I did not feel honor and pride in the officers of the Navy of the United States. They are gallant soldiers and men of courage, who do honor to the service and the flag under which they have taken commissions, and I would be false to myself and false to justice and false to my country if I made war upon the Navy. And in all the efforts I make for reform and reformation I have not one single object or purpose except to so reform and re-organize the Navy that it may become hereafter in the time of peace what it always has been in time of war, the pride and honor of the country. But, sir, right in that connection, and speaking of the pay of the Navy, it will appear upon reference to the expenditures, as reported from the Treasury Department, made for the naval service from 1869 to 1875 that there has been paid out within the period of six years for the pay of the Navy, Marine Corps, and the incidental expenses connected with the service, aside from the Bureau expenditures, $64,140,767.90.

Now, gentlemen, reflect for a moment that this large amount has been gathered from your tax-laden and oppressed constituents within the last six years, an amount of $64,000,000 and over.

Now, sir, in view of these facts, upon which I think no gentleman will take issue with me, I submit to the House that it is our duty to travel in the direction indicated by the Committee on Naval Affairs.

It may be, Mr. Chairman, that upon this question of the reduction of pay and number of the officers of the Navy I shall take occasion to trespass upon the attention of the committee when we consider the bill by sections, but just now I pass from that question to the next, and that is the question of navy-yards.

I am not here upon this occasion to give expression to any individual sentiment that I may have. I only express myself generally and as the representative of the Committee on Naval Affairs. Their recommendation has for its object and purpose economy and efficiency in the naval service. With that end and purpose in view they have authorized and instructed me to recommend the passage of a bill which abolishes the navy-yard at League Island and at New London, but retains for general purposes the navy-yards at Kittery, Charlestown, Brooklyn, and Norfolk, and retains for special purposes the navy-yards at Pensacola and Mare Island.

Now in reference to the Pensacola navy-yard; it is, I believe, a matter well known to most of the gentlemen upon this floor that during the continuation of that yard it has seldom been used for any other purpose than as a rendezvous and repairing station; that in the whole history of that yard but one or two vessels have been built there. And the recommendation of the committee in regard to the Mare Island navy-yard is in harmony with its past history.

Mr. PAGE. Will the gentleman allow me a moment?

Mr. WHITTHORNE. Certainly.

Mr. PAGE. What facts in the possession of the Committee on Naval Affairs have caused them to recommend the discontinuance of the navy-yard at Mare Island and the making it a naval rendezvous?

Mr. WHITTHORNE. A rendezvous and repairing station.

Mr. PAGE. Yes. Does not the gentleman know that for the two thousand miles of the Pacific coast there is but the one navy-yard at Mare Island? I would like the gentleman to inform the Committee of the Whole upon what information or facts in possession of the Committee on Naval Affairs they base this recommendation.

Mr. WHITTHORNE. The information in possession of the committee was that there was not means enough at hand in the form of timbers and other materials to make the navy-yard at Mare Island a general construction yard. It is within the information of the committee that vast amounts of timber and other material at very great expense—I can use no other term—at very great expense to the Government have been transshipped or carried from our eastern sea-coast to Mare Island; that in the articles of live oak and coal and other things the Government has been obliged to pay enormous prices to secure those articles. And in the opinion of the committee no more should be done at that yard than has been done in the past; that is to say, nothing but the necessary repair or construction of a vessel.

I do not mention it as a fact within the knowledge of the committee, but I mention it only upon that information which is accessible to every gentleman upon this floor. It is said that a gentleman in the State of New York is now building a vessel to be put together at Mare Island, and instead of sending the various parts of that vessel by water, he is sending it across the country by railroad.

It was in view of these facts and with no intention or purpose on the part of the committee to prejudice the Mare Island navy-yard, simply to keep it within its past history, that we recommend that it should be retained as a repairing yard as well as a naval rendezvous. The gentleman misapprehends the bill of the committee if he supposes that the Mare Island yard is to be simply a Navy rendezvous. In the opinion of the committee there should be done there in the future what has been or ought to have been legally and legitimately done there in the past.

Mr. PAGE. I dislike to interrupt the gentleman from Tennessee, [Mr. WHITTHORNE,] but I would ask him, as chairman of the Com-

mittee on Naval Affairs, if he would deem it safe, with two thousand miles of sea-cost, and Mare Island the only navy-yard on that coast, to do away with that navy-yard as a yard of construction? I believe that in the past ships have been constructed there, immense works have been done at Mare Island, and the cost of such works, I think, will bear favorable comparison, so far as economy is concerned, with any other navy-yard in the United States, with the exception perhaps of some additional freight paid upon certain classes of timber.

Mr. WHITTHORNE. I think when my friend from California [Mr. PAGE] comes to understand thoroughly the action of the Committee on Naval Affairs he will see that that action is not as prejudicial to his navy-yard as he now takes it to be. The committee have reflected upon the number of vessels likely to be repaired at that station. For instance, whatever squadron may be maintained by the United States upon the North or the South Pacific, the vessels would have to go to this navy-yard for repairs, and very likely the draught upon the resources of that navy-yard, in the way of material and other supplies, will in the future as it has been in the past be larger than their capacity to meet.

There are things alleged about that yard which, I will not say have caused the country to wonder how they could be, but there are things which if true I have no doubt the gentleman regrets. I do not intend now to assert that they are true, but if they be true they ought not to exist in the future. It was with these views that the Committee on Naval Affairs made the recommendation as to the Pensacola and Mare Island navy-yards.

When we come to the other yards, Kittery, Charlestown, Brooklyn, and Norfolk, I agree with my colleague upon the committee, who has just addressed the House, [Mr. WILLIS,] that the navy-yards at Brooklyn and at Norfolk are essential to the public service, and I might here announce my own willingness to pause; but I am here to represent, on behalf of my committee, that the navy-yards at Kittery and Charlestown are not without their advantages to the service. In the opinion of the committee those advantages are of such a character as to demand the continuance of those yards as general stations. For Kittery it is to be said that, when our ships have been upon long voyages and the vessels as well as men have become infected with disease, it is necessary that they should be carried to some water in the latitude of the Kittery navy-yard; and it was for this general purpose that the majority of the committee thought it their duty to recommend the continuance of that yard.

As for Charlestown, it possesses advantages in the manufacturing of certain articles such as are not possessed by any other establishment in the Union, especially in the manufacture of rope. At that yard the Government, as I am informed by the gentleman from Massachusetts, [Mr. HARRIS,] my colleague on the committee, is able to carry out a policy which I trust will ever be the policy of the Navy Department—not to permit any shyster or broker-contractor to come between them and the manufacturer of the iron which goes into the construction of our ships. If the Charlestown navy-yard possesses this advantage, it certainly should be preserved as a manufacturing establishment for the benefit of the United States Navy.

The navy-yard at Washington City, it will be observed, the committee recommend to be continued as a manufacturing establishment. It is said that this yard has machinery whose ability to execute fine workmanship is not equaled, certainly not surpassed, by any establishment in the world. With this general idea the Committee on Naval Affairs have recommended that the Washington navy-yard be continued as a manufacturing establishment.

I have given the reasons why certain yards should in the opinion of the committee be continued. I now come to those yards of which they recommend the abolition. I cannot appropriately discuss or give to the committee the reasons that operated upon the mind of the Naval Committee in recommending the retrocession of League Island to the authority that gave it to the United States; but, sir, with proper time and opportunity I think my friends from Philadelphia will find that the Committee on Naval Affairs have reasons as thick and plenty as blackberries. No reason can be urged for the continuance of a navy-yard at League Island that would not apply to every fresh-water branch that enters the Atlantic Ocean. That is the only argument that can be made in favor of League Island. But, on the other hand, the committee will bring to the attention of the House and the country the fact that to make League Island a navy-yard will require an expenditure from the public Treasury, at the very lowest estimate, of $20,000,000, and in the opinion of competent officers recently on duty at that station, $50,000,000. In view of this expenditure the question will be presented whether this House is willing to launch this country into such an expenditure for the building of a navy-yard there, when we have superior yards already in existence. That is the only practical question before the House.

Mr. O'NEILL. Will the gentleman allow me a single remark?

Mr. WHITTHORNE. I have not the time.

Mr. O'NEILL. If the gentleman will state that League Island navy-yard was established as an iron-clad navy-yard, for which fresh water was a necessity, he will perhaps discuss this subject more intelligently.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] declines to yield.

Mr. WHITTHORNE. This question will most likely come up at another time; and then we will canvass the reasons on which the recommendation of the committee is based.

I have not now the time to give the reasons which operated upon the mind of the committee in recommending the surrender of New London. I will only call attention to the recommendation of a committee upon the part of the Senate during the second session of the Forty-third Congress, of which committee Senator SARGENT of California was chairman, and which recommended the abolition of the navy-yard at New London.

I pass now to the remaining suggestion of the Committee on Naval Affairs, the recommendation for the re-organization of the Marine Corps. I have time only to state briefly that the proposition is to reduce the number of privates in that corps from fifteen hundred to twelve hundred and the number of officers to sixty-six, being nine less than the number recommended by the Committee on Appropriations. We also recommend the abolition of the staff in that corps. In this connection we recommend such measures as will, in the judgment of the committee, be promotive of efficiency in that corps as well as economy in the general service.

Having thus hastily called attention to the recommendations of the committee, I take occasion to say that at the proper time these propositions will be submitted as amendments to the pending bill and the concurrence of the House asked for them.

Mr. BLOUNT. Mr. Chairman, it affords me pleasure to bring to the attention of the House a measure of retrenchment which, while it proposes a large reduction, comes here with the indorsement of the entire Committee on Appropriations. It is only due to the Secretary of the Navy for me to state that in our conferences with him upon this bill and the reductions therein proposed he has entered no protest. He has yielded to us all the sources of information freely and fully. There has been no attempt to oppose us in our purposes, but we have been uniformly met with the statement: "This is your Navy; make such appropriations as you may deem fit; it is only my province to conduct the duties of my Department."

Sir, I have no fear that in these reductions the public service will be at all injured. In the first place I do not consider that the continued keeping up of the Navy of the United States at a high state is at all consistent with the genius of our people any more than to maintain a large standing army.

It is our great good fortune that, unlike the great powers of Europe, which are continually meditating destruction of each other both upon land and upon sea, we are isolated, disconnected with those controversies which are continually and as it would seem necessarily arising there. While this Government has been in existence but a hundred years our Navy has been called upon but once worthy of mention to go out against a foreign foe, and that was during the war of 1812. I know we have had other troubles, but they amounted to naught.

It was charged against the administration of Jefferson as well as against the administration of Madison that they had almost wholly neglected the Navy. What was the result? When the trial of strength did come, although we encountered an enemy who, by reason of the blows she had given to the Spanish, French, and Dutch navies, was riding the ocean with contempt for the rest of the world, who does not remember with pride our struggle, and that it was our own despised little Navy which first brought her to a recognition of the fact that there was one power she must and should respect? But how did it happen? Much was due to the fact that our Navy was composed of men of skill, of courage, and of endurance, and a great deal that we found our commercial marine ready at once to come to our rescue. It was our hidden but our easily available strength. The alarm sounded on every occasion when an effort is made to enlarge our Navy is not justified from our own experience. The moral force of reason does not justify it and the great aid of diplomacy does not justify it. If I entertained a doubt on this point, the fact that on my own committee are gentlemen of long experience, who have been here for many years, who, without regard to party, concur in this report, and the further fact that a high Cabinet officer at the head of the Department fails to enter any protest are sufficient reasons why I should not hesitate to go forward.

In addition to this, who does not feel the paralysis of the industries of our land? Tell me a State in any section of this country, in New England, the Middle States, the Southern or Western States, or upon the great Pacific slope, tell me any of them whose Representatives upon this floor will not testify to the fact that labor with them is in enforced idleness; that business of every kind, manufacturing, mercantile, or agriculture, refuses to yield those profits which we found in the days of our peace and prosperity? If this be true, if this is the popular demand, if this is the feeling of the committee, if this is the feeling of Cabinet officers, the country, I say, is to be congratulated that here there is to be retrenchment to which there can be no reasonable objection.

Now, Mr. Chairman, with these preliminary remarks, it is but due to the House that I should briefly call attention to the reduction in the Navy appropriation bill we have brought forward, and to give some of the reasons which induced the committee to report it.

I will add, however, that the appropriations under this bill as reported amounted to $12,808,655.40; and the appropriations for the last year, or rather for the current fiscal year, were $17,011,306.90, showing a reduction on the appropriations for the last year, or the current fiscal year, of $4,202,651.50; to which may be added, if the statement of the Fourth Auditor be correct, that the pay of the Navy fund has

heretofore been sufficient by reason of unexpended balances of previous years not covered back into the Treasury, but which balances are now exhausted, and upon which now there can be no reliance; to which may be added, if that statement be correct, another million of dollars, making a reduction in the expenditures of the Navy Department for the current fiscal year of $5,202,651.50. The estimates for the next fiscal year were $20,871,666.40; and deducting from that the appropriation contained in this bill we have a difference between the estimates and the amount actually appropriated of $8,063,011.

I shall take up the discussion of this bill by paragraphs in the order in which they appear in print. First I am brought by that arrangement to the pay of the Navy. The estimates were $7,600,000, and the appropriation in the bill is $6,250,000. I think I shall be able to show to the satisfaction of the House that that reduction is not sufficient, and I shall therefore at the proper time introduce an amendment reducing it still further. I will here call attention to the following tables of the years 1857, 1859, and 1860, and 1873, 1874, and 1875, showing the estimates of appropriations and expenditures for the naval service for those years:

TABLE 1.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1857.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy and medicines	$4,262,168 00	$4,262,168 00	$4,241,321 25
For pay of civil establishment, navy-yards	125,782 00	125,782 00	.....
For increase, repairs, ordnance, and equipment	3,088,660 00	3,020,500 00	2,886,102 95
For contingent expenses	859,750 00	859,750 00	862,467 73
For navy-yards	2,217,989 00	1,620,030 58	1,781,124 45
For magazines	142,600 00	92,600 00	80,729 10
For hospitals	84,400 00	70,800 00	45,892 92
For the Naval Academy	39,595 22	39,595 22	39,172 23
For the Marine Corps	851,113 31	657,113 31	503,670 93
For steam-mail service	1,408,850 00	1,478,600 00	1,059,866 67
For Stevens's war steamer	86,717 84	86,717 84	.....
For six steam-frigates	.....	.....	840,556 73
For five sloops-of-war	.....	.....	.....
For seven steam-sloops and one steamer	.....	.....	.....
For miscellaneous	356,880 00	450,178 48	385,951 73
Total	13,524,505 37	12,764,235 43	12,726,856 69

TABLE 2.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1859.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy	$4,779,255 00	$4,779,255 00	$4,526,707 32
For the civil establishment, navy-yards	139,232 00	139,232 00	.....
For increase, repairs, ordnance, and equipment	3,448,000 00	3,448,000 00	3,554,335 42
For contingent expenses	897,600 00	897,600 00	904,817 25
For navy-yards	1,952,509 00	1,592,689 00	1,447,212 46
For magazines	209,615 00	129,615 00	146,219 66
For hospitals	159,866 00	80,792 00	68,736 09
For the Naval Academy	45,671 22	45,671 22	43,666 67
For the Marine Corps	624,660 01	641,460 01	674,463 26
For steam mail-service	935,850 00	.....	457,985 91
For six steam-frigates	.....	.....	352,104 15
For five steam sloops-of-war	1,350,000 00	1,350,000 00	1,014,831 91
For seven screw sloops-of-war and one side-wheel steamer	.....	1,200,000 00	999,197 01
For miscellaneous	74,040 00	294,040 00	492,261 10
Total	14,616,298 23	14,598,354 23	14,682,738 21

TABLE 3.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1860.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy	$4,911,879 00	$5,578,273 00	$5,126,547 20
For the civil establishment, navy-yards	152,454 00	152,454 00	.....
For increase, repairs, ordnance, and equipment	3,663,000 00	1,863,000 00	1,390,041 23
For contingent expenses	896,000 00	896,000 00	853,100 34
For navy-yards	2,001,827 00	121,000 00	634,005 46
For magazines	203,457 00	114,957 00	108,300 61
For hospitals	153,935 00	76,085 00	67,546 73
For the Naval Academy	51,040 25	50,000 00	51,334 41
For the Marine Corps	703,394 55	663,394 00	609,651 77
For steam mail-service	.....	.....	196,154 09
For six steam-frigates	.....	.....	91,115 39
For five sloops-of-war	.....	.....	669,812 09
For seven sloops and one steamer	674,000 00	674,000 00	811,792 51
For miscellaneous	87,384 00	342,000 00	903,748 36
Total	13,500,370 80	10,531,163 00	11,513,150 19

TABLE 4.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1873.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy, including medicines and surgeons' necessaries	$6,475,674 00	$6,315,000 00	$6,432,882 72
For the civil establishment at the navy-yards	322,559 00	326,184 00	419,531 41
For increase, repairs, ordnance, and equipment	5,459,039 00	5,338,751 00	7,217,747 60
For provisions and clothing	1,587,600 00	1,587,600 00	2,631,776 36
For contingent expenses	1,194,500 00	1,232,000 00	1,185,135 20
For navy-yards and magazines	1,822,538 00	1,071,200 00	2,463,451 05
For the Naval Academy	193,408 25	193,498 25	190,654 07
For the Marine Corps	1,049,652 70	1,044,652 70	1,071,516 70
For miscellaneous	5,000 00	5,000 00	5,000 00
For the Bureau of Navigation and Naval Observatory	231,100 00	241,700 00	314,182 08
For the Bureau of Steam Engineering	1,650,000 00	1,650,000 00	1,641,769 08

TABLE 5.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1874.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy, including medicines and surgeons' necessaries	$6,618,508 00	$6,315,000 00	$7,633,807 55
For the civil establishment at the navy-yards	312,321 00	300,767 00	385,467 33
For increase, repairs, ordnance, and equipment	5,910,192 00	5,493,751 00	10,847,755 05
For provisions and clothing	1,587,600 00	1,587,600 00	2,019,027 68
For contingent expenses	1,312,200 00	1,372,000 00	2,037,103 23
For navy-yards and magazines	2,336,967 00	666,260 00	1,607,325,83
For the Naval Academy	193,430 90	193,407 40	247,477 88
For the Marine Corps	1,177,311 25	1,105,611 25	1,681,122 29
For miscellaneous	5,000 00	5,000 00	5,000 00
For the Bureau of Navigation, Naval Observatory, and hydrographic work	417,400 00	306,400 00	424,329 68
For the Bureau of Steam-Engineering	2,400,000 00	2,300,000 00	2,735,599 87

TABLE 6.—*Showing estimates, appropriations, and expenditures for the naval service for the fiscal year ending June 30, 1875.*

For what purpose.	Estimates.	Appropriations.	Expenditures.
For pay and subsistence of the Navy, including medicines and surgeons' necessaries	$6,592,200 00	$6,285,000 00	$6,511,167 84
For the civil establishment at the navy-yards	412,122 00	199,899 80	194,224 17
For increase, repairs, ordnance, and equipment	5,500,344 71	4,705,000 00	5,793,119 56
For provisions and clothing	1,587,600 00	1,335,000 00	1,681,730 18
For contingent expenses	1,167,000 00	1,055,000 00	1,062,278 90
For navy-yards and magazines	1,015,589 28	1,198,000 00	1,197,264 39
Nor the Naval Academy	191,307 40	175,707 00	178,813 47
For the Marine Corps	1,105,611 25	879,616 00	997,511 96
For miscellaneous	5,000 00	5,000 00	5,000 00
For the Bureau of Navigation, Naval Observatory, and hydrographic work	241,350 00	212,850 00	275,350 50
For the Bureau of Steam Engineering	2,200,000 00	1,800,000 00	1,811,878 69

I have selected the years 1857, 1859, and 1860, because it has been so common on this floor to charge that the administration of Mr. Buchanan was an exceedingly extravagant one. I do not propose to raise the question whether it was or was not. I am not here to defend any administration, but I take these years for the purpose of comparison with the years 1873, 1874, and 1875.

I will now call the attention of the House to the fact that in the year 1859, when the number of men in the Navy was the same as it is at this time, the pay of the Navy was $4,536,707.32. The estimate of the Department for the same number of officers and men for the next fiscal year is $7,600,000. The difference is a very marked one. Members can at their own leisure compare the tables for those several years, and they will find a difference of several millions of dollars in this matter of the pay of the Navy.

I shall ask, Mr. Chairman, in this connection to publish a statement made and handed to me by the Secretary of the Navy, in which he shows or claims that his estimate for 1877 is absolutely correct, and from which it appears that less than $2,000,000 of that sum are paid to the seamen and petty officers; showing that a very large proportion of it, nearly $5,000,000, goes to the retired-list and to the pay of the officers.

The statement as furnished by the Secretary of the Navy is as follows:

Amount required to pay officers of the Navy as they are borne on the Register of January 1, 1875.

	Number.	Pay per annum.	Amount.	Totals.
Admiral	1	$13,000		$13,000
Vice-admiral, other duty	1	8,000		8,000
Rear-admirals:				
at sea	6	6,000	$36,000	
other duty	4	5,000	20,000	
waiting orders	2	4,000	8,000	
				64,000
Commodores:				
other duty	18	4,000	72,000	
waiting orders	7	3,000	21,000	
				93,000
Captains:				
at sea	22	4,500	99,000	
other duty	20	3,500	70,000	
waiting orders	8	2,800	22,400	
				191,400
Commanders:				
at sea	17	3,500	59,500	
other duty	51	3,000	153,000	
waiting orders	22	2,300	50,600	
				263,100
Lieutenant-commanders:				
first four years, waiting orders	1	2,000	2,000	
after four years: at sea	51	3,000	153,000	
after four years: other duty	40	2,600	104,000	
after four years: waiting orders	20	2,200	44,000	
				303,000
Lieutenants:				
first five years: at sea	123	2,400	295,200	
first five years: other duty	68	2,000	136,000	
first five years: waiting orders	18	1,600	28,800	
after five years: at sea	31	2,600	80,600	
after five years: other duty	9	2,200	19,800	
after five years: waiting orders	5	1,800	9,000	
				569,400
Masters:				
first five years: at sea	78	1,800	140,400	
first five years: other duty	9	1,500	15,500	
first five years: waiting orders	13	1,200	15,600	
				169,500
Ensigns:				
first five years: at sea	38	1,200	45,600	
first five years: other duty	1	1,000	1,000	
first five years: waiting orders	6	800	4,800	
				51,400
Midshipmen:				
at sea	78	1,000	78,000	
waiting orders	3	600	1,800	
				79,800
Medical directors and inspectors and fleet surgeons	32	4,400		140,800
Surgeons:				
first five years: at sea	8	2,800	$22,400	
first five years: other duty	7	2,400	16,800	
first five years: waiting orders	1	2,000	2,000	
second five years: at sea	12	3,200	38,400	
second five years: other duty	7	2,800	19,600	
second five years: waiting orders	4	2,400	9,600	
Surgeons:				
third five years: at sea	2	3,500	7,000	
third five years: other duty	5	3,200	16,000	
third five years: waiting orders	2	2,600	5,200	
				137,000
Passed assistant surgeons:				
first five years: at sea	3	2,000	6,000	
first five years: other duty	5	1,800	9,000	
first five years: waiting orders	2	1,500	3,000	
after five years: at sea	13	2,200	28,600	
after five years: other duty	9	2,000	18,000	
after five years: waiting orders	1	1,700	1,700	
				66,300
Assistant surgeons:				
at sea	32	1,700	54,400	
other duty	9	1,400	12,600	
waiting orders	3	1,000	3,000	
				70,000
Pay directors, inspectors, and fleet paymasters:	29	4,400		127,600
Paymasters:				
first five years: at sea	2	2,800	5,600	
first five years: other duty	6	2,400	14,400	
first five years: waiting orders	4	2,000	8,000	
second five years: at sea	9	3,200	28,000	
second five years: other duty	13	2,800	36,400	
second five years: waiting orders	3	2,400	7,200	
third five years: at sea	2	3,500	7,000	
third five years: other duty	4	3,200	12,800	
third five years: waiting orders	4	3,600	10,400	
				130,600
Passed assistant paymasters:				
first five years: at sea	7	2,000	14,000	
first five years: other duty				
first five years: waiting orders	2	1,500	3,000	
after five years: at sea	8	2,200	17,600	
after five years: other duty	8	2,000	16,000	
after five years: waiting orders	5	1,700	8,500	
				59,100
Assistant paymasters:				
first five years: at sea	10	1,700	17,000	
first five years: other duty	2	1,400	2,800	
first five years: waiting orders				

Amount required to pay officers of the Navy, &c.—Continued.

	Number.	Pay per annum.	Amount.	Totals.
Assistant paymasters—Continued.				
after five years: at sea	7	1,900	13,300	
after five years: other duty	1	1,600	1,600	
after five years: waiting orders	1	1,200	1,200	
				35,900
Chief engineers ranking with commanders, fleet engineers, Chief Engineers:	26	4,400		114,400
first five years: at sea	10	2,800	28,000	
first five years: other duty	10	2,400	24,000	
first five years: waiting orders	2	2,000	4,000	
second five years: at sea				
second five years: other duty	1	2,800	2,800	
second five years: waiting orders				
third five years: at sea	7	3,500	24,500	
third five years: other duty	6	3,200	19,200	
third five years: waiting orders	6	2,600	15,600	
				118,100
Passed assistant engineers:				
after five years: at sea	45	2,200	99,000	
after five years: other duty	32	2,000	64,000	
after five years: waiting orders	15	1,700	25,500	
				188,500
Assistant engineers:				
first five years: at sea	7	1,700	11,900	
first five years: waiting orders	7	1,000	7,000	
				64,100
Cadet engineers	10	500		5,000
Chaplains:				
first five years: at sea	4	2,500	10,000	
first five years: other duty	4	2,000	8,000	
first five years: waiting orders	3	1,600	4,800	
after five years: at sea	2	2,800	5,600	
after five years: other duty	6	2,300	13,800	
after five years: waiting orders	5	1,900	9,500	
				51,700
Professors:				
first five years, other duty	4	2,400	9,600	
second five years, other duty	1	2,700	2,700	
after fifteen years, other duty	7	3,500	24,500	
				36,800
Secretaries	2	2,500		5,000
Constructors:				
first five years, other duty	3	3,200	9,600	
second five years, other duty	2	3,400	6,800	
third five years, other duty	2	3,700	7,400	
				23,800
Assistant-constructors:				
first four years, other duty	3	2,000	6,000	
second four years, other duty	4	2,200	8,800	
				14,800
Civil engineers:				
first five years	6	2,400	14,400	
second five years	3	2,700	8,100	
after fifteen years	1	3,500	3,500	
				26,000
Warrant officers:				
first three years: at sea	36	1,200	43,200	
first three years: other duty	5	900	4,500	
first three years: waiting orders	7	700	4,900	
second three years: at sea	18	1,300	23,400	
second three years: other duty	13	1,000	13,000	
second three years: waiting orders	4	800	3,200	
third three years: at sea	11	1,400	15,400	
third three years: other duty	5	1,300	6,500	
third three years: waiting orders	2	900	1,800	
fourth three years: at sea	1	1,600	1,600	
fourth three years: other duty	2	1,300	2,600	
fourth three years: waiting orders	1	1,000	1,000	
after twelve years: at sea	30	1,800	54,000	
after twelve years: other duty	54	1,600	86,400	
after twelve years: waiting orders	20	1,200	24,000	
				285,500
Mates:				
at sea	25	900	22,500	
other duty	26	700	18,200	
waiting orders	3	500	1,500	
				42,200
Cadet midshipmen and engineers	297	500		148,500
Secretaries to commanding officer squadrons	6	2,000		12,000
Secretaries to Naval Academy	1	1,800		1,800
Clerks, paymasters, commanding officers, &c				152,000
Retired-list:				
rear-admirals	38	4,500		171,000
commodores	39	3,750		146,250
captains	17	3,375		57,375
commanders	13	2,625		34,125
lieutenant-commanders	9	2,250		20,250
lieutenants	6	1,950		11,700
masters	12	1,500		18,000
ensigns	4	1,050		4,200
midshipmen	3	750		2,250
chief engineers	5	3,150		15,750
passed assistant engineers	14	1,650		23,100
warrant officers	32	1,350		43,200
constructors	4	3,150		12,600
professors	3	2,625		7,870
chaplains	8	2,100		16,805
assistant engineers	19	1,425		27,075

Amount required to pay officers of the Navy, &c.—Continued.

	Number.	Pay per annum.	Amount.	Totals.
Retired list—Continued:				
medical directors	23	$3,300		$75,900
pay directors	10	3,300		33,000
medical inspectors	1	3,300		3,300
passed assistant surgeons	2	1,650		3,300
assistant surgeons	5	1,425		7,125
surgeons	2	3,150		6,300
paymasters	3	3,150		9,450
passed assistant paymasters	1	1,650		1,650
assistant paymasters	1	1,425		1,425
Total				4,615,100
Actual cost of 8,500 men				2,720,000
Balance traveling expenses, &c				7,335,100

Why, Mr. Chairman, is there this difference between the years preceding the war and the present time? Permit me to state here, however, that there are three grades of service in the Navy: sea service, shore service, and waiting orders. An examination of the table furnished me by the Secretary of the Navy will show that not one-tenth of the officers on the pay-roll are on waiting orders or furlough, the rest being on sea and shore duty.

The statement of my friend from Tennessee [Mr. WHITTHORNE] as to the small number of vessels in the service is one well worthy our attention in this connection. The Revised Statutes expressly provide that in addition to this pay the Secretary of the Navy may, in his discretion, furlough officers and further reduce their pay. Before the war it was exceedingly common to put the best officers in the service on furlough. Gradually there was a disposition to depart from it. Officers were put upon waiting orders where they could have nothing else to do, until now it seems it has grown up, notwithstanding the laws of the land, to that point where officers feel it an indignity to put them on furlough pay. There is no question in my mind in addition to that but what there are a great number of officers who are on shore duty and that that duty is almost absolutely nothing.

The only correction that can be made in this matter is by the appropriation bill itself. I make no charge against any Administration or against any Cabinet officer. I can understand that these importunities will come upon any officer that may happen to be at the head of the Department, and come from gentlemen of courage, of learning, of honor, and come with power. The Representatives of the people have it in their power to check this abuse, and they ought by all means to do it. And with this view, and being thoroughly aware that I am correct in the statement I am making, I shall offer an amendment hereafter for a further reduction of this appropriation.

Again, sir, I feel it my duty in passing to call the attention of the House to a note in the estimates by the Fourth Auditor on the subject of the pay of the Navy. In reference to the estimate of the current expenses of the year he says:

> This is the amount made up by close computation and examination of the rolls by both the Fourth Auditor's Office and the Navy Department. The appropriations for the last three years have been too small to make the payments required by the provision of existing laws. The deficit has only been made up by the balances of the appropriations for pay, available by law for this purpose; all these that can be legally used are now exhausted.

Now, Mr. Chairman, this statement cannot be true. In 1873, when the number of the Navy was eighty-five hundred men, the appropriations were $6,315,000, while the expenditures were $6,432,882, being in excess of the appropriation. In 1874 the appropriations were $6,316,000, and the expenditures were $7,633,000. It will be remembered that was the year in which the Secretary of the Navy enlisted some fifteen hundred additional men when we were apprehending trouble with Spain. In 1875 the appropriations were $6,285,000, and the expenditures $6,511,000.

It will be observed therefore, Mr. Chairman, that every year the expenditures have exceeded the appropriations. But while in practice they may have relied upon the fund here referred to, with the single exception of 1874, they never have reached in the expenditures of the Department the amount here claimed. Now, there has been an effort on the part of the Fourth Auditor to make an explanation of this based on the fact that officers and men were off on duty and did not get home in time to get their pay during the fiscal year. But when we take it year by year and strike the average, we shall find that this point was never reached except in a single instance when we were apprehending trouble abroad and enlisted an additional number of men. It is not my purpose, sir, to say how this statement happens to come from the Fourth Auditor. It seems to me, sir, to say the least, that it shows that the accounts in that Office are not perfectly kept. I would not say, it would be unkind to say, that there was purposely a false statement.

Mr. HALE. Will the gentleman allow me to make a suggestion there?

Mr. BLOUNT. Yes, sir.

Mr. HALE. Is it not the fact that all this matter of the adjustment of the pay of the officers and men of the Navy is in the Fourth Auditor's Office of the Treasury Department and not in the Navy Department?

Mr. BLOUNT. That is true. I did not charge that this came from the Navy Department at all.

The next subject to which I shall call the attention of the House of any importance—for I shall not go into the numerous details of reductions and shall only take up prominent heads and give reasons for the larger reductions—is in reference to the Bureau of Ordnance.

In that Bureau, sir, we have reduced the amount about one-half. We can do so because too much has already been spent and there is no reason why we may not reduce largely the expenditures in this branch. In the next place we propose to at least suspend work in a large number of the navy-yards, and many of the expenditures under this item growing out of the fact of the large number of navy-yards now in operation. In addition to that, the reduction of the number of men in the Navy to one thousand and the consequent reduction of our cruising vessels will justify the decrease.

Now, sir, when we shall reach the details of this bill I will then at the proper time give in detail the reason, which will probably be more satisfactory to the House. In reference to the Bureau of Equipment and Recruiting, we have been able to reduce the sum from $1,250,000 to $1,000,000. The reduction of men and the consequent reduction of the number of cruising vessels authorize the demand of this Bureau. One of the large items involved here is the purchase of coal. The committee have thought that there might easily be a reduction here by reason of the withdrawal of the cruising vessels and the reduction of men in the service, and that there might be a further reduction of the item of coal, as the vessels in our Navy are all full-rigged, are all sailing-vessels if need be, and could by economy do with less coal.

Further the reduction is not a large one, only $250,000 from the appropriation of last year. The appropriation of last year exceeded that of the year before. The expenditures in all of these Bureaus are limited to the amount of money Congress may see fit to give. The more we give the more we are called upon to give. In the Bureau of Yards and Docks we have reduced the appropriation from $860,000 to $440,000. Here, again, comes the matter of the reduction of the navy-yards and of the expenditures in them. They have been reduced more than one-half. That is the theory of the bill, and the general reduction in the Navy will authorize and justify what we have done in the premises. In reference to the Bureau of Clothing and Provisions, we have reduced the amount of the appropriation from $1,279,000 to $93,000. And the general reasons which I have given in reference to the other Bureaus apply also to this Bureau.

Coming on, sir, to the Bureau of Construction and Repairs, the committee have reduced the appropriation on that item to $1,500,000. I will here call attention to several reports of the Navy Department, showing that for several years since the war a large amount of repairs were made, and especially during the year of 1874.

A great many of our monitors repaired. The wood work in them was substituted by iron.

Report dated November 29, 1873: Thirteen vessels sold. Six live-oak cruising vessels repaired. Eight new sloops-of-war authorized by the Forty-second Congress in process of building. Repairing of iron-clads continued.

In conclusion, I am glad to be able to report the fighting-force of our Navy in good and effective condition. During the last two years the whole fleet of our single-turreted monitors has been thoroughly overhauled and repaired, their sides raised up, their rotten wooden beams and decks replaced by iron, and their turrets and machinery put in complete order, so that they are now efficient to their utmost capacity, and ready to go to sea at any time as soon as crews can be put on board and organized. These, with the Dictator and Roanoke, also in good order, make a fleet of sixteen iron-clads, powerful for any naval purpose which does not require long voyages or great speed. Two powerful iron torpedo-vessels have also been completed, and are ready for service, fully equipped with this most powerful weapon of modern warfare. Four of our powerful double-turreted monitors, namely, the Terror, the Miantonomah, the Monadnock, and the Amphitrite, (by far the most formidable vessels ever in our Navy,) are also now in hand undergoing repairs, and the plans are also being matured for the repair of the Puritan, the only one of our efficient iron-clads which remains untouched. The eight new sloops specially authorized, and built entirely of live-oak or iron, are about ready to be added to our cruising navy, and seven other of our vessels have been or are being thoroughly repaired with like durable material and supplied with new and improved machinery, so as to be in all respects equal to new ships of their class. We shall thus have added, by the end of the year, fifteen new and active ships to our cruising navy, to take the places of those vessels which are worn out and must be relieved. Most of our powerful wooden ships of the first class were also put in condition at the time of our threatened difficulties of last year, and are now in commission or in ordinary, ready for immediate service when needed. Thus all that there is of our Navy either is or will shortly be in the best state possible for vessels of their respective classes, and all will be, and will continue to be effective for service, except those of our cruisers which, built hastily of green white-oak, are now rapidly reaching the limits of their sea-life, and are one by one falling out of the line of active duty, to be laid up or sold as unfit for further service.

Warned by the rapid decay of our white-oak ships, the Department has required that all new wooden ships should be built and all our expensive repairs made of live-oak, and has, for this purpose and for the future necessities of the service, secured and accumulated a large quantity of this almost invaluable but rapidly disappearing material in the various navy-yards, where it will be properly cared for and seasoned, for use as occasion may require.

This statement certainly shows our Navy to-day in a better condition of effective and permanent strength than it has been for years; and when we understand that three years ago none of our now efficient iron-clads, except the Dictator and the Terror, were fit for any service whatever, and that during that time we have, in addition to putting them in repair, practically built fifteen live-oak cruising ships, and carried on also the necessary repairs to maintain the Navy afloat, and that at that time there was scarcely a stick of live-oak timber in the Government yards, where now is gathered an adequate supply of this most valuable and improving material; and when we remember that it has been possible, under the direction of our skilled

and practical officers, so to utilize the liberality of Congress that this has been accomplished out of the comparatively small portion of the naval appropriations which it is possible to devote to the actual building and equipment of ships, we are justified in feeling some pride in the prospect that the American Navy will be able in the future, as in the past, to contribute its fair proportion to the strength, resources, and dignity of a powerful though peaceful nation.

GEO. M. ROBESON,
Secretary of the Navy.

The PRESIDENT.

Secretary Welles on page 41 of the date of December 1, 1866, says the force in the navy-yards has been principally employed in placing in efficient condition vessels which had been almost constantly used during the war.

On page 25 of his report of December, 1866, he says fourteen ships are in course of construction in the several navy-yards; four of them iron-clads with turrets. On page 38 of same report he says $7,976,192 paid for labor and superintendence in navy-yards.

In report of 1867 and 1868: Four vessels launched during the year. The steam machinery for seven more such vessels is completed. Four smaller vessels in process of construction, and the machinery completed.

In report for 1868 and 1869 the Secretary says two iron-clads were sold and others recommended to be sold because they deteriorate.

A commission, with Admiral Goldsborough at its head, to examine steam machinery, on page 143 shows many vessels built during the war and a vast amount of repairing done in 1868, 1869, and 1870.

December 1, 1869, Secretary Robeson claimed that the Navy was out of repair, (see page 6 of 1869 and 1870;) that by reason of steam-vessels being full-rigged with sails a saving in coal of $2,000,000 could be effected.

It will be remembered that during the year 1874 we were apprehensive of trouble with Spain, and not only new vessels were provided, but others were repaired under the prompt and proper action on the part of the Administration to put it in condition for active service. The whole Navy underwent repair.

The Secretary of the Navy in his last report says that the Navy is in finer condition than it ever has been. The officer at the head of the Bureau of Construction and Repair says that one hundred and two vessels have been repaired during the year. Here is his list of vessels repaired:

Vessels repaired and built under the cognizance of the Bureau of Construction and Repair.

Enterprise.	Glance.	California.
Marion.	Mayflower.	Camanche.
Adams.	Nantucket.	Independence.
Cohasset.	Napa.	Iroquois.
Essex.	Nebraska.	Jamestown.
Iowa.	Passaic.	Lackawanna.
Leyden.	Pilgrim.	Mohican.
Niagara.	Potomac.	Monterey.
Ohio.	Quinnebaug.	Narragansett.
Oregon.	Ranger.	Nyack.
Pennsylvania.	St. Louis.	Pensacola.
Quinnebaug.	Alarm.	Portsmouth.
Saint Mary's.	Catskill.	Saranac.
Shawnee.	Despatch.	Tuscarora.
Tallapoosa.	Fortune.	Ajax.
Terror.	Gettysburg.	Canandaigua.
Vandalia.	Hero.	Despatch.
Virginia.	Nipsic.	Kansas.
Wabash.	Piscataqua.	Mahopac.
Wachusett.	Relief.	Manhattan.
Wassuc.	Rescue.	Ossipee
Alarm.	Triana.	Rose.
Alert.	Wyoming.	Saugus.
Blue Light.	Brooklyn.	Canonicus.
Catskill.	Canandaigua.	Wyandotte.
Colorado.	Constellation.	Nahant.
Intrepid.	Dictator.	Jason.
Minnesota.	Fortune.	Passaic.
Montauk.	Frolic.	Lehigh.
Powhatan.	Huron.	Nantucket.
Swatara.	Jean Sands.	Catskill.
Tennessee.	New Hampshire.	Montauk.
Trenton.	Ossipee.	Amphitrite.
Alert.	Powhatan.	Miantonomah.
Alliance.	Shawmut.	Terror.
Antietam.	Snowdrop.	Puritan.
Constitution.	Worcester.	Monadnock.
Frolic.	Benicia.	

BUREAU OF CONSTRUCTION AND REPAIR,
November 17, 1875.

The committee, therefore, have thought that this is a time when we could retrench in the matter of construction and repair, and while I am not authorized to state that the Secretary of the Navy indorses this measure, I do say that he says there never was a time in the history of the American Navy when there could be a reduction in this Bureau so well as now.

In reference to the Naval Academy at Annapolis, the committee have seen it proper to leave it intact. They have been struck at the great difference in the pay of professors and officers of that institution and the pay of similar officers at the institution at West Point. Having just passed through the consideration of the Military Academy bill and considered it in detail, when we came to the modest appropriation asked for by the Naval Academy we could see no place where any retrenchment could be had.

In reference to the Marine Corps we propose a reduction. The present number of officers is ninety-three, and we propose a gradual reduction down to seventy-five.

There have been several bills introduced by the Committee on Naval Affairs as amendments to this bill which I do not care at this time to discuss. I have no authority from the Committee on Appropriations either to accept or reject them. At the proper time they will have what consideration the House may see fit to give them.

Before concluding, Mr. Chairman, I desire to say a few words in reference to our navy-yards. We have at this time nine navy-yards. We have appropriated under the heading of the Bureau of Construction and Repairs one million and a half of dollars. How absurd it is, sir, to think that we are keeping up nine navy-yards in this country with all of their bureaus, which have grown up during the war, with their civil lists, with their expenses, and with almost infinite details, simply for the purpose of doing the little repairing that is now proposed. The committee have not seen fit to ask now for the sale of these several yards. It is a grave question, and one worthy of consideration, whether or not we had best sell them or simply close them and keep them for time of peril, and they have therefore gone no further than simply to direct the Secretary of the Navy to suspend many of them and to report upon the matter and manner of their sale.

We have gone one step further in reference to the yard at New London and have absolutely directed that measures should be taken for its retrocession. In connection with several of these yards, the one at Washington, the one at New London, and the one at Philadelphia, I shall insert a report of the Committee on Naval Affairs of the Senate, who had this matter of reduction of navy-yards under consideration, and the comments of which I think are sufficient to satisfy every member of the House, and which I accept and adopt as my own:

LEAGUE ISLAND, PHILADELPHIA, AND WASHINGTON NAVY-YARDS.

These navy-yards should be concentrated at League Island. Congress provided by act of February 18, 1867, "that if League Island be selected, the navy-yard at Philadelphia shall be dispensed with and disposed of by the United States as soon as the public convenience will admit." Subsequent legislation has provided for the partial removal of articles from the Philadelphia yard. The sooner the whole transfer is completed and that yard closed up the better. The navy-yard at Philadelphia has less area than any other, less than twenty-two acres, entirely too small for the purposes of the Government, is much exposed to fire, and its site would sell for several millions of money. The location of the yard has retarded the growth of the city in that direction, the undeveloped water-front below having long been needed for commercial purposes, as well as the site of the yard itself, which now operates as an effectual barrier to the necessary communication with the wharves below. These considerations would not be conclusive if the interests of the Government absolutely required the place for a navy-yard, for local must give way to general good. But League Island is a better place for a navy-yard, and is now partially improved as such, as we shall show. But these facts account for the great rise in value of the old site commercially, and guarantee that it will sell for a sum that will duplicate all its facilities at League Island in a permanent and substantial manner, even at a forced sale. It is an absurdity to prolong a state of things by which two navy-yards are maintained within three miles of each other; and the Government should hasten the work at League Island, so as to abolish the Philadelphia yard, stop expense of repairs at the latter point, and realize for the Treasury the proceeds from the sale of its valuable site. The buildings at the Philadelphia yard are forty-two in number, of which twenty-two are wood, and the repairs are estimated at $70,000. Its streets are narrow and tortuous, and the transportation of timber and heavy articles through them is extremely difficult. It has but eight hundred and twenty feet water-front measured on the port warden's line, and of this front more than one-half (four hundred and forty feet) is taken up with the floating sectional dry-dock, its deep berth and shallow basin, and the openings for the launching-ways of the ship-houses. There is but one pier. The buildings are crowded in together, with little regard to plan, and the work at the yard is hindered and made expensive by confusion resulting from confined space and other inconveniences. To put the dry-dock in order will cost $119,000. The tools and machinery are valuable, and will be available for the plant of the League Island yard.

The Washington navy-yard has too small an area for an extensive establishment, and has of late years been used rather for a repairing and manufacturing yard than for building. The approach to it is by a crooked and difficult channel; it is far from the sea; is remote from supplies of timber, iron, and coal; the number of skilled artisans is limited; and there is no work done at it that cannot be more cheaply done and the materials more cheaply obtained at League Island, when that yard is put in proper condition to do it. The Washington navy-yard is well supplied with good buildings, tools, and machinery, and in a better locality for its purposes would be of great value. The estimate for repairs of buildings is about $19,000.

League Island has many striking advantages as a site for a navy-yard. It is inaccessible to a hostile fleet from the sea, being within the defenses of a great city; a great manufacturing population surrounds it—skillful wood and iron workers, busy in time of peace in the creation and repair of the commercial marine, and furnishing an inexhaustible supply of skilled labor; it is in the midst of a great coal and iron region; it is ample in its area, and has a water-front of great extent and value; and its fresh water is needed to preserve our iron vessels.

NEW LONDON NAVY-YARD.

The site for this navy-yard was conveyed to the Government by the State of Connecticut. It has a water front on the river Thames of one mile, and a mean breadth of six hundred and seventy feet. The map of the Coast Survey shows the channel to be very narrow, and along most of the water front at a very considerable distance from the shore line. The channel is so narrow opposite the navy-yard that an ordinary-sized Government vessel could not swing at anchor with the tide without striking on either side, and vessels like the Franklin, Wabash, Minnesota, Colorado, Tennessee, New York, and the Iowa class, which draw about twenty-one feet, and are about three hundred feet long, some longer, would need to be handled with care to turn them around at the upper end of the yard without striking.

As to the other yards, we propose to act further for the reasons which I have already stated.

In addition, there is a proposition in regard to establishing a naval rendezvous at Tybee, off the coast of Georgia. I call attention to a memorial on that subject setting forth all the advantages of such a rendezvous, and a statement from the Chief of the Bureau of Navigation, who, if anybody knows, certainly ought to know whether this is right and proper:

To the honorable the Senators and Representatives from the State of Georgia in the Congress of the United States:

The mayor and aldermen of the city of Savannah, and the Chamber of Commerce and Board of Trade, and Central Railroad and Banking Company, and Atlantic

and Gulf Railroad Company, and commissioners of pilotage, of said city, beg leave to call your earnest attention to the plan said to be entertained by the authorities of the General Government for the establishment of a naval station at Port Royal and to lay before you some reasons why said plan is inexpedient and unnecessary, subjecting the Government to large and useless expenditures without commensurate resulting benefits, to the injury of the great local interests represented by your memorialists as well as to the general commercial interests of the people of Georgia, and, without justification, to an increase of burdens of the General Government.

Assuming it to be expedient for the national defense and for the economy of the Navy to establish a naval station at an appropriate point on the South Atlantic coast, it will not be denied that the harbor of Port Royal affords for this purpose an advantage confined to its capacity to float a larger number of vessels than any other harbor on the South Atlantic coast; but this advantage is overcome by other considerations of greater value.

It is claimed for Port Royal harbor that the depth of water carried into it is greater than that of any other harbor on the South Atlantic coast. But this we can deny with confidence, the depth of water over the entrance of Port Royal and Savannah being the same, namely, nineteen feet at mean low tide. In this respect, therefore, no superiority can be asserted for the former, each allowing vessels of the same draught, while there is no other harbor on the South Atlantic coast known to have as deep water over its ocean bar. In a comparison of the inner capacities of the two ports the area of Port Royal is greater than that of Savannah, but the area of the latter is amply sufficient to contain safely and conveniently any fleet the United States are ever likely to concentrate on the South Atlantic coast in times of peace or war, while it is well known that the anchorage of the ports is equally esteemed, whether for holding-ground or protection during storms.

It is therefore evident that the only natural advantage which can be claimed for Port Royal over the port of Savannah is in area, and this advantage is not necessary to be considered in view of the sufficiency of the area of the latter.

We now ask your earnest attention to other points looking to the superiority of the port of Savannah as a naval station in respect to economy and convenience:

First. Port Royal is wholly undefended by fortifications, but the port of Savannah is protected by Fort Pulaski, capable of mounting the heaviest class of modern armament, while the Government holds two hundred and ten acres of land on Tybee Island, intended for the site of additional fortifications to defend the channel still more completely, to bring hostile vessels under concentrated fire, and more effectually cover any shipping seeking protection from an enemy. These defenses have been established by the General Government at great cost, and there can be no good reason assigned why, for the protection of a naval station, the Government should expend large sums of money at Port Royal when all the protection needed for a naval station already exists or may be economically added to that already established in the harbor of Savannah. In short, Port Royal would require the erection of new costly works, already constructed at Savannah, and the Government be subjected to useless and unjustifiable expense.

It has been said that it is not the purpose of the Government authorities to erect permanent fortifications in Port Royal harbor, and that the foregoing suggestions are not well founded; but with what expediency and economy could a station for the South Atlantic fleet be established at any given point without surrounding it with adequate means of protection in times of war?

If it is to be believed that iron-clad vessels will afford sufficient protection to such a station, either such vessels must be so constructed as to take the place of permanent land defenses and cost commensurate sums of money, or, if otherwise, such vessels must be confined to that one position and become unavailable when required at other points. The Government must be subjected to greater expense in either case: in the one to provide new stationary and in the other to increase the number of maneuvering vessels.

Second. The Government already owns ample available land accommodations in Savannah harbor for the purposes of a naval station, namely, the whole of Cockspur Island, on which Fort Pulaski rests, and two hundred and ten acres of land on Tybee Island, facing the anchorage and available for workshops, coal depots, storehouses, &c.

Third. Port Royal is little more than a natural harbor; it does not possess any important commercial establishment. While, therefore, it should not present any important local reasons for naval defense, it offers no advantage as a point of local supply for any portion of the Navy of the United States. Nor does it contain any of the facilities necessary as a place of naval resort. It has neither workshops nor docks. All these must be erected at the cost of the Government, even for temporary purposes of the most unimportant character. On the contrary, the city of Savannah does possess an extensive commercial establishment, with all its essential appliances. Its exports are the greatest in value on the South Atlantic coast—one-third in value of those of the Atlantic and Gulf ports, employing in 1875 shipping carrying 1,061,000 tons and manned by 30,600 seamen. Its imports are large in value, paying a revenue into the Government Treasury since the close of the war, in the shape of custom-house duties, of $2,396,484. Its several railway communications leading from every portion of the Union, and its marine, concentrating from all civilized countries, bring every species of supplies demanded by a large local population and by extensive external commerce. It has workshops on a large scale. Its marine railway and dry-dock are capable of larger accommodations for the repairs of vessels than those of any port on the South Atlantic and are sufficient to receive an ordinary man-of-war. In addition to these advantages for affording general supplies and naval facilities, no American harbor excels that of Savannah in the character of the water fitted for naval use. Vessels are supplied directly from the Savannah River with water of the most wholesome kind and the least capable of putrescence, while it affords the best possible remedy against the destructiveness of the ship-worm. On the contrary, Port Royal harbor has no such facilities; drinking-water can be obtained there only from springs and wells with difficulty and expense, while it is of doubtful durability on the voyage.

Fourth. But while we venture to lay these pregnant facts before you as combining sufficient reasons why a naval station should not be established at Port Royal, and because the Government will thereby be subject to causeless and unjustifiable expenditures, we beg leave to add that, in our apprehension, such outlays will necessarily result in the establishment of a growing commerce at that point, to the serious and lasting detriment of the commerce of the city of Savannah and other parts of the State of Georgia. It should not be lost sight of that this city, in her corporate capacity, has expended from her treasury at least one-quarter of a million of dollars in the improvement of the navigation of the river, from which the Government has derived a large amount of revenue, cited above in the import duties paid by vessels profiting by the deepening of the river channel, and that Congress, recognizing the wisdom of our efforts, has in the past three years assumed the work of improvements, in order to perfect what Savannah, by her own unaided efforts, had incepted.

These advantages, with all the facilities and accommodations they contain, have been developed during a long period of industry and enterprise and at a vast outlay of public and private capital, from which the General Government itself has drawn large revenues; and we do most solemnly urge that the General Government should not, without such forcible reasons as cannot be made apparent in this case, seek to create a great public establishment, to be paid for in part from revenue derived from the people of Savannah and other ports and the people of the State of Georgia, and to threaten permanent and vital injury to their most valuable interests.

We do therefore respectfully ask the grave attention of our honorable Senators and Representatives to this important subject, invoking their just protection for the great interests we have the honor to represent, and which we believe to be endangered by impending plans looking not so carefully to the establishment of a naval station at Port Royal as to the creation of a new commercial port at the expense of the General Government and to the irremediable detriment of vested interests existing elsewhere.

E. C. ANDERSON,
Mayor, for and in behalf of the City Council.
OCTAVUS COHEN,
President Chamber Commerce.
J. W. LATHROP,
President Savannah Cotton Exchange.
WM. M. WADLEY,
President Central Railroad.
JOHN SCREVEN,
President Atlantic and Gulf Railroad.
JOHN STODDARD,
Chairman Commissioners of Pilotage.

SAVANNAH, *February* 4, 1876.

[Indorsement on the foregoing by the Chief of the Bureau of Navigation, to whom the above was referred by the Secretary of the Navy for a report.]

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, March 7, 1876.

[Relating to and accompanying memorial of the city of Savannah to Congress, setting forth the advantages of their waters for a naval station, referred to this Bureau by the Navy Department.]

The points are fairly presented in the memorial, and in comparison with the harbor of Port Royal.

First. The depth of water on the Savannah River bar is sufficient.

Second. The anchorage off Tybee Island and within the bar is ample in extent and is salubrious at all seasons.

Third. Pure fresh water is found at all seasons of the year at the head of Elba Island, or at a distance of about ten miles from the entrance of the river, and several miles lower down during a considerable part of the year. This would not only be of great advantage and economy for drinking supply, but also in preventing rust and the accumulation of barnacles and other animal and vegetable growths on the bottoms of iron vessels. This condition is of marked contrast to Port Royal. The fresh-water bills of the Dictator for six months amount to $4,584.18, at the rate of $9,168.36 yearly. With the force now making rendezvous at Port Royal, the cost for drinking-water will be not less than $100,000 yearly. The vegetable and animal growth in Port Royal harbor on the bottoms of iron vessels is surprisingly great.

Fourth. The sufficiency of fortifications of the Savannah River, and the insufficiency, or rather absence, of them at Port Royal.

Fifth. The facilities of obtaining repairs and supplies of all kinds at reasonable rates and, if desired, directly from the North by steamers.

Sixth. The facility of hauling up or putting vessels into dry-dock, for repairs, and of sufficient capacity for all classes of vessels usual in those waters and at no greater cost than at northern ports.

Seventh. Should the yellow fever become epidemic at Savannah or in those waters, which is of rare occurrence, the proximity to Port Royal, Warsaw, and other sounds and ports less frequented, to which naval vessels could go.

Eighth. The proximity of an agreeable cultivated society, a preventive of low dissipation to the *personnel*, though affording necessary recreation and maintaining the *morale*, so necessary to effectiveness.

Ninth. Should the War Department allow the use of the wharf on Cockspur Island and the erection of sheds for coal and other supplies, and, if found convenient, to temporarily turn over Fort Pulaski to the Navy, with sheds, storehouses, &c., the supplies of coal, provisions, and other stores would be far safer from depredation or injury than would be the case at Port Royal without a considerable expenditure, and they would be landed and taken on board at small cost and with great facility.

For a depot of supplies, as above shown, the waters of Savannah River have special advantages. A personal knowledge of the localities mentioned enables me to give an expression of opinion such as would not be possible otherwise.

Respectfully submitted, March 8, 1876.

DANIEL AMMEN,
Chief of Bureau of Navigation.

[Unofficial.]

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, May 17, 1876.

DEAR SIR: In compliance with your request I have to state that the anchorage at Tybee Roads is regarded by all seamen as perfectly safe, and that it would be rough only when the wind set squarely in, and not across the broad flats at the entrance.

All vessels drawing sixteen or eighteen feet could on the first high tide go up beyond Cockspur Island where the water would be smooth, and could do so at low water, when the wind set squarely in, owing to the banking effects of the winds.

Referring to the comparison asked, I would say that Port Royal Harbor, low down, where the vessels usually laid, was generally as rough, or rougher than Tybee Roads, and not at all as smooth as above Cockspur Island.

The importance of fresh water for the bottoms of iron vessels is well known, and that it is simply a question of a very short time when the iron bottom lying quietly in salt water in a hot climate, will be actually rusted out or disintegrated.

The very considerable cost of fresh water for drinking purposes that would have to be purchased at Port Royal, would be far less than the cost of iron vessels through deterioration when lying quietly in salt water.

Very respectfully yours,

DANIEL AMMEN,
Chief of Bureau of Navigation.

Hon. J. H. BLOUNT, *M. C.*

At the present time our vessels are rendezvousing at Port Royal, where there is no fresh water for our iron-clads, no storehouses, and no docks. Some of the iron-clads have been brought from Pensacola for the reason that there is no fresh water at that point. It is urged that Savannah is a proper place for a naval rendezvous, first, because the anchorage there is good and, second, because there is a dry-dock and ship-yard there, with fresh water and communication with New York by land and water. The Government is already in possession of three hundred acres of land on Cockspur Island, quite as much or more land on Tybee Island. On Tybee Island there is every facility for stores, and great numbers of buildings that are now of no use.

There will be no expenditure required by the Government to make that a naval rendezvous. The Secretary of War recommends it, and

I am informed that the Secretary of the Navy thinks it is a proper thing to be done. It will be to the advantage of the Government, in order that the buildings now under the control of the War Department may be utilized for this purpose.

The chief of the Bureau of Navigation states in his communication that in the item of water alone for the vessels at Port Royal the sum of $100,000 has been expended. That shows how improper it was to select that place as a naval rendezvous and how very proper that the provision in reference to Tybee Island should be adopted.

At this late stage of the session and in view of the feeling of members that the business of the country shall be proceeded with instead of our time being taken up in debate, I do not feel at liberty to go further than I have in occupying the time of the House. I will therefore yield the remainder of my time to the honorable gentleman from Maine, [Mr. HALE.]

Mr. HALE. I will yield the time allotted to me to the gentleman from Pennsylvania, [Mr. FREEMAN.] Before he proceeds, allow me to say that the gentleman represents a district in which is located one of these yards; and as he desires to present his views upon the subject, and for the further reason that I am desirous that we shall as soon as possible get to the five-minutes debate upon this bill, I will yield my time to him and not take it myself.

Mr. FREEMAN. Mr. Chairman, I thank the gentleman from Maine [Mr. HALE] for his courtesy.

It had not been my intention to consume the time of the House upon matters outside of the committee upon which I have the honor of serving, but the importance of the amendment which I understand is to be offered to the bill under consideration, not only to those whom I more immediately represent but to the vital interests of the country at large, has impelled me to feel not merely the inclination but the solemn duty of entering my protest against the principle upon which it claims to be based. I had rather say, sir, want of principle, for I fail to appreciate the patriotism or the statesmanship or even the political sagacity from which it can claim existence. Do gentlemen remember that this is a great nation, destined to become the greatest on the face of the globe, if it shall not be stricken down and its natural future destroyed by ignorance or intentionally insidious legislation? These, sir, are the dangers to be feared, and not the provision of the proper and necessary funds for carrying out the functions of Government. It is a most remarkable picture that we find presents itself, if we look back to the early days of 1861. The party now in power in this House for the first time since those dark days had wielded possession of the Government for many years before. Yet the condition of this branch of service, so vital to the preservation of the nation's life at that time, was worse than pitiable. So little prepared were we for a foreign war that we could not secure, with all the tonnage of the country, an efficient closing of our own ports. It is within the memory of every member of this House that so helpless were we from fatal want of foresight or intentional neglect that two cruisers alone were able to sweep the broad seas of almost every vestige of American commerce.

And I beg to say, sir, to this House that I refer to this past in no spirit wanting in fraternal regard, for I would to God while its experiences must live its memories might be buried from the face of the earth and blotted from every heart. But I do so, nevertheless, to invoke the teachings of its philosophy and to gather forethought from the lessons of its sad experiences. What would have been the result, nay, what must inevitably be the result if by the unforeseen wisdom of Providence we should be engaged this year in a foreign war? Why, sir, Great Britain, France, Italy, and even poor torn Spain could blow the American Navy to atoms. It may not be palatable to American pride, but it is exactly the existing state of facts. And yet to-day the American Navy is in a better condition than it has ever been since we have had a Government. But it has fallen far out of sight of the natural growth and increase of the nation, and a casual comparison of the figures will show how little our wise men have appreciated the corresponding growth of our relations and interests abroad and our dignity among the nations of the world.

Navies are not capable of springing into vitality in a day; and I propose to give a few of the figures to show how important this branch of the service has been considered by every European power. England, with all her magnificent ship-yards costing hundreds of millions already created, expended in the year ending March 31, 1874, £10,244,355; in 1875, £10,678,092; in 1876, £10,825,194; and in 1877 the estimates are for nearly fifty-seven millions of dollars, or nearly 450 per cent. more than the amount appropriated in this bill. These countries have a length of coast not to be mentioned in extent with ours. During the last hundred years the populations have grown but a fractional degree of the extent of our own young land, which has increased, despite its trials and internecine struggle, 1,300 per cent. And, sir, if this is the history of past growth, what is to be expected of the future? Are we to close our eyes to these facts and thoughts in legislating upon a subject of the gravity and importance of the one under consideration? Are we to hack and hew away at this appropriation involving the future welfare and safety of this people with the same disregard of the public necessity and duty as has characterized the legislation on the diplomatic bill or that pertaining to pinched and beggarly clerks?

Sir, I raise my voice against any such ruinous policy. I am opposed to an economy which is to expose us, as in the Virginius affair, without a moment's warning, to the hasty and inconsiderate expenditure of emergency money, which a proper state of national defense would have prevented. Has this nation no dignity? Has it no foreign relations involving high national duties? Is it to go on forgetful in the present of the possible dangers of the future? Are we proof against the passions and dangers which older nations watch with such jealous care? It seems to me far otherwise. Of all countries, this is essentially a maritime one. The ocean is certain to be alive with its commerce. It is but a question of time, and of comparatively approximate time. One long line of coast sweeping the edges of the Atlantic and Pacific and the Gulf of Mexico, will be teeming with busy ports. Give them protection and a feeling of security, such as that accorded by other nations to those sailing beneath their flags. Let us look at this matter in a broad spirit of patriotism, and be not penny-wise and pound-foolish.

Let me say, sir, that by the Constitution authority is granted to the legislating power to establish and maintain a navy, and this involves a duty of a lofty and imperious character. It should be exercised with stability, and should not be subject to the varying impulses of changing and uncertain legislation. All such legislation should be founded upon a scientific regard for the seriousness of the consequences. It should be guided by the intelligence of the best minds, and not be wafted upon the shifting current of vacillating party politics.

The introduction of steam worked of itself a wonderful change in the relations and conditions of maritime nations. Time and the experience of war here in our own land in one year revolutionized the system of war-ships and naval warfare throughout the world. I ask the Clerk to read a passage I have marked in the report of the Secretary of the Navy for 1874.

The Clerk read as follows:

A COMPARISON WITH FOREIGN NAVIES.

While we have been satisfied with our iron vessels built during the civil war, many of which proved worthless, the following is the result of the enterprise of foreign nations, who seem to vie with each other in the race of building iron-clads and casting heavy guns.

England has built, and is building, since the introduction of iron-clads, fifty-five vessels of 322,852 tons, iron-clad, armor-plated ships, and iron-plated gun-boats. France has built forty-four iron-cased vessels of all kinds, or 188,375 tons; Russia, twenty-four iron-plated vessels, or 67,000 tons; Italy, twenty-two, or 75,101 tons; Austria, nine, or 36,119 tons; Turkey, four, or 16,884 tons; Spain, eleven, or 42,000 tons; Sweden, five, or 5,100 tons; Denmark, six, or 10,836 tons; Holland, five, or ——— tons; Germany, eleven, or 63,776 tons; one hundred and ninety-six iron clads, all told, to say nothing of Chili and Peru, which have a larger force of these vessels than the combined forces of all the foreign nations on their coasts.

The nation that seems to be advancing most rapidly in naval power is the German Empire, which, from having a very small force of vessels in 1869, has now a very respectable one, and in a few years will possess an iron-clad navy only inferior in size to those of England, France, and Russia.

Mr. FREEMAN. Hence the necessity, only too evident to those whose position and education had best fitted them to judge, for the corresponding revolution in material and conveniences to suit the changed condition of things. And this progress and improvement still necessitate and create additional change. Hence the introduction of iron-clads worked a great modification and alteration in the requirements of such vessels as were laid up either for repairs or in ordinary. They demanded imperatively such water as would act less disastrously upon the iron plates than salt water. It is interesting to mark this era in naval affairs. As early as March 25, 1862, the Secretary of the Navy called attention to this general subject in a communication to the House Committee on Naval Affairs. On June 9 following he said:

It is now generally conceded that vessels for fighting purposes must be heavily plated with iron, if they are not built entirely of that material. In this, as in most costly fabrics, economy is reached through durability. Iron ship-building is new in this country, but few persons are engaged in it, and it is a novelty in our yards. Heavy iron beams, shafting, and thick iron plates can be procured from only two or three parties, and then in limited quantities and subject to great delay. Individuals have little use for iron of such magnitude as the Navy must have, and there must unavoidably be great outlay to prepare for the execution of such work. With only the Navy for a purchaser there can be no competition, and the Government will be compelled under such circumstances to pay almost any price the mills and forges may demand. No inconsiderable portion of an iron ship can be made and procured at the ordinary mills, and so far as it can be done it may be the best policy to be so supplied; but as the heavy and expensive portions cannot be so procured, and unless the Government is prepared to execute the work, it will be subject to imposition and its vessels to marked inferiority.

And it is no less a necessity than a duty that we should legislate for these United States as a great maritime power. The laws of nature have decreed it, and nothing but our own folly can prevent it from becoming so. It is far different, it will be perceived, from the question presented by the Army. Experience has demonstrated, from the wonderful extent of our territory and the physical surroundings of the case, that we need entertain no fear on that score. To defend this country against a foreign foe millions of men could be raised in a week, and the extraordinary development of our manufacturing interests could almost as rapidly equip them.

But, sir, a navy is a work of time. Its growth, to be substantial and well conditioned, must be, relatively, slow. It must be subject to the improvements and changes and advances yearly being made by the great nations, and required by the advancing spirit of the times, and the growing wants of the country. For my part I am opposed to the abandonment of any of our navy-yards. Should such a course be adopted, in my opinion the time will come when it will be deeply regretted. I can see no logic in the proposition to wait until a city is burned down to build the necessary fire-extinguishing apparatus, and I can see no radical difference between the cases.

The whole object and reasoning and necessities which led the Government to establish League Island were to supply an imperative national want. It was not done or intended as an *additional* yard, and it is not one in fact. It is one of a *different character* only, and has been established with the purpose of meeting the requirements of the changed condition of naval affairs and the needs of an iron navy. The Secretary of the Navy, in his annual report of December 1, 1862, says upon this subject:

In selecting a site for such a navy-yard, there are two essential and controlling considerations which must govern. One is the very great advantage (if not absolute necessity) of fresh water over salt water for the preservation of iron vessels. The other is security from an attack by a foreign enemy. These two primary qualities are to be had at League Island. Iron and coal are also in close proximity to that location.

In regard to the location of naval depots, and the necessity for having them secure from foreign enemies, I cannot more clearly present what are the requisites than by quoting from the report of a very able board of eminent officers and engineers on the sea-coast defenses, made in 1820, as found in Naval Library, volume 13, page 4, as follows:

Security against an attack by sea or land is undoubtedly the first condition required; for the destruction of an establishment of this nature involves with it the destruction of all those elements of a naval force which have been collected a long time beforehand and during peace, to the incalculable loss of the public. Such a misfortune must be severely felt during the whole course of a war, and cannot well be repaired while it continues. This indispensable quality (security) must be obtained, as well as localities will admit, without having recourse to artificial fortifications, for these must be very costly; and if that expense can be avoided, the same sums will be much more advantageously laid out in improving and aggrandizing the establishment of the depot. Thus, if equal in other respects, a place whose site is naturally strong and whose position with respect to the general frontier is well covered should be preferred to another that requires to be fortified.

The great essential here specified of security from attack by a foreign enemy appertains to League Island, which has in that respect strong topographical advantages. Its interior location might have constituted an objection at a former period when only sailing-vessels were in the naval service, but the introduction of steam has wrought a revolution in this respect, rendering the movements of our war vessels independent of wind and tide. Immediate contiguity to the ocean is no longer deemed an advantage, but a disadvantage. Steam, rifled cannon, and modern improvement in ordnance have rendered harbors and depots immediately on the seaboard insecure. In a recent debate in the British Parliament it was emphatically urged that Portsmouth and its immense and costly works must be abandoned, for the reason that a naval depot should not be within the range of five or six miles of an attacking force. If, then, fresh water be indispensable for a navy-yard for the construction, repair, and dockage of iron vessels and vessels that are clad with iron, there is no position east of the Delaware where the difficulties from ice do not exceed those urged against League Island, nor has any place been proposed that presents equal advantages or is so secure from an attack. While there are some obvious and admitted objections to League Island, no place has been proposed that combines so many advantages, unless it be the contracted and altogether inadequate yard at Philadelphia. That yard may perhaps be extended so as to double its present capacity, but, besides involving a large expenditure, it would be then insufficient for our future iron navy.

So also, in the same document:

There is no doubt that for the purpose of a navy-yard and establishment for an iron navy and its wants the banks of the Delaware present advantages that are not to be found elsewhere in the United States.

So also, long after the bitter experience of war practically illustrated the destitute condition of a country like ours without the proper facilities for building an iron vessel, in reply to a resolution of this House of Representatives, under date of May 9, 1864, the Secretary of the Navy says:

I have felt it my duty on repeated occasions to call the attention of Congress to the necessities for a yard and establishment where iron and armored vessels could be constructed for the Government, but the preliminary steps for such an establishment have not yet been taken. In the mean time the Department and the Government are wholly dependent on contractors, who, if they have the will, do not possess the ability to furnish these vessels promptly. Conflicting local controversies in regard to the place which shall be selected and benefited by the proposed important national establishment for an iron navy, such as the present and future necessities of the Government require, have contributed to delay action on this important subject. Having in view economy, as well as the public necessities, I have at no time recommended that the number of our navy-yards should be increased on the Atlantic coast, but it is my deliberate opinion that no time should be wasted in establishing at a proper place a suitable yard where iron vessels can be made and repaired. We feel its necessity in the emergency which has called forth the present inquiry, and not a single contractor is able to meet his engagement even for one of this class of small vessels. In the event of a foreign war with one or more of the principal maritime powers, our position would be most unfortunate, with no Government establishment for the construction or repair of armed vessels such as modern science and skill are introducing.

Such, sir, were the controlling reasons which led the authorities to establish the naval depot at League Island. Strong and unanswerable as they were then, they are stronger far to-day. They appeal with redoubled force against the influence of any conflicting local prejudices, to the patriotism of men who love their country and take a proper pride in the future glory of free Government. I have already said I speak from no sentiment of local pride in this matter, but from an abiding sense of my duty to the whole country. Philadelphia in this, as throughout her past history, has shown her disinterested devotion to the welfare of the entire country. When the question of iron vessels and a fresh-water station for iron vessels was originally suggested by the sufferings and the wants of the nation, the head of the Department wrote to the mayor of Philadelphia to know if League Island could be obtained. Philadelphia came nobly forward and offered to purchase and present to the Government this site, if it were deemed suitable and proper for the purpose. After exhaustive examination it was so deemed; and Philadelphia accordingly purchased and presented the site to the United States in fee. She has since laid out largely of her public money in improving and developing the means of access, and, save as she loves the welfare of the nation, she has no other interest in it. It surely is not necessary for me to dwell on that.

Only a few days ago every member of this body had visible evidence of the generous, loyal spirit actuating her noble people. They have given without stint, both city and State, to celebrate the anniversary of—not *their* birth, not *their* vanity or *their* glory—but of the sealing anew and the consecration of the pledge of free government for a free people throughout the wide borders of the world. The proposition which is made to abolish League Island I trust, therefore, I may be permitted to oppose without being charged with any selfish sentiments of local interest. Why, sir, in December, 1864, the Secretary of the Navy again iterates and reiterates his views in this behalf. He says, alluding once more to this matter and impressed with the vast importance of it:

An extensive water frontage must also be secured. For such a depot and establishment, where costly machinery and material would accumulate during years of peace, the advantages of an interior location are most manifest. These favorable conditions are to be obtained nowhere else so completely as on the Delaware River; and the position of League Island, within the limits of the city of Philadelphia, presents probably a stronger combination of the points that are necessary than any other location.

And this, sir, was a gentleman from near New London, the only other place offering to assist the Government. He had gone through the fiery trials of actual experience, and knew what it was in the day of carnage to hear calls for that which it was impossible to supply. He knew the desperation of the situation and the imperative duty due to the future. He says again—and who can say it may not be with prophetic words?—

Our next contest may be with a naval power which will attempt to direct upon our shores a course of operations similar to those which we have applied to the southern coast for suppressing the rebellion. One yard at least where iron vessels, iron armor, and iron shafting can be manufactured is now imperatively necessary. Among the considerations that should control the selection of a site for such a yard and establishment, which shall become the depot for the materials collected in years of peace with which to build and repair our naval vessels, and where will be aggregated machinery and tools such as at present are not be found in this country, and which, when once procured, could not if destroyed be easily or readily replaced, will be its absolute safety from attack by sea or land. So far as is possible we should avail ourselves of natural advantages in obtaining the indispensable security for such an establishment, without depending entirely on fortifications and artificial means, which would be more costly than the navy-yard itself.

I have heard the argument suggested that it will cost largely to complete League Island, and therefore this rash measure of destruction is commendable. This, I beg to say, is a *non sequitur*, and is just no argument at all. Was there ever anything more absurd? Is it within the range of human reason to suggest an illustration of greater want of knowledge in the whole history of nations than such a proposition? Why, sir, what are the duties of the Government and for what the exercise of the proper functions of power if not to provide itself for a day of war and for the time of trial? If we are ever to maintain our power and dignity among the nations of the earth, it must be by our flag upon the ocean.

The combined navy-yards and stations of the United States are to-day far more than equaled by single establishments of France and England. The latter nation has expended on Portsmouth alone over $50,000,000 for additional fortifications, rendered necessary by its proximity to the sea and the improvements of modern ordnance developed by the American civil war.

I propose to give a few figures to illustrate the relationship of our Navy now, as far as regards the appropriations therefor in this bill, in comparison with those made say from 1853 to 1860, when the party represented by the gentlemen on the other side of this House had full control of the Government. Then we were in possession of duly-organized naval establishments fitted for the then order of things. Iron vessels had nowhere been heard of in the history of the world, and no one had ever dreamed of the necessities which have arisen since 1861. The following are the amounts appropriated for the support of the Navy for the eight years preceding the war:

1852	$7,853,042 18
1853	10,099,156 71
1854	13,694,353 37
1855	11,458,610 65
1856	15,701,968 49
1857	14,117,657 03
1858	13,109,357 36
1859	15,580,991 99
1860	10,279,483 03
Total	111,894,622 81

The appropriations for five of these years far exceed the amount proposed in this bill, and the reasons given then are the ones which are sound to-day. Changes were being made to conform to the introduction of steam, and funds were needed then as they are now to suit the progressive spirit of the times. And such should always be the aim of a wise legislation as tending to true economy and public safety. And yet what does the record show. The Secretary of the Navy, in his report for 1862, says:

From mistaken economy or from design the Government was, in its need, deficient in ships and destitute of material for their construction. No alternative was left when resistance was made but for the Department to build its vessels as speedily as possible and of such timber as could, in the greate haste and emergency, be procured. As a consequence vessels that should have lasted for years will soon perish, and must in the mean time involve heavy expense in necessary repairs in order to keep them afloat.

Is it the intention of this House to have this nation once more encounter such a possible contingency? Even Germany, recognizing

the great necessity, has appropriated $72,000,000 for naval purposes since the Franco-German war. Her voice in the councils of Europe will be increased thereby, and add to the probability or possibility, after the unsettled condition on the continent has passed away, of the inauguration of a European policy in conflict with cherished American ideas, but which the United States will be, when too late, unable to impede. I hope the experience of the past will not be thrown away, and cannot believe otherwise than that this House will vote down all amendments looking to the further abandonment or destruction of our Navy and its establishments.

Mr. DAVIS. Mr. Chairman, this is the first time I have sought the attention of this House; and if I can secure that attention for a few minutes, I desire to give expression to some views on the general condition of the country which I trust may tend to promote reform by showing the necessity for it, and I desire also to say some things in reference to the people of my own State, which I hope may tend to remove prejudices which exist against them in the minds of many honest people of the North and, by the removal of these prejudices, produce a better feeling toward them.

It has been well said that "plain words are best," and if there be any one place where plain words may be more fittingly spoken than another, that place should be on the floor of the American Congress. While each member in this House represents in an especial sense his immediate constituency, whose interest it is his duty to guard, he is also in a much broader sense charged within the limits of the Constitution with legislation for the general welfare of the whole country; and as a wound to any part or member of the body affects the whole body, so legislation which is unjust to any part of the country, however insignificant, or legislation which discriminates in favor of any part of the country, however great, will in the end produce evil; and we can only promote the "general welfare" by carefully guarding and protecting the rights and interests of every part. This we cannot do if our judgments are warped by prejudices or if we shut our eyes to wrongs that exist in any section of the country because they seem not to affect our immediate constituencies. It is by a free interchange of opinions and a candid statement of the conditions, the wants, the rights, and the wrongs of our respective sections that we are enabled to inform ourselves and to do exact justice to all—to remedy evils resulting from national legislation if any exist, and to prevent a recurrence of wrongs if any have been perpetrated; and by doing this we, each and every one of us, best discharge our duties and best serve our own people.

The substance as well as the form must be preserved.

It was a poet and not a statesman who said:

> For forms of state let fools contest;
> Whate'er is best administered is best.

So far as this sentiment ignores the virtue of forms I do not indorse it, but the best form of government may be administered so ignorantly or so corruptly as to destroy the virtue of the good "form" and make it, in fact, a very bad government. "A sound mind in a sound body" has been, from very ancient times, regarded as constituting the highest type of man; and a good "form of state," a sound constitutional government, wisely, honestly, well and faithfully administered, constitutes the best type of government. We have in our Constitution, in my judgment, the best form of government that has been devised for mankind. The "form" is good, it is the "best;" and if the highest interest of the people has not at all times been secured or promoted by it, the fault has not been in the "form," but in the administration of it; and when this has been faulty, it is the duty of the people, whose government it is, to correct the evil, and reform, not the "form" of government, but the administration of it.

RESPONSIBILITY.

Power and duty carry with them *responsibility*. No one can dispute this proposition. The man who has power to act, and whose duty it is to act, is unquestionably responsible for his action, is responsible for the manner in which he exercises power and discharges his duty. If he does it well, he is entitled to commendation; if otherwise, to condemnation. This abstract proposition will not be denied.

Now, as a fact, and I state it as a fact which no candid man can controvert, the republican party for nearly fifteen years has had absolute control of this Government. In each branch of the national Legislature that party had much of the time a majority of more than two-thirds, and could enact any law that might be deemed conducive to the public good or promotive of party interest. I know that it has been attempted by straitened party leaders, who see and feel the force of the corruption which has marked the administration of public affairs, to break that force and shirk responsibility by charging that the administration of Andrew Johnson was democratic. A distinguished republican, a prominent aspirant for the Presidency, (I allude to Mr. MORTON,) has had the candor to admit that "there has been a good deal stolen;" but he says—I quote his words:

> The administration of this Government was substantially in the hands of the democratic party during the years 1865, 1866, 1867, and 1868. I have here a statement of the tax on whisky during this period of substantial democratic administration as collected, leaving off the hundreds. For the fiscal year ending the 1st of July, 1866, the receipts were $33,268,000; for 1867, $33,542,000; and for 1868, $18,655,000, with a tax of $2 per gallon on whisky.

And another leading and distinguished republican [Mr. SHERMAN] says:

> We know very well that Andrew Johnson, with all the power in his hands, with officers scattered over the country, with a tax of $2, only succeeded in collecting $18,000,000 from the whisky tax, or the tax on 9,000,000 gallons; therefore when the Senator charges $1,200,000,000 of lost revenue, I hope he will charge the administration of Andrew Johnson in 1868 with $182,000,000 of the loss, because if the tax had been collected, $2 tax on 100,000,000 gallons would have produced $200,000,000, and we only got $18,000,000.

The facts as to the loss are true, but the statement that the Government was during this period "substantially in the hands of the democratic party" is so wild, is so great a mistake, that I am utterly astounded that it should emanate from statesmen holding the highest places in their party, and I am saddened by the thought that it is possible that the weight of such eminent names may impose it upon the country and serve to divert the public mind from the authors of frauds upon the revenues which these gentlemen are obliged to concede. But the charge that the democratic party had control of this Government in 1865, 1866, 1867, and 1868 seems to me entirely "too thin" to impose upon any one. The republican party had a majority of more than two-thirds in the Senate and in the House, and Andrew Johnson had been chosen as one of their leaders. He was elected by them. No democrat voted for him; and when our republican friends seek to hold the democratic party responsible for the action of public officers, they ought at least to have the fairness to allow that party to select the officers for whose acts they are to be held responsible. I myself, in view of the selections they have made from their own party, should most earnestly protest against being held to account for a democratic President elected solely by republican votes. He would be a rare democrat indeed, and from his begetting it would be wonderful if things went well with the country. However, our republican friends seem to select as by instinct a certain class of men for office, and it may be that when they went into the democratic party to find an officer that instinct guided the selection, and it would perhaps be unreasonable to expect them to make a better selection from the democratic party than from their own.

But to be serious, even if Andrew Johnson had been a democratic President, chosen by the democratic party, and for whose acts that party could be honestly held responsible, which is not the fact, every candid and truthful man must concede that he was powerless. All his important appointments had to be confirmed by the Senate, and, as I have stated, the republicans had largely more than two-thirds of that body; but not content with this, with the intent to deprive him of all power, which they did effectually, they passed early in March, 1867, the act regulating the tenure of certain civil officers. This act stripped him of the power to remove or control in the slightest degree his Cabinet and other officers, who by the time-honored usage of the country had been held to be more immediately responsible to the Executive and should be in accord with him. This act not only deprived Andrew Johnson of the right of removal as it had been exercised prior to that time, but we all remember how certain officers, of very delicate sensibilities but hostile to the President, did "stick," to use a noted word of the day, and, instead of his being responsible, he had no party power whatever, and having no power, according to the maxim with which we set out, he had no responsibility. His Cabinet and subordinates, those "officers scattered over the country," were all republicans, "dyed in the wool," and most of them hostile to Andrew Johnson. He had no power over their action. By the tenure-of-office act he was liable to a fine of $10,000 and to imprisonment for five years if he attempted to remove one of these officers, though he might have been caught stealing, and many doubtless were engaged in that popular official vice; and any one whom he might appoint was liable to a like punishment if he should attempt to exercise the functions of office.

But it is puerile and, to say the least of it, uncandid to say that the democratic party had control of this Government during that period; and it would be equally as uncandid for any republican to say that his party did not have absolute political power, so far as a party can have it, from March, 1861, to the present time, certainly to the sitting of this Congress; and they now have power to prevent any action which they may choose to prevent. Well, they have had the power, and, as I have said, power, duty, and responsibility go together; and if the country has prospered and is now prosperous; if industry has had its full reward; if public offices have been faithfully, honestly, and economically administered; if no one has been oppressed; if public officers have discharged their duties well and with reference to the public good; if confidence in the integrity of public servants gives to the people a feeling of safety and security; if there has been no legislation tending to the advantage of a favored few at the expense of the many, no discriminating legislation by which individuals have become millionaires while the laboring millions have languished and the industrious poor have been robbed of the reward of their labors; if the public revenues have been collected faithfully and honestly accounted for; if we have had a currency that supplied the wants of trade and was just to all classes; if, in one sentence, the people are to-day contented, prosperous, and happy, then it would be unjust, it would be uncandid, it would be dishonest to withhold commendation and praise from the party which has been in power, and not to give to that party the plaudit and reward of "well done."

But if, on the other hand, the country has not been prosperous; if industry has not had its fair reward; if reckless extravagance, fraud, and dishonesty have marked in any degree the administration of public affairs; if public officers, (the head of the Government setting the example,) instead of discharging well their duties and with reference to the public good, have regarded and treated their offices as

private property to be used for private gain and advantage or as personal rewards to retainers and partisans for personal favor and party support; if the confidence of the people in the integrity of public servants has been shaken and there is a feeling of uncertainty pervading the public mind; if by partial and unjust legislation monopolies have been established and classes favored, and wealth heaped upon these favored classes; if the purses of those favored few have been made fat with yellow gold, doubling and quadrupling their investments, while the laboring masses have not been able to get even "rag money," as it is now derisively called, though at one time it was little short of treason to say aught to its discredit, and that too when these favored classes were buying with it their gold-bearing bonds at prices ranging at from less than forty cents to eighty-five cents on the dollar in gold; and now these bonds are to be paid in full in gold, dollar for dollar.

I must not be and will not be understood as saying one word against the constitutional obligation to pay these bonds, but what I mean to say, and what I do say, is that the party in power, with all its pretensions to regard for the poor and lowly, is responsible for that system of finance which has enriched the few and beggard the million—which has given to the capitalist gold and to the laborer "rags," which has paralyzed industry and filled the land with bankrupts. By establishing a banking system which excludes competition and every basis of credit other than national bonds, (for the banking act with the 10 per cent. tax effectually does this,) they have given to these bondholders and the corporations established by them the great and dangerous power of controlling the industry and to a great extent the legislation of the country.

If these things be so; if all the industries of the country have languished, commerce been destroyed, agriculture, manufactures, shipping decayed; if confidence has been destroyed and universal distrust overspreads the land; if the people have mourned and are mourning, and we have high authority for saying "when the wicked rule the people mourn"—if, in one sentence, the people to-day are not contented, prosperous, and happy—then it would be candid, just, fair, truthful, honest, to say that the long dominant, controlling republican party is responsible for this condition of affairs, and it is the duty of the people to correct, not the form of government, but the administration of it.

EXTRAVAGANCE OF THE REPUBLICAN PARTY.

Economy and simplicity should characterize a republican government, and honesty and fidelity should mark the character of its public servants. In the earlier days of the Republic this was the case. From the 4th day of March, 1789, the day the Federal Constitution went into operation, down to June 30, 1875, the entire net ordinary receipts of the Government, exclusive of loans, amounted to $6,337,034,618.25. Of this sum only $1,841,953,353.62 were collected from the foundation of the Government down to 1861, and $4,495,081,264.63 have been collected since that time. That is, largely more than twice as much money has been collected from the people in fourteen years of republican rule than was collected in more than seventy years prior to their advent to power. Now let us see how about the expenses for the same period of time. From March 4, 1789, to June 30, 1875, the net ordinary expenses of the Government—as any one may see by adding the figures under the head of "net ordinary expenses," on pages 65 to 67 of the official report (pamphlet copy) of the Register of the Treasury, made November 4, 1875—amounted to $6,801,956,954.69. I have caused a table to be made, grouping these expenditures so as to show the amounts expended each four years of the successive administrations of the Government. Here it is:

Civil list and net ordinary expenditures of the United States Government, by periods of four years, from the organization of the Government.—(Condensed from the report of the Register of the Treasury for 1875.)

Dates.	Civil list.	Net ordinary expenditures.
From March 4, 1789, to December 31, 1792	$1,138,052 03	$3,797,493 20
For four years ending December 31, 1796	1,607,960 07	12,093,205 35
For four years ending December 31, 1800	2,329,433 08	21,348,351 19
For four years ending December 31, 1804	2,297,648 17	17,174,432 96
For four years ending December 31, 1808	2,616,772 77	25,926,355 72
For four years ending December 31, 1812	2,887,197 98	36,117,857 98
For four years ending December 31, 1816	3,768,342 61	108,537,086 88
For four years ending December 31, 1820	4,494,606 42	57,698,087 71
For four years ending December 31, 1824	4,665,602 11	45,665,421 88
For four years ending December 31, 1828	5,271,124.34	50,501,913 31
For four years ending December 31, 1832	6,081,307 73	56,270,480 62
For four years ending December 31, 1836	7,659,086 86	80,522,286 68
For four years ending December 31, 1840	9,899,496 58	121,729,801 16
From January 1, 1841, to June 30, 1845	11,508,546 86	104,360,163 10
For four years ending June 30, 1849	10,615,571 14	165,381,026 34
For four years ending June 30, 1853	14,214,458 90	165,684,050 48
For four years ending June 30, 1857, (Pierce)	25,036,171 74	232,820,632 35
For four years ending June 30, 1861, (Buchanan)	25,180,671 32	261,165,809 62
For four years ending June 30, 1865, (Lincoln)	30,765,508 71	3,176,017,346 94
For four years ending June 30, 1869, (Johnson)	*66,412,391 61	1,012,420,202 14
For four years ending June 30, 1873, (Grant)	169,989,774 16	656,066,892 39
For one year ending June, 30, 1874, (Grant)	17,646,253 38	194,217,210 27
For one year ending June 30, 1875, (Grant)	17,346,929 53	171,529,848 27

* This includes $7,200,000 paid for Alaska; also $5,505,451.79 paid for mail service, Post-Office Department.

† Total in six years of Grant's two terms, $1,021,813,950.91.

From March 4, 1789, to June 30, 1861, the entire net ordinary expenses of the Government amounted to $1,581,706,195.34. From June 30, 1861, to June 30, 1875, fourteen years of republican rule, the net ordinary expenses amounted to $5,220,250,759.35—and this is exclusive of the public or war debt; that is, fourteen years of republican rule cost the Government more than three times as much money as the whole cost of the Government from 1789 to 1861, a period of seventy-two years. But it may well be said that the ordinary expenses of the Government during the war were necessarily increased. That is true, and to make the comparison fair let us take a period of ten years since the war; and I wish it to be borne in mind that I am now speaking of the "*net ordinary expenses*" of the Government, exclusive of the interest paid on the public debt, which amounted to over $1,000,000,000, and the sums paid on the public debt itself, which amounted to many hundred millions more. From March 4, 1789, to June 30, 1861, the expenses of the Government—embracing a period of more than seventy-two years, covering the war of 1812, the Indian wars, and the Mexican war—amounted, as I have already shown, to only $1,581,706,195.34. The net ordinary expenses of the four years of Johnson's administration was $1,012,420,202.14; six years of President Grant, $1,021,813,950—making in ten years of peace the enormous sum of $2,034,233,412.14, being nearly one-third more than all the expenses of the Government for seventy-two years, from 1789 to 1861, including the war of 1812, the Indian and the Mexican wars; and if you add to the ordinary expenses of the six years of President Grant's administration the amount of principal and interest paid on the public debt, it will amount to $4,008,438,461.82; that is, more than two and a half times as much as the entire expenses of the Government from March 4, 1789, to June 30, 1861. I have here the table showing the total expenditures under the administration of President Grant for six years, from June 30, 1869, to June 30, 1875, as will be seen from the official report of the Register of the Treasury, page 67 of the pamphlet report:

Year ending June 30—	
1870	$703,155,391 44
1871	692,238,332 40
1872	682,360,760 17
1873	523,785,932 23
1874	724,897,160 26
1875	682,000,885 32
Making a total for six years	4,008,438,461 82

Total receipts from all sources for the same period of six years, (see page 62:)

Year ending June 30—	
1870	$606,729,973 63
1871	652,095,864 54
1872	679,158,419 73
1873	548,672,269 47
1874	744,252,330 30
1875	675,971,607 10
Total receipts for six years	3,996,880,464 77

FRAUDS.

But this is not the worst. I have shown from the official report that the net ordinary revenue collected by the Government and which went into the Treasury since 1861 amounted to $4,495,081,264.63. Now I propose to show from high republican authority and from official sources that that was not more than three-fourths of the amount that ought to have gone into the Treasury, and that the remaining one-fourth, amounting in round numbers to $1,500,000,000, that ought to have gone into the Treasury, has been lost to the Government, lost by the failure of those whose duty it was to collect it—to do so, or to account for it; lost, I said—that puts it too mildly, stolen—stolen from the people by corrupt and fraudulent officials and combinations and rings. And now for the proof.

The commission appointed by the President under the act of March 4, 1871, consisting of George William Curtis, Alexander G. Cattell, Joseph Medill, Damson A. Walker, E. B. Elliott, Joseph H. Blackfan, and David C. Cox, made their report in 1871. And the President by his special message of December 19, 1871, transmitting this report to Congress, indorses it and "asks for all the strength which Congress can give to enable me [him] to carry out the reforms recommended by the commissioners." These commissioners say, (Senate Documents No. 1 to 2, second session Forty-second Congress, 1871–'72:)

It is not easy to compute in figures the exact economical difference between a good and a bad system of the civil service. It is, necessarily, a matter of inference and of comparison between the probable operation of a careless and a careful method. But it is calculated by those who have made a careful study of all the facts, that one-fourth of the revenues of the United States are annually lost in the collection, and for a large part of that loss a system of the service which is partially unsound may reasonably be held responsible.

Now, if this estimate is correct—and it is an estimate made by the highest republican authority, and I doubt not and I think I can show is under rather than over the mark—if this estimate is correct, not more than three-fourths of the revenue that ought to have gone there has found its way into the Treasury, leaving the other one-fourth, amounting in exact figures to $1,498,360,421.54, to be accounted for as "strayed, lost, or stolen," especially the last. But were these commissioners correct in their estimate? I propose to show that their estimate of the amount is, if anything, too small. The Secretary of the Treasury (Mr. Fessenden) in his annual report for 1864 said "the annual yield of our distilleries has been about 100,000,000 gallons." The census

of 1860 shows that it was then over 90,000,000; and I suppose I may safely appeal to the observation of the country for proof that the consumption of ardent spirits has kept full pace with the increase of population. I have here a statement showing the number of gallons of distilled spirits on which the tax was collected and returned to the Office of the Commissioner of Internal Revenue for each fiscal year since the organization of the present internal-revenue system:

Statement showing the number of gallons of distilled spirits on which the tax was collected and returned to the Office of the Commissioner of Internal Revenue for each fiscal year since the organization of the present internal-revenue system.

Fiscal years ending June 30.	Number of gallons of spirits distilled from—		Total.
	Apples, grapes, and peaches.	Grain and molasses.	
1863	(a.)	16,149,954	16,149,954
1864	(a.)	85,295,393	85,295,393
1865	(b.)22,065	16,936,780	16,958,845
1866	248,654	14,599,289	14,847,943
1867	440,607	14,148,132	14,588,739
1868	515,262	6,709,546	7,224,808
1869	908,857	61,183,559	62,092,416
1870	1,223,830	77,266,368	78,490,198
1871	2,442,011	59,842,617	62,314,628
1872	1,069,698	65,145,880	66,235,578
1873	2,658,260	62,945,154	65,603,414
1874	766,688	61,814,874	62,581,562
1875	1,757,203	62,668,709	64,425,912
Total	12,103,135	604,706,255	616,809,390

(a.) Included in next column. (b.) Mostly included in next column.

It will be seen from this statement that the whole amount of distilled spirits accounted for from 1863 to 1875 was only 616,809,390 gallons, when it should have been in fact 1,300,000,000. In 1868 it was only 7,224,808 gallons; that is the year in which the $182,000,000 of which Mr. SHERMAN speaks were lost. In 1865, 1866, 1867, and 1868, when the tax was $2 per gallon, $800,000,000 ought to have been realized from spirits alone, but only $104,000,000 in round numbers were paid into the Treasury, leaving $696,000,000 in round numbers lost to the Government. I do not mean to say that all this money was stolen by the officials. Much of it doubtless was, but the tax on much of it was never collected at all, though it was the duty of the officers to collect it. The statement that the high tax amounted to a prohibition is utterly unfounded. As proof of this and of the fact that the tax was not honestly collected, the whisky sold in the market by the gallon for less than the amount of the tax, and taking the value of money into consideration was as cheap as it is now. It is no excuse for those whose duty it was to collect the tax to say it was not collected. They could not thus evade responsibility; and there are abundant facts going to show that, by combinations and rings, bribery and corruption, the Government was grossly defrauded. While the tax was $2 per gallon, if all of it had been faithfully collected and accounted for, $1,200,000,000 in round numbers ought to have gone into the Treasury. Instead of that, less than $300,000,000 were accounted for, leaving $900,000,000 lost to the Government. Now this was upon the single article of distilled spirits. That is, upon this one article the Government was defrauded out of $900,000,000 in six years. Now who will say that the estimate of Mr. Curtis's commission is not under rather than over the mark?

Let us look at this a little in detail. It is conceded that $182,000,000 were lost to the Treasury in one year alone, 1868, on this one subject of taxation. Just think of it! In one single year of republican rule there was lost or stolen from this single source of revenue ten times as much as the whole expenses of the Government for the eight years of Washington's administration, nine times as much as the whole four years of John Adams, four times as much as the whole eight years of Jefferson; $40,000,000 more than the whole eight years of Madison, embracing the war of 1812 with Great Britain; $75,000,000 more than the whole eight years of Monroe; more than $130,000,000 more than the whole four years of John Q. Adams; more than $40,000,000 more than the whole eight years of Andrew Jackson; $60,000,000 more than the whole four years of Van Buren. And some of us are old enough to remember how the economical spirit of the country was aroused by the extravagance of Martin Van Buren, and how in 1840 he was overwhelmed by the people because of what was then thought to be extravagance, but in comparison with these times would be considered stingy economy, for in one single year of republican rule we have seen that $60,000,000 more was lost to the Government on spirits alone than the whole four years of his administration cost. In this one year $75,000,000 more was lost or stolen than the cost of the whole four years of John Tyler's administration; $16,000,000 more than the whole four years of Polk, embracing the period of the Mexican war; $16,000,000 more than the four years of Taylor and Fillmore; and more was lost on whisky alone in 1866, '67, '68 than the whole cost of the Government under the combined eight years of Pierce and Buchanan

The amount out of which the Government has been defrauded is so immense that, like the centennial exhibition in Philadelphia, it bewilders you and it cannot all be taken in at once by the eye or comprehended by the mind. Just think of it again, $182,000,000 in one single year on spirits alone. Why this is $50,000,000 more than the whole assessed property of the State of North Carolina, as shown by the census of 1870. Just think again! If all the property of this once proud old State—land, houses, corn, everything—were put up at auction and sold for cash it would not amount to as much as the whisky fraud upon the Government amounted to in one year. It was more than the assessed value, according to the census of 1870, of Alabama, or Arkansas, or Delaware, or Florida, or Mississippi, or New Hampshire, or Vermont, or Texas.

Who will say with this exhibit—in which nothing is said of the frauds in the collection of the tobacco tax, for I have not time to go into that—that the estimate of Mr. Curtis's commission is large enough? But assuming it not to be over the mark, we have shown by the highest proof that the Government has been defrauded out of one-fourth of its revenue; that is, in round numbers, $1,500,000,000; but this does not represent all the loss. If this money had been faithfully collected and honestly applied, it would have gone to the extinguishment of that much of the public debt. So that to represent the real loss the interest must be added. Now, any one who will take the pains to calculate it will see that $1,500,000,000 + $600,000,000 = $2,100,000,000; the interest would exceed $600,000,000. Now, the public debt is less in round numbers than $2,240,000,000. So that it will be seen that nearly enough has been lost to the Government to pay the entire public debt. Is it not time for people to arouse themselves? If this money had been faithfully collected and honestly applied and economy had marked the administration of the Government, how different would be the condition of the country to-day.

There would be no public debt hanging like a mighty weight around the necks of the people to paralyze their energies and sink them in despair; no bonds and bondholders to be paid in gold. The ordinary old-time receipts from customs would abundantly defray the expenses of the Government, and there would be no necessity for internal revenue, with its attendant train of assessors, collectors, and deputy assessors and collectors, supervisors, detectives, and spies, its rings, its frauds, and its thieves harassing the people and disgracing the nation.

The tobacco-grower could sell to whom he pleased, for there would be no more tax on his industry. The man with his little orchard or vineyard could turn it to profit by distilling his fruit, which he cannot now do, because under a complicated system of revenue regulations he does not know when he is safe, and if he did he could not compete with the mammoth rings organized under the shadow of the Government.

But this is not the worst. In the same report from which I have read the commissioners say, on page 22 of the report:

> We would not exaggerate the importance of the peril, but the constant exposure of official dishonesty, the vast system of political corruption, the disclosure of which has produced a peaceful revolution in the city of New York, should suggest to every good citizen the possibility of a similar revolution which might not be peaceful. If by that great and organized corruption it had been possible—and such a contingency is not improbable—to decide a presidential election, and in a manner universally believed to be fraudulent, the consequences would probably have been a civil war. If such corruption is not staid, the result is only postponed; and nothing so surely fosters it as the system which makes the civil service a party prize, and convulses the country every four years with a desperate strife of office.

Remember that this was in 1871. If the official frauds and corruptions then exposed were sufficient to arouse in the minds of good republican gentlemen, appointed by President Grant and indorsed by him, apprehensions of safety to the Government because the people would not bear it, how infinitely worse is it now when in one single collection district, as at Saint Louis, millions are stolen? And I beg that our friends will remember that this comes from republicans of the "straighest sect." No southern confederate or disloyal democrat had anything to do with this report. If there was danger then, as they thought there was, how infinitely worse, I repeat, is it now?

It has been abundantly proved by the investigations instituted by this House that the poor soldiers on the frontiers have been robbed of hundreds of thousands of dollars, charges upon their purchases by post-traders who had to pay to the Secretary of War, to the brother of the President, (see testimony of Orvill Grant, and others,) and to his friends and partisans, money to get their places, and money to aid in *carrying elections*. Of this the proof is conclusive.

The freedmen have been robbed of hundreds of thousands of dollars by corrupt men who, many of them professing to be pious, have called themselves their friends and guardians. Of the sum deposited in the Freedman's Savings Bank in this city by over seventy thousand depositors, poor freedmen, the sum of about $1,500,000, saved from their hard earnings, has been lost. The poor washerwoman, whose hands were shriveled by labor at the wash-tub; the day-laborer who received his fifty cents or seventy-five cents for his day's hard toil—these put their small earnings in the bank, confidingly expecting it to come back to them with gain in the hour of want, as was promised to them; but, for shame be it said of men—men, most of them, with white skins—the most of this was lost, stolen; and, still deeper the shame, while the poor freedman wants bread and lives in rags, the thieves live in luxury and roll through your streets in splendor, and

think it full compensation to the poor negro to have it known that $300,000 of it, as the evidence will show, was lost to aid in carrying the elections in favor of the "party of advanced moral ideas;" for the proof is, as I am reliably informed, that the election in North Carolina in 1872 and the election of President Grant cost the bank that sum. And these are the special friends of the colored man.

Whatever else may be said of us, I make the assertion, and I defy contradiction, that the African has attained to a higher degree of civilization among the white people of the South than has been known to his race anywhere else on the globe. No one of the colored races in any other part of the world has been elevated to the high privileges or deemed capable of the exalted duties of a free citizen of a great republic. We have brought him from a state of barbarism to be considered, at least by our republican friends, as their equals; but if there is on the part of the white people of the South pride of race and of Caucasian descent it is not unnatural, and what is natural cannot be very wrong. Looking back on the past, we have seen all great achievements in arts, sciences, governments, laws, and material wealth the result of the labor, the toil, the genius, and the guiding intellect of the white man. With the blood of his race has been a long career of progress, and it has been only by his courage and proud spirit that free governments have been established, and while I have pity for the white man who would hate a black man simply because he is black, I have scorn for the white man who is not proud of his race. The pride of the Saxon is a hostage to honor, and while this lasts truth, justice, and civil liberty are safe, and whether they be white or black, the rights of all, as established by constitutions and laws, are secure.

NORTH CAROLINA.

And now I wish to say a few things in vindication of my own State against a charge preferred by the gentleman from Maine, [Mr. BLAINE.] That gentleman, some time ago, when the question of amnesty was before this House, was pleased to read, with evident gratification and with his then triumphant air, (I am glad to observe that he appears more subdued and of milder mood since,) a letter from his friend W. W. Holden, once governor of North Carolina, which reflected unjustly and untruly not only upon the democratic party of that State, but upon the whole State, inasmuch as the act of which he complained was attributed, not to a sense of justice in the tribunal before which he was tried and convicted, but to partisan persecution. That letter has gone to the country with the indorsement of the gentleman from Maine, who would not permit a moment's time to gentlemen on this floor who desired at once to repel a grave charge against their State. It has gone to the country in a speech of bitterness and hate, which some supposed was intended for the amiable purpose of making a President from the State of Maine, but which, failing in that, can only serve the bad purpose of keeping alive in the minds of those who follow him feelings toward one section of this country which every friend of good government, every friend of peace, every patriot ought to wish to see buried forever. That gentleman, with an inexcusable ignorance of the facts, (inexcusable because he would not allow an answer in the way of correction to a question tauntingly propounded by himself,) said that it was "purely a political impeachment; not prosecution, but persecution; persecution of a man for opinion's sake, * * * a Union man of North Carolina."

I now have the opportunity, and I avail myself of it, to say to the gentleman from Maine that every substantial statement contained in the letter of his friend is untrue, and I propose, without any feeling of bitterness, but with a feeling of pain and regret that such a letter should have been written, and in discharge of what I conceive to be a sacred duty to the good, true, and honest people of the State which I in part represent, to make a brief and plain statement of the leading facts relating to the crimes, the impeachment, the trial, and the conviction of the author of that letter.

His crimes, as set forth in eight articles of impeachment, were briefly as follows:

First. Raising unlawfully armed bodies of troops, and causelessly declaring the county of Alamance in a state of insurrection, and unlawfully arresting Lucian H. Murray and eighty-one other citizens of that county and detaining them, when the civil officers of the law were in the full exercise of their functions.

Second. The same in Caswell County as to Mr. Kerr and many others.

Third. Unlawfully arresting and imprisoning Josiah Turner in the county of Orange.

Fourth. Unlawfully arresting and detaining John Kerr and others in the county of Caswell.

Fifth. Refusing to obey the writ of *habeas corpus* in the case of A. G. Moore.

Sixth. Refusing to obey the writ of *habeas corpus* in the case of John Kerr and eighteen others in Caswell County.

Seventh. Unlawfully recruiting a large body of troops from the States of North Carolina and Tennessee, and placing them under the command of one Kirk and other desperadoes from the State of Tennessee, and with those troops unlawfully arresting and imprisoning John Kerr and many others; for hanging by the neck Lucian Murray, William Patton, and others; for thrusting Josiah Turner and F. A. Wiley in a loathsome dungeon without lawful authority; for issuing his warrant upon D. A. Jenkins, treasurer of the State, for $70,000 to pay those unlawful troops.

Eighth. For inviting and procuring the State treasurer to disregard the injunction to restrain him from paying the sum of $80,000 or more out of the public treasury for the unlawful purpose of paying said troops.

This is a brief abstract of the crimes of which he was charged and found guilty; the facts were clearly proved, and he is mistaken when he says it was done by democrats, if he means, as the gentleman from Maine understands him, to say it was a party vote of conviction. And without conceding that it is necessary to vindicate the honor of the democratic senators who upon their oaths voted to convict upon clear proof, I will give a statement of the vote. The constitution requires two-thirds to convict. On the sixth charge there were only eight senators who voted "not guilty;" forty-one voted "guilty;" five republican senators voted "guilty." Every republican lawyer in the senate voted to convict except one, and the exception was the son-in-law of the accused. Of the eight senators who voted "not guilty," one was the son-in-law of the accused; four were colored members, with no knowledge of law; and the other three were party politicians, one of whom was deputy United States assessor, who was indicted in the Federal court for the crime of forgery, plead guilty, was sentenced to prison by a Federal judge, and was afterward pardoned. I will say to the gentleman from Maine that these were the crimes, and this the manner of the conviction, of one who subscribes himself "your friend." As I have said, of the five republican lawyers in the senate all except one, the son-in-law, voted guilty, and I venture to say that there is not a respectable lawyer in or out of the State of North Carolina who, with a knowledge of all the facts and the law, would say that an intelligent and impartial jury could have found any other verdict, or who would say that the acts proved were not in plain and open violation of the constitution and the laws.

The State judiciary had been exhausted by him. And just here I wish to say, as an act of justice, that it was to an upright Federal judge (Judge Brooks) that the people were indebted for a vindication of the majesty of the law and the discharge of the men so unlawfully held by the usurpations of the governor.

Upon conviction, the disability of which he complains followed as a constitutional result; the constitution of 1868, put upon the people by him and his party against the votes of the democratic party, having fixed the penalty. He is equally mistaken in saying that there was a refusal by a strict party vote to remove his disabilities. Every lawyer knows that the Legislature had no power to remove his disabilities, and it was doubted whether the convention, having been a restricted one, had the power to do so; but as it was, the removal of his disability was defeated, if I am not greatly mistaken, by a republican vote. He is equally mistaken in saying that he is the only man in North Carolina who cannot hold office. He stands not alone. By the same constitution which disqualifies him from holding office, there are several thousand persons, mostly of his own political faith, convicted of various crimes, most of them before republican judges, who labor under the same disability imposed by a constitution which they themselves made. He says "I am the only man in North Carolina who cannot hold office," and writes that while holding one of the fattest offices in the State—that of postmaster at Raleigh.

But the gentleman from Maine says he was a "Union man." Yes, like Longstreet and other Union men of the South, he has put on the livery of the republican party as a badge of fealty, and that is enough for the gentleman from Maine, and I shall not trouble myself to enlighten his ignorance, though he may be laughed at in North Carolina, and I doubt not that even the ex-governor himself, when he looks at the sacred gold pen with which he signed the ordinance of secession—a pen never to be desecrated by other use—and remembers the pleasant (cruel) things which he said about the Union and Union men, will chuckle audibly and, hugging his official robes close about him, feel more secure against the competition of "the late insurgent leaders" one of his associates.

Governor Holden professes to be a Christian, and remembering the prayer taught by our blessed Saviour, "forgive us our trespasses as we forgive those who trespass against us," he might at least have been silent and not asked the condemnation of his "fellow trespassers," among whom he may be said to have been one of the chiefs; but he has volunteered as a witness to furnish to the enemies of my State fuel for the fires of hate, and I have deemed it just and due to the people of that State, who have been traduced and maligned for party purposes, to say thus much. I shall ever stand ready to vindicate to the utmost of my ability the fair fame and honor of my native State, for she is to me the dearest spot on earth. I know that she has been under a cloud. I know that since the war under the guise of loyalty her people have been robbed of their property and, what is much dearer to them, once boasting the proud title of the "honest old North State," she has been robbed of her honor. I know that after war had done its work, and her body lay helpless, vultures preyed upon her; and it is not the least distressing thought that she had within her own borders men, political serfs, ready to attorn to any party that would give them office, and that these men combined with adventurers without character, and who cared nothing for her honor, to fasten upon her a debt which she is not now able to pay and which she cannot pay without ruin to her people, a debt for which she never derived an equivalent of five cents on the dollar. Let me illustrate by a statement which I hope will disarm the malice of her enemies.

By the convention of 1868, and the legislation of that year, a debt now amounting to more than $15,000,000 was fastened upon the State. The two delegates to that convention, and the two members, and the senator in that Legislature from my county, and all the men who voted for them combined, did not at that time pay as much property tax as any one of half a dozen men in the county who were not allowed to vote under the reconstruction acts.

The district which I now have the honor to represent, and which I am proud to represent, was represented on this floor by a man whose highest merit was that he did not pretend to be honest, and who openly said that he "was down South on the make," and that he did not blame the democrats for disliking carpet-baggers. This man was guilty of the crime of bribery, and when charged with it on this floor, to evade the inevitable expulsion, he resigned, as others have since done, and has not that I am aware of since been seen in the district which he disgraced. In resigning, however, he had the cool candor to say, "As soon as I was aware that I had done wrong, [he had only taken $1,000 for a cadetship,] I endeavored to make a return as far as I could. I returned the money immediately, and I have tendered my resignation to the governor of my State, believing that it is the duty of a member of Congress to make vacant the place he has disgraced." But it was all made right when he said, "I have given $12,000 to control the presidential election in my State." (Congressional Globe, volume 76, page 1617.)

Any one who wishes to see a curious production can find it in his letter, published in the congressional proceedings of the Forty-first Congress on page 1617 of the seventy-sixth volume of the Congressional Globe.

But it is said that the South is represented on this floor by confederates, and whenever we raise our voices in behalf of good and honest government, and exposure of fraud and corruption, the force of what we say is sought to be broken by the cry of rebellion and disloyalty. Now let me say one thing about that. The war, as every candid man will concede, resulted from a long-protracted and often bitter difference of opinion upon certain political questions. These differences became sectional, and culminated in an attempt by one of the sections to withdraw from the Union, and a resolve on the part of the other that the Union should not be severed. The issue was submitted to the arbitrament of the sword, and brave men fought it out. The result is known to the world; every question involved in that contest was honestly surrendered, and the soldiers of the South, with a quiet and submission to authority that was remarkable, sought their homes and the sweet pursuits of peace. "Peace hath her victories no less renowned than war;" and they have bent all their energies to the tasks of peace. I can say this of a truth as to the soldiers of the South, and I believe it to be true of the great body of brave soldiers of the North.

The Union was to be preserved, and to be preserved for the sake, not simply of the Union, but of civil liberty and good government. The soldier who was roused to deeds of daring and courage by the cry of the Constitution and the Union, and by the rally of the old flag, believed that civil liberty was to be preserved by that Union and under that Constitution. The soldier of the South, when he took with him the same Constitution, was equally conscientious when he offered his life in the conviction that he, too, was fighting for civil liberty; both were alike devoted to the same idol, civil liberty—the one fighting to maintain it in the Union, believing that in this way alone it could be preserved; the other to maintain it in a new confederacy, but both claiming to be freemen and the right to be freemen. The Union was victorious, and from that day it was settled that civil liberty and good government must be preserved in the Union, and not out of it. The right peaceably to secede and the sectional institution which was the alleged cause of secession were surrendered by us, surrendered in good faith by brave and true men, and we were again in the Union. But our right to be freemen was not involved in the issue. We never surrendered our manhood; we never surrendered our right to free government as we inherited it from our fathers; we never surrendered the proud and glorious memories of the past; we never consented to be slaves or cravens. We must be in this Union of States as equals or the Union is so in name and not in deed. The South must be represented by men of her choice or this is a republican government in name and not in deed. And as long as the South is represented on this floor by men of her choice, she will be represented by men of honor, and men of honor would not have her represented otherwise.

Since the days of 1865 we have not always been thus represented here, but we have had an abiding faith that devotion to constitutional government would prevail, and that when the stormy passions begotten of war had subsided the bright goddess of civil liberty would resume her throne in American hearts and that loyalty to party would give place to devotion at her shrine. Sir, the man who would have us back in the Union as slaves and not as freemen; the man who would have us here as disgraced criminals and not as brethren with whom, the unhappy but manly strife having ended, they were to live as brethren again; brethren in unity of aim and purpose; brethren again in affection to a common country, just to all her sons; brethren again in the proud memories of the past and in the bright hopes of the future—the men who would not have us thus back, who would have the States of the South in the Union as conquered provinces and not as free States—such men know not the spirit of free government; such men would tyrants be, and, failing that, slaves. I am glad to believe that such are not the men of the North. Exceptions there are, but I am glad to know that thousands on thousands of her people hail us as brethren again in the Union and as worthy the name of brethren. I am glad to know that the soldiers who fought the battles of the Union desire to see the fruits of their victories secured by the preservation of a peaceful, harmonious, and happy Union of States. I am glad to know that Hancock—brave and gallant soldier, wise and accomplished civilian, a hero in the field, a statesman in counsel—that McClellan and McClernand, that soldiers of the Union army, my gallant friends on this floor, and the thousands whom they represent, that the soldier-statesman from Massachusetts and the generous Representative from Pennsylvania on the other side of this House—I am glad to know that men like these represent the feeling of the people, and that the doctrine of hate, like the questions which divided us, must be of the past.

Let me say to our friends at the North that they have the same interest in the liberties of the South that we have: they have the same interest in good government that we have. You cannot make an Ireland or a Hungary or a Poland of the South without endangering your own liberties. The States of the South must be free, living, breathing, sound, and healthy members of this Union. You cannot afford to have a dead body fastened to the living. It was an ancient custom of certain tyrants to punish offenders by binding the body of a dead man to the living criminal and compelling him to carry it about till the contagion from the putrid mass took away life. Virgil gives an account of one of these tyrants, Mezentius, and describes the awful punishment.

> These, limb to limb and face to face, he joined,
> * * * * *
> Till choked with stench the lingering wretches lay,
> And in the loathed embraces died away.

And it was in allusion to this horrid custom that St. Paul uttered the exclamation, "O, wretched man that I am! who shall deliver me from the body of this death?" You cannot afford to have such a dead body joined to you, and have liberty survive it; and I appeal to every man who loves civil liberty and good government and who desires to see the Union again strong in the affections of all the people, to work for reform, to work to restore to the people a government in which economy, honesty, capacity, and fidelity shall characterize every department, and harmony, good-will, and brotherly love shall prevail in every section. I think I know the feeling and sentiment of the people of the South; and for them I will pledge that none will go before them in earnest prayers and zealous works to attain this happy end.

Mr. KELLEY. Mr. Chairman——

Mr. BLOUNT. I now move the committee rise, for the purpose of taking a recess until half past seven o'clock, and also for the purpose of ordering that all general debate upon this bill be closed after to-day.

Mr. KELLEY. The gentleman proposes to admit general debate this evening.

Mr. BLOUNT. Yes, sir.

Mr. KELLEY. I make the inquiry because I desire to reply to something that has been said here to-day.

Mr. BANKS. Is it proposed to confine the debate this evening to this bill?

Mr. BLOUNT. Yes, sir.

Mr. BANKS. The session last evening was occupied upon other matters altogether.

Mr. KELLEY. It is the intention, I understand, that debate shall continue this evening upon this bill, and that no other business shall be transacted.

The motion of Mr. BLOUNT that the committee rise was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the Chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally, and particularly the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, had come to no resolution thereon.

STEPHEN POWERS.

On motion of Mr. BANNING, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 3332) for the relief of Stephen Powers; and the same was referred to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by U. S. GRANT, jr., one of his secretaries, who also announced that the President had approved and signed a bill of the following title:

An act (H. R. No. 3368) appropriating $9,000 to pay the expenses of the select committee to investigate the Federal offices in Louisiana.

The message also announced that a bill of the following title, having been received by the President on the 4th instant, and not having been returned by him to the House in which it originated within the ten days prescribed by the Constitution, had become a law without his signature:

An act (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury;

An act (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York; and

An act (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate.

CLAIMS UPON VENEZUELA.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Affairs:

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 5th instant, requesting information as to payments by the government of Venezuela on account of claims of citizens of the United States under the convention of the 25th of April, 1866, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *May* 16, 1876.

CHARLES METCALF.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the Commissary-General of Subsistence on the bill (H. R. No. 3283) for the relief of Charles Metcalf, late lieutenant United States Navy; which was referred to the Committee on Military Affairs.

PRINTING IN ADJUTANT-GENERAL'S OFFICE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a communication from the Adjutant-General on the breaking up of the printing office attached to his office, as contemplated in the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CASON, for twelve days from the 19th instant, on account of important business;

To Mr. EGBERT, for one day, on account of business;

To Mr. VANCE, of Ohio, for seven days;

To Mr. HUBBELL, for four days, on account of important business;

To Mr. DOUGLAS, for one week from the 23d instant; and

To Mr. SMITH, of Pennsylvania, for one week from to-morrow, on account of important business.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that all general debate on the naval appropriation bill close with the adjournment to-day.

Mr. DUNNELL. Then it is proposed to take up the bill for consideration by sections to-morrow?

Mr. BLOUNT. Yes, sir.

The motion was agreed to.

Mr. BLOUNT. I now move that the House take a recess till half past seven o'clock this evening, for the purpose of general debate on the naval appropriation bill.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House took a recess till half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at seven o'clock and thirty minutes p. m.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I move that the rules be suspended and the House resolve itself into Committee of the Whole to resume the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

Mr. KELLEY. Mr. Chairman, I regret that my friend the gentleman from New York [Mr. WILLIS] is not in his seat, that I might testify to him personally my sense of the great advantage the country may derive from confiding important duties to gentlemen who are utterly ignorant of the subject-matter upon which legislation is proposed. I am quite sure that if he had known anything of the navy-yards of the country or of the history of the growth and development of our naval establishment or the revolutions that have taken place in naval architecture and armament during the last fifteen years, the world would never have received the novel suggestions he offered to-day touching navy-yards, the proper sites for them, &c. I can certify to their novelty but not to their value, and I think he may become famous in naval history as the man who believed at this late day that iron ships ought to be built on salt water and that the great reservoir of machinery for the construction of vessels and armament under the exigencies of war ought to be located in an exposed sea-port. Sir, had he known anything of the subject his imagination would have been restrained and he would have simply given us details, practical illustrations, opinions of distinguished line officers or naval engineers, and told us nothing but what we knew or might learn by the study of competent authorities. But we should have had no new range given to our imaginations. Unlike him, I shall deal with facts, and give the committee a history of the establishment of a naval station at League Island.

In this matter I can define my position best in the language of the gentle Desdemona—

I do perceive here a divided duty.

I have been identified with the history of the project from the time Gideon Wells, the then Secretary of the Navy, made known confidentially to Alexander Henry, the then mayor of Philadelphia, that a commission of distinguished naval officers had been appointed by him to secretly survey the coast and determine privately and report the best site on the Atlantic coast for a fresh-water naval station, where land enough could be had in proximity to ample supplies of coal and iron and skilled workers in metals to establish the works for the construction of heavy material for large iron-clad or iron vessels and for the manufacture of heavy armor and implements of war and the machinery for handling such implements; and that the board had reported to him that in League Island they found a sight incomparable not only in the United States but in the whole world in combining all these conditions. Just at that time I was made acquainted confidentially by the Navy Department with the operation.

The mayor of Philadelphia in that communication was requested to ascertain in whom the title of the land was vested, whether it could be purchased, and, if so, upon what terms. He entered heartily into the honorable work confided to him, ascertained the price at which it could be had, and reported the facts to the Navy Department. At the suggestion of the ablest man I have met in connection with the American Navy, G. V. Fox, then Assistant Secretary, the Secretary suggested that if possible the title to the island and back channel should be acquired contingently upon Congress making appropriation for its purchase. Mayor Henry, believing that if it became known that the Government wanted the property speculators would intervene and the cost would be greatly increased, induced the city of Philadelphia to purchase it and hold it for the Government. It did purchase it at a cost of nearly half a million dollars, and it not only held it for the benefit of the Government, but it conveyed it without consideration to the Government absolutely on condition that it should be held as a naval station, and that the small yard containing about twenty acres, then obstructing the commercial progress of the city, should be removed.

Sir, I have said I do perceive here a divided duty. I feel to-night that, as a Philadelphian, I would be ready, if it were possible, to overwhelm Congress with my thanks if it would reconvey to Philadelphia these two and a quarter miles of its best river front, shutting its main avenue, Broad street, from access to tide-water; and during the whole of more than fourteen years I have been involved in contest on this subject I have never hesitated to say to my fellow-citizens that posterity would curse us for the wrong we did to Philadelphia in the granting of this six hundred acres of land, embracing more than two and a quarter miles of the most valued river front of the city. On the other hand, as an American citizen, I cannot be too grateful to my fellow-citizens for their generous devotion to the Government in securing to it a naval station unequaled in site in the world, and one which naval officers from England, France, and Russia have assured me, both at the Navy Department and when on League Island, is unequaled in its combined points of adaptation to the wants of the navies of the future anywhere in the world. As a Philadelphian I would rejoice at its retrocession, but as an American I would deplore the fatuity that prompted the act.

The imaginative and inexperienced gentleman from New York [Mr. WILLIS] said that such an establishment ought to be at Brooklyn where it would be near the sea. The foreign officers, as well as our own, say that among its chiefest values are the facts that, while it has easy access to the sea and is protected abundantly by forts already existing at different points along the river by which it is approached, it is absolutely secure from attack; that the Government may gather stores for a war of half a century and keep them there without drain upon its general military or naval resources for their protection.

Why, sir, the Swamp Angel that hurled its ponderous shells into Charleston would destroy such an establishment from the open sea, if it were in Brooklyn. One of the great points in favor of League Island is its security; another is the fresh water that surrounds it. Salt water is the natural enemy of iron. Sea-water will eat up the heaviest iron plate; and nature, as if to protect it while exposed to foul sea-water, attracts to the surface of iron exposed to its action all sorts of parasites; so that, on the arrival home of a British iron-clad, the Ben Ledi, from a cruise, ten tons of muscles and barnacles were taken from her surface by mechanical processes, many of them having fastened so tightly and being of such solid and vitrified substance that in breaking them away great portions of the iron came with them.

These operations of nature threatened to preclude the possibility of the successful establishment of iron navies. But nature provides an antidote for every bane, and it was discovered that fresh water was the antidote to these. Had the Ben Ledi had a naval station in water fresh as that at League Island to resort to, in three days her surface would have been as clean as when she was launched. And, although the yard at Portsmouth, England, had cost over £60,000,000—something over $300,000,000—it was found useless when England began to create an iron navy, and she had to abandon it, except for repair and a station for wooden ships. To keep the iron vessels there was to destroy them or reduce their speed. To invite nature to so protect them against the effect of the poison of the sea as to reduce their speed from 20 to 30 per cent., as was often the case before the end of a year's cruise, was not a safe reliance. What did England do in this emergency? Why, with her three-hundred-million-dollar yard at Portsmouth, her government went to the headwaters of the Medway. They bought a site. They constructed immense fresh-water basins. They made an artificial channel to them, and there, having expended another $100,000,000, and having added to the ninety-five acres of their yard a tract of land very kindred to League Island, but embracing about two hundred and eighty-four acres, they went on increasing their fresh-water basins so as to have the cure at hand for the effect of the waters of Portsmouth and Brooklyn waters upon iron-clads and iron ships.

This is not imagination. I have not been studying this question anew. I am but repeating to the committee facts that I brought to the attention of the Thirty-eighth Congress in the winter of 1863 and 1864 in an elaborate report on this subject from the Naval Committee. And I propose to detain the committee with an occasional extract, not from my own statements, but from valuable financial papers I then reported.

The President had made reiterated recommendations for the establishment of a naval station and dock-yard for the purposes of an iron navy. The Secretary of the Navy, Gideon Welles, on the 9th of June, 1862, made a communication to the Naval Committee, in which, referring to the President's message, he said:

> It is now generally conceded that vessels for fighting purposes must be heavily plated with iron if they are not built entirely of that material. In this, as in most costly fabrics, economy is reached through durability. Iron ship-building is new in this country; but few persons are engaged in it, and it is a novelty in our yards. Heavy iron beams, shafting, and thick iron plates can be procured from only two or three parties, and then in limited quantities and subject to great delay. Individuals have little use for iron of such magnitude as the Navy must have, and there must unavoidably be great outlay to prepare for the execution of such work. With only the Navy for a purchaser there can be no competition, and the Government will be compelled, under such circumstances, to pay almost any price the mills and forges may demand. No inconsiderable portions of an iron ship can be made and procured at the ordinary mills; and so far as it can be done it may be the best policy to be so supplied; but as the heavy and expensive portions cannot be so procured and unless the Government is prepared to execute the work it will be subject to imposition and its vessels to marked inferiority.
>
> Other nations, whose wooden ships-of-war far exceed our own in number, cannot afford to lay them aside, but are compelled to plate them with iron at a very great cost. They are not unaware of the disadvantage of this proceeding, but it is a present necessity. It must be borne in mind, however, that those governments which are striving for naval supremacy are sparing no expense to strengthen themselves by building iron vessels; and already their dock-yards are undergoing the necessary preparations for this change in naval architecture, notwithstanding those governments have at their command the greatest experience and the most extensive and complete iron and machine factories that private enterprise can produce. These facts are suggestive to our Government; and I desire to call your attention to the necessity of making the necessary provision for ourselves by providing the means and conveniences for building and repairing a navy such as the strength and character of our Government and country require, in order to maintain its true position among maritime powers.

Mr. Welles proceeded to explain that great works could not be suddenly called into existence; that they must be in the neighborhood of a bountiful supply of fuel, of iron, and steel, and large numbers of skilled workmen. In his annual report of December, 1862, he renewed his suggestions, saying:

> In March last and again in June I invited the attention of the Naval Committee of Congress to the importance of taking prompt preliminary measures for establishing a navy-yard, including founderies, shops, and docks adapted to the growing wants of the service and the country. It was not that we needed an additional navy-yard, but that we required one of a different character in many respects from any that we possess. In view of the importance of possessing somewhere in this country a navy and dock yard for the purposes of an iron navy, the suggestion of the Department received the favorable consideration of Congress. The city of Philadelphia, the commercial center of the iron and coal region, became interested in the question and was induced to make a free offer of League Island, a body of land of about six hundred acres near the confluence of the Delaware and Schuylkill Rivers, to the United States for naval purposes. In consequence of this liberal offer, Congress authorized the Secretary of the Navy to receive and accept League Island, provided, however, that it should not be accepted until the title shall be perfect to low-water mark, nor if, upon a more thorough examination and survey of the premises by a competent board of officers to be appointed by the Secretary of the Navy, he shall discover that the public interest will not be promoted by acquiring the title as aforesaid. That the board to be appointed shall, before proceeding to any decision of the questions referred to them, make a survey and examination of the harbor of New London, in Connecticut, and its surroundings, with reference to its fitness for a naval depot and navy-yard, and that they also make the same investigation in regard to the waters of Narraganset Bay.

In pursuance of that resolution a board was appointed from whose report the philosophic but inexperienced gentleman from New York read this morning. The first resolution of that board when it met for action was that in all questions of engineering or which were solvable by engineering the report of the engineer should bind the board, and the result was the unfortunate and unfounded report made by Admiral Stringham, for which, subsequently, I think, every member of the board expressed extreme regret. The result was that the engineer whose interests were centered in one of the other places named instead of boring League Island proper, which is part of the main land and is water-bearing, bored only in the mass of alluvial accretions around the island. Having thus chosen a false field for his tests, he could give a faithful statement of the results of his boring and yet deceive the board. Having given him absolute control of all engineering questions before the board, it could do nothing else than report against it.

Mr. Welles and his able Assistant Secretary, to whom I have alluded, who had had the matter privately examined, rejected the report of the board, appointed a new one, and directed that the borings should be made faithfully over the island, and the results in detail will be found appended to my report; showing that for nearly three hundred acres the land is solid and, as I have said, water-bearing; the wells upon it yielding water at the same depth as they do now in the heart of the great city of which it is a part; that it presented over two hundred and fifty acres of land on which the heaviest machinery could be operated, and offered foundations for the heaviest works or buildings that could be constructed; and the report contains engraved illustrations of the heaviest trip-hammers then known to be in use, and shows that they could be operated without artificial support upon such lands; and the officers to whom the matter was then confided reported in favor of its acceptance, agreeing with the former board that the water of both Narraganset Bay and Winthrop Point was salt, and therefore unfit for an iron naval station. But that in Philadelphia on League Island there was ample land, there was ample wharf-front, and withal there was offing to float our entire Navy. There was also a natural back channel requiring but little dredging and the placing of draw-doors at either end, one on the Schuylkill and the other on the Delaware, to make a basin larger and more commodious than that of Cherbourg that had then recently cost imperial France over $50,000,000 for the basin and shelter-walls alone.

Such is League Island. That part of it is below the water-surface, and protected by embankment, I admit; and I claim it as a very great advantage in view of the extent of the island. More surface has already been prepared for use than the old navy-yard contained. The old yard has been sold for a million dollars. That money is now in the Treasury, and covers quite or nearly all the money the Government has expended in the preparation of that part of the surface of the island, in erecting wharfs, store-houses, workshops, and in re-erecting a large ship-house, the materials of which were removed from the old yard within a few months.

The difficulty in the neighborhood of our great iron and steel works in Pennsylvania is to know what to do with the waste and refuse matter. As you travel through our State you see acres and tens and scores of acres in the vicinity of our great works covered with slag and cinders; and if private parties were to offer to fill League Island to the water-line, it would be a matter of great extravagance on the part of the Government to accept the offer, for with every increasing workshop a demand will arise for a place of deposit for its cinders, slag, and other refuse matter.

By examining the report of the engineers who made the last borings at the island, you will find that the surface even of the accretions is of a tough clay, easily cut when wet and very hard when dry. Mingle that with the earth that must be removed for the foundations of buildings and in the preparation of the docks and yards, and you will have a cement for the slag, cinders, and refuse materials from the shops and buildings that will make, so brief experience has shown, pathways for the heavy wains for carrying materials and armament quite equal to the best Macadamized roads known to the people of Pennsylvania.

If we are to abandon iron-ship building, if we are to say that the timber lands of Maine alone shall supply the material for our future navies, then let us keep Kittery as our chief reliance; because that yard lies as near to the timber lands of Maine as League Island does to the coal and iron fields of Pennsylvania, the forges, the furnaces, the machine-shops, and the millions of skilled workers in coal, iron, and other metals that find their metropolis at Philadelphia.

If, however, with those of other nations our Navy is to carry heavy guns and to resist the heaviest of those of other nations we must have a fresh-water yard; we must have an antidote to the poison of the sea; we must, when war shall again kindle its flame either on our own land or on the oceans that surround us, have the means of bringing into existence in the briefest possible time a great iron navy and all its appointments.

I concur with the Committee on Naval Affairs in its desire to maintain as small a navy in time of peace as is consistent with the dignity of our country, to stimulate in such times the commerce of the country so that when the day of war shall come they who leap from the deck of the merchantman to the deck of the vessel of war may go forth to make our country as she ever has been on the ocean, the victor in the war in which the flag shall be borne. Such being our policy, the necessity of keeping great workshops is apparent, not of keeping them employed; not of maintaining armies of workmen, but of having ever ready the cunning machinery which gives force, speed, and energy to the will and skill of man in constructing matters pertaining to naval warfare.

At League Island we have what reduces Chatham in comparison almost in the same degree that in yonder exhibition, which but a

little while ago was spoken of in Congress as a Philadelphia job—in yonder exhibition you have two models, one of the cañon of the Colorado, and beside it, on the same scale, a model of Niagara. As I surveyed them the other day I heard an intelligent New York man beg that the model of the giant waters of Niagara might be removed from such juxtaposition. It was pigmied by the contrast. Two hundred and fifty feet of Niagara against five thousand feet in the walls and dashing waters of the cañon. I say Chatham scanned as a naval station beside the capabilities of League Island would show as Niagara shows compared with the cañon of the Colorado in that wonderful exhibition.

Again, compare League Island with Cherbourg, built up in the ocean, starting for its foundation near the end of the sounding-line. And yet with toil and energy and material resources, year after year, millions of the wealth of the French Empire disappeared under the deep waters, until after more than half a decade there came some to the surface. Now the great naval works of Cherbourg, which fourteen years ago had cost more than $50,000,000, are the only rival France can present to the capabilities of League Island, which cost the Government not one cent, but which I and my constituents and townsmen paid for. We have given you, in return for removing that little yard that obstructed our commerce, a million of dollars, with which you have paid for all the improvements yet made at League Island.

Permit me, Mr. Chairman, to say again, "I do perceive here a divided duty." If Congress will retrocede that island to Philadelphia they shall have my everlasting thanks. They will save me and the others from Philadelphia who have been my co-laborers in this matter from the denunciations of posterity for having cut off the main river front of our great and beautiful and beloved city.

But under the influence of a broader feeling, under the influence inspired by that flag, under the influence that has made me—let it subject me to what criticism it might—strive by all the means in my power to cement anew the brotherly love of the American people in this centennial year, I cannot but say do not retrocede League Island; do not deprive your country and mine of the possession of the site for the grandest depot that nature has made—for nature made League Island for a depot for naval purposes—and civilized man has yet discovered on the face of the globe.

Mr. REAGAN. Mr. Chairman, I recognize the delicacy of undertaking to oppose in any of its parts a measure recommended by one of the leading committees of this House; and I would not offer a word of objection to the bill reported by the committee if I did not feel that a sense of duty and propriety required this to be done. In that portion of the bill beginning with line 43 it is provided:

> For the civil establishment at the navy-yards at Brooklyn, New York; League Island, Pennsylvania; Norfolk, Virginia, and Mare Island, California, $80,000; and for the protection and care of the navy-yards not enumerated, $5,000. And the Secretary of the Navy is hereby directed to make inquiry as to the best method of making sale of the navy-yards at Charlestown, Washington, and Pensacola.

I shall at a proper time propose to amend this portion of the bill by inserting after the word "California," in the forty-fifth line, the words "and Pensacola," and by increasing the appropriation in the same line from $80,000 to $100,000. I shall propose to do that for the purpose of keeping Pensacola in its position as one of the navy-yards to be used for repairs, or, if deemed necessary, for repairs and construction. I shall then propose to strike out in line fifty the words "and Pensacola;" so that this navy-yard shall not be included in the list of those in regard to which the Secretary of the Navy is to be directed to make inquiry as to the best method of making sale of them.

In looking into this subject, Mr. Chairman, I shall not attempt to discuss the question as to the number of navy-yards that there ought to be upon the Atlantic coast. That there ought to be one upon the Gulf of Mexico and one upon the Pacific coast will not, I think, be controverted. We have upon the Gulf coast no private yards in which the war vessels of the Government can be repaired; and in this age of the world we need for the purposes of war not only steam-vessels but iron-clad vessels. In case of war with a foreign power, if one of our vessels in the Gulf squadron should become crippled or disabled in any way, such a vessel, without a navy-yard there for repairing and refitting, would have to be dropped out of service or brought around Cape Sable and up the Atlantic coast to a place where it could be repaired, losing the time of the officers and crew, and taking the perils of such a voyage in a crippled condition in time of war.

In looking at our national necessities I may be excused for calling attention for a moment to that portion of the United States. The Gulf of Mexico may well be termed our American Mediterranean—a great sea in itself. It is from the Atlantic coast of Florida by an air line about two hundred and sixty miles westward to Pensacola. It is from the Atlantic shore of Florida four hundred miles by an air line westward to the Mississippi. It is from the Atlantic shore of Florida seven hundred miles to the western shores of the Gulf of Mexico. It is from Cape Sable westward to Galveston eleven hundred miles and more across the Gulf of Mexico. It is from the mouth of the Mississippi River southward to the southern part of the Gulf of Mexico west of Yucatan eight hundred miles and more, and from Pensacola more than five hundred miles southeast to Cape Sable. I mention this to show the magnitude of that inland sea bounded, on the east by Florida, by the islands of Cuba, Hayti, and the other West Indian Islands, and by the peninsula of Yucatan; on the south by Mexico; on the west by Mexico and Texas; and on the north by Louisiana, Alabama, Mississippi and Florida.

Upon that gulf there is now a large commerce. If the work going on for deepening the mouth of the Mississippi River by the South Pass succeeds, as it is hoped by Mr. Eades, the projector of that great work, it may succeed, and we get twenty-eight feet of water there for the largest class of vessels, the amount of commerce passing out of the great and fertile valley of the Mississippi to the open ocean will be almost incredible. At present it is very large. If the work going on at Galveston shall succeed in giving the depth of water that the United States engineers believe it will give, this commerce will be still further enlarged. There, too, is being concentrated the commerce of the State of Texas, with its present population of a million and a half of people, and with an increase of between 200,000 and 300,000 a year. With the commerce that will go there from the Indian Territory, from Kansas, from New Mexico, from the northern states of the republic of Mexico, a commerce will be centered at the great commercial emporium of what we call the "new west" only less than that which will be poured out of the mouth of the Mississippi River.

Remember that on our entire cost, extending from Cape Sable up the western coast of Florida and along the coast of Alabama, Mississippi, Louisiana, and Texas for more than fifteen hundred miles, we have no other naval station or ship-yard than Pensacola. That has a fine depth of water, capable of bearing almost any, perhaps any, vessel in the American Navy. It has a fine harbor and roadstead. It is a fortified position, well secured against danger. It would seem that our national necessities would not be so far overlooked as to destroy this only ship-yard upon that extensive coast.

One thing more I desire to say on this subject. In case of war with a foreign naval power the vulnerable part of the United States is upon the Gulf coast.

A war inaugurated now with Great Britain, with France, or with Spain, unless the mouth of the Mississippi River was protected by a sufficient number of our best monitors, would be as easily ascended by a hostile fleet of war vessels as it was by the Federal fleet during our recent intestine war. It will be remembered that Fort Saint Philip, Fort Jackson, and other batteries along the shores of the Mississippi were not sufficient to stay the progress of a fleet composed in part at least of wooden vessels.

The commerce of the Mississippi Valley deserves and needs protection; and when I speak of this commerce I do not mean to be understood as speaking alone of the commerce of the country bordering on the Gulf of Mexico, for it is likewise the commerce of Louisiana, of Arkansas, of Mississippi, of Tennessee, of Kentucky, of Missouri, and of all the rich States which lie between the Ohio and Mississippi and to the west of the Mississippi, which finds its way to market by means of that unequaled channel of commerce. Protection, therefore, is necessary.

Galveston, the other point I mentioned standing second in commercial importance to New Orleans upon the Gulf, is in such condition to-day that war vessels could bombard and destroy the city and its commerce.

I have not spoken of Mobile, Brashear, Sabine Pass, Indianola, Corpus Christi, and the other towns which lie upon the border of this great inland sea. All of them in case of war would be exposed to the ravages of an enemy and incalculable injury could be done to us, for many of them are to-day without a particle of protection. Even Galveston to-day has not a single gun mounted, and a single step has not yet been taken to protect it in case of war against a hostile fleet.

What would the consequence be if we should be drawn into war, which we all trust may not happen? For, sir, we cannot take to ourselves the assurance that we shall be exempt from war. Our Government occupies a position which makes it necessary that it should deal with all the great questions which interest the nationalties of the earth. It must take its responsibility in disposing of these great questions. It should direct its commercial policy to more intimate relations with Mexico, the Central American and South American states, so that, instead of manufactures from other countries supplying those countries, they should come from New England or the Middle States. It seems to me there is no reason why, under a wise, prudent, and proper policy, we should not control the vast trade of those countries, very little of which we control at this time. In our intercourse with them, which must grow and increase, we stand liable to complications. We have seen that we were liable to be drawn into difficulty on account of the trouble in the island of Cuba. We cannot tell but danger may be on us at almost any moment. It is at least prudent in time of peace to make reasonable and needful preparations for war. That preparation may avert what might otherwise fall upon us.

A great power like this, having its commercial relations with the whole civilized world, needs and must have a navy. It should have one that would command for the Government that respect due to one of the first powers of the earth. If we have such a navy we must provide for building ships of war and for repairing them. I have heard it suggested in conversation that this might be done at private ship-yards. As vessels of war are now built we can hardly expect, even in our progressive, go-ahead country, to find private ship-yards that will prepare such iron, and in such quantities, as will be necessary for the construction of great iron war steamers. If we are to have these, they must be made by the Government, at least in large

part. In this connection let me read an extract from the report of the Secretary of the Navy, Gideon Welles, in 1866:

For the construction of iron and armored vessels, it can only be repeated that although our country has the material in great abundance, and possesses many advantages in that regard, we are almost wholly unprepared. In future maritime wars the contests between the great naval powers for supremacy on the ocean will be determined chiefly by iron-clad or armored ships. Our turreted vessels or monitors will be powerful and effective for harbor and coast defense, but in conflict with any European power our countrymen will hardly be content with mere defensive warfare.

Armored vessels for ocean cruising must necessarily be of large size, which cannot, with the requisite strength, be secured in wooden structures. If attempted, the immense masses of timber must rapidly decay, and the cost resulting from deterioration will be such as no economical and prudent nation will consent to sustain. Ships for cruising and offensive operations must be such as can use sails, for no vessel can long keep the sea under steam alone. Such vessels as are here suggested should be built at a Government establishment, for though private enterprise can do much in aid of the Navy, the peculiarities of iron vessels for naval purposes are such that private parties cannot undertake the work unless at prices which will cover all the outlay for the establishment as well as the vessel, for there can be no other customer than the Government for such work.

In this view of the subject it is plainly the interest of the Government to erect its own shops and machinery, and to possess its own establishment for the construction of its iron and armored naval vessels. Several years of preparation will be required to provide the necessary appliances for such an establishment, and a special and convenient location, with ample area, should be promptly selected. In each of the navy-yards a dry-dock is indispensable, and for a steam navy there should be suitable shops and accommodations for the repair of vessels.

I read this much from the report of Secretary Welles of 1866 on the point as to the necessity of Government navy-yards possessing the peculiar machinery necessary to the building of ships of war such as are used in modern times. While I have this report in my hand, I will also read an extract from it in regard to the navy-yard at Pensacola. After going on at some length, reasoning upon the necessity for establishing the navy-yards at Norfolk and Pensacola, he uses this language:

The suppression of the rebellion and the re-establishment of that peace and unity which constitute us one country and one people make it a duty to restore these national establishments to their former efficient condition. In so far as there was reason during the rebellion for refusing to do this, because insurrection prevailed in the region where the yards are situated, that reason no longer exists. True, the expenditures will be made in States which were in rebellion, but the rebellion has passed away, the States are parts of the Union, and the establishments which are to be renovated are national in their character and of general interest to a l. Upon the Pensacola yard, even in its present ruinous state, we must depend for repairs and supplies for any squadron we may employ to guard the ocean outlet of the great central valley of the Union and of our whole coast bordering on the Gulf. To neglect to put that yard in proper condition would be to neglect Iowa, Illinois, and the States north, as well as Louisiana and Mississippi.

In the event of a foreign war with the great maritime powers, our country would labor under serious disadvantages were we without a navy-yard or naval station in the Gulf. A naval force of steamers—and all fighting-vessels must hereafter be steamers—could not be maintained in the Gulf without frequent repairs and supplies. With no navy-yard in the Gulf, the disabled vessels would necessarily be withdrawn from their station and compelled to proceed to a northern yard for refitment. Besides, the perils incident to a voyage under these circumstances, with an enemy on the coast, the services of the officers and crews, as well as of the vessel itself, would be lost during the time she might be absent in going to and returning from a northern yard. The rebels and the waste of war have devastated the Norfolk and Pensacola yards, but the best interest of the service and the obligations of the Government are not less imperative now, when peace and union are restored, to place them in proper condition. It is to be hoped, therefore, that liberal appropriations will be made for that purpose.

While reading extracts from official sources, I will call attention to what is said by the present Secretary of the Navy in his last annual report in regard to the Pensacola navy-yard. He says:

During the past year the old hospital-building within the walls of the yard has been torn down and destroyed, and a new hospital erected upon the ruins of one without the walls, destroyed during the war.

While it is not deemed wise to place this yard in condition for building ships, yet it is considered eminently proper that it should possess all requisite facilities for docking and repairing the vessels of the North Atlantic squadron. Several additional buildings are necessary, and estimates are submitted for another timber-shed and a machine-shop for steam-engineering.

It is hoped that two sections of the iron sectional dock for this navy-yard will be finished during the present fiscal year.

Therefore the last report that comes from the Secretary of the Navy sustains the one made several years ago by Secretary Welles as to the importance and necessity of preserving that navy-yard, at least for repairs and supplies. It may be matter for future determination how far construction shall go on there. Two vessels of war at least were built there in former times. In addition to the necessity of a naval station and navy-yard for the repair and supply of vessels on that vast inland sea for the protection of our coast cities and great commerce, it may be said in relation to Pensacola that in addition to its fine, capacious, and secure harbor and deep water, it lies in the finest timber region on the Atlantic waters. The supplies of live-oak to all the navy-yards of the country come from Florida, and I was going to say from Texas, but I am not sure of that. But in Florida and on the coast of Texas along the Colorado and Lower Brazos are vast supplies of live-oak timber. In Southeastern Texas, back of the Sabine Pass, on the Sabine and Natches Rivers, there are almost limitless amounts of as fine white oak as grows on the continent. And many years ago I was told by a gentleman who had made an examination of the fine pine regions bordering these two rivers lying back of the Sabine Pass that even then, since the pine had been cut as it was in Maine and in Florida, the finest timber for spars and masts was to be found in Eastern Texas. So that you have the live-oak and white oak if needed, and the finest timber for masts and spars on the Atlantic waters close around Pensacola.

In addition to this, there are mines of coal and iron up the Alabama River now being developed in limitless quantities at a convenient distance from Pensacola. The means of transportation for the coal and iron which go down the Mississippi River to Pensacola are such that they may be carried there with great ease and facility and cheapness; so that they have all the materials necessary for the repair or construction and supply of ships. I see, therefore, no reason why that place should not be considered as occupying a commanding position for a navy-yard.

The suggestion has been made that Pensacola is subject to occasional visitations of yellow fever, and that in the prevalence of that disease the workmen may have to abandon their post of duty. It is true that all the towns and cities upon that coast are occasionally subject to visitations of yellow fever. But it is proper for me to say that in a period of fifteen years at least—and some more, I think, may be added to that, but I will not undertake to say precisely how many from memory—that city has only been twice visited by yellow fever.

Mr. HEWITT, of Alabama. It never originates there.

Mr. FINLEY. It is always imported.

Mr. REAGAN. Two gentlemen near me suggest that it never originates there and is always imported. Proper quarantine regulations will at all times protect that place against yellow fever.

But the time which might be lost, it may be once in five years or so, by the workmen at that yard for that reason, will not be equal to the loss of time sustained in the cold regions of the North, where our navy-yards are, because of frost and snow. With the exception of such danger as may exist from this source there is nothing at all in the way at any time or at any season of the year to impede the work of construction and repairs going on at that navy-yard.

It will not do to say that because the people of that region are sometimes subject to the scourge of the yellow fever—and I understand from physicians that in modern times it has modified somewhat its type, and possesses less terror for the people than formerly—it should be remembered that our country is there, our people are there, our commerce and trade are there, our national honor is pledged as much to the protection of that people and that commerce as it is to the protection of any other portion of the American people and the American commerce. Where our people live, where they rear their families, where they make their homes in the sunny lands of the South as happily as elsewhere, surely the officers and employés of the Government can live.

I say this in order to meet that argument if it be suggested. It has just as much force as I have indicated, and no more. It will not do to say that that country must be abandoned to its fate; that the commerce of the vast region of country that pours into the Gulf of Mexico is in case of war to be left at the mercy of the enemy because sometimes there may be yellow fever at Pensacola where our navy-yard is.

I have said this much because I feel that in proposing to strike out so much of the appropriation as is necessary to keep in existence the navy-yard at Pensacola the committee have made a great mistake. The national interest, the national honor, and the national peace demand that it shall not be done.

The Committee on Naval Affairs make a different recommendation, but we are not now dealing with their report. It recommends, as I understand, in conformity with the recommendation of the Secretary of the Navy, that the Pensacola navy-yard shall be preserved for repairs and supplies. If we make no appropriation for it, the law leaves it, without the means of carrying it on, in such a condition that the yard must go to destruction, and the vast amount of money that has already been expended there must be lost, the national defense must suffer, and in the event of war the commerce of our country must be unprotected to an extent that I am not now fully prepared to show. I have said this for the purpose of calling the attention of the Committee of the Whole this evening to the subject, so that when the proper time arrives I may offer the necessary amendment to preserve this navy-yard as recommended by the Secretary of the Navy and by the Committee on Naval Affairs.

Mr. BANKS. Mr. Chairman, the portion of this bill to which I desire to call the attention of the committee to-night will be found on page third, relating to the civil establishments at the navy-yards at Brooklyn, League Island, Norfolk, and Mare Island: directing the Secretary of the Navy to ascertain and report as to the best method of making sale of the navy-yards at Charlestown, Washington, and Pensacola, the recession of the naval station at New London, and the establishment of a naval rendezvous at Tybee Island or Cockspur Island, in the State of Georgia. It is briefly to this portion of the bill that I wish to direct the attention of the Committee of the Whole. I speak as a representative of the section immediately and greatly interested in one or more of the provisions of this portion of the bill making appropriations for the naval establishment in the opening year.

Mr. Chairman, it comes to us in an unexpected and unusual form. Here is an appropriation bill, which ordinarily contains only the specific appropriations required by existing law, appropriations of specific sums demanded by existing laws for carrying on the Government or in anticipation of measures now pending and that are probably to become laws during the present session. That is the ordinary function of the Committee on Appropriations, and that is the anticipated result of their labors. But in this bill, in the provisions

to which I have referred, we find an entirely new theory of legislation.

For example, under the rules of the House matters relating to the naval establishment of the country would ordinarily be referred to a committee composed of gentlemen representing different sections and acquainted with that interest. And all these matters have in fact been referred to the Committee on Naval Affairs and the House is now waiting for its conclusion and report. And now, while yet waiting the conclusion of the committee constituted for that purpose, the Committee on Appropriations, in ten or a dozen lines of this bill, proposes to sweep away even the very foundation of that establishment. Although two or three points only are named in this portion of the bill which are to be abolished or destroyed, it may occur that the House itself or this committee first and the House may add other locations to those already named and thus the very foundations of the naval establishment may be abolished, and so in a week or two, so far as the House is concerned, we may find little or nothing left upon which the Navy Department can rest.

I wish to speak in the first instance against this method of legislation. There is nothing that has ever been proposed or that can be conceived so fatal to honest legislation as that which allows all the subjects of the ordinary legislation of a session to be fastened upon appropriation bills, with special and exclusive privileges that are never accorded to the legislative measures referred to or reported by any other committee whatever, and which are not given even to bills providing appropriations to carry into effect existing and long-established laws. The utmost privilege ever accorded to an appropriation bill is that of being reported at any time; but this practice permits any measure, whatever may be the subject to which it relates or however important the changes it works in existing laws, to be made without notice and forced to a conclusive and final vote at the time it is proposed. It gives to the Appropriation Committee the power to scoop into its hopper the work of every committee and every topic of legislation of whatever name or nature. This is in contravention of every principle of parliamentary law. Appropriation bills have been restricted by immemorial usage and practice to the legitimate and limited purposes and objects, not of legislation, but of specific or general appropriations of public money necessary to the execution of established laws. If this were a reform legislature, and intending to make a reform in the general legislation and condition of the country—and I am one of those that concede earnestly and willingly that reform is demanded by all parties and all sections of the country—if this House of Representatives intended to do this, then it has committed a fundamental and fatal error. No such mischievous rule of legislation, no such vicious system of political action, was ever devised or proposed as that which we have established here, if it be admitted that it gives to the Committee on Appropriations the opportunity to ingraft upon its bills all the legislation that its members may think just and proper, I will not say to usurp, but to assume jurisdiction and final control of the duties of almost every other committee of the House.

It is impossible for us to reform the abuses of the Government, it is utterly out of human power to have an honest administration or an honest government if this system of legislation to which I am referring shall become the established and recognized system of national legislation. It would not surprise me at all if we should find the Committee on Naval Affairs, to which the rules of the House have committed the duty of considering and reporting upon everything that pertains to the naval establishment of the country, seeking through its chairman and through the chairmen of its subcommittees—humbly seeking at the hands of the Committee on Appropriations an opportunity to offer the results of their deliberations and investigations as amendments to this bill.

The Committee on Naval Affairs, whether it has done its work well or ill I cannot say, has certainly prosecuted its inquiries with great industry, and has brought together a mass of information such as never has been presented to the country before in regard to the naval establishment, which has presented and will present in the end many volumes not only of interesting but of instructive testimony from the most honest and intelligent men in different parts of the country whose lives have been connected with the service—all this labor will have been wasted, if not lost, because the Committee on Appropriations assumes the right to take away the very basis upon which the Committee on Naval Affairs has predicated its labors.

If this policy shall be fastened upon the Government as an established rule of action, we may bid farewell forever to any chance or opportunity of making an honest administration of the Government. It does not matter whether it fall into the hands of republicans, democrats, or independents; no party and no people will be able to conduct the affairs of this Government independently or honestly, with a just and proper regard to its various interests, where such unlimited and unrestricted power is given to a single committee as has been given by our action in this case to the Committee on Appropriations. Should it be perpetuated, it will be a measure more fatal to honest legislation than any legacy ever bequeathed by the members of one Congress to the members of another. So much for the manner in which this subject is presented.

Let us look, then, at the question itself. The committee proposes to sell one, two, or three of the establishments which are known to the country as navy-yards. It is a mere chance that Charlestown or Pensacola or League Island or Mare Island are mentioned. These are designated, and we may, if we concur in the action of the committee, destroy them, simply because the gentlemen of the Committee on Appropriations happen to be from sections of the country which have no especial interest in these particular establishments. If I were upon the Committee on Appropriations, of course you understand that I would not propose a measure which would destroy the navy-yard at Charlestown. There would be no dishonesty, no impropriety in my acting in the view which I have expressed, because very naturally, being from that section and knowing its capacity, I should then think it most unwise, as I do now think it is most unwise, most injudicious, and even criminal, speaking of it as a measure of administrative policy, to destroy that and possibly some other navy-yards that are herein mentioned.

The gentleman from Texas, [Mr. REAGAN,] who has spoken so ably and with so much reason against the abolition of the navy-yard at Pensacola, could not be supposed to have been inclined, or to have consented under any circumstances whatever, to the destruction of that yard if he had been upon the Committee on Appropriations, simply because being from that section of the Republic he would have appreciated its importance, and for that reason would have been disinclined to consent to its destruction.

Therefore any of the recommendations which we have from that committee depend not so much upon the merits of the particular propositions that are presented as upon the accidental location and residence of the members of the committee. Of course I do not intend to criticise or condemn the action of its members in this respect any more than I would condemn my own action if I were a member of the committee and had stood by the navy-yard at Charlestown instead of proposing to abolish it, as it is now proposed to do.

This certainly is not a wise method or principle of legislative action. A matter of this kind ought not to be presented to us either as a matter of privilege or of chance, giving to the committee that proposes it authority to suspend all the rules of the House by a majority vote and insert within its provisions any subjects of legislation without limitation or restriction, provided only that it contains an argumentative or presumed reduction of expenditures, and to press them to a final determination in a few hours. In the case before the committee, four hours of the time allowed for general debate were last evening given to the discussion of matters entirely disconnected from the principles or measures embraced in the naval appropriation bill.

It ought not to be given to a committee to make these fundamental changes in the legislation of the country and in the administrative establishments of the Government under such advantages, and thus deprive us of the opportunity of a full and clear examination and discussion of them upon their merits. I do not make any criticism at all upon the committee; it does not enter into my mind to utter one word of censure upon the committee for what they have done. I only speak of the influence and effect of the position which they occupy in this regard and the new and perilous practice we have established in the legislation of the country.

Let us then revert to the immediate question before the committee. What is it? It is to sell two or three, and in the end it may be all the navy-yards now owned by the Government. It is true that the language of the bill proposes to restrict the Secretary of the Navy to an inquiry as to the expediency and best method of selling the yards named. But this presupposes the expediency or necessity of selling them. Its effect upon the country and upon foreign nations will be the same as an order to sell, and it might result in their sale without imposing either upon Congress or the Navy Department any proper responsibility for such an important step. And why, if there is to be an inquiry should it be limited to the establishments here named? Why should it not embrace all yards wherever located, and give to the commission authority to examine all and report those that could best be spared and those which it would be most beneficial for the Government to retain? Why should not the whole question be submitted to the Navy Department? Indeed this ought to be the instruction given to the Secretary, if we give him any instruction upon this subject. If we mean merely to instruct the Secretary of the Navy to inquire what naval establishments can be dispensed with, we ought to leave the whole matter to him or the commission he may appoint. The proposition should not embrace merely the navy-yards at Charlestown, Pensacola, and the Pacific coast. Let him have the whole matter. If there is to be any inquiry, let the whole subject go to this commission or to the Secretary of the Navy, who knows what sort of men to appoint in order to give this House at the next session the full opportunity to examine the whole question. Why should we, upon a pretense that we do not take any action at all, deprive the Secretary of the Navy effectually of the opportunity of considering whether one-half of the existing naval establishments are worth retaining or whether they are not? Why should we not open the whole field to him? I trust that if this committee should do anything on this question it will, when it comes to that point, give unlimited instructions to the Secretary of the Navy to inquire whether any one or all of these establishments should be abolished. At present the proposition is in fact and effect an order to sell certain yards specifically named, reserving an inquiry only as to the best method of making the sale. This ought not to be, and I hope will not be, done.

Now what is it that we propose to do? To sell land. If the Government were an individual sixty or seventy years of age, likely to die in three or five months or years, and having heirs among whom its property was to be distributed, or intending to give it to some charitable institution, then it might be very well to settle up affairs in this way, to convert the lands into bonds or money, and put the proceeds where they would do the most good. But, sir, the Government is not in this condition. This Government is here, not for months or years, but for centuries. It is here for a thousand years. Why should it sell its land? Why should it sell the best position in Boston harbor? Why should it sell the military and naval position it owns at Pensacola? Why, above all, should it sell that position on the Pacific coast where after scientific deliberation and investigation it has planted its naval establishment? What is to be gained by it?

Sir, what member of the committee is able to tell us what will be the necessities of the Government in five years or ten years or twenty-five years at any one of these points? There are on the borders of the Pacific Ocean 500,000,000 people, a power whose ultimate development and destiny is beyond the comprehension of man. Nobody knows what it is to be in the future. Nobody knows what effect it will have upon this country. Why should we tie up our hands at the suggestion of the Secretary of the Navy or a commission appointed by him and deprive ourselves of the key-points upon the Pacific coast which ultimately are to confront and control the movements of that part of the world, the most populous of all portions of the globe, embracing in fact half its entire population? Who can tell us what will be the ultimate effect of the sale of the land which the Government now owns and has appropriated to the natural defenses of the Pacific coast?

Mr. Chairman, (Mr. CLYMER in the chair,) you are a wise man, of large experience, having known something of the course of local as well as general administration. Did you ever know a university, for example, or a charitable corporation having a little apparently unimportant land given to it by benevolent persons for benevolent purposes, that being spurred on by thoughtless and unreflecting men into parting with it as soon as it got it upon the supposition that it was good for nothing and that the institution did not need it—did you ever know one such institution that did not find after twenty-five or fifty or one hundred years that the whole of its influence or its very existence was dependent upon getting back that land or its equivalent in money, if it could? Look at Harvard University; look at any university, or any other institution of learning or charity, that has parted with its lands in that way, and see what the effect has been. We are acting here just as if we were a community that had not more than ten or fifteen years' lease of life given to it, and that it was, therefore, necessary to close up its affairs. But it is not so. We are acting for a people that are to endure a thousand years, for many thousand years it may be; and every step that we take in regard to parting with these key-positions of the continent may be fatal to our people and our country hereafter. Sir, it is a crime that I trust we shall not commit.

We come, then, to the Charlestown navy-yard, now embraced within the new limits of the city of Boston. There was a time when the city of Boston might have been benefited by the sale of this land, but it is not now. Boston originally had six hundred acres of land—no more for a hundred years; and I do not know how much longer it occupied but six hundred acres of land; and until within four or five years past it never covered more than three thousand acres of land. It has reclaimed more than two thousand acres from the sea. Boston is a city set upon sticks. Men have gone out into the deep water, driven their piles, and brought in their filling, and made the land. It is their creation. It has cost millions and tens of millions of dollars to furnish a foundation for the city of Boston and to make it what it is, a city of which this country ought to be proud, a city which in any aspect, whether you consider its social influence, its intellectual character, the advantages of its location, the beauty of its architecture, its beneficent influence upon education, art, society, and government, its contributions to commerce, manufactures, and the mechanic arts, its part in the creation of the great arteries of transportation and communication by sea and land, its sacrifices for universal liberty, and its general industry and prosperity, is unsurpassed by any city on the face of the earth. These people have reclaimed the city they occupy from the deep sea. From six hundred acres of land they have made it, in point of intellectual, æsthetic, and moral influence, one of the noblest cities of the globe.

Now, sir, a navy-yard long ago was planted on the other side of the bay opposite the city of Boston. It is high land; Bunker Hill overtops the tri-mountain city. It is planted upon deep water; no dredging or piling there. It is the best part of Boston harbor. There is no commercial or naval position which can rival or surpass the advantages which commercial or naval vessels enjoy at the Charlestown navy-yard.

If Boston could have planted itself on that side of the harbor instead of the three mountains it now occupies, it would long ago have embraced millions of acres within its jurisdiction without disturbing the surface or soundings of the deep sea. But fortune decided otherwise. The Government in the end came to occupy that advantageous position which Boston had so long coveted. It was obtained at a very reasonable cost. It has served a good purpose. No discredit attaches to the location or its institutions. The adjacent and surrounding communities have grown up with it and adapted themselves to it. They have prospered together. They are all necessary to the Government and the prosperity of the people. Why should the Government now separate them? Why should Boston, that has been compelled to recover from the deep sea the very land upon which she stands, be deprived of the local and general advantages it has so long enjoyed from her intimate and honorable connections with the Government, in peace and war, at that point for more than three-fourths of a century? Why should we sell this land? Are we to make any money by it? When we sell land we do not get the money that we pay when we buy it. If the Government sells the navy-yard at the city of Boston within twenty-five years it will pay a million dollars for other lands for every thousand it receives for this land. Is there to be no navy-yard on the New England coast? Is there any better position elsewhere? Why, then, should we sell them to buy again? What is to be gained by it and who advises it?

There are eighty acres now occupied there for the various purposes of a naval establishment. It costs the Government nothing as a property; it costs the prosperous and busy communities nothing by which it is surrounded; it is no expense to anybody. Taxes are of no account and the interest upon the money the land is worth is of no account, because neither taxes nor interest run against the Government. If sold it will only take the place of other lands upon which interest and taxes are now paid, and neither the State nor the General Government will be richer or stronger for the change; and after ten or twenty years the Government will buy it back, or some other land, and pay a million dollars for every thousand it gets if it sells it now. Just so it is with Pensacola and just so it is with the station on the Pacific coast. Even taking League Island at the reputation it bears here with those most opposed to it, admitting that it is half under water, if the Government has got it and owns it the Government had better keep it. If the city of Philadelphia had looked to its own interest and regarded less the interest and the welfare of the Government it never would have allowed League Island to pass out of its jurisdiction. Although I never set eyes upon it and know nothing about it but what has been said here, I know that, if it is land near the city of Philadelphia and the Government owns it, it is good property, and the day the Government sells it they will that day and that hour begin to wish they could buy it back again. So with every one of these places. They were chosen by wise men. They were not mere territorial purchases for local and temporary objects. They were chosen by wise men who knew the principles upon which the Government must be defended. They were selected as the key-points of the continent for this purpose.

Now it is proposed to this committee and House to sell them. Why do you sell them now? Who is selling landed property now? In the country where I live, among industrious and frugal mechanics, a man who bought a house five years ago for $1,000 and has a mortgage for $500 on it, if he should sell it for the best he could get and pay the mortgage he would find that he had lost his property and was saddled with a debt a hundred dollars or more besides. It is so everywhere. Real estate sells for less than half its former value. Is this, then, a time for us to go into the market with acres of land, most valuable for defense and for business, and force it upon an unwilling people, who have no disposition to buy and nothing to pay with?

Then in regard to the yard at Charlestown or Boston. Let me ask you who owns it? The Government of the United States, for the purpose of a navy-yard; but it is the general belief among the people best acquainted with it that some portion of the land at least was sold or given to the Government specifically for a navy-yard, and that this portion, whatever it may be, would revert to heirs who are said not to be in this country, and who may have already parted with their reversionary interest to those who may be among those urging the Government to sell. I have made diligent inquiry on this subject within the last few hours, since it was brought up here, but have not been able to find any proof of this allegation. But it is the general belief of the people of Charlestown. The counsel of the Government admitted it in the hearing concerning the East Boston bridge. I know perfectly well it is their belief that there are heirs living in England who have a reversionary interest in this land, if it be abandoned for the purpose of a navy-yard. Are gentlemen ready to sell this land under such circumstances for probably less than a third of its value?

Admitting all that is said by the honorable gentlemen who presented this question to the committee as to the excessive debts, the gigantic taxes, and the doubtful future of the country—admitting all, confessing that our condition is even worse than they have stated, as I believe it to be—admitting all that, is there no remedy but the sale of the public property, and especially the landed property, these key-points of the continent, essential to the defense of the country as well as to the maintenance of its commerce? No, sir; there are other means for the recuperation of the industry and the restoration of the prosperity and the revival of the ancient integrity which distinguished our people and its Government. And one of these means, ay, Mr. Chairman, the only one—there is no other and there never will be any other—is to bring every subject of legislation regularly and in order before the House, that it may be examined before it is acted upon, that we may know in advance when it is to be considered, that we may enjoy a reasonable opportunity to study the reports of the committee presenting it, and one after the other move upon these

questions and dispose of them understandingly, honestly, and consistently with the interests of the country. That is the best and only method of recuperation, so far as legislation is concerned; and if the honorable gentlemen who have undertaken the management of the affairs of this House, and, so far as this House is concerned, of the Government itself, will adopt this method of legislation they will give a joy to the people that they have not known for many a year. But if you seek to restore their prosperity and to revive their exhausted energies by the forced and unrequited sale of the key-points of the continent, the land we have obtained for the defense of our commerce and our honor, to those who do not want it and have nothing to pay for it, to buy again when it is gone a larger territory at a higher price, then, sir, we shall be disappointed in the result and the people will have reason to withdraw the confidence they have bestowed upon us.

So much, sir, for that. Now what is all this for? Yes, sir; what is it all about? Well, I do not know. But here [turning to page 3 of the bill] is a suspicious and dark-looking low-decked schooner, with rakish masts and narrow beams, as if built for speed rather than strength, her prow directed toward "a naval rendezvous" at Tybee Island or at Cockspur Island, in the State of Georgia, "a naval rendezvous" that at present at least has no existence. Now, sir, is there any necessity for establishing this "naval rendezvous" in the State of Georgia? If we are so destitute and desperate that we must sell the Pacific coast, Bunker Hill, the defensive positions of the Gulf of Mexico, and every prominent point in the country heretofore identified with greater men and greater events even than those with whom we have been associated; if there is any imperative and immediate necessityfor the "naval rendezvous" in the neighborhood of Tybee and Cockspur Islands in order that this suspicious craft that I thought I saw in the offing silently and even stealthily moving in the direction of the State of Georgia may find it, could we not wait a little? Is it possible that the gentleman from Georgia, [Mr. BLOUNT,] who presents this bill, has no other conception in regard to it than that it is to lead to a new "naval rendezvous" in the State of Georgia?

They may say it is only "a rendezvous!" What is a rendezvous? It is a place where there is a general meeting for general and well-understood purposes; and if League Island, which the gentleman from Pennsylvania says has the incomparable advantage of being half under water—if League Island is an advantage to the country that requires an appropriation of forty or fifty million dollars hereafter, what security have we that this "rendezvous" at Cockspur, or Tybee Islands, in the State of Georgia, may not cost the Government in the next twenty-five years forty or fifty million dollars more? Will the honorable gentleman from Georgia, [Mr. BLOUNT,] who reported this bill, give us a guarantee, backed by his unquestioned responsibility, that the Government shall be put to no cost by this? Why, sir, should we be required to strike down Bunker Hill, to sell it to the enemy it may possibly be, in order to establish such a rendezvous at Cockspur, or Tybee Islands, in the State of Georgia?

There was a man named John Adams, a citizen of Massachusetts, associated as Vice-President with George Washington, and the second President of the United States. It is to Mr. Adams we owe the foundation of our Navy. There were among public men in this country in his time, as now, many who did not greatly admire a naval system, and did not much encourage the foundation of a naval establishment, for very good reasons, no doubt. But Mr. Adams, having fixed his resolute and determined mind upon the idea of a naval establishment, had the strength to bring Congress and the people of the country to support it; and one of the earliest naval stations was fixed at Charlestown, in the State of Massachusetts, now a prosperous and flourishing part of the city of Boston.

Why did they take Charlestown for one of the first navy-yards? Because, sir, it was in a section of country where the people first gave their attention to the sea. In the State-house at Boston, in the house of representatives, a house unlike this, where the natural light and air of heaven sometimes enter, where the sentiments of the people are well and truly represented, just in front of the speaker, as if waiting an opportunity to do that which we all most diligently seek to do—to catch the Speaker's eye at important moments—there hangs, swimming in air, the well-mounted effigy of a gigantic codfish, suggesting the origin and giving a typical representation of what is called there "the codfish aristocracy." It is kept constantly in the eye of legislators to admonish them that they owe their prosperity, their liberty, and their honor to the codfish and the deep-sea fisheries. It was no vulgar origin; there is many an aristocrat in this and other countries who has not as respectable an ancestry as that. The codfish was the original source not only of their means of sustenance but the basis of the industry and commerce of that portion of the country in its early settlement and ultimately in no inconsiderable measure of the whole country.

In the ancient and honorable town of Medford, of the district which I represent, and but two or three miles from Charlestown, was launched one of the first vessels built on this continent. The Dutch people in New York and the southern people in Virginia built other vessels about the same time, it may be a little earlier or a little later. But certainly one of the earliest and best vessels built on the Atlantic coast was constructed by the colonists at Medford in 1630 or 1631, and named, with religious ceremonies and with the prayers of the people, "The Blessing of the Bay." It was the blessing of the bay. It brought them sustenance and kept them alive. Little by little they grew so as to be able to chase and capture a nobler game. They followed the whale into Hudson Bay and the northern oceans. Their chivalrous and triumphant chase of this gigantic game of the sea drew from Edmund Burke that most remarkable and eloquent meed of praise which he bestowed upon the people of New England for the success of their whaling industry.

A little later the vessels that had been built upon the Atlantic coast found their way into the Indian Ocean, and carried the manufactures of Massachusetts into the crowded empires of the East, where by their superiority they drove the English manufactures out of the eastern markets. They owed to that little vessel built at Medford, in the neighborhood of the navy-yard at Charlestown—that little vessel which they reverently and wisely called The Blessing of the Bay—all their prosperity and power. It was the offspring of that vessel that forced upon the world American cottons, and which in turn gave to the cotton States a market for their staple product. We put more of the raw material, which was abundant, into the product of our looms than English manufacturers could give, and it secured for us the markets so essential to our manufacturing industry and to the increase of the cotton crop. It was "The Blessing of the Bay" that did it.

At a later period it was the means of establishing the ice trade, taking an article which nobody believed could ever be of any value whatever, and making it as well the basis of an extended and prosperous commerce and a source of revenue to the State and a blessing to all nations. William Gray, Theodore Lyman, Frederick Tudor, and other merchants, who were the precursors of Francis Lowell and the mechanics associated with him in the organization of the American system of manufactures, must forever be numbered among the founders of the commercial and industrial prosperity of the country. It was no doubt in part for these reasons, as well as on account of the advantages of its situation, that John Adams and the patriots of that day selected Charlestown, in the vicinage of Boston, as the site of one of the earliest of our navy-yards. It had the best water; it was upon high and rising ground; it was in the midst of a prosperous and industrious people; they found there the best shipwrights in the world and the best sailors that ever plowed the sea.

The first Napoleon paid only a just compliment to New England sailors when he said that while Frenchmen were the best soldiers that ever stood upon the land, the Americans were the best sailors that ever floated upon the sea. The sailors of Marblehead, who are represented by my friend here of the Gloucester district, [Mr. THOMPSON,] gave chase to British cruisers and captured them in the very mouth of the British Channel.

The mechanics of the navy-yard at Charlestown built the Constitution and the Guerriere and the thirty or forty vessels which carried our flag triumphantly over every sea during the great struggle with Great Britain, a struggle that no infant state like ours ever before made with such success against a power that had never before been measured and conquered, a State which Mr. Webster correctly and truly described when he said that "it was a power to which Rome in the days of her glory was unequal, whose morning-drum beat, following the sun, and keeping company with the hours, encircled the earth daily with one continuous strain of the martial airs of England."

The mechanics of that neighborhood built the Constitution and the Guerriere and the other majestic floating batteries that humbled the power of Great Britain upon the sea. They were built by mechanics who were residents, rulers, and defenders of the little communities of the Atlantic coast ranging all the way from Maine to New York, and farther south, if you please, to Virginia and the Carolinas and Georgia. It was for such reasons that Charlestown had been selected and is yet maintained as the site of one of the best navy-yards to be found in any part of the world.

Now, what has Charlestown done that she should be deprived of the memento left of those glorious days and great men? Look at her history. It might be deemed perhaps invidious to recall even the names of its citizens who were among the chief figures in the moving panorama of the world during the hundred years just closed. There were Lexington, Concord, and Charlestown within a circle whose radius is less than five miles. Lexington, Concord, and Bunker Hill! Who can forget them? Who can cease to remember what we owe to the men whose patriotism and prowess have led to the glories which we now enjoy in common with the rest of the world?

Shall we strip Bunker Hill of that establishment which was intended as a memento and monument of earlier enterprise and success and the instrument of later if not greater achievements? Shall we deprive Lexington and Concord of this honorable recognition of past services which the Government of the United States gave to this section three-quarters of a century ago because it deserved it and could best use it? I think this committee will scarcely do that. No, sir; let Bunker Hill stand; let her try her chances and test her destiny, whatever it may be, in the century that is to come. Let her contemplate what she has been and what she is, and not be made to hang her head with shame when she remembers that an American House of Representatives, the first parliamentary assembly in the world, has deprived her of the recognition of patriotic services and the chaplet of honor that our fathers accorded her. Let those now engaged in labor for their bread and that of their children for weary hours at stinted pay bear constantly in sight the flag which floats above them, a perpetual reminder of the glories of the past and the hopes of the future; of the virtues of their fathers and their mothers; for there were then mothers as well as fathers of the country.

I am sure I need not ask the committee to consider well what will be the effect of any such action as this. Sir, my heart would pour itself out in tears if I believed that while I was a member of this House its honorable Speaker would ever be called upon to append his name to a bill which should be a chart of dishonor for Bunker Hill; and for what? For a few dollars in irredeemable currency as a compensation for land improvidently sold, which no man can say will be worth twenty-five cents on the dollar five or ten years hence. [Laughter.]

Mr. Chairman, you may think this is a mere expression of local or personal feeling; that my sincerity and warmth are not natural and sincere. But it is an error. Sir, in the twenty years I have been off and on a member of this House, I have often spoken in moments of great excitement when strong appeals were made. I have seen incidents and events that were calculated to blanche with fear the cheeks of the boldest and bravest men. I have been called to speak honest words, sometimes of denunciation, sometimes of argument, sometimes of appeal. But never in any moment did I speak upon a subject or an occasion that more closely touched the inner recesses of my heart than now, when I appeal to the committee for the honor of Bunker Hill, Lexington, and Concord, identified with the best days and the best men and the greatest events of our history or the history of the world. I speak not merely for the people of the New England villages, a few hundred men and women, but the people all around, the descendants of the "embattled farmers" who with their muskets upon their shoulders stepped into the line of action and of duty. For these people I appeal to this committee to let Bunker Hill stand; or if there be an occasion for its dishonor, let us take another occasion than the centennial year 1876 to do that deed or discharge that duty. [Earnest and long-continued applause.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, after the eloquent appeal made by the distinguished gentleman from the Charlestown district, [Mr. BANKS,] it may perhaps seem useless for me to attempt to say anything upon the subject which has been presented to the House in the three propositions which are before us. Yet, Mr. Chairman, I propose to say a few words in order that I may lay before the House some facts which it should consider in disposing of the proposition to sell the Charlestown navy-yard.

This yard in the bill of the Committee on Appropriations is proposed to be disposed of. The Committee on Naval Affairs have presented a proposition to keep in active general use the navy-yards at Kittery, Charlestown, Brooklyn, and Norfolk; to use the navy-yards at Pensacola and Mare Island for general purposes of repair; and to recede the navy-yards at New London and League Island. But the gentleman from New York, [Mr. WILLIS,] who addressed the committee to-day, proposes another and a different disposition of the navy-yards. He proposes to sell the Charlestown yard, to close those at Kittery and Pensacola, and to have only two navy-yards in the country: one at Brooklyn, near his own home, and the other on the Pacific coast. Here are three propositions; and all three of these propositions have sprung into existence within the last few days, for I maintain upon this floor that, so far as the Naval Committee have had anything to do with this subject, these propositions have never been heard of within the doors of the committee-room for discussion or deliberation until within the past three days. In all our peregrinations over the land no testimony has been taken by any committee or any member of it in my hearing upon the subject of selling any navy-yard in this country.

Now, Mr. Chairman, I am a resident of Massachusetts—not, however, particularly interested in the Charlestown navy-yard. I live south of Boston; and I believe that within the last two years there have been but three persons at work in the Charlestown navy-yard from the district which I represent. I have therefore no particular interest in that yard; and notwithstanding the remarks of my colleague who has just taken his seat, I am inclined to the opinion that the interests of Boston do not particularly require that that navy-yard should be preserved. I am not sure that the commercial interests and the wealth of Boston would not be subserved by converting that navy-yard into sites for other kinds of business. It has a grand water-front; it is in the center of that city; it has many advantages for commercial purposes. Therefore, when I speak upon this subject, I am not speaking either from personal interest or from what I deem to be the monetary interests of the community within which that navy-yard is situated. But, sir, I speak of this as a navy-yard which in the past has rendered incalculable service. My eloquent friend has told you of the ships of former times built at that yard and which have reflected honor upon the State and the country; and I may, without giving offense I believe to any man, point to the ships built in that yard within the last fifteen years which made their mark and told in the interests of their country. The navy-yard at Charlestown during the late rebellion was active in all its departments in bringing forth iron-clads and wooden ships of all classes. Thousands of men were successfully employed in that yard during that unhappy period. That this navy-yard during that time—and the object of these remarks is to lay before the House the facilities and advantages which that yard now has, and to present if I can some of the reasons why it should not be sold or destroyed—that this navy-yard during that period was useful to the country no man will deny.

What have we gathered there? What have the people of the United States put in that yard which for naval purposes may hereafter be useful? The only great cordage establishment which the United States Government owns is in the navy-yard at Boston. That establishment for the manufacture of cordage of all kinds and every size is equal to any in the country to-day; and I suppose I might say without vanity that it is superior to almost any in the country. It is ready to start its machinery to-morrow and produce cordage of the first class. My friend from New York [Mr. WILLIS] may point to his navy-yard, over which he rejoices, and may fail to find elsewhere anything like it.

Mr. WILLIS. I wish to correct the gentleman. He refers to the Brooklyn navy-yard as belonging to "the gentleman from New York." That is a great mistake. If the interests of the country could be subserved by the sale of that yard I would cheerfully vote for it.

Mr. HARRIS, of Massachusetts. From the manner of my friend's speech, I ought to be excused for the error.

Furthermore the navy-yard at Charlestown possesses a rolling-mill capable of converting scrap-iron of all kinds into every description of rolled iron used in the Navy, with the exception perhaps of the large armor iron used on iron-clads. It possesses a forging-shop of great dimensions and capacity. This, I think, is not common to all the yards. In the late visit of the committee to that yard we were told by engineers and men familiar with the subject that the yard had the machinery and all the facilities for constructing in every part the largest steam-engines which could be put into any ship of war. In passing through that machine-shop and examining the machinery there, I was of opinion that those who claimed it to be the finest machine-shop in this country were not in error. In the large machine-shops of Charlestown are to be found the most perfect and the largest engines for working iron that can be found in any machine-shop belonging to the Government of the United States. What else is there at that yard? Vast accumulations of timber of all kinds stored in wooden and stone buildings, large docks, wet docks, filled with the timber which the Government has seen fit (in its wisdom, I think) to accumulate and to store up for future needs.

Mr. Chairman, destroy that navy-yard at Charlestown; offer it for sale, as my friend from New York suggests, because it is in a large city, and the land will bring a good price, and then undertake to remove the material which that navy-yard contains. In the first month of your operations you will lose by the destruction of property more than the whole price the navy-yard would bring. We have witnessed such destruction at the Philadelphia navy-yard; we have seen what came of destroying one navy-yard; and, so far as I am concerned, I hope never to witness the destruction which will follow the removal of another.

Mr. Chairman, the navy-yard at Charlestown includes within its limits to-day a vast amount of wealth. The dry-dock of granite, equal to that in the New York yard—commenced in the days of John Quincy Adams and finished in the days of Andrew Jackson—would cost to-day hundreds of thousands of dollars to construct. It is in perfect condition, ready and able to receive the largest ship that floats. The proposition is to sell it; why I do not know. Whence the proposition emanates I scarcely know.

Mr. Chairman, these navy-yards were not made for times of peace. These great accumulations of wealth and material and power were not gathered together for times of peace. They were put there in order that this country might be able in time of war to meet any enemy it might have to contend with upon the sea. League Island to-day is not in condition to receive and copper a ship of fifty tons. There is, to be sure, an immense wooden dry-dock near the navy-yard there; but it is not now in condition for service, and nobody will pretend that it is. There is a ship-house, lately removed from the Philadelphia navy-yard, standing upon piles seven feet above the ground, and which never can be used until there shall be placed under it a stone foundation and the piles removed. The navy-yard at New York, great as that yard is, is to-day a hospital for old hulks unworthy to float upon the sea. It is in no better condition this hour to meet the requirements of war than the navy-yard at Boston.

My friend from New York [Mr. WILLIS] has discussed the question of the Navy, and I will say the remarks the gentleman from Pennsylvania [Mr. KELLEY] made this evening were correct as to the acquaintance of gentlemen with naval affairs. Why, so far as I am concerned, I was placed on that committee I never learned, and the profundity of the ignorance of the gentleman from New York in respect to naval affairs is only excelled by my own. He has given no reasons why the navy-yard at Charlestown should be sold. He has told us why the navy-yard at New York should be preserved, that it is in the center of a great city, while he speaks of other cities in which navy-yards are situated as little country villages. Boston is a little country village and yet the navy-yard there is equal to that of New York. He proposes to sell it and yet the Brooklyn navy-yard is the only one he has ever visited, on his own confession.

While the little village of Boston does not compare with the great city of New York, still I think the gentleman from New York may learn a little about naval affairs if he will spend a few hours in the Charlestown navy-yard; something about the demands of the Government and something about the building of ships of war. He may understand something, too, of what it is to accumulate vast amounts of property and have it ready and in condition for use at any moment.

Now, I care nothing personally on the subject of the Charlestown navy-yard. I have no personal interest in it. I do not believe the

people of my State are particularly benefited by it. I do say if there is a community in the country, with the exception of that in and around the city of New York, capable from experience, capable from habit, successfully to perform labor and do work in a navy-yard, that community is within twenty miles of the city of Boston including the city in its limits. Where will you find better skilled mechanics in the construction of machinery than there? Where will you find men better acquainted with the construction of ships than there, or even all the way from the British possessions down to Cape Cod? A large portion of the people residing on the southeastern coast of Massachusetts between Boston and Cape Cod are learned and skilled in the art of ship-building.

Mr. Chairman, there is one subject to which I desire to call the attention of this House, and in that I think I shall agree with the gentleman from New York. He remarked that our navy-yards are silent, that our machinery is still, that we are doing nothing. Yes, granted; and yet we are keeping by our contract system some great private establishment of the country employed in the manufacture of steam-engines, iron plating, and in building and repairing hulls for the Navy of the United States. It is a system pernicious, wasteful, and extravagant. We have had occasion lately to know by our examination that the Charlestown navy-yard has been called upon to furnish to private contractors the timber from its ship-houses and iron and copper from its store-houses, and that a ship of war was being built within sight of the navy-yard under private contract, while the skilled mechanics, the skilled workmen which the United States should keep in its employ were idle or seeking other employment.

Give the navy-yards the legitimate work which belongs to the construction of our Navy, and you have navy-yards enough in the country to do the work. Their capacity is not what it should be. They should be building two ships of war in every navy-yard of the United States to-day, and we should keep on building them. We should keep in full repair all other ships worthy of going to sea. To do that requires more than the New York navy-yard. A little help might be rendered by Boston and Pensacola and a great deal by Norfolk and Mare Island navy-yards.

I hope, Mr. Chairman, this proposition will not meet with any favor in the House, and that the navy-yards, if they are to be sold and disposed of, will be sold and disposed of after some deliberation, after some investigation by competent men. I hope this proposition will not be forced through the House of Representatives upon a bill which came into existence within one week from the time when it is to be finally passed upon by the Representatives of the people.

PROTECTION OF AMERICAN LABOR.

Mr. WALLACE, of Pennsylvania. Mr. Chairman, that the manufacturing interests of the country are fearfuly depressed; that a large percentage of our furnaces and mills and factories and workshops are silent and still, and that a million and more of laborers, many of whom are skilled workmen, are without employment and know not where to get bread for themselves and families, are facts admitted and recognized by gentlemen on both sides of this House. That the people are looking toward and expecting Congress, if possible, to do something to revive the business of the country, restore confidence, and relieve the pressing wants of the people, are also admitted facts. The remedy for all those ills, so far proposed, is a dose of finance, and the amount to be administered ranges from an inflated bolus commensurate with the powers of deglutition, down to an infinitesimal pellet of contraction. After careful and attentive consideration of the many and conflicting prescriptions suggested, each claiming to be an infallible panacea, I am forced to the conclusion that the case is not well understood.

Lord Brougham, when interrogated as to what he understood by the Schleswig-Holstein question answered, that there were but two men who ever comprehended that subject; one man knew and had told him, but that the man who knew had died, and he had forgotten what the man had told him. Now, sir, it does appear to me that the man who understood this finance question practically, and who fully comprehended the situation of the country and who knew how by direct legislation on the finance question to revive the industrial interests of the land, to relieve the pressing wants of the laboring-men, and restore confidence among the people, died some time ago and forgot to tell any man how it was to be done.

It is an easy matter to construct plausible and high-sounding theories of finance, and every man in Congress and out of it has one; but when you come to apply those theories practically, to meet the present condition of affairs, difficulties confront you at every step. The proposition to issue an indefinite amount of greenbacks sufficient, it is asked, to meet the business wants of the country, is a proposition of great latitude and should be accepted with much caution. An essential element in a sound currency is stability of value, and a currency which rests solely upon credit, and which is but a promise to pay without ability to fulfill the promise, must necessarily fluctuate in value, and being unstable itself, must in a greater or less degree unsettle all values and render uncertain and insecure all kinds of business; and the larger the inflation the greater the fluctuation, and the greater the liability to business derangements.

I would be glad to see the time come when what we call a dollar would mean a dollar, and not a promise to pay, and am in favor of a return to a specie basis at the earliest day that is practicable and possible, but am opposed to a forced resumption, which would in my judgment be impossible to maintain, and which would certainly bring distress and ruin upon the industries of the whole country. More than one year has elapsed since the bill was passed fixing the time for resumption, and I would ask gentlemen upon this floor what progress and preparation have we made to meet the requirements of such an exigency? The prospects for resumption on the 1st of January, 1879, are more unfavorable to-day than they were one year ago. The amount of coin in the Treasury of the United States to-day available for that purpose is a mere nominal sum. Many of the advocates of that bill, as well as the Secretary of the Treasury, tacitly admit that their expectations have not been realized and that the act fixing the time for specie resumption was a mistake. Then if we cannot resume by the time fixed, why allow this resumption act to remain suspended over the heads of the manufacturing and business men of the country like the sword over the head of Damocles, threatening and ready to fall at any moment? I am clearly of the opinion that we ought to repeal the clause of that act fixing the time for resumption, and I am well convinced that a large majority of this House are of the same opinion. If by our legislation we have not been able to retain in our country the gold taken from our mines, how can we expect to retain the foreign gold which we purpose to purchase with our bonds? It cannot be done.

With our large indebtedness abroad, requiring so large an amount of gold to pay the interest on our bonds; with the balance of trade against us, averaging over $100,000,000 annually, it is utterly impossible to resume specie payment with this condition of affairs existing, either on the 1st of January, 1879, or at any other time.

To relieve the manufacturing and industrial interests of the country, and to restore confidence and prosperity to the people, I propose three things:

First, repeal the clause fixing the time for resumption, and thus relieve the manufacturers of the impending dread of the results of a forced resumption, and then let the currency question alone, and allow the laws of trade and commerce to regulate the time when specie resumption can be maintained without too severe a shock upon the business of the country.

Second, prohibit banks from paying interest on deposits and enforce and increase the penalties for charging illegal rates. Banks pay 6 per cent. on deposits, and consequently have to discount at rates of 12 and 14 per cent. No manufacturing or other business can be conducted successfully and pay such extortionate rates for money.

Third, instead of reducing our present rates of tariff duties, as proposed by the bill now reported to the House and gotten up in the interests of British manufacturers and free-traders and importers of foreign goods into our country, I would increase the duties upon all products and manufactures which we can produce and manufacture at home. The time has come when we must direct our attention more to the interest and welfare of the many, the laboring class of society, and not so much to the few, the money-changers and importers of foreign fabrics and the stock-jobbers of Wall street. Labor constitutes the wealth of a nation, and, therefore, should receive that careful and earnest consideration of the law-making power of a nation which its importance demands. When you sum up this question of finance, which so troubles, distracts, and befogs the minds of the people, it resolves itself into simply the measures affecting the labor of the country, and the question of labor means the question of protection to American industries.

Is it not a wise policy for every nation to protect her own industries? A nation to become great must become independent, and to become independent must rely mainly, if not solely, upon her own internal resources. Not only her independence, but her civilization, depends upon the development of the resources within her own territory.

It has been said that the amount of coal consumed by a nation, being given, affords a fair measure by which to judge of her civilization, for the reason that coal is the chief aliment of manufacturing industries, and the amount consumed represents the development of the manufacturing interests of the people, upon which the wealth, the prosperity, the greatness, the grandeur, and the independence of a nation depend. No society homogeneous in character, with homogeneity of labor, ever has achieved or ever can achieve national greatness or national distinction. Extent and variety of manufactures develop trade and commerce and create a steady and reliable home market for the products of the soil, so that all departments of industry are benefited and the people contented and prosperous; and with prosperity and accumulation of wealth, the fine arts, literature, and science find encouragement; so that just in proportion to the differentiation of labor does society more and more perfect its organization and the people rise higher and higher in the scale of civilization. Great Britain, under the fostering care and high protective policy of her government, built up and extended and diversified her manufacturing interests till her labor-saving machinery became so varied, so immense, and complete that she aspired to the proud preeminence of making her workshops the workshops of the world, her consumption of coal being so far in excess of any other nation on the globe that to-day she claims to stand first in rank among the civilized nations of the world.

If, then, the consumption of coal by a nation be a measure of its actual civilization, then the coal area of a nation ought to be a measure of its potential civilization. The United States, having a larger coal area than the world besides, under wise and comprehensive legislation ought to march to the front and take the first place in the

rank of civilized nations. In extent and variety of minerals, in magnitude of national domain, in fertility of soil and its adaptation to the growth of almost every variety of products, in saluority of climate, and in external and internal facilities for commerce we stand without a peer among the nations of the earth.

In my judgment this question of protection to American labor is the great question before the American people to-day. It rests on the unquestioned principle inherent in nations as well as in individuals, the right of self-preservation. It is upon this principle that Congress, the law-making power of the United States, has the right to make and enforce tariff laws. I never understood by what principle of right and justice one nation could impose and collect duties upon the importation of products and manufactures of another nation for the purpose of raising revenue to meet the expenses of the state; but when imposed to protect its own industries the principle becomes plain and intelligible and the question of revenue becomes incidental. In this country, where we have a large public domain and which is accessible to every one, men will not toil from morning to night for a mere subsistence, and should not, for that can be obtained by the culture of a few acres of land with much less labor. Besides, it should not be the policy of this great and free Government to impoverish the laboring class of society. The mechanic and laborer should receive fair and remunerative wages, so that they may be able to surround themselves with many of the comforts of life and to educate their children, so as to fit them for the better discharge of the high and responsible duties incumbent upon them as citizens of the United States.

I do not accept the constabulary idea of government, that it is but a police arrangement for the punishment of offenders of the law and the enforcement of contracts. These are but the lower functions of government. The end of government is the good of the people, and that government is best administered when the greatest good is done to the greatest number. Ours is pre-eminently a government of the people, for the people, and by the people. Wise legislation should and will look to the welfare of the whole, and not to the particular interests of a few, and whenever legislation departs from this sound principle of public policy the state becomes weakened. Each and every citizen should feel that his interests and happiness are as well cared for as can possibly be done, having a proper regard for the general welfare of the whole. Feeling that he has this care and consideration bestowed upon him, he manifests a just pride in his government and becomes strongly attached to its interests and perpetuity, and the state thereby becomes strong in all its parts. Whenever a government fails to throw her protecting care over any class of her citizens and allows them to suffer hardships that might be relieved, she thereby alienates that class from herself and becomes weaker just in proportion to the numbers and to the extent of the alienation.

With cheap money and cheap labor of the Old World the European manufacturer can bring his wares and fabrics to our very doors and undersell us at home, putting out the fires of our own workshops, impoverishing our own laborers and mechanics, and diminishing the wealth of the nation. We have to-day in our country one million and a half of men out of employment, and a large proportion of them skilled laborers, who ought and could each earn at least one dollar per day, so that one million and a half of dollars are daily lost to the country. To remedy this seems to me to be the great financial problem to be solved.

The only way to accomplish this object is to direct our legislation to the promotion of the general welfare of the country by the development and the protection of our own industries, or, in other words, we must make and sell more and buy less. The people understand this question better than we do, and are determined to be heard on this matter, and woe be to that party which places itself in antagonism to this great and momentous question of American policy. I am glad to find that the press all over the land are discussing this question with much interest. The Chicago Inter-Ocean, one of the ablest conducted papers in the country, speaking on this subject a few days ago, says:

> The people of every section and every party must soon be convinced that relief to the finances of this country can come only through the development of every form of productive resources. Precisely to the extent that the national policy has departed from that rule and substituted discouragements and antagonisms for that generous recognition and ample protection which every nation owes to the industries and business of its people, has the course of things gone wrong. In 1872 Congress found the country so prosperous that it gave away the revenues with a free and almost destructive hand. It abolished import duties yielding thirty millions of revenue, and it gave relief, or intended to give relief, to many rates of duty supposed to be oppressive to the people here who consumed imported goods. The purpose was good, but the act was bad; the relief came chiefly to the producers in foreign countries who had no other market equal to our own. The following statement shows that the imports free of duty have risen from about fifty to one hundred and eighty millions within six years, and that the aggregate paying duty fell off nearly two hundred millions in 1875 from its amount in 1872. We have opened the flood-gates of free importation, as we shall see, at quite too heavy a cost:

Imports in the fiscal years of 1869 *to* 1875.

Years.	Free.	Paying duty.
1869–'70	$46,559,965	$415,817,672
1870–'71	57,857,761	483,635,947
1871–'72	61,010,902	579,327,864
1872–'73	166,236,824	497,320,326
1873–'74	179,936,668	415,924,589
1874–'75	167,180,614	386,725,509

It will be seen that we have given up our markets to foreigners with a freedom that could scarcely fail to drain us of gold. All these imports are paid for in gold; and, when their aggregate rises to $663,617,147 in one year, as in 1872–'73, it is reasonable to expect prostration to follow. Since the fatal reductions of the several acts of 1872, we have imported an average of more than six hundred millions yearly, and have let one-third of this vast aggregate come in free of duty. It did not need a prophet to predict paralysis and bankruptcy as certain to follow on such events.

This presents a correct view of the chief cause which has so nearly overwhelmed the country in financial distress and industrial ruin. During the last ten years our imports have exceeded our exports $1,100,000,000. Is it strange, then, that we have to-day one million and a half of men pleading and begging for work and the country becoming impoverished? Not at all.

I have compiled a table showing the values of a few leading articles of importation into the United States for the last three fiscal years ending June 30, 1875:

Articles.	1873.	1874.	1875.	Total.
Chemicals and drugs	$25,286,138	$23,041,122	$22,041,122	$70,368,382
Clothing	8,551,161	7,069,996	7,455,569	23,076,726
Cotton manufactures of	29,752,116	23,572,610	22,790,337	76,115,063
Earthenware and china	6,015,925	4,882,355	4,285,210	15,183,490
Fancy articles, perfumery, &c	5,336,473	6,969,524	6,005,940	18,331,937
Flax, manufactures of	20,428,391	17,472,755	16,603,242	54,504,188
Glass and glass-ware	7,420,044	6,257,904	5,805,115	19,483,123
Hides and skins	17,398,612	16,444,877	18,536,902	52,380,391
Iron, pig, railroad, chains, &c., including steel rails	44,860,441	21,596,716	10,463,940	76,921,097
Silk, manufactures of	29,835,867	23,996,782	24,380,923	78,213,572
Steel, cutlery, saws, &c	14,648,013	12,196,930	8,671,793	35,516,736
Spirits and wines	9,258,469	8,636,469	7,769,527	25,664,465
Wool, unmanufactured	20,433,938	8,250,306	11,071,259	39,755,503
Carpets, worsted dress-goods, &c	50,462,775	46,378,079	43,925,943	140,766,797
Total	289,688,363	226,786,485	209,806,822	726,281,670

Here we have the figures, showing that in three years, during panic times, that of a few leading articles, which we should have produced and manufactured at home, we have imported to the amount of $726,281,670, while our own mills and factories and workshops have been standing comparatively idle. Is this the kind of policy that gentlemen on this floor wish to adopt? Will such a policy result in national greatness and national independence?

One fact, sir, is worth a dozen of theories; and the great fact that to-day stands out before the world, illustrating the soundness of the protective policy, is the financial and industrial condition of France. But a few years ago, when the victorious German army marched up to the gates and into the city of Paris, and compelled that proud nation to capitulate, Bismarck imposed an indemnity upon the nation of $1,000,000,000 in gold. Bismarck intended to impoverish the French people to the extent that they could not give Germany any more trouble for a generation to come. What has been the result? France increased her duties on importations, and on many articles the duties amounted to an entire prohibition, and at once put her wheels and hammers and spindles in operation all over the land, and the result has been that France has paid the indemnity imposed, and to-day has more gold and silver in her coffers than any nation in the world; and her exports, during the last fiscal year, have amounted to over $800,000,000. Her exports have exceeded her imports over $100,000,000 annually, while ours have been directly the reverse. She has become rich, while we have become poor. Other illustrations of the reverse of this policy can be found in the present condition of India, Portugal, Turkey, Egypt, Peru, and some other nations, which have adopted the opposite, or free-trade policy. These nations have become impoverished, weak, and dependent, and to-day their commerce is not worth looking after.

It has been said that our tariff is higher than that of any nation of Europe. This is not a fact; and I am indebted to my friend Dr. Young, of the Bureau of Statistics, for the following table, giving the rates of tariff on iron and steel in France, Austria, Russia, and Italy. I have not chosen these two articles because the duties on them were higher than on other articles, but because they represented two leading articles of commerce, and gave the general rates of tariff in those countries:

Statement showing the European tariffs on iron, steel, &c.

Classes of iron and steel.	France.	Austria.	Russia.	Italy.
Iron bars ..... per ton	$11 87 to $15 00	$12 50	$17 08 to $24 59	$9 16
T and angle	11 87	17 50	17 08 to 74 17	9 16
Common castings	7 50	5 93	24 59 to 122 92	9 16
Screws, bolts, &c	15 93	20 00	122 92 to 221 25	22 31
Iron anchors and cables	15 23	17 50	49 17 to 147 70	.....
Iron wire	11 87 to 20 00	20 00	71 25	16 25
Steel wire	22 50 to 30 00	20 00	71 25	46 25
Rails, iron	11 87	12 50	10 00	9 16
steel	18 00	12 50	21 08 to 65 83	9 16
Fish and bed-plates, iron	15 93	20 00	49 18	12 90
steel	40 00	20 00	.....	12 90
Tires, iron	20 00	17 50	49 18	9 16
steel	20 00	17 50	65 84	27 50
Locomotive and wagon axles, iron	20 00	$12 50 to 20 00	49 18	13 75
steel	30 00	12 50 to 20 00	65 83	46 25

Statement showing the European tariffs on iron, steel, &c.—Continued.

Classes of iron and steel.	France.	Austria.	Russia.	Italy.
Axles, with tires fitted, on, iron	$20 00	$20 00	$14 58 to $49 18	$13 75
steel	30 00	20 00	14 58 to 65 83	46 25
Bearings and spiral springs, steel	21 87	20 00	65 83	30 00
Wrought goods, shafts, winches, &c., iron	20 00	12 50 to 20 00	49 18	22 91
steel	30 00	12 50 to 20 00	65 83	46 25
Locomotives:				
Without tender	80 00	20 00	36 66	16 25
With tender	20 00	20 00	36 66	16 25
Steam-engines	11 87	13 12	14 58	11 87
Machine tools	11 87	13 12	14 58	(?)
Agricultural machines and implements	11 87			7 91

NOTE.—The pound sterling computed at $5.

To illustrate more clearly the fact which I wish to present, I have in conjunction with the above table another, giving the rates of wages paid to skilled workmen in those same countries:

A table showing the average rates of wages per day for skilled workmen in France, Austria, Russia, and Italy.

Skilled workmen.	France.	Austria.	Russia.	Italy.
Blacksmiths	$0 85	$1 15	$1 50	$0 80
Bricklayers	90	1 00	1 40	80
Masons	90	1 00	1 40	80
Cabinet-makers	85	1 00	1 25	90
Carpenters	85	1 10	1 35	80
Coopers	80	1 00	1 25	70
Engineers	1 00	1 35	1 50	90
Machinists	1 10	1 75	1 75	1 00
Painters	80	1 40	1 35	75
Plasterers	80	1 00	1 40	60
Shoemakers	80	1 00	1 25	60
Tailors	95	1 40	1 25	65
Tanners	80	1 20	1 00	65
Tinsmiths	80	1 20	1 00	65
Weavers	65	80	85	60
Wheelwrights	90	1 00	1 00	60
Factory operatives	85	1 00	1 00	70

The wages of ordinary laborers are about one-half of the above rates, while to women, who are chiefly employed in the manufacturing of the fine and light fabrics, still less wages are paid.

I have also compiled a table giving the average prices of the leading articles of subsistence in those countries:

A table showing the average prices of the leading articles of subsistence in France, Austria, Russia, and Italy.

Articles of subsistence.	France.	Austria.	Russia.	Italy.
Flour, wheat ..... bbl..	$9 00	$11 00	$11 50	$8 50
Corn-meal ..... bbl..	7 80	8 00	.....	4 50
Beef ..... lb..	19	28	20	10
Veal ..... lb..	18	28	22	11
Mutton ..... lb..	19	15	15	08
Pork, fresh ..... lb..	20	20	16	10
corned ..... lb..	24	22	20	12
bacon ..... lb..	30	24	25	14
hams ..... lb..	30	45	30	15
Lard ..... lb..	15	24	25	17
Butter ..... lb..	35	42	35	25
Cheese ..... lb..	30	40	30	35
Rice ..... lb..	08	08	05	05
Potatoes ..... bu..	45	90	85	1 00
Beans ..... qt..	08	07	08	12
Eggs ..... doz..	24	15	20	12

Now, sir, I maintain that, when you take into consideration the cheapness of money in those countries, with the rates of wages paid for skilled labor, and the cost of subsistence, their tariff rates are from 10 to 25 per cent. higher than the tariff rates in this country as against the manufacturer.

Our American manufacturers cannot pay such high rates of interest on money as they have been doing, and pay the wages that our American mechanics should receive, unless they are adequately protected against the cheap money and cheap labor of the Old World. I am told by all the manufacturers with whom I have conversed, that if this iniquitous and crude bill now before the House should become a law, they will be compelled to close their doors. Should this bill become a law, I say to gentlemen now and here, that the distress complained of so much to-day is nothing compared to that which is to follow.

There is another mistaken idea which I find current in many places, and it is this: it is claimed that our country is so large, with such diversity of soil, and climate, and resources, that naturally there must be a diversity of interests, and that it is difficult, if not impossible, to frame tariff laws that will bear equally upon all parts of the country. No graver error was ever conceived; it is this very diversity of soil, and climate, and resources, and labor, which creates and produces unity of interests. It is the differenciation of labor that begets reciprocity of interests, and makes a nation united, great, and independent.

I say to gentlemen of the South, you have the finest country in the world: compared with the hills of New England yours is a paradise; but the indomitable pluck of the New England men has made their barren hills to blossom as the rose and her workshops and mills to be seen on every hill and in every valley. Your mineral resources are inexhaustible. Sustain, then, the policy of protection to your own industries, and invite capitalists from abroad to come among you and build furnaces and rolling-mills and assist you to develop your own wonderful resources. Erect cotton factories where cotton is grown; plant more cotton in your rich alluvial lands, so well adapted to its growth, where you now raise corn, and purchase your wheat and corn from the people of Illinois, who cannot raise cotton, and send them in return your cotton fabrics.

The State of Missouri, with her geographical position and her extraordinary mineral resources, with fine soil and climate, under a stable and protective policy, would soon take rank among the first States of this Union.

To gentlemen from the Western and Northwestern States, which are more purely devoted to agricultural pursuits, I say, that the best and most reliable market for the products of your farms is the home market. In an able paper published by David H. Mason, esq., of Chicago, and addressed to the western farmers, in speaking of the wonderful growth of the import and export trade of this country since 1861, he says:

> The explanation of this extraordinary growth of both export and import trade is to be found in the activity, enterprise, and prosperity of the home market, through the beneficial operation of the protective policy upon domestic industry. That policy encouraged manufactures on our own soil; diversified employments; created a demand for labor; advanced the rate of wages, and conferred purchasing power upon the masses of the people. It is the expenditure of earnings that energizes commerce and trade. A population that is steadily employed and well paid can buy and consume; but not otherwise. The sum of social misery among a people can be measured by their inability to obtain wages. Regular employment and labor fully compensated are the fruitful parents of general prosperity, content, and cheerfulness. Where there is work for the hands of men, there is work for their teeth, clothes for their body, shelter for their heads, fuel for their warmth, instruction for their minds, and progress for their condition. The protective policy, by conferring purchasing power, caused an increasing demand for all these things; and, by stimulating the productive forces, satisfied that demand. Services easily found employment, and the circulation of commodities from hand to hand became rapid. The home market, formerly sluggish, was converted into a scene of enterprise and thrift; abundance became the order of the day; and both exports and imports expanded to unprecedented values. A prosperous foreign trade is inseparably connected with a prosperous home market. There must be a large development of internal commerce before there can be a large development of external commerce. No more than an individual can a nation exert great strength outwardly unless such strength exists inwardly. To neglect the home market, by reaching out after the foreign, is to neglect the substance to pursue a phantom.

The home market to the people of the United States is worth more than all the markets of the world besides.

There is an objection brought against the protective policy, and particularly by the western people, which has no foundation in fact. It is alleged that the consumer pays the duty, and consequently it requires more of the farm products for less of the manufactured articles. Facts and experience prove that the objection is not valid. The foreign producer pays the larger share of the duty, and home competition soon brings down the price to the lowest point at which the article can be manufactured. American manufacturers are satisfied with much less profit than the foreign manufacturer, when he has the sole control of the market. Statistics prove that the western farmers exported more wheat and corn and received higher prices during the years of protective policy than they did under partial free trade. During the thirteen years from 1849 to 1861, under partial free trade, 88,629,783 bushels of wheat and 36,745,003 barrels of wheat flour were exported, or averaging annually 6,817,676 bushels of wheat, average price $1.30 per bushel, and 2,826,539 barrels of flour, averaging $6.07 per barrel; while from 1861 till 1874, thirteen years of protective policy, we exported 359,849,413 bushels of wheat, and 39,713,318 barrels of wheat flour, or annually 27,680,724 bushels of wheat, average price $1.37, and 3,054,871 barrels of flour, average price $7.33 per barrel. In the same partial free-trade period, from 1849 till 1861, we exported 82,033,737 bushels corn, or annually 6,310,287 bushels, average price 68.5 cents per bushel, and 3,280,722 barrels of corn-meal, or annually 252,363 barrels, average price $3.56 per barrel; while in the same period of protective policy, from 1861 till 1874, we exported 207,221,555 bushels of corn, or annually 15,940,120 bushels, average price 74.8 cents per bushel, and 3,640,717 barrels corn-meal, or annually 280,055 barrels, at an average price of $4.71 per barrel.

The same fact holds good in regard to the price of wool. Prices have always ranged higher when we have had high rates of protection and lower when low rates of tariff. Let me say to gentlemen from the West that your large prairie farms by the continuous production of wheat and corn will soon become exhausted, and you will find it a wiser and better policy to grow less wheat and more wool, which will pay you quite as well and at the same time render your lands more fertile. We ought to produce our own wool and manu-

facture our own woolen goods, and not go abroad for a single pound. Yet during the years of 1873, 1874, and 1875 we have imported $39,755,503 worth of unmanufactured wool and $140,766,797 of woolen goods.

The western people should erect woolen factories all over their country and manufacture their own woolen goods, which would at the same time create a home market for the various products of the farm. The increase in our country of the growth of wool and manufacture of woolen goods is one of the most encouraging signs of the times.

I am indebted again to Mr. Mason for the following statement and table touching the woolen interest:

To show the sudden and vast growth of the wool industry and the woolen manufacture in the United States under protection, we have compiled from the census reports the following tabular statement for three several periods:

Particulars.	1870.	1860.	1850.
Number of woolen mills	2,891	1,260	1,559
Sets of cards	8,366	3,209	.....
Hands employed	80,053	42,728	27,682
Capital invested	$98,824,531	$30,862,654	$28,118,650
Wages paid	$26,877,575	$9,610,254	.....
Wool consumed ..... lbs.	172,078,919	83,608,468	70,862,829
Value of products	$155,405,358	$61,894,986	$43,207,545
Number of sheep	28,477,951	22,471,275	.....
Domestic wool crop ..... lbs.	100,102,387	60,264,913	.....
Population	38,558,371	31,443,321	23,191,876

These significant figures tell the story of benefits conferred upon farmers by the protective policy. What else but the demand created by it for domestic wool could have induced such a heavy increase in the number of sheep? What else could have kept the price of wool up to such high figures in the face of such a large addition to the supply? See how slowly the woolen manufacture crept forward between 1850 and 1860, the number of establishments absolutely diminishing—that is, the big fishes eating up the little ones—under the free-trade tariffs of 1846 and 1857. Then observe the advance by mighty strides between 1860 and 1870 under tariff protection, the progress having been very much faster than that of population. Of the wool consumed by the mills in 1870, as much as 154,767,095 pounds had been derived from various seasons of the domestic crop.

Farmers should study these statistics, which bristle all over with facts closely allied with their interests. To cap all, staple woolen goods are cheaper than they were before the war, as the prices-current will prove. Yet free-traders, with monstrous absurdity and dogmatic assurance, insist that western farmers are plundered by our system of tariff. They never were more prosperous, and they know it. They, of all classes, were least affected by the panic of 1873, because of protection to home industry.

Whenever any branch of American industry has been stimulated into activity by the protective policy, it has invariably reduced the price below that which was paid for the imported article. This proposition can be substantiated by an accumulation of facts which are incontrovertible.

A few years ago we paid twenty-five cents per yard for British cotton prints. American competition and increased facilities for manufacturing soon brought down the price to fifteen cents per yard, and, finally, just before the late war, good prints could be bought for twelve cents per yard, and that was as low as it was supposed the price could be brought. But improved machinery and the increased number of cotton mills, stimulated by protection, have reduced the price still lower, until to-day the same quality of prints can be bought for eight cents per yard.

In an interview with James E. Emerson, esq., a highly intelligent gentleman of the firm of Emerson & Ford, manufacturers of steel saws at Beaver Falls, Pennsylvania, I was informed that for twenty years, while manufacturing steel-saws in the State of Connecticut, he had purchased all their saw-steel from Mr. Jessup, of Sheffield, England, but for the last four years, since our American steel manufacturers have come in competition with English manufacturers, he had not purchased one pound of English saw-steel, and that the American saw-steel was of a better quality, and for which he paid 20 per cent. less.

In 1870, when a bill was before Congress to increase the tariff on the importation of English Bessemer steel rails, it met with stout opposition from gentlemen of the West, and it was stated on this floor that whatever increased duty was placed on steel rails would enhance the price of the rails just that much to the purchaser; that the price in New York at that time for steel rails was $120 per ton; and that it required over one hundred bushels of western wheat to buy one ton of steel rails; and whatever additional tariff was imposed would require just that amount more of wheat to purchase a ton of rails, and those gentlemen believed it, notwithstanding it was shown that it was a mistake. What has been the result? The bill was passed, large rail-mills have been erected in our country, and to-day Bessemer steel rails can be had for $65 per ton, requiring little more than half as much western wheat to buy a ton of rails.

Facts, sir, could be multiplied indefinitely proving the truth of the proposition; but I am admonished that my time has expired, and I must bring my remarks to a close.

It might be wise, sir, for this House to call a halt in our headlong course and take a quiet survey of the situation. We have been in session for nearly six months and have absolutely accomplished nothing of importance to the country. The principal business of this session has been the running of investigating committees, and so far at a cost to the country of not less than $800,000, and the business has been conducted in such a reckless and discreditable manner as to produce much demoralization to the whole country, and until our committees in many instances have degenerated into mere smut-machines, and until honest and decent men everywhere, irrespective of party, have become utterly disgusted with our proceedings.

The majority of this House have passed a diplomatic bill cutting up by the roots our foreign service and bunched together three or four of the states of South America whose commercial relations are naturally with us, and have provided for a resident minister to each bunch. We may call this economy, but it is not statesmanship. We have also just made a horizontal cut through the salaries of the clerks of the several Departments of the Government whose pay affords but a bare subsistence, and what is worse, the bill has overturned the organized system of conducting the business of the Government which had taken years of careful experience to perfect. We may call this retrenchment, but it is not reform. The majority of this House may overthrow our present tariff laws, but I tell you now and here that it will prove disastrous to the country, and the party which does it will meet with certain and utter defeat.

Mr. WILLIS moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. CLYMER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. CUTLER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BRADFORD: The petition of citizens of Coosa County, Alabama, for the establishment of a post-route from Rockford to Verbena, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. CRAPO: The petition of Henry Fish, for compensation for injuries to his person, received while in the employ of the United States at Falmouth, Massachusetts, to the Committee of Claims.

By Mr. FELTON: The petition of James H. Rogers, for compensation for property taken for the use of the United States Army, to the Committee on War Claims.

By Mr. FORNEY: The petition of Jane S. Harris, G. W. Rogers, William Autrey, D. L. Nicholson, and other Cherokee Indians, for reimbursement of the amount paid by them for transportation to the Cherokee Nation, in accordance with the treaty of 1835, to the Committee on Indian Affairs.

By Mr. FOSTER: Papers relating to the petition of Jonathan Witler, late a private in Company H, One hundred and first Regiment Ohio Volunteers, for a change of his military record, to the Committee on Military Affairs.

By Mr. McFARLAND: The petition of David Britton, late a private in Company E, Fifth Regiment Tennessee Volunteers in the war with Mexico, to be restored to the pension-roll, to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, *May* 20, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the following bills, having been received by the President on the 6th of May and not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become laws without his signature:

An act (S. No. 40) granting a pension to Elmira E. Cravath;

An act (S. No. 425) granting a pension to James Eli Butts and Melinda Frances Butts; and

An act (S. No. 504) granting a pension to Nancy True.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 3471) to amend the sixth section of chapter 127, United States statutes;

A bill (H. R. No. 1253) granting to the State of Missouri all lands therein selected as swamp and overflowed lands;

A bill (H. R. No. 3479) making certain transfers of appropriations

in the provisions for the contingent expenses of the Department of Justice for the current year; and

A joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' re-union at Caldwell, Ohio.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands;

A bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made; and

A bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York.

The message further announced that the House had passed the bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California.

The message also announced that the House had passed a concurrent resolution tendering the thanks of Congress to the governor and people of Vermont for and accepting the statue of Ethan Allen; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury;

A bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York;

A bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate;

A bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-rooms, &c., in the city of Memphis, Tennessee;

A bill (H. R. No. 2452) to extend the time to pre-emptors on the public lands;

A bill (H. R. No. 3136) extending the time within which homestead entries upon certain lands in Michigan may be made;

A bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company;

A bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes;

A bill (S. No. 679) relating to interments in the Congressional Cemetery; and

A bill (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive, free from duties, a wedding present from the Khedive of Egypt.

ALABAMA SENATORIAL INVESTIGATION.

Mr. MORTON. Before the doors are closed, I ask leave to make a report from the Committee on Privileges and Elections.

The PRESIDENT *pro tempore.* The Chair hears no objection, and the report will be received.

Mr. MORTON. I am instructed by the Committee on Privileges and Elections, who were directed by a resolution of the Senate of the 16th of December to inquire whether, in the election of GEORGE E. SPENCER as a Senator in Congress from the State of Alabama, there were used and employed corrupt means or corrupt practices to secure his election to the seat he now holds, to submit a report thereon.

Mr. SAULSBURY. Mr. President, as a member of the Committee on Privileges and Elections, I desire to say that while I concur in the conclusion of the committee so far as the evidence taken before the committee is concerned, and believe that there is nothing to inculpate Mr. SPENCER in connection with bribery in the procurement of his election, I do differ, however, with the majority of the committee in reference to the extent to which the testimony went. In my judgment there was an exclusion of testimony bearing upon the subject which ought to have been taken and submitted to the consideration of the Senate. I also differ in the conclusion of the committee in regard to the allegations filed on the part of counsel representing the State of Alabama, alleging the invalidity of the election of Mr. SPENCER to the Senate, the committee thinking that it was so far *res adjudicata* that it ought not to be brought to the attention of the Senate. I think that the testimony should have been offered in that case. I therefore differ with the committee in the rejection of evidence bearing upon that point.

I propose, with the consent of the Senate, briefly to state in writing the points of difference between myself and the committee at some future time. I ask that I may be allowed a few days in order to prepare a brief statement of the points in which I differ with the majority of the committee.

The PRESIDENT *pro tempore.* Is there objection? The Chair hears none, and leave is granted. The report will lie on the table and be printed, if there is no objection.

EXTENSION OF LEGISLATIVE SESSION.

Several Senators rose with morning business.

The PRESIDENT *pro tempore.* The Chair will prolong the legislative session, by common consent, until some Senator objects.

Mr. HAMLIN. I move to postpone the court of impeachment until half past twelve o'clock.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of William Phillips and others, of New Bedford, Massachusetts, owners of the bark Richmond, praying compensation for losses incurred by reason of the acts of the Shenandoah; which was referred to the Committee on Commerce.

Mr. PATTERSON presented a memorial of the Chamber of Commerce of Charleston, South Carolina, remonstrating against the removal of the duty on rice imported into the United States as provided by the Hawaiian treaty; which was referred to the Committee on Finance.

Mr. MORTON presented the petition of Tarvin C. Grooms, late of the One hundred and fifteenth Regiment Indiana Volunteers, praying compensation for services rendered as first lieutenant from November 15, 1863, to February 1, 1864; which was referred to the Committee on Military Affairs.

He also presented the petition of William Martin, late chaplain of the Fifty-third Regiment Indiana Volunteers, praying back muster and pay as chaplain of that regiment; which was referred to the Committee on Military Affairs.

PRINTING OF EULOGIES ON THE LATE MR. STARKWEATHER.

Mr. SHERMAN. I am directed by the Committee on Printing, to whom was referred a resolution of the House of Representatives to print five thousand copies of the addresses made in the two Houses of Congress on the death of Hon. Henry H. Starkweather, late a member of the House from Connecticut, to report it back favorably. I will state that the Joint Committee on Printing have agreed that they will not report favorably any resolutions of this kind to print extra copies of obituary addresses unless by the express order of the two Houses; but as the death of Mr. Starkweather occurred before this action was taken by the joint committee, the Committee on Printing of the Senate thought it would be better to print these addresses, as this is the only case pending when that order was made. I ask the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 2,000 copies for the use of the Senate and 3,000 copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Henry H. Starkweather, of Connecticut, a member of the House of Representatives, and that the Secretary of the Treasury have printed the portrait of Mr. Starkweather to accompany the same.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Benjamin Fenton and D. W. Fenton, of Memphis, Tennessee, praying compensation for the use and occupancy by the United States of their property in Memphis, Tennessee, submitted a report thereon, accompanied by a bill (S. No. 855) making an appropriation to pay the claim of Benjamin Fenton and D. W. Fenton.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the petition of Captain John Lee Davis, for himself and on behalf of the officers and men composing the crew of the United States steamer Colorado, praying to be allowed to share in the prize-money arising from the capture of New Orleans in 1862, asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 856) granting a pension to Daniel Huntsinger; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 857) granting a pension to Selar B. Decker; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 858) for the relief of William C. Edmonston; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 859) for the relief of certain claimants under the donation-land law of Oregon, approved September 27, 1850; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 860) establishing a post-route in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 861) to establish a post-route in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HAYDEN'S ANNUAL REPORT FOR 1875.

Mr. LOGAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be prepared 4,500 copies of Professor Hayden's ninth annual report of the United States geological and geographical survey of the Territories for 1875; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 500 copies for the use of the geological survey.

AMENDMENTS TO APPROPRIATION BILL.

Mr. ALCORN and Mr. BOGY submitted amendments intended to be proposed by them to the bill (H. R. No. 3922) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 3479) making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 1253) granting to the State of Missouri all lands therein selected as swamp and overflowed lands—to the Committee on Public Lands.

A bill (H. R. No. 3471) to amend the sixth section of chapter 127 United States Statutes—to the Committee on Finance.

A joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' re-union at Caldwell, Ohio—to the Committee on Military Affairs.

G. B. TYLER AND E. H. LUCKETT—VETO MESSAGE.

Mr. MITCHELL. If there is no further morning business, I will state that there is on the Calendar a bill which if it is not exactly a privileged question comes very near to it. I refer to the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, which was vetoed by the President six weeks or perhaps two months ago and returned to the Senate. The bill was then referred with the message of the President to the Committee on Claims, and on the 19th of April it was reported back, with the recommendation that it pass, notwithstanding the objections of the President. I move that the Senate proceed to the consideration of the message and bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the bill.

The Chief Clerk read as follows:

An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of $164, in full for moneys wrongfully collected from said Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

MICHAEL C. KERR,
Speaker of the House of Representatives.
T. W. FERRY,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

GEO. C. GORHAM,
Secretary.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. SHERMAN. I should like to have the report of the committee read, and also the veto message of the President.

Mr. MITCHELL. The message appears in the report. We will get the whole thing by hearing the report.

Mr. SHERMAN. Let the report be read.

The PRESIDENT *pro tempore*. The Secretary will read the report of the committee.

The Secretary read the following report, submitted by Mr. MITCHELL, from the Committee on Claims April 19, 1876:

The Committee on Claims, to whom was referred the message of the President of the United States returning, with his objections, the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, having duly considered the same, beg respectfully to report the said bill back to the Senate, with the recommendation that it pass, notwithstanding the objections of the President.

The veto power is one lodged in the Executive by the Constitution as a means of protection to the people against the evil consequences of vicious legislation, resulting, as it sometimes does, from hasty or inconsiderate legislative action; and although the power exists in Congress to breathe the breath of statutory life into a bill once passed notwithstanding the President's objections, it is a power that should never be exercised except after the most careful consideration of the reasons given by the Executive for withholding his approval. As a power approaching, as does the veto power under our Constitution, so nearly to that exercised without restraint by the heads of despotic governments should never be exercised except on the fullest consideration of the case, and where the objections are clearly apparent, so with equal care and deliberation should Congress undertake to say that a bill which the President, for reasons given, says ought not to become a law shall become such.

Impressed with these considerations, your committee have given this case a most thorough investigation, and have come to the unanimous opinion that the veto message of the President is based upon an entire misapprehension of the facts.

The bill is a private one for the relief of two citizens of the State of Kentucky, G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham. The amount involved is $164.

The bill, as it passed both Houses of Congress, is in the following words:

An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of $164, in full for moneys wrongfully collected from said Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

MICHAEL C. KERR,
Speaker of the House of Representatives.
T. W. FERRY,
President of the Senate pro tempore.

The report of the Senate committee, upon which favorable action was had, reads as follows:

"The Committee on Claims, to whom was referred the petition of G. B. Tyler and E. H. Luckett, assignees of W. T. Cheatham, praying to be re-imbursed for certain moneys wrongfully paid to the Government as a distiller of whisky, in Kentucky, have had the same under consideration, and beg to submit the following report:

"William T. Cheatham was engaged in the manufacture of whisky in Daviess County, Kentucky, in the year 1869; that petitioners were his boudsmen to the Government as such distiller; that on the 14th day of December, A. D. 1869, said Cheatham permanently discontinued his said distillery, and all taxes and charges then due on all liquors in bond were then tendered to the collector of internal revenue by Cheatham, having sold all said liquor to third parties; and on that day notice of such permanent discontinuance was filed in the office of the United States assessor of the second district of Kentucky, in which district said distillery was located; that the collector of said district wrongfully refused to issue permits to the purchasers of said whisky for the removal of the same from the bonded warehouse for a period of fifteen days, in December, 1869, and twenty-six days in 1870, in all forty-one days, during which period of forty-one days said Cheatham was wrongfully assessed the salary of a store-keeper of said bonded warehouse, to wit, $4 per day, amounting in all to the sum of $164, which amount said Cheatham afterward, in December, 1870, paid to the collector of internal revenue for said district; that, in consideration of moneys advanced by petitioners to said Cheatham and for his benefit, he, Cheatham, transferred to petitioners all his right to such moneys so wrongfully collected and the right to collect the same.

"Wherefore your committee report the accompanying bill and recommend its passage."

The veto message of the President is very brief and in these words:

To the Senate of the United States:

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith, without my approval, Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham."

U. S. GRANT.

EXECUTIVE MANSION, *March* 31, 1876.

It will be observed that the only reasons given by the President for the exercise of the veto power in this case are, to use his language, those "set forth in an accompanying communication from the Secretary of the Treasury."

This accompanying communication of the Secretary of the Treasury is in the following words:

TREASURY DEPARTMENT, *March* 30, 1876.

To the PRESIDENT:

Referring to the letter of the 25th instant, written by your direction, transmitting Senate bill No. 489, "for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham," and requesting my opinion as to the propriety of its approval by you, I have to say that there are no data on file in the Department, so far as I can learn, which indicate that the amount it is proposed by this bill to refund to the assignees of Mr. Cheatham was wrongfully collected or that the amount should be refunded.

The Commissioner of Internal Revenue, in his report to me in reference to the matter, says:

"The re-imbursement to the United States by said Cheatham of salary paid to this store-keeper by the collector of internal revenue for the months of December, 1869, and January, 1870, was in accordance with the provisions of joint resolution of March 29, 1869, (volume 16, Statutes at Large, page 52,) and there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this store-keeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouse at that time.

"The facts above stated are considered by this Office valid and serious objections to the approval of this bill, and they would have been communicated to the congressional committees before the passage of the bill, had they called the attention of this Office to the subject."

The bill is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

B. H. BRISTOW, *Secretary.*

Relying, as the President did, on this letter of his Secretary, to whom the bill had been referred for his "opinion as to the propriety of its approval" by the President, it is not surprising that the Executive sanction was withheld.

But the question arises, how far was the letter of the Secretary of the Treasury justified by the facts in the case and are the statements contained in the report of Commissioner Pratt, which constitutes a part of the Secretary's communication, in accordance with the record of his own Bureau?

The Commissioner asserts in his report that "there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this store-keeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouses at that time."

And the Secretary of the Treasury, referring to this report of Commissioner Pratt, advises the President that "the facts above stated are considered by this Office valid and serious objections to the approval of this bill," and concludes his communication to the President with the declaration "that they," the above facts, "would have been communicated to the congressional committees before the passage of the bill, had they called the attention of this Office to the subject."

That the attention of the Secretary of the Treasury had been called to this subject in the most solemn and formal manner possible, and the opinion of the Commissioner of Internal Revenue as to the equities of the case asked and such opinion given, and that, too, favorable to the equities of the parties claiming relief, will be seen from the following records of the Senate and letters from the Secretary of the Treasury and Commissioner of Internal Revenue.

This subject was before the Forty-third Congress. On the 5th day of January, 1874, Senator McCREERY, of Kentucky, submitted to the Senate the following resolution, which was on that day unanimously agreed to:

"*Resolved*, That the Secretary of the Treasury be requested to furnish to the Senate the papers on file with the Commissioner of Internal Revenue in the case of W. T. Cheatham, distiller in the second district of Kentucky, with an opinion from said Commissioner of Internal Revenue as to the equity of a drawback of $164, alleged to have been improperly and unlawfully collected by the revenue officers of said district."

On the 15th of January, 1874, the Secretary of the Treasury, in response to the above resolution, addressed to the then President *pro tempore* the following communication, accompanied with a letter from the Commissioner of Internal Revenue, which is also here given:

TREASURY DEPARTMENT,
Washington, D. C., January 15, 1874.

SIR: As requested in the Senate resolution of the 5th instant, I herewith transmit the papers in the case of W. T. Cheatham, distiller in the second district of Kentucky, together with an opinion of the Commissioner of Internal Revenue as to the equity of refunding to the said Cheatham the sum of $164.

Very respectfully,

WM. A. RICHARDSON, *Secretary.*

Hon. M. H. CARPENTER,
President of the Senate pro tempore.

The letter of the Commissioner is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., January 13, 1874.

SIR: In response to the inclosed resolution of the Senate, I herewith transmit to you the original application on form 46 of E. H. Luckett and G. B. Tyler, assignees and sureties on the distiller's bond of William T. Cheatham, of the second district of Kentucky, together with all the papers accompanying said application, asking to have refunded the sum of $164. It appears from the correspondence of this Office with Collector J. R. Rend that William T. Cheatham was in arrears for taxes due from him as distiller; but if it shall, however, be shown that all the whisky in bond had been sold to *bona fide* purchasers and that the taxes due thereon had been tendered to the collector prior to the 14th day of December, 1869, (the day of permanent discontinuance of said William T. Cheatham's distillery,) and before seizure and distraint, then I am of opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery.

Very respectfully,

J. W. DOUGLASS, *Commissioner.*

Hon. W. A. RICHARDSON,
Secretary of the Treasury, Washington, D. C.

It will be perceived from this letter that the Commissioner submits a question of fact, and then declares in the most positive terms that if this question is found a certain way, then it is his "opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery."

That is to say, the Commissioner declares that "it appears from the correspondence of this Office with Collector J. R. Rend that William T. Cheatham was in arrears for taxes due him as distiller." But says the Commissioner further:

"But if it shall, however, be shown that all the whisky in bond had been sold to *bona fide* purchasers and that the taxes due thereon had been tendered to the collector prior to the 14th day of December, 1869, (the day of permanent discontinuance of said William T. Cheatham's distillery,) and before seizure and distraint, then I am of opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery."

In reference to this question, your committee did find as a matter of fact in their former report upon this bill, and they now find—and the evidence is convincing and undisputed—that William T. Cheatham had, prior to December 14, 1869, (the date of permanent discontinuance of his distillery; and that is a matter of record,) and before any seizure or distraint, sold all the whisky in bond to *bona fide* purchasers, and that he had also on said day, December 14, 1869, tendered to the collector of internal revenue all taxes and charges due thereon. Your committee then found, and now find, the existence of a state of facts in reference to this case upon which, if found, the Commissioner of Internal Revenue declared an equity would be created in favor of the relief awarded by the bill under consideration.

To recapitulate: By the provisions of joint resolution of Congress of March 29, 1869, (volume 16, Statutes at Large, page 52,) entitled "A joint resolution to supply omissions in the enrollment of certain appropriation acts," approved March 3, 1869, it was provided as follows:

"That after the passage of this act the proprietors of all internal-revenue bonded warehouses shall re-imburse to the United States the expenses and salary of all store-keepers or other officers in charge of such warehouses, and the same shall be paid into the Treasury and accounted for like other public moneys."

William T. Cheatham was engaged in the business of manufacturing whisky in Daviess County, Kentucky. On the 14th day of December, 1869, he permanently discontinued his distillery, and all taxes and charges then due on all liquors in bond were by him then tendered to the collector of internal revenue, he, Cheatham, having, prior to that date sold all said liquor to third parties, *bona fide* purchasers; that the collector of said district wrongfully refused to issue permits to the purchasers of said whisky for the removal of the same from the bonded warehouse for a period of fifteen days in December, 1869, and twenty-six days in 1870, in all forty-one days, during which time of forty-one days Cheatham was wrongfully assessed the salary of a store-keeper of said bonded warehouse, to wit, $4 per day, amounting in all to the sum of $164, which amount said Cheatham paid to the collector, and the same has been paid into the Treasury of the United States.

The petitioners, Tyler and Luckett, were Cheatham's bondsmen to the Government as such distiller, that in consideration of moneys advanced by Tyler and Luckett to said Cheatham, and for his benefit, he, Cheatham, transferred to them all his right to such moneys so wrongfully collected, and the right to collect the same.

This amount, then, of $164 was wrongfully collected from William T. Cheatham, and the United States Treasury has received the money.

It is not the case where a party has suffered by the wrongful act of a public officer, and where the Government has reaped no benefit; it is just the reverse. By the wrongful act of the collector Mr. Cheatham was compelled to pay wrongfully $164, which money, so wrongfully collected, went into the public Treasury, and it (the Treasury) has become, so to speak, the receptacle of money of a private citizen to just that amount, and by every rule of equity and good morals it should disgorge. This is the true statement of this case, free from all exaggeration or embellishment. And so far from there being, as stated by the Secretary of the Treasury, "valid and serious objections to the approval of this bill," there is not an objection that can be successfully urged against it, while equity and good conscience and public morals unite in its support. Again, it is not the fact that the Treasury Department was not consulted, but, as has been shown, its opinion was solicited and received in the most formal manner known to the proceedings of the Senate in such cases.

Your committee therefore beg, respectfully, to submit—

First. That the bill is one that commends itself to the favorable consideration of the Senate, and should become a law.

Second. That it was not hastily or inconsiderately passed, or without asking for and receiving information from the Treasury Department on the subject.

Thirdly. That the letter of the Secretary of the Treasury, upon which the veto of the President rests, was evidently written, as was also the report of the Commissioner of Internal Revenue, in a hasty and inconsiderate manner, and in a way calculated to mislead, and which evidently did mislead, the President.

Had these officials but consulted the records of their respective offices, the letter of the Hon. Secretary of the Treasury would not, as it does, have contained an implied censure of the Committees on Claims of Senate and House for not, as he states, calling attention of his office to the subject.

Your committee, therefore, in view of the facts of the case as here presented, respectfully report back Senate bill No. 489, with the unanimous recommendation that it pass, notwithstanding the objections of the President.

The PRESIDENT *pro tempore*. The question is, "Shall the bill pass notwithstanding the objections of the President?" which question must be taken by yeas and nays.

The question being taken by yeas and nays, resulted—yeas 46, nays 0; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Booth, Bruce, Burnside, Cameron of Wisconsin, Caperton, Clayton, Cockrell, Cooper, Cragin, Dawes, Eaton, Ferry, Goldthwaite, Hamilton, Hamlin, Harvey, Hitchcock, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McMillan, Maxey, Merrimon, Mitchell, Morton, Paddock, Patterson, Randolph, Ransom, Sargent, Saulsbury, Sherman, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—46.

NAYS—0.

ABSENT—Messrs. Anthony, Boutwell, Cameron of Pennsylvania, Christiancy, Conkling, Conover, Davis, Dennis, Dorsey, Edmunds, English, Frelinghuysen, Gordon, Howe, Ingalls, Johnston, Jones of Nevada, McDonald, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Robertson, Sharon, Spencer, Stevenson, and Thurman—27.

The PRESIDENT *pro tempore*. Two-thirds of the Senate having voted in the affirmative, the bill is passed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. CRAGIN. I move that the Senate proceed to the consideration of Senate bill No. 728.

The PRESIDENT *pro tempore*. Pending which motion, the Chair announces that, twelve o'clock and thirty minutes having arrived, the legislative and executive business will be suspended, and pursuant to order the Senate proceeds to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

On motion of Mr. ALLISON, (at three o'clock and forty-one minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

JOHN PULFORD.

Mr. A. S. WILLIAMS, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 3483) to restore John Pulford, lieutenant-colonel United States Army (retired) to his former rank on the retired list; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALMERON E. CALKINS.

Mr. A. S. WILLIAMS also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN RENTZ.

Mr. A. S. WILLIAMS also, by unanimous consent, from the same committee, reported a bill, as a substitute for House bill No. 303, (H. R. No. 3484,) for the relief of John Rentz; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. A. S. WILLIAMS also, by unanimous consent, from the same committee, reported adversely on the following bills and petitions; and they were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2045) for the relief of William O. Cory;

The petition of Charles Valier, late sergeant Company M, Seventh Illinois Cavalry, for three months' extra pay as second lieutenant;

The petition of Colonel Marshall and others, of the retired list of the United States Army, for assignment to active duty; and

The petition of S. G. Young, asking that veterinary surgeons be placed on the same footing as Army surgeons.

THURMAN AND FROST.

Mr. TUCKER, by unanimous consent, from the Committee of Ways and Means, reported a bill (H. R. No. 3485) for the relief of Henry Thurman and White Frost, under the name of Thurman and Frost; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES F. BUCKNER.

Mr. TUCKER also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3486) for the relief of James F. Buckner; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. GERTSUNG.

Mr. McMAHON, by unanimous consent, introduced a bill (H. R. No. 3487) for a pension to John S. Gertsung, of the Fourth United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. WOLFORD.

Mr. BOONE, by unanimous consent, introduced a bill (H. R. No. 3488) for the relief of Mary E. Wolford, of Kentucky; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CAPTAIN SAMUEL ADAMS.

Mr. PHILIPS, of Missouri, by unanimous consent, from the Committee of Claims, reported a bill (H. R. No. 3489) for the relief of Captain Samuel Adams; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. GARLAND AND FRANK M. HOPPIN.

Mr. PHILIPS, of Missouri, also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 515) for the relief of Sarah E. Garland and Frank M. Hoppin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

E. B. M'PHERSON, JR.

Mr. PHILIPS, of Missouri, also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

H. P. JONES & CO.

Mr. PHILIPS, of Missouri, also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1427) for the relief of H. P. Jones & Co.; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN KIERNAN.

Mr. PHILIPS, of Missouri, also, by unanimous consent, from the same committee, reported back, with an adverse recommendation, the petition of John Kiernan, of Saint Louis, Missouri, for relief; and the same was laid on the table, and the accompanying report ordered to be printed.

JOHN E. PANKEY.

Mr. BROWN, of Kentucky, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass with an amendment, the bill (H. R. No. 2894) for the relief of John E. Pankey, of Fulton County, Kentucky; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JONATHAN WHITE.

Mr. PRATT, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 629) for the relief of Jonathan White; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

NATHANIEL G. SMITH.

Mr. BRADLEY, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 358) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET M. LAMB.

Mr. BRADLEY also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 266) for the relief of Margaret M. Lamb, postmaster at Annawan, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES W. LOVE.

Mr. BRADLEY also, by unanimous consent, from the same committee, reported, with the recommendation that it do pass, a bill, (H. R. No. 3490,) as a substitute for House bill No. 259, for the relief of James W. Love, postmaster at Patriot, Indiana; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES C. REYNOLDS.

Mr. BRADLEY also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3491) for the relief of Charles C. Reynolds, of Milford, Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

VAN B. BOWERS.

Mr. BRADLEY also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 92) for the relief of Van B. Bowers, postmaster at Bucklin, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

H. R. FRAMPTON.

Mr. BRADLEY also, from the same committee, reported adversely on the bill (H. R. No. 856) for the relief of H. R. Frampton; which was laid on the table, and the report ordered to be printed.

SOLOMON BOOKS.

Mr. BRADLEY also, from the same committee, reported adversely upon the bill (H. R. No. 378) to provide for the payment of Solomon Books for services as mail-route agent; which was laid on the table, and the report ordered to be printed.

C. B. DAVIS.

Mr. BRADLEY also, from the same committee, submitted a report upon the petition and claim of C. B. Davis and others; and the same was laid on the table.

GEORGE W. SPATES.

Mr. CABELL, from the Committee on War Claims, reported, with a favorable recommendation, a bill (H. R. No. 3492) for the relief of George W. Spates, of Maryland; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE CALVERT.

Mr. CABELL also, from the same committee, reported a bill (H. R. No. 3493) for the relief of George Calvert, of Prince George County, Maryland; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RALPH KING.

Mr. MONROE, from the Committee on Foreign Affairs, reported adversely on the bill (H. R. No. 1067) for the relief of Ralph King; which was laid on the table, and, with the accompanying report, ordered to be printed.

HOT SPRINGS RESERVATION.

Mr. GAUSE, by unanimous consent, introduced a bill (H. R. No. 3494) authorizing the sale and disposition of the Hot Springs reservation, in the State of Arkansas, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN J. ANDERSON.

Mr. CALDWELL, of Alabama, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompaying report, ordered to be printed.

BUTLER, MILLER & CO.

Mr. CALDWELL, of Alabama, also, from the same committee, reported the bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

COUNSEL FOR CASES BEFORE CONGRESS.

Mr. HOAR. I am instructed by the Committee on the Judiciary to offer the following resolution:

Ordered, That all persons or corporations employing counsel or agents to represent their interests in regard to any measure pending at any time before this House, or any committee thereof, shall cause the name and authority of such counsel or agent to be filed with the Clerk of the House; and no person whose name and authority are not so filed shall appear as counsel or agent before any committee of this House.

I desire the leave of the House to say a word in regard to this resolution. The committee were led to propose its passage from this fact, that on an important bill which is now pending before the Committee on the Judiciary it was argued at the request of an important corporation. Since that time four persons coming from different parts of the country, coming from the cities or neighborhood which the different members of the committee come from, have accosted members of the committee in regard to that particular measure. How many counsels there are or may be employed, we do not know. Now, it seems to us that it would be a great protection to members of the committee and of the House to require any person or corporation

who employ an agent to represent his or its interest here to file the name of that agent with the House, so that the House may know who is the responsible agent in such cases.

Mr. DURHAM. I desire to ask the gentleman a question, and it is, what sort of authentication it would give if a letter were filed with the Clerk?

Mr. HOAR. I think the order of the House requires that the corporation or person shall file with the Clerk the authority given to counsel, and that of course would be a written authority.

Mr. DURHAM. I agree with the gentleman entirely, only I think he might make it more specific.

Mr. HOAR. I do not think that necessary.

Mr. BANKS. I think the rules require that authority of such counsel or agents shall be filed with the Clerk.

Mr. HOAR. This order requires that the authority to act as counsel shall be filed with the Clerk, and I think that, if my colleague or the gentleman from Kentucky, [Mr. DURHAM,] being ex-Congressmen, were to present themselves as counsel, it would be a very proper inquiry if they were authorized to act as the counsel for the particular interest in which they appeared.

Mr. DURHAM. I agree with the gentleman except in this, that the authenticity of a single letter might sometimes be called in question.

Mr. HOAR. I think the resolution is specific enough.

The resolution was adopted.

POST-ROUTE IN TENNESSEE.

Mr. WADDELL. I ask unanimous consent to report from the Committee on the Post-Office and Post-Roads a bill, (H. R. No. 3495,) as a substitute for House bill No. 333, a bill for the relief of the mail contractor on route No. 19319 in Tennessee.

The bill authorizes the Postmaster-General to put mail service on the McMinnville and Manchester Railroad from Tullahoma to McMinnville, in the State of Tennessee, in the same manner as now provided by law for railroad mail transportation, and that the earnings for said service shall not be withheld on account of any claim due, or alleged to be due, from the old corporation of the McMinnville and Manchester Railroad to the United States.

Mr. DUNNELL. Is that bill reported from any committee?

The SPEAKER *pro tempore*. It is reported from the Committee on the Post-Office and Post-Roads.

Mr. HOLMAN. I believe this bill is subject to a point of order.

The SPEAKER *pro tempore*. Is there any objection to its consideration at the present time?

Mr. HOLMAN. In the absence of any explanation——

Mr. WADDELL. I propose to make an explanation, if I can be permitted to do so.

Mr. HOLMAN. I will reserve my right to object until the gentleman from North Carolina [Mr. WADDELL] shall explain the purpose and necessity of the bill. It is impossible to tell the effect of this measure from hearing it read.

Mr. WADDELL. I do not propose to have the House act without full explanation of the reasons which prompted the committee to report this bill. The facts are simply these: In 1852, under a general act of the Legislature of the State of Tennessee, the McMinnville and Manchester Railroad was constructed, running from McMinnville to a place called Tullahoma, a distance of one hundred and thirty-five miles. The State of Tennessee issued her bonds to aid in the construction of that railroad to the amount of $350,000. Directly after the war, in 1866, the State of Tennessee issued additional bonds to the extent of $300,000, making a debt of $650,000, for which she had become responsible on behalf of this road, and to secure which she took a first mortgage on the road.

In the same year, 1866, the Quartermaster-General sold to this railroad some rolling-stock and material, and one of the conditions upon which the sale was made was that all dues from the Government to the road, whether for carrying the mails or otherwise, should be withheld until that rolling-stock had been paid for, which was all right.

In 1870 the State of Tennessee ordered that all railroads delinquent to the State should be sold under the mortgages held by the State, and this railroad with others was sold. This railroad was purchased by the Memphis and Charleston Railroad Company for $300,000, not one-half the amount due the State. The Memphis and Charleston Railroad continued to carry the mails on this route, but when they presented their bills for payment the Postmaster-General, under instructions as it seems from the Quartermaster-General, refused to pay the new corporation because the contract by the old corporation to pay for this rolling-stock had not been complied with; whereupon the new corporation stopped carrying the mails.

The Post-Office Department were thus compelled to make a contract with a man who has been carrying the mail in a hack from 1873 to this time. That hack line runs directly by the side of this railroad. The man who runs the hack line has leased the railroad, but he continues to run the hack line alongside of the railroad, at a cost to the Government of $2,000 a year, whereas the regular mail pay on the railroad route would be only about $1,700 a year. In the mean time, ten counties of the State of Tennessee are denied the mail facilities which they formerly had. That is to say, the people of these ten counties are punished by being deprived of their mail facilities because an insolvent corporation, which has been sold out under mortgage of the State and the road conveyed into new hands, cannot carry out its contract with the War Department. The Quartermaster-General uses this language:

> The rights of the United States are not affected by the sale of the railroad by the State of Tennessee.

That is to say, because the Government of the United States sold in 1866 some rolling-stock to this railroad corporation, on condition that the mail pay should be retained until that rolling-stock was paid for, the State of Tennessee cannot sell the road under a mortgage; and, besides, the mail shall not be carried upon this road and paid for until the old debt to this Government shall be liquidated. In the mean time the people of these ten counties are denied their proper mail facilities, and sometimes are absolutely deprived of any mail facilities, in consequence of the streams along the route becoming so swollen that the hack cannot cross them.

Mr. HOLMAN. It would seem quite clear from this statement that the sale of this property under a prior contract would extinguish any subsequent lien upon it. But it might be fairly gathered, from the fact that the Post-Office Department assumes its present ground, that the Government's right under the contract was not affected by this sale upon a prior encumbrance. There must be some additional fact; and therefore I wish to ask the gentleman from North Carolina [Mr. WADDELL] whether this subject has been referred by the Post-Office Department to the Attorney-General for his opinion?

Mr. WADDELL. I do not think it ever has. The Postmaster-General seems to be acting under *quasi* instructions from the Quartermaster-General. The Postmaster-General is anxious to put on the service, and thinks it wrong that the people should be denied this privilege.

Mr. HOLMAN. They may assume that the State of Tennessee——

Mr. WADDELL. It is a mere construction of law put upon this contract by the War Department.

Mr. HOLMAN. They may assume that the State of Tennessee was a part to the contract.

Mr. WADDELL. Pardon me. The State of Tennessee by its legislation has assumed all responsibility for the amount due the Government, and still they cannot get the mail on that route.

Mr. HOLMAN. One other question. The gentleman from North Carolina has the letter——

Mr. WADDELL. I have all the papers.

Mr. HOLMAN. The gentleman quoted from a letter from the War Department.

Mr. WADDELL. I will have it read, if the gentleman desires it; I did not deem it necessary to take up that much time.

Mr. HOLMAN. I hope it will be read.

Mr. DIBRELL. I have here the acts of the Legislature of the State of Tennessee granting aid to the railroads of the State, including this road; also the acts assuming liability in case the Government held a lien on the road, and prohibiting the company from giving any lien superior to the lien of the State of Tennessee. I will state further that when I came here in December last the Postmaster-General proposed to put the mails back upon this railroad, provided the contractors would take the chance for their pay. I went to see the Secretary of War, Mr. Belknap, and he had no objection; but, on going to the Quartermaster-General, I found that he objected.

Mr. WADDELL. I now ask that the Clerk read the letter which I send to the desk.

The Clerk read as follows:

> WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
> *Washington, D. C., December 11, 1875.*
>
> SIR: In the matter of the request of Hon. G. G. DIBRELL, concurred in by Hon. D. M. KEY, that the order suspending the carrying of the mails on the McMinnville and Manchester Railroad be rescinded or suspended, I have the honor to report that in February and June, 1866, the McMinnville and Manchester Railroad Company purchased of the United States railway material to the value of $46,508.54, upon the terms and conditions of executive orders of August 8 and October 14, 1865. One of the conditions on which the property was sold to the railroad company was that all Government dues for carrying the mails should be retained and applied to the liquidation of the debt. The company accepted these conditions and received the property.
>
> Interest has accumulated upon the debt to the amount of $37,505.12, and payments have been made to the amount of $14.25, leaving due the United States December 1, 1875, $83,999.41.
>
> None of the postal earnings of the road have been paid over to this Department, and but a small sum, $5,054.37, has been earned, as the mails were not carried on the road prior to July 1, 1870, and have not been carried since June 30, 1873.
>
> Some time prior to July 1, 1870, the road being indebted to the State of Tennessee for bonds loaned to aid in the construction of the road, the governor of the State took possession of the road and appointed a receiver thereof; he then leased the road and the lessee commenced carrying the mails and claimed pay for so doing.
>
> On the 25th of August, 1871, a full statement of the case, setting forth the demands of the lessee for payment and the action of this Office in resisting those demands, also the fact that suit was pending against the company to recover the amount due the United States, was submitted to the Secretary of War.
>
> The Quartermaster-General gave his reasons for refusing to permit payment of the postal earnings to be made to the lessee, and asked for instructions as to whether he should permit the lessee to receive from the United States the money due from such earnings; whether executive orders should be obeyed and adhered to or the Post-Office Department advised to pay the money to the railroad company instead of retaining it to be applied to reduce the debt due the United States by the railroad company. The Secretary of War, on the 19th or September, 1871, replied as follows:
>
> "Respectfully returned to the Quartermaster-General. His action herein is approved and he is instructed to insist on the payment to his Department, according to contract, of all the postal earnings of the McMinnville and Manchester Railroad Company, until the indebtedness referred to is discharged."
>
> On the 15th day of July, 1871, the State sold the road to the McMinnville and

Manchester Railroad Company, and the company subsequently sold it to the Memphis and Charleston Railroad Company.

On the 2d of July, 1873, the Quartermaster-General was informed by the Second Assistant Postmaster-General that postal service on the road had been discontinued in consequence of the refusal of the Department to allow the postal earnings to be paid to the Memphis and Charleston Railroad Company.

On the 11th of July, 1873, the Second Assistant Postmaster-General referred to this Office a communication from Mr. Marbury, president of the McMinnville and Manchester Railroad Company, and said: "It is hoped that if possible some arrangement might be effected which will obviate the difficulties now existing and enable this Department to secure postal service on the McMinnville and Manchester Railroad."

This communication was submitted to the Secretary of War, with report, on the 29th of July, 1875, for instructions attention being invited to the report of 1871. The Quartermaster-General then said: "I cannot recommend that the Government yield to the railroad company in this matter; if this was the only company indebted to the United States and if, even in this case, there was beyond question other complete and ample security for the payment of the debt due the United States, I would, rather than cause trouble to the Post-Office Department in its postal matters, yield the point; but as it would be a precedent for other indebted companies to seize upon, I think the Department should adhere to its previous action."

To this communication the Secretary of War replied on the 4th of August, 1873, as follows: "The indorsement of the Secretary of War, dated September 19, 1871, on the Quartermaster-General's report of August 25, 1871, is adhered to."

The Secretary further directed that the papers be forwarded to Messrs. Perry and Matthews, counsel for the United States, to be considered in connection with the suit pending against the railroad company, and with request that the counsel will be pleased to communicate to this Department such suggestions regarding the claim now presented by the Memphis and Chattanooga Railroad Company as in their opinion the case demands.

The papers were all transmitted to Messrs. Perry and Matthews on the 6th of August, 1873, but no reply has been received.

The suit against the railroad company has not yet been tried, and it is thought that no trial should be had until after the expiration of one year from February 27, 1875, the limit to the time in which the debt of the company can be compromised under the act of February 27, 1875.

It is claimed by this Department that the rights of the United States are not affected by the sale of the road by the State of Tennessee; also, that those rights are not affected by any claim the company have for iron removed from the road by the United States during the war, as it was captured property.

The Acting Quartermaster-General does not recommend any modification of previous instructions of the Secretary of War on this subject.

The letter above referred to is herewith returned.

I am, very respectfully, your obedient servant,

RUFUS INGALLS,
Acting Quartermaster-General,
Brevet Major-General United States Army.

To the Hon. SECRETARY OF WAR.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. HOLMAN] withdraw his objection?

Mr. HOLMAN. Before withdrawing my objection, I wish to state that this measure involves a question of law as to the effect of the sale of this property under the prior lien of the State of Tennessee—whether that extinguished the arrangement made subsequently between this company and the Government in 1866. Now, the ground on which the counsel for the Government insisted that this lien was not affected by the sale by the State of Tennessee is not stated; but it does seem to me that the gentleman from North Carolina should have had this subject referred to the law officer of the Government to ascertain the ground upon which this claim of the War Department was asserted. It can only be asserted, I presume, upon the assumption that the State of Tennessee had acquiesced in the act of this company in entering into this contract with the Government. I wish to ask the gentleman from North Carolina whether he does not consider that the question how far the State of Tennessee may have acquiesced in this act of the company so as to supersede its prior lien is a proper subject to be inquired into before the passage of this measure?

Mr. WADDELL. I will say in reply to the gentleman from Indiana that the State of Tennessee was no party to this proceeding in any sense. The iron was taken up from this road during the war by the Government and laid down upon the Chattanooga Railroad. After the war, this road having been stripped in that way, the Government loaned this iron.

But there is one consideration which seems to me a sufficient answer to all objections. What earthly good will it do for the Government to continue to occupy the attitude it has heretofore taken in this matter? The Government cannot force the new owners of the road to carry the mails; they have refused to do so. The Government is obliged to make a contract with them. What, then, is to be gained by refusing to pay the new lessees of the road for carrying the United States mails? What is accomplished by that, except to punish the innocent people of those ten counties by denying to them mail facilities? The former corporation, which was insolvent, has been sold out, and the Government can make nothing by withholding mail facilities from the people.

Mr. HOLMAN. There is another consideration——

The SPEAKER *pro tempore*. It is very irregular to have an objection reserved in this way while the debate upon the measure proceeds.

Mr. HOLMAN. Just one word before withdrawing the objection. Mr. Speaker, it is quite manifest that the Government has a suit pending to recover this $3,000, and the right of action of course is not affected by this proceeding. I hold, however—and I believe that this is beginning to be understood as the settled law of this country—that the Government of the United States under its constitutional authority to establish and regulate post-roads may require this company to transport its mails, paying, of course, in some form or other, a reasonable compensation. I am not disposed upon the facts presented to press my objection, although I should greatly have preferred that this question had gone to the law officer of the Government that he might have given a full opinion upon it.

Mr. WADDELL. If the Government recovers judgment in this suit, the State of Tennessee, under an act already passed, assumes all the responsibility.

The SPEAKER *pro tempore*. The Chair understands that the objection to the bill is withdrawn.

Mr. HOLMAN. Yes, sir.

The SPEAKER *pro tempore*. The bill is then before the House.

The bill was read a first and second time.

Mr. CANNON, of Illinois. I wish to say one word only. As a member of the Committee on the Post-Office and Post-Roads, I wish to state that for one I do not concur in the recommendation of the majority of the committee.

Mr. WADDELL. It is very strange for the gentleman to say that. This is the unanimous report of the committee.

Mr. CANNON, of Illinois. Not at all.

Mr. WADDELL. The committee unanimously agreed to this substitute.

Mr. CANNON, of Illinois. Not at all.

Mr. WADDELL. I refer the gentleman to every other member of the committee to say whether it is not the fact.

Mr. CANNON, of Illinois. If such action was had, it was at some time when I was not present. The last time this matter was considered the gentleman from Iowa [Mr. AINSWORTH] and myself refused to concur.

Mr. WADDELL. This is not the original bill, but a substitute upon which we all agreed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WADDELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL CLARY.

Mr. HEWITT, of Alabama, by unanimous consent, from the Committee on Invalid Pensions, reported back, with a recommendation that it pass, the bill (H. R. No. 3143) granting a pension to Daniel Clary; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LEMUEL L. LAWRENCE.

Mr. HEWITT, of Alabama, also, by unanimous consent, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 3319) granting a pension to Lemuel L. Lawrence, late second lieutenant of Company B in the Sixth Regiment Illinois Cavalry Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES KILE.

Mr. BAGBY, by unanimous consent, introduced a bill (H. R. No. 3496) granting a pension to James Kile, late private Company I, Seventeenth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. TREADWELL.

Mr. BAGBY also, by unanimous consent, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3497) granting a pension to James B. Treadwell, major Eighty-fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTHUR W. IRVING.

Mr. BAGBY also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3498) granting a pension to Arthur W. Irving, late private Company C, One hundred and fourth New York Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIETT A. HENDRICKSON.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back favorably a bill (H. R No. 2768) granting a pension to Juliett A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DALTON HINCHMAN.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back favorably a bill (H. R. No. 1479) granting a pension to Dalton Hinchman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS W. HEWITT.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back favorably a bill (H. R. No. 2120) granting a pension to Thomas W. Hewitt; which was referred to the Committee of the

Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN FREY.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back favorably a bill (H. R. No. 2472) granting a pension to John Frey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM BUCKLEY.

Mr. BAGBY also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3499) granting a pension to William Buckley, private Company C, Fiftieth Ohio Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANN ANNIS.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back favorably a bill (H. R. No. 3011) granting a pension to Mrs. Ann Annis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELVIRA KIDD.

Mr. BAGBY also, by unanimous consent, from the same committee, made an adverse report in the case of Elvira Kidd, widow of Dr. William H. Kidd, of the board of enrollment, first district of Kentucky; which was laid on the table, and ordered to be printed.

WILLIAM C. SHIMONECK.

Mr. BAGBY also, by unanimous consent, from the same committee, reported back the petition of William C. Shimoneck, asking for a pension, and moved that it be laid on the table and the report printed, as a pension had been granted at the Pension Office.

The motion was agreed to.

COLLECTORS OF INTERNAL REVENUE.

Mr. GARFIELD, by unanimous consent, from the Committee of Ways and Means, reported back, with amendments, House bill No. 2922, to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts; which was read a first and second time.

The bill, which was read, authorizes the Secretary of the Treasury, upon final settlements hereafter made with collectors of internal revenue who went out of office prior to the 8th day of February, 1875, to make such additional allowances of compensation as he may deem just and equitable to such of said collectors as he, from the territorial extent of their collection districts, or from other proper considerations, may consider justly entitled thereto; but the total net compensation of any such collector shall not in any case exceed the rate of $4,500 per annum; provided that the power herein conferred upon the Secretary of the Treasury shall continue for twelve months from and after the passage of this act and no longer.

Mr. GARFIELD. I move to put the bill on its passage at this time, and shall ask to have printed letters from the Secretary of the Treasury and the Commissioner of Internal Revenue (not wishing to detain the House by having them read) showing they both approve of the bill. The letters are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, May 4, 1876.

SIR: Referring to House bill No. 2922 (Forty-fourth Congress, first session,) referred by you to this Office on the 3d instant, with request for an opinion as to the propriety of the passage of the same, I have the honor to return the said bill, and to say that if the same can be amended as indicated thereon, this Office will not be disposed to interpose any objection to the same becoming a law.

Respectfully,

D. D. PRATT, *Commissioner.*

Hon. B. H. BRISTOW,
Secretary of the Treasury.

TREASURY DEPARTMENT, *May* 11, 1876.

SIR: I herewith return a bill (H. R. No. 2922) "to authorize the Secretary of the Treasury to make allowances to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlement of their accounts," which bill was left by you at this Department with the verbal request that it be returned to you with an expression of the views of the Secretary as to the propriety of its passage.

The Commissioner of Internal Revenue, to whom the bill was referred, suggests certain amendments, which he has indicated thereon, and reports that as so amended he has no objections to make to its passage. A copy of the Commissioner's letter upon the subject is herewith inclosed.

I concur in the amendments of the Commissioner, and see no objections to the principle of the bill; but I think it may be well to call your attention to the fact that the law as it now stands authorizes the Secretary to make allowances for services rendered within a year past only upon the recommendation of the Commissioner of Internal Revenue, while it is proposed by this bill, in cases of allowances thereunder, to dispense with his recommendation.

Although no ill consequences are to be apprehended from this contemplated change, yet for the sake of consistency and for the purpose of preventing confusion of details in the settlement of these cases I would suggest that there should be uniformity of legislation in this particular.

I am, very respectfully,

CHAS. F. CONANT,
Acting Secretary.

Hon. JAMES A. GARFIELD,
House of Representatives.

Mr. GARFIELD. I demand the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN M. ENGLISH.

Mr. YEATES, by unanimous consent, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (S. No. 708) for the relief of John M. English, of North Carolina.

The bill was read. It instructs the Secretary of the Interior to direct the pension agent at Raleigh, North Carolina, to issue a duplicate check, No. 8424, for $1,334, in favor of John M. English, for one lost in the mail on May 18, 1875; provided that the Secretary of the Interior be satisfied that the same has not been paid, and provided that said English shall first execute a bond and give sufficient sureties, to be approved by the Secretary of the Interior, to hold the United States harmless against the double payment of said check.

Mr. YEATES. A joint resolution identical in substance with this bill passed this House and went to the Senate. The Senate put it in the form of a bill. It has been again before the Committee on Invalid Pensions and they recommend its passage.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. YEATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NELSON AINSLIE.

Mr. SINNICKSON, by unanimous consent, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1269, a bill (H. R. No. 3500) granting a pension to Nelson Ainslie; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE HAGAN.

Mr. SINNICKSON also, by unanimous consent, from the same committee, reported, as a substitute for House bill No. 1625, a bill (H. R. No. 3501) granting a pension to Catharine Hagan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH D. STONE.

Mr. SINNICKSON also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1566) granting a pension to Elizabeth D. Stone; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. A. AND D. G. NOBLES.

Mr. SINNICKSON also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3502) granting a pension to Maggie A. Nobles and Daniel G. Nobles; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP ROHR.

Mr. ELLIS, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3503) for the relief of Philip Rohr, of Virginia, for tobacco seized for the use of the Army; which was read a first and second time, referred to the Committee of Claims, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ELLIS also, by unanimous consent, from the same committee, reported adversely on the following memorial and bill; and the same were laid upon the table and the accompanying reports ordered to be printed:

The memorial of Wildey Lodge, Independent Order of Odd Fellows, for compensation for destruction of lodge and regalia by fire during the war; and

The bill (H. R. No. 733) for the relief of Frederick City and the banks thereof for losses occasioned by the confederate army, July 9, 1864.

THOMAS DAY.

Mr. ELLIS also, by unanimous consent, from the same committee, reported a bill (H. R. 3504) for the relief of Thomas Day, of Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILITARY POSTS ON YELLOWSTONE AND MUSCLESHELL RIVERS.

Mr. BANNING. I ask unanimous consent to report from the Committee on Military Affairs a substitute for the bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers. The Committee on Military Affairs are unani-

mously agreed on this bill. I believe it is satisfactory to the Committee on Appropriations, and if there is no objection I would like to have it passed at this time.

Mr. RANDALL. I must raise the point of order on that bill. Let it go to the Committee of the Whole.

Mr. BANNING. I had made the bill to suit the views of the gentleman from Pennsylvania, [Mr. RANDALL,] and I did not suppose he would have objected.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

ADVERSE REPORTS.

Mr. J. H. BAGLEY, from the Committee on Patents, reported adversely on the following bills; and they were laid on the table and the accompanying reports ordered to be printed.

The bill (H. R. No. 2136) for the relief of the heirs of Thomas R. Crosby; and

The bill (H. R. No. 1356) for an extension of the patent of Thomas A. Weston.

JOHN A. RICHARDSON.

Mr. CANDLER, by unanimous consent, introduced a bill (H. R. No. 3505) for the relief of John A. Richardson, executor of Benjamin O. Jones, of Fayette County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF JOHN STEEL.

Mr. CANDLER also, by unanimous consent, introduced a bill (H. R. No. 3506) to authorize the Court of Claims to hear and determine the claims of the legal representatives of John Steel, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. CATE. Mr. Speaker, I rise to a question of privilege. On my return here from Wisconsin, whither by courtesy of this House I had been absent for several days, I learned that during such absence a memorial of the Wisconsin Legislature had been introduced from the Speaker's desk, demanding an investigation of the right by which I occupy a seat on this floor.

I am, sir, too little acquainted with the rules by which the business of this body is governed and controlled to intimate that that ordinary and common courtesy and consideration due to members have not been observed in the presentation of this memorial. Neither will I allow myself to believe that any member of this body, for the purpose of obtaining any political advantage over me or to gratify the spite or malice of anybody, procured the presentation of the memorial in my absence. This memorial passed the Legislature of the State of Wisconsin more than sixty days ago, and might have been presented here in an open-handed, honorable way by somebody within a few days of its passage, if there was any real desire for an investigation, and the whole question determined long ago. But, instead of such reasonable and high-minded course having been pursued by those who are pushing this matter in the interest of party from behind, and too cowardly to come to the front, the memorial is allowed to float about the country, the subject of unfavorable comment toward me by the republican press, until finally it finds its way, like a thief in the night, into this House on the occasion of my first absence since the commencement of the session.

If I am not mistaken in my estimate of the motives and objects of the parties who, keeping in the background themselves, are using the Legislature to accomplish their purpose, they do not desire or expect an investigation, for they know what the result would be, but to create a popular prejudice against me at home, to assist them in recovering the three or four thousand majority their party has lost in the eighth district in the last two or three years.

The court did decide in the case referred to in the memorial that the board of county canvassers were guilty of fraud, but I was not a party to the suit or even referred to in it, neither did the court in any manner, by implication or otherwise, refer to me, and yet, by a skillful blending or association of the demand for an investigation with the allegation of fraud in the Wood County canvass and the remarks of the court, an impression is sought to be conveyed that I was the person charged with the fraud and that I am the person referred to by the court. In deciding the case against Baker, referred to in the memorial, the court say, in speaking of the action of the defendant, "This was a most flagrant and indecent violation of duty; too palpable for blunder, too corrupt for any mercy of construction." In the memorial this language is sought to be applied to me by alledging that—

> Mr. CATE received a certificate of election through the perpetration of an act which, unless the chief justice of the State of Wisconsin was in error in his judgment and conclusions, was a most indecent and flagrant violation of duty; too palpable for blunder, too corrupt for any mercy of construction.

And the whole aim of those draughting the paper seems to have been to create an impression that I had been guilty of a flagrant violation of the law, when it was well known that I was in entire ignorance of the facts of that canvass, it occurring thirty miles from my residence, and was wholly unknown to me until long after it occurred, and no man has been found bold and bad enough to charge me, except by innuendo and insinuation, with the frauds of that canvass, if any fraud there was, of which I had no knowledge.

These words in the memorial, italicized, purport to be the words of the court—"he who, by fraud or by willful disregard of his sworn duty, defeats the will of the people as expressed by their votes, commits a political crime next to treason and nearly akin to it." All very true, but to what feature of this contest do they apply; and why are they put in this memorial in italics for the purpose of attracting attention, giving to them a significant meaning? There can be no mistaking the design; it bears the ear-marks of the political trickster, the cowardly poltroon who strikes from behind and never from the front. And then when it is spread upon the record and distributed throughout the country at public expense the object of these worthies is accomplished. It was for these reasons that I desired to be present when the memorial should be presented, that I might object to it going into the RECORD in its present shape, for I do not believe this House would direct the printing of that portion which purports to recite the opinion of the Wisconsin court, because it can have no possible bearing upon any matter arising in this case, and for the additional reason that the only object of that portion of the memorial is to injure a member of this body. Nobody pretends that the opinion of the court is of any binding authority in this case, because not made in a cause in which I was a party, and also because this House and not the court is the absolute and sole judge of the election and qualification of its own members. And therefore so much of the memorial as recites the ruling of the court is impertinent and ought to be expunged from the RECORD.

The memorial and the debates in the Wisconsin Legislature while it was under consideration have been published in all the republican papers in the State, together with such comments as such a press is in the habit of making when seeking political capital. Therefore I desire to make a full and fair statement of all the facts having any connection with this somewhat extraordinary case, and I hazard the opinion that when I shall have made my statement—and I shall be careful to make no statement that will be contradicted even by my enemies—the House will agree with me that this is an extraordinary proceeding on the part of the Legislature sending this presentation here.

I might inquire what right the Legislature has to interfere in a matter of this kind; to demand an investigation of the right of a member to a seat on this floor, or to interfere in any respect in the question of the election or qualification of a member of Congress. But I care nothing about the naked right of the Legislature to interfere in this particular case, for I have always been willing to submit to any examination of the election under and by virtue of which I hold my seat here. I have evaded nothing, taken no undue advantage, but have at all times been free to express my willingness to go to any proper examination—have repeatedly, publicly and in private, challenged such an investigation; but nobody would come to the front. But the hirelings and bummers of party have kept up their dirty work of defamation and slander.

I shall be able to show that if this is a case at any time proper for investigation, the fault that an investigation has not been had is not mine. After the contest between myself and my opponent had been regularly entered upon I prepared the case for trial, made all the necessary preparation for taking the testimony, and was prevented by the action of my opponent himself in formally withdrawing from the contest. And afterward, when charged by unscrupulous persons with usurping an office to which I was not entitled, I offered to waive all advantage, if any I had, by reason of the abandonment of the contest by my opponent and go on and test the questions in dispute as if such abandonment had not been made; but nobody would accept this offer. Dr. McDill, on the expiration of his term as Representative in the Forty-third Congress, was appointed to an important State office, the duties of which he discharged some eight months before his death. And I assert that it is not true, as stated by a newspaper correspondent here, that Dr. McDill was induced to resign by reason of ill-health, but on the contrary, it was his free and deliberate act, and he occupied a seat here thereafter for nearly two months and until the adjournment of Congress, and from that time until the time of his death, in November, discharged the duties of an important and laborious office, the illness of which he died being of brief duration.

When the returns reached the office of the secretary of state, it was found that on the face of such returns I had 2 majority, and thereupon Dr. McDill, my opponent, sued out of the supreme court a writ of mandamus to compel the State convassers to count certain votes not returned to them, and which had been rejected by the county canvassers of Wood County. This was a matter wholly between McDill and the board of State canvassers, and to which I was in no wise a party. The contest between myself and McDill rested upon entirely different grounds, as I shall show; but the court decided that from the returns in the office of the secretary of state I was entitled to the certificate of election, leaving the question of the legality of votes rejected by the local canvassers to be settled between the parties affected thereby, and the certificate of election was by such order of the supreme court delivered to me.

The law of Congress governing in cases of contested election allows forty days after the canvass within which to give notice of contest, and within that time Dr. McDill gave me the proper notice. My answer was served within the time limited for that purpose, in which I claimed to have received at said election a majority of the legal votes,

and that illegal votes had been cast and counted for the contestant. That Indians and half-breeds belonging to Indian tribes and yielding obedience to tribal government and authority, and in the annual receipt of annuities from the Government, had voted for the contestant in the counties of Ashland, Bayfield, and Douglas, and that in those counties no registry of the persons entitled to vote was made as was required by the laws of the State.

The answer was served on the contestant here in the city of Washington on the 8th day of January, 1875, and thereafter the case was at issue, and the testimony must have all been taken within ninety days next thereafter. The difficulty of preparing the case will be appreciated when it is understood that the locality where the facts set up in the answer transpired is two hundred miles from the residence of both myself and the contestant and separated by almost roadless forests from the balance of the district, the ordinary route of travel thereto from my house being a distance of four to five hundred miles; but notwithstanding it was in midwinter, I made the necessary preparations to take the testimony, and should have taken it within the time but for the action of my opponent; and I have good reasons to believe that from investigation and inquiry he became satisfied that my answer was true. At all events, on the 3d day of February I was served with this paper:

MADISON, *February* 3, 1875.

SIR: The undersigned hereby retracts and withdraws the notice served upon you on the 11th day of December, 1874, of a contest before the House of Representatives of the United States of the Forty-fourth Congress of your election to said Congress from the eighth congressional district of the State of Wisconsin at the general election of 1874, and all notices whatever of that import are herewith and hereby fully and completely withdrawn from said contest and any concern therein

ALEXANDER S. MCDILL.

Hon. GEORGE W. CATE.

But the secret history of this part of the contest is that McDill never authorized the contest at all, but it was instituted without his knowledge or direction in his absence from Wisconsin; and when he was informed of it, it met his disapprobation, and he at once countermanded the notice of contest. The Madison politicians would carry it on for political purposes and would use him for that purpose; but he was an upright, conscientious man, and being satisfied that I had an absolute and clear majority of the legal votes, his high sense of duty would not permit him to appear to contend for that to which he believed he had no just claim.

From the very first step, it has been the work of the politicians alone, those who dabble in the puddle-holes of politics for the money it brings, and whose corruptions and disreputable conduct generally have contributed materially in changing the popular vote of Wisconsin from a majority of 25,000 republican four years ago to a reform majority of several thousand at the last election, and it is probable that the disgust of Haman when he saw Mordecai sitting in the king's gate was mild compared with that of these gentlemen when they discovered an independent reformer sitting in the councils of the nation as the representative of the hitherto invincible eighth, the "iron brigade" in many contests, and failing to dislodge him, find compensation for their chagrin in throwing dirt and in unfounded insinuations which no man has dared to indorse.

The notice was filed with the Clerk of this House, where the notice of contest and answer were likewise on file, and thereafter I paid no further attention to the matter, supposing it to be at an end.

The Legislature of Wisconsin, then as now republican in both branches, was in session when the notice of abandonment of the contest was made, and all the facts connected with the election were well known, and had prior thereto been freely canvassed throughout the State, and especially at Madison after the meeting of the Legislature. The contest between my opponent and the State board of canvassers in the supreme court had given the history of the case great notoriety, but the Legislature adjourned without taking any action in the matter. It had not then occurred to its members, I suppose, that it was any of their business to interfere in the election of members of Congress.

After the canvass of the votes, and I think after the termination of the contest between myself and McDill, a litigation arose in the counties of Douglas and Wood between persons who were candidates for the office of county clerk, involving in the first-named county the right of certain persons (Indians) to vote and the question of compliance with the registry law, and in the latter county also the question of registry and the legality of the action of the county canvassers in rejecting the vote of a couple of towns in said county, by which Dr. McDill lost 38 votes, the unsuccessful candidate for the county office also losing by the same action. In the county of Douglas McDill had 69 majority over me, and the same was counted for him. The litigation in regard to the Douglas County vote resulted in the court declaring the vote of the entire county illegal, because of a failure to register as required by the law of Wisconsin.

In the Wood County litigation the court decided that the county canvassers erred in rejecting the vote of two towns or precincts in that county. To neither of these suits was I a party. The Wood County case is the same case referred to in the memorial.

The election law of Wisconsin requires that a registry of the voters shall be made before the election, and the supreme court has repeatedly held that the making of such registry is a condition precedent to holding an election at all.

In the county of Douglas, being one of the counties in which I had in my answer alleged the voting of persons belonging to Indian tribes, and also that no registry of the voters had been made, the court in the case just mentioned decided that the election was illegal because no registry had been made; and the fact is that throughout that region the registry law, the only safeguard against illegal voting, was entirely ignored and the gate-way to the polls thrown wide open.

This memorial recites the opinion of the court in the Wood County case, and upon the strength of that decision it is that an investigation is demanded. Giving to that case all that is claimed for it and McDill would be a gainer of 38 votes. Giving the same force to the decision of the circuit court in the Douglas County case, and McDill by that decision lost 69 votes, taken together increasing my majority by 31 votes. And no statement based upon any judicial determination can be made with any different result, and yet a republican majority in the Wisconsin Legislature, as if in ignorance of the fact that the entire election in Douglas County had been declared void by a court of competent jurisdiction, parade the speech of the court in the Wood County case before the public as though it is decisive of the whole question.

Let us see. When this memorial was first introduced in the Wisconsin Legislature it was presented in the senate in the precise form in which it now appears, but was amended in that body by incorporating into it a recital of the finding and judgment of the circuit court in the Douglas County case, because, as was said by senators, if it was proper to incorporate one case, it was but just to put in the other, as both were entitled to the same faith and credit; and, as amended, it passed the senate, which body is largely republican, showing that, uninfluenced by political considerations, the republican majority in that body were disposed to deal justly by a political opponent. But an intense partisanship ruled the assembly, republican by a small majority, and by a strict party vote the action of the senate in amending the memorial was repudiated, and the relation of the Douglas County case was stricken out, for which no other reason was ever assigned than the purely arbitrary reason that the majority desired to have it so.

My party friends in the Legislature desired that if any relation was to be made it should be a truthful and fair statement of the facts as the same were known to exist. It was well known to the Legislature that after the canvass of the votes it was discovered that a mistake of 10 votes against me was made by the county canvassers of Adams County in adding up the votes, and had been so certified to the secretary of state, and it was proposed to set out those facts in the memorial, because they were not disputed; but it was denied, though the mistake had been made by a republican board of county canvassers who were desirous of correcting their returns; and so a republican Legislature denied me a privilege that would have been accorded to the lowest accused, the privilege, not to say the right, that the memorial should contain all the material facts in the case, the undisputed facts; but instead thereof we have, as was said by Mr. Newcomber in the assembly, an information "partial in its statement of facts, partisan in its spirit, insulting in its insinuations, erroneous in its conclusions, and unworthy the Assembly." And so it was.

To show the contemptible, driveling spirit of party that controlled in this matter, and how unworthy a State Legislature, and also to show my own willingness to meet an investigation, I refer to the fact that when the the memorial was first introduced, perceiving that its principal object was to injure me in the public estimation through its base and truthless insinuations, because the opinion of the supreme court could have been introduced for no other purpose, I wrote at once to the Assembly, addressing my letter to the speaker in care of a member, requesting that so much of the memorial as recites the opinion and remarks of the court be omitted, and that I would make no opposition to the adoption of the memorial or to an investigation here, and that I would consent to a count of the rejected Wood County vote; which letter was read on the floor of the Assembly: but the proposition was rejected. There could be no mutilation of the bantling. The ring-masters would not give up the speech of the court on the subject of frauds in elections. *That* was the valuable part of the memorial; *it* they regarded as a great political "bonanza," an "eye-opener," so to speak, something that would electrify the people of my district next fall, and therefore could not be dispensed with, though they should accomplish all they pretended to desire, namely, an allowance of the rejected vote in Wood County.

With characteristic fairness this memorial attempts to confine the investigations of this body to the reasons for the rejection of the vote of two towns or precincts in Wood County, notwithstanding it was well known that the vote of those towns was not in controversy between McDill and myself, and that the rejection of that vote was not essential to my election.

What were the matters in contest between McDill and myself, and to which this investigation must extend if any investigation shall be had? In my answer to his notice I alleged that a large number of several bands of Chippewa Indians located on the south shore of Lake Superior had voted for McDill, giving the number, the band to which they belonged, and the place where the voting was had; and likewise that there was no registry as required by law. The last was investigated in the circuit court, and, as before stated, the court found that there was no registry and rejected the vote.

And in regard to the Indian vote, the proof will show not only that a large number voted at the general election in 1875, but also that for years the republican leaders in that hitherto isolated and sparsely settled region have been in the habit of helping out a candidate by the use of Indian votes. Some of the better class of republicans did not approve of this, because nobody pretends that persons belonging to Indian tribes are voters in Wisconsin. But the politicians did not see it in just that light; they knew that great advantage had resulted to their party by allowing negroes to vote, and appear to have thought it would be equally advantageous to utilize the Indian vote. It was wholly through republican sources that the voting of tribal Indians was exposed, for politics in that region is a close corporation, in which officers and shareholders are republicans; but there were a few who would not submit to such a plain and palpable violation of law, and had the nerve and independence to expose it; not that I would be understood as conveying the idea that all those who did not expose it approved of it.

As evidence of the feeling on the lake-shore in regard to this matter, I read one or two letters of the many received from that region all to the same import:

Judge CATE.

BAYFIELD, WISCONSIN, *December* 9, 1875.

DEAR SIR: Though a republican and supporter of Dr. McDill and have a desire to see him our Representative in the next Congress, yet my desire is based alone on the right he may have to his seat in said Congress by receiving a majority of the legal votes cast, which right I think extremely doubtful. In this county (Bayfield precinct) the vote for McDill was 175, the same number as shown on the poll-books, every ticket having thereon the name of McDill for Congressman eighth district. Of this number the poll-books will show the names of forty and perhaps fifty Indians and half-breeds, belonging to the Buffalo band of Chippewa Indians and living on the Red Cliff reservation. You will understand that I am not objecting to McDill, but to the principle of *nolens volens* in elections. This applies of course to our local candidates. This class of voters, Indians and half-breeds, are controlled almost wholly by whisky and other illegimate means and influences; consequently as long as this *régime* exists we will not have the better class of citizens control the interests of our county. Ashland County cast 214 votes. Of this number you received but 4. In the latter county is located Bad River reservation, whose occupants were permitted to vote at will, notwithstanding they are as illiterate and ignorant as the Digger Indians. Neither have they been declared citizens by any act of Congress or by State legislation, nor have either of those bands abandoned their tribal relations, but maintain full membership and acknowledge allegiance to their chiefs. If the vote between you and McDill is as close as reported, these illegal votes thrown out will seat you and secure a precedent of infinite value to the purity of the ballot and good morals on Lake Superior. Will be pleased to hear from you in regard to the matter, believing that if it benefits you we too will be benefited.

Extract from a letter dated at Lapoint:

Speaking of the election, the most of the voters were Indians and half-breeds, drawing pay from the Government. In Bayfield County more than half their voters were half-breeds and Indians living on their reservation. I objected to their voting here, but they were allowed to vote.

STATE OF WISCONSIN,
County of Douglass, ss:

Richard Rief, of Superior in said county, being duly sworn, says he is a citizen and legal voter in said county; has resided therein over twenty years, and is personally acquainted with each and every of the persons herein named, namely—

Giving a large number of names, which are omitted—

That each and every of them are persons of Indian descent, and are members of the tribe of Chippewa Indians of Lake Superior, and belong to either the Fond du Lac band or to the Bois Fort band of said tribe, and are enrolled with the individuals of one or the other of said bands, and are now on the lists and pay-rolls and receive allowances of money and property under the treaties; and that deponent believes each and every of them voted for A. S. McDill for member of Congress at the general election in 1874.

After my answer was filed the subject was extensively discussed by the papers in the State, especially by those in the district, and I assert here that the fact of such voting has not at any time by anybody been denied. Have Indians or persons belonging to Indian tribes the right to vote? The constitution of the State of Wisconsin, in determining who shall be entitled to vote, includes "persons of Indian blood who have been declared citizens by act of Congress;" second, "civilized persons of Indian descent, not members of any tribe."

From this it of course follows that persons of Indian blood belonging to any Indian tribe are not voters unless declared citizens by act of Congress, and there is no pretense that any portion of the Chippewa Indians of Lake Superior have ever been declared citizens by act of Congress, and I conclude that the people of this country are not anxious to establish a precedent under which every Indian in the land may go unchallenged to the polls and untold mischief result. While the great body of the Indians and half-breeds are utterly unfit by reason of their ignorance to exercise intelligently the rights and privileges of citizens, though quite as intelligent as the average plantation negro, there are many persons of Indian blood, belonging to Indian tribes and acknowledging obedience to tribal authority, many such in the Lake Superior country within my district eminently qualified to fill almost any position to which a citizen may aspire, but who prefer to keep up their tribal relations, though it is hoped that such persons will at an early day dissolve their tribal relations for the higher and more important position of citizens.

Mr. Speaker, I have now hurriedly passed over the more important features of this matter, but I felt a delicacy in detaining the House for that purpose, and should not have done so had this memorial been presented in the ordinary way, and referred to the appropriate committee without being published to the world, and I am informed that the usual and ordinary practice is to refer such cases to a committee without printing. For these reasons I have felt justified in giving it a more extended notice. And because I believe this to be a move purely in the interest of party, designed for influence in the fall election in my district, and not at all to subserve the ends of justice, I desire that those who may have read this skillfully prepared memorial may know of its shameful withholding of facts, and its base and groundless insinuations against me.

There has been no desire for a speedy investigation by those who are moving in this matter, but it has been their intention from the first to procrastinate proceedings so that no investigation can be had this session, leaving it to be handled as a campaign weapon in all its force of misrepresentation and gross insinuations, and therefore it was that it was bandied about the Legislature from the beginning of the session to the end, and allowed to remain in the hands of the governor a couple of months longer until this session is so near its close as to render it almost impossible to determine the case at this session, involving as it will the finding of witnesses and then the taking of testimony in a remote region of the country. Why did not these parties appear and object to me being sworn in as a member of this House? Because that would have precipitated a determination of the controversy and exposed the hollow pretenses set forth in this memorial.

My desire is that this investigation be pushed with all possible diligence, and I assure the gentleman having this matter in charge that there will be no blocking of the wheels on my part; but on the contrary, every possible assistance. Let the committee be directed to send for persons and papers, for there is not time to prepare and pass a law for taking the testimony in such a case, and then giving the notices and taking the testimony at this session; but any course that will be acceptable to any gentleman who assumes its management will be agreeable to me.

This proceeding did not originate in my district through any feeling of dissatisfaction among the people there, but did meet with disapprobation from many republicans there, and was regarded by the people generally as a bold and wicked attempt to disgrace me for political purposes. The humblest citizen in my district might come here and question my right to a seat in this body and would be entitled to a respectful hearing, but nobody from my district has demanded any such thing at the hands of this House; but on the contrary I charge that this scheme was forced through the Legislature by a man who does not live in my district, but who assumes to hold the politics of Wisconsin in the hollow of his hand, and to set up and depose candidates for office at his pleasure, a bold unscrupulous man, who has supported the drooping cause of republicanism in Wisconsin for the last five years by levying vast sums of money from distilleries, gaugers, and store-keepers, the price of immunity from prosecution for violation of the revenue laws, with a full knowledge that such persons were continually manufacturing crooked whisky, and himself a public officer promising to stand between them and the Government. This is the precious scoundrel who was able to manipulate his party in the Wisconsin Legislature in this matter, as before stated, in the interest of those who are anxious to "stand by" their country in these Halls in the place I occupy; but I refer with pride to the fact that there were in both houses high-minded republicans who could not be dragooned into supporting the memorial, characterizing it as a piece of political clap-trap to which they would not give their assent. Asking pardon of the House for occupying so much time, I submit the entire direction of the matter to the committee having it in charge.

Mr. CASWELL. I ask permission to say a word in reference to what has been said by my colleague who has just made a personal explanation.

The SPEAKER *pro tempore*. Is there objection to the gentleman proceeding? The Chair hears none.

Mr. CASWELL. I desire only a moment for the purpose of relieving my colleague from some impressions which he seems to have and which really have no foundation whatever, but what I suppose to be a misapprehension. He criticises the fact that the memorial was presented to the House in his absence, and I suppose in doing so he refers to the action of some members of the delegation from Wisconsin.

Mr. CATE. I impute nothing to them at all in the matter. I am informed by my colleague, [Mr. RUSK,] in whom I have great confidence, that the memorial reached the Speaker's desk in some way without any action of any member of the delegation.

Mr. CASWELL. My friend has anticipated much of what I was about to say, that the memorial came to this House through the hands of the Speaker. No member of the Wisconsin delegation has ever in any manner, to my knowledge, interfered with it. The memorial passed the Legislature of the State of Wisconsin, but no member of this House has had any part in it. The gentleman reflects severely upon the republican party of that State and perhaps upon the members of that party in this House.

Mr. CATE. No, I did not say a word against my republican colleagues here.

Mr. CASWELL. I will not be severe on the gentleman at all if he will allow me to proceed.

Mr. CATE. Not at all; but I do not allow you to misrepresent me. I have made no intimation that my colleagues on the other side have acted unkindly or interfered in this matter. In my judgment, they had no part or parcel in it.

Mr. CASWELL. I am obliged to the gent leman for his courtesy

I was in doubt before whether he did not intend to reflect upon the members of the republican party here. He passed a criticism upon some members of the party in the State, and said this memorial had been traveling about the country subject to comment before it was sent here. Let me say that neither the republican party of the State of Wisconsin nor the governor of the State had any hand in the suppression of the memorial, but it did slumber in the hands of the secretary of state, who ought to have forwarded it to this House.

Mr. CATE. Allow me to interrupt you. The memorial never went to the office of the secretary of state. It went to the office of the governor—the Legislature of Wisconsin is republican—and was by the governor transmitted here. You will see by an inspection of the memorial that it never has been in the office of the secretary of state.

Mr. CASWELL. I think my colleague is unnecessarily stirred up about this matter. I do not charge that its suppression was the willful act of the secretary of state; but when my colleague charges upon the republican party of that State, and especially upon the executive, that the memorial was suppressed by them, I repeat that it slumbered in the hands of the secretary of state until a few days before it was laid upon the Speaker's table. I was so informed by the governor, and I cannot be mistaken nor deceived about the action of the secretary, nor in the law of the State which requires that all bills and memorials passed by that body should go directly into the hands of the secretary of state; and if I am not mistaken this memorial bears the impress of his seal upon it. I am informed that it passed into the secretary's hands immediately upon its passage, as every one who has served in a legislative body knows it must for record, and there it slumbered until the governor's attention was called to it a few days before it reached this House. I intend no reflection upon the secretary of state, who is a political friend of my colleague. Whether its retention in his office was an act of inadvertence or not I do not know. I make no complaint upon that point.

My colleague made a statement that some time ago Wisconsin was republican by 20,000 majority and that at the last election it gave several thousand democratic majority. Has he forgotten that for the last two years the Legislature of that State has been republican and that at the last election we returned to the executive chair a republican governor? I concede that the democratic party did a few years ago try the experiment of reform and carried the State, but the people have made haste to correct their error.

Mr. SEELYE. I call for the regular order.

RESIGNATION OF A MEMBER.

The SPEAKER *pro tempore*. The Chair lays before the House a letter submitting the resignation of Hon. WILLIAM H. BARNUM, of Connecticut. It will be read.

The letter was read, as follows:

SALISBURY, CONNECTICUT, *May* 18, 1876.

SIR: Having been elected by the Legislature of Connecticut a Senator in Congress to fill the unexpired term of the late Hon. Orris S. Ferry, I hereby tender to you, and through you to the House of Representatives, my resignation as a member of Congress from the fourth congressional district of Connecticut.

I have the honor to be, respectfully, your obedient servant,

WM. H. BARNUM.

Hon. MICHAEL C. KERR,
Speaker of the House of Representatives,
Washington, D. C.

Mr. BANKS. I move that that letter of Mr. BARNUM be entered on the Journal as an acceptance of his resignation on the part of the House.

The motion was agreed to.

APPOINTMENT OF A COMMITTEE.

The SPEAKER *pro tempore*. The Chair appoints as the select committee of investigation into the official conduct of the Clerk of the House the following gentlemen:

Mr. PAYNE, of Ohio; Mr. FORNEY, of Alabama; Mr. MAISH, of Pennsylvania; Mr. WAITE, of Connecticut; and Mr. HENDERSON, of Illinois.

W. H. NEWMAN.

Mr. WARREN, by unanimous consent, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1655) for the relief of William H. Newman and L. A. Van Hoffman; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. AMELIA L. RICHARDS.

Mr. WARREN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3507) for the relief of Mrs. Amelia L. Richards; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. JENKS, the Committee on Invalid Pensions was discharged from the further consideration of the following bills and petitions; which were severally referred to the committees as indicated below:

The petition of George W. Huntman—to the Committee on War Claims.

The bill (H. R. No. 3335) for the relief of George H. Maurer, of Washington, District of Columbia—to the Committee for the District of Columbia.

The bill (H. R. No. 3394) granting a pension to Mrs. E. Hubbard, widow of Solomon Hubbard—to the Committee on Revolutionary Pensions.

Petition of Robert Quinn—to the same committee.

Petition of Dudley Taft, of Barre, Vermont, late private in Company K, Third Vermont Infantry—to the Committee on Military Affairs.

Petition of Hiram S. Lathe, for renewal of pension—to the same committee.

FAVORABLE REPORTS.

Mr. JENKS, from the same committee, reported back, with a recommendation that the same do pass, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2469) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers;

A bill (H. R. No. 3292) providing for a pension to be paid to Andrew Jackson, colored, of Pittsburgh, Pennsylvania; and

A bill (H. R. No. 3415) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and Assistant Inspector-General of the United States Army.

THADDEUS S. STEWART.

Mr. JENKS, from the same committee, reported adversely upon House bill No. 2666, granting a pension to Thaddeus S. Stewart, and the same was laid on the table, and the accompanying report ordered to be printed.

BRANNIN, SOMERS & CO.

Mr. HILL, from the Committee of Ways and Means, by unanimous consent, reported a bill (H. R. No. 3508) for the relief of Brannin, Somers & Co., of Louisville, Kentucky; which was read a first and second time, and with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

GRANT-PEMBERTON MONUMENT.

Mr. JOHN REILLY, from the Committee on Military Affairs, reported back, with amendments, House bill No. 443, authorizing the Secretary of War to purchase the site of, and attach to the Vicksburgh National Cemetery, the Grant-Pemberton monument at Vicksburgh, Mississippi; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

R. H. MURRILL.

Mr. JOHN REILLY also, from the same committee, reported a bill (H. R. No. 3509) for the relief of the legal representatives of R. H. Murrill, deceased, late commissary Tenth Tennessee Cavalry; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

ADVERSE REPORTS.

Mr. JOHN REILLY also, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3343) for the relief of the widow and children of Brigadier-General William Gamble, deceased;

The memorial of L. B. Broman, for compensation;

The memorial of Augustus Sprague, for relief; and

The petition of William A. W. Daly, for back pay as first and second lieutenant of the Fifth Indiana Cavalry.

Mr. RAINEY, from the Committee on Pensions, reported adversely on the petition of Peter Campbell, late private in Company G, Sixth Maine Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

Mr. COOK, from the Committee on Military Affairs, reported adversely upon a bill (H. R. No. 1403) for the relief of the heirs of John Jenkins, deceased, who was a lieutenant in the army of the Revolution; which was laid on the table, and the accompanying report ordered to be printed.

FAVORABLE REPORTS.

Mr. BLISS, from the Committee on Invalid Pensions, reported the following bills; which were read a first and second time, and, with the accompanying reports, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar:

A bill (H. R. No. 3510) granting a pension to Cynthia H. Abbott; and

A bill (H. R. No. 3511) granting an increase of pension to Thomas G. Kingsley.

Mr. BLISS also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 703) granting a pension to Katherine Ferry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BLISS also, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H R. No. 2167) granting a pension to Robert Brady; and

The petition of Sarah A. Bryant, widow of William C. Bryant, deceased, sergeant United States Colored Troops.

Mr. SAMPSON, from the Committee on Patents, reported adversely upon the petition of Charles F. Chandler, for an extension of a patent for refining sugar and sirup; which was laid on the table, and the accompanying report ordered to be printed.

AMANDA RAINS.

Mr. MILLIKEN, from the Committee on War Claims, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2218) for the relief of Mrs. Amanda Rains; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3287) to change the name of Robert Travis; and

The petition of Luise von Puechelstein for change of the military record of her husband, now deceased.

FREDERICK H. E. EBENSTEIN.

Mr. MACDOUGALL also, from the same committee, reported a bill (H. R. No. 3512) for the relief of First Lieutenant Frederick H. E. Ebenstein, Twenty-first Infantry, United States Army; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER ANDERSON.

Mr. MACDOUGALL also, from the same committee, reported back, with the recommendation that they pass, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3067) for the relief of Alexander Anderson, late first lieutenant Fourteenth New York Volunteer Cavalry; and

A bill (S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army.

SAMUEL B. STAUBER AND OTHERS.

Mr. TARBOX, from the Committee on Claims, reported back, with a recommendation that it pass, the bill (H. R. No. 767) for the relief of Samuel B. Stauber and others; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DR. P. F. REUSS.

Mr. BLISS, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3513) granting a pension to Dr. P. F. Reuss; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the President of the United States having returned to the Senate with his objections the bill (S. No. 429) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the Senate had proceeded, in pursuance of the Constitution, to reconsider the same, and (two-thirds of the Senate agreeing thereto) had repassed it, and had directed the Secretary to communicate to the House the said bill, the message of the President returning it with his objections, and the proceedings of the Senate thereon.

The message also announced that the Senate had agreed to the resolution of the House for printing the addresses made in the Senate and the House on the death of Hon. Henry H. Starkweather.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the naval appropriation bill.

Mr. BRIGHT. Pending that motion, I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. Does the gentleman from Georgia [Mr. BLOUNT] yield for that motion?

Mr. BLOUNT. No, sir.

The motion of Mr. BLOUNT was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The Clerk read as follows:

For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired-list and unemployed, and for the actual expenses of officers traveling under orders, and for pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men of the engineers' force, and for the Coast Survey service, seventy-five hundred men, $6,250,000. And hereafter enlistments in the Navy shall cease until the number of enlisted men is reduced to seventy-five hundred: *Provided*, That section 1417 of the Revised Statutes shall be amended so as to read as follows.

Mr. BLOUNT. I move to amend the paragraph just read by striking out "$6,200,000" and inserting the following:

Five million seven hundred and fifty thousand dollars. And so much of the act of June 16, 1874, making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, as provides that only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States while engaged in public business as is applicable to officers of the Navy so engaged, is hereby repealed; and the sum of eight cents per mile shall be allowed such officers while so engaged, in lieu of their actual expenses.

Mr. Chairman, the first proposition relates to the pay of the Navy. I yesterday called the attention of the House to the fact that the note in reference to the amount of money required for the pay of the Navy, as estimated by the Fourth Auditor, was clearly an error. There has been no satisfactory explanation given, and I cannot conceive that there is any. For this reason the committee have thought that there might be a considerable reduction, amounting to nearly $600,000.

Furthermore, a table on page 15 of to-day's RECORD, furnished to me by the Secretary of the Navy, discloses the fact that a very large proportion of the officers of the Navy who are not on sea service are on what is termed other duty pay, instead of being, as the committee think they might be, either on waiting orders or on furlough. We have thought that the abuse in this particular grew largely out of the fact of the influence of these officers and their importunities for higher pay, and we have felt that there was but one remedy—the reduction of the appropriation itself.

Mr. O'NEILL. I may perhaps, before taking my seat, offer an amendment to the amendment of the gentleman from Georgia, [Mr. BLOUNT.] I hope there will be no reduction in the amount generally appropriated in this bill; and I hope before we get through with this paragraph to be able to have put to it a clause of this kind, following the amount of the appropriation:

But especially for continuing the construction of certain naval stations and navy-yards for which appropriations have been made in former years.

Mr. Chairman, in the limited time I am to speak I design to say a few words upon the question raised by the Committee on Naval Affairs for abolishing the League Island navy-yard; and I wish to speak promptly, quickly, and to the point without any preliminary remarks.

In the first place, my friend from New York, [Mr. WILLIS.] who addressed the committee yesterday, made a reply for which I do not wish to call him to account, but to which I propose to call the attention of the committee. In response to an inquiry made by the gentleman from Massachusetts [Mr. HARRIS] the gentleman from New York replied:

It is not my business to travel around, after the manner of clowns, looking at what may be in Boston, or what may be in Philadelphia, or sundry other small towns.

Meaning it was not his business, he being a member of the Naval Committee and in the performance of duty, to go to the different navy-yards of the country and look at them for himself, he being very prominent in the effort to reduce the number of navy-yards. I believe, with the exception perhaps of about one visit to the Brooklyn navy-yard, which is very near the district he has the honor to represent upon this floor, the gentleman has never seen any of the great navy-yards of this country. I want to say to him that twelve years ago, having then the honor of being a member of this House with my colleagues from the city of Philadelphia, who then began to discuss the advantages of the adoption of the League Island navy-yard by Congress as a proper place for an iron-clad naval station, I believe all of us—I know I did—visited the several navy-yards within a fair distance of the localities from which we came. I recollect distinctly at that time going to the Brooklyn navy-yard, to the Boston navy-yard, and to New London.

I had not been at the Brooklyn yard since I was a boy. Upon my later visit I saw there, Mr. Chairman, some of the disadvantages to which the gentleman referred at such length yesterday in his criticism upon League Island. I observed them closely, and I do not forget them to this day, although twelve years have elapsed, and I want to say to the gentleman right here, in order to give him some idea of the locality of the Brooklyn navy-yard, (for I do not think he knows how it is located and how its territory is made up,) that it is time for him to have the information.

Does he know that it is composed of two portions of land, and that one of them is Cobb Dock, an island? I wish to inform him that right in front of the Long Island side of the Brooklyn navy-yard lies this island, and that hundreds of yards of it have been wharfed in in the most expensive manner so as to keep the water of Wallabout Bay from overflowing parts of it. This had long been a necessity for making it useful for naval purposes. No one complained of the skill of the engineers who planned and accomplished this work of years. Across Wallabout Bay, on the Long Island side, is the other and larger portion of the Brooklyn navy-yard. If I am wrong in my description I would like to be corrected by any member of the committee. On this shore or front many hundreds of yards of stone wall have been built to keep out the flowing tides, or else the ground upon which the navy-yard is located, or many acres of it, would be at intervals covered with water to the great interruption of naval work to be done there—flowing water, plenty of it, until artificial means were adopted to prevent it. Why, forty years ago there was a large mill-pond covering acres of land right through the middle of the yard on the Brooklyn side. Did the gentleman ever know that? How many thousands and hundreds of thousands of dollars did it take to fill up

that immense lake? How many millions out of the $20,000,000 he says the construction of that yard has cost did it take to drain the land and pile it so that it could be safe and solid enough for the necessary buildings, shops, and other structures to be constructed upon it?

A navy-yard cannot be built up without the expenditures of large sums of money, and no one will pretend that it can who knows anything at all about such Government establishments and who desires to see us in such condition as will enable us to build, equip, and man vessels of war ready to meet the world in arms. The Brooklyn navy-yard is a great establishment, has accomplished and will continue to accomplish much in the construction and repair of a navy, and I desire to aid in voting for it sufficient appropriations for its continued improvement.

It does not matter whether the naval station be located upon high land or upon low land; you have either to fill up or to cut down. When you establish a naval station you cannot build a wharf, you cannot construct a dock, without cutting down the high ground or filling in the low ground. You cannot help resorting to artificial means. You must use engineering skill, and through years of planning and with the expenditure of money the result will be a navy-yard commensurate with the requirements of the Republic. As it has been with the Brooklyn navy-yard and is still to some extent, so must it be with the League Island navy-yard. You must overcome any natural disadvantages by the genius of the civil engineer.

The CHAIRMAN. The gentleman's time has expired and debate is exhausted on the pending amendment.

Mr. MILLS. I move a formal amendment, and will yield my time to the gentleman from Pennsylvania.

Mr. O'NEILL. I thank the gentleman from Texas for his courtesy. I am necessarily compelled to run over my points rapidly, and in this hurried debate I will keep very closely to my subject and to facts. Perhaps under the circumstances condensation will be an advantage. My desire is to persuade by argument and not to deceive by imagination.

The gentleman from New York spoke of the communication of the Brooklyn navy-yard with the whole world. What does he mean by that? There is not a railroad near the Brooklyn navy-yard save the Long Island Railroad, which begins and ends on Long Island, whereas League Island has the closest railroad communication with all parts of the country, north, south, east, and west. Everything needed at that navy-yard can be transported by railroad to the very ground, to the very entrance, right to its docks and piers, to its shops and wharves, without transshipment over rivers and sounds, and it has the very great advantage, especially as a navy-yard for iron-clads, of being within but a very few miles of iron and coal, they literally being at its very doors.

Does the gentleman know how Philadelphia is located in reference to the great railroad arteries of the country? The railroad system really centers there, and freight intended for League Island is not compelled to break bulk, but will be taken upon the cars to the very locality upon its grounds where the material is to be used. Both the railroad and canal communication with Philadelphia is perfect and complete, and brings her in unbroken intercourse with the most distant limits of our land.

The report of the commission of naval officers, to which the gentleman referred yesterday, I find by referring to the document itself, was made in January, 1862, fourteen years and more ago. My colleague, [Mr. KELLEY,] in the eloquent remarks delivered last night, very pointedly referred to its contents, and I wish the gentleman from New York had been present to have heard him. I am not going to abuse the Brooklyn navy-yard. I think it is necessary, but I do not wish the gentleman to get up deliberately to criticise what he knows nothing about—to criticise a naval station which he himself confesses he has never visited. Does he not know that upon League Island there are nearly five hundred acres of fast land? If he does not, let him refer to the debates of past Congresses and to well-authenticated documents, and he will learn for himself that farming was carried on there for years, and a wall was built there years and years ago by private owners to prevent overflow when the river occasionally rose to an unusual height, and there was danger of the low lands. To this day many acres of the Brooklyn navy-yard are overflowed by the tide. I have been there a number of times, not so often within the last few years, and I have seen the water a foot or two deep over the first floors of many of the shops. By the expenditure of the $20,000,000 there, I suppose that by this time there may have been an improvement in that respect. Still there are a number of acres of marsh unreclaimed, and much water on the land where it should not be.

Then the gentleman from New York speaks of iron-clads being brought to the Brooklyn navy-yard for repairs, and says they can be taken up the Hudson River where they will be in fresh water. Does the gentleman know how far the salt water extends up the Hudson River?

Mr. WILLIS. Let the gentleman from Pennsylvania state that.

Mr. O'NEILL. At least forty miles above the city of New York the water of the Hudson River must be more or less salt water. And what I claim here, and what the country claimed when League Island was accepted as a naval station, was that we had a locality in fresh water upon the Delaware, and where also in the back channel fleets could lie and where fleets of iron-clads have been moored since the close of the war or laid up to avoid the rot and rust which would be caused by their remaining in salt water, as there is at Brooklyn.

Now, sir, so far as the protection afforded by a naval station from foreign or other enemies is concerned, the very fact stated by the gentleman, the distance of League Island from the ocean being above eighty miles, shows the complete protection that is afforded. I will tell the gentleman a bit of history if he does not know it. During the revolutionary war, during the fall of 1777, the British fleet approached the capes of the Delaware. It took that fleet six long weeks to come to the mouth of the Schuylkill River, at Fort Mifflin, on the Pennsylvania shore, then called Mud Fort, where vessels of both sides were engaged as well as the fort, while on the Jersey shore the battle of Red Bank was fought. For six long weeks the enemy's ships were kept back by the citizens along the banks of the bay and river by their knowledge of the channel and by temporary obstructions; whereas during all that long contest the fleets of France, our friend, and England, our enemy, were hovering along the shores of Long Island. An enemy's fleet at Sandy Hook and one commanding the entrance of Long Island Sound could keep New York so shut up that a vessel could not get out. History tells us that the Delaware Bay and River were a safe resort for our gallant cruisers during that war. In the war of 1812 a British fleet made no effort to approach Philadelphia, or scarcely to show itself off the entrance to Delaware Bay.

[Here the hammer fell.]

Mr. WILLIS. It occurs to me that it is hardly necessary for anything to be added to what I have already stated in behalf of the proposition submitted by myself to recede League Island to the original grantor, the city of Philadelphia. If any one were disinclined to vote in support of this measure, here is a reason which should dispose of such disinclination. The House last night listened to the eloquent gentleman from Pennsylvania, [Mr. KELLEY,] the high lord admiral of the United States of America, who is no less familiar with the shipping interests of this country——

Mr. PIPER. I call the gentleman to order. We have no lords in the United States.

Mr. WILLIS. By courtesy.

Mr. PIPER. Not by courtesy.

Mr. WILLIS. Who understands no less what pertains to the naval interests of the country than he does the profound system of finance, and the yet profounder doctrine of home protection. And his observations upon this subject are entitled to the same weight and to the same credit, because they are no less profound and philosophical than those which concern the question of the finances and the tariff. That gentleman last night in his remarks stated, after comparing himself to the fair Desdemona, a comparison with which I shall not venture to join issue:

> I do perceive here a divided duty. I feel to-night that, as a Philadelphian, I would be ready, if it were possible, to overwhelm Congress with my thanks if it would reconvey to Philadelphia these two and a quarter miles of its best river front, shutting its main avenue, Broad street, from access to tide-water.

Philadelphia comes here as a suppliant through its eloquent Representative. I pray you, gentlemen, let League Island be receded to the city of Philadelphia, and the people of the United States spared the expenditure of sixty-odd millions of dollars. Of course after the eloquent gentleman had presented himself before the committee and announced that I understood nothing about naval affairs, and that he was here as a witness to testify how much the country owed such Representatives as did not understand the subject-matters of legislation, I was utterly demolished. I had, sir, expected in the event of the election of another democratic President to be called perhaps to preside at the head of the Navy, or in the event of war to be put in command of a fleet. But these beautiful anticipations have forever vanished, and for all this I have to thank my profound, sagacious, statesmanlike friend from Philadelphia, who does understand exactly what are the requirements and needs of the Navy. But, Mr. Chairman, not one word has been said in refutation of the facts that were yesterday urged in behalf of this proposition. It still remains an undoubted and irrefutable fact that League Island is two and a half feet beneath high-tide water-mark; that in the event of its being made into a navy-yard, a piece of land one mile in length by four hundred and forty-four feet in breadth must be covered by nine feet of land, of solid earth. It still remains a fact that the Schuylkill and the Delaware are annually crowded and blockaded with ice, and all the eloquence of the gentleman from Philadelphia has not availed to move the city of Philadelphia one-half mile nearer to the sea than it was the day before yesterday.

[Here the hammer fell.]

Mr. MILLS. I withdraw the formal amendment.

Mr. RANDALL. I renew it.

Mr. KELLEY. Will the gentleman yield to me a moment?

Mr. RANDALL. I prefer not just now.

In anything that I may say in reply to the gentleman from New York [Mr. WILLIS] on this subject, I wish the members of the House to divest themselves of any favorable feeling derived from the fact that I represent a district in the immediate neighborhood of League Island, and confine any consideration they may give to the facts I present.

Of course I have a natural feeling for that ground, and during a long series of years I have advocated a navy-yard at that point, and finally success was reached in this respect. It was after various reports by persons who had experience and who understood the subject and who took the trouble to go to the ground and examine it.

The first point in reference to this matter is as to the location of the yard there in connection with iron-clads. Mark you, that our iron-clad navy was not brought to prominence until the period of the rebellion; before then we had but a wooden navy. The water at this point is fresh, and which is absolutely essential to the floating of iron-clads, and is also necessary to their rendezvous and location when out of service. The next material fact is that there we find the depot for the delivery of coal and iron, saving the cost of transportation of the raw material. In England the ship-yards have in a measure left the Thames and have been transferred to the Clyde, because there the iron and coal are put into the yards and come out iron-clad vessels to defend British rights. So with League Island; we can put the iron and coal into League Island as raw material and send you out an iron-clad vessel.

Another point in favor of that location is that we have in the immediate neighborhood a community of skilled mechanics, and in case any controversy arises between this country and other nations we can in an hour summon the most skilled mechanics without limit as to numbers. The gentleman has objected to this yard because it requires to have some part of it walled in. He alleges that a portion of League Island is below high-water mark. I want to say in that connection that there is hardly a navy-yard that has not had to have land made by piles. I wish that the gentleman from New York could have been with me a few years ago when I was studying the building up of the great and renowned city of Amsterdam, with its three hundred bridges and its canals instead of streets, the entire city built on piles; and the bravest act in history was the act of Holland. In order to save her domain her citizens and defenders opened the gates and let in the water, thus to overflow her country and drown out her invaders.

There is one other point in favor of the safety of League Island. New York, of course, in case of war with any foreign power, would have to have the whole power of the nation brought to bear for its protection; and while we should have to protect New York City we should at the same time have to protect the navy-yard at Brooklyn. I tell the gentleman that in this age of torpedo and war experience there is not an officer in the navy of any nation in the world who would attempt to approach the navy-yard at Philadelphia. Nothing could be more certain than that if they did they would never sail in return over the waters by which they had come.

[Here the hammer fell.]

Mr. KELLEY. I rise in a penitential mood. I desire forgiveness at the hands both of the gentleman from New York [Mr. WILLIS] and of the House. I had no thought last evening that I was crushing his young ambition. I certainly did not intend to do so wanton a thing. I knew that he dreamed of future glories in connection with the Navy; I saw that he had begun at the foot of the ladder, but was sure that he would, if his valued life was spared, reach the topmost round, and he must not be discouraged by anything I have heedlessly said in reference to his remarks of yesterday. He hoped, so he tells us, to become Secretary of the Navy. I have no doubt that he may attain that position, because I have heard among the traditions of that Department that a long time ago a Secretary of the Navy, who had been selected from the interior of the country, had been installed in office. He was taken by some of the naval officers on board ship. He was in his new domain, and as he dauntlessly paced the deck he came upon an open hatchway. Looking down into the depths of the ship he was surprised, and, in tones expressive of alarm, exclaimed, "God bless me, the thing is hollow; let us get on *terra firma* as soon as possible!" Yet it is said he became quite used to such dangers, and made an excellect Secretary; and if the gentleman from New York will spend a few years in reading naval reports and will consort with sailors and the officers of the Navy, study the topography of the yards and stations and their uses, he will, I doubt not, shine as a leader of the Naval Committee, and that every old salt will hail him as a great man when he shall become Secretary.

Mr. RANDALL. I withdraw the amendment.

Mr. DANFORD. I renew it.

Mr. BLOUNT. If the gentleman will allow me a moment, I desire to call attention to the fact that while the bill provides for a further reduction of the pay of the Navy, it provides also for a restoration of mileage at eight cents instead of ten cents.

Mr. DANFORD. The purpose I have, Mr. Chairman, in rising is to oppose the proposition of the Committee on Appropriations, as well as the proposition of the Committee on Naval Affairs to reduce the Navy from eighty-five hundred to seventy-five hundred men, and in this connection I desire to call the attention of the committee to the fact that we have now upon the various cruising stations but four vessels upon the European stations; that we have but seven upon the Asiatic stations; that we have but three upon the South Pacific stations and two upon the North Pacific station; that we have but four upon the South Atlantic station, and had but fifteen on the North Atlantic station at the time of the last report of the Secretary of the Navy. Take these foreign cruising stations and it is not possible for the protection and in the interest of our commerce abroad to withdraw a single vessel from the Pacific station, or from around the South American states. It is with those countries that we are attempting to build up a commerce at this time, and in order to build up and protect that commerce it is necessary that we should keep upon the waters of those countries certainly the complement of vessels now abroad. If this amendment be adopted we must necessarily reduce the number of ships in commission, and in doing this the committee will find it necessary to reduce the number of ships in commission in the home squadron. Now, a word upon that subject. I have here a list furnished me by the Chief of the Bureau of Equipment and Recruiting of the number of vessels in commission. They are manned by eighty-four hundred and fifty-two men all told. Our iron-clads, some fourteen or fifteen in number, have just one-half their proper complement of men—fifty, instead of one hundred.

My attention was attracted last evening by the remarks of the gentleman from Texas, [Mr. REAGAN,] who said that almost the only protection of the cities upon the Gulf, including the city of New Orleans, against a foreign enemy must be afforded by our monitor navy. These monitors are now in commission with one half their proper complement of men. In case of an outbreak of hostilities the nucleus of force upon these monitors would furnish the means for putting them in perfect fighting condition in a few days. If they go out of commission and are laid up it will take weeks, perhaps months, to put them in proper condition in case of need.

I consider it bad policy to reduce the number of men in the Navy if by that reduction we shall reduce the number of vessels in commission. We have at this time no more vessels in commission than are necessary for the protection of our commerce abroad and for our safety at home.

In this connection I ask the Clerk to read a letter from the Chief of the Bureau of Equipment and Recruiting. The first part of the letter refers to other matters connected with his Bureau, but the latter part refers to the subject upon which I am now speaking.

The Clerk read as follows:

NAVY DEPARTMENT, BUREAU OF EQUIPMENT AND RECRUITING,
Washington, May 15, 1876.

SIR: The inclosed statements exhibit the details of the appropriation for equipment of vessels and contingent under this Bureau for the year 1876-'77 as estimated for by the Bureau. Any reduction of this estimate necessitates a *pro rata* reduction of the naval force afloat. This estimate is based upon the fact that eight ships will go out of commission during the coming fiscal year, owing to expiration of terms of service of their crews and that these ships are to be replaced with the same number of new ships, now nearly ready for their outfits. The estimate for labor also includes the labor necessary for the manufacture of rope and other articles, such as chains, anchors, and galleys, and it is difficult to see how the work of this Bureau in fitting out any vessels at all can be carried on if the Washington and Charlestown navy-yards, where these articles are manufactured, are to be closed as contemplated by the House appropriation bill.

Your attention is also solicited to the appropriation contingent under this Bureau of $45,000 for the next fiscal year. This appropriation has always been too small for its object, and the Department has frequently been cramped on this account. There has been expended this year the sum of $60,000 for transportation alone. It is more economical to send men to distant stations than to bring the ships home; particularly is this the case in China. The Kearsarge on that station will have her crew changed during the coming year at a cost probably of one-half the amount appropriated.

I also inclose a statement of disbursements for the present fiscal year ending June 30, 1876, estimated up to that date. It will be observed that the Bureau has purchased a very small amount of canvas. This has been owing to stock on hand. Consequently this article, as well as many others in the equipment, has been diminished in quantity, and larger purchases will be absolutely necessary for the coming year unless, as before stated, there is to be a reduction of force afloat.

I also refer you to the list of vessels in commission, before forwarded to you, and wish to state that any reduction of men in the Navy (from eighty-five hundred to seventy-five hundred) as contemplated by the appropriation bill will lead to reduction of ships afloat, as the complements of crews have been reduced to the lowest point consistent with efficiency.

The iron-clads, you will observe, are only half manned, and this is found to be the only way of keeping these ships, not only ready for use but to prevent them from going to decay. The money thus expended on the men is more than saved by the repairs they would be sure to require if called into service on an emergency.

If Congress insist upon this reduction, then I hope that at least the Navy will be given five hundred boys for training-ships, as asked for by bill presented by Hon. Mr. WILLIS, of the Naval Committee.

Since making the estimate in September last for the fiscal year ending June 30, 1877, for $1,500,000 under equipment, considerable work has been done and material furnished for the standing rigging and outfits of some of the ships to be fitted out during the ensuing fiscal year, in view of which fact a reduction of $350,000 might be made in the estimate.

B. W. SHUFELDT,
Chief of Bureau.

Hon. LORENZO DANFORD,
House of Representatives.

During the reading of the letter the time of Mr. DANFORD expired; but Mr. BURLEIGH took the floor and yielded his time, in order that the letter might be read.

The list referred to in the above letter is as follows:

Vessels of the United States Navy in commission and their complements.

Name of vessels.	When commissioned.	Expiration of cruise.	Complement.
NORTH ATLANTIC STATION.			
Hartford	Nov., 1875	Oct., 1878	303
Swatara	May, 1874	May, 1877	171
Ossipee	Oct., 1873	Oct., 1876	171
Plymouth	Oct., 1874	Sept., 1877	195
Marion	Jan., 1876	Nov., 1878	171
Vandalia	Jan., 1876	Nov., 1878	171
Huron	Nov., 1875	Oct., 1878	113
Shawmut	Mar., 1874	Feb., 1877	106
Brooklyn	Jan., 1874	Nov., 1876	239

Vessels of the United States Navy, &c.—Continued.

Name of vessel.	When commissioned.	Expiration of cruise.	Complement.
Congress	Jan., 1874	Dec., 1876	239
Monongahela	Sept., 1873	Aug., 1876	195
Rio Bravo			50
Dictator	Jan., 1874	Nov., 1876	104
Canonicus	Feb., 1874	Apr., 1877	53
Saugus*	Nov., 1872	Mar., 1879	53
Catskill*	Dec., 1875	Nov., 1878	53
Montauk*	Jan., 1876	Dec., 1878	53
Passaic*	Jan., 1876	Dec., 1878	53
Lehigh*	Mar., 1876	Feb., 1879	53
Wyandotte*	Jan., 1876	Dec., 1878	53
Nantucket*	Jan., 1876	Dec., 1878	53
Manhattan*	Nov., 1873	Dec., 1878	53
Mahopac*	Nov., 1873	Dec., 1878	53
Ajax*	Jan., 1874	Dec., 1878	53
SOUTH ATLANTIC STATION.			
Frolic	Aug., 1875	June, 1878	82
EUROPEAN STATION.			
Franklin	Dec., 1873	Nov., 1876	502
Alaska	Aug., 1873	July, 1876	195
ASIATIC STATION.			
Tennessee	May, 1875	Mar., 1878	402
Kearsarge	Dec., 1873	Nov., 1876	148
Yantic	Aug., 1872	Sept., 1877	106
Sacot	July, 1870	Aug., 1876	106
Ashuelot	Apr., 1866	(‡)	116
Monocacy	Aug., 1866	(‡)	116
Alert	May, 1875	May, 1879	123
Palos	June, 1870	(‡)	44
PACIFIC STATION.			
Pensacola	Oct., 1871	Aug., 1877	333
Richmond	Nov., 1872	Sept., 1877	265
Lackawanna	Sept., 1872	Apr., 1878	195
Omaha	Sept., 1872	Mar., 1878	195
Tuscarora	May, 1872	Aug., 1878	148
TORPEDO-BOATS.			
Alarm	July, 1875	June, 1878	46
Intrepid	Aug., 1875	Aug., 1878	52
SPECIAL SERVICE.			
Powhatan	Feb., 1872	Apr., 1878	235
Despatch	Nov., 1873	Dec., 1876	42
Gettysburgh	June, 1875	June, 1877	82
Supply	Dec., 1875	Oct., 1878	52
Tallapoosa	June, 1875		88
Minnesota, (training-ship at New York)			137
Juniata, (training-ship at Baltimore)			71
Portsmouth, (training ship at San Francisco)			68
Michigan, (on the lakes)			73
New Hampshire, (store-ship at Port Royal)			72
Nina, (torpedo-station, Newport, Rhode Island)			18
Fortune, tug at Pensacola, Florida)			16
Speedwell, (tug at Portsmouth, New Hampshire)			13
RECEIVING-SHIPS.			
Sabine, (at Portsmouth, New Hampshire)			71
Wabash, (at Boston, Massachusetts)			94
Colorado, (at New York, New York)			69
Potomac, (at Philadelphia, Pennsylvania)			48
Relief, (at Washington, District of Columbia)			28
Worcester, (at Norfolk, Virginia)			86
Pawnee, (at Port Royal, South Carolina)			38
Independence, (at Mare Island, California)			53
Saint Louis, (at League Island, Pennsylvania)			19
NAVAL ACADEMY.			
Dale, (at Naval Academy)			48
Saratoga, (at Naval Academy)			6
Pilox, (at Naval Academy)			13
Santee, (at Naval Academy)			80
COAST SURVEY.			
Coast Survey			275

RECAPITULATION.

	Men.
North Atlantic station	2,811
South Atlantic station	82
European station	697
Asiatic station	1,161
Pacific station	1,136
Special service	967
Receiving-ships	506
Naval Academy	147
Coast Survey	275
Torpedo-boats	98
Boys under instruction on training-ships	442
Men available for draft, (on receiving-ships)	130
Total number of men in the Navy	8,452

*Iron-clads only half manned.
†On her way to the United States.
‡Crew renewed on the station.

Mr. DANFORD. I withdraw my formal amendment.

Mr. HALE. I renew the amendment, not for the purpose of speaking upon the question of navy-yards, but for the purpose of speaking upon the original amendment offered by the gentleman from Georgia [Mr. BLOUNT] who has charge of this bill. When we reach the portion of the bill relating to navy-yards I shall move to insert "Kittery" as one of the yards to be maintained.

I propose now to speak to the subject of the pay of the Navy. I fear that my friend from Georgia, in moving to reduce the appropriation a half a million of dollars, has gone too far. I believe he is mistaken as to what is needed for the pay of the Navy for the coming fiscal year. The gentleman himself, in his excellent speech of yesterday, gave us a table of expenditures in the Navy Department in their different branches for some years preceding the war when the naval establishment was considerably smaller than it is now. In 1860 the pay of the Navy was $5,126,547.20; a sum only $600,000 smaller than the gentleman now proposes for the pay of the Navy for the coming fiscal year.

Since that time the force of the Navy, so far as the officers are concerned, has been largely increased; it is one of the legacies that we inherited from the war. The gallant men who maintained the integrity of the flag, who were raised by promotion to higher ranks for their deeds of valor, receive to-day higher pay than the officers of the Navy received before the war. We have given to the officers of the Navy additional grades; we have made them admirals and rear-admirals, and we have done it not grudgingly.

Furthermore, by the act of 1873 it was provided, in reference to the retired list, (and this was not done grudgingly,) that the retired officers who were placed upon that list for meritorious services performed in the cause of their country should receive a larger proportion of active pay than retired officers received before the war. As a matter of course this has increased the demand upon the pay fund from year to year. I do not think that the increase of $600,000 from that time, which the gentleman provides for in his amendment, is sufficient. It may be that the Secretary of the Navy could get along with the appropriation if it was made $5,000,000 in round numbers; that would be a reduction of one and a half millions from the bill as reported by the committee. I move therefore to amend the amendment of the gentleman from Georgia so as to make the amount $6,000,000.

Mr. BLOUNT. My colleague on the Committee of Appropriations [Mr. HALE] calls attention to a table that I presented yesterday in my remarks, and to that portion of it which relates to the year 1859. In that year the number of men in the Navy was just the same as it is during the current year.

Mr. HALE. Of enlisted men?

Mr. BLOUNT. Yes, of enlisted men.

Mr. HALE. That is so.

Mr. BLOUNT. If the gentleman will take the pains to refer to the report of the present Secretary of the Navy for 1873 and 1874, he will find that the Secretary claimed that the number of officers of the Navy then was not greater than before the war.

Mr. HALE. The aggregate number is not. The higher ranks are larger.

Mr. BLOUNT. That is just what he claims is not the case. I know that the highest grades of officers were not in existence before the war; but he makes the general statement.

Again, if a comparison is sought, instead of taking the table for 1859, the table for 1857 should have been taken, in which the number of men is exactly the same as proposed in this bill, and the amount then appropriated was $4,241,321.25; and our proposition, it will be seen, is several million dollars in excess of that.

Again, Mr. Chairman, I put this reduction distinctly on the ground that before the war there were and at this time there are too many officers receiving a rate of pay which they ought not to receive. It is of no importance, so far as this House is concerned, when this abuse commenced, whether before or since the war. The question is, Does it exist now; and, if so, is it not the duty of this House to correct it?

As the gentleman from Ohio [Mr. DANFORD] has seen fit to regard this amendment as involving a reduction in the pay of the men, which it really does, I take occasion to say that prior to 1857 we had exactly the same number of men that we are now proposing in this bill. At that time our commerce was larger than it is now. There was no trouble then in protecting our commerce. From whom does our commerce require to be protected? Have our troubles been with the great nations of the earth? Have they not been with some little power here or there? Never did our Navy prove inadequate to meet promptly the demands of our commerce. All that this measure of reduction amounts to is the withdrawing of a few vessels from our cruising stations. If our trade with China and Japan requires the presence of the vessels which are now there, let the withdrawal be made from other points.

Reference is made to our commerce in the Gulf. Why, sir, who is alarmed about our commerce there? Is there any present danger? Is there any prospective danger? Trouble with foreign powers does not spring up in a moment. It is always the result of much negotiation.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HALE. I withdraw the amendment.

Mr. WHITTHORNE. I renew it. Mr. Chairman, I would not have sought to occupy the attention of the committee at the present moment but for a remark of the gentleman from Ohio, [Mr. DANFORD,] my colleague on the committee, in which he conveyed the intimation that the Committee on Naval Affairs had made a recommendation similar to that of the Committee on Appropriations, reducing the number of men. They have in point of fact made no such recommendation. I speak therefore solely for myself while I state that I very fully and cordially concur with the suggestion emanating from the Committee on Appropriations.

In my judgment there is no necessity for any larger number of men in the United States Navy; and when my friend brings to the attention and consideration of this committee a communication from the Chief of the Bureau of Equipment and Recruiting stating that if the reduction be made it will be necessary for some vessels now afloat in the cruising service to be called home, I must in reply call attention to the fact that in the European, Asiatic, and Pacific squadrons there are to-day no more vessels than there were prior to the war, while in your domestic or home squadron, or North Atlantic squadron, as it is termed, there are twenty-four vessels. Why are those twenty-five vessels now in commission? For what purpose are they cruising around your borders from the city of Philadelphia to Key West? Is it that the officers may enjoy larger pay than they would otherwise receive? Is there any demand that there should be in this region as large a fleet as ever was under the command of an admiral at any time in the history of your Government? Sir, there is no necessity for those twenty-four vessels being thus engaged. It is simply an expensive amusement, if not a fraud upon the Government of the United States, that those vessels should be in service now.

Let me say further that in this day of progress, when with the electric flash we can reach instantly the most distant parts of the world, the day of squadron service should be terminated. Instead of the Secretary of the Navy hunting three or four months to find a vessel that he may order to a given point, let him keep his vessels in hand at home; and whenever he finds occasion for a vessel at a given point, he can send it promptly where it is required. If he were informed to-day of a difficulty upon the South Pacific coast and of the necessity of sending a vessel there, he could by means of the telegraph send a vessel from San Francisco or Mare Island and have redress made more promptly than under the present squadron service.

Mr. PIPER. Would it not be better to have the ships at the points where they are required than to send them there by a thirty or forty days' voyage? I say it is better to have the vessels at those islands or places where difficulty is likely to occur.

Mr. WHITTHORNE. How will you reach them? Who is to take control or give orders? The Secretary of the Navy or the President of the United States must be communicated with and his orders received in return. Suppose a difficulty should occur to-day at a distant point in the Mediterranean. The Secretary of the Navy must find out where Rear-Admiral Worden is and telegraph to him. He may not be in port; and there may be a delay of a month before that admiral can be reached. Why should not the Secretary keep his navy in hand, thus relieving the country of expense? Whenever an insult is offered to our flag or a wrong done to our commerce, why should he not turn loose from our own shores whatever force may be necessary to secure redress? Such a system would be equally efficient and much more economical.

But, sir, that is a different idea. I simply intended to reply to the suggestion of my colleague that the present occasion, when there are eighty-four hundred on board our vessels, is an extraordinary one created by the Secretary of the Navy within the last three or four months.

[Here the hammer fell.]

Mr. BURLEIGH. Mr. Chairman, I notice in the naval appropriation bill now before us for consideration no appropriation is made for the civil establishment of the navy-yard at Kittery. As I believe that to be one of the most important in the country, I will briefly state my reasons why appropriations for that yard should not be omitted from this bill.

It is well known our ships of war are ordered off on long cruises in tropical seas and to sickly climates in various parts of the world. It is wise, sensible, and just when those ships return home to recruit their crews and for repairs that they should be ordered to our most healthy ports, where their exhausted and worn-out officers and men may recuperate their health and strength and the vessels be cleansed and purified; and for sanitary reasons I believe the Kittery navy-yard is the most valuable of all. The water never freezes there. Vessels can go there any season of the year, and, lying there during one winter with open hatches, all the foulness and disease which they always bring home after long voyages are certain to be eradicated.

The arguments which can be made in favor of the Kittery navy-yard, as an important sanitary position, are many and vastly more than can be made in favor of any other navy-yard in the country. Kittery is a well-populated town, with only a small village around the navy-yard. It is not near any great city where the inhabitants are afraid that a naval vessel coming from a sickly port will bring contagion with it. The inhabitants are farmers and ship mechanics. They know that their climate in a short time will soon eradicate all disease and pestilence from any vessel lying there, and they are not afraid of the vessel and not afraid to work upon it.

I believe, Mr. Chairman, if this House would reflect upon the advantages in other ways of this navy-yard they would at once recognize that it would not be sensible, indeed that it would be wrong, to leave out of this appropriation bill some provision for construction and repair at the Kittery navy-yard. As I have already stated, it has great advantages over other navy-yards. It is a good yard, with good dry-docks, and they have there men skilled in the construction of vessels. Why, sir, in the State of Maine we have built more than one-half of the tonnage of shipping in this country. The Government wants a navy, and wants navy-yards where they can get proper men to run them. They want skilled mechanics, trained up to shipbuilding from father to son, and just such men are to be found in Kittery and that vicinity. And they are scarcely to be found in sufficient numbers this side of there.

[Here the hammer fell.]

Mr. WHITTHORNE. I withdraw the amendment.

Mr. DURHAM. I renew it. I do not desire to say anything special on this provision except to ask the gentleman who has the bill in charge to explain one thing, and it is this: Prior to the last Congress ten cents a mile was allowed for the necessary traveling expenses. At the last Congress it was supposed that was giving too much, and the appropriation bill was amended so as to allow only actual traveling expenses. I see the gentleman from Georgia in this provision prefers to get back to the mileage system again. The inquiry I make is this: Has the committee found that under the new system of paying the actual traveling expenses there has been abuse? I recognize there is a reduction to eight cents in lieu of ten cents a mile allowed before. But why is the mileage system preferable to the payment of actual traveling expenses?

Mr. BLOUNT. It has been found from the Fourth Auditor's Office that it costs more under the system of actual expenses than under the previous mileage system even at ten cents a mile. The committee, after consideration, came to the conclusion to reduce it to eight cents a mile.

Mr. DURHAM. I wish to know what was the reason operating upon the minds of the committee?

Mr. BLOUNT. The ascertainment of that fact was the reason operating with the committee, and I understand the same thing has been found to be true in the War Department.

Mr. O'NEILL. Now, Mr. Chairman, I will continue, in reply to what has been said of ice obstruction in the river Delaware. I wish merely to bring to the attention of the House the fact that there is no ice obstruction below the Horseshoe Shoals, which lie just above the League Island naval station. Some three or four years ago, as my colleagues will recollect, an appropriation was made to survey the shoals and to report to the House the best manner of removing the difficulty of navigation at that place caused by ice gorges during an occasional hard winter. Such winters are not frequent. The city of Philadelphia generously provided for keeping up three ice-boats during the winters, and after the survey, which was inexpensive, there was no further appropriation asked for by the shipping merchants of Philadelphia and its commercial boards for improvement. Now there is no ice there which is an obstruction. The ice is above the League Island navy-yard. The ice-boats keep the channel clear.

But there is another thing I wish to state. My colleague who went so elaborately into the transactions of the city of Philadelphia in reference to this yard did not give the items of amounts paid for this island, which I wish now to submit. I hope the members of the committee will understand that this location of League Island was sought out by the Government and the proposition for its purchase brought before Congress in 1862 by the then Secretary of the Navy, who recommended it, and that it was not proposed or suggested by the city of Philadelphia. This cannot be too frequently stated or impressed upon members. We are not chargeable with merely a local interest in this matter. I hope I will be pardoned for saying it, in her generosity, being always generous where the Government is concerned, the city of Philadelphia bought this island, giving for it $398,658.92, but did not stop there. It appeared afterward there was a title to be obtained for some ground at the foot of Broad street. The city appropriated $25,620 more to buy this ground. Then the Government said it might want some fifty or sixty feet of the territory around the north bank, of what is called the back channel. Philadelphia then appropriated $65,000 and purchased that land. So that at the cost of within a few thousand dollars of a half million dollars, namely, $489,278.92, the city of Philadelphia gladly and willingly—for the Government needed it—gave this land to the United States to be used as a navy-yard for the construction of iron-clad vessels and their repair.

Mr. Chairman, you know very well the condition of the Delaware River to-day in reference to ship-building, especially iron-ship building. There have been at a period of time within the past few years thirty iron vessels building on the river at one time in the great ship-yards of John Roach & Son, William Cramp & Son, Wood & Dialogue, and at the yards of other ship-builders along the river. There have been among these some of nearly five thousand tons, and the waters of the Delaware are now looked upon as the best location for these ship-yards, being fresh and preservative of iron.

Another fact comes to mind which I will state for the benefit of the gentleman from New York. I want to show how well adapted the Delaware is for a great naval station in every respect. Within

the last few months—I wish I could give the date and the name of the ship, an immense merchantman, and I refer to it in order to show that a vessel drawing any depth of water can come up the river with but little delay—a vessel came to the wharves of Philadelphia from New York to unload, her tonnage being so great that she could not afford to await the tides at Sandy Hook.

I will also state that several years ago the ship Great Republic could not enter the port of New York, but came to Philadelphia to discharge her cargo. And even as regards the Great Eastern, the largest steamer ever built in point of tonnage, men were willing to bring her to our wharves, but there was some doubt or hesitancy because the policies of insurance might have been called in question.

But I had really believed the League Island navy-yard had been a fixed fact these six years, to say nothing of the struggles and discussions and legislation upon the subject during earlier Congresses. I regret the present issue and the necessity of this debate. The occasion should not have occurred, for there was no adequate reason for it. Why the Naval Committee should propose to abolish this navy-yard after appropriations amounting in the aggregate to more than a million and a quarter of dollars I cannot comprehend.

There is everything to commend League Island: fresh water, plenty of land, cheapness of labor. Abounding in skilled labor, Philadelphia is almost the workshop of this country. Go into the district of Judge KELLEY, or the third district, represented by Mr. RANDALL, or the first district, represented by Mr. FREEMAN, or the fifth district, represented by Mr. ROBBINS, or into the district represented by me, and you will find in each of them thousands of skilled mechanics and skilled laborers. The supply is inexhaustible and the workmanship unsurpassed in this or any other country. Nowhere can Government work or private work be better done and nowhere can be found a steadier or happier body of men than those in Philadelphia engaged in mechanical operations and in labor necessary thereto.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

Mr. RANDALL. I renew it.

It is due to the Committee on Appropriations, or rather to the subcommittee of the Appropriations Committee, to say something in reference to why they recommend that Kittery should not have a civil establishment. I would like the gentleman from Maine, [Mr. BURLEIGH,] who spoke on behalf of Kittery, to listen. We find that almost the whole argument that was made on behalf of Kittery was that it was a good station to which in case of sickness on board of vessels they could be run in. But an examination showed that in case of danger or any contest with a foreign nation it was entirely exposed to the enemy. As a member of the committee, I might have gone a little further and taxed my memory, for I have never heard a more complete condemnation of Kittery navy-yard than from the gentleman who now asks to have it continued. Running back all through the congressional history of the gentleman from Maine and the remarks he has made in reference to that yard, I find a complete condemnation of the Kittery yard.

Mr. HALE. To which gentleman from Maine do you refer?

Mr. RANDALL. I refer not to you, but to your colleague, Mr. BURLEIGH. Not only have we that gentleman's speeches, but we have his exhibits. I find several of them here that I may, if necessary, incorporate in my remarks as affording reasons palpable and plain why that navy-yard and the administration of everything connected with it should be suspended, (that is all we ask,) if not rooted out. There is a mistake in the minds of members about what the Committee on Appropriations have asked here. We do not venture to say that any navy-yard should be abolished except New London, which we shall probably protect by amendments; but we thought for the coming year that with a due regard to economy, and without any injury to the public service, we could make appropriations to some of these yards. And being aware of the condemnation pronounced heretofore by the gentleman from Maine as to the management of the Kittery yard, we cut it off from any appropriation; but we do not propose to close it up; we do not offer to sell it.

But we said this, and we said it in relation to all yards that were in the same category with that at Kittery, that the Secretary of the Navy should cause an examination to be had, and that he should report at the next session of Congress whether any of these yards could be disposed of.

Now, I do not want that the Committee on Appropriations shall be condemned for what they have not done. I believe that the true way to settle the question is to limit the appropriations as we have suggested, and then submit the question of the abolition of certain navy-yards to the Secretary of the Navy, or to what would be better, a board of naval officers, who shall report at the next session of Congress; then we shall know from a skillful board, a board who will consult engineers and scientific men, whether any of these yards should be abolished.

Mr. BURLEIGH. The gentleman who last spoke says that he never heard anything in favor of the Kittery navy-yard except that it was a good place for sanitary reasons, and he spoke of my record wherein I have condemned that yard for the reason that there was fraud in that yard. I so believed and so stated to the House. This year we have had an examination of that yard and have found fraud and corruption there, and the statements I made have been more than substantiated. We have also been to Philadelphia and visited the navy-yard there, and the frauds in Kittery no more compare with those in Philadelphia than a little boy with a hatchet does with Captain Kidd.

When you come to refer to my record as to the Kittery navy-yard you do not quote my record as to the facilities at the Kittery navy-yard. The river on which it lies is within two hours' reach of as many facilities for the manufacture of iron and building ships as there are in Philadelphia, and we buy our coal and iron in Philadelphia, and then it comes to New Market, Lowell, Concord, and Portland, and they build iron ships and steam-engines and boilers, and compete with Pennsylvania in markets south of them; and in speaking of the Kittery navy-yard and its facilities, I mean to say that it is not surpassed by any navy-yard in the country so far as the surrounding facilities, not one.

Mr. O'NEILL. Just one word. The people of Kittery ought to be under great obligations to the citizens of the State of Pennsylvania, and the gentleman representing them ought not to be here demanding the abolition of the navy-yard at League Island. Long before the gentleman was born (perhaps I am going too far back) the citizens of the State of Pennsylvania had invested and sunk in iron and coal lands millions upon millions of dollars to give to the people of Kittery and others the facilities of getting iron and coal whereby the material could be supplied to them for the employment of skilled mechanics in the various mechanical occupations. Thus Pennsylvania has done something for the benefit of the skilled mechanics of Kittery and those who employ them.

[Here the hammer fell.]

The question was taken on the amendment to the amendment, and it was not agreed to.

Mr. HALE. I offered an amendment, but withdrew it for the convenience of other gentlemen. I move to amend the text of the bill by striking out, in line 14, "$5,750,000" and inserting in lieu thereof "$6,000,000." I do not want to take up the time of the committee.

The question was taken on the amendment to the amendment, and it was not agreed to.

The question recurred on Mr. BLOUNT's amendment, and it was agreed to.

Mr. WHITTHORNE. I offer the amendment which I send to the Clerk's desk, to come in immediately after the word "hundred," in lines 16 and 17.

The Clerk proceeded to read the amendment.

Mr. BANKS. I desire to make a proposition to the committee which I think will be sustained. I understand that the bill now being read is to be offered as an amendment to this bill. I have never seen it and I do not know what is in it. I should be glad to have an opportunity to study it to see whether it is liable to a point of order, and I think that members should have an opportunity to look at the various propositions reported by the Naval Committee. They have given great study to them, and they are all of great importance. I move, therefore, that the committee rise.

Mr. RANDALL. The gentleman from Tennessee has another amendment which he desires to offer, and I ask that all these amendments be printed in the RECORD; and I desire also to offer an amendment to the navy-yard portion of the bill; I offer it on my own account and not from the Committee on Appropriations. I ask that it also be printed in the RECORD.

The CHAIRMAN. Is there any objection? The Chair hears none.

The amendments offered are as follows:

By Mr. WHITTHORNE:

That from and after the 1st day of July, 1876, the officers of the Navy shall receive the following pay, namely:

Admiral, $10,000.

Vice-Admiral, $8,000.

Rear-Admiral, $6,000.

Commodore, $5,000.

Captains, $3,500.

Commanders, $3,000.

Lieutenant-commanders, first five years after date of commission, $2,500; after five years from date of commission, $2,700.

Lieutenants, first five years after date of commission, $2,000; after five years from date of commission, $2,400.

Masters, first five years after date of commission, $1,600; after five years from date of commission, $1,800.

Ensigns, first five years from date of commission, $1,200; after five years from date of commission, $1,400.

Midshipmen, $1,000.

Cadet midshipmen, $500.

Mates, $900.

Medical and pay directors and medical and pay inspectors and chief engineers, having the same rank at sea, $3,600.

Fleet surgeons, fleet engineers, and fleet paymasters shall receive the pay due to them, respectively, as surgeons, chief engineers, and paymasters, according to their rank and length of service; and no increase of pay is to be made to either of said grades of officers on acconnt of their being assigned to duty as fleet surgeons, fleet engineers, or fleet paymasters.

Surgeons, paymasters, and chief engineers, first five years after date of commission, $2,500; second five years after date of commission, $2,750; third five years after date of commission, $3,250; after twenty years from date of commisson, $3,500.

For pay of passed assistant surgeons, passed assistant engineers, and passed assistant paymasters, first five years after date of appointment, $1,800; after five years from date of appointment, $2,000.

For pay of assistant surgeons, assistant engineers, and assistant paymasters, first five years after date of appointment, $1,600; after five years from date of appointment, $1,800.

For pay of naval constructors, first five years after date of appointment, $2,800; second five years after date of appointment, $3,000; third five years after date of appointment, $3,200; fourth five years after date of appointment, $3,400; after twenty years from date of appointment, $3,600.

For pay of chaplains, first five years after date of appointment, $1,200; after five years from date of appointment, $1,800.

And the pay of all other officers on the active-list of the Navy shall remain as it is now provided by law; and when any of the officers hereinbefore mentioned, except the admiral, vice-admiral, and naval constructors and assistant naval constructors, shall be on shore duty or on leave or waiting orders, their pay shall be reduced from the rates herein fixed in the same proportion as it is reduced from sea pay by existing law.

And after the passage of this act, there shall be no promotion to the grade of rear-admiral until their number shall be reduced below three; and no promotion shall be made to the grade of commodore until their number shall be reduced below six; and no promotion shall be made to the grade of captain until their number shall be reduced below forty; and no promotion shall be made to the grade of commander until their number shall be reduced below fifty; and no promotion shall be made to the grade of lieutenant-commander until their number shall be reduced below sixty; and no promotion shall be made to the grade of lieutenant until their number shall be reduced below one hundred and fifty; and no promotion shall be made to the grade of chief engineer until their number shall be reduced below forty; and no promotion shall be made to the grade of passed assistant engineer until their number shall be reduced below seventy-three; and no promotion shall be made to the grade of assistant engineer until their number shall be reduced below forty-seven; and no promotion or appointment shall be made to the grades of medical director and medical inspector and pay director and pay inspector and assistant naval constructor and civil engineer; and no promotion shall be made to the grade of paymaster until their number shall be reduced below twenty-five; and no promotion to the grade of naval constructor until their number shall be reduced below six. All officers of the volunteer service of the Navy shall be discharged from service after the 1st of July, 1876; and laws authorizing the appointment or employment by the Secretary of the Navy of any person in the volunteer Navy shall be, and are hereby, repealed: *Provided*, That all civil engineers now in the naval service shall be discharged on the 1st day of July, 1876.

By Mr. WHITTHORNE, in relation to the Marine Corps:

That the Marine Corps of the United States shall consist of one commandant with the rank of colonel, one lieutenant-colonel, three majors, seventeen captains, twenty-two first lieutenants, twenty-two second lieutenants, one sergeant-major, one quartermaster-sergeant, one hundred and forty sergeants, one hundred and thirty-five corporals, and twelve hundred privates in time of peace, to be increased in time of war, at the discretion of the President, to any number not exceeding three thousand, with a corresponding increase of non-commissioned officers: *Provided*, That the commissions of officers now in the corps shall not be vacated by this act; but these officers holding staff appointments shall be retransferred to the line of the corps according to the date of commission, and no promotions or appointments to fill vacancies in the list of commissioned officers shall be made until the number of such officers shall have been reduced by casualties or otherwise to the number above provided in this section: *And provided further*, That nothing herein contained shall preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession as is authorized by sections 1605 and 1607 of the Revised Statutes of the United States.

That upon the settlements of accounts of the paymaster, quartermaster, and assistant quartermasters their offices shall cease to exist, and the duties now performed by them shall be transferred to the pay corps of the Navy.

That the adjutant and inspector shall be selected by the commandant from the grade of major or of captain for the term of three years only, during which term he shall receive the rank and pay of major.

That upon the settlement of the accounts of the quartermaster, the barrack and other property now accounted for by him shall be transferred to the proper bureaus of the Navy.

That the allowance for forage for field officers be abolished, unless such field-officer be actually serving with troops in the field.

That the band known as the "Marine Band" be abolished at once, mustered out of the service, the instruments sold, and the money turned into the Treasury of the United States: *Provided*, That a sufficient number of musicians be retained, so that the number and grade of musicians of the corps shall be the same in all respects as the musicians of a regiment of infantry in the Army.

That in case any reduction is made by the present or any succeeding Congress in the pay of the officers of the Army, a corresponding reduction shall take place in the pay of the officers of the Marine Corps.

By Mr. WHITTHORNE, in relation to navy-yards:

On page 3 strike out all from the beginning of line 43 to the word "commencement" inclusive in line 51 and insert the following:

That the navy-yards at Brooklyn, Kittery, Charlestown, and Norfolk be retained for general purposes; and those at Pensacola and Mare Island be retained as naval rendezvouses, and for temporary repairs; and the yard at Washington be used only for manufacturing purposes under the direction of the Secretary of the Navy; and the yards at League Island and New London be abandoned, and the property thereto appertaining, where the same cannot be utilized or removed without too great expense, be sold, and the proceeds turned into the Treasury; and for the civil establishment at the foregoing yards, —— thousand dollars.

By Mr. RANDALL:

For the civil establishments of the several navy-yards, $85,000; and the Secretary of the Navy is hereby directed to organize a naval board of five commissioned officers in the Navy as soon as practicable, whose duty it shall be to examine fully and determine whether, in their opinion, any of the navy-yards can be dispensed with and abandoned, and, if so, to report the best manner of making disposition of the same, and further to inquire as to the propriety of establishing a naval rendezvous at Tybee Island or at Cockspur Island, in the State of Georgia, and whether any Government property at said islands can be made available and are suitable for such purpose; and said board shall, through the Secretary of the Navy, report to Congress at the commencement of the next session the result of their inquiry; and the sum of $2,000 is herewith appropriated to meet the expenses incurred by said board.

Mr. HALE. Let me suggest that instead of rising, as nearly the whole of the day has been taken from the Committee on Appropriations, we leave that portion of the bill to which these amendments apply and proceed with the consideration of the bill for half an hour longer.

Mr. BANKS. I hope not. I am just as ignorant of the latter portion of the bill as I am of the first part of it or of these amendments. And this is Saturday afternoon.

Mr. RANDALL. The real motive for the committee rising at this time is to enable certain gentlemen here to go and see the torpedo experiment. We may as well state the real reason for the committee rising. [Laughter.]

The motion of Mr. BANKS was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

PACIFIC RAILROADS.

Mr. LAWRENCE, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3514) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862, and other acts in relation to the railroad companies therein mentioned; which was read a first and second time, and the accompanying report ordered to be printed, and recommitted to the Committee on the Judiciary.

CLERK OF THE HOUSE.

Mr. RANDALL. Some time since the House adopted a resolution directing the Committee on Rules to examine in relation to a conspiracy alleged to have been entered into by the Clerk and other officers of this House to affect the action of the House upon the legislative, executive, and judicial appropriation bill. There was appointed to-day a special committee to investigate certain charges against the Clerk. I am instructed by the Committee on Rules to report back to the House the resolution which was referred to them and to move that it be referred to the special committee.

The motion of Mr. RANDALL was agreed to.

UNION PACIFIC RAILROAD.

Mr. McDILL, by unanimous consent, presented a copy of the opinion of the judge of the circuit court of the United States for the State of Iowa in the case of The United States *ex rel.* Hall *et al. vs.* The Union Pacific Railroad, upon the subject of the tolls charged by that road; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

LOUISIANA INVESTIGATION.

Mr. HOSKINS was excused from service upon the special committee appointed to investigate United States officials, &c., in Louisiana.

WITHDRAWAL OF PAPERS.

Mr. VANCE, of North Carolina, obtained unanimous consent for the withdrawal from the files of the House of the papers and petition in the case of E. H. Holmes, sergeant Company E, Sixth Maryland Volunteers.

LEAVE OF ABSENCE.

Mr. MILLER was granted leave of absence for one week from Monday next.

Mr. EVANS was granted indefinite leave of absence on account of a death in his family.

Mr. HOLMAN was granted leave of absence for six days on account of sickness in his family.

Mr. HOAR was granted leave of absence for ten days from Monday next.

Mr. ROBBINS, of Pennsylvania. I move that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CANDLER: The petition of John A. Richardson, executor of Benjamin O. Jones, of Georgia, for compensation for the use, occupation, and damage to property by the United States troops, to the Committee on War Claims.

By Mr. FAULKNER: The petition of 231 citizens of Wheeling, West Virginia, that Congress extend the national credit to the completion of a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, the petition of citizens of New Cumberland, West Virginia, of similar import, to the same committee.

By Mr. LAWRENCE: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 7,365 persons from the States of Ohio and West Virginia, to the Committee on the Judiciary.

By Mr. OLIVER: The petition of 130 citizens of Everett County, Iowa, for the passage of the bill (H. R. No. 2645) to quiet the title of settlers on the so-called Des Moines River lands, Iowa, to the Committee on Public Lands.

Also, the petition of 200 citizens of Clay County, Iowa, that the law be so amended as to allow the McGregor and Missouri River Railroad to form its junction with the Sioux City and Saint Paul Railroad at or near the forty-third parallel, north latitude, to the Committee on Railways and Canals.

By Mr. JOHN REILLY: The petition of William Quentin, late a corporal Company A, Eleventh Regiment Pennsylvania Reserve Corps, for a pension, to the Committee on Invalid Pensions.

By Mr. RIDDLE: A paper relating to the petition of A. M. Tinsley, for a pension, to the same committee.

By Mr. WIGGINTON: Memorial of the San Francisco Microscopical Society, that steps be taken looking to the adoption of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

IN SENATE.

MONDAY, *May* 22, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

Mr. EATON presented the credentials of William H. Barnum, elected by the Legislature of the State of Connecticut a Senator from that State to fill the vacancy caused by the death of Orris S. Ferry.

The credentials were read; and, the oaths prescribed by law having been administered to Mr. BARNUM, he took his seat in the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the United States, transmitting, in answer to a resolution of the Senate of March 27, a report from the Secretary of State relating to the amount of money in the custody of the Department of State to the credit of the awards of the mixed commission under the treaty between the United States and Venezuela of April, 1866; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers suggesting that the attention of the Committee on Commerce of the Senate be invited to the importance of an increase of the appropriation of $125,000 as passed by the House of Representatives to $155,000 for the construction of a new snag-boat for use on the western rivers; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I am requested to present the petition of A. M. Clapp, Congressional Printer, an officer of the Senate, praying for an investigation into the manner in which his duties have been performed. He respectfully represents that the Committee on Printing of the House of Representatives was by a resolution of the House called upon to examine into the management of the Government Printing Office; that he gave them all the assistance in his power; that they received from him his books and papers and all the aid that it was possible for him to give them. The petitioner complains that injustice has been done to him as an officer of the Senate; that his books have been and are still detained from him; that no opportunity was given to him by the committee of the House for explanation; that he was denied the ordinary privileges of a person accused, and was called upon without sufficient time or opportunity to defend himself against charges without specification or notice. The nature of the complaint, it seems to me, presents a question of privilege; and, therefore, I move that this petition be referred to the Committee on Privileges and Elections, with instructions to inquire into the truth of the allegations contained in the paper.

Mr. MORTON. I suggest to my friend from Ohio that the petition be referred to the Committee on Printing. It is a matter peculiarly within their province, and it occurs to me that it ought to go to that committee. The Committee on Privileges and Elections has quite enough business now to attend to, and therefore I make the suggestion.

Mr. SHERMAN. I do not think the Committee on Printing is the proper committee. It seems to me the petition ought to be sent to the Committee on Privileges and Elections, or to a special committee; but I think it should go to the Committee on Privileges and Elections. The Committee on Printing is composed of but three members. The chairman of that committee is absent sick, and I am told by the clerk of the committee that although he may be here soon, he probably will not be in a condition to examine into the matter at an early period. I think, therefore, the petition ought to go to the Committee on Privileges and Elections. After the Committee on Privileges and Elections examine into the truth of the complaint, and see the extent and nature of the charge, they can report the case back for such further examination as they deem proper; but in the first instance, as the petition comes from an officer of the Senate, plainly made so by statute law, complaining of injustice done to him by another, a highly important and influential branch of the Government, it seems to me it ought first to be considered by the Committee on Privileges and Elections before we proceed any further.

The PRESIDENT *pro tempore*. Is there objection to the reference of the petition to the Committee on Privileges and Elections? The Chair hears none, and it is so referred.

Mr. CAMERON, of Pennsylvania. I present a petition signed by a large number of citizens of Philadelphia who pray that the word "religious" may be restored to the tariff act where it applies to stained glass. It seems that for a number of years stained glass, among other things, was allowed to be imported by different societies when used entirely for their own purposes; but in the printing of the last series of the laws the word "religious" was omitted, so that churches and other religious societies are now prevented from importing stained glass without paying duties, while all other societies are allowed to import it as formerly. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL, of Vermont, presented the petition of Susan Lawson, praying to have paid to her as the only heir of Simeon Randall, deceased, all sums of money due to him for services rendered in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. KERNAN presented the petition of Charles W. Fisher, of Jefferson County, New York, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented a memorial of masters and vessel-owners of Saint Lawrence County, New York, remonstrating against the passage of the bill (H. R. No. 2479) granting an American register to the Canadian steam ferry-boat Geneva, and for other purposes; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present the petition of John W. Johnson, praying to be allowed a pension. I wish to state that I present this petition by request. I know nothing of the merits or demerits of the case, and therefore am not committed for or against it. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1460) granting a pension to Lydia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2292) granting a pension to Thomas Shannon, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

AMENDMENTS TO APPROPRIATION BILL.

Mr. PATTERSON, from the Committee on Education and Labor, reported certain amendments intended to be proposed to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. I ask the Senator from Ohio to yield to me for the purpose of moving that the Senate proceed to the consideration of Senate bill No. 709, for the relief of Hans C. Peterson.

Mr. SHERMAN. I hope no bill will be taken up now, as we shall have but a few moments for executive session before the time fixed for the meeting of the court.

Mr. McMILLAN. This is a bill to which I presume there will be no objection. It has received full examination from the Committee on Claims, and a report has been made which I think will satisfy the members of the Senate. In view of the fact that the committee to investigate into election affairs in Mississippi will have to leave this city very soon, I, being a member of that committee, desire to have the bill disposed of. I perhaps shall not have another opportunity to call it up.

Mr. SHERMAN. The Senator probably to-day at a later period can ask the Senate to act upon his bill. I think it important to have an executive session for a few minutes.

Mr. WRIGHT. Will my friend withhold his motion until I make a report or two from a committee.

Mr. SHERMAN. The Senator from Iowa must see that we have but a few moments of time for executive business. Can he not withhold his reports until to-morrow?

Mr. WRIGHT. I shall not insist upon my request.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were re-opened.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour fixed having arrived, the legislative and executive business of the Senate is suspended, and pursuant to order the Senate proceeds to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 469) for the relief of the legal representatives of Joseph L. Locke, deceased, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, who were instructed by a resolution of the Senate of the 14th of February last to inquire into the expediency of establishing a penitentiary upon the abandoned military reservation at Fort Smith, Arkansas, for the confinement of United States prisoners, asked to be discharged from its further consideration; which was agreed to.

WITHDRAWAL OF PAPERS.

Mr. WRIGHT. I move that an order be made that the petition and papers in the case of Madeira & Cabado, of Philadelphia, Pennsylvania, be taken from the files of the Senate and referred to the Committee on Claims. I make this motion at the request of the persons interested in the claim. If there has been an adverse report, of course the Clerk will not send the papers to the committee.

The PRESIDENT *pro tempore*. The Secretary will conform to the rule. The Chair hears no objection, and the order is made.

On motion of Mr. COCKRELL, it was

Ordered, That Frank Page have leave to withdraw his petition and papers from the files of the Senate.

HANS C. PETERSON.

Mr. McMILLAN. I move that the Senate proceed to the consideration of Senate bill No. 709.

The motion was agreed to; and the bill (S. No. 709) for the relief of Hans C. Peterson was read the second time and considered as in Committee of the Whole. It directs the Secretary of the Treasury to audit and settle the claim of Hans C. Peterson for damages sustained by him by reason of depredations and injuries by certain bands of Sioux Indians, in Minnesota, in the year 1862, and to pay him $2,283.92 in full payment and satisfaction for all losses and damages by him sustained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. EDMUNDS. I am sorry the Senator from Ohio [Mr. SHERMAN] is not in his place, because I wish to move to take up, so as to leave it as the unfinished business, House bill No. 2572 to protect witnesses who shall be required to testify in certain cases, which has been brought to my attention again by what was said this morning about witnesses, &c. The bill was put over once on the application of the Senator from Ohio [Mr. THURMAN] because he was not ready to speak upon it. I have no doubt he is ready by this time, and, of course not with the expectation of action to-day but to get it on the tapis for further consideration and disposal, I move to take up this House bill, which will not, when it is taken up, occupy more than an hour or two I think, at the most, in order that we may get a vote upon it and have it out of the way.

It may be said that possibly its present attitude is placing a kind of embargo or embarrassment on the investigations of the House of Representatives. They may be waiting in the expectation that we shall pass this bill. I think, therefore, it is due to the public interests that the Senate should decide upon the question. I move to take it up in order that it may be the unfinished business when we get to legislative business again.

Mr MORRILL, of Vermont. I hardly think it would be right to take up the bill indicated by my colleague in so thin a Senate. I know if the Senator from Ohio, the chairman of the Committee on Finance, [Mr. SHERMAN,] were present, he would object, he being very anxious to take up what is called the silver bill. While I have not any particular affection for the silver bill, I think it is due to the Senator from Ohio that no action should be taken that would be considered hostile to the purpose which he has heretofore indicated to take up that bill immediately after we get through with the business which has been pressing upon the Senate.

Mr. EDMUNDS. I will say, then, that if the Senator from Ohio and the Committee on Finance insist when we get into a state of doing something again that the silver bill should have precedence of this matter, (which is really a kind of a question of privilege,) I shall not insist upon its standing in the way; but I very thoroughly believe that the Senator from Ohio and all the gentlemen of the Finance Committee will be quite willing to have this matter disposed of, inasmuch as owing to its peculiar character our non-action may be thought by the House of Representatives as still leaving the matter on the tapis and not giving them an opportunity to guide their operations as they otherwise would. If the Senator from Ohio, in this view of the case, insists upon going on with the silver bill, I shall not antagonize it by this measure. I am quite sure, however, that he will assent to have the bill in regard to witnesses disposed of, and so I make the motion to take it up.

Mr. FRELINGHUYSEN. I hope the Senate will remember that the bill now pending in the order of business is the Japanese indemnity bill, which has been discussed for two or three days. I hope the Senators who are in favor of that bill will stand by it until it is disposed of.

Mr. ALLISON. It will not take much longer to finish it.

Mr. FRELINGHUYSEN. It will not take long to dispose of it. I hope my friend from Vermont will not antagonize this bill.

In reference to the particular bill suggested by the Senator from Vermont, my judgment does not accord with his as to the importance of the Senate acting upon it. There is an adverse report to the bill, and I think the Senator from Vermont joined with those who reported adversely. If those who reported an amendment to it or put in a minority report do not move the matter, I do not see why those who are adverse to it should move it.

Mr. DAVIS. If the Senator from New Jersey will allow me a moment, I will state that I know two Senators who sit on this side of the Chamber and are now absent from it who are anxious that the bill indicated by the Senator from Vermont should be taken up. I have heard them so express themselves. Therefore I hope that the motion of the Senator from Vermont will prevail.

The PRESIDENT *pro tempore*. The Chair will state that the unfinished business is the Japanese indemnity bill, as shown by the record.

Mr. FRELINGHUYSEN. And I hope no business will be taken up to put the bill out of its place. Let us have a vote upon it. It has been pending here for some time, and there have been six different reports upon it.

The PRESIDENT *pro tempore*. The bill (S. No. 626) in relation to the Japanese indemnity fund is before the Senate as the unfinished business, pending which the Senator from Vermont moves to take up the bill to protect witnesses who shall be required to testify in certain cases.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The motion to adjourn takes precedence.

Mr. SARGENT. I think it is understood that we are to have an executive session.

Mr. PADDOCK. I withdraw the motion to adjourn.

The PRESIDENT *pro tempore*. The motion to adjourn is withdrawn. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 22, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore* asked and obtained an extension for five days of the leave of absence heretofore granted the Speaker.

Mr. CHITTENDEN was granted leave of absence for two days.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California.

G. B. TYLER AND E. H. LUCKETT—VETO MESSAGE.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Senate of the United States:

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith, without my approval, Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

U. S. GRANT.

EXECUTIVE MANSION, *March* 31, 1876.

The bill was read, as follows:

An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of $164, in full for moneys wrongfully collected from said Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

The following message from the Senate was also read:

IN THE SENATE OF THE UNITED STATES,
May 20, 1876.

The President of the United States having returned to the Senate, in which it originated, the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same, and resolved that the said bill do pass, two-thirds of the Senate agreeing to pass the same.

Mr. LAWRENCE. I move that this bill, with the accompanying veto message and other papers, be referred to the Judiciary Committee. The bill came from that committee, and I presume should go back to it.

Mr. BROWN, of Kentucky. This being a private claim, I think it ought to go to the Committee of Claims.

Mr. LAWRENCE. I have no objection; but the bill as I understand was reported from the Judiciary Committee.

Mr. BROWN, of Kentucky. It should have been referred to the Committee of Claims.

Mr. LAWRENCE. I have no objection to that reference.

There being no objection, the bill, with the accompanying message and other papers, was referred to the Committee of Claims.

EFFICIENCY OF THE ARMY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Adjutant-General on the bill (H. R. No. 2935) to provide for the efficiency of the Army of the United States; which was referred to the Committee on Military Affairs.

SURVEY OF MISSISSIPPI RIVER NEAR KASKASKIA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report, with accompanying map, of a survey of the Mississippi River near Kaskaskia, Illinois; which was referred to the Committee on Commerce.

PROTECTION OF AMERICANS IN OTTOMAN EMPIRE.

Mr. TUCKER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas it has been reported that violence has been done and is menaced to Christians who are subject to various Christian powers resident in the Ottoman Empire; and whereas there are American citizens who are resident in said dominions for purposes of commerce and for other objects, and who may be liable to danger by reason of the facts reported: Therefore,

Be it resolved, That the President of the United States be requested, if not incompatible with the public interests, to inform this House whether he has any official or other information in respect to the matters before stated; whether any steps have been taken by the Executive for the protection of any American citizen resident in said dominions; and that the President be requested to take such measures as shall be within his power to extend and secure such protection to all American citizens so resident therein.

PACIFIC RAILROAD.

Mr. LAWRENCE. I move to reconsider the vote by which a bill of the following title was on Saturday last recommitted to the Committee on the Judiciary: A bill (H. R. No. 3513) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862, and other acts in relation to the railroad companies therein mentioned.

The SPEAKER *pro tempore*. The motion to reconsider will be entered.

ORDER OF BUSINESS.

Mr. HALE. I call for the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour now begins at fifteen minutes before one o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

MARIANNE WOLFF.

Mr. CRAPO introduced a bill (H. R. No. 3515) for the relief of Mrs. Marianne Wolff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM STEWART.

Mr. ELY introduced a bill (H. R. No. 3516) for the relief of William Stewart, of Mobile, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER BOND.

Mr. WILLIS introduced a bill (H. R. No. 3517) granting a pension to Alexander Bond, formerly a private in Company H, One hundred and nineteenth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE E. HASIE.

Mr. WILLIS also (by request) introduced a bill (H. R. No. 3518) for the relief of George E. Hasie, late inspector of tobacco, cigars, and snuff in and for the second internal-revenue-collection district of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH A. GAYLE.

Mr. WILLIS also (by request) introduced a bill (H. R. No. 3519) for the relief of Mrs. Sarah A. Gayle, of Amite County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HORACE D. MEAD.

Mr. WILLIS also (by request) introduced a bill (H. R. No. 3520) for the relief of Horace D. Mead, of Yazoo County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. WATSON.

Mr. WILLIS also (by request) introduced a bill (H. R. No. 3521) for the relief of James M. Watson, of Rankin County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS L. DALLON.

Mr. BLISS introduced a bill (H. R. No. 3522) for the relief of Francis L. Dallon, late marshal of the United States for the eastern district of New York; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EDWARD A. DECKER.

Mr. METCALFE introduced a bill (H. R. No. 3523) for the relief of Edward A. Decker; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OVERLOADING VESSELS.

Mr. BASS introduced a bill (H. R. No. 3524) to amend title 48 of the Revised Statutes of the United States and to prevent overloading by vessels carrying freight or passengers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DOCKETING JUDGMENTS.

Mr. BASS also introduced a bill (H. R. No. 3525) in relation to docketing judgments recovered in the courts of the United States to make them a lien on real estate; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGES OVER NAVIGABLE WATERS.

Mr. BASS also introduced a bill (H. R. No. 3526) in regard to small craft passing under bridges over navigable waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHŒBE MEECH.

Mr. BASS also introduced a bill (H. R. No. 3527) for the relief of Phœbe Meech; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY E. WALKER.

Mr. LEAVENWORTH (by request) introduced a bill (H. R. No. 3528) for the relief of Mrs. Mary E. Walker; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DR. M. E. WALKER.

Mr. MACDOUGALL introduced a bill (H. R. No. 3529) for the relief of Dr. M. E. Walker; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LETTERS-PATENT.

Mr. HARDENBERGH introduced a bill (H. R. No. 3530) relative to letters-patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LINCOLN MONUMENT.

Mr. HARDENBERGH also introduced a bill (H. R. No. 3531) to authorize the construction of a pedestal for the monument of Abraham Lincoln; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REDISTRIBUTION OF NATIONAL-BANK CURRENCY.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 3532) amendatory of an act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes, approved June 30, 1874; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HEIRS OF JOSÉ R. BERRYESA.

Mr. POWELL (by request) introduced a bill (H. R. No. 3533) for the relief of the heirs and others of José R. Berryesa; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DOÑA HILARIA BUELNA.

Mr. POWELL also (by request) introduced a bill (H. R. No. 3534) for the relief of Doña Hilaria Buelna; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. MAISH introduced a bill (H. R. No. 3535) to authorize and require the Secretary of the Interior to supply at cost price the Medical and Surgical History of the War; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

SURGICAL REPORTS OF CASUALTIES IN NAVY.

Mr. MAISH also (by request) introduced a bill (H. R. No. 3536) to authorize and require the Congressional Printer to print and bind five thousand copies of the Surgical Report of Casualties in the United States Navy from 1860 to 1870; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

LANDS SOLD FOR DIRECT TAXES.

Mr. HUNTON introduced a bill (H. R. No. 3537) for payment of rent for lands sold for direct taxes and occupied by the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOSEPH HARTMAN.

Mr. SCALES introduced a bill (H. R. No. 3538) for the relief of Joseph Hartman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET CAHILL.

Mr. WALLACE, of South Carolina, (by request,) introduced a bill (H. R. No. 3539) granting a pension to Margaret Cahill, widow of James Cahill, United States Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA A. ASHBURN.

Mr. HARTRIDGE (by request) introduced a bill (H. R. No. 3540) for the relief of Martha A. Ashburn, widow of George W. Ashburn, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM C. EDMONSTON.

Mr. HAYS introduced a bill (H. R. No. 3541) for the relief of William C. Edmonston; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

TEXAS AND PACIFIC RAILROAD.

Mr. HOOKER presented a joint resolution of the Legislature of Mississippi in relation to the Texas and Pacific Railroad; which was referred to the Committee on the Pacific Railroads, and ordered to be printed, and also to be printed in the RECORD. It is as follows:

Joint resolution in relation to the Texas and Pacific Railroad.

Whereas of the several measures now pending in Congress providing for the guarantee by the Government of the United States of the interest on the construction bonds of the Texas and Pacific Railway Company, the measure recently approved by a numerously attended convention, held at Saint Louis, Missouri, composed of delegates representing the best intelligence and character of every section of the Southern States, which provides adequate connection between the State of Texas and the Pacific Ocean, and provides connecting lines with the Mississippi Valley, at New Orleans, Vicksburgh, Memphis, and Saint Louis, fully meets the demands of the South and Southwest for communication with the Pacific coast, and of the whole country for a competing line which will insure material reduction in the present cost of transcontinental transportation; and whereas this measure provides an open national highway between the Atlantic and Pacific Oceans, not affected by the influence of climate and the seasons to an extent at any time likely to interrupt transportation; and also provides a postal and military line of inestimable value to the Federal Government, promoting an economy of administration in the postal and military department which will annually save to the Federal Treasury an amount more than equal to the amount of the guarantee that is asked: Therefore,

Be it resolved by the Legislature of the State of Mississippi, That the United States Senators from our State be requested and instructed, and the members of the House of Representatives be requested to vote for the proposed measure, and to exert all proper influence to secure its passage by the Forty-fourth Congress during its present session.

Be it further resolved, That the secretary of state be requested to furnish a copy of these proceedings of the Legislature to each of our Senators and Representatives in Congress without delay.

Approved, April 11, 1876.

CHANGE OF NAME OF STEAMER.

Mr. GIBSON introduced a bill (H. R. No. 3542) to change the name of the steamship Brashear to The Lone Star; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CASH PAYMENTS BY THE GOVERNMENT OF THE UNITED STATES.

Mr. GIBSON also introduced a bill (H. R. No. 3543) to resume cash payments by the Government of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TREATY OF COMMERCE WITH BRAZIL.

Mr. GIBSON also introduced a joint resolution (H. R. No. 116) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Brazil can be arranged; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JULIA A. ROBERTS.

Mr. BANNING introduced a bill (H. R. No. 3544) granting a pension to Julia A. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARIANA HOWARD.

Mr. SOUTHARD introduced a bill (H. R. No. 3545) granting a pension to Ariana Howard, widow of Samuel Howard, sr., late a private in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM P. WOOD.

Mr. DURHAM introduced a bill (H. R. No. 3546) authorizing the Secretary of the Treasury to settle with William P. Wood for services rendered in the recovery of certain moneys belonging to the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. B. FOLK.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 3547) for the relief of H. B. Folk, of Brownsville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PLEASANT Y. PILES.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 3548) granting an increase of pension to Pleasant Y. Piles, late Company D, Twelfth Regiment Kentucky Veteran Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEES OF EXAMINING SURGEONS.

Mr. HAYMOND introduced a bill (H. R. No. 3549) to increase the fee of civil surgeons for the examination of pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. BETSY ANN FRY.

Mr. HAYMOND also introduced a bill (H. R. No. 3550) granting a pension to Mrs. Betsy Ann Fry, widow of Captain Alfred Fry, Company A, Seventh Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. HARTZELL introduced a bill (H. R. No. 3551) for the improvement of the Mississippi River and to prevent the erosion of its banks between islands No. 14 and 15, near the town of Kaskaskia, in the State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DR. BERTHOLD HAHN.

Mr. MORRISON introduced a bill (H. R. No. 3552) to compensate Dr. Berthold Hahn for a horse lost in battle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPECIE PAYMENTS.

Mr. WIKE introduced a bill (H. R. No. 3553) to provide for the gradual resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM L. LARMON.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 3554) for the relief of William L. Larmon, late first lieutenant Company B, Thirty-eighth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RICHARD H. PORTER.

Mr. BUCKNER introduced a bill (H. R. No. 3555) for the relief of Richard H. Porter, of Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CEMETERIES IN THE DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 3556) for the advancement of medical and surgical science and for the protection of cemeteries in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AMMONIATED FERTILIZER COMPANY OF WASHINGTON, D. C.

Mr. BUCKNER also introduced a bill (H. R. No. 3557) for the relief of the Ammoniated Fertilizer Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

TAX CERTIFICATES OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 3558) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

NATIONAL DROVE-YARD COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. WILLARD introduced a bill (H. R. No. 3559) to incorporate the National Drove-Yard Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MRS. ALMIRA FORBES.

Mr. CATE introduced a bill (H. R. No. 3560) granting a pension to Mrs. Almira Forbes, widow of D. Brazilla Walker, late a private in Company F, Seventy-fifth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WHITTAKER.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3561) authorizing the Secretary of the Treasury to adjust the claim of John Whittaker against the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAREY THOMPSON.

Mr. FAULKNER introduced a bill (H. R. No. 3562) for the relief of Carey Thompson, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OCEAN MAIL SERVICE TO BRAZIL.

Mr. HANCOCK introduced a bill (H. R. No. 3563) authorizing the establishing of ocean steamship mail service between the United States and Brazil; which was read a first and second time, referred

to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TAXATION OF SAVINGS-BANKS.

Mr. PIPER introduced a bill (H. R. No. 3564) amendatory of section 3408 of the Revised Statutes and of chapter 304 of the Statutes at Large, first session Forty-third Congress, relating to the taxation of savings-banks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HOMESTEADS.

Mr. PATTERSON introduced a bill (H. R. No. 3565) to amend section 2291 of the Revised Statutes of the United States, concerning homesteads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LANDS IN CHEYENNE.

Mr. STEELE introduced a bill (H. R. No. 3566) to authorize the board of trustees of the city of Cheyenne, Wyoming Territory, to enter and purchase for the use of said city certain public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PORT OF BROWNSVILLE, TEXAS.

Mr. SCHLEICHER introduced a bill (H. R. No. 3567) to make the port of Brownsville, Texas, one of the ports to which unappraised merchandise may be transported; which was read a first and second time, referred to the Committee of Commerce, and ordered to be printed.

GRANDISON RUBY.

Mr. SCHLEICHER also introduced a bill (H. R. No. 3568) for the relief of Grandison Ruby; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. There being no further bills and joint resolutions for reference, the next business in the morning hour is the second call of States for resolutions, during which call bills and joint resolutions may be introduced. The Chair will direct the unfinished business upon the Calendar, being resolutions that have been laid over on account of debate arising thereon, to be taken up under this call, and the Clerk will now read the next resolution upon the Calendar.

CHOICE OF PRESIDENT.

The Clerk read the following preamble and resolution introduced by Mr. PAGE:

Whereas the Constitution of the United States, as framed by the fathers of the Republic, imposes no limit upon the eligibility of any citizen to the office of President further than that he shall be native-born and of a certain age and time of residence: Therefore,

Be it resolved, That in the judgment of this House the right of selecting candidates for the office of President can only be lawfully exercised by the people under existing constitutional restrictions, and has never been delegated by the people to the House of Representatives or to any members of the same, and that any attempt by the House of Representatives to limit or forestall the public will on a question of such importance is an invasion of powers reserved to the people at large, to be freely exercised by them without any interference from any legislative body whatever.

Mr. RANDALL. I call for the yeas and nays on the adoption of the preamble and resolution just read.

The yeas and nays were ordered.

Mr. LAWRENCE. I ask that the resolution be again read, so that we may understand exactly what it is.

Mr. FRYE. It is a perfectly safe resolution.

Mr. BUCKNER. Is it in order to discuss this resolution at this time? If so, I would like to ask the gentleman who introduced it to explain what it is.

Mr. ATKINS. Is there any attempt to infringe upon that power of the people?

Mr. KASSON. What member of the House of Representatives is doing the thing that is censured by this resolution? What is the point of the resolution?

Mr. PAGE. I believe I am entitled to the floor.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor.

Mr. PAGE. I will state that I introduced this resolution on the 17th of December last. It was intended by me to offset a resolution which had been offered by the gentleman from Illinois [Mr. SPRINGER] limiting the power of the people of this country in their selection of a candidate for President of the United States. I offered this resolution in order to test the sense of the House at that time.

Mr. EDEN. Is debate in order?

The SPEAKER *pro tempore*. Debate is in order.

Mr. PAGE. There is nothing in the resolution but what I think every member of this House can heartily indorse. I must say that I never supposed it would come up again; but as it has come up I call the previous question upon it.

Mr. RANDALL. I would ask the gentleman if he did not intend this resolution to be an intimation in favor of the third term?

Mr. PAGE. I intended just what the resolution purports; that the people of this country would take that matter in charge themselves, when the time came; and they did not want any instructions from that side of the House as to whom they should select for President, or from this side of the House either.

Mr. LAWRENCE. Will the people be safe in case we pass this resolution? [Laughter.]

Mr. PAGE. I believe they will, especially the democracy of Ohio.

Mr. HARRISON and Mr. BLOUNT moved to lay the preamble and resolution on the table.

Mr. RANDALL. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 82, not voting 60; as follows:

YEAS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durand, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Felton, Finley, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Le Moyne, Levy, Lewis, Lord, Luttrell, McFarland, Metcalfe, Milliken, Mills, Money, Morgan, Mutchler, Neal, New, Oliver, Parsons, Payne, John F. Philips, Pierce, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Seelye, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Warren, Whitthorne, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, Yeates, and Young—147.

NAYS—Messrs. Adams, Ainsworth, Anderson, John H. Baker, William H. Baker, Ballou, Banks, Bass, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Campbell, Caswell, Conger, Crapo, Danford, Davy, Denison, Dunnell, Eames, Fort, Foster, Freeman, Frost, Frye, Goodin, Hale, Haralson, Benjamin W. Harris, Hathorn, Hendee, Hoge, Hoskins, Hunter, Hyman, Kasson, Kelley, Ketchum, Lawrence, Leavenworth, Lynch, Lynde, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Monroe, Morey, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Potter, Pratt, Rainey, Sobieski Ross, Rusk, Sampson, Sinnickson, Smalls, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Wait, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Willard, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodburn—82.

NOT VOTING—Messrs. George A. Bagley, Banning, Blaine, Blair, Cannon, Cason, Caulfield, Chapin, Chittenden, Cochrane, Cox, Crounse, Darrall, Dobbins, Douglas, Evans, Garfield, Hays, Henderson, Hosr, Holman, Hubbell, Hurlbut, Joyce, Kimball, King, Lane, Lapham, L. A. Mackey, Maish, McMahon, Meade, Miller, Morrison, O'Brien, Odell, Phelps, Purman, Robinson, Schumaker, Sheakley, A. Herr Smith, Strait, Stevenson, Stowell, Swann, Thomas, Van Vorhes, John L. Vance, Ward, Erastus Wells, Wheeler, Whitehouse, Whiting, Wigginton, Andrew Williams, Alpheus S. Williams, Wilshire, Benjamin Wilson, and Woodworth—60.

So the resolution was laid on the table.

During the roll-call the following announcements were made:

Mr. JENKS. My colleague, Mr. COCHRANE, is absent by leave of the House. I cannot say how he would vote if present.

Mr. BAKER, of Indiana. My colleagues, Mr. EVANS and Mr. ROBINSON, are absent by leave of the House. If present, I think they would both vote "no."

Mr. HENDEE. My colleague, Colonel JOYCE, is absent at New York in the service of the House.

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent under the order of the House. I agreed to pair with him on certain questions. Were he here I would vote "no," and he probably would vote "ay."

Mr. BRADLEY. My colleague, Mr. HUBBELL, is absent by permission of the House.

Mr. FORT. My colleagues, Mr. WHITING and Mr. HURLBUT, are both absent by leave of the House.

Mr. MAGOON. I wish to announce that my colleague, Mr. KIMBALL, who is absent from the House, would if present vote "no."

The result of the vote was announced as above stated.

ROBERT C. SCHENCK—EMMA MINE.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported the following resolution; which was read, considered, and adopted:

Resolved, That the rules be suspended so as to authorize the Committee on Foreign Affairs to report on Thursday the 25th instant, immediately after the reading of the Journal or any time thereafter, in reference to the connection of Robert C. Schenck with the Emma Silver Mine Company (limited) of London.

ORDER OF BUSINESS.

Mr. BLOUNT. I rise to move that the House resolve itself into the Committee of the Whole for the further consideration of the naval appropriation bill.

Mr. BURLEIGH. I rise to a question of privilege.

Mr. BLOUNT. I do not yield the floor. I understand that I have been recognized.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. BURLEIGH] rises to a question of privilege, and the Chair is bound to give him the floor.

Mr. BURLEIGH. I ask to have read from the proceedings of Saturday last an extract from the speech by the gentleman from Pennsylvania, [Mr. RANDALL,] chairman of the Committee on Appropriations.

The Clerk read as follows:

Mr. RANDALL. I renew it.

It is due to the Committee on Appropriations, or rather to the subcommittee of the Appropriations Committee, to say something in reference to why they recommend that Kittery should not have a civil establishment. I would like the gentleman from Maine, [Mr. BURLEIGH,] who spoke on behalf of Kittery, to listen. We find that almost the whole argument that was made on behalf of Kittery was that it was a good station to which in case of sickness on board of vessels they could be run in. But an examination showed that in case of danger or any contest with a

foreign nation it was entirely exposed to the enemy. As a member of the committee, I might have gone a little further and taxed my memory, for I have never heard a more complete condemnation of Kittery navy-yard than from the gentleman who now asks to have it continued. Running back all through the congressional history of the gentleman from Maine and the remarks he has made in reference to that yard, I find a complete condemnation of the Kittery yard.

Mr. HALE. To which gentleman from Maine do you refer?

Mr. RANDALL. I refer not to you, but to your colleague, Mr. BURLEIGH. Not only have we that gentleman's speeches, but we have his exhibits. I find several of them here that I may, if necessary, incorporate in my remarks as affording reasons palpable and plain why that navy-yard and the administration of everything connected with it should be suspended, (that is all we ask,) if not rooted out. There is a mistake in the minds of members about what the Committee on Appropriations have asked here. We do not venture to say that any navy-yard should be abolished except New London, which we shall probably protect by amendments; but we thought for the coming year that, with a due regard for economy and without any injury to the public service, we could make appropriations to some of these yards. And being aware of the condemnation pronounced heretofore by the gentleman from Maine as to the management of the Kittery yard, we cut it off from any appropriation; but we do not propose to close it up; we do not offer to sell it.

Mr. BLOUNT. I would like to know whether this is a question of privilege.

Mr. RANDALL. I hope the gentleman from Maine [Mr. BURLEIGH] will be allowed to proceed irrespective of that.

The SPEAKER *pro tempore*. The Chair cannot rule on the point till he hears the gentleman's statement.

Mr. BLOUNT. As this matter appears to grow out of the debate on Saturday last upon navy-yards, I suggest that, if we go into Committee of the Whole on the naval appropriation bill, that subject will be soon reached. I make this suggestion to the gentleman, if it be agreeable to him.

Mr. BURLEIGH. I do not propose to yield the floor. I am entitled to it, as I understand.

Mr. BLOUNT. I simply made a suggestion. I do not propose to interrupt the gentleman.

The SPEAKER *pro tempore*. When a gentleman states that a matter involves his official character as a member of the House, he has a right to the floor upon a question of privilege.

Mr. BURLEIGH. This arraignment of me by the honorable gentleman has this foundation, that I being a member of the Forty-third Congress had occasion in the conscientious discharge of my duty to utter on this floor the language which I ask the Clerk to read from the RECORD of December 22, 1874, which I send to the desk.

The Clerk read as follows:

Mr. BURLEIGH. I move to strike out the last word for the purpose of making some remarks on this bill. It will be noticed that the portion of this bill relating to the Bureau of Construction and Repair is included in twelve lines. Last year that portion of the bill embraced one hundred lines. Has the Navy Department become so much more honest that we can trust it further than heretofore? I maintain that the abbreviation of that portion of the bill is in the interest of contractors. We to-day have a Secretary of the Navy; good, honest, intelligent officers in the Navy; constructors and skilled mechanics to lay out thework in the navy-yards and oversee it; skilled laborers, ready to work, men that have learned their trade in the navy-yards, and of superior skill—a perfect organization. But as an appendage, for a tail I may say, we have the contractors. The trouble is that the contractors are winding around the whole body.

On this I have a little story to tell, and now is the right time to tell it. Last winter a member of the Committee on Naval Affairs received a letter from a contractor at the Kittery navy-yard, claiming that a constructor from another yard and the head of a Bureau had received many presents of different kinds from contractors; that he paid them $6,000 for their influence with the Navy Department to buy a timber-bending machine of him, now in Boston. The letter was withdrawn during the recess by request of the party sending it, and acknowledgment made that they were not right when the first letter was sent. The first contract by this Mr. Griffeths was to complete the new sloop of war building at Portsmouth. During the recess he receives an extra $4,000 for completing her and $2,000 for launching her—a ship of six hundred tons—with all the facilities of the yard at his command, and he says there was a mistake in his sending the letter; and now what is the result? The man had contracted to complete the ship. At first he gets four prices to launch her; he gets $4,000 to complete the ship again; and now he has a contract, as I understand it, under which they agree to give him $25,000 to go on with her, and he does not agree in that contract to complete the ship; he does not seem to be bound to do anything but have money.

* * * * * * * *

Mr. BURLEIGH. I move to amend the clause just read by striking out "$100,000" and inserting "$50,000." I make this motion for the purpose of stating that I believe this contingent fund, or a portion of it, is used to thwart the action of Congress.

The records will show, and many men on this floor will remember, that at the last session of the Forty-second Congress an act was passed cutting off certain sinecure offices in the different navy-yards—that of receiver of and that of clerk of accounts.

My predecessor (Mr. Lynch) at that time on this floor asserted, as he had done before, that these were sinecure offices; that the receiver at the Kittery navy-yard in particular did nothing but receive his pay; that the Secretary of the Navy himself knew they were sinecure offices, and had discharged the incumbents, but was obliged to fill the position of receiver again at Kittery on account of the political pressure which was brought to bear on him. It was also stated by Mr. Lynch that he expected that at the other end of the Capitol there would be a pressure brought to bear to have these officers retained. He was not disappointed. They did not succeed, however, and the places were abolished.

The appropriation for these sinecure places expired in July, 1873; but a short time before the expiration of that appropriation I learned that the receiver to whom my predecessor stated it was robbery to pay money out of the Treasury of the United States for doing nothing was about again to be appointed to a similar position. I wrote to the Secretary of the Navy, referring him to the action of Congress and the statements which were then made, telling him that I believed them to be true, and protesting in the most respectful manner, but earnestly, against his appointing any man to such position in the district I have the honor to represent.

Mr. BURLEIGH. In this connection I ask to submit references to the reports of the investigations at Kittery and Boston sustaining the charges which I made.

First contract not performed shown in the Kittery report by testimony of Thomas E. Webb, pages 51, 52; T. D. Wilson, pages 67 and 71; P. Hichborn, page 79.

Four thousand dollars wrongfully paid for extra work. (See testimony of Thomas E. Webb, page 52; T. D. Wilson, page 68, and P. Hichborn, page 82.)

Second contract covers work that should have been done under the first contract. (Testimony of T. D. Wilson, page 75, and P. Hichborn, pages 85 and 87.)

Two thousand dollars fraudulently paid for launching. (Testimony of Thomas E. Webb, page 54, T. D. Wilson, page 69; P. Hichborn, page 81.)

See also in Boston report testimony of R. E. Jackson, page 48, and E. K. McMicheal, page 37.

No competition as required by law. (Page 69, T. D. Wilson.)

Bills carried over. (T. D. Wilson's testimony, page 73.)

On the 22d of December, 1874, I charged on this floor that there was a sinecure position in the Kittery navy-yard that neither my predecessor nor myself had been able to keep off. (See Commodore Fairfax's testimony, pages 98 and 99.)

(In regard to bending machine, see testimony of McFarland, Boston investigation, page 153; E. K. McMichael, page 39; and J. W. Griffiths, page 42.)

Now, Mr. Speaker, because I dared, as a Representative of as confiding and as honest a constituency as any gentleman in this House may represent and as an honest, faithful member of the republican party, and devoted to the principles upon which it is organized, to express my objection to frauds and abuses existing in the public service, I am to be assailed and my people and the State I in part represent punished. Is it thus reform is to be met? Is it in this manner fidelity to the public service is to be rewarded?

The motives of the gentleman, as made apparent by the gentleman's own declarations, sustain me in the position that I have hitherto maintained, which position is that reformation in the public service is alone to be expected by the people from the republican party.

Since, as the gentleman declares in substance, honest rebuke to corrupt practices and plunderers is to be followed by punishment to him who either has the courage or honesty to administer it, I invite this House to make or cause to be made the most searching investigations into the truth or falsity of the charges I made here in the Forty-third Congress. I, in my own person, am willing to stand or fall by the result of such an investigation.

But I pray you, Mr. Speaker, if these charges that I have made be true, do not put this House in the category in which the gentleman from Pennsylvania has placed himself, of punishing the people of two States because one of their Representatives has conceived it to be his duty in reference to his sworn obligation to make them.

The abuses to which I called attention do not attach to the yard at Kittery, but to its management by officials and contractors who do not reside there. The yard should not be punished.

Abuses, I have little doubt, exist at other places, and if the gentleman adheres to the policy of abolishing all navy-yards at which they may be found to exist he will find that he can very considerably reduce his appropriation bill.

Mr. Speaker, in those remarks of the chairman of the Committee on Appropriations [Mr. RANDALL] it is distinctly asserted and charged that, in consequence of certain speeches, remarks, and exhibits made by me during my congressional history, the appropriation for the Kittery navy-yard for the coming fiscal year is not made.

Mr. Speaker, this is no light matter; for the chairman of the Committee on Appropriations to say to a member of this House and to the world that in consequence of the member's conduct the usual annual appropriation for a navy-yard in his district is cut off is to my mind a very serious matter, involving serious consequence to the good name of the member.

The chairman of the Committee on Appropriations said that "it is due to the subcommittee of the Appropriations Committee to say something in reference to why they recommend that Kittery should not have a civil establishment," and then goes on to state that it is in consequence of information that I rendered.

Does the gentleman not notice that by this arrangement he gets League Island retained as a full navy-yard, a place no more now like one than any mud-bank in a river or swamp a mile from solid land, a place where, according to the evidence of one of the most experienced constructors in the Navy, given to the Naval Committee, it will cost $1,000,000 to get ready to build the first ship and $50,000,000 to make a navy-yard of it, a place where, as the captain of the steamboat that took the committee down said, they could beat the world in raising musquitoes? The commandant of the yard came to us as we were taking evidence there about four o'clock and said that we had better leave there soon unless we wanted to get the fever and ague. One gentleman employed there, as he testified, said that his head felt as though it would burst; he had the League Island fever. One thing is sure, the Kittery yard is on land, good solid land, with ship-houses, dry-dock, machine-shops, store-houses, and other numerous buildings and dwellings for a complete yard, as it is, in good order and condition. Iron-clads were built there during the war. Some of the best ships we have were built there, and to-day everything is complete to build such vessels, and to build engines and boilers for our largest ships of war. The books of the Navy Department here will show that repairing and building have been done on this yard since its existence cheaper, and I will add better, than in any other

yard in the country. It is well defended by forts from two to three miles outside of it and has high land to seaward of it where earth-works would make the yard more invulnerable than any yard I know of.

Mr. Speaker, I was elected to the Forty-third Congress on the platform of my party as enunciated at Philadelphia in 1872. Retrenchment and reform within the party and by the party were not meaningless words to me then, nor are they now. On this platform I have stood and based all my actions, speeches, and votes to the best of my ability. My constituents, who are honest men, believe in it. I believe in it; and it is no cross for me to do my duty. It is perhaps easier for some to be what they call politic, and when in Rome do as Romans do. But I did not come here to be remolded; I came here thinking that the people, through their Representatives in Congress, had a right to an intelligent and healthy supervision over the affairs in this nation; and whether I am stating new ideas or not to some on this floor, I shall keep on thinking, speaking, voting against, and denouncing frauds and unlawful acts, whoever may be hit.

In regard to the American Navy, there is not a man on this floor, there is not a man in the country that I will acknowledge myself second to in zeal for its welfare.

For sixteen years I sailed under the Stars and Stripes. And no man here, perhaps, so well as I, can appreciate the feelings of an American sailor, after being five or six months at sea, on going into a port on the other side of the globe to find there an American man-of-war with the old flag at the peak. It is the next thing to getting home. Mr. Speaker, could I have my wish we would have a Navy that we all might be proud of; and in all my efforts in this House and elsewhere my wishes have been for its good.

Mr. Speaker, I deny the charges the gentleman from Pennsylvania has made against me in connection with the Kittery navy-yard as a yard, that I advocate a yard that is not well defended, or that I advocate one that has not superior advantages besides being the best for sanitary purposes. If he had examined my speeches and exhibits he would have learned that in no place nor at any time have I charged wrong on any officer of that yard. My charge was, as is shown by the RECORD, that wrongs were done there by order of officers superior to those who were stationed there. Could not and have not these same officials perpetrated the same wrongs at any of the other yards? Then why condemn the Kittery yard for wrongs of the same or similar character as those perpetrated on all the other yards, as you will find is the case from the investigating committee's report? Are you to close all the navy-yards?

Mr. Speaker, I stand here in a peculiar position. I, a republican, am arraigned by a democrat, the chairman of the Appropriation Committee, whose reputation for purity, integrity, and honor is national, a man elected by his constituents to battle with and vanquish corrupt republicans, and who has evinced such a disposition to do it.

I am arraigned before this democratic House because I have been zealous for an honest administration of the laws, and for attempting to check violations of law and frauds in and within my own party.

For these great crimes against my country and my constituents the appropriation for the navy-yard in my district is to be stopped, and my poor constituents to lose the benefits of the small amounts of money they now receive from the navy-yard.

What an encouragement to members in the future to attend to the duties their honest constituents expect of them? I cannot help feeling, Mr. Speaker, that the chairman of the committee, when making up this appropriation bill, did not perhaps have the punishment of the Kittery navy-yard so much in view as he did the audacity of your humble servant for standing up in his place in this House and exposing frauds.

I want to say a word more, and it is this: That though my efforts in behalf of honesty and economy in the public service may not be crowned with success, I am so constituted that I shall continue to work in the same direction. I am sorry that my field is not larger. If I had been a Representative on this floor for the last twelve or fourteen years from the great city of Philadelphia, had learned the ropes, and had listened to rumors that were in the air so thick that they might almost be felt, I might possibly have had the assurance to say something on this floor that would tend to put a stop to the Cattells levying a tax on purchases made by the Government, and have saved to it the half million dollars that they have collected; or I might have had something to say about the printing of the greenback paper, or the Printing and Engraving Bureau, or of sinecure positions. I believe that there is a great field there, including the old navy-yard and League Island; but I can only envy the position of the gentlemen who represent that distinguished city.

I send to the Clerk's desk a resolution which I ask may be read and adopted.

The Clerk read as follows:

Resolved, That the Naval Committee are hereby charged with the duty of examining the charges in the RECORD made by Hon. JOHN H. BURLEIGH against the conduct at the Kittery navy-yard, and to report to this House as to the truth or falsity of the same as appears by the recent investigation; also whether any reasons have existed or do exist, caused by the conduct of those in special charge of the yard, for cutting off the appropriation for working it.

Mr. RANDALL. I have no objection to the adoption of that resolution. In so far as the gentleman has attempted to reflect upon me in connection with appropriations for the naval service, I leave my works to judge. This very bill in the aggregate sum, outside of the pay of the Navy, reduces the appropriations for the Navy from $11,000,000 to a little over $6,000,000. The gentleman is entirely welcome to his statement in reference to what I said the other day, although I feel inclined to make use of the old adage that—

> Commentators have in Homer sought
> More than Homer ever thought.

The resolution was adopted.

DOORKEEPER OF THE HOUSE.

The SPEAKER *pro tempore*. The Chair lays before the House from the Committee on Rules, which was instructed to inquire into the official conduct of the Doorkeeper of this House, the following report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolutions:

"In view of the foregoing letter, written by L. H. Fitzhugh, which has just been read to this House, without any reference to other charges made against him, of the truth of which the House is not informed,

"*Resolved*, That it is the sense of this House that L. H. Fitzhugh is not a proper person to hold the honorable and responsible position of Doorkeeper of the House of Representatives of the United States, and that the said Fitzhugh, as Doorkeeper, be, and he is hereby, dismissed from office.

"*Resolved*, That the Committee on Rules inquire, and report without delay, whether any substantial reason exists why the offices of Sergeant-at-Arms and Doorkeeper of this House should not be consolidated in the Sergeant-at-Arms, as in the Senate"—

report that the resolution above quoted would seem to limit and confine the investigation into the fitness or unfitness of the Doorkeeper for his position, as disclosed by the letter to Mr. Maddox, dated December 15, 1875. But as the "whole subject" was referred to the committee, their inquiry is enlarged by the newspaper extracts, indictments, and records in certain criminal proceedings, and the charge of blackmailing made in a deposition of Ex-Marshal Purnell, of the western district of Texas, and the various prejudicial statements in the letter to the Louisville Courier-Journal of April 29, 1876, going to the general character of the Doorkeeper, under the signature of W. G. Welch. These matters are printed in the RECORD of May 14, 1876, and consist of a mass of statements, to which the committee have given their attention.

It seemed to be the purpose of the House in referring this matter to this committee that the officer should be fully heard before any decisive action was had. The committee has left to the unrestricted judgment of the Doorkeeper to produce before them any and all statements, oral and written, by himself or others, in explanation of these multifarious charges. They have heard in the most informal way, by letter, affidavits, records, &c., all that is even remotely pertinent to the subject referred to them. They append hereto a full statement of the Doorkeeper himself.

1. As to the charge of attempted black-mailing, they have given it no credence. The charge is made by one who is not above reproach, and it is refuted in so far as it can be by the statement of Governor Davis and others. It has weighed nothing in this conclusion of the committee.

The committee are satisfied to take the statement of Mr. Peyton addressed to members of the Texas delegation as a sufficient refutation. Governor Davis, who is an opponent of the Doorkeeper in politics, testifies to his irreproachable character since he has lived in Texas.

2. As to the indictments for arson, larceny, and perjury, the committee heard the statement of Judge DURHAM, of Kentucky, who had been the attorney of Colonel Fitzhugh in these several cases; and, if the records were not sufficient to estop the committee from inquiry into the charges, the statement of Judge DURHAM is conclusive, namely: that, if he had been on the jury, he would have been bound to acquit upon the testimony.

Aside from the proposition that Congress may inquire into the previous conduct of one of its officers in order to pass upon his qualifications; aside from the proposition, which the committee adopt as correct, of regarding the recorded acquittal as conclusive of his innocence, nothing appears to the committee to justify them in opening or challenging the justice of the verdicts in those cases. It would be hard indeed, even in case of conviction, to hold a man thereafter morally incapable of trust; but in case of acquittal, like the present, it would be an undeserved and uncalled-for stigma upon the sanctity and conclusiveness of judicial procedure which the House would not justify. Nor does it matter whether the court after hearing the evidence for the prosecution directed the jury at once to acquit, or whether the jury, without instruction from the court, acquitted; the committee, following the intimation of the resolution referred to them, propose no excursion into such a field of inquiry. They propose only to consider the letter to Mr. Maddox, and "without reference to other charges."

3. As to this letter: Does it show the Doorkeeper to be a man of such sense and discretion as to be intrusted with so responsible a post as he holds in this House?

Much stress has been laid, in extenuation of this letter: First, upon the way in which it was introduced to the public; second, upon the fact that it was written in utter *abandon*, and confided to a familiar and trusted friend.

As to the first, while it may and does redound to the credit of the Doorkeeper that he resisted the importunity to appoint those who held the letter over him *in terrarem*, while he might have suppressed the publication by a disregard of his duty, the committee give to him the full benefit of his explanation of the occasion when and the person to whom the letter was written in privacy.

As to the second, it is not for the committee to inquire how it saw the light or the motives of those who produced it in print. Our inquiry is whether the letter itself is an index of a character unfit to serve Congress as Doorkeeper, to dispense the large patronage of that office and maintain the confidential relations which are so intimately interwoven between legislators and this custodian of their Hall.

Before examining the letter itself, it might be well to examine into the duties of this office. The Doorkeeper, under Rule 10, is especially made the *confidant* of the House. In addition to the official oath prescribed by section 1757 Revised Statutes, he is required to take an oath to "keep the secrets of the House." The privileges of the Hall are under his control. He is to execute the one hundred and thirty-fourth and one hundred and thirty-fifth rules, as to those privileges, and these extend to the rooms upon the same floor of the Hall and leading into the same, and to the Reporters' Gallery. The abuse and scandal which an unfaithful Doorkeeper or his subordinates may cause were illustrated in a former Congress, when one assistant confessed and swore that he received many thousand dollars for granting admission to lobbyists interested in the Pacific mail subsidy. By Rule 27 the Doorkeeper is held responsible for all the furniture, books, or other public property in the several committee or other rooms under his charge. He is required to make an inventory of the same. When Congress is not in session, he remains here in trust, to preserve the public property. He is held responsible for missing articles. He provides fuel and other accommodations, in recess, for the subsequent session, under section 73, Revised Statutes. He is the intermediary of our messages to the Senate. Under him, as his appointees, are the superintendents of the folding-room, document-room, messengers, pages, folders, and laborers. The custody and distribution of documents are under his charge, the importance of which no one can so well know as a member. In cases of vacancies in the offices of Clerk and Sergeant-at-Arms, or their absence or inability to act, the duties of the Clerk, relative to the preparation of the roll, devolve upon him by the thirty-

third section of Revised Statutes. In fact he may, by the preparation of the roll, actually determine, in certain eventualities, the very constitution and party character of the House at its organization. This, although contingent, is an important power; and while the law remains, the public will allow no hazard of its abuse by the selection of doubtful officers.

Some of these important functions are devolved upon him, and others may be devolved. All agree now that greater scrutiny than has usually been exercised in the selection of this officer should be exercised. If a mistake has been made in the selection of the present incumbent, is it evidenced by his letter to Mr. Maddox; and if that be so, what is the remedy?

Even those who find nothing bad in the character of the man who wrote this letter, and who acquit its writer of any misconduct in office, agree that the letter is supremely weak and foolish. It evidences an unbalanced and unreliable judgment. Making every allowance for the privacy of the letter, it betrays ignorance of his relations to the House and its members. The appointment of his son, a mere boy, to a twenty-one-hundred-dollar place, and when that was vacated by him then his re-appointment and retention as file-clerk at a salary of $1,800, shows a disregard of a principle of civil service frequently commented upon of late, and which demands unselfishness, fitness, maturity, and capacity. The letter betrays a giddiness which betokens a character unsuited to the serious and responsible position, which a Doorkeeper should possess. His retention of the position would bring the House into ridicule and contempt among that class of "plain people" who are the best critics of the decorum and decency which should attach to the one of the two first law-making bodies in our land. Setting aside all charges as to the personal character of the officer, there is enough in the letter, which it is needless and painful to analyze further, to show that he is unfit for the position. Whether it be a public or private letter, it is indicative of the spirit of the officer as regards the honor of members of the House and the respect due from him to other high officers of the Government.

The committee therefore report the following:

1. That the office of Doorkeeper be vacated by its present incumbent.

2. That the duties of Doorkeeper be, and the same are hereby, devolved upon and consolidated with the office of Sergeant-at-Arms until otherwise ordered.

[Exhibit A.]

To the honorable the Committee on Rules of the House of Representatives:

In view of the serious character of the charges brought against me by Hon. JOHN D. WHITE, on the 13th instant, in the House, by the reading of various papers, and which were by resolution referred to your committee for investigation, I beg of you to permit me to make a full statement in defense to all of the said charges, without regard to any technical rules of the House to the contrary. And in pursuance thereof I will make the following statement:

First. In regard to the indictment spoken of by Welch in his letter that was read in the House at the time the said charges were made I will state: During the year 1870 D. W. Jones and myself were in partnership in the keeping of the Crab Orchard Springs, in the county of Lincoln, State of Kentucky; and about the 1st of November, 1870, I took out several policies of insurance on one-half of the buildings and furniture at the springs, representing one-half interest therein. Some time in the month of December, 1870, D. W. Jones made a survey of the main buildings of the springs property for the purpose of procuring a policy of insurance on same, and made the application to take out a policy for $7,500 on the main building alone. The main building was worth some ten or eleven thousand dollars, and not more, and Jones had only one-half interest in that. (See affidavit of Thomas C. Gale, here filed as part hereof, and marked A.)

On the 1st or 2d day of February, 1871, I left the Crab Orchard Springs to go to Louisville on private business; and as I was starting from the depot there were several persons, citizens of the place, standing around the depot, and some one of them asked me where I was going. I answered that I was going to Louisville to see about the insurance on the property. During my absence on that occasion I canceled about $9,500 insurance on my part of the property at the springs. The main building caught fire and burned down. Jones testified on the examining trial of Tom Scott the fire was discovered about eleven o'clock on the 4th. (See transcript of the evidence taken on the examining trial of Tom Scott, which is here filed, marked B, and made a part of this statement.) On my return home I found two of my sons and the said Tom Scott under arrest and charged with setting fire to the said main building, and that this man William G. Welch had volunteered his services to defend my sons, and I also learned that this man William G. Welch had been employed by Jones to aid in extorting the confession from Tom Scott. I therefore concluded it would not be safe to rely on him, and at once engaged the services of Hon. M. J. DURHAM and Thomas W. Bullitt. Welch informed us what confession would be proven; he stated that he was present at the confession, and that said Scott stated that I had held an interview with him before I left and persuaded him to agree to set fire to the said building, and that I would go to Louisville first and get out an insurance on the building; and that I had done so, and written back to my sons to that effect, and they told him of it, and to go on and burn the house; that it was all right for the burning, as the insurance had been completed. Upon getting this information Judge DURHAM advised me to send down to Louisville for the insurance agent and have him come up and bring the canceled policy, that is, the one that had been canceled just two or three days before the burning; and upon the production of the canceled policy with the testimony of the insurance agent the warrants were dismissed against my two sons, though Tom Scott was held over to answer an indictment. The postmaster of Stanford, I think, and one of the deputy United States marshals went on Tom Scott's bail-bond for his appearance, which was $450, and took him down to Louisville, where he was persuaded to bring suit against D. W. Jones and others for his arrest and maltreatment. (See transcript of the case, which will be filed as soon as it reaches me.) I have information that the transcript has been made out and mailed to me on Monday last.) After this suit was brought, this same man Welch and his party threatened me with a prosecution if I did not induce Tom Scott to dismiss his suit. I had no control over Tom Scott and could not have influenced him in that matter, and would not have stopped his suit then if I could, because I was anxious to have the charges against me and my two sons fully investigated.

True to the threat made by Welch and his then compeers, they did have us indicted, (copies of which indictments are now before this committee.) The trials were had under all of the three said indictments, and the proof so signally failed to sustain the charges under two of the indictments that the judge—Hon. Mr. Fox—refused to let the jury act on them; but at the earnest urgency of my counsel the judge did let the jury have one of the cases, and the jury were not out more than five minutes at most before they brought in a verdict of not guilty. All of these facts Hon. Judge DURHAM ought to remember, except the fact that William G. Welch gave the information as to the extent of Tom Scott's confession and stating that he was with the party at the time the confession was made, as his (Hon. Judge DURHAM's) testimony in the case of Tom Scott *vs.* Jones *et al.* differed from mine in this particular: The policy of insurance I took out on the springs property in the fall of 1870 was for $10,500, I think, and when in Louisville during the first part of February, 1871, I canceled $9,500 of it, I think; so there could have existed no pecuniary inducement for me to have desired the property destroyed, and inasmuch as Jones had a policy on the property for more than its value, malice against him could not have induced me to desire its destruction; besides I would have lost too heavily myself to desire its destruction, however much malice I may have borne to Jones.

William G. Welch states in his letter that a week or more after the burning of the house at Crab Orchard Springs he and others took Tom Scott out and extorted the confession from him against me.

I presume it is true they took him out and made him confess, but the evidence on the examining trial shows that the burning took place on the night of the 4th and that Tom Scott was taken out on the night of the 6th, being only two days after the burning. If Hon. Judge DURHAM fails to remember all of the foregoing facts, I will ask this committee to send for Thomas W. Bullitt and Robert Jacobs, the latter having been a partner of Hon. Judge DURHAM, and as such engaged in the trial of my cases.

I regret that the evidence cannot be got at just as it was detailed on the trial of Tom Scott's suit *vs.* D. W. Jones *et. al.*, so as this committee could have it to scrutinize just as the jury did in that case; suffice it to say the verdict of the jury sustained my version of the facts, and, in addition, my recollection is that my testimony was corroborated in every particular in which Hon. Judge DURHAM and I differed. However, if it had been true that I had sworn falsely in that court, as Welch would have you believe, why did he not have me indicted for it? Can it be said that he did not bear sufficient malice to have inflicted any punishment in his power upon me? This wonderful letter of his too strongly portrays malice of the deepest dye to authorize a denial on his part of its existence, for this letter is evidently a part of an organized plan to black-mail or break me down, or to damage the interest of the democratic organization by aiding in the concocting of diabolical slanders against an appointee of the democratic House. But he says he is a democrat; then what an immense feeling of bitter malice he must entertain against me to have overlooked the mortification to the party he is producing in his combining with Clancy, Maddox, and Purnell to break down one of the party's appointees; so that his insinuation that the United States court was not the proper court for him to enforce justice is a mere badge adopted by him to escape the glaring falsity of the whole of his charges against me.

Secondly. That part of affidavit made by Thomas F. Purnell, now before you, is too base and contemptible to be noticed; but, as it is a part of the plan of the quarto of the perfumed geentry Maddox, Clancy, Welch, and Purnell, I will call attention to the letter now before this committee, written by L. Payton, and a letter here filed marked "Davis," from Ex-Governor Davis, of Texas, and the resolution of his own party assembled in State convention in the State of Texas, contained in a pamphlet here filed as part of this statement, on pages 15 and 21, both of which are marked with pencil mark around the sections, and the unpublished part of this same affidavit now before this committee made by this flower of Texas, Purnell, to show that he is not only a thief but a perjured outlaw. Nothing approximating the statement he makes about me and my wife ever occurred. Of course I do not know personally what my wife may have done, but I do know that after living with her for about twenty-six years that she is incapable of telling a falsehood; and I believe as firmly what she tells me as I could believe if I were personally cognizant of what she might be talking of, and on the strength of her denial I deny the whole of that affidavit so far as it relates to either my wife or myself.

Thirdly. I now come to that ill-advised letter. It was written under the seal of confidence to one I had befriended in a material way, and one who had befriended me in the same way; one who always made the most fulsome attestation and demonstrations of friendship, so that I had a right to regard him as a true friend. Under these circumstances I thought no harm could come out of an absurd gasconade for amusement sake, while it was intended for no eye except the person addressed, particularly as the whole letter was made so ridiculous that it was impossible for Maddox, to whom it was addressed, to construe it in any other way than as a little fun, and he never did construe it otherwise until after he had conceived the idea of engaging in this diabolical combination with his compeers, Welch, Purnell, and Clancy, which quarto are now seeking to induce you to put a serious interpretation on it for their own base purposes.

I confess it was a foolish letter, and that a serious mistake was made in writing such a letter to such a man as Maddox. But, while a foolish letter, it injures no one except myself. The persons named in it are of too high standing for such a mention of them to affect their character or standing in the slightest degree; it was not intended to injure or reflect on any one. At that time my feelings were kind and grateful to all of the members of the House for their having honored me with the office I hold, and of course I could not have desired to do any one of them an injury or injustice in any form.

When I first learned that this letter had not been destroyed but was in the hands of my enemies, I made every honorable effort to get it. It could not be procured on any other condition than by giving an appointment to the holder of it, and some of my friends advised me to give the appointment for it. But, upon serious reflection, I came to the conclusion that such a purchase of the letter would not only be an improper use of the appointing power of my office but would have seriously impaired my usefulness in the discharge of my duties in the office, for if I could be forced to appoint any man I might be forced to tolerate any sort of misconduct on his part.

I well knowing there was nothing in the letter that would damage anybody except myself, although I had not seen the letter since it was mailed by me to Maddox, I preferred to submit to the humiliation of the publication of it than to sell out an appointment and my own control over that part of my office. I have not seen the original of this letter, and cannot say whether the published copy is a true one or not.

The foregoing contain the exact facts in regard to this letter, and therefore is all that I can say about it.

All of which is respectfully submitted to your honorable committee.

L. H. FITZHUGH.

The SPEAKER *pro tempore*. The resolutions are now before the House for action, and the Clerk will again read them.

The Clerk read as follows:

Resolved, First, that the office of Doorkeeper be vacated by the present incumbent.

Resolved, Second, that the duties of Doorkeeper be, and the same are hereby, devolved upon and consolidated with the office of Sergeant-at-Arms until otherwise ordered.

Mr. RANDALL. Unless some debate is desired on the report and accompanying resolutions, I shall demand the previous question.

Mr. WOOD, of New York. I ask whether this recommendation of the committee is not susceptible of division?

The SPEAKER *pro tempore*. It is.

Mr. WOOD, of New York. Then I ask for a division of the proposition.

The SPEAKER *pro tempore*. They are substantive propositions, different, and can be divided.

Mr. RANDALL. They were designedly made so.

Mr. KASSON. Let the resolutions be again read.

The resolutions were again read.

Mr. RANDALL. As this division has been called for, it may be proper for me to say that the second resolution merely transfers the duties

temporarily. The House to-morrow, or next week, or the beginning of the next session can provide for Doorkeeper as heretofore. The committee thought it important that security should be had, and therefore assigned one of the officers to discharge the duty temporarily. They did not wish to express any sentiment in reference to the permanent consolidation of these two offices. I demand the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question now recurs on the adoption of the first resolution.

The Clerk read as follows:

Resolved, That the office of Doorkeeper be vacated by its present incumbent.

The House divided; and there were—ayes 80, noes 18.

So (no further count being demanded) the resolution was adopted.

The SPEAKER *pro tempore*. The Clerk will now read the second resolution.

The Clerk read as follows:

Resolved, That the duties of Doorkeeper be, and the same are hereby, devolved upon and consolidated with the office of Sergeant-at-Arms until otherwise ordered.

Mr. GARFIELD. I suggest that the gentleman leave out the word "consolidated."

Mr. RANDALL. I have no objection to that.

Mr. GARFIELD. It should be stricken out if the gentleman means to provide only for a temporary arrangement.

Mr. RANDALL. The committee were unwilling to make any recommendations for permanent action of that kind.

Mr. GARFIELD. Then I would not say "consolidated with the office of Sergeant-at-Arms," because it might complicate matters afterward.

Mr. KASSON. I suggest that the resolution read "devolved upon the Sergeant-at-Arms," and not "consolidated with the office of Sergeant-at-Arms."

Mr. RANDALL. I am willing to so modify the resolution to say "Sergeant-at-Arms" instead of "office of Sergeant-at-Arms."

The SPEAKER *pro tempore*. The Chair hears no objection, and the amendment will accordingly be made.

Mr. WOOD, of New York. The word "temporarily" should be incorporated in the resolution, as that will make it more distinct. We have already vacated one office, and are now devolving the duties of that office upon another office—the office of Sergeant-at-Arms.

Mr. RANDALL. I have no objection to inserting the word "temporarily," if the gentleman desires it.

Mr. WOOD, of New York. I think the word "temporarily" should be incorporated in the resolution.

The SPEAKER *pro tempore*. There being no objection, that will be done.

Mr. MORRISON. That is provided for by saying "until otherwise ordered."

Mr. RANDALL. It is all there now. I ask the resolution be read as it would be if amended.

The Clerk read as follows:

Resolved, That the duties of Doorkeeper be, and the same are hereby, temporarily devolved upon the Sergeant-at-Arms until otherwise ordered.

Mr. RANDALL. The word "temporarily" is not needed. The resolution as reported will entirely answer the purpose, and covers the object desired by the gentleman from New York.

The SPEAKER *pro tempore*. The word "temporarily" will not be inserted.

Mr. KASSON. Before the vote is taken on this resolution I wish to ask the gentleman from Pennsylvania if the committee have consulted the Revised Statutes regulating and prescribing certain duties of the Doorkeeper of the House and ascertained positively whether by simple resolution those duties can be performed by the Sergeant-at-Arms?

Mr. RANDALL. The provisions of the Revised Statutes are recited in the body of the report.

Mr. GARFIELD. Devolving those duties upon the Sergeant-at-Arms does not carry the salary with it.

Mr. KASSON. I am not speaking of the salary; but the Doorkeeper having been removed can we provide by simple resolution the Sergeant-at-Arms shall perform the duties attached to that office under the Revised Statutes? There are provisions of the Revised Statutes which I am sure cannot be transferred by simple resolution of this House.

Mr. RANDALL. We simply provide the duties of the Doorkeeper temporarily shall be performed by another officer of this House.

Mr. GARFIELD. I think the resolution in its present shape is a very proper one. I desire, however, to suggest that I think gentlemen of the majority may find it necessary very soon to make provision for a permanent Doorkeeper with full powers. I think they will find that the consolidation of the two officers cannot be made without additional legislation, and I doubt whether such consolidation would be wise if made.

Mr. MORRISON. This is not our last man. We have some others.

Mr. RANDALL. The gentleman from Ohio will see that by this resolution we make provision that we shall not be without some one to perform the duties of Doorkeeper. If the majority should determine on a consolidation of the two offices, then there would be a necessity for some legislation.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HALE. I call for the regular order.

Mr. WELLS, of Mississippi. I rise to a question of privilege.

The SPEAKER *pro tempore*. As these questions of personal privilege are becoming rather frequent and inasmuch as the rule gives the Chair the privilege to entertain them or not, the Chair hereafter will submit them to the House in every case where he has any doubt.

Mr. HALE. I raise the question of order that after the gentleman from Georgia [Mr. BLOUNT] has been recognized by the Chair any question of privilege must remain in abeyance unless the gentleman from Georgia yields the floor.

The SPEAKER *pro tempore*. The Chair sustains the point of order made by the gentleman from Maine.

Mr. WELLS, of Mississippi. I understood that I was recognized by the Chair.

The SPEAKER *pro tempore*. The Chair had recognized the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BRIGHT. I ask the gentleman from Georgia to yield to me to make a motion.

Mr. BLOUNT. I decline to yield to the gentleman. I do not know how much my yielding to him might imply.

UNION PACIFIC RAILROAD.

Mr. CROUNSE. I desire to enter a motion to reconsider the vote by which on Saturday a copy of the opinion of the judge of the circuit court of the United States for the State of Iowa in the case of The United States *ex rel.* Hall *et al. vs.* The Union Pacific Railroad, upon the subject of the tolls charged by that road, was referred to the Committee on the Pacific Railroad.

The SPEAKER *pro tempore*. The motion to reconsider will be entered.

POWDER MAGAZINE ON ELLIS'S ISLAND.

Mr. BLOUNT. I yield to the gentleman from New Jersey [Mr. HARDENBERGH] to offer a resolution for reference.

Mr. HARDENBERGH, by unanimous consent, submitted the following preamble and resolution; which were read and referred to the Committee on Public Buildings and Grounds:

Whereas, by reason of the proximity to the most densely-populated portions of the cities of Jersey City and New York of the powder-magazine on Ellis's Island, in the bay of New York, a great sense of danger and insecurity to the lives of a million of people exists: Therefore,

Resolved, That the Committee on Public Buildings and Grounds be requested to consider and report a bill providing for the speedy removal of the said powder-magazine to a location where such danger cannot exist.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday the pending amendment was that offered by the gentleman from Tennessee, [Mr. WHITTHORNE,] which the Clerk will report.

The Clerk read as follows:

After the words "seventy-five hundred men," in lines 16 and 17 insert the following:

That from and after the 1st day of July, 1876, the officers of the Navy shall receive the following pay, namely:

Admiral, $10,000.
Vice-Admiral, $8,000
Rear-Admiral, $6,000.
Commodore, $5,000.
Captains, $3,500.
Commanders, $3,000.
Lieutenant-commanders, first five years after date of commission, $2,500; after five years from date of commission, $2,700.
Lieutenants, first five years after date of commission, $2,000; after five years from date of commission, $2,400.
Masters, first five years after date of commission, $1,600; after five years from date of commission, $1,800.
Ensigns, first five years from date of commission, $1,200; after five years from date of commission, $1,400.
Midshipmen, $1,000.
Cadet midshipman, $500.
Mates, $900.
Medical and pay directors and medical and pay inspectors and chief engineers, having the same rank at sea, $3,600.

Fleet surgeons, fleet engineers, and fleet paymasters shall receive the pay due to them, respectively, as surgeons, chief engineers, and paymasters, according to their rank and length of service; and no increase of pay is to be made to either of said

grades of officers on account of their being assigned to duty as fleet surgeons, fleet engineers, or fleet paymasters.

Surgeons, paymasters, and chief engineers, first five years after date of commission, $2,500; second five years after date of commission, $2,750; third five years after date of commission, $3,250; after twenty years from date of commission, $3,500.

For pay of passed assistant surgeons, passed assistant engineers, and passed assistant paymasters, first five years after date of appointment, $1,800; after five years from date of appointment, $2,000.

For pay of assistant surgeons, assistant engineers, and assistant paymasters, first five years after date of appointment, $1,600; after five years from date of appointment, $1,800.

For pay of naval constructors, first five years after date of appointment, $2,800; second five years after date of appointment, $3,000; third five years after date of appointment, $3,200; fourth five years after date of appointment, $3,400; after twenty years from date of appointment, $3,600.

For pay of chaplains, first five years after date of appointment, $1,200; after five years from date of appointment, $1,800.

And the pay of all other officers on the active list of the Navy shall remain as it is now provided by law; and when any of the officers hereinbefore mentioned, except the admiral, vice-admiral, and naval constructors and assistant naval constructors, shall be on shore duty or on leave or waiting orders, their pay shall be reduced from the rates herein fixed in the same proportion as it is reduced from sea pay by existing law.

And after the passage of this act there shall be no promotion to the grade of rear-admiral until their number shall be reduced below three; and no promotion shall be made to the grade of commodore until their number shall be reduced below six; and no promotion shall be made to the grade of captain until their number shall be reduced below forty; and no promotion shall be made to the grade of commander until their number shall be reduced below fifty; and no promotion shall be made to the grade of lieutenant-commander until their number shall be reduced below sixty; and no promotion shall be made to the grade of lieutenant until their number shall be reduced below one hundred and fifty; and no promotion shall be made to the grade of chief engineer until their number shall be reduced below forty; and no promotion shall be made to the grade of passed assistant engineer until their number shall be reduced below seventy-three; and no promotion shall be made to the grade of assistant engineer until their number shall be reduced below forty-seven; and no promotion or appointment shall be made to the grades of medical director and medical inspector and pay director and pay inspector and assistant naval constructor and civil engineer; and no promotion shall be made to the grade of paymaster until their number shall be reduced below twenty-five; and no promotion to the grade of naval constructor until their number shall be reduced below six. All officers of the volunteer service of the Navy shall be discharged from service after the 1st of July, 1876; and laws authorizing the appointment or employment by the Secretary of the Navy of any person in the volunteer Navy shall be, and are hereby, repealed: *Provided*, That all civil engineers now in the naval service shall be discharged on the 1st day of July, 1876.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] is entitled to the floor.

Mr. WHITTHORNE. My friend from Georgia, [Mr. BLOUNT,] who has charge of this bill on behalf of the Committee on Appropriations, desires to make a remark or two. I yield to him for that purpose.

Mr. BLOUNT. I rise simply for the purpose of saying that when these amendments were offered by the chairman of the Committee on Naval Affairs and printed, I called the attention of the Committee on Appropriations to them, and the committee determined to take no action favorable or unfavorable upon them. Coming from the Committee on Naval Affairs, the Committee on Appropriations thought it proper and right that they should be considered by the House, that the House might take what action upon them might seem to be right.

Mr. WHITTHORNE. The purpose that the Committee on Naval Affairs had in directing me to report this amendment for the consideration of the House at the present time was to align itself, so to speak, with the spirit of reformation already entered upon by this House in obedience to the public sentiment of the country. The action of the committee was for the purpose of reducing not only the pay of the officers, but the number of the officers. I call the attention of the committee to the fact that there are sixteen hundred and twelve commissioned officers in the United States Navy, and that, taking the cadet engineers and the cadet midshipmen and the volunteer officers of the Navy, there are some nineteen hundred and fifty-three officers; that when you come to apply that number or divide it among the number of men that are provided for in this bill, you have four men for each officer; and that this is disproportionate; in other words, that the naval service has become topheavy; and that it is with a view to economy, as well as efficiency in the service, that the Naval Committee has made the recommendations which I have submitted to the House.

First, sir, is the reduction of pay. I have to state to this committee that the reduction of pay averages about 10 per cent. In some cases it is more; in other cases it is not. But the main purpose kept in view on the part of my committee was to make this reduction conform to and harmonize with the reduction made by the House in the pay of the military branch of the service. Let gentlemen reflect for a moment that according to your present Naval Register you would have twelve officers of the rank of major-general, a greater number of officers of that rank for seventy-five hundred men, if you permit the service to remain as it is, than there are in the Army for 25,000 men. The committee propose to reduce, not violently, not in a manner to do any injustice to anybody, but by the slow process of death to reduce the number of rear-admirals down to three. And this idea they have followed out throughout the various grades in the naval service.

All that we propose is to make the pay of officers in the Navy conform to the number of men and also to the number of ships that we may be able to put afloat. Then again, in offering this amendment—because I have to confine myself to the five-minute rule—I have to call the attention of the committee to the very fact that it recommends an abolition of the officers in the volunteer Navy, of whom nineteen are assistant surgeons. When you look at the number of surgeons now in the regular naval service, the propriety of the proposition of the committee to reduce that number will be apparent. I have to inquire what is the necessity, what the occasion, or what the demand in the public service that you shall maintain and pay officers who come in merely under the nomination of the Secretary of the Navy? Again, there are ten officers now in the service, most of whom have been on duty at the navy-yards, known as civil engineers. From the examinations made by the committee, and from the almost universal opinion of every competent officer of the Navy of the United States, there is at the present time no occasion or demand for the services of these men. It is proposed by this amendment to abolish these useless and unnecessary officers in the naval service. Taking the abolition of these two corps, so to call them, you have a reduction in the expenditures of the Government, first, as to the volunteer officers of the Navy, $40,000; and second, as to the civil engineers, of about $24,000 per annum; and it is in this spirit and view, and not in hostility to the naval service, that the majority of the Committee on Naval Affairs have made their recommendation. I may say that it is my object and purpose hereafter to make the pay of officers of the Navy conform and harmonize with the pay given to officers of the Army, grade for grade, and rank for rank. I believe that would be just, not to the officers of the Navy only, but to the people of the United States.

[Here the hammer fell.]

Mr. HALE. Mr. Chairman, I want the committee to realize fully the importance of this amendment and then take the responsibility. It is the first time upon discussion, and the matter being fully presented to the House, that the question has come up since the great war, of striking at one of the military establishments of the Government. Now, I do not know that anything I can say or that any gentleman can say on this side of the House would prevent this reduction of the pay of naval officers being carried by the majority in this House, but if it is carried the responsibility, Mr. Chairman, must be theirs. Everybody realizes, and none will admit it more fully than gentlemen on the other side, that the exploits of the Union Navy during the war added luster to the American name. I say nothing of the exploits of those who were opposed to that Navy. Gentlemen should realize that in this country, under our frame-work of Government, we had but one way in which to reward the gallant men who brought up our flag from that period of war and of bloodshed. It was not by ennobling; we had no lordships: we had no orders of knighthood; we had no grants of land; we had no wealth to endow them with as other countries had, but we paid for their services by the establishing of rear-admiralships and admiralships, and we affixed to those ranks pay commensurate with that of like rank in other countries. Those men are to-day occupying those offices. I find upon the naval list proposed to be struck at by the gentleman from Tennessee, [Mr. WHITTHORNE,] while representing himself to be a friend of the Navy, such names as Porter, and Rowan, and Davis, and Rodgers, and Worden of the Monitor, and I might go on enumerating a dozen others. These men have had their pay fixed undoubtedly at rates higher than those paid anterior to the war largely in consideration of their services, and now it is proposed to strike at them, to take from the Admiral $3,000 a year, and to take from the rear-admirals, the commanders, the captains, and all the officers down in the same proportion.

Now this is the only way in which you can strike at these men unless you abolish them completely. The gentleman has not yet got the hardihood to propose to abolish these gallant men from the service and to send them out to the country with nothing with which to maintain themselves, but so far as he dare he proposes to reduce their pay. I say that the pay of American naval officers is to-day lower than that of any other navy of a like size in the civilized world. I say that in addition to the pay of officers in other navies they receive a fund so that in foreign countries they may keep up a system of entertainments, and not only protect the citizens of their country, but carry on the duties of hospitality which are recognized as appropriate to the navy. Look at the British Navy Register. I find that an admiral has in addition to a salary almost equal in amount to that given to ours, for what is called table money, to the amount of $8,000 a year, and I know that when a rear-admiral in European, in the Mediterranean squadron, in the Asiatic waters, and on the South American coast, whenever he invites a stranger to dine and give him a good table and a bottle of wine, has to pay for it out of his own pay.

I know that these men who command fleets and whom we were taught during four years' of experience of war to look up to and venerate under the pay they receive now cannot possibly save money out of their salaries, just as it is impossible for a poor clerk in the Departments to save out of his salary. Let me say further that this motion to strike at the American Navy does not come from the Committee on Appropriations. That committee, in addition to the many good deeds it has done, has done some things in which I could not concur, but it has spared the military and naval establishments of the country; it has not tried to strike down these, and I believe the American people do not want the pay of these gallant men who served during the war to be stricken down by this House.

I do not know that my words of protest will avail an instant. But I say again that this is the first time that on discussion this question has been presented to this House, and gentlemen on the other side must take the responsibility.

[Here the hammer fell.]

Mr. MILLS. I move to amend the amendment by inserting at the close of next to the last paragraph that which I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That there shall be allowed and paid to each commissioned officer in the Navy below the rank of commodore, including chaplains and others having rank or pay, 10 per cent. of their current yearly pay for each term of five years' service.

Mr. MILLS. In drawing up the amendment which has been submitted by the gentleman from Tennessee [Mr. WHITTHORNE] it was the object of the Committee on Naval Affairs to make it conform to the bill passed by the House of Representatives reducing the pay of the Army; and rank for rank it has done so, as closely as it was possible and do what we believed to be justice. I believe that with the single exception of one case—the case of ensign—the pay of the line-officers of the Army and of the Navy is made the same.

In drawing up the bill for the pay of naval officers there was omitted a provision that belongs to the pay of the Army; that is, longevity allowance. I offer now an amendment, transcribing word for word the language of the clause which prescribes the longevity pay of officers of the Army, and making it apply to the corresponding ranks in the Navy, giving them 10 per cent. additional pay for each five years of service. I hope the amendment will be adopted.

Mr. DANFORD. I desire to call the attention of the Committee of the Whole to the amendment offered to this appropriation bill by the chairman of the Committee on Naval Affairs, [Mr. WHITTHORNE,] as it affects the pay of the officers of the Navy. As has been stated by my colleague on the committee, the gentleman from Texas, [Mr. MILLS,] it was undoubtedly the intention in draughting this bill to make the pay of the officers of the Navy, rank for rank, correspond with the pay of the officers of the Army as fixed by the bill reported from the Committee on Military Affairs by the gentleman from Ohio, [Mr. BANNING,] and which bill passed the House and is now pending in the Senate.

I desire, however, to call the attention of the gentleman from Texas [Mr. MILLS] to one fact: Take the pay proposed for a colonel in the Army and the pay proposed for a captain in the Navy. Those ranks, as I understand, are by law assimilated ranks. The pay of a colonel of the Army while on field duty is $3,500 a year; if on post duty his pay is the same, and if unassigned to duty his pay is the same.

If a colonel of the Army is on leave—and I will remark here that officers of the Army are seldom placed on leave except at their own request—his pay would be $1,750 a year. Now take the pay of a captain in the Navy as proposed to be fixed by this bill. His sea pay would be $3,500, the same as the pay of a colonel of the Army on field duty. If, however, a captain in the Navy is on shore duty, should this bill become a law just as it has been proposed to this committee, his pay would be but $2,722.21 a year. If unassigned or waiting orders, his pay would be $2,177.91; while his furlough pay would be but $1,088.96 a year. Therefore, in this attempt to assimilate the pay of officers of the Navy with that of officers of the Army, it will be found upon examination that great injustice will be done to the officers of the Navy.

Just here let me say that this is evidence of the truth of the remark made by the distinguished gentleman from Massachusetts [Mr. BANKS] on last Friday evening, that this kind of legislation is most reprehensible. We are attempting to attach to an appropriation bill and to put through under the five-minute rule of debate, without proper opportunity for discussion, a bill that affects the entire Navy of the United States in all its parts; not only the pay of its officers, but the character of the service itself.

If you will take into consideration the bill offered by the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] and now pending as an amendment to this appropriation bill, you will find that there will be absolutely no promotion in the Navy from the lower ranks and grades of officers for years to come, for an ordinary lifetime. The effect of such legislation as this will be to drive out of the Navy the men who are worthy to be in it, those who are likely to make the most gallant and efficient officers, and to leave in the Navy the drones, the men who cannot earn a livelihood outside of it, if there be any such in it.

This bill should be considered carefully by every member of this House before the proposition of the Committee on Naval Affairs is made a part of the law of the land, before the pay of the officers of the Navy is stricken down in this manner.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. MILLS. I withdraw my amendment to the amendment.

Mr. WHITTHORNE. I renew the amendment to the amendment for the purpose of saying to the House, in response to the remarks of the gentleman from Maine, [Mr. HALE,] that he misconceives the spirit that actuated not only myself but the majority of the members of the Committee on Naval Affairs in bringing in the report they have made to this House. I am and claim to be an American citizen, and with that gentleman I share the pride which I believe every American citizen should and ought to feel in the United States Navy and in the achievements of its gallant officers. I pay tribute to the heroism and intelligence of a Porter and a Rowan, who are living, as I honor the memory of a Cushing, who is dead. But, sir, when I and those who are associated with me come to look at this bill, we do not feel that we are under an obligation to pay any more regard to officers of the Navy than has been paid by this House to the officers of your Army, your General, your Lieutenant-General, and other officers. Are those in one branch of the service entitled to more consideration on the part of the country than those in the other branch? I think not. The gentleman from Maine [Mr. HALE] stated that this was the first assault that had been made upon either branch of the service. He forgot that the House had already acted upon the bill reported by my friend from Ohio [Mr. BANNING] from the Committee on Military Affairs.

Mr. HALE. No; I did not forget that. I think that was as objectionable as this.

Mr. WHITTHORNE. I state to the gentleman from Maine and others that I am not here to legislate in the interest of any class. If the people of my section alone paid the taxes, I might be supposed to be governed by the sinister motive to which he would ascribe our action. He does injustice to himself as well as to me in making the ascription of any such motive.

But, sir, I remember, and the gentleman from Maine must know, that the gallant soldiers who were led by Sherman and Grant and the brave sailors who were led by Rowan and Porter are to-day taxpayers. When legislating here, it is my purpose (and I would be unworthy of a seat upon this floor if I had any other motive) to legislate for my whole country and every man in it, without regard to what may have been his past relations to the Government. I know that the tax-payers of the country embrace all classes of citizens; and from their sweat and toil come the means by which the Army and the Navy are sustained. It is for these men, poor and down-trodden—the men whose little homes are to-day passing under the sheriff's hammer to be sold for taxes, the men who are struggling with the question what they shall do for the support of their wives and little ones—it is for these men that we are to legislate, not for their dishonor or injury; for, I repeat again that from the bottom of my heart, I am ready to pay tribute to the gallant men of both branches of the service.

But can any man say that it is just to the people of the United States that for seventy-five hundred seamen upon fifty vessels we should tax our citizens with the payment of one officer for almost every four men in the service? Is that just? That is the question for this House to consider. I repeat it again—and in this I believe I express the views of my committee—that we are here to legislate for no one man and for no one class. We legislate for the honor of the country, with a view to the perpetuation of those institutions under which we delight to live.

Mr. RANDALL. I think that the Committee of the Whole ought to be informed of one or two facts in connection with the pay of the Army and the Navy, as these two branches of the service seem to be brought into comparison here. In the first place I wish to state one fact which I believe the gentleman from Maine will corroborate, that the pay of the Navy, all things considered, is less than that of the Army. Hence, if this were a proposition to reduce the pay of the Navy relatively it would be unjust, because it would place the pay of the Navy below the point to which the House has determined to bring down that of the Army. But if I have understood the gentleman from Tennessee [Mr. WHITTHORNE] correctly—and if I misstate his position he will set me right—the pay as fixed in his amendment for the Navy is made to conform to the salaries fixed in the bill which passed this House with reference to the Army.

Mr. WHITTHORNE. The active pay.

Mr. RANDALL. The active pay. Now really I cannot see a great deal of objection to making the pay of the Navy conform to that which the House by a very decided vote fixed as the pay of the Army. The truth is that both branches of the service, the Army and the Navy, are very much too large as to the number of officers; and but for the great respect and regard which all of us have for both branches of the service, the number of the officers in both would be very seriously reduced. But I, like other members, appreciate the services of both the Army and the Navy, the dangers which they have encountered in the past and may have to encounter in the future.

In the Army there are 2,168 officers to command 25,000 men—one officer to every eleven or twelve men. In the Navy there are thirteen hundred officers to command eighty-five hundred men—something like one officer for less than seven men. Now it will be readily seen that this proportion of officers is entirely too large. On a former occasion I stated the fact that according to good military authority nine hundred officers would be adequate to command the present force of the United States Army, 25,000 men, whether in the field or on peace service.

The next proposition is in respect to longevity. The gentleman from Texas [Mr. MILLS] proposes to incorporate into the bill this mode of payment heretofore unknown in the Navy, so far as I am aware; and he proposes to adopt 10 per cent. as the basis of this compensation. The amount paid to the Army under the longevity pro-

vision is nearly $1,000,000; and I take it that the reason this method of payment has never heretofore been applied to the Navy is that the naval officers possess some advantages of which an Army officer is deprived; I allude to the distribution of prize-money. If, however, this House is determined to adopt the longevity clause as to the pay of the Navy, I hope it will be fixed on the basis of 5 per cent. instead of 10. This question of longevity pay as regards the Army has received a good deal of consideration and reflection from some of us who have been called upon to prepare appropriations for this purpose; and it has been thought proper that the sense of the House should be taken upon the question whether the longevity pay of the Army should not be reduced to 5 per cent. I hope, therefore, that the gentleman offering the amendment will fix 5 per cent. as the basis. It can hereafter be readily raised either in the Senate or in the conference committee if the proposition which will probably be made upon the Army bill to reduce the longevity pay of the Army to 5 per cent. should not be adopted.

[Here the hammer fell.]

Mr. BANKS. If the gentleman will withdraw his amendment I will renew it.

The amendment was withdrawn.

Mr. BANKS. I renew it. I have no doubt these amendments by the Committee on Naval Affairs as well as by the Committee on Appropriations are made in perfectly good faith, and I wish to consider them in that light. I know very well there is great necessity for reduction in the expenditure of the Government, local as well as general, and I am willing to contribute to that end so far as I can understandingly and justly. But the disadvantage under which we labor as compared with members of those committees is that we have had no opportunity to study these questions or to comprehend the various minute details into which their several propositions enter. The naval appropriation bill reported from the Committee on Appropriations by the gentleman from Georgia [Mr. BLOUNT] was in itself an entire new subject, and we had scarcely time to read it after listening to his lucid and just statement of the provisions embraced in it, which were more or less satisfactory, when these amendments—three or four of them from the Committee on Naval Affairs—were superadded. Both the gentleman from Tennessee and the gentleman from Georgia must see that it is quite impossible for this committee generally to comprehend them at once.

Now, what I wish to ask the gentleman from Texas is this, whether I understood him correctly to state when he introduced his amendment to the amendment that it was his intention and such was the effect to place officers of the Navy in regard to the pay to which his amendment refers upon the same basis and footing as Army officers of the same relative rank?

Mr. MILLS. It was the intention of the committee to do that, and we have labored with all our might to accomplish that very effect.

Mr. BANKS. That is satisfactory to me. Now, speaking for some of the naval officers who are my friends and who express a great deal of feeling in reference to this matter, they represent that the Army bill which passed the House fixed the rates of pay for various grades of officers and that the naval bill now pending in committee, while it professes to do the same thing, places the naval officers below the Army officers in point of pay, and they look upon that as amounting almost to reproach and censure. That, of course, the committee or the House itself will not desire to do.

I call the attention of the chairman of the Committee on Naval Affairs to one or two of the cases presented here. One has been presented by the gentleman from Ohio, [Mr. DANFORD,] and that is, a colonel, line and staff, of the Army receives when unassigned or off duty $3,500. A captain in the Navy, supposed to represent the same rank in the Navy as a colonel, line and staff, does in the Army, gets for the same service $2,179. In addition, the naval officers sustain the further disadvantage that Army officers are very rarely unassigned, very rarely off duty, except when on furlough or on leave, while it is a matter of continual occurrence on the part of naval officers that they are unassigned or waiting orders when they are reduced to this low grade of pay.

Mr. WHITTHORNE. Will the gentleman allow me to interrupt him for one moment?

Mr. BANKS. Certainly.

Mr. WHITTHORNE. If the gentleman from Massachusetts will turn to the present pay of a captain in the United States Navy he will see that his pay at sea is $4,500, on shore $3,500, and on leave or waiting orders $2,800. Now, turn to the amendment. *Pro rata* of reduction is made when upon leave and waiting orders. By applying that *pro rata* it will be seen that my colleague on the committee from Ohio [Mr. DANFORD] is mistaken in his statement that it would reduce it to $1,000. Such would not be the operation of the amendment submitted to the House.

Mr. BANKS. I hope that may be so. We are unable, unhappily, to rest upon the statements of the gentlemen connected with the committee. I should be glad if this question were separated, so we could consider the amendments in detail first and then take up the appropriation bill by paragraphs afterward.

The SPEAKER *pro tempore*. The gentleman's time is expired.

Mr. BANKS. I will only ask, in conclusion, to have printed with my remarks the following table:

Table showing the pay of Army officers under House bill No. 2817 and the pay of Navy officers under House bill No. 3472.

[The Army bill has passed the House; the Navy bill is pending.]

Rank.	Pay.			
Army	Field duty.	Headquarters, detail, or post.	Unassigned.	Leave.
Navy	Sea duty.	Navy-yard or shore.	Waiting orders.	Furlough.
Major-general	$6,000 00	$6,000 00	$6,000 00	$3,000 00
Rear-admiral	6,000 00	5,000 00	4,000 00	2,000 00
Brigadier-general	5,000 00	5,000 00	5,000 00	2,500 00
Commodore	5,000 00	4,000 00	3,000 00	1,500 00
Colonel, line and staff	3,500 00	3,500 00	3,500 00	1,750 00
Captain, Navy line	3,500 00	2,722 22	2,179 91	1,088 96
Naval staff, same rank:				
First five years	3,600 00	1,963 64	1,636 36	818 18
Second five years	3,600 00	2,290 91	1,963 64	981 82
Third five years	3,600 00	2,618 18	2,127 32	1,063 66
After twenty years	3,600 00	3,272 73	2,454 60	1,227 30
Lieutenant-colonel, line and staff	3,000 00	3,000 00	3,000 00	1,500 00
Commander, line	3,000 00	2,571 43	1,971 48	985 74
[Naval staff, same rank: same as above.]				
Major, line and staff	2,500 00	2,500 00	2,500 00	1,250 00
Lieut.-commander, line:				
First five years	2,500 00	2,142 86	1,785 71	892 85
After five years	2,700 00	2,340 00	1,980 00	990 00
Naval staff, same rank:				
First five years	2,500 00	2,142 86	1,785 72	892 85
Second five years	2,750 00	2,406 25	2,062 40	1,031 20
Third five years	3,250 00	2,971 45	2,414 35	1,207 18
After twenty years	3,500 00	3,333 33	2,500 00	1,250 00

Mr. HALE. Now, Mr. Chairman, it is not for me nor for any one in the House to assail the motives of another member, nor to find reasons why certain propositions are offered. The gentleman from Tennessee says his amendment which cuts down the pay of naval officers and forbids and shuts out promotion for years is offered in good faith. I have no doubt of it. The measure of that faith, the purpose of it, I judge from its results. It is a novelty to me that it is a friendly thing to the American Navy to propose to reduce the compensation of its officers and shut them out in future years from that advance which is the great aim and object in life of all of us.

I had not time in my brief remarks a few moments ago more than to mention this feature of the amendment in shutting off from promotion by reducing the higher ranks in the Navy and leaving these gallant men at a stand-still. The effect on the spirit of the Navy, Mr. Chairman, is tremendous. It has been expressed by the gentleman from Ohio in this, that it drives the best men out of the Navy and keeps the poorest men in. If the gentleman seeks to accomplish that and yet claims to be a friend of the Navy, his friendship is different from mine.

The gentleman says that I forget that a like measure in regard to the Army has passed this House. I forget no such thing. I remember it well, but I believe that was as objectionable as this. I had forgotten nothing of it. What I said was that this was the first time upon fair notice and discussion that the proposition to strike a fell blow at either of the military establishments had been before the House, and I repeat it. For that matter came up in the morning hour, without any notice that it was to be brought up, and with little or no discussion; nothing I believe was said except a brief presentation of the subject on the part of the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. Will the gentleman allow me——

Mr. HALE. I have not much time to yield.

Mr. BANNING. I merely wanted to say that I asked the House to discuss it, and they declined; nobody wanted to discuss it.

Mr. HALE. That is not for the gentleman to say. It passed without discussion. It was as objectionable as this measure in striking at the Army as this strikes at the Navy. And the people are not demanding it. This Committee on Naval Affairs has perambulated the country from north to south, bearing messages of investigation from the House of Representatives to every yard on the sea-coast. And I have failed to discover in any testimony that I have read where a single man has come to the committee asking that the pay of the naval force be reduced and that promotion be stopped.

The Committee on Appropriations, dealing with these considerations that the gentleman brings in here in regard to the amount of expenditures from the Treasury and the burdens upon the people, has sat early and late; it is almost the only committee that has not been vexed by the strife of investigation, but has been dealing with material matters of dollars and cents. And that committee, with a majority upon the other side of the House of course, led by the veteran from Pennsylvania, who in season and out of season urges his

ery for reduction, and a uniform reduction of 10 per cent., has not thought it advisable to strike at this branch of the Government. And yet the gentleman from Tennessee, representing the Naval Committee, that has not taken a shred of testimony, and that brings no word from the sovereign people, whom I represent as well as he, comes in here and says that the people demand that the Navy shall be struck this fell blow. I do not believe it. I believe that in this matter the judgment of the Committee on Appropriations represents better the feeling of the country than this action of the Naval Committee.

[Here the hammer fell.]

Mr. BANKS. I withdraw the amendment.

Mr. MILLS. I renew it, and yield to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. I merely wish to say one word. The gentleman from Maine says the bill reported by the Military Committee was a stroke at the Army. The only officers of the Army whose pay it reduces are those whose pay it reduces to $5,000, $6,000, $8,000, and $10,000.

The gentleman from Maine says this will drive officers from the service. I defy him to rise in his place and tell me one of the men whose pay is thus reduced who has spoken of leaving the service in consequence of this proposed reduction. It is a very easy thing to talk, Mr. Chairman, about striking at the Army and striking at the Navy and all that——

Mr. HALE. In reply to the gentleman's question I will ask him to tell me where a single demand came to him for this reduction that he embodied in his bill.

Mr. BANNING. I will tell the gentleman. It came from every taxpayer in this country.

Mr. HALE. Name them.

Mr. BANNING. It came from men all over the country; from among your own constituents. In the change of the character of this House the demand came from a majority of the people. The bill gives brigadier-generals $5,000, major-generals $6,000, the lieutenant-general $8,000, and the General $10,000. And it is as much as they ought to have. The bill was not only supported by this side of the House, but when the opportunity was offered there was not a man on that side of the House who rose in his place to say one word against it. But, on the other hand, many men on that side of the House, who had considered the question and knew the condition of the country and of the Treasury, voted for it.

It is, Mr. Chairman, very cheap work for gentlemen to charge upon this floor that this is a stroke at the Army. There is nobody upon this side of the House or upon the committee that reported the bill but thinks as well of the Army as the honorable gentleman from Maine.

Mr. GARFIELD. Does the gentleman say that nobody said a word against the bill?

Mr. BANNING. The gentleman from Ohio, my colleague, said he would speak on behalf of a member of the committee who is absent, and present some objections to the bill. But that member of the committee was not opposed to the passage of the bill, although he belonged to the other side of the House.

Now, Mr. Chairman, I do not think that the country will find fault with this reduction. I think it is right, I think it is necessary, and I think, too, it is patriotic. These men whose pay we are reducing served no better than hundreds who are getting nothing. They served well. We do not, as the gentleman says, give them this large pay because we have no knighthoods to offer them, no honors such as they have in England. These men did not fight for money, but for the Government, for the honor of the American Navy and the honor of the American Army, and the protection of the American flag.

[Here the hammer fell.]

Mr. WILLARD. I rise, Mr. Chairman, to oppose the amendment offered by the gentleman from Tennessee, as well as to submit a few remarks in regard to the policy proposed by the bill itself under consideration.

And I would say as a preliminary that I have supported most of the measures for retrenchment and economy which have been proposed to the House during the present session, but I am fully convinced that the reduction proposed by the present measure differs materially from the system of retrenchment which has characterized the appropriation bills which have hitherto been presented for our discussion. So far as regards the expenditures which are made in order to conduct the ordinary administration of affairs, I can well conceive that in this time of business stringency we should take steps in the direction of economy; but when we come to national protection, when we come to that great arm of our national defense, the Navy of the United States, the case is entirely different. History should teach us something in regard to this question. We know that when this Government was founded one of the very first measures proposed to Congress by President Washington was the establishment of a navy, and that Navy was fostered under his administration and under that of his successor; but when Mr. Jefferson came into power, he proposed a reduction of the naval force, and Congress followed him in the measure; but no sooner had this been done, Mr. Chairman, than we found a war upon us, and so the reduction proved to be unwise and impolitic, and the country was required to put forth all its energies to retrieve the error. Under Mr. Madison's administration the Navy was encouraged, and also under that of Mr. Monroe, a policy which was continued by the several administrations that succeeded. In fact, there has been no opposition, as I understand, to this wise policy of enlarging, fostering, and improving the naval establishment of the Government until the present time.

Mr. Chairman, if we would learn nothing from our own history we have but to look at the history of nations to see that it is the naval power of a people which makes it great, and at this time when our commerce is prostrated, when our ships are driven from nearly every sea, when nearly all the commercial nations of Europe surpass us in their shipping on the Atlantic and the Pacific, is this a time for us to reduce our Navy? For nothing is more apparent from the lessons of human experience than the truth that the commerce of a nation is promoted, built up, and enlarged by the encouragement and advancement of its naval power. Are we prepared in the present juncture of our national existence to reject the whole teaching of this lesson and to strike down the hope of reviving one of our most important industries, and to place a most serious obstruction to the commercial growth and future power and greatness of our Republic? I trust not.

[Here the hammer fell.]

Mr. KASSON. I ask the gentleman from Texas [Mr. MILLS] to withdraw his amendment and I will renew it.

Mr. MILLS. I withdraw the amendment.

Mr. KASSON. I renew the amendment.

Mr. Chairman, I do not think the House can well exaggerate the importance of the question that is presented to them in its bearing upon the *morale* and spirit of the Navy. To present this bill as a measure of retrenchment is merely absurd. It goes so much beyond that question of retrenchment that it strikes at the organization of the Navy and the safety of the country in future. It is not merely the reduction of the pay of a few officers; it is a reduction of the number in the service, in some instances amounting to more than one-half of all the officers in certain grades. For instance, the number of rear-admirals is decreased from twelve to three, the number of commodores from twenty-five to six, the number of captains from fifty to forty, the number of commanders from ninety down to fifty, the number of lieutenants from two hundred and eighty down to one hundred and fifty, and so on. It strikes a blow at our naval force and at our naval defense. It slaughters our officers as no naval battle ever slaughtered them. Yet gentlemen say they honor the Navy, and they wish to protect the Navy, and they are here to keep it efficient for the future. In professing to do that I repeat that the bill proposes under what it calls reduction of pay to commit a slaughter, to drive from the country's service half the number that the country's interests and the national protection demand for that service.

The gentleman says the tax-payers demand it. I tell the gentleman from Tennessee that, representing a population as laborious as his own, I affirm that not one man of the thousands there of either party ever raised his voice to ask that the Army or Navy should be punished, if you please so to call it, by a reduction of their pay or to ask that in the future the two great military arms of the country's defense shall be paralyzed to the extent of so large a portion of their efficient force. Let us have a war with Spain when this Navy shall have been reduced, where are we to find the officers to take the place of killed and wounded and to take command of the added vessels which we will need in the Navy and which we must employ? Shall we in time of peace reverse the old maxim that you are to prepare for war, and instead of that prepare for such weakness as to invite attack and to put our Army and Navy in the power of our enemies? Let us adhere, as the old democracy used to do, to the principle that in time of peace we should be prepared for war, and in that way we may more surely prevent war. I therefore repudiate as far as I can as a Representative of one constituency the declaration that the people have asked that this blow should be struck at the Navy any more than they did that a like blow should be struck at the Army.

I regret, Mr. Chairman, that there are not more constituents of gentlemen from the South remaining in the service whom these gentlemen could consult as to what its needs are, if they do not wish to consult those who come from other portions of the Union. But to strike a blow at the whole organization of the Navy without a board of officers to examine and report upon the question, and to do it as a political measure, that you may go before the country and say that you have saved a certain amount of money, is something I venture to say is unworthy of honorable members of this House, and I thank the Committee on Appropriations that they have refrained from any such attempt to assail the Navy in their appropriation bill, and left it to another committee.

[Here the hammer fell.]

Mr. BLOUNT. In regard to anything that I may have to say or do in this House, the intimation that has just fallen from the lips of the gentleman from Iowa [Mr. KASSON] shall not in the slightest degree influence that action. If he thinks it becomes him to make such reflections upon members of this House, I think it becomes me not to notice them.

In regard to this proposition which has been submitted by the Committee on Naval Affairs, I desire to say that the Committee on Appropriations declined to take action upon it, but proposed to allow members of the House to hear the Committee on Naval Affairs and then to determine what was right and proper in the premises. I am willing to go as far as any one in the matter of reducing the expenditures of

the Government; but I wish to move with that caution which is demanded by our position and which the subject itself requires.

I find it difficult to support this proposition as now submitted. For some reason, doubtless a wise one, there have been established grades of pay connected with the same office in the Navy. There have been what is called sea-service pay, shore-duty pay, unassigned or waiting-orders pay, and furlough pay. There have been no such distinctions in the pay of officers of the Army.

Now let us examine the proposition of the Committee on Naval Affairs in this regard. It is proposed that the pay of Vice-Admiral of the Navy shall be the same as the pay of Lieutenant-General of the Army. Under the Army bill, which has passed this House, the pay of the Lieutenant-General was fixed at $8,000 a year. Under the proposition now pending the pay of a Vice-Admiral of the Navy will be $8,000 a year while on sea service. But there come in the several distinctions in regard to pay for shore duty, pay while unassigned or waiting orders, and furlough pay, which will put the officers of the Navy on an unequal footing with the officers of the Army.

Now if the Committee on Naval Affairs deem it wise and proper to put the officers of the Navy on exactly the same footing with the officers of the Army as regards their pay, they should have gone further and wiped out all these distinctions of pay in reference to the different kinds of service; and until that is done they will not have completed their work. Unless, therefore, the Committee on Naval Affairs so perfect what they have proposed I cannot give my vote to this measure.

The CHAIRMAN. Debate upon the pending amendment to the amendment has been exhausted.

Mr. MILLS. I hope the gentleman from Iowa [Mr. KASSON] will withdraw the amendment to the amendment.

Mr. KASSON. Certainly, I will do so.

Mr. MILLS. I renew the amendment to the amendment. Strange as it may seem to gentlemen on the other side of the House who have spoken in opposition to this amendment, I renew the assertion made by the gentleman from Tennessee [Mr. WHITTHORNE] that the amendment offered to this bill by the Committee on Naval Affairs was offered in good faith.

At the beginning of this session the Committee on Naval Affairs were charged with the duty of inquiring into abuses in the Navy, and also, if it were possible, in the present depressed condition of the finances of this country, in the prostrate condition of its industries, in view of the poverty that was increasing around every fireside until it amounted almost to destitution, and while the compensation of all other public officers was being reduced—they were directed to inquire if it was possible that the pay of officers of the Navy might not be somewhat reduced. In obedience to that command of this honorable House, the committee of the House charged with making that inquiry have reported to this House what they believed may be adopted as the just pay for officers of the Navy.

No gentleman on the other side of the House has a higher regard for the American Navy than I have. No gentleman on the other side of the House has a higher regard for the honor of the Army of the United States than I have. But highly as I regard the gentleman from Iowa, [Mr. KASSON,] highly as I regard the gentleman from Maine, [Mr. HALE,] my estimate of those gentlemen would be somewhat increased if I could be assured that in the dark and perilous hours of this country, when the men whom they have lauded, and so zealously lauded, stood up to vindicate the integrity of this Government at the cannon's mouth, they themselves in that hour gave aid and comfort to them by their personal service in the field.

They get up here now and profess to be the only champions of the Army and of the Navy; they profess to be the only respecters in this Hall of patriotism. Sir, true patriotism does not require prosperity for its growth, does not grow only in sunshine. It is a plant that grows in the noisome pestilence of the dungeon and holds companionship with chains. Show me the man who when the herald sounded for the champion periled life, liberty, and property, and all he had for the defense of his country, and I will show you a man whose patriotism is without discount.

Do gentlemen mean to assert that an Admiral of the United States Navy cannot render as much service to the Government on a salary of $10,000 a year as he would on a salary of $13,000? His salary will be above that of the Vice-President of the United States, above that of the Chief Justice or any of his associates on the supreme bench, men who labor like dray-horses from one end of the year to the other. We propose only to reduce the salary of an Admiral of the Navy from $13,000 to $10,000 a year.

The gentleman from Iowa [Mr. KASSON] speaks of the number of rear-admirals being reduced from twelve to three. The corresponding rank in the Army is that of major-general, and there are but three major-generals in the Army, and they command 25,000 men. Why should we have on the active-list of the Navy twelve rear-admirals and on the retired-list thirty-eight rear-admirals?

The gentleman speaks of stopping promotion in the Navy. Why not? Promotion now is so rapid that officers rush up to the top of the ladder, and then get out of the way of others by retiring on the highest ranks, such as commodores, rear-admirals, &c.

The American Navy started before the American Government was formed, and the commander-in-chief of that Navy received for his salary but $1,200 a year. Sir, when Paul Jones was a second lieutenant in the Navy, be it said to his honor, with many other things that may be said to the honor of that gallant officer, he never hung around the halls of Congress begging to be raised in his rank or his pay. He won his position on the deck of his vessel not by hanging around Congress and demanding it as a political question.

So, sir, we have conformed a number of officers next to the rank of rear-admiral—the commodores—to brigadier-generals in the Army. Why should there be twenty-five of these officers in our Navy to eighty-five hundred men when we have only six brigadier-generals in our Army of 25,000 men? Has the Army done nothing to entitle it to the gratitude of the House or of gentlemen on the other side of the House? Yet when the bill was up reducing the number and pay of the Army we heard none of these bugle-notes that we now hear on the other side in the interest of the Navy.

Mr. BLOUNT. I move that the committee rise for the purpose of closing debate.

Mr. HALE. Will my colleague on the committee allow me just two minutes? He will remember that I occupied no time in the general debate.

Mr. BLOUNT. I think it but right that I should yield to the gentleman.

Mr. HALE. Mr. Chairman, I am pretty generally in favor of economy and retrenchment, but I have before now been at issue with certain gentlemen on this floor as to the people's demand for certain measures of economy and retrenchment. To-day I find myself at issue with the gentleman from Ohio, [Mr. BANNING,] the chairman of the Committee on Military Affairs, who told me when he was last up that in his demand for reduction of expenditures, including the Army, he represented my people as well as his own. It is not for me to say whether he represents my people in Maine better than I do; but I have the record on him as to Ohio, and I propose to read it for his benefit, for he could not have made the speech he did if he had read the platform of the Ohio democracy.

There was a certain convention in Cincinnati a few days ago; and most of us, except the gentleman from Ohio, watched its proceedings and read its resolutions. We also read the resolutions which that convention voted down; and I want to read for the gentleman's benefit an extract from the majority report to that Ohio democratic convention.

Mr. BANNING. Will the gentleman allow me——

Mr. HALE. I cannot yield.

In one of those resolutions it is declared:

Resolved, That we thank the House of Representatives of the Congress of the United States for its efforts in the reduction of public expenditures, reducing them, as is proposed, nearly $40,000,000.

When I read that I looked for its adoption; but I found further on that the reading of the report was followed by considerable confusion, and finally under the previous question the vote was taken upon the report of the minority as a substitute for the majority report from which I have read; and the minority report was adopted by a vote of 368 yeas to about 300 nays. In looking over the report which was adopted I fail to see a single word commendatory of this frantic effort to strike down expenditures whether right or wrong. The gentleman is therefore driven to one of two conclusions: either that convention did not represent the voice of the people of Ohio, or if it did it snubbed the gentleman from Cincinnati and other gentlemen of as large experience here and elsewhere in their efforts at economy.

Mr. BANNING. I would like to ask the gentleman from Maine a question.

Mr. MILLS. In order to give the gentleman from Ohio [Mr. BANNING] an opportunity to continue the debate, I withdraw my amendment that he may renew it.

Mr. BANNING. I renew the amendment. I wish to ask the gentleman from Maine which one of those reports he adopts.

Mr. HALE. I have never seen in the proceedings of any democratic convention any set of resolutions, majority or minority, that I would adopt.

Mr. BANNING. That is the fact. The gentleman has told the truth. He never did see anything in any democratic platform that he would indorse.

The gentleman would not indorse that democractic majority that turned his party out of power because of the waste and extravagance of the public money of which they have been guilty. And to-day, instead of standing here as he should, laboring for such legislation as is in the interest of the people, he stands here to speak upon politics; and when a committee of this House reports a measure having economy for its object, he stands here to hurl back into their teeth the charge that the American people do not want from them any reduction of Army expenditures.

Mr. HALE. Now let me ask you a question.

Mr. BANNING. No, sir.

Mr. HALE. I let you put a question to me.

Mr. BANNING. The gentleman's "true inwardness" has come out; it is fully developed. His opposition to this measure of economy is not that the country does not demand it; but because, forsooth, some of those who bring it in here were serving in the confederate army, while the gentleman was not serving in the Union Army, he hurls into their teeth the statement that the country does not want them to reduce the expenses of the Army or the Navy.

Mr. HALE rose.

Mr. BANNING. Now, Mr. Chairman, I hope I will not be interrupted again. I say this is cheap work. The country does not object to reducing the naval officers as this bill proposes or to reducing the pay of Army officers. It does not object to the reduction of the pay of a brigadier-general to $5,000, of a major-general to $6,000, of a Lieutenant-General to $8,000, and of the General of the Army to $10,000. Even that reduction puts them on a better footing than the honorable gentleman from Maine, who comes here to represent his constituents at a salary of $5,000 a year. It gives them more than he receives. Now would his constituents consider these officers more valuable to the country than their Representative?

Are these officers more valuable to the country than Cabinet officers? I say, the country and the people will say that these salaries are large enough.

The gentleman from Maine cannot name, as he undertook to do, a single man who will resign and not take the salaries. He need not attempt to get away from telling this House that these men fight for money; that we give them those large salaries because they earned them in the war. Let me ask him did we pay the million of soldiers who carried knapsacks $16 a month because they earned it by their heroism, and no more? Was that the reason we did it? Did they fight only for that amount of money? The gentleman told us we could not make these men knights and lords and great people, and therefore we paid them this money. I repudiate all such sayings in the name of the Navy and in the name of the Army. It is a shame that an American statesman, an American Congressman should make known to Europe and the world that in America we pay our soldiers for their blood with money. Thank God, no man on this side of the House thinks that, not one of them.

My colleague laughs; he knows that it is not so. Every man who concedes that it is right and proper to pay to the civil officer, and to the officers in the Army or the Navy, and in fact to all the officers of the Government, only a fair, just, and reasonable salary must come to the conclusion that the salaries provided are sufficient and that the present distressed condition of the country will not justify us in giving more.

[Here the hammer fell.]

Mr. HALE. Now will the gentleman answer me one question?

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. DE BOLT. Mr. Chairman, in the five minutes allowed me I desire to say a word or two in regard to a matter that needs correction. In the State of Florida the Government owns large reservations of live-oak and cedar lands, the timber on which is intended for use solely for ship-building and naval purposes.

For the protection of this timber and to prevent its being wantonly destroyed and carried away the naval authorities from time to time appoint agents for the ostensible purpose of guarding the same.

To show how faithfully these agents perform their duties, how sacredly they guard the interests of the Government against trespassers and evil-doers, I desire to introduce and read portions of testimony taken before one of the committees of this House.

B. F. Livingston testifies:

By the Chairman, R. A. DE BOLT:

Question. Are you a timber agent in Florida?
Answer. I am; was appointed first in 1872.
Q. Are you a timber agent now?
A. I am.
Q. How far do you live from the timber?
A. I do not know, sir.
Q. Do you know where the timber is?
A. No, sir; I do not know where it is.
Q. What duties have you performed as such agent?
A. Nothing, sir, but draw my pay.

Henry Clews, witness:

Question. Are you a timber agent in Florida?
Answer. Yes, sir.
Q. How far do you live from the timber you are expected to guard?
A. I do not know anything about the public domains and did not try to find out.
Q. Did you ever see or visit the timber?
A. No, sir.
Q. Did you perform any service under that appointment?
A. No, sir; nothing but draw my pay.
Q. What was your salary?
A. Forty-one dollars a month.
Q. What is the politics of these agents.
A. They are republicans.

ISADORE BLOOMENTHALL, collector at Cedar Keys:

Question. Do you know anything in regard to the appointment of timber agents in Florida?
Answer. I do. I know them all.
Q. How many are there?
A. Ten or twelve.
Q. Name one.
A. Arthur Sinclair.
Q. What is his salary?
A. One thousand dollars a year, I think.
Q. How near to the timber he is expected to guard does he live?
A. About fifty miles.
Q. What is his occupation?
A. Politician and preacher.

[Laughter.]

Q. How often does he visit the timber?
A. I think it will be conceded on all sides that the timber agencies in Florida are political positions and sinecures. I know they do not visit the timber. I do not think they are expected to do anything.
Q. You do not think they do any work?
A. I know it. It is not expected of them. They simply draw their pay, $40 a month, and nothing to do.
Q. When were these timber agents appointed?
A. In 1872, I think.
Q. What is your politics?
A. Republican.

Other witnesses testify to the same facts.

Thus it will be seen how securely the Government can rest under the watchful care of these ever-faithful guardians of her interests, *confidently believing and feeling that all is well.* For the past ten years this thing has been going on. The appropriation for the pay of these unnecessary and worthless appendages being $5,000 per annum.

There are at this time ten or twelve of these agents drawing salaries all the way from $40 per month up to $1,000 per year, none of whom reside within fifty miles of the timber and some as far as one hundred and fifty miles distant; not one of whom has ever visited those reservations; and they admit that they do not even know where they are. They have nothing to do; in fact they are in some cases notified at the time of their appointment that they will have nothing to do but the arduous task of drawing their salaries.

They are given no directions; there are no duties assigned them, no reports required of them, no inquiries made of them, nothing expected of them.

They are selected from all grades and classes: one is a barber, another a preacher, others are farmers, a number are gentlemen of leisure, while *all* are politicians. The latter qualification seems to be the only necessary prerequisite for a first-class timber agent.

"Political positions and sinecures," say the witnesses. Rather expensive luxuries, and it seems to me that the Government could possibly exist and its timber be just as safely cared for without them.

Mr. Chairman, the country is burdened with debt, oppressed with taxation; business of all kinds languishes; the agricultural, mechanical, and mining interests are depressed; the cries of financial distress come up from all parts of the country. Sir, with these facts staring us in the face it becomes us as the guardians of the public interests and as legislators to curtail the expenditures of the Government to the lowest possible limit that it can be done without injury to a judicious administration of its affairs and the well-being of the people; to lop off all sinecures, discharge all useless attachés that like leeches are sucking the very life-blood of the nation; stop all extravagance, and honestly apply the money drawn from the people by taxation to the payment of our public debt.

This, sir, is our duty. We owe it to our constituents, we owe it to our country; let us perform it fearlessly. I hope no more money will be appropriated for the benefit of these agents.

Mr. DANFORD. I ask my colleague to withdraw his amendment and I will renew it.

Mr. BANNING. I withdraw the amendment.

Mr. DANFORD. I renew it. I have no doubt the gentleman's facts are exceedingly interesting, but they have nothing to do with the proposition before this committee. This is a proposition about which I feel earnestly, and that the committee should vote on it understandingly. I take no part whatever in the political phase of this discussion. I feel sometimes thankful that I do not represent a constituency upon this floor that either have an interest in a navy-yard or for whose loyalty or patriotism I have any occasion to apologize.

I desire to call the attention of the committee to the correction of the figures I used in my remarks a few moments ago, made by the chairman of the committee. The chairman is mistaken in the correction he makes. The furlough pay of a naval officer is one-half of his pay when waiting orders. The pay of a captain when waiting orders is $2,177.91, and one-half of that is $1,088.96.

And now, sir, in regard to the remarks made by gentlemen on the other side of the House that there is no need for the pay of an officer of the Navy being greater than the pay of a member of Congress or the pay of officers occupying positions of equal responsibility in civil life. Let me say, in response to that, we have the fact that an officer in the Navy practically has no home. He is subject to orders every day and every hour that he lives. When he is abroad on his ship his family are at home without his care and attention. And we all know that, circumstanced as he is, he requires, in order to make both ends meet in life, a larger pay than if he had a fixed home. A man who is required to live one year in the city of Washington, the next in the city of Norfolk, and after a few months' service there is ordered perhaps to the coast of Maine, having to break up his housekeeping arrangements, and moving hundreds and sometimes thousands of miles every two or three years, is at an expense to which no man in civil life is subjected.

I do not belive that the pay of the officers of the Navy as fixed by law as it now exists is greater than it should be. If I did so believe, I should not oppose the amendment offered by the Committee on Naval Affairs.

Mr. MILLS. Mr. Chairman, in response to the remarks of my colleague upon the committee about the different grades of pay in the Navy, I desire to say that this is not an idea originating with the Committee on Naval Affairs by any means. We have simply been following the line of precedent that has been established for many long years. The pay of the Navy has been graded into different

classes, sea-pay being the highest because it is for the hardest duty; then shore pay, waiting orders, furlough, &c.

Now, I will say to my colleague, or to any gentleman who may oppose the reduction in pay on account of this grading, that for myself I have no objection to making but one kind of pay in the Navy; and let that be the sea pay, the highest. I have been in favor of that all the time. An objection to this is that if the Secretary of the Navy becomes offended with an officer he can order him to sea 20,000 miles off. If he has the same pay on sea as on shore and an officer in the navy-yard at Washington is so unfortunate as to incur the displeasure of the Secretary of the Navy, he might order him to report for duty to the Asiatic squadron or the South Sea squadron, or somewhere else on the other side of the earth. And in order to prevent him from punishing those who may have incurred his displeasure or from rewarding favorites of his own, the pay has for a long time been graded, so that if his favorite comes on shore he may come at the price of a lower pay. It is simply a check.

I think, sir, the Government ought to adopt some other check, and that the pay of all officers of the same grade should remain at the same figures. I think the Secretary of the Navy, or the Admiral, or any other superior officer, who to gratify some personal pique should prostitute the naval service by sending an officer to the other side of the earth is unworthy to be an officer of the American Navy and wear its sword or draw it in vindication of its flag. I think the law ought to apply some remedy by which that authority shall be restrained and so that a junior officer shall be protected against its arbitrary exercise. And if the gentleman shall offer to amend his bill by striking out the following provision, I shall vote with him:

> And when any of the officers hereinbefore mentioned, except the Admiral, Vice-Admiral, and naval constructors and assistant naval constructors, shall be on shore duty or on leave or waiting orders, their pay shall be reduced from the rates herein fixed in the same proportion as it is reduced from sea pay by existing law.

Mr. DANFORD. Does the gentleman from Texas propose to strike that out?

Mr. MILLS. There is an amendment now pending. But if at the proper time the gentleman will propose to strike that out I will go with him.

Mr. BLOUNT. I ask that debate on the pending amendment shall now close.

Mr. HARRIS, of Massachusetts. I desire to say a few words.

Mr. BLOUNT. I yield to the gentleman, inasmuch as he is a member of the Committee on Naval Affairs.

Mr. HARRIS, of Massachusetts. I have not thus far participated in this debate, because I believed other gentlemen more familiar with the subject than I am would discuss it more to the edification and instruction of the House. But, Mr. Chairman, I want to call the attention of the committee to a fact which is of course well understood, but it is proper that I should call the attention of the House to it, that we are dealing now in this summary manner with one of the most important branches of the public service.

It is the mission, at least it is claimed to be the mission, of the majority of this House to strike at public abuses. So far as the people demand of this House the cutting down of extravagant expenditures and the reduction generally of the expenses of the Government, I certainly shall interpose no objection. But, Mr. Chairman, when and where has the demand been made upon this Congress that the Army or Navy should be reduced in the manner now proposed? Where has come the call upon this House to strike—and when I use the word strike I use it in no improper spirit and in no offensive sense—where has come the demand to strike at the Admiral of our Navy, and knock from his salary $3,000 a year; where has come the demand to strike at the Vice-Admiral, at the commanders and commodores?

I submit that he has heard no such call. But as we are dealing with this important branch of the service, I trust that no member of the House is willing to deal with it without full and complete understanding. Now, the House Committee on Naval Affairs ought not to have too much credit for knowledge upon this subject. I desire to enter my protest against any claim made by any member of the Committee on Naval Affairs that he understands the subject fully.

Now, look at our committee; there is only one gentleman upon it who has had any considerable experience in maritime affairs, and that is the gentleman from Maine, [Mr. BURLEIGH.] In the main we have a committee composed of landsmen, and only within a week past have we been called upon to discuss this question; members of the committee have considered it in private. The gentleman from Texas [Mr. MILLS] has given it his patient attention, but I submit to him that the whole subject of the Navy is not within his grasp; and when he rises to-day and asks twice in one hour to amend an amendment from his own hands, it is evident that he is not competent to pass upon the entire subject. I ask gentlemen on the other side of the House to consider whether this matter is sufficiently matured to justify them in adopting this measure.

Mr. MILLS. The gentleman from Massachusetts will permit me to remark that I did not suppose that my bill was perfect or that it could pass the House without amendment. All legislation is a compromise, and when other gentlemen are desirous of submitting amendments I shall be willing to hear them, and perhaps may be convinced by their argument.

Mr. HARRIS, of Massachusetts. I only ask the House to consider the question whether upon a discussion sprung upon the House so recently and upon a proposition so new and affecting so radically the organization of the Government, we should act upon it so hastily. It has been proposed in one committee that a board of naval officers shall be organized as a board of admiralty or otherwise to investigate and report to a future Congress——

[Here the hammer fell.]

Mr. BLOUNT. I move that the committee rise, with the view of limiting debate upon the amendment to one minute.

Mr. HALE. Does the gentleman refer to the amendment of the gentleman from Tennessee, [Mr. WHITTHORNE?]

Mr. BLOUNT. Yes, sir; and the amendment of the gentleman from Texas [Mr. MILLS] to that amendment.

Mr. DANFORD. Does the gentleman mean the amendment of the gentleman from Tennessee?

Mr. BLOUNT. Certainly; and the amendment to it.

The CHAIRMAN. The motion is that the committee rise, for the purpose of limiting the debate on the amendment and the amendment to the amendment to one minute.

Mr. PAGE. Cannot that be done in committee by unanimous consent?

Mr. BLOUNT. If there is no objection, I do not wish the committee to rise.

Mr. KASSON. If the gentleman seeks to close debate on the amendment of the gentleman from Tennessee I think a few minutes more of debate ought to be allowed. There is another clause in that amendment which has not been discussed at all.

Mr. BLOUNT. I will be glad to accommodate the gentleman, but there is a feeling here that debate ought to close, and I insist on my motion.

The question was taken on Mr. BLOUNT's motion; and it was agreed to.

The committee accordingly rose; and Mr. WHITTHORNE having taken the chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the naval bill, and pending that motion I move that all debate upon that pending amendment and the amendment thereto close in one minute.

Mr. KASSON. Does the gentleman mean to include the entire amendment of the gentleman from Tennessee, [Mr. WHITTHORNE?]

Mr. BLOUNT. Yes, sir.

Mr. KASSON. I will ask him for five minutes, not to make any political remarks, but to discuss a matter of practice.

Mr. BLOUNT. I accept the modification, and move that all debate be limited to five minutes. I should like to know the wish of the House in regard to whether they would prefer to continue the consideration of this bill until six o'clock or to have a night session.

Mr. PAGE. Let us have a recess.

Mr. RUSK. O, no; you will do more business in one hour now than you will during the whole night session.

Mr. BLOUNT. Then I will insist upon my motion to close debate.

The motion was agreed to.

The question recurred on the motion that the House resolve itself into Committee of the Whole on the State of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the State of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

Mr. KASSON. With the amendment of the gentleman from Texas, [Mr. MILLS,] if the gentleman's amendment is to be adopted, the proposition is meritorious in so far as it provides for longevity pay. If it is not adopted, I am satisfied that the provision would discourage officers of the Navy from continuing in the service, and there is some danger of accomplishing that result even if the amendment of the gentleman from Texas be adopted. But I wish especially to call the attention of the committee, without further passing upon the proposition of the gentleman from Tennessee here, that it had better be treated as a general bill for the consideration of the House.

In the case of the Army-pay bill—and I regret that I was not here at the time it was under consideration—the bill was not attached to an appropriation bill. The Committee on Appropriations declined to attach this to their bill. If the Committee on Naval Affairs were disposed to treat it as a separate bill, giving us time to ascertain the opinions of officers of the Navy and of the Navy Department in regard to the effect of the proposed reduction, we would then be prepared to act. But the difficulty is that while gentlemen speak of the reduction of the pay of certain officers that is but a small part of the amendment of the gentleman from Tennessee, [Mr. WHITTHORNE.] That amendment goes to the reduction of the entire Navy in the future, and of course connected with that is the question of how many ships we can have, whether we shall build any more, and all other questions relating to the prosperity and the very existence of our Navy.

I do not believe that the gentlemen of the majority of this House desire, on such short consideration, to attach an amendment of this importance to an appropriation bill. If they choose to go on and consider it now, of course it is in the power of the majority to do so. But I myself feel totally unqualified to vote upon the propriety of all the enormous reductions proposed to be made permanently in the force of the Navy. I would therefore ask, as debate is about to be closed upon this proposition, that, even if the majority approve a great part of it, they will not attach it to an appropriation bill and force both sides of this House to vote without the opinions of the men who, we must admit, are alone competent to pass upon the question of the complete organization of the Navy which is involved in this amendment, together with the number of ships in the Navy, and all other questions of that kind.

On the question of prize-money as an offset to the longevity pay of the Army, allow me to say that only about one officer of the Navy in a hundred during the late war received any prize-money. Only those obtained prize-money who were on outside stations and had the fortune to be moving in the track of the commerce of the enemy. Therefore that cannot be considered an equivalent to longevity pay, which affects all the officers of the Army.

In view of the limited time allowed for debate, I believe this is all I can say in regard to the adoption of this amendment. It is not that it strikes at the salaries of a few officers of the Navy, but it strikes at the entire Navy in respect to its force. I hope, whatever the opinion of the House may be, that they will not attach this to the appropriation bill, but leave it for consideration as a separate measure under the management of the Committee on Naval Affairs.

The CHAIRMAN. The time fixed by the House for debate upon the pending amendment has expired.

The question was taken upon the amendment moved by Mr. MILLS to the amendment moved by Mr. WHITTHORNE; and it was agreed to.

The question was upon the amendment as amended.

Mr. HALE. I move to amend by striking out the following:

And the pay of all other officers on the active-list of the Navy shall remain as it is now provided by law; and when any of the officers hereinbefore mentioned, except the Admiral, Vice-Admiral, and naval constructors and assistant naval constructors, shall be on shore duty or on leave or waiting orders, their pay shall be reduced from the rates herein fixed in the same proportion as it is reduced from sea pay by existing law.

Mr. WHITTHORNE. That would leave those officers to receive the pay they now receive by law.

Mr. HALE. Exactly; it does not affect the rate of their shore pay or their leave pay.

Mr. MILLS. The first part of the amendment submitted by the Committee on Naval Affairs provides "that from and after the 1st day of July, 1876, the officers of the Navy shall receive the following pay," &c. If the paragraph is stricken out, as moved by the gentleman from Maine, [Mr. HALE,] what will become of the officers named in it?

Mr. HALE. I think the specification in the first part of the amendment would apply only to the officers named in the amendment.

Mr. MILLS. I would suggest to the gentleman to leave the first part of the paragraph—"and the pay of all other officers on the active-list of the Navy shall remain as it is now provided by law."

Mr. HALE. I will agree to the suggestion of the gentleman from Texas, [Mr. MILLS,] and move to strike out the paragraph I have indicated, except the first clause which he has read, and the amendment to it which was adopted on his motion.

The question was then taken on the amendment of Mr. HALE; and it was agreed to.

Mr. MILLS. I move to further amend the amendment by striking out the words "and no promotion or appointment shall be made to the grades of medical director and medical inspector and pay director and pay inspector and assistant naval constructor and civil engineer," and to insert in lieu thereof that which I send to the Clerk's desk to be read.

The Clerk read as follows:

And no promotion shall be made to the grade of medical director until their number shall be reduced below one; and no promotion shall be made to the grade of medical inspector until their number shall be reduced below six; and no promotion shall be made to the grade of pay director until their number shall be reduced below one; and no promotion shall be made to the grade of pay inspector until their number shall be reduced below five; and there shall be no promotion to the grades of assistant naval constructor and civil engineer.

Mr. MILLS. In the amendment submitted by the chairman of the Committee on Naval Affairs, [Mr. WHITTHORNE,] it will be observed that the two grades of medical director and medical inspector——

The CHAIRMAN. All debate upon the pending amendment has been closed by order of the House.

Mr. MILLS. I did not so understand the order of the House.

The CHAIRMAN. Such was the order of the House, and, while the amendment of the Committee on Naval Affairs is open to amendment, it is not open to further debate.

Mr. MILLS. I move that the committee rise, in order that debate may be had upon amendments as proposed. I think this is a matter of too much importance to be considered without debate.

Mr. BLOUNT. I hope the motion that the committee rise will not be agreed to. If the gentleman thinks this matter has not been fully debated, let him bring it before the House in some other way.

Mr. DANFORD. Is debate in order?

The CHAIRMAN. The motion that the committee rise is not debatable.

The question was then taken upon the motion that the committee rise; and it was not agreed to.

The question recurred upon the amendment moved by Mr. MILLS, and being taken, the amendment was not agreed to.

Mr. RANDALL. I move to amend by striking out in the last paragraph of the amendment the following clause:

All officers of the volunteer service of the Navy shall be discharged from service after the 1st of July, 1876; and laws authorizing the appointment or employment by the Secretary of the Navy of any person in the volunteer Navy shall be, and are hereby, repealed.

The amendment was agreed to; there being ayes 82, noes not counted.

Mr. EAMES. I move to amend by striking out the entire paragraph beginning with the words "And after the passage of this act."

Mr. HALE. That the House may understand the effect of the amendment, I ask that the paragraph proposed to be struck out be read.

The Clerk read as follows:

And after the passage of this act, there shall be no promotion to the grade of rear-admiral until their number shall be reduced below three; and no promotion shall be made to the grade of commodore until their number shall be reduced below six; and no promotion shall be made to the grade of captain until their number shall be reduced below forty; and no promotion shall be made to the grade of commander until their number shall be reduced below fifty; and no promotion shall be made to the grade of lieutenant-commander until their number shall be reduced below sixty; and no promotion shall be made to the grade of lieutenant until their number shall be reduced below one hundred and fifty; and no promotion shall be made to the grade of chief engineer until their number shall be reduced below forty; and no promotion shall be made to the grade of passed assistant engineer until their number shall be reduced below seventy-three; and no promotion shall be made to the grade of assistant engineer until their number shall be reduced below forty-seven; and no promotion or appointment shall be made to the grades of medical director and medical inspector and pay director and pay inspector and assistant naval constructor and civil engineer; and no promotion shall be made to the grade of paymaster until their number shall be reduced below twenty-five; and no promotion to the grade of naval constructor until their number shall be reduced below six: *Provided*, That in case of war said Secretary of the Navy may appoint or employ assistant surgeons as now authorized by law: *And provided further*, That all civil engineers now in the naval service shall be discharged on the 1st day of July, 1876.

The question being taken on agreeing to Mr. EAMES's amendment to the amendment, it was not agreed to; there being—ayes 57, noes 71.

The question then recurred on the amendment of Mr. WHITTHORNE as amended. The question being taken, there were—ayes 61, noes 65; no quorum voting.

Tellers were ordered; and Mr. WHITTHORNE and Mr. HALE were appointed.

The committee divided; and the tellers reported—ayes 72, noes 74.

So the amendment was not agreed to.

Mr. DANFORD. I move to amend the pending paragraph—upon which I understand debate has not been closed—by striking out in line 17 the word "seven," and inserting "eight;" so as to make the entire force of the Navy eighty-five hundred men.

The proposed reduction of our naval force from eighty-five hundred men to seventy-five hundred would necessitate a reduction of the ships in commission. It would be necessary to take out of commission and lay up a portion of our Navy at present in commission. The chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] said on Saturday last that the Secretary of the Navy, by keeping vessels at the navy-yards upon the Atlantic coast, could when notified by telegraph immediately order one or more naval vessels to the most distant portions of the earth. That perhaps would be true if the vessels were in commission; but a ship out of commission, a ship that has neither officers nor men on board, cannot be sent out of port in answer to a telegraphic summons either a long or a short distance. You cannot improvise a naval force in a few days or a few weeks. You may put the men in line, you may officer them, you may send them against an enemy; but a vessel lying at one of your navy-yards, without officers or men on board, would, if hastily sent out, be only the prey of the enemy.

If you discharge from the Navy a thousand men who are now enlisted and serving in it they would seek service elsewhere; they would not remain about our navy-yards or upon our coasts awaiting service; they would take service in the merchant marine; they would go abroad; and when you want a thousand men in order to put into commission five or ten vessels in an emergency, you would be compelled to man them with raw men, men who could not handle a ship and who would only be food for powder. There is wisdom in the policy recommended by the Chief of the Bureau of Equipment and Recruiting: to keep in commission our monitors, even though they have but half their complement of men; so that, if we should have trouble near our borders, (and it is just here in the Gulf that we are likely to have trouble with an enemy,) if we should have at any time trouble upon the sea, these monitors can in a short time reach the scene of action. Each of those monitors having fifty men—one-half the complement—fifty new men cannot be put upon them without coming in contact with those drilled and disciplined sailors, and thus they could speedily learn to manage the vessel. In our improvised Army in 1861, entire regiments were sometimes composed of raw men, and it was difficult to handle them; but when those regiments had had four or five years' service, you might fill their rank to the extent of one-third or one-half with raw recruits who would at once

fall in line, and the regiment could be as easily handled as though composed entirely of veterans.

[Here the hammer fell.]

Mr. MILLS. In consequence of the vote which the House has recently given refusing to adopt the amendments of the Committee on Naval Affairs, it becomes necessary to reconsider the vote given on Saturday reducing the total amount for the pay of the Navy from $6,250,000 down to $5,750,000 in order to restore the half million dollars taken off on Saturday. In contemplation of that amendment being adopted as a measure of the majority of the House I suppose the Committee on Appropriations made the reduction they presented to the bill on Saturday and it was sustained by the House. I know some of the Committee on Naval Affairs were consulted as to the propriety of making that reduction. I know the views of the Committee on Naval Affairs, or of some of its members, were given that in consideration of this amendment being adopted a further reduction could be made. I am satisfied the reduction of half a million dollars, as the bill now stands, will not furnish the pay of the Navy as provided for by law.

Mr. RANDALL. We cannot go back.

Mr. MILLS. I voted with the majority and can move to reconsider.

The CHAIRMAN. A motion to reconsider is not in order in the committee.

Mr. BLOUNT. I regret very much the gentleman from Texas, as well as the gentleman from Ohio, has seen fit to endeavor to re-instate the bill as it was, fixing a larger amount for the pay of the Navy than has been agreed upon. I say to this House I have taken up as much time as I desire on the subject. I know too much debate is tedious; that too much debate is useless. I have carefully for weeks considered this matter of the pay of the Navy. When I determined upon that amendment and when those members of the Committee on Appropriations who agreed with me in the reduction I offered determined upon it, we had not in contemplation the action of the Committee on Naval Affairs.

Mr. MILLS. Then why did the committee report $6,250,000 to the House?

Mr. BLOUNT. I can answer the gentleman with pleasure that when I found out I had made a mistake in that, (which I have had fully explained to the House,) I deemed it only right and proper to correct it and ask the House to correct it. The appropriation is now entirely correct. It is ample and complete, and if I were to do anything I would strike it down more. I say we knew what we were doing when we did it.

Mr. RANDALL. I move *pro forma* to increase the appropriation for the purpose of saying that the reduction from $6,250,000 to $5,750,000 had no reference to the amendment of the Naval Committee, but was the result of further information coming from the Navy Department. I admit if a thousand more men are to be added then there will be necessity for an increased amount—not in connection with the pay of officers, but the pay of the men. The number was reduced to seventy-five hundred advisedly, on the belief that seventy-five hundred men were enough to man all the vessels which would be in commisison in the Navy during the coming fiscal year. Therefore, if the number of men shall remain at seventy-five hundred there is no occasion whatever to increase the amount from $5,750,000.

Mr. MILLS. What is the necessity of reducing the number of men and increasing the number of officers? There is now about one officer to every four men in the Navy. The Committee on Appropriations have reported to this House a reduction in the strength of the Navy of a thousand men, while they still leave the same number of officers with a provision for the rapid increase of officers, so I suppose in ten or twelve months there will be one officer to every three men.

Mr. RANDALL. We keep up the number of officers as the skeleton of what may be necessary. The gentleman must not find fault because the House did not agree with him. I do not wish to fight that battle over again. We have not seen fit in the Appropriation Committee to reduce the number of officers, while we thought the number of men could be reduced without injury. I withdraw my amendment to the amendment.

Mr. DANFORD'S amendment was rejected.

The Clerk read as follows:

For the civil establishment at the navy-yards at Brooklyn, New York; League Island, Pennsylvania; Norfolk, Virginia; and Mare Island, California, $80,000; and for the protection and care of the navy-yards not enumerated, $5,000. And the Secretary of the Navy is hereby directed to make inquiry as to the best method of making sale of the navy-yards at Charlestown, Washington, and Pensacola, and shall report the same to the next session of this Congress at its commencement; and he shall also take measures toward the recession of the naval station at New London, and report thereon at the same time; and he is further directed to establish a naval rendezvous at Tybee Island or at Cockspur Island, in the State of Georgia, and to make available any Government property at said islands suitable for such purpose.

Mr. WHITTHORNE. My friend from Alabama [Mr. LEWIS] has an amendment to offer from the Committee on Naval Affairs.

Mr. LEWIS. I move the following amendment.

The Clerk read as follows:

On page 3 strike out all from the beginning of line 43 to the word "commencement" inclusive in line 51, and insert the following:

That the navy-yards at Brooklyn, Kittery, Charlestown, and Norfolk be retained for general purposes; and those at Pensacola and Mare Island be retained as naval rendezvouses, and for temporary repairs; and the yard at Washington be used only for manufacturing purposes under the direction of the Secretary of the Navy; and the yards at League Island and New London be abandoned, and the property thereto appertaining, where the same cannot be utilized or removed without too great expense, be sold, and the proceeds turned into the Treasury; and for the civil establishment at the foregoing yards, —— thousand dollars.

Mr. KELLEY. I make the point of order that this is new legislation not in the line of economy.

The CHAIRMAN. Does the gentleman make the point on the paragraph of the bill or the amendment?

Mr. KELLEY. On the amendment I make two points: First, that it is new legislation not provided by law, contravening existing laws, and not in the line of economy; and, secondly, it is a proposition to ingraft one bill upon another, the amendment being a bill reported from the Committee on Naval Affairs.

Mr. BLOUNT. I wish to submit an amendment from the Committee on Appropriations to the paragraph.

The CHAIRMAN. The Chair would ask the gentleman from Alabama to withdraw his amendment for the present.

Mr. LEWIS. I prefer to have my amendment remain pending as it is.

Mr. MILLS. Then I make the point of order that the provision in the appropriation bill is not germane, as it provides for the abolition of navy-yards of the United States, which was not a subject referred to the Committee on Appropriations.

The CHAIRMAN. The Chair overrules the point of order under the new rule as it has been construed at this session.

Mr. MILLS. I make the further point that this provision in the appropriation bill in relation to navy-yards is new legislation, and not in the line of reduction of expenditures. It does not appear upon the face of the bill, the only authority that the Chair can consult in deciding upon the question, that it is any reduction of expenditures. It can be no reduction of expenditures to give away navy-yards; and it does not appear affirmatively on the face of the bill that there is any saving to the public Treasury by what is here proposed in the bill reported by the Committee on Appropriations.

Mr. BLOUNT. I do not think that it appears on the face of this bill that we are giving away navy-yards.

The CHAIRMAN. The Chair declines to sustain the point of order at the present stage as made by the gentleman from Texas. The Chair conceives that it is within the power of the committee, even if the paragraph should not be strictly in order, so to amend the proposition as to make it in accordance with the rule. The amendment offered by the gentleman from Alabama [Mr. LEWIS] will now be read.

Mr. LEWIS'S amendment was read.

Mr. KELLEY. I raise the point of order that this is an attempt to ingraft a new bill on the bill under consideration. It is an attempt to ingraft on this bill the bill (H. R. No. 3474) which was presented to the House, read twice on May 17, 1876, and referred to the Committee on Naval Affairs, and reported back from that committee.

Mr. SPRINGER. Does the gentleman from Alabama offer the whole of that bill as an amendment?

Mr. KELLEY. Then I add the further objection that it is new legislation, not in pursuance of existing law, and not in the line of economy.

Mr. LAWRENCE. And not germane to the bill.

Mr. KELLEY. I understood the Speaker, in making the first ruling on this question, to take the ground that it must appear affirmatively that the proposition was germane and tended to economy; that the first point was one that might be decided from the phraseology of the bill; that the second was one that must appear affirmatively in the bill or must be a consequence beyond dispute. Now I affirm that this is not germane to the bill, and that it is not in the line of economy.

Recurring to what I said the other evening as to the reasons for the establishment of a naval station at League Island and to the remarks I quoted from the then Secretary of the Navy, Hon. Gideon Welles, I find that League Island was first sought for and then established as a naval station for the purposes of economy; that a time had come in the history of naval warfare when if the United States were to hold place among commercial and naval powers they must have iron vessels of the immense proportions in which they are constructed by other nations to bear such weighty armaments as are provided by other governments; and that this could not be done with certainty, with celerity, or with economy while our dependence was on the private workshops of the country; that there was no other customer for such work than the Government; that the preparation of such material required large accumulations of machinery and material, and that efficiency and economy—these were the words of the then Secretary of the Navy—required such an establishment on fresh water, in easy connection with the coal and iron fields, and with the masses of skilled workmen in metals; and that these conveniences were found in a higher degree at the confluence of the Delaware and the Schuykill, in Pennsylvania, than at any other point along the Atlantic coast. Therefore the inducement to acquire League Island was essentially and primarily economy.

The Secretary asserted and re-affirmed from time to time that we did not, in his judgment, need an additional yard; that the essential want of the Navy was a yard of entirely different characteristics from any then existing; one with different relations from any then existing; one, as I have said, on fresh water and in easy connection with the great iron and coal fields and the great workshops which use machine-tools and are able to handle greater masses of metal; so

that, to use his own language, for the not inconsiderable portions of vessels and armaments that might be procured from private shops, of easy access, there would be many private shops offering, if the Government needed such work; but for those heavier branches, both of ship-building and of armament, for which there was no other demand than that of the Government's, there must be Government workshops, dependent upon the supply of fuel and raw material.

Now, sir, this bill proposes to retrocede League Island. It is the only station upon fresh water. It is the only station connected with the great coal and iron fields, and the great machine-shops, forges, and furnaces of the country. The railroads coming from Pittsburgh and from all the iron and coal fields of Pennsylvania, from those along the Delaware, and those along the Susquehanna, the Juniata, the Monongahela, and the Alleghany, not only all connect with League Island, but rails continuous from all these parts carry the cars right into League Island station. The Government has invested something more than a million of dollars on that island, and Philadelphia has re-imbursed the expenditure by purchasing from it the little yard of twenty acres, with a wharf-front too narrow to lay two vessels end to end in front thereof. And it would be a matter not of economy but of gross extravagance to sell at any price, much less to retrocede League Island navy-yard.

It is for the gentleman proposing this measure to show affirmatively that it is a measure of economy, and for that purpose, if he desires it, I will yield him the floor for a limited time, reserving my right to resume it.

Mr. BLOUNT. I do not understand that the gentleman has any control over the floor on the point of order.

The CHAIRMAN. The Chair desires to hear the gentleman from Alabama.

Mr. BLOUNT. I have no objection to that, but I do not consent that the gentleman shall get the floor on a point of order and then farm it out.

Mr. LEWIS. The remarks of the gentleman from Pennsylvania [Mr. KELLEY] seemed intended more as a speech in favor of League Island than on the point of order now before the committee. There is nothing in the proposed amendment which changes the existing law, unless the proposition to abandon League Island and New London may be so considered.

The first proposition of the amendment is to retain the Kittery, Charlestown, Brooklyn, and Norfolk navy-yards for general purposes. The law now retains them for general purposes. It authorizes the Secretary of the Navy to use the navy-yard at Washington for manufacturing purposes only. The Secretary of the Navy has that power. It also requires that the Pensacola and Mare Island yards shall be used as naval rendezvouses and for the purpose of repairs. Under the law as it now stands the Secretary of the Navy has the power to confine them to those purposes. So that there is no proposition in the amendment to change the existing law unless it is the proposition to abandon the League Island and New London yards. If that is a proposition to change existing law, which I do not admit, it is a proposition in the line of economy, because all the requirements for completing the navy-yards at New London and League Island will be dispensed with. The thirty or forty millions of dollars required to put up a new navy-yard at League Island according to the plans of the Navy Department will be dispensed with and the millions of dollars required to complete the navy-yard at New London will no longer be needed; and if the proposition brought forward by the Committee on Appropriations is in order, why then the proposition of the Committee on Appropriations is also in order, because it does not change the existing law except where the Committee on Appropriations propose to change existing law as to the abandonment of League Island and New London.

As to the point that the bill is one already reported from the Committee on Naval Affairs and therefore cannot be attached to this bill, that point of order amounts to nothing, for we do not propose the bill as coming from the Naval Committee in the form agreed on by them, but only a part thereof; we take something from it and put something to it, and we change it radically; but I suppose that no gentleman upon this floor will consider that point as amounting to anything. The only point is whether the amendment changes existing law, and if it does, whether it is in the line of retrenchment. It is in the line of retrenchment.

Mr. RANDALL. I do not think that either of the gentlemen have stated clearly the point wherein this amendment will be considered out of order. In my judgment that is the point which proposes to abandon the League Island and New London navy-yards. Now, to abandon these stations would involve depriving the Government of the United States of both pieces of property under the existing law and contracts.

Mr. LEWIS. Will the gentleman allow me a question?

Mr. RANDALL. Certainly.

Mr. LEWIS. You propose in your bill to abolish the New London navy-yard.

Mr. RANDALL. If the gentleman had listened to my remarks the other day he would have seen that we found the difficulty, and I stated that by an amendment we would correct it.

Mr. LEWIS. But you propose further to authorize the President to sell the Pensacola and Washington yards.

Mr. RANDALL. The gentleman certainly does not want to misrepresent the bill.

Mr. LEWIS. Read that part of the bill and you will see that you instruct the Secretary of the Navy to take steps to the end that those yards may be sold.

Mr. RANDALL. To make inquiry only; we were very careful to avoid that objection. The amendment proposed by the Committee on Naval Affairs if adopted takes from the Government the ownership of two valuable pieces of property.

Mr. O'NEILL. Let me call the attention of the committee to one or two points, for I do not wish to take any lengthy part in this discussion. The Government of the United States through Congress accepted certain property from the city of Philadelphia valued at the time in round numbers at $500,000. Since the acceptance of that property Congress has made annually appropriations for the construction of the navy-yard at League Island amounting now to about $1,300,000. This proposed retrocession is not in the interest of economy, as the Government will absolutely be surrendering $1,800,000, the value of the property and the improvements made upon it at the Government expense. The condition of the acceptance was that a naval station should be established upon it, hence the Government can realize nothing from the retrocession, but must, if this amendment be in order and prevails, part with this immense amount of valuable property. This evidently cannot be construed as economy.

In reply to the gentleman from Alabama, [Mr. LEWIS,] who seems to think the point raised upon ruling out that part of the amendment in relation to the New London and League Island navy-yards may be correct and their retrocession not be in the interest of economy, I will make the suggestion, and it seems forcible to me, that the Government may be bound in honor, on account of the condition of the acceptance, to continue their construction, or, at all events, to hold the land with the improvements, although Congress may not be obliged each year to make appropriations therefor. In other words, Congress can withhold the means of extending the improvements. Hence we have to-day no evidence that the retrocession of these two yards is in the interest of economy, because we cannot say what recommendation may come into the House from the Committee on Appropriations in the sundry civil appropriation bill for expenditures to be made upon these yards. That committee may not report any appropriation for either of them at this session or the next.

There is no question about the power of Congress to authorize the sale of Government property wherever it may be, provided it is owned by the Government absolutely and without condition; for instance, Congress authorized the sale of the old navy-yard at Philadelphia, and it was sold at public sale for $1,000,000. That amount was realized; and thus there was an equivalent in money for the property parted with. But the retrocession of any property given to the Government conditionally for any specified purpose, as for the purpose of establishing a navy-yard, is an absolute giving up of, as in the instance of League Island, hundreds of thousands of dollars, the value of the land, and hundreds of thousands of dollars more, the amount expended upon improvements. I think upon these points that this amendment is not in the interest of economy, and that the chairman cannot admit it for consideration upon this bill.

Mr. KELLEY. The gentleman from Alabama, in assuming that this is a measure of retrenchment because it will save future appropriations, assumes the whole question involving this grave aspect or this distinct question, Shall we build and maintain iron vessels? For if we are to do so we must have a fresh-water station.

If you sell the improvements on League Island, the work of retrocession is an easy one, for the title rests on the fact that it is to be maintained as a naval station. You have put on that property a million of dollars in a ship-house, store-houses, and machine-shops.

This bill says, "And the yards at League Island and New London be abandoned, and such property thereto pertaining, where the same cannot be utilized or secured without too great expense, be sold and the proceeds turned into the Treasury." The declaration that League Island is abandoned revests the title in Philadelphia. What will be the economy in organizing another naval commission to go out and seek another fresh-water station? What will be the economy in competing with speculators for a new site? What will be the economy in erecting on that new site such buildings as already exist on the site of League Island?

It is for the gentleman to establish affirmatively that this is a measure of economy in connection with the exigencies of the Government for an iron ship-building station. The honored Speaker of this House in deciding the point of order the other day said, in substance, that so far as the mere accomplishment of the thing proposed it appears to be in the line of retrenchment; but how does it appear that it will not involve a greater expense? I put that question to the gentleman; if you abandon League Island and thereby retrocede it, and sell for what you can get the materials in existing buildings there, how are you to proceed with the building of iron ships? That question must be answered before it can be made to appear affirmatively that there is a tendency to retrenchment in this amendment. I now leave the question.

The CHAIRMAN. The Chair is prepared to decide the points of order raised by the gentleman from Pennsylvania, [Mr. KELLEY.] The first is that this amendment proposes to incorporate a bill now

pending with another, and is therefore amenable to the provision in the forty-eighth rule of the House, which is:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House.

In a note to this rule it is observed:

The latter clause of the forty-eighth rule, as originally reported to the House, contained at the end of it, "nor by any proposition containing the *substance*, in whole or in part, of any other bill or resolution pending before the House." These words were sticken out by the House before it would agree to the rule, by which it would seem to have been decided that an amendment containing the *substance* of another bill or resolution may be entertained. [Such, too, has been the practice ever since.] It has been decided that an amendment including the same provisions, to a very great extent, as other bills pending before the House, is in order.

It will be observed that this amendment, as offered by the gentleman from Alabama, [Mr. LEWIS,] while it is in part a bill (No. 3474) now pending before this House, nevertheless differs from that bill in this respect: the latter portion of the bill No. 3474 from and after the word "Treasury," in the twelfth line, has been stricken out. It is, therefore, not the same bill, although containing the "substance" of another bill. The Chair therefore holds that the first point of order is not well taken.

The second point of order is that this amendment is amenable to the objection that it is new legislation and does not "retrench expenditures." The objection is not raised, as it has been in other cases, that this amendment is not germane to the bill; that is admitted on all sides. Rule 120, as amended by the House at the beginning of this session, is as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

As was held by the Speaker of this House, the Chair may not go outside to search for other considerations to determine his decision upon this question; he must look to the force and specific terms of the proposed amendment, the law of the land so far as applicable, and the parliamentary rules and practice of this House. It appears clearly to the present occupant of the chair that if the navy-yards at League Island and New London are abandoned, then in the language of the rule such action would "retrench expenditures." It may be that valuable property will be abandoned by the Government; but this, even if it be the fact, can have no controlling influence in determining the decision of the point of order. The rule does not forbid the abandonment of property by legislative enactment, if such abandonment "shall retrench expenditures" in the future.

The Speaker of this House, in rendering his decision upon the first case which arose under the amended rule, made use of this language:

The inquiry then recurs, is this amendment such a one as by its own force and the other provisions of this bill retrenches expenditures? Does that appear? The Chair might answer, that to abolish an office is the retrenchment of expenditure; and if such abolition were begun and perfected by this bill, the Chair would have no hesitation in holding that such an abolition did accomplish a retrenchment of expenditure; there would then be no doubt on the point.

If the abolition of an office would, in the judgment of the Speaker of this House, be a retrenchment of expenditures, by parity of reasoning the abolition of two navy-yards, which is begun and perfected by this amendment, would certainly retrench expenditures. In that case the Speaker said considerately and after great deliberation:

It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

The objection to the section then under consideration was that it did not appear affirmatively to be a retrenchment of expenditures but that retrenchment might depend upon future legislation, that its effect was a matter of speculation and argument regarding which men might arrive at different conclusions.

It seems clear that this proposed amendment is free from any such doubt or ambiguity. It is manifest that if we abandon navy-yards, which, as we have official knowledge, require large appropriations for their support and efficiency, thereby dispensing with the services of Navy officers and of large numbers of employés, who may deny that in the very words of the rule it "shall retrench expenditures." To be in order an amendment must be "germane" to the bill, and it "shall retrench expenditures." No one questions that it is germane, and who will say that in the future expenditures will be required for navy-yards which have been abandoned? Therefore the Chair holds that this second point of order raised by the gentleman from Pennsylvania is not well taken.

Mr. LEWIS. Mr. Chairman——

Mr. BLOUNT. With the consent of the gentleman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally and particularly the naval appropriation bill, had come to no resolution thereon.

Mr. BLOUNT. I yield to the gentleman from Pennsylvania, [Mr. HOPKINS.]

INVESTIGATION OF RAILROAD COMBINATIONS.

Mr. HOPKINS. I move to suspend the rules and adopt the resolution which I send to the desk.

Mr. PAGE. I move that the House adjourn.

Mr. BLOUNT. I have the floor.

Mr. PAGE. The motion to adjourn, I believe, is always in order.

The SPEAKER *pro tempore*. As soon as the gentleman is recognized the motion will be in order.

Mr. PAGE. I may not be recognized to-night.

The Clerk read as follows:

Whereas it is alleged that certain of the leading railroads engaged in interstate commerce and in commerce from the inland States to the seaboard for exportation have combined for the purpose of controlling said traffic, and have made and continue to make unjust discriminations in the carrying of such freight, whereby many industries have been crippled and are threatened with extreme prostration; and whereas numerous petitions have been presented during the present session of Congress praying for the passage of an act to regulate such commerce and to prohibit such discrimination: Now, therefore, in order that Congress may be fully advised of the truth and extent of such alleged combination and of the effects thereof, and of the most complete remedy therefor,

Be it resolved, That the Committee on Commerce be instructed to investigate the allegations aforesaid, and report by bill or otherwise, with power to send for persons and papers.

The SPEAKER *pro tempore*. Is there objection to this resolution?

Mr. KEHR. I object.

The SPEAKER *pro tempore*. The question is then on the motion to suspend the rules.

Mr. HOPKINS. I did not suppose there would be any objection to the resolution. A few days ago I offered it in a somewhat different form, calling for the appointment of a select committee. At the instance of the gentleman who then objected to it I have modified the resolution so as to refer this inquiry to one of the regular committees. In this form I did not anticipate any objection.

Mr. FOSTER. There ought to be no objection.

The question being taken on the motion to suspend the rules and adopt the resolution, there were—ayes 50, noes 15; no quorum voting.

Mr. PAGE. I move that the House adjourn.

WITHDRAWAL OF PAPERS.

Pending the motion to adjourn, the following requests for withdrawal of papers were granted by unanimous consent:

Mr. O'BRIEN: Papers in the case of Elizabeth L. McCracken, being an application for a pension.

Mr. CALDWELL, of Tennessee: Papers in relation to the claim of H. B. Folk, of Brownsville, Tennessee, for reference to the Committee on War Claims.

Mr. JOHN REILLY: Petition and papers of Annie F. Ball, being an application for a pension, no adverse report having been presented.

Mr. PAGE. I will withdraw the motion to adjourn if the demand for a quorum upon the resolution of the gentleman from Pennsylvania [Mr. HOPKINS] be not insisted upon, so that the resolution may be adopted.

Mr. KEHR. I object.

Mr. WILSON, of Iowa. I shall object to unanimous consent being given for a single thing during the remainder of this session unless this resolution be allowed to go through.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at six o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BALLOU: Memorial of the journeymen printers of Washington, District of Columbia, on the subject of wages, hours of labor, &c., to the Committee on Appropriations.

By Mr. BASS: The petition of Martin Taylor and other merchants of Buffalo, New York, that the United States cease manufacturing and selling stamped envelopes, newspaper-wrappers, and postal cards at less than actual cost, to the same committee.

Also, the petition of 100 citizens of Buffalo, New York, for a reduction of postage-rates on seeds, plants, and bulbs, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of New York, that Congress convey to the city of Brooklyn, for a consideration or otherwise, all that strip of land and land under water lying between Washington avenue and the navy-yard in the city of Brooklyn, New York, for the purpose of establishing a public market, to the Committee on Naval Affairs.

Also, the petition of Phœbe Meech, for relief, to the Committee on Invalid Pensions.

By Mr. BUCKNER: The petition of Richard H. Porter, of Kentucky, for compensation for property seized and appropriated by the United States Army, by order of General Sidney Johnson, in the year 1857, to the Committee of Claims.

By Mr. GOODE: The petition of Major T. G. Baylor, of Fort Monroe, Virginia, to be relieved from the payment of a certain sum of money for which he is now held liable by the Treasury Department, to the same committee.

By Mr. GOODIN: Memorial of the Wyandotte Indians, for the payment of moneys due them under the treaty of 1867, to the Committee on Appropriations.

By Mr. HARTRIDGE: The petition of Rosanna McGuire, for the

re-examination of her claim, disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. HOOKER: The petition of William Hawes Harris, of similar import, to the same committee.

By Mr. HUNTON: Papers relating to the petition of John R. Holland, for a reference of a claim for property destroyed by the United States Army to the Court of Claims, to the same committee.

By Mr. JONES, of Kentucky: The petition of manufacturers and dealers in tobacco in Kenton County, Kentucky, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. KASSON: The petition of Keys, Thompson & Reeves and Shackleford Brothers, of similar import, to the same committee.

By Mr. LUTTRELL: Concurrent resolution of the Legislature of California, requesting that Congress grant to certain railroad companies scrip or other land in lieu of land now claimed by them, upon which settlers have located under the homestead and pre-emption laws, to the Committee on Public Lands.

By Mr. NEAL: The petition of W. M. Armstrong and others, of Ripley, Brown County, Ohio, against any change in the law regulating the mode of packing tobacco, to the Committee of Ways and Means.

By Mr. THORNBURGH: The petition of Charles Wagnon, of Knoxville, Tennessee, for compensation for certain property used by the United States Army, to the Committee on War Claims.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of James Stephens, Masson & Sons, A. Blakely & Sons, Robert Wetherill & Co., Whitely, Brother & Co., Charles Roberts, and 355 others, manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties upon foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

By Mr. WALSH: The petition of Jacob J. Fleishell, for compensation for injuries to his person, received while at work on the Capitol extension in 1858, to the Committee of Claims.

The following papers were presented at the Clerk's desk under the rule without having indorsed thereon the name of any member of the House, and referred as stated:

The petition of H. B. Folk, for compensation for the destruction of two houses by United States soldiers, to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 23, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. It becomes the duty of the Chair to announce the hour to which the Senate sitting for the trial of the impeachment adjourned. Is there objection to a legislative session until more Senators are present?

Mr. MORRILL, of Vermont. For morning business.

The PRESIDENT *pro tempore*. The Chair hears no objection to continuing the legislative session until the morning business is through.

Mr. DAVIS. I understand it is for morning business only?

The PRESIDENT *pro tempore*. The Chair so stated.

VISITORS TO WEST POINT.

Mr. CLAYTON. I ask to be excused from serving as one of the members of the Board of Visitors on the part of the Senate to visit the Military Academy at West Point.

The PRESIDENT *pro tempore*. The Senator resigns. The Chair accepts the resignation, the appointment having been made by the Chair.

CONSULTING TRUSTEE OF DISTRICT REFORM SCHOOL.

The PRESIDENT *pro tempore* appointed under the act of May 3, 1876, Mr. HITCHCOCK a consulting trustee on the part of the Senate of the Reform School in the District of Columbia for the term of four years.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of citizens of Sherburn County, Minnesota, praying for the establishment of a mail-route from Elk River Station to Santiago in that county; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ROBERTSON presented a memorial of the Chamber of Commerce of Charleston, South Carolina, in behalf of merchants and citizens of that city, remonstrating against the ratification of the treaty with the Hawaiian Islands, on account of a provision in the treaty for the admission of rice grown on those islands free of duty; which was referred to the Committee on Finance.

He also presented the memorial of April S. Morgan and other colored citizens of Saint John's, Berkeley, Charleston County, South Carolina, remonstrating against the ratification of the treaty with the Hawaiian Islands on account of a provision in the treaty for the admission of rice grown on those islands free of duty; which was referred to the Committee on Finance.

Mr. ROBERTSON. I present the petition of George L. Buist, Benjamin C. Webb, and other citizens of Charleston, South Carolina, stating that they are preparing to erect a suitable monument in memory of the battle of Fort Moultrie, which was successfully fought against a British fleet on the 28th day of June, 1776, and praying that a certain amount of condemned bronze cannon be given them to surmount on the monument a figure in bronze of a continental soldier replacing the flag of the fort, which had been shot down. I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. DORSEY presented the petition of H. H. Mathis, of Saint Francis County, Arkansas, praying compensation for cotton taken and appropriated by United States troops during the late war; which was referred to the Committee on Claims.

Mr. HAMLIN presented a memorial of citizens of Penobscot, Maine, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BURNSIDE presented a petition of citizens of Washington, District of Columbia, praying that an appropriation be made for the purpose of widening and deepening the Washington channel of the Potomac River from the Long Bridge to Arsenal Point; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a memorial of the executive committee of the soldiers' third national annual re-union at Caldwell, Ohio, asking the passage of House resolution No. 115, loaning Government cannon and military accouterments for the national soldiers' re-union, September 5, 1876; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented a memorial of workingmen of Erie County, New York, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3093) for the relief of the legal representatives of Zachariah B. Washburn, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1253) granting to the State of Missouri all lands therein selected as swamp and overflowed lands, reported it without amendment.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. No. 714) to aid in the construction of a military bridge across the North Platte River, reported it with amendments.

Mr. DORSEY. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2962) to amend the act entitled "An act to incorporate the Joint Stock Company of the Young Men's Christian Association of Washington," to report it without amendment; and I ask for the present consideration of the bill. I do not think it will lead to the slightest debate.

Mr. EDMUNDS. I think it had better go over, for as soon as we have a quorum I think we ought to go on with the regular order. There will be no difficulty about getting up the bill to-morrow; but we should go to the regular order to-day as soon as possible.

Mr. DORSEY. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SHERMAN, from the Committee on Finance, to whom were referred the bill (H. R. No. 1034) for the relief of James G. Harrison, and the bill (S. No. 840) for the relief of Norman H. Ryan, asked to be discharged from their further consideration and that they be referred to the Committee on Claims; which was agreed to.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming, reported it without amendment.

Mr. WRIGHT. If the morning business is through——

Mr. EDMUNDS. We are going to have the regular order presently, and cannot pass any bills.

Mr. BOUTWELL. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio, to report it back with a slight amendment, and I have no doubt the Senate will concur in the passage of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts ask for the present consideration of the bill?

Mr. BOUTWELL. Yes, sir.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 301) to provide for the appointment of clerks of the courts of the United States in the district of Indiana, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 362) prescribing an oath of office, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 240) relating to the jurisdiction of the circuit courts of the United States, reported it with amendments.

Mr. CONKLING. I am authorized by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon, to report it back with an amendment. This being a joint resolution suggesting the intercession of our Government in obtaining the pardon or release of Edward O'Meagher Condon, an American citizen imprisoned in an English prison, I will say in making this report that if it be the pleasure of the Senate at an early moment I shall ask that the joint resolution may be considered.

Mr. WRIGHT. If it is the intention of the Senate to proceed with the regular order I shall not insist upon the motion I was about to make; but if we are to proceed with legislative business, I claim the floor for the purpose of moving to take up a bill, if I can do so.

Mr. EDMUNDS. We ought to go on with the regular order. The court adjourned until twelve o'clock.

Mr. WRIGHT. I understand the Senator from Vermont objects.

Mr. EDMUNDS. I do not object. I ask the Senate to proceed according to its order.

Mr. CONKLING. I beg to make an appeal for a moment to the Senator from Iowa, which I do not on my own suggestion merely, but on that of other Senators. I think no time would be consumed in acting upon the joint resolution which I have just reported touching Condon. The Senator will remember that petitions have come from many States in that regard. It is a House resolution. There is no amendment except a verbal one. If the Senator from Iowa will yield for that purpose, I ask the Senate to take up the resolution. I am sure it will lead to no debate, and can be disposed of at once.

The PRESIDENT *pro tempore*. The Senator from Vermont has called for the regular order.

Mr. CONKLING. Then I make my appeal to the Senator from Vermont.

Mr. EDMUNDS. I wish the Senator would be kind enough to let this matter go over until to-morrow, for I wish to look at it a little.

Mr. CONKLING. I do not insist at all. It is the right of any Senator to require a measure just reported to lie over.

BILL INTRODUCED.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 862) to amend and construe section 4887 of the Revised Statutes, in relation to foreign patents; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

EARLY RESOLVES AND ORDINANCES.

Mr. MERRIMON. I offer a resolution, which I send to the Clerk's desk, and I will make a remark in explanation of its purpose.

I had occasion recently to examine the legislative resolves and ordinances of the Continental Congress and the Congress under the Confederation. I was astonished to learn that these resolves and ordinances had never been collected, and I could only find them in the Journals of Congress. I found the Journals to consist of thirteen volumes, which had been very imperfectly indexed, and there was an imperfect index for each volume; so that I was under the necessity of looking through every volume to find what I wanted. There has been a second edition of the Journals, that edition being in four volumes, but it is as defective as the first edition, and both editions are exceedingly scarce.

These resolves and ordinances are very important, as they reflect a light on subsequent legislation and on subjects that are constantly engaging the attention of Congress more or less. It seems to me it is very important that they should be collected. The object of the resolution I now introduce is to instruct the Committee on the Library to inquire into the expediency and propriety of collecting these resolves and ordinances and printing them in a proper form for use. I desire to have the resolution considered at once.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Committee on the Library be, and they are hereby, instructed to inquire into the propriety and expediency of collecting and printing in convenient form for use the legislative resolves and ordinances passed by the Continental Congress and the Congress of the Confederation, and report by bill or otherwise.

COST OF PENSIONS TO SOLDIERS OF 1812.

Mr. SHERMAN. I offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate a detailed estimate of the amount that would be required to execute House bill No. 2454 as reported with amendments from the Senate Committee on Pensions and now pending before the Senate.

The resolution merely calls for information as to the cost involved in certain legislation—the pension bill.

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Ohio that the resolution does not contain the title of the bill.

Mr. SHERMAN. The title is given by the number. It is a bill amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes.

The resolution was considered by unanimous consent, and agreed to.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. Is there further morning business? [A pause.] Pursuant to order the legislative and executive business of the Senate will be suspended, and the Senate proceeds to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

On motion of Mr. SARGENT, (at five o'clock and forty minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 23, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. BLOUNT obtained the floor.

Mr. FAULKNER. I ask the gentleman from Georgia to yield to me for the purpose of introducing a bill for reference only.

Mr. WILSON, of Iowa. I demand the regular order of business.

Mr. BLOUNT. The regular order of business being demanded, I move that the rules be suspended and the House resolve itself into Committee of the Whole on the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CLYMER in the chair,) and resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. When the committee rose the pending question was on the following amendment, moved by the gentleman from Alabama, [Mr. LEWIS.]

The Clerk read as follows:

On page 3 strike out all from the beginning of line 43 to the word "commencement" inclusive in line 51, and insert the following:

That the navy-yards at Brooklyn, Kittery, Charlestown, and Norfolk be retained for general purposes; and those at Pensacola and Mare Island be retained as naval rendezvouses, and for temporary repairs; and the yard at Washington be used only for manufacturing purposes under the direction of the Secretary of the Navy; and the yards at League Island and New London be abandoned, and the property thereto appertaining, where the same cannot be utilized or removed without too great expense, be sold, and the proceeds turned into the Treasury; and for the civil establishment at the foregoing yards, —— thousand dollars.

Mr. PIPER. I rise to move an amendment to the amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. LEWIS] is entitled to the floor.

Mr. LEWIS. Mr. Chairman, it is a subject of regret that it is almost impossible under the five-minute rule to give all the considerations which induced the Committee on Naval Affairs to offer this amendment to the naval appropriation bill, but we think the House is already in possession of sufficient reasons to justify the retention of the excellent navy-yards at Charlestown, Kittery, Brooklyn, and Norfolk for general purposes, and that they are convinced of the necessity of retaining at least one naval rendezvous on the Gulf of Mexico, that is, the navy-yard at Pensacola, for temporary repairs. We all admit the necessity of retaining the navy-yard at Mare Island, California, for the protection of our Pacific coast, and for the repairs of our Navy upon the waters of the Pacific. It is, then, only necessary for me to address myself to the two propositions of abandoning League Island and New London.

Every candid person who deals with this question must admit the many advantages which Philadelphia has as a naval station. The close proximity to the immense iron and coal resources of Pennsylvania, the excellent fresh-water front at League Island, the resources of labor, being the second city in the Union in population and the greatest city in point of manufacture, and, all things being equal, if we were starting out for the purpose of establishing navy-yards, doubtless Philadelphia would be selected as a point. But this House should not forget that Pennsylvania did have a navy-yard, that it had an excellent navy-yard embracing twenty-two acres in extent, with a splendid water front of eight hundred and twenty feet, and that when the city of Philadelphia desired to get rid of it that vast corporation, the Pennsylvania Railroad, laid covetous eyes on those twenty-two acres as well as the beautiful water front of eight hundred and twenty feet, and this country has witnessed within the last few months the disgraceful sight of seeing that property belonging to this Government sold to that corporation at the price of $1,000,000 when every man who is acquainted with the facts knows it is worth $6,000,000 and perhaps $10,000,000 to-day. You propose to sell navy-yards this day, to institute proceedings for selling Charlestown, closing Kittery, and selling Pensacola as well as the navy-yard at Washington with all its excellent machinery, purchased at an enormous

price for the Government; and yet the machinery at the Philadelphia navy-yard lies there in one vast confusion and jumble, perfectly worthless to the Government. I want this House to consider whether it is proper, representing as we do the people of the United States, in their present financial distress, to begin the enterprise of building a new navy-yard in place of the old one at League Island, four miles from the city, away from conveniences for labor, with no means of occupancy except by grading and filling at enormous expense, with a depression of surface below high-water mark, subject to overflow at every high tide, and which could not be prevented except by the most costly system of dikes? Where are you to get a foundation for the heavy buildings planned, the vast machine-shops and heavy machinery, except by a system of piling, costly and expensive, over a vast area of four hundred and twenty acres?

[Here the hammer fell.]

Mr. PIPER. I offer the following amendment to the amendment.

The Clerk read as follows:

That the navy-yards of Brooklyn, Mare Island, Kittery, Charlestown, Norfolk, Pensacola, and League Island be retained for general purposes, the yard at Washington be used for manufacturing purposes alone, and New London be retained as a naval station.

Mr. HALE. I rise to a question of order.

Mr. RANDALL. Mr. Chairman, before the point of order is made I wish to ask that on any point of order which may be submitted the debate shall be confined to the narrowest limits. Yesterday the debate on a point of order took a somewhat wide range.

The CHAIRMAN. The Chair receives the suggestion of the gentleman from Pennsylvania with pleasure, and will endeavor to enforce it.

Mr. HALE. My point of order is this: The gentleman from Alabama [Mr. LEWIS] moves a proposition as a substitute for the whole clause relating to navy-yards. The gentleman from California [Mr. PIPER] moves to amend that amendment. There are certain amendments designed to perfect the text of the original paragraph which should be first offered, or an opportunity allowed for them to be offered, that the clause in the bill may be perfected. I have one such amendment myself, and I believe the chairman of the Committee on Appropriations has one. Therefore I would suggest that the amendment just read be retained until the amendments designed to perfect the clause in the bill are disposed of.

The CHAIRMAN. The Chair would hold that the point of order is well taken; for the reason that if it is proposed to amend the bill by striking out the paragraph the friends of the paragraph are entitled to make it in the first place as perfect as they can by amendments submitted before the question is put on striking it out. The Chair therefore rules that the amendment of the gentleman from California to the amendment of the gentleman from Alabama will be in order after the original paragraph is perfected by such amendments as may be offered.

Mr. HALE. I offer the following amendment:

In line 45 of the bill, after the word "California," insert the words "and Kittery, Maine;" so that it will read:

For the civil establishment at the navy-yards at Brooklyn, New York; League Island, Pennsylvania; Norfolk, Virginia; Mare Island, California; and Kittery, Maine, $80,000.

I offer this amendment for this reason: The Committee on Appropriations has sought in the proposition before the House in this bill to curtail the expenses of the Government upon the theory that fewer navy-yards than we now possess need to be maintained. I agree to that general proposition. I have believed for years, from some familiarity with naval affairs, that we need fewer navy-yards than at present exist. But there are certain needs of the Navy that must be borne in mind whatever number we agree upon; and there is no one yard that for certain purposes answers what the Kittery navy-yard furnishes the Government.

My colleague [Mr. BURLEIGH] has said already, and truthfully, that the Kittery yard is the yard especially where ships coming home from long cruises, from hot and pestilential climates, can be taken with advantage. A gentleman on my right suggests that it is a good yard where disease and pestilence can be frozen out; and perhaps that expresses the idea better than anything I can say. It is far north; and for that very reason these services can be with advantage performed at that yard. There is no other yard, Mr. Chairman, that answers these purposes. The Charlestown yard does not. The Brooklyn yard does not. The Philadelphia yard does not.

I had proposed in addition to this amendment to move to increase the sum reported by the committee of $80,000 to something more, but on reflection I believe that if the authority is left as it is in the bill, with the Secretary of the Navy, he may maintain the moderate establishment at the Kittery yard and the other yards for $80,000, so that my amendment, while perfecting the section, adds nothing to the amount in the bill.

The committee did not resolve to recommend the sale of the Kittery yard, because it recognized the fact that it was needed for the purposes I have indicated. I only go further in permitting the Secretary of the Navy to keep up during the coming year such an establishment in that yard as the needs of the service require. I do not ask an additional dollar of money, and hope that the committee realizing the force of these reasons will insert what I have moved as an amendment.

Mr. REAGAN. I offer the following amendment to the amendment of the gentleman from Maine, [Mr. HALE:]

In line 45, after the word "California" and before the words "and Kittery, Maine," proposed to be inserted by Mr. HALE's amendment, insert the words "Pensacola, Florida;" and strike out "$80,000" in the same line and insert in lieu thereof "$100,000;" so that it will read:

Mare Island, California, Pensacola, Florida, and Kittery, Maine, $100,000.

I yield the floor to the gentleman from Florida, [Mr. FINLEY.]

Mr. FINLEY rose.

Mr. RANDALL. I would like to ask the Chair how many amendments are pending?

The CHARMAN. But two; an amendment and an amendment to the amendment.

Mr. RANDALL. This is the third, then.

The CHAIRMAN. The Chair would state for the information of the gentleman from Pennsylvania that the pending amendment is that just offered by the gentleman from Texas [Mr. REAGAN] as an amendment to the amendment offered by the gentleman from Maine, [Mr. HALE,] which is to insert the words "and Kittery, Maine."

Mr. RANDALL. Is that an amendment to the amendment of the gentleman from Alabama, [Mr. LEWIS?]

The CHAIRMAN. The Chair has heretofore decided that the amendment offered by the gentleman from Alabama must be held in abeyance, the point of order being made until the original section is perfected.

Mr. RANDALL. I submit that amendments cannot be held in abeyance in that way. I must insist that the amendment of the gentleman from Alabama is either pending or it is not. It is either in the nature of a substitute or an amendment to the paragraph. My only desire is to simplify and make clear the proceedings of the committee.

The CHAIRMAN. The Chair would have been happy to hear the gentleman from Pennsylvania [Mr. RANDALL] when the point of order was made by the gentleman from Maine [Mr. HALE] that the amendment offered by the gentleman from Alabama [Mr. LEWIS] was not in order until the friends of the original paragraph should have an opportunity of perfecting it by amendments.

Mr. RANDALL. If it was an amendment it was an amendment. If it is held in abeyance it is a substitute.

The CHAIRMAN. The Chair would suggest that it was a motion to strike out a paragraph and insert.

Mr. RANDALL. Well, I must insist upon it that there can be but two amendments pending at the same time.

Mr. REAGAN. Before the Chair decides the question, I desire to say a word. The gentleman from Alabama [Mr. LEWIS] offered his amendment, and it was got in before the amendment proposed by the Naval Committee.

Mr. RANDALL. O, no; it is the amendment of the Naval Committee.

Mr. REAGAN. This amendment was a substitute, and the gentleman from California offered an amendment to that substitute. The gentleman from Maine [Mr. HALE] then offered to perfect the original text of the bill, and the Chair decided that it was in order that he should do so. I then offered an amendment to his amendment also perfecting the original section, both of them being in order. That is the way the question now stands.

Mr. RANDALL. The gentleman had no right to offer an amendment in the third degree.

Mr. REAGAN. I did not do so; my amendment is in the second degree, being an amendment to the amendment of the gentleman from Maine to perfect the original text.

Mr. RANDALL. The gentleman from Alabama offered an amendment to perfect the original text.

Mr. REAGAN. No; it was a substitute for a portion of the original text of the paragraph.

Mr. RANDALL. You cannot offer a substitute for a part of the paragraph.

Mr. HALE. If the gentleman from Pennsylvania will listen to my suggestion I think I can make it clear. The gentleman from Alabama moved a substitute for the whole paragraph.

Mr. RANDALL. If he had done that I would have had nothing to say.

Mr. HALE. I understood him to move to strike out the whole clause.

Mr. LEWIS. No, sir; I did not.

Mr. RANDALL. I think it would be better that we should go back and consider the amendment of the gentleman from Alabama, as pending, and then allow an amendment to be offered to that.

The CHAIRMAN. The Chair will ask a question of the gentleman from Alabama for information. As the Chair understands, the amendment proposed yesterday by the gentleman from Alabama was an amendment to strike out the pending paragraph and insert a substitute?

Mr. LEWIS. No, sir.

The CHAIRMAN. If the Chair was in error in regard to that matter, his decision made on the point of order was wrong.

Mr. HALE. My point of order was hypothecated on the assumption that the amendment of the gentleman from Alabama was a substitute for the entire paragraph.

The CHAIRMAN. And that was the supposition of the Chair.

Mr. REAGAN. I desire to say—and the RECORD will bear me out in it—that what was offered by the gentleman from Alabama was a substitute from the word "dollars" in line 47.

Mr. LEWIS. No; the gentleman is mistaken.

The CHAIRMAN. The Chair will hold that if the amendment of the gentleman from Alabama was not intended to be in the nature of a substitute for the entire pending paragraph, it is now in order that that amendment and the amendment to it proposed by the gentleman from California [Mr. PIPER] shall be received at this time.

Mr. LEWIS. My amendment was to strike out all after line 43, down to the word "commencement" in line 51, and to insert what I offered in lieu thereof, then the gentleman's amendment is in order and the amendment of the gentleman from California to that amendment will now be received.

Mr. HALE. I believe the gentleman from California yielded to me, so that mine is a separate amendment.

The CHAIRMAN. That is an amendment in the third degree.

Mr. HALE. If the gentleman from California will yield to me to offer my amendment it will then be an amendment in the second degree.

The CHAIRMAN. If the gentleman from California withdraws his amendment to the amendment then the gentleman from Maine will be entitled to the floor to offer his amendment.

Mr. REAGAN. The gentleman from California yielded to the gentleman from Maine merely to offer an amendment perfecting the original text.

Mr. HALE. Does the gentleman from California yield to me?

Mr. PIPER. No, sir; I cannot.

Mr. HALE. Then if the gentleman declines to yield, I will offer mine after his is disposed of.

The amendment offered by Mr. PIPER was then read, as follows:

That the navy-yards at Brooklyn, Mare Island, Kittery, Charlestown, Norfolk, Pensacola, and League Island be retained for general purposes, and the yard at Washington be used for manufacturing purposes alone, and New London be retained as a naval station.

Mr. PIPER. As a general proposition, I am opposed to breaking up any one of the many yards of the United States. I believe that the people of our country are desirous that we should maintain a respectable naval establishment. Without a naval establishment how are we to be a commercial and maritime people in a commercial sense? I believe that it is the most suicidal policy that this House can entertain to attempt to destroy our efficiency and capacity for building national ships of war.

I regret particularly to see an attempt here to destroy and dismantle the navy-yard at Mare Island, California. Shortly after the acquisition of that territory the democratic party having acquired it, they immediately went to work like wise men and statesmen to build up a great naval establishment in the waters of the bay of San Francisco. This was a democratic measure, and I regret to see now a democratic House of Representatives entertaining for a moment the idea of dismantling that great establishment the navy-yard at Mare Island. I presume that no one will deny that it is one of the best suited for that purpose of any in the United States. It is located about thirty-five miles from the entrance of the Golden Gates, on an island of high ground in the most salubrious climate of the American Republic. It is surrounded by deep water, so that any ship can come up alongside of the bulwarks; and I believe it is now capable of building as good ships and as cheap ones as any other navy-yard in the United States.

We possess on the Pacific Ocean a sea-coast line of three thousand miles; it is seven or eight thousand miles from that coast to Brooklyn or Norfolk; and would you have ships come around here to be rebuilt at the cost of one-third of what they originally cost? The facilities for building wooden ships on the Pacific coast are quite equal at least to those of the Atlantic coast. We have the finest kind of timber there—white oak, live-oak, laurel, and every other kind of timber well suited for the construction of ships. We have had one ship of war only built at the navy-yard in California, and that a very small one, the Saginaw. She was built of green timber, and yet she lasted longer than any vessel built at the navy-yards at Pensacola, Norfolk, or Brooklyn.

In addition to this, we have at Mare Island a dry-dock about half completed, which is one of the best in the United States, and I believe as good as any in the world. We have a floating-dock there capable of taking up almost any ship, and a ship-railway upon which any ship can be drawn for repairs. We have a machine-shop there capable of building a first-class iron-clad, machinery and all.

In the face of all this, it is absolutely astounding to hear gentlemen on this floor advocate the idea of dismantling and breaking up this navy-yard, the only navy-yard we have on the Pacific coast; and that, too, when Great Britain is building a powerful navy-yard upon our northern borders, and planting armaments there with which to destroy us in case of war. If the democratic party of this House dismantles our navy-yards and destroys the Navy of the United States, it will be the Ægos Potamos of that party.

Mr. LUTTRELL. I have been sent here by the people of my district to represent it, and the only navy-yard on the Pacific coast, which is located in my district. I do not propose to interfere with the amendments of any other members upon this floor. I believe the Representative from the New London district is fully competent to present his amendment here, and I propose to sustain him. But my colleague [Mr. PIPER] has seen fit to offer an amendment which he knew I had prepared in connection with this matter.

Mr. PIPER. I knew nothing of the kind.

Mr. LUTTRELL. There are a great many things that my colleague does not know; but he will learn after a while that it is a wise man who attends to his own business. I came here and, as the chairman of the Committee on Appropriations well knows, labored earnestly from the beginning of the Forty-third Congress to the present time to make Mare Island in my district a first-class navy-yard. In accordance with my wishes and the wishes of my constituents the Committee on Appropriations have agreed to make it a first-class navy-yard.

I am opposed to the amendment offered by the Committee on Naval Affairs, because it strikes at the only navy-yard we have on the Pacific coast. We have a navy-yard there which when completed will be the most extensive in the civilized world.

Mr. LEWIS. We propose to retain the Mare Island navy-yard.

Mr. LUTTRELL. Your amendment simply proposes to retain it as a naval rendezvous.

Mr. LEWIS. And for repairs.

Mr. LUTTRELL. Yes, and for repairs.

Mr. LEWIS. That is all that is necessary.

Mr. LUTTRELL. We have machinery in that yard which covers acres of land and is of the finest in the United States; we have in it the most extensive workshops in the United States. We are prepared to construct vessels there as cheaply as they can be constructed in any yard of the Government. We have a harbor there some one hundred and twenty miles in length and from eight to twenty-five miles in width, and on an average from five and one-half to forty-six fathoms of water. It is the healthiest locality in the United States. We have every advantage for constructing and repairing vessels that any part of the United States has. We purchase the best English coal for $8 per ton; all the coal we have upon that coast we purchase for from six to eight dollars per ton. Can it be purchased cheaper anywhere else? We have an abundance of timber of superior quality, which can be purchased as cheaply as at any other place in the United States, and our iron on that coast is of the best quality.

We have over three thousand miles of coast which requires a navy-yard for the protection of our commerce. I hope the report of the Committee on Appropriations will be sustained, and that the amendment offered by the gentleman from Alabama [Mr. LEWIS] will not be adopted. I cannot see what object they can have in striking at the only navy-yard we have upon the Pacific coast, unless it be that they charge fraud there. I admit that frauds have been perpetrated there, not by the people, not by the navy officers, but by a political ring which has run that yard in the interest of political rings. If the navy-yard at Mare Island is to be stricken down because of corruptions in political maneuverings, what department of the Government is there to-day which upon the same principle should not be stricken down? I hope the amendment of the gentleman from Alabama [Mr. LEWIS] will not prevail.

Mr. FINLEY. Mr. Chairman, the Pensacola navy-yard is not within the district which I have the honor to represent, yet it is within a State of which that district forms a part.

This fact, however, does not control my opinion in regard to the amendment offered by the gentleman from California, [Mr. PIPER,] which amendment I in the main approve. In the brief consideration which I have been able to give the matter I have endeavored, and I trust successfully, to relieve my mind of all sectional bias and to place the whole subject on the higher ground of a sound national policy.

The Committee on Naval Affairs, in their report and in the bill which accompanies it, propose to retain the yard at Pensacola for the purpose of repairs.

This limitation of its uses for the present is doubtless wise and judicious, and does in no just sense antagonize the commendable policy of retrenchment in the public expenditures which has been inaugurated by the House.

But the bill proposed by the Committee on Appropriations not only omits to provide for the maintenance of the Pensacola yard as a yard for repairs, but looks to its future discontinuance and abandonment.

In this refusal or omission to make any appropriation for its maintenance as a yard for repairs is involved not only an apparent question of economy but also a question of national policy of the gravest character.

Now, Mr. Chairman, I do respectfully but earnestly contend that any legislation which looks to the discontinuance of either Pensacola or League Island as yards of repair and to their ultimate abandonment as proposed by the bill now before the House would be unwise as a measure of public policy, and moreover cannot be sustained upon any intelligent view of economy.

In considering the question as one of public policy, I will here venture to observe that thoughtful and reflecting statesmen will scarcely allow their opinion to be controlled by a trifling saving which the present circumstances of the country would *seem* to warrant, but will attentively consider not only the *probabilities* but also the *possibilities* which lie in the future and which may make it of the greatest national importance that both these yards should be continued and maintained.

It should be borne in mind that the civilized world is every year

exhibiting a more enlightened and Christian disposition to cultivate the benign arts of peace rather than to encourage the barbarous and horrible practices of war.

As this sentiment strengthens its hold on the minds and hearts of mankind they will naturally, and I will add necessarily, turn their thoughts and energies to the varied employments of peaceful life.

In this condition of things it may be expected that international commerce will enter upon a career of rapid and vast expansion.

The signs of the times and the present condemnation of needless wars by the almost universal sentiment of mankind indicate that in the future the principal contests between the civilized nations of the earth will not be those of arms, but rather a struggle for commercial supremacy, whose chief theater will be on the high seas. And if the United States would not fall behind in the race of progress and prosperity they must enter into the competition in the spirit of an active and generous emulation, guided and directed by an enlightened commercial policy.

But we should remember, and remember now while we have under consideration the provisions of this bill, that, as individual disputes are constantly growing out of the unavoidable competitions of private and domestic trade, so controversies may be expected to arise out of the struggles of rival nations for commercial supremacy.

In view of the unavoidable contingencies and the vicissitudes which must attend the expanded and ever-expanding commerce of a country like our own—a commerce which plows every sea and visits every land—we may not hope or expect always to escape armed collisions with our commercial rivals.

To hold ourselves in readiness to meet such exigencies when they arise, and to make timely and adequate preparation for war when it must and does come, is but to exercise a provident foresight which wise and thoughtful statesmen will not overlook.

Agreeing as I do with the Committee on Naval Affairs in the general proposition that in a time of assured peace it is unnecessary to maintain our naval establishment on a war footing, yet I contend that a sufficient number of ships and guns should be kept afloat to give ample protection to our commerce upon every sea, and also that our navy-yards should be kept and maintained in such a condition and with such supplies of material for construction on hand as will enable the Government whenever there should be war, either actual or threatened, to convert them *instantly* into yards of active and efficient construction.

If this be sound policy—and I imagine the proposition as I have stated it will not be denied—I will now proceed to present for the consideration of the committee certain facts in support of the amendment which provides for the retention of the Pensacola navy-yard; and, as these facts cannot be denied, it is unnecessary to do more than simply to state them.

First. That it is the only navy-yard on the Gulf of Mexico.

Second. That it is located on a bay with the best entrance and harbor on the Gulf of Mexico.

Third. That it has perfect security in the military fortifications which command the entrance to the harbor.

Fourth. That it is within a gulf that is almost land-locked, which renders it capable of an easy, and I may say, impregnable defense, and thereby securing to our Navy a secure cover, if at any future time we should be driven from the Atlantic by the naval powers of Europe through a hostile combination.

Fifth. That in view of such possibilities, (which, in my judgment, it were wise to anticipate,) it is not too much to say that the time may come, and will come, how soon no one can tell, when a navy-yard for construction on the Gulf will become a national necessity.

Sixth. That it is contignous to an almost inexhaustible supply of the finest live-oak and yellow-pine timber for the construction of vessels of war and for spars and masts in the United States.

Seventh. That it has easy, convenient, and secure railroad communication with the rich coal-fields and magnificent iron-mines of Alabama and Tennessee.

Eighth. That if it be the true policy of the Government to retain it, as recommended by the Committee on Naval Affairs, then it will be true economy to maintain it for the present as a yard for repairs, so that it may in the future, when the exigencies of national defense may require it, be readily converted into a yard for the construction of ships of war, of wood or iron as may be necessary.

Ninth. If it be right to retain and maintain the Pensacola navy-yard for the reasons I have stated, then, upon the score of economy, it would be unwise to abandon it after having already expended millions and millions in its establishment and construction; and in my judgment adequate appropriations should be made at the present time for maintaining it as a yard for repairs at least if not for the collection of ship-timbers and for other needful preparations for constructing war vessels, when in the unforeseen contingencies of the future they may be needed for national defense or for the protection of a commerce which, if we act wisely, is bound to take the lead among all the nations of the earth. In regard to the navy-yards at League Island and Mare Island I will remark that, for the reasons so strongly presented by various gentlemen on this floor, I am satisfied that they should be retained as yards for repairs for the present and for the construction of vessels of war in the future, when required, and shall therefore vote for it.

Mr. WAIT. The brief time that is allowed me under the rules of the House compels me to state in the fewest words possible the grounds on which I rest my opposition to the amendment of the gentleman from Alabama, which points to a recession of the naval depot at New London to the State of Connecticut.

Prior to 1862 great changes had taken place in the manner of constructing and arming vessels of war, involving a radical change in naval architecture, and demanding the enlargement of old naval yards and the establishment of new ones. To meet this emergency and to select a suitable sight for a new navy-yard and naval depot, adequate to the new and peculiar requirements of the day, Congress empowered the Secretary of the Navy to appoint a board, composed of the most intelligent and experienced naval officers and engineers, to examine Narraganset Bay, the harbor of New London, and League Island, and to report by the selection of which the public interest would be best subserved. A thorough and careful examination was made by Commodores Stringham, Gardner, and Van Brundt, and Chief Engineer Sanger; they reported in due time the result of such examination to the Secretary of the Navy, and to that report was appended the following resolution:

Resolved, That the harbor of New London possesses greater advantages for a navy-yard and naval depot than any other location examined by this board.

But Congress did not permit the matter to rest here. In 1864 it directed the Naval Committee of the House to visit the proposed site at New London, to make a thorough examination of the harbor and its surroundings, and to report the result of such careful investigation. The committee made a most thorough personal examination and an elaborate report, which report concluded in the following language:

The site near New London, presenting such great natural and economical advantages, has been tendered as a free gift to the Government. The committee recommend its acceptance; and for the purpose of locating thereat a navy-yard and depot, such as is contemplated by the naval authorities, they recommend the passage of the accompanying bill for a public act.

Congress becoming convinced from the report of the board of officers appointed by the Secretary of the Navy and that of the Naval Committee of the House of the very prominent and controlling advantages presented by the site for a navy-yard on the banks of the Thames, springing out of the accessibility of the harbor of New London at all seasons of the year; its protection from invasion by the fortifications at its month; its admirable capacity to shelter shipping in the most unfavorable conditions of weather from the winds and the waves; the great depth and width of the channel leading from the mouth of the harbor to the proposed site of the naval depot; its comparative freedom from ice, even in the most rigorous winters; the favorable character of the soil; its proximity to the extensive mechanical establishments that exist throughout New England; and the facility with which all the material required for the construction or repairing of war vessels could be obtained, took further and important action at its session in 1867, and passed the following resolution:

Resolved, That the Secretary of the Navy be, and he hereby is, directed to receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land, with not less than one mile of shore front, lying on the Thames River, near New London, Connecticut, to be held by the United States for naval purposes.

The State of Connecticut having thus formally been invited by the people of the Union, speaking through their representatives in Congress, to convey such tract of land to the United States by the action of its Legislature, empowered commissioners to execute and deliver a deed of gift of the tract of land on the banks of the Thames and relinquished its jurisdiction over the same, as required by the votes of Congress and the laws of the United States.

And Congress from the time that this territory was presented by the State of Connecticut and accepted by the United States for the purposes for which it was originally donated have made appropriations for the improvement of the same amounting in the aggregate to nearly $150,000, which appropriations have been expended in grading the ground, the construction of a wharf eight hundred feet in length, and the erection of store-houses and mechanics' shops and other buildings proper for the purposes of a naval depot.

While this proposition to locate a navy-yard on the bank of the Thames was pending before Congress, the Chamber of Commerce of the city of New York, alive to the very great advantages which that city would derive from the location of this naval depot at New London in adding to its defenses and protecting its commerce, presented the following preamble and resolutions to Congress, urging that body to take immediate steps to obtain the site and make such appropriations as would lead to the immediate establishment of a navy-yard:

Whereas the Secretary of the Navy called the attention of Congress to the necessity of an additional navy-yard and depot, adapted to the enlarged wants of the country; and whereas the location of said yard and depot is of vast importance to our city as a defense against foreign aggression; and whereas a board of six naval officers and engineers were appointed under an order of Congress to survey and examine [naming other sites] the harbor of New London, Connecticut, with reference to their capacity and fitness for that object, and to report by the selection of which place the public interest would be best promoted; and whereas a majority of the said board, after devoting more than two months to a careful, laborious, and thorough survey and examination of said sites, and after a full discussion of their advantages, immediate and incidental, came to the conclusion "that the harbor of New London possessed the necessary capacity and fitness for such a yard, and that the public interests would be promoted by its establishment there;" and whereas, during the present session of Congress, the Naval Committee, together with a delegation from the Military Committee and the Committee of Ways and Means, have visited and personally examined the said sites, and a majority have recently reported in favor of the harbor of New London: Therefore,

Resolved, That in view of the importance of this question to the whole country, and especially to the interests of commerce and navigation, which are especially protected by the Navy, and in which this city is so deeply interested, this chamber fully concurs in the expression of opinion of the said board of naval officers and engineers, and of said Naval Committee, and do earnestly urge upon Congress to speedily pass a law establishing the navy-yard and depot at New London, and to appropriate the means for carrying the same into effect.

Resolved, That the preamble and resolutions be duly authenticated and transmitted to both Houses of Congress by the hands of a committee, consisting of Messrs. Marshall and McCurdy.

A. A. LOWE,
President Chamber of Commerce State of New York.
JOHN AUSTIN STEVENS,
Secretary of the Chamber of Commerce.

As additional evidence of the deep interest which the city of New York took in the prosecution of this national work, and its vital importance, not only to that city but to the commerce of the country a very large number of its leading merchants and prominent public men, in 1869, addressed a memorial to Congress, from which I read the following extract:

The undersigned believe, in addition to the intrinsic advantages of this location for a navy-yard, that its use for that purpose would largely contribute to the protection of the commerce of Long Island Sound and of the great city of New York in the event of a naval war. It may be assumed that this country has, in a future war with a foreign power, nothing to fear except for its commerce and the cities adjacent to the coast. But in the event of a naval war the first point of attack would undoubtedly be the city of New York, as it so largely concentrates the capital and the commerce of the nation. That city at present is nearly defenseless to a foreign foe in its approaches from the ocean through Long Island Sound. The Sound once entered forms a great natural roadstead or harbor for a foreign fleet. It was so occupied by the British navy in the war of 1812 threatening the whole coast line and the city of New York itself. The site at New London is the strategic point which covers the entrance of the Sound, and, in the opinion of competent engineers and naval authorities, occupied as a naval station would furnish adequate protection to the city of New York and the commerce of the Sound, thus guarding the communication between the great industries of New England and their natural market.

We hope that you will see proper to recommend that an appropriation for this object be made at the next session of Congress.

Within a few days past the Chamber of Commerce has again passed resolutions favoring the continuance of the existing yard, and reiterating all which that body enunciated in its favor in 1864.

The establishment of a navy-yard or naval station upon the river Thames has had the unhesitating approval of the highest naval officials, who have spoken from personal observation, no one using more emphatic language in favor of this site than Commodore D. M. Fairfax, one of the most distinguished officers of the Navy, and who is now in command of the yard.

The Secretary of the Navy, in his report to Congress, in 1872, in referring to this station, used this language:

I have heretofore spoken of the claims of the New London station on the liberality of Congress. Some of these are to be found in a good harbor, easy of access from all directions, and conveniently situated between two great commercial cities, an industrious and ingenious people whose labor is skillful and cheap, and a site for the station already acquired through the liberality of the State, to the improvement of which the Government seems to be virtually pledged. It is already a station of convenience to the service, and with moderate expenditure its use could be largely increased.

That the people of Connecticut feel a deep interest in the continuance of this important national institution, and that Congress should render such pecuniary aid as would insure its permanency and success, is evidenced by the following preamble and resolutions, which, during the past week, have passed both branches of the Legislature of the State by unanimous votes:

Whereas the navy-yard established on the Thames River, near New London, in this State, has been shown by the various reports made in its favor, under the authority of Congress, and by the testimony of eminent naval officers and nautical men, to possess every requisite for a first-class naval establishment—safe anchorage, deep water, extensive shore front, and solid ground for the foundation of whatever structure may be put upon it without piling, and within a harbor always free from ice, easy of access, and from which vessels may be quick to sea—confessedly the best on the Atlantic coast; and whereas a wharf has been built at this station where some of the largest vessels of the Navy are now lying, and other valuable improvements have been made at small cost; and whereas the said navy-yard has been so fortunately located by the Government, within half an hour's steaming of the eastern entrance to Long Island Sound, as to afford efficient protection at that point by the presence of iron-clads and other means, not only to the waters and commerce of the Sound, which should ever be kept inviolate from hostile approach by the open sea, but to the entire coast line of Connecticut and New York bordering on the Sound; also to the great cities of New York and Brooklyn, from naval attack on the east—a protection made still more necessary by the deepening of the channel of Hell Gate, while in no other way can these great interests be so economically and effectually defended, thus raising the subject to one of vast national importance: Therefore,

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use every effort to bring to the attention of Congress the real merits of the navy-yard and naval depot on the Thames River and to urge the necessary appropriation for the continuance of the work thereat.

Resolved, That the secretary of state be, and he is hereby, instructed to forward a copy of the above preamble and resolutions to each of the Senators and Representatives in Congress from this State and to the presiding officers of the Senate and of the House of Representatives at Washington.

Should the United States now abandon the site on the Thames as a naval station, I believe that it would revert, with all the improvements which have been made upon the same by the General Government, to the original owners of the soil. Is it policy then, I ask, on the part of Congress to throw away property of which it can retain possession without incurring any more than a mere nominal annual expenditure; property which, in some future contingency, may be of inestimable value to the Union?

As I have already said, Congress, by its action, virtually invited the State of Connecticut to legislate in such manner as would authorize the condemnation and purchase of the site occupied by this yard. The territory was obtained by the State, and then conveyed to and accepted by the United States solely for naval purposes. It was so written in the bond. Is not the State of Connecticut then, having in all that it did acted in good faith, fully justified when it protests against the dismantling of this yard and its reconveyance to the State or the original proprietors; and is not the General Government bound by every principle of honor and justice to keep inviolate the contract which it in fact made with the State to establish and maintain a naval station on the banks of the Thames?

Mr. LEWIS. Those gentlemen who rise here for the purpose of advocating their different navy-yards do not give us the benefits of facts. In regard to the navy-yard at New London, it is incomplete; the channel of the Thames River, upon which it is situated, is exceedingly narrow, and first-class steamers of the American Navy cannot turn around in that river except with the most careful handling. An ordinary vessel cannot swing at anchor there without striking on either side. The Government authorities require the pilots of steamers coming down the river to slow their engines and stop their paddle-wheels in order to prevent the agitation of the water and the injury of the shores. The hills rise from the water so as to make a rugged surface composed of clay and granite, with rocks and bowlders, which cannot be reduced to a proper level except at the most enormous cost; nor can the necessary excavations be made except at an immense expense. There are no fortifications there that can properly defend the place from an incursion of the enemy. The harbor there has a beautiful entrance from the ocean; but the only defenses, Fort Trumbull and Fort Griswold, would not be adequate to meet the attacks of modern warfare. Nor is there any large city there whose fortifications would protect a navy-yard, as in the case of Brooklyn, Charlestown, League Island, and other navy-yards. Yet gentlemen would have us rear a fort there, plant batteries, level granite hills, excavate rocks, all for the purpose of establishing a navy-yard upon a channel too narrow for such purposes and at a location without any facilities for supplying coal and iron except at a large cost for transportation. These are the facts. This committee has no prejudice against New London. Every consideration would induce us to favor the good old State of Connecticut. Nor have we any prejudice against League Island.

The gentleman from California attacks the committee because we do not think it wise to retain Mare Island as a navy-yard for the purposes of construction.

What facilities has Mare Island for constructing ships, for building machinery, for making hulls and spars? At Mare Island where do you get your live-oak? From Florida and Alabama and Louisiana. Where do you get your yellow pine? What is pig-iron worth there to-day?

Mr. LUTTRELL. We can get our iron from California, Oregon, and Washington Territory.

Mr. LEWIS. That may be; but iron which to-day is selling in the East at $16 and $18 a ton brings $46 a ton in San Francisco. Look at the immense cost of lumber. And is not your machinery built in New York and transported to California by railroad?

Mr. LUTTRELL. That is done in the interest of a political ring, and not at the instance of naval officers.

Mr. LEWIS. The location is so far away that I suppose the Government cannot hold its commandants and constructors and supply-agents to a rigid accountability.

Mr. LUTTRELL. Give the whole matter in charge of the naval officers, and purchases will be made as cheaply as at New York.

Mr. LEWIS. Mr. Chairman, we all admit the necessity of a station there as a naval rendezvous and for repairs; but no argument can be urged in favor of that location for a navy-yard for purposes of construction. Why, sir, look at the advantages Kittery has over it; look at the superior advantages of Charlestown and Brooklyn.

[Here the hammer fell.]

Mr. WILSON, of Iowa, obtained the floor and yielded his time to Mr. WAIT.

Mr. WAIT. Mr. Chairman, a few words in reply to what has fallen from the gentleman from Alabama, [Mr. LEWIS.] I fancy that that gentleman has never visited the good old State of Connecticut which he has eulogized so highly, for which I tender him my thanks.

Mr. LEWIS. O, yes, I have visited Connecticut four or five times.

Mr. WAIT. Then the gentlemen did not give a proper examination to the proposed site on the river Thames and its advantages for a navy-yard—advantages partly the gift of nature and partly the results of intelligent engineering. He must have surveyed it from some mountain summit, as the Jewish leader gazed at the promised land. He referred to the site as broken by rugged hills filled with bowlders and ledges. Why, sir, at the spot where the yard is located, there is one mile of river front, and a very large part of that front is graded down and faced with a valuable wharf over eight hundred feet in length. Let me say further to the gentleman that there is a channel in front of that wharf six hundred feet in width, in which the Dictator turned without difficulty; and one of the largest ships now in the service floats with ease in that channel which the gentleman sees fit to condemn. Let me further respond to him that, according to the testimony of competent engineers, that channel can by dredging be increased to

a width of eight hundred feet. The channel at Norfolk, which the gentleman proposes to retain as a naval station, was originally, some thirty years ago, only three hundred feet in width, and it is now but six hundred. When this site on the banks of the Thames in Connecticut is properly improved by engineering skill there will be a channel eight hundred feet wide and from twenty-five to forty feet deep.

In regard to the forts at the mouth of the harbor, at which the gentleman sneers, I must think that he cannot have read American history. Sir, when the gallant Decatur was driven by the British men-of-war from Long Island Sound he took refuge in the river Thames, and near the very point where it is proposed to build up and continue this navy-yard; and the guns of the little fort and turf battery at the mouth of the river drove off the British cruisers and protected and saved Decatur and his fleet.

The gentleman does not properly appreciate what we Yankees have done and can do in Connecticut. [Laughter and applause.] He must have forgotten the struggle on the heights of Groton, and how the men of Connecticut, before they would allow a foreign foe to invade their land, died in their tracks while resisting the British invaders a hundred years ago. Besides, sir, there are railroads terminating at that navy-yard; and by those roads thousands of men could be rapidly brought there when necessary for the protection of the Government property which would be at this yard.

One word more and I am done. Gentlemen talk about promoting economy by abandoning this navy-yard. Sir, the Government of the United States has already expended $150,000 to $200,000 there. If you abandon that navy-yard what becomes of the Government property there and the valuable improvements that have been made at public expense?

Every intelligent lawyer in this House knows that fixtures attached to really must go with it, and under the terms of the conveyance from the State to the United States this Government property must return to the original owners of the land. Will gentlemen then throw away this valuable property, which in important exigencies that may arise will be found to be of a value that can scarcely be appreciated at the present time?

There was a distinct invitation to the people of Connecticut to come forward and by purchase to obtain this land. We did it honorably on our part. We obtained the site and deeded it to the General Government for the purpose desired by Congress. We carried out our contract in good faith. Connecticut in everything which she has done has acted fairly and honorably. I ask this House at this juncture to act fairly and honorably as between the Government and the State that I have the honor in part to represent.

[Here the hammer fell.]

Mr. BLOUNT obtained the floor.

The CHAIRMAN. Before the gentleman from Georgia proceeds, the Chair desires to state he has permitted this debate to go on out of order. Under the five-minute rule there can be but one speech for and one against an amendment, when it must be voted upon or withdrawn. The Chair has not enforced the rule strictly, as he thought by allowing the debate to proceed as far as it has done ultimately time would be saved to the committee. He now deems it to be a duty incumbent upon him hereafter strictly to enforce the rule.

Mr. RANDALL. The rule will be enforced hereafter?

The CHAIRMAN. It will. The Chair desires further to state that he holds it to be a palpable violation of the rule for one gentleman to take the floor in his own right and then yield it to another gentleman who has already spoken on the same subject, when the rule declares that no member shall be allowed to speak twice upon any question until all other members desiring to speak who have not spoken shall be heard.

Mr. BLOUNT. Mr. Chairman, I think it will not be questioned by any one that navy-yards in this country have multiplied to an extent far beyond the public service. Such certainly is the view entertained by the Secretary of the Navy. It is the view also of every officer connected with the Navy. It is certainly the opinion of the Committee on Appropriations, who have been examining into this matter. I undertake to say that there is scarcely a man in this House who will assert the contrary. It is true, then, that we must cut down somewhere. We must abandon some of these yards if we mean to retrench at all where it can properly be done.

Assuming this to be true, Mr. Chairman, the Committee on Appropriations, as they have done everywhere else, have not hesitated, no matter whom it may hurt, to bring forward a measure that commended itself to their judgment and which they thought, no matter what local interests might be affected thereby, would commend itself to the good judgment of the country. What do we see in this bill? There is an appropriation of $1,500,000 for construction and repair of the whole Navy of the United States. I think I have heretofore shown we were justified in that purpose. Are we to continue nine navy-yards with all their bureaus, with all their civil lists, and expect the country will consider we have done our duty? If there is abuse anywhere, if there is extravagance anywhere, the feeling certainly has been that it has been connected with the Navy. Our committee have seen fit to confine the operations of the navy-yards during the coming fiscal year to Brooklyn, Norfolk, Mare Island, and League Island.

[Here the hammer fell.]

Mr. RANDALL. I now offer a substitute for the entire paragraph.

The Clerk read as follows:

For the civil establishments of the several navy-yards, $85,000; and the Secretary of the Navy is hereby directed to organize a naval board of five commissioned officers in the Navy as soon as practicable, whose duty it shall be to examine fully and determine whether, in their opinion, any of the navy-yards can be dispensed with and abandoned; and, if so, to report the best manner of making disposition of the same; and further to inquire as to the propriety of establishing a naval rendezvous at Tybee Island or at Cockspur Island, in the State of Georgia, and whether any Government property at said islands can be made available and is suitable for such purpose; and said board shall, through the Secretary of the Navy, report to Congress at the commencement of the next session the result of their inquiry; and the sum of $2,000 is herewith appropriated to meet the expenses incurred by said board.

Mr. RANDALL. Mr. Chairman, I have, with many others, listened to the debate on this subject, and it has taken a very wide range. Gentlemen who represent navy-yards, as I do, without regard to the side of the House where they sit, naturally enough favor their own yards. I believe I have offered an amendment which reaches an intelligent and business view of the subject. I should be sorry indeed to see any navy-yard abolished on the recommendation or urgent appeal made by gentlemen who have never seen the ground. The truth is, action only should be taken upon the report after careful consideration of scientific men, men who from their profession and long experience are capable of judging what is best to be done.

The original proposition of the committee as to New London did give direction that the New London yard should be retroceded, or that steps should be taken to that end. For one, I have come clearly to the conclusion even that would be an unsafe thing to do, except we did it upon the responsibility of an intelligent board convened for that purpose. In this amendment, so far as the economic view goes, we reach it, because we give to the Secretary of the Navy but so much money, which in all probability will be sufficient, and he can if he chooses select such yards in which he can do the most work, such for repairs, such for new work, and such best adapted to manufacturing purposes.

Mr. WHITTHORNE. Will the gentleman allow me——

Mr. RANDALL. In a moment. I think the House will conclude after what they have heard that this substitute is in the right direction, and I hope that the House will adopt it. I will now listen to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. I suggest to the gentleman from Pennsylvania that he amend his amendment, so that as regards the organization of the board it shall include the three senior officers in the Navy.

Mr. RANDALL. I have no objection, so that I get intelligent men, whether they be three or five—intelligent men, men of experience, whose profession qualifies them to understand the subject, and whose life has made them familiar with the naval affairs of the country. That is all I wish in this connection. When we get this information then we can act. I have no objection to the committee voting on the proposition of the gentleman from Tennessee as an amendment to my amendment.

Mr. BANKS. What is the amendment of the gentleman from Tennessee?

Mr. WHITTHORNE. This is my amendment: Amend the amendment by inserting after the word "practicable" these words, "three of whom shall be the senior officers upon the active list of the Navy;" so that it will read, "for the civil establishments of the several navy-yards $85,000; and the Secretary of the Navy is hereby directed to organize a naval board of five commissioned officers in the Navy as soon as practicable, three of whom shall be the senior officers upon the active-list of the Navy, whose duty, &c."

Mr. BANKS. I have no objection to that.

Mr. BLOUNT. Following up the idea I was stating when on the floor before, I ask to have the attention of the House for a moment to see how far the Committee on Naval Affairs in their proposition fails to meet the wants of the country in this direction. The speech of my friend from Tennessee [Mr. WHITTHORNE] discloses the fact that while they speak of Mare Island as a rendezvous and a place for repairs, they do not intend to interfere with its present status in any way. I think it is proper it should not be done. But in reference to the various other yards, Pensacola, &c., it will be seen that the Committee on Naval Affairs do not propose any reduction really at any of these points. The gentleman from Tennessee himself states in his speech that there never have been at Pensacola more than one or two vessels constructed. The only proposition in the way of retrenchment that comes from that committee is that in relation to League Island and New London. So far as New London is concerned, the question is simply one of expense. I think it ought to be disposed of, and no one has undertaken to defend the propriety of retaining it. Save the gentlemen from that State, there is not a word from any Department, from any source outside of the State of Connecticut, favoring it.

As to League Island, during this debate I have acquired a good deal of information in reference to it. I have listened to gentlemen here who have been familiar with the history of the League Island navy-yard, and who have presented the merits of that yard with a great deal of elaboration and a great deal of force in a manner strongly to impress me. Its peculiar importance has been thoroughly presented. I shall not take up the time of the House in reference to that; but I will say that if the proposition of the Committee on Appropriations is defective, that of the Naval Committee is far more

defective. If there may be some little questions as to the choice of yards that may be abandoned, there is a direct and certain proposition that many of them shall be cut off.

We do not propose in the bill the immediate sale of these yards. We propose a suspension of some of them. The Bureau of Yards and Docks, in a communication which has been handed me, shows that in the mere matter of the suspension of these several yards proposed by our committee there is a saving of $183,086.80, and calling attention to their own estimate they disclose the fact that there might be a much larger saving at several of these yards. For instance, at the Kittery yard instead of $5,000 the amount of $2,700 might be substituted in the matter of gas and coal. At the Boston navy-yard there might be a still further reduction on the items of gas, water, &c., from $15,000 down to $4,000. And running all through the list the saving that will be accomplished by this will amount to about $200,000. And all the repairs that our Navy requires can be accomplished at other yards. Why, then, should we hesitate in this matter? It seems to me that it is our highest duty to carry out what is here proposed.

So far as the proposition coming from the chairman of the Committee on Appropriations is concerned, I must say that, after bestowing upon it a great deal of attention, I cannot concur in that proposition. No man in this House knows better than I do his large experience and his sound judgment; and no man would hesitate more than I would to separate from him upon that proposition. It doubtless comes in a spirit of compromise. But the proposition of the Committee on Appropriations has been carefully considered; has been the result of conference with the various Bureaus, and I believe it is the true proposition in the interest of economy. I trust, therefore, that the House will see fit to sustain the committee in that regard.

Mr. WHITTHORNE obtained the floor and said: I yield for a moment to my colleague on the committee, the gentleman from Ohio, [Mr. DANFORD.]

Mr. DANFORD. I desire to offer an amendment to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] to come in after the words "State of Georgia."

The CHAIRMAN. No further amendment is admissible at this time.

Mr. RANDALL. This is an amendment to the substitute.

The CHAIRMAN. An amendment has already been offered to the substitute.

Mr. RANDALL. But not in the second degree.

The CHAIRMAN. The Chair decides that under the rule there can be no amendment in the second degree to a substitute. The substitute itself is in the nature of an amendment, and an amendment to that is in the last degree admissible under the rules.

Mr. RANDALL. I suggest then to the gentleman from Ohio that he wait until the other amendment is disposed of, the one offered by the gentleman from Tennessee, [Mr. WHITTHORNE.] Then his amendment will be in order.

Mr. DANFORD. Very well; I will do so.

Mr. WHITTHORNE. I desire to make just one remark on my amendment proposed to the substitute offered by the gentleman from Pennsylvania, [Mr. RANDALL,] and that is, that in constituting this board of naval officers, the three senior officers of the Navy shall be appointed, as they will be men who have no partiality, and nothing to gain.

Mr. RANDALL. How do you know that?

Mr. WHITTHORNE. They may not at least, and I should judge so from the vote of the House yesterday. Now, from the remarks of the gentleman from Georgia, it appears, as is also shown from his course, that he desires to antagonize the Committee on Naval Affairs. We have felt his blows and we have appreciated his labors, and are somewhat at a loss to understand the motives for his course and that of his associates upon the Committee on Appropriations. But the misfortune of the Committee on Naval Affairs has been that it did not concur in the views of the Committee on Appropriations with reference to League Island and Cockspur Island. That I think is the only offense that the Committee on Naval Affairs has been guilty of. The gentleman says that the recommendation of the Committee on Naval Affairs is not in the line of economy. I beg you, sir, and I beg the House to remember that the very moment they determine to carry out the idea of building a navy-yard at League Island it commits them to an expenditure of from $20,000,000 to $50,000,000; and when we go down to Cockspur Island God Almighty only knows what the expense will be there. No man on the Committee on Appropriations, neither the gentleman from Pennsylvania nor any of his colleagues have had the frankness and courage to tell the country and the House that to-day if you do anything to provide for the building of a navy-yard at League Island the country is committed to an expenditure of $600,000. Have gentlemen not taken into consideration that $30,000 per annum will be required for the purpose of building up the navy-yard at League Island? Who has said anything in this debate about that? Has the gentleman from Pennsylvania, [Mr. RANDALL?] Has any member from Philadelphia who has spoken? Sir, it has been kept from the committee.

Mr. KELLEY. Is not the money in the Treasury as payment for the Philadelphia navy-yard of a million dollars?

Mr. WHITTHORNE. It is there, and the House by previous legislation committed itself to the expenditure of that money if it proceeds in this work.

Mr. KELLEY. Well, it was derived from Philadelphia.

Mr. WHITTHORNE. If the House to-day will not stop the work at League Island they will have to pay $666,000.

Mr. KELLEY. Belonging to Philadelphia.

The CHAIRMAN. The Chair would state that debate upon the amendment is exhausted, and debate can only continue by the withdrawal of the amendment, and that by unanimous consent, as the rules distinctly state.

Mr. BANKS. What is the question before the House?

The CHAIRMAN. The question now pending is upon the amendment to the amendment offered by the gentleman from California, [Mr. PIPER.]

Mr. RANDALL. I would like to make a suggestion.

Mr. BANKS. I would first like to know what the question is.

The CHAIRMAN. If the committee comes to a vote at this time it must be on the amendment offered by the gentleman from California, [Mr. PIPER.]

Mr. RANDALL. I suggest that by general consent a vote be taken upon the amendment of the gentleman from Tennessee [Mr. WHITTHORNE] as an amendment to my substitute.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. RANDALL. I ask unanimous consent.

Mr. BANKS. I want to say a word upon that.

Mr. RANDALL. As soon as the amendment of the gentleman from Tennessee shall have been voted on the gentleman will have an opportunity of being heard.

Mr. BANKS. Is the proposition to take a vote upon the substitute of the gentleman from Pennsylvania, [Mr. RANDALL?]

The CHAIRMAN. That is what has been asked.

Mr. BANKS. Has it been modified?

Mr. RANDALL. No; but I will propose to open it to modification.

Mr. BANKS. Will the gentleman tell us why he designates three of the officers who are to compose the proposed commission?

Mr. RANDALL. I did not offer that. It is the amendment of the gentleman from Tennessee.

Mr. BANKS. No; but I understand that the gentleman from Pennsylvania has accepted that amendment.

Mr. RANDALL. O, no.

The CHAIRMAN. The Chair wishes to understand whether there is any objection to the proposition of the gentleman from Pennsylvania.

Mr. BANKS. I object, unless I can have an opportunity to say a word.

Mr. RANDALL. The gentleman will have that opportunity when the vote has been taken on the amendment of the gentleman from Tennessee whether it be voted down or be voted in.

Mr. BANKS. Yes, but the question will then be settled, and it will be too late to speak upon it.

Mr. RANDALL. Then I ask unanimous consent that the gentleman from Massachusetts be allowed five minutes.

Mr. BANKS. Two minutes is all I want.

No objection was made.

Mr. BANKS. It is wrong to designate specific officers who shall constitute this commission. I do not object to the inquiry proposed by the gentleman from Pennsylvania, for it will give us all the information that the country requires, and whatever that commission reports and Congress agrees to no doubt will be for the interest of the country. But we ought not to tie up a commission to specific officers; not that I object to any of the persons named, but this is the fact, that in times past propositions have been made here to put the whole control of the Navy Department and of the navy-yards in the hands of the leading officers of that Department. Now the Secretary of the Navy is a civil officer, and this Government is a civil government, and if we have a commission of the persons proposed here we may have revived the old plan of establishing an oligarchy on the basis of the Navy Department.

Mr. WHITTHORNE. I want to keep this matter outside of any political influence; that is my object.

Mr. SMALLS. I would like to ask the unanimous consent of the House before the question is taken to have a few letters read from the Department, and also some from citizens of Port Royal, showing that Cockspur Island or Tybee Island is not fit for this purpose. I am in favor of the motion of the gentleman from Pennsylvania, but I ask unanimous consent of the House that a couple of letters be read.

Mr. RANDALL. I have no objection at all, but I suggest to the member from South Carolina that after the amendment has been disposed of there will be an amendment offered on which the gentleman from South Carolina can be heard.

Mr. SMALLS. Very well.

The question was taken on Mr. WHITTHORNE's amendment to Mr. RANDALL's substitute; and on a division there were—ayes 48, noes 85.

Mr. LEWIS. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. WHITTHORNE and Mr. DANFORD were appointed.

The committee again divided; and the tellers reported that there were—ayes 80, noes 73.

So the amendment to the substitute was agreed to.

The question was upon agreeing to the substitute as amended.

Mr. DANFORD. I move to amend the substitute by inserting after the word "Georgia" the words "or at any other point on the coast of Georgia or South Carolina."

Mr. RANDALL. I have no objection to that.

Mr. DANFORD. This refers to the establishment of a naval station and rendezvous upon the coast of Georgia or South Carolina. I yield the remainder of my time to the gentleman from South Carolina, [Mr. SMALLS.]

Mr. SMALLS. I am much obliged to the gentleman. I shall ask only that some letters may be read by the Clerk to show that neither Tybee Island nor Cockspur Island is a suitable place for a naval rendezvous.

The Clerk read as follows:

PORT ROYAL RAILROAD COMPANY, RECEIVER'S OFFICE,
Augusta, Georgia, May 17, 1876.

DEAR SIR: The people of Beaufort and Port Royal are greatly exercised over the report of the Naval Committee recommending that Tybee or Cockspur be used as a naval station for the North Atlantic fleet. We all feel assured that you will do your utmost to oppose the removal of the fleet from Port Royal, and that from your practical knowledge of the harbor and its approaches we hope you may be able to show to Congress the great mistake that would be made by such removal.

It was only the other day that a case occurred which proved the superior advantages of Port Royal Harbor over Tybee. The German steamship Berlin had loaded part of her cargo of cotton at Charleston and came round to Tybee to load up. She lay in the roads while her cotton and coal were lightered down to her. When loaded she drew nearly twenty-two feet of water. Just at that time the prevailing winds had been westerly, which kept the tides very low, and the Berlin was detained over one week waiting for a high tide to cross the bar, and during that delay the captain, engineer, and agent hired a tug, came into Port Royal, and, sounding all the way up to the dock, were very much surprised to find such a magnificent harbor, with an approach that a steamer double the size of the Berlin could come to the dock with perfect ease and safety. Now, if the Berlin had been a United States ship of war, ordered away on an important mission, how serious might have been the results.

I take the liberty of writing you these important facts, which may aid you in your efforts. The test of coal has not yet been made at Port Royal. I am going North to-morrow, and will stay over in Washington a day and see you.

Yours, truly,

D. C. WILSON.

Hon. ROBERT SMALL,
United States Congress, Washington, D. C.

TREASURY DEPARTMENT, OFFICE SUPERVISING SURGEON-GENERAL,
UNITED STATES MARINE HOSPITAL SERVICE,
Washington, May 22, 1876.

SIR: In response to your letter of to-day, asking for such information as this Office may possess relative to the sanitary condition of the harbors at Savannah, Georgia, and Port Royal, South Carolina, I beg to say that there is nothing on record in this Office that bears any reference to the question, beyond the fact that at Savannah, Georgia, 456 sick and disabled seamen applied for and were furnished medical treatment during the past fiscal year, while at Beaufort, South Carolina, there are scarcely any applicants for relief; which facts are, of course, chiefly attributable to the difference in the extent of the shipping at the respective places. It may be stated, however, that a very large proportion of the diseases of the merchant-marine patients treated at Savannah is due to malarial influences.

I am, sir, very respectfully,

JNO. M. WOODWORTH,
Supervising Surgeon-General.

Hon. ROBERT SMALLS,
United States House of Representatives.

Sanitary report for 1875.

UNITED STATES STEAMER DICTATOR,
Port Royal Sound, South Carolina, January 1, 1876.

* * * The average daily population of the Navy in Port Royal waters since April 14 has been 499, which gives an average yearly naval population of 356 souls. There were two deaths in the entire force, one on the Colorado from an injury, and the other on the Pawnee from drowning. This makes the annual death rate of the Navy in Port Royal waters 5.6 per 1,000 men. In an average yearly population of 365 persons not a single death has occurred from any disease. * * *

JOHN C. SPEAR,
Surgeon United States Navy.

UNITED STATES STEAMER DICTATOR, SECOND RATE,
Port Royal, South Carolina, October 1, 1875.

SIR: * * * The ship's company has enjoyed remarkable freedom from malarial fevers during the summer and autumn months of this quarter. Of the five cases of *intermittent* reported *only one is due to local causes*, the other four being recurrent attacks. The two cases of *remittent* reported were contracted here, but in both there was special exposure on shore while in a state of intoxication.

Owing to insufficient berthing space below, half of the crew of the Dictator is obliged in warm weather to sleep on deck under the awning, and her people are in consequence specially exposed to any malaria there may be in the night air. It therefore seems that the remarkable healthfulness of her crew, under the circumstances, affords good evidence of comparative freedom of this locality from malaria.

The Dictator, during the time referred to, was anchored in Beaufort River, opposite Mr. English's plantation, half a mile from low marshy shores on either side. No large body of fresh water empties into the rivers here, so that the river water is nearly as salt as that of the sea. The sea-breeze in July, August, and September, begins by ten a. m. and continues till midnight, blowing generally quite fresh. The mean relative humidity for the quarter has been found to be 76, day and night, which, considering the proximity of the sea and the extent of swamp lands, shows that the *climate of Port Royal is, relatively*, a dry one. It is possible the above natural causes furnish an explanation as to the healthfulness of the waters of Port Royal.

When the fleet arrived here in April, no sufficient supply of wholesome spring water could be obtained here, and a water-boat was engaged to bring water from Charleston; later, however, a good spring was found near Beaufort, and water from it has been in use on board since August 31. This water has been found pure and wholesome, and much better than that obtained from Charleston.

Very respectfully, your obedient servant,

JOHN C. SPEAR,
Surgeon United States Navy.

Medical Inspector SAMUEL F. COUES, U. S. N.,
United States Flag-Ship Worcester.

Mr. HARTRIDGE. If the proposition submitted by the gentleman from Pennsylvania [Mr. RANDALL] is to prevail—that is, for the appointment of a naval commission to examine into the propriety or policy of establishing a naval rendezvous in the southern waters—then I admit that the amendment proposed by the gentleman from Ohio [Mr. DANFORD] would be correct. But, in my judgment, the proposition of the gentleman from Pennsylvania should not be adopted by this House, and for this reason: If there be any policy or expediency in locating a naval rendezvous on Tybee Island or Cockspur Island, in the Savannah River, that expediency and policy extend to its being done at once.

It is recommended by a head of a Bureau in the Navy Department, not by citizens of the locality which may be benefited by it, not by any sanitary department which simply gives its opinion that there is less sickness at Port Royal than at Savannah, when the fact is that, as shown by the reports, the Savannah shipping takes into that port thirty thousand seamen annually while but a few hundred go into the port of Port Royal. I refer to the report printed in the RECORD and submitted by my colleague, who is on the Committee on Appropriations, [Mr. BLOUNT.]

I ask the attention of members of this committee to a few facts in that report to which I will hastily advert. The fleet is now kept at rendezvous at Port Royal. The harbor of Port Royal is entirely of salt water; it has no facilities of fresh water for the monitors to lie in or for the crews to drink. Commodore Ammen declares that pure fresh water can be obtained at Savannah at all seasons of the year, at the head of Elba Island, or at a distance of about ten miles from the entrance of the river, and several miles lower down during a considerable part of the year. This would not only be of great advantage and economy for drinking, but also in preventing rust and the accumulation of barnacles and other animal and vegetable growths on the bottoms of iron vessels. This condition is of marked contrast to Port Royal.

The gentleman from Pennsylvania says that he desires this commission to sit and report to Congress six months from now, and he asks it in the line of economy. In that connection I ask him to listen to this statement by the chief of the Bureau of Navigation of the Navy Department:

The fresh-water bills of the Dictator for six months amount to $4,584.18, at the rate of $9,168.36 yearly. With the force now making rendezvous at Port Royal the cost for drinking water will be not less than $100,000 yearly.

Mr. SMALLS. Will the gentleman yield for a moment?

Mr. HARTRIDGE. I have not time. It would appear from this statement that postponing this matter for six months would cost the country in drinking-water alone $50,000. Commodore Ammen says further that there are no fortifications at Port Royal while there are fortifications at Savannah; that the climate at Cockspur Island and Tybee Island is salubrious all the year round. He goes on to give other advantages of Tybee Island over Port Royal or even Brunswick, in my own State. He says that he knows these facts from a personal knowledge of the localities themselves. He is a disinterested witness, not a party having an interest in the locality, but an officer at the head of one of the chief Bureaus of the Navy Department.

Notwithstanding this, it is proposed by the gentleman from Pennsylvania to continue the present condition of things for six months longer. It may be said that the Secretary of the Navy can remove the rendezvous now if he sees fit, but the answer to that is that he has not done it.

[Here the hammer fell.]

The amendment of Mr. DANFORD was then agreed to; there being on a division ayes 75, noes not counted.

Mr. MACKEY, of South Carolina. I move to amend the substitute by striking out the words "at Tybee Island or Cockspur Island, in the State of Georgia."

Mr. Chairman, the gentleman from Georgia [Mr. HARTRIDGE] who has just spoken has laid considerable stress upon the memorial of the citizens of Savannah and upon the indorsement added thereto by the Chief of the Bureau of Navigation. Now, had it been known to anybody interested in Port Royal that this officer had given such an opinion steps would have been taken to obtain the opinions of officers of the Navy and of the Coast Survey, equally competent to give an opinion in regard to the comparative merits of the two places, Tybee Island and Port Royal.

If this opinion, however, be correct, and if according to the information received by the gentleman from Georgia the Secretary of the Navy thinks it proper to establish a naval rendezvous at Tybee Island, why was Port Royal selected over a year ago in preference to Tybee Island by the Secretary of the Navy? The facts stated in Commodore Ammen's communications were as well known then as they are now. The truth is that those who know more about the two places than Commodore Ammen differed in opinion from him then as they do now. Port Royal was selected because in the opinion of almost every competent authorityit afforded superior advantages as a naval station to Tybee Island or any other place on the South Atlantic coast.

Upon an examination of the Savannah memorial, which the gentleman from Georgia [Mr. BLOUNT] presented last Friday in justification of the action of the committee, and to which the other gentleman from Georgia [Mr. HARTRIDGE] has alluded to-day, we find in the latter

portion of it the real reason why the memorialists seek to have the rendezvous now established at Port Royal removed to Tybee Island. It is, in the very words of the memorial, "the fear that such outlays will necessarily result in the establishment of a growing commerce at that port, (that is, Port Royal,) to the serious and lasting detriment of the commerce of the city of Savannah and other ports in the State of Georgia.

Jealousy of Port Royal and fear of it as a growing commercial port alone actuate the Savannah memorialists in asking the change. It is to be hoped that such considerations will have no weight whatever with this House. These Savannah memorialists, while admitting that the harbor of Port Royal affords an advantage for floating a larger number of vessels than any other harbor on the South Atlantic coast, claim that "this advantage is overcome by other considerations of greater value."

The first of these considerations is the fact "that Port Royal is wholly undefended by fortifications," while "the port of Savannah is protected by Fort Pulaski." What protection Fort Pulaski affords may be best understood by the fact that during the late civil war batteries were erected by the Union forces all around it almost without the knowledge of the garrison, and that in thirty hours after the first gun was fired against it it surrendered, notwithstanding it was well garrisoned and fully supplied. But, admitting that Fort Pulaski may be a protection to the city of Savannah, what possible protection can it be to Tybee Island, where it is now sought to establish a naval station? Remember that during the war when thoroughly garrisoned it was unable to prevent the Union forces from erecting a single battery on Tybee Island. In fact, as I have already stated, batteries were erected on Tybee Island without the garrison in Fort Pulaski even being aware of their location until after they had opened fire upon the fort. That Fort Pulaski is no protection to Tybee Island seems to be partially admitted by these Savannah gentlemen when they state "that the Government holds two hundred and ten acres of land on Tybee Island, *intended for the site of additional fortifications.*" What need for additional fortifications if Fort Pulaski affords ample protection? As an offset, however, to these two hundred and ten acres on Tybee Island, the Government owns five hundred and twenty acres at Port Royal, and the natural advantages of Port Royal are such that it requires much less expensive and less extensive fortifications for the defense of the harbor there than at Tybee Island. In this respect, therefore, Tybee Island possesses no advantages over Port Royal worth considering. In fact it is very questionable whether any fortifications are needed at all for the protection of a naval rendezvous. Certainly they are not needed now, and will not be, perhaps, for years.

It is further claimed that "the Government already owns ample available land accommodations in Savannah Harbor for the purposes of a naval station, namely, the whole of Cockspur Island, on which Fort Pulaski rests, and two hundred and ten acres of land on Tybee Island." If this be a matter of any importance in the decision of this question, then Port Royal possesses superior advantages in this respect, for the Government owns two hundred acres on Hilton Head and three hundred and twenty acres on Bay Point, or three hundred and ten acres more than it possesses in Savannah Harbor. As to Cockspur Island, on which Fort Pulaski rests, it is nothing but a marsh island with very little solid ground except that upon which the fort rests. Moreover, it is an exceedingly unhealthy spot, as is clearly shown in the following extracts from a report by Surgeons T. N. Roberts and J. N. Niles, United States Army, and therefore unfit, never mind what may be its other advantages for a naval station:

In its present condition the island is constantly overflowed, in a large part of its extent, by the tides, while the water from the rain-fall settles into the low spots of marshy ground and becomes stagnant. There is an abundant generation of malaria in those low places, which causes the different forms of paludal fever prevailing here during the hot season. This cause (malaria) would operate here with much greater intensity were the miasma not carried off or greatly diluted by the breezes from the sea.

The difficulty and expense of obtaining fresh water for drinking purposes at Port Royal is urged as an additional reason why the naval rendezvous should be removed from there to Tybee Island. Over a year ago when the naval rendezvous was first established at Port Royal this objection might have been urged with some force; but all difficulties of that kind have been removed, as will readily be perceived by a perusal of the following extract from the sanitary report of the surgeon of the fleet now at Port Royal:

Sanitary report North Atlantic fleet, 1875.

* * * Port Royal Sound having been made the rendezvous for the fleet, several vessels have been permanently located there, and it has been visited by nearly all. The advantages of the position of these waters for the purpose designated are very obvious. The winter is mild, and the heat of the summer months is tempered by almost uninterrupted sea-breezes. *Facilities for living are excellent*, and there is daily communication by rail with Savannah, Charleston, and Augusta.

The question of a supply of water for the fleet became one of great importance, especially during the summer months, when the annoyance and bad effect of the extreme heat occasioned by the fires necessary for the purpose of condensing water became very apparent. Several ineffectual attempts to obtain good water were made, and after leaving Port Royal I requested Surgeon J. C. Spear to devote special attention to the subject; to make thorough examinations of all water that could be supplied in sufficient quantity from the vicinity. The letter of Dr. Spear, which is appended, shows that the desired result has been obtained; that *an adequate supply of excellent water exists in the immediate vicinity of Port Royal.* At my request Dr. Spear has also prepared tables of temperature and relative humidity, which are of great value, as are the statements in his able sanitary report, all of which papers are appended.

It will be seen that the region is peculiarly healthy; that in a sanitary point of view it compares most favorably with any other portion of the coast.

* * * * * * *

S. F. COUES,
Surgeon of the Fleet.

The following is the report of Dr. Spear referred to in Surgeon Coues's report:

UNITED STATES STEAMER DICTATOR, SECOND RATE,
Port Royal, S. C., September 30, 1875.

SIR: I respectfully report that in July the water contractor, Mr. D. H Small, discovered near Beaufort, South Carolina, a source of water supply for vessels of war rendezvousing here. It is a spring on Albert Gotha Creek, a tributary of Beaufort River, five miles above the town of Beaufort. The water flows from a wooded hillside, composed of clean, white sand. *It is very clear and cool, is agreeable to the taste, and contains very little organic matter.* The Dictator, Pawnee, and Pinta have used it two months, and all agree that *it is wholesome, keeps well in tank*, and is in every respect much better than the water we formerly had from Charleston. The contractor, since leasing the spring, has built a small sediment tank of brick and Roman cement and a large receiving-tank with a capacity of nine thousand one hundred and thirty gallons. He has also put up iron pipe for a distance of one hundred and fifty-six feet, to connect the receiving-tank with the water-boat in the creek below. The spring has now a capacity of nineteen thousand gallons daily, and in the rainy season it will probably be more. At high tide a vessel drawing seven feet can reach the spring and load in time to get out on the next high tide.

Very respectfully,

JOHN C. SPEAR,
Surgeon United States Navy.

Medical Inspector SAMUEL F. COUES, U. S. N.,
Fleet Surgeon, North Atlantic Station.

These two papers prove clearly that an adequate supply of fresh water can be obtained at Port Royal, and it is reasonable to infer that the expense of obtaining it is considerably reduced from what it was when it had to be brought from Charleston, a distance of seventy-five miles. The estimate therefore that, "with the force now making rendezvous at Port Royal, the cost for drinking-water will not be less than $100,000 yearly" is based upon a state of facts that no longer exists, and upon difficulties that have long since been removed. That fresh water cannot be obtained at any port for vessels without some expense is a fact beyond dispute. I think I have fully met the objections to Port Royal upon the water question. But supposing these objections to be still true, does the port of Savannah afford any superior advantages in this respect? I think not. At any rate, let us see. It is stated by Commodore Ammen, who seems to differ in regard to the comparative merits of Port Royal and Tybee Island as a naval rendezvous with almost every naval officer connected with the North Atlantic squadron, and with almost every Army officer who has any knowledge of the two places, that "pure fresh water is found at all seasons of the year at the head of Elba Island, or at a distance of about ten miles from the entrance of the river, and several miles lower down during a considerable part of the year."

Admitting that the water obtained at the head of Elba Island is of a character fitted for naval use, pure, wholesome, and keeps well in tanks, equal in every respect to the water at Port Royal, can it be obtained at any less expense than that procured at Port Royal? Certainly not, for the depth of water in the Savannah River at Elba Island is not sufficient at any stage of the tides to permit vessels of heavy draught like the Wabash and others now stationed at Port Royal to cross the bar at Elba Island and reach the head of the island where this pure fresh water can be obtained, so that it will have to be brought to them in the same manner as at Port Royal. In this respect, therefore, Elba Island affords no advantage over Port Royal in the facilities for obtaining water; in both places it must be carried to the fleet. In proof of my assertion in regard to the depth of water in the river at Elba Island, I hold in my hands a communication from Captain Patterson, superintendent of the United States Coast Survey, in which, in answer to certain inquiries from me, he states that the depth of water on the bar at the lower end of Elba Island is eleven feet at mean low water and seventeen and three-fourths feet at mean high water, while on the bar at the middle of the island, which bar must of course be crossed in order to reach the head of the island, the depth of water is only nine feet at mean low water and fifteen and three-fourths feet at mean high water.

As to the water lower down the river, in the neighborhood of Cockspur Island, nothing need be said in addition to what is contained in the report of Assistant Surgeons Roberts and Niles. These gentlemen state:

The water of the river in this vicinity is generally brackish. This condition is modified by the state of the river and the tides, being almost fresh when the former is overflowed by rains from the up country, and quite salt at high tides and a low state of the river. This evidently affects the evolution of malaria, the freshened current, in a high state of the river, saturating the soil almost to the surface, which, upon the subsiding of the water, is left exposed to the heat of the sun, producing the forms of paludal fever more incidental to interior fresh-water streams and swamps.

Now, Mr. Chairman, I think I have sufficiently discussed the claims of Tybee Island, so far as relate to its superior advantages over Port Royal as a place for a naval rendezvous. A few words in regard to its claim to equal advantages with Port Royal and I am through. It is asserted that Port Royal possesses no superior advantage in depth of water over Savannah, "the depth of water," it is said, "over the entrance of Port Royal and Savannah being the same, namely, nineteen feet at mean low tide. In this respect, therefore, no superiority can be asserted for the former, each allowing vessels of the same draught." This statement, in mild language, is simply incorrect.

Referring again to the communication from Captain Patterson, I find that while the depth of water in the Savannah River at the outer bar is eighteen and one-half feet at mean low water, yet on the inner bar below the deep anchorage at the north end of Tybee Island, the depth of water is only seventeen feet at mean low water. As this inner bar has to be crossed in order to reach the anchorage intended for the fleet, the eighteen and one-half feet on the outer bar is of no importance whatever, since there is only seventeen feet on the inner bar. On the other hand, the depth of water at Port Royal entrance at mean low water is twenty-one feet or two and one-half feet more than on the outer bar at Savannah and four feet more than on the inner bar, while vessels can go up the Beaufort River to Battery Creek, which is twenty miles from Port Royal entrance and four miles above the present anchorage of the fleet, and find at the bar on the mouth of that creek nineteen feet at mean low water, or one-half foot more water than is found on the outer bar at Savannah.

UNITED STATES COAST SURVEY OFFICE,
Washington, May 18, 1876.

DEAR SIR: I take pleasure in appending below the information called for by your note of yesterday.

First. Depth on bar at Port Royal entrance (outer bar) at mean low water, twenty-one feet; at mean high water, twenty-seven and three-fourths feet.

Second. Depth that can be taken up to Battery Creek, Beaufort River, at mean low water, nineteen feet; at mean high water, twenty-five and one-half feet. Note that the least depth just stated is on a narrow bar near the mouth of Battery Creek; but the water is several feet deeper inside of it.

Third. Depth on bar at Tybee entrance (this refers to the outer bar Savannah River) at mean low water, eighteen and one-half feet; at mean high water, twenty-five and one-half feet. Depth on inner bar below the deep anchorage at north end of Tybee Island, at mean low water, seventeen feet; at mean high water, twenty-four feet.

Fourth. Depth of water on each side of Cockspur Island on the bar of the channel leading to north side of the island, twelve feet at mean low water, and at mean high water, nineteen feet. On the bar leading to the south side of the island, at mean low water, eight and one-half feet; mean high water, fifteen and one-half feet; there being a depth of from eighteen to twenty-nine feet at mean low water inside and abreast the east end of the island.

Fifth. Depth of water in Savannah River up to Elba Island, on the bar at lower end of the island, eleven feet at mean low water; seventeen and three-fourths feet at mean high water; on the bar at the middle of the island, nine feet at mean low water and fifteen and three-fourths feet at mean high water.

For the "comparative merits of Port Royal Sound and Tybee Roads as a sheltered anchorage for large-draught vessels," I beg leave to refer you to the chart sent herewith, upon which both anchorages are given on the same scale.

Yours respectfully,

C. P. PATTERSON,
Superintendent United States Coast Survey.

Hon. E. W. M. MACKEY,
House of Representatives, Washington, D. C.

Mr. LEWIS. The gentleman from Georgia [Mr. BLOUNT] who reported this bill saw fit in his last remarks to make an attack upon the Committee on Naval Affairs by asserting that in the measures proposed to this House as amendments we had failed to meet the wants of the country.

Mr. BLOUNT. I attacked the measure, not the committee.

Mr. LEWIS. It is the same thing.

Mr. BLOUNT. If the gentleman chooses to make a personal matter of it, I cannot help it.

Mr. LEWIS. Mr. Chairman, yesterday when the Committee on Naval Affairs, through its chairman, submitted to the House a measure perfectly just in itself, the most effectual and important measure that has been brought before this House in the line of economy and reform, the chairman of the Committee on Appropriations, the champion of reform, was found voting against this measure.

Mr. RANDALL. The gentleman certainly does not refer to me.

Mr. LEWIS. I mean the gentleman from Georgia, [Mr. BLOUNT,] the chairman of the subcommittee. I admit that the distinguished gentleman from Pennsylvania [Mr. RANDALL] voted for that amendment; but the gentleman who made the attack on the Naval Committee voted against that measure, reducing in only a small ratio the pay of the Navy.

Mr. ATKINS. I wish to remind the gentleman that I also as a member of the Committee on Appropriations voted for the amendment.

Mr. LEWIS. I am speaking of the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. The gentleman is dealing with me entirely. I hope he will be permitted to go on.

Mr. LEWIS. The gentleman is the champion of the bill before the House; and it was he who made the attack upon us.

Mr. MILLS. I hope the Committee on Appropriations will allow the gentleman to proceed.

Mr. RANDALL. I hope the gentleman will not reflect in that way upon the Committee on Appropriations.

Mr. LEWIS. They have reflected upon us.

Mr. Chairman, the measure which we reported was in the direction of reform. If the reduction of pay which we reported had been adopted, the purchasing power of the salaries of the officers of the Navy would be as great to-day as from 1865 down to the time when the panic began. There was nothing unjust in that measure. It did away with the odious system of promotion which has been filling up the retired-list, making that list more repugnant to the spirit and genius of our Government than the civil-pension lists of Great Britain. The democratic side of this House, trying to pursue the line of retrenchment and reform, reported this measure through the Naval Committee; but it was killed in the House of its friends.

Now, Mr. Chairman, if the substitute of the gentleman from Pennsylvania [Mr. RANDALL] be adopted, then until those reports come in every navy-yard in the United States will be at the mercy of the Secretary of the Navy. He is not friendly to many of the navy-yards. He has blows to give as well as blows to take in a rencontre which he has assumed to be personal to himself. If you adopt this amendment, you leave this whole matter in the hands of a naval board composed of men whose lives have been spent upon the sea, who are not acquainted with the business affairs of life, who in the presence of the great elements of nature have been unfitted in their habits of mind to deal with such a question as the sale of navy-yards, involving millions upon millions of property belonging to the people of the country. There is nothing wise, nothing judicious in this measure. It is simply evasion—a shirking of responsibility which this House ought to meet now. You have the necessary facts to do so. You have more facts upon this question than upon any question of like nature which has been discussed during this whole session.

[Here the hammer fell.]

The question being taken on the amendment of Mr. MACKEY, of South Carolina, it was not agreed to.

The question recurring on the substitute proposed by Mr. RANDALL for the amendment of Mr. LEWIS, it was agreed to; there being—ayes 97, noes 34.

The amendment of Mr. LEWIS, as amended by the substitution of the amendment of Mr. RANDALL, was adopted.

The Clerk read as follows:

For compass-fittings, including binnacles, tripods, and other appendages of ships' compasses, to be made in the navy-yards, $4,000.

Mr. BLOUNT. I am instructed by the Committee on Appropriations to move to amend the paragraph just read by striking out the words "to be made in the navy-yards, $4,000," and inserting "$3,000."

The amendment was agreed to.

The Clerk read as follows:

For musical instruments and music for vessels of war, $500.

Mr. BLOUNT. I move to amend by striking out "$500" and "inserting "$1,000."

The amendment was agreed to.

The Clerk read as follows:

Bureau of Equipment and Recruiting:

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation; storage, labor, hemp, wire, and other materials for the manufacture of rope; hides, cordage, canvas, leather; iron for manufacture of cables, anchors, and galleys; condensing and boat-detaching apparatus; cables, anchors, furniture, hose, bake-ovens, and cooking-stoves; life-rafts for monitors; heating-apparatus for receiving-ships; and for the payment of labor in equipping vessels and manufacture of articles in the several navy-yards, $1,000,000.

Mr. BLOUNT. I move to amend the paragraph just read by striking out "$1,000,000" and inserting "$970,000."

The amendment was agreed to.

The Clerk read as follows:

For contingent expenses of the Bureau of Equipment and Recruiting, namely: For expenses of recruiting and fitting up receiving-ships, freight, and transportation of stores, transportation of enlisted men, printing, advertising, telegraphing, books and models, stationery, express charges, internal alterations, fixtures, and appliances in equipment buildings at navy-yards, foreign postage, car tickets, ferriage, and ice, apprehension of deserters, assistance to vessels in distress, continuous-service certificates and good-conduct badges for enlisted men, including purchase of school-books for training-ships, $45,000.

Mr. BLOUNT. I move to amend the paragraph just read by striking out "$45,000" and inserting "$75,000."

The amendment was agreed to.

The Clerk read as follows:

Bureau of Provisions and Clothing:

For provisions for the officers, seamen, and marines, $930,000.

For purchase of water for ships, $30,000.

For contingent expenses: For freight and transportation to foreign and home stations; candles and fuel; interior alterations and fixtures in inspection buildings; tools, and repairing same at eight inspections; special watchmen in eight inspections; books and blanks; stationery; telegrams; advertising; postage and express charges; tolls, ferriages, and car tickets; ice; and incidental labor not chargeable to other appropriations, $30,000

Mr. BLOUNT. I move in line 257 to strike out "30" and insert "25;" so it will read:

For the purchase of water for ships, $25,000.

The amendment was agreed to.

Mr. BLOUNT. I also move, in line 265, to strike out "30" and insert "35."

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care and protection of the Navy in the line of construction and repair; incidental expenses, namely, advertising and foreign postage, $1,500,000.

Mr. MILLS. I move, at the end of line 274, to add the following:

The Clerk read as follows:

And that the sum of $200,000 of the above sum, or as much thereof as may be necessary, shall be used in the employment of labor to put the live-oak timber in the different yards in wet-docks; and labor for that purpose shall be employed

during the months of July, August, or September, and shall be discharged before the 1st of October, 1876; and during the months of October and November, 1876, there shall not be exceeding fifty persons borne on the list as laborers at any navy-yard at the expense of the Government.

Mr. MILLS. Mr. Chairman, during the examination made by the Committee on Naval Affairs at the different navy-yards of the United States, as far as they went, they have discovered the fact that a large amount of live-oak which the Government has been purchasing for a number of years is lying in these yards in an exposed condition. It is a peculiar kind of timber, and if exposed to extreme heat or cold cracks and in the course of a few years deteriorates, and in some instances becomes ruined. We found at the Boston navy-yard and in a number of other navy-yards a large amount of this timber lying out exposed in those yards without cover. It is best preserved in water, and when we asked the officers why it was not in water the answer was uniformly they did not have the labor to put it in water and take care of it.

Now, it makes no difference what amount of appropriation is made for the Bureau of Construction and Repair, it will be diverted from this labor and carried forward to employ writers and clerks and political laborers who may be employed on the eve of an election, and the timber of the Government will be allowed to go to ruin and become destroyed. I simply make a provision in this amendment that $200,000 out of the sum appropriated, and not in addition to it, or so much thereof as may be necessary, shall be used in the employment of labor to put this live-oak timber into wet-docks.

I further provide that this extra labor, if it shall be required, shall be employed during the months of July, August, or September, in order that there may be no pretext for the Navy Department to wait until October and November, and then employ a thousand or more hands, as they did in 1874, because the Administration desired the election of Messrs. Gooch and Frost, as was stated in one of the dispatches to the commandant of the navy-yard at Boston. I wish the hands employed to do this labor employed in the interest of the Government, taking care of this live-oak timber, and not employed in the interest of some political party.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, this proposition has not been submitted to our committee. It meets with my approval, and no doubt has been carefully considered by the Committee on Naval Affairs.

Mr. HALE. I move to strike out the last word.

Mr. Chairman, I hope the committee will not adopt the amendment of the gentleman from Texas, for the reason that it is here without discussion and without knowledge, setting ourselves up as knowing enough on this subject of live-oak timber and its treatment to instruct the Navy Department as to its management. I know the accumulation of live-oak, its preservation and care, is a matter the Navy Department has given especial attention to, and that it has already brought up the stock on hand, to be used whenever the emergency shall arise, almost to the figure of the amount accumulated before the war. I ask attention to this statement:

Statement of live-oak, white oak, and yellow pine on hand at the United States navy-yards under cognizance of the Bureau of Construction and Repair.

Material.	1860.	1876.
	Cubic feet.	*Cubic feet.*
Live-oak	1,691,953	1,259,932
White oak	499,932	379,375
White oak, plank	3,364,658	
Yellow pine	419,516	630,308
Yellow pine, plank	1,769,576	

Now as to the other proposition in this amendment, that the Department shall be obliged on our say-so to have in certain months of the year—the hot months of the year, when you can labor to less advantage—the most men in the yards, and in certain other months it shall have the fewest men, I do not think we can afford to adopt it.

The gentleman talks, and I have heard it before, about political influence. He claims these yards are used for political purposes by the party now in power. In answer to him, I ask the Clerk to read from the Congressional Globe on this very matter for the information of the gentleman from Texas, who talks on this subject of the abuse of navy-yards for political purposes. They are the remarks of General BANKS in reference to the management of a navy-yard in New England.

The Clerk read as follows:

The order that was issued, which was a very proper one, as the gentleman from New Hampshire says, was the voluntary act of the Secretary of the Navy himself. No portion of the republicans of Charlestown asked for it. On the contrary, both sections of the republican party there regarded it as unsatisfactory. But the Secretary believed it was the proper rule to be enforced, and which had been enforced in the management of that and all other yards. I myself advised him to do it, and it was issued. So far as the management of the navy-yard at Charlestown is concerned, I say now what I have said here before, that democrats have more influence and power over it than any members of the republican party I know ever had. It is twenty years since I first represented this important interest in Congress, and in all that time, whether under democratic or republican rule, I have never had any considerable influence in its management. Democrats out of Congress, and apparently out of power, have sometimes kindly volunteered to aid me if I wanted to get a fellow or two employed there, and secretaries of the Department have said to me that without the most careful observation, under republican administrations, all the yards were sure to be filled with democrats.

Mr. HARRIS, of Massachusetts. In the investigation by the Committee on Naval Affairs on the subject of the storage of live-oak in the three navy-yards of Brooklyn, Philadelphia, and Boston, this fact was clearly developed, that all the live-oak timber received at these yards—very little of it having been received at Philadelphia—within one year is lying there unprotected either by covering or by being put into the wet-docks. In Boston there is a very large amount of that timber lying exposed which has cost the Government a great sum of money and is very valuable. And it is very desirable, in my judgment, that there should be an appropriation somewhere in order that it may be properly taken charge of.

The answer made to us on every occasion when the question was asked why this lumber was suffered to lie unprotected in that way was, "The appropriation is exhausted; it cannot be done, for we have no labor."

Now, so far as the amendment of the gentleman from Texas relates to the using of a portion of the appropriation for that purpose, it is entirely proper, and I hope no gentleman will undertake to oppose it. It ought to be done. I think, however, the gentleman might modify the amendment and leave this matter completely in the hands of the officers of the yards who are now so anxious to take care of this timber. And there is no occasion on this subject to speak of the possibility or danger of political appointments. It is only to employ a few common laborers who can handle that lumber and throw it into the wet-docks. It seems to me the amendment is a very proper one.

Mr. BANKS rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. MILLS. I withdraw my amendment if the gentleman from Massachusetts will renew it.

Mr. BANKS. I renew the amendment. I owe my thanks to the gentleman from Maine [Mr. HALE] for having that passage from one of my speeches, as I suppose it is, read. I did not know I had so much sense. [Laughter.] Every word of that statement is true. I never had any power in the navy-yards. There were always other people more influential with the officers there not connected with the Administration than I was or than any of my friends were.

Mr. Chairman, my earnest endeavor in the last twenty years, during which I have been off and on a Representative of that district, was to separate the navy-yard from all political influence; and again and again we have passed a declaration in the form of law that the chief workmen in the departments there should be men skilled in their business from civil life, and that they should make no appointments upon political grounds. That was the character of the order which the Secretary issued upon my recommendation, and, if I recollect rightly, substantially upon the declarations that I have made in this House.

I want to call the attention of the gentleman from Maine especially to another fact which will show to the House more conclusively than anything in the speech which has been read that the republicans have not had their due share of power there. In 1874 I was a candidate, as I have been several times, in that district, and it was an animated contest. I think more than twenty or thirty, possibly forty, of the most distinguished statesmen from the State of Maine came up there to influence that election, the late honorable Speaker of this House at their head. They were there for weeks. There had been more than two thousand republicans put in there. The affair, it was supposed, was ready, cocked and primed, for these gentlemen to put in operation. But when the polls finally closed, although in a district where they had had 6,000 majority for several years, there was a majority of 6,500 against them; and it appeared that these twenty or thirty or forty of the most prominent republicans from the State of Maine had not the slightest influence or power with a single Bureau in that yard.

[Here the hammer fell.]

Mr. BANKS. Just one word more, because I have had to speak on both sides. [Laughter.] It is not every one who can do that. I have advocated earnestly and strongly, because I knew it was for the interests of the Government and for my interests, and I want to put in a word on both sides, that the heads of the Bureaus, that the superintendents of the workmen, should be men chosen from civil life, skilled in their profession, and without the right to make appointments of men merely for political purposes and without regard to the interests of the Government.

In the Senate of the United States and in committees of conference we had every strong point made there, and the last opponent that I met, who opposed entirely the organization of the yards on this ground, was one of the most prominent democrats of the country, himself named not long ago as a candidate for the Presidency.

Mr. MILLS. By a rule of law of universal recognition, and which the gentleman from Maine as a lawyer will certainly understand, no man is permitted to manufacture testimony for himself. He has brought in the saying of a gentleman of his own party. It is mere hearsay testimony, and ought not to be taken; but even if I should waive all objection to his witness and the competency of his testimony, I must say that I think he has been exceedingly unfortunate in

the selection of his witness, for the House has come to the conclusion by this time that his witness has turned back on him.

When we were at Boston investigating the condition of the navy-yard at that place, we discovered that in the months of October and November, I think, over one thousand hands were put on at that yard to work under the following delightful epistle:

Private.] BOSTON, MASSACHUSETTS, *October* 23, 1874.

MY DEAR COMMODORE: I wish you would approve requisitions for men to be employed as they may be made until the 1st of November.

Some fifty additional men has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The Administration desire the success of Gooch and FROST.

Yours respectfully,

I. HANSCOM.

Commodore E. T. NICHOLS, U. S. N.,
Commandant.

Now, sir, about one thousand hands were employed under that order to cut down the hull of the steamship Virginia, an old vessel commenced in 1816, and that has the most magnificent hull of live-oak timber of the very best quality in the United States Navy, officers of the Navy say as sound and hard as rock, and the work done cost the Government I suppose eight or ten thousand dollars in the injury to the vessel, but the expenses to the Treasury for the payment of hands amounted to over $100,000. One hundred thousand dollars of the treasure of the Government of the United States, if you will allow me to discard poetry and speak in the language of truth and fact, was embezzled by the officers of the Government to elect two gentlemen to Congress who were agreeable to the taste of the Administration; and I will say in praise of the gentleman from Massachusetts that all the energies of the Administration, all the sinews of its power in that yard, all the influence of $100,000 that was robbed from the Treasury to defeat him by putting men in the yard who would vote against him—notwithstanding all this, when the day of election came, so strong is his hold on the affections of the people of Massachusetts, that these men went to the polls to a man and cast their votes for him.

Mr. BANKS. I cannot dispute it, sir. [Laughter.]

The amendment to the amendment was not agreed to.

The question was taken on the amendment offered by Mr. MILLS; and it was agreed to.

Mr. HALE. I move in lines 273 and 274 to strike out "$1,500,000" and insert "$1,750,000," partly because by the amendment just adopted a designation has been made of $200,000 of the funds of the appropriation for the Bureau of Construction and Repair, and partly to call the attention of the committee to the fact that this appropriation as it stands at present is smaller than has been given to the Bureau of Construction and Repair for many years. One year previous to the war there was more expended than is now given. The committee has reported grudgingly only $1,500,000, and designation of $200,000 of that has already been made on motion of the gentleman from Texas. Last year's appropriations for this Bureau were $3,300,000. The committee has cut that down more than 50 per cent., a larger reduction than has been made in any other branch of the service.

Sir, this is the Bureau upon which is dependent the actual life and existence and maintenance of the Navy. All the repairs of the different ships on all waters of the globe are made by this Bureau, and any gentleman with any experience knows that you cannot maintain a navy even as small as ours without there being natural decay and destruction that involve a large amount of money for repairs. If my friends who are seeking to cut down this appropriation had ever been engaged in the merchant marine or had owned or sailed vessels, they would understand better the decay that is incurred by a vessel at sea.

Now, I do not think, Mr. Chairman, that this House intends to cripple the American Navy. We have had evidence of it already. I do not think there is any disposition here on the part of the majority, so far as we can judge, to do this; but there is no surer way of impairing the efficiency of the American Navy and leaving it in a bad condition from year to year than unreasonably cutting down this appropriation for the Bureau of Construction and Repair. Out of that appropriation during the last seven years the present Secretary of the Navy has kept up the Navy in its present condition and made it a better Navy than we ever had on the waters of the globe. He has now got it in good condition. I am free to say that he can get along with a less appropriation than he has had heretofore, and that is why I for one would consent to a large reduction. But when gentlemen want to cut the appropriation down from $3,300,000 to $1,500,000, and then designate $200,000 of that for a particular purpose, only leaving him $1,300,000—I say nothing of ships that cannot be completed for less than $1,000,000—he cannot maintain in their condition the vessels now to be found in our different squadrons in the different waters of the globe.

Mr. WHITTHORNE. I shall undertake on a future occasion to take issue with the view of the gentleman from Maine that the Navy of the United States is now in a better condition than it was ever known to be. I shall undertake on that occasion to demonstrate, if possible, that the United States Navy has never been in so shameful and miserable a condition as at the present time.

Now, replying to the matters that are pertinent to the amendment, I desire, if the gentleman from Georgia [Mr. BLOUNT] is here, but I see he is absent——

Mr. RANDALL. I am here; I will listen.

Mr. WHITTHORNE. I desire, then, to know from the Committee on Appropriations in so many words whether in the line of construction and repair that committee intends that the Bureau of Construction and Repair shall set about the building of new vessels?

Mr. RANDALL. I will answer that question. My understanding is that we have cut the appropriation down to a sum sufficient for repairs. In so far as iron-clads are concerned, there are fifteen now afloat and five to be finished.

Mr. WHITTHORNE. Then do I understand that the Committee on Appropriations intend to commit themselves to the work which the Secretary of the Navy has undertaken, under contracts with John Roach and others, for the repairing and building of iron vessels?

Mr. RANDALL. I see the gentleman from Georgia [Mr. BLOUNT] now in his seat. If he had been here before, he would have been the proper one to answer the question of the gentleman from Tennessee, [Mr. WHITTHORNE.] I will say that so far as I know the Committee on Appropriations intend to commit themselves to nothing. We have cut down the appropriation for this purpose as far as we deemed it safe to cut it down. If the gentleman from Tennessee can make it manifest that we have not reduced it low enough, of course the committee ought to listen to him.

Mr. WHITTHORNE. My object in asking the question was this: I did not suppose that the Committee on Appropriations intended by any words which they might use to give sanction to what the Secretary of the Navy has done in the past in the way of repairing vessels and constructing new vessels.

Mr. RANDALL. I will answer for myself in that connection: I do not know that I have the right to answer for anybody else. I condemn entirely the manner of repairing vessels, as it is called; really building new vessels, having nothing of the old but the names. We cut down this appropriation from $3,300,000 to $1,500,000, which is a pretty serious cut, unless we had justification for it, which I think we had.

Mr. WHITTHORNE. So far as I am a member of this House, I do not want that we shall commit ourselves by any indirection to the policy of authorizing the Secretary of the Navy to build new vessels. If Congress means that new vessels shall be built, let it say so and appropriate money accordingly; that is what I mean.

A word now in regard to the proposition to increase this appropriation from $1,500,000 to $1,750,000. There is absolutely no necessity for any increase, for the reason that there is now plenty of material on hand at the different navy-yards for all the repairing which the Government is likely to do for the next five or six years; I mean repairing solely. Hence the amount of money which you appropriate will be or ought to be expended solely for the labor required to repair the vessels of the United States Navy with the materials which we already have on hand. Hence the limitation put here by the Committee on Appropriations of $1,500,000 is ample for the purpose.

[Here the hammer fell.]

Mr. BLOUNT. I move to strike out the last word for the purpose of addressing myself to the amendment of the gentleman from Maine [Mr. HALE] proposing to increase by $250,000 the appropriation recommended by the Committee on Appropriations for this branch of the service.

When the Committee on Appropriations came to this Bureau they felt impressed with the propriety of restraining the further practice under this Bureau which the gentleman from Tennessee [Mr. WHITTHORNE] has stated now obtained, that of really building new vessels under the name of repairing vessels. They set out upon the inquiry, What is the legitimate expense of simply keeping the Navy in repair as understood in common parlance? We were informed that with $1,750,000 they could do that work and complete the five iron-clads that have been contracted for and are now in process of construction. We did not deem that the rapid completion of those iron-clads was a matter of any pressing importance; and we determined, therefore, to reduce the amount appropriated to $1,500,000. That amount will still permit the completion of these iron-clads within two years instead of one. I therefore can see no reason for increasing the sum, because there is really no necessity for the present completion of these iron-clads.

My colleague on the Committee on Appropriations, [Mr. HALE,] without stating anything tangible, without giving us any definite information, states generally that persons not familiar with these things cannot conceive of the expense attending naval affairs. Now, while my own judgment and information on that subject were deficient at the outset, I think I have had from the Department enough information to justify me in the conclusion that the amount proposed by the Committee on Appropriations is sufficient. I hope, therefore, that the Committee of the Whole will reject the proposition to increase this appropriation, especially as the care of the timber is one of the items of expenditure under this Bureau of Construction and Repair.

Mr. DANFORD. In answer to the declaration of the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] that, in his judgment, our Navy is to-day in a worse condition than it ever was at any previous time in our history, I desire to say that the ships of our Navy, as shown by the reports of the Secretary of the Navy and of the Chief of the Bureau of Construction and Repair, are to-day undoubtedly in a better condition than they were when this Adminis-

tration came into power, if we are to place any reliance whatever upon those reports.

If my colleague on the committee [Mr. WHITTHORNE] speaks of our Navy in comparison with the navies of the great powers of the world, then it becomes a question of judgment and opinion whether the Navy of the United States is now in a comparatively worse condition than it ever was before at any time in our history.

The policy of the great powers of the world in relation to the construction of navies has not yet been fully determined. While Great Britain within the last thirty days has launched at least two iron-clads with twenty-four-inch armor, we hear on the other hand that Herr Krupp is prepared to build a gun of one hundred and fifty tons that will throw a projectile which will crush in the sides of those iron-clads as the six-pound shot of thirty years ago crushed through the sides of the wooden vessels of the navies of the world of that day.

We have no settled or fixed policy in this country in relation to the construction of ships. I concede that; and when Congress a few years ago made a provision for the increase of our Navy, appropriating for that purpose I believe $3,500,000, it was provided that the Secretary of the Navy should construct from that appropriation eight vessels. Sir, that sum would not construct two such vessels as France and Great Britain are putting afloat. But in regard to such vessels as we have, such vessels as we had when this Administration came into power, such vessels as it has been the policy of the Secretary of the Navy and the present Administration to construct, the reports of the Secretary of the Navy and of the heads of the Bureaus show that they are in far better condition than they were six years ago. Take our cruisers, for instance. We had at that time but eight cruising vessels in good condition. At the time of the last report we had twenty-six. Of receiving-ships we had but one in tolerable condition. At this time we have three in good condition. So with other classes of vessels; they have been improved in condition; and many vessels which during the war were hurriedly constructed of green timber have been rebuilt of live-oak, and are now substantial vessels. In this connection I desire to publish some data furnished by the Bureau upon the present condition of the Navy.

Condition of the unarmored vessels of the Navy, 1870, 1876.

Name.	1870.	1876.
Alaska	New vessel, in good condition	At sea, in good condition.
Albany	Condemned and sold 1872 for $48,000.	Condemned in 1872, and sold for $48,000; made only one cruise; white-oak ship, built of unseasoned timber.
America	Prize; sold	Appraised and sold at auction for $5,000, all the Government right.
Antietam	On the stocks, but too much deteriorated to be finished as a cruising vessel.	Completed and launched for store-ship.
Ashuelot	Requiring repairs	Repaired and in good condition.
Benicia	Good condition	Requires repairs.
Blue Light	Requiring extensive repairs	Condemned.
Brooklyn	Requiring extensive repairs	Requires repairs.
California	Being fitted out for a cruise	Condemned and sold.
Canandaigua	Requiring extensive repairs	Repaired and made a cruise; now laid up at Norfolk.
Catalpa	Repairs required	Yard-tug, New York.
Chattanooga	Condemned; sold	Sold.
Clinton	Requires repairs	Sold.
Cohassett	Good condition	Yard-tug, Boston.
Colorado	Extensively repaired and in good condition.	In good condition.
Colossus	On the stocks; much decayed	Condemned.
Congress	Good condition, although some rotten wood in her.	At sea; very rotten; unfit for repairs.
Connecticut	On the stocks, too much decayed to finish unless in an emergency.	On the stocks; reported rotten.
Constellation	Requires large repairs	In good condition
Constitution	Requires large repairs	Being repaired for sailing-vessel
Cyane	Rotten sailing-ship	Condemned at Mare Island.
Dacotah	Condemned	Sold.
Dale	Good condition; sailing-sloop	Sailing-vessel; school-ship.
Delaware	Returning home from Asiatic squadron, condemned.	Offered for sale twice at auction, but price not adequate.
Emerald	Ferry-boat, Portsmouth, New Hampshire.	Yard-tug.
Florida	In fair condition	Requires extensive repairs.
Fortune	Requires new decks	In good condition.
Franklin	Good condition	Good condition; at sea.
Frolic	Requires new decks and large repairs.	At sea; in good condition.
Galena	Requires thorough repairs from keel up.	Rebuilt; on the stocks.
Gettysburg	Requires new decks and upper works.	At sea; in good condition.
Glance	Requires large repairs	Yard-tug, League Island; in good condition.
Guard	Slight repairs	Laid up; fair order.
Guerriere	Requires repairs	Sold.
Hartford	Requires heavy repairs, from light water up.	Repaired thoroughly and in good condition; at sea.
Idaho	Fair condition	Sold.
Illinois	Condemned; unfit to finish	Broken up.
Independence	Requires repairs; seventy-four sailing-vessel.	Receiving-ship, Mare Island, California.

Condition of the unarmored vessels, &c.—Continued.

Name.	1870.	1876.
Iowa	Not completed; some rotten wood in her; white-oak ship.	Very rotten, and will require new timbers and plank above water.
Iroquois	Extensive repairs required before she can be sent to sea.	Repaired thoroughly but needing new boilers.
Jamestown	Sailing-ship in commission; will require repairs when she arrives at a navy-yard.	Repaired and loaned to the State for school-ship, California.
Java	On the stocks; requires a large expenditure to complete. White-oak frame.	On the stocks; same condition.
Jean Sands	Tug with crane for removing heavy weights.	In good condition.
Juniata	In commission, in fair condition	Requires extensive repairs.
Kansas	Requires large repairs	Requires extensive repairs.
Kearsarge	Unfit for sea service	Extensively repaired and made equal to a new vessel; at sea.
Lackawanna	Requires large repairs	Repaired at sea; in good condition.
Lancaster	In commission; will require on her return very extensive repairs before going to sea again.	Repaired in Rio, but estimated cost of repairs $600,000.
Leyden	Requires new decks	Thoroughly repaired and in good condition.
Macedonian	Sailing-vessel; to be repaired for school-ship.	Sold.
Marion	Sailing-vessel; requiring large repairs.	Rebuilt and at sea. Changed from sailing-vessel to steamer; very efficient and fast.
Massachusetts	Double-turret monitor, white-oak ship, requiring $1,200,000 to complete for service.	Condemned.
Mayflower	Tug; requires new decks	Repaired and in good condition.
Mercury	Small side-wheel boat; in fair condition for river service.	Requires repairs.
Michigan	In service and in fair condition.	In service and in good condition.
Mignonnette	Condemned and unfit for repairs.	Sold.
Minnesota	Being extensively repaired for flag-ship.	In commission and ready for sea.
Mohican	In commission, defective, and requiring very large repairs when she arrives at a naval yard.	New fine frame got out and put up, ready for planking.
Mohongo	Requires more cost of repairs than it is deemed advisable to expend upon her.	Sold.
Monocacy	In commission, fair condition	Repaired and in service.
Monongahela	Requires new top-sides, new decks, ceiling, &c.	Thoroughly repaired and in commission.
Monterey	Tug at Mare Island; in fair condition.	Rebuilt, in good condition.
Nantasket	In commission, defective in condition and as a war-vessel.	Condemned and sold.
Narragansett	Being repaired at Portsmouth extensively.	In commission and in good order.
Nebraska	Rotten and unworthy of completion; recommended to be broken up.	Condemned and broken up.
Nevada	Laid up at New York and very defective; white-oak vessel.	Sold.
New Hampshire	In good condition for receiving-ship; sailing-vessel; not fit for sea-service.	In commission as store-ship.
New Orleans	Rotten and unworthy of completion.	Condemned.
New York	Live-oak frame in position, but not planked.	In frame, under good protection from the weather.
Niagara	Under orders to be repaired and iron-plated. Estimated cost in construction and repairs $600,000, and in steam-engineering $450,000. Will cost in other bureaus $200,000. Whole cost, $1,150,000.	After commencing the repairs the question of converting the vessel into an iron-clad was considered and not approved.
Nina	Requires new deck	In good condition and in service.
Nipsic	At sea; some rotten wood in her; will require extensive repairs when cruise is up.	Rebuilding; can be lanched in forty days.
Nyack	At sea, but requiring to be repaired throughout.	Condemned; to be rebuilt.
Ohio	Receiving-ship; sailing-vessel, not fit for sea service.	Very rotten.
Omaha	Requiring light repairs	Repaired and in service.
Onward	Sailing-vessel, used as store-ship on Pacific; only fit for carrying stores.	In good condition.
Oregon	On the stocks; white-oak vessel, and somewhat decayed.	Condemned, rotten.
Ossipee	At sea; will require repairs on her return from her present cruise.	In commission, requiring repairs.
Palos	Asiatic coast; doing light dispatch duty.	In good condition.
Pawnee	Laid up at Norfolk; requiring repairs for store-ship.	Fit only for coal-barge.
Pennsylvania	White-oak ship; on the stocks at Boston; some rotten wood about her.	On the stocks, but somewhat rotten.
Pensacola	Repairing at Mare Island; repairs very extensive and at great cost.	Thoroughly repaired and in service.
Periwinkle	Requiring extensive repairs	Lost in Hudson's Bay.
Phlox	Side-wheel dispatch-boat at Annapolis.	Thoroughly repaired; in good condition.

Condition of the unarmored vessels, &c.—Continued.

Name.	1870.	1876.
Pilgrim	Dispatch-boat	In good condition.
Pinta	Iron tug; requires new deck	Repaired, with new iron deck.
Plymouth	At sea, in good condition	In service; requires extensive repairs.
Port-fire	Condemned	Condemned to be broken up.
Portsmouth	Sailing and training-ship; at sea, South Atlantic.	Repaired and in good condition; used as training-ship.
Potomac	Receiving-ship, sailing-vessel; at Philadelphia.	Condemned to be sold or broken up.
Powhatan	Requiring extensive repairs; at Philadelphia yard.	In commission and in fair order.
Primrose	Side-wheel boat; laid up, Washington.	Sold.
Quinnebaug	Returning from sea; white-oak ship and very rotten; engines condemned.	Rebuilt and an excellent class, nearly completed.
Relief	Laid up at New York; sailing-vessel, only fit to carry stores, and requiring repairs.	Used as receiving-vessel; unfit for sea service.
Resaca	At sea; reported very rotten; white-oak ship.	Sold.
Rescue	Laid up; unfit for service	Unfit for service; small tug.
Richmond	At sea, in fair condition	At sea, requiring extensive repairs.
Rocket	Tug for yard duty at New York.	On duty; tug.
Rose	Yard-tug at Pensacola	Yard service at Pensacola.
Sabine	Carrying stores	Sailing-vessel; condemned for sea.
Saco	Being extensively repaired at Norfolk.	Very rotten, and will probably be condemned on her return to navy-yard.
Saginaw	At sea; special duty; surveying.	Lost at sea.
Santee	Used as practice-ship, Naval Academy; sailing-vessel.	Sailing-vessel; can be used for practice-ship only.
Saranac	At sea; Pacific squadron, in good condition.	Lost at sea.
Saratoga	Sailing-vessel, fitting for sea	Sailing ordnance-vessel.
Savannah	Sailing-vessel, practice-ship for midshipmen; at sea.	Sailing-vessel, and can only be used for practice-ship.
Seminole	Laid up, New York; requires repairs.	Sold July 20, 1870, for $25,000.
Severn	At sea, first cruise; reported rotten; white-oak ship.	Condemned; has been twice offered for sale.
Shawmut	Repairing at New York	Requires extensive repairs.
Shenandoah	Fitting out; extensively repaired at Boston.	Requires calking and painting.
Snowdrop	Yard-tug at Norfolk	Yard service.
Sorrel	Yard-tug at Philadelphia	Yard service.
Speedwell	Yard use at Portsmouth, New Hampshire.	In good condition; ready for service.
Standish	Laid up at Norfolk; requires new deck.	In service at Norfolk.
St. Lawrence	Condemned; sailing-ship, Norfolk.	Sold.
St. Louis	Condemned; sailing-ship; used for quarters, League Island.	Condemned to be sold.
St. Mary's	Sailing-vessel, Pacific squadron; good condition.	In service for school-ship by city of New York.
Spuyten Duyvel	Laid up at New York; torpedo-boat.	Laid up at New York.
Supply	Sailing; store-ship	In service; bringing supplies for Centennial.
Swatara	At sea; reported rotten	Rebuilt; made a cruise around the world carrying scientific corps to witness the transit of Venus.
Tallapoosa	Special duty; carrying stores to navy-yards.	Repairing thoroughly, and in excellent condition.
Tennessee	Requiring extensive repairs to hull and machinery; unfit for a cruise at sea until repaired.	Thoroughly repaired; now in commission, flag-ship, (Asiatic.)
Ticonderoga	In good condition and in commission.	In good condition, except calking and painting; large repairs made in 1870.
Triana	Requires new deck, and machinery repaired.	New decks put in, and requires new boilers.
Tuscarora	In commission, but will require repairs on her return to a navy-yard.	Thoroughly repaired; in good condition.
Vandalia	Requiring very large repairs before going to sea.	Rebuilt and in commission; one of the best vessels of her class in the Navy.
Vanderbilt	Condemned as unfit for repairs	Sold.
Vermont	Requires large repairs for receiving-ship; not available as a fighting-vessel.	Receiving-ship; old type of sailing 74; condemned.
Virginia	Condemned; unfit to finish	Broken up.
Wabash	Under extensive repairs	Repaired, and in commission.
Wachusett	Repairing top-work	Requires repairs, such as calking and painting.
Wasp	Very much worn and will not be worth repairing after present duty.	Sold.
Worcester	In fair condition, although she has never been to sea; some rotten wood has been found in her hull; will not last more than five years.	Condemned for further sea service. Used as receiving-ship.
Wyandank	Unfit for sea service or repairs	Unfit for sea service; used as store-vessel.
Wyoming	Requires repairs, which are being made.	Being repaired slightly, and in good condition.
Yantic	In good condition for five years.	In commission, and in fair condition.
Susquehanna	Condemned; unworthy of repairs.	Condemned to be sold.

RECAPITULATION.

Unarmored vessels of the Navy.

	1870. First rate.	Second rate.	Third rate.	Fourth rate.	Total.	1876. First rate.	Second rate.	Third rate.	Fourth rate.	Total.
CRUISING VESSELS, (*all steamers.*)										
In good condition	2	2	3	1	8	4	8	11	3	26
In fair condition	...	4	3	2	9	...	4	4	...	8
Being fitted out	...	1	1	...	2	...	...	1	...	1
Under repair	2	1	...	3	6	...	...	3	...	3
Requiring extensive repairs	...	8	11	11	30	1	6	4	1	12
Unfit for repairs	...	7	...	4	11	...	4	...	...	4
RECEIVING-SHIPS.										
In good condition	...	...	1	...	1	...	1	1	1	3
In fair condition	...	...	2	...	2	...	...	1	...	1
Requiring extensive repairs	...	...	3	...	3	...	...	...	...	...
Unfit for repairs	...	...	...	...	...	...	2	1	...	3
STORE AND PRACTICE VESSELS, (*sail power only.*)										
In good condition	...	...	1	2	3	...	...	6	3	9
In fair condition	...	1	2	1	4	...	...	3	1	4
Under repairs	...	...	1	...	1	...	...	1	...	1
Requiring extensive repairs	...	...	6	4	10	...	...	...	...	...
Unfit for repairs	...	...	1	3	4	...	...	1	2	3
TUGS AND OTHER SMALL STEAM-VESSELS.										
In good condition	...	...	...	5	5	...	...	...	20	20
In fair condition	...	...	...	6	6	...	...	...	...	...
Requiring extensive repairs	...	...	...	13	13	...	...	...	1	1
Unfit for repairs	...	...	...	7	7	...	...	...	4	4
VESSELS ON THE STOCKS.										
Line-of-battle ships, (old)	...	...	2	...	2	...	...	1	...	1
War sloops, (white-oak frame)	...	6	...	...	6	...	4	...	...	4
Totals	...	...	...	...	133	...	...	...	...	108

SUMMARY.

	Second rate.	Third rate.	Fourth rate.	Total.	Grand total.
Total number of unarmored vessels of every kind and condition in the United States Navy 1870, (as above)	...	...	...	...	133
Lost at sea since 1870	1	...	2	3	
Condemned as unworthy of repairs and sold	6	4	10	20	
Condemned and broken up	1	1	...	2	25
					108
Purchased into Navy since 1870	...	...	2	2	
New vessels built for Navy since that year	1	7	...	8	10
Present strength of Navy in unarmored vessels	...	...	...	...	118

Condition of war-vessels of the United States in 1870 *and* 1876.

Name.	1870.	1876.
Ajax	Deck beams and decks rotten; machinery requires extensive repairs; cannot be used until repaired; decks and sides require to be raised up 15 inches.	Thoroughly repaired by taking off decks raised up 15 inches; new iron decks put in; new inboard works; new steam-windlass; hydraulic-power for raising turrets, and completed for sea duty.
Camanche	do	Do.
Canonicus	do	Do.
Catskill	do	Do.
Jason	do	Do.
Lehigh	do	Do.
Mahopac	do	Do.
Manhattan	do	Do.
Montauk	do	Do.
Nahant	do	Do.
Nantucket	do	Do.
Sangus	do	Do.
Wyandotte	do	Do.
Passaic	do	Do.
Monadnock	Requires iron hull; unfit for use.	New iron frame built and put up and preparation made for plating inside and out; could be completed in four months.
Terror	do	Do.
Amphitrite	do	Do.
Miantonomoh	do	Do.

Condition of war-vessels, &c.—Continued.

Name.	1870.	1876.
Dictator	Beams and decks slightly rotten.	Decks rotten, and requires new iron decks and to be raised up for more free-board.
Puritan	Requires rebuilding to answer her original design	New iron frame nearly completed; capacity increased to carry 6 15-inch guns and 12-inch plating.
Roanoke	Can be used for harbor defense.	Requires rebuilding with iron frame and plating.
Algoma	Unfit for use; insufficient displacement. Condemned.	Broken up.
Chickasaw	Unfit for service and unworthy of repairs; of light plating only, and of insufficient capacity for proper thickness of iron armor.	Sold.
Cohoes	Light-draught monitor; unfit for use and unfit for repairs.	Condemned and broken up.
Iris	do	Sold.
Ittah	do	Sold.
Hero	do	Condemned and broken up.
Kewaydin	Unfit for service or repairs	Sold.
Klamath	Light-draught; unfit for service or repairs.	Sold.
Koka	do	Condemned and broken up.
Marietta	Unfit for service or repairs	Do.
Minnetonka	Light-draught; unfit for service or repair.	Do.
Modoc	do	Do.
Napa	do	Do.
Nansett	do	Do.
Niobe	do	Do.
Osceola	Unfit for service or repairs	Sold.
Otsego	Light draught; unfit for service or repair.	Condemned and broken up.
Piscataqua	do	Condemned and partly broken up.
Sandusky	Unfit for service or repair	Sold.
Umpqua	Light draught; unfit for service or repair.	Sold.
Wassuc	do	Condemned and broken up.
Winnebago	Unfit for service or repair	Sold.
Yazoo	Light draught; unfit for service or repair.	Condemned and broken up.
Yuma	do	Sold.
Colossus	On the stocks, much decayed	Condemned.
Massachusetts	Double-turret monitor; white-oak ship, requiring $1,200,000 to complete for service.	Do.
Nebraska	Rotten and unworthy of completion; recommended to be broken up.	Condemned and broken up.
Oregon	On the stocks; white-oak vessel and somewhat decayed.	Condemned; rotten.
Shawnee	Light draught; unfit for service or repair.	Condemned and broken up.
Suncook	do	Do.

IRON-CLADS.—RECAPITULATION.

Rate.	1870.		1876.				
	Requires repairs.	Unfit for repairs.	Good condition.	Being repaired.	Requires repairs.	Condemned and sold.	Condemned and broken up.
First	.....	.....	.....	.....	.....	.....	.....
Second	6	1	.....	1	2	4	.....
Third	4	.....	.....	.....	.....	.....	.....
Fourth	14	26	14	4	.....	10	16
Totals	24	27	14	5	2	14	16
Whole number	51		51				

The question being taken on the *pro forma* amendment, it was not agreed to.

The question then recurred upon the amendment of Mr. HALE.

Mr. HALE. I move to amend the amendment by striking out the last word. I wish to say something upon the complaint which has been made in regard to the present Secretary of the Navy having, out of these annual appropriations for construction and repair, actually rebuilt what amount to new vessels. This is a complaint which has been sent abroad far and wide as if it were a gross abuse, and as if it were a new thing. Here, by the way, let me say that when most of the charges against the Navy Department are boiled down so that we may see what they really mean they amount to this: that out of these annual appropriations the Secretary of the Navy has actually been able to repair and build up a new and good Navy. Now, Mr. Chairman, there may have been some stretch of power in that; but it has not been in the direction of wastefulness or extravagance or of the decline of the Navy, but the other way.

But, Mr. Chairman, in regard to the rebuilding of ships in the Navy out of the fund for construction and repair, it is a thing that has always been done. The name of the ship is retained; but, instead of actually repairing her, she is practically rebuilt from the bottom. This, however, adds no ship to the Navy; it does not increase our naval force in numbers. I have here a list of a few of the vessels which in years past have been rebuilt in this way: the United States, in 1850; Fulton, 1835; Engineer, 1835; Princeton, 1851; Constitution, 1853; Constellation, 1853; Congress, rebuilt 1840, broken up at Norfolk 1836; Macedonian, rebuilt 1852; Franklin, 1854.

All these things were done in the olden days. Gentlemen need not set up this cry of abuse. Nay, sir, more than that; in 1843, out of the regular annual appropriations for the Navy, the sloops Portsmouth, Germantown, Albany, Plymouth, St. Mary, and Jamestown were built outright as new ships. They were not merely built over old names of the vessels then existing in the navy-yard; but without authority or leave or knowledge on the part of Congress the then administration proceeded to add to the Navy these six new ships out of the annual appropriation for construction and repair.

The Secretary of the Navy in this as in other things has guarded well to see that the Navy should be kept up, that the money Congress furnished him instead of being wastefully and extravagantly spent should be put upon the Navy itself so that something might show for it. If the gentleman states that the American Navy is poorer than ever before, I take square and direct issue with him, for both in wooden and iron vessels, in sailing and steam vessels, the present Secretary of the Navy has built up and maintained such a force as we never had before in the history of the Government. There are to-day fifteen iron-clad ships ready for immediate use if war should break upon the horizon, and when he came in there were not three which could go out of any one of our harbors and be prevented from going to the bottom. He has spent only a percentage of what they originally cost, and to-day as compared with any other power they make us a formidable people.

[Here the hammer fell.]

Mr. BEEBE. My attention was attracted by the remarks of the gentleman from Maine. I understood him to instance cases where vessels had been repaired, but I do not understand that he instanced any case since 1861. I would inquire whether he has upon his list any case since then?

Mr. HALE. The cases complained of by the gentleman on that side are since 1861.

Mr. BEEBE. Precisely; but we find in the Revised Statutes this section:

SEC. 1538. Not more than $3,000 shall be expended at any navy-yard in repairing the hull and spars of any vessel, until the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master-workmen of said yard, or one master-workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master-workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

Mr. HALE. That has always been complied with.

Mr. BEEBE. I understand not. From the investigation which we have been giving to this in the Committee on Expenditures in the Navy Department we find instances where repairs have been made without compliance with the requirements of the Revised Statutes. Now, sir, it is not my purpose to engage in the discussion of this bill at all, nor did I have that intention when I rose. I merely desired to call the attention of the committee to the fact that since the time instanced by the gentleman from Maine we have had a provision of the Revised Statutes incorporated in the general system of our laws which should be strictly complied with by those in charge of this great Department of our Government.

The CHAIRMAN. Debate is exhausted.

The *pro forma* amendment was withdrawn.

Mr. HALE's amendment was rejected.

The Clerk read as follows:

Naval Academy:

For pay of professors and others: For one professor of drawing, (head of department,) $2,500; three professors, namely, one of mathematics, (assistant,) one of chemistry, and one of French, at $2,200 each; eleven assistant professors, namely, four of French, one of Spanish, three of English studies, history, and law, one of mathematics, and two of drawing, at $1,800 each; sword-master, at $1,500, and two assistants, at $1,000 each; boxing-master and gymnast, at $1,200; and assistant librarian, at $1,400; three clerks to Superintendent, at $1,200, $1,000, and $800, respectively; one clerk to commandant of cadets, $1,000; one clerk to paymaster, $1,000; one apothecary, $750; one commissary, $288; one cook, $425.50; one messenger to Superintendent, $600; one armorer, $529.50; one gunner's mate, $469.50; and one quarter-gunner, $469.50; one cockswain, $469.50; three seamen in the department of seamanship, at $349.50 each; one band-master, $528; eighteen first-class musicians, at $348 each; seven second-class musicians, at $300 each; two drummers and one fifer, (first class,) at $348 each; in all, $54,826.

Mr. BLOUNT. I move on page 12, lines 284 and 285, to strike out all after the word "others" in line 284, down to and including the word "hundred" in line 285, and to insert in lieu thereof the following:

Two professors, (the heads of departments,) to wit, one of drawing, and one of English studies, history, and law, at $2,500 each, $5,000.

And on page 13, line 288, strike out the word "eleven," and insert "ten;" in line 289 strike out the word "three," and insert "two;" and in line 316, strike out "$54,826" and insert "$55,500."

The amendment was agreed to.

The Clerk read as follows:

Marine Corps:

For pay of officers of the Marine Corps, and for pay of non-commissioned officers, musicians, privates, and others of the corps, and for transportation of officers traveling without troops, and for payments to discharged soldiers for clothing undrawn, $500,000; and from and after the passage of this act there shall be no appointments to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, to seventy-five.

Mr. BLOUNT. I move on page 17, line 393, to strike out "500" and insert in lieu thereof "624;" so it will read "$624,000."

The amendment was agreed to.

Mr. LEWIS. I move to strike out from the word "and" in line 393, down to and including the words "75" in line 398, and in lieu thereof to insert the following.

The Clerk read as follows:

That the Marine Corps of the United States shall consist of one commandant with the rank of colonel, one lieutenant-colonel, three majors, seventeen captains, twenty-two first lieutenants, twenty-two second lieutenants, one sergeant-major, one quartermaster-sergeant, one hundred and forty sergeants, one hundred and thirty-five corporals, and twelve hundred privates in time of peace, to be increased in time of war, at the discretion of the President, to any number not exceeding three thousand, with a corresponding increase of non-commissioned officers: *Provided*, That the commissions of officers now in the corps shall not be vacated by this act; but these officers holding staff appointments shall be retransferred to the line of the corps according to the date of commission, and no promotion or appointments to fill vacancies in the list of commissioned officers shall be made until the number of such officers shall have been reduced by casualties or otherwise to the number above provided in this section: *And provided further*, That nothing herein contained shall preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession as is authorized by sections 1605 and 1607 of the Revised Statutes of the United States.

That upon the settlements of accounts of the paymaster, quartermaster, and assistant quartermasters their offices shall cease to exist, and the duties now performed by them shall be transferred to the pay corps of the Navy, who shall perform said duties without any additional compensation.

That the adjutant and inspector shall be selected by the commandant from the grade of major or of captain for the term of three years only.

That upon the settlement of the accounts of the quartermaster, the barrack and other property now accounted for by him shall be transferred to the proper bureaus of the Navy.

That the allowance for forage for field-officers be abolished, unless such field-officer be actually serving with troops in the field.

That the band known as the "Marine Band" be abolished at once, mustered out of the service, the instruments sold, and the money turned into the Treasury of the United States: *Provided*, That a sufficient number of musicians be retained, so that the number and grade of musicians of the corps shall be the same in all respects as the musicians of a regiment of infantry in the Army.

That in case any reduction is made by the present or any succeeding Congress in the pay of the officers of the Army, a corresponding reduction shall take place in the pay of the officers of the Marine Corps.

Mr. LEWIS. The amendment is so lengthy that it is impossible to discuss all its features in five minutes. But there are some prominent ones to which I shall call the attention of the committee, the only ones I presume which will encounter any opposition: the proposition to reduce the number of privates in the Marine Corps to twelve hundred and the proposition to abolish what is known as the staff of the Marine Corps.

The act of 1834 is the last act which can be found increasing the number of marines previous to the late war, except the act which provided for a Marine Corps at the time of the Mexican war, which act only operated during the war, after which the number was restored as it had existed previous to the war. Now, up to 1860, under the law, excepting the time during the Mexican war, the Marine Corps in all, officers, non-commissioned officers, privates, and musicians, aggregated only twelve hundred and eighty-eight. In my amendment the aggregate number is fifteen hundred and ninety-five, making a difference of about three hundred in favor of the number provided for by my amendment over the number of the Corps as it existed in 1860. In 1860 we had as many ships requiring the presence of marines as we have now; we had as many navy-yards requiring the presence of marines as we have now; and there was no complaint prior to the war that this number was insufficient, although it was over three hundred less than it is now.

Our squadron service consisted of forty vessels in 1860. It consists now of only forty or forty-one. It is true that we have here, I suppose, for the purpose of influencing the opinions of foreign powers as to the importance of our Navy, a list of seventy ships of first, second, third, and fourth rates. But six of them when this report was furnished by the Secretary of the Navy were in process of construction; and if any one will take the list and examine it carefully he will find that there are thirty-seven of that number in which marines can be dispensed with. Here is a list which I have made of those vessels, showing the duties on which they are now placed, where they are laid up, where they are in ordinary, or where they are undergoing repairs.

Vessels of the first rate not in need of marines.

Colorado, receiving-ship at New York.
Minnesota, training-ship at New York.
Niagara, in ordinary at Boston.
Wabash, receiving-ship at Boston.

Vessels of second rate not in need of marines.

Connecticut, on stocks at Boston.
Florida, at New London.
Iowa, laid up at Boston.
Antietam, store-ship at League Island.
Delaware, in ordinary at New York.
Java, on the stocks at New York.
New York, on the stocks at New York.
Pennsylvania, on the stocks at Boston.
Susquehanna, in ordinary at New York.
Lancaster, laid up at Portsmouth.
Severn, in ordinary at New London.
Worcester, in ordinary at Norfolk.
Trenton, building at New York.
Benicia, laid up at Mare Island.
Ticonderoga, laid up at Portsmouth.
Canandaigua, in ordinary at Norfolk.
Shenandoah, in ordinary at New London.

Vessels of third rate not in need of marines.

Quinnebaug, repairing at Philadelphia.
Galena, repairing at Norfolk.
Iroquois, laid up at Mare Island.
Adams, building at Boston.
Enterprise, building at Portsmouth.
Essex, building at Boston.
Alliance, building at Norfolk.
Ranger, building at Wilmington.
Wachusett, laid up at Boston.
Mohican, repairing at Mare Island.
Wyoming, laid up at Washington.
Narragansett, at navy-yard Mare Island.
Kansas, laid up at Portsmouth.
Nipsic, repairing at Washington.
Nyack, in ordinary at Mare Island.
Wasp, condemned at Montevideo.

I state, then, that if we take the foreign squadrons as compared with the foreign squadrons before the war, or take the list of vessels in the United States Navy as given to us by the Secretary of the Navy, and deduct therefrom all ships in which marines may be dispensed with, we will find that the number does not exceed the number of ships which we had in commission before the war.

Now, Mr. Chairman, what is the reason urged by every naval officer for having a marine police on board ship? There is but one single reason substantial in its nature, and that is for the prevention of mutiny and for the discipline of sailors; in other words, to hold them in check, to prevent them, when they are far out at sea, when they exceed largely in number their officers, from taking control of the ship and mutinying against the officers, as has been done in many other navies as well as our own. I state that a force of twelve hundred is more than sufficient for that purpose.

Mr. HARRISON. Mr. Chairman, I rise to oppose a feature of the amendment which the gentleman from Alabama thinks is not an important one; it being, at any rate, one to which he has paid no attention in his remarks. It is that part which strikes at the Marine Band, which proposes to abolish this band. I oppose that part of the amendment from two motives; one purely æsthetic, and the other purely selfish. If I had time, I would like to dwell on the first motive. I would like to tell how in olden times, at Athens, those grand people considered music one of the great educators of youth; how wise fathers regularly carried their children to places where they could listen to the finest music; how they thought it not only ennobled the heart and purified the soul, but through them beautified the body. I would like to descant upon the beauty of the Athenian maid, the product of music, who stood in her naked loveliness before Praxiteles; and how the shapeless mass of Parian marble burst into the Venus de Medici. I would like to dwell upon the manly beauty of the young hero who stood before Phidias, and how his image sprang from the soulless marble into the godlike Apollo Belvedere. I would like to prove that the beauty of the models for these chefs-d'œuvre was due in a great measure to music. But, sir, I have not the time. So I will pass by this first motive, and shall confine my remarks to the other; especially as it will come home to the gentlemen on my side of the House more readily.

Mr. Chairman, for fifteen long dreary years at the other end of Pennsylvania avenue the White House has been occupied by a republican, and during the winter months, of evenings, the Marine Band has been up there at receptions to discourse sweet music for the delectation of a republican President, and for the delectation of his republican friends. At every reception a republican President has stood in a certain room receiving his guests, and his pet republican friends in white vests and white cravats have stood behind him enjoying the dulcet tones poured forth from the silver throats of silvered instruments by twenty-four gentlemen in scarlet coats. For long years, of summer Saturday afternoons, twenty-four gentlemen in scarlet coats have caused twenty-four silvered instruments, on the green in front of the White House, to belch forth martial music for the delectation of a republican President, and for the delectation of his republican friends.

On the 4th of next March, sir, there will be a democratic President in the White House. Sir, is the democratic President to have no music? [Laughter.] I have been up there at a presidential reception. I went in and I saw my friends from the other side enjoying the music. I went through a crowd of republicans with one hand on my watch-fob and the other on my wallet. I caught now and then the notes of the music, but I could not enjoy it. I was as a stranger in a strange land. I felt that I was one too many. But next year, sir, it will be different.

Mr. MILLIKEN. They will have their hands on their watch-fobs then. [Laughter.]

Mr. HARRISON. Very good; but we will be enjoying the music. [Laughter.] Why, sir, the other Saturday evening I was out in front of the White House among the *canaille*, the *sans culottes*, the men and children without breeches and shoes.

Mr. TOWNSEND, of New York. Was it a democratic meeting? [Laughter.]

Mr. HARRISON. And there, on the south portico, sat the Chief Magistrate, the republican President, with his feet on the balustrade and his Partaga in his mouth listening to the Marine Band. His republican friends were about him. Their feet were on the balustrade of the south portico, wreaths of blue smoke curled up in balmy deliciousness from Partagas fresh from the Flowery Isle. I shook a mental fist in their mental faces, and whispered to myself that every dog had his day, and I asked myself, "Shall this be ever thusly?" And from deep down in my heart came a reply, "No! No! never!" I will see a democratic President in the White House. He shall receive his friends to the music of twenty-four silvered instruments, filled with the breath of twenty-four gentlemen in scarlet coats. The Marine Band shall play true democratic music for a democratic President, [laughter;] and out there on that south portico I want to see a democratic President sitting with his feet on the balustrade listening to the music poured forth by the Marine Band, and I hope to be one of his friends; and I will sit there with my feet on the balustrade enjoying one of his Partagas. But they wish to abolish the Marine Band. Think of this being done, democrats, before the democratic President goes into his position. We have many men who we feel are fit to fill that position. In my mind's eye I see them now marching on from Saint Louis to the White House. Let me name them as they come in sight. They come first from the East.

Why, there is one from the great Empire State who we know is greater than Alexander was, for Alexander only cut the Gordian knot with his sword; but the Gordian knot was made of nothing but a hempen string; but this man with his fist smashed a ring of adamantine steel, cut and destroyed the canal ring. He may be in the position, sir; and I want the Marine Band there to give him music. He is a man of purity, ay, of virginal purity. Perhaps he may wish to lead a bride into the White House. Shall we say the Marine Band shall not play for him the wedding march? Shall we refuse to let the Marine Band fill with sweet music the bridal chamber? Not by my vote. Never, sir! *never!* NEVER! [Laughter.]

[Here the hammer fell, amid loud cries of "Go on!" "Go on!"]

The CHAIRMAN. Is there objection to the gentleman from Illinois proceeding?

Mr. LEWIS. I must object.

[Cries of "O, no!" "O, no!"]

Mr. KASSON. I move to strike out the last word, and yield my time to the gentleman from Illinois.

Mr. HARRISON. We have other men. There may be one from a smaller State who would grace the presidential chair as it has not been graced for long, long years past; one who in character as in name resembles the peerless knight who was *sans peur et sans reproche*. Sir, this almost faultless man may be there. Are you to deny him music from the Marine Band. Never, sir! *never!* NEVER! I will never consent by my vote. [Great laughter.]

We have them from Western States——

Mr. KELLEY. Bill Allen. [Laughter.]

Mr. HARRISON. From the Buckeye State one—a man who, at the other end of the Capitol, never speaks but he utters words of wisdom—who is ready on every subject and makes no mistakes. Are we to have no music for him other than that which he himself gives forth from a nasal instrument in his own red bandana? No, sir; never! *never!* NEVER! [Great laughter.]

Sir, we have a man from the Hoosier State, the old democratic warhorse, a great democratic leader, who, they say, is a little of a trimmer. If he is ever a trimmer or appears to be a trimmer, it is because his mind is so round that he sees both sides of a question and does not go wildly off on either side. [Laughter.] He may be in that position, and I may be his friend in the White House. Shall he have no music from the Marine Band? Never by my vote! *Never!* NEVER! [Laughter.]

From my own State, Mr. Chairman, there is a man who would fill the chair as it never was filled, not a single inch of it will not be filled; a great man in law and a great man in politics, who, if President, would never give a wrong decision. One against whom not a word can be said. When, sir, I shall come down from Illinois to be at his inaugural to receive him at the White House, shall we have no music to aid him in tripping the light fantastic toe? [Laughter.] Never, sir, by my vote will I consent to that; never! *never!* NEVER! [Laughter.]

Sir, there is another still; there is one from your own Keystone State, great in arms; great as a civilian; a man who, if he had not been a great general, would have been talked of for his great civil acquirements. He may be there and he will wish to have some memories of the past brought to his mind by martial music. Is it to be denied him? Shall the Marine Band be refused to him? Not by my vote; never! *never!* NEVER! [Great laughter.]

Then, sir, there is still another, the Great Unknown, coming ten thousand strong from every part of the Union, the Great Unknown of the democratic party.

A MEMBER. Parker?

Mr. HARRISON. No, sir; I will call no names. He is all around in the democratic party. It is full of the great unknown.

Mr. WILLARD. The great unknowing?

Mr. MILLIKEN. I suppose that delicacy prevents the gentleman from naming him.

Mr. HARRISON. Yes, sir; delicacy and modesty forbids me calling names. [Laughter.] Sir, when the Great Unknown gets here, shall he have no music; shall no tunes come from those twenty-four silver-throated instruments, blown out by these twenty-four gentlemen in red coats, to welcome him to the White House? Shall we have no music when we introduce him to the American people? Not by my vote. No, sir; never! *never!* NEVER! [Great laughter and applause.]

[Here the hammer fell.]

Mr. LEWIS. When General Zeilin, the commandant of the Marine Corps, made his last report to the Secretary of the Navy, he stated that only about one-half of the entire force was then on board vessels in commission. When this Congress met last winter there was only about one-half the marine force then on board ships. We are now confronted with the statement that there are over one thousand marines on board of ships, and that the Department cannot possibly dispense with any of them. Previous to this session of Congress General Zeilin reported to the Secretary of the Navy that the number allowed by law, fifteen hundred, had been reduced by desertion and otherwise, and of those in the service not more than one-half were employed on board ship. Why has the number been increased to nearly eleven hundred at this time? No substantial reason can be given for it. They are put on receiving-ships, on instruction-ships, on store-ships, on ships lying in port and doing nothing. They are put on them in order to prevent the adoption of the amendment which has been proposed by the Committee on Naval Affairs.

What necessity is there for marines on receiving-ships which are in port? The marines that are in barracks in those ports can defend the ships from any mutiny, should any be threatened. The sailors on board the ships have nothing to do, and the officers are not in danger of any mutiny, which is the only substantial reason for the employment of marines.

As I have already said, there are thirty-seven ships on our list upon which marines will not be needed. The number, twelve hundred, will give an ample marine force on board of ships, and at the same time furnish a sufficient number to assist watchmen in the different navy-yards in the preservation and protection of the public property.

It is not proposed by this amendment to vacate the commission of any officer in the Marine Corps. It is proposed only that when vacancies occur by death, by their own voluntary act of resignation or otherwise, those vacancies shall not be filled. No injustice is done to any officer of the corps.

Commodore Porter made a recommendation to the committee in regard to the re-organization of the Marine Corps. He proposed that it should have one colonel, one lieutenant-colonel, two majors, twenty captains, twenty-five first lieutenants, and twenty-five second lieutenants. We provide in our amendment the same number of field-officers, in fact giving one more major; and we provide for seventeen captains, which is a sufficient number, and for twenty-two first lieutenants, and for twenty-two second lieutenants.

[Here the hammer fell.]

The question was then taken upon the amendment moved by Mr. LEWIS; and upon a division there were—ayes 25, noes 70.

Mr. WHITTHORNE. No quorum has voted.

Tellers were ordered; and Mr. HARRISON and Mr. LEWIS were appointed.

Mr. HARRISON. Will the gentleman allow me to move to strike out so much as proposes to do away with the Marine Band?

The CHAIRMAN. The committee is now dividing, and no amendment is in order.

The committee again divided; and the tellers reported that there were ayes 25, noes not counted.

So the amendment of Mr. LEWIS was not agreed to.

The Clerk concluded the reading of the bill.

Mr. BLOUNT. I move that the committee now rise and report the bill, with the amendments, to the House.

Mr. WHITTHORNE. I desire to offer an amendment and have a vote upon it.

The Clerk read the amendment, as follows:

That in case any reduction is made, by the present or any succeeding Congress, in the pay of the officers of the Army, a corresponding reduction shall take place in the pay of the officers of the Navy and Marine Corps, who shall thereafter receive the same pay with the grades and rank in the Army with which they are assimilated by law.

Mr. BLOUNT. I make the point of order that we cannot now go back to the portion of the bill relating to the pay of the officers of the Navy.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLOUNT. I now insist upon my motion that the committee rise and report this bill, with the amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the SPEAKER *pro tempore* having resumed the chair, Mr. CLYMER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and to recommend that the amendments be agreed to and the bill as amended be passed.

Mr. BLOUNT. I now call the previous question upon the bill and the amendments thereto reported from the Committee of the Whole.

The previous question was seconded and the main question ordered.

Mr. RANDALL. I suggest that if no separate vote is asked upon any of the amendments reported from the Committee of the Whole, they be concurred in in gross.

There was no objection; and the amendments were accordingly concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 708) for the relief of Hans C. Peterson; in which he was directed to ask the concurrence of the House.

LOUISIANA INVESTIGATION.

Mr. BLACKBURN. As the committee to investigate the affairs in Louisiana, of which I am a member, will leave to-morrow, I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Louisiana investigating committee while in New Orleans have authority to take testimony by subcommittees in their discretion, and that the chairmen of such subcommittees be authorized to administer oaths to witnesses.

Mr. KASSON. I would call the attention of the gentleman to the question whether the House can by resolution authorize the chairman of a subcommittee to administer oaths.

Mr. RANDALL. It has been often done.

Mr. HARRISON. It has been done at this session.

Mr. BLACKBURN. There are many precedents for it.

There being no objection, the resolution was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WIKE. I desire to introduce a resolution to enlarge the authority of the committee charged with the investigation of the conduct of Judge Wylie of this District.

Mr. WILSON, of Iowa. I object, and demand the regular order.

Mr. WIKE. I do not see why the gentleman should have any objection to this resolution. It is designed to facilitate an investigation already in progress; and it is presented upon the request of the committee.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER *pro tempore*. The gentleman from Louisiana, Mr. DARRALL, has resigned his place upon the Committee on Enrolled Bills. The Chair appoints the gentleman from Maine, Mr. PLAISTED, to fill the vacancy thus created.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLAIR for one week, and to Mr. KIMBALL for four days.

GOVERNMENT FARMS IN PRINCESS ANNE COUNTY, VIRGINIA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting reports of the Adjutant-General and Quartermaster-General relative to the Government farms in Princess Anne County, Virginia, in 1864 and 1865; which was referred to the Committee on War Claims.

Mr. HARDENBERGH. I ask consent to introduce a bill for reference.

Mr. WILSON, of Iowa. I demand the regular order.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole upon the Indian appropriation bill, and pending that motion I desire to consult the wish of the House as to the time that shall be allowed for general debate. If left to my own discretion, I would indicate two hours.

The SPEAKER *pro tempore*. Is there objection to limiting general debate on the Indian appropriation bill to two hours?

There was no objection, and it was ordered accordingly.

The motion of Mr. RANDALL was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and proceeded to the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

Mr. RANDALL. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

The CHAIRMAN. The bill is now open for general debate.

DISTRIBUTION OF GENEVA AWARD.

Mr. WARD. Mr. Chairman, before proceeding with the remarks which I propose upon the distribution of the award made by the tribunal at Geneva for losses sustained by citizens of the United States, I ask the Clerk to read a paper which I send to the desk.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, marine underwriters, owners of claims by reason of which the money paid by Great Britain was awarded by the tribunal of arbitration at Geneva, respectfully remonstrate against the passage of the House bill No. 2685, reported to the House of Representatives by Mr. LORD, from the Judiciary Committee. The proposed bill disregards the decisions and proceedings of the tribunal in the rejection and allowance of claims, denies or ignores the just rights of lawful owners of property the value of which entered into the award, and fails to satisfy the trust, duty, and obligation of the Government of the United States toward those upon or by reason of whose legal rights it obtained the award and collected the money. And the provision for admitting these rightful claimants to a share of a supposed surplus, after bestowal of the fund upon invalid and improperly preferred claims, which were wholly rejected by the tribunal and are necessarily indefinite in amount, does not in anywise obviate or correct the injustice.

Each of your petitioners, which is a mutual society, further respectfully protests against bestowal of the money of the society upon what are termed war-premium claimants, who do not embrace but a fragment of its dealers, and who do embrace strangers not dealing with it at all. Such a disposition of the money would not only be in disregard of just and legal right, but would violate the fundamental contract entitling each member to his just proportion of the common reclamations. It would also mingle and unjustly confuse the property of one society and its membership with that of another society and its membership.

Your remonstrants respectfully submit that the bill reported on 16th March last from the Judiciary Committee, by Mr. KNOTT, provides for what is demanded by right and justice and the honor of the nation. And they ask that it may be passed.

Dated New York, April 4, 1876.

ATLANTIC MUTUAL INS. CO.,
By CHARLES DENNIS, *Vice-President.*
COMMERCIAL MUTUAL INS. CO.,
By SAML. DRAKE SMITH, *President.*
UNION MUTUAL INS. CO.,
By F. S. LATHOP, *President.*
MERCANTILE MUT. INS. CO.,
By EDWARD WALTER, *President.*
SUN MUTUAL INS. CO.,
By J. P. PAULISON, *President.*
NEW YORK MUTUAL INS. CO.,
By T. B. BLUCHER, JR., *Vice-President.*
PACIFIC MUTUAL INSURANCE CO.,
By JNO. K. MYERS, *President.*
THE GREAT WESTERN INS. CO.,
By FERD. MOTZ, *President.*

Mr. WARD. Mr. Chairman, at the request of many of my constituents, who are deeply interested, and in accordance with my own sense of right and duty, I present to the House as briefly and distinctly as practicable my views on the important subject of the distribution of the funds awarded by the tribunal of arbitration at Geneva. In my opinion the length of the discussion regarding it is to be attributed rather to the magnitude of the amount involved than to any intrinsic difficulty in understanding or determining the principles of law and justice so far as they are applicable to this case.

During the war various insurance companies and private claimants sent memorials to the Department of State, setting forth their demands against Great Britain for losses growing out of the destruction of vessels and their cargoes by the cruisers of the insurgents, and requested the interposition of the Government of the United States in their behalf. The underwriters, confidently relying on the ultimate protection of their rights by their country, from time to time, as they paid for vessels and cargoes destroyed by the cruisers, communicated to the State Department full, formal proofs of the facts and of the value of the losses. The Department through the Hon. William H. Seward, then Secretary of State, punctiliously (as was his duty) replied to each of the statements thus made, and transmitted the claim "to the United States minister at London, with a view to such reparation as may be justly due."

Afterward, when the war was over, the Government, through the Department of State, issued an official notice, dated September 22, 1865, calling upon "citizens of the United States having claims against foreign governments, not founded on contracts," to forward them to that Department, urgently asked compliance "without delay," and accompanied the notice with rules for the guidance of applicants, directing the insertion in each claim of a request "for the interposition of this Government with the foreign government against which the claim is presented." In accordance with the trust thus confided to our Government by the sufferers, the claims were duly presented to the government of Great Britain and subsequently to the tribunal at Geneva.

In pursuance of the same line of manifest duty, requiring every government to afford due protection to its citizens or subjects, Mr. Fish, as Secretary of State, replied to letters inclosing claims of the class already described, promised that his Department would "present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all claims growing out of the acts of the several vessels which have given rise to the claims generally known as the Alabama claims," and requested that they might be presented in due time.

The claims were duly presented by our Government to the tribunal at Geneva, in accordance with the treaty of Washington. Throughout all the proceedings they were uniformly treated as the claims of private parties, who on their part placed implicit, unquestioning trust and confidence in the due protection and good faith and integrity of the Government. All doubt or question as to their rights or the disposal of the funds is an after-thought, having no origin in the tribunal and contrary to its intentions and conclusions.

In formally submitting its case to the tribunal, the Government of the United States placed first in the general statement of the claims for which it asked reparation "the direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers." The other injuries for which compensation was sought were—

The national expenditure in the pursuit of those cruisers;

The loss in the transfer of the American commercial marine to the British flag;

The enhanced payments of insurance;

The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion.

Great Britain objected to the presentation of the three latter classes of claims, and refused to proceed with the arbitration unless they were withdrawn. The United States refused to withdraw them. A failure of the arbitration was imminent. At this crisis, the president of the tribunal, on behalf of all the arbitrators, announced that they, after the most careful perusal of all that had been said on the part of the Government of the United States in respect to these classes of claims, had "arrived individually and collectively at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award." The United States authorized their agent to state that they accepted this declaration as determinative of the judgment of the arbitrators on the important question of public law involved, and that these classes of claims might be excluded from consideration in any award that might be made.

Subsequently, by protocol 27, dated August 29, 1872, a majority of the tribunal decided to reject the claims for expenditures incurred in pursuit of the cruisers, on the ground that they were comprised in the cost of the war.

Thenceforth there remained only for consideration by the tribunal the claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers. The basis of the award was further and distinctly narrowed down by the tribunal to the private losses growing out of the destruction of vessels and their cargoes by the acts of the Alabama, the Florida, and their tenders, and the Shenandoah after she left the port of Melbourne. In accordance with this decision the arbitrators requested the Government of the United States to furnish them with definite information as to the amount of such losses, and, complying with the request, on the 19th of August, 1872, a schedule was presented on behalf of our Government enumerating specifically the vessels destroyed by the cruisers for whose acts Great Britain was held to be liable, showing the value of each vessel so destroyed and of her cargo, as proved by the claims filed for it, including those of the insurance companies.

The judgment of the tribunal was that there had been a violation of the obligations of neutrality on the part of Great Britain; that she was consequently "responsible for the American ships which were destroyed by the vessels in question." In view of this decision, the only remaining duty of the tribunal was either to ascertain and award to the United States such a sum in gross as was deemed sufficient to cover those private losses, as it was empowered to do by the seventh article of the treaty, or to remit the duty of auditing each claim for the losses to a board of assessors, as provided in article 10. The former was deemed the most satisfactory course. Its adoption was requested on the part of this country, and the gross sum of $15,500,000 was accordingly awarded to the United States. The majority was four to one. The award, of course, included alike such of the destroyed vessels as were insured and those which were uninsured. In determining what sum in gross should be awarded, the tribunal considered the claims on the proofs submitted to it, those of the insurance companies being the most conspicuous among the claims thus submitted.

The United States have now received the money, have admitted that it is not their own, and established a special court for its distribution; but have closed its doors against every insurance company which cannot show that its whole business during the four years of the war, so far as the war risks were concerned, was unprofitable.

At this point it becomes necessary to consider the principles on which marine insurance is conducted among commercial nations. It has always been regarded as a proposition thoroughly established, that whatever is recovered of the ship or cargo insured is the property of the insurer who has paid the original owner the value of it. It would be superfluous to spend time in proving this undeniable proposition. Daniel Webster said of it:

> There is no more universal maxim of law and justice throughout the civilized and commercial world than that an underwriter who has paid a loss on ship or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment. And if the property or its proceeds be afterward recovered in whole or in part, whether the recovery be from the sea, from captors, or *from the justice of foreign states*, such recovery is for the benefit of the underwriter.

It was upon this principle that the claims of our people to reparation for the British violations of the laws of neutrals were advanced by our Government. On the part of Great Britain the justice of our case thus urged was distinctly admitted in the words—

> The American insurance companies who have paid the owners as for a total loss are in our opinion entitled to be subrogated to the rights of the latter, according to the well known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance.

The principle of marine insurance requiring that the parties who have paid the owners in full for their losses shall have whatever may be afterward recovered is seen, even on slight reflection, to be founded on morality and justice. It resembles that involved where payment of a note is guaranteed for a pecuniary consideration, and, the maker refusing to pay, the note is paid by the guarantor, but afterward collected from the maker. Obviously the guarantor who has paid the owner in full is entitled to all that is recovered.

Or, to take an illustration yet more closely analogous to the case in point, a vessel fully insured does not arrive at the port when she is expected. The parties who have agreed to pay for her in case of loss honorably fulfill their engagement, and fully indemnify the owners. Ultimately the vessel, having been detained by unforeseen causes, comes to port. To whom does she belong? Manifestly not to the original owners. They have been paid, and in law and justice have transferred their claim to those who paid them. The risk has been run, but there has been no loss. Yet further from all right would it be for any third party, even the United States, to step in and, by the power of force, give the vessel to other parties.

We are not approaching the subject of the disposal of the amount paid to us as if the money were our own, to be given as we choose. Two-thirds of it remain undistributed. It was awarded for specific purposes and for no others, and the money was paid to the Government of our country for parties whose claims were admitted to be just and who had confided them to the Government as its best and truest trustee.

The bill reported by the majority of the Judiciary Committee makes provision for three classes of claims. It provides:

> That the first class shall be for claims directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked on the high seas, although destroyed within four miles of the shore, except as provided for in section 11 of said chapter 459. The second class shall be for claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser. The third class shall be for claims for sums actually paid for insured property destroyed on the high seas by such confederate cruisers, except sums for which judgments have been entered under section 12 of said chapter.
>
> That judgments entered in the first class shall be paid before judgments of the second class are paid; and judgments of the second class shall be paid before judgments of the third class are paid. If the sum of money so unappropriated shall be insufficient to pay the judgments of the first class, they shall be paid according to the proportions which they severally bear to the whole amount of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first class, and not sufficient to pay the judgments of the second class, the latter judgments shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first and second classes, and not sufficient to pay the judgments of the third class, they shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum after the payment of the judgments of the first and second classes.

The Geneva tribunal adjusted only the liability of Great Britain for the admitted depredations committed by the Florida, Alabama, and Shenandoah after leaving Melbourne, and their tenders, the Tuscaloosa, Clarence, Tacony, and the Archer, and excluded from consideration, in the award of damages, the Georgia, Sumter, Nashville, and other exculpated cruisers. In opposition to this decision, the bill allows to be presented claims resulting from damage done on the high seas by all "confederate cruisers during the late rebellion," without the limitation imposed by the arbitrators and in direct conflict with the intent and decision of the chosen tribunal.

In equally bad faith is the provision allowing claims for the payment of the premiums on war risks, which were distinctly ruled out by the tribunal. This ruling was recognized and accepted by the agent and counsel who represented our Government at Geneva; and, to make yet more glaring the enormity of the proposed bill, the claims of the insurance companies, which seem to come clearly within the award, are placed in the last class, without possibility of payment after the wrongful demands, excluded by the tribunal but placed by the bill in the first and second classes, have been satisfied.

The majority of the Committee say, with an evident desire to palliate the transparent injustice they suggest inflicting on the insurance companies, that the first class of claims for which provision is made in this bill will not, they think, exceed $1,500,000, and the second class $5,000,000, leaving $4,000,000 for the insurers. A significant commentary on these estimates is that the chairman of the Judiciary Committee in the last House, who urged the same interests as have priority in the report made by the majority of the present committee, in answer to a question by another honorable member, replied that the bill then under consideration, and which is now a law, would require only $3,000,000 to satisfy the claims for which it provided. As matter of fact it has taken between eight and nine millions. The probability is that the first two claims for which provision is made in the bill reported by the committee would swell in larger proportions.

It would be difficult to find in the whole history of pernicious legislation a precedent more dangerous to public and private integrity than the perversion of the funds our country has obtained from Great Britain for specific purposes, which were admitted to be just, to other purposes for which it was not and never would have been awarded. There is no doubt how the courts would decide, and I regret that a knowledge that no court in equity would reject the doctrine of subrogation as applied to the insurance companies, should be assigned as a reason why Congress ought to take the matter into its own hands and make its own will the law. It is bad enough that Congress should disregard settled principles and rules as to the rights of property, but that such a doctrine as this is avowed in open debate in this House is

deeply to be deplored. Having called to our aid in settling the claims of our citizens against the British government men of the most profound legal knowledge and the highest character among other leading nations of the world, the attention of civilized mankind is directed toward us. The reputation as well as the honor and honesty of our country is at stake, and if we fail in our duty, we shall be deemed now and through future history to have added publicly and as a nation a portentous illustration to the already long catalogue of the too prevalent characteristics of the times.

While the facts I have presented are beyond doubt or cavil, the considerations which should regulate our decisions as to the Alabama claims are so unquestionable as to be out of the region of debate. I repeat that the Government of our country obtained the money through the award of a great international court appointed by the leading civilized nations, with the hope not only of solving the difficulties which then existed, but of establishing a precedent which would tend to promote human progress by substituting just and honorable arbitrament for settlements through brute force and the horrors of war. We are bound to respect the rulings of the court; and those whose good opinion is best worth deserving will judge us by the disposal we make of the funds committed to our charge.

Our Government obtained the award as damages for the destruction of private property, and on proofs supplied by its owners. As the Government itself never owned the property, it cannot possibly be the rightful owner of the damages or have any right to confiscate them.

In presenting the claims before the court as grounds for damages, the Government insisted upon their validity. If it has now discovered that they were invalid and that it was an error to present them, only one alternative remains. The plain and common rules of honesty and fair dealing are as obligatory in arbitraments between nations as between individuals; and if, after recovery of damages, the plaintiff nation ascertains or becomes convinced that the recovery was founded on wrong or error, it is bound in honor and good faith to return the sum improperly collected. While Great Britain would doubtless be unwilling to receive again any part of the sum she has paid to the Government of the United States under the award, she cannot be expected to regard without interest an alienation of the money and its application to objects for which, by so high a tribunal, it has been decided that she is not responsible.

The duty of the Government, apart from this alternative, is plain and simple. Having received the money as the value of private property, it is bailee or trustee for the owners. Repudiation of the trust or bailment by any individual under the same circumstances would be severely punished in a court of justice. The nation cannot be sued, but it is therefore so much the more firmly bound by higher considerations of right and policy to render no less justice than the private trustee would be constrained to do. All fair consideration of this subject leads to the same conclusions. The only just claim on the part of the Government is the one per cent. interest, the difference between what it has paid and received. This is fairly its right, and should be covered into the Treasury.

The Government ought freely and promptly to submit all claims upon which the award was based to proper audit before the distributing tribunal, where they can be heard upon their merits and decided in accordance with the principles of legal right. No other course will afford substantial or valid protection to the national Treasury, and any indirect or arbitrary procedure cannot fail to disgrace our country in the estimation of the whole civilized world.

When Mr. WARD had proceeded a short time in the delivery of the foregoing remarks,

Mr. McCRARY said: I raise the question of order whether it is in order to discuss the Geneva award upon the Indian appropriation bill.

The CHAIRMAN. It has been the custom in Committee of the Whole to allow members, during the general debate, to take such scope in the discussion as they might see proper.

Mr. McCRARY. That, I believe, has been by unanimous consent.

The CHAIRMAN. The Chair has heard no objection to the gentleman from New York [Mr. WARD] proceeding.

Mr. McCRARY. I make the point of order that the Geneva award bill should not be discussed upon the Indian appropriation bill.

The CHAIRMAN. The Chair thinks that it is too late at this time to raise that point. The gentleman has the floor and has proceeded some time in his remarks.

Mr. WILSON, of Iowa. I submit, Mr. Chairman, that this point cannot very well come too late, because it could not be raised until we had heard the tenor of the gentleman's remarks.

Mr. McCRARY. I delayed making the point only long enough to understand the subject upon which the gentleman was speaking.

The CHAIRMAN. The Chair calls attention to a ruling on the eighty-sixth page of the Digest:

> It is too late to make the question of order that a member has already spoken if no one claims the floor until he has made some progress in his speech.

By analogy it is too late to make the point of order that a gentleman is not speaking to the question, when he has already delivered by consent a portion of his remarks.

Mr. McCRARY. It was impossible for us to know beforehand whether the gentleman was going to discuss the bill or not.

The CHAIRMAN. The gentleman stated at the commencement of his remarks the subject he proposed to discuss.

Mr. McCRARY. I did not hear that.

The CHAIRMAN. A practice of this kind has been allowed on several important occasions during the present session, notably in the case of the gentleman from Maine, [Mr. BLAINE,] who discussed the financial question in Committee of the Whole when the subject under consideration was the consular and diplomatic appropriation bill. The custom has been so general that, as the point of order was not raised at the time, the Chair thinks it is in order for the gentleman to proceed.

[Mr. WARD resumed and concluded his remarks as already given.]

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I now move that the bill be read by paragraphs for amendment.

The Clerk read the first paragraph of the bill.

Mr. MILLS. I have an amendment to offer to this paragraph, and if it be agreeable to the gentleman I ask him to agree to a motion that the committee rise.

Mr. RANDALL. My only object in having the bill read by paragraphs for amendment was to save an hour and a half of general debate. That object having been accomplished and the first paragraph of the bill having been read for amendment, I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. WILSON, of Iowa. I ask unanimous consent to submit a resolution.

Mr. HARDENBERGH. I object.

LOUISIANA COMMITTEE.

The SPEAKER *pro tempore* announced that he had appointed Mr. WOODBURN, of Nevada, to fill the vacancy occasioned by the resignation of Mr. HOSKINS on the Louisiana investigating committee.

GOVERNMENT PRINTING OFFICE.

Mr. BANKS, by unanimous consent, presented a memorial of employés of the Government Printing Office; which was referred to the Committee on the Centennial Celebration.

And then, on motion of Mr. WILSON, of Iowa, (at four o'clock and fifty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. FORNEY: The petition of George W. Cochran & Co. and others, citizens of the District of Columbia, for an appropriation for the improvement of the Washington channel of the Potomac River, from the Long Bridge to the Arsenal Point, to the Committee on Commerce.

By Mr. HALE: The petition of Samuel H. Travers and others, owners of the brigantine Solferino of Baltimore, for demurrage, to the same committee.

By Mr. HUNTON: The petition of Daniel Williamson, for compensation as a guide for the United States Army, to the Committee on Military Affairs.

By Mr. KELLEY: The petition of James Mendenhall, Job H. Jackson, and other citizens of Chester County, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of D. C. Babcock, Richard Bedford, and other citizens of Philadelphia, Pennsylvania, of similar import, to the same committee.

By Mr. PAYNE: The petition of Harriet Beard, for indemnity for property taken by the United States troops in the war of 1812 from a farm near the village of Black Rock, New York, to the Committee on War Claims.

By Mr. SEELYE: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 1,707 persons residing in the States of Vermont, New Hampshire, and Massachusetts, to the Committee on the Judiciary.

By Mr. WALDRON: The petition of S. H. McCurd and 33 other soldiers of Manchester, Michigan, for the extension of the provisions of the bounty-land act to soldiers and sailors of the late war, to the Committee on Military Affairs.

Also, the petition of M. E. Chittenden & Co., and others, of Adrian, Michigan, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

The following petition was presented at the Clerk's desk, under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

The petition of tobacco-dealers of Troy, New York, against any change in the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

IN SENATE.

WEDNESDAY, *May* 24, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had, on the 23d instant, approved and signed the following acts:

An act (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company;

An act (S. No. 679) relating to interments in the Congressional Cemetery; and

An act (S. No. 764) authorizing the Secretary of the Treasury to allow Mrs. Minnie Sherman Fitch to receive, free from duties, a wedding present from the Khedive of Egypt.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce the order of the Senate; but if there be no objection the legislative session will be continued for morning business. Is there objection? The Chair hears none.

COMMITTEE SERVICE.

Mr. WALLACE. I desire to call the attention of the Senate to the vacancies existing upon the Committee on Manufactures and the Committee on the District of Columbia, caused by the withdrawal of the Senator from Connecticut, [Mr. ENGLISH,] and I ask that some action be taken upon the subject.

By unanimous consent the Chair was authorized to fill the vacancies, and the President *pro tempore* appointed Mr. BARNUM upon the committees named.

REPORTS OF COMMITTEES.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the petition of Mrs. Amelia Ferguson, widow of Professor James Ferguson, deceased, praying to be granted a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the petition of Robert L. May, praying to be restored to the retired list of the Navy on furlough pay, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of R. L. Law, commander United States Navy, praying to be restored to the original position in the Navy occupied by him prior to July, 1866, asked to be discharged from its further consideration; which was agreed to.

Mr. SARGENT. In the matter of the petition of Captain Francis A. Roe, United States Navy, praying re-imbursement for property taken and appropriated by the rebel government in Virginia in 1861, the Committee on Naval Affairs report adversely, and ask to be discharged from the further consideration of the petition. I will say in reference to this case that the committee are well convinced that the officer who petitions is meritorious as regards his character and services and that he was subjected to great hardship, but they think that to comply with the request would be establishing a rule that would be inconvenient and unjust to the Treasury. Therefore we report adversely.

The report was agreed to.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 859) for the benefit of Andrew Williams, of Weakley County, Tennessee, reported it with an amendment.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 864) authorizing the Nebraska City Bridge Company to construct a railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 865) to confirm a lease of certain coal lands within the reservation belonging to the Iowa tribe of Indians in the States of Kansas and Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

THEODORE F. MILLER.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of a little bill, and after I make a statement of the facts in connection with it I think there cannot be any objection whatever to its passage. I move that the Senate proceed to the consideration of the bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to allow and to pay to Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers, the bounty to which he would have been entitled under the law if he had been regularly mustered out and discharged with his regiment.

Mr. EDMUNDS. What are the facts in the case?

Mr. WRIGHT. With the indulgence of the Senate I will state the facts in connection with this case. The father of this petitioner was a resident of my county. He entered the Union service, as did also three of his sons, his eldest son James, and his twin sons Henry Clay and Theodore Frelinghuysen Miller. The father was called home by reason of sickness, or rather a disease of his eyes. Some six months after his return home he was suddenly killed by the running away of his horses, leaving a farm of some six or seven hundred acres in my county without any person to take charge of it. I was applied to by the widow to request, if possible, that some one of the three boys should be released from service and allowed to return home to take charge of the place. The application was made, and Theodore, the party named in the bill, was sent home, without any knowledge upon his part, without any application or request from him, and before his regiment was mustered out. Under the law as it stands he cannot be allowed strictly this bounty. The circumstances are thus peculiar, and this bill proposes to pay him the $100 bounty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD O'M. CONDON.

Mr. CONKLING. I rise to ask the Senate to take up a joint resolution which was reported yesterday, and which I then asked the Senate to consider, but some Senator requested that it might lie over to be looked at. I think it will take but a moment. It is a joint resolution suggesting the intercession of our Government to redress any injustice that may have been done to an American citizen imprisoned abroad; and I move now that the Senate proceed to the consideration of that resolution.

The motion was agreed to; and the joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon was considered as in Committee of the Whole. The preamble recites that Edward O'M. Condon, a citizen of the United States, is now, and has been for some time, closely confined in prison under the sentence of a British court; and that an earnest and profound desire, evidenced by resolutions of State Legislatures and petitions numerously signed and addressed to Congress, is entertained by a large and respectable portion of the people of the United States that he should be speedily released. Therefore the resolution requests the President to take such steps as, in his judgment, may tend to obtain the early release of Condon from imprisonment.

The Committee on Foreign Relations reported the joint resolution with an amendment to strike out the word "early" in line 5, and insert the words "pardon or;" so as to read:

That the President of the United States be, and he is hereby, requested to take such steps as, in his judgment, may tend to obtain the pardon or release of the said Edward O'M. Condon from imprisonment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the joint resolution read a third time.

The joint resolution was read the third time, and passed.

RANK OF PAYMASTER-GENERAL.

Mr. SHERMAN. The other day I objected to the consideration of a bill that was about being put on its passage, which was reported by the Senator from Rhode Island, [Mr. BURNSIDE,] in regard to the rank of the Paymaster-General. I wish to withdraw my objection, so as to allow the bill to pass at this time, if there is no objection to it from any other source.

By unanimous consent, the bill (S. No. 843) establishing the rank of the Paymaster-General was read the second time and considered as in Committee of the Whole. It provides that the rank of the Paymaster-General of the Army shall be brigadier-general; but no pay or allowances shall be made to him other than from the date of his appointment under the act.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I should like to have the bill reported again.

The Chief Clerk read the bill.

Mr. EDMUNDS. That is right. It has been amended since it was up on a former occasion.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ARKANSAS.

Mr. CLAYTON. I move that the Senate now proceed to the consideration of the bill (S. No. 155) to amend sections 533, 556, and 572 of the Revised Statutes of the United States, which was reported from the Committee on the Judiciary, with amendments, some weeks ago.

The Chief Clerk read the bill and the amendments of the Committee on the Judiciary.

Mr. DAVIS. I hear the State which I in part represent named. I should like to have that portion of the bill read again.

Mr. CLAYTON. I will state that, so far as West Virginia is concerned, the bill does not affect the present provisions of the law. In

enumerating the sections the bill of course refers to West Virginia; but it does not change the jurisdiction in any respect so far as that State is concerned.

Mr. DAVIS. I should like to ask the chairman of the Judiciary Committee whether the bill as reported from his committee in any way affects the State of which I am in part a representative?

Mr. EDMUNDS. I am unable to inform my friend. The bill was reported by the Senator from Wisconsin [Mr. HOWE] from the Judiciary Committee; and the details of it are entirely out of my mind. Undoubtedly the Senator from Wisconsin can inform the Senator from West Virginia. The Senator from Wisconsin is now at the desk examining the bill. He will take his place presently.

Mr. DAVIS. I think the bill had better go over until to-morrow.

Mr. HAMLIN. I want to look at it myself.

Mr. DAVIS. By that time we shall have an opportunity of looking at it. I think it had better go over, as it is due to the Senator from Vermont, [Mr. MORRILL,] who has the floor, that we should proceed with the regular order of business.

The PRESIDENT *pro tempore*. The Senator from West Virginia objects to the present consideration of the bill.

Mr. DAVIS. I wish to be understood that I only object to the consideration of the bill this morning. I will not object to taking it up to-morrow.

The PRESIDENT *pro tempore*. The bill will lie over.

DES MOINES LAND GRANTS.

Several Senators called for the regular order.

The PRESIDENT *pro tempore*. Legislative and executive business will now be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. OGLESBY. While the doors are being closed, I ask leave to present a petition forwarded to me, very largely signed by citizens and inhabitants of the State of Iowa.

The PRESIDENT *pro tempore*. The Chair will receive the petition.

Mr. OGLESBY. I will state that the petition relates to a subject with which I am not at all familiar; and while I do not approve of all the language used in it, as I read it, yet it is probably of such a character as to give the memorialists the right to be heard; and this has been suggested to me by those who have more experience here than myself. I present the memorial and ask to have it referred to the proper committee. I do not know to which committee it ought to go, but I presume the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator will send the memorial to the desk.

Mr. OGLESBY. There are two memorials, one largely signed, and the other with two names appended. Why these memorials were sent to me, I cannot tell.

Mr. CAMERON, of Pennsylvania. When the Senator from Illinois obtained the floor, I was rising to make a motion to go into executive session, and with the favor of the Senate I beg to be allowed to make that motion now. I have an amendment to a treaty to present which will not occupy ten minutes. It is an important matter and can be disposed of at once.

The PRESIDENT *pro tempore*. Pending proceedings in the trial, the Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. ALLISON. May I ask to what committee the memorials presented by the Senator from Illinois were referred?

The PRESIDENT *pro tempore*. To the Committee on Mines and Mining.

Mr. ALLISON. They ought to be referred either to the Committee on the Judiciary or the Committee on Public Lands. They relate to a matter of very great importance to my State. A great number of people there are interested in the subject. If there is any remedy attainable by Congress, they ought to have it, and I think the petitions should go either to the Judiciary Committee or to the Committee on Public Lands.

Mr. OGLESBY. Let them be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Illinois who presented the petitions asks their reference to the Committee on the Judiciary. Is there objection?

Mr. EDMUNDS. It strikes me that the Committee on Public Lands is the appropriate committee.

Mr. OGLESBY. The matter does not relate to public lands at all. The lands referred to are all private.

Mr. EDMUNDS. Then the case ought to go to the Committee on Private Land Claims. There is not any important question of law in it, is there?

Mr. OGLESBY. If the Senator will allow me, I will say that the memorials pray that Congress may pass a law to direct the Supreme Court of the United States to cause the district courts of the United States in the State of Iowa to grant some injunction or other perpetual order against the Des Moines River Company from running canals, &c., on public lands.

Mr. EDMUNDS. My friend has stated the case strong enough. I give it up.

Mr. SHERMAN. I happen to know something about this matter. It is a controversy between private parties, citizens, and claimants under a grant by Congress to a company in the State of Iowa for making the Des Moines improvement. The petitions ought to go to the Committee on Public Lands. This is one of the hardest cases of gross injustice done to people who have gone upon lands unsettled that I ever heard of. My own impression is that the corporation stole the land. We are in secret session, so I am at liberty to use a very strong word on the subject. I say that the corporation really stole the land.

Mr. ALLISON. I agree with the Senator from Ohio that this is an important question. It involves the construction of a great many statutes and the decisions of the Supreme Court in a great many cases. There has certainly been a very great hardship inflicted upon a large number of settlers in Iowa who went upon these lands in good faith. If there is any remedy, I think that the Judiciary Committee can find it. Therefore I quite agree that the petitions ought to go to that committee.

Mr. SARGENT. As the chairman of the Committee on Mines and Mining, I trust the petitions will go to the Committee on the Judiciary.

Mr. EDMUNDS. I wish to say a word in sober earnest about this business. The Judiciary Committee does not wish to shirk any duty; but it cannot perform more duties than all the time it can possibly devote to its duties will allow. I can state, I think, in a way that will not be denied, that we are overloaded with work now, so that our chance of acting upon this matter at this session carefully and intelligently, unless we overslaugh something else that is already before us, is quite small.

Secondly, this matter is of importance, as the Senator from Ohio has said. I have heard of it before; but, according to my general impression—I do not remember anything about the state of the law in particular—these settlers have come to grief; and of course it is a very great hardship, for although they probably went, as the Supreme Court has decided, in violation of law and had to take their chances like everybody else who runs the risk of a lawsuit, yet of course they were a people who were not skillful in law and who acted in perfect good faith undoubtedly. But the real party at fault, aside from the navigation company, I am afraid, is, with all respect, the Legislature of the State of Iowa. That was overcome by the navigation company and induced to make a grant of this land, as has often happened, and has happened, I will say, in the State of Vermont, so that I shall not be invidious, where a greedy corporation has squeezed settlers by getting the Legislature into its power.

I am afraid that has been the case, and generally I think the Committee on Public Lands consider such a matter, although it may involve questions of law, because I am bound to say in justice (and my friend from Iowa [Mr. WRIGHT] and other Senators present know it is the case) that unless the Judiciary Committee "boost" this out of its order altogether, the chance of being able to act upon it at this session is quite small.

Mr. PADDOCK. I should like to inquire what manner of session we are in?

The PRESIDENT *pro tempore*. The Senate is in open session.

Mr. PADDOCK. Would it not be well, then, to open the doors?

Mr. EDMUNDS. We can do open business with the doors shut.

Mr. PADDOCK. It seems to me that there is great impropriety in carrying on a discussion here on an important matter with the doors closed.

The PRESIDENT *pro tempore*. The reporter has been taking notes. The question is on the motion to refer the petitions to the Committee on the Judiciary.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. Fifteen minutes were spent in executive session.

IMPEACHMENT OF W. W. BELKNAP.

The Senate, pursuant to order, proceeded to deliberate on the impeachment case.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

On motion of Mr. FRELINGHUYSEN, (at five o'clock and thirteen minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 24, 1876.

The House met at twelve o'clock m., the Speaker in the chair. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

RAYMOND'S MINING STATISTICS.

Mr. BLAND, by unanimous consent, from the Committee on Mines and Mining, reported the following resolution; which was read and referred to the Committee on Printing:

Resolved, That there be printed of the reports of R. W. Raymond on mining statistics for 1875, with the accompanying engravings, 2,500 copies for the use of the House of Representatives, 1,000 for the Senate, and 500 for the Secretary of the Treasury and the commissioners.

SMITHSONIAN REPORT.

Mr. BALLOU. I am directed by the Committee on Printing to report back the following concurrent resolution from the Senate, and move that it be concurred in:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That 10,500 copies of the report of the Smithsonian Institution for the year 1875 be printed; 1,000 copies of which shall be for the use of the Senate, 2,000 copies of which shall be for the use of the House of Representatives, and 7,500 copies for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The resolution was concurred in.

REVISED STATUTES.

Mr. DURHAM. Mr. Speaker, some days ago I reported from the Committee on the Revision of the Laws a bill (H. R. No. 3156) to correct errors and to supply omissions in the Revised Statutes of the United States, which was made the special order for the last day of this month. Since then certain amendments have been agreed to by the committee, and I ask that the bill and amendments be printed and recommitted.

The motion was agreed to.

WISCONSIN LAND GRANTS.

Mr. CATE, by unanimous consent, introduced a bill (H. R. No. 3569) for the relief of persons who have settled upon or improved for agricultural purposes lands granted to the State of Wisconsin by acts approved June 3, 1856, and May 5, 1864, for railroad purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CLAIMS.

Mr. EDEN. I ask by unanimous consent that the bill (H. R. No. 3359) making appropriations for the payment of claim sreported allowed by the commissioners of claims under act of March 3, 1871, and for other purposes, be now taken up for consideration. It will take but a few minutes.

Mr. WILSON, of Iowa. I suggest that bill should be disposed of under suspension of the rules on Monday. There is a disagreement in the committee about one or two claims, and I hope the gentleman will let it go over until next Monday.

The SPEAKER. Is there objection to its present consideration?

Mr. WILSON, of Iowa. I object, and demand the regular order of business.

PUBLIC LANDS IN ALABAMA, ETC.

The SPEAKER. The morning hour now begins at twelve o'clock and fourteen minutes, and the regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on Public Lands.

The pending business is the bill reported by the gentleman from Louisiana [Mr. MOREY] from the Committee on the Public Lands, the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act shall be offered at public sale, as soon as practicable, from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

The amendments reported by the Committee on Public Lands were read, as follows:

Amend by inserting in line 11, after the word "act" and before the word "shall," the following: "which are unsuited for agricultural purposes." And at the end of the section add as follows: "and that all public lands in said States fitted for the purposes of agriculture shall be subject to disposal under the provisions of the homestead laws of the United States, and not otherwise: *And provided further*, That nothing herein shall be construed to affect the disposal of any mineral lands as now provided by law."

Mr. MOREY. I am instructed by the Committee on Public Lands to ask at the proper time the previous question on the bill without any amendments whatever. I desire that the morning hour to-day shall be occupied by ten-minute speeches for and against the bill, and we expect at the close of the morning hour to call the previous question and dispose of the bill. I yield first to the gentleman from Alabama, [Mr. HEWITT.]

Mr. HEWITT, of Alabama. Mr. Speaker, when this bill was last before the House, I listened attentively to the very able and interesting remarks of the gentleman from Indiana, [Mr. HOLMAN,] and I must confess that I was somewhat disappointed. Instead of a discussion of the merits or demerits of the bill he detained and interested us for over one hour in a glowing and eloquent eulogy of our homestead law, never once touching the question before the House. While his effort was indeed able, yet it seemed to me to be out of place and violative of that rule of debate which forbids a departure from the subject under consideration, if not of that other rule, that rule which requires the fitness of things to be considered, the time, the place, the subject.

The gentleman's effort would to my mind have been much more appropriate in a political canvass upon the stump in Indiana or elsewhere before the populace than here in a deliberative body of the Representatives of the American people when the question discussed was not before the House. But it may have been that my friend did not intend his remarks for this House, but rather, as the gentleman from North Carolina [Mr. YEATES] said the other day, "for the good of the people." I suppose he intended to show his constituents that he was not only careful of their interests, but that he was equally watchful of the welfare of the citizens of Alabama; that his long experience in the halls of legislation at the national capital better qualified him to look after and guard the interest of the people of Alabama than their immediate Representatives upon this floor who had had so little experience in such legislation.

Although the bill now before the House does not affect injuriously any citizen of Indiana in the least degree and is purely local, applying to five southern States alone, all of whose representatives, so far as I am informed, favor its passage, and although it does not take one cent from the public Treasury of the United States, but may add millions to it, and although the people of these States affected by the bill demand its passage, still the gentleman stands up here in opposition to it and is doing all in his power to defeat a measure upon the success of which depend in great degree the future prosperity and greatness of Alabama. Sir, I believe the Representatives from Mississippi, Louisiana, Arkansas, Florida, and Alabama better understand the wants and interest of the people of their respective States than my friend, however great may be his ability and however large may have been his experience in national legislation.

It is not my purpose to follow the line of argument of the gentleman from Indiana; for, as I have heretofore said, it was foreign to the subject under consideration. But I desire to correct an error fallen into by some of the gentlemen of this House. It has been asserted here, and I believe, too, by my friend from Indiana, that the policy of securing homesteads to the landless had its origin within the last ten or fifteen years, thus giving the republican party all the credit for that beneficent policy. This is an error. To Mr. Thomas H. Benton and General Andrew Jackson belong the honor and glory of that munificent policy of gratuitons grants of the public domain to actual settlers. This policy was advocated by these statesmen long before the present republican party had any existence in this country. Mr. Benton for years waged an unrelenting war upon the policy of public sales of lands and, as far back as 1826, advocated, in a strong speech full of wisdom and cogent reasons, gratuitous grants to actual settlers, showing most conclusively that the labor of the settler was the true way to extract national wealth and strength from the soil:

Tenantry is unfavorable to freedom. It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The farming tenant has, in fact, no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants. We are a Republic, and we wish to continue so; then multiply the class of freeholders; pass the public lands cheaply and easily into the hands of the people; sell for a reasonable price to those who are able to pay, and give without price to those who are not. I say give without price to those who are not able to pay; and that which is so given I consider as sold for the best of prices, for a price above gold and silver, a price which cannot be carried away by delinquent officers, nor lost in failing banks, nor stolen by thieves, nor squandered by an improvident and extravagant administration. It brings a price above rubies, a race of virtuous and independent laborers, the true supporters of their country, and the stock from which its best defenders must be drawn.

And again he says:

These Atlantic States were donations from the British Crown; and the great proprietors distributed out their possessions with a free and generous hand. A few shillings for a hundred acres, a nominal quitrent, and gifts of a hundred, five hundred, and a thousand acres to actual settlers, such were the terms on which they dealt out the soil which is now covered by a nation of freemen. Provinces, which now form sovereign States, were sold from hand to hand for a less sum than the Federal Government now demands for an area of two miles square. I could name instances. I could name the State of Maine, a name for more reasons than one familiar and agreeable to Missouri, and whose pristine territory was sold by Sir Ferdinando Gorges to the proprietors of the Massachusetts Bay for twelve hundred pounds provincial money. And well it was for Maine that she was so sold; well it was for her that the modern policy of waiting for the rise and sticking at a minimum of $1.25 was not then in vogue, or else Maine would have been a desert now. Instead of a numerous, intelligent, and virtuous population, we should have had trees and wild beasts. I say well it was for Maine that she was sold for the Federal price of four sections of Alabama pine, Louisiana swamp, or Missouri prairie. Well it was for every State in this Union that their soil was sold for a song, or given as a gift to whomsoever would take it. Happy for them and for the liberty of the human race that the kings of England and the "lords proprietors" did not conceive the luminous idea of waiting for the rise and sticking to a minimum of $1.25 per acre. Happy for Kentucky, Tennessee, and Ohio that they were settled under States, and not under the Federal Government. To this happy exemption they owe their present greatness and prosperity. When they were settled the State laws prevailed in the acquisition of lands; and donations, pre emptions, and settlement rights, and sales at two cents the acre were the order of the day. I include Ohio and I do it with a knowledge of what I say: for ten millions of her soil—that which now constitutes her chief wealth and strength—were set-

tled upon the liberal principles which I mention. The Federal system only fell upon fifteen millions of her soil; and of that quantity the one-half now lies waste and useless, paying no tax to the State, yielding nothing to agriculture, desert spots in the midst of a smiling garden, "waiting for the rise," and exhibiting, in high and bold relief, the miserable folly of prescribing an arbitrary minimum upon that article which is the gift of God to man, and which no parental government has ever attempted to convert into a source of revenue and an article of merchandise.

General Jackson, in his veto message of Mr. Clay's bill to distribute the revenue arising from the sale of the public lands among the States, supported Mr. Benton's views:

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price; but the effect of its details, as now arranged, would probably be forever to prevent its exercise.

With the just men who inhabit the new States it is a sufficient reason to reject this system that it is in violation of the fundamental laws of the Republic and its Constitution. But if it were a mere question of interest or expediency they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or large annual sum to be paid to their governments and immediately expended as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands and the increase of a hardy race of free citizens, their glory in peace and their defense in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that, after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

In 1832, William R. King, chairman of the Committee on Public Lands in the United States Senate, made a report expressing the views of Mr. Benton, General Jackson, and the democratic party upon the subject of the disposal of the public domain:

The committee ventures to suggest that the view which the Committee on Manufactures has taken of the Federal domain is fundamentally erroneous; that it has misconceived the true principles of national policy with respect to wild lands; and from this fundamental mistake and radical misconception have resulted the great errors which pervade the whole structure of their report and bill.

The Committee on Manufactures seem to contemplate the Federal domain merely as an object of revenue, and to look for that revenue solely from the receivers of the land offices, when the science of political economy has ascertained such a fund to be chiefly, if not exclusively, valuable under the aspect of population and cultivation, and the eventual extraction of revenue from the people in its customary modes of taxes and imposts.

The celebrated Edmund Burke is supposed to have expressed the sum-total of political wisdom on this subject in his well-known propositions to convert the forest lands of the British Crown into private property; and this committee, to spare themselves further argument and to extinguish at once a political fallacy which ought not to have been broached in the nineteenth century, will make a brief quotation from the speech of that eminent man:

"The revenue to be derived from the sale of the forest lands will not be so considerable as many have imagined, and I conceive it would be unwise to screw it up to the utmost or even to suffer bidders to enhance according to their eagerness the purchase of objects wherein the expense of that purchase may weaken the capital to be employed in their cultivation. * * * The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and cultivation of the kingdom, events infinitely more advantageous to the revenues of the Crown than the rents of the best landed estates which it can hold. * * * It is thus that I would dispose of the unprofitable landed estates of the Crown, throw them into the mass of private property, by which they will come through the course of circulation and through the political secretions of the state into well-regulated revenue. * * * Thus would fall an expensive agency, with all the influence which attends it."

This committee takes leave to say that the sentiments here expressed by Mr. Burke are the inspirations of political wisdom; that their truth and justice have been tested in all ages and all countries, and particularly in our own age and in our own country.

The graduation and pre-emption laws, all intended to secure homes to the homeless and lands to the landless and in many particulars superior and better adapted for the purpose intended than the present homestead law, were democratic measures and passed by democratic votes. I desire to say, Mr. Speaker, that I most cordially and heartily indorse all that Mr. Benton, General Jackson, and Mr. King said in the quotations I have given, and I think they point out the true policy of the Government in the disposal of the public domain. I would to-day vote to donate to every head of a family who does not own land a homestead without requiring a five years' residence and cultivation. I would make a gratuitous grant of one hundred and sixty acres upon an affidavit that the entry is made for actual settlement or cultivation, and at the expiration of twelve months a patent should issue without further proof, unless in the mean time some steps had been taken to set aside the entry for fraud.

The present homestead law requires too much of the settler, and should be amended in many particulars. It professes to give a home to the homeless, yet it requires five years' service, and then at the expiration of five years proof by at least two witnesses of a strict compliance with its terms, thus costing the poor man often from twenty-five to one hundred dollars. This boasted beneficent so called poor man's law, which has been so highly extolled by the gentleman from Indiana as the perfection of human wisdom and an honor to its projectors, demands, as I have said, of the settler as a condition precedent to the completion of his title, besides his personal affidavit of entry, proof by the testimony of two witnesses of his previous compliance with the requirements of the law as to continued occupancy for five years. And this requisition as to testimony of witnesses is unaccompanied by any compulsory process in favor of the settler whereby he may force the attendance of these witnesses. The settler, it is seen, is therefore liable to the extortionate demands of these witnesses as to the amount of pay they may receive for their services. And, indeed, he can have no witnesses at all unless they see proper voluntarily to comply with his request to go and deliver their testimony in his behalf.

This wholly unnecessary and costly requirement will deprive many of the poor who have made entries under said law of their homesteads, and will appropriate their hard-earned improvements to the use of some other more fortunate settler, while it debars them from ever again acquiring a home under its provisions. Amend the homestead law as I have suggested, and you will give general relief to the poor and enable them to acquire an interest in the soil.

But, Mr. Speaker, while Mr. Benton, General Jackson, and Mr. King advocated the policy of gratuitous grants to actual settlers, they never thought of tying up the public lands and holding them alone for actual settlers. The policy of these statesmen and of the democratic party has ever been to donate homesteads to actual settlers and to sell at the minimum prices to such persons as desired to purchase. To the gentleman from Indiana and his friend from Michigan [Mr. CONGER] belong the distinguished honor of originating the hoarding policy. I refer both of these gentlemen to what the celebrated Edmund Burke said upon this subject near one hundred years ago, which I have heretofore quoted. They will find the principles in political economy there expressed in relation to the public domain "profoundly sagacious in themselves, applicable to all sovereign landed possessions, whether of kings or republics."

The question as to what is the best mode to dispose of the public lands has engaged the attention of the statesmen of our country from an early day. There have been American statesmen of the highest order of intellect who have advocated the policy of holding the public domain as a means of revenue, and among these was Mr. Clay. There have been others of equal ability who have held that the public lands should not be held for any such purpose. The great and incorruptible statesman of the Hermitage, Andrew Jackson, recommended in one of his annual messages to the Congress of the United States, when President, that the public lands, so soon as the revolutionary debt was paid, to which payment they had been pledged, should be turned over to the different States in which they might be located, to be disposed of as each of said States might deem best. This was also, as you have seen from the quotation I have given you, Mr. Benton's view. Mr. Calhoun took a different view from both Mr. Clay and General Jackson. Mr. Clay favored the sale by the United States with a view to revenue and distribution among all the States of the proceeds of the sales. General Jackson favored the transfer to the States in which the lands were located, to be disposed of for the use of the States selling the same. Mr. Calhoun favored the transfer to the States to sell for the use of the United States, giving such States such a percentage of the sales to re-imburse them for the expense of the sales. Both Mr. Clay and Mr. Calhoun contemplated the Federal domain merely as an object of revenue, while General Jackson took the more comprehensive and statesman-like view of Edmund Burke and Thomas H. Benton, that the public domain was valuable exclusively under the aspect of population and the "eventual extraction of revenue from its people in the customary modes of taxes and imposts." The history of the country has completely vindicated the wisdom of the views of General Jackson, and demonstrated the fallacy of those of Mr. Clay and Mr. Calhoun.

The public lands have never been a source of revenue to the Government from sales. Alexander Hamilton in 1791, when Secretary of the Treasury, made a report, carefully prepared, in which he clearly showed that the public lands were of little value, not exceeding twenty cents per acre, and subsequent events have fully demonstrated the correctness of that report. General Jackson in 1832, in a document accompanying his veto message of Mr. Clay's bill heretofore mentioned, shows that up to that time, instead of the public lands yielding a revenue, the expenses exceeded the receipts by $1,314,656. I have not had time to examine the difference between the receipts and expenses in the General Land Office since 1832 to the present time, but have carefully reviewed the report of the Commissioner of the General Land Office made for the fiscal year ending June 30, 1875, and I find that the estimates of expenses of said Office for the fiscal year ending June 30, 1877, exceed the receipts of the fiscal year ending June 30, 1875, $392,458.75. The total estimates of the General Land Office for the fiscal year ending June 30, 1877, are $2,176,460; total receipts from all sources, sales of lands, fiscal year ending June 30, 1875, $1,784,001.27; expenses in excess of receipts, $392,458.73. Thus it will be seen that the public domain is a burden and an expense upon the National Treasury.

It seems to me if the public lands produce no revenue to the Government, but are in fact an expense to the nation, that there can be no good reason assigned why the policy recommended by General Jackson, as had been advocated by Thomas H. Benton, should not be

now adopted. There are many strong and cogent reasons why the General Government should transfer the waste and refuse public lands to the respective States in which they may be located. If Edmund Burke expressed the true science of political economy when he recommended the conversion of the forest lands of the British Crown into private property, by which he proposed to extract revenue by the improvement and cultivation of the same, then it seems to me that the best mode to accomplish that end in this country is to turn over all our public lands to the States to manage and control. The local authorities in each State would know more of the character of the public lands in such States and their adaptability for cultivation or lumber or mining than the central Government. Each State would better understand the wants and interests of her citizens in relation thereto than the Federal Government. Each State is anxious to increase her population and wealth, and hence would offer every inducement for immigration. There would be no conflicting interests in her legislation in relation to the disposal of the public lands. Here in the National Congress we have conflicting interests to encounter in its disposal. The old States have ever been jealous of the growth of the new, and are disposed to clog their progress. The iron interest of the North is not favorable to the development of a rival interest in Alabama and other Southern States, and might not encourage the iron men of Europe and elsewhere to invest in that section by a liberal donation of public lands. The coal interest of Indiana is averse to the developing of the five thousand square miles of superior bituminous coal of Alabama, and hence it is perhaps you find some of her Representatives favoring the hoarding of these lands by the Government, so that Indiana may have no rival interest there. We have seen here upon this floor a gentleman from Michigan [Mr. CONGER] zealously and energetically opposing the opening up of a lumber interest in Alabama, Mississippi, and Florida. We have heard that gentleman advocate the tying up of the fine forests of the South for governmental purposes, so that no lumber interest could spring up there in competition with that of Michigan. The gentleman from Indiana and the gentleman from Michigan, though the professed enemies of monopolies, yet are the advocates of a measure, not so intended by them, but which necessarily protects and fosters monopolies.

Mr. Speaker, there are many other reasons why the public lands should be turned over to the States, but I have not the time now to discuss the question further. I shall bring in a bill during this Congress for that purpose, and will then seek an opportunity to discuss this question more fully.

The gentleman from Indiana and his friend from Michigan are apprehensive that the public domain will soon pass into the hands of speculators if the pre-emption and all other laws authorizing the sale of the same otherwise than under the homestead be not repealed. They tell us that our vast public domain is rapidly passing into the hands of private individuals, and at an early day the poor will not be able to acquire an interest in the soil. These gentlemen surely have not investigated this question. Why, Mr. Speaker, there were but 745,000 acres of public lands disposed of during the fiscal year ending June 30, 1875, by ordinary sales, and there are unsurveyed and unoffered of the public domain 1,154,471,762 acres. At the rate of the ordinary sales at private entry and under the pre-emption law for the said fiscal year it will take fifteen hundred and forty-eight years to dispose of the public domain which is yet to be surveyed. Do these gentlemen propose to tie up our public domain beyond fifteen hundred years in order to give homesteads to the poor of that far-off generation? Far better for the Government and the people if every acre of our public domain was in the hands of private citizens, bearing its proportions of the burdens of the Government, State and Federal. The policy of giving lands to the landless cannot be defended upon any other ground than that it is better for the country that all lands should be in the hands of private persons. It cannot be said that it is the duty of the Government to furnish homes to any, whether rich or poor. Such a doctrine would inevitably lead to that dangerous agrarian idea of division of all lands equally among the people; and if lands, then all other property. If it is the duty of Government to furnish homes to its citizens, then it must continue to do so even when the public domain shall have been exhausted. When gentlemen advocate the homestead policy upon any other basis than that which is expressed by Edmund Burke, General Jackson, and Thomas H. Benton, they are occupying a perilous position.

Mr. Speaker, there is nothing more dangerous to the perpetuity of our republican form of government and our republican institutions than this fallacious, agrarian principle. I do not charge that either the gentleman from Indiana or his friend from Michigan has expressed any such a doctrine, nor do I believe that either of them hold any such ideas. Government was never organized to feed, to clothe, and to furnish homes and lands to its citizens, but simply to protect them in the enjoyment of life, liberty, and property, and the pursuit of happiness.

I favor the gratuitous grants of homesteads solely upon the idea of increasing the wealth and strength of the nation by population, and the products of the soil from cultivation. All that was said by the gentleman from Indiana in praise of the farmers and the tillers of the soil meets my hearty concurrence. They are an unmixed blessing to the whole country, its glory in peace and its defense in war; and I would not favor any measure which would militate against their interest n the least degree.

But, Mr. Speaker, there are other interests of almost equal importance which I would not ignore. All political economists agree that no country should depend alone upon its agriculture. The States in this Union which have the most diversified their industries have been the most prosperous even in agriculture. I will illustrate this proposition by using the States of Pennsylvania and Indiana. They have about the same acreage devoted to agriculture, and Indiana has about six thousand more persons engaged in agricultural pursuits than Pennsylvania. But the farms of Pennsylvania are valued at over $387,000,000 more than those of Indiana, and the value of the annual product of the farms of Pennsylvania is over sixty-one millions in excess of those of Indiana. Why this great difference? It is not in the climate or soil. The answer is, Pennsylvania has diversified her industries far more than Indiana. The former has over one hundred and seventy-five different and distinct industries, while the latter has only about forty-five. The former has over 37,000 manufacturing establishments, employing over 319,000 persons therein, while Indiana has only about 11,000, employing only about 58,000 persons therein.

The products of Pennsylvania manufacturing establishments are over $711,000,000 annually, while those of Indiana are but one hundred and eight millions.

The Pennsylvania farmer finds a market alongside his farm for all his produce, while the Indiana farmer pays out one-half of the value of the products of his farm to drag them to a foreign market.

If we should take the State of Georgia instead of Indiana, and compare it with the State of Pennsylvania, we would have a better illustration of our proposition. The State of Georgia has five millions of acres in cultivation in excess of Pennsylvania. The value of the farms of Pennsylvania is over nine hundred and forty-seven millions in excess of those of Georgia. The State of Georgia has engaged in agricultural pursuits over 76,000 persons more than Pennsylvania, while the value of the annual products of agriculture of Pennsylvania is over one hundred and three millions in excess of those of Georgia. The reason why the Pennsylvania farmer succeeds so much better than the Georgia farmer is found in the fact that Georgia has but 3,836 manufacturing establishments, while Pennsylvania has over 37,000; that Georgia has employed in these establishments only 17,000 persons, while Pennsylvania has over 300,000. Georgia produces from her manufactories annually only about $31,000,000, while Pennsylvania derives over $700,000,000. The Georgia farmer, like the Indiana, seeks a foreign market, while Pennsylvania furnishes a home market for her farmer.

The American Industry, of May 6, says:

> We are strongly of the opinion long since expressed by General Andrew Jackson that those laws which by protecting native industry establish the manufacture by the side of the farm are the only laws which will ever do justice to the American agriculturist. For by creating a home market they will secure a full and fair reward for his products. This they will do at his own door, instead of compelling him to expend more than one-half their value in dragging them over oceans to fill the coffers of the rich manufacturers and feed the pauper laborers of other lands.

The mining and manufacturing interests of this country must be encouraged and fostered by friendly legislation, and it would be extremely unwise to retard them by tying up public lands which in Alabama and elsewhere are necessary for their success. The different and diversified industries of our country are so intimately connected and interwoven in interest that neither can prosper without the other, and he is an unwise or unpatriotic legislator who would elevate and foster the one and depress and retard the other. I would carefully and assiduously nurse and guard every interest of our common country which promotes the general good.

Mr. Speaker, I have wandered away from the bill before the House. I desire to call the attention of the House more particularly to the bill now before us for our action. To understand the bill clearly and intelligently it is necessary to know the manner in which the public lands are disposed of under the Revised Statutes. There are three separate and distinct modes by which the public domain may be disposed of under the general law. The first is under the homestead, of which I have heretofore spoken. The second is under the pre-emption law. This authorizes any person twenty-one years of age, not being a *feme-covert*, and not owning as much as three hundred and twenty acres of land, and who has settled upon and erected a dwelling upon the public lands, to enter not exceeding one hundred and sixty acres upon making affidavit that such settlement and entry were not made upon speculation but for the sole use of the person making such settlement and entry, and that such person has not had previous thereto the benefit of pre-emption; and at the expiration of twelve months a patent is required to be issued upon the payment of the minimum price therefor. This act contains every safeguard against speculations which is found in the boasted homestead law of the gentleman from Indiana. It is as much an impossibility for speculators to profit by the pre-emption law if it be enforced as under the homestead. The entry in the one is for actual settlement and cultivation as in the other. The amount is limited to one hundred and sixty acres in the one as in the other. If the entry is made not for actual settlement and cultivation, but for speculation or for another person, it is a fraud upon law and void in the one as the other.

The third mode is by private entry or public sale, paying the minimum price therefor; and in this last case no limit is put upon the amount of land to be entered by any one person.

These are the three modes and only manner by which the public

domain can be disposed of under the law. The minimum price of all lands save mineral is $1.25 per acre, being at least $1.05 per acre in excess of their true value. The mineral lands are from $2.50 per acre to $20. Lands lying within railroad grants are $2.50 per acre.

In 1866, when Alabama had no Representative upon this floor to look after her interest in national legislation, an act was passed withdrawing all the public lands within said State and four other southern States named in said act from sale or entry, except under the provisions of the homestead law. When it passed this House it excluded from the benefit of its provisions almost all the white population of the States to which it applied, because it required every person desiring to make a homestead entry to take the "iron-clad" oath, but that oath was stricken out in the Senate.

This act was passed ostensibly in the interest of a class of persons who had been held under the Constitution of the United States and the laws of the land in a state of slavery, and who by divine Providence and the results of the late civil war had been liberated and made freemen. It was intended to secure cheap homes and lands to this unfortunate class of persons, and I make no complaint against the republican party for having passed it, for I feel a deep sympathy for these persons, and would not for any consideration advance any measure which would, in my opinion, be detrimental to them. The law has totally failed to secure the desired end. Though passed ten years ago, but few colored men in Alabama have secured homes and lands under its provisions. The reason why they have not is obvious to persons acquainted with the public lands in Alabama. These lands are too poor for a colored man to support himself and family upon. He prefers working the rich cotton lands in the southern part of the State. There are many acres of these lands in the mountain counties of North Alabama, where the enterprising European would do well. Some of these lands can be made very productive by proper fertilization and cultivation. There every variety of grains and grasses flourish, and all fruits known to the temperate zone grow abundantly. The climate is the finest on the continent; extreme heat and cold are unknown, the mean temperature being about sixty degrees, never higher than ninety-five nor lower than twenty; and that dreaded disease, the scourge of more northern climates, consumption, is an entire stranger. There, too, immigrants are most cordially invited, and will be welcomed with open arms and hearts.

But while this is true as to a portion of the public lands in Alabama, it is equally true that the great bulk of these lands are pine forests, too poor for cultivation, and coal lands which cannot be entered and utilized under the provisions of the homestead law, and will there remain a dwelling-place and shelter for wild beasts, wholly worthless forever, unless Congress repeals the act prohibiting the sale of the same. There are over five thousand square miles of superior bituminous coal lands in Alabama, a large proportion of which is now vacant. These coal lands, so long as they remain in the hands of Government, are totally valueless, producing no revenue and adding nothing to the prosperity and wealth of the country; but if sold to persons with capital sufficient to develop and mine them, they would add millions upon millions to the material wealth of the nation, and would produce a revenue far in excess of all that we may ever reasonably hope to realize from the sale of all the vast public domain, and would furnish employment to the many thousand poor laborers now out of work in the North and East at remunerative wages. If this vast and extensive coal-field was properly worked and developed, its value to the whole country could not be estimated.

I believe, Mr. Speaker, that the development of the coal interest of Pennsylvania has contributed more to her material prosperity than any other enterprise, unless it be that of her iron, and that would not have succeeded so well had it not been for her coal. She mines annually of bituminous and anthracite coal over 25,000,000 tons, of the value of over $60,000,000, and must give employment to over 60,000 hands. With proper encouragement from the Federal Government Alabama ought in a few years to rival this great State of Pennsylvania in the production of coal. There is no good reason, if Congress will permit her, why Alabama should not derive a larger income from her coal-mines than from her cotton-fields. These coal-fields lie equidistant between two great rivers, the Alabama and Tennessee. The southern boundary extends to within thirty-five miles of the Alabama and the northern to within fifty miles of the Tennessee. The Alabama empties into the Mobile Bay and the Tennessee into the Ohio, thus giving to the Alabama coal cheap water transportation by the one to the Gulf and by the other to the great Mississippi Valley.

The Warrior River extends through the very center of these coal-fields, and is navigable for small steamboats to Tuscaloosa during the winter and spring, and with a small expense could be made navigable the year round; and by the expenditure of about $1,000,000 it could be made navigable for coal-barges to and through the center of this great coal-field, thus giving another outlet to the Gulf. It is, therefore, seen that the coal-fields of Alabama are as favorably located for cheap transportation as those of the State of Pennsylvania. And these coals can be mined cheaper than those of that State and are in many respects equal, if not superior, to the Pennsylvania and West Virginia coals. In support of this proposition I desire to call the attention of the House to a report made by Mr. Richard P. Rothwell, after a careful survey of a portion of the coal-fields of Alabama, which was read before a meeting of the American Institute of Mining Engineers at Easton, Pennsylvania, in October, 1873. I would like very much to give this able and interesting report in full, but its great length forbids my doing so, and I shall only detain the House with a few quotations:

Cahaba coals.—R. P. ROTHWELL.

	Numbers of samples.										Mean of 10 analyses of Cahaba coals from 8 veins.	Mean of 14 analyses of Indiana coals; Cox.	Mean of 6 analyses of Ohio block coals; Newberry.
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.			
Specific gravity	1.22	1.29	1.29	1.38	1.29	1.28	1.12	1.28	1.25	1.35	1.26	1.24	1.266
Moisture	1.66	1.58	1.91	1.93	2.05	2.13	2.54	1.78	2.14	2.13	1.98	5.2	4.54
Volatile combustible matter	33.28	32.60	32.65	32.84	33.47	30.86	29.44	30.60	31.92	27.03	31.47	34.8	31.61
Fixed carbon	63.04	62.62	63.91	59.64	62.20	64.54	66.81	66.58	63.68	66.22	63.92	57.2	58.68
Ash	2.02	3.20	1.53	5.59	2.28	2.47	1.21	1.09	2.26	4.62	2.63	2.6	2.17
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00			
Sulphur as sulphate	.097	.223	.071	1.001	.118	.320	.073	.085	.....	.114	1.06	.....	0.87
Sulphur as sulphuret of iron	.428	.727	.559	2.779	.523	1.160	.455	.479	.....	.388			
Sulphur in coke	.....	.....	.....	.....	.....	.....	.214	.223	.....	.....			

"Connellsville coke," Pennsylvania, 55 to 70 per cent.

Sample No. 1. From Cahaba vein—Davis's mine.
Sample No. 2. From Cahaba vein—Holt's mine.
Sample No. 3. From Black Shale vein—McGinnis.
Sample No. 4. From Moyle vein.
Sample No. 5. From Little Pittsburgh vein.
Sample No. 6. From Conglomerate vein.
Sample No. 7. From Helena vein.
Sample No. 8. From Coke vein.
Sample No. 9. From Gholson vein.
Sample No. 10. From Montevallo vein.

The above table shows that the Cahaba coals are of remarkably fine quality, being chiefly distinguished for their dryness, small amount of ash, and large amount of fixed carbon.

Some of the above coals make an excellent coke suitable for blast-furnace use, and as some of them are dry-burning coals that do not coke, they would probably work raw in the furnace. Judging from the analyses alone, we would be inclined to consider all of the Cahaba as drier-burning coals than those of Indiana or Ohio, while in reality the opposite is the case. The block coals of Ohio and Indiana, so largely used in the furnaces of the Mahoning Valley, do not coke in burning, while the Cahaba coals do, though the former contain about 3 per cent. more of volatile combustible matter and nearly 6 per cent. less fixed carbon than the latter.

It is noticeable that these Indiana and Ohio coals, ranked among the best furnace fuels we have in this country, contain on an average 2½ to 3 per cent. more moisture than the Alabama coals; in fact, the analyses would indicate that the Cahaba coal is a better fuel, and altogether an exceptionally pure coal. It has been fully proved as a steam-generator, and the coke from several of the veins was used very successfully in the smelting of iron for the cannon-foundery of the Confederate States, at Selma, during the war.

This report is more particularly in relation to the Cahaba fields, but what Mr. Rothwell has so well said of these coals will apply to the Warrior coal-fields; in fact, the latter can be mined more cheaply than the former.

To show that the Warrior coals are in every respect equal to the Cahaba, I will submit the following analyses of two of the beds in the Warrior field. First, an analysis of the Newcastle coal by Dr. Otto Wath, of Pittsburgh, Pennsylvania, which shows the following composition:

Specific gravity	1.38
Water	.50

Volatile matter	28.24
Fixed carbon	59.69
Ash	10.92
Sulphur	.64

Second, an analysis of the Black Creek coal, by Dr. William Gesner, of Birmingham, Alabama, which shows the following composition:

Specific gravity	1.36
Water	.12
Bitumen, (volatile)	26.11
Fixed carbon	71.64
Ash	2.03
Sulphur	.10
Percentage of coke	73.67

Thus it will be seen that the Alabama coals are equal to any in America for many purposes. We have not only this extensive coal-field in Alabama, but also as fine iron ores as are found on the continent, and in inexhaustible quantities sufficient to run all the furnaces of the world to their utmost capacity for over one thousand years. There near Birmingham, Alabama, all the materials necessary for successful production of iron are in inexhaustible quantities, and in closer proximity than in any other portion of this continent; and in the opinion of competent experts iron can be manufactured there more cheaply than in any other State in America.

BIRMINGHAM.

This town is situated in the center of the great mineral regions of Alabama. Here iron ore, stone coal, and limestone of superior quality are found in inexhaustible quantities. These minerals lay in closer proximity than in any other part of the known world, so said by the mineral men who have visited this locality from not only this country but from Europe. Some idea may be learned of these resources by the following statement, which at once presents itself to the eye of the visitor: On one side of the town, not a mile from the business center, extends a mountain of iron sixty miles in length. Perpendicular ledges of solid ore may be seen in many places, and vast surfaces of solid mineral may be walked over several hundred feet above the level of the town. In close proximity to this mountain of iron are the five thousand square miles of the Warrior coal-fields and the two thousand square miles of Cahaba coal-fields, which, like the iron, is actually inexhaustible. Limestone and sandstone, fire and brick clays, marble of various colors and of superior quality, are equally abundant with the iron and coal, and most acceptable for all industrial purposes. It is not overdrawing the picture in saying there is no reason to believe but that Birmingham may some day be to the United States what Birmingham, England, is to Europe.

By the aid of northern and European capital and skill we expect (if the gentleman from Indiana will permit) to demonstrate that iron can be produced in America as cheaply as in Europe.

A company largely composed of northern men have lately put in blast a coke-furnace near said city of Birmingham, and they are turning out daily thirty-five tons of the best silver coke pig, which I am informed they can sell at a handsome profit even at the present exceedingly low prices. Many other furnaces would soon be put in operation in that section if the vacant coal lands could be purchased at reasonable prices and in large bodies, such as would justify persons or companies in extending branch railroads to them. Iron men will not invest their money in furnaces unless they can first secure large bodies of coal lands, and they cannot be had there unless Congress passes the bill now under consideration, and thereby unlocks them and puts them upon the market. We ask the West, without regard to party, to assist us in the passage of this bill, and thereby remove a restriction which most materially retards the iron interest of Alabama. Repeal the law of 1866, and you will have done much to forward the interest of the entire people of Alabama, and will have given an impetus to her iron and mining interests which in a few years will add millions to the wealth of the country. Repeal that law, and she will soon furnish cheap coal and iron to the farmers of the West, and in return will give them a market for the produce of their farms.

There have been in that State six or seven charcoal blast-furnaces in operation, and many others in all probability would have been constructed if a sufficient amount of timber lands could have been purchased at reasonable prices in locations favorable for the business. But under the law of 1866 no public lands could be had for that purpose at any price. For the successful operation of such furnaces large bodies of woodland are required. It is utterly impossible to operate successfully one of those furnaces with only one hundred and sixty acres from which to supply it with fuel. To forbid entries of the public lands excepting under the homestead law is to virtually prohibit the further increase of the production of charcoal-iron in Alabama. Any gentleman upon this floor at all familiar with this subject will bear witness to the truth of what I have said in relation to the absolute necessity of large bodies of woodland for charcoal-furnaces.

This act of 1866 does not only affect injuriously our iron and coal interests, but it materially retards the lumber business in our section. A very large percentage of the fine timber lands there are vacant, and if they could be entered in large quantities, very soon a considerable lumber business would spring up, which would increase largely the wealth and strength of the country.

The income from this business in Alabama ought to be, annually, twenty or twenty-five millions of dollars. But this business, like that of the charcoal, requires large bodies of land, as no person could afford the expense of putting a saw-mill in operation with nothing but a homestead entry from which to supply the mill with logs. The lumber cut from the long-leaf yellow pine of Alabama is of a superior quality, and can be laid down in the western cities even by railroad transportation as cheaply as an inferior lumber now in those markets; and when the Tennessee River shall have been made navigable above the shoals, which will be done in a few years, thereby giving us cheap water transportation to the Mississippi Valley, Alabama lumber could be put in all of said cities at prices far below those now paid for an inferior article from the more favored sections of the country.

Thus it will be seen that the whole West is vitally interested in building up this business in Alabama, and instead of her representatives retarding, they should foster and encourage it.

Now, Mr. Speaker, I ask any fair-minded gentleman upon this floor, of either political party, if he believes it to be right and just to foster and protect the iron, coal, and lumber businesses in one section by friendly legislation and to retard and clog them in another section by hostile legislation? To refuse to repeal the law of 1866 would be to wrong, to cruelly wrong the State I have the honor in part to represent upon this floor. Sir, in the name of an honest and patriotic constituency I most respectfully ask a favorable consideration of the bill now before the House. Upon its passage, as I heretofore said, depends in a great degree the future prosperity and glory of the State of Alabama. All her representatives of both political parties favor its passage and all her citizens demand it. I demand for Alabama every right and privilege extended by law to the other States of this Union, nothing more, and will be content with nothing less.

The act of 1866 is obnoxious, because it denies to the citizens of the States named the equal privileges enjoyed by their fellow-countrymen of other States with respect to the public lands within their borders.

Mr. MOREY. I yield now to the gentleman from Kansas, [Mr. BROWN.]

Mr. BROWN, of Kansas. Mr. Speaker, I had not intended to have opposed this bill had it come before the House with the amendment of the Committee on Public Lands confining its operation exclusively to agricultural lands; but coming as it does without that amendment, its principle seems to me radically wrong and opposed to the policy inaugurated by the republican party during the war and adhered to since that time with ever-increasing tenacity, that the public domain is held by the Government as a sacred trust for the benefit of the landless and should be disposed of to actual settlers only. It repeals a section of the Revised Statutes which confines the disposal of the public lands in certain southern States to the provisions of the homestead law and not merely provides that they shall be open to pre-emption, but worse still, provides that they shall, as soon as practicable, be offered at public sale, and after being so offered be open to private entry.

Mr. GAUSE. I wish to ask the gentleman whether the lands in Kansas are not excluded from private entry?

Mr. BROWN, of Kansas. In reply to the gentleman's question, I have to inform him that while the law allowing the sale of public lands still stands on our statute-books, the policy of the Government for the last ten years has not been to offer lands at public sale, and until they are offered at public sale they never can be opened to private entry. But this bill not merely leaves them in the hands of the Land Department, but provides that as soon as practicable the lands shall be offered for sale. That is the difference. This makes it imperative. It is not left to the discretion of the Commissioner of the General Land Office, who I am glad to say will never order any agricultural lands in any portion of our country to be offered at public sale so as to throw open the door to speculation.

Mr. GAUSE. All the lands in Arkansas, Alabama, and I presume Louisiana and Florida, which would be embraced in this bill, have already been offered at public and private sale time and time again, even down to twelve and one-half cents an acre under the graduation act, and have not been sold.

Mr. BROWN, of Kansas. I am glad that they have not been entered, and if they are agricultural lands I hope they never will be. And, as a gentleman beside me suggests, that was before the war.

Mr. GAUSE. I would further inquire of the gentleman if the lands in Kansas are confined to homestead entries alone?

Mr. BROWN, of Kansas. They are confined to homestead and pre-emption, and are not in general open to private entry. No general sale of public lands has been made in my State during the last ten years.

Mr. GAUSE. This bill does not preclude homestead entries any more than the general law now in force in Kansas and every other State in the Union.

Mr. BROWN, of Kansas. That may be so on the face of the bill; but by making the public sale imperative I am persuaded that its object is to open the door to land speculators and enable them to procure another slice of our public lands and deprive the poor man, who has only his labor to depend upon, of that which under the present policy is held for his use. The intent of the section was evidently to give to the poor men of the South, white and black, an opportunity to become land-owners through the operation of the homestead law; and I am opposed to its repeal and to any law that in any respect would restrict its operations in any section of the country.

Coming as I do from a section where the public lands are not all gone, I have been able to see the beneficent workings of our present system, and have learned in the school of experience to thoroughly believe in our present homestead law; and I would, instead of restricting its operations, extend it to all our public domain and pro-

vide that no public land suitable for agricultural purposes shall ever hereafter be disposed of except under that law.

My own State, Kansas, is a fine example of what the homestead law is doing for the West, and its rapid growth since the war from one hundred and fifty thousand people to nearly three-quarters of a million has been the result of its workings, and especially of those provisions of it that offered special inducements to the gallant soldiers of the Union Army, and has given us the finest population that ever filled a western State. Kansas is pre-eminently the offspring of this system, and her representatives would be recreant to duty if they would in any degree consent to the modification or repeal of the act in any portion of our common country. There is no reason why the Government should attempt to make money from the sale of these lands. As a question of public policy, looking to the general good, it is better for the Government to have all our public domain settled, to give it to the industrious pioneer, whose labors make it valuable, than to have a few millions paid into the Treasury by speculators and capitalists who will hold the land till they can wring the money they have paid with a round interest from the persons who desire it for practical use. The Government must act for the benefit of the people, for the ulterior good, and we cannot afford to take a single step backward. In this House and before its committees I have had occasion heretofore to express my views, and I have urged that it is our duty, even in reference to Indian reservations which are to be sold in trust for the benefit of the Indians, to put them at such a price and upon such terms that settlers can afford to purchase, and that they be sold to *bona fide* settlers only, and I am glad that such has been the disposition of the House. Early in the session, when this bill was before the House in another shape and recommitted, it was said that the Committee on Public Lands had before them a proposition to repeal the pre-emption act which would be reported, and that hereafter all lands should be disposed of under the homestead law alone. This has not been done, but instead comes this proposition in a new shape, to squander the remaining portion of the public lands in the South and sell them at public auction to the highest bidder. It is a return to the old system which was in operation years ago, and I am surprised that a republican Senate should have given sanction to it. So far as my own vote is concerned, I am determined in land legislation to take no step backward, and shall vote only for such measures as seem to me in the line of legislation we have pursued since Andrew Johnson and the other men who co-operated with him passed the homestead law for the benefit of the poor against the rich, the actual settler against the speculator.

Mr. KASSON. I wish to ask the gentleman whether the assurance was not given when this bill was in the House before that it would be reported back by the committee confined to timber lands and excluding agricultural lands?

Mr. BROWN, of Kansas. Certainly, as I have already said, that was the assurance given and the understanding when the bill was recommitted.

Mr. MOREY. I now yield to the gentleman from Iowa, [Mr. McDILL,] a member of the committee.

Mr. McDILL. Mr. Speaker, but for the fact that I am a member of the Committee on Public Lands, which have reported this bill favorably, I might not feel it my duty to say anything on the subject under consideration. But this bill occupies a changed condition and status from what it did formerly. When the bill was last before the House an amendment was proposed by the gentleman from Indiana [Mr. HOLMAN] the effect of which was to confine the provisions of the bill simply to lands not agricultural, reserving the agricultural lands to the homesteaders as heretofore. But I understand and believe that it is the intention of the committee to demand the previous question on the bill without any amendments, and I want to call the attention of the House to the fact that if the previous question be sustained without the Holman amendment, the effect will be to subject all the lands in the South to immediate sale.

Now, there is some merit in the claim of gentlemen from the Southern States that there ought not to be a special rule applied to their lands which is not applicable to all the public lands in every part of the Union; but if the rule applicable to the Southern States should be the general rule, then the way to make the law uniform is to make the rule which now prevails in the Southern States applicable to the lands in other States; then all the agricultural lands in the country would be left for homestead settlement. I apprehend that there are very few gentlemen here who have not given the matter any special attention who realize how nearly our agricultural lands are exhausted. I was myself very much surprised on learning from gentlemen who had made geological and geographical surveys in the West that there is only left in the Western Territories near 5 per cent. of the agricultural lands of all the lands remaining. They are mostly lands that can never be cultivated. There are a great many acres that can never be cultivated, and if the lands that remain unoccupied in the West that may be irrigated and made arable by great labor and great expense when reclaimed are so insignificant in quantity, the question still remains, it is said, not how many cattle can be fed on an acre, but how many acres you must assign to each head of cattle.

Now, when the agricultural lands are nearly exhausted, it certainly is right and proper that we should reserve them for the laboring population of this country. A land-holder always makes a good citizen. By owning land a poor man can obtain position and influence; and we ought to reserve the agricultural lands for the poor men of the country who are unable to pay for them. Now, the Holman amendment proposes that this bill should not apply to agricultural lands; but if the committee is sustained and the previous question ordered and the bill passed, as recommended by the committee, Congress will say that all the lands in the South, without reference to whether they are agricultural lands or not, may at once be taken up by private entry.

I call the attention of the House to the fact that when this bill or a similar one was under consideration a month ago, the gentleman from Michigan, [Mr. CONGER,] who is not now present, stated that there were companies in the Northwest who would immediately take up all the lands that were timber lands.

Mr. LANE. How about the pre-emption law?

Mr. McDILL. This bill would open the lands to private entry, and capitalists would take advantage of it to secure all the best timber lands, and that, too, at a merely nominal sum.

Mr. LANE. Do I understand the gentleman to be in favor of repealing the pre-emption laws?

Mr. McDILL. I believe that the pre-emption law in connection with the homestead law is a wise one. When this bill was before the House heretofore, I asked that it might be recommitted and its provisions reconsidered in order to avoid abuses.

Mr. LANE. Does not the gentleman know that the homestead law has the worst features of the pre-emption law?

Mr. McDILL. I am not defending any of the bad features or abuses of the homestead system, but on this I plant myself, and I feel that I can stand surely on that, that these lands should be reserved for the poor men of the country under the homestead law; and if that law does not secure that purpose it is the duty of Congress to amend it. If the law does not accomplish that, it should be the duty of Congress to amend the law and so change it that there may be no abuses under it. This bill, as I understand it, without the Holman amendment being adopted, will have the effect of placing the whole of the lands of the South, which are the most valuable lands we now have, at immediate sale, to be taken up by men of capital. But there is almost no hope for poor men in the West. They can find but few homesteads in that direction. The agricultural lands are almost gone now.

The gentlemen of the South, if this bill passes without amendment, will soon find that 90 per cent. of their lands are in the hands of corporations and timber speculators. If this bill is passed, I here prophesy that in a short time the poor men of the South will have no chance to make themselves land-holders. I do hope that gentlemen will reflect before they support this bill in its present shape.

[Here the hammer fell.]

Mr. MOREY. I now yield ten minutes to the gentleman from Mississippi, [Mr. MONEY.]

Mr. MONEY. Mr. Speaker, the bill as reported by the committee is advocated by every gentleman on this floor from the Southern States having lands now subjected to the homestead restriction law, and that, too, without regard to politics.

It may be presumed that gentlemen from the South are as much interested in the welfare of the people they represent as the gentleman from Indiana, [Mr. HOLMAN,] the gentleman from Iowa, [Mr. McDILL,] and their colleagues can possibly be. We recognize equally with those gentlemen the necessity of identifying the black people and the poor white people of the South with the interests of the country. We know that local attachment is one of the elements of patriotism, and that it is impossible for a man to have that love of country disconnected with the soil that he would have if he had a personal interest in that soil. We will not advocate here any measure that does not look to the good of the black and the white people alike.

What we ask, however, is that the States of the South in this respect shall be put upon an equal footing with the other States of the Union. Why are not the restrictions of this homestead law extended to the other States? There is no reason, except the hot temper which followed the war, and which showed itself in the legislation prepared in this Hall. This restriction was placed upon the lands in Mississippi and the other States named in this bill as a measure of persecution against the white people of these States. Gentlemen who advocated this law made the statement on this floor that they would not only place these lands, the property of the United States, at the disposal of the colored people, but they would confiscate the lands owned by the leading rebels, as they called them, and the State lands for the same purpose. The advocates of the homestead law as applied to these States not only favored this measure, but also favored the taking of the lands in Texas in which the United States never had any interest.

As regards the value of the homestead law, why should it not be secured to the people of all the United States without respect to color? It has passed into a proverb that what is lightly won is lightly held. That only is held dear which is secured by one's own exertions by the sweat of the brow. You may shower gifts on a people, but if they have not energy and industry to win these lands for themselves they will not be able to hold them if given to them; they will soon pass into the hands of their creditors.

I have a communication from the Department stating that of the 40,000,000 acres of land in the Southern States, only 8,000,000 have been entered under the homestead law, of which 2,000,000 have been

relinquished; and of the 6,000,000 remaining patents have been secured for but 1,000,000 acres. This shows that there is no disposition on the part of the colored people to avail themselves of the benefits of this law.

This restriction named in this bill acts as a check upon those who would otherwise invest capital in lands in the Southern States. Without this restriction those lands would not go to great speculators, for there are no great bodies of land lying together; but the land is in detached fragments all over the States, and the greater portion of it is not fit for agricultural purposes. If they had been agricultural lands, they would have long since passed under the plow.

Most of the lands are valuable merely for the timber that is upon them, and under the restrictions placed upon these States these lands are virtually kept out of the market. The people cannot avail themselves of the privilege of buying these lands at a fixed price; they are not open to the location of land warrants by soldiers who served in the wars of the United States; they are not open to agriculturists or to those who would enter upon them for the purpose of developing their mineral resources. They are lying as a dead weight upon the States, and will lie there until the crack of doom, if you wait for the enterprise of a population which have shown no disposition to avail themselves of the privileges given by this law.

Yet, gentlemen upon this floor would seem to claim that they understand the nature of our country, the disposition of our people, and the condition of our affairs better than we do ourselves. We claim at least to know what is for the interest of our people and what is the condition of our country. We at least may be credited with having their interest at heart as much as gentlemen who have no knowledge of them whatever and would enforce restrictions upon them.

This question has come up this morning without notice. I had designed when it came up to refer to the speech of the gentleman from Indiana, [Mr. HOLMAN,] particularly his allusion to the benefit to be derived from placing the whole country under the operation of the homestead law. He had the boldness to state that the great strength of the Roman Empire lay in the fact of its agrarian law, which secured to each citizen a portion of the territory. The gentleman has studied history without studying its philosophy. He ought to know that there never was an agrarian law enforced in Rome, that all the territory was public property, and that those who had the possessory interest in the land could alienate only that possessory interest, and not the title. He even said that the fall of the empire dated from the death of the Gracchi slain in the disturbances caused by the agitation of the agrarian law.

The gentleman knows very well that it was an incident to the disturbances of those times that the downfall of Roman liberty dated not from the time the Gracchi were slain, but from the time when Tiberius Gracchus violated the sanctity of the person of a tribune of the people, and with unlawful hands hurled him from his seat to be beaten by the stones of the populace.

And in this and every other country from the time when the forms of law are held in disrespect by its officers, may we date the decadence of liberty and free institutions. Contempt for the forms of law marks the rude beginning or the corrupt condition of government hastening to its fall.

Gentlemen who take this ground here must show either that there is a man from the South on this floor who is not desirous of making the colored man a citizen in every respect or he must admit that we are anxious to educate him, to fix him upon the land, and to give him an interest in the soil of the country.

Prior to the war there was incorporated into the law of Mississippi and other southern States an exemption which extended not only to lands and horses but to negroes. It has ever been the policy of those States to make every citizen interested in every species of its property. It is so to-day; and there is not another State in this Union that has an exemption law so liberal as that of the State of Mississippi. We are not only willing but desirous that the colored men of Mississippi should have homesteads and schools. As they are citizens we desire that they shall be good citizens, and are willing to furnish them with every appliance that will tend to make them such. We would have them identified with our institutions, with our soil, with our free-school policy, with everything that would elevate them in the scale of material and moral being.

It is a little remarkable for gentlemen from other sections of this Union to come here and instruct the people of the South upon their duty to their constituents. I came here by virtue of an election at which I received 4,000 colored votes, and I may be presumed to understand as well their interest and to be as anxious to promote it as any man from any other quarter of the Union.

Mr. Speaker, it is a fact worthy of some consideration that there is no division of opinion in reference to this bill among the Representatives from the five States interested. Democrats and republicans alike favor its provisions. Every one of them is in favor of removing these restrictions, because we all know that those States cannot run the race of material progress manacled and hampered as they are with such restrictions as these. We are anxious to put these lands upon the market. We want to invite immigration from all sections of the Union. We want to say to the people everywhere, Come and take these lands and settle them.

Gentlemen talk as though, if this bill should pass, the homestead law will not apply to these States. They certainly have not examined the matter or they would see their mistake. We do not intend to deprive anybody of any rights under the homestead law. We simply propose to remove these restrictions which prevent the land not taken as homesteads from being open to purchasers from whatever quarter they may come. If gentlemen had studied the condition of things there, they would know that there is little disposition, especially among the colored people of the South, to go into the wild woods and settle. They would rather give $100 an acre for good land already cleared and settled than accept as a free gift land in the woods. I know whereof I speak, for I have myself offered to the colored people working on my place to give them lands if they would clear them, and they have never yet availed themselves of that proposition. I offered to give one-half of two thousand acres to anybody who would clear it; but not a solitary colored man has ever entered on that land.

Mr. Speaker, we think these States should not labor under restrictions and impediments to their progress which are not placed upon other States of the Union. We can see no good reason why the population of those States should be made an exception from the policy pursued with reference to other States. I venture to say that there are to-day as little distress and poverty among the poorer people of the Southern States of both classes as will be found in any other section of this Union. I will also venture to say that there is just as large a class in proportion to population in the Northwestern States who are without homesteads and without any provision to secure them as can be found to-day in the Southern States.

We ask the attention of gentlemen to the bill before the House, for we are assured that if they consult the interests of the very people whose protection they profess to have in view they will see that the policy which has been pursued in regard to these Southern States does not operate to the benefit of that class.

Another fact in relation to the State of Mississippi should be borne in mind. One-sixth of its whole area has been forfeited to the State for taxes; and these lands can be had by simply paying the taxes due upon them. Lands are sold every year for taxes; and thus there is an opportunity which people who have no homes can avail themselves of. Under our laws the titles conveyed by these tax sales are as good as any title that can be made. But our people have shown no disposition to avail themselves of these lands; and there is no reason whatever why this check upon the progress of the Southern States should be continued. We contend that we are competent to regulate our own affairs, to speak for our own people, to say what they need.

Mr. LYNCH. I would like to ask my colleague [Mr. MONEY] a question before he takes his seat.

Mr. MONEY. I shall be very glad to hear it.

Mr. LYNCH. It is true that the public lands in the State of Mississippi are comparatively valueless for purposes of cultivation; but under the operation of this bill would it not be possible for speculators in different parts of the country to buy up all these lands, thus preventing them from being purchased by those who would wish them for legitimate purposes except by paying more than the lands are actually worth?

Mr. MONEY. In answer to my colleague I will say that he knows or ought to know that one-sixth of the area of Mississippi has been forfeited to the State for taxes, and there is no money in Mississippi to speculate in lands or anything else. This cry of "land monopoly" is the most absurd and ridiculous ever pronounced on this floor. You might as well say that merchants have a monopoly in dealing in merchandise or that shoemakers have a monopoly in shoemaking as to say that farmers have a monopoly of the land.

The SPEAKER. The morning hour has expired, and the gentleman from Virginia [Mr. HARRIS] rises to a question of privilege.

SOUTH CAROLINA CONTESTED-ELECTION CASE.

Mr. HARRIS, of Virginia, from the Committee of Elections, submitted a report concluding with the following resolution; which was laid on the table, and ordered to be printed:

Resolved, That Joseph H. Rainey, the sitting member, was duly elected a Representative in the Forty-fourth Congress of the United States from the first congressional district of South Carolina and is entitled to the seat.

SPENCER VS. MOREY, FIFTH CONGRESSIONAL DISTRICT, LOUISIANA.

Mr. HARRIS, of Virginia. The morning hour having expired, I now call up the contested-election case of Spencer *vs.* Morey, from the fifth congressional district of Louisiana. After the Clerk has read the resolutions of the majority and minority I will yield the floor to the gentleman from Tennessee, [Mr. HOUSE,] chairman of the subcommittee who submitted the report in this case.

The Clerk read as follows:

Resolved, That Frank Morey was not elected and is not entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Resolved, That William B. Spencer was elected and is entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

The SPEAKER *pro tempore*, (Mr. HOSKINS in the chair.) The Clerk will now read the resolutions of the minority.

The Clerk read as follows:

Resolved, That William B. Spencer was not elected and is not entitled to a seat in this House.

Resolved, That Hon. Frank Morey was elected and is entitled to a seat in this House.

Mr. HOUSE. Mr. Speaker, this contest arises from the fifth district of Louisiana, and there are only four precincts in the entire district which are seriously in controversy in this case. The parties to this contest have made certain admissions in reference to a large majority of voting places in the congressional district. It is admitted by Morey, the contestee, that in nine of the parishes Spencer, the contestant, received 3,944 majority, and Spencer, the contestant, admits that in four of said parishes Morey received 2,548. It results from the admissions and agreements of the parties that Spencer, the contestant, enters the contested territory with a majority of 1,396 votes in his favor. The fifth ward of Concordia Parish and the first, second, and third wards of Carroll Parish comprise the territory that is disputed here.

In order to a proper understanding of this case it is necessary that the House should have some general idea of the election laws of Louisiana.

In the first place it is provided that three commissioners, selected from different political parties, and of good standing in the party to which they severally belong, are to preside over and conduct the election—one of their number to be by them selected to act as clerk. Before entering upon their duties, each one of them is to take and subscribe an oath that he will "faithfully and diligently perform the duties of a returning-officer as prescribed by law;" that he will "carefully canvass and compile the statements of the votes, and make a true and correct return of the election."

They are to receive the ballots of all legal voters, and deposit the same in the ballot-box, and this they are to do "in the full and convenient view of the voter himself." Each voter has "the right to deposit his own vote in the ballot-box with his own hand." It is made a misdemeanor for any commissioner to receive a ballot from any other hand than that of the voter himself, or for any other person than the voter himself to hand a ballot to a commissioner. A list of persons voting is to be kept, numbered from one to the end, said list to be signed and sworn to by the commissioners before leaving the place or opening the ballot-box. The votes are to be counted by them immediately after the close of the election without moving the box from the place where the election was held, and the counting must be done in the presence of any bystander or citizen who may be present. Tally-lists of the count are also required to be kept, and, after the count, the ballots counted are to be put back into the box and preserved until after the next term of the criminal or district court, as the case may be. They are to make a list of the names of all persons voted for; the offices for which they were supported; the number of votes received by each; the number of ballots contained in the box, and the number rejected, and the reasons therefor. They are then to make out duplicates of such lists, to be signed and sworn to by them; one of said duplicates to be delivered to the supervisor of registration of the parish, and the other to the clerk of the district court of the parish, and this is to be done by all or one of the commissioners in person, within twenty-four hours after the closing of the polls.

To the supervisor of registration, as we have seen, one of the duplicate returns is to be delivered within twenty-four hours after the closing of the polls. This supervisor of registration, when the returns from the different wards in the parish are made to him, is required within twenty-four hours thereafter to compile or consolidate the same, and this consolidated return is to be certified as correct by the clerk of the district court. The supervisor is then to forward these consolidated returns, together with the originals received by him from the commissioners, to the State returning board, the same to be inclosed in an envelope of strong paper or cloth, securely sealed, and sent by mail.

The State returning board is to be composed of five persons, selected from all political parties. They are to meet in New Orleans within ten days after the election to canvass and compile the statements of votes made by the commissioners of elections and make returns of the election to the secretary of state, the returns to be compiled in duplicate; one copy to be filed with the secretary of state, and of the other they are to make public proclamation by printing in the official journal and such other newspapers as they deem proper, declaring the result of the election. These returns of the State returning board are made *prima facie* evidence of election.

There are various and specific provisions in reference to disorder, intimidation, illegal voting, and fraud, to some of which are affixed heavy penalties—all intended to protect the elector in a fair and untrammeled exercise of his right to vote, and to guard the ballot-box from improper influences.

The first section of the act containing these election laws says that elections "shall be held in the manner and form and subject to the regulations hereinafter prescribed, *and no other*."

That is a brief abstract of the election law of Louisiana.

I will take up briefly, Mr. Speaker, the fifth ward of Concordia Parish, and give in a succinct form the points which arise on that ward. The election law, as has been seen, requires that the vote shall be counted at the voting-precinct. The election officers are expressly directed not to remove the box from the voting-precinct until every vote is counted out, and that in the presence of such citizens or bystanders as may see fit to be present to witness the count. In this case in Concordia Parish, fifth ward, the officers, after the election was over, without counting the vote as they were directed by law to do, took the ballot-box, the election closing about sundown, and went sixteen miles to Vidalia, the county seat of Concordia Parish, arriving there between eleven and twelve o'clock that night, took the ballot-box into an up-stairs room in the court-house, and proceeded to count the votes. They counted until about two o'clock that night, when, becoming fatigued, they adjourned until the following morning. One of the commissioners, Dameron, says he took the ballot-box with him to his hotel and kept it under his bed until the next morning, when they again retired to the court-house and recommenced to count the vote. They occupied the tax-collector's office in the court-house.

Now, this conduct of these commissioners, in view of the strict and specific terms of the election law of Louisiana, to wit, that the ballot-box should not be removed from the place where the ballots were cast until all the votes were counted, is, to say the least of it, rather extraordinary. Dameron, one of the commissioners, who is introduced in this case by both parties and whose statement is admitted by both, says that at the close of the election he proposed to count the votes at the precinct where they were cast, but that the other two commissioners, two colored men, Columbus and Jefferson, refused to count the vote at the voting-precinct, and, having no book there to guide them as to the law, he yielded to their wishes in the premises, and they made this nocturnal journey to Vidalia in consequence with the ballot-box, arriving there about twelve o'clock that night.

Jefferson and Columbus both deny the statement of Dameron as to the cause of their trip to Vidalia. They deny that they refused to count the vote at the voting-precinct. So that when we seek for the cause of this strange violation of the election law of the State of Louisiana in the statements of the commissioners themselves, we are met with a conflict on the part of those commissioners as to why they took this ordinary trip that night to the county seat. Jefferson denies that he refused to count the votes at the voting-precinct, as Dameron says. Columbus likewise denies the statement of Dameron that he refused to count the vote there. Precisely how the fact is on this subject we are unable to tell. But one thing is certain, they must have discussed and did discuss the propriety of counting the votes at the place where they were polled; but for some reason they did not count them there, but took the ballot-boxes to the county seat, to Vidalia.

Well, whatever may be thought as to whether this portion of the election law of Louisiana requiring the vote to be counted where it is polled is directory or mandatory, whatever may be thought of that, I think there can be no two opinions upon this proposition, that the election law of Louisiana requiring that the commissioners themselves should count the vote is certainly imperative. In the brief synopsis of the election law of Louisiana that I referred to a while ago, it is required of the commissioners that they shall keep tally-sheets, and the commissioners themselves are required to take an oath (which is rather an extraordinary provision of the law of Louisiana) that they will carefully count the vote that has been cast in any election over which they may preside. That they are sworn to do. That, then, I take it, is certainly imperative. What the State of Louisiana considered of sufficient importance to require her election officers to take an oath to solemnly perform, I think there can be no doubt that that part of the law is certainly imperative.

The law of Louisiana furthermore makes it a felony, a penitentiary offense, for any man who is not an officer of election to interfere in any manner with the counting of votes or the making of returns of election in that State. Let me show briefly what was done in this case. When they got to Vidalia, the county seat, Mr. Dameron says they called in such bystanders as they could pick up—to do what? To keep the tally-sheets of that election. Now, what are tally-sheets? They are marks on a paper from which the count of the election is made. If the tally-sheets are correct, the count is correct. If the tally-sheets are incorrect, the count taken from them is necessarily erroneous. Now, what do these commissioners do according to their own statement? When they get to Vidalia, instead of carefully counting that vote as the law required them to swear they would do, and as they did swear they would do, they sat down there in that court-house and called on the irresponsible, the unsworn, the unofficial bystanders in the court-house to perform the all-important function of keeping that tally-list, and from that tally-list their return was made up.

Now, I take the broad ground that any election law which would allow sworn officers of election to call in irresponsible bystanders to keep the tally-list, which is virtually the count—that any law which would tolerate a thing of that kind would be simply a mockery; and that if this House will recognize returns thus made up and thus arrived at, they will throw wide open the doors to fraud and there will be no security of election. Why, Mr. Speaker, what does it avail that the Legislature of a State shall go on and make the most minute and specific provision as this law of Lousiana does, for it is certainly the most stringent election law that ever came under my observation; of what avail is it that the Legislature shall provide against bribery, and provide against intimidation, and provide against fraud, if after the voters have come up to cast their ballots and have voted as they desired to vote, you should then allow the commissioners of election to take their ballot-boxes and call in unsworn and unofficial bystanders to count votes? If the votes are not correctly counted, it is all in vain that they have ever been cast.

But who are these men that kept this tally-sheet? We do not know anything about them except their names. The law requires that the commissioners shall be taken from both political parties. What political party did these keepers of the tally-list belong to? The evidence does not inform us. Were they men of character? The evidence does not inform us. They certainly were not officers of election; and if their acts are entitled to any validity at all, they must rest upon proof *aliunde;* they have no legal presumption to lean upon for support. There is no presumption in favor of the correctness of the count of these unofficial bystanders who were called in to keep the tally-sheets in the fifth ward of Concordia Parish; none whatever.

If, therefore, there were nothing else in the case except the fact that these commissioners had so far departed from their duty as to call in unsworn, unofficial bystanders to discharge the most important functions with which the law had clothed them in connection with this election, I should certainly refuse to receive their return. But that is not all. I desire not to be tedious, but I must call the attention of the House to what Dameron says in reference to the manner in which these tally-sheets were kept. He admits the calling in of three men—Mr. Connell, Mr. Joyce, and Mr. Nutt—to do what? Virtually to count the vote at ward No. 5, Concordia Parish; for that is the office these men Joyce, Nutt, and Connell performed. As I said before, we do not know who they are. Even their testimony was not taken to show that the tally was complete. We have not even the benefit of their affidavits. Dameron says that we have heard of but two of the candidates complain of the manner in which they counted the votes. That is neither here nor there; it is of no account; and if this House recognizes a thing of that sort, they will give away the security of all elections, if you allow that sworn commissioners shall violate the law which imposes on them certain duties, and to transfer them to unsworn, unofficial, and irresponsible persons, unknown to the law. It was a penitentiary offense for these men to come in, and if you will recognize anything of that sort, you will have no security as to the results of elections.

Dameron says:

> I only heard two candidates make objections to our mode and manner of counting. No objection by anybody else was made to me. The votes cast at the fifth-ward box were counted and returned by the supervisor, as between all the candidates at said election. I don't think the tally-lists were very regularly kept, as we had no regular tally-keepers, and had to pick them up as we could get them. I believe the tally-lists were kept as correctly as they could have been kept under the circumstances.

The other two managers corroborate him in every particular.

Now here was a sworn commissioner who is placed over a ballot-box to conduct the elections, and what does he do? When he comes up with the returns, he tells you that they had to pick up such men as they could get. Why did he have to pick up anybody? He talks as if an injunction had been served upon him to pick up somebody—to do what? To do what the law required him to do and which he had taken an oath to do. He not only was not required to pick anybody up, but in doing so he violated the law, and I insist that he destroyed the correctness of the returns. There being no other result from that parish, the committee properly excluded it. So much for that, for I must hurry on.

Now the next contested precinct is the first ward of Carroll Parish. I want to state to the House one very extraordinary fact in reference to the entire parish of Carroll. The law requires that within twenty-four hours after the close of the election the ballot-boxes, with the ballots in them, and the returns of the commissioners shall be deposited in the office of the clerk of the district court. The proof in this case shows that in every single precinct in that entire parish the law was never complied with, and that, so far as that depositary fixed by law, to wit, the clerk of the district court, was concerned, you could not ascertain the election that had been held in Carroll Parish. The returns and ballot-boxes and all the proof of the election that the law requires to be deposited in that office had been spirited away, stolen by somebody, if they were ever placed there; they were certainly not there. The deputy clerk who is in charge of the office says that he never saw any of the returns, but there were forged returns by somebody, but who that somebody was will appear when I come to the third ward in Carroll Parish.

Now Anderson, one of the commissioners at ward No. 3 in Carroll Parish, while they were taking proof produced from his pocket what purported to be a duplicate return from precinct No. 1—he says he got it from Jackson, the clerk, and Jackson was one of the commissioners of ward No. 1; why he gave it to Anderson does not appear—when the election contest came up Mr. Anderson pulls this return from his pocket. Now, the three commissioners that were present on the day of election swear that what Anderson produced is a correct statement of the votes cast at ward No. 1 in Carroll Parish, and if there were nothing else in reference to ward No. 1 I should be inclined to receive that as the return and accept it in the shape in which it came. But what other informality attaches to that return? Why, it is in proof here that this man David Jackson, who was one of the commissioners at ward No. 1, who was clerk of the district court, a man who ought to have had custody of all the returns of the election, was detected during the progress of the election in changing ballots from one side to the other. He received ballots at a window. That window was six feet from the ground. You will remember that under the law of Louisiana a ballot may be received by an officer of election or that the voter has a right to put his ballot into the box. They held the election at a window six feet from the ground, so that it was impossible for the voter to reach the ballot-box and from where it was impossible to ascertain what the commissioner did with the ballot so deposited when he received it. Well, now, Jackson was detected in changing ballots. He was also proven to have handed out greenbacks to voters, and he was one of the commissioners. Now, it is a well-settled rule—I am not quoting law on the subject, for it is unnecessary—that where the commissioner is detected in irregularities of this kind the return at that box must be rejected. Why? Because you cannot tell how far that commissioner's fraud has vitiated that ballot-box. For other reasons, into which I will not go and which will be covered in a further discussion of the case, the first-ward returns of Carroll Parish were excluded.

Now, in reference to the second ward, there never were any returns from that ward; none have been found in this case. There is no proof to show what became of them. The returns sent to the State board were found to have been forged. The three county commissioners swear that their names to the returns sent to the State board were forgeries.

The county supervisor swears that he never put these returns before the State returning board and that he never authorized any person to do so. Mr. W. W. Benham, who was one of the commissioners of this ward, admits that he put these returns before the State returning board at New Orleans. It is clearly shown, as I think, by the proof that he was the man who committed the forgery. He was one of the commissioners of election at this ward No. 2 in Carroll Parish. It is upon his evidence and upon the vague recollections of one or two others that the result of the election in the second ward in Carroll Parish is sought to be established. The committee believe that the evidence is wholly insufficient to show the result of the election in that ward.

Now in reference to the third ward. I will hasten on, as I do not wish to consume the time of the House; and I think I am not doing so, but rather consuming myself. There have been no returns from the third ward at all. The result of the election in that ward depends upon the testimony of this man Anderson, who drew from his pocket these returns from the first ward, and the affidavit that was made before the State returning board. To sum it up in a word, the evidence, outside of any returns from this third ward of Carroll Parish, is wholly insufficient to establish the vote there. The testimony of no voter is taken to show how he voted. No attempt is made in the absence of the returns to arrive at the result in any of these precincts, except the uncertain and indistinct memory of parties and witnesses whose testimony was taken months after the election, and which witnesses do not agree as to the result of the vote.

The result that the majority of the Committee of Elections arrive at is simply this: We have already seen that, excluding the contested territory, Spencer had, by agreement of the parties, a majority of 1,396. The fifth ward of Concordia Parish, and the first, second, and third wards of Carroll Parish, being excluded by this report, that majority still stands, to be affected only by the vote at the fourth and fifth wards of Carroll Parish. Adding to the majority (1,396) with which Spencer entered the contested territory, the majority of 12, which he received at the fifth ward, would make his majority 1,408, from which is to be deducted 93 votes, the majority received by Morey at the fourth ward, thus electing Spencer by a majority of 1,315 votes.

There are a great many facts in this case which bear upon it, but I have not deemed it advisable in the brief opening of the case to allude to them; they will be brought to the attention of the House further along in the case.

Mr. WELLS, of Mississippi. Mr. Speaker, in presenting the views of the minority of the Committee of Elections in reference to this case of Spencer *vs.* Morey, I call the attention of the House to the fact that the contestant and contestee agree as to the respective majorities received in all of the parishes outside of Concordia and Carroll Parishes; and we therefore have nothing to do with any parish in that congressional district except Concordia and Carroll. We have nothing to do with even Concordia Parish, except as regards poll 5; and the committee agree as to all the polls in Carroll Parish except the first, second, and third polls; in other words the committee accept, as to the fourth and fifth polls of Carroll Parish, the exhibit made by the official returns.

In the first instance, I desire to examine the objections that have been urged by the gentleman from Tennessee, [Mr. HOUSE,] my colleague on the Committee of Elections, in regard to the fifth poll of Concordia Parish. The ground of objection urged against the reception of the vote of this poll is that the ballots were not counted at the place when they were received before the ballot-box was removed. The law requires that the ballots shall be counted immediately at the close of the polls at the places where they are received, and before the boxes are removed. We agree and admit that the ballot-box was removed from this poll before the vote was counted.

Now let us examine the law covering this subject. The minority of the committee claim that the law in this particular is directory, and not mandatory. In reference to that I would refer to the decision of the supreme court of the State of Louisiana, which court has adjudicated this identical election law and declared that the provisions regulating the form and manner of conducting the election are simply directory, and not mandatory. Therefore, even if the law was not

strictly complied with, it would not justify this House in excluding that vote, unless there was some fraud or the real merits of the election were affected by the disregard of the law.

I wish now to call the attention of the House to the exact vote as agreed upon. It is agreed by the contestant and contestee that, excluding poll 5 of Concordia Parish and the entire vote of Carroll Parish, Spencer, the contestant, has a majority of 2,548.

In considering the fifth poll of Concordia Parish, I wish the House to bear in mind that there are but four witnesses called in reference to this poll. Mr. Dameron, who is a witness for contestant and contestee, and who is a partisan friend of Spencer, the contestant, testifies that the election was fair and honest, and that everything was done in accordance with the law up to the time that the poll closed; that so far as this poll is concerned there were no irregularities; there were no violations of law; there were no frauds. In this he is corroborated by all the witnesses, and the only pretext for rejecting this poll is that when the poll was closed the law was violated in the particular that the vote was not counted there upon the spot before removing the box.

Now, what are the facts? When they had closed the election Mr. Dameron, Mr. Jefferson, and Mr. Columbus, the commissioners, consulted together as to the counting of the vote. Mr. Jefferson, who had been an officer of elections previous to this one, stated to Dameron: "I have been a commissioner before, and the law requires that we shall take the box to the county site and there count the vote." Mr. Dameron testified that, having no book to guide their action, they accepted the statement of Mr. Jefferson, and they all agreed that they would remove the box from the polling-place to the county site, a distance of sixteen miles. The three commissioners locked the box and gave the key into the possession of Dameron, the contestant's partisan friend, and all three started in company on their road to the county site. After they had ridden some ten or twelve miles, one of them being in a buggy and the others on horseback, it was suggested that Mr. Columbus give Mr. Dameron, who was in the buggy, the box. Mr. Columbus gave the box to Mr. Dameron, Spencer's partisan friend, who had the key, and they continued on till they reached the county site. Having arrived there, they commenced to count the vote. They counted till two o'clock, and then they adjourned. Dameron, Spencer's partisan friend, took the box with him, locked, to the hotel, and placed it under his bed. The next morning early they commenced to count the vote, and continued until the whole vote was counted and the returns made.

What more? The record will bear me out in the assertion that if there was or could have been any fraud committed it must have been committed by Mr. Dameron, Mr. Spencer's friend. He is the only one who had the opportunity to commit fraud. The majority of the committee hold to the doctrine that because there was opportunity to commit fraud the House must infer that fraud was committed. I defy the majority of the committee to show one word of evidence in this entire record raising even a presumption of fraud in this case. On the contrary, Mr. Dameron testifies that the election was fair and free; that the law was complied with in every particular, except as to counting the vote at the polling-place.

In order that the House may see that I do not misquote the evidence, I read a portion of Mr. Dameron's testimony. He says:

> Robert H. Columbus and Thomas E. D. Jefferson were the other two commissioners at said poll, and William C. Yarger United States supervisor at that poll. When the polls were closed on that day between six and seven o'clock p. m., the box was locked. I took the key in my possession, giving the box to Robert H. Columbus. * * * When we closed the box I locked it and gave the key to Thomas H. Columbus, taking the box with me, in company with William C. Yarger, United States supervisor, to the hotel in Vidalia. * * * The reason we did not go to the court-room at first was that, on arriving at Vidalia, we found the court-room occupied by the commissioners of the Vidalia ward or precinct. * * * There were in said box and returned by said commissioners 441 votes for Frank Morey for member of Congress for fifth district and 37 votes for William B. Spencer for member of Congress for fifth district of Louisiana.

Now, where has Mr. Spencer attempted to impeach the vote absolutely and actually testified to by the commissioners? Even if the returns be rejected, there is evidence *aliunde* of the actual vote polled at that box. And is this House willing to defeat the voice of the electors on account of some informality on the part of the election officers, and by that means to seat the minority candidate? You must do this before you can declare that this poll shall not be counted for Mr. Morey. Every other witness testifies to the same fact that Dameron swears to; and when you bear in mind that he was a partisan friend of Spencer, the contestant, his testimony is certainly entitled to more weight than if it came from a partisan friend of the sitting member.

I now pass to the further consideration of the violation of law in respect to the removal of the box. I understand the principle to be as laid down by Mr. McCrary in his American Law of Elections, and as supported by uniform decisions in this House from the foundation of the Government to the present time, that unless the violation of the law affects the real merits the law is to be regarded as merely directory. Will this House go behind the decision of the supreme court of the State, an authority that has interpreted and adjudicated this particular election law? Will we say that such a decision is not binding upon this House, when it is regarded as binding upon the Supreme Court of the United States? The decision of the supreme tribunal of the State must be rejected before you can exclude the fifth poll of Concordia Parish.

In support of the position assumed by me that this law is directory, and not mandatory, I read from McCrary's Law of Elections, pages 126 and 127:

> If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission should render the election void, all the courts whose duty it is to enforce said statutes must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. But if, as in most cases, the statute simply provides that acts or things shall be done within a particular time, or in a particular way, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do, and directory if they do not, affect the actual results of the election. * * * Those provisions which affect the time and place of holding elections and the legal qualifications of the electors are generally of the substance of the election, while those touching the record and the returns of the votes received are directory. The principle is that irregularities which do not tend to affect the results are not to defeat the will of the majority. The will of the majority is to be recognized even when irregularly expressed.

I ask the House to bear in mind the distinction which I make. I make the distinction that as to the act and the evidence of the act there is an essential difference. What are the returns? What are these rules and regulations? They are simply to obtain the evidence of the act of the voter. I do not care how irregularly it may be expressed, if there is evidence *aliunde* showing what the acts of the voters were, that evidence is as good and as binding upon this House as if all the provisions of the law had been complied with.

Now, will this House accept and adopt a principle that will place in the hands of designing men who have control and management of elections the power to do some act whereby they may defeat the will of a majority of the people and allow this House to elect its own members? If you adopt the principle contended for by the majority, you certainly open the door to fraud, and you place it in the hands of any majority in this House to so use the officers of election as to place in this House men not elected by the people, but elected by the House itself, and, as I have said, thereby defeat the will of the people.

Dameron testifies what the actual vote was at that precinct. We are not obliged to go to the returns, although the returns stand here unimpeached.

But my friend from Tennessee [Mr. HOUSE] urges another objection. He says that they called in by-standers. One word in regard to that matter. The law of Louisiana requires that the commissioners of election shall make out the returns and swear to them. What is that oath? I will read it to the House:

> STATE OF LOUISIANA, *Parish of Concordia:*
>
> Personally appeared before me, the undersigned authority, John F. Dameron, R. H. Columbus, and T. E. D. Jefferson, duly appointed and qualified commissioners of election of poll No. 5, election precinct of the parish of Concordia, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.
>
> Sworn and subscribed to before me this 4th day of November, A. D. 1874.
>
> JNO. A. WASHINGTON,
> *Supervisor of Registration.*
>
> JNO. F. DAMERON,
> THOS. E. D. JEFFERSON,
> R. H. COLUMBUS,
> *Commissioners of Election, Poll No. 5, Parish of* ——.

This man Dameron, with the other commissioners, as it will be seen, took and subscribed to that oath. The return is here subscribed to by them that the vote was fairly and honestly counted, and that the return contains the vote as actually deposited in the box by the voters themselves. Nowhere are the returns impeached in this evidence. I defy the majority of the committee to show a single act, except the act of removing the box from the voting-place to the county seat, that even raises the presumption of irregularity or non-compliance with the law. This return is in the evidence sworn and subscribed by these three commissioners, on page 25.

Let us see whether the evidence supports my assertion. The evidence of Mr. Jefferson, one of the commissioners, is as follows:

> I made no objection to opening and counting the votes at the polls, but stated I had served as commissioner of election before and always took the boxes to Vidalia to count them; and we had no instruction book to guide us, and I did not know what else to do, believing that to be the law. I had left the instruction book at home, having forgotten to take it with me. The election on that day was free and fair.

Mr. Dameron says on this subject:

> When the polls closed, the other two commissioners refused to open and count the votes at the polls, they saying that the box ought to be taken to Vidalia and the votes counted there. Not having the book of instructions for holding the elections, I acquiesced in their wishes.

What was the law previous to this election? The law was that the ballot-box should be removed to the county seat and the vote there counted. These commissioners thought they were complying with the law when they started on their mission to Vidalia, not knowing that this law had been changed by the Legislature.

But a majority of the committee say, if I forsooth happen to be in this House, and a man is murdered, there is a presumption I did it because I could have done it if I desired! That is the position they take. They say the inference is that the commissioners failed to discharge their duty. I claim the law is well settled that officers are supposed to perform their duty honestly and faithfully until the contrary is made to appear. The committee say no; that it is to be presumed the officers committed a fraud, without any evidence but the mere fact that because the commissioners could have done so if they wished, and that that raises the presumption that they actually did

commit fraud. It is a monstrous doctrine, and if adopted by the House I tell gentlemen the time may come in the near future when a simple majority in the House at a time when the presidential election is about to occur, believing or suspecting the election may be thrown into the House and desiring to have the control of the country, may, upon a frivolous pretext, encourage and invite men to make contests, and being governed by the precedents you are now asked to establish, go on unseating members until they have possession of the entire House, and by that process defeat the will and wishes of the people and usurp a power that does not belong to them. I say there is danger in going out of the well-marked paths which have been established by our predecessors, and when I make that remark I make it after having examined every case which has been decided in this House, as seen by the printed reports which are of easy reference, and I defy any member to produce a single instance where this House ever held that a precinct or poll is to be rejected for mere informality in the absence of fraud, if the actual truth can be ascertained.

I quote again from McCrary in his Election Law:

It is mainly with reference to these two results that the rules for conducting elections are prescribed by legislative power. To hold that these rules are mandatory is to subordinate the substance to the form, the end to the means. (Page 200.)

Further on the same author says:

Bear in mind that irregularities are generally to be disregarded.

Does the majority complained of affect or change the result? Is it so claimed by Spencer in his notice of contest? And has he offered any evidence to show that he was defrauded of a single vote? Does he offer any evidence that he would have received a greater vote than he actually received by the returns if the box had not been removed?

No, sir; he does not claim this in his notice. Not one word of evidence does he offer upon the subject, but he stands alone upon the mere technicality that a directory provision of the law was violated by the commissioners, and that upon this the House should allow him 560 votes that he did not receive, and give him a seat to which he nowhere contends he was elected, except on account of irregularities in the conduct of the officers holding the election.

Now, in the case of David Bard, (Hall and Clark, page 116,) the committee held—

That even where the law required that the returns should be made on the 15th day of November, and the commissioners of election did not make the return until the 1st of May, then this irregularity would not defeat the election.

Although the returns were not made until six months after the law required them to be made, the House held—and that was under the good old democratic rule—that it would not defeat the election of the returned member.

In the case of Biddle and Richard *vs.* Wing, (Hall and Clark, page 506,) the committee say:

When the people, in the exercise of their constitutional rights, have gone through the process of an election according to the prescribed rules of law, they ought not to be deprived of the advantage accruing therefrom *but for the most substantial reasons. Indeed, nothing short of the impossibility of ascertaining for whom the majority of votes have been cast ought to vacate the election.*

How do you apply that doctrine here? You have got the actual vote, by evidence *aliunde*, by returns of the returning board; and yet the House is asked by the majority of the committee to reject the returns, to reject the evidence of the witnesses, and to seat a man who nowhere claims that he received any more votes than are actually returned for him by the returning board, nowhere attempts to dispute the evidence of the witnesses as to the number of votes cast; but upon the frivolous pretext and technicality that the commissioners of election removed the boxes before counting the vote, the boxes containing the ballot being in the custody of his own partisan friends, and by this rejection award him a seat which the evidence shows he was not entitled to.

Another rule to which I wish to call the attention of the House, and which I invoke in this case. It is stated by McCrary, section 305:

If the voice of the electors can be made to appear from the returns with reasonable clearness and certainty, then the election shall stand.

Have you not before you the evidence of the commissioners themselves testifying what the actual vote was? You have. Have you not the returns? You have. Is the evidence of the commissioners contradicted? It is not. Are they anywhere impeached? They are not. Then will this House, upon the mere technicality of a violation of a provision of law, which the supreme court of Louisiana says is simply directory and not mandatory—will you upon that ground give the vote of the fifth precinct to Mr. Spencer by rejecting the entire poll, when the actual vote is determined and the will of the electors made to appear, both by the evidence and the returns, positively and with certainty? If this vote is counted, as the majority of the committee contend it must be, it will leave Spencer, exclusive of Carroll Parish, a majority of 992.

I now pass to the consideration of Carroll Parish. That there were gross irregularities there no one will deny; but who was it that committed them? I do not charge it upon Mr. Spencer. I do not claim that his friends had anything to do with it. But that there were corrupt men connected with the clerk's office as officers no one can deny. Yes, the boxes were stolen; the returns were stolen; and we have to go now on the very best data we can gather. But it is claimed that it was Mr. Morey's partisan friends. They certainly did not act like partisan friends of Mr. Morey. But whether money or other means were used to corrupt this county clerk, the depositary of the returns of election, we are left simply to conjecture; there is no evidence upon this point.

Now, sir, there were some of the directory provisions of the law violated in Carroll Parish, and my remarks in reference to Concordia Parish on that point apply equally to Carroll Parish. I will first consider poll No. 1. What are the facts in connection with this poll? First, we find that when the evidence was being taken in this case, on an examination in the clerk's office no returns were found; the ballots had been taken away or destroyed. The election law of Louisiana requires that the ballot-boxes containing the ballots shall be placed in the custody of the county clerk with the return and kept by him until the first term of the district court of the parish. Were the ballots and returns so deposited and kept? The only witness that testifies on this subject is one Galbraith. Galbraith says that no returns were ever deposited in the county clerk's office. He says that he was deputy clerk and had full control and custody of the office, and he knows no returns were deposited. Well, now, let us see how that was. This Galbraith seems to be an interesting man; he is certainly a remarkable man. He testified that there were no returns on file in the clerk's office from any poll in the parish, and right in the very face of that statement here stands out in bold relief a copy of the return for poll 1 of Carroll Parish, certified to by this identical Galbraith as a correct copy of the original return on file in the clerk's office.

Further on Mr. Jackson and the other commissioners of election, democrats and republicans, all testify that they deposited the returns and the ballots in accordance with law in the clerk's office of the parish, thus directly and positively contradicting this man Galbraith. I will not stop to find this evidence; if gentlemen will examine the record they will find this testimony given precisely as I have stated it. Galbraith's statement is contradicted by every one of the commissioners, Jackson, Spann, and Rhodes. They testified that they deposited the return—where? In the clerk's office. The return is produced, and the certificate of Galbraith is upon that return. He is thus contradicted by his own signature and by the three commissioners, democrats and republicans.

"O, they have been spirited away," my associate upon the committee exclaimed. Spirited away! By whom? *No one knows;* but it strikes me that it must have been done by some one interested. It is true that when contestee called for the return, this deputy-clerk Galbraith swears, they are not on file, and never were deposited. Certainly it was not to the advantage of Morey to have these returns and ballots "spirited away;" for the evidence proves that he received nearly all the votes cast at this poll. He certainly could not be interested in destroying the evidence of his own election.

Who was the loser? Who was the man who suffered by the loss of these returns? It was Morey. There is not a scintilla of evidence to be found in the record and none is offered by Spencer to contradict the testimony of the commissioners of election at this poll as to the fact that Morey received nearly every vote which was cast, and it stands as a fact admitted that Morey received a large majority at this poll. Who was interested in "spiriting away the ballot-box" in that precinct? Certainly not Mr. Morey. I do not charge Mr. Spencer or any of his friends with being concerned in doing that, but, to be frank to the House, I will state that certain parties desirous of being elected to the senate and house of representatives of the State were engaged in a conspiracy to defeat the will of the people, and, in pursuance of this conspiracy to advance themselves and their own individual interests, they canceled or destroyed the returns and ballots, and in doing this they prevented Mr. Morey from establishing by the returns and by the ballots themselves the evidence of his election. One word in regard to the fifth poll of Concordia, which I omitted while upon that subject.

I desire to say in reply to the gentleman from Tennessee, [Mr. HOUSE,] who laid great stress on the calling of tally-keepers from among outsiders, that this is not a violation of any law governing elections in the State of Louisiana. I will cite all the evidence in the record upon this subject. Mr. Dameron testifies (and he is the only witness) as follows:

I was not considered to be a republican. The labor of counting the votes was very considerable, as it was a general election and quite a number of candidates voted for. I only heard two candidates make objection to our mode and manner of counting. No objection by anybody else was made to me. The votes cast at this fifth-ward box were counted and returned by the supervisor, as between all the candidates at said election. I don't think the tally-lists were very regularly kept, as we had no regular tally-keepers, and had to pick them up as we could get them. I believe the tally-lists were kept as correctly as they could have been kept under the circumstances.

There is no provision of law requiring a man who keeps the tally-list to be an officer of the election absolutely, for the commissioners have the power to authorize outsiders to act as tally-keepers. It is not unusual for commissioners at all elections to call in outsiders to assist in keeping the tally, and the decision of the House is that this alone is not sufficient cause to reject the poll; and, in fact, the House has gone so far as to decide that where the commissioners themselves have not been sworn, it is not a sufficient cause of itself to vitiate the election.

Returning again to Carroll Parish poll, one objection was urged by my

colleague on the committee, that Anderson, one of the commissioners, handed greenbacks out to the voters with their registration papers to control votes. Now one man, and but one, a colored man, says that he saw greenbacks passed out of the window; twenty-five witnesses, democrats and republicans, candidates, commissioners, supervisors, democratic and republican, were interrogated on that subject but not one of them had witnessed anything of the kind, and there is not a lawyer in the House who if he will examine the testimony of this one man would give it weight of any sort, for it shows on its face that it was a story manufactured for the purpose, and it is detailed in such a manner as to stamp it as false. After the time had expired for Mr. Spencer to take his evidence in chief, and after contestant called this witness, contestee had concluded his testimony; thus affording contestee no opportunity to refute the Munchausen statement made by this witness. This interesting testimony of Cæsar Johnson I will read to the House from page 66:

CÆSAR JOHNSON, sworn for contestant, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d of November last, the day of the general election.

Answer. My name is Cæsar Johnson; I live in Carroll Parish; am a farmer, leasing land from Mr. Tilford; was at poll No. 1.

Q. State where and how the voters voted at said poll while you were there, and how it was managed.

A. I voted at the window, and all others who voted with me at same time did the same. I voted by the assistance of Noah Lane, who caught me under my arm and assisted me up so I could reach the window. I don't think a man standing on the ground near the window could see the ballot-box. I could not, I know.

Q. Did you or not see money passed out of the window to the voters with their registration papers; and, if so, who did it?

A. I saw money passed out with registration papers by David Jackson; I saw him do it several times.

Q. Did anybody speak to you about it at the time it was being done, and what did he say?

A. Yes, sir; Noah Lane spoke to me about it at the time and said: "O, Johnson, look at the greenbacks; let's turn." I said, "O no," He said: "Why?" and I said, "Maybe they are running an independent ticket." I voted the Gla republican ticket on white paper.

Cross-examined by contestee:

Q. Did you hear one man cry out, "O, Jackson, greenbacks;" and who was that man?

A. I did hear a man so cry out, but do not know the man.

Q. What kind of a looking man was he?

A. He was a black man; but I did not notice his features.

Q. Was he a tall man?

A. He was about the common height.

Q. Was he an old man?

A. No, sir.

Q. Did you notice particularly his age?

A. He looked quite young to me.

Q. Was he a fat man?

A. No, sir; he didn't look very fat.

Q. Was he a well-dressed man?

A. He looked to me to be poorly dressed.

Q. How far were you from him when he cried out, "O, Jackson greenbacks?"

A. About ten feet.

Q. Did he cry it out more than once?

A. No, sir.

Q. Can you read?

A. A little; coarse reading.

Q. Or write?

A. I can scratch a little.

Q. Are you a short man?

A. I am about 5 feet 2½ inches.

Q. When Lane helped you to put up your ballot, did he lift you off the ground, or did he stretch you up by assisting you by one arm?

A. He assisted me by lifting one arm, I at the same time helping myself up against the side of the house.

Q. Was there a pretty large crowd present when you got to the polls?

A. Yes, sir; a pretty large crowd.

Q. Did they all vote before you came away?

A. No, sir; I left them voting.

Q. How many do you think voted while you were there?

A. There was a pretty large crowd, but I cannot tell how many voted while I was there.

CÆSAR JOHNSON.

Sworn to and subscribed before me this 7th day of May, 1875.

S. DUNCAN GLENN,
Notary Public.

Here is Cæsar Johnson's testimony, and he was the only witness out of twenty-three called from that poll, and every one of the others testified that they never observed anything of the kind.

Now, that is the only evidence of this greenback business, and I now come to the testimony as to the box being removed to the window. My associates on the committee on the other side of the House laid great stress upon the fact that at this precinct they voted at a window some six feet from the ground. Now, what was the fact? The fact is that the election was held at an old log cabin, and that when the voting commenced the box was placed at the door of the cabin, where there were strips nailed across the door. The crowd was so great about the doors that they broke down the barriers, and when the barriers failed to keep the voting-place clear they removed the box from the door and put it at a window, and the testimony shows that there was not a single witness who was debarred from voting on account of this removal of the ballot-box; but further, it is observed that the window was five or six feet from the ground, and that some of the voters voted by placing their ballots on sticks and handing them up. Well, some of the voters who were in line did place their ballots on sticks, undoubtedly in order to vote without waiting to reach the window in their turn, and they were received. There was a democratic commissioner present, and nobody urged a single objection, and no objection was made to that proceeding until long after the election, when this thing was seized on as the means of unseating a man who had been legally elected.

A case was made up by the sheriff of the county in regard to this identical election, contesting it upon the same grounds and evidence adduced in this case. It was carried to the supreme court of the State, and let me read you what the supreme court said on the subject:

Mr. DE BOLT. Is all that in the evidence?

Mr. WELLS, of Mississippi. Yes, sir; but I supposed I could quote the decision of the supreme court if it were not.

Let me read to you the decision of the supreme court of Louisiana upon this identical election and upon this identical poll as presented in the case of Burton *vs.* Hicks:

It has been often decided that the failure to comply with the directory clauses of an election law will not annul an election. Courts cannot affix to the omission a consequence which the Legislature has not affixed. (9 Annual, page 557; 10 Annual, page 732; Act of 1873, page 18.)

There is an essential difference between the act of voting and the police provisions to secure the evidence of the act. If the votes be deposited the object of the election is attained, and its validity cannot be affected by the non-observance of the directory provisions. (13 Annual, 301.) The act of 1873, No. 98, provides for the punishment of those who violate its provisions, and the criminal courts of the State have cognizance of such matters. The law does not authorize the election to be set aside, except for fraud, intimidation, violence, or corruption at or before the election, and then only when such fraud, violence, intimidation, &c., had the effect to change the result of the election.

"Errors of judgment are inevitable, but fraud, intimidation, and violence the law can and should protect against." (Cooley's Constitutional Limitations, page 621.) The same author says: "When an election is thus rendered irregular, whether the irregularity shall avoid it or not must depend generally upon the effect the irregularity may have had in obstructing the complete expression of the popular will, or the production of satisfactory evidence thereof. Election statutes are to be tested like other statutes, but with a leaning to liberality, in view of the great public purposes which they accomplish, and, except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provisions, designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, provided the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences from which the result was to be declared," (618;) and it was said in People *vs.* Cook, 14 Barbour, 257, and 8 New York, 67, "that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what is not in election laws. And when a party contests an election on the ground of these or any similar irregularities, he ought to aver and be able to show that the result was affected by them." (Cooley's Constitutional Limitations, page 619; 13 Annual, 175.)

Nowhere has the contestant introduced a single word of evidence tending to show that a single voter was deprived of his right to vote on account of the ballot-box being removed from the door to the window. On the contrary, every witness called both by the contestant and the contestee says that it was a free, fair, and full election. I defy the majority of the committee to find one word of evidence in the whole record contradicting the assertions I make, that every witness produced by the contestant and contestee testified to the fact that the election was full, fair, and free, and that no man was deprived of his vote on account of the ballot-box being removed from the door to the window.

But there is one other objection urged against this poll, that there are no returns. My friend makes a mistake, if I understand him rightly, when he says that there were no returns. The fact is that there is a return and it is proven by the commissioner. A man who was a commissioner at poll No. 2 was called and questioned as to the return of poll No. 1. He said that he had that return, and when asked to produce it he produced it, and it is now here in evidence. What more? He was asked where he got that return, and he said that he obtained it from the county clerk's office, and there is the signature of the deputy county clerk (Galbraith) to it, as I stated once before, showing that the return had been deposited in that office.

But, say the majority of the committee, this return cannot be received because it does not come from the clerk himself. The contestee called upon the commissioners, and they, democrat, republican, and liberal, swore that it was a correct return, that it was the original return, and that it had their signatures to it, and that it contained a correct statement of the votes cast at this poll. Now I ask you in the name of common justice if this House is willing, because a thief breaks into a clerk's office and steals a return, and it is afterward recovered, identified, and sworn to by the men who made it, is this House willing to reject that return and seat a man upon such technical grounds?

These are facts proven by the record. I hold here in my hand the return as sworn to by the democratic and republican commissioners. They swear that they made out the return and that it is correct. That return gives Mr. Morey 569 votes and Mr. Spencer 33 votes. We have here the identical, original return made by the commissioners, and although it was stolen from the clerk's office, it was afterward recovered and identified, and it becomes evidence until impeached. Now is there any evidence impeaching that return? Not one word. Nor is there a particle of evidence showing that there were more votes returned than were cast at that poll and counted. On the other hand, there are witnesses called by the contestant and contestee who swear that these votes were accurately returned. One man swears that he kept a memorandum of the votes cast, and it compares exactly with the return. He was a democrat, and certainly his evi-

dence ought to be good with the other side of the House. He is asked if he observed the counting of the votes and if he could tell how many votes were received. He says that to the best of his memory and belief there were so many votes received, and he gives the identical number contained in the return.

I will not detain the House longer upon this part of the case. I believe I have referred to all the grounds that are alleged and urged by the majority of the committee as a cause why this poll should be rejected. The first is that there are no returns from this poll. The evidence shows that there was a return, and the return is here. Second, it is urged that the box was removed from the door to the window. The supreme court of the State says that as long as the result was not affected that will not vitiate the election.

It is said that Jackson handed out greenbacks from the window. There is but one witness out of twenty-three or twenty-four who says anything of the kind; and this man did not see it himself, but he heard some one say, "O, Jackson, there are greenbacks." Right upon that point let me add to what I have already stated, that the democratic supervisor testified that the registration papers were handed in with the votes; that Mr. Jackson received the registration papers and marked them "voted," and passed them to the democratic supervisor, who returned them to the voters.

If greenbacks were handed out at all, the democratic supervisor of election must have handed them out; for he swears that he handed out the registration papers, while Jackson, whom my associate accuses of handing out the greenbacks, only received the registration papers and marked them "voted." That is the evidence. Here is what T. B. Rhodes, a liberal republican supervisor of election, says:

Question. Do you know a colored voter named Cæsar Johnson, and did you hear that he reported that "greenbacks" were handed out at the window at poll No. 1? And, if so, state what you know of him and of the story, and of the facts in the case.

Answer. I know him and heard him give his evidence to the effect stated before the district court. I know nothing of him personally, but I do know that his statement that David Jackson, one of the commissioners, rolled up greenbacks in the registration papers and handed them back to the voters is untrue.

This is the testimony of the liberal-republican supervisor, who was at the box watching the whole transaction. He testifies that the story of Cæsar Johnson in reference to this matter is wholly untrue—

because the tickets or ballots, together with the registration-papers, were handed up to David Jackson, who took the ballot and handed the registration-papers to me, which I indorsed "voted." Jackson then put the ballot in the box, and I handed the registration-paper to Mr. Mayer, who was acting as democratic United States supervisor, and who handed it out to the voter. I never heard this report from any other source, and I don't believe it was possible to be true without my having some knowledge of it.

This evidence disposes of that greenback story of which so much is made.

By an examination of the report in regard to poll No. 1 it will be found that the poll-list at that precinct also is in evidence, giving the name and number of every man who voted at that poll, certified and sworn to.

[Here the hammer fell.]

Mr. WELLS, of Mississippi. My colleague on the committee, the gentleman from Kansas, [Mr. BROWN,] will be entitled to an hour, and is willing to yield me half of it. If the House will consent, I would like to finish now what I have to say.

The SPEAKER *pro tempore*, (Mr. HOSKINS.) Is there objection to the gentleman from Mississippi occupying now one-half of the time to which the gentleman from Kansas will be entitled?

There was no objection.

Mr. WELLS, of Mississippi. Mr. Speaker, before passing from poll No. 1 to poll No. 2, I wish to say that I claim and the minority of the committee claim that poll No. 1 should be counted. This poll gives Mr. Morey a majority of 536, which, deducted from 992, the majority with which Spencer left the fifth poll of Concordia, leaves Spencer's majority 456.

I now proceed to consider the second poll of Concordia Parish; and here we are met with the same difficulty that we encountered at the last poll, namely, that the ballot-boxes have been stolen from the clerk's office; the returns have been stolen; no returns can possibly be found. Only one official paper is found, and that is fully identified by the commissioners or by the men who made the poll-list. The law requires that as the voters vote their names shall be recorded, and numbers set opposite their names consecutively. We have then as exhibit 6, on page 30 of the minority report, the poll-list of Carroll Parish, which shows that at that poll 713 voters voted. Mr. Spencer nowhere claims that a single man who is named in this list as voting was an illegal voter or that a single illegal vote was received. But it is admitted that this poll-list shows that these individuals named as voters at that precinct had a right to vote. It is nowhere claimed that they did not vote; and the evidence of the contestant, Spencer, shows that there were about that number of votes cast.

We are now left to the very best evidence that can be obtained of what was the vote actually polled at this precinct. We are therefore obliged to take the circumstances occurring at the polls and the memory of the commissioner who made up the return of the poll (we claim that this evidence, if uncontradicted, is the next best evidence obtainable) and from these sources ascertain, if possible, what the actual vote was and for whom it was cast. I claim here that it is a well-established principle of law that this House will use every effort to ascertain the exact will of the electors before it will declare a seat vacant or award it to another party. This House, then, will, if possible, go behind the returns, and by any proper evidence which may be presented ascertain what that vote was. Does the contestee produce such evidence? He does undoubtedly. Let me call attention to the evidence in order that I may not misquote it. I wish first, however, to state that the contestant's witnesses and those of the contestee all agree that the election at this poll, as at the others, was perfectly fair, free, and full. The commissioners swear that they made up their returns and sent them to the place where they should have been deposited. They testify what was the vote actually cast at that precinct. They furthermore produce the poll-list and certify to it.

I wish to repeat and press upon the House that the contestant nowhere claims that a single illegal vote was cast at this poll or that he received a single vote more than the commissioners testify to. He does not contradict the commissioners; and I say that when the returns themselves are lost we must resort to the next best evidence. What is the next best evidence? If the individuals who make a paper are not competent witnesses to state the contents of that paper, then I would like to know in reason and common sense how we would be able under the rules of law to prove the contents of a written document which has been lost.

The commissioners who make the returns are brought upon the stand and testify to what? To what the contents of the returns were. The contestant has proved that the papers are destroyed, are not in existence, and cannot be found. I do not understand it to be necessary to cite a single authority to support the proposition that when a paper is lost secondary evidence is admissible to establish its contents.

Mr. ROBBINS, of North Carolina. Destroyed by whom?

Mr. WELLS, of Mississippi. By some party unknown; there is no evidence to show by whom. The contestant proves by the clerk that they are destroyed, and that he never saw them and cannot find them.

Mr. BAKER, of Indiana. Not destroyed by Morey and his friends, because they give him a thousand majority.

Mr. WELLS, of Mississippi. It gave him a thousand majority. It is admitted by Spencer there is a large majority for Morey at that poll, and he therefore cannot be charged with the responsibility of destroying the returns that would give him a clear majority. Remember this man who is testifying is a democratic supervisor, and he states that he made the returns in accordance with the statute to the officers at New Orleans.

W. B. Dickey, witness for contestee, swears, page 54, record:

Question. How long were you at that poll on that day and immediately afterward?

Answer. Was there all day until the poll closed. At the closing of the poll I retired, and returned to the poll between twelve and one o'clock that night, when they were still engaged in counting the votes, where I remained until the counting was completed. When I came in between twelve and one o'clock at night, I took the place of Thomas F. Montgomery, democratic commissioner at that poll, in keeping one of the tally-sheets, and remained until the count was finished.

Q. Did you or not learn the result of the vote cast at that poll when the count was completed? And, if so, state what it was, if you recollect.

(Contestant objects to this question.)

A. I think the entire number of votes cast at said poll was 719. The vote for senator was 282 for Gla and 427 for Benham. There were 49 for Spencer for member of Congress and for Morey 664 or 5 for Congress. I do not recollect the vote cast for State treasurer, but that Moncure got about the same vote as Spencer did, and Dubuclet about the same vote as Morey did.

Q. Did you take any memoranda of any part of the result of the election at poll No. 2; and, if so, does the statement that you have made with regard to the vote for member of Congress agree with the memorandum that you took at the closing of the count?

(This question objected to by contestant.)

A. I did take a memorandum of the votes so far as the candidates for senator, members of Congress, and house of representatives, and the memoranda, so far as Congress is concerned, agreed with my testimony on that point. I have lost all my memoranda except that of senator, or misplaced them.

And on cross-examination by contestant, he swears:

Q. You state that you were not present during all the time that the votes were being counted and tallied. Do you know of your own knowledge the truth of the statement of the votes given by you?

A. I only know that the three tally-sheets kept agreed at the end of the counting. I do not know of my own knowledge that these tally-sheets were correctly kept during the whole time of counting, as I was not present all the while. I know that mine was correctly kept from the time that I commenced keeping it.

Q. Are you positive about the congressional vote, and have you never stated it differently?

A. I am positive about the congressional vote, and do not recollect of ever having stated it differently.

B. H. Lanier, witness for contestee, swears, (pages 48 and 49:)

I remained at the polls until after the votes were counted, and assisted in keeping the tally-sheet.

Question. State, if you know, what the total vote was that was cast at that poll; and state the vote that was cast for the candidates for Congress, if you know.

(Contestant objects to this question, as heretofore.)

Answer. According to the best of my recollection, the entire vote for congressional candidates was something over 700. I think Spencer received 48, 49, or 50 votes, and Morey the balance of the total vote.

Q. Were or not several tallies kept by different parties present; and, if so, were or not they kept under the direction or supervision of commissioners at the poll?

A. There were three tally-sheets kept under the direct supervision of the commissioners at poll No. 2. One of these tallies I assisted in keeping. Those who kept each tally relieved each other from time to time in the labor.

Cross-examined:

Q. Did you keep a tally during the whole time and continuously while that vote was being counted?

A. I did not. I think it took about twenty-four hours to count the vote, and it

would have been impossible almost for a man to have tallied continuously for that time.

Q. Do you know of your own knowledge what the vote and result at that poll was?

A. In my direct examination I gave the result of that vote to the best of my knowledge and belief.

W. A. Blacut, called by contestant, (pages 60, 61,) swears:

Question. Did you or not see the tally-sheet and other papers of poll No. 2, when the counting and tallying at that poll was completed?

Answer. I saw the list of voters who had voted and the tally-sheets about eight o'clock Tuesday night, after the votes in the box had been called. The tally-sheets were not then cast up and carried out, nor signed by the commissioners; but Mr. Dickey figured up for his use and mine the number of votes that were cast for two of the candidates, to wit, Gla and Benham, candidates for State senate.

Q. Please state what that vote was.

(Objected to by contestant.)

A. The vote was—Gla, 282; Benham, 427.

Q. Did you or not at that time ask for or take a memorandum of the vote for Spencer for Congress at that poll? And, if so, state what it was.

(Contestant objects to this as heretofore, as incompetent evidence.)

A. I did take a memorandum, and it was 65 votes.

Q. Have you ever made any statement of the election in Carroll Parish to the chief supervisor for this State of this judicial circuit at New Orleans?

A. I sent a statement to A. J. Aiken, at New Orleans, to be delivered to the democratic central committee, giving a statement such as I got from deputies I appointed at different polls, but who were not appointed by Judge Woods, and whom I appointed, supposing I had the right to do it. I knew nothing about the correctness of the statements I got from the deputies.

I could read from five or six other witnesses, commissioners, officers who kept the tally, men about the polls, confirming this proof of Blount and Lanier and Dickey; but I have read enough to show to the House that the point made by the minority is made good. We have proved by the commissioners the contents of the returns; that, it having been shown the returns were lost, we have proved their contents by the officer who made them, and therefore this House is obliged to receive them.

It is stated there is a discrepancy in the evidence; that some say there was a larger vote cast for Morey and others a less vote. Now, it is but equitable and just we should take the least number testified to. The minority have taken the least number any witness produced by the contestant or the contestee testified as the number of votes received at the ballot-box for Morey and have given Spencer the largest number testified as received for him. What is the result? Taking the lowest number for Morey and giving Spencer the highest number, which is 65, sworn to by W. A. Blount, the United States supervisor at that poll, who says that he took a memorandum of the vote for Spencer at that poll, and that the vote was 65, and adding the 4 blank votes to the 65 votes conceded to Spencer, we have 69 votes to be deducted from 713, which leaves the number sworn to and admitted by contestant's evidence, namely, 644, the lowest number which can possibly, from the evidence, be counted for Morey. The contestant does not attempt to prove that these votes, 644, were not cast for Morey.

Now, I will pass to poll No. 3. What do we rest upon in regard to poll No. 3? The returns are lost; the returns were stolen, and we have to look somewhere else for evidence. The returning board has nothing to do with this case. The commissioners of this poll made affidavits and sent them before the returning board. Mr. Bagley, the democratic commissioner at this poll, for the purpose of showing that Gla and Benham were improperly returned, made his solemn affidavit—this democratic commissioner, I say, made an affidavit and filed it before the board giving the actual vote. Now, are you going to refuse the evidence of your own partisan friend? Are you going to discredit a man who stands unimpeached for integrity, whose partisan feelings would not allow him to do anything in favor of the contestee, and whose honor would not allow him to do anything dishonorable against the contestant? He, before this congressional question arose, made a solemn affidavit almost the next day after the returns were filed in the office of the returning board at New Orleans giving the actual vote cast for Spencer and Morey. Will you reject this evidence and say the man who is proved to have received the minority vote is to be seated on the floor of the House and the majority candidate is to be expelled? What is Bagley's testimony? It shows that Mr. Bagley, the democratic commissioner, a short time after the election and before the returning board of the State had declared the result, filed his affidavit in which he states that Morey received 510 votes and Spencer 7 votes.

Thus the democratic commissioners, before the returning board had declared the result, stated upon oath that Morey received 510 votes and Spencer 7 votes. And yet this House is asked to seat the contestant with this evidence staring it in the face, and when the contestant in his notice never claims that he was elected except on the ground that because of certain irregularities Morey's vote should be excluded and he should be counted in. It will be a strange precedent if a minority candidate, acknowledged to be so by himself, is to be seated and a majority candidate, shown to be such by the testimony of the democratic commissioners themselves, is to be unseated by the House with the evidence before them, positive, uncontradicted, and establishing every fact alleged in the minority's report.

And, what is most singular, Mr. Arroyo, the gentleman who protested before the returning board at New Orleans in the protest which he issued at that time, denounces the returning board and proclaims in that document that Mr. Morey received 510 votes and Mr. Spencer 7, and shows that the return was changed in reference to the senatorial vote and as to no other. Certainly contestant is not justified in asking that this poll should be thrown out, when it is admitted by his own partisan friends upon the returning board, after a full investigation of the case, that he, Spencer, received but 7 votes and Morey 510 votes. Contestant has introduced no evidence to contradict Bagley's or Anderson's statements. Anderson testifies to the same thing. He testifies that he was one of the commissioners. Here are two who testify as to the vote cast. And yet the House is asked to disregard these affidavits, notwithstanding that there is not one word of evidence to impeach their statements nor to disprove the announcement made by Mr. Arroyo, his partisan friend on the returning board. There is no evidence to show whether the box at this poll was deposited in the clerk's office or not; and applying the rule that an officer is presumed to have discharged his duty in the absence of proof to the contrary, it follows that the box was so deposited. We are therefore satisfied that this poll should be counted. The total number of votes cast at this poll for member of Congress was 517. Taking the said vote cast for Spencer, 7, from those cast for Morey, 510, we have a majority for Morey of 503 at this poll, which added to Morey's majority of 123, with which he left poll 2, gives Morey a majority of 626.

Now here is something singular; and I wish the House to listen to the statement. The entire committee agree to count poll No. 4; and the evidence in regard to poll No. 4 is identical with the evidence as to poll No. 3. They reject polls Nos. 1, 2, and 3, and then they agree to count polls Nos. 4 and 5. And I defy the majority of the committee to show a particle of evidence in reference to polls Nos. 4 or 5 of a different character from that bearing upon polls Nos. 1, 2, and 3. It cannot be found. I cannot be contradicted in that assertion.

Well, sir, by counting polls Nos. 4 and 5 Carroll Parish, and excluding poll No. 5 Concordia, and polls Nos. 1, 2, and 3 of Carroll, it will have the same result as it would if polls Nos. 4 and 5 were excluded. That is the conclusion they arrive at. But the committee actually count polls Nos. 4 and 5; and the evidence in regard to polls Nos. 4 and 5 is identical with the evidence in regard to polls Nos. 1, 2, and 3. If, however, the committee had agreed to count poll No. 5 Concordia, and Nos. 1, 2, and 3 Carroll, and excluded polls Nos. 4 and 5 Carroll, that would have elected Morey.

Therefore there is no dispute as to poll No. 4. What is the vote then that is agreed upon for poll No. 4? The only evidence in regard to poll No. 4 is that of McCandless, who was a United States supervisor of elections at this poll. He makes an affidavit as to what the vote was in the return, and the whole committee say that should be counted. And yet Anderson, one of the commissioners of poll No. 3, and Bagley, the democratic commissioner of poll No. 3, both testify as to the number of votes cast, and the committee say it should be rejected. That is logic and consistency for you.

Now, what is the vote agreed upon in regard to poll No. 4? Morey received 155, Spencer 75. The committee agree they shall be counted, and it is placed upon the simple affidavit of McCandless, who is the supervisor, not the commissioner; and supervisors testified in regard to the other polls. We have the poll-list and we have the returns, and yet they reject them. At that poll there were 155 votes for Morey and 75 votes for Spencer. Taking this count, we have this result: The committee agree that this poll should be counted, which gives Spencer 75 votes and Morey 155 votes. Taking Spencer's vote, 75, from Morey's 155, we have 80 majority for Morey, which, added to 626 which he had when he left poll 3, gives Morey 706; and there is not one word of evidence from the beginning of the record to the close to contradict this. Nor does the contestant in his notice claim that that is not the case; but he tacitly admits that the contestee did receive the majority of the votes. He claims that the evidence is not sufficient to sustain the result; in other words, he claims that the electors actually gave a majority of 700 votes for Morey, but on account of the negligence and misconduct of the officers, for which Morey is not responsible, therefore the will of the electors is to be defeated, notwithstanding the fact that contestant admits himself to be the minority candidate.

Now we come to poll 5. As regards poll 5 it is exactly in the same condition as the other four polls, but the committee agree that it shall be counted. What are the facts in regard to this poll? They are simply this: That Spencer received a majority in that poll, and the result is as follows: Spencer received 108 votes, Frank Morey received 96. Now, what is the recapitulation? The recapitulation that the minority arrive at is just this: The majorities admitted as having been received by Spencer amount to 3,956. The majority of Morey according to the statement of the case by the minority of the committee, which I have gone over as briefly as possible, is 4,650. Taking the total number of Spencer's majority, 3,956, from Morey's total majority, 4,650, we have left as Morey's majority at that election 694.

Now, I have endeavored to state the facts as they appear from the evidence; and in conclusion I wish to say to this House that if the evidence is not sufficient to sustain the claims of the contestee before the committee, this House can do no less, in view of all the facts and evidence, than to remand the case back to the committee, with the direction that the evidence of the voters shall be taken to show what number of votes were cast.

The only claim that is made here, the only claim that the committee have seen fit to put forth, is that the evidence is not of a character sufficient to sustain the vote; in other words, instead of calling the commissioners who held the election to testify to what the con-

tents of their returns were and what was the actual vote cast at that election, that Mr. Morey should have called every individual voter and proved by every individual man for whom he voted. The contestant, as I have repeatedly stated in the course of my remarks, nowhere claims that he received a majority, and nowhere denies that Morey received a majority. But he claims because of these irregularities and because he has not called the voters, therefore the election is to be set aside so far as Morey is concerned, and he, Spencer, is to be seated. I warn this House that after having examined this evidence and the facts in this case, if they adopt a precedent of this character they are on the high road to take from the people their liberties, and to transfer the great boon, the elective franchise, from the people to a majority in this House.

And I want to say here that I believe that majorities in legislative bodies are more dangerous than executives. They can be more tyrannical. Besides, there is no restraining power in the Constitution that will punish them for any violation of that instrument. History proves that legislative bodies are aggressive, and that they naturally attempt to encroach upon the rights, powers, and duties of the coordinate branches of government. One usurpation is followed by another, until at last there is but one redress for the people, namely, revolution. If, in process of time by such precedents as a majority of this committee are attempting to establish in this House, the election of its members is transferred from the people to the House itself, the responsibility will be with those who, departing from a well-established line of precedents, may succeed in establishing the precedent. I believe the Constitution of the United States should be changed in regard to contested elections. I do not believe they should come before this House or be adjudicated by it, but that the evidence should be taken by the district court of the United States; and that all contested-election cases should be passed upon by the highest tribunal known in this country, namely, the Supreme Court.

[Here the hammer fell.]

Mr. BROWN, of Kansas. Mr. Speaker, I shall occupy but a few moments upon this case, as the report of the minority is so full and exhaustive that it seems but a mere multiplying of words to attempt to add anything to it.

In studying the two reports made in the case, I think one fact must strike every unbiased mind, and that is that all the presumptions, probabilities, and equities are with the minority, and the legal technicalities and quibbles are with the majority. The one report is a statement of facts in favor of a man whom all the evidence and all the circumstances of the case show to have been elected, while the other is a labored legal argument in favor of a minority candidate whom I think no member of the Committee of Elections will claim received a majority of the legal votes of the fifth congressional district of the State of Louisiana. In such a case, while it is our duty to adhere to settled principles and to establish precedents, it seems to me that the House should be satisfied of the cogency of the reasoning and correctness of the law which would seat a man standing in such an unenviable situation; and as in a criminal case it is the duty of a jury to resolve all reasonable doubts in favor of the party on trial, so should this House in a case where it is morally certain that a man is elected in like manner resolve all reasonable doubts in his favor and not presume anything to his detriment. And in this connection, before proceeding to consider the case in detail, I desire to call your attention to a few facts to show that I keep entirely within the record in stating as strongly as I do that it is morally certain that Mr. Morey was elected.

The admitted majority for Mr. Spencer outside the contested territory, the fifth precinct of Concordia Parish and the whole of Carroll, was 1,396. The colored majority in the contested territory was at least 2,000, as appears from the registration of 1874, as in the whole of Concordia Parish there were but 176 white voters and 2,377 colored, while in Carroll there were 444 white and 2,086 colored. The evidence in reference to Carroll shows that no democratic ticket was in the field, and that the republicans were divided into factions on local candidates, but that they all supported Morey, thus rendering it certain that he was elected by at least the majority reported by the minority of the committee, and that Mr. Spencer was a minority candidate and ought not to be seated. Should the evidence not warrant us in seating Mr. Morey, as I have no doubt however it will, shall we place in the seat a man who the evidence plainly shows was not elected, or shall we remand the question to the people, or allow further testimony to be taken? We should remember that it is the people and not this body which elects members of Congress, and we are here merely to decide whom they have elected, and we should not under any circumstances seat a man whom we are satisfied was not elected. If additional testimony will probably remedy the defect, let the parties take it; if it will not, send both candidates back, and let the people decide between them, but in no case should we usurp their prerogative and seat a man we are satisfied did not receive a majority of legal votes.

Coming now to the contested precincts, we will briefly consider them in detail.

FIFTH PRECINCT, CONCORDIA PARISH.

In this precinct the vote as returned stood—Morey 441, Spencer 37. This the majority exclude for two reasons:

First. Because, laboring under a misapprehension of the law as shown by the evidence of all the judges of election, the election board, instead of counting the votes at the polling-place as required by the law, did what they had been accustomed previously to do, took them to Vidalia, the parish seat, and there counted them; and

Second. Because unsworn parties were called in and helped them keep the tally.

These were irregularities, violations of directory provisions of the statute, but they do not vitiate the election. The whole evidence shows that the election was fair, that the judges were scrupulously conscientious; that in carrying the ballot-box to Vidalia one judge took the box and another of different party affiliations carried the key; that they avoided even the appearance of evil; that the tally-keepers were called in by them and acted under their supervision, and there is not a scintilla of evidence that raises even a presumption of fraud. The judges signed the returns. We claim that the law in such a case does not allow a precinct to be rejected on such evidence. The judges were honest; they tried to do their duty; and will this House hold that they must be technically correct? Such a determination instead of preventing, opens the door to fraud. It is saying to the world that all that is necessary to destroy an election is to commit some trivial fault; it is a premium to corrupt men, who are on an election board and not in sympathy with the party that is casting the majority of votes at a precinct, that all they need do is to commit some trivial error and they may thereby help their friends to a great extent, more even than they could do in any other way. In some States the party in power in the State appoints virtually all the election boards, so that even in republican counties the judges of the election may be democrats, and it is in their power to destroy the whole election if evilly disposed. To decide that such technicalities amount to anything is to offer a premium for fraud, and we believe this House is not willing to go to that extent. The place where votes are counted and who counts them amounts to nothing unless there is at least evidence to show that they are incorrectly counted. Here there is not a particle, and to deprive Mr. Morey of his majority for such technical reasons would be positively outrageous.

In Carroll Parish, as I have before said, the republican party were divided into two factions in reference to local candidates though not on Congressman. And after the election was over, parties falsified the returns after they had been returned to the clerk's office, so that there are no legal returns of the whole parish to base the finding of any result upon. They were forged and did not even import verity, and are of no assistance to us and must be rejected and thrown out of all consideration in the case, and we must look for evidence *aliunde* to determine what the returns were. This can be done only in one way, and if this be not legitimate, then we must confess that when returns are corruptly tampered with, lost, or destroyed, practically the election becomes a nullity. Admitting that the returns are originally honestly made, and are afterward lost or destroyed, we claim that the best secondary evidence is that of persons who were present, saw the ballots counted and know the number of votes found by the election board to have been cast for each candidate. Any other rule would be practically a denial of justice, as it would in many cases be a physical impossibility to find all the voters in a precinct or parish, and if found relying on the sacredness of the secret ballot it might be impossible to learn how they voted, and at the best the evidence would be less satisfactory in reference to the true state of the poll than the evidence of men who have a distinct recollection as to what the result really was. We accept the secondary evidence in this case, and any one admitting our right to do that will see that the report of the minority, if wrong at all, errs in favor of the contestant and not the sitting member, for it in each case allows to Mr. Spencer the highest vote any witness swears was cast for him and takes for Mr. Morey the very lowest.

Again, as a legal proposition we claim that while a paper coming from unauthorized hands may be suspicious and fail to prove itself, that it may be proved by parties cognizant with the fact. And if the judges of an election swear a return presented was made and signed by them, we care not from what source it comes, it being so proved is entitled to credit. We care not if corrupt men had them, if the judges of the election or parties making them swear they were the originals executed by them, they must be received. Admitting these principles of law, we find there were returns in the first ward of Carroll duly proved, and that Mr. Morey received 569 votes and Mr. Spencer 33. And more than this, two of the commissioners at this poll testify to the same vote. Having proved what the vote really was, Mr. Morey did all that was required of him. He proved that the election was held, that returns were duly made and signed by the judges, and what those returns showed—the true state of the poll. Having done this, he did all that was requisite. He had on himself the burden of proof after the returns were impeached to show what those returns were, and having done it, relying on the presumption that officers do their duty, he need go no further. And the burden of proof shifts back to the contestant to impeach the fairness of the election. This he has attempted to do, but has made a failure. E. M. Spann, the democratic commissioner of the election, as well as the republican commissioners testify that the election was fair.

Some negroes swear money was used, but while they saw it handed out with registration-papers they totally fail to show whom it was given to and what for, and to what extent the bribery, if bribery it was, affected the poll, and in whose interest the money was paid. So far as this case is concerned, even if it really was a fact that money was

improperly used, it is the height of absurdity to suppose it was used by a candidate supported by both factions of the republican party, and who had no inducement to use money.

The evidence in reference to the window, voting on sticks, &c., is all explained, and, while irregular, it was not culpable nor with a fraudulent intent.

Burton's testimony in reference to seeing Jackson change ballots is serious; and if we felt it was true that he as commissioner of election tampered with the ballots we should not dare to consider the returns, as his fraud would so vitiate them that they should be rejected. But we do not believe the testimony. Burton alone testifies to it, and is totally uncorroborated, and we submit whether it is possible that a man should have seen such an outrage committed, ballots absolutely changed, and he have kept his peace. And while he now swears to it positively, it is noticeable that, in his conversations in reference to the election after it was over, while he, a defeated candidate, naturally complained of the result, he did not speak of this; and the democratic commissioner, Spann, does not remember the conversation between Burton and Jackson. We submit whether it is reasonable. Burton complained to Jackson, but in such a mild way that the disinterested democratic commissioner, who cared nothing for the republican wrangle and would naturally desire to see impartial justice done, never heard anything of it. In conversations afterward this same witness stated irregularities at the same poll, and complained bitterly, as a defeated candidate naturally would: but he never mentioned this transaction as one of his causes of complaint. Under these circumstances his evidence is unworthy of credit. I am satisfied the election at the precinct was fair and free.

In the second precinct there is no claim of fraud, and the only question is whether we shall admit secondary evidence of the true state of the poll. We have in the minority report allowed Mr. Spencer the highest number of votes any witness swore he received, and Mr. Morey the lowest, which is certainly fair to the contestant. The third precinct stands in substantially the same situation, and in our judgment Mr. Morey was elected by the majority reported by the minority.

We certainly believe the report of the minority should be adopted and Mr. Morey retain his seat.

LOUISIANA INVESTIGATION.

Mr. KASSON. I desire to enter a privileged motion, a motion to reconsider the vote of the House yesterday by which the resolution was adopted giving certain powers to the Louisiana Investigating Committee while in New Orleans. I desire simply to perfect the resolution.

The SPEAKER *pro tempore*, (Mr. HOSKINS.) The Chair is informed that yesterday a motion was made to reconsider the vote by which the resolution was adopted and that the motion to reconsider was laid on the table.

Mr. KASSON. I did not so understand, and I was giving particular attention to the matter at the time.

The SPEAKER *pro tempore*. The RECORD, also, so states it.

Mr. KASSON. I find that the RECORD does so state it, and that I am in error. The motion to reconsider, therefore, is not in order. I shall endeavor to get at it in another way.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a joint resolution of the following title:

A joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 843) establishing the rank of the Paymaster-General.

ELECTION CONTEST—SPENCER VS. MOREY.

Mr. ELLIS. Mr. Speaker, I admit that any speech or argument which I may make upon the case now at the bar of this House will seem to be almost a work of supererogation. The gentlemen of the committee who are to follow me, eminent as lawyers and statesmen, will give this House a most thorough comprehension of the case before the debate closes. But the contestant himself is absent, and he asked me before leaving to represent him here in the debate upon his contest, and this I purpose to do as briefly as I can.

It has been said here to-day that he relied simply and solely upon the technicalities of the law, which are so often used to pierce the breast of justice. And now I appeal to that party to which I belong; to that party to which these gentlemen belong who have presented the majority report; I appeal to each and every one to rise above the partisan, and, if they find no more in this contest than these mere technicalities, then on contestant's behalf, with full power to speak for him, I ask you to send him back home and deny his right to sit here.

Mr. Speaker, as has been stated by the two gentlemen who preceded me, the gentleman from Tennessee [Mr. HOUSE] and the gentleman from Mississippi, [Mr. WELLS,] this contest is narrowed down to four wards; one ward in the parish of Concordia and three wards of the parish of Carroll, and in considering them, sir, I shall take them up in the order in which the chairman of the subcommittee who submitted the majority report has presented them. The fifth ward, parish of Concordia, returned a majority of 404 for the sitting member. It is contended by the contestant because certain provisions of the law which he deems mandatory in their character were ruthlessly and recklessly disregarded by the commissioners who presided at that poll, but by the minority report that these provisions of law so utterly violated and set at naught are not mandatory; that they are in their character merely directory; that being merely directory provisions of law, they might bend to the whims, and convenience, and caprice of the commissioners.

Let us see, sir, what is a mandatory provision of law. Is it not a provision of law which goes to the very essence of the subject-matter? Is it not a provision of law which, being violated or disregarded, the whole subject-matter is vitiated and tainted? What is an election? The deposit of the votes and the count of the votes. That constitutes an election.

Mr. Speaker, the provisions of law that affect and control the deposit and counting of votes are mandatory, because they directly affect the two essentials of an election. In the method of receiving and counting the votes the law is peremptory, and no discretion is allowed the officers charged with the conduct of the election in regard to these essentials.

But the gentleman from Mississippi [Mr. WELLS] says that these provisions of the election law of Louisiana have already been construed by the supreme court of Louisiana. It is not the first time in the Congress of the United States that the decisions of the supreme court of Louisiana has been invoked to sustain an enormity. Sir, reverence for the bench I learned as among the first of my lessons as a lawyer. It was taught by my father, himself a lawyer and judge, and it was taught me, too, by those learned and venerable men under whose ministrations I sat and learned what little I know of law. Ignorance may preside on the bench, eccentricity may be illustrated and idiosyncrasies be developed on the bench, but so long as purity is there I bow my head in reverence before the judicial tribunals of my country. But the supreme court of Louisiana is not beyond reproach. Its chief justice is smarting to-day under the galling and stinging lash of the Supreme Court of the United States in that sad decree in which the members of our most illustrious court decided that he had been guilty of fraud and duplicity unworthy a man, much less a judge. In 1872, in the third session of the Forty-second Congress, the decision of the Louisiana supreme court was invoked to sustain an enormous usurpation in the Senate of the United States, and it was then that the committee of the Senate, Mr. Carpenter at its head, set aside that decision and adopted the dissenting opinion of Judge Wylie as their view of the law of the case. I refer to the case of the State of Louisiana *Ex rel.* Attorney-General *vs.* Jack Wharton *et al.*

Sir, gentlemen may invoke the decision of that tribunal; gentlemen may call them judges. But the men constituting the majority of that court, placed by the most sacred shrine of liberty's temple to administer the solemn and beautiful rites of the Constitution, straightway robed themselves in the dark vestments of partisan priesthood, and have sacrificed their sense of truth and justice, their honor, and their all upon the altar of party and of self. In all the sad and blackened history of that once proud and ever-beautiful State, which I in part represent, and which holds and bounds all that I love and hope, the blackest feature has been the character and bearing of its highest judicial tribunal. When partisan aims were to be accomplished, it was ever ready with the requisite jurisdiction and decree. When the voice of right and truth were to be stifled, its ear was as cold and dead as the marble statue that heard not Cæsar's fall. In all of Louisiana's struggles with spoilsmen and public robbers and favored monopolists, the supreme court of that State has been on the side of the spoilsmen. No conflict between the people as against wrong and crime has occurred, but this same supreme court ranged its power with the wrong and the crime. No tax was so excessive, no impost so grinding, no overthrow of popular will so enormous and flagrant for that supreme court to enforce and decree, and with eager hands they have hastened to affix the seal of their judicial sanction upon any and every enormity demanded by robber greed or partisan exigency.

In the calm reflective light of the future men will look back to the record of that court and marvel at the depth of its infamy. Pilloried in the execration and contempt of the wise and the good, it must ever be the judge's shame, the lawyer's blush. And when the glad day of our deliverance shall come, and it requires no prophet's eye to see even now the flushing of its kindling splendors, the people of Louisiana shall draw around that court's history and its volumed reports the black lines of their condemnation, and let them forever remain the apocrypha of our jurisprudence, never to be referred to as precedent or authority in any court or case. And yet it is but just to say that the frequent and able dissenting opinions of Wylie and Morgan show that they were true to their judicial duties, and that their brains and heart were never in all the record of this sad betrayal of law and right. I take it, therefore, that but little weight will be given to the partisan decree of the supreme court of Louisi-

ana in the case of Burton *vs.* Hicks, cited by the gentleman from Mississippi. In that case there was a dissenting opinion by Judges Morgan and Wylie, in which they characterize these provisions of law regulating the counting and care of the ballots as mandatory. So also held Judge Hough, the district judge, who tried the case in the court, "*a qua.*"

Justices Morgan and Wylie, of the supreme court, in their opinion in the case of Burton *vs.* Hicks (see Records, 158) well say: "The votes are to be counted by the commissioners at each voting-place immediately after closing the election, and without moving the boxes from the place where the votes were received, and the counting must be done in the presence of any bystander or citizen who may be present. These provisions of the law are not only directory, they are peremptory, and they were enacted, I think, in order that the people should be assured a fair ballot, a fair count, and an honest return."

McCrary (Law of Elections, section 393) says: "One of the most important and imperative requirements of the law of election is that the ballots from the time they are cast until they are canvassed must be safely and securely kept. Frauds upon the ballot-box are very frequently perpetrated by tampering with the ballots after they are cast and before they are counted. It is for this reason that in many of the States there are statutes requiring that the ballots be publicly canvassed immediately upon the closing of the polls." * * "It is clear that where the law which requires the ballots to be safely and securely kept until canvassed and the result announced has been so grossly violated as to have afforded opportunity for fraud and tampering, the burden of proof should be shifted."

Turning then to sections 1, 13, and 43 of the election law of Louisiana, the very sections declared by the majority of the supreme court in the case cited by the gentleman from Mississippi, [Mr. WELLS,] we find that they relate particularly to the count of the vote and the *time* and *place* of the election and the count. Let us see:

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in General Assembly convened.* That all elections for State, parish, and judicial officers, members of the General Assembly, and for Members of Congress shall be held on the first Monday in November, and said election shall be styled the general elections. They shall be held in the manner and form and subject to the regulations hereinafter prescribed, and no other.

The supreme court of Louisiana decides this section merely directory. Yet it fixes the *time* of holding the election. Cooley's Constitutional Limitations, page 619, declares: "*Time and place are of the substance of every election*, and a failure to comply with the law in these particulars is *not to be treated as a mere irregularity.*"

But I call the attention of the House to the unusual language of this section which declares that "all elections," &c.," shall be held in the manner and form and subject to the regulations hereinafter prescribed, *and no other.*" No discretion is left to the officers of the election as to conduct.

The section is clearly mandatory in its character, notwithstanding the decree of the supreme court, relied on by the sitting member.

But again, section 13 is declared in that same decree to be "merely directory." Let us see what it is:

SEC. 13. *Be it further enacted, &c.*, That it shall be the duty of the commissioners of election at each poll or voting-place to keep a list of the names of the persons voting at such poll or voting-place, which list shall be numbered from 1 to the end; and said list of voters, with their names and numbers as aforesaid, shall be signed and sworn to as correct by the commissioners immediately on closing the polls, and before leaving the place, and before opening the box. If no judge, or justice of the peace, or other person authorized to administer such oath be present to do so, it may be administered by any voter. The votes shall be counted by the commissioners at each voting-place immediately after closing the election and without moving the boxes from the place where the votes were received, and the counting must be done in the presence of any bystander or citizen who may be present. Tally-lists shall be kept of the count, and after the count the ballots counted shall be put back into the box and preserved until after the next term of the criminal or district court, as the case may be; and in the parishes, except Orleans, the commissioners of election, or any one of them selected for that purpose, shall carry the box and deliver it to the clerk of the district court, who shall preserve the same as above required; and in the parish of Orleans the box shall be delivered to the clerk of the first district court for the parish of Orleans, and be kept by him as above directed.

It is seen at a glance that this section provides the method of counting the vote. The count of the vote is the second essential element of an election. The section declares how and when and where the vote shall be counted, thus going to and directly affecting this important essential. Now turn to the next section decreed to be "merely directory:"

SEC. 43. *Be it further enacted, &c.*, That immediately upon the close of the polls on the day of election the commissioners of the election at each poll or voting-place shall proceed to count the votes, as provided in section 13 of this act, and after they shall have so counted the votes and made a list of the names of all the persons voted for and the offices for which they were voted for and the number of votes received by each, the number of ballots contained in the box, and the number rejected, and the reasons therefor, duplicates of such lists shall be made out, signed, and sworn to by the commissioners of election of each poll, and such duplicate lists shall be delivered, one to the supervisor of registration of the parish, and one to the clerk of the district court of the parish, and in the parish of Orleans to the secretary of state, by one or all of such commissioners in person within twenty-four hours after the closing of the polls. It shall be the duty of the supervisors of registration, within twenty-four hours after the receipt of all the returns for the different polling-places, to consolidate such returns to be certified as correct by the clerk of the district court, and forward the consolidated returns with the originals received by him to the returning officers provided for in section 2 of this act, the said report and returns to be inclosed in an envelope of strong paper or cloth, securely sealed, and forwarded by mail. He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section 26 of this act, if any there be, together with all memoranda and tally-lists used in making the count and statement of the votes.

Here again are provisions directly affecting and regulating the counting of the vote and the formation and preservation of the evidence or result of the count, and yet these sections are decided by the supreme court of Louisiana to be "merely directory" in their character, and, with a flippancy and flagrant disregard of the sacred right and purity of the ballot, it is decreed in substance that their violation does not affect or vitiate the election.

Ay, sir, under the recognized doctrine of the supreme court of Louisiana there are but two requisites to a valid election: The one is the deposit of the ballots and the other is the count—not of the ballots—but of the returning board. In that State the people go through the farce of voting, and then the returning board assembles and elects whom it pleases, and if we dare complain we are quieted by the bayonet. For has not that same immaculate supreme court stamped its approving seal upon all the infamous work of the infamous returning board and declared that its return was final and conclusive? Such is its settled doctrine.

So much, sir, for the Louisiana supreme court and its decisions.

But suppose it were a tribunal which commanded that reverence and respect which ought to attach to so high a tribunal, could its decree be invoked to cramp or dwarf the constitutional power of Congress to judge of the election and qualification of its members and, in the performance or exercise of this power, to bind Congress to accept its interpretation of those statutes under which the election was held and out of which the case for the judgment of Congress arose? The doctrine is monstrous, and cannot be successfully contended for an instant.

In the exercise of the powers conferred by the Constitution Congress is supreme, and its jurisdiction of any question confided to it and its decision thereon are unlimited and absolute; and no decision of any court can be invoked as binding upon Congress in any case specially confided to Congress for decision by the fundamental law.

A portion of section 13 of the Louisiana election law is designed to secure correct evidence of the election, making it peremptory upon the commissioners to perform certain functions immediately at the voting-place and after the closing of the polls. Yet we are told by the supreme court of Louisiana that these provisions are merely directory, and that their violation or disregard does not vitiate the election.

I read now from McCrary's Law of Contested Elections:

Where, as is the case in several of the States, the statute provides a mode of preserving the indentical ballots cast at an election, for the purpose of being used as evidence in case of contest, such statute, and particularly those provisions which provide for the safe-keeping of such ballots, must be followed with great care. The danger that, after the count is made known, (especially if the vote is very close,) the ballots may be tampered with, is so great that no opportunity for such tampering can be permitted. Such ballots, in order to be received in evidence, must have remained in the custody of the proper officers of the law from the time of the original official count until they are produced before the proper court or officer, and if it appear that they have been handled by unauthorized persons, or that they have been left in an exposed and improper place, they cannot be offered to overcome the official count.

And again the same authority declares:

One of the most important and imperative requirements of the law of elections is that the ballots from the time they are cast until they are canvassed must be safely and securely kept. *Frauds upon the ballot-box are very frequently perpetrated by tampering with the ballots after they are cast and before they are counted. It is for this reason that in many of the States there are statutes requiring that the ballots be publicly canvassed immediately upon the closing of the polls.*

This doctrine is strengthened and sustained by Judge Cooley in his Constitutional Limitations, page 617, where he says:

And it was said, in the same case, that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, *or cast uncertainty upon the result.*

Mark the words: "*cast uncertainty upon the result.*"

There is but one conclusion, that these provisions of the law were mandatory; and being mandatory, and being violated, the election is so vitiated that the returns lose their *prima facie* character, and cannot be relied upon, and there must be proof *aliunde.*

Now, let us go to the record. The evidence shows that immediately after the close of the polls these commissioners at the fifth ward of Concordia Parish violated three mandatory and imperative provisions of the election law of Louisiana. In the first place they failed to make up a list of voters and to swear to it. In the second place they removed the ballot-box. In the third place they failed to keep the tally-list while the ballots were counted. They violated three provisions of law in regard to the count of votes, which is the second essential of a fair and honest election. Mr. Dameron swears that they did not know they were doing wrong; that he had left his instruction book at home, and that the other commissioners were not willing to count the votes at the polls. Both of the other commissioners swear that that was not true and that neither of them opposed the count at the polls.

But one of them says that it was his idea, reasoning from what had been the old election law, that they must carry the ballots to Vidalia to be counted. Now, the old election law required them to carry the ballots to the county seat to be counted by the supervisor. But if they were attempting to proceed under and according to their remembrance of the old election law, why did they not carry it out fully and do what the old law required, and deliver the box to the parish supervisor? No, sir; they knew enough to remove the box sixteen miles from the polling-place to Vidalia at the dead of night, and arriving there they bethought themselves of the necessity for a count, and went up-stairs to the room of the tax-collector and counted awhile, then went to bed and counted again next morning, and leisurely on to the end. Their testimony in regard to the way that the box was carried to Vidalia betrays upon their part a consciousness of guilt and wrong. They impress one by their testimony with the idea

that they were awfully afraid they would steal the ballots and commit a fraud. Dameron took the box, and he is very careful to tell us that some one else took the key; and when the box was changed to the custody of some one else the custody of the key was also changed. Like the kleptomaniac in the presence of temptation, who bids his less afflicted friend, "Watch me or I will steal something," these commissioners seek to impress us with the idea that they were guarding themselves and each other, lest a fraud might be perpetrated. They betrayed full knowledge of the impropriety of their conduct, and took these precautionary measures in order to be able to testify that their conduct was fair and that no fraud was consummated.

Be that as it may, their reckless disregard and violation of the peremptory provisions of the election law—the removal of the box, the delay in the count, the neglect to make up and swear to the list of voters, and their allowing the tally-sheets to be kept by any lounging loafer that happened to come along—all these violations of law do "cast uncertainty on the result," "do destroy the *prima facie* character of the returns," do vitiate the election at that box, so that, in order to be counted, they must be sustained by evidence *aliunde*. Where is it? Mr. Speaker, it is not in the record of this case. The sitting member, in order to bolster up the dishonored and weakened returns of these commissioners, introduces them, and they testify. Of course they declare that all was fair and right. But is their sworn testimony "evidence *aliunde?*" Is their oath, taken months after the election, any better or stronger or more satisfactory than their sworn returns originally were?

"Evidence *aliunde*" means evidence outside of, independent of, and distinct from the evidence of the commissioners, but corroborative of their returns. With what toleration would a court hear a discredited witness bolster his shaken testimony by again swearing that what he had testified to was true? Would his second oath be better than his first?

If you are not going to take their original return, if the law declares that the *prima facie* character of their sworn return is vitiated by their violation of law, then you cannot accept their mere sworn statements made six months afterward as to the conduct of the election as the *aliunde* evidence required by the law! The contestee has utterly failed to comply with the requirements of the law to supply *aliunde* the evidence which is required in regard to this poll, and it must be excluded from the count.

But glance for a moment at their testimony. My friend from Tennessee [Mr. HOUSE] has already referred to it, and has shown how worthless it is. But I will be pardoned for recalling it. I refer to the evidence of the commissioners as to how the tally-sheets were kept.

When votes are called off at the polls, somebody keeps the tally. But the tally-sheets are no evidence of the election whatever, and no part of the returns. They are a mere series of straight marks and names, which may be multiplied and prolonged indefinitely. These commissioners do not know whether the tally was correctly kept or not. They distinctly state that the returns were calculated from these tally-sheets kept by Tom, Dick, and Harry, or any idler or loafer who came into the room during the count. This was the basis on which they made their returns; and when put to the test they declare that "they do not know whether these tally-lists were correctly kept or not; that they were kept as well as they could be under the circumstances." I contend, therefore, that under the law and the authorities there is not the slightest legal reason or excuse for counting this poll, and that it must be rejected. Rejecting it, Mr. Spencer has a majority of 1,396 to entitle him to a seat in this House.

Now let us go to that "happy land" of Carroll. O, sir, it is enough to make an American blush to read the record of that election. The forces were well distributed. They were all the partisans of the contestee; but in saying this I exonerate him in the fullest degree from any complicity whatever in the most damning forgeries and frauds practiced by that precious set of scoundrels in Carroll Parish, as developed by the record of this case. The forces were well disposed and arranged for frauds. David Jackson, clerk of the court, was "chief cook and bottle-washer" at poll No. 1. W. W. Benham, the forger and perjurer, was the presiding genius at the second ward. The third conspirator, R. K. Anderson, presided at the third ward; and, mark you, these were the strong wards of the parish. It must strike this House as strange that in those wards, where the vote was light and pretty evenly divided between Spencer and Morey, the majority either way being small, everything seemed to be conducted regularly. But where the result was decidedly changed and the voting heavy, every particle of evidence in regard to the election, except in a single instance, is entirely missing, and fraud and crime leap and lurk in every line of the testimony.

But I am a little ahead of my argument. The returning board counted the vote of Carroll Parish. That board says of its own action (I will not read it; it is here in the record) in regard to Carroll Parish that there was evidence that the returns were forged and falsified. But they took pains to ascertain what the result was, and they counted it exactly as they thought it should be counted; exactly as "honest John Lynch" did in 1872 when the State of Louisiana was stolen by the radical party. "Honest John" said, "We had no return whatever before us, but we took the census and such other facts as we could get at and we fixed it up as we thought it should be." I presume that no intelligent man will give the slightest weight to the action of the returning board of Louisiana. The damning record of its infamy, its robber greed and disregard of every written or unwritten law of right or morals, its shameless theft of a people's birthright, its falsehoods and its perjuries, its usurpations, form the blackest page of the history of this country. Twice has it thwarted and overthrown the will of the people of Louisiana and fastened the shackles upon them. It will not do so the third time. The sublime faith of that people is exhausted, and the determination to express their will and to have it enforced and carried out is the watchword of their hearts and dwells a sublime inspiration in their every soul. In November the people, and not the returning board, will elect.

But, sir, to the argument. The contestant comes to Carroll Parish with 1,396 majority. The sitting member alleges he has some 2,000 majority in that parish; but when asked for the evidence he fails to produce it.

The law requires that the evidences of the election shall be preserved in duplicate, and that one set of returns shall be deposited with the clerk of the court and the other sent to the returning board at New Orleans. The returning board had no returns before it, except such as were declared to be falsified and forged. Its forgery was proven beyond all doubt by the commissioners themselves. It was detected by Mr. Arroyo, the sole democrat of the returning board, but who resigned from it before its work was done, because of the villainy and frauds of its other members, which he was powerless to prevent.

There being no lawful returns before the returning board, search is made at the other place of deposit for the other duplicate original return required by law to be kept there. But it, too, is missing and cannot be found. Where, then, is your evidence of the election? It cannot be found in either place, and it devolves upon the contestee to supply its place. How does he do it? He summons witnesses; and for the first ward, Mr. R. K. Anderson, who, mark you, presided at the third ward, produces from his pocket a document which he calls "the election returns from the first ward." What was he doing with them? How came he to have them? Where did he get them? The clerk did not have them. They were not in New Orleans. The true returns of the election could not be found at either place of legal deposit. How came Mr. R. K. Anderson to have them? He testifies that he obtained them from the clerk of the court and had had them under lock and key for six months. Who made him the custodian of those papers? No one. It is testified, I believe, that Jackson and Anderson deposited those returns with the clerk of the court. But Jackson was himself the clerk of the court. What had become of these returns? They were not to be found. How came R. K. Anderson with this paper? He says somebody gave it to him and he had had it for safe-keeping. I will say that this paper in form appears to be regular, and meets the legal requirements of an election return. But, sir, events transpired at that poll which will not permit this House to entertain its count for a moment. David Jackson, who presided there as "boss," evidently took a lofty view of his duties as commissioner, for he immediately proceeded to put the ballot-box seven or eight feet above the ground in a cabin with the door barred and the window nailed up with slats about two or three inches apart.

The testimony is that the tallest of those who had assembled to vote by getting close up could put his ballot in through the slats, while others thrust them in on the ends of sticks; that the ballot-box and commissioners were out of sight of the voters, and that money was paid out at the window for votes by this man David Jackson.

The law of Louisiana says that the ballot-box shall be deposited in a manner convenient to the voter and in his view; that the voter shall have the right to put the ballot in with his own hands; that the commissioner is the only person who may take the ballot from his hand, and it provides a penalty against any one taking the ballot from the hands of the voter other than the commissioner.

It is shown that Cain Sartain, a distinguished colored statesman, and then candidate for the Legislature, in the full enjoyment of his newly found franchises and glorying in his right to vote, voted frequently during the day. Cæsar Johnson and Noah Lane saw David Jackson buy votes and pay money for them, and J. E. Burton swears that he saw David change votes, drop the real ballot on the floor and substitute other ballots, which he placed in the box; that he called Jackson's attention to the fact, and David denied it; but when witness pointed to the ballots that had been dropped on the floor, he did not deny it or answer, nor does he deny it anywhere in this record. What credit or faith can be given to the result at this poll? In the Law of Elections (by McCrary) it is laid down at page 335:

> If an officer of the election is detected in a willful and deliberate fraud upon the ballot-box, the better opinion is that it will destroy the integrity of his official acts, even though the fraud discovered be not sufficient of itself to affect the result. * * * If, for example, an election officer having charge of a ballot-box is caught in the act of abstracting certain ballots and substituting others, although the number shown to have been abstracted be not sufficient to affect the result, yet no confidence can be placed in the contents of a ballot-box which has been in his custody.

Yet we are asked to count that poll. I say, no matter how perfect in form, no matter how perfectly that return produced by R. K. Anderson may comply with the requirements of the election, the well-settled jurisprudence of contested elections, you cannot count that return. Stained with infamous crimes and marked by total disregard of law and decency, the "return" produced by Mr. R. K. Anderson and so confidently relied on by the sitting member cannot be counted. So much for poll 1, Carroll Parish.

Bear in mind that contestant's majority is yet 1,396 votes.

We come now to ward No. 2. There is a perfect blank here; nothing; no return, no tally-sheet, no list of voters, no statement whatever.

Mr. POPPLETON. No ballots.

Mr. ELLIS. Yes, sir. No ballots; not the scratch of a pen to show that an election had ever been held at poll 2. How does the contestee seek to supply the place of this suspiciously missing testimony? He swears a witness. Who is it? Why, no other than W. W. Benham, the perjurer; a man contradicted in the record half a dozen times; a convicted forger and falsifier of returns, whose personal liberty to-day is an outrage upon the rights and dress of the penitentiary that vainly gapes for him, and Benham swears that the returns from the second ward were all regularly and properly made and the vote was so and so.

Mr. Speaker, right here I interpose a legal objection; and it is this, that wherever the legal returns of an election are lost and the party wishes to supply their place, what is the legal course for him to pursue? In the first place he must show these returns were made; in the second place he must show that they are lost and beyond his reach; and in the third place he must furnish the best secondary evidence within his power to produce. This principle of law is too well settled to admit of argument or dispute.

The best evidence of an election is the testimony of the voters themselves as to how and for whom they voted. But for convenience the law has substituted as ordinarily the best evidence the returns when properly kept and evidenced. These returns constitute the *prima facie* evidence of election. Where they are destroyed or lost, then the voters may be called. By substitution of law their testimony then has become secondary, though in a contest the returns would be obliged to yield to the oaths of the voters. In the second ward of Carroll, the returns, the ballots, the tally-sheets were all gone. Who stole them it is impossible to say. The evidence shows that the crime of the theft and destruction of these evidences of election lies between Mr. W. W. Benham, David Jackson, and R. K. Anderson, all three of whom are the zealous partisans and chief witnesses of the sitting member. To supply the place of this testimony he introduces and swears this man Benham, whose lips are blistered and whose tongue is poison-dripping with perjury. Benham comes and swears that the returns of ward No. 2 were regularly made out and then summons his recollection and tells us what these returns were. Can such proof be received? Will this House accept this as legitimate secondary proof? Will it open this door to fraud and crime? If so, then how easy for corrupt returning officers to destroy returns and then substitute their false oaths, and transfer to the fell spirit of perjury the power to elect.

Mr. MOREY. I wish to ask the gentleman, if he holds that, where a paper has been made out and sworn to, if the evidence of the man making it as to its contents is not primary and the evidence of the voter is not secondary?

Mr. ELLIS. Do you mean by "a paper" an election return?

Mr. MOREY. W. W. Benham swears he made the return, and the return is proven to be lost—no matter how or by whom it was lost; it is lost and cannot be found. Now we call Benham, one of the commissioners who made the return, to prove its contents. Does the gentleman call that secondary evidence?

Mr. ELLIS. Undoubtedly it is the proof by parol of the contents of a document shown to be lost. But in this case, under the well-settled rules of election contests, the voters themselves should have been called. The evidence of Benham is not secondary; it is tertiary in its character. You have utterly failed to supply by the best evidence the loss or theft of the returns; and I interpose the legal objection and insist that Benham's evidence be excluded. But grant that this evidence would be legitimate and regular and waive for the moment every objection as to its admissibility, can you believe Benham? He swears that the returns were fully and properly made; but Montgomery, who was one of the commissioners at poll No. 2, swears he signed no returns. Blount also proves that he did not. Arroyo swore and so did Montgomery that the signature of the latter to the returns before the returning board was false and forged. Who committed the forgery? Benham admits that he placed those returns, shown to be false and forged, and so admitted by this unwilling returning board. The brother of Benham was detected some time after the election in a house on Jackson street, three miles from the State-house, with the lists and returns before him, which he was manipulating. W. W. Benham and C. C. Benham are the forgers and perpetrators of this stupendous fraud.

Mr. MOREY. There is nothing of that sort in the record.

Mr. ELLIS. Is there not?

Mr. MOREY. No, it was all excluded.

Mr. ELLIS. Mr. Speaker, I ask pardon for going out of the record. I did so unwittingly. But I will say in justice to myself that, whether in or out of the record, what I stated was true, because I was one among those who heard of C. C. Benham's operations, and was consulted as to the best means of detecting and punishing him for his fraud upon the returns. Under the well-settled rule of law which I cited from McCrary, this man W. W. Benham, convicted of perjury and forgery, detected in a deliberate fraud upon the election, has destroyed all faith in his official acts and character, has vitiated all the evidences of this election, and this House cannot believe his returns even if they were here, much less can it accept and believe his parol testimony as to what those returns were. Then all proof as to the second ward of Carroll having failed, we find contestant still elected by nearly 1,400 majority.

And now we come to the third ward of Carroll Parish. The three commissioners were R. K. Anderson, Dubb Anderson, and R. M. Bagley. The first of these worthies was the man who supplied from his pocket the pretended returns from the first ward. But he was unable to produce any returns whatever from the third ward where he presided. Here, as in ward No. 2, all returns of the election and all evidences of it are gone. R. K. Anderson testifies that he violated the law in failing to make duplicate returns. It also appears that the box was removed from poll 3 and carried to Providence; that the votes were not counted until thirty-six hours after the polls had closed. Here were plain, palpable violations of the most peremptory requirements of the law which destroy the *prima facie* character of the returns even if they were in evidence. With what patience shall we hear the law-breaker, R. K. Anderson, testify as to what these dishonored returns were. Mr. Bagley, one of the commissioners swears:

The ballots were not counted nor returns made out until thirty-six hours after the closing of the polls. The official count upon which the returns were made was made in Providence thirty-six hours after the close of the election. The box was opened at the poll at the conclusion of the election and the names of persons voted for called off; but there was no official count kept of them at that time.

Again he says:

At the conclusion of the tallying of the votes at the poll, and, I think, without having cast up the tallies, the ballot-box, with the tally-sheets, votes, &c., in it, sealed up, was taken to Providence by R. K. Anderson and Nelson Blackwell, republican deputy United States supervisor for said poll, to be delivered to the clerk of the court. I went to Providence on Wednesday, and, with the other commissioners, recounted the votes. Finding them to correspond with the tally-sheets, we made up the returns and signed them, and swore to their correctness.

Again he says:

I was not constantly with it. I saw the box in Providence on Tuesday evening, in possession of the republican deputy United States supervisor and Mr. Anderson. They took the box out of Providence that evening. I do not know of my own knowledge where they took it.

Question. Why were you not with that box all the time?

Answer. We, the commissioners, agreed to put the box in the hands of the said United States supervisor to bring to Providence. This arrangement was made for our mutual convenience.

Q. In making your tally-list did you verify it by the votes themselves?

A. I did not.

In regard to these returns Mr. Arroyo swears:

Question. The board did so recognize these returns as forgeries?

Answer. That is, there were affidavits read before the board by these three gentlemen stating the actual number of votes cast in their respective polls, and if there was any other statement it was false and their signatures to such statement forgeries.

Mr. Zachariah also testifies:

Mr. Bagley made a subsequent affidavit, in which he alleged that what purported to be the correct returns from that poll was a forgery, in two respects: First, the signature purporting to be his was not his signature, and, secondly, that the true, original tally-sheet had been made out in red ink, whereas that shown the board was made out in black ink, showing conclusively that Mr. Bagley made two affidavits.

Under such proof and the plain provisions of the law already cited the evidence as to the returns from poll 3 must be rejected.

But Mr. R. K. Anderson does not even swear as to what the returns were. He wanders off into the mazes of a somewhat treacherous memory, and gives us "his recollection" of the respective votes of contestee and contestant. He says:

My recollection is that there were 550 votes cast in all. There were 7 votes cast for Spencer, 2 blank as to member of Congress, and the balance for Morey.

Mr. Arroyo says that "the recollection" of another witness, who was also a commissioner, gave Morey 510 votes and Spencer 7. Here is a discrepancy in the "recollections" of two witnesses of 31 votes, enough to turn the tide of many an election. I recall this fact merely to illustrate the great danger of accepting such testimony, that this House may be warned against setting a precedent which is fraught with so much danger to the truth and purity of elections.

Mr. Speaker, I have but to add that, excluding the fifth poll of Concordia Parish, contestant is yet elected by 1,396 majority. But if the House fails to regard the election at that poll in the clear light in which it appears to me, and admits it, then is contestant still elected by nearly one thousand majority. I ask this House to sustain the majority report and to admit the chosen Representative of a people already too long disfranchised to his right to a seat on this floor. And I thank the House for its attention.

Mr. DE BOLT. Mr. Speaker, in the investigation of this case I endeavored to give it a careful and impartial consideration. I have found nothing in the evidence that attaches blame directly or indirectly to the contestee; nothing in the testimony which connects him in any manner in any of the frauds which appear in the evidence. In the discussion of the case I shall take up the matter as presented in the report, commencing with the fifth ward of Concordia Parish.

The law requiring the commissioners of the election to count the ballots at the place where the election was held has already been presented to the House, and therefore I shall not read it; but instead of complying with the law, when the polls were closed the commissioners proceeded with the ballot-box to the county seat, some sixteen miles distant, where they counted the votes. It has been stated, and most of the gentlemen's arguments were confined to that one point, that a majority of the committee hold that that poll should

not be counted, from the single fact that the ballot-box had been removed from the place where the ballots were cast. My friend from Mississippi could have saved much time and labor by reading the report of the majority of the committee. They do not hold, nor do I think any member of the House believes, that the removal of the ballot-box before counting the vote was in itself such an irregularity as to vitiate the poll; but there are other irregularities which, when taken together, are sufficient to warrant the throwing out of the entire poll. There is no evidence that any fraud was committed by the commissioners or that they intended any fraud in the removing of the box. But when they proceeded to count the ballots they called upon by-standers, idlers, men who were unsworn—we know not who they were—and so far as our knowledge extends they may have been wholly irresponsible. These men are called upon to keep the tally-lists.

One of the commissioners, Mr. Dameron, swears that it was kept under the supervision of the commissioners. I admit that, for such is the evidence. But let us examine how these votes were counted out. The evidence shows that one of the judges took the votes out of the box and called off the names, passed them to another who strung them, and when counted the ballots are to be placed in the box and delivered to the clerk of the court.

Now, how much attention could the commissioners possibly have given to the tally-keepers? Suppose that they are at a table two and a half or three feet wide; the tally-keepers on one side and the judges of the election on the other. How much attention can the judges of the election pay to the tally-keepers when they are themselves busily engaged with the ballots? These men who were unsworn may have been interested in the result of the election, and no doubt they were. They could have committed many errors by placing the marks opposite the wrong name, and it would have been impossible for the commissioners to have corrected them after the counting was over.

There was but one tally-keeper serving at a time. There was but a single tally-sheet kept by these three unsworn parties. One would keep it for a while and then he would retire and another would relieve him. How easy it was for them to practice a fraud.

I hold this to be true, that up to the time the commissioners reached the county seat and commenced the count of these ballots the presumption of law is all in their favor that they were doing just what the law requires. But when these unsworn men took hold of the tally-sheets and marked down the number received for each candidate, then I say the paper loses its *prima facie* character and requires evidence *aliunde* to make it what it ought to be. I hold that there is not one particle of evidence in this whole record showing that there is any testimony *aliunde* to support these tally-sheets.

My friend from Mississippi [Mr. WELLS] says that these commissioners swore to these papers. They did; but did their oath strengthen them? The law requires the commissioners to make the returns. The returns are made from the tally-sheets; in fact the tally-sheets are the returns themselves, with the affidavits of the commissioners attached. If the tally-sheets are erroneously kept, then the whole return is unreliable and of no value.

Therefore, when we find that this tally-sheet was kept by irresponsible men, men who were entire strangers there, who were not at the polls at which the votes were cast so far as we know, who lived sixteen miles away, then I say that the tally-sheet is entitled to no credit without other testimony to make it so. Now, whose testimony is necessary? Is it the testimony of the judges? They did swear that it was kept under their supervision. They do not say that they ever examined the paper, but they swear to it. Does that add to its value? Certainly not, because they know nothing as to its reliability.

Now, who are the men who know about it? The tally-keepers. But none of them are sworn, and we do not know whether they kept the tally-sheet correctly or not. That is left entirely to inference. That is the reason why I am in favor of throwing out that poll.

Mr. Dameron says that the tally-sheets were kept as regularly as they could be under the circumstances. Let me read what he says:

I don't think the tally-lists were very regularly kept, as we had no regular tally-keepers, and had to pick them up as we could get them. I believe the tally-lists were kept as correctly as they could have been kept under the circumstances.

Then we have the United States supervisor who swears to the same thing: who says that he has closely and carefully examined the statement of Mr. Dameron, and that he agrees with him in every particular.

Mr. Columbus, another one of the commissioners, testifies to the same thing. So does Mr. Jefferson, the other commissioner. All testify that those tally-sheets were not regularly kept.

I now pass to poll No. 1, Carroll Parish. We find that as to this poll no returns have been made to the county clerk as required by law. Nowhere in his office can any such paper be found. On his examination, when he is asked whether any such boxes, ballots, papers, returns, or tally-sheets were ever filed in his office, he says, "Not one." But we find in the hands of R. K. Anderson a paper purporting to be a return from poll No. 1. That paper is identified by the three commissioners as being the return made by them from that poll.

It appears upon the face of this paper and the evidence of the three commissioners that this return is genuine and ought to be received; and if there were no other testimony in regard to it, I would be in favor of receiving and counting it. But I want to call the attention of the House for a moment to another matter which has not been mentioned; and I wondered that my friend from Mississippi [Mr. WELLS] did not notice it, because upon that particular I for one hold that that poll should not be counted. When the ballots were being received in the morning the box was placed near the door; but the rush of the crowd broke down the slats in the door, and then the box was removed to a window. David Jackson, the county clerk, and one of the commissioners, too, says that he set the box near the window. Mr. Burton says that it was set at least two feet from the window for a while; bat persons ran their hands too far through, and then the commissioners moved it back at least four feet from the window. The window was six feet from the ground. The witnesses differ one or two inches as to the height; but in general the evidence shows it to have been about six feet. That perhaps is not an irregularity sufficient to vitiate this poll. But this same man, Mr. Burton, who was a candidate—my friend says that there are not democrats enough in that county to be candidates, therefore he must have been a republican candidate—swears that he saw David Jackson, a republican commissioner, changing ballots after they had been received from the voters, throwing upon the floor the ballots received, and putting into the box other ballots. I will read the evidence:

Question. How many did you see Mr. Jackson change?

Answer. I saw him change but one; but I saw another one just like it lying on the floor. Then he tried to bluff me out of it, but I showed him the one on the floor, and he said, "Well, that will make no difference."

I will read what Mr. McCrary says in his work on the Law of Elections in regard to the fraud of an officer:

If an officer of the election is detected in a willful and deliberate fraud upon the ballot-box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result. The reason of this rule is that an officer who betrays his trust in one instance is shown to be capable of the infamy of defrauding the electors, and his certificate is therefore good for nothing. If, for example, an election officer, having charge of a ballot-box prior to or during the canvass, is caught in the act of abstracting certain ballots, and substituting others, although the number shown to have been abstracted be not sufficient to affect the result, yet no confidence can be placed in the contents of a ballot-box which has been in his custody.

We are called upon by the minority of the committee to have confidence in that box, although one of the commissioners at the box was found changing ballots after he received them from the hands of the voters, throwing upon the floor the votes received and substituting others. Doubtless he placed the box four feet from the window for the purpose of practicing that very fraud, the window being six feet from the ground where the voters could not see the ballot-box. The law of Louisiana provides that the ballot-box shall be placed in sight of the voter; and if he demands it he has the right to put the ballot in the box himself. Now I ask gentlemen here who are less than six feet high whether they can go up to a window placed at that height and see a ballot-box which is four feet from the window inside? Certainly not; it is contrary to common experience. These are the reasons why this poll should not be counted. The poll should be thrown out on account of the fraud of this man Jackson, together with other irregularities connected with it.

We now come to the poll number 2. W. W. Benham, one of the commissioners, swears that the returns were all made out, duly signed and sworn to, and returned to the proper officer. Montgomery, another commissioner, swears that he never signed any returns; he signed a poll-list but nothing else—no other paper. Yet, when we come to examine into the evidence and see what the State returning board had before them, we find that they had all the returns of all these precincts regularly signed and sworn to. They were forgeries, and forged, too, by this very man W. W. Benham. On page 76 of the evidence Mr. Dameron swears that the return which he signed was written in red ink, while the paper he saw before the State returning board was in black ink, and his name was a forgery. So swears Mr. Columbus, another commissioner. He says he never signed any such return. Mr. Jefferson swears that the return is a forgery. Mr. Yeager swears that a day or two after the election he saw W. C. Benham, a candidate for State senator, in a room with something before him on a table like tally-sheets and returns; that he had a pen and seemed to be writing. The door was locked. Ah, perhaps in that room these forgeries were committed. Yet these gentlemen would have you believe we are disfranchising these voters when everything is all right, asking us to put confidence in returns which every one of the witnesses, except Benham himself, swears were forged and entitled to no confidence whatever.

I come now to the testimony of Mr. Lackey, supervisor of registration for the parish of Carroll:

R. M. Lackey, sworn on the part of contestant, William B. Spencer, testifies as follows:

Question. Where do you reside? And were you or not supervisor of registration and election for the parish of Carroll for the election of November 2, 1874?

Answer. I reside in the parish of Carroll, and was the supervisor of registration, as stated.

Q. Were or not the election returns of the election held 2d November, 1874, for Carroll Parish, which were put before and promulgated by the State returning board made out and signed by you?

A. They were not made out and signed by me or by my authority.

Yet we are asked to put confidence in these returns. This is a colored man and a republican, but the frauds were so glaring that the witness would not stand them, and yet this House is asked to keep a member in his seat who claims his election upon such papers.

Again:

Q. Do you know that the returns which were before the returning board differed from the returns which you signed in respect to the votes for member of Congress?

(This question is objected to by contestant on the grounds that the returns themselves would be the best evidence of the matter inquired of.)

A. I know that they did differ.

This very man Benham is deputy clerk to this man Lackey, who is the county supervisor. He is the man who took the ballots out of the box and called out the names. When he is asked whether he called them correctly he says he did, and that Blount stood over him to see whether he called them correctly. When we turn to Blount's testimony we find that he did stand over him a little while and then went out of the room, paying no particular attention to what was going on. We are asked to put confidence in returns when we find this man Benham, who forged them, calling the names from the ballots for the tally-keepers, and those tally-keepers themselves not sworn. Here we find a man guilty of forgery calling names from the ballots, and then we find unsworn idlers and by-standers keeping the tally. I ask candidly whether confidence should be placed in papers coming from such men? I am stating the evidence just as it appears in the record, and there is no contradiction of it anywhere.

Again, these returns nowhere can be found in the clerk's office of the county. Where are they? Who spirited them away? Mr. Galbraith, the deputy clerk of the county, swears he was principal clerk and as such had in his charge the papers of the office. Then he is asked whether any such papers had been placed in his office. Here is his answer:

There have been none except a tally-sheet handed me by the commissioner of the first ward, which tally-sheet was afterward taken out of my office and carried away.

There is where R. K. Anderson got his tally-sheet. He is the man who stole that tally-sheet; he is the man who presented it when this evidence was being taken. It is found in his possession. He is the friend of the contestee and shown to be a strong partisan.

Great stress is laid on the vote at this poll, and that we should count it because the commissioners swear just what the vote is. Mr. Arroyo says that the affidavit filed by Bagley before the returning board showed clearly what the vote was for Congress. When we turn to the affidavit we find there is no vote for Congress in it. Mr. Arroyo says his recollection of that poll was there were 510 votes cast for Morey, but one of the commissioners says that there were 550 votes cast. The other commissioner is not sworn at all. There is a difference of 40 votes. It is taken from the memory of men six months after the election. We are called upon to seat this man upon such returns.

It is not worth while to discuss what the best testimony would have been here. That is not before us. We took what we have, and think that is not sufficient. It is entitled to no credit, no confidence whatever.

Mr. MOREY. The gentleman, I know, has no intention to misstate the record. He has stated that Mr. Arroyo in his protest gave his recollection so and so. Mr. Arroyo says in his protest that Bagley made an affidavit. Bagley was the democratic commissioner at this poll. Bagley in his affidavit says Morey got 510 votes, Spencer 7. That was a protest to impeach the correctness of the returns. If it was good for one purpose, it was good for all it contained. It showed the returns were incorrect, because they gave me 560, when he swears the true vote cast—and he was the democratic commissioner—was, Morey 510, Spencer 7. It was not a question of the recollection of Mr. Arroyo at all. Mr. Arroyo was the democratic member of the returning board who made this protest against the returns as they were made; and as a proof of the incorrectness of the returns, he introduces the affidavit of the democratic commissioner, who swears the returns were incorrect inasmuch as they showed the result was so and so, whereas the true result as sworn to was a different state of figures, and those figures, as sworn to by the democratic commissioner, elected me by 600 to 700 majority.

Mr. DE BOLT. Mr. Bagley does not anywhere give the number of votes. I will tell you what he does do, though. He says he never made that affidavit that Arroyo thinks he did. That is what he says.

Mr. MOREY. I would like to ask the gentleman to read a line or tittle where he says anything of the kind.

Mr. DE BOLT. I am speaking from the record, not from the recollection of gentlemen. I will read the affidavit as made by Bagley:

STATE OF LOUISIANA,
Parish of Orleans:

R. M. Bagley, being sworn before the undersigned authority, declares that he is a citizen of Carroll Parish, and was a commissioner, and present as such at poll No. 3, in said parish at the election on 2d November, 1874, and that he compiled the returns of the vote of said poll, and signed the same; that, on November 28, 1874, he was present before the returning board, and personally examined the said return presented thereat from said poll by the State supervisor of registration, which affiant pronounced to be fraudulent in all and every particular, and the signature of affiant thereto is a forgery. Affiant further swears that the only official tally-sheet of said poll was made with red ink and signed by affiant in black ink, and the tally-sheet exhibited of said poll before said board was and is written in black ink, and therefore not the original tally-sheet, but fraudulent.

Further affiant saith not.

R. M. BAGLEY.

Sworn to and subscribed before me this 28th day of November, 1874.

CHAS. A. BAQUIE.
Clerk Third District Court, Parish of Orleans.

That is the affidavit of Bagley.

Mr. MOREY. The gentleman said that Bagley states that he did not make the affidavit that I received 510 votes. In the affidavit just read he does not make that statement. It is not in the record.

Mr. HOUSE. If my colleague will allow me, Bagley states this: That he does not remember whether in making the affidavit before the State board at New Orleans he stated the number of votes or not.

Mr. MOREY. But he thinks he did.

Mr. HOUSE. I do not know whether he thinks he did; but he does not know whether he did or not. Arroyo says he made the affidavit. But there is no such affidavit of Bagley produced here at all; and the only evidence that Bagley ever made such an affidavit is that Arroyo says that he did. The affidavit is not produced in the record here at all, and consequently could not be in evidence for any one.

Mr. MOREY. Now, I will ask the gentleman if Arroyo's protest, on which is based the throwing out of this return by the returning board, does not recite that Bagley did make an affidavit and impeach the correctness of the returns by showing that the return was not in accordance with the facts, and that the fact was that I got 510 votes and Spencer got 7. Is not that recited in Arroyo's protest?

Mr. DE BOLT. Are you through?

Mr. MOREY. I am through.

Mr. DE BOLT. It is just what I said before precisely. I said that Arroyo in his protest stated that Bagley had made an affidavit in which he had stated that the votes were 510 for Morey.

Mr. BAKER, of Indiana. Will the gentleman yield to me for a moment?

Mr. DE BOLT. No, sir. I do not wish to be interrupted in my statement now. But Mr. Arroyo's statement is not evidence at all. It is altogether hearsay. The affidavit that he refers to is not produced anywhere; and the affidavit that is produced is one in which the number of votes cast does not appear, but which Bagley says is a forgery. Evidently Mr. Arroyo is mistaken about it. But whether he was or was not makes no difference here. They do not agree in their statement. Take his statement as true, 510 votes; and then take the statement of the other commissioner, 550 votes. Which are you to adopt?

Mr. MOREY. The other commissioner does not swear there were 550 votes. He swears that was his recollection. But Bagley makes a positive statement under oath, and he was the democratic commissioner, that my vote was 510 and Spencer's vote was 7, and that is corroborated by the other testimony.

Mr. DE BOLT. Will the gentleman turn to that testimony? I do not think he can. There is the record of the testimony. Let the gentleman show it to me. There is Bagley's testimony. He does not state it.

Mr. MOREY. I do not say that Bagley states it in his testimony. I say that Mr. Arroyo, who was a member of the returning board, recites the testimony of different parties, which went to impeach the correctness of these returns. He recites the affidavits and shows that the democratic commissioners when before the returning board impeached the returned vote by showing what the true vote was.

Mr. DE BOLT. I will repeat it again, and I think the gentleman will understand me this time. I say that Arroyo states that Bagley made an affidavit in which he stated the vote at 510 for Morey and 7 for Spencer. I admit that. But Bagley says he does not recollect making any such statement. That affidavit is not produced. It is only the recollection of Arroyo as to what Bagley had said. That is the whole of it. Then the other commissioner swears that the vote was 550. If Bagley says he recollects what the numbers were and gives them, I ask the gentleman to read his testimony to that effect.

Mr. MOREY. I did not say that he recollects the numbers, but he made an affidavit, and Arroyo in his official protest recites it. And here is what Bagley in cross-examination said on that point:

Question. Did you or not make affidavit, which affidavit was before the returning board, in which you stated the exact number of votes cast for W. B. Spencer and for Frank Morey for Congress, and which affidavit stated that this was the vote stated in the returns which you signed and swore to as being the correct statement of the votes cast for Morey and for Spencer, respectively, at poll No. 3?

(This question objected to by contestant.)

Answer. I know I made an affidavit before the returning board, and think, though I am not positive, that I stated therein the vote for Morey and Spencer. My statement in that affidavit, whatever it was, was correct.

Q. If in that affidavit you swore that William B. Spencer received 7 votes and Frank Morey 510, was or not that the correct statement of the votes cast for those persons?

(Contestant objects to this question.)

A. It was.

Now that is what he swears as to the affidavit. Arroyo, a democratic member of the returning board, stated in his protest that the vote in Carroll should not be counted, and brought in support of his protest the affidavits of the democratic commissioners at those polls in order to impeach the correctness of the return; and they swear that the official returns were not correct, because in those official returns it was shown that Morey received, say 600 votes for instance—I do not recollect the precise figure—whereas the true return was 510. Now those democratic commissioners of election who were called to impeach the correctness of the return impeached the correctness of the returns by showing what the true vote was. They swear positively what Spencer's vote was and what my vote was, and it left me, even on the affidavit of the democratic commissioners who knew the facts,

925 majority in the district. Now if those affidavits are good to prove the correctness of the returns, if they were good to show that I did not get 600 votes but only 500, they are good to prove the statement that I got 500 votes; and if that is not the correct principle of law, then the gentleman can correct me.

Mr. DE BOLT. But I know of no such affidavit that was before the returning board. Bagley swore that if he had made such an affidavit it was correct.

I will read his statement, which clearly shows uncertainty and doubt on his part in regard to that matter:

Question. On the return which you swore to as being the correct statement of votes cast at poll No. 3, how many votes were cast for William B. Spencer for Congress and Frank Morey for Congress?

(This question is objected to on grounds previously stated to other questions by contestant.)

Answer. I do not remember either now well enough to swear to them.

Q. Did you or not make affidavit, which affidavit was before the returning board, in which you stated the exact number of votes cast for W. B. Spencer and for Frank Morey for Congress, and which affidavit stated that this was the vote stated in the returns which you signed and swore to as being the correct statement of the votes cast for Morey and for Spencer, respectively, at poll No. 3?

(This question objected to by contestant.)

A. I know I made an affidavit before the returning board, and think, though I am not positive, that I stated therein the vote for Morey and Spencer. My statement in that affidavit, whatever it was, was correct.

Q. If in that affidavit you swore that William B. Spencer received 7 votes and Frank Morey 510, was or not that the correct statement of the votes cast for those persons?

(Contestant objects to this question.)

A. It was.

He says that he does not know that he made any such affidavit, but that if he did it was correct.

Mr. MOREY. The gentleman divides the sentences so as to give it a different interpretation. You can make a man swear anything if you divide his sentences in that way.

Mr. DE BOLT. I will read the whole of it.

Mr. MOREY. He says, I know I made an affidavit before the returning board, and I think, although I am not positive, that I gave the number of votes for Spencer and for Morey.

Mr. DE DOLT. He was not certain that he made an affidavit, but he says that if "I made an affidavit with those figures it was correct. I know I made an affidavit before that returning board." When that affidavit is read here, it is found to be dated the 28th of November, before the returning board, and there is not one statement in that affidavit in regard to the vote.

Mr. MOREY. He made two affidavits. Another witness called by the contestant, who was one of the contestant's counsel, also swore distinctly that Bagley and Spann, made affidavits that Arroyos, who was a member of the returning board, protested against counting the vote of Carroll Parish wards. He recites these affidavits. Do you stand up to impeach your own democratic member of the returning board in order to sustain your point? Mr. Bagley swore that the returns were correct, because he showed that I received 510 votes and I got only 500 votes.

Mr. DE BOLT. I say that the question depends on the recollection of Arroyo whether that affidavit was right or not.

The man who thought he made that affidavit does not know whether he made it or not. Where is it? Must we depend for the returns of an election upon the recollection of a man who bases his recollection upon what another man said? I say that there is not one particle of testimony showing anything else but the statement based on his recollection that the vote was 510 at that poll.

Mr. MOREY. It was the statement of a democrat.

Mr. DE BOLT. I care nothing about politics in a case of this kind. A republican can tell the truth as well as a democrat. It is nonsense to tell me that he is a democrat; it is nonsense and undignified to say that a witness is to be believed or disbelieved on account of his political views. I will not notice it further. I care nothing about their politics. I say this man Benham, who proved himself unworthy of belief, was a republican.

Mr. MOREY. He was not a republican; he was the democratic commissioner at that poll.

Mr. DE BOLT. I do not care what party he belongs to; but I believe he was a republican. You have been in this case from the beginning, and yet you do not understand it or know anything about it.

Now I repeat that this man Benham fails to recollect whether he made that affidavit or not, but he did say that if he made it it was correct.

Now, gentlemen, can we undertake to seat or unseat a member on such evidence? I will say further, that counting for the contestee the vote of Concordia Parish, the number of which I forget——

Mr. MOREY. Four hundred and ninety-eight.

Mr. DE BOLT. Counting those votes for the contestee and throwing out the votes of the first, second, and third polls of Carroll Parish, it elects the contestant by a majority of nearly 800.

Now, then, the gentleman from Mississippi dwelt somewhat at length upon the counting of the fourth and fifth wards in Carroll Parish. I could have saved him that trouble if he had listened to me at the time. They are small wards and their votes would not have changed the result; but I have no doubt that there were the same corruption and false returns as there were in the other wards of the parish if we had investigated them. But we found in the other wards fraud enough to seat Mr. Spencer and unseat the sitting member, and therefore we did not investigate those wards further.

Now, Mr. Speaker, I have run through this subject hastily, and will not detain the House longer.

Mr. HARRIS, of Virginia. I move that the House adjourn.

WITHDRAWAL OF PAPERS.

On motion of Mr. OLIVER, by unanimous consent, leave was granted for the withdrawal from the files of the House the papers in the claim of E. G. Everitt, no adverse report having been made in the case.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURLEIGH for one week.

MONUMENT TO GENERAL KEARNEY.

Mr. HARDENBERGH, by unanimous consent, introduced a bill (H. R. No. 3570) granting condemned cannon for a monument to General Kearney; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDGE ANDREW WYLIE.

Mr. WARREN. I am directed by the select committee charged with the investigation in regard to Judge Wylie, of this District, to submit for adoption at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the special committee to which was referred the memorials of Albert Grant be instructed to inquire into the official conduct of Andrew Wylie, one of the associate justices of the supreme court of the District, and that that committee have authority to send for persons and papers and to examine witnesses under oath.

There being no objection, the resolution was adopted.

ARMS ISSUED TO THE STATES.

Mr. BANNING. I am instructed by the Committee on Military Affairs to report back to this House the communication from the Secretary of War transmitting the draught of "A bill to provide for the proper accountability and care of the arms issued to the several States and Territories for the militia thereof," and to move that it be referred to the Committee on the Militia.

There being no objection, the motion was agreed to.

RAILROAD COMBINATIONS.

Mr. WILSON, of Iowa, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and adopted:

Whereas it is alleged that certain of the leading railroads engaged in interstate commerce and in commerce from the inland States to the seaboard for exportation have combined for the purpose of controlling said traffic, and have made and continue to make unjust discriminations in the carrying of such freight, whereby many industries have been crippled and are threatened with extreme prostration; and whereas numerous petitions have been presented during the present session of Congress praying for the passage of an act to regulate such commerce and to prohibit such discrimination: Now, therefore, in order that Congress may be fully advised of the truth and extent of such alleged combination and of the effects thereof, and of the most complete remedy therefor,

Be it resolved, That the Committee on Commerce be instructed to investigate the allegations aforesaid, and report by bill or otherwise, with power to send for persons and papers.

The motion of Mr. HARRIS, of Virginia, was then agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLAND: A paper relating to the establishment of a post-route from Ava, Douglas County, Missouri, via Buff and Protem post-offices, to Lead Hill, Arkansas, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Petition of citizens of New Mexico, for the removal of Warren Bristol, judge of the third judicial district of New Mexico, with a copy of the charges preferred against him by the petitioners, to the Committee on the Judiciary.

By Mr. CRAPO: The petition of John A. Baker, Hill & Duvall, and others, for an appropriation for the improvement of the channel of the Potomac River, to the Committee on Commerce.

By Mr. GIBSON: The petition of Seymour & Stevens, and other stationers, of New Orleans, for such legislation as will relieve them from injurious competition by the Government in the manufacture and sale of envelopes, &c., to the Committee on the Post-Office and Post-Roads.

By Mr. HANCOCK: The petition of Joseph E. Wilson, for compensation for the loss of the vessel Alpha, torn from her moorings by a United States steam-tug, and lost in a gale off Galveston Harbor in 1875, to the Committee of Claims.

Also, the petition of Mrs. Julia B. Southwick, for compensation for the use of her property in Galveston, Texas, by the United States Army in 1865, to the Committee on War Claims.

Also, the petition of Rosanna Deschenger, for compensation for supplies taken and used by the United States Army, to the same committee.

Also, the petition of A. C. Ripley, for compensation for property destroyed during the cyclone in Galveston Harbor in September, 1875, to the Committee of Claims.

Also, the petition of A. C. Ripley, of similar import, to the same committee.

By Mr. HAYMOND: The petition of Charles H. Price, late a private in Company K, Forty-eighth Regiment Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. HEWITT, of New York: The petition of Charles B. Meyers, for compensation for the alleged illegal seizure of his brewery and imprisonment of himself, to the Committee of Ways and Means.

By Mr. KASSON: The petition of Robert B. Ferguson, for compensation for damages to his property by reason of a change in the grade of the streets and avenues near the Capitol, Washington City, District of Columbia, to the Committee on Public Buildings and Grounds.

By Mr. KELLEY: The petition of citizens of the United States, for the repeal of the stamp-tax on safety-matches, to the Committee of Ways and Means.

Also, the petition of citizens of Philadelphia, Pennsylvania, of similar import, to the same committee.

Also, the petition of citizens of the United States, of similar import, to the same committee.

By Mr. LANDERS, of Connecticut: The petition of W. R. White and 124 others, for a post-route from Danbury, Connecticut, by way of Mill Plain, to Brewster's Station, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: The petition of George A. Miller, dental surgeon, for the appointment of dental surgeons in the Army and Navy, to the Committee on Military Affairs.

By Mr. MEADE: Memorial of the Stationer's Board of Trade of New York City, for the passage of the bill (H. R. No. 3266) fixing the rate of postage on certain mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. SAVAGE: The petition of Jackson Riley, for compensation for the destruction of property by the United States Army, to the Committee on War Claims.

By Mr. SEELYE: Resolutions of the American Meteorological Society, for an international conference to establish a common unit for the money of account and coinage, to the Committee on Coinage, Weights, and Measures.

By Mr. SINGLETON: The petition of R. H. Bustin, of Scott County, Mississippi, for compensation for property taken by the United States Army in 1864, to the Committee on War Claims.

Also, the petition of Dr. J. C. Dawson, of Scott County, Mississippi, of similar import, to the same committee.

Also, the petition of Joe L. Denson, of Scott County, Mississippi, of similar import, to the same committee.

By Mr. WIKE: The petition of citizens of Quincy, Illinois, for the repeal of the stamp-tax on safety-matches, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: Memorial of Charles M. Scott, of Saint Louis, Missouri, protesting against the payment of the claim of Miss Anna Ella Carroll, for alleged valuable information furnished the Government in 1861 respecting the military line of the Tennessee River, and asking for an examination and allowance of his own claim as original inventor of the steamboat signal system and of the pilot iron shields used on Government transports during the late war, to the Committee on Military Affairs.

The following petition was presented at the Clerk's desk under the rule, without having indorsed thereon the name of any member of the House, and referred as stated:

The petition of Simson Reinhard, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *May* 25, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. If there is no objection the order for trial session will be suspended temporarily for the purpose of receiving morning legislative business.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; and

An act (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California.

The message also announced that the President had this day signed the act (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Mary Welsh, of Washington, District of Columbia, praying compensation for the services of her husband during the late war; which was referred to the Committee on Claims.

Mr. JONES, of Florida, presented the petition of J. W. Thompson and others, citizens of Washington, District of Columbia, praying an appropriation by Congress for widening and deepening the Washington channel of the Potomac River from the Long Bridge to the Arsenal point; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented the memorial of Charles Edward Nott, of Northampton, Massachusetts, in favor of providing by law for a permanent centennial star on the national flag; which was referred to the Committee on Military Affairs.

He also presented the memorial of Charles Edward Nott, of Northampton, Massachusetts, in favor of Congress passing a law appropriating a sum of money for the laying on the 4th of July, 1876, by a delegation appointed by Congress, of a corner-stone to a pedestal for a full-sized statue of Oliver Cromwell, Protector, the site for the same to be the southern point of the city of New York; which was referred to the Committee on Foreign Relations.

Mr. CONKLING presented resolutions of the New York Academy of Medicine, remonstrating against the passage of the bill (S. No. 596) to incorporate the National Surgical Institute of the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. CONKLING. I present a memorial, signed by Mr. Elbridge G. Spaulding and many other leading citizens of Buffalo, New York, remonstrating against the proposed removal or abolition of the depository in Buffalo. This memorial states that while that depository has existed the cost to the Government has not exceeded one mill upon the dollar of its receipts, and that its abolition or the proposed legislation will augment the expense. I beg to call the attention of the honorable Senator from Ohio [Mr. SHERMAN] to this memorial, as it is signed by gentlemen whom he knows and in whom he confides, and their statement makes on me the impression that it is worthy of attention. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. DAVIS. I present a statement from the Post-Office Department, in regard to the number and comparison of employés and expenses. It is short, and I move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented additional papers in relation to the claim of the heirs of the late William K. Sebastian for the pay, perquisites, and emoluments of which he was deprived by being expelled from the Senate; which were referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. SARGENT. I have in my hand and beg leave to present a letter from the chief engineer in charge of the underground work of the Senate, discussing the question of the present Senate floor, and showing that, on account of some peculiarities of it, it tends to the injury of health resulting from bad ventilation, &c.; and accompanying the letter is a plan for an improvement in these respects. I move that this letter and the plan which I hold in my hand be referred, without printing, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. HAMILTON. I present the memorial of the Creek Nation of Indians, a delegation of which is now in the city of Washington, in relation to the funds due the Creek orphans under the treaty of 1832 and the act of March 3, 1837; and inasmuch as they have no representation upon the floor of the Senate, I ask that the memorial be read at length.

The PRESIDENT *pro tempore*. The memorial will be read if there be no objection.

The Chief Clerk read as follows:

To the honorable the Congress of the United States:

The undersigned, duly accredited representatives of the Creek Nation of Indians, respectfully beg leave to call the attention of your honorable body to the funds due certain individual members of the said Creek Nation known as the "Creek orphans."

The history and merits of this matter are fully set forth and discussed in Executive Document No. 246, Forty-third Congress, second session, heretofore filed before your honorable body, copies of which are herewith transmitted. By reference to the documents or official data alluded to, the claim of the said Creek orphans will be found to be an individual instead of a national character, and to consist chiefly of the following items, and originally due under treaty stipulations:

1. The sum of $74,300 to re-imburse the said orphans in the value of certain depreciated bonds purchased by your Government in contravention to law with moneys (gold) belonging to said orphans.

2. The sum of $63,956.29 to re-imburse said orphans in that amount (gold) taken from them without authority of law and applied to general purposes of the Creek Nation.

3. The sum of $106,799.68 to re-imburse said orphans in that amount, (gold,) which was taken from them by your Government without authority of law and applied to the support of loyal refugees of the Creek Nation, aggregating the sum of $251,055.97.

A list of the names of these claimants is registered in the Interior Department, and the funds claimed are in no sense a gratuity from your Government, because they embrace an unpaid remainder that originated under your treaty of 24th March, 1832, with the Creek Nation, and are of the proceeds of the lands owned by the orphans and allowed them as their just proportion of lands owned and set apart in the same treaty to the rest of the Creek people, in proportion to their numbers. The claimants being, at the time of investiture of their rights to these lands, minor orphans, the treaty referred to made the President of the United States their guardian and custodian, and as such guardian, he, the President, at his discretion, being

authorized by said treaty, ordered the sale of the lands for the benefit of the said orphans, under the provision of an act of Congress of March 3, 1837, (see United States Statutes, volume 5, page 186,) and their proceeds were invested in stocks. This act authorized the interest on these funds to be paid to the claimants, in such amount and in such a manner as in the opinion of the President would be most advantageous to them, and the principal of the funds to be also paid whenever the President may think proper. Out of this original fund of the claimants the President has ordered two payments, which have been made; one of August 26, 1868, for $106,434.12, and the other of July 1, 1870, for $24,291.03, leaving a remainder yet due and unpaid of $251,055.97, as stated above. Your treaty of 1866 with the Creek Nation re-affirmed this claim, and your honorable body, by acts of appropriation of 1870, 1871, 1872, 1873, 1874, and 1875, appropriating the interest on said fund, have acknowledged it. The claimants, as individuals, have receipted your Government for the accrued interest on these funds as well as the principal already paid. Several of the original orphans are dead, and their heirs inherit their rights; and those who still survive are now generally feeble with age, some of them having grandchildren; and by the late war have been reduced to abject poverty and distress, and greatly need what is due them.

In view of these facts the undersigned, in behalf of said Creek orphans, respectfully solicit your honorable body to enact such legislation as will authorize and direct the issuance of United States 5 per cent. bonds in place of the $74,300 of the depreciated bonds alluded to, and providing that the United States Government take these depreciated bonds as its own property; and, further, that your honorable body make the necessary appropriation either in money or United States 5 per cent. bonds to cover the sum of $69,956.29 of said Creek orphans, misapplied by the Government for general purposes of the Creek Nation; also, the sum of $106,799.68, misapplied by the Government for the support of loyal refugees of the Creek Nation, so that the same may be applied by the President for the benefit of the claimants, as provided by the said act of Congress of March 3, 1837.

Very respectfully, your obedient servants,

D. N. McINTOSH,
PLEASANT PORTER,
D. M. RODGE,
Creek Delegates.

MAY 24, 1876.

Mr. HAMILTON. I move that the memorial be printed, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. INGALLS. I present additional papers and documents, in the nature of testimony, in favor of the bill (S. No. 716) to authorize the execution of a resolution of the national council of the Osage Indians, which has been reported to the Senate adversely and placed upon the Calendar. In order that the bill may receive consideration in the light of this testimony, I ask unanimous consent that the bill may be recommitted to the Committee on Indian Affairs with the testimony now offered.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Kansas? The Chair hears none, and it is agreed to.

REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of Melissa E Banks praying to have her name restored to the pension-rolls as the widow of Ezekiel Banks, late a Federal officer in the war of 1861, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. PADDOCK, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 552) to restore the franking privilege, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Lucinda H. Lyon, praying to be allowed arrears of pension on account of the loss of her son, late of Company A, Seventy-seventh Regiment New York Volunteers, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2698) granting a pension to Mary Desbrow, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2300) granting a pension to Margaret C. Bell, reported it without amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the petition of Merritt Lewis, late of Company K, Seventh Michigan Cavalry, praying an increase of pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 535) granting a pension to Armstead Goodlow, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

JACKSON T. SORRELLS.

Mr. KEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 755) for the relief of Jackson T. Sorrells, have had the same under consideration, and instructed me to report it back without amendment. It is a very small bill, and the Post-Office Department recommend that the amount named in it be paid. If no Senator objects, I should like to have the bill passed at once.

Mr. HAMLIN. Let the report be read in that case, and I think no Senator will object to the bill.

The Chief Clerk read the following report, this day submitted by KEY from the Committee on Post-Offices and Post-Roads:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill for the relief of Jackson T. Sorrells, (H. R. No. 755,) having had the same under consideration, beg leave to report:

That during the year 1865, and before the postal service of the United States had been completely re-established in the State of North Carolina, Mr. Sorrells was employed by an agent of the Post-Office Department, of competent authority for the purpose, to carry the mails once a week each way between Asheville and Franklin, in the State of North Carolina. He was to receive compensation at the rate of eight cents per mile, counting the distance one way between the two points, which distance was seventy-two miles. Mr. Sorrells carried the mail under this contract during the months of November and December, 1865, for which he has received no compensation. It appears that the unsettled condition of the country in which this service was rendered and the complications growing out of the restoration of Federal authority and institutions over it led to such difficulty and delay that claimant's demand for compensation was not presented in time for payment out of the postal appropriation bill for the year 1865, and the Second Assistant Postmaster-General reports that "the Department can see no objection to the payment of Mr. Sorrells for said service."

Your committee therefore recommend the passage of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Jackson T. Sorrells $53.80 for carrying the United States mails in the year 1865 between Asheville and Franklin, North Carolina.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALARY OF THE PRESIDENT OF THE UNITED STATES.

Mr. WRIGHT. The Committee on Civil Service and Retrenchment have had under consideration the bill (S. No. 172) fixing the salary of the President of the United States, together with the veto message of the President, and, after considering the bill and the veto message, I am instructed by the committee to report the bill back, and recommend its passage, notwithstanding the veto message, and I say now that I am instructed by the committee also to ask the attention of the Senate to this bill, and I shall press its consideration at the very earliest day I can get the floor.

BILLS INTRODUCED.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 866) to remove the political disabilities of Dr. Thomas H. Williams, of Maryland; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 867) extending the limitation of the grant of land made to the State of Florida in aid of certain lines of railroad; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FERRY (Mr. INGALLS in the chair) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 868) for the relief of Henry P. Seymour, William A. Frazer, Alvan N. Sabin, and the heirs of Percy S. Leggett, late supernumerary second lieutenant of the Fifth Michigan Cavalry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 869) to confer certain jurisdiction on the Court of Claims; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2922) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts;

A bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 3495) for the relief of the mail contractors on route No. 19319 in Tennessee.

The message also announced that the House had passed the bill (S. No. 708) for the relief of John M. English, of New York.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 677) granting a site for an observatory to the trustees of the Lick Observatory of the astronomical department of the University of California; and it was thereupon signed by the President *pro tempore*.

REMISSION OF REVENUE TAXES.

Mr. EDMUNDS. I call for the regular order.

Mr. BOGY. I wish to call up a House bill that will take but a moment. It has been pending some time and requires immediate action. It will lead to no debate and cause no delay. It is a small matter, but of pressing importance, reported by the Committee on Finance.

Mr. EDMUNDS. What is the subject?

Mr. BOGY. It is a bill for the relief of certain parties who were engaged in making vinegar in the city of Saint Louis. It was thought by the revenue officers that the product of their factory was in conflict with the revenue law; but they made this vinegar under the authority of the collector of internal revenue there; and it is a matter of doubt whether they are or are not liable to the payment of the tax. A bill has passed the House which leaves the matter for investigation by the Commissioner of Internal Revenue. It has met the approbation of the Committee on Finance unanimously. In the mean time these men, who have very large establishments in Saint

Louis and elsewhere, have been stopped and are now stopped from doing their work, which is very important, not only to them but to the community. The case has been very thoroughly investigated and it is thought by the Commissioner that these men did not violate the law, but there is some little obscurity about it.

Mr. EDMUNDS. If the State of Missouri is deprived of that most useful beverage, vinegar, I certainly cannot stand in the way of the bill being taken up; and I withdraw my call for the regular order for the time being.

Mr. BOGY. I move to take up House bill No. 1800.

The motion was agreed to; and the bill (H. R. No. 1800) for the relief of Kendrick & Avis; Kuner, Zisemann & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio, was considered as in Committee of the Whole.

It directs the Secretary of the Treasury to remit internal-revenue taxes upon low wines produced in the manufacture of vinegar, namely, $9,792, assessed by the Commissioner of Internal Revenue on the 21st day of September, 1875, against Crawford M. Kendrick and William H. Avis, doing business at Saint Louis under the firm-name and style of Kendrick & Avis, and entered upon the August list of that year for the first district of Missouri; $2,007 assessed by the Commissioner on the 2d of August, 1875, against Max Kuner, John F. Zisemann, and Armin Zott, doing business at Saint Louis under the firm-name and style of Kuner, Zisemann & Zott, and entered upon the June list of that year for that district; $2,135, assessed by the Commissioner on the 2d of August, against Max Kuner and Armin Zott, former partners in business at Saint Louis, under the firm-name and style of Kuner & Zott, and entered upon the list last mentioned; and $806.40, assessed by the Commissioner on the 27th day of December, 1875, against C. Nachtrieb, J. F. Nachtrieb, C. E. Kopp, and F. A. Burch, doing business at Galion, in the ninth district of Ohio, under the firm-name and style of Nachtrieb & Co., and entered upon the November list of that year.

The bill was reported by the Committee on Finance with amendments.

The first amendment was in line 4 after the word "remit" to insert "so much of;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit so much of the following internal-revenue taxes upon low wines, &c.

The amendment was agreed to.

The next amendment was to insert at the end of the bill:

As, in his opinion, justice and equity may require: *Provided*, He shall be satisfied that the parties named are entirely free from any intention to violate the internal-revenue laws in the manufacture of vinegar as aforesaid.

The amendment was agreed to.

Mr. SHERMAN. I ought to state that this case was very carefully examined by the Senator from Massachusetts, [Mr. BOUTWELL,] who is familiar with the business of the Internal Revenue Office, and the bill is based on a letter from the Commissioner of Internal Revenue, who presents about this state of facts: These men were engaged in the manufacture of vinegar as a trade or business in different parts of the western country; and in the process of manufacture they used a new invention, which enabled them in a kind of distillation to employ certain properties extracted from grain, very much as in the process of distilling. The question whether this was a violation of law was submitted to the Internal Revenue Office and decided, in the first place, by the Commissioner of Internal Revenue in favor of their right to use this article. These parties were notified of that fact, and were encouraged to go on by the local officers in different places; but afterward, on more careful examination, the Department decided that this process was in violation of law, as I think it was, though without any intention to evade the law; but the effect of it was to evade the law and save these people from using tax-paid spirits. They were therefore compelled to discontinue the process, and these assessments were made upon them. It is very clear that if the taxes were collected it would not only ruin them but do them a great injustice, because it appears very plainly from the papers that they were led to believe that the process was not in violation of law.

I believe that is the substance of the case. The Senator from Massachusetts knows more about it than I do. The committee thought, on the whole, that it was fair to provide that if the Commissioner should decide, on full examination, that there was no intent on the part of these persons to evade the law, they might have the benefit of the remission of the taxes already accrued.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. EDMUNDS. I ask for the regular order.

Mr. DAVIS. The Senator from Vermont will allow me, I hope, to report the bill (H. R. No. 3479) making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year from the Committee on Appropriations. I am directed by the Committee on Appropriations to report the bill without amendment. It is a bill that the Department of Justice thinks ought to pass. I ask for its present consideration.

Mr. EDMUNDS. We will look at that, and take it up by and by, if necessary.

The PRESIDENT *pro tempore*. Pursuant to order, legislative and executive business will be suspended and the Senate will proceed——

Mr. DAVIS. I think the bill had better be sent back to me, and I will report it to-morrow morning.

Mr. EDMUNDS. It can be passed by and by. There is no need to send it back.

Mr. DAVIS. I withdraw the report.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. Pursuant to order, legislative and executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

Mr. CAMERON, of Pennsylvania, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds are hereby instructed to inquire whether any, and if any what, provision should be made for the widow of John King, who was killed by the explosion of gas that occurred in the Capitol on the 19th instant, and for L. B. Cutler, who was severely burnt and injured by said explosion, and that said committee have leave to report by bill or otherwise.

HOUR OF MEETING.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet to-morrow at eleven o'clock a. m.

EXECUTIVE SESSION.

On motion of Mr. CAMERON, of Pennsylvania, the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session, the doors were re-opened; and

On motion of Mr. EDMUNDS, (at four o'clock and fifty-five minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 25, 1876.

The House met at twelve o'clock m., the Speaker in the chair. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The first business in order this morning is the unfinished business coming over from yesterday, being the contested-election case of Spencer *vs.* Morey.

Mr. RANDALL. I move that the unfinished business be postponed for two hours.

The SPEAKER. The Chair would inquire for what purpose?

Mr. RANDALL. To enable the gentleman from Illinois [Mr. MORRISON] to move that the House resolve itself in Committee of the Whole upon the tariff bill.

The motion of Mr. RANDALL was agreed to.

Mr. COX. I ask the gentleman from Illinois [Mr. MORRISON] to yield to me to make a report from the Committee on Banking and Currency.

Mr. MORRISON. I will do so, if it does not take much time.

RECEIVERS OF NATIONAL BANKS.

Mr. COX. I am instructed by the Committee on Banking and Currency to report back to the House the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, with sundry amendments of the Senate thereto, and to move that the amendments of the Senate be non-concurred in.

There being no objection, the report was received, and the amendments of the Senate to said bill were non-concurred in.

Mr. COX. I now move that a committee of conference be requested upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. KASSON. Before the gentleman from Illinois submits his motion to go into Committee of the Whole, I would ask him to allow me to offer a resolution which is the result of a consultation with several members of the Committee on the Judiciary.

Mr. MORRISON. I would prefer not to do so just at this time. I will move in two hours that the committee rise.

Mr. KASSON. Very well.

TARIFF.

Mr. MORRISON. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the bill (H. R. No. 3132) to re-

vise and simplify existing laws imposing duties on imports and to reduce taxation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill to revise and simplify existing laws imposing duties on imports and reduce taxation.

Mr. MORRISON. I ask that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. MORRISON. Mr. Chairman, I am not unmindful of the responsibility taken upon myself in the introduction of a bill to simplify, revise, and reduce the duties on imports. With some modifications, it has received the approval of the Committee of Ways and Means, and is now before the House for consideration. Should the bill become a law, as I trust it may, it will necessarily affect the trade, commerce, and industry of the entire country, and affect them, it is believed, all for good.

A measure of such magnitude ought to receive the most earnest and thoughtful consideration. This I have given it, not omitting to avail myself of the research of others or to accept any suggestions pointing to the correction of abuses resulting from existing laws or the manner of their enforcement.

Taxation by tariffs and duties on imported goods compels contribution to the support of the Government through the wants and necessities of life. And, as if distrusting the justice of its demands, it operates by indirection and too often does its oppressive work in violation of the most righteous law of equality. However unequal and unjust these taxes are they must be paid, because we must have the comforts and necessaries of life upon which they are levied. Cold, hunger, and thirst gather them in.

Though impracticable now to resort to it, that system is best, because most equal, which takes from the tax-payer his due proportion in the most direct manner. Burdens of Government should be borne in proportion to ability to bear them. Property should pay the taxes. He who has much should pay much; he who has little should pay little; and he who has none, none.

Conceding the right of labor to its earnings and the right of property, it is difficult to see how the freedom of exchange of either, how the right of the citizen to buy, sell, and exchange may be interfered with and taxed in the interest of and for the protection of other citizens or favored classes of citizens.

Protection, therefore, other than that incidental to revenue, is spoliation, because it takes the earnings of the labor of one person or class of persons and gives these earnings to other persons or more favored classes; protection which would take equally and bestow equally would be no protection at all; its abolition would be of most easy accomplishment, having no selfish interests for its maintenance.

TARIFFS OF OTHER COUNTRIES.

The advocates of protection allege that all nations which have become skillful in manufactures have become so by means of protection. The facts do not warrant the assertion. The system has either resulted in loss of prosperity, in the gravest injury, sometimes utter ruin, or it has been given up as a failure, as it was in Great Britain, where it was applied under the most favorable circumstances. In 1840, after many years of peace and several successive abundant harvests, its advocates were made to admit its failure, and a little later the remedy was applied and continued by the successive adoption of free-trade measures.

Two hundred years ago a great London merchant—Sir Josiah Child—in assigning reasons for the permanent prosperity of the Netherlands said:

> The prodigious increase of the Netherlands in their domestic and foreign trade, riches, and multitude of shipping is the envy of the present and may be the wonder of future generations. * * * Some of the means by which they have advanced their trade and improved their estates are the following: Their giving great encouragement and immunities to inventors of new manufactures and the discoverers of new mysteries of trade, and to those who shall *bring* the *commodities of other countries first* in use and practice among them, * * * the lowness of their *customs* and the height of their excise, which latter is certainly the most equal tax in the world and the least prejudicial to any people.

The navigation acts of Great Britain were enacted in the time of Cromwell, because the free ships and free goods of the Dutch covered every ocean, led to the prosperity of their owners, and aroused the jealousy of England. When England had enjoyed her navigation acts for nearly half a century and her protective policy longer, had made two great wars to destroy Dutch commerce, and the flag of the Netherlands still covered every sea, Sir Josiah Child, in his second edition in 1692, gave a list of trades lost to England, covering the principal commercial seas and marts of the world. (1)*

Thus freedom prospered and the protected shipping of England languished; but the Netherlands became the battle-ground of Europe, while England's insular position saved her where her protective laws could not, and in the next century she gained in spite of her protective laws, not by means of them.

The Dutch, through long years of trial and of battle, maintained the freedom of their commerce, and somebody wrote of them "that, producing not a grain of wheat, they yet eat the whitest bread of Europe;" but at last, having exhausted every means of internal taxation, they were forced to have recourse to a tariff, and from that day their prosperity declined. And now, again relieved from danger, Belgium prospers once more under a system of nearly absolute free trade.

For many centuries the republics of Italy prospered with the freedom of their commerce. More than four hundred years ago Florence alone had two hundred woolen factories, employing 30,000 workmen, producing 80,000 pieces of cloth. The fleets of Venice visited every sea and port of Europe and Northern Africa.

Blanqui's History of Political Economy tells of this commercial greatness and its fall, and how its decay began with the establishment of protection.

The Italian republics were destroyed by a war of duties.

Switzerland, free among her mountains, sustains her industries and manufactures with not so much protection as a patent law, and contests with England and France for supremacy in the fineness and beauty of her cotton fabrics, coming to us for raw material.

But the most singular perversion of history is the frequent assertion that England established her manufactures by means of protection and only modified her system when prosperity was assured. Why, Mr. Chairman, she was forced to change by adversity. Hume, Huskinson, Villiers, Thompson, and many of the most intelligent men in England struggled for the removal of restrictions, when at last their opponents gave way.

Very early in the history of free-trade legislation a member of Parliament made this apt and terse statement concerning this question:

> In the commercial and fiscal policy of a nation lies the foundation of the happiness, the prosperity, and the welfare not only of the working classes but of the capitalist also.

Not a hundred years ago it required a life-time to understand the customs laws of Great Britain, they were so numerous; yet six hundred more were passed between 1797 and 1815. When George III came to the throne there were eight hundred acts in force; thirteen hundred were passed during the fifty-three years of his reign. They even outdid us in their number and complications. As with us, they grew up under a pretext of war and by other devices all selfish and for private interests at the public expense. In 1840 the protective system reached the climax of absurdity.

It was then it appeared on examination by a committee on import duties that—

17 articles produced	£21,700,630
29 articles produced	898,651
144 articles produced	363,3:3
531 articles produced	80,000

while upon 147 an excess of drawback was allowed for various purposes and reasons.

This investigation proved that the branches of industry most protected were most subject to disastrous fluctuations. What was true of Great Britain in 1840 is true of us to-day, because like causes produce like effects. Our cotton, wool, and iron manufactuers, so highly protected, are greatly depressed.

In England, in 1840, the ministry presented to Parliament a deficiency of $12,000,000; but the time had arrived when the truth had forced its way to the minds of all that the reduction of the rate and burden of taxation increases revenue, and the attempt of the ministry to supply the deficiency by increased customs and excise tax failed. It was in the next year that Sir Robert Peel described the chancellor of the exchequer "seated on an empty chest by the pool of a bottomless deficiency fishing for a budget," yet he (Peel) was unconverted.

The condition of the country given by Noble in his History of the Fiscal Legislation of Great Britain, confirmed by both radical and tory authority, was most dismal. Having given a statement of imports and exports, he said:

> It is, however, utterly impossible to convey by mere statistics of our exports an adequate picture of the condition of the nation. Sir Robert Peel took office in 1841. Every interest in the country was alike depressed in the manufacturing districts. Mills and workshops were closed, and property daily depreciated in value; in the seaports shipping was laid up useless in the harbor; agricultural laborers were eking out a miserable existence upon starvation wages and parochial relief; the revenue was insufficient to meet the national expenditure; the country was brought to the verge of national and universal bankruptcy. * * * The protective system, which was supported with the view of rendering the country independent of foreign sources of supply, and thus it was hoped fostering the growth of home trade, had most effectually destroyed that trade by reducing the entire population to beggary, destitution, and want. The masses of the people were unable to procure food, and had consequently nothing to spend upon British manufactures.

To the condition thus pictured protection had brought Great Britain, yet every step in the reform and removal of duties was resisted as it is here, every device that selfish, ignorant greed could suggest was resorted to that the course of reform might be staid. They failed then as they will fail now; the remedy was applied, and England regained prosperity.

During a quarter of a century the struggle went on, hastened a little perhaps by the Irish famine, and not impeded by the war with China; each removal of protective duties was followed by increased prosperity, until the only articles taxed in the custom-house are tea, coffee, spirits, wines, and tobacco, and a few articles, like chiccory, used as substitutes for some of these. All protection disappeared; all opponents of liberal policy admit that they have been benefited in spite of themselves.

They began, as we do, with a small addition to the free list and a

* These numerals point to corresponding numerals of appendix supporting the text.

small reduction of rates, imposing for the first time in time of peace an income tax to meet a deficiency in revenue which never came; revenue increased with each reduction of rates, and at last the chapter closes in these words by Noble in his History of Fiscal Legislation:

It has been shown upon unquestionable evidence that the policy of free trade which it was confidently predicted would ruin agriculture, annihilate rent, destroy manufactures, pauperize labor, and render impossible the collection of the national revenue, has rendered agriculture prosperous, largely augmented rent, vastly extended manufactures and employment, increased the wages of labor; and while securing the collection of an increased revenue, has by improving the value of property lessened the burden of taxation.

Look at the beginning—see the end. In 1840 prostration, vice, and misery, caused by the protective system. In 1860 prosperity everywhere in all branches of industry, crime and pauperism decreased, and manufactures established on the most firm basis. Is our present condition similar to that of Great Britain in 1840 or in 1860? The gentleman from Pennsylvania (Judge KELLEY) may tell us. Is the picture of Great Britain in 1840 at all familiar? This is the picture of Great Britain protected as we now are. The iron-masters summoned by him to protest against any modification of our war tariff described themselves as: "Either in the hands of the sheriff or selling iron below cost," and "wages of iron-workers so low that they and their families can scarce escape destitution and starvation." If this be true, is it not well to consider if protection in its effects does not, like history, repeat itself?

England at the beginning of tariff reforms in 1840 levied duties on twelve hundred articles, we now on four thousand nearly.

An increase on luxuries even will enrich only the smugglers. Crooked whisky tells us that excessive excise taxes make knaves and thieves. Which way, then, shall we lay our course? We must try the removal of restrictions, take off the shackles, and get revenue from property which represents the results of labor, not from processes or means by which it is acquired. We must recognize the oft-repeated truth that where protection begins revenue ends.

Bad as the system of protection is believed to be, it must be dealt with by no abrupt change or headlong speed, but with sure and moderate steps, with the care and caution of enlightened statesmanship.

AMERICAN TARIFFS.

The present tariff serves neither the purpose of revenue nor protection. It is condemned by the Treasury because it promotes fraud and offers a premium to unfaithful officers; the manufacturer of woolens satisfied with enormous rates of duty on woolen goods complains of high duties on raw wool, chemicals, and dye-stuffs; the hardware manufacturer, content with the rates of protection on his wares, complains of the high duties on steel and iron; even the manufacturer of cottons complains of the increased cost of producing his fabrics by reason of high duties on dyes and colors. Revenue is a mere incidental or secondary matter; the interests of the toiling, working, and producing millions are ignored, and we have as the outgrowth of our tariff a selfishness which in its race for subsidies and bounties has clouded some of our best intellects and dwarfed the spirit of laudable enterprise.

The well-known compromise tariff of 1833 fixed a rate on goods paying duties averaging 31 per cent. When the then opposition or whig party had attained power, August 30, 1842, these duties were made mostly specific and increased to 34, an advance in the rate of only 10 per cent. Some industries, chiefly iron, cotton, and woolen goods, were greatly favored, and after four years this tariff was modified by the celebrated "Walker tariff" of August 1, 1846.

This was very justly styled a revenue tariff, and was in force eleven years up to March 3, 1857. The average rate on dutiable articles was during the eleven years' existence of this tariff 23¼ per cent., about 33 per cent. below that which gave place to it. Perhaps no tariff has had a more intelligent simplicity or a nicer sense of justice. It implied perfect faith in the integrity of the officers of the Government and their ability to collect the revenue levied in this fairest of all forms, on the basis of values. After thirty additional years of experience and education in the science of government this most equitable feature of a system at best unequal must be virtually abandoned, lest we shall be robbed by the collusion of officers chosen to protect and guard the revenue. The remedy proposed by the Secretary of the Treasury "is the substitution so far as practicable of specific for *ad valorem* duties." And so it is we are driven to the collection of duties in the specific form, while the inequalities of the system itself are mostly mitigated by the *ad valorem* principle of the Walker tariff. Another principle of this well-considered measure was its classification of duties, by which the duties which averaged 23¼ per cent. were placed as low as 5 per cent. or made free on some articles of necessity and raw materials which enter into the reproduction of other articles, while luxuries, like wines and spirits, were taxed as high as 40 to 100 per cent. This was the basis or principle of chief popularity of this very just and practical financial measure. (II.)

The effect of this measure upon the country after a few years' duration was significant.

The revenue under the tariff of 1842 for the fiscal year 1845, when the rate of duty was 32¼ per cent., was $30,952,416. Three years later, in 1848, under the "Walker tariff," when the duty was 24 per cent. on dutiable goods, a decrease of 25 per cent. in rate of duty, the revenue rose to $31,757,071, and continued to rise until 1856, when it was $64,022,863, the average duty then being only 25 per cent. And however remarkable it may appear now, this country was then on the highway to free trade when even England was halting.

The tariff of 1846 gave place to that of 1857, which, recognizing the same equitable principle and based upon a sound political economy, reduced the average of rates from 23¼ to 19 per cent., and at this low rate the revenue of 1860 was $53,187,571. (III.) To encourage protectionists and to quiet their alarm lest a lower tariff may further increase the balance of trade against us, it may be well to call attention to the fact that in that year (1860) of low duties of 19 per cent. the importations were ninety-one cents less to the person than in 1875. We have alarmists who believe, or in the interest of bounties and subsidies pretend to believe, that our people require guardians lest they will buy themselves, and the nation as well, into bankruptcy if allowed cheap clothing and cheap necessaries of life. Let them take courage in the fact that in 1860, with the low tariff of 19 per cent., the apprehension was not justified; they actually bought less to the person than in the last year. Yet Mr. MORRILL, author of the Morrill tariff, said of the year 1860:

And that was a year of as large production and as much general prosperity as any perhaps in our history.

In the effort to relieve the people from taxation by the low tariff of 1857 the rates were fixed below the demands of the Government for revenue, but the statistics show that with low duties we had *more dutiable* and *less free* goods; proportionally more revenue with less importations. (IV.)

The tariff of 1857 in its turn gave place to that of March 2, 1861, and since then we have had nearly annual changes, and sometimes three changes in the same year, each giving new bounties to monopolists with new burdens for the people.

The act of March 2, 1861, known as the "Morrill tariff," was the first of a series of tariffs unequaled in their iniquitous complications, hardships, and monstrous duties. Enacted as war measures, and pretendedly for a temporary purpose, they have been until now maintained because it was alleged that with them and through them the country was prosperous. Now it is insisted they shall be maintained because it is not so.

For the first time in our tariff legislation, the Morrill tariff imposed two duties on the same article, one specific, the other *ad valorem*, or on the basis of value. It would be matter of curiosity rather than profit, perhaps, to see with what modesty the author applied the principle (or want of principle) of double duties to only fifteen articles. (V.)

This was only an entering-wedge, opening the way for the greater confusion and complications under which the system now groans, for this tariff in its turn gave place to that which followed five months later, August 5, 1861. By this tariff tea and coffee were added to the list of articles paying duties and the duty upon other articles was increased. And on the 24th of December of the same year the tax upon tea, coffee, and sugar was again increased.

There was another general increase in tariff rates on July 14, 1862. The general average of rates on goods paying duties, which under the Morrill tariff rose from 19 to 26.7 per cent., speedily rose to 33.2 per cent. under the tariff of 1862, while the double duties multiplied in number and increased in rates. The rasp and file makers, lest their wares might rust, came in for a double duty on files and rasps. Woolen goods—too cheap, in the opinion of the then law-makers, for the men in arms—were raised and doubled up. (VI.) But it was on June 30, 1864, that the real tariff saturnalia set in. The average rate of duties on dutiable imports, which in 1863 was 33 per cent., was so increased in 1865-'66 the rate rose to the enormous average of 47 per cent. on dutiable imports. Double duties were multiplied and were increased.

And how was this enormous taxation obtained; under what pretext and under what condition of alarm and apprehension did the people of the country receive and accept this new burden of taxation? Let Mr. MORRILL, who had the bill in charge, answer. On the 2d of June, 1864, he said:

I estimate that the present bill will increase the revenue not less than $15,000,000, and probably more; this is intended as a war measure, a temporary measure, and it is needful that it should pass speedily.

The war ended eleven years ago, but this "war measure," this "temporary measure" is not only in full operation, but its effects have in fact been aggravated by laying new and increased rates of duty as some of the victories of peace. While these remain, the advocates of protection may well proclaim that "Peace hath her victories no less renowned than war."

Amid the clash of arms it would doubtless have been deemed unpatriotic to question the fact that these tariff laws were enacted as "war" measures and "temporary" measures; but when we see them maintained and multiplied, with peace at home and abroad, it is difficult to escape the conclusion that selfish greed had much to do with their enactment and no less with their maintenance.

The internal-revenue tax, too, was made to furnish an additional pretext for new burdens on the people and increased bounties to the protected.

Mr. MORRILL further said:

In adjusting the tariff upon iron the principle has been to give an increase upon the tariff of 1861 equal to the internal-revenue duties

If this was ever true why were these duties not re-adjusted with the repeal of internal-revenue taxes in 1869? It was not done then, nor

has it been since. Why not do it now that the reason, so far as it had reason or pretext, no longer exists?

The next tariff change in 1865 gave a little more protection; and in 1866 there were three tariff acts passed, among them one laying a tax of 20 per cent. on cattle, horses, and mules. This for agriculture!

The tariff act of 1867 was simply an agreement between the wool-growers and woolen manufacturers, ratified by Congress, to increase the duty on foreign wool and woolen fabrics.

Of course, as is usual in class legislation and tariff jugglery, neither the consumer nor the Treasury was supposed to have any interest in the matter. All that was required of the consumer was to pay his tax and hold his peace.

This alliance and increase had no pretext in war, but added from 30 to 60 per cent. to existing rates, and, as events have proved, was a misfortune to both interests. Woolen manufactures languish, with wages lower than before the war, while the wool-growers receive less for their wool this very year than they did under the tariff of 1857. (VII.)

The next important amendment of the tariff, in July 14, 1870, was a modification and reduction. But cotton goods, wool and woolen fabrics, iron manufactures, in fact all manufactured articles, with one or two minor exceptions, remained untouched.

The Treasury then overflowing with $100,000,000 surplus, the spirit of rapacity never abated. The pretext of war was gone, but protection emboldened by success demanded and obtained new tribute from hemp, oils, marble, grindstones, and nickel. Certainly no one will contend these new duties, with a Treasury surplus, were for any other purpose than to tax the people for the benefit of those engaged in the nickel, oil, and grindstones business. (VIII.)

In 1872 the duty on tea and coffee was removed. Nor can there be the slightest doubt that this tax as well as numerous internal-revenue taxes were taken off that a better pretext for protection on manufactures of all kinds should remain. It is greatly to be regretted that many fair-minded revenue reformers, who under other financial conditions of the Government would be free-traders, fell into this trap.

It has proved a stumbling-block to revenue and tariff reform, and is accomplishing what it was intended it should accomplish. No tariff tax is more easily collected or more fairly distributed, and it is lamentable that men otherwise of great attainments will not believe the people capable of understanding these truths.

A duty of 3 cents per pound on coffee and 15 on tea would yield us ten millions on each, and would be a tax on each of 21¼ cents to the person. Forty-three cents tax to the person upon these articles would yield $20,000,000 revenue. Where can we obtain so much revenue from customs at so little cost? Not from duty upon manufactures, for these are protected at a rate exceeding 40 per cent. To obtain twenty millions in duties from manufactures we protect, at the cost of the consumer, the home product of five times greater value which yields no revenue.

By laying duties all of which go into the Treasury on tea and coffee, articles not produced here, we can remove duties on manufactures which cost us from $2 to $5 to put one in the Treasury. Somebody said you would tax "the tea and coffee of the poor."

Why, Mr. Chairman, all tariff taxes are paid by the multitude, not by the few who own the property. This is the wrong and injustice of the system. And shall the multitude pay on the tea and coffee twenty millions directly into the Treasury or a hundred millions on their hats, blankets, shoes, axes, hoes, medicines, quinine, spool-thread, and needles to put twenty millions in the Treasury and eighty millions in the pockets of the manufacturers? We are now paying nearly 3 cents per pound duty on sugar, or a tax of 75 cents to the person, annually, and while doing this we are protecting and increasing the prices of sugar made here, putting money into the pockets of the planters as well as the Treasury. (IX.)

The same year, in June, 1872, the (horizontal) reduction of 10 per cent. on manufactures was enacted. This reduction was injurious to the revenue and illogical in effect; it reduced the duty on bunting from 112 to 108 per cent., on spool-thread from 76 to 69 per cent., with other like absurd reductions; it was repealed a year ago, but not without adding a little more protection for manufacturers of silk and cotton mixed goods. This is in brief our tariff history for thirty years last past.

SHOULD OUR TARIFF BE MODIFIED?

The industry, trade, and commerce of the country should not be disturbed wantonly or upon any trivial pretext; the proposed modification can affect them beneficially only, and is a necessity demanded alike by the needs of the Treasury and the consumer. This necessity is best expressed by facts and figures of existing rates of duty taken from official sources. They are reduced to rates on the basis of value, though often laid in specific or double form. On printed calico we pay a duty of 71, on blankets an average of 78, on spool-thread 74, on woolen cloth 68, and on very many articles of chief use among the industrial and producing classes from 50 to 100 per cent., and this brief statement illustrates the exactions of the present tariff. (X.) Now, should such a tariff exist? How little is really known of the meaning of 60, 70, or 100 per cent. duties. Take, for example, the common print on which we levy 71 per cent. duty; if the Government levied its duties, as once the church did, in the form of tithes, and instead of making consumers pay in money for duties the Treasury would buy goods, what would be the result? The good wife going into a store to buy 15 yards of calico for a dress would have to buy exactly 25.65 yards, and the division would be 15 yards for her own dress and 10.65 yards for the Treasury. This is the meaning of a 71 per cent. duty.

Suppose a man required 200 feet of marble, he would buy 418 feet, out of which he might retain 200 feet and the Treasury get 218 feet. This is the meaning of 109 per cent. duty.

Suppose our patriotism at this centennial shall rise to the intensity of requiring for every home a flag made of 10 yards of bunting; we must buy each 21.7 yards of bunting, 11.7 yards of which we must render in a tax to this good Government of equal laws as an earnest of patriotism displayed by the other 10 yards flaunting in the breeze.

Take for further illustration the article of blankets. In 1870 we produced 2,000,439 pair, having an average weight of five pounds per pair, in all 10,002,195 pounds. Certainly we did not produce less than that quantity in 1875. Now turn to the imports of blankets. In 1875 we imported 9,992 pounds. The foreign value was $10,875.60; the duty collected thereon was $8,451.22, or an average of 78 per cent. Then we have protected over 10,000,000 pounds home-made blankets at an average rate of 78 per cent., and imported 9,992 pounds and got an incidental revenue of $8,451.

What does this protection of 10,000,000 pounds of blankets cost the people? Every pound of blanket is, at its very lowest calculation, made dearer in average fifty cents. Then the people are taxed $5,000,000 annually on their blankets, and the Treasury gets an incidental revenue of $8,451. I shall no doubt hear that blankets are now as cheap as they were before the war, and if the duty was off would be dearer than with the duty on. The real fact is that a pound of blankets costing in England fifty-three cents gold cannot be bought for less than $1.10 to $1.25 in New York.

It is true that we protect the blanket interest of this country. But suppose a proposition was made in this House to subsidize the blanket manufacturers and give them $5,000,000 annually, how would such a proposition be received? The result and operation of our tariff amount to the same thing, only that the subsidy is covered up in the shape of duties. The people are taxed all the same and have to pay it. What is true of this is true of almost every highly protected article. These illustrations but show that our tariff has for its object protection of the so-called home industries; any revenue derived from the highly taxed foreign commodities is incidental only. If members will but consider the enormous cost of this system of protection, the result of their consideration will be appalling. An examination as to quantities of cotton and woolen goods, iron, steel, and lead, and their manufactures, which we consume, and the average rate of duties on these articles will show that we consume about $900,000,000 in value of them, and, estimating increased price resulting from protection, if increased to the full extent of the rate of duty, will find it about $377,000,000, of which the Government gets $47,000,000, while $330,000,000 go in bounties to the protected. (XI.) In this connection, too, let it be remembered that our manufactures, all of which are highly protected, including those just enumerated, amount to more than $4,000,000,000. And this vast quantity—less about 2 per cent. exported—is consumed by our people at the increased cost resulting from protection.

These statements of facts and figures illustrate the logical and practical effect of excessive duties in the increased prices which the consumer must pay. We need hardly more evidence of this fact than that as often as you offer to lower rates of duty you incur the opposition and arouse the ire of the advocates of protection. If tariff duties did not enhance the cost and price of articles on which they are laid, it would seem that the gentleman from Pennsylvania introduced his bill for free silk machinery as an idle pastime.

As a rule the duty enters into the cost and price of the article on which it is laid; but the rule has its distributing causes, and cases taken for illustration may mislead. In some cases these excessive duties have given such a stimulus to the production of goods at home that the supply cannot find a market. Of course none are imported; hence the revenue upon these articles has ceased, but the cost of the home product is so great that none can be exported. The final result is, no revenue to the Government, ruin to the manufacturers, high-cost goods to the consumer.

In other cases the consumer pays 100 per cent. more than he need for his goods, the Government gets no revenue, but must find a productive tax somewhere else and some rich pauper fattens on the plunder thus filched from the pockets of the people.

Neither does it follow that the blanket manufacturers enjoy a profit of $5,000,000 which they would not otherwise obtain. This, like other protective industry, is far from prosperous. We have imposed taxes on wool and on all the materials used in the process, and on the food, fuel, and clothing of the operative, and thus consumed much of the profits in the increased cost of production.

LABOR AND WAGES.

The tariff oppression of this country from its earliest inception has called in an ally that has given it the most substantial aid and has been the least rewarded. This was, is, and perhaps may continue to be the wages of labor, the dread of the "pauper wages" of Europe in its supposed effect on the superior paid labor of our own country.

This delusion is as fallacious and shallow as other protection pretexts. Official figures show that the labor was only 18½ per cent. of

the actual cost of manufactures in 1870 when our tariff averaged 43 per cent., while in 1860, under a tariff of only 19 per cent. the labor was 20 per cent. of the cost of manufactures. (XII.)

If wages are high in the country that fact alone simply proves that labor is well employed and should therefore be let alone.

But it is not true that even if wages are higher in this country than in Europe therefore goods must cost more. It is skill and adaptation that assure low cost of production coupled with high wages to the workmen. If manufacturers have these qualifications they need no protection from a tariff; if they have them not, no tariff can save them.

The Congress of the United States may have great creative powers, but it cannot convert an imbecile infant into a stalwart self-sustaining and self-respecting man either by protection or privation.

The greatest of all fallacies is the dread of pauper labor in general. The wages in England are ten times as high as in India and China; five times higher than in Russia; double as much as in Germany, France, and the rest of Europe. Yet in every one of these countries the dearer labor of England competes successfully with their cheaper labor.

We have an example of this in the situation of our producers of surplus agricultural products. The land in Russia and on the Black Sea is much cheaper than in our Western States; the farm laborer earns indeed pauper wages, which is barely one-fifth of what it is in the West. Yet we must compete with our grain and do successfully compete in London and Liverpool markets with the grain of Russia and the Black Sea grown on cheaper lands and by labor costing one-fifth our own. And so we find that our system of protection, unequaled in the history of the tariff legislation for its enormous duties, and now five times as great as that of Great Britain, four times as great as that of France, six times that of Germany, more than twice as great as Russia or Spain, four times that of Italy, and twenty-five times that of Belgium, (XIII,) leaves the products of the grain and cotton fields to find a market in competition with pauper labor.

HOME MARKET.

The "home market" is another cheat and catch-word of the protectionists. After protection unequaled for half a generation the home market has not come to us, but is as far as ever removed from the fields of agriculture. Our surplus of grain has outgrown the wondrous growth of our population; it has not abated and will not abate. Uncounted millions have been given in protection on the false pretense of building a home market for the products of our fields, and to-day we are as far from it as before we began. Not only is this true of the country but it is true of Pennsylvania, the chief seat of protection. We now produce and export to the person about as much as in 1860. Pennsylvania produced in 1860 to the person 4¼ bushels of wheat and 9.7 bushels of corn, and in 1875 4½ bushels of wheat and 11⅛ bushels of corn to the person, and so the pretense of building a home market there for the products of grain fields is a sham and a cheat. In 1860 5 per cent. of our manufactures had to seek a foreign market; in 1875 only 2 per cent. found a market abroad, 98 per cent. at home; for manufactures protection has given a "home market." In 1860 not 10 per cent. of our agricultural products were exported for market, estimating by export of wheat and corn, and in 1875 22 per cent. of our whole agricultural product had to find a foreign market in competition with the products grown by that "pauper labor," against which we have been protecting ourselves at a cost of unnumbered millions; for agricultural products protection has not given and cannot give a "home market." (XIV.)

So long as men are dignified in sowing and in reaping, in planting trees and in helping them to grow, in owning their own labor, its products and its profits, our harvests will continue in excess of the demands of our people, our lands being in excess. And until we have reached our third centennial, when the State of Texas alone, still less densely populated than Belgium and parts of France, may contain a population equal to the present population of all the States; until we shall multiply and increase our 45,000,000 into 500,000,000 of people, agriculture will yield its 40 per cent. protection to manufactures in vain, for it will find no home market in return for its 40 per cent. of tribute.

TERMS AND PHRASES.

The terms used in describing the various articles imported and the names and classification thereof are those used in the Revised Statutes. Possibly the phraseology might be improved but the statutes have been in operation for nearly two years; very much of the descriptive language of tariff legislation has been in force since 1864; has received the interpretation of the Treasury Department or the courts and practical application by importers and customs officials; hence it is deemed unwise to do more than change rates of duty.

What the importing interests most desire and the Treasury most needs is stability, precision, and certainty, so far as attainable. To this end the language of existing legislation is in almost every instance employed, except in rates of duty, which is matter of computation only. (XV.)

SIMPLIFICATION AND REDUCTION OF RATES.

The chief merits of the bill are simplification of rates and reduction of rates.

Simplification is attained by sweeping away the double duties and bringing the rates to a strictly single, specific duty wherever practicable. The invention of double rates of duty is a means of hiding an enormous tax under a foggy complication, although it is sometimes insisted that wherever there is a double duty, one specific and one on the basis of value, the *ad valorem* rate is necessary to regulate and equalize the duty and bring it nearer to an equitable rate. If such is the object and it is a necessity, why keep a specific duty on the article? Why not make it altogether *ad valorem*, which will regulate the equity of the duty and simplify it as well?

The Treasury and the reputable merchants demand specific duties, *ad valorem* duties being open to dispute and undervaluation, resulting in collusion and fraud. The sweeping away of double duties everywhere and of *ad valorem* duties wherever practicable is an imperative necessity, and a single specific rate where it is possible to calculate values or classify articles a very wholesome reform. Yet it must be admitted that a uniform rate proportioned to the value of goods taxed is the most equitable of all tariffs, and should be adopted whenever the standard of official morality and accountability will justify it. Until then we are obliged to diminish the chances of undervaluations and fraud by levying duties in a specific form. (XVI.) Even now there might be no difficulty in imposing *ad valorem* duties if they are not too high; it is the high rates that make it pay to cheat. More revenue from lower rates, freer commerce, large exports; these should be the rules. Large imports at low rates would give ample revenue and would induce large exports. We cannot sell unless we buy, nor buy unless we sell.

The proposed reductions are believed to be moderate and consistent. There still remains an average duty of about 30 per cent. on cotton fabrics, about 25 per cent. on iron and steel, and about 40 per cent. on woolen fabrics. These duties are high yet and intended so to be, lest any radical reduction, when rates so high have prevailed so long, might seriously affect any of the great industrial interests of the country. The proposed rates afford still large incidental protection to the various manufacturing industries, larger in many instances than ever was had before the present tariff; estimated upon present values, quite as large as when the present duties were imposed wherever they are specific. And in the reductions of duty on raw material and in the free list manufactures find additional advantage and encouragement. None better know than the manufacturer that the present complicated and oppressive high tariff cannot last; he knows, too, that a change must come, and come speedily. It has been the purpose to present in this measure such a change in a spirit of fairness to all.

The reduction of rates results of course in a corresponding reduction of revenue unless cheaper rates bring increased importations. Increased importations, say the friends of protective monopoly, increase the foreign balances against us. This would be true, if the ships which bring foreign goods returned empty; not true, if they return with the cotton, corn, and other products of our grain-fields; not true, if commerce is an exchange which, to prevent its discontinuance, must be profitable to both parties to it; will not be true, until some means yet undiscovered shall be devised by which we can shut other nations out without shutting ourselves in. (XVII.)

BALANCE OF TRADE.

Foreign balances and balances of trade against us are some of the catch-words and false pretensions of protection. Once when this subject was being discussed I strayed over to the other side of the House. This is not a bad thing for one to do, for he may learn something there; but he must not stay too long, else he may learn too much. One of the front seats was then occupied by Mr. Hooper, a Massachusetts merchant, from whom I learned something of the balance of trade. He had shipped goods to China costing at Boston $8,000. These were sold at the port of destination for $50,000, and this was invested in goods there for shipment to the United States. These wares were sold in Boston for $100,000. Mr. Hooper had made $92,000; but the lists of imports and exports showed exports $8,000, imports $50,000. The balance of trade was against us, and we were on the highway to national bankruptcy because a citizen of the United States had exchanged $8,000 for $100,000. Mr. Hooper said that, though a "loyal man," he could not exactly see how this transaction had injured the country, and he made another venture with $100,000 in home exports. This time, when he had exchanged his goods at the foreign port for others valued at $200,000, and these had been shipped for the port of Boston, the ship, goods, and invoices went down in midocean. The customs lists showed $100,000 exports, no imports, and the balance of trade was in our favor—the country was prosperous. Let gentlemen, alarmed by the foreign balances against us, go to work and sink the ships laden with commodities received in profitable exchange for our products. This will appease their patriotism, settle the balance of trade in our favor, and is about as honest as the mode adopted by protectionists for accomplishing the purpose.

EFFECT ON REVENUE.

Upon the basis of importations of the last fiscal year (counting upon no increased importation) the loss or reduction of revenue below that of last year from change of rates amounts to $12,182,454.53. (XVIII.) The loss of amount (less than a half million) received from articles placed on free list is entire.

As to other articles which pay high rates, reduction of rates will increase importations and revenue. High rates are only productive

of revenue in prosperous times, when revenue is abundant from other sources. To prove this it is only necessary to turn to the reports of receipts for the few years last past. Take, for example, the article of combing wool, as necessary to the life of woolen manufactures as is our daily bread to human life. When in 1872–'73 prosperity and abundance, real or apparent, were everywhere and the Treasury was overflowing, we received from this wool nearly $5,000,000. In the last year hard times came along; the Treasury was depleted; we received from this wool less than $620,000, one-eighth the amount and under the same tariff. (XIX.)

It has already been shown how the Walker tariff of 1846, which reduced the rates from 32½ to 25 per cent., (or one-quarter,) increased the revenue from thirty millions in 1845 to sixty-four millions in 1856.

It might be shown that when in 1872 consumption was most abundant the rates on salt were reduced from 18 to 8 cents, or more than 100 per cent.; the revenue fell off only about 25 per cent. in 1874 when consumption was restrained by financial oppression. (XX.)

It might be shown, too, that many articles are not imported, the duties on them being so high as to be prohibitory or nearly so. One of these is the article of blankets in common use, upon which the duty is 95 per cent. and on which we receive only about $8,000. When they shall be admitted at such rate as to be sold at a profit the revenue must be tenfold. (XXI.) The same is true of all overtaxed articles, and the loss of revenue from the proposed reduction of rates of duty is an assumption not warranted by the reason of the thing or the facts of the case. In this connection I desire to present some statements as to the details of the bill under consideration and the provisions of its several sections. By permission of the House I will publish these, together with some tables of statistics in illustration and support of my remarks, as an appendix thereto. (XXII.)

TIME FOR REFORM.

It has been urged by the opponents of tariff reform and even by tariff reformers that the time is not propitious for a tariff reform. If our present tariff is an outrage, an enormity, what better time than the present for a reform? The present law is either wise, just, and equitable, and therefore needs no change, or it is complicated, wrong, and oppressive, and cannot be changed too soon.

It is urged against any tariff modification that it is impolitic with the presidential election pending, upon the result of which it might have great effect. Assuming that any revision or simplification is needful, postponement for any such reason only evinces a purpose to deceive our friends that we may gain or retain power under false pretenses.

Again it is urged that in the present prostrate condition of all industrial and commercial interests, with factories idle and manufacturers becoming bankrupt, laborers out of bread and out of work under the present system, yet it must not be changed; but these facts give the most potent of all reasons why a tariff fifteen years in force, and under which we have come to this condition, should be changed. The fact is that to the opponents of tariff reform there is no fitting time for reform.

In 1872, when the country was seemingly most prosperous and revenue abundant, a tariff reform was urged. The gentleman from Pennsylvania, then and now on the Ways and Means Committee, with all his great power of eloquence and persuasion, urged the general prosperity of the country as the greatest of all reasons against a change in the tariff. A majority of the Committee of Ways and Means, through Mr. DAWES, its chairman, then reported a bill proposing some relief from the odious exactions of the existing law. Of that bill the gentleman from Pennsylvania [Judge KELLEY] spoke in the following terms of obloquy:

> The majority bill comes before us as a waif, fatherless, without parentage; it is in truth *nullius filius*. * * * It is wanting in form and comeliness; and if it has a spirit it is an evil one that bodes no good to the country.

No doubt he will speak of the bill under consideration in some such choice terms peculiarly his own. If such terms were employed against a measure coming from a committee of his own party proposing relief from a "war measure, a temporary measure," what may we not expect him to say of the pending measure?

Then, too, the leagues of iron-masters sent to Congress and presented through him their petition to be saved from the efforts they alleged of persons "whose views, while purporting to be guided by regard for American interests, suspiciously resemble those of foreign manufacturers," and from the fiendish machinations of "free-trade leagues" and "Cobden clubs" to influence American legislation, because protection had, said the iron-masters, made the country so prosperous. Doubtless we shall hear now again of the baneful influence of "free-trade leagues" and "Cobden clubs" because the country, in spite of the saving power of high tariffs, is on the road which leads away from prosperity.

It was then, too, (May 1, 1872,) that the gentleman from Pennsylvania drew the following glowing picture of what protection had done for his constituents. He said:

> Would that the gentleman from Illinois, [Mr. McNeely,] who spoke yesterday of their hopeless condition and the squalor in which they dwell, would spend a week with me in my home and look from my windows upon the clean brick houses with little gardens in the front and rear, with parlors well furnished, and many of them with a piano or melodeon, or other musical instrument; with their rooms lighted by gas and heated by patented processes; with bath-rooms supplied with hot and cold water, flowing every minute in the year. These, sir, are the houses in which our workingmen dwell, and thousands of which they own; many of them are under the shadow of the public-school house and the church, to the support of which the occupants freely and liberally contribute. A visit to a few hundred such homes would change the gentleman's opinions and convince even him that protection is the right of the laborer and a boon to the consumer.

This picture he presented as the result of protection and urged as a reason why it should remain untouched. Now hear what the Iron and Steel Association, summoned by him to testify in March of this year, say:

> With failure upon failure of our most experienced and respected iron-masters announced in the public prints from day to day, with wages of iron-workers necessarily reduced so low that they and their families can scarcely escape destitution and starvation, the American Iron and Steel Association is astounded to learn that a reduction of duties on foreign iron is seriously contemplated by the Ways and Means Committee, and it respectfully, through you, protests against such action.

And so four additional years of protection and oppression have converted these happy homes of "clean brick houses" into homes of men whose wages are so low that they can scarcely escape "destitution and starvation;" and still protection and oppression are unrelenting. If the testimony of the association, the witnesses summoned by the gentleman, as to the "destitution and starvation" which threaten the workmen of Pennsylvania is to be credited, it is reasonable to infer that the "clean brick houses" of workingmen are not the happy homes they once were; their musical instruments will probably tell of little happiness while "starvation and destitution" threaten its inmates; for "hot and cold water" some tears may be "flowing every minute in the year." With all this changed condition in four years who shall say that that squalor of which Mr. McNeely spoke will remain away from these homes if this system is to continue? Yet the gentleman from Pennsylvania and his witnesses "hope the committee will allow the duties on iron and steel and all other manufactures to remain as they are until the country recovers from its present widespread prostration."

Still another reason was then urged by him for keeping up protection, which he asserts is no taxation; he wanted to abolish all internal taxes, as he then said:

> So that in 1876, when our customs revenue, as I believe it will, shall have reached $230,000,000 per annum, and our interest account shall have been greatly reduced, the world may assemble to celebrate our one hundredth birthday and find America a free and untaxed nation. That is possible, and that I aim at accomplishing.

This prophecy this very year will fall about $100,000,000 short of fulfillment; but $100,000,000 is as near fulfillment as could be expected of a prophet who standing in the United States Congress talks two hundred and thirty millions into the Treasury of an "untaxed nation." So much of "the world" as may assemble to celebrate our one hundredth birthday will find us, not "untaxed," but about the best taxed nation on the globe. Still the advocates of protection are unrelenting. Then we must not touch the tariff because the country was prosperous; now we must not touch it because it is not prosperous. With them there is no fitting time to loosen the hold which selfish greed has made so firm.

Ought we not, therefore, consider whether these high and in many instances prohibitory duties shall remain? If revision is needed, the present is the most fitting time to rectify a too long continued wrong.

NEEDS OF REVENUE.

Sir, there is another grave matter worthy our consideration in this connection, involving the faith of the nation and the good name of its people. This is the needs of the Government for current expenditures and to meet the requirements of the public debt. Without a revision of customs duties, new objects of taxation must be found, or new loans and additional interest-bearing burdens created. This opinion is shared by many thoughtful men of all shades of political opinion, as well as by part of the press, having no great sympathy either with free trade or the party that has hitherto urged it.

The New York Times is usually conducted with as much of fairness as is compatible with the support, defense, and apology it has lately been called upon to make for its party. In reviewing the commercial situation and the unsatisfactory condition of our import, export, and carrying trade, it concludes an article on 17th of April as follows:

> The tariff has recently received little consideration as a disturbing element in our foreign commerce. Nevertheless the constant and rapid decline in the receipts from customs must before long command the serious attention of Congress and the country. For the last four years the customs revenue has been as follows:

1872	$216, 370, 287
1873	188, 089, 523
1874	163, 103, 834
1875	157, 167, 722

> For the current year, ending June 30, the receipts can barely reach $150,000,000, and may fall below that sum. In 1874 and 1875 they fell below those of any preceding year since the close of the war. The very large imports from Europe into Canada afford a strong presumption of smuggling on a considerable scale across our northern border, and it certainly is an open question whether diminishing the duties is not, in the present case, the only effective method of increasing the revenue. The foreign trade of this and all the other great commercial cities of the country depends for its very existence on the interchange of our productions for those of other countries. Now that the imports have dwindled to a little more than half their volume four years ago, and the export trade partakes more and more of the nature of a sheriff's sale, we suggest to the interests threatened with destruction the propriety of giving the matter of tariff legislation a little serious thought. Nothing probably can be hoped for from the present Congress, but the time is at hand for the nomination of Representatives, and in many cases efforts to nominate capable and earnest men would not be thrown away.

And the same paper, in its issue of May 9, further says:

> Considered either as an instrument for stimulating manufactures or securing a revenue for the Government, our present scale of duties on imports is by far too nearly prohibitory.

To this statement of the Times, which states last year's revenue from customs three millions too great, it may be added that the imports of the current year, as shown by returns for first three quarters, will fall 11 per cent. below last year's imports, which, but for increased rates laid on by last Congress, would reduce the revenue to $137,000,000; and with the 10 per cent. increased taxation re-imposed by last Congress our customs receipts will fall ten millions below last year's receipts. Ten per cent. increased protection results in ten millions decreased revenue. (XXIII.) Here is an admission that "the constant and rapid decline in the receipts from customs must before long command the serious attention of Congress and the country;" that "it certainly is an open question whether diminishing duties is not in the present case the only effective method of increasing the revenue;" that "the imports have dwindled to a little more than half their volume four years ago, and the export trade partakes more and more of the nature of a sheriff's sale;" that "our present scale of duties on imports is by far too nearly prohibitory for stimulating manufactures or securing a revenue." And "nothing probably can be hoped for from the present Congress," says the Times, in the matter of tariff legislation. Why nothing from this Congress? And if not from this, from what Congress may we expect something? Certainly we have nothing to expect in the matter of tariff legislation from a Congress (if we shall ever again have one) representing the party which imposed the present duties under pretext of the necessities of war, and maintained them in disregard of the requirements of peace.

SIMPLE TARIFF FOR REVENUE ONLY.

We repeat, the present tariff is a failure; that it promotes fraud, invites smuggling, offers a premium to unfaithful officers, and that it serves fitly neither the purpose of revenue nor protection. Yet its reform is a work of much difficulty. It worked injustice and wrong in its enactment, and some injury is unavoidable in its repeal or modification.

Branches of industry have been forced into unnatural conditions during its continuance, and innocent persons may suffer even from the removal of its abuses; hence the changes we advocate are moderate, but our purpose is to open the way for a moderate, simple tariff for revenue only.

It is often erroneously urged that we must maintain high rates of duty upon a great number of articles in order to get a sufficient customs revenue.

The proposition of obtaining more than $150,000,000 of revenue from customs, with the least interference in the pursuits of the people, would be a very simple one, could we now take up the question unbiased by theory and free from present conditions. We should lay down in advance a few simple principles, bearing in mind—

That *tariff* is another name for *taxation;* and that all taxes upon foreign imports are paid by consumers in the proportion of their consumption;

That there is no article of domestic production whatever into which some article of foreign origin does not enter as an element of cost;

That the cost of all domestic products is therefore increased by the imposition of tariff taxes on foreign imports;

That all tariff taxes should therefore be placed upon articles which enter *directly* into consumption, and not on those which enter into the processes of industry. No tax should be laid on the process of industry, all taxes should come from results;

That since all taxation works more or less to the privation of the citizen, taking as it does a portion of his property, the endeavor should be made to take by taxation a portion of the things that can best be spared;

That taxation should interfere as little as possible with the freely chosen pursuits of the people.

The people of the United States, being in possession of the largest body of productive land of any civilized nation, and dealing with it on the whole with intelligence, have the greatest consuming power as to foreign comforts and luxuries of any nation, hence they can pay the largest customs revenue with the least hardship, provided the duties are intelligently imposed.

It is a common error or misstatement to suppose that our imports consist in any great degree of luxuries. On the contrary, an analysis of our imports will show that they are made up about as follows: Of articles of necessity, 22 per cent.; of articles of luxury, 9 per cent.; of articles of comfort, 35 per cent.; of textile fabrics, wares, &c., 34 per cent.; and that in 1869 we received revenue from these several classes as follows, (XXIV:)

From articles of necessity	$43,000,000
From articles of comfort	55,000,000
From articles of luxury	21,600,000
From textiles, and wares, glass, &c.	54,500,000

Our population is now seven or eight millions more than in 1869; hence, under the same rates and conditions the revenue would be at least 25 per cent. greater.

We might therefore place in the free list all articles of necessity that enter into the processes of industry; we would tax the articles of comfort at low rates in order to get the most revenue from the largest consumption; we would tax articles of luxury within such limits as not to induce smuggling and not to impair our power of exporting and exchanging commodities for them. If, having made necessities free, comforts and luxuries failed to yield enough, then we would tax the textiles, china, glass, paper, and the like at such moderate rates as would interfere least with their imports and give the least possible stimulus to the diversion of industry from other pursuits to their manufacture, always remembering that where protection begins revenue ceases.

The consuming power of the masses of Great Britain is small compared to that of the people of our own country, *and it must always be remembered it is the multitude who pay tariff taxes, not the few who own property.* Yet Great Britain, with a population of about 32,750,000 in 1874, raised a customs revenue of £19,508,942, or $97,519,710, from only twenty articles, namely:

Spirits, brandy, and wines	£5,619,031
Tobacco and snuff	7,522,207
Tea	3,435,586
Chiccory, cocoa, husk, and choc	103,987
Coffee	199,205
Molasses	1,927
Currants, figs, plums, prunes, and raisins	490,258
Sugar	502,608

and having a surplus revenue that year abated all duties on sugar.

If we assessed the same articles in the same manner, the greater purchasing and consuming power of our people would give a much larger revenue per head, which, taken in connection with our larger population, would carry our revenue from customs on the same system almost if not quite up to the sum we need. But as we could not obtain so much customs revenue from tobacco, being home producers of that article, a surplus revenue duty not exceeding 10 or possibly 15 per cent. on textile fabrics and other goods ready for consumption would give us more than all we need. But we cannot hope to attain this end except by moderate and successive steps, of which the pending measure is presented as the first. It may contain some errors, possibly some inconsistencies. It is by no means such a complete readjustment of the tariff as is demanded, but it is a step in the right direction, a promise of better things to come, a means to a great end which we shall surely reach, and to which, if we are not led by reason and justice, we shall be forced by necessity.

APPENDIX.

I.—*List of trades given by Sir Josiah Child, in 1692, as lost to England by reason of her navigation acts and protective policy.*

1. The Russia trade, where the Dutch had last year twenty-two sail of great ships and the English but one.
2. The Greenland trade, where the Dutch and Hamburgers have yearly at least four or five hundred sail of ships and the English but one last year and none the former.
3. The great trade in salt from Portugal and France, and salt, wine, and brandy, to the easter lands.
4. All that vast and notorious trade of fishing for white herrings upon our own coast.
5. The east country trade, in which we have not half so much to do as formerly, and the Dutch ten times more.
6. The trade in wool to Bilboa.
7. Their great trade to China and Japan, whereof we have no share.
8. The trade to Norway.
9. A great part of the plate trade and many more.

TARIFF OF 1846.

II.—*Classification of articles with rates of duty under the Walker tariff of* 1846.

On brandy and other spirits, 100 per cent. *ad valorem.*
On tobacco, wines, &c., 40 per cent. *ad valorem.*
On iron, silks, woolens, &c., 30 per cent. *ad valorem,*
On matting, jute, cotton fabrics, &c., 25 per cent. *ad valorem.*
On chemicals, drugs, paints, &c., 20 per cent. *ad valorem.*
On raw silk, bar iron, &c., 15 per cent. *ad valorem.*
On furs, gums, books, &c., 10 per cent. *ad valorem.*
On raw material, as dyes, ores, &c., 5 per cent. *ad valorem.*
The average rate of duty under this tariff was 23½ per cent. *ad valorem.*
Under this tariff the following articles, among others, were free: Animals for breed, coffee and tea, copper-ore, garden and other seeds, trees, shrubs, bulbs, plants, and roots, &c.

TARIFF OF 1857.

III.—*The duties as fixed by the Walker tariff in* 1846 *were reduced in* 1857 *as follows:*

Articles.	1846.	1857.
	Per cent.	*Per cent.*
On brandy, spirits, &c.	100	30
On tobacco, wines, &c.	40	30
On iron, silks, woolens, &c.	30	24
On matting, jute, cottons, &c.	25	19
On chemicals, drugs, paints, &c.	20	15
On raw silk, bar-iron, &c.	15	12
On furs, gums, books, &c.	10	8
On raw material, as dyes, ores, &c.	5	4

The average duty under the tariff of 1857 was 19 per cent. *ad valorem.*

IV.—*Table showing imports, total, dutiable, and free, with amounts to the person for* 1860 *and* 1875.

	1860.	1875.
Population	31,443,321	44,060,000
Importations	$362,166,254 00	$547,050,117 00
To the person	11 51	12 41
Dutiable	279,872,327 00	379,795,113 00
To the person	8 90	8 61
Free	90,841,749 00	167,255 004 00
To the person	2 88	3 80

Average rate dutiable for the year 1860, 19 per cent.; for 1875 45 per cent.

The total imports to the person in 1875 were	$12 41
The total imports to the person in 1860 were	11 50
Excess of imports to the person in 1875	91
Dutiable imports to the person in 1860	$8 90
Dutiable imports to the person in 1875	8 61
Excess of dutiable imports in 1860	29
Free imports to the person in 1875	3 80
Free imports to the person in 1860	2 88
Excess to the person in 1875	92

V.—*List of first double duties, with rates and articles on which levied, under Morrill tariff of* 1861.

Clothing per pound, 12 cents and 25 per cent. *ad valorem.*
Colored and printed calico per square yard, 1¼ to 4½ cents and 10 per cent. *ad valorem.*
Iron wire above ¼ inch per 100 pounds, 75 cents and 15 per cent. *ad valorem.*
Iron wire thinner than No. 16, not above 25, $1.50 and 15 per cent. *ad valorem.*
Iron wire thinner than No. 25, $2 and 15 per cent. *ad valorem.*
Steel wire, No. 16, per pound, 2 cents and 15 per cent. *ad valorem.*
Steel wire, above No. 16, per pound, 2½ cents and 15 per cent. *ad valorem.*
Worsted yarn per pound, 12 cents and 15 per cent. *ad valorem.*
Worsted yarn per pound, 12 cents and 25 per cent. *ad valorem.*
Blankets per pound, 6 cents and 10 per cent. *ad valorem.*
Blankets per pound, 6 cents and 25 per cent. *ad valorem.*
Blankets per pound, 12 cents and 20 per cent. *ad valorem.*
Cloth per pound, 12 cents and 25 per cent. *ad valorem.*
Woolen shawls per pound, 12 cents and 26 per cent. *ad valorem.*
Manufacture of wool per pound, 12 cents and 25 per cent. *ad valorem.*

VI.—*Statement showing increase of "Morrill tariff" duties by tariff of July* 14, 1862.

Articles.	1861.	1862.
Clothing	12c. p. lb. and 25 p. ct. *ad valorem.*	18c. p. lb. and 30 p. ct. *ad valorem.*
Woolen goods	12c. p. lb. and 25 p. ct. *ad valorem.*	18c. p. lb. and 30 p. ct. *ad valorem.*
Files		2c. p. lb. and 35 p. ct. *ad valorem.*

The number of articles receiving double duties were increased by this tariff of 1862, more cotton goods coming in for a double duty of 2 cents per pound and 35 per cent. *ad valorem.*

VII.—*Statement showing increase of rates of duty in* 1867, *two years after end of war, pursuant to an agreement, as is alleged, between the wool-growers and wool manufacturers.*

Woolen fabrics, from 24 cents per pound and 35 per cent. *ad valorem* to 40 cents per pound and 35 per cent. *ad valorem.*
Woolen fabrics, from 24 cents per pound and 40 per cent. *ad valorem* to 50 cents per pound and 40 per cent. *ad valorem.*
Woolen dress-goods, from 4 cents per square yard and 30 per cent. *ad valorem* to 6 cents per square yard and 35 per cent. *ad valorem.*
Bunting, 50 per cent. *ad valorem* to 20 cents per square yard and 35 per cent. *ad valorem.*
In short, all woolen fabrics were raised 30, even 60 and 70 per cent. in addition to former rates, bunting by the above rates being now 112 per cent. *ad valorem.*

VIII.—*Tariff changes of July* 14, 1870, *showing how many duties which produced revenue were reduced, and duties which protected manufacturers were raised.*

REDUCED.

Tea.	Sirup.	Green fruit.	Scrap-iron.
Coffee.	Spices.	Dried fruit.	Coir rope.
Cocoa.	Wines.	Opium.	Gunny-cloth.
Sugar.	Brandy.	Rape-seed.	Gunny-bags.
Molasses.	Cordial.	Pig-iron.	Aniline dyes

RAISED.

Articles.	From—	To—
Flax	$15 00 per ton	$20 00 per ton.
Tow-flax	5 00 per ton	10 00 per ton.
Sun-hemp	15 00 per ton	25 00 per ton.
Jute-butts	6 00 per ton	10 00 per ton.
Liquor bottles	2 cents	3 cents.
Ultramarine	25 per cent. *ad valorem.*	6 cents per pound.
Watches	20 per cent. *ad valorem.*	25 per cent.
Nickel	15 per cent. *ad valorem.*	30 cents per pound.
Linseed-oil	23 cents per gallon	30 cents per gallon.
Seal-oil	10 per cent. *ad valorem.*	20 per cent. *ad valorem.*
Cotton-seed oil	20 per cent. *ad valorem.*	30 per cent. *ad valorem.*
Flaxseed	16 cents per bushel	20 cents per bushel.
Grindstones, rough	10 per cent. *ad valorem.*	$1 50 per ton.
Grindstones, finished	20 per cent. *ad valorem.*	$2 00 per ton.
Marble	50 per cent. *ad valorem.*	25c. p. ft. and 30 p. c. *ad valorem.*
Hair-cloth	30 per cent. *ad valorem.*	40 per cent. *ad valorem.*
Buttons	40 per cent. *ad valorem.*	50 per cent. *ad valorem.*

IX.—*Statement of coffee, tea, and sugar entered into consumption, &c., during the fiscal years ending June* 30, 1867 *to* 1875, *inclusive.*

Articles.	Population.	Total consumption.	Average rate of duty.	Total duty.	Consumption per capita.	Duty per capita.
COFFEE.		*Pounds.*			*Pounds.*	*Cents.*
1867	36, 211, 000, (estimated.)	172, 741, 780	5 c. per lb.	$8, 637, 089	4. 78	24. 00
1868	36, 793, 000, (estimated.)	212, 379, 267	5 c. per lb.	10, 637, 859	5. 77	28. 91
1869	37, 756, 000, (estimated.)	230, 814, 377	5 c. per lb.	11, 540, 762	6. 11	30. 55
1870	38, 558, 371, (enumerated.)	253, 571, 665	5 c. per lb.	12, 694, 434	6. 57	32. 92
1871	39, 555, 000, (estimated.)	294, 932, 619	3. 72 c. per lb.	10, 969, 149	7. 45	27. 70
1872	40, 604, 000, (estimated.)	239, 737, 535	3 c. per lb.	7, 192, 126	5. 90	17. 71
1873	41, 704, 000, (estimated.)	401, 956, 179	Free		9. 64	
1874	42, 856, 000, (estimated.)	285, 569, 219	Free		6. 66	
1875	44, 060, 000, (estimated.)	317, 017, 309	Free		7. 19	
Total of nine years	358, 097, 371, (estimated.)	2, 408, 719, 950				
Average per year	39, 788, 597, (estimated.)	267, 635, 550			6. 73	
TEA.						
1867	36, 211, 000, (estimated.)	34, 135, 216	25 c. per lb.	8, 533, 804	0. 94	23. 00
1868	36, 793, 000, (estimated.)	37, 545, 734	25 c. per lb.	9, 414, 664	1. 02	25. 59
1869	37, 756, 000, (estimated.)	39, 141, 756	25 c. per lb.	9, 785, 439	1. 04	25. 90
1870	38, 558, 371, (enumerated.)	40, 812, 189	25 c. per lb.	10, 203, 048	1. 05	26. 62
1871	39, 555, 000, (estimated.)	46, 972, 788	17. 72 c. per lb.	8, 322, 995	1. 19	21. 04
1872	40, 604, 000, (estimated.)	34, 224, 493	15 c. per lb.	5, 133, 674	0. 84	12. 64
1873	41, 704, 000, (estimated.)	106, 423, 558	Free		2. 55	
1874	42, 856, 000, (estimated.)	54, 410, 055	Free		1. 27	
1875	44, 060, 000, (estimated.)	64, 708, 079	Free		1. 47	
Total of nine years	358, 097, 371, (estimated.)	458, 373, 868				
Average per year	39, 788, 597, (estimated.)	50, 930, 429			1. 28	
SUGAR, (brown and other.)						
1867	36, 211, 000, (estimated.)	936, 786, 240	3. 04 c. per lb.	28, 500, 220	25. 87	78. 90
1868	36, 793, 000, (estimated.)	997, 298, 331	3. 04 c. per lb.	30, 359, 400	26. 97	82. 51
1869	37, 756, 000, (estimated.)	1, 007, 625, 757	3. 04 c. per lb.	30, 645, 355	26. 69	81. 17
1870	38, 558, 371, (enumerated.)	1, 183, 077, 730	3. 04 c. per lb.	35, 958, 292	30. 68	93. 25
1871	39, 555, 000, (estimated.)	1, 166, 394, 288	2. 54 c. per lb.	29, 690, 522	29. 48	75. 06
1872	40, 604, 000, (estimated.)	1, 346, 942, 550	2. 07 c. per lb.	27, 876, 769	33. 17	68. 65
1873	41, 704, 000, (estimated.)	1, 378, 498, 832	2. 05 c. per lb.	28, 226, 309	33. 05	67. 68
1874	42, 856, 000, (estimated.)	1, 511, 456, 915	2. 01 c. per lb.	30, 492, 687	35. 27	71. 15
1875	44, 060, 000, (estimated.)	1, 575, 893, 938	2. 13 c. per lb.	33, 380, 643	35. 76	75. 76
Total of nine years	358, 097, 371, (estimated.)	11, 103, 974, 581				
Average per year	39, 788, 597, (estimated.)	1, 233, 741, 620			31. 01	

In 1875, with a population of 44,060,000, we had an importation of 317,017,309 pounds of coffee, which, with a tariff of 3 cents per pound, would yield a revenue of $9,510,519, or a duty of 21 cents to the person.
The same year our importation of tea was 64,708,079 pounds, and this, with a duty of 15 cents per pound, would yield a revenue of $9,706,211, or 22 cents to the person. We should thus secure a revenue of nearly $20,000,000 on these two articles alone, with a tax to the individual of only 43 cents per year.

X.—*Statement showing exorbitant rates under present tariff.*

	Ad valorem rate.		*Ad valorem rate.*		*Ad valorem rate.*		*Ad valorem rate.*
Aniline dyes	51	Magnesia, carbonate	63	Cotton yarn	58	Wire-rope	48
Barytes	59	Soda acetate	68	Window-glass	54	Wrought piping	71
Chloroform	150	Printed calico	71	Band and hoop iron	41	Files over 10 inch	54
Collodion	100	Printed calico	51	Band and hoop iron	60	Machine-needles	46
Licorice paste	70	Spool-thread	74	Round iron coils	49	Pig lead	42
				Screws	60	Marble, 2 inch	110
				Wire under 25	52	Marble, 3 and 4 inch	166

	Ad valorem rate.		Ad valorem rate.
Paints blanc fixe	89	Blankets	82
Ultramarine	43	Blankets	85
Whiting, (Paris white)	189	Blankets	91
Lead-pencils	58	Blankets	95
Metallic pens	53	Flannels	67
Silks	60	Flannels	81
Starch	56	Flannels	86
Varnish	71	Flannels	91
Raw wool, first class	45	Woolen hosiery	51
Raw wool, first class	50	Woolen hosiery	79
Washed wool	56	Woolen manufactures	77
Washed wool	63	Woolen manufactures	80
Wool, second class	42	Woolen manufactures	89
Wool, second class	50	Woolen manufactures	91
Carpets	50	Woolen shirts and drawers	56
Carpets	65	Woolen shirts and drawers	84
Carpets	67	Woolen shirts and drawers	91
Carpets	75	Bunting	117
Carpets	96	Woolen cloth	68
Woolen dress goods	61	Woolen hats	88
Woolen dress goods	63	Woolen hats	97
Woolen dress goods	69	Shoddy and woolen rags	80
Woolen dress goods	84	Shoddy and woolen rags	102
Blankets	77		

XI.—*Table showing volume of manufactures produced and consumed in the United States in 1870 or 1875, with rates of duty which enter into their cost and price.*

	Cottons.	Metals.	Woolens.	Total.
Home manufactures	$300,000,000	$370,000,000	$250,000,000	
Imports	30,000,000	21,500,000	50,300,000	
Exports	5,000,000	19,500,000	300,000	
Home consumption	225,000,000	372,000,000	300,000,000	
Paid as tax in customs	9,044,891	4,723,101	31,053,946	$44,821,848
Paid manufacturer as protection	74,205,199	129,196,899	136,946,054	340,348,152
Average rate	37%	36%	56%	

In 1870 the total manufactures of the United States (and they are no less now) were $4,232,325,442, all of which are protected at an average rate of 45 per cent. Exported, $95,276,403, and consumed the remainder, $4,137,049,038. If manufactures of this value consumed by us each year were imported from a foreign market the duties to be paid on them would be $1,861,672,067, which would go into the Treasury; but as they are made at home and protected, whatever increased cost results from protection goes to the manufacturer.

XII.—*Table showing that in 1860 with low tariff the wages were 21 per cent. of the cost of manufactured articles, and in 1875 with high rates of duty the wages only 18 per cent. of the cost of manufactured articles.*

	Total United States production.	Wages.	Ratio of wages to cost.
			Per cent.
1860	$1,885,861,676	$378,878,906	21
1870	4,232,325,442	775,584,343	18

The protection at present rates is double the value of labor in manufactured articles. The wages are now 20 per cent. lower than in 1870; yet then, in one hundred dollars' worth of goods, there was but $18 labor and the rest, $82, material, &c., with an average duty exceeding 40 per cent.; while in 1860 with an average rate of duty of 19 per cent. the value of wages in manufactured goods was 21 per cent.

XIII.—*Statement showing imports, duties, and rates of duties of various countries.*

Years.	Countries.	Imports.	Amount of duties.	Average rate.
1873	France	$710,960,000	$43,630,803	6.37
1873	Germany	751,100,000	33,588,250	4.41
1873	Russia	337,176,977	42,233,277	12.51
1873	Belgium	284,540,000	4,292,000	1.50
1874	Austria-Hungary	271,488,000	10,236,768	3.77
1874	Italy	258,600,000	20,113,018	7.77
1874	Spain	76,400,000	10,587,218	13.86
1874	Great Britain	1,850,413,505	96,712,210	5.22
1875	United States	547,050,117	154,554,982	28.25

NOTE.—The above rates are estimated on total imports; the rate on imports paying duties in the United States averages 45 per cent.

XIV.—*Statements showing that a greater portion (98 per cent.) of manufactured articles found a market at home in 1875 than in 1860, when 95 per cent. went abroad, while more agricultural products had to seek a foreign market in 1875 (22 per cent.) than in 1860, (then 10 per cent.,) and that even the highly-protected State of Pennsylvania continues to produce sufficient grain for her own consumption, or nearly so, as in 1860.*

HOME AND FOREIGN MANUFACTURES.

Year.	United States manufactures.	Export of manufactures.	Percentage of export.
1860	$1,885,861,676	$95,276,403	5 per cent.
1875	4,232,325,442	78,344,208	2 per cent.

UNITED STATES PRODUCTIONS AND EXPORTS.

Year.	Wheat of the United States.			Corn of the United States.		
	Produced.	Exported.	Percentage of export.	Produced.	Exported.	Percentage of export.
	Bushels.	Bushels.		Bushels.	Bushels.	
1860	173,104,924	17,213,133	9.9	838,792,742	4,248,991	½ of 1 per cent.
1875	219,333,395	72,802,605	33.2	1,291,043,964	30,025,036	2½ per cent.

PENNSYLVANIA PRODUCTIONS.

Year.	Wheat.	To the person.	Corn.	To the person.
	Bushels.	Bush.	Bushels.	Bush.
1860	13,042,165	4½	28,196,821	9.7
1875	15,200,000	4½	44,000,000	11¼

Protection has failed to create a home market for agricultural products, either in the highly protected State of Pennsylvania or in the country.

XV.—*Statement as to terms employed and language used in preparation of tariff bill.*

In the bill the committee adopted the words and phrases used by Congress in the Revised Statutes to describe articles imported into the United States.

There is reason to believe that the revision is not in all particulars a faithful transcript of the language previously used by Congress, and which it was the purpose of the revision to codify.

In a few instances, possibly in many, the language of the statutes, or its interpretation by the customs officers, has imposed a higher rate of duty than was levied by the Treasury Department on a similar article before the Revised Statutes took effect. They have now been in force for nearly two years and much of them pertaining to tariffs twelve years; the committee retained this description and classification of imported articles as they stand in existing laws, that the importing interest of the country may have permanence and certainty.

Tariffs are made, or ought to be made, for the guidance of business men. So long as the United States cultivate commercial relations with foreign countries it is due to foreign manufacturers and to our own consumers that the description of imported articles in tariff acts be not changed when it can be avoided.

Duties upon imports are in effect taxes upon the consumer. These taxes can only be collected by authority of law, and, as in other cases, matters of doubt and uncertainty must be decided in favor of the tax-payers. The importer has a right to claim that Congress shall specify the article which is to be the subject of the duty and the rate of the duty in such clear and precise terms that business men can understand them.

When there is doubt as to whether terms used in a tariff law include imported articles and the question is matter for judicial determination, reference is always made to persons familiar with the character and quality of the merchandise in question to ascertain what was the intention of Congress. The committee believe that as to most of the articles now known to trade and commerce about which there is any ambiguity in the language of the Revised Statutes, the questions have been either discussed and disposed of by the Treasury officials or the courts, so that the importing community understand what meaning the Government puts upon the phraseology used in existing laws. And it is for this reason that the committee have in almost every instance adopted the language of existing legislation, the character, quality, and description of the article in question being conceded.

It is believed that, aside from the rates of duty, it would be almost impossible to frame a new tariff law enumerating either generally or specially all the possible articles to be brought from foreign countries, without involving the Government and importers in litigation undesirable to both.

It is very natural that in the interpretation of new terms, and in questions of commercial designation which are oftentimes intricate, the officer seeking to protect the Treasury may exact the highest rate, leaving the aggrieved importer to his rights in a court and subsequent decision of the Treasury Department.

The existing tariff laws also provide severe penalties of forfeiture for an intentional misdescription of imported merchandise in an invoice or entry when made with intent to defraud the Government and deprive it of revenue legally chargeable on merchandise imported. Out of misdescription, innocent in many cases no doubt, has arisen much objectionable confiscation and forfeiture at our large ports. To prevent this in future, and as far as possible to prevent all litigation, it has been determined to retain in the bill the precise language of existing laws, changing only the rates of duty.

XVI.—*Statement showing the complicated enormity of present double duties and the necessity of a change to a simple, single, specific duty.*

The duty on bunting, a woolen manufacture, under existing tariff is 20 cents per square yard and in addition thereto 35 per cent. *ad valorem*.

Perhaps not ten members of the Congress which fixed this rate realized that it amounted to the enormous rate of 117 per cent.

In 1875 we imported 2,612 square yards of bunting, costing in Europe $634, or 24 cents per square yard. The duty collected on this was as follows:

	Cents.
Duty per square yard	20
Duty *ad valorem*, 35 per cent. on 24 cents	8.40
Total duty	28.40
Total cost of square yard	24.30

Thus the duty was 4.1 cents more than the cost of the goods and is 117 per cent.

Take the duty on printed calico not over 200 threads to the square inch. The present duty is 6½ cents per square yard and in addition thereto 15 per cent. *ad valorem*; yet this duty amounts to 64 per cent. *ad valorem*.

An official return will be found for 1875 of an importation of 479,715 square yards, costing $63,174, or 13.2 cents per square yard. The duty collected thereon was $40,657.61, which is 64.36 per cent. on its foreign cost. Now, no one, save perhaps a few experts at the time when this duty was enacted, really intended to tax a common article of cotton print costing 13 cents per square yard 4 per cent. higher than silk velvet, as in fact the *ad valorem* duties on cotton fabrics whenever double duties

were not imposed was only put at 35 per cent.; hence the double duty which hid the extravagant rate.

A uniform rate of percentage on goods, if levied in specific form by the yard, pound, or other quantity, is an impossibility; all that can be done is to make specific rates as near to a uniformity of percentage as is practicable. It is better that slight inequalities should exist in specific rates than to continue collusions, undervaluations, and frauds, by maintaining *ad valorem* rates. This fact was well understood and acted upon in England while that country exacted duties on foreign manufactures. In 1859, before the Cobden commercial treaty, the duty on all gold watches in England was 7 shillings and 6 pence and on all silver watches 2 shillings and 6 pence each, without regard to the value of either.

XVII.—*Statement showing how the United States shuts herself out of the Canadian market by high duties on Canadian imports, by which they are prohibited from exchanging with us.*

	1872.	1873.	1874.	1875.
Importations of cotton goods into Canada from—				
Great Britain	$9,716,513	$9,645,817	$10,264,273	$8,457,247
United States	525,709	419,809	906,874	1,350,208

We cannot sell unless we buy, nor buy unless we sell; nor can we shut other nations out without shutting ourselves in. It is because of the violation of those rules that Canada on our border is forced to exchange products with nations across the sea.

XVIII.—*Estimated decrease in revenue below that received in 1875, on the basis of the importations of that year, $12,182,454.52. On articles in bill, counting upon no change in importations.*

DECREASE OF DUTY.		
Cotton manufactures	$1,618,417 39	
Iron, steel, &c	1,483,336 28	
Wool and manufactures	8,267,968 18	
Other articles	1,913,601 88	
Free list	434,170 80	
		13,717,494 53
INCREASE OF DUTY.		
Tin	345,757 44	
Cigars	44,122 11	
Tobacco	376,979 89	
Opium	188,324 01	
Champagne	579,856 56	
		1,535,040 01
Net decrease		12,182,454 52

The importations for first three quarters of present fiscal year showing a falling off of 11 per cent. in imports, so that we shall have about ten millions less revenue this year than last, though the last Congress re-imposed the 10 per cent. (increased) duty.

XIX.—*Statement showing that high duties are only productive of revenue in prosperous times, when revenue is abundant from other sources, and that lower duties will give more revenue and cheaper goods.*

In the fiscal year of 1872–'73 there went into consumption 43,844,604 pounds of combing wool, paying the double duty of 10 cents per pound and 11 per cent. *ad valorem*.

The Treasury for that year received a revenue from this wool of $4,950,462.97.

Two years later, in 1875, when the Treasury really needed revenue, we find that only 5,480,525 pounds went into consumption of the same kind of wool, and the Treasury only received $618,253.09 revenue.

Thus we find a falling off of more than $4,000,000, and a like falling off in importations; which clearly proves that a high tariff in hard times defeats the purposes of revenue.

The bill before the House reduces the duty on this wool to 5 cents per pound, which reduces the revenue receipts, based upon the importation of the last fiscal year of 1875, $344,226.69. But as there is every reason to hope that by the very release of the present enormous duties the trade in wools and woolens will revive, and that we may expect again to import 43,700,000 pounds of this combing wool, see how the revenue at the reduced rate of duty will stand then.

In 1875 we imported of combing wool 5,480,528 pounds; the revenue at 10 cents per pound and 11 per cent. *ad valorem* was $618,253.09. If we again import as we did three years ago only 43,700,000 pounds of this wool, the duty at 5 cents per pound will amount to $2,185,000; or, in other words, the Treasury will get at 5 cents per pound duty more than three times as much revenue as it did in 1875 at 10 cents per pound and 11 per cent. *ad valorem*, while the advantage to the woolen trade and to the people will be immense. What is true of this article of wool is true of nearly every other article upon which there is a protective duty.

XX.—*Statement showing that reduction of rates does not result in corresponding reduction of revenue.*

The duty on bulk salt up to 1872 was 18 cents per 100 pounds, which was over 100 per cent. on its cost; at this rate of duty we imported during the fiscal year ending 1872 257,637,230 pounds, and got a revenue of $463,747.03. We reduced the duty from 18 cents per 100 pounds to 8 cents per 100 pounds, which ought to have reduced the revenue, calculating upon the basis of that year's importation, exactly $257,637.23. Now what are the actual facts?

In 1873 we imported 369,008,917 pounds of bulk salt, over 112,000,000 pounds more than in 1872, and got at 8 cents per 100 pounds a revenue of $295,927.08, or only about $168,000 less than the previous year.

In 1874 we imported 427,294,309 pounds of bulk salt, and got $341,835.22 revenue. Therefore the second year, instead of losing $257,637.23, we only lost $122,911.81.

Little harm to the Treasury and a benefit to the people, who have, during the last three years, got their salt from 10 to 12 cents average a bushel cheaper than under the enormous high duties. Will any one deny the benefit of 10 cents or 12 cents per bushel on the salt? Or can any one deny that instead of losing $257,000 to the revenue by reduction of rates we only lost $122,911? No one can assert that our salt industries are ruined; they are, in fact, more prosperous than ever.

XXI.—*Statement showing that lower duties will give more revenue.*

We get a revenue of only some $8,000 from foreign blankets, and yet we consume more than 2,000,000 pairs annually. The duties on blankets, especially those in general use, are prohibitory. For instance, a pound of ordinary blanket, costing in Europe two shillings a pound, or 50 cents, is subject to a double duty of 30 cents a pound and 35 per cent. *ad valorem*, which is exactly 95 per cent. duty. We cannot, therefore import any at such a fearful rate of duty; but in the pending bill it is proposed to reduce the duty to 30 cents per pound and leave off the 35 per cent. *ad valorem*. Even at that rate, which is much too high, being 60 per cent., we may reasonably expect to import some blankets, and it may be safely predicted that instead of only $8,000 revenue we will get $80,000 or $100,000 revenue, while on the other hand the consumer will have the benefit of getting his blankets 35 per cent. cheaper.

XXII.—*Statement of details of bill and provisions of its several sections.*

The pending bill contains six sections. Section 1 is a revision of rates in cotton fabrics. The assumed loss or falling in revenue below that received in 1875, based upon that year's importation, is $1,618,417.39. Substantially no complaints have been made of the proposed reduction of duties on cotton goods. While duties have been considerably lowered, there still remains an average duty of about 30.69 per cent. on cotton fabrics, which through increase in importations will give the Treasury a largely increased revenue over that which it is receiving from this source.

The bill further simplifies the rates, makes them single, and with few exceptions specific.

Section 2 of the bill revises and reduces the rates on iron, steel, and other metals, and some articles of hardware. The estimated loss of revenue below 1875, calculated on last year's importation is $1,483,336.28. The rates are not materially changed wherever the duties were as low as 35 per cent., but greater changes in rates were made wherever the duty was found to be double. The average rate of duty is still left at about 25 per cent. The usual protest of iron and steel associations, iron leagues, and iron-masters was and is made against a reduction of rates in these and all other duties. These protests were of the most unreasoning kind, as will appear by reference to the rates of duty and prices of dutiable articles.

The duty on steel rails is $28 a ton, the cost of steel rails in Europe is £10 a ton, or $50; supposing it to cost £1 or $5 per ton to bring to New York, the cost, including duties and freight, would be $83 a gold ton.

The present price for steel rails made here is $60 to $62 currency a ton; hence the foreign rails are entirely prohibited. This bill changes the duty to $15 a ton, which would make foreign steel rails cost $70 gold a ton in New York, or $77 currency, $15 higher than home-made rails. Yet steel-rail-makers object to a reduction of rates which still excludes steel rails from importation. Left in possession of our market as exclusively their own we find them prostrate but still protesting. The tariff with its high rates impotent for good, yet the infatuated steel-rail-makers still cling to its absurd provisions. The same may be said in relation to very many articles in this section. Herein will be found a reduction of duties on copper from five cents to two cents per pound. The copper-smelters of the Calumet and Hecla mines have the monopoly of our copper trade. Our people pay them twenty-two to twenty-three cents a pound for copper, but they ship from five to six million pounds of their surplus copper to Europe, and sell it there for eighteen cents a pound.

American copper, most suitable of all for making cartridges, is shipped and sold 5 to 6 cents a pound cheaper to the cartridge-makers of England than to our own, and then with this 5 to 6 cents advantage they exclude our trade from South America, Mexico, Egypt, Turkey, and other foreign countries, while the prohibitory duty on Chili ore has entirely destroyed a prosperous business in copper-smelting in this country.

And what of the revenue from copper? In 1874 we got a revenue of $32,127.09! in 1875 we got a revenue of $2,865.68. The gentleman from Michigan [Mr. HUBBELL] showed too much when showing that in 1875 the Lake Superior mines produced 17,500 tons of ingot copper of 2,240 pounds per ton, or 39,200,000 pounds. On every pound of this (less 6,000,000 pounds exported) the tariff gave them 5 cents a pound, or the sum of $1,700,000 bonus, paid by our consumers; the Treasury got $2,865 revenue only. So the tariff on copper is not revenue, but simply a tax on the people for the benefit of the Hecla and Calumet mine-owners, who produce copper at a cost to them of 13 cents per pound. Double duties have given place on articles in this section to simple and specific rates. Nor have too radical reductions been made, the object being to simplify and reduce rates, avoiding too sudden changes.

Section 3 changes the duty on cigars from $2.50 per pound and 25 per cent. *ad valorem* to $3.50 per pound; on paper cigarettes to $2 per pound, and increases the duty on foreign leaf-tobacco from 35 cents to 40 cents per pound.

This simplification and change to a single specific duty on cigars diminishes the chances of undervaluations, while the rate is slightly increased. In 1875 we imported 745,484 pounds of cigars, and collected, at the rate of $2.50 per pound and 25 per cent. *ad valorem*, $2,565,074.69; the single rates now fixed, $3.50 per pound, the revenue on the 745,484 pounds would have been $2,609,194, or an increase of only $44,120. The rate of $3.50 per pound on cigars averages about 93 per cent., and is not excessive, in view of internal taxes, either for consumers or revenue. The present duty on leaf-tobacco, 35 cents per pound, is, according to the official returns, 62 per cent. The increase of 5 cents per pound will make it about 71 per cent. It is used in the manufacture of cigars, always classed and taxed as luxuries and now taxed at a much higher rate. This 5 cents a pound increase on tobacco will give an increase of $375,000 to the revenue.

Section 4 is an entire revision of rates on raw wool and woolen fabrics. The rates on almost every article in the present schedule of wool and woolen goods has been simplified and reduced. Raw wool has been changed from a double to a simple specific rate, and reduced to half of the present rates. Experience has shown that whenever there is large importation of foreign wools our home-grown wools advance in price, being required for mixing with Australia, Cape, and other wools. Hence this reduction of rates must prove beneficial to manufacturers and consumers, while it creates a demand for domestic wools, which must appreciate in value and price. On woolen fabrics there is still left a very high duty, in some cases as high as 50 per cent. These high rates were retained that a too radical change might be avoided. Many of the woolen fabrics now pay a duty of 90 to 95 per cent. In reducing them to 50 per cent., the change in the first stage of a revision was thought to be more advisable than a too sudden reduction, though the average rate is 41 per cent. The duties are, in the main, specific, and doubtless some inequalities remain which in a specific rate is unavoidable.

Section 5 simplifies duties on sundries, changes the double duties on gunpowder, marble, pencils, pens, soap, and varnish from double duties to a single specific and lower rate, and reduces the duties on paints, linseed-oil, building and other stones, emery-ore, licorice, dye-stuffs, and sundry other articles, chemicals, and medicines. Many of these articles were in the bill, introduced by me, in the free list, and certainly ought to be there still. It is greatly to be regretted that dye-stuffs, saltpeter, and, above all, quinine, is still found among taxable articles. This medicine, used in every humble dwelling in the land, is to be taxed 15 per cent., or about 40 cents a bottle or ounce. In 1875 the total revenue we got from quinine was $3,498.20; now the home production as stated by competent authorities is 800,000 ounces, every ounce of which was enhanced by means of the present duty of 20 per cent., or 50 cents an ounce, thus increasing the cost to the sick and ailing $400,000 a year, and the division of the tax is $3,498 to the revenue and $400,000 to two or three immensely rich, bounty-fed manufacturers; but the bark of which quinine is made is free of duty, as further bounty to these protected favorites.

In this section will be found an increase of 50 per cent. duty on champagne. The present duty of $6 a dozen quarts champagne is equal to 52 per cent. on the foreign cost.

The duty on common still wines at 40 cents a gallon is equal to about 100 per cent., on brandy it is 105 per cent., on cordials 107 per cent., on spirits made of grain it is 320 per cent., while on whisky the internal-revenue tax is equal to about 400 per cent.

The increased duty on champagne will make it equal to about 78 per cent., and will still be the lightest taxed wine on the list, (excepting perhaps a few thousand dozen of still wines in bottles at 40 cents a gallon,) and will give $535,000.

It is urged by importers that the importation at $9 duty per dozen will fall off. The article is a luxury, and consumers who can afford to use it are not likely to be deterred by an increased duty of 25 cents per quart bottle. Yet this increase may cause the introduction of inferior wines, which is probably the best if not the only reason which may be urged against it.

Block-tin has also been taken from the free list and taxed 3 cents per pound. This metal is not produced here at all, and is the only metal that is found on the free list. There is no reason why it should not pay a duty of 3 cents per pound, which is about 15 per cent. on its cost, all the increase going into the Treasury and no reduction having been made in rates of articles into the manufacture of which it enters.

Section 6 contains a list of articles that are intended to be made free of duty. They include plants, shrubs, trees, seeds for garden, agricultural, and horticultural purposes; but are mainly medicines, chemicals, and dye-stuffs.

The total loss to revenue by freeing these articles is estimated on last year's importation at $434,170 80. These articles are in the main raw material that enter into manufactures and are reproductive. Many of them yield no revenue at all or a revenue so ridiculously small that keeping them upon the taxable list can only be for prohibition and protection.

The following revenue was received in 1875 from articles placed on the free list, namely, from—

Acetate of ammonia	$1 00
Acetate of baryta	Nothing.
Acetate of copper	Nothing.
Acetate of iron	Nothing.
Acetate of lead, brown and white	188 40
Acetate of magnesia	173 00
Acetate of potassa	Nothing.
Acetate of soda	16 25
Acetate of strontia	Nothing.
Acetate of zinc	Nothing.
Acids, acetic, acetous, specific gravity over 1047	15 00
pyroligneous, specific gravity 1047	37 00
Acids not otherwise provided for	23 00
Acid, benzoic	567 10
Carbolic acid for medicinal purposes	2,704 60
Acid, chromic	3 30
Citric acid	3,089 00
Gallic acid	11 00
Tannic acid	117 00
Tartaric acid	60 45
Nitric acid, fuming	Nothing.
Sulphuric acid, fuming	Nothing.
Asphaltum acid, fuming	6,501 60
Asafetida	2,106 14
Baryta, sulphate of	10,589 29
Benzoates	Nothing.
Borax, refined	515 30
Brimstone in rolls and refined	Nothing.
Fire-brick	10,069 69
Roofing-tiles	9,081 31
Calomel	845 17
Camphor, refined	1,511 80
Chloroform	27 00
Cobalt, oxide of	520 80
Coke	2,412 00
Copperas, green vitriol	692 37
Grease of all kinds	3,156 60
Hog's hair	38 00
Lemon juice	9,290 00
Mineral kermes	Nothing.
Mineral and bituminous substances	1,033 00
Cod-liver oil, crude and medicinal	8,330 94
Blanc fixe	4,371 84
Indigo extracts	5,980 20
Paving-stone	201 69
Pitch	12 00
Resin	129 76
Epsom, Glauber, and Rochelle salts	573 90
Strychnine	1 00
Flour of sulphur	490 24
Tallow	495.37
Tannin	Nothing.
Tar	500.27
Tartar emetic	966.40

These make up the greater number of articles placed on the free list, and surely it cannot be maintained that their remaining among the dutiable articles is in the interest of revenue. There are other articles, however, that should be placed on the free list, and by retaining which upon the taxable list the same wrong results as in the article of quinine. These should be considered when separate articles are acted upon.

XXIII.—*Statement showing falling off in imports for the present year of $60,974,602 below last year, and decrease consequential in the revenue notwithstanding increased rate of 10 per cent. re-imposed by Forty-third Congress.*

Imports for 9 months ending—	
March 1, 1875	$398,397,115
March 1, 1876	352,666,163
Falling off of imports	45,730,952
Falling off of imports estimated for three months ending June 30, 1876	15,243,650
Falling off of imports estimated for the year 1876	60,974,602
Percentage of loss for year, 11.14 per cent.	
Total duties for 1875	154,554,982
11.14 per cent. on decrease of imports	17,217,424
Duties for 1876 estimated on decrease of imports	137,337,558
Gain by re-imposition of 10 per cent.	4,245,752
Net revenue for 1876	141,583,310
Add for discrepancies in estimates	3,416,690
	145,000,000

Later estimates place the revenue from customs received and to be received for the current fiscal year ending June 30, 1876, at $145,000,000, or about ten millions below that of last year.

XXIV.—*Tables showing relative proportion of articles consumed and classed as luxuries, comforts, necessities, &c., and relative proportion of duty derived from each.*

An analysis of our imports in 1868 and 1869, made a few years since by a New England editor, classified those imports as follows:

	1868.	1869.
CLASS 1.—ARTICLES OF NECESSITY.		
Free of duty	$14,519,901	$21,053,845
Sundries, food, fuel, lumber, &c.	47,911,220	59,891,656
Metals	35,740,175	45,220,786
Drugs, chemicals, oils, paints, &c.	11,372,138	15,495,004
Total articles of necessity	109,543,434	141,663,291
CLASS 2.—COMFORTS.		
Tea, coffee, sugar, and molasses	96,158,547	107,614,165
CLASS 3.—LUXURIES.		
Fancy goods, wines, tobacco, &c.	21,054,939	31,734,301
CLASS 4.—TEXTILES AND WARES.		
Cotton, woolen, flax, and silk goods, books, glass, china, &c.	96,026,525	109,626,998
CLASS 5.—UNENUMERATED.		
Articles	22,485,684	15,825,257
	345,279,129	406,464,012
Gold and silver coin and bullion	4,150,241	5,432,362
Total imports, re-exports deducted	349,429,370	411,896,374

The customs revenue collected was in the following proportions:

Customs revenue collected in the fiscal year ending June 30, 1868—

UPON CLASS 1.—ARTICLES OF NECESSITY.	
Sundries, food, fuel, lumber, salt, &c	$14,245,849 25
Drugs, chemicals, paints, oils, &c	5,930,616 96
Metals	14,281,296 13
	34,457,762 34
CLASS 2.—COMFORTS.	
Tea, coffee, sugar, and molasses	55,104,821 85
CLASS 3.—LUXURIES.	
Liquors, spices, wines, fruit, fancy goods, &c.	17,931,783 59
CLASS 4.—TEXTILES AND WARES.	
Textiles, books, glass, china, paper, &c	51,395,508 69
CLASS 5.—UNENUMERATED.	
Sundries	431,792 34
	159,521,669 82
Total amount of duties collected on articles entered for consumption, valued at $344,788,572, equal to 46 per cent.:	
Hospital tax, tonnage dues, forfeitures, fines, and other items collected at custom-houses	4,942,930 74
	164,464,600 56

Total customs revenue on $344,788,592, equal to 48 per cent.

If we assume that this revenue was derived from the several classes in the proportion which the imports for consumption in the respective years bear to each other, the proportion of revenue from each class was substantially as follows:

Fiscal year ending June 30, 1869—	
From class 1, articles of necessity	43,000,000 00
From class 2, articles of comfort	55,000,000 00
From class 3, articles of luxury	21,000,000 00
From class 4, textiles and wares	54,500,000 00
From class 5, unenumerated	700,000 00
Forfeitures, fines, &c	5,800,000 00
Total	180,000,000 00

[During the delivery of the foregoing speech, Mr. MORRISON's time was, by unanimous consent, extended on motion of Mr. TUCKER.]

Mr. BURCHARD, of Illinois. Mr. Chairman, a measure attempting to adjust more equitably the burdens, and to distribute more fairly the benefits resulting from tariff duties, deserves the early and earnest consideration of the House. The present tariff rates were established during the war and were the necessary outgrowth of its vast expenditures. Returning peace has but slightly modified their unnecessary and rigorous exactions. To frame a bill which, without disturbance to existing industries or injustice to different sections or interests of the Union and without impairment of the revenue, shall lighten taxation, is a most difficult and delicate task. The Committee of Ways and Means have, I concede, earnestly labored to accomplish this result. Their work is before the House, and I regret that it has come from the committee so defective and incomplete that unless materially amended I cannot support or urge its passage. Whatever its purpose it must be judged by its scope and probable effect. Containing much that is commendable, it is, in my judgment, imperfect in its details and adjustment of tariff rates, and as a revenue measure would prove disastrous to the public credit.

Reform, not reduction of revenue, should be the object of tariff revision. Insufficient revenues would successfully demand of another Congress the re-imposition of repealed duties. The misconception or disregard of the future needs of the Treasury was the fatal mistake in the tariff reductions of 1832, 1837, and 1872. The necessity for higher duties to meet current expenditures passed the tariff acts of 1842, 1861, and 1875. Let us not repeat the folly that produced the reaction.

But, Mr. Chairman, in so far as the pending bill seeks to relieve taxation, to reduce to a revenue standard excessive duties upon leading manufactures, to lower prohibitory rates so as to permit fair competition, and to prevent extortionate prices through combination, it has my sympathy and approval.

Its purpose, as avowed by the chairman, to lessen the burdens upon consumers, diminish bounties to favored producers, simplify the mode of imposing and ascertaining duties, and place upon the free list dutiable articles returning but little revenue, deserves support.

TARIFF REVISION NECESSARY.

That the present tariff needs revision cannot be denied. Its highest rates were imposed and adjusted during a period of heavy and augmenting importations incident to a vast war and to meet the necessities of the Treasury in carrying it on. Increased cost of production, occasioned by internal taxation, justly entitled domestic manufactures to compensation by imposing increased duties upon similar imported commodities. To re-imburse himself for tax and duty upon imported raw material, the domestic manufacturer demanded and obtained higher tariff rates on foreign products competing with his own.

Upon the close of the war the manufacturers successfully appealed to Congress to remove taxation upon raw material and domestic production. The high compensatory duties on foreign manufactures, however, are still retained. War rates, no longer required by the Treasury, and which the domestic manufacturer no longer could claim, have been and are now continued. Were the resulting benefits and burdens equally distributed among and upon the different industries and sections of the Union, there would be less cause of complaint.

In the case of imported articles of general consumption, the enhanced price which constitutes the burden upon the consumer is compensated by the benefit to the Treasury from the payment of the duty. But the enhanced prices which the consumer by reason of the tariff pays upon domestic articles benefit the manufacturers and their dependent employés and industries. The consumer bears the burden, but seldom shares in the benefit.

In the discussion of this question to which I am inviting attention I desire to disavow any opposition to a tariff for revenue. For the next thirty years at least, what Hamilton and Madison would have called a high tariff is an inexorable necessity. The public debt for interest and sinking fund will require for that period a tariff averaging 30 per cent. or more on dutiable imports. Such revenue tariff raising $130,000,000 annually will necessarily be protective. Manufacturers ask for stability. A revenue tariff will stand as long as the public debt remains.

The proper office of a tariff, the raising of revenue, is sought to be diverted to the exclusion of foreign competition. A reduction of duties to the former rates has been and is now opposed by those who regard protection as the end and revenue the incident of a tariff. They ask for rates that shall exclude the cheaper foreign article, so as to give the market to the dearer American product.

American manufacturers must control American markets is the high-tariff catch-word. How do the duties enable American manufacturers to control the market? Surely by compelling the importer to charge the consumer a price increased by the amount of the duty, just below which price the American manufacturer with ample profit can offer his own goods.

The purpose of the protective duty is to give the manufacturer a better price. In no other way can it aid him. Without the duty he admits the competition would lower his price and his profits.

PROTECTED INDUSTRIES.

There are at present six leading protected industries: manufactures of cotton, woolen, and silk fabrics, iron and steel, paper and glass. They have an invested capital of over $400,000,000, and their annual production is double that value.

Of the three largest of these industries affected by the proposed change of duties, cotton, woolen, and iron and steel, the census and customs statistics give us this information:

Number employed in and value of products of manufactures of cotton, iron and steel, and woolens in 1870.

Manufactures.	Number employed.	Value of products.
Cotton	135,369	$177,489,739
Iron and steel	139,982	331,738,504
Woolen and worsted, including carpets	105,071	199,257,292
Total	380,422	708,475,595

The precise effect that the present duty has and the proposed reductions of the bill will have upon the price of these commodities is not capable of exact estimation. If their price is augmented to the extent of the rate of duty imposed on similar imported articles, then the American consumers of these goods, in addition to the $43,000,000 in gold paid for revenue upon $90,000,000 of imports, pay upon $708,000,000 of domestic manufactures $225,000,000 for the benefit of home production. The proportionate duty and enhanced price paid upon each of the three classes would be:

Manufacture.	Duty in 1875 on imports.	Average rate of duty.	Domestic product.	
			Value.	Estimated enhanced prices.
Cotton	$9,043,654	40	$177,000,000	$66,000,000
Iron and steel	6,814,200	35	332,000,000	86,000,000
Woolen and worsted	27,821,177	60	199,000,000	74,000,000
Total	43,679,031	.....	708,000,000	226,000,000

The estimated reductions of duties in the bill from the duties received during the last fiscal year amount to $12,182,454.53, of which the reduction on cotton, iron, steel, and woolen manufactures is estimated to be $9,741,100.

The principal benefits will therefore inure to the consumers of those articles if the duty increases the price. Consumers will not only be relieved from the tariff tax on the imported article, but from the enhanced price of the domestic article. The total reduction anticipated from the bill on the four manufactures named would be, on the basis of the census returns for 1870 and duties received for 1875, $66,000,000.

Article.	Value of imports.	Value of domestic manufactures.	Reduction of duties.	Percentage on value.	Reduction of prices on domestic manufactures.
Cotton manufactures	$24,199,793	$177,000,000	$1,618,417	.06⅔	$11,000,000
Iron and steel manufactures	20,474,244	322,000,000	1,195,869	.058	20,000,000
Woolen manufactures	45,627,923	199,000,000	6,926,874	.15	26,000,000
Total	90,301,960	733,000,000	9,741,100	.....	57,000,000

If the reduction of tariff revenues $9,000,000 will lessen the taxation upon consumers even $30,000,000 or $20,000,000 without serious injury to the interests affected, the proposed revision of rates should be adopted. The computation assumes that the American consumer, by reason of the tariff, pays an increased price for the goods he purchases. It supposes that the importer charges the duty in the price asked of the purchaser, and that similar domestic goods are advanced in price to the same extent. If true, the injustice and favoritism of high protective duties are apparent and indefensible. It is important to ascertain, if possible, upon whom tariff duties fall.

WHO PAYS THE TARIFF DUTIES?

Surely the consumer of the dutiable imports. "No," say the manufacturers, "the foreign producer seeking our market pays the duty." For proof, the price of some exceptional commodity in great demand at a period of high prices is selected and compared with subsequent prices, and it is assumed that the tariff lowered the price. The manufacturer does not believe it; for he wants no duties, or low duties, on his raw materials, because he wants them cheap. He asks high duties on his products, so that he may get a better price.

I will not attempt to argue the proposition; it seems too absurd. Facts, logic, and common sense deny it.

Here is what one of the ablest, fairest, and most distinguished advocates of governmental protection for manufacturers says of the proposition.

John Quincy Adams, speaking from years of public service in the administration of the affairs of the Government, in a most able report upon manufactures made in 1832, the portion of his successor's message referred to the committee of which he was chairman, said:

> The doctrine that duties of import cheapen the price of the articles upon which they are levied seems to conflict with the first dictates of common sense. The duty constitutes a part of the price of the whole mass of the article in the market. It is substantially paid upon the article of domestic manufacture as well as upon that of foreign production. Upon one it is a bounty, upon the other a burden, and the repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic. We say, so long as the importation continues, the duty must be paid by the purchaser of the article.
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> * * * * * * *
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> The incidental effect of competition in the market, excited, on the part of the domestic manufacturer, by the aggravation of duty upon the corresponding article imported from abroad to reduce the price of the article, must be transient and momentary. The general and permanent effect must be to increase the price of the article to the extent of the additional duty, and it is then paid by the consumer. If it were not so, if the general effect of adding to a duty were to reduce the price of the article upon which it is levied, the converse of the proposition would also be true and the operation for increasing the price of the domestic article would be to repeal the duty upon the same article imported—an experiment which the friends of our internal industry will not be desirous of making. We cannot subscribe, therefore, to the doctrine that the duties of import protective of our own manufactures are paid by the foreign merchant or manufacturer.

There are many indications that tariff duties enhance prices, and consequently manufacturers' profits among them:

First. Accumulated wealth of the manufacturing States.

Second. Large deposits in banks.

Third. Dividends of manufacturing companies in high-tariff periods.

Fourth. Effect upon imports if producer pays duty.

Fifth. Comparison of prices of same article under successive tariffs.

WEALTH OF MANUFACTURING STATES.

If the tariff secures for the manufacturer of protected articles bounties exacted from consumers, localities and States where the favored industries flourish should show a rapid and greater increase in wealth. Consistently with this view the greatest manufacturing States stand among the foremost in the census returns in the *per capita* amount of wealth. The average is in—

New York	$1,483 27
Massachusetts	1,463 03
Connecticut	1,441 30
Rhode Island	1,366 28
Pennsylvania	1,081 31
New Jersey	1,038 49

In contrast, States as old, having as fertile soil, that furnish our great staples for export, have not one-half of the wealth.

BANK DEPOSITS IN MANUFACTURING STATES.

These also indicate large accumulations. The total individual deposits in all the banks of the United States in May, 1875, amounted to $2,017,453,300.87. Of this the banks of the following manufacturing States held far in excess of their proportion according to population:

New York	$704,385,307 70
Massachusetts	308,349,025 21
Pennsylvania	194,917,452 50
Connecticut	92,495,122 70
Rhode Island	59,238,036 63
New Jersey	54,683,592 78
Total, six States	1,414,068,537 52

The remaining thirty-one States and eight Territories have but $600,000,000 of deposits.

This wealth may, and doubtless in part has been, largely accumulated from other pursuits than manufacturing.

MANUFACTURERS' DIVIDENDS.

The dividends of manufacturing companies indicate the effect of high and low tariffs upon prices. Manufacturers' profits, if the cost of production is uniform, will depend upon the prices obtained for their products. Higher prices paid by consumers insure larger profits and dividends. If the foreign producer pays the tariff duty without charging any part of it to the consumer, the domestic manufacturer cannot be benefited by the tariff; for the higher or lower price at which his goods can be sold determines the amount of his profit. If the duty does not permit the domestic manufacturer and compels the importer to charge the consumer a higher price, the manufacturer has no interest in the duty. If the manufacturer's profits are greater under high tariffs than low tariffs, we may conclude it is because the tariff has secured, as it is designed, a higher price for products than the consumer would have paid without it.

Greater dividends at such periods must be attributed to this cause, unless some other more probable reason is apparent.

Many years ago a publication was issued, and has been annually continued, showing the yearly dividends of New England manufacturing companies. They vary with the condition of business and state of the currency. I condense from a table presented to the House in remarks I made a year ago, and group these dividends by tariff periods:

Profits of New England manufacturing companies under high and low tariffs, as shown by Martin's Tables of Manufacturing Dividends, published in 1871, and by subsequent annual appendices, on dutiable imports, and average rate of duty for different tariff periods.

Year.	Average per cent. duty on dutiable imports.	Average dividends for periods.	Remarks.
1832	33.8	13.	
1832 to 1834	32.8	11.40	Compromise tariff reduction one-tenth biennially to 1841, thereafter 20 per cent.
1835 to 1836	34.3	11.75	
1837 to 1838	31.6	7.25	
1839 to 1840	30.2	6.87	
1841 to 1842	26.6	5.	
1843 to 1846	32.5	12.44	High tariff.
1847 to 1857	24.1	6.36	Low tariff.
1858 to 1861	19.	6.71	Low tariff, 24 per cent.
1862 to 1872	4.27	12.10	High tariff.
1873 to 1875	39.20	8.30	10 per cent. reduction.

They almost invariably show greater dividends under the higher tariff. For instance, they averaged 13 per cent. in 1832, and became gradually reduced with the 10 per cent. biennial reduction of the compromise tariff of that year, until 1841 and 1842, when they averaged only 5 per cent. The tariff of 1842 brought them up to 12¼ per cent. The eleven years' low-tariff period from 1846 gave dividends averaging 6.36 per cent., while the eleven years' high tariff of 1862 and 1872 gave 12.1 per cent. The profits of these companies in the present depression and suspension of business for the year 1875 were 5¼ per cent. notwithstanding many mills have been idle or running on half time for want of consumers for their goods.

LOSS TO THE FOREIGN MANUFACTURER.

If the foreign producer lowers the prices of cotton fabrics 40 per cent., of iron and steel 35 per cent., of woolens 60 per cent., upon the imposition of tariff duties at those rates, how profitable his industry must be that can afford such a reduction. But in a country where capital is abundant and interest low he is content with profits much less than our manufacturers obtain. Ours range from 3 to 15 per annum and abroad the average is from year to year less than 6. The foreign manufacturer might forego his profit and lower his prices 6 per cent., but far better to close his mill than attempt from year to year to bear a loss of 60, 40, or even 35 per cent., which in less than three years would exhaust not only his profit but entire capital.

FOREIGN PRODUCER'S LOSS ON OTHER EXPORTS.

The absurdity of the claim that the foreign producer pays the duty imposed by another country on the article he ships abroad is evident when an estimate is made of the loss he must sustain on his total exports. For the market price of the commodity will necessarily be the same to purchasers from all countries. The exporter will not and cannot sell 10 per cent., much less 50 per cent., lower to one purchaser than to another.

Take the case of exports from Great Britain and France. They have the whole world as a market for their products.

LOSS ON EXPORTED SCOTCH PIG-IRON.

According to the Bureau of Statistics, in 1870 there was produced of pig-iron in Scotland 1,206,000 tons.

	Tons.
The United States received of this	97,170
Germany	87,101
Netherlands	68,606
France	40,000
All other foreign countries	132,232
England, Scotland, and Ireland	232,891
Local consumption	506,000

If the Scotch iron-masters in order to market in the United States 8 per cent. of their entire product lower the price on pig-iron $9 per ton—the amount of the American duty in 1870—so that iron was no higher in the United States by reason of the duty, they lost not the $874,530 duty on the 97,170 tons shipped to the United States, but $9 per ton on their entire product, amounting to a loss of $10,854,000. The canny Scotchman would save at least $9,000,000 by wholly withdrawing from the American market and selling only to other countries.

BRITISH EXPORTS.

In 1874 the total exports of Great Britain were valued at $1,098,702,180, of which the United States received $161,191,105. The duties paid the United States were above 40 per cent. If the British manufacturers lowered their prices 40 per cent. in order to compete with the American manufacturers, thus saving the American consumers from paying higher prices on account of the duty, the loss on the total exports would be over $400,000,000.

The total exports of Great Britain in 1874 of iron and steel were to all countries 2,487,162 tons; United States, 184,053 tons. The production of pig-iron alone was over 6,000,000. A reduction of but $1 per ton on account of the American duty would cause a loss of $2,400,000 on the total iron exports and take from the iron-masters over $6,000,000 on their total.

There were exported in 1873 from the United Kingdom the following comparative values of iron and steel and their manufactures, and cottons and woolens, to all countries and to the United States:

	All countries.	United States.
Cottons	$386,318,060	$26,093,731
Woolens	153,716,855	48,016,959
Iron and steel	188,656,195	47,475,263
Total	728,691,110	121,585,953

The loss to the British exporters, if they lower their prices so as to place the value of $121,585,953 of goods upon the American market without any enhancement to the purchasers, would be over $300,000,000. The comparative export of pig-iron was: To the United States, 102,624 tons; other countries, 1,039,441 tons; the duty, $718,368; loss, $9,276,087.

FRENCH EXPORTS.

France exported in 1873 to the United States $76,000,000 values of commodities, out of $964,560,000 exported to all countries. Her ex-

ports to all countries and to the United States in 1872 and 1873 of silk, woolen, cotton, and linen goods were as follows:

	United States, 1872.	All countries, 1873.
Silks	$33,507,351	$95,712,934
Woolens	8,946,944	71,042,099
Cottons	1,171,143	17,051,863
Linens, hemp, &c	1,417,521	9,271,963
Total	45,042,959	193,078,859

(Monthly Reports Commerce and Navigation, 1875, pages 27 and 206.)

The duties collected by the United States on the portion imported into this country amounted to about $26,000,000. If the French producers paid this duty by lowering the price to that extent, as they must lower it also to purchasers from other countries, they would lose over $100,000,000 in order to find a market in the United States for goods of the value of $45,000,000.

COMPARISON OF PRICES.

But the fairest and most satisfactory test of the question is to compare prices of the same article during high and low tariffs; not a selected date, but *average prices;* not an article manufactured by some newly discovered patented process, therefore high-priced, like Bessemer steel until the patents expired, but a stable article like pig and bar iron, steel, salt, domestic cottons, and woolen goods.

Almost a half century has transpired since the tariff of 1832 was framed. A generation has been born and buried since infant manufactories were nourished by the tariff of 1842. What lower prices have these protective duties—never lower than 24 and running to nearly 50 per cent.—secured for us than our fathers paid?

In this field of inquiry we are not left to conjecture, nor dependent upon selected statistics or imperfect recollection of partial and disingenuous writers and witnesses. In former years the facts have been gathered through our officers at home and abroad under the direction of able and impartial Secretaries, like Webster, McLane, Meredith, and Chase. I shall rely for my authority upon reports among the archives of the Government. A comparison on textile fabrics is difficult, because the weight, fineness, finish, and quality of woven goods of the same name may vary, and the price is affected by the fashion and demand for the pattern and the price of the raw material. If cotton manufactures are selected and the prices of to-day compared with those of the same goods thirty years ago, it will be found that they are now much higher. In 1872 they were fully double the prices of 1842.

Contrast the prices of the same brand, make, and style of goods reported in 1849 in the Treasury reports and the quotations in the New York Bulletin for February, 1872. According to the Treasury report the prices as compared with those in this paper in 1872 were:

	1842.	1872.
Sheetings	6 to 7	12½ to 15
Shirtings	6¼	12
Drillings	7⅛	15½
Prints	5¼	11½
Tickings	11	22

The prices of cotton goods were lower before the tariff act of 1842 was passed and after it was repealed than during the four years it was in force, although the average price of raw cotton was less. It however is difficult to tabulate the prices of cotton and woolen, the description varys so much from year to year.

Brown sheetings, shirtings, drills, and ticking of certain mills have the same stamp and brand of thirty years ago.

I give their quotations for their goods at certain dates of low and high duties and at the present time of depressed prices:

	1842.	1848.	1872.	1875.
Brown drills—				
Suffolk	7½	6¾	15½	.....
Stark	7⅞	6⅞	15½	9½
Blue drillings	9	8¼	16	.....
Brown sheetings—				
Appleton 30-inch	5½	5½	12	8
New Market A	8½	6¾	13	8
Great Falls	7¼	6¼	11	7½
Tickings—				
Amoskeag A C A	14½	9½	31	21½
Amoskeag A	13½	12½	25	17½
Amoskeag B	11	11	20½	22-15½
Hamilton	11	9½	22	13-15

As textile fabrics are so variable at different times in regard to quality and cost of raw material, I ask an examination of the price of metals and particularly the

PRICE OF IRON.

Fact is better than theory. The Secretaries of the Treasury have procured and preserved in executive documents the wholesale price of iron and other articles for nearly fifty years. For the purpose of comparison I have arranged in a table the annual average price of pig, bar, and railroad iron from the passage of the tariff of 1842 until 1875, reducing currency to gold prices, and only giving the latter. The tariff periods and average price and duty for each period are given. The price of railroad iron is taken from the monthly commerce and navigation reports for 1872.

Grouping prices by tariff-periods, the averages are:

Years.	Scotch pig-iron.		Bar-iron.	
	Duty.	Price.	Duty.	Price.
		Per ton.		*Per ton.*
1842	$7 56 per ton.	$25 00	$21 40 per ton.	$57 00
1843 to 1846	9 00 per ton.	33 25	25 00 per ton.	67 50
1847 to 1857	30 per cent.	28 50	30 per cent.	51 50
1858 to 1861	24 per cent.	23 50	24 per cent.	45 25
1862 to 1864	6 00 per ton.	25 65	18 96 per ton.	58 33
1865 to 1875	8 81 per ton.	33 72	21 79 per ton.	70 36
1876	7 00 per ton.	.....	.....	.....

In 1842, under the compromise tariff of 1833, the duty on pig-iron was $7.56 per ton and the New York wholesale price was $25 per ton. The duty on bar-iron was $21.40 per ton and the price $57 per ton. The tariff act of 1842 increased the duty on pig-iron to $9 and on bar iron to $25 per ton. The prices rose until in 1846 pig-iron sold for $38 per ton and bar for $78. The act of 1846 reduced the duty on pig-iron and bar-iron to 30 per cent. *ad valorem*, and the prices gradually fell to $21 for pig-iron in 1851 and to $36 for bar-iron the same year, and the average prices during the eleven years that act was in force were for pig-iron $28.50 and for bar-iron $51.50.

In 1857 the duty was still further reduced to 24 per cent., and continued at that rate for four years, during which time the average price per ton of pig-iron was $23.50 and of bar-iron $45.25. In March, 1861, duties were increased to $6 per ton on pig-iron and to $15 per ton on bar, and the latter rate in the next and subsequent years raised to $19.50 and $22.40 per ton.

During this period of higher duties the prices reduced to gold value were for pig-iron $25.65 and for bar $58.33. In 1864 duties were further advanced to $9 per ton on pig-iron, and continued at $22.40 on bar-iron, and bore that rate until 1870, during which period of six years pig-iron sold for an average price of $31.06 gold. And the average gold price for bar-iron for eight years, under a duty of $32.40, was $72.02.

The latest New York wholesale-price quotations on pig and bar iron at this time of depression are not lower, but actually higher, reduced to a gold basis, than they were over twenty-five years ago, being (I quote from the Treasury Report) in 1851 of—

Scotch pig-iron	$21 00
American bar-iron	36 00

Indeed the average prices, reducing currency to gold, under the present rates compared with the prices under the tariffs of 1846 and 1857 have been under tariff of—

	1846.	1857.	1864.
Pig-iron	$28 50	$23 50	$33 72
Bar-iron	51 50	45 25	70 36

Twelve years of high duties give us no lower prices at any period than the price twenty-five years ago, while the average price is $20 per ton higher on bar-iron under the present tariff than under the tariff of 1846 for the same number of years, and $5.22 per ton higher on pig-iron for the corresponding periods.

If it be said that the latter period embraced a period of inflated prices and large demand for iron, so did the closing years of the first period. Both show, as the prices of every year show, that the foreign prices of iron rule the American market, and the consumer pays the larger proportion, if not the whole, of the duty on iron. When the mania for railroad building on the European continent increased the demand for iron, and the Franco-German war of 1870-'71 and the immediate demand to repair the destruction caused by that war advanced the price of iron abroad, our manufacturers on a declining cost for coal and labor advanced their prices to the extent that the duty would permit. American pig-iron was advanced in 1872 to $45 and $50 per ton, and bar-iron to $100 per ton, being from 50 to 100 per cent. above the cost of manufactures as the prices of 1837, 1869, and of to-day show.

SALT.

The relation of prices to rate of duty is unmistakably illustrated in the case of salt. The claim that the tariff had reduced the price of salt, and that the article was in 1870 lower than before the high duty then upon it was imposed, led to a careful examination of prices for the last fifty years. These, averaged for the successive periods of differing rates of duties, show that the wholesale price in New York was

highest during high-duty rates upon salt and lowest under low rates. The result proves that on salt the duty has been paid by the consumer.

Average price of salt, currency reduced to gold.

Years.	Duty per bushel.	Price.	
		Liverpool.	Turk's Island.
	Cents.		*Cents.*
1825 to 1830	20	$2 34	50½
1831	15	1 92	50½
1831 to 1842	10	1 77½	37½
1842 to 1846	8	1 39½	32½
1846 to 1857	6	1 24½	29½
1857 to 1861	3	77	19
1861*	3	73	20
1861 to 1872*	12	1 59	33
1872 to 1875*	5½	1 20	27
1875		83¼	24

* Duty per one hundred pounds reduced to average rate per bushel.

The salt-makers charged in 1871 at the seaboard double the price for salt that they were compelled to accept when the duty was practically but three cents per bushel.

The highest export price of foreign salt at Cadiz in 1842 was five cents per bushel, and in 1843 sold as low as four cents per bushel; at Turk's Island for eight cents per bushel, and at Dublin for forty cents per sack, as is shown by the consular reports to the Secretary of State in 1845. (See Executive Document No. 73, 1845.)

Common sense, sound logic, authority, and actual comparison of average prices of imported goods under different tariffs teach us conclusively that the consumers of our imports pay the duty or the greater part. To what extent prices of protected domestic manufactures are enhanced cannot be computed with accuracy.

THE AMOUNT OF TARIFF BOUNTY

is difficult of ascertainment. The advantage of the tariff to the domestic manufacturer is in preventing foreign competition from reducing or preventing him from advancing his price. Whatever enhancement of price the tariff secures him, that is his protection. It is practically to him bounty, to the consumer a tax for his benefit. Were imports of every description of iron, steel, cotton, and woolen manufactures meeting similar domestic articles in competition in our markets, it would be safe and fair to assume that the rate of duty is the measure of the bounty.

If the enhanced price of domestic manufactures of iron, steel, cotton, and woolen is equal in degree to the duty imposed, the manufacturers through the tariff on an annual production of $700,000,000 obtain a bounty amounting to $225,000,000. On about eight hundred millions of foreign and domestic goods consumed the tariff tax would equal nearly $270,000,000. On the average *per capita* consumption of about $20 of the goods the tax would be $6, or $30 per family; $5 of it for revenue, $25 for bounty.

But many of these products receive and to be successfully manufactured require little or no protection. They can be made as cheaply as similar articles in foreign countries. Receiving no protection, their prices are not raised by the duty. They defy competition here and for a third of a century have been exported to foreign countries. Probably one-half of cotton and one-third of iron and possibly one-fourth of woolen manufactures are but slightly affected directly by the tariff duty on similar foreign goods.

After an elaborate examination of duties and comparative prices, Robert J. Walker, in 1847, came to the conclusion that in regard to the great mass of our imports the enhanced price is about equal to two-thirds of the duty. He said:

> As regards that portion of the resolution which inquires how much the price of articles will be increased to the consumer by the augmented duty, this Department begs leave most respectfully to refer to its report to the Senate (in answer to a similar inquiry) communicated on the 23d of July last. By reference to that report and the tables and prices current thereto appended the following principles would seem to be clearly established as a general rule, subject to modification in some respects by extraordinary causes, such as greatly increased or diminished production, changes of season, augmentation or diminution of demand and supply, and also to increased or diminished cost of production: First, that where the article is produced more cheaply in our own country than abroad the price is not affected by the duty. Second, that where the difference of the cost of manufacturing or producing an article here as compared with the same cost abroad is less than the duty, the enhancement of price nevertheless cannot exceed such difference in the cost of production, although the duty may be much greater. Third, that where the duty exceeds or is equal to the difference in the cost of production, the enhancement of price, as proved by actual prices current exhibited in that report, is, as a general rule, in the ratio of 119 to 75, or about two-thirds of the duty.
>
> By reference to the tables appended to the report of the 23d of July last, it appears in regard to the great mass of our imports that the enhanced price, taken in the aggregate, is about equal to two-thirds of the duty. Whatever theories may have prevailed upon either side on this subject, this seems to be an ascertained fact, proved by actual prices current appended to the report. As a general rule, in the cases referred to, it appears that about two-thirds of the duty falls as a burden upon the consumer by enhancing prices to that extent. The question upon whom does the tax fall equivalent to the remaining one-third of the duty, whether in some cases in part upon the foreign producer or in part upon the American exporter of all our products, or upon both, and in what proportion, is a most interesting inquiry; but the answer, requiring much time to collect the necessary foreign and home prices current, and not being called for particularly by the Senate, is not obtruded upon its consideration at this time.

Applying this estimate, and the consumer can be consoled with the reflection his contribution for bounty and revenue is reduced one-third, and that his annual cotton, woolen, and iron assessment is only $20, of which the revenue gets one-fourth. The annual consumption of cotton and woolen manufactures on the basis of 1870 census reports is over $11 *per capita*, or $55 per family, and a two-thirds enhanced price by reason of the duty would exact about $12 from each family in the United States if each equally consumed the goods.

Allowing that only one-half of the production is similar in kind to imported articles, and that upon the latter the price is augmented to the extent of only two-thirds of the duty for every $43,000,000 of revenue collected, domestic manufacturers of cotton, woolen, and iron and steel pocket $75,000,000 of bounty. In paying for revenue a *per capita* tariff tax of $1 upon clothing and iron and steel consumed each consumer has contributed $1.75 to sustain these domestic industries. Each family will average nearly $14 contribution—$5 of it for the Treasury, $9 for manufacturers' dividends.

INJUSTICE TO OTHER INDUSTRIES.

This exhancement of price of the products of the three selected manufactures, amounting on the estimate of Secretary Walker to $150,000,000, or at the lower figures I have given to $75,000,000, inures to the benefit of manufacturers employing less than 400,000 men, women, and children, scarcely 3 per cent. of the total number reported in 1870 in all industrial pursuits.

The non-protected shoemakers, blacksmiths, and masons outnumber these workmen, and the carpenters and joiners alone nearly equal them.

Contrast these industries in number engaged and value of product with agricultural and other industries:

Occupation.	Number employed.	Percentage.	Value of product.
All occupations	12,505,923		
Total agriculture	5,922,471	0.47	$2,447,538,658
Total cotton, iron, steel, woolen, and worsted manufactures	388,941	0.03	708,475,695

The inequality of the distribution of the benefits and burdens of protective duties is apparent upon an inspection of the number engaged in these industries and a comparison with others:

Blacksmiths	141,774
Carpenters and joiners	344,596
Boot and shoe makers	171,127
Railroad employés	154,027
Draymen, hackmen, and teamsters	120,756
Clerks in stores	222,504
Teachers	126,822
Masons	89,710
Painters	85,123
Carriage and wagon makers	42,000

If imposed to secure higher wages, high tariff duties are asked in behalf of 380,000 laborers at the expense of 12,000,000 of other laborers, such purpose is manifestly unfair. The non-protected blacksmith or shoemaker ought not to be assessed on his own clothing for the purpose of keeping up the cotton-spinners' and cloth-makers' wages. The earnings of nearly 3,000,000 of farm laborers, averaging but $107 a year, ought not to be taken to sustain the wages of factory operatives averaging three times that sum.

But tariff bounties accrue to the benefit of capital rather than labor.

I have shown how dividends are swollen and wealth accumulated and hoarded in the States most largely engaged in the protected industries.

The manufacturer appropriates the lion's share. He invests in enlarged mills and factories, substantial and improved residences, railroad bonds, bank or corporate stocks, or loans on mortgage security. His accumulated wealth, often freely expended, gives in favorable times activity and prosperity to surrounding dependent industries. The locality and its inhabitants seem to flourish as well as the factory and owner.

DISTRIBUTION OF BOUNTIES.

Let me not be charged with sectionalism in arraying the census tables to show where the tariff showers its generous favors. It is not to excite envy or hate, but to appeal to equity and justice. The manufacturing States have less than one-fourth of the whole population. Seven States produce 85 per cent. of all the cotton and woolen manufactures. The total production of these States in 1870 was valued at $321,489,204. Were the price raised to the extent of duty the bounty to these manufacturers would be $120,000,000. But subtracting one-half for goods able to compete with foreign goods without a duty, and charging only two-thirds of the duty as enhanced price upon the remainder, the bounty rolls up to $40,000,000. It certainly exceeds that sum. It gives over $3 bounty to every inhabitant. The proportion of Massachusetts is $14,000,000; Pennsylvania, $8,000,000; Connecticut, about $5,000,000; New York some less, and Rhode Island above the latter sum, and Maine but $3,000,000. The bounty to thirty other States, containing three times the population, reaches but $7,000,000. Let me present the figures in tabular form:

Value of manufactured products of cotton and woolen (including worsteds and carpets) produced in the United States and certain States according to the census of 1870.

	Cottons.	Woolens, &c.	Total.
United States	$177,489,739	$199,257,262	$376,747,001
Massachusetts	59,493,153	52,270,608	111,763,761
Pennsylvania	17,490,080	45,221,795	62,711,875
Rhode Island	22,049,203	15,394,067	37,443,270
Connecticut	14,026,334	19,989,184	34,015,518
New York	11,178,211	19,609,021	30,787,232
New Hampshire	16,999,672	9,439,814	26,439,486
Maine	11,844,181	6,483,881	18,327,362
Total, seven States	153,080,834	168,408,370	321,489,204
Total, thirty States	24,398,905	30,848,892	55,247,797

DUTY ON SILK.

But besides the industries I have discussed there are others which appropriate equally enormous bounties. None of these are reached by the bill reported. As raw silk and silk goods were almost wholly foreign products in the sweeping provisions for war revenues Congress raised the duty on silk goods to 60 per cent., putting 35 per cent. on the raw silk and in manufacture. It gave the silk manufacturer an enormous protection, for although his nominal rate was 60 per cent. less 35, equal to 25 per cent., the latter rate applied not to the additional value the manufacturer gave to the raw silk, but to the whole value, being over 50 and in some cases 100 per cent. upon the manufacturer's added value. Subsequently the silk manufacturers procured, to the detriment of the revenue, a repeal of the duty on raw silk and an increase of the duty on silk-mixed goods from 50 to 60 per cent. *ad valorem*. Their protection upon the added value given by them to the raw silk is on some classes of goods over 200 per cent.

Why the committee have stricken silk from the original bill or not reduced the duty upon silk goods to 50 per cent., which is about the present revenue rate and still excessive in its protection, is to me inexplicable.

The report of the silk association contains the following from the secretary's report:

The year 1875 was the most prosperous year that the silk industry in America has ever experienced, if considered in respect to the quantity of raw material consumed and the amount of labor employed in silk manufacture.

Accompanying the report are communications from manufacturers in the various branches. Messrs. Hamil & Booth say of the manufacture of plain and fancy broad silks:

The year 1875 has been a prosperous one for the silk manufacture, and the broad silk weavers have been favored with a good demand for their goods.

Mr. William Strange says of ribbon manufacture:

It seems to me a subject for congratulation and pride, not only to those directly interested, but also to the community at large, that, while nearly all the various industries of the country have been forced into inactivity and distress since the panic of 1873, during the past year our branch has formed in many respects an exception to the general rule. On behalf of our branch of the silk industry, I am pleased to be able to report an increase of at least 50 per cent. in production and consumption over any previous year, with a corresponding decline in imports.

General statistical view of the silk industry in America for the year ending December 31, 1875.

States.	Number of firms and manufacturing corporations.	Total number of operatives employed.	Wages paid.	Value of capital invested and employed.	Total value of production.
New Jersey	57	8,456	$2,990,618	$5,926,804	$11,064,185
New York	76	3,561	1,489,038	3,703,983	5,663,619
Connecticut	24	2,863	985,367	4,570,449	5,430,692
Massachusetts	12	1,398	374,381	1,506,290	2,748,431
Pennsylvania	24	1,384	474,007	1,706,632	1,794,794
All others	20	345	136,945	499,700	456,350
Exhibit for 1875	213	18,007	6,390,356	17,913,858	27,158,071

It is not surprising that a business receiving a protection of 60 per cent. on the cost of similar imported commodities, and which, if the price of the domestic product is enhanced to the amount of the duty, receives a bounty on $27,158,071 of $10,000,000, should be profitable. The beneficiaries are:

New Jersey, about	$4,000,000
New York, about	2,000,000
Connecticut	2,000,000
Massachusetts	1,000,000
Pennsylvania	650,000
Remainder of the Union	350,000

As France ships to the United States less than one-third of her exported silks, besides consuming at home a large quantity, it is improbable to believe that her manufacturers are selling silk goods materially lower on account of the production here.

The fatal objection to the bill, however, is, as I stated at the outset, its reduction of the revenue from leading protected articles without a compensatory increase from sources affording simply revenue.

The total value and duty collected upon dutiable imports entering into consumption in the United States during the fiscal year 1875 were as follows:

Manufactures.	Value.	Duties.
Total	$379,795,113	$154,271,805
Cotton	24,199,793	9,043,654
Wool and woolen	55,856,545	30,914,037
Silk	24,516,416	14,037,998
Iron	10,730,412	3,277,002
Steel	9,743,832	3,537,198
Sugar and molasses	82,209,853	37,157,246
Total six classes articles		97,967,135
Total all other		56,304,670

If $12,000,000 is taken from these duties, it must be made good from something else.

TEA AND COFFEE.

The chairman proposes to make good this reduction by imposing a light duty on tea and coffee. They are strictly revenue duties. Every dollar of increased price to consumers goes into the Treasury. The consumption extends to every portion of the country; the burden is therefore equitably distributed and no locality has exemption. The annual importations are nearly uniform, and the revenues therefrom reliable and not variable, as in cases of iron, silk, cottons, and woolens. Although articles in common use, they are not as indispensable as salt and sugar, now taxed, nor more necessary to the laborer than clothing and implements.

The laborer, relieved by the bill of $4 tax and bounty for himself and family on their garments and utensils, will gladly pay $1.50 per annum on his tea and coffee for the purpose that his fathers paid a similar duty three times as high until the national debt became extinct.

FREE BREAKFAST-TABLE.

Why give free tea and coffee and tax sugar? In 1875 the country consumed of imported coffee, $50,591,488; tea, $22,673,703; sugar, $82,209,853.20; duty, $37,157,245.53. The duty on sugar was imposed and one year ago increased for revenue.

So long as the public debt requires heavy taxation, tea and coffee are among the very best subjects from which revenue should be obtained. The annual revenue therefrom will be nearly uniform, the burden light and equally distributed.

A tax of 2 cents on coffee and 5 cents on tea will impose a tax of only 20 cents *per capita* on the country, or $1 per family. The annual customs and internal revenues amount to $30 per annum per family, as follows:

Spirits	$7 50
Tobacco	5 00
Sugar	4 50
Woolen goods	3 25
Cotton and linen	1 75
Silk	1 50
Crockery and glass	50
Other articles	6 00

The tax-payer will be no more heavily burdened by paying $1 on his tea and coffee than he would by paying the same amount on tools and clothing. The latter are as indispensable to the laborer as the former. This pure revenue tax, to be applied toward the reduction of the debt, would be as cheerfully paid by the people now as it was paid by our fathers from the adoption of the Constitution in 1789 to the extinction of the debt in 1832.

Laws imposing, increasing, or continuing the duty on tea and coffee were approved by Washington and Madison.

The first tariff bill passed by Congress in 1789 imposed duties on tea and coffee.

In 1816 James Madison approved a tariff bill framed and recommended by A. J. Dallas, his Secretary of the Treasury, which imposed a duty on coffee of 5 cents per pound, and on teas, bohea 12 cents; souchong and other blacks 25 cents; imperial, gunpowder, and gomee 50 cents; hyson and young hyson 40 cents; hyson skin and other green 28; average 31 cents. Imported in other than United States ships, average price, 42 cents.

The duty on tea and coffee was again imposed during the war of the rebellion, and should have been continued until the national debt was extinguished. Its repeal necessitated the imposition and maintenance of customs and internal taxation less easily collected.

For the restoration of this tax the chairman has the indorsement of the action of the early statesmen of the Republic, the sanction of every advocate of a revenue tariff. It has received the approving indorsement of some of the ablest statesmen that have managed the finances of the country.

John C. Spencer, Secretary of the Treasury under John Tyler in 1843, recommended the re-imposition of tea-and-coffee duty. He said:

The articles now free of duty which present themselves most prominently as subjects of impost are teas and coffee. The opinions of importers of these articles, of

merchants and officers of the customs in various parts of the United States, as communicated to this Department in pursuance of its request, are unanimously and decidedly in favor of such duties, as "more equal and less burdensome than any other mode by which the same amount could be collected." From the organization of the Government to the year 1832 duties were laid upon these articles. In that year they were repealed, in pursuance of the recommendation of the President, which was made, as he stated, in consequence of the national debt being extinguished and the revenue being abundant for the public service. The reason for that policy having ceased, and additional revenue being indispensable for the most economical administration of the Government, it cannot be doubted that our fellow-citizens will acquiesce in the necessity which requires such an impost as cheerfully as in any other burdens which they are called to bear for the security and protection of themselves, their property, their rights, and liberties.

Notwithstanding the opinions of some, I cannot doubt that the price of these articles would be enhanced to the consumer to some extent by the imposition of duties. But it may be questioned whether this effect would not be temporary. * * * But whatever may be the increase of price to the consumer, and whether it be permanent or temporary, it would be fairly distributed among the whole community, for nearly all are consumers. It cannot be supposed that duties to the amount of four millions, distributed among nearly eighteen millions of persons, would be seriously felt by any, even assuming that the consumers would exclusively bear the burden, and that it would not be divided between them and the producers.—*Executive Document*, Twenty-eighth Congress, first session, page 12.

Robert J. Walker, Secretary of the Treasury under James K. Polk in 1847, in view of the increasing debt growing out of the Mexican war, said:

This Department has not recommended any change of the tariff of 1846, except a duty of 25 per cent. on tea and coffee, as the least onerous, the most certain and available; to be levied only as a war duty, and to pay the expenses of the war, and liquidate the debt created thereby.

In later times, for a similar purpose, Chase, McCulloch, and BOUTWELL favored the imposition or retention of this tax.

CAN THE MANUFACTURING INDUSTRIES PROSPER UNDER A REDUCED TARIFF?

They can. They may forbode disaster and prophesy destruction. So they reasoned in 1832 and 1846. The salt-makers foresaw ruin from the reduction of 1872; but the domestic production continues, with less profit perhaps to capital, but cheaper prices to consumers. But each decennial census has recorded a growing production of iron, cotton, and woolen manufactures, outrunning the increase of population as well as of agricultural production. The growth was steady, continuous, and healthy.

The iron mines of the Lake Superior region were opened under the tariff of 1846. The shipment of ore commenced in 1856, and increased up to 1860 as follows:

	Tons of ore.	Tons of pig-iron.	Value.
1856	7,000	.....	$28,000
1857	21,000	.....	60,000
1858	31,035	1,629	249,202
1859	65,679	7,258	575,529
1860	116,908	5,600	736,496

This development was under a tariff of 24 per cent. *ad valorem*.

Who will say the revenue tariffs of 1846 and 1857 did not give sufficient encouragement to manufactures? The increase of production was from $1,019,106,616 in 1850 to $1,885,861,676 in 1860.

Population increased but 36 per cent., manufacturers 87 per cent. in the decade.

From 1850 to 1860 the increased production of iron, cotton, and woolen goods was in advance of the increase of population. That of 1860 to 1870, reducing currency to gold and prices of 1870 to 1860, does not so largely exceed the percentage of increase as at the first glance would be supposed. I submit a table showing the progress:

Value of products of iron, cotton, and woolen goods, shown by the censuses.

Year.	Iron, pig.	Iron, rolled.	Iron, cast.	Cotton goods.	Woolen goods.
1830	$4,757,408	.....	.....	$22,534,815	$14,528,166
1840	7,172,575	.....	.....	46,350,433	20,696,999
1850	12,748,727	.....	$25,108,155	65,501,687	43,207,545
1860	29,870,120	$31,888,705	36,132,033	115,681,774	61,894,986
1870	69,640,498	120,311,158	99,843,248	177,489,739	155,405,358

The total production of iron other than pig was by the census of 1830 $21,494,654; 1840, $29,909,162; 1850, $60,455,653; 1860, $94,045,454.

RESULTS OF HIGH DUTIES.

Under the revenue duties of 1846 and 1857 there was a steady healthy growth and development of the manufacturing industries of the country. The exorbitant rates of the last fourteen years have increased their number and capacity for production above the wants and consumption of the country. For the last two years cotton and woolen mills have been running on half time, and many permanently suspended. Half of the furnaces of the country are out of blast. Mills and furnaces that never would have been built under revenue duties, because their location and facilities for procuring cheap raw material, labor, and transportation to market would render them unprofitable, have been started and must now be abandoned. Trade lags and industry ceases. The expectant shop-keeper vainly waits at the door-way for the passing customer. Closed shutters, silent furnaces and engines, and smokeless chimneys tell the condition of manufacture. Deserted wharfs, closed hatchways, and idle steamers and ships show business prostrate and commerce dead, failing merchants, starving mechanics, suspended mills, and rusting machinery. The bounties have been lavished in vain. The promises of protection for high wages to labor are a cheat and delusion, as well as to the farmer and mechanic.

DEPRESSION NOT FROM CONTRACTION.

These moving pictures of the distressed condition of the manufacturing regions of the country, of its silent work-shops, and idle and suffering laborers have been of late repeatedly held up for our contemplation. This condition is erroneously attributed to a supposed reduction of the currency for the resumption of specie payments. Contraction has wrought this ruin, say the advocates of paper money. Contraction! When? How? The total paper circulation is but $7,000,000 less than it was at the close of the year 1867. The paper in circulation, outside of the banks and Treasury, during the last ten years was at its lowest point in 1867, being $559,000,000, which was increased to $590,000,000 on January 1, 1872, and now is $5,000,000 in excess of the last amount.

To test this question, I requested the Treasurer to furnish me a statement from the Treasury books showing from 1865 to 1875 the total amount of United States notes, fractional currency and national-bank notes, and all other moneys issued and authorized to be issued as currency or bank reserve outstanding in the Treasury and national banks and in actual circulation. I will append it to my remarks. It proves unmistakably that in 1865 there was a redundancy of circulation which necessarily accumulated in the banks. Not being demanded to facilitate the exchanges, it lay idle in the banks and Treasury vaults. The latter held in 1865 $270,000,000, being over $100,000,000 more than they held in 1875, ten years later; and the banks held at least $100,000,000 more than the law required.

In December, 1867, there was in actual circulation among the people, outside of banks and Treasury vaults, but $559,000,000.

In the face of these facts no man can truthfully affirm that an imaginary contraction of circulation produced the collapse of the high prices of 1872 and the panic of 1873.

The panic of 1873 and subsequent depression resulted from other causes.

A transition from high prices for the products of industry entails reduced profits, lessened wages, uncertain employment, a glutted market, unsalable goods, needy borrowers, suspended business, enforced idleness, pecuniary distress, bankruptcy, and financial ruin to prudent managers as well as visionary adventurers.

Such transition occurred in 1873. The fall in prices gradually taking place after the rise during and subsequent to the war of the rebellion, which fall was most severe in 1869, was arrested by a sudden and unexpected European war, which disturbed the industries of the eastern continent.

The declaration of war between France and Germany in July, 1870, was followed by almost an immediate rise in the price of commodities. The demand for munitions of war, iron, food, clothing, advanced the price in foreign markets, and the prices went up in our own in sympathy. Nor did the conclusion of peace at once check the onward and upward march. The demand for the products of industry to repair the waste of war, the inflation of prices caused in Germany by the payment of the French war indemnity pushed commodities to estimated values too high for profitable consumption. Pig-iron, quoted in 1870 at $30 per ton, was worth in 1872 $50 to $55 per ton. Other metals and textile fabrics had advanced in sympathy. The manufacturing establishments, reaping enormous profits, were enlarged and multiplied. Their capacity in almost every branch of manufacturing industry was more than sufficient for the home demand for their products.

Then came the turn in the tide. The advancing price changed its current, receded, fell. On a falling market neither manufacturers nor merchants desired to buy. It is customers, not cash, that is lacking; and customers prefer to wait until the market has reached its proper condition and prices are at the old rate.

HOME MARKET A FAILURE.

In 1870 I affirmed that the high tariff had failed and would fail to give a market for our surplus. The excess of production above consumption in the Northwestern States for the year 1869 was estimated at seventy-four millions, of which twenty-eight millions had to seek a foreign market. The propositions to increase duties were defeated, although most of the war rates were continued. The six subsequent years have failed to give a better market. The last six years have tripled the surplus. In 1874 our grain-fields furnished bread to 20,000,000 workers in other countries glad to exchange their products for food. After supplying all our own people with food, in 1875 we shipped wheat and flour to fifteen millions offering us the cheapest products of their labor. They sent us for this food, which for the six years prior to the imposition of the present high-tariff rates our own home market consumed, all but an annual surplus of less than 17,000,000 bushels of wheat. During the last six years we have been compelled to find a market for an annual average surplus of 57,000,000 bushels of wheat. Fourteen years of heavy bounties to build up a home market has resulted in an increase of 40,000,000 bushels of wheat which our farmers must send abroad.

Agricultural exports in six years of—

LOW-DUTY PERIOD.

Fiscal years.	Bushels of wheat.	Barrels of flour.	Bushels of corn.
1856	8,154,877	3,510,626	10,292,280
1857	14,570,331	3,712,053	7,505,318
1858	8,926,196	3,512,169	4,766,145
1859	3,002,016	2,431,824	1,719,998
1860	4,155,153	2,611,596	3,314,155
1861	31,238,057	4,323,756	10,678,244

PROTECTIVE PERIOD.

1870	36,584,115	3,463,333	1,392,115
1871	34,304,906	3,653,841	9,826,319
1872	26,423,080	2,514,535	34,491,650
1873	39,564,295	2,502,086	38,541,930
1874	71,039,928	4,094,094	34,434,606
1875	53,047,177	3,973,128	28,858,420

Great Britain and her dependencies buy annually $350,000,000 of American products. She cannot pay in gold, for, unlike the United States, she does not produce gold for export. She can and does produce cheaply iron, steel, cotton, and woolens. With these she pays for food, our grain, and provisions. Our surplus must be exchanged for her surplus directly or indirectly. Why forbid our farmers making so desirable an exchange? Must their produce be kept at home to depress prices and glut a food market amply supplied? Shall they let their fields lie waste and lessen food production, themselves engaging in manufacturing?

Of our grain export in 1875, 72,802,605 bushels of wheat and flour reduced to wheat was purchased by the people of the British Empire.

In 1873 Great Britain and Ireland gave us a market for our production valued as follows, calling a pound $5:

Cotton	$157,724,665
Grain	90,861,315
Provisions, tallow, &c	54,124,275
Tobacco	9,438,505
Other products	46,208,705
Total	357,357,465

For this we took of merchandise in exchange only $167,873,380, consisting of—

Iron, steel, and their manufactures	$43,998,455
Cotton and their manufactures	21,189,095
Linen and their manufactures	15,612,390
Woolen and worsted	30,576,106
Other commodities	56,587,235

The balance, amounting to $190,000,000, was settled for by bills on other nations, coin, or in other ways.

The United Kingdom bought of us over $300,000,000 of our agricultural productions. If we had refused to receive in part exchange the $111,000,000 of surplus iron, steel, and textile fabrics she offered and sold us, could we expect her people would continue to buy so largely of our farm products? Refusing to trade for her goods, she must take them to another food-producing country and our grain rot at home.

The total imports into Great Britain and Ireland of wheat and flour reduced to wheat in 1874 amounted to 91,069,027 bushels. Of this the United States sent direct 50,784,630 bushels, and through Canada at least 10,000,000 more. As the acreage of wheat grown for that year in the United Kingdom was 3,830,676 acres, probably one-half of the bread consumed by the people of the British Isles was imported, and one-third came from the United States.

Great Britain is the best customer of the western wheat-grower, and the most certain market for our surplus provisions. Her own grain feeds only her own farmers and country district. The United States supplies her cities and manufactories—fully one-half of her people—with provisions and bread.

Of a total import of 33,028,100 bushels of corn, 25,115,200 bushels came from the United States.

I ask for a reduction of duty because the only meritorious plea for protection is that infant industries need and are entitled to national aid. It is the old, old story. We heard it in childhood. It was the excuse, if not the justification, for the high duty of 7½ per cent. in the first revenue bill passed by the First Congress in 1780. The next generation heard the same song at the close of the war of 1812. Even then, however, this principle, ever to be remembered, was conceded.

PROTECTION SHOULD NOT BE PERMANENT NOR PROHIBITORY.

It was sixty years ago that the manufacturers of cottons and woolens, not content with then existing rates, came to Congress with petitions for higher duties. Mr. Newton, the chairman of the Committee on Commerce and Manufactures, reported upon them favorably, promising that "should the National Government, pursuing an enlightened and liberal policy, sustain and foster the manufacturing establishments, a few years would place them in a condition to bid defiance to foreign competition." This was in 1816. The infants then begging for Government bounty, according to the report of the committee, had grown to the following proportions:

	Woolen.	Cotton.
Capital	$12,000,000	$40,000,000
Persons employed	100,000	100,000
Wages paid	.....	$15,000,000
Value of product	$19,000,000	$24,300,000

These manufactures had sprung into life under a duty of but 12½ per cent. *ad valorem*. The tariff law of 1816 increased the duty to 25 per cent.; but keeping in view the fact that permanent protection was not to be conceded, the duty was to be reduced to 20 per cent. at the expiration of three years.

When the bill was under discussion Mr. Webster moved to reduce the duty on imported iron from 75 to 45 cents per hundred-weight; it was advocated by him and carried—ayes 62, noes 43.

Mr. Webster, then representing New Hampshire, said the question was how far the General Government was bound to support those institutions, (manufactories.) He was not prepared to say that the Government was bound to adopt a permanent protection. He proposed a duty on cottons of 30 per cent. *ad valorem* for two years; 25 per cent. for two years thereafter, and 20 per cent. after the last period. He stated the object of his motion was to impose a duty so moderate as to insure its permanency and still be an adequate one. (*Annals of Congress*, Fourteenth Congress, first session, page 1271.)

Manufacturers themselves only claimed temporary protection. Said one of their advocates in 1849:

> Grant to our manufacturers in a permanent and specific form that protection which the act of 1846 delusively promised, say $13 on bar iron and $5.50 on pig, and they will be enabled to furnish a better and cheaper article than can be imported, and they will render the country independent of foreign aid in the supply of this important material.—*Letter of J. S. Home to the Secretary of the Treasury* 1849-'50. *Hon. William Meredith, Secretary of the Treasury, executive document*, first session Thirty-first Congress, page 859.

It was recognized as a true principle and enacted into law in the compromise tariff of 1832, which provided for a biennial reduction of tariff rates until at the end of nine years the maximum duty of 20 per cent. was reached. For this tariff Henry Clay voted, and by his influence and efforts it was passed.

The reductions of 1846 and 1856 were based upon the same doctrine that protective duties ought not to be permanent, and that as industries are established bounty should be gradually withdrawn.

The passage of the committee's bill will apparently result in a reduction of customs revenue. The reduction for the next and ensuing year will be greater.

The heaviest importations of dutiable articles are of iron, cottons, woolens, silks, and sugar. The domestic production is increasing, except of sugar. The manufacturing establishments of iron, cottons, and of many woolen goods are of more than sufficient capacity to supply the home demand. The depressed condition of business, with labor unemployed and poorly rewarded, the decrease of extravagance, with greater frugality and economy, must continue to lessen the consumption of commodities and their importation. Customs revenues will probably grow smaller for some years. They are now diminishing.

The importations of dutiable commodities and duties received for the last three years have been—

Importation of duitable commodities for 1873, 1874, *and* 1875.

Years.	Dutiable imports.	Duties.
1873	$497,320,326	$188,089,522 70
1874	415,924,580	163,103,833 69
1875	386,725,509	157,167,722 35

The falling off in duties and imports has continued during the present fiscal year. A comparison of the first months of 1875 and 1876 shows a certain deficit in the customs-revenue receipts:

Nine months of—	Dutiable imports.	Duties.
1875	$286,447,171	$119,100,872 31
1876	243,150,785	113,969,596 26

The diminution of customs revenues for nine months of 1876 below same period of 1875, $5,031,276.05. A proportionate reduction for the remaining three months will make the total falling off in duties $6,841,701.40.

The total Treasury receipts up to May 1 show an increase for the last ten months above the same period in 1875, although the customs revenue fell still more heavily in April.

Total Treasury receipts up to May 1.

	Customs.	Internal revenue.	Total revenues.
Ten months, 1875	$134,719,010 20	$90,911,041 05	$241,259,677 11
Ten months, 1876	125,256,199 79	92,418,744 41	244,853,000 11
May and June, 1875	22,448,712 15	20,096,452 53	46,740,373 99
Total, 1875	157,167,722 35	110,007,493 58	288,000,051 10
Estimated total, 1876	147,704,911,94	112,515,196,94	291,593,374 10
Decrease	9,462,810 41		
Increase		2,507,703 36	3,593,723 00

Thus, while there will probably be an increase in receipts from internal revenue of $3,000,000 in 1876 above 1875 and no falling off in total receipts from all sources, the customs revenue still continues to decline. The internal revenue and miscellaneous receipts for the present year have made up for the decline in customs. But the miscellaneous receipts are uncertain, being made up in part from premiums on sale of coin, sale of public lands, &c. Under the most favorable exhibit the revenues of 1877 will not rise above those of 1875, which fell short of meeting the expenditures and requirements of the sinking fund.

REDUCTION WILL POSTPONE RESUMPTION.

This to me is a weighty reason for opposing a reduction of revenue. The country desires ultimately to return to specie payment. Without coin in the Treasury and sufficient revenues there can be neither redemption nor resumption. The Treasury cannot accumulate or retain coin for resumption without a surplus revenue. A reduction of $12,000,000, as proposed by the bill, and the decline of importations would reduce customs revenues next year probably $20,000,000. This, unless compensated by an increase of revenue from other sources, will be an effectual postponement of any practical plan of ultimate specie resumption.

TAXATION NOT REVENUE TO BE REDUCED.

The obligations of the Government must be sacredly met. Sufficient revenue for necessary economical expenditures and for the interest and sinking-fund account of the public debt must be raised.

The Government credit is to-day higher than ever before when negotiating for public loans. Its 5 per cent. bonds, having five years only to run, sold, on the 24th of last month, at a premium of 3¼ per cent., showing a 4½ per cent. interest bond for the same time to be worth above par. The national credit must be kept at that or made still better.

There are outstanding and now payable at the option of the Government approximately $740,000,000 of 6 per cent. bonds, while in five years more, at the option of the Government upon the remainder of the bonded debt, nearly $1,000,000,000 will have matured. Under the administration of General Grant $500,000,000 of 6 per cent. bonds have been refunded into 5 per cent. ten-year bonds. The public credit stands to-day nearly at 4 per cent. In the observance of the sinking-fund law, said an eminent banker, Mr. Hatch, to the Committee of Ways and Means, "was the beginning of the elevation of our Government credit all over the world."

In the next twelve years the whole amount, $1,000,000,000, of outstanding 6 per cent. bonds will have matured absolutely. The sinking fund at that time will be insufficient by $400,000,000 to redeem them, and at least that amount of 6 per cent. bonds must be refunded. They ought, they can in a short time be refunded at 4 per cent., and save $20,000,000 in annual interest, if the national credit is maintained at its present high standard. Common honesty, national honor, and the wisest statesmanship unite in demanding sufficient revenues to meet the requirements of the sinking fund.

One year ago as decreasing revenues resulting from diminished importations threatened to exhaust the balance that should be applied to the sinking-fund account, Congress considered it a sacred duty to provide additional revenues, and passed an act to further protect the sinking fund. It contained provisions that diminished instead of increased revenue on imported articles. But in other respects it accomplished what its title proposed. It provided for a threatened deficit in the sinking fund and thereby greatly improved the public credit.

Before the sinking-fund account will have wiped out the debt the nation, at its present rate of growth, will have doubled in population and tripled in wealth. The annual burden for interest and principal will, in the year 1900, twenty-four years hence, be borne by 75,000,000 of people and the *per capita* proportion be reduced nearly one-half. As the sinking-fund account must annually increase by the amount of interest on the annual payment, a fear has been expressed of the inability of the people to meet the supposed increased annual payments required thereby for the public debt. The fact is overlooked that the interest accruing on the principal of the debt unpaid is diminished annually by just the amount added to the sinking-fund account. The total annual payment for interest and sinking-fund account remains nearly the same.

If it is proposed to repudiate the sinking-fund pledge, do not let us begin in the centennial year. If the nation while exhausted and bleeding from the terrible life-struggle of a fierce civil war could raise in 1866 from customs and internal taxation nearly $500,000,000 and in 1867 $442,000,000, it can hereafter, with increased production and the waste of war repaired, without embarrassment raise $130,000,000 for interest and the sinking fund, besides the amount necessary for its ordinary expenditures.

APPENDIX.

Prices of Scotch pig and English bar iron at New York, taken from Treasurer's report 1863, and subsequent reports; and prices of American rails at Philadelphia, from commerce and navigation monthly report, currency reduced to gold value; also average prices and duties at different tariff periods.

Years.	Scotch pig-iron.		Bar-iron.		Railroad iron at Philadelphia.	
	Rate of duty.	Average price.	Rate of duty.	Average price.	Rate of duty.	Average price.
1842	$7 56	$25 00	$21 40	$57 00		
1843	9 00	26 00	25 00	57 00		
1844	9 00	32 00	25 00	61 00		
1845	9 00	37 00	25 00	74 00		
1846	9 00	38 00	25 00	78 00		
Average 5 years	9 00	33 25	25 00	67 50		
1847	30 per cent. *ad valorem.*	33 00	30 per cent. *ad valorem.*	72 00	30 per cent. *ad valorem.*	
1848	....do	29 00	...do	59 00	....do	$62 25
1849	....do	24 00	...do	47 00	....do	53 87½
1850	....do	22 00	...do	41 00	....do	47 87½
1851	....do	21 00	...do	36 00	....do	45 63
1852	....do	22 00	...do	39 00	....do	48 38
1853	....do	34 00	...do	65 00	....do	77 25
1854	....do	38 00	...do	87 00	....do	89 12½
1855	....do	28 00	...do	58 00	....do	62 87½
1856	....do	32 00	...do	59 00	....do	64 38
1857	....do	31 00	...do	66 00	....do	64 25
Average 11 years	30 per cent. *ad valorem.*	28 50	30 per cent. *ad valorem.*	51 50	30 per cent. *ad valorem.*	60 69
1858	24 per cent. *ad valorem.*	24 00	24 per cent. *ad valorem.*	51 00	24 per cent *ad valorem.*	50 00
1859	....do	25 00	....do	45 00	... do	49 38
1860	....do	23 00	....do	42 00	....do	48 00
1861	....do	22 00	....do	43 00	....do	42 38
Average 4 years	24 per cent. *ad valorem.*	23 50	24 per cent. *ad valorem.*	45 25	24 per cent. *ad valorem.*	47 44
1862	6 00	21 92	15 00	51 75	$12 00	36 94
1863	6 00	25 34	19 50	50 00	13 50	52 96
1864	6 00	29 70	22 40	76 26	13 50	62 37
Average 3 years	6 00	25 65	18 96	58 33		50 75
1865	9 00	32 27	22 40	79 11	15 68	62 80
1866	9 00	33 80	22 40	77 46	15 68	61 96
1867	9 00	31 15	22 40	71 73	15 68	60 23
1868	9 00	29 49	22 40	63 30	15 68	56 33
1869	9 00	30 08	22 40	66 94	15 68	56 84
1870	9 00	29 56	22 40	64 34	15 68	62 82
1871	7 00	30 63	22 40	63 06	15 68	62 82
1872	7 00	42 83	22 40	90 17	15 68	76 00
Average 8 years	8 50	32 47	22 40	72 01	15 68	62 47
1873	6 30	42 47	20 16	78 76		
1874	6 30	37 50	20 16	76 45		
1875	6 30	31 12	20 16	57 30		
Average 3 years	6 30	37 03		70 84		

Wholesale price of salt at New York in currency (also gold) from 1862 to 1875, and rates of duty in force.

	Liverpool.			Turk's Island.		
	Rate of duty.	Price in currency.	Price in gold.	Rate of duty.	Price in currency.	Price in gold.
					Cents.	*Cents.*
1862	24 cents per cwt.	$1 10½	98	12 and 18 cents per cwt.	28½	24
1863	24 cents per cwt.	1 48	1 02	18 cents per cwt.	39½	26
1864	24 cents per cwt.	2 59	1 28	.....	67½	33
1865	24 cents per cwt.	2 34	1 49	.....	54½	34
1866	24 cents per cwt.	1 86	1 32	.....	49	35
1867	24 cents per cwt.	1 95	1 41	.....	50	36
1868	24 cents per cwt.	2 11	1 50	.....	46½	32
1869	24 cents per cwt.	1 85	1 36	.....	46½	33
1870	24 cents per cwt.	2 33	2 02	.....	41½	35
1871	24 cents per cwt.	1 44	2 17	.....	44½	39
1872	24 cents per cwt.	2 38	2 12	.....	40½	35
Average	24 cents per cwt.	2 04	1 51½	.....	46½	33
1873	12 cents per cwt.	2 01	1 77	8 cents per cwt.	35½	30
1874	12 cents per cwt.	1 12½	1 00	8 cents per cwt.	27½	26
1875	12 cents per cwt.	95½	83½	8 cents per cwt.	26	24
Average	.....	1 36½	1 20	8 cents per cwt.	28½	26½

Statement of average deposits held by bankers and State banks for the six months ending May 31, 1875, and by national banks on the 1st of May, 1875, in each State and Territory.

States and Territories.	Deposits.		
	State and savings-banks and bankers.	National banks. (Individual.)	Total.
EASTERN.			
Maine	$30,459,221 08	$5,643,922 06	$36,103,143 14
New Hampshire	29,883,980 11	2,694,191 36	32,578,171 47
Vermont	7,099,560 15	3,809,215 14	10,908,775 29
Massachusetts	227,156,988 07	81,192,037 14	308,349,025 21
Rhode Island	51,870,241 69	7,367,794 94	59,238,036 63
Connecticut	76,398,063 58	16,097,059 12	92,495,122 70
Total	422,868,054 68		
MIDDLE.			
New York	437,842,374 79	266,542,932 91	704,385,307 70
New Jersey	36,067,094 76	18,616,498 02	54,683,592 78
Pennsylvania	101,843,935 24	93,073,517 26	194,917,452 50
Delaware	739,591 92	1,689,241 72	2,428,833 64
Maryland	23,481,416 57	15,901,759 63	39,383,176 20
District of Columbia	3,504,346 82	1,772,811 07	5,277,157 89
Total	603,478,760 10		
SOUTHERN.			
Virginia	7,339,002 02	4,963,444 73	12,302,446 75
West Virginia	2,987,151 81	1,484,063 72	4,471,215 53
North Carolina	1,704,036 35	2,652,401 97	4,356,438 32
South Carolina	1,452,129 98	2,888,943 84	4,341,073 82
Georgia	4,147,971 49	2,073,563 69	6,221,535 18
Florida	215,005 64	102,645 22	317,650 86
Alabama	1,696,549 86	1,152,621 05	2,849,170 91
Mississippi	1,443,069 72	.....	.....
Louisiana	7,461,729 19	7,465,070 74	7,400,147 43
Texas	4,109,341 98	1,319,593 43	5,428,935 41

Statement of average deposits held by bankers and State banks, &c.—Cont'd.

States and Territories.	Deposits.		
	State and savings-banks and bankers.	National banks. (Individual.)	Total.
Arkansas	188,975 94	102,134 10	291,109 04
Kentucky	12,631,534 16	5,718,064 21	18,349,598 37
Tennessee	2,472,549 18	4,538,453 80	7,010,002 98
Total	47,849,047 32		
WESTERN.			
Ohio	40,470,579 03	33,772,882 77	74,243,461 80
Indiana	11,328,207 31	16,144,480 69	27,472,688 00
Illinois	34,603,654 25	39,782,159 72	74,385,813 97
Michigan	10,539,621 87	11,368,107 60	21,907,729 47
Wisconsin	8,730,619 98	6,690,534 39	15,421,154 37
Iowa	8,178,100 63	11,246,824 64	19,424,925 27
Minnesota	1,779,022 98	4,970,350 28	6,749,373 26
Missouri	36,500,170 88	8,952,872 04	44,453,042 92
Kansas	2,385,874 23	2,006,863 25	4,392,737 48
Nebraska	967,513 04	2,365,909 73	3,333,412 77
Oregon	1,282,092 90	486,493 59	1,768,586 49
California	96,907,136 71	4,469,714 43	101,376,851 14
Colorado	795,528 32	2,442,353 68	3,237,882 00
Utah	507,228 08	322,956 38	830,184 46
New Mexico	19,252 04	266,849 65	286,101 69
Wyoming	39,031 22	205,438 66	244,469 88
Idaho	51,925 14	119,368 53	171,293 67
Dakota	104,335 19	34,605 02	138,940 21
Montana	79,899 89	836,931 78	916,831 67
Washington	162,241 24	.....	162,241 24
Nevada	2,361,469 36	.....	2,361,469 36
Total	257,793,504 29		
Grand total	1,331,989,366 39	695,347,677 70	2,017,453,300 87

Statement of currrency, amount outstanding, amount held by Treasury and national banks, and amount outside of Treasury and national banks.

Date.	United States currency outstanding, namely, demand one and two year compound-interest and legal-tender notes, and fractional currency.	Certificates of indebtedness, 1862 and 1863.	Three per cent. certificates outstanding.	National-bank notes outstanding.	Total United States currency, certificates of indebtedness, 3 per cent. certificates, and national-bank notes outstanding.
December 31, 1865	$641,172,921 62	$60,667,000 00	.....	$236,636,098 00	$938,476,019 62
December 31, 1866	556,100,424 07	.....	.....	298,588,419 00	854,688,843 07
December 31, 1867	444,829,619 85	31,000 00	$23,265,000 00	299,846,206 00	767,971,825 85
December 31, 1868	394,688,669 39	13,000 00	55,865,000 00	299,747,569 00	750,314,238 39
December 31, 1869	398,617,975 18	12,000 00	45,545,000 00	299,629,322 00	743,804,297 18
December 31, 1870	398,223,667 38	5,000 00	43,550,000 00	304,956,849 00	746,735,516 38
December 31, 1871	399,215,960 77	5,000 00	22,025,000 00	327,727,306 00	748,973,266 77
December 31, 1872	405,053,421 12	5,000 00	4,145,000 00	343,102,812 00	752,306,233 12
December 31, 1873	427,607,906 90	5,000 00	5,000 00	348,819,036 00	776,436,942 90
December 31, 1874	428,973,350 83	5,000 00	5,000 00	351,858,250 00	780,841,600 83
December 31, 1875	416,501,269 97	5,000 00	5,000 00	344,391,896 00	760,903,165 97

Date.	Amount of national-bank notes, fractional currency, and legal-tenders held by national banks, (approximate dates.)	Amount of compound-interest notes and 3 per cent. certificates held by national banks.	Total amount held by national banks.	Legal-tenders held by Treasury as special deposit for certificates issued under act of June 8, 1872.*	Legal-tenders, national-bank notes, and fractional currency held by Treasury.	Total amount of currency held by Treasury.	Total amount of currency held by Treasury and national banks.	Amount outside of Treasury and national banks.
December 31, 1865	$208,252,990 82	.....	$208,252,990 82	.....	$70,542,872 75	$70,542,872 75	$278,795,863 57	$659,680,156 05
December 31, 1866	125,312,231 64	$82,047,250 00	207,359,481 64	.....	35,103,740 66	35,103,740 66	242,463,222 30	612,225,630 77
December 31, 1867	133,151,208 78	48,242,030 00	181,393,238 78	.....	27,103,737 37	27,103,737 37	208,496,976 15	559,474,849 70
December 31, 1868	105,204,570 06	52,075,000 00	157,279,570 06	.....	26,360,331 37	26,360,331 37	183,639,901 43	566,674,336 96
December 31, 1869	106,026,137 75	43,820,000 00	149,846,137 75	.....	26,497,870 85	26,497,870 85	176,344,008 60	567,460,288 58
December 31, 1870	99,733,113 89	41,845,000 00	141,578,113 89	.....	45,817,442 14	45,817,442 14	187,395,556 03	559,339,960 35
December 31, 1871	106,090,211 89	21,400,000 00	130,490,211 89	.....	27,755,114 70	27,755,114 70	158,245,325 59	590,727,941 18
December 31, 1872	124,263,267 32	4,185,000 00	128,448,267 32	$25,370,000 00	14,132,941 99	39,502,941 99	167,951,209 31	584,355,023 81
December 31, 1873	132,410,139 03	.....	132,410,139 03	36,720,000 00	16,195,566 71	52,915,566 71	185,325,705 74	591,111,237 16
December 31, 1874	107,529,795 74	.....	107,529,795 74	41,200,000 00	34,101,412 84	75,301,412 84	182,831,208 58	598,010,392 25
December 31, 1875	90,792,290 10	.....	90,792,290 10	35,175,000 00	39,734,675 69	74,909,675 69	165,701,965 79	595,201,200 18

* The amount of legal-tenders held by the Treasury as a special deposit should really be added to the amount held by banks, as it is only held by the Treasury for the banks.

During the delivery of the foregoing speech,

Mr. FAULKNER (at two o'clock and fifteen minutes p. m.) said: I believe that the two hours assigned for this discussion by the House have now expired, and I move that the committee rise.

Mr. BURCHARD, of Illinois. I cannot yield for that motion during my hour.

The CHAIRMAN, (Mr. WIKE.) The time to which the debate was limited has expired.

Mr. FAULKNER. The House assigned two hours for the discussion of this bill in Committee of the Whole, and that time has now expired.

Mr. BURCHARD, of Illinois. I hope the gentleman will allow me

to finish my remarks. I do not think I shall ask an extension of time beyond my hour.

Mr. TOWNSEND, of New York. I certainly hope the motion that the committee rise will not be insisted upon. The gentleman from Illinois [Mr. MORRISON] who preceded the gentleman now occupying the floor had his time extended.

Mr. FAULKNER. Is the gentleman aware that the House by its positive order fixed the time which should be allowed for this debate?

The CHAIRMAN. The Chair announces that the time to which the debate was limited by the House has expired, and can only be extended by unanimous consent.

Mr. BURCHARD, of Illinois. My hour has not expired.

The CHAIRMAN. But the two hours to which the debate was limited have expired; and the gentleman from West Virginia [Mr. FAULKNER] moves that the committee rise in pursuance of the order of the House. The gentleman from Illinois [Mr. BURCHARD] will be entitled to the floor for the remainder of his hour when the House again goes into Committee of the Whole.

Mr. BUCKNER. I hope unanimous consent will be given for the gentleman to conclude now.

Mr. KELLEY. If the committee should now rise and I should be recognized in the House I will move that the time be extended so as to allow the gentleman from Illinois to finish his speech now.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] asks unanimous consent that the gentleman from Illinois be permitted to complete his remarks at this time. Is there objection?

Mr. FAULKNER. I insist on my motion that the committee rise.

The motion was not agreed to.

The CHAIRMAN. The committee refuses to rise, and the gentleman from Illinois is entitled to the floor.

Mr. O'BRIEN. I do not propose to interrupt the gentleman's speech at all; but as the committee has declined to rise pursuant to the order of the House, I wish to inquire how long it will be compelled to sit. [Laughter.]

The CHAIRMAN. That the Chair presumes will be at the pleasure of the committee.

Mr. FAULKNER. I rise to a question of order. Is it competent for the Committee of the Whole to extend the time for discussion contrary to the order of the House?

The CHAIRMAN, (Mr. SPRINGER having resumed the chair.) It is competent for the Committee of the Whole to rise at any time; but it has refused to rise; and the gentleman from Illinois has now the floor.

Mr. FAULKNER. Is he entitled to the floor for further discussion when the time to which the House positively limited debate has expired?

The CHAIRMAN. Debate is out of order; the gentleman from Illinois is entitled to the floor.

Mr. BURCHARD, of Illinois, resumed his remarks. When his hour had expired, but before he had concluded his speech,

Mr. FAULKNER moved that the committee rise.

Mr. TOWNSEND, of Pennsylvania. I trust the gentleman from Illinois may be allowed to conclude his speech. His colleague [Mr. MORRISON] had his time extended.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Illinois be allowed to proceed with his remarks. Is there objection?

Mr. FAULKNER. I insist on the motion that the committee rise.

The motion was not agreed to.

The CHAIRMAN. Is there objection to the gentleman from Illinois proceeding with his remarks. The Chair hears none.

Mr. BURCHARD, of Illinois, resumed and concluded his speech, as already given.

Mr. FAULKNER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the Union generally, and particularly the bill (H. R. No. 3132) to revise and simplify existing laws imposing duties on imports and to reduce taxation, had come to no resolution thereon.

RECEIVERS OF NATIONAL BANKS.

The SPEAKER announced the appointment of Mr. COX, Mr. WIKE, and Mr. KASSON as the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, &c.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. Last evening at the adjournment the House had under consideration the election case of Spencer *vs.* Morey, from the State of Louisiana. This morning, soon after the reading of the Journal, the gentleman from Pennsylvania [Mr. RANDALL] moved to postpone the unfinished business for two hours. That time having expired, I now propose to proceed with the consideration of that case; and I yield the floor to the gentleman from Iowa, [Mr. MCCRARY.]

The SPEAKER. For what purpose does the gentleman from West Virginia [Mr. FAULKNER] rise?

Mr. FAULKNER. I rise for the purpose of moving the postponement of the contested-election case of Spencer *vs.* Morey coming over from yesterday for two hours to enable the Committee on Foreign Affairs to make a unanimous report and such as they have been authorized by a suspension of the rules of the House to make on this day.

Mr. HARRIS, of Virginia. I hope the House will proceed with the Louisiana contested-election case pending before the House.

The SPEAKER. The gentleman from West Virginia, by order of the Committee on Foreign Affairs, moves that the House further postpone the consideration of the business of yesterday for two hours in order that it may proceed to the consideration of the report of that committee in the case of the investigation into the conduct of the minister of this country to Great Britain.

Mr. GARFIELD. Is the report of the Committee on Foreign Affairs in print?

Mr. FAULKNER. It is.

Mr. GARFIELD. I hope, then, we will have time to consider it.

Mr. HARRIS, of Virginia. I demand a division on the motion of the gentleman from West Virginia, and I hope we will be allowed to proceed with the contested-election case from Louisiana and have a vote upon it to-day.

The House divided; and there were—ayes 101, noes 57.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage by that body of an act (H. R. No. 755) for the relief of Jackson T. Sorrells without amendment.

It further announced the passage of an act (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio, with amendments, in which concurrence was requested.

THE EMMA MINE.

The SPEAKER. The further consideration of the unfinished business of yesterday is postponed for two hours, and the gentleman from West Virginia is entitled to the floor.

Mr. FAULKNER. I yield the floor to my colleague on the committee from the State of New York [Mr. HEWITT] to submit the report in the case of the Emma Mine.

Mr. HEWITT, of New York. Mr. Speaker, by unanimous vote of the Committee on Foreign Affairs I present the following report and the evidence taken in the case under the resolution of the House to investigate the connection of General Robert E. Schenck, minister to the court of Saint James, with the Emma Mine.

The Clerk proceeded with the reading of the report.

Mr. GARFIELD. I will interrupt the reading of the report to make a single suggestion. The report is evidently a long one and the Clerk is reading from manuscript. I understand the gentleman from New York in charge of the matter desires to make a speech, and I therefore suggest the further reading of the report be suspended with the exception of the reading of the conclusions at which the committee have arrived, and then the gentleman can go on and make his speech, if he desires to do so. Afterward the report can be ordered to be printed, so the House before taking action can have the whole report before it as well as the gentleman's speech. That will be, I think, fairer to all concerned.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) Is there objection to that suggestion?

Mr. WALLING. Yes; I object, as the House wishes to hear the report, and I object to passing it over without reading.

Mr. HEWITT, of New York. I venture to suggest, as the report is really very long——

Mr. GARFIELD. Let it be printed in full in the RECORD.

Mr. HEWITT, of New York. Of course it is not expected it can receive the undivided attention of the House, and it seems to me the object will be gained by allowing it to be printed, only reading the conclusions of the committee, and upon that the debate may take place.

Mr. WALLING. I do not desire to take the time of the House unnecessarily in reading the report, but if we are to vote on the resolutions which are the conclusions of the committee, the House should be placed in possession of the information to enable us to arrive at a correct vote, and we cannot do so without hearing the report read in full.

Mr. GARFIELD. I made my suggestion with the expectation as a matter of course the committee will not on so grave a subject as this compel us to vote until we have seen in print the report which they have made. I take it the gentleman from New York will not expect us to come to a vote on the mere reading of the report. That seems to me would not be anybody's opinion of fair play. In order to save time let the conclusion of the report be read, and then let the report be printed. Let the gentleman make his speech, and when the rest of us see it in print, at some subsequent day, we can come to a vote.

Mr. SPRINGER. I am informed that the gentleman from New York who has charge of this matter does not desire to press it to a final vote to-night, and there can be no objection to the suggestion of the gentleman from Ohio, that the report be printed in the RECORD, and only the conclusions read from the Clerk's desk at this time.

The SPEAKER *pro tempore*. Does the gentleman insist on his objection?

Mr. MCMAHON. Mr. Speaker, the gentleman upon whom reflec-

tion is made by this report, I understand, is a constituent of mine at the present time, and I hope so important a matter as this will not be brought in to be acted on upon the mere reading of the report. Here is the testimony, as I understand it, contained in about eight hundred printed pages. I have had no opportunity to look fairly into it, nor have other members of the House, and I should like to see it. If the gentleman will say he will move to recommit it with leave to report at any time, we will have no objection to the report being printed, and to his making his speech now.

Mr. HEWITT, of New York. There is no desire on the part of the committee to bring this to a vote to-day, unless every member of the House is prepared to vote upon it. On the contrary, while it is a unanimous report, it is the unanimous wish of the committee that every opportunity shall be given to the members of this House to read the report, to comprehend the findings, and to vote intelligently. And the suggestion made by the gentleman from Ohio will be cheerfully accepted.

The SPEAKER *pro tempore*. If there be no objection the report will be printed at length in the RECORD; and it is the understanding that no vote shall be taken to-night.

Mr. McMAHON. With that understanding I withdraw the objection.

The SPEAKER *pro tempore*. The Clerk will read the conclusion of the report.

The Clerk read the concluding portion of the report, which in full is as follows:

The Committee on Foreign Affairs respectfully beg leave to submit the following report:

On the 28th day of February, 1876, the House adopted a resolution in the following words, (page 1:)

"*Resolved*, That the Committee on Foreign Affairs be authorized and instructed to inquire further into the connection of the United States minister at the Court of St. James with the Emma Mine, so called; that it have power to send for persons and papers; and leave is given to said committee to sit during the sessions of the House."

The correspondence which had taken place in reference to this subject between the Secretary of State and General Robert C. Schenck, the minister of the United States at the Court of St. James, and the communication of the Secretary of State accompanying the correspondence, had been previously referred back by the House to the committee for further consideration. (pages 4-9.)

This correspondence developed the fact that in the month of November, 1871, the American minister at the Court of St. James had become a stockholder and a director of the Emma Silver Mining Company of London, a corporation formed in Great Britain, the country to which he was accredited, for the purchase of a mine in the United States, which he represented as envoy extraordinary and minister plenipotentiary. So far as the committee have been able to ascertain, (and they believe it to be true,) this is the first occasion in which a diplomatic representative of the Government of the United States has allowed himself to become associated, while acting as minister, in a private enterprise, carried on in his own country, but offered for sale in the country to which he is accredited. The questions presented, therefore, for inquiry and consideration are as follows:

1. Whether it is proper for an American minister to allow the use of his name, and consequently of his official position, for the two cannot be separated, to further the sale of American property in the open markets of the country to which he is accredited.

2. Whether his relations to the vendors of the property have been such as to cast suspicion upon his motives, and subject his action to unfavorable criticism.

3. Whether his subsequent action in connection with the company, or its shares, by dealing in them or otherwise, is compatible with the proper exercise of his diplomatic functions and the maintenance of a position of honor and usefulness at his post of duty.

If the committee are right in their view of the inquiry submitted to them, it will be seen that the question of the real value of the Emma Mine has no special bearing upon the conclusions to be reached. They have, however, felt themselves compelled to take a large amount of testimony on this subject, because evidence bearing upon that point had been taken prior to the arrival of General Schenck, who therefore insisted that it was necessary for his defense and vindication that further testimony should be taken, and they were unwilling to deny to a man so long and eminent in the public service any privilege which he might feel disposed to claim. He has therefore had full liberty to produce evidence giving the whole history of the enterprise, and the result is the volume of eight hundred and seventy-nine printed pages, which is herewith submitted to the House as part of this report.

From this mass of evidence, it appears that in the month of April, 1871, Trenor W. Park and Henry H. Baxter, both American citizens, purchased one-half interest in the Emma Silver Mine, situated in the Territory of Utah, for the sum of $375,000, and subsequently one-sixteenth interest at the rate of $1,500,000 for the whole mine, subject however to the claim then in litigation of James E. Lyon, of Wisconsin, for one-third of the property, (page 463.) In this litigation Lyon was represented, as counsel, by William M. Stewart, then a Senator of the United States from the State of Nevada. In August, 1871, an agreement was made between the owners of the Emma Mine and Stewart, acting as the attorney for Lyon, in pursuance of which it was agreed that the property should be offered for sale and (page 51) the claim of Lyon finally adjusted; but it was expected and represented that the amount likely to accrue to Lyon would be $500,000, as will appear from the annexed letter, which Stewart sent to Lyon at the time:

NEW YORK, *August* 5, 1871.

FRIEND LYON: Hillyer will start in about twenty minutes. He will explain to you the arrangement; it is not as good as I tried to get, but after three days of talk it was the best I could get. The plan has this advantage, that we will not be fighting for a worked-out mine. The litigation will not be injured, and, if we gain the case, we shall recover something, besides the right to bring other lawsuits. They have worked the mine up so in England by the ore they have sent, and the manner of sending it, that I have no doubt of a sale from five to eight millions.

I have seen their correspondence with the two English houses to whom they sent the ore. They are crazy about the mine. The Emma party have been working all the time to put up the reputation of the mine. I have refused to give up the lawsuit under any circumstances unless you get $500,000. You will, without doubt, get that.

WM. M. STEWART.

Stewart's personal interest in the mattter was to be one-fourth of the amount which might be realized by Lyon. In September, Park, representing the owners of the mine, and Stewart, representing Lyon, sailed for England for the purpose of selling the property. The evidence shows that during the summer and up to this time extraordinary efforts had been made to produce a large yield of ore from the mine, and that the product of the four months from 1st May to 1st September (page 672) was much larger than it had ever been before or ever was afterward. All the rich ore produced was forwarded by steamers to England and there sold, and the large yield and value of the ore were well known to the mining world.

On their arrival in London, (pages 464, 465,) they were met by C. M. Fisher, an American lawyer, who it is testified had done a good deal of legal business for the American legation, and whom General Schenck had known in London prior to his appointment as minister.

Fisher introduced Park and Stewart to Coates & Hankey as a firm desirous to purchase the property. A contingent arrangement was made with this firm, which subsequently fell through, but resulted in the introduction by them of Park and Stewart to Albert Grant, of the firm of Grant & Co., of London, well known for their success in bringing out, or "floating," as it is called, new companies upon the English market. After some negotiation, covering the month of October, 1871, Albert Grant agreed to take up the enterprise, for reasons which he has given to the public in a circular dated January 5, 1876, which appears in full in the statement of Albert Grant attached to the evidence herewith submitted, (page 31.) In this statement he says, after referring to the report of Professor Silliman, also included in the evidence:

"Being thoroughly satisfied with this report, I made an arrangement with Messrs. Park and Stewart to aid them with my influence in obtaining the capital necessary to enable the company to acquire it, the price they required for the mine being one million stering, half of which they stipulated to take in shares of the company.

"In addition to the evidences of *bona fides* before referred to, Mr. Park informed me he had reason to hope and believe that the American minister, General Schenck, would, if requested, join the board of directors; adding that he knew something of the property, and was disposed to invest some considerable amount in its shares, and Mr. Park asked me whether this fact would be favorably looked upon. I told him that it would be very satisfactory to every one about to be connected with the company, and especially to myself, as, I added, I felt certain it would inspire confidence in the undertaking, as, from the well known honorable character of the American minister, it was not to be supposed for a moment that he would have lent the weight of his name, given in addition to the influence of his official position, to an undertaking in the good faith of which he did not implicitly believe.

"This proposal for General Schenck to join the board was conclusive to me, as it would have been to anybody else, however cautious or experienced, as to the entire trustworthiness as an honorable man of Professor Silliman; of the good faith and respectability of Messrs. Park and Stewart, who were themselves to join the board, and, as I believed, entirely covering any moral responsibility I might assume in using the influence of my position to assist the vendors in obtaining the capital for the company. That was my fixed opinion then; it is not less my fixed opinion now."

It will thus be seen that Albert Grant alleges that he was induced to undertake "to float" the company upon the English market because the American minister had agreed "to join the board of directors" and to lend "the weight of his name, given in addition to the influence of his official position," to the undertaking. The evidence goes to show also clearly, but not of course absolutely, that no one else but Grant & Co. could have successfully sold a mine at that time in the English market, which was not then favorable for the sale of mining property. Park, however, swears that the arrangement with Grant was verbally completed before he applied to General Schenck to become a director, although he had previously agreed to take stock; but he admits that the contract with Grant & Co. was not signed until after he had procured the consent of General Schenck to join the board of directors. It would seem therefore that Grant is sustained in his statement that he did not finally decide to engage in the enterprise until he had satisfactory assurances that Schenck would become a director.

The contract with Grant & Co. is given at length in the evidence, (page 252.) It provides that the property shall be capitalized at £1,000,000, half of which is to be offered to the public at par in twenty-pound shares, and the other half of the shares are to be retained by the vendors for nine months, unless Grant & Co. should consent to their sale at an earlier date. Grant & Co. were to receive as compensation for "promoting" the company 20 per cent., equal to £100,000, on the sale of the first half of the shares, and one-half of the profits realized upon the sale of the second half retained by the vendors. Grant & Co. were authorized to "sustain the market" pending the allotment by the purchase of shares at a premium for the account of the vendors.

Thereupon a prospectus, dated November 9, 1871, (pages 69-74,) was issued, inviting proposals for the stock from the public until the 16th November, when it appears that shares were applied for largely in excess of the whole number advertised to be sold. This prospectus contains a list of directors, among which is the name of "Major-General Robert C. Schenck, United States minister, London," and in the body of the prospectus occurs the following paragraph:

"Major-General Schenck, on account of the exceptional character of the undertaking, has consented to act as one of the directors."

The prospectus contains a very full statement of the property sold and the resources in hand available for cash dividends, affirming that these are sufficient to warrant cash dividends at the rate of 1½ per cent. per month for twelve months.

In addition to these resources, the prospectus asserts that "the mine includes about 13,250 tons of first-class ore, already developed in various parts of the mine, and described in Professor Silliman's report of the estimated net value of £357,750."

The prospectus then states:

"From the above arrangements and details will be seen the extraordinary character of the property that will be acquired by the company, and in what a totally different character the Emma Mine stands to almost every mine in which the public have been allowed to participate by subscription."

For this statement every director, including the American minister, was responsible, so far as his character and judgment were concerned.

If this statement had been true, then the resources "already developed" were sufficient for two years' additional dividends at the rate of 18 per cent. per annum, thus securing from both sources to the stockholders 54 per cent. of the purchase-money, without any further product whatever beyond the reserves already developed.

The evidence shows (page 696) that dividends at the rate of 1½ per cent. per month were paid for thirteen months consecutively, until December, 1872, since when no dividends have been earned or paid, and there is no money on hand out of which they can be paid, and there is no ore in sight which can be mined, all the ore in the old workings having been absolutely exhausted, and no new ore developed by the subsequent explorations. Of the dividends paid £36,000 were advanced on sales of ore by Mr. Park, (pages 554, 656,) who is now suing the company for a balance of about £25,000 thereof, so that the net amount of earnings actually divided was £170,000.

On inquiry by the committee, Mr. Park professed his inability to account for the disappearance of the reserves, alleging as a reason that he had been refused access to the mine, and no satisfactory (page 657) evidence was presented to the committee as to what had become of the remainder of the available resources, estimated in the prospectus to be of the total value of £539,050, or of the large quantity of ore which ought to have been found during the years 1872 and 1873, during which mining operations were steadily prosecuted.

The result is that the shares have greatly depreciated in value, having fallen from £32 per share, at which they were sold May 11, 1872, to £1 5s., at which they are now quoted. The mine itself is still in the possession of the company, but the personal property has all been sold under execution issued in favor of Mr. Park,

and has been purchased by him, and is now in his possession. Great losses and consequent distress have thus fallen upon a large number of innocent people who, believing in these representations, had subscribed for the shares; and probably no failure of recent date has caused more general denunciation and brought more odium to its authors than this unfortunate enterprise.

Such briefly is the skeleton history of the Emma Silver-Mining Company of London, as developed by the evidence submitted to the committee.

The history of General Schenck's connection with this company, as disclosed by the evidence, would appear to be as follows:

About the middle of October, 1871, (pages 281-286) General Schenck made the acquaintance of Park, in company with Stewart, whom he had previously well known in the United States. The object of their visit to England was mentioned, and a conversation ensued upon the subject, which led Stewart to suggest to General Schenck that he should purchase shares in the company about to be formed. On Schenck's reply that he had no means to invest, Stewart suggested that "Park, owning a great many of the shares, and being a man of wealth, could assist him if he was so disposed;" and accordingly Park proposed to Schenck that he should become a subscriber in the company about to be formed to the extent of five hundred shares, of the value at cost of £10,000, with the understanding that General Schenck would not be required to provide any money, but that Park would let him have the amount for one year without interest. As a further inducement for General Schenck to take the stock, Park guaranteed that the dividends thereon should amount to 2 per cent. per month while held by said Schenck, and that he would at any time, on the request of Schenck, take back the shares at the par value thereof. It was further provided that Park might relieve himself from this guarantee at any time by offering to take back the shares at their par value, (see documents, page 280.) The practical result of this agreement was to give to General Schenck a bonus (page 647) of 24 per cent. on the stock subscribed by him, because the note which he gave in payment for the stock was made payable in one year and bore no interest. By a subsequent arrangement, the dividends guaranteed were reduced to 1½ per cent., thus reducing the bonus to 18 per cent. on the amount of the purchase. In addition to the note given in accordance with this agreement, Schenck also agreed to assign to Park, as security for the payment of the note, four hundred and seventy-five shares of the said stock, and, if required by said Park, to give him a mortgage on certain real estate in the city of Washington; but the stock was not so assigned, and the mortgage was never given for any such purpose, although it was subsequently given to secure a loan of $15,000 made in 1874 by Park to Schenck.

It is to be observed that the note, the guarantee of Park to Schenck, and the stipulation for security from Schenck to Park, all bear date upon the same day, November 1, 1871, and Park and Schenck both swear that they were executed on the day they were dated. Lyon, on the other hand, swears that Park told him that the note and the papers were signed at a subsequent date after the report reached London of the introduction of a resolution of inquiry into the Senate of the United States. The committee merely call attention to the fact that while Schenck purchased five hundred shares of stock, he only agreed to assign four hundred and seventy-five shares to Park as security, leaving twenty-five shares unassigned; these twenty-five shares were sold by General Schenck, as an act of personal friendship, to Mrs. Fannie Bates, then residing in Paris. The date of this sale (page 292) is on the 1st of January, 1872, and the money arising from it, £500, is indorsed upon Schenck's note to Park on the 8th of January, 1872; and the actual transfer of the stock to Mrs. Bates appears to have been made on the 31st of January, 1872. Now, if the documents between Park and Schenck were really signed on the 1st of November, 1871, then General Schenck must have had an understanding with Mrs. Bates prior to that date that she was to have twenty-five shares of stock. Of this there is no evidence whatever, and considering that the contract, (to use General Schenck's language,) "was made on the last days of October, reduced to writing and closed on the 1st day of November; that no company had yet been formed," it raises a strong doubt as to whether all the papers were executed upon the day when they bear date. The probability would rather be, though it may have been forgotten by General Schenck, that the note and the guarantee of Park were first executed, and the stipulation of Schenck to give security was executed at a later date. This view is confirmed by the letter of resignation of General Schenck, dated December 6, in which he says: "I still hold all the shares I have been able to take;" and by the statement of his counsel, (page 17,) speaking of the resignation on the 6th of December: "He retained his original shares, with the exception of twenty-five shares, soon afterward disposed of to a friend." It is also to be observed that the note was not stamped, an omission which neither Park nor General Schenck appear to have observed. The suggestion that General Schenck should become a director of the company is said by him to have been made either by Stewart or Park within a day or two after the execution of these papers. Stewart says that the proposition was made in the following language, (page 161:) "General, why cannot you be one of the directors? They have a salary connected with each directorship; it is $2,500 a year; that will be worth something to you, and you will have plenty of time to attend to it." Schenck replied: "I have not thought of doing any such thing as that, but I will think about it." On page 162, Stewart says that the only "consideration we suggested in connection with it was the salary he would get if he became a director, that is $2,500, which the rest of them were to receive."

Schenck and Park do not appear to remember that the salary argument was used. Schenck says, (page 281:)

"Arguments were presented to me why I should be a manager. It was stated that Park and Stewart and Mr. Baxter would be American directors, but that they wanted somebody that would be in London, who was an American, to represent, and, in some sense, if need be, to protect, American interests. That seemed to be a very plausible reason, but I still objected, and I placed my objection first upon the ground that I doubted the propriety of my having anything to do with the management of a company while I was there in a representative capacity, and that I certainly should not have anything to do with it unless I should first be satisfied that there were precedents for anything of that kind, or that it was not deemed proper by some persons whom I might consult upon the subject, and whose judgment might help to influence mine."

General Schenck did not consult the Secretary of State on the subject, but says (page 282) that he made inquiry of Mr. Moran, the secretary of legation; but Mr. Moran does not appear to have given any opinion as to the propriety of the American minister becoming a director in the Emma Mining Company, but only as to the character and standing of the English gentlemen to be associated in the direction. General Schenck's scruples appear to have been removed by the fact that the Duke of Saldanha, the Portuguese minister resident in London, was advertised as a director in a prospectus offering for sale the shares of the "Lisbon Tramway Company." This was one of the companies "floated" by Albert Grant, and was for the sale of a concession made to the Duke of Saldanha himself. As this prospectus was published on the 7th of July, 1871, these facts might have readily been ascertained, (page 283.)

Mr. Park's statement as to the motives which induced him to urge General Schenck to become a director are given on page 646, as follows:

"I wanted to assist General Schenck, to be friendly with him, and I wanted to have his name connected with it. I wanted to have somebody in England on whom I could rely, and with whom I could correspond, and who would hold a large interest in it. He said that if he took the stock he would hold it as an investment. I was a total stranger in London when I went there, and I did not want to go away, leaving no American behind me who was interested in the mine to look after my interest.

"Question. Did not you consider it a very desirable thing to have the American minister a director in the company?

"Answer. I did.

"Q. Did you not, therefore, make to him the proposition to take stock on terms which you did not offer to any one else?

"A. I did not make any offer to anybody else.

"Q. What was your motive in offering him better terms than anybody else got?

"A. Because I wanted him in the company for reasons I have given.

"Q. Because he was the American minister?

"A. Not solely for that.

"Q. That was one element in it?

"A. That was one element in it, of course. He was not only an honest man, but a prominent man, a man who was well known, who was prominently connected with the Government for many years and who is now known as the American minister. His name connected with any enterprise would, of course, add strength to it. There is no doubt about that. But I deny that that was my sole purpose. This is not the first instance of my doing the same thing. I could name numerous instances where I did the same thing with other parties, but not in the Emma Mine."

The reasonable conclusion from this evidence is that it was deemed by Park and Stewart most important to identify the American minister with the sale and management of the company, and that inducements were held out to him to secure his consent to become a stockholder which were not offered to any other director. There is nothing, however, in the evidence to show that General Schenck knew or suspected that any fraud was intended or about to be perpetrated upon the public, or that his official position was to be used to insure the successful perpetration of a fraud, if any were intended. On the contrary, all the evidence goes to show that he had formed the most favorable opinion of the mine and had absolute faith in its value; and indeed it is impossible to believe, under any circumstances however suspicious, that a man of General Schenck's eminent position would deliberately lend himself to the sale of a "worked-out" mine at a fictitious value, when the discovery of its worthlessness must follow so soon upon the heels of the authors of the fraud and consign him to everlasting infamy. But to a man of less confiding nature the offer to sell the stock upon credit without the payment of any money, the guarantee of high dividends without the payment of any interest on the loan, the indemnity against ultimate loss by agreeing to take back the stock at any time at par, ought to have put him on his guard against the dangers of a connection with associates who made such tempting and such unusual offers.

Moreover, a more critical examination of the documents which were submitted to him would have enabled him to have discovered a discrepancy which should have kept him from giving the weight of his name to the prospectus in which he appeared as the American minister.

In the statement by Mr. Park to Coates and Hankey at the time when General Schenck's attention was first directed to the property (page 468) occurs the following item: "Profit on 5,638 tons produced by present owners (who purchased April 25, 1871) up to September 1, 1871, £158,268," or at the rate of £450,200 per annum.

In the prospectus, (page 71,) in which General Schenck's name appears as a director, is the following paragraph:

"Net amount produced: Total estimated net yield of mine from 1st May to 1st September, equal to four months' working, £231,059, or at the rate of nearly £700,000 per annum."

It is probable that General Schenck's attention was not attracted to this discrepancy; but it serves to show the danger of a departure by a public officer from the legitimate sphere of his official duties into the region of private business and speculation.

General Schenck testifies that he had doubts as to the propriety of identifying himself with a commercial or speculative company; but it does not seem to have occurred to him that these doubts could have been resolved without risk to his character and official position by referring to the standard authorities on international law, or to his colleagues in the diplomatic corps, or by consulting his Government at home, from whom he could have had an answer within twenty-four hours; but he seems rather to have listened to the seductive arguments of those immediately about him, more concerned for their own profit than for his reputation, and holding out inducements to him which should have made him doubly cautious as to the nature of his decision.

Having thus placed himself in a false position with his own Government by identifying himself with a private enterprise in regard to which he himself had grave scruples, without consultation with the Secretary of State, and having accepted pecuniary favors from the vendors of the property, which disqualified him on moral grounds from assuming the duties of a trustee, he nevertheless did, in advance of the sale of the stock, become a director of the proposed company, and therefore, as the agent of the vendors, joined in the invitation to the public to subscribe for its shares, (pages 312, 313,) without informing the subscribers that his dividends had been guaranteed to him, and that his shares had been procured by previous arrangement, without any risk of loss to himself, from the fact that one of the vendors had agreed to take the shares off his hands at any time at their original cost. He thus placed himself in a further false position with the public, for the reason that he could make a profit only by the successful issue of the shares, whether they should prove permanently valuable or not, while the public were sure to make a loss in case the representations of the prospectus should prove to be fallacious, while he could make no loss. He was in fact in the position not merely of a vendor, refraining from the publication of facts which might have been important for the buyer to know, but of a trustee bound by the obligations of his trust to inform those for whom he proposed to act of his true position in reference to the enterprise.

In the recent case of Tooke *vs.* McDougall, as reported in the London Daily Telegraph May 3, 1876, having reference to the Emma Mine, Mr. Justice Grove uses the following language upon this point:

"He could not understand with what justice, unless, by a public and open vote of the company, money was given to the directors, that money or shares should be given to persons in order to induce them to be directors, and to let their names be exhibited upon the prospectus. He did not consider this a proper thing, though he believed it was frequently done by men who were called honorable. The reason why the public attached faith to the names of directors was that they were led to believe that they were men who had invested their own money in the concern and were persons upon whose judgment and position reliance could be placed; but, if the directors had had their qualifications found for them, then the transaction was not a real one, and any faith which the public might attach to the names of the directors would be misplaced."

Throughout all his testimony General Schenck seemed to be perfectly unconscious (page 313) of the impropriety of this action, and seemed to regard it as a matter purely personal to himself and Mr. Park, in which the other shareholders and directors could have no concern; but when it is remembered that the name of the American minister is not only put forth in the prospectus as a director, but as a voucher of the "exceptional character" of the property, and that according to his own statement it is manifest he subscribed publicly for £10,000 of the stock, apparently upon the same terms as the other subscribers, but in reality upon a private arrangement previously made with the vendors, in which he put no money at risk, and was absolutely guaranteed against loss, it cannot be denied that he occupied a position which cannot be defended. It is no answer to this statement that General Schenck did in reality lose money by the operation. If he did so, it was because in the hope of making a greater profit he refused to take the profit which he might have had at the time when Park offered to relieve him of the stock in accordance with the terms of the guarantee, (page 27.)

As a matter of course, a high functionary who had thus placed himself in a false position with his own Government, and with the people of the country to which he was accredited, must have expected that his action would not long pass without adverse criticism; but General Schenck appears to have thought it very unreasonable, for he says, on page 287:

"It was not long after this that some comment was made in the city upon my being a member of a board of directors of a company which was offering a property on that market. It annoyed me, as you may very well understand, very much, to see that these criticisms were made in the papers. * * * When I saw this comment, I made up my mind at once that perhaps I had committed myself to be drawn into what was a mistake in consenting, under any circumstances, to be one of the managers of the company."

Thereupon he sent the following telegram to the Secretary of State:

FISH, *Secretary of State, Washington:*

Am surprised and pained by telegrams from United States, published here, regarding my connection with Emma Mine. Have no pecuniary interest except some shares, for which, after investigation fully, I paid dollar for dollar. Having thus decided and raised means to invest, was solicited by respectable Americans to act with gentlemen of known high character as director, to protect their interest and my own in what I believe very valuable property. Perhaps made mistake. Want only honorably and usefully to serve my Government and countrymen, but have not deemed it wrong to try to make something honestly for myself and family. Will withdraw from board, or do whatever you advise. Will not embarrass Administration.

SCHENCK, *London.*

Received 4.30 p. m., November 27, 1871.

It will be observed that General Schenck here alleges that for the shares which he held he had paid "dollar for dollar;" "that he had raised means to invest;" in other words, that he had made a purchase of stock for cash.

The truth is, as appears by his own testimony, (page 310,) that he had never paid one dollar in money for the stock, but had given his note to Mr. Park for the whole amount in advance of the issue of the prospectus. It is also apparent from his own statement that he had in fact no money which he could invest in the purchase of this stock; that it was in reality a speculation for which he borrowed from the vendor the entire amount of the purchase-money in the expectation of making a profit out of the rise of the stock, but was guaranteed against loss in case it should fall in the open market. In this respect, therefore, the telegram was not an accurate statement of the facts. The statement that he "was solicited by respectable Americans to act with gentlemen of known high character as director" was also incomplete in not stating that these "respectable Americans" were the vendors of the property, who had loaned him the means to invest.

To this telegram General Schenck received the following reply on the next day:

DEPARTMENT OF STATE,
Washington, December 28, 1871.

SCHENCK, *Minister, London:*

Although a public officer, you have the full right of every citizen to be a shareholder, and to invest your money in such honest enterprises as you think proper; and neither the Government nor the public have any right to criticise or to censure you for so doing.

The advertisement of the name of a diplomatic representative of the Government as a director of a company seeking to dispose of its shares in the country to which he is accredited is ill-advised and unfortunate, and is calculated to subject him to criticism; but it is assumed that the advertisement of the mining company in the London journals was not your act, but that of the agents of the company without consultation with you.

You are earnestly advised to withdraw your name from the management of the company.

FISH, *Secretary.*

It is to be observed that the Secretary of State affirms the full right of General Schenck to "invest his money in honest enterprises," but distinctly disapproves the connection "of a diplomatic representative of the Government as a director of a company seeking to dispose of its shares in the country to which he is accredited;" that he characterizes the advertisement of such connection as a director as "ill-advised and unfortunate, and calculated to subject him to criticism;" and that he assumes that the advertisement in the London journals was not the act of General Schenck, but that of the agents of the company, without consultation with him. The testimony of General Schenck shows that this was not the fact, but that the prospectus was issued and advertised with his full knowledge and consent. The disapproval of the Secretary of State was, therefore, by implication full and conclusive. Finally, General Schenck is earnestly advised to withdraw his name from the management of the company. This dispatch of the Secretary of State is, therefore, the official disapproval by the Government of the action of its representative in England in connecting himself as a director of a company seeking to sell its shares in England, and left but one course open to General Schenck, either to resign as minister or to resign as director. The formal resignation of General Schenck as a director was sent in on the 6th of December, 1871, but was not made public nor, so far as the dispatches show, communicated to the Secretary of State until the 12th of January following. This delay in the publication was certainly unfortunate, as it left General Schenck under the imputation of playing into the hands of those who were speculating in the stock and were interested in maintaining its market value. The letter of resignation, as finally sent in, was in the following form:

[The Times, Friday, January 12, 1872.—Extract.]

LONDON, *December* 6, 1871.

DEAR SIR: I hereby resign my place as a director of the Emma Silver-Mining Company, and request you to communicate this notice of the fact to the board at their next meeting.

In thus withdrawing from the trust reposed in me, I desire to express to my associates in the management of the company my sincere and high appreciation of each and every one of them as gentlemen of distinguished position and character, with whom it has been to me a pleasure to be connected.

My resignation is upon grounds purely personal to myself. In consenting to become a director, I know that I but exercised a private and individual right, in no way incompatible with public or official duty; but I prefer to take away from some who have criticised me even a pretext for their comments or attacks. I beg, therefore, to record my assurance to you and other members of the board that I continue to have the fullest confidence in the value and profitableness of the property they have in charge, in which I still hold all the shares I have been able to take.

I am, very respectfully, your obedient servant,

ROBT. C. SCHENCK.

GEORGE ANDERSON, Esq., M. P.,
Chairman, &c.

This letter, written in consequence of the official advice of the Secretary of State, and upon the ground that it was not compatible with the official duties of the American minister to remain as a director, asserts that the resignation is upon grounds purely personal to General Schenck, and that in consenting to become a director he knew that he but exercised a "private and individual right in no way incompatible with public or official duty." This statement appears to your committee to be a flat contradiction of the position asserted in the dispatch of the Secretary of State, that such connection was "ill-advised and unfortunate," and that the advertisement, if made with his knowledge and consent, could not be approved. But the letter of resignation goes still further in violation of the fundamental doctrine as to the duty and conduct of diplomatic representatives, upon which the dispatch of the Secretary of State is based, which evidently is, that it is not becoming in an American minister to take any action to promote or further the sale of shares of a company in the country to which he is accredited. This sound principle is clearly violated when General Schenck took occasion in his letter of resignation to express his "sincere and high appreciation of each and every one of" the directors "as gentlemen of distinguished position and character, with whom it has been to me a pleasure to have been connected," and to state further that "I continue to have the fullest confidence in the value and profitableness of the property they have in charge, in which I still hold all the shares I have been able to take." Here is a distinct indorsement of the character of the American directors, who were the vendors of the property, Messrs. Park, Stewart, and Baxter, and the renewed expression of confidence in the value of the mine. The testimony shows that this form of this letter was the subject of discussion between General Schenck and Mr. Park, and that it was modified in accordance with suggestions made by the latter. (Pages 336, 348, 806, 808, 832.)

The natural and straightforward course was for General Schenck to have informed the board, in such language as he might have chosen to adopt, that he had consulted with his Government as to the propriety of remaining in the board, and had been advised to withdraw, and accordingly tendered his resignation. He did, however, just the opposite; he asserted that his resignation was the result of personal consideration; and in re-indorsing the vendors and the property, he aggravated the offense which had been condemned by the Secretary of State. A copy of this letter of resignation reached the State Department in the month of January, 1872, and, so far as the correspondence submitted to the committee shows, the matter was there dropped.

With regard to the preparation of this letter of resignation, the testimony is somewhat conflicting. Lyon swears, page 58, that Park told him that General Schenck had written two letters of resignation; that Park showed him the first letter and remarked, "I am going to have a better letter than that from the general;" that a few days afterward he showed him a second and modified letter, which was the one finally sent into the board of directors. Schenck in his testimony, page 288, produced the rough draught of his letter of resignation, of which he says, "If you refer to the records of the Emma Mining Company you will find this to be *in hæc verba* the resignation which was presented and acted upon," and adds, "this resignation was not prepared or written until the 6th."

On page 336 he reiterates "that this is the only letter which I sent to the board;" but on comparison with the actual letter of resignation (page 340) it turned out that General Schenck was mistaken as to the rough draught not having been more extensively modified than appeared upon the face of it; one sentence is almost entirely rewritten, in order to convey the impression that his resignation is not the result of any incompatibility with his public or official duty. So far as Park and Stewart were concerned this was a most material addition to the letter, in its bearing upon the sale of the reserved shares of the company.

On page 347 General Schenck testifies that he did not think Park had made any draught of this letter of resignation.

At a later date the committee received from London the actual letter of resignation sent in by General Schenck in his own handwriting, and a copy thereof in the handwriting of Mr. Park, who had previously testified that to the best of his knowledge and belief he had never made any such copy. General Schenck stated that in this copy there was not a single word in his handwriting, (page 807;) on having his attention called to the interlineations of two words, he inclines to the opinion that they are in his handwriting, and adds, "therefore I must have seen that copy at some time;" and further adds that "he (Park) may have taken a copy at the very time I wrote it;" and finally concludes, "My attention being directed to those words, I am inclined to think that that copy may have been made by Mr. Park and compared by me, and that where he had got it wrong from my original I may have corrected it." Subsequently (page 845) General Schenck says that he cannot admit that one of these words is in his handwriting.

Mr. Park, on the other hand, swears positively that the interlineations are in his handwriting, but that he cannot recollect where, when, or why he made the copy, which previously he testified that he never had any recollection of having made. On the whole, the committee are of opinion that two letters of resignation were prepared, the one a rough draught, written by General Schenck, and the other an amended copy made by him after his conversation with Park, the second having been modified from the first, in accordance with the suggestions of Mr. Park. As this is an important matter, showing the relations of General Schenck to Park at that time, the exact language of Park is herewith inserted, (page 833:)

"General Schenck has shown you a draught which he made and the letter which he afterward made from that draught. I think I saw one of them; perhaps both of them. I think I saw one of them, because General Schenck states that, as to one of them, when I saw the statement that he proposed to retain his shares, I said: 'General, you do not want to commit yourself to that; you may want to sell them. It will be sufficient for you to say which you now hold.' I made that suggestion, and from that fact I may have seen the draught, and it is possible I saw the other; but that I dictated a word of it, except that it should be upon the true ground of the reason for his resignation, so that it should not injure the company or cast suspicion upon it, and making the suggestion that he should not bind himself to hold the stock, has no foundation whatever."

Besides the original allotment of five hundred shares which General Schenck received under his contract with Mr. Park, he became entitled to a further allotment of three hundred shares in the month of April, 1872. These shares were subscribed for, carried, and sold without any intervention whatever on the part of General Schenck beyond signing the application and the usual transfer form in blank, which blank appears to have been filled in with the name of C. M. Fisher, with whom General Schenck is positive, however, he never had any other transactions in relation to the Emma Mine. These shares were sold shortly afterward at a profit of £2,000, which was paid in to General Schenck's credit at Jay Cooke, McCulloch & Co.'s, but by whom General Schenck is not positive.

In his testimony before the commissioner in London, General Schenck testifies (page 27) that Mr. Park did not find the money for these shares, but that he (General Schenck) carried them and disposed of them "entirely on his own account, and through his own means and arrangement." In his testimony before the committee, (pages 350–352,) in answer to a question whether Mr. Park's money purchased those shares, he testifies: "Yes; Mr. Park, I have since understood, carried these shares and arranged the thing during the three days we held them." Lyon testifies (page 60) that he deposited the money required to procure the allotment of these shares, having procured it on Mr. Park's check, and Mr. Park testifies (page 566) that he gave Lyon the check for this purpose; and again on page 660, that he furnished the money to pay for the stock.

The profit realized from this transaction seems to have been used as the margin with Jay Cooke, McCulloch & Co. for a speculative purchase of five hundred shares of stock (page 352) to be carried by them for the joint account of General Schenck and General Woodhull, his first secretary of legation.

This venture was still on hand in December, 1872, at the time when it became apparent that dividends would no longer be paid. This fact was communicated to General Schenck in a telegram, bearing Park's signature, (page 697,) and sent from New York to Schenck, reaching him at Paris. This telegram advised General Schenck to sell two thousand shares, (page 743.) Fisher, who was in Paris at that time, obtained this information from General Schenck, and informed his broker in London that General Schenck had directed Colonel Chesebrough, his second secretary of legation, whom he had sent to London to look after this business, to sell

two thousand shares short. General Schenck, (page 823,) in answer to a question, whether he did or did not send instructions to Mr. Chesebrough to sell two thousand shares of stock, replied:

"I am very strongly impressed with a belief that I did no such thing. I have no recollection of ever doing anything of the kind. I think he would have tried to do it for me and have done it for me if asked to, but nothing of the sort was done."

On page 842 he says:

"But I am, as I said, perfectly satisfied from my recollection (and the more I think of the matter the more I am satisfied) that I never directed Chesebrough to sell the two thousand shares, and at any rate that no two thousand shares ever were sold for me."

Thereupon the chairman addressed a telegraphic inquiry to Mr. Chesebrough, to which the following reply has been received since the printing of the evidence, and is therefore here inserted in full:

LEGATION OF THE UNITED STATES,
London, May 8, 1876.

SIR: I have the honor to acknowledge the receipt of your telegram of yesterday, (Sunday)—

"Did General Schenck ever direct you to sell two thousand shares Emma stock? Telegraph briefly, and write fully."

To which I have replied this morning, as follows:

"Have written fully to-day's mail, as requested."

It would be impossible for me "briefly," in a telegram, to answer the inquiry satisfactorily.

The facts in the case are, that on the 14th December, 1872, I was in Paris, when General Schenck arrived there with his three daughters. The evening of the same day he received information that the price of Emma stock had declined rapidly and largely, and he came to me in much anxiety, saying that he would have to go over to London immediately unless I would go for him. I consented to do so. He requested me, on my arrival in London, to see one or two of the directors of the company, to ascertain their views as to the condition of the stock, &c., and then to instruct Jay Cooke, McCulloch & Co. about selling out some shares they were carrying for him. On the 17th December I received the following telegram from General Schenck:

"Keep my 475 investment; sell at discretion 2,000 Park account, 500 Woodhull."

I did not act upon this telegram further than conveying Schenck's instructions to Jay Cooke, McCulloch & Co. to make sales of the shares in their hands. They sold the five hundred shares held for Woodhull & Schenck, Schenck keeping his original four hundred and seventy-five shares. After General Schenck's return to London I carried instructions from him to McCulloch & Co. to sell two hundred shares.

This comprises all that I have had to do in the buying or selling of Emma stock for General Schenck, and I have had no interest whatever, directly or indirectly, in these transactions, or in any other transactions which may have been made for him.

I am, sir, very respectfully, your obedient servant,

WM. H. CHESEBROUGH.

Hon. THOMAS SWANN,
Chairman of the Committee on Foreign Relations,
House of Representatives, &c.

A copy of this letter was telegraphed to General Schenck, of which he also received a copy from MR. CHESEBROUGH. To this letter General Schenck has sent the following reply, which it is deemed best to insert in full:

DAYTON, OHIO, *May 23, 1876.*

SIR: Referring to my telegrams sent last evening, one to you and one to Mr. FAULKNER, I now proceed to send a statement in answer to Colonel Chesebrough's letter, without waiting for reply from either you or MR. FAULKNER. I will endeavor to make this statement full and clear, although it has to be dictated under most unfavorable circumstances to an amanuensis beside the bed to which I am confined.

I would wait to hear from the committee, and in the hope of being well enough to travel to Washington by the end of this week to appear before them in person; but I have this morning learned that it is reported by telegraph that the House of Representatives has ordered your committee to make their report on the investigation of the Emma Mine matter on Thursday.

Fortunately for me, I am enabled now to refer to what has been written by Colonel Chesebrough, having just received a copy of his letter, sent to me at Washington and forwarded from there.

I regret that Colonel Chesebrough could not be present before the committee to testify regularly, and to make a much fuller statement than he has written, and to be subjected, if necessary, to cross-examination. I have heretofore explained to the committee the circumstances of my arrival at Paris, in December, 1872, with my family, from Italy, and of the unexpected and astounding news which met me there from London, in regard to the probable stoppage of dividends on the Emma mining stock and the sudden and disastrous depreciation of its value which was ensuing. I have also referred to the anxiety I had to save myself, if possible, from the great loss that General Woodhull and I were likely to sustain on the five hundred shares we had in his name which were held for us by Jay Cooke, McCulloch & Co. I had no thought even then of parting with the four hundred and seventy-five shares of my original subscription, still believing the property valuable, and that the suspension of dividends would be but temporary. I would not, however, afford the hazard of loss on that five hundred shares which we had purchased on a deposit and credit with the bankers, and had been carrying since the May preceding. The telegram sent by Mr. Gager, in Mr. Park's name, from New York had gone to London, and had been forwarded to me by mail, while in the mean time the unpromising condition of the company appeared to be generally known by all parties interested, who had also been receiving information, and the stock was rapidly falling.

I have explained from the beginning to the committee the character of the telegram I received. It was signed "Park," and gave me information of the apprehended condition of the company's affairs, and suggested, by way of covering my probable loss, a sale of two thousand shares, as I remember, on joint account. From the first I determined that so far as I was concerned I could not take the possible risk of any such sale, however much I desired to save myself from impending loss. I do not consider that it would have been wrong in itself to have thus covered, if I could, the loss I sustained, and I have before this stated to the committee, in reply, I think, to a question put by Mr. BARNUM, that I was inclined to regret I had not done so.

When Colonel Chesebrough, whom I met, as he has stated, at Paris, agreed to go for me at once to London, it was particularly with a view, after consultation with others, to do whatever seemed best to guard the interests of General Woodhull, who was his cousin, and myself. He was fully empowered to act, and was aware of all my views in the matter. During the few days of anxiety which followed, there passed back and forth between him and me a number of notes and telegrams, which I regret have not been preserved, and of which, after an interval of nearly four years and a half, I cannot give any particular account. As I did not sell two thousand shares of the stock, as suggested to me to do, nor any other shares, except those which were held in Woodhull's name for him and myself by Jay Cooke, McCulloch & Co., I have believed, while looking back at the matter, that I did not telegraph to Chesebrough at any time in regard to the two thousand shares, and I have so stated as my distinct impression. The telegram, of which he gives now what purports to be a copy, I do not remember, but I dare say it is correct. It confirms what I have stated in regard to retaining my four hundred and seventy-five original shares as an investment and the sale of the five hundred shares in Woodhull's name. It would seem also that I authorized him to make a sale if, in his discretion, he thought proper, not in any way on my account, but for Park. I had no sham account with Park.

I will now add what has up to this time, since this inquiry has been proceeding, confirmed me in my belief that I had not telegraphed Chesebrough in any form whatever on the subject of the two thousand shares.

When Chesebrough returned from a visit to the United States last winter, he volunteered to tell me of a conversation he had had with somebody connected with the New York Tribune—Whitelaw Reid, I think, he said—in which he was asked if he had received such a telegram from me from Paris, and he informed me that he had replied that he had no recollection of anything of the sort. I said to him that I did not remember having telegraphed to him any such instruction, and he told me that neither did he remember that I had.

Again, when I was about to leave London to present myself before your committee, and was desirious, with a view to refreshing my recollection of matters relating to the Emma Mine, and, for reference to find and collect any papers or memoranda on the subject that might have been preserved, I asked Chesebrough if he had any document or memorandum in his possession. He said, "No, I have not a paper or a scrap on the subject remaining in my hands."

Of course, as his statement is so brief, I cannot tell whether he was mistaken then or whether he has had recourse to the files of the telegraph company, or how it is, that he has been able now to produce or recollect the telegram in question.

Of what is mentioned by Colonel Chesebrough in the last paragraph of his letter, in regard to carrying instruction from me to McCulloch & Co., to sell two hundred shares, I have no remembrance whatever. It was probably in connection with the sale of the five hundred shares which they held.

It is true, as Colonel Chesebrough states, that he never had any interest in any transaction of mine in connection with the Emma Mining Company or its shares; and I believe the committee are in full possession, certainly so far as I can recall the facts, of everything relating thereto with which I have been concerned.

I have the honor to be, very respectfully, yours,

ROBERT C. SCHENCK.

Hon. THOMAS SWANN,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

It will thus be seen that the speculative venture of five hundred shares held for Woodhull and Schenck was closed out, and if two thousand shares of stock were not sold in addition, it was not for lack of orders or of willingness on the part of General Schenck, but because Chesebrough or Jay Cooke, McCullough & Co. would not take the responsibility. It will also be observed that subsequently, after General Schenck's return to London, he gave instructions to sell two hundred shares, but whether this was a short sale or not does not appear. The conclusion, then, of the whole matter is that General Schenck, besides having been a director of the Emma Mining Company, was engaged in speculative operations in the stock with Trenor W. Park, the vendor of the mine, (page 660,) with General Woodhull, his secretary of legation, and upon his own account to the extent hereinbefore stated, in such manner as to subject the name and station of the minister of the United States to criticism.

The committee therefore find as to the inquiries announced at the beginning of the report:

First. Upon the authority of the dispatch of the Secretary of State, that it was not proper for the American minister at the court of St. James to connect himself as a director with the Emma Mining Company of London. This position is confirmed by the authority of Phillimore, (volume 2, page 194,) who says:

"In truth, every state ought, by expressly forbidding their embassadors to combine engagements in private trade or commerce with the sacred duty of representation, to prevent any question of the kind ever arising. The Roman law on this point deserves to be imitated: '*Enim qui legatione fungitur, neque alienis neque propriis negotiis se interponere debet.*'"

Second. That the relations of General Schenck to the vendors of the Emma Mine were of such a character as to cast suspicion upon his motives and subject his action to unfavorable criticism. But the committee believe that he was not guilty of a fraud or of any fraudulent intention in his connection with the company or the vendors of the mine.

Third. That his subsequent speculative dealings in the shares of the company were not compatible with his diplomatic station and the maintenance of a position of honor and usefulness at the court near which he was accredited.

The committee therefore submit the following resolution, and unanimously recommend its passage by the House:

Resolved, That this House condemns the action of General Robert C. Schenck, United States minister at the court of St. James, in becoming a director of the Emma Silver Mining Company of London, and his operations in connection with the shares of the said company and the venders thereof, as ill-advised, unfortunate, and incompatible with the duties of his official position.

Mr. HEWITT, of New York. Such, Mr. Speaker, is the unanimous verdict of the Committee on Foreign Affairs in reference to the connection of General Schenck, late the American minister at the court of St. James, with the Emma Mine, and such doubtless will be the verdict of this House and the general judgment of the country. This verdict has been reached only after weeks of patient investigation, in which General Schenck has had every possible opportunity for his defense and for his vindication. The committee have performed their duty with a profound sense of the consequences to General Schenck, after a career of over forty years in the public service, and with a sincere desire, if possible, to shield him at the close of that career from the censure which they are now reluctantly constrained to inflict.

If his reputation had been alone concerned, the mantle of charity and silence might have been drawn over the facts of this unfortunate affair; but unhappily the honor and dignity of the people of the United States became necessarily involved in the affair, when, upon the receipt of a copy of General Schenck's letter of resignation, the Administration failed to recall him at once from his mission for having deliberately violated, in this letter, after explicit notice from the Secretary of State, the well-settled principles which should govern the conduct of our representatives in foreign countries.

The committee would have failed in their duty if they had admitted by their silence the doctrine that an American minister may use his official station for the purpose of promoting private gain and be allowed to retain his high office. Of all the positions in public life the embassador occupies the most delicate, the most responsible, the most honorable. He represents abroad the majesty of the people; he carries with him into foreign lands an absolute immunity from arrest. The flag of his country makes his domicile sacred from intrusion. No matter what crimes he may commit, he is amenable only to the laws

of his own country, upon the soil of which he is supposed to stand wherever his foot may rest.

But while no harm can come to him personally by any act of his, he can commit no act, whether noble or infamous, which does not directly affect the honor of the nation which he represents. Hence his guiding rule of action must necessarily be to subordinate all personal and private interests to the national honor; and his immunity from prosecution is the very reason why he should refrain from engaging in any operations by which others may sustain loss while he is protected from personal responsibility. Of all places in the public service, it is the one in which self-denial is the most necessary, the most conspicuous, and the most honorable. On the other hand, so delicate is his position that the slightest intimation from the power to which he is accredited that his presence is unacceptable is held to be the warrant for his recall without demurrer and without explanation.

It is true that foreign nations exercise a wise discretion on subjects of so much delicacy, and generally forbear to intimate dissatisfaction, even when there is good ground for it; but this is all the stronger reason why a proud and sensitive people should not be humiliated before the civilized world by the continuance in office of a representative who has fallen below that high standard of honor which we desire to maintain among the nations. "Cæsar's wife should be above suspicion." The honor of the embassadors of the United States should not from their own acts become the subject of criticism in the newspapers, the clubs, and the social circles of the countries to which they are accredited; and above all, when admonished of a fault which would be venial if promptly and publicly confessed, they should not aggravate the offense by repeating it, as General Schenck did in his letter of resignation, suffered to go upon the records of the State Department without prompt and just rebuke from the Government, which could only thus relieve itself from the responsibility of this flagrant violation of the well-settled usages of diplomatic intercourse and conduct, whereby he proved himself unequal to the trust reposed in him by his own Government and abused the confidence of that government to which he was accredited.

If this view of the subject be correct—and there would seem to be no possible escape from it—the responsibility for every hour of the disgrace which for more than four years has, out of this transaction, rested upon the American name, and caused every right-minded lover of his country to blush for shame, is brought home to the Administration, and there would be no occasion to make further comment on this unhappy business except for the purpose of showing the deplorable consequences which are sure to result from failure on the part of the Government to deal promptly and sternly with it servants for any serious violation of its own regulations, its instructions, or of the well-settled principles and long-established usages of diplomatic intercourse, to the end that the repetition of such offenses may hereafter become impossible and the fair fame of the American people never again be tarnished by such disgraceful transactions. I do not forget the wise and witty French proverb, "*Larons notre linge sale en famille;*" but this linen was soiled abroad, and has so long been worn in the face of the whole world that we have no choice but to make its purification as conspicuous and as public as was the transaction by which it was polluted.

For this dreary and unpalatable task, necessary and profitable, however, "for doctrine, for reproof, for correction, for instruction in righteousness," the materials furnished by the evidence submitted with the report are ample.

They serve to show how the embassador of the United States so far forgot his high station that he not only consented to become a director in a company proposing to sell its shares in the country to which he was accredited, but allowed his name and the official title of "American minister" to go forth in the prospectus as the voucher of its "exceptional character;" how, by subscribing publicly, according to his own statement, for £10,000 of the stock, apparently upon the same terms as the other subscribers, but in reality upon a private arrangement previously made with the vendors, in which he put no money at risk and was absolutely guaranteed against loss, the envoy of the great Republic placed himself in the attitude of a "puffer" at an auction-sale; how he speculated in the stock of a corporation which he had thus helped to create and direct; how he seemed to be incapable of drawing the distinction between investment and speculation; how he associated one of his secretaries of legation in these speculative operations, and availed of the services of the other to watch the fluctuations of the stock-market and practically act as his broker for the sale of shares; how he records his opinion that it is a proper thing, not merely for an ordinary man, but for an American minister "to sell stock short"—that is, to sell what he does not own—and expresses his regret that he did not do so, and indemnify himself against loss by transferring it to some one else not in possession of the information which he had received through private sources; how he so confuses his accounts of profit and loss that he cannot separate the profits which he actually did or might have realized out of his original transaction with Mr. Park with the losses which he made in speculations in the stock having no relation to this transaction with Park; how he accepts credits upon the note which he had given to Park, the nature and origin of which he had no knowledge whatever except that they arose out of transactions wherein he was at no risk; how he declines further credits of the same character because he thinks that the limit of favors has been reached; how he arrived at this conclusion only after the public press had been filled with hostile criticism; how his memory as to the mode of payment for the second allotment of shares leads him in London to swear that Park did not provide the means for the payment thereof, and how before the committee, when it had been clearly shown that Park did provide these means, he retracts the statement he made in London; how, in the final settlement with Park, he transfers to him in payment of his indebtedness stocks upon which he continues to draw the dividends; how, on leaving London, he is forced to plead his diplomatic privilege as his defense against the service of a writ in a civil action growing out of his unfortunate connection with this disastrous undertaking; and how, finally, he reiterates his inability to comprehend the false and unfortunate position in which he is placed before the public by a series of ill-advised transactions in which it is charitable to regard his memory as at fault, and to look upon him as the victim of designing and unscrupulous men, leading and persuading him to an equal ruin of reputation and purse.

These materials serve to show how William M. Stewart, a Senator of the United States, while acting as counsel for a client who had placed his interests unreservedly in his hands, with whom he had arranged for a contingent fee, which should have bound him all the more jealously to guard the interest of his client, became the purchaser of that interest at a time and under circumstances when he could have computed its value with almost mathematical certainty at a price which gave to the client $150,000, which was practically the contingent fee, and gave to the counsel the larger sum, $275,000, which should have gone to the client; how this magnificent sum, which was paid by Park to Stewart, not in pursuance of any express written agreement, such as usually regulates large money transactions even among the best of friends, but in accordance with an unwritten understanding apparently based upon a sentiment of honor which has been formulated into the English language; how the legal redress wisely secured by the law to the client under such circumstances was cut off by a further payment at a later date, which Stewart stigmatizes as black-mail, and a release secured, which, as a summary of the whole transaction, as a legal curiosity, and a model form for lawyers who desire to secure protection from their clients, it is well to preserve:

> Know all men by these presents that I, James Elias Lyon, of Racine, in the State of Wisconsin, in consideration of the sum of $50,000 to me in hand paid by William M. Stewart, of the State of Nevada, now of Washington, in the District of Columbia, the receipt whereof is hereby acknowledged, do hereby fully and forever release and discharge the said Stewart from all and every demand, claim, or right of action of every description that I have or may claim to have against him, whether legal or equitable, and especially from any and all claims, demands, or causes of action of every description growing out of his relation as attorney or counsel or agent for me in the litigation concerning the Emma Mine, so called, and the various proceedings, negotiations, contracts, and conveyances concerning or connected with said Emma Mine, and the property thereto belonging, and the conduct, management, and disposition thereof by him, the said Stewart, in every and all respects and particulars.
>
> In witness whereof I have hereunto set my name, and seal, at the city of London, this 18th day of May, 1872.
>
> JAMES E. LYON. [SEAL.]
>
> In presence of—
> OLIVER GAGER,
> 45 *Albemarle Street, London.*
> T. H. WRIGHT,
> *Consul-General Clerk, U. S. A., London.*

How thus was secured immunity from the claims of his client, but not from the impartial judgment of the legal profession and of the world.

These materials serve to show finally how Trenor W. Park, "a member of the American bar, the president of the national bank at North Bennington, Vermont," and well known to the American public for his connection with the Mariposa Company, whose disastrous failure some years ago will not soon be forgotten by those who suffered; the great author of all this mischief, with a skill which has never been surpassed, going to London an entire stranger, but having carefully prepared the way by large shipments of ore and glowing accounts of the production of the mine, within one short month secured the services of Albert Grant, the greatest manipulator of speculative shares of modern times, agreeing to pay therefor a rate of compensation which may be small for him, but which in this country of primitive notions would be deemed decidedly magnificent; how he provided in the contract for sustaining the market pending the allotment, by purchases of the shares at fictitious premiums, so as to gather in the money of *bona fide* investors, a process said to be usual in England, but which here would be regarded as little short of robbery; how widows and clergymen and half-pay officers, and others living upon annuities, were thus induced to invest their scanty capital in the hope of securing permanent dividends at a high rate out of an enterprise said to be "exceptional" by the American minister, (let us be thankful that such *exceptional* cases are rare;) how he ingratiated himself into the confidence of the American representative at the court of Saint James so that within two short weeks he felt an irresistible desire to shower benefits upon him, and to relieve him from the embarrassments arising from large expenditures out of a narrow official income; how he inspired the minister with that charming confidence which accepts favors without suspicion that they are to be requited; how he issues a prospectus containing statements calculated to persuade the most wary, but which turn out to be in mournful contrast with the actual issue of the enterprise; how, when he was about to lose, by the resignation of the American minister, the main-stay upon which he relied for the sale of the remaining half of the shares of the

company which had been tied up for a time, he procures a letter, which was declared to be in effect better than to have the minister remain as a director, wherein his own character is re-indorsed and the great value of the property re-affirmed; how everybody who could assist or injure the successful perpetration of the sale was conciliated by "pulls," as the Senator from Nevada sarcastically describes them, upon the funds collected from a confiding public, so that "by a long pull, a strong pull, and a pull altogether," about a million of dollars was expended in preliminary expenses, of which the great American banking-house of Jay Cooke, McCulloch & Co. got a "pull" of $125,000; how, when doubts had begun to arise as to the continued productiveness of the property before the reserve shares had been sold, he procured the services of the vice-chairman of the company, Brydges-Williams, esq., M. P., to make a personal examination of the mine by the payment of £5,000, and a call for or right to take two thousand shares of stock at a price at which the call could only be profitable to the examiner as the result of a favorable report; how the favorable report was made, and the reserved shares were sold at a premium of £3 per share; how, when the public supposed these were still tied up for months to come, they were all sold within two weeks of the receipt by telegraph of the report; how even the astute and accomplished Albert Grant was induced, by a process which no man can find out, to abate his claims for one-half the profits, and accept £1 per share in lieu thereof; how he was induced to give up his just claim for £2,000 commission on the stock which had been allotted to General Schenck, and how the same was credited on Schenck's note to Park, falling like manna from heaven; how Park bought and sold the shares through dark and devious courses, coming out at the end with a profit even on these transactions; how, when the shares were selling at over £20 apiece in London, he bought out his partners in New York at less than half that price; how at the shareholders' meetings in London, which he attended, everything was made lovely for everybody, so that no one appears to have any legal ground against him for indemnity, although dividends ceased after thirteen months, and the shares are now selling at twenty-five shillings apiece; how the whole business is now involved in litigation on both sides of the Atlantic, so that Park declined, for fear of the consequences, to put his accounts upon the record, or to testify as to the amount of profit which he realized from the sale of the shares; how libel suits are pending against newspapers who have ventured to express unfavorable opinions in regard to an operation which has caused a greater scandal in the business and diplomatic world than any transaction of modern times, to the specter of which the author of its being, Trenor W. Park, triumphantly exclaims:

> Thou canst not say I did it; never shake
> Thy gory locks at me.

All this and much more of the same unsavory sort can be learned from a perusal of the evidence herewith submitted; but these are matters which only concern the American people, because they serve to show the injurious consequences to the fair fame of the United States arising out of the failure of the Government to deal promptly and firmly with its minister when, by his becoming a director and by his letter of resignation, he made the grave and irreparable mistake of indorsing and re-indorsing the enterprise and the men who have caused this great disaster and this greater reproach.

What the Government failed to do the American people demand of their representatives, the stern condemnation of this departure from the traditions of the fathers and the accepted usages of diplomatic life, especially because, to its credit be it said, it is the first symptom in the foreign department of the Government of that general demoralization which seems to have crept into every other branch of the public service.

The Republic can now only be saved by the exercise of stern, relentless, uncompromising virtue, refusing to surrender any question of principle, and swiftly and surely destroying in their very birth the germs of corruption which if allowed to live will surely sap the foundations of free government, our great inheritance, and the chief hope of our posterity.

The people are therefore in no temper to allow sympathy with any man, however eminent his services and long his tenure of public office, and however much he may be entitled, by reason of his advanced years or his impaired fortune, to the tender consideration of this House, to interfere with the vindication of the name, honor, and majesty of the American people from the criticism of the civilized world arising out of the errors of judgment of its public servants or of the Administration. The time has come when the public sentiment demands more than economy, more than honesty; it demands purity and self-denial from its officials. The old generation of public men is passing away with the first century of the Republic. Few men are left alive who can date back to the time when this Government was founded by the virtue and the sacrifice of the patriots who achieved our independence; but the sentiment of honor and the spirit of self-denial which led them to stake "their lives, their fortunes, and their sacred honor" for the establishment of a government in which principle and purity should be the conditions of its existence still survive, and it is a mistake to suppose that because they have grown rich and powerful the people of this country have become enervated, shameless, or corrupt.

The spirit abroad is the spirit of reformation. The people are determined to bring back that better era of the Republic in which, when men consecrated themselves to the public service, they utterly abnegated all selfish purposes; when public officers rejected gifts as dishonoring alike to the giver and the taker; when Presidents and great officers of state as a rule retired to honorable poverty; when Franklin with his modest income and his uncourtly costume, even though he had a thrifty mind, rejecting all thought of gain while employed in the public service, was held in more honor than the proudest embassador of the proudest empire; when John Quincy Adams sold his bank-shares before he would take his seat in Congress, lest his vote might be called in question; when members of Congress knew not the mysteries of Credit Mobilier; when members of the Cabinet were selected because they were statesmen, "honest, capable, faithful," and not because of their skill in managing party politics; when to be summoned into the public service was a priceless honor and not an opportunity for private gain; when a civil-service system practically existed in the Government, because it had not yet been formulated into the perfunctionary platforms of party; when a change of administration did not inaugurate a disgraceful scramble for place, and the fatal doctrine "to the victors belong the spoils" had not yet been invented; when the idea of a trust was the subordination of the trustee and all his personal interests to the rightful claims of those for whom he acted; when lawyers were not accustomed to speculate upon the rights of their clients; when vendors were not suffered to profit by false representations; when the honor and fame of the nation were dearer and greater than the reputation or the fortune of any citizen; when degenerate men who were willing to barter away the national honor in foreign lands in exchange for private gains, however great, would have been gibbeted for the general execration.

It is for this reason that the present investigation is of the gravest importance, and it indicates a more healthy state of public opinion, and it should be a matter of general congratulation that the committee have been able by the exercise of mutual forbearance and patience to come to a unanimous conclusion. No public money has been misappropriated; but the national honor, which is above all money, has been tarnished, thoughtlessly if you will, but if so, by the mistake and unconscious ignorance of a great public officer, who has not yet, after the lapse of four years, been properly rebuked by his own Government.

There are positions and circumstances in which ignorance is as mischievous as crime; and I feel constrained and grieved to say that the connection of the American minister at the court of Saint James with the Emma Mine belongs to that category. We may pity, we may sympathize, but we must condemn, in order that the condemnation which belongs to him and the Administration should no longer rest upon the consciences and the name of the American people, and that it shall forever be impossible for this humiliating offense to be repeated by an embassador of the United States or fail to be punished by his Government.

Much of what I have said, Mr. Speaker, might with more force, and, it seems to me, with equal propriety, have been included in the report. But the majority of the committee have deemed it better to yield somewhat of their convictions, and make the report, as nearly as may be, a colorless statement of the facts developed by the testimony, in order to secure what they regard as of inestimable value to the rising generation of the country, the example of a unanimous report, made without regard to party affiliations and prejudices, upon a subject which concerns the reputation and dignity of the nation before the civilized world. Any other report would be open to the criticism that it was dictated by partisan feeling, and the condemnation of conduct which has brought disgrace upon the nation, and might otherwise come to be regarded as a precedent, would necessarily lose much of its value to the country, the honor and welfare of which should be regarded by every well-wisher of his race as infinitely beyond and above all party considerations. Parties are but temporary, and will surely perish with the changing conditions of the times; but the nation will as surely survive forever, if we can preserve the spirit of virtue and patriotism by which it was created, and which should make us all willing to sacrifice party and prejudice upon the common altar of the country, and join in the universal centennial prayer, "God save the Republic."

Mr. FAULKNER. Mr. Speaker, I will not review any of the facts of this case. You have just heard the report read, and I leave the facts as there stated to have their proper impression on your minds. It is a pleasing circumstance to me that not a bill or report or resolution has so far come from the Committee on Foreign Affairs during the present session of Congress which has not been unanimously concurred in by that committee. Such is the case with the resolution now submitted for the adoption of this body. We have concurred in acquitting the late American minister of any knowledge of the fraud which inspired the Emma mine speculation, and which so adroitly and successfully imposed it upon the British public; yet at the same time we condemn General Schenck for permitting himself to be made an instrument by designing men to mature and give character to a private business transaction which has brought reproach upon American credit in all the bourses and exchanges of Europe. While, therefore, we acquit him of all such knowledge of the real character of that transaction and of the motives of its promoters as would in a court of justice make him a party to the conspiracy, yet we are equally decided in our conviction that the active aid and support which, as the accredited representative of this nation, he gave

to that unfortunate and disreputable speculation was an official impropriety of the gravest character, which ought to receive the condemnation of this House.

If General Schenck had made himself familiar with the doctrines of public law, he would have seen that there has not been a public jurist since the days of Grotius who, if he touched upon this particular branch of the subject at all, has not expressed his decided condemnation of the practice of embassadors and ministers becoming engaged in the pursuits of trade or commerce, or in private enterprises of any kind, in the country to which they have been accredited. All pursuits and occupations of that character are utterly incompatible with the duties, position, and dignity of the representative of a sovereign power. Such employments must not only withdraw his time and attention from the peculiar and responsible duties which devolve upon him, but they impair his social and public standing, and often lead to humiliating exhibitions in the courts of such foreign country. The inviolability attached to a public minister is among the cardinal principles of public law. To surround him with that perfect independence and dignity which should belong to the representative of a sovereign power, his person, his house, his office, his family and servants, his personal property, are all withdrawn from the jurisdiction of the country in which he resides, and are placed under the protection of international law. Nothing can more signally illustrate the general sentiment of the enlightened world in discountenancing practices of this kind in diplomatic agents than the doctrine recognized in the courts of this country and England, and in every other court of justice in Europe, that if a minister departs from the proper sphere of his duties, and engages in the pursuits of trade and commerce of any kind, he forfeits, as to all property so invested and acquired the privileges of his diplomatic character, and such property becomes the subject of seizure by legal process like that of any other subject of the realm. This connection with private transactions drags him down from his high position as the privileged representative of a sovereign power, and brings him to a level, so far at least as that property is concerned—of an ordinary litigant in the country to which he has been thus accredited.

It is to avoid this unseemly descent from his high privileges as a minister accorded to him by international law, and to guard against the disgraceful spectacle of seeing a nation's representative struggling in the courts of a foreign country against grasping and enraged creditors, that the doctrine has been so impressively announced that no minister can, without a gross violation of the proprieties of his position, become engaged in the pursuits of trade or commerce in the country to which he has been sent as minister.

If this be true as to the ordinary pursuits of trade and commerce, which are not objectionable in themselves, how much more aggravated is the impropriety when a minister assumes to patronize an essentially hazardous enterprise, originating in his own country and transferred for the purposes of speculation to the country to which he is accredited; when he becomes a joint associate and partner in that enterprise; when he becomes one of its recognized and public managers; when he unites in a prospectus embracing some very doubtful facts, inviting the people of that friendly nation to invest their money in that speculation; when he gives the full weight of his official character and position to the success of the scheme, and who, when he finds that he and others have been deceived by the promoters of this speculation, seeks to retrieve his losses by the hazards of the stock board. Now, sir, General Schenck might not be personally liable to have his body taken before the British courts while he was minister in London, yet no one can question that all the shares of stock that he acquired in that company (if after the 1st of January, 1873, they were worth the pursuit) might have been taken under proper process of the courts, and the humiliating spectacle exhibited of an American minister engaged in legal controversy in the courts of the country to which he had been accredited.

I doubt if a case has occurred within the present century where any person holding the rank of a European minister plenipotentiary has connected himself publicly with any private enterprise in the country of his mission, unless it be the case of the Duke of Saldanha, the Portuguese minister at the British court. This has been the only case which General Schenck has been able to cite in justification or extenuation of his conduct, and it was that precedent which, as he says, led him into the grave error which is the subject of our examination. But even that case, if it were a precedent worthy of notice, differs in many essential particulars from the Emma Mine enterprise. The concession to construct the Lisbon Steam Tramway Company was an exclusive concession made by the Portuguese government to the Duke of Saldanha himself, its minister; he was made in his own country the president of that company; and the sole purpose of his prospectus was to solicit capital to construct an enterprise of great utility and of no hazard in his own country. But this solitary departure from diplomatic usage cannot excuse the extreme impropriety of such acts and should not for a moment have been relied upon by General Schenck as a precedent to guide him in the course which he adopted in the Emma Mine enterprise.

I believe that no case has ever before occurred in the history of the United States where one of our diplomatic agents has been charged with an impropriety similar to that now ascribed to the late minister at London. This may well account for the fact that neither Congress by its legislation nor the State Department by its "personal instructions to the diplomatic agents in foreign countries" has ever deemed it necessary to guard against such an evil by positive instructions for its prohibition.

All are familar with the wide distinction recognized by international law between diplomatic agents and consuls. Consuls are not public ministers. They are commercial agents. They do not represent their country. They are not entitled to the peculiar immunities of embassadors. No state is bound to permit the residence of foreign consuls. In civil and criminal cases they are subject to the local law in the same manner with other foreign residents owing a temporary allegiance to the state. For many years it was allowable for consuls, and it was their ordinary practice, to engage in mercantile, financial, and commercial pursuits. But experience has developed the evils which have resulted from this practice even in the case of consuls, and thirty years ago Congress passed a law prohibiting every consul-general, consul, or commercial agent acting under the authority of the United States to be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or agent for any such person, within the limits of his consulate or commercial agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and he shall, in his official bond, stipulate as a condition thereof that he will not violate this prohibition.

Now I am well aware that there are some considerations which, in view of the nature of their functions, would make these provisions of law more appropriate to consuls than to ministers, yet the spirit of the law is here developed, and in fact only restricts consuls from pursuits, which the just construction of international law discountenances in ministers and embassadors.

Mr. Speaker, it is with no pleasure that I shall cast a vote of condemnation against that distinguished individual. He has filled many important and prominent positions in this Republic. He is a man of many kind, noble, and generous traits of character. I am even prepared to admit that "he has done the state some service." Yet it matters not who may be sufferer, we must enforce purity, propriety, and official dignity in our representatives abroad, and if a case is brought to our notice where the proprieties of official position have been violated, whether willfully or from want of due enlightenment, we should rebuke the act that it may serve as a warning and admonition to those who may succeed them in the future.

Mr. HEWITT, of New York. I now yield to my colleague on the committee, the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. HENDEE. I ask the gentleman from New York [Mr. HEWITT] to yield to me for a few moments.

Mr. HEWITT, of New York. If the gentleman from Vermont has some matter that he thinks it important to bring before the House at this moment, I will yield to him.

PREMATURE PUBLICATION OF A DOCUMENT.

Mr. HENDEE. Mr. Speaker, I rise to a privileged question. I designed to have presented this matter to the House at the earliest opportunity on yesterday, but as I was occupying the chair when the motion to adjourn was made I was prevented from so doing. I desire to offer a preamble and resolution, but before they are read I will state that I offer them at the request of the Committee for the District of Columbia and also at the request of certain employés of the House who have charge of the committee-room, and upon whom reflections have been cast, and from a sense of duty on my own part as a member of this House.

The Committee for the District of Columbia have been engaged for the last four months continuously in an investigation of District affairs. The testimony which that committee had been taking was closed a few days since, and the chairman, Judge BUCKNER, on Saturday last, I think, presented to the committee his personal views in writing as to what he considered the committee should report in the premises. As there had been no discussion or consideration of the question by the committee, it was requested and agreed that his views, which were in the form of a report, should not in any way be made public or come to the public notice; that as they reflected upon the official conduct of six or seven prominent gentlemen who were holding public positions in this city, and inasmuch as it was not yet a report of the committee, it should be kept secret; but that for the benefit of the committee a limited number of copies should be printed at the Government Printing Office. The employés of the committee-room were informed of the action of the committee in this regard, and the officers of the Government Printing Office were also notified. A few copies were printed and brought in a very carefully sealed packet to the room of the committee and placed in the hands of the clerk.

This was on Monday morning last. On Tuesday morning a full abstract of the views of Judge BUCKNER appeared in the New York Tribune, and on the afternoon of the same day the Evening Star, of this city, contained a complete verbatim copy of his views as submitted by him as the report of the committee. It is apparent that the views of Mr. BUCKNER, or a copy of them, must have been taken from the committee-room or from the Government Printing Office in some clandestine and improper manner or that the employés of the House, or of the committee-room, or of the Printing Office have been guilty of some fault, neglect, or questionable act.

Now, inasmuch as that document has been printed *as the report of the*

committee and has gone to the country through the press *as* the report of the committee, I wish to say in justice to the parties whose official conduct is criticised in it, and in this most public manner, and in the plainest language which I can use, that no report of that committee in the matter referred to has ever been agreed upon; that there never has been more than one hour's discussion upon the subject in any way, and that not even the *first item* of a report has yet up to *this time* been agreed upon by the committee. For the purpose of investigating and ascertaining how that document or a copy of it was obtained or taken out of the committee-room, or out of the Government Printing Office, or put into the hands of the newspaper men, I offer the preamble and resolution which I send to the desk. I believe, sir, the secrets and papers of the committee-rooms should be kept as sacred and secure as the secrets and papers of this House, and that summary and effective measures should be taken to this end; and to prevent as far as we may the recurrence of such an event as I have thus briefly brought to the attention of the House, I trust there will be no objection to the adoption of the resolution.

The Clerk read as follows:

Whereas the Committee for the District of Columbia has for the past four months been investigating the affairs of said District under authority of this House; and whereas the said investigation has had reference mainly to the official conduct of the commissioners and the board of audit created under the act of Congress approved June 20, 1874; and whereas said committee did, on or about the 7th day of this month, finish and close its investigation so far as the taking of testimony was concerned, and on the 20th of the present month Mr. BUCKNER, chairman of said committee, presented in the form of a report to the committee his views in writing as to the result of said investigation, when, without discussion, it was agreed by said committee that the question as to the report which the said committee ought to make in the premises should be postponed, and that a limited number of copies of the views of Mr. BUCKNER, the chairman of said committee, should be printed at the Government Printing Office for the use of the members of the committee; and it was also directed that the said views of Mr. BUCKNER should not be made public, and the employés of this House having charge of the committee-room of said committee and the clerk of the same were notified of this determination of the committee to keep the matter from the public until the committee had taken action on the subject, and of this the officers of the Government Printing Office had full notice also; and whereas said copies were printed and brought to the room of the committee and delivered to the clerk of said committee on Monday morning, the 22d instant, and were by him distributed to the members of the committee, except a few copies which were put under lock and key in the committee-room; and whereas the New York Tribune of Tuesday morning last contained a full abstract of the said views of Mr. BUCKNER, and the Evening Star, printed in this city, of the same date, contained a complete and full copy of said document *as the report of said committee*; and further, said committee had not even discussed or attempted to agree upon any report until yesterday (Wednesday) morning, and has not yet by majority or otherwise agreed upon a report in the matter referred to; and whereas it is alleged that a copy of the said views of Mr. BUCKNER was obtained from said committee-room by improper means and through the fault, neglect, or improper act of some of the officers or employés of this House or of the Government Printing Office or of said committee: Therefore,

Resolved, That the Committee for the District of Columbia be, and the same is, directed to inquire into the matter, and, if possible, learn the manner in which, and the time when, the copy of said paper was obtained for publication, and by whom and from whom it was obtained; and for this purpose said committee is empowered to send for persons and papers, and to report at any time by bill or otherwise.

Mr. HENDEE. I move the previous question on the passage of that resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. HENDEE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE EMMA MINE.

The House resumed the consideration of the report upon the Emma Mine.

[Mr. WILLIAMS, of Wisconsin, addressed the House. His remarks will appear in the Appendix.]

Mr. HEWITT, of New York. I move that the report of the committee be printed and recommitted, with leave to report at any time.

The motion was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD O'M. CONDON.

On motion of Mr. SPRINGER, by unanimous consent, the amendments of the Senate to the joint resolution (H. R. No. 104) for the relief of Edward O'M. Condon were taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REFERENCE OF SENATE BILLS.

Mr. THORNBURGH. I ask unanimous consent that the House proceed to the consideration of the business on the Speaker's table, in order that bills from the Senate may be referred.

There being no objection, it was ordered accordingly.

HANS C. PETERSON.

The bill (S. No. 709) for the relief of Hans C. Peterson was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

RANK OF PAYMASTER-GENERAL.

The bill (S. No. 843) establishing the rank of the Paymaster-General was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

CONTRACT WITH A. E. REYNOLDS.

The SPEAKER *pro tempore* [Mr. COX] laid before the House a letter from the Secretary of War, transmitting a communication from the commanding officer at Fort Reno, Indian Territory, relative to a contract for wood and hay with A. E. Reynolds; which was referred to the Committee on Expenditures in the War Department.

LIGHT-SHIP OFF TRINITY SHOALS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Light-House Board in relation to an appropriation for the establishment of a light-ship off Trinity Shoals, Louisiana; which was referred to the Committee on Commerce.

OSAGE FUNDS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, together with the joint resolution authorizing investment of funds belonging to the Osage tribe of Indians; which was referred to the Committee on Indian Affairs.

UNION PACIFIC RAILROAD.

Mr. WIKE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House with a copy of the report of Hon. Isaac N. Morris as one of the Government commissioners appointed by the President of the United States to examine into the condition of the Union Pacific Railroad between Omaha and the summit of the Rocky Mountains in the year 1869.

CHEROKEE INDIANS.

Mr. HYMAN, by unanimous consent, introduced a bill (H. R. No. 3571) for the relief of Cherokee Indians who have removed themselves to the nation, west; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HARRIET W. WILKINSON.

Mr. HOPKINS, by unanimous consent, introduced a bill (H. R. No. 3572) granting a pension to Harriet W. Wilkinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROFESSOR HAYDEN'S REPORT.

Mr. MONROE, by unanimous consent, submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 4,500 copies of Professor Hayden's Ninth Annual Report of the United States geological and geographical survey of the Territories for 1875, 3,000 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 500 copies for the use of the geological survey.

INDIAN AFFAIRS.

Mr. FOSTER. I desire to have a letter from the Commissioner of Indian Affairs in relation to the Indian appropriation bill printed in the RECORD and referred to the Committee on Appropriations.

The motion was agreed to.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 24, 1876.

SIR: I received late yesterday afternoon your favor of the 22d instant, inclosing copy of the Indian appropriation bill as it came from the Appropriation Committee.

In compliance with your request to be advised whether that bill in its present shape is satisfactory to this Office, I beg respectfully to state that should the bill pass without amendment in some vital points it seems to me the service would be crippled, if not entirely disorganized. You will understand me as confining myself in that statement strictly to the amounts to be appropriated by the bill, and not to the sweeping and radical change in the method of conducting Indian affairs which the committee propose. Many of the reductions made by the committee the Office is not disposed to contest, and my comments will be confined entirely to those points which seem to me vital. In the time allowed for the preparation of this letter I can only make very cursory reference to these points, having no opportunity to enter at length into the reasons which govern the Office.

Upon page 92 of the Book of Estimates will be found an estimate of $20,000 for buildings at agencies and repairs, which has been entirely stricken out by the committee. The small sum heretofore allowed for this purpose has been entirely insufficient to keep the agency buildings in proper order, and many of them now need extensive repairs. It will not be practicable to abandon most of them even should the proviso in the last section of the bill requiring the issue of subsistence so far as practicable from Army posts become a law.

The $1,000 should be given for vaccination of Indians. This was estimated for and has been stricken out.

I cannot too strongly urge the appropriation of $50,000 for contingencies, which was estimated for and which has also been stricken out. The need of a fund to meet emergencies in a service like this cannot be overestimated, nor will that need be in any degree lessened by the proposed transfer. To-day two mills on Indian reservations are standing idle because the dams have been washed away by high floods, and the Office has no fund upon which to draw for the necessary $1,500 to repair the damages. If the Indian service was like the military service, where the persons to be provided for can be relied upon to obey orders and where their wants and numbers can be accurately determined in advance, or if the money appropriated was to be used in the construction of fortifications or buildings where work could be suspended without absolute danger to neighboring defenseless citizens, and without a well-nigh total loss of any advance already gained, the need of such a contingent fund as this asked for might be in some respects diminished. But with a restless, uncertain horde of Indians to be advanced as far as possible, and in any event to be kept quiet, and in view of the unforeseen and unavoidable causes of outlay which are frequently brought to the attention of the Office, I cannot well conceive how the service can be smoothly or even successfully administered if this estimate is wholly refused.

On page 13 of the bill the committee recommend certain appropriations for the Crows, but no provision is made for the payment provided for by their treaty of 1868 of $10 for each Indian roaming and $20 for each Indian engaged in agriculture. The Office estimates this amount at $30,000. The number of these Indians is three thousand, and the omission to provide this sum is in violation of treaty stipulations.

The provision for the mixed Shoshones, Bannacks, and Sheepeaters has been reduced by the committee from $20,000 to $15,000. Under an unratified treaty with them the Government engaged to expend $12,000 annually for provisions and goods, $2,500 for education, and to support a farmer, physician, engineer, blacksmith, carpenter, and interpreter. To provide these employés and to transport the goods and provisions $500 is utterly inadequate. It is proper to add that the Indians are unable to comprehend the authority and force of the legislation by which the ratification of treaties thus solemnly made with them has been refused. They acknowledge themselves bound by the stipulations and consider the Government of the United States equally bound. The practical effect of the disregard of these treaties would be nothing less disastrous than that of a treaty duly ratified.

The committee have reduced the estimate for the Sioux from $1,400,000 to $1,000,000. The appropriation last year was $1,100,000, and that was supplemented by a deficiency appropriation of $150,000. The number of these Indians, determined at every agency by actual count, is 43,484. The cost of the full ration heretofore issued to them is fifteen and one-half cents. To support them during the year would require nearly two and one-half millions. The cost of the ration adopted by the present agent at Red Cloud under the stress of short supplies was about eleven cents. To support these Indians on the short ration will cost about $1,750,000. It is charged by various parties (though the names and standing of those making the statements I have been unable to learn) that the number of the Sioux has been greatly exaggerated. I find no proof of this, and a recent examination at the Red Cloud agency and Spotted Tail agency shows a substantial agreement with previous statements. I do not believe that, if the numbers have been exaggerated, (which I am very strongly disposed to doubt,) the exaggeration has proceeded to the extent assumed by the committee. If the full estimate of the Office is given, the amount allowed *per capita* for the support of these Indians during the year is less than $33, or say sixty cents a week. The appropriation recommended by the committee reduces this amount to $23 per year, being about forty-five cents per week. I do not believe it possible to keep the Sioux quiet on any such sum, excited as they already are by the impudent and forcible usurpation of the Black Hills by miners and by the military operations against the "hostiles."

It should be recollected further that if General Crook succeeds in subduing the hostiles and bringing them into the agencies an addition of three or four thousand will be made to the feeding-list, and the inadequacy of the appropriation allowed by the committee will be increased in a corresponding ratio. I would also note that the treaty of 1868 with the Sioux provides that $10 shall be allowed to each Indian roaming and $20 to each Indian engaged in agriculture. Heretofore these Indians have received on this account an appropriation of $200,000, it being estimated that there are 20,000 Indians roaming. The actual number greatly exceeds this estimate, but in view of the large expenditures required for subsisting the Indians it has not been deemed advisable to insist too strongly upon the fulfillment of the treaty stipulations in this particular. In my judgment, however, the amount should not be reduced below $200,000.

Equally dangerous, in my opinion, is the reduction proposed by the committee in the appropriation for the Apaches of Arizona and New Mexico. The appropriation last year was $450,000, and a threatened outbreak at one of the agencies in New Mexico was averted only by a deficiency appropriation of $25,000, while another deficiency appropriation of $50,000 was made for the Apaches in Arizona. The total appropriation, therefore, for the present year has been $525,000. If any change should be made in the estimate for the service here it should be in the line of increase rather than decrease. The Indians to be subsisted from this appropriation number 9,548. Merely to ration them through the year, owing to the high prices necessarily paid in Arizona and New Mexico on account of the lack of transportation facilities, would cost nearly $600,000, while, if the reduction proposed by the committee in the incidental fund for those two Territories is carried out, the wording of the bill must be so changed as to provide for the support of five other agencies at which are congregated 23,070 Indians. Some of these Indians require to be subsisted throughout the year, most of which expense has hitherto been met by the incidental fund of the two Territories. Such a reduction would result in great danger to the frontier, and depredation and murder might fairly be expected.

The committee have reduced the subsistence for the Cheyennes, Arapahoes, Kiowas, Comanches, and Apaches, in the Indian Territory, (see page 48 of the bill,) from the $300,000 heretofore received to $250,000. Many of these Indians have heretofore been out hunting upon the staked plains and in the southwestern part of Kansas, but the disappearance of game and the complaint of settlers in that vicinity seem to render it advisable that they should be more closely confined to their reservation. If such strict confinement is insisted upon, they should certainly receive suitable supplies of rations at the agency, and in that event the amount heretofore appropriated is not excessive. Provision is also made in the bill for the removal to the Indian Territory of the northern Cheyennes and Arapahoes now at the Red Cloud agency among the Sioux. Should this removal be effected, the number of Indians to be subsisted from this appropriation would be increased from 8,221 to about 11,958, in which event the full appropriation asked for would probably be inadequate.

Upon the same page of the bill the appropriation for the Kansas Indians has been reduced from $10,000 to $5,000. I do not see how the educational needs of these Indians and their subsistence can be furnished for less than the amount estimated for.

The estimate for the Modocs now in the Indian Territory, one hundred and forty in number, was reduced from $7,000 to $5,000 by the committee; but the condition of these Indians seems to me to demand the very moderate estimate given.

The amount allowed for transportation is entirely inadequate. The amount estimated for was $219,200, which, with the exception of that for the Sioux, is used almost entirely for the transportation of annuity goods provided by treaty. The amount actually expended by the Office for transportation for the present year is nearly $300,000, and an appropriation for transportation to the full amount of the estimates will still leave somewhat to be made up from the funds provided for subsistence.

The following estimates (page 107 of the Book of Estimates) have received no attention at the hands of the committee. They should, in my judgment, be appropriated in whole or in part:

The Indians on the Malheur reservation cannot be properly cared for for a sum less than $30,000.

Unless money is provided for colonizing and supporting the Wichitas and other affiliated bands much good work of the agent there will be lost. In a report received from him this very month the statement is made that, with liberal provision for agricultural implements and tools, these Indians will be well-nigh self-supporting in a year or two longer.

No provision is made for the civilization and subsistence of Indians in the central superintendency. For this purpose $10,000 was appropriated for this year, and the present estimate is for $25,000. The $10,000 for this year has been supplemented to the extent of $11,000, if I am rightly informed, by contributions from the Friends, who have the superintendency under their special charge, and the whole amount of $21,000 has not been sufficient to keep open during the whole school year all the schools now in operation. The very favorable condition of the service in the central superintendency leads me to express the hope that all of the progress thus gained will not be lost by a failure to make the appropriation asked for this purpose. Some of the schools are now so crowded that scholars have actually to be turned away, while the interest of some of the lately roving tribes in education is steadily increasing.

In this connection I note that no provision is made for the civilization of Indians for which the estimate of $150,000 was submitted on page 106 of the estimates. The funds which heretofore have been available for this purpose are entirely exhausted, and it seems to me that the expenditure of funds for this purpose is essential to any proper advancement of the Indians, and, looking to the future, is a measure of wise economy even. This estimate is of too great importance to be entirely ignored, and the whole amount could very properly and profitably be used for this purpose. Upon such an appropriation depends the existence of forty-six industrial schools, attended by seventeen hundred and ninety-four pupils. When provision is made by treaty stipulations for the establishment of such schools, the appropriation is generally grossly inadequate and barely provides for the salaries of part of the teachers and the necessary books. This method of instruction by boarding-schools has thus far proved, though the most expensive yet the only successful and satisfactory method. For the building of Indian houses, opening of Indian farms, purchase of stock and farming implements, support of shops and mills, and instruction of Indian apprentices, large dependence must be placed on this fund.

Upon the estimate for the civilization of the Chippewas of Minnesota I do not know that more need be said than is found in the letter of Agent King upon the subject, of which I send inclosed a copy. This appropriation would be applied, if given, not only for the benefit of his Indians, but also for the Chippewas at two other agencies, in every one of which would the expenditure be equally advantageous.

In regard to the incidental expenses of the Indian service I cannot too strongly express my hope that more liberal appropriations will be made by Congress than are recommended in the bill. For this purpose the Office received last year $350,000. The estimates this year are for $410,000. No provision other than that from the incidental fund is made in the bill for three agencies in Arizona, for all of the agencies in California, Nevada, and Utah, for two agencies in New Mexico, for two in Washington Territory, and for three in Oregon. The same reasons urged on page 3 of this letter for the contingent fund of the Office apply with equal force here. This fund has been used to meet a lack of or insufficient appropriations in other directions, pay of employés, educational purposes, traveling expenses of agents and superintendents, and their other incidental expenses. The full report of its use for the last fiscal year will be found in House Executive Document No. 6 of the present session. I trust that the appropriations in this particular will receive very careful and liberal consideration.

Thus very briefly stated are some of the additions which I note to the bill. I make no doubt that a more careful consideration of the bill would develop other points not mentioned here and that with time for elaboration a much stronger statement could be made in criticism of the bill as it stands. I think, however, enough has been said to show the absolute need of larger appropriations in many directions and that the service will be sadly crippled if no amendments are made to the bill. I trust the subject may receive your careful consideration.

Very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

Hon. CHARLES FOSTER,
House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. TUCKER, for ten days.

To Mr. HAMILTON, of New Jersey, from the 26th to the 30th of this month.

CONTINGENT FUND.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported back the following resolution, with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the payment ordered by this House by resolution of the 20th of June, 1874, be, and the same is hereby, directed to be paid out of the contingent fund.

The resolution was adopted.

Mr. WILLIAMS, of Indiana, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADOLPH ERDMAN.

Mr. POWELL, from the Committee of Accounts, reported back the following resolution and moved its reference to the Committee on Appropriations; which motion was agreed to:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay to Adolph Erdman, for clerical services rendered to the Committee on Expenditures in the War Department, the sum of $45 out of the contingent fund of the House of Representatives.

LOUISIANA CONTESTED-ELECTION CASE.

Mr. HOUSE. I move the House proceed to the consideration of the Louisiana contested-election case of Spencer *vs.* Morey.

Mr. HOSKINS. Does the gentleman propose to go on with it to-night?

Mr. HOUSE. We can have a speech to-night.

Mr. HOSKINS. I move the House adjourn.

The House divided; and there were—ayes 71, noes 42.

So the motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. COX: The petition of Henry Moore, for compensation for property lost by reason of having it thrown overboard to lighten a ship in a gale, while off Cape Lookout, to the Committee of Claims.

By Mr. JONES, of Kentucky: The petition of Dennis Fitzgerald, Felix Shannon, and other laboring-men of Washington City, for compensation due them for labor and material furnished in paving and

improving the streets and avenues of said city, to the Committee for the District of Columbia.

By Mr. PARSONS: The petition of Bradley & Gilbert and others, of Louisville, Kentucky, for such legislation as will prevent injurious competion by the Government in the manufacture and sale of envelopes, postal cards, and newspaper-wrappers, to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: The petition of Andrew C. Wheelwright, of Boston, that the name of the pleasure-yacht Lydia be changed to Sylph, to the Committee on Commerce.

By Mr. ROSS, of Pennsylvania: The petition of manufacturers and dealers in the city of Williamsport, Pennsylvania, against any change of the law regulating the manner of packing tobacco, to the Committee of Ways and Means.

By Mr. SEELYE: The petition of Robert Tramper, that the Secretary of the Interior be directed to pay, out of their own funds, for the services and expenses of the delegation of the eastern band of North Carolina Cherokee Indians now in Washington on business connected with their tribe, to the Committee on Indian Affairs.

By Mr. WIGGINTON: The petition of W. H. Workman and 700 others, of California, for such legislation as will secure the State title to all lands listed to the said State in lieu of such lands as are, or shall be on final survey, within the limits of the Mexican grants, to the Committee on Public Lands.

By Mr. A. S. WILLIAMS: Memorial of the Detroit (Michigan) Board of Trade, favoring the passage of the bill (H. R. No. 3266) fixing the rate of postage on certain mail matter, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

FRIDAY, *May* 26, 1876.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 2922) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts; to the Committee on Finance.

A bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes; to the Committee on Appropriations.

A bill (H. R. No. 3495) for the relief of the mail contractors on route No. 19319, in Tennessee; to the Committee on Post-Offices and Post-roads.

DECORATION DAY.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was referred to the Committee on Military Affairs:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC, GRAND ARMY HALL,
Washington, D. C., May 24, 1876.

To the honorable the Senate of the United States:

The 30th day of May is annually set apart as a memorial day for the purpose of decorating with fitting ceremonies the graves of our fallen comrades who fell in the defense of the Union.

It is desirable that on this centennial year it should be a national holiday, and we respectfully ask your action looking to that result.

It is the wish of the order that your body take a recess for that day, as an invitation is hereby tendered asking for your participation in the services by personal attendance.

Respectfully, &c.,

B. F. HAWKES, *Commander.*

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore.* The Chair will here announce that legislative business will be continued until objection is raised. Petitions and memorials are now in order.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present the petition of 909 citizens of Iowa, praying for an appropriation to complete the Fox River improvement, and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the plan proposed and recommended by General G. K. Warren. I move that this petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ALLISON. I also present the petition of 1,009 citizens of Iowa, making a like prayer, and move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WINDOM. I present the petition of 811 citizens of Minnesota, making the same prayer, and I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. KERNAN presented the petition of Henry S. Van de Carr and Elsie M. Reynolds, of Stockport, New York, administrators of the estate of Rensselaer Reynolds, deceased, and Gordon B. Reynolds, praying for the extension of a patent for improvement in brakes for power-looms; which was referred to the Committee on Patents.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of Connecticut, in favor of an appropriation for the continuance of work at the navy-yard near New London, in that State; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, reported it with amendments.

Mr. WEST, from the Committee on Railroads, to whom was referred the bill (S. No. 687) to create a sinking fund for the liquidation of the Government bonds advanced to the Central and Western Pacific Railroad Companies, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. No. 870) to create a sinking fund for the liquidation of the Government bonds advanced to the Union Pacific Railroad Company.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue certificate of relocation for six hundred and forty acres of land in the Territory of Missouri to legal representatives of Samuel Ware, reported it without amendment.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 871) to provide for the disposition of the military reservation at Fort Smith, in the State of Arkansas, for the erection of a penitentiary for the confinement of United States prisoners, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

PETER WRIGHT AND SONS.

Mr. MORRILL, of Vermont. There is a bill on the Calendar which has passed the House and been reported favorably with the unanimous concurrence of the Committee on Finance of the Senate. I move that it be taken up and considered at the present time. It is House bill No. 2826.

The motion was agreed to; and the bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons was considered as in Committee of the Whole. It directs the Secretary of the Treasury to refund to Peter Wright & Sons, of Philadelphia, the amount of duties paid by them upon the entry of three thousand and fifty bags of potato farina, imported per ships Vaderland and Nederland in the months of April and June, 1874, and to remit any claim on the part of the United States for duties upon three hundred bags of the same, entered by the same parties in December, 1873, and February, 1874, which had been admitted to entry free of duty; but from the amount of duties paid there shall be deducted an amount equal to all the profits which had been realized by Peter Wright & Sons upon the sale of the article so imported, to be ascertained as the Secretary shall direct.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSFERS OF APPROPRIATIONS.

Mr. DAVIS. Yesterday morning from the Committee on Appropriations, I proposed to report a House bill providing for the transfer of certain small items of appropriation for the Department of Justice from one fund to another. The passage of the bill is requested by the Attorney-General. It has passed the House, and been favorably considered by the Committee on Appropriations of the Senate. I now report the bill and ask for its present consideration. I think there will be no objection to it.

By unanimous consent the bill (H. R. No. 3479) making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year was considered as in Committee of the Whole. It amends the provision for the contingent expenses of the Department of Justice in the act approved March 3, 1875, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, by transferring to the appropriation for miscellaneous expenditure the following sums from other specific appropriations: $300 from the appropriation for "furniture and repairs," $300 from the appropriation for "care and subsistence of horses," and $200 from the appropriation for "repairs to carriages and harness," making the amount so transferred $800.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

Mr. MERRIMON, (at eleven o'clock and sixteen minutes a. m.) I call for the regular order.

The PRESIDENT *pro tempore.* The Senator from North Carolina calls for the regular order; and, pursuant to order, legislative and

executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

On motion of Mr. CONKLING, (at five o'clock and twenty-one minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

LOUISIANA INVESTIGATION.

Mr. KASSON. I ask unanimous consent for the consideration at this time of the resolution which I send to the desk, and after it is read I desire to make a brief statement in regard to it.

The Clerk read as follows:

Resolved, That the Louisiana Investigating Committee while in New Orleans have authority to designate subcommittees to take testimony in the matters under investigation by them by authority of the House, and such subcommittees when appointed shall be committees of the House for that purpose, and the member first named thereon shall be chairman thereof.

Mr. KASSON. In the hurry of the adoption the other day of the resolution in regard to the Louisiana Investigating Committee I endeavored to get the attention of the House to the fact that it did not comply with the provisions of the Revised Statutes. I failed in that endeavor. I have now brought the resolution within the provisions of the Revised Statutes, which are as follows:

The President of the Senate, the Speaker of the House of Representatives, or a chairman of the Committee of the Whole, or of any committee of either House of Congress is empowered to administer oaths to witnesses in any case under their examination.

Consequently it is necessary that such subcommittees should not, by our resolution be authorized to administer oaths, for we have not that power to confer. The power can only be conferred in compliance with the provisions of the Revised Statutes by declaring the subcommittees to be committees of the House. Then the law declares that the chairman of such a committee may administer oaths, &c.

I have submitted the resolution to the chairman of the Judiciary Committee, to the gentleman from Wisconsin, [Mr. LYNDE,] who is a member of that committee, and to my colleague from Iowa, [Mr. MCCRARY,] who tells me it is right, and that this is substantially what they found themselves obliged to do in the last Congress under similar circumstances. For the purpose, therefore, of making a correct precedent, I move that this resolution be adopted, and that the other be rescinded.

Mr. COX. I ask that the resolution may be again read.

The resolution was again read.

Mr. RANDALL. Does this resolution come from the Louisiana Investigating Committee?

Mr. KASSON. The gentleman from New York will see that this is the same thing in purpose and effect with the other resolution; but it brings it within the provisions of the Revised Statutes.

Mr. RANDALL. There is just one point about it; I wish to know whether the Louisiana Committee presents this resolution or whether it comes from an individual member?

Mr. KASSON. The resolution has been prepared by myself for the purpose of giving that power of taking testimony under the obligation of an oath.

Mr. RANDALL. I do not understand that the committee asks for any additional power.

Mr. KASSON. The gentleman from Pennsylvania will observe from what I have said that this gives no additional power. It is to give them the power they sought by the other resolution which they failed to get.

Mr. RANDALL. I ask that the resolution may be referred to that committee.

Mr. KASSON. I hope the gentleman will hear me out.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. RANDALL. The committee will ask what they want.

The SPEAKER. Is there objection?

Mr. RANDALL. I object.

Mr. KASSON. Then I want to say that in case of indictment for perjury the person sworn cannot be convicted.

Mr. RANDALL. I thought there was some ulterior object to be reached by it.

Mr. KASSON. The object is to make a witness swearing falsely liable to conviction for perjury.

Mr. RANDALL. The committee will take care to ask for what they want.

Mr. KASSON. Then let the resolution be referred to the Committee on the Judiciary.

Mr. RANDALL. I have no objection to that.

The resolution was referred to the Committee on the Judiciary.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874; which was read a first and second time.

The bill was read. It extends for one year after the expiration of the time named in the act for the relief of certain settlers upon the public lands, approved December 28, 1874, all the rights and privileges granted by said act.

Mr. DUNNELL. This act has the approval of the Committee on Public Lands, and is intended to grant another year of privilege and of grace to those counties in my own State and some others that have been afflicted by the locusts. I trust there will be no objection to it.

Mr. RANDALL. Let the bill be read again.

The bill was again read.

Mr. RANDALL. I hope the gentleman from Minnesota will give some explanation of the bill.

Mr. DUNNELL. I have already given an explanation which I thought sufficient.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TROOPS STATIONED IN SOUTHERN STATES.

Mr. COX. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of War be respectfully directed to furnish to the House of Representatives, at the earliest practicable moment, a statement of the number of troops now stationed in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Arkansas, Mississippi, Louisiana, and Texas, and of what arm of the service; where they are stationed, and for what purpose; giving the whole number, and also the names of the various regiments and companies.

Mr. KASSON. Let that lie over for a day.

Mr. COX. I withdraw the resolution.

SEAL-LOCKS ON BONDED WAREHOUSES.

Mr. MORRISON, from the Committee of Ways and Means, reported back a letter from the Secretary of War, transmitting information and papers in response to the resolution of the House of Representatives dated April 4, 1876, calling for copies of contracts relating to seal-locks on bonded warehouses, and moved that the same be referred to the Committee on Expenditures in the Treasury Department.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I call for the regular order.

The SPEAKER. The morning hour commences, and the regular order for this day is the calling of committees for reports of a private nature. The morning hour commences at twenty-two minutes after twelve o'clock.

Mr. HOPKINS. The unfinished business pending last Friday I now call up. There was a bill pending last Friday which was not disposed of, and which is the unfinished business of to-day.

The SPEAKER. That bill is on the Speaker's table as unfinished business, and at the close of the morning hour it will come up and be the first business in order.

Mr. BRIGHT. Would it be in order now to move to go into Committee of the Whole on the Private Calendar?

The SPEAKER. It is in order for the House on this day to make any order not inconsistent to the rules; it is competent for the House to go into Committee of the Whole on the Private Calendar.

Mr. BRIGHT. I give notice, then, that at the close of the morning hour I shall move to go into Committee of the Whole on the Private Calendar.

Mr. HARRIS, of Virginia. Why not make the motion now?

Mr. BRIGHT. There are some committees which want to report private bills to-day.

The SPEAKER. Then the call of committees will commence, and the call rests now with the Committee on Private Land Claims.

The SPEAKER proceeded to call the committees for reports of a private nature.

CHARLES H. JOHNSON.

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 969) for the relief of Charles H. Johnson, late first lieutenant of the Fifth Michigan Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARSHAL P. THATCHER.

Mr. A. S. WILLIAMS also, from the same committee, reported a bill (H. R. No. 3574) for the relief of Marshal P. Thatcher; which was

read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANCY P. POORE.

Mr. A. S. WILLIAMS also, from the same committee, reported back the bill (H. R. No. 2229) for the relief of Chancy P. Poore, late a private in Battery G, First New York Light Artillery; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was received through Mr. U. S. GRANT, jr., one of his secretaries.

GEORGE MARTZ.

Mr. JENKS, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3436) granting a pension to George Martz; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report was ordered to be printed.

REBECCA S. HARRISON.

Mr. JENKS also, from the same committee, reported adversely on the bill (H. R. No. 2683) to regulate the pension of Mrs. Rebecca S. Harrison; and the same was laid on the table.

MARY C. AXLINE.

Mr. BAGBY, from the same committee, reported adversely on the bill (H. R. No. 1514) granting a pension to Mary C. Axline, the widow of Jacob Axline, and the same was laid on the table, and the accompanying report ordered to be printed.

HENRY ZEUS.

Mr. BAGBY also, from the same committee, reported adversely on the petition of Henry Zeus, late captain in Company B, Third Missouri Volunteers, and of Company C, of Eightieth Illinois Volunteers; and the same was laid on the table, and the report ordered to be printed.

SUSAN A. CHASE.

Mr. BAGBY also, from the same committee, reported adversely upon the bill (H. R. No. 904) granting a pension to Susan A. Chase, and the same was laid on the table, and the accompanying report ordered to be printed.

ANSON K. YOUNG.

Mr. BAGBY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2237) granting a pension to Anson K. Young; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA A. BLAZE.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 3575) granting a pension to Eliza A. Blaze, widow of Abner T. Blaze, late a private in Company C, Thirteenth Indiana Cavalry Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. BAILEY.

Mr. BAGBY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2519) granting a pension to James M. Bailey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY F. M'KEEVER.

Mr. BAGBY also, from the same committee, reported back, as a substitute for House bill No. 2720, a bill (H. R. No. 3576) granting a pension to Mary F. McKeever, widow of the late Commodore McKeever of the United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE BARNES.

Mr. SINNICKSON, from the same committee, reported, as a substitute for House bill No. 1103, a bill (H. R. No. 3577) granting a pension to Catharine Barnes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA M. M'CONNELL.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 3578) granting a pension to Eliza M. McConnell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. DAY.

Mr. SINNICKSON also, from the same committee, reported adversely on the bill (H. R. No. 2507) for the relief of Mary E. Day, widow of the late James Day, of Company B, First Regiment Tennessee Volunteer Infantry; and the same was laid on the table, and the report ordered to be printed.

EUGENE O'SULLIVAN.

Mr. RICE, from the same committee, reported a bill (H. R. No. 3579) granting increased pension to Eugene O'Sullivan, late a sergeant in Company K, Eighteenth Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHEL A. COLLISON.

Mr. RICE also, from the same committee, reported a bill (H. R. No. 3580) granting a pension to Rachel A. Collison, widow of Richard D. Collison, late a private in Company D, Forty-fifth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH ODELL.

Mr. RICE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 838) granting a pension to Joseph Odell; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. RICE also, from the same committee, reported the following adversely; and the same were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 832) granting a pension to John Thompson;

A bill (H. R. No. 1691) granting a pension to Thomas B. Powers;

The petition of George Fritz, for a pension; and

The petition of John Hamilton, late sergeant Eighth Missouri Volunteer Infantry.

CHANGE OF REFERENCE.

Mr. RICE also, from the same committee, reported back the petition and papers of Joseph I. Borrell, of the National Military Home, and moved that the committee be discharged from their further consideration and that the same be referred to the Committee on War Claims.

The motion was agreed to.

RESTORATION OF PENSIONS.

Mr. RICE. The Committee on Invalid Pensions, to whom were referred the petitions of J. M. Whitty, John E. Ayers, and John Brady, for restoration to them of pensions of which they were deprived because of being in the civil service, have directed me to report the same back and ask that the committee be discharged from their further consideration, and that they be laid on the table, the subject having been provided for by a general bill.

The motion was agreed to.

MINERVA WILLIAMS.

Mr. RAINEY, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3581) granting a pension to Minerva Williams; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS HUNTER.

Mr. HUNTON, by unanimous consent, from the Committee on Revolutionary Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2601) authorizing the Commissioner of Pensions to issue a land warrant to Thomas Hunter, a soldier of the war of 1812, in lieu of one lost; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

FAVORABLE REPORTS.

Mr. HEWITT, of Alabama, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3406) granting a pension to James B. Gillespie, late captain of Company I, One hundred and twentieth Regiment Illinois Infantry Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. HEWITT, of Alabama, also, from the same committee, reported the following; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3582) as a substitute for House bill No. 2362 granting a pension to Charles L. Rugg, late first lieutenant of the Sixth Indiana Cavalry;

A bill (H. R. No. 3583) as a substitute for House bill No. 301 granting a pension to Fred W. Smith; and

A bill (H. R. No. 3584) granting a pension to William Abendroth.

SUSAN W. MARSHALL.

Mr. HEWITT, of Alabama, from the same committee, reported adversely upon the petition of Susan W. Marshall, of Baltimore, Maryland, for a pension; and the same was laid on the table, and the accompanying report ordered to be printed.

JOSHUA C. STODDARD.

Mr. J. H. BAGLEY, from the Committee on Patents, reported a bill (H. R. No. 3585) for the relief of Joshua C. Stoddard, of Worcester, Massachusetts; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. J. H. BAGLEY. I am instructed by the Committee on Patents to ask that this bill be now considered.

The bill authorizes Joshua C. Stoddard, of Worcester, Massachusetts, to make application to the Commissioner of Patents for an extension of letters-patent granted to him under date of October 9, 1855, for a steam instrument called the calliope for a term of seven years from and after the passage of the act, such application to be made in the same manner and to have the same effect as if the application had been for the first time filed in less than ninety days before the expiration of the original term of the patent; and upon such application so filed the Commissioner of Patents is authorized to consider and determine the same in the same manner and with the same effect as if the application had for the first time been duly filed within the time prescribed by law and as if the original term of said patent had not expired; and no person shall be held liable for an infringement of said patent, if extended, for making use of said invention since the expiration of the original term and prior to the date of the extension, nor for the use of any such instrument or machine made prior to the passage of the act.

Mr. WILSON, of Iowa. I hope the gentleman will explain this bill.

Mr. J. H. BAGLEY. There is a report accompanying the bill.

Mr. WILSON, of Iowa. Let the report be read.

The report was read. It states that the application by Joshua C. Stoddard is for an extension of letters-patent, granted to him October 9, 1855, for a steam musical instrument called a calliope. Under the law, as it then stood, at the time of the granting of said letters-patent the patentee was entitled to an extension of seven years. This petitioner, under that law, was entitled to such extension, and applied for the same as required by law. The application was rejected by the Commissioner of Patents for want of evidence, the lack of which was not known to the applicant before the case was thus decided.

The facts in the case may be briefly stated as follows: The inventor in order to raise funds to experiment with and perfect this instrument was obliged to dispose of one-half of his interest. A joint stock company was then formed. The law of the State of Massachusetts required that a certain sum of money should be paid in. The inventor's means were already exhausted, and he could not pay in on the interest still held by him. This remaining interest was then required of him, at the instance of a few of the stockholders who had assumed control, they representing that they would be responsible for his capital stock. After this assignment these men managed to buy up enough shares to force a sale, and though the inventor found parties to buy in his interest, he was refused an opportunity to sell it at any price. In this manner the inventor lost his entire interest, and sunk beyond recovery his entire means.

There is now an opportunity for him to exhibit this instrument at the centennial exhibition as a great novelty, and as an American invention the only one of its character in the world; and he will be enabled to induce moneyed parties to become interested and make this exhibition, if the letters-patent will be extended; and also be enabled to manufacture and sell for his own benefit, as in an extension of these letters-patent the extended time will go entirely to the patentee. It may not be amiss to state that this extension is not opposed by any parties whatsoever, and involves no conflicting interest. Under the circumstances the committee feel that it is but an act of simple justice that the inventor should be granted his petition, and they recommend the passage of a bill, that the inventor may be enabled to make the necessary preparation for the centennial exhibition.

Mr. REAGAN. I move that the bill be referred to the Committee on Patents.

The SPEAKER *pro tempore*, (Mr. SAYLER.) This bill comes from the Committee on Patents. Does the gentleman desire to have it recommitted?

Mr. J. H. BAGLEY. I trust that the gentleman will raise no objection to this bill. It is a simple matter of justice to this man, who wants to go before the Commissioner of Patents for the purpose of presenting his case. It is a case in which the public is very little interested. There is no earthly reason why the bill should not pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. J. H. BAGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NICHOLAS WHITEHALL.

Mr. J. H. BAGLEY also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 3181) for the relief of Nicholas Whitehall, of Fountain County, Indiana; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL A. KNOX.

Mr. J. H. BAGLEY also, from the same committee, reported back adversely the petition of Samuel A. Knox for extension of letters-patent No. 15887, granted October 14, 1856; which was laid on the table, and the accompanying report ordered to be printed.

E. C. STEVENS.

Mr. FORT. I am directed by the Committee of Accounts to report back the following resolution, and to move that it be referred to the Committee on Appropriations with instructions to insert the necessary provision in one of the appropriation bills:

Resolved by the Senate and House of Representatives, That there shall be paid out of the contingent fund of the House to E. C. Stevens one month's salary as folder, for service rendered during the month of February, 1875.

These services were rendered, and the committee believe they ought to be paid for.

The motion of Mr. FORT was agreed to.

V. H. M'CORMICK.

Mr. FORT. The Committee of Accounts have also instructed me to report back the claim of V. H. McCormick for services as messenger to the Committee Investigating the Affairs of the Freedman's Bank, and to move that it be referred to the Committee on Appropriations with instructions to make the necessary provision for the payment of the claim.

The motion was agreed to.

G. B. TYLER AND E. H. LUCKETT—VETO MESSAGE.

Mr. BROWN, of Kentucky, from the Committee of Claims, reported back, with a recommendation that it pass, the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Mr. COX. I understand that this is a veto bill.

The SPEAKER *pro tempore*. So the Chair is just informed.

Mr. BROWN, of Kentucky. I move that this bill be now taken up for consideration.

The SPEAKER *pro tempore*. The question before the House is, Shall the bill again pass, notwithstanding the objections of the President?

The bill, with the accompanying message from the Senate, was read, as follows:

An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of $164, in full for moneys wrongfully collected from said Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

MICHAEL C. KERR,
Speaker of the House of Representatives.
T. W. FERRY,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

GEO. C. GORHAM, *Secretary.*

IN THE SENATE OF THE UNITED STATES,
May 20, 1876.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same, and resolved that the said bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: GEORGE C. GORHAM, *Secretary.*

Mr. O'BRIEN. I suppose that under the rules the veto message of the President should be read.

The SPEAKER *pro tempore*. It was read when the bill was referred, but it will be read again if the gentleman desires it.

Mr. O'BRIEN. I do not know that there is any occasion to read the letter of the Secretary of the Treasury unless it be demanded by some member.

Mr. FORT. I would like to hear it read.

Mr. BROWN, of Kentucky. The Committee of Claims of the House adopted the report of the Senate committee that reported this bill to that body, and I ask that the same be now read.

The Clerk read, as follows, the report of the Senate Committee on Claims:

The Committee on Claims, to whom was referred the message of the President of the United States returning, with his objections, the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, having duly considered the same, beg respectfully to report the said bill back to the Senate, with the recommendation that it pass, notwithstanding the objections of the President.

The veto power is one lodged in the Executive by the Constitution as a means of protection to the people against the evil consequences of vicious legislation, resulting, as it sometimes does, from hasty or inconsiderate legislative action; and, although the power exists in Congress to breathe the breath of statutory life into a bill once passed, notwithstanding the President's objections, it is a power that should never be exercised except after the most careful consideration of the reasons given by the Executive for withholding his approval. As a power approaching, as does the veto power under our Constitution, so nearly to that exercised without restraint by the heads of despotic governments should never be exercised except on the fullest consideration of the case and where the objections are clearly apparent, so with equal care and deliberation should Congress undertake to say that a bill which the President, for reasons given, says ought not to become a law shall become such.

Impressed with these considerations, your committee have given this case a most thorough investigation, and have come to the unanimous opinion that the veto message of the President is based upon an entire misapprehension of the facts.

The bill is a private one for the relief of two citizens of the State of Kentucky, G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham. The amount involved is $164.

The bill, as it passed both Houses of Congress, is in the following words:

An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to

pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of $164, in full for moneys wrongfully collected from said Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

MICHAEL C. KERR,
Speaker of the House of Representatives.
T. W. FERRY,
President of the Senate pro tempore.

The report of the Senate committee, upon which favorable action was had, reads as follows:

"The Committee on Claims, to whom was referred the petition of G. B. Tyler and E. H. Luckett, assignees of W. T. Cheatham, praying to be re-imbursed for certain moneys wrongfully paid to the Government as a distiller of whisky, in Kentucky, have had the same under consideration, and beg to submit the following report:

"William T. Cheatham was engaged in the manufacture of whisky in Daviess County, Kentucky, in the year 1869; that petitioners were his bondsmen to the Government as such distiller; that on the 14th day of December, A. D., 1869, said Cheatham permanently discontinued his said distillery, and all taxes and charges then due on all liquors in bond were then tendered to the collector of internal revenue by Cheatham, having sold all said liquor to third parties; and on that day notice of such permanent discontinuance was filed in the office of the United States assessor of the second district of Kentucky, in which district said distillery was located; that the collector of said district wrongfully refused to issue permits to the purchasers of said whisky for the removal of the same from the bonded warehouse for a period of fifteen days, in December, 1869, and twenty-six days in 1870, in all forty-one days, during which period of forty-one days said Cheatham was wrongfully assessed the salary of a store-keeper of said bonded warehouse, to wit, $4 per day, amounting in all to the sum of $164, which amount said Cheatham afterward, in December, 1870, paid to the collector of internal revenue for said district; that, in consideration of moneys advanced by petitioners to said Cheatham and for his benefit, he, Cheatham, transferred to petitioners all his right to such moneys so wrongfully collected and the right to collect the same.

"Wherefore your committee report the accompanying bill and recommend its passage."

The veto message of the President is very brief, and in these words:

To the Senate of the United States:

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith, without my approval, Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

U. S. GRANT.

EXECUTIVE MANSION, *March* 31, 1876.

It will be observed that the only reasons given by the President for the exercise of the veto power in this case are, to use his language, those "set forth in an accompanying communication from the Secretary of the Treasury."

This accompanying communication of the Secretary of the Treasury is in the following words:

TREASURY DEPARTMENT, *March* 30, 1876.

To the PRESIDENT:

Referring to the letter of the 25th instant, written by your direction, transmitting Senate bill No. 489, "for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham," and requesting my opinion as to the propriety of its approval by you, I have to say that there are no data on file in the Department, so far as I can learn, which indicate that the amount it is proposed by this bill to refund to the assignees of Mr. Cheatham was wrongfully collected or that the amount should be refunded.

The Commissioner of Internal Revenue, in his report to me in reference to the matter, says:

"The re-imbursement to the United States by said Cheatham of salary paid to this store-keeper by the collector of internal revenue for the months of December, 1869, and January, 1870, was in accordance with the provisions of joint resolution of March 29, 1869, (Statutes at Large, volume 16, page 52) and there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this store-keeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouses at that time.

"The facts above stated are considered by this Office valid and serious objections to the approval of this bill, and they would have been communicated to the congressional committees before the passage of the bill had they called the attention of this Office to the subject."

The bill is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

B. H. BRISTOW, *Secretary.*

Relying, as the President did, on this letter of his Secretary, to whom the bill had been referred for his "opinion as to the propriety of its approval" by the President, it is not surprising that the executive sanction was withheld.

But the question arises, how far was the letter of the Secretary of the Treasury justified by the facts in the case and are the statements contained in the report of Commissioner Pratt, which constitutes a part of the Secretary's communication, in accordance with the record of his own Bureau?

The Commissioner asserts in his report that "there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this store-keeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouses at that time."

And the Secretary of the Treasury, referring to this report of Commissioner Pratt, advises the President that "the facts above stated are considered by this Office valid and serious objections to the approval of this bill," and concludes his communication to the President with the declaration "that they," the above facts, "would have been communicated to the congressional committees before the passage of the bill had they called the attention of this Office to the subject."

That the attention of the Secretary of the Treasury had been called to this subject in the most solemn and formal manner possible, and the opinion of the Commissioner of Internal Revenue as to the equities of the case asked and such opinion given, and that, too, favorable to the equities of the parties claiming relief, will be seen from the following records of the Senate and letters from the Secretary of the Treasury and Commissioner of Internal Revenue.

This subject was before the Forty-third Congress. On the 5th day of January, 1874, Senator MCCREERY, of Kentucky, submitted to the Senate the following resolution, which was on that day unanimously agreed to:

"*Resolved*, That the Secretary of the Treasury be requested to furnish to the Senate the papers on file with the Commissioner of Internal Revenue in the case of W. T. Cheatham, distiller in the second district of Kentucky, with an opinion from said Commissioner of Internal Revenue as to the equity of a drawback of $164 alleged to have been improperly and unlawfully collected by the revenue officers of said district."

On the 15th of January, 1874, the Secretary of the Treasury, in response to the above resolution, addressed to the then President *pro tempore* the following communication, accompanied with a letter from the Commissioner of Internal Revenue, which is also here given:

TREASURY DEPARTMENT,
Washington, D. C., January 15, 1874.

SIR: as requested in the Senate resolution of the 5th instant, I herewith transmit the papers in the case of W. T. Cheatham, distiller in the second district of Kentucky, together with an opinion of the Commissioner of Internal Revenue as to the equity of refunding to the said Cheatham the sum of $164.

Very respectfully,

WM. A. RICHARDSON, *Secretary.*

Hon. M. H. CARPENTER,
President of the Senate pro tempore.

The letter of the Commissioner is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., January 13, 1874.

SIR: In response to the inclosed resolution of the Senate, I herewith transmit to you the original application on form 46 of E. H. Luckett and G. B. Tyler, assignees and sureties on the distiller's bond of William T. Cheatham, of the second district of Kentucky, together with all the papers accompanying said application, asking to have refunded the sum of $164. It appears from the correspondence of this Office with Collector J. R. Rend that William T. Cheatham was in arrears for taxes due from him as distiller; but if it shall, however, be shown that all the whisky in bond had been sold to *bona fide* purchasers and that the taxes due thereon had been tendered to the collector prior to the 14th day of December, 1869, (the day of permanent discontinuance of said William T. Cheatham's distillery,) and before seizure and distraint, then I am of opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery.

Very respectfully,

J. W. DOUGLASS, *Commissioner.*

Hon. W. A. RICHARDSON,
Secretary of the Treasury, Washington, D. C.

It will be perceived from this letter that the Commissioner submits a question of fact, and then declares in the most positive terms that, if this question is found a certain way, then it is his "opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery."

That is to say, the Commissioner declares that "it appears from the correspondence of this Office with Collector J. R. Rend that William T. Cheatham was in arrears for taxes due him as distiller." But says the Commissioner further:

"But if it shall, however, be shown that all the whisky in bond had been sold to *bona fide* purchasers and that the taxes due thereon had been tendered to the collector prior to the 14th day of December, 1869, (the day of permanent discontinuance of said William T. Cheatham's distillery,) and before seizure and distraint, then I am of opinion that William T. Cheatham has an equitable claim to have refunded to him the amount paid by him for store-keeper's salary after the permanent discontinuance of his distillery."

In reference to this question, your committee did find as a matter of fact in their former report upon this bill, and they now find—and the evidence is convincing and undisputed—that William T. Cheatham had, prior to December 14, 1869, (the date of permanent discontinuance of his distillery; and that is a matter of record,) and before any seizure or distraint, sold all the whisky in bond to *bona fide* purchasers, and that he had also on said day, December 14, 1869, tendered to the collector of internal revenue all taxes and charges due thereon. Your committee then found, and now find, the existence of a state of facts in reference to this case upon which, if found, the Commissioner of Internal Revenue declared an equity would be created in favor of the relief awarded by the bill under consideration.

To recapitulate: By the provisions of joint resolution of Congress of March 29, 1869, (volume 16, Statutes at Large, page 52,) entitled "A joint resolution to supply omissions in the enrollment of certain appropriation acts," approved March 3, 1869, it was provided as follows:

"That after the passage of this act the proprietors of all internal-revenue bonded warehouses shall re-imburse to the United States the expenses and salary of all store-keepers or other officers in charge of such warehouses, and the same shall be paid into the Treasury and accounted for like other public moneys."

William T. Cheatham was engaged in the business of manufacturing whisky in Daviess County, Kentucky. On the 14th day of December, 1869, he permanently discontinued his distillery, and all taxes and charges then due on all liquors in bond were by him then tendered to the collector of internal revenue, he, Cheatham, having, prior to that date, sold all said liquor to third parties, *bona fide* purchasers; that the collector of said district wrongfully refused to issue permits to the purchasers of said whisky for the removal of the same from the bonded warehouse for a period of fifteen days in December, 1869, and twenty-six days in 1870, in all forty-one days, during which time of forty-one days Cheatham was wrongfully assessed the salary of a store-keeper of said bonded warehouse, to wit, $4 per day, amounting in all to the sum of $164, which amount said Cheatham paid to the collector, and the same has been paid into the Treasury of the United States.

The petitioners, Tyler and Luckett, were Cheatham's bondsmen to the Government as such distiller; that in consideration of moneys advanced by Tyler and Luckett to said Cheatham, and for his benefit, he, Cheatham, transferred to them all his right to such moneys so wrongfully collected, and the right to collect the same.

This amount, then, of $164 was wrongfully collected from William T. Cheatham, and the United States Treasury has received the money.

It is not the case where a party has suffered by the wrongful act of a public officer, and where the Government has reaped no benefit; it is just the reverse. By the wrongful act of the collector Mr. Cheatham was compelled to pay wrongfully $164, which money, so wrongfully collected, went into the public Treasury, and it (the Treasury) has become, so to speak, the receptacle of money of a private citizen to just that amount, and by every rule of equity and good morals it should disgorge. This is the true statement of this case, free from all exaggeration or embellishment. And so far from there being, as stated by the Secretary of the Treasury, "valid and serious objections to the approval of this bill," there is not an objection that can be successfully urged against it, while equity and good conscience and public morals unite in its support. Again, it is not the fact that the Treasury Department was not consulted, but, as has been shown, its opinion was solicited and received in the most formal manner known to the proceedings of the Senate in such cases.

Your committee therefore beg, respectfully, to submit—

First. That the bill is one that commends itself to the favorable consideration of the Senate, and should become a law.

Second. That it was not hastily or inconsiderately passed, or without asking for and receiving information from the Treasury Department on the subject.

Thirdly. That the letter of the Secretary of the Treasury, upon which the veto of the President rests, was evidently written, as was also the report of the Commissioner of Internal Revenue, in a hasty and inconsiderate manner, and in a way calculated to mislead, and which evidently did mislead, the President.

Had these officials but consulted the records of their respective offices, the letter of the Hon. Secretary of the Treasury would not, as it does, have contained an implied censure of the Committees on Claims of Senate and House for not, as he states, calling attention of his office to the subject.

Your committee, therefore, in view of the facts of the case as here presented, respectfully report back Senate bill No. 489, with the unanimous recommendation that it pass, notwithstanding the objections of the President.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, agree to pass this bill, notwithstanding the objections of the President? Under the Constitution, the vote upon this question must necessarily be taken by yeas and nays.

Mr. BROWN, of Kentucky. In this connection I desire to say a few words. The facts of this case are so clearly and fully set forth in the report just read that I do not consider any restatement of them necessary at my hands.

There is in this matter no partisan question whatever.

The claimants ask the payment of $164, which they assert the Government has wrongfully received. This bill for their relief passed both the Senate and House of Representatives, and was vetoed by the President. Upon its reconsideration by the Senate on the vote as to whether the bill should pass notwithstanding the objections of the President, there was not a dissenting voice in that body. The veto of the President was purely an inadvertence, founded upon a mistake of the Secretary of the Treasury, as is fully shown in the report which has just been read. I demand the previous question.

The previous question was seconded and the main question ordered.

The question was then taken; and it was decided in the affirmative—yeas 181, nays 14, not voting 94; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Banks, Banning, Beebe, Bland, Blount, Boone, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Cox, Culberson, Cutler, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Eden, Faulkner, Felton, Finley, Franklin, Frost, Frye, Fuller, Gause, Glover, Goode, Goodin, Andrew H. Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoge, Hooker, Hopkins, House, Hunter, Hunton, Jenks, Kehr, Ketchum, Knott, Franklin Landers, George M. Landers, Lane, Lawrence, Leavenworth, Le Moyne, Levy, Lord, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, L. A. Mackey, Marsh, McCrary, McDill, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Monroe, Morey, Morrison, Mutchler, Neal, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Parsons, Payne, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Pratt, Rainey, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Rusk, Sampson, Sayler, Scales, Schleicher, Seelye, Singleton, Sinnickson, Slemons, Smalls, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Stowell, Tarbox, Teese, Terry, Thomas, Thompson, Throckmorton, Washington Townsend, Tufts, Turney, Van Vorhes, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Walling, Walsh, Warren, White, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Wilshire, James Wilson, Yeates, and Young—181.

NAYS—Messrs. John H. Baker, Ely, Fort, Hathorn, Henderson, Hoskins, Magoon, MacDougall, Page, Platt, Potter, Alexander S. Wallace, G. Wiley Wells, and Andrew Williams—14.

NOT VOTING—Messrs. Adams, Anderson, Ballou, Bass, Bell, Blackburn, Blaine, Blair, Bliss, Bradford, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Caulfield, Chapin, Chittenden, Cochrane, Collins, Conger, Crapo, Cronise, Danford, Darrall, Douglas, Egbert, Ellis, Evans, Forney, Foster, Freeman, Garfield, Gibson, Gunter, Hale, Robert Hamilton, Hays, Hill, Hoar, Holman, Hubbell, Hurd, Hurlbut, Hyman, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Kimball, King, Lamar, Lapham, Lewis, Meade, Miller, Morgan, Nash, New, Phelps, Plaisted, Powell, Purman, Randall, James B. Reilly, Robinson, Sobieski Ross, Savage, Schumaker, Sheakley, A. Herr Smith, Strait, Stevenson, Swann, Thornburgh, Martin I. Townsend, Tucker, John L. Vance, Wait, Gilbert C. Walker, John W. Wallace, Ward, Erastus Wells, Wheeler, Whiting, Alpheus S. Williams, James Williams, Willis, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—94.

So (two-thirds having voted in the affirmative) the bill was passed notwithstanding the objections of the President.

During the vote,

Mr. BAKER, of Indiana, stated that his colleagues, Mr. EVANS and Mr. ROBINSON, were absent by leave of the House.

Mr. HUNTER stated that his colleague, Mr. CASON, was absent by leave of the House.

Mr. W. B. WILLIAMS stated that his colleague, Mr. CONGER, was absent by order of the House.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced the passage of the following bills without amendments:

An act (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons; and

An act (H. R. No. 3479) making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 755) for the relief of Jackson T. Sorrells; and

An act (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers.

ELECTION OF DOORKEEPER.

Mr. TEESE. I rise to a privileged question, and ask the adoption of the following resolution.

Mr. DUNNELL. I hope the call of committees for reports of a private nature will go on.

The SPEAKER *pro tempore*. The morning hour has expired, and the gentleman from New Jersey, as the Chair understands, rises to a question of privilege affecting the organization of the House.

Mr. TEESE. I ask that my resolution be read.

The Clerk read as follows:

Resolved, That John H Patterson, a citizen of the State of New Jersey, be, and he is hereby, elected Doorkeeper of the House of Representatives of the Forty-fourth Congress, for the unexpired term thereof.

The resolution was adopted.

Mr. TEESE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TEESE. The Doorkeeper who has just been elected is present, and I ask that he be sworn in.

Mr. PATTERSON presented himself at the Clerk's desk and was qualified by taking the usual oath.

RECORDING DEEDS, ETC., IN THE DISTRICT.

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return herewith without my approval House bill No. 1922, entitled "An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia."

The objection to affixing my signature to this bill may be found in the communication addressed to me by the Attorney-General, and which accompanies this message.

U. S. GRANT.

EXECUTIVE MANSION, *May 26, 1876.*

The SPEAKER. The Clerk will read the letter of the Attorney-General accompanying the message.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, May 23, 1876.

SIR: In reply to your note of the 19th instant, in which you request me to report whether there are objections to your approval of "an act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia," being House bill No. 1922, I have the honor to state that the bill seems to me objectionable because of indefiniteness and uncertainty as to the time which it purports to fix when deeds of trust, mortgages, &c., shall take effect and be valid as to creditors and subsequent purchasers for valuable consideration without notice.

Although there is no constitutional objection to the act, yet for the reason above stated I hesitate to advise its approval.

Very respectfully, your obedient servant,

EDWARDS PIERREPONT,
Attorney-General.

The PRESIDENT.

Mr. BUCKNER. I move that the message of the President be referred to the Committee on the Judiciary.

The motion was agreed to.

CLAIMS REPORTED BY COMMISSIONERS OF CLAIMS.

Mr. BRIGHT. I rise to move that the House resolve itself into Committee of the Whole on the Private Calendar, but yield for a few moments to the gentleman from Illinois, [Mr. EDEN.]

Mr. RANDALL. I call for the regular order.

Mr. EDEN. I ask the gentleman not to insist on the regular order until I explain to the House my object in rising.

Mr. RANDALL. I will hear the gentleman.

Mr. EDEN. I ask the House by unanimous consent to take up for consideration now the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes. This bill has already been made a special order but has not been reached.

The SPEAKER. The Clerk will report the bill for information.

The title of the bill was read.

Mr. EDEN. I ask that the reading of the schedule of claims be dispensed with, and that the bill be taken up and considered in the House. There are some amendments authorized by the committee which I desire to have read, after which I will make a brief explanation of the bill and answer any questions any gentleman may see fit to ask. I think there will be no objection to its passage.

Mr. RANDALL. I would like to ask the gentleman a question whether there is any item in that bill except such as have received the judgment of the commissioners of claims upon them?

Mr. EDEN. There is no item in the bill except what has been allowed by the commissioners of claims, and there are a number of items allowed by the commissioners which are not in the bill.

Mr. RANDALL. In other words, a portion of the claims which they allowed you have disallowed, but you have allowed none that they did not allow.

Mr. EDEN. We have not allowed any that they did not allow, and this is the unanimous report of the committee. Unless it is acted on speedily there will not be time for the Senate to act upon it.

The SPEAKER. Is there objection to the present consideration of this bill?

No objection was made.

Mr. EDEN. I offer the following amendments:

On page 10, line 211, strike out "Joy" and insert "Ivy."
Same page, line 213, strike out "Joy" and insert "Ivy."
On page 11 strike out lines 247, 248, and 249 and insert the following:
"To Valentine M. McGehu, administrator of Joseph Merriweather, deceased,

the sum of $200; and to Mrs. Sarah L. Barton the sum of $400; and to Sarah and Mary Merriweather, heirs of Joseph Merriweather, deceased, the sum of $1,470."

On page 13 strike out lines 306, 307, and 308.

On page 15, line 304, strike out "Prine" and insert "Prince."

On page 21, at the end of line 488, add "deceased."

On page 23, at the end of line 538, strike out "Conke" and insert "Cocke."

On page 33 strike out lines 783 and 784.

On same page, in line 798, strike out "eighty" and insert "fifty."

On page 40 strike out lines 954 and 955.

On same page, line 971, strike out the word "Caton" and insert the word "Carter."

On page 43, line 1051, strike out the word "Electia" and insert the word "Elécty."

On page 44 strike out lines 1069 and 1070 and insert "$1,960.14."

On page 50, line 1204, after the word "Pierce" insert the word "deceased."

On page 50 strike out lines 1214 and 1215.

Also a substitute for section 2, as follows:

SEC. 2. That the cases of Robert S. Lacey, Hampton N. Webb, William H. Brisby, Nathaniel P. Harbin, and Robert Hoodenpyle be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims shall have full jurisdiction and authority to re-open, examine, and consider the said cases provided for in the second section of the act authorizing the appointment of the said commissioners, approved March 3, 1871; and the following proviso be inserted in line 35, page 2, after the word cents: *Provided*, That no payment be made to or on account of the said John M. Brown until settlement be made of any indebtedness lawfully and equitably due from him to the United States, and evidenced by judgment duly recovered against him by the United States in any court of competent jurisdiction.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. LUTTRELL. Will the gentleman yield to me for a moment?

Mr. BRIGHT. I cannot yield further; the gentleman probably will have an opportunity to get his resolution in during the day.

Mr. BANKS. I hope the gentleman will yield to allow the resolution to be offered; it will take but a moment.

Mr. BRIGHT. Well, I will yield.

HAWAIIAN TREATY.

Mr. LUTTRELL. I find an article in the Baltimore Gazette, which, as the author of the bill to carry into effect the Hawaiian treaty, I cannot fail to notice. It states that there is here from the Pacific coast a lobby for the Hawaiian treaty. I desire to know who compose that lobby. I am sure that not one member of the California delegation knows anything about it, and I offer the following preamble and resolution:

Whereas the following article appeared in the columns of the Baltimore Gazette of the 26th instant, to wit:

"WHAT CHRISTIAN STATESMAN GOT THIS MONEY?

["Special dispatch to the Gazette.]

"WASHINGTON, *May* 25.

"It was asserted to-day at the Capitol that the Pacific coast lobby expended $300,000 in securing the passage through the House of the bill giving effect to the Hawaiian treaty. The names of the recipients of a portion of this money were given. It appears that the actual exports from the Hawaiian Islands are of less importance than the privilege it will give to successfully carry on smuggling on a large scale. The matter will probably be investigated and an opportunity given to show where the money was put to do the most good;"

Therefore be it resolved, That the Committee of Ways and Means be, and are hereby, instructed to immediately summon the author of the above special dispatch to appear before said committee to answer such questions as they may put to him as to the truth or falsity of said dispatch, and to make such further investigation in the matter as the said committee may deem proper.

Mr. LUTTRELL. One word more. I desire the fullest investigation of this matter, and if there is any one who can bring forward the slightest testimony that any person from the Pacific coast has used money or has been lobbying here in favor of the bill, or that there is a job in it, I am anxious that it may be defeated in the Senate.

The preamble and resolution were adopted.

Mr. BURCHARD, of Illinois. I would suggest that the resolution be amended so as to give the committee power to send for persons and papers.

The SPEAKER. The resolution has been adopted.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the rules be suspended, and the House now resolve itself into Committee of the Whole for the purpose of considering the business upon the Private Calendar.

Mr. HUNTON. On the last private bill day there was before the House a bill (H. R. No. 219) providing for the retirement of Judge McCandless, of Pennsylvania. The bill was partly considered, and should come up now as unfinished business.

The SPEAKER. The bill was under consideration at the time the House adjourned, and comes over as unfinished business upon this private bill day. It is competent for the House now to proceed with the consideration of that bill, or to go into Committee of the Whole on the Private Calendar.

Mr. HUNTON. I would ask that the House finish the consideration of that bill.

The SPEAKER. The first question will be upon the motion of the gentleman from Tennessee [Mr. BRIGHT] to go into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SAYLER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the business upon the Private Calendar; and this being the fourth Friday of the month, is what is known as objection day. The Clerk will proceed with the bills upon the Calendar from the point reached on last objection day.

EMERICK W. HANSELL.

The first business on the Private Calendar for to-day was the bill (H. R. No. 3184) granting a pension to Emerick W. Hansell.

The bill directs the Secretary of the Interior to place on the pension-roll the name of Emerick W. Hansell, of the city of Washington, in the District of Columbia, at the rate of $8 per month, commencing on the 14th day of April, 1865, on account of injuries received by said Hansell while in attendance upon the late William H. Seward, former Secretary of State, on the occasion of the attempted assassination of said Seward.

Mr. SPRINGER. I do not know from what committee this bill was reported. It seems strange to me that the man who performed these services has not been paid before this time.

The CHAIRMAN. Does the gentleman object to the bill?

Mr. SPRINGER. Unless I understand it I must object to it.

Mr. TARBOX. I wish the gentleman would permit the report to be read; I think that would obviate any objection he might have to the bill.

Mr. SPRINGER. If the gentleman from Massachusetts, [Mr. TARBOX,] who has examined this bill, says it is all right, I will withdraw my objection.

Mr. TARBOX. I think the bill is right.

There being no further objection, the bill was laid aside, to be reported favorably to the House.

HENRY GEE.

The next business on the Private Calendar was the bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida, reported from the Committee on Public Lands with amendments.

The bill, as proposed to be amended, authorizes Henry Gee, of the State of Florida, or his legal representatives, to relocate the special certificate issued to him on any public lands in the State of Florida, any law to the contrary notwithstanding.

Mr. RANDALL. Is there any report accompanying this bill?

Mr. MOREY. There is a report from the Committee on Public Lands.

Mr. RANDALL. I ask that the report be read.

The report was read, as follows:

The Committee on Public Lands report House bill No. 2258 favorably, and submit the following letter from the Commissioner of the General Land-Office in support of the passage of the bill, and in the nature of a report in favor of the same:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 24, 1875.

SIR: I am in receipt of your letter of 6th ultimo and two inclosures, relative to the claim of Henry Gee, under the act of August 11, 1842, entitled "An act for the relief of Henry Gee," (Statutes, volume 6, page 857, Private Laws,) and requesting such instructions as will place you "in possession of the warrant."

The facts in the case are as follows: The act of 1842, before referred to, authorized Henry Gee, of Florida, to locate, on any of the unappropriated public lands within the Territory of Florida, the same number of acres of land which was contained in the northeast quarter of fractional section 23, in township 1 north, of range 8 west, of which he was deprived by the entry of Michael Lott, made at the land office at Tallahassee, Florida, August 20, 1840.

Our records show that the quantity of land which said Gee was authorized to locate under the provisions of the act in question was 126.19 acres, and that a location was made, in supposed conformity therewith, in township 20 south, of range 30 east, Florida, the same being designated as section 39, containing one hundred and twenty-six acres; but it appears by an examination of the official plat of said township that said location is entirely within the survey of the private land claim of Moses E. Levy, confirmed by the Supreme Court of the United States in 1834, and is consequently void and of no effect.

It is understood by this Office that your present object is to effect a new location, and for that purpose you request to be placed in possession of the "warrant."

The manner of proceeding which seems to have been adopted, under private acts of Congress, relative to the disposal of the public domain, was to issue a special certificate, addressed to the register and receiver of any land office in the State in which the act authorized the land to be located, certifying as to the facts in the case, and authorizing those officers to permit a location to be made as provided for in the particular act; and it is therefore presumed that the term warrant used in your letter has reference to a special certificate, although we have no evidence that such a certificate was ever prepared in this case.

Admitting, however, that such a certificate was prepared in this case and that this Office was advised as to its whereabouts, yet it would be impracticable at this time to give instructions looking to its relocation; because, first, the location, according to the terms of the act of 1842, is confined to any "unappropriated public lands within the Territory of Florida;" second, by the act of June 21, 1866, (Statutes, volume 14, page 66,) the disposal of the public lands in the State of Florida is restricted to homestead actual settlement, thereby prohibiting any proceedings, under the said act of 1842, subsequent to the said act of 1866.

Very respectfully, your obedient servant,

S. S. BURDETT, *Commissioner.*

W. H. GEE, Esq., *Quincy, Florida.*

There being no objection, the amendments reported from the Committee on Public Lands were agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

NEWTON S. MURPHEY.

The next business on the Private Calendar was the bill (H. R. No. 2638) for the relief of Newton S. Murphey, reported with an amendment from the Committee on the Judiciary.

The bill, as proposed to be amended, appropriates to Newton S. Murphey the sum of $1,000 as compensation for his services in defending three suits against internal-revenue officers of the United States in the circuit court of the United States for the eastern district of Wisconsin.

Mr. RANDALL. I ask that the report in this case be read.

The report was read.

Mr. RANDALL. The sum appropriated by this bill is not large, but the bill involves what I deem to be an abuse.

The CHAIRMAN. The Chair would suggest to the gentleman that under the rule no debate is in order. Does the gentleman object to the bill?

Mr. RANDALL. I do not want arbitrarily to object.

The CHAIRMAN. The Chair is compelled to rule that no discussion of the bill is in order. If there is objection to the bill it must be passed over; if not, it will be laid aside to be reported favorably to the House.

Mr. RANDALL. When will I have an opportunity to discuss this bill?

The CHAIRMAN. If the gentleman objects now, the bill will be passed over and come up again in its regular order.

Mr. RANDALL. Then I will have to object, for the bill involves the employment of counsel outside of the officers of the Government.

The CHAIRMAN. Objection being made, the bill will be passed over.

JOSEPH R. SHANNON.

The next bill upon the Private Calendar was the bill (H. R. No. 3185) for the relief of Joseph R. Shannon.

The bill directs the Secretary of the Treasury to pay to Joseph R. Shannon, of the city of New Orleans, in the State of Louisiana, the sum of $18,800 in full compensation for balance due for the use and loss of the steamer Burton while employed in the military service of the United States.

Mr. RANDALL. I ask that the report be read.

The report was read.

(Mr. HENDEE objected to the bill, and it was passed over.)

PHILIP PENDLETON.

The next business upon the Private Calendar was the bill (H. R. No. 735) for the relief of Philip Pendleton, reported with amendments from the Committee on War Claims.

The bill, as proposed to be amended, directs the proper accounting officers of the Treasury to re-open and re-adjust the accounts of Philip Pendleton, late a paymaster in the United States Army, and allow him such additional credits in the settlement of his accounts as under the circumstances or in the opinion of said accounting officers may be just and equitable for errors and losses of money received by him as such paymaster, if any, growing out of shorts in package of money received by him, which shall be established before them by satisfactory evidence.

Mr. RANDALL. I ask that the report be read.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 735) for the relief of Philip Pendleton, report—

That a bill for the relief of Major Pendleton was reported favorably by the House Committee of Claims in the Forty-second Congress, and the bill was reported by Mr. Blair, chairman of the committee, and passed the House. (See Journal third session Forty-second Congress, page 371.)

The bill went to the Senate, was not reached in that Congress, and the papers were returned to the House files. In the last Congress the claim was again presented, and referred to the Committee on Military Affairs, but no action was had, as the papers were withdrawn by petitioner, on leave of the House, April 17, 1874.

The report cannot be found on the files of the House or with the papers.

It appears from the evidence that Major Pendleton was appointed a paymaster in the United States Army in the early part of 1861, and served as such until the month of August, 1864. That during that time he disbursed very large sums of money in payment of troops in West Virginia, Illinois, Missouri, Mississippi, Kansas, Nebraska, Wyoming, and Colorado. Much of the duty performed was done under the most trying circumstances. He was in many instances (scarcely ever otherwise, according to the evidence before this committee) ordered to start at once on expeditions to pay troops without being given time to count the funds turned over to him. He was compelled to take the packages of money for the sums marked on them and receipt for such sums, as thus marked, without any opportunity of opening the packages and counting the money to verify their correctness before so receipting. In some instances the packages fell considerably short of the amount they were supposed to contain. Owing to the excitement of the times, and the continual and rapid changes from one place to another, Major Pendleton had no opportunity offered him to have these errors corrected. By the statement of Comptroller Brodhead, as well as that of the claimant and others, it was notorious that many errors occurred in the Treasury Department in putting up and marking packages of money; that such errors were inevitable and unavoidable by reason of the hurry of putting up the packages and the enormous business transacted at the time. Major Pendleton reported these errors to the Paymaster-General at various times, claiming that he had accounted for every dollar he had received, and that he was, by reason of the amounts receipted for by him, apparently behind in his accounts, when in fact he had not received all the moneys so receipted for. After the close of the war Major Pendleton tried to have his accounts settled; the war excitement was then over, and the Department was not disposed to allow credits without the strictest compliance with law. Although he had reported deficits, he was held to his receipts hurriedly given. By the accounts Major Pendleton appeared to be indebted $14,374.50. The petitioner alleges and urges that there are errors in the account and settlement with the Secretary of the Treasury greatly to his injury, and prays for leave to have his accounts referred and re-adjusted by the proper accounting officers of the Treasury.

Your committee, therefore, after a careful consideration of the case—the confusion of the times, the haste and emergencies under which the Secretary was forced to transact the business of his Department, and the risks and difficulties encountered by disbursing officers in keeping their accounts while in the field and on active duty, in a business-like manner—are of the opinion that Major Pendleton ought to be allowed the privilege of a resettlement of his accounts before the Secretary of the Treasury, and respectfully recommend the passage of the accompanying bill as amended.

There being no objection, the amendments reported from the Committee on War Claims were agreed to, and the bill, as amended, was laid aside, to be reported favorably to the House.

MARK DAVIS.

The next business on the Private Calendar was the bill (H. R. No. 402) for the relief of Mark Davis.

The bill was read.

(Objected to by Mr. LAWRENCE.)

J. M. BRAGG AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 877) for the relief of J. M. Bragg and others, in Tennessee.

The bill was read.

(Objected to by Mr. LAWRENCE.)

MARGARET JANET BURLESON.

The next business on the Private Calendar was the bill (H. R. No. 3186) for the relief of Margaret Janet Burleson.

The bill was read. It provides that the commissioners of claims be given jurisdiction of the claim of Margaret Janet Burleson, of Memphis, Tennessee, formerly of Decatur, Alabama, to inquire into and report to the House of Representatives what commissary and quartermaster's stores were taken from her place in Decatur, Alabama, by the Federal Army, for commissary and quartermaster's uses, in and prior to the year 1864, provided that she satisfactorily proves to the commissioners that she was always a loyal woman, and that she held in her own right, distinctly and separately from that of her husband, the property so taken for the above-named purposes by the Federal forces.

The report was read, as follows:

The case of Margaret Janet Burleson, referred to the Committee on War Claims, contains the following claims for consideration: She resided at Decatur, Alabama, till the breaking out of the war, when she moved to Nashville, Tennessee; she is now a resident of Memphis. She represents that at the breaking out of the rebellion she was the sole owner of personal property and real estate which she inherited from her father, Alexander Pattison, and also received by gift from her brother, William Pattison. She further states that she had full control of said property, independent of interference from her husband.

The testimony in the case shows that the Federal forces took, for the use of the Army, certain commissary and quartermaster supplies.

The claimant produces testimony to prove that she was a loyal woman; it also shows that her husband was in the rebel army, and does not sufficiently prove that the property of her husband and that of her own were kept sufficiently separate to enable your committee to determine clearly what items in the claim they would be justified in allowing.

The testimony relative to loyalty being *ex parte*, your committee recommend that jurisdiction be given to the commissioners of claims to allow what the claimant may be able to prove as having been taken for commissary and quartermaster supplies, provided she proves her loyalty and separate ownership.

There being no objection, the bill was laid aside, to be reported favorably to the House.

RANDALL BROWN.

The next business on the Private Calendar was the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee.

The bill, with an amendment of the Committee on War Claims striking out "$1,600" and inserting "$1,500," was read. It directs the Secretary of the Treasury to pay to Randall Brown, of Nashville, Tennessee, the sum of $1,500, for property taken by the rebel forces while the same was being used by the Government of the United States, to be shown upon proofs and vouchers.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee, having had the same under consideration, report—

That the said Randall Brown is a colored man, a resident of Nashville, Tennessee; that during the late rebellion, in the year 1863, he was the owner of three teams, wagons, &c., and was employed with said teams, wagons, &c., on the forts then being constructed for the defense of Nashville, by the Quartermaster's Department of the United States Army, with a promise or guarantee of protection against capture by the enemy; that during the month of July, 1863, while engaged with his teams in hauling wood to Overton's Station, on the Tennessee and Alabama Railroad, on the 3d of July, the rebel forces made a raid upon the hands engaged in hauling wood to said station, taking them prisoners and capturing several teams, among others the teams, wagons, &c., of the said Randall Brown.

The committee are of opinion that the claimant was entitled to the protection pledged him, and that the capture of said horses, wagons, &c., was without fault or negligence on the part of the said Brown; that the said horses, ten in number, were worth the sum of $125 each, the price paid for horses for the military service of the United States at that time; that the wagons and harness were worth the sum of $250; and these facts are clearly established by satisfactory evidence.

Your committee therefore report back the foregoing bill with the recommendation that the same be amended by inserting in line 5 the word "five" in place of "six," and that, as thus amended, the bill do pass.

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

MICHAEL W. BROCK.

The next business on the Private Calendar was the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers.

The bill was read. It provides that, as it appears that Michael W. Brock, late a private in Company D, Tenth Tennessee Cavalry, is erroneously charged on the rolls of the company with a horse, horse-equipments, arms, &c., of the value of $225, Brock is relieved of all liability on account of those charges, and they shall have no effect against him, and that the record of the charges be corrected accordingly.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ALVIS SMITH.

The next business on the Private Calendar was the bill (S. No. 3) for the relief of Alvis Smith.

The bill was read. It directs the Secretary of War to pay to Alvis Smith, late of Company L, Second Arkansas Cavalry, out of any money appropriated or which may hereafter be appropriated for the pay of the Army, a sum equal to the pay and emoluments of a second lieutenant of cavalry, from the 10th of October, 1863, to the 8th of March, 1864, deducting whatever pay he may have received for that period as an enlisted man.

The report of the Senate Committee on Military Affairs was read, as follows:

The proof shows that Alvis Smith was sworn into service as a second lieutenant of cavalry October 10, 1863 and attached to Company L, Second Arkansas Cavalry, and performed duty as such, under command and orders of John E. Phelps, colonel of said regiment; that, owing to absence of mustering officer, he was not regularly mustered in until the 8th of March, 1864, the mustering officer declining to date the muster back to October 10, 1863. The bill is to provide for payment for services as second lieutenant of cavalry for the intervening time.

As valuable services were rendered by said Smith in capacity as second lieutenant, he having been responsible for property, &c., and performing duty under the orders of the colonel of the regiment, the committee recommend passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

CHARLES C. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia.

The bill was read. As proposed to be amended by the Committee on War Claims, it directs the Secretary of the Treasury to pay to Charles C. Campbell, of Washington County, Virginia, out of any money in the Treasury not otherwise appropriated, or that may be appropriated for that purpose, the sum of $6,000, for property taken and used as supplies by the armies of the United States, under Generals Stoneman and Burbridge, in the year 1864, while upon their marches in the States of Virginia and Tennessee; which sum is to be in full satisfaction of all claims of Campbell against the United States.

The amendments were adopted.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

NEW MADRID LOCATIONS IN MISSOURI.

The next business on the Private Calendar was the bill (H. R. No. 100) granting legal titles to all New Madrid locations in the State of Missouri for which patents have not heretofore been issued.

(Objected to by Mr. WILSON, of Iowa.)

MRS. ELLEN J. BROSMAN.

The next business on the Private Calendar was the bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosman.

The bill was read. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full payment of her claim against the United States.

The report was read, as follows:

The Committee on War Claims, to whom was referred the petition of Mrs. E. J. Brosman, for goods seized by the provost marshal of the Army near Brandy Station, Virginia, &c., would report:

That after careful examination of the memorial and proofs, and personal examination of petitioner, they find that Ellen J. Brosman was loyal and devoted to the Union cause; that she was duly licensed by the levy court of the District of Columbia to trade as storekeeper to the Twentieth Army Corps, so far as the laws of the District were concerned; that she followed the Army to Brandy Station with her goods, and traded there with the officers and soldiers, but that while so trading, and while, as appears by the testimony of a large number of officers of that corps, her conduct was good and she was especially active in kindness and care of sick and wounded Union soldiers, the provost marshal seized the property mentioned in her memorial, and it was never restored to her, and so far as appears was used by the Army, it being mostly such supplies as the Army need.

Your committee think from all the proofs that the petitioner should be paid the fair value of the property taken, together with $200 paid by her as internal-revenue tax on this property, &c., after it was seized.

The committee recommend that petitioner be paid $5,000 in full of all claims, and that a bill be favorably reported therefor.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EDWIN MORGAN.

The next business on the Private Calendar was the bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry.

The bill was read. As proposed to be amended by the Committee on Military Affairs, it directs the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated, to pay to Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, the pay and allowances of a second lieutenant of infantry in command of company, from the 19th day of June, 1864, to the 1st day of May, 1865, together with three months' pay proper allowed to certain officers of the volunteer service under section 4 of act of Congress approved March 3, 1865, after deducting from the amount of his pay and allowances any sums of money heretofore paid Morgan for his services for the time aforesaid.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the claim of Edwin Morgan, having investigated the same, would respectfully report thereon as follows:

That in 1863 he entered the service as first sergeant Company G, Seventy-seventh Regiment Pennsylvania Volunteers; that on June 25, 1863, W. H. Thomas, first lieutenant of same company, was killed at Liberty Gap, Tennessee; the captain resigned in September, 1863, and in the same month David Garbet, second lieutenant of same company, was taken prisoner and remained in the hands of the enemy until March, 1865, when he was exchanged or paroled, and about May 1, 1865, was mustered out of service. On June 19, 1864, the ordnance stores were turned over to him as lieutenant commanding company. June 27, 1864, he was commissioned second lieutenant Company G, Seventy-seventh Pennsylvania Volunteers, by Governor Curtin, of Pennsylvania, but could not be mustered, as the second lieutenant (who had been commissioned first lieutenant) was a prisoner and there was no vacancy in that position. He refused the position of first lieutenant over his brother officer while he was a prisoner, although commissioned by the governor January 24, 1865. On this commission he was mustered in May 1, 1865, after the second lieutenant, Garbet, had been released and mustered out. He having commanded the company from the 19th of June, 1864, until May 1, 1865, receiving only the pay of sergeant, it is but just that he should receive the pay. He was honorably mustered out of the service in Texas, December 6, 1865. The committee recommend the passage of the bill for his relief.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LANDS IN BROTHERTOWN RESERVATION, WISCONSIN.

The next business on the Private Calendar was the bill (H. R. No. 2096) to authorize the issue of a patent of certain lands in the Brothertown reservation in the State of Wisconsin to the persons selected by the Brothertown Indians.

The bill was read.

Mr. RANDALL. Mr. Chairman, is this a private bill?

The CHAIRMAN. In the opinion of the Chair it is a private bill. It is for the relief of a single corporation.

Mr. RANDALL. It is a case arising under a treaty.

The CHAIRMAN. What point does the gentleman make?

Mr. RANDALL. I make the point of order that this is not a private bill.

The CHAIRMAN. In the judgment of the Chair the objection comes too late.

Mr. RANDALL. Too late? I could not know the character of the bill until I heard it read.

The CHAIRMAN. The gentleman should have raised this point when the bill was referred to the Committee of the Whole on the Private Calendar.

Mr. RANDALL. O, no; I make the point of order that it is improperly on the Private Calendar. The referring of the bill has nothing to do with the question.

The CHAIRMAN. Does the gentleman object to the consideration of the bill.

Mr. RANDALL. Not now; I make the point of order.

The CHAIRMAN. The Chair overrules the point.

Mr. RANDALL. I have no means of making the point that the bill is improperly on the Private Calendar until I find it there.

The CHAIRMAN. The gentleman can object to the consideration of the bill if he desires.

Mr. RANDALL. No, sir; I want the Chair to decide on the point of order.

The CHAIRMAN. The Chair has decided it.

Mr. RANDALL. Well, it is a most extraordinary decision. I object to the bill.

GEORGE M'COLLY.

The next business on the Private Calendar was the bill (H. R. No. 2242) granting a pension to George McColly.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George McColly, private in Company E, First Minnesota Volunteers.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

KATE LOUISE ROY.

The next business on the Private Calendar was the bill (H. R. No. 3277) granting a pension to Kate Louise Roy.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Kate Louise Roy, widow of James P. Roy, late lieutenant-colonel Fifteenth Regiment United States Infantry, and pay her a pension for the rank held at the date of his death, in lieu of the pension now received.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ELLEN FECHTEL.

The next business on the Private Calendar was the bill (H. R. No. 3278) granting a pension to Ellen Fechtel.

The bill, which was read, authorizes and directs the Secretary of

the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Fechtel, widow of John G. Fechtel, late a wagoner in Company F, Seventeenth Regiment Missouri Volunteers.

The report was read, as follows:

It is shown by the evidence in the case that John G. Fechtel was mustered into the service as a wagoner in Company F, Seventeenth Regiment Missouri Volunteers, September 26, 1861, and was discharged from service March 21, 1862, by reason of pulmonary consumption, contracted in the service.

Hugh Gollmer, captain of company, swears that the soldier, about February, 1862, while in the line of his duty, became disabled by the prostration of his whole system—want of breath, blood rushing to the head, and that he was a sound man at enlistment.

Charles Zimmer, first lieutenant of company, swears that the soldier while in the line of duty, while in pursuit of General Price's army in March, 1862, was run over by his wagon, injuring his breast; was brought to hospital and never recovered, having become permanently disabled from disease of the lungs.

Dr. Joseph Stadler swears that the soldier was sound and free from disease at enlistment; that in 1865 he came under his care, suffering with disease of the lungs, occasioned by an injury to the breast. He was under his treatment at various times from that date, and in his opinion the disease from which he died was the result of consumption.

August Wilkin, John Orth, John Eckel, and Karl Parl, swear that soldier was sound and free from disease when he enlisted; that when he came home from the Army he was afflicted with injuries of his breast and head, and on account of said injuries he could not perform manual labor; he remained in this condition until he died, November 22, 1869.

The claim was denied by the Pension Office on the grounds that the disease of which he died, "dropsy," was not the result of his military service.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

BENJAMIN C. WEBSTER.

The next business on the Private Calendar was the bill (H. R. No. 3279) granting a pension to Benjamin C. Webster.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin C. Webster, late a private in Company F, Eighth Regiment Maine Volunteers.

The report was read, as follows:

It is shown by the evidence in the case that he was drafted September 20, 1864, and assigned to Company F, Eighth Regiment Maine Volunteers, and discharged from service June 11, 1865.

His claim was rejected by the Pension Office on the ground that the disease for which he claims a pension existed prior to his entering the service.

Claimant alleges in his claim for pension that, when he was examined as a drafted man, he claimed exemption on account of his disability, but the examining surgeon insisted that he was a sound man within the meaning of the law, refused to exempt him, and compelled him to go into the service.

Dr. L. B. Pillsbury swears that he was well acquainted with claimant prior to his enlistment and attended him professionally, and at the time he was drafted he was weak and feeble and claimed exemption, but the examining surgeon, in spite of his protestations and those of his friends, pronounced him a sound and well man, and compelled him to go into the service as a soldier. Deponent saw him immediately after his discharge; he was then lame and crippled and permanently disabled, and has continued so ever since.

The surgeon of his regiment states that in April, 1865, during the whole campaign, he performed his duties faithfully but with difficulty, as he was often unable to keep up during the march on account of sickness.

Your committee believe this to be a meritorious case, and report the accompanying bill, and recommend the passage of the same.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JAMES JOHNSON.

The next business on the Private Calendar was the bill (H. R. No. 3280) granting a pension to James Johnson.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Johnson, late sergeant in Company C, Fifteenth Regiment of Maine Volunteers, if found disabled by reason of disease of the eyes and chills and fever.

The report was read, as follows:

It is shown by the evidence in the case that James Johnson enlisted as a private in Company C, Fifteenth Regiment Maine Volunteers, December 9, 1861; was promoted sergeant, re-enlisted as a veteran, and was honorably mustered out of service July 5, 1866.

Whitman L. Orcutt, late first lieutenant of company, swears that soldier was a sound and healthy man at enlistment; never knew him to be sick until in the summer of 1862, when he was sun-struck, and in the next spring was afflicted with sore eyes and chills and fever and that said diseases were contracted in the service.

Charles H. Shaw swears that he was a comrade of soldier, and in 1861 he was a sound, healthy man; in the summer of 1862 he was sun-struck, and about the spring of 1863, while in Florida, he suffered with chills and fever; also suffered with the same disease and disease of the eyes during the years 1864, 1865, and 1866, and up to the time of his discharge from the service, and that these diseases were contracted in the service.

Robert Anderson swears that he knew soldier prior to his enlistment, and knows that he was a sound, healthy man; knows that during the years 1870, 1871, and 1872 he was suffering from chills and fever and sore eyes, and for a greater part of the time he was unable to work by reason of said diseases.

The late commanding officer of his regiment states that while in the service soldier suffered from chills and fever and other malarial diseases. He was an excellent soldier, always doing his duty promptly and faithfully when his health permitted. He is now disabled by the loss of his right leg above the knee, and he is informed that but for the impaired condition of his general health his leg might have been saved. This accident occurred since his discharge.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HANNAH A. WOOD.

The next business on the Private Calendar was the bill (H. R. No. 3281) granting a pension to Hannah A. Wood.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Wood, widow of Samuel A. Wood, late second lieutenant in Company M, First Regiment New Jersey Cavalry Volunteers.

The report was read, as follows:

It is shown by the evidence in the case that Samuel Wood was mustered into the service as a second lieutenant, Company M, First Regiment New Jersey Cavalry Volunteers, December 12, 1864, and mustered out as such July 24, 1865.

George A. Bourne, late captain of company, swears that soldier was injured by his horse falling on him, in the line of duty, injuring his left side; that he also contracted chronic diarrhea from exposure.

Dr. William W. Whitney swears that he attended soldier about June 24, 1865, while he was on a leave of absence; treated him for chronic diarrhea and for an injury to his left side; soldier continued under his treatment until September 15, 1865; that his death occurred July 25, 1866, and he verily believes it to have resulted from said disease and injury.

M. G. Carey swears that he was assistant superintendent of Missouri Pacific Railroad, and that soldier was yard-master of depot from October, 1865, till his death, July 26, 1866; that he was troubled during the whole time with diarrhea and an injury to his left side; did not employ any physician, but used prescriptions given him by Dr. Whitney; was taken to hospital about four o'clock p. m., and died same night; the physicians in attendance cannot give any information.

Hannah M. Whitney and William O. Cornish swear that they saw soldier immediately after his discharge from the service; he was in feeble health, suffering from chronic diarrhea and injury to his left side.

The claim was denied by the Pension Office on the ground that the evidence was insufficient to show cause of death incident to the service.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

SARAH M'COOEY.

The next business on the Private Calendar was the bill (H. R. No. 3282) granting a pension to Sarah McCooey.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Sarah McCooey, mother of John McCooey, late private in Company F, Fourteenth Regiment United States Infantry.

The report was read, as follows:

It is shown by the evidence in the case that John McCooey was pensioned September 18, 1863, for a gunshot-wound fracturing the jaw, right side, the ball passing through the neck and coming out near the spine. He died February 11, 1873, of pulmonary consumption. It is also shown by the evidence in the case that the soldier recognized his obligations to support his mother by transmitting to her, while in the service, the sum of $25 at one period and $16 at another; that her husband is living; is seventy-six years of age; is now, and has been, afflicted with rheumatism, and is unable to render her any support.

A. B. Olin swears that he has been acquainted with claimant since 1860, and never knew of her having any property, either real or personal.

B. Mackall swears that he has been acquainted with claimant since 1866, during which time she has not owned any property, and is now entirely destitute.

Doctors Richings and Riley swear that the husband of claimant has been under their treatment from November, 1872, for rheumatism, and not able to perform any manual labor.

Petitioner alleges that the physician who attended her son in his last illness, and who was an entire stranger to her, was unable to testify to the facts necessary to a favorable consideration by the Pension Office; said physician did not know that her son had served in the Army, consequently could not supply the necessary proofs.

Your committee believe this to be a meritorious case, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JULIA SCROGGIN.

The next business on the Private Calendar was the bill (S. No. 641) granting a pension to Julia Scroggin.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia Scroggin, widow of Humphrey Scroggin, late private in Captain L. Worthy's company of Georgia militia in the war of 1812.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN PIERSON.

The next business on the Private Calendar was the bill (S. No. 121) granting a pension to John Pierson.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Pierson, late captain of Company H, Tenth Regiment of Michigan Infantry, to take effect from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

URIAL BUNDY.

The next business on the Private Calendar was the bill (S. No. 43) granting a pension to Urial Bundy.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Urial Bundy, late a private in Company F of the Seventh Vermont Regiment, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ABRAHAM ELLIS.

The next business on the Private Calendar was the bill (S. No. 545) granting a pension to Abraham Ellis.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraham Ellis, with the rank of first lieutenant, to take effect from the passage of the act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. EDEN. I move the committee rise.

The committee divided; and there were—ayes 25, noes 52.

Mr. RANDALL. There is no quorum present. We have passed enough bills to occupy what will be a reasonable time in the House.

Mr. BRIGHT. We can run a while longer, as the reports of committees do not have to be read in the House.

The CHAIRMAN. It does not require a quorum to rise, but the gentleman from Pennsylvania has called attention to the fact that a quorum is not present.

Mr. HOSKINS demanded tellers.

Tellers were ordered; and Mr. EDEN and Mr. BRIGHT were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 93.

So the committee refused to rise.

DAVID W. STOCKSTILL, OF SIDNEY, OHIO.

The next business on the Private Calendar was the bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio.

The preamble recites that on the 27th day of September, 1864, one Henry I. Stockstill, of Shelby County, Ohio, was drafted into the service of the United States; on the 19th day of December, 1864, one David W. Stockstill, a brother of said Henry I. Stockstill, of the same county and State, procured a substitute, named Frank Schooley, to serve in place of said Henry I. Stockstill, to whom he paid the sum of $700; the said substitute, Frank Schooley, was mustered into the service of the United States, and honorably served the Government until discharged; and the said Henry I. Stockstill was not discharged by reason of having furnished said substitute, but was required to serve out his time for which he was drafted.

The bill then authorizes and directs the Secretary of the Treasury to pay to David W. Stockstill, of Sidney, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of $700.

The report was read, as follows:

That on the 27th day of September, 1864, Henry I. Stockstill, of Shelby County, Ohio, was drafted into the service of the United States and assigned to duty in Company D, Fifty-first Regiment Ohio Volunteers. On the 19th day of December, 1864, David W. Stockstill, brother of said Henry I. Stockstill, of the same county and State, paid $700 for Frank Schooly, as a substitute, who was also mustered into service in Company E, Thirty-ninth Ohio Volunteer Infantry, and who served during the war. The fact that this substitute was procured was reported to Colonel Wood, commanding said regiment, who refused to discharge said Henry I. Stockstill—the orders of General Thomas forbidding any such release. Both soldiers served during the war, and David W. Stockstill asks that the $700 paid for the substitute be refunded to him. This seems but reasonable and just, and your committee would make a favorable report in the case. The committee would add that the Military Committee, Forty-third Congress, investigated this case, made a favorable report, and recommended the passage of a bill affording the relief asked, which was reported back to the House, referred to the Committee of the Whole House on the Private Calendar, but was not reached for want of time. Your committee would therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

D. P. ROWE AND BROWN & CROWELL.

The next business on the Private Calendar was the bill (H. R. No. 1219) for the relief of D. P. Rowe and Brown & Crowell, of Morristown, Tennessee.

The bill, which was read, provides that D. P. Rowe and Brown & Crowell, of Morristown, Tennessee, be, and are thereby, released from payment of the tax penalty or license for making ten stills or apparatus for distilling, the same having been made in ignorance of the purpose for which said apparatus was intended, and under the belief that the same was intended for an entirely different purpose, and without any intent to defraud the Government or violate any law, as fully appears from the petition and testimony in the case; and if the tax penalty or license has been paid by them, the same shall be refunded to them, and paid out of any money in the Treasury not otherwise appropriated, on proof being made of the amount so paid.

The report was read, as follows:

It appears that a man named Fry applied to Rowe and others, who were tinners, to make for him a tin apparatus, a model of which he brought with him; that Fry informed him that it was not for any illegal use; that it was not a still, and that Rowe and his partners were in no danger of the violation of law from making the apparatus; that Rowe made ten of these, at $2.25 apiece, making, in the aggregate, $22.50; and that these were all he made, and this was done in utter ignorance of any illegal use proposed by said Fry.

The license tax of $50 was assessed against the makers of the apparatus, and $20 apiece for them and $20 penalty, in all $270, which it seems has been paid, though this does not clearly appear.

The assistant district attorney, who prosecuted the case, has filed a statement which, while insisting that the party was technically guilty, shows that he thinks the case one of hardship, and one in which "there was no design on his part to evade the law," as was apparent to the assistant attorney at the time.

The testimony to the excellent character and law-abiding habits of D. P. Rowe is ample, and his veracity and integrity are fully sustained.

It further appears that as D. P. Rowe made this apparatus without the knowledge of his partners, who furnished the capital, Rowe only doing the manual work for a share in the profits, the burden of these taxes and penalty would fall upon him. He is a young man, without means, working for his living, and yet honest and truthful. The burden imposed upon him is heavy, and for a technical, but unintentional, violation of law.

The committee therefore recommend the passage of the bill referred to it, and herewith report it back without amendment.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HEIRS OF BRIGADIER-GENERAL WILLIAM THOMPSON.

The next business on the Private Calendar was the bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General William Thompson of the revolutionary army, reported with an amendment.

The bill was read. It authorizes and directs the Court of Claims to adjudicate and determine the amount due William Thompson, a brigadier-general in the Army of the Revolution, or his widow, children, or his legal representatives, under and by virtue of the joint resolutions of Congress of May 15, 1778, August 24, 1780, and June 3, 1784; and said claim shall be adjudged upon its merits without regard to any statute of limitations, and provided that the evidence heretofore used in said claim may be used without retaking the same, together with such other evidence as each party may introduce. And the said court is hereby directed to enter judgment for said amount, if any, in favor of Fannie A. Thompson, administratrix *de bonis non* of the estate of General William Thompson.

The amendment reported by the Committee on Revolutionary Pensions was as follows:

Add at the end of the bill the following:

Provided, That no interest shall, in any event, be allowed on said claim.

Mr. EDEN. I call for the reading of the report.

The report of the committee was read, as follows:

That William Thompson was a brigadier-general in the continental service in the war of the Revolution.

By a resolution of Congress, adopted on the 15th of May, 1778, it was provided "that all officers commissioned by Congress, who now are, or who may hereafter be, in the service of the United States, and shall continue therein during the war, shall, after the conclusion of the war, receive annually, for seven years, if they live so long, one-half the present pay of such officers."

By a resolution adopted August 24, 1780, it was declared "that the resolution of the 15th day of May, 1778, granting half-pay for seven years to the officers of the Army who should continue in the service to the end of the war, be extended to the widows of those officers who have died, or who shall hereafter die, in its service, to commence from the time of such officers' death and continue for the term of seven years; or if there be no widow, or in the case of her death or intermarriage, the said half-pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any, and that it recommend to the Legislatures of the respective States to which such officers belong to make provisions for paying the same on account of the United States."

This claim is based upon these resolutions of Congress, and was first brought by Robert C. Thompson, administrator and a grandchild of General William Thompson, in 1854, and a bill was introduced into the Senate allowing the claim. The bill was referred to the Committee on Revolutionary Claims, reported upon favorably by the committee, and passed the Senate. In the House it was referred to the Court of Claims for a report. From the report of the Court of Claims and the evidence, it fully appears that William Thompson was a brigadier-general in the revolutionary war, and that he died in service (or a prisoner on parol) in 1780, and that he left a wife and children, who have since died, leaving children.

The court say that there was no evidence before them that Catharine Thompson was the widow of General Thompson, nor did it appear before the court that she lived unmarried seven years after his death, or for any specified period after that event, or that she died or married again before the expiration of the seven years.

There is evidence, which was not before the Court of Claims, which shows that Catharine Thompson was the widow of General Thompson, and that she remained and died his widow in 1809, but the court say that "independently of any defects in the evidence, the claim is barred by the statute of limitations," and that the claimants have no cause of action. Notwithstanding this report of the Court of Claims, the House Committee on Revolutionary Claims reported a bill on the 29th May, 1858, in favor of the payment of the seven years' half-pay. This bill was not acted upon, and no action was taken by the next Congress.

Robert Thompson died, and the claim was revived before the Forty-first Congress by the petition of Fannie Thompson, a great-grandchild and administratrix *de bonis non*. On the 3d June, 1870, the Senate Committee on Revolutionary Claims made a report, accompanied by a bill, granting the seven years' half-pay, and recommending its passage. This was not acted upon.

Application was again made to the Forty-second Congress, and on the 30th of May, 1872, the Senate Committee on Revolutionary Claims reported again in favor of the claim, accompanying the report by a bill granting seven years' half-pay. This was not acted upon.

There is no explanation of the long delay in the presentation of this claim, and the present bill only asks that the Court of Claims be authorized and directed to adjudicate the claim upon its merits, without regard to the statute of limitations, authorizing the court to use the evidence heretofore taken.

The application to be allowed to be heard before the Court of Claims upon the merits seems to the committee reasonable, and they recommend the passage of the bill, with a proviso that in no event shall more than the principal that may be found due upon such claim be allowed, and the bill is reported back so amended, with the recommendation that it do pass.

The amendment was adopted.

There being no objection the bill as amended, was laid aside, to be reported favorably to the House.

Mr. BRIGHT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SAYLER reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report favorably sundry bills, some with and some without amendments.

The SPEAKER *pro tempore*. The Clerk will read the titles of the bills in their order, and if no objection be made, they will be considered as passed by the House.

PRIVATE BILLS PASSED.

The following bills reported by the Committee of the Whole on the Private Calendar without amendments were read by their titles and passed:

A bill (H. R. No. 3184) granting a pension to Emerick W. Hansell;

A bill (H. R. No. 3186) for the relief of Margaret Janet Burleson;
An act (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers;
An act (S. No. 3) for the relief of Alvis Smith;
A bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosman;
A bill (H. R. No. 2242) granting a pension to George McColly;
A bill (H. R. No. 3277) granting a pension to Kate Louise Roy;
A bill (H. R. No. 3278) granting a pension to Ellen Fechtel;
A bill (H. R. No. 3279) granting a pension to Benjamin C. Webster;
A bill (H. R. No. 3280) granting a pension to James Johnson;
A bill (H. R. No. 3281) granting a pension to Hannah A. Wood;
A bill (H. R. No. 3282) granting a pension to Sarah McCooey;
An act (S. No. 641) granting a pension to Julia Scroggin;
An act (S. No. 121) granting a pension to John Pierson;
An act (S. No. 43) granting a pension to Urial Bundy;
An act (S. No. 545) granting a pension to Abraham Ellis;
A bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio; and
A bill (H. R. No. 1219) for the relief of D. P. Rowe and Brown & Crowell, of Morristown, Tennessee.

The following bills were reported from the Committee of the Whole on the Private Calendar with amendments; and the amendments were adopted, and the bills, as amended, passed:

A bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida;
A bill (H. R. No. 735) for the relief of Philip Pendleton;
A bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee;
A bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia;
A bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry; and
A bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General William Thompson, of the revolutionary army.

CLAIMS ALLOWED BY TREASURY DEPARTMENT.

Mr. BRIGHT. I ask the unanimous consent of the House to take from the Private Calendar and put upon its passage the bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department. The bill includes a number of claims that ought to be paid, and it is desirable that it be passed immediately that it may go to the Senate.

Mr. LAWRENCE. These are the claims allowed under the act of 1864?

Mr. BRIGHT. Yes, sir.

Mr. LAWRENCE. They are the claims reported by the Treasury Department?

Mr. BRIGHT. Yes, sir, by the Treasury Department; approved by the Second Comptroller of the Treasury and the Third Auditor.

Mr. BROWN, of Kentucky. And by a committee of this House.

Mr. LAWRENCE. All right.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill now?

There was no objection, and the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and it was brought before the House for consideration.

The Clerk proceeded to read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein; the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since December 7, 1874, namely.

Mr. BRIGHT. I move that the reading of the names be dispensed with.

There was no objection, and the further reading of the bill was dispensed with.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUNTON. I desire to call up the unfinished business of Friday last.

Mr. WADDELL. Will the gentleman from Virginia yield to me for a moment?

Mr. HUNTON. I yield to the gentleman.

PATRICK J. CONDON.

Mr. WADDELL, by unanimous consent, introduced a bill (H. R. No. 3586) for the relief of Patrick J. Condon, late captain Company G, Sixty-third Regiment New York Volunteer Infantry, granting back pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDICAL INSPECTOR WILLIAM M. KING, UNITED STATES NAVY.

Mr. WADDELL also, by unanimous consent, introduced a bill (H. R. No. 3587) for the relief of Medical Inspector William M. King, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BURCHARD, of Illinois. I move that the House proceed to the consideration of business on the Speaker's table. I believe that is a privileged motion. My object is to have a number of bills on the Speaker's table referred or otherwise disposed of.

Mr. HUNTON. I have not yielded the floor for that purpose.

The SPEAKER *pro tempore*. The gentleman from Virginia is entitled to the floor on the unfinished business of last Friday.

RETIREMENT OF JUDGE M'CANDLESS.

Mr. HUNTON. I call up House bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire, with Senate amendments.

The SPEAKER *pro tempore*. The Clerk will read the amendments of the Senate.

The Clerk read as follows:

In line 3 strike out the words "the honorable," so that it will read, "made applicable to Wilson McCandless."

At the end of the bill insert, "provided the said McCandless shall resign his office within six months next after the passage of this act."

The question was on concurring in the amendments of the Senate; and being taken, there were—ayes 77, noes 28; no quorum voting.

The SPEAKER *pro tempore*, under the rule, ordered tellers; and appointed Mr. HUNTON and Mr. MILLIKEN.

The House again divided; and the tellers reported—ayes 102, noes 33; no quorum voting.

Mr. CALDWELL, of Alabama. I move that the House adjourn.

Mr. HOPKINS. I hope the House will not adjourn. If that motion is pressed, I will insist on calling the yeas and nays on it.

The question being put on the motion to adjourn, there were—ayes 49, noes 113.

Mr. HEWITT, of Alabama. I call for tellers.

Tellers were not ordered, only 16 members voting therefor.

Mr. HUNTON. I ask for the yeas and nays upon concurring in the amendments of the Senate.

Mr. HOPKINS. I understand that a quorum voted upon the question of adjournment, and now we want the yeas and nays on concurring in the amendments of the Senate.

Mr. HUNTON. Yes, if a further count is insisted on. [Cries of "Further count."]

Mr. HOPKINS. Then I insist upon the call for the yeas and nays.

The yeas and nays were ordered, there being on a division—ayes 25, noes 93; one-fifth voting in favor thereof.

Mr. SPRINGER. I rise to a parliamentary inquiry. Is not this a House bill?

The SPEAKER *pro tempore*. It is a House bill with amendments of the Senate, and the vote on concurring in the Senate amendments if carried passes the bill.

Mr. CALDWELL, of Alabama. I move that when the House adjourns it adjourn to meet on Monday next.

The question was taken, and the motion was not agreed to.

Mr. EDEN. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 59, noes 105.

So the motion was not agreed to.

Mr. MOREY. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the calling of the yeas and nays on concurring in the amendments of the Senate.

The question was taken; and there were—yeas 86, nays 83, not voting 120; as follows:

YEAS—Messrs. Adams, Ainsworth, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Blaine, Boone, Bradley, William R. Brown, Horatio C. Burchard, Campbell, Cannon, Caswell, Cowan, Crounse, Davy, Denison, Dunnell, Eames, Finley, Fort, Foster, Frye, Garfield, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hopkins, Hoskins, Hubbell, Hunton, Hurd, Jenks, Kasson, Kehr, Kelley, Ketchum, Lane, Leavenworth, Le Moyne, Edmund W. M. Mackey, L. A. Mackey, MacDougall, McCrary, McDill, Monroe, Morey, Morgan, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, Plaisted, Powell, Rainey, John Reilly, Riddle, John Robbins, Sobieski Ross, Rusk, Sampson, Stone, Stowell, Washington Townsend, Tufts, Turney, Van Vorhes, Alexander S. Wallace, John W. Wallace, Ward, Warren, Wike, Willard, Andrew Williams, Alpheus S. Williams, and James Wilson—86.

NAYS—Messrs. Anderson, Ashe, Beebe, Bland, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, Cate, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Eden, Egbert, Ellis, Ely, Felton, Franklin, Fuller, Glover, Andrew H. Hamilton, Henry R. Harris, Hartzell, Hatcher, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Frank Jones, Thomas L. Jones, Franklin Landers, George M. Landers, Lawrence, Levy, Lo:d, McFarland, McMahon, Metcalfe, Milliken, Morrison, Neal, Odell, John F. Philips, Poppleton, Potter, Randall, Rea, Reagan, Rice, William M. Robbins, Miles Ross, Savage, Scales, Schleicher, Seelye, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Tarbox, Teese, Terry, Thompson, Throckmorton, Robert B. Vance, Waddell, Charles C. B. Walker, James Williams, James D. Williams, Jeremiah N. Williams, and Yeates—83.

NOT VOTING—Messrs. Atkins, Bagby, George A. Bagley, Banks, Bass, Bell, Blackburn, Blair, Bliss, Blount, Bradford, Burleigh, William P. Caldwell, Candler, Cason, Caulfield, Chapin, Cochrane, Collins, Conger, Cox, Crapo, Danford, Darrall, Dobbins, Douglas, Durand, Evans, Faulkner, Forney, Freeman, Frost, Gause, Gibson, Goode, Goodin, Gunter, Hale, Robert Hamilton, John T. Harris, Harrison, Hartridge, Hays, Henkle, Hoar, Hoge, Holman, Hooker, House, Hunter, Hurlbut, Hyman, Joyce, Kimball, King, Knott, Lamar, Lapham, Lewis, Luttrell, Lynch, Lynde, Magoon, Maish, Meade, Miller, Mills, Money, Mutchler, New, O'Brien, Parsons, Phelps, William A. Phillips, Pierce, Piper, Platt, Pratt Purman, James B. Reil-

ly, Roberts, Robinson, Sayler, Schumaker, Sheakley, Shgleton, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Swann, Thomas, Thornburgh, Martin I. Townsend, Tucker, John L. Vance, Wait, Waldron, Gilbert C. Walker, Walling, Walsh, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wigginton, Charles G. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—120.

So the amendments of the Senate were concurred in.

During the roll-call,

Mr. JENKS said: I wish to announce that my colleague, Mr. COCHRANE, is absent by order of the House. If present, he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. HUNTON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OSAGE COMMISSION.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation to defray the expenses of the Osage commission; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. WADDELL was granted leave of absence for two weeks.

Mr. DAVIS was granted leave of absence for eight days.

Mr. W. B. WILLIAMS was granted leave of absence until June 1.

Mr. LANDERS, of Connecticut, was granted leave of absence for one week from Monday next.

Mr. HEWITT, of New York, was granted leave of absence for one week from May 29 on account of important business.

REFORM IN THE ARMY.

Mr. BANNING. I desire to call up the motion to reconsider the vote by which the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, was recommitted to the Committee on Military Affairs.

Mr. RANDALL. Pending that I would like the gentleman to allow me to move that the House do now adjourn.

W. P. BURWELL.

Mr. ROBBINS, of North Carolina. I ask the gentleman to yield to me to make some reports from the Committee of Claims.

Mr. BANNING. If it will not lead to debate.

Mr. ROBBINS, of North Carolina, by unanimous consent, reported from the Committee of Claims a bill (H. R. No. 3588) for the relief of W. P. Burwell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROBBINS, of North Carolina, by unanimous consent, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 114) for the relief of Orloff Johnson; and

The petition of John A. Parker, late United States consul at Honolulu.

ADJOURNMENT.

Mr. BEEBE. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. RANDALL. I move that the House now adjourn.

The SPEAKER *pro tempore*. The question will be first taken upon the motion of the gentleman from New York, [Mr. BEEBE.]

The question was taken; and the motion was not agreed to.

The question recurred upon the motion of Mr. RANDALL.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BASS: Resolutions of the Buffalo Board of Trade, favoring the appointment of commissioners to ascertain on what terms mutually beneficial treaties of commerce with Canada and Mexico can be arranged, to the Committee on Commerce.

Also, resolutions of the Buffalo Board of Trade, favoring liberal appropriations for the Signal Service Corps, to the Committee on Appropriations.

By Mr. FELTON: The petition of citizens of Floyd County, Georgia, for a post-route from Cave Spring to Livingston, via Thomas's Mills, in said State, to the Committee on the Post-Office and Post-Roads.

By Mr. FORT: Papers relating to the claim of Hugh Worthington, to the Committee on War Claims.

By Mr. LEAVENWORTH: Remonstrance of the Sheep-Breeders' and Wool-Growers' Association of New York, against any change of the tariff on wool or woolen manufactures, to the Committee of Ways and Means.

By Mr. MACDOUGALL: The petition of W. H. French, jr., late Indian agent, Crow Creek agency, Dakota, that the accounting officer of the Treasury adjust his account equitably, to the Committee on Military Affairs.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of G. P. Denis & Brothers, James Massey, James Ledward & Sons, William Simpson & Sons, and 324 other manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties upon foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

By Mr. WHITE: The petition of Milton L. Davis for a pension, to the Committee on Invalid Pensions.

Also, the petition of A. S. Bloom, that the date of his muster into service as major, Seventh Cavalry, may be changed from November 1 to January 20, 1864, to the Committee on Military Affairs.

IN SENATE.

SATURDAY, *May* 27, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Chair will state that the time will be extended for morning business, if there be no objection.

Mr. EDMUNDS. I insist on the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order.

Mr. KERNAN. Will the Senator yield to allow me to present a petition?

Mr. EDMUNDS. I will yield for petitions, but beyond petitions I think bills and resolutions can wait until we discharge the other business.

PETITIONS AND MEMORIALS.

Mr. KERNAN. I am requested by citizens of this District to present a memorial, quite numerously signed, remonstrating against the passage of the bill (H. R. No. 2604) to incorporate the Suburban Railroad Company of the District of Columbia. The bill authorizes this company to build its road and run it by steam through C street and Maryland avenue to the Bladensburgh turnpike on the District line. They set forth in the memorial that this being a thoroughfare, it would greatly injure the property upon it to allow it to be traversed by cars propelled by steam. There is a cemetery upon the line which is very much frequented; and the memorialists remonstrate against the passage of any such bill. I suppose the bill is pending before the Committee on the District of Columbia, and I move that the memorial be referred to that committee.

The motion was agreed to.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. If there be no further petitions, pursuant to order, legislative and executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next at ten o'clock a. m.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore* appointed Mr. PATTERSON a member of the Board of Visitors on the part of the Senate to visit the Military Academy at West Point, in place of Mr. CLAYTON, resigned.

On motion of Mr. MITCHELL, (at six o'clock and thirty-seven minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PUBLIC PROPERTY AT NORFOLK, VIRGINIA.

Mr. ROBBINS, of Pennsylvania, from the Committee on Naval Affairs, by unanimous consent, reported back the bill (H. R. No. 1869) providing for the repair and preservation of the public property at Norfolk, Virginia; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I understand that it is the wish of the Committee on Military Affairs to press the consideration of the bill to promote the efficiency of the Army of the United States, &c. I also understand that it is the wish of the Committee on Appropriations to ascertain the result of the action of the House upon that bill in order to control their action upon the Army appropriation bill. I will therefore refrain from calling up now the regular order, which is the contested-election case of Spencer *vs.* Morey, but will yield the floor to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. Before I call up the Army bill, I will yield to the gentleman from New York, [Mr. LORD,] who desires to make some reports from the Committee on the Judiciary.

FEES OF CLERKS OF UNITED STATES COURTS IN CALIFORNIA.

Mr. LORD. I am directed by the Committee on the Judiciary to report a substitute for House bill No. 136, to amend section 840, chapter 16, title 13, of the Revised Statutes of the United States. The effect of the bill is to reduce the fees of the clerks of the circuit and district court of California by one-half. They are now entitled to receive double the fees allowed to clerks of the courts in other States, except Oregon and Nevada.

The bill amends section 840 of chapter 16, title 13, of the Revised Statutes by striking out the word "California."

There being no objection, the bill (H. R. No. 3589) was received, read three times, and passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALABAMA CLAIMS—GENEVA AWARD.

Mr. LORD. I am also instructed by the Committee on the Judiciary to report back House bill No. 3116, providing for the payment of judgments of the court of commissioners of Alabama claims. The court has passed upon all the claims under chapter 499 of the acts of the last session of Congress. Most of the claims have already been paid. This bill authorizes the Secretary of the Treasury to pay the balance of these judgments to the persons to whom they have been awarded and who are really suffering for the amount due them. It makes no difference to the United States, for the amounts are due and the money is in the Treasury. This is a meritorious bill; the court of commissioners has awarded the amounts to these parties, and they are really suffering for the money. I ask that the bill be now passed.

The bill was read, as follows:

Be it enacted, &c., That the court of commissioners of Alabama claims shall report to the Secretary of State the judgments rendered by said court from and after January 22, 1876, from the entire calendar of cases before it, under the original act constituting said court, pursuant to section 11 of chapter 459 of the laws of the Forty-third Congress.

SEC. 2. That when a report is made under this act to the Secretary of State, he shall transmit the same or a copy thereof to the Secretary of the Treasury, who shall, without unnecessary delay, proceed, pursuant to said chapter 459, to pay the judgments so rendered, with interest on the principal at the rate of 4 per cent. per annum from the date of loss, as certified, until the Secretary of the Treasury shall give notice for payment, as provided by section 14 of such act; and the Secretary of the Treasury is hereby authorized to convert into coupon bonds, and to sell, after five days' notice, so many as may be necessary for this purpose of the 5 per cent. registered bonds of the United States, now held subject to the disposition of Congress under the provisions of the act approved March 3, 1873, chapter 261.

SEC. 3. That so much of section 15 of the act approved June 23, 1874, chapter 459, as conflicts with this act is hereby repealed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, from the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 1594, entitled "An act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes," having met, after full and free conference, have been unable to agree.

O. R. SINGLETON,
SAMUEL J. RANDALL,
HENRY WALDRON,
Managers on the part of the House.
A. A. SARGENT,
F. T. FRELINGHUYSEN,
R. E. WITHERS,
Managers on the part of the Senate.

The report was adopted.

REPORT OF CASUALTIES IN THE NAVY.

Mr. SINGLETON, from the Committee on Printing, reported back adversely the bill (H. R. No. 3536) to authorize and require the Congressional Printer to print and bind five thousand copies of the surgical report of casualties in the United States Navy from 1860 to 1870, and moved that the same be laid on the table.

The motion was agreed to.

PUBLIC ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. SINGLETON also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2552) to reduce the expenditures for public advertising in the District of Columbia.

The bill was read. It provides that so much of section 3826 of the Revised Statutes as provides that all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties, shall be advertised by publication in three daily papers published in the District of Columbia, be amended to limit such publication hereafter to two daily newspapers published in said District, one of which shall be selected by the Joint Committee on Printing on the part of the Senate and one by the Joint Committee on Printing on the part of the House of Representatives.

Mr. SINGLETON. The whole object of this bill is to require these advertisements to be published in two newspapers instead of three. We do not see any necessity for the publication in three newspapers of this District.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL DIRECTORY OF STATE GOVERNMENTS.

Mr. SINGLETON also, from the same committee, reported back adversely a resolution of the Legislature of the State of Wisconsin, relating to a consolidated official directory of the several State governments, and moved that the same be laid on the table.

The motion was agreed to.

WALKER'S STATISTICAL ATLAS.

Mr. SINGLETON also, from the same committee, reported back adversely a resolution for printing five thousand additional copies of Walker's Statistical Atlas, and moved that the same be laid on the table.

The motion was agreed to.

CHANGE OF NAME OF A SCHOONER.

Mr. FOSTER, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 3590) to change the name of the scow-schooner J. L. Quimby to Perry G. Walker; which was read the first and second time.

The bill provides that the name of the scow-schooner J. L. Quimby, registered in the district of Sandusky, Ohio, be changed to Perry G. Walker, and authorizes the Secretary of the Treasury to grant a register in accordance therewith.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REDUCTION OF THE ARMY.

Mr. BANNING. I call up the motion to reconsider the vote by which the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes, was recommitted to the Committee on Military Affairs.

The motion to reconsider was agreed to.

The SPEAKER. The bill is now before the House, on the motion to recommit.

Mr. BANNING. The bill now under consideration is the conclusion of the committee after a careful study of our Army organization.

The staff, commissioned and non-commissioned; the officers, active and retired; the cavalry, artillery, and infantry; the Engineer Corps; the Signal Corps and Indian scouts; the Inspector-General's Department; the Adjutant-General's; the Bureau of Military Justice; the Quartermaster's Department; the Subsistence Department; the Medical Department; the Pay and Ordnance Departments.

I know, Mr. Speaker, there are members of this House who believe the numerical strength of our Army too small and others who believe it too large.

Charged with the important consideration of our military affairs, the Military Committee have consulted the general officers, the colonels, and certain other distinguished officers of the Army, receiving from them opinions concerning our military organization, which have been printed and are now before the House in Report No. 354.

The maximum numerical strength of our Army is fixed by law at 25,000 men. These 25,000 men are organized into 25 regiments of infantry, 10 regiments of cavalry, 5 regiments of artillery, and Indian scouts. These organizations are divided into commissioned and non-commissioned officers, musicians, farriers, blacksmiths, artificers, saddlers, wagoners, company clerks, and private soldiers. Sixteen thousand six hundred and sixty-five are private soldiers and 8,345 non-commissioned officers, wagoners, artificers, and musicians. Add to these last 2,168 commissioned officers on the active list and 300 officers on the retired list, making in all 10,802, and we have our Army organization of 16,665 private soldiers commanded, marshaled, and managed by 10,803 commissioned and non-commissioned officers, artificers, musicians, and wagoners; being a commander for each 1¼ soldiers in the service; showing that our Army is an army of officers, an army

for display, and not a practical, useful, efficient military force, such as the country requires.

In correcting this evil and re-organizing the Army the first question for the careful and considerate legislator to determine is: Is the present force of 25,000 men more of an army than the country demands?

Before I studied this question I thought an army of 20,000 more than sufficient. I voted in last Congress for the reduction from thirty to twenty-five thousand men, and advocated a greater reduction at that time.

That this Government, separated as it is by an ocean from all the powerful nations of the earth, needs a standing army to protect it from a foreign invasion no intelligent man will claim. Our people, raised in the saddle and accustomed to the use of fire-arms, would gather to the country's defense long before an invading army could be shipped to our shores.

The question of a greater reduction of the Army and the policy of a small regular army are so well and ably presented by General Thomas M. Vincent, in his letter to the committee, that I read at length that distinguished officer's opinion, found on page 135 of our report. General Vincent says:

The staff and line—our peace establishment—are maintained for the acquirement and preservation of military knowledge and to perfect military discipline, to construct defenses and organize the material necessary in war, and generally to form the stock, in all its parts, on which an army competent to the defense of the country may be ingrafted.

Past experience has pointed to the following facts: The saving in clothing, provisions, arms, and other things, by not being compelled to call out militia or volunteers, would amply supply a considerable force which, well officered, would be daily improving. The expenses of militia and volunteers invariably exceed those of the regulars by several hundred per cent. The Black Hawk and Florida wars necessitated 55,000 militia and an expenditure of $30,000,000, and would have been avoided in each case had there been two regiments of regulars available for early service. A well organized available force of 12,000 would have enabled the Government to avoid the Mexican war and its consequent expenditure of millions of dollars and a large sacrifice of human life; and the recent rebellion would have been staid by an available force of a few thousand men, and the country spared a debt of $2,718,656,176.13, (public debt July 1, 1866, $2,783,425,879.21; debt July 1, 1860, $64,769,703.08,) incident to and arising from the war, and this independently of a pension-list for 1874–'75, which calls for $28,845,678.27, (amount for 1874–'75, $30,000,000; for 1860, $1 154,321.73,) and for the years from 1861 to 1875, inclusive—exclusive of pension debt prior to 1861—as follows:

1861	$1,089,218 75
1862	800,819 94
1863	1,044,364 47
1864	4,521,622 18
1865	8,542,885 27
1866	13,250,980 17
1867	18,681,711 79
1868	24,079,403 18
1869	28,445,089 09
1870	27,780,811 81
1871	33,077,383 63
1872	30,169,241 00
1873	29,185,289 62
1874	30,593,749 56
1875	29,683,116 63
Total	280,945,787 09
For 1860	1,154,321 73

leaving $279,791,465.36 as the pension debt of the rebellion.

The magnitude attained by the rebellion is the most instructive, for the public debt and money paid to pensioners ($2,718,656,176.13+$279,791,465.36) would maintain our present force, costing, say, $30,000,000 yearly, for ninety-nine and two-thirds years. Now, however, and as a result of a temporary economy, we have to pay the debt, expend nearly $30,000,000 yearly for pensions, and support a military establishment costing $30,000,000; consequently we have lost, by not having an available force to prevent rebellion, the enormous amount of $2,998,447,641.49.

Our Army of 25,000 men, taking into consideration the duties now required, is relatively smaller than the Army of 1860 of 14,000 men. In 1860 there were 72 military posts and 176 companies (say 17½ regiments) west of the Mississippi River, with only 8 posts and 29 companies (say 3 regiments) north of the thirty-ninth parallel of latitude and east of the Rocky Mountains, embracing the area out of which the Territories of Montana, Dakota, and Wyoming have since been formed, with parts of Nebraska and Minnesota. At present there are 112 posts and 324 companies (say 32½ regiments) west of the Mississippi River, of which 39 posts and 137 companies (say 14 regiments) are within the limits above described, being 31 posts and 108 companies (say 11 regiments) more than in 1860. In this locality the greatest increase has occurred. Along the Rio Grande and the interior of Texas, the Indian Territory, Kansas, Colorado, New Mexico, Utah, Nevada, and the Pacific coast there has been no material change in the number of posts.

In Arizona there are now 9 posts and 24 companies (say 2½ regiments) against 3 posts and 7 companies (say ½ of a regiment) in 1860.

Alaska has two posts and three companies and Idaho three posts and four companies against none in 1860.

The length of the principal railroads built beyond the Mississippi River since 1861 is as follows:

Northern Pacific, running from Du Luth, Minnesota, to Bismarck, Dakota, 450 miles.

Union Pacific and Central Pacific, running from Omaha, Nebraska, to San Francisco, California, 1,907 miles.

Kansas Pacific, running from Kansas City, Missouri, to Denver, Colorado, 639 miles.

Denver Pacific, running from Denver, Colorado, to Cheyenne, Wyoming, 106 miles.

Atchison, Topeka and Santa Fé, running from Atchison, Kansas, to West Las Animas, Colorado, 536 miles.

Missouri, Kansas and Texas, running from Hannibal, Missouri, to Galveston, Texas, 964 miles.

Missouri River, Fort Scott and Gulf, running from Kansas City, Missouri, to Baxter Springs, Kansas, 159 miles.

Making 4,761 miles of railroad built in and through the Indian country since 1860 for the Army to protect against the Indians.

Since 1860, Colorado with 104,500 square miles of territory, Nevada with 104,155 square miles of territory, Dakota with 150,932 square miles of territory, Arizona with 113,916 square miles of territory, Idaho with 86,294 square miles of territory, Montana with 143,776 square miles of territory, Wyoming with 97,883 square miles of territory, making a total of 801,426 square miles of territory, an empire in extent, organized into seven distinct territorial governments.

Into this great wilderness, where, until within the last few years, white men had never penetrated, we have invited the emigrant to settle, and to-day hundreds and thousands of pioneers are changing into productive usefulness this desert land. In this occupation we have promised them protection.

Again, we have the unorganized Indian Territory, of 68,991 square miles, and the new Territory of Alaska, consisting of 577,390 square miles, making 1,447,807 square miles of organized and unorganized territory, over which roam 289,000 Indians: through which run the railroads I have named, laden with all the valuable commerce daily carried between the Atlantic and Pacific.

Add to this the fact that the Texas frontier is not only threatened, but has been of late frequently invaded by Mexican outlaws, who have not only robbed our people of millions of property but actually killed and murdered them.

That our soldiers, while on duty along the southern border, have been fired upon within the last thirty days by maraunding bands of Mexicans, the people of the Texas border asking for protection, and a resolution pending in this House authorizing the Army to follow the Mexican outlaws over and into Mexico.

Taking into consideration all these circumstances, your committee have not deemed it wise or prudent to reduce the numerical strength of the Army at this time.

REDUCTION OF THE NUMBER OF REGIMENTS.

There are now in the Army ten cavalry regiments and twenty-five infantry regiments. The Tenth Cavalry, having less than 700 men, non-commissioned officers and privates, and the Twenty-first Infantry only 323 non-commissioned officers and privates.

All regiments are fully officered, commissioned and non-commissioned.

While I will not stop to draw a picture of the gallant Twenty-first on parade with eighty corporals, fifty sergeants, a commissary-sergeant, quartermaster-sergeant, color-sergeant, hospital-steward, ten second lieutenants, ten first lieutenants, ten captains, a quartermaster, an adjutant, three surgeons, one major, one lieutenant-colonel, and one colonel—172 in all—in command of what is left, after deducting non-commissioned officers, company clerks, and extra duty men, leaving less than 100 privates. I say I will not stop to draw a picture of this gallant American regiment, whose glittering official display would drive terror and dismay to the heart of an enemy. Nor is this the only regiment that is formidable by reason of its preponderance of officers. The Twenty-fourth Infantry is even more formidable by reason of its number of officers than the Twenty-first. After deducting the non-commissioned officers, there would be left 84 private soldiers in this regiment.

Deduct from this 84 the company clerks and extra-duty men, and the Twenty-first would find it necessary to send over to another regiment to borrow a private to call the corporal of the guard that he might advise the garrison of the approach of the officer of the day.

Several others of the regiments are almost as small in numbers as the two I have mentioned, while no infantry regiment in the service, deducting non-commissioned officers and extra-duty men, numbers as many as 400 soldiers.

Upon this subject General Sheridan says:

If you increase the size of the companies you diminish the expense. One great item of expense at present arises from the fact that the companies are so small as to be non-effective. In order to get an effective body of men for any purpose, it is necessary to take three or four companies from different places. That kind of management is, of course, expensive; and that is what we are obliged to resort to at present.

Captain Corbin, one of the most accomplished and distinguished officers of our Army, gives his opinion and experience upon this subject on page 210 of the report of the Military Committee, and says:

Question. Have you any information or opinion that you can give the committee on the question of consolidation?

Answer. I do not know that I have, except that I think the efficiency of the Army would be greatly enhanced by increasing the size of the companies. I think that the trouble we labor under now with the present company organization of infantry is that it is too small. I believe the maximum is fifty men, and after you take out the non-commissioned officers and the cook, and allow for the sick and the prisoners in the guard-house and the men who are detailed to drive the teams, it leaves hardly any men in the company for duty. I do not think the company organization should consist of less than one hundred men, either in time of peace or time of war, either for active operations or for purposes of instruction. It is rather stupid work for an officer to go out and drill four men. After having been a captain for ten years, I have frequently gone out with only four men. It is very hard to make an entertainment of that kind partake of the nature of a military movement. We go on parade duty regularly, to be sure, but the men look upon it as a kind of farce. I have seen a captain go on parade with only his sergeant, the captain forming the front line and the sergeant the rear. The officer cannot take as much interest in that as if he had a hundred men to look after. I think, therefore, it would

tend greatly to the efficiency of the Army if you were to increase the companies, even if he had to assign more officers. A company of one hundred men with five officers would be much more efficient than two companies of fifty men each with six officers. Then, the internal administration of a company of one hundred men requires no more sergeants or cooks or commissary-sergeants than a company of fifty men. It is, however, more trouble for an officer to take care of and drill a hundred men than fifty. So, probably, if the companies were increased in size, it would be well to increase the number of officers. I have been told by officers of our Army who have visited Europe that they were greatly impressed with the difference in the size of the companies, and General Hazen and other officers who are capable of judging, have told me that that was about the only advantage the European armies had over ours. A company there means a hundred or a hundred and fifty efficient men.

Q. Then, if consolidations and reductions must be made, you would recommend the consolidation of the companies into larger ones?

A. I would, most assuredly. I think if we are to have but 20,000 men in the Army, the larger the companies are made the more service our commanders can get out of the troops, and I think you will find that that is the testimony of most of the officers. I know if I were to go to command a post of a hundred men I would rather have one company of a hundred than two companies of fifty men each, because it would give me more men for active duty. To maintain a company organization you have to have a certain number of men who are useless as soldiers, being engaged on other duty; for instance, four of the best men in your company are taken up as sergeants, so that in two companies of fifty men each there are eight sergeants, and in a company of a hundred there would be just the same number; and the same is true of the musicians, cooks, company clerks, and commissary sergeants. Then, the property of a large company is just as easily looked after as that of a small one, and one man can do the work as efficiently as two.

This evil is remedied by the first section of the bill, which provides for a reduction of the infantry regiments to twenty and the cavalry regiments to eight.

This will make a reduction of 177 infantry officers and 88 cavalry officers, 60 non-commissioned staff officers, and 1,010 non-commissioned officers.

This reduction will result in an ultimate saving of $569,536 and a much better and more efficient Army organization.

COLORED TROOPS.

Section 1104 of the Revised Statutes reads:

The enlisted men of two regiments of cavalry shall be colored men.

And section 1108 reads:

The enlisted men of two regiments of infantry shall be colored men.

This law as it stands is an insult to the race it was meant to compliment. If the negro is on an equality with his white brother as to military duty, why this limit to four regiments? But to leave no doubt upon this point it is provided that the enlisted men of four regiments may be made up from the colored race. There is no proviso for colored commissioned officers. As the law now stands under the Constitution there is no prohibition to the enlistment of a negro save the enactment we now seek to repeal. This alone is sufficient to demand the repeal. But in addition comes the fact that the experiment has proven a disastrous failure. Colored men will no longer enlist, so that it is found impossible to keep up the regiments; while those who do enter the Army are of such a class that they cannot be trusted or made of any benefit to themselves or the country. I need not dwell upon this point, as the facts admitted appeal to the better reason of all sides. Having broken down the barriers erected through slavery between the races, it is not only unjust, but unreasonable, to recognize such distinction by law. It is just as absurd to give a colored man a privilege because he is a colored man as it was unjust to degrade him for the same reason.

On this subject I wish to call attention to the report of Inspector-General N. H. Davis; also the report of Chaplain George T. Mullins, of the Twenty-fifth United States Infantry:

[Extracts from certain inspection reports made by Inspector-General N. H. Davis during his recent tour of inspection in the Department of Texas, relative to the *morale* of the colored troops there stationed.]

The practice of theft with the colored troops, stealing from one another their arms and clothing, which they dispose of by sale or otherwise, is an evil which seems difficult to eradicate. Usually the arms are kept locked in the arm-racks when not in use on duty. Pistols are seldom left in the hands of men in garrison; and chiefs of squads were required at some posts to keep an inventory of the clothing, &c., of the men of their squads, and report at the adjutant's office, daily or weekly, if any articles were missing, to check the evil.

I take pleasure in submitting the interesting report of Chaplain Mullins (paper marked "C") in regard to his school for the colored troops, their characteristics, progress, religious services, &c. * * *

I have no hesitation in saying that Chaplain Mullins is one of the most energetic, reasonable, and serviceable of his profession in the Army that I have met in my inspections.

[Extract from Chaplain Mullins's report.]

* * * Many of the soldiers are very religious, but (queer paradox) few indeed prove to be moral in their lives. They know not what virtue means, and some of them are vilely lecherous. So far as I can collect they do not like military life and will not re-enlist. * * *

Their life and experience through generations has evidently impressed upon or wrought into their make up a strong indisposition to a life that requires great carefulness, persistency, and quick energy. They like the "go-easy" and unambitious life, free from care and restraint. They evidently feel that in the Army they surrender their freedom so lately won. * * *

N. H. DAVIS,
Inspector-General United States Army.

[Memorandum from Adjutant-General's Office.]

The records of the War Department will attest that it is difficult to get clerks, blacksmiths, and saddlers for the colored regiments—this owing to the general ignorance of the colored men who enlist.

In April, 1867, a special authorization was given for a recruiting rendezvous at Oberlin, Ohio, with view to enlisting men who could write; but none could be obtained.

Even difficult to get recruits for the regiments notwithstanding that this branch of the service is conducted on the most liberal plan; all suggestions from officers which are at all reasonable being adopted by the Adjutant-General of the Army in order to keep the regiments from being broken up. Regiments rapidly run down through discharges, &c.

Once, in August, 1875, commanding-general Department of Texas reported that by September 1, 1875, the companies of the Twenty fourth Infantry would average twelve men, and that one company by January 1, 1876 would have its officers and one enlisted man. The same officer (General Ord) has expressed opinions adverse to mixing white and colored troops in the same garrison.

Strength of regiments of colored troops, April 15, 1876.

Designation.	Authorized enlisted.	Present enlisted.	Recruits last sent.
Ninth Cavalry	845	722	68 recruits sent November 4, 1875.
Tenth Cavalry	845	752	83 recruits sent March 14, 1876.
Twenty-fourth Infantry	500	293	73 recruits sent since February 28, 1876.
Twenty-fifth Infantry	500	456	70 recruits sent since October 21, 1875.

ARTILLERY.

Sections 2, 4, and 6 relate to the artillery, and provide for doing away with the regimental artillery organization. This feature, I think, will commend itself to every member, as regimental artillery officers and headquarters are certainly useless either in war or peace. A regiment of artillery, I believe, was never known to be in action on this continent, or even called out for display in time of peace. The only utility of an artillery regimental organization is in furnishing positions for a set of useless, unnecessary, and expensive officers.

EXAMINATION FOR PROMOTION.

Section 3 of the bill provides that no officer of the Army below the rank of major shall hereafter receive promotion until he shall have passed a satisfactory examination before a board of senior officers.

This is in the direction of efficiency and must commend itself sufficiently without argument. It will make it necessary for Army officers to study and improve themselves in their profession, to prepare for the great responsibility which awaits them in the event of war. It will tend to elevate and improve the profession of arms in the United States, and cause the officer to spend in the acquisition of knowledge hours now too often wasted in dissipation.

EDUCATION.

Sections 4 and 7 of the bill provide for the education of officers, non-commissioned officers, and privates.

I know there are officers who say this will cause too great a familiarity between officers and men, and be injurious to discipline.

Sir, in aristocratic Germany the nobleman and the peasant are subject to the same military discipline; in that country, where the art of war is cultivated to perfection, the officer and the soldier are the guests of each other and social equals.

It was the boast of the first Napoleon that the common soldier of the French army carried in his knapsack the baton of a marshal.

"In Paris," says a writer, "you may see any day a file of soldiers marching with slates under their arms going to the regimental schools."

During our late war commanding officers all organized company and regimental schools.

In these schools, in 1861 and 1862, our army of civilians were taught and trained in the art of war. If this could be done in the field in the face of an enemy with profit and advantage, as every soldier of our Army will testify it was, need I stop to prove to this House the advantages of this section of the bill

This system of Army education will give occupation to many officers and men now being demoralized by idleness.

It will prepare the non-commissioned officer and soldier for promotion to take command in the event of war. The three thousand men who are annually mustered out by reason of expiration of term of service, in place of being unfitted for civil life, (as is now the case,) will be the better citizens, prepared to aid in the improvement and development of the country; also to elevate and improve the standard of the private soldier, to make him what he should be, the peer of the officer and every American citizen.

AIDS-DE-CAMP.

Section 8 fixes the number of aids-de-camp of the general officers, reducing the whole number from thirty to seventeen, being a reduction of thirteen and a saving in extra pay to these officers of $10,175.

BUREAU OF MILITARY JUSTICE.

Section 9 provides there shall be no new appointments and no promotions in the Bureau of Military Justice nor among the judge-advocates of the Army; also that any officer of the Bureau may be honorably discharged from the service on his own application, with one year's pay proper for each and every term of five years' service.

The testimony of Army officers is not only against the necessity but even the utility of this Bureau. General Sherman says:

Answer. This Bureau grew up out of the war. In my opinion it is better to detail an officer of the line as judge-advocate for each court-martial, as it encourages the study of martial and military law by the younger officers, usually detailed as judge-advocates. Lawyers introduced into the Army have not improved discipline or increased the measure of "substantial justice," which is the object of courts-martial, rather than the technical judgments of courts of record.

The bill, if it should become a law, provides a way for the officers of this Bureau to put an end to it by resignation. If they should

fail to take advantage of the opportunity offered them, it will be for this Congress, at its next session, to take such action as will relieve the country of this unnecessary and useless establishment.

This will be an ultimate annual saving of $17,500.

DEPARTMENT OF SUPPLIES.

Section 10 of the bill abolishes the Quartermaster's and Subsistence Departments as distinct branches of the service and consolidates the two into one, to be known as a Department of Supplies.

That it is necessary in time of peace to keep up these two distinct departments is not even claimed by the most earnest advocates of the present system.

An examination into the commissary and quartermaster organizations of our Army shows that while the Quartermaster's Department, through its separate organization, purchases the clothing, camp and garrison equipage, and quartermaster's stores at New York, Philadelphia, and other commercial cities, and keeps up a Quartermaster-General's Office here in Washington at an expense to the Government of $182,320 a year, the Commissary Department, through its separate organization, purchases the commissary stores in the commercial cities of the country and keeps up a Commissary General's Office in Washington at an annual expense to the Government of $46,000.

A further examination will show in different cities of the country and departments of the Army separate expensive headquarters and management of the quartermaster and commissary stores, a further examination will show that when these supplies are issued to the troops, they are generally issued by one officer. A quartermaster, who as such becomes responsible for the honest delivery or issuing of these supplies, and for the proper returns required by the regulations for all such issues.

A further inquiry will show that this issue to the troops of broken packages requires more care and business capacity than the purchasing of supplies and the issuing the same in whole or entire packages. Then the inquiry naturally arises, if the more intricate and complicated duties of the Quartermaster and Commissary Departments can be thus performed by one officer, might not the two departments be consolidated into one to the advantage of the service and large saving of the public funds?

Without stopping to argue the propriety of this consolidation, I call the attention of the House to the evidence of the Army officers outside of the staff, (who must be ruled out as witnesses being parties in interest.) General Sherman favors it. Hancock says it is practicable. Schofield says:

It is my opinion that the duties now performed by our Quartermaster, Subsistence, and Pay Departments could be better and more economically performed under one organization.

General Howard is in favor of the consolidation. General Crook recommends it. Colonel Mackenzie says:

I believe that it would be practicable to consolidate the Quartermaster's, Subsistence, and Pay Departments, and to largely decrease the total number of officers, to improve their administration, and to lessen expenses, both in *personnel*, and more yet by improved administration.

Colonel Oakes says:

I think it would be practicable to consolidate the Quartermaster, Commissary, and Pay Departments into one corps. As stated under third heading, I think we have too much staff for the size of the Army, too many and too much rank to administer for the line and fighting portion of the Army. As it is now, the duties of quartermaster and commissary at the various posts are almost invariably performed by lieutenants of the line, and can continue to be so performed, and it is the exception to find an officer of either of these departments on duty at frontier posts serving with and subject to the orders of the line officer in command. In my opinion, the interests of the staff and line have become too distinct; they should be one and the same, and all under control of the General of the Army.

Colonel Sturgis says:

It is not only practicable, but advisable.

Colonel Grierson says:

The Quartermaster, Subsistence, Ordnance, and Pay Departments should be consolidated into one corps or supply department, and such consolidation would facilitate business and greatly reduce expenses.

Colonel Vogdes, of the First Artillery, says:

"Would it not be practicable to consolidate the Quartermaster, Commissary, and Pay Departments into one corps?" Yes; I think all the administrative departments should be united under one head, with the rank of brigadier-general.

General Hazen says:

Quartermaster, Subsistence, and Pay Departments could be consolidated in a corps of one-third the present number of officers, and a sufficient detail of lieutenants from the cavalry and infantry.

Colonel Kautz, of the Eighth Infantry, says:

I believe it would add to the efficiency of the military service if the Pay, Quartermaster, and Subsistence Departments were all united into one corps for supplying the Army, but I have already given the opinion that there is a doubt whether such consolidation would cause any saving in the number of officers.

Colonel Wood, of the Eleventh Infantry, says:

It would not only be practicable to consolidate the Quartermaster's, Subsistence, and Pay Departments, but, in my opinion, the Government would be better served by so doing. At almost every military post the duties of quartermaster and commissary of subsistence are now both performed by an officer of the line, detailed for that purpose. In addition to these duties the troops could just as well be paid by him, as he is now a disburser of public funds.

Colonel De Trobriand, of the Thirteenth Infantry, says:

Such a measure may have some objections to contend with and some partial difficulties to overcome, but I consider it altogether as not only practicable, but also desirable for the Army.

Colonel Potter, of the Twenty-fourth Infantry, says:

I am of the opinion that the Pay, Commissary, and Quartermaster's Departments should be consolidated into one corps; that it is practicable, and that it would be for the best interests of the service.

Major-General McDowell, one of the ablest and most accomplished officers of our Army, a man who takes great pride in his profession, whose study is the soldier's welfare and the good of the service, has given attention to this subject, and after an examination of the working of the consolidated system in the English army, recommends the consolidation of our Quartermaster's and Commissary Departments in the following forcible and conclusive manner:

This subject was taken up by the Military Committee in January, 1869, and on the 27th and 28th of that month I was fully examined by it, and beg to refer the present committee to the record for the statements I then made, which are too extended to be conveniently reproduced in this letter. The subject, since that time, has been a good deal discussed and much opposed by many of our best officers, and in fact, I know of but few who are favorably impressed with the idea of a single department of supply. But I still adhere to the views given to the Military Committee in 1869, and I do so not from anything drawn from other services, as much as from the experience of many years in our own

As reference has been made to the changes in the British army in this matter—which I did not know of until I had been before the committee—I will state that since that time I visited Halifax and saw something of the new system adopted in the British service of having all the departments of supply consolidated into a single corps, which they call the "control" department.

It had been said by some of our writers that the new system was a failure, and this failure was pointed to as a warning to us.

I found that, since the consolidation, modifications had been made from time to time; also that their consolidation had gone much further than I had recommended for our service, and further than some of their most distinguished officers had recommended for theirs.

I found, on inquiry, that there was some dissatisfaction with the new department, but when asked how it compared with their former system, the officers said it was an improvement on the old one, and I found their objections were rather as to the details and management of their new system than against the principle of it.

I ought to add that the change in the British system of supplying their army was only adopted after a most exhaustive examination of the subject in all it branches, and from the statements of a large number of the most prominent commanders and officers, of all corps and grades, as to their experience at home and abroad, in the wars of the Crimea, in India, and New Zealand. Still, it is no such thorough consolidation as they have attempted, with more or less success, that I wish to be understood as recommending. And though there are certain general principles which will apply to all armies, I have only been guided by what I have seen at home, in suggesting as I have done, the merging of two of our departments—that of the Quartermaster's and Commissary—into one.

I do not propose, as is done abroad, to include in this consolidation the supply branch of the Medical Department, nor that of the Ordnance Department, for these each require a special knowledge, and to mingle them with the others would not be simplification, but undue accumulation, and of things having no relation to each other.

Why it should require one Department to select medicines, hospital-stores, and surgical instruments, and another to prepare the ammunition, arms, and armament, I can well see; but why we have one Department (the Quartermaster's) to supply coal and another (the Commissary) to supply candles, one to issue clothes, the other to issue food, one to buy grain and another to buy beans, I do not see.

It may be urged that the consolidation suggested would overload a Department now sufficiently burdened; that perfection and excellence are to be had by a subdivision of labor, each having the branch best suited to him, and acquiring skill by being confined to one subject, as is the case in the medical profession and in trade generally. To this it is to be said that in the Army, when you get to the point of consumption, where the supplies leave the hands of the agents of the Government to go into those of the consumer, the work is now, from the necessity of the case, in our service, so far as the two Departments are concerned, mostly done by one and the same officer, the supplies being frequently in the same building and sometimes in the same room.

With these opinions of many of the best officers of the Army favoring this consolidation, not only as a matter of economy but as a measure of efficiency and Army reform, I will not detain the House longer upon this section of the bill.

Sections 11 and 12 are sections regulating the department of supplies.

THE MEDICAL DEPARTMENT.

Section 13 contains all the provisions of the bill passed by the Senate. It reduces the number of surgeons and assistant surgeons from two hundred and nine to one hundred and sixty-seven. It is recommended by the Surgeon-General of the Army and makes an ultimate annual saving of $61,200.

PAYMASTERS.

Under the present organization we have fifty-five paymasters to pay less than twenty-five thousand troops, or two and a fraction paymasters, with clerks, to pay each one thousand men. These gentlemen generally have comfortable quarters in the large cities, where rents are high, society pleasant, and paymasters nothing to do.

The bill reduces the number of paymasters to thirty-five. And surely no practical business man will need any argument to convince him that thirty-five paymasters, each with a clerk, are enough to pay 25,000 troops. This reduction will result in a total ultimate saving of $58,899.05.

DISABILITY OF OFFICERS.

Section 15 provides for the convening of a board to examine all officers deemed unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of their duty, and authorizes the President to muster out any officer so reported by said board after the officer has had an opportunity to show cases against the report.

The section further provides that if the officer's disability is not the result of his own imprudence he shall be mustered out with one year's pay if he shall have served five years and less than ten, two year's pay if he shall have served ten years and less than fifteen, three years' pay if he shall have served fifteen years, and, if he shall

have served twenty years, he shall be placed upon the retired list of the Army.

ACTIVE AND RETIRED OFFICERS.

Section 16 authorizes the President to assemble a board of not less than three officers to inquire into the propriety of conduct, capacity, qualifications, and efficiency of any commissioned officer of the Army on the active list, and into the conduct of retired officers who may be reported to the board. If the report of such board is adverse to such officer, after the proceedings have been revised and approved by the President the commission of such officer shall be vacated. The board shall always consist of senior officers, who shall be sworn to an honest and impartial discharge of their duties.

RETIRED OFFICERS.

Section 17 of the bill authorizes the President to cause the retired list of the Army to be examined in order to determine if any retired officers are fit for the duties of an officer on the active list. The names of all such shall be reported to Congress. This section also authorizes the President to send any officer on the retired list who is guilty of conduct unbecoming an officer and a gentleman before a board of investigation as to propriety of conduct. On an adverse report, approved by the President, the commission of the officer shall be vacated.

PROMOTIONS.

Section 18 confines all promotions to the rank of second lieutenant to the graduates of West Point and to the non-commissioned officers of the Army. This will tend to improve the Army and to elevate the standard of the soldier.

If this bill becomes the law, the faithful soldier who carries the gun and knapsack will have some hope of reward for faithful service. His ambition will be encouraged by the hopes of promotion. Educated as he will be under section 19 of this bill, the soldier of our Army will no longer be a slave as now, but a man, hopeful and ambitious, with all the rights, hopes, and prospects of his superior officer. I know there is some criticism of this section, because if it becomes the law citizens can no longer be commissioned by the President. This to my mind is the best feature of the section. If a citizen wants a commission, then let him enlist in the ranks and work his way up. If he will not thus contest for the prize, then let it be given to those who have the pluck and courage to take the chances. They will make the best officers. I believe if this bill becomes the law and it is once known that in the future the commission is to be given to the faithful, competent, and worthy soldier and not to the wayward, reckless, worthless son, whose family and political influence secure it for him, a better class of men will join the Army, and desertion will become the exception in place of the rule as now. Then familiarity between officers and men, in place of destroying discipline and breeding contempt, will cause greater respect, because all, both officers and privates, will be gentlemen.

BREVET RANK.

Section 20 authorizes officers to wear insignia to indicate their brevet rank in the volunteer, as well as in the regular service, as may be directed by the Secretary of War and approved by the President.

It seems but just and right that officers who distinguished themselves in action, and during the war commanded regiments, brigades, divisions, corps, and armies, who held high commission in the volunteer service, were frequently brevetted, and are now reduced to captains, majors, and colonels, should have the right to wear in the service some evidence of the country's acknowledgment of their gallantry.

SERVANTS.

Section 21 authorizes officers to employ soldiers as private servants with their consent and the approval of the commanding officer, provided the officer shall return to the Treasury the amount of the soldier's pay.

This section is recommended by the Secretary of War, the General of the Army, and many Army officers, for the reason that it is impossible for officers to procure servants at many posts on the frontier. This will make a saving of $180,000.

PAY OF SERGEANT-MAJOR, QUARTERMASTER-SERGEANT, AND FIRST SERGEANT.

These non-commissioned officers perform more hard work than any other class of men in the Army, and their pay is the most inadequate.

The sergeant-major and quartermaster-sergeant each receive $23 a month, and the first sergeant $22 a month. The sergeant-major and quartermaster-sergeant's pay is fixed by the bill at $36 a month; the first sergeant's at thirty. These officers must be intelligent, capable men. The discipline and management of the company and regiment depend greatly upon them. If the bill becomes a law, they will be among the first in the line of promotion. Their pay as compared with that of the commissioned officers, and the duties performed by each after this increase, is entirely too small.

As a matter of reform this is one of the best features of the bill, as it will tend to draw to the service a better class of men.

LAUNDRESSES.

Section 23 repeals section 1240 of the Revised Statutes, which provides that women may be allowed to accompany troops as laundresses. This repeal is recommended by many of the best officers of the Army.

General Sherman says:

At posts laundresses are supposed to wash the clothes of soldiers, for which they are paid by the soldiers, but each receives a ration and quarters. In the field they are out of place; and in moving from one post to another they are the cause of expense in transportation. Soldiers can do their own washing; therefore laundresses could be dispensed with, and there would be a saving; but to what extent I can form no estimate.

General Schofield says:

I believe the number of laundresses might be reduced one-half without detriment to the service, and with a corresponding saving of expense. But I could not advise that they be entirely dispensed with.

General Terry says:

I think that laundresses can be dispensed with without injury to the service. I think that not less than $200,000 yearly would be saved by dispensing with them.

General Howard says:

Laundresses had better be dispensed with.

General Reynolds says:

Laundresses should be dispensed with gradually by discontinuing all allowance to them as the present terms of enlistment of their husbands expire. Discontinue all unmarried laundresses at once.

General Pennypacker says:

I am of the opinion that laundresses should be dispensed with, and that soldiers' washing be done by details from companies the same as their cooking is now done. This would make a very considerable saving in expense.

Colonel Crittenden says:

Laundresses, I fear, are a necessary nuisance.

Colonel Dodge says:

Laundresses can and should be dispensed with. Is is an absurd continuation of a custom which grew out of other wants of the men of a company than washing the clothing. No such need is found in the Navy. They are unnecessary and add much to the expense of the Army, particularly in transportation. How much will be saved I am unable to say.

General Vincent says:

At all places where labor to wash can be procured it would not be detrimental to the service to dispense with laundresses. There are now seventeen hundred and forty estimated for as to subsistence and fuel. If one-half be dispensed with the saving will be $85,000 yearly, exclusive of quarters and transportation when commands are moved.

General Marcy, the Inspector-General of the Army, says:

The law of the 16th March, 1802, in regard to laundresses (which is still in force) says: "Women may be allowed to accompany troops as laundresses, in number not exceeding four to a company;" and the Army Regulations authorize one laundress to every nineteen or fraction of nineteen enlisted men. Under the existing organization our Army is allowed upward of thirteen hundred and sixteen laundresses, who are amply compensated for all work they perform by the enlisted men. Besides each one draws a daily ration at an aggregate cost to the Government of over $100,000 per annum. Moreover, quarters and fuel are furnished them, and a large amount of transportation whenever the troops are moved.

It has often been said (and I think with a great deal of truth) that the baggage of four laundresses with their children generally amounts to more than that of all the enlisted men of the company; so that I think I am within the scope of reason in estimating the annual expense to the Government of the thirteen hundred and sixteen Army laundresses at about $200,000. There is no doubt that they are an incumbrance to the troops when changing station. As they and their children cannot be transported with troops serving in the field, they must suffer by being left behind at posts without their husbands where they would not generally be entitled to quarters, fuel, or rations.

In view of the limited appropriations made by Congress for barracks and quarters during the past three years, it has been found impracticable to furnish comfortable or even habitable quarters for laundresses at many posts, and they and their children have suffered in consequence.

In consideration of the facts above stated, it is believed that a material reduction, if not the entire abolition, of laundresses would be a measure of economy, expediency, and humanity.

As it would certainly be a virtual breach of faith to at once discharge those laundresses whose husbands enlisted upon the condition that their wives were to accompany them and receive the allowances of laundresses, I would respectfully recommend that no more married men be allowed to enlist in time of peace, and that, at the expiration of the terms of service of those soldiers whose wives are authorized laundresses, they only be re-enlisted in exceptional cases, such as meritorious non-commissioned officers or especially deserving private soldiers. In this manner a reduction of one-half or the whole number of laundresses could be made without injustice to any one.

In the opinion of many experienced line officers, all the laundresses might with great advantage to the service be dispensed with, and their places supplied by each soldier doing his own washing, or by colored or white men being enlisted and adequately compensated for this especial service, or by details from the troops, which has occasionally been done in our Army and is the universal practice in almost every European service except the English. Our soldiers are regularly detailed to cook for the companies, and in the field they wash their own clothes; so do miners, surveyors, and explorers, and they do not look upon it as any great hardship.

The opinions of these officers show conclusively that laundresses should not be retained. Doing away with them will make a saving annually of $190,000.

TRADERS.

Section 24 provides for the appointment of a trader at every military post by the Secretary of War, on the recommendation of the council of administration, approved by the commanding officer.

In support of this section of the bill, it is sufficient for me to say that so long as traders were appointed, as provided in this section, there was no family management of the sutler business, no selling of tradership, no complaint, no dishonesty, no official bribery. To the credit of the officers of the Army let it be remembered that before traderships could be bought and sold legislation dispensing with the Army council of administration had to be procured. The passage of this section to a law will cure the abuse which has been our national shame.

REFORMS.

Section 25 makes it the duty of the Inspector-General to report annually through the Secretary of War to Congress a synopsis of inspections made during the year, with information concerning the welfare of the service, either as to material or *personnel*, that may merit notice, for the correction of defects and abuses. The object of this section is to have the Inspector-General bring to the attention of Congress

such legislation as in his opinion may be best for the general good of the Army.

HEADQUARTERS OF THE ARMY.

Section — fixes the headquarters of the Army in time of peace at Washington. That the capital is the proper headquarters of the Army in time of peace none will deny.

That all orders relative to military operations affecting the military control and discipline of the Army, issued by the President through the Secretary of War, should be promulgated through the General of the Army is a proposition so plain that all sensible men are only surprised that its frequent late arbitrary and wicked violation had not resulted in greater Army demoralization.

The convening of this Congress found the General of the Army living at Saint Louis, almost totally disregarded by the then Secretary of War; the Quartermaster-General, whose iron honesty had saved the Government millions of dollars, ordered against his will to make a European tour.

Army officers are detailed on civil duty in direct violation of law, and so conducting their affairs as to bring shame upon the service and scandal to the Government. An army that had held itself aloof from all political interference found itself used in a most shocking manner for partisan purposes, where a Legislature was driven out at the point of the bayonet, and an officer high in command encouraged to declare martial law in an hour of profound peace. Officers detailed on special duty at the Centennial and elsewhere by order of the Secretary of War, without consultation with their regimental commander, department commanders, or even the knowledge of the General of the Army. Sutlerships and trading-posts for sale to the highest bidder. The officer who dared protest against the extravagant prices charged by the sutler and post-trader, whose profits were made enormous from the necessity they were under of dividing with high Government officials, ordered to the most distant frontier post. Buildings rented in violation of and in the very teeth of the law, and Congress informed in answer to a resolution of inquiry, "It was by my order." A deficiency of $500,000 in the Paymaster's Department, and a demand of an appropriation of that amount to pay the Army for fifteen days of the last fiscal year, while the Book of Estimates asked for $33,697,178.50 to defray the expenses of the military establishment, being $5,366,108.50 more than the appropriations of last year for the same purpose, which amount has since been reduced by the new Secretary of War $5,604,000, showing in itself an utter recklessness in the original estimates of appropriations which could only come from such demoralization as I have shown, and the repetition of which all the provisions of this bill are made to prevent.

The passage of this bill will result in an immediate saving of $387,433.44 annually, and an ultimate annual saving of $1,166,257.76, and will make changes and reforms in the management of the Army which will add greatly to its efficiency. I submit, in conclusion, a statement showing specifically the changes, reductions, and economies of the bill:

Statement showing the changes and reductions to be effected in the Army of the United States by the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of the staff departments, and for other purposes.

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed law.	Changes and reductions.
SECTION 1.—CAVALRY.			
Colonels	10	8	2
Lieutenant-colonels	10	8	2
Majors	30	24	6
Captains	120	96	24
Adjutants and quartermasters, (extra lieutenants with pay of captain, not mounted)	20	16	4
First lieutenants	120	96	24
Second lieutenants	120	96	24
Chaplains	2	.....	2
Aggregate*	432	344	88
SECTION 1.—INFANTRY.			
Colonels	25	20	5
Lieutenant-colonels	25	20	5
Majors	25	20	5
Captains	250	200	50
Adjutants and quartermasters, (extra lieutenants with pay of captain)	50	40	10
First lieutenants	250	200	50
Second lieutenants	250	200	50
Chaplains	2	.....	2
Aggregate†	877	700	177

*A reduction of eighty-eight officers in the cavalry arm. Ultimate annual saving, $199,018.

†A reduction of one hundred and seventy-seven officers in the infantry arm. Ultimate annual saving, $370,518. Total ultimate annual saving under section 1, $569,536. Includes as to sixty non-commissioned staff-officers and one thousand and ten non-commissioned officers, all under section 5, for whom privates will gradually be substituted.

Statement showing changes and reductions in the Army, &c.—Continued.

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed laws.	Changes and reductions.
SECTION 2.—ARTILLERY.			
Brigadier-general	.....	*1	.....
Colonels	5	2	3
Lieutenant-colonels	5	4	1
Majors	15	6	9
Captains	60	60	.....
Adjutants and quartermasters, (extra lieutenants with pay of captain, not mounted)	10	.....	10
First lieutenants	120	120	.....
Second lieutenants	65	65	.....
Aggregate	280	258	23

*Again from the colonels.
A reduction of twenty-two officers in the artillery arm.
Ultimate annual saving under section 2, $64,540.

SECTION 5.—NON-COMMISSIONED STAFF.

Branch of service.	Number allowed under existing laws.	Number allowed under proposed law.	Reduction.	Saving.
ARTILLERY.				
Sergeant-majors	5	.....	5	.....
Quartermaster-sergeants	5	.....	5	.....
Chief musicians	5	.....	5	.....
Principal musicians	10	.....	10	.....
Aggregate	25	.....	25	$9,960 00
CAVALRY.				
Sergeant-majors	10	8	2	.....
Quartermaster-sergeants	10	8	2	.....
Chief musicians	10	8	2	.....
Chief trumpeters	10	8	2	.....
Saddler sergeants	10	8	2	.....
Aggregate	50	40	10	3,984 00
INFANTRY.				
Sergeant-majors	25	20	5	.....
Quartermaster-sergeants	25	20	5	.....
Chief musicians	25	20	5	.....
Principal musicians	50	40	10	.....
Aggregate	125	100	25	9,960 00
Total estimate annual saving under section 5	.....	.....	.....	23,904 00

NOTE.—See in addition as to sixty non-commissioned staff and one thousand and ten non-commissioned officers estimated for under section 1.

SECTION 6.—*Company wagoners.*

Arms of service.	Number allowed under existing laws.	Number allowed under proposed law.	Reduction.
Artillery, infantry, and cavalry	430	.....	430

Changed to privates.
Immediate increase of $10,320.

SECTION 8.—*Aids-de-camp.*

Apportionments.	Number allowed under existing laws.	Number allowed by proposed law.	Reduction.	Saving.
To the General, colonels	6	3	3	$5,925
To the Lieutenant-General, lieutenant-colonels	3	2	1	2,450
To the major-generals, captains or lieutenants	9	6	3	1,800
To the brigadier-generals, lieutenants	12	6	6	
Aggregate	30	17	13	10,175

The aids-de-camp to the general officers are taken from corps or regiments, in the strength of which they are included.

SECTION 9.—*Bureau of Military Justice.*

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed law.	Changes and reductions.
Brigadier-General	1	.....	1
Judge-advocates, majors	4	.....	4
Aggregate	5	.....	5

Total ultimate annual saving, $17,500.

The act of June 23, 1874, section 2, fixed the number of judge-advocates at four. There are at present eight in service.

SECTION 10.—*Department of Supplies.*

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed law.	Changes and reductions.
Brigadier-generals	2	1	1
Colonels	6	6	.....
Lieutenant-colonels	11	10	1
Majors	22	*24	.....
Captains	42	42	.....
Aggregate	83	83	2

*An increase of two.

Total ultimate annual saving, $3,427.27.

There are still in service in the Quartermaster's Department one colonel and seven military store-keepers—captains—in excess of the number allowed by the act of March 3, 1875.

SECTION 13.—*Medical Department.*

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed law.	Changes and reductions.
Brigadier-general	1	1	.....
Colonels	2	6	.....
Lieutenant-colonels	2	10	.....
Surgeons, majors	50	50	.....
Assistant surgeons, captains or first lieutenants	150	100	50
Medical storekeepers	4	.....	4
Aggregate	209	167	54

An actual reduction of forty-two officers in the medical department.

Total ultimate annual saving, $61,200.00.

SECTION 14.—*Pay Department.*

Grade.	Number of officers allowed under existing laws.	Number of officers allowed under proposed law.	Changes and reductions.
Brigadier-general	.....	1	.....
Colonels	3	2	.....
Lieutenant-colonels	2	2	.....
Paymasters, majors	50	30	20
Aggregate	55	35	20

A reduction of twenty paymasters. Total ultimate annual saving, $58,899.05.

The act of July 28, 1866, section 18, allowed two Deputy Paymasters-General, lieutenant-colonels. Vacancies in this grade have existed since January 1, 1872, and March 5, 1873, respectively, the bar placed on promotions in the Pay Department by section 6, act of March 3, 1869, not having been removed by the act of March 3, 1875.

SECTION 18.—SECOND LIEUTENANTS.

No answer needed, as it is estimated that this would save $28,000 annually, aside from fuel and quarters for some time, in consequence of the surplus second lieutenants available for assignment from the discontinued regiments. The new appointments under section 18 from the non-commissioned officers would not commence for at least one year.

SECTION 20.—RETIRED OFFICERS.

Majors	1
Captains	2
Chaplains	2
First lieutenants	4
Total	9
Immediate saving between present pay and 40 per cent	$6,459 44

In cases where disability was not from any incident of service, a distinction was made by section 17, act July 17, 1861. That, evidently through inadvertence, was changed by the pay act of July 15, 1870. The idea of this is to return to the distinction.

SECTION 21.—SOLDIERS AS SERVANTS.

Immediate saving on basis of 1,000 men used as servants	$180,000 00

SECTION 23.—PAY OF FIRST SERGEANTS.

Immediate increase	$92,880 00
Ultimately will be reduced to	76,896 00

SECTION 24.—LAUNDRESSES.

Immediate saving	$190,799 00

RECAPITULATION.

Section.	Immediate saving.	Ultimate saving.	Aggregate saving immediate and ultimate.	Immediate increase.
1	.....	$569,536 00	$569,536 00	
2	.....	64,540 00	64,540 00	
5	.....	23,904 00	23,904 00	
6	.....	.....	.....	$10,320 00
8	$10,175 00	.....	10,175 00	
9	.....	17,500 00	17,500 00	
10	.....	3,427 27	3,427 27	
13	.....	61,200 00	61,200 00	
14	.....	58,899 05	58,899 05	
20	6,459 44	.....	6,459 44	
22	180,000 00	.....	180,000 00	
23	.....	.....	.....	92,880 00
24	190,799 00	.....	190,799 00	
	387,433 44	799,006 32	1,186,439 76	103,200 00
Less the immediate increase			103,200 00	
Net aggregate saving			1,083,239 76	
Ultimate saving in fuel			55,018 00	
Ultimate saving as to second lieutenants under section 18			28,000 00	
Total			1,166,257 76	

The ultimate annual saving of fuel is $55,018 on the basis that the cost for each officer is as follows:

Brigadier-general and colonel	$308 yearly.
Lieutenant-colonel and major	245 yearly.
Captain	231 yearly.
First and second lieutenants	140 yearly.

The ultimate saving of $28,000 under section 18 is independent of fuel, &c., and based on the fact that for some time there will be surplus second lieutenants available for assignment from the discontinued regiments, and that the new appointments under section 18 from the non-commissioned officers will not commence for at least one year.

Now, Mr. Speaker, if any gentleman wishes to discuss this bill I will give way; if not, I will move the previous question, in order that the bill may be put on its passage at once. [After a pause.] I see that no one wishes to discuss the bill, and I therefore move the previous question.

Mr. HURLBUT. I would like to say a few words.

Mr. BANNING. I will yield to the gentleman from Illinois, [Mr. HURLBUT,] but I desire first that the question shall be taken on the motion to recommit.

Mr. HURLBUT. No, sir; I think I can dispose of that motion if I am allowed ten minutes.

Mr. BANNING. I do not wish to cut off debate.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) The gentleman from Ohio [Mr. BANNING] has twenty minutes remaining, and yields to the gentleman from Illinois.

Mr. HURLBUT. I suppose that I have a right to the floor in my own time.

The SPEAKER *pro tempore*. The gentleman from Ohio still holds the floor, as his hour has not expired.

Mr. HURLBUT. Very well. I do not want twenty minutes—probably not ten.

I desire to say to the House that probably there is no question of more delicacy or importance requiring a larger expenditure of careful attention and calm judgment than this proposition for the re-organization of the Army. I have not been able to hear all the remarks of the chairman of the Committee on Military Affairs, [Mr. BANNING;] but, as I understood them, his statements were exceedingly extravagant; for when he stated, as I understood him, that we had an Army of 16,000 privates and 10,000 officers, he stated what any man who knows anything about the Army Register must recognize as a very gross and extravagant exaggeration. To make out that statement, he has been obliged to add in as officers all non-commissioned officers, sergeants, band-masters, and all the paraphernalia of that kind.

I do not want to go into a question of this magnitude, if I can avoid it, without due consideration. I desire, when the proper time shall come, to offer for this bill a substitute calling for the appointment of a commission to take into consideration the question of the re-organization of the Army, the removal of the undue preponderance of the staff over the line, and generally the reduction of the Army into a proper form of activity, usefulness, and economy. I am encouraged to present this proposition from the very prudent and reasonable course which the House has taken within the last few days in regard to the Navy. And I prefer very much that the House should delegate this power, and that the President should be requested and directed, as proposed in the bill which I shall have the honor to offer as a substitute for this, to appoint a commission of seven officers of the Army,

of the most distinguished public service and the largest acquaintance with the various forms and arms of the service, who shall pass upon this question and report to us deliberately by the next session of Congress such modifications and changes as they think ought to be made.

Now, sir, I differ absolutely and *in toto* from the idea that this country does not require a strong and effective Army. I beg gentlemen to consider that this country, differing from all others, not only has its outward frontier to cover, the shores that look eastward, and to the Canadas and the Gulf, but has also another, our Indian frontier, pressing out constantly with the growth of our population on the one side up to the eastern slopes of the Rocky Mountains, and on the other side pressing back from the Pacific. We have these additional lines to cover. And I stake what little reputation I may have from having studied this subject in saying that this country ought to have to-day a permanent and effective Army, fully officered, and complete in all the adjuncts that are necessary for an Army of not less than thirty thousand men.

I think that the reduction that was made two years ago by stopping the recruiting service down to 25,000 has been a failure. And I hope that the House will not at this stage of the session, with all the work that we have got before us to do, take up a bill of this magnitude, involving such large considerations as are embraced here, to be passed upon in a hurry, as it necessarily must be with the pressure of these appropriation bills leaning upon us, and the hot weather coming on to drive us home; but that this great interest of the Army shall have its fair and full consideration.

Therefore as a test question, to obtain the decision of the House whether this bill shall now be considered, I move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. BANNING] has the floor, and did not yield to the gentleman from Illinois for the purpose of making a motion, but for the purpose of discussion.

Mr HURLBUT. Very well; I have the right to make that motion as soon as the gentleman gets through his hour.

Mr. BANNING. Let me inform the gentleman from Illinois that his motion to lay the motion to reconsider on the table comes to late. The motion to reconsider has already been agreed to.

Mr. HURLBUT. No, sir.

Mr. BANNING. Yes, sir; I beg the gentleman's pardon; we have already reconsidered the motion. The question is now on the motion to recommit, and on that I move the previous question.

Mr. HURLBUT. I desire to inquire of the Chair whether the motion to reconsider has been adopted?

The SPEAKER *pro tempore*. It has.

Mr. HURLBUT. Then the pending motion is to recommit. I am willing to recommit. That committee is a good place to which to send back the bill.

Mr. BANNING. We will vote that down.

Mr. HURLBUT. I do not think you will.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is now, will the House recommit this bill to the Committee on Military Affairs?

The question being taken, there were—ayes 42, noes 81; no quorum voting.

Mr. HURLBUT. I make the point that a quorum has not voted. I call for tellers.

Tellers were ordered under the rule; and the Chair appointed Mr. HURLBUT and Mr. BANNING.

The House again divided; and the tellers reported—ayes 43, noes 90.

Mr. KASSON. A quorum has not voted.

Mr. BANNING. I call for the yeas and nays.

Mr. ATKINS. If gentlemen will vote, I think it will be found that there is a quorum in the House. The question may be settled without the yeas and nays being ordered.

Mr. HURLBUT. The shortest way to decide the question will be by the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 55.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 16, nays 113, not voting 160; as follows:

YEAS—Messrs. George A. Bagley, Bradley, Chittenden, Davy, Denison, Dunnell, Frye, Hathorn, Hendee, Leavenworth, Mills, Morgan, O'Neill, Potter, Sampson, and Waldron—16.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banning, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, John B. Clarke of Kentucky, Clymer, Cook, Cowan, Cox, Cutler, De Bolt, Dibrell, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Goodin, Andrew H. Hamilton, Hardenbergh, Henry R. Harris, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Goldsmith W. Hewitt, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Knott, Lamar, Franklin Landers, Lane, Lawrence, Le Moyne, Lewis, Lord, Lynde, Maish, McFarland, McMahon, Metcalfe, Milliken, Money, Morrison, Mutchler, Neal, Odell, Parsons, Payne, John F. Philips, Poppleton, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Savage, Sheakley, Slemons, William E. Smith, Southard, Springer, Stenger, Stone, Tesse, Terry, Thompson, Throckmorton, Turney, Robert B. Vance, Gilbert C. Walker, Warren, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—113.

NOT VOTING—Messrs. Adams, Bagby, John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Caswell, Caulfield, Chapin, John B. Clark, jr., of Missouri, Cochrane, Collins, Conger, Crapo, Crounse, Culberson, Danford, Darrall, Davis, Dobbins, Douglas, Durand, Eames, Evans, Felton, Fort, Foster, Freeman, Frost, Garfield, Gibson, Gunter, Hale, Robert Hamilton, Hancock, Harahson, Benjamin W. Harris, John T. Harris, Harrison, Hays, Henderson, Henkle, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kelley, Ketchum, Kimball, King, George M. Landers, Lapham, Levy, Luttrell, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, McDill, Meade, Miller, Monroe, Morey, Nash, New, Norton, O'Brien, Oliver, Packer, Page, Phelps, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, James B. Reilly, Roberts, Robinson, Miles Ross, Sobieski Ross, Rusk, Sayler, Scales, Schleicher, Schumaker, Seelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Sparks, Strait, Stevenson, Stowell, Swann, Tarbox, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—160.

So the House refused to recommit the bill.

During the vote,

Mr. BOONE stated that Mr. SCALES was confined to his room by sickness.

Mr. WIKE stated that his colleague, Mr. BAGBY, was absent on duty with a subcommittee by order of the House.

Mr. DURAND said: I am paired with my colleague, Mr. CONGER, who is absent by order of the House. Were he present, I should vote in the negative. I do not know that he would vote at all. I also desire to state that my colleague, Mr. A. S. WILLIAMS, who is absent by order of the House, would, if present, vote in the negative.

Mr. FOSTER stated that he was paired with Mr. TUCKER, who, if present, would vote in the negative, while he himself would vote in the affirmative.

Mr. VAN VORHES stated that he was paired with his colleague, Mr. VANCE, who was absent by leave of the House.

Mr. WILSON, of Iowa, stated that he was paired with Mr. WADDELL, of North Carolina.

Mr. BRADLEY stated that his colleague, Mr. W. B. WILLIAMS, was absent by leave of the House.

Mr. PHILIPS, of Missouri, said: My colleague, Mr. KEHR, is unexpectedly and unavoidably called away. He has left an application with me for a leave of absence. I do not know how he would vote.

Mr. JENKS stated that his colleague, Mr. COCHRANE, was absent by order of the House.

Mr. ASHE stated that his colleagues, Mr. WADDELL and Mr. DAVIS, were absent by leave of the House.

Mr. STONE asked, by unanimous consent, that the reading of the names be dispensed with.

Mr. HURLBUT objected.

The vote was then announced as above recorded.

Mr. HURLBUT. Still there is no quorum. Now, will the gentleman from Ohio permit me to suggest——

The SPEAKER *pro tempore*. Does the gentleman make the point of order there is no quorum present?

Mr. HURLBUT. I do. I will only say that I have no desire to block the business of the House or delay this bill a moment. The question is subject to the point of order that it must receive its first consideration in the Committee of the Whole. The second page of the bill, first section, provides for disbanding about two hundred and fifty officers, giving them one year's pay. There is another portion of the bill——

The SPEAKER *pro tempore*. The House is operating under the previous question.

Mr. HURLBUT. I am aware of that, but I am suggesting this to the gentleman on the other side who has charge of the bill, and is conversational rather than otherwise.

The SPEAKER *pro tempore*. It can only be done by unanimous consent.

Mr. HURLBUT. I am aware of that. I desire to state to the chairman of the Committee on Military Affairs that if he will put this bill for hearing in Committee of the Whole on the state of the Union for Wednesday next after the morning hour, he may take it out of committee if he will at five o'clock, as soon as we have had an opportunity of expressing our opinions on it and offering amendments, and pass it, if the majority of the House shall choose to do so. I hope that will be done, so we may have a fair opportunity to consider it.

Mr. BANNING. I have been considering it during the whole winter with my friend from Illinois.

Mr. HURLBUT. You have only considered one side of it.

Mr. BANNING. This is the first suggestion that anybody desired to argue the question. I did not wish to rush the bill through. I yielded to the gentleman from Illinois, and said I would yield to any gentleman desiring to debate the question. No gentleman rising, I then asked for a vote. It is a bill retrenching expenditures, and has the approval of Army officers. It is a bill to which I have heard no objection.

Mr. TOWNSEND, of New York. We want to argue the other side; that is what we want.

Mr. BANNING. I offered an opportunity to the gentleman to do so, but he did not then rise.

Mr. TOWNSEND, of New York. The gentleman moved the previous question.

Mr. BANNING. Yes; after having given anybody who wanted to an opportunity to address the House.

Mr. HURLBUT. I hope the gentleman will agree to my suggestion; it is only fair and right.

Mr. MACDOUGALL. I move the House adjourn.

The SPEAKER *pro tempore*. The gentleman from Illinois makes the point that no quorum has voted.

Mr. HURLBUT. If the gentleman will allow me, I think we can arrange this matter.

Mr. MACDOUGALL. I move the House adjourn; and on that motion demand the yeas and nays.

Mr. BANNING. I hope we will go on with this bill this evening.

Mr. MACDOUGALL. I withdraw the demand for the yeas and nays.

The House divided; and there were—ayes 56, noes 98.

Mr. MACDOUGALL demanded tellers.

Tellers were ordered; and Mr. MACDOUGALL and Mr. BANNING were appointed.

The House again divided; and the tellers reported—ayes 41, noes 93.

Mr. HURLBUT. No quorum has yet voted.

Mr. MACDOUGALL. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. REAGAN, on account of illness, was excused from further attendance during this day's session.

The question was taken; and there were—yeas 43, nays 140, not voting 106; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Horatio C. Burchard, Caswell, Chittenden, Crounse, Davy, Denison, Dunnell, Eames, Garfield, Gause, Benjamin W. Harris, Hathorn, Hubbell, Hurlbut, Kasson, Leavenworth, Magoon, MacDougall, McCrary, Monroe, Nash, Norton, Oliver, Page, Pratt, Purman, Sobieski Ross, Sampson, Schumaker, Sinnickson, Smalls, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Wait, John W. Wallace, and James Wilson—43.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banks, Banning, Bland, Blount, Boone, Bradford, Bradley, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Chapin, John B. Clarke of Kentucky, Cook, Cowan, Cox, Culberson, Cutler, De Bolt, Dibrell, Durand, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Finley, Forney, Fort, Franklin, Frost, Frye, Fuller, Glover, Goode, Goodin, Gunter, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Hereford, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, Hoskins, House, Hunter, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kelley, Knott, Lamar, Franklin Landers, Lane, Lawrence, Le Moyne, Lewis, Lord, Lynch, Lynde, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, Odell, O'Neill, Parsons, Payne, John F. Philips, William A. Phillips, Piper, Platt, Poppleton, Potter, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Sayler, Sheakley, Singleton, Siemons, William E. Smith, Southard, Springer, Stenger, Stone, Teese, Terry, Thomas, Thompson, Tufts, Turney, Robert B. Vance, Waldron, Gilbert C. Walker, Warren, White, Whitthorne, Wigginton, Wike, Willard, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—140.

NOT VOTING—Messrs. Bagby, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, Bright, William R. Brown, Burleigh, Cannon, Cason, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Crapo, Danford, Darrall, Davis, Dobbins, Douglas, Evans, Felton, Foster, Freeman, Gibson, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hays, Henderson, Henkle, Abram S. Hewitt, Hoar, Hoge, Holman, Hyman, Joyce, Kehr, Ketchum, Kimball, King, George M. Landers, Lapham, Levy, Luttrell, Edmund W. M. Mackey, L. A. Mackey, Meade, Miller, Mills, Morey, New, O'Brien, Packer, Phelps, Pierce, Plaisted, Powell, Rainey, Randall, Reagan, James B. Reilly, Roberts, Robinson, Miles Ross, Rusk, Savage, Scales, Schleicher, Seelye, A. Herr Smith, Sparks, Strait, Stevenson, Stowell, Swann, Tarbox, Tucker, Van Vorhes, John L. Vance, Waddell, Charles C. B. Walker, Alexander S. Wallace, Walling, Walsh, Ward, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Andrew Williams, Alpheus S. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Woodburn, and Woodworth—106.

So the House refused to adjourn.

During the roll-call,

Mr. DURAND said: My colleague, Mr. A. S. WILLIAMS, is absent by order of the House.

Mr. BAKER, of Indiana. I desire to say that my colleagues, Mr. EVANS and Mr. ROBINSON, are absent by leave of the House. I am unable to say how they would vote on this question if present.

Mr. BRADLEY. I desire to announce that my colleague, Mr. WILLIAM B. WILLIAMS, is absent by order of the House.

Mr. WILLARD. My colleague, Mr. CONGER, is absent by leave of the House, serving on an important committee.

Mr. PAGE. I wish to announce that Mr. WOODBURN is absent by leave of the House.

Mr. MAGOON. I desire to announce that my colleague, Mr. KIMBALL, is absent by leave of the House.

Mr. HARRIS, of Georgia. I wish to say that my colleague, Mr. FELTON is absent from his seat, and if present would vote "no."

The result of the vote was then announced as above recorded.

Mr. MACDOUGALL. I move that when the House adjourns it be to meet on Wednesday next.

The SPEAKER *pro tempore*. The question recurs on the motion to recommit the bill which was pending without the decision of the House when the motion to adjourn was made.

Mr. MACDOUGALL. Is not my motion in order?

The SPEAKER *pro tempore*. The gentleman was not recognized. A quorum now having appeared, unless a further count is requested on the question of recommittal, the Chair will decide that the motion to recommit does not prevail.

Mr. HURLBUT. I demand a further count if necessary.

The SPEAKER *pro tempore*. The Clerk will then call the roll of members.

Mr. BANNING. I want to say one word to the gentleman from Illinois [Mr. HURLBUT] and to the gentleman from New York [Mr. TOWNSEND] who seem to think that they have not been treated fairly. I think every gentleman has been treated entirely fairly. When I got through with my argument I yielded the floor to any gentleman who wished to speak for or against the bill, and no one rose to speak either for or against the bill; then my friend from Illinois [Mr. HURLBUT] rose to speak and I gave him the time he wanted. I had no disposition to cut off any debate. I would much prefer that the bill should be fully debated, and in the hour left I will give half the time to the gentleman from New York.

Mr. HURLBUT. It is undoubtedly a good thing to have a bill discussed; but why not give us time to do it?

Mr. LAWRENCE. I voted against recommitting the bill because I am in favor of cutting down expenses in every practicable way. I have just been told since I gave that vote that the bill abolished the colored troops. I shall vote for no bill which dismisses the colored troops or which does not equally keep the military service open alike to colored as well as to white citizens.

Mr. MACDOUGALL. Is this debate in order? I desire to ask the gentleman from Ohio a question?

Mr. BANNING. I will answer your question in time, but I can only answer one question at a time.

Mr. LAWRENCE. If the bill makes a discrimination against the colored and white troops, I shall vote against it.

Mr. MACDOUGALL. If this debate is not in order, I shall object to it.

Mr. BANNING. I am willing to answer any question that the gentleman from New York desires to ask me, but I cannot answer two questions at once. The bill does away with that odious feature in the law which says that the privates of two cavalry regiments and of two infantry regiments shall be colored men, and it leaves the question open as it is in this House and as it is in all the Departments of the Government.

Mr. LAWRENCE. It allows colored troops to be enlisted without discrimination.

Mr. BANNING. It leaves it open to all.

Mr. MACDOUGALL. The question I want to ask the gentleman from Ohio is this, whether any member of the Committee on Military Affairs knew that he intended to call up this bill this morning?

Mr. BANNING. The gentleman wants to know whether I notified any member of the Committee on Military Affairs that I intended to call up this bill this morning. It was one of the earliest bills that was introduced into the House at this session. It has been considered at three different times in the committee, and the committee authorized me to do just what I have done with it. Last night, in order that every member of the committee should have due notice, I called up the motion to reconsider the vote by which the bill was recommitted before we adjourned. I did not go to members of the Committee on Military Affairs or to other members of the House and notify them that the bill was to come up; if I had thought it necessary I would have done so. I regret exceedingly that my friend did not know it was to come up. I will give way to him to say whatever he may wish upon this bill.

The SPEAKER *pro tempore*. Discussion is out of order.

Mr. HURLBUT. Permit me a moment, for I desire to get the House out of this difficulty if I can. I would inquire if there is any gentleman on this floor who thinks that a bill of this magnitude ought to be passed in this way, when numbers of gentlemen who have studied the question have amendments which they think are worth proposing? If there are such, I cannot help it. I simply ask in the interest of some of the members who have studied this question that an opportunity be given for offering amendments, and that they be open to fair discussion for as short a time as the House may choose to make it. We would like to have this bill set down for Wednesday next; we think that is a fair proposition, one which should appeal to the good sense and fairness of the House.

Mr. BANNING. I want to answer the gentleman in all fairness. No gentleman up to this time has offered an amendment to this bill. The gentleman from Illinois, [Mr. HURLBUT,] after the time has gone by in the House to offer an amendment, says that he has an amendment. If it is proper to state outside of the committee, I will say that he never offered an amendment in committee.

Mr. MACDOUGALL. I object to debate.

The SPEAKER *pro tempore*. Discussion is not in order.

Mr. MACDOUGALL. I move that when the House adjourns to-day it be to meet on Wednesday next, if that motion is in order.

The SPEAKER *pro tempore*. That motion is in order.

Mr. MACDOUGALL. Upon that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division, there were—ayes 36, noes 104.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. COX. Before the question is taken I would like to ask my friend from New York [Mr. MACDOUGALL] whether his motion is made for the purpose of adjourning over Decoration Day and allowing the carpets to be taken up in this Hall, or is it a motion made simply for dilatory purposes?

Mr. MACDOUGALL. I understand that they want to take up the carpets and clean the Hall on Monday, and Tuesday is Decoration Day.

Mr. MILLIKEN. I object to debate.

Mr. MACDOUGALL. I want to explain the reason why I make this motion.

Mr. COX. There is no objection on this side.

Mr. MILLIKEN. I object to debate.

Mr. SPEAKER *pro tempore*. Objection being made, no debate is in order. The question is upon the motion that when the House adjourns to-day it be to meet on Wednesday next, and upon that motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 12, nays 178, not voting 99; as follows:

YEAS—Messrs. Ainsworth, Egbert, Benjamin W. Harris, Hunton, Hurd, Hurlbut, Knott, Lane, MacDougall, Nash, Smalls, and Andrew Williams—12.

NAYS—Messrs. Adams, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, Ballou, Banks, Bland, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Caswell, Cate, Chapin, Chittenden, John B. Clarke of Kentucky, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Durham, Eames, Eden, Ellis, Ely, Finley, Forney, Fort, Franklin, Frost, Frye, Fuller, Ganse, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Hathorn, Haymond, Hays, Hendee, Henderson, Henkle, Goldsmith W. Hewitt, Hill, Hopkins, Hoskins, House, Hubbell, Hunter, Jenks, Frank Jones, Thomas L. Jones, Kasson, Kelley, Lamar, Franklin Landers, Lawrence, Leavenwor h, Le Moyne, Lewis, Lord, Luttrell, Lynch, Lynde, Magoon, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Monroe, Morey, Morgan, Morrison, Mutchler, Neal, Norton, Oliver, O'Neill, Page, Parsons, Payne, John F. Philips, William A. Phillips, Piper, Platt, Poppleton, Potter, Pratt, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Sheakley, Singleton, Sinnickson, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Terry, Thomas, Thompson, Thornburgh, Throckmorton, Tufts, Turney, Van Vorhes, Robert B. Vance, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Ward, Warren, White, Whitthorne, Wigginton, Willard, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, James Wilson, Fernando Wood, Yeates, and Young—178.

NOT VOTING—Messrs. William H. Baker, Banning, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, Burleigh, Cason, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Danford, Darrall, Davis, Davy, Douglas, Evans, Faulkner, Felton, Foster, Freeman, Garfield, Gibson, Hale, Robert Hamilton, Hancock, Hereford, Abram S. Hewitt, Hoar, Hoge, Holman, Hooker, Hyman, Joyce, Kehr, Ketchum, Kimball, King, George M. Landers, Lapham, Levy, Edmund W. M. Mackey, L. A. Mackey, McCrary, Meade, Miller, New, O'Brien, Odell, Packer, Phelps, Pierce, Plaisted, Powell, Purman, Rainey, Reagan, James B. Reilly, Roberts, Robinson, Miles Ross, Savage, Sayler, Scales, Schumaker, A. Herr Smith, Strait, Stevenson, Stowell, Swann, Tarbox, Martin I. Townsend, Washington Townsend, Tucker, John L. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wike, Alpheus S. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Woodburn, and Woodworth—99.

So the motion was not agreed to.

During the call of the roll the following announcements were made:

Mr. CUTLER. My colleague, Mr. MILES ROSS, has been called away by important business.

Mr. BAKER, of Indiana. My colleagues, Mr. EVANS and Mr. ROBINSON, are absent by leave of the House. I am unable to say how they would vote if they were present.

Mr. FOSTER. On this vote I am paired, as I was on the last vote, with Mr. TUCKER, of Virginia, who if present would vote "no."

Mr. FORT. My colleague, Mr. STEVENSON, has been absent at all the roll-calls to-day; he is absent by leave of the House.

Mr. HURLBUT. I move that the House now adjourn; and on that motion I call for the yeas and nays.

The yeas and nays were ordered; there being upon a division—ayes 45, noes 100; one-fifth voting in the affirmative

The question was taken, and there were—yeas 48, nays 135, not voting 106; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Horatio C. Burchard, Cannon, Caswell, Crounse, Davy, Denison, Dobbins, Eames, Hancock, Haralson, Benjamin W. Harris, Hathorn, Henderson, Hoge, Hubbell, Hurlbut, Hyman, Kasson, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Nash, Norton, Oliver, Plaisted, Platt, Pratt, Rusk, Sampson, Seelye, Sinnickson, Smalls, Thornburgh, Martin I. Townsend, Tufts, Wait, Alexander S. Wallace, Andrew Williams, Charles G. Williams, and James Wilson—48.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Bland, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Cox, Culberson, Cutler, De Bolt, Dibrell, Dunnell, Durand, Durham, Eden, Egbert, Ellis, Finley, Forney, Fort, Franklin, Frost, Frye, Fuller, Ganse, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hopkins, Hoskins, House, Hunter, Hurd, Frank Jones, Thomas L. Jones, Kelley, Knott, Lamar, Franklin Landers, Lane, Lawrence, Le Moyne, Lewis, Lord, Lynde, Maish, McFarland, McMahon, Metcalfe, Milliken, Money, Morey, Morgan, Morrison, Mutchler, Odell, O'Neill, Page, Parsons, Payne, John F. Philips, Pierce, Piper, Poppleton, Potter, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Savage, Sayler, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Terry, Thomas, Thompson, Washington Townsend, Turney, Robert B. Vance, Waldron, Gilbert C. Walker, John W. Wallace, Ward, Warren, Wike, Willard, James D. Williams, Jeremiah N. Williams, Yeates, and Young—135.

NOT VOTING—Messrs. John H. Baker, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bliss, William R. Brown, Buckner, Burleigh, Cason, Caulfield, Chittenden, Cochrane, Collins, Conger, Crapo, Danford, Darrall, Davis, Douglas, Ely, Evans, Faulkner, Felton, Foster, Freeman, Garfield, Gibson, Hale, Robert Hamilton, Harrison, Hays, Abram S. Hewitt, Hoar, Holman, Hooker, Hunton, Jenks, Joyce, Kehr, Ketchum, Kimball, King, George M. Landers, Lapham, Levy, Luttrell, Edmund W. M. Mackey, L. A. Mackey, Meade, Miller, Mills, Monroe, Neal, New, O'Brien, Packer, Phelps, William A. Phillips, Powell, Purman, Rainey, Reagan, James B. Reilly, Roberts, Robinson, Miles Ross, Sobieski Ross, Scales, Schleicher, Schumaker, Sheakley, A. Herr Smith, Strait, Stevenson, Stowell, Swann, Tarbox, Throckmorton, Tucker, Van Vorhes, John L. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Whitthorne, Wigginton, Alpheus S. Williams, James Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—106.

So the motion to adjourn was not agreed to.

During the roll-call, the following announcements were made:

Mr. HENDEE. My colleague, Mr. JOYCE, is absent in New York upon the business of the House, being in service on a subcommittee appointed by one of the standing committees.

Mr. CABELL. My colleague, Mr. TUCKER, is absent by leave of the House. If here he would vote "no."

The result of the vote was announced as above stated.

Mr. BANNING. I now withdraw the motion to recommit.

Mr. MACDOUGALL. Pending that, I rise to a privileged motion.

The SPEAKER *pro tempore*. It will be in order for the gentleman to rise to a privileged motion when the Chair has heard the motion which the gentleman from Ohio [Mr. BANNING] desires to make.

Mr. BANNING. I withdraw the motion to recommit.

Mr. HURLBUT. I raise the question of order whether, the previous question operating as it does both on the motion to recommit and on the bill, the gentleman has authority to withdraw the motion.

The SPEAKER *pro tempore*. Unless by consent of the House it cannot be withdrawn. Does the gentleman object?

Mr. HURLBUT. I do.

Mr. BANNING. I wanted to give the gentleman that opportunity.

Mr. HURLBUT. I am very much obliged; it gives me a new point.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. MACDOUGALL] will now state his privileged motion.

Mr. MACDOUGALL. I move that when the House adjourns to-day it be to meet at eleven o'clock on next Wednesday morning; and on that motion I call for the yeas and nays.

Mr. LAWRENCE. We had better meet on Monday morning.

Mr. WILLIAMS, of Indiana. I move to amend the motion so as to meet on Monday, at twelve o'clock.

The SPEAKER *pro tempore*. That is the effect of a motion to adjourn. The amendment is not in order. The question is on the motion of the gentleman from New York, [Mr. MACDOUGALL,] that when the House adjourns to-day it adjourn until Wednesday next, at eleven o'clock.

Mr. COX. I rise to a point of order. I submit that the House cannot meet at eleven o'clock without a suspension of the rules, which is not in order on this day.

The SPEAKER *pro tempore*. The point of order is well taken.

Mr. COX. I now move that the House adjourn.

The SPEAKER *pro tempore*. That motion is in order, as business has intervened since the last motion to adjourn was negatived.

The motion was agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: A letter from Mills Dean, calling attention to the letter of John Denberry, sheriff of Spartanburgh County, South Carolina, and also the notes of the coroner of said county, relative to the murder of Henry B. Hall, of Spartanburgh County, South Carolina, on the 22d of February, 1876, by United States soldiers, and the refusal of the military to deliver to the civil authorities the soldiers charged with having committed the murder, to the Committee on Military Affairs.

By Mr. BASS: Remonstrance of 150 citizens of Buffalo, New York, against the passage of the Morrison tariff bill, to the Committee of Ways and Means.

By Mr. BLAND: A paper relating to the establishment of a post-route from Koltstown, Osage County, to Dixon, Pulaski County, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: The petition of John H. King, of Washington County, Maryland, for compensation for property destroyed by United States troops, to the Committee on War Claims.

Also, a paper relating to the establishment of a post-route from Webster Court House to Middleport, Webster County, West Virginia, to the Committee on the Post-Office and Post-Roads.

Also, a petition of 35 citizens of Webster and Braxton Counties, West Virginia, for the establishment of a post-route from Webster Court House to Middleport, to the same committee.

By Mr. HARTRIDGE: The petition of manufacturers and dealers in distilled spirits in the city of Savannah, Georgia, for the definition of the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits, to the Committee of Ways and Means.

By Mr. HOUSE: The petition of Mary de Zeralos, for compensation for pasturage and forage furnished for the use of horses belonging to the United States Army, to the Committee on War Claims.

By Mr. HUNTON: The petition of John Heater, for compensation for property taken from an island farm in the Potomac River, to the same committee.

By Mr. SPRINGER: Memorial of Dr. B. M. Griffith and other physicians of Springfield, Illinois, protesting against the passage of a bill to incorporate the National Surgical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. LAWRENCE: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 3,655 persons living in the States of Indiana, Illinois, and Michigan, to the Committee on the Judiciary.

By Mr. THROCKMORTON: Memorial of citizens of Clay County, Texas, protesting against changing the mail-route between Fort Sill, Indian Territory, and Jacksborough, Texas, from its present line, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Clay County, Texas, of similar import, to the same committee.

By Mr. WALDRON: The petition of Sarah Lombard, widow of William Lombard, deceased, late of Company C, Forty-third Regiment New York Volunteers, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *May* 29, 1876.

The Senate met at ten o'clock a. m.

The Journal of the proceedings of Saturday last was read and approved.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. If there be no petitions, pursuant to order, legislative and executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors having been closed, the usual proclamation was made by the Sergeant-at-Arms.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The Senate resumed its legislative session.

DECORATION DAY.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That when the Senate adjourns to-day it adjourn to meet on Wednesday next at twelve o'clock m., so that those who desire to do so may have an opportunity to attend the decoration of soldiers' graves at Arlington on Tuesday, the 30th instant.

EXECUTIVE SESSION.

On motion of Mr. PADDOCK, the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at nine o'clock and thirty-five minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 29, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

CORRECTION.

Mr. SAMPSON. Mr. Speaker, I see there is a mistake in the RECORD on the question of adjourning over from Saturday to Wednesday—I am recorded as not voting; I was present and voted in the negative.

The SPEAKER. The correction will be made accordingly.

ADJOURNMENT OVER.

Mr. MORRISON. I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

The motion was agreed to.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 708) for the relief of John M. English, of North Carolina;

An act (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons; and

An act (H. R. No. 3479) making certain transfers of appropriations in provisions for the contingent expenses of the Department of Justice for the current year.

FORT DODGE MILITARY RESERVATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the sale of the military reservation at Fort Dodge, Kansas; which was referred to the Committee on Military Affairs.

VETERANS OF THE MEXICAN WAR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to a loan of tents to the National Association of Veterans of the Mexican War; which was referred to the Committee on Military Affairs.

CONTINGENT EXPENSES, MILITARY ESTABLISHMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting statement of the contingent expenses of the military establishment for the year 1875; which was referred to the Committee on Appropriations.

CAPTAIN J. T. M'GINNISS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Commissary-General on a bill (H. R. No. 2257) for the relief of Captain J. T. McGinniss, captain Thirteenth Infantry; which was referred to the Committee of Claims.

UTE INDIAN RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the report of General Sherman on a bill (H. R. No. 3347) making an appropriation for the construction of a military post near the Ute Indian reservation in Colorado Territory; which was referred to the Committee on Military Affairs.

MILITARY DIVISION OF THE PACIFIC.

The SPEAKER also, by unanimous consent, laid before the House a communication from Lieutenant Jones, inspector-general United States Army, on the re-organization and administration of the affairs of the military division of the Pacific; which was referred to the Committee on Military Affairs.

WIND-MILL POINT LIGHT-STATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting one from the naval secretary of the Light-House Board on the subject of an appropriation for a road from Wind-Mill Point light-house station to Detroit; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. KEHR until Thursday next, on account of important business.

To Mr. PURMAN for ten days.

To Mr. ROBBINS, of North Carolina, for one week, to attend to business.

To Dr. TOWNSEND, Chaplain of the House, for the last four days of this week.

RANDOLPH MAYNADIER.

On motion of Mr. COX, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Randolph Maynadier, no adverse report having been made.

KENDRICK & AVIS, ETC.

The SPEAKER, by unanimous consent, laid before the House a bill (H. R. No. 1800) for the relief of Kendrick & Avis, Kuner, Zisemann & Zott, Kuner & Zott, all of Saint Louis, Missouri, and Nachtrieb & Co., of Galion, Ohio, returned from the Senate with amendments; which was referred to the Committee of Ways and Means.

SURVEY OF THE TERRITORIES.

The SPEAKER also, by unanimous consent, laid before the House a joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States geological and geographical survey of the Territories, recalled from the Senate; which was referred to the Committee on Printing.

BANKING AND CURRENCY.

Mr. WALLING submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Rules be instructed to so modify the rules and order of business as to authorize the Committee on Banking and Currency to report at any time.

Mr. WALLING moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at eighteen minutes past twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

If there be no objection, the call will be continued without reference to the morning hour until all the States and Territories have been called. The Chair hears no objection.

EDUCATION OF INDIAN CHILDREN.

Mr. SEELYE introduced a bill (H. R. No. 3591) to educate certain

Indian children and youth; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SALARIES OF INDIAN AGENTS.

Mr. SEELYE also introduced a bill (H. R. No. 3592) respecting the salaries of Indian agents; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIANS IN MICHIGAN, ETC.

Mr. SEELYE also introduced a bill (H. R. No. 3593) to provide for the transfer to the States of Michigan, New York, and North Carolina, of the care and custody of the Indians and their lands now found within those States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SECTIONS 2513 AND 2514 OF REVISED STATUTES.

Mr. CRAPO introduced a bill (H. R. No. 3594) to repeal sections 2513 and 2514 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CELEBRATION OF FOURTH OF JULY IN DISTRICT.

Mr. HARDENBERGH introduced a joint resolution (H. R. No. 117) to authorize the commissioners of the District of Columbia to make an appropriation for the celebration of the Fourth of July, 1876; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WILLIAM S. FONDA.

Mr. CUTLER introduced a bill (H. R. No. 3595) granting a pension to William S. Fonda; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WRIGHT.

Mr. SCALES introduced a bill (H. R. No. 3596) granting a pension to James Wright, of North Carolina, one of the survivors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

DANIEL LOWRY.

Mr. FELTON introduced a bill (H. R. No. 3597) to refer the claim of Daniel Lowry, sr., of Georgia, to the commissioners of claims for re-examination and report; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD WILSON.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3598) granting a pension to Edward Wilson, late a private in Company G, Third North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ALLEN.

Mr. YOUNG introduced a bill (H. R. No. 3599) for the relief of John Allen, of Hardeman County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL MOSBY.

Mr. YOUNG also introduced a bill (H. R. No. 3600) for the relief of Samuel Mosby, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SALLIE JARRATT.

Mr. YOUNG also introduced a bill (H. R. No. 3601) for the relief of Mrs. Sallie Jarratt, executrix of Gregory Jarratt, of Hardeman County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES C. BURKE.

Mr. YOUNG also introduced a bill (H. R. No. 3602) for the relief of Charles C. Burke, administrator of the estate of Elizabeth Burke, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. DUDLEY FRAYSER.

Mr. YOUNG also introduced a bill (H. R. No. 3603) for the relief of R. Dudley Frayser, administrator of the estate of Fletcher Lane, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID RHEA.

Mr. McFARLAND introduced a bill (H. R. No. 3604) for the relief of David Rhea, late second lieutenant First Regiment Tennessee Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 4718 OF THE REVISED STATUTES.

Mr. McFARLAND also introduced a bill (H. R. No. 3605) to modify and amend section 4718 of the Revised Statutes of the United States so as to provide for the payment of pensions to deceased pensioners, &c., in certain cases; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

SECTION 828 REVISED STATUTES.

Mr. LE MOYNE introduced a bill (H. R. No. 3606) to amend section 828, chapter 16, Revised Statutes, regulating fees of clerks, &c., of courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM H. BELL.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 3607) granting a pension to William H. Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. GAUSE introduced a bill (H. R. No. 3608) to repeal section 5 of the act in relation to the Hot Springs reservation in the State of Arkansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

G. W. SAMPSON AND B. HENRICKS.

Mr. HANCOCK introduced a bill (H. R. No. 3609) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANA M. ROLAS Y ROBALDO.

Mr. THROCKMORTON introduced a bill (H. R. No. 3610) for the relief of Ana M. Rolas y Robaldo, widow of Francisco Robaldo, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EASTERN BANDS OF CHEROKEE INDIANS.

Mr. TUFTS introduced a bill (H. R. No. 3611) for the relief of the eastern bands of the North Carolina Cherokees, to enforce the treaties of 1835, 1836, 1846, and 1866, to re-imburse funds misappropriated, and to provide for a final settlement; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELIZABETH J. SIMPSON.

Mr. McCRARY introduced a bill (H. R. No. 3612) for the relief of Elizabeth J. Simpson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATENTS TO LANDS.

Mr. PAGE (for Mr. PIPER) introduced a bill (H. R. No. 3613) to prevent the issue of two patents for the same land; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MIAMI INDIANS.

Mr. GOODIN introduced a bill (H. R. No. 3614) to carry out, in part, the provisions of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

OLIVE PADGET.

Mr. FAULKNER introduced a bill (H. R. No. 3615) for the relief of Olive Padget, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. KING.

Mr. FAULKNER also introduced a bill (H. R. No. 3616) for the relief of John H. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. PROSH AND T. F. M'ELROY.

Mr. JACOBS introduced a bill (H. R. No. 3617) for the relief of F. Prosh and T. F. McElroy, Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INDIANS AT CENTENNIAL EXPOSITION.

Mr. MAGINNIS introduced a joint resolution (H. R. No. 118) to permit a delegation of Indians to visit the centennial exposition; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories having been concluded, bills will now be received for reference from gentlemen who were not in their seats when their States were called.

AUGUST W. ZERMANN.

Mr. ELY introduced a bill (H. R. No. 3618) to grant a pension to August W. Zermann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL WINSLOW.

Mr. DENISON introduced a bill (H. R. No. 3619) granting a pension to Samuel Winslow; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

DAVID TUCKER.

Mr. GLOVER (by request) introduced a bill (H. R. No. 3620) for the relief of David Tucker, Indian interpreter; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MOOR N. FALLS.

Mr. O'NEILL introduced a bill (H. R. No. 3621) for the benefit of Moor N. Falls; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REDEMPTION OF GOLD NOTES.

Mr. PAGE introduced a bill (H. R. No. 3622) providing for the redemption of national-bank notes payable in gold at the office of the assistant treasurer of the United States, San Francisco; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES A. HEARD.

Mr. ATKINS introduced a bill (H. R. No. 3623) for the relief of James A. Heard; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ISHAM WEBB.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 3624) granting a pension to Isham Webb, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The second call of States during the morning hour of Monday is for resolutions, at which time bills on leave may be introduced. Resolutions offered on this call and giving rise to debate must lie over for discussion. Upon this call a resolution, which will be read by the Clerk, was offered by the gentleman from Texas [Mr. THROCKMORTON] on the 27th of January, and now comes up as unfinished business.

The Clerk read as follows:

Resolved, That the Postmaster-General be respectfully requested to furnish the House of Representatives with a statement showing the amount due contractors for carrying the United States mails in Southern States at the beginning of the civil war, and which has not been paid in consequence of such contractors being unable to take the oath required by law.

Mr. GARFIELD. I rise to inquire of the Chair on what day of the week this resolution was offered?

The SPEAKER *pro tempore*. On Monday during this call.

Mr. GARFIELD. I think it was on Thursday.

The SPEAKER *pro tempore*. If so, it is not in order as unfinished business.

Mr. GARFIELD. I reserve the point of order until the fact is ascertained.

The SPEAKER *pro tempore*. The Clerk states that the resolution was offered on a Thursday. Therefore it is not properly on the Calendar, and does not now come up. The regular order is the call of States for resolutions, beginning with the State of Maine.

TARIFF.

Mr. ADAMS. I offer the following resolution, on which I demand the previous question:

Whereas the fact is apparent that all branches of manufacturing, mechanical, and mining pursuits are at this time greatly depressed, and that all legislation which tends to embarrassment by the unsettling of values or the rendering of manufacturing, mechanical, or mining operations uncertain is unwise and injudicious: Therefore,

Resolved, That in the judgment of this House legislation affecting the tariff is at this time inexpedient.

The previous question was seconded and the main question ordered.

Mr. MORRISON. Is it in order to debate this resolution?

The SPEAKER *pro tempore*. It is not. The main question has been ordered.

Mr. MORRISON. I move then to reconsider the vote by which the main question was ordered.

The question being taken, there were—ayes 83, noes 75.

Mr. TOWNSEND, of New York, and Mr. ADAMS called for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. If the House should now refuse to reconsider the vote by which the main question was ordered and if the resolution should come up today to be voted on, would it be divisible or would we have to vote upon it as a whole?

The SPEAKER *pro tempore*. The Chair would decide the point at the proper time when the question comes up. The Clerk will now call the roll on the motion to reconsider the vote by which the main question was ordered.

The question was taken; and there were—ayes 120, noes 94, not voting 75; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cowan, Culberson, De Bolt, Dibrell, Douglas, Dunnell, Durham, Eden, Ellis, Faulkner, Felton, Finley, Forney, Fort, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Holman, Hooker, House, Hunton, Hurd, Frank Jones, Thomas L. Jones, Knott, Le Moyne, Lewis, Lord, Lynde, McFarland, Metcalfe, Milliken, Mills, Money, Morey, Morgan, Morrison, Neal, O'Brien, Parsons, Payne, John F. Philips, Piper, Poppleton, Rea, Reagan, Rice, Riddle, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Singleton, William E. Smith, Sparks, Springer, Tarbox, Terry, Thomas, Throckmorton, Robert B. Vance, Gilbert C. Walker, Walling, Warren, Erastus Wells, Whiting, Whitthorne, Wigginton, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, Yeates, and Young—120.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bass, Blaine, Blair, Bradley, William R. Brown, Caswell, Clymer, Crapo, Crounse, Cutler, Danford, Davy, Denison, Dobbins, Eames, Egbert, Frost, Frye, Garfield, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoge, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Kasson, Kelley, Ketchum, Kimball, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, Miller, Monroe, Mutchler, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Powell, Randall, John Reilly, John Robbins, Sampson, Sheakley, Sinnickson, Siemons, Smalls, Stenger, Stone, Stowell, Teese, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Turney, Van Vorhes, Wait, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Willard, Andrew Williams, Charles G. Williams, James Wilson, and Woodworth—94.

NOT VOTING—Messrs. Beebe, Bell, Blackburn, Bliss, Burleigh, Cason, Caulfield, Cochrane, Collins, Conger, Cox, Darrall, Davis, Durand, Ely, Evans, Foster, Freeman, Gibson, Hale, Robert Hamilton, Henry R. Harris, Hays, Abram S. Hewitt, Hill, Hoar, Joyce, Kehr, King, Lamar, Franklin Landers, George M. Landers, Lane, Lapham, Levy, Luttrell, L. A. Mackey, Maish, McDill, McMahon, Meade, New, Odell, Phelps, Pratt, Purman, Rainey, James B. Reilly, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Rusk, A. Herr Smith, Southard, Strait, Stevenson, Swann, Tucker, John L. Vance, Waddell, Waldron, Charles C. B. Walker, Walsh, Ward, Wheeler, Whitehouse, Wike, Alpheus S. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., and Woodburn—75.

So the motion to reconsider the vote by which the main question was ordered was agreed to.

During the roll-call, the following announcements were made:

Mr. ASHE. My colleagues, Mr. WADDELL and Mr. DAVIS, are absent by leave of the House.

Mr. JENKS. My colleague, Mr. COCHRANE, is absent by leave of the House.

Mr. SCALES. My colleague from North Carolina, Mr. ROBBINS, is absent by leave of the House.

Mr. HUNTON. I desire to state that my colleague, Mr. TUCKER, is absent on leave, and is paired with Mr. FOSTER, of Ohio. My colleague, if present, would vote "ay" and Mr. FOSTER would vote "no."

Mr. DURAND. I am paired with my colleague, Mr. CONGER, who is now absent by order of the House.

Mr. CANDLER. My colleague from Georgia, Mr. HARRIS, is absent by order of the House.

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent by order of the House; and I am paired with him upon all political questions, and this appears to be a question of that nature. If he were here, I would vote "no."

Mr. DENISON. My colleague, Mr. JOYCE, is absent by leave of the House on committee duty.

Mr. WALDRON. I am paired with my colleague, Mr. A. S. WILLIAMS. If he were present, he would vote "ay," and I should vote "no."

Mr. BRADLEY. My colleague, Mr. W. B. WILLIAMS, is absent by leave of the House. If present, he would vote "no."

Mr. FORT. My colleague, Mr. STEVENSON, is absent on business of the House.

Mr. PAGE. The gentleman from Nevada, Mr. WOODBURN, is absent by order of the House.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The vote ordering the main question having been reconsidered, the resolution is divested of the operation of the previous question.

Mr. MORRISON. I rise to debate the resolution.

The SPEAKER *pro tempore*. Debate arising, the resolution goes over.

ORDER OF BUSINESS.

Mr. WALKER, of Virginia, obtained the floor, and yielded to Mr. BANNING.

Mr. PAGE. I raise the point whether on Monday one gentleman can be recognized and yield to another in this way.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. WALKER] has the floor, and has yielded to the gentleman from Ohio, [Mr. BANNING.]

Mr. PAGE. Can that be done?

The SPEAKER *pro tempore*. It has been done.

Mr. PAGE. But on Monday, after the morning hour, it is in order to move to suspend the rules; and I want to know whether a gentleman can obtain the floor in this way and yield it as often as he pleases.

The SPEAKER *pro tempore*. For all that the Chair knows, the gentleman may have risen upon a motion to suspend the rules.

Mr. BANNING. The gentleman will not object to my proposition when he hears it. I ask that the unfinished business of last Saturday, the Army bill, may go over until next Wednesday.

There being no objection, it was ordered accordingly.

PUBLIC LANDS FOR EDUCATIONAL PURPOSES.

Mr. WALKER, of Virginia. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people.

The motion was agreed to; there being—ayes 135, noes 28.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and proceeded to the consideration of the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the net proceeds of sales of public lands are hereby forever consecrated and set apart for the education of the people: *Provided*, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain or interfere with granting bounty lands.

SEC. 2. That the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land offices during such year and the amount of expenditures during said year incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said officers for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands as aforesaid, after deducting such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion to the several States and Territories and to the District of Columbia, upon the basis of population of the said States and Territories between the ages of five and twenty-one years, the net proceeds of sales of public lands for the previous year: *Provided*, That after five years one-half of said net proceeds, and after ten years the whole of the same, shall be set apart as an educational fund, which said fund shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin, the interest on such educational fund only to be appropriated as above provided: *And provided further*, That for the first ten years the distribution or said net proceeds and the interest on said fund to and among the several States, Territories, and District of Columbia shall be made according to the numbers of their respective population, of ten years old and upward, who cannot read and write, as shown from time to time by the last preceding published census of the United States.

SEC. 4. That the first apportionment under this act shall be made on or before the 31st day of July, 1876; and each of said States and Territories shall be entitled to receive its distributive share of each apportionment, to be paid by the Secretary of the Treasury to its treasurer or other officer authorized by its law to receive the same, whenever thereafter it shall file with the Secretary of the Treasury a certified copy of the law of such State or Territory accepting the provisions of this act and undertaking that the funds provided by the same, whenever paid over to it as above provided, shall be faithfully applied to the free education of all its children between the ages of six and sixteen years. The distributive share of the District of Columbia shall from time to time be paid over to the commission of said District created by act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," or other officer or officers provided by law, and shall be applied in the same manner as above provided for the States and Territories.

SEC. 5. That, to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature or otherwise received for the purpose of maintaining a system of free public schools. And if any State or Territory shall misapply, or allow to be misapplied or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lo st, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and until such report shall have been made; and all apportio nments so forfeited and withheld shall be added to, and become part of, the principal of the educational fund hereby created.

SEC. 6. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States of the percentage of the net proceeds of the sales of the public lands within their respective limits as provided in section 3689 of the Revised Statutes of the United States.

The CHAIRMAN. The Clerk will now report the amendment of the Committee on Education and Labor.

The Clerk read as follows:

Strike out the words in the first line of the bill "of sales," and after the word "of" insert "the;" so it will read: "That the net proceeds of the public lands," &c.

Mr. WALKER, of Virginia. Mr. Chairman, although the bill has been read, yet possibly, to make it more clearly understood, I had better restate substantially its provisions.

The provisions of the bill before the House are plain and explicit. The great object to be accomplished is clearly stated and the means for its attainment succinctly set forth. Its object is the consecration of the revenue derived from the public lands to the education of the whole people. At the close of each fiscal year the Secretary of the Interior is directed to certify the net amount of the proceeds of the public lands for that year to the Secretary of the Treasury, who shall within one month thereafter apportion the same among the several States and Territories and the District of Columbia on the basis of population, to be applied by the local authorities of such States, Territories, and District, in accordance with their local laws, to the education of all the inhabitants thereof between the ages of five and sixteen years. For the first five years the whole amount of such net proceeds is to be thus apportioned; for the succeeding five years, one-half the other half, and after ten years the whole amount, to be invested in United States bonds, only the interest on which shall be thus apportioned; and the investments thus made to remain as a perpetual fund for the benefit of free education throughout our entire country. During the first ten years the apportionments are to be made on the basis of illiteracy, but forever afterward on that of the whole population. While the bill leaves it optional with each State to accept or reject its distributive share, yet when once accepted it must be faithfully and honestly applied to the purposes therein indicated under the penalty of forfeiting all right to any other apportionments until full compliance be made with the conditions prescribed. No interference with the existing laws for the disposition of the public lands is contemplated, and the percentages reserved to certain States remain undisturbed. These are substantially the main provisions of the bill under consideration, and I trust they may meet with the cordial approbation of every member of this House. No patent is claimed for them as for an original discovery, for the principal ideas involved have been brought to the attention of Congress and the country at different times and in various forms during almost the entire period of our national existence.

While with consummate wisdom and foresight the fathers laid the foundations of the Republic upon the broad and enduring principles of civil and religious liberty, they also fully comprehended the truth that the perpetuity of the superstructure they reared depended "upon the virtue and intelligence of the people." Amid the throes of the Revolution, and while freedom yet hung tremblingly in the balance, a committee of the Virginia Legislature, composed of Thomas Jefferson, Edmund Pendleton, and George Wythe, reported a bill to establish "a complete public free-school system to be supported by taxation." A few years later, in the justly celebrated ordinance of 1787, the National Government declared that—

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and other means of education shall forever be encouraged.

And two years earlier the Congress, in the ordinance for ascertaining the mode of disposing of the western lands belonging to the Government, expressly provided that—

There shall be reserved the lot No. 16 of every township for the maintenance of public schools within said township.

Thus early, in advance even of the formation of the Constitution, was inaugurated that profound and liberal policy which has been uniformly and unvaryingly pursued in the organization of new States from the public domain. Grants of public lands have also been made to some of the other States, and in 1862 there was apportioned to all the States an amount equal to thirty thousand acres for each of their Senators and Representatives respectively in Congress, for the purpose of establishing agricultural and mechanical colleges. In fact, more than forty-seven different acts of Congress appropriating nearly eighty millions of acres of the public lands for educational purposes not only attest the wisdom and uniform liberality of the people, as expressed through their governmental agents, but also conclusively and forever silences all question as to the constitutional power of Congress in the premises.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," is the language of the Federal Constitution, and it would seem to be sufficiently clear and comprehensive to warrant the action proposed by the bill under consideration, without resort even to contemporaneous and subsequent uniform construction.

Considering then, sir, the constitutionality of the bill before the House to be undoubted, the next question which naturally arises is as to the equity and justice of the action contemplated. Upon this point I apprehend that no two opinions can be entertained. Whence came our vast public domain, and upon what conditions? Under what circumstances was it acquired, or with whose treasure was it purchased? Let it be remembered at the outset that when this nation was born it was as destitute of public domain as other infants are of raiment, and that all the vast possessions of the Government were of subsequent acquisition. These acquisitions were either the voluntary cessions of the States, purchases by the nation with the national treasure, or conquests by the national forces. First in date, as well as in importance, came the cessions by the several States claiming large western possessions by virtue of royal grant or individual conquest. These cessions were made at the solicitation of the Federal Government and for two purposes, first, to strengthen the waning credit of the United States, and, second, to quiet the discontent of those States which possessed no western territory and which rightly asserted that if these possessions were preserved to the States claiming them it would only be by the blood and treasure of all the States, and that therefore the same should be constituted a fund for the benefit of all the States. September 6, 1780, Congress by resolution invited the States to "a liberal surrender of their territorial claim" to the "western country," and on the 10th of October following, by resolution, pledged the United States to dispose of such lands as might be surrendered by the States "for the common benefit of the United States." Prior to this time, and in March, 1780, New York, by an act of the Legislature, tendered to the United States her claims to the "western territory," and a year later actually executed a deed of cession. Virginia responded to the appeal of the United States on March 1, 1783, and in 1785, 1786, 1787, and 1789, Massachusetts, Connecticut, South Carolina, and North Carolina respectively followed, and Georgia in 1802. The grant of Georgia com-

pleted the title of the United States to all those lands generally called public lands lying within the original limits of the confederacy.

Sir, when we contemplate these noble acts of unselfish patriotism, without a parallel in history, these surrenders of mighty empires for the public good and the preservation of domestic concord among the States of the Union, how much stronger must become our purpose to faithfully execute the sacred trusts committed to our care! These magnificent grants to the Federal Government were made in nearly every instance in trust for the use and benefit of all the States of the Union. The grant of Virginia, by far the most important of all, out of which has been carved five magnificent States, every one of which has outstripped the mother State in wealth and prosperity, contained this provision:

That all the lands within the territory so ceded to the United States and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or Federal alliances of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

The act of cession of New York provided that the lands ceded were to be held—

To and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation.

That of Georgia, in 1802, provided that after satisfying certain claims—

All the lands ceded by this agreement to the United States shall * * * be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever.

By the acceptance of these cessions the United States became a trustee, bound by the moral as well as civil law to administer the trust thus created for the mutual and common benefit of all, not a part, of the States of the Union. A like trust was impliedly created in the acquisition of all the balance of the public domain possessed by the United States. Whose, but the common treasure of the people of the whole Union was used in paying the $15,000,000 for the Louisiana purchase in 1802 and the $5,000,000 for the Florida purchase in 1819? And in the acquisitions of New Mexico, Arizona, and California, whose, but the $25,000,000 of the common treasure of the whole people was expended, and who but the soldiers of the whole Union were by the Mexicans "welcomed with bloody hands to hospitable graves?" Whence, but from the pockets of the whole people came the $7,200,000 wasted upon the rocky hills and eternally-snow-crowned mountains of Alaska?

Sir, this Government has never owned a foot of soil that she did not hold for the common use and benefit of all her people. And how has this trust been administered? Has equal and exact justice been meted out to all the members of the Union? Has each received its just and equal proportion of this common fund of all or of the benefits flowing therefrom? In fact, until 1862, has one of the original grantors or one of the original thirteen States received one particle of direct benefit from this great trust fund in accordance with the trust, except generally, from the amounts paid into the Federal Treasury? Yet nearly eighty millions of acres have been given to the new States and Territories for educational purposes and 222,469,337 acres to railroads and for other purposes within the same limits. Really the enormous amount of 301,796,139 acres of the public domain, the common treasure of the whole Union, has been disposed of in violation of the nation's trust.

But, sir, I am not here to sing jeremiads over the past, nor yet to harshly criticise the action of Congress in making donations of the public lands to the new States and Territories for educational purposes. The grand results which these donations have enabled the new States to achieve in the cause of education, the magnificent systems of public schools which most of them have thus been enabled to establish, palliate at least, if they do not entirely excuse, the wrong done the older States. Congress did right in making these donations, and its only error consisted in its failure to make equally liberal provision for the older States. This injustice, however, has not been suffered to pass unnoticed. Repeated efforts to have this equity of the older States suitably recognized have from time to time been made, and these efforts will continue to be made until justice shall finally triumph.

As early as 1823 Mr. White, of Kentucky, introduced in this House a resolution instructing the Committee of Ways and Means to inquire into the propriety of setting apart a portion of the revenue derived from the public lands as a permanent fund, the interest upon which "shall be distributed for the promotion of education to the several States according to the principles of equal right and justice," and in the following year Mr. Strong, of New York, introduced a resolution providing for the appropriation of all moneys received from the sales and entries of public lands "to the support of common schools and the construction of roads and canals." In 1832 Henry Clay, of Kentucky, from the Committee on Manufactures of the Senate, reported a bill to appropriate the net proceeds of the public lands (after deducting certain percentages therein provided for to certain new States) to the several States to be applied by the Legislatures of the said States "to such objects of education, internal improvement, colonization, or re-imbursement of any existing debt contracted for internal improvement as the said Legislatures may severally designate and authorize." This bill was accompanied by an able report from the same committee and finally passed both Houses of Congress, but was vetoed by the President, chiefly for the reason that it did not provide for an equitable division among all the States. Six years later William Cost Johnson, of Maryland, proposed to the House of Representatives a resolution—

That a committee of one from each State be appointed by the Chair to inquire into the propriety of reporting a bill to apportion, for the purposes of free schools, academies, and the purposes of education, an increased portion of the public lands for the benefit of all the States and Territories.

He supported his resolution in an able speech.

In 1841 an act was passed, and approved by the Executive, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights." This law, among its other provisions, directed that, after payment of 10 per cent. of the amount received from sales within their respective limits to the new States named in its first section and the 5 per cent., theretofore—reserved to the same States—

The residue of net proceeds * * * of all the public lands of the United States, wherever situated, shall be divided among the twenty-six States of the Union and the District of Columbia and the Territories of Wisconsin, Iowa, and Florida, according to their respective Federal representative population as ascertained by the last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct.

Here was a partial recognition of the equities of the older States, but even the continuance of this was made contingent upon the non-increase of "duties on imports." The contingency happened a year later, so that only two distributions were made, amounting in the aggregate to $661,354.53.

But not until 1862, amid the terrible agony of internecine war, was this undoubted equity of the older States fully and fairly recognized. While the law of 1862 making an appropriation of public lands for the establishment of agricultural and mechanical colleges enforced the principle for which I am contending, yet it falls far short of the necessities of the times and the unquestioned duty of the Government. It is limited in scope and partial in the benefits conferred. Those only who seek a technical education can derive any substantial aid from it, while in many instances the amount appropriated is too meager to afford the necessary facilities for even this limited instruction. What we need, and what we must have, is the appropriation of the entire proceeds of the public lands to the education of the whole people. Thus only can the Government best discharge its trusteeship of the public lands, and thus only can be conferred "the greatest good upon the greatest number."

To what higher, nobler, or more beneficial purpose could the public domain be devoted than the education, mental and moral elevation of the people? Are not the proceeds of the public lands the common heritage of all the people? Do they not in this respect constitute a peculiar and distinctive fund, differing widely from that received from tariffs and taxation, or any other source, in that they are derived from the common property of all the people instead of from that of the few?

Now, sir, having demonstrated, I trust satisfactorily, not only the constitutionality of this bill, but also that it is grounded upon unquestioned equity, an equity already fully recognized and never in fact denied, I now propose to briefly discuss the necessities which imperatively demand its passage. And, sir, I must confess that I enter upon this discussion with feelings of the profoundest regret. Yes; regret at the existence of terrible and inexorable facts, which have only to be known to fully demonstrate the necessities of our situation.

The census of 1870 disclosed a perfectly appalling amount of illiteracy in this country. About one-fifth of our population, or nearly 6,000,000 of our people over ten years of age, could neither read nor write. Of the 8,000,000 of voters who mold our institutions and control our social and political destinies, over 1,600,000 could not even read the ballots they cast. And of the 12,055,443 children of school-age, that is, between the ages of five and eighteen, 5,458,977, or nearly one-half, were growing up in the depths of ignorance, without any school advantages whatever. This is the fearful picture presented by the census of 1870. But a far better and to the ordinary mind a more comprehensible picture was prepared by the Superintendent of the Census, and I trust that every member of this House will take immediate occasion to examine it. It consists of a map of the United States so colored and shaded as to exhibit the relative degree of intelligence of every locality of our country. The higher state of intelligence is naturally illustrated by the lighter color, and this is gradually shaded off into the darkness of ignorance. Sir, there is too much color upon that map, too many intensely dark spots. Promptly pass this bill, however, and our next census will present a more radiant picture, with the darkness gradually but surely receding before the advancing light.

An examination of this map, as well as of the census tables of 1870, discloses the fact that the somber shading of illiteracy obtains at the South in a far greater degree than at the North. While this is readily explainable, and upon grounds which substantially free the South from the charge of neglect or want of appreciation of the inestimable benefits of education, yet the fact exists and cannot be ignored. During the four years of civil war and for several years

thereafter, the educational institutions of the South were almost universally closed. While the war prevailed the young men were in the field, and the whole country was too unsettled for the maintenance, to any considerable extent of schools, and after the war poverty, interposed for years insuperable obstacles to educational pursuits. Added to this was the emancipation of the colored race, but few of which had ever enjoyed educational facilities. These people constituted over five-twelfths of the entire population of the eleven southern States in 1870; or, to be more accurate, of a total population of 9,487,386 the colored people numbered 3,939,032. This mass of ignorance was suddenly raised to the dignity and responsibility of citizenship, in the midst of their impoverished and largely bankrupt former owners, with no means of their own and without any provision whatever being made for their education. Of the wisdom, or rather unwisdom of this action, I had occasion some years ago to speak, and I repeat here what I then said as expressive of my present views:

> The war resulted in the emancipation of the negro; but no sooner had the sword been sheathed than the strife was transferred to the forum, and days and months, ay, even years, were spent in efforts to clothe the freedman with rights he could not understand and load him with responsibilities which he was unable to comprehend. Statute after statute was enacted, and the fundamental law of the nation itself repeatedly amended to establish the civil and political rights of the negro; but where in the long catalogue of legislation can be found any provision for his education and elevation even to a partial comprehension of the duties and responsibilities which these rights impose? Why did not the mental and moral necessities of these "wards of the nation" excite the same paternal solicitude as did their political condition? I shall not pause here, nor is it germane to my present purpose, to answer this very natural inquiry. The facts with which we have alone to deal at the present moment are that, although the negro was emancipated from physical slavery, he was left bound in the more terrible chains of universal ignorance; and that, while the nation invested him with the glorious rights and privileges of American citizenship, it not only failed to make any provision for investing him with a knowledge of the high duties and responsibilities which that citizenship imposes, but left him in the depths of poverty and ignorance, to be educated, if educated at all, by the white people of those States, whom the war had so utterly impoverished that they were unable to educate even themselves.
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> That this was unwise, unjust, and impolitic, needs no words from me to demonstrate. In my opinion the Government should not only have provided the means for the education of these new suffragans, but it should have gone further, and aided the people of the South to fulfill this high and holy duty to themselves.
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> "If it be true that one portion of the body-politic cannot suffer in its mental, moral, or physical condition without injury, more or less, to the whole, and if intelligence and virtue be necessary and desirable in the individual citizen of a republic, then the education of the whole people becomes a matter of public interest and national concern. I am, however, no advocate of a governmental system of education except by the States; but I do advocate the extension to all of the States the policy which has uniformly obtained in the organization of new States. The public lands are the common property of the whole people of the Union, held by it in trust for their benefit and behoof, and if there be reason and sound statesmanship in reserving a portion of this property for educational purposes in the sparsely populated but prosperous new States, do not the same reason and statesmanship in a far higher degree dictate the appropriation of a portion of this property to the education of the larger and poorer populations of the older States of the South?
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> But I do not go to the length of urging even this very just and correct view of the subject, based though it may be upon the soundest and most substantial and patriotic reasoning. All I seek and all I demand is equality with all the other States of the Republic in this as in all other respects. I merely advocate the performance of what I believe to be a solemn and imperative duty of the Federal Government to the black race and to the people of the whole country, and that duty consists in appropriating the entire proceeds derived from the sales of the public lands to educational purposes.

Mr. MILLIKEN. To whom does the proper officer mentioned in the fifth section of the bill make his report?

Mr. WALKER, of Virginia. To the Secretary of the Treasury.

Mr. MILLIKEN. Does not that report have to come directly to Congress, and does not that give Congress the right to direct and control this fund in the States?

Mr. WALKER, of Virginia. No, sir.

Mr. MILLIKEN. I cannot see it in any other light.

Mr. WALKER, of Virginia. If you will recollect, I stated the bill distinctly provides there shall be no interference by the Federal Government with the action of the State whatever. If the State fails to fulfill its duty, that is, fails to administer the fund donated to the State according to the terms and conditions of the bill, then it is provided she shall derive no further benefit from the provisions of the bill until she makes that good.

Mr. MILLIKEN. Tell me to whom that proper officer of the State is to make his report?

Mr. WALKER, of Virginia. The Secretary of the Treasury.

Mr. MILLIKEN. The Secretary of the Treasury of the United States?

Mr. WALKER, of Virginia. Yes, sir.

Mr. MILLIKEN. The bill does not state it, but I take it for granted he must make report to Congress. In any event, to my mind, as the bill now appears before the House this must necessarily be subject to the legislation of Congress.

Mr. WALKER, of Virginia. Like any other act of Congress, it can be amended, modified, or repealed at the pleasure of Congress.

Mr. MILLIKEN. The gentleman admits it opens up the question to the legislation of Congress. Do you not then take the regulation of this matter from the States, and send Federal officers into every school district in every State of the Union?

Mr. WALKER, of Virginia. Not in the slightest degree. On the contrary, one of the special ideas in the framing of this bill was to avoid precisely that thing, and the only provision in the bill regarding that subject is merely to secure a proper application of the fund. No Federal officer has any right to interfere in any respect with the school systems of the States. If a State fails or declines to administer the fund according to the terms of the bill, then she is cut off from any further benefit until she makes that loss good.

I am aware, sir, that it may be urged that the basis upon which the apportionments are to be made under this bill for the first ten years is an invasion of that very equity the existence of which I have been endeavoring to establish, because of the fact that, there being a greater amount of illiteracy at the South than at the North, the Southern States will receive a larger proportion of the fund than the Northern. But suppose this in a measure to be true, is it not of the highest moment to place this fund where it is most needed and "where it will do the most good?" Can the new States, that have already been so richly endowed in violation of this equity, complain and will the wealthy Northern States of the original thirteen object? I apprehend not. All must admit that ignorance is such a curse, wherever existing in the country, that it becomes the common interest of all to utterly obliterate it. The disease which affects one portion of the body-politic casts its baleful influence over the whole.

The pressing need of the South to-day is for educational aid. She has not yet recuperated from the terrible devastations and losses of the war, and while most of the States have inaugurated and maintained good systems of free schools, and have largely reduced the sum total of illiteracy in their midst, yet their means are still too limited and the burdens too great for them to maintain their schools for a sufficient period in each year. They need assistance now. Educate the present generation, and those which succeed it will take care of themselves. Once lift the dark pall of ignorance which overshadows the land and the light of universal intelligence will never again be obscured. The history of education in this country shows that it has never turned backward. Its course has been uniformly upward and onward, constantly increasing in strength and expanding in beneficence. The constitution of the human mind itself is such that the acquisition of knowledge begets a thirst for more, and the cultivation and enlargement of its faculties urges it forward to new attainments and new conquests. Has not intelligence ever been the parent of prosperity and the handmaid of virtue? Does not all history teach that a people's productive power and force depends upon its degree of advancement in knowledge, and that crime everywhere recedes as education advances? A modern writer, thoroughly versed in all that appertains to the subject, declares that—

> Ignorance is a source of crime. It operates in various ways: first, to expose men to it and then to prepare them for it. The uncultivated mind is weakened by nonuse. For lack of ideas it is often left to the suggestions of the animal appetites, with their debasing and corrupting tendencies. In a land of books and schools ignorance is not consistent with self-respect and manliness. * * * Knowing how to read is two-thirds as favorable to honesty as not knowing.

But, sir, I will not detain the House with any further discussion of this branch of the subject, interesting though it be to me; nor is it necessary. The intelligent members of this honorable body stand in need of no arguments to demonstrate the absolute necessity for the education of all the people, who, in a Government like ours, are at once the subjects and the sovereigns, the creators of our institutions as well as the basis upon which they rest. If I shall be able to awaken them to renewed interest in the great cause of free education and to a more full and complete realization of their duties and responsibilities in this behalf, I shall have accomplished much that I desire and more perhaps than I had a right to anticipate. My own convictions upon this subject are so profound and my desire for success so intense that I trust if my zeal appear excessive it will be pardoned, though my discretion be not applauded.

In my judgment no subject of higher or more far-reaching importance has been or will be presented for the consideration of this House. Problems of tariff, taxation, and finance hold important positions in our governmental administration, while the discovery and punishment of frauds and maladministration are of very great moment; yet the education of the people would supersede the necessity of the latter, and render far easier the solution of the former. While the annual distributive share of each State of the proceeds of the public lands would not be large, yet the interest, zeal, and enthusiasm it would excite among the people in behalf of education, the encouragement it would hold out to struggling and impoverished communities would prove of such incalculable benefit as not to be measured by dollars and cents.

It is true that the best of our public domain has been disposed of, and the annual income therefrom considerably reduced. To educational purposes alone has been donated an empire nearly double in size that of the six New England States, while to internal improvements has been granted (though only about one-fourth has yet been patened) an acreage but twenty-three millions less than that of the original thirteen States, and yet we are still possessed of 1,154,471,762.79 acres. Much of this is worthless, but a vast amount is of fine quality. There is abundance to meet the requirements of this bill and leave a residue large enough for the establishment of a magnificent permanent educational fund for the benefit of our posterity for centuries to come. Why, at the average rate of sales during the past ten years, it will probably require fully seventy-five years to dispose of our public lands available for sale. The average annual net income from the public lands during the last decade has not been accurately ascertained, but it was probably not far from $1,500,000, and there can be no valid reason, all things considered, why it should not equal that sum during the next. Assuming that $1,500,000 will be the average annual net in-

come, the distributive share of each State, Territory, and the District of Columbia for each year until the next census will be as follows:

Alabama	$101,534 56	Ohio	$45,907 02
Arkansas	35,347 50	Oregon	1,173 57
California	8,407 74	Pennsylvania	58,945 45
Connecticut	7,851 03	Rhode Island	5,811 14
Delaware	6,123 69	South Carolina	76,978 02
Florida	19,034 61	Tennessee	96,679 35
Georgia	124,221 66	Texas	58,772 35
Illinois	35,412 45	Vermont	4,693 77
Indiana	33,699 93	Virginia	118,203 99
Iowa	12,107 14	West Virginia	21,602 58
Kansas	6,508 08	Wisconsin	14,697 12
Kentucky	88,058 19		
Louisiana	73,208 10	Total of States	1,471,936 54
Maine	5,050 57		
Maryland	35,920 10	Arizona	$729 80
Massachusetts	25,910 91	Colorado	1,808 73
Michigan	14,083 70	Dakota	414 33
Minnesota	6,471 75	District of Columbia	7,613 25
Mississippi	83,056 90	Idaho	898 14
Missouri	58,960 03	Montana	243 35
Nebraska	1,288 62	New Mexico	13,843 26
Nevada	231 16	Utah	1,951 89
New Hampshire	2,631 33	Washington	346 48
New Jersey	14,497 25	Wyoming	159 58
New York	63,429 54		
North Carolina	105,425 63	Total Territories	28,008 81

It will thus be seen that to the States most in need very considerable aid will be afforded. And who can doubt that it will conduce to greater efforts and higher aspirations for education among all the people.

Sir, we have heard much during our present session of the centennial of American Independence. Millions have been voted for a magnificent international exhibition in honor of the occasion. The nations of the earth are assembled within sound of that bell which rang out the peals of liberty one hundred years ago, to compete with us for the prizes of knowledge and progress. And why is all this? Why this enormous expense and these vast preparations? Is it to gratify our national pride and demonstrate our boasted superiority? Doubtless these had their influence, but I should be sorry to think that no higher, broader, and deeper purpose was involved. This exhibition will fail of its chief end if it do not minister greatly to the education of the people. Education comes not altogether from books. The life-like statuary and the beautiful picture, the mighty engine and the minutest handiwork, all—all are educators. Herein lies the justification for the great outlay of money, labor, and time necessitated by this centennial exhibition. But how few of all our people will directly receive the benefits of this education! How small a proportion of our 40,000,000 of people will visit the exhibition, and how few of those who do congregate there will possess the capacity to fully appreciate its beauties or comprehend its lessons! But a short time since we passed a bill donating a million and a half of the common treasure of these 40,000,000 of people to this institution for the few, and shall we now hesitate to pass this bill for the common benefit of the many? Could we at the close of this the first century of our national existence pay a higher tribute to the memories of those who amid blood and carnage laid the foundations of the Republic than by ingrafting upon our public policy a principle which will make future centennials possible?

About one hundred years ago the public lands were ceded to the nation to aid in the preservation of its plighted faith and domestic concord, but their mission in this behalf has been accomplished. Our public credit no longer requires their assistance, and the Union which their cession served to consummate no longer contains discordant States to be harmonized by their surrender. Another mission, however, awaits them, and that is to aid in the elevation of the people to a higher plane of mental and moral existence. It is our high privilege to inaugurate this exalted mission by the passage of this bill. Rejoicing in the triumphant close of the first century of the Republic, and standing upon the threshold of the second, with a country united and harmonized, "regenerated and disenthralled," let us celebrate the outgoing of the former and the incoming of the latter by a declaration unequaled in importance save by that which spoke the nation into existence on July 4, 1776.

Mr. Chairman, in my remarks to-day I have used the words nation and republic, nationality and people indiscriminately, or as convertible terms. Although often so used, it is manifestly erroneous. A people are not necessarily a nation, nor a nation a republic, and all three may exist without nationality. By virtue of the Constitution, the American people constitute a republic, and for the purposes of administration, as well as in outward form, the republic is a nation; but nationality springs from other causes. Our Constitution, with all of its fifteen amendments, never has and never will make us a nation in the full sense of that term. That instrument is but the "sovereign *law*, the States' collected will."

What constitutes a state?
Not high-rais'd battlement, or labor'd mound,
Thick wall, or moated gate;
Not cities proud, with spires and turrets crown'd;
Not bays and broad arm'd ports,
Where, laughing at the storm, proud navies ride;
Nor starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride!
No! *men*, high-minded *men*,
With powers as far above dull brutes endued,
In forest, brake, or den,
As beasts excel cold rocks and brambles rude:
Men, who their *duties* know,
But know their *rights*, and, knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain—
These constitute the state.

Written constitutions, no matter how wisely framed, never yet made a nation. The real nation lies beyond and beneath these artificial crusts, and is *the people*. "These constitute the state." Did England become a nation by virtue of a written constitution? Has she indeed ever had any? No, sir. Her great fundamental law is yet unwritten, and, like the nationality of her people, is the outgrowth of centuries of progressive civilization. So will it be with our nationality. As in the physical kingdom, the processes of enduring development are slow and gradual. So in the realm of politics. Nationality is not the product of a day or generation, but rather the slow and steady growth of time and auxiliary causes. A nation without nationality is simply the form without the substance, the skeleton without the flesh and blood. We possess the form, but the development of the substance into completed fulness will be the work of generations of intelligent, educated freemen. Consider, too, that fully one-fourth of our voting population to-day are the offspring of other nationalities, differing widely from our ideal and from each other. The vast and manifold increment to our population, of which they are the index, it is to be hoped will increase in the future. But how is it to be molded and fashioned into and imbued with American nationality? What is the common solvent of all these various elements of our population? Is there any other save that great nursery of freemen, the free public school?

Sir, the fathers, with a wisdom amounting almost to prescience, formed our Government for *perpetuity*. They omitted no principle necessary to its preservation, and they included none which, properly administered, could work its destruction. The absorption of the powers and functions of the States by the Federal Government was as foreign to their design as the nullification or repudiation of the Federal authority by the individual action of the States, for the triumph of either involved the destruction of the Union. To insure the stability of that which they builded so well they early made provision for encouragement to the education of the people. They foresaw that ignorance was one of the gravest dangers that menaced the future of the Republic. They opened wide the doors to the "oppressed of all nations" and bade them welcome to the full enjoyment of American citizenship and the freedom of individual thought and action guaranteed by our laws, fundamental and statutory. How wisely and well they planned is attested by a century of national existence and by a development in wealth, population, and mental activity unexampled in the world's history.

But, sir, if we but fulfill the high duty devolved upon us, our past, however brilliant it may have been, will be excelled by a grander future. I confess to a strong and conscientious belief in what is styled "manifest destiny." It is manifest to my mind that the future destiny of this nation points unerringly to the gradual expansion of its limits until the entire continent shall have been embraced within its boundaries. And I believe that upon this same continent there is to be formed and molded a new, distinctive, well-defined, and grand American nationality. It is true that our country is peopled by all the numerous offshoots of the Caucasian race, differing widely in language, habits, and education; but time and concurring circumstances—above all popular education—will gradually melt together and mold these diverse elements into one united, harmonious, homogeneous people, surpassing all of the great peoples that have preceded them in their mental, moral, and physical development, and in the greatness and grandeur of their achievements. This is our country's manifest destiny. Let us here and now contribute our proportion to its development.

I do not intend to-day to move a vote on this bill. It is one of such importance that I desire its full and free discussion by all who wish to do so. After the discussion which shall take place to-day, I will move the committee rise, but I desire to notify members now that at an early day I shall call up the bill again and press it to a vote. I now yield to my colleague from Virginia, [Mr. CABELL.]

FINANCE AND TAXATION.

Mr. CABELL. Mr. Chairman, had a wise statesmanship directed the course of the republican party immediately succeeding the late civil conflict, the States of the South might readily have been rehabilitated, the scars of war removed, the people of the States lately in revolt conciliated, and a peace in fact, as well as in name, established. Such, however, was not the policy. Measures the most obnoxious, requirements the most unjust, impositions the most oppressive and intolerable, were inaugurated by the party in power for the so-called reconstruction of the Southern States. A policy so foreign to the genius of our institutions, so inimical to natural justice, could not fail of its legitimate consequences. Societies upturned, State governments destroyed, citizens despoiled of their liberty as well as their property, threatened the bankruptcy and ruin of Federal as well as State institutions.

Added to the miserable policy of reconstruction, the Federal Government labored under the evil effects of a financial policy inaugurated during a period of war, and for which upon the return of peace no remedy had been suggested, much less provided.

It became evident soon after the close of the war that there must be some contraction of the vast volume of currency which had been issued by the Government, and forthwith laws, imperfect in their character and insufficient in their details and extent to compass the ends in view, were passed. The result of the legislation by Congress for several years was of such character that many of the public creditors who had purchased the bonds of the Government in a vastly depreciated currency were provided to be paid first "in coin," and then in "gold coin," and the energies and resources of the country were heavily taxed to pay tribute to that fortunate class who had possessed themselves of the privileged character of property, by special grace exempted from its legitimate portion of the burdens of Government which a wise system of political economy would have assigned to it.

So wretched has been the monetary system of the United States for several years past, so discriminating the policy, that values have become unsettled, the prices of all commodities fluctuating, and general uneasiness pervades all business and financial circles.

The uneasy and unsettled condition of matters in respect to the currency is manifested in the various schemes and plans proposed for the settlement of this vexed and vexatious subject. Almost every section of the Union has some favored idea of money and almost every man a pet scheme for the enhancement of the currency. No one can doubt that the best and surest financial policy is one based upon a specie currency. Gold and silver coin is the recognized money of the world, and there is never a departure from its use as the best circulating medium except under the stress of circumstances. That many of the evils under which we labor would be cured if we were in condition to return to specie payments admits not of a doubt; but whether we could now, or at any time in the near future, undertake to resume is a matter of such grave question that the best financial minds of the country recoil even at its consideration. I have always been considered a "hard-money" man, but I am convinced that to force specie resumption now, or at an early time hereafter, would prove most disastrous to all business enterprise and spread bankruptcy and ruin throughout the land. The law passed at the last session of Congress declaring a purpose to resume specie payments on the 1st day of January, 1879, has already borne its evil fruits in the depressed trade, the impaired commerce, and the general paralysis which has seized on the business enterprise and energies of the country. The experience of one year with the resumption act upon the statute-books has been sufficient to call forth from all quarters of the country a demand for its repeal.

The people of this country do not fail to recognize that they are just out of a prolonged and devastating war—a war in which not only the energies but the property of the citizen were taxed to the utmost—commerce to a great extent destroyed, and the balance of trade as between this and other countries thrown heavily against us. They do not fail to remember, too, that no country of modern times has ever been able to resume specie payments immediately after a great war. England, reputed to have the best financial system on earth, was unable to resume specie payments for many years after her war with Napoleon, and every country of which we have knowledge had a like experience. Why it should be supposed that we could do better in this regard than all other countries, or better than we have ever before done, passes my comprehension. However we may desire to return to specie payments, it seems to me that the thing is now impossible. It is estimated that there are only about one and one-half billions gold in circulation in the commercial world. The greenback and national currency of the United States amount to about $753,000,000. To enable us to resume we would have to secure not less than one-third of the whole coin circulation of the world. Now with the vast burden of bonded Federal, State, and municipal debt upon us, with millions of those bonds held by foreigners, and the balance of foreign trade vastly against us, how, in heaven's name, could we get the necessary amount of specie to enable us to resume? The thing is impossible, preposterous. The best, it appears to me, that this Congress can do will be to repeal the resumption act of January 1875, with the simple assurance to the country that, when times improve and the exigencies of trade and commerce allow, we will return to specie payments. The country will be satisfied with the repeal of this law and the assurance that no further contraction of the currency will for the present be permitted.

Another measure now demanded by the condition of the country is that Treasury notes—"greenbacks"—in addition to gold and silver, shall be made a "legal tender" for all debts, both public and private. A law requiring the Government to receive Treasury notes for *all* dues, and substituting national-bank notes with Government money, would not only be a saving to the Government but would soon bring the paper money of the country to a par with gold, or very nearly so, and would to a very great extent do away with the necessity for gold in ordinary transactions; for gold has really become, instead of a medium of exchange, a circulating medium; a commodity; an article of barter and sale, and is bought and sold in the market as any other article of merchandise. With greenbacks nearly at par with gold, all the coin necessary for governmental and trade purposes could be procured at much less rates than now. This theory may not appear very practicable to some, but to my mind it is very clear that in the end some such scheme will have to be resorted to. It is one of the highest duties of a government to furnish to its citizens a sound and valuable currency. As gold sufficient for the purpose cannot be procured, the next best thing for our Government to do is to furnish a good paper currency—a currency carrying with it the weight and strength of the Government's credit; not such a currency as we have now, partly a legal tender and partly not, but a currency bearing with it the faith of the Government that it is, and shall be worth its face value and shall be good in *all* transactions, whether between citizen and citizen or Government and citizen.

The making a paper currency a legal tender is really in theory no novelty. In this country it has been frequently done with success. We well remember that prior to 1860 the issues of the State banks were in general circulation and received in most, if not all, transactions by both Government and people. And at this day the paper money of France, notwithstanding its great volume, is at par, and received for all dues both public and private.

In no other way than by making the money of the Government receivable for "*all* dues" can the trading and farming community be put upon an equal footing with the bondholders of the East. The matter of finance, it is true, is a difficult and delicate one to manage; but it has not been justly or fairly dealt with in this country for years. The very laws enacted by Congress in reference to the subject have not been enforced, and the officials of the Government have knowingly and deliberately persisted in a policy which advanced one section of the country to the detriment of the other. The banking laws of the United States require the banking capital of the country to be distributed one-half according to population and the other half according to wealth. Yet we see the great bulk of the banking capital controlled by a comparatively small section of the Union to the injury of that other section, greater in extent, in population, and productive power. This is due, I say, mainly to the unjust, unequal, and discriminating system of partisan legislation which has prevailed in this country since the war; a system which builds up one section of the country at the expense of the other, and which imposes and distributes taxation in such a way that the great bonded wealth of the people in the more favored part of the Union is exempted, while everything produced, used, or consumed by the less favored section is heavily taxed under the guise of necessity and protection.

Common justice demands that a remedy for the evils complained of should be found, and a remedy can be applied in lifting the heavy hand of the Government from the productions of the South and West, by relieving their people of the enormous burdens which they bear, by equalizing taxation so that the wealthy of the North and East shall bear the same measure of governmental impositions as their toiling brothers of the agricultural districts. It is needless to say that this cannot be done. The same measure of statesmanship which adroitly fixed this discriminating system of enormity upon the agricultural masses can surely devise some method to throw the weight of taxation upon the wealth rather than upon the poverty of the country. It is but poor encouragement to one section of the country to witness the influence of the parent Government thrown in opposition to its interests in favor of another, and not more encouraging to the citizens of that section to know and to feel that they are required to pay taxes upon not only their bone and muscle but upon every species of property which they own and every product they raise, while their more fortunate neighbors, the pets of the Government, pay not a farthing upon all their wealth wrung from the toil and sweat of the rural masses. Such a system may by its beneficiaries be considered one of good governmental polity, but the people of this country will fail to see and appreciate it, and will not much longer consent to sustain a policy which makes the "rich richer and the poor poorer," and hastens the ruin of all business interests.

It is a fact notorious that the people of the North and East, having control for the last twelve or fifteen years of every department of the Government, have steadily refused to allow their accumulated and bonded wealth to be taxed, and have even removed the weight of taxation from their large incomes, their thriving manufactories, and that vast volume of currency which they hold in excess of and in violation of law. They have relieved themselves by shifting the burdens from their own shoulders on to those of their less favored neighbors of the agricultural districts of the South and West; load them down with taxation; vex the people with systems akin to torture, harass them with armies of tax-gatherers, and wring from them an amount of tribute heavier and more grievous than was ever borne or paid by the subjects of any government.

For many years the Southern and Western States have paid annually to the Government upon the articles of tobacco and distilled spirits alone from seventy to eighty million dollars, sums far in excess of any benefits which they have derived. The result of such a system has been not only to oppress but to impoverish the people who have it to bear, and to dissatisfy them with the administration of the Government.

The system of internal taxation inaugurated during the war, a system of doubtful constitutionality, resorted to only as a necessity in a time of great public peril, has been kept up and fostered until it seems to have become part and parcel of our governmental polity. It is singular how or why the people of the United States have submitted for so many years to so onerous a system of direct taxation.

It is hard to realize that we are descendants of those old colonists who revolted at a tax of a "penny a pound upon tea" and who later as citizens of the States rebelled at a tax of nine cents per gallon

upon liquors. Yet we now quietly pay a tax of ninety cents per gallon on liquors and twenty-four cents per pound upon the chief staple of a large part of the country.

No people were ever taxed as are ours. No people have ever been harried and oppressed by tax-assessors and tax-gatherers as have been the people of the South and West for the last few years.

It mattered not that a devastating war had swept over the South, that her fields had been laid waste, and that desolation and ruin encompassed a once fair and smiling land, still exactions were imposed, "bricks were required to be made without straw," and withering taxes wrung from the exhausted resources of an impoverished and sorrowing people.

And all for what? If the immense amounts raised from taxation had been judiciously applied, if the public burdens had been lightened, if the public debt had been paid and the rate of taxation gradually reduced, these things might be borne with some degree of patience; but when we remember that at the close of the late war the public debt was $2,773,236,176.69, that in the mean time nearly $4,000,000,000 have, in the shape of taxes, been extorted from the people, and that the public debt is this day more than $2,224,369,873.61, we are filled with amazement, not only at the evident misappropriation of the public funds, but also at the long-suffering of the American people. In the better days of this Republic such things would not have been tolerated.

It may be well to look somewhat at the vast sums of money which have at different times been collected from the people. Prior to the late war, sixty millions were ample to meet the ordinary expenses of the Government and to pay the interest upon the small public debt. Since the war, from four to five hundred million dollars have annually been required to meet those objects.

From the foundation of the Government—4th of March, 1789—to June 30, 1866, including the period of the war and one year thereafter, there were received into the Treasury of the United States $3,049,034,567.15. During the nine succeeding years, namely, from 1st of July, 1866, to 1st of July, 1875, were paid into the Treasury the sum of $3,740,255,642.67. Thus in—

1866	$519,949,564 38
1867	462,846,679 92
1868	376,434,453 82
1869	357,188,256 09
1870	395,959,833 87
1871	374,431,104 94
1872	364,694,229 91
1873	322,177,673 78
1874	299,941,090 84
1875	266,232,765 14
Total in nine years	3,740,255,642 67
Total in seventy-seven preceding years	3,049,034,567 15
Excess in last nine years over receipts for seventy-seven preceding years	691,221,075 52

It thus amply appears that the net ordinary receipts into the Treasury during the last nine years were greater by $691,221,075.52 than had been theretofore collected and paid into the Treasury from the formation of the Government to that time, and greater by $967,019,468.98 than the whole public debt on 1st July, 1866. Now if it is true, as stated by the Secretary of the Treasury, that the whole public debt on 30th June, 1865, amounted to $2,773,236,176.69, and, as seen, the receipts since have been nearly four billions, one would naturally suppose that the public debt had been entirely or nearly paid off. Yet what do we find? Notwithstanding the vast sums paid into the Treasury by the Secretary's last report it appears that the public debt now amounts to $2,224,369,873.61. Great heavens! What an exhibit! Is this the Government of boasted republican simplicity? Is this the land of our fathers? More than $3,740,255,642.67 of the people's money expended—gone—and the public debt upon which interest is to be yearly paid in gold nearly as great as it was on 1st July, 1866. What has become of the vast sums yearly paid into the Treasury? The public debt has been but little decreased, taxation has been but slightly reduced. The Government's heavy hand still rests upon the citizen. The tax-gatherer's cry is still heard in the land.

What has become of the people's money? Look at the big thieves and the little thieves who bask in the sunshine of administration favor, who riot over the land in their ill-gotten gains, who have grown so insolent that they set both the people and Government at defiance. Look at the magnificent structures in this city of Washington and elsewhere erected by the plunderers of the public Treasury. Look at the Credit Mobilier, Pacific Mail, and other kindred swindles. Look at the bribery, corruption, theft, and rascality permeating the different Departments of the Government from the highest to the lowest, and the question is answered and the wonder ceases. It seems no longer strange that the public debt is not lessened nor taxation reduced. It is no longer strange that the power of the Government in republican and sectional hands should be wielded to keep up the onerous taxation upon western and southern products. A tax of ninety cents upon spirits, and twenty-four cents upon tobacco, rates fearful upon the honest producer, but the prop, stay, and hope of the "blockade-runner" and the thief. Your blockade-runner and your crooked-whisky men, your detectives, your marshals, your gaugers, and your "Sylphs" all rejoice at the unusual, oppressive, and unprofitable rate of ninety cents per gallon upon spirits. But the poor men of the South and the West have been driven from this field of labor and of profit to them. They cannot afford to pay the rate of taxation. They are small operators. Their grain must go to decay in their barns. Their fruit, heretofore a great staple in the mountain regions of the South, must rot upon their hill-sides. Penury and want must stare them and their children in the face; but these thousands of men of small business and small means must not be allowed to compete with the grand, bloated distillers of the North and the West. O no; the Government will protect the monopolist, the big distiller, but the little distiller must take care of himself.

One distinguished member of the republican party [Mr. GARFIELD] has already declared upon this floor that the object of much of the legislation heretofore had was to break down small distillers in favor of great ones, and there cannot be a doubt of the truth of the observation. But is this right, is it just, is it profitable or wise legislation? Can that be a just system which discriminates in favor of one class of citizens or one section of the country against another class or section? Is it profitable or wise legislation which imposes such a rate of taxation upon certain products and occupations as that none but men of large means or fraudulent purposes can engage in it, to the exclusion of the humble and the honest? And is it not true that such a system has been inaugurated and practiced for years by the republican party and administration of this country? Is it not true that by such system honest men have been deprived of their legitimate gains, while monopolists, crooked-whisky men—but another name for rogues—have been fattened, petted, and fostered in both cases to the loss and detriment of the Government.

If the present tax on whisky was reduced 50 per cent. and upon liquors distilled from fruits 75 per cent. it would be greatly to the interest not only of the people but of the Government. Experience has shown upon this, as in regard to every other subject, that the greater the tax the less the production and the greater the incentive to fraud. If the tax was reduced to a reasonable rate the Government would get its revenues, and all of its revenues, from distilled spirits, and the necessity would no longer exist for that vast army of spies and informers, collectors, marshals, gangers, and gougers which has overrun, harassed, and outraged the people, especially those of the Southern States, for years, inflicted loss upon the Government, and brought its administration into discredit and disrepute. If the tax is sensibly reduced, you will have no need for the Government pimp and the commissioned robber. You will hear no more of great whisky frauds in Saint Louis, Chicago, and elsewhere. You will have no more harrying of that poor and hapless section, the South. You will not see her citizens dragged helplessly from their homes to courts sixty and eighty miles away, to be tried before a partisan judge and a strange jury upon the unsupported testimony of a godless informer or a deputy marshal whose diligence is sharpened and veracity gauged by the mileage and per diem consequent upon conviction for the high crime of having exchanged a pint of brandy for a peck of wheat with a neighbor, or for being possessed of a superannuated worm or a dilapidated still which for twenty years has done duty in the family; oftener for no crime at all.

I assert it, and I am sorry that it is true, that dozens and scores of our southern people have in the last few years been arrested, carried to distant counties, tried among strangers at a distance from home and witnesses, and many of them convicted because they were too humble to help themselves and too poor to secure the attendance of witnesses or to employ counsel to defend them. And many a poor southern man, as innocent of crime as the child unborn, has lingered out weeks and months in the jails of the country or in the Albany penitentiary, convicted upon the perjured testimony of official knaves, who thus filled their pockets and proved themselves vigilant officers and efficient partisans.

I do not pretend to say that there are no worthy officers in the Revenue Department, nor that there are no frauds perpetrated upon the revenue in the South. I do not pretend that there are not bad men there as in every other section of the country; but I do say that where there is one fraud upon the revenue South, there are five in the North and West; where the Government is defrauded of one dollar in the South, it is defrauded of five North; and where one poor devil South, raked over as it is by spies and informers as by a drag-net, is caught in *flagrante delicto*, ten bloated knaves and lords of whisky rings proudly strut the streets of northern cities unwhipt of justice and reveling in the fruits of their crimes.

I have been led to these last remarks by what was said some time ago on this floor by the distinguished gentleman from Ohio, [Mr. FOSTER,] who doubtless has absorbed all information upon this subject, and who was so kind as to say, in speaking of the southern people: "That they cheat and defraud the revenue in every district of the South is unquestionable. But I do not make any great complaint against them; they do not know any better. Whisky is a great part of their meat and their drink, and has always been so." Defraud the revenue in every district in the South! Do not know any better! Why the gentleman's extended knowledge on this subject is as astounding as his kind pity is overwhelming. "Whisky a great part of their meat and drink!" This is refreshing, coming from a gentleman whose State is celebrated for its great quantities of good lager and fine liquors, and perhaps just a little "crooked whisky." The gentleman has undertaken to measure our grain by his bushel, against which I protest. If he knows, as he doubtless does, that the revenue is defrauded in

his own country, that is no argument that the same state of things exists South. If the people of his country are so ignorant, which I do not charge, that they do not comprehend when they violate the laws of the land, it is no reason he should conclude that the same poverty of information exists among a people of whom he evidently has heard a great deal but knows but little. The truth is—if the gentleman will allow the infringement of his monopoly—that the southern people are as loyal and as law-abiding as any in this Government. More, they are in general as well educated in the arts and sciences, as intelligent and as well informed upon all practical and proper subjects as any people of ancient or modern days. It is true that they may not be as skilled in "ways that are dark and the tricks that are vain" as some other people of whom we know; they know nothing of Credit Mobilier, Pacific mail schemes, and other cute devices, but in everything which pertains to a generous liberality, broad culture, and a high civilization they have not their superiors on this continent.

If it is true, as charged, that there has been so much fraud perpetrated upon the revenue, North, South, East, and West, it becomes Congress to ascertain the cause and to apply the remedy. The remedy, in my judgment, is to be found in the reduction of the tax and the discharge of that vast body of improvident, corrupt, and faithless retainers who feed upon both Government and people and bring reproach upon the revenue system. In 1867, with three hundred taxable articles, nearly sixty-five hundred men were employed in and about the collection of the revenue at a cost to the Government of $7,500,000. Now, with only four taxable articles, namely, spirits, tobacco, bank checks, and medicines, the officers and agents employed number over thirty-six hundred, at a cost of over five and one-half million dollars. Two-thirds of these officials, who are, in fact, but partisan pimps and local politicians, might be discharged and their salaries saved to the Government. With that saving and the increased revenue which would follow a reduction of the tax the Government would be greatly benefited.

I have said that actual experience has demonstrated that the greater the tax the less the revenue derived. I will prove it by the statistics. On page 14 of his last report the Commissioner of Internal Revenue says:

> Excessive taxation may be the cause of general and systematic fraud leading to great loss of revenue, but production and consumption go on as before, whatever the taxation. This is well illustrated in the years when the rate of tax was $2 per gallon. In the year 1868 the taxes derived from this source were less than nineteen millions, while in 1869, when the rate was reduced to fifty cents, they ran up to forty-five millions, and the year following to fifty-five millions.

The facts stated by the Commissioner speak for themselves, and his table which I here quote, presents the argument in the strongest possible light:

Collections during year ending June 30—

1863	$5,176,530 50
1864	30,329,149 53
1865	18,731,422 45
1866	33,268,171 82
1867	33,542,951 72
1868	18,655,630 90
1869	45,071,230 86
1870	55,606,094 15
1871	46,281,848 10
1872	49,475,516 36
1873	52,099,371 78
1874	49,444,089 85
1875	52,081,991 12
Total	489,763,999 14

Since July, 1862, Congress has changed the rate of taxation upon spirits six times, the tax varying at intervals from 20 cents to $2 per gallon, and in almost every instance, as the table I have cited shows, the revenue has fallen off whenever the rate was increased.

For example, from July, 1864, to July, 1868, the tax rate was from $1.50 to $2 per gallon, the average yearly revenue to the Government was $21,727,408. From July, 1868, to January, 1875, with the tax at about 60 cents, the average yearly revenue was $27,138,856, or nearly five and one half million dollars annually in favor of the decreased and lower rate.

Again, the Commissioner's table shows that prior to the act of July, 1868, with the tax at $2, the revenue was less than $19,000,000, yet the year following, with the tax at 50 cents per gallon, the revenue reached ever forty-five millions, and the year following that, namely, the fiscal year ending July 1, 1870, at the same tax rate, the revenue swelled to nearly $56,000,000, more than has ever been collected any one year before or since.

When by act of 1872 the tax was raised to seventy cents the same comparative reduction in revenue ensued, and the act of March, 1875, increasing the tax from seventy to ninety cents, has been productive of the same result. It is plain from present indications that the last increase to ninety cents will not yield as much this fiscal year as the last, as up to the 1st of March the collections had not reached $38,000,000, with only the collections of March, April, May, and June to come in—months in which but little revenue from this source is ever collected, the distilling season being over.

Upon the whole, nothing can be plainer nor argument more conclusive than that a reduction of the present rate of taxation upon spirits will stimulate honest industry, increase legitimate trade, and return a larger revenue to the Government.

I turn from the consideration of the spirit tax to that levied upon the great staple tobacco. In my humble judgment, the internal tax laid upon tobacco is discriminating, unjust, and unconstitutional. The taxing powers of the Government under the Constitution are limited, first, to direct taxes, which are to be apportioned among the several States according to their respective numbers, and, next, to duties, imposts, and excises, which are to be uniform throughout the United States. No one, I presume, will contend that the tobacco-tax is or can be apportioned among the several States according to their respective numbers, nor is it capable in actual practice or execution of being rendered uniform throughout the United States.

It can be of no avail, however, at this late day to argue with reference to the constitutionality of the tax. I will content myself with considering the practical workings of the tax upon the great staple of a large part of the country. The cultivation of tobacco is peculiar to but few of the States, and strictly fine tobacco is produced by but three or four. The total amount of tobacco raised last year was about 280,000,000 pounds and the tax paid the Government thereon $37,303,461.88. As the principal part of this tobacco is grown by only four or five of the States of the Union, the result is that the bulk of the tax just named is paid by those few States, thus nullifying the beautiful system of uniformity of taxation commended to us by the Constitution of the country.

Inasmuch as this burden is borne by and this discriminating tax is assessed against but few of the States, it was reasonable to suppose that a returning sense of justice would ere this have induced Congress to change or at all events to so lessen and modify this pernicious tax as to render it less oppressive to the comparatively small portion of the people who have it to bear. So far from this, and in total disregard of the rights of the tax-payer, as also the interest of the Government, the last Congress raised the tax on tobacco four cents per pound. Four cents per pound upon any staple commodity is in itself a heavy taxation, and the very sections of the country which combine to keep this tax upon the staple of a few of the States South and West would be ready to revolt at any attempt to burden any given interest of theirs even to the extent of the last increase of tax upon tobacco.

To tax a people whose locality, soil, and climate compel them to the production of a certain staple to the very verge of endurance, upon the vague pretext that that staple is a "luxury," is ungenerous, unwise, and impolitic: ungenerous to the people taxed, unwise because too onerous, and impolitic because the extent of the taxation defeats production and diminishes the volume of revenue to be derived from the subject. Luxury indeed! Tobacco may be a luxury to you gentlemen North and East who burden us with taxation and who, in the enjoyment of your *otium cum dignitate*, chew and smoke our fine productions, but it is a *necessity* to us. It is really our meat, drink, and wear; for from its sale we supply ourselves with not only the few luxuries we have, but almost every necessary of life. The argument that the tax upon tobacco is paid by the "consumer," and not by the producer, is as unsound as it is fallacious. For in the first place our own people along with others are consumers, and, unlike the people of any other section, we are heavily taxed upon the use of our own products, while on the other hand our energies are paralyzed, our productions lessened, and our profits diminished by the embargo laid upon the fruits of our industry. The poorest system of political economy teaches that, as the area and extent of consumption is reduced and the demand diminished, to that same extent will industry be crippled and production curtailed. The heavy taxation of any commodity will decrease its consumption and impair the demand for it; and in the same proportion in which you lessen its consumption and stifle demand for it, in that same proportion will you burden and injure production. I do not mean to say that the consumer pays nothing of this tobacco tax; it is true he is burdened also, but my argument is to show that he is driven in great degree from the market by the weight of the tax, forced to consume less than he would otherwise do, thereby forcing the producer to lower prices and less production. That the producer has in the end to bear the evils of the tax no one can doubt, for no sooner does the Government tax the manufacturer than he throws it back upon the planter in the way of a reduced price for the commodity, and the planter, having no one behind him upon whom he can thrust the burden, must of necessity bear it.

One of the great objections to this tax is the inequality of its distribution. No more grievous wrong can be conceived of than the manner in which this taxation is distributed in a country which professes to tax its citizens in proportion to their wealth and numbers. For instance, the six New England States, prosperous and powerful, untouched and unharmed by the rude blasts of war, with a population of 3,487,924, pay of internal taxes only the sum of $3,988,810.73, while my own poor old State of Virginia, begirt by fire and sword, ravaged and desolated by the tread of armies for four years, had wrung from her 1,200,000 toiling children the last year the enormous sum of $7,659,639.97, and since the war more than $50,000,000. My own little city of Danville, the center of a collection district composed of four or five counties, paid last year $2,361,261 96 internal revenue, and the Commissioner's report shows that since the war the large sum of over $15,000,000 has been paid there, to say nothing of five to six millions additional, which arose from tobacco manufactured in and around Danville, but which under the bonded-warehouse system was credited to cities in which the warehouses were located.

Now what justice or what reason can there be in such a discriminating system of taxation as this, especially when it curtails production and lessens the revenue? That the heavy tax upon tobacco as upon liquors depresses the trade and decreases the revenue, which by a more reasonable system might be secured, is beyond question. The statistics show that while the tax upon tobacco was at 40 cents the trade greatly languished, besides the temptation to fraud was greatly increased. The same state of things existed with the tax at 32 cents. No sooner, however, was the tax reduced to 20 cents than production was stimulated, the trade revived, the Government commenced to get its revenues, and in fact collected more than ever before during the same period of time or at any other rate.

I quote again from the Commissioner's report, by which it will be seen that while the tax was at twenty cents the revenue steadily increased. Take for example the months of January and February, 1874 and 1875, with the tax at twenty cents:

In January, 1874, there were collected	$1,990,535
In February, 1874, there were collected	1,824,610
Total	3,815,145

In the corresponding months of the following year, with the same tax of twenty cents—

Collected January, 1875	$1,378,828
Collected February, 1875	3,548,877
Total	4,927,705

showing a steady and marked improvement under the operations of the decreased tax and an increase in receipts over the corresponding months of the year before of $1,112,500.

On the 3d of March, 1875, the tax was increased from twenty to twenty-four cents, and at once there was a marked decrease in revenue receipts; for the Commissioner shows that for the months of March, April, May, and June, immediately following the increase of tax—the best manufacturing months in the year—the revenue, as compared with the same months of 1874, decreased to the extent of $1,413,660. I add to the Commissioner's statistics statements from my own city of Danville, the center of the finest tobacco region of the world. Compare the months of February, 1875 and 1876:

Amount of revenue paid at Danville February, 1875, tax 20 cents	$166,345 30
Amount of revenue paid at Danville February, 1876, tax 24 cents	48,161 25
Decrease in February, 1876, as compared with February, 1875	118,184 05

Again, from the 1st day of October, 1874, to the 1st day of March, 1875, the amount of revenue paid, with tax at twenty cents, was $390,174.30; for the corresponding months of the succeeding year, 1875, with tax at twenty-four cents, the amount was $341,184.75; thus:

From 1st of October, 1874, to 1st of March, 1875, tax 20 cents	$390,174 30
From 1st of October, 1875, to 1st of October, 1876, tax 24 cents	341,184 75
Showing decrease and loss to the Government of	48,989 55

The statistics of Richmond, Lynchburgh, and Petersburgh show the same results, I am told.

The increase of the tax affected not only the manufactured, but the raw article also, as I will show. Take the same years and months as before. For the month of February, 1875, when the tax was twenty cents, there were sold in the Danville market 1,436,749 pounds of leaf-tobacco at the average price of $22.07. For the month of February, 1876, there were sold—with tax at twenty-four cents—2,844,749 pounds of tobacco at the average price of $10.04 per hundred-weight; or in other words, 1,408,600 pounds more tobacco were sold in February, 1876, than in February, 1875, and for $31,316.30 less money.

Again, from the 1st of October, 1874, to the 1st of March, 1875, when the tax was at twenty cents, there were sold 5,297,348 pounds leaf tobacco for $1,144,610.70, an average of $20.60 per hundred-weight. For the corresponding periods of the next year, with the tax at twenty-four cents, were sold 8,107,952 pounds for $849,652.61, an average of $10.47. Thus we see 3,810,604 pounds more tobacco in certain months of 1875-'76, under the operation of the twenty-four-cent tax, sell for $294,958.09 less money than in the same months of 1874-'75, when the tax was at twenty cents.

Now who can doubt the injustice and impropriety of such a system of taxation?

If it is determined to keep up this tax, discriminating in its effects as it is, good judgment and sound policy alike demand that it should be at once reduced to a reasonable rate, say not over fifteen cents per pound, and for some time kept stationary. As long as the tax remains at its present exorbitant and oppressive figure, the people of the producing regions will remain dissatisfied, the agitation for reduction will continue, and depression of trade and loss both to the people and the Government will be the result. Whenever the tax is reduced to a reasonable rate, such a one as the production can bear, and the manufacturing and planting interests assured that there will be some permanency, some stability in the rate, production will be stimulated, trade will revive, agitation will cease, and benefit will ensue to both Government and people.

I assure this House that the present condition of the tobacco trade, because of its depressed and languishing condition, imperatively demands a reduction of the tax from its present to a much lower rate. The tax is disproportionately high as compared with the tax upon any other product or species of property, and practical results demonstrate beyond all question that a lower rate would induce more business, more consumption, a more faithful compliance with the law, and hence a greater return in revenue to the Government.

In the present condition of affairs in this country, the financial depression existing, the tendency toward contraction, and the universal skrinkage in value of every species of property, it is unreasonable to suppose that an increase of revenue can be derived from a staple so excessively burdened and disproportionately taxed.

As germane to the subject last discussed I will call attention to the import duty upon licorice. A large amount of mass and stick licorice is imported into this from foreign countries upon which a duty of ten cents gold per pound is paid the Government. About three-fourths of this licorice is used in the manufacture of tobacco and one-fourth in medicines and confections. The effect of the law as it now stands is to impose a double tax upon all licorice used upon tobacco, first in the way of the ten-cent gold duty upon the importation of the licorice, and then the twenty-four-cent internal tax upon tobacco, aggregating thirty-four cents per pound upon every pound of licorice used in the manufacture of tobacco. Not only is the tax onerous but discriminating. The manufacturers of fine-cut in the preparation of their tobacco use only the powdered licorice root, which comes in free of duty, while the plug manufacturer is compelled to use mass or stick licorice with the ten cents duty upon it. Unable to pay the heavy tax upon imported licorice, many of our manufacturers are forced to use inferior licorice of American make or to resort to cheap substitutes, whereby the quality of tobacco is greatly injured and the demands for it impaired not only in our own but in the markets of the world. Because of this duty upon licorice our tobacco manufacturing trade has been greatly injured, not only in the advantage thereby given foreign manufacturers but also in the fact that it has stimulated and built up large manufactories in Canada and elsewhere run with American tobacco. It is a matter of surprise why this duty has been so long kept upon licorice when its effects are so plainly injurious to American interests; but the most surprising part of the whole matter is that the American Congress should, in respect to this subject, have been for several years legislating for the protection not of its own but foreign manufacturers.

The repeal of this tax would result in putting ours on an equal footing with foreign manufacturers of tobacco, in increasing greatly our exports, in cheapening the production of the manufactured article, thereby increasing consumption and consequently the Government's revenue. I trust that, for the good of the Government and the encouragement of the people, the House will abolish this onerous tax by proper enactment.

Mr. Chairman, I appeal to this House to take no sectional or partisan view of these questions, but to deal with them in the light of justice and wisdom.

We have for the good of this country had too much sectional and partisan legislation. We have seen the productions of one section—whether intentional or not—heavily taxed for the benefit of another. We have seen the marts and avenues of commerce closed to one section and opened wide for the benefit of the other. We have seen State governments overthrown by the bayonet and unworthy men placed in power by violence and fraud. We have seen the power of the Federal Government directed to the destruction of State constitutions and the silencing of the people. We have seen the Army sent to intimidate and overawe the white population of many sections of the South. We have seen incompetent, unworthy, and unscrupulous men holding by Federal appointment judgeships in the South whose infamous actions have shamed the Government and profaned the name of justice. We have seen hordes of marshals, spies, and informers, men without means, manners, or morals, sent all over the South to harry, to vex, to insult, and to plunder a distressed and impoverished people. We have seen strangers, aliens in feelings, interests, and purposes, sent down among us to collect revenues who added to their duties the role of political organizers and partisan strikers, making their offices the headquarters of bitter hate, intimidation, and threatenings. We have seen that great writ of right—the *habeas corpus*—suspended in time of profound peace. We have seen the liberty of the citizen outraged, the reserved rights of the States contemned, despised, and set at naught, and the attempt boldly made to erect a centralized despotism upon the ruins of constitutional government.

All these things, Mr. Chairman, and much more have we seen as the result of partisan and republican legislation. Is it not time to put a stop to such a pernicious system of legislation? Is it not time to "call a halt" and consider what should be done for the best interests of the country? Can we not rise superior to partisan hate and sectional jealousies, and, with a single purpose of equal rights, equal laws, and equal justice to all sections, labor for the common good of a common country?

The war, with all its bitter memories, never I hope to be revived again, has long been over, and it is high time that "the sword should be beat into the plowshare and the spear into the pruning-hook," and peace and tranquillity restored to this yet distracted country which by well-directed energy and elevated patriotism can be made what our fathers intended it should be, the grandest and the most prosperous country on the face of the earth.

TARIFF.

Mr. KELLEY. Mr. Chairman, though I am to speak on the tariff bill now pending the gentleman [Mr. CABELL] who has just taken his seat will find that my argument will supplement his vigorous protest against our annoying and oppressive system of internal taxation. It is impossible to discuss a general tariff bill without speaking of metals, wares, fibers, fabrics, and other ingredients and results of the manifold industries of man; but in what I have to say on this occasion these are to be merely incidental. My theme will be, "Our country; the means of maintaining its unity, increasing its power, and endowing it with perpetual youth." These great ends are, in my judgment, to be attained only by developing its vastly varied resources, bringing the producer and consumer into close proximity in its valleys and on its mountains, and giving to the exchange of their productions between citizens of the sections most remote absolute freedom from Government restraint or imposition of excise of any kind or degree. To do this is practicable, and if it had been done by our fathers the great war, from the terrible effects of which we are now slowly recovering, could not have occurred. It was the prevalence of the misnamed system of free trade to which we owe that war. Had the tariff of 1824 been maintained, subject to such modifications as the progress of our industries and the peopling and development of new sections of our country had required, that fratricidal struggle would have been impossible; and, to come to a nearer day, had not the revenue or free-trade tariffs of 1846 and 1857 succeeded the protective tariff of 1842, slavery would have peacefully disappeared or be in the process of gradual extinction, the South would now be a great manufacturing region, and the North and South be interwoven by the indissoluble ties of trade, friendship, and consanguinity. Estrangement between the people of these two great sections so needful to each other's welfare would have been as impossible as it is between the States of New England, or between them and the great Middle States, or between either and the people of the grain-growing States of the Northwest.

That this is not mere theory or rhetoric I hope to demonstrate before I close, and to that end let me invite gentlemen to recall to mind the condition of the country in the years immediately preceding the war. Theoretic economists long taught that England's immense deposits of coal, iron, and other useful metals were an irresistible indication that Providence intended that island to be the workshop of the world to which raw materials from every land should be brought for manufacture. Many a time have I heard this proposition offered as conclusive evidence that the friends of the protective system were fighting against Providence. We accepted this theory and sought to make our exchanges in Liverpool unconscious of the fact that our country was richer in fuel, in metals, in fibrous plants, and in all elements of productive industry than England. If there be force in the argument drawn from the possession of such resources, it is as the exigencies of war disclosed to the South and fourteen consecutive years of experience under protective tariffs has proven to the North a thousand-fold in favor of making the United States the great workshop of the world, for England has no cotton or hemp fields, no sunny fields from which to gather ramie, or swamps in which to grow jute, and no tobacco, rice, or sugar fields. She is dependent largely upon us and other foreign countries for food, animal and vegetable, and must, at no distant day, if she be true to her own theory and buy where she can buy cheapest, go with us of the iron-bearing States of the North to that part of the Appalachian hills that lies in the old cotton States for essential ingredients of both Bessemer and crucible or cast-steel. These results are in the future; but she and her colonies are already getting their best axes, many of their saws, farm implements, and other forms of iron-ware from us; and, thanks to fourteen years of protection to our industries, we are competing with her in locomotives and many forms of machinery in the markets of the world.

But to recur to the period before the war. That I may not be justly charged with misrepresenting the attitude of the South, let me state it in the language of one of her most logical and polished writers, William M. Burwell, esq., who in the course of a public address in Louisiana, in November, 1856, "indicated the points of southern opinion and policy which bore on her subjugation" by saying, among other things, that she had held that "commerce and the mechanic arts and the banking system were incompatible with the social safety of the slave States," and "that great cities were great sores, aggregations of people an evil, immigrant numbers and capital not desirable, and works of internal commerce only to be allowed where they were built at the private cost of those who used them." "The ocean," said he, "was regarded as a 'scene of strife,' and it was thought that our ships and workshops should be stationed beyond the Atlantic." As the South dominated our politics, these propositions indicate the policy that had been pursued by the Government except for brief intervals, as from 1824 to 1832 and from 1842 to 1846. What results did it produce?

During the years from 1854 to 1862, including both, the production of iron was stationary, the amount produced annually averaging less than 800,000 tons. Vast amounts of energy and capital were during this period embarked and lost in efforts to establish manufacturing enterprises. Our exports were of bulky raw material, the freight on which consumed much of what should have been the profit of the producer. Our imports steadily exceeded our exports. Foreign debt increased and general bankruptcy overtook us at intervals of about seven years. The direct interchanges of commodities between the North and South were unimportant; no railroad running North and South could be maintained; indeed the construction of a through line had not been attempted. The longest paying North and South line prior to the war was the Illinois Central Road, extending from Chicago to Cairo, and when the confederacy was established its government found that it had no through line upon which to transport troops or munitions of war. To supply the missing link between Greensboro, North Carolina, and Danville, Virginia, roads running from the chief towns in the interior of North Carolina were dismantled and the iron used in making the only North and South line within the whole confederacy. Why should such a road have been constructed? There were no thriving towns or busy marts to require or sustain it and the two great sections of the country were alien to each other in trade. Commerce between them was conducted by foreign agents in a foreign land, where free traders believed it was best to keep our ships and workshops. The cotton of the South went to Liverpool for a market; the grain and provisions of the Northwest went to Liverpool to feed those who spun and wove the cotton and the gold of California traveled as nearly due East as the then routes of travel would permit, in order that reaching Liverpool it might buy back in the form of fabrics for the use of the American people the food and fiber they had sent thither for exchange. Elsewhere than in and about Richmond there was not an important workshop in the South. At Augusta, Georgia, and Graniteville, South Carolina, a few mills existed for the production of coarse yarns and Osnaburgs. The people of the South knew nothing of her resources. The lives of most of them were passed in thriftless idleness and poverty; even the slaves, when the culture of cotton, tobacco, sugar, or rice did not require their services, were without employment. Nor was the condition of the poor whites happier. Society offered no stimulants to the faculties with which they were endowed; no workshops proposed rewards for skilled or steady labor; no schools of art called into play their faculties or by enlarging their desires impelled them to labor for the means of gratifying them.

These conditions repelled immigration and prevented that increase in the value of southern lands which results from the aggregation of individuals and the diversification of employments, and, though devoting themselves to agriculture, the southern people relied upon others for a large share of their food for man and beast. The risibilities of citizens of Atlanta, Georgia, were excited when, during my visit to that city in October last, I expressed surprise at the fact that they could raise successive crops of wheat and corn from the same field in the same season, and frankly told them that I had not supposed they could raise either crop. Pressed for the foundation of so absurd a notion, I replied that I feared to express it, lest it should then be my turn to laugh, and good-naturedly added that I had known that there were millions of untilled acres in the State, and that tens of thousands of laboring-people were idle when the work of cotton or rice plantations did not employ them, and had been unable to believe that any part of the American people were capable of such fatuity as to indulge both land and labor in unproductive idleness while purchasing their bacon, corn, and oats from distant States with bills of exchange received from Liverpool in return for their cotton. The suggestion was received as kindly as it was intended, and thus emboldened I further modestly confessed that so late as 1867, when I had made my first visit to Memphis, I had observed in front of several warehouses immense piles of what I supposed to be bags of coffee, and had commented upon the enormous quantities of coffee the southern people must consume *per capita*, and that, when then interrogated as to the foundation of my opinion, I had pointed to the piles of what I supposed to be pure Rio, and had in response been told that they were bags of corn that had come down the Mississippi, but had not yet been stored. Of course such cheap and bulky articles could not bear railroad transportation, and yet they constituted almost the only commerce between the cotton-growing States and the non-manufacturing Northwest. Such was the condition of the South under free trade.

Meanwhile a limited tide of immigration flowed into the Northern States, and as the low rates of duties precluded the possibility of successfully establishing diversified manufactures on a scale sufficient to afford them employment, the immigrants sought the grain-growing regions, populated new lands, increased the already excessive production of grain and provisions, organized new States, and by their demand for admission to the Union as such disturbed the traditional balance of power between slavery and freedom in the Senate.

The condition of the country at that time may be compared to a broad warp set for cloth into which no woof had been woven, and which by reason of its great width was rent apart at the middle; and, sir, such must ever be the feeble and dangerous condition of our country while we make our domestic exchanges in a foreign land, and confine the labors of our people to the few and simple industries involved in the production of raw materials. If we would be one people, prosperous, contented, and thoroughly united, we must weave the parts of the country together. There must be not only warp but woof in the fabric. To this good work every consideration of patriotism and personal interest invites us. The Northwest needs local industries; she should spin and weave her own fabrics; she should consume the hemp of Kentucky, the cotton of the Gulf States, which should also supply her with jute and ramie for all the various uses to which they are appropriate. New England, and even we of Pennsylvania, need the manganiferous ores of Alabama and Georgia, for the equivalents

of which we have hitherto depended on Germany alone for conversion into spiegelisen and Bessemer steel; and, as was testified before the committee by Mr. William Metcalf, of Pittsburgh, his exploration of the hills of North Carolina disclosed the fact that they contain a better ore for use in the manufacture of cast-steel than Sweden has produced. That gentleman added with emphasis, that "he had no doubt that the iron-ore of that region would produce a better quality of iron than the best Swedish." The cotton yarns for all the mills of this country should be spun by the water-power that flows through the cotton-fields of the South. The manufacturer then would have the benefit of all the cost involved in pressing, baling, tying, marking, transporting, untying, and passing the cotton through the picker-room of the northern manufactory, together with the saving of interest, the cost of transportation, and commissions of middle-men; a matter which competent judges have assured me would give them an advantage of not less than 15 per cent. over their distant New England or European competitors in the production of yarns and cloths.

The necessities of trade invite the people of the South to develop her resources and make her populous with skilled workmen, and thus create markets for those articles which they may not produce, but which the North will gladly send them in exchange for their productions with profit to both parties. When this work shall be accomplished, the Union will be in fact "one and inseparable." Railroads will stretch from the shores of the Gulf through the notches and passes of the mountains and along the water-courses to the far Northwest, and the cities of New England and the North will be brought into direct connection with those of the States of the far Southwest, and railroads parallel with every water-course and offering commercial facilities to the people of every section of the country will not then be regarded as "premature." They will, to recur to the figure to which I have resorted, make the woof that will weave us together in inseparable union.

In pleading for the maintenance of the protective system, I present the only conditions that will enable us to effect this happy consummation; for new States, wherein capital is scarce and there is an absence of skilled labor and modern machinery, as is now the case throughout the entire South and the remote grain-growing States of the North and Northwest, cannot compete on equal terms with old nations whose manufacturers have the advantage of cheap money, low wages, accumulated machinery, and surplus of skilled workmen.

Mr. Chairman, I have my dream of free trade as vivid as that of those who call themselves revenue reformers and delight in the honor conferred upon them by membership in the Cobden club, but my dream is of free trade for American citizens within the limits of their country. We now number 45,000,000, and by the close of the century, if we may judge by the past, will be very nearly 100,000,000 of people, and I would have trade between these increasing millions absolutely free. No Government exaction should impede it at any point or at any time. I would hasten to abolish every internal tax, so that the cost of American products to American citizens or for shipment to foreign countries should not be enhanced by any form of excise or internal tax; and I would do this by making the foreigner, who could find a better market for his wares in this country than in his own or elsewhere, pay for the privilege of enjoying it, and thus put hundreds of "millions of dollars annually into the Treasury of an untaxed nation." This is the meaning of the protective system, and these are the results its friends strive to produce. It defends the man of enterprise who embarks his capital in a productive industry against being overwhelmed by rich foreign rivals who can afford to undersell and crush him, and then re-imburse themselves by increasing the price of their commodities to a people who have left themselves no second source of supply. It defends the American laborer in his right to maintain his children while receiving that education which is due to every child in a democratic republic against the ruinous competition of the ill-paid though more skillful laborers of despotic lands. Yes, give us free trade for the American people between themselves and defend their right to it by whatever scale of duties may enable them to maintain it while paying a fair day's wages for every fair day's work done by man or woman, and the free Republic of the United States will become the exemplar nation of the world.

Mr. Chairman, it is well to clear a ship's deck of loose spars, rigging, and other rubbish before going into action, and I invoke the assistance of the Clerk in this preliminary work. He will please read the extract I send him from the remarks of Thursday last by the chairman of the Committee of Ways and Means, [Mr. MORRISON.]

The Clerk read as follows:

It was then, too, (May 1, 1872,) that the gentleman from Pennsylvania [Mr. KELLEY] drew the following glowing picture of what protection had done for his constituents. He said:

"Would that the gentleman from Illinois, [Mr. McNeely,] who spoke yesterday of their hopeless condition and the squalor in which they dwell, would spend a week with me in my home and look from my windows upon the clean brick houses with little gardens in the front and rear, with parlors well furnished, and many of them with a piano or melodeon, or other musical instrument; with their rooms lighted by gas and heated by patented processes; with bath-rooms supplied with hot and cold water, flowing every minute in the year. These, sir, are the houses in which our workingmen dwell, and thousands of which they own; many of them are under the shadow of the public-school house and the church, to the support of which the occupants freely and liberally contribute. A visit to a few hundred such homes would change the gentleman's opinions and convince even him that protection is the right of the laborer and a boon to the consumer."

This picture he presented as the result of protection and urged as a reason why it should remain untouched. Now hear what the Iron and Steel Association, summoned by him to testify in March of this year, say:

"With failure upon failure of our most experienced and respected iron-masters announced in the public prints from day to day, with wages of iron-workers necessarily reduced so low that they and their families can scarcely escape destitution and starvation, the American Iron and Steel Association is astounded to learn that a reduction of duties on foreign iron is seriously contemplated by the Ways and Means Committee, and it respectfully, through you, protests against such action."

And so four additional years of protection and oppression have converted these happy homes of "clean brick houses" into homes of men whose wages are so low that they can scarcely escape "destitution and starvation;" and still protection and opression are unrelenting. If the testimony of the association, the witnesses summoned by the gentleman, as to the "destitution and starvation" which threaten the workmen of Pennsylvania is to be credited, it is reasonable to infer that the "clean brick houses" of workingmen are not the happy homes they once were; their musical instruments will probably tell of little happiness while "starvation and destitution" threaten its inmates; for "hot and cold water" some tears may be "flowing every minute in the year." With all this changed condition in four years who shall say that that squalor of which Mr. McNeely spoke will remain away from these homes if this system is to continue? Yet the gentleman from Pennsylvania and his witnesses "hope the committee will allow the duties on iron and steel and all other manufactures to remain as they are until the country recovers from its present widespread prostration."

Still another reason was then urged by him for keeping up protection, which he asserts is no taxation; he wanted to abolish all internal taxes, as he then said:

"So that in 1876, when our customs revenue, as I believe it will, shall have reached $230,000,000 per annum, and our interest account shall have been greatly reduced, the world may assemble to celebrate our one hundredth birthday and find America a free and untaxed nation. That is possible, and that I aim at accomplishing."

This prophecy this very year will fall about $100,000,000 short of fulfillment; but $100,000,000 is as near fulfillment as could be expected of a prophet who, standing in the United States Congress, talks two hundred and thirty millions into the Treasury of an "untaxed nation." So much of "the world" as may assemble to celebrate our one hundredth birthday will find us not "untaxed," but about the best-taxed nation on the globe. Still the advocates of protection are unrelenting. Then we must not touch the tariff because the country was prosperous; now we must not touch it because it is not prosperous. With them there is no fitting time to loosen the hold which selfish greed has made so firm.

Mr. KELLEY. I am profoundly grateful to the gentleman from Illinois [Mr. MORRISON] for bringing to the attention of the country the painful contrast now presented by the condition of the laboring-people of Pennsylvania with that they enjoyed four years ago. If it be that the protective system is responsible for this deplorable change, I would also have been grateful to him had he shown or attempted to show the relation of cause and effect. That the sad contrast is faithfully presented by him is freely admitted, and I challenge him and all others to show that it has not come as the result of other causes and notwithstanding the beneficent influence of the protective system instead of by reason thereof. Our customs receipts will not be $230,000,000 this year. No, sir; they will be but about $145,000,000, which is less by several millions than they were in the preceding year, although it was expected that the act of February 8, 1875, would make some additions and that the act of March 3, 1875, repealing the act by which 10 per cent. had been removed from duties on leading classes of imports and 25 per cent. added to the duties on sugar, molasses, and melado would add at least $15,000,000.

Whether my prediction of $230,000,000 would have been verified had unwise legislation not reduced customs duties and increased internal taxes can never be determined. It was based on the assumption that the existing rate of duties and taxes would be maintained and that the general business of the country should not be prostrated by such financial legislation as has been had. But the duties on leading classes of imports were reduced 10 per cent. by the act of June 6, 1872, against which reduction I was protesting when I uttered the words quoted by the gentleman. My prediction was reasonable, and would, I believe, have been verified had wise counsels prevailed. The customs revenues collected in the year ending June 30, 1864, were but $102,000,000, which was $18,000,000 more than ever had been collected in a fiscal year, and in the year ending the 30th of June, 1872, but eight years thereafter, they had swollen to $216,000,000, showing a steady rate of increase, which promised to reach $230,000,000 long ere the centennial year should come around. A further increase of but $14,000,000 would have made good my prediction.

I have never claimed that the protective system could overcome the effect of all adverse legislation. The influences that govern society are subtle and complex, and the prosperity or adversity of the people are inextricably involved with questions of currency and finance. Knowing this, I have frequently warned Congress and the country that mistaken legislation on these questions would prostrate the industry and revenues of the country in spite of any tariff of protective duties that might be imposed.

So early as the 3d of January, 1867, I entered an emphatic protest against the then recently proposed experiment of hastening specie payments by contracting a volume of currency, which was legitimately employed in the business of the country, in the course of which I said:

The experiment, if attempted as a means of hastening specie payments, will prove a failure, but not a harmless one. It will be fatal to the prospects of a majority of the business men of this generation, and strip the frugal laboring people of the country of the small but hard-earned sums they have deposited in savings-banks or invested in Government securities. It will make money scarce and employment uncertain. Its object is to reduce the amount of that which, in every part of our country and for the hundreds of thousands of millions of dollars of domestic trade, is money, and to increase its purchasing power; and by thus unsettling values it will paralyze trade, suspend production, and deprive industry of employment. It will make the money of the rich man more valuable and deprive the poor man of his entire capital, the value of his labor, by depriving him of employment. Its first effect will be to increase the rate of interest and diminish the rate of wages, and its final effect wide-spread bankruptcy and a more protracted suspension of specie payments.

And again on the 18th of January, 1868, after the destructive experiment had been entered upon I protested and said:

The attempt to force a resumption of specie payments by contracting a volume of currency which is actively, legitimately, and profitably employed, is as dishonest as it is unwise. The object and effect of such a movement are to increase the purchasing power and value of the rich man's hoarded or invested dollars, and its projectors pause not, though they discover that it robs millions of laborers of their whole estate. The laborer's income is derived from his thews and sinews and the skill of his cunning right hand. These are his estate—these and his little savings—and of these millions are being robbed by the mad attempt of the Secretary of the Treasury to bring about specie payments. The balance of trade is heavily against us; and our gold-bearing bonds are so largely held by foreigners that resumption would, in less than thirty days, induce the return of bonds enough to drain us of specie and make us feel the curse of absenteeism as keenly as Ireland ever felt it. With our bonds held at home and with commercial exchanges greatly in our favor, we might maintain specie payments; but, with our bonds abroad and the balance of trade heavily against us, we could not maintain them a month; and if Congress does not restrain Mr. McCulloch from persisting in the attempt, he will unsettle the value of every species of property, curtail the productive power of the country, bankrupt men of enterprise, and rob millions of laboring people of their whole estate.

Thus nearly ten years ago did I portray the present pitiable condition of the working classes as faithfully as the representatives of the Iron and Steel Association were able to describe it in March last. It was then as clear to me that contraction must produce these sad results as it now is to our victims that it has done it. But, sir, my efforts to rescue the labor and enterprise of the people and the revenues of the Government from destruction did not end here; for when the act of March 3, 1875, which contained the provision for the restoration of the 10 per cent. which had been stricken from the duties by the act of June 6, 1872, was under consideration, I surprised the protectionists of the country by opposing it, which I did with all my power, because the provisions touching the sinking fund, currency, and the banking system of the country it contained, and the addition of 25 per cent to the tax on tobacco and of 30 per cent. to that on spirits for which it provided, were in my judgment calculated to further prostrate the confidence and productive power of the country. That I was not in error in supposing that that act would enable free-traders to point, as the gentleman from Illinois has done, to the fact that under increased protection production might be made to decline appears from the fact that when the bill was under consideration I said:

The effort to protect the sinking fund and to provide for the exigencies of the Government by re-imposing war taxes in the midst of such general depression as now prevails is as ill-judged as it is inopportune. It will fail of its intended effect. If we adopt this bill, I confidently predict that instead of replenishing the revenues it will deplete them, and that the Administration will meet the Forty-fourth Congress with a demand for a further increase of taxes to supply the deficiency.

The falling off in the revenues demonstrates the poverty of the people. They do not contribute to the Treasury, because they cannot supply their wants. They are unable to consume dutiable and taxable commodities, because we have by our legislation paralyzed their productive power. It is a maxim of mine, and I cannot too often repeat it, that a prosperous people not only supply their wants but gratify their desires; while a people suffering as the laboring people of this country now are, not only do not gratify their desires, but are unable to provide themselves with the necessaries of life.

Water-power hitherto utilized to the advantage of the country and its people now runs to waste; steam-engines and the cunning machinery they once impelled rust in repose; and more than a million of willing working-people are living in enforced idleness and want. Hence it is that the revenues decline, and not by reason of the thrifty economy so eloquently depicted by my colleague on the Committee on Ways and Means, the gentleman from New York, [Mr. Ellis H. Roberts.] Those thrifty laborers who are living on public or private charity are not practicing economy or contributing much to the public welfare.

In view of all these circumstances, to charge that the deplorable condition of the working classes is the result of our protective tariff, as the gentleman from Illinois has done, is like feasting a party on nutritious viands seasoned with strychnine or arsenic, and attributing the consequent suffering and death to the food, and not to the deadly drug.

The issue between the gentleman and myself is fairly made; it is, is protection spoliation, as he affirms, or a right of the laborer and a boon to the consumer, as I maintain?

Now let the experience of nations and the character of their revenue and currency systems settle it. Had the gentleman's devotion to abstract economic science, as the nonsense taught by the Manchester school is poetically called, permitted him to study the present condition of the trade of England, he would not, when pointing to the depressed condition of our industries, have urged us, as he did, to follow her example. It is not easy to undermine or overthrow the power of a country that for more than a century has been the recognized workshop of the world and the acknowledged mistress of the seas, whose commerce has shadowed every sea and navigable river, whose colonies so completely encircle the globe that it is said, with truth, her morning drum beats each hour in the day. To undermine the prosperity of such a country is not the work of a year or decade. It can be effected only by the continued operation of vital influences. Yet, sir, free trade and its inevitable concomitant, internal taxation, have in about the third of a century shaken the foundations of England's commercial and manufacturing supremacy. Her condition is this hour more deplorable than our own in all save the accumulation in the hands of her plutocracy of almost countless capital. It is more than half a century since by the premature resumption of specie payments she impoverished her working-people. Her trade is free. Her money is convertible into gold. She has all the conditions that the gentleman from Illinois [Mr. MORRISON] would impose upon our country; yet her people are not happy, and cannot be. To escape the effects of these blessings to holders of capital her laborers emigrate by millions, not only to this broad continent, but to the remote and unexplored islands of the sea.

Her exports diminish, while ours increase. The failures in her commercial circles and at the stock exchange far outrun ours in numbers, and in amount of liabilities the excess is still larger. Her condition is a spectacle upon which the nations may gaze with sympathy and pity. Our calamities are but the results of suddenly arrested progress; but hers are the sad proofs of fallen greatness and the unwitting and unwilling surrender of a supremacy the title to which was arrogantly held to be indefeasible.

That these statements shall not rest on my assertion, let me detain the committee while I confirm them by British authority. I submit first a brief paragraph from a letter of the regular Sheffield correspondent of the Iron Age, dated March 21:

THE TIN-PLATE TRADE.

On Thursday a very influential meeting of the Welsh tin-plate trade was held at the Cambrian Hotel, Swansea, twenty-six firms and one hundred and ten mills being represented. The state of trade was discussed, and prices were declared to be simply ruinous. It was unanimously decided that the whole of the works in South Wales should be closed one week in every three up to June 30, commencing April 3, and every member present pledged himself to carry out the resolution under penalty of £500.

This statement does not seem to have much significance upon the question now under consideration. But gentlemen will understand why I quote it when I tell them that they are asked to unite in this conspiracy to diminish the production of tin plates and to raise their price to the American consumer, and that a provision which will effect that purpose is found in line 155 of section 2 of the bill reported by the Committee of Ways and Means. Our people all over the Rocky Mountains, and in the mines, and the interior of the country generally, live upon meat, fish, lobster, oysters, vegetables, and fruit supplied in tin cans. Indeed the store-room in every well-appointed residence in our cities attests the great and increasing demand for tin plates for domestic purposes. Last year we sent $13,000,000 abroad to buy them. Sir, by our large consumption we were largely increasing the price of British plates; and in 1872, gentlemen skilled in the production of tin plates came before the then Committee of Ways and Means, assured them they could get better iron plates in this country than were used in England for tinning, and said to the committee, "If you will give us tin duty free we will undersell the British in our markets." The heavy war duty on tin in pigs, bars, and blocks was repealed by putting it on the free list, and the production of tin plates is now one of our enormous industries, employing many men in the production of iron and rolling and tinning it. And now, in the face of this conspiracy to raise the price of foreign plates by curtailing their production, the Committee of Ways and Means report a bill to impose a duty of 3 cents a pound on raw tin, and thus assist these British conspirators by crushing out American competition.

This is a bill to reduce taxation, is it? A bill to simplify the tariff and reduce the burdens of the people? And yet in view of this information it takes that article, of which we produce none, from the free list and imposes upon it a duty of $66 a ton. The tin-plate trade is not very good in England; but I am not willing to go quite so far to promote its revival.

In his letter of April 10 the same correspondent, writing of more general facts, said:

BRITISH EXPORTS DURING MARCH.

The Board of Trade returns for March again show to disadvantage. The total exports for the month were only worth £17,739,101, as against £18,606,223 last March, and £20,100,814 in March, 1874.

Here in a leader of the London Times of April 3, discussing the budget, it is said:

But the quarter just expired has disappointed this promise. The excise has suddenly declined, as compared with the corresponding quarter of the previous year, by no less than £231,000. This is no doubt a very uncomfortable symptom, for the excise is the best test we have of the prosperity of the mass of the people, and upon the mass of the people, in a very great degree, the stability of our financial system depends. There must have been, during the last quarter, a very considerable reduction in the expenditure of the working classes, and consequently in the wages received and in the work which the wages represent.

The public revenues are being affected by the idleness and consequent poverty of the laboring-people. Here comes Ryland's Iron-Trade Circular, of April 29, the oldest and most valuable of all the organs of the British iron trade, and says:

There is no improvement to report in the demand for iron for shipment. The custom's bill of entry for the ports of Glasgow, Middlesbrough, Cardiff, and Liverpool exhibits but very small quantities, smaller than have been known for a long time past. In addition to this we are informed by merchants, who have hitherto had large transactions in iron, that inquiries are few and far between, and their correspondents assure them that there is no probability of a revival for some time to come. Then we have our friends in the United States who keep us well informed as to the condition of trade in that great country, and from the tone of their reports we do not anticipate any immediate revival from that quarter. The United States is passing through a severe crisis. Its commercial interests have been so rudely shaken that it will be a long time before complete confidence has been restored. We know the American people are quick and sharp when once they resolve upon a course of action, but it seems to take a long time before they can make up their minds to any serious resolution. We have great hopes that the forthcoming exhibition at Philadelphia will do something toward opening the eyes of the Americans to the position in which they are placed by the enormous tariff their Government puts upon the productions of foreign nations, just for the purpose of what is called "fostering home industries," or in other words enriching a few manufacturers at the expense of the whole nation. We print in another place an article on this subject which appeared in the Times during the week, as it so forcibly exhibits the whole question, and we think that the wide-spread circulation of such articles would be of great service to the free-trade party in the States. Not but what the American iron-masters are capable enough in producing iron, and that in great quantities, but as labor enters so largely into the cost of production, and that very arti-

cle being so dear in the States, iron cannot be made so cheaply there as it can be in the older countries of Europe. When bars are selling here at what may be called a reasonable price they can be sent over to New York and sold for less money than the American article. But this is prevented by the present heavy tariff. During the past year or so an immense quantity of iron has been sold out of store in New York and other places at less money than it cost to make.

The gentleman sneered at the suggestion that protective measures were required to defend the more liberal wages of American workingmen. These practical Englishmen understand the question better than he, and recognize the fact. To further illustrate the depression of British trade, and more especially to show them the terrible competition to which the adoption of this bill would subject our working classes, I again recur to the Sheffield correspondent of the Iron Age, who, in his letter of April 17, said:

TRADES OF SHEFFIELD.

The principal topic of business conversation in this district just now is that relating to the question of getting down the miners' wages. The iron-masters are deeply interested in the problem, seeing that any reduction in the price of coal must inevitably be of service to them. The men employed at the various pits still contend that any drop in their wages would leave them with pay insufficient to maintain their families respectably. The employers, on the other hand, state that their profits are of the most marginal description. It is fully apparent to all outsiders that the contest is one in which the men must inevitably be beaten, as the combination of circumstances is against them. At another time the men may be in a better position, but at this juncture they are guided by new and, comparatively speaking, inexperienced leaders; they are disorganized, and not well provided with funds. The council of the association, then, have resolved to ask their constituents generally to accept a drop of 10 per cent., in the hope that by so doing the masters may be inclined to bring down their requirements somewhat. I have good grounds for stating, however, that the colliery proprietors will insist upon the reduction being 15 per cent., as at first proposed. In the mean time the whole district is in a state of inquietude, and there are at a moderate computation about twenty thousand men out of work. I find that at seventy-three collieries notices have been given, while at twenty-seven collieries the men have received no intimation other than that if the men at the associated collieries gave way they would be expected to do the same.

The iron-stone miners of South Yorkshire employed by Messrs. Newton, Chambers & Co., Thorncliffe Iron-Works and Collieries, and others, have received notice of a reduction of 15 per cent. in wages, but the matter is likely to be compromised by a drop of 10 per cent.

The question of reducing the wages of the local iron-workers is for the present in abeyance, or at any rate I hear of no rupture having arisen. Some of the notices have now expired. Those at the Atlas and Cyclops Works expired on Saturday, as also did the notices at the Staveley Iron-Works, Derbyshire. The whole of the mechanics, foundery-men, and laborers at the Sheepbridge Iron-Works have now received fourteen days' notices terminating contracts, doubtless prior to a reduction of wages. Taken as a whole the district has not been in so unsettled a condition for some years as it is at the present time, and it appears to be by no means unlikely that some weeks may elapse before matters regain their customary working order. In the iron trade there has been no movement of interest during the week. There is very little business in pig-iron of any description and absolutely nothing in merchant iron.

In the Bessemer-steel departments there is a fair amount of activity, particularly in respect of steel rails, which are now quoted at prices which enable the local producers to take orders in the face of the competition of other home districts as well as against Belgian, French, and German competitors.

But I do not stop here. Here is the great financial organ of the world, The Economist, an article in which brings the condition of the country down to May 13, the current month.

I have shown what the board-of-trade returns were for March, and here is an article discussing the returns for the succeeding month:

THE BOARD-OF-TRADE RETURNS FOR APRIL.

The returns of our foreign trade for April are in one respect the most unsatisfactory of any which have appeared during the last two years of depression. While the falling off of the imports in the previous month is more than made up in April, so that for the four months of the current year there is a moderate increase, the exports not only show a diminution but a very considerable one, extending to nearly every article on our export list, and this is by way of addition to a decrease in each of the earlier months of the year. There are some qualifications to be stated which make the return not more, or only a little more, unsatisfactory than those which have lately been issued, but it calls attention, nevertheless, in a forcible manner to the long delay in recovery of our foreign export trade from a condition of most unusual depression.

The decrease of the exports amounts to the large sum of £4,792,000 and 23.7 per cent. for the month, and to £6,976,000 and 9.6 per cent. for the four months. These are the largest, or about the largest, figures of the kind which have appeared during the long depression for any periods of equal length, and, coming after months of falling trade in which there have only been occasional indications of a tendency to recover, they are the more disheartening.

Analyzing the figures in detail, we find that the falling off in the exports is remarkably uniform, comparing the chief articles of our export trade. From the usual tables which we subjoin this will be clearly seen. In every article on our list, without exception, there is a decrease in value ranging in most cases from 10 to 30 per cent., and still higher in a few instances. It is the same with the quantities of the articles exported, with the single important exception of coal, which has increased nearly 20 per cent., although the value has fallen off slightly. Comparing the two tables, it is evident that the falling off in value is more considerable than the falling off in quantity, but the reduction of quantity is also very large.

Altogether, we cannot but look forward with interest to the returns for the next few months, to see whether last month marks the beginning of a new stage of depression or whether the dullness will remain much the same as it has been for several months past. As matters at present stand, it seems hopeless to look for an immediate apparent recovery of any considerable extent, although it is sooner or later inevitable.

So utter is the paralysis of productive industry that the Financier recently stated that there was no market for money and the current rate for loans at the stock exchange on loans at three months is 1⅛ per cent. per annum. My esteemed friend, Henry Carey Baird, returned last week from a visit to France and England, and I find in the Philadelphia Inquirer of Saturday a report of an interview with him. When asked as to the condition of England, he said:

I was assured by one of the most prominent bankers in London, less than a month ago, that never in his experience had he seen anything to equal the disaster, depression, and ruin which, at that moment, surrounded him on every side in England. I asked him if after the crisis of 1866 things were not worse, and he replied that the crash of that period presented no parallel to the present state of affairs; that a class of men who were then unaffected are involved in the financial difficulties of this day. In Manchester, about the 10th of the present month, a panic was momentarily expected, following the numerous and heavy failures and bankruptcies which had there taken place. Throughout England there is a feeling of gloom and depression, and it was stated the other day in a London paper that within a year ten thousand carriages had been put down in that city alone.

But what was the condition in London on Saturday afternoon last, two days ago? The morning papers contain this telegram:

LONDON, *May* 27.

This afternoon's Globe, in its financial article, says the condition of affairs in the Stock Exchange is little better than a state of panic.

And thus free-trade, hard-money England goes from bad to worse, as any nation ought that legislates in entire disregard of the welfare of its laboring-people, and in its economic theories treats the heart and life, the hope and aspirations of the wealth-producing classes as raw material to be bought in the cheapest market. This is no new doctrine with me, for years ago I said, "The theory that labor—the productive exercise of the skill and muscular power of men who are responsible for the faithful and intelligent performance of civic and other duties—is merely a raw material, and that that nation which pays least for it is wisest and best governed, is inadmissible in a democracy; and when we shall determine to starve the bodies and minds of our operatives in order that we may successfully compete in common markets with the productions of the underpaid and poorly fed peasants of Europe and the paupers of England, we shall assail the foundations of a government which rests upon the intelligence and integrity of its people. To defend our country against this result is the office of a protective tariff, and for this duty it alone is sufficient."

Mr. Chairman, our exports present a pleasing contrast to these sad details. The increase is not very large in value, but in quantity it is immense. The official returns show a steady depreciation of the values of our productions, yet the exports of last year presented a large increase in value over those of the year before. And the first eight months of this fiscal year show an increase of $23,400,000, or considerably over two and one-quarter millions per month. Nor should it be supposed that this is in raw material only. I have here a table of the exports of manufactured articles for the first eight months of 1873–'74, 1874–'75, and 1875–'76. Of such articles we exported in 1874, for the first eight months, $46,000,000; in 1875, $48,000,000; and for the corresponding eight months of 1876, $56,000,000; an increase of $10,000,000 over 1874 and $8,000,000 over last year. Also a statement of exports of domestic products, partly manufactured, during the eight months ending February 29, 1876, and the corresponding periods of the preceeding year, which shows an increase of $2,725,118 in values in the eight months. Gentlemen who will study these tables, copies of which I will hand the reporters, will find that the prices are sometimes little more than half those received in the first year, as is shown by the number of the articles or the pounds or yards as compared with the sum received for them. And if they will bear in mind the fact that there is no shrinking of the face of our bonds or the rate of interest thereon, they will see how many more days' work it now takes to pay $100 of debt or interest than it did when our bonds were purchased with greenbacks, and our own citizens being out of debt were doing business for cash and were able to hold such investments.

If, as the chairman of the Committee of Ways and Means asserts, customs duties are taxes added to the price of commodities, will my friend the chairman of the committee tell me how it is that the exports from free-trade England fall off and those from the protective United States steadily increase? How shall we account for these indisputable facts if it be not by admitting that protection by stimulating the development of a nation's resources and promoting domestic competition cheapens production? Do foreigners buy our productions at greater prices than they can get like ones for from England? In the light of these facts I affirm that a judicious system of protection is a boon to the consumer, and may be demanded as a right by those citizens of a democratic republic whose only estate is their thews and sinews, the cunning of their right hands, and the will to toil for the means of supporting themselves and families and contributing to the public revenues.

The teachings of all history may be invoked in support of these propositions: No nation ever established agriculture, manufactures, and commerce coincidently and in equilibrium, without defending the right of its laboring people to remunerative wages while developing its material resources in competition with nations already in the posession of capital, tools, and established channels of trade.

Before the conquest of India by England, the Hindoos were famed for the delicacy and beauty of their fabrics, and Orme tells us that "on the coast of Coromandel and in the province of Bengal, when at some distance from a high road or principle town, it was difficult to find a village in which every man, woman, and child was not employed in making a piece of cloth," and that "much the greatest part of the whole province was employed in this single manufacture," the progress of which he says "includes no less than a description of the lives of the inhabitants of Indostan." But the prevalence of British free-trade has changed all that, and the condition of the

people of India has become a conscious reproach to the whole people of England. Turkey, whose resources are equal to those of the most richly endowed sections of our country furnishes another illustration of the terrible influence of free-trade, and Ireland, another with which our people are more familiarly acquainted.

For the beneficient influence of a proper system of defense or protection to labor the advocate of that cause can point with confidence to Germany since the establishment of the Zollvercin, to the modern history of Russia, of Sweden and Denmark, and especially to the prosperous condition of France and Belgium in these days of general manufacturing and commercial depression.

[Here the hammer fell.]

The CHAIRMAN. The hour of the gentleman has expired.

Mr. BURCHARD, of Illinois. I move that the gentleman have leave to proceed.

Mr. FULLER. How much time does the gentleman want?

Mr. KELLEY. I cannot tell how long; my materials are before me and loose. The other side have had nearly four hours on this bill.

Many MEMBERS. "Go on!" "Go on!"

The CHAIRMAN. If there be no objection the gentleman will proceed.

There was no objection.

Mr. KELLEY. I call attention to the promised table of our export of manufactured articles which I now send to the desk, and which I hope gentlemen will study carefully:

Statement of domestic exports of manufactured articles during the eight months ending February 29, 1876, and the corresponding periods of the tow preceding years.

Manufactures.	Eight months ending—					
	February 28, 1874.		February 28, 1875.		February 29, 1876.	
	Quantities.	Values.	Quantities.	Values.	Quantities.	Values.
Agricultural implements:						
fanning-mills ..... No..	63	$2,645	49	$1,429	109	$2,404
horse-powers ..... No..	.....	.....	36	17,121	117	32,284
mowers and reapers ..... No..	3,420	374,815	4,232	420,193	4,477	404,291
plows and cultivators ..... No..	12,927	165,860	5,926	74,140	8,295	86,507
all other, not elsewhere specified	.....	479,401	.....	476,400	.....	382,300
Ashes, pot and pearl ..... lbs..	865,397	68,872	620,095	45,343	961,711	57,067
Blacking	.....	41,258	.....	62,565	.....	52,224
Bone-black, ivory-black, &c ..... lbs..	843,581	55,007	1,359,819	63,158	439,922	20,070
Billiard tables and apparatus	.....	32,474	.....	41,506	.....	36,648
Books, pamphlets, &c	.....	377,941	.....	375,491	.....	348,460
Brass, and manufactures of	.....	94,809	.....	489,679	.....	224,073
Brooms and brushes	.....	84,265	.....	89,470	.....	130,120
Candles, tallow, and others ..... lbs..	1,299,305	197,260	981,058	142,634	952,342	144,824
Clocks, watches, and parts of	.....	641,073	.....	714,789	.....	726,350
Cordage, rope, and twine ..... lbs..	1,100,009	168,229	1,997,038	260,628	1,509,438	190,619
Copper manufactures	.....	301,377	.....	706,693	.....	1,957,402
Cotton manufactures:						
colored ..... yards..	3,222,678	470,458	4,702,366	581,842	5,532,225	648,126
uncolored ..... yards..	7,477,146	982,614	14,438,400	1,537,274	33,319,140	3,227,131
other manufactures	.....	466,729	.....	486,631	.....	574,276
Drugs, chemicals, and dyes	.....	1,853,130	.....	1,958,088	.....	2,290,181
Earthen and stone ware	.....	35,445	.....	66,183	.....	47,831
Gas-fixtures	.....	30,335	.....	40,690	.....	18,164
Glass manufactures	.....	400,875	.....	459,176	.....	421,619
Gold and silver manufactures, including plate-ware	.....	100,236	.....	178,283	.....	121,369
Hats, caps, and bonnets	.....	105,569	.....	139,217	.....	156,773
Hemp, manufactures of	.....	656,704	.....	640,101	.....	560,006
Iron and steel:						
pig ..... cwt..	150,934	346,860	250,447	388,120	102,359	137,867
bar ..... cwt..	8,719	48,338	65,528	247,851	142,726	504,336
boiler-plate ..... cwt..	2,088	13,259	1,645	10,060	672	3,717
railroad bars or rails ..... cwt..	2,853	12,710	18,899	61,713	7,697	26,020
sheet, band, and hoop ..... cwt..	368	3,240	824	5,354	650	3,438
all other manufactures	.....	8,986,071	.....	10,115,638	.....	8,511,500
India-rubber manufactures	.....	149,444	.....	141,845	.....	128,046
Lamps	.....	103,748	.....	131,104	.....	135,782
Lead manufactures	.....	4,792	.....	278,487	.....	98,017
Leather and manufactures:						
boots and shoes ..... pairs..	135,853	215,315	183,284	263,729	181,830	252,392
leather of all kinds ..... lbs..	9,093,671	2,357,022	15,545,323	4,069,631	22,639,574	5,998,049
other manufactures	.....	389,177	.....	440,716	.....	744,843
Lime and cement ..... bbls..	19,735	33,729	36,235	58,487	40,480	59,545
Marble and stone manufactures	.....	103,296	.....	148,969	.....	115,907
Matches	.....	98,699	.....	93,053	.....	89,743
Mathematical, musical, &c., instruments	.....	385,167	.....	452,940	.....	551,819
Ordnance stores	.....	574,401	.....	692,165	.....	696,687
Paper and stationery	.....	389,464	.....	481,009	.....	451,600
Paints and varnish	.....	137,524	.....	129,546	.....	146,414
Paintings and engravings	.....	113,485	.....	150,757	.....	145,365
Perfumery	.....	284,196	.....	192,648	.....	257,942
Provisions:						
condensed milk	.....	47,594	.....	70,562	.....	81,738
pickles, sauces, &c	.....	27,127	.....	24,742	.....	21,834
Quicksilver ..... lbs..	395,717	445,860	404,591	590,726	1,892,070	1,291,511
Sewing-machines	.....	1,057,338	.....	1,210,818	.....	1,233,201
Soap of all kinds	.....	450,981	.....	415,012	.....	483,882
Spirits, distilled:						
from grain ..... galls..	1,489,052	756,648	97,619	98,873	17,165	35,069
from molasses ..... galls..	357,249	124,013	206,451	107,406	696,347	294,300
from other materials ..... galls..	30,421	13,527	167	535	260	730
Spirits of turpentine ..... galls..	4,678,638	1,946,702	3,664,198	1,282,938	4,032,531	1,306,657
Starch ..... lbs..	4,968,020	271,093	3,929,457	253,520	6,493,898	362,290
Sugar and molasses:						
sugar, brown ..... lbs..	92,334	8,637	19,876	1,603	19,332	2,018
sugar, refined ..... lbs..	5,949,497	612,556	5,799,923	623,069	30,362,497	3,299,981
molasses ..... galls..	2,052,573	451,970	1,254,487	438,508	3,637,134	992,043
candy and confections	.....	18,104	.....	26,860	.....	22,340
Tobacco, manufactured	.....	1,550,515	.....	1,838,365	.....	1,810,980
Vessels, sold	.....	630,535	.....	319,337	.....	91,496
Wearing-apparel	.....	265,608	.....	283,426	.....	379,912
Wine ..... galls..	27,261	26,747	36,879	41,876	21,217	22,859
Wood, manufactures of	.....	13,333,471	.....	11,055,625	.....	11,398,425
Wool, manufactures of	.....	84,261	.....	92,740	.....	130,193
All other, not elsewhere specified	.....	1,367,643	.....	1,209,286	.....	1,198,441
Total	.....	46,428,198	.....	48,618,373	.....	56,260,128

BUREAU OF STATISTICS, *April* 20, 1876.

EDWARD YOUNG, *Chief of Bureau.*

Statement of exports of domestic products, PARTLY *manufactured, during the eight months ending February 29, 1876, and the corresponding periods of the two preceding years.*

Products partly manufactured.	Eight months ending—			
	February 28, 1875.		February 29, 1876.	
	Quantities.	Values.	Quantities.	Values.
Breadstuffs:				
bread and biscuit ..... lbs..	7,718,251	$405,536	8,099,864	$426,334
Indian corn-meal ..... bbls..	181,006	813,757	226,451	869,974
rye flour ..... bbls..	6,612	36,850	4,838	25,512
wheat flour ..... bbls..	2,719,067	16,353,424	2,603,708	16,318,387
maizena and other preparations	.....	231,170	.....	466,094
Naval stores:				
resin and turpentine ..... bbls..	546,637	1,614,508	556,097	1,405,014
tar and pitch ..... bbls..	24,894	65,633	37,659	99,275
Oil-cake ..... lbs..	164,697,497	3,438,881	178,802,811	3,675,293
Oils, mineral, refined and manufactured:				
naphtha, benzine, &c ..... galls..	8,580,097	829,443	11,382,874	1,121,273
illuminating ..... galls..	127,978,510	17,549,381	155,496,120	21,080,752
lubricating ..... galls..	686,587	180,934	522,956	155,466
residuum ..... bbls..	41,044	114,337	40,684	119,661
Oils, animal:				
lard ..... galls..	98,294	94,667	71,025	73,789
neat's-foot ..... galls..	9,414	9,451	18,636	20,167
sperm ..... galls..	366,763	628,425	582,262	912,719
whale and other fish ..... galls..	509,517	264,345	912,767	359,206
Oils, vegetable:				
cotton-seed ..... galls..	340,535	178,475	107,389	52,568
linseed ..... galls..	19,443	19,026	20,095	16,580
volatile or essential	.....	162,833	....	163,809
Provisions:				
bacon and hams ..... lbs..	173,816,177	19,707,741	216,525,951	25,941,760
butter ..... lbs..	4,596,443	1,103,829	3,333,832	798,000
cheese ..... lbs..	69,971,806	9,490,476	72,221,205	9,179,196
fish, dried or smoked ..... cwt..	84,195	421,069	107,179	545,669
fish, pickled ..... bbls..	30,554	214,724	53,904	292,255
fish, other, cured	.....	1,205,129	.....	1,369,665
meats, preserved	.....	525,278	....	616,490
lard ..... lbs..	110,053,484	14,712,320	96,483,263	12,934,392
Tobacco, leaf ..... lbs..	179,869,556	20,060,153	127,700,185	13,890,893
Tallow ..... lbs..	43,605,981	3,747,939	41,914,232	3,974,939
Total	.....	114,179,734	....	116,904,852

Now let us turn to France and learn what her condition is, and whether she practices free trade or protection. Let me here refer again to the statement of my friend, and see how he found the trade and finances of France. Says Mr. Baird:

As is well known, France was obliged to pay to Germany a war fine of $1,100,000,000. This fine was paid with a loss, in her direct intercourse with Germany, of but little over $100,000,000 of gold and silver, it having been actually paid almost entirely in bills of exchange drawn against merchandise shipped to Germany and other countries. To-day France is the only country in Europe which enjoys any degree of prosperity, and bears every evidence of as high a degree of vitality as she ever before possessed even at the most flourishing period of the empire. This appearance has a real and substantial basis, with the exception probably of the silk industry of Lyons and the shipping trade of Marseilles, whose dullness is explainable in the depressed condition of all the countries with which they trade.

REPORTER. To what cause, Mr. Baird, do you think this remarkable and exceptional prosperity of France is due?

Mr. BAIRD. To the fact that for seventy years she has maintained an intelligent and efficient system of protection to her industries, and that those industries have reached a higher degree of perfection than has ever before been seen by those of any country in the history of the world; and, furthermore, to the suspension of specie payments by the Bank of France in September, 1870, the immediate resultant increase in her paper currency from $275,000,000 to $600,000,000, and notwithstanding the accumulation by import of gold and silver amounting to not less than $350,000,000 since January 1, 1874, a contraction in the circulation of the Bank of France of not over $120,000,000 from the highest point, thus making the instrument of payment subservient to the work that is needed to be performed, and not making the commerce of the people subservient to an arbitrarily limited volume of money, as we have stupidly done in this country since the year 1865.

REPORTER. Has the Bank of France yet resumed specie payments?

Mr. BAIRD. No, and it is not proposed that she shall until January 1, 1878.

REPORTER. Is specie in circulation to any extent to-day in France?

Mr. BAIRD. Yes, both gold and silver to as great an extent as I ever saw on any previous visit to that country, it being a matter of perfect indifference to any banker, merchant, shop-keeper, or hotel proprietor, whether he gives or receives money in large or small quantities in gold, silver, or paper.

REPORTER. To what do you attribute this condition of things?

Mr. BAIRD. To the fact that by the development of her industries, already referred to, France has made herself a creditor nation with every country with which she trades, and has accumulated the precious metals to the amount of not less than $1,250,000,000, for which she has no use except as the basis of her banking system and the commerce among her people. Thus, with a metallic and paper currency of not less than $1,730,000,000, it is in the power of the people to dispense almost entirely with the credit system, and the Frenchman stands to-day with the reputation of being the best pay in the world.

Will the chairman or any member of the committee who voted to report this bill affirm that free trade or low duties has given this exceptional prosperity to France? Here is an official copy of the French tariff. [Holding up a volume.] Look at it, gentlemen; it is a matter of copious detail, filling one hundred and ninety-eight imperial quarto pages. France admits nothing free but raw material with which she cannot supply herself. If she can produce the greater part of what she requires, she protects the workers in that article by imposing a duty upon the quantity required to supplement the native supply. No manufactured article enters her market free of duty.

Here [holding up the volume] is the embodied experience of a century, during which bloody revolutions wrought changes of dynasties and the forms of government, but never shook the confidence of the government or people in the wisdom and beneficence of the protective system. The prohibition by which she now excludes our cutlery was ordained in December, 1796, since when it has stood without change. Our cottons, yarns and fabrics, are excluded by a prohibition established in 1809. From the time of the treaty with Cobden, known as the Chevalier-Cobden treaty, British authors have constantly alluded to France as a free-trade country. Yet, sir, no such all-embracing and ingeniously protective body of law as the tariff, a copy of which I now hold, was ever put together by legislative body or imperial decree.

To give you an idea of the ingenuity with which France protects the labor of the country, I will call your attention in passing to one or two points. I take this page to which I have opened casually; it is in relation to woolen yarns. "Unbleached, 840 francs to 100 kilograms, or 221½ pounds." But if colored, dyed, printed in any way, they are prohibited. Now in regard to the treaty tariff. If spun simply, so that 100 kilograms will measure 30,500 meters, the duty, under the treaty or so-called reciprocal trade tariff, is 32.50 francs; but if spun so as to measure 100,500 meters, the duty is 130 francs, ascending by scales of 10,000 meters with an equal increase of duty. So, too, of fabrics. The number of threads to the pound regulates the duty, which increases with the number and consequent fineness of the threads. But I earnestly request gentlemen to examine the translations I now send to the desk.

The French rates of duty are in black letter; our own are indicated by Roman letter.

The headings of the pages are in themselves most significant. Gentlemen will observe that one column marks the article to which the duties attach, another the units on which duties are computed, another the date of the law establishing the duty; and in the treaty tariff the third and last the duties. But over the general tariff there are three others, the first two marking sometimes the same rates of duties, and the third always denoting an increase of three francs, a special duty imposed to protect French shipping and promote direct trade between her and the country whose productions she consumes as raw material. The first of the three is for the products of European countries, the second for articles imported directly from countries outside of Europe, and the third those imported from European markets, or such as have not been brought from the country of production directly to France. Above these three columns gentlemen will notice a paragraph stating that all the duties of the general tariff were increased 4 per cent. by the law of December 30, 1873, which was the last formal declaration made by the French government against any tendency to free trade.

FRENCH TARIFF—GENERAL AND TREATY. (TRANSLATION.)

GENERAL TARIFF—IMPORTS.

CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.)		
			Products of European countries.	Products of countries outside of Europe.	
				Imported directly from countries outside of Europe.	Imported from European markets.
Bromine	100 kilogs., net = 221½ lbs	July 2, 1836	*Fr. C.* **48 00** 4½ c. lb	*Fr. C.* **48 00** 4½ c. lb	*Fr. C.* **51 00** 4½ c. lb
Iodine, crude or refined	do	June 18, 1859	**600 00** 53 c. lb	**600 00** 53 c. lb	**603 00** 53½ c. lb
Phosphorus, (see Chemical products, not specified.)					
Acids:					
Arsenious	100 kilogs., gross = 221½ lbs.	June 9, 1845	**1 20** 10 3-5 c. 100 lbs.	**1 20** 10 3-5 c. 100 lbs.	**4 20** 37 c. 100 lbs.
Benzoic	do	Apr. 28, 1816 (Article 16.)	**3 00** 26 3-5 c. 100 lbs.	Exempt.	**3 00** 26 3-5 c. 100 lbs.
Boracic	do	July 27, 1822	**0 30** 2 3-5 c. 100 lbs	**0 30** 2 3-5 c. 100 lbs	**3 30** 29 c. 100 lbs
Citric— Liquid: Juice of the lime, natural or concentrated, 35 degrees and under.	do	Apr. 18, 1857	**1 20** 10 3-5 c. 100 lbs.	**1 20** 10 3-5 c. 100 lbs.	**4 20** 37 c. 100 lbs.
Above 35 degrees	100 kilogs., net = 221½ lbs.	July 2, 1836	**180 00**	**180 00**	**183 00**
Crystallized			16 c. lb	16 c. lb	17 c. lb
Gallic, (see Chemical products, not specified.)					
Hydrochloric, (muriatic)	100 kilogs., gross = 221½ lbs.	May 1, 1867	**0 30** 2 3-5 c. 100 lbs	**0 30** 2 3-5 c. 100 lbs.	**3 30** 29 c. 100 lbs.
Nitro-muriatic, (aqua regia)	100 kilogs., net	Apr. 28, 1816 (Article 16.)	**49 20** 4 c. lb	**49 20** 4 c. lb	**52 20** 4½ c. lb
Nitric, (aqua fortis)	do	June 7, 1820	**108 72** 9 3-5 c. lb	**108 72** 9 3-5 c. lb	**111 72** 9 9-10 c. lb
Oleic	100 kilogs., gross	May 1, 1867	Free	Free	**3 00** 26 3-5 c. 100 lbs.
Oxalic	100 kilogs., net	Apr. 28, 1816 (Article 16.)	**84 00** 7 45-100 c. lb.	**84 00** 7 45-100 c. lb.	**87 00** 7 7-10 c. lb.
Phosphoric	do	Apr. 18, 1816 (Article 16.)	**49 20** 4 c. lb	**49 20** 4 c. lb	**52 20** 4½ c. lb.
Stearic, (in mass)	Ad valorem	Dec. 30, 1873	5 per cent.	5 per cent.	5 per cent. and 3 francs p. 100 kilogs., gross.
Sulphuric, (oil vitriol)	100 kilogs., net	Apr. 28, 1816	**49 20** 4 c. lb	**49 20** 4 c. lb.	**52 20** 4½ c. lb
Tartaric	do	do (Article 16.)	**84 00** 7 45-100 c. lb.	**84 00** 7 45-100 c. lb.	**87 00** 7 7-10 c. lb
Salt, marine, from salt-springs, and mineral salt:					
Crude or refined, other than white—					
By land, by the Belgian frontier	100 kilogs., gross	Dec. 28, 1848	**2 40** 21 c. 100 lbs	**2 40** 21 c. 100 lbs.	**5 40** 47 4-5 c. 100 lbs
by other frontiers	do	do	**0 60** 5 c. 100 lbs	**0 60** 5 c. 100 lbs	**3 60** 41 9-10 c. 100 lbs
By sea, from Senegal and its dependencies.	do	do		Free (A)	
elsewhere, by British Channel and the ocean.	do	July 10, 1850	**2 10** 18 4-5 c. 100 lbs.	**2 10** 18 3-5 c. 100 lbs.	**5 10** 45 c. 100 lbs

TREATY TARIFF—IMPORTS.

CHEMICAL PRODUCTS.	Units on which duties are estimated.	Date of authority for collection.	Duties.
Bromine Iodine, crude or refined	100 kilogs., gross.	Nov. 16, 1860	*Fr. C.* Exempt.
Phosphorus:			
White	100 kilogs., net	do	**40 00** 3½ c. lb.
Red	Ad valorem	do	10 per cent.
Acids:			
Arsenious Benzoic Boracic Citric— Liquid, (natural or concentrated,) lime-juice. Crystallized	100 kilogs., gross.	do	Exempt.
Gallic	100 kilogs., gross.	Jan. 17, 1863	
Hydrochloric, (muriatic)	do	May 1, 1867	Conditions of general tariff.
Nitro-muriatic, (aqua regia,) (see Chemical products, not specified.)			
Nitric, (aqua fortis)	do	Nov. 16, 1860	Free.
Oleic	do	May 1, 1867	Conditions of general tariff.
Oxalic	do	Nov. 16, 1860	**10 00** 88 c. 100 lbs.
Phosphoric, (see Chemical products, not specified.)			
Stearic, (in mass)	Ad valorem	May 1, 1861	5 per cent.
Sulphuric, (oil vitriol) Tartaric	100 kilogs., gross.	Nov. 16, 1860	Free.
Salt, marine, from salt-springs, and mineral salt, (see General tariff.)			

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Salt, marine, from salt-springs, and mineral salt—Continued.									
Crude or refined, other than white—Continued.									
By sea, elsewhere, by the Mediterranean.	100 kilogs., gross	Dec. 28, 1848	**0 60** 5 c. 100 lbs	**0 60** 5 c. 100 lbs	**3 60** 31 9-10 c. 100 lbs				
Refined white—									
By land, by the Belgian frontier	do	July 10, 1850	**3 30** 29½ c. 100 lbs	**3 30** 29½ c. 100 lbs	**6 30** 55 4-5 c. 100 lbs.				
by other frontiers	do	Dec. 28, 1848	**0 60** 5 c. lb	**0 60** 5 c. 100 lbs	**3 60** 31 9-10 c. 100 lbs				
By sea, from Senegal and its dependencies.	do	do		Free					
elsewhere, by British Channel and the ocean.	do	July 10, 1850	**3 30** 29½ c. 100 lbs	**3 30** 29½ c. 100 lbs	**6 30** 55 4-5 c. 100 lbs.				
elsewhere, by the Mediterranean.	do	Dec. 28, 1848	**0 60** 5 c. 100 lbs	**0 60** 5 c. 100 lbs	**3 60** 31 9-10 c. 100 lbs				
Ammoniacal salts:						Salts, ammoniacal, crude or refined:			
Crude, in powder	100 kilogs., net	July 2, 1836	**60 00** 5 c. 100 lbs	**60 00** 5 c. lb	**63 00** 5½ c. lb	Sal-ammonia, muriate-ammonia	Ad valorem	Nov. 16, 1860 / Nov. 22, 1863	5 per cent, and 3 francs per 100 kilogs., gross.
Refined, in lumps	do	do	**120 00** 10 c. lb	**120 00** 10 c. lb	**123 00** 10½ c. lb	Others	do	Nov. 16, 1860	5 per cent.
Salts:						Salts—			
Cobalt	100 kilogs., gross	July 26, 1856	Free	Free	**3 00** 26 3-5 c. 100 lbs.	And other preparations composed of cobalt.	100 kilogs., gross	do	Free.
Tin, (see Chemical products, not specified.)						Tin	Ad valorem	do / Dec. 16, 1863	5 per cent., and 30 centimes per 100 kilogs., gross.
Acetates:						Copper, (see Chemical products, not specified.)			
Copper, crude or uncrystallized verdigris, moist.	100 kilogs., net	Apr. 28, 1816	**15 60** $1.38 100 lbs	**15 60** $1.38 100 lbs	**18 60** $1.70 100 lbs	Iron, liquid	100 kilogs., gross	Nov. 16, 1860	Free.
crude or uncrystallized verdigris, dry.	do	do	**37 20** 3 3-10 c. lb	**37 20** 3 3-10 c. lb	**40 20** 3½ c. lb	concentrated, (see Chemical products, not specified.)			
crystallized, (verdigris crystallized.)	do	do	**49 20** 4 c. lb	**49 20** 4 c. lb	**52 20** 4½ c. lb	Lead, (see Chemical products, not specified.)			
Iron, liquid	100 kilogs., gross	Apr. 18, 1857	Free	Free	**3 00** 26 3-5 c. 100 lbs	Potash, (see Chemical products, not specified.)			
concentrated to any degree whatever.	100 kilogs., net	May 6, 1841	**48 00** 4 c. lb	**48 00** 4 c. lb	**51 00** 4½ c. lb	Soda, anhydrous	100 kilogs., gross	do / Dec. 27, 1862	**4 00** 35 c. 100 lbs.
Lead	do	Apr. 28, 1816	**84 00**	**84 00**	**87 00**	crystallized or hydrated	do	Nov. 16, 1860 / Dec. 27, 1862	**3 80** 33 7-10 c. 100 lbs.
Potash / Soda	do	do / (Article 16.)	7 45-100 c. lb	7 45-100 c. lb	7 71-100 c. lb	Aluminate of soda	Ad valorem	Nov. 16, 1860 / Dec. 27, 1862	10 per cent., & 70 centimes per 100 kilogs., gross.
Aluminate of soda, (see Chemical products, not specified.)						Arseniate of potash, (see Chemical products, not specified.)			
Arseniate of potash; also, liquid	100 kilogs., net	Apr. 28, 1816 (Article 16.)	**84 00** 7 45-100 c. lb	**84 00** 7 45-100 c. lb	**87 00** 7 71-100 c. lb	Borax:			
Borax:						Crude	100 kilogs., gross	Nov. 16, 1860	Free.
Crude, native	100 kilogs., gross	May 1, 1867		Free	**5 00** 44 c. 100 lbs				
artificial	100 kilogs., net	do	**55 00** 4⅘ c. lb	**50 00** 4 2-5 c. lb	**55 00** 4⅘ c. lb				
Half refined, native, or artificial	do	do	**70 00** 6 1-5 c. lb	**65 00** 5⅘ c. lb	**70 00** 6 1-5 c. lb	Half refined, (see Chemical products, not specified.)			
Refined	do	Apr. 28, 1816	**216 00** 19½ c. lb	**216 00** 19½ c. lb	**219 00** 19 2-5 c. lb	Refined, (see Chemical products, not specified.)			
Carbonates:						Carbonates:			
Magnesia	do	(Aug. 1, 1892) (Apr. 28, 1816)	**240 00** 21 c. lb	**240 00** 21 c. lb	**243 00** 21¼ c. lb	Magnesia	do	do	Free.

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for the collection.	Duties—These duties are to be increased 4 per cent. (Law of December 30, 1873.)			CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.				
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Carbonates—Continued.						Carbonates—Continued.			
Lead	100 kilogs., gross	May 1, 1817	Free	Free	**3 00** 26 3-5 c. 100 lbs.	Lead	Nov. 16, 1860	May 1, 1867	Conditions of general tariff.*
Citrate of lime	do	Apr. 18, 1867	**1 20** 10 3-5 c. 100 lbs.	**1 20** 10 3-5 c. 100 lbs.	**4 20** 37 c. 100 lbs	Citrate of lime	do	Nov. 16, 1860	Free.
Chlorate of potash, (see Chemical products, not specified.)						Chlorate of potash	100 kilogs., net	do / Dec. 27, 1862	**32 35** 2⅝ c. lb., nearly.
Chlorides:						Chlorides:			
Aluminium, (see Chemical products, not specified.)						Aluminium	Ad valorem	Nov. 16, 1860	10 p. c.
Lime, (see Chemical products, not specified.)						Lime	100 kilogs., gross	do / Dec. 27, 1862	**3 55** 31½ c. 100 lbs.
Magnesia, (see Chemical products, not specified.)						Magnesium	do	Nov. 16, 1860 / Dec. 27, 1862	**0 40** 3½ c. 100 lbs.
Potash	100 kilogs., gross	June 4, 1864	Free	Free	**3 00** 26 3-5 c. 100 lbs	Potash	do	Nov. 16, 1860	Free.
Chromates:						Chromates:			
Lead	100 kilogs., net	July 5, 1836	**90 00** 8 c. lb	**90 00** 8 c. lb	**93 00** 8¼ c. lb	Lead / Potash	Ad valorem	do	10 p. c.
Potash	do	do	**180 00** 16 c. lb	**180 00** 16 c. lb	**183 00** 17 c. lb				
Iodide of potash	do	June 18, 1859	**600 00** 53 c. lb	**600 00** 53 c. lb	**603 00** 53½ c. lb	Iodide of potash	100 kilogs., gross	do	Free.
Kermes mineral	100 kilogs., gross	May 16, 1863	**2 00** 17⅞ c. 100 lbs	**2 00** 17⅞ c. 100 lbs	**5 00** 44⅛ c. 100 lbs	Kermes mineral	do	May 1, 1861	**2 00** 17⅞ c. 100 lbs.
Nitrates:						Nitrates:			
Potash, saltpeter	100 kilogs., gross	May 5, 1860	**3 00** 26 3-5 c. 100 lbs.	Free	**3 00** 26 3-5 c. 100 lbs	Potash (saltpeter) indigenous to the country whence imported.	do	Nov. 16, 1860	Free.
						Potash (saltpeter) from another	do	May 1, 1861 Article 14.	**2 40** 21 c. 100 lbs.
Soda, saltpeter						Soda	do	Nov. 16, 1860	Free.
Oxalate of potash, (sal-sorrel)	100 kilogs., net	Apr. 28, 1816	**84 00** 7 45-100 c. lb	**84 00** 7 45-100 c. lb	**87 00** 7 7-10 c. lb	Oxalate of potash	do	do	**10 00** 88 7-10 c. 100 lbs.
Silicate of soda, (see Chemical products, not specified.)						Silicate of soda:			
						Anhydrous	do	do / Dec. 27, 1862	**4 20** 37 c. 100 lbs.
						Crystallized or hydrated	do	Nov. 16, 1860 / Dec. 27, 1862	**3 85** 34⅛ c. 100 lbs.
						The treaties tax carbonates of lead 2 francs per 100 kilogs.			
Alum:						Alum, (see Chemical products, not specified.)			
Burnt or calcined	do	June 7, 1820	**107 28** 9½ c. lb	**107 28** 9½ c. lb	**110 28** 9½ c. lb.				
All other kinds	do	do	**30 00** 2 3-5 c. lb	**30 00** 2 3-5 c. lb	**33 00** 2 9-10 c. lb.				
Sulphates:						Sulphates:			
Copper, (blue vitriol	do	Apr. 28, 1816	**37 20** 3 3-10 c. lb	**37 20** 3 3-10 c. lb	**40 20** 3⅓ c. lb.	Copper, (see Chemical products, not specified.)			
Iron, (green vitriol)	100 kilogs., gross	July 2, 1836	**7 20** 63 4-5 c. 100 lbs	**7 20** 63 4-5 c. 100 lbs.	**10 20** 90 c. 100 lbs.	Iron, (see Chemical products, not specified.)			
Double, of iron and copper	100 kilogs., net	May 6, 1841	**22 20** $1.96 p. 100 lbs	**22 20** $1 96 p. 100 lbs	**25 20** $2.23 p. 100 lbs.	Double, of iron and copper, (see Chemical products, not specified.)			

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Sulphates—Continued.						Sulphates—Continued.			
Magnesia	100 kilogs., net	Apr. 18, 1816	**84 00**	**84 00**	**87 00**	Magnesia	100 kilogs, gross	Nov. 16, 1860	Free.
Potash	100 kilogs., gross	June 4, 1864	$7.45 p. 100 lbs Free	$7 45 p. 100 lbs Free	$7.71 p. 100 lbs. **3 00** 26 3-5 c. 100 lbs.	Potash			
Soda, pure, anhydrous, containing in nature 25 per cent. or less of salt.	do	May 16, 1863	**1 80** 16 c. 100 lbs	**1 80** 16 c. 100 lbs	**4 80** 42 3-5 c. 100 lbs.	Soda, pure, anhydrous, containing in nature 25 per cent. of salt or less.	100 kilogs., gross.	do Dec. 27, 1862	**1 80** 16 c. 100 lbs.
Soda, pure, anhydrous, containing in nature more than 25 per cent. salt.	do	do	**7 20** 63 4-5 c. 100 lbs.	**7 20** 63 4-5 c. 100 lbs.	**10 20** 90 c. 100 lbs.	Soda, pure, anhydrous, containing in nature more than 25 per cent. of salt.	do	Nov. 16, 1860	**7 20** 63 4-5 c. 100 lbs.
Soda, pure, (crystallized or hydrated,) glauber salt.	do	do	**1 25** 11 c. 100 lbs	**1 25** 11 c. 100 lbs.	**4 25** 37 3-5 c. 100 lbs.	Soda, pure, (crystallized or hydrated,) glauber salt.	do	do Dec. 27, 1862	**0 95** 8 c. 100 lbs.
Soda, impure, anhydrous, containing in nature 25 per cent. or less of salt.	do	do	**1 75** 15½ c. 100 lbs	**1 75** 15½ c. 100 lbs.	**4 75** 42 c. 100 lbs.	Soda, impure, anhydrous, containing in nature 25 per cent or less of salt.	do	Nov. 16, 1860 Dec. 27, 1862	**1 75** 15½ c. 100 lbs.
Soda, impure, anhydrous, containing in nature more than 25 per cent. of salt.	do	do	**6 60** 58½ c. 100 lbs	**6 60** 58½ c. 100 lbs.	**9 60** 84 c. 100 lbs.	Soda, impure, anhydrous, containing in nature more than 25 per cent. salt.	do	Nov. 16, 1860	**6 60** 58½ c. 100 lbs.
Soda, impure, (crystallized or hydrated,) glauber salt.	do	do	**1 20** 10 3-5 c. 100 lbs.	**1 20** 10 3-5 c. 100 lbs.	**4 20** 37 c. 100 lbs.	Soda, impure, (crystallized or hydrated) glauber salt.	do	do Dec. 27, 1862	**0 90** 7 c. 100 lbs.
Zinc, white vitriol	100 kilogs., net	Apr. 28, 1816	**37 20** 3 3-10 c. lb.	**37 20** 3 3-10 c. lb.	**40 20** 3½ c. lb.	Zinc, (see Chemical products not specified.)			
Sulphite of soda, (see Chemical products, not specified.)						Sulphite of soda	do	Nov. 16, 1860 Dec. 27, 1862	**1 80** 16 c. 100 lbs.
Hyposulphite of soda, (see Chemical products, not specified.)						Hyposulphite of soda	do	Nov. 16, 1860 Dec. 27, 1862	**3 80** 33 c. 100 lbs.
Sulphides:						Sulphides:			
Arsenic, in masses	100 kilogs., gross	June 11, 1845	**9 60** 84 c. 100 lbs	**9 60** 84 c. 100 lbs.	**12 60** $1.10 100 lbs.	Arsenic	do	Nov. 16, 1860	Free.
Mercury, in stones, natural or artificial, cinnabar.	100 kilogs., net	Apr. 28, 1816	**180 00** 16 c. lb	**180 00** 16 c. lb	**183 00** 17 c. lb.	Mercury, (see Chemical products not specified.)			
Mercury, powdered vermilion	do	do	**240 00** 21 c. lb	**240 00** 21 c. lb	**243 00** 21½ c. lb.				
Tartrates:						Tartrates:			
Acid of potash, very impure—wine lees	100 kilogs., gross	Apr. 18, 1857	Free	Free	**3 00** 26 3-5 c. 100 lbs.	Acid of potash, very impure—wine lees	do		
impure, crude tartar	100 kilogs., net	Apr. 28, 1816 May 5, 1860	Free **2 40** ‡ 21 c. 100 lbs	Free	**3 00** 26 3-5 c. 100 lbs.	impure, crude tartar	100 kilogs., net		
crystals of tartar	do	July 2, 1836	**30 00** 2 3-5 c. lb	**30 00** 2 3-5 c. lb	**33 00** 2 9-10 c. lb.	crystals of tartar	100 kilogs, gross	do	Free.
pure, cream tartar	do	Apr. 28, 1816	**36 00** 3 c. lb.	**36 00** 3 c. lb	**39 00** 3½ c. lb.	pure, cream tartar	do		
Potash, (vegetable salt) Double of soda and potash	do	Apr. 18, 1816	**84 00** 7 45-100 c. lb.	**84 00** 7 45-100 c. lb	**87 00** 7 7-10 c. lb.	Potash, vegetable salt Double of soda and potash	do do		
Medicinal salt of Kreutznach	do	July 26, 1856	**12 00** 1 c. lb.			Medicinal salt of Kreutznach, (see Chemical products not specified.)			
Chemical products derived from coal-oil, (see Chemical products, not specified.)						Chemical products derived from coal-oil	Ad valorem	do	5 p. c.
Chemical products, not specified		May 17, 1826	Prohibited	Prohibited	Prohibited.	Chemical products, not specified			

‡ Free if imported directly from the country of production, otherwise **2** *f.* **40***c.* per 100 kilograms.
21 c. 100 lbs.

GENERAL TARIFF—IMPORTS.

CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries. Imported directly from the country of production.	Products of European countries. Imported from a country other than that of production.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.
			Fr. C.	Fr. C.	Fr. C.	Fr. C.
Oxides of: Cobalt, pure silicious, (Zaffre)	100 kilogs., gross	July 26, 1856	Free		Free	3 00
Copper	do	Apr. 18, 1857				26 c. 100 lbs
Tin	do	Apr. 18, 1857				26 3-5 c. 100 lbs
Iron	do	July 26, 1856				
Lead	do	Apr. 18, 1857				
Uranium	do	May 1, 1867				
Zinc, white	do	Apr. 18, 1816 (Article 16.)				
gray	do	May 1, 1867				
Potash and carbonate of potash	100 kilogs., net	Mar. 27, 1817 / May 5, 1860	Free	2 40 1-5 c. lb		
Ashes, vegetable, live or lixiviated, (buck-ashes.)	100 kilogs., gross	Apr. 18, 1857	Free			
Beet potash.						
Soda: From sea-weed	100 kilogs., net	Mar. 25, 1852	31 80 2 4-5 c. lb	31 80 2 4-5 c. lb	31 80 2 4-5 c. lb	34 80 2 4-5 c. lb
Caustic, (see Chemical products, not enumerated.) Natural or artificial, (carbonate of soda,) crude.	100 kilogs., net	do	31 80 2 4-5 c. lb	31 80 2 4-5 c. lb	31 80 2 4-5 c. lb	34 80 3 c. lb
Natural or artificial, (carbonate of soda,) refined sal-soda. Natural or artificial, (carbonate of soda,) refined soda-crystals	do	June 18, 1859	22 80 2 c. lb	22 80 2 c. lb	22 80 2 c. lb	25 80 2½ c. lb
Native	100 kilogs., gross	May 16, 1863	3 00 26½ c. 100 lbs	3 00 26½ c. 100 lbs	3 00 26½ c. 100 lbs	6 00 53 c. 100 lbs
Bicarbonate of soda, (see Chemical products, not specified.) Salts of soda, not specified, (see Chemical products, not specified.)						

TREATY TARIFF—IMPORTS.

CHEMICAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.
Oxides of: Cobalt, pure silicious, (Zaffre) Copper Tin Iron Lead	100 kilogs., gross	Nov. 16, 1860	Free.
	do	May 1, 1867	Conditions of general tariff.*
Uranium	do	Nov. 16, 1860	Free.
Zinc, white	do	May 1, 1867	Conditions of general tariff.*
gray	do		
Potash and carbonate of potash indigenous to the country imported from.	100 kilogs., net	Nov. 16, 1860	Free.
Potash, other than indigenous to the country imported from.	do	May 1, 1861 (Article 14.)	2 40 1-5 c. lb.
Ashes, vegetable, live, or lixiviated	100 kilogs., gross	Nov. 16, 1860	Free.
Beet potash	do	Nov. 16, 1860 / Dec. 27, 1862	0 10 9 c. 1,000 lbs.
Soda: From sea-weed	do	Nov. 16, 1860 / Dec. 27, 1862	0 15 13½ c. 1,000 lbs.
Caustic	do	Nov. 16, 1860 / Dec. 27, 1862	6 40 56 c. 100 lbs.
Natural or artificial, (carbonate of soda,) crude testing at least 30 degrees.	do	Nov. 16, 1860 / Dec. 27, 1862	1 90 16 c. 100 lbs.
Natural or artificial, (carbonate of soda,) crude testing less than 30 degrees.	do	Nov. 16, 1860	5 85 52 c. 100 lbs.
Natural or artificial, (carbonate of soda,) refined, sal-soda testing at least 60 degrees.	do	Nov. 16, 1860 / Dec. 27, 1862	4 10 36 c. 100 lbs.
Natural or artificial, (carbonate of soda,) refined, sal-soda testing less than 60 degrees.	100 kilogs., net	Nov. 16, 1860	14 00 1 1-5 c. lb.
Natural or artificial, (carbonate of soda,) refined, crystallized, (sada-crystals.)	100 kilogs., gross	Nov. 16, 1860 / Dec. 27, 1862	1 90 16 c. 100 lbs.
Soda, (see Crystals of soda—soda-crystals.)			
Bicarbonate of soda	do	Nov. 16, 1860 / Dec. 27, 1862	4 20 37 c. 100 lbs.
Salts of soda, not specified	do	Nov. 16, 1860	3 50 31 c. 100 lbs.

* The treaties tax oxide of lead and zinc-white at 2 francs per 100 kilograms.

GENERAL TARIFF—IMPORTS.

THREAD. [A meter is equal to 1.093633 yards, English measure.]	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.
			Fr. C.	*Fr. C.*	*Fr. C.*
Cotton thread, pure, (a) single—					
Unbleached:					
No. 143, metric system, and above	100 kilogs. net	July 8, 1836	**840 00**	**840 00**	**843 00**
All others		Dec. 22, 1809	74½ c. lb. Prohibited	74½ c. lb. Prohibited	74½ c. lb. Prohibited
Bleached		Dec. 22, 1809	Prohibited	Prohibited	Prohibited

TREATY TARIFF—IMPORTS.

THREAD.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.
Cotton thread, pure, measuring to the ½ kilog., (1 1-10 lbs., about,) single—			
Unbleached:			
20,500 meters, or less	100 kilogs. net	Nov. 16, 1860	**15 00** 1½ c. lb.
Over 20,500 meters, not over 30,500	do	do	**20 00** 1 77-100 c. lb.
Over 30,500 meters, not over 40,500	do	do	**30 00** 2⅝ c. lb.
Over 40,500 meters, not over 50,500	do	do	**40 00** 3½ c. lb.
Over 50,500 meters, not over 60,500	do	do	**50 00** 4 2-5 c. lb.
Over 60,500 meters, not over 70,500	do	do	**60 00** 5½ c. lb.
Over 70,500 meters, not over 80,500	do	do	**70 00** 6 1-5 c. lb.
Over 80,500 meters, not over 90,500	do	do	**90 00** 8 c. lb.
Over 90,500, meters, not over 100,500	do	do	**100 00** 8⅞ c. lb.
Over 100,500 meters, not over 110,500	do	do	**120 00** 10 6-10 c. lb.
Over 110,500 meters, not over 120,500	do	do	**140 00** 12 2-5 c. lb.
Over 120,500 meters, not over 130,500	do	do	**160 00** 14 1-5 c. lb.
Over 130,500 meters, not over 140,500	do	do	**200 00** 17¾ c. lb
Over 140,500 meters, not over 170,500	do	do	**250 00** 22 17-100 c. lb.
Over 170,500	do	do	**300 00** 26⅔ c. lb.
Bleached:			
20,500 meters, or less	do	do	**17 25** 1½ c. lb.
Over 20,500 meters, not over 30,500	do	do	**23 00** 2 c. lb.
Over 30,500 meters, not over 40,500	do	do	**34 50** 3 c. lb.
Over 40,500 meters, not over 50,500	do	do	**46 00** 4 c. lb.
Over 50,500 meters, not over 60,500	do	do	**57 50** 5 1-10 c. lb.
Over 60,500 meters, not over 70,500	do	do	**69 00** 6⅛ c. lb.
Over 70,500 meters, not over 80,500	do	do	**80 50** 7 1-10 c. lb.
Over 80,500 meters, not over 90,500	do	do	**103 50** 9 1-6 c. lb.
Over 90,500 meters, not over 100,500	do	do	**115 00** 10 1-5 c. lb.
Over 100,500 meters, not over 110,500	do	do	**138 00** 12½ c. lb.
Over 110,500 meters, not over 120,500	do	do	**161 00** 14½ c. lb.
Over 120,500 meters, not over 130,500	do	do	**184 00** 16⅛ c. lb.

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
THREAD.	Units on which duties are computed.	Date of authority for collection.	Duties.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	THREAD.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Cotton thread, pure, single, (a)—Continued. Bleached—Continued.		Dec. 22, 1809	Prohibited....	Prohibited...	Prohibited...	Cotton thread, pure, measuring to the ½ kilogram, (1 1-10 lb., about)—Continued. Bleached—Continued.			
						Over 130,500 meters, not over 140,500....	100 kilogs., net..	Nov. 16, 1860	**230 00** 20 2-5 c. lb.
						Over 140,500 meters, not over 170,500....	....do	....do	**287 50** 25½ c. lb.
						Over 170,500 meters	....do	....do	**345 00** 40 c. lb.
Dyed	.....	Dec. 22, 1809	Prohibited....	Prohibited...	.....	Single, dyed: 20,500 meters, or less.....	....do	....do	**40 00** 3½ c. lb.
						More than 20,500 meters, but not more than 30,500 meters.	....do	....do	**45 00** 4 c. lb.
						More than 30,500 meters, but not more than 40,500 meters.	....do	....do	**55 00** 4½ c. lb.
						More than 40,500 meters, but not more than 50,500 meters.	....do	....do	**65 00** 5¾ c. lb.
						More than 50,500 meters, but not more than 60,500 meters.	....do	....do	**75 00** 6¾ c. lb.
						More than 60,500 meters, but not more than 70,500 meters.	....do	....do	**85 00** 7½ c. lb.
						More than 70,500 meters, but not more than 80,500 meters.	....do	....do	**95 00** 8 2-5 c. lb.
						More than 80,500 meters, but not more than 90,500 meters.	....do	....do	**115 00** 10 1-5 c. lb.
						More than 90,500 meters, but not more than 100,500 meters.	....do	....do	**125 00** 11 c. lb.
						More than 100,500 meters, but not more than 110,500 meters.	....do	....do	**145 00** 12⅞ c. lb.
						More than 110,500 meters, but not more than 120,500 meters.	....do	....do	**165 00** 14¼ c. lb.
						More than 120,500 meters, but not more than 130,500 meters.	....do	....do	**185 00** 16 2-5 c. lb.
						More than 130,500 meters, but not more than 140,500 meters.	....do	....do	**225 00** 20 c. lb.
						More than 140,500 meters, but not more than 170,500 meters.	....do	....do	**275 00** 25 c. lb.
						More than 170,500 meters.....	....do	....do	**325 00** 28 4-5 c. lb.
Twisted, two yarns: Unbleached, No. 143, (metric system,) and over.	100 kilogs., net.....	July 2, 1836	**960 00** 84 c. lb.	**960 00** 84 c. lb.	**963 00** 84 2-5 c. lb.	Twisted, two yarns: 20,500 meters	....do	May 1, 1861	**19 50** 1¾ c. lb.
All other	....	Dec. 22, 1809	Prohibited....	Prohibited...	.....	More than 20,500 meters, but not more than 30,500 meters.	....do	....do	**26 00** 2 3-10 c. lb.
						More than 30,500 meters, but not more than 40,500 meters.	....do	....do	**39 00** 3 2-5 c. lb.
						More than 40,500 meters, but not more than 50,500 meters.	....do	....do	**52 00** 4 3-5 c. lb.
						More than 50,500 meters, but not more than 60,500 meters.	....do	...do	**65 00** 5¾ c. lb.

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
THREAD.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	THREAD.	Units on which duties are computed.	Date of authority for collection.	Duties.
Cotton thread, pure, (*a*)—Continued.			*Fr. C.*	*Fr. C.*	*Fr. C.*	Cotton thread, pure, measuring to the half kilogram, (1 1 10 lb., about)—Continued.			*Fr. C.*
All other—Continued		Dec. 22, 1809	Prohibited...	Prohibited...		Twisted two yarns—Continued.			
						More than 60,500 meters, but not more than 70,500 meters.	100 kiloga., net..	May 1, 1861	**78 00** 6 9-10 c. lb.
						More than 70,500 meters, but not more than 80,500 meters.	....do.....	....do.....	**91 00** 8 c. lb.
						More than 80,500 meters, but not more than 90,500 meters.	....do.....	....do.....	**117 00** 10½ c. lb.
						More than 90,500 meters, but not more than 100,500 meters.	....do.....	....do.....	**130 00** 11½ c. lb.
						More than 100,500 meters, but not more than 110,500 meters.	....do.....	....do.....	**156 00** 13 4-5 c. lb.
						More than 110,500 meters, but not more than 120,500 meters.	....do.....	....do.....	**182 00** 16 14-100 c. lb.
						More than 120,500 meters, but not more than 130,500 meters.	....do.....	....do.....	**208 00** 18 2-5 c. lb.
						More than 130,500 meters, but not more than 140,500 meters.	....do.....	....do.....	**260 00** 23 c. lb.
						More than 140,500 meters, but not more than 170,500 meters.	....do.....	....do.....	**325 00** 28 4-5 c. lb.
						More than 170,500 meters.....	....do.....	....do.....	**390 00** 34½ c. lb.
Bleached.....	....	Dec. 22, 1809	Prohibited...	Prohibited...	Prohibited.	Bleached:			
						20,500 meters or less	....do.....	....do.....	**22 40** 2c. lb. nearly.
						More than 20,500 meters, but not more than 30,500 meters.	....do.....	....do.....	**29 90** 2½ c. lb.
						More than 30,500 meters, but not more than 40,500 meters.	... do.....	....do.....	**44 85** 4 c. lb.
						More than 40,500 meters, but not more than 50,500 meters.	... do.....	....do.....	**59 80** 5 3-10 c. lb.
						More than 50,500 meters, but not more than 60,500 meters.	....do.....	....do.....	**74 75** 6¾ c. lb.
						More than 60,500 meters, but not more than 70,500 meters.	....do.....	....do.....	**89 70** 8 c. lb.
						More than 70,500 meters, but not more than 80,500 meters.	....do.....	....do.....	**104 65** 9¼ c. lb.
						More than 80,500 meters, but not more than 90,500 meters.	....do.....	....do.....	**134 55** 11 9-10 c. lb.
						More than 90,500 meters, but not more than 100,500 meters.	....do.....	...do.....	**149 50** 13½ c. lb.
						More than 100,500 meters, but not more than 110,500 meters.	....do.....	....do.....	**179 40** 15 9-10 c. lb.
						More than 110,500 meters, but not more than 130,500 meters.	....do.....	....do.....	**209 30** 18½ c. lb.
						More than 130,500 meters, but not more than 150,500 meters.	....do.....	....do.....	**239 20** 21 1-5 c. lb.

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
THREAD.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.)			THREAD.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Products of European countries.	Products of countries outside of Europe.					
				Imported directly from countries outside of Europe.	Imported from European markets.				
Pure cotton thread, (a)—Continued.			Fr. C.	Fr. C.	Fr. C.	Pure cotton thread measuring to the half kilogram, (1 1-10 pounds,) twisted two-yarns—Continued.			Fr. C.
Dyed		Dec. 22, 1860	Prohibited...	Prohibited...	Prohibited...	Dyed:			
						More than 130,500 meters, but not more than 140,500 meters.	100 kilogs., net	May 1, 1861	299 00 26½ c. lb.
						More than 140,500 meters, but not more than 170,500 meters.	...do	...do	373 75 33 1-6 c. lb.
						More than 170,500 meters	...do	...do	448 50 39¾ c. lb.
						Dyed:			
						20,500 meters or less	...do	...do	44 50 4 c. lb.
						More than 20,500 meters, but not more than 30,500 meters.	...do	...do	51 00 4½ c. lb.
						More than 30,500 meters, but not more than 40,500 meters.	...do	...do	64 00 5⅝ c. lb.
						More than 40,500 meters, but not more than 50,500 meters.	...do	...do	77 00 6¾ c. lb.
						More than 50,500 meters, but not more than 60,500 meters.	...do	...do	90 00 8 c. lb.
						More than 60,500 meters, but not more than 70,500 meters.	...do	...do	103 00 9⅛ c. lb.
						More than 70,500 meters, but not more than 80,500 meters.	...do	...do	116 00 10¼ c. lb.
						More than 80,500 meters, but not more than 90,500 meters.	...do	...do	142 00 12½ c. lb.
						More than 90,500 meters, but not more than 100,500 meters.	...do	...do	155 00 13¾ c. lb.
						More than 100,500 meters, but not more than 110,500 meters.	...do	...do	181 00 16 c. lb.
						More than 110,500 meters, but not more than 120,500 meters.	...do	...do	207 00 18⅓ c. lb.
						More than 120,500 meters, but not more than 130,500 meters.	...do	...do	233 00 20⅝ c. lb.
						More than 130,500 meters, but not more than 140,500 meters.	...do	...do	285 00 25¼ c. lb.
						More than 140,500 meters, but not more than 170,500 meters.	...do	...do	350 00 31 c. lb.
						More than 170,500 meters	...do	...do	415 00 36¾ c. lb.

(a) Cotton thread originally and directly imported from Tunis is admissible upon the payment of the duties assessed in the treaty-tariff, (law of July 11, 1866,) but these duties are to be increased 4 per cent. additional, established by the law of December 30, 1873.

GENERAL TARIFF—IMPORTS.

METALS.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.
			Fr. C.	*Fr. C.*	*Fr. C.*
Iron:					
Forged, in lumps or prisms—					
Originally from Sweden and Norway (a)	100 kilogs., gross	May 16, 1863	**7 00** 5-8 c. lb.		
Other	100 kilogs., net	Dec. 22, 1814	Prohibited	Prohibited	Prohibited.
In plates or sheets—					
Block, sheet-iron	do	July 26, 1856	**24 00** 2½ c. lb.	**24 00** 2½ c. lb.	**27 00** 2¾ c. lb.
Tinned, (fer-blanc,) leaded, coppered, or covered with zinc.	do	Apr. 18, 1857	**48 00** 4½ c. lb.	**48 00** 4½ c. lb.	**51 00** 4¾ c. lb.
For wire-drawing—					
Iron thread, same covered with other metals.	do	do	**36 00** 3 1-5 c. lb.	**36 00** 3 1-5 c. lb.	**39 00** 3 9-20 c. lb.
White metallic cords for instruments	do	do	**84 00** 7 45-100 c. lb.	**84 00** 7 45-100 c. lb.	**87 00** 7 7-10 c. lb.
Steel—					
In bars of every kind	do	July 26, 1856	**36 00** 3 1-5 c. lb.	**36 00** 3 1-5 c. lb.	**39 00** 3 9-20 c. lb.
Laminated into ordinary sheet-iron	do	Apr. 18, 1857 June 18, 1859	**60 00** 5½ c. lb.	**60 00** 5½ c. lb.	**63 00** 5 7-12 c. lb.
Laminated, in bands or leaves, white or brown, not polished or tempered, being over 1 millimeter (4-100 inch) thick whatever may be the length.	do	do	**90 00** 6¾ c. lb.	**90 00** 6¾ c. lb.	**93 00** 6⅞ c. lb.
Laminated, in bands or leaves, white or brown, not polished or tempered, being 1 millimeter or less in thickness and 15 centimeters or more long.	do	do	**132 00** 20¼ c. lb.	**132 00** 20¼ c. lb.	**135 00** 20 8-10 c. lb.
Laminated, in bands or leaves, white or brown, not polished or tempered, being 1 millimeter or less in thickness and less than 15 centimeters long.	do	July 2, 1836 June 18, 1859	**600 00** 53 1-5 c. lb.	**600 00** 53 1-5 c. lb.	**603 00** 53 7-20 c. lb.
Laminated, in bands or leaves, white or brown, polished, blued, tempered or not, rolled or straight, (except saws,) drawn into threads, same whitened for cords of instruments.	do	Apr. 18, 1857	**84 00** 7 45-100 c. lb.	**84 00** 7 45-100 c. lb.	**87 00** 7 7-10 c. lb.
Filings and flaws	100 kilogs., gross	Apr. 18, 1816 May 16, 1863	Free	Free	**3 00** ¼ c. lb.
Old iron—					
Débris of old wrought-iron	do	Apr. 18, 1857	**9 60** 3-5 c. lb.	**9 60** 3-5 c. lb.	**12 60** 17-20 c. lb.
Débris of old cast-iron	do	July 26, 1856 Apr. 18, 1857	**4 80** 2-5 c. lb.	**4 80** 2-5 c. lb.	**7 80** 3-5 c. lb.
Scoriæ, (iron dross)	do	May 17, 1826 July 26, 1856	**0 96** 3-50 c. lb.	**0 96** 3-50 c. lb.	**3 96** 3-50 c. lb.

(a) This arrangement is really without application; Sweden and Norway being of the number of states whose products enjoy the benefit of the treaty tariff.

TREATY TARIFF—IMPORTS.

METALS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.
Iron:			
Crude, in masses or prisms, still retaining the dross.	100 kilogs., gross.	Oct. 12, 1860	**4 50** 4-10 c. lb.
Sheets—			**7 50**
Laminated or hammered, of over 1 millimeter thick, not cut.	do	do	⅝ c. lb.
Laminated or hammered, of over 1 millimeter thick, cut in any way whatever.	do	do	**8 25** 7-10 c. lb.
Thin, and block iron in leaves, flat, of 1 millimeter or less in thickness, not cut.	do	do	**10 00** ⅞ c. lb.
Thin, and block iron in leaves, flat, of 1 millimeter or less in thickness, cut in any way whatever.	100 kilogs., net.	do	**11 00** 98-100 c. lb.
Tinned, coppered, covered with zinc or lead.	do	do	**13 00** 1⅛ c. lb.
Iron thread, whether covered with tin, copper, or zinc, or not, of 5-10 of a millimeter in diameter or less.	100 kilogs., gross.	do	**10 00** ⅞ c. lb.
Iron thread, whether covered with tin, copper, or zinc, or not, others.	do	do	**6 00** ½ c. lb.
Steel—			
In bars of all kinds and hoops	do	Dec. 11, 1866	**9 00** ⅝ c. lb.
In sheets or bands, brown, beaten warm, of thickness of over 1 millimeter.	100 kilogs., net.	do	**11 25** 1 c. lb.
In sheets or bands, brown, beaten warm, of thickness of a half millimeter or less.	do	do	**15 00** 1⅜ c. lb.
In sheets or bands, whitened, cold beaten, of all thicknesses.	do	do	
Drawn into thread, same whitened for cords of instruments.	do	do	**20 00** c. lb.
Filings and flaws	100 kilogs., gross.	Oct. 12, 1860	Free.
Old iron—			**2 75**
Débris of old wrought-iron	do	do	¼ c. lb.
Débris of old cast-iron	do	do	**2 00** 1-6 c. lb.
Iron dross and forge scoriæ	do	do	Free.

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
IRON AND STEEL.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	IRON AND STEEL.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Implements:									
Hackles or combs, pointed with iron or copper.	100 kilogs., net	Dec. 17, 1814; June 9, 1845; Apr. 18, 1857	96 00; 8½ c. lb	96 00; 8½ c. lb	99 00; 8 4-5 c. lb.	Hackles or combs, (see Pieces of machines, stay-reeds, irons, and combs for weaving, page 125.)	100 kilogs., net	Oct. 12, 1860	30 00
Hackles or combs, pointed with steel	do	June 7, 1820; June 9, 1845; Apr. 18, 1857	210 00; 21 c. lb	210 00; 21 c. lb	243 00; 21½ c. lb.				
Farming implements, scythes	do	do	141 00; 14½ c. lb	141 00; 12½ c. lb	147 00; 13 c. lb.	Implements: Of iron, pure, with or without handles	100 kilogs., gross	do	10 00; 85 c. 100 lbs.
sickles, and all other	do	Dec. 17, 1814	96 00; 8½ c. lb	96 00; 8½ c. lb	99 00; 8 4-5 c. lb.	Of iron, charged with steel, with or without handles.	100 kilogs., net	do	15 00; $1.32 100 lbs.
Files and rasps, for coarse cutting, called common.	do	Apr. 18, 1857	90 00; 8 c. lb	90 00; 8 c. lb	93 00; 8⅛ c. lb.	Of pure steel, scythes, sickles, files, saws, circular or straight, and others, not specified.	do	Dec. 11, 1866	20 00; $1.76 100 lbs.
Files and rasps, for polishing, called fine, in length 17 centimeters or more.	do	do	216 00; 19 1-10 c. lb	216 00; 19 1-10 c. lb	219 00; 19 2-5 c. lb.	Of copper, (see Copper-work, page 131)	do		20 00
Files and rasps, for polishing, called fine, in length less than 17 centimeters.	do	do	270 00; 23 9-10 c. lb	270 00; 23 9-10 c. lb	273 00; 24 1-5 c. lb.				
Saws, circular, more than 20 centimeters in diameter.	do	do	210 00; 18 3-5 c. lb	210 00; 18 3-5 c. lb	213 00; 18 9-10 c. lb.				
Saws, circular, 20 centimeters and over in diameter.	do	do	240 00; 21 c. lb	240 00; 21 c. lb	243 00; 21½ c. lb				
Saws, others, in length 145 centimeters or more, usual thickness	do	do	132 00; 11 7-10 c. lb	132 00; 11 7-10 c. lb	135 00; 12 c. lb.				
Saws, others, in length 146 centimeters to 50 centimeters, exclusive.	do	do	210 00; 18 3-5 c. lb	210 00; 18 3-5 c. lb	213 00; 18 9-10 c. lb.				
Saws, others, in length 50 centimeters or less.	do	do	240 00; 21 c. lb	240 00; 21 c. lb	243 00; 21½ c. lb.				
Other tools, pure iron	do	Dec. 17, 1814	60 00; 5 c. lb	60 00; 5 c. lb	63 00; 5½ c. lb.				
iron charged with steel	do	Apr. 18, 1857	150 00; 13½ c. lb	150 00; 13½ c. lb	153 00; 13½ c. lb.				
pure steel	do	do	210 00; 18 3-5 c. lb	210 00; 18 3-5 c. lb	213 00; 18 9-10 c. lb.				
copper or brass	do	Apr. 28 1816	180 00; 16 c. lb	180 00; 16 c. lb	183 00; 17 c. lb.				
Metallic textiles:						Metallic textiles:			
Of iron	do	Apr. 18, 1857	90 00; c. lb	90 00; 8 c. lb	93 00; 8 1-12 c. lb.	In iron or steel	100 kilogs., gross	Oct. 12, 1860	10 00; 88 c. 100 lbs.
Of pure steel	do	do				In copper or brass	100 kilogs., net	do	20 00; $1.76 100 lbs.
Of copper or brass	do	Apr. 28, 1816; Mar. 27, 1817	180 00; 16 c. lb	180 00; 16 c. lb	183 00; 17 c. lb.				
Sewing-needles:						Sewing-needles:			
In length 4 centimeters or less	do	June 9, 1845	960 00; 85 c. lb	960 00; 85 c. lb	963 00; 85½ c. lb.	In length less than 5 centimeters	do	do	200 00; 17⅞ c. lb.
In length 4 to 5 centimeters, inclusive	do	do	600 00; 53 c. lb	600 00; 53 c. lb	603 00; 53⅓ c. lb.	In length 5 centimeters or more	do	do	100 00; 8 4-5 c. lb.
In length over 5 centimeters	do	do							
Fish-hooks	do	Apr. 28, 1816; May 6, 1841	240 00; 21 c. lb	240 00; 21 c. lb	243 00; 21½ c. lb.	Fish-hooks	do	do; May 1, 1861	50 00; 4 2-5 c. lb.
Pens and nibs of pens in metal other than gold or silver	do	June 9, 1845	480 00; 42½ c. lb	480 00; 42½ c. lb	483 00; 42⅞ c. lb.	Pens in metal other than gold or silver	do	Oct. 12, 1860	100 00; 8 4-5 c. lb.
Cutlery, (19 Brumaire, fifth year of the republic.)		Nov. 3, 1796	Prohibited	Prohibited	Prohibited.	Cutlery of all kinds	Ad valorem	do	15 c. per cent.

GENERAL TARIFF—IMPORTS.							TREATY TARIFF—IMPORTS.			
ANIMAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.)				ANIMAL PRODUCTS.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Products of European countries.		Products of countries outside of Europe.					
			Imported directly from the country of production.	Imported from a country other than that of production.	Imported directly from countries outside of Europe.	Imported from European markets.				
			Fr. C.	*Fr. C.*	*Fr. C.*	*Fr. C.*				*Fr. C.*
Silks:							Silks:			
In cocoons	100 kilogs., gross	Apr. 18, 1857	Free	Free	Free	**3 00** 26 3-5 c. 100 lbs.	In cocoons	100 kilogs., gross.	Nov. 16, 1860	Free.
Unbleached, raw, or thrown, and including double thread.	100 kilogs., net	May 16, 1863					Raw or thrown	100 kilogs., net		
Dyed, of all kinds	do	July 11, 1868					Dyed, of all kinds	do		
Flock—							Flock—			
In bulk, unbleached or dyed	100 kilogs., gross	May 16, 1863					In bulk	100 kilogs., gross.		
Combed, of all kinds	do	do	**10 00** 88 7-10 c. 100 lb.	**10 00** 88 7-10 c. 100 lbs.	**10 00** 88 7-10 c. 100 lbs.	**13 00** $1.04 100 lbs.	Combed	do	do	**10 00** 88 7-10 c. 100 lbs.
Spun, (silk-ferret,) single, or twisted, unbleached, bleached, blued or dyed, measuring to the kilogram—							Spun, (silk-ferret,) single or twisted, unbleached, bleached, blued or dyed, measuring, to the kilogram—			
80,500 meters, single, or less	100 kilogs., net	do	**75 00** 6½ c. lb	**75 00** 6½ c. lb	**75 00** 6½ c. lb	**78 00** 6 9-10 c. lb.	80,500 meters, single or less	100 kilogs., net	do	**75 00** 6½ c. lb.
More than 80,500 meters, single.	do	do	**120 00** 10½ c. lb	**120 00** 10½ c. lb	**120 00** 10½ c. lb	**123 00** 10½ c. lb	More than 80,500 meters, single.	do	do	**120 00** 10½ c. lb.
Cocoon threads, (threads from the waste of flocks of silk,) measuring to the kilogram—							Threads, coarse, from round the cocoon, (thread from the waste of silk flocks, (see General tariff.)			
30,000 meters, single, or less	do	do	**25 00** 2 1-5 c. lb	**25 00** 2 1-5 c. lb	**25 00** 2 1-5 c. lb	**28 00** 2½ c. lb				
More than 30,000 meters, single.	do	do	Same duties as spun floss.							
TISSUES.							TISSUES.			
Tissues of silk:							Tissues of silk:			
Handkerchiefs—							Tissues, hosiery and laces of pure silk.			
Originally from India	100 kilogs., net	May 16, 1863			Free	**3 00** 26½ c. 100 lbs.				
Of other origin, unbleached	do	July 2, 1836		**840 00** 74½ c. lb	**840 00** 74½ c. lb	**843 00** 74½ c. lb.				
printed	do	do		**1, 680 00** $1.49 p. lb	**1, 680 00** $1.49 p. lb	**1, 683 00** $1.49½ p. lb.				
Crapes—										
Plain	1 kilog., net	May 1, 1867	**20 00** $1.77 p. lb	**25 00** $2.22 p. lb	**20 00** $1.77 p. lb	**25 00** $2.22 p. lb.		1 kilog., net	Nov. 16, 1860	Free.
Embroidered or worked	do	do	**34 00** $3.00 p. lb	**40 00** $3.54 p. lb	**34 00** $3.00 p. lb	**40 00** $3.54 p. lb.	Crape, English embroidery, unbleached, black, or colored.			
Others originally from countries outside of Europe.	do	do			Free	**25** 2 c. lb.	Net, plain or embroidered, unbleached or dressed.			

GENERAL TARIFF—IMPORTS.						TREATY TARIFF—IMPORTS.			
TISSUES.	Units on which duties are computed.	Date of authority for collection.	DUTIES.—These duties are to be increased 4 per cent. (Law of December 30, 1873.)			TISSUES.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Products of European countries.	Products of countries outside of Europe.					
				Imported directly from countries outside of Europe.	Imported from European markets.				
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Tissues of silk—Continued.						Tissues of silk—Continued.			
Others of European origin—						Ribbons of silk—			
Pure stuffs, plain	1 kilog., net	Apr. 28, 1816	**19 20** $1.70 p. lb.			Velvet	1 kilog., net	Nov. 16, 1860	**5 00** 43½ c. lb.
worked	do	do	**22 80** $2.02 p. lb.			Other kinds	do	June 30, 1864	**4 00** 35 2-5 c. lb.
silk-figured	do	do	**22 80** $2.02 p. lb.						
coverings	100 kilogs., net	Mar. 15, 1791	**244 80** 21¾ c. lb.						
tapestry	do	do	**367 20** 32½ c. lb.						
gauze	1 kilog., net	Apr. 28, 1816	**37 20** $3.30 p. lb.						
net		Mar. 10, 1809	Prohibited.						
lace called blonde	Ad valorem	Dec. 17, 1814	18 p. c.						
hosiery	1 kilog., net	Apr. 28, 1816	**14 40** $1.27 p. lb.						
small lace wares	do	do	**19 20** $1.70 p. lb.						
ribbons, (and same for velvet)	do	do	**9 60** 85 c. lb.						
Others of European origin with gold or silver—									
Stuffs worked with gold or silver, fine.	do	do	**37 20** $3.30 p. lb.			Tissues, small lace goods, and laces of silk with gold or silver, fine.	do	Nov. 16, 1860	**12 00** $1.06 p. lb.
Stuffs worked with gold or silver, imitation.		Mar. 15, 1791	Prohibited.			Tissues, small lace goods, and laces of silk with gold or silver, middling or imitation.	do	do	**3 50** 31 c. lb.
Stuffs mixed with thread, either gold or silver, fine.	1 kilog., net	Apr. 28, 1816	**20 40** $1.81 p. lb.						
Stuffs mixed with thread, either gold or silver, imitation.		Mar. 15, 1791	Prohibited.						
Gauze, mixed with gold or silver, fine	1 kilog., net	Apr. 28, 1816	**74 40** $6.59 p. lb.						
Gauze, mixed with gold or silver, imitation.		Mar. 15, 1791	Prohibited.						
Lace, gold, fine	1 kilog., net	Apr. 28, 1816	**240 00** $21.00 p. lb.						
silver, fine	do	do	**120 00** $10.50 p. lb.						
gold or silver, imitation	do	do	**30 00** $2.66 p. lb.						
Small lace goods of gold or silver, fine.	do	do	**36 00** $3.19 p. lb.						
Small lace goods of gold or silver, imitation.	do	do	**3 60** 31 9-10 c. lb.						
Small lace goods mixed with gold or silver, fine.	do	do	**30 00** $2.66 p. lb.						
Small lace goods mixed with gold or silver, imitation.	do	do	**9 60** 85 c. lb.						

GENERAL TARIFF—IMPORTS						TREATY TARIFF—IMPORTS.			
TISSUES.	Units on which duties are computed.	Date of authority for collection.	Duties.—These duties are to be increased 4 per cent. (Law of December 30, 1873.) Products of European countries.	Products of countries outside of Europe. Imported directly from countries outside of Europe.	Products of countries outside of Europe. Imported from European markets.	TISSUES.	Units on which duties are computed.	Date of authority for collection.	Duties.
			Fr. C.	*Fr. C.*	*Fr. C.*				*Fr. C.*
Others of European origin mixed with material other than gold or silver—						Mixed with flock silk		Nov. 16, 1860	Same duties as flock-silk, pure.
Thread-mixed stuffs	1 kilog., net	Apr. 28, 1816	15 60 $1.38¾ p. lb.			Mixed with other textile materials, silk predominating in weight—			
tapestry	100 kilogs., net	Mar. 15, 1791	367 20 32½ c. lb.			Ribbons, velvet	1 kilog., net	do	5 00 43½ c. lb.
Gauze, thread-mixed	1 kilog., net	Apr. 28, 1816	20 40 $1.81 p. lb.			others	Ad valorem	do	10 p. c.
Small lace goods	do	do	9 60 85½ c. lb.			Others	1 kilog., net	do	3 00 26¾ c. lb.
Others. (See note.)						Garments and trimmed articles		May 1, 1861	Governed by tissues predominating in weight.
Finished garments. (See note.)									
Tissues:						Tissues of flock-silk:			
Pure tissues, cashmere embroidered		June 7, 1820	Prohibited	Prohibited	Prohibited.	Tissues of flock silk, pure, unbleached, white, dyed, or printed.	1 kilog., net	Nov. 16, 1860	2 00 17½ c. lb.
stuffs	100 kilogs., net	Apr. 28, 1816	840 00 74½ c. lb.	840 00 74½ c. lb.	843 00 74¾ c. lb.	Ribbon of flock-silk—			
covers	do	Mar. 15, 1791	244 80 21¾ c. lb.	244 80 21¾ c. lb	247 80 22 c. lb.	Velvet	do	do	5 00 43½ c lb.
tapestry	do	do	367 20 32½ c. lb.	367 20 32½ c. lb	370 20 32¾ c. lb.	Others	do	June 30, 1864	4 00 35 2-5 c. lb.
hosiery	do	Apr. 21, 1818	720 00 63¾ c. lb.	720 00 63¾ c. lb.	723 00 64 c. lb.				
small lace goods ribbons	do	Apr. 28, 1816	960 00 85½ c. lb.	960 00 85½ c. lb	963 00 85¾ c. lb.				
Mixed stuffs, mixed with gold or silver, fine.	do	do	1,200 00 $1.06 p. lb.	1,200 00 $1.06 p. lb.	1,203 00 $1.06¾ p. lb.	Mixed tissues and small lace goods with gold or silver, fine.	do	Nov. 16, 1860	12 00 $1.06 p. lb.
Mixed stuffs, mixed with gold or silver, imitation.		Mar. 15, 1791	Prohibited	Prohibited	Prohibited.	Mixed tissues and small lace goods with gold or silver, middling or imitation.	do	do	3 50 31 c. lb.
Mixed tapestry, mixed with thread	100 kilogs., net	do	367 20 32½ c. lb.	367 20 32½ c. lb	370 20 32¾ c. lb.	Mixed with silk		do	Same duties as flock-silk, pure.
						Mixed with other textile materials, the flock-silk predominating in weight—			
						Ribbons, velvet	1 kilog., net	do	5 00 43½ c. lb.
						others	Ad valorem	do	10 p. c.
Other. (See note.)						Others	1 kilog., net	May 1, 1861	3 00 26¾ c. lb.
Finished garments. (See note.)						Garments and trimmed articles			Governed by the tissues predominating in weight.

This consummately protective tariff has made France the imperial power she is in her republican days. By the fact that her debt is held by her own people and that her constantly increasing exports make other countries her debtors, she is financially the master of the world. Nor can bullionists claim this as a triumph of their theories, for a large part of her currency consists of inconvertible bank-notes, no more convertible or redeemable than our greenbacks, except in so far as the government of France, having required the bank to issue inconvertible notes and made them legal tender, has the honesty to receive them in payment of all dues, and thus keeps them at par with her metallic money. With irredeemable bank-notes, which have no other advantages than those I have suggested over our greenbacks, and which, according to the theory of our contractionists, enhance the price of her productions by inflating the currency, protective France exported to free-trade England during the last year two hundred and thirty million dollars' worth, while free-trade England, having impaired her productive power by accepting the plausible fallacies of the Manchester school of economists, could send her but $65,000,000 in part payment therefor. England, under free trade, has ceased to be the workshop of the world. Protective France raises beets and converts them into sugar for the people of England; France makes the silks and laces that clothe her women and the exquisite wall-paper, tapestry, and *bijouterie* that adorn the *salons* of her upper classes. The great "workshop of the world" adopted free trade and challenged the world to competition, and the world is beating her in her own marts. Distant Japan finds profit in sending her bricks, Norway makes her doors and sashes and the frames of both, Belgium and Germany compete in London, Liverpool, and even Sheffield in every form of heavy iron and steel goods, while we find a steadily growing market in those cities for our axes, saws, pitchforks, and an increasing variety of implements. Meanwhile, those of her discontented working-people who have the means flee to distant lands in the hope of finding steady and fair wages; and the only article in the whole extended list of her exports which increases is coal with which to create power to keep in motion the productive machinery of her competitors for her home markets.

Why is it that protective France increases her exports and multiplies her markets and that the exports of free-trade England diminish and foreigners contest her home markets with her? It is because protection, which is the right of the laborer, is also a boon to the consumer and cheapens commodities by utilizing otherwise neglected resources and stimulating domestic competition.

I have heard gentlemen assert on this floor that France by entering into the Cobden-Chevalier reciprocity treaty, or conventional tariff, indicated a decided tendency toward free trade. I will not discuss that question. Sir Edward Sullivan has done it effectively in his admirable work on Protection of Native Industry, and has opened the mysteries of that treaty to the popular gaze. Without detaining the committee by reading them, I will ask the reporters to insert a portion of his remarks on the subject, that gentlemen may examine the question from the stand-point of an enlightened English nobleman's view:

At the same time that the question of the French treaty is being freely discussed, and among manufacturers and operatives generally condemned in this country, the same spirit of animosity is being displayed toward it in France.

This fact is joyfully seized by the supporters of the treaty in this country as an argument in favor of its continuance. It is argued that two negatives make an affirmative; that what is supposed by each to be bad must be good for both.

It is argued that French operatives and manufacturers would not grumble at the French treaty with England unless they suffered from English competition, and that their suffering *must* be our gain; but this is entirely a misapprehension; it is the result of the national habit of magnifying our own importance. It is not English competition that worries and frightens the French operative; it is Prussian, Austrian, Swiss, and Belgian competition that is the thorn in their side. It is further stated that the French market is inundated with Swiss tissues, which are produced at a lower price than French ones, and thus the prices of Zürich regulate the French market. (See Mr. Lionel West's Consular Report, 1869.) It is not the English treaty that they object to; it is the principle on which it is founded; it is free trade in every shape, in its most restricted as in its fullest sense that they complain of. Their efforts are turned against the French treaty first of all because it is approaching the end of its first term of probation, and they fancy it can be easily repealed, whereas it must be a work of time to alter the whole of their commercial arrangements. Certainly in the face of this retrograde agitation by the only nation that has hitherto tried free trade in its mildest form, its advocates in this country have no right to tell the operative class that their principles are spreading over the world; it is a shame so to gull those whose very existence depends upon whether it is so or not.

The objects and intentions and anticipations of Mr. Cobden and those who supported his policy in negotiating the French treaty were perfectly honest; he believed it was another step toward free trade; he found that all his prophecies and anticipation of universal reciprocity had failed, and he naturally grasped at this idea of negotiating a commercial treaty with France as promising some small opening for the realization of his hopes.

Individually, I never could understand the policy or the sense of the commercial treaty; it always appeared to me absurd to go through the form of negotiating a treaty when we had it in our power to do all we have done in the matter just as easily without it; there could be no earthly object in placing ourselves under an obligation to the French for no reason at all.

If it had been a case of reciprocity, of removing corresponding duties on certain articles of manufacture on both sides, there would have been some reason in it; but this was not the case at all; we removed the customs duties absolutely, entirely from forty-three articles, most of them articles of French industry; they, on the contrary, did not remove the duties from one single article of English industry. Now, there was no necessity for having a treaty to enable us to do this; we could have done it just as well without one. When you know it is a case of heads you win, tails I lose, surely it is hardly worth the trouble of tossing.

We gave them bread, while they returned our kindness by handing us a stone; but still they gave it to us in such a grand style and we accepted it so humbly and so thankfully, that most of us believed we really had got a Roland for our Oliver. Of course, for decency's sake, they were obliged to go through the form of an exchange; and this they did in their own way; they did not abolish the duty on any single article of English manufacture; they contented themselves with reducing the duties on a certain number. In some cases they lowered the 50 or 60 per cent. *ad valorem* customs duties to 30 or 15 per cent.; in some cases they actually substituted for total prohibition a 30 per cent. *ad valorem* duty.

They followed a very intelligible and I believe a very sound principle; they admitted at low rates all raw materials required for manufactures, coal, iron, cotton, wool, &c., with the machinery necessary to turn them into manufactured products, and continued to impose *ad valorem* duties that were actually prohibitory on all our manufactured goods; they did not in one single case lower their customs duties to a point that would allow any article of English manufacture to be sold in their markets at a profit that was not already in that position. There have always been a few articles we produce, and they do not, or not so cheap and so good as we do; and these they must buy from us under any condition. To prohibit them would be absurd. These continue, but they have not been added to in one single case.

Now, if it was only a question of the English treaty, French manufacturers would be quite safe, and we should hear no sound of grumbling; the advantages are all on their side; they have taken care to fix a rate of duty that excludes English-manufactured goods from their market; but unfortunately the favored-nation clause admits into France Belgian, Prussian, Austrian, and Swiss articles of manufacture at the same *ad valorem* duty that is imposed on British goods of the same kind; the duty that is sufficient to exclude in the latter case is not sufficient in the former; and consequently many French industries find themselves galled by foreign-manufactured produce admitted under the wing of the English treaty, but having nothing to do with English industries.

The French were merely throwing dirt in our eyes when they reduced their *ad valorem* duties from 50 or 30 to 15 per cent. on articles that would be equally as well prohibited by an *ad valorem* duty of 5 per cent., or in changing total prohibition for a 30 per cent. *ad valorem* duty on articles that could not be sold at a profit, even if admitted without any duty at all; yet this is actually what was done!

Of the forty-three articles on which the French reduced their tariff from total prohibition, or from 50 or 60 per cent. *ad valorem* to 30 or 15 per cent. *ad valorem*, there are not five articles of English manufacture that would not be excluded by an *ad valorem* duty of 5 per cent. Never, I believe, since the world was made has such a ridiculous fiasco of what is called a commercial treaty been negotiated. To call that a treaty where one side gives everything, the other nothing, is absurd; call it a cession, if you like, not a treaty.

When one considers its original conditions and examines its results, it is wonderful its authors had the face to propose it and that the country should have entertained it without shouts of laughter. In admitting every article of French manufacture into this country free of duty, without in any way securing a corresponding advantage from France, we bargained away the manufacturing birthright of our producing class for a mess of pottage; we bartered the prosperity, even the existence, of a number of our industries, with the hundreds of thousands of workers depending on them, for nothing—actually nothing. It will be asked, is cheap claret nothing, or cheap silks nothing? But we could have reduced the duties on wine or silks at any moment we liked; there was no necessity to consult the French or negotiate a commercial treaty for that.

The French treaty was ostensibly negotiated in favor of the manufacturing classes in this country, and of what conceivable use are cheap clarets and cheap silks to them?

Of course the belief was that our superior excellence, energy, and "appetite" for hard work would enable our operatives to sell many articles with an *ad valorem* duty of 30 to 15 per cent that had hitherto been entirely prohibited.

Such must have been Mr. Cobden's belief when he negotiated the treaty. He would never have imperiled the prosperity of a number of our manufacturing industries for the sake of the luxury and comfort of the wealthy classes. He could not have foreseen he was legislating for the consumer only at the expense of the producer. He must have had visions of increased prosperity for the producer also; but he was mistaken.

No new market has been opened to us. We do not sell one single article in France now that we did not sell before the treaty. Our liberality has met with no return whatever. The French manufacturers and operatives are no more inclined to reciprocity now than they were before the treaty; on the contrary, far from inclining to reciprocity in any degree whatever, they show unmistakably their intention to stick literally and absolutely to the word of their bargain; they will exact the full pound of flesh, and ridicule the idea of making any sacrifice, however fair and just, to the principle of free trade.

Take an example. English manufacturers may send gray goods to France under bond and have them printed there and returned to England duty free. But if gray goods are brought from France to England, printed here and returned, they are not re-admitted into France without the payment of an *ad valorem* duty of 15 per cent.

Several calico-printers of Manchester wrote to the French government pointing out the palpable injustice of this law; but the minister of commerce refused to modify the existing order of things, and was candid enough to tell the reason why. "As to the reduction which you solicit in the name of several English firms, I regret it is not possible to meet your views, for I cannot find any legal motive to consent to such a reduction. If our laws admit in certain cases a temporary admission of foreign goods in order to procure work for French hands, they do not allow any such facility to a temporary exportation, the result of which would be, on the contrary, to carry work to foreign countries to the direct prejudice of our own manufactures." This is the sort of reciprocity and friendly feeling that have resulted from the French treaty.

It is certainly marvelous to our ears to hear a public minister openly deciding in favor of a preferential market for native industries instead of devising every possible means for encouraging and giving advantage to foreign rivals.

The plums of the commercial treaty have so entirely fallen to the lot of the French, that it is difficult now to conceive what reasoning could possibly have influenced Mr. Cobden, as representing his own countrymen, in negotiating it. If a committee of the luxurious leaders of fashion of both sexes had drawn up a treaty that was to benefit them exclusively at the expense of the rest of the community, I could perfectly well understand it; but that it should be the work of a man professing to advance the interests of the workers at the expense of the luxurious class appears incomprehensible.

Every single one of the thirty-three or thirty-four articles admitted duty free from France by the treaty are articles of luxury or convenience, whose use is entirely confined to the wealthier and more luxurious classes in the community; not a single one is, directly or indirectly, or in any degree whatever, of any service or advantage to the working classes. Not one single article admitted duty free is either consumed by the working-classes, or cheapens his labor, or adds to his comfort, or, directly or indirectly, benefits him in the remotest way; but, on the other hand, all of them are the articles he produces. Run your eye over the following list of articles admitted duty free by the French treaty, and ask yourself if it is not incredible that this is the work of a man whose sympathies were decidedly with the poor as against the rich; with the consumers of necessaries as against the consumers of luxuries; with the producers of luxuries as against the consumers of them.

Articles admitted into England duty free according to the treaty of commerce, signed January 23, 1860:

Agates and carneliana, set.
Arms of every description.

Articles covered with copper by galvanic process.
Brocade of silver and gold.
Brass and bronze manufactures.
Corks.
Canes, walking sticks, &c.
Cutlery and other articles of steel, iron, &c.
Coverlets, worsted gloves, &c.
Clocks, watches, and opera-glasses.
China and porcelain ware.
Emb roideries and needle-work.
Fancy ornaments of steel or iron.
Feathers, dressed or not.
Gloves, stockings, socks, &c.
Gloves, and other leather articles of clothing.
Goats' and other hair manufacture.
Grapes.
Hats, of whatever substance.
Handkerchiefs, and other manufactures not enumerated.
Jewelry, set.
Lucifers of every description.
Leather manufactures.
Lace manufactured of cotton, worsted, silk, or linen.
Manufactures of iron and steel.
Machinery and mechanical instruments.
Millinery and artificial flowers.
Manufactures of caoutchouc and gutta-percha.
Musical instruments.
Manufactures of lead.
Oils.
Perfumery.
Percussion caps.
Raw fruits.
Sulphuric acid.
Stone and earthen ware.
Sulphate of quinine.
Salts of morphine.
Worsted and woolen shawls.

It is no exaggeration to say that every article admitted is more or less an article of luxury; not a single one is an article of necessity. You cannot pick out a single article that is not or was not produced in this country; not one that is in the most limited degree consumed by the working-classes.

The only possible object that the friend of the working-classes could have had in admitting these articles duty free into England was that articles of British manufacture should in return be admitted duty free into France; it is the only ground on which such a step could have been taken. Now a great number of these articles are specialties of France in general and of Paris especially. They always have been and always will be produced there cheaper than in England. It is only by the help of a small amount of protection they have been able to exist in England at all. To make the trade in such articles perfectly free and to admit them into our markets on a perfect equality with our own is simply to hand over to foreigners the monopoly of the supply, to give them the whole trade at once.

The effect of this suicidal policy is not so immediately evident, because the industries that have suffered most are, with the exception of silk, small industries, employing limited communities, working at their own homes or in small shops, and without any influential capitalist to represent their distress. No immense body of men, like the cotton-workers, are thrown out of work at once. If there had been, the treaty would not have lasted a year, or we should have had a revolution. But numerous smaller bodies have been thrown out of work, a number of small industries are partially or entirely ruined, and it is this that causes the distress and misery that now overflow the manufacturing districts.

On the other hand, France, in return for our liberality in admitting so many of her special industries duty free, agreed to admit the following articles, many of them also her special industries, with the modest *ad valorem* duty of 30 per cent., to be reduced at her option in a certain number of years to 15 per cent., but liable also to be increased to meet excise and other inland duties and taxes:

1. Brandies and spirits.
2. Brass wire.
3. Carriages.
4. Cabinet-ware.
5. Chemical productions.
6. Common soap.
7. China and porcelain ware.
8. Cotton manufactures, cotton yarns.
9. Cloth list.
10. Cutlery.
11. Extracts of dye-woods.
12. Garancine.
13. Crystal.
14. Glass mirrors and plate.
15. Horse-hair manufactures.
16. Hosiery.
17. Haberdashery.
18. Iron forged in lumps or prism.
19. Manufacture of hair.
20. Manufacture of waste and floss silk.
21. Manufacture of silk and other kinds.
22. Manufacture of flax and hemp.
23. Mixed manufactures of every description.
24. Manufactures of caoutchouc and gutta-percha.
25. Metal wares.
26. Machinery, mechanical instruments.
27. Pig and cast iron.
28. Plated articles.
29. Prepared skins.
30. Refined sugar.
31. Rock-crystal bottles.
32. Stoneware and earthenware.
33. Silk manufactures.
34. Ships and boats.
35. Tumeric in powder.
36. Worsted and woolen yarns.
37. Worsted and woolen manufactures.
38. Yarns of flax and hemp.
39. Yarns of hair.

Now there are not five articles among all these that an *ad valorem* duty of 30 or 15 per cent. does not exclude entirely or tax at a sum that leaves no profit to the importer. A great many of these articles are also specialties of the French that they can always produce cheaper and better than we can. Is it not rather laughing at our beards to admit English brandies, silk, glass, crystal, mirrors, plate-glass, china, carriages, cabinet-ware, refined sugar, at an *ad valorem* duty of 15 per cent., when they are actually produced as cheap or cheaper in France than in England. But although the government of France took good care not to allow free entry to a single manufactured article that could in any degree injure any of her existing industries, she took every pains to introduce as early as possible every article that could stimulate or create new ones. She wanted raw material and machinery, and every facility was eagerly seized for introducing them.

Either the most extraordinary ignorance exists among our free-trade professors respecting the relative effect of making England a free port on the manufacturing industries of France and England, or there is an amount of willful misrepresentation that does them little credit. In 1865 the total exports from England to France amounted to twenty-five and one-half millions sterling; the exports from France to England amounted to fifty three millions, of which over forty millions were French products and manufactures.

The relative value of this international trade is shown more by its nature than by its amount. It was nearly as follows: 72 per cent. of our exports to France were raw materials, (seven-eighths of which were foreign and colonial produce merely passing through the country, and one-eighth coal and iron;) 16 per cent. were half-raw materials, chiefly yarns of different descriptions, on which most of the labor remained to be done in France; 12 per cent. only were fully-manufactured articles, a very large proportion of which consisted in the machinery of all kinds required to manufacture the raw and half-raw materials we supplied them with. Our manufactured goods paid duties from 27½ per cent. on glass and potteries to 20 per cent. on cutlery; 13 per cent. on cotton to 7½ per cent. on metal work.

Of our imports from France 16 per cent. were raw materials, all home produce consisting chiefly of brandy, wines, oil, corn, &c., true produce of the soil, annual and inexhaustible, and on which a vast amount of labor had been employed; 31 per cent. were half-raw materials; and 52½ per cent. were fully manufactured articles, on which all the labor was employed in France and all of which were admitted duty free in England.

It is thus a fact that 88 per cent. of the articles exported from England to France in 1865 consisted of foreign and colonial raw produce, on which no labor had been expended in this country, and of half-raw materials, on which comparatively little had been employed, and of the coal and iron necessary to manufacture them; while of the remaining 12 per cent., a very considerable portion consisted of spinning and weaving and other machinery necessary to extend the manufacturing industries of the country.

This was in 1865. Take a later date. In the debate in the French Chambers, January 18, 1870, Monsieur Johnstone said: "Our exports to England are four times as large as our importations from that country; we have exported goods to the value of 490,006,000 francs more than we have imported."

And still, in the face of statements and facts such as these, we find free-trade orators and free-trade penny-a-liners calling on the producing class to be thankful for the blessings they derive from free trade. According to this statement of the exchange of the manufactured products of the two countries, in 1865 the French exported to us seven times the value of manufactured goods we exported to them. To do this, they must have expended seven times as much in wages and found occupation for seven times as many hands.

If it is the case that the proportion of wages expended on manufactured articles is 50 per cent. of the cost, this twenty-one millions sterling of manufactured goods imported from France represents ten and a half millions of wages that have been paid to French work-people in producing them. To the extent that these twenty-one millions' worth of French-manufactured goods have replaced British manufactured goods of a similar description, to that extent have our operative class lost wages that would, if a protective duty had existed, have come to them. It is easy to see how unequally this affects the two classes, consumers and producers: the average difference in cost between English-manufactured goods and similar kinds of foreign goods that compete with them in the English market is from 5 to 12½ per cent., say 7 per cent.; the proportion of wages spent on them is in both cases much the same, say 50 per cent., or one-half. Suppose manufactured goods from France, Germany, or Belgium to the value of twenty millions replace similar goods of English manufacture of the equal value in our home trade, our manufacturers lose their manufacturing profit on twenty millions, which may fairly be put at 10 per cent. or two millions; our operative class lose their wages, which would have amounted to 50 per cent., or ten millions; whereas the consumers would save 7 per cent. on twenty millions, or about one and a half millions sterling. So that on the admission of every twenty-millions' worth of manufactured goods there is a loss to the manufacturing and operative community of twelve millions, as against the saving to the consumer of one and a half millions.

But if home articles of manufacture had been consumed instead of foreign, all of the twelve millions would have remained in the country, fructifying, creating industries, spreading enterprise and energy, &c., taking its share of the burdens and taxes of the country; and, moreover, vast amounts of raw material of home production, coal and iron, would have been employed, giving employment to thousands of workmen and stimulating the endless number of trades and occupations that are indirectly protected by active manufacturing operations. The loss to the community of allowing our capital to be diverted from home to foreign industries is complete, and if carried far enough, would become fatal to the actual existence of the whole country; but, indeed, as a rule, the consumer does not really benefit to the extent of 7 per cent. on the value of foreign manufactures, or anything like it; 1 or 2 per cent. or less will always divert orders in any article of consumption. We have assumed the foreigners have from 5 to 12½ per cent., say 7, in hand; but they do not give it all to the consumer; on the contrary, they only give just so much as will secure them the preference over the home producer in the market; 1 per cent. or 2 may be sufficient for this; if the English producer drops his price 1 or 2 per cent. to meet them, they drop theirs to secure orders; but they do not sell cheaper than they are obliged to, or give away a greater portion of their 7 per cent. than is absolutely necessary. In manufactured articles of equal quality ½ per cent. will often turn an order, especially in large transactions; and if a foreign article of equal value is offered at only ½ per cent. cheaper than the English article, it will get the preference. It does not at all follow that, because the foreign manufacturer can afford to take 7 per cent. less than the English manufacturer, therefore he does so; he takes off as little as he can, but the existence of this difference in price gives him the constant whip-hand of the English manufacturer, and enables him always to undersell him. Of course it will be replied to this that if foreign goods were prohibited the English manufacturer might raise his price to what he liked; but prohibition is folly; nobody now talks of prohibition; all that is ever asked is a duty that will put the British and foreign manufacturers and operatives on a level, and take away from the English consumer the constant inducement to purchase foreign manufactures instead of his own. From 7 to 12 per cent. *ad valorem* would do this. The English producer would thus get his fair share of the home consumption, but he would be prevented making any oppressive use of protection to impose too much on the consumer.

It is using the *a non causa pro causa* form of argument, giving the wrong reason for the right one, to attribute to the French treaty our increased trade with France; it is simply part of the cosmopolitan increase of trade, the general distribution of wealth and science, that has extended commerce in every direction, spite of free trade or protection. We should have sold just as much to France if we had retained our customs duties on their goods as we have done by removing them; they would still have bought from us all we produced cheaper or better than they could, or what they could not produce at all; but their manufactured goods would not have replaced ours to the extent they have done if they had been weighted with an *ad valorem* duty of 15 per cent.

The French treaty has stimulated no new industry in England, but it has ruined many; no manufactured goods whatever are admitted into France that we did not sell equally well before the treaty, and we should sell just as much if it was abolished to-morrow. Since 1857 we have increased our exports to Greece, China,

Egypt, Hanse Towns, Turkey, British India, Denmark, Prussia, Belgium, in a larger relative degree, without the assistance of any commercial treaty, than we have to France with one. Holland is the only country of any importance in Europe that has not increased her import trade with us to a greater extent than France. This particular treaty, therefore, instead of stimulating the export of our manufactured products, appears almost to have hampered it.

Public men have stated in addressing the working classes that our exports of cotton to France alone exceeded thirteen millions per annum; and they have asked them what they would have done but for this market for such a large portion of their produce; but they knew perfectly well that nine-tenths of this cotton exported to France was either in the raw state, merely passing through the country, or cotton in a half-manufactured state. Misrepresentations of the comparative competing powers of ourselves and foreigners are cruel deceits to practice on the ignorance of the operative class, and they have a perfect right to, and in all probability will some day, resent them. The quantity of manufactured cotton exported to France is very small, and is decreasing every year; in 1868 it was 30 per cent. less than in 1866, and in 1869 it is lower still. To say that the increase of our exports to France is owing to the commercial treaty is not true; to say that our increased imports from France is the result of the commercial treaty *is* true.

The French treaty was negotiated in such a slipshod manner, so entirely with a view to French interests, and with such an absolute indifference to every British interest, except cotton, that a careful sampling of the products of France and England, and comparison of prices was never properly made; we actually knew nothing of the comparative cost and qualities of the manufactured goods we were admitting into competition with our own industries. We actually did not care to examine both sides of the bargain; if we had done so, and an accurate pricing and sampling had been made and published, it is impossible Parliament could have sanctioned a bargain at once so unreasonable and one-sided, and so evidently ruinous to our industrial classes. We chose to assume we were in every industrial respect superior to the French; that we could beat them in anything we chose to turn our hands to; the result has proved the very reverse. But although the gentlemen who so kindly negotiated the treaty knew nothing of these matters, others did so; the able Paris correspondent of the Manchester Examiner and Times, June, 1867, writes: "My own impression on pricing French calicoes six months before the treaty was that certain classes were actually cheaper than similar descriptions by our first and largest makers; and on sending over a few hundred pieces of grays to Manchester, they, to the surprise of every one in the trade, sold readily at a profit, and were the precursors of the large importation of French calicoes that has since followed."

Six months before the treaty was signed, it was known to any one who would take the trouble to inquire, that certain qualities of calicoes could be manufactured in France and sold in England at a profit; and if the same reasonable inquiry had been extended to the other thirty or forty articles of manufacture admitted into England duty free it would have been ascertained that nearly every one of them could be produced in France as cheap or cheaper than in England, and that therefore an *ad valorem* duty of 15 per cent., plus the cost of carriage, on English goods, was absolute prohibition.

I have always thought that unless there was some great necessity for doing so, it was the height of cruelty and injustice to consign to immediate or prospective ruin so many of the smaller industries of the country. What object had Messrs. Cobden and Gladstone in going out of their way to offer every facility to foreign manufacturers and operatives to compete with our home industries? Was England getting too rich? Were our workmen getting too high wages, or our manufacturers too high a profit, or did they believe that the British consumer was imposed upon, and that this treaty was necessary to relieve them from the tyranny of the producers? They cannot have wished to deprive British operatives of their work in favor of French operatives, or to sacrifice their interests to those of the wealthy classes in England, but they have done so most completely and entirely. The French treaty has added immensely to the comfort and luxury of the wealthy classes, and has enriched to a wonderful extent the foreign manufacturers and operatives; but it has not in the slightest degree facilitated the admission of one single article that the operative class consumes, or that in any manner or degree promotes their comfort or well-being; and it has deprived many thousands of Englishmen of their craft, and reduced them to idleness and poverty.

Almost every one of the French manufactured articles that we admit duty free are, as a rule, sold at a higher price in France than in England; the French manufacturer will lower his price almost below cost to beat the English producer in the British market, but he yet manages to secure a fair average price on his whole make by selling at a much higher price in his own market where he is protected; and is thus enabled most unfairly and most unjustly to filch their market from the British workers.

Now, this is a disadvantage that is so manifestly unjust that one would suppose our statesmen would, in the simple exercise of their duty toward their own countrymen, seek to remedy it. But no; the theory of free trade is right, even though the practice is fatal. There is nothing like dying by a fine sword; if we are to perish, let us perish in a noble cause in laying down our manufacturing life for our neighbors! Such conduct may be very sublime, but it is wonderfully stupid: *c'est beau, mais c'est bête*.

The gentleness and tenderness with which the French government treated their home industries, and the care with which they sought to guard them from any sudden dangers or loss from foreign competition, was in direct opposition to our treatment of our own industries, whose prosperity or existence was threatened by our commercial legislation. In those cases in France where a fall in the *ad valorem* duty from 30 to 15 per cent. was decided on, four years were allowed manufacturers and operatives to prepare for the contest, to improve their make, &c. Not so with us; no time or preparation was allowed to our operatives or manufacturers. On the contrary, the possibility of any change was persistently denied till the mine was completed and exploded under our feet. No warning was given to the silk-manufacturer to prepare for unrestricted foreign competition, but suddenly, as a thief in the night, the bill was introduced that has almost annihilated an industry yielding some seven or eight millions sterling.

When the ruin of the silk trade consequent on the French treaty appeared to be inevitable, the operatives and manufacturers were told they must improve their machinery, their designs, their quality, and manufacture cheaper and better than they had hitherto done; but to ruin a trade first, to throw it into bankruptcy, and then to tell it to go ahead is absurd. That is not the way to stimulate its efforts and its energy, to bring new capital and enterprise into it. On the contrary, the very causes that make fresh capital and energy necessary, make it impossible to get them. Energy, enterprise, capital, steadily leave an industry that is declining or threatened with disaster.

Those who negotiated the French treaty might have known, if they had taken the trouble to inquire, that in many points the French were more skillful manufacturers of silk than ourselves, and could beat us in any open market.

Instead of at once throwing our silk trade into a competition that was hopeless, they should have given them time and assistance to improve their product up to the standard of those who they were to compete with, to tell them to do so afterward was the most insulting injustice.

They had no right, unless it was absolutely unavoidable, to remove from them without warning the protection that was necessary to their existence, and on which they had counted when investing their capital. The object, no doubt, was to stimulate the cotton industry; but by what new code is it considered just to ruin one industry on the chance of advancing another?

The direct object of all the free-trade legislation we have seen in England, and of the French treaty especially, was to increase the area of our cotton sales. Every other industry, every other interest, was considered below notice when compared with cotton; if smaller industries suffered or were ruined, so much the worse for them, cotton at any rate must profit! The idea was to stimulate the great industry at any cost. The French treaty was the most selfish piece of commercial legislation this country has ever seen; it was originated by cotton men, negotiated by cotton men, actuated solely by cotton interests, and with the most supreme indifference for any other manufacturing interest except cotton.

It was said foreign competition in our home market would stimulate our cotton industries, put into them more energy, more competition, more capital. No doubt universal free trade or reciprocal free trade would have done this and more; but partial free trade, merely proclaiming England a free port, has had the very opposite effect. The perfectly free admission of foreign manufactures into England, without any reciprocity of return, has depressed and disheartened both manufacturers and operatives, has paralyzed many of the industries of the country, and has driven capital into other channels. It is success, confidence, security, that brings capital, energy, enterprise, progress, into any business. There is no want of these elements when a trade is good, but when it is depressed the most opposite results will be immediately visible. When the silk manufacturers complain their trade is ruined, conscientious free-traders tell them they ought to improve and cheapen their make; with a prosperous and increasing trade they might do so, with a bad and losing one it is impossible. To ruin a trade, and then urge it to improve, is rather like robbing a man of his purse and then asking him to pay for your dinner.

The difference between the theorist and the fanatic is very slight. The theorist becomes enamored of his theory with an illogical intensity that very much resembles fanaticism. He cannot prove his theory is true, though at heart he firmly believes it is, and the incredulity of those who doubt it irritates him into a blinder and more implicit worship. He becomes impatient, unreasonable, indignant at any sign or expression of doubt. This is literally the case with many free-traders. They have raised up a golden image for the worship of the world, and any one who dares to hint its feet are clay, &c., is in their eyes guilty of sacrilege. They will allow no argument, nothing in disparagement of the perfection of its beauty. Their belief is of that nature that treats the doubts of others as knavish, stupid, criminal. Now this is very absurd, for after all this golden image is only a theory. It has no existence. And they can scarcely expect universal belief in what, from its nature, must always be incapable of proof.

Often when I have discussed free trade with free-traders, and it has been conceded that the British operative, taxed and weighted as he is, cannot in a vast number of industries compete with the foreigner, I have been stopped with the fanatical dictum that if the British operative cannot produce as cheaply as his foreign rivals he must shut up and give way to others that can; perish operatives and industries altogether, but do not utter a word of sacrilege against our theory! Now this is fanaticism, and what is more, it is absurd, ridiculous, stupid fanaticism; the British operative cannot in the circumstances in which he is placed, and over which he has no control, manufacture as cheaply as the foreigner, and it is more reasonable and consistent with justice and common sense to recognize it, and by exceptional legislation, if necessary, to foster and protect them, rather than leave them to be destroyed by unjust competition.

Free trade fanatics do not see that the existence of manufacturing industries is of more importance to the country than the maintenance of a theory of any kind whatever.

Now, Mr. Chairman, I come to the bill under consideration. The gentleman from Illinois seemed to apprehend that I would discuss its paternity. I shall do no such thing, further than to say that I do not suspect him of it. [Laughter.] I have too much faith in his patriotism and good sense to lay that charge at his door. There is no one of us that has not introduced a bill to oblige a friend or gratify our party; and he never would have deliberately aimed such a blow as this bill proposes at the rights of the laboring people of the country, at the capital invested in manufactures by worthy and enterprising citizens, and at the revenues of the Government. He is a lover of his country, however much he may be beguiled by abstract theories.

I have before me the bill presented by him, and which, on his motion, was referred to the committee, and the one reported by the committee to the House, and am compelled to say that bad and dangerous as was the original bill it was better when presented and referred than it became in the hands of the committee. In its original form it had, at least, the merit of general consistency; but as reported by the committee it is a mesh-work of incongruities, which practical men who are familiar with the details of trade and the existing system of taxes and duties will, if they read it, regard as a travesty of American legislation. I am aware that these are strong phrases, but they involve no intentional discourtesy to the chairman or any member of the committee.

The subject is of the gravest importance and demands frank and full discussion and prompt settlement. The question as to whether our industries are to be further prostrated should not be permitted to remain an open one until the final session of this Congress shall adjourn. Importers will not order large stocks of goods while a bill proposing sweeping reductions of duties is pending, nor will manufacturers who apprehend the possibility that the markets may soon be flooded with the products of the cheaper money and labor of Europe manufacture sufficient quantities to keep up their stock. The pendency of the measure is impairing the revenues by diminishing receipts from both duties and taxes.

It is true the bill does not propose to interfere directly with every branch of business, yet, should it become a law, it will prostrate all. A generous home market is necessary to the prosperity of every branch of production, and were several leading industries crippled as they would be by the passage of this bill, all would suffer in sympathy. Frank discussion and an early disposition of the bill is, therefore, due to every interest of the country, and especially is it required by the depressed condition of the revenues of the Government.

While proposing damaging reductions on iron and steel in every form and on cotton and woolen goods, the bill as presented by the gentleman from Illinois [Mr. MORRISON] contemplated the utter eradication and extinction of the production of drugs, chemicals, colors, and paints in this country. Under its provisions not a chemical establishment that makes anything else than sulphuric or nitric acid—

articles protected by their dangerous character, which prevents bringing them across the sea—or a manufactory of colors and paints could be maintained six months, for it proposed to put all such articles on the free list; and I may add that but few of them could continue in operation under the provisions of the bill reported by the committee. The adoption of either would be utterly destructive to the interests of the great mass of my constituents. Mine is pre-eminently a manufacturing district, in which there are in operation, I apprehend, more steam-engines than in any other congressional district in the country. One thriving village, Manayunk, is dependent upon the manufacture of cotton and woolen goods and paper pulp; another, the Falls of Schuylkill, as prosperous as any town of its size in the country, depends on woolen manufactures and one branch of the chemical works of Powers & Weightman. The proprietors of the woolen mills tell me that under the provisions of the committee's bill they would have to reduce the wages they pay, and the number of their hands at least one-half; and, apart from personal assurances to that effect, my knowledge of the cost of production and the market prices of the commodities they produce satisfies me that the chemical works must close the day the bill might become a law.

In order to illustrate the effect the closing of this one establishment would have, gentlemen will permit me to say that it employs one hundred and nine men who are the heads of families, and twenty who, though not married, receive the same pay; that the lowest wages paid per day to any one is $1.75; that the amount of wages paid annually exceeds $85,000. The number of dwellings belonging to the firm occupied by attachés of the establishment is fifty-nine, the rent ranging from $5 to $8 a month. It is the immemorial custom of this firm when renting a house to one of its employés to agree with him that while he remains in their service the rent shall not be raised; consequently men who a quarter of a century ago entered these homes at $5 a month are paying but that rent now, when other houses of the same materials and dimensions are bringing their owners $20 a month. The construction of homes for their working-people was necessary at the time the establishment was organized, for it was to create a village where no homes existed. The number of pounds of goods manufactured per annum on an average of five years by this establishment is 17,562,837, and the total value for each year of the products has been $771,971, and their annual consumption of crude material 24,846,000 pounds; yet every one of its productions are transferred by the committee's bill from the dutiable to the free list, by which change these prosperous homes would be abandoned, if not dismantled, and the workmen and their families added to the list of the suffering unemployed in order that our imports of articles yielding no revenue may increase and new demands be made upon us for gold with which to settle commercial balances.

The firm referred to have another establishment for the production of quinine, morphia, tartars, and many other forms of drugs and chemicals requiring the most scientific manipulation, and under the original bill it could not have been maintained, and should the bill of the committee be adopted, it will have to abandon the production of many of the articles with which it now in part supplies the country.

I have said that the committee's bill is a mesh-work of incongruities, and I add that many of these are grotesque in their absurdity. Many duties imposed by the tariff are for the protection of that part of the revenue derived from internal taxes. I allude to duties imposed on those articles of which alcohol is an ingredient, or in the preparation of which it is largely used and consumed. With pure alcohol taxed at $1.80 a gallon, to put articles manufactured from it, of which it is almost the whole in bulk, as is the case with ethers, collodion, chloroform, tannin, and santonine, the other ingredients in most of which are nearly imponderable, and not to protect them by a duty in excess of the tax paid on the alcohol, would, I think gentlemen will concede, be an absurdity that might without exaggeration be characterized as grotesque.

To put such articles on the free list or reduce the duty on them to so low a point as to prevent their manufacture would be to surrender the revenue derivable from both duties and the spirit tax. In other words, it would be to light our candle at both ends in order to illuminate the passage of the foreign producer into our markets. Yet the bill is replete with propositions of this character.

To manufacture these articles in our country out of alcohol taxed as we tax it, while foreign manufacturers have it free, would be simply impossible, and the chemical establishments of Philadelphia alone pay about $200,000 tax on alcohol annually. The free list provided by this bill is also to embrace many articles made of imported ingredients which pay duty. France gives her manufacturers free raw material and increases her duties as the manufacture is advanced by labor; but this bill proposes to impose duties on the ingredients which enter into commodities and to permit the finished article to come in duty free, thus reversing all experience and setting at defiance all theory. It retains on the dutiable list the simplest natural productions and puts on the free list some and fatally reduces the duties on other manufactured articles which require the most scientific manipulation and consume taxed and dutiable commodities as material for their production. Thus sumach, a weed found in profusion in the forests of most of the States of the Union, which is gathered by women and children, is to be protected by a duty of 10 per cent., and emery-ore by a duty of $3 per ton. I do not complain of these duties, but support them. What I protest against is the absurdity of maintaining them while putting on the free list, as the original bill proposed, or seriously reducing as the bill of the committee proposes, the duty on so complicated and delicate a manufacture as quinine, in the production of every ounce of which fifteen cents of spirit tax is wasted, and putting on the free list tannin and santonine, which contribute almost as largely as quinine to the spirit tax. The duty on tannin is now $1 and on santonine $3 per pound. There are other such glaring inconsistencies. It gives to nitrate of lead a duty of 2 cents a pound, but puts acetate of lead, brown and white, an article more important, though belonging to the same class of chemicals, on the free list. It puts citric acid, from which we received more than $3,000 duty last year, on the free list, and retains upon lemon-juice, from which it is manufactured, a duty of 10 per cent., thus repealing the duty, while surrendering our market to foreign producers.

In many instances it puts the same article, under different names, on both the dutiable and free list; thus acetate of potash is to bear a duty of 12½ cents a pound, but potassa acetate, which is identically the same article, is on the free list. Prussian blue, when so called, is to be judiciously protected, but, when imported as Berlin blue, or fig-blue, or Chinese blue, it is to come in free.

But the crowning absurdity of the committee's bill I think is in its last proviso, which is as follows:

Provided, That alcohol, to be exclusively used for the manufacture of ethers, chloroforms, and the vegetable alkaloids, made free of duty by this act, may be withdrawn from bond free of the specific internal-revenue tax per gallon, in quantities not exceeding one thousand gallons at any one time, under such rules, regulations, and bonds as the Secretary of the Treasury shall prescribe.

To how many varieties of chloroform is this proviso to apply? How many of them are there? Chemistry has yet discovered but one; yet this proviso is to admit a whole family of them. Ethers, too, if on the free list, are to have the benefit of this proviso, but gentlemen will in vain search the free list to find that it contains any one of them. They will, however, find them in the dutiable list, at greatly reduced and insufficient rates of duty. So, too, of vegetable alkaloids; they are in terms to have the benefit of this provision; but unless santonine be an alkaloid, which a competent chemist assures me it is not, no one will have the benefit of this proviso. Ethers and vegetable alkaloids were all restored to the dutiable list by the committee, apparently upon a general motion like this: "O, let us settle the controversy by putting them back at half their present rate of duty." I infer this from the fact that so many of them are to bear precisely half the existing rate; that is to say, enough of the duty is to be taken off to prevent their production without free alcohol, and enough left on to keep them out of the benefit of this proviso. Thus it will be seen that where our industry may be damaged by taking an article from the free list and putting it under a heavy duty, as in the case of tin and tin plates, the bill proposes the change; where it can be damaged by transferring an article from the dutiable list at an adequate duty to the free list, it is put there; and where destruction may be as thoroughly accomplished by giving it an inadequate duty, a show of fairness is made by taking that means of accomplishing the end.

Much other such unwise and indiscriminate legislation as I have indicated mars the bill; thus all acids and acetates have been transferred by wholesale to the free list, apparently because they are acids or acetates, although the duties on acids range from 1 cent per pound, which is the duty on sulphuric acid, to $1 a pound, the duty now imposed on gallic and rosallic acids; and the range of duty on acetates is equally great.

A comparison of the duties imposed on the many articles embraced by these two words by France with those we now impose shows that the experience of both nations has justified the maintenance of such rates; yet in its wisdom the Committee of Ways and Means has proposed to surrender all the revenue derived from the importation of any of them, and all spirit tax the payment of which their production causes, as a means of improving the revenues of the country and adding to the prosperity of its people by diminishing the demand for their labor and the rate of their wages.

Sir, this bill should be disposed of at once. As I have said, it should not be permitted to hang over the commerce and productive industry of the country. Nondescript as it is, the people will not know what action Congress may take upon it till we shall have disposed of it, and this ought to be done with the least possible delay. But time and the patience of the committee will not permit me to point out half the crudities and incongruities embodied in the bill, and I must therefore beg gentlemen to scrutinize its provisions for themselves. In conclusion, permit me to renew the expression of my conviction that my friend the chairman of the Committee of Ways and Means, with his generous nature and ardent patriotism, could not have been the author of a measure that thus strikes at the only property of the laboring-man, his right to adequate wages for willing work at the capital invested in manufactures in every part of the country, and at the already-diminishing revenues of the Government.

Mr. CHITTENDEN. Mr. Chairman, it being generally conceded that there can be no change in the tariff at this session of Congress, I have no desire to detain the committee except for a very brief period. I have nothing like an elaborate speech to make. I have no musty records of free trade and protection to read, no ponderous tables to print, no personal aims or theories to support. If what I may chance to say has any interest or value to the country or to

members of this House it will be because my utterances are based upon thirty years' experience of an honest business, from the ruin of which I had the good fortune to escape nearly two years ago without any discredit.

Every gentleman within the sound of my voice who understands the true condition of the country will admit that it is hardly an exaggeration to say that the commerce of the whole country, especially the foreign commerce, is in ruins; ruins of broader proportion than the gentlemen who have preceded me dream of; ruins which cannot be restored by partial legislation; ruins which are shaken to their very foundations, and the causes of which must be removed in order that the supreme energy of our people may assert its power to restore and rebuild.

What, then, are the influences which have crushed and which oppress us? Primarily, as every intelligent man knows, we suffer in sympathy with other nations having commercial relations with us from the ravages of the great wars which have raged in our own and other lands for the last twenty years. But this is no longer an active power; and the *débris* of it should be no match for our boundless resources and intrepidity. We have to look deeper; and when we look deeper we find that we are oppressed and chained by the legal-tender madness and by a prohibitory tariff. Yes, sir, a prohibitory tariff. The gentleman from Pennsylvania [Mr. KELLEY] argues in favor of a prohibitory tariff, and cites France. It is enough to say in answer to that that a prohibitory tariff is not consistent with the genius of our free institutions, or the intelligent free spirit of our people. Gentlemen speak as if it were possible for the foreign trade of this country to exist, and even revive some time or other, under the existing tariff; but it is not possible. Continue the present tariff and you will, in my judgment, wipe out and virtually extinguish the foreign trade of the country, and you will do it more rapidly in the immediate future than lately.

I am not speaking at random; I am sure of facts which warrant my conclusions. The exportation by Great Britain to the United States of iron and steel during the first three months of this year was next to nothing. The exportation from Great Britain to the United States of textile fabrics for the first three months of this year was barely three-fourths of what it was last year. The importation of dry goods at New York for the first five months of this year, ending to-morrow, is $40,000,000 in round numbers against $50,000,000, and for this month of May $3,500,000 against $6,000,000 last year, being a reduction of 40 per cent. for the last month. And that is not the worst of it, Mr. Chairman. There is not the slightest encouragement to continue the business at all. Those whose lives have been engaged in it confront nothing but vexation, disgust, and loss.

This tariff bill under consideration has many good features, but the things that are most needed are most conspicuous by their absence. The honorable chairman of the Committee of Ways and Means, with a bravery, a courage, and an intelligence which entitle him to honor throughout the country, proposes a tax on tea and coffee. I say here, with some regard to my reputation, and being careful to make no foolish or unwarranted prediction, that however gentlemen may shy the question and say their constituents will not stand it, the revenues of this Government will never again be adjusted to its expenditures until a tax upon tea and coffee is imposed. Let it go into the RECORD that the merchant raised his voice and said it, and let us see whether time will make the havoc of it which it has made of nearly all the great speeches delivered in this House upon our complicated tariff question for the last five years.

Why not tax tea and coffee? They are, beyond dispute, the most natural, feasible, and productive subjects of taxation known to our commerce. No man in Congress has ever placed these facts before the country more forcibly than the honorable Speaker of this House.

When the last tariff bill which was passed by the Forty-third Congress was under discussion, I was indebted to Hon. Mr. Niblack, from Indiana, for six minutes of time to speak against it. I took occasion then to speak of it with more assurance than appeared to my friends consistent with my inexperience here, but I ventured to tell gentlemen who hour after hour talked about it and brought forth their tables that they were deluded, and that the revenues they computed were not in the bill, and so it has proved. Whisky, tobacco, and sugar may have produced a little more than would have been collected under the old tariff, but as a whole, (and for the rest I refer gentlemen who have any interest in it to the RECORD for proof of the boldness with which I denounced it,) it has proved as great a failure as I predicted it would on that occasion.

Now, Mr. Chairman, we come to the close of another session, and the whole country is known to be dissatisfied with the only tariff bill reported to the House. With whatever good there is in it, with whatever fidelity the chairman of the Committee of Ways and Means has endeavored to bring before the country a measure which would to some degree restore its prosperity and provide indispensable revenues, it is undoubtedly impossible to pass any such bill. So we say it is impossible to pass any; I would it were otherwise. It might be otherwise. It were not difficult in six lines to frame a tariff bill which would bring unspeakable benefit to this whole country; a bill which would restore, in some measure, hope in place of despair; which would give courage to thousands who are now struggling desperately to preserve something from the wreck of the foreign and domestic commerce of the country. How should such a bill read? It should provide, first, for the imposition of a tax on tea and coffee in the precise figures proposed by the chairman of the Committee of Ways and Means. For the rest, in one comprehensive sentence, it should provide that all other taxes upon dutiable goods should be reduced, as a temporary measure, to tide us over till next session of Congress and past the presidential election, 12½ or 15 per cent. Such a measure would work no fresh injustice relatively to any interest. It would produce instantly a basis and foundation for reconstructing the shattered commerce of the country. It would inspire men with hope, and be accepted by the country as the promise of a thorough and careful revision of the tariff at the earliest moment. And who shall measure the importance of such precious influences at this juncture?

Mr. Chairman, I had no thought of saying one word here to-day. I intended to compact into a very few lines what I wished to say on this subject, and began to do it this morning, and the paper in front of me was the beginning of it. But I have been left to my good or bad fortune and inexperince in such a case as this. If I am understood I am satisfied.

The point I make is that unless the foreign commerce of this country is to be virtually extinguished, something must be done with the tariff. And I say without the least hesitation that if it were inflicted upon us by any foreign power, with all its present vicious complications, it would be resisted by the American people as the colonies resisted the infamous exactions of King George III. There is no qualification of it as the most tyrannous and destructive tariff that the world has ever witnessed. Eleven full years after the war many of our taxes are at the very highest war rates; and is there an intelligent man who cannot see the absurdity, the criminal absurdity, of such a spectacle? And what will be the sequel? Bankrupt merchants and a bankrupt Treasury!

I hope that this subject will receive the careful and best thoughts of the members of Congress. I would, if there were any way under the rules, propose such a bill as I have suggested in three lines. For I know, if I know anything, that the effect of the passage of such a bill by Congress would not only be salutary, but would be a spectacle to the world. Why compare America with Europe? Why come here and argue that we are to repeat the history of England or France? The gentleman from Pennsylvania referred to practical merchants. I say he would be laughed at if he were to go before practical merchants who could pay their debts and attempt to reason because France prospers under a prohibitory tariff that hence we should have a prohibitory tariff. It is nonsense; it is worse than that; it is a waste of time and a waste of power, and we should have done with it forever. We have our own relations, our own interests to protect. They are peculiar; they are magnificent. There is nothing like them on the face of the earth. There is nothing to be compared with the native resources of this country but the intrepidity, the courage, and the enterprise of our own people. There is no other nation on earth as richly endowed. And now shall we go abroad to find our lessons of economy among the older nations of the earth? Certainly not. We have our own splendid resources. We have our own magnificent opportunities. We are independent. If we will but exercise wisdom and common sense we shall right on, without much delay, rise up from the dust and humiliation in which we are now enveloped, and realize the splendid future of our grand and matchless inheritance.

Mr. KASSON. I see the chairman of the Committee of Ways and Means on the floor, and not knowing when there may be another opportunity, I should be glad to inquire of him whether he intends to bring the House to a vote in Committee of the Whole upon this tariff bill at this session? I make the inquiry for two reasons. One is that numerous letters of correspondents coming to me, as no doubt to other gentlemen, have expressed great agitation and fear in reference to various clauses of that bill, and reports come in further that it is embarrassing the revenues of the country, owing to the timidity of importers. The other reason is that I, as one member, do not desire to undertake the labor of examining in detail what will be all the effects of this bill, unless it is likely to be brought to a vote during this session. For those reasons I ask the chairman of the Committee of Ways and Means, if he thinks proper to do so, to inform the House and the country whether he intends to bring the bill to a vote in this House at the present session?

Mr. MORRISON. I will state, for the information of the gentleman from Iowa, that I would like to bring the bill to an early vote; but that will depend entirely upon the House itself and the condition of business in the House. If I see the House is disposed to have a vote on it, I shall ask for such vote. I do not now anticipate that it will be voted on. I shall yield to the appropriation bills; and if, when these are disposed of, there is time before the adjournment to take a vote on this bill, I shall ask a vote upon it.

Mr. BURCHARD, of Illinois. I would like to ask the gentleman if I understand him correctly as intimating that it will depend upon the length of the session?

Mr. MORRISON. Very much.

Mr. KASSON. I want to say further, that while the chairman of the Committee of Ways and Means gives that assurance, that partial assurance, he still leaves the question very much in doubt, so far as it affects the business interests of the country; and I have only now to add on this subject this further remark, that I do not believe it will be possible to bring this House to an agreement upon a tariff bill embracing such a complete revision of the tariff, except it be first

prepared under the direction of a committee of the House, or of committees of the House and Senate, as was proposed in the last Congress, who themselves shall have an opportunity to sit in vacation, hearing evidence in regard to all the great industries of the country affected by the regulation of the tariff. I call the attention of the chairman of the committee to this now, for the reason that near the close of the first session of the last Congress the Senate, appreciating the importance of what I have now said, that is to say a session of committees in vacation coming in contact with the mercantile and industrial interests of the country to perfect the details of the bill, did pass a concurrent resolution for that purpose, which failed in our Committee of Ways and Means owing to the pressure of business at the close of the session; and if the proposition is deemed worthy of consideration by the present Committee of Ways and Means there is yet time to suggest a similar proposition, that during the coming vacation that kind of inquiry may be had.

I speak as the result of a good deal of experience on the Committee of Ways and Means; where we are subject to individual applications, as we are in that committee, and hear individual views, we do not grasp the whole interests of the country in a satisfactory manner, and cannot know what may be put upon the free lists in safety, what and how much may be made dutiable with safety, and the relations between the raw materials and the manufactured products in competition with the manufacturers of other countries. For these reasons I feel for one that I could not vote upon this bill except against it, and I would very much prefer that there should be a proposition from the Committee of Ways and Means to organize a commission that might hear all the great interests of the country, not only those who choose to come before them, but those whom they might summon to come before them and state their knowledge upon the subject. It is for these reasons that I shall be very glad if the gentleman from Illinois [Mr. MORRISON] could assure the House now that he will not ask a vote on this bill at this session.

Mr. GOODIN. I now renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the Union generally and particularly the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people, and had come to no resolution thereon.

PATENT SUITS IN COURT OF CLAIMS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting reports of the Chief of Ordnance on the bill (H. R. No. 3481) extending the jurisdiction of the Court of Claims; which was referred to the Committee on Patents.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior in reference to the bill (H. R. No. 3481) for the extension of the jurisdiction of the Court of Claims, together with accompanying papers; which were referred to the Committee on Patents, and ordered to be printed.

SETTLEMENT OF RAILROAD ACCOUNTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting the report of the Judge-Advocate General upon the draught of a bill for the settlement of the accounts of certain railroads; which was referred to the Committee on the Judiciary.

PORTABLE CANVAS-BOAT.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting copies of letters in the Quartermaster-General's Office in relation to a canvas portable boat, patented by Colonel Buchanan, of the United States Army; which was referred to the Committee on Military Affairs.

DISCHARGE OF HALLET KILBOURN.

The SPEAKER *pro tempore* also laid before the House sundry papers in the case of Hallet Kilbourn, including the opinion of Judge Cartter, discharging him from custody; which were referred to the Committee on the Judiciary.

Mr. LAWRENCE. I move that these papers just referred be printed; I want to see how much bad law there is in them.

Mr. RANDALL. Let the question of printing be determined by the Committee on the Judiciary.

Mr. GARFIELD. It is not a very large document.

The motion to print was agreed to.

Mr. KASSON. These papers are not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. It will be so ordered.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

LEAVE OF ABSENCE.

Mr. HYMAN was granted leave of absence from the 1st to the 15th of June.

Mr. RAINEY was granted leave of absence for six days on account of sickness in his family.

Mr. HUBBELL was granted leave of absence for fifteen days from the 2d of June.

Mr. BASS was granted indefinite leave of absence on account of ill health.

Mr. EGBERT was granted leave of absence for five days.

OSAGE CEDED LANDS IN KANSAS.

Mr. GOODIN. I move that the rules be suspended and the bill passed which I send to the Clerk's desk. It is a substitute for House bill No. 3125, providing for the sale of the Osage ceded lands in Kansas to actual settlers. It is the unanimous report of the Committee on Public Lands; and as that committee will not probably be called again at this session for general reports, it becomes extremely important that this bill be acted upon now.

The Clerk read the bill, as follows:

Be it enacted, &c., That any *bona fide* settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of $1.40 per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided: *Provided*, That the sixteenth and thirty-sixth sections in each township of said land shall be reserved for State school purposes, in accordance with the provisions of the act of admission of the State of Kansas: *Provided further*, That no *bona fide* settler as aforesaid on said land shall be denied the right to purchase land under the provisions of this act on the ground that he or she may heretofore have had the benefit of the homestead or pre-emption laws of the United States.

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land, not exceeding one hundred and sixty acres, from either the Leavenworth, Lawrence and Galveston Railroad Company, or the Missouri, Kansas and Texas Railroad Company, prior to the commencement of the two suits in the name of the United States against said companies in the circuit court of the United States for the district of Kansas, to test the legality of title of said railroad companies to said lands, or portions thereof, to wit, before the 25th day of February, A. D. 1874, and shall prove to the satisfaction of the register and the receiver of the proper land office that he or she has, in good faith, before the date last aforesaid, paid said railroad companies, or either of them, the consideration money, or a portion thereof, and also that he or she has, in good faith, made lasting and valuable improvements thereon, shall be, and hereby is declared to be, entitled to purchase said lands, not exceeding one hundred and sixty acres, to include his or her improvements, on the same terms and conditions that actual settlers are authorized by this act to purchase said lands; that the rights of the said purchasers from said railroad companies shall attach at the date of the payment aforesaid made to said railroads, or either of them: *Provided*, That the said improvements are made before the date last aforesaid: *And provided further*, That said claimant actually resides on the land at the time of completing his or her entry thereof at the proper land office: *Provided further*, That the heirs of any deceased purchaser from said railroads shall have the same right to purchase the said lands so purchased from the said railroads as the original purchaser would have had had he lived.

SEC. 3. That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same, make payment at the rate of $1.40 per acre for the land claimed by said purchaser under such rules and regulations as the Commissioner of the General Land Office may prescribe, as follows, that is to say: said purchaser shall pay for the land he or she is entitled to purchase one-fourth of the price of the land at the time the entry is made, and the remainder in three annual payments drawing interest at the rate of 5 per cent. per annum, which payment shall be secured by notes of said purchaser, payable to the United States; and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior shall cause patents to issue to all parties who shall complete their purchases under the provisions of this act; and if any claimant fails to complete his or her entry at the proper land office within twelve months from the passage of this act, he or she shall forfeit all right to the land by him or her so claimed, except in cases where the land is in contest: *Provided further*, That nothing in this act shall be construed to prevent any purchaser of said land from making payment at any time of the whole or any portion of the purchase-money.

SEC. 4. That the laws of the United States in relation to the pre-emption of town sites shall apply to the tract of land first above described, except that the declaratory statement provided by existing laws in such cases shall be filed with the register of the proper land office within sixty days after the passage of this act, and the occupants of town sites shall not be allowed to purchase more than three hundred and twenty acres actually occupied as a town site, except in cases where town-site companies have purchased the claims of title of the original settler, and all titles claimed by any railroad company, in which case said town company by its proper agent shall have the same right to enter said lands that the original settlers would have had, not exceeding in amount eight hundred acres, and shall pay therefor the sum of $1.40 per acre in the same manner as actual occupants are required to pay.

SEC. 5. That all entries heretofore made of any of said lands, and set aside or canceled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be restored by the said Secretary of the Interior upon the payment by each purchaser to the receiver of the proper land office, the sum of fifteen cents per acre in addition to the sum heretofore paid, to cover in part the expense incurred in litigating the title to said land set up by said railroads.

SEC. 6. That all declaratory statements made by persons desiring to purchase any portion of said land under the provisions of this act shall be filed with the register of the proper land office within sixty days after the passage of the same: *Provided, however*, That those who may settle on said lands after the passage of this act shall file their declaratory statement within twenty days after settlement, and complete their purchase under the provisions of this act within one year thereafter.

SEC. 7. That nothing in this act shall be so construed as to prevent said land from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act.

SEC. 8. That it shall be the duty of the Attorney-General of the United States for the time being to ascertain and determine the amount of costs and necessary expenses incurred in prosecuting the two suits commenced in the name of the United States against the Leavenworth, Lawrence and Galveston Railroad Company, and the Missouri, Kansas and Texas Railroad Company, in the circuit court of the United States for the district of Kansas, for the purpose of testing the validity of the title to said lands claimed by said railroad companies, and the costs and expenses of prosecuting said cases in the Supreme Court of the United States; said expenses to include the fees justly due to the attorneys retained at the instance

of the settlers on said land, with the approval of the Attorney-General of the United States; that after determining the amount of costs and expenses as aforesaid, the Attorney-General shall certify the said amount, and to whom due, to the Secretary of the Interior, and the Secretary of the Interior shall pay to the parties entitled thereto the sum so allowed and certified to, as aforesaid, out of the proceeds arising from fifteen cents per acre on the sale of said lands.

SEC. 9. That said railroads, or either of them, shall have the right to purchase such subdivisions of land as are located outside of the right of way heretofore granted to them, and which were occupied by them on said 10th day of April, 1876, for stock-yards, storage-houses, or any other purpose legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies in the same manner and at the same price settlers are authorized to purchase under the provisions of this act.

The question was taken on the motion of Mr. GOODIN; and (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3625) was passed.

LEAVE TO PRINT.

Mr. HOPKINS, by unanimous consent, obtained leave to have printed as part of the debates remarks on railroad combinations and discriminations. [See Appendix.]

ORDER OF BUSINESS.

Mr. PIPER. I am instructed by the Committee on Commerce to report back a substitute for a concurrent resolution. I move that the rules be suspended and that it be adopted.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. PAGE. I make the point of order that the gentleman from Indiana [Mr. HOLMAN] did not make his motion until after my colleague [Mr. PIPER] had been recognized.

Mr. HOLMAN. I submit that a motion to adjourn is now in order. The gentleman from California [Mr. PIPER] has offered his resolution; that he had a right to do; but when it is before the House I am entitled to the floor to move to adjourn.

The SPEAKER *pro tempore*. The gentleman from Indiana has the right to make that motion.

Mr. BURCHARD, of Illinois. Have we not the right to hear read a resolution presented under a suspension of the rules before the question is put on adjournment?

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned until Wednesday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of E. St. Julien Cox, for re-imbursement for expenses incurred in the contested-election case of Cox *vs.* Strait, second congressional district of Minnesota, to the Committee of Elections.

By Mr. CUTLER: The petition of insurance companies representing $104,000,000 of capital, for a change of the postal rates on all the various partly printed documents used by insurance companies to conform to the rates charged on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. HARDENBERGH: The petition of citizens of Washington City, District of Columbia, to the commissioners of the District of Columbia, that a sum be appropriated to be used in celebrating the 4th day of July, 1876, to the Committee for the District of Columbia.

By Mr. HARTZELL: The petition of Hugh Worthington, of Metropolis, Illinois, for a rehearing of his case disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. HOLMAN: The petition of Isham Webb, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions.

By Mr. HYMAN: A paper relating to the establishment of a post-route from Weldon to Ringwood via Aurelina and Brinkleyville, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. McDILL: The petition of Stewart Brothers and 17 other business firms of Council Bluffs, Iowa, that the law regulating the manner of packing tobacco remain unchanged, to the Committee of Ways and Means.

By Mr. SEELYE: The petition of the eastern band of North Carolina Cherokee Indians, for enforcement of treaties of 1835, 1836, 1846, and 1866, for re-imbursement of funds misappropriated and for a final settlement, to the Committee on Indian Affairs.

By Mr. SCALES: The petition of Jesse Benbow, in behalf of the heirs of Thomas White, relative to the title to the land upon which is situated Fort Macon, North Carolina, to the Committee on the Judiciary.

By Mr. WALLING: Memorial of Coleman Cole, principal chief of the Choctaw Nation, in regard to the payment of Government annuities, to the Committee on Indian Affairs.

Also, memorial of the Farmers and Mechanics' Savings Bank of Minneapolis, Minnesota, for an amendment of the law taxing deposits in savings-banks, to the Committee on Banking and Currency.

By Mr. WHITTHORNE: Memorial of A. Watson and others, relating to the conduct of the Signal Service Bureau, to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *May* 31, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Monday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a copy of a letter from the Quartermaster-General relative to the loan of tents to the National Association of Veterans of the Mexican War; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the Senate of the 19th instant, a copy of the report made to the Superintendent of the Coast Survey by Assistant George Davidson, describing and illustrating methods employed for the irrigation of land in India and Southern Europe; which was ordered to lie on the table and be printed.

TAXATION IN THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* also laid before the Senate the following communication; which was read:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 29, 1876.

SIR: We have the honor to request that the attention of the Senate may be called to the necessity of legislation providing for a just measure of taxation upon property within the District of Columbia, and especially the necessity of providing for a tax to be levied for the fiscal year ending June 30, 1877, so as to provide the public revenues without which the government cannot be carried on in the new fiscal year which will begin in less than five weeks. The act of Congress levying a tax for the support of the government for the fiscal year now just closing became a law on March 3, 1875, and even from that date (three months earlier than the date of this communication) to the time when the tax became payable too short a period intervened for the efficient execution of the provision of the law with reference to the making of assessment and of returns and the preparation of the proper books and records. Since the assessment on which the tax for the present fiscal year was made, taxable real estate of the District has, it is estimated, been increased by upward of $3,000,000 by buildings which have been begun, constructed, or completed during the past year. In order that such property may bear its fair proportion of the burden of taxation for the new fiscal year soon to begin, prompt legislation is absolutely needed.

Furthermore, the present fiscal year will close in less than five weeks, and revenues must be provided for the support of the government during the fiscal year which will so soon begin. The importance of having a well-devised tax law, giving ample time within which it may be carefully executed, cannot be too strongly urged upon the attention of the Senate. The subject is now before that branch of the national Legislature for consideration, a bill having passed the House of Representatives several weeks ago.

In our judgment, it is expedient that the legislation upon this subject at the present session of Congress shall take the form of a permanent law imposing a just measure of taxation within the District and prescribing the tax which shall hereafter be annually levied upon taxable property. In the absence of such a law the property interests of the District are injured by the uncertainty both as to the measure of taxes and as to the property which is to be subject to taxation. The whole system is liable to change in each succeeding year. At the same time, by a permanent law upon the subject, Congress will be relieved from the labor of maturing every year a measure for taxing District property. There will be avoided also the injustice and inconvenience which to some extent must always result when a law upon such a subject is delayed or is hastily prepared or executed. We trust, therefore, that it may be practicable for the Senate at an early day to give its attention to legislation imposing permanently an equitable measure of taxation on property in the District, indicating the property that is to be taxed and prescribing the mode of assessment and collection of taxes.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners of the District of Columbia.

Hon. T. W. FERRY,
President of the Senate.

Mr. SPENCER. I desire to say that the Committee on the District of Columbia have been for the last three weeks considering a tax bill for the District. They have not up to the present time perfected it, but have been working as industriously as their other duties would permit, and in due time the committee will be able to report the bill to the Senate. I move that the communication from the commissioners which has just been read be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WEST presented a memorial of the Chamber of Commerce of New Orleans, remonstrating against the adoption of the treaty with the Hawaiian Islands; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. Gottlieb Neidhordt, of Louisiana, praying for compensation for damages sustained by the occupation of her property by the Federal forces, and the destruction of the same, during the late war; which was referred to the Committee on Claims.

Mr. SPENCER presented the memorial of the officers and a committee of the Medical Society of the District of Columbia, remonstrating against the passage of the bill (S. No. 596) to incorporate the National Surgical Institute of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN presented the memorial of J. D. Hopkins and other merchants and lawyers of Ellsworth, in the State of Maine, remon-

strating against the repeal of the bankrupt law, and praying for its modification; which was referred to the Committee on the Judiciary.

Mr. PATTERSON presented the memorial of the city councils of Port Royal and Beaufort, South Carolina, relating to the establishment of a naval station at Port Royal; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WRIGHT. A few mornings since the Senator from Illinois [Mr. OGLESBY] presented two petitions from citizens of the State of Iowa praying that power be given to the Federal courts to grant a general injunction restraining all persons from mining or any other operation whatever or any cultivation of the soil so as to interfere with the rights of actual settlers upon what are known as Des Moines River lands in Iowa. I hold in my hand two similar petitions. The petitions heretofore presented were referred to the Committee on the Judiciary, as I remember, and I move that the petitions which I now present take the same reference.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented the petition of Moses Anderson and 200 other citizens of La Crosse, Wisconsin, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented the memorial of F. G. Rathbun and others, of Nashua, Iowa, envelope-manufacturers, &c., remonstrating against the manufacture, selling, and printing of envelopes, newspaper-wrappers, and postal cards by the Government; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHRISTIANCY presented the petition of Alexander Brigham, of West Branch, Michigan, praying for back pay and bounty for services in the First Michigan Cavalry; which was referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of California, in favor of the passage of a law to secure to the State of California the title to lands listed to it; which was referred to the Committee on Public Lands.

Mr. CAPERTON presented the petition of 35 citizens of the counties of Webster and Braxton, West Virginia, praying for the establishment of a post-route from Webster Court House to Middleport; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John H. King, of Washington County, Maryland, praying for compensation for property destroyed by United States troops during the late war; which was referred to the Committee on Claims.

Mr. CONKLING presented the petition of the New York Cheap Transportation Association, praying that no further gifts or benefits be conferred upon the Union Pacific Railroad Company and urging that the vast interests of transcontinental commerce demand such immediate action by Congress as can lawfully be enforced to restrain the said railroad company from further misuse of the privileges and powers now controlled by it; which was referred to the Committee on Railroads.

He also presented the memorial of the National Board of Fire Underwriters, favoring the extension of the usefulness of the Signal Service Bureau, and especially that department relating to the direction and velocity of the wind; which was referred to the Committee on Finance.

Mr. GORDON presented the petition of merchants and business men of Americus, Georgia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of the citizens and business men of Lumpkin County, Georgia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of Oscar Hinnich, late engineer in the confederate army, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of envelope-manufacturers and printers, booksellers, stationers, &c., of Atlanta, Georgia, praying for the discontinuance by the Government of manufacturing, printing, and selling the same; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. JONES, of Florida, presented the petition of O. I. Daniel and other citizens of Jacksonville, Florida, praying that Congress take steps toward deepening and improving the channel of the Saint John River; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented the petition of R. Goodhart and other citizens of Washington, District of Columbia, residing in the vicinity of Lincoln Park, praying that an appropriation be made for a watchman in that park; which was referred to the Committee on Appropriations.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY. I present a communication from Professor Baird, United States Commissioner of Fish and Fisheries, transmitting his report for 1875 and 1876. I ask that the report be printed. Some of the statistical portions have not yet been handed in, but it is desirable that it should be put in type. I will postpone the motion for printing extra copies until the whole work is in, so that we may get the estimate.

The PRESIDENT *pro tempore*. The report will be printed under the rule.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Dr. Moody Mansur, praying compensation for services rendered as a surgeon in the United States Army during the Florida war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mrs. Angela Dauzat, wife of Eugène Brochard, praying compensation for thirty-five bales of cotton taken by the Federal fleet under command of Rear-Admiral Porter, at Fort De Russey, on the Red River, on the 16th day of March, 1864, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Margaret Knight, of Meigs County, Tennessee, praying additional compensation for property taken and used by the United States troops during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Thomas H. Yeatman, asking payment of $1,275, the amount of vouchers issued for rental of buildings used by the Quartermaster's Department, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 424) for the relief of Rev. Erastus Lathrop, who claims to have been chaplain of the Sixteenth Indiana Mounted Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was rejected.

He also, from the same committee, to whom was recommitted the bill (S. No. 74) for the relief of Mark W. Delahay, late judge of the United States court for the district of Kansas, submitted an adverse report thereon; which was ordered to be printed, and the bill was rejected.

He also, from the same committee, to whom was referred the bill (S. No. 848) for the relief of William Battersby, submitted an adverse report thereon; which was ordered to be printed, and the bill was rejected.

He also, from the same committee, to whom was referred the memorial of the Legislative Assembly of Washington Territory, praying an appropriation for paying Francis W. Pettygrove for services rendered as clerk of the United States district court for the third judicial district of that Territory from April 30, 1853, to February 1, 1857, asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT. I am also directed by the same committee, to whom was referred the bill (S. No. 542) for the relief of E. F. Darrence, to report it back, and recommend the indefinite postponement of the bill. I will say in this connection that the committee find the bill without any evidence, nor is there any suggestion in the record that evidence will be found anywhere in support of the bill.

The bill was postponed indefinitely.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware, reported it with an amendment.

He also, from the same committee, who were directed by a resolution of the Senate of the 25th instant to inquire whether any, and, if any, what, provision should be made for the widow of John King, who was killed by the explosion of gas that occurred in the Capitol on the 19th instant, and for L. B. Cutler, who was severely burned and injured by the explosion, reported a bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler; which was read and passed to the second reading.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 845) for the relief of W. H. Woodward, of Indianola, Texas, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon, County, Kentucky, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins, reported it without amendment, the committee adopting the report of the House committee.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 688) referring the claim of John H. Russell to the accounting officers of the Treasury of the United States for adjudication and settlement, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Pensions, to whom was re-

ferred the bill (S. No. 36) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled, reported it with an amendment.

BILLS INTRODUCED.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 873) to provide for the 8 per cent. certificates of indebtedness issued for work done under the direction of the board of public works and chargeable to the private property benefited thereby; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 874) to amend section 4721 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 875) to re-adjust the rates of pension for specific and other serious disabilities; which was read twice by its title.

Mr. INGALLS. This bill has been transmitted to me from the Secretary of the Interior, and is accompanied by a communication which I move be referred, with the bill, to the Committee on Pensions.

The motion was agreed to.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 876) for the relief of John A. Rowland and Henry Turner, of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 877) to attach the counties of Lee and Bullock to the middle judicial district of Alabama; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 878) to establish and endow a national scientific industrial institute in Washington County, District of Columbia; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 879) for the advancement of medical and surgical science and for the protection of cemeteries in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 880) authorizing the extension of letters-patent to the heirs of Benjamin F. Rice; which was read twice by its title.

Mr. CONKLING. This bill relates to a case of which I have no knowledge whatever. It was sent to me by a constituent of mine who is a respectable man, and at his request I introduce it. I move it be referred to the Committee on Patents and printed.

The motion was agreed to.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 881) for the benefit of Brittania W. Kenyon; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. JOHNSTON, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in the case of R. and Elsie Reynolds be withdrawn and rereferred to the Committee on Patents.

DAVIDSON'S REPORT ON IRRIGATION.

Mr. SARGENT submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the report of George Davidson, assistant, Coast Survey, describing and illustrating methods for irrigating land in India and in Southern Europe, transmitted by the Secretary of the Treasury in compliance with a resolution of the Senate, be printed, with 150 extra copies for distribution by the Superintendent of the Coast Survey.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS its Clerk, announced that the House had passed the following bills in which it requested the concurrence of the Senate:

A bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia;

A bill (H. R. No. 735) for the relief of Philip Pendleton;

A bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee;

A bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio;

A bill (H. R. No. 1219) for the relief of D. P. Rowe and Brown & Crowell, of Morristown, Tennessee;

A bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General William Thompson, of the revolutionary army;

A bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry;

A bill (H. R. No. 2242) granting a pension to George McColly;

A bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida;

A bill (H. R. No. 2552) to reduce the expenditures for public advertising in the District of Columbia;

A bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department;

A bill (H. R. No. 3116) providing for the payment of judgments of the court of commissioners of Alabama claims;

A bill (H. R. No. 3184) granting a pension to Emerick W. Hansell;

A bill (H. R. No. 3186) for the relief of Margaret Janet Burleson;

A bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosman;

A bill (H. R. No. 3277) granting a pension to Kate Louise Roy;

A bill (H. R. No. 3278) granting a pension to Ellen Fechtel;

A bill (H. R. No. 3279) granting a pension to Benjamin C. Webster;

A bill (H. R. No. 3280) granting a pension to James Johnston;

A bill (H. R. No. 3281) granting a pension to Hannah A. Wood;

A bill (H. R. No. 3282) granting a pension to Sarah Cooey;

A bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes;

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874;

A bill (H. R. No. 3585) for the relief of Joshua C. Stoddard;

A bill (H. R. No. 3589) to amend section 840 of chapter 16, title 13, Revised Statutes of the United States;

A bill (H. R. No. 3590) to change the name of the scow-schooner J L. Quimby to that of Perry G. Walker; and

A bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers.

The message also announced that the House had passed the following bills of the Senate:

A bill (S. No. 3) for the relief of Alvis Smith;

A bill (S. No. 43) granting a pension to Urial Bundy;

A bill (S. No. 121) granting a pension to John Pierson;

A bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers;

A bill (S. No. 545) granting a pension to Abraham Ellis; and

A bill (S. No. 641) granting a pension to Julia Scroggin.

The message further announced that the House of Representatives, having proceeded, in pursuance of the Constitution, to reconsider the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, returned to the Senate by the President of the United States with his objections and sent by the Senate to the House of Representatives with the message of the President returning the bill, with his objections, had passed the bill, notwithstanding the objections of the President, two-thirds of the House of Representatives agreeing to the same.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. S. S. COX of New York, Mr. SCOTT WIKE of Illinois, and Mr. JOHN A. KASSON of Iowa managers at the same on its part.

The message further announced that the House had concurred in the resolution of the Senate to print ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1875.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire;

A bill (S. No. 708) for the relief of John M. English, of North Carolina;

A bill (H. R. No. 755) for the relief of Jackson T. Sorrells;

A bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Cavalry Volunteers;

A bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons; and

A bill (H. R. No. 3479) making certain transfers of appropriations in the provisions for the contingent expenses of the Department of Justice for the current year.

SCHOOL LANDS IN CALIFORNIA.

Mr. SARGENT. I move that the Senate proceed to the consideration of the bill (S. No. 805) relating to indemnity school selections in the State of California.

The PRESIDENT *pro tempore*. The bill will be read for information if desired.

Mr. EDMUNDS. Let the bill be read.

The Chief Clerk read the bill.

Mr. SHERMAN. Let the report be read.

The Secretary read the following report, submitted by Mr. BOOTH, from the Committee on Public Lands, May 16:

The Committee on Public Lands, to whom was referred the bill (S. No. 805) relating to indemnity school selections in the State of California, beg leave to report:

That Congress, by act of March 3, 1853, donated to the State of California, for school purposes, every sixteenth and thirty-sixth section in the State.

The Mexican grants existing in said State covered large areas of land, and included within their boundaries many of the sixteenth and thirty-sixth sections, by reason of which the State was deprived of a very large part of her grant for school purposes.

Congress, therefore, in said act provided that the State should be entitled to select other lands in lieu of such sections as were included within Spanish and Mexican grants.

As the act specified no definite time or manner for selecting such lands, Congress, on July 23, 1866, passed an act, in section 6 of which it provided that said act of March 3, 1853, "shall be construed as giving the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as were covered by grants made under Spanish and Mexican authority, which shall be determined in case of Spanish or Mexican grants when the final survey of such grants shall have been made. The surveyor-general for the State of California shall furnish the State authorities with lists of all such sections so covered, as a basis of selection."

The surveyor-general of the United States for the State of California construed this section as authorizing him, on behalf of the Government, to furnish a list of such sections as were covered by Mexican grants, whenever by actual surveys in the field he ascertained that a sixteenth or thirty-sixth section was actually covered by a grant. He seems to have considered that it was not necessary to wait until the patent for the grant had been issued. This construction was acquiesced in by the authorities of the State of California, and the work of selecting and certifying lands to the State as required by the grant proceeded on that basis. This construction was adopted by the Commissioner of the General Land Office and by the Secretary of the Interior unquestioned and continuously down to March 10, 1876, during which time the grant to the State had been largely satisfied by the lands selected.

The honorable Secretary of the Interior on March 10, 1876, made a ruling giving a different construction to the words in section 6 of the act of July 23, 1866, "which shall be determined in case of Spanish or Mexican grants when the final survey of such grants shall have been made," construing them to mean when the patent for the Mexican grant was issued. This ruling and construction would render irregular the title to many thousands of acres of land, mostly in the hands of innocent purchasers for a valuable consideration from the State of California. Many families would not only lose their lands, but would lose their improvements. The records of the Land Department already show that these lands are being extensively jumped, and, in most instances, the committee is informed from reliable sources, that the actual occupants holding the State title and patents from the State are driven from the lands by the jumpers.

Owing to the extreme hardship and damage done to innocent persons, the honorable Secretary has ordered a rehearing.

As the lands have greatly increased in value and in many cases are worth several hundred dollars per acre, much litigation is arising by parties trying to take the lands away from those having purchased of the State.

The titles to these lands have entered largely into the business affairs of the people of the whole State, and valuable rights and interests are resting on them. They cannot now be disturbed without causing great and irreparable damage to the general prosperity of the State and ruin to many families. The value of the property under consideration is estimated by those well acquainted therewith to be many million dollars.

The work of selecting and certifying these lands to the State has cost the General Government and the State of California many thousand dollars; estimated as high as $50,000.

The lands certified are in satisfaction, acre for acre, of the grant to the State.

The interest of the Government requires that this expense should not needlessly be repeated in reselecting and certifying other lands in place of the lands now selected and certified.

The State of California has passed an act to quiet and perfect these titles and prevent litigation so far as her own laws are concerned, and now, by a resolution of the assembly of the State, and by a petition addressed to Congress, signed by the governor of the State and the other State officers, as well as by nearly seven hundred others, asks Congress also to pass an act quieting these titles and thus ending injurious litigation. The officers of the Government supposed they were complying with all the requirements of the law, and innocent third parties purchased on the faith that the titles were good. It is but an act of justice and equity on the part of Congress to now place these titles beyond question and beyond litigation.

The bill (S. No. 805) referred to this committee has been carefully examined, and has been submitted to the honorable Commissioner of the General Land Office, and is regarded as properly protecting the interests of the General Government, as well as securing the title to the State and its vendees.

The committee, therefore, report the bill back and recommend its passage with an amendment to correct a typographical error.

Mr. SHERMAN. It is manifest that this bill involves very large interests and may affect very seriously the rights of private parties. I know nothing about the bill except what I gather from the reading of the report and also from a printed memorial which was sent, I suppose, to every member of the Senate. I do not know who sent it, but it came from California in behalf of thousands of people in the western part of that State. It showed antagonism to this bill, making the charge that the lands were entered by collusion between the authorities of the State of California and the persons who made the entry; that the decision of the Secretary of the Interior simply repeated plain and mandatory provisions of the law; that the grants for lands in lieu of the sixteenth and thirty-sixth sections only applied to places where the Mexican or Spanish grant was actually settled and followed by a patent; but that in contravention of that law and the plain reason and intent of the law of Congress the State of California issued these substituted lands in the place of lands within Spanish and Mexican grants which had not been settled, which are not even yet settled, and which actually belonged to the United States. Therefore the probability will be, if the statements contained in this printed pamphlet are correct, that under the bill the State of California would not only get the sixteenth and thirty-sixth sections of land in lieu of every Mexican and Spanish grant, but would actually also get the sixteenth and thirty-sixth sections of land in alleged Mexican and Spanish grants, which have been set aside, or will be set aside, not having yet been decided.

Mr. SARGENT. A very small amendment would guard against that.

Mr. SHERMAN. Under the circumstances, this bill, it seems to me, ought to be taken up in its regular order at a time when there will be an opportunity to examine it. It is manifest from the report in this case that it involves large interests. It seems that there is a controversy already between persons who are seeking to enter upon portions of this land under the acts of Congress, and that this bill turns out persons claiming under laws which gave them the right to enter upon the public land. There is a contest between persons who claim under the grant from the State of California and persons who claim under the pre-emption and homestead laws of the United States, and private interests are involved.

Upon the face of the paper it seems that the finding of the Secretary of the Interior is plainly correct. The State of California was not entitled to these substituted sections in lieu of lands covered by Mexican and Spanish grants until it was determined by the courts that the Mexican and Spanish grants were valid titles, and that thus the State of California was not able to get the sixteenth and thirty-sixth sections. It seems that lands were taken by the State of California for the sixteenth and thirty-sixth sections which were contained in grants that had not been approved by the courts and were still in dispute. It seems to me that this is too large a subject to be acted upon in the morning hour, and therefore I think it ought to be passed over. I make these remarks in order to call the attention of Senators to what I understand to be the allegation, because I know nothing more about this matter than what I heard read at the Clerk's desk and also from the printed pamphlet, which I suppose was sent to every member of the Senate by the interests hostile to the bill. Who the memorialists are I do not know. At any rate it seems to be a very careful pamphlet, and it makes assertions and declarations which demand investigation and a hearing.

Mr. MORRILL, of Maine. I desire to give notice to the Senate that on to-morrow or the first legislative day thereafter I shall ask the Senate to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. SHERMAN. In view of the notice that has been given, I shall, as soon as I can get the floor, move to take up, and I hope we shall finish and pass to-day from the consideration of, the bill in regard to the issue of subsidiary silver. If we are to be crowded by the appropriation bills, I hope the Senate, if it takes up this silver bill, will close it to-day.

Mr. BOGY. I hope the bill referred to by the Senator from Ohio will not be taken up to-day. I desire to speak upon that subject, and I am not prepared to do so now.

Mr. BOOTH. I rise now simply to offer an amendment to the bill which has been read.

The PRESIDENT *pro tempore*. The Chair will state that the question has not been put whether the Senate will proceed to the present consideration of the bill.

Mr. SARGENT. The bill was before the Senate, as I understood, and the report read.

The PRESIDENT *pro tempore*. The bill is not before the Senate. It is true the report was read, but the question has not been put on the motion to take up the bill.

Mr. SARGENT. I should like to address myself to that motion. The United States law, existing for years on the statute-book, and giving to the State of California the sixteenth and thirty-sixth sections, recognized the fact that there are in that State large Mexican grants.

Mr. INGALLS. Is it in order to discuss the merits on a motion to take up?

The PRESIDENT *pro tempore*. It is not, strictly.

Mr. SARGENT. I wish simply to show the importance of the bill, and why it should be taken up, and for that purpose I am compelled to glance at the merits. If my friend from Kansas will allow me, I will proceed.

These large Mexican grants, if we could have no indemnity for the sections lying within their limits, would have diminished the school fund of the State materially. Whether it was wise or not to recognize the equity arising therefrom, Congress did recognize it some twenty-five years ago, and provided that the State should have lieu lands. For years and years the State made its selection of new lands, and the lists coming to the Land Office, they were regularly recognized and the lands listed to the State, and the State thereupon issued its titles to these lands. Every one supposed the law was fully complied with. The State did not make lieu selections of lands where the grant was rejected. It simply made selections in lieu of the land where there has been a decree of court in favor of the validity of the claim, where there was an appeal, only after the final decree had settled the right of the claimants under the Mexican grants to receive those lands; but it did not wait after that in all cases, though it did in many, until the actual patent was issued out of the Land Office, and this was not required by the Land Office or the Secretary of the Interior.

After the selections came up in cases where there had been confirmations of the grants and an actual patent had not been issued, the public surveys showing the area of the land and that the section which it was desired to take other lands in lieu of was within the boundaries ascertained by the decree, the right of the State was recognized, the lands listed to the State, and these were sold to parties who have made valuable improvements thereon. There was created a State title, founded upon lands listed by the Government of the United States.

This state of things continued, and everybody supposed he was secure in these rights until the 10th of March last, when a new rule was laid down by the Secretary of the Interior, he holding that the patent to the Mexican grant itself must have actually issued or the selection was irregular. This at once threw distress on a very large class of the community who had gone in on the strength of the State patent, which was founded on lands listed by the Government of the United States, the authorities here having a semi-judicial power to pass on the question whether the selection was properly made, the innocent purchaser not being able to ascertain this fine distinction subsequently laid down by the Secretary of the Interior.

Of course there are large interests involved. The Senator from Ohio thinks it extraordinary that we should ask for the passage of the bill because there are large interests involved. Interests are involved all over the State, because these Mexican grants were numerous and covered large areas, and very many of our selections are in lieu of lands covered by Mexican grants.

After the 10th of March, when the decision was made and the news of it reached California, in Los Angeles County, we saw the first effect of it. Men who had no claims on the lands whatever as pre-emptors or homestead settlers before the time of that decision on the 10th of March, 1876, when the news reached them some time in April, began jumping other people's lands; that is, they went within men's inclosures, went into their grain-fields where the grain was ripening in the early season, took possession of their houses and cabins and improvements, and by means of shot-guns intimidated the men who were the supposed rightful owners of the soil and drove them from it. This made a feeling of consternation and showed what might be expected in the rest of the State. The Legislature memorialized Congress to confirm the selections, recognizing the irregularity of not waiting until after the actual patent had been issued. Recognizing the irregularity, they asked Congress nevertheless to overlook this irregularity in favor of those who had bought in good faith.

Now, the Senator from Ohio says that under this bill the State will get duplicate lands; not only get the original lands, but get new lands. That position must necessarily be a mistake; but if there is any foundation for it the slightest amendment will fix it, providing that the State shall not receive, in consequence of this legislation or any other, any more than the original lands to which it was entitled twenty-five years ago when the selection of lieu lands was allowed to be made. My colleague has prepared a careful amendment protecting the settlers, protecting the mineral lands, and protecting every other interest which it is possible to protect. He was endeavoring to get the floor to offer it when my friend from Ohio rose and said that the rights of settlers were involved in this matter. Those men who, since the 10th of March of the present year, went on their neighbor's possessions, went inside of their inclosed fields, took possession of their fields of grain, took possession of their houses, and drove others off by means of shot-guns, are not settlers in any sense of the word. To allow them to prevail would be to carry distress and tumult throughout the State of California.

The Senator from Missouri [Mr. BOGY] asks me under what right these new men went in. They said, "Your State selections have been irregular; the Secretary of the Interior has overthrown them, declared them to be null and of no effect, and we will enter upon this land ourselves, and take it, and you must keep off it." That was the "right" which made the claim. It was bad in morals, bad in every sense, and we simply come in here and ask that this thing may be righted.

I understand from my colleague that he will propose an amendment that the bill shall not affect the rights of any man who went upon the land claiming as a pre-emptor or homestead settler prior to that decision. As I suppose it will be impossible in the few moments left of the morning hour to pass this bill, in the hope that this discussion may lead Senators to think upon the subject, I give way to my colleague.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the bill?

Mr. SARGENT. I give way to my colleague for the purpose of offering his amendment; I do not yield the floor.

Mr. SHERMAN. I ask the Senator if he will have any objection to letting this matter be recommitted to the Committee on Public Lands, to whom I will send the paper I referred to. Every Senator has received the same document. The Senator from Michigan [Mr. CHRISTIANCY] showed me the same paper which excited my attention. I ask to have the bill recommitted to the Committee on Public Lands, so that their attention may be called to the distinct statements made in the document.

Mr. SARGENT. I have no objection to that course.

The PRESIDENT *pro tempore*. Does the Senator from California [Mr. BOOTH] desire to have his amendment printed?

Mr. BOOTH. As I am a member of the Committee on Public Lands, I will move in committee to have the amendment incorporated in the bill, but I will now read to the Senate what I propose to offer; it comes in after the third section:

Nothing contained in this act shall be construed as affecting the rights of *bona fide* pre-emptors or homestead settlers in actual possession, and whose right accrued before the 10th day of March, 1867, to mineral lands, or to any lands in the city and county of San Francisco, or any incorporated city and town, or to any tide or swamp lands.

The PRESIDENT *pro tempore*. The motion is to recommit the bill to the Committee on Public Lands.

The motion was agreed to.

MARTHA J. COSTON.

Mr. CRAGIN. I move to take up Senate bill No. 728, which is a very short bill, and will not consume time.

The motion was agreed to, and the bill (S. No. 728) for the relief of Martha J. Coston was read the second time and considered as in Committee of the Whole. It appropriates $15,000 to Martha J. Coston, in full of all claim and demand of her upon the Government of the United States for the use of the Coston signal-light, and the manufacture by her of the same.

Mr. SAULSBURY. I should like to have some explanation of the bill. Is there a printed report in the case?

Mr. CRAGIN. There is a printed report, which I ask to have read.

The PRESIDENT *pro tempore*. The Secretary will read the report.

Mr. CRAGIN. I hope Senators will listen carefully to the report, so as to save any further explanation of the bill.

The Secretary read the following report, submitted by Mr. CRAGIN, from the Committee on Naval Affairs, April 12:

The Committee on Naval Affairs, to whom was referred the memorial of Martha J. Coston, have had the same under consideration, and submit the following report:

This claim was considered by the House Committee on Naval Affairs the last Congress, and a bill reported for relief of petitioner, accompanied by report No. 334, which is referred to as embracing a statement of the facts in the case before us.

Mrs. Coston is the widow of Benjamin F. Coston, the inventor of the telegraphic night-signals which bear his name, an invention and system perfected by her since her husband's death, and which was adopted and has been used by our naval and life-saving service for many years.

In 1859 these signals were tested, and at the commencement of the war the Department made a proposition to the petitioner to sell to the Government the right to manufacture these signals for the use of the Navy, and an appropriation for the purpose was passed, which she accepted. The officers of the Government found it difficult (if not impossible) to manufacture them to advantage, and the Secretary of the Navy requested Mrs. Coston to undertake their manufacture for the Navy; and the price per set of twelve pieces was agreed upon at $4.50. This was in the spring of 1861; the signals were delivered, and the price named was paid. The petitioner urged at that time, and now claims, that, by reason of the increased cost of labor and materials, she was entitled to, and should have received, an advance over and above the price stipulated. To this complaint, however, the Department would not listen, as the price had been fixed by agreement, and it is believed by the committee that she continued in the business of supplying these signals to the Government almost, if not quite, without profit.

By law it was provided that on contracts made previous to its passage the taxes and duties subsequently imposed should be paid by the purchaser, and when the petitioner endeavored to obtain the amount of taxes from the Navy Department she was met with the suggestion that no written agreement could be found, contracting with her at the price named; therefore the law was not applicable to her case. Near the close of the war the Department increased the price of her signals to $6 per set, thus acknowledging the justice of her demand; but there were very few delivered after this period and the increase did not cover those already furnished. Subsequent to the time of entering into the agreement referred to, taxes on manufacturers' sales were imposed and had to be paid by the petitioner; additional duties were also levied on some of the articles entering into these signals, the prices for labor almost doubled, and the chemicals used increased in cost from 50 to 75 per cent., and the certificates given her in payment were sold at a discount.

The following letter from Rear-Admiral Smith is made a part of this report:

WASHINGTON, *July* 1, 1865.

SIR: In regard to the reference from you to me of Mrs. M. J. Coston's letter to you of June 28 last, touching compensation to her for the Coston signals, I beg leave to say that the arrangement for employing those signals was made in the Bureau of Detail in the spring of 1861, then in charge of Commodore Paulding. The price was agreed upon, as well as I remember, at $4.50 per set of twelve pieces. The signals were furnished as required, and paid for at that price.

The war greatly increased the cost of the materials, and, consequently, Mrs. Coston petitioned for an increase of price on that before the war agreed upon. This was not granted, on the plea that the price had been fixed. The delivery, receipt, and payment for the signals are ample evidence of that fact.

By the act of June 30, 1864, section 97, persons who shall have made any contract prior to the passage of said act are authorized to add to the prices thereof so much money as will be equivalent to the duty so subsequently imposed. Now Mrs. Coston claims that the price of the signals was fixed before the passage of the act referred to, and that she has a just claim upon the Government for the amount of the tax.

The claim of Mrs. Coston for an increase of price on the signals, after the contingencies of the war had greatly increased the cost of the materials, was just and fair, in my opinion; as that request was denied by the Ordnance Department, she is certainly entitled to the tax on the bills rendered.

I have the honor to be, respectfully, your obedient servant,

JOS. SMITH.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

The petitioner paid taxes, as per statement, $13,000, and if allowed interest would make her claim amount to some over $21,000.

The committee, after careful examination of the papers before them, have arrived at the same conclusion as the House committee of the Forty-third Congress, and recommend that Mrs. Coston be paid the sum of $15,000, in full satisfaction of her claim against the Government, and report the accompanying bill and ask its passage.

The bill was reported to the Senate without amendment.

Mr. WRIGHT. I wish to make an inquiry of the Senator from New Hampshire. As I remember the reading of the report, the committee find that this lady is entitled to some $13,000. Upon what principle is it that the bill allows more than $13,000?

Mr. CRAGIN. I cannot state exactly the principle. It was clear to the committee that she paid taxes in the neighborhood of $15,000, which the Department ought to have paid under a law that was passed after this contract was made authorizing the manufacturer or contractor to add the tax to the price. It also appeared to the com-

mittee that the price which she received was very low indeed, and as the House committee had reported upon this same subject to give her $15,000 we thought that we would put it at $15,000. The sum was between thirteen and fourteen thousand dollars, and there was some question about the amount, she claiming that she paid $15,000 of actual taxes. I believe the bill to be a very just and proper one, and I hope it may be allowed to pass.

Mr. WRIGHT. I have nothing to say in reference to the justice of the bill. As I understand the claim, so far as it applies to anything in excess of the $13,000, in round numbers, the gentleman from New Hampshire admits it does not depend upon any principle so far as any right to repay interest is concerned, but he rather puts it upon the ground that the committee do not think she is entitled to the interest but is entitled to something more than $13,000, and therefore they fix the amount at $15,000.

Mr. CRAGIN. The sum was not fixed upon any ground of allowing interest at all. It was clear that she paid over $13,000 taxes, and it may have been $15,000. The exact calculation as to dollars and cents was not made, but the taxes amounted to between $13,000 and $15,000; in my judgment as near $15,000 as $13,000.

Mr. WRIGHT. With the understanding from the record and from what has taken place in the debate that it shall be considered and understood that the Senate does not recognize in any way whatever the right of one dollar's interest upon this claim, I shall withhold any objection to the bill.

Mr. CRAGIN. That is the understanding. It was the understanding of the committee.

Mr. WRIGHT. I do not think one dollar of interest should be allowed upon any claim of this kind. As I understand, the committee have made no such allowance; but they find that this $15,000 is what she would be entitled to, independent of and outside of any claim for interest, and this is not coupled with a recommendation to pay interest.

Mr. CRAGIN. That is all.

Mr. COCKRELL. I should like to ask how we are to get around this clause in the report of the committee

> The petitioner paid taxes as per statement, $13,000.

That seems to be the statement of the petitioner herself as to the amount of taxes paid, according to the report.

Mr. SAULSBURY. I would not vote against any claim which I was satisfied was correct; but this stands as a claim of indemnity for taxes paid upon a contract made with the Government of the United States in 1861. It is no doubt true that, like all other contractors under the Government, the contractor in this case realized a profit upon the contract. She was subjected by the laws of Congress to taxation upon certain materials used in fulfilling the contract. The party now comes to Congress to be indemnified for the amount of taxes paid upon materials used under the contract, which were furnished to the Government.

Mr. CRAGIN. The Senator will allow me to suggest that he certainly is in error. The law authorized the manufacturer to add the tax to the price of the goods.

Mr. SAULSBURY. I understand that.

Mr. CRAGIN. And the Department claimed that this contract was not in writing. They could not find any written contract and therefore they did not allow her to add the tax. It was not a tax for materials; it was a tax for the gross price of the manufactured articles, and there could be no distinction made in justice or equity whether this contract was in writing or whether it was verbal. The Department did not allow her this tax, while under the law she ought to have been allowed the tax, especially as she was manufacturing these articles at a loss. That is all there is in the case.

Mr. SAULSBURY. I take it for granted if this lady, who had a contract, had come within the terms of the law, the Department would not have refused to allow her the amount of the tax which she paid. At any rate, I am opposed, after persons have entered into contracts with the Government and have made profits upon their contracts, that they should come here and be exempted by the action of Congress from taxes which have been imposed by the laws of Congress upon them. The people of the United States, all over the country, have been subjected to taxation, and have paid taxes when they had no contracts out of which they might have made a profit. In the State in which I live, and in other States of the Union, private citizens having no contract with the Government have been subject to the taxation of the Government, and have paid their taxes. I see no reason why parties who have had contracts and made profits out of their contracts should not be subject to the same measure of justice. I am therefore opposed to the appropriation of money for this purpose.

Mr. WRIGHT. I should be glad if the Secretary would report the bill again.

The Chief Clerk read the bill.

Mr. WRIGHT. I move to strike out "15" and insert "13;" so as to make the allowance $13,000 instead of $15,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

On the passage of the bill a division was called for; which resulted—ayes 24, noes 6; no quorum voting.

Mr. SHERMAN. Many Senators are present who are not voting. I call attention to the fact.

Several SENATORS. Let us divide again.

The question being again put, there were on a division—ayes 27, noes 13.

So the bill was passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOWE, from the Joint Committee on the Library, submitted certain amendments intended to be submitted by that committee to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

JAPANESE INDEMNITY FUND.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SHERMAN. I move that the Senate postpone the consideration of all other matters and take up the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business, being the bill (S. No. 626) in relation to the Japanese indemnity fund.

Mr. FRELINGHUYSEN. Mr. President——

Mr. SHERMAN. I submit my motion to postpone.

Mr. FRELINGHUYSEN. I do not wish to interfere with any of the rights of the Senator from Ohio; but I understood that I had the floor on this bill when it should be taken up.

Mr. SHERMAN. I was recognized before the bill was called up. I do not wish any controversy with the Senator from New Jersey on the subject. I simply wish to have the Senate decide by its vote which of these bills shall be taken up.

The PRESIDENT *pro tempore*. The Chair submitted the unfinished business to have it properly before the Senate, and the Senator from Ohio had risen pending the statement from the Chair for the purpose of moving a postponement. The Senator from Ohio moves to postpone the present and all prior orders for the purpose of considering the silver bill, so called.

Mr. SHERMAN. Senate bill No. 263.

Mr. FRELINGHUYSEN. This bill has been reported upon six times, and been favorably reported upon. It had been discussed for two or three days fully before the Senate at the time when the Senate took up the matter of impeachment. I think that it will be economy of time to dispose of this bill now without further discussion.

There was an amendment offered striking out that part of the bill which provides for interest, and I wish to call the attention of the Senate now to amendments that I propose to the bill which I think will meet with the approval of all the Senate, and I shall be very brief.

Mr. SHERMAN. I would rather the Senate should dispose of the pending question first. However, if the Senator says it will take but a little time——

Mr. FRELINGHUYSEN. I believe I am strictly in order for this reason, because the brief remarks which I propose to make will show the Senate the propriety of disposing of this subject now.

Mr. EDMUNDS, (to Mr. FRELINGHUYSEN.) The merits of your bill are perfectly open on this question.

Mr. FRELINGHUYSEN. This fund amounts to $1,414,051.96. That is the value of the fund as invested at the price the securities now sell for.

Mr. EDMUNDS. Coin or currency?

Mr. FRELINGHUYSEN. Coin. The amount of charges that there are against the fund, I understand, is $19,956. That is money which has been expended by the Navy Department, which ought properly to be charged to this fund. The prize-money, if the second section is retained in the bill, as I hope it may be, is $125,000. These two sums, taken out of the fund as soon as it is received, amount to $144,956. Now, if we pay the balance to the Japanese, with 5 per cent. interest, they will receive $795,956, and there will be to cover into the Treasury $473,000. So the Senate will see that after taking out the $125,000 and the $19,000, and after you pay the Japanese government the balance with 5 per cent. interest, there will be $473,000 to cover into the Treasury. I think that is right for this reason: That excess of the fund is made up of the items of exchange, compound interest, and the appreciation of the securities.

If this money had been loaned by Japan to this country we would not give them the benefit of the exchange; we would not give them the benefit of compound interest; we would not give them the benefit of the appreciation of the securities; or, if the securities had depreciated, that would not relieve us from our obligation to pay this money. Therefore, it seems to me that the amendments I shall propose must commend themselves to the Senate, and I should think would commend the bill. I propose, if the Senate go on with this bill, so to amend it as that all charges against this fund shall be met, and that we pay the balance with 5 per cent. interest, not paying the compound interest, not paying the appreciation of securities or the profit of exchange, which amount to some $473,000.

I trust the Senate will adhere to this bill, and now finally dispose of it.

The PRESIDENT *pro tempore*. The unfinished business being before the Senate, the Senator from Ohio moves the postponement of

this bill and all prior orders for the purpose of considering what is known as the silver bill.

Mr. SHERMAN. I ask the Senator from New Jersey how long he thinks this bill will occupy?

Mr. FRELINGHUYSEN. I do not think it will occupy more than half an hour; but, if it does take more, it will occupy less time now than at any future period.

Mr. SHERMAN. I am willing to let the matter pass, because I do not wish to antagonize the silver bill with a matter which has been partially discussed. I withdraw my motion for the present.

Mr. FRELINGHUYSEN. I move after the word "fund," in the fourth line of the first section, to insert "originally paid to the Government of the United States."

The PRESIDENT *pro tempore*. There is an amendment pending.

Mr. EDMUNDS. Perhaps the Senator is perfecting the text of what is proposed to be stricken out.

The PRESIDENT *pro tempore*. The Chair is informed that it is not an amendment to the amendment. The Secretary will report the pending amendment.

The CHIEF CLERK. It is proposed to amend the bill by inserting——

Mr. FRELINGHUYSEN. The pending amendment is to strike out all that relates to the accumulation of interest in the ninth line, I think.

Mr. EDMUNDS. I thought the amendment was to strike out the first section.

Mr. FRELINGHUYSEN. No; that has been voted on.

The CHIEF CLERK. The pending question is on the amendment of Mr. THURMAN, in line 9 of section 1 to strike out the words:

> Said indemnity fund, including all accumulations of interest.

And in lieu thereof to insert:

> The sum paid by said government without interest.

So as to authorize the President—

> To pay over to the government of Japan the residue of the sum paid by said government, without interest.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey desire to amend this?

Mr. FRELINGHUYSEN. No; I do not desire to amend that. I think that amendment ought not to be adopted. The amendments which I have suggested will have the effect of taking out the $125,000 and the $19,000 of the money as soon as it was received, so that the Japanese government shall not have interest on the $144,000, and then to pay them the balance with 5 per cent. interest, which will leave about $473,000 in gold to be covered into the Treasury, that excess arising from the profit in exchange, from the appreciation of the securities, and from the manner in which this fund has been confounded, three items which I do not see that the Japanese government have any claim upon.

Mr. SHERMAN. As I understand, then, the Senator proposes to give back the principal of the fund less the amount which we now appropriate for salvage.

Mr. FRELINGHUYSEN. With 5 per cent. interest.

Mr. SHERMAN. Compounded?

Mr. FRELINGHUYSEN. Five per cent. simple interest; and that will leave of the fund $473,000 in gold.

Mr. SHERMAN. I do not think the Government ought to set the example of paying interest. This money was collected from Japan, and we certainly ought not to pay interest on it.

Mr. FRELINGHUYSEN. The reason for it, I think, is this: if we improperly got the money, and compelled the Japanese government to pay 5 per cent. interest to obtain it in England, and 7 per cent. to obtain another portion of it, it is right that we should pay it as if it had been a loan to us at 5 per cent.

Mr. SHERMAN. If so, we ought to pay the compound interest as well.

Mr. FRELINGHUYSEN. I think not.

Mr. SHERMAN. They had to pay it on the Senator's ground.

Mr. FRELINGHUYSEN. If the Japanese government had loaned us the money—and I treat it just in that shape—we should have paid them 5 per cent. simple interest, and that is what I propose to do, after deducting the claims and charges properly made upon the fund when first received.

Mr. SHERMAN. If anybody else had loaned it to us, we should have paid interest annually or semi-annually, regularly, which is the same as compounding interest. I had made up my mind to content myself with simply voting against the bill, to gratify a sentiment that seems to prevail with the Senator from New Jersey and in the Senate that we probably exacted severe and hard terms from Japan, though I do not think the arguments establish that position. If to gratify that desire to do a generous, liberal thing that might probably aid us in our intercourse with Japan, and perhaps with China, it is thought desirable, after deducting the expenses incurred by the United States and paid to our officers in the nature of salvage or as a reward for extraordinary services, to pay back the balance of the principal sum to Japan, perhaps I would content myself even by not voting against the proposition, though I cannot answer the argument of the Senator from Vermont, [Mr. EDMUNDS,] which showed very conclusively that we received this money not only for expenses incurred in putting down a rebellion but we received it for services rendered to Japan in putting down a rebellion, as stated by the treaty itself.

But without enlarging upon that argument, if the Senator from New Jersey will confine his proposition to a simple refunding of the principal sum without interest, deducting only the principal sum that we pay out of the fund, I would not object. I think it rather generous and not a very wise thing to do; but still there is a kind of reason for it that may be given that from it we should derive benefit in attracting to us the kindly feeling and good-will of the government of Japan.

Mr. HAMILTON. I merely rise to put the same question as the Senator from Ohio. If the Japanese government borrowed money from England, did it practically compound interest? I ask if in any case there is not compound interest paid where you pay interest every six months?

Mr. EDMUNDS. It appears to me, if the ground on which this bill is pressed by my friend from New Jersey is sound, there is no escape from the conclusion that we ought to pay back this money with all its accumulations, because his ground is that by force of superior power we coerced the government of Japan into paying us an enormous sum of money in respect of which we had no claim; and thereby there was created a kind of trust—a wrong-doer holding this money—a kind of trust in favor of the government of Japan. On that state of facts it is evident that equity in all such cases, as well as the law, charges the wrong holder of money with all that he has made out of it. If he has put it to profit the profit belongs to the owner of the money; and we have put this money to profit by way of exchange in getting it here, which happened to be largely favorable at that time, I believe; and by way of investing it in our own bonds, so that it accumulates to $1,400,000 and upward. If we took this sum of money of $750,000, or whatever it was, from the government of Japan wrongfully, and that money has earned in our hands by way of exchange and interest enough to make it $1,400,000, the $1,400,000 belongs to Japan on every principle of justice that prevails between man and man.

Mr. HAMILTON. I ask the Senator if the money has earned anything in our possession?

Mr. EDMUNDS. So it is stated, that it has accumulated until it is $1,400,000; that in the first place there was a large accretion to it on account of exchange; and then it was invested by the State Department in our own bonds, which otherwise would have been put into the market for so much, and we used the money, and the bonds are in the State Department in place of it, just as if it had been invested in English bonds or State bonds; so that in truth and in fact, so far as equity goes, this sum of money that Japan gave to us has earned by sheer force of its own industry, if I can use such a term, so much. It has got up to that, not by a system of fictitious book-keeping, but by real gains, as the money, if it had been invested by a private individual in the same way, would have accumulated.

Now I repeat if this money really belongs to the government of Japan in equity and good conscience, and was wrongfully taken from her, (which is the ground on which we are asked to restore it,) then it does seem to me that every dollar it has earned in respect of the exchange which accumulated upon it in bringing it to this country and in respect of the interest upon it, ought to be restored. But the bill itself as reported from the Committee on Foreign Relations, if the Senate will look at it, does not seem to proceed on the theory, after all, that this money was wrongfully extorted from Japan and that it is the money of that government, because you will observe that the first section provides that the President—after taking out a certain sum from it, $125,000—"is further authorized" (I pass over the unimportant words about being incompatible with our relations to foreign powers) "to pay over to the government of Japan the residue of said indemnity fund, including all accumulations of interest." So far it is on the theory named. Now—

> Or after correspondence with said government, and in a manner satisfactory to it, to transfer said fund, together with its increase, to the government of Japan in trust, the income thereof to be perpetually used for the promotion of education in Japan.

That is a very extraordinary provision in a bill if this money belongs to the government of Japan and we are wrongfully withholding it.

Mr. FRELINGHUYSEN. That was stricken out.

Mr. EDMUNDS. I understand that it was stricken out; but I am speaking of the theory on which this bill went when it left the hands of the Committee on Foreign Relations, as derived from the face of the bill.

Mr. FRELINGHUYSEN. I will state to my friend that when I called up the bill, after conferring with the members of the committee, that provision was stricken out on my motion, as their organ, and the reason that it was ever introduced there, as I understand, was at the instance of the representative of Japan.

Mr. EDMUNDS. I do not know what the representative of Japan has done. If the representative of Japan is authorized by his Emperor to provide that the money of Japan now held in trust by the Government of the United States shall be turned over to the government that owns it in trust for another purpose, then it is rather extraordinary diplomatic intercourse I must say; but it may have taken place, and I have no doubt my friend so understands it; and as we are dealing with oriental nations perhaps it is fair to infer that it did take place.

But what I was saying was that on the face of the bill as it comes from the committee it is inconsistent, plainly inconsistent to my mind, with the idea that this money belonged to the government of Japan of right and that it was in our hands by wrong. The committee undoubtedly saw the force of that, and the correction was made, striking out anything which would raise an implication of that character.

I do not want to spend the time of the Senate over again (although it is a long time ago since we had the bill up we have had our thoughts devoted to a good many other subjects since) in discussing the merits of the first section, which is the chief section of the bill, in respect to the government of Japan; but I merely wish to repeat what I said before, founded upon what appeared to me to be the clear result contained in the reports of the Department of State on this subject in print, that this money was not obtained from Japan by any unjust exaction of force, that it was obtained from Japan as the treaty states and as the correspondence and negotiation state, as a settlement of all accounts, so to speak, down to that date, and among those with the serious injuries done to the commerce of the United States by the interruption of intercourse through the so-called inland sea and by the interruption of our trade and commerce with ports which by treaty they had from time to time agreed to open and had not opened; and I do not believe that it was a penny in excess of what the real injury was, although not computable in figures, as such injuries never are, arising to our interests in the East from that course of conduct on the part of that empire. But, as I say, I am not going into the reference to the communications on the subject. I do not feel justified in doing so as it has been once done, and merely rose to restate my own conclusions. On the present and exact question, it appears to me plain that if we owe this government anything, we owe all that this money has accumulated.

Mr. DAWES. Mr. President, I had made up my mind from the beginning to vote for this bill. This is no part of the money of the Treasury of the United States; it is a distinct fund by itself, not held in the Treasury as a part of our money. There has been about it from the beginning stamped a character by those who hold it special, like a special deposit for a particular purpose. The first Secretary of State into whose hands it came, and those who have followed him, have all felt that about this fund there was something that prevented them from proposing, for a moment, to cover it into the Treasury and make it the money of the United States. Here it stands a fund by itself for that reason. I have been told from the beginning, ever since I have been here, in connection with the fund, that it really, in the forum of conscience, did not belong to us, and that that was the reason why the Secretary of State had kept it distinct. No one has more impressed me with that belief, or strengthened me in that belief, than the Senator from New Jersey himself, and he will permit me now to express my surprise that he proposes himself to take this fund so kept, stamped with that character, and divide it up. It does not belong to us, he tells us. I believe so. I believe so more firmly after I have heard him than before, and I believe that it never will rest until it reaches the place to which it justly belongs.

It is vain for us now to undertake to make terms with our sense of right and fair-dealing with this weak nation, and say "if they will quit with us by taking a third of it, or a half of it, or anything less than the whole of it, we will settle with them." Those who come after us will do this business over again, if we do not do it fully and fairly and frankly and because we feel that we have not this money. If we have a right to this money, let us say so, as the Senator from Vermont frankly and fairly, from his point of view, speaks as he ought to do. It belongs to us fairly in his opinion. From my standpoint it does not belong to us, and here it is. It has of its own momentum accumulated and grown into double and more. And yet the Senator from New Jersey this morning is willing to take $125,000 of it to pay as prize-money to those who, upon his showing here, had no more right to it than a banditti who had waylaid across the plains or the desert a train of merchant-men and in the name of the government whose flag they bore had arrested it, and then it had come into the hands of the Government itself and we proposed to take out $125,000 and stamp it prize-money and pay it as prize-money over to those parties, and then pay the parties robbed 5 per cent. simple interest on the balance, after taking out also $18,000 which may be or may not be, but I presume is, a proper charge upon it for expenses or something of that kind, as the Senator thinks it is. I do not speak of that; I speak of the item of $125,000. And then the idea is proposed that although 15 or perhaps 20 per cent. upon this fund has been made by the Secretary of State, for the Government of the United States has not done it, the Secretary holding it in trust for those to whom it belonged and for nobody else and investing the trust fund, as every trustee ought to, to the best of his knowledge and prudence and sagacity, and thereby making that trust fund which was once $500,000 now $1,400,000, the accretions shall be retained by this Government, and thereby the United States will strike a balance in this operation and have just as much when they get through as if they had not paid this out.

I prefer to let the matter go on a little longer. Let us postpone this a few years longer, and with a Secretary of State of such business capacity as I hope we shall always have, we cannot only pay back the original sum and 5 per cent., but we can make a handsome speculation; we can found a benevolent institution here, and we can name it something that will be expressive of the origin and the method by which we have acquired this fund; and we can make it, like the Smithsonian, an instrumentality for the diffusion of knowledge among men, or something of that kind. But there will come after us those who will not deem this right, and they will think one of two things: that we have no business to pay back anything to Japan, as the Senator from Vermont thinks, or that we should pay back all that we got from her.

I shall vote against the amendment; and then I shall vote against the bill itself if the amendment be adopted.

Mr. FRELINGHUYSEN. Mr. President, there seems to be no difference of opinion in the Senate as to the amendment which is now pending. Those who are favorable to the bill are in favor of paying no interest, which is the amendment of the Senator from Ohio, [Mr. THURMAN,] and those who have opposed the bill are in favor of paying compound interest. I suppose, therefore, we may all unite in voting down, if that is the opinion of the Senate, the amendment of the Senator from Ohio. I would much rather pay this money back with all the accumulations of interest. I would much rather adopt the theory of the Senator from Massachusetts [Mr. DAWES] and pay it back with all its accumulations. It would be a more generous thing. But it struck me that we should do common justice if we made the deductions which are properly chargeable to this fund at the time of its receipt, and then pay interest on the balance.

My friend from Texas [Mr. HAMILTON] asks me whether if we had paid the interest every six months it would not have been compounded. It would certainly have been compounded, but then the Government of the United States when it owes a claim does not generally pay any interest; and therefore our paying 5 per cent. interest here is exceptional. In looking at the other items which go to make up this fund, while it would be magnanimous and generous to pay over the fund with all its accumulations, still it struck me that it was hardly a demand of justice, for if we had borrowed the money we should have profited by the exchange in our favor. If we had borrowed the money they would have no claim to the appreciation of the securities in which it was invested, and their claim on us would not be affected by the depreciation of its securities. And if we had borrowed the money we should not have compounded that interest to them. It struck me, therefore, that it would be just, not magnanimous, not generous, to pay them back all, after we made the deduction of the proper charges from the fund with 5 per cent. interest; that they could not say they had a claim for the appreciation of the securities in which the money was invested, for the compound interest, or for the exchange, but I would a great deal rather, as the Senator from Massachusetts suggests, that we should pay back to them the whole fund just as it is, for I believe it is unclean money in our Treasury. I believe that we might better pay ten times the amount than cover it into the Treasury. We are a poor people, but we are an honorable people, and the people of this country, without a dissenting voice almost, demand that this money, the result of their treaty with seventeen ships of war threatening them, should be paid back—a fund taken for indemnity when they had within a year paid us every cent that we demanded and when there had been no injury during that year. There is but one sentiment in this country. Six committees of Congress have reported that the money should be paid back.

Talk about its being a sentiment! Common honesty is a sentiment. It is not a romance; it is a reality. I trust that this Congress will pay back the money. I would rather see the whole fund paid back, as my friend from Massachusetts suggests; but common justice requires that we should pay back the balance with at least 5 per cent. interest.

I hope, Mr. President, that the amendment of the Senator from Ohio now pending will be voted down.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN,] which is in line 9 of the first section, to strike out "said indemnity fund, including all accumulations of interest," and in lieu thereof insert "the sum paid by said Government without interest."

Mr. SHERMAN. The remarks made by the Senator from New Jersey [Mr. FRELINGHUYSEN] need a little reply. The Government of the United States made the demand upon Japan, enforced that demand, and received this money. That was in 1864. The money has remained in the custody of officers of the United States from that time to the present. Not only that, I find that in March, 1870, the Government of the United States formally demanded of Japan the prompt payment of the balance then unpaid of this indemnity; not only did it in a peremptory way, but told Japan distinctly, in strong diplomatic language, that this was the final demand; and this demand was made by three other civilized and Christian nations of the world. Now, for a Senator of the United States to come here and say that the Government of the United States made this demand in 1864 without any color of excuse; that this was a robbery; that this was money extorted from a weak and feeble nation; that we ought to pay it back; that it is dishonored money in the Treasury of the United States or in the custody of her officers, it seems to me, is to characterize in strong language, stronger that it deserves, the conduct of men who have held office for ten years in this Government, and men who have held office under four leading Christian nations of the world, and I believe it is totally unjust.

Sir, the conduct of Japan in interfering with the commerce of the world in those straits was unjustifiable. Undoubtedly the diplomatic

policy of the Tycoon and of the other authorities there, together with the governor of one of his provinces, the name of which I cannot recall, was full of duplicity—confessedly so. It did put the governments of Christian nations to great trouble to enforce their conceded rights to navigate an open navigable strait. Not only that, but Japan agreed to the payment of this money, and never has set up a claim that the demand for it was unjust, so far as I know. The papers here before us, and the communications which I have now, admit the justice of the claim in 1870, and give reasons why the money had not been fully paid according to the treaty before that time.

It seems to me, therefore, that this is a mere sentiment. It is not a just claim, in any sense of the word, for repaying back money extorted. It is simply a sentiment, a disposition to be liberal and generous, more than generous, to a nation with whom we desire to make friendly relations; and, hence, I do not like to hear our Government charged with being dishonest, and the governments of other Christain nations charged with being dishonored, with being robbers and oppressors upon Japan, merely because we demanded of her the enforcement of our commercial rights, merely because we made a treaty with her in which she acknowledged that this money was due to us, and because we demanded that it should be paid.

It seems to me, therefore, that the Senator from New Jersey, in his eager desire to advocate this bill, goes too far. I do not believe this money was extorted from Japan. I believe this is money that under the laws of the United States should have been covered into the Treasury; and I wish now to call attention, as I have done heretofore, to the tendency of officers of the Government to make these special funds, to have them rest in some place where they can get at them for some other purpose than the general purposes of the law. All the money should be collected and put into the Treasury for the general good. It has been the practice of this Government since its organization to set aside funds in the hands of some officer instead of covering them into the Treasury. We have twenty or thirty special funds. We have the Cherokee fund; we have the Chickasaw fund; we have the Chinese fund; we have the Japan fund; we have also the fund derived from the Geneva award, and various funds kept aside in the nature of trust funds. This should not be. By the plain mandate of the law, this money when received from Japan ought to have been covered into the Treasury of the United States; and I ask the Senator from New Jersey if he can show me any authority of law to keep it out of the Treasury? The law is mandatory.

Mr. DAWES. Does it not require a positive authority of law to cover it into the Treasury?

Mr. SHERMAN. A treaty is the highest law. Here is money received under a treaty. When money is received from an individual in the nature of taxes it is covered into the Treasury. This money was received under a treaty, and the law required it to go into the Treasury of the United States; and, when it is covered into the Treasury, it is under the seal and sanction of Congress.

Mr. DAWES. Of course the Senator from Ohio is very familiar with these things, but I call his attention to a manifest distinction between money covered into the Treasury and money that is in the Treasury outside of any specific authority. Any money covered into the Treasury is subject to all the drafts that may be made on the Treasury; money that gets into the Treasury otherwise than by a special covering of it into the Treasury is not subject to draft. It would remain there for all time as a special deposit. In one sense money put into a bank is a deposit in the bank; but money that is put in on a general deposit is one thing, and that put there as a special deposit is another. This, if it ever could have been treated as a part of the money in the Treasury, could never have been treated as covered into the Treasury subject to the drafts of the Treasury generally, except by special act of Congress.

Mr. SHERMAN. What I complain of is that this money was not covered into the Treasury in pursuance of the law. All money received by the Government of the United States from taxes, or any other source, unless the law makes it a trust fund, is by law in the Treasury, and it is made the mandatory duty of the proper officers to cover it into the Treasury. What is meant by the term "covered into the Treasury?" It means simply to put it under the bar and seal of the Treasury of the United States, so that it cannot then be paid out except in pursuance of an appropriation made by law. This money has been lying there for years. I do not blame the Secretary of State, for he has only followed the example of his predecessors and of many officers, for there has been a tendency constantly to set aside special funds to be kept in reserve. I do not say that the officers would do anything improper with the money so reserved; but when this money was collected under a treaty it ought to have been covered into the Treasury of the United States, and then we never should have had this controversy; but, it being separated and segregated as a trust fund without any law, it is now, of course, subject to some other disposition. It is kept out of the Treasury.

I do not like to hear or see my Government arraigned and the governments of other Christian nations arraigned in their intercourse with Japan merely because of a sentiment, of a desire simply to be generous and magnanimous with this country, with whom our relations are becoming important. There is a disposition to give it back this fund. We may reconcile it to our sense of propriety to do that as a matter of commercial interest as well as commercial honor, if it is deemed public policy to do so; but I do not like to hear our Government classed as a robber plundering a weak and feeble nation, nor do I believe such a position can properly be assigned to it. I think now the better way would be to cover this money into the Treasury of the United States, where it ought to have gone the very day it was received by any officer of the United States. There it would have been surrounded by the safeguards of the law and the Constitution and could only have been paid out in pursuance of appropriations made by law. It then could long since have been applied to the reduction and extinguishment of a part of our national debt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. SHERMAN. I call for the yeas and nays on the amendment of my colleague.

The yeas and nays were ordered.

Mr. SHERMAN. This amendment is to pay the principal sum without interest.

Mr. MAXEY. Before the vote is taken I wish to say that on this question I am paired with the absent Senator from New Jersey, [Mr. RANDOLPH.] He, if present, would vote against and I should vote for the amendment.

The question being taken by yeas and nays, resulted—yeas 18, nays 23; as follows:

YEAS—Messrs. Bogy, Cameron of Wisconsin, Caperton, Cockrell, Goldthwaite, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, McCreery, Norwood, Robertson, Sargent, Sherman, Wadleigh, and Withers—18.

NAYS—Messrs. Anthony, Booth, Boutwell, Bruce, Christiancy, Conkling, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Kernan, McMillan, Mitchell, Morrill of Vermont, Morton, Spencer, Stevenson, West, Windom, and Wright—23.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Eaton, Gordon, Jones of Florida, Jones of Nevada, Key, Logan, McDonald, Maxey, Merrimon, Morrill of Maine, Oglesby, Paddock, Patterson, Randolph, Ransom, Saulsbury, Sharon, Thurman, Wallace, and Whyte—32.

So the amendment was rejected.

Mr. EDMUNDS. In order to take directly the sense of the Senate on this question of the duty of paying back this money to Japan, separated from all question about prize-money and bounty, I move to strike out the first section, and ask for the yeas and nays. I have no remarks to make about it.

Mr. FRELINGHUYSEN. That vote was taken.

Mr. EDMUNDS. Not as it is now stated.

Mr. FRELINGHUYSEN. But the question?

Mr. EDMUNDS. I do not remember that.

Mr. FRELINGHUYSEN. That vote has already been taken, I think, without the section being even altered.

The PRESIDENT *pro tempore*. So the Chair understands. The motion to strike out was rejected.

Mr. EDMUNDS. Has not the section been amended since?

The PRESIDENT *pro tempore*. It has not been.

Mr. EDMUNDS. Then I do not want to make the motion over again, and I do not suppose it would be in order if I did.

Mr. SARGENT. Has not the amendment which the Senator from New Jersey reported to the bill, so aptly stated this morning, been offered yet?

The PRESIDENT *pro tempore*. The Senator from New Jersey has not offered an amendment to-day.

The bill was reported to the Senate as amended.

Mr. SARGENT. I do not understand this proceeding. The chairman of the committee stated that he was going to offer certain amendments, and very carefully stated the character of them. I wanted the pleasure of voting on those amendments. I do not understand why they are not offered.

Mr. FRELINGHUYSEN. My friend from California was not in his seat when I made a statement to the Senate, which I suppose will be accepted as the reason why they are not offered. I hoped to make this bill more acceptable to the Senate—to those who have voted against it, and for whose opinion I have the highest respect; and therefore I proposed to prune the bill down, so that it might be nothing more than an act of cold, narrow justice. I proposed to deduct from the sum charges which might be made against the fund, to make that deduction when the fund is first received, so that they would carry no interest, and then to pay over the balance, with 5 per cent. simple interest, not giving to Japan the benefit of any compounding of interest, or of any exchange, or any appreciation of securities. I found, however, that that made the bill more unpalatable to those who were opposed to it, and that the amendments were not acceptable even to the friends of the bill, and for that reason I do not propose to offer them. I think that as a matter of magnanimity, of generosity, the bill is better without the amendments than with them.

Mr. EDMUNDS. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I ask for the reading of the bill as it stands amended.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Chief Clerk read the bill as amended as in Committee of the Whole, as follows:

That the President be, and hereby is, authorized to reserve from the Japanese indemnity fund the sum of $125,000, to be used in the manner hereinafter provided; and is further authorized to pay over to the government of Japan the residue of said indemnity fund, including all accumulations of interest.

SEC. 2. That the President be authorized to ascertain the claims of the officers and crew of the United States ship Wyoming for bounty, ransom, or prize-money on account of the destruction of piratical vessels on the 16th day of July, 1863, in the Straits of Simonoseki; and also the claims of that portion of the officers and crew of the United States ship Jamestown who manned the Takiang in the bombardment of the hostile forts at the Straits of Simonoseki on the 5th, 6th, 7th, and 8th days of September, 1864; and if, in his judgment, they are found either in law or equity to be justly chargeable against this fund, then he is authorized and directed, in full satisfaction thereof, to cause the sum of $125,000, reserved from said indemnity fund, or such part thereof as, in his judgment, shall be just and equitable, to be distributed among said officers and crews, in accordance with the laws and regulations governing the distribution of prize-money in the Navy of the United States: *Provided*, That no money in said distribution shall be paid to the assignee of the mariner, but only to the mariner or his duly authorized attorney in fact, or, in case of his decease, to his legal representative, excluding any assignee: *And provided*, That if, after the satisfaction of the aforesaid claims, any part of the $125,000 reserved for this purpose shall remain unused, then he is further authorized to pay over to the Japanese government the said remainder in the manner provided in the first section of this act.

Mr. HAMILTON. I move to strike out the whole of section 2.

The PRESIDENT *pro tempore*. The first question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. There is no objection to those amendments, I take it.

Mr. SARGENT. Let me make one remark. I listened to my friend from New Jersey while he gave the reasons for not offering his amendments which he suggested this morning. To my mind the reasons given are hardly satisfactory, and I should still like to have an opportunity to vote for the amendments.

The question of the amendment offered by the Senator from Ohio now absent [Mr. THURMAN] was decided by a very slight majority, and it may be that there are Senators who might not vote for that who would still vote for the amendments proposed by the Senator from New Jersey on the ground that they provide for simple interest at 5 per cent. from the time the money was paid to the United States, and would prefer to pay that simple interest rather than to return the whole amount, less that which is retained to reward our sailors; and that they would prefer that it should be 5 per cent. rather than none.

I am opposed to the whole bill, as is well understood. I am opposed to it both on principle and on policy. I desire to protect the Treasury so far as I can, and if I cannot prevent any of this money being paid, then I am in favor of preventing as much as possible. I voted for the amendment of the Senator from Ohio because it retained the largest amount for the Treasury. I should, if I had the opportunity, vote for the amendment of the Senator from New Jersey because it retains the next largest amount, and I should certainly vote for an amendment to reduce the amount in any way. I do so because I do not believe we have improperly received the money. I do not believe we ought to pay it back in advance of a request by the Japanese government therefor. I think there are claims very much more pressing on us than these claims, appealing more strongly to our sense of equity and to our sense of justice. We received consideration by treaty from France years and years ago, and yet we have always refused to pay the French spoliation claims, and thereby bankrupted hundreds of our own citizens, and allowed their just claims to remain unpaid. True Congress on repeated occasions recognized them, but the Executive at one time, on account of the condition of the Treasury, or for some other reason he might give, refused his assent. Sometimes one House has passed a bill to pay them, and it has not received action in the other House during the same Congress. Then again the House which had before refused or declined to pass the bill has passed it, and the other branch has not given its consent. So years have rolled away and this money has not been paid, although the right to it has been recognized as just by repeated reports to Congress, and by the action of the different branches of Congress, and there have been Presidents in the executive chair who never had an opportunity to sign such a bill who unquestionably would have done it if the opportunity had been presented, they believing in its full justice.

It seems to me it would be very much more magnanimous and just for us to attend to that matter, to apply this money to the payment of those claims, and whatever additional amount is necessary, rather than to engage upon this Quixotic, allow me to say, contest with other nations, whether we first shall carry back money of which we, in connection with them, as we say by our action, have robbed Japan.

I am opposed to it because it casts a reflection upon other nations who acted with us. I am opposed to it because the bill itself confesses that there were meritorious services rendered by our sailors in Japanese waters, the necessity for which was raised by the acts of Japan and by those whom they should control and those for whom they are responsible if they do not control. Our sailors were compelled to go there and protect our commerce and the honor of our flag and vindicate our national right; and for the insult to our flag which they redressed or punished who can estimate the damage? Who can say that one million or two million is too great to cover up a spot like that? If there were an insult to the flag, an interruption of our commerce, and annoyances such as one nation may inflict upon another, then the reparation which was made and which was agreed to by the United States and by the other powers and by Japan cannot be held to have been too great.

Therefore I am opposed to the bill, both in principle and in policy. I am opposed to it because it is contrary to our own proceedings heretofore. If this is demanded of our equity, there are many instances in our history where that equity is more strongly appealed to. We treated with ruthless hands the Indian tribes which were nations upon this continent from time immemorial, when, in spite of the strongest equity presented by themselves and considerations for their improvement in the arts of civilized life, we drove the Cherokees from Georgia and practically confiscated their lands, and have continued the same course down to the time when we just now have invaded the Black Hills to rob the Sioux of the minerals which are in their domain. During all these years we have used with ruthless hands the Indians, have robbed them of their territory, and meanly doled out the compensation made for them. If our equity, our sense of justice, is appealed to, here is a field where it may have ample exercise. If the Treasury of the United States is to be depleted in order that we may do justice to those whom we have oppressed heretofore, they being weak and we being strong, let us make some ample reparation to the Indian tribes who under our fell influence have been wasting from us and have had all opportunities to rise in the scale of civilization cut off.

I might allude to other instances in our history where we have stolidly and steadily refused to pay the money which we as honestly owed as if it had been determined by the judgment of a court. I could give instances of moneys advanced for the United States raising both legal and equitable considerations which Congress studiously has refused either to recognize or to pay. I will not take up the time of the Senate by referring to these matters, but I do say that this amount of $1,400,000 which the Senator who reports the bill is now willing shall all go to Japan would lessen materially the burdens of the people. I think it is well for us to consider that we are trustees for the people and should look to their direct benefit. Before we are generous and lavish to others we should be just to our own people. We should remember that the tax-collector visits every door; that not an article goes upon our table or upon our backs or those of our families but is taxed; that a great national debt and an expensive Government compel these things; that in our appropriation bills we cut down discretionary items to the lowest point. Still the burden is very heavy upon the people and must continue to be until our debt is paid off. Yet we can coolly take a million and a half of money in gold out of the Treasury of the United States upon some fantastic idea that one nation which we select, having dealt with a rough hand toward many, is entitled to receive from us this amount because we were robbers and thieves. That is the theory of the bill, and I say it is unjust to our own people to take means which should relieve them of taxation and send it elsewhere unless we are prepared to confess our sins from the start, unless we are prepared now to make a clean breast, unless we are ready to say *mea culpa;* we have been robbers heretofore but we intend now, in view of a judgment which is likely to overtake us if we persist in our sins, to confess them and make reparation to Mexico, to the Indians, and to all those to whom we owe just and honest debts which for these years we have refused to pay.

I really hope that I shall have an opportunity to vote for an amendment cutting down this bill. If not, the last resource which is left to me and others who think with me is to vote against the bill entirely. My impression is that with a full vote of the Senate the bill could not pass. Upon the proposition to strike out the first section the other day, there was only a majority of four against it, and Senators have had time to think of it since, and have had time to remember that the people are burdened and that they have a right to require that we shall be just to them and lift their burdens before we are lavish with their money in sending it abroad.

Mr. MORTON. Mr. President, it seems to me that the proposition embraced in this bill is an extremely plain one, and is not to be answered by saying that we have done wrong to others in other directions and do not propose to redress those wrongs. The simple fact is that we have taken from Japan a large sum of money for which we have given no consideration, for which we have suffered no loss, for which we have endured no wrong. We have gotten over a million dollars for nothing, absolutely for nothing. It is simply money taken by the strong hand, in which there is neither justice, equity, nor reason; and now we are asked to pay it back to a nation that is trying to become civilized and to take her place in the family of nations—a nation full of friendship, that desires to cultivate amicable and commercial relations with us. I believe upon every principle of natural justice we ought to refund this money, first deducting expenses that we have incurred or those debts which we ought to pay to our officers and sailors.

Mr. SARGENT. If we got it for nothing, we should pay it all back.

Mr. MORTON. When the damages which have been sustained by our commerce have been repaired and made whole, if we have suffered nothing and all our sailors who have incurred damages and have rendered services are paid for them fully, what right have we to retain a single dollar beyond that? What argument is it to say that we have robbed the Indians? What argument is it to say that we have robbed Mexico? What argument is it to say that we have plundered anybody else? Is one wrong to justify another wrong? Japan was in the hands of three or four nations. She simply paid what they demanded, and we came in and divided the plunder; and we have taken, as has been said before, perhaps over $1,200,000 for

nothing over and above all these expenses. As a Christian nation, as a civilized nation, can we afford to do it? It is a wrong that will rest in the minds of the Japanese and will rankle through all time, while if we come forward and restore it, it will give to us a claim upon the friendship of Japan that nothing else will give. As long as we keep this money, the people of Japan will never cease to forget that we have robbed her, absolutely robbed her, by the strong hand, of over $1,200,000.

Mr. WITHERS. Mr. President, I would not have detained the Senate by any remarks upon the bill before us, but would have contented myself with quietly voting against it, had it not been for the allegations which have been made and repeated in this body that we have no right to this money, that it is unclean, that we have ruthlessly robbed the people of Japan of it by reason of our superior strength, and that our claim to it is founded in neither justice, nor reason, nor equity. I do not desire without a word of explanation to occupy the position here of voting for a bill which can be properly susceptible of such severe strictures.

In the first place, have the people of Japan ever presented themselves here and made such allegations as to the action of the American Government in connection with this matter? Have they ever asked us to restore this money? Have they ever presented any claims to us to show that this money is theirs beyond a fair equivalent for the damage which we have suffered at their hands? Have they ever exhibited in any manner, shape, or form, through the recognized action of their officials, any consciousness of the fact that they have any claim upon our Government for the rendition of this money?

Mr. INGALLS. They have a minister resident here.

Mr. WITHERS. They have a minister resident here; they are represented in our diplomatic circle; and yet we hear of no movement from Japan, either through the minister resident here or from our accredited agents abroad, asking that this money should be returned.

Mr. FRELINGHUYSEN. If my friend will permit me, I think he has fallen into an error in intimating that we criticise this Government. I do not understand that the United States ever made any demand that Japan should pay us $785,000 in gold. I have examined the diplomatic correspondence pretty carefully and I have never discovered any such demand. As I understand the history of the affair, it is this: When England, France, and the Netherlands determined to make this attack upon the batteries they applied to Mr. Pruyn, our minister, and told him that it was very desirable to have the moral support of the United States in that attack. I remember the language: that while the governments understood the relations of this country the people did not. Therefore he hired the Takiang, put the crew of the Jamestown into it and joined in that expedition, and then joined with those powers in this treaty.

The statement made by the Senator from Ohio [Mr. SHERMAN] was entirely correct, however, that after the treaty was made, inasmuch as Congress did not remit the third payment, the Secretary of State, as he was bound, made demand of Japan that the payment be made through our minister there, Mr. Bingham. He delayed for some time making the demand for the third payment; but, as Congress took no action, he did, as instructed by the Secretary of State, make the demand. Therefore my friend from Virginia is wrong in saying that while this is unclean money, as I believe, it is dishonest money for us to hold. I do not charge the Government of the United States with anything, because this was a matter which occurred entirely without their direction. Our minister made this treaty and sent it to us, and Congress has been delayed in its action. Six committees have reported that we ought not to have received these other payments; but, because of the delay, the executive department has gone on and collected it. Now the thing for us to do is to pay it back.

Mr. WITHERS. I have listened with a great deal of patience to the explanation of the distinguished Senator from New Jersey.

Mr. FRELINGHUYSEN. I am much obliged to my friend for yielding to me.

Mr. WITHERS. But it entirely fails to satisfy me that the report of the committee and the arguments which have been used to support this measure are not a direct attack upon the Government and upon its action in this matter. I hold that the Government of the United States is fully responsible for the retention of this indemnity, not only by the fact which has been quoted, and which the Senator from New Jersey very speedily saw would substantiate the allegation that they had demanded in explicit terms the payment of the third portion of the indemnity fund, but at the time this indemnity was fixed and agreed upon we had a diplomatic representative in Japan. He himself acted conjointly with the commissioners of other powers. This sum was agreed upon. The proportion allotted to the United States was agreed upon. The report of this agreement was made to the Department of State, and the Secretary of State, Mr. Seward, and the Senate of the United States, by accepting the result of that apportionment, made themselves responsible to all intents and purposes, as far as any government could make itself responsible, for the action of its accredited agents abroad.

I take issue with the distinguished Senator from New Jersey. I repeat my allegation that if the Empire of Japan had presented themselves here and claimed that this money had been improperly paid, if they believed that the damages in which they were mulcted were excessive, if they asked us to return this money because we had exacted from them far more than the amount of damage we sustained would justify, this plea would come before us with additional force. But how stand the facts in the case? The Empire of Japan is not represented on this floor at all. It does not come before us in the bill asking the return of this indemnity, but the whole thing has been concocted in a different quarter. There are certain persons who are presumed to be interested in certain educational enterprises which have been inaugurated in Japan. They come before us with their minds filled with holy horror at the outrage and wrong which have been perpetrated upon the Empire of Japan. They ask us to return this money in order that they themselves may be the beneficiaries.

I deny, in the second place, that this amount which we have received was defined to be merely indemnity for losses actually sustained. The able and exhaustive statement of the distinguished Senator from Vermont, [Mr. EDMUNDS,] when this question was up for consideration before, established in my mind conclusively the fact that the Tycoon of Japan had prevaricated, in numerous instances avoiding the responsibility for the outrages which had been practiced by the daimio in that strait with the almost unpronounceable name. When this daimio was finally conquered and brought to terms, he presented the original papers showing that the rulers of Japan, as he asserted himself, had given him orders to fire upon vessels passing through those straits. The money was given not merely for remuneration for losses sustained by our vessels of war and for expense to which the Government was subjected in putting down this resistance to commercial treaties, but there is such a thing as punitive damages, exemplary damages. It was as a punitive measure, not merely remunerative, that this sum was fixed upon. It was designed as a punishment to the Empire of Japan for a violation of her treaty obligations, and it was made exemplary, as I understand it, for that very purpose.

The allegation that this amount was extorted by the hand of violence, and that the people of Japan were ruthlessly robbed by the gentleman who fixed this sum as a consideration to which we can equitably lay claim, I think is hardly justifiable from the facts. For a violation of her treaty stipulations, for attempting to fire upon the vessels of other nations passing through this strait, through one of her high officials, she was held to be responsible not merely for the actual damage sustained by this firing, not merely for the actual expenses incurred in fitting out a military expedition to punish and suppress this outrage, but she was punished in order that it might afford a warning to all other nations that these treaty stipulations cannot be violated with impunity and that such acts or violations would not be countenanced by the United States.

Mr. THURMAN. If my friend will allow me an interruption for one moment, I think if he will look into the reports upon this bill—I do not at this moment remember which one it is—he will find this state of facts: that the amount of indemnity demanded of Japan was suggested by the French minister, the object being, if possible, to get Japan to make a treaty which would open certain other ports to the Christian powers; and this sum of indemnity was purposely put much beyond what was necessary to indemnify all concerned in the hope that rather than pay so large a sum Japan would open her ports. I think it is stated in the correspondence with the Japanese government that the object was not money which we wanted but free trade with that country. If I am mistaken about that, I would thank some Senator to correct me.

Mr. MORTON. It was given as indemnity for losses.

Mr. THURMAN. But the sum was suggested, I think, with a view to the opening of certain ports.

Mr. FRELINGHUYSEN. It is expressed in the treaty itself that the indemnity is to be remitted on their opening certain ports.

Mr. THURMAN. I know that was the idea.

Mr. WITHERS. It makes very little difference in my mind as to what was the particular motive which influenced those powers to fix upon the sum of $3,000,000, which I read was the amount of indemnity fixed by them. I care not what was the motive which influenced them, whether it was indemnity for actual losses sustained, whether it was a punitive measure to pay for an insult offered to our flag and the flags of other nations, or whether it was designed to secure the opening of other ports in Japan for foreign trade. Suffice it for me that the official representatives of the United States abroad sanctioned the amount which had thus been fixed upon; that through every official mode of recognition possible under such circumstances the Government did indorse the action of our minister and of the Secretary of State in the premises.

I fully concur with what has been said by the Senator from Ohio [Mr. SHERMAN] and the Senator from California [Mr. SARGENT] upon the subject of this money being held as a special trust. The Senator from Massachusetts [Mr. DAWES] advocated this idea, that this money was different from any other money; that it was reserved as a special trust fund; that it could never be regarded, therefore, as properly belonging to the United States Government at all, but was reserved as a special fund subject to particular regulations, and could not be expended as money which was regularly in the Treasury. That may be all true; but I concur with the sentiments of the distinguished chairman of the Finance Committee in saying that this ought not to be the case.

Mr. SHERMAN. If my friend will allow me at this point I should like to read the law. As a matter of course, having been suddenly called upon, I could not turn to the statute at once.

Mr. WITHERS. I would be very glad to have my views and the Senator's strengthened by a citation of the authority.

Mr. SHERMAN. There is no doubt at all that the attempted use of this money in the nature of a fund has created all this difficulty. I call the attention of the Senator from New Jersey to the law of the United States, grouped in the Revised Statutes. He will see that the law is stronger even than I stated it. Section 3617, on page 717, provides that—

> The gross amount of all moneys received, from whatever source, for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department.

That is the law of August 6, 1846. The next section excepts all proceeds of sales of old material, condemned stores, supplies, &c., which are set aside as a special fund for a special purpose, and then provides that—

> Every officer or agent who neglects or refuses to comply with the provisions of section 3617—

The one I have already read—

> shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld to which he might otherwise be entitled.

Then there is still another statute stronger yet. I will read the law of 1857, section 3621:

> Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depositary of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury.

This applies to all officers and to all money. Then there is still another section, primitive in its character. Section 3639 provides that—

> The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character are required to keep safely, without loaning, using, depositing in bank, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and, when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law or by any regulation of the Treasury Department made in conformity to law.

That is the law of 1820. It is plainly manifest that money received under a treaty is money of the United States and ought to have been covered into the Treasury. In that case no interest could accrue upon it, and therefore there is no pretense or ground for the claim of interest, because, if the law had been complied with, it would have been in the Treasury, subject to appropriations made by law.

Mr. WITHERS. Mr. President, after the quotation from the Revised Statutes to which we have just listened, I scarcely think that it will be possible to find a loop upon which to hang a doubt as to the duty of the officials of the United States with regard to the proper treatment of this money. There was no reason for reserving it as a sacred fund. It was an unclean one perhaps, but, for the life of me, I cannot see how this particular fund is more unclean than any other, except in the general term that it consists of "filthy lucre." It is clear, from the authorities which have been just read, that it was the duty of the officials of the Government to put this money into the Treasury of the United States where it would form a part of the common treasure of this Government. The reason why it was not thus treated, it seems from what I can gather from the debate, was that from some custom or regulation or ruling of the State Department dating back to some period in the remote past, "to which the memory of man runneth not to the contrary," they had been thus accustomed to treat such moneys. I do not think such precedents and such customs should be permitted to override the plain letter of the law. I believe the Secretary of State and all other Government officials should be required to conform to law in every particular.

We are told by the Senator from Indiana that this money has been extorted from the Japanese government, and it has been reiterated by nearly every speaker who has advocated the passage of the bill that therefore, because we have wrested it from them by the strong hand of violence, it ought to be returned. The distinguished Senator from Indiana very properly quoted the old adage that two wrongs never made a right; but he attempts to make this case an exception to the general rule which has prevailed in this country with regard to all similar difficulties. We must remember that when differences between nations are subject-matters of negotiation, we deal in honeyed phrases and ambiguous terms; but when these fail to bring the opposing nations to a proper sense of propriety and of right, the silver tongue of diplomacy is laid aside and the mailed hand of war intervenes. They know little of diplomacy then. What is violence? Military power is a tyrannical and an arbitrary power, and it is that power to which nations resort when all other expedients have failed in asserting their proper rights. It was this mailed hand of war that wrested from Mexico, California, New Mexico, and all those fertile and beautiful provinces of the West, which certainly are worth far more than any expense to which this nation was subjected in carrying on that war, or any loss or damage to particular citizens, from which it directly resulted. By parity of reasoning we ought now to have an accurate computation made of the value to this country of the mines of California and Nevada, or gravely propose to return these beautiful and wealthy provinces to Mexico, because we wrung them from her by the strong hand of power when we had her down and our foot upon her neck. The argument is just as potent and valid in the one case as in the other, and if carried out to its legitimate conclusion we should lose that fairest jewel in the diadem of the sisterhood of States by reason of wrong and violence perpetrated when it was wrested from Mexico and incorporated as a component part of this Government.

For these reasons, very briefly given, I shall oppose the passage of this bill. I shall vote against it, seeing that we have done nothing in this case but what has been done time and again by this and every other nation, in exacting indemnity for loss and subjecting other countries to penal process for the wrongs which they have done us and the indignities which they have offered to our flag. I shall vote against the bill for the additional reason that the Empire of Japan has never asked for a return of this money, but other parties are moving in it in the plentitude of their benevolence. I think it is time enough to return the money to the Empire of Japan when that empire asks that it may be thus returned.

Mr. THURMAN. Will my friend allow me to call his attention to one point? He has stated the reasons why he would vote against the bill. I submit to him that the reasons which he has given do not touch the second section of the bill at all, but only relate to the first section, which proposes to return a certain sum of money to Japan. His reasons do not touch the question whether or no for their meritorious services our officers of the Navy ought to receive what the second section provides to give them in strict consonance with more than a dozen—I was going to say more than twenty—examples in the history of the United States.

Mr. WITHERS. It is true that the second section makes provision for the payment of prize-money under certain conditions; but it is so small a matter comparatively, taken in connection with the provisions of the first section, that it had really passed from my consideration at the time I was discussing the bill on its merits. While I will not say that I shall vote against the second section, I think that very strong reasons might be urged why we should not at present pay it, because prize-moneys are not usually paid from such sources.

Mr. MORTON. As I understand the logic of my friend from Virginia, it is that inasmuch as Japan has not asked directly to have this money refunded which we obtained from it for nothing, without consideration, and by the strong hand, therefore we are authorized to keep it.

Mr. WITHERS. The Senator does not state my position correctly. If he will pardon me for the interruption, he has erroneously stated it. In attempting to state my position he says that I oppose the bill because Japan has not asked the rendition of this money which we have wrested from her without consideration by the strong hand of power, without any justice or equity. That is not my position.

Mr. MORTON. I understood the Senator's reason was because Japan had not asked the return of this money.

Mr. WITHERS. Yes, so far the Senator states my position correctly.

Mr. MORTON. That is just the point I was going to meet, that Japan had not asked it, and therefore we ought not to return it. Japan paid what she was compelled to pay at the mouth of the cannon. She had no choice in the matter. She felt the injustice of paying a large sum for nothing, and the conscience of all mankind must recognize that; but Japan, weak as she is, has some little pride, and does not go on her knees to these strong nations, asking them to refund what she by treaty agreed to pay; and therefore, because she has not thus humiliated herself, we are justified in keeping this money of which we have plundered her! That is the force of my friend's argument. The strong man knocks the weak one down, takes his pocket-book, and when he is asked by somebody else to return it, he says, "I am authorized to keep this; the man whom I robbed has never asked me to return it to him; he has some pride or something in the way; he has never asked me to refund the plunder; therefore I am authorized to keep it." This is a stronger case than that. A weak nation has agreed to pay this extortion, and because she does not ask the strong nations to return it to her, they are justified in keeping it! I do not recognize that logic at all, Mr. President.

But I come now to the argument of my friend. He concedes that, so far as we are concerned, we have sustained no injury; no ship was fired into for this money on our part; we sustained no loss under heaven. The firing was on the ships of other nations, not ours. We joined in the bombardment; but we sustained no loss. No American ship was fired into. My friend says the payment was in the nature of punishment; I suppose something in the nature of impeachment!

Mr. DAWES. I should like to correct the statement if the Senator will permit me. We did not join in it; we only gave it our moral support.

Mr. MORTON. We did not even fire a gun.

Mr. DAWES. Sharing the plunder, however.

Mr. MORTON. That makes the case still stronger. We did not even spend any gunpowder. It was all grab, all plunder. If we had wasted a few shot and shell, there might have been a little better argument; but nothing of the sort occurred, according to my friend

from Massachusetts. I am not so familiar with this transaction now as I once was.

This was punishment! If the Senator will look at the treaty, he will see it was not punishment at all. What were we to punish her for? Any wrong on us? Not at all. She had done nothing to us; we had no cause of punishment as a nation so far as we were concerned. The treaty says that if she will open her ports the money shall be remitted. It was to compel her to open her ports. Japan had her own policy, a policy of hundreds of years' standing, a policy of exclusion. We thought it was against our interest as a commercial nation; but she had a right to her policy; she was not bound to trade with anybody unless she wanted to do so. But we wanted her to open her ports and let us trade. We said to her: "You cannot have your own policy; you cannot pursue your own pleasure; we will compel you to pay this enormous sum; but if you will abandon your time-honored policy and throw open your ports and let us trade with you and extend to you our civilization and Christianity"—just as we did to the Indians—"we will remit the money." That is what the treaty says.

Mr. WITHERS. Will the Senator read the treaty?

Mr. MORTON. There were no past offenses as far as we were concerned.

Mr. WITHERS. They fired on a vessel of ours.

Mr. MORTON. They fired on a vessel, but that firing was a year before, and was paid for and the whole thing settled. But afterward she fired on the ships of other nations.

Mr. FRELINGHUYSEN. In 1863 the Pembroke, an American steamer, was fired into by the rebel batteries. Then the Wyoming made an attack upon the vessels of Japan in those waters, and, as the diplomatic correspondence shows, punished them by sending a ball through the boiler of one, which destroyed forty men, and by sinking the other, thereby doing a damage of $350,000, destroying that much of their property; and then Japan paid to a cent all that was demanded of her for that transaction, besides. A year afterward, without any American commerce that ever I have been informed of, or that the diplomatic correspondence shows, being fired into at all, Mr. Pruyn employed the Takiang to join with the English, French, and Netherlands' ships in their attack upon these batteries. The minister of England had expressed his opinion very decidedly that no such attack ought to be made; but the dispatch did not reach there until the allied powers had made the attack.

Mr. MORTON. There was a wrong done which was fully indemnified. Revenge was taken in the first place by the destruction of ships and men, and this wrong was paid for in money, and after that we suffered no wrong. We after that took this money for nothing. I think that proposition is not to be changed at all. The third section of the treaty provides:

Inasmuch as the receipt of money has never been the object of the said powers—

Why not? Because they had lost nothing. If damage had been done the receipt of money would be an object always to repair the damage—

but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea——

Mr. WITHERS. As material compensation for losses sustained?

Mr. MORTON. Yes, sir; but not to us; we had not sustained any.

Mr. WITHERS. Is not that signed by all the commissioners, ours included?

Mr. MORTON. Certainly; but they say the receipt of money never was the object; it is "better relations." In other words, there is no damage to be repaired, and if there was damage it was not to us, or so far as we are concerned. Some French ship might have been fired into, but not ours. What right had we to mix ourselves in it and become a party to the quarrel? It was enough for us to do to take care of our own quarrels.

Therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

There is a construction of the whole purpose. This proceeding is very much like that of the English government about the admission of opium into China. The Chinese people were destroying themselves by the use of opium. The government issued a decree forbidding the importation of opium. It interfered with English trade. England battered down her forts and compelled her to admit English opium, by which she destroyed her people. If Japan says she does not want to trade with the world, she has a right to say so if she chooses; but we say to her, "We compel you to pay this money unless you open your ports"—a large sum for nothing. I repeat, therefore, my first remark to my friend from Virginia that this money is simply plunder, simply robbery by the strong hand.

Mr. WITHERS. I know very well that the distinguished Senator from Indiana would abide by his first declaration. I never supposed he would recede from it an inch, knowing his tenacity of purpose so well as I do; but I am a little obstinate myself, and would merely re-assert my position. But that is not the way to meet the question. I propose to call the attention of the distinguished Senator to one or two inconsistencies, if he will pardon me for thus characterizing them, in his argument. In the first place, he asserts that the amount which we received far exceeded any damage that we sustained; and that if any party sustained damage it was not we; and he goes on then to read from the treaty itself, which has attached to it the sign-manual of our diplomatic agent in Japan, and in which it is asserted that this is a consideration for losses sustained. That we had not sustained any loss in this last and final attack may be true; but it does not at all involve the position I took originally, that this was a punitive measure designed to bring the government of Japan to a proper consideration of the rights of the United States and other foreign nations into which she had entered into treaty relations. In 1863 an American merchant-ship was fired into. For this the Senator says that ample reparation was made by the bombardment and blowing up of several steam-vessels. That may be true; we may have received remuneration for the amount of damage actually sustained at that time; but how were the facts? These representatives of the great powers had, each of them or one or more of them, some of their vessels fired into, and, inasmuch as this was an alliance offensive and defensive of these parties against Japan, we were just as much bound under the law of nations to aid them in redressing this grievance as if the outrage had been on a vessel of our own Navy.

I here would suggest to the distinguished Senator that it is too late now to go back behind the award of that commission and attempt to show that the Government of the United States, as it is claimed here, acted as a ruthless robber in extorting this amount from this feeble nation, because the proper time to have made that issue was when our diplomatic agent reported the decision of this commission, and when it came up for consideration at our State Department, and when the report from the Secretary of State was sent to the Senate for confirmation and the Senate confirmed the treaty in every letter and portion of it. Then was the time to have made the issue that it was wrong to have extorted this money from this weak nation. Then it was that we ought to have been shown that we had made an unjust claim and that here was unclean money which would contaminate and defile every other dollar in the Treasury with which it was put. But after we have indorsed by our official action the conduct of our diplomatic representative, after the Secretary of State has given his sanction to this treaty, and after the Senate of the United States have in solemn session given their indorsement to the whole procedure, I submit that it is too late now to raise the question of the consideration which underlay the award made by the commissioners.

Mr. DAWES. It seems to me that it is late for us to raise the question. We are bound no doubt by the official action that the Senator from Virginia has brought to our notice; and cannot set up that we had been wronged or anything of that kind; but this bill does not go on that ground at all. It admits that the United States committed itself——

Mr. WITHERS. With the Senator's permission I will state that I did not allude to the bill itself as taking that ground. I was replying to the position of the Senator from Indiana.

Mr. DAWES. The whole proceeding goes on the ground that the United States, in all its departments and officers, committed itself to this thing, and now finds that it committed itself to a great wrong. The fact that our minister in Japan recommended this proceeding, that our Secretary of State indorsed it, that the Senate of the United States, following these indorsements, committed themselves in the form of a treaty, is not the question raised by this bill. If we had gone on step by step very many steps further, if there were any more steps to be taken, it would not alter the character of the first step. It is the character of the first step that is called in question, and that character is not changed at all by the fact that very many officials, following that first step, indorsed it. Is there such a thing as undoing what we have done? The Senator from Virginia I know does not mean to say that, because we have done a thing, therefore we will not ever look at the character of an act we have done to see whether that is a proper act. I know the Senator does not mean that; but somehow it seems to me the Senator conveys the idea that because we have multiplied approvals of this act we have thereby changed the character of the act itself.

I have been utterly amazed that anybody should set up that by the law of nations these nations had a right to complain of Japan because she closed those straits of which we have heard so often. As I look at the map, there would have been just as much propriety in Japan insisting that she had a right to command Hampton Roads, or Lake Champlain, or Lake Michigan. As it looks to me on the map, here was an inland water within the government of Japan, as much as those bodies of water to which I allude are inland waters of the United States; and I am amazed when I look at it that the Government of the United States could join with those other governments in forcing at the cannon's mouth admission into those waters. I know that it contributed to their commerce. Would it not contribute to the commerce of the other nations of the world if they could plow our waters?

Mr. WITHERS. Will the Senator permit me a moment? I ask him to address his remarks to this point: The analogy does not hold where by treaty they had agreed to open the navigation of this strait.

Mr. DAWES. By treaty! They had just such a treaty as this, just such a sort of procedure as Tom Corwin, if I may be allowed to use the term, used to describe so graphically the Mexican war; it was Christianizing the Mexicans, with the Bible in one hand and the revolver in the other!

Mr. FRELINGHUYSEN. I think the Senator from Virginia is in error. They had by treaty agreed to open certain ports, but those ports were not reached through these straits and there was no treaty to open these straits.

Mr. DAWES. It was a short way around; a short way of reaching the ports.

Mr. WITHERS. I have not the treaty before me, but it has been repeatedly stated in the debate that the free navigation of the strait was agreed upon in the treaty with Japan.

Mr. FRELINGHUYSEN. Not a treaty before this, I think.

Mr. BOGY. I will state to the Senator from Massachusetts, if he will pardon me, that no treaty had been made opening the strait he is now speaking of; but it is claimed that by the law of nations well known it was a sea open to the trade and commerce of the world, not by treaty, but by the law of nations; not like Lake Michigan and Lake Champlain, but an open sea.

Mr. DAWES. That was the claim unquestionably.

Mr. FRELINGHUYSEN. That is a fact subject of discussion.

Mr. DAWES. But put it on the map by the side of Lake Michigan, or Hampton Roads, or Lake Champlain, and it dwindles by the side of them.

Mr. EDMUNDS. Except that it is connected with two oceans.

Mr. DAWES. How connected with two oceans? Not in any such sense as makes it a highway of nations. It was a very convenient roadstead, it was a very convenient course to take, safer than it was to go around, as if there were a ship-canal across Cape Cod, and because it was inconvenient to go around into Buzzard's Bay, around the cape there, the nations of the earth could come straight across! That is the way it strikes me, and I say it amazes me to think that we should with ships of war, seventeen ships of war of different nations going out on this void of civilization, as Mr. Corwin said, at the cannon's mouth, claim the right to go through, out of which grew this demand that the nations made upon Japan and upon China that they should cease the exclusive right that they asserted over their own waters and over their own ports. The time came when they were obliged to yield to this demand, and having yielded to it in part the nations became more aggressive in these demands, and here were three nations undertaking this work, and not quite satisfied with the character of the work they wanted, in their own language, (I use their own language,) "the moral support of the United States," and the United States chartered a merchant-vessel and put their flag on that merchant-vessel, and sent it up there to overlook this Christianizing and civilizing mission of those three nations. They got together when they had the Japanese nation at their feet to see what amount they should make it pay for being Christianized and civilized in this summary manner. Then our minister and the British minister, I think, or he and the minister of one of the powers, got together and thought the sum ought to be $2,000,000; that two millions would be about sufficient; but when they came to confer again they said, in substance, and what will go down into history as the true interpretation of it, that they could just as well get three millions as two, and it would divide easier. That is what goes into history as being the proper interpretation of it, and that is why the Secretary of State, in the years past, when it came into his hands, instead of paying it into the Treasury of the United States, where it would disappear with the other receipts of the Government, addressed a letter to Congress, pointing out the impropriety of our retaining this money, and year after year it came from the official representing this nation that this fund which has so been kept was not proper money to go into the Treasury; it was in too much of a sense blood-money.

Mr. FRELINGHUYSEN. My friend said he could not give the exact language when they changed the two millions to three millions. I will give it. Mr. Pruyn, in his letter to Mr. Stewart, in 1864, said:

I assented the more readily to the proposition of the envoy of His Imperial Majesty the Emperor of France to fix the amount at $3,000,000, because I thought it more likely to lead to the substitution of a port as a material compensation for the expenses of the expedition.

Mr. DAWES. Yes, "we will put an exorbitant sum in our demand, and perhaps they will buy their peace rather than pay it;" and thus see how we proposed to them the opportunity to buy that peace; see the language to which our minister put his sign-manual and the ministers of the other governments put theirs. I ask the Senator from Virginia to listen to this language:

Inasmuch as the receipt of money has never been the object of the said powers—

O, no—

but the establisment of better relations with Japan—

That is the sublime mission of these governments.

Mr. WITHERS. Go on; "and"—

Mr. DAWES—

and the desire to place these—

That is these relations—

on a more satisfactory and mutually advantageous footing is still the leading object in view, therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained—

If he wishes to offer instead of the $3,000,000—

the opening of Simonoseki, or some other eligible port in the inland sea—

If he wishes to offer it—

it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

That is to say, we will put $3,000,000 on them and then we will make them believe that they can avoid its payment by opening the port; and we put it into the treaty that if they offer the port, after all it shall be at our option whether we will take it or not! As the poor Indian said "that is not saying turkey a single once" to Japan. Now suppose she had offered the port; they had got the three million in their grasp, and they say, "O, well, if you do not want to pay three million then open this port;" and when she offers to open the port, they say, "Well, we guess on the whole we will not take the opening of the port."

Mr. WITHERS. Suppose they had accepted and agreed to open this port?

Mr. DAWES. Suppose who had?

Mr. WITHERS. Suppose the Tycoon of Japan had accepted the alternative therein offered, and opened the port, and the representatives of the powers had agreed to accept that as ample restitution for all the wrongs done and injuries sustained, would the Senator now be found advocating the closure of that port?

Mr. DAWES. They did not agree to it.

Mr. WITHERS. Suppose they had done so; they had the option.

Mr. DAWES. What I say is that they pretended to agree, when they did not.

Mr. WITHERS. But if they had agreed, would the Senator now advocate the closing of the port? because ethically the same argument would apply.

Mr. DAWES. I have as much trouble to-day as I can attend to in dealing with the case before us.

Mr. WITHERS. I agree with you.

Mr. DAWES. I rose simply to call the attention of the Senator from Virginia to what seemed to me to be the conclusion that would be naturally drawn from his remarks, so wide from what I knew he intended; for I knew that he intended to be entirely just. I do not see how it made this proceeding just at all or changed its character in the least because through successive steps it had received the sanction of our Government. Go back to the origin of it, straighten it, and make it plain English, and spread it out on the map beside these inland waters of Japan, and history will record in the margin of this record that this was another of the many instances where the weak have been compelled to yield to the strong and where principles have gone into the laws of nations, the origin of which has been that might makes right. If this money had gone into the Treasury straightway from the hands of our minister as we received it from Japan, I should have despaired of ever justice being done to Japan in this matter. But the conscience of the nation has kept it from going there. It seems so much like "the thirty pieces of silver," that there has been no time since it came into our hands when it could be got into the Treasury by any process. I once engaged myself in the advocacy of a resolution to cover it into the Treasury of the United States, because at that time I saw that it was to be plundered by those who were trumping up claims against Japan and because I did not then quite understand as I do now the real merit of this case; but from the hour I did understand it I have endeavored to keep it; and since those who were out with those claims have left it for a period, I have been strengthened every hour in the belief that it would do good to our name and our credit among the nations whose commerce with us and whose trade with us and whose relations with us in every respect are growing more and more important every day, if we should feel that it was incumbent upon us to do absolute justice. That is why I felt so this morning at the idea that it was to be divided. I would rather see the bill defeated than to see anything short of full and ample justice done in this case; and unless we can do that, we had better do nothing. I do not fear as long as the fund is in the custody of the Secretary of State but that sooner or later it will go where the dictates of justice require that it should go. The only haste I have in this matter is the fear that some such claim as that contained in the second section of this bill will succeed and that other claims, encouraged by the success that may await it, would, if that section should be attached to this bill and become a law, spring up thick enough and fast enough until the whole fund itself would be diminished below even the original principal, so that we should have no trouble about the accumulations of interest or accretions to the general fund.

Let us decide whether this is our money in the forum of fair and honest dealing. If it is, as the Senator from Vermont believes, let us say no more about it and put it into the Treasury. If it does not belong to us in that forum, then the sooner we put it where it does belong the better for our interests, the better for our material interests, and the better for our future relations with that nation.

Mr. HAMILTON. Mr. President, I renew my motion to strike out the second section of the bill.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The pending question is on agreeing to the amendments made as in Committee of the Whole. When these are acted upon, the motion of the Senator from Texas will be in order.

Mr. KELLY. Is it in order now to offer an amendment to the second section?

The PRESIDING OFFICER. The Chair would state to the Senator from Oregon that the pending question is on concurring in the amendments made as in Committee of the Whole. After that question is disposed of the bill will be open to amendment.

Mr. KELLY. Very good. I shall offer an amendment after that.

Mr. BOGY. I merely wish to say a few words in relation to this treaty. The Senator from Massachusetts and also the Senator from Indiana have read only a portion of the treaty. If there be anything at all in a treaty, this money was not obtained from Japan as a means to compel that country to open one or more ports for the purpose of carrying on our trade, but was an amount fixed as a just indemnity for past wrongs. If the treaty be not founded in what really these commissioners believed to be true, that is the end of the whole thing; but presuming that the commissioners, not only the minister who represented this country but the ministers who represented the other three powers, were men of honor, the treaty means very different from what has been stated both by the Senator from Indiana and the Senator from Massachusetts.

The Senator from Indiana read one or two lines of a section without reading what preceded, and so did the Senator from Massachusetts. Now I will read a little further on, and it will be very plain that the amount here, let it be large or small, too large or not large enough, was intended as a reasonable compensation by way of indemnity for wrongs perpetrated by the government of Japan upon American commerce for an unlimited number of years before. It is true that a year or two prior to that time a specific wrong had been perpetrated by the government of Japan, as mentioned and related by the Senator from New Jersey, and for that a settlement had been effected and was complete in every respect; but that was a specific arrangement for a specific purpose, for a wrong perpetrated at a particular time. But the amount of money obtained by the four powers under this treaty was obtained by way of just indemnity for wrongs committed by Japan perhaps for more than forty or fifty years on the commerce of these different powers. I will read:

The undersigned, representatives of the treaty powers—

Leaving out several unnecessary lines—

animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen—

Who was the prince of that province where the main acts were perpetrated—

since the first of these acts, in June, 1863, against the flags of divers treaty powers—

Wrongs committed against the flags of nations with whom Japan had made treaties—

and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following.

It was by the way of indemnity for wrongs perpetrated by the government of Japan against the flags of the powers having existing treaties at that time with Japan. If I am wrong in this, the treaty is false, because I take it from the treaty. If this be not true history, the treaty is a false one. If the treaty is true, the history is correct. This amount of money was agreed to be paid as indemnity for wrongs committed by the government of Japan against nations having existing treaties with Japan.

Mr. THURMAN. Will the Senator allow me to ask him can it be possible that the indemnities could have been for anything that preceded the treaty we had made with Japan? How could we claim indemnities for any acts done prior to the treaty of peace and amity which we had made with Japan? Are not then the wrongs that are spoken of wrongs that occurred after the making of that treaty, and not wrongs that went back forty years?

Mr. BOGY. That question cannot be answered without having before us the treaties previously made, one or more, and the correspondence connected with those treaties. I take the comprehensive language of this treaty itself, which says that it is for indemnity for wrongs committed against the flags of divers treaty powers. It cannot be possible that Japan was and is to-day so utterly incapable not only of helping itself but so utterly incapable of using proper language in that treaty. It cannot be true that its ministers had so far left all sense of honor and propriety as to have put a thing of this kind in a treaty when it was utterly false. It is impossible. These persons at that day had all the facts before them better than we have now. They say that this sum of money, $3,000,000, was obtained for these things. Whether the previous treaties had included indemnities, I am unable to say; but I will read to my friend from Ohio again:

Animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen, since the first of these acts, in June, 1863—

No doubt this referred to acts committed after June, 1863—

against the flags of divers treaty powers, and at the same time to regulate definitely the question of indemnities—

Then they go on to stipulate—

the amount payable to the four powers is fixed at $3,000,000, this sum to include all claims—

Admitting that claims existed, I cannot go outside of a public treaty. Mr. Pruyn was a gentleman of honor; the other ministers who were there representing the governments of England, France, and the Netherlands, we must presume were men of honor; and according to this treaty claims did exist—

this sum to include all claims, of whatever nature, for past aggressions on the part of Nagoto, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

If you analyze the arguments of Senators who have spoken, they wish us to confine the question of the amount of money we were entitled to merely to the expenses entailed by the operations of the squadron, for the expenses, no doubt, under the circumstances must have been small, because it was a chartered vessel on which the flag of the United States was raised. It was not even an expensive ship of war, but a mere merchant-vessel. Doubtless the expense was small. But that is only one of the enumerated items. The sum is to include indemnities, and "all claims, of whatever nature, for past aggressions" on the part of this prince. He might have been, and no doubt was, but a subordinate of the Japan Empire. My friend from New Jersey shakes his head. I should like to be corrected.

Mr. FRELINGHUYSEN. I would only correct my friend in this: He was in no manner representing the Japan Empire, either as a subordinate or a co-ordinate. He was a rebel against the Japan government. That is why I shook my head.

Mr. BOGY. It may be that he was in that sense at that time and had acted even against the specific and positive orders of his superior officer, the Emperor of Japan—call him Tycoon, or Mikado, or whatever name you give the man in whom is vested the sovereign and supreme power. But it was stated here that he had fired upon the American vessel by positive orders of the Tycoon. Whether that be so or not is of no consequence. The superior power vested in the Tycoon is responsible to all outside nations for anything which may have been done by any of his princes within his dominions, whether they were at the time being rebels or not. You cannot make war against one of them; you cannot hold him responsible; you cannot make a treaty with him by which the indemnity shall be paid; you are compelled, *ex necessitate*, to look to the head of the nation, and that is the Tycoon. Whether this prince be a rebel or not does not change the law in that respect. As a matter of necessity, you look to the head of the Japanese government, although it was stated by some Senator who is more familiar with this subject than I pretend to be that he had done this act of aggression by the orders of the Emperor of Japan; but whether he had or not I say does not change the question. The sum is to include "all claims." Again, the whole sum is to be paid in quarterly installments; and—

Inasmuch as the receipt of money—

Not the amount fixed upon; not the amount which they had agreed should be paid by way of indemnity for past aggressions, as well as for the expenses entailed by the operations of the allied squadron, but for all claims of past indemnities the amount had been fixed at $3,000,000; still—

Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if His Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki—

If he chooses to give a port, then the amount of money shall not be exacted; but the question of material compensation for loss and injury sustained is again reiterated in this third section of the treaty. Thus, there must be nothing at all in this treaty but falsehood, fraud, deceit, dishonesty, disgraceful not only to the American minister who made it, but equally disgraceful to the allied powers that were there represented, if what is stated here is true; and according to that the amount fixed was indemnity for the past.

My friend from Massachusetts speaks of this strait being somewhat like Lake Champlain or Lake Michigan or any of these inland seas. This is not so. It is a strait connecting two seas, over which the commerce of the world has an undoubted right to pass without being molested; and althongh both shores may belong to Japan, yet Japan has no right, according to the law of nations, to interfere with the trade in that strait or the passage of merchant-vessels through it; but she had done so.

Without detaining the Senate to argue this point, it does strike me that this thing has less foundation than any claim presented in the Senate since I have been a member, and which we are in the habit of rejecting every day. It is a sentiment which prompts it. It may be very commendable, and I am inclined to commend my friend from New Jersey. I think he is inclined to a little sentimentality at times; but I think he is only carrying out here rather a lofty sentiment. Nevertheless, it is nothing but a sentiment. To my friend from Massachusetts it is an enlightened policy that would impress all the minds of the oriental nations that we are extremely generous. I do not believe in the sentiment or in the wisdom of the policy. I take the treaty to be what it is, that the government of Japan had committed wrongs against the flag of the United States, and were liable therefor by the law of nations.

Mr. FRELINGHUYSEN. Permit me to put a question to my friend?

Mr. BOGY. With pleasure.

Mr. FRELINGHUYSEN. Admit that that was a public highway

of the nations, my friend will not deny that Japan had the right to have batteries on each side of it the same as we have at the Narrows. That he will admit, of course?

Mr. BOGY. I admit that.

Mr. FRELINGHUYSEN. Japan did not put the batteries there, but a rebel put the batteries there whom she could not control. My friend will not deny that the Japanese government was not answerable to this or any other nation for the acts of rebels that she could not control, any more than we are answerable for the acts of those whom we could not control during our recent rebellion, and therefore I do not see the force of his argument. He makes it an indemnity. They were not bound to indemnify for the acts of rebels. They had a right to have the batteries there.

Mr. BOGY. I am astonished at my friend, who no doubt is a good lawyer, and I have no doubt he understands international law better than I profess to do. I do not profess to be a very great international lawyer, but I will tell my friend, as a matter of law, that he is entirely mistaken. Although it may be true that that prince at that moment was in a state of rebellion, all acts committed against the outside world by him involved his government in responsibility, and there is no escape from it. You cannot make comparison by the condition of the Southern States, because there an explanation could be given, but I put it down as a proposition of law, and I am perfectly satisfied my friend cannot find a single line written in any book of international law that will sustain his position to the contrary, that any person in an empire who is holding office involves his principal in acts of aggression against foreign nations.

Mr. FRELINGHUYSEN. I confess that I cannot agree with my friend. I do not understand that this nation or Japan would be answerable, even to its own citizens, for a rebellion which it could not control, and nobody ever has claimed that any nation would be. Nobody has ever claimed that this nation was answerable for the forts at Charleston which might do damage to neutral powers. There is no such principle.

Mr. BOGY. The explanation of course would be too late to show why we were not responsible when a state of open war existed between this Government and the Southern States, and they had been recognized as belligerents according to the law of nations. But if it were not so, then Japan or Mexico or any of those nations could commit any acts of aggression they might please, provided they were not done by the specific authority of the chief of the state, without being held responsible.

Mr. FRELINGHUYSEN. That would be fraud.

Mr. BOGY. It matters not; the fact is so that you do hold a prince as but a link in a chain. We know enough of the government of Japan to know that the Tycoon and Mikado were the supreme authority, one representing the temporal and the other the spiritual power, and that a chain went from them down connecting all the princes of the empire with the government; and although it might be true that for the time being this prince was at war with his chief, yet the acts he committed against the outside world involved his chief in responsibility. There can be no doubt of it, and the heading of this very convention admits this fact, for the Tycoon assumed the responsibility of the acts of this subordinate.

Therefore it seems to me that this was a treaty by high functionaries representing four of the leading powers of the world with this empire of Japan, by which the empire of Japan stipulated to pay for wrongs done by it for years past a given sum of money; we have received our portion, which was less than $800,000; and now, twelve or ten years after, we are called upon to refund that money, not only the principal but we are called upon to refund the money with interest, and I think if the calculation is made it will be found to be compound interest. The amount is said now to be nearly $1,500,000, while we received $785,000; and you cannot at the rate of 5 per cent. interest make that sum double itself in ten or twelve years' time; therefore there is here compound interest. We are called upon to return the money with compound interest.

If the law had been obeyed, as stated by the Senator from Ohio, [Mr. SHERMAN,] and this money had at once been turned over into the Treasury, as it ought to have been, there would have been no discussion of this kind; but it has been held as a specific fund, as a trust fund, and it has been inviting this thing for years. I have heard such a discussion before; I heard of it in the Committee on Foreign Relations; but I have never heard a single good reason why this sum of money should be returned to Japan. It may be good policy in the estimation of certain Senators, but there is no good reason founded in that sense of justice which should govern the relations of one nation with another; but if we are to return the money we ought to return the whole of it, and not make any appropriation of a portion of it by way of prize-money to men who did nothing, who never fired a gun. The Senator from Indiana says these men never fired a gun, never expended a single grain of powder. He so stated here this morning that they did nothing, that they only gave their moral support. That was satisfactory. If that be true——

Mr. THURMAN. Why, Mr. President, my friend never was more mistaken in his life.

Mr. BOGY. The Senator from Indiana made that statement, not I.

Mr. THURMAN. You must have misunderstood the Senator from Indiana.

Mr. BOGY. I did not.

Mr. THURMAN. So far from their not firing a gun, I will say that eight of them lost their lives. They did not fire a gun! Let us see how that was. The first report on this subject was made in the House of Representatives on the 2d of February, 1870, more than six years ago. Mr. Archer, from the Committee on Naval Affairs, made the following report:

That in the month of July, 1863, the American steamer Pembroke was fired upon in the Straits of Simonoseki, in the Japan Sea, by two vessels of war, a brig of ten guns and a bark of eight guns, belonging to the Japanese prince of Nagato. Commander McDougal, then in command of the Wyoming, in the China and Japan Seas, being informed of the attack, ordered the vessel to sea and proceeded to the locality of the outrage. On the morning of the 16th of July, he approached the Straits of Simonoseki and upon entering the straits he discovered a steamer, bark, and brig of war, and as he approached them and passed between the brig and bark was fired upon by the vessels and six batteries on shore. Commander McDougal returned the fire at short range, and placing his vessel in proper position maintained the fight for about an hour. The boilers of the hostile steamer were exploded by the shell of the Wyoming, and the other vessels were believed to be badly disabled, and the brig to be sinking, and Commander McDougal reported that he had accomplished great destruction on shore. Having thus maintained the fight, Commander McDougal withdrew from the action, the fire being continued by the batteries as long as he was in range. The Wyoming lost four men—

I wish my friend would pay a little attention to this report—

The Wyoming lost four men killed and seven wounded, and received considerable damage in her smoke-stack, and the rigging aloft was hulled eleven times and sustained other injuries, as papers will show. The straits were three quarters of a mile wide, with a strong current, and the want of charts greatly increased the difficulties of the position in the presence of a much superior force.

And here I may mention that he fought that battle—I have the exact figures somewhere—with three hundred men and I believe a comparatively small number of guns against thirteen hundred and odd men and more than ten times the number of guns. I will go on with the report:

The action was maintained by Commander McDougal, his officers and men, with skill and bravery. In the Japan Commercial News of the 24th of July, 1863, it is thus described: "The captain, all his officers and crew, behaved with the utmost coolness and bravery. The Wyoming was run into the midst of the enemy's vessels, receiving and returning broadsides at pistol range, at the same time sustaining a hot and continuous fire from the shore batteries." The committee believe that Commander McDougal, his officers and men, punished the outrage committed upon an American vessel skillfully and gallantly, and that their conduct entitles them to the gratitude of their country.

That was the first report. Speaking, however, further upon that subject the committee say:

The firing into the Pembroke and the attack upon the Wyoming were piratical acts, and have been so treated both by the United States and Japan. Prize is allowed in piratical cases only when the craft is captured and condemned, in which case the proceeds of the capture are equally divided between the government and the captors.

If this large Japanese vessel, instead of having been blown up and sunk, had been captured and brought in and condemned in a prize court, as it would have been in that case, there would have been no necessity for this bill.

In this case there was no capture, although the benefits which accrued to our Government were infinitely greater than if an actual capture had been made, and it does not come within the letter of the law. Can the claim, then, rest upon the equity that the "officers and crew, constrained by a discreet and patriotic sense of duty," fought "three piratical or hostile Japanese vessels," and sunk and destroyed two, and that the United States subsequently justified their conduct, by concluding a convention with Japan, whereby she received a full indemnity? The conduct was gallant; it aided to suppress formidable hostilities to our commerce, and contributed to securing the convention of October, 1864—

That is the treaty in question—

whereby an indemnity was received far beyond the injuries done to the Pembroke and Wyoming. The sum of $650,000 has been paid to our government by Japan as indemnity, and is now in registered bonds, subject to appropriation by Congress. The committee think it proper that prize-money be allowed out of the money received under the convention.

Mr. BOGY. What is the date of that report?

Mr. THURMAN. It is the first report, and was made February 2, 1870.

Mr. BOGY. And what is the amount named?

Mr. THURMAN. Six hundred and fifty thousand dollars.

Mr. BOGY. I think my friend from New Jersey stated it at $785,000.

Mr. FRELINGHUYSEN. A portion alone at that time had been paid. The other installment raised it to $785,000.

Mr. THURMAN. A subsequent report was made by Senator Scott, of Pennsylvania, than whom a more careful man never was in this body, as I think all will agree who knew him. The bill then included the case of the Kearsarge. That was stricken out of the bill because there was no reason in the world why the officers and crew of the Kearsarge should be paid out of this Japanese indemnity fund. They were put upon a separate bill. That case is precisely analogous to this case. They did not capture the Alabama; they sunk her; just as McDougal blew up one of the Japanese vessels, their largest vessel, a vessel larger than the Wyoming too, and sunk another, and silenced their shore batteries. We paid the officers and crew of the Kearsarge, and upon the same principle we ought to make this allowance to the officers and crew of the Wyoming.

After giving the order of Mr. Pruyn, our minister, to Captain McDougal, Mr. Scott goes on to say—and it is the whole committee speaking, this report having been made from the Committee on Naval Affairs:

In obedience to the orders of the properly constituted authorities of the United States Government, the Wyoming weighed anchor at Kanagawa on the 13th of

July, 1863, and set out on her voyage to the Strait of Simonoseki. She entered the Bay of Simonoseki on the morning of the 16th of July. When she approached the entrance of the bay the fort next to her fired a signal gun, which was answered by all the forts and by the ships in harbor. At this time the Wyoming had no flag up, but upon the signals being fired she hoisted her flag and proceeded into the bay, keeping as close as she could to the northern shore, contrary to the expectations of the Japanese. The first fort immediately opened a heavy fire upon her, and so did all the others, as she moved slowly on, shelling the forts with such an effect as to silence such of them as received her fire. The men in the forts which received shells from the Wyoming were observed to rush off and to jump from the heights in such a precipitate manner as to lead to the belief that the shells must have told with greater effect and done more damage than the Japanese anticipated.

The bark and the brig Lanrick—the two vessels which fired on the Pembroke—were still there, and another vessel also, the steamer Lancefield. Those vessels lay close under the town, the bark being inside, the Lanrick next to her, and the Lancefield outside, with steam up, and a great number of men on board, apparently making preparations to approach and board the Wyoming. Captain McDougal ordered the Wyoming to be taken between the Lancefield and the Lanrick, and prepared to give each of them a broadside in passing. The Lanrick fired first, but immediately after the Wyoming delivered her broadside on the two Japanese vessels and sent a ball through the stern of the Lanrick in such a way as to leave her apparently sinking. The Wyoming moved on slowly, firing into the forts of the town as she went, and making a curve to enable her to return fire on the ships again; but, as she was turning, the Lancefield moved on across the track of the Wyoming, further into the bay, to escape at the western outlet, but the Wyoming while curving brought her great pivot-gun to bear on the Lancefield in her new position, and sent a ball right through her boiler, causing her to blow up, and scattering destruction through every part of the vessel; steam, cinders, &c., were blown out in all directions, and such of the crew as were not immediately overwhelmed jumped overboard. The Wyoming returned under a slack fire from the forts, and having done all that she deemed necessary for that time, she returned to Kanagawa to report what had taken place. She arrived here about two a. m. on the 20th of July. The engagement lasted an hour and ten minutes. The Wyoming received eleven shots, and had four men killed in action and seven wounded, one of whom died on the passage back.

The committee say in respect to this fund:

It is also manifest that the officers and crew of the Wyoming did their duty gallantly, and that the fund now invested in bonds is really the product of their service. If it were proper to institute a comparison of deserts as to payment out of this fund, no other officers or men of the Navy can present stronger claims to it than those of the Wyoming.

I might read from three other reports, all to the same effect; one made by Mr. ANTHONY, from the Committee on Naval Affairs of the Senate, one by Mr. Myers, from the Committee on Naval Affairs of the House, and the report now before us made by the Senator from New Jersey, from the Committee on Foreign Relations. Here, then, are two reports in the House and three reports in the Senate, all to the same effect.

I said something about the number of men. McDougal had six guns and one hundred and sixty men. The piratical prince had thirty-four guns and about thirteen hundred men. As I said on a former occasion, this action of McDougal, at pistol-shot range, with one vessel unsupported by any other, has been called in my hearing by as gallant officers as are in the American Navy, "Dave McDougal running a muck." There is not in all the history of our Navy anything more gallant, anything that sheds greater luster upon the bravery, the skill, and the fortitude of our sailors and seamen than this action in the Strait of Simonoseki. There is no principle involved in this matter that has not been again and again affirmed. Again and again has our Government awarded prize-money where there was no legal right to it at all, but where the services were great, meritorious, and such as ought to be recognized by any government that wants to maintain its naval force, that wants to stimulate its army and its navy to great and heroic deeds and recommend their services to the country. This case falls within that category, and has been established by numerous precedents, some few of which I ask my friend to allow me to read, begging his pardon for occupying his time so much. Let us see some of them.

Congress voted to the officers and crew of the United States frigate Constitution for the destruction of the British frigate Guerriere $50,000, to be distributed as prize-money, when there was no law for that allowance.

Mr. CRAGIN. Allow me to say right there that in that engagement there were only seven men killed and seven men wounded on the Constitution, about the same number as on the Wyoming; and the Guerriere was destroyed.

Mr. THURMAN. Sunk.

Mr. CRAGIN. The same as these vessels in this case.

Mr. THURMAN. To Captain William Bainbridge, his officers and crew, for the destruction of the British frigate Java $50,000 was voted to be distributed as prize-money. That required a special act of Congress. There was no law under which they could get prize-money.

To the officers and crew of the sloop of war Wasp, for the capture of the British sloop of war Frolic, $25,000 was voted.

To Captain Oliver H. Perry and the officers and crew of his squadron, for the capture of British vessels on Lake Erie, September 10, 1813, $255,000 was voted; and to Captain Perry $5,000 in addition to his share of the aforesaid sum. Joint resolutions of Congress were passed expressing thanks to Captain Perry, his officers, and crew for the aforesaid service, and requesting the President to present suitable medals and a sword to each of the commissioned officers and giving to each petty officer, seaman, and marine three months' pay in addition to regular pay; and that in addition to the previous vote I have mentioned.

The next case is the grant to the officers and crew of the sloop of war Wasp, for the capture and destruction of the British vessels Reindeer and Avon. Congress had given them $25,000 for capturing the Frolic. This is for capturing the Reindeer and Avon, $50,000, and one year's pay in addition.

To Commodore Decatur, his officers and crew, for the capture of the Algerine vessels, which were afterward released and restored to the Dey of Algiers, $100,000 was voted.

To the officers and crew of the United States steamer Kearsarge for the destruction of the Alabama $190,000 was appropriated, the full estimated value of the Alabama; and here permit me to say that the sum which this second section proposes to give to the officers and crew of the Wyoming is less than they would have received had the vessels that they sunk been brought into a prize-court and condemned, for the testimony is conclusive that one alone was worth at least $300,000. The officers and crew would have been entitled to one-half if she had been captured and brought into a prize-court and condemned. Here we propose to give them only $125,000; but in the case of the Kearsarge we gave the value of the Alabama, $190,000.

These are some out of the numerous precedents that might be cited to show that it has been the rule and policy of this Government to recognize such deeds of gallantry and heroism as marked the conduct of McDougal and his seamen and sailors, and I hope never to see the day when this Government shall refuse to recognize such services. We have had a small Navy. This Government never had a large one; not even in the civil war did we have what could be called a large and effective Navy; but no government, not even Great Britain herself, ever had a navy that shed more luster upon the country than the Navy of the United States has shed upon ours, and I, for one, must say that, so long as I have a vote, conduct such as that which I have laid before you from these reports shall receive my recognition.

Mr. BOGY. I yielded to my friend to make an explanation, but he has made so good a speech that I will ask him to include that speech as part of my own. [Laughter.] That is the only indemnity he can give me for taking my time.

I will say no more on this subject; but call the attention of the Senate to the fact which I stated two or three times before, that this sum of money was not only to cover the expenses of the expedition of the joint powers, but as indemnity for wrongs committed by the empire of Japan not only upon the commerce of the United States, but for wrongs committed in the very act alluded to by my friend from Ohio. Some of our men lost their lives, a serious engagement took place, and for all these numerous acts of aggression the sum of $785,000 was allowed to us. This sum is insignificant, and I think so far from its having a good effect to pay the money back now, it will only be telling Japan, "We did hector over you and we did take advantage of your weakness; we were strong enough to do it; but we in a spirit of policy, because we want to trade and have commerce hereafter, will return you the money." It will be adding insult to injury. The treaty has been made, and I think the facts read here sustain the propriety of that treaty; and I am therefore opposed to paying back any portion of the money whatsoever to Japan.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. KELLY. I offer two amendments changing the phraseology of the second section of the bill.

The PRESIDING OFFICER. The amendments will be reported.

The CHIEF CLERK. In section 2, line 3, it is moved to strike out the words "bounty, ransom, or prize-money, on account of," and insert "gallant, meritorious, or specially valuable services in," so as to read, "claims of the officers and crew of the United States ship Wyoming for gallant, meritorious, or specially valuable services in the destruction of piratical vessels on the 16th of July, 1863, in the straits of Simonoseki."

Mr. FRELINGHUYSEN. I see no objection to that.

Mr. CRAGIN. It seems to me there is objection to striking out the words "in the nature of prize;" this simply comes within that consideration.

Mr. FRELINGHUYSEN. There are more extended words put in the place of them. The friends of that measure have prepared it, the Senator from Ohio and the Senator from Oregon. I have no objection.

Mr. CRAGIN. Very well.

The amendment was agreed to.

The CHIEF CLERK. The next amendment of the Senator from Oregon [Mr. KELLY] is to strike out of the same section, lines 11 and 12, the words "either in law or equity to be justly chargeable against this fund" and insert "to be worthy of special recognition," so as to read, "and if in his judgment they are found to be worthy of special recognition, then he is authorized and directed, in full satisfaction thereof, to cause the sum of $125,000, reserved from said indemnity fund, or such part thereof as in his judgment shall be just and equitable, to be distributed among said officers and crews."

The amendment was agreed to.

Mr. HAMILTON. I move now to strike out the second section.

The PRESIDING OFFICER. The Senator from Texas moves to strike ont the second section of the bill.

Mr. HAMILTON. I beg to say a word. It seems to be conceded generally that the United States did not acquire this money from Japan properly. If that is so, the Government cannot keep any portion of the interest which has accrued on the fund; and still less, in my judgment, can the Government of the United States pay for meri-

torious services to any officers or seamen of this country out of a fund that does not belong to the Government of the United States, whether it is in the shape of bounty, prize-money, or a mere *douceur*. If the money belongs to Japan, it ought to go back to Japan, the whole of it, and all that has accumulated upon it. We ought to make a decent job of the thing and end it. I move therefore to strike out the entire section.

Mr. THURMAN. I have only one word to say in reply to that. Those who favor the first section of the bill, everybody admits that we were entitled to receive from Japan, not merely what would pay the actual injury to the Pembroke and the Wyoming, the two American vessels that were injured, but such sum as would fairly and properly reward our officers and sailors who were engaged in that undertaking—that is, a proper indemnity—and there is not a word in the second section of the bill that is inconsistent with the first section, not one word.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Texas.

Mr. HAMILTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BOGY. The second section is confined alone to the question of indemnity, is it not?

The PRESIDING OFFICER. The section will be read, if the Senator desires it.

Mr. FRELINGHUYSEN. It is confined entirely to indemnity in the nature of prize.

The Secretary proceeded to call the roll on the amendment of Mr. HAMILTON.

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. CONOVER.] If he were here, he would vote "nay," and I would vote "yea."

Mr. MAXEY. On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present, he would vote in the negative and I in the affirmative on this motion.

The roll-call having been concluded, the result was announced—yeas 15, nays 29; as follows:

YEAS—Messrs. Booth, Boutwell, Cockrell, Dawes, Hamilton, Harvey, Howe, Ingalls, Key, Logan, McCreery, McMillan, Mitchell, Wadleigh, and Wright—15.

NAYS—Messrs. Allison, Anthony, Bayard, Bogy, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Christiancy, Conkling, Cooper, Cragin, Eaton, Frelinghuysen, Hamlin, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Morrill of Vermont, Patterson, Ransom, Sargent, Sherman, Spencer, Thurman, Windom, and Withers—29.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Clayton, Conover, Davis, Dennis, Dorsey, Edmunds, Ferry, Goldthwaite, Gordon, Hitchcock, McDonald, Maxey, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Paddock, Randolph, Robertson, Saulsbury, Sharon, Stevenson, Wallace, West, and Whyte—29.

So the amendment was rejected.

Mr. FRELINGHUYSEN. I would move to amend the first section, in the sixth line after the word "authorize," by inserting "after deducting all payments properly chargeable to the said fund;" so as to read:

That the President be, and hereby is, authorized to reserve from the Japanese indemnity fund the sum of $125,000, to be used in the manner hereinafter provided, and is further authorized, after deducting all payments properly chargeable to the said fund, to pay over to the government of Japan the residue of said indemnity fund, &c.

The amendment was agreed to.

Mr. SHERMAN. I now offer the amendment that I suggested a while ago, to insert in the eighth line after the word "Japan" "the principal sum received from the government of Japan," so as to confine the payment to the refunding of the principal sum, less the payments already made. The amendment of the Senator from New Jersey just made causes a repetition of the words "government of Japan," but the Clerk can alter that. My purpose is to confine the payment to the re-imbursement of the principal sum, less the payments already made and the sum of $125,000 reserved under the second section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. SARGENT. I now move to strike out the first section, and on that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. I did not quite understand the amendment which has just been adopted.

The PRESIDING OFFICER. The Clerk will report the amendment offered by the Senator from Ohio.

Mr. SHERMAN. I ask the Clerk to read the whole of the first section as it will stand.

The CHIEF CLERK. The first section of the bill as amended and now proposed to be stricken out reads:

That the President be, and hereby is, authorized to reserve from the Japanese indemnity fund the sum of $125,000, to be used in the manner hereinafter provided; and is further authorized, after deducting all payments properly chargeable to the said fund, to pay over to the government of Japan the principal sum received from that government.

Mr. DAWES. Without the interest? Is that in the amendment?

Mr. SHERMAN. That is already in by confining it to the principal.

Mr. DAWES. I hope no friend of the bill will vote for the bill after that amendment has been adopted.

Mr. FRELINGHUYSEN. I think that amendment was not understood by the Senate when the vote was taken, and I hope the vote will be taken over again.

Mr. SHERMAN. I have no objection to that being done if Senators say they misunderstood the amendment.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the amendment of the Senator from Ohio was agreed to? The Chair hears no objection, and the amendment is before the Senate.

Mr. SHERMAN. I wish to change the phraseology of the amendment a little. It is a little obscure as it now reads.

Mr. FRELINGHUYSEN. I hope the amendment will not be adopted. We really have had a vote upon it once this morning. It is only a change of words, repeating the same proposition. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. This would simply leave the matter to stand as if the money had been paid, as it ought to have been paid under the existing law, into the Treasury of the United States, and it would give the government of Japan the balance of that sum, whatever it was, $785,000, less $125,000 and the amount previously named, which I think is $19,000.

Mr. FRELINGHUYSEN. This money was used by the Government as we received it, to pay our troops in the field. If we had not had this money we should have been obliged to have paid interest on it all the time.

Mr. SARGENT. I should like to ask my friend if he is literally correct in that statement. I understand this money was put into a separate fund by itself, into United States bonds; that it never has been used for any purpose whatever by the United States, but simply has been rolling over like a snow-ball, and gathering its accumulation.

Mr. FRELINGHUYSEN. The money is not kept in the State Department. The money was sent to the Treasury and used to pay our troops, and the account was carried the same as we would be obliged to carry an account if we had borrowed the money from anybody else.

Mr. MORRILL, of Vermont. May I ask the Senator from Ohio whether his amendment returns to the Japanese government the amount which we originally received from them, after deducting this $125,000 from the amount that they paid?

Mr. SHERMAN. It does deduct, as I understand, the $125,000.

Mr. MORRILL, of Vermont. Would it not be better to leave the exact amount and say nothing at all about that?

Mr. SHERMAN. I think, as we had to lose some valuable lives and had a very severe battle, which my colleague seems to think was one of the great events in American history, we ought to have that returned to us at all events. We ought to get that much of the fund.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio, [Mr. SHERMAN.]

The Secretary proceeded to call the roll.

Mr. MAXEY, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present he would vote "nay" and I should vote "yea."

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. CONOVER.] If he were here he would vote "nay," and I should vote "yea" on this amendment.

Mr. WITHERS, (when his name was called.) I will state that I am paired with the Senator from Indiana, [Mr. MORTON.] If present he would vote "nay," and I should vote "yea."

The Secretary resumed and concluded the call of the roll, which resulted—yeas 22, nays 21; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron of Wisconsin, Caperton, Cockrell, Cooper, Eaton, Goldthwaite, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, Key, McCreery, Morrill of Vermont, Sargent, Sherman, Thurman, Wadleigh, and Wright—22.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Christiancy, Conkling, Cragin, Dawes, Frelinghuysen, Hamilton, Hamlin, Jones of Florida, Kernan, McMillan, Mitchell, Patterson, Ransom, Spencer, and Windom—21.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Clayton, Conover, Davis, Dennis, Dorsey, Edmunds, Ferry, Gordon, Jones of Nevada, Logan, McDonald, Maxey, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Paddock, Randolph, Robertson, Saulsbury, Sharon, Stevenson, Wallace, West, Whyte, and Withers—30.

So the amendment was agreed to.

Mr. FRELINGHUYSEN. I wish the attention of the Senate for a short time. This subject is coming about to the spot we had it this morning. The bill as it now stands deducts $144,000 from $785,000, and pays over the balance, about $640,000, without interest. I think the Senate ought, without any question, to add this amendment:

With interest at 5 per cent. per annum.

Let me give my reasons. That would pay to Japan about $780,000. I have calculated the interest at 5 per cent. per annum on that balance, and can give the exact figures if it is necessary. The value of that fund in our hands to-day amounts to $1,414,000. If you vote the 5 per cent. interest, it would leave to be covered into the Treasury $473,000 in gold. I do not think this is great injustice, as I said before. I think the other would have been be ter; I think it would have been more honorable and magnanimous, but we certainly ought to add 5 per cent. interest. This fund is so large, as I have stated, because of the appreciation of the securities, because of the com-

pounding of interest, because of the profit we made on the exchange. Let us keep the benefit of those items; but inasmuch as we had this money and used it, and as we deduct from the principal sum $144,000, I offer the amendment I have suggested to insert at the end of the amendment which has just passed the words:

With interest at 5 per cent. per annum.

Mr. THURMAN. When I moved the other day to strike out the provision for interest, I gave the reason that operated upon my mind. If that reason has any force, it applies to the present amendment as much as to the original text. I objected to the payment of interest because it introduced a new principle in respect of the obligations of the Government. It has been a fixed rule ever since the Government existed, and I believe it is the rule of all governments, not to pay interest on claims. We do not pay interest, and I see no reason when we are doing an act that we are not bound to do except by a moral sense of duty to a foreign power, for the purpose of setting a good example to the nations of the earth, why we should be more just to a foreign power than we are to our own citizens. We do not pay to our own citizens, to the most meritorious soldier, sailor, or civilian who ever lived in the country, interest upon his claim. There may have been, there have been, I know, a few exceptional cases; but the general rule no one can deny. When we propose to do an act of great moral justice, to perform an obligation of this kind to a foreign power, I cannot feel that any moral responsibility rests upon me in respect to a foreign power any stronger than the moral responsibility that rests on me toward one of my own fellow-citizens. I shall, therefore, vote consistently with my former position against the amendment now proposed.

Mr. CAMERON, of Pennsylvania. I am surprised to find so good a lawyer as the honorable Senator from Ohio call this a claim. There is no claim on the part of the people of Japan or the government of Japan.

Mr. THURMAN. I stated distinctly that there was no claim, no legal claim.

Mr. CAMERON, of Pennsylvania. I understood the Senator to call it a claim. Of course we are not called upon to pay a claim, because a claim is always a doubtful question. There always is a doubt in the mind of the Government whether a claim is just, and until it is liquidated we do not know that the claim exists at all. Therefore we pay no interest upon claims. The principle is correct. But that is not the case in this instance. We took this money from that weak people. The strong power went there with a force superior to them and compelled them to give us this money. After it had been paid the United States found that we treated them unjustly, and therefore in the spirit of magnanimity we pay the money back, retaining however a sum of money sufficient to pay prize-money, which by the way is a doubtful right in itself. We retain a sufficient sum to pay prize-money to all the gallant men who risked their lives against a weaker power to be sure, but who went there in the performance of their duty. We give them as much prize-money as we would give to a man who was on board of a small vessel and risked the vessel and lives of everybody against a superior power. There was no difficulty about compelling the people of Japan at that time to pay anything which we required them to pay.

If we do this thing at all, let us do it in the spirit of magnanimity in which it originated. The money was here in our Treasury and we used it. It came in gold, and if we had not received it from Japan we should have paid interest for it to other people.

The truth is that these people, in their weakness, were compelled to borrow the money at 10 per cent. to pay us, with our strong arm and our great cannon in their faces. The amendment proposes to pay only 5 per cent., one-half of the interest which they paid then and have paid ever since for that fund. I trust we shall not cavil about the interest.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey to insert the words:

With interest at 5 per cent. per annum.

The amendment was rejected; there being on a division—ayes 13, noes 26.

Mr. SHERMAN. I now offer an amendment to which I suppose every one will consent. I move to add to the end of the first section what I send to the desk, in order to dispose of the balance of this fund according to law.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert at the end of the first section:

And the residue of said Japanese indemnity fund, so far as the same is in bonds, shall be delivered to the Secretary of the Treasury, to be retired and canceled as in the case of bonds paid by the United States, and so much as is in money shall be covered into the Treasury of the United States.

The amendment was agreed to.

Mr. SARGENT. My amendment is now pending, I believe.

The PRESIDING OFFICER. The Senator from California moves to strike out the first section of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MAXEY, (when his name was called.) On this vote, as on all others connected with this question, I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If present he would vote "nay," and I should vote "yea."

Mr. WITHERS, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. MORTON.] If present he would vote "nay," and I should vote "yea."

The Secretary resumed and concluded the call of the roll, which resulted—yeas 20, nays 22; as follows:

YEAS—Messrs. Bogy, Caperton, Cockrell, Cooper, Dawes, Goldthwaite, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, Key, McCreery, Mitchell, Sargent, Sherman, Wadleigh, and Wright—20.

NAYS—Messrs. Allison, Anthony, Bayard, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Eaton, Frelinghuysen, Hamlin, Kernan, McMillan, Morrill of Vermont, Patterson, Ransom, Spencer, Thurman, and Windom—22.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Clayton, Conover, Davis, Dennis, Dorsey, Edmunds, Ferry, Gordon, Jones of Florida, Jones of Nevada, Logan, McDonald, Maxey, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Paddock, Randolph, Robertson, Saulsbury, Sharon, Stevenson, Wallace, West, Whyte, and Withers—31.

So the amendment was rejected.

Mr. HOWE. I move to amend the second section by striking out all after the semicolon, in the sixth line, down to and including the words "1864," in the tenth line.

The PRESIDING OFFICER. The words to be stricken out will be read.

The Chief Clerk read as follows:

And also the claims of that portion of the officers and crew of the United States ship Jamestown who manned the Takiang in the bombardment of the hostile forts at the Straits of Simonoseki on the 5th, 6th, 7th, and 8th days of September, 1864.

Mr. HOWE. I said some time ago that I did not believe in paying prize-money to the officers and crews of our vessels out of moneys belonging to anybody else but the Government of the United States. On this point I am overruled by the Senate. The Senate concludes that this money belongs to Japan, and therefore we may just as well pay prize-money to one as another out of it. Perhaps to a certain extent we had better submit to that doctrine; but I do protest against paying prize-money to the vessel named in these lines out of any funds belonging to anybody in the world. I would not pay that in dry goods or groceries. That vessel was not a war-vessel; it was a merchant-vessel, hired by the month, crew and all, to go up there and hold up our flag while the fighting was going on. She had just so many dollars per month, and she went. There was a gun on board of her, and they say that gun was fired. The exact number of times the Secretary of the Navy tells you; I forget just now how many times it was. And I believe somebody said it was fired with great gallantry, which I do not dispute at all. I think it requires great gallantry to fire a gun at all on board a vessel. It did not hurt anybody. Nobody was hurt. The two offices that the boat performed were to bear the flag and to take care of the wounded when they were retired from the other vessels.

I do think we cannot with any propriety whatever vote to pay prize-money for such services as those. Actually the papers in the case show that at first the plan contemplated for having our flag represented during that fight was to tow up an old hull and fasten the flag to her, but it was finally concluded she might interfere with the operations of vessels that would have some fighting to do, and therefore they hired this vessel which could go alone, paid her by the month, and she went up there for these two offices. Now it is proposed to take money from Japan to pay prize to the officers and the crew of this boat.

Mr. CRAGIN. Mr. President, I hope this amendment will not prevail. The Senator from Wisconsin says that this steamer Takiang was hired to go up there to take part in this engagement for the purpose of showing the American flag. That is partly true. The Jamestown drew so much water that she could not be taken into those straits or it was feared she could not. Therefore the commander of the Jamestown hired this vessel, and Ensign Pearson was put in command of her, and seventeen men were taken from the Jamestown, each one given a Sharp's rifle, to go on board the Takiang; but Ensign Pearson was not satisfied with that, so he took from the Jamestown a Parrott gun and put it on board this vessel, the Takiang, and he and his seventeen men from the Jamestown went into this engagement; and they conducted themselves with such gallantry, performed such services, and handled that gun with such efficiency that the British admiral commended them in special orders.

As I have before me the diplomatic correspondence, I will read what Mr. Pruyn on that occasion said:

Ensign Pearson, of the Jamestown, who was placed in command of the United States chartered steamer Takiang, I am happy to say, conducted himself so as to receive the special written thanks of Admiral Kuper, commanding the combined fleet, and a large bronze thirty-two-pounder gun was assigned to said ship as a trophy. The thirty-pounder gun of the Jamestown was used by him with such precision and efficiency as to command universal admiration. The wounded of the British were placed on board that ship, in charge, in part, of Dr. Vedder, of the Jamestown,

That is Mr. Pruyn's dispatch to the Secretary of State, Mr. Seward.

Mr. HOWE. How many times was that gun fired?

Mr. CRAGIN. It does not say; but it was fired with great efficiency.

Mr. HOWE. It did hit the land, I suppose.

Mr. CRAGIN. I have no doubt that as this money is in the Treasury or somewhere else and apparently to be refunded to Japan, these men ought to be paid out of it. There will be but a little for them.

Only Commander Pearson and seventeen men can receive any benefit from this part of the second section. The main part of the $125,000 will go to the officers and crew of the Wyoming, for they had a large number of officers and a large number of men. Less than $25,000 will go to Commander Pearson and the men who are under him.

I hope this amendment will not prevail.

Mr. HOWE. I had seen this testimony of Mr. Pruyn and the British admiral before. I do not wish to make any point on the credibility of those witnesses, but upon their competence to testify I entertain serious doubts. I do not quite believe the men who were fighting that battle did take very accurate notice of the range of Ensign Pearson's gun. That they might have discovered some evidence that his shot struck land, I think is very possible; but that they could say that it struck anything else or any particular thing on land in the fort or the fort itself, I no more believe than I believe I could testify to it or any man in the Senate. Undoubtedly Mr. Pearson did all his duty. I am inclined to think he did more than his duty. He was told that he was in command of a vessel not built for fighting purposes and admonished to keep out of danger. I do not remember the language of his instructions, but that is about the effect of them as I remember. I guess he did keep pretty near out of danger, but he went so near that he did fire the gun and fired it several times. I think the amount of shell and ammunition he consumed the Secretary estimates at about $230 or $240 or $250. I make no doubt that he discharged his whole duty. I do not think he hurt anybody, and I know he was not hurt, and there was not anybody hurt on his vessel, and there was not a splinter so far as I have been able to ascertain taken from the vessel.

Mr. THURMAN. I do not wish to occupy any time on this matter except merely to correct a misapprehension, as I conceive it to be, of the Senator from Wisconsin. This action in which the Takiang was engaged took place about a year after the occasion in which McDougal was engaged with the Wyoming, and this is the account that is given of it in one of the reports made in the House of Representatives. After describing the action in which the Wyoming was engaged, the report goes on to say:

For a time the punishment inflicted on the Prince of Nagato seemed to be al that could have been desired, but he rebuilt his forts, and frosh insults were offered to the flags of several nations. This conduct was evidently inspired from higher authority, the edict of the Mikado against foreigners being its main instigation, and Great Britain, France, and the Netherlands sent fleets to the bay of Simonoseki to open the passage of the straits, inviting the United States to give the moral force of their presence and to participate in the action. We had at Yokohama at the time but one ship, the Jamestown, a sailing-vessel, and as the current in the straits was very rapid, it was deemed best to charter a small steamer called the Takiang, which, with the vessels of the powers named, participated in the naval engagement against the shore batteries of the daimio on September 4, 5, 6, 7, and 8, 1864.

Lieutenant Frederick Pearson, of the Jamestown, was placed in command of the chartered steamer Takiang by Captain Price, commanding the Jamestown, under the following orders.

My friend from Wisconsin will find that the Takiang was no merchant-ship with a merchant-crew. She was chartered to join in that expedition because she was a steamer and the Jamestown was a sailing-vessel, and the currents were such there that a sailing-vessel would not be under command as a steam-vessel would be, and she was manned entirely by the sailors of the Jamestown. This order was given to Lieutenant Pearson:

UNITED STATES STEAMER JAMESTOWN,
Yokohama, Japan, August 11, 1864.

SIR: You are hereby appointed to the command of the chartered steamer Takiang, and will proceed in her to the Straits of Simonoseki to act in concert with the treaty powers, who will appear in large force at that place.

The object of sending the Takiang is to show the American flag there, and to manifest to the Prince of Nagato that we are in accord with the other treaty powers, and equally demand with them the passage through the straits without let or hinderance.

As the steamer under your command is not a man-of-war or prepared to attack the forts, you will render any and every other aid in your power to promote the common object—such as towing boats, landing men, and receiving the wounded on board of you if required to do so. To this end you will consult the senior officer present, particularly the British admiral, who will be senior officer of the expedition, and who will have the largest force there. * * *

It is very true that a subordinate duty seemed to be imposed upon Pearson; but the Senator is entirely mistaken in construing this that he was to keep out of danger entirely; and it is a new idea to me that an officer whose duty, whether it be to fire a gun or whether it be, in the language of this instruction, "towing boats, landing men, and receiving the wounded on board of you if required to do so," is not just as much exposed and perhaps more exposed than if his vessel is a powerful war-vessel, and that his services are not equally meritorious with one who is in an iron-clad. I should say that his services were more meritorious, that he ran greater risk, and deserved therefore to be more highly esteemed.

But Pearson was not a man to be where fighting was going on without having a hand; and, by the way, to show that it was expected that he would get where he would be in trouble, he was given the Parrott gun of the Jamestown, and she was put on board the Takiang—a thirty-pound Parrott gun. As I said, he was not a man when fighting was going on to have a thirty-pound Parrott gun and not use it. And so what did he do?

Lieutenant Pearson, not satisfied with these orders, obtained permission to take the Takiang under fire. With three officers and fifteen men, armed with a Parrott gun, or howitzer, and Sharp's rifles for each man, the Takiang went into the battle.

The engagement continued five days and ended in victory to the fleets, the Japan prince making an unconditional surrender, and, according to Minister Pruyn, "agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition." (Diplomatic Correspondence 1864-'65, part 3, page 553.)

Here follows what was read by the Senator from New Hampshire, the thanks of the British admiral. But it does not stop there:

"Ensign Pearson, of the Jamestown, who was placed in command of the United States chartered steamer Takiang, I am happy to say, conducted himself so as to receive the special written thanks of Admiral Kuper, commanding the combined fleet, and a large bronze thirty-two-pounder gun was assigned to said ship as a trophy. The thirty-pounder gun of the Jamestown was used by him with such precision and efficiency as to command universal admiration." And the diplomatic correspondence of J. Hume Brumley to Mr. Seward (Diplomatic Correspondence 1865-'66, part 2, page 17) shows the warm appreciation of the services of the Takiang by the lords commissioners for the ready co-operation which that gallant officer afforded to the British admiral during the whole of the operations in question.

The result was that the Tycoon, being forced to acknowledge and recognize the active hostilities of his subject prince as acts of piracy, was constrained to enter into a conventional treaty with the diplomatic authorities of the United States of America, Great Britain, France, and the Netherlands, which was concluded on the 22d day of October, A. D. 1864, and afterward accepted and ratified by all the aforementioned powers, the public proclamation of all which was formally made by the President of the United States on the 9th day of April, A. D. 1866.

Thus it will be seen that the lord commissioners of the admiralty of Great Britain caused their thanks to be communicated to Mr. Seward for the co-operation of that American ship in that engagement and the gallant conduct of Pearson, his officers, and men.

I hope the motion will not prevail.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Wisconsin to amend the second section.

Mr. HOWE. I think before the debate is closed I ought to make my acknowledgments to the Senator from Ohio, not for having corrected what I said, but for having corroborated what I said on a former occasion. I had not seen that report for some time, and was a little loose in my recollection about it. It seems to me, however, it confirms everything I said.

Mr. THURMAN. One thing it certainly does not confirm. The Senator said Pearson was directed not to go into danger. I say the report shows that he could not perform the duties he was ordered to perform without going into danger.

Mr. HOWE. Precisely where the boat stood when the boat fired does not appear from that report. Whether she stood within range of the Parrott guns or the Sharp's rifles is not made apparent. But the Senator is mistaken when he supposes that the boat was taken up there by the crew of the Jamestown.

Mr. THURMAN. Not in the least.

Mr. HOWE. It was the crew of the boat.

Mr. THURMAN. No, sir; not so. This very report shows that some seventeen men from the Jamestown, with Pearson and three officers, went on her.

Mr. HOWE. Seventeen men of the Jamestown went on board undoubtedly, but the crew of the boat was on board also.

Mr. THURMAN. If they did, how many did they amount to?

Mr. HOWE. I do not know, but the charter of the boat will show that.

Mr. FRELINGHUYSEN. I hope we shall have a vote.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SARGENT. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL, (when his name was called.) On this question I am paired with the Senator from Nevada, [Mr. JONES.] If present he would vote "yea," and I should vote with much pleasure "nay."

Mr. MAXEY, (when his name was called.) On the passage of the bill I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here he would vote "yea," and I should vote "nay."

Mr. PADDOCK, (when his name was called.) On this question, as before stated, I am paired with the Senator from Florida, [Mr. CONOVER.] If he were here he would vote "yea," and I should vote "nay."

Mr. WITHERS, (when his name was called.) As already stated, I am paired with the Senator from Indiana, [Mr. MORTON.] If present he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 24, nays 20; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Eaton, Frelinghuysen, Hamlin, Jones of Florida, Kernan, Morrill of Vermont, Norwood, Ransom, Saulsbury, Spencer, Stevenson, Thurman, and Windom—24.

NAYS—Messrs. Bogy, Caperton, Cooper, Dawes, Goldthwaite, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, Key, McCreery, McMillan, Mitchell, Sargent, Sherman, Wadleigh, and Wright—20.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Clayton, Cockrell, Conover, Davis, Dennis, Dorsey, Edmunds, Ferry, Gordon, Jones of Nevada, Logan, McDonald, Maxey, Merrimon, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Randolph, Robertson, Sharon, Wallace, West, Whyte, and Withers—29.

So the bill was passed.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 31, 1876.

The House met at twelve o'clock m. Prayer by Rev. J. G. BUTLER, D. D.

The Journal of Monday last was read and approved.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was presented by U. S. GRANT, jr., one of his secretaries.

MEXICAN CLAIMS COMMISSION.

Mr. MONROE. I ask unanimous consent to make a report from the Committee on Foreign Affairs touching some points connected with the Mexican claims commission. This report does not ask any action at the present time; it is designed only to be printed and referred to the Committee on Appropriations for their action.

There being no objection, the report of the Committee on Foreign Affairs recommending the adoption of the following amendment to the sundry civil appropriation bill was presented, referred to the Committee on Appropriations, and ordered to be printed:

That so much of the appropriation heretofore made for salaries of the United States and Mexican claims commission as may remain unexpended on the 30th day of June, 1876, as shall be necessary for the purpose may be used in payment of salaries of the agent, secretary, clerks, translators, and messengers at the rates now respectively allowed to them for a period not to exceed six months from the 1st day of July, 1876; and the unexpended balance for contingent expenses may be used for the contingent expenses of such commission for a like period; and that the amount which may remain unexpended on the 30th day of June, 1876, of the appropriation of the salary of the umpire, or so much thereof as may be necessary for the purpose, may be expended under the direction of the Secretary of State in acknowledgment of the service of the umpire.

REPEAL OF THE SPECIE-RESUMPTION ACT.

Mr. JONES, of Kentucky, by unanimous consent, submitted the following resolution; which was referred to the Committee on Banking and Currency:

Resolved, That it is the sense of this House, as well we believe of the country at large, that the Congress of the United States should without delay pass a bill unconditionally repealing the act approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," or so much of said act as requires resumption at any fixed time; that the bill should prohibit any further contraction of the existing currency, and, if necessary to meet the demands of the commercial and industrial interests of the people, it should provide for its increase; that it should provide for the gradual abolishment of the national-bank system and the displacement of its notes with United States notes which require no interest; that it should also provide for as speedy a return to gold and silver, the constitutional basis of our currency, as the circumstances and exigencies of the country will permit, to the end that the people may have hope and encouragement that so soon as practical and wise legislation can effect it they may be relieved from the distressed condition under which they now labor.

INTERNAL-REVENUE TAXES PAID BY RAILROADS.

Mr. BAKER, of Indiana. I ask unanimous consent to offer a resolution of inquiry, asking information from the Secretary of the Treasury. I trust there will be no objection to it.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury, if not incompatible with the public service, be, and he is hereby, requested to report to this House the amount of internal-revenue taxes paid by the Baltimore and Ohio Railroad Company and its branches and by the Central Pacific Railroad Company and its branches from the 1st day of July, A. D. 1864, to the 31st day of December, A. D. 1871, on undivided profits, on profits used for construction or improvements, or carried to the account of any fund.

Mr. O'BRIEN. I object to the resolution, and call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order being called for, the first business in order is the continuance of the consideration of the contested-election case of Spencer *vs.* Morey.

Mr. BANNING. The regular business this morning is the Army bill, which was made a special order immediately after the reading of the Journal.

The SPEAKER. The other takes precedence, if insisted on, as a matter of higher privilege. If not, the Chair will then recognize the gentleman from Ohio [Mr. BANNING] as entitled to the floor.

Mr. RANDALL. Both come over as unfinished business, one following the other.

The SPEAKER. As no one insists upon taking up the contested-election case, the Chair will now recognize the gentleman from Ohio.

Mr. DURHAM. On the 9th of May this day was set apart especially by order of the House for the consideration of the bill reported from the Committee on the Revision of the Laws relating to corrections and omissions in the Revised Statutes. I desire to know from the Chair how that matter stands, which, as I have stated, was set specially for this day?

The SPEAKER. The Chair understands the order concerning the bill referred to by the gentleman from Kentucky is the ordinary one making it the special order for this day.

Mr. DURHAM. Yes, sir.

The SPEAKER. The House at its last session, and at the close thereof, made by special assignment another and inconsistent order. The House had a right to do that then because it would have a right to do it now if it had not done it then. The question, in other words, of consideration if not made then could be made now. Having been made then the Chair must hold it as well made, and needs not now to be repealed. The Chair must further hold that it is now competent for the House to disregard the order made on Monday and proceed to the consideration of the bill assigned as special order for this day.

Mr. DURHAM. I wish to make another inquiry. Will my bill take precedence after these other special orders are through?

The SPEAKER. Is the order making the gentleman's bill a special order one that runs from day to day?

Mr. DURHAM. Yes, sir.

The SPEAKER. The Clerk informs the Chair that it is a special order running from day to day, and therefore the gentleman's bill will not be injuriously affected by this proceeding.

Mr. DURHAM. I understand the Speaker to decide my bill comes in after these special orders.

The SPEAKER. Subject, of course, to the action of the House.

Mr. HOUSE. Has not the Louisiana election case precedence?

The SPEAKER. It would, but the Chair called it in proper time and order and no one responded.

Mr. HOUSE. I responded and was endeavoring to get the ear of the Chair to insist on it. I insist on it now.

The SPEAKER. The Chair must accept the gentleman's statement.

Mr. HOUSE. I was on my feet endeavoring to get the attention of the Chair.

The SPEAKER. The Chair must accept the statement of the gentleman from Tennessee.

Mr. RANDALL. The Louisiana contested-election case, as well as the bill reported from the Committee on Military Affairs by the gentleman from Ohio, come over as unfinished business.

The SPEAKER. So the Chair understands, but the election case is of higher privilege than the other. That is the only difference there is between them.

Mr. DURHAM. I rise to the question whether or not my bill shall not be considered; and I ask the Chair to put it to the House.

The SPEAKER. Under the circumstances the Chair must take the sense of the House, therefore, as to whether it will now proceed with the further consideration of the question of privilege.

Mr. DURHAM. I ask unanimous consent of the House to state why I now press my motion.

Mr. MOREY. Before that is done, I rise to a personal explanation.

The SPEAKER. The gentleman can do that after the House has ordered what business it shall proceed with.

Mr. MOREY. My remarks will have a bearing on the propriety of taking up the contested-election case now. I think if the gentleman will listen one or two moments, he will not press his case against this.

Mr. DURHAM. I have no objection to hearing the gentleman's explanation, but I wish to state to the House why I am pressing my business.

The SPEAKER. Is there objection to the gentleman from Louisiana making a personal explanation?

There was no objection.

PERSONAL EXPLANATION.

Mr. MOREY. Mr. Speaker, a week or two since, just after the organization of the committee to investigate the conduct of Louisiana officials, a witness was examined here by that committee, who, among other things, attacked my character very seriously. This man had been an agent of the Post-Office Department, on duty in the State of Louisiana, and also had been a deputy United States marshal, and had, in pursuance of his duty, served various processes during the fall of 1874. This witness charged various crimes in which he made an attempt to implicate me. I wish to say that so far as all his charges are concerned that in any way affect my honor and integrity they are both false and infamous. From the evidence that he gave he showed that he himself was infamous. And he made a very labored attempt to prove that I was equally guilty.

Now, Mr. Speaker, in the summer of 1875 this witness sent to me by mail an abstract of what he called a history of occurrences in the fall of 1874 in the State of Louisiana. I was West when that was mailed to me here, and it reached me in the city of Denver in August, 1875. To that I paid no attention. In October, when I returned to Washington, I heard that this man had gone to New York and proposed by the meeting of Congress to make a publication of this statement.

In December, 1875, I was aware that I was to be faced in this House with a double contest: a contest for my seat *prima facie* and a contest for my seat on its merits. This House included in its composition a large number of new members, with whom I had not the pleasure of acquaintance. I felt that a publication of this sort, from any man who had held an official position, in which there was just enough truth interwoven to carry probability with it, would prejudice me; and I felt that, if by paying this man a few hundred dollars I could stop that current of abuse and falsehood, I was justified in doing it. Whether I was justified or not in doing it, I did it. Twelve months ago if anybody had asked me if I would under any circumstances consent to be blackmailed, I should have said no. But we do not know what we will do until the circumstances arise. I felt that, if a publication of that sort were spread broadcast through the country,

when I came to this House I would fail to have anything like an unprejudiced hearing.

The testimony of this witness in the aggregate went to show that I was the virtual commander of the Army in Louisiana as well as of all officials there, as he says, "Everybody seemed to obey his orders, from General Emory down."

Now what are the facts? I will ask the Clerk to read a brief extract from the testimony of General Henry A. Morrow, of the United States Army, who was sent in November, 1874, to North Louisiana by General Emory to make an investigation of the condition of things there, particularly in regard to the use of troops.

In his report he reflected very severely on this witness Selye for the unnecessary rigor and harshness exercised by him toward those whom he arrested. On his arrival at Monroe General Morrow came to see me, and we consulted freely in regard to the subject with the investigation of which he was charged. I saw his report, and talked with him afterward on the same subject. General Morrow received the highest indorsement from General Sherman as an officer of judgment and discretion.

The Clerk read as follows:

Question. One of your particular objects was to inquire into the use of the military force in Louisiana?

Answer. Yes, sir; that was my first object.

Q. What was the result of your inquiries?

A. With the permission of the committee I will hand in copies of my official reports, which cover that ground. I did not think there had been any necessity for the use of troops in the parish of Ouachita, Jackson, Lincoln, or Claiborne, and I so reported; and I believe that my report on that subject was considered very acceptable, for I know that it was shown to Mr. MOREY, the member of Congress from that district, who expressed himself, not only to the officer who showed the report to him, but to me subsequently, as entirely satisfied with it, and stated that it was a very fair, manly report.

Mr. MOREY. Now, Mr. Speaker, it is no secret that every two years for six years past I have fought the extreme element of my own party in my State, and have been renominated and re-elected against its opposition.

As to my course on this floor in that time it does not become me to speak, beyond stating the fact that upon every proposition looking toward the political equality of all of the people of this country, upon every proposition tending to enhance the material prosperity of the section which I have the honor in part to represent, my vote has always been recorded on the side of liberality.

For six years I have been the opponent of extremism in my own party, as well as in the democratic party in Louisiana, and during that time I have never failed to poll a large conservative vote outside of my own party vote. With the exception of perhaps a couple of hundred votes, there was no falling off in this character of support in 1874. My majority was cut down from about 4,000 to about 900 through the treachery and corruption of a few republican leaders in two strong republican parishes, who deceived their followers by spurious tickets with the name of my contestant thereon in place of my own. These parishes are not in contest, and I can therefore properly speak of the matter now.

Were it not that it is possible that I may not again after to-day have the opportunity to speak on this floor, I should have remained silent under the prejudice created by the testimony of this witness until I could call witnesses of the highest respectability to disprove every charge made by this black-mailer. This opportunity is given me through the courtesy of the Louisiana committee, and my witnesses are awaiting my arrival in New Orleans, for which place I depart as soon as my contested-election case is disposed of.

I wish now to distinctly deny any and all charges and statements made by this witness that in any manner impugn my honor or integrity, and to declare them to be absolutely untrue.

I wish to say to my friends on this floor on both sides of this House that for the many expressions of their confidence given to me since this slanderous testimony was first published they have my warmest gratitude. What has been most gratifying to me is that the strongest tokens of it have come from those with whom I have had the pleasure of serving the longest and who have had the opportunity of knowing me best. It would be a poor compliment to them, indeed, were I to suppose for a moment that they had any sympathy with wrong-doing. On the contrary, I take it as an evidence of their belief that I have done nothing unworthy or dishonorable.

I wish to say in conclusion why I desire that this contested-election case should be taken up now. The Louisiana Investigating Committee have gone to Louisiana. They are now in session. They have extended to me the courtesy of calling my witnesses for the purpose of disproving this slander. My witnesses are there now awaiting my arrival to be examined; and I think in justice to myself that the case should be now allowed to proceed. The gentleman from Iowa, [Mr. MCCRARY,] I understand, first has the floor. At the conclusion of his remarks he desires to submit a proposition to the House. If the House see fit to entertain it and vote on it, there may be no necessity for any further remarks in the case. If, however, the House decide to go on with the case to its conclusion, then I will take the floor, to be followed by the gentleman from New York [Mr. BEEBE] to close the case. That I understand is the arrangement.

I thank the House for its indulgence in permitting me to make this explanation.

ORDER OF BUSINESS.

Mr. DURHAM. I desire to state why, under the privilege granted to me some time ago, I press the consideration of the bill which has been made a special order for to-day. I ask the gentleman from Tennessee [Mr. HOUSE] who has charge of the election case to listen to me for a moment.

The committee of the Senate and the committee of the House acted upon separate and independent bills. We found after going through nearly two thousand proposed changes or corrections in the Revised Statutes we had nearly agreed upon the whole of them; after we had got through with the bill the two committees met together and we reconciled all the differences that existed between the bills prepared by the respective committees, and I was instructed by the committee to report this bill, and when I reported it only a few days ago the House assigned it as a special order for to-day. It is the joint work of the two committees, and I apprehend that it will not take ten minutes to pass it. Unless I am asked questions as to the specific amendments, I will call the previous question and put the bill on its passage.

I may state, also, that Senator BOUTWELL, the chairman of the committee of the Senate, is to leave for Mississippi in two or three days, and desires that the bill shall pass the House to-day, that he may report it to the Senate and have it passed there before he leaves for Mississippi.

These are the reasons why I press the consideration of the bill under the special order. I hope the House will grant me fifteen minutes. I think we can finish it in that time.

Mr. HOUSE. Is the gentleman willing to be limited to fifteen minutes?

Mr. DURHAM. I am willing to be limited to half an hour. If the bill is not disposed of in half an hour I will let it go over. I will move the previous question in twenty minutes.

Mr. HOUSE. And when that is disposed of the election case will come up?

The SPEAKER *pro tempore*, (Mr. SPRINGER.) There are several matters of business in order at this time. That which is of the highest privilege is the election case of Spencer rs. Morey, but when questions are raised as to the priority of business they must be determined by the House.

Mr. HOUSE. Then I must insist on going on with the election case now.

Mr. JONES, of Kentucky. The gentleman from Tennessee [Mr. HOUSE] certainly has the right to yield to the gentleman from Kentucky, [Mr. DURHAM.]

The SPEAKER *pro tempore*. But the gentleman from Tennessee declines to yield, as the Chair understands.

Mr. HOUSE. Yes, sir; I decline to yield. I desire to go on.

Mr. SOUTHARD. The question of the privilege of the special order of the gentleman from Kentucky was decided by the Speaker before he left the chair. He decided that the gentleman from Kentucky has the right to make his motion and submit it to the House. That motion he has made, and I submit he is entitled to a vote upon it.

The SPEAKER *pro tempore*. The Chair desires to state to the gentleman from Ohio that in the matter of priority of business the Chair will put the question first on the question which is of the highest privilege. If the House declines to take up that, he will then put it on the next highest question of privilege.

Mr. GARFIELD. What is the second question of privilege anyhow?

The SPEAKER *pro tempore*. The unfinished business, being the bill of the gentleman from Ohio [Mr. BANNING] in relation to the Army.

Mr. GARFIELD. Then there are three questions of privilege?

The SPEAKER *pro tempore*. Yes; there are three questions of privilege pending.

Mr. MOREY. I rise to a parliamentary inquiry. If the gentleman from Tennessee [Mr. HOUSE] should now see fit to yield twenty minutes to the gentleman from Kentucky, [Mr. DURHAM,] cannot that be done by him without losing any of his rights?

The SPEAKER *pro tempore*. If the House, by unanimous consent, agrees that that order be taken, it can be done; but the Chair must first put the question on the consideration of the contested-election case.

Mr. DURHAM. I do not want to lose any rights I have, and I now raise the question of priority of consideration. I desire to save my rights all through this matter.

The SPEAKER *pro tempore*. The gentleman raises a point of order?

Mr. DURHAM. No; I raise the question of consideration.

The SPEAKER *pro tempore*. The Chair deems that the contested-election case is of the highest privilege, and the question on its consideration must first be put to the House.

Mr. DURHAM. Very well, sir.

The question was put on the question of consideration of the contested-election case; and on a division there were ayes 97, noes not counted.

So the motion was agreed to.

CONTESTED ELECTION—SPENCER VS. MOREY.

The House resumed the consideration of the contested-election case of Spencer *vs.* Morey from the fifth district of Louisiana, upon which Mr. MCCRARY was entitled to the floor.

Mr. BANNING. If it is in order I would like to hear it indicated how long this case will take for consideration.

The SPEAKER *pro tempore*. That will be for the House to determine.

Mr. MOREY. It will take until about four o'clock, or three hours longer.

Mr. McCRARY. Mr. Speaker, what I desire to submit to the House in reference to this case may be very briefly stated. I know how difficult it is for members of this House to give that attention to the details of these cases of contested elections which they ought to give to them, and yet I think every gentleman will agree with me that there is no subject upon which we are called upon here to vote which ought to receive at our hands more careful consideration; for in this matter, Mr. Speaker, we sit as judges of the law and as jurors to consider and pass upon the facts, and we are called upon to act with that care, deliberation, fairness, and impartiality which should characterize a court of justice.

I have no patience whatever with a practice which has been too common, of deciding these cases with reference to the political views of the parties to them. I do not say this, Mr. Speaker, for the first time standing here in the minority, for the record will show that when standing here with a large majority of my political friends I assumed and to the best of my ability maintained this position; the record will show that during the Forty-second Congress the Committee of Elections reported to this House seventeen contested-election cases, and that of that number eleven were decided in favor of gentlemen belonging to the minority in the House. There was one case in which both parties belonged to the majority, and in that case the seat was declared vacant. I think, therefore, Mr. Speaker, that I cannot be charged with any improper motive when I ask the House to consider this case without any reference to political or partisan considerations.

Now, sir, there are four things, either of which the House may do in this case: it may resolve that the contestant, Mr. Spencer, was duly elected; it may resolve that the sitting member, Mr. Morey, was duly elected; it may determine to declare the seat vacant, and refer the matter back to the people of the district for their decision; or it may decide to order that further testimony shall be taken in order to arrive at a just conclusion.

In my opinion, Mr. Speaker, the least that the House can do in fairness and in justice is to adopt the last of these propositions. I do not believe that under the testimony in this case the House ought to resolve that Mr. Spencer, the contestant, was duly elected to represent this district. The House must bear in mind that in order to reach this result it is necessary to exclude altogether from the count a very large number of votes, by throwing out the whole vote of several of the wards or voting precincts in the district. The majority of the committee have recommended to the House that precincts giving the sitting member a majority of 2,244 votes shall be rejected. They recommend that the vote of the fifth precinct of Concordia Parish shall be excluded altogether, and that the vote of the first, second, and third precincts of the parish of Carroll shall also be excluded. Those precincts on an aggregate gave to the sitting member a majority of 2,244 votes, and it is proposed that they shall be excluded altogether in order that the contestant shall be seated.

Now, Mr. Speaker, if this is a necessary conclusion, if there is no alternative but to exclude from the count altogether such a large proportion of the district, then of course the House will have to meet that alternative. But, sir, it is a well-settled rule, and one to which the House always adheres, that a whole precinct or a whole county, embracing a large number of votes, shall not be altogether excluded unless it is impossible to ascertain what was the result of the vote therein.

Now, sir, as to the first precinct that has been rejected by the majority of the committee, the fifth precinct of the parish of Concordia, the ground of rejection is this: that the votes, after being cast and deposited in the ballot-box, were not counted and canvassed at the place of voting, but that the box was taken to the county seat and the vote was there canvassed. The law required the ballots to be canvassed at the place of voting.

Now, Mr. Speaker, I think it may be fairly said that where a ballot-box is carried away from the place of election to some distant point before the votes are canvassed it raises a presumption against the fairness and validity of that canvass. I am willing to concede so much that it raises such a presumption as ought to be overcome by evidence sufficient to satisfy the House that there was no unfairness, no tampering, no fraud; that, although the vote was not canvassed at the place of voting, yet at the county seat the votes were fairly canvassed, honestly canvassed; that no wrong was done by the fact that they were not canvassed at the place of voting. I have read over all the evidence in relation to this precinct, and it is entirely clear to my mind that the votes were fairly, honestly, and correctly canvassed, and that no wrong was done to anybody by the fact that the count was not made at the place where the votes were cast. And there is a perfect and satisfactory explanation as to why the votes were not canvassed at the polls but were carried to the county seat. The law of Louisiana in force until a short period before this election required the ballot-box to be carried to the county seat and the canvass made there, and the officers of this election precinct were not aware that a change had been made in the statute, and believed it to be their duty to take the ballot-box and canvass the votes at the county seat, as they had been in the habit of doing in prior years.

Now, Mr. Speaker, this House had almost exactly this question before it in a case which arose in the Forty-second Congress where, in the State of Virginia, the officers of the election were not aware of a change which had been made in the law of that State regulating elections. In ignorance of a change of the law they numbered all ballots cast. Their action was clearly illegal and in violation of the rule which protects the secrecy of the ballot. Although the judges of election did in that case violate the law in that particular, the House declared that inasmuch as the officers who numbered the ballots acted honestly and no harm was done to any body the vote should not be excluded. This was decided by this House in favor of a democrat when we had a two-thirds majority on the republican side. I refer to Braxton *vs.* McKenize, Forty-second congress.

To show the grounds upon which the House proceeded in that case let me read a sentence or two from the report of that committee:

> We are further of the opinion that the numbering of the ballots cast at an election, in the absence of a statute expressly so declaring, does not of itself invalidate an election, unless some injury is shown to have resulted to the party complaining.

That is what I want to call to the attention of the House.

> In Virginia the law which was in force until near the time of this election in question this provision repealed. It seems that at a few precincts the officers of election were not advised of this repeal, and consequently numbered the ballots as they had been in the habit of doing before. Although it would be possible from the numbering of the ballots to ascertain how each person voted, it is not claimed in this case that this was done or that the tickets were numbered for any such purpose or for any improper or unlawful purpose whatever.

And so I say here that, although the law required the ballots to be canvassed at the place of voting, yet there is no pretense that they were carried to the county seat for the purpose of any wrong or with any intent to commit any fraud, but rather under the honest impression on the part of the election officers that the law still required the ballots to be canvassed at the county seat.

Now, sir, in such a case as that I submit to the House that where the evidence is clear that the ballot-box was carefully and scrupulously guarded, that every ballot was fairly and honestly counted, where there is no attack upon the fairness or honesty of the count, the House ought not upon a mere technical ground take it for granted that these officers of election, ignorant of the change made in the law, did not act in good faith in taking this ballot-box to the county seat in accordance with the law previously prevailing, and there making the canvass. I think, therefore, that this precinct should be counted. But I submit that, if the House is not of the opinion that it should be counted on this evidence, the least the House can do is to order further and more satisfactory testimony as to the real, honest vote of the electors in that precinct. Now, as to the votes in the first, second, and third wards of Carroll Parish; they are all thrown out upon the ground that the returns which the law required to be sent to the county seat and deposited with the clerk of the court are not to be found on file in the proper office. It seems, sir, that for some unexplained reason the returns were lost or stolen; at all events they are not to be found in the proper place, in the custody of the clerk of the court; but it is conceded on all hands that no blame attaches to the sitting member in regard to that matter; there is no pretense that he had any connection with any scheme for abstracting the returns from the proper office, and the only question before the House is (it being conceded that there was an election in Carroll Parish) whether we have sufficient evidence as to the result of that election in the precincts in question. It is simply a question as to the sufficiency of the proof. Now, upon that subject I admit that there is room for difference of opinion. Gentlemen may contend, and may contend, I admit, with a great deal of force, that as to some of these wards the best evidence would be the testimony of the voters themselves.

I apprehend, Mr. Speaker, that the rule is this: If a return was made, and if that return was not attacked for fraud, and it has been lost or stolen so that it cannot be produced in evidence, then it is entirely competent for either party to the contest to call any witnesses who can testify to the contents of the return and prove the contents just precisely as they could prove the contents of any lost or destroyed instrument in writing.

But if there was no return; if after the ballots were fairly cast, if after they were deposited in the ballot-box, the officers of election for any reason failed to make a return, then I apprehend that the best evidence as to the result of the election in such a precinct would be the evidence of the voters themselves, who should be called and sworn and allowed to testify as to how they voted. Of course the ballots themselves, if they could be found and clearly identified, might be better evidence; but I believe it appears here that the ballots and returns are both missing as to some of these precincts.

As to the first precinct I think the vote is sufficiently proven. The return which was made in duplicate is, it is true, not found on file in the clerk's office, where the law requires it to be deposited; but one of the original copies is identified and sworn to by one of the officers of the election, identified and sworn to as one of the original duplicate copies of the return. It appears entirely regular upon its face; it is sworn to by all the officers of the election as required by law; it is fully certified, and there is no objection to it except that it was not found on file in the clerk's office, and that no return was found on file in the clerk's office.

Now, because there was no return on file in the clerk's office, because after due search in the place where the return ought to be found

no return was found, it became entirely proper to call a witness to prove the correctness and genuineness of the other copy of the original return which was kept and not deposited with the clerk.

So as to this first precinct, I think the proof is entirely sufficient, and the return ought to be counted. It is simply a case where the copy of the return which was left in the clerk's office was lost or mislaid or stolen, and cannot be found, and the other original duplicate return duly certified, duly sworn to by the officers of the election belonging to both parties, has been brought in to supply the loss of the copy which was left in the clerk's office. There can be no objection to such testimony as that. It is the very best evidence that could be produced. I apprehend that the very purpose of the law in requiring these returns to be made in duplicate was, that if one copy should be lost or destroyed the other could be proven and produced in evidence.

As to the other wards of Carroll Parish which were rejected, there might perhaps be more difficulty. I do not wish to go into the details. The question is made that, instead of calling the officers of the election to prove what the vote was, the sitting member should have called the voters themselves to testify. Now, if I grant that—and I do not think it is necessary to grant it—but, if I grant that, I submit to the House that it only follows that the committee should have further time in which to consider this case, in which to have the voters called and in which to get at the real, honest vote of these precincts.

The House has passed upon a question exactly like this in another case, to which I wish now to call attention. In the Forty-second Congress, in a contested-election case from the State of Florida, a precisely similar question was raised; that was the case of Niblack *vs.* Walls. One of the returns in that case was impeached by the evidence, on the ground that it had not been transmitted through the regular and legal channel to the secretary of state, but had been delivered to an unauthorized person, who had broken the seal, who had carried the return and delivered it to the contestant, one of the parties then before the House asking for the seat. This return was delivered by the contestant in that case to the secretary of state. The Committee of Elections decided, and the House decided, that a return that came before it in this irregular way, having been in the hands of unauthorized persons, having been delivered by one of the parties to the contest, having been in a position to be tampered with and changed, was so far impeached that it was necessary to corroborate it, that it was necessary to prove by some evidence *aliunde* that it had not been tampered with, that it was the genuine return. But the contestant in that case, a democrat, had failed to support the return by any evidence *aliunde*.

If that return had been rejected the republican claimant of that seat would have retained it, and the democratic contestant, who received in that county a majority of something like 160 votes, would have been excluded from the seat. But the House, although holding that the return was impeached so that it did not prove itself to be genuine, was not willing to say that therefore the vote of that entire precinct should be rejected. And it made an order that the hearing of that case should be continued, that the time for taking testimony should be extended, and that the parties to the contest should be allowed to take proof and show whether that was a genuine return, and as to what was the honest and true vote of that precinct.

Now I think that is precisely what the House ought to do in this case. I submit that no man can read the evidence in this case and have any moral doubt that Mr. Morey was elected by a large majority. Although the proof may in some respects be thought by some to be irregular and not of the very best that can be produced, yet I apprehend there is no man on this floor who will rise in his place and say to the House that he has any doubt that Mr. Morey received a large majority in the fifth ward of Concordia Parish, that he has any doubt that Mr. Morey received a large majority in each of the three wards of Carroll Parish which have been rejected by the majority of the committee in their report.

Now the precedent to which I have called the attention of the House, made by the republicans of this House in favor of one of their political opponents, is that in such a case the opportunity for further proof should be given, if the House is not satisfied with the proof that we have.

Without debating the case further, I desire, if the gentleman having charge of the case will permit, to have the House vote upon a resolution which I propose to offer as a substitute for both the majority and the minority report.

The Clerk read as follows:

Resolved, That the report of the Committee of Elections in the case of Spencer *vs.* Morey, fifth district of Louisiana, be recommitted to said committee; that the poll of Concordia Parish be counted; that the time for taking testimony in said case be extended sixty days from the 10th day of June, 1876; and that within said extended time additional testimony may be taken upon the question, What was the true vote of the first, second, and third polls of Carroll Parish? said testimony to be taken in accordance with the statutes regulating the taking of testimony in contested-election cases, except that the contestant shall take testimony during the first twenty days; the contestee during the next twenty-five days, and the contestant during the last five days in rebuttal only; this arrangement of time to be subject to such changes as may be mutually agreed on by the parties to the contest.

Mr. BEEBE. Is it the purpose of the gentleman to press this substitute at the present time?

Mr. McCRARY. No, sir; I do not desire to do so until gentlemen are ready to have a vote. I would like to have the proposition pending to be voted on when we reach the final question.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) It will be considered as pending.

Mr. MOREY. I ask the gentleman from Iowa [Mr. McCRARY] to yield to me the balance of his time.

Mr. McCRARY. I will do so.

The SPEAKER *pro tempore*. The gentleman from Iowa has thirty minutes remaining.

Mr. MOREY. Then I shall be entitled to one hour and a half.

The SPEAKER *pro tempore*. Yes, sir.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 728) for the relief of Martha J. Coston.

The message further announced that on Thursday the 1st day of June, 1876, at one o'clock p. m., the Senate will deliver its judgment in open Senate on the question of jurisdiction raised by the pleadings in the trial of William W. Belknap, upon articles of impeachment exhibited against him by the House of Representatives, at which time the managers of the House are notified to attend.

ELECTION CONTEST—SPENCER *vs.* MOREY.

The House resumed the consideration of the contested-election case of Spencer *vs.* Morey.

Mr. MOREY. Mr. Speaker, in discussing this case I shall do what other gentlemen promised to do and did not, that is, to confine myself to the record and endeavor to deal with the facts and with the legal and equitable features of the case.

It will be remembered that there was what has gone into history as the "Wheeler adjustment" of the questions growing out of the election in 1874 in Louisiana, in which the action of the State returning board was to some extent revised. In no case was any change made or asked for in either of the fourteen parishes in my district, so that this case comes before this House entitled to a fair consideration on its merits as developed in the record.

The vote of each party in the district is admitted by both parties to this contest, except at one poll in one parish and the entire vote of another parish. We will first consider the one poll, namely, the fifth poll of Concordia Parish.

Contestant charges as follows:

I claim that the said returning board unlawfully canvassed and counted the returns from the fifth poll or ward of Concordia Parish, and that the supervisor unlawfully returned the votes of said poll, thereby giving you wrongfully a majority of 450 more in said parish than you were legally entitled to, for the following reasons, to wit: The election laws of Louisiana require that the ballot-boxes shall be opened at the polling-place as soon as the voting is over, in presence of the public, and the votes counted publicly, and returns made within twenty-four hours after the closing of the polls. At said fifth poll the commissioners of election refused to open and count the votes at the poll; but, on the contrary, they took the ballot-box late at night and carried it away to Vidalia, a distance of fifteen miles, and went into a private apartment and counted the votes out of the presence of the public, and made no returns thereof for two days after the election; *all of which constitutes presumptive evidence of fraud and wrong.*

Mark you, there is no charge of fraud!

Now, there are two points in this specification:

First, that the votes were counted elsewhere than at the polls; and

Second, (which was a necessary result of the first,) that the returns were not made within the time prescribed by law.

The testimony is so brief that I will ask the Clerk to read *all* of the testimony taken in regard to this poll by both parties.

The Clerk read as follows:

JOHN F. DAMERON, sworn for both parties, says:

At the general election held on 2d November, 1874, I was at the Vanclusc poll, fifth ward, Concordia Parish, and acting at said poll as a commissioner of election. Robert H. Columbus and Thomas E. D. Jefferson were the other two commissioners at said poll, and William C. Yeager United States supervisor at that poll. When the polls were closed on that day, between six and seven o'clock p. m., the box was locked, I took the key in my possession, giving the box to Robert H. Columbus. We started for Vidalia, the parish seat of Concordia, distant about sixteen miles. Upon reaching the store of T. C. Witherspoon, on the road to Vidalia, the suggestion was made that I should take the box and ride in a buggy from there to Vidalia, which suggestion I acceded to, and came on to Vidalia in company with Irvine in his buggy, one of the other commissioners riding in front and one in rear of the buggy on horseback. Coming on without any interruption, we reached Vidalia between eleven and twelve o'clock that night, and proceeded to the office of Barnett Hitchcock, tax-collector, up-stairs in the court-house at Vidalia. We then and there opened the box and proceeded to the counting of the votes up to half past two o'clock a. m. of the 3d November. When we closed the box, I locked it and gave the key to Robert H. Columbus, taking the box with me in company with William C. Yeager, United States supervisor, to the hotel in Vidalia. Putting the box under my bed in the room of the hotel, we went to sleep and slept till about seven and a half or eight o'clock in the morning. We then got up to breakfast, I taking the box with me to the table. After finishing breakfast, we went to the court house, to Mr. Hitchcock's room again. Opening the box, we proceeded again to count the votes. After thus counting some time in Mr. Hitchcock's room, we closed the box and moved down-stairs into the court-room, where we proceeded until the count was completed. The reason we did not go to the court-room at first was that on arriving at Vidalia we found the court-room occupied by the commissioners of the Vidalia ward or precinct. We completed our returns on the night of the 3d November, between ten and eleven o'clock, and made our returns to the supervisor of the parish on the next day, 4th November, between twelve m. and one o'clock p. m. In counting the votes the tally-lists were kept by different persons, part of the time by Mr. Connell, part of the time by Mr. Joyce, and part of the time by Mr. Nutt. The tally-sheets were kept under the direction and supervision of the commissioners. There were in said box and returned by said commissioners 441 votes for Frank Morey for member of Congress for fifth district and 37 votes for William B. Spencer for member of Congress for fifth district of Louisiana.

During the night of 2d November, when we were counting the votes in Mr. Hitchcock's room, there were present, besides the commissioners, several persons, among whom was a candidate for police juror and a candidate for magistrate of the fifth ward. Mr. Hitchcock's office was considered to be a public office, and any person during the time we were counting was privileged to come in. It was not a public office except for purposes of tax-collecting; and Mr. Ault, the deputy collector, gave us permission to use it. When I went to my meals during the time of counting, I left the box in the court-room in charge of Mr. Columbus, one of the commissioners, and took the key myself; and when he went to his meals, he took the key and left me in charge of the box. The other commissioners did not take their meals at the same house with me, they being colored men. I am neither a democrat nor a republican, but am an old-line whig. The other two commissioners were republicans. I was not considered to be a republican. The labor of counting the votes was very considerable, as it was a general election and quite a number of candidates voted for. I only heard two candidates make objections to our mode and manner of counting. No objection by anybody else was made to me. The votes cast at this fifth-ward box were counted and returned by the supervisor, as between all the candidates at said election. I don't think the tally-lists were very regularly kept, as we had no regular tally-keepers and had to pick them up as we could get them. I believe the tally-lists were kept as correctly as they could have been kept under the circumstances.

I omitted in commencing my statement to mention the circumstances under which the box was removed from the polling-place and the vote not there counted. When the polls closed, the other two commissioners refused to open and count the votes at the polls, they saying that the box ought to be taken to Vidalia and the votes counted there. Not having the book of instructions for holding the elections, I acquiesced in their wishes. I will further state that the reason why we suspended the counting of the votes on the night of 2d November was that the commissioners were tired and very much exhausted by the labors of the day and the long ride that night. I voted at said election for Moncure for treasurer, Spencer for Congress, and some republicans for other offices. Said election was free and fair.

JNO. F. DAMERON.

WILLIAM C. YEAGER, sworn for plaintiff, says:

I was United States supervisor on 2d November, 1874, at fifth-ward box in Concordia Parish. I have carefully read the testimony of John F. Dameron, this day taken and hereinbefore written, and I fully confirm the same, as containing a true and correct statement of the facts relative to the matters stated therein. As United States supervisor aforesaid I made a report setting forth in substance the same facts to F. A. Woolfley, United States supervisor for the State of Louisiana, immediately after said election.

W. C. YEAGER.

THOMAS E. D. JEFFERSON, sworn for defendant, says:

I have carefully examined the testimony of John F. Dameron, taken this day in this cause, and hereinbefore written, and I fully confirm his statement of the facts relative to the election at fifth ward poll, Concordia Parish, on 2d November, 1874, with the following qualification and exception, to wit: I made no objection to opening and counting the votes at the polls, but stated I had served as a commissioner of election before, and always took the boxes to Vidalia to count them; and we had no instruction book to guide us, and I did not know what else to do, believing that to be the law. I had left the instruction book at home, having forgotten to take it with me. The election on that day was free and fair.

THOS. E. D. JEFFERSON.

ROBERT H. COLUMBUS, sworn for defendant, says:

I have carefully examined the testimony of John F. Dameron, taken this day in this cause, and hereinbefore written, and I fully confirm his statement of the facts relative to the election at fifth ward poll of Concordia on 2d November, 1874, with the following exception: I made no objection to the opening and counting of the votes at the polls. Said election was free and fair.

R. H. COLUMBUS.

Mr. MOREY. Now, what was the law in force at the prior election, which is referred to by the witness Jefferson? I quote:

At the conclusion of the election, at each poll, the boxes containing the ballots shall be securely locked and sealed, and taken immediately by the commissioners of election to the parish seat, where they shall be counted out by the said commissioners, in the presence of the supervisors of registration and election of the parish.

Now, this is what was done at this poll, under the idea that the old law was in force. Now, here is a violation of a provision of law through a mistake honestly made. There is no charge of fraud and no evidence of it, and the rule is that the contestant shall be confined to the specific charge that he makes.

Now, there is every word of evidence that is in this record touching this poll, and I would ask what warrant my colleague has for saying that the poll-lists were kept by "any lounging loafer that came along?" It is by this kind of loose statement and by going outside of the record entirely that the attempt is being made to prejudice my claim in this contest. Now, my colleague used this language referring to the commissioners at this poll:

They distinctly state that the returns were calculated from these tally-sheets kept by Tom, Dick, and Harry, or any idler or loafer who came into the room during the count. This was the basis on which they made their returns; and when put to the test they declare that "they do not know whether these tally-lists were correctly kept or not; that they were kept as well as they could be under the circumstances."

Now, these words are put in quotation marks by my colleague, who held his speech three days for revision, and I submit that an argument containing errors of this kind in a case of this kind is worthy of no consideration. This is only a sample; I will have occasion to refer more than once to this "revised" speech, as well as to another of the same sort. Now, my colleague says again:

When votes are called off at the polls, somebody keeps the tally. But the tally-sheets are no evidence of the election whatever, and no part of the returns. They are a mere series of straight marks and names, which may be multiplied and prolonged indefinitely.

In this my colleague states the law correctly; but the gentleman from Missouri, [Mr. DE BOLT,] who also printed a revised speech, says:

The returns are made from the tally-sheets; in fact the tally-sheets are the returns themselves, with the affidavits of the commissioners attached.

Now, where did the gentleman get that law? Not from the laws of Louisiana nor from this record; and this gentleman is a member of the committee and signed the majority report. He said in debate that I had been in this case from the beginning and did not know anything about it. We shall see about that. I propose to show the House that he knows so little about it that his name to that report is not worth the weight of a feather. In this revised speech of his there are twenty statements made by him that are not borne out by the record.

Now we will consider the law.

Was this a violation of a mandatory or a directory provision of the law? Let us see.

Much stress has been laid on the first section of the election law, which is as follows:

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in General Assembly convened*, That all elections for State, parish, and judicial officers, members of the General Assembly, and for members of Congress, shall be held on the first Monday in November; and said election shall be styled the general elections. They shall be held in the manner and form and subject to the regulations hereinafter prescribed, and no other.

These concluding words "and no other" have been treated by the majority as having the same significance as "negative words" referred to by Cooley, the presence of which is conclusive of the mandatory character of the provision. But do they mean the same thing? Not at all.

Cushing on Legislative Assemblies says, referring to the inspectors or commissioners of election:

Where the law is merely directory, no neglect or mistake, or even improper conduct or irregularity on their part, will be fatal, *though frequently made punishable by law*, if in other respects there has been a substantial and good election.

Provisions of law, which are introduced only as affirmative propositions, are commonly, unless essential in their character, merely directory; but if *accompanied also by negative words*, or their equivalent, they are, of course, without regard to their character, always peremptory.

202. In the application of this principle much embarrassment will be prevented by keeping in view these two considerations: 1. That it is the language, rather than the nature of a statutory provision, which makes it imperative or directory. 2. That whether a neglect of the requisitions of a directory statute will be fatal or not to the proceedings does not depend so much upon the nature of the neglect *as upon its influence in producing the result of the election*. Irregularities in the proceedings of returning officers, though not sufficient of themselves to authorize a presumption of fraud or corruption, are nevertheless always looked upon as strong corroborative circumstances.

203. The following cases are selected from a much greater number as examples of irregularities in the conduct of returning officers, in the observance of the requisitions of statutes, and which have been held to be merely directory statutes, and which have been considered as insufficient to invalidate elections, namely: Where the ballot-box was not locked as required by law, but was only tied with tape, and was also placed in the custody of a person not authorized to have charge of it; where instead of 'a box locked or otherwise secured,' a gourd 'carefully stopped and tied up in a handkerchief' was used; where there was an omission to give the notices required by law to two inconsiderable places within an election district; *where the returning officers did not meet for the purpose of making their return until after the time appointed by law*; where the poll clerks appointed by the sheriff were not sworn until after the election, or *were not sworn at all*; where the number of votes being required by law to be set down in writing was set down in figures; where the return of votes was unsealed instead of being sealed up as required by law; *where the votes were returned after the time prescribed by law*; where the opening of the meeting was delayed for two hours beyond the time fixed; where the officers presiding at an election, in the belief that illegal votes had been received, stopped the balloting and commenced anew; where the warrant calling the meeting for an election did not specify the time when the poll would be opened; where the poll was not kept open each day the number of hours required by law. *In all these cases, there being a substantial and good election, notwithstanding the irregularities complained of, the proceedings were not invalidated.*

Now, the provision of law for counting the votes at the place where cast is not accompanied by negative words, and therefore is not mandatory or essential. It may be a sufficiently positive provision to subject the commissioners to punishment, but *is not essential to the validity of the election*. The authorities are very full on this point. Now, if this generic provision is held to be mandatory, it proves too much. For instance, the law says that no person shall carry fire-arms within one mile of the polls. Suppose they do. Do you mean to tell me that that would avoid the election? The law says that no whisky shall be sold about the polls nor given away. Suppose each man is offered a drink by his neighbor. The law provides that the commissioners shall count the ballots and declare the result. Suppose at the conclusion of the voting that they are struck by lightning and killed. Do you mean to tell me that the voters at that poll are to be deprived of their right to have their votes counted? No, sir; these are mere directory provisions. But we are not left in the fog at all in this matter. The rule is that the decisions of the State courts on State laws shall govern. The supreme court has decided definitely that these provisions are directory merely.

My colleague from the second district [Mr. ELLIS] has seen fit to indulge in some reflections on the *personnel* of the supreme court; but as that is not in the record of this case I do not propose to follow him. But I desire to say this: that the opinion of the supreme court merely re-affirms the well-settled jurisprudence of our State on this question, and refers to the decisions on the same points reported in the ninth, tenth, and thirteenth annuals. The court was democratic in those days.

In the ninth annual the decision was rendered by Judge Voorhies. In the tenth annual the decision was rendered by Judge Merrick. In the thirteenth annual the decision was rendered by Judge Spofford. What has the gentleman to say of the *personnel* of those courts? Are they not Chevalier Bayards? The gentleman should scorn to descend to a partisan appeal like the one he made in his speech in the discussion of a case of this kind.

The gentleman quoted from Cooley. Let me give him a little of Cooley's authority on this point:

Errors of judgment are inevitable, but fraud, intimidation, and violence the law can and should protect against. (Cooley's Limitations, page 621.) The same author says: "When an election is thus rendered irregular, whether the irregularity shall avoid it or not must depend generally upon the effect the irregularity may

have had in obstructing the complete expression of the popular will, or the production of satisfactory evidence thereof. Election statutes are to be tested like other statutes, but with a leaning to liberality, in view of the great public purposes which they accomplish, and, except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provisions, designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, provided the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences, from which the result was to be declared," (618,) and it was said in People *vs.* Cook, 14 Barbour, 257, and 8 New York, 67, "that any irregularity in conducting an election, which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and *has not been occasioned by the agency of a party seeking to derive a benefit from it*, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what is not in election laws. And when a party contests an election on the ground of these or any similar irregularities, he ought to aver and be able to show that the result was affected by them." (Cooley's Constitutional Limitations, page 619; 13 Annual, 175.)

The same principle is mentioned in the Ohio State report for 1866, a report made by a committee of which the distinguished member from Ohio [Mr. WALLING] was a member.

McCrary, in his Election Law, says:

If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission should render the election void, all the courts whose duty it is to enforce said statutes must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. But if, as in most cases, the statute simply provides that acts or things shall be done within a particular time, or in a particular way, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do, and directory if they do not affect the actual results of the election. * * * Those provisions which affect the time and place of holding elections and the legal qualifications of the electors are generally of the substance of the election, while those touching the record and the returns of the votes received are directory. The principle is that irregularities which do not tend to affect the results are not to defeat the will of the majority. The will of the majority is to be recognized even when irregularly expressed. (McCrary, 126-127.)

The same author says:

It is mainly with reference to these two results that the rules for conducting elections are prescribed by legislative power. To hold that these rules are mandatory is to subordinate the substance to the form, the end to the means. (Page 200.)

Further on the same author says:

Bear in mind that irregularities are generally to be disregarded, unless the statute expressly declares that they shall be fatal to the election, or unless they are such in themselves as to change or render doubtful the result. (Page 200.)

In the case of David Bard, Hall and Clark, 116, the committee held—

That even where the law required that the returns should be made on the 15th day of November, and the commissioners of election did not make the return until the 1st of May, then this irregularity would not defeat the election.

In the case of Biddle and Richard *vs.* Wing, C. & H., 506, the committee said:

The governing principle in all cases is to clearly ascertain the will of the voters. (State *vs.* Sleirs, Brightly's Contested Cases, page 393.)

When the people, in the exercise of their constitutional rights, have gone through the process of an election according to the prescribed rules of law, they ought not to be deprived of the advantage accruing therefrom but for the most substantial reasons. Indeed, nothing short of the impossibility of ascertaining for whom the majority of votes have been cast ought to vacate the election.

Votes fairly and honestly given ought not to be set aside for any mistake or omission of the returning officers. (Colden *vs.* Sharpe, Clerk & H., page 369.)

Again, this House, in the case of Draper *vs.* Johnson, C. & H., 703, decided that—

The law requiring votes to be returned within a limited time is directory only, and if they are not returned by that time the election is not vitiated. They may be received afterward.

Again, in the case of Mallory *vs.* Menall, C. & H., 328, where the presiding officer of the election, whose duty it was by law to return the votes sealed up, returned them unsealed, they were, in the absence of any evidence of fraud, allowed to be received. Also, that "votes fairly given to a party may be counted in his favor, though they have never been returned to the proper authorities." To the same effect, see Brightly's Election Cases, page 571.

McCrary, section 305, says:

If the voice of the electors can be made to appear from the returns with reasonable clearness and certainty, then the election shall stand.

The burden of proof is upon the contestant that non-compliance in the particular above mentioned affected the actual merits of the election. This he has failed to do, and, guided by the principles of law governing election cases, the official returns on page 130, record, exhibit 25, must be presumed to be honest and correct until the contrary is made to appear.

The burden of proof is always upon the contestant or the party attacking the official return or certificate. The presumption is that the officers of the law having charge have discharged their duty faithfully. (McCrary, 306.)

What does this Committee of Elections say in the case of Cox *vs.* Strait, recently decided in favor of the sitting member?

Your committee regard the conduct of the judges of election in this place in leaving the ballot-box for the space of an hour unsealed and unguarded as highly reprehensible. It is of the highest importance that the ballot-box should be guarded and protected in the most careful manner; that all the provisions of law made for the security of the ballot should be strictly obeyed. There should not be the least opportunity for tampering with the ballots. It is certainly a serious question whether such an irregularity as this ought not to vitiate the election; but your committee under all the circumstances have not felt compelled to reject this entire poll, there being no *evidence that the ballot-box was actually tampered with*, but, on the contrary, there is some negative testimony showing that it was not tampered with. Your committee would, were there any facts tending to show that the ballot-box had been tampered with, have decided to reject the returns from this poll. The adjournment for dinner has frequently been decided not to be sufficient to vitiate an election. The law of the State of Minnesota provides that no election returns shall be refused where there has been a substantial compliance with the law.

And in regard to the returns from another town in the same district the committee say:

The returns should have been conveyed to the county auditor by one of the judges of the election, sealed, but were conveyed by the witness, an unauthorized person, and were unsealed. This is a grave irregularity, but the evidence is that he delivered the returns to the county auditor just as he received them from the town canvassers, and this testimony is not impeached. The committee do not, therefore, reject the returns from this town.

Unless this rule is followed my colleagues, Mr. GIBSON and Mr. ELLIS, have no right to seats on this floor.

The democratic counsel before the returning board in New Orleans filed a brief claiming that no poll should be rejected on account of any informality unless accompanied with charges and proof of fraud. This city voted a democratic majority of 15,000. Two of the three commissioners of election at each poll were democrats, appointed by the city council, who were all democrats. What was the reply of the returning board, and what was their action in the premises?

It is a part of this record, and I will ask the Clerk to read it.

The Clerk read as follows:

When the returning officers entered on the discharge of their duties they first took up the parish of Orleans, in which there were one hundred and eighteen polling-places. There being the returns for candidates for a municipal government, two sheriffs, and a great number of minor offices to be canvassed, it was deemed important that the elected candidates should be inducted into office as soon as possible. Immediately on entering into the canvass of the votes in the parish of Orleans it was discovered that the election had been exceedingly loosely conducted. In not probably a dozen polling-places in the city had all the formalities required by law been complied with. In but a very few cases had the list of voters been kept, or, if kept, returned to the board, and many of those returned had not been signed or sworn to. In many cases the statement of votes showing who had been voted for were not kept, or, if kept, not returned to the board, and in many cases the tally-sheets were not kept, and, if kept, not returned to the board, and in some cases nothing but the unsigned and unsworn to tally-sheets were all that had been returned to the board. Under such circumstances, if the board should decide that a compliance with all the forms of law would be required to enable them to canvass and compile the votes, it was evident there had been no legal election in the parish of Orleans. The board then decided that if any of the formalities required by law had been complied with, even only a tally-sheet unsigned or sworn to was returned to it by the supervisors of registration, they would, in the absence of any proof of fraud, intimidation, or other illegal practice, canvass and compile the vote of such polling-place. Under this ruling of the board the canvass and compilation of the vote of the entire State proceeded.

* * * * * * *

It was found on examining the returns made to the board by the supervisors of registration from the different parishes, that the same omission to comply with the forms of law existed that had been found in the parish of Orleans, and the board applied the same rule.

Mr. MOREY. Now, Mr. Speaker, if the board had decided in the case of New Orleans as my colleague and the committee would have us decide in this case, then neither he nor our colleague, General GIBSON, would have been entitled to seats here, nor would there be held to have been a legal election in the State of Louisiana.

Now some stress has been laid on the fact that the tally-sheets, although kept under the direction and supervision of the commissioners, were kept by unauthorized persons.

The law makes no provisions for clerks. It does not prohibit their employment by the commissioners, and it is the universal practice from one end of the State to the other to employ the expert penmen at each poll to assist in keeping tally. Four or five tallies are kept, and in case of a disagreement the votes are recounted.

But in this case we are not left in doubt, for contestant makes no charge of fraud, and the committee must confine themselves to his specifications. There is no doubt, however, for all three commissioners, as well as contestant's witness, swear as follows:

There were in said box and returned by said commissioners 441 votes for Frank Morey for member of Congress for fifth district and 37 votes for William B. Spencer for member of Congress for fifth district of Louisiana.

Now, by what right, law, or precedent does this committee go outside of the specifications of the contestant to find reasons to reject this poll? There may be some excuse from the fact that they are all new members of that committee and are not familiar with the practice; but the practice is and all the precedents are as I have stated.

The votes in this box were taken without question, and decided the election for the sheriff and other officers in this parish.

We therefore conclude that the return, which is as follows, should be counted:

EXHIBIT 25.—*Statement of votes at poll No. 5, parish of Concordia.*

Statement of votes cast at poll No. 5, of election precinct No. 5, of the parish of Concordia, for members of Congress, State and parish officers, at the general election November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
* * *	* *	*
Frank Morey	Congress, fifth district	440
F. Morey	Congress, fifth district	1
W. B. Spencer	Congress, fifth district	36
Wm. Spencer	Congress, fifth district	1
* *	* *	*
A. B. Boner	Congress, fifth	3

Number of ballots in box, 498. Number of ballots rejected, none.

STATE OF LOUISIANA, *Parish of Concordia:*

Personally appeared before me, the undersigned authority, John F. Dameron, R. H. Columbus, and T. E. D. Jefferson, duly appointed and qualified commissioners of election of poll No. 5, election precinct of the parish of Concordia, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.

JNO. A. WASHINGTON,
Supervisor of Registration.

JNO. F. DAMERON,
THOS. E. D. JEFFERSON,
R. H. COLUMBUS,
Commissioners of Election, Poll No. 5, Parish of ——.

An examination of the oath of the commissioners will, in the absence of any charge or proof of fraud, remove all doubt. Spencer arrived at this ward with a majority of 1,396 votes; deduct my majority of 404 votes at this poll, and it leaves Spencer a majority of 992 votes with which he enters Carroll Parish.

CARROLL PARISH.

We next consider the election held in the parish of Carroll. What is the charge of contestant as to this parish? That his vote in this parish, added to his majority in the other thirteen parishes, would give him a majority of the votes in the district? No; not at all. He claims that there was no valid election in this parish. In a case taken up from this parish the supreme court decided that there had been a valid election in this parish. If you take the view which my colleague urges and decide that there was no election, then, inasmuch as there were 2,263 votes cast in this parish and twenty-five hundred and thirty registered voters, enough to decide the election in the district, there is but one alternative under the law and the practice, and that is to send the election back to the people. If, however, we take the other view, which is what the majority report really amounts to at last, that there is not sufficient testimony to clearly determine exactly how many votes each party received, and that the testimony develops the fact that positive evidence on this point can be had by calling the voters themselves, which neither party has done, then the only alternative is to remand the parties back for this evidence.

In Biddle and Richard *vs.* Wing, Clark & Hall, page 504, the rule is stated as follows:

Indeed, nothing short of the impossibility of ascertaining for whom the majority of votes were given ought to vacate an election, especially if by such decision the people must, on account of their distant and dispersed situation, necessarily go unrepresented for a long period of time.

My colleague, [Mr. ELLIS,] in answer to my question, took the ground that the evidence of the parties who made a return proved to have been lost as to the contents of the paper was tertiary in its character, and that the evidence of the voters themselves would have been primary. I do not subscribe to that view of the law, and I know that his view does not prevail in the decisions made by the various committees on contested elections in Congress.

The testimony of all the witnesses shows that an election was held, and that a count of the votes cast was made; the evidence is conclusive that returns were made up at the polls and signed by the commissioners at every poll except one, where one commissioner did not sign them. The evidence of several of the commissioners is that one copy of these returns was made to the clerk of the court.

E. M. Spann, the democratic commissioner at poll 1, who is not only not impeached, but is one of the leading democrats in that part of the parish, and whose affidavit was taken by the counsel for the democratic party to lay before the returning board to impeach the altered returns, and whose affidavit was unimpeached, testified as follows:

Question. State your name, residence, occupation, and where you were on the day of the election held in Carroll Parish, on the 2d day of November, 1874.

Answer. My name is E. M. Spann; reside in the first ward, Carroll Parish; am a planter; and was a democratic commissioner of election at poll No. 1 in Carroll Parish.

Q. Were you there all day?

A. I was.

Q. Did you assist in making up the returns at the close of said election?

A. I assisted in calling off the votes. T. B. Rhodes, another commissioner, kept one of the tallies, and some other parties present kept other tallies; finding upon footing them up the tallies did not all agree, we counted the votes all over again, and the tallies then kept did agree. The returns were then written up; there were either two or three copies; and the other commissioners and myself then signed them in the presence of each other.

Q. (The document A produced by R. K. Anderson being produced and exhibited to the witness.) Is this document one of the original returns made out at poll No. 1 and signed by you and the other commissioners, and does it give the true result of the election held at poll No. 1?

(This question is objected to by contestant.)

A. It is one of the original returns that was made up and signed by the commissioners, and it gives the true result of the election at said poll.

Q. After the returns were made out what was done with them and the other papers pertaining to the election at that poll, and with the ballot-box containing the ballots cast at that poll?

A. David Jackson, another commissioner, and myself took them to Providence, the parish site, and deposited them in the office of the clerk of the court, all except the returns, one copy of which was left with the clerk of the court and another given to the supervisor of registration of the parish.

One of the witnesses of contestant, it is true, states that there had been no returns, except one, on file in the clerk's office since November, but he is contradicted on this point by the commissioners from poll 3 and poll 4. But as the minority report shows another of contestant's witnesses (Mr. Lackey) contradicts his witness, Galbraith, the minority report says:

By an examination of Mr. Lackey's evidence, (contestant's witness,) it will be observed that he testifies as follows:

"Question. Were the returns which you signed correctly made up from the returns of commissioners of election?

"Answer. Yes.

"Q. Did you discharge the duties of your office honestly and fairly according to the best of your ability?

"A. I did."

Showing conclusively that the commissioners from the various polls must have filed with supervisors and the clerk of the court their returns, for it will be observed that Mr. Lackey swears that he discharged his duties "honestly and fairly," showing inferentially that the clerk of the district court must have certified to the return made up by him, as he says, "correctly from the returns of the commissioners of election for Carroll Parish." The law above quoted distinctly defines the duty of the clerk to be to certify to the correctness of the returns, which are to be consolidated by the supervisors of registration. The legal presumption is that the clerk did his duty. Lackey could not have discharged his duty properly in this connection unless the clerk certified to the correctness of the returns, and the clerk could not have certified to the returns unless he had said returns on deposit in his office. In the same section of the law is found the following:

"He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section 26 of this act, if any there be, together with all memoranda and tally-lists used in making the count and statement of the votes."

There is no evidence produced by contestant that any statement of fraud or irregularity of any kind was made by any commissioner of election in his returns to the supervisor of registration, or that said supervisor of registration made any such return of fraud or irregularity to the said returning board. It will be observed that the last clause of said section 26 reads as follows:

"His copy of said statement shall be so annexed to his returns of election by paste, wax, or some adhesive substance that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney."

This, be it remembered, is the witness of contestant, and there can be no doubt that the returns were made to the clerk's office according to law.

Another witness swears:

Question. Has or not a term of the district court been held in this parish since the election in November last?

Answer. There was a session commencing on the first Monday in December last, I think.

Now under the laws of Louisiana the ballots and returns are not required to be kept longer than the next term of court after the election. An investigation had been had in regard to this election by the grand jury of Carroll Parish during the session of the district court in December, 1874, and this is their finding. (See exhibit D, record:)

ROOMS OF GRAND JURY,
Thursday, December 10, A. D. 1874.

To Hon. Wade H. Hough, judge of the thirteenth district court of Louisiana, holding sessions in and for the parish of Carroll:

Your grand jurors, impaneled for the present term of your honorable court, beg leave to submit the following report:

* * * * * * *

Quite a number of irregularities are reported in the conduct of the recent election in this parish, but upon investigations we do not find them to be of such a character as require the action of the grand jury.

A. C. RHOTEN, *Foreman.*

It is shown by the evidence of contestant's witness Montgomery that at least four of this grand jury were among the leading citizens of the parish, three of them were democrats, and the foreman a leading citizen and large planter. Now, what crimes against the election laws had this grand jury cognizance of? I will read two sections of the law:

SEC. 45. *Be it further enacted, &c.*, That any civil officer or other person who shall assume or pretend to act in any capacity as a commissioner or other officer of election to receive or count votes, to receive returns or ballot-boxes, or to do any other act toward the holding or conducting elections or the making returns thereof in violation of or contrary to the provisions of this act, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not to exceed three years nor less than one year, and by a fine not exceeding $300 nor less than $100.

SEC. 57. *Be it further enacted, &c.*, That any person, not authorized by this law to receive or count the ballots at any election, who shall, during or after any election, and before the votes have been counted, disturb, displace, conceal, destroy, handle, or touch any ballot after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than $100, or by imprisonment for not less than six months, or both, at the discretion of the court.

No violation of these provisions of the law were reported from any quarter.

It is perfectly clear that the election itself and everything connected with it, including the making of the returns to the county clerk and to the county supervisor, was done as the law required, and the taking of the ballot-boxes and returns from the clerk's office, if it was done, was done after they had been deposited there. This I believe was done, though the evidence is silent as to who did it and when it was done.

This proceeding, however, did not destroy the election. It had no connection with the election, and destroyed nothing but *some of the evidences of the election.* This proceeding was not in my interest, but to the contrary the contestant and the committee concede that I had no knowledge of nor connection with it, and by the well-established rule such wrong-doing, by whomsoever done, must not work to my injury nor in any manner prejudice me. Now, stress is laid on the statement that this wrong-doing was committed by my partisans. In the first place there is no evidence to show who did it. To quote from the majority report, "the proof is silent on that point." Now,

is it proposed to go outside of the record, that even the majority report says is silent on this point, and assume that somebody did it, because the contestant charged it? Why did he not prove it? Why did he not *attempt* to prove it? Neither of the factions in that parish were my partisans in the ordinary application of the term. The all-absorbing fight was for the State senatorship, and there were democrats and republicans on both sides of the contest. There were 2,365 votes polled, of which about 1,900 were colored and 400 white, and the whole current of testimony is that I received the votes of all the republicans on both sides, besides a large number of the democratic votes.

Now, in order that there may be no confusion in the minds of members, it must be kept in mind that the law provides that there shall be three commissioners of election, who shall be taken from different political parties, and who shall be of good standing in their respective parties. These three commissioners hold the election, count the votes, and make two sets or copies of the returns. One set, with the ballots in the boxes and tally-sheets, is to be taken to the county clerk's office, and the other set is returned to a county officer termed the supervisor of registration and election, whose duty it is to make a consolidated return from the returns received by him from the different polls, and to send this consolidated return, together with the returns from the different polls, to the State board of returning officers. Now, this county supervisor was a colored man, named Lackey. He had by law two clerks. One was J. S. Milliken, the other was W. W. Benham. Now, who was Lackey? The contestant charged in his notice that he was "the mere tool of George C. Benham," the white candidate for the State senate who ran against Gla, the colored candidate. I admit the charge; I agree that he was the tool of George C. Benham, just as the contestant charged, and I think I will show it by the contestant's own witnesses as well as by mine, and make the presumption that he was the man that altered these returns reasonably clear. The contestant, for reasons best known to himself, made this man his witness afterward and relies largely on his testimony. The contestant in his brief charges the forgery on W. W. Benham, the clerk of the supervisor, and the committee in their report adopt this view, notwithstanding there is *not one word* of evidence of that fact in the record. The contestant did not attempt to show it nor did he attempt to impeach the evidence or the character of W. W. Benham. His evidence is unimpeached and uncontradicted save in one particular, where he swears that all of the commissioners signed the returns from poll 2, while Montgomery, the democratic commissioner, swears that he did not sign the returns, though he swears "he signed all the papers that he thought the law required." That was a matter in regard to which either party might have been mistaken, and Montgomery does not contradict another word of Benham's testimony, nor does anybody else.

I was, I confess, astonished to read in the speech of the gentleman from Tennessee [Mr. HOUSE] this statement:

> It is clearly shown, as I think, by the proof that he was the man who committed the forgery.

This statement also appears in the remarks of my colleague [Mr. ELLIS] and of the gentleman from Missouri, [Mr. DE BOLT.] Where, I ask, is the evidence on which this statement is based?

Mr. HOUSE. I will tell the gentleman, if he will allow me.

Mr. MOREY. Certainly.

Mr. HOUSE. The evidence in the case is that the supervisor of the county says that the returns which were found in the hands of the State board were not put there by his authority or with his consent. A receipt was produced from W. W. Benham, and he admits that he carried the returns to the State board. He does not deny nor is he asked to deny that he altered those returns, although the circumstances cast upon him the strongest suspicion of having done so.

Mr. MOREY. Now, if the House will give me its attention for two or three minutes I will dispose of that part of the case, or I am willing to relinquish my seat as a member of this House. The gentleman admits that there is no evidence but what he has just stated, that W. W. Benham was a mere messenger of Supervisor Lackey. Is that correct?

Mr. HOUSE. I did not distinctly hear the gentleman. I would be glad to have him repeat his proposition.

Mr. MOREY. Do you not admit that there is no evidence of record except that Benham was the messenger between the county supervisor and the returning board, and that he put the returns before that board?

Mr. HOUSE. No, sir; I do not admit that he was the messenger of the supervisor at all. It is shown that he carried some returns; and the forgery rests between him and the State attorney, it being conceded that the papers were forgeries.

Mr. MOREY. Now, if you will listen, I will show you that you do not know anything about this record. I say this with due respect to the gentleman and without intending of course to impugn his motives. I intend, however, to show that this committee do not know anything about this record.

Now, in your report you say that the evidence is clear and conclusive that W. W. Benham was the author of this forgery. That is the statement of your report.

It is not in this record. It was not charged in the contestant's notice. It *is* charged, however, in the contestant's brief, because it was important to break the witness down, as he was a commissioner of election and my witness. W. W. Benham was the clerk of the supervisor and acted as his messenger in taking the returns to New Orleans; and not only was there no charge that he forged the returns, but affidavits were introduced by contestant to prove that the brother of this witness, George C. Benham, the candidate for State senator, altered the returns, and that matter was alluded to by my colleague [Mr. ELLIS] in these words:

> The *brother of Benham* was detected some time after the election in a house on Jackson street, three miles from the State-house, with the lists and returns before him, which he was manipulating.
>
> But I will say in justice to myself that, whether in or out of the record, what I stated was true, because I was one among those who heard of G. C. Benham's operations and was consulted as to the best means of detecting and punishing him for his fraud upon the returns.

Mr. HOUSE. The gentleman alludes to George C. Benham being seen at a house in New Orleans figuring on those returns or figuring on some papers.

Mr. MOREY. Yes, sir.

Mr. HOUSE. Was that before or after W. W. Benham made this return to the State board? If it was before, then he carried to the State board returns which his brother had forged; and, if it was after W. W. Benham carried the returns to the State board, how did George C. Benham get hold of them? Will the gentleman explain that?

Mr. MOREY. I will. As I said before, there is no word of evidence on the subject as to who committed this forgery.

Mr. HOUSE. Will the gentleman allow me a moment? He has accused the committee of knowing nothing about the record. Now I have put a question to him which he fails to answer. The report states that the proof shows that W. W. Benham altered these returns. Now the gentleman undertakes to throw the responsibility on the brother of W. W. Benham, who, he says, was figuring on some returns in New Orleans. He figured on those returns before W. W. Benham took them to the State board. That fact is not disputed, that W. W. Benham put them before the State board—some returns. Then it necessarily follows that he either put the returns before the State board that his brother had figured on or that his brother got the returns from the State board after he had forged them. How did he get them? That is the point. Answer that.

Mr. MOREY. In answer to that I will simply say this: It has been well said that you can assume anything; you can assume a man into the penitentiary; but I wish to say my view of the manner in which a contested-election case is to be investigated is that it is to be investigated upon what is in the record. There is not a line or word to show who committed that forgery. It was the business of my contestant to show, not for me, who committed any forgery. Why did he not do it?

Now, if the gentleman from Tennessee will listen to me a few minutes perhaps I can throw a little light on that matter. He says I shifted it to George Benham. I do not shift it to anybody. I simply say there is no evidence that Benham did it. The contestant in his notice says this about the supervisor: that the supervisor himself was the mere tool of George C. Benham, not W. W. Benham. George C. Benham was a candidate for the State senate. Another of the contestant's witnesses swears that he asked for the removal of Mr. Lackey, the county supervisor, because he thought he was controlled by George C. Benham.

Now, sir, there is not a line nor a word beyond that to show who altered the returns, and I do not propose to have it saddled on W. W. Benham by a mere statement of any gentleman or any number of gentlemen unsupported by a line of testimony. Now, if the committee please, perhaps I can throw a little light on this matter. Let us see.

Contestant in his notice says:

> The supervisor of registration and election in said parish was the mere tool of George C. Benham, * * * the said Benham being himself a republican candidate for State senator in the district of which Carroll is part.

J. E. Burton, who was a witness for contestant, swears (page 69, record) as follows in answer to my question:

> Question. Did you or not recommend the removal of R. M. Lackey as supervisor of registration of this parish on account of unfitness?
>
> Answer. I recommended his removal because I thought he was controlled by George C. Benham.

Now what does this fellow, this "tool of George C. Benham," testify when contestant makes him his witness and puts him on the stand?

> Q. Were or not the election returns of the election held 2d November, 1874, for Carroll Parish, which were put before and promulgated by the State returning board made out and signed by you?
>
> A. They were not made out and signed by me, or by my authority.
>
> Cross-examined by contestee, FRANK MOREY:
>
> Q. When did you first inform anybody of this fact?
>
> A. This is the first time that I have spoken about it.
>
> Q. Did you not tell any one that you could swear to this before this morning?
>
> A. No.
>
> Q. Then you have kept this fact to yourself until this morning?
>
> A. Yes.
>
> Q. How do you know that the returns put before the returning board were not signed by you?
>
> A. Because there were more votes on the returns before the returning board as promulgated than there were on the returns I signed.
>
> * * * * * * *
>
> Q. Did you ever see the signatures to the returns before the returning board?
>
> A. No.

Now, is not this a fine witness? He, a county officer, knew of this fraud and kept his lips closed for just six months, till the contestant found means to unlock them. Now what credit can be given to such a witness as that? A term of court was held in December. He did not report it to the grand jury nor to the district attorney.

But his perjury is not left to presumption merely. His testimony is directly contradicted by Colonel Leonard, (page 55, record,) the district attorney of that judicial district.

J. EDWARDS LEONARD, sworn for contestee, Frank Morey, testifies as follows:

Question. What is your name, residence, and occupation, and where were you on the 2d day of November last, the day of the election?

Answer. J. Edwards Leonard; Carroll Parish; lawyer, and district attorney for thirteenth judicial district of Louisiana. I was in Providence, Louisiana, on the day of the election.

Q. Has Mr. Lackey, the supervisor of registration of this parish, and yourself ever had any conversation in regard to the vote cast in this parish at the last election or in regard to the returns made thereof? And, if so, please state what it was.

(Contestant objects to this question.)

A. Shortly after the official returns for Carroll Parish were published in the New Orleans papers, Mr. R. M. Lackey was in my office, and I inquired of him whether the returns as published were correct and such as he made. I inquired particularly in regard to the vote for State senator. Mr. Lackey told me that the returns, as he made them, gave Benham twenty-two hundred and odd votes and Gla two hundred and odd; that Benham's majority in the parish was about two thousand; that he so returned.

Q. Did you vote at the election 2d of November last; and, if so, where, and about what hour of the day did you vote?

A. I voted at poll No. 2, parish of Carroll, late in the afternoon.

Q. Do you know of or did you hear of any complaints made on that day against the fairness of the election held at that poll?

A. I heard no complaints until a number of days after the election, when Nicholas Burton came to me to bring a suit for him, the record of which was offered by contestant.

Now, as this contest is on its merits, and as we do not rely on the returns at all, all this evidence is of no special importance, except to show the error which the majority have fallen into, of ascribing the forgery to W. W. Benham.

Now, this consolidated return was opened by the State board in New Orleans and was found to be altered and the accompanying poll or precinct returns were found to be forgeries.

The democratic counsel asked for the rejection of the vote of the entire parish. The board denied this, but called on the democratic counsel for affidavits showing the alterations and showing the true vote. Affidavits were produced from the democratic commissioners of the parish, and the returns, corrected by their evidence, so far as any candidate who was affected by the alterations was concerned, were canvassed by the board, the corrected returns electing Gla as senator instead of George C. Benham, who was declared elected by the altered returns. No other candidate was materially affected by the alterations. Whether they should have canvassed these returns at all or not is of no consequence in this proceeding, as this case is on its merits and does not depend on the action of this board.

But I will here remark that the election law, full as it is of provisions, has not provided for such a case as that of the alteration of the returns after they have left the polls. Section 3 of the election law says:

Be it further enacted, &c., That in such canvass and compilation the returning officers shall observe the following order: They shall compile first the statements from all polls or voting-places at which there shall have been a fair, free, and peaceable registration and election. Whenever from any poll or voting place there shall be received the statement of any supervisor of registration or commissioner of election, in form as required by section 26 of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting-place, such returning officers shall not canvass, count, or compile the statement of votes from such poll or voting place until the statements from all other polls or voting-places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting-place; and if from the evidence of such statement they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting-place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting-place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If after such examination the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting-place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting-place, but shall exclude it from their returns: *Provided*, That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election.

Now, by analogy, the board inferred it to be their duty to send for persons and ascertain the true vote. This they did, and so far as the vote for member of Congress was concerned, in the language of the law, "it did not materially change the result of the election." There was no allegation of *fraud at the polls* before the board, hence the case did not come within the provisions of section 3 of the election law. I repeat, there is no provision of the law to meet the case, and if the board had by their action allowed Lackey, the supervisor, or whoever it may be that committed these forgeries, to disfranchise twenty-three hundred voters, their action would be indefensible. It is said they did so in another case; but I ask, were they not denounced from one end of the State to the other for so doing? So far as this case is concerned, if they acted properly, it matters not what they did in another parish which is not in this congressional district.

This was the decision of the returning board in the Carroll Parish case.

Much evidence, in the shape of affidavits, was filed in the case by the parties in interest.

A careful examination of the evidence on both sides satisfied us that the election was fair, free, and peaceable, and that on the day of election there was nothing unusual that affected the voters at any of the polls.

It is true there was some such evidence as that alluded to by Mr. Arroyo at poll No. 2, where it is charged that Benham, one of the candidates for the senate, intimidated voters, and caused them thereby to vote for him. It is proved that Benham did procure colored voters to change their ballots, but there is no such evidence as will justify the conclusion that he exercised any violence or threats to induce them to do so.

At poll No. 1 it is charged that the ballot-box was made so inaccessible that ballots had to be put on the ends of canes to hand them up to the commissioners. This evidence is not sustained by the commissioners; even Mr. Spann, the democratic commissioner at this box, does not corroborate this statement; but even if it were so, as commissioners of both political parties presided at this poll, and there is no proof that the ballots actually voted were not put in the box, it cannot invalidate the election.

The whole evidence satisfies us that up to and on the day of election there was no intimidation or other unlawful act that should invalidate the election at any poll in this parish, but that the election was as fair, free, and peaceable as usual, and that the voters very generally exercised their right to vote. There were 2,539 votes registered, and 2,263 voted. In fact, it is not attempted to be proved that any one was prevented from voting from any unlawful cause.

It is clear that all was fair, free, and peaceable up to the close of the election in this parish. If anything transpired to deprive the voters of this parish from having their votes properly returned and compiled, it was after the election; and under the law it is the duty of this board, and it has the power, to inquire into any such fraud, and, if found to exist, to ascertain the facts and make the proper correction and compilation. This the board proceeded to do. In the absence of intimidation or other acts that would improperly influence the election on or before the day of election, the law authorizes us to take evidence and even send for persons and papers where corrupt influences have been used to offset the election. Fraudulent changing the commissioners' returns comes under this head. Now, in canvassing the returns under this authority, it is the duty of the board to ascertain the true state of the vote, and to so compile it; not to reject it altogether, as Mr. Arroyo contends in his protest. If the returns should be found to have been changed, they are to be corrected so as to show the true state of the case, and not to be altogether rejected.

The main contest in this case was between Mr. Benham and Mr. Gla, both republican candidates for the senate, and both claiming to be regularly nominated. There was also a democratic candidate for the senate, Mr. Brigham.

There is no evidence that the return from poll 5 had been, in any particular, changed.

There is no evidence there was any changing of the returns of the commissioners from poll 2, except as to Benham and Gla.

The evidence shows that the returns of the commissioners of election from polls 1, 3, and 4, had been changed as to the candidates for treasurer, Congress, and senate, and the real number of votes received by each candidate are detailed in the evidence; but the change in the number of votes for treasurer and Congress is too small to offset the result of the election for either of these offices.

* * * * * * *

We predicate this altogether on the testimony from democratic sources.

The evidence does not satisfy us that the commissioners' returns are forgeries, but that they have been changed in the above particulars.

It has been our purpose in this investigation to give the voters in Carroll Parish the real benefit of their votes, honestly, and without fraud or intimidation cast at the election.

Our colleague, Mr. Arroyo, has, in his protest in this case, departed from the equitable and just rule that ought to govern on such cases, in insisting on throwing out the entire vote of this parish, thereby depriving the voters of their inestimable privilege when they are in no manner at fault, the effect of which would be the counting in a number of his party friends, and deprives him of that high position he has assumed throughout of being altogether impartial.

J. MADISON WELLS,
President Returning Board.

Now, this decision was in reply to the protest of Mr. Arroyo, a democratic member of the returning board, who took the ground that the whole vote of Carroll Parish should be rejected. This protest was introduced by both parties as evidence. It is a copy of an official record, and sworn to as such by Mr. Arroyo. (See page 14 of record.)

I will read so much of it as relates to the alteration of the returns from Carroll Parish:

The undersigned, a member of the returning board, protests against the decision of the board in canvassing and compiling the returns of the parish of Carroll, for the following reasons, to wit: Because, according to said report and tally-sheets made by the commissioners of election at the different polls of said parish, the following parties appear to have received the following vote, namely: At poll 1, Antoine Dubuclet, candidate for State treasurer, received 647 votes; J. C. Moncure 21; Frank Morey, for Congress, received 645 votes, and W. B. Spencer 28; for State senator, George C. Benham received 638 votes, and J. A. Gla 196, J. H. Brigham 7; while E. M. Spann, democratic commissioner of election at said poll, swears that A. Dubuclet received 580 votes, J. C. Moncure 21, F. Morey 569, W. B. Spencer 33, George C. Benham 394, J. A. Gla 196, J. H. Brigham 7; and that any other return purporting to have been made by him (Spann) is false, and his signature thereto is a forgery. At poll 2, for State treasurer, A. Dubuclet received 717 votes, J. C. Moncure 53; for Congress, F. Morey received 719 votes, W. B. Spencer 49; for State senator, George C. Benham received 702 votes, J. A. Gla 65, and J. H. Brigham 3; while T. T. Montgomery, the democratic commissioner of election at said poll, swears that George C. Benham received 427, J. A. Gla 262, and J. H. Brigham 3; and that any other return purporting to be made by him (Montgomery) is false, and the signature thereof is a forgery.

At poll 3, for State treasurer, A. Dubuclet received 558 votes, J. C. Moncure 3; for Congress, F. Morey received 554 votes, and W. B. Spencer 7; for senator, George C. Benham received 501, J. A. Gla 60, and J. H. Brigham 1; while R. M. Bagley, democratic commissioner of election at said poll, swears that Antoine Dubuclet received 514 votes, J. C. Moncure 3 votes; Frank Morey for Congress received 510 votes, W. B. Spencer 7 votes, George C. Benham 350 votes, J. A. Gla 164, and J. H. Brigham 1 vote. Being present in the returning board when the returns were canvassed, he, the said Bagley, pronounced the return false, his signature thereto a forgery, and the tally sheets accompanying the same as spurious

and false; for the tally-sheet that was kept by the commissioners and adopted by them was the one which he, the said Bagley, wrote, and that was in red ink, whereas the one before the returning board is in black ink.

At poll 4, Antoine Dubuclet received 189 votes, J. C. Moncure 52; for Congress, Frank Morey 167 votes, W. B. Spencer 74; for senator, George C. Benham 156 votes, J. A. Gla 23, J. H. Brigham 60; while J. S. Milliken, the democratic commissioner of election at that poll, swears that at that poll A. Dubuclet received 155 votes, J. C. Moncure 65, F. Morey 156, W. B. Spencer 64, George C. Benham 111, J. A. Gla 56, and J. H. Brigham 60; and that any other return purporting to have been signed by him (Milliken) is false and his signature a forgery.

At poll 5, for State treasurer, A. Dubuclet received 91 votes, J. C. Moncure 106; for Congress, F. Morey received 96 votes, W. B. Spencer 108; for State senate, George C. Benham 72, J. A. Gla 121, and J. H. Brigham 23; while by the testimony of T. P. McCandles, democratic commissioner at said poll, A. Dubuclet received 91 votes, J. C. Moncure 106, F. Morey 96, W. B. Spencer 108, G. C. Benham 41, J. A. Gla 129, and J. H. Brigham 33; and said McCandles swears that any returns purporting to be signed by him, showing a different result, is false and his signature is a forgery.

* * * * * * *

Now, Mr. Speaker, every one of the affidavits upon which that protest is based is in evidence except one of the two affidavits made by Bagley, to wit, the one in which he states the vote. I applied for a copy to the secretary of state, who informed me that he could not find it among the papers; that several papers had been lost or stolen, and I was fortunate in finding as many as I had.

We will examine the testimony, however, to determine whether or not this affidavit was made.

Mr. Bagley, the democratic commissioner at poll 3, was sent for by contestant, who informed me that he was going to call him to testify. Bagley came to Providence, and after consultation with contestant left town. I then subpœnaed him, and, as the record shows, he was an unwilling witnes. He testifies as follows, however, (page 40 of record:)

Question. On the return which you swore to as being the correct statement of the votes cast at poll No. 3, how many votes were cast for William B. Spencer for Congress and Frank Morey for Congress?

(This question is objected on grounds previously stated to other questions by contestant.)

Answer. I do not remember either now well enough to swear to them.

Q. Did you or not make affidavit, which affidavit was before the returning board, in which you stated the exact number of votes cast for W. B. Spencer and for Frank Morey for Congress, and which affidavit stated that this was the vote stated in the returns which you signed and swore to as being the correct statement of the votes cast for Morey and for Spencer, respectively, at poll No. 3?

(This question objected to by contestant.)

A. I know I made an affidavit before the returning board, and think, though I am not positive, that I stated therein the vote for Morey and Spencer. My statement in that affidavit, whatever it was, was correct.

Q. If in that affidavit you swore that William B. Spencer received 7 votes and Frank Morey 510, was or not that the correct statement of the votes cast for those persons?

(Contestant objects to this question.)

A. It was.

Mr. Zacharie, the chairman of the democratic counsel before the returning board, and a witness for the contestant, testifies as follows concerning these affidavits. (See page 16 of record:)

The affidavits from the three polls were signed by Mr. Montgomery at one poll, Mr. Bagley at another, and the third party's name I have forgotten—Spann, I think it was—who assisted at the election either as commissioners of election or as clerks, and who swore that such and such results had been the issue of the election held at their polls, and that the returns were turned in showing a different result. Mr. Bagley made a subsequent affidavit, in which he alleged that the tally-sheet purporting to exhibit the correct return from that poll was a forgery in two respects: First, that the signature which purported to be his signature was not his signature; and, secondly, that the true, original tally-sheet had been made out in red ink, whereas the one exhibited before the board was made out in black ink.

In the examination of Arroyo, the democratic member of the returning board and witness for contestant, counsel for contestant asked him, (page 13 of record:)

Question. Well now, Mr. Arroyo, I will ask you whether or not, in making the canvass of that parish, the returning board did not recognize it as a fact that the returns of the first, second, and third wards were forgeries? (Here in this address by Mr. Wells, president of the board, in the Republican of the 25th December, 1874, he says that the returns from that parish were shown to have been changed in the cases of Carroll, Saint Helena, and Saint James, where it was charged and proved that they had been changed after they came into the hands of the supervisors.) They admit that it was proved that these returns were changed; for instance, Spann, Montgomery, and Bagley proved that they were forgeries of the official returns?

Answer. Yes, sir.

Q. The board did so recognize these returns as forgeries?

A. That is, there were affidavits read before the board *by these three gentlemen stating the actual number of votes cast in their respective polls*, and if there was any other statement it was false, and their signatures to such statement forgeries.

And on cross-examination by me Arroyo testifies:

Cross-examination by Mr. MOREY:

Question. Mr. Arroyo, did you make an official protest to the action of the board in regard to the Carroll Parish contest?

Answer. I did, sir.

Q. Will you be kind enough to look at the Picayune of the 19th December, 1874, and read what is published there in its columns as the protest of Mr. Arroyo; will you be kind enough to look at that and let me know whether that is a copy of your protest?

A. Though it is not signed by me, it is evidently my protest, for I recognize all the points that I made in that. I have kept a copy of it. (After further inspection.) It is my protest, sir.

Q. The various affidavits referred to in that were before the board?

A. Yes, sir; I took the data from them. The Picayune hereto annexed, and marked exhibit J, contains a copy of my protest. (See appendix.)

Q. Mr. Arroyo, did not Governor Wells, on behalf of the other members of the board, submit a reply to your protest?

A. Yes, sir.

Now take that testimony of those three witnesses together, and they are not impeached—two of them are contestant's witnesses and the other his partisan friend—and does it now show clearly that Bagley made the affidavit and stated my vote to be 510 and Spencer's 7 at poll 3. Now I contend that the corrected returns should be counted; and if so counted, my case is made out. A case precisely in point decided by this House (see 20 Bartlett, page 172) is the case of Delano *vs.* Morgan, where the committee say:

But in proving the frauds, the parties have proved the number of votes and for whom they were cast. * * * The committee have accepted the corrected tally.

Now, if you take these returns as corrected by the testimony of these democratic commissioners of election who were called by the democratic counsel to impeach the correctness of the returns, and what do we find as the result?

Spencer enters the contested territory with a majority of	1,396
From this deduct Morey's majority in poll 5, Concordia Parish	404
It leaves Spencer's majority when he enters Carroll Parish	992
Corrected returns of Carroll Parish, as sworn to by the democratic commissioners, give Morey a majority at poll 1 of	536
And at poll 3 of	503
And at poll 4 of	93
Morey's majority at poll 2, as corrected by the evidence of W. W. Benham, Dickey, and Lanier, is	611
Total	1,743
From this deduct Spencer's majority at poll 5 of	12
Leaves Morey's majority in the parish of Carroll	1,731
From this deduct Spencer's majority when he entered Carroll Parish	992
Leaves Morey a majority in the district of	739

Now, if we should reject the total vote of poll No. 1, in which Morey's majority was 536, and which is the only poll seriously attacked by contestant for irregularity and fraud, and it leaves Morey a majority of 203 votes in the district. There is no attempt to establish fraud at the other polls in the parish. Now, in the face of all this testimony of the result, as well as of the testimony of various witnesses, it is seriously claimed that the vote of this parish should be rejected because I failed, in addition to the testimony I took, to take the testimony of about 2,000 voters as to whom they voted for for Congress.

Admit that the consolidated returns were forgeries, that the ballots are not to be found, what then does that destroy; the election, or only some of the evidences of it? It is in evidence that the election was held, votes counted, and returns thereof made out. It is in evidence that diligent search has been made and the returns and ballots cannot be found. Is not the next best evidence the evidence of those who made those returns? Certainly it is; but my colleague says this is not testimony *aliunde*. He is mistaken on that point. The fact that these parties made the returns does not prevent them from establishing their contents. On the contrary, their evidence is the next best to the returns themselves. If the House thinks the evidence is not sufficient to clearly establish the vote, and the evidence having disclosed the fact that the voters were not called, it may remand the case for the evidence of the voters themselves; but there is no precedent for the rejection of this vote and the disfranchisement of a whole parish of 2,300 voters in the absence of any proof of fraud. In view of the testimony in this record such a proceeding would be totally unjustifiable.

Before taking up each poll in detail, I wish to say that the whole current of testimony is that Morey was voted for by both factions in Carroll Parish. This is the evidence of the witnesses called by both parties. For instance, J. E. Barton, (page 31, record,) witness for Spencer, says:

Cross-examined by contestee:

Question. Please state whether or not there were two factions of the republican party in Carroll Parish.

Answer. There were.

Q. Did or did not both factions generally support and vote for the constitutional amendments, for Dubuchet for treasurer, and for Frank Morey for Congress, from this district?

(Objected to by contestant.)

A. They did.

Q. Were you well acquainted with the sentiment politically of the republicans throughout the parish, and were you or not one of the leaders of one wing of the republican party in this parish?

A. I was well acquainted and was one of the leaders, as stated.

Q. Did you, either before or since the election, hear or know of any republicans who supported or voted for William B. Spencer for member of Congress at the election in November last?

(Objected to by contestant.)

A. I know of but two; have heard of no others.

Q. Was not the suit of Burton *et al. vs.* Charles Hicks *et al.* a suit between republicans growing out of a split in the party in Carroll Parish?

(Objected to by contestant.)

A. According to my belief there were democrats on both sides of this suit; but the majority of the litigants were republicans. All the parties to the suit were nominees of one or the other wing of the republican party; but both of these wings supported Morey.

Judge C. E. Moss, (page 35 of record,) witness for Morey, says:

Question. Can you tell about how many votes had been cast at poll No. 1 for Morey and Spencer, candidates for Congress, up to the time when you left?

(Contestant objects, on same grounds as last above stated, to this question.)

Answer. Nearly all the votes were for Morey. Mr. Morey was supported by both factions of the republican party at that box, and there were but four democrats in that part of the parish and voting at that box. I did not know of or hear of any republicans voting for Spencer or against Morey at that box. Morey's name was on tickets of both wings of the republican party.

F. R. Barthelemy, (page 36, record,) witness for contestee, says as to the vote at poll 1:

I was sworn in by the commissioners as clerk, and I assisted them in tallying the votes cast at said poll.

Question. Did you keep any memoranda of the votes cast at said poll for member of Congress and other officers? And, if so, state what it was.

(Objected to by contestant on grounds as heretofore stated.)

Answer. I did. Mr. Spencer received 33 votes; Mr. Morey, 569. I made this memoranda from the result of the tally-sheets, and it corresponded with that made by the commissioners of election.

Q. Did you see the commissioners sign the returns of said election at that poll?

A. I did. They were signed by E. W. Spann, T. B. Rhodes, David Jackson, who were the commissioners of election, E. M. Spann being the democratic commissioner. They were also signed by Emanuel Moyer, who claimed to be deputy United States supervisor.

Nicholas Burton, (page 56, record,) witness for contestant, Spencer, says on cross-examination:

Question. Whose name for member of Congress was on the regular tickets of both wings of the republican party at that poll?

Answer. The name of Frank Morey was printed on the regular ticket of both wings; but on a good many of these tickets William B. Spencer's name in print on a slip was pasted over the name of Frank Morey.

Q. Do you know, of your own knowledge, that any of these tickets with Spencer's name pasted on them were voted at poll No. 1? And, if so, state how many and by whom they were cast.

(Question objected to by contestant.)

A. I know that some of them were voted; I do not know the number, but can state some of the names who voted them, to wit: J. G. Lynch, who says he was never a democrat, but was an old-line whig before the war, and who now calls himself a conservative; three of the Bernds, who are conservative; the two Meyers, Jacob Stein, all of whom are classed as conservative. These were all I can name, but I know of some others whose names I do not recollect. The conservatives voted the "pasted ticket."

Colonel P. Jones Yorke, (page 48, record,) witness for contestant, says of poll 3:

Question. State what you know of the manner in which the election at said poll was held and conducted.

Answer. Was at said poll nearly all day. The election was quiet and orderly, and the people voted promptly. It was as quiet and as fair an election as I ever saw. It was generally conceded that the election was free and fair by members of both parties. I remained all night and till the counting of the votes was finished next day, and until the tallies were made up and the ballot-box sealed.

Q. Do you recollect what vote was cast at that box for the candidates for Congress? If so, state what it was.

(Contestant objects to this question, as heretofore.)

A. I do not recollect the exact number, but there was between five and six hundred cast at that poll. They were nearly all cast for Morey, both factions of the republican party voting for Morey. Spencer received only the votes of a part of the democrats who voted at that box.

Now in that election there were several constitutional amendments voted for or against by the voters. Their adoption was made a part of the republican platform, (they were "limiting the debt of the State" and "limiting the rate of taxation.") The democratic platform declared against these amendments, and outside of the city of New Orleans the republicans generally voted for and the democrats against these amendments. Now in Carroll Parish the vote on these several amendments was 2,228 for and 194 against them. The registration of Carroll Parish shows that there are 2,086 colored and 444 white voters. The vote for State treasurer shows that the republican candidate received 1,955 votes and the democratic candidate 248. By the returns as corrected by the evidence, as well as by the affidavits of the democratic commissioners before the returning board, Morey received 1,942 and Spencer 261 votes. In 1872, two years previous, the vote was in the same proportion. This is all in the record, and it is also in the record that "Morey received about the same vote as Dubuclet, (republican candidate for State treasurer,) and that Spencer received about the same vote as Moncure, (democratic candidate for State treasurer.) These facts raise a very strong presumption in favor of my claim that I received the very large majority of the votes cast in Carroll Parish.

We will now pass on to the positive testimony as to the election at the three principal polls in this parish.

POLL NO. 1.

The irregularity that maintained at poll No. 1 consisted in allowing some of the voters to vote on sticks, and the fact that the box was in a window 5 feet 10 inches high, not 7 or 8 as my colleague [Mr. ELLIS] says, without any warrant for the assertion in the record, and which is clearly explained in the minority report, and which only constitute violations of directory provisions of the law.

We give the testimony of T. B. Rhodes, one of the commissioners so far as it relates to these points, which is corroborated by the other two commissioners of election at that poll:

Question. Were you a commissioner of election at poll No. 1, Carroll Parish, at the election 2d November, 1874?

Answer. I was.

Q. Were you present at said poll during the entire day of the election?

A. I was.

Q. Did you see any fraud or ill-practices at the election held at that poll?

A. I did not.

Q. Did you hear of any at the time?

A. I did not.

* * * * * * *

Q. Was any one compelled at that poll to pass his ballot up to the commissioner on a stick?

A. No one was.

Q. Could not every elector have voted with his hand from the ground?

A. All could have done so.

* * * * * * *

Q. Was there any democrat present during the election at that poll?

A. There was; Mr. Spann, a commissioner, was present.

Q. Did he take exception to anything that was done in the conduct of the election?

A. He did not.

Q. Please state how the ballot-box at that poll happened to be placed at a window.

A. We commenced voting at the door of the building in the morning, and nailed strips across the door to keep the crowd out. The crowd became so noisy and so eager to vote that in pressing against the strips they broke them off. Some one then proposed that the box be removed to the window. It was then placed on a table by the window, so that the top of the box was above the window-sill.

Q. Was there any objection on the part of the democratic commissioner or any party present to placing the box at the window?

A. There was no objection, but it was suggested by some one that each voter had a right to place his ballot in the box with his own hand. So we caused it to be proclaimed that any one who wished to place his ballot in the ballot-box himself could come in the room and do so; and accordingly many did do so.

Q. Could the ballot-box at the window be seen by the voters outside?

A. It could be seen by the voters all the time from the outside.

Q. How high was the window from the ground?

A. I measured it, and my recollection is that it was between 5 feet 8 inches and 5 feet 10 inches from the ground.

As to the result, he swears:

Q. Do you remember how many votes were cast at that poll for W. B. Spencer for Congress and how many for Frank Morey? If so, state the number.

(Contestant objects to this question.)

A. Thirty-three votes for Spencer and 569 for Morey.

Q. The document produced by R. K. Anderson, and purporting to be one of the original returns from poll No. 1, is here produced. Is your signature to this document genuine?

A. It is. I made out the returns and signed them in the presence of the other commissioners, and they signed it in my presence, and the statement of the votes therein given is a correct statement of the cast at that poll.

Dr. D. S. Vinson, witness for the contestant, testifies:

Question. Did you vote on that occasion, and why not?

Answer. I did not vote, though I could have done so; there was nothing preventing me, except I did not want to wait. There was no trouble that I saw about the poll. Everything was peaceable and quiet.

* * * * * * *

Q. How long were you present at the poll?

A. Between half an hour and one hour.

Cross-examined by contestee:

Q. How do you rank yourself politically?

A. I am a democrat, dyed in the wool.

Q. How long have you resided in this parish?

A. Twenty-five years.

Q. Are you not generally recognized in the community as a good, substantial citizen?

A. So far as I know. I have heard nothing to the contrary.

Q. How many voters did you see voting on sticks?

A. While I was there I did not see more than two or three. If I had been going to vote, I think I would have voted that way myself, as I could have done so more quickly than to have waited to have got closer to the window.

* * * * * * *

Q. Are you acquainted with E. M. Spann and T. B. Rhodes, who were commissioners of election on that day? And, if so, state what their standing is in the community.

A. They are looked upon as good citizens.

Q. Are they or not men who would be believed to be truthful in making any statement which they might make under oath?

A. I should think they were. They are very correct men. I have never heard anything to the contrary.

Now, besides these mere irregularities which do not vitiate the election, the evidence of Nicholas Burton is introduced to show that one of the commissioners changed the ballot of a voter and put in a different one. How and when does that testimony get into the record?

Right here I wish to call the attention of this House to the manner of procedure of contestant in taking his testimony.

It will be recollected that contestant charged in reference to poll No. 1 that "many of the ballots so handed up were torn up or defaced or not deposited in the ballot-box."

Now, in his evidence-in-chief he made no attempt to prove this, and he examined but three witnesses. And who were they?

First. F. J. Galbraith the deputy clerk, who swore that there were no returns, ballots, or ballot-boxes, &c., in his office.

Second. J. Ed. Burton, who swore that he had asked for the removal of R. M. Lackey "because he (Lackey) was controlled by George C. Benham." The contestant in his notice charged that "Lackey was the mere tool of George C. Benham."

Third. Now who do you suppose? This very man R. M. Lackey himself!

Now, while Galbraith swears that no returns have been on file in his office, Lackey swears that he made a consolidated return of the votes cast; and by law this has to be certified to by the clerk as being correct, and this duty would have to be performed by Galbraith, "who was in entire control of the office," as he swears, and who must have verified the consolidated return by the returns on file in his office.

Now, not an iota of evidence-in-chief was produced showing any irregularity at poll No. 1; but when I had called twenty witnesses, including the commissioners of election and others of both parties and exhausted my right to examine further, then, under cover of *rebuttal*, the contestant introduced this defeated and sore candidate, Nicholas Burton, to tell about this change of a ballot. I objected to his testimony on the ground that it was not rebuttal evidence; and not content to overrule my objection, for which action there is not a

precedent under similar circumstances in the history of contested-election cases in Congress, this majority report says:

Jackson is not recalled, nor did contestee offer to recall him to deny this statement.

That is to say, I did not attempt to violate the statutes. How under the law could I take a word of testimony after the contestant had taken his testimony in rebuttal? And yet the majority report leaves the impression that I had the power to do this and failed to exercise it. There is fairness for you!

Mr. Speaker, in allowing the evidence of contestant taken in this way to come into the record at all, this committee have attempted to overturn the well-settled theory of the law as well as the practice thereunder. The statute gives the contestant forty days to take testimony to sustain his charges. It gives me forty to establish my denial and prove any counter-charges. Contestant then has ten days to rebut my testimony. Now, do you mean to tell me that the contestant can decline to examine all witnesses on the subject of the charges that he has made till I have examined all my witnesses and exhausted my right of examination, and then under the color of rebuttal introduce what was really his evidence-in-chief? And this is the way this testimony of the contestant gets into this record. Does this House propose to indorse such an outrage as that?

Now, passing from that to consider the testimony itself, what do we find? In the language of the minority report:

Contestee had no opportunity to disprove the statements Burton makes. He (Burton) was the candidate for sheriff, and was defeated; and he had contested this same election and had been defeated after the same had been carried to the supreme court of the State. His evidence shows him to be a strong partisan. Taylor, in his excellent work on evidence, in regard to partisan witnesses, says: "They being zealous partisans, their belief becomes synonymous with faith as defined by the apostle, and it too often is but the substance of things hoped for, the evidence of things not seen;" and, to adopt the language of Lord Campbell, "partisan witnesses come with such bias in their minds to support the cause in which they are embarked, that hardly any weight should be given to their evidence."

Now I propose to state frankly to the House the course that I pursued when I found that contestant did not intend to introduce his testimony till my time was exhausted, and then bring it in under the color of rebuttal. I knew that my contestant sat in this investigation with a spurious certificate of election in his pocket on which he confidently expected to be seated by this House in December last. I was aware of the fact that this House was democratic with a large majority of new members, many of whom no doubt would be put on the Committee of Elections, with the practice and precedents of which they would be unfamiliar. I felt that it behooved me not to stand on technicalities and not attempt to show merely that the votes cast and counted proved my election, but to also prove affirmatively that the election was fair and that any irregularities that occurred were not vital.

The constitution of this Committee of Elections, which has not on it a single member that has seen previous service thereon, as well as this extraordinary report, show that I was not too cautious in my methods. I felt that I had nothing to fear from the facts, and I therefore took full testimony as to the manner of holding the election, and fortunately for me the evidence of Burton is shown to be false as clearly as it was possible to show it under the novel circumstance of being compelled to anticipate his evidence. The report of the committee would carry the impression that the evidence of Burton is uncontradicted. On the contrary, it is most positively disproved. Now, here is the testimony of this witness Burton:

Question. Did you see any one of the commissioners change ballots handed to him to be put in the box and put in a different ticket, and who was that commissioner?

(Objected to by contestee on the ground, first, that contestant made no attempt or failed to produce any evidence-in-chief on this point; and, second, that this question or the answer thereto is not and cannot be in rebuttal of any evidence produced for contestee.)

Answer. I did see a commissioner at said poll do so, and that commissioner was David Jackson.

On the cross-examination, reserving all of my objections, I asked him:

Q. Were you not inside of the room a greater part of the day?

A. I was.

Q. How many ballots do you know were exchanged by David Jackson for others?

A. I could swear to only one which I saw him change, but there was another lying on the floor in the same position, but I do not know that this one was changed.

There is all the evidence in this record touching the change of ballots. Now, what do the majority in their report say of this evidence?

Burton, the ex-sheriff of Carroll Parish, swears that he detected David Jackson, the commissioner who received the ballots from the voters on the day of election, changing the votes handed him by the electors for others which he put into the box instead of the ballots of the voters. He says he charged him with it and complained to him of its unfairness. * * * On cross-examination, Burton says he could not swear to more than one ticket which he saw Jackson change, but there was another on the floor in the same position, but he does not know that this one was changed. Jackson is not recalled, nor did contestee offer to recall him to deny this statement.

The report of the committee carries the impression that the evidence of Burton is uncontradicted, while the fact is that it is most positively contradicted.

Galbraith, the contestant's witness, swears, when cross-examined by me:

Question. Were you present during the entire day at the election held at ward No 1, held on 2d November?

Answer. I was.

Q. Did you pay strict attention to the manner in which the election was conducted as to its fairness or unfairness?

A. I did, and thought it a fair election.

Q. Did you hear any charges of unfairness made by either party during the day?

A. I did not.

Re-examined by contestant:

Q. Were you or were you not inside of the room most of the day where the commissioners were, and therefore not in a position to know what was going on outside?

A. I think I was in and out of the room about equally during the day.

E. M. Spann, the democratic commissioner at this poll, swears:

Question. Do you know Nicholas Burton?

Answer. I do.

Q. State whether or not he was present in the room with the commissioners frequently during the day of election, watching how it was conducted, and whether or not he made any complaint of unfairness to the commissioners or other persons, so far as you know or heard.

A. He was present the greater part of the day in the commissioners' room, and seemed to be watching the voting very closely. I do not recollect of hearing him make any complaints while the voting was going on. He complained of being defrauded of a few votes between the first and second counts.

E. Meyer was the United States supervisor for that poll under the congressional election law, appointed on the part of the democrats. He swears:

I assisted in making out a list of the votes cast. The tally-list was closed and signed about seven o'clock Tuesday evening. * * * I left two of the tally-sheets with the commissoners, and I kept one. * * * I was present from the time of my arrival until closing of the polls; was at the box all the time, except about half an hour at two different times. I watched the progress of the election closely.

Had there been any fraud or malpractice in depositing the ballots in the box, I would have seen it. There was no fraud nor malpractice in the voting, so far as I know of. I did not see Mr. Jackson put in any wrong ballot, except that one voter handed up on a stick two tickets with his registration paper, which dropped on the floor, and Jackson put in only one of the two; one of the tickets was a red and one was a white one; and he put in the red ticket.

There is where the ticket came from that Burton saw on the floor, no doubt. Under our law the commissioners are to be selected from the different political parties, and they are to be of good standing in their respective parties. At this poll one was a republican, one a democrat, and one a liberal. Rhodes, the liberal, testifies:

Question. Have you had any conversation since the election of 2d November, 1874, with Nicholas Burton, regarding the fairness of the election held on that day at poll No. 1? If so, please state it.

Answer. The first conversation I had with him was the day after the election—the day we signed the returns. Burton was claiming to be United States commissioner at the poll. He said he thought we, the commissioners, acted fair in the matter. I wrote or dictated a certificate on the tally-roll that Mr. Meyer, the other United States commissioner, kept. The certificate stated, in substance, that the election was perfectly fair, and that the tally-sheet exhibited the true result of the election at that poll. Mr. Meyer and Mr. Burton both signed the certificate. I had a conversation with Nicholas Burton again about a week after the election. He had just received the news of the election of Gla as State senator. Gla was a candidate on the same ticket as Burton. They were both colored men and nominees of the same wing of the republican party. He said that he was satisfied that his wing of the party was overwhelmingly defeated in the parish, but was satisfied, as Gla was elected senator from this district. He further said that the commissioners at poll No. 1 should have given him thirteen more ballots than they did, for the last count gave him that many less than the first count did. He expressed his dissatisfaction in no other respect.

While David Jackson, the republican commissioner of election at that poll, who is sought to be impeached by Burton, swears:

Question. Did you have a good opportunity to see and to know how the election was conducted at that poll? And if so, state what you know of it.

Answer. I had a good opportunity. The election was conducted peaceably and as fairly as an election could be; I heard no charges of unfairness made by anybody; every voter had a chance to vote as he saw fit. Mr. Spann, the democratic commissioner, kept the list of votes; Mr. Rhodes, the republican commissioner, kept the tally-list; and I took the votes as they were handed in by the voters and put them in the ballot-box. The various candidates and others had access to our room in which we received the votes, so that they could see that the election was conducted fairly. There was no dissatisfaction expressed by any one as to the manner in which the election was conducted.

Q. Did the voters generally hand you their ballots?

A. They did

Q. Was or not there a large crowd about the voting-place at certain portions of the day, who were anxious to vote without much delay?

A. There was.

Q. Did or not a portion of this crowd try to vote ahead of others, out of their "turn," as it was called? And, if so, state how it was done.

A. A good many would crowd up to the window where the box was, and try to vote one before the other. Some of them had short sticks with the ends split, to which they stuck their ballots and handed them up to the commissioner ahead of others who were nearer the ballot-box.

Q. Did not you take all the votes that were so handed by the voters and put them in the ballot-box?

A. The voters handed up the registration papers with their votes. I handed the registration paper to Mr. Rhodes, the other commissioner, who indorsed it. I then put the ballot in the box.

And again:

The election was carried on fairer than I ever saw it before. Mr. Burton, the candidate for sheriff, was present during the entire day; he was in the room all the time. I heard no complaint made by him whatever. He was there when we commenced counting the votes until we closed, and signed one of the tally-lists and afterward erased his name.

Now, what becomes of the majority report on that subject? The minority report, referring to this testimony, very properly says:

Is it not strange that, with a democratic supervisor in the room, observing all that was done at that poll, and with a democratic commissioner, Mr. Spann, assisting in receiving the votes, with candidates on different political tickets in the room, this man Burton is the only person in that room who observed any misconduct on the part of Jackson, and that no one but Burton should have known of or heard the altercation which Burton says took place between him and Commissioner Jackson? If this evidence were true, certainly such a conversation as Burton speaks of could not have taken place without having been overheard by the other commis-

sioners or by some one who was in the room. Very little weight will be given to the evidence of Burton when it is understood that the evidence of Rhodes and Spann shows that the charges made by Burton were an afterthought, not occurring to him until some days after the election had been holden.

The majority report further on says:

It is true the other two commissioners and some of the by-standers swear that the election was fair and free from fraud; but none of them are asked and none of them speak of or deny the specific facts testified to by * * * Burton, except Spann says he does not recollect hearing Burton make any charge of unfairness while the voting was in progress, but that Burton complained of being defrauded of a few votes while the counting was going on.

Now, in view of the evidence I have read, does it now show gross carelessness in the investigation of this case by the committee?

Now I will take up another portion of this very interesting report. The majority say:

Furthermore, in reference to this man Jackson, it is incredible that all the returns and ballot-boxes from the entire parish of Carroll could have disappeared without his knowledge or connivance. We cannot suppose that all the commissioners in the entire parish failed, in total disregard of the law, to carry the twenty-five ballot-boxes and returns to the office of the clerk. He was the clerk. He fails to state in his testimony anything whatever about the ballot-boxes or returns from the different wards which the law required to be deposited in his office.

Now, if the writer of that report were the attorney of Spencer instead of a judge, he could not have made a more ingenious argument in behalf of his client. Where he says twenty-five ballot-boxes, I presume he meant to say five, for there were but five, one for each poll.

Mr. HOUSE. That mistake occurred in this way, and I have corrected it in the proof. It was page 25 of the report. The paging was close to the writing.

Mr. MOREY. That is what I supposed, and for that reason I have called attention to it. There were only five ballot-boxes there.

The report says:

He was the clerk. He fails to state in his testimony anything whatever about the ballot-boxes or returns from the different wards, which the law required to be deposited in his office.

If the majority knew what was in the record, I venture to say they never would have written that report. Why did not the contestant ask Jackson something about these boxes? If you will turn to the testimony of Galbraith, the first witness called by the contestant, you will find an answer to that question:

T. J. GALBRAITH, sworn on behalf of the contestant, William B. Spencer, testified as follows:

Question. Where do you reside; what is your occupation; and how long have you been so occupied?

Answer. I reside in Lake Providence, Carroll Parish, Louisiana. I am deputy clerk of the district court, and have been since May, 1873.

Q. Have you not been the principal deputy, and as such had entire control of the office during your said occupancy?

A. I have, since the 26th day of July, 1873.

This election, bear in mind, took place in November, 1874, and this testimony was given in April, 1875. Jackson, the clerk, had but little more to do with his office than I had, except to divide the fees of his office with his deputy at the end of every month. Galbraith, as he states, "had entire control of the office."

GREENBACKS.

Two ignorant colored men are brought in to testify in the same way that Nicholas Burton was produced, not to prove the charges of the contestant, giving me the opportunity that the law intends that I should have had to rebut the charge, but they are brought in *as witnesses in rebuttal*—of what, I pray you? They tell a story about seeing David Jackson passing greenbacks out of the window; they did not get any; they do not know a man who did. One of these intelligent specimens says:

The bills I saw were large enough to be one-dollar bills, or five-dollar bills.

Not large enough to be a ten-dollar bill, I suppose? Is it not a little singular that nobody could be found that received any of this money? That out of the five hundred and sixty-nine voters at that poll nobody else could be found that saw or even heard of this thing? Where was Nicholas Burton, the defeated candidate, who was watching Jackson so closely, as he testifies? He saw no greenbacks. I will adopt the charitable supposition that these men mistook the tickets of one of the factions, which, it is in testimony, was "a kind of a curtain-colored ticket," for greenbacks.

The majority report is again in error in stating that this evidence is not contradicted except by David Jackson himself. I will again refresh their memories. T. B. Rhodes, one of the commissioners at this poll, testifies as follows, (page 46, record:)

Question. Do you know a colored voter named Cæsar Johnson, and did you hear that he reported that greenbacks were handed out at the window at poll No. 1? And if so, state what you know of him and of the story, and of the facts in the case.

Answer. I know him and heard him give his evidence to the effect stated before the district court. I know nothing of him personally, but I do know that his statement that David Jackson, one of the commissioners, rolled up greenbacks in the registration papers and handed them back to the voters is untrue; because the tickets or ballots, together with the registration papers, were handed up to David Jackson, who took the ballot and handed the registration papers to me, which I indorsed "voted." Jackson then put the ballot in the box and I handed the registration paper to Mr. Mayer, who was acting as democratic United States supervisor, and who handed it out to the voter. I never heard this report from any other source, and I don't believe it was possible to be true without my having some knowledge of it—

while David Jackson (page 39) denies emphatically the statement of Johnson and Lane. His evidence upon the subject is as follows:

Question. Was there or not any money handed back by yourself or any other person with the registration papers?

Answer. There was not.

Q. Did or not you hear of any such report or charge being made during the day of election by any member of either political party?

A. I did not. I would most likely have heard any such report had it been made.

The minority report very properly says:

We cannot believe that this evidence needs any serious consideration, as it will be regarded as not only extraordinary, but remarkable, that, at a public election, with crowds surrounding the place, and in full view of the voters, greenbacks should be handed out by the commissioner with the registration papers, after the voters had deposited their ballots, and that no person at that election should have been able to have detected the fact or observed this conduct except these two colored witnesses. To our mind it is extraordinary that, out of all that crowd of five hundred odd persons, with the candidates at the polls, watching the commissioners, not a single person other than Cæsar Johnson and Noah Lane could be found to testify to such misconduct. The evidence of Johnson and Lane is of such a character, taken as a whole, that, in our opinion, it would be discredited in any court of justice; and, taken in connection with the circumstances surrounding the case, I cannot believe this committee is willing to say that it is worthy of serious consideration. It will be observed these men do not testify that they received any greenbacks themselves, but that they saw them given to others; but what is most remarkable, they cannot designate any person who received them, and no person is produced who did receive any greenbacks.

Is it not remarkable that, out of eleven witnesses called in reference to this poll, comprising the United States supervisor of election, the commissioners of the polls, and candidates upon the opposition ticket, only two witnesses could be found who knew anything in regard to this extraordinary conduct of Jackson? We dismiss this subject from further discussion, believing it too preposterous for further comment.

In regard to the position of the box and the voting on sticks, I will merely quote the decision of the supreme court of our State on that subject, in which they refer to former opinions, which theirs is merely confirmatory of, and pass on, incorporating, however, into my remarks the testimony on this subject, which is conclusive of the position that I take, that contestant lost nothing by these irregularities. The supreme court said:

The voting on sticks, and at a high window where the voter had to reach up to hand his ballot to the commissioner, was certainly novel; but the excuse for this is given in the evidence cited, and the evidence leaves no doubt that the ballots were fairly deposited in the ballot-box; that no fraud was perpetrated at the election. The fact that the ballot-box could not be seen by those voters who stood near the window cannot be a cause to annul the election. In the case of Augustin *vs.* Eggleston, 12 Annual, 356, the court held that "the mere position of the ballot-box, without any resultant injury, does not void an election, and, as it has been often decided in this State, that the failure to comply with the directory clauses of the election law will not annul the election. The courts cannot affix to the omission a consequence which the Legislature has not affixed." (9 Annual, page 537; 10 Annual, page 732; Act of 1873, page 18.)

I think it is clear that this poll must be counted. The vote was, for Morey 569, Spencer 33; Morey's majority 536; which, taken from Spencer's majority of 992, would leave Spencer a majority of 456.

POSITION OF THE BALLOT-BOX.

All the evidence regarding the removal of the box from the door to the window is given by T. B. Rhodes, and is as follows:

Question. Please state how the ballot-box at that poll happened to be placed at a window.

Answer. We commenced voting at the door of the building in the morning, and nailed strips across the door to keep the crowd out. The crowd became so noisy and so eager to vote that in pressing against the strips they broke them off. Some one then proposed that the box be removed to the window. It was then placed on a table by the window, so that the top of the box was above the window-sill.

Q. Was there any objection on the part of the democratic commissioner or any party present to placing the box at the window?

A. There was no objection, but it was suggested by some one that each voter had a right to place his ballot in the box with his own hand. So we caused it to be proclaimed that any one who wished to place his ballot in the ballot-box himself could come in the room and do so; and accordingly many did do so.

Q. Could the ballot-box at the window be seen by the voters outside?

A. It could be seen by the voters all the time from the outside.

The height of this window from the ground, as testified to by various witnesses, is as follows:

Nicholas Burton, contestant's witness, page 57 of record, swears:

Question. You said the window was about six feet from the ground. Are you positive that it was more than five feet ten inches?

Answer. I measured it, and made it a little over six feet; about one inch and a half over it.

D. S. Vinson, contestant's witness, page 65:

The voting while I was at the poll was done by handing the tickets or the ballots through the window. From my observation, without having measured it, the window was between six and seven feet from the ground where the voters stood. The window had slats across it, up and down, about three inches apart.

A. Cunningham, contestant's witness, page 63:

The votes were received by the commissioners at a window about six or seven feet from the ground.

Noah Lane, contestant's witness, page 65:

Question. Did you vote and see others at said poll; and, if so, where and how did they vote?

Answer. I voted there and saw others vote. The door of the house was closed against us, and we voted at a window which was so high that I had to lift another man up to vote.

Cæsar Johnson, contestant's witness, page 67:

Q. State where and how the voters voted at said poll while you were there, and how it was managed.

A. I voted at the window, and all others who voted with me at the same time did the same. I voted by the assistance of Noah Lane, who caught me under my arm, and assisted me up so I could reach the window.

This same witness, on cross-examination, testifies:

Q. Are you a short man?

A. I am about 5 feet 2½ inches.

Q. When Lane helped you to put up your ballot, did he lift you off the ground, or did he stretch you up by assisting you by one arm?

A. He assisted me by lifting one arm, I at the same time helping myself up against the side of the House.

While T. B. Rhodes, witness of contestee, page 43, testifies:

Q. How high was the window from the ground?
A. I measured it, and my recollection is that it was between 5 feet 8 inches and 5 feet 10 inches from the ground.

The minority report very correctly states:

This is all the evidence adduced in regard to height of the window. It was urged by contestant in his argument and brief that this window was so high that it was impossible for the voters to hand in their votes. Taking the evidence altogether, it shows that the window was not so high but that all persons desirous of handing in their votes could have done so, and did so hand them in. Certainly the fact of the ballot-box being placed at the window rather than at the door, after the guards had been broken down, goes to show that it was placed there in the interest of fairness and good order, and in order that the commissioners would not be interrupted while the voting was going on. This evidence does not tend to prove that any voter was deprived of his right to vote by the box being taken from the door and placed at the window, or that the actual result of the election at this poll was affected by such change. The evidence both of contestant and contestee establishes the fact beyond contradiction that during the whole election the candidates upon the different political tickets, as well as the sworn United States supervisors of both political parties, were admitted to the room where the ballot-boxes were kept, and were where they could observe and scrutinize the acts of the commissioners. T. B. Rhodes, one of the commissioners at the said poll, testifies that no objection was made by the democratic commissioner or any party present to the placing of the box at the window. If the facts were such as to have caused any suspicion that the moving of the box from the door to the window would have worked injustice, the democratic commissioner or some of the candidates would have objected. We are satisfied that the objection made against the box for this reason is an afterthought of a defeated candidate, and is technical. Some one suggested that each voter had a right to place his ballot in the box with his own hand, and thereupon the commissioners caused it to be proclaimed that any one who wished to place his ballot in the ballot-box himself could come into the room and do so, and accordingly many did so. This witness also says that the ballot-box at the window could be seen by voters outside all the time the voting was going on. There is no contradiction of Rhodes in the particular that this proclamation was made except by Burton, who says many did come into the room and vote, thereby confirming Rhodes's testimony that this announcement was made; but one party came in to vote, and it was objected to, but they allowed him to vote. He does not swear that any other person attempted or requested to enter the room to deposit his own vote, nor is there any testimony to prove this fact. Burton says, however, that he did not hear any such proclamation. Certainly this is no evidence to contradict the positive statement of Rhodes that said proclamation was made. It is merely negative evidence.

TESTIMONY RELATING TO VOTING ON STICKS.

The evidence produced by contestant on this subject in regard to this method of voting is as follows:

Nicholas Burton, page 56 of record, testifies:

Question. State what you know as to the manner in which said election was held at that poll; how the voting was done, and where.

Answer. In the morning of the election day the ballot-box was at the door of the house. It was kept there about two or three hours; then they took it and carried it to a window about six feet above the ground, and closed the door of the house. The window had wooden bars across it up and down. After the box was moved to the window, about three-fourths of the votes polled were handed up on sticks from the ground. The others voted by reaching up with their hands. Those voting at the window could not, a man of them, see what was done with their tickets. At first the box was placed about two feet from the window-sill on a table, but the voters on the outside ran their sticks so far as to annoy the commissioners, and they then moved the box about four feet from the window. This moving of the box back rendered it still more difficult for the voter to see what became of the ballot.

Upon cross-examination, page 57, he testifies:

Cross-examined by contestee:

Q. You stated that those who did not vote on sticks reached up their own ballots. Could not all of the voters have done the same had they chosen to do so, and waited for their opportunity?
A. I think they could if they had waited and taken their turn, provided they were men of ordinary height.

D. S. Vinson, contestant's witness, testifies, page 63:

Question. Did you vote on that occasion, and why not?
Answer. I did not vote, though I could have done so; there was nothing preventing me, except I did not want to wait. There was no trouble that I saw about the poll; everything was peaceable and quiet.
Q. How long were you present at the poll?
A. Between half an hour and one hour.

Upon cross-examination, page 63, he says:

Question. How many voters did you see voting on sticks?
Answer. While I was there I did not see more than two or three. If I had been going to vote, I think I would have voted that way myself, as I could have done so more quickly than to have waited to have got closer to the window.

Noah Lane, another of contestant's witnesses, page 65, testifies:

Question. What time of day was it when you went to the polls?
Answer. I went to the polls about twelve o'clock and staid until night.
Q. Were you near where the voting was going on while you were there?
A. Yes; I was out in front of the window most of the time.
Q. Did you see any voting on sticks?
A. I did not see or notice any.
Q. How far were you standing from the window?
A. Probably ten or twenty yards, as near as I can come at it.
Q. Then all the voters that you noticed voted with their hands, did they?
A. Yes, sir.
Q. Who took their tickets?
A. David Jackson took their tickets in.
Q. How many people do you think voted while you were there?
A. I can't tell; there were a good many of them; they kept voting until night.

The witnesses called by contestee, in regard to this matter, testify as follows: Charles E. Moss, pages 43–44, record, says:

Judge CHARLES E. MOSS recalled for contestee, Frank Morey:

Question. State what you know of the matter of voting on sticks at poll No. 1.
Answer. This voting was done at a negro cabin. There was a large crowd around the window, and some voters who could not approach the window, in order that they might vote earlier, placed their ballots on sticks and passed them up to the commissioner. There were perhaps 60 or 70 votes cast in this way.

David Jackson, page 39, testifies:

Question. Did the voters generally hand you their ballots?
Answer. They did.
Q. Was or not there a large crowd about the voting-place at certain portions of the day, who were anxious to vote without much delay?
A. There was.
Q. Did or not a portion of this crowd try to vote ahead of others, out of their "turn," as it is called? And, if so, state how it was done.
A. A good many would crowd up to the window, where the box was, and try to vote one before the other. Some of them had short sticks, with the ends split, to which they stuck their ballots and handed up to the commissioners, ahead of others who were nearer to the ballot-box.

T. B. Rhodes, one of the election commissioners, page 43, testifies:

Question. Was any one compelled at that poll to pass his ballot up to the commissioner on a stick?
Answer. No one was.
Q. Could not every elector have voted with his hand from the ground?
A. All could have done so.
Q. Was any one permitted to vote at that poll who did not present the proper registration papers?
A. Not that I know of.
Q. Was there any democrat present during the election at that poll?
A. There was; Mr. Spann, a commissioner, was present.
Q. Did he take exception to anything that was done in the conduct of the election?
A. He did not.

This concludes all the evidence that has been introduced on this subject. This does not establish the fact that any of the mandatory provisions of the law were violated.

The minority report again says:

Taking all the evidence introduced by contestant, and even excluding all the evidence offered by contestee upon this subject, it disproves the assertion made by contestant in his argument, that "only the tall ones, by getting close up, could reach their tickets up into the window;" but establishes the fact, beyond controversy, that all of the electors who desired could, and nearly all did, vote by handing their votes to the commissioners, out of their own hands, and that the voting by placing their votes upon sticks did not arise from any necessity owing to the position of the ballot-box, but because some few voters were unwilling to wait their turn in line. Nor is there any evidence tending to show that the placing the bars upon the window had a tendency in any manner to obstruct the voting, or that the contestant was injured by any of the irregularities, or that any of the irregularities affected the result, or prevented the free and full expression of the electors at this poll; "but, on the contrary, taking all the evidence together, it proves positively and distinctly that not a single voter was prevented from voting. And the voting on sticks certainly, as shown from the evidence, did not tend to render the poll fraudulent or uncertain. In regard to this matter we cannot express ourselves better than by adopting the language of the supreme court of Louisiana in reference to this identical election, as to these identical irregularities at this poll, which is as follows: "That it is evident from the foregoing evidence the irregularities shown did not in any manner affect the result of the election."

* * *

We now pass to the consideration of poll No. 2.

At poll 2 contestant made a charge of intimidation of voters, but took no evidence in support of it; the evidence of the commissioners of both parties and five other witnesses was that the election was conducted perfectly fair at this poll. W. W. Benham, who was one of the commissioners, produced the poll-list, which was undisputed and which showed that there were 713 votes cast, of which 49 or 50 were for Spencer, 4 were blank, and the balance (663) were for Morey. Captain Dickey, who kept one of the tally-sheets, swears that Spencer's vote was 49 and Morey's 664 or 665; that he had taken a memorandum of it but had lost it. Lamer, who also kept tally part of the time and who was present at the time the count was completed, swears that according to his best recollection Spencer's vote was 48, 49, or 50, and Morey the balance, and that something over 700 votes were polled. Montgomery, the democratic commissioner, swore that he did not sign the returns but he did sign the poll-list, and that he signed all the papers that he thought the law required him to sign. Benham swears that all three commissioners signed the returns. One or the other was mistaken, but there is no other discrepancy. Montgomery swore that he could not remember the result of the vote as to the Member of Congress. Now, there was not a particle of evidence taken to impeach either of the three witnesses who testified to the vote at this poll, and it must therefore be counted.

The committee's report says that "the evidence shows that the returns from this poll were not signed at all." The evidence shows that all of the commissioners signed the returns; but this is contrad cted, though only so far as one of the commissioners is concerned.

Montgomery, the democratic commissioner, swears:

Question. Did you sign the returns from that poll?
Answer. I signed only the list of names of persons who voted; did not sign the tally-sheets or returns.
Q. Did you sign all the papers that you considered necessary in connection with the election.
A. I did not think at the time it was necessary to sign other papers, and the other commissioners said they thought so too.

I will incorporate the testimony bearing upon the character of the election at this poll and pass on to

POLL NO. 3.

W. W. Benham, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d day of November last, the day of the last election.
Answer. W. W. Benham; Carroll Parish; planter; was at poll No. 2 in said parish on the day of the last election.
Q. Were you one of the commissioners of election at poll No. 2?
A. I was.
Q. Were you present as commissioner of election at said poll all day, and did you assist in tallying the votes cast at that poll, and in making up the returns thereof?
A. I was present during the entire day; never left the poll from morning until

night. I assisted in counting the vote by examining and calling off every ticket the ballot-box contained. The ballots, as I called them off, were tallied by several persons under the supervision of the commissioners, who relieved each other from time to time. There were three tally-sheets kept. The returns were made up from the result of the tally-sheets.

Q. During the day of the election what was your own particular duty?

A. My duty was to receive the registration papers from the voters, compare them with the poll-book, and indorse "voted" on the registration papers, and sign my name as commissioner of election to the registration papers.

Q. Do you recollect how many votes were cast at that poll; and have you any memoranda, such as tally-lists, or lists of voters, or anything of that kind pertaining to the election at said poll?

(Contestant objects to this question.)

A. Seven hundred and thirteen, as is shown by the list of votes kept by one of the commissioners of election. I have a list of the names of those who voted at that poll on that day.

Q. By whom was that list kept or made?

(Contestant objects to this question.)

A. Mr. Joseph Leddy kept the list until about three or four o'clock in the afternoon, and was then relieved by Thomas F. Montgomery, the democratic commissioner. When the polls opened in the morning there were but two of the commissioners present. In that case the law made it the duty of the two commissioners to appoint a third, which we did, appointing Mr. Joseph Leddy, at the suggestion of the by-standers, in the place of Mr. Thomas F. Montgomery, who was absent. Mr. Leddy served as commissioner until the arrival of Mr. T. F. Montgomery, in the afternoon, by whom he was relieved.

Q. Will you please produce the list of voters of which you speak?

(Document produced, certified copy of which is marked "Exhibit C," and attached hereto. See appendix, testimony in Carroll.)

(Contestant objects to the introduction of this document in evidence.)

A. This is the document.

Q. Who wrote and who signed the jurat attached to this document?

A. I wrote the jurat myself, following the form prescribed by law. It was signed by myself, T. F. Montgomery, and S. S. Murray, and the oath administered by F. T. Austin, justice of the peace, second ward. It was done at the polls immediately after closing the ballot-box, and before proceeding to count the votes.

Q. Did the number of tickets counted out of the ballot-box at the conclusion of the election correspond with the number of persons voted, as shown by this list?

A. It did, exactly.

Q. Were or not the ballots counted out of the ballot boxes at the polls where they were cast, and the tally-sheets made up therefrom in the presence of such voters as chose to attend, and did not several voters so attend?

A. They were counted at the polls where they were cast without removing the ballot-box. The tally-sheets were made up in the presence of ten or fifteen voters, representing the democratic party and both wings of the republican party. Mr. Blount, the democratic United States supervisor of election, stood over the ballot-box with me, and saw by the tickets as I held them in my hand that they were called just as they were printed or written.

Q. Of the votes cast at poll No. 2, state, if you know, how many were cast for W. B. Spencer and how many for Frank Morey, respectively, for Congress.

(Contestant objects to this question on the grounds heretofore stated.)

A. Upon summing up the tally-sheets on congressional vote, there was found to be 3 or 4 votes less on the congressional vote than the number of votes shown by the list. The vote for Spencer was either 49 or 50, and the balance of the vote, less the 3 or 4 who did not vote for Congress, was the vote received by Frank Morey—661 or 661.

Q. In voting at that election, were or not all the candidates voted for on one ticket or ballot?

A. The names were all on one ticket.

Q. Then when you state that there were three or four less votes for candidates for Congress than for other candidates, do you mean that the names of the candidates for Congress were erased from the three or four tickets?

A. I do.

Q. Was or not the result of the vote given to the United States supervisor, or other person present, or publicly announced, as soon as the result was ascertained?

A. A memorandum of the vote was taken from the tally-sheets by Mr. Lanier and Captain W. B. Dickey. The congressional vote for the entire parish was given by me to Mr. Blount, United States supervisor of election, from the tally-sheets, after they were received from different polls.

Q. Do you mean after they were received by the supervisor of registration of the parish?

A. I do. They were in my possession as clerk of the said supervisor of registration.

Q. Do you recollect the number of votes that were cast in the parish for members of Congress, as shown by the returns from the different polls, as made to the supervisor of registration for the parish, and which were in his possession or in yours as clerk of the supervisor of registration? And, if so, state what the vote was.

(Contestant objects to this question on the ground as heretofore stated.)

A. I have forgotten the exact number of votes cast in the parish as shown by the returns in the possession of the supervisor of registration, but am of the impression that the entire vote was something over two thousand. And of that vote Mr. Spencer received something over two hundred, and Mr. Morey the balance.

Q. Are you not certain that the total vote cast for members of Congress was over two thousand?

(Objected to by contestant.)

A. I know that it was more than two thousand, but cannot recollect the exact figure.

Q. Who was the supervisor of registration for this parish?

A. Robert L. Lackey.

Q. Is or not he rather an illiterate colored man?

A. He is a colored man who reads and writes.

Q. Was the business of his office transacted by himself or his clerks?

A. Mr. Lackey was present to oversee the business of his office, which was done mainly by his clerks.

Q. Was there or not a consolidated return or statement of votes cast in the entire parish made up and signed by the said supervisor?

A. There was a statement made up and signed by him in my presence.

Q. From what data was this statement made up?

A. It was made up from the several reports of commissioners of election at the different polls.

Q. State, if you know, what was done with this consolidated statement.

A. It was delivered to the clerk of the returning board in New Orleans and his receipt taken for the same. This is the receipt.

This is a copy:

NEW ORLEANS, *November* 17, 1874.

Received of supervisor one package, said to contain tally-sheets, statements, and votes, according to law, for the parish of Carroll.

CHAS. S. ABELL,
Assistant Secretary.

Q. What was the character of the election held at poll No. 2 so far as peace, order, and fairness was concerned?

A. Everything was quiet the entire day. The democratic commissioners expressed themselves as being perfectly satisfied with the fairness of the count and the election generally. Heard no complaints as to the fairness of the election from anybody.

* * * * * * *

Re-examined by contestee:

Q. In stating that the returns from poll No. 2 were signed by the three commissioners, do you or not mean the returns proper or the statement of votes, or the list of voters who voted?

A. I meant the returns. The list of the persons voting would hardly be considered a part of the returns necessary to be put before the returning board.

Q. Was not T. B. Rhodes, who was a commissioner at poll No. 1, considered a democrat?

A. Two years ago he was connected with the democratic party; don't know whether he held out faithful or not; am of the impression that he was more of a democrat than a republican.

Testimony of W. B. Dickey.

W. B. DICKEY, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the day of the election on 2d of November last.

Answer. William B. Dickey, Carroll Parish; my last occupation was deputy collector of United States internal revenue; was at poll No. 2, Carroll Parish, on 2d day of November last, the day of election.

Q. How long were you at that poll on that day and immediately afterward?

A. Was there all day until the poll closed. At the closing of the poll I retired, and returned to the poll between twelve and one o'clock that night, when they were still engaged in counting the votes, where I remained until the counting was completed. When I came in between twelve and one o'clock that night, I took the place of Thomas F. Montgomery, democratic commissioner at that poll, in keeping one of the tally-sheets, and remained until the count was finished.

Q. Was or not the election held at the poll peaceable, quiet, and fair?

A. It was, and was so generally admitted by all parties.

Q. Did you or not learn the result of the vote cast at that poll when the count was completed? And, if so, state what it was, if you recollect.

(Contestant objects to the question.)

A. I think the entire number of votes cast at said poll was 719. The vote for senator was 282 for Gla and 427 for Benham. There were 49 for Spencer for member of Congress and for Morey six hundred and sixty-four or five for Congress. I do not recollect the vote cast for State treasurer, but that Moncure got about the same vote as Spencer did and Dubuclet about the same vote as Morey did.

Cross-examined by contestant:

* * * * * * *

Q. You state that you were not present during all the time that the votes were being counted and tallied; do you know of your own knowledge the truth of the statement of the votes given by you?

A. I only know that the three tally-sheets kept agreed at the end of the counting. I do not know of my own knowledge that these tally-sheets were correctly kept during the whole time of counting, and I was not present all the while. I know that mine was correctly kept from the time that I commenced keeping it.

Q. Are you positive about the congressional vote, and have you never stated it differently?

A. I am positive about the congressional vote, and do not recollect of ever having stated it differently.

Re-examined by contestee:

Q. Did you take any memoranda of any part of the result of the election at poll No. 2; and if so, does the statement that you have made with regard to the vote for member of Congress agree with the memorandum that you took at the closing of the count?

(This question objected to by contestant.)

A. I did take a memorandum of the votes so far as the candidates for senator, members of Congress, and House of Representatives, and the memoranda so far as Congress is concerned agreed with my testimony on that point. I have lost all my memoranda except that of senator, or misplaced them.

Testimony of M. A. Sweet.

MARION A. SWEET, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were during the election held in this parish on the 2d of November, 1874.

Answer. My name is Marion A. Sweet; residence at Providence, ward No. 2, Carroll Parish; recorder for said parish; at poll No. 2 the greater portion of the day.

Q. Was the election at said poll fairly conducted?

A. It was.

Q. Did you hear any complaints made by any party on the day of the election at said poll?

A. I did not.

Q. Did general good feeling seem to prevail at the poll?

A. It did; everything seemed to be harmonious.

Q. Were you present at the tallying of the votes at that poll?

A. Only part of the time.

Q. Was the tally fairly kept while you were there?

A. It was.

Q. Did several parties keep tally?

A. They did.

Q. Were these tallies compared?

A. They were while I was tallying.

Q. Are you quite sure that, by means of this comparison, the tallies were correctly kept while you were present?

A. I am.

Testimony of B. H. Lanier.

B. H. LANIER, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were at the election in Carroll Parish on the 2d of November last.

Answer. Benjamin H. Lanier; residence, Carroll Parish, Louisiana; was until March last editor of the Lake Republican, a newspaper published in Providence, Carroll Parish; am now tax-collector of said parish; was at poll No. 2, Carroll Parish.

Q. State what you know of the character of the election held on that day at that poll.

A. I was at and around the polls the entire day. The election was peaceable, quiet, and generally regarded as very fair. I remained at the polls until after the votes were counted, and assisted in keeping the tally-sheet.

Q. State, if you know, what the total vote was that was cast at that poll, and state the vote that was cast for the candidates for Congress, if you know.

(Contestant objects to this question, as heretofore.)

A. According to the best of my recollection, the entire vote for congressional candidates was something over 700. I think Spencer received 48, 49, or 50 votes, and Morey the balance of the total vote.

Q. Do you recollect whether or not the actual vote for the different candidates

for State treasurer, Congress, and State senate was or not published in one of the newspapers published at Providence, or an extra of the same; and, if so, in what paper, and was or not that publication a correct statement of the vote cast at poll No. 2 for the different candidates mentioned therein?

(Contestant objects to this question, as heretofore.)

A. True Republican, newspaper published at Providence, published a statement of the votes cast for the senatorial candidates, which I regarded as correct. This was published in an "extra."

Q. State whether or not this vote so published did not correspond with the vote announced at conclusion of the counting at poll No. 2.

(Contestant objects to this question, as heretofore.)

A. The statement published in the True Republican did correspond with the actual count made by the commissioners at poll No. 2.

Cross-examined:

Q. Did you keep a tally during the whole time and continuously while that vote was being counted?

A. I did not. I think it took about twenty-four hours to count the vote, and it would have been impossible almost for a man to have tallied continuously for that time.

Q. Do you know of your own knowledge what the vote and result at that poll was?

A. In my direct examination I gave the result of that vote to the best of my knowledge and belief.

Re-examined by contestee:

Q. Were or not several tallies kept by different parties present, and, if so, were or not they kept under the direction or supervision of commissioners at that poll?

A. There were three tally-sheets kept under the direct supervision of the commissioners at poll No. 2. One of these tallies I assisted in keeping. Those who kept each tally relieved each other from time to time in the labor.

Testimony of J. E. Leonard.

J. Edwards Leonard, sworn for contestee, Frank Morey, testifies as follows:

Question. What is your name, residence, and occupation, and where were you on the 2d day of November last, the day of the election?

Answer. J. Edwards Leonard; Carroll Parish; lawyer, and district attorney for thirteenth judicial district of Louisiana. I was in Providence, Louisiana, on the day of the election.

* * * * * * *

Q. Did you vote at the election 2d of November last; and, if so, where and about what hour of the day did you vote?

A. I voted at poll No. 2, parish of Carroll, late in the afternoon.

Q. Do you know of or did you hear of any complaints made on that day against the fairness of the election held at that poll?

A. I heard no complaints until a number of days after the election, when Nicholas Burton came to me to bring a suit for him, the record of which was offered by contestant.

At this poll No. 2 Morey received 660 and Spencer 49, making Morey's majority 611.

From this deduct Spencer's majority, with which he left poll 1, of 456, and it gives Morey a majority of 155.

POLL 3.

We have referred to the evidence of Bagley, given in this case, and also to that given by him before the returning board. In addition to that Colonel P. Jones Yorke swears:

Question. State your name, residence, and occupation, and where you were on the 2d of November last at the election.

Answer. P. Jones Yorke; third ward, Carroll Parish; poll No. 3.

Q. State what you know of the manner in which the election at said poll was held and conducted.

A. Was at said poll nearly all day. The election was quiet and orderly, and the people voted promptly. It was as quiet and as fair an election as I ever saw. It was generally conceded that the election was free and fair by members of both parties. I remained all night and till the counting of the votes was finished next day, and until the tallies were made up and the ballot-box sealed.

Q. Do you recollect what vote was cast at that box for the candidates for Congress? If so, state what it was.

(Contestant objects to this question, as heretofore.)

A. I do not recollect the exact number, but there was between five and six hundred cast at that poll. They were nearly all cast for Morey, both factions of the republican party voting for Morey. Spencer received only the votes of a part of the democrats who voted at that box.

R. K. Anderson, one of the commissioners, swears that his recollection is that there were 550 votes cast and was positive that Spencer got but 7 and Morey the balance. We, however, accept the lowest number that is given me in the testimony, and that is what Bagley made affidavit to, to wit: For Morey 510, for Spencer 7; leaving a majority for Morey of 503; to which add Morey's majority on leaving poll 2, 155, and it gives me a majority of 658.

POLL 4.

Now this poll the majority agree may be counted, though there are no returns nor ballots to show what the vote was. I have, however, conclusively proved that an election was held and returns made, and I prove by the commissioners what that vote was. At this poll it is admitted that Morey received 167, Spencer received 74; majority for Morey 93; which, added to Morey's majority on leaving poll 3, 658, gives me a majority of 751.

POLL 5.

It is admitted that Spencer received 108 votes, Morey received 96; Spencer's majority, 12. Deducting this from Morey's majority on leaving poll 4, 751; Spencer's majority at poll 5, 12; leaves Morey's majority in the district, 739, on the strength of which I ask this House to adjudge that I be entitled to my seat on this floor as the duly-elected Representative from the fifth congressional district of Louisiana.

When Mr. MOREY had spoken an hour and a half the Speaker *pro tempore* notified him that his time had expired.

Mr. MOREY. I should like to go on for half an hour further.

The SPEAKER *pro tempore*. The gentleman has already spoken an hour and a half.

Mr. MOREY. If I cannot get half an hour I will take fifteen minutes.

Mr. BEEBE. How long does the gentleman desire?

Mr. MOREY. I should like to have half an hour.

Mr. McCRARY. I move that the gentleman have his time extended for half an hour.

There was no objection, and it was ordered accordingly.

Mr. MOREY then concluded his speech.

Mr. HOUSE. I now demand the previous question.

Mr. NASH. I hope the gentleman will withdraw the demand for the previous question and allow me to occupy the floor for ten minutes.

Mr. BEEBE. I understand the arrangement with the gentleman from Tennessee [Mr. HOUSE] to be that after he calls the previous question I shall then have the time to which he is entitled to close the discussion, inasmuch as I participated in the report of the Subcommittee on Elections.

Mr. MOREY. I wish to make a remark. I had intended to yield to my colleague [Mr. NASH] to make a few remarks. I now ask that his remarks may be printed in the RECORD.

Mr. HOUSE. There is no objection to that.

There was no objection, and it was ordered accordingly.

Mr. NASH. I do not desire leave to print.

Mr. HOUSE. I now demand the previous question.

The previous question was seconded and the main question ordered.

Mr. HOUSE. I now yield the hour to which I am entitled under the rules to close the debate to the gentleman from New York, [Mr. BEEBE.]

Mr. BEEBE. Mr. Speaker, in view of the manner in which the Committee of Elections has been criticised for its course in the investigation and determination of this case, I earnestly hope, for the brief period of one hour, there may be at least partial attention given while I attempt to defend the action of the committee.

While the committee did not desire to have the interest of the gentleman from Louisiana, the sitting member, prejudiced in the least particle by anything outside of this record, it does desire that the whole matter may receive the candid attention of the House. We do not complain that the gentleman who is the contestee in this case saw fit on this occasion to rise in his place to a question of privilege. If he felt that anything transpiring outside of the case prejudiced him, it was a privilege which no one would more cheerfully accord to him than would the members of the majority of the committee, who have united in the report, with reference to which we ask your action. The report of the committee, the gentleman himself will concede, was made—at least the conclusion was reached—long before anything had transpired which he could regard as in the leastwise prejudicing him before the committee or the House. If, by the matter he alluded to, he has been injured, I commend to him the couplet of Cowper:

> Assailed by slander or the tongue of strife,
> Your amplest answer is a blameless life.

If he has that defense, let no one seek to deprive him of it. If he has it not, let him settle it with his own constituents.

Now, Mr. Speaker, this case comes to us in just this shape: The election district is composed of fourteen parishes. There is no question, there is none raised by the gentlemen themselves, as to the result in any other than the fifth precinct of Concordia Parish, and the first, second, and third of Carroll Parish. There was a question originally, perhaps, as to the fourth and fifth precincts of Carroll Parish. Very little evidence seems to have been taken with reference to them, and no stress was laid by either party before the committee upon questions arising with reference to those precincts—the fourth and fifth of the parish of Carroll.

The fifth precinct, then, of Concordia Parish being first in order, let us briefly give it our attention. There is no question raised as to the fairness of the election in that precinct. There is no question raised which in anywise assails the position which the sitting member may well assume, that the election was fair, honest, impartial, and legal in all respects in that precinct. But there is a question as to what the result of that election was.

The very able gentleman from Iowa, [Mr. McCRARY,] whose work upon the American law of elections has been taken as the guide for this committee in most if not all of the questions arising before it, entertained the House this morning with an argument which was addressed to the proposition that this election should be sent back to the congressional district with instructions to take more testimony. This case as presented to the committee, and as presented in its report, shows beyond all question that it is impossible to reach more fully than has been done the true result of the election in that district. I have said, sir, that with reference to this precinct in Concordia Parish there is no impeachment of the conduct of the election. But, sir, the men who were vested by the statutes of Louisiana with the authority to canvass and declare the result in that precinct failed most signally to comply with the requirements of the law. Gentlemen plead ignorance in defense of the commissioners, or at least in mitigation of their conduct. I desire this House to bear in mind that this law under which this election was held was passed two years before the election. It was approved November 29, 1872. The election was held November 2, 1874. And yet these men knew nothing of their duty. The proof as to this precinct is agreed upon by the

parties to this contest. Dameron was called, and his testimony is accepted for both the contestant and the contestee; and Dameron is not materially controverted except in a single respect. He says that "objection was raised by the other commissioners to canvassing the vote at the precinct" where it was polled. The other commissioners say they made no objection. One of them in explanation says that when he was a commissioner two years before the law required that the canvass should be made at the parish site. Conceding this, conceding that there was this amazing ignorance on the part of the commissioners, the only excuse offered is that one of them forgot to bring the statute and the book of instructions with him. May we not pause here and ask why he did not send for it? Or, after having ridden sixteen miles at night, may we not ask why, when they reached the parish site and found no other commissioners were there from other precincts of the parish except the commissioners who took the votes, at the parish site precinct—why did they not return to the precinct where the vote was polled, and there, as the law required, canvass it in the presence of those who were most interested in it and best advised as to its result?

But, sir, this is not all. The gentleman from Iowa [Mr. MCCRARY] seems to regard the only point of attack on this precinct to be that the commissioners carried the election returns or the ballots sixteen miles. This is not all. There is great care taken to show that the key was in the possession of one commissioner while the box was in the possession of the other during the greater portion of the time. But it does transpire that at one time the key and the box were both in the possession of the same party. Well, sir, this throws suspicion upon the canvass. But this is not all. Four hundred and ninety-eight votes were polled at that precinct. It took these eminently honest but most astoundingly ignorant commissioners over twenty-four hours to count 498 votes! Who believes this?

Mr. MOREY. Will the gentleman allow me a moment?

Mr. BEEBE. Certainly, but I desire the gentleman will not take up too much time, because I have got to hurry through what I have to say in the limited time at my disposal.

Mr. MOREY. There were twenty or thirty candidates voted for and the commissioners had to tally votes for every one of them. And that is true not only of that poll, but at every poll in my district it took twenty-four, thirty-six, or forty-eight hours to canvass the votes.

Mr. BEEBE. I do not desire to argue that point with the gentleman. The law of Louisiana provides that every candidate shall be voted for upon a single ticket, and the canvass finished and the returns made in twenty-four hours after the close of the polls. The gentleman says it took from twenty-four to forty-eight hours to count the votes. At Vidalia, the parish site, the commissioners had concluded their count, and these commissioners from the fifth precinct moved from the tax-collector's office down into the main room of the court-house "because the Vidalia commissioners had concluded" The Vidalia commissioners did their work in the day-time. These gentlemen did not conclude until between ten and eleven o'clock at night on the day after the election.

Mr. MOREY. They did not commence until after they had ridden sixteen miles.

Mr. BEEBE. I can have a great deal of patience; indeed, I have a great deal of sympathy for the gentleman. But, sir, the law of Louisiana is one of the most stringent in its provisions of any law enacted by any State in this Union. It requires not only that the commissioners shall keep the tally-list, shall do all acts in and about and concerning the holding and making returns of election, but it says they shall be punished with fine and imprisonment if they do not. It says that any man who fails to discharge this duty shall be punished by fine and imprisonment. There has been a grand jury held, it is said, and no one has been indicted. Take the record and compare the transaction of that grand jury with the requirements of the law, and then see if there is any other or more charitable pretext or plea upon which these grand jurors could themselves escape than that which is fashionable in that vicinity—gross ignorance.

But a majority of the committee excluded this poll for the reason that the commissioners of election rode sixteen miles and went into a distant precinct and canvassed the votes. True, it was in presence of two of the candidates; but both of them objected to the unlawful action taken. The evidence shows that the tally-list had been made out by parties who were not sworn, and the returns had been made up from these unsworn tally-lists. For these reasons, and because the votes were manipulated for over twenty four hours under pretense of canvassing them, the committee say that this return is unworthy of credence at the hands of any intelligent body or tribunal, and they cast it out. They did not disfranchise a voter in that precinct. The contestee, who will hardly plead ignorance, had the same line of evidence which every gentleman has in all similar cases; he had the registration-list and the poll-list, and could have called the electors of the precinct, and they could have stated how they voted. The committee have not asked the House to disfranchise a single elector of the gentleman's district or of the State of Louisiana.

Passing now to the parish of Carroll, perhaps I ought to say something in advance concerning the condition of things in reference to the entire parish. The contestee has quoted largely from the evidence in relation to the parish presented to the State returning board. If we believe that the testimony of the parties who testified before that board was credible, still it was *ex parte* and could not be entertained by the committee. The House cannot investigate an election case or any other question involving the rights of members upon evidence of that character. Passing now to the evidence produced in the parish of Carroll, what was the course pursued by the contestant? He went to the clerk's office where the law required that the evidence of the election should be deposited and made every attempt which the law required and which the rules of evidence allowed to ascertain if any election had been held, and, if so, what the result was. He could not find a particle of evidence that any election had been held in the parish of Carroll. He then turned the case over to the contestee. He said: "I rest my case." What then devolved on the contestee? It was his duty, it was the privilege of any of the electors of the State who desired to produce whatever evidence there was to show that an election had really been held and what the result thereof had been. To do this the voters themselves were competent witnesses.

Spencer having shown that there was no legal record evidence of any votes having been cast in Carroll Parish either for himself or the contestee, rested. The sitting member then went into evidence to show that there had been an election, and he undertook to show that the election was fair, impartial, and in all respects in conformity with the provisions of law governing elections in that State. But he did more; he introduced testimony to prove that no money had been paid to voters. I ask the House to bear this in mind; for Morey first went into this matter himself, and even tried to impeach Cæsar Johnson, and for what? For a statement which had not been introduced by Spencer, and never could have been introduced by him, and which never would have been considered by the committee but for contestee's own course. He asked the election commissioner, the witness Jackson, whether he had paid money to voters, and whether Cæsar Johnson was a credible witness, and Jackson said he was not. And then when Spencer came in in rebuttal he met that proposition, and showed that Cæsar Johnson was known to two of the first citizens of the parish, Mr. Cunningham and Mr. Purdy, who had been a merchant there for many years, whether Cæsar Johnson was credible or not, and they both said that he was a man who had a good reputation for truth and veracity, and yet contestee characterizes him as an "ignorant darkey."

Sir, in this matter I am struck by the ingratitude of Mr. Spencer, and perhaps if his qualification to sit in this House had been under discussion I might have been disposed to pause long before I admitted him to a seat. I know of but one instance in all the range of my reading of history of similar ingratitude, and I send it to the Clerk's desk, with the request that he will read it to show the extent to which ingratitude may sometimes go.

The Clerk read as follows:

After J. T. had concluded his opening speech Washington rose to open for the defense. The speech was a remarkable specimen of forensic eloquence. It had all the charms of Counselor Phillips's most ornate efforts, lacking only the ideas. Great was the sensation when Washington turned upon the prosecutor. "Gentlemen of the jury," said the orator, "this prosecutor is one of the vilest ingrates that ever lived since the time of Judas Iscariot; for, gentlemen, did you not hear from the witnesses that when this prosecutor was in the very extremity of his peril my client, moved by the tenderest emotions of pity and compassion, shouted out, 'Run! run! you d——d rascal, run!' It is true, (lowering his voice and smiling,) gentlemen, he said you d——d rascal, but the honorable court will instruct you that that was merely *descriptio personæ*." The effect was prodigious.

Now, sir, that is the only parallel I know to the ingratitude of Mr. Spencer, who, after the minority have admitted his rebutting testimony, has the hardihood to want it considered. The majority of the committee laid great stress on the proposition that Spencer produced this evidence in rebuttal. It is shown to be proper rebutting testimony; but it is said that it ought not to have much weight because it was not introduced in the first instance as testimony-in-chief.

Mr. MOREY. The gentleman does not mean to say that I admit that testimony?

Mr. BEEBE. I say the minority of the committee admit the testimony. I am aware that while the gentleman does not stand with the majority of the committee, he does not stand with the minority either. I am aware that while his counsel do not stand with the returning board, they do not stand with the gentleman himself or with the minority of the committee as to either reasons or results. His vote is, as Dundreary would say, one of "those things that no fellah can find out." The gentleman claims 713 majority; his counsel carry it up to 725; the minority of the committee give him some 600 and odd, showing how clear his case is, and how definitely established his majority must be.

Now as to the first poll in the parish of Carroll. After it had been shown that the grossest frauds had been perpetrated by men who had possession of the returns, the admitted returns which one Anderson had carried in his pocket for six months, and which he swears he received from Jackson, were certified to after they were received in evidence—I ask the minority of the committee to remember this point—after they were received in evidence they were attested by the deputy clerk, but he himself swears that they never were in his possession up to the time of his giving his testimony.

Mr. MOREY. The gentleman is mistaken; the original was certified by Galbraith, and he certifies to the correctness of the copy.

Mr. BEEBE. There is no certificate by Galbraith in evidence except the certificate given in the record in this case, which is the certificate to the returns introduced by Anderson. Anderson carried these returns in his pocket for six months; but that matters not,

because this agreeable majority admitted the return. There is no parallel in any election record connected with the history of this House where a committee has exercised as great liberality as has the majority in this very instance, where returns carried for six months in the pocket of a person not entitled to their possession are nevertheless accepted as *prima facie* proof of the result at poll 1.

Having admitted the returns, the contestant attacks them; and how? He shows that in the first instance they opened the election at that precinct at a door with a bar nailed across, and that the crowd became so unruly and disorderly that they broke down the door. Then the commissioners moved the box into the house and placed it at a window over six feet from the ground.

Now the election law of Louisiana requires that the ballot-box should be in the plain and open view of the electors; that every elector shall have the privilege of seeing his ballot deposited in the box. Nay, more, it goes further; it says that every elector shall have the privilege of placing his ballot in the box with his own hand. These commissioners, disregarding these provisions of the law, placed the box at the window six feet and over from the ground, where it could not be seen by voters, as the witnesses swear. It is true some of them say that it could be seen; the testimony I concede is conflicting; but the weight of the testimony is that the ballot-box could not be seen.

After a while these eminently intelligent electors, so overwhelmingly impressed with the dignity of the sovereignty of American citizenship, resorted to the novel expedient of spliting sticks and placing their ballots in the sticks and poking them at the commissioners at a venture through slats three inches apart, nailed up and down the window. Under such a novel system of voting how could the commissioners distinguish who was at the other end of the sticks? How could they meet their oaths, which required that they should take the ballot from the hand of the elector and let him see it deposited in the box, or else give the elector the privilege of depositing the ballot in the box with his own hand?

One of these commissioners who is most inculpated swears that they caused proclamation to be made that everybody who desired to do so could come into the room and deposit his ballot in the box. This statement is contradicted by the sheriff of the county and other persons. The sheriff of the county swears that the door was shut and barred, and that an officer was stationed at the door. He swears that he got three friends into the room by the grace of the officer at the door; that Jackson, who is a clerk, who had these returns in his care, was also a commissioner of election; and that Jackson said that no more voters should be admitted into the room. The sheriff said to Jackson, "Let these men vote and I will bring no more in." Cunningham went in and they made objection to his voting, and he said that if he did not vote there he would have to go away without voting, for he could not vote in the rabble outside. Jackson said, and some of the testimony goes to show that he said it with an oath, that that was the last man who should vote in the house, and the other commissioners assented by their silence.

This is the manner of the election held at this precinct: this is the character of the election which these gentlemen of the minority and the sitting member ask shall offset the election in your district, Mr. Speaker, and in mine. What avails it that we obey the solemn requirements of the law? What avails it that our constituents, conscious of the great dignity wherewith they are invested, strictly comply with the provisions of the law when they seek to express their will through the silent but potent medium of the ballot, if these men in Louisiana and elsewhere can hold a riot of this kind and christen it an election?

The committee disregarded this farce; they would have been unworthy of seats in this body, they would have been unmindful of their obligation to this Government as officers of it, and utterly unfit to exercise the franchise itself, if they had admitted any returns or result made up from any such miserable farce as this. But this is not all.

Mr. WELLS, of Mississippi. Will the gentleman allow me to interrupt him?

Mr. BEEBE. I have but an hour's time altogether.

Mr. WELLS, of Mississippi. My point is this: Is it not true that the democratic United States supervisor and all the candidates for office——

Mr. BEEBE. I have no patience with this puddling about a democrat or a republican. I have lived long enough to know that there are vile and corrupt men in every party. I ask no questions as to their political associations or professions. Among the twelve apostles one proved base and corrupt. Can it be presumed then that the democratic party does not embrace within its numbers men who are corrupt, men who are as vile as were those who served as commissioners of election in this parish?

But sir, to proceed. It is in evidence that this man Jackson was caught by the sheriff of the county taking a ballot from an elector and substituting another for it and placing it in the box. Will the gentleman from Iowa, [Mr. MCCRARY,] with his historic reputation, undertake to defend such proceedings as these? Will he send us back, after the sitting member has had the notice which the statutes of the Federal Government give him—will he send us back to verify an election presided over by such corrupt miscreants as the record shows these commissioners to have been? It was a farce; nay, it was a crime against the elective franchise. There is but one resort of safety, and that lies in the stern rebuke of this House at this time and at all times when any such proceeding is presented and the solemnity of its sanction asked.

But this is not all. It is charged that one of the commissioners who manipulated these returns, at least who had them in his control, was caught passing money out from the room in which the ballot-box was stationed. Ah, says the sitting member, could you attach any credence to this statement? Why not? It is solemn testimony before the committee. The merchant Purdy and Andrew Cunningham swear that the man who swears to this is as truthful and credible a man as lives in that parish. Why not believe the statement? Noah Lane, who is not assailed or impeached, also swears that he saw it. Andrew Cunningham swears that on election day he heard one man halloo to another that the commissioner Jackson was paying out "greenbacks."

Yet we are told it is but an idle story, that we are not to believe it. Now, if we were not called upon to believe other things equally as vile and criminal of this man Jackson, we might stagger somewhat at this; but he is shown to be capable of almost anything. The committee rejected the vote of this precinct. Let him who dares, advised of this record, stand up and assail the action of the majority of the committee in this regard as iniquitous or unwarranted.

I pass now to the second precinct of this parish, and what are we met with here? No returns at all are adduced. Montgomery swears that he never signed any return. One of the commissioners swears that he did sign a return. Why was not the other commissioner sworn? Why was not the justice sworn before whom the verification was taken? Neither of them was produced, neither of them was called upon to testify.

The commissioners were W. W. Benham, Thomas F. Montgomery, and Samuel L. Murray. Montgomery swears that he did not sign the return, and Cunningham testifies that Montgomery told him within a short time after the election that he would not sign any return. Why did they not produce the other commissioner, Murray? It would have benefited the case of the minority if they had produced Murray to swear that he and Benham signed the return. But Murray was not produced, nor was the justice before whom they were claimed to have been sworn forthcoming.

But, as to the conduct of the election, it is shown that at this precinct there was as great disregard of the requirements of the law as at the other. The poll-lists, as the gentleman from Tennessee [Mr. HOUSE] says, were kept by Tom, Dick, and Harry, by parties who were "picked up" and who were not sworn. The commissioners made up the returns from tally-lists not sworn to. The law of Louisiana provides that the commissioners shall be sworn, that the poll-lists shall be made up by the commissioners, which makes them evidence, or at least competent proof from which the commissioners can make up the returns, and then the returns are to be sworn to.

But there is a great parade made that there is a poll-list introduced. Those familiar with the law of elections know that this House has frequently held that poll-lists are not records to establish anything. They are not evidence. I think it was the distinguished gentleman from Mississippi [Mr. LAMAR] who held—at least it was upon a case arising while he was on the committee—that poll-lists are not evidence. They are items going to make up evidence. And when introduced they of themselves prove nothing. In this case the supervisor of election of that parish swears that from that poll-list and from the names of those who voted he believed that Spencer received more votes than were allowed to him.

Pass now to the third precinct. In that precinct the gentleman says there was no evidence of fraud. He undertook to have this House believe that there was no such evidence, except in the one matter of the poll at the first precinct. Now, in the third precinct of this same parish one of the commissioners is brought forward by the sitting member himself; he is introduced to prove that this election was all serene and fair. What is his testimony?

The election in the third precinct was conducted very loosely—

This is a witness introduced by the sitting member—

I know that the law was not complied with in many instances. There were a great many charges of unfairness, which I, as commissioner, attempted to correct, but was overruled. Candidates for office were allowed to keep the tally-sheet. Parties were allowed to vote who were under age, and others who had not proper registration certificates. The ballots were not counted nor returns made up until thirty-six hours after the closing of the polls. The official count upon which the returns were made up was made at Providence thirty-six hours after the close of the election.

This is such an election as gentlemen of other districts are asked to allow to offset their own. This is such an election as it is asked shall counterbalance the voice of your constituents legally and solemnly expressed through the forms which have been provided by the statutes of your country. So long as I hold a position upon the Committee of Elections I never will accredit the result of an election so conducted. I disfranchise no one. I merely give notice by my action, and you, if you assent to the proposition laid down by the majority of the committee, give notice that you will require the electors in this and every other district to abide by the provisions of the statutes which have been enacted for the government of all of us alike.

But in the argument for the sitting member the scene is shifted. The case is begged, begged by the gentleman from Iowa himself. He

wants us to send this case back—for what? For more testimony. On what ground? O, the doctrine of probabilities is invoked. I had supposed that "probabilities" were only an authority in governing the weather department; but if they are to be solemnly invoked in connection with election results I ask gentlemen of this House to compare the returns in the parish of Carroll, where this dispute arises, with those in the parish of Tensas, a small remove below. The latter parish is upon the river, where the gentleman tells us he has such great popularity; there he is all-powerful; he goes forth "conquering and to conquer," because he had a record with reference to the levees of the Mississippi River. Now, what is the result in that regard? Will he stand or fall by the levees? If I overwhelm him with a deluge from his levee stronghold bearing directly upon his case, will he submit with grace?

Gentlemen, the parish of Tensas in 1872 gave 2,109 republican majority. The negro vote in the parish of Tensas was 3,166, against 353 whites in 1874. Yet the majority of 2,109 scored in 1872 was changed in 1874 to a democratic majority of 754. Where are your levee stays now? Where is this all-sufficient record which bears up the contestee in this emergency? Ah, he would float upon the waters of the Mississippi into this House; but, sir, the levees give way in the parish directly below the contested ground of Carroll, and in Tensas, where the negro registration is 3,109 against 353 whites, we find that a majority in his favor two years ago of 2,109 is changed, admittedly and concededly changed, to a majority of 754 for Spencer in this election.

But proceeding further with the doctrine of probabilities, I will take the parishes of the district and run them over very hurriedly. Caldwell Parish in 1872 gave a republican majority of 117; in 1874 a democratic majority of 139. Then take Carroll Parish, and I ask gentlemen to bear this in mind, to give it their attention on the score of probabilities; I ask gentlemen who have been whispering around the House that probably Mr. Morey was elected to give this some little attention. In the presence of my Creator I will say that if I was morally certain—if I had what gentlemen call "moral evidence," satisfying me that Mr. Morey was elected by a majority of the votes really cast at the election in that district, I never would have signed the report of the majority of this committee.

The parish of Carroll in 1872, with a negro registration of 2,073 against 572 whites, on a total vote of 1,834, gave only 1,070 majority for Morey. Tensas at the same election gave 2,100 republican majority. Both of these parishes lie upon the river. We have the evidence of witnesses that there was a disaffection in the republican vote in Carroll. We have men swearing that Mr. Spencer's name was pasted over Morey's and voted on the regular republican ticket in that parish; that he received also the conservative vote. Although Gla and Benham were quarreling there and in a grip which meant death to the one or the other, we are asked to believe that in 1874 Carroll Parish, on a total vote of 2,033, gave twice as large a majority for Mr. Morey as it did in 1872 upon a total vote of 2,199.

Apply the doctrine of probabilities, and answer me in candor, gentlemen, is there evidence inducing you to believe that Mr. Morey received this great majority? If he had, would not the evidence be forthcoming? Would not Murray have been produced; would not other witnesses have been called to sustain the infamous Jackson, the miserable Benham, and men of that character, who are contestee's main witnesses? In the parish of Claiborne Spencer's majority in 1874 was 712, against a democratic majority in the same parish two years before of only 415. The majority is almost double. In Catahoula Parish we find that in 1874, on a total vote of 1,576, the democratic majority was 95. That parish gave two years before a republican majority of 200.

One precinct of Concordia is contested. She gave a republican majority of 1,485 in 1872. She had then a total vote of 1,857. Now she has a total vote of 2,193.

Franklin Parish had a democratic majority of 405 against 267 two years before.

Jackson Parish had a democratic majority of 440 against a republican majority two years before of 164.

Lincoln Parish was not counted in 1872. It met the convenience of the gentlemen who are the ruling authority and supreme in that locality of our country to throw out Lincoln in 1872.

Mr. MOREY. There was no such parish.

Mr. BEEBE. The record does not say, and I do not know.

Mr. MOREY. It was a new parish created afterward.

Mr. BEEBE. All right; it answers well the purpose of its creation, it gives a democratic majority of 389. [Laughter.]

Madison Parish, with a total vote of 2,080, gave Morey a majority of 560 in 1874, when it gave a republican majority of 1,451 in 1872, the vote for Morey falling off more than one-half in two years.

Mr. MOREY. You are not reading my vote in 1872, but the republican majority.

Mr. BEEBE. I am reading from the record of the case, page 104, given by the authorities in Louisiana, who cannot lie. [Laughter.]

Mr. MOREY. It does not pretend to give my vote in 1872, and you are giving somebody else's vote.

Mr. BEEBE. Your vote is one of those mysterious things "which no fellow can find out." [Laughter.]

Morehouse Parish in 1874 gives a republican majority of 337 against a republican majority of nearly twice that amount in 1872.

Ouachita Parish gives a republican majority of 943 in 1874. Here is an increase for Morey, and I ask your attention to it, for it only gave a republican majority of 835 in 1872.

Mr. MOREY. That is the parish I live in, and keeps increasing every year I run.

Mr. BEEBE. It does? Let us see. Here is where our friend the contestee lives. Let us "hit him where he lives." Ouachita in 1872 gave a republican majority of 835 against 943 in 1874, being the only parish where Morey increased the republican majority. Here we are asked to contravene the scriptural saying: "A prophet is not without honor, save in his own country and in his own house."

In this Ouachita Parish—give me your attention my friends, for this is where he lives—this parish of Ouachita, on a registration of 2,645 in 1874, gave it is claimed 2,460 votes; while in 1872, on a registration of 3,281, it gave only 2,047 votes, about 400 more votes on 600 less registration than 1874. It does not make any difference whether they register or not, my friend is sure to have his vote increased. In other parishes we find where there were respectable republican majorities in 1872 Morey gets only 80 or 90 votes in all. For instance, Jackson gave 164 republican majority in 1872, in 1874 Morey got only 94 votes in the whole parish.

In Richland Parish, on a total vote of 1,174, Spencer gets 293 in 1874. In 1872 the democratic majority was 428. This is the only case where there is any falling off in the democratic vote.

Tensas—now give me your attention—with a registration of 3,166 colored, (I will not follow the example of the contestee and say "darkies," because it is fashionable for democrats to respect these "men and brothers" and call them "colored gentlemen," and I must not follow the example of my friend from Louisiana, and undertake to cast a slur upon them; truth is as white from colored lips as coming from the lips of my friend who is the contestee,) Tensas, with a registration of 3,160 colored votes against 353 whites, gives Spencer 750 majority against a republican majority two years before of 2,109, making a change of 2,900 in that parish.

Union, which gave a republican majority of 29 in 1872, gave a democratic majority of 716 against Morey in 1874. Where, O, where is your doctrine of probabilities?

Tensas, according to the table on page 104 of the record, gave only 243 democratic votes to 2,622 republican; while it is conceded Spencer got 754 in the last election, which shows the colored troops fought nobly. [Laughter.] Where is your doctrine of probabilities?

Now, gentlemen, my sympathies are with the sitting member. He has held office for four years, but I will not continue him the brief period of his term; I will not vote to continue him to March 4, 1877, pleading for him ignorance; for four years he has held his seat in this House the intelligent peer of his brethren, and when he went to take his proofs in this contest he knew what the laws he helped to enact required. He knew that this House always shrank from disfranchising the votes of any one, and that by calling the voters he could have proven how they voted. But he knew also that if he could hold his seat up to this hour, and then ask this committee to go back with him to take other testimony, testimony which he did not adduce in chief, he could hold his seat on until the end of the term.

But, sir, Mr. Spencer and his constituents have some rights which we are bound to respect. On the record made his election is established, and if "probabilities" are to be considered, I have shown that they, too, indicate his election. In addition to suggestions already made under the head of probabilities, let me refer to a "probability" of a general character. In this election in 1874—I appeal to you gentlemen who have memories that will go back to that period—when you as republicans or as democrats sat around the places where the returns were being borne to you on the wings of the lightning on the night of the election and the day after, when you learned that Massachusetts even had swung loose from her miry lodgment in the "low grounds" of republicanism, and had gone democratic—when you learned that Butler had been borne by the tidal wave into a far off offing, from whence it is yet to be determined whether he can make his way safely to land again—when you learned that the election returns from California to Maine showed a great increase for the democratic party, did you not think it singular that Louisiana was joined to her idols? Did you not believe then and do you not believe now that motives had influenced her people, or that influences had been brought to bear upon them, which would not tally or comport with the dignity of the suffrage as exercised by intelligent freemen elsewhere? And in view of all that the "Wheeler committee" has since made plain, do you not believe that "moral certainties," as well as shadowy "probabilities," are all against the conclusions of the Louisiana returning board and in favor of the election of those who by that board were "counted out"—Spencer included?

Now, sir, the Election Committee can stand all the assaults which by innuendo or otherwise can be cast upon it. We have asked no questions as to the political status of the men conducting elections, or of the men contesting. There is an evidence of that, sir, in my eye which makes me proud when I reflect how I can overcome my prejudices. I can remember, sir, when I sincerely thought that I would spurn a seat in this body if it had to be held in common with "gentlemen of color." Yet the first vote called for from me when doing service upon this committee was to seat the member from Alabama, who had the vast array of four hundred thousand dollars' worth of Government bacon at his back; in the face even of evidence which showed that when the elections were held which returned him, public

notice was given that those who would come to precincts where colored votes were to be taken should have this Government bacon doled out. But because Mr. Bromberg did not prove his case we sent him back, and we confirmed Mr. HARALSON in the seat. I regret that the inevitable logic of consistency asserts itself against my race and color, but, sir, it is duty and it is with me irresistible, coming as it does under the admonition and the obligation of my official oath. It will hardly do for the minority to cast imputations of unfairness upon the majority of the committee because we do not agree with them. We have had unanimous reports on all occasions when they have been in favor of republicans. We have never had a unanimous report in favor of a democrat, and I do not believe we ever will have. So much for the ungenerous imputations cast upon the democratic members of the committee.

My venerable friend and colleague from the State of New York [Mr. TOWNSEND] on another occasion undertook to show how corrupt we of the majority of the committee were, and I wondered that he did not then adduce the Scripture, as is his wont, to prove us "castaways." This gentleman who "can quote Scripture for his purpose" has on every occasion when he has spoken in this House, on election cases, assailed the fairness of the majority. I ask him now to do his best, in some one instance at least, to put aside partisan prejudice and vindicate his reputation for fairness and his reputation as a lawyer, which stands so high in the State in which we both live, by showing that it is possible for him to see justice and right in favor of a democrat.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Under the operation of the previous question the question is first on the substitute of the gentleman from Iowa, [Mr. MCCRARY,] which the Clerk will report.

The Clerk read as follows:

Resolved, That the report of the Committee of Elections, in the case of Spencer vs. Morey, fifth district of Louisiana, be recommitted to said committee; that the poll of Concordia Parish be counted; that the time for taking testimony in said case be extended sixty days from the 10th day of June, 1876; and that within said extended time, additional testimony may be taken upon the question. What was the true vote of the first, second, and third polls of Carroll Parish? said testimony to be taken in accordance with the statutes regulating the taking of testimony in contested-election cases, except that the contestant shall take testimony during the first twenty days, the contestee during the next twenty-five days, and the contestant during the last five days in rebuttal only; this arrangement of time to be subject to such change as may be mutually agreed on by the parties to the contest.

Mr. MCCRARY. I call for the yeas and nays on agreeing to my substitute for the report of the committee.

The yeas and nays were ordered.

Mr. HOLMAN. Before the vote is taken I ask that the resolutions reported respectively by the majority and minority of the committee be also read.

The Clerk read the majority resolutions, as follows:

Resolved, That Frank Morey was not elected and is not entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Resolved, That William B. Spencer was elected and is entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

The resolutions reported by the minority of the committee were read, as follows:

Resolved, That William B. Spencer was not elected and is not entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Resolved, That Frank Morey was elected and is entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

The SPEAKER *pro tempore*. The question is first on the substitute submitted by the gentleman from Iowa, [Mr. MCCRARY,] on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 76, nays 101, not voting 112; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks Blair, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Chittenden, Cronuse, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Frost, Frye, Harralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoge, Hubbell, Hurlbut, Hyman, Joyce, Kelley, Ketchum, Kimball, Franklin Landers, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, McCrary, McDill, McFarland, Miller, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Sobieski Ross, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Thornburgh, Martin I. Townsend, Washington Townsend, Wait, Alexander S. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, and Woodworth—76.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, John H. Caldwell, William P. Caldwell, Candler, Cate, Canfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cox, Culberson, Cutler, De Bolt, Dibrell, Douglas, Durham, Eden, Ellis, Felton, Finley, Forney, Franklin, Fuller, Glover, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Hooker House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Knott, Lamar, Levy, Lewis, Lord, Luttrell, Lynde, Maish, McMahon, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, O'Brien, Odell, Parsons, Payne, Poppleton, Powell, Randall, Rea, Riddle, Miles Ross, Savage, Scales, Schleicher Singleton, Siemons, Southard, Stenger, Thompson, Turney, Robert B. Vance, Walsh, Erastus Wells, Whitthorne, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Yeates—101.

NOT VOTING—Messrs. John H. Baker, Bass, Bell, Blackburn, Blaine, Bliss, Samuel D. Burchard, Burleigh, Cabell, Campbell, Cason, Chapin, Conger, Cook, Cowan, Crapo, Darrall, Davis, Durand, Egbert, Ely, Evans, Faulkner, Fort, Foster, Freeman, Garfield, Gause, Gibson, Goode, Goodin, Hale, Hancock, Henry R. Harris, John T. Harris, Haymond, Abram S. Hewitt, Hoar, Holman, Hopkins, Hoskins, Hunter, Hurd, Kasson, Kehr, King, George M. Landers, Lane, Lapham, Le Moyne, MacDougall, Meade, Monroe, Morey, Morgan, Neal, New, Oliver, Phelps, John F. Philips, Piper, Purman, Rainey, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Rusk, Sayler, Schumaker, Sheakley, Sparks, Springer, Strait, Stevenson, Stone, Stowell, Swann, Tarbox, Teese, Terry, Thomas, Throckmorton, Tucker, Tufts, Van Vorhes, John L. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Ward, Warren, Wheeler, Whitehouse, Wigginton Wike, Alpheus S. Williams, William B. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Young—112.

So the substitute offered by Mr. MCCRARY was not agreed to.

During the roll-call,

Mr. HARTRIDGE said: I desire to state that my colleague, Mr. COOK, is detained from the House by sickness.

Mr. PHILIPS, of Missouri. I am paired upon this question with the gentleman from Ohio, [Mr. GARFIELD.] If he were present he would vote "ay" and I would vote "no."

Mr. JENKS. My colleague, Mr. HOPKINS, is necessarily away in Philadelphia, and some one voted when his name was called, as I understand; if it be so, that some one has voted in his name, it would be a fraud.

The SPEAKER *pro tempore*. The vote of Mr. HOPKINS will be withdrawn from the roll-call.

Mr. HUNTON. I am requested to say that my colleague, Mr. TUCKER, is paired with Mr. FOSTER; if my colleague were here he would vote "no" and Mr. FOSTER would vote "ay."

Mr. SCALES. I desire to announce that my colleague, Mr. WADDELL, is absent by leave of the House.

Mr. DURAND. Upon this question I am paired with my colleague, Mr. CONGER, who is absent by order of the House.

Mr. RICE. On this question I am paired with Mr. PURMAN; if he were here he would vote "ay" and I would vote "no."

Mr. THROCKMORTON. I desire to state that upon this question I am paired with the gentleman from Iowa, Mr. KASSON; if he were present he would vote "ay" and I would vote "no."

Mr. CANDLER. My colleague, Mr. HARRIS, is absent, by order of the House.

Mr. THROCKMORTON. I desire to say that my colleague, Mr. REAGAN, is at home sick.

Mr. WHITING. I desire to say that my colleague, Mr. FORT, is absent by leave of the House.

Mr. STOWELL. I am paired upon this question with my colleague, Mr. CABELL; if he were present he would vote "no" and I should vote "ay."

Mr. BAKER, of Indiana. I desire to say that I am paired with my colleague on the Committee of Elections, Mr. BLACKBURN; if he were present he would vote "no" and I would vote "ay." I desire further to say that my colleagues, Mr. EVANS and Mr. ROBINSON, are absent by leave of the House.

Mr. HUNTER. I am paired upon this question with Mr. GOODE; if he were present he would vote "no" and I would vote "ay."

Mr. HOSKINS. Upon this question I am paired with the gentleman from Virginia, Mr. WALKER; if he were present he would vote "no" and I should vote "ay."

Mr. PIPER. I am paired on this question with the gentleman from Nevada, Mr. WOODBURN; if here he would vote "ay" and I would vote "no."

Mr. OLIVER. I am paired with Mr. HOPKINS; if he were here I would vote "ay" and he, I think, would vote "no."

Mr. VAN VORHES. I am paired with Mr. VANCE, of Ohio, who is absent by order of the House; if he were here he would vote "no" and I would vote "ay."

Mr. WALDRON. I am paired upon this question with my colleague, Mr. A. S. WILLIAMS, who is absent by leave of the House; if he were present he would vote "no" and I should vote "ay."

Mr. MACDOUGALL. On this question I am paired with the gentleman from Virginia, Mr. TERRY; if he were here he would vote "no" and I should vote "ay."

Mr. YEATES. Upon this question I desire to say that my colleague, Mr. DAVIS, is paired with WILLIAM B. WILLIAMS, of Michigan, and my colleague, Mr. WADDELL, is paired with Mr. WILSON, of Iowa.

Mr. WILSON, of Iowa. I voted inadvertently and now withdraw my vote. I am paired upon this question with the gentleman from North Carolina, Mr. WADDELL; if he were here he would vote one way and I should vote the other. I suppose that statement will cover all the votes connected with the matter.

Mr. MOREY. I desire to state that my colleague, Mr. DARRALL, is paired upon this question on the merits of the case with Mr. HARRIS, of Georgia. I do not know whether Mr. HARRIS is here, but in case he has not announced the pair I desire to do it now.

The result of the vote was then announced as above recorded.

The question recurred upon the resolutions offered by the minority of the committee as a substitute for the resolutions of the majority.

Mr. BAKER, of Indiana. I desire in behalf of the minority of the Committee of Elections to withdraw the last of the two resolutions presented as a substitute for the report of the majority.

Mr. BEEBE. I rise to a question of order. I submit that debate is not in order, the previous question having been seconded and the main question ordered.

Mr. BAKER, of Indiana. I will simply say that the minority of the committee desire a separate vote upon each resolution.

Mr. BEEBE. I call the gentleman to order; no debate is in order.

The SPEAKER *pro tempore*. The previous question having been ordered by the House, nothing is in order but to proceed to vote.

Mr. McCRARY. But it is always in order to call for a division.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana to withdraw the second resolution?

Mr. RANDALL and others objected.

Mr. BAKER, of Indiana. If there is any objection then I call for a separate vote on each resolution.

Mr. HOLMAN. I hope we shall be allowed to hear the proposition which my colleague [Mr. BAKER] desires to submit.

The SPEAKER *pro tempore*. The gentleman will state his request.

Mr. BAKER, of Indiana. The request I desire to make is simply to withdraw the last of the two resolutions submitted by the minority of the committee, so that a vote may be taken simply on the first, which declares that William B. Spencer was not elected and is not entitled to a seat in this House. If objection is made to the withdrawal, then I ask a division of the question, so that each of the resolutions reported by the minority may be voted on separately. I desire, however, a vote on the first only.

The SPEAKER *pro tempore*. Is there objection to withdrawing the last of the resolutions reported by the minority of the committee?

Mr. YEATES. I object.

Mr. BAKER, of Indiana. Then I demand a division of the question.

The SPEAKER *pro tempore*. The gentleman has the right to have the question divided. The first resolution will be read.

The Clerk read as follows:

Resolved, That William B. Spencer was not elected and is not entitled to a seat in this House from the fifth congressional district of the State of Louisiana.

Mr. BAKER, of Indiana. On this resolution I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 99, not voting 116; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Blair, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Chittenden, Crounse, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Frost, Frye, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoge, Hubbell, Hurlbut, Hyman, Joyce, Kelley, Ketchum, Kimball, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, McCrary, McDill, Miller, Monroe, Morgan, Nash, Neal, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Sobieski Ross, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Wait, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Whiting, Willard, and Andrew Williams—74.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Beebe, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cox, Culberson, Cutler, De Bolt, Dibrell, Douglas, Durham, Eden, Ellis, Felton, Finley, Forney, Franklin, Fuller, Glover, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Harrison, Hartridge, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Lamar, Franklin Landers, Le Moyne, Levy, Lewis, Lord, Luttrell, Maish, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, O'Brien, Odell, Parsons, Poppleton, Powell, Randall, Rea, Riddle, John Robbins, Miles Ross, Savage, Scales, Schleicher, Sheakley, Singleton, Slemons, Southard, Stenger, Thompson, Turney, Robert B. Vance, Walsh, Warren, Erastus Wells, Whitthorne, James Williams, James D. Williams, Jeremiah N. Williams, and Yeates—99.

NOT VOTING—Messrs. John H. Baker, Banks, Bass, Bell, Blackburn, Blaine, Bliss, Samuel D. Burchard, Burleigh, Cabell, Campbell, Cason, Caulfield, Chapin, Conger, Cook, Cowan, Crapo, Darrall, Davis, Durand, Egbert, Ely, Evans, Faulkner, Fort, Foster, Freeman, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Hale, Hancock, Henry R. Harris, John T. Harris, Haymond, Henkle, Abram S. Hewitt, Hoar, Holman, Hopkins, Hoskins, Hunter, Kasson, Kehr, King, Knott, George M. Landers, Lane, Lapham, Lynde, L. A. Mackey, MacDougall, McFarland, McMahon, Meade, Morey, New, Oliver, Payne, Phelps, John F. Philips, Piper, Purman, Rainey, Reagan, John Reilly, James B. Reilly, Rice, William M. Robbins, Roberts, Robinson, Rusk, Sayler, Schumaker, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Stowell, Swann, Tarbox, Teese, Terry, Thomas, Throckmorton, Tucker, Van Vorhes, John L. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Wheeler, Whitehouse, Wigginton, Wike, Alpheus S. Williams, Charles G. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—116.

So the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. PHILIPS, of Missouri. On this question I am paired with the gentleman from Ohio, Mr. GARFIELD. If he were present he would vote in the affirmative, and I should vote in the negative.

Mr. DURAND. I am paired on this question with my colleague, Mr. CONGER, who is absent by order of the House.

Mr. THROCKMORTON. I am paired with the gentleman from Iowa, Mr. KASSON.

Mr. BAKER, of Indiana. On this question I am paired with my colleague on the committee, the gentleman from Kentucky, Mr. BLACKBURN. If he were present he would vote "no" and I should vote "ay." I desire further to say that my colleagues, Mr. EVANS and Mr. ROBINSON, are absent by leave of the House. If present I think they would vote "ay."

Mr. STOWELL. On this question I am paired with my colleague, Mr. CABELL. If he were present he would vote "no" and I should vote "ay."

Mr. HOSKINS. On this question I am paired with the gentleman from Virginia, Mr. WALKER, who, if present, would vote in the negative, while I should vote in the affirmative.

Mr. PAGE. My colleague, Mr. PIPER, is paired with the gentleman from Nevada, Mr. WOODBURN. My colleague, if present, would vote "no" and Mr. WOODBURN "ay."

Mr. OLIVER. I am paired with the gentleman from Pennsylvania, Mr. HOPKINS, who, if present, would vote "no," while I should "ay."

Mr. VAN VORHES. On this question I am paired with my colleague from Ohio, Mr. VANCE. If he were here he would vote "no" and I should vote "ay."

Mr. WILSON, of Iowa. I am paired with the gentleman from North Carolina, Mr. WADDELL.

Mr. MACDOUGALL. I am paired upon this question with the gentleman from Virginia, Mr. TERRY. If present he would vote "no" and I should vote "ay."

Mr. YEATES. I am requested by my colleague, Mr. DAVIS, to state that he is paired with the gentleman from Michigan, Mr. W. B. WILLIAMS. My colleague, if present, would vote "no."

Mr. RICE. On this question I am paired with the gentleman from Florida, Mr. PURMAN.

The result of the vote was announced as above stated.

The question then recurred on the second resolution reported by the minority of the committee; which was read, as follows:

Resolved, That Hon. Frank Morey was elected and is entitled to a seat in this House.

The resolution was not agreed to.

The question next recurred on the following resolutions reported from the Committee of Elections:

Resolved, That Frank Morey was not elected and is not entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

Resolved, That William B. Spencer was elected and is entitled to a seat in the House of Representatives of the Forty-fourth Congress from the fifth district of Louisiana.

The resolutions were adopted.

Mr. HOUSE moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DURHAM. I move to take up the bill (H. R. No. 3156) to perfect the revision of the statutes of the United States, which was made the special order for this day.

Mr. PAGE. I move the House adjourn.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) The first business in order is the unfinished business of Saturday.

Mr. BANNING. I believe, Mr. Speaker, I am entitled to the floor on the Army bill. The gentleman from Kentucky [Mr. DURHAM] has a matter of great importance which should be considered at an early day, and I think will take but a few minutes this evening.

Mr. PAGE. The gentleman from Ohio has not the right to yield the floor when I take the floor to move an adjournment. I insist on my motion to adjourn.

The SPEAKER *pro tempore*. The first business in order is the unfinished business of Saturday, on which the gentleman from Ohio [Mr. BANNING] is entitled to the floor.

Mr. PAGE My motion is in order.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman from California to make the motion. The gentleman from Ohio has a right to yield the floor, which he has done, to the gentleman from Kentucky.

Mr. PAGE. I withdraw the motion to adjourn.

Mr. DURHAM. I move to proceed to the consideration of the bill (H. R. No. 3156) to perfect the revision of the statutes of the United States.

The motion was agreed to.

PROTECTION OF AMERICAN CITIZENS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the President of the United States, transmitting, in answer to a resolution of the House of the 22d instant, a report of the Secretary of State in reference to the protection of Americans at Constantinople and Smyrna; which was referred to the Committee on Foreign Affairs.

CHIEF OF ARTILLERY.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a petition from the officers of the United States artillery, praying for the establishment of the office of a chief of artillery; which was referred to the Committee on Military Affairs.

ARMY PROMOTIONS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, in response to House resolution of March 13, 1876, asking if officers of the Army have been promoted since the 22d day of June, 1874, as provided in section 1204 of the Revised Statutes; which was referred to the Committee on Military Affairs.

SIOUX INDIANS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting copy of a communication from the Commissioner of Indian Affairs,

relative to the removal of the Sioux Indians to the Indian Territory; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. FORT for ten days on account of important business.

To Mr. WILSHIRE for twenty days on account of sickness in his family.

To Mr. WAIT for ten days.

To Mr. SWANN, an extension of his present leave until next Saturday.

To Mr. HOPKINS until Friday next.

A. E. ADAMS.

On motion of Mr. WHITE, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of A. E. Adams, of Kentucky.

REVISED STATUTES.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor on the bill (H. R. No. 3156) to perfect the revision of the statutes of the United States.

Mr. DURHAM. The bill was recommitted with amendments, and I now report it back from the Committee on the Revision of the Laws.

I will not detain the House but a moment. This bill is the joint work of two committees on the revision of the laws, perfecting the statutes as they were on the 1st day of December, 1873. Out of a very large number of suggestions made from the State, Treasury, War, and other Departments, the two joint committees have agreed upon this bill perfecting the statutes as they were at that time so far as our attention had been called to it. It is simply to correct errors and to perfect the statutes. They have entered upon no new legislation. They have changed no statute, except as they found it on the 1st day of December, 1873. Unless some gentleman has some question to ask I shall demand the previous question.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. The bill has not yet been read.

The SPEAKER *pro tempore*. It will be read if the gentleman desires it.

Mr. HOLMAN. The bill has not been brought prominently to the attention of the House until now. I suggest to the gentleman from Kentucky that inasmuch as a vote is called for on the bill it be postponed until after the reading of the Journal to-morrow morning.

Mr. DURHAM. I have no objection except that there is other business pressing, and we had better get through with it now.

Mr. HOLMAN. I am in the condition of very many gentlemen on the floor, not having read this bill. I discover not only it corrects errors but makes certain additions.

Mr. DURHAM. The gentleman is mistaken.

Mr. HOLMAN. What is the title of the bill?

The SPEAKER *pro tempore*. The Chair understands there is no new legislation in the bill.

Mr. PAGE. With the consent of the gentleman from Kentucky I will now renew my motion to adjourn, as this will come up as unfinished business to-morrow.

Mr. HOLMAN. I ask unanimous consent that, without the reading of this bill, the vote be taken on it immediately after the reading of the Journal to-morrow morning.

Mr. HURLBUT. The adjournment will do that.

Mr. HOLMAN. But the gentleman from Ohio [Mr. BANNING] does not want the House to adjourn upon this.

The SPEAKER *pro tempore*. The Chair will submit the proposition of the gentleman from Indiana that the reading of the bill be dispensed with, and that the vote be taken thereon to-morrow morning immediately after the reading of the Journal.

There was no objection, and it was so ordered.

REDUCTION OF THE ARMY.

Mr. BANNING. I believe I am entitled to the floor on the bill for the reduction of the Army, which now comes up as unfinished business. I call up that bill, but yield to my colleague, [Mr. MONROE.]

LOAN OF PIECES OF ARTILLERY.

Mr. MONROE, by unanimous consent, introduced a joint resolution (H. R. No. 119) authorizing the Secretary of War to loan to the authorities of Steubenville, Ohio, two pieces of artillery to be used in celebrating July 4, 1876; which was read a first and second time.

The joint resolution was read. It authorizes the Secretary of War to loan to the city of Steubenville, Ohio, from the most convenient Government arsenal, two pieces of artillery to be used by the authorities of said city in celebrating the Fourth of July, 1876; said artillery to be returned immediately after said celebration at the risk and expense of said city authorities.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. BRIDGELAND.

Mr. BANNING. I yield now to the gentleman from Tennessee, [Mr. CALDWELL.]

Mr. CALDWELL, of Tennessee. I ask unanimous consent to submit the following resolution for present consideration.

The Clerk read as follows:

Resolved, That the testimony taken by the Committee on Military Affairs, in an investigation in relation to Horace Boughton, be referred, so far as it relates to John W. Bridgeland, at present consul to Havre, France, to the Committee on Expenditures in the State Department, and that said last-named committee be authorized and instructed to send for persons and papers, and investigate fully the matters referred to in said testimony affecting the said Bridgeland and his fitness for the position of consul as aforesaid, and report to this House.

Mr. MACDOUGALL. I object.

DECORATION OF HALL OF REPRESENTATIVES.

Mr. PAGE. I move that the House adjourn, but yield for a moment to the gentleman from New York, [Mr. COX.]

Mr. COX. I simply wish to recall a very pleasing incident. The young ladies of the Franklin school of this city, thirteen in number, emblematic of the thirteen original States, honored the House by decorating it yesterday with flowers. I think the House might recognize an act of grace of that kind by voting them their thanks, and I move that thanks be tendered to the ladies of that school for decorating the House of Representatives.

The motion was unanimously agreed to.

ISSUE OF ARMS FOR GALVESTON ARTILLERY.

Mr. HANCOCK, by unanimous consent, introduced a joint resolution (H. R. No. 120) to authorize the Secretary of War to issue certain arms to the governor of Texas for the use of the Galveston Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The motion of Mr. PAGE was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAGBY: Memorial of 716 citizens of Aurora and Sycamore Counties, Illinois, against the manufacture or sale of intoxicating liquors in the District of Columbia and Territories, to the Committee on Education and Labor.

Also, the petition of 127 citizens of Mercer County, Illinois, for the repeal of the resumption act of January 14, 1875, to the Committee on Banking and Currency.

By Mr. BRIGHT: The petition of the Cumberland Presbyterian church at Fayetteville, Tennessee, to be compensated for damages done their church building by United States soldiers during the late war, to the Committee on War Claims.

By Mr. CHITTENDEN: The petition of the National Board of Fire Underwriters, for the enlargement of the duties of the Signal Service, to the Committee on Commerce.

By Mr. DAVY: The petition of citizens of Rochester, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. GARFIELD: Memorial of Clement Messenger, to be paid $105 by reason of the loss by him by fire of United States notes of that amount, to the Committee of Claims.

By Mr. GOODIN: Petition of a delegation of Cherokee Indians, for an amendment of the pension laws extending the time for the final settlement of the pension claims of Indians, to the Committee on Invalid Pensions.

By Mr. HOLMAN: Papers relating to the claim of Sterling A. Martin, late a private Company I, Thirty-seventh Regiment of Indiana Volunteers, for services rendered by him to the military authorities of the United States at Nashville and Gallatin, Tennessee, in 1862 and 1863, to the Committee on War Claims.

By Mr. LANE: The petition of A. Goodnough and other citizens of Oregon, for relief against Chinese immigration, to the Committee on Commerce.

Also, the petition of James Barry and other citizens of Oregon, of similar import, to the same committee.

By Mr. LEAVENWORTH: Concurrent resolution of the Legislature of the State of New York, declaring that it is unwise, impolitic, and dangerous at this time of depressed trade and heavy financial burdens for Congress to grant aid in the construction of a railroad line from northeastern Texas to the Pacific Ocean, to the Committee on the Pacific Railroad.

By Mr. MACDOUGALL: The petition of citizens of Cayuga County, New York, for the erection of a court-house and post-office for the use of the United States at Auburn, New York, to the Committee on Public Buildings and Grounds.

By Mr. MCFARLAND: The petition of Dr. John F. Rhaton, of Massy Creek, Tennessee, for a rehearing of his claim rejected by the southern claims commission, to the Committee on War Claims.

By Mr. PARSONS: The petition of Elijah Thurman, late a private Company E, Twenty-eighth Regiment Kentucky Infantry, that he be granted a pension to date from the time of his discharge from the United States Army, to the Committee on Invalid Pensions.

By Mr. REA: Remonstrance of the Saint Joseph (Missouri) Medical Association, against the passage of the bill granting a charter to the Surgical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. THORNBURGH: The petition of R. M. McClung, president Commercial Bank, Knoxville, Tennessee, for payment for a 7.30 note destroyed by fire while in the United States mails, to the Committee of Claims.

IN SENATE.

THURSDAY, *June* 1, 1876.

Prayer by Rev. P. H. BURGHANETT, of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, in answer to a resolution of April 26, 1876, relative to the cost of the Signal Service Corps and the expediency of transferring the service to the Treasury Department, transmitting a report from the Chief Signal Officer of the Army; which was ordered to lie on the table, and be printed.

RECEIVERS OF NATIONAL BANKS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. SHERMAN, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. LOGAN, and Mr. KERNAN.

Mr. KERNAN subsequently said: I shall not be able, on account of other engagements, to act on the committee of conference appointed this morning. I beg to be excused, and ask that another be appointed in my place.

By unanimous consent Mr. KERNAN was excused, and the President *pro tempore* appointed Mr. BAYARD to fill the vacancy.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3590) to change the name of the scow-schooner J. L. Quimby to that of Perry G. Walker—to the Committee on Commerce.

The bill (H. R. No. 3585) for the relief of Joshua C. Stoddard—to the Committee on Patents.

The bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General William Thompson, of the revolutionary army—to the Committee on Revolutionary Claims.

The bill (H. R. No. 2552) to reduce the expenditures for public advertising in the District of Columbia—to the Committee on the District of Columbia.

The bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers—to the Committee on Indian Affairs.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3116) providing for the payment of judgments of the court of commissioners of Alabama claims; and

A bill (H. R. No. 3589) to amend section 840 of chapter 16, title 13, Revised Statutes of the United States.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida; and

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 735) for the relief of Philip Pendleton;

A bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio; and

A bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain of Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia;

A bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee;

A bill (H. R. No. 1219) for the relief of D. P. Rowe and Brown & Crowell, of Morristown, Tennessee;

A bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department;

A bill (H. R. No. 3186) for the relief of Margaret Janet Burleson;

A bill (H. R. No. 3273) for the relief of Mrs. Ellen J. Brosman; and

A bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. No. 2242) granting a pension to George McColly;

A bill (H. R. No. 3184) granting a pension to Emerick W. Hansell;

A bill (H. R. No. 3277) granting a pension to Kate Louise Roy;

A bill (H. R. No. 3278) granting a pension to Ellen Fechtel;

A bill (H. R. No. 3279) granting a pension to Benjamin C. Webster;

A bill (H. R. No. 3280) granting a pension to James Johnston;

A bill (H. R. No. 3281) granting a pension to Hannah A. Wood; and

A bill (H. R. No. 3282) granting a pension to Sarah McCooey.

JOSEPH ANDERSON.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

Mr. COOPER. I present the petition of Joseph Anderson, of Nashville, Tennessee, praying compensation for certain lumber furnished the Quartermaster's Department of the United States Army, at Nashville, in February, 1862, to be referred to the Committee on Claims; and in this connection I move that the bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee, which has been reported adversely from the Committee on Claims, be recommitted to that committee.

Mr. WRIGHT. I understand the Senator from Tennessee now presents additional testimony in that case?

Mr. COOPER. I present a new petition with new evidence. The bill is on the Calendar with the adverse report of the committee.

Mr. WRIGHT. I suppose the order to recommit had better be made.

The PRESIDENT *pro tempore*. The petition now presented will be referred to the Committee on Claims, and the bill will be taken from the Calendar and recommitted to that committee, if there be no objection. The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition and papers of James T. Shelley, of Boone County, Tennessee, late colonel of the Fifth Regiment of Tennessee Volunteer Infantry, praying to be re-imbursed certain moneys expended in recruiting and organizing his regiment; which were referred to the Committee on Military Affairs.

Mr. CONKLING. I present the petition of a large number of merchants, bankers, traders, manufacturers, and others, 200 in number, of the State of New York, favoring the passage of the bill protecting trade-marks; and I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN presented the petition of Burgert & Hart and others, of Toledo, Ohio, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. RANSOM presented the petition of F. Fraley, president of the Schuylkill Navigation Company, and others, of Philadelphia, Pennsylvania, praying for an increased appropriation for the improvement of the navigation of the Schuylkill River; which was referred to the Committee on Commerce.

Mr. SARGENT. A petition has already been received and referred to the Committee on Military Affairs, purporting to come from officers of the Navy, Army, and Marine Corps, asking for the passage of a law recognizing assignments of pay due to officers. I present now a memorial which remonstrates against the passage of such a law and shows its inconvenience, and which is signed by the disbursing clerks of the various Departments. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

CATHARINE A. WINSLOW.

Mr. ALLISON. I am directed by the Committee on Pensions, to whom was referred the bill (S. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow, to report it favorably.

Mr. BOUTWELL. I think I may safely ask the Senate to act upon the bill at the present time. As I understand it there is a unanimous report of the committee in favor of the widow of Admiral Winslow, who commanded the Kearsarge in the contest with the Alabama.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Mrs. Catharine A. Winslow, widow of John A. Winslow, late rear-admiral United States Navy, and to pay her a pension at the rate of $50 a month from and after the passage of the act.

Mr. INGALLS. The bill should be amended by the addition of a clause to the effect that this pension shall be in lieu of the one now received by her. She is now on the pension-roll at $30 per month.

Mr. ALLISON. I move to add at the end of the bill:

The pension hereby granted to be in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 216) granting a pension to Henry Schnetberg, of Indiana, Pennsylvania, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2288) granting a pension to Fannie S. White, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Stillman E. Dix, late a private in Company H, Thirty-seventh Massachusetts Volunteers, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 882) granting a pension to Stillman E. Dix, of Hampton, Virginia.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William H. Oliver, late a private of Company D, Fifth Regiment Tennessee Infantry, submitted a report accompanied by a bill (S. No. 883) granting a pension to William H. Oliver, of Sweet Water, Tennessee.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of James Flanagan, late a private of Company I, First United States Artillery, praying to be allowed an increase of pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2465) granting a pension to Emily Schwartz, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2705) granting a pension to Sarah Buery, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and eighteenth Regiment Ohio Volunteers, reported it without amendment.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2301) granting a pension to Mary B. Hook, reported it without amendment, the committee adopting the report of the House committee.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery, reported it with an amendment.

He also, from the Committee on Claims, to whom was referred the petition of John W. Edwards, late captain Company A, Third Regiment North Carolina Mounted Infantry, praying to be reimbursed certain moneys expended by him for supplies purchased for United States troops recruited by him in Tennessee and North Carolina in 1863 and 1864, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WINDOM. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre, to report it back, without amendment, and recommend its passage. I ask the indulgence of the Senate for its present consideration. I am sure there will be no objection to the passage of the bill at this time.

Mr. SAULSBURY. I must object until morning business is through, in order to give us a chance to make some reports on this side of the Chamber.

The PRESIDENT *pro tempore*. The Senator from Delaware objects, and the bill will be placed upon the Calendar.

Mr. CONKLING. I am directed by the Committee on Commerce, to whom was referred the bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star, to report the same favorably; and, as it would take but a moment, at the request of a Senator interested in the bill, I ask that it may be considered now.

Mr. SAULSBURY. I object.

The PRESIDENT *pro tempore*. The Senator from Delaware objects, and the bill will be placed upon the Calendar.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the petition of officers of the New York Harbor Towing Company, reported a bill (S. No. 884) to authorize the change of name of the steamboat Peter Crary to that of Joseph L. Chapman; which was read and passed to the second reading.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States, reported it with an amendment.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 341) for the relief of John Wightman, a contractor for carrying the mail in Pennsylvania, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia, reported it with amendments.

Mr. WEST. The Senator from Delaware, who interposed an objection to the passage of the bill reported by the chairman of the Committee on Commerce, simply changing the name of a steamboat, for a moment or so to enable him to submit some morning business, will now withdraw his objection, I presume, as he has presented a report from a committee. I should like to call up the bill. It will take but a moment to pass the bill.

Mr. WINDOM. My bill was objected to first. It would take only a moment, too.

Mr. WRIGHT. I ask Senators to allow me first to get through with the reports I have to make.

Mr. WEST. Certainly; I will yield for morning business.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the memorial of S. H. Kettlewell, praying compensation for services and sufferings on the Isthmus of Darien ship-canal expedition No. 1, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Minerva Tilley, praying compensation for services rendered by her late husband, Durell Tilley, formerly justice of the peace of Orange County, North Carolina, in administering the amnesty oath under Governor Holden, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 406) for the relief of Harden W. Reynolds, submitted an adverse report thereon; which was ordered to be printed, and the bill was rejected.

CHANGE OF NAME OF STEAMSHIP.

Mr. WEST. I move that the Senate proceed to the consideration of the bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 885) relating to civil appointments in the Executive Departments of the Government; which was read twice by its title, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 886) granting a pension to Margaret Kenah; which was read twice by its title, and, together with the accompanying petition, referred to the Committee on Pensions.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 887) authorizing the construction of bridges over the Kill von Kull by the Staten Island and New Jersey Suspension Bridge and Railroad Company; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 888) to authorize the building of a military, postal, and freight railway from Lewes, in the State of Delaware, to the cities of Washington, Baltimore, Philadelphia, and New York; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 889) to amend section 1212 of the Revised Statutes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. INGALLS, it was

Ordered, That John Hildreth have leave to withdraw his petition and papers from the files of the Senate.

G. B. TYLER AND E. H. LUCKETT.

Mr. McCREERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to present to the Secretary of State the bill entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham," together with the certificates of the Secretary of the Senate and the Clerk of the House of Representatives showing that the said act was passed by a vote of two-thirds of both Houses of Congress, after the same had been returned to the Senate by the President with his objections, and after the reconsideration of said act by both Houses of Congress in accordance with the Constitution.

PARIS INTERNATIONAL EXPOSITION OF 1878.

Mr. CAMERON, of Pennsylvania. I desire to present a letter from

the Secretary of State, transmitting a letter from the legation of France, which I ask to have read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE,
Washington, May 29, 1876.

SIR: I have the honor to transmit herewith a translation of a note dated the 20th instant which has been received from the French minister at this capital, announcing the institution of measures by the French government for a universal exhibition to be held in Paris in the year 1878, and inviting the co-operation of the United States in the proposed undertaking.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. SIMON CAMERON,
Chairman Committee on Foreign Relations, United States Senate.

[Inclosure.]

Mr. Bartholdi to Mr. Fish, May 20, 1876.

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, May 20, 1876.

MR. SECRETARY OF STATE: By two decrees, dated respectively the 4th and 13th of April last, the President of the Republic decided that a universal exhibition of productions of agriculture, industry, and the fine arts should be open at Paris on the 1st day of May, 1878, and closed on the 31st of October of the same year.

The superior commission for international exhibitions, which is attached to the ministry of agriculture and commerce, has been instructed to make arrangements for the exhibition of 1878 and to decide upon the conditions on which goods sent for exhibition shall be received.

As soon as the regulations and the programme which the commission is now preparing shall have been issued, I shall transmit copies thereof to your excellency; but I hereby notify your excellency, by order of my government, of the opening of this new international exhibition, and through your mediation officially invite the Government of the United States to be pleased to lend its valuable co-operation.

My government feels confident that the appeal which it addresses to all governments will be heard. It is convinced that all will respond with sympathy, realizing as they do the advantages of these great enterprises, through which nations form new bonds and learn mutually useful lessons, thus insuring the development of their prosperity by labor and peace.

Be pleased to accept, Mr. Secretary of State, the assurances of my very high consideration.

A. BARTHOLDI.

His Excellency HAMILTON FISH,
Secretary of State.

Mr. CAMERON, of Pennsylvania. I move that the letters be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

COURTS IN ARKANSAS.

Mr. CLAYTON. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. N. 155) to amend sections 533, 556, and 572 of the Revised Statutes of the United States, reported from the Committee on the Judiciary.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill amends sections 533 as to the boundaries of the Arkansas judicial districts and section 536 as to the clerks of the courts in the eastern district of Arkansas. It also amends section 572.

The bill was reported from the Committee on the Judiciary with an amendment in line 20 after the words "that section 572 be" to strike out the following words:

amended so as to read as follows:

SEC. 572. In the eastern district of Arkansas, at Little Rock, on the second Monday in April and October, and at Helena on the second Monday in March and September.

In the western district of Arkansas, at Fort Smith, on the first Monday in February, May, August, and November.

And in lieu thereof to insert:

so amended as to provide for the holding of the regular terms of court in the eastern and western districts of Arkansas, as follows:

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October, and at Helena on the second Monday in March and October.

In the western district of Arkansas, at Fort Smith, on the first Monday in February, May, August, and November.

That section 571 be amended so as to read as follows:

"SEC. 571. The district courts for the western district of Arkansas, the eastern district of Arkansas at Helena, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia shall have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. WRIGHT. I wish to suggest to my friend from Wisconsin [Mr. HOWE] who reported the bill, and to my friend from Arkansas also, that the title of the bill ought to be amended. As it is, it merely refers to the sections without designation.

The PRESIDENT *pro tempore*. The Chair understands there is an amendment of the title.

The bill was passed.

The committee proposed to amend the title so as to read:

To amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States.

Mr. WRIGHT. The title ought to indicate what the subject-matter of the bill is: that it relates to courts in the district of Arkansas.

Mr. HOWE. There is no sort of objection to that amendment.

Mr. WRIGHT. It has been usual, I will suggest to the Senator from Wisconsin, to thus amend the titles of bills when they refer to sections of the Revised Statutes. I move to insert at the end of the title the words:

Relating to courts in Arkansas.

The PRESIDENT *pro tempore*. The title will be amended as indicated.

PURCHASES AT DIRECT-TAX SALES.

Mr. MORRILL, of Vermont. I move to take up Senate bill No. 530, reported by the Committee on Finance.

The motion was agreed to; and the bill (S. No. 530) to re-imburse purchasers at direct-tax sales in Arkansas declared illegal by United States courts in consequence of a defective board of commissioners was considered as in Committee of the Whole.

The bill was reported by the Committee on Finance with an amendment, which was in line 12 after the word "their" and before the word "assigns," to insert "legal representatives or;" and in line 19, between the words "their" and "assigns," to insert the words "legal representatives or."

The amendment was agreed to.

Mr. WITHERS. Is there no report accompanying that bill or explanation to be given? I cannot understand it from the mere reading of the bill.

Mr. MORRILL, of Vermont. I will state that the necessity for the bill arises in consequence of the Supreme Court having decided that the board of assessors were not legally constituted, and therefore that the whole proceedings in the tax sales have become void, and the party who purchased and paid over the money has been without his money for a long series of years. It is deemed just and proper that the money should be refunded at least to the party who has no land to show for the amount of money that has been paid.

Mr. WITHERS. I inquire whether it would not be practicable by some action of the United States to correct the irregularity complained of and confirm the title to the land?

Mr. MORRILL, of Vermont. No, sir; it is impossible.

Mr. WITHERS. I would also inquire, while I am up, why it is that in this case provision is made that interest be allowed, which is not the case in other instances?

Mr. SHERMAN. That is stricken out.

Mr. INGALLS. What is the amount of money involved?

Mr. MORRILL, of Vermont. About $10,000. I desire to say that there was an amendment striking out the interest. I do not quite understand whether it has been read.

The PRESIDENT *pro tempore*. The Chair is informed there is no such amendment.

Mr. SHERMAN. The amendment was reported; that clause was marked to be stricken out.

Mr. MORRILL, of Vermont. That was the intention of the committee. I move to strike out the following words, commencing in line 12, in accordance with the action of the committee:

Together with interest at 6 per cent. per annum from the date of the decree of the court depriving the purchaser of his possession of the property, or from the time the party claiming ownership took the possession of the property from the purchasers at the tax sale, in cases where no decree or judgment was made.

Mr. WRIGHT. As I remember the reading of the bill it is confined to sales in the State of Arkansas.

Mr. MORRILL, of Vermont. Yes.

Mr. WRIGHT. I desire to inquire whether there is any difficulty in making this a general bill, or whether there are circumstances connected with the sales in Arkansas that render it necessary to confine the bill to those sales; and therefore why the bill has not been made general? I remember very well that numberless cases of this kind have been before the Committee on Finance and also the Committee on Claims from other States as well as Arkansas. I remember several cases from the State of Virginia; and it seems to me if it can be done the bill ought to be made general.

Mr. MORRILL, of Vermont. I do not think it would be entirely safe to make it a general bill. This case is a very clear one, and has been adjudicated by the Supreme Court. I know of no other of exactly a similar character.

Mr. SHERMAN. My attention has been called to the latter clause of the bill. I ask that the last clause be read.

The Chief Clerk read as follows:

With the cost thereon, so rendered against them, together with such other necessary expenses as have been paid by them in defending their titles to the property so purchased at direct-tax sales.

Mr. SHERMAN. I think the bill had better be laid aside. I think there is a provision in that last clause that will be general and applicable to other cases.

Mr. MORRILL, of Vermont. I ask to have the bill withdrawn. I think there was a mistake on the part of the clerk in reporting the wrong bill.

The PRESIDENT *pro tempore*. The bill will be withdrawn if there be no objection.

CHARLES B. VARNEY.

Mr. WRIGHT. I ask for the consideration of a little bill (S. No. 808) for the relief of Charles B. Varney, of Portland, Maine.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Charles B. Varney, of Portland, Maine, $200 as compensation for the use and occupancy of a certain piece of land situated in the city of

Portland, belonging to Varney, by the United States, during the years 1867, 1868, and a part of 1869.

Mr. SARGENT. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is. The report will be read if the Senator desires it.

Mr. SARGENT. I should like to hear the report or some explanation of the bill.

The PRESIDENT *pro tempore*. The report will be read.

Mr. WRIGHT. Perhaps I can save time by stating to the Senator from California that there is no dispute but that ground was used and occupied by the United States at the time they were erecting the Government buildings at Portland, Maine, and for three years. The testimony is conclusive that it was worth very much more than $200; and letters are on file, recommendations from officers in charge of the work and also of the Supervising Architect, showing that $200 is a very small compensation for the use of the ground. The reason the payment was not made at the time was that the person who owned the property was absent for some time and did not return until the whole sum was covered into the Treasury, and it is too late now to get it there.

Mr. SARGENT. Is there any question about the title?

Mr. WRIGHT. None at all. It is for the mere use of the ground.

Mr. HAMLIN. I will add that if they had the funds in the Department they would have paid it without sending the party here.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OTOE AND MISSOURIA INDIANS.

Mr. INGALLS. I move that the Senate proceed to the consideration of Senate bill No. 779.

The motion was agreed to; and the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians to the States of Kansas and Nebraska was read the second time, and considered as in Committee of the Whole.

Mr. MITCHELL. I desire to inquire of the Senator from Kansas what reservation this has reference to?

Mr. INGALLS. The reservation of the confederated Otoe and Missouria tribe of Indians in the States of Kansas and Nebraska.

Mr. MITCHELL. Does it provide for their removal without their consent?

Mr. INGALLS. No, sir; it provides for their consent being expressed in open council.

Mr. MITCHELL. About how many of these Indians are there?

Mr. INGALLS. The Senator from Nebraska can answer the Senator.

Mr. PADDOCK. I do not recollect the exact number of the tribe; I think about six hundred. But, whatever may be the number, it is a very small tribe; and I desire to state, moreover, for the information of the Senator from Oregon and of the Senate generally, that the chiefs and head-men of the tribe have petitioned almost unanimously for the privilege of disposing of this reservation which they now occupy in the States of Kansas and Nebraska. It is a very large tract of land, as I recollect, about one hundred and sixty thousand acres, in one of the most fertile and fruitful districts in those States. It will sell for a very large sum of money, and they can purchase a smaller one in the Indian Territory, which will make them an acceptable home, for a very small sum.

Mr. INGALLS. The Senator from Nebraska is mistaken about the number of acres in the reservation. It is 85,680 acres.

Mr. PADDOCK. That is a mistake. It has a much larger area than my friend names. I know that the west half of it, which they proposed in the first instance to sell, embraces fully 80,000 acres. At all events the Indians have expressed their desire to sell the reservation and go into the Indian Territory where they can procure a reservation sufficiently large for a much less sum of money, leaving to them a large balance with which they may be able to maintain themselves and to make improvements in their new homes.

But, sir, in addition to this fact it will be seen by a reference to the bill itself that it definitely provides that nothing whatever shall be done in respect to the disposition of the reservation until the Indians, all of them, in open council, shall have signified their willingness—their desire—that it shall be done. The bill is very carefully guarded, perhaps more so than any bill that has ever been proposed for such a purpose. The citizens of Kansas and Nebraska are deeply interested in its passage. In fact, sir, the States in which it is situated and all the citizens thereof, as well as the Indians themselves, are to be greatly benefited by the measure. Indeed, it will be a most desirable consummation for all the parties in interest if the Indians shall be permitted to sell the reservation and it can be placed in possession of actual settlers. Moreover, every consideration of economy demands their removal.

Mr. THURMAN. I did not quite catch what the Senator said as to the place to which these Indians wish to go.

Mr. PADDOCK. They wish to go to the Indian Territory south of Kansas, where the Government is making an effort to congregate all the Indians.

Mr. THURMAN. On a Government reservation?

Mr. PADDOCK. It is a territory which has been set aside, as I understand, exclusively for Indian occupation, where it is to be hoped all may be induced to go at an early day. The Senator from Kansas who reported the bill knows more about the condition of that country than I do, and I ask him for such information as he possesses in regard to it, for the benefit of the Senate.

Mr. INGALLS. With the consent of the Senator from Nebraska I will state that under an arrangement with the Cherokees a large portion of their reservation in the Indian Territory west of the ninety-sixth meridian was set apart to be dedicated by the United States as homes for friendly tribes of Indians. The fourth section of this bill provides that out of the fund derived from the sale of this reservation a portion shall be expended in removing the Indians to the Indian Territory, procuring a reservation for their use, and providing thereon homes and means of support.

Mr. COCKRELL. Do they have to buy another reservation?

Mr. PADDOCK. They will be required to buy another reservation with the proceeds from the sales of the one they now occupy, but they will be able to sell their present reservation, perhaps, at an average of from $5 to $10 per acre, and they can buy the other at possibly a dollar and a quarter an acre or even less. There are not more than six hundred of these Indians at the most.

Mr. INGALLS. Four hundred and fifty-seven.

Mr. PADDOCK. Four hundred and fifty-seven, the Senator from Kansas informs me. It is a manifest absurdity that four hundred and fifty-seven Indians, when they desire to go upon a smaller reservation, should be compelled to remain upon one vastly too large, utterly useless to them, and an obstacle in the way of the settlement and development of that section. I think the reservation contains about one hundred and sixty thousand acres—I am sure my friend from Kansas in his statement of the area of the reservation has made a mistake in the figures, it certainly contains twice the number of acres he named—at any rate, sir, a reservation of ten or twenty thousand acres will be sufficiently large for this tribe.

Mr. DAWES. I inquire of the Senator from Nebraska if he understands that those who have the title to this Indian territory can dispose of it, can convey a title to these Indians?

Mr. PADDOCK. I do so understand. Moreover, I would say that this measure is sanctioned by the Interior Department. They are not only willing that these Indians should go, but are anxious that all others in that part of the West should go to that Territory.

Mr. DAWES. I see it is very desirable to get them, if possible, on this reservation in the Indian Territory, and my fear lest they should go somewhere else with this money and squander it led me to make the inquiry. Would it not be a good plan, I suggest to the Senator from Nebraska, to provide that the Interior Department or some officer of the Government should effect the transfer, so that the money itself when it is paid should not be squandered, and they left without a home and without their money? Is it not practicable to incorporate such an idea as that into the bill? I only make the suggestion because we know the Indians are proverbially improvident. All I desire to say is that I fear that when they dispose of this land and get the money they themselves will forget to go and purchase themselves another home until they tarry awhile by the way and the money will be lost.

Mr. INGALLS. The Senator from Massachusetts misunderstands the terms of the bill. The sale is to be exclusively under the control and direction of the Interior Department and of the Commissioner of Indian Affairs, and the proceeds of the sale of their lands are to "be placed to the credit of said Indians in the Treasury of the United States and bear interest at the rate of 5 per cent. per annum," and to be disbursed exclusively under the direction of the Secretary of the Interior, with the approval of the President.

Mr. DAWES. That was the very inquiry I was making. Is it to be so placed that the Indians cannot take it themselves and waste it?

Mr. INGALLS. They are to have no control over it whatever, except through the organized Department of the Government.

Mr. HITCHCOCK. I desire to say a single word only. This bill is a very carefully guarded bill; it is a very satisfactory bill to the settlers in the neighborhood of this reservation and to the Indians themselves and to the Interior Department, who have the control of those Indians; and I trust there will be no objection to the passage of the bill at this time.

Mr. SHERMAN. I should like to strike out the words "if practicable" in section 3, line 5. They make an obscurity in the construction of the law.

Mr. INGALLS. I have no objection.

Mr. PADDOCK. The amendment will be a good one.

Mr. SHERMAN. I move an amendment to strike out the words.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF W. W. BELKNAP.

At one o'clock p. m. the managers on the part of the House of Representatives (with the exception of Mr. LAPHAM and Mr. HOAR) appeared and were conducted to the seats provided for them.

The respondent appeared with his counsel Mr. Carpenter.

The PRESIDENT *pro tempore*. Pursuant to order, legislative and executive business will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the

House of Representatives against William W. Belknap, late Secretary of War. The Secretary will notify the House of Representatives that the Senate is ready to proceed in the trial, the managers being present.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

EXECUTIVE BUSINESS.

Mr. CAMERON, of Pennsylvania. I move that the Senate now proceed to the consideration of executive business.

Mr. WITHERS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON, of Pennsylvania. I trust the Senator from Virginia will not insist upon his call for the yeas and nays. Let us go into executive session. There is business of importance to be done.

Mr. WITHERS. I wish to proceed with legislative business. There will be ample time after that for an executive session.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. CAMERON, of Pennsylvania. I appeal to the Senator.

Mr. WITHERS. I cannot stand an appeal, and with the consent of the Senate I will withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the call for the yeas and nays? The Chair hears none, and the question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were re-opened.

SOLDIERS' REUNION AT CALDWELL.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' reunion at Caldwell, Ohio, to report it back without amendment. I ask for its present consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. It authorizes the Secretary of War to send, from some convenient Government arsenal, to be used at the national soldiers' reunion at Caldwell, Ohio, at its next meeting, four pieces of artillery, and such blankets and muskets and blank cartridges as can be spared; the cannon, blankets, and muskets to be returned after the meeting.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS AT DOVER, DELAWARE.

Mr. SAULSBURY. I move that the Senate proceed to the consideration of Senate bill No. 558.

The motion was agreed to; and the bill (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware, was considered as in Committee of the Whole. It appropriates $8,500, in addition to appropriations heretofore made for the erection of a post-office in Dover, Delaware, for the purpose of adding an additional story to the building, to be used for United States court-rooms and other Government offices.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment in line 3, to strike out "$8,500" and insert "$15,000;" so as to read:

That the sum of $15,000, in addition to appropriations heretofore made, &c.

Mr. SAULSBURY. All I will say upon the amendment is that this sum was based upon the estimates and recommendation of the Supervising Architect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Several Senators addressed the Chair.

Mr. WITHERS. The Senator from Kansas [Mr. INGALLS] gave notice that he would move to proceed to the consideration of unobjected bills on the Calendar. I will make that motion if he does not do so.

Mr. INGALLS. I have agreed to yield to the Senator from Maine [Mr. MORRILL] simply for the purpose of taking up the general legislative appropriation bill, with the understanding that when it is before the Senate he will waive it informally.

Mr. MORRILL, of Maine. My object is to take the bill up now so as to save time to-morrow. I do not desire to have it considered to-day. I move that the Senate proceed to the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, with a view to leaving it the unfinished business for to-morrow at one o'clock.

The motion was agreed to.

THE CALENDAR.

Mr. WITHERS. I move to take up the Calendar for the consideration of unobjected cases.

Mr. SARGENT. The effect of taking up the Calendar for unobjected cases will not be to displace the legislative bill, I understand.

The PRESIDENT *pro tempore*. Not at all.

Mr. SARGENT. Very well.

The PRESIDENT *pro tempore*. It is understood that the legislative bill will be considered to-morrow at one o'clock. The Calendar will be suspended when we adjourn, by common consent. The question is on the motion of the Senator from Virginia, that the Senate proceed to the consideration of the Calendar for unobjected cases.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first bill on the Calendar at the point where its consideration was last suspended will be reported.

FANNIE E. RECORDS.

The first bill was the bill (H. R. No. 1811) granting a pension to Fannie E. Records.

Mr. WITHERS. This bill was reported adversely from the Committee on Pensions and should be postponed indefinitely.

Mr. INGALLS. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

YOUNG MEN'S CHRISTIAN ASSOCIATION JOINT-STOCK COMPANY.

The next bill on the Calendar was the bill (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867; which was considered as in Committee of the Whole.

Section 1 empowers the joint-stock company of the Young Men's Christian Association to borrow, on the security of the real estate now owned by it in square No. 407 in the city of Washington, not exceeding the sum of $33,000, at a lawful rate of interest, for the purpose of paying off the debt now due from the company to the Freedman's Savings and Trust Company, and to secure which indebtedness the Freedman's Savings and Trust Company now holds a deed of trust upon said real estate, the validity of which is doubted and is in dispute.

Section 2, in order to secure the amount authorized to be borrowed by the preceding section, authorizes the joint-stock company to execute and deliver its note for the amount borrowed, bearing such lawful rate of interest and payable at such time, principal and interest, as may be agreed upon between it and the persons from whom it may borrow the money, and, to secure the payment of such note and interest, to convey the property to two trustees in fee simple, with power in the trustees, or the survivor of them, to sell the property at public auction in case of default made in the payment of the note, or any installment of interest due thereon, upon such terms and after such notice by advertisement as the trustees, or the survivor of them, may deem best for the interest of all parties concerned, and to convey the same to the purchaser in fee simple.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out lines 16 to 19 inclusive of section 1, in the following words:

And to secure which said indebtedness the said Freedman's Savings and Trust Company now holds a deed of trust upon said real estate, the validity of which is doubted and is in dispute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF INDIAN TRUST FUNDS.

The next bill on the Calendar was the bill (H. R. No. 2447) transferring the custody of certain Indian trust funds; which was considered as in Committee of the Whole. It provides that all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days, be transferred to the Treasurer of the United States, who shall become the custodian thereof. The Treasurer is to collect all interest falling due on these bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustee for various Indian tribes. The Treasurer of the United States is also to become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and make all purchases and sales of bonds and stocks authorized by treaty stipulations or by acts of Congress when requested so to do by the Secretary of the Interior. Nothing in the act is in any manner to impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of the bonds and the collection of interest thereon as before mentioned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY P. ABEEL.

The next bill on the Calendar was the bill (H. R. No. 1992) granting an additional pension to Mary P. Abeel; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Abeel, widow of James S. Abeel, late ordnance-storekeeper in the United States Army, and to pay her a pension at the rate of $20 per month as

though her husband had held the rank of captain in the Army of the United States. The act is to take effect from its passage, and the pension granted by it is to be in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS BERNARD.

The next bill on the Calendar was the bill (H. R. No. 42) granting a pension to Francis Bernard; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Bernard, late a private in Company K of the Forty-ninth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. GARRISON.

The next bill on the Calendar was the bill (H. R. No. 2291) granting a pension to John H. Garrison, which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Garrison, late a corporal in Company B, One hundred and thirty-ninth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN KELLY.

The next bill on the Calendar was the bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly; which was considered as in Committee of the Whole. It authorizes the Commissioner of Pensions to allow Martin Kelly (case No. 15802, Pension Office) an increase of pension from $18 to $24 a month, for a disability equivalent to the loss of an arm.

The bill was reported from the Committee on Pensions with an amendment, to insert at the end of the bill the words, "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'INTIRE.

The next bill on the Calendar was the bill (H. R. No. 2306) granting a pension to John McIntire; which was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John McIntire, private soldier in Company A, Fourteenth Regiment Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. WOODARD.

The next bill on the Calendar was the bill (S. No. 118) granting a pension to James H. Woodard; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions of the pension laws, the name of James H. Woodard, late hospital steward of the Eighty-sixth Regiment of Indiana Volunteers, (who now draws a pension of $8 per month from July 12, 1875,) to date from the 7th of March, 1864, to the 12th of July, 1875, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. HEDGES.

The next bill on the Calendar was the bill (S. No. 294) for the relief of Charles E. Hedges.

Mr. COCKRELL. In regard to that bill—I do not see here the Senator from Iowa who introduced it—that bill was before the Committee on Claims. I think the Senator from Iowa consented that it might be recommitted to the committee.

Mr. WRIGHT. I suggest to the Senator from Missouri that my colleague, who introduced the bill, is about the building, and I have sent for him. I suggest that it be passed over informally until he comes in, so that it shall not lose its place on the Calendar.

Mr. COCKRELL. I object to the bill, because I do not think the Government has anything to do with it at all, and there is plenty of funds belonging to the Indians out of which the claim ought to be paid.

Mr. WRIGHT. Let it be passed over informally.

The PRESIDENT *pro tempore*. The bill will be passed over.

HORACE L. EMERY.

The next bill on the Calendar was the bill (S. No. 675) to enable Horace L. Emery to make an application to the Commissioner of Patents for the extension of letters-patent for improvement in cotton-ginning machines; which was read a second time, and considered as in Committee of the Whole.

Mr. WRIGHT. I believe the Senator from Minnesota reported this bill, and I should like him to state on what ground it is and for what reason special legislation is needed in this particular case.

Mr. WINDOM. The reason, I believe, is that the applicant made a mistake as to the time when he should make application to the Commissioner. Formerly the Commissioner had authority to fix the time. A law was subsequently passed requiring all applications to be made ninety days prior to the expiration of the patent. He, supposing that the Commissioner had the authority to fix the day, mistook the time, and was fifteen days too late. The bill is simply to relieve him against that mistake, and let him take the chances of the renewal of his patent as if the mistake had not been made.

Mr. WITHERS. When did the patent expire?

Mr. WINDOM. I do not remember; the time has escaped my mind. The report fixes the time. There is a very brief report in the case which fixes the time, I think.

Mr. WITHERS. I think it was in 1867. Let the report be read.

The Chief Clerk read the following report submitted by Mr. WINDOM from the Committee on Patents on the 30th of March:

The Committee on Patents, to whom was referred the petition of Horace S. Emery, having considered the same, and the accompanying evidence, beg leave to report:

That, from the evidence submitted, it appears that said Emery's improvement in cotton-ginning machines is a new and useful invention; that his patent was issued on the 4th day of September, 1860; that the said Emery has used due diligence in introducing the invention during the original term of his letters-patent, but that, without fault or negligence on his part, and owing to the interruption of business by the late war, and to other circumstances beyond his control, he has not been adequately remunerated; that he has received, as a profit from his interest in manufacturing the said machines, the sum of $7,250, which has been mainly absorbed by his expenses in attending fairs, exhibitions, advertising, &c., for the purpose of introducing said invention.

That in the opinion of the committee the said improvement is capable of saving to the public a very large amount upon the annual crop of cotton made in the United States, by reason of the increased capacity of the machine, the more uniform cleanliness of picking, the improved condition and greater value of the staple, the economy of force required to drive the machine, and the exemption of danger from firing.

That the applicant had made preparations in time to visit Washington for the purpose of making application to the Commissioner for an extension of his patent; but supposing that the ninety days' notice required was a rule of the Commissioner of Patents, and subject to his discretion to some extent, and not a statutory enactment, he did not reach Washington until fifteen days after the time limited, being seventy-five days before the expiration of the original term, when he learned that his only remedy was through an enabling act by Congress. That he has since been diligent in pressing his case upon the attention of Congress, and though it received the favorable action of our committee at the last session, the said committee were unable to submit their report.

Your committee are of the opinion that the applicant is entitled to relief from the effects of his mistake, and therefore recommend the passage of the accompanying bill.

Mr. WITHERS. I think the bill had better go over. I do not think there is sufficient cause stated there. I object to it on principle.

Mr. KERNAN. Will my friend yield to me a moment? This man is a manufacturer of these gins. He has to compete with all others. He gets no royalty out of the public, and this does not therefore cost the consumer anything, but it prevents other men making that improvement. He has to compete with the market. I trust there will be no objection.

Mr. WITHERS. My objection to it is just this, that the patent having expired ten years, and gins having been manufactured without reference to any rights which the inventor had previously acquired under his patent, it seems to me it would be unjust to give an unlimited right to the manufacturer of these gins under this patent in the future.

Mr. WINDOM. The Senator is mistaken as to the time. The patent expired only two years ago—in 1874.

Mr. WITHERS. I understood that the invention was patened first in 1860, and that owing to the difficulties growing out of the war it was not renewed in 1867 at the time it originally expired.

Mr. WINDOM. It expired in 1874—two years ago.

Mr. KERNAN. Not ten years ago; and he applied to the very next Congress after the expiration of his patent.

Mr. WITHERS. Then it was a fourteen-year patent instead of a seven?

Mr. WINDOM. It was a fourteen-year patent. The bill provides that no one shall suffer injury by the renewal.

Mr. WITHERS. I am opposed to all extensions of patents in all cases after they have expired except such conditions can be shown to exist as to render them necessary, and with such provisions put on as will prevent the public from imposition.

Mr. INGALLS. Does the Senator object to the consideration of the bill?

Mr. WITHERS. I do.

Mr. INGALLS. Then I insist on the enforcement of the rule.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be read.

LIGHT-HOUSE ON ROUND ISLAND.

The next bill on the Calendar was the bill (S. No. 676) authorizing the construction of a light-house and fog-bell on Round Island, Straits of Mackinac; which was read the second time, and considered as in Committee of the Whole. It appropriates $15,000 for the purpose of erecting a light-house, with fog-bell, on Round Island, in the Straits of Mackinac, under the direction of the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. HEDGES.

Mr. BOGY. I call up the bill (S. No. 294) for the relief of Charles E. Hedges, passed over a while ago at the suggestion of my colleague. There is no trouble about it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for paying to Charles E. Hedges $11,399, in full payment for supplies furnished by him to the Yankton Indians, at the request of the United States Indian agent, to prevent starvation among those Indians, during the winter of the years 1866-'67, as found by the Interior Department, and reported to Congress, on the 17th of January, 1871.

Mr. COCKRELL. I offer an amendment, and I will state the object of the amendment. Mr. Hedges furnished these supplies to the Indians there. They were in a destitute and starving condition. They have annuities, and there are certain provisions made by which their debts and obligations are to be paid in the treaty giving them these annuities. They have an abundant amount to pay this claim. Now I move to amend by inserting after the word "dollars," in line 5, the words:

Out of the annuities belonging to the Yankton Sioux Indians.

They have $40,000 a year now allowed them.

Mr. BOGY. The amendment is objectionable. This subject was examined by the Committee on Indian Affairs and submitted to me as a subcommittee. No question exists as to the provisions having been furnished by the claimant here, this man named Hedges, with whom I am not at all acquainted. The papers were all before us. These Indians were at that time in a starving condition, perfectly destitute. The grasshoppers the year before had destroyed their crops, hail-storms and one accident or another had completed the destruction, and they were in a most deplorable condition. The Indian agent called upon this man to make certain advances to these Indians, which he did, several years ago. The proof of the advances having been made is abundant and satisfactory beyond all question. He is out of pocket and ought to be paid; and the only question now is, should the money be paid out of the annuities of the Indians or by the United States? The Indians have an annuity of $40,000 a year; but there are two thousand Indians and upward; so that you can very well see that the amount is really very small. They are in a very deplorable condition, and they have always refused to pay this money. Although it was expended for the benefit of the destitute of that tribe, yet they have heretofore refused to make the payment out of their funds, and it should not be paid by them. It was an obligation incurred by the Government for a charitable purpose. The amount of their annuity appears to be large; but the number of the Yankton Indians is also very large, and there is not enough to support and educate them and give them farming implements; and if you cut off from their annuity eight or ten thousand dollars, the result will be that they will be again on our hands in a very short time. We have no right to make an appropriation of their money unless it is at their request. They have not so requested, and we have no right to do it, and they are not able to do it.

The claim is a just one. I am not acquainted with the claimant. That he advanced this amount there can be no question, and it should be paid by the Government of the United States and not by the Indians. Their means are too limited. They cannot support themselves now, and indeed since that time they have been fed once or twice by the Government of the United States.

Mr. COCKRELL. I cannot possibly consent that this amount should be paid out of the Treasury of the United States. The bill asks an appropriation of $15,000. Here is a letter from the Commissioner of Indian Affairs stating that he has $2,031.60 which can now be applied to the payment of this claim. Shall we make a gratuity of that amount at least? This Indian tribe made a treaty a number of years ago, and they have been treated exceedingly liberally. I ask that the report of the Committee on Claims which was made upon this claim be read for the information of the Senate. It sets forth all the facts in the case. They have $40,000 a year, and there are $2,000 already on hand which can be appropriated to the part payment of this claim. Then the balance can be paid in annual installments in such a way as not to oppress the Indians any more than the payment of the $15,000 will oppress the honest tax-payers of this country.

Mr. KEY. I suppose the bill had better go over on objection.

Mr. BOGY. I think the bill can be disposed of in a moment.

Mr. ALLISON. It is too late now to object.

Mr. BOGY. It is too late to make objection. We have commenced its consideration, and if we go on we can dispose of it in a minute.

Mr. KEY. I withdraw my objection.

Mr. COCKRELL. I ask that the report be read.

The Secretary read as follows from the report submitted by Mr. COCKRELL from the Committee on Claims March 6:

The Committee on Claims, to whom was referred the Bill (S. No. 294) for the relief of Charles E. Hedges, have considered the same, and submit the following report:

This bill directs the Secretary of the Treasury to pay to Charles E. Hedges $11,399, in full payment for supplies furnished by him to the Yankton Indians, at the request of the United States Indian agent, to prevent starvation among said Indians during the winter of the years 1866 and 1867, as found by the Interior Department and reported to Congress on the 17th day of January, 1871.

Your committee found with the bill a printed document, Executive Document No. 66, House of Representatives, Forty-first Congress, third session, and on February 15, 1876, transmitted same, with the bill, to the Secretary of the Interior for examination, report, &c., and in reply received his letter, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant and inclosures, in relation to the claim of Charles E. Hedges.

In reply, I have the honor to transmit herewith copy of report, dated the 19th instant, from the Commissioner of Indian Affairs, to whom your letter was referred, which contains, it is believed, the information desired by you.

The papers accompanying your letter are herewith respectfully returned.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

Hon. F. M. COCKRELL,
United States Senate.

And also received the letter of the Commissioner of Indian Affairs, therein referred to, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 19, 1876.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a communication from Hon. F. M. COCKRELL, United States Senate, on behalf of Committee on Claims, dated the 15th instant, inclosing Senate bill 294, Forty-fourth Congress, first session, and copy of House of Representatives Executive Document No. 66, Forty-first Congress, third session, being for the relief of Charles E. Hedges, for supplies furnished the Yankton Sioux Indians during November and December, 1866, and January, February, March, April, and May, 1867, amounting to $11,399.

The matter having been referred for report, I have to state, in reply to the questions of Senator COCKRELL, as follows:

First. This Office has no reason to doubt the justness or correctness of the claim of Mr. Hedges, as shown by printed document No. 66, which embraces all the evidence known to the Department regarding said claim.

Second. The only funds on the books of this Office applicable to the part payment of above claim are the sum of $2,031.62, of the treaty with the Yankton Indians, appropriated prior to July 1, 1873; and

Third. These Indians have a treaty with the United States, which was concluded April 19, 1858, ratified by the Senate February 16, 1859, and proclaimed on the 26th of February following. By the second section of article 4, (see pages 857 and 858 of Revision of Indian Treaties,) the Government is now making an appropriation of $40,000 annually, the eighth of ten installments, second series, being embraced in the estimate of this Office for the fiscal year ending June 30, 1877, now before Congress for its consideration.

In connection with the above I desire to say that any attempt to provide for the payment of this claim from the funds annually appropriated for these Indians would very seriously embarrass this Office and cause suffering at the agency in question, the amount of $40,000 being barely sufficient to provide subsistence and pay for services rendered at the Yankton agency during the term of one year.

The papers referred by you under date of the 16th instant are herewith returned.

Very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

The HON. SECRETARY OF THE INTERIOR.

Mr. BOGY. It is upon that report that I base my objection to the amendment. The Commissioner of Indian Affairs says it would embarrass his Bureau very much to make this payment out of this Indian fund. They have not means enough now to support themselves. They are in a state of great destitution, and this money should be paid by the United States if paid at all. We should be governed by the statement made by the Commissioner. He says it cannot be done. The Indians will be in a starving condition if it is done. It is true there is a balance due them now because those moneys are only paid by installments; but when the year is out there is not enough to support them. They have been in a suffering condition for several years.

Mr. INGALLS. I may have misunderstood the reading of the executive document from the Secretary of the Interior; but, unless I did so, my view of it would be different from that entertained by the Senator from Missouri, [Mr. BOGY.] I understand that there is a fund in the possession of the Department amounting to over $2,000, which can be applied to the payment of this claim.

Mr. BOGY. But the Commissioner says to do so would be embarrassing to the Indians.

Mr. INGALLS. I do not so understand it.

Mr. BOGY. If the Senator will read the report he will see that I state it correctly.

Mr. INGALLS. The report states that to pay the entire amount out of their annuity would be embarrassing to the Department and might result in suffering to the Indians.

Mr. BOGY. Of course.

Mr. INGALLS. But that there is a fund of $2,000, which can be applied to the payment of this claim——

Mr. BOGY. There is a fund of $40,000 which can be applied to it. There may have been $2,000 unexpended at that moment, but it does not prove that the means exist to make this appropriation.

Mr. INGALLS. I think a reference to the report will show that there is a balance outside of the annual appropriation that can be applied to the extinction of this particular liability. If that is the case, it certainly is not worth while to appropriate the entire amount and leave that stand there without being of any service to anybody.

Mr. BOGY. It is as broad as it is long. If you make this appropriation out of their funds you have got to make an appropriation from the Treasury to support the Indians.

Mr. INGALLS. The Senator will observe that the $2,000 accumulated in the Office accrued prior to 1873 and has been lying there ever since. It is no part of the annual appropriation, and to apply that to the payment of this claim will diminish the draft on the Treasury by so much.

Mr. BOGY. The $40,000 expires two years from this time, and after two years they will be destitute.

Mr. COCKRELL. I should like to have the whole report read.

The PRESIDENT *pro tempore*. The rest of the report will be read.

Mr. BOGY. They have objected to the appropriation and we have no right to make it.

Mr. COCKRELL. Let the whole letter be read over again.

The Secretary read as follows:

The Executive Document No. 66, sent to the Secretary of the Interior and referred to in said letters, is as follows:

Letter from the Secretary of the Interior in relation to the claim of C. E. Hedges for supplies furnished Yankton Sioux Indians.

JANUARY 23, 1871.—Referred to the Committee on Claims, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 17, 1871.

SIR: I transmit herewith for the consideration of Congress a copy of a report of the Commissioner of Indian Affairs, dated the 10th instant, together with the papers connected with the claim of C. E. Hedges, of Sioux City, Iowa, amounting to $11,329, for supplies furnished the Yankton Sioux Indians during November and December, 1866, and January, February, March, April, and May, 1867, to prevent suffering and absolute starvation of said Indians.

There being no funds at the disposal of the Department applicable to the payment of this claim, the attention of Congress is respectfully invited to the subject with a view to the necessary appropriation for the payment of said claim.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 10, 1871.

SIR: I have the honor to inclose herewith two copies of a claim amounting to $11,329 of C. E. Hedges, of Sioux City, Iowa, for supplies furnished the Yankton Sioux Indians during November and December, 1866, and January, February, March, April, and May, 1867, at the urgent request of the Indians, to prevent suffering and absolute starvation, and upon the promise of the agent, P. H. Conger, that he would use his influence to obtain payment of the claim by the Department.

The claimant submits in support of the claim the affidavit of A. C. Guyon to the effect that a large lot of flour, bacon, sugar, and coffee were furnished said Indians, and that it was their wish that the trader, Mr. Hedges, should be paid for the provisions furnished. C. F. Picotte testifies also——

Mr. BOGY. You need not read the evidence. There is no question about the furnishing of the supplies.

Mr. COCKRELL. No, that need not be read, and the account need not be read; but the rest of the report had better be read.

The Secretary continued the reading as follows:

The foregoing contains all the evidence and facts before us——

Mr. BOGY. I have already said that it is not necessary to read any further. I know that it is not necessary.

Mr. COCKRELL. I ask for it in regard to the treaty stipulations. I want to show them. I want to hear the part about the treaty.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the report.

The Secretary continued the reading as follows:

The foregoing contains all the evidence and facts before us. It seems clear that Mr. Hedges did furnish supplies, amounting, as charged, to $11,329, to the Indians; and that the Indians were in a destitute and suffering condition, and that the only funds in the hands of the Commissioner of Indian Affairs applicable to the payment of this claim amount to $2,031.62.

This treaty referred to is found in the United States Statutes at Large, volume 11, 1855 to 1859, pages 743 to 749; was concluded at Washington April 19, 1858; ratified by the Senate February 16, 1859; and proclaimed by the President February 26, 1859. By article 4, section 2, the United States agreed—

"To pay to them, or expend for their benefit, the sum of $65,000 per annum for ten years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; $40,000 per annum for and during ten years thereafter; and $15,000 per annum for and during twenty years thereafter; making $1,600,000 in annuities in the period of fifty years, of which sums the President of the United States shall, from time to time, determine what proportion shall be paid to said Indians in cash and what proportion shall be expended for their benefit, and also in what manner and for what objects such expenditure shall be made, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. In case of any material decrease of said Indians in number, the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto, or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

"Third. In addition to the foregoing sum of $1,600,000 as annuities to be paid to or expended for the benefit of said Indians during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit the sum of $50,000 more, as follows, to wit:

"Twenty-five thousand in maintaining and subsisting said Indians during the first year after their removal to, and permanent settlement upon, their reservation, in purchasing stock, implements, &c.

"Fourth. To expend $10,000 to build a school-house, &c.

"And such further sum, in addition to said $10,000, as shall be deemed necessary and proper by the President, shall be reserved and taken from their said annuities and applied annually to the support of the schools, to furnish them with assistance, aid, and instruction in agriculture, &c.

"Fifth. To provide said Indians with a mill, one or more machine-shops, &c., and to expend therefor a sum not exceeding $15,000."

Article 6 provides:

"It is hereby agreed and understood that the chiefs and headmen of said tribe may, in their discretion, in open council, authorize to be paid out of their said annuities such a sum or sums as may be found to be necessary and proper, not exceeding in the aggregate $150,000, to satisfy their just debt and obligations, and to provide for such of their half-breed relations as do not live with them or draw any part of said annuities of said Indians: *Provided, however*, That their said determinations shall be approved by their agent for the time being and the said payments authorized by the Secretary of the Interior: *Provided, also*, That there shall not be paid out of their said annuities in any one year a sum exceeding $15,000."

Article 9 provides, in substance, that—

"In case of any injuries or depredations by said Yanktons, full compensation shall, as far as possible, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior."

Article 13:

"No part of the annuities of the Yanktons shall be taken to pay any debts, claims, or demands against them, except such existing claims and demands as have been provided for, and except such as may arise under this agreement or under the trade and intercourse laws of the United States."

Article 14 provides that—

"For the special benefit of the Yanktons, parties to this agreement, the United States agree to appoint an agent for them, who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such a point as the Secretary of the Interior may direct, one hundred and sixty acres of land."

Article 10 provides, in substance, that no white person, unless in the employ of the United States or duly licensed to trade with the Yanktons or members of the families of such persons, shall be permitted to reside or settle on said reservation.

From these extracts from said treaty——

Mr. BOGY. Rather than have that whole book read, I will succumb and accept the amendment of my colleague. I give it up. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri, [Mr. COCKRELL.]

Mr. COCKRELL. I will put the amendment in this form:

Insert at the end of the bill:

Provided, That said sum shall be retained and re-imbursed to the Treasury of the United States out of annuities due, and to become due, to the said Indians.

The question being put, it was declared that the amendment appeared to be rejected.

A division was called for.

Mr. INGALLS. I really hope that a division will not be called for on this question, because it will result in the termination of this afternoon's business. I think we ought to agree to the amendment.

Mr. SARGENT. Let the question be tried again on the sound.

The PRESIDENT *pro tempore*. The Chair will again put the question.

The amendment was agreed to.

The bill was reported to the Senate and the amendment was concurred in.

Mr. WRIGHT. I suggest that evidently there is a mistake in the amount. It is $11,399 in the bill It ought to be $11,329, according to the figures of the report.

Mr. ALLISON. That is right.

Mr. WRIGHT. I move that amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE L. EMERY.

Mr. WINDOM. The Senator from Virginia [Mr. WITHERS] withdraws his objection to Senate bill No. 675, and I ask that it may be taken up now.

There being no objection, the bill (S. No. 675) to enable Horace L. Emery to make an application to the Commissioner of Patents for the extension of letters-patent for improvement in cotton-ginning machines was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The bill was read the third time.

Mr. COCKRELL. I should like to have the yeas and nays on the passage of the bill. I do not think that the Senate ought to grant an extension of any of these patent-rights.

Mr. KERNAN. We do not by this bill. We only allow this man to apply now on account of his mistake by which he did not apply at the proper time.

Mr. COCKRELL. That is eqnivalent to granting a renewal of the patent-right. When you send him before the Commissioner of Patents you authorize the Commissioner of Patents to go on and grant a renewal. I am opposed on principle to granting extensions by acts of Congress. There is a law, and everybody knows what that law is, and should comply with it. This patent has already been in existence fourteen years, and it does seem to me that is sufficient.

Mr. WINDOM. If it were not for delaying business I should like to have the yeas and nays on this bill, because if the Senate should reject this one, I think the Committee on Patents would consider themselves instructed to report no more under any circumstances; for if there is a case that is exceptional and free from all objection, it seems to me this is the one. Here is a patent of great value to the public; one which, according to the evidence, costs the public nothing, because it is manufactured by the party himself and no royalties are sold; one out of which he has made no reasonable compensation whatever. This is not an extension; but the bill simply authorizes him to go before the Commissioner and make application, and the whole point in the case is that it relieves him from a mistake as to the time. He would have had the right under the law to make this application, but being mistaken as to the time—he was fifteen days behind—he did not make it until seventy-five days before the expiration of the patent instead of ninety. Had he been fifteen days earlier, it would not have been necessary for him to come to Congress. In every view of the case it is exceptional and free from objection.

Mr. SARGENT. What is the patent?

Mr. WINDOM. It is for a cotton-ginning machine. The question is not as to the extension of a twenty-one years' patent. It ran but fourteen years. The law gave him the right to go before the Commissioner for a seven years' extension, but he must apply ninety days before the expiration of the patent under the general law. He made a mistake, and did not apply until fifteen days of that time had gone.

Mr. SARGENT. Is the article patented generally used?

Mr. WINDOM. It is used a great deal, I think.

Mr. SARGENT. Has he not enjoyed for a long while the profit of making and selling the machine?

Mr. WINDOM. He received about $7,000 in all during the entire life of the patent, which the evidence shows was nearly all expended in introducing it. I feel no interest in this bill, but if the Senate reject it by yeas and nays, I certainly shall consider myself instructed never to report a patent bill favorably, because no other can be more clearly unobjectionable than this.

The PRESIDENT *pro tempore*. The Senator from Missouri calls for the yeas and nays.

The yeas and nays were ordered.

Mr. BOGY. I hope the patent will not be extended. It has no particular merit. I advocate the principle that patents should not be extended. I think it is one of the very great curses now impending over this country. You cannot build a steamboat without having to employ some patent. You cannot make a plow or a shovel or a harrow without being annoyed by patents. The system of obtaining patents is so very vicious that you can obtain patents for everything. As the patentee has the exclusive right for fourteen years, there never should be an extension.

Mr. KERNAN. I have no special zeal in this case; but being on the Committee on Patents, and the man being from my State, I want to state one or two things. I am one of those who have in committee acted on the principle not to concur in any report permitting a patent to be extended unless it was an exceptional case. But your laws say that a man may have his patent fourteen years, and then he may, by applying ninety days before it is out, have it extended seven years more if the Commissioner of Patents is of opinion upon examination, after full notice to the world, that it is useful, that the man has made his best efforts to introduce it, and that he has not had reasonable compensation. While that law stands, surely if a man is stricken down by sickness and does not get there within a few days of the time I would let him go and have his day in court there. If I would not do that, then I would repeal the law that authorizes an extension at all.

We do not by this bill extend the patent; we simply say that we relieve him from the accident, and he may yet go and see if our officer, according to the usual practice, with notice to the world, thinks he ought for his ingenuity to have any further extension. That is all I desire to say. I concur with the Senator who reported the bill, [Mr. WINDOM,] that, if this bill does not pass, it is saying to the Committee on Patents that it is not worth while to ever examine another case; for I have heard none there, among the many heard—most of them rejected, and only a few reported—that was so exceptional and so free from objection as this one in every respect.

Mr. WADLEIGH. As I understood the Senator from Missouri, [Mr. BOGY,] he said just now that he would not vote to extend any patent whatever. It seems to me that if that position is to be taken here by a majority of the Senate, it would be best to abolish the Committee on Patents, and have no such committee.

Now let me call the attention of the Senate to the bill, No. 38 in the order of business, for the relief of Luther Hall. Here was a case where a poor New England mechanic made a valuable improvement in machinery for the manufacture of shoes, by which the cost to every man who wears a pair of boots and shoes in this country is now at least fifteen to twenty cents less than before. He benefited the country to that extent by his ingenuity and by his labor. He contrived a machine which makes a heel instantaneously and puts it upon the boot or shoe. His poverty compelled him to grant to a great corporation engaged in the sale of patents and procuring them the right to use that patent and employ it during the time for which the patent was first granted. They gave to him a royalty which did not begin to pay for his labor and for his ingenuity, and did not enable him to maintain his family except by his daily labor. When the time was about to expire, Mr. Hall went to that company and said to them that he proposed to get that patent extended.

Mr. KERNAN. If my friend will permit me, they came to him and got him to make a written agreement.

Mr. WADLEIGH. That makes the case stronger.

Mr. KERNAN. Certainly.

Mr. WADLEIGH. They came to him and proposed to get it extended for him, and proposed the amount that they would pay him for it, and gave him a written contract that they would do it; told him that they had employed an attorney, and told him who the attorney was, and the attorney assured him that he would do it; but that company and that attorney let that time expire and run out without making any application whatever, and thus defrauded and cheated him. Are we to be told that in this Senate there is to be no relief in a case of that kind? I am certain that the Senators who say that they will in no case grant relief against the hardships which the law sometimes imposes in respect to these matters will, if they examine the subject, see that they are wholly in the wrong, and that there may be cases in which great advantage has resulted to the public from these patents where the inventors have received no compensation whatever or substantially none, and where, perhaps through mistake or through fraud, they have been prevented from asking for the extension which the law gave them.

This committee, let me say, have been careful in all cases not to report any bill in favor of extending patents except where it seemed clearly their duty so to do; and, although the number of applications has been very large, a reference to the Calendar will convince any one that but very few cases have been reported favorably upon by the committee.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. WRIGHT. I wish to say just one word. I have studiously opposed, if not all, at least most of the propositions made here for the extension of patents. I think it should not be done unless in exceptional cases, and very exceptional ones. I understand the committee to act upon that theory and upon that rule, and hence of the numberless cases, almost, referred to the committee, but one or two have been reported back at this session. I understand that under this bill this party is given the opportunity to go before the Commissioner of Patents to do what he could have done under the law as it stood before, but was prevented from doing without any fault on his part, but by reason of a misunderstanding of the law, ignorance on his part of the law without any fault or neglect except in that way. I understand that to be the fact. I understand, also, that there is a provision here that all rights of third persons which may have intervened since the expiration of the fourteen years up to this time are saved by the bill. So that, in substance, this bill is simply to refer the matter to the Commissioner of Patents, and he to consider it just as he would have done under the law as it stood, and this special act is necessary to allow him to come in, he having lost his time by reason of the expiration of the days. That being so, and the case being exceptional, I shall not oppose it, but shall oppose all cases unless they stand on very exceptional grounds. I think this is an exceptional instance, and therefore I shall vote for the bill.

Mr. DAWES. I think the Senate should bear in mind the distinction between this case and a large class of cases that come before Congress. A large class of cases are of this kind: Men enjoy a patent for fourteen years, then apply to the Commissioner of Patents under the old law as it existed, and, if they can satisfy him that it is a proper case, get an extension to twenty-one years. Then they come to Congress for a further extension. Now this is only asking permission to go before the Commissioner of Patents and get that extension—to which the patentee would otherwise have been entitled—to twenty-one years, giving him that which he would have got of himself under the general law had it not been for the difficulty by which he lost fifteen days, and he does not get it in this case unless he shows that he would have been entitled to it had he applied in time under existing laws.

I have strenuously opposed patent extensions. I do not remember now that I ever voted for the extension of a twenty-one years' patent, though possibly I may have done so in a very exceptional case; but this is not extending a patent. It is simply allowing a party to go before the Commissioner under the general law and get the right which he would have got under the general law, asking nobody, if he could have satisfied the Commissioner what this bill requires him to satisfy him of, namely, those requisitions of the old law that he had used all proper means to bring it into use, that he had not received any considerable beneficial result from it, and that it was a useful invention. Those who feel as I feel that there is great impropriety in extending patents longer than twenty-one years will not find this one of those cases.

Mr. GORDON. Mr. President, I happen to come from a State which probably is as much interested in cheap cotton-gins as any other represented on the floor of the Senate. As a rule, I agree with those who have preceded me in saying that I am opposed to the extension of patents; but learning the circumstances connected with this case, I believe them to be very similar to those of the one instanced by the Senator from New Hampshire. I understand this to have been a case of a mechanic who was poor and who has up to this time derived very little benefit from his invention, and owing to the neglect of others he has failed to secure the rights which the law intended he should secure. I therefore, as the representative of a cotton State, appeal to my friend from Missouri to withdraw his objection and let the bill pass as due to this party.

Mr. MAXEY. I would ask the Senator from Minnesota who reported this bill how long the patentee has had the exclusive benefit of the patent?

Mr. WINDOM. From 1860 to 1874.

Mr. MAXEY. Fourteen years.

Mr. WINDOM. But, as he states in his petition, and as the evidence shows, he was prevented some eight or ten years from enjoying it on account of the condition of the country.

Mr. MAXEY. The Constitution evidently contemplated that there shall be a limit to these patent privileges. It provides (section 8, article 1) that "Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Now if a patent is worth having at all, fourteen years is long enough for that patent. It is a part, a lamentable part, of the history of this country, that when patents are of immense value they are not only carried up to the twenty-one years' limit, but by special laws are carried even beyond that extended period. We have an instance in

Colt's revolver, and there are numerous other cases where that has been done to the very great injury of the country. We have an instance in the sewing-machine, which is of incalculable value to the poorest families in all the country, and yet they have been required to pay a royalty to the patentees, who have grown into being the owners of fabulous fortunes by some little invention or other for which seven years would have been sufficient to pay them back.

The honorable Senator from Georgia represents a cotton State, and he has a right to speak on this matter. I represent a cotton State, and I have a right to speak, too; and I say if a patent be worth anything for a cotton-gin (and we have them of almost every character in the South) it is fully paid for in fourteen years, and if it will not pay for itself in fourteen years it is not worth having and it is not worth repatenting. For that reason, and believing that the whole principle of extending patents is wrong, believing that the Constitution designed and intended by the term "limited times" some period which was reasonable in limit, I am opposed to this extension, as I am to all others.

Mr. INGALLS. The Legislature of my State by joint resolution instructed me to vote against the extension of all patents of every description whatsoever. In obeying these instructions, I desire to say, however, that I follow my own conviction of what is right and proper in voting against the bill.

The question being taken by yeas and nays on the passage of the bill, resulted—yeas 28, nays 17; as follows:

YEAS—Messrs. Allison, Booth, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Cooper, Dawes, Eaton, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McMillan, Morrill of Vermont, Paddock, Sargent, Wadleigh, West, Windom, and Wright—28.

NAYS—Messrs. Bayard, Bogy, Boutwell, Cockrell, Davis, Harvey, Ingalls, McCreery, Maxey, Mitchell, Norwood, Ransom, Robertson, Saulsbury, Stevenson, Whyte, and Withers—17.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Cragin, Dennis, Dorsey, Edmunds, Hamilton, Hitchcock, Howe, Logan, McDonald, Merrimon, Morrill of Maine, Morton, Oglesby, Patterson, Randolph, Sharon, Sherman, Spencer, Thurman, and Wallace—28.

So the bill was passed.

ELECTIVE FRANCHISE IN UTAH.

The PRESIDENT *pro tempore*. The next bill on the Calendar at the point where it was left off will be read.

The CHIEF CLERK. Bill (S. No. 483) to regulate elections and the elective franchise in the Territory of Utah.

Mr. COCKRELL and Mr. JOHNSTON. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

EPHRAIM P. ABBOTT.

The next bill on the Calendar was the bill (S. No. 678) for the relief of Ephraim P. Abbott; which was read the second time, and considered as in Committee of the Whole. It allows Ephraim P. Abbott, on paying $2.50 per acre within six months, to obtain a patent for a specified tract of land in Ecorse township, Wayne County, Michigan.

Mr. CHRISTIANCY. That is a bill which I had the honor to report from the Committee on Private Land Claims, and it was unanimously concurred in by the committee. There is a report which will state the facts of the case better than I can at once state them, and will show the propriety of the bill. If there is any objection to the bill the report can be read.

The PRESIDENT *pro tempore*. Does any Senator desire the report to be read? The Chair hears no such request.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF FORT SEDGWICK RESERVATION.

The next bill on the Calendar was the bill (S. No. 471) to re-open the lands of the Fort Sedgwick military reservation to settlement and occupation as public lands; which was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, to strike out all of the original bill and to insert in lieu thereof:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to transfer the lands embraced within the limits of the Fort Sedgwick military reservation situate in the State of Nebraska and the Territory of Colorado to the custody and control of the Secretary of the Interior for disposition according to the existing laws of the United States relating to the other public lands within said State and Territory; the said reservation being no longer needed for military purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL WORMER.

The next bill on the Calendar was the bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York; which was considered as in Committee of the Whole. It provides for the payment to Daniel Wormer, of Albany, New York, of $3,500, in full compensation for expenses incurred in carrying out a contract with the United States to furnish one thousand two hundred cavalry horses.

The Committee on Claims reported the bill with an amendment, to strike out in line 6 the words "3,500" and insert "2,000."

Mr. CONKLING. I wish to make an inquiry of the Senator from Missouri, [Mr. COCKRELL.] The amendment proposed is the one which reduces this sum from the lowest amount which the claimant insists on to the sum stated.

Mr. COCKRELL. The amendment is to change $3,500 to $2,000.

Mr. CONKLING. I wish to say (and I think the Senator from Missouri will bear me out) that, without going to all the questions made by the claimant, or saying that I coincide in his views, there is a sum of money, consisting of expenses which as I understand it this claimant should have, clearly beyond this naked sum which is given to him. I ask the Senator from Missouri who reports the bill whether I am not, in his judgment, right in saying so much, that there is a certain sum here of expenses, clearly shown to have been incurred and paid, which sum is omitted from this lower sum which will stand in the bill if the amendment prevail?

Mr. COCKRELL. Mr. Wormer gave his evidence at one time and made a rough estimate of $2,000; that he had expended that much. That was before he had conversation and held communication with some of his agents who were assisting him in the city of Washington. Afterward he presented additional evidence which shows some $1,500 additional or more. It was upon that that the report of the House committee was based.

Mr. CONKLING. After looking through somewhat voluminous papers, which have been sent me not only by this claimant, but in his behalf by others, because there seems to be enlisted in his behalf a considerable number of very respectable men known both to my colleague and myself, residing in Albany and elsewhere in the State of New York, I am persuaded, as they are, that this amendment if adopted will have the effect of adjusting this claim, if I may apply that word, upon an untenable basis and at the same time cutting it down below that to which confessedly as it seems to me the claimant is entitled. I hope the amendment will not prevail.

I mean to be; I trust I am as a rule, very careful in never voting for a larger sum than I am compelled to vote for in these bills proposing to pay private claims. Indeed I think I may flatter myself by supposing that, if I have a fault that is chronic in such cases, it is to lean against the claimant and with the Government. But if it be true that this man has really expended in consequence of the breach of this agreement, a certain sum of money, I do not see how we can select a part of that money and say we will pay this and refuse to pay the other part which stands on the same foundation.

I understand that if the Government is liable in justice, whether you call it law or equity—you cannot say "in law" technically speaking, because a Government is not suable—but if the Government is liable on principles of justice between man and man, as I think it is in this case, it is liable in a measure of compensation which is denied by this amendment, and therefore I suggest that the bill stand as it came from the House of Representatives.

Mr. WRIGHT. Will the Senator from New York allow me to suggest that this claim received not a little attention at the hands of the committee. We were all of us very favorably impressed with the merits and justice and equity of this claimant's demand. After an examination of it, we reached the conclusion that $2,000 was about the sum that ought to be paid, taking the whole case altogether. Subsequently, since the report was made, information has come to the committee which leads us to doubt whether the amount should not be larger; and I suggest to the Senator from New York that perhaps it would be best to have the case recommitted, that we may reconsider it; and I say to him that we will take it up at as early a day as we can, and, if we so agree and it be desired, we can at once propose a consideration of the subject when the bill is again reported.

Mr. CONKLING. I am very much obliged to the Senator for his consideration and courtesy in giving attention to this case. I will take any direction about it that he shall suggest, as it is wise for me to do. I will, however, before having the bill recommitted, submit to him one fact and one suggestion.

In the first place, this claimant has been here this winter as well as formerly, expending a great deal of time and a great deal of money, which he is not in a condition to expend. It therefore would be, perhaps, in an exceptional sense, a mercy and justice to him if he could receive, within a reasonable time, whatever he is to be paid. That fact I submit to the Senator for what it is worth; and this is the suggestion to which I ask his attention: The honorable Senator from Missouri, who I think I might say in his presence is pretty careful, and deemed very careful by the committee of which he is a member, as I know, because I have troubled him myself about it, has bestowed upon this case what I take it must be exceptional attention. I have had forwarded to me supplemental papers which I have taken to the Senator from Missouri, and he has very good-naturedly and patiently received them and given them attention. I think it must be true, therefore, that the Senator from Missouri has a pretty full and clear understanding of this case; and after what he has said, and what I think he will say to the Senate, I suggest to the honorable Senator from Iowa that this being a House bill, having been reported with unanimity there as I am told, and acted upon without doubt, without hesitation, and having undergone so much consideration here, perhaps he would feel that he had sufficiently discharged his duty by allowing the bill to pass as it came from the House. I only ask him to consent to that in case the Senator from Missouri in a further statement he will make shall satisfy him that he has looked so far into this matter as to know that I am right in saying that there is no prin-

ciple, except an arbitrary principle, on which the residue of the expense confessedly incurred by this man can be denied. If the Senator from Missouri upon saying what he may say on the subject makes a statement satisfactory to the Senator from Iowa, I confess I should be very glad personally to have an end to this case; for although it is the business of every Senator to attend and to continue to attend to the work urged upon him, I have been written to and furnished with papers and with budgets of papers so frequently on this subject that I confess it would be a personal relief to me, if this man is right in his statement and any member of the committee is able to state upon examination that he is so, if I may see the end of this bill. Although I do not ask to interpose my personal convenience about it, I should be glad if we could now hear the statement and dispose of the case.

Mr. WRIGHT. I desire to say that, while I have a disposition to accommodate the Senator from New York, yet, after consultation with some members of the committee who are here, it is thought that the better course would be to have the bill recommitted to the committee, so as to take the opinion of the members of the committee in the committee-room. The question is one of some importance. It does not involve a very large amount, it is true; but there is a matter of principle contained in it. I am sure the Senator will bear witness that the committee have been somewhat expeditious in getting their business before the Senate, and we will make it a point to report this bill back at an early day, so that it may be taken up and disposed of. I doubt not at the time of our meeting next week the committee will be able to come to a conclusion upon the bill, so as to report it to the Senate in the morning hour. We shall agree, I doubt not, under the recent evidence that we have, and then the Senate can at once proceed to the consideration of the bill. That is the orderly way of doing the work, and I should prefer that course.

Mr. CONKLING. After that preference expressed by the chairman of the committee, I do not feel at liberty to attempt to resist it, which doubtless I could not do.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to recommit the bill to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SARGENT. (at four o'clock and twenty-five minutes p. m.) I move that the Senate adjourn.

The question being put, a division was called for; and the ayes were 17 and the noes 19; no quorum voting.

Mr. CONKLING. If there is no quorum, I think no business is in order except a call of the Senate or a motion to adjourn. We cannot go on.

Mr. EATON. The yeas and nays are in order. I call for the yeas and nays on the motion to adjourn.

Mr. CONKLING. I suggest that the shortest way is to adjourn. We certainly do not want to waste time in getting a quorum. I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senate will not adjourn. I believe there are ten cases on the Calendar which I have reported. The parties are here and want the bills passed. It is a matter of a great deal of importance to them, and we certainly——

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Missouri that a motion to adjourn is not debatable. The Senator from New York moves that the Senate do now adjourn.

The question being put, it was declared that the ayes appeared to prevail.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were not ordered.

Several SENATORS. Let us divide.

The question being taken by a division, resulted—ayes 16, noes 18; no quorum voting.

Mr. EATON. I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The Secretary will call the roll to ascertain how many Senators are present.

Mr. SARGENT. The Secretary may as well call the roll on the question of adjournment. I ask that we again ascertain if there is a second to the demand for yeas and nays.

The PRESIDENT *pro tempore*. The Senator from California demands the yeas and nays on the adjournment.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 25; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Christiancy, Conkling, Cooper, Dawes, Ferry, Frelinghuysen, Johnston, Jones of Nevada, McCreery, Mitchell, Patterson, Ransom, Sargent, and Saulsbury—17.

NAYS—Messrs. Bayard, Bogy, Bruce, Cameron of Wisconsin, Cockrell, Davis, Dennis, Eaton, Gordon, Harvey, Hitchcock, Ingalls, Kelly, Kernan, Key, McMillan, Maxey, Morrill of Vermont, Norwood, Paddock, Stevenson, Wadleigh, Windom, Withers, and Wright—25.

ABSENT—Messrs. Alcorn, Anthony, Barnum, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Cragin, Dorsey, Edmunds, Goldthwaite, Hamilton, Hamlin, Howe, Jones of Florida, Logan, McDonald, Merrimon, Morrill of Maine, Morton, Oglesby, Randolph, Robertson, Sharon, Sherman, Spencer, Thurman, Wallace, West, and Whyte—31.

So the Senate refused to adjourn.

TELEGRAPH LINE IN OREGON.

The PRESIDENT *pro tempore*. The Secretary will report the next bill on the Calendar.

The next bill on the Calendar was the bill (S. No. 144) to provide for the construction of a telegraph line from Fort Canby, via Fort Stevens and Astoria, to Portland, Oregon.

Mr. MITCHELL. That bill has been recommitted to the Committee on Commerce. It is not upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. MITCHELL. No; let it go to the Committee on Commerce. It should not be on the Calendar.

The PRESIDENT *pro tempore*. That course will be taken.

ORDNANCE DEPARTMENT.

The next bill on the Calendar was the bill (S. No. 684) for the better regulation of the Ordnance Department of the Army of the United States.

The Chief Clerk read the bill.

Mr. BOUTWELL. I think we had better pass over the bill.

Mr. COCKRELL. Let the Clerk read the report.

Mr. BOUTWELL. I object to the bill.

Mr. COCKRELL. I hope the Senator from Massachusetts will not object. I ask him to just hear the report read, and see if it is not satisfactory. It is a report of only fourteen lines.

Mr. BOUTWELL. I will waive the objection and hear the report read, subject to objection afterward.

The Chief Clerk read the following report, submitted by Mr. COCKRELL, from the Committee on Military Affairs April 3:

The Committee on Military Affairs, to whom was referred "the letter from the Secretary of War," accompanying "a statement of the Chief of Ordnance in relation to an omission in the Revised Statutes not enumerated in his letter of August 17, 1875," have duly considered the same, and submit the following report:

Your committee, upon an examination of the Revised Statutes and a comparison of the same with section 3, act of March 3, 1813, chapter 48, page 816, United States Statutes at Large, volume 2, and with act of February 8, 1815, chapter 38, pages 203 and 204, United States Statutes at Large, volume 3, find that the provisions of said acts of March 3, 1813, and February 8, 1815, requiring returns and property accountability on the part of ordnance officers, have been omitted in the Revised Statutes, and, to supply such omission, recommend the passage of the accompanying bill.

Mr. BOUTWELL. I venture to suggest that the report may possibly be based upon an error. There is a section of the Revised Statutes requiring all officers to make reports, civil, military, and naval; it is comprehensive.

Mr. COCKRELL. I will state that the Chief of Ordnance, through the Secretary of War, communicated to Congress the fact that there was no law requiring ordnance officers to make any report at all. This communication from the Chief of Ordnance was referred to the Committee on Military Affairs. I took the act governing the Ordnance Department and compared it with the acts of 1813 and 1815, and found those sections were left out entirely in the Revised Statutes; but they are not left out when it comes to the Quartermaster's or the Commissary's or any other Department. The Ordnance Department say they have no such authority; that there is no law requiring any return at all from the Ordnance Department; and it was upon their instance and upon their written petition to Congress that I examined all these statutes and prepared the bill which I submitted to the Committee on Military Affairs.

Mr. BOUTWELL. Very likely the Senator from Missouri is correct; but the Committees on the Revision of the Laws, both the House committee and a portion of the Senate committee, in conference, went over that matter. This particular communication was not referred by the Senate to the Committee on the Revision of the Laws, but it was referred by the House to the House Committee on the Revision of the Laws. We came to the conclusion that if they would obey what law there was, it would be sufficient for the purposes of the country.

Mr. COCKRELL. Do I understand the Senator from Massachusetts to say that this communication from the Ordnance Department which was referred to our committee, and upon which this bill was based, was referred to the Committee on the Revision of the Laws?

Mr. BOUTWELL. Of the House.

Mr. COCKRELL. When was it referred?

Mr. BOUTWELL. I cannot say.

Mr. COCKRELL. I will state the fact that the communication was sent in to this present Forty-fourth Congress at this session, and the revision, as I understand, dates back to December 3, 1873. How the communication could have been referred to the Committee on Revision, which has been dead for two years, I cannot see. They presented it at this session, and called attention to the fact that this provision was omitted in the revision. The revising committee could certainly not have considered that matter.

Mr. BOUTWELL. I do not refer to the committee that had charge of the revision of the statutes when it was originally passed by Congress, but to the standing committee of the House of Representatives which is now in existence. This communication from the War Department, as I recollect—I may be in error—was referred by the House to the House committee. I say that the document which came from the War Department and was referred to the Committee on Military Affairs of the Senate was considered by a portion of the Senate Committee on the Revision of the Laws in conference between the subcommittee of the Senate committee and the subcommittee of the House committee for the purpose of seeing wherein we agreed and wherein we differed. It was the result of the conference of both committees that the substance of the old statutes relating to this subject

was brought forward into the Revised Statutes and is found in a section which, instead of being specific with regard to officers of certain classes, is general in regard to all officers of the Government. Therefore this legislation is unnecessary, and I think we had better let the bill go over.

Mr. COCKRELL. I should like to ask the Senator from Massachusetts when it was that this revising committee of the Senate had this communication before them?

Mr. BOUTWELL. The revising committee of the Senate never had it by order of the Senate before them; but the House Committee on the Revision of the Laws had this communication before them.

Mr. COCKRELL. When was that?

Mr. BOUTWELL. At this very session of Congress. The two subcommittees of the two Houses met every morning during an entire week, week before last, and went over all the matters in which we agreed and in which we differed, for the purpose of bringing the two committees together, so that we might save time in the two Houses. I think, if the honorable Senator will allow this bill to go over, I shall be able to show him the section to which I refer and convince him that it is not necessary to pass a bill on the subject.

Mr. COCKRELL. As a matter of course, if the Senator objects the bill will go over; but I cannot see why in the world you do not want the officers of the Ordnance Department to make returns as other officers do. There is no law requiring them to make returns. There may be a law making them responsible for property, but there is no law requiring them to make returns.

Mr. BOUTWELL. I will look up the matter, and specify the statute on which the Committee on Revision relied.

Mr. COCKRELL. I am not responsible for the acts of the administration nor of the officers under it.

The PRESIDENT *pro tempore*. Objection being made, the bill will go over.

DICKSON SHINAULT.

The next bill on the Calendar was the bill (S. No. 105) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap light-station, in the State of Virginia; which was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to adjust and settle the account of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap light-station, in the State of Virginia, and allow him the sum of $120, being the amount due him as salary for the first quarter of the year 1861.

The bill was reported from the Committee on Claims with an amendment in lines 8 and 9 to strike out the words "for the first quarter of the year 1861" and insert "in full for all wages in 1861."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. KNOWLTON.

Mr. ALLISON. I ask unanimous consent to just go forward a little on the Calendar and take up the bill (S. No. 816) granting a pension to Thomas J. Knowlton, which will take no time, as I shall have to be absent from the Chamber for a while.

Mr. WITHERS. Let us go on with the cases in their regular order. We shall soon reach that one.

The PRESIDENT *pro tempore*. Objection is made, and the next bill on the Calendar will be reported.

Mr. MITCHELL. I move that the Senate adjourn.

The motion was agreed to—ayes 27, noes 16; and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 1, 1876.

The House met at twelve o'clock m. Prayer by Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

EDWARD MASON.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 3626) for the relief of Edward Mason, of the District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOEL H. WATSON.

Mr. BRADLEY also, by unanimous consent, introduced a bill (H. R. No. 3627) granting a pension to Joel H. Watson, late a private in Company D, One hundred and thirty-sixth Regiment New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-ROUTES.

Mr. CLARK, of Missouri. I am instructed by the Committee on the Post-Office and Post-Roads to report the general bill establishing post-routes; and to ask that it be printed and recommitted.

The bill (H. R. No. 3628) to establish post-routes was received, read a first and second time, recommitted to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REVISION OF THE STATUTES.

Mr. DURHAM. I now ask for a vote on the bill (H. R. No. 3156) to perfect the revision of the statutes of the United States, which it was ordered by the House yesterday should be voted on immediately after the reading of the Journal to-day.

Mr. EAMES. I ask unanimous consent of the House before the vote is taken on the engrossment and third reading of the bill to offer an additional section, to which I think no one will object.

Mr. DURHAM. I will hear it read.

The Clerk read as follows:

Add the following as an additional section:

SECTION 2. That nothing in this act contained shall be so construed as to alter, change, or amend the statute laws of the United States in force on the 1st day of December, 1873; it being the true intent and meaning of this act only to correct and supply any errors or omissions, if any, in the act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December," approved June 2, 1874.

Mr. DURHAM. I accept that. That is the intention of the bill.

The SPEAKER. The gentleman from Kentucky cannot accept it. It is for the House to agree to it.

Mr. DURHAM. I have no objection to the amendment.

Mr. GARFIELD. It may be considered as pending, and I would like to make a suggestion in regard to it. It is of the utmost importance that we understand what the statutes of the United States are; whether the volume of the Revised Statutes is the law, or whether the laws enacted previously must be resorted to in case of any doubt to know exactly what the law is.

Now, I am afraid the language used by the gentleman from Rhode Island [Mr. EAMES] will throw discredit upon the text of the Revised Statutes to this extent, that it declares legislatively that all the laws in existence at the date of the revision are the laws of the United States. If so, then what are the Revised Statutes? Query: whether you will not be compelled always to go behind the Revised Statutes in order to be sure what the law is?

Now I think the thing we ought to attain is this, that we treat the Revised Statutes as the law, and if any case occurs in which we find the revision was faulty, then let us correct it, but hold the revision to be the law. I am afraid the language employed by the gentleman from Rhode Island will tend to throw discredit upon the text of the revision rather than to strengthen it. I will be glad to look a little further into the matter in order to see whether that is not the effect of it.

Mr. DURHAM. I will simply state for the information of the gentleman from Ohio [Mr. GARFIELD] that, as I understand this proposed second section, there can be no possible objection to it. The bill which we propose is a bill really pointing out and correcting the errors which we believe are contained in the Revised Statutes—is really a correction of the Revised Statutes. I do not want any misunderstanding about it. The committee are unanimously of the opinion that the Revised Statutes as reported by the revisers is incorrect to the extent set forth by this bill, and the bill now reported by the committee is to perfect the Revised Statutes. If there can be any misconstruction about this proposed second section, I hope the House will vote it down and pass the bill as reported by the committee; but I understand the object of this second section is to apply to this bill of ours and not to the original act of revision.

Mr. WOOD, of New York. I did not hear fully what the gentleman from Kentucky [Mr. DURHAM] has said. I hope, however, that the House will not only hear what he says, but will heed what it is proposed to do in this second revision of the statutes of the United States. Those of us who were in Congress at the time of the adoption of the Revised Statutes know that a surprise was perpetrated upon the country by the incorporation of entirely new provisions of law into what now seems to be the law of the land. I know in regard to the revenue laws of the country that some of the provisions of those laws were changed entirely by that revision. The revision was adopted in this House when there were at no time more than ten or twelve members present.

I desire to call the attention of the House especially to the importance of not attempting to revise existing laws without giving the subject due consideration and weight as to the effect of such revision and the changes which such new revision may make in the law. We may find ourselves surprised at the effect of the work we are now asked to perform when it is too late.

We have already had one or two revisions of the Revised Statutes. During the last Congress we had a committee that proposed subsequently to their original report to revise their own work. After it was in print it was found that the work was so defective that its own fathers scarcely recognized it. The effect of the revision was to make a change in the tariff laws and in the revenues of the country to an amount between three millions and four millions of dollars a year. I trust that the gentleman from Kentucky [Mr. DURHAM] and the committee with which he is associated have given this subject the proper attention, and that he will make himself distinctly understood by the House, so that every member may comprehend what it is now proposed to do.

I desire for one to say just here that I think it a great misfortune that we ever attempted to revise and consolidate the Statutes at Large

of the United States, for advantage has already been taken of the people of the country and of Congress itself in that so-called revision. Therefore I for one, representing as one member the great commercial interests of this country, desire to know what it is proposed shall be done on this occasion, especially if any change is proposed to be made in the existing revenue laws, and if so, in what regard.

Mr. DURHAM. As the previous question has been called and sustained and there is nothing left to do but to vote on the bill, with the consent of the House I will make a statement in addition to what I stated yesterday. For the information of the gentleman from New York [Mr. WOOD] and all others concerned in this matter, I would say that there were pointed out to this committee nearly two thousand supposed errors in the Revised Statutes. The committee took under consideration all suggestions in regard to the matter, some of them coming from New York, some from the Treasury Department, many from the War Department, indeed some from all of the Departments, coming before the committee regularly through the Speaker of this House and through the presiding officer of the Senate. We took under consideration all the proposed amendments, examined them one by one, and we now report this bill as a bill correcting all the errors we believe existed in the Revised Statutes on the 1st day of December, 1873.

In answer to the question propounded last evening by the gentleman from Indiana I will say that we have in every instance incorporated into this bill the exact language that was used in the old statute. After we had completed our labors and the Senate committee had completed its labors, we found that we differed in about twenty-five or thirty particulars. We then had a joint meeting of the two committees, and this is the bill agreed upon in that joint conference, correcting all these errors and making, as we believe, all the amendments necessary to exhibit the true state of our laws as they existed on the 1st of December, 1873.

Mr. GARFIELD. Will the gentleman allow me to make an inquiry?

Mr. DURHAM. Yes, sir.

Mr. GARFIELD. I wish to inquire whether the committee have examined and embodied all the corrections that have been made between the making of the original revision and the present time?

Mr. DURHAM. We have not touched a single one of them.

Mr. GARFIELD. So that they all stand?

Mr. DURHAM. They all stand.

Mr. GARFIELD. And yours are additional corrections?

Mr. DURHAM. Additional corrections up to December, 1873, going back of that date, but not this side of it.

Mr. GARFIELD. I wish further to inquire whether in the bill now pending the committee have treated the old revision as it now stands and the additions to it as the recognized and authoritative body of the law?

Mr. DURHAM. So far as we have passed upon it, we have. There may still be inaccuracies in the Revised Statutes to which our attention may not have been called.

Mr. GARFIELD. I wish to say in this connection that I do not agree with the gentleman from New York [Mr. WOOD] in the opinion that the revision of the statutes was a bad thing. On the contrary, I believe it was one of the most beneficent of the recent undertakings of Congress. I believe, moreover, that it is our first duty to hold to that as the authoritative version of the statutes, and to make it as perfect as we possibly can. I hope therefore that the amendment of the gentleman from Rhode Island [Mr. EAMES] will not be adopted.

Mr. SOUTHARD. It is impossible for us to hear the gentleman.

Mr. GARFIELD. Then I will in conclusion make a single remark, repeating what I last said.

We started out upon the plan of consolidating, classifying, and arranging in a sort of logical sequence the general statutes of the United States. That I conceive to have been a work of very great value. All that remains to be accomplished in that direction, as I understand, is just what this bill is intended to do: to perfect the revision so that we shall have the veritable meaning of the statutes consolidated in this volume.

For that reason I regard it as unwise to adopt the amendment offered by my friend from Rhode Island, which in its terms appears to throw discredit upon the revision of the statutes, and refers us back for the authoritative version of the laws to the acts passed before the revision was undertaken. If we adopt that amendment we shall raise doubts in all the courts on any question which may come up as to which are the real statutes. It is understood that by the act of general revision we have repealed the whole body of the general Statutes at Large, and that, they being repealed, this is our only law. We are now only perfecting the details and supplying the omissions in that general law, and we ought not by any word to revert back to the old statutes, which are repealed, as having any authority whatever. I hope therefore that the amendment will not prevail.

Mr. WOOD, of New York. If the gentleman from Kentucky will pardon me, I desire to say in reply to my friend from Ohio [Mr. GARFIELD] that it is no new thing to throw discredit upon the Revised Statutes. That revision positively altered our tariff duties very materially; it changed existing laws so as to affect interests in this country amounting to millions and millions of dollars. In my judgment the courts will discredit that revision whenever the subject is properly presented for adjudication. If any change is now to be made, I desire to see the old rates of duties restored. I do not want tariff laws passed surreptitiously. I want Congress and the people to know when such alterations are made.

Mr. DURHAM. I yield a moment or two to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. I desire to state in a very few words the reasons which induced me to offer my amendment. I took this bill to my room last night and attempted to examine its provisions. So far as I recollect, it has never been read in the presence of the House; but, as it went over at the adjournment last evening, most members undoubtedly had an opportunity to examine it.

I find that, in the propositions which are made to supply omissions and correct errors in the Revised Statutes some sections are entirely omitted, other sections are stricken out and new sections substituted, and other changes are made throughout the bill upon almost every general subject of legislation. In the bill there are nearly two hundred proposed corrections of errors or supplyings of omissions which are said to exist in the Revised Statutes. I found it impossible to come to any intelligent conclusion myself; but I have no reason to question the correctness of the conclusions arrived at by the committee in the bill reported or to doubt the statement of the chairman of the committee in reporting the bill that its only purpose is simply to correct errors and supply omissions. It was with this understanding that I offered the amendment.

I think I may say to the gentleman from Ohio [Mr. GARFIELD] that the Revised Statutes of the United States, as passed in the last Congress and approved June 22, 1874, were never intended to be and are not anything more than a consolidation and revision of the statute-laws of the United States as they existed on the 1st day of December, 1873. It is so recited in the beginning of the revision and at the close in the repealing clause the same idea is expressed. And I think, sir, it is necessary, or at any rate it will be wise and prudent at this time, before passing the bill which has been reported by the Committee on the Revision of the Laws, to adopt some amendment like that I propose in order that we may not change that legislation. As I have said, that bill covers almost every general subject of legislation, and the amendment I propose only affects the provisions of this bill, only affects the proposed correction of errors and supplying of omissions, and cannot have the effect to throw any discredit on the revision itself.

If you will allow me, I will call the attention of the House very briefly to the language used in the amendment:

> That nothing in this act contained shall be so construed as to alter, change, or amend the statute-law of the United States in force on the 1st day of December, A. D. 1873.

But, to make the thing absolutely certain and throw no discredit on the Revised Statutes, the language is used in addition to this and qualifying what precedes it, "it being the true intent and meaning of this act only to correct any errors and supply any omissions, if any, in the act entitled 'An act to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873,' pproved June 22, 1874," which is the Revised Statutes. And the amendment will have no effect whatever, except so far as it applies to the provisions contained in the bill pending before the House. I hope, therefore, before a bill of this kind is passed, without any further consideration than this has had, affecting as it does almost every general subject of congressional legislation, the amendment I propose may be added to it.

Mr. DURHAM. I now call for the previous question.

The SPEAKER. The House yesterday evening, just before adjournment, seconded the demand for the previous question, and the main question on this bill was ordered. It is therefore not now in order to amend this bill without unanimous consent of the House.

Mr. GARFIELD. Allow me to make a single statement, which I think will throw further light on this subject.

Mr. WOOD, of New York. I object to any proceeding out of order.

Mr. GARFIELD. The clause the gentleman has read was put in as a sort of prefatory statement what this great act of revision was, but it did not affect the legal character of the revision adopted, because (I read from section 5596 the following words)—

> All acts of Congress passed prior to the said 1st day of December, 1873, any portion of which is embraced in any section of said revision, are hereby repealed.

So, being a sweeping, unequivocal provision of an act adopted in the usual form and approved by the President, all these prior acts are no longer any part of our law. We embarked upon the work of making a statute as one, and if it were full of blunders—and I admit there were many serious ones—the only thing that remained for us was to correct them, and only for the aid the old repealed statutes would give us in making that correction here they are of no value whatever. The old repealed statutes are mere historical monuments, by which we are able to make any corrections we desire, but they have no more force than the laws of England.

Mr. EAMES rose.

Mr. DURHAM. I cannot yield any further.

Mr. SOUTHARD. I interpose an objection to the amendment.

The SPEAKER. The Chair desires permission to complete a statement he began a minute ago. Strictly, this amendment cannot come in this morning, the previous question having been seconded and the main question ordered yesterday. After the amendment was offered it was accepted by the gentleman who controls the bill, and was read

to the House, was considered by the House, and the Chair must now hold that notwithstanding what has gone before it is properly before the House, and must be adopted or rejected. The question therefore is, Will the House agree to the amendment proposed to this bill by the gentleman from Rhode Island?

Mr. HOLMAN. Let the amendment be again reported to the House.

Mr. EAMES. Add to the amendment the words "as embraced in the Revised Statutes."

The SPEAKER. The Chair hears no objection, and it will be so modified.

Mr. DURHAM. That defeats the whole object of the bill.

Mr. EAMES. Not at all.

Mr. DURHAM. I hope the House will vote it down.

Mr. EAMES. I withdraw the modification.

Mr. WOOD, of New York. I am satisfied the House does not understand the amendment or the effect of it.

The SPEAKER. It is too late to debate it. The amendment has been thrice read, and the House is now dividing.

The house divided; and there were ayes 18, noes not counted.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCHANDISE WITHDRAWN FROM BONDED WAREHOUSE.

Mr. DURHAM, by unanimous consent, from the Committee on the Revision of the Laws, reported back a letter from the Secretary of the Treasury transmitting draught of a bill to regulate the transportation of merchandise from bonded warehouses; and the committee was discharged from the further consideration of the same, and it was referred to the Committee of Ways and Means.

SECTION 3945 OF REVISED STATUTES.

Mr. DURHAM also, by unanimous consent, from the same committee, reported back the bill (H. R. No. 3451) to amend section 3945 of the Revised Statutes of the United States; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on the Post-Office and Post Roads.

PENSIONS TO CHILDREN OF DECEASED PENSIONERS.

Mr. DURHAM also, by unanimous consent, from the same committee, reported back the bill (H. R. No. 3605) to modify and amend section 4718 of the Revised Statutes of the United States so as to provide for the payment of pensions to the children of deceased pensioners, in certain cases; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Invalid Pensions.

DISTRICT OF COLUMBIA BUSINESS.

Mr. BUCKNER. I desire to ask unanimous consent of the House to set aside next Monday after two o'clock for District business. There are some important matters of business for the District that ought to be acted on, and I hope there will be no objection.

Mr. RANDALL. I object. The District Committee have their regular day under the rule.

REDUCTION OF THE ARMY.

Mr. BANNING. I call up as the unfinished business the bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes.

I desire to say before the House resumes the consideration of this bill that I hope the House will give unanimous consent, as the previous question is now operating, to the gentleman from Illinois [Mr. HURLBUT] to offer a substitute for the bill to be voted on. There is also an amendment to the first section which a gentleman wishes to offer, and I hope permission to offer that will also be granted. Then I hope the House will extend the time half an hour, as there are two gentlemen, the gentleman from South Carolina [Mr. SMALLS] and his colleague, [Mr. MACKEY,] who desire to speak—the one ten minutes, the other twenty minutes.

Mr. MACKEY, of South Carolina. I, also, desire to amend the bill by striking out lines 20 to 23 of section 1.

Mr. BANNING. I cannot consent at this time to any other amendments which I have not been asked before to admit as pending. But I hope the House will grant my request on behalf of the gentlemen from South Carolina, so that none may say that they have not had a full opportunity to discuss the bill.

The SPEAKER *pro tempore*, (Mr. COX.) The Chair understands that the previous question has been called and ordered on this bill. The pending question is on the recommitment of the bill; and on the question of recommitment the gentleman from Ohio [Mr. BANNING] asks unanimous consent that the time for debate be extended half an hour.

Mr. SMALLS. I thought that the demand for the previous question was now pending.

The SPEAKER *pro tempore*. The question of recommitment is now pending, and on that the previous question has been ordered.

Mr. SMALLS. If the previous question has been ordered and I am precluded from offering an amendment, I have no desire to speak. I desire to offer an amendment and to make some remarks in support of it. If the gentleman from Ohio does not allow me to offer an amendment, I will yield the time allowed me to my colleague.

Mr. BANNING. What is the amendment which the gentleman wishes to offer?

Mr. SMALLS. If the gentleman will allow me I will submit the amendment by unanimous consent to be voted upon.

The SPEAKER *pro tempore*. Is there objection to the gentleman from South Carolina being permitted to offer an amendment to be considered as pending?

Mr. RANDALL. I would like to have the amendment read, and reserve the right to object till I hear it read.

The SPEAKER *pro tempore*. The Clerk will read the amendment tendered by the gentleman from South Carolina, [Mr. SMALLS.]

The Clerk read as follows:

Insert at line 19, section 1, after the word "service," the following:

Provided further, that hereafter in the enlistment of men in the Army, or the merging of enlisted men into other organizations, no distinction whatever shall be made on account of race or color.

The SPEAKER *pro tempore*. Is there objection to this amendment being considered as pending?

Mr. RANDALL. I object.

Mr. HURLBUT. With the consent of the Committee on Military Affairs, I offer the amendment which I send to the desk as a substitute for the bill.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States be requested and directed to appoint a commission of seven officers of the Army of distinguished service and knowledge, who shall report through the President, as soon as practicable, their opinions upon the best method of re-organizing the Army of the United States, and especially upon the best method of organizing the staff departments with a view to economy and efficiency.

The SPEAKER *pro tempore*. If there be no objection, this amendment will be considered as pending.

There was no objection.

Mr. STEELE. I ask unanimous consent to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1 of the bill by striking out lines 3 and 4 and inserting in lieu thereof the following:

That the number of cavalry regiments is hereby fixed at ten, and the number of infantry regiments is hereby reduced to eighteen.

The SPEAKER *pro tempore*. Is there objection to this amendment being considered as pending?

Mr. RANDALL. The bill of the committee, as I understand, proposes to make the number of cavalry regiments eight.

Mr. BANNING. The number of cavalry regiments in the gentleman's amendment is the same as exists now. I would suggest that there is no necessity for that portion of the amendment.

Mr. STEELE. The only effect of the amendment would be to reduce the number of infantry regiments. It would have no effect on the cavalry.

Mr. BANNING. The number of cavalry regiments is now ten under the existing law. This amendment changes the existing law only by reducing the infantry regiments to eighteen. I suggest to the gentleman that he strike out the first portion of his amendment.

Mr. STEELE. I agree to that.

The SPEAKER *pro tempore*. Is there objection to the amendment of the gentleman from Wyoming, as modified, being considered as pending?

There was no objection.

Mr. MACKEY, of South Carolina. I now ask unanimous consent to offer the following amendment:

Strike out lines 20 to 23 of section 1, to wit, these words:

Sections 1104 and 1108 of the Revised Statutes, providing that the enlisted men of certain regiments shall be colored men, are hereby repealed.

The SPEAKER *pro tempore*. Is there objection to this amendment being considered as pending?

Mr. O'BRIEN. This is substantially the same amendment as that offered by the gentleman's colleague, [Mr. SMALLS,] and which has already been objected to. I object.

Mr. BANNING. I now yield to the gentleman from South Carolina, [Mr. SMALLS.]

Mr. SMALLS. Inasmuch as the gentleman from Pennsylvania [Mr. RANDALL] objects to the amendment I propose, I yield to my colleague [Mr. MACKEY] the ten minutes conceded to me by the gentleman from Ohio. I had intended to speak to the amendment which I desired to offer; but as the gentleman from Pennsylvania saw fit to object to it, I yield my time to my colleague.

Mr. MACKEY, of South Carolina. Mr. Speaker, I desire to address myself particularly to that portion of this bill which proposes to discontinue the enlistment of colored men in the Army by repealing those sections of the Revised Statutes which provide that the enlisted men of certain regiments shall be colored men. It is true that the gentleman from Ohio [Mr. BANNING] who has this bill in charge denies that this is the object of that portion of the bill. In answer to an inquiry last Saturday, he stated that the bill merely does away "with that odious feature in the law which says that the privates of two cavalry regiments and of two infantry regiments shall be colored men, and it leaves the question open as it is in this House and as it is in all

the departments of the Government." In other words, he seeks to convey the impression that while this bill does away with colored regiments as distinct organizations, yet it imposes no restraint upon colored men enlisting if they so desire, or, in his own words, "it leaves it open to all." Then, if that really be the object of the bill, why is objection made to the amendment offered by my colleague, [Mr. SMALLS,] which simply provides that hereafter in the enlistment of men in the Army, or the merging of enlisted men into other organizations, no distinction whatever shall be made on account of race or color? Objection is made by the supporters of this bill even to the consideration of this amendment, showing plainly the insincerity of their assertions that the bill makes no discrimination against colored men enlisting. If while declaring that this bill makes no discrimination against colored men the supporters of the bill persistently object to the insertion therein of a proviso to that effect, then we must conclude that their declaration is untrue and that the real object in seeking a repeal of the law which provides for colored regiments is to discontinue entirely the enlistment of colored men. If additional evidence is needed that the real intention of the advocates of this bill is to prevent any further enlistment of colored men, it will be found in the speech made by the gentleman from Ohio [Mr. BANNING] last Saturday. Referring to the colored troops, in that speech he declares that—

The experiment has proven a disastrous failure. Colored men will no longer enlist, so that it is found impossible to keep up the regiments; while those who do enter the Army are of such a class that they cannot be trusted or made of any benefit to themselves or the country.

He then calls attention to the report of an inspector-general in the Army to sustain his assertions. But, if not opposed to the enlistment of colored men, why endeavor to prove that as soldiers they are a failure? Repeal the existing law which provides for certain colored regiments and the enlistment of colored men must cease, for with the repeal of this law the matter will then be left entirely to the discretion of a few enlisting officers who will never accept colored men as recruits if those colored men are to be assigned to white regiments. Moreover, few colored men, even if the opportunity is afforded them, will care to enlist in regiments composed entirely of white men, subject as they must be to all the prejudices of the ignorant and uneducated men always largely composing the regular Army in time of peace. The enlistment of colored men in white regiments at the present time is utterly impracticable, and of this fact no one is better aware than the gentleman from Ohio, [Mr. BANNING,] for in his speech already alluded to I find a memorandum from the Adjutant-General's Office, in which it is stated that—

General Ord has expressed opinions adverse to mixing white and colored troops in the same garrison.

The repeal of the law which now provides for these colored regiments is only an indirect way, therefore, of getting rid of colored soldiers in the Army. Practically its effect will be to discontinue the enlistment of all colored men, and this is well understood by those who favor this bill, for after having endeavored to prove that colored men are unfit for soldiers, and after citing the opinion of a prominent Army officer that it is impossible to mix white and colored troops in the same garrison, they then demand the repeal of the law providing for colored regiments, declaring that their only intention is to repeal a law which, in the words of the gentleman from Ohio, "is an insult to the race it was meant to compliment." Thus they seek under the guise of a worthy motive to accomplish the unworthy one of practically closing the Army against all colored men.

I am now contending for the right of the colored man to enlist in the Army if he so desires, because to deny him that privilege seems to me exceedingly unjust in view of the fact that this country has never failed in time of war to call upon these people to fight as soldiers in her defense. In time of war we have always willingly accepted their services as soldiers. It is only in time of peace that we say to them, "No longer shall you be soldiers of ours." In time of peace when the duty of a soldier is a mere pastime, when your soldier seldom hears the thunder of cannon except when fired as a salute, or the roar of musketry except in sham battles, you say keep colored men out of the Army; but when the hour of danger approaches and the country needs all the soldiers she can get, you are then willing that the men of color shall also be allowed a chance to be shot at by the enemy. This is no mere idle assertion; the facts of history prove it beyond doubt. In the revolutionary war these people fought side by side in the army as soldiers with our forefathers in the cause of liberty and independence. In the war of 1812 they helped to fight our battles both by land and sea. And in the great rebellion, when white men were beginning to grow weary and tired of the fight and could no longer be procured in sufficient numbers to fill up the gaps, the colored men were at last willingly accepted as soldiers of the Union.

In this centennial year, when we are celebrating the heroic deeds of our revolutionary ancestors, it will not be inappropriate for me to recall to the memory of those who are now seeking to close the Army against colored men some of the services that class of people performed during that glorious struggle.

CRISPUS ATTUCKS.

Who does not remember the story of Crispus Attucks, the mulatto slave and the hero of the Boston massacre? On that memorable 5th of March, 1770, when all Boston was excited with patriotic indignation at the presence of the British troops, and while hundreds of white patriots were deliberating what was to be done, this brave and fearless negro, laying aside all hesitation, urged the populace to meet the red-coats and drive them from the streets. The crowd, acting upon his suggestion, began the attack, led by Crispus Attucks, who was the first to fall, pierced by two balls, one in each breast. "Don't hesitate! Come on! We'll drive these rebels out of Boston!" were the last words of this first martyr to American liberty. It is true he was not "a soldier in the regular Army," because just at that time we had not yet reached that respectable stage of existence when we could boast of such an organization, but he fell in a far nobler fight than that of army against army, he fell at the head of a brave band of Americans who, John Adams has justly said, "could not restrain their emotion or stop to inquire what they must do according to the letter of the law."

BATTLE OF BUNKER HILL.

It is due no doubt to the noble example of Crispus Attucks that a few years after we find at the battle of Bunker Hill negro soldiers fighting side by side with their white brethren. It will be remembered that on that occasion Major Pitcairn of the British marines fell just as he had mounted the American redoubt, shouting, "*The day is ours!*" The shot which laid him low was fired by Peter Salem, a black soldier of Colonel Nixon's regiment, and the scene is thus described by an eye-witness:

The major (Pitcairn) had passed the storm of our fire without and had mounted the redoubt, when, waving his sword, he commanded in a loud voice the "rebels" to surrender. His sudden appearance and his commanding air at first startled the men immediately before him. They neither answered or fired, probably not being exactly certain what was next to be done. At this critical moment a negro soldier stepped forward, and, aiming his musket directly at the major's bosom, blew him through.

Another colored soldier who participated in the battle of Bunker Hill is favorably noticed in a petition to the general court of Massachusetts Bay. This petition, dated less than six months after the event and signed by some of the principal officers, declares "that a negro man called Salem Poor, of Colonel Frye's regiment, Captain Ames's company, in the late battle at Charlestown, behaved like an experienced officer as well as an excellent soldier. To set forth particulars of his conduct would be tedious. We would only beg to say, in the person of this said negro centers a brave and gallant soldier."

Of the colored soldiers in the revolutionary army at the time of the battle of Bunker Hill the historian Bancroft (History of the United States, volume 7, page 421) says:

Nor should history forget to record that as in the army at Cambridge, so also in this gallant band, the free negroes of the colony had their representatives. For the right of free negroes to bear arms in the public defense was at that day as little disputed in New England as their other rights. They took their place, not in a separate corps, but in the ranks with the white man; and their names may be read on the pension-rolls of the country, side by side with those of other soldiers of the Revolution.

General Thomas, writing under date of October 24, 1775, to John Adams upon the subject of the army, says:

We have some negroes; but I look on them, in general, equally serviceable with other men for fatigue, and in action many of them have proved themselves brave.

OPPOSITION TO COLORED SOLDIERS.

Notwithstanding the good conduct and bravery of the negro soldiers at Bunker Hill, a prejudice against the employment of negro soldiers in the army soon began to show itself; and the question at a very early stage of the Revolution produced a controversy, both in the army and in Congress, which did not, however, continue very long. The opposition was at first confined to the enlistment of slaves, for at the commencement of the war not only were free negroes received into the army, but in many instances slaves also stood in the ranks with freemen. This opposition began even before the battle of Bunker Hill, but arose, however, from a far nobler principle than that which sought to exclude all negroes from the army. Many of the patriots of the Revolution were unwilling to use as soldiers in an army raised for establishing national liberty those who were held in bondage. It was this motive, no doubt, which prompted the resolution adopted by the Massachusetts committee of safety, on the 20th May, 1775:

Resolved, That in the opinion of this committee, as the contest now between Great Britain and the colonies respects the liberties and privileges of the latter, which the colonies are determined to maintain, that the admission of any persons, as soldiers, into the army now raising, but only such as are freemen, will be inconsistent with the principles that are to be supported, and reflect dishonor on this colony; and that no slaves be admitted into this army upon any consideration whatever.

This resolution, it will be perceived, opposed the enlistment of slaves only, and was no doubt adopted for the purpose of compelling the manumission of all slaves who might desire to become soldiers.

On the 26th of September, 1775, an attempt was made in the Continental Congress to instruct General Washington to discharge all negroes, as well slaves as freemen, in his army. The supporters of this measure, on account of the powerful opposition, failed, however, to carry their point. Soon after, on the 8th of October, 1775, a council of war was held at Washington's headquarters, at which were present Generals Washington, Ward, Lee, Putnam, Thomas, Spencer, Heath, Sullivan, Greene, and Gates. The question was then considered whether it was advisable to enlist any negroes in the new army,

and whether a distinction should be made between slaves and freemen.

It was unanimously agreed to reject all slaves, and by a great majority to reject negroes altogether.

This action of the council of war was sustained by the committee of conference, consisting of Dr. Franklin, Benjamin Harrison, and Thomas Lynch, which met at Cambridge, October 18, 1775, with the deputy governors of Connecticut and Rhode Island and the committee of the council of Massachusetts Bay, to confer with General Washington in relation to the condition of the army and to devise a method for its improvement. On the 23d of October the subject of negro soldiers came before them for action, and, like the council of war, they decided to exclude negroes altogether from the army. Accordingly General Washington, on the 12th of November, 1775, in general orders, says:

Neither negroes, boys unable to bear arms, nor old men unfit to endure the fatigues of the campaign are to be enlisted.

This order, however, did not long remain in force, for upon representations being made to General Washington that the "free negroes" who had served in his army were very much dissatisfied at being discarded, he assumed the responsibility of acting contrary to the instructions of the council of war and the committee of conference, and on the 30th of December, 1775, issued general orders authorizing the enlistment of free negroes in the army. In these orders he says:

As the general is informed that numbers of free negroes are desirous of enlisting, he gives leave to the recruiting officers to entertain them, and promises to lay the matter before Congress, who he doubts not will approve of it.

The next day Washington communicated his action to the President of Congress, adding:

If this is disapproved of by Congress, I will put a stop to it.

Washington's letter was referred to a committee on the 15th of January, 1776, and upon their report on the following day Congress determined—

That the free negroes who have served faithfully in the army at Cambridge may be re-enlisted therein, but no others.

After this action of Congress the opposition to the enlistment of negro soldiers seems to have gradually ceased, until nearly every State by legislative act or by practice sanctioned their employment. While Congress did nothing toward settling a general policy with regard to their employment, each State decided the matter for itself, and all through the Revolution colored men continued to be admitted into the line of the Army under various laws, and sometimes under no law, and often in defiance of law. In some of the States they were earnestly besought to enlist, while in very few of the States were their services as soldiers refused. Almost every State had its colored representatives among the soldiery; and not only were the names of colored men entered with those of white citizens on the muster-rolls, but often distinct companies and even regiments were formed of this class of persons.

THE BLACK REGIMENT OF RHODE ISLAND.

Most prominent among these distinct organizations of colored soldiers was the celebrated black regiment of Rhode Island. Its history is as remarkable as any part of the subject we are now discussing.

In January, 1778, it was proposed by General Varnum, in a communication to Washington, (dated January 2, 1778,) that the two Rhode Island battalions in camp at Valley Forge should be united, and that the officers of one, Colonel Greene, Lieutenant-Colonel Olney, and Major Ward, with their subalterns, be sent to Rhode Island to enlist a battalion of negroes for the continental service. General Washington at once wrote to Governor Cooke, of Rhode Island, inclosing General Varnum's letter. Both letters were laid before the General Assembly at the February session; and that body, after due deliberation, passed an act providing "that every able-bodied negro, mulatto, or Indian-man slave" in the State might enlist in either of the two battalions to serve during the continuance of the war; that every slave so enlisting should become absolutely free, the owners to be paid by the State.

The soldiers of this newly raised black regiment soon had an opportunity of showing of what stuff they were made. Their conduct at the "battle of Rhode Island, on the 29th of August, 1778, entitles them to perpetual honor. That battle Lafayette pronounced 'the best fought battle of the war,'" and the success of the Americans on that occasion was owing in a great degree to the good fighting of these negro soldiers. Arnold, in his History of Rhode Island, volume 2, pages 427, 428, thus closes his account of this battle:

A third time the enemy, with desperate courage and increased strength, attempted to assail the redoubt, and would have carried it but for the timely aid of two continental battalions dispatched by Sullivan to support his almost exhausted troops. It was in repelling these furious onsets that the newly raised black regiment under Colonel Greene distinguished itself by deeds of desperate valor. Posted behind a thicket in the valley, they three times drove back the Hessians who charged repeatedly down the hill to dislodge them, and so determined were the enemy in these successive charges, that the day after the battle the Hessian colonel, upon whom this duty had devolved, applied to exchange his command and go to New York, because he dared not lead his regiment again to battle lest his men should shoot him for having caused them so much loss.

Dr. Harris, who served under Washington in the Revolution, and who was a participant in the battle of Rhode Island, gives additional testimony as to the bravery and valor of this black regiment on that occasion. In an address delivered in 1842 he says:

When stationed in the State of Rhode Island, the regiment to which I belonged was once ordered to what was called a flanking position; that is, upon a place which the enemy must pass in order to come round in our rear to drive us from the fort. This pass was everything both to them and to us; of course it was a post of imminent danger. They attacked us with great fury, but were repulsed. They re-enforced and attacked us again with more vigor and determination, and again were repulsed. Again they re-enforced and attacked us the third time with the most desperate courage and resolution, but a third time were repulsed. The contest was fearful. Our position was hotly disputed and as hotly maintained. * * *

There was a black regiment in the same situation. Yes, a regiment of negroes, fighting for our liberty and independence; not a white man among them but the officers, stationed in this same dangerous and responsible position. Had they been unfaithful or given way before the enemy all would have been lost. Three times in succession were they attacked with most desperate valor and fury by well-disciplined and veteran troops, and three times did they successfully repel the assault and thus preserve our army from capture.

When Colonel Greene was surprised and murdered on the 14th of May, 1781, near Point's Bridge, New York, his colored soldiers heroically defended him till they were cut to pieces, and the enemy reached him over the dead bodies of his faithful guard of blacks, every one of whom was killed.

MAJOR LAWRENCE'S COLORED COMPANY.

The black regiment of Rhode Island was not the only colored organization in the revolutionary army. Major William Lawrence, who served from the commencement to the close of the Revolution, and who for a considerable period was attached to General Sullivan's staff as adjutant, at one time commanded "a company whose rank and file were all negroes, of whose courage, military discipline, and fidelity," says his biographer, "he always spoke with respect." On one occasion, being out reconnoitering with this company, he got so far in advance of his command that he was surrounded and on the point of being made prisoner by the enemy. The men, soon discovering his peril, rushed to his rescue, and fought with the most determined bravery till that rescue was effectually secured. He never forgot this circumstance, and ever after took especial pains to show kindness and hospitality to any individual of the colored race who came near his dwelling.

COLORED SOLDIERS OF CONNECTICUT.

Connecticut is also said to have raised a company of colored soldiers when the difficulties of recruiting became pressing, and Colonel David Humphreys, who was afterward attached to the military family of Washington, accepted the command of these men, who are said to have "conducted themselves with fidelity and efficiency throughout the war." This company was a part of Meigs's (afterward Butler's) regiment in the Connecticut Line.

In regard to the enlistment of colored men in Connecticut Mr. J. H. Trumbull, editor of the Public Records of Connecticut, says:

In point of fact, some hundreds of blacks—slaves and freemen—were enlisted, from time to time, in the regiments of the State troops and of the Connecticut Line. How *many* it is impossible to tell; for from first to last the company or regimental rolls indicate *no distinctions* of color. The *name* is the only guide; and in turning over the rolls of the Connecticut Line, the frequent recurrence of names which were exclusively appropriated to negroes and slaves, show how considerable was their proportion of the material of the Connecticut army.

In reference to the efficiency of these colored soldiers, he adds:

So far as my acquaintance extends, almost every family has its traditions of the good and faithful service of a black servant or slave who was killed in battle, or served through the war and came home to tell stories of hard fighting and draw his pension. In my own native town—not a large one—I remember five such pensioners, three of whom, I believe, had been slaves, and in fact *were* slaves to the day of their death.

MASSACHUSETTS.

Thomas Kench, belonging to Colonel Craft's regiment of artillery, then at Castle Island, in a communication under date of 3d of April, 1778, to the Legislature of Massachusetts upon the necessity of raising additional forces, thus speaks of the colored soldiers:

We have divers of them in our service, mixed with white men. But I think it would be more proper to raise a body by themselves than to have them intermixed with the white men; and their ambition would entirely be to outdo the white men in every measure that the fortune of war calls a soldier to endure. And I could rely with dependence upon them in the field of battle or to any post that I was sent to defend with them.

On the 11th of April, 1778, Kench's petition was referred to a joint committee "to consider the same and report." On the 17th a resolution of the General Assembly of Rhode Island for enlisting negroes in the public service was referred to the same committee, and on the 28th they submitted the following report:

The committee of both houses upon the letter of Thomas Kench, with other papers accompanying it, have attended to that service, and report:

That there be one regiment of volunteers raised as soon as possible, to serve during the war, to consist of the same number of officers and privates as those of a continental regiment; that one sergeant in each company and every higher officer in the said regiment shall be white men; and that all the other sergeants, inferior officers, and privates shall be negroes, mulattoes, or Indians.

One of the colored companies raised in Massachusetts was called "The Bucks of America," and to this company at the close of the revolutionary war Governor Hancock presented a silk flag as a tribute to their courage and devotion throughout the struggle.

Wherever the colored men were not organized into separate corps they could be found in large numbers scattered throughout white regiments. A Hessian officer who was with Burgoyne at the time of his surrender, in an entry in his journal of October 23, 1777, says, "that no regiment is to be seen in which there are not negroes in abundance; and among them there are able-bodied, strong, and brave fellows."

General Schuyler, writing from Saratoga July 23, 1777, to the president of Massachusetts Bay, says:

That of the few continental troops we have had to the northward, one-third part is composed of men too far advanced in years for field service, of boys, or rather children, and, mortifying barely to mention, of *negroes*.

VIRGINIA.

It was not only in the Northern States that colored men were used as soldiers. In some of the Southern States their services were gladly accepted. At an early date in our revolutionary struggle colored men appear to have been accepted as soldiers in many of the regiments raised in Virginia; for as early as 1777 the general assembly of that State passed an act that no negro should be enlisted without a certificate of freedom, the preamble to which declares that slaves had deserted their masters and, under pretense of being freemen, had enlisted as soldiers. Notwithstanding this act, slaves continued to be enlisted, and at the close of the war, an attempt being made by some vile wretches to re-enslave some of these colored soldiers, the Legislature of Virginia, to the honor of that State, passed, in 1783, a law "directing the emancipation of certain slaves who have served as soldiers in this State." The preamble to this act recites that—

Whereas it hath been represented to the present General Assembly that during the course of the war many persons in this State had caused their slaves to enlist in certain regiments or corps raised within the same, having tendered such slaves to the officers appointed to recruit forces within the State as substitutes for free persons whose lot or duty it was to serve in such regiments or corps, at the same time representing to such recruiting officers that the slaves so enlisted by their direction and concurrence were freemen; and it appearing further to this Assembly that, on the expiration of the term of enlistment of such slaves, the former owners have attempted again to force them to return to a state of servitude, contrary to the principles of justice and to their own solemn promise; and whereas it appears just and reasonable that all persons enlisted as aforesaid, who have faithfully served agreeably to the terms of their enlistment, and have thereby of course contributed toward the establishment of American liberty and independence, should enjoy the blessings of freedom as a reward for their toils and labors.

This act then declares—

That each and every slave who, by the appointment and direction of his owner, hath enlisted in any regiment or corps raised within this State, either in Continental or State establishment, and hath been received as a substitute for any free person whose duty or lot it was to serve in such regiment or corps, and hath served faithfully during the term of such enlistment, or hath been discharged from such service by some officer duly authorized to grant such discharge, shall, from and after the passing of this act, be fully and completely emancipated, and shall be held and deemed free, in as full and ample a manner as if each and every of them were specially named in this act; and the attorney general for the Commonwealth is hereby required to commence an action, *in forma pauperis*, in behalf of any of the persons above described who shall, after the passing of this act, be detained in servitude by any person whatsoever; and if, upon such prosecution, it shall appear that the pauper is entitled to his freedom in consequence of this act, a jury shall be impaneled to assess the damages for his detention.

MARYLAND AND NORTH CAROLINA.

In a "return of negroes in the army, 24th August, 1778," signed Alexander Scammell, Adjutant-General, it appears there were fifty-eight negroes in the North Carolina brigade and sixty in the Second Maryland. A few years later, in 1781, the Legislature of Maryland resolved to raise immediately seven hundred and fifty negroes to be incorporated with the other troops.

SOUTH CAROLINA AND GEORGIA.

Just here, I regret to state that South Carolina and Georgia alone remained firm throughout the revolutionary war in their opposition to the employment of the negroes as soldiers. In South Carolina this opposition was maintained to the last against the opinion of many of her best men, against the recommendation of Congress, and against the expressed wishes and desire of General Greene and many other brave officers who were engaged in defending her soil.

Both the Laurens favored the employment of negro soldiers, and Colonel John Laurens, a gallant officer and a fine scholar, the intimate friend of Washington, Greene, and Hamilton, and who has been called the "Chevalier Bayard of America," at a very early period of the Revolution, "recognizing the negro as a man, boldly claimed him as an ally in the war for independence." He had been in active service in Rhode Island and elsewhere, and having witnessed the usefulness and bravery of the colored soldiers, he returned to South Carolina for the purpose of using his personal influence to induce the proper authorities to take the necessary steps for raising black troops. Alexander Hamilton gave the measure his unqualified and hearty support, as is shown by the following extract from a letter bearing date March 14, 1779, from him to John Jay, upon the subject:

Colonel Laurens, who will have the honor of delivering you this letter, is on his way to South Carolina on a project which I think, in the present situation of affairs there, is a very good one and deserves every kind of support and encouragement. This is, to raise two, three, or four battalions of negroes, with the assistance of the government of that State, by contributions from the owners in proportion to the number they possess. If you should think proper to enter upon the subject with him he will give you a detail of his plan. He wishes to have it recommended by Congress to the State; and, as an inducement, that they should engage to take these battalions into continental pay.

It appears to me that an expedient of this kind in the present state of southern affairs is the most rational that can be adopted and promises very important advantages. Indeed, I hardly see how a sufficient force can be collected in that quarter without it; and the enemy's operations there are growing infinitely more serious and formidable. I have not the least doubt that the negroes will make very excellent soldiers with proper management; and I will venture to pronounce that they cannot be put into better hands than those of Mr. Laurens.

After combating the idea that they are too stupid for soldiers, in the course of which he admits "their natural faculties are probably as good as ours," he adds:

I foresee that this project will have to combat much opposition from prejudice and self interest. The contempt we have been taught to entertain for the blacks makes us fancy many things that are founded neither in reason nor experience; and an unwillingness to part with property of so valuable a kind will furnish a thousand arguments to show the impracticability or pernicious tendency of a scheme which requires such a sacrifice.

The arguments which self-interest then furnished against the use of colored troops are now supplied by unreasonable prejudice.

On the 16th of March, 1779, Henry Laurens, the distinguished member of Congress from South Carolina, and at one time president of that body, and also the father of John Laurens, wrote to Washington, saying:

Had we arms for three thousand such black men as I could select in South Carolina, I should have no doubt of success in driving the British out of Georgia and subduing East Florida before the end of July.

On the 27th of March, 1779, the committee of Congress, who had been appointed "to take into consideration the circumstances of the Southern States and the ways and means for their safety and defense," submitted a report in which it is stated—

That it is suggested by the delegates of the said State (South Carolina) and by Mr. Huger, that a force might be raised in the said State from among the negroes which would not only be formidable to the enemy from their numbers, and the discipline of which they would very readily admit, but would also lessen the danger from revolts and desertions by detaching the most vigorous and enterprising from among the negroes.

The committee also submitted a series of resolutions recommending the States of South Carolina and Georgia "to take measures immediately for raising three thousand able-bodied negroes." The resolutions may be found in the secret journals of Congress, volume 1, page 106. The first two paragraphs of the first resolution read as follows:

Resolved, That it be recommended to the States of South Carolina and Georgia, if they shall think the same expedient, to take measures immediately for raising three thousand able-bodied negroes.

That the said negroes be formed into separate corps, as battalions, according to the arrangements adopted for the main army, to be commanded by white commissioned and non-commissioned officers.

The remaining paragraphs of the first resolution simply relate to the appointment of commissioned and non-commissioned officers. The second resolution, after making provision for the payment for slaves enlisted, provides for the emancipation of "every negro who shall well and faithfully serve as a soldier to the end of the present war."

On the same day Congress passed a resolution commissioning John Laurens as a lieutenant-colonel, and he at once proceeded to South Carolina to urge upon the Legislature the adoption of the proposed plan. In a letter written by him at that time he says:

It appears to me that I should be inexcusable in the light of a citizen if I did not continue my utmost efforts for carrying the plan of the black levies into execution, while there remains the smallest hope of success. * * * The House of Representatives will be convened in a few days. I intend to qualify and make a final effort! O, that I were a Demosthenes! The Athenians never deserved a more bitter exprobration than our countrymen.

Colonel Laurens, in spite of his ardor, met with poor encouragement. Dr. David Ramsay, in a letter to William Henry Drayton, dated Charleston, September 1, 1779, says:

The measure for embodying the negroes had about twelve votes; it was received with horror by the planters, who figured to themselves terrible consequences.

General Lincoln also earnestly and repeatedly urged the necessity of enlisting the blacks. In a letter to Governor Rutledge, dated Charleston, March 13, 1780, he says:

Give me leave to add once more that I think the measure of raising a black corps a necessary one; that I have great reason to believe, if permission is given for it, that many men would soon be obtained. I have repeatedly urged this matter, not only because Congress have recommended it, and because it thereby becomes my duty to attempt to have it executed, but because my own mind suggests the utility and importance of the measure as the safety of the town makes it necessary.

To the efforts of Laurens, Huger, and Lincoln to induce the authorities of South Carolina to consent to the raising of some black troops were added those of one of America's ablest and most successful generals, General Nathaniel Greene, who at that time was in command of the southern army. "That they would make good soldiers he had not the least doubt," for he had seen them tried. His own body-servant—a negro—had fought in the Maryland ranks at Eutaw, and was found after the battle transfixed with a bayonet, and with his own bayonet set deep with mortal thrust in the body of his dead antagonist. In a letter to Washington, dated January 24, 1782, General Greene says:

I have recommended to this State (South Carolina) to raise some black regiments. To fill up the regiments with whites is impracticable, and to get re-enforcements from the northward precarious, and at least difficult, from the prejudices respecting the climate. Some are for it, but the far greater part of the people are opposed to it.

The recommendation to which he alludes was contained in a letter from him to Governor Rutledge:

The natural strength of the country—

He says—

in point of numbers appears to me to consist much more in the blacks than in the whites. Could they be incorporated and employed for its defense, it would afford you double security. That they would make good soldiers I have not the least doubt.

He adds that in the impoverished condition of the treasury he could see no other way of raising a sufficient force for the protection of the country. Had this been done, he thought, from the beginning of the war, the enemy would never have gotten a foothold in it. He concludes by asking that four regiments should be raised among the blacks, "two upon the Continental and two upon the State establishment," together with "a corps of pioneers and a corps of artificers, each to consist of about eighty men."

The planters still thought the experiment a dangerous one. The

Legislature agreed with them, and the project was relinquished. General Greene shortly after submitted another proposition which is contained in the following letter to Governor Rutledge dated February 11, 1782:

In answer to your excellency's letter upon the proposition of furnishing the Army with a number of negroes, provided their services may be accounted for by Congress, I beg leave to observe, if they can be had upon such terms as will engage their fidelity, the public could employ four or five hundred to great advantage. But unless the negroes can have an interest in the servitude, I am persuaded they will be of little benefit and by no means to be depended on. I would beg leave to propose, therefore, that the public clothe them, and that the negroes be allowed the same wages allowed by Congress to the soldiers of the Continental Army. If this is agreed to, the fidelity of the negroes may be depended on, and they may perhaps perform the service expected from them with cheerfulness.

I think we could employ 140 wagoners, 150 pioneers, 120 artificers, and 20 or 30 servants to advantage. If this number could be immediately furnished the Army, such as are good men and such as shall be approved of on inspection, I will recommend the matter fully to Congress for their approbation, that the State may be allowed for the same in their public accounts.

This letter was sent by Governor Mathews, who had just succeeded Governor Rutledge, to the Legislature, accompanied by the following communication:

FEBRUARY 12, 1782.

HONORABLE GENTLEMEN: I herewith send you the copy of a letter from Major General Greene to me. If the proposition therein made of furnishing the Army with a number of negroes for the different services he has mentioned should meet your approbation, it will enable General Greene to throw into the ranks a considerable number of valuable soldiers. I therefore recommend this matter most earnestly to your consideration.

JOHN MATHEWS.

No action seems to have been taken upon this proposition, notwithstanding in the very beginning of the struggle the provincial congress of South Carolina had authorized military officers to use slaves as pioneers and laborers, as appears by the following resolution adopted November 20, 1775:

Resolved, That the colonels of the several regiments of militia throughout the Colony have leave to enroll such a number of able male slaves, to be employed as pioneers and laborers, as public exigencies may require; and that a daily pay of seven shillings and sixpence be allowed for the service of such slaves while actually employed.

Colonel John Laurens soon after his return from France, to which country in the autumn of 1780 he had been sent on an important mission, again resumed his efforts to induce the people of South Carolina to allow their negroes to enlist as soldiers in the Continental Army. Writing to Washington under date of May 19, 1782, he says:

The plan which brought me to this country was urged with all the zeal which the subject inspired, both in our privy council and assembly; but the single voice of reason was drowned by the howlings of a triple-headed monster, in which prejudice, avarice, and pusillanimity were united. It was some degree of consolation to me, however, to perceive that truth and philosophy had gained some ground, the suffrages in favor of the measure being twice as numerous as on a former occasion. Some hopes have been lately given me from Georgia; but I fear, when the question is put, we shall be outvoted there with as much disparity as we have been in this country.

This persistent refusal to enlist colored men as soldiers seems to have so thoroughly disgusted Washington that in reply to Laurens he wrote:

I must confess that I am not at all astonished at the failure of your plan. The spirit of freedom, which at the commencement of this contest would have gladly sacrificed everything to the attainment of its object, has long since subsided, and every selfish passion has taken its place. It is not the public but private interest which influences the generality of mankind; nor can the Americans any longer boast an exception. Under these circumstances it would rather have been surprising if you had succeeded; nor will, I fear, have better success in Georgia.

What would the Father of our Country say if he could only witness the attempt now being made to deprive the colored men of the opportunity to enlist in the Army?

Notwithstanding all his previous discouragements, Colonel Laurens still clung to the hope that he might be able to accomplish something. Failing in South Carolina, he continued to try in Georgia "with all the tenacity," as he himself expresses it, "of a man making a last effort on so interesting an occasion."

In another letter to Washington, dated June 12, 1782, he says:

The approaching session of the Georgia Legislature, and the encouragement given me by Governor Hawley, who has a decisive influence in the councils of that country, induce me to remain in this quarter for the purpose of taking new measures on the subject of our black levies. The arrival of Colonel Baylor, whose seniority entitles him to the command of the light troops, affords me ample leisure for pursuing the business in person; and I shall do it with all the tenacity of a man making a last effort on so interesting an occasion.

But all the efforts of this noble and gallant patriot availed nothing against "the howlings of a triple-headed monster in which prejudice, avarice, and pusillanimity were united." A few months after this last effort he laid down his life for the country which he had served with so much self-devotion.

If, however, South Carolina would not employ her colored men as soldiers, she found a very novel way of using them to aid in raising recruits.

In a letter from Dr. Ramsay to William Henry Drayton, from which I have already quoted, the following language is used:

A bill for filling our regiments by giving a negro bounty to every volunteer recruit has also been twice read. This measure is now our *ultima spes*. Money will not procure soldiers. The militia will not submit to a draft.

Colonel Richard Hampton, writing to Major John Hampton under date of 2d April, 1781, says:

Brother Wade, I believe, will also raise a regiment. It will not be amiss to mention the terms on which they are to be raised, and the number each regiment is to consist of. The troops are to enlist for ten months, each regiment to have one lieutenant-colonel, one major, five sergeants, ten lieutenants; each company two sergeants, twenty-five privates. The pay to be as follows:

Each colonel to receive three grown negroes and one small negro; major to receive three grown negroes; captain, two grown negroes; lieutenants, one large and one small negro; the staff, one large and one small negro; the sergeants, one and a quarter negro; each private, one grown negro.

Notwithstanding the persistent refusal of South Carolina and Georgia to raise troops from among their colored population, it may be regarded as a well-established historical fact that large numbers of colored men were enrolled in the army and served faithfully as soldiers during the whole period of the war of the Revolution. And it is rather a remarkable fact that while constant mention is made of the bravery of these troops, we cannot learn of a single instance of their failure to do their duty during the whole of that memorable struggle. The individual instances of bravery on their part are numerous, two only of which have I time to cite.

The heroic defense of Fort Griswold by Colonel Ledyard and his brave comrades was one of the most brilliant achievements of the war. The assault on the part of the British was a deadly one, but finally the little garrison was overcome, and on the entrance of the enemy the British officer inquired, "Who commands this fort?" "I once did; you do now," replied the gallant Ledyard, handing the officer his sword, which was instantly seized and run through his body by the officer. Lambert, a colored soldier, being near Colonel Ledyard, retaliated by thrusting his bayonet through the British officer, and then fell himself pierced with thirty-three bayonet-wounds.

It is related upon the authority of Judge Story that a colored artillerist, while having charge of a cannon with a white fellow-soldier, was wounded in one arm. He immediately turned to his comrade and proposed changing his position, exclaiming that he had yet one arm left with which he could render some service to his country. The change proved fatal to the heroic soldier, for another shot from the enemy killed him upon the spot.

WAR OF 1812.

During the interval between the close of the revolutionary war and the commencement of the war of 1812 we hear nothing of negro soldiers, because the country was at peace with the world. But with the return of war the Army, which had been closed to the negro during the long years of peace, was again opened to him for admission. In this respect the Army of the United States to the negro is like the temple of Janus was to the Romans—closed in time of peace and open in time of war. Though the war of 1812 was much shorter than that of the Revolution, yet short as it was, colored soldiers were in demand before its close. The Legislature of New York passed, October 24, 1814, an act "to authorize the raising of two regiments of men of color." The act provided that each regiment should consist of one thousand and eighty able-bodied men; that the officers should be white men, and that "any able-bodied slave" might enlist therein "with the written assent of his master or mistress," who was to receive his pay and bounty, while the negro received his freedom.

In 1814, when the British were threatening Mobile and New Orleans, General Jackson issued the following appeal to the free colored people of Louisiana:

HEADQUARTERS, SEVENTH MILITARY DISTRICT.
Mobile, September 21, 1814.

To the Free Colored Inhabitants of Louisiana:

Through a mistaken policy, you have heretofore been deprived of a participation in the glorious struggle for national rights in which our country is engaged. This no longer shall exist.

As sons of freedom, you are now called upon to defend our most inestimable blessing. As Americans, your country looks with confidence to her adopted children for a valorous support, as a faithful return for the advantages enjoyed under her mild and equitable Government. As fathers, husbands, and brothers, you are summoned to rally around the standard of the eagle, to defend all which is dear in existence.

Your country, although calling for your exertions, does not wish you to engage in her cause without amply remunerating you for the services rendered. Your intelligent minds are not to be led away by false representations. Your love of honor would cause you to despise the man who should attempt to deceive you. In the sincerity of a soldier and the language of truth I address you.

To every noble-hearted, generous freeman of color volunteering to serve during the present contest with Great Britain, and no longer, there will be paid the same bounty, in money and lands, now received by the white soldiers of the United States, viz, $124 in money and one hundred and sixty acres of land. The non-commissioned officers and privates will also be entitled to the same monthly pay and daily rations and clothes furnished to any American soldier.

On enrolling yourselves in companies the major-general commanding will select officers for your government from your white fellow-citizens. Your non-commissioned officers will be appointed from among yourselves.

Due regard will be paid to the feelings of freemen and soldiers. You will not, by being associated with white men in the same corps, be exposed to improper comparisons or unjust sarcasm. As a distinct, independent battalion or regiment, pursuing the path of glory, you will, undivided, receive the applause and gratitude of your countrymen.

To assure you of the sincerity of my intentions and my anxiety to engage your invaluable services to our country, I have communicated my wishes to the governor of Louisiana, who is fully informed as to the manner of enrollment and will give you every necessary information on the subject of this address.

ANDREW JACKSON,
Major-General Commanding.

As the result of this proclamation the colored freemen of Louisiana raised two battalions, one of which numbered two hundred and ten men and was commanded by Major Dacquin; the other numbered one hundred and eighty and was commanded by Major Lacoste. Both these battalions took part in the battle of New Orleans. Previous to that

battle, however, General Jackson, on the 18th of December, 1844, took occasion to review his little army then at New Orleans.

At the close of the review—

Says Parton in his Life of Jackson—

Edward Livingston advanced from the group that surrounded the General, and read in fine, sonorous tones, and with an energy and emphasis worthy of the impassioned words he spoke, that famous address to the troops which contributed so powerfully to enhance their enthusiasm, and of which the survivors, to this hour, have the most vivid recollection.

The following is that portion of the address which is directly addressed to these colored soldiers:

TO THE MEN OF COLOR: Soldiers, from the shores of Mobile I collected you to arms. I invited you to share in the perils and to divide the glory of your white countrymen. I expected much from you; for I was not uninformed of those qualities which must render you so formidable to an invading foe. I knew that you could endure hunger and thirst and all the hardships of war. I knew that you loved the land of your nativity, and that, like ourselves, you had to defend all that is most dear to man. But you surpass my hopes. I have found in you, united to these qualities, that noble enthusiasm which impels to great deeds.

Soldiers, the President of the United States shall be informed of your conduct on the present occasion, and the voice of the Representatives of the American nation shall applaud your valor, as your general now praises your ardor. The enemy is near. His sails cover the lakes. But the brave are united; and if he finds us contending among ourselves it will be for the prize of valor, and fame, its noblest reward.

These two battalions were not the only colored troops engaged in that memorable battle, for the British also carried into that fight two regiments of black men.

As to the use of colored soldiers in the war of 1812, we have the testimony of Mr. Martindale, of New York, who, in a speech in Congress on the 22d January, 1828, said:

Slaves, or negroes who had been slaves, were enlisted as soldiers in the war of the Revolution; and I myself saw a battalion of them, as fine, martial-looking men as I ever saw, attached to the northern army *in the last war*, on its march from Plattsburgh to Sackett's Harbor.

Thus, Mr. Speaker, I have endeavored to give a summary of the history of the colored soldiers of the revolutionary war and the war of 1812, in order that those who are now seeking to close the Army against colored men may fully understand that in so doing they are not only acting contrary to the experience of history, but that they are reviving a policy which must be abandoned the very first important war in which we may be engaged. The events of the late war are too fresh in the minds of all for me to recall any of the facts connected with the use of colored soldiers during that struggle. We all know, however, how the Government was finally compelled to accept their aid, and we all remember the character of the services they rendered. In view of all these facts it is not only extremely unwise, but exceedingly ungrateful to close the Army, now that we are at peace with all the world, against these people.

Mr. BANNING. Does the gentleman from South Carolina understand that this provides that colored men shall not be enlisted?

Mr. MACKEY, of South Carolina. In answer to that inquiry, I say that I do understand this bill, and if that is not its object, why then was objection made to the amendment proposed by my colleague, [Mr. SMALLS,] providing that no discrimination should be made?

Mr. BANNING. Because that is the law as it now exists.

Mr. MACKEY, of South Carolina. If it be the law of the country, then why object to inserting it in the law now about to be enacted? It is proper, however, to say that, so far as colored men are concerned, experience has taught us that the law may be one thing and the observance of it another. We know full well that, while the law may entitle colored men to admission into the Army, yet if we strike from the statute-book the only provision under which there is any earthly chance for them to enlist, the matter is then left entirely to the discretion of a few enlisting officers. These enlisting officers, armed with the powers to reject whom they please, without assigning any cause whatever, will seldom, if ever, accept colored men, especially if they are to be assigned to white regiments.

In conclusion, while I regret that objections were made to my amendment, as well as to the amendment of my colleague, yet the fact that these objections were made by the supporters of this bill proves conclusively to me that the object of this bill is to keep colored men out of the Army by repealing the only law which gives them an opportunity to enlist, and therefore I shall vote against it.

Mr. BANNING. I now yield half an hour to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, the Army of the United States has this misfortune: it has many friends when its services are needed; it has many enemies when political capital is sought to be made by opposing it. These attempts at undue, unwise, ungenerous retrenchment upon the Army of the United States are nothing especially partisan. There never has been a time since we have had an Army in which there have not been those who desired to cripple its efficiency, to break down its competency, and to weaken those sentiments of honor which are what make the Army a live and valuable organization, and these attempts are always made for personal and political effect. This is no new idea, sir. The history of Congress will show over and over again occasions when every one of the alterations proposed in this bill have been offered time after time and defeated time after time. In 1872 the same question was up, and the opinion of one of our leading military men of that day was asked upon it, and I do not know that I can better address myself on this question than by asking the Clerk to read a letter from that officer as the basis of the remarks I propose to make on some parts of this bill.

The Clerk read the letter, as follows:

NEW YORK, *March* 1, 1872.

MY DEAR GENERAL: You ask my opinion as to the proposed consolidation of the three corps (Quartermaster's, Commissary, and Pay) into one. I do not like the idea at all, and, had I the power, would prevent it.

The duties are distinct entirely, requiring different kinds of experience, and cannot advantageously be performed by the same officer, unless, perhaps, in the case of the payment of a small garrison, and * * * in the Pay Department the evils of consolidation would, in my judgment, overbalance by far any slight advantages. The present organization has worked well for many years in garrison and in the field; if there has been any defect, it has not been in the Commissary and Pay Departments.

These three corps already have a common chief in the person of the Secretary of War; no benefit is likely to be derived from the appointment of another assistant chief, who will again have under him a head of each department just as there is now. If this consolidation scheme is carried out, experience will prove that some individual interest was at the bottom of it and that no real benefit inured to the service, and before long the old order of things will be restored.

In haste, * * * yours,

GEO. B. McCLELLAN.

General W. W. BURNS,
United States Army.

P. S.—It seems almost superfluous for me to say that our peace organization should be such as to enable us to increase the Army rapidly in time of war. Any disinterested soldier knows what this means with regard to the number of staff and line officers in peace.

Mr. HURLBUT. Now, Mr. Speaker, whatever controversy there may have been with regard to the military successes of Major-General George B. McClellan, there does not live any man who does not know that he is the most thoroughly qualified organizer of troops, the most thoroughly instructed as to the staff divisions, that the Army of the United States has ever had. I place with great confidence before this House the calm, deliberate utterances made by that distinguished officer of the Army, supported, as I shall show they are, by a mass of testimony of all the instructed officers of the country, upon this question of the consolidation of the staff corps of the Army. I particularly call the attention of the House to this clause:

If this consolidation scheme is carried out, experience will prove that some individual interest is at the bottom of it.

Mr. BANNING. What is the date of that letter? I did not catch it.

Mr. HURLBUT. March 1, 1872.

Mr. BANNING. That was when General Ingalls was in favor of this consolidation?

Mr. HURLBUT. I cannot say. I have not come to General Ingalls yet. I am talking about General McClellan. Now, sir, we have the further evidence of a distinguished officer; an officer whose name ought to carry a very great weight upon the opposite side of the House; a gentleman undoubtedly of very high qualifications personally and professionally; a man of large experience and large service; a man of undoubted purity of character and lofty motives—I allude to General Winfield Scott Hancock, and I find in his testimony taken before the committee on this point this question and answer:

Question 8. Would it not be practicable to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps?

Answer. It would be "practicable" to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps, but the operation would be difficult and attended with no great advantage or economy. All or most of the persons who now constitute the separate corps would appear in the consolidated corps, and they certainly would not act any more efficiently or economically on account of the consolidation. If there is any wastefulness in the disbursing branches of the service it is not due to the form of organization and cannot be removed by changing that form. The present organization of these Departments answered their purposes admirably during the late war, as they had done in peace before the war. A reduction of any Department which may be deemed too large would be preferable to a consolidation of two or more Departments, and would afford an equally good opportunity of getting rid of unworthy officers, if there be any. From the recent experience of our great war we have an assurance that those Departments can be relied upon under the present system to perform their respective duties in the most successful manner under all circumstances. It would therefore, in my opinion, be unwise to make such a change, unless we can be assured that the consolidation had been tried and had given greater satisfaction in other services, as shown by experience in recent great wars; and of this I am not advised.

Sir, we have in this same document the testimony of a long list of officers, and I am compelled to say, from a careful reading of all the testimony brought before us, that I yield my own private opinion, which has always been in favor of a consolidation of the Quartermaster's and Commissary's Departments, in view of the great overwhelming weight of authority upon that question. I pass from that question simply with the indorsement of these two great men and with the statement which I make here now, that the opinion of instructed minds, so far as I know in the Army, as it appears in the testimony, is in favor of the retention of the existing divisions in the corps.

I come now to another question, and that is the reduction in the organization of the Army itself. It is proposed by this bill to reduce the cavalry and infantry service of the country; it is proposed to reduce the cavalry regiments from ten to eight, and the infantry from twenty-five to twenty. Now, sir, I had the honor to state the other day before the House the deliberate conviction to which I have come from some considerable examination of this matter, and that is that the rank and file of the Army should never be less than thirty thousand men to perform the duties devolving upon it. How the force is to be distributed is a question of course within the wisdom of Congress, but I especially deprecate here the two measures which are indicated in this bill striking down the fighting force by five regiments of infantry and

two of cavalry. I am aware that the Army in proportion to the number of its men is overofficered. That is no new thing, and I will read in this connection a letter from Major-General W. B. Franklin, which is as follows:

GENERAL: The object of the consolidation I take it for granted is economy, and the main argument I presume is that three corps are much larger than is necessary for the staff of an army of the size of that of the United States. Consolidation will diminish the number of officers, concentrate the three Bureaus of the Department into one, and degrade the rank of those officers who are retained.

Nearly all of the officers who form these three corps served faithfully during the rebellion, and by seniority and faithful service are as fairly entitled to their positions as are any officers in the service. Many of them served in command of troops and some made great sacrifices in giving up opportunities to command troops which were offered to them because the chiefs of the corps entreated them not to leave their positions as staff officers in the hands of untried and unknown men, who might prove inefficient and injure the reputation of the corps, as well as inflict the greatest damage by their inefficiency and perhaps dishonesty.

But leaving out of account all personal considerations, it is not true that the staff of the Army as represented by these three corps was intended to be merely enough to supply an army of the size of our present Army. Every one who has served knows that two or three officers of rank in each staff department serving with the troops could with the necessary subordinates easily supply 30,000 men; but it would have been a short-sighted policy which before the war would have cut down these corps to the number necessary to supply the Army as it then existed.

The principle that the staff of the Army of the United States ought to be much larger than is at first sight necessary is old, and was advocated by several Secretaries of War, when, in 1838, under Mr. Poinsett it was put into practical force by a large increase of all the staff corps, including Engineers, Ordnance, Surgeon-General's, and Adjutant-General's Department, as well as the three which are now in question.

The main argument used by the advocates of a large staff is the following: It is the policy of this Government to keep a small army in time of peace and to depend upon volunteers or militia in time of war. Although volunteers and militia may have efficient regimental organizations, it is impossible that their organization should go beyond that, so that when called into the field they will be found without means of supplying themselves; but the large staff here comes in, and at once furnishes a supply of experienced, well-informed, and honest officers, who at once organize the supplies, establish depots, and instruct the subordinates who will soon crowd them out and take their places.

No one who has not had to do with the organization of new troops can appreciate how two or three cool, clear-headed, experienced staff officers bring order out of chaos in the midst of large gatherings of new troops, and how utterly impossible it is for a commanding officer, unless assisted by such men, to organize his force except at the sacrifice of much time, money, and life.

As these organizations must be made not only in one place, but in twenty or more, it is evident that when the emergency arises there will be no complaint of too many staff officers.

It will be said that the late war left in the country a large number of men who can perform these duties as well as the staff officers now in service. Whether this be true or not at present, in ten years none of these men will be left or will be available for such service; and if you cut down your staff now so that it is just sufficient for your present needs, when the emergency arises there will be scenes of disorder and confusion even in quiet camps of raw troops compared to which the Bull Run retreat was good order.

If there is a debt of gratitude due to any one in connection with the organization of the Army before the war, it is due to those great statesmen Cass and Poinsett, whose experience and reading taught them that a large, educated, and experienced staff was the great desideratum in our Army, and who finally succeeded in bringing Congress to agree with them.

However convenient and cheap it may be in time of peace to have the business of the Commissary and Quartermaster's Departments conducted by one corps, yet the War Department would learn as soon as war is upon us that there must be one head to consult with as to provisioning armies perhaps scattered from the Atlantic to the Pacific and from Canada to the Gulf, and that this head must have the control of subordinates who will carry out his orders. The War Department will also find that this head and his subordinates will have quite as much as they can do if they do their duty, and that they cannot be interfered with by other duties.

The duties of the two corps in time of war are as distinct as the duties of Ordnance and Engineers, and there are as good reasons for consolidating those two corps as they are for consolidating the Commissary and Quartermaster's Departments.

* * * * * * *

W. B. FRANKLIN.

General WM. W. BURNS,
Commissary of Subsistence, United States Army,
New York City, New York.

Now, sir, the chairman of the Committee on Military Affairs, in his speech the other day, described sergeants and corporals as if no part of the effective force of the Army. Now I always supposed that they had their place in the line of battle. Is that not true? The gentleman has commanded a battalion. Are they not part of the line of battle?

Mr. BANNING. They have their place.

Mr. HURLBUT. They carry muskets, do they not?

Mr. BANNING. Generally.

Mr. HURLBUT. And they use them, too?

Mr. BANNING. Yes.

Mr. HURLBUT. They are a part of the effective force of the Army?

Mr. BANNING. Yes.

Mr. HURLBUT. Yet in order to make up that wonderful statement the gentleman included, in contrasting the small number of privates with the number of officers, in the latter class non-commissioned officers, wagoners, artificers, and musicians, although I never heard before that that class had anything to do with the command of the Army.

Mr. BANNING. I stated that the number of men in the Army was 16,665, and that there were 8,345 commissioned officers, non-commissioned officers, wagoners, artificers, and musicians.

Mr. HURLBUT. Let us see. I had it marked here, but my copy of the gentleman's speech has been mislaid. I understood him very plainly to say that there were about sixteen thousand private soldiers, who were officered and commanded by about ten thousand officers, non-commissioned officers, wagon-masters, musicians, &c. Is that so?

Mr. BANNING. I will read it to the gentleman, if he will allow me; it is interesting and entertaining.

Mr. HURLBUT. Do so, if you please.

Mr. BANNING. What I stated was this:

The maximum numerical strength of our Army is fixed by law at 25,000 men. These 25,000 men are organized into 25 regiments of infantry, 10 regiments of cavalry, 5 regiments of artillery, and Indian scouts. These organizations are divided into commissioned and non-commissioned officers, musicians, farriers, blacksmiths, artificers, saddlers, wagoners, company clerks, and private soldiers. Sixteen thousand six hundred and sixty-five are private soldiers, and 8,345 non-commissioned officers, wagoners, artificers, and musicians. Add to these last 2,168 commissioned officers on the active list and 300 officers on the retired list, making in all 10,802, and we have our Army organization of 16,665 private soldiers, commanded, marshaled, and managed by 10,803 commissioned and non-commissioned officers, artificers, musicians, and wagoners.

Mr. HURLBUT. Just so; that is what I supposed.

Mr. BANNING. That is the statement of the Adjutant-General.

Mr. HURLBUT. The gentleman states that there is one commander for every one and a half private soldiers.

Mr. BANNING. For every one and a third.

Mr. HURLBUT. And in order to make good the statement, he puts in as officers commanding and managing the Army the sergeants, corporals, wagon-masters, &c. Now, everybody that stands in line of battle is a soldier, is a part of the effective strength of the Army, and everybody above that is an officer. In my experience, wagon-masters are generally kept pretty well to the rear and do not manage the Army. The musicians are generally detailed for the purpose of doing little charitable services in the way of picking up the dead and wounded and sick. Therefore the statement of the gentleman is a little extravagant, to say the least of it.

The idea which the gentleman attempted to impress upon this House was that the Army was overofficered to the extent that we had idle officers and to spare. Now that is not so. There are to-day in the War Department twenty applications for officers to be detailed as instructors in tactics in colleges and they cannot be had, they are not to be spared.

There is no doubt that the system of our Army, ever since its reorganization by Mr. Poinsett and under General Cass afterward, undoubtedly provided for a larger number of both line and staff officers; and in order to make these line officers effective, additional regiments were made, skeleton regiments, if you choose; I regret that they are skeleton, but such is the case. The officers, however, every one of them, are in demand.

Now what is the object of striking out two regiments of cavalry? Our friends from Texas come to us with complaints that all along the Rio Grande for years there has been a system of incursions over into that country from Mexico, a system of wholesale robbery, of force, of arson, and of murder; and they have asked of the United States not only that we shall defend that territory, but that we shall authorize the power of this country to pursue these maranders into friendly territory, friendly but incapable of protecting either itself or us; and I hope the House will do it. The cavalry regiments never should be reduced in number, and should be carried up to their full strength wherever their services are required.

Again, we have a disproportioned force of artillery. Everybody knows that. We have sixty batteries of artillery of six guns each, if they were in the field service, to an army of 25,000 men. In the last years of the war the ratio established on either side was one gun to a thousand men in active service. The artillery is disproportioned, and if it is necessary to cut down the Army in the interest of a real or even a mistaken economy, the reduction should be made by striking off some of the regiments of artillery, and not by reducing the effective fighting force which controls the frontier and defends and protects our pioneers in the West. What is the proposition here made? When everybody admits, or rather when it is claimed, that one of the evils of our Army is the having too many separate organizations, the proposition is to make the artillery force of the United States a separate corps by itself, to break up its regimental organization and to put it all under the control of a brigadier-general as chief of artillery.

Now, in time of peace most of our artillery is in garrison in our fortresses along our sea-coast; it is not in what any one would term active service. In time of peace it is very rarely that a flying battery of artillery takes the field anywhere except in the form of infantry. What possible reason, then, can there be for creating this new organization? What possible reason is there for breaking up the old historic regiments of artillery?

Do not gentlemen know that the sentiment of honor, the love of reputation, the record of gallant services, are the life-spring of the Army, and that you strike straight at the life of an army when you strike down the organization and existence of those regiments which have won, by gallant services, a reputation long ago on the fields of Mexico, in the war of 1812, and in the last war, whose names and banners are historic? Strike them down, and you strike down in that service the sentiment of honor, and it can be for no purpose under the sun except to create an additional rank for some one who expects to be made either senior colonel or brigadier-general commanding the corps of artillery.

Time does not permit me to go through the whole merits of the bill. It embraces many things which I approve; not that I think by any means that the bill was ever fairly considered in the Committee on Military Affairs. That committee has an immense tenderness for

its chairman; and it acted about this bill very much as it is stated that a delicate young lady once did when pursued by a rough fellow; she married him to get rid of him! That is about the substance of it. I doubt if there are any half dozen connected propositions in the bill. I think that it is a sort of gathering from a rag-bag—a weaving together of different propositions without any special connection. I propose to prove to my distinguished chairman by a little dissection of the bill itself that there is not any system in it, or if there is, it is a very bad one.

For example, I find that in the first section of the bill, in the sixteenth, seventeenth, and eighteenth lines, it is provided that—

Any officer of the discontinued regiments not liable to be brought before the board authorized by section 15 of this act may, on his own application, be honorably discharged with one year's pay for each and every term of eight years' service.

Under that provision a man whose record is fair and who is consolidated out of the service by reason of the reduction of these regiments is to receive one year's pay for every eight years' service. Now, sir, in the ninth section, where provision is made for the reduction of the Bureau of Military Justice, it is provided that—

Any officer of the Bureau, inclusive of the judge-advocates, may, on his own application, be honorably discharged from the service, with one year's pay proper for each and every term of five years' service, and travel expenses to his home.

Let the chairman of the committee tell me why an officer who has served upon the frontier honorably for the last fifteen years, who has grown gray in chasing Indians, when he is discharged on account of no fault of his, but by reason of this consolidation, is to receive one year's pay for every eight years of active service, while these gentlemen who have sat here in their comfortable quarters in Washington, revising the judgments of military courts, are when mustered out to receive one year's pay after each and every term of five years' service.

But this is not all. The bill contains a provision under which the General of the Army is authorized to constitute a board to get rid of officers who are not fit to be in the service; yet when an officer is ordered out of service by that board it is provided—

In cases where the disability has not resulted from the imprudence of the officer through intemperance or other injurious cause, he shall receive as follows: One year's pay, if he shall have served five years and less than ten; two years' pay, if he shall have served ten years and less than fifteen; and three years' pay, if he shall have served fifteen years.

Now evidently there has been no unity of consideration in the matter of this bill; otherwise so gross an injustice as this would manifestly be to officers in the service could not by any means have been proposed.

I now beg to call attention to the curious state in which this bill leaves the Pay Department. The proposition of the bill when it is carried into effect is that the Pay Department shall consist only of thirty majors; that is the final resolution of the question under this bill. Yet to a corps of thirty majors there is assigned a brigadier-general. There is no gap between to be filled, no colonels, no lieutenant-colonels; but the spring is direct from this little corps of thirty majors up to a brigadier-general. I am bound to say that, though I have seen a good many small commands for a brigadier-general, this is the smallest one I ever knew devised by Congress.

Now I say here that the rank of our staff officers, our heads of staff, is, in my judgment, altogether too high in proportion to the Army that they are connected with; but to make a paymaster-general with the rank of brigadier-general, commanding a squad of thirty majors, is one of the most startling indications in the way of economy that has ever been known. Besides, sir, every man who will look at the condition of our country, at the extent of territory which we cover, at the scattering nature of our military posts and their difficulty of access, must see that it is utterly impossible for any thirty majors to pay this Army of ours every two months, as the law directs.

There is one thing further, and only one, to which I propose to call the attention of the House. In section 29, the last section of the bill, it is provided—

That sections 1113 and 1218 of the Revised Statutes, and all other acts or parts of acts inconsistent with this act, be, and the same are hereby, repealed.

Mr. GARFIELD. Now read those sections; let the House know what they are.

Mr. HURLBUT. Section 1218, which this bill proposes to repeal, is as follows:

No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

[Here the hammer fell.]

Mr. BANNING. I hope the gentleman's time will be extended without taking it out of my time, particularly as I wish to hear the gentleman on this subject, and wish to call his attention to the fact that this House has already passed a bill exactly similar to the provision upon which he is now commenting.

Mr. HURLBUT. I am aware of that; and I have not a shadow of doubt (if I am permitted to speak of what occurred in committee) that this clause was inserted in this bill because a similar act had been passed by this House.

The SPEAKER *pro tempore*. If there be no objection the gentleman's time will be regarded as extended.

There was no objection.

Mr. HURLBUT. But here the proposition comes in a stronger, more emphatic, and more direct form; and as I remember the bill on this subject already passed by this House it went through perhaps without examination, and I think without debate.

I simply call the attention of the House, as I have the right to do, to the fact if this becomes a law it will distinctly repeal that section. Therefore let us decide whether it be wise or not. I do not say, sir, that policy has anything to do with the passage of this bill, but I do say it has been charged that the object of the reduction of the Army and throwing out the officers now there is to create an opportunity in the hereafter to bring the Army back again to its standard and provide places to be filled in certain contingencies by gentlemen whose disabilities are removed under this law.

I do not propose now to say anything in regard to the clause relating to colored troops. I think that is misunderstood by the gentleman who preceded me in this debate. I do not understand that it was the intention of this committee or of the majority of it—and I am bound to render them justice—to do anything more than to remove a distinction which improperly and unwisely has survived to us from the time when these colored troops were originally raised. The colored regiments were originally raised before the adoption of the amendment which has made them citizens of the United States, and it was intended, as I suppose, by this bill simply to remove the question of compulsory organization into any separate regiments and leave them like other citizens of the United States, free to go wheresoever they please.

It is proper, however, I should state in simple justice to these men that, from the best information I have, no slur ought by any one to be thrown upon the manner in which they have performed their duty. Yet their officers tell me it is growing day by day more and more difficult to procure proper recruits from the colored people of this country to fill up these regiments which are specially colored, and I speak by authority when I say that there does not exist in those garrisons where white and colored troops meet any question of color or race. I have been told by the General of the Army and the Lieutenant-General commanding the Army that white soldiers in going out on guard turn out as freely, cheerfully, and obediently under a colored sergeant as the colored troops under a white sergeant, and that on the frontier in the presence of common danger all these prejudices disappear.

There are other points I should like to speak of in this bill, but I fall back to what I believe to be the true course for us to take in this matter. In the first place I say for myself what I have no doubt every other member of the committee will say—I say for myself I do not possess the proper data upon which I can judiciously undertake to re-organize the Army of the United States. As I say that for myself, I further say I do not believe the committee or this House has it. I therefore have suggested the amendment, which is now pending before the House, that this whole question of the re-organization of our Army in its staff and in its line shall be taken out of the domain of possible hostilities, possible rivalries of different men, possible partisan policies, and removed to the consideration of a commission, to be appointed by the President, of officers of high rank and full knowledge. I believe that to be the right thing to do, and I am more confident of that because I find these most wise words in the answer of General Hancock to our committee, to which, as having far more weight, being far more valuable than any words of mine, I do beg the considerate attention of the House:

Question 1. What reduction, if any, can be made in pay and allowances of officers of the Army, without detriment to the efficiency of the service?

Answer. In answering the first question I think I may assume it as an undoubted truth that one of the things which most contribute to the efficiency of military organization is the permanency of the officer's tenure of office. It is a truth well recognized by the legislation of this country, which admits of no forced loss of commission, except by action of Congress in discontinuing the office, by sentence of court-martial, or by the independent action of the President in the single case of desertion. The existence of the Military Academy, by which we undertake to educate young men for the profession of arms, is a further admission of that truth. And, while this is the theory upon which the Government proceeds, it is also the understanding with which the officer enters the service. It is, indeed, this consideration which induces him to abandon all other prospects and local ties, and to devote himself to the military profession alone. It is this consideration which reconciles him to the relinquishment of all ambitions outside of his profession, which teaches him to look within it for the satisfaction of every aspiration. Cut off from all share in other pursuits, his interests are necessarily thus circumscribed.

He has entered into a contract for life; and with what does he part? By virtue of the contract, every moment of his time, from its commencement to its end, is at the disposal of his employer, the Government. During his entire existence this employer exacts an absolute monopoly of his time, his talent, and his industry; and requires, at a moment's notice, the exposure of his life in pestilence and in war; and, with our Gulf stations and savage foes, both pestilence and war are nearly always prevailing. The particular services required of him, whether in peace or in war, are totally independent of his pecuniary interests, his comforts, or his wishes. No matter how great the personal and pecuniary sacrifices, he must go instantly when and whithersoever he may be ordered.

From the foundation of the Government to the present day, there has never been a time when the *personnel* of the Army did not, by its record of dead, wounded, and diseased, furnish abundant proof of the rigidness with which the Government exacts the heaviest sacrifices from its Army officers. In time of war we do not hear any mention of the excessiveness of the officers' pay; yet there is no reason for making any distinction in this respect between times of war and peace. Practically speaking, it costs the officer as much to live at one time as the other. Moreover, he is still under the same life-long contract; still liable to be, and in point of fact frequently is, ordered from station to station; still precluded from adding to his income by other occupation, and, if his pay seems large for his services in peace, it should be remembered that it is not increased for his more dangerous and arduous services in war, and is small enough when applied, as it must be in a fair consideration of the subject, to the average of his peace and war services in a whole lifetime. It should be borne in mind, too, that in the Army there is no increase of pay for the many extra duties and the great increase over their ordinary work and responsibility which, from time to time, fall to all officers in peace as well as in war.

Now, Mr. Speaker, those are the utterances of a man himself the embodiment of that high military honor, and they are words of wonderful weight. They overbalance the slender considerations of temporary policy or temporary economy; and you cannot strike at that great principle either by serious reduction of officers here or leaving them at the mercy of Congress from year to year, disbanding and breaking up the organization to which they belong, and casting them adrift on the country, without periling that greatest and best of virtues of the soldier: self-sacrifice and personal honor.

One word more, sir, and I have done; and I add this in order to correct an impression which perhaps was not intended by the chairman of the committee, but which is evidently derived from his words. I do it because I have heard others speak of the impression which they derived from one of the last sentences in his remarks. In his speech on Saturday last, in speaking of the abuses in the Army, or rather not in the Army, but in the administrative service that controls the Army, it pleased the gentleman from Ohio unnecessarily, I think, to allude to certain transactions which took place when one now on trial at the other end of the Capitol was Secretary of War. Now, sir, I am not here to defend any man who violates either the law or any of the principles of integrity and of honor, nor, sir, will I trample upon a man who is down, and I wait in that case, as in all others, until there shall have been a fair trial and a fair judgment shall have been rendered. What is the inference to be derived from this clause in the gentleman's speech?

The officer who dared protest against the extravagant prices charged by the sutler and post-trader, whose profits were made enormous from the necessity they were under of dividing with high Government officials, ordered to the most distant frontier post.

Every man who heard that expression and every man who read that speech knew that a very distinguished and honorable officer, General William B. Hazen, was pointed at, as he had been pointed at by public rumor, as an officer who had suffered at the hands of the late Secretary of War for doing his plain duty. I am glad to find in the Army and Navy Journal of the 20th May, 1876, which I hold in my hand, a letter of Major-General William B. Hazen, addressed to the editor, effectually setting that thing to rest. I knew from information derived from other quarters that in the regular course of the transfer of troops the regiment which has the honor of being commanded by that officer was removed up to a northern post. I knew that the public press of this country, always ready to make use of something sensational, had charged that that removal was done by the express act of the late Secretary of War, and as a punishment; and I regret that my friend from Ohio should have given any further currency to this charge. The letter is as follows:

CINCINNATI, OHIO, *May* 14, 1876.

MY DEAR COLONEL CHURCH: In your issue of yesterday, you say, "We saw considerable of General Hazen while he was in New York, and certainly never heard him hint at any such cause (meaning my action taken four years ago respecting post traders) for being ordered to Dakota." Neither you nor any other person ever heard me say so, but many persons have heard me contradict the rumor, which has given me great annoyance, and my excuse for continuing this matter in print must be that it has already been brought there in a manner requiring my notice.

The order came almost immediately after I had testified before the Military Committee, and under circumstances of peculiar hardship, before I was fairly settled at the post I was then at, and when I was exceedingly ill from an old wound which rendered me unfit to travel for two months and for duty for more than a year. This, with the sad domestic affliction resulting from the journey incident to the order, naturally enough connected the two, my testimony and the order, in the minds of many, as cause and effect. Their belief seemed confirmed by unguarded expressions of the Secretary, and those supposed to reflect his views, as to the length of service I might expect there, as well as by the fact that, although stationed for four years in the midst of the Indian country, where active expeditions were frequently sent out, of which my own regiment formed a part, I have been invariably kept at my post, while sometimes a majority of my regiment has gone to make up the command of an officer junior to me in rank. These appearances have not only attracted the notice and comment of my personal friends, but of a large portion of the Army. I state again that the rumor never came from me, but on all proper occasions I have contradicted it, until recently I have paid no attention whatever to it.

I have known from the first that the order did not emanate from the War Department, and have believed and always said that, in making the selection, direct reference was had to military reasons.

W. B. HAZEN.

I have thus briefly attempted, Mr. Speaker, to perform what I believed to be my duty to the Army and to the country, and I leave the choice between the amendment I have offered and the bill to the consideration of the House. I will close by calling attention to the following list of negative answers to the question

"WOULD IT NOT BE PRACTICABLE TO CONSOLIDATE THE QUARTERMASTER'S, COMMISSARY, AND PAY DEPARTMENTS INTO ONE CORPS?"

General SHERIDAN. Of course they can be consolidated; but I doubt whether you will get as good a result as you have now. I do not believe in tearing things down, especially when they have done well. They have certainly done well as they are, and I do not know that any great saving is to be made by consolidation. I am not prepared to recommend anything of the kind.

General HANCOCK. It would be *practicable* to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps, but the operation would be difficult and attended with no great advantage or economy. * * * The present organization of those Departments answered their purposes admirably during the late war, as they had done in peace before the war.

General TERRY. I think that to consolidate the Quartermaster's, Subsistence, and Pay Departments into one corps would be to disregard a principle which underlies all modern progress: The principle that the best results are obtained by the division of labor; that the best work is done by specialists; a principle that is of quite as much importance in military organizations as in civil life. The Quartermaster's Department is already loaded down by the multiplicity of subjects over which it has control; to add to its duties would, I think, impair its efficacy.

General ORD. It would be practicable. In time of peace we might get along, for the same officer frequently does quartermaster and commissary duties now, but if we keep the Army on a basis ready for war, and the staff on the basis to serve for the purpose for a large army of from one to two hundred thousand troops, I think the present system is as good a one as we can have. I know no better. It has stood the test of experience very well.

General AUGUR. Practicable, undoubtedly, but in my opinion, not advisable; experience has shown that our staff organization is efficient for field service on the largest scale. It should be preserved, but reduced, or extended to meet the requirements of the service.

Colonel GROVER. I do not think it would be advisable to consolidate the Quartermaster's, Subsistence, and Pay Departments in one.

Colonel GETTY. It would be practicable; but to consolidate the three corps into one would not, in my opinion, be for the best interests of the service.

Colonel H. J. HUNT. Practicable, but perhaps not advisable.

Colonel FLINT. I think not, having a due regard for the true interests of the service.

Colonel GIBBON. I do not think that consolidation of these Departments would add to their efficiency or to the best interests of the service. It is, of course, practicable, but by no means advisable.

Colonel KING. I think not.

Colonel CLITZ. I think not. These Departments as organized have worked admirably and satisfactorily through two long wars, and I do not think any change would be for the better or would save expense.

Colonel WILLCOX. I do not think it would be practicable to consolidate the Quartermaster's, Commissary, and Pay Departments. It would require a chief of staff at the head of the whole whose importance might interfere with that of the Secretary of War, in whom the control is practically centered already; in which case there would result either a divided responsibility, for one thing, or the chief of the supply department would become a cipher. Besides, although the present staff system has some defects, yet it has proved to be a great improvement on the consolidated system in vogue during and previous to the war of 1812.

Colonel CRITTENDEN. After witnessing the extraordinary ability and efficiency of the Quartermaster's and Subsistence Departments during the Mexican war and the late war, and considering their present efficiency, I think any change would be detrimental to the service.

Colonel SYKES. It would not. Division of labor, if performed by faithful and competent officers, their number not in excess of the present wants of the service, is advantageous in every respect.

Colonel SULLY. I think in time of peace, with additional clerks, one officer could in many cases attend to all three of these duties, but in case of war I do not think it would work well.

Colonel ANDREWS. The result of a consolidation will be very apt to be the same thing under a new name. The Subsistence Department gives general satisfaction. In regard to the Quartermaster's Department, it is a difficult subject to handle.

Lieutenant-Colonel DODGE. I think it would be a very great mistake to consolidate the Quartermaster's, Commissary, and Pay Departments. The duties of these three Departments are very dissimilar, and one officer cannot possibly attend to the details of all.

General TOWNSEND. I decidedly think it would be impracticable to consolidate any of the staff departments. In 1837–'38 the present staff system was established, and in two great wars which have occurred since the manner in which our armies have been clothed, transported, and fed, paid, and provided with medical attendance has attracted the admiration of the military world.

Major VINCENT. It would not be practicable to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps. * * * *Consolidation* marked the *embryo* of our *supply* system; but war and peace experience developed the defects of consolidation and pointed clearly to the necessity of *division*.

Major BRECK. The consolidation of the three Departments, Pay, Subsistence, and Quartermaster's, is not believed to be wise practically, whatever may be the theoretical grounds in its favor. * * * The present organization certainly produced wonderful results during the war, and it is hard to conceive a more severe test of its merits.

Major PELOUZE. It would be an experiment, in my opinion, not worth the trial. It seems to me that the present division of duties would have to be kept up, and the present chiefs of these departments have now as much as they can attend to. To consolidate these departments, an officer would have to supervise the duties now required of the three Departments, and the result would be to remove these Departments one step further from access to the Secretary of War.

Colonel MARCY. For the reason that each of the Departments named in question 8 has all the work it can efficiently perform now, and as the chiefs of those Departments have abundant occupation in properly administering the affairs of their separate Departments, I think the consolidation indicated would diminish their efficiency and add to the expense the pay and allowances of another officer of high rank, who could know but little about the numerous details of every Department.

Colonel METER. The consolidation would be an experiment. The Commissary, Quartermaster's, and Pay Departments successfully discharged their duties, which were very extensive, during the late war under their present organization.

Colonel ALLEN. I answer most emphatically, no. The quartermasters have always been overburdened with work, and consolidation is only a change of form. No saving would be effected.

Colonel RUCKER. I do not consider such a consolidation practicable in the interest of the service; but, on the contrary, I am satisfied that it would be injurious. These Departments are much more efficient as they now are.

Colonel VAN VLIET. It is easy to tear down, but very difficult to rebuild. The present organization of the staff corps is the work of years of experience and labor. That it is a good one and has worked admirably, it is only necessary to refer to the late war. When large armies were suddenly called into the field the staff corps supplied their wants promptly and efficiently; while almost everything else was changed during the war, the organization of the staff remained the same. They were expanded, but never changed. It is a well-known fact that the best results are only obtained in almost all departments of life by division of labor.

General MACFEELY. It would not, without impairing the efficiency of each Department. The experience of the last fifty years and the late war proved that each Department, as now organized, had as much as it could do to perform its appropriate and legitimate duties, and the manner in which these duties were performed and the immense armies supplied proved the efficiency and wisdom of the separate organizations. Any consolidation that might be made would result in a division of duties practically, as under separate organizations, and would not be advantageous or economical.

General BARNES. The experience of the war would appear to have proven the impracticability of such consolidation.

Colonel TOWER. The impression of my early service in the Army still remains with me, that the Commissary and Pay Departments are models of economical administration, and I do not think that anything would be gained by uniting them with the Quartermaster's Department, already overburdened with its various duties and responsibilities.

Major WEITZEL. I do not think that any corps should be consolidated. It will prove poor economy when the Army is needed. It cost our Government over two billion dollars to get good officers, staff and line, during the first two years of the war.

General BENÉT. Without reference to the doctrine of specialties, which is so well established, especially in the execution of labor of any extent, it is sufficient to say that the experience of the war found no fault in the organization of the

Army in its general features. All army organization is for war purposes, and while a consolidation of these three Departments might possibly be an economical measure in time of peace—of which I cannot judge—it might be at the expense of efficiency, and, in the event of war, might lead to ultimate disaster. Our whole staff organization is intended for expansion in time of war, and this consolidation would not unlikely end in an unwieldy Department, with possibly not even economy to recommend it.

Lieutenant-Colonel ROGER JONES. * * * The present system is not the growth of a day, or of a year, but the result of an experience of over half a century, and has been thoroughly tested in domestic and foreign wars.

Mr. BANNING resumed the floor.

Mr. MACDOUGALL. Will the gentleman from Ohio yield to me for an amendment?

Mr. BANNING. What is the gentleman's amendment?

Mr. MACDOUGALL. I will send it to the desk to be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert——

Mr. BANNING. I cannot yield for that. I am sorry that the gentleman from New York, [Mr. MACDOUGALL,] my colleague on the committee, did not think of that at a somewhat earlier stage in the history of this bill. This bill has been considered in the committee and in the House from an early period of the session, and we have had no proposition to make an adverse report on it until to-day we find the gentleman from New York making the proposition that he has just sent to the desk and my friend from Illinois making the speech he has just made against the bill. In the interest of legislation, in order that we may legislate well and wisely, I wish they had presented, as I think it was their duty to have done, their amendments at an earlier day, so that they might have had some consideration in the Committee on Military Affairs, of which they are members.

For one, Mr. Speaker, I am unable to see in this bill anything but that which demands of men on both sides of the House fair and full consideration, in order that the Army may be re-organized as it should be, in order that it may be efficient, in order that the companies may be strengthened, in order that the regiments may be strengthened, in order that the shame and the disgrace that have been brought upon the Army by its late administration may be blotted out. When the gentleman from Illinois tells us that this measure is an attack made upon the Army by men for political purposes, I must disagree with him. But when I find the gentleman standing in his place and objecting to this bill, which prevents any promotion in the Army hereafter except from the line of the Army, and will not permit any man who has served in the confederate army to get any position except that of second lieutenant, and not that until he has served his time as a private in the Army and then as a non-commissioned officer, and when I know that this House has already stricken from the statutes that law which forbids these men from again serving in the Army, the Military Committee having unanimously so reported, and that no member of that committee made any objection to it before, I cannot but see in him a gentleman who is trying to get up a political feeling to defeat this bill.

The gentleman says he is in favor of a strong Army. He thinks the Army should number 35,000. Now, sir, that is very different from the teachings of the fathers. It was Washington who warned us against the dangers of a large military force, and it was Jefferson who, in 1802, when times were somewhat similar to the present, wrote this to Kosciusko, in answer to that old general, who wanted some young officers appointed in the Army. He says:

I wish it had been in my power to give you a more favorable answer; but, next to the fulfilling your wishes, the most grateful thing I can do is to give a faithful answer. The session of the First Congress convened since republicanism has recovered its ascendency is now drawing to a close. They will pretty completely fulfill all the desires of the people.

This letter was written in 1802. Let us hope that we may fulfill the desire of the people in like manner. Let us see how the Congress of 1802 fulfilled the desires of the people. Jefferson continues:

They have reduced the Army and Navy to what is barely necessary. They are disarming executive patronage and preponderance by putting down one-half the offices of the United States, which are no longer necessary.

Now, Mr. Speaker, unlike the teaching of Jefferson, we have the gentleman from Illinois and others upon this floor resisting every reduction of Army expenditures, and every feature of this bill which makes the Army more efficient and useful.

And now, sir, if the spirits of those great and good men (Washington and Jefferson) will forgive the association, I wish to read a resolution from the platform of the republican convention of the State of Ohio on this subject:

Resolved, That we cordially approve the determination of Congress to retrench the expenses of the Government, and that we urge upon the national Legislature the necessity of the strictest economy and the *reduction of the Army and Navy*.

Mr. LAWRENCE. What is the date of that?

Mr. BANNING. That was in 1869. Now, Mr. Speaker, I will show the gentleman how the expenses of the Army have been reduced. The Forty-third Congress reduced the Army by mustering out five thousand men who carried guns and knapsacks; reduced it from thirty thousand to twenty-five thousand men and retained all the officers; leaving so small a company and regimental organization of men as to make some of the companies less than a corporal's guard.

Now, sir, let us examine how this reduction reduced expenditures. An examination shows the amount paid the Army for the fiscal year 1872 to have been $10,683,181.60; in 1873, $11,188,181.60, an increase of more than half a million; in 1874, $11,797,810.78, an increase again of over half a million; in 1875, $12,171,130.92, another increase of nearly half a million. This year a greater increase is asked for, namely, $12,840,288—showing that under this administration an Army which was reduced five thousand men by the Forty-third Congress has increased in disbursements in pay to officers and men since 1872 more than $2,000,000, while the estimates for the military establishment by the War Department for next year are $33,696,178.50, being more than five millions of an increase over the appropriations of last year, with a deficiency of $500,000 for this Congress to make up for last year.

This, Mr. Speaker, has been the management of our military establishment: a reduction of men, an increase of officers, and more than two millions of increase in amount paid the officers and men.

Mr. Speaker, the gentleman from Illinois was surprised at my statement of the number of non-commissioned officers and officers in our Army. While that is exactly correct, being taken from the Adjutant-General's report, I wish now to call the attention of the House to the pay of the commissioned officers of the Army as compared with the non-commissioned officers and enlisted men. The pay proper, service pay, and retired pay of the commissioned officers for 1875 was $5,139,857.22; the pay proper of the enlisted men was $5,049,609.89; showing that we pay our commissioned officers more money than all the non-commissioned officers and men of the army. This only proves that either the men are not paid enough, the officers too much, or that we have too many officers.

Mr. Speaker, the bill reduces the cavalry regiments from ten to eight and the infantry from twenty-five to twenty, consolidating the companies and regiments, giving strength to our skeleton organizations, making them useful and efficient.

Upon this subject General Sheridan says:

If you increase the size of the companies you diminish the expense. One great item of expense at present arises from the fact that the companies are so small as to be non-effective. In order to get an effective body of men for any purpose, it is necessary to take three or four companies from different places. That kind of management is, of course, expensive; and that is what we are obliged to resort to at present.

The gentleman from Illinois argues against the passage of this bill because it makes a brigadier-general in the artillery corps, and complains of the unnecessary increase of officers and expenses. He failed, however, to state that the same section does away with twenty-five officers of artillery. His only argument in favor of the present organization of artillery was that it is historic. Then, Mr. Speaker, let it live in history, and not as a regimental organization, an expensive, useless, and unnecessary ornament. And the gentleman complains because the bill makes the Paymaster-General a brigadier-general.

Mr. Speaker, the Senate has already passed a bill making the Paymaster a brigadier-general. The Military Committee of this House have approved this bill, and the gentleman from New York [Mr. MACDOUGALL] who seeks to strike out the enacting clause of this bill has been seeking the floor to put the bill upon its passage for the last week. The first objection I have heard from my colleague on the committee to this measure I heard upon this floor to-day. The same clause of the bill which makes the Paymaster-General a brigadier-general reduces the number from fifty-five to thirty-five, being a reduction of twenty majors. The gentleman says thirty-five paymasters cannot pay the Army. Forty paymasters paid an army of 30,000 men; cannot thirty-five paymasters pay an army of less than 25,000? The gentleman from Illinois ridicules the idea of a brigadier-general in command of thirty-five paymasters. I ask him, has our Adjutant-General a larger command, or the Judge-Advocate-General either? Sir, the bill does away with two brigadier-generals; one in the commissary and quartermaster's department and the Judge-Advocate-General.

Mr. Speaker, the gentleman from Illinois [Mr. HURLBURT] asks the House to adopt a substitute for this bill, authorizing the President to appoint a commission of Army officers to re-organize the Army. This is an admission from him that a re-organization is necessary. Mr. Speaker, this re-organization should have been made long ago, both for the efficiency of the Army and in the interest of economy.

Sir, have we a right to expect any change for the better from the Executive? Did he in his message to Congress call attention to any of the Army abuses known to exist? What would be the result of a board of Army officers to re-organize the Army? Is there not every reason to believe it would be a failure?

What have we here? Your committee, which the gentleman was pleased to say generally did what its chairman wanted, and I regret to say that the chairman is much disappointed that these different opinions were not presented in the committee—your committee have here in two hundred and thirty-four prepared pages the testimony of every general officer, of the colonels, of all the leading officers of the Army. On this testimony they have framed this bill, every section of which I believe to be right.

I trust that no man will permit the political appeals of the gentleman to affect him. Those appeals ought not to have been brought into this discussion, particularly the appeal that you are going to let the confederate soldier enter the Army. How does he get there? He can come upon this floor if elected. The colored man can go into the Army the same as the white man under this bill, and the gentleman is satisfied with that. But he stands back in holy horror when you say

that the young man, mistaken in his ideas of the right, who carried a musket in the confederate army and who afterward entered our Army and served faithfully, and was promoted to be a corporal or a sergeant, who, recommended for promotion, may, if he can pass the examination required by the bill, be made a commissioned officer.

I am thankful that this House has been brave and manly enough, true enough to itself and the people we represent, to wipe from the statute-book more than three weeks ago that statute which would not permit these non-commissioned officers to receive promotion. Let me tell the gentleman from Illinois [Mr. HURLBUT] in whose behalf that bill repealing this law was passed. It was in behalf of a young boy who went from this city in his sixteenth year and entered the confederate army just as the war was closing, and served in it about four months. After the war was over, as he had no other means of obtaining a livelihood, he enlisted in our Army and served there faithfully until he was made first a corporal and then a sergeant, and was then recommended by his officers for promotion to a second lieutenancy because he was capable and qualified. When the young man came to the Department and asked for the promotion, although the Secretary of War and the President wanted to give it to him, there was a statute in the way; he could not get it; it was refused him. He went back to his gun and his knapsack again. His case was presented to our committee by an Army officer. A bill was prepared repealing the law, and unanimously agreed to in the committee. General WILLIAMS reported the bill to this House, and it was passed without a dissenting voice.

Mr. Speaker, can it be that the spirit of hatred to the confederacy and the South has so imbedded itself into the hearts of men they will never forgive and forget the past? That they cannot even forgive the young men of the South who have come back and enlisted in our Army, and by faithful service proven their devotion to our flag. Shall they forever carry the knapsack and the gun and be refused a promotion to a lieutenancy, for which they are qualified and recommended? Sir, I regret that the gentleman from Illinois [Mr. HURLBUT] brought this matter into this discussion.

I know the people of the North will approve the repeal. I know that if the great heart of the northern people could answer, it would be with one accord, "Wipe out that statute and give the boy a chance." I know that when men speak as my friend speaks on this floor they speak not what the northern people believe and think; they speak not what their constituents would have them say.

This bill proposes to re-organize and consolidate the Quartermaster's and Commissary Departments. My friend from Illinois, who seeks in every way to defeat this bill, who appeals to that side to vote against the bill because the confederate soldier may be promoted to a lieutenancy in our Army, says that General Hancock has said that this consolidation ought not to be made. He blows hot on them and cold for you, or rather cold for them and hot for you. He says that General Hancock is opposed to this consolidation. I say that he is not. Let me read what General Hancock says. The question was asked him, "Would it not be practicable to consolidate the Quartermaster, Commissary, and Pay Departments into one corps?" The proposition was to consolidate all three of those staff departments. The answer was—

It would be "*practicable*" to consolidate the Quartermaster's, Commissary, and Pay Departments into one corps, but the operation would be difficult and attended with no great advantage or economy.

That is what he said in regard to consolidating the three corps. But what does he say further?

It would, therefore, in my opinion, be unwise to make such a change, unless we can be assured that the consolidation had been tried and had given greater satisfaction in other services, as shown by experience in recent great wars; and of this I am not advised.

Then we have General McDowell, who says that he has visited the English army, where all three of these departments are consolidated together, and that the consolidation there has been attended with great success. Therefore Hancock is in favor of consolidation. He says it is practicable, but that he would not like to recommend it unless it had been tried and found satisfactory. And McDowell, one of the ablest, the most accomplished and efficient officers of the Army, who has studied the interest and welfare of our Army, visited the English army, where this proposed system is carried out, and he testifies that it has been attended with the greatest success. Then as the consolidation has been tried and proved successful in other services, General Hancock must, according to his answer, be in favor of this consolidation.

Now, Mr. Speaker, the gentleman asks why we propose that certain officers who are mustered out by this consolidation shall receive one year's pay for every eight years' service, while others who are found disabled will receive one year's pay for every five years' service. If the gentleman had heard the arguments presented, when the bill was considered, upon this subject he would have heard this answer to his questions: That many good officers under the consolidation will go on to the supernumerary list, and that the service would lose less of the officers if the year's pay was given for eight years' service in place of five. As to the men who have been disabled in the service, a year's pay for each five years' service is not too much for them. If the gentleman had studied the bill, as other members of the committee have, he would have found this one of the best, most generous, and just provisions of the bill.

[Here the hammer fell.]

Mr. BANNING. I wish to say one word further, if I may be permitted.

Mr. HURLBUT. I hope the gentleman will be allowed at all events as much additional time as I had.

The SPEAKER *pro tempore*. If there be no objection the gentleman will proceed.

Mr. BANNING. I wish to say only one word more, and that is in regard to the colored troops. I said in the beginning I preferred to keep all partisanship out of this discussion, and I will not now be driven to it by the gentleman. The doing away with the law in question wipes out from our statute a provision which is an insult to every colored man in the land. That provision established for the colored soldiers a separate regiment in order that they may have their rights. Now, upon this floor for the last three years we have had men asserting that political rights of colored men should be equal to those of the white man. The bill now before us proposes to wipe out a discriminating provision which is now a stain upon the statute and an insult to the colored man.

Mr. SMALLS. Will the gentleman allow me to ask him a question?

Mr. BANNING. Yes, sir.

Mr. SMALLS. Were there any colored men in the regular Army of the United States before this law which the gentleman now seeks to repeal was enacted by the Congress of the United States?

Mr. BANNING. No, sir. Before this law was enacted colored men had no political rights under the law. But to-day you have the right to come here, though there is no special law to permit you. Your rights here are the same as those of others. So it is with the rights of your race in the Army. Equality in this respect is what this bill gives you—nothing more and nothing less. For one I would not make the rights of the colored men any less.

Mr. Speaker, this provision of the bill—and I regret that I did not hear more fully upon this subject from my friend from Illinois, [Mr. HURLBUT]——

Mr. SMALLS. Will the gentleman allow me a word right there? He has stated that the same right which permits me to come here as a member of Congress will carry me into the Army. I understood the gentleman to say that.

Mr. BANNING. The gentleman has the same right to enlist in the Army that he had to run for Congress.

Mr. SMALLS. I know, sir, that no colored man could have enlisted in the Army if Congress had not passed a special act authorizing such enlistment, and I feel if matters go on just as they are going on now, and if we should have one or two more democratic Houses of Representatives, I shall not be allowed the right to come here; and no change in the law will be made either.

Mr. BANNING. Mr. Speaker, colored men are in the Navy to-day without any special enactment to put them there. The colored troops as a separate organization have proven a failure in the Army. The evidence in the War Department shows they will no longer enlist.

Mr. Speaker, the first vote on this bill will be upon the amendment of the gentleman from Illinois, [Mr. HURLBUT.]

Mr. MACKEY, of South Carolina. Will the gentleman yield to me for a single remark?

Mr. BANNING. Not at present; I will directly. The first question will be upon the amendment of the gentleman from Illinois, [Mr. HURLBUT.] That amendment, as has been already stated, proposes the appointment of seven Army officers to report a bill on this subject to the next Congress. Sir, we had a commission of Army officers to report regulations for the Army. I do not exactly know how many years ago that measure was passed; but I know that the regulations have not yet been adopted. In further answer to that proposition I might say that last evening there was sent to this House a petition from almost all the Army officers of the artillery line, recommending that there should be a chief of artillery; and the indorsement of the General of the Army was against that proposition. So you will find the staff of the Army, that is, its strength, that lives here in Washington and is powerful in the way of legislation, opposing anything that will reduce the staff. Now, sir, it was said by an old and distinguished Army officer that one campaign in Washington attending the "Germans" was equal for promotions to a dozen campaigns in the field. If the gentleman's amendment should succeed, these will be the men who will be appointed. They will scarcely agree; and if they do, it will be an agreement to take care of the officers and the staff, not the Army proper.

I hope, Mr. Speaker, the substitute will be voted down.

One word as to the amendment of the gentleman from Wyoming, [Mr. STEELE,] which makes a reduction of eight infantry regiments and none in the cavalry. I wish, by way of explanation, to say this is a question which may well be considered. I will, however, answer my friend in this way, that there are now 7,418 cavalry-men, that the non-commissioned staff of a regiment amounts to 18, the sergeants to 50, and the corporals to 80, making 148 in all, or 1,164 for the eight regiments, which, taken out of the 7,418, would leave 6,254 cavalry, or 508 less than the maximum number required for the consolidated regiments. If the reduction and consolidation are made to what we now propose, the cavalry regiments will not then be full. They will be much stronger and much more useful for operation against the Indians on the frontier or in the field by reason of their increased strength.

Mr. STEELE. Let me ask the gentleman one question.

Mr. BANNING. Certainly.

Mr. STEELE. Let me ask the gentleman whether it is not a fact that for all active operations of the Army in time of peace in this country the most useful and available troops are the cavalry regiments; whether the only use now for troops on active duty in the field is not in the protection of the Texan frontier and interior settlements from Indian raids, and whether for that purpose the infantry are not almost utterly useless; whether the active service of the Army must not now be done by the cavalry arm, and whether it would not be a very dangerous experiment, in view of the present aspect of the Indian country, to reduce the number of cavalry regiments at all; and if there were any possibility of this bill becoming a law, whether, if the number of regiments are to be reduced, it would not be much safer to make the reduction in the infantry rather than in the cavalry, retaining that arm of the service which can and must be of the most effective service? If we increase the number of cavalry and decrease the number of infantry, even if you reduce the number of regiments, that will give you an available, active, and effective military force which will be of some benefit. It is well known that, when infantry are used to pursue Indians or raiders, it is necessary to mount them to accomplish any practical purpose.

If the gentleman will allow me I would like to say that the present active force of the Army in the section of the country which I have the honor to represent has proved entirely inadequate to the protection of our people, and, in view of the present and probable complications with the Indians, that the force cannot safely be diminished, but should for the safety of our people and settlements be largely increased.

I know of course that the pending bill does not reduce the number of the enlisted men of the Army, but only reduces the regimental organizations. If a reduction is to be made of the regiments of cavalry and infantry to twenty-eight, it should be made in such manner as if possible to increase the effective force and strength of our small Army, and in my opinion that can best be done, in view of the present condition of the country and necessities of the service, by increasing the strength of the cavalry regiments, even if it has to be done at the expense of the infantry regiments.

I shall regret any hardships which may be inflicted upon any of the officers of the infantry arm of the service by the passage of this bill; but I believe the frontiers can be best protected by increasing the strength of the cavalry, even if we must submit to a reduction of the number and strength of our infantry regiments.

Mr. MAGINNIS. I wish to call the attention of the House to the fact that we support this amendment, not because we desire to have the number of infantry regiments reduced, but because we feel that the frontier cannot spare a single company of cavalry. The Army organization as it now stands should be filled up to the maximum. There is plenty of work for such an army now, and the signs are ominous that there will be a great deal more work in the future. The Government cannot remain deaf to the cries for protection coming up from the ravaged and bleeding frontier to-day. The principal object of government is to protect the lives and property of its citizens, and when it ceases to do that it abdicates the function for which it was organized. But if the reduction of the fighting force of the Army, so unwisely made by Congress two years ago, be still insisted upon, and a reduction in organization is to be made to correspond with that reduction of men, we hope that it may not be made in the cavalry arm of the service, the arm most useful at present, and most difficult to organize and train into efficiency in the case of a great war.

I might call the attention of the chairman of the Military Committee to the fact that in three expeditions now marching against the hostile Sioux one at least is largely composed of infantry, because there was no cavalry to use. And I ask him, as a gentleman of great military experience, what chance there is for that infantry in a chase after mounted Indians? How difficult to use infantry at all in such work unless you mount the men, and that is more costly and expensive than the maintenance of additional cavalry regiments. The Indians that we must hereafter fight are the Indians of the plains—cavalry Indians—occupying a country peculiarly favorable for cavalry operations. The Indians of the woods and the mountains do not give us much trouble at this time, nor do any remaining bands of them threaten much trouble in future. Our troubles and our wars are to be with Indians on horseback, and neither infantry nor artillery are speedy enough to compete with these Bedouins of the American plains. Therefore, I hope that if the Army is to be re-organized the cavalry arm will be increased to even greater efficiency than at present. I admit the argument of the gentleman from Ohio that such a result can be secured even under this bill by filling up the eight cavalry regiments, but I insist than ten or even more than ten full cavalry regiments are needed to meet the pressing necessity of protecting our people on the frontiers and giving to our citizens that peace and security which it is the duty of the Government to give to all its people.

Mr. BANNING. I will answer the gentleman's question; but before doing so I wish to state to the House, as there may be some misunderstanding in the matter, that this bill does not reduce the number of the fighting force of the Army a single man—not one.

Mr. MAGINNIS. I understand that.

Mr. BANNING. The question propounded by the gentleman is a very important one. It is one which has been carefully considered. It is one upon which there have been differences of opinion, I must freely confess. General Williams, an old and accomplished soldier himself, argued this question for a long time with me; and I am glad the House is going to determine it by a vote on this occasion. I shall ask a vote upon the bill as it is; but the gentleman from Wyoming presents a question for every man to consider; and the men from Texas and from Montana and Wyoming are, I agree, good authority upon the point here presented, and know well what are the wants of that section of the country; but it is a question for every member to consider, whether it would be better to reduce the infantry regiments to eighteen and let the cavalry regiments stand as they are. The amendment leaves that with the House to determine. I must say, however, that the evidence presented to the Committee on Military Affairs by men from the frontier who testified before us goes to prove that the infantry was useless in Indian campaigns, and that for these campaigns the cavalry was absolutely necessary in order to catch the Indians.

Thanking the House for its attention, and in the hope that this bill will not only pass this House but become a law, because I believe it is right in all its parts and will result in securing for us a much better and more efficient army than we have now, I ask for a vote on the amendment moved by the gentleman from Wyoming.

I ask the gentleman from Illinois whether he will not consent to the withdrawal of the motion to recommit, so I may demand the previous question on the bill and amendments?

Mr. HURLBUT. I do not object to considering all other motions withdrawn, and the bill now before the House.

Mr. BANNING. The bill is in the House. Does the gentleman object to the withdrawal of the motion to recommit?

Mr. HURLBUT. Not at all.

Mr. BANNING. Then I shall call for the previous question.

Mr. MACKEY, of South Carolina. I desire to ask the gentleman from Ohio a question before he takes his seat.

Mr. BANNING. I will answer if I can.

Mr. MACKEY, of South Carolina. The question I desire to ask the gentleman is this: If the gentleman from Ohio is sincere in his statement, (and I mean no offense by using the word sincere,) if his only object is to do away with that feature of the law which requires a colored man enlisting in the United States Army shall be embraced in a separate organization, will he then withdraw his objection to allowing the amendment to be offered by my colleague, that hereafter no discrimination shall be made in enlistments?

Mr. BANNING. I made no objection to it myself. It is the law now, and it would be just as proper to put in this bill the Declaration of Independence, that all men are created equal.

Mr. MACKEY, of South Carolina. Do I understand his objection is withdrawn to receiving the amendment of my colleague?

Mr. BANNING. That is the law now. I have not the power to give my consent unless the gentleman from Pennsylvania withdraws his objection. Will the gentleman vote for the bill if that is done?

Mr. RANDALL. I ask for the regular order.

The SPEAKER *pro tempore*. The regular order is called for, and the first vote is on the amendment of the gentleman from Wyoming, [Mr. STEELE,] the motion to recommit having been withdrawn by unanimous consent.

Mr. SMALLS. I ask the gentleman from Pennsylvania if he will not withdraw his objection to my amendment?

Mr. RANDALL. I have asked for the regular order.

The SPEAKER *pro tempore*. Objection being made, the gentleman's amendment cannot be received. The question is on the amendment of the gentleman from Wyoming, which the Clerk will report.

The Clerk read as follows:

Amend section 1 of the bill by striking out lines 3 and 4, and inserting in lieu thereof the following:

That the number of infantry regiments is hereby reduced to eighteen.

The question being taken, there were—ayes 22, noes 132.

So the amendment was not agreed to.

The question was next on the amendment offered by Mr. HURLBUT as a substitute for the bill; which was read, as follows:

Be it enacted, &c., That the President of the United States be requested and directed to appoint a commission of seven officers of the Army of distinguished service and knowledge, who shall report through the President, as soon as practicable, their opinions upon the best method of re-organizing the Army of the United States, and especially upon the best method of organizing the staff departments with a view to economy and efficiency.

Mr. KASSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 113, not voting 87; as follows:

YEAS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Chittenden, Crapo, Crounse, Culberson, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Frost, Frye, Garfield, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Raymond, Hays, Hendee, Henderson, Hunter, Hurlbut, Joyce, Kasson, Kehr, Kelley, Ketchum, Kimball, King, Lawrence, Leavenworth, Levy, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Mills, Monroe, Morgan, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Potter, Robinson, Rusk, Sampson, Schleicher, Seelye, Sinnickson, Smalls, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Erastus Wells, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, and Woodworth—88.

NAYS—Messrs. Ainsworth, Anderson, Atkins, John H. Bagley, jr., Banning, Beebe, Bland, Blount, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cutler, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ellis, Ely, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Robert Hamilton, Hartridge, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hill, Holman, House, Hunton, Hurd, Thomas L. Jones, Knott, Lamar, Franklin Landers, Le Moyne, Lewis, Lord, Lynde, Maish, McFarland, McMahon, Metcalfe, Milliken, Money, Morrison, Neal, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Siemons, William E. Smith, Southard, Springer, Stenger, Tarbox, Teese, Terry, Thomas, Thompson, Turney, Robert B. Vance, Charles C. B. Walker, Walling, Walsh, Ward, Wigginton, Wike, James Williams, Jeremiah N. Williams, Willis, Fernando Wood, Yeates, and Young—113.

NOT VOTING—Messrs. Ashe, Bagby, Banks, Bass, Bell, Blackburn, Bliss, Boone, Samuel D. Burchard, Burleigh, Campbell, Cannon, Cason, Caswell, Conger, Cook, Cowan, Cox, Darrall, Davis, Egbert, Evans, Faulkner, Fort, Foster, Freeman, Gibson, Hale, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Harrison, Henkle, Abram S. Hewitt, Hoar, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hyman, Jenks, Frank Jones, George M. Landers, Lane, Lapham, Luttrell, L. A. Mackey, Meade, Mutchler, New, Oliver, Phelps, Pierce, Powell, Pratt, Purman, Rainey, Reagan, James B. Reilly, William M. Robbins, Roberts, Sobieski Ross, Schumaker, A. Herr Smith, Sparks, Strait, Stevenson, Stone, Stowell, Swann, Thornburgh, Tucker, John L. Vance, Waddell, Wait, Gilbert C. Walker, Warren, Wheeler, Whitehouse, Whitthorne, Alpheus S. Williams, James D. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., and Woodburn—87.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. WIKE. My colleague, Mr. BAGBY, is absent on committee duty by order of the House.

Mr. DURAND. I desire to say that my colleagues, Mr. A. S. WILLIAMS and Mr. CONGER, are absent by order of the House. If present I think Mr. WILLIAMS would vote "no," and Mr. CONGER would vote "ay."

Mr. FOSTER. On this question I am paired with the gentleman from Virginia, Mr. TUCKER. If present he would vote "no," and I would vote "ay."

Mr. CANNON, of Illinois. I am paired with General COOK, of Georgia. If present he would vote "no," and I would vote "ay."

Mr. WHITING. My colleague, Mr. FORT, is absent by leave of the House.

Mr. HOSKINS. I am paired with Mr. WALKER, of Virginia. If he were here he would vote "no," and I would vote "ay."

Mr. OLIVER. I am paired with Mr. HOPKINS, of Pennsylvania. If he were present he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question is now on the engrossment and third reading of the bill.

Mr. MACDOUGALL. Pending that, I move to lay the bill on the table; and on that motion I call for the yeas and nays.

Mr. HURLBUT. Rather let us have the yeas and nays on the passage of the bill.

Mr. MACDOUGALL. Very well; I withdraw the call for the yeas and nays.

The motion to lay the bill on the table was not agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MACDOUGALL. I call for the reading of the engrossed bill.

Mr. HOLMAN. Does not this call come too late?

The SPEAKER *pro tempore*. The gentleman called in time for the reading of the engrossed bill. The bill has not been engrossed.

Mr. MACDOUGALL. I withdraw the call for the reading of the engrossed bill.

The bill was read the third time.

The SPEAKER *pro tempore*. The question recurs on the passage of the bill.

Mr. HURLBUT. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 82, not voting 83; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banning, Beebe, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cutler, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ellis, Ely, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Lamar, Franklin Landers, Le Moyne, Lewis, Lord, Lynde, McFarland, McMahon, Metcalfe, Milliken, Money, Morrison, Mutchler, Neal, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Potter, Powell, Randall, Rea, John Reilly, Rice, Riddle, John Robbins, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Siemons, William E. Smith, Southard, Springer, Stenger, Tarbox, Teese, Terry, Thomas, Thompson, Turney, Robert B. Vance, Walling, Ward, Erastus Wells, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, Yeates, and Young—123.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Caswell, Crapo, Crounse, Culberson, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Frye, Garfield, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hunter, Hurlbut, Joyce, Kasson, Kehr, Kelley, Ketchum, Kimball, King, Lawrence, Leavenworth, Levy, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Mills, Monroe, Morgan, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Robinson, Rusk, Sampson, Schleicher, Scofye, Simmickson, Smalls, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Waldron, Alexander S. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, and Woodworth—82.

NOT VOTING—Messrs. Bagby, Bass, Bell, Blackburn, Bliss, Samuel D. Burchard, Burleigh, Campbell, Cannon, Cason, Chittenden, Conger, Cook, Cowan, Cox, Darrall, Davis, Egbert, Evans, Faulkner, Fort, Foster, Freeman, Frost, Gibson, Goodin, Hale, Hancock, Henry R. Harris, John T. Harris, Abram S. Hewitt, Hoar, Hoge, Hooker, Hopkins, Hoskins, Hubbell, Hyman, Knott, George M. Landers, Lane, Lapham, Luttrell, L. A. Mackey, Maish, Meade, New, Oliver, Phelps, Purman, Rainey, Reagan, James B. Reilly, William M. Robbins, Roberts, Sobieski Ross, Schumaker, A. Herr Smith, Sparks, Strait, Stevenson, Stone, Stowell, Swann, Thornburgh, Tucker, Van Vorhes, John L. Vance, Waddell, Wait, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walsh, Warren, Wheeler, Whitehouse, Alpheus S. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., and Woodburn—83.

So the bill was passed.

During the roll-call,

Mr. BAKER, of Indiana, said: My colleague, Mr. EVANS, is absent by leave of the House; if he were here he would vote "no."

Mr. DURAND. My colleagues, Mr. A. S. WILLIAMS and Mr. CONGER, are absent by order of the House; if present Mr. WILLIAMS would vote "ay," and Mr. CONGER I think would vote "no."

Mr. THROCKMORTON. My colleague, Mr. REAGAN, is absent on account of sickness.

Mr. FOSTER. I am paired upon this question with the gentleman from Virginia, Mr. TUCKER; if he were present he would vote "ay," and I would vote "no."

Mr. WALLACE, of Pennsylvania. I am paired upon this question with my colleague, Mr. EGBERT; if he were here he would vote "ay," and I would vote "no."

Mr. CANNON, of Illinois. I am paired upon this question with the gentleman from Georgia, Mr. COOK; if he were present he would vote "ay," and I would vote "no."

Mr. HOSKINS. I am paired with the gentleman from Virginia, Mr. WALKER; if he were present he would vote "ay," and I would vote "no."

Mr. OLIVER. Upon this question I am paired with Mr. HOPKINS, who is absent by leave of the House; if present he would vote "ay," and I would vote "no."

Mr. VAN VORHES. I am paired with my colleague, Mr. VANCE, who is absent by leave of the House; if present he would vote "ay," and I would vote "no."

Mr. WILSON, of Iowa. I agreed to pair with the gentleman from North Carolina, Mr. WADDELL, upon election cases; but his friends understand that the pair was to be upon all political questions. Now, as he went home to attend to a sick member of his family, I will leave it so, and, having voted, I will withdraw my vote.

Mr. SCALES. My colleagues, Mr. DAVIS and Mr. ROBBINS, are both absent by leave of the House.

Mr. HURLBUT. My colleague, Mr. FORT, is absent by leave of the House.

The result of the vote was then announced as above recorded.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' reunion at Caldwell, Ohio.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 115) to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States relating to courts in Arkansas and other States;

An act (S. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow;

An act (S. No. 626) in relation to the Japanese indemnity fund;

An act (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouri Indians in the States of Kansas and Nebraska;

An act (S. No. 808) for the relief of Charles B. Varney, of Portland, Maine; and

An act (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

The message further announced that the Senate insisted on their amendments to the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, and had agreed to the conference asked for by the House, and had appointed Mr. SHERMAN, Mr. LOGAN, and Mr. BAYARD as managers of said conference on the part of the Senate.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the Indian appropriation bill.

Mr. HOLMAN. I desire to make an inquiry as to the order of business. The bill to equalize the bounties of soldiers was made a special order for the day before yesterday and from day to day thereafter until disposed of——

Mr. HURLBUT. To what bill does the gentleman refer?

Mr. HOLMAN. To the bill for the equalization of bounties. I ask unanimous consent that that bill be taken up and disposed of immediately after the Indian appropriation bill has been disposed of.

Mr. BUCKNER. I object.

The SPEAKER *pro tempore*. The gentleman can call up the bill for consideration at that time. The question now is upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill.

Mr. HOLMAN. Then I give notice that as soon as the Indian appropriation bill is disposed of I will insist upon the special order, being the bill for the equalization of bounties.

Mr. KELLEY. I ask my colleague [Mr. RANDALL] to yield to me for a moment.

Mr. RANDALL. I will do so.

EVENING SESSION FOR TARIFF DISCUSSION.

Mr. KELLEY. I move that there be a session of the House to-morrow evening, beginning at half past seven, for debate only on the tariff bill, no business whatever to be transacted. A number of gentlemen have prepared themselves to speak upon that subject, and as they are not likely to get an opportunity to do so during the business hours of the day, I ask that to-morrow evening be set apart for discussion upon that subject.

The SPEAKER *pro tempore*. That requires unanimous consent.

There was no objection, and it was ordered accordingly.

MERCHANT SEAMEN.

Mr. WARD. I desire to call up a privileged motion: to reconsider the vote by which the House recommitted to the Committee on Commerce the bill relating to merchant seamen. If the gentleman from Pennsylvania [Mr. RANDALL] will yield to me for that purpose, I think it will not take long to dispose of the bill, and it is very important that it should reach the Senate at an early day.

Mr. RANDALL. I would prefer that the gentleman would not press his proposition for the present.

Mr. WARD. It will not take much time.

Mr. RANDALL. I would be willing to yield for twenty minutes.

Mr. WARD. I will explain the bill in as brief time as I can.

Mr. RANDALL. I will yield for thirty minutes.

Mr. WARD. Mr. Speaker, I now call up the motion to reconsider the vote by which the House recommitted to the Committee on Commerce the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes, relating to merchant seamen.

The Clerk read the bill, as follows:

Be it enacted, &c., That sections 4501, 4502, 4503, 4504, 4505, 4506, 4507, 4511, 4541, 4545, 4554, 4594, and tables C and E of the schedule, in title 53 of the Revised Statutes of the United States, be, and are hereby, repealed, and the following sections and tables substituted therefor:

CHAPTER 1.—SHIPPING COMMISSIONERS.

SEC. 4501. The Secretary of the Treasury shall appoint a commissioner for every port of entry which is also a port of ocean navigation, where, in his judgment, such officer may be required within any district of the United States now or hereafter to be established for the collection of revenue from customs, such officer to be named a shipping commissioner; and the said Secretary shall have power to remove from office any commissioner so appointed who he may have reason to believe does not properly discharge the duties devolved upon him by this title; and to provide for the proper performance of the duties of such offices in the case of a vacancy, by designating a substitute until such vacancy be filled; and shall regulate the mode of conducting business in the shipping offices to be established as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

SEC. 4502. Every shipping commissioner so appointed shall give bond to the United States conditioned for the faithful performance of the duties of his office for a sum, in the discretion of the Secretary of the Treasury, of not less than $5,000, with two good and sufficient sureties therefor, to be approved by such Secretary, and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will truly and faithfully discharge the duties of a shipping commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

SEC. 4503. In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port. The Secretary of the Treasury may increase the salary of such collector or deputy where the same is not fixed by law, to conform to the increased duties imposed upon him by the provisions of this title; and the collector or deputy collector shall pay all sums collected by either of them in such capacity into the Treasury of the United States; and in respect of such business, such custom-house shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed shall for all purposes be deemed a shipping commissioner within the meaning of this title.

SEC. 4504. Any person other than a commissioner under this title, who shall perform, or attempt to perform, either directly or indirectly, the duties which are by this title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than $500. Nothing in this title, however, shall prevent the owner, or consignee, or master of any vessel, except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, from performing himself, as far as his vessel is concerned, the duties of shipping commissioner under this title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, or where such commissioner having been appointed shall refuse, or by absence or otherwise be unable to perform the duties of that office, or the collector or deputy collector of such collection district shall not claim the right to act in the capacity of shipping commissioner by the provisions of the preceding section, then the master may perform for himself the duties of such commissioner.

SEC. 4505. Any shipping commissioner may engage a clerk or clerks (who shall upon being so appointed take and subscribe an oath of office in like manner with the commissioners) to assist him in the transaction of the business of the shipping office. The number and salaries of such clerks shall be regulated by the Secretary of the Treasury of the United States. The shipping commissioner may, in case of necessity, depute such clerk or clerks to act for him in his official capacity; and all acts done by any such clerks, when deputized by the commissioner, shall be valid and binding as if done by the commissioner, who shall personally be liable for any penalties such clerk or clerks may incur for any violation of any of the provisions of this title. Such clerk or clerks shall be under the direction of the shipping commissioner, who shall be empowered to remove from office any clerk who, in his opinion, does not properly discharge the duties devolved upon him; and no officer or clerk appointed under this title shall retain any fees or other moneys arising from or by virtue of this title, in remuneration for any services performed by him or them, or under any pretext whatever.

SEC. 4506. Each shipping commissioner shall be provided with a seal, with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States and the name of the sea-port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as *prima facie* evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 4507. The Secretary of the Treasury of the United States shall, at every port where a shipping commissioner is appointed, designate a certain portion of the custom-house, or shall lease, rent, or procure other suitable premises in the vicinity of such custom-house, for the transaction of the business of such commissioner, and for the preservation of the books and other documents connected therewith, and these premises shall be styled the shipping commissioner's office.

CHAPTER 2.—SHIPMENT.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A in the schedule annexed to this title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First, the nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate;

Second, the number and description of the crew, specifying their respective employments;

Third, the time at which each seaman is to be on board to begin work;

Fourth, the capacity in which each seaman is to serve;

Fifth, the amount of wages each seaman is to receive;

Sixth, a scale of the provisions which are to be furnished to each seaman and a guarantee that the victuals supplied to the crew shall be equivalent in quality to the United States Navy ration;

Seventh, any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which may be sanctioned by Congress as regulations proper to be adopted, and which the parties agree to adopt;

Eighth, any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

CHAPTER 3.—WAGES AND EFFECTS.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this title, and shall quarterly remit to the district court for the district embracing the port from which such ship sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices, which have come to his hands, and shall render such accounts thereof as the district judge requires.

SEC. 4545. When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such court shall, on the 1st day of January, 1877, render an account to the Secretary of the Treasury of the United States of all moneys remaining in such court, and which have been arisen from such unclaimed wages and effects as aforesaid, with the date of receipt of each item, and shall annually thereafter, on the 1st day of January, render such an account of all such moneys then remaining in such court, and which have arisen as aforesaid; and all such moneys shall, if not, in the opinion of the court, necessarily retained for the purpose of satisfying claims, be, on the 1st day of January next after the expiration of six years from the time when it was received by the court, paid into the Treasury of the United States; and such money shall form a fund for and be appropriated to the relief of sick and disabled and destitute seamen belonging to the United States merchant-marine service.

CHAPTER 5.—PROTECTION AND RELIEF.

SEC. 4554. Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter before any court of justice, be deemed to be *prima facie* evidence as to the rights of the parties; and any document under the hand and official seal of a commissioner purporting to be such submission or award shall be *prima facie* evidence thereof. But no commissioner shall charge or cause to be charged any fees or charges for acting as arbiter in such cases to either party to such action, other than the actual expenses incurred in securing the attendance of the necessary witnesses thereto.

CHAPTER 6.—FEES OF SHIPPING COMMISSIONERS.

SEC. 4594. In no case shall the salary of any officer appointed under this title be more than $4,000 per annum, except in the port of New York, where it shall not be more than $5,000 per annum; and all salaries of the officers appointed by virtue of this title shall be paid by the Secretary of the Treasury of the United States, and all fees or other moneys collected by the commissioners shall be by them paid into the Treasury in such manner as shall be hereafter directed by the Secretary of the Treasury of the United States.

SCHEDULE.

TABLE C.—FEES, (SEAMEN.)

Fee payable on engaging crew, for each member of the crew, (except apprentices,) $1.

Fee payable on discharging crew, for each member of crew discharged, thirty cents.

TABLE E.—REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in table C, in respect of engagements, from the wages of each member of the crew, fifteen cents.

In respect of discharges, from the wages of each member of the crew, fifteen cents

The motion to reconsider was agreed to.

Mr. WARD. I withdraw the motion to recommit. The bill has occupied some time in reading, but the amendments to the shipping act proposed are not very many.

Before proceeding to explain the bill, I desire to offer a few additional amendments. The first amendment I propose is on page 2 of the printed bill, line 20, after the word "customs," insert "and designate and regulate the salary thereof, subject to the limitation contained in section 4594." There was an omission to give the Secretary of the Treasury power to regulate the compensation of these commissioners.

Mr. SEELYE. I do not understand whether or not this amendment is intended to take away from the circuit judge the appointment of these commissioners and to give it to the Secretary of the Treasury.

Mr. HEREFORD. The bill does.

Mr. SEELYE. Then I think it a very undesirable amendment. It would seem as though these shipping commissioners ought to be quite out of the ordinary line of political appointments. The appointment of the commissioners by the circuit judge of the United States court has thus far secured this end, and it would seem very desirable that it should continue.

Mr. WARD. I think after I have made my explanation the gentleman will be satisfied that this amendment is not so objectionable as he seems to suppose. It merely gives the Secretary power to fix the amount of the salary of these commissioners, subject to the limitation contained in section 4594 of the Revised Statutes, which is, that it shall not exceed $4,000, except in New York, where it shall not exceed $5,000. That is all there is in the amendment.

The amendment was agreed to.

Mr. WARD. I propose another amendment. On page 4 of the printed bill, in line 67, after the word "master," insert the words "or in case of the absence of the owner, consignee, or the sickness or other disability of the master, the agent." Also on the same page, in line 76, after the word "master," insert the words "or in case of sickness or other disability, the agent;" so that that portion of the section will read as follows:

Nothing in this title, however, shall prevent the owner or consignee or master, or in case of the absence of the owner or consignee, or the sickness or other disability of the master, the agent of any vessel, except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West India islands or the republic of Mexico, and vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, from performing himself, as far as his vessel is concerned, the duties of shipping commissioner under this title. Whenever the master, or, in case of sickness or other disability, the agent, of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, or where such commissioner having been appointed shall refuse, or by absence or otherwise be unable to perform the duties of that office, or the collector or deputy collector of such collection district shall not claim the right to act in the capacity of shipping commissioner by the provisions of the preceding section, then the master may perform for himself the duties of such commissioner.

The amendment was agreed to.

Mr. WARD. I propose, also, the following amendment:

On page 4, in lines 71 and 72, strike out after the word "of," in line 71, the words "the burden of seventy-five tons or upward," and insert "less than seventy-five tons burden."

The amendment was agreed to.

Mr. WARD. I also move to amend as follows:

On page 10, line 225, add the following:

And the salaries of officers and clerks appointed by this bill shall be paid out of such fees or other moneys in the Treasury not otherwise appropriated.

It is already provided that the fees shall be paid into the Treasury; but there was an omission to state in the bill that the Secretary of the Treasury should pay these salaries out of such fees or other money in the Treasury.

The amendment was agreed to.

Mr. WARD. I propose now, in order that members of the House may understand the reasons which have induced the presentation of this bill, to make some explanations, and I will do so as briefly as I can. The shipping act is a law of great importance, and the committee have been careful not to disturb its material provisions.

Mr. PAGE. Before the gentleman proceeds, I would like to inquire whether he intends to call for a vote on this bill to-day?

Mr. WARD. I do, as soon as I am through with my remarks.

Mr. Speaker, the act known as the "shipping act of 1872" relating to merchant seamen, and being title 53 of the Revised Statutes, has in many important respects fulfilled the intentions of its framers, but has been found practically deficient in some of its provisions, and thus the benefits expected from its operations have been materially abridged and serious abuses have been called into existence. It has been in operation from August, 1872, to the present time, and there has been ample opportunity to judge fairly of its merits and defects.

The well-known character of the sailor and his essentially peculiar mode of life have long ago led, in the leading maritime nations, to the enactment of laws for his protection, especially as to his shipment and discharge from service. His occupation is pursued remotely from society at large and under discipline necessarily strict and to a great extent arbitrary. Released from his customary restraints, with his pay in his pocket and a stranger among strangers, he naturally becomes liable to temptations and impositions; and the opportunities thus afforded attract a class of men who are to be found in every seaport ready to take advantage of his circumstances and make him their prey.

As the laws of other countries competing with us for the great prizes of the shipping trade secured for their seamen special advantages which our own did not enjoy, our commerce suffered from the want of enactments duly protecting our sailors, whose condition in our sea-ports was one of great injustice to themselves and other citizens, and disgraceful to our country.

It was the common habit of a large class of men who infested the sea-ports to pander to the grossest appetites of the sailor, and taking advantage of his inexperience and the exhilaration naturally produced by his being ashore, and his freedom from restraint, to keep him in a state of excitement and intoxication, so that he became powerless in their hands. He was liable not only to be cheated and robbed of his wages to an extent that could not be practiced on any other class of men, but his labor was sold and his services engaged for long voyages when he was unconscious of the nature of the agreement he was making. Sometimes, when he imagined he had contracted for a short trip, he found himself in a vessel bound for the East Indies or China. There were not a few instances where mechanics and persons of various other pursuits in the city or rural districts were drugged, carried to the ship, and passed off as good sailors, their captors pocketing their advance wages, they themselves incapable of performing duties at sea and the ships endangered by being insufficiently manned.

Extortion of the most flagrant kinds was practiced. Both sailors and ship-masters were victims. When men were abundant a large proportion of the sailor's wages was taken from him for securing shipment for him. One of the consequences of this infamous treatment and of his being frequently shipped while unconscious of what he was doing was that he worked grudgingly and under a sense of injury on board ship, that the captain found difficulty in managing him, and that he frequently deserted at the first port where he landed, taking his chance of shipping again under some different name. When there was a scarcity of sailors similar extortion was practiced on the ship-owners, but frequently there was a combination among the more powerful parties to the bargains, the sailor himself being the chief sufferer, not only from the condition to which he was reduced, but because, from the nature of his vocation, he was only a transient stranger. It could only be expected that in such a state of affairs between officers and crew, separated by a wide expanse of waters and long intervals of time from ordinary society and its laws, discipline might often degenerate into tyranny and cruelty on one side, and that, on the other, insubordination and even mutiny might arise.

The well-known existence of these evils long attracted the attention of philanthropic persons, whose exertions led to the passage of the act now under consideration. The preponderating weight of the most reliable information from the various ports shows that under its operation the wrongs already described have been checked or destroyed, and the examples made of offenders have induced a salutary fear of detection, exposure, and punishment. There has been a marked improvement in the condition of seamen, and the ship-owners, many of whom were at first opposed to the act, have found benefit from some of its provisions.

Although, for the most part, the opinion of those who have made due investigation is, in the language of a report adopted by the New York Ship-Owners' Association, after being carefully prepared by a committee of six of its members, that the act is, on the whole, beneficial to the interests of both sailors and ship-owners, if properly interpreted and administered in accordance with what the committee believe to have been the intention of its framers, the conclusion is yet more generally admitted that the law is not free from defects, but is capable of improvement. It is believed that, by judicious and much-needed amendments, many, if not all, of the objections conscientiously entertained against the act will in due time be removed.

The provisions of the act are numerous, but its main object is to provide an officer to see that no foul play is practiced on the seaman or his employer in the engagement or discharge of crews. The commissioner appointed for these purposes is, in order to execute them satisfactorily, invested with various powers which might be safely intrusted to a thoroughly just and firm man, but are liable to many perversions. In view of the crimes it was intended to prevent, the essential rule of making him duly responsible was neglected. The natural result has followed that the shipping commissioners, being actually responsible to no one particularly, often perverted the powers intrusted to them, have seldom made proper reports, and are virtually and practically "a law unto themselves."

As New York is the chief shipping-port of the United States, the merits and defects of the law and the enormity of the abuses which exist under it are most plainly visible there. In various degrees the same results may be seen in other sea-ports.

The act directs that to provide means for the payment of the commissioner and the execution of his duties, specified fees shall be paid to him on the engagement and discharge of seamen; that his compensation shall not exceed $5,000 a year; and that he shall pay the surplus into the Treasury of the United States. It does not appear that the commissioner at New York has ever paid any of the fees into the Treasury, although they have greatly exceeded the sum he was au-

thorized to retain, but has expended them in a manner directly in violation of the provisions of the act. The first five months of its operation ended December 31, 1872. During that time the fees received amounted to $22,112, but the expenditures of the commissioner were $23,168.87, leaving an alleged balance of $1,056 87 due to him. Thus he appropriated for such uses as he arbitrarily chose the sum of $21,085.53 during the first few months of his tenure of office. In 1873 the amount of fees collected was $38,267.50, all of which was expended or retained, and a claim made of the further sum of $1,088.61, as due to him. In 1874 the number of *attachés* to his office was diminished, but he managed to expend the whole amount of fees, being $56,169, and claimed as due to him the further sum of $805.57. There is no satisfactory reason for this sudden increase of nearly $20,000 in the alleged expenditures of that year over the one next preceding it. In 1875 the amount of fees received was $51,718.50, and perhaps under a salutary fear of the direction of public attention, or in pursuance of the rule of spending all the money that came under his control, the expenditures reported by the commissioner were $51,440.29, including the balance due for the previous year.

An analysis of the expenditures of the commissioner shows that to a most serious extent they were made for his personal ends and in gross violation of the law. The act provides that he may "engage a clerk or clerks to assist him and to act as deputies at his own proper cost." Regardless of this direction he engaged six clerks, at a salary of $1,300 each; eleven agents and others, at salaries amounting to $10,660; a deputy, at $2,400; and paid each of four of his own sons a salary of $2,500. All these salaries were paid out of the fees, and in addition to his own salary of $5,000, although, as has been already shown, he was only authorized to engage any clerks or deputy by paying the salary "at his own proper cost."

Among these glaring violations of the law, the appointment by the commissioner of no less than four of his own sons, at salaries of $2,500 each, is not the least conspicuous and flagrant. The salary is more than that paid to his deputy, and it is obvious that fair and just decisions could not be expected from him in any of the cases where the appeal might be made to the commissioner in the interest of the seaman's or public rights against any of his sons thus favored and exorbitantly paid from the money collected from the seamen. The committee are fully satisfied that the duties of the shipping commissioner can be discharged for much less than is claimed for that purpose. The amount fixed by the act is probably inadequate, but, so long as it is thus limited, due compliance should be made with the law.

The act requires the commissioner to rent, lease, or procure, at *his own cost*, suitable premises for the transaction of business. But he rented as commissioner, from an association of which he was president, an office for the annual rent of $5,500, which he pays out of the fees coming into his hands as commissioner, and not, as provided by law, out of his own salary. The rent paid by him as commissioner to the association of which he is president is not far from ten times the actually fair rental of such premises as are required, he paying $5,500, while rooms more conveniently located for the performance of the duties with which he is charged could be had from $500 to $700. At Philadelphia the rent paid for such an office was $350. The office for which the exorbitant rent of $5,500 is paid, for the use of the commissioner, is at a very inconvenient distance from the custom-house. Thus much vexation and loss have arisen, and in many instances the delay has been so great that the departure of vessels for a whole day has been postponed simply for the necessity that captains should visit the office and return to the custom-house. It is regarded as a defect in the act that there is no specific provision by which parties who are aggrieved can present their cases on points requiring a strict construction of the law. All cases at New York in which such construction was asked have been presented by the commissioner himself *ex parte*.

In San Francisco, Boston, Philadelphia, and other sea-ports the same violation as exists at New York of the provisions of the act, so far as regards the expenditure of the fees which are paid to the commissioners, has prevailed. In Philadelphia numerous complaints have also been made in other particulars, indicating the expediency of a change in the appointing power. Applications have been made for a total repeal of the act, as well as for amendments to it. It is deemed more desirable to remedy its defects than to destroy it.

The primary and essential reform most imperatively demanded in the law is that the power of appointing the shipping commissioners shall cease to be given to the United States courts which have jurisdiction in maritime cases, and, to take the most pleasant view of the matter, whose judges, having selected their appointees from confidence in them, cannot be regarded as impartial judicial authority in matters to which the appointees are parties. It is obviously inexpedient to blend the judicial and executive or appointing power. The office of the commissioner is created and held under the law of the United States. Under these circumstances, the proposed bill provides that the power of appointing the commissioners shall be vested in the Secretary of the Treasury of the United States, and that, under certain restrictions, he shall regulate the amounts of their salaries, their modes of conducting business, and the number and salaries of the clerks and other persons in their employ. More than enough has been brought before the Committee on Commerce to prove the abuses existing under the present irresponsible and arbitrary system. It is believed that if these fundamental changes and such other amendments as are herewith submitted are made, the law will be justly and efficiently administered, and become deservedly popular among those whom it chiefly intended to benefit.

I will endeavor to present separately and as briefly as possible the various reasons for the several amendments now proposed.

Section 4501: The change removing the appointing power from the several circuit courts to the Secretary of the Treasury is the main reform proposed in this amendment. It is contrary to sound public policy to blend together the creative and judicial functions. This may be regarded as an axiom in legislation. The interests of justice demand compliance with the rule. The courts, however desirous of being impartial, can scarcely be fair judges between strangers and those appointees whom they have selected either from friendship or from confidence in their character. In fact, the greater the confidence of the courts the less impartial are they likely to be. Experience in the various ports has amply confirmed this view, and the amendment is almost universally desired by the people who are most deeply interested in the success of the title. They deem it essential that this alteration should be made in order to insure them a due measure of justice. Under the present law some commissioners have discharged their duty with fidelity, but in other instances their conduct has been arbitrary and unjust to the sailors, and public interests and money have been sacrificed to personal gain. The law as it now is left them irresponsible and practically "laws unto themselves."

Section 4502: This amendment simply carries out the changes made in the preceding section by substituting the words "Secretary of the Treasury" for "circuit judge," &c.

Section 4503: As increased duties may by the act be devolved upon the collector, the amendment to this section provides that in certain cases he shall have an increase of salary in proportion to the increase of his work; and the law previously not having been sufficiently explicit, that all fees he collects under the provisions of this act shall be paid into the national Treasury.

Section 4504: It is sometimes difficult and a cause of serious delay and injury to ship-owners that the commissioners at some small places cannot be found. The amendment is intended to obviate the difficulty by enabling the master in necessary cases to act as commissioner.

Section 4505: It being necessary in the larger sea-ports that clerks should be employed to aid the commissioners in the performance of their duties, this amendment provides for doing so at the cost of the Government; and, while it gives the commissioner the power of appointing and removing such clerks, so as to insure their subordinate co-operation with him, it makes them also sworn salaried subordinates of the United States Treasury Department, and thus directly responsible to it for the faithful performance of their duties. The commissioner being paid by a salary and prohibited from keeping fees or applying them to any purpose except paying them into the Treasury, it is necessary to provide for payment of the clerks. The regulation of the number and salaries of the clerks is intrusted to the Department in view of the gross abuses that have arisen under the present law. In some instances too many clerks have been employed, and that, too, at extravagant salaries. It is found desirable that the law should explicitly prohibit all officers and clerks appointed under this title from taking any fee, and this is done by the amendment.

Section 4506: As the office of commissioner is strictly a salaried office, it is proper that he should be provided with an official seal at the public cost. The amendment is simply to this effect, except that, it being thought advisable to make instruments purporting to be the acts of commissioners and duly authenticated by them "*prima facie*" instead of "presumptive" evidence, a verbal change to that effect is introduced.

Section 4507: As the office of the commissioner is by the amendments clearly and positively a salaried office only, and the amount of the salary is in each case to be determined by the Secretary of the Treasury, it is obviously proper that the premises used by the commissioner should be furnished by the Department. As a matter of economy they should, wherever practicable, be part of the custom-house, thus causing no charge for rent. But, besides this, the custom-house is the most convenient place for the masters of vessels; and if no part of it can be used as the commissioner's office, then the neighborhood is the most desirable location. These are the objects of this amendment. Considerable delay, vexation, and loss have frequently arisen from the distance in some ports existing between the custom-house and the commissioner's office, and much well-founded complaint is made by owners and masters as to the loss of time and detention occasioned by going to and fro between the buildings.

Section 4511: This amendment proposes, in accordance with the interests of seamen, that the quality of the provisions supplied to them be as far as practicable settled by law, and therefore in this respect the standard of the United States Navy ration is adopted.

Section 4541: In this amendment the word "court" is simply and for obvious reasons substituted for "judge," in order to preserve conformity with previous amendments.

Section 4545: At present there is no limit to the time the United States courts may hold the money arising from the unclaimed wages and effects of deceased seamen. This amendment requires such money, if not claimed in six years and not necessary for satisfying claims, to be paid into the United States Treasury, and as a clearly proper guard

against abuses, insists that accounts of all moneys arising from unclaimed wages and effects shall be rendered to the Secretary of the Treasury every year.

Section 4554: In order to permit plain proof subsequently brought forward as to the matters named in this section to be admitted as evidence in any court of justice, this amendment provides that awards made under this section by the commissioner as arbiter shall be *prima facie* and not conclusive evidence. The commissioner being a salaried officer, he is prohibited from taking fees as arbiter.

Section 4594: The amendment to this section is needful to carry out the main principle of the bill, the change in the appointing power, and provides that all salaries of officers appointed by the Secretary of the Treasury under this title shall be paid by the Secretary of the Treasury, and gives him authority to direct the manner in which the fees and other money shall be paid into the Treasury. It also prescribes such limits as on consideration have been deemed best for the salaries of the commissioners.

Table C: As the present fee of $2 a man on shipment has been proved by experience to be a needlessly burdensome tax on shipping, and to yield in some ports an amount of revenue larger than is necessarily required to carry out the purposes of the act, the fee payable on engaging each member of the crew is reduced to $1, and that for each discharge to thirty cents. It is urged that the present rates tempt to evasion of the act and non-payment of fees.

Table E: Reductions from wages being authorized under this table, in partial repayment of the fees required by table C on engagements and discharges, the amount in each case is reduced from twenty-five to fifteen cents.

These are all the amendments. They are in the main very simple, although it has taken some time both to read and to explain them. I feel that I am expressing the unanimous sentiment of the Committee on Commerce in saying that these amendments are certainly called for. The only objection that I have heard raised to this bill (except in the case of one or two charitable bodies in New York City, of one of which Mr. Duncan is president,) comes from those who hold places as commissioners. We have received from different sections of the country many petitions and letters of the most urgent character in favor of these changes in the law.

I wish to say for the Committee on Commerce and for myself that we have no other object in proposing these changes than to remove the imperfections of the existing law and render it more efficient. It is believed that some central power is essential to give effect to the law. It was but the other day that I was constrained to ask this House to pass a law in order that the commissioners may be checked in libeling vessels in direct conflict with the law. They have acted in entire disregard of any authority except themselves; and their conduct has been the means of making the law very odious and very unpopular. If the House should now pass this bill, the law may hereafter require further amendment before it shall be fully perfected. When the occasion for such amendments becomes manifest, they can be made. I now move the previous question.

Mr. SEELYE. Will the gentleman from New York [Mr. WARD] yield to me?

Mr. WARD. For how long?

Mr. SEELYE. For three minutes.

Mr. WARD. Certainly.

Mr. SEELYE. Mr. Speaker, this shipping act of 1872 is certainly one of the most humane, beneficent, and judicious acts for the benefit of American seamen that the American Congress ever passed. It originated in the minds of some wise and saintly ladies of San Francisco, who saw the inhumanity to which our seamen were subjected; and, after many months and perhaps years of discussion on our eastern coast, this act was matured, presented to Congress, and passed.

The results of the act so far as the seamen are concerned have been all that was contemplated. The seamen have been protected from a treatment the like of which for barbarity could hardly be found elsewhere. No complaint, so far as I know, emanates from the seamen respecting this act. The entire difficulty comes from the sailors' boarding-house-keepers, whose profit and "blood-money" are severely interfered with, and from certain ship-owners. All the sailors' boarding-house-keepers, so far as I understand, are opposed (very naturally) to the execution of the present law. Some of the ship-owners are opposed to it, and for similar reasons.

It is very probably true that there are certain infelicities in the operation of this act which might very properly be remedied. It is certainly true, however, that some of the infelicities to which the honorable gentleman from New York has referred do not properly belong to it. For instance, I hold in my hand a recent decision of Judge Blatchford, of New York, to whom one of these very questions respecting the salary of the shipping commissioner there was referred; and, with great deference to the statements to which we have just listened, the gentleman will permit me to say that Judge Blatchford holds that the commissioner is not obliged to pay the expenses of his office out of his allowance of $5,000.

Now, Mr. Speaker, a bill of such consequence as this, coming before us in a manner to me so entirely unexpected, and I suppose to the surprise of the House, demands far larger consideration than we are able now to give it. I know of one gentleman at least who has given very special attention to the subject, and is desirous to speak upon it, but who is now absent on duties referred to him by the House. In order that the bill may have the mature consideration which it requires, I move that it lie on the table.

Mr. WARD. Will the gentleman state who is the member he referred to as absent, and as desiring to discuss the bill?

Mr. SEELYE. The gentleman from Michigan, Mr. CONGER.

Mr. WARD. I have the pleasure to state that the gentleman from Michigan [Mr. CONGER] has examined the matter and is entirely satisfied with what is here proposed. The gentleman from Maine [Mr HALE] also, who is absent, is in favor of it.

Mr. SEELYE. I have great respect for the gentleman who has presented the bill and for the Committee on Commerce who have directed it to be reported, but I have not had time to read it, and it is a bill of the very gravest significance, demanding the utmost care before it passes the House.

Mr. WARD. I will not ask the gentleman the source of his information, but I will say that it is very limited. We have had one petition alone containing the names of one thousand seamen. It was presented by the Speaker *pro tempore*, Mr. COX.

Mr. HEREFORD. I desire to say in reply to the gentleman from Massachusetts that so far as these amendments from the Committee on Commerce are concerned, they do not in any sense affect the great objects sought to be accomplished by the present law. The interests of the seamen are not at all affected by them. The great objects sought to be injured by this bill are very few and very simple. The gentleman has just read a decision by a judge in New York, saying in terms—for it was also sent to me—that this commissioner was not restrained from paying these clerks out of these fees. The law says:

> Any shipping commissioner may engage clerks to assist him in the transaction of the business of the shipping office at his own proper cost.

How, then, would it appear to any member on this floor if a judge in the face of that express language should decide to the contrary? There is the law, plain and unmistakable. Yet in the face of that, as the testimony before our committee showed, this very commissioner in the city of New York, Mr. Duncan, had in his employ six clerks, four of them his own sons, at a salary of $2,500 each, eleven agents and a deputy, whom he paid out of the fees that he received, while the law says that he shall pay for clerical assistance out of his own pocket. These are uncontradicted facts. He had six clerks, and four of them were his own sons, and he paid them a salary of $2,500 a year out of these fees, when the law says he shall engage clerks at his own proper cost.

Furthermore, the law says in section 4507 of the Revised Statutes:

> Every shipping commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business.

At his own cost he shall do this. Yet as the testimony before our committee showed, and in fact the commissioner himself admitted it—he did not deny any of these facts; all the testimony comes from the commissioner himself—he rented an office in the city of New York for $5,500 a year, and paid it out of these fees which were to be paid into the Treasury. And when I asked him the question, "From what company did you rent that building?" he mentioned the name of the New York Seamen's Association; and when I asked him who is the president of that association, he said, "I (Duncan) am the president of it." In other words, he took from these fees which should be paid into the Treasury this sum of $5,500, and paid it to himself as president of this association.

Furthermore he stated—this is all from his own statement—that he has received since he had that office from $45,000 to $50,000 a year, and had never paid one dollar into the Treasury; he never has made or pretended to have made a report to the Government as to what he has done with these moneys. He never made any report; there is no pretense that he ever did so. But he placed the money in his own pocket, paying $10,000 a year to his own sons and $5,500 to himself, making a sum of $15,500 paid to himself and to his four sons out of the fees which ought to have been paid into the Treasury of the United States.

The main salient point in this bill is to rectify these enormities, these outrages, and to take away the appointment from the circuit judges, with whom the law now fixes it, and place it in the hands of the Secretary of the Treasury. I think it would seem to any fair-minded man that the law now is plain enough that the commissioner shall pay these clerks at his own proper cost, and that he shall rent this office at his own proper cost. And yet this commissioner has not done it. He has paid these charges out of these fees collected from those poor sailors whom the gentleman from Massachusetts so much desires to-day to defend. Instead of paying them into the Treasury, he has paid them into his own pocket and into the pockets of his sons. And under these circumstances we say that a judge who would decide, in the face of the express provisions of law which I have read to you, that the commissioner was to pay this rent and this clerk hire out of these fees, and not at his own proper cost, is not the proper person to have the appointing power. We propose, therefore, to take it from the circuit judges and give it to the Secretary of the Treasury.

Mr. HURLBUT. I would ask the gentleman from West Virginia what action the committee propose to take in reference to Duncan?

Mr. HEREFORD. That is a matter we shall consider hereafter.

Mr. HURLBUT. I hope so.

Mr. HEREFORD. But that has nothing to do with this bill. We propose right here, in order to stop these outrageous dispositions of the public money and to place it in the public Treasury, to give the power of appointment to the Secretary of the Treasury. These are the main objects of the bill and the main changes which it makes in the existing law. The bill, so far as regards the protection of the sailors, does not change the law in one single material point.

Mr. SEELYE. I have no disposition to criticise the amendments that are proposed. I have not had time to examine them. Certainly the judgment of the gentlemen who have spoken and their colleagues on the committee is entitled to every respect; but this much should be said in reference to the remarks to which we have just listened, that while this commissioner has carried on the office at an expense of $55,000 a year, he has done the work which under the old system cost $250,000 a year.

This, too, also, is to be said, that the precise question which the chairman of the Committee on Commerce has just brought up is exactly a question which was decided by Judge Blatchford in New York the other day, a construction of the law which declared that the commissioner had acted in every respect as the law allowed him to act.

One other remark respecting the employment of his sons by this commissioner. It was necessary, when the commissioner undertook to root out the terrible enormities which had been practiced on our seamen, that he should have men whom he could trust about him. Here was a host of sharks and shysters ready to raid upon these seamen, and he took his sons from the business in which they were engaged and engaged at larger salaries and with far more prospects of success and placed them in this office, and he took them because they were men whom he could trust. Whether it was desirable or not, that at least should be said in extenuation.

Mr. WARD. Mr. Speaker, I am very much rejoiced that the commissioner in New York has had one advocate and that the gentleman from Massachusetts has sought to vindicate that gentleman, for thus far among those who appeared before the committee his action has been an admitted wrong and evil. In regard to the antecedents of the law we have nothing to do with them. I do not mean to discuss them. But we passed the law, and its provisions have again and again been disregarded by the commissioners. It is that which has brought the law into odium. I have here a petition signed by several hundred seamen in regard to it, and the question with the committee is whether to repeal the whole act or amend it. I am myself satisfied that it is a good act, and I should be very sorry to see it repealed. But at the same time there can be no doubt that it needs the amendments now proposed.

Mr. GOODE. Mr. Speaker, I hope that the motion made by the gentleman from Massachusetts [Mr. SEELYE] will prevail. This is an important bill. It affects materially very important interests in this country. We have had no opportunity to examine it. These amendments have been proposed to-day by the gentleman from New York for the first time, and I have had no opportunity to look into them. But I will say for the information of the House that the gentleman from New York is entirely mistaken in one statement which he made here. He says that the universal experience at all the ports of the country is that the appointing power of the shipping commissioners ought to be taken from the circuit judges and vested in the Secretary of the Treasury. Now I have to say that my information is entirely different from that of the other gentlemen on that subject. At the port of Norfolk we have a commissioner appointed by the judge of the circuit court on the recommendation of the leading merchants of the place, who up to this time has given entire satisfaction to all parties concerned.

Here is a radical change; it is proposed to take the power of appointment from the judge of the circuit court and give it to the Secretary of the Treasury; and it is fair to presume that a change would be made in the incumbent of that office. I desire to say therefore that this would be legislation entirely unacceptable to the people I represent. I would like an opportunity to look into the various amendments. The matter has been suddenly sprung upon the House, and I hope that the motion of the gentleman from Massachusetts will prevail.

Mr. HEREFORD. The bill has been pending for three months.

Mr. GOODE. But not the amendments offered by the gentleman from New York.

Mr. RANDALL. I hope the bill will not be postponed. I know that some of the people that I represent have been complaining in consequence of the present enforcement of the law. More than three months ago they applied to have the correction made, and what we most complain of is the charges. The fees are exorbitant. We think that fifty cents would be adequate, where they now have to pay $2.

The proposition to take the appointing power out of the hands of the judiciary is a proper one. It does not belong to judicial functions. I am glad to say here that this is a bill upon which we can all unite, for there is no political question connected in it. The American Steamship Company have had to pay nearly $20,000 to the commissioner in Philadelphia, and they applied to me and petitioned the House four months ago for relief, and they have been detained from time to time until during that period they have been made to pay these excessive charges.

So far as the sailors are concerned they are not interfered with by this bill. I hear no complaint from my district from that class, although from that district an enormous number of sailors are shipped. Formerly there were many impositions upon them; but that whole system of imposition on sailors has been broken up, and great benefit has accrued to them; and I feel confident that great benefit will accrue to all parties concerned in this matter by the passage of this bill.

Mr. DUNNELL. Mr. Speaker, I wish to occupy but a single moment of the time of the House. The gentleman from Massachusetts [Mr. SEELYE] and the gentleman from Virginia [Mr. GOODE] have said that this bill has been sprung upon the House, and that they ought to have time to examine into it and investigate it. If that course were pursued with all the bills that come before the House for action, we should make very slow progress in legislation. This bill was reported, I might say, months ago, certainly many weeks ago, and was made a special order. Everybody has had presumptive notice for at least five or six weeks that this bill would come up at some time for discussion and action.

I do not wish to enter into a discussion of the details of the bill. I will simply say, as a member of the Committee on Commerce, that this bill has had a very careful examination. We had three or four hearings upon the bill; it was carefully examined in all its parts, discussed, and debated; and, if my recollection is correct, it is the unanimous expression of the Committee on Commerce. Certainly I can see no good reason why we should postpone action on the bill when the chief points of the bill have already been brought out in this discussion.

There is a change in the appointment of these commissioners, and certainly the gentleman from Virginia [Mr. GOODE] ought to admit that in point of fact the Secretary of the Treasury is the proper officer to appoint these commissioners. There is a fitness in vesting the appointing power in him, and not in the circuit judges. We all have confidence that if the Secretary finds in office to-day any good commissioner that man will be safe in his place.

I have had letters from some of these ship-commissioners very strongly in favor of the present system of appointment. Why? Simply because they desire to hold over; there is no doubt about that. We have carefully prepared this bill, and I trust we shall act on it and act now.

Mr. COX. I desire to say one word upon this bill. I introduced some three years or more ago a bill similar to this, and it had a great deal of consideration from committees and members of this House. This is not a new measure; it is desired by the shipping interest; it is desired by the sailors. Although many of the sailors may perhaps have been abused by the boarding-house people and others in the large commercial cities, yet I presented here a petition signed by thousands of sailors to get rid of this unpleasant sort of intermeddling which these commissioners, for purposes which have been explained, have always been guilty of as between the employer and employed.

One would think at the first blush that when a man wants to make a bargain with a sailor to sail on his ship he might have that right without any meddling interference on the part of others. But our Government, in order to protect this peculiar class of people, the sailors, have created these commissioners and given them a particular duty to perform. I say to this House that the commissioners who have been appointed by the judges in New York have not done their duty under the law, either with respect to placing the money in the Treasury or otherwise.

I do not propose to go into this matter any further. All I wish to say is that the general shipping interest of New York desires that this appointing power shall be given to the Secretary of the Treasury, and then we will see that there will be reform in this matter and fair treatment to both employers and employed.

Mr. GOODE. I would like to inquire of the gentleman [Mr. WARD] if any complaint on this subject has come from any quarter of the country except New York?

Mr. RANDALL. Yes; from Philadelphia.

Mr. WARD. It has come from several sections of the country.

Mr. SEELYE. The reasons for keeping this appointing power in the hands of the circuit judges are, in the first place, that they are near the theater of operations and can see that the duties are faithfully performed, and, in the second place, the appointments will be removed from the ordinary line of political trickery.

Mr. HEREFORD. I desire to ask the gentleman from Massachusetts [Mr. SEELYE] one question.

Mr. SEELYE. Certainly.

Mr. HEREFORD. I would ask the gentleman whether he believes it proper that a person should have the appointing power of another to an office when it will become his duty to pass upon the legality of the acts of that very appointee? In this very case Judge Blatchford had to pass upon the legality of the acts of his own appointee. I ask the gentleman from Massachusetts if he does not think it is a great deal better that the appointment should be made by one who is not called on to pass upon the acts of the present appointee?

Mr. SEELYE. I am quite willing to leave the appointing power where it now is, even with this supposed difficulty, to which I attach very little significance.

Mr. WARD. I now call the previous question on the bill as amended.

Mr. O'NEILL. I ask the gentleman from New York [Mr. WARD]

to yield to me to offer an amendment to make the fee for engaging a crew fifty cents each and for discharging twenty-five cents each, and also to offer some other amendments.

Mr. RANDALL. O no; let us vote on the bill.

Mr. WARD. I cannot yield for an amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES CALER.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the papers in the case of James Caler, and a report thereon by the Engineer Department; which was referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted Mr. McDILL till next Monday on account of important business; to Mr. DOBBINS for four days on account of important business; to Mr. TURNEY for four days; and to Mr. BANKS for one week.

STEAMSHIP SERVICE BETWEEN UNITED STATES AND BRAZIL.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3630) to authorize the establishment of ocean mail-steamship service between the United States and the Empire of Brazil; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC GROUNDS IN CHICAGO.

Mr. HARRISON, by unanimous consent, reported from the Committee on Public Buildings and Grounds, as a substitute for House bill No. 2850, a bill (H. R. No. 3631) to confirm to the city of Chicago, Illinois, the title to certain public lands; which was read a first and second time, recommitted, and, with the accompanying report, ordered to be printed.

Mr. HARRISON. I enter a motion to reconsider the vote by which this bill has been recommitted.

CURRENCY.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, reported from the Committee on Banking and Currency, as a substitute for House bill No. 3532, a bill (H. R. No. 3632) amendatory of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," approved June 20, 1874; which was read a first and second time, recommitted, and ordered to be printed.

MILITARY WAGON-ROAD IN TERRITORIES.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 180) for the location and construction of a military wagon-road from Green River City, Wyoming Territory, to the Yellowstone National Park and to Fort Ellis, Montana Territory; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. JOHN REILLY also, from the same committee, reported back adversely the bill (H. R. No. 480) for the relief of Patrick J. O'Rourke; which was laid on the table, and the accompanying report ordered to be printed.

He also, by unanimous consent, from the same committee, reported back adversely the bill (H. R. No. 1769) for the relief of George A. Miller; which was laid on the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported back adversely the bill (H. R. No. 2369) for the relief of John McCormick, late first lieutenant of volunteers, United States Army; which was laid on the table, and the accompanying report ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. PARSONS, by unanimous consent, introduced a bill (H. R. No. 3633) to amend chapter 5 of title 15 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHANGES OF REFERENCE.

Mr. EDEN, by unanimous consent, moved that the Committee on War Claims be discharged from the further consideration of the bill (H. R. No. 3538) for the relief of Joseph Hartman, and moved that the same be referred to the Committee of Claims.

The motion was agreed to.

Mr. EDEN also, by unanimous consent, moved that the Committee on War Claims be discharged from the further consideration of the bill (H. R. No. 3539) granting a pension to Margaret Cahill, widow of James Cahill, of United States Cavalry, and moved that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. EDEN also, by unanimous consent, moved that the Committee on War Claims be discharged from the further consideration of the petition of John C. Hawley, and that the same be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SINGLETON, by unanimous consent, moved that the Committee on Appropriations be discharged from the further consideration of the memorial of H. B. Rolfe, relating to an appropriation for the extradition of William Johnson, and that the same be referred to the Committee of Accounts.

The motion was agreed to.

COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. METCALFE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Expenditures on the Public Buildings be increased by the addition of two members, to be appointed by the Speaker.

GEORGE A. ARMES.

Mr. GLOVER, by unanimous consent, from the Committee on Military Affairs, reported, as a substitute for House bill No. 906, a bill (H. R. No. 3634) to authorize the restoration of George A. Armes to the rank of captain; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

RECONSIDERATION OF REFERENCES.

Mr. RANDALL. I move to reconsider the votes by which these various bills, &c., have been referred and recommitted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLD DOMINION STEAMSHIP COMPANY.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 3198) for the relief of the Old Dominion Steamship Company; and it was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLAIM OF WILLIAM WEBSTER IN NEW ZEALAND.

Mr. THOMPSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of State be directed, if not inconsistent with the interests of the public service, to furnish the House copies of the correspondence between the State Department and the government of Great Britain in relation to the sequestration of the lands and property in New Zealand claimed by William Webster, an American citizen, by purchase of the native chiefs of that country before its cession to and occupation by the British government.

Mr. MacDOUGALL. I move that the House adjourn, but yield for a moment to the gentleman from Indiana, [Mr. BAKER.]

Mr. BAKER, of Indiana. I ask unanimous consent to offer a resolution of inquiry asking information from the Secretary of the Treasury.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BURCHARD, of Illinois: The petition of citizens of Washington City, to have refunded to them taxes paid for the construction of a pavement on I street, Washington City, they having twice paid for said work, to the Committee for the District of Columbia.

By Mr. DOUGLAS: The petition of J. D. Gressit, for compensation for property destroyed by United States troops in 1863, to the Committee on War Claims.

By Mr. ELLIS: The petition of A. L. H. Crenshaw, for compensation for property taken by the United States authorities, to the same committee.

By Mr. FINLEY: The petition of John Van Riswick and others, for the improvement of the channel of the Potomac, to the Committee on Commerce.

By Mr. PIPER: The petition of Calhoun Benham, for compensation for professional services rendered relative to the marine hospital at San Francisco, California, to the Committee on the Judiciary.

By Mr. SAVAGE: Papers relating to the case of T. Worthington, to the Committee on Expenditures in the Treasury Department.

By Mr. WALKER, of New York: The petition of Arcalous Wyckoff, for an extension of a patent for an improved boring-machine, to the Committee on Patents.

By Mr. WALLACE, of Pennsylvania: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 4,202 citizens of Pennsylvania, to the Committee on the Judiciary.

By Mr. WALLACE, of South Carolina: The petition of J. L. Young, for compensation for carrying the mail over the Union and Spartanburgh Railroad, South Carolina, in 1860 and 1861, to the Committee of Claims.

IN SENATE.

FRIDAY, *June* 2, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the petition of Arcalous Wyckoff, of Elmira, New York, praying for the passage of a law authorizing the Commissioner of Patents to hear and determine his application for an extension of his letters-patent for an improved boring-machine; which was referred to the Committee on Patents.

Mr. ROBERTSON presented two memorials of citizens of South Carolina, remonstrating against the ratification of that portion of the treaty with the Hawaiian government admitting the importation of rice into the United States free of duty; which were referred to the Committee on Foreign Relations.

WILLIAM H. NESSLE.

Mr. SHERMAN. Upon the recommendation of the Committee on Claims, the bill (H. R. No. 37) for the relief of William H. Nessle was indefinitely postponed the other day. I have papers relating to the claim which I will furnish to the committee. These additional papers cover the point of objection made by the committee, I am told. I move that the action of the Senate indefinitely postponing the bill be reconsidered, and that it be recommitted to the Committee on Claims with the additional papers.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Michael Mayers, of Sebastian, Arkansas, praying compensation for drugs and medicines furnished the Army of the United States during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of John S. Logan and W. L. Shadwick, of Missouri, asking for the payment of the sum of $1,000 advanced by the Western Bank of Missouri for the use and benefit of United States troops under the command of Colonel John Edwards in 1861, of which claim they show that they are the owners, submitted a report thereon, accompanied by a bill (S. No. 890) for the relief of John S. Logan and W. L. Shadwick.

The bill was read and passed to the second reading, and the report was ordered to be printed.

FOURTH UNITED STATES JUDICIAL CIRCUIT.

Mr. THURMAN. The Committee on the Judiciary, to whom was referred the bill (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes, have instructed me to report it back with two amendments, and to ask for its immediate consideration, there being reasons stated in the letter of the judge of that circuit to us to show the necessity for passing this bill immediately. Indeed it should have been acted on before this. It can occupy no time. All the Senators from the States composing that circuit are in favor of the bill and all the judges within the circuit. I ask that it may be put upon its passage.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that a term of the circuit court for the district of South Carolina shall be held at Charleston on the first Monday in April, and in Columbia on the first Monday in November in each year; and, so far as the circuit court is concerned, the State of South Carolina shall constitute but one district.

A term of the circuit court for the eastern district of North Carolina shall be held at Raleigh on the third Monday in April and November in each year.

A term of the circuit court for the western district of North Carolina shall be held at Greensborough on the first Monday of May and the second Monday of December in each year.

A term of the circuit court for the eastern district of Virginia shall be held at Richmond on the last Monday in May and the first Monday in January in each year.

A term of the circuit court for the western district of Virginia shall be held at Lynchburgh on the third Monday in January in each year, and at such places and times as the district court is now required to be held in that district.

A term of the circuit court for the district of West Virginia shall be held at Parkersburgh on the first Monday in February in each year.

A term of the circuit court for the district of Maryland shall be held at Baltimore on the first Monday in June and the first Monday in October in each year.

All cases now pending in the circuit courts for these districts shall stand for trial at the term next ensuing after the passage of the act.

The first amendment of the Committee on the Judiciary was to insert after the enacting clause the following:

That instead of the regular terms now provided for by law the circuit court of the United States for the fourth judicial circuit shall be held as follows.

The amendment was agreed to.

The next amendment was to insert at the end of the sixth section the following:

But the term of the circuit court for said district to be held at Parkersburgh on the first Monday of August, 1876, shall be held at that time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 891) for the relief of Robert Small; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 892) to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That W. H. Dempsey have leave to withdraw his petition and papers from the files of the Senate.

PUBLICATION OF DISTRICT TAX-LIST.

Mr. EATON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to furnish the Senate with a copy of the contract entered into with the National Republican newspaper for the publication of the list of delinquent tax-payers for the present year and inform the Senate whether the collector of taxes of said District has charged delinquent tax-payers for the publication of such list in excess of the price paid said newspaper; and, if so, by what authority the same has been done.

AMENDMENTS TO APPROPRIATION BILL.

Mr. CHRISTIANCY and Mr. HOWE submitted amendments intended to be proposed by them to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

E. D. FRANZ.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill (H. R. No. 339) for the relief of E. D. Franz. I will state that if the Senate will consider this bill I shall move to take up the next bill on the Calendar also, as they both stand upon precisely the same facts. There is no trouble about either of them; they take no money out of the Treasury, but only provide for the issuing of a warrant in place of one that has been lost.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to E. D. Franz $2,019.82, in lieu of check numbered 2510, drawn on the United States assistant treasurer at San Francisco, California, payable to the order of one Daniel Hazard, and indorsed by Hazard to L. & H. Huning, and by L. & H. Huning to E. D. Franz, the check being signed by J. J. Dana, major and quartermaster United States Army, which check, it is claimed, was lost on being sent by L. & H. Huning to E. D. Franz, and was never received by him. But before the payment thus authorized Franz shall execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee in the draft, or the claim of any person in possession of or claiming the same, and also to fully indemnify the United States against all loss and damages in the premises.

The bill was reported from the Committee on Claims with an amendment, to insert after the word "authorized," in line 15, the words:

The Secretary of the Treasury shall be satisfied that said check has not been paid, and further that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LOUIS ROSENBAUM.

Mr. WRIGHT. I now move that the Senate proceed to the consideration of the bill (H. R. No. 341) for the relief of Louis Rosenbaum.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Louis Rosenbaum $1,424.37, in lieu of check numbered A 27018, on the assistant treasurer of the United States at New York, dated the 5th of January, 1874, payable to the order of Rosenbaum, and signed by M. P. Small, brevet brigadier-general and commissary of subsistence; which check, it is claimed, has been lost, and was never received by Rosenbaum. But before the payment thus authorized, Rosenbaum shall execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee in the draft, or the claim of any person or persons in possession of or claiming the same, and also to fully indemnify the United States against all loss and damages in the premises.

The bill was reported from the Committee on Claims with an amendment, in line 14 after the word "authorized" to insert:

The Secretary of the Treasury shall be satisfied that said check has not been paid, and further that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NEVILLE ISLAND CAUSEWAY.

Mr. BAYARD. I move that the Senate proceed to the consideration of House bill No. 1400.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river. It provides that the Government of the United States shall not be liable for any expenses incurred in the performance of the work or by reason thereof.

Mr. SHERMAN. Where is this?

Mr. BAYARD. This is a small island in the river Ohio upon the border of the county of Allegheny, in the State of Pennsylvania. The owners of the island are residents of the State of Pennsylvania, and are separated from their county and State by a branch of the river that runs between the mainland and the island. Upon their petition that they might be allowed to have access to the mainland of their State and county by means of a causeway thrown across this branch, the matter was referred to the Chief of Engineers, General Humphreys. He in turn committed it to Colonel Merrill, the engineer in charge, who has reported that this work will be no disadvantage whatever to travel upon the Ohio River, but will be an enormous convenience to the parties owning this small island. It is a small branch of the river, and this causeway will not in any way affect the navigation of the Ohio.

Mr. SHERMAN. I have no objection to the bill if it does not interfere with the navigation of the river.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF SOUTHERN RAILROADS.

Mr. GORDON. I move that the Senate proceed to the consideration of the bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad.

Mr. INGALLS. Before the Senate proceeds to the consideration of the bill I would ask the Senator from Georgia if this is the bill upon which the Senator from Vermont [Mr. EDMUNDS] requested information from the Secretary of War; and if so, whether that information has been received and laid before the Senate?

Mr. GORDON. Yes, sir; and the report has been here for nearly a month, I think.

Mr. INGALLS. Has it been printed?

Mr. GORDON. It has been in print since the 4th of May.

Mr. SHERMAN rose.

Mr. GORDON. If the Senator from Ohio will allow me one moment; it will be remembered that I gave way time and again to allow abundant time for this information, and I trust that now the bill will receive consideration.

Mr. SHERMAN. I was about to submit to the Senator from Georgia whether it would not be right to wait until the Senator from Vermont returns? It was announced that he would be absent two or three days. I am informed that he is in New York. Perhaps the time has already expired when his return was expected. I have no knowledge of the contents of the bill; but I think as the Senator from Vermont gave it attention we ought at least to wait until he returns.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I object until the Senator from Vermont returns.

Mr. GORDON. I will only say that while I think some consideration is due me in the matter, I also recognize the position taken by the Senator from Ohio, and I am perfectly willing that the bill should lie over, provided it can be understood by the Senate that at the very earliest moment I shall have it considered. I do not want to press the bill in the absence of the Senator from Vermont; but I can see no good reason, I must confess, for delay, as the whole information is here and everything connected with the bill, both the report of the Secretary of War and the report of the Quartermaster-General.

The PRESIDENT *pro tempore*. The Senator from Georgia defers his motion to proceed to the consideration of the bill.

PORT OF APPRAISAL AT SAINT PAUL, MINNESOTA.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill. It provides that the provisions contained in, and the privileges accorded by, sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 of the Revised Statutes shall be extended to, and held to include, the port of Saint Paul in the collection district of Minnesota; and that the appraiser at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUTENANT JAMES B. SINCLAIR.

Mr. CLAYTON. I move that the Senate proceed to the consideration of the bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. By it the President is directed to restore James B. Sinclair, first lieutenant United States Army, retired, to the rank of captain of infantry, as held by him December 31, 1870, and to place his name upon the retired-list of the Army as of the rank he held at that date.

The bill was reported from the Committee on Military Affairs with an amendment in line 4, to strike out the word "directed" and insert the word "authorized."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN T. KING AND L. B. CUTLER.

Mr. MORRILL, of Vermont. I move to take up the bill (S. No. 872) for the relief of the family of the late John T. King and of L. B. Cutler.

The motion was agreed to; and the bill was read the second time and considered as in Committee of the Whole.

The preamble recites that John T. King, lately employed as a carpenter and cabinet-maker about the Capitol, while in the discharge of his duties, was killed by an explosion of gas in the closet under the eastern stairway of the Senate, leaving a wife, three children, two grandchildren, and a mother-in-law without any means of support; and that L. B. Cutler, principal assistant in the folding-room of the Senate, was so injured, at the same time and under the same circumstances, as to be disabled for life, having a wife without means of support, and a mother to whose support he has partly contributed. The bill therefore appropriates the sum of $3,000 for the aid and support of the family of the late John T. King, and the further sum of $3,000 for the aid and support of L. B. Cutler, to be paid to the Secretary of the Interior in trust for the above-mentioned purposes, who may, at his discretion, pay the same to the respective parties in annual installments, or all in one payment, or invest the same for their benefit, as he may think most expedient. And a further sum equal to the amount of the previous regular compensation of King and Cutler from the 19th of May to the 30th of June, inclusive, is appropriated, to be expended immediately by the Secretary of the Interior in the manner before stated.

Mr. MORRILL, of Vermont. Mr. King was about fifty years of age, and a carpenter and cabinet-maker of the first class. He has left a family of four children, three of whom were dependent upon him for support, and two grandchildren and a mother-in-law, seven in all. The other party, chief assistant in the folding-room, is L. B. Cutler, who is about forty years of age, with a wife and no children, but a mother who has partly been dependent upon him. He is very much disabled; I understand will be so for life; that is, his hands will be bent up so that it will be impossible for him to perform manual labor of any sort.

Under the circumstances the Committee on Public Buildings and Grounds, by which the resolution directing them to consider and report, by bill or otherwise, upon this subject has been considered, concluded, as there were so many dependent parties interested, that it would be better to appropriate a specific sum and leave it in trust in the hands of some proper person to be distributed, either in purchasing a home, or paid out for the use and benefit of the family in annual installments as it might seem best, or that it might be invested in United States funds, so as to allow them to have an annual installment for their use and benefit, as the Secretary of the Interior should deem proper.

While I am up I desire to say that the accident was not perhaps the fault of these men who were engaged at the time in this closet, and certainly was not the fault of the engineer in charge of the Senate gas-fixtures. It is supposed to have been caused by some person who left the room with the burner partly open, which permitted the upper portion of the closet to be filled with gas, and when the proper explosive mixture had been made of the gas and air, upon lighting the gas it exploded. That it arose from this cause is quite evident because there has been no leakage there of the gas-pipes since, and all that has been done has been to take off the bracket. It is supposed that some party using the closet the day before or early that morning, in turning off the gas turned it too far or left it burning, and the closing of the door extinguished the flame, and afterward there was an escape of gas, so that when the burner came to be lighted again it caused the explosion.

I think under the circumstances, considering that these men left

their families entirely destitute, there will be no hesitation on the part of the Senate to make this appropriation.

The bill was reported to the Senate without amendment.

Mr. MORRILL, of Vermont. I move that the words "use and" be inserted in the eleventh line before "benefit;" so as to read "for their use and benefit."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed unanimously.

JUDSON S. POST.

Mr. COCKRELL. I ask for the present consideration of Senate bill No. 770, for the relief of Judson S. Post, of Missouri, which was reported favorably from the Committee on Claims, and is for a very just claim.

There being no objection, the bill (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy, was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to refund to Judson S. Post, late a disbursing officer of the United States Navy, $202.59, being the amount of interest on a principal amounting to $450.24, and which latter amount was a portion of $784.14, claimed to have been due from him to the United States, and paid by him upon the final settlement of his accounts as a disbursing officer of the United States Navy; and upon which sum of $450.24 he also paid interest to the United States, amounting to $202.59.

The committee proposed to amend the bill in line 21 by striking out the word "be" and inserting "he."

The amendment was agreed to.

Mr. SHERMAN. I call for the reading of the report.

Mr. COCKRELL. I can state in a moment all there is in the report. Judson S. Post was a paymaster; and after he resigned and left the service, a claim was presented against him by the Treasury Department. Suits were threatened, and he paid the amount claimed with interest, not having his accounts to refer to. When he got his accounts, he went to the Treasury Department, made a settlement, and they found that he had already paid that amount which they had claimed. They paid him back the principal which he had paid, but the interest which he had paid on that was covered into the Treasury, and it takes an act of Congress to get it out. There is a letter of the Secretary of the Treasury which explains the matter fully.

Mr. SHERMAN. When a man pays over money voluntarily under the threat of a lawsuit, he ought not under the common principles of law to be paid at all, because the presumption of the law is that he would not pay unless it was due; and the threat of a lawsuit is not a legal compulsion. That is not either the act of God or of a public enemy that would justify him in paying over money illegally; and certainly we ought not to pay interest on that interest.

Mr. COCKRELL. He is not asking for interest on interest; he is only asking for the interest which he paid on what the Government claimed, and which he did not owe; he paid interest to the Government, and asks it back.

Mr. SHERMAN. I should like to hear the report of the committee; it seems to me we are setting a dangerous example.

The Chief Clerk read the following report, submitted by Mr. CAPERTON from the Committee on Claims on the 26th of April last:

The Committee on Claims, to whom was referred, with accompanying papers, the bill (S. No. 770) for the relief of Judson S. Post, late disbursing officer of the United States Navy, having had the same under consideration, submit the following report:

It appears from the papers in the case that on the final settlement of the accounts of claimant, as disbursing officer of the United States Navy, he was charged with, and compelled to pay, the sum of $784.14 as principal and $52.84 as interest on the same from the 8th of April, 1868, at the rate of 6 per cent. per annum.

On subsequent investigation it was found by the Department that of this principal sum of $784.14, $450.24 had been wrongfully charged against claimant, and that amount was refunded to him; but his application for repayment of the interest already paid into the Treasury by claimant, amounting to $202.59, was rejected, for the reason that said interest had been covered into the Treasury, and could not be refunded except by special act of Congress.

It would seem that under this state of facts claimant is clearly entitled to have this interest refunded to him, and the committee therefore recommend the passage of this bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR F. M'DANIELS.

Mr. SHERMAN. I offer the following resolution, which I think will meet the general acceptance of the Senate:

Resolved, That there be paid out of the contingent fund to Wilbur F. McDaniels, a page of the Senate, seriously hurt while in the employ of the Senate, the amount of his pay during the residue of this session.

The resolution was considered by unanimous consent, and agreed to unanimously.

ADJUSTMENT OF ACCOUNTS.

Mr. BOUTWELL. I move to proceed to consider Senate bill No. 825.

The motion was agreed to; and the bill (S. No. 825) to provide for the more speedy adjustment of the accounts of the Treasurer of the United States was read the second time, and considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury, upon the recommendation of the Secretary of the Treasury, to cause such settlements to be made as may be necessary from time to time for the proper and speedy adjustment of the accounts of the Treasurer of the United States and of United States disbursing officers, agents, and clerks, crediting any of these parties from the appropriation for "losses by default," which is hereby created, with the amount or amounts of any deficiency which may have arisen in their respective accounts from the failure of any assistant treasurer, designated or national-bank depositary of the United States to pay over, as required by law, the amount of public moneys deposited therewith for safe-keeping and disbursement, and charging such amount or amounts to the defaulting assistant treasurer, designated or national-bank depositary on account of the appropriation. All payments made by such defaulting parties, and all sums recovered from them or their sureties on this account, are to be paid into the Treasury and carried by warrant to the respective credits of the parties defaulting and to the credit of the appropriation hereby created.

Mr. BOUTWELL. I move to amend in the tenth line by inserting the word "postmasters" after "disbursing officers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

F. M. BLOUNT.

Mr. LOGAN. I move to take up House bill No. 915.

The motion was agreed to; and the bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois, was considered as in Committee of the Whole. It provides for the payment to F. M. Blount, a clerk in the office of the assistant treasurer of the United States at Chicago, Illinois, of $500, to re-imburse him for a like sum paid by him into the Treasury of the United States out of his own private means, and so paid by him to make good a loss to the Treasury caused by his having taken, in the discharge of his duties as such clerk, a counterfeit $500 United States Treasury note.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTARIES PUBLIC.

Mr. CONKLING. I ask the Senate to consider House bill No. 1803 in reference to notaries public.

There being no objection, the bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, and so forth, for the courts of the United States, was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to amend the bill by striking out all after the enacting clause and in lieu thereof inserting:

That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. CONKLING, the title was amended so as to read: A bill to authorize notaries public to take affidavits and the like in the courts of the United States.

SWAMP AND OVERFLOWED LANDS IN FLORIDA.

Mr. JONES, of Florida. I move for the consideration of Senate bill No. 49.

The motion was agreed to; and the bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill, with an amendment to strike out the second and third sections, as follows:

SEC. 2. That all lands in the State of Florida which have been returned as impracticable to survey by reason of being swamp or overflowed shall be certified to said State as swamp and overflowed lands by the Commissioner of the General Land Office: *Provided, however*, That said Commissioner may require the governor of said State to furnish additional evidence with respect to the character of said lands before certifying the same as aforesaid.

SEC. 3. That in such townships in the State of Florida as are notoriously swamp or overflowed, or where satisfactory evidence shall be furnished to the Commissioner of the General Land Office that such townships are entirely swamp and overflowed, it shall not be necessary to subdivide such townships, but to run only the exterior lines; and where large quantities of land are notoriously swamp or overflowed, or are shown to be such by satisfactory evidence as aforesaid, the Commissioner may direct the surveyor-general to make segregation surveys thereof, running only the exterior lines, upon application to the surveyor-general by the governor of said State. And when surveys are made as herein authorized, the surveyor-general shall report the same, with maps thereof, to the General Land Office, representing and describing what land was swamp and overflowed according to the best evidence he can obtain. And it shall be the duty of the Commissioner of the General Land Office to certify over to the State of Florida, as swamp and overflowed, all the lands represented as such upon the maps or in the returns of the surveyor-general, or which shall be determined to be such upon the testimony taken before the surveyor-general, the decision of the surveyor-general thereon to be subject to the approval of the Commissioner of the General Land Office.

So as to leave the first section as follows:

That the Commissioner of the General Land Office is hereby authorized and required to receive and examine the selections of swamp lands in the State of Florida heretofore presented to the surveyor-general of said State, and allow or disallow said selections, according to the provisions of the act of Congress approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," without prejudice to legal entries or the rights of *bona fide* settlers under the homestead laws of the United States prior to the date of this act.

The amendment was agreed to.

Mr. WRIGHT. I should like to ask the Senator from Florida what is the necessity for this special legislation? Why did not the State obtain these lands under prior legislation? Was it because of any fault on the part of the State officers or because of fault on the part of the officers here? What is the occasion of the passage of this bill?

Mr. JONES, of Florida. I regret that the Senator from Indiana [Mr. McDONALD] who reported this bill is not now in his seat, but I think I can give the Senator the information desired.

Owing to the action of the Interior Department this bill is deemed necessary. Under the act of 1850 the State of Florida became entitled to the swamp and overflowed lands in that State. It was made the duty of the Secretary of the Interior to certify those lands to the State. In 1860 an act was passed limiting the period for making the selections to two years or the following Legislature in each State after the passage of the act. In the mean time the war broke out; there was no Legislature. The selections had all been made, but the Secretary of the Interior would not receive them because this limitation had expired. The matter was investigated by the Committee on Public Lands and this bill reported.

I think the decision of the Supreme Court in the case of the Railroad Company *vs.* Smith covers the point; but the Land Office has taken a different view of it, and has refused to accept these lands unless an act of this kind be passed.

Mr. WRIGHT. May I inquire of the Senator whether this matter has been referred to the Land Department, and whether there is any communication from the Commissioner of the General Land Office on the subject approving the proposed legislation?

Mr. JONES, of Florida. I see that the Senator who reported the bill is not now in his seat, and I do not know what communication he may have had with that Department; but I know that that Department has persistently refused to certify those lands in accordance with the law of 1850 and the decision of the Supreme Court in the case of the Railroad Company *vs.* Smith, in which they held that the title to the lands vested in the State by the act and could not be divested or lost by any omission or act of the Secretary of the Interior. It is merely to make the Secretary of the Interior accept those lists that this bill is asked to be passed.

Mr. WRIGHT. In view of the importance of this measure, and as the Senator from Indiana is not present, I should like to make some inquiry into the question as to what action has been taken by the Department. Will the Senator have any objection to let the bill be passed over for the present?

Mr. JONES, of Florida. Certainly not.

The PRESIDENT *pro tempore*. The bill will be passed over if there be no objection.

JOSEPH WILSON.

Mr. McCREERY. I move that the Senate proceed to the consideration of House bill No. 2836.

The motion was agreed to; and the bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky, was considered as in Committee of the Whole. It provides for paying to Joseph Wilson, of Bourbon County, Kentucky, $15,300, in full compensation for ninety mules captured from him by rebels at Beltsville, Maryland, in the year 1864, which mules were presented at the picket-lines of the defenses around Washington in part fulfillment of a contract to deliver in that city five hundred mules.

Mr. INGALLS. Is there a report in that case?

Mr. COCKRELL. The House report was adopted by the Senate Committee on Claims.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DAVIS, from the Committee on Claims, on the 12th of June, 1874:

The Committee on Claims, to whom were referred the papers and petition of Joseph Wilson, of Kentucky, asking to have his contract for delivery of mules in 1864 referred to the Court of Claims, report as follows:

On the 2d of July, 1864, Joseph Wilson, of Paris, Kentucky, made a contract, by order of Major-General Meigs, with General D. H. Rucker, for the delivery of five hundred mules of the usual size, age, &c., and to be inspected by the Government inspectors, at $170 each; two hundred to be delivered at Washington in five days from date of contract, and three hundred within twenty-five days. The two hundred were delivered and accepted within the five days named in the contract. On July 12, ten days after date of contract, Wilson's men drove to the picket-lines of United States troops near Bladensburgh one hundred and seventy mules. Owing to the rebels being in force near and around Washington, Secretary Stanton had caused an order to be given allowing no one to pass in or out of the Federal lines. After some delay and effort to get the mules within the United States lines, they were driven back a short distance and put into a field. Two of the men in charge staid with the mules. One of the men attempted to get into the city but failed to do so that day. Next morning, by taking the railroad-cars, he did get in, and after some delay succeeded in getting an order to bring in the mules; but before his return the rebels had captured and driven off the one hundred and seventy mules. Wilson, the contractor and owner, was not with the mules at the time they were refused entrance into Washington or when captured, but came the next day, when he and his men followed the route of the captured mules until they crossed into Virginia, succeeded in picking up eighty of the one hundred and seventy mules, leaving ninety lost or taken. There were also five horses taken, but for them Wilson clearly has no claim whatever against the Government, as he had no contract to deliver horses.

The facts as to coming to pickets with mules and being refused entrance into Washington; the capture of the mules by the rebels, and the following to recover mules; also the number taken and regained, are sworn to by Elias J. Kennedy and Thomas Dowden; also, circumstances show the facts. There is no doubt of the contract having been made by Wilson, and that the one hundred and seventy mules would have been delivered in Washington, July 12, but for the order not to let anybody pass in or out.

The claim has been in Congress or the Quartermaster's Department until this Congress. Wilson asks to have his claim under contract referred to the Court of Claims, to be tried by the rules of said court. His excuse for not going to the court within the six years allowed by law is that his claim was before Congress, and he expected it to be allowed there, and did not know he could go to the Court of Claims until it was too late. He now prays that his claim be referred to Court of Claims, to be acted upon by that court.

The committee recommend that the claim be referred to the Court of Claims, to be passed upon by them, and report a bill accordingly.

Mr. CONKLING. I did not hear the whole of the report. May I inquire if there is any evidence that this claimant asked for a guard, or in any way put the authorities in condition to furnish him a guard for any of this property?

Mr. SHERMAN. Or notified anybody that these were mules belonging to the Government—the commandant, or anybody else?

Mr. INGALLS. It is very evident that that cannot be the report referred to by the Senator from Missouri, because the bill provides for the payment of a certain amount of money out of the Treasury, whereas the report just read recommends that the claim be referred to the Court of Claims for consideration.

Mr. COCKRELL. I will state to the Senator from Kansas that that is not the report which was adopted by the Committee on Claims and submitted. I have sent for it. That report is in the hands of the printer, and it has been sent for. It is a very full report, and I think explains the objections made by the Senator from New York and the Senator from Ohio. I think if that report were here and read, it would be satisfactory. It covers those points, I think, definitely.

Mr. CONKLING. Would it not be better to let the bill lie until we have the report? I do not object at all; but I ask the Senator whether it would not be better?

Mr. COCKRELL. The Senator from Kentucky called up the bill.

Mr. McCREERY. I think it very likely the report will be here in the course of a few minutes.

Mr. SHERMAN. Time is passing.

Mr. McMILLAN. If the Senator will yield to me, I will move to proceed to the consideration of another bill, which will not require discussion.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. McMILLAN. I ask for the consideration of Senate bill No. 369.

Mr. MORRILL, of Maine. If it is likely to occupy time, I cannot consent.

MISSISSIPPI RIVER NAVIGATION.

Mr. McMILLAN. I think there will be no discussion whatever on the bill and it will pass without delay. It is a matter which has received the consideration of the Committee on Commerce, and the report is unanimous. It is a bill to exempt vessels engaged in the Mississippi navigation from entry and clearance. It is done with the full concurrence and knowledge of the Secretary of the Treasury, between whom and myself last fall there was some correspondence in regard to the matter, and it has had full consideration there.

There being no objection, the bill (S. No. 369) to exempt all vessels engaged in the navigation of the Mississippi River and its tributaries above the port of New Orleans from entries and clearances, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out of line 5 the word "and," and inserting after the words "4352" the words "4353, 4354, 4355, and 4356;" and in line 13, after the word "also," striking out the word "procuring," and inserting "to procure;" so as to make the bill read:

That the provisions of sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, and 4356 of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes;

A bill (H. R. No. 3156) to perfect the revision of the Statutes of the United States; and

A joint resolution (H. R. No. 113) authorizing the Secretary of War

to loan to the authorities of Steubenville, Ohio, two pieces of artillery, to be used in celebrating July 4, 1876.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 3) for the relief of Alvis Smith;

A bill (S. No. 43) granting a pension to Urial Bundy;

A bill (S. No. 121) granting a pension to John Pierson;

A bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers;

A bill (S. No. 545) granting a pension to Abraham Ellis; and

A bill (S. No. 641) granting a pension to Julia Scroggin.

AMENDMENTS TO APPROPRIATION BILL.

Mr. JONES, of Nevada, submitted four amendments from the Committee on Contingent Expenses intended to be proposed to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the following bills, having been received by him on the 20th of May last, and not having been returned by him to the Senate, wherein they originated, within ten days, (Sundays excepted,) as prescribed by the Constitution, have become laws without his signature:

An act (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry; and

An act (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

WILLIAM BATTERSBY.

Mr. NORWOOD. I desire to enter a motion to reconsider a report of a committee made the day before yesterday on the bill (S. No. 848) for the relief of Willam Battersby, on which the Committee on Claims made an adverse report. I enter a motion for reconsideration.

The PRESIDENT *pro tempore.* The motion will be entered.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers of Brittania W. Kennon, widow of Commodore Beverly Kennon, be taken from the files of the Senate and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 2935) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, and to consolidate certain of its staff departments, and for other purposes; and

A joint resolution (H. R. No. 119) authorizing the Secretary of War to loan to the authorities of Steubenville, Ohio, two pieces of artillery to be used in celebrating July 4, 1876.

The bill (H. R. No. 3156) to perfect the Revision of the Statutes of the United States was read twice by its title, and referred to the Committee on the Revision of the Laws.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore.* The Chair will now call up the unfinished business of yesterday, being the legislative, executive, and judicial appropriation bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

Mr. MORRILL, of Maine. Mr. President, I shall ask the indulgence of the Senate in considering the bill to consider the amendments reported by the committee as the reading progresses. I hope there will be no objection. And contrary to my usage, Mr. President, I feel constrained to make some observations to the Senate touching the character of this bill. The departures from the usages of Congress in making the appropriations for this service, as the bill comes to the Senate, are of such a character as to properly arouse the attention of the Senate.

I wish to draw an obvious distinction on which, perhaps, very much will depend as to the action of the Senate. This bill is in its title "an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877." The emphasis which I would make rests on two words, "making appropriations" for the expenses of three departments of the Government, legislative, executive, and judicial.

Mr. President, we are accustomed, I think, to treat the civil service, sometimes called the civil list, as if it were a thing that is and is not, may be, or may not be, according to our fancies, our whims, or our caprices. No greater mistake can possibly take place in regard to the duties that such an apprehension would devolve on the Senate now in considering this appropriation bill. What we want to know is the service, what it is, what relation it has to the country, and our duty in regard to it. It is our duty to make an appropriation for the civil service; and it is for the civil service as distinguished from the Government. Now, the Government of the United States is a mere abstraction, as provided by the Constitution, independent of the civil service. It is a proposition for a Government without any vitality or force in it independent of the civil service. From this statement it will be seen that our devotion to the civil service must be as our obligation is, precisely what it is to the Government of the United States. Congress is authorized by the Constitution to provide for the civil service. When that civil service is provided it is the hands of the Government of the United States by which all things are done in the name of the Government of the United States; and therefore any one will see that our obligations to it are to maintain it, support it, defend it, provide for it annually as for the Government of the United States.

Then another idea. It is an established service which forces an obligation upon every man in office and out of office to regard it and respect and provide for it. That is the nature of this measure. It is not an act so much to determine what the public service ought to be; it is not a provision to establish the public service. That was established as long ago as 1789, has been revised by sundry statutes from that time down; but it is a matter of solemn fact, a service provided by law; and when we know what it is and are called upon to appropriate for it, the obligation of the law is the rule, and no speculation about what it ought to be and is not is at all admissible on a question of appropriations. Senators will see at a glance that an attempt to determine what the appropriations ought to be on a bill that appropriates for the entire civil service of the country $20,000,000, to distribute that and undertake here on the floor of the Senate to tell what each man ought to have, would be absurd. Therefore I present this bill to you under the obligations of the law to do precisely what is implied in the title of the bill, to appropriate for the expenses of these Departments of the Government and for the civil service as established by law.

So much by way of preface as to the character of this bill and the obligation that arises from it; and the pertinency of these remarks will appear when I say that the committee have come to the conclusion that these obligations of the law have not been fully met; this duty has not been performed so far as appears by the bill as it comes to the Senate; and I will state to the Senate the particulars in which it has not been done.

In the first place, the bill does not provide for the salaries as established by law.

In the second place, it does not provide for the civil list as established by law, but has greatly reduced it.

In the third place, it does not provide for various substantive divisions or branches of the public service as established by law.

To these three particulars, in the brief words I shall address to the Senate, I desire to invite your attention. It reduces the compensation from 10 to 20 per cent., and that upon what I should call a horizontal rule, applicable to a diverse service which the Senate will see at once would be an impossible thing without danger of great injustice to those connected with the service. It reduces the civil list, by which I mean the numerical force of the Departments, about $22\frac{6}{10}$ per cent., (nearly one-fourth of the entire force,) and it omits all provision for several Bureaus and distinct divisions of the public service; for instance, the Indian Bureau, the Signal Service, the surveyors-general of the Territories, the Bureau of Military Justice, and several other minor and less important divisions.

Now allow me to invite your attention to the question of the salaries. The reduction of the salaries is, as I have said, averaging from 10 to 20 per cent. That applies to a civil list embracing in these Departments over five thousand persons. It applies principally to clerks of the second, third, and fourth classes. These constitute the great body of that force. It does not apply to those under the first class. The salaries of these classes, as the Senate know, are, naming them in the order in which I have named the classes, $1,400, $1,600, and $1,800.

Now, let us consider for a moment the reasons for any reduction of these salaries. They were established in 1853 and 1854, and from that time down to the present they have not been touched. They remain, and have remained from that day to this as established in those years. The supposition on the part of the committee is this, if these salaries were properly established in those times at those rates, are they unreasonable at the present time? The presumption seems to be against it. Then all our information from the Departments is precisely on that line. They are not too high; they are not high enough, it is said in the Departments, and verily believed, to command that kind of talent which the public service really demands.

The committee, therefore, content themselves with the inferences which would be drawn from the fact that these salaries were established in 1853 and 1854, have remained to the present time, the character of the times then, and the fact that they have been sustained all this time, and the additional fact that the expenses of living here in the city of Washington now over the expenses at the time when these salaries were established must be very great; it is said nearly double.

But, Mr. President, in addition to all that, the committee felt that they were not at liberty to exercise any discretion in regard to the

salaries. The committee are acting as an appropriation committee to provide for the salaries and the expenses of the Government as established by the law. They have remained without complaint, except that they were too low, from that time down to the present; and if the committee had been inclined to believe that they were too high, the only thing the committee could do would be to refer that question to the Senate. But under the obligations of the law to appropriate for the expenses as they are found to exist, the committee recommend non-concurrence with the House in all these questions of salaries, and they amended the bill accordingly.

Mr. COCKRELL. When were these salaries fixed did the Senator say?

Mr. MORRILL, of Maine. In 1853 and 1854.

Mr. COCKRELL. The majority of them?

Mr. MORRILL, of Maine. The large majority of them; the great bulk of them.

Now, Mr. President, I come to the reduction in the civil list; and I will state to the Senate what the reduction has been as the bill comes to the Senate and what it is as reported from the committee of the Senate.

The number in the civil list in the Departments is 5,308, as provided for in this bill. Twenty-two and six-tenths per cent. of that is the reduction, which amounts to 1,203, nearly one-fourth of the entire force. These and other reductions and omissions in the bill would reduce the expenses $5,739,440.39. The reduction of the civil list, it will be seen, is one-fourth of the entire service. On the face of it, who that is at all acquainted with the necessities which every public man knows have pressed upon Congress since 1867 for reduction and retrenchment, and the reductions that have been made from year to year, believes that a condition of things exists to-day that will admit of reducing the service in these Executive Departments one-fourth? The very statement of the proposition shows that there must be some mistake about it, that it cannot be so, is not so. I say that is the probability.

This bill in the aggregate, as I have said, proposes to reduce the expenses $5,739,440.39. That is just about one-third of the entire expenditures of the civil service of the country as it has been appropriated for the last four or five years.

The committee of the Senate propose to make a reduction of $2,130,398, which is just about one-half of the reduction proposed by the House. The Senate committee's reduction of the civil list is 318 as against 1,203 on the part of the House, which is a reduction of between 6 and 7 per cent. of the numerical force. This is a reduction from the estimates of this year of $2,130,398, reducing the estimated appropriations from $19,138,678 to $17,010,876.

For 1874 the amount of appropriations for this service was $20,758,255.50; for 1875, $18,734,422.20. The present bill, as I have already stated, amended as the committee propose, is $17,010,876.

In confirmation of what I observed a few moments ago as to the gradual reduction in this service in the interest of public economy the last few years, whoever examines these bills will find that this reduction has been gradual and uniform through these years. It will be seen that in the year 1875 the appropriations were two millions and more less than for 1874, and that the bill for 1876–'77, as contemplated by the report of your committee, is $1,700,000 below that of last year. This is shown by the following table:

Statement of amount of legislative bill for 1876; *amount recommended by House for* 1877; *amount recommended by Senate committee for* 1877.

	1876.	House bill, 1877.	Recommended by Senate committee.	Increase over House bill.
Compensation and mileage, Senators	$400,000 00	$363,000 00	$400,000 00	$37,000 00
Officers and employés of Senate	146,268 80	100,050 00	161,682 80	61,632 80
Contingent expenses, Senate	143,640 00	72,690 00	82,618 00	9,928 00
Reporting debates, Senate	25,000 00	22,500 00	25,000 00	2,500 00
Capitol police	52,600 00	28,600 00	48,400 00	19,800 00
Compensation and mileage, House of Representatives	1,650,000 00	1,459,000 00	1,650,000 00	191,000 00
Officers and employés of House	227,074 70	170,150 00	209,243 20	39,093 20
Contingent expenses, House	185,385 00	122,088 00	124,608 00	2,520 00
Library of Congress	63,986 00	44,850 00	50,780 00	5,930 00
Public Printer	17,617 60	.....	17,614 00	17,614 00
Public Buildings and Grounds	52,328 00	32,008 00	41,408 00	9,400 00
Executive	78,400 00	64,446 11	76,400 00	11,953 89
State Department	246,550 00	123,280 00	208,370 00	85,090 00
official postage-stamps	25,000 00	20,000 00	20,000 00	.....
Treasury Department	3,430,396 50	2,299,321 50	2,982,310 00	682,988 50
official postage-stamps	100,000 00	80,000 00	200,000 00	120,000 00
Independent Treasury	445,880 00	369,730 00	418,240 00	48,510 00
Collecting internal revenue	5,051,000 00	3,491,000 00	4,241,000 00	755,000 00
Mints and assay offices	1,220,145 00	810,110 00	1,199,310 00	389,200 00
Territorial governments	351,441 40	189,700 00	237,820 00	48,120 00
War Department	1,081,240 00	774,720 00	1,053,900 00	279,180 00
official postage-stamps	85,669 00	70,000 00	70,000 00	.....
Navy Department	141,240 00	105,550 00	132,940 00	27,390 00
official postage-stamps	20,000 00	17,000 00	17,050 00	.....

Statement of amount of legislative bill for 1876, *&c.*—Continued.

	1876.	House bill, 1877.	Recommended by Senate committee.	Increase over House bill.
Interior Department, Secretary's office	$161,640 00	$103,840 00	$127,740 00	$23,900 00
official postage-stamps	125,000 00	125,000 00	125,000 00	.....
Land Office	300,960 00	242,380 00	301,960 00	58,580 00
Indian Office	77,880 00	.....	75,880 00	75,880 00
Pension Office	564,580 00	388,920 00	565,280 00	176,360 00
Patent Office	731,400 00	575,620 00	671,400 00	95,780 00
Bureau of Education	35,570 00	18,890 00	35,570 00	16,680 00
Surveyors-general and clerks	151,300 00	.....	143,000 00	143,000 00
Post-Office Department	524,452 00	433,070 00	550,912 00	117,842 00
Department of Agriculture	185,130 00	155,860 00	179,580 00	23,720 00
official postage-stamps	52,000 00	4,000 00	4,000 00	.....
United States courts, marshals, attorneys, &c	397,250 00	385,500 00	391,950 00	6,450 00
Court of Claims	35,390 00	31,640 00	33,340 00	1,700 00
to pay judgments of	400,000 00	.....	.....	.....
Department of Justice	138,320 00	96,720 00	117,020 00	20,300 00
official postage-stamps	10,000 00	1,000 00	5,000 00	4,000 00
Total	19,131,674 00	13,392,233 61	17,000,276 00	3,608,042 39

Increase recommended to House bill by the committee $3,608,043 39
Decrease, as recommended by committee, from bill for 1875–'76 ..... 2,131,398 00

Here, Mr. President, the question arises whether we can sustain a lower reduction than is recommended by the committee; and upon this point I desire to say that the committee have taken the utmost pains with a view of ascertaining the lowest point to which the civil-list could be reduced numerically so as not to cripple the public service, and to this end we put ourselves in communication with the heads of the Departments, enjoined upon them to make personal investigation into the public service through the Departments, the Bureaus, the divisions, and upon such investigation to present to the committee the figures giving the lowest reduction practicable to be made consistent with the public service.

I submit a table to be published in the RECORD, showing specifically the reduction contemplated:

Number of employés appropriated for for the fiscal year 1875–'76, *recommended by House bill and by Senate committee for fiscal year* 1876–'77.

	1875–'76.	House bill.	Senate committee.
Library of Congress	17	14	17
Capitol police	39	28	36
State Department	90	76	104
TREASURY DEPARTMENT.			
Secretary's Office	357	284	313
Division of Loans and Currency	127	79	94
Supervising Architect	18	12	14
First Comptroller	49	39	49
Second Comptroller	74	48	62
Commissioner of Customs	32	21	32
First Auditor	51	36	51
Second Auditor	176	108	163
Third Auditor	173	110	149
Fourth Auditor	56	42	54
Fifth Auditor	35	26	30
Sixth Auditor	233	216	233
Treasurer	138	107	116
Division of Loans	217	161	197
Redeeming National Currency	152	114	114
Register of the Treasury	55	39	49
Division of Loans	153	105	117
Comptroller of the Currency	95	65	82
Redeeming National Currency	30	20	20
Commissioner of Internal Revenue	241	194	217
Light-House Board	10	10	10
Bureau of Statistics	41	27	32
Bureau of Engraving and Printing	23	15	15
Total Treasury Department*	2,536	1,878	2,213
INDEPENDENT TREASURY.			
Assistant treasurer, New York	82	82	82
Boston	21	21	21
San Francisco	11	11	11
Philadelphia	27	27	27
Baltimore	16	16	16
Saint Louis	10	10	10
Chicago	8	8	8
Cincinnati	11	11	11
New Orleans	10	9	10
Total Independent Treasury	196	195	196

* House reduction, 25 per cent.; Senate reduction, 13 per cent.

Number of employés appropriated for, fiscal year 1875–'76, *&c.*—Continued.

	1875–'76.	House bill.	Senate committee.
MINTS AND ASSAY OFFICES.			
Director of the Mint	10	10	10
Mint at Philadelphia	15	15	15
San Francisco	10	10	10
Carson	11	10	11
Denver	5	4	5
New Orleans	2	3	3
Assay office, New York	14	13	14
Helena	3	2	2
Boisé City	2	1	1
Charlotte	.....	1	1
Total mints and assay offices	72	69	72
WAR DEPARTMENT.			
Secretary of War	65	56	61
Adjutant-General	249	173	249
Inspector-General	2	2	2
Bureau of Military Justice	10	.....	9
Signal Office	3	.....	3
Quartermaster-General	147	115	137
Commissary-General	30	25	30
Surgeon-General	169	138	179
Chief of Ordnance	20	16	20
Paymaster-General	59	39	52
Chief of Engineers	22	18	20
Total War Department	776	572	762
NAVY DEPARTMENT.			
Secretary of the Navy	20	16	20
Bureau Yards and Docks	9	8	9
Equipment and Recruiting	9	9	9
Navigation	5	5	5
Ordnance	7	6	7
Construction and Repair	9	7	9
Steam Engineering	6	4	6
Provisions and Clothing	11	9	11
Medicine and Surgery	4	2	4
Total Navy Department	80	66	80
INTERIOR DEPARTMENT.			
Secretary's Office	45	40	45
Watchmen for building	29	19	19
Land Office	201	167	201
Pension Office	365	270	365
Indian Office	51	.....	51
Patent Office	335	294	335
Bureau of Education	13	11	13
Total Interior Department	1,039	801	1,029
POST-OFFICE DEPARTMENT.			
Post-Office Department	354	308	374
DEPARTMENT OF JUSTICE.			
Attorney-General's Office	34	29	32
Solicitor of the Treasury	16	13	16
Total Department of Justice	50	42	48
DEPARTMENT OF AGRICULTURE.			
Department of Agriculture	59	56	59
Total number of employés*	5,308	4,105	4,990

* Reduction made by House, 22.6 per cent.; reduction made by Senate committee, 6 per cent.

The committee have come to the conclusion, resting on the judgment of the Departments and the information from the Departments, that as low as the public service can go is a reduction of between 6 and 7 per cent., which is a numerical reduction of three hundred and eighteen.

Mr. President, we are now several years from the close of the war, and it is a marvel in the eyes of some people that the public service is still so large as it is; but we ought not to forget that although peace has come, although the armies have disbanded, we are still dealing with the consequences of the war. The incidents of the war are still with us and still felt in these Departments. Now to the end that the Senate may see precisely whether this force is all employed, I have procured tables which I think will tend very strongly to show that the force they have in these Departments is no greater than is needed. Here is a comparative statement of work performed in the several Bureaus of the Treasury Department specified—which I will send to the Chair and would be glad to have go into the RECORD—in these Departments and several Bureaus and Divisions as compared with a year previous to the year 1861.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Secretary will read the paper.

The Secretary began to read the following table:

Comparative statement of work performed in the several Bureaus of the Treasury Department, below specified, during the years ending June 30, 1860, and June 30, 1875, respectively.

	1860.	1875.
FIRST AUDITOR'S OFFICE.		
Number of accounts for money received	1,985	7,035
Amount involved	$157,596,761 36	$1,144,320,298 89
Number of accounts for money disbursed	8,334	17,994
Amount involved	$125,630,648 78	$1,491,427,101 07
Expenses	42,340 00	76,780 00
Cost per account	4 10	3 06
SECOND AUDITOR'S OFFICE.		
Number of accounts settled	2,174	25,347
Amount involved	$9,972,757 31	$27,536,257 49
Letters, claims, &c., received	5,042	118,602
Letters written	8,003	131,321
Number of employés	24	176
Expenses	$35,540	$245,480
Number of accounts settled to each employé	90	144
Number of letters received to each employé	210	673
Number of letters written to each employé	333	746
Cost per account	$16 34	$9 68
THIRD AUDITOR'S OFFICE.		
Number of accounts settled	2,300	19,138
Amount involved	$14,591,845 00	$53,418,828 50
Number of employés	61	173
Expenses	$90,940 00	$237,000 00
Average salary of each clerk	1,490 82	1,312 13
Average amount settled by each clerk	239,210 00	308,779 30
Number of accounts settled by each clerk	39½	111 5-9
Average cost per account	$35 00	$12 30
FOURTH AUDITOR'S OFFICE.		
Number of accounts adjusted	320	1,111
Number of vouchers embraced in same	58,098	189,451
Amount involved	$17,442,757 43	$42,109,708 61
Number of prize-claims settled	.....	2,842
Amount of prize-money distributed	.....	$358,588 39
Number of general claims adjusted	346	1,551
Amount disbursed in above settlements	$74,682 15	$243,561 89
Monthly statements from paymasters received and examined	.....	1,500
Certificates of service furnished Commissioner of Pensions	.....	340
Number of pay requisitions entered	780	1,90
Amount	$11,856,201 98	26,498,139 30
Number of refunding requisitions	115	218
Amount	$326,608 00	$4,697,428 00
Number of allotments registered	1,867	1,428
Number of letters received and registered	5,252	17,383
Number of letters written	5,673	21,859
Number of clerks employed	15	45
Expenses	$27,740 00	$78,328 25
FIFTH AUDITOR'S OFFICE.		
Number of accounts adjusted	1,347	11,697
Number of clerks employed	8	33
Expenses	$17,840 00	$52,400 00
Cost per settlement	1,324	4 48
OFFICE OF COMMISSIONER OF CUSTOMS.		
Receipts	$53,166,728 09	$159,117,443 87
Disbursements	6,542 912 67	19,726,337 81
Letters written	5,426	12,345
Letters received	3,683	10,888
Letters recorded	5,426	10,318
Returns received and examined	.....	10,824
Number of oaths registered	.....	5,841
Number of appointments registered	.....	5,660
Number of clerks employed	11	29
Expenses	$20,440 00	$45,420 07
FIRST COMPTROLLER'S OFFICE.		
Accounts revised and balances recorded	7,580	21,533
Requisitions	1,116	4,435
Warrants entered and posted	17,022	48,407
Letters written, &c	3,732	12,252
Internal-revenue tax-lists received and entered	.....	2,715
Internal-revenue reports copied, &c	.....	3,558
Powers of attorney examined and entered	68	1,527
Expenses	$28,201 00	$73,768 00
REGISTER'S OFFICE.		
Certificates of registry recorded	2,738	2,603
Emoluments recorded	7,269	7,296
Statements of tonnage published	7	25
Warrants registered	16,376	47,979
Drafts registered	13,852	43,046
Entry of accounts, journal pages	1,709	4,558
Certificates for settlements of accounts	3,494	14,972
Accounts received	14,141	23,538

Comparative statement of work performed in the several Bureaus of the Treasury Department, &c.—Continued.

	1860.	1875.
Division receipts and expenditures:		
ledger headings	1,213	3,305
entries in ledgers	26,130	66,661
Ledger accounts, loan division	1,500	40,000
Number of employés	37	*208
Average salary of each employé	$1,397 00	$1,176 00

* Two large divisions of the office (note and coupon, and note and fractional currency) were not established in 1860.

Having read some of the items——

Mr. MORRILL, of Maine. Perhaps that will suffice.

Whoever takes pains to examine this table will be astonished, I think, at the disparity in the work and the service of these years. Going back to the year 1860, the work in these Departments was comparatively nominal. Coming to 1875, it is immense. In 1860 in the First Auditor's Office there were nineteen hundred and eighty-one subjects examined against seven thousand and sixty-five in 1875. In 1860 the accounts involved $157,000,000, against $1,144,000,000 in 1875.

The expenses in that Bureau for 1860 were $42,340; in 1875, $76,780; whereas the work performed is more than fourfold, and with this relative expense: in 1860, $4.10 per account, as against $3.06 in 1875. That is true of the entire service in this Department, as I believe. This is the Treasury Department I am speaking of, and it illustrates this general fact, that the civil service as it exists to-day numerically is justified by the work done and by the demands of the public service for labor to be performed.

The impression is abroad undoubtedly in the country that the service might be greatly reduced and that it is really excessive and extravagant. When we look at the figures and see, for instance, that in 1860 the ordinary civil expenses of the Government are said to have been $69,000,000, and when last year we know that they were $274,000,000, it puts every intelligent man, of course, upon his inquiry whence this disparity? I present the tables which will explain it.

It must be remembered that we have passed through since 1860 a very extraordinary period in our history requiring a very great expenditure of money. These tables which I hold in my hand institute a comparison of expenditures for the years 1859 and 1875. In 1859 the expenditures were $68,984,690.09; in 1875 they were $274,623,392.84; making a difference it will be seen of $205,638,702.75. It will be seen that the business of the committee is to account for that two hundred and five and odd million dollars which is in excess of the service of 1859. That is accounted for in this way: Three constituent elements enter into it: first, the war and the expenses incident to the war; second, the natural growth of the service through the natural growth of the country; and third, that new service which has been ingrafted upon the public service since 1859 and 1860.

This increase will be found in the expenses of Congress; the executive; the judiciary; miscellaneous civil; the foreign intercourse; miscellaneous; Interior; military establishment; naval establishment; public debt. The public debt, $100,455,080.60, entered into these $205,000,000 last year. Six million dollars and more were to the naval establishment; military establishment, $19,000,000; Interior Department, $33,000,000—I speak in round numbers only—miscellaneous, $32 000,000; foreign intercourse, $2,000,000; miscellaneous civil, $1,000,000; judiciary, $2,454,780; executive, $4,000,000; and Congress, $2,203,000.

I send the tables to the Reporter and ask that they may be printed with my remarks.

Statement of the disbursements of the United States Government for the fiscal years 1859 and 1875.

	1859.	1875.
CIVIL.		
Congress:		
Senate—salaries	$283,953 44	$614,698 18
miscellaneous and contingent expenses	230,037 28	86,269 94
House of Representatives—salaries	780,704 41	1,792,656 76
miscellaneous and contingent expenses	496,569 21	247,685 03
Library—salaries	9,000 00	29,294 04
miscellaneous and contingent expenses	10,600 00	44,379 31
Public printing—salaries	10,022 15	11,336 40
miscellaneous and contingent expenses	486,058 74	1,674,615 19
Botanic Garden—salaries	5,121 50	12,145 98
miscellaneous and contingent expenses	4,144 16	19,913 04
Court of Claims—salaries	32,245 06	30,087 25
miscellaneous and contingent expenses	6,536 00	5,000 00
Total Congress	2,354,991 95	4,568,081 12
EXECUTIVE.		
Executive proper	41,564 40	71,800 00
State Department	62,082 06	96,738 30
Treasury Department—Secretary's Office	$47,884 36	$476,698 97
First Comptroller	27,751 38	72,454 75
Second Comptroller	26,840 00	110,925 97
First Auditor	35,940 00	72,908 81
Second Auditor	35,366 87	266,583 02
Third Auditor	132,650 93	246,801 97
Fourth Auditor	26,801 99	77,697 46
Fifth Auditor	17,825 33	51,304 83
Sixth Auditor	172,196 19	299,630 00
Supervising Architect		31,423 51
Treasurer	27,340 00	414,361 44
Register	51,727 48	243,337 50
Solicitor	17,140 00	
Commissioner of Customs	20,440 00	49,159 02
Comptroller of Currency		134,764 01
Light-House Board	9,240 00	14,201 91
Engraving and Printing		25,200 00
Superintendent of Buildings	17,400 00	
miscellaneous salaries		88,143 70
Department of Justice	15,239 61	116,355 78
Commissioner of Agriculture		77,059 12
Commissioner of Internal Revenue		335,166 80
Bureau of Statistics		59,403 23
Post-Office Department	158,595 00	446,612 39
War Department	124,917 13	1,018,903 17
Navy Department	97,879 41	121,735 20
Interior Department	585,019 87	1,314,388 15
Miscellaneous and contingent expenses	339,309 42	613,467 73
Total Executive	2,091,199 43	6,948,217 74
JUDICIARY.		
Compensation	239,058 81	391,092 40
Expenses of United States courts	1,019,345 77	3,322,182 27
Total judiciary	1,258,404 58	3,713,184 67
MISCELLANEOUS CIVIL.		
Territorial governments	177,737 66	247,194 53
Independent Treasury	38,800 00	365,220 20
Public land offices	91,210 68	611,879 89
Inspection of steam-vessels	81,442 33	212,392 02
Mints and assay offices	141,851 48	164,228 01
Total miscellaneous civil	531,042 15	1,600,914 65
Total civil	6,235,638 11	16,830,398 18
FOREIGN INTERCOURSE.		
Diplomatic salaries	327,132 66	319,379 68
Consular salaries	316,132 21	462,861 43
Contingencies of consulates	95,366 62	159,518 98
Relief and protection of American seamen	210,125 39	35,099 21
Rescuing seamen from shipwreck	10,000 00	1,896 56
Survey of boundary between United States and British possessions	71,000 00	39,865 00
American and Mexican claims commission		20,363 06
American and Spanish claims commission		14,021 51
American and British claims commission		2,093 25
Return of consular receipts		32,225 02
Exposition at Vienna		6,172 66
Alabama claims commission		84,374 70
Awards to British claimants		1,929,819 00
Contingent and miscellaneous	137,233 93	87,547 17
	1,166,990 81	
Deduct excess of repayments	131,130 79	
Total foreign intercourse	1,035,860 02	3,195,237 23
MISCELLANEOUS.		
Mint establishment	624,300 63	1,244,618 40
Branch-mint buildings		145,780 93
Coast Survey	419,700 00	780,635 44
Light-house establishment	1,062,450 42	1,778,841 52
Building and repairs of light-houses	182,254 56	1,165,198 72
Refunding excess of deposits for unascertained duties	609,613 58	1,863,657 85
Life-saving service, including new stations	13,260 97	203,113 32
Custom-houses, court-houses, post-offices, &c	1,595,723 86	8,055,054 86
Furniture, &c., for public buildings		448,169 78
Repairs of public buildings	480,642 86	382,289 21
Collecting customs revenue	3,441,544 14	7,028,521 80
Debentures and drawbacks under customs laws	592,557 30	1,629,328 02
Refunding duties erroneously collected	15,520 35	9,810 93
Marine hospital establishment, including buildings	700,686 80	472,478 34
Mail-steamship service	614,483 41	650,000 00
Deficiencies in postal revenues	4,200,000 00	6,562,216 30
Suppressing counterfeiting and fraud	2,215 45	120,615 20
Contingent expenses, Independent Treasury	27,018 73	95,159 57
Public buildings and grounds in Washington	1,444,969 90	809,176 43
Capitol extension, repairs, &c	980,000 00	69,800 00
Columbia Institute for Deaf and Dumb	5,841 00	77,000 00
Metropolitan police	28,698 33	208,006 62
Support of transient paupers	6,000 00	15,000 00
Survey of public lands	817,292 94	1,253,187 13
Repayment for lands erroneously sold	67,276 48	35,036 55
Five per cent. fund to States	33,836 40	94,436 52
Relief acts	56,542 36	157,813 59
Expenses of District of Columbia	111,358 74	539,503 96
Smithsonian Institution, including building	30,910 14	68,050 83
Indemnity for swamp lands	14,897 15	43,386 94

Statement of the disbursements of the United States Government for the fiscal years 1859 and 1875—Continued.

	1859.	1875.
Agricultural Reports	$600,000 00	$846,700 00
Payment for coins, &c., destroyed at Chicago		809 04
Revenue-cutter service		897,985 85
Building revenue-cutters	17,014 82	88,107 81
Compensation in lieu of moieties		67,134 18
Assessing and collecting internal-revenue		4,289,442 71
Violations of internal-revenue laws		30,095 00
Internal-revenue stamps, paper, and dies		627,649 97
Refunding internal revenue erroneously collected		109,286 77
Internal-revenue allowances and drawbacks		32,248 73
Redemption of stamps		31,867 05
Return of proceeds of captured property		880,619 34
Expenses of national loan		552,397 97
Refunding national debt		150,255 51
Expense national currency		330,978 27
Extension of Capitol grounds		220,000 00
Building for State, War, and Navy Departments		1,049,059 54
Government Hospital for Insane		215,107 00
Charitable institutions in Washington		229,308 33
Expenses of eighth and ninth census		23,569 40
Penitentiaries in Territories		14,791 13
Board of health, District of Columbia		41,388 50
Inquiries into causes of steam-boiler explosions		8,474 01
Refunding proceeds of cotton seized		36,938 72
Southern claims commission		51,800 00
Re-issuing national currency		64,244 76
Postage		1,022,165 13
Interest on 3 65 bonds of District of Columbia		154,554 64
Payment of indebtedness of District of Columbia		1,300,000 00
Expenses of Bureau of Engraving and Printing		1,581,669 41
Purchase and management of Louisville and Portland Canal		107,794 31
Vaults, safes, and locks for public buildings		103,487 95
International exhibition at Philadelphia		26,300 00
Indemnity to Dempsey & O'Toole		29,433 89
Distribution of seeds, (grasshopper ravages)		30,000 00
Unenumerated items	238,592 93	215,892 49
Judgments of Court of Claims		516,531 35
	18,495,144 25	
Deduct excess of repayments	20,858 43	
Total miscellaneous	18,474,285 82	51,045,067 57
INTERIOR DEPARTMENT.		
Indians	3,532,874 25	8,384,656 82
Pensions	1,221,098 35	29,456,216 22
Total Interior Department	4,753,972 60	37,840,873 04
MILITARY ESTABLISHMENT.		
Pay Department	3,945,078 08	10,944,666 31
Commissary Department	2,791,457 68	2,851,334 74
Quartermaster's Department	9,975,626 95	13,253,571 74
Ordnance Department	1,318,486 98	1,758,965 26
Medical Department	110,036 12	344,887 94
Military Academy	182,659 40	99,401 79
Expenses of recruiting	65,139 92	50,259 88
Contingencies of the Army	10,733 15	35,557 59
Signal Service		422,641 58
Refugees, freedmen, and abandoned lands		34,317 36
Bounties to soldiers		294,480 00
Re-imbursing States for raising volunteers	227,176 48	139,958 32
Claims of loyal citizens for supplies		1,265,170 40
Relief acts	108,379 78	377,831 46
Forts and fortifications	1,273,195 60	1,128,980 31
Improvements of rivers and harbors	567,302 25	6,380,811 18
Re-imbursing Kentucky, expenses in suppressing rebellion		35,490 65
Suppressing Indian hostilities	23,375 21	88,980 30
National Asylum for Disabled Volunteer Soldiers		911,505 12
Washington and Oregon volunteers		8,574 00
Horses and other property lost in military service		83,720 68
Soldiers' Home		154,604 01
Miscellaneous	535,311 77	457,935 36
Total military establishment	21,133,859 37	41,120,645 98
NAVAL ESTABLISHMENT.		
Pay and contingencies of the Navy	4,346,166 12	6,542,521 61
Marine Corps	674,463 26	1,176,325 43
Navigation	92,589 34	281,383 52
Ordnance	146,291 66	508,744 91
Provisions and Clothing	992,769 11	1,736,770 63
Medicine and Surgery	68,736 09	133,175 52
Equipment and Recruiting	2,365,837 57	1,175,252 09
Construction and Repair	3,554,630 92	4,339,412 00
Steam Engineering	457,985 91	1,812,043 55
Yards and Docks	1,477,212 46	2,519,755 30
Relief acts	15,950 54	140,278 97
Transit of Venus		70,964 43
Prize-money to captors		842,582 22
Miscellaneous	580,677 23	218,416 19
Total naval establishment	14,712,610 21	21,497,626 27
PUBLIC DEBT.		
Interest on the public debt	2,638,463 96	103,093,544 57
Total net ordinary disbursements	68,984,690 09	274,623,392 84

Disbursements in 1875 in excess of 1859.

Congress	$2,213,089 17
Executive	4,857,018 31
Judiciary	2,454,780 09
Miscellaneous civil	1,069,872 50
Foreign intercourse	2,159,377 21
Miscellaneous	32,570,781 75
Interior	33,086,900 44
Military establishment	19,986,786 61
Naval establishment	6,785,016 06
Public debt	100,455,080 61
Total disbursements in 1875 in excess of 1859	205,638,702 75

The excess of expenditures may be classified under each head as follows:

CONGRESS.			
Natural growth:			
Senate and House		$950,045 57	
Library, Botanic Garden, and Court of Claims		73,172 90	
Public printing		1,189,870 70	
			$2,213,089 17
EXECUTIVE.			
Natural growth:			
Executive proper	$30,235 60		
State Department	34,656 24		
Light-House Board	4,961 91		
Post-Office Department	288,017 39		
Interior Department	729,368 28		
		1,087,239 42	
New:			
Supervising Architect	31,423 51		
Commissioner of Agriculture	77,059 12		
Bureau of Statistics	59,403 23		
		167,885 86	
Natural growth and war:			
Treasury Department	1,724,502 21		
Department of Justice	101,116 17		
		1,825,618 38	
Due wholly to the war:			
Comptroller of Currency	134,764 01		
Engraving and Printing	26,200 00		
Miscellaneous salaries	88,143 70		
Commissioner of Internal Revenue	335,166 80		
War Department	893,986 04		
Navy Department	23,855 79		
Miscellaneous expenses	274,158 31		
		1,776,274 65	
			4,857,018 31
JUDICIARY.			
Natural growth and war:			
Compensation		151,943 59	
Expenses of courts		2,302,503,28	
			2,454,780 09
MISCELLANEOUS CIVIL.			
Natural growth:			
Territorial governments		69,456 87	
Independent Treasury		326,420 20	
Public land offices		520,669 24	
Inspection of steam-vessels		130,949 69	
Mints and assay offices		22,376 53	
			1,069,871 50
FOREIGN INTERCOURSE.			
Natural growth:			
Salaries and miscellaneous		70,308 01	
New:			
Claims commissions, &c		74,875 50	
Due wholly to the war:			
Alabama claims commission and awards to claimants		2,014,193 70	
			2,159,377 21
MISCELLANEOUS.			
Natural growth:			
Mint establishment	630,317 77		
Coast Survey	360,935 44		
Light-house establishment	716,391 10		
Life-saving service	189,852 35		
Collecting customs revenues	3,586,977 66		
Postal revenues, in deficiency	2,362,216 30		
Steamship service	35,516 59		
Counterfeiting and fraud	118,399 75		
Contingent expenses Independent Treasury	68,140 84		
Survey of public lands	435,804 19		
District of Columbia	228,235 22		
Swamp lands	98,489 79		
Miscellaneous items	93,169 52		
		8,844,536 52	
New:			
Metropolitan police	179,308 29		
Coins destroyed at Chicago	809 04		
Revenue-cutter service	897,985 85		
Compensation in lieu of moieties	67,134 18		
Charitable institutions	229,308 33		
Penitentiaries in Territories	14,791 13		
Board of Health, D. C	41,388 50		
Steam-boiler explosions	8,474 01		
Postage	1,022,165 13		
Interest on bonds of D. C	154,554 64		
Indebtedness of D. C	1,300,000 00		
International exhibition	26,300 00		
Dempsey & O'Toole	29,433 89		
Distribution of seeds	30,000 00		
		4,001,652 99	
Improvements:			
Branch mint buildings	145,780 93		
Building light-houses	982,944 16		
Custom-houses, court-houses, &c	6,459,331 00		
Furniture for public buildings	448,169 78		
Columbia Institute	71,159 00		
Smithsonian Institute	38,140 74		

Revenue-cutters	$71,092 99		
Capitol grounds	220,000 00		
Building for State, War, and Navy Departments	1,049,059 54		
Hospital for Insane	215,107 00		
Louisville and Portland Canal	107,794 31		
Vaults, safes, &c., for public buildings	103,487 95		
		$9,912,067 40	
Due wholly to the war:			
Relief acts	101,271 23		
Collecting internal revenue	4,289,442 71		
Violations of internal-revenue laws	30,095 00		
Stamps, paper, and dies	627,649 97		
Expenses of national loan	552,397 97		
Refunding national debt	150,255 51		
Expenses of national currency	330,978 27		
Southern claims commission	51,800 00		
Re-issuing national currency	64,241 76		
Bureau of Engraving and Printing	1,581,669 41		
Judgments of Court of Claims	516,531 35		
		8,296,336 18	
Expenditures from moneys received in excess of duties, &c.:			
Refunding excess of deposits for duties	1,254,044 27		
Debentures and drawbacks, customs	1,036,770 72		
Refunding duties erroneously collected	169,286 77		
Allowance and drawbacks, internal revenue	32,248 73		
Redemption of stamps	31,867 05		
Return of proceeds of captured property	880,619 34		
Refunding proceeds of cotton seized	36,938 72		
		3,441,775 60	
			$34,496,368 69
Less expenditures in 1859 in excess of 1875, as follows:			
Repairs of public buildings	98,353 65		
Refunding duties erroneously collected	5,709 42		
Marine hospital establishment	228,208 46		
Public buildings, &c., in Washington	635,733 47		
Capitol extension	910,200 00		
Repayment for lands erroneously sold	32,239 93		
Agricultural Reports	13,300 00		
Unenumerated items	22,700 44		
	1,946,445 37		
Deduct excess of repayments	20,858 43		
		1,922,587 94	
			32,570,781 75
INTERIOR DEPARTMENT.			
Natural growth:			
Indians		4,851,782 57	
Due wholly to the war:			
Pensions		28,235,117 87	
			33,086,900 44
MILITARY ESTABLISHMENT.			
New:			
Signal Service	422,641 58		
Washington and Oregon volunteers	8,574 00		
Soldiers' Home	154,604 01		
		585,819 59	
Improvements:			
Improving rivers and harbors		5,813,608 93	
Due wholly to the war:			
Pay Department	6,999,388 23		
Commissary Department	59,877 06		
Quartermaster's Department	3,277,944 79		
Ordnance Department	440,478 28		
Medical Department	234,851 82		
Contingencies of the Army	24,824 44		
Refugees and freedmen	34,317 36		
Bounties	291,480 00		
Claims of loyal citizens	1,265,170 40		
Relief acts	269,451 68		
Re-imbursing Kentucky for raising volunteers	35,490 65		
Asylum for Volunteer Soldiers	911,505 12		
Horses lost in service	83,720 68		
Suppressing Indian hostilities	65,605 09		
		13,994,305 60	
		20,393,734 12	
Less expenditures in 1859 in excess of 1875, as follows:			
Military Academy	83,257 61		
Expenses of recruiting	14,880 04		
Re-imbursing States for raising volunteers	87,218 16		
Forts and fortifications	144,215 29		
Miscellaneous	77,376 41		
		406,947 51	
			19,986,786 61
NAVAL ESTABLISHMENT.			
New:			
Transit of Venus		70,964 43	
Improvements:			
Construction and Repairs	784,781 08		
Steam Engineering	1,354,057 64		
		2,138,838 72	
Due wholly to the war:			
Pay and contingent of the Navy	2,196,355 49		
Marine Corps	501,862 17		
Navigation	188,794 18		
Ordnance	302,453 25		
Provisions and Clothing	$744,001 52		
Medicine and Surgery	64,439 43		
Yards and Docks	1,042,542 74		
Relief acts	125,028 43		
Prize-money to captors	842,582 22		
		$6,068,059 43	
		8,277,862 58	
Less expenditures in 1859 in excess of 1875, as follows:			
Equipment and recruiting	1,190,585 48		
Miscellaneous	302,261 04		
		1,492,846 52	
			$6,785,016 06
PUBLIC DEBT.			
Due wholly to the war:			
Interest on the public debt			100,455,080 61
Total excess of expenditures in 1875 over 1859			205,638,702 75
CLASSIFICATION.			
New:			
Executive	167,885 86		
Foreign intercourse	74,875 50		
Miscellaneous	4,001,652 99		
Military establishment	585,819 59		
Naval establishment	70,964 43		
		4,901,198 37	
Improvements:			
Miscellaneous	9,912,067 40		
Military establishment	5,813,608 93		
Naval establishment	2,138,838 72		
		17,864,515 05	
Natural growth:			
Congress	2,213,089 17		
Executive	1,087,239 42		
Miscellaneous civil	1,069,872 50		
Foreign intercourse	70,308 01		
Miscellaneous	8,844,536 52		
Interior	4,851,782 57		
		18,136,828 19	
Natural growth and war:			
Executive	1,825,618 38		
Judiciary	2,454,780 09		
		4,280,398 47	
Due wholly to the war:			
Executive	1,776,274 65		
Foreign intercourse	2,014,193 70		
Miscellaneous	8,296,336 18		
Interior Department	28,235,117 87		
Military establishment	13,994,305 60		
Naval establishment	6,068,059 43		
Public debt	100,455,080 61		
		160,839,368 04	
Expenditures from moneys received in excess of duties, &c.:			
Miscellaneous		3,441,775 60	
			209,464,083 72
Less expenditures in 1859 in excess of 1875:			
Miscellaneous		1,925,586 94	
Military establishment		406,947 51	
Naval establishment		1,492,846 52	
			3,825,380 97
Grand total			205,638,702 75

Mr. EATON. I should like to say to my friend from Maine that he has seen the tables and has to his own satisfaction, doubtless, given good reason for the large increase in the expenditures of the Government; but there ought not to be a final vote asked on the question now before the Senate until the tables can be printed, so that we may see precisely the various items. I have thought myself, having spent a good deal of time in the study of this subject, that the great difference could not be satisfactorily explained. I am well aware of the $100,000,000 in regard to the public-debt interest, and the $29,000,000 in regard to the additional pensions, but there are one hundred and fifty other millions that I am not so well satisfied of; and therefore I should like to see this matter in print before I vote.

Mr. MORRILL, of Maine. My honorable friend will have the satisfaction, I hope, of being enlightened on this subject; for here are the tables giving the items of increase.

Mr. EATON. I have not the advantage my friend from Maine has; I have not seen the tables.

Mr. MORRILL, of Maine. The Senator will find one thing, if he examines it carefully, as I am sure he will, that the civil service of the country is conducted at the present time in such a manner as that all sorts of expenditures and appropriations come to the surface. There is a specific accountability in the public service that never existed in the history of the Government up to 1870. If the Senator will take pains to look at the estimates which are annually made, he will see an account-current, which is an accurate statement of every branch of the public service, of every dollar appropriated to it and every dollar expended; and unless there is some great inaccuracy about it, in some way overlooked, each Senator may be as well informed in regard to the expenditures and receipts of the Government, so far as shown through appropriations and expenditures, as he is of the statements of his own county.

Mr. President, I was about to conclude this part of the subject by saying that it is apparent first, that we appropriate for these legislative, executive, and judicial expenses according to law.

Mr. BAYARD. Will the Senator allow me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. BAYARD. I am disposed to concur with the honorable Senator from Maine in his definition of an appropriation bill, and that its object and its tenor simply should be to provide money to carry into effect existing laws. This is what may be termed the generic description of an appropriation bill; but I wish to submit to the honorable Senator and the majority of the Senate whether that definition has not been so overlooked by the invariable practice of this body for the last fifteen or eighteen years, that to establish it now and adhere to it strictly, when we stand in the closing weeks of the session, would simply be saying to the co-ordinate branch of Congress: "You have, according to the accepted idea and invariable custom of legislation of these two Houses of Congress for the past eighteen years, proceeded to economize by changing the salaries of existing offices in the way of amendments to appropriation bills; we recognize this as the practice; we have not objected to it; we have accepted it as proper in practice, although perhaps not in theory; and yet, now, without notice to you, having suffered you to go on, prepare these bills with great elaboration, at great cost of time and pains, we tell you now that we propose suddenly to shut down upon you with this new, this technical, but perfectly unaccustomed theory, that an appropriation bill shall not be suffered to change the provisions of existing law either in respect to the existence of an office, or in respect of the salary allowed by law for performing its duties."

Mr. President, I do not think this can be sustained. I do not think it either practical or just that it should be proposed now. I will agree with the honorable Senator—and when I agree with him I am always better satisfied with my own judgment—that it would be well that it should be understood by each House of Congress that we will not amend existing laws under color of making appropriations to carry them into effect. But let us know that in advance; do not say to the co-ordinate branch of Congress, "Your labors for the last six months shall go for naught. We know that you have proceeded as your predecessors in office did; we know that you have been carrying out simply a custom which has almost hardened into law by acquiescence in both branches of Congress, and now suddenly you are to be informed that this practice is at an end, and therefore, instead of abolishing an office confessedly useless by a law for that purpose, you shall not reach the same result by withholding compensation for that office; and, there being no compensation, the office necessarily falls." It has been done. I would appeal to no man's experience more confidently than to that of the honorable Senator from Maine to show that where at times we have thought an office was illy paid we have increased the salary, to show that we thought the office was overpaid we diminished the salary, or where we thought the office was useless we simply dropped it by making no appropriation of money to execute it. The last has been very frequent. Sometimes we have created an office by simply passing an appropriation for the performance of certain duties, the office not having existed before in form of law.

Is it just, wise, practicable, that those who are carrying on in their place their appropriate share of this Government's duty, suddenly to tell them the practice so long concurred in by the Senate is suddenly to be reversed and an appropriation bill is to be treated by the Senate *strictissimi juris;* that you are simply to appropriate money according to law as it exists, and you are to remedy no defects, accede to no reforms, carry out no economies however needed by the times, in a mode of legislation that we have admitted by frequent practice to have been right and proper for fifteen years past or more? It does seem to me that such action would not be marked by that comity, by that sense of justice to the people we represent, or to our co-laborers in the other branch of the Legislature which is their due. No, sir; the question as to all these amendments, of all these proposed reforms, must be judged by us, not merely as to the method in which they come to us from the House but as to their merits. Therefore, where the House of Representatives has attempted an economy which I think wise, I shall give them my aid in sustaining it; where my judgment does not concur with theirs, I shall oppose their judgment; and where the judgments of the two Houses shall be found to be in conflict, then I trust the usual and ordinary methods of attempted reconciliation of variant views will be made through means of committees of conference, in which we cannot expect that our ideas will wholly prevail, nor can the other House expect that its ideas will be accepted without some concessions on their part. We must consider carefully their proposed reforms, and if they be actual and useful, accept them in a deferential and proper spirit, and not reject them because they do not come to us in the shape of repealing laws, but rather in the shape of modified appropriations; which, as I have said, is in accordance with the unquestioned practice of the two Houses for the past fifteen years.

Mr. MORRILL, of Maine. Mr. President, I doubt very much whether I shall disagree with my honorable friend, or whether there be any disagreement between us, when we understand each other as to what is meant by appropriating according to the law. The Senator speaks of a usage by which salaries have been changed upon appropriation bills. The Senator knows that that is exceptional. My honorable friend must know that it has not been the usage of the Senate to change salaries; that never was done in an appropriation bill by applying a rule to the whole body of salaries; that never was attempted before, never was attempted——

Mr. BAYARD. To what salaries does the Senator refer?

Mr. MORRILL, of Maine. To all the salaries in the Departments above those of twelve-hundred-dollar clerks.

Mr. BAYARD. I am very sure that I have served with my friend on committees of conference where there was a very great alteration in the pay of various officers.

Mr. MORRILL, of Maine. Yes, sir; but my honorable friend will understand me when I finish my remark. Was it ever known before in the history of legislation that an appropriation committee undertook to change the entire salaries of the whole force in the Executive Departments by applying a rule of a certain per cent. reduction to the whole body of salaries?

Mr. BAYARD. I do not know that it was.

Mr. MORRILL, of Maine. Of course it never was.

Mr. BAYARD. I merely mean to say that I do not see any difference in principle whether you apply it to one or many. I see no difference in principle between making what you call a horizontal reduction of such a per cent. on all salaries and taking the salary of one man at $1,500 and raising it to $2,000, or reducing it from $2,000 to $1,500.

Mr. MORRILL, of Maine. If my honorable friend was receiving a salary of $1,400, and a horizontal rule of 20 per cent. was applied to him and not to others, I think he would see the difference in the principle; at any rate he would see the difference in the result, and he would feel probably the effect of it. What I am commenting upon here is the fact that instead of appropriating for the salaries as provided by law a general horizontal rule is applied to the whole body of salaries, reducing them according to a certain per cent. That is unprecedented.

Mr. BAYARD. It is not unprecedented in principle.

Mr. MORRILL, of Maine. That cannot be done with a diverse service without manifest injustice. As to the rule to which my honorable friend refers, it has not been the practice, although almost every year some change has been made in somebody's salary. As a general proposition, such a change has been made with reference to those salaries which had no existence except by an appropriation. We sometimes make a service by an appropriation. That is a flexible thing.

Mr. BAYARD. Are not appropriation bills almost always the accustomed machinery by which these results are accomplished?

Mr. MORRILL, of Maine. In those cases; but does not my honorable friend know that the salaries of first, second, third, and fourth class clerks, established in 1854, have never been changed, neither on an appropriation bill nor any other bill, and they constitute the great body of the force? They have never been changed at all, but are precisely what they were as established in 1854. That shows conclusively that Congress has not been in the habit on appropriation bills or anywhere else of changing salaries. That is precisely the thing that the committee recommend they shall not do on this bill, and that is all there is of it. When you come to the question whether any salary can be changed, the committee agree to that because they have done it. There are exceptional cases, and there are instances in this very bill as reported. I do not understand that there is any question of the propriety or fitness of the duty of the Committee on Appropriations involved in the case.

On the question of the reduction of the numerical force we have endeavored to meet the House of Representatives on the most liberal terms, and we have no difficulty with them except as to the question of how much the service can be reduced. That must always be a flexible service, and it is precisely what we have been doing these many years since the close of the war, cutting down the numerical force year by year. It has been done, as we think and as the committee report, a little too strongly on the other side of the Capitol, and therefore the Senate committee recommend a lower figure. That is all there is of that question.

Therefore on principle I think I should not disagree with the Senator from Delaware as to what should be done. The whole case, then, on the question involved in the bill is, will the Senate of the United States appropriate according to law, as a general proposition, the salaries which were fixed in 1853 and 1854? Will they adhere to that law and so non-concur with the House of Representatives? If that is done, then all the labor which relates to the amendment of the salaries becomes a mere nominal affair, and of course the Senate will have to settle that question on the very first line where an amendment occurs.

On the other proposition, the reduction of the salaries, the same thing does not occur, but Senators must vote in regard to that question as their judgment dictates. On the other proposition I think they should vote on the obligations of the law.

I wish to direct the attention of the Senate to two or three other things which have a general bearing on this particular subject, as a matter of general interest, possibly more than anything else. I mean the revenues and expenditures of the Government. I give a comparative estimate of the expenditures of certain periods.

March 4, 1861, the national debt was $90,580,873.73; on the 4th of March, 1875, the national debt was $2,232,284,531.92. The totality of this national debt of the first period at the close of a continuous administration of twenty years in the same hands was quite inconsequential; but the fact of its existence at all at that juncture and under the circumstances was an apparent violation of the traditional policy of the Government, as well as of every sound principle of just public economy. It had been created in a period of profound peace

and by a resort to loans and at extraordinary rates. The totality of the debt of 1875 was indeed truly appalling; but it had been incurred in the defense of the Union and Constitution and by practice not unusual in the exigency of war. During the period while civil war was raging, from 1861 to 1865, "the last man and the last dollar" was the only limit upon the nation's endurance and expenditure, and by the truly patriotic no account-current of expenses of that period will be sharply demanded of the cost in blood and treasure. The possessions of the present and the promises of the future are cheap at any sacrifice; but a rigid accountability may be required of the period that lies this side of 1865, after the close of the war—the surrender, the mustering out of the national forces, when it had become possible to inspect, reduce, and retrench the public expenditures. Consider the financial situation of 1866, when Congress was left to deal with the results, consequences, and incidents of the war; an appalling public debt, funded and unfunded; a greatly extended public service, and a large section of the country divided, disordered, revolutionized, and unreconstructed.

The net ordinary expenses of the year 1866 were $385,954,731.43, while the gross expenditures of that year reached $1,139,344,081.91. Of the net ordinary expenses of that year, those of the War Department were $283,154,676.06. A large force was still retained and necessary under the disordered condition of the South and the Indian country. The Navy, although rapidly reduced, was still above its ordinary maximum, and it would require time to bring it to its former condition. The expenses of that Department were $43,285,662. The Indian service had been much demoralized during the prevalent disorder, treaties broken and disregarded by both parties, amounting in all to $3,295,729.39. Pensions had risen from $1,600,802 in 1860 to $15,605,589 in 1865. The civil service proper had increased from $27,000,000 in 1860 to $40,000,000 in 1866. In 1875 the net ordinary expenditures had been reduced from $385,954,731.43 to $171,529,847.27, a reduction in the civil branch of the service between the years 1865 and 1875 of $214,424,882.16.

To realize the significance and pertinency of this statement it will be necessary to consider that this reduction took place in the branch of the civil service which we are now to appropriate for as the ordinary expenditures of the Government; and it was a reduction of a little less than two-thirds.

An analysis of this general reduction of expenditures may be itemized thus: On the Army the reduction was $242,000,000 in round numbers; Navy, $22,264,000. In the Indian service the increase has been $4,000,000; in Pensions, $14,000,000; and the Departments and all other branches of the public service, $31,000,000. The increase in the Indian service arises from various considerations which it is hardly worth while for me in this connection to speak of; but particularly it grows out of the fact of the acquisition from the Indians of the whole plains country lying between the Missouri River and the Rocky Mountains; and such provision is made for their present and future support as would naturally grow out of so large a transaction.

The net ordinary receipts from all sources in 1866 were $519,949,564.38. In 1875 they were $348,020,771.41, a reduction in the revenues of $235,928,792.67. In 1866 the national debt, funded and unfunded, was $2,773,236,173.69. In 1875 it had been reduced to $2,232,284,531.95, being an aggregate reduction of $540,951,641.74.

The financial policy enforced since 1866 in the interests of public economy and the national faith gives the country in 1875 as its result a reduction of the national debt of $540,951,641.74, and the relief of public burdens by the way of a reduction of the taxes in the years 1866, 1867, 1868, and 1870 of $319,000,000.

During the war the political policy seemed to be to "tax, fight, and emancipate." The war over, the financial policy has been the protection of public credit, the redemption of the national obligations, and the retrenchment of the public expenditures. Under this policy the public faith has been kept, the national obligations have been performed, the public debt dissolving and disappearing, the burden of taxation counted by hundreds of millions has been removed from the industries of the people, and the net ordinary expenditures of the Government have been reduced other hundreds of millions, until at the present time these expenditures closely approximate the period of peace before the war.

Just one other consideration, Mr. President, upon this general topic, and then I shall have done. An impression doubtless prevails somewhat that the civil service is redundant and needs vigorous pruning, and that the public expenditures are excessive and unjust. I may be allowed to glance at the general financial revenues and expenditures both in the present and in the past by way of comparison. The civil service of the country, in its necessity, is a growth, and increases with its progress and the development of its institutions, and is a fair index to these characteristics of its life. In the beginning of the Government in 1789 the civil list embraced the President of the United States, the Vice-President, the legislative and judicial departments, and the public offices, namely, the Treasury, the State Department, the commissioners for settling with the States and governments of the Territories northwest and southwest. This was the sum-total of the civil service in 1789. It must be a matter of great curiosity to contemplate the comparative insignificance, the nominal character of the civil service as it existed in 1789. I have it here before me, [holding up a thin octavo volume.] The whole civil service which we are now providing for was summed up in substantially what I have stated. The entire receipts of that year from imposts were but $4,000,000, and the balance was simply from fines and forfeitures, a nominal amount. The whole expenditure from 1789 down to 1791, two years, was $706,720.29. By 1865 the civil list had been re-enforced by the creation of five executive departments, many bureaus, numerous divisions, and innumerable clerks, something over five thousand in all, at an expense for the two years 1864 and 1865 of more than $40,000,000 as against $706,000 in 1789 and 1790. The gross receipts for the early period from all sources were $10,457,492, of which $4,542,949.41 were from customs and fines and forfeitures, the balance chiefly raised by loans. The ordinary expenditures for the later period were $1,621,109,000. The gross receipts of the corresponding period, 1874 and 1875, were $1,420,222,908.62 and the gross expenditures $1,406,699,326.31.

While these figures not inaptly signify by their magnitude the grandeur and power of the Government in 1875, compared with its small beginnings, they do not necessarily or truly mark the general progress of the nation, as so large a proportion of these receipts and expenditures are extraordinary in their character and spring from the incidents of the civil war, still felt in these years. The receipts and expenditures by decades are the better index of the national progress. Let me present that statement:

Comparative statement of the expenditures of the Government by decades.

	Net ordinary expenditures.	Gross expenditures
First decade, 1791 to 1800	$41,403,440 22	$86,965,371 78
Second decade, 1801 to 1810	53,826,543 10	133,269,683 19
Third decade, 1811 to 1820	190,657,278 15	322,667,211 57
Fourth decade, 1821 to 1830	122,038,078 92	229,414,961 48
Fifth decade, 1831 to 1840	241,632,544 51	304,257,676 17
Sixth decade, 1841 to 1850	306,907,179 53	390,784,350 10
Seventh decade, 1851 to 1860	568,363,368 00	678,290,605 84
Eighth decade, 1861 to 1870	4,420,205,388 32	9,347,329,336 28
Five years of ninth decade, 1871 to 1875	856,923,153 94	3,304,950,546 33
Total	6,801,956,954 69	14,797,839,742 74

Increase per cent. second over first decade	30	53.2
Increase per cent. third over second decade	254.2	142.1
Decrease per cent. fourth over third decade	35.9	23.9
Increase per cent. fifth over fourth decade	97.9	32.6
Increase per cent. sixth over fifth decade	27	28.4
Increase per cent. seventh over sixth decade	85.1	73.6
Increase per cent. eighth over seventh decade	677.6	1278.2
Decrease per cent. ninth over eighth decade*	61.2	29.2

* Estimating the expenditures of the last half of decade to be the same as for the first half.

By the tables which I submit it will be seen that the ratio of increase bears marked relation to each, except in those periods of extraordinary expenditures by war or other public exigency. Of this, the first, second, fourth, fifth, sixth, and seventh periods, it will be seen, are examples; the third and eighth are exceptions to the rule, and embrace two periods of war which mark our national history. The growth of the nation, measured by this rule, in the second decade should exceed the first by 30 per cent.; the fourth (the third being exceptional) should have been 35 per cent. over third; the fifth 97 per cent. over the fourth; the sixth 27 per cent. over the fifth; the seventh 85 per cent. over the sixth; and, the eighth being exceptional, the ninth should be 121 per cent. over the seventh.

The gross receipts of the Government from March 4, 1789, to June 30, 1875, inclusive, were $14,973,305,670.59. Of this sum, $12,709,645,059.91, equivalent to $84\frac{9}{10}$ per cent. of the whole sum, has been received by the present party administration since 1861. The gross expenditures during this period have been $14,797,839,742.74, of which $84\frac{9}{10}$ per cent. has been expended since 1861. Thus, of the $20,771,145,413.33 received and disbursed by the National Government, $84\frac{9}{10}$ per cent. has been received and disbursed in the last fifteen years, while $15\frac{1}{10}$ per cent. alone was disbursed in former years.

It must indeed be conceded that the national expenditures in the last fifteen years, since the republican party came into power, have been upon a scale quite unprecedented in this, perhaps in any, country. The public exigencies in this remarkable period of our history, which seemed to demand them, alone can justify or palliate them.

Whatever diversity of opinion there may be as to the character of these exigencies and the method of dealing with them, one thing must be admitted, that the financial achievements of this period—the vast revenues and expenditures raised and disbursed whereby the nation was enabled to wage successful war and at the same time maintain the public credit and keep the public faith—are scarcely less signal than its triumphs in the field.

Mr. EATON. I desire to ask my friend from Maine a question. I have not had time to make a synopsis of the bill up to this time, but I understood the Senator to say that the committee had agreed measurably with the House in the reduction of the number of officers. Am I correct in that?

Mr. MORRILL, of Maine. I do not think I quite comprehend the Senator's question.

Mr. EATON. I may have misunderstood the Senator from Maine;

but I did understand him to say that the committee had agreed with the House measurably in the reduction of the number of officers.

Mr. MORRILL, of Maine. No; not quite that. What I meant to say was that on the principle of reducing the numerical force the committee proposed to agree with the House in reducing the service to such a point as in their judgment would be consistent with the public service; but we do differ as to where that point is. The committee do not recommend the same reduction in numerical force.

Mr. EATON. I would ask the Senator, then, if he has it so arranged that he can answer me what reduction of the force has been made in the Treasury Department from last year, if any?

Mr. MORRILL, of Maine. I do not think I can state it precisely.

Mr. EATON. Can the Senator state, then, what the whole reduction is?

Mr. MORRILL, of Maine. The whole reduction numerically is three hundred and eighteen.

Mr. EATON. Three hundred and eighteen employés?

Mr. MORRILL, of Maine. Yes, sir, and clerks.

Mr. EATON. In all the Departments?

Mr. MORRILL, of Maine. Yes, sir; between 6 and 7 per cent. of the entire force.

Mr. EATON. I desire to state one fact here. Whether it has been brought to the attention of the honorable Senator from Maine or not I do not know. A committee was appointed, which has not yet reported, of which the Senator from Massachusetts [Mr. BOUTWELL] was the chairman—I have the honor to be upon that committee—whose duty it was to examine into the various Departments and suggest if possible any re-organization of any of them. It was suggested by one or two members of that committee that it was wrong as a matter of principle that the employés of the various Departments should be required to work but six hours a day. Taking into consideration the number of hours of labor which are performed by all the various industries of the country and demanded by them, it was suggested that the labor of these Government employés should be increased one hour. I am informed that their labor has been increased from six to seven hours, or at least various employés have stated to me that they had been so notified. I would suggest that as there are three or four thousand employés in the various Departments of the Government—and I suppose I understate it—if their term of duty is increased an hour a day, it would be just so many thousand hours a day additional. If there be four thousand, it would be four thousand hours; and a very little exercise of arithmetic would show how much reduction of force that would take from the various Departments.

Mr. MORRILL, of Maine. I will say to my honorable friend that the estimates which I have submitted here to-day from the heads of the Departments will be found to have been based upon that consideration already, and that that principle has been applied.

Mr. EATON. So I supposed.

Mr. MORRILL, of Maine. The reduction recommended by the head of the Treasury Department is based in part upon the consideration of additional hours, or that consideration enters into the estimate. With additional hours he submits that the public service can be carried on with the force he recommends.

Mr. EATON. Certainly that consideration does not enter far enough into his estimate. If you add an additional hour the reduction will be more than three hundred or four hundred. An hour a day, if there be four thousand employés, is four thousand hours a day to be added to the service of the employés. The reduction—I have not my pencil in my hand—would be more than five hundred clerks. I submit that this matter should be looked into with some care. I do not wish to take up the time of the Senate now upon that point.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Secretary will proceed with the reading of the bill. The Chair understands it to be the sense of the Senate that the amendments of the Committee on Appropriations shall be acted upon as they are reached.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was in lines 10 and 11, to increase the appropriation for compensation of Senators from $333,000 to $370,000, and in line 11 after the word "dollars" to strike out the words:

And from and after the 30th of June next, the compensation of said Senators shall be $4,500 per annum.

Mr. SHERMAN. Mr. President, I am very sorry that the Senate is so thin when a question so important as the pay of its own members is involved; but a question far more important is the probable effect upon the appropriation bills of the wide differences between the two Houses upon the many questions presented by each of their vital bills. I had made up my mind for one, until within the last few hours, that I would vote in deference to the judgment of the House of Representatives for a decrease in the pay of Senators, upon the ground that the House had fixed their own pay at $4,500, and as they probably would not be willing that Senators should have $5,000 and they $4,500, I was willing for the sake of economy to agree with them at their own valuation of their own services. I am rather inclined to do it now; but the considerations presented by the Senator from Maine ought to be considered by a full Senate. It seems to me that the vote on this first proposition ought to settle the fate of the entire bill. I have read it with a good deal of care. The House of Representatives have greatly changed the civil service of the Government. They have not only reduced the number of employés and reduced the pay, but they have imported and grafted upon the bill very important legislative provisions. Among others there is a page or two of amendments to the revenue law which I am sure I have not considered, and I know the Committee on Finance have not had an opportunity to examine and to consult the proper authorities of the Government about to ascertain whether they are right or not. I notice through the bill other important legislative provisions.

The Senate of the United States cannot deny that the House of Representatives have the power to propose amendments to an appropriation bill, because we have done it time out of mind. Therefore we are precluded from making any point of order upon them. Nor is it possible to make any such objection, because by the Constitution itself each House must prescribe its own rules of procedure and its own mode of legislation. Hence we have no right to object to their mode of proceeding or to the changes proposed to existing law. We are precluded from even a criticism upon their amendments to appropriation bills, from the fact that the House is the sole judge of its own bills, and the Senate has since the foundation of the Government passed many and important legislative amendments to appropriation bills.

I therefore leave that point out of the view; but it is perfectly manifest that this bill is to be the subject of contest between the two Houses, and now at the outset of the controversy we ought to be careful that we are right, that we do nothing but what is right, that we assent to everything that is reasonable, and then stand upon our position until the end of this Congress, if necessary. It is manifest there is to be a contest over this and other appropriation bills, and at the beginning of the discussion to-day we should take our stand upon the ground we intend to occupy as to this bill with a full vote, so that every Senator, after full investigation, may say that "I know I am right and here I mean to stand."

The first question presented is, shall we consent to a reduction of our pay of $500 a year? I repeat that, if this was left to me, I would say "yes" at once; if the House of Representatives thinks the condition of the country is so bad, that our finances are so bad, that it is necessary to reduce the pay of members of Congress, well and good; and, as they propose to reduce their own pay, we might very fairly and properly, without any demagogism, with the utmost desire to promote the public good, say, "Very well; we are certainly willing to submit to that sacrifice, if you are." But, if we adopt that principle as to Senators and Members, we cannot then refuse to carry out the logic of the argument and apply it to other officers of the Government. Who are the officers of the Government affected by this bill? In the first place, there is the President of the United States. It is proposed to force the reduction of the salary of the President of the United States from $50,000, what the law is now, to $25,000 a year.

I did not happen to be present the other day when the vote was taken upon the bill to lower the President's salary. If I had been here I would have voted against that proposition on the ground that the salary of $25,000 was fixed at the beginning of the Government, when money was more valuable than now, when the responsibilities of the President were greatly less, when his duties and labors were infinitely less. Therefore, I would not vote to reduce the salary of the President. This bill also operates, as I understand it, upon the salaries of the judges of all the courts of the United States to be hereafter appointed. We cannot reduce the salaries of those judges during their life-time. All we could do now would be to make our reductions apply to those judges who might come into office hereafter as others died or their terms lapsed; so that we should have two sets or two classes of pay in the payment of our judges. It seems to me that would not be wise.

Another class of officers more numerous than all the rest—yes, ten in number to one of any other kind—are the clerks of the various Executive Departments of the Government. I do not know how many there are, but there must be three thousand at least; consequently they are more than ten to one probably of all the executive officers of the Government here in Washington. Their pay was fixed in 1853 and 1854. It was fixed at $1,200, $1,400, $1,600, and $1,800 a year, according to grade. We know very well from our own observation of these clerks that they can scarcely get along in the expensive life at Washington, where hotel-keepers and boarding-house-keepers expect to make a year's living within three months, where marketing is high, much higher than it ought to be, and all the expenses of a family are far greater than they ought to be. I know very well that, although we should have everything here as cheaply as in Ohio, yet as a rule every such article of necessity for a household, like marketing, is at least one-third more than it is in Ohio.

Under the circumstances I do not see how any Senator, with the responsibilities that rest upon him, can vote knowingly to reduce from 10 to 20 per cent. the salaries of these officers, clerks, employés, the great body of the official life of Washington. I cannot do it. I will not do it. Their pay was fixed at a time when money was more valuable than it is now; when it was gold. A clerk might very easily in 1854 and 1855, when I first came here, lay aside three or four or five hundred dollars a year, when now he cannot by the utmost economy do so.

Therefore I say I will not vote for this general decrease; but if we apply the reduction to our own salary, the logic of the argument will be to apply it to all others, and to adopt the policy proposed by the House. If we, however, agree to the reduction of our own salaries, and apply the reduction proposed by them only to those officials

whose salaries have been raised since or during the war, there would be some logic in that. Perhaps some such proposition as that might be advocated and maintained; but when it is proposed to apply this reduction to all officers in the Government, including those most poorly paid, I simply say we cannot do it.

Therefore, I have come to the conclusion that for the present at least I will follow the action of the committee, to restore the appropriations to precisely what the law now requires. If then hereafter the House should insist upon an entire revolution of our Government, the wholesale reduction not only in the number of our employés and in the salaries of our employés, including the President of the United States, including all branches of official life except the judges who are protected by the Constitution, I will stand against that reduction as being unwise and unjust to those men personally, and injurious to the public service. But, if they are willing to apply that reduction only to those officers whose salaries have been increased since or during the war, including that of members of Congress, even to a lower figure than they now propose, I will join with them heartily and agree to their amendments. For the present, I propose to stand by the existing law.

I passed through a contest of this kind before. I remained here one year until September, I think it was. It was in 1856 that we remained here until September, and the contest I refer to was in 1859 and 1860. I passed through a contest just like this at that time. I remember it very well. We had a republican House of Representatives and a democratic Senate. The House proposed amendments to which the Senate disagreed. The Senate piled upon our appropriation bills all sorts of amendments, amounting to millions of dollars. In the last days of the session the bills came to us loaded down with amendments; and then the House took a position which was the logical sequence of the constitutional rule which requires the concurrence of two Houses of Congress to pass bills. We took our position, and stood by it, and compelled the Senate to yield to it. Our position was that whenever the law authorizes and requires a specific sum for a specific purpose that we would give such sum without abatement or reduction. We did it. Although, at that time, the disposition on the part of the House, the parties then being exactly reversed, was to cut down all appropriations, we carried out the law. Wherever the law fixed a sum or fixed the amount of a salary, we gave the full amount. We did not seek to force the Senate to change a law, and placed our action on the ground that it was not the right or duty of the House to coerce the Senate to agree to any change of existing law by an appropriation bill that the Senate did not and could not fairly and honestly assent to.

Then, on the other hand, we said to them, "We will not agree to any appropriation proposed by you, either of an indefinite character or where the amount was entirely at the will of both Houses of Congress, unless the House freely votes it without regard to your desire;" that is, you shall not coerce us to change the law or to appropriate money unless the law demands it, and we will not coerce you to change the law or to vary the law unless you agree with us that the law should be changed. Where changes could be made by the mutual assent of both Houses freely given, without any coercion, moral or physical, those ought to be made; but neither House has a right to coerce the other to adopt an amendment to a law unless by its own free will and accord. That is the rule, and that will be the result of this controversy. There is no doubt of it whatever.

As a matter of course I think the Committee on Appropriations ought now to have the deliberate sense of the Senate on these amendments. If we take our position that these amendments to the existing law do not agree with our sense of what is right and say we will not agree to them, the House of Representatives must recede from those amendments. There is no other logic. On the other hand, if the Senate committee or the Senate propose any appropriations of any character whatever, not provided for by law, and ask the House to pass them, and the House decline to pass them, the Senate committee and the Senate ought to recede from the appropriation without question or hesitation. As I understand, that is the rule under which the Committee on Appropriations have generally acted.

Mr. MORRILL, of Maine. The committee undoubtedly acted upon the rule submitted by the Senator, and no appropriation bill is possible without the prevalence of such a rule. The controversies of the two Houses would be endless upon any other supposition than that. In the end the proposition of law is to control the difference between the two Houses. I wish to make one suggestion to my honorable friend. He speaks about a willingness to reduce the compensation of Senators. The committee of course express no opinion about that. That comes within the general rule. That falls under the obligation to appropriate according to law. The salary of the President and the salary of Senators and Representatives was fixed by the acts of 1874. The Senator will find by looking at the act that all the salaries touched by it were to remain as fixed by law until further changed. What I wish to say is that if the Senate makes an exception in this instance the logic applies to the whole service.

Mr. SHERMAN. I stated that that was the only reason why I could not vote for the reduction; that my disposition at first was to accept the proposition of the House as to salaries of members of Congress, but that we could not do that without carrying the logic through the whole of these salaries and doing injustice to individuals who cannot afford the reduction. There is no objection to the two Houses of Congress either enlarging or reducing salaries on appropriation bills if they both agree to it, but neither body can force the other to do it.

There was another case in 1856 still more striking. Then the House of Representatives, in a high party time, undertook to direct that certain moneys appropriated for the support of the Army should not be applied to the enforcement of the bogus laws of Kansas. I believe I had the honor to submit the motion—and I was dead in earnest about it—that no part of the money appropriated in the bill should be applied to enforcing the so-called laws of Kansas, the border-ruffian laws, as we called them. We put the amendment on the Army appropriation bill and sent it to the Senate. They disagreed, and we were held here until October or September; the latter part of September I know, for it was just before the election. We were finally compelled, although we were as dead in earnest as any House could be, to recede on the very ground and principle which I have stated, that we could not force the Senate to agree to a legislative provision in an appropriation bill unless they freely agreed to it. They said they would not agree to it, and so we remained here and finally had to recede.

Mr. BOGY. If I understand the Senator aright, he was willing to do then what he condemns now.

Mr. SHERMAN. Yes; I offered the amendment myself.

Mr. BOGY. And you were supported by your party at that time in Congress?

Mr. SHERMAN. Yes, sir; and we had to recede, just as everybody else will have to recede under the same circumstances.

Mr. EATON. I should like to ask the Senator from Ohio why he receded?

Mr. SHERMAN. Because we were compelled to do so.

Mr. EATON. Because you got tired? Was that the reason?

Mr. SHERMAN. Yes, my political friends would not stand by the position taken. Now let me say if there ever was a case in the history of mankind which justified a legislative body in putting on such a provision and standing by it, it was that case, for of all the infamy that ever was committed by a political party none ever exceeded the attempt that was made in 1856 to force upon the people of Kansas laws not of their making, and my friend from Missouri and all other Senators know it. There never was a case which justified resistance more strongly than that.

Mr. BOGY. I think the reverse is the fact, that you attempted to force upon the people of Kansas laws which the people did not want. That is my understanding.

Mr. SHERMAN. I will not go into that now. At any rate the House of Representatives, I being one of the party and two or three others around me—I see my friend from New Hampshire [Mr. CRAGIN] who was with us then—attempted to do what the House attempt to do now. We had to back out then, although we were supported by a strong political feeling, and were engaged in as honest a cause as ever man undertook to advocate. We took the wrong measure to enforce it; that was all.

There is another aspect of our condition that is not pleasant and makes it our duty to meet the House of Representatives in all reasonable measures of economy. I am sorry to say that our receipts have fallen short of the estimates about fourteen or fifteen million dollars this year. Our customs have fallen off about $10,000,000 and our internal revenue has fallen off about $4,000,000. The increase of the tax on whisky and tobacco has, as I expected, caused a decrease of the estimated revenue to the amount of about $4,000,000, and perhaps other causes have operated to bring about this deficit.

Mr. EATON. How much in all?

Mr. SHERMAN. About fourteen or fifteen million. At the same time it is to be said that our expenses have been reduced. The action of the last Congress, through the Committees on Appropriations of the two Houses, considerably reduced our expenses; so that, while our revenues are falling off, our expenses have been considerably less than they were last year. The balance of the account is not so much against us as one would suppose. It is about $6,000,000, my friend from Maine [Mr. MORRILL] tells me. Therefore, under the operation of the laws of the last session, our expenditures have been reduced, and the deficit, compared with the estimate made at the beginning of this session, my friend from Maine tells me, is to the extent of $6,000,000, and we ought to curtail our appropriation bills enough more to make up our sinking fund to the full amount required by law. As I understand my friend from Maine, the present Congress will do that and more. We can reduce, or even defeat, several appropriation bills which contain large sums of money, entirely at our discretion. For instance, there is the river and harbor bill, which may be raised or lowered, according to the amount of money in the Treasury. There are the appropriations for public buildings and public grounds and various works of internal improvement which may be made a graduating scale, to be raised or lowered at pleasure. There is no question, therefore, that in bills which do not affect the ordinary operations of the Government there are "ample room and verge enough" to save even the $15,000,000 of the deficiency of estimated revenue without affecting anything that is vital or necessary to the great functions of the Government.

Mr. MORRILL, of Maine. I wish to say in this connection that the Senate committee have already concurred with the House of Representatives on the question of appropriations for the exterior defenses,

which are estimated at something over $3,000,000 on a bill appropriating but $300,000, so that in the line of the Senator's argument there would be a reduction of the expenditures from the estimates in that branch. It is undoubtedly true that, in regard to other branches of the service not fixed and established by laws as to salaries like the one we are considering, a very large reduction may be made. A reduction has already been made by the House of Representatives in the bill referred to by the Senator in regard to internal improvements which, I fancy, may be without any great detriment to the public service very largely reduced here. But that is not a matter for the Committee on Appropriations.

Mr. SHERMAN. I have said all that I desire to say, and perhaps I ought to apologize for saying this much now, but the Committee on Finance and the Committee on Appropriations are necessarily kindred committees. One has to deal with revenue, the other has to deal with expenditures, and it is absolutely necessary for the Committee on Finance to understand what sum is to be appropriated before they can judge how much tax is to be raised and how much money must be provided. And therefore it has been the duty of these two committees to act in co-operation. If the Committee on Appropriations should make large appropriations, we should have to make large provisions in the way of taxes. One great error committed at the last session of Congress was that the appropriations were made so large that just at the heel of the session we were compelled to pass a very illy-considered tax bill. There is no necessity for that now; because I believe the spirit of both Houses of Congress, not only of the House of Representatives, which has shown it by largely reducing expenses, but of the Senate itself, is in favor of large and wise economy; a great reduction of expenditure; and if this is done to anything like the extent that is promised by the Committee on Appropriations of the Senate, I have no doubt we shall not only have the ordinary surplus of revenue and enough for the sinking fund, but something over, perhaps. To accomplish it we must accept from the House of Representatives every wise measure of economy proposed by them; but they have no right to force upon us any measure in the name of economy that the Senate does not consider to be wise and proper. If we only act on that rule, to yield to them to the utmost extent that we can do it without affecting the public service, and then stand where we believe the law ought not to be changed, there ought to be and can be no conflict between the two Houses to prevent the adjournment of Congress within the present fiscal year, or shortly after.

Mr. ANTHONY. Mr. President, is not the logic of this bill a little different from the way in which the Senator from Ohio states it with regard to the compensation of members of Congress and the compensation of the great body of the officials at Washington—that is, the clerks in the Departments? When the salaries of the clerks were fixed at twelve, fourteen, sixteen, and eighteen hundred dollars, the salary of members of Congress was $3,000. The salary of members of Congress has been raised from three to five thousand dollars; the salaries of the clerks remain where they were fixed in 1853. Now, if we are to take the bill logically, it seems to me that the reduction of the compensation of clerks above $1,200—I think the bill cuts down 10 per cent. those above $1,200—then our own compensation should be 10 per cent. below what it was when these salaries were fixed. That would make it $2,700. If the other House desire to fix the compensation of members of Congress at $4,500, although I think it is too low; if they put that value on their own services and on ours also, I do not see why we may not consistently agree to that part of the bill while we resist the reduction of these salaries which are the same now as they were when ours were only three-fifths of what they are.

Mr. SHERMAN. I for one say to my friend that, if the House of Representatives insist on the reduction of the pay of members of Congress, at the next stage of this bill it will be within the power of any Senator to move to recede from this amendment, and I for one will vote to do so. If the House insists on reducing the salaries of members of Congress, at the next stage of this bill I certainly will vote to recede from our amendment restoring the amount.

Mr. HOWE. Allow me to ask the Senator if there is not a constitutional difficulty in the way of that?

Mr. SHERMAN. What is it?

Mr. HOWE. Cruel and unusual punishments shall not be inflicted. [Laughter.]

Mr. SHERMAN. They administer the punishment and we have to suffer from it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment which has been read.

Mr. ANTHONY. I am reminded of an error I made. I said that at the time when the compensation of clerks was fixed at $1,200, $1,400, $1,600, and $1,800, the compensation of members of Congress was $3,000. I am informed that it was only $8 a day then.

Mr. SHERMAN. Eight dollars a day. It was changed in the summer of 1856 to $3,000 a year.

Mr. ANTHONY. Admitting the justice of reducing the compensation of clerks above $1,200, the logic of the bill requires that our compensation should be put at $7.20 a day. I do not know but that the $8 per day of members of Congress was below $1,200 a year, and they might escape in that way, but not otherwise.

Mr. SARGENT. Eight dollars a day during the session, I believe.

Mr. ANTHONY. During the session only, and the pay did not commence until the Senator or Member appeared in his seat.

Mr. WITHERS. Mr. President, I will say a word or two on the proposed amendment. While I am disposed to go as far as any man in the direction of economy and reducing the expenses of the Government, yet with regard to these salaries I do not think here is the line in which reduction can be most effectively consummated. I believe the extravagance with which this Government is administered, and which is made the subject of complaint by the people, arises not so much from the amount of salaries regularly paid to the officials as from the speculations and abuses which have crept into the Government, and which are very far in excess of its legitimate expenses. I believe that it is the duty of the Government to pay its employés, whether in the Senate Chamber or at the Clerk's table, a sufficient amount to support them. I believe that the salary of $5,000 per annum is not more than sufficient to support a member of Congress in the sphere in which he is expected to move; and, if I may be pardoned for making a personal allusion, I will say that I have thus found it in my experience. I have a large family; I am blessed, I am happy to say, with a large family. I am not blessed with a large portion of this world's goods. I am not extravagant in my personal habits, and yet I have found it just as much as I can do to support my family decently upon $5,000 per annum. I have no hesitancy in making that declaration to the Senate and to the country, and let it go for what it is worth. I shall vote, therefore, for putting the salary back to what it was before. I have no fears or apprehensions that my people will complain of it or that they will regard it as more than my services in this body are worth to them. I have nothing more to say, sir, on the subject.

Mr. ANTHONY. I suggest to the Senator in charge of this bill that the sections relating to compensation of members of Congress be passed over until we fix the compensation of the other officers of the Government and then treat all alike. If we leave the law as it is as to them, let our compensation stand; if we cut it down, let us cut ours down also.

Mr. MORRILL, of Maine. It will be very easy to come back to it if we shall commit that error.

Mr. SARGENT. We can make the change in the Senate.

Mr. MAXEY. Mr. President, I have always believed, and throughout life have acted upon the principle, that "the laborer is worthy of his hire." In the course of my life I have employed many people; I have always believed that it was right to pay them a fair and just compensation for the services rendered. In my professional duties as a lawyer, when at home, I have invariably charged what I believed to be a fair and just compensation for services rendered to my clients. I do not base that fee upon the footing or level of what probably would be charged by a young man who had just commenced his professional career, but I am governed by what I believe my services are worth. Now, while I may not be as valuable in the Senate Chamber as some other and more distinguished men, yet I believe that I am worth to the State of Texas, in a careful attention to the interests of the State—and no one will say that I am inattentive—the sum of $5,000 a year. I know the fact, and it is well known to the people of Texas, that when at home my income from my profession is more than double that money. I am losing money by being here, but I agreed to come here for that amount. While I would not vote for an increase of the salary of a member of Congress, I would not vote for a decrease of it. I have never yet heard throughout the length and breadth of the State of Texas, which I represent in part, the slightest objection to paying a member of Congress $5,000 a year, because that State is magnanimous and generous and her people expect and believe that a man should be paid according to the value of his services; and if a man is worth being in the Senate, if he ought to be here at all, he is worth $5,000 to his State; and if he is not worth $5,000 he had better step down and out, and let somebody come here that is worth $5,000. That is my view of it.

In short, the sentiment of the State that I represent is to act honorably toward public officers, those engaged in the public service, and not pay them a niggardly salary. Neither am I in favor of paying a large salary. Every one who has ever served here—and, as was said by the Senator from Virginia, I speak by experience—every one who has served in Congress with a family knows that it is impossible, if he is an honest man, to save money here at $5,000 a year. A thief can get rich at a dollar a day, if he will sell out his vote; but an honest man cannot possibly do more than support himself as a gentleman should live and as his State expects him to live at $5,000 a year. What principle may have been adopted in arriving at this 10 per cent. idea, this horizontal figure of 10 per cent., I do not know, because I have not investigated it. This particular item I do know about, and I shall vote on the amendments as they come up, one by one. I believe that the amendment made by the Senate Committee on Appropriations in putting the pay back to what it was is right, and I have yet to see the day or hour that I would not say by vote what I believed to be right. I have never been a demagogue in my life. I hope and trust in the Lord I never shall be.

Now, Mr. President, I know the fact that the country is suffering terribly by the depressed condition of financial affairs all through the land. We all know that. We know that since the panic of 1873 poverty has been knocking at the door of very, very many of the homes of this land; and I will go as far as the farthest in doing what

I believe to be right in the way of just retrenchment and just economy. But, sir, let us be just and right to ourselves and to everybody else. It is only a day or two ago that $750,000, more than double the amount here appropriated for this entire Senate, was voted out of the Treasury of the United States by us upon what I then believed and yet believe to be a sickly sentimentality. And yet here, when the pay of the embassadors of the States, representing thirty-seven States of the American Union, is to be fixed, the whole of our pay is fixed at a sum not one-half the amount that was given away upon a mere sickly sentimentality. I have some little knowledge of affairs. I would like to be controlled by what I regard as business in business transactions. I did not think that business, and I voted against it. I did not think it was right to the Government, and therefore I voted against it. I do think this is right, and I shall vote for it.

Mr. COCKRELL. Mr. President, the Senator from Iowa [Mr. WRIGHT] is quite indisposed to-day, and I have paired with him upon this bill. If he were here he would vote against the amendment restoring the President's salary to $50,000 and for adhering to the bill as reported from the House in that respect. In that I should concur with him. Upon other portions of the bill, so far as I have had time to examine it, I would vote against the amendments offered by the committee of the Senate, and he would vote for them.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations, which has been read, in lines 10, 11, 12, and 13, striking out "thirty-three" and inserting "seventy," and striking out all after the word "dollars."

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in lines 18 and 19, to increase the appropriation for salary of "Secretary of the Senate, including compensation as disbursing officer," from $4,500 to $4,896.

The amendment was agreed to.

The next amendment was in line 19, to strike out "horse" and insert "horses;" in line 20, to strike out "wagon" and insert "wagons;" and after the word "for" to strike out the words "his use, 500," and insert "the Secretary's office 1,200;" so as to read:

And for hire of horses and wagons for the Secretary's office, $1,200.

The amendment was agreed to.

The next amendment was in lines 21 and 22, to increase the appropriation for salary of the Chief Clerk of the Senate from $2,500 to $3,000; and after the word "dollars," in line 22, to add:

And the additional sum of $1,000 while the said office is held by the present incumbent, and no longer.

The amendment was agreed to.

The next amendment was in line 25, before the word "minute," to strike out the word "and;" in line 26, after the word "clerk," to strike out the words "at $2,250 each" and insert "and;" in line 28, after the word "thousand," to insert "five hundred and ninety-two;" and after the word "dollars" to insert the word "each;" so as to read:

Principal clerk, principal executive clerk, minute and journal clerk, and financial clerk in the office of the Secretary of the Senate, $2,592 each.

The amendment was agreed to.

The next amendment was in line 29, after the word "librarian," to strike out the words "$1,800;" in line 30, before "clerks," to strike out "five" and insert "seven;" and in line 31, after the word "thousand," to insert the words "two hundred and twenty;" so as to read:

Librarian and seven clerks in the office of the Secretary of the Senate, at $2,220 each.

The amendment was agreed to.

The next amendment was in line 32, to increase the appropriation for salary of clerk of printing records from $1,600 to $2,220.

The amendment was agreed to.

The next amendment was in lines 33 and 34, to increase the appropriation for salary of five clerks in the office of the Secretary of the Senate from $1,800 each to $2,100 each.

The amendment was agreed to.

The next amendment was in line 35, to increase the appropriation for salary of keeper of the stationery of the Senate from $1,500 to $2,102.40.

The amendment was agreed to.

The next amendment was in line 37, to increase the appropriation for salary of one messenger in the office of the Secretary of the Senate from $1,200 to $1,296.

The amendment was agreed to.

The next amendment was to insert after line 37 the words:

Four laborers in the office of the Secretary of the Senate.

The amendment was agreed to.

The next amendment was to insert after line 38 the words:

One special policeman, $1,296.

The amendment was agreed to.

The next amendment was in line 41, to increase the appropriation for salary of secretary to the Vice-President from $1,800 to $2,102.40.

The amendment was agreed to.

The next amendment was in line 44, to increase the appropriation for salary of clerk to the Committee on Finance from $2,200 to $2,220.

The amendment was agreed to.

The next amendment was in line 45, to increase the appropriation for salary of clerk to the Committee on Claims from $2,000 to $2,220.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 47, the words:

Clerk to the Committee on Commerce, $2,220; clerk to the Committee on the Judiciary, $2,220; clerk to the Committee on Private Land Claims, $2,220.

The amendment was agreed to.

The next amendment was in line 52, to increase the appropriation for salary of assistant keeper of the stationery from $1,200 to $1,800.

The amendment was agreed to.

The next amendment was in line 54, to increase the appropriation for salary of Sergeant-at-Arms and Doorkeeper from $4,000 to $4,320.

The amendment was agreed to.

The next amendment was in line 55, to increase the appropriation for salary of assistant doorkeeper from $2,000 to $2,592.

The amendment was agreed to.

The next amendment was in lines 56 and 57, to increase the appropriation for salary of acting assistant doorkeeper from $1,800 to $2,592.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 57, to strike out the words:

Chief messenger assisting Doorkeeper, $1,800.

And in lieu thereof to insert:

Three messengers, acting as assistant doorkeepers, at $1,800 each.

The amendment was agreed to.

The next amendment was in line 61, to increase the appropriation for salary of Postmaster to the Senate from $2,000 to $2,100.

The amendment was agreed to.

The next amendment was in line 62, to increase the appropriation for salary of assistant postmaster and mail-carrier from $1,800 to $2,088.

The amendment was agreed to.

The next amendment was in lines 63 and 64, to increase the appropriation for salary of two mail-carriers from "$125 per month during the session," to "$1,200 each."

The amendment was agreed to.

The next amendment was in line 66, to increase the appropriation for salary of superintendent of the document-room from $1,800 to $2,160.

The amendment was agreed to.

The next amendment was in line 67, before the word "assistant" to strike out "one" and insert "two," and to strike out "assistant" and insert "assistants;" and in line 68, to strike out "$200" and insert "$440 each;" so as to read:

Two assistants in document-room, at $1,440 each.

The amendment was agreed to.

The next amendment was in lines 69 and 70, to increase the appropriation for salary of superintendent of the folding-room from $1,800 to $2,160.

The amendment was agreed to.

The next amendment was in line 71, after the word "one" to strike out "clerk" and insert "assistant;" so as to read:

One assistant in the folding-room, $1,200.

The amendment was agreed to.

The next amendment was in line 72, before the word "messengers" to strike out "23" and insert "20," and to strike out the words "hundred and twenty-five dollars per month each during the session" and insert "thousand four hundred and forty dollars each;" so as to read:

Twenty messengers, at $1,440 each.

Mr. ANTHONY. I move to amend the amendment of the committee after line 72, by making the "twenty" read "twenty-one," and after the word "messengers" inserting "one of whom shall act as upholsterer under direction of the Sergeant-at-Arms."

That is to retain in service here a messenger who acts as upholsterer, which is very necessary in this large number of rooms, for carpeting and for chairs, &c. The Sergeant-at-Arms, whom I have consulted on the subject, has no doubt it will be an economy. Otherwise the same service will have to be obtained from without at much greater expense.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 76, to increase the appropriation for salary of chief engineer of the Senate from $1,800 to $2,160.

The amendment was agreed to.

The next amendment was in line 77 before the word "assistant" to strike out "two" and insert "three;" and in line 78, after "thousand," to strike out "two hundred" and insert "four hundred and forty;" so as to read:

Three assistant engineers, at $1,440 each.

The amendment was agreed to.

The next amendment was in line 80, to increase the appropriation for salary of assistant engineer in charge of the Senate elevator from $1,200 to $1,440.

The amendment was agreed to.

The next amendment was in line 81, to increase the appropriation for salary of two firemen from $900 each to $1,095 each.

The amendment was agreed to.

The next amendment was in line 82, after the word "each" to insert the words:

Three skilled laborers, at $1,000 each.

The amendment was agreed to.

The next amendment was in line 83, before the word "laborers" to strike out "seven" and insert "ten;" so as to read:

Ten laborers, at $720 each.

The amendment was agreed to.

The next amendment was in line 84, to strike out the words "and one female" and insert "to pay Kate Dodson;" and in line 85, to strike out "600" and insert "720;" so as to read:

To pay Kate Dodson, in charge of the ladies' retiring-room, $720.

The amendment was agreed to.

The next amendment was in line 86, after the words "telegraph operator" to strike out the words "at the rate of $100 per month;" so as to read:

Telegraph operator, during the session, $400.

The amendment was agreed to.

The next amendment was in line 87, before the word "laborers" to strike out "ten" and insert "seventeen;" in lines 89 and 90, to strike out "2,400" and insert "4,080;" so as to read:

And seventeen laborers at the rate of $720 per annum during the session of the Senate, $4,080.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Rhode Island [Mr. ANTHONY] to the fact that his amendment will require an addition to the total footing in lines 91 and 92, which is the subject-matter of the next amendment.

Mr. ANTHONY. The Senator from Louisiana [Mr. WEST] will take charge of amending the aggregate to meet my amendment.

Mr. WEST. As there will evidently be a necessity to amend the total amount by the addition $1,440 according to the amendment offered by the Senator from Rhode Island, which was conceded by the Senate, I call the attention of the Senator in charge of the bill to the fact that there is an omission at the bottom of page 2, line 38, requiring an additional amount; and then we should make the alteration in lines 92 and 93 to correspond. It is an oversight in the bill. What amount is necessary to insert for the four laborers provided for in line 38?

Mr. MORRILL, of Maine. Seven hundred and twenty dollars each.

Mr. WEST. Then I move to amend, after line 38, by adding the words "at $720 each."

The amendment was agreed to.

Mr. WEST. Now I move to amend by changing the amount of "$161,682.80" to "$166,002.80," in lines 92 and 93, being the aggregate of all the items from line 15 to that point.

Mr. MORRILL, of Maine. The Senator is in error about that. Although the amendment in line 38 did not specify the sum, the computation was upon that basis.

Mr. WEST. Very good. I see where the error is. Then I withdraw the last amendment and make it embrace simply the amount as amended on motion of the Senator from Rhode Island and make it $163,120.80.

Mr. MORRILL, of Maine. That would be right.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. ALLISON. I suggest that the Secretary read this bill by paragraphs, so that each paragraph be read through as it will read when amended. I think it would facilitate the consideration of the bill to adopt that course. I know it has been adopted elsewhere, and it would save much labor to the Secretary.

The PRESIDING OFFICER. By consent that order can be observed. If no objection is made, the bill will be read in that order.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 100, after the word "for," to strike out "twenty-one" and insert "twenty-eight," and, after the word "at," to strike out "5" and insert "6;" and in line 101, after the word "session," to strike out "12,600" and insert "20,328;" so as to read:

For twenty-eight clerks to committees, at $6 per day during the session, $20,328.

The amendment was agreed to.

The next amendment was in line 103, after the words "Senate Chamber," to strike out the word "including;" and in line 107, after the word "employed," to strike out "four thousand two" and insert "five thousand four;" so as to read:

For fourteen pages for the Senate Chamber, two riding pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, at the rate of $2.50 per day while actually employed, $5,400.

The amendment was agreed to.

The next amendment was in line 110, to increase the appropriation for hire of horses and mail-wagons for carrying the mails from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was after the word "dollars" in line 110, to strike out the words:

And the Sergeant-at-Arms of the Senate is hereby directed to advertise in one of the daily papers in Washington, District of Columbia, for one week, for proposals for furnishing horses and wagons for carrying the mails, books, and other documents between the city post-office and the Departments and residences of members and the Senate post-office and folding-room and document room; said proposals to include for the carrying of said mails, books, boxes, and documents the use of three horses and wagons during the session of Congress, one of which shall be in use during the year; and he shall contract with the lowest responsible bidder for such service for the term of one year.

The amendment was agreed to.

Mr. DAVIS. I suggest to the Clerk, if there is no objection—of course we can stop at any time—to read the bill as it would read if amended.

The PRESIDING OFFICER. That is the course now being pursued.

Mr. DAVIS. It will save time.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 123, after the word "folding," to strike out "books;" so as to read:

For materials for folding, $4,000.

The amendment was agreed to.

The next amendment was in lines 125 and 126, to strike out the words:

For labor in folding books, speeches, and pamphlets, $3,000.

And in lieu thereof to insert:

For four folders, at not exceeding $3 per day, under the direction of the superintendent of the folding-room, $3,000.

The amendment was agreed to.

The next amendment was in lines 133, 134, and 135, in the item as to the price paid for folding the daily RECORD and speeches in the folding-room of the Senate, from not exceeding $2.50 to not exceeding $2 per thousand, and speeches from not exceeding $1.50 to not exceeding $1 per thousand.

The amendment was agreed to.

The next amendment was in line 143, to increase the appropriation for reporting the debates and proceedings of the Senate from $22,500 to $25,000, and after the word "dollars" to insert "payable in equal monthly installments."

The amendment was agreed to.

The next amendment was in line 151, in the appropriations for the Capitol police, to increase the appropriation for salary of one captain from $1,600 to $2,000.

The amendment was agreed to.

The next amendment was in line 152, before the word "lieutenants," to strike out "two" and insert "three," and, after the word "thousand," to strike out "two" and insert "six;" so as to read:

Three lieutenants at $1,600 each.

The amendment was agreed to.

The next amendment was in line 153, before the word "privates," to strike out "twenty-one" and insert "twenty-four;" and in line 154, after the word "thousand" to insert "400;" so as to read:

Twenty-four privates, at $1,400 each.

The amendment was agreed to.

The next amendment was in line 154, before the word "watchmen," to strike out "four" and insert "eight;" and in line 155 after the word "at" to strike out "900" and insert "1,000;" so as to read:

And eight watchmen, at $1,000 each.

The amendment was agreed to.

The next amendment was in line 156, to increase the total appropriation for the Capitol police from $28,600 to $48,400.

The amendment was agreed to.

The next amendment was in lines 162 and 163, to increase the appropriation for salary of Members of the House of Representatives and Delegates from Territories from $1,359,000 to $1,550,000.

The amendment was agreed to.

The next amendment was in line 164, after the word "dollars," to strike out the words:

And from and after the 30th of June next, the compensation of said Members and Delegates shall be $4,500 per annum.

The amendment was agreed to.

The next amendment was in line 171, after the word "Representatives," to strike out the words "4,700" and insert:

Including compensation as disbursing-officer of the contingent fund, $4,896.

So as to read:

Clerk of the House of Representatives, including compensation as disbursing-officer of the contingent fund, $4,896.

The amendment was agreed to.

The next amendment was in line 174, to strike out "horse" and insert "horses," and to strike out "wagon" and insert "wagons;" and after "the" to strike out "Clerk, five hundred" and insert "clerk's office, one thousand two hundred;" so as to read:

And for hire of horses and wagons for use of the Clerk's office, $1,200.

The amendment was agreed to.

The next amendment was in line 176, after the word "clerk" to

;nsert the word "and;" and after "journal clerk" to insert "$3,000 each;" so as to read:

Chief Clerk and journal clerk, $3,000 each.

The amendment was agreed to.

The next amendment was in line 177, after "reading clerks" to strike out the word "and," and after "tally clerk" to strike out the words "five in all, at $2,250 each; for;" in line 179, after "enrolling clerk," to strike out "four" and insert "seven;" and in line 180, after the word "thousand," to insert "five hundred and ninety-two;" so as to read:

Two reading clerks, tally clerk, disbursing clerk, file clerk, printing and bill clerk, and enrolling clerk, seven in all, at $2,592 each.

The amendment was agreed to.

The next amendment was in lines 182 and 183, after "newspaper clerk" to strike out the words "superintendent of document-room;" in line 184 to strike out the word "engineer" and insert "assistant librarian;" and after the word "at" to strike out "1,800" and insert "2,160;" so as to read:

For assistant to Chief Clerk, assistant to enrolling clerk, resolution, petition, and distributing clerk, newspaper clerk, index clerk, librarian, and assistant librarian, eight in all, at $2,160 each.

The amendment was agreed to.

The next amendment was in line 188, after the word "dollars" to strike out "two" and insert "one chief messenger in the office of the Clerk of the House at $5.76 per day; three messengers and one;" so as to read:

One chief messenger in the office of the Clerk of the House at $5.76 per day; three messengers and one messenger assisting librarian, at $1,440 each.

The amendment was agreed to.

The next amendment was in lines 191 and 192, to strike out the words "for book-keeper, four clerks" and insert "one engineer, $1,800."

The amendment was agreed to.

The next amendment was in line 193, before the word "assistant" to strike out "two" and insert "three;" after the word "engineers" to strike out the words "and all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders of, and in all respects under the direction of the Doorkeeper, seven in all;" and in line 197, after the word "thousand" to strike out "two hundred" and insert "four hundred and forty;" so as to read:

And three assistant engineers, at $1,440 each.

The amendment was agreed to.

The next amendment was in line 198, before the word "firemen" to strike out "four" and insert "six;" and after the word "at" to strike out "900" and insert "1,095;" so as to read:

For six firemen at $1,095 each.

The amendment was agreed to.

The next amendment was in line 203, after "telegraph operator" to strike out the words "at $100 per month during the session" and insert "$400;" so as to read:

And one telegraph operator, $400.

The amendment was agreed to.

The next amendment was in lines 205 and 206, to increase the appropriation for salary of clerk to the Committee of Ways and Means from $2,400 to $2,592.

The amendment was agreed to.

The next amendment was in lines 207 and 208, to increase the appropriation for salary of messenger to the Committee of Ways and Means from $1,200 to $1,314.

The amendment was agreed to.

The next amendment was in line 209, to increase the appropriation for salary of clerk to the Committee on Appropriations from $2,400 to $2,592.

The amendment was agreed to.

The next amendment was in line 211, to increase the appropriation for salary of messenger to the Committee on Appropriations from $1,200 to $1,314.

The amendment was agreed to.

The next amendment was in line 213, to increase the appropriation for salary of clerk to the Committee on Claims from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was in line 215, to increase the appropriation for salary of clerk to the Committee on Public Lands from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was in line 216, to increase the appropriation for salary of clerk to the Committee on War Claims from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was in line 217, to increase the appropriation for salary of clerk to Speaker's table from $1,500 to $2,102.40.

The amendment was agreed to.

The next amendment was in line 219, to increase the appropriation for salary of private secretary to the Speaker from $1,800 to $2,102.40.

The amendment was agreed to.

The next amendment was in line 222, to increase the appropriation for salary of the Sergeant-at-Arms from $4,000 to $4,320.

The amendment was agreed to.

The next amendment was in lines 222 and 223, after the appropriation for salary of Sergeant-at-Arms to strike out the words:

For one horse and wagon for his use, $500.

The amendment was agreed to.

The next amendment was in line 224, to increase the appropriation for salary of clerk to the Sergeant-at-Arms from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was in lines 225 and 226, to increase the appropriation for salary of paying teller for the Sergeant-at-Arms from $2,000 to $2,100.

The amendment was agreed to.

The next amendment was in line 227, to increase the appropriation for salary of messenger to the Sergeant-at-Arms from $1,200 to $1,440.

The amendment was agreed to.

The next amendment was in line 228, to increase the appropriation for salary of the Doorkeeper from $2,500 to $2,592.

The amendment was agreed to.

The next amendment was in lines 229 and 230, to increase the appropriation for salary of the Assistant Doorkeeper from $2,000 to $2,592.

The amendment was agreed to.

The next amendment was in lines 230 and 231, to strike out the words:

Clerk for Doorkeeper, $1,200.

The amendment was agreed to.

The next amendment was in lines 231 and 232, to increase the appropriation for salary of the House Postmaster from $2,200 to $2,592.

The amendment was agreed to.

The next amendment was in line 233, to increase the appropriation for salary of first assistant postmaster from $1,800 to $2,088.

The amendment was agreed to.

The next amendment was in line 234, before the word "messengers," to strike out "12" and insert "18;" after the word "messengers," to strike out the words "during the session, at $125 per month each, and two;" and in line 236, after the word "thousand," to strike out "200" and insert "440," so as to read, "eighteen messengers at $1,440 each."

The amendment was agreed to.

The next amendment was in line 239, to increase the appropriation for salary of five official reporters of the proceedings and debates of the House of Representatives from $4,500 to $5,000 each.

The amendment was agreed to.

The next amendment was in line 241, to reduce the appropriation for compensation of two stenographers for committees of the House from $4,500 to $4,200 each.

The amendment was agreed to.

The next amendment was in lines 245 and 246, to increase the appropriation for salary of superintendent of the folding-room from $1,800 to $2,160.

The amendment was agreed to.

The next amendment was in line 251, to increase the appropriation for salary of superintendent and chief assistant in the document-room from $1,800 to $2,160 each.

The amendment was agreed to.

The next amendment was in line 253, to increase the appropriation for salary of document file-clerk from $1,200 to $1,800.

The amendment was agreed to.

The next amendment was in line 263, to increase the appropriation for salary of one laborer (Henry Douglas) from $840 to $917.50.

The amendment was agreed to.

The next amendment was in lines 266 and 267, to increase the total appropriation for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives from $173,860 to $209,243.20.

The amendment was agreed to.

The next amendment was in line 274, in the appropriations for contingent expenses of the House of Representatives, to strike out "5" and insert "6" before "dollars;" and in line 275, after the word "session," to strike out "12,600" and insert "15,120;" so as to read:

For twenty-one clerks to committees, at $6 per day during the session, $15,120.

The amendment was agreed to.

The next amendment was in line 277, after the word "folding," to strike out the word "books;" so as to read:

For materials for folding, $8,000.

The amendment was agreed to.

The next amendment was in lines 284, 285, and 286, in the items as to folding in the folding-room of the House of Representatives, to reduce the price for folding the daily RECORD from not exceeding $2.50 per thousand to not exceeding $2 per thousand, and for folding speeches from not exceeding $1.50 per thousand to not exceeding $1 per thousand.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 12, line 270, it strikes me that the word "current" should be stricken out in the clause—

And the fourteen messengers on the soldiers' roll shall be employed during the current year.

That should read "the next fiscal year," undoubtedly. We cannot

be appropriating for this year. That has already been appropriated for. I therefore move to strike out "current" and insert "next fiscal."

Mr. DAVIS. This is a House item. I am inclined to think they meant this to be just as it is.

Mr. MORRILL, of Maine. For this year?

Mr. DAVIS. Yes, sir.

Mr. MORRILL, of Maine. We have already appropriated for that. We can amend it and arrange it in conference.

Mr. DAVIS. Looking at it in that light, if there should be an error either way it can be arranged in conference.

Mr. MORRILL, of Maine. Or in the Senate when the bill shall come out of committee.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment was to strike out after the word "dollars," in line 290, the words:

And the Postmaster of the House of Representatives is hereby directed to advertise in one of the daily papers in Washington, District of Columbia, for one week, for proposals for furnishing horses and wagons for carrying the mails, books, and other documents between the city post-office and the House post-office and folding-room and document-room, and the Departments and residences of members; said proposals to include for carrying of said mails, books, boxes, and documents the use of seven horses and wagons during the session of Congress, two of which shall be in use during the year; and he shall contract with the lowest responsible bidder for such service for the term of one year.

The amendment was agreed to.

The next amendment was to insert after line 321 the following clauses:

Public printing:

For compensation of the Congressional Printer, and the clerks and messengers in his office, $15,114.

For contingent expenses of his office, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, $2,500.

Mr. EATON. I do not quite understand this. On looking at the bill I discover that it is not an alteration of the text in the House bill, but an addition by the committee of the Senate. I see here no alteration, no change in a sum, but new matter entirely.

Mr. MORRILL, of Maine. It is new matter entirely; that is to say, new in this particular bill; but it was left out and is restored.

Mr. EATON. And under the same great claim of law!

Mr. MORRILL, of Maine. Precisely. It is one of the branches of the service which is entirely omitted by the House bill.

Mr. EATON. There is so much talk about this congressional printing that I am very sorry to see this back here.

Mr. MORRILL, of Maine. The Senator will see that, whatever question may arise, we have the establishment and must provide for it. Whatever may be done, the establishment is there to be maintained.

Mr. EATON. Will the committee inform us why this was left out in the House?

Mr. MORRILL, of Maine. I am not advised about it. If I am right in my inference, I should say they are investigating the subject; and I have seen in the papers—not to speak of anything that transpires in the House—that there was a proposition somewhere to contract for the printing, but nothing has transpired in the House yet, I believe, on that topic. Of course, when we had before us a bill to appropriate for all the service established by law, we presented this as a service not provided for in the House appropriation bill. If the law is changed, this will go out as a matter of course; but, as at present advised, it seemed to the committee that there was nothing to be done but to make this appropriation.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 331 and 332, in the appropriation for the Library of Congress, to increase the appropriation for salary of the Librarian from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 332, before the word "assistants," to strike out "thirteen" and insert "sixteen;" in line 333, after "thousand," to strike out "two hundred and fifty" and insert "five hundred;" in line 334, after "thousand," to strike out "six" and insert "eight;" in line 335, after "each," to strike out "two" and insert "three;" in line 336, after "thousand," to strike out "four hundred and fifty" and insert "six hundred;" in line 337, after "thousand," to strike out "three hundred" and insert "four hundred and forty;" in line 338, after the word "each," to strike out "two" and insert "three;" in line 339, after the word "each," to strike out "one" and insert "two;" and in lines 340 and 341, after the word "all," to strike out "23,410," and insert "29,340;" so as to read:

And for sixteen assistant librarians, three at $2,500 each, two at $1,800 each, three at $1,600 each, two at $1,440 each, three at $1,200 each, two at $1,000, and one at $960 per annum; in all, $29,340.

The amendment was agreed to.

The next amendment was in line 359, before the word "assistants," to insert the word "for;" and in line 361, after the word "Congress," to insert the words "$6,000;" so as to read:

For assistants in Botanic Garden and green houses and two additional laborers, under the direction of the Library Committee of Congress, $6,000.

Mr. HOWE. On this part of the bill I desire at some time, when it shall suit the convenience of the Senator in charge of the bill, to propose several amendments.

Mr. MORRILL, of Maine. If it is agreeable to the Senator to allow the bill to be read through, it will then be open for amendments from all quarters.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Wisconsin to present his amendments and have them printed.

Mr. MORRILL, of Maine. That has already been don

Mr. HOWE. Here is an amendment moved by the Committee on Appropriations. If it is agreed to, will it be subject to amendment hereafter?

Mr. SHERMAN. Certainly.

Mr. MORRILL, of Maine. When we are in the Senate.

Mr. HOWE. But in Committee of the Whole?

Mr. SHERMAN. Not as to amount.

Mr. HOWE. The committee proposed to fix the sum at $6,000. It ought to be about $8,000.

Mr. MORRILL, of Maine. What is the point?

Mr. HOWE. In line 361 you propose to fix that appropriation at $6,000. We are of the opinion that it should be about $8,000. I have not the figures before me, but they are before the Committee on Appropriations. The question is, if this amendment is agreed to now can it be changed in committee?

Mr. MORRILL, of Maine. The Senator has proposed an amendment which amends that paragraph in several particulars. I suggest to him to allow it to go.

Mr. HOWE. Be passed over?

Mr. MORRILL, of Maine. Yes.

The PRESIDING OFFICER. Does the Chair understand the Senator from Wisconsin to offer an amendment striking out "six" and inserting "eight."

Mr. HOWE. No, sir; I accept the suggestion of the Senator from Maine that this paragraph be passed over.

The PRESIDING OFFICER. The Chair understands the whole paragraph is to be reserved from line 358 to line 365.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 368, to increase the appropriation for salary of clerk in the office of public buildings and grounds from $1,300 to $1,400.

The amendment was agreed to.

The next amendment was in line 371, before the word "gardener," to strike out "public" and insert "landscape;" and after the word "thousand," to strike out "2" and insert "8;" so as to read:

For landscape gardener, $1,800.

The amendment was agreed to.

The next amendment was in line 376, to increase the appropriation for "a foreman and laborers employed in the public grounds" from $13,256 to $21,456.

Mr. EATON. I should like to ask the chairman of the committee how this large difference comes between his committee and the committee of the House? I see "for a foreman and laborers employed in the public grounds $13,256" in the House bill, and the amendment is $21,456. Is that a matter of law? Are there just so many men to be employed at just such a price?

Mr. MORRILL, of Maine. That is a matter of discretion entirely.

Mr. EATON. The discretion is larger when exercised by the committee of the Senate.

Mr. MORRILL, of Maine. The answer to that is, that this is the usual appropriation. All that can be said about an appropriation of that kind is that of course the Senate committee have no means of knowing precisely what number of laborers are required; but it has been found in years of experience that that number or about that number is required, and so, acting upon former appropriations and the supposition arising from the service as established in that way, the committee propose the amendment.

Mr. EATON. I would suggest to my honorable friend that while I am very ready to vote to keep as many men in employment as are necessary for the public good, as well as for the interests of the individual laborers, labor is not as high as it was two years ago and the same amount of money will hire more laborers to-day than could have been hired for it two or three years ago or even last year. The price of labor, I know, is reduced.

Mr. MORRILL, of Maine. If the Senator will look at the bill carefully, with the estimates and appropriations of last year, he will see that the Committee on Appropriations, as to all these contingent expenses and as to the employment of laborers, have been disposed to meet the views expressed by the bill from the House just as far as was practicable. In regard to this particular measure, all I have to say is that this sum is precisely what was appropriated for the same purpose last year. It may be when it comes to a committee of conference that we shall have to take off half of it.

Mr. EATON. I would rather increase the contingent expenses than the fixed salaries for such a purpose, so as to employ labor.

Mr. MORRILL, of Maine. The House of Representatives may say "that is one of the questions where we have a discretion," and we may have to recognize that fact.

The amendment was agreed to.

The reading of the bill was resumed

The next amendment of the Committee on Appropriations was to insert after line 385:

Provided, That the architect of the Capitol shall have the care and superintendence of the Capitol, including lighting, heating, and ventilating, and repairs; and shall submit, through the Secretary of the Interior, estimates thereof: *And provided further*, That all the duties relative to the Capitol building, heretofore performed by the officer in charge of public buildings and grounds, shall hereafter be performed by the architect of the Capitol, whose office shall be in the Capitol building, and who shall have the appointment and direction of the employés connected therewith.

Mr. MORRILL, of Vermont. I ask the chairman of the committee to allow this amendment to be passed over. I am not sure that the phraseology is quite right. I think the purpose of the amendment is correct, but that some of the duties are performed by other officers of the Capitol intended to be embraced now in this amendment which would not be included. It would be therefore just and proper that this amendment should be revised a little hereafter.

Mr. MORRILL, of Maine. It may be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was in line 398, in the appropriations for employés at the Executive Mansion, before the word "night," to strike out "two" and insert "one;" to strike out the word "watchmen" and insert "watchman;" and after "at" to strike out the words "$1,000 each" and insert "$900;" so as to read:

One night watchman, at $900.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 399, to insert:

One night usher, at $1,200.

The amendment was agreed to.

The next amendment was in line 400, to strike out the word "policemen" and insert the word "day ushers;" and in line 401 after the word "thousand" to insert the words "two hundred;" so as to read:

Two day ushers at $1,200 each.

The amendment was agreed to.

The next amendment was in line 403, to increase the total appropriation for employés at the Executive Mansion from $7,264 to $7,764.

The amendment was agreed to.

The next amendment was in line 417, after the word "States," to strike out the words:

Up to the 4th of March 1877, at the rate of.

In line 418, after the word "dollars," to strike out the words:

Per annum, $33,611.11; and from said day to the 30th of June, 1877, both days inclusive, at the rate of $25,000 per annum, $8,135; in all $41,746.11; and on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum;

So as to read:

For compensation of the President of the United States, $50,000.

Mr. McCREERY. Mr. President, it is a source of profound regret that those who are disposed to curtail the expenditures of the Government by a reduction of the salaries of its officers have had the misfortune in each and every instance to begin in the wrong way or at the wrong place. What that good and perfect way may be, or where the precise starting-point could have been made in order to meet the individual views of the members of this body, it is difficult to determine; nor is it material, according to my understanding, since it is contemplated that there should be a general reduction of salaries, from the highest to the lowest position under this Government, wherever the joint action of the two Houses of Congress can bring about that result. If officials shall ascertain that their salaries are less than a fair compensation for their services, their resignation at any moment will relieve them of their responsibility and stop their unrequited toil.

It has been often and strenuously contended in behalf of high salaries that they are necessary to secure the best talent in the country. They have been frequently and largely augmented, but there are few who will seriously assert that the standard of integrity and capacity has been elevated in consequence. Have we not reason to apprehend that the truth will be found in the reverse of the proposition? There are some too who, like the President, have such reverence for exalted position that they would appropriate large amounts of public money to enable the incumbents to maintain the dignity of their places. Dignity is a very fine thing and comprises the stock in trade of very many worthy and respectable gentlemen; but fine as it is, the powers of analysis have never been able to assign its market value. Dignity is so apt to degenerate into pomposity, pride, and vanity, that it might be a dangerous experiment to offer very large premiums for its successful cultivation. Besides, the faithful discharge of the duty pertaining to any of the Departments of this Government will be sufficient to engross the time and attention of any man; and the gratification of his personal tastes had as well be postponed to his retirement, when he may wear as much dignity as he pleases without detriment to the public service.

It is believed as a general proposition that the decay of public virtue and the undermining of public liberty in all countries may be dated from the exact period at which the salaries of their officials had reached the highest point. Liberty is endangered when power, privilege, patronage, and wealth are monopolized by the few, while the multitude drift into poverty and neglect. Public employment may be so remunerative as to become entirely incompatible with the freedom of elections, and that freedom may be achieved by a reduction of salaries with far greater certainty than by the enactment of penal statutes.

One of the objections to high salaries is that the incumbent occupies too much of his time in devising plans for spending his money, and if his expenditures are lavish the influence is hurtful to all around him. The vice of extravagance is as contagious as the small-pox, and more destructive than the Asiatic cholera. Give the President $140 a day for pocket-money, and half as much more in the shape of perquisites, besides house rent, furniture, and fuel, and you will preach in vain to his subordinates of economy and simplicity. The laws of fashion are inexorable, and men, women, and children will plunge into the vortex even though ruin and death should be the consequence.

It has been truly said that we are imitative beings, and it is one of the peculiarities of our nature that we copy the follies, the defects, and even the misfortunes of others, in preference to imitating their virtues. A tree fell upon Ben Hardin when he was a young man, crushing his right hand so that he was never able afterward to touch his thumb with his fingers. When he became distinguished it was painful to witness the performance of his more enthusiastic admirers whose right hands formed a backward curve even more unnatural than his own.

In view, then, of the weakness of human nature, let us not offer the temptation of high salaries to lead our officials into the frivolities of fashion. But, on the contrary, let us make an effort at the inculcation of lessons and habits of republican simplicity and republican economy. The Senate has given the right vote already, a vote which will receive the sanction of nine-tenths of your constituencies. Let us neither be persuaded nor driven to retreat from the strong position which we have deliberately taken. Let us make no compromise with the salary grab, which has been rebuked and denounced by the American people from one end of this Union to the other.

I hope the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. McCREERY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I wish to say a single word about this proposition. Of course we can make no change which will affect the President's salary now. Obviously my friend from Kentucky does not expect to reduce the salary of the President of the United States at the present time. The principle upon which we have been acting is to provide the salaries according to law and wait for future consideration to change the law which is to affect salaries in the future. I suggest, therefore, that the Senator's proposition at best would not be very effectual. It could not by any possibility be effective on the President's salary until after the 4th of March next, and we should only be legislating at any event for the residue of the time from the 4th of March until the 30th of June. Therefore, it strikes me that my honorable friend must see that the amendment is immaterial. As Congress convenes again next year, of course it can fix such salary at that time as it chooses; but from the 1st of July, when this bill takes effect, until the 4th of March we can do nothing toward affecting by legislation the salary of the President of the United States. I suggest to my honorable friend that he ought not to urge any opposition to the amendment of the committee.

Mr. SARGENT. Mr. President, a bill has passed both Houses by the ordinary majority, I believe in neither House reaching two-thirds, certainly not in the Senate, reducing the President's salary after next March to $25,000. That bill in the ordinary course of legislative proceeding went to the President, and the President has returned it with his objections. It is now pending in this body, having been reported back from the Committee on Civil Service and Retrenchment with the recommendation that it pass notwithstanding the veto. A two-thirds vote of the Senate and of the House will make that bill a law; and if it becomes a law, of course after the 4th of March next the salary of the President will be but $25,000. The Constitution plainly points out this method by which it may become a law notwithstanding the objections of the President, and it seems to me it would be more in consonance with the dignity of the Senate to take the direct question upon the passage of that bill notwithstanding the veto of the President, rather than to incorporate a provision in this bill to the surprise of the Executive, which would compel him either to veto a bill necessary to the whole civil service of the Government or yield the objection which he has signified to us, as was his right under the Constitution of the United States.

Therefore it seems to me, whatever might be the private and individual opinions of Senators upon that bill, and however they might vote upon the question of passing it notwithstanding the objections of the President, that this is hardly fair to the executive office and hardly recognizing the constitutional right of the President to pass upon that question when presented to him in the proper form.

This consideration certainly has very great weight in my mind, and I suggest to the Senator from Kentucky whether we ought not to refrain from bringing coercion to bear upon the President of the United States after he has constitutionally and fairly presented his objection to this particular legislation. For that reason I think the amendment of the Committee on Appropriations should be adopted, irre-

spective of what individual Senators may think should be the fate of the other bill when it comes up for action.

Mr. MORTON. Mr. President, when the bill reducing the salary of the Executive to $25,000 was before the Senate I voted for it for satisfactory reasons, and I will do so again should it be presented. When the diplomatic appropriation bill was before the Senate the question came up in regard to the amendments reducing the salaries of foreign ministers, consuls, &c. I took the ground then that the office of the Committee on Appropriations and the office of an appropriation bill was to make appropriations to meet the demands then provided for by law; that it was not the office of an appropriation committee to consider whether an officer should have a certain salary, but it was the office of that committee to make appropriations to meet what the law demanded already for his salary; that if the law gave to a foreign minister a certain amount as his salary, the office of the appropriation committee was to make an appropriation to meet that, and not to consider the question whether his salary ought to be cut down one-fourth or one-half; that that was a question which should go to the Committee on Foreign Relations and be the subject of a distinct and separate act; that if it was competent for the Appropriation Committees to consider the amount of salaries due to officers of the United States, it would draw to those committees nearly the entire business of the Government, and one committee in each House could not attend to it; that it was utterly impossible.

Therefore I think the duty of this committee is to make the appropriation for the President's salary and for other salaries according to the law as it now stands. If those salaries are too high, the law ought to be changed; but as to what changes should be made in salaries in regard to the office of President or foreign ministers or consuls or judges or matters of that kind, these are things for separate legislation, to be considered by the committees to which they naturally belong, and should be properly and fully considered. It is not in the capacity of the Committee on Appropriations, however able it may be, to consider and understand all these questions, and thus virtually to absorb to itself the whole administration of the Government.

Mr. LOGAN. I merely wish to say a word in reference to this amendment. When the bill was before the Senate reducing the President's salary after the 4th of March next, I gave the same vote that has been mentioned by the Senator from Indiana, in favor of the bill, but this is a very different proposition. This is a proposition by the Committee on Appropriations, as I understand it, to appropriate the money now that the law says is the amount the President shall receive. By striking out that amendment we should say in an appropriation bill that the President shall not have that amount of money which the law gives him, but that he may have a claim against the Government for it, and therefore may go to the courts or wherever he has a right to go in order to obtain his salary. I do not suppose there is any Senator—and I listened with a great deal of pleasure to my friend from Kentucky, as I always do—who desires to put himself in the position of antagonizing the law itself. As was well said by the Senator from California, if the law is wrong we should repeal it, but as long as it is the law we should conform to it. We made the law ourselves. This very Senate passed the bill.

Mr. BOGY. Will the Senator permit me to ask him a question? Does the present bill only appropriate $25,000 as the salary of the President when the law allows him $50,000 a year?

Mr. LOGAN. Yes, sir; that is the proposition of the House. The House bill appropriates but $25,000 when the law allows him $50,000. The committee of the Senate move to strike out the $25,000 and allow the appropriation to stand as the law does. That is the way I understand it. As the bill came from the House it reads:

> For compensation of the President of the United States up to the 4th of March, 1877, at the rate of $50,000 per annum, $33,611.11; and from said day to the 30th of June, 1877, both days inclusive, at the rate of $25,000 per annum, $8,135.

Mr. INGALLS. To commence at the expiration of the present term. It gives the President at the rate of $50,000 to the end of the term.

Mr. BOGY. Yes; I understand the bill appropriates at the rate of $50,000 until the next 4th of March.

Mr. LOGAN. Certainly; and after that it appropriates at the rate of $25,000. That is correct, is it not?

Mr. SHERMAN. It changes the salary after the 4th of March.

Mr. LOGAN. It changes the salary, but the committee of the Senate move to strike out the words which change it, leaving it at $50,000, as fixed by law.

Mr. INGALLS. It does not change the salary of the incumbent.

Mr. LOGAN. Not at all. I understand that. Of course it does not change the salary of the incumbent. I am not speaking of that. That we have no right to do under the Constitution. I am speaking of the law as it exists, applying to the present incumbent and to his successor.

Mr. MORRILL, of Maine. If the Senator will allow me, the bill as it came from the House provides at the rate of $50,000, as established by law, up to the 4th of March.

Mr. LOGAN. Certainly, up to 1877; and then after that at the rate of $25,000.

Mr. MORRILL, of Maine. Of course, that does two things. It repeals the present salary, and contemplates establishing another salary. That is a question not within the jurisdiction of the committee. It is impossible for us to consider that question any way. We could concur in it blindly; but in doing that we should not perform our duty in regard to it. It is our duty to appropriate the salaries as fixed by law extending to a certain period.

Mr. LOGAN. It goes beyond the 4th of March.

Mr. MORRILL, of Maine. It goes beyond the 4th of March, so that there was nothing left in the world to the committee, obeying the obligations of the law, but to strike out the provision and appropriate at the rate of $50,000, which they have done.

Mr. LOGAN. That is the way I understood it precisely, although the Senator from Missouri perhaps misunderstood me. I said that the law as it exists now allows $50,000 per annum for the President; that this bill appropriates $50,000 up to the 4th of March next, and that after that it appropriates $25,000, according to the House; and the recommendation of the Committee on Appropriations of the Senate is to strike out $25,000 after the 4th of March, as I understand the chairman of the committee, leaving it as the law now stands.

Mr. MORRILL, of Maine. Yes, sir.

Mr. LOGAN. That is exactly what I was saying. Otherwise we should be undertaking here in the Senate, by refusing to appropriate money under the law, to reduce the salary, a thing we have no right to do. As long as the bill runs beyond the 4th of March next—as long as it carries the appropriations—it must conform to the law, or else it is no appropriation bill under the law; that is, it does not comply with the law.

In reference to another point, I desire to say in answer to my friend from Kentucky that this seems to me to be—I will not use the word "dare"—but it seems to me to be thrusting in the face of the President, to force him to do that which he has told us he will not do. That is to say, the President has said by his veto of what is called the salary bill for the President that he will not agree that the salary shall be reduced, and that is a question for us to determine on his veto. It is now proposed to say to him, "Although we have not acted on your veto, yet we will thrust the same thing in your face in an appropriation bill, and we will see whether you will veto that or not." That is the meaning of this provision, and nothing else. You can soften the term as much as you choose; you may talk about salaries just as you please, and about their being too high or too low, but that is not the question. The question is, Shall the Congress of the United States appropriate money according to the law as the law exists at the time the appropriation is made?

Mr. MCCREERY. If my friend will allow me a word, I will say that I thrust nothing in the President's face offensively. I come here to discharge my duty as a legislator.

Mr. LOGAN. The Senator will not understand me as saying that he individually thrusts anything in the President's face. I say that this bill itself is thrusting into the President's face a direct proposition to him to go back on what he has already done by forcing him to sign this bill. I do not say that the Senator himself intends any such thing. I only mean that that is what the bill does, without any intention perhaps; but that is the meaning of it. I do not claim that any one intends it. I only say that if the Senator himself, or any other Senator entertaining the same views that he does in reference to the reduction of salaries, had as President sent a veto to the House or Senate in reference to a bill, and if an appropriation bill coming up as this does before the action of Congress on that veto message, the two Houses should put the very same proposition in that appropriation bill without acting on his veto message and should send it to him, my judgment is that the Senator himself would say, "Gentlemen, you have got to act on my veto message; I cannot sign your bill." Therefore I say it is thrusting in the face of the President a proposition which we have not acted on. That is the meaning of the bill.

As I said, I voted for the bill reducing the salary when it passed the Senate. I do not know whether I shall vote for it or not again. That is a matter which I shall act in reference to according to my judgment at the time; but the right way to do is to bring the bill up and see how we shall vote.

We took the ground on the first appropriation bill presented to the Senate at this session that we would appropriate in accordance with the law. That was the ground the Senate took, looking on that as being the office of an appropriation bill, the function that the Appropriation Committee was to discharge. We have stood by it. If we were right then, we are right now. Hence, I say, we ought to appropriate money in accordance with the law requiring the money. If the law is wrong, we ought to repeal the law, but not reduce appropriations when the law requires the amount of money allowed to the persons, no matter whether officers, contractors, or others, entitled to it. Their personality makes no difference. You leave the amount in excess of the appropriation as a claim against the Government, to produce litigation and trouble; and that is all that it amounts to.

Mr. MCMILLAN. Mr. President, I think this is a very striking illustration of the vice of introducing positive legislation into an appropriation bill. This bill as it comes from the House appropriates, as I understand, at the rate of $50,000 for the President's salary during the present year, and subsequent to that reduces the appropriation to the rate of $25,000, and in the same clause of the appropriation bill is a positive legislative provision that on and after the 4th of March, 1877, the salary of the President shall be $25,000 per annum.

We have here affirmative legislation upon a matter distinct from the appropriation bill. We have pending in the Senate now the veto

of the President of the United States upon a bill embracing the subject-matter of the President's salary, and that is to come up before the Senate for its action. This same provision now is introduced into this appropriation bill, and if it is retained there, a majority of the Senate can pass this provision, and the President will be required either to approve that law or to veto the whole appropriation bill. There is an instance of coercion brought to bear upon the Executive which never should be tolerated by the legislative body of the Government; and, for one, it would be astonishing to me if the Senate of the United States should ever consent to such a provision as that.

I voted against the reduction of the President's salary when that bill was here before. I shall vote in favor of sustaining the veto of the President upon that bill. I have no doubt upon what the policy of the Government should be in regard to the salary of the President; and so far as I am concerned I act upon what I consider to be sound judgment in fixing that salary. But independent of that question, it seems to me that this is a striking instance of the viciousness of this kind of legislation, and I do hope that it will not meet with approbation in the Senate.

Mr. MAXEY. When the bill reducing the President's salary to $25,000 was before the Senate, I voted for the reduction. Among the reasons which I had, and which I believe I gave, was that the increase was tacked to an appropriation bill, and that the Congress of the United States had swept off as far as was within its power all the back-salary law. Here we had the opportunity of bringing the law back to what it was aforetime by making it operate on the President from and after the 4th of March next. I voted then in that way because I thought it right, and I shall vote again in the same way.

The Appropriation Committee of the House, it occurs to me, made the appropriation correctly, making the appropriation, as will be seen by reference to the part proposed to be stricken out, at the rate of $50,000 per annum up to and including the 4th day of March, and from and after that date at the rate of $25,000 per annum. It will be borne in mind that the bill reducing the President's salary to $25,000 passed both Houses of Congress, went to the President, was returned to the House where it originated with his objections. The bill, then, is simply held in abeyance for the action of Congress, which has a right to pass the bill over that veto by the vote of two-thirds of each House. Now suppose that bill does receive the vote of two-thirds of each House, then the President's salary from and after the 4th of March will be only $25,000; and yet this bill, as amended, would make an appropriation of $50,000 to meet the $25,000 salary in that case. That does not look to me very reasonable. Suppose, however, that the appropriation shall be made at the rate of $25,000 per annum and that the two Houses shall fail to sustain the other bill by a vote of two-thirds. That bill would therefore fall and the law would remain as it was aforetime. It would be entirely proper for those who entertain the opinion I do about it to vote then to increase the appropriation to what the law required; but, as I do believe the $25,000 is right, that the bill as it passed before is right, and that it is only held in abeyance for the action of the two Houses, as they have the constitutional right to act notwithstanding the President's veto, I shall vote for the $25,000, or rather I shall vote against the amendment of the Senate committee and sustain the same vote that I gave before, reducing the salary to $25,000.

Now it is said (and the Senator from Minnesota makes that point) that a portion of the clause stricken out proposes original, substantive legislation, that from and after the 4th day of March, 1877, the salary shall be only $25,000. In so far as that part of it is concerned, I do not think it ought to be there, because a proper bill was passed in both Houses and sent to the President for his signature, vetoed by him, and that bill does settle the question as an original, substantive bill in and of itself properly coming before the two Houses for their action; and that is the way the question should be settled.

Mr. ANTHONY. Mr. President, we have just decided, and I think properly, that our compensation shall be $5,000 a year, which is one-fifth of the compensation of the President of the United States. When the compensation of the President was fixed at $25,000 the compensation of members of Congress, I think, was less than $1,500 a year. The Senator from Ohio can tell me.

Mr. SHERMAN. Six dollars a day.

Mr. ANTHONY. Then certainly the original relation between the President and members of Congress as to salary was fixed at about ten to one, and now we propose to make it five to one.

Mr. KELLY. Mr. President, on the 3d of March, 1873, in an appropriation bill, the salary of the President of the United States was increased from $25,000 to $50,000; the pay of Senators and members of Congress was increased from $5,000 to $7,500. I suppose that every member of the Senate has a very vivid recollection of the condemnation of that portion of that appropriation bill. It was so severely condemned that two or three bills were introduced into the Senate and I suppose half a dozen into the other House on the very first day of the next session, to repeal that portion of the law which increased the salary of members of Congress. Nothing was said about that clause which increased the salary of the President, for the simple reason that it could not be constitutionally decreased, the Constitution providing that the salary of the President shall be neither increased nor diminished during his term of office. If it could have been repealed *in toto*, unquestionably it would have been done.

This, now, is the first opportunity we have had, excepting the bill that passed a few days ago and which has been vetoed, of restoring the law to what it was formerly as to the President, of going back to the law as it existed before the condemnation of the act increasing these salaries. It is true that our bill has been vetoed, but for the life of me I cannot see why the simple fact that the President has vetoed it should make a change in the opinion of any Senator who voted for that bill. I voted for the decrease of salary. I voted for it for the simple reason that I considered that that whole act was condemned by the voice of the people, and I cannot see the reason why we should not repeal the other objectionable portion when we have the opportunity. That opportunity came a few days ago. I voted for the reduction of the salary, and I cannot see now why I should change my vote. If it was right then, I think I ought to give the same vote now. When that bill shall be presented for action which has been vetoed, I will vote to pass the bill notwithstanding the veto, and for the same reason I shall vote now as I would vote on that occasion and as I voted before.

Mr. HAMLIN. Mr. President, I gave my vote, which was in accordance with my judgment, against the bill reducing the salary of the President of the United States; and it was a matter of gratification to myself when his objections to that bill were received here in this body. I felt thankful that the President had the independence to veto that bill, and to state, in the manly, straightforward manner in which he did, the reasons for his objections. I have read the newspapers, sir; they furnish us a variety of information in these days upon all subjects, and they teach a high code of morals, as they say; but I have not seen in any press of any authority a single word that has not commended the veto message of the President of the United States. I have seen in many democratic papers—I do not see so much of those as I do of those who harmonize with my own opinions—but I have seen no objection anywhere; and, broadcast over the land, there has come to be, so far as anything can be universal, a universal approbation of that veto message; and why? Because $50,000 is a paltry sum for the Chief Executive of this country. He is the man to bestow the hospitalities of your nation; and there is running through the minds of all our good people a respect for the Government; and they want to see those hospitalities in a moderate degree bestowed. They produce their impression upon the foreigner who comes here; he knows what are the hospitalities of other governments; and the sum you afford your Executive to bestow those hospitalities, which are right and appropriate, and which commend themselves to the good judgment of all men, can be discharged but in a very humble degree by the limited sum of $50,000.

Now, to come to this question, there are some reasons why this amendment ought to be adopted, and I will state those: In looking around and in casting ahead, I see that we must all exercise the Christian virtue of patience; we have got to live here in this hot atmosphere through the long summer months, and it may be a very good reason that this clause should remain in the bill, because we know every one of us that it will share the same fate with the Executive that the bill separately did—reducing that salary; and in that patient virtue which we all must cultivate we shall have a severe test of it perhaps. It will not take us more than two or three weeks longer to originate another appropriation bill and pass it through this body after this shall have been vetoed by the President. I assume he would do it; he cannot do otherwise. We may as well see that and look it in the face.

Upon a bill which contains nothing but the express provision of reducing that salary, I can see no reason why a man who voted for that bill should vote to sustain the veto; but when we see the reasons which the Executive has given, and the reasons which will compel him to do the same thing with this bill, I ask if it is wise, I ask if it is statesman-like, I ask if it is of any earthly use to pursue this course? It may be gratifying to individuals to put this clause here. But for what good? *Cui bono?* I should like very well to know what good it can do. It can do no earthly possible good. It does seem to me, therefore, when I come to the reasons which would control my vote not to put it in, that, for the reasons which I have stated, I would not vote for the provision, because I do not believe in it, and therefore I shall vote to strike it out. But if I held the opinion which other Senators do and were in favor of reducing the salary, I would not vote for it here, but I would vote for it and meet it in a distinct proposition by itself. I would do so because we are admonished of what must necessarily be the result if it is put in here.

I hope the Senate will have the wisdom not to load this bill in this way.

Mr. CLAYTON. When the proposition to reduce the President's salary was before the Senate originally, I voted for it; and when that proposition comes before the Senate again to be considered in connection with the President's veto, with the lights now before me, I shall vote again for the proposition to reduce the salary. But it seems to me that the proposition is one which now requires a two-thirds vote of this body. Until that two-thirds vote is had and the proposition is disposed of, I should regard it as an improper thing to anticipate what the Senate may do or may not do by a clause in an appropriation bill. I say that I shall, when that proposition comes up in its proper shape, vote to decrease this salary; but until it is determined by a two-thirds vote of the Senate that the salary shall

be reduced to $25,000, I cannot vote for a proposition of this character in an appropriation bill.

Mr. WEST. The Senate has now been in continuous and diligent session for five hours, and has made more than ordinary progress on an appropriation bill of this character. The weather is warm, and there is a proposition now pending here upon which I presume many of our colleagues, not anticipating it to-day, would be glad to put themselves on record. I move, therefore, with a view to give them an opportunity to do so, that the Senate do now adjourn.

Mr. HOWE. I want an executive session.

Mr. WEST. I will change my motion and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were re-opened, and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 2, 1876.

The House met at twelve o'clock m. Prayer by Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON. I rise to a privileged question. When I made some days ago the report of the committee of conference on the disagreeing votes of the two Houses upon the bill making appropriations for the consular and diplomatic service of the Government it should have appeared on the Journal that the committee was discharged. I ask that that may be done.

Mr. RANDALL. I would suggest that the gentleman should move that the committee be now discharged.

Mr. SINGLETON. I make that motion.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 3) for the relief of Alvis Smith;

An act (S. No. 43) granting a pension to Urial Bundy;

An act (S. No. 121) granting a pension to John Pierson;

An act (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers;

An act (S. No. 545) granting a pension to Abraham Ellis; and

An act (S. No. 641) granting a pension to Julia Scroggin.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the special order, the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House, general debate on this bill has been closed; and the Clerk will proceed to read it by paragraphs for amendment.

Mr. RANDALL. I desire to make a statement. When this bill was sent to the Committee of the Whole, it was agreed that general debate should be closed in one hour and a half. One gentleman spoke over half an hour. The gentleman from Texas, [Mr. MILLS,] to whom the other half hour had been promised, was unavoidably absent, and I moved to proceed to consider the bill by paragraphs. I hope the gentleman from Texas will not be cut off from the privilege promised him by reason of his inability to be present on that occasion. I therefore ask unanimous consent that he have thirty minutes on this bill, as originally arranged.

There was no objection.

Mr. MILLS. I do not propose to consume half of the time given me by the committee; and I would not claim any of the valuable time of the House at this late day but that matters involved in this Indian appropriation bill are of local interest to the people whom I represent. I shall consume but a few moments of the time of the committee and will yield the remainder of my time to my colleague, Governor THROCKMORTON.

I desire to call the attention of the committee to the condition of Texas in regard to the reservation at Fort Sill. There is an Indian reservation immediately upon the confines of our State. The boundary that divides that reservation from the people of Texas is Red River. On the northern side of Red River is a reservation on which the Kiowas and Comanches and other tribes of Indians hostile to our people are placed and on the south side are the people of Texas, against whom they have entertained a long hostility.

The selection of that reservation, Mr. Chairman, was most unfortunate; unfortunate for the people of Texas and unfortunate for the good of the Indians, if they were to be benefited by the selection. As stated by the officers of the United States Army who have been placed in contact with these Indians on our frontiers, the Comanches have had for long years a feud; indeed it has become traditionary with them that there is a feud between them and the people of Texas as irreconcilable as were the feuds between the ancient Carthagenians and Romans. The officers of the Government have so reported this fact to the Army. It stands upon the record of our Government; and General Pope himself, who is particularly friendly to the peace policy, states the selection of the Fort Sill reservation, immediately on the confines of Texas, where the Comanche Indians would be tempted to strike those whom they regard their hereditary foes, was most unwise.

Now, sir, I shall ask when this bill comes to be amended, when we come to discuss it by paragraphs, the Comanche and Kiowa Indians shall be removed from the Fort Sill reservation to the Baxter Springs reservation, in the northeastern portion of the Indian Territory.

There were a portion of the Comanche Indians who still remained upon the plains when these were taken to the Fort Sill reservation, and on the invitation of the Government made their homes there. The Government finally induced the wild Indians still remaining on the plains to go to the Indian Territory; but, instead of carrying these additional Comanches to the Fort Sill reservation, they carried them to the reservation in the northeastern portion of the Indian Territory known as the Baxter Springs reservation. The Indian Commissioner is at the present time negotiating with the Kiowas and Comanches to induce them to consent to leave the Fort Sill reservation and go to the other. It is, however, very difficult to get these savages to consent to leave a field that invites them to indulge their sanguinary appetites upon our people. It is very difficult to induce them to abandon the advantages presented by contact with our people and their rich herds. They know if they go to the Baxter Springs reservation they must be content to be fed by the Government; they must be content to follow the methods of peace; they must be content to lay down their scalping-knives; they must be content to abandon the pursuits of war and the enjoyment of its booty.

It is expecting too much from him when you suppose that by any act of diplomacy—and he is the master of that art as well as you are—he will consent to place in your hands the surrender of these advantages. We have to control the Indian; control him for his own good; control him against his own inclination; and I propose that the Government of the United States, while it has undertaken to feed and clothe and educate and Christianize him, shall also exert its moral and physical power to compel him to cease waging this warfare upon our people. Take him where the distance itself interposes an insuperable barrier against his invasions of our territory and the plunder of our people. Situated at Baxter Springs they will have a line of railroad to pass; they will have the Choctaws, Cherokees, Creeks, and Chickasaws, all friendly tribes, to pass through before they can get to our people, and they will be there as well taken care of as at Fort Sill. The Indian Commissioner wants them to go there, and is to-day using all his best efforts to get them to consent. In this the Commissioner is actuated by a desire to serve the best interests of the Indians. I want the Government simply to say that he *must* go; that he must be placed where war will be to him an impossibility; where he may receive all the bounty of the Government, but at the same time shall be rendered powerless to carry on a merciless war upon her citizens.

That, sir, is one of the amendments I shall offer to the bill; that it shall be the duty of the Indian Commissioner to remove these Indians to the Baxter Springs reservation, and take care of them there, just as he is taking care of them at the Fort Sill reservation.

Now, Mr. Chairman, I ask the Clerk to read what General Pope says in his report in 1871, and I ask the attention of the House to it.

The Clerk read as follows:

> It is to be understood that what I say of these Indians refers to this department only. It is possible and likely that small parties of both Kiowas and Comanches have made some raids into Texas, but I have had no reports indicating it. The reservations of these Indians are so situated as to furnish them every facility for such depredations in Texas, upon the settlements of which State they have long been accustomed to raid, and it would be surprising if with such conveniences and temptations they did not occasionally depredate in that region; but as with the Cheyennes and Arapahoes, I believe these hostile acts will become less and less frequent, provided always that the present system of treatment is adhered to faithfully, namely, that the troops be authorized to follow the raiders onto the reservations, seize the criminals, and turn them over to the civil authorities of Texas, and that the Indian Department withhold rations and supplies from the Indian tribe concerned until prisoners, stock, and other property captured in these raids be returned to the Indian agent.

Mr. MILLS. Now, Mr. Chairman, that is the report of General Pope for 1870, 1871, and 1872, I believe. I send up another report to the Clerk's desk and ask that the paragraph marked be read. It is from the same officer.

The Clerk read as follows:

> The Arapahoes have, almost to a man, been peaceful during this year. The Cheyennes as a body have, I believe, also been peaceful, though some of their young men committed some depredations, and probably murdered one or two men in the early part of the summer.

The Kiowas have been altogether the worst Indians we have had to deal with. I think it almost certain that nearly all, if not quite all, of the depredations and murders committed south of the Arkansas River since May 1 are to be charged to this tribe. They are now, as they have been for twenty-five years past, the most faithless, cruel, and unreliable of all the Indians of the plains. The Comanches have joined them, however, in the depredations committed in Texas, which these Indians can never be made to understand is embraced in any treaty with them. The Texas settlements are and have always been considered by the Indians legitimate prey, and they cannot be made to understand that any treaty restrains them as against the settlements of that State. I think the location of these reservations along the northern line of Texas was hardly judicious. Under the circumstances, which are known to every officer familiar with the history of these Indians, the farther from Texas these reservations could be located the better. Having established the reservation where it is, it would perhaps be impolitic to remove it; but the military force stationed at Fort Sill ought, under the peculiar circumstances, to be invested with much greater jurisdiction over the Indians there than is now the case. It is not necessary, however, to add anything to what I have already said on this subject.

Now, Mr. Chairman, it will be seen that General Pope says in that report that the selection of Fort Sill was unfortunate. He says that the Comanches are too closely situated to the State of Texas. He says that they cannot be made to understand by any number of treaties which may be made with them that they are bound to regard treaty obligations so far as the people of Texas are concerned. If this is the conviction on their minds, it is wise in us, if that conviction cannot be removed, to remove them as far away from the people of that State as it is possible for them to be, to prevent them from waging war upon us.

There is one other measure I ask the committee to adopt as a precautionary measure for the protection of our people, and that is that the Commissioner of Indian Affairs shall prohibit the Kiowas and Comanches and the affiliated bands from crossing the Red River at all. I hope, Mr. Chairman, the gentlemen will not understand that this is a cruel measure toward these people. It is not asked in any spirit of revenge. It is not asked to gratify any revengeful disposition on the part of the people I represent. It is asked simply as a measure of safety to the lives, liberty, and property of my people. It is just such a measure as we had to adopt toward the Sioux of the Northwest. They were at one time granted leave to pass beyond the southern boundaries of their reservations and hunt the buffalo on the headwaters of the Republican River, but this right which was granted to them for the purpose of indulging their desire for the chase was perverted, as the Indians always pervert these privileges, to make war upon those whom they understand have taken from them their land and country. They understand that the white people have taken their country from them; they understand that their fathers owned all the land from the Atlantic to the Pacific Oceans; their traditions that are handed down from lip to lip tell them that they have been despoiled of their inheritance, and they still cherish in their bosoms a spirit of revenge, and will indulge its gratification whenever the opportunity presents itself, whether it be against the people of the North or South. It is necessary, if we desire to act in the spirit of philanthropy, that we shall so restrain them that it shall be impossible for them to gratify their brutal and savage appetites.

Now, I ask that the Commissioner of Indian Affairs shall issue his order, and shall enforce it, prohibiting the Kiowas and Comanches, and all bands affiliated with them, from crossing Red River, just as the Sioux were prevented from crossing the southern boundary of their reservation under the pretense of hunting buffalo on the Republican River, when they really went for the purpose of stealing the property of the people, and in many instances committing much graver crimes.

These are simply police regulations that I propose for the protection of the people I represent. I have no disposition to injure the Indians. I would do all I could to help them; because if you do not restrain them from the commission of these crimes the result will be that they will go on the war-path and numbers of them will lose their lives. More than one hundred of them have been slain in my State in conflicts between the Indians and the people during the last few years, as reported by the adjutant-general of the State of Texas. If they are allowed to carry on their predatory warfare, it will result in an extermination of the race.

The course proposed by me will enable you to carry on your policy of improving his condition and of elevating him in the scale of civilization. You know very well, gentlemen, that permitting him to carry on this continual predatory warfare retards his progress in civilization. I ask this measure in the interest of the people whom I represent. I urge you to remove them from the Fort Sill reservation to the more distant one, and that the Commissioner of Indian Affairs shall order that they shall not be permitted to cross Red River under the pretext of hunting buffalo, but really for the purpose of hunting the cattle and horses of the people. I yield the residue of my time to my colleague, [Mr. THROCKMORTON.]

Mr. THROCKMORTON. I propose to add a word or two to the remarks of my colleague who has just spoken in favor of the amendments he proposes. Those who are acquainted with this Fort Sill reservation know that the reservation is upon the borders of the settlements of the State of Texas. The reservation covers a very large scope of territory. And upon that reservation are situated the Arapahoes, Cheyennes, Kiowas, Comanches, Wichitas, and other tribes known as the affiliated bands, a very large number indeed, I suppose embracing some eighteen thousand, located within what is known as the Fort Sill reservation.

These Indians, situated as they are immediately in close proximity to the settlements of Northern Texas, and where there is but one military post within one hundred and forty or one hundred and fifty miles, and then a distance of seventy-five miles before you reach another military post—these Indians cross the Red River, go along the border of Texas from Red River to the Rio Grande, pass between the military posts, commit their depredations, and return again to their plains almost before they are known to be off their reservations; at least that is the system which has heretofore prevailed under the agents having them in charge.

Texas has for long years suffered from these depredations. Before the war the State of Texas kept regiment after regiment of troops in the field, in addition to the troops furnished by the United States, for the protection of her frontier. I need not remind this House that before the war, under the administration of General Houston, a man recognized throughout the length and breadth of this country as a friend of the Indians, these depredations were so constant and terrible that he was obliged to call upon the Legislature of that State, and he was furnished a regiment of troops for the purpose of protecting the frontier. No man in Texas or out of Texas who knew the character of General Houston and his long endeavor to subserve the interests of the Indian can believe for a moment that he was actuated by any other motive than a desire to properly manage the Indians and protect the people of Texas.

During the war, as a matter of course, Texas had to defend her borders herself, for the Confederate States could furnish her no assistance. And since the war, for the first few years, notwithstanding the border was crimsoned with blood and all the streams of our country were dyed with the blood of our citizens, we were not permitted by the Federal Government to defend our people, but were prohibited by an act of Congress from putting troops into the field for that purpose.

Later, however, when better counsels prevailed, the State was permitted to put troops in the field for the purpose of protecting her citizens against the murders and robberies of these Indians, and in the last few years she has incurred a debt for this purpose and paid out money to the extent of a million of dollars.

Mr. REAGAN. A million and a half of dollars.

Mr. THROCKMORTON. And by the assistance of the troops of the United States and the valor and vigilant conduct of our own volunteer troops we have to-day, for the first time in a quarter of a century, more peace and quiet on the border than ever before. It is a historic fact, as stated by my colleague, [Mr. MILLS,] that the Comanche Indians believe it to be their duty as well as their interest to keep up a constant warfare on the people of Texas.

Now, one word especially in regard to the suggestion made by my colleague that these Indians should be removed to the Baxter Springs reservation. A little more than fifteen months ago General McKenzie and other officers of the Army, with the volunteers of Texas, drove these Indians, after many skirmishes and after much loss of life among the troops of the United States and the volunteers of Texas, to their strongholds, where they made a last stand. In the various battles and skirmishes that took place there some 3,000 of them were captured. In the Indian appropriation bill of the last session of Congress the sum of $300,000, I believe, was appropriated for the purpose of feeding and clothing these 3,000 captured Indians, upon the condition that they should be removed from this Fort Sill reservation that had been set aside for them, and placed upon the Baxter Springs reservation, and they were removed there and are there to-day, as I understand.

We now propose, as a measure of peace and economy on the part of the Government and of justice to the people of Texas, that all of these other tribes of Indians shall be removed to the Baxter Springs reservation. I would not have my friends from Missouri and Kansas believe for a moment that we desire to put these wild hordes upon their borders so that they may depredate upon their constituents. Such would not be the result. If they are placed upon the Baxter Springs reservation they will be in the midst of semi-civilized Indians upon the borders of Missouri and Kansas. They would not for a moment think of going into those densely populated sections for the purpose of depredating upon the people of those States; they could not go westward without going through the country of the Cherokees, Creeks, Osages, and other semi-civilized tribes.

But situated as they are to-day upon the border of Texas, they can cross the Red River and go along down through those widely scattered settlements and between the military posts, and commit their depredations and return before it is known they are in the country. As a measure of economy to the Government, as a measure of justice to our people, and as an act of humanity to the Indians themselves, this policy should be pursued.

It is to be hoped that in the passage of this bill the Committee of the Whole and the House will remember that it is better for these Indians that they should receive their rations for short periods of time—for not more than a week at any one time—and that they should always be required to answer to the roll-call, every one of them, or be accounted for satisfactorily, before any rations should be issued to them.

Under the policy that has heretofore obtained, rations have been issued to these people at long intervals and in great quantities, so as to be destructive to their interests and a waste of the bounty provided by the Government for their support and maintenance. This

system, I fear, has operated also to the enrichment of those who have had the Indians in charge.

I have on my desk, but I will not trouble the committee with reading, a report made by an officer of the Army in 1869, embracing the testimony of agents, sub-agents, parties employed about the agencies, and interpreters to these various Indian tribes. This evidence shows that from week to week, from month to month, and from year to year, these Indians, fed by the Government, received arms and ammunition; that they left their reservation without any let or hinderance, went down into Texas, brought back the scalps of women and children, brought back captive women and children, as well as multiplied thousands of head of stock to their reservation. These things were a matter of notoriety. The Indians held their war dances around the agencies; they invited neighboring tribes to witness and participate in the proceedings.

These things were known to the agents. This officer gives the testimony fully in his report, which has been filed in the Interior Department from that time to this. Members would be astonished if they could read the recital of facts as given by this officer and the testimony taken upon the ground from the very persons who witnessed these proceedings.

I will not detain the committee longer; but I do trust that it will take into careful consideration the proposition submitted by my colleague, [Mr. MILLS,] and that we shall provide first that these Indians shall be removed to the Baxter Springs reservation; and secondly, that they shall not be permitted to cross the Red River in their hunting expeditions.

[Here the hammer fell.]

Mr. RANDALL. I now ask that the consideration of the bill by paragraphs be proceeded with.

The Clerk read as follows:

APACHES, KIOWAS, AND COMANCHES.

For ninth of thirty installments, as provided to be expended under the tenth article of treaty of October 21, 1867, concluded at Medicine Lodge Creek, in Kansas, with the Kiowas and Comanches, and under the third article of treaty of the same date with the Apaches, $30,000.

Mr. MILLS. I move to add after the paragraph just read the following:

The Secretary of the Interior shall, before the 1st day of September, 1876, remove all of said Indians from the Fort Sill reservation, on Red River, to the Baxter Springs reservation, in the northeastern part of the Indian Territory.

Mr. RANDALL. That will involve an expenditure of money; and the gentleman does not provide for the appropriation of any money for this purpose. These Indians are already in the Indian Territory, and number about three thousand. We have treaty stipulations with them under the treaty of 1867. I hesitate, therefore, to accept this amendment; indeed I have no authority from the Committee on Appropriations to accept it; but I would like to know from the gentleman the probable cost of this removal.

Mr. MILLS. I have not made any estimate of the cost; it cannot be a great deal. The Fort Sill reservation is in the southwestern part of the Indian Territory and the Baxter Springs reservation in the northeastern part.

Mr. RANDALL. It seems to me that under treaty stipulations these Indians have a right to be where they are. I not only feel unable to accept the amendment on the part of the committee, but I must resist its adoption. The treaty of October 1, 1867, provides, I believe—I ask the gentleman from Texas whether it does not—that these Indians shall be where they are. I am unwilling to violate the stipulations of that treaty.

Mr. MILLS. The amendment merely provides for the removal of these Indians to the Baxter Springs reservation.

Mr. SEELYE. I understood the chairman of the Committee on Appropriations [Mr. RANDALL] to raise a point of order on this amendment.

Mr. RANDALL. I did not raise any point of order, but I said that these Indians are where they are under the stipulations of the treaty of October 1, 1867; and I do not deem it proper to interfere with their rights and remove them among other Indians, who perhaps do not want to be assimilated or associated with them. I therefore resist the adoption of the amendment.

Mr. SEELYE. I quite agree with the chairman of the Committee on Appropriations; but, in addition to that, the amendment seems to me contrary to the rule, as it is new legislation and is not in the interest of retrenchment. I supposed the gentleman from Pennsylvania had raised that point of order.

Mr. RANDALL. That did not occur to me at the time. I oppose the proposition on its merits.

Mr. MILLS. It is too late to raise the point of order after the amendment has been discussed.

Mr. HANCOCK. I wish to ask the chairman of the Committee on Appropriations whether he is quite sure that he is correct in his statement as to the treaty guaranteeing to these Indians this particular locality? I think he will find he is somewhat mistaken. I am not very positive; but I think under the treaty these Indians are entitled to a location on a reservation within the limits of the Indian Territory; but I do not think the treaty specifically indicates this particular locality as the one which they are entitled to occupy.

Mr. RANDALL. I will send for the treaty.

Mr. FRANKLIN. I wish to put a question to the gentleman from Texas, [Mr. MILLS.] Have we authority to remove these wild tribes among the civilized tribes without the consent of the latter? Shall we not in doing so break treaty stipulations?

Mr. HANCOCK. I do not think that question arises. When it does, it will be then time enough to consider it.

Mr. MILLS. The wild Comanches of the plains are now at the Baxter Springs reservation, where we want these other Comanches and Kiowas now at Fort Sill reservation also to be removed.

Mr. GUNTER. I should like to ask my friend from Texas a question.

Mr. MILLS. Certainly.

Mr. GUNTER. What is the extent of the Baxter Springs reservation?

Mr. MILLS. I cannot answer, nor can I give the extent of the Fort Sill reservation; but I understand it is large enough for the purpose contemplated by my amendment.

Mr. GUNTER. It is about fifteen miles in extent. I will now ask the gentleman what is the number of Indians already on the Baxter Springs reservation?

Mr. RANDALL. The number of Indians provided for under the census is twenty-nine hundred and seventy.

Mr. GUNTER. There is that number now upon this territory fifteen miles square, for that is about the extent of the Baxter Springs reservation, and it is proposed to put three thousand additional Indians there to be taken from the Fort Sill reservation.

Mr. MILLS. I wish to say in response to my friend from Arkansas that, as I stated in my remarks this morning, the Commissioner of Indian Affairs thinks it amply sufficient, and is using his best efforts to get the Comanches at the Fort Sill reservation to accept the proposition he makes to go to this Baxter Springs reservation.

Mr. GUNTER. That may be true.

Mr. MILLS. He thinks it best to remove these Indians to the Baxter Springs reservation, and that there is ample room for them.

Mr. GUNTER. It seems to me it will be unjust to the Indians now on the Baxter Springs reservation to impose upon them thirty or thirty-five hundred more inhabitants to occupy this territory of fifteen miles square.

Mr. FRANKLIN. Let me ask the gentleman what tribes occupy the Baxter Springs reservation?

Mr. BLAND. I rise to a point of order on the amendment of the gentleman from Texas.

Mr. MILLS. There are remnants of several tribes there.

Mr. BLAND. I understood the gentleman from Pennsylvania, chairman of the Committee on Appropriations, to raise the point of order on the amendment, or that he intended to do so. If he has not raised the point of order, I now raise it and insist upon it.

The CHAIRMAN. Does the gentleman raise the point of order on the amendment?

Mr. BLAND. I do.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I rise to a point of order on the amendment of the gentleman from Texas that it does not come within the rule. In other words, it changes existing law, and at the same time is not in the line of retrenchment.

Mr. MILLS. What existing law does it change?

Mr. BLAND. I understand there is a law or treaty with these Indians, and it certainly does change that, and without the consent of the Indians. Not only that, but it interferes with other tribes of Indians settled upon this reservation under existing treaties and laws.

Mr. RANDALL. With permission of the committee I will ask the Clerk to read article 2 of the treaty of 1867 with these Indians.

Mr. MILLS. I say the point of order comes too late.

The CHAIRMAN. It is not too late to raise the point of order at this time. The gentleman from Missouri has risen to a point of order on this amendment.

Mr. BLAND. I wish the article of the treaty with these Indians to be read in connection with the point of order. It will involve an expenditure of money to remove these Indians.

Mr. RANDALL. I ask the Clerk to read article 2 of the treaty.

The Clerk read as follows:

ART. 2. The United States agrees that the following district of country, to wit: commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said river, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such other friendly tribes or individual Indians as, from time to time, they may be willing, (with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservation in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation, for the use of said Indians.

Mr. MILLS. I wish to ask the gentleman from Pennsylvania whether that refers to this reservation?

Mr. RANDALL. I understand these Indians are on that reservation as laid down there, and that the treaty not only restricts them to that territory, but provides that nobody shall interfere with them.

Mr. MILLS. I wish to ask the gentleman further, does he understand that the Congress of the United States has any power to make any treaty with any people in the world to put them on this territory belonging to the Creeks, Choctaws, Chickasaws, and Cherokees in violation of the treaty with them?

Mr. RANDALL. That is a question of law, and of Indian practice perhaps, with which I am not as familiar as the gentleman from Texas. I am neither a lawyer nor have I been brought in immediate contact with these Indians. But I do know what good faith is; and I do understand that when the United States gave to these Indians a specified territory, when they remain upon that territory under the terms of the treaty they ought not by Congress, without due and full consideration and for full and valid reasons, to be disturbed.

Mr. MILLS. If the gentleman from Pennsylvania knows what is good faith, he ought to know that the Government of the United States had no right to take that territory from the Choctaws and Cherokees and the Creek Indians and give it to the Comanches and Kiowas. They had no more right to give them that territory than they had to give Philadelphia to them; not a particle. And it was a violation of the rights of those Indians to make that contract with the Comanches and Kiowas.

Mr. RANDALL. It is a treaty made at Medicine Lodge, in Kansas, with the Indians, and this is the first time I have heard that the United States did anything in that matter which they had not a right to do. They certainly did it in good faith and for the peace both of the Indian and of the white, and for the safety of the citizen.

The CHAIRMAN. The Chair desires to remind the committee that the gentleman from Missouri [Mr. BLAND] has raised a question of order upon this amendment, and to that the Chair desires members to speak, and not upon the merits of the question. If any gentlemen desire to discuss the point of order the Chair will hear them.

Mr. BLAND. I had the statute read in order to sustain the point of order, and no one will dispute that this statute is law, and that this amendment will change it, and that it will require an expenditure of money to remove these Indians and to support them on this reservation; so that, instead of its being in the line of retrenchment, the amendment is in the line of expenditure, and is unjust toward these Indians on this reservation. And it changes existing law as to the Indians now on the reservation at Baxter Springs. It changes all the statutes with reference to those Indians.

Mr FRANKLIN. I desire to say in addition to what my colleague [Mr. BLAND] has stated, that we have no right to remove these Indians as contemplated by this amendment to reservations occupied by civilized tribes unless they consent to it, or unless we think, in the exercise of that discretionary power with which we are clothed in this respect, that the best interests of the Indians and the Government demand that they should be removed.

The removal of these Indians from their present locality is not authorized by law, nor does either justice or humanity demand it. It would not only be a menace to the peace and quietude of the civilized tribes among whom it is sought to bring them, but, sir, it would endanger the peace and prosperity of the great States of Missouri, Kansas, and Arkansas. This policy is all wrong.

What we want on our border is more civilization and less barbarism. I know it is the policy in some quarters to make the Indian Territory the home of all the wild tribes of the plains. But I trust a higher destiny is in the near future for that God-favored land, and that the day will soon dawn that will subordinate the people of what is known as the Indian Territory to the same laws and the same civilization that we as a nation enjoy.

Why, sir, the amendment of the gentleman from Texas [Mr. MILLS] means only that he desires to shift the danger. He desires to transfer it from the borders of Texas to the borders of Missouri and Kansas; but it shall never be done without my protest. I shall never remain silent in my seat and allow such an outrage to be perpetrated against my State. This is a question in which the people I have the honor to represent are deeply interested. We desire to see the cloud of barbarism driven from our borders, and do not intend it shall be more securely fastened there without our protest. The great State of Kansas, between whose people and those I have the honor to represent a reciprocity of interests exists, is also deeply interested in this measure; and even if my own State were not involved, her interests in this matter would cause me to protest against the adoption of this amendment.

The CHAIRMAN. The Chair desires to state to the gentleman from Missouri that the discussion of the merits of the question is not now in order. The discussion is now confined to the question of order raised by the gentleman from Missouri, [Mr. BLAND]

Mr. FRANKLIN. I know the question of order is before the House, but by common consent I supposed we were discussing the merits of the amendment.

The CHAIRMAN. The question properly under discussion is the point of order raised by the gentleman from Missouri.

Mr. O'BRIEN. The point of order would no doubt have been well taken if taken in time, but the amendment had been offered and had been considered by the committee, and several members had spoken to the merits of the amendment before the point of order was made. In fact the gentleman from Pennsylvania, [Mr. RANDALL,] who made objection to the amendment upon the ground of its merits, stated to the committee in the hearing of the Chair a few moments ago that he had omitted to raise the point of order at the proper time. Therefore I submit that although the point of order might be well taken otherwise, inasmuch as it comes too late, it is necessarily the duty of the Chair to rule the amendment in order.

The CHAIRMAN. The Chair desires to remind the gentleman that points of order on this bill were reserved before its commʼttal, and that all points of order are pending on the bill all the time.

Mr. O'BRIEN. But the Chair will perceive that although all points of order are necessarily subject to the decision of the Chair, having been reserved before the bill was referred to the Committee of the Whole, it is necessary, under rulings which have been made time out of mind, and so often that it would be hardly worth while to quote them, that the point of order when taken must be taken before the amendment is discussed; because it would be folly that an amendment should be proposed to a bill of this character in committee and after an elaborate discussion on the merits of the amendment it should fall to the ground because it would still be in time to raise the point of order that it changed existing legislation or was not germane.

Mr. HOLMAN. I desire to say a single word on this question. The disposition of the point of order simply settles the right of the member to offer the amendment, as in the case of every other matter brought before the House; and it has been uniformly held that the point of order as to whether the subject was rightly before the House must be made before debate. After consideration, even the very briefest consideration, it has been uniformly held that the point of order cannot be made. The point of order in this case would of course be well made if made in time; but certainly it is now too late to make it.

Mr. SEELYE. In reference to the objection made by the gentleman from Maryland, [Mr. O'BRIEN,] that the point of order was made too late, I will say that I rose to present this point of order immediately upon the offering of the amendment. But I understood the chairman of the Committee on Appropriations to raise it himself. In the confusion I did not distinctly hear his remarks, but supposed they related to the point of order. Otherwise I would have presented the point of order before any debate took place on the amendment.

The CHAIRMAN. The Chair desires to state that he is prepared to decide the point of order raised by the gentleman from Missouri, [Mr. BLAND.]

Mr. THROCKMORTON. I desire to discuss the merits of the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. THROCKMORTON. The gentleman from Missouri [Mr. BLAND] makes the point that there is an existing statute which is in conflict with this amendment. I would ask the gentleman from Missouri if he does not know that that was a contract between the Indians and the Government of the United States, and does he not know, and does not the whole country know, that these Indians have violated that contract from the time it was made, and to such an extent that the Commissioner of Indian Affairs eighteen months ago removed a portion of the tribe to the Baxter Springs reservation?

Mr. BLAND. I presume the gentleman will allow me to answer his question. He asks whether it be a contract or not. Is it an existing law on the statute-book? As to any violation of it, that is an outside matter. We are here considering that law.

Mr. THROCKMORTON. The gentleman knows that he assisted to make an appropriation at the last session of Congress to pay troops conducting a war against these Indians for violation of their contract.

Now, one word in regard to the question of the increase of expenditures. This amendment is in the line of reduction. Why so? Because you will find in the bill that there are hundreds of thousands of dollars appropriated for transportation of supplies to these Indians. If they are placed upon the Baxter Springs reservation, it will save thousands of dollars in these expenditures. It is therefore in the line of retrenchment, and hence the point of order is not well taken in either particular.

The CHAIRMAN. The Chair desires to state that the gentleman from Massachusetts [Mr. SEELYE] having been under the impression that this point of order was raised by the gentleman from Pennsylvania [Mr. RANDALL] at the proper time and having acted on that supposition, it is only justice to him that the point of order should now be entertained.

Mr. MILLS. Does the Chair desire to do injustice to me in order to do justice to the gentleman from Massachusetts?

Mr. O'BRIEN. I desire to ask whether we are to be governed by the rules of the House or by the misunderstanding of any member?

The CHAIRMAN. The Chair will decide the point of order; he will not answer the question of the gentleman from Maryland, [Mr. O'BRIEN.] The Chair desires to state that good faith in the deliberations of this body should characterize all our proceedings, and that when a member of the House rises in his place and states that he understood a point of order to have been raised or he would have raised it himself, the Chair must take his word for it. The Chair understood the gentleman from Massachusetts to so state, and upon that statement the Chair will decide the point of order upon its merits.

The Chair will hold in reference to this amendment that, as he understands it, it is a change of the existing law, and that, being a change of existing law, it must appear in the second place that it is germane to the subject-matter of the bill, and in the third place that it reduces expenditures. The Chair has no difficulty in holding that it is germane, but the Chair does not see upon the face of the proposition that it is a retrenchment of expenditures; on the contrary, it would appear that it would cost something to have this transfer made; and the Chair therefore sustains the point of order, and rules the amendment out.

Mr. MILLS. I offer the following amendment, to come in at the same place:

And the Secretary of the Interior is hereby directed and required to prohibit the Kiowas, Comanches, Apaches, Kickapoos, Cheyennes, Arapahoes, Wichitas and bands affiliated with them from crossing Red River from the Fort Sill reservation into Texas, and for that purpose shall use the military force at said reservation; and he is also directed to issue rations to said Indians for only one week at a time, and then only to such of them as shall be present.

Mr. THROCKMORTON. I would suggest to my colleague that instead of saying the Secretary of the Interior, he say whatever Department of the Government that shall have charge of the Indians.

Mr. SEELYE. I submit that that amendment is liable to the same point of order made upon the last one. The provision contemplates I think what we all desire and would vote for if it were presented in a suitable form in a separate bill; but it is new legislation, and it is not certain but that it will cause additional expenditure.

The CHAIRMAN. The gentleman from Massachusetts raises the point of order that this amendment is subject to the same point of order as the last.

Mr. MILLS. I desire to discuss the point of order. I am not at all astonished at the objection coming from the gentleman from Massachusetts to any relief that the people of my State ask against the Kiowa and Comanche Indians. I have been accustomed during the three years which I have served in this House trying to represent the interests of my people to meet objection from that side of the House to every measure proposed for the protection of our people.

Now, sir, I presented an amendment to this bill a few moments ago to remove these Indians from their present reservation at Fort Sill; that was ruled out because we could not take them away. I now present an amendment that they shall stay on their present reservation, and the point is made by the same gentleman that it is new legislation to require them to stay on the reservation, and it is new legislation to remove them from it. That is the predicament the gentleman is in. My amendment simply requires them to stand by the law and remain where the law has placed them. I say that the Congress of the United States has no right to grant to anybody the right to come in the sovereign State of Texas and hunt the buffalo or for any other purpose not granted in the Constitution of the United States. I simply ask that the Indians be required to remain where they are, and as a measure for carrying out that purpose that they shall be required to answer the roll-call once a week and draw their rations. In the bill of the last session they were required to be present and rations were issued only to those present once a week. It is the simplest manner of keeping them there, because if you issue them rations once a month, as some of the agents do, they get their rations and go down as far as Nueces, eight hundred miles from their reservation, and kill our people and despoil them of their property. They have drawn their rations, their arms, their ammunition, and all their equipments, and they go upon a campaign into Texas and then come back home again. Now, as a precaution against these raids, we ask that they shall be required to stay on their reservations, and that as the means of that they shall have their rations only once a week.

Mr. REAGAN. I desire to state——

The CHAIRMAN. The Chair would remind the gentleman that the point of order raised by the gentleman from Massachusetts [Mr. SEELYE] is pending.

Mr. REAGAN. I understand that, and I desire to discuss it for a moment, and to add a word to what my colleague [Mr. MILLS] has said. The clause of the bill which it is proposed to amend makes an appropriation of $30,000 for paying installments to the Indians and for carrying out provisions of the treaty under which they are settled on the reservation, which covers the rations and supplies furnished them. The amendment of my colleague [Mr. MILLS] couples itself with this appropriation in an incidental way, which I take it is in harmony with the object of the bill, and with the object had in view by the treaty the provisions of which are intended to be carried out by this bill.

There can be no pretense that there is any incongruity between the proposed amendment and the portion of the bill proposed to be amended. The object of the amendment is to require the Secretary of the Interior to take steps to keep these Indians on their reservation in conformity with the stipulations of their treaty obligations. In addition to that, and as a means of making them conform to the provisions of the treaty while receiving the bounty of the Government and being fed by it, their supplies are to be issued to them at limited times, once a week instead of monthly as now, and they are to be issued only to such of them as are present at roll-call.

The object of this amendment is apparent in view of the remarks made by my colleagues [Mr. MILLS and Mr. THROCKMORTON] who have addressed the Committee of the Whole on the main proposition this morning. The Indians now leave their reservation in violation of the spirit and perhaps the very terms of the treaty, go along down the frontier of Texas, murder our people, plunder the country of horses and other stock, and return to their reservation. Having drawn the rations which the Government furnished them in the interest of peace and humanity, and which they ought to consume on their reservation, they avail themselves of this bounty of the Government while they are engaged in murder and theft on the frontier.

Is there any parliamentary rule that will prevent this Congress, when making an appropriation to carry out the stipulations of this treaty in good faith and to preserve the main objects of the treaty and of our Indian policy, from carrying out that other high obligation of preserving the lives and property of our people from the lawless depredations of these Indians who are fed by the Government?

I submit that the point of order is not well taken; that this amendment is incident to the bill and connects itself necessarily with it, and is in the very spirit of the treaty, the obligatory law, the contract between the Indians and the whites. It is a proposition to compel the Indians to stay north of the Red River, on this reservation, and to compel them to be there to receive their supplies and rations. It is necessary to the good faith of the treaty, to the good faith of the law, and to a due observance of the law both by the Government and the Indians, in connection with the safety of the lives and the security of the property of our people.

Mr. KASSON. I would like for a moment——

The CHAIRMAN. The Chair has recognized the gentleman from Massachusetts [Mr. SEELYE] on the point of order.

Mr. KASSON. On this point of order I would like to call the attention of the gentlemen from Texas to a difficulty which they can avoid, if I understand correctly the gentleman from Texas who last spoke, [Mr. REAGAN.] This amendment, as offered by the gentleman from Texas, [Mr. MILLS,] provides substantially that the Secretary of the Interior shall be hereby directed and required to prohibit the Indians from crossing the Red River; and then it goes on to provide that for that purpose he shall use the military force at said reservation, and issue rations weekly, &c. It will be observed that, as drawn, the amendment puts a portion of the Army under the direction of the Secretary of the Interior, which of course it is impossible to do.

Mr. MILLS. Does not the gentleman know that the Secretary of the Interior controls the Indians on the reservation?

Mr. KASSON. Not the military force, but he is required to execute his proper constitutional authority. What I was going to suggest is this——

Mr. MILLS. I will strike that out if you want it struck out.

Mr. KASSON. It is undoubtedly within the line even of the old rule touching amendments to appropriation bills, that there be a restrictive clause as to the manner of disbursing the amount appropriated. The last clause of the amendment, to which I understand the most importance is attached, (and I agree with the gentleman in that,) provides, as a means of keeping the Indians on the reservation, that their rations shall be issued in a particular way. The mere enactment by Congress that the Indians shall remain there is a *brutem fulmen;* the Indians will not obey it. But if you provide a means for the disbursement of the appropriations, so as to require the Indians to be there once a week to receive their rations, I agree that it may answer the purpose designed. I suggest that instead of providing that the Secretary of the Interior shall use the military force there, the constitutionality of which I doubt, the amendment should be confined to the issue of rations, which is certainly within the old rule regulating amendments to appropriation bills.

Mr. REAGAN. I wish to make a suggestion in relation to the amendment. I think it probable that the language of the amendment had better be modified so as to authorize the Secretary of the Interior to require the Indians to remain upon the reservation and not to go south of Red River, without specifying any authority on his part over the Army, but leaving him to control that question according to the ordinary practice of the Government; and with that modification I think the amendment will not be subject to the point of order.

Mr. MILLS. I accept the suggestion, and will modify the amendment accordingly.

Mr. RANDALL. I cannot see but that Congress has the right to put a restriction upon the manner of the administration of this fund. I have looked through the treaty, and I see in it nothing that prevents this. On the contrary, I find there an express provision that these Indians shall remain upon their reservation.

Mr. KASSON. That is the law now.

Mr. RANDALL. But it seems to me—and I make the suggestion to the gentleman from Texas who proposes this amendment—that this is not an appropriate place for it. The item now under consideration is for the payment of $30,000 in cash, under the third article of the treaty. The next item relates to clothing; the next, to pay of carpenter, farmer, &c.; the next, to the pay of physician and teacher. But the gentleman will find on page 48 of this bill a general appropriation for the Indians; and I think the amendment would there come in appropriately.

So far as regards the specification as to who shall enforce this restriction, I would prefer to have the amendment say simply "the proper authority," until we determine whether the authority shall be in the Interior or the War Department.

One of the best modes in the world to keep these Indians at peace is to distribute rations to them at short intervals. Under this system the Indian is obliged to present himself, and it can be readily seen whether or not he is on the war-path. The Sioux Indians, for instance, are now on the war-path, as they have been before. They do not come in themselves to draw their rations, but they send their relatives, who draw the rations according to the census of the tribe or band. The result is that in this way the Indians of the Sioux Nation, although on the war-path, secure by indirection rations from the Government. I think this restriction, if it can be inserted at the appropriate place, is proper and wise, and in the interest of peace.

Mr. THROCKMORTON. I ask my colleague to withdraw his amendment and offer it again when we come to page 48, where it will be more appropriate.

Mr. MILLS. I withdraw the amendment for the present.

The CHAIRMAN. The Chair hears no objection, and the amendment is withdrawn.

The Clerk read as follows, under the head "Apaches, Kiowas, and Comanches:"

For purchase of clothing, as provided in the same treaties, $15,000.
For pay of carpenter, farmer, blacksmith, miller, and engineer, $5,200.
For pay of physician and teacher, $2,500.

Mr. HOLMAN. I suggest to the chairman of the Committee on Appropriations and to the gentleman from Texas that there would seem to be no impropriety in proposing a limitation upon the expenditure of these sums of money, by providing that they be paid to the Indians only on the condition of their remaining peaceably within the limits of the reservation heretofore assigned to them, and that the Secretary of the Interior shall adopt such regulations as may be necessary to secure that result. Otherwise it would seem that these tribes would be entitled to receive under our appropriations the several sums of money provided for them whether they comply with the conditions imposed in the appropriations or not. It seems quite clear that the Government should not pay these sums of money, even though they are in pursuance of express treaty stipulations, unless the Indians themselves conform to the conditions of the treaty; one of the most important conditions on their part being that they shall not depart from the reservations assigned to them.

Mr. RANDALL. I submit to the gent'eman from Indiana that this is only in accordance with natural law. Is there any nation on the earth that would feed its enemies while they are destroying its citizens?

Mr. REAGAN. Our Government has done that for fifteen or twenty years.

Mr. HOLMAN. I propose to submit the following amendment, to which I invite the attention of the gentleman from Massachusetts, [Mr. SEELYE,] who has always felt an interest in this subject:

Provided, however, That the sums of money aforesaid—

Embracing the several previous appropriations—four altogether—

shall not be paid to or expended for the benefit of said Indians unless they shall remain peaceably within the limits of the reservations heretofore assigned to them; and this provision shall be carried into effect under such regulations as the Secretary of the Interior may prescribe.

Mr. RANDALL. I object to the latter clause of that amendment. The first part I think it would be wise to adopt.

Mr. HOLMAN. Then I will offer the amendment in the following form:

At the end of the twentieth line insert the following:

Provided, however, That the sums of money aforesaid shall not be paid to or expended for the benefit of said Indians unless they shall remain peaceably within the limits of the reservations heretofore assigned to them.

Mr. RANDALL. That is right. I would like to have that adopted as a general provision with reference to all the Indians.

Mr. HOLMAN. I suppose the gentleman from Massachusetts [Mr. SEELYE] does not object to this.

Mr. SEELYE. I think it is right.

Mr. HOLMAN. This clause applies of course only to these four items of appropriation.

Mr. RANDALL. If it were applied to the Sioux Nation, it would save the Government half a million of dollars. I hope the gentleman from Indiana will modify the amendment so as to give it a general scope to include all Indians.

Mr. HOLMAN. With that view I will withdraw the amendment for the present, so that it may be offered at the end of the bill.

The CHAIRMAN. The Chair hears no objection, and the amendment is withdrawn.

Mr. SEELYE. In regard to making this amendment a general provision, I would like to suggest that there is some legislation contemplated and already brought before Congress from the Executive Department referring to the removal of the Sioux from their reservation. This amendment as a general provision might, if strictly interpreted, interfere with such legislation. I think that, so far as it applies to the particular paragraphs under consideration, it is unobjectionable.

Mr. RANDALL. The trouble is that the Sioux are now removing our citizens to eternity.

The CHAIRMAN. There is no amendment pending.

Mr. HOLMAN. The limitation would of course apply to the Indians remaining on such territory as might be assigned to them at any particular time.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to furnish subsistence, $100,000: *Provided,* That the River Crows shall share alike with the other Crow Indians in the subsistence furnished.

Mr. SCALES. I am directed by the Committee on Indian Affairs to offer the following amendment:

The Clerk read as follows:

Line 316, page 14, strike out "100" and insert "130," so it will read "$130,000."

Mr. SCALES. I take it, Mr. Chairman, that the object, as far as we can, is to appropriate a sufficient quantity to answer the purpose for which it is intended. The appropriation for these Indians last year amounted to $165,000. Fifteen thousand dollars of that was appropriated for the removal of the River Crow Indians. Take that from $165,000, and you have $150,000 left. After consultation with the Commissioner of Indian Affairs, we came to the conclusion we could get along with an increase of $30,000, that is, $20,000 less than we had during the last fiscal year.

Now, sir, the number of these Indians is forty-two hundred and twelve, twelve hundred of River Crows and three thousand of Mountain Crows. The amount appropriated by the bill this year is just the amount appropriated for the Mountain Crows last year. If you ascertain the number of rations necessary for these Indians, counting a ration at eleven cents, the whole amount will make $168,630, which is largely in excess of the amount now asked for by the Committee on Appropriations, and largely in excess of the amount asked for by the Commissioner of Indian Affairs.

The appropriation as now proposed is only $100,000. We ask it to be put at $130,000, and as I have said, calculating at eleven cents a ration, and giving those Indians one ration each for one year, the amount will be a great deal more than we ask for. Does not that demonstrate beyond any sort of doubt that it is absolutely necessary for them?

It is the established practice of this Government, and has been for some years, that these Indians must be fed. They are especially friendly to the whites and hostile to the Sioux. They stand, sir, as a sort of wall between the outer settlements and the Sioux Indians, and they deserve consideration at our hands on this account. Now, can they be fed for one dollar less money? I doubt whether they can be fed for that sum. If they cannot, why attempt to supply them on a sum which we must know from this calculation will not answer the purpose.

I know the anxiety to retrench. No man goes before me in that purpose. I can say to the Committee on Appropriations that they have done a good work. They are endeavoring to do a good work now. I admit they are actuated by proper and high motives in this thing; but when we call to their attention these facts, I hope they will give these Indians what will be absolutely necessary for their support, and not have at the end of the year a deficiency to make up in feeding these Indians.

Now, Mr. Chairman, these Indians cannot starve. The buffalo are disappearing, and their hunting-grounds are no longer available. The Government says they must be fed. It has engaged to feed them. Will this House do it? I leave the responsibility with it.

Mr. RANDALL. In reference to this amendment the committee acted advisedly. They deemed the River Crows should be consolidated with the Mountain Crows in the appropriation.

In regard to the appropriation as embraced in the clause which the gentleman from North Carolina seeks to amend, I will only say that the Government is in no manner bound to do anything for these Crow Indians except as gratuity and as a peace-offering, for the treaty expired two years ago under which we were bound to make these payments. The committee reached the conclusion that $100,000 was adequate if properly expended, as we hope it will be under the provisions of this bill—that it was quite adequate for the River Crows as well as the Mountain Crows.

This proposition brings me somewhat directly to the scope of this bill, and that is this whole Indian matter should be transferred to the Army, when we shall have the rations delivered honestly to the Indians, thus putting an end at once to the complaints made by the Indians they are being defrauded, that they are being cheated out of what is their due.

Mark you, Mr. Chairman, the whole of this money, as I said before, is a mere gratuity. There is no stipulation of any treaty by which we are bound to pay this money. I affirm, after careful consideration with people from the Territory where these Indians are located, (they are in Montana,) the amount here appropriated is adequate—that $100,000 is amply sufficient to feed these River and Mountain Crow Indians if properly and economically expended. I hope, therefore, the amendment will not prevail.

Mr. MAGINNIS. I move to strike out the last word.

The chairman of the Committee on Appropriations did me the honor to consult me with regard to this appropriation. I found upon consultation with the committee of which he is the head that they had struck out the entire appropriation for the Crow Indians.

Mr. RANDALL. Will the gentleman allow me to correct him? We were considering the propriety of striking out the appropriation on the ground that we were not bound to give a cent.

Mr. MAGINNIS. The chairman states the question correctly. They were considering the propriety of striking out the whole appropria-

tion on the ground that the Government was not obliged to give these Indians a cent. But I had the honor of showing the committee that while it was true that the old treaty had expired, a new one had been made by Mr. Brunot which had not yet been acted on. I further called to the attention of the chairman the fact that these Indians were friendly Indians, and were worth half a regiment of cavalry to us on the frontier as a guard between us and the Sioux; and I believe it was on that ground that the committee agreed to make this appropriation.

Mr. RANDALL. I desire to say, in justice to the gentleman from Montana, that it was mainly due to the information he gave me and the arguments he used in favor of the Crows that I placed this amount in the bill. But the gentleman must admit that there is no treaty whatever by which we are bound to pay a cent. Mr. Brunot might as well have made a treaty with me as with an Indian tribe.

Mr. MAGINNIS. That may be true; but, as I have said, I pointed out that these are friendly Indians and worth as much to us as a troop of cavalry. The chairman of the Committee on Appropriations asked me whether any of those Indians were engaged in agriculture. I frankly admitted they were not, but urged that the appropriation of $30,000 should be made for them as Indians roaming. I was told by the chairman of the committee that some officer of the Department had informed him that there were no Indians roaming, so that was stricken out. While I am thankful to the committee for what they have given, I would very much like to have the appropriation put back for Indians roaming, and give these worthy Indians $30,000 additional.

The Crows and their country have been sacrificed to the Sioux. The Sioux have been allowed to invade their reservation and drive them from their agency; and yet they are our faithful friends, and even now are marching with our troops and acting as scouts for the command of General Gibbon on the Yellowstone. I urge a generous treatment for the Crows.

Mr. SEELYE. This Indian appropriation bill has been very carefully considered by the Committee on Indian Affairs; and with reference to the point which the chairman of the Committee on Appropriations made, that we have no treaty stipulations with these Indians, I think it might be said that we have no treaty stipulations whereby we provide alms-houses for the poor or hospitals for the sick or places of refuge for the needy and distressed. There are no treaty stipulations for these ends. Why, then, do we provide them? Simply because it is human and Christian to do it; simply because it would be unworthy of us not to do it. And when we contemplate the fact that these Indians have been made dependent upon us for their subsistence by us, by our own encroachments upon their hunting-grounds, it becomes the height of folly, even if we might not say of wickedness, to refuse them this.

Now, if we are to provide the subsistence at all let us do it not extravagantly; let us do it with economy, but let us do it wisely. It would not be wise to build alms-houses for the poor with no roofs on; to build hospitals for the sick without furnishing any beds. It is not wise to furnish these Indian tribes with a part of the subsistence they need and refuse them the remainder. One hundred and thirty thousand dollars is, as the chairman of the Committee on Indian Affairs has so successfully shown, barely sufficient; it is doubtful whether it be sufficient to meet the ends required.

Mr. RANDALL. I do not know how much time the Committee on Indian Affairs has given to the review of this appropriation bill, but I can answer for myself and other members of the Committee on Appropriations that we have given as much as two months to the consideration of it. I had never heard that our bill was under review by the Committee on Indian Affairs till within a few days.

Now, sir, I affirm, as I believe upon the fullest information, after consulting with gentlemen in the Territories—not the Delegates alone, but after consultation all around—that we have been liberal in giving this $100,000 when we are in nowise bound to do it. I admit that all that is said as to the disposition of the Crows is true.

Mr. SCALES. Do I understand the chairman of the Committee on Appropriations as casting censure on the Committee on Indian Affairs for reviewing this appropriation bill?

Mr. RANDALL. The gentleman can understand me to say just what my language implies. I cast no censure on anybody, but the gentleman can give his own interpretation to my language as he pleases.

Mr. SCALES. I want to know what interpretation the chairman of the Committee on Appropriations pleases to put upon it?

Mr. RANDALL. I have said that $100,000 for this purpose is quite ample, and I feel I should be doing wrong if I did not stand here and resist, with the information I have, any appropriation additional to that amount.

Mr. MAGINNIS. I withdraw the *pro forma* amendment.

Mr. STEELE. I renew it.

I desire to say just one word in reference to this amendment, as I think the chairman of the Committee on Indian Affairs has fallen into an error as to what the amount of the appropriation was last year for the subsistence of the Crow Indians. By reference to the appropriation bill of last year I find that $100,000 was appropriated for the subsistence of the Crow Indians, of which $15,000 was allowed to be used in removing the agencies and erecting a new agency within the limits of their reservation, leaving $85,000 out of that fund for subsistence; and that for the River Crows there was appropriated $30,000 for subsistence; so that the entire appropriation for the subsistence of these two tribes of Crows last year was $115,000. The agencies have been consolidated, and there is a reduction in the amount of the appropriation of $15,000.

The other $30,000 to which the chairman of the Committee on Indian Affairs has alluded consisted of $20,000 for Indians engaged in agriculture and $10,000 for Indians roving. They are under different heads of appropriation. The appropriation for the subsistence of these Indians is reduced by the present bill from what it was last year $15,000.

Mr. SCALES. Mr. Chairman, I am sorry that the chairman of the Committee on Appropriations has thought proper to use language here——

Mr. RANDALL. Just one minute; what language?

Mr. SCALES. I will state it. He has thought proper to use language here which he declines to interpret for himself when the interpretation is doubtful, and which he delegates to me to interpret.

Mr. RANDALL. The gentleman misunderstood me. I in no manner reflected on his committee, and I said so.

Mr. SCALES. I understood the gentleman to decline to say so.

Mr. RANDALL. I said so promptly. Your committee have a perfect right to review the action of the Committee on Appropriations in reference to this bill. I understand that, and so far from not exercising that right the Committee on Appropriations has received a subcommittee from your committee.

Mr. SCALES. Well, I can say this, that so far as I am concerned, representing the Committee on Indian Affairs, I did apply to the chairman of the Committee on Appropriations, and was denied the opportunity of considering the bill; at least, he declined to give me any time within which it could be considered. But I find no fault with that. I am not complaining of that. I only complain of the doubtful language used. The gentleman said that we examined the matter only two nights. I saw that statement in a newspaper, and did not know where it came from, and it is a little suggestive that the language in the newspaper is the same identically as that of the gentleman from Pennsylvania here to-day.

Mr. RANDALL. I want to say that I never published anything in relation to this matter in the newspapers. And what I say here is that you had given two nights to the consideration of this bill.

Mr. SCALES. I hope I shall not be interrupted further, for I have but a few moments more. All I desire to say is this, that I understand the duty of the Committee on Indian Affairs is this: that they have in charge under the orders of the House all matters pertaining to the Indians upon which we have to legislate.

The bill came before our committee, sir—how? The Commissioner of Indian Affairs, the officer appointed by law to look after these matters, called our attention to the bill, and he asked us to hear him. What was it our duty to do under the circumstances? The gentleman from Pennsylvania says that he has considered this matter for two months. The Commissioner had given twelve months of his time to the questions involved in the bill, and he showed to the committee after making a calculation that the amount required for rations, estimating them at eleven cents each, would amount to $38,000 more than he had asked for, and that he could not get along with less than $130,000, the amount asked for by this amendment. That is why the Committee on Indian Affairs offer this amendment. We are not here to antagonize the Committee on Appropriations. I concede to the chairman of that committee all that he claims; I concede that he is entitled to great credit from this House and the country for all he has done in the work of retrenchment; I wish to detract nothing from him; but I think that the Committee on Indian Affairs have duties to perform, and for one, in the face of every opposition from whatever source it may come or from whatever party, I shall perform my duty.

Now in regard to what was said by the gentleman who last addressed you, I say that he is clearly in error. It is true there was one appropriation of $100,000; in another place there was an appropriation of $20,000; and in all there were appropriations of $165,000, $15,000 of which was for the removal of the tribe.

[Here the hammer fell.]

Mr. RANDALL. I desire to state in reply to the gentleman from North Carolina when he relies on the statements and urgency of the Commissioner of Indian Affairs that, if we had acted exclusively under his advice, there would have been no reduction in any part of this bill. I concede to that gentleman entire integrity of purpose and entire integrity of action; but the very fact that he is but of recent occupancy of that Office shows that he is not fully advised in regard to it. I therefore hope that this amendment will not prevail.

The question was taken on the amendment; and there were—ayes 60, noes 68; no quorum voting.

Tellers were ordered; and Mr. SCALES and Mr. RANDALL were appointed.

The committee divided; and the tellers reported—ayes 73, noes 75.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For seventh of thirty installments to purchase such articles as may be considered proper by the Secretary of the Interior for Indians roaming and for Indians engaged in agriculture, $150,000.

Mr. SEELYE. I move to amend that clause by striking out "150" and inserting "200;" so as to make the amount $200,000.

Mr. Chairman, the reason for this in the first place is that it is

needed, and, in the second place, there is a treaty stipulation which provides for more than twice this amount. Two hundred thousand dollars was furnished to the Indians for this purpose last year. By the treaty of 1868 thirty annual installments of $10 for each Indian roaming and $20 for each Indian engaged in agriculture were agreed to be paid. Now of these Indians there are 43,000 by the most accurate estimates that can be made. At the smallest treaty stipulation, that of $10 for each one, it would amount to twice the sum called for last year and this year; and therefore I trust there will be no objection to the amendment.

Mr. RANDALL. Mr. Chairman, this amendment involves the whole consideration of the Sioux question. I judge that, if the Committee on Appropriations had this appropriation to consider now, they would give no such sum of money to the discretion of any officer to feed the Sioux nation while that nation is in a condition of hostility.

We know what is the condition there. What do we see there? We see that these very Sioux Indians whom we are engaged in feeding, all of them who are able to bear arms, are going off and joining the band under Sitting Bull, and are absolutely joining with him in his indiscriminate crusade upon the white citizens. Only to-day we have in the press a statement that as many as forty-five of our citizens have been put to death.

Mr. SEELYE. Will the gentleman allow me a moment?

Mr. RANDALL. I will speak generally as to the Sioux Nation.

Mr. SEELYE. I understand that perfectly, and I have later information than perhaps has fallen to his knowledge, which it will be for the information and benefit of the House to learn.

I hold in my hand a report of one of the official inspectors of the Indian service, lately returned from a special inspection of affairs at the Red Cloud and Spotted Tail agencies, giving very important information respecting the hostilities there and what Indians are engaged in them. If the gentleman from Pennsylvania [Mr. RANDALL] will allow, I would like to have the Clerk read a paragraph from that report.

Mr. RANDALL. After I get through you can have it read. What I was alluding to comes to us by telegraph this morning; it is not a report a week or a month old.

Mr. SEELYE. This report will show us by whom these atrocities are committed, and also the cause which instigated these atrocities.

Mr. RANDALL. If it does then it must be words of prophecy, because these murders to which I refer have only just taken place. Our citizens who have gone there are being put to death by the hostile Indians, by the very Indians which we feed and make fat. As soon as these buck warriors smell the war-path they go off and assist the Sioux Indians to put our citizens to death.

Mr. SEELYE. The gentleman may save himself the expenditure of a great deal of breath if he will simply hear——

Mr. RANDALL. We have already expended more than a million of dollars on these people. But for the wise provision suggested by the gentleman from Indiana, [Mr. HOLMAN,] and which will be incorporated in this bill, I would be in favor of spending not more than one-half the sum proposed on these people.

In reference to this amendment, so far as I know the Sioux Indians do not observe their treaty obligations; they pay no attention to them. When the opportunity is offered their young warriors go off to commit hostilities upon our people, uniting with the Sioux, about four thousand of whom are constantly upon the war-path. I hope therefore that not only will this amount not be increased, but that additional safeguards will be thrown around the appropriation, so that these rations shall be issued to them only weekly, and that they shall be required to come in person to receive them. When these Indians go off on the war-path they leave their relatives behind them, and they obtain the rations and assist in the support of the Indians who are murdering our people. I think that in consideration of the lives of our own citizens we would be justified in not giving any money or any ammunition of any sort or kind, either for the gun or the stomach, to these Indians.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. SEELYE. I move to strike out the last word, and ask the Clerk to read a paragraph I have marked in the report of Mr. Vandever, United States Indian inspector, for the information of the gentleman from Pennsylvania [Mr. RANDALL] and of the House.

Mr. ATKINS. What is the date of the report?

Mr. SEELYE. It is dated at Cheyenne, May 20, 1876.

The Clerk read as follows:

CAUSE OF THE WAR.

I believe that the present disturbed state of affairs on the roads leading to the Black Hills and along the Indian border results from General Crook's late expedition and the preparations now making for renewed hostilities, and not from the occupation of the Black Hills by the white people. Up to the time of General Crook's first movement the Indians, though dissatisfied with the occupation of the Black Hills, had made no war, and there was comparative safety for those who were going to or returning from that country. The Black Hills region had been solemnly guaranteed to the Indians by a treaty made by the Government with them ten years ago. When gold was found to exist there, white people began to flock in; the Indians protested, but made no serious effort to prevent immigration. The Government called the Indians to a council and proposed negotiating for the country, but made no offer for it. The council ended without agreement, and both parties retired to think further of the matter, the Indians understanding, as they say, that the Government would submit a proposition to them at a future time. Immigration still continued to pour into the Black Hills and the Indians waited in peace. At this juncture of affairs a military expedition was sent into their country and they were driven to hostilities. We are now experiencing the bitter fruits of war with a barbarous race, who are only seeking to defend from invasion the country we had guaranteed to them by solemn treaty.

Mr. SEELYE. We have here a statement from the last report and the most accurate information by a most trustworthy observer, that these Indians, instead of violating their treaties, have observed them in the face of great outrages, outrages committed by the unwarranted movements of a military force in that region. Therefore, instead of cutting off the appropriation because they have broken their treaty obligations, the argument of the gentleman would lead to the keeping in of the appropriation and even to enlarging it because they have kept their treaties. The number of Indians there is at least 40,000, and by treaty stipulations which they have kept inviolate they ought to have $400,000. The bill proposes to give them $150,000; the amendment I have offered proposes $200,000.

Mr. STEELE. I desire to say a word in reference to this report of the Indian inspector, Mr. Vandever, referred to by the gentleman from Massachusetts, [Mr. SEELYE.] The impression sought to be created by this report is that the military are responsible for the present condition of affairs in the Territory of Wyoming and in that section of country known to the people at large as the Black Hills. This agent reports that—

The Indians at both the agencies are peaceable and well-disposed. The disturbances now occurring on this border are occasioned by the raiding of hostile Indians from the north, who followed General Crook back from his recent expedition. They are now retaliating for his invasion, and not for the occupation of the Black Hills by miners.

Further on he says that Red Cloud and Spotted Tail both state that—

There would have been no war if the soldiers had not first gone into that country and made an attack upon a camp of peaceful Indians who were on their return to the agency. General Crook, they say, did not get within seventy-five miles of any camp of hostile Indians.

He goes on to say:

The camp that was destroyed consisted of nine Sioux lodges and about forty lodges of Cheyennes, who were moving slowly with all their women, children, and old people. They knew that the soldiers were approaching, but took no precautions to elude an attack, for they had done nothing to provoke one.

Now all this goes to show that these people attacked were friendly Indians. A little further on he says:

The Indians believe that Crook was worsted in this encounter and obliged to return with haste, and this emboldens them to follow up their success by attacks upon Black Hills immigrants and upon settlers near the Platte River.

Were these peaceable Indians, these nine and forty lodges, the persons that were "following up their success" by attacks on immigrants and settlers? No, sir; the Indians engaged in hostilities at the present time are the hostile Sioux from the north, and I doubt not large numbers of the agency Sioux. There are and have been no friendly Indians of the Sioux tribe in the northern country.

I say that there are not enough of the hostile Sioux Indians in the northern country there to overrun that section of country as it is being overrun to-day—not enough of them if every one of them were upon the war-path. A man might as well tell me he had put a lighted torch into a barrel of gunpowder and it did not explode as to tell me the Indians at Red Cloud and Spotted Tail agencies are not on the war-path to-day.

Has the expedition which has gone out against these hostile Indians grown out of any fault on the part of the military department? In the report of the Commissioner of Indian Affairs for the year 1873, I find he uses this language in speaking of this Sioux question:

Also, that all Sioux Indians be required to remain on the Sioux reservation, and that any found off, or refusing to come in and treat with the Government, be forced in and brought to obedience by the military.

That was the report of the Commissioner of Indian Affairs in 1873. In 1875 he uses the following language:

It will probably be found necessary to compel the northern non-treaty Sioux, under the leadership of Sitting Bull, who have never yet in any way recognized the United States Government, except by snatching rations occasionally at an agency, and such outlaws from the several agencies as have attached themselves to these same hostiles, to cease maranding and settle down, as the other Sioux have done, at some designated point. This may occasion conflict between this band of Indians and the soldiers.

Mr. PAGE. I should like to inquire of the gentleman from Wyoming whether he is in favor of the amendment proposed by the gentleman from Massachusetts?

Mr. STEELE. I will answer the gentleman's question when I come to it.

Mr. PAGE. I fear your time will have expired before you come to it.

Mr. STEELE. I am speaking to the general proposition in reference to the protection of the frontier, which interests me and my people quite as much as it does the gentleman from California.

Now the Secretary of the Interior says, in his report to the first session of the Forty-fourth Congress:

There are still some roving bands of hostile Sioux in the Big Horn and Powder River country of Dakota and Montana which should be subjugated and compelled to cease their raids and depredations upon other tribes and upon the whites. When this is done there will be but little trouble, with a fair degree of tact, intelligence, and force, to control our entire Indian population.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SEELYE. I withdraw my amendment.

Mr. MAGINNIS. I renew it, and yield my time to the gentleman from Wyoming.

Mr. STEELE. I have read extracts from these reports, Mr. Chairman, to show that this very expedition which has gone into the Sioux country went at the instance and on the request of the Interior Department. It was sent into the Sioux country because those Indians were raiding not only upon the white settlements but upon the Crows in Montana, the Shoshones in Wyoming, and the Pawnees in Nebraska. Those Sioux were raiding upon every one they could reach by traveling hundreds of miles away from their reservations, murdering and plundering alike the white settlers and friendly Indians. Therefore it is that the Interior Department called upon the military arm of the Government to punish them. But, sir, now the trouble has come, this report seems to try to throw the entire responsibility upon the military.

The depredations which have been committed in that country, however, Mr. Chairman, are not of recent origin, nor caused by General Crook's expedition. I hold in my hand the annual message of the governor of Wyoming to the Legislative Assembly of that Territory, under date of November 2, 1875—by Governor Thayer, an ex-Senator—and I will read but one extract to show, before there was any trouble in reference to these expeditions or any trouble in reference to the Black Hills of any consequence, what then was the condition of affairs in that country:

> Reliable documentary evidence has been furnished me, showing that since July, 1868, seventy-three citizens, engaged in lawful callings, have been slain by Indian marauders. Also, that more than six hundred thousand dollars' worth of stock have been stolen by them during the same time. These murders have been committed and the theft of this large amount of property has taken place on land ceded to the United States, and from which the Indians are excluded.

That was before there was any of this difficulty. I say it is undoubtedly true that the agency Sioux Indians are to-day on the war-path, raiding upon and slaying our people at every opportunity. From the existing condition of affairs it is utterly impossible this statement can be denied. There were not enough Indians under Sitting Bull, Crazy Horse, and other chiefs of the northern Sioux to have overrun that country as it is being overrun to-day; and I hope some attention will be given to the protection of the people on the frontiers as well as to feeding the Indians.

Mr. MAGINNIS. There seems to be a disposition in some quarters to censure the military authorities for sending out the late expedition against the hostile Sioux Indians, as if such an expedition was wholly unauthorized. I might repeat what has been said before by myself on another occasion, that the expedition against Sitting Bull and Crazy Horse and the hostile northern Sioux was only made by officers of the Army after four repeated applications from the Interior Department, and three of which applications originated with the peace commission; and I might add, after repeated applications upon my part to General Sheridan and to the War Department for the protection of the people I represent. And yet the impression is attempted to be created that the military, in violation of the peace policy and against the protest of its defenders, entered upon an entirely unauthorized invasion of the Sioux country. Why, sir, no one knows better than the Commissioner of Indian Affairs that the hostile northern Sioux never have treated with the United States, or in any manner recognized its authority. They never came to any conference with the United States commissioners but once, and that was in the year 1866, at Fort Union, when Sitting Bull, after obtaining by stratagem and guile the presents brought to him, and in addition twenty kegs of powder, drove the commissioner across the river, the very commissioner sent out to give him presents on the part of the Government. He invited the commissioner who headed that peaceful delegation to go out and fight a duel with him, and told him that it gave him pleasure to kill the white men; that they were unworthy of his rifle, but that he loved to "strike them on the head with his war-club, and make them bleat like buffalo calves."

What has been the condition of affairs in that country in spite of your appropriations? A large portion of the Sioux at the Red Cloud agency, drawing rations and ammunition, have supplied the hostile Indians and aided them in raiding on the frontier of Montana. The stock stolen from our people after the murder of our farmers and freighters are taken to the agencies and sold to their relatives there. From these also, at the same time, they get arms and ammunition, trading horses and mules stolen from our people for breech-loading guns and fixed ammunition issued and traded to these so-called peaceable and friendly Sioux. These Indians that you feed and fatten at these agencies have shed hypocritical tears over the hostility of the northern bands, and repeatedly said they would join the Army to chastise the hostiles; but the very first time a United States Army expedition goes out to chastise those Indians who have defied the Government for ten years, raiding on Indians and whites alike, the so-called peaceable Indians make protest against such deserved chastisement; and, forgetting all their promises of good behavior and all their jeremiads against their intractable brethren, make an excuse to leave their reservations and to join the hostile bands upon the war-path. These are the allies you have bought with thirteen millions of blood money, the people who professed to be anxious to join our arms in bringing Sitting Bull and his outlaws to order. They refused to join your forces, and give aid and comfort to the enemy. And, sir, that is all there is of buying a peace with these barbarians. Portions of them under treaties with the United States will remain in pretended peace at agencies and be receiving rations and supplies while others are on the war-path sharing the supplies, and in return dividing the plunder. Thus they secure the benefits both of peace and war; and the first time the Government makes a demonstration against the openly hostile Indians, the peaceable agency Indians, well fed and in good condition, are ready to join their murdering and marauding brethren in open war.

Mr. LUTTRELL. Is it not the fact that the Indians who are receiving goods at the agencies furnish supplies to those who are on the war-path?

Mr. MAGINNIS. That is largely the fact. And the only way to settle this question is for the military arm of this Government to separate the peaceable from the warlike Indians and then chastise the latter. The trouble is that these Sioux, who have never been defeated by the United States forces, and with the conceit of all barbarians, think the United States cannot conquer them. They are on the war-path and they will remain on the war-path till they are taught to acknowledge the power of this Government. The trial of strength can no longer be averted or postponed. The issue must be settled, and when it is settled the Sioux problem will be solved.

Mr. SEELYE. I renew the amendment, to say that I have been a little amused, if both of the gentlemen who have just addressed us will pardon me for saying so, at the tenor of their remarks. In the first place, they both argue that General Vandever must be mistaken, because there are not Indians enough in the Northwest in a savage state to make these raids. In the next place they argue that the military in their expeditions are all right, because so long as they have been in the Northwest they have been obliged to make these expeditions. I may be pardoned if I find a little difficulty in knowing on which of these two horns of the dilemma they prefer to be impaled. We have the simple truth here before us in the last report of a trustworthy agent. We are to remember also that all the reports that come by telegraph are reports under the control of the military, and from experience during the last winter we all know what mistaken reports those telegrams have given.

Mr. RANDALL. There are just two points in this controversy and the statement of the gentleman from Massachusetts [Mr. SEELYE] which it is proper to notice. The first is that the article which he caused to be read in its very first line recognizes the fact that war existed, and went simply to show the cause of it. The gentleman, therefore, and I agree upon that fact, that war does exist there. Then I ask whether this policy should be continued; whether it is absolutely essential to feed these Indians who are engaged in aiding and assisting those who are on the war-path?

The next point is as to the number of these Sioux. The gentleman from Massachusetts makes the assertion with a good deal of confidence as to the number of Indians there. I have heard all sorts of statements as to the entire number of the Sioux, ranging from 50,000 down to 30,000; and my judgment is, as far as I can ascertain the facts, that 30,000 or 35,000 is the outside number of the Sioux in that region. Now, in reference to the number at the Red Cloud agency I want to have read a paragraph from a pamphlet of Professor Marsh.

The Clerk read as follows:

> NUMBER OF INDIANS AT AGENCY OVERESTIMATED.
>
> There is good reason to believe that the number of Indians supplied with provisions at Red Cloud agency has been largely overestimated, resulting in extensive losses to the Government. According to the provision returns of Agent Saville for the fourth quarter of 1874, which he rendered to the Interior Department, there were 15,117 Indians who received rations at the agency October 1, 1874. The same official document states that on November 8 (the day before my arrival) there were 12,351 Indians fed at the agency. I was informed by the agent and other persons immediately connected with the agency that two or three thousand of these Indians belonged to the northern tribes and were encamped within a short distance of the agency, on the north side of White River. Agent Saville subsequently confirmed this statement in an interview with Rev. S. D. Hinman and myself, in Washington, May 31, 1875, and stated, also, that some of these northern Indians received annuities at the annual issue, November 12, 1874. A few days after the issue of annuity goods, when about to start with my expedition across White River to the northward, I was informed by the agent and others that the northern Indians were still in camp there; but on crossing the river with my party I found less than forty lodges by actual count, and ascertained that all, or nearly all, of these were Ogallallas, belonging to Red Cloud's band. During the next ten days, moreover, I repeatedly crossed the great northern trails leading to the Black Hills, and ascertained beyond a doubt that no considerable body of Indians had recently passed over them. For these reasons, and others which I deem equally conclusive, I believe the thousands of northern Indians officially reported at this agency to be a myth.
>
> The number of Indians actually at Red Cloud agency when I was there in November last could not have been more than twelve hundred lodges, or eighty-four hundred individuals. Judging from all the information I could obtain, I doubt if this number has been exceeded within the last two years. Some observers best qualified to judge placed the number lower, and among these was Jules Ecoffey, of Fort Laramie, whom I have known for several years. He was with me at the agency, acted as my interpreter in one council, and is personally acquainted with nearly all the Indians there. The statement of the agent that on October 1 there were at the agency over 15,000 Indians no disinterested person familiar with the facts believes for a moment, especially as at that time the wilder Indians had not commenced to return to the agency for the winter.

Mr. SEELYE. Mr. Chairman, this is a very important matter. It is most important that we make no mistake respecting the number of these Indians. The Sioux problem is the most difficult of all the Indian problems. And while I will say nothing respecting the authority which has just been read, I have other authority which I think all of us will recognize as certainly not inferior to that which has

been given. The commission sent out to the Black Hills, of which Senator ALLISON was chairman, reports as follows, (I read from the last report of the Indian Commissioner, page 192:)

There are at Red Cloud and Spotted Tail agencies at least twenty thousand Indians now subsisted and cared for by the United States.

I have only to add the numbers at the other Sioux agencies. Now the numbers at the other five agencies of the Sioux are, by actual count, brought before us, and when added to those at Red Cloud and Spotted Tail make up a total number of 43,484.

Now, Mr. Chairman, there can hardly be any exaggeration of the importance of this precise point, and I desire that the House will give attention to the actual method taken of learning the exact number of persons. Says a letter received from the Red Cloud agent, not from Agent Saville, but from Agent Hastings, an agent against whom a word has never been said, giving the actual method and the reason for affirming the existence of this large number of these Indians—I ask the Clerk to read it.

The Clerk read as follows:

RED CLOUD AGENCY, NEBRASKA, *May* 19, 1876.

SIR: In reply to your communication of the 2d instant, marked F, I would respectfully inform you that the heads of different bands were notified to get their people close together. A separate party worked in each camp at the same time, so as to prevent as far as possible the Indians from being counted twice; each lodge was visited and the people contained therein counted and entered on the list; a ticket to correspond was given to the representative of each lodge, which was afterward brought to the office and checked up with the list.

The number of Sioux counted are about equally divided between the Ogallallas, Wagogas, and Cut-off bands.

The Indians made no resistance to the count. The following-named persons were engaged in taking the census: William Garnett, William Roland, Tod Randall, Dr. L. A. Brewes, Frederick Kennedy, and Richard Outhouldt.

Very respectfully, your obedient servant,

JAS. S. HASTINGS,
United States Indian Agent.

Hon. J. Q SMITH,
Commissioner Indian Affairs, Washington, D. C.

Mr. SEELYE. I now ask that a similar letter be read from the agent at the Spotted Tail agency, that we may see that the same careful method of enumeration has been pursued, though it should be said also that this is a recent enumeration, affirming the enumeration that had been made before.

The Clerk read as follows:

SPOTTED TAIL AGENCY, NEBRASKA,
May 20, 1876.

SIR: I have the honor to reply, in answer to your letter of the 2d instant, relative to the enumeration of Indians, as follows: The method followed in making the count of these Indians was to go to every camp, visit each lodge, call the head of the family, and take his statement.

As to the measure and manner of resistance, no active resistance was offered, although it was strongly talked of; and it was only when I fixed the time when I would visit their camps, and went there personally, that I overcame their opposition.

I was accompanied and assisted by L. A. Brewer, agency physician; Louis Bordeaux, agency interpreter; and Whirlwind Soldier, an Indian.

The result of the count by bands was as follows: * * * Bands, 223; families, 1,274; average, 7.42; total, 9 606.

Respectfully, your obedient servant,

E. A. HOWARD,
United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

[Here the hammer fell.]

Mr. RANDALL. I am willing to have the House rest its judgment between the statements of Professor Marsh and the statements of these Indian agents.

Mr. SEELYE. If the gentleman will allow me, what I read was not entirely the statements of Indian agents. Here we have the report of the commission of the United States of which Senator ALLISON was chairman, from which I read.

Mr. RANDALL. The Indian agents are directly interested, and they admit that under their manner of taking this census they were liable to imposition; but the gentleman from Georgia [Mr. BLOUNT] reminds me that that was not the statement of Senator ALLISON.

Mr. BLOUNT. He had nothing to do with the enumeration of the Indians.

Mr. SEELYE. The gentleman does not deny that what I read was a statement from the report of Senator ALLISON?

Mr. BLOUNT. I merely state that he had nothing to do with the enumeration of the Indians.

Mr. SEELYE. But I read from the report of the Black Hills commission; the gentleman does not deny that.

Mr. BLOUNT. I only state that Senator ALLISON had nothing to do with the enumeration of the Indians.

Mr. SEELYE. This was a statement to which Senator ALLISON attached his name.

Mr. RANDALL. The Indian agents are interested in augmenting the number of the tribes; but in addition to that, the admission by these agents of the manner in which they take this census tells at once plainly that the information we have from Professor Marsh and others well acquainted with the numbering of the Sioux Indians shows that the number has been overestimated. The agent goes to the heads of families and asks them the number of their families. Well, each Indian has a direct interest in duplicating the number of his family, so that he may get twice the number of rations; for instance, if he chooses to say that his family consists of ten, when it really only consists of five, he secures a double quantity of food.

I think the House can safely rely on the opinion of Professor Marsh, which is corroborated to me by a gentleman who formerly was a Delegate in this House, who expressed the same opinion that the number of Sioux was about thirty thousand, and he has lived twenty years among them; and the very man upon whom the gentleman from Massachusetts relies has since been discharged, as I am advised, from his conduct.

Mr. SEELYE. Not at all; the gentleman is entirely misinformed.

Mr. RANDALL. I am advised by the gentleman from Georgia [Mr. BLOUNT] that it was so stated before the Committee on Appropriations.

Mr. SEELYE. The gentleman from Georgia will allow me to say that both the gentlemen from whom these letters are received are still in the service.

Mr. RANDALL. Is Mr. Saville?

Mr. SEELYE. Mr. Saville has not been quoted here by myself.

Mr. BLOUNT. That was the authority you referred to from the report of the commission.

Mr. SEELYE. The gentleman is still mistaken.

Mr. FOSTER. I desire to ask the gentleman from Pennsylvania a question. This is a very important question, and I want him to inform the House how Mr. Marsh made his enumeration?

Mr. RANDALL. Mr. Marsh of course only learned from what he could hear and by personal observation, and he gave it in the letter which has been quoted. I gave also another person's statement who is entirely familiar with the Indians, and he gave it as a disinterested party.

Mr. FOSTER. He says, from his own statement, "They are at best mere estimates, without any of the aids of an actual enumeration."

The question was taken on the amendment to the amendment, and it was not agreed to.

The question recurred on Mr. SEELYE'S amendment; and, being put, there were on a division ayes 42, noes not counted.

So the amendment was not agreed to.

Mr. LUTTRELL. I move to strike out "$150,000;" my object being to strike out the whole appropriation. My reasons for making this motion are simply these: I do not believe in furnishing supplies to an open enemy, nor do I believe that any gentleman on this floor can conscientiously vote to furnish supplies to that tribe of Indians, when he must know that they are slaughtering indiscriminately men, women, and children in that Territory. I am opposed to furnishing a dollar to any one of them. Let us say to the Sioux Indians who have gone upon the war-path, leaving their infirm and decrepit and their wives and children for us to support while they are slaughtering our wives and children on the frontier, that they must support their own wives and children, and they shall not receive one dollar from the United States until they return from the war-path. Let us do this, and when they find they are compelled to support their families, they will return from the war-path speedily enough.

I am opposed to furnishing one dollar to these Indians. I have seen in years gone by too much of this sort of thing. During the last twenty-five years that I have resided on the frontier I have never known an Indian war but what in every instance those Indians who remained on the reservation and who remained within the limits of civilization received powder and other munitions of war and then went forth in the night-time and furnished them to those who were on the war-path. I appeal to my friend from Texas [Mr. MILLS] to substantiate what I say upon this point. It has been so in every instance while I have been on the frontier that supplies were furnished to those on the war-path by the Indians who remained in camp during the day.

During the late Indian war in Northern California and Oregon the Indians received their supplies in the day-time and at night sent them off by their trusted runners to those on the war-path, and the runners came back the next day hungry. I want no more of this furnishing supplies to Indians either on or off the reservation until they come back and lay down their arms.

Mr. MILLS. I move as a substitute for the amendment of the gentleman from California [Mr. LUTTRELL] to add to the pending paragraph the following:

Provided, That none of said sums shall be paid to said Indians until they shall cease their hostilities against the white people.

Mr. LUTTRELL. I accept the substitute.

The amendment of Mr. LUTTRELL, as modified, was then agreed to.

The Clerk read the following:

For this amount, to be expended in the purchase of beef, flour, bacon, sugar, and coffee, in proportionate quantities, for 35,000 persons, for subsistence of the Yankton Sioux and Poncas, and for purposes of their civilization, $1,000,000: *Provided*, That no portion of the appropriation hereby made for feeding the Sioux Indians, parties to the treaty of April 29, 1868, shall be available or be used for that purpose unless the said Indians shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the said treaty for said Indians.

Mr. SEELYE. I move to amend the paragraph just read by striking out "$1,000,000" and inserting in lieu "$1,250,000." And I will state that this amendment, as well as the one I offered before, is submitted by direction of the Committee on Indian Affairs.

I do not wish to go over the points that have already been discussed; but, in addition to them, let me say that the appropriation for this item last year was $1,100,000. Before the year was completed it

was found that there was a deficiency, which it has been necessary to supply by a deficiency bill of $150,000, making the whole sum actually used during the present fiscal year for the subsistence alone of the Sioux $1,250,000. That is the amendment which the Indian Committee feel it necessary to offer to the bill at this point.

Let me say, as illustrating the reason for it, that if, as I concede is proved as authentically as any statement in respect to the number of these Indians can be proved, if there are 43,484 of these Indians, then at eleven cents a day each for rations it will require $1,745,882.60 for the year, that is even at eleven cents a day each. Now the actual cost of full rations is fourteen cents a day, which would make the expenditure for the year $2,320,032.

We all know that this passing a deficiency bill is a reprehensible matter for many reasons; reprehensible in relation to the manner of legislation, and especially reprehensible on the ground of playing fast and loose with these Indians. We shall be obliged to pass such a deficiency bill before the year is over unless we make a sufficient appropriation now.

Mr. RANDALL. The gentleman has not given us quite all the information concerning the appropriation of last year for this purpose. The estimate last year was for $1,500,000, and Congress at the last session reduced it to $1,100,000; in other words, took off $400,000 from the estimate. The estimate this year was for $1,400,000, and the Committee on Appropriations have reduced it exactly the same amount that it was reduced last year.

I admit that there was a deficiency, but I attribute that deficiency entirely to mismanagement. There ought never to have been a deficiency at all. The Committee on Appropriations deem that $1,000,000 is adequate, if the Indians receive the full value that they should receive of what is due to them from the appropriation of a million dollars. It is alleged—I am not able to prove it, but it comes to us from almost every quarter—that the justification for the Indians going upon the war-path is that they do not get what they are entitled to and what the Government has agreed to give them.

Gentlemen conversant with these Indian matters go so far as to estimate the possible percentage of which the Indian is deprived in his intercourse with the agent, and those under the agent, from double weights of beef, from impure and defective flour, from spoiled bacon, and in various ways as to quality and quantity. It is alleged that that percentage to which I have alluded will range from 30 to 35 per cent. I have no doubt but what the million dollars here appropriated, if given to the Army to distribute, as provided for in another portion of the bill, will go quite as far as the million and a quarter dollars did last year.

Mr. FOSTER. I understand that the inspections are made now by Army officers.

Mr. RANDALL. I am not now speaking of inspection. When that matter comes up, I will show how that is made to cost the Government by means of excessive payments for the inspection of a mere modicum of goods. I am talking now about the delivery of the goods to the Indians. It is the deliberate judgment of those conversant with the subject that the Indians do not get within 25 or 30 per cent. of the amount of goods and food that they should get under the appropriation. I hope, therefore, that this amendment will not prevail.

Mr. LUTTRELL. And the Indians do not get even all the goods that the officers inspect.

Mr. SEELYE. I move to amend the amendment by striking out the last word. Mr. Chairman, nothing is easier than to indulge in vague and random statements upon this whole Indian question. I have confined myself, however, to actual figures from the best enumeration that can be made; and I put it to the House that with this number of Sioux to be fed and this cost of rations, $1,000,000 cannot be sufficient.

Mr. RANDALL. Why, sir, they told us last year that $1,500,000 would be required; and yet they did with $1,250,000, even including the deficiency appropriation. We are therefore safe in assuming that if they ask now for $1,400,000 that amount may safely be reduced in the same proportion.

Mr. SEELYE. The gentleman will pardon me for saying that that is very much as if a man should say that because he had for one year reduced the forage for his horse 50 per cent. below his estimate, therefore he might the next year make a still further reduction of 25 or 50 per cent.

Mr. RANDALL. I would not let the Indians have money or supplies while they are in arms.

Mr. SEELYE. I have simply to say that the appropriation last year did not cover the amount required, and the necessity for a deficiency bill arose from the Indians breaking away from their reservations and engaging in just those raids of which gentlemen complain.

Mr. RANDALL. We were made to pay the bills because of the decision of a council which brought no good, and which was clearly without authority of law.

Mr. SEELYE. I withdraw my *pro forma* amendment.

The question then recurred on the amendment of Mr. SEELYE to strike out "$1,000,000" and insert "$1,250,000," to be expended for beef, flour, &c., for Yankton Sioux and Poncas.

The amendment was not agreed to.

Mr. SEELYE. I am also directed by the same committee to offer the following amendment, to which I think there will be no objection from any quarter:

At the end of the paragraph insert the following: *Provided*, That $150,000 of this sum may be used for the subsistence of the Arapahoes and Cheyennes wherever they may be found.

Mr. RANDALL. I suggest to the gentleman that there are already appropriations embraced in this bill for the Arapahoes and Cheyennes if they are on reservations.

Mr. SEELYE. Those are the southern Arapahoes and Cheyennes. This provision is for the northern Cheyennes and Arapahoes. Some of them are at Red Cloud agency.

Mr. RANDALL. Is there any treaty with them? I am not aware of any.

Mr. SEELYE. Some of them are at Red Cloud agency at present.

Mr. RANDALL. Then they will be fed as part of the Sioux Nation.

Mr. SEELYE. They will not be fed as part of the Sioux under a strict interpretation of the law.

Mr. RANDALL. They have been fed.

Mr. SEELYE. That has been done from necessity, not by authority of law. This proposition is simply to make provision by law for doing this thing.

Mr. THROCKMORTON. I call the gentleman's attention to page 24 of the bill which makes provision for the northern Cheyennes and Arapahoes.

Mr. SEELYE. That is not a provision for their subsistence; and it is more than probable that during the year these Arapahoes and Cheyennes who are now at the Red Cloud agency may be removed—perhaps to Arizona. The object of this provision is simply that a part of this appropriation may be expended for their subsistence wherever they may be.

Mr. RANDALL. I understand exactly what will be the result of that. If we say that there may be taken from this appropriation of $1,000,000 $150,000 for another tribe of Indians, then next year we shall inevitably have a deficiency appropriation asked for on the ground we did not give the Sioux enough. With great respect to the gentleman from Massachusetts, I must say that in my judgment this is a mere entering-wedge for a deficiency next year. If these Indians are at the Red Cloud agency they will be fed there. If they are removed elsewhere, the Government must bear the expenses of their removal; an appropriation must be made for their removal into Arizona upon the reservation.

Mr. ELKINS. Into the Indian Territory.

Mr. RANDALL. Until these Indians are removed, there is no occasion to make any distinction among the Indians at Red Cloud agency. I hope therefore that the amendment will not be adopted.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SEEYLE. I move to amend the amendment by striking out the last word. I want to call the attention of the chairman of the Committee on Appropriations to what he has evidently forgotten. On page 25 of this bill there is a provision, which we have already passed, that these "northern Cheyennes and Arapahoes shall remove to their reservation in the Indian Territory before the delivery of the supplies appropriated for by the foregoing clauses."

Mr. RANDALL. But there is no money appropriated.

Mr. SEELYE. Exactly; and this is a provision that these Indians may be paid from this appropriation.

Mr. RANDALL. Whenever the Indian Commissioner proposes to remove them to the Indian Territory then he will, and of necessity must, come to Congress for money for that purpose. He cannot move those Indians down there without an appropriation. While they are where they are they can be fed as heretofore.

Mr. SEELYE. Suppose Congress is not in session; what should the Commissioner do? He is required to remove them by the bill.

Mr. LUTTRELL. How many are there of the Cheyennes and Arapahoes?

Mr. SEELYE. About four thousand.

Mr. LUTTRELL. Forty-two thousand dollars is appropriated for them already.

Mr. SEELYE. But that is not for subsistence.

Mr. LUTTRELL. On pages 24 and 25, $42,000 is appropriated for the Arapahoes and northern Cheyennes.

Mr. SEELYE. That is not for their subsistence.

Mr. RANDALL. It is not asked for in the estimates. The Commissioner of Indian Affairs never spoke to me about it, and I have had frequent intercourse with him as well as with other officers of the Indian Bureau.

Mr. SEELYE. I withdraw my formal amendment to the amendment.

Mr. SEELYE's amendment was rejected.

The Clerk read as follows:

APACHES OF ARIZONA AND NEW MEXICO.

For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, $400,000.

Mr. MORGAN. I move to amend line 1143, page 47, by inserting "and fifty" after the word "hundred," so it will read "$450,000."

Mr. Chairman, the amount appropriated last year for the subsistence and care of the Apache Indians of Arizona and New Mexico was $450,000. That amount proved entirely inadequate to the proper care of those Indians. They were reported in a starving condition during this winter, and we were compelled to appropriate additional amounts, which we did in the deficiency bill: $25,000 for the Apache

Indians in New Mexico and $50.000 for the Apache Indians in Arizona. That was barely sufficient to carry them through.

The estimated number of Apache Indians in these Territories is about nine thousand. I put the number at eight thousand. That would require 2,920,000 rations to feed them for a year. A ration costs the Government on those reservations about fifteen cents. That would make the cost of feeding them $438,000. Eight thousand is a low estimate for the Apache Indians in Arizona and New Mexico.

There is no reason why we are able to feed these Indians for a less amount this year than during the last year. Game is diminishing on the reservation, and I consider it important that an amount should be appropriated sufficient to provide for these Indians. They were inclined to leave the reservation, and it required a military force only a few weeks ago to keep them upon it. It is certain at least that the Apache Indians, if they are not fed, will not starve, but will leave the reservation and make raids upon the white settlements. I deem it a matter of economy we should keep up the appropriation sufficient to feed these Indians. If we do not feed them, we are likely to be involved in another Indian war, which will cost vastly more than to feed the Indians. I hope, therefore, as a matter of retrenchment, for the purpose of saving expense, the committee will accept this amendment and increase the appropriation to $450,000, which is $75,000 less than was expended last year.

Mr. RANDALL. Mr. Chairman, these Apaches are bold, rich, aggressive Indians, whose history shows they are willing to fight upon equal terms with anybody. They have been fed, as the gentleman has stated. The truth is no one dare go near most of the Apaches in New Mexico and Arizona. Such as do seldom come back. The appropriation last year, so far as I have been able to gather from the statements of the Bureau—the $450,000 appropriated up to the present time, has been expended in this manner: for goods, $28,461.99; for supplies, $301,989.34, and for employés the enormous sum of $23,696; but under the provision of this bill we shall not have to pay those employés, and therefore that will be saved. The expenditure for transportation was $16,196.22 and for various sundries $3,764.25. It makes in the aggregate only $374,103.84. If you deduct the amount which the employés cost you will find according to their own showing—and I shall take occasion to publish their own statements—there has been up to this time, excluding the disbursements for employés, only $350,000 expended. That is all that is now necessary; but, in the abundance of caution, so that nothing shall be lacking to secure these Indians in peace—and, as I have said, they are rich Indians, industrious Indians, aggressive Indians, willing to fight on equal terms with anybody—in the abundance of caution we have agreed to an appropriation of $400,000, rather than the amount shown to be all that has been expended up to this time out of the appropriation heretofore made. I ask attention to the tables, which I append to my remarks:

Statement of disbursements made from the appropriations for the Indian Department for the fiscal year ending June 30, 1876.

Heads of appropriations.	Amounts advanced to agents for disbursement.	Pay of special agents.	Buildings at agencies, and repairs.	Clothing.	Medicines and medical supplies.	Annuity goods.	Subsistence supplies.	Agricultural and miscellaneous supplies.	Expenses of transportation and storage.	Advertising expenses.	Pay of regular employés at agencies.	Pay of temporary employés at agencies.	Support of schools.
	Dol.	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*	*Dol.*
Incidental expenses of Indian service in—													
Arizona	36,631 86	.....	.....	.....	.....	.....	383 12	7,168 13	1,068 82	4 50	5,084 97	237 75	1,151 93
California	51,314 70	.....	.....	.....	.....	.....	12,201 88	8,536 29	2,169 58	.....	10,300 00	2,029 60	747 39
Colorado	2,130 00	750 00	.....	.....	.....	.....	79 00	100 60	.....	13 42	.....	5 00	.....
Dakota	14,305 43	120 00	.....	.....	39 25	.....	.....	2,209 65	206 23	132 75	.....	26 00	93 75
Idaho	5,095 00	.....	.....	.....	27 50	.....	93 42	1,566 85	458 01	21 17	.....	444 60	1,003 28
Montana	12,318 71	.....	.....	.....	71 00	.....	.....	1,360 03	23 00	.....	.....	225 00	206 25
Nevada	34,405 21	.....	2,310 08	.....	91 77	.....	5,856 91	3,636 17	288 32	55 08	3,050 00	736 38	.....
New Mexico	20,996 23	.....	.....	.....	96 35	.....	5,721 96	5,232 94	202 42	48 24	4,462 80	.....	2,000 00
Oregon	24,700 00	.....	.....	.....	29 34	.....	1,196 20	5,886 96	1,915 33	28 49	7,544 35	.....	364 57
Utah	12,400 00	.....	.....	.....	.....	.....	4,258 67	557 65	1,345 68	35 00	1,800 00	.....	.....
Washington	22,500 00	.....	.....	.....	.....	.....	1,393 27	4,065 02	2,069 21	.....	3,857 13	2,041 46	279 35
Wyoming	1,350 00	.....	.....	.....	.....	.....	.....	.....	90 50	.....	.....	.....	.....
Settlement, subsistence, and support of Shoshones and Bannacks in Idaho and Southeastern Oregon	10,000 00	.....	.....	.....	.....	.....	257 71	4,338 85	398 20	.....	.....	.....	.....
Support and civilization of the Sioux at Fort Peck agency	10,486 75	.....	.....	.....	246 93	.....	.....	1,548 14	.....	113 00	3,874 55	.....	216 19
Subsistence and civilization of the Arickarees, Gros Ventres, and Mandans	22,946 42	.....	.....	113 40	.....	.....	1,231 57	8,469 94	37 78	.....	2,339 54	2,314 87	.....
Collecting and subsisting Apaches of Arizona and New Mexico	70,492 27	.....	.....	.....	54 50	.....	5,994 03	8,792 36	767 50	.....	19,553 80	4,142 24	.....
Subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Subsistence and civilization of Indians on the Malheur reservation	35,000 00	.....	.....	.....	56 49	9,044 63	2,772 29	6,238 51	2,250 09	.....	2,299 73	.....	.....
Subsistence of Kansas Indians; re-imbursable	14,573 63	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Settlement, subsistence, and support of Modocs, now residing in Indian Territory	7,000 00	.....	.....	336 71	14 90	.....	1,204 82	100 30	9 40	.....	135 56	.....	264 00
Colonizing and supporting the Wichitas and other affiliated bands	15,800 00	.....	.....	.....	94 85	.....	.....	1,865 96	486 60	.....	2,930 01	10 00	567 81
Fulfilling treaty with Sisseton and Wahpeton and Santee Sioux, of Lake Traverse and Devil's Lake	29,693 67	.....	2,857 90	1,644 74	49 00	.....	1,784 47	4,402 43	268 38	.....	5,871 07	2,035 15	3,720 55
Fulfilling treaty with Sioux, Yankton tribe	17,500 00	.....	.....	.....	.....	.....	.....	4,055 55	.....	.....	5,246 67	2,200 00	1,765 85
Fulfilling treaty with Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes	17,500 00	.....	.....	.....	.....	.....	2,545 42	3,936 67	.....	56 00	.....	.....	16 50
	489,219 88	870 00	5,167 98	2,094 85	871 88	9,044 63	46,974 74	84,058 97	14,055 05	507 65	78,970 18	16,448 05	12,394 42

Heads of appropriations.	Teachers.	Traveling expenses of superintendents and agents.	Incidental expenses of agencies.	Rent of Tule River farm.	Mills and mill machinery.	Rent of agency buildings.	Total amount expended from each appropriation.	Balance unexpended.	Number of agencies and number of accounts on file from each for the present fiscal year.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	
Incidental expenses of Indian service in—									
Arizona	1,371 24	1,089 09	75 40	.....	.....	.....	18,234 95	18,396 91	6 agencies, 3 acct's from 4, and 2 from 2.
California	.....	1,186 11	.....	1,440 00	3,406 94	.....	42,007 79	9,306 91	4 agencies, 3 acct's from each.
Colorado	.....	592 70	.....	.....	.....	.....	1,540 72	589 28	3 agencies, 3 acct's from 1, and 2 from 2.
Dakota	300 00	1,425 56	1,170 37	.....	.....	.....	5,723 58	8,581 85	12 agencies, 3 retn's from 6, and 2 from 2
Idaho	200 00	37 00	138 22	.....	.....	.....	3,967 05	1,107 95	2 agencies, 3 returns from each.
Montana	228 10	1,965 78	237 45	.....	.....	.....	4,336 61	7,982 10	6 agencies, 3 from 3, and 1 2 from 2
Nevada	150 00	1,101 73	427 54	.....	.....	.....	17,703 98	16,701 23	Nevada agency, 2 returns received.
New Mexico	1,071 95	603 05	864 46	.....	.....	.....	20,324 14	672 09	6 agencies, 3 from 5, and 2 from 1.
Oregon	.....	658 97	123 00	.....	.....	.....	17,747 24	6,953 79	6 agencies, 3 from 3, and 2 from 3.
Utah	250 00	486 00	237 00	.....	.....	.....	8,970 00	3,430 00	1 agency, 2 returns from same.
Washington	1,923 64	427 12	551 39	.....	800 00	.....	17,407 59	5,092 41	7 agencies, 3 from 6 and 2 from 1.
Wyoming	.....	311 77	88 68	.....	.....	.....	490 95	859 05	1 agency, 2 returns received.

Statement of disbursements made from the appropriations for the Indian Department for the fiscal year ending June 30, 1876—Continued.

Heads of appropriations.	Teachers.	Traveling expenses of superintendents and agents.	Incidental expenses of agencies.	Rent of Tule River farm.	Mills and mill machinery.	Rent of agency buildings.	Total amount expended from each appropriation.	Balance unexpended.	Number of agencies and number of accounts on file from each for the present fiscal year.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	
Settlement, subsistence, and support of Shoshones and Bannacks in Idaho and Southeastern Oregon							4,994 76	5,005 24	1 agency, 3 returns received.
Support and civilization of the Sioux at Fort Peck agency							5,998 81	4,487 94	1 agency, 2 returns received.
Subsistence and civilization of the Arickarees, Gros Ventres, and Mandans			60 00				14,567 10	8,379 32	1 agency, 2 returns received.
Collecting and subsisting Apaches of Arizona and New Mexico	225 00		122 10		1,150 00	1,675 00	42,476 53	28,015 74	6 agencies, 3 from 5, and 2 from 1.
Subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas									No funds sent to agents.
Subsistence and civilization of Indians on the Malheur reservation			91 13				22,752 87	12,247 13	1 agency, 3 accounts received.
Subsistence of Kansas Indians; re-imbursable								14,573 63	1 agency, no returns received.
Settlement, subsistence, and support of Modocs, now residing in Indian Territory							2,065 69	4,934 31	1 agency, 2 returns received.
Colonizing and supporting the Wichitas and other affiliated bands			44 45				5,999 68	9,800 32	1 agency, 2 returns received.
Fulfilling treaty with Sisseton and Wahpeton and Santee Sioux, of Lake Traverse and Devil's Lake	2,140 92		24 68				24,799 20	4,894 37	2 agencies, 3 returns from each.
Fulfilling treaty with Sioux, Yankton tribe	1,040 00						14,308 07	3,191 93	1 agency, 3 returns received.
Fulfilling treaty with Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah band of Utes							6,554 59	11,035 41	3 agencies, 2 from 2, and 3 from 1.
Total	8,900 85	9,904 90	4,255 87	1,440 00	5,356 94	1,675 00	302,991 96	186,227 92	

Statement showing disbursements to May 4, 1876, from miscellaneous and incidental Indian appropriations for the fiscal year 1876.

Heads of appropriations.	References to estimate for 1877.	Amount appropriated for 1876.	Erection of buildings at agencies.	Annuity goods and clothing.	Subsistence supplies.	Agricultural and miscellaneous supplies.	Expenses of transportation.
	Page.						
Fulfilling treaty with Sisseton and Wahpeton and Santee Sioux of Lake Traverse and Devil's Lake	a104	$80,000		$14,658 93	$33,465 64	$675 00	$1,393 52
Fulfilling treaty with Sioux, Yankton tribe	b104	40,000		20,192 17			
Fulfilling treaty with Tabequache, Muache, Capote, Weeminuche, Yampa, and Grand River and Uintah bands of Utes	c105	50,000		15,192 60	13,048 72		4,168 68
Settlement, subsistence, and support of Shoshones and Bannacks in Idaho and Southeastern Oregon	d106	20,000		291 39	1,583 10	3,697 00	91 12
Support and civilization of the Sioux at Fort Peck agency	e106	100,000	$950 00	9,414 87	50,666 98		2,546 41
Subsistence and civilization of Arickarees, Gros Ventres, and Mandans	f106	85,000	12,000 00	11,156 48	29,754 43		4,184 26
Collecting and subsisting Apaches of Arizona and New Mexico	g107	450,000		22,467 96	281,142 98	12,054 00	16,196 22
Subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas	107	300,000		2,200 00	131,857 70		15,453 60
Subsistence and civilization of Indians on the Malheur reservation	107	35,000					
Subsistence of Kansas Indians, re-imbursable	107	20,000		566 14	3,437 92		
Settlement, subsistence, and support of Modocs now residing in Indian Territory	107	10,000					
Colonizing and supporting the Wichitas and other affiliated bands	107	50,000	9,600 00	9,981 61	2,978 93		1,992 32
Incidental expenses of Indian service in—							
Arizona	g108	65,000		3,441 46	3,750 00		133 64
California	108	60,000		308 62			232 50
Colorado	108	5,000					715 45
Dakota	108	20,000		289 55			93 00
Idaho	108	10,000			190 16		616 95
Montana	108	20,000					83 80
Nevada	108	35,000					160 10
New Mexico	g108	40,000		592 25	8,120 01		
Oregon	109	45,000	7,000 00				216 05
Utah	109	20,000		4,667 18			801 38
Washington	109	25,000					
Wyoming	109	5,000					
Total		1,590,000	28,950 00	115,420 63	559,996 57	16,426 00	49,059 00

Heads of appropriations.	Inspection of annuity goods and supplies.	Expenses of advertising for and purchase of goods and supplies.	Telegrams.	Purchase of land.	Pay of employés and incidental expenses of agencies, forage, &c., including supplies purchased by agents.	Total amount expended from each appropriation.	Balance unexpended.
Fulfilling treaty with Sisseton and Wahpeton and Santee Sioux of Lake Traverse and Devil's Lake		$37 50			$29,693 67	$79,922 28	$77 72
Fulfilling treaty with Sioux, Yankton tribe					17,500 00	37,692 17	2,307 83
Fulfilling treaty with Tabequache, Muache, Capote, Weeminuche, Yampa, and Grand River and Uintah bands of Utes					17,500 00	50,000 00	
Settlement, subsistence, and support of Shoshones and Bannacks in Idaho and Southeastern Oregon					10,000 00	15,662 61	4,337 39
Support and civilization of the Sioux at Fort Peck agency	$87 35	816 78			10,486 75	74,969 14	25,030 86
Subsistence and civilization of Arickarees, Gros Ventres, and Mandans	354 65	408 35			22,946 42	80,804 59	4,195 41
Collecting and subsisting Apaches of Arizona and New Mexico	655 75				70,492 27	403,009 18	46,990 82
Subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas	471 20	2,692 34				152,854 84	147,145 16

Statement showing disbursements to May 4, 1876, from miscellaneous and incidental Indian appropriations for the fiscal year 1876.—Continued.

Heads of appropriations.	Inspection of annuity goods and supplies.	Expenses of advertising for and purchase of goods and supplies.	Telegrams.	Purchase of land.	Pay of employés and incidental expenses of agencies, forage, &c., including supplies purchased by agents.	Total amount expended from each appropriation.	Balance unexpended.
Subsistence and civilization of Indians on the Malheur reservation					$35,000 00	$35,000 00	
Subsistence of Kansas Indians, re-imbursable					14,573 63	18,577 69	$1,422 31
Settlement, subsistence, and support of Modocs now residing in Indian Territory				$3,000	7,000 00	10,000 00	
Colonizing and supporting the Wichitas and other affiliated bands	$189 34				15,800 00	39 941 60	10,058 40
Incidental expenses of Indian service in—							
Arizona		$4,342 08	$141 60		36,631 86	48,440 64	16,559 36
California	488 00	270 66	80 23		51,314 70	52,694 71	7,305 29
Colorado		550 89	54 60		2,120 10	3,410 94	1,559 06
Dakota	1,074 07	2,816 69	696 72		14,305 43	19,275 46	724 54
Idaho	148 48	1,759 81	36 23		5,095 00	7,846 63	2,153 37
Montana	728 45	1,805 72	129 38		12,318 71	15,066 06	4,933 94
Nevada			2 50		34,405 21	34,567 81	432 19
New Mexico		2,918 74	77 65		20,996 23	32,704 88	7,295 12
Oregon	2,084 10		93 80		24,700 00	34,093 95	10,906 05
Utah		1,952 79			12,400 00	19,821 35	178 65
Washington	1,084 10		43 88		22,500 00	23,627 98	1,372 02
Wyoming	350 00	661 90	39 93		1,350 00	2,401 83	2,598 17
Total	7,715 49	21,234 25	1,396 52	3,000	489,219 88	1,292,416 34	297,588 66

NOTES.

	Appropriation.	Annuities.	Subsistence.	Pay of employés, &c.
(*a*) Sioux, Sisseton, Wahpeton, &c.	$80,000	$14,658 00	$33,465 00	$29,693 00
(*b*) Yankton Sioux	40,000	20,192 00		17,500 00
(*c*) Utes	50,000	15,192 00	13,048 00	17,590 00
(*d*) Shoshones and Bannacks	20,000	291 39	1,583 10	10,000 00
(*e*) Fort Peck	100,000	9,414 87	50,666 98	10,486 75
(*f*) Arickarees, Gros Ventres, &c.*	85,000	11,156 48	29,754 43	22,946 42
(*g*) Apaches†	450,000	22,467 96	281,142 98	70,494 27

* Buildings, $12,000.

† Pay of employés: New Mexico, $20,996.23; Arizona, $36,631.86; total employés, &c., Arizona and New Mexico, $128,120.36, in total appropriation of $555,000.

Mr. ELKINS. I rise to say one word in support of this amendment offered by the gentleman from Missouri on behalf, as I understand it, of the Indian Committee. The chairman of the Committee on Appropriations says first that these are bold and aggressive Indians; then he says they are rich and industrious Indians. He says they are everything else but peaceable, and that people who have gone near them scarcely ever return. I merely desire to observe that his remarks are full of contradictions and betray a painful want of information on the subject of which he spoke.

Now for the gentleman's information. I want to say that one band of these Apache Indians are in the main hostile, but are now on a reservation. We have a policy with these Indians. It is the policy of the Government adopted and promulgated after many trials, and briefly stated, is to feed the Indians and keep them on reservations rather than fight them. You cannot do this by promising to feed them and failing to do so. Now the gentleman knows as well as he knows anything that the sum of $525,000 has been given to feed these Indians during the last fiscal year. He knows that there was an appropriation last year of $450,000 in the regular appropriation bill, and that $75,000 have been appropriated this year by way of a deficiency. I hold in my hand the report of General Hatch, the present able and efficient district commander of New Mexico, to General Pope, to the effect that if he had not recently made speedy disposition of the troops, and placed them in the vicinity of one of these reservations, there might have been an outbreak. This was about the time the last supplies were exhausted, and the only thing that saved this outbreak was the check by General Hatch and the appropriation of a certain sum to purchase supplies.

I appeal to the gentlemen of this committee whether it is not poor economy to try to retrench by starving these Indians, thereby hoping to save to the Treasury a sum of $50,000, when it will cost in another direction by the movement of troops in the event of war perhaps $500,000 and perhaps $1,000,000. I am confident that the movement of troops to subdue the hostile disposition manifested by these Apaches at the Hot Springs agency cost the Government not an inconsiderable sum of money.

Why is it that this policy is pursued of reducing the appropriation at every session, and incurring the risk of an Indian war, large expenditures, and the destruction of the lives and the property of the people? The Government has to pay it all in the end. Last session the appropriations were too small, and it is proposed to reduce them still further now, when to do so will render an Indian war imminent and imperil the lives and property of large numbers of people on the frontier.

I desire to submit this point to the chairman of the Committee on Appropriations. There are ninety-two hundred and forty-eight Indians in these two Territories to be provided for by this appropriation. The gentleman proposes to give them $400,000. The Territory of Arizona is in the southwest part of the United States, the farthest point of transportation without railway connection, and therefore it costs more money to get goods there than to any other point of the country; and I submit that $30, which is about the average amount for each head after deducting the expenses of transportation, &c., is too small a sum to feed the Indians. I do not care how the gentleman makes it up or by what kind of arithmetic he reaches his conclusions, I say it is impossible to support these Indians on an average of $30 a year for each head. They are not industrious, as the gentleman says; they have no stock; their hunting-grounds yield them little or no game, and all they have to depend upon is the small pittance from the Government.

Mr. RANDALL. They raise corn.

Mr. ELKINS. An Apache never did raise corn.

Mr. RANDALL. They raise corn in Northern Arizona.

Mr. ELKINS. That is not done by the Apaches; that is on another reservation by the Navajoes. The gentleman is entirely mistaken.

There is one more point I desire to make. I appeal to the House in all candor to consider that this is really a question of blood. Men, women, and children have been murdered by these Indians, and I submit the Government had better pay millions of dollars per annum than to allow its citizens to be murdered. It is no answer to say that the conduct of bad white men is partly the cause of the Indian troubles. This Government is able to subdue bad white men as well as bad Indians, and should protect the peaceable citizen from both. It is no answer to say that these appropriations are spent here and there improperly. It is the duty of the Government to check all these abuses, carry out its policy, and prevent fraud. But its first, greatest, and highest duty is to protect its citizens, particularly the poor frontiersman and his family. I wish to give an instance which occurred in a recent threatened outbreak at a ranch on the stage line between New Mexico and Arizona in the month of February last, where the Indians had been supposed to be peaceable. And what I relate is of common notoriety and in the records of the Indian Bureau.

[Here the hammer fell.]

Mr. TOWNSEND, of Pennsylvania, obtained the floor, and yielded his time to Mr. ELKINS.

Mr. ELKINS. There were three men working at this point on their farms. They were doing well, and perfectly safe to all intents and purposes, when in broad daylight they were shot down by the Apaches while at their plows, their stock taken, and houses burned. I appeal to gentlemen of this House to endeavor to bring this question home to themselves and their families; I appeal to you who are here in this marble palace, or your homes, with your wives and loved ones safe, suppose that one of your family had been the victim and stricken

down in this way, how would you feel toward the Government if it had failed in its duty to feed these Indians or in giving protection?

I come back, then, to this proposition, that the Government should be strong enough to give protection wherever its flag floats, and that it should be strong all around against bad white men as well as against hostile red men. I do not speak on behalf of Indian agents. But I ask you to do what is necessary to police the country and to protect human life. And let it not be said that this Government is so weak that it is on a level with the government of Turkey, that cannot afford protection to the people who desire to search for the tomb of Christ in the Holy Land from the wandering Bedouins.

You have in the heart of this continent and within the jurisdiction of the Government a few thousand roving, restless Indians that resist and defy you more than the Bedouins do Turkey, and render the lives and property of your citizens in constant danger, and up to date, for some reason, the Government has never demonstrated it had the power to subdue them and compel them to peace and respect for the flag. And this is because the Indian knows you have no fixed policy, and if you do it is not carried out. You promise to feed him, break your promise, and in doing so cause a war, the destruction of the lives and property of your citizens, and in the end conclude an honorable peace and treaty, which is kept until it suits the convenience of either party to break it.

Now I say you must adopt either the one policy or the other. You must fight the Indian and subdue him, or you must feed him. He says, "If you feed me I will stay on the reservation; if you do not I am going to kill, and take food wherever I can find it." He has the same instinct as the white man; and when the white man cannot get food for himself and his children he will steal, and, if necessary, will even kill in order to get it. You cannot expect anything better from an Indian.

Before I conclude, let me finish my calculation about the $30 per Indian. This insignificant sum of $30 is to support one person for a whole year. I ask the House just to think of it. There are 9,248 of these Indians to be fed out of an appropriation of $400,000. Deducting for transportation and all expenses of every kind, there is left an average of $30, and I say the Indian cannot live upon that. If you pass this bill you invite the Indians to a feast of slaughter. There is no way to avoid it.

I know something about this question. I have respect for the gentleman's [Mr. RANDALL] knowledge of the science of government, but he knows nothing in the world about Indians. But that does not touch the main point. What I want the House to do is for them to give a sufficient appropriation to feed these Indians. Give them enough to keep them on their reservations; and if your officers in charge fail to do their duty pass laws to punish them. It is the duty of the Government to keep its pledges and obligations to these Indians, and also to see that its officers perform their duty.

But it is said that Indians run away from their reservations. Well, sir, suppose 10 per cent. run away, you have still 90 per cent. remaining on the reservation who might otherwise be roaming abroad committing depredations and murdering our citizens. Now, sir, the other day when the river and harbor bill was under consideration an appropriation of nearly $6,000,000 was rushed through without discussion under a suspension of the rules; but this is a question in which the distant West had no interest.

If these Apaches were roaming around the city of Philadelphia and one of the gentleman's Quaker constituents was killed, there would be no objection to an appropriation, and millions of dollars would be spent to keep them on their reservations or to do anything else that might be required to protect human life.

Now, Mr. Chairman, as I have said, the House rushed through the other day the river and harbor bill, which was reported by the distinguished gentleman from West Virginia, the chairman of the Committee on Commerce, [Mr. HEREFORD,] and everybody voted for it. This was remarkable and extraordinary success in legislation; in these economical times almost without a parallel. But this is not without explanation. There is a river or a piece of one, a creek or a hollow that sometimes has water in it, in each congressional district and the public necessity requires all these should be cleared out at once.

Mr. RANDALL. Not everybody.

Mr. ELKINS. I did not hear the gentleman talk against it.

Mr. RANDALL. I had no chance.

Mr. ELKINS. That is remarkable.

[Here the hammer fell.]

Mr. ELKINS. I want a few words more.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. RANDALL. How much time do you want?

Mr. ELKINS. Say about three minutes.

Mr. KELLEY. I move to strike out the last word, and yield my time to the gentleman from New Mexico.

Mr. ELKINS. As I was saying, Mr. Chairman, in the river and harbor bill the House gave five or six millions of dollars for that purpose, and yet you refuse to appropriate money to keep your pledges to the Indian tribes, thereby inciting them to go forth upon raids to commit murder and rapine and destruction of property. The trouble is the Indian reservations are all in the Territories; if there was a large one in each congressional district, I think the difficulty would soon disappear and millions would be voted without a word.

The river and harbor bill went through without objection from a single member—$6,000,000 voted away in less than an hour by a House determined upon retrenchment and reduction of expenditures. If during these perilous times, any branch of public improvement and work could be suspended for a season, it was work upon our rivers and harbors. Human life and blood, the safety of the property of citizens, did not call loudly for this work to go on. But, sir, on the other hand, an honorable necessity, interest in the welfare of your citizens on the distant confines of the Republic, safety of life and property, do demand that a sufficient sum be appropriated to retain these Indians on reservations.

But, sir, when the river and harbor bill was up for consideration I did not hear the chairman of the Committee on Appropriations say a word against it, nor the six millions it gave away; although he was suffering, literally sick to get an opportunity to oppose it, yet I did not hear a feeble word or see him make a feeble attempt to do so; and the gentleman from Indiana, [Mr. HOLMAN,] I do not see him in his seat—I beg pardon, I did not notice he was in the chair—did not say a word on the subject, nor shed a single tear at the disappearance of six millions at one dash from the Treasury. There is a river in Indiana, certainly one in the gentleman's district, and yet in the face of this record you refuse to vote a sufficient amount for the protection of the men who are hewing down the forests and carving out an empire in the West. Gentlemen talk about these things being sentimental, but it is not sentiment; these are facts. If it were in the power of the distant West to vote or be heard the result might be different, but we are without power; you do not care how many of our people are killed. But if the Sioux or some of those industrious Apaches of whom the gentleman from Pennsylvania speaks should be let loose in the neighborhood of Philadelphia or some of the Atlantic States, hundreds of millions would be appropriated, without a word being said against it, to feed them and keep them on their reservations.

Now I have perhaps said more than I should; but I do appeal to the House to grant us a proper appropriation. This kind of economy will cost blood and property. The New Mexico Indians are mostly peaceable and we have but few Apaches there, so that it cannot be charged that I am advocating this measure in order that the money may be expended in my Territory. Most of the Indians there have commenced agricultural pursuits, except the Apaches. I am speaking rather in the interest of Arizona, and I beg the House and the gentlemen in the majority to protect these people, and to give a sufficient appropriation of money.

Mr. RANDALL. I have nothing to do with discussing the river and harbor bill.

Mr. ELKINS. That is what I say is the matter with you.

Mr. RANDALL. The gentlemen who voted for that bill assumed the responsibility for it. I was one of the number who happened to be against it, and I am so recorded. It was passed under a suspension of the rules, whereby I was deprived, as was every other gentleman in the House, of an opportunity to discuss it. But here is an appropriation that I have an opportunity to discuss, and I think I am able to show that the sum which the bill recommends is quite adequate. The very papers which came from the Department on this subject go to show that of the $450,000 appropriated last year there is yet an unexpended balance of $46,900, and the sum which they state is necessary to be given to the employés either for their pay or expenditures is $70,492.27; and of that sum $28,015.74 is yet unaccounted for by the agents. This is a statement from the Bureau only received by me last night. It shows the taking out of $28,000 for employés; in fact $350,000 would be adequate here instead of $400,000. Now, in such a state of facts the committee would not be justified in recommending or the House justified in voting any additional sum beyond the $400,000. I ask for a vote.

The question was taken on the pending amendment to the amendment; and it was not agreed to.

Mr. THROCKMORTON. I move to strike out the last word. I wish to ask the Delegate from New Mexico if it is not notorious that the Apaches own large flocks and herds?

Mr. ELKINS. Not the Apaches, but the Navajos; they own large flocks of sheep.

Mr. THROCKMORTON. Then do I understand that they do own large flocks?

Mr. ELKINS. No; the gentleman is mistaken. The Navajos and some of the Utes own flocks and herds; but not the Apaches.

Mr. THROCKMORTON. Where is the Apache reservation?

Mr. ELKINS. There are two reservations in the Territory, the Hot Springs reservation on one side of the Rio Grande, and the reservation near Fort Stanton, on the eastern side of the Rio Grande, nearer Texas.

Mr. THROCKMORTON. I would like, if I could conscientiously do so, to support the amendment. But I believe it would be rather impolitic to appropriate this money for these Indians, and I am willing to stand by the Committee on Appropriations. It is notorious that, no matter how much these Indians are fed, you cannot keep them upon their reservations, but they will commit depredations upon the people of Mexico and Texas. I have a letter in my hand from the adjutant-general of the State of Texas in regard to these very Indians, setting forth that the Apaches from this very reservation in New Mexico came down in our country and stole our property, and were followed by our troops directly back to this very reservation. I

think the amount named here is sufficient; let the Indians live within that amount. If they go off their reservation, then let the military punish them.

Mr. ELKINS. I agree with you there.

Mr. THROCKMORTON. I withdraw my formal amendment.

The question was then taken upon the amendment moved by Mr. MORGAN to increase the appropriation from $400,000 to $450,000, and it was not agreed to; upon a division, ayes 45, noes not counted.

The Clerk read the following:

Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas:
For subsistence of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, and transportation of the same, who have been collected upon the reservations set apart for their use and occupation, $250,000.

Mr. MILLS. I move to amend by adding to the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

And the Secretary of War is hereby directed and required to prohibit the Kiowas, Comanches, Apaches, Kickapoos, Cheyennes, Arapahoes, Wichitas, and bands affiliated with them from crossing the Red River from the Fort Sill reservation into Texas; and rations shall be issued to said Indians for only one week at a time, and then only to such of them as shall be present.

Mr. PAGE. I move to amend the amendment by striking out "Secretary of War" and inserting "Secretary of the Interior."

Mr. MILLS. This amendment which I have offered is the same in substance as the one discussed some time ago, and which I withdrew in deference to the opinion of some gentleman in the House that it would be more appropriately offered to another portion of the bill.

The amendment suggested by the gentleman from California [Mr. PAGE] was then discussed. It was contended by some gentlemen on the other side of the House, the gentleman from Iowa, [Mr. KASSON,] I believe, that the Secretary of the Interior could have nothing to do with the military force on that reservation. It would be necessary to use some force if war parties started from Fort Sill reservation to go into Texas, in order to prevent them from crossing the Red River. Whenever the Secretary of the Interior needs to use any military to manage these Indians he calls upon the military arm stationed at Fort Sill reservation. If the Indians are kept under the control of the Interior Department, the Secretary of War would be called upon by the Interior Department to use this force to police the Red River and keep the Indians from crossing it. This amendment has been changed to meet the views of the gentleman from Massachusetts [Mr. SEELYE] and others who objected to it in the form in which it was before offered. I think there can be no objection to it as it now stands.

Mr. RANDALL. There is no objection to it.

The amendment of Mr. MILLS was then agreed to.

Mr. RANDALL. I am instructed by the Committee on Appropriations to offer an amendment at this place, to come in as a new paragraph.

The Clerk read as follows:

Civilization and subsistence of Indians on the Malheur reservation: For this amount, or so much thereof as may be necessary, in the purchase of goods, subsistence stores, &c., for the Indians collected on the Malheur reservation, Oregon, and in instructing them in agricultural and mechanical pursuits, providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, or in any other respect to promote their civilization, comfort, and improvement, $25,000.

Mr. MILLS. I understood that the chairman of the Committee on Appropriations [Mr. RANDALL] was going to offer an amendment to the pending paragraph, and therefore I gave way. I have another amendment to offer.

Mr. RANDALL. I have no objection to the gentleman offering his amendment.

The CHAIRMAN. The paragraph will be open to amendment after the pending amendment has been voted on.

The amendment of Mr. RANDALL was then adopted.

Mr. MILLS. I move to further amend by inserting after the amendment adopted on my motion the following:

And no arms or ammunition shall be issued, sold, or given to any of the Indians above named, and all arms and ammunition shall be taken from any Indian who may be proven to have committed any depredations on the whites or on friendly Indians.

The amendment was adopted.

Mr. RANDALL. I am instructed by the Committee on Appropriations to move to insert as a new paragraph after the one last adopted that which I send to the Clerk's desk.

The Clerk read as follows:

Civilization and subsistence of Indians of the central superintendency. For this amount, or so much thereof as may be necessary to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes, and sustain themselves by the pursuits of civilized life, $10,000.

Mr. SEELYE. I move to amend the amendment so as to make the amount $20,000, which is very desirable for this very desirable end.

Mr. RANDALL. The amount given for this purpose last year was $10,000. I agree with the gentleman from Massachusetts [Mr. SEELYE] that this money is spent by very good hands.

Mr. HOLMAN. I hope the amendment will be agreed to.

Mr. RANDALL. Will the gentleman assent to $15,000? That is $5,000 more than was appropriated last year.

Mr. SEELYE. But it costs $20,000 to do this.

Mr. RANDALL. No, sir.

Mr. SEELYE. I beg the gentleman's pardon. The additional expense was paid by these agents and superintendents of the Society of Friends, the body of men who the gentleman desires to change for military supervision.

Mr. RANDALL. No, sir; the military bill does not propose to interfere in any respect with the peace commissioners from the Society of Friends who go there; the gentleman is mistaken in that. I think $15,000 is quite adequate.

Mr. SEELYE. I will accept $15,000.

Mr. THROCKMORTON. I ask the chairman of the Committee on Appropriations whether these Indians are not already provided for under the different heads?

Mr. RANDALL. This is an additional appropriation. It is in fact a mark of respect to the Society of Friends.

Mr. THROCKMORTON. These Indians, under their respective heads, are provided for already. This is an additional appropriation, a mere gratuity. I am opposed to the amendment of the chairman of the Committee on Appropriations, as well as the additional amendment proposed by the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. HOLMAN. I hope the gentleman from Texas [Mr. THROCKMORTON] will not object to this amendment. The expenditure is to be made under the auspices of the Society of Friends, who have carried their benevolent efforts in behalf of the Indians to a very unusual extent, further perhaps than almost any other of our various organized bodies of Christian people. I trust that, in view of the certainty that this money will be judiciously expended, the amendment will be adopted.

Mr. PAGE. What is the amount proposed to be appropriated by the amendment in its present shape?

The CHAIRMAN. The gentleman from Massachusetts moved to amend by inserting $15,000 instead of $10,000, which was accepted by the gentleman from Pennsylvania.

The question being taken on the amendment as modified, it was agreed to, there being ayes 80, noes not counted.

The Clerk read as follows:

MODOCS.

For this amount, or so much thereof as may be necessary, to provide, under the direction of the Secretary of the Interior, settlements, clothing, food, agricultural implements, and seeds for the Modoc Indians that have been removed to, and are now residing within, the Indian Territory, $5,000.

Mr. PAGE. I am instructed by the Committee on Indian Affairs to offer the following as an additional section, which is accepted, as I understand, by the Committee on Appropriations:

That the sum of $2,000 be, and the same is hereby, appropriated for the benefit of the Tonkawa Indians now at the military post of Fort Griffin, Texas; that the money herein appropriated shall be expended for the benefit of said Indians by the commanding officer at Fort Griffin, under such conditions as may be prescribed by the Commissioner of Indian Affairs: *Provided*, That no part of said fund shall be applied to the removal of said Indians from the vicinity of such military post to any Indian reservation: *And provided further*, That such appropriation shall be applied *pro rata* to such Lipan Indians as may have been heretofore incorporated into the Tonkawa tribe and which still reside with such tribe.

The amendment was agreed to.

The Clerk read as follows:

Transportation:
For the necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, $147,000.

Mr. SEELYE. I am directed by the Committee on Indian Affairs to move an amendment, to strike out in the paragraph just read "$147,000" and insert $219,200. This transportation of course must be provided for. The Indian Bureau has been obliged to expend during the present year $278,000 for transportation, and there are outstanding obligations which will make the sum over $300,000. This amendment appears to me to be necessary.

Mr. RANDALL. I will state the manner in which we have reached the various amounts to be appropriated for transportation. The amendment of the gentleman from Massachusetts takes I believe in every instance the estimates of the Commissioner, while the committee in various places have taken as a basis the amount expended in transportation during the last year, except in one case, that of the Sioux. For transportation for the Apaches, Kiowas, and Comanches the Commissioner asked for $10,000, whereas it appears that but $3,500 was expended last year. For the Cheyennes and Arapahoes $10,000 is asked, but only $5,500 was expended last year. For the various bands of Chippewas $5,000 was asked, and the full amount has been allowed by the committee. For the Crows $10,000 was asked, and has been allowed. For the Flatheads and other confederated tribes the Commissioner asked for $2,000; but we have given only $1,500, the amount expended last year. For the Navajoes we have given $5,000, the amount of the estimate. For the Nez Percés we have allowed nothing; the amount asked for was $1,000. The amount expended was very light; and it came, I understand, out of the general appropriation. For the Northern Cheyennes and Arapahoes we allow $1,000, the amount expended last year; the amount asked for was $2,500. For transportation of Shoshones and Bannacks we appropriate $4,000, the amount expended last year; while the amount asked was $5,000. For the Yankton Sioux we give $1,200; the full amount asked for. For the Tabequache, Muache, and others we give $5,000, the amount expended last year, instead of

$10,000, the amount asked. The estimate for the Sioux we cut down from $150,000 to $100,000. It is agreed that by the proposed change in the method of transporting rations and other Indian supplies, so that they shall be distributed under the War Department from the military posts instead of being transported long distances by wagons, a large sum of money now expended for transportation will be saved. If we shall be disappointed and the proposed transfer of Indian affairs to the War Department should not be made, we shall advise that the amount be increased. We believe, however, that under the management of the War Department $50,000 can be saved in transportation. It is a simple question of arithmetic; and I think the committee are right about it.

Mr. SEELYE. I have not learned that mules or railroads work in transportation any cheaper for the military than others. I do not go into that, but say the gentleman has not spoken with his usual accuracy in reference to figures. The column of figures from which he has read as the amount expended during the last year is the amount appropriated. It has been necessary to expend a larger amount for transportation in order to get the goods to their destination, and sums have been taken from other appropriations. For instance, the gentleman says there has been expended for the Shoshones and Bannacks $4,000. That is the amount appropriated. Five thousand eight hundred and twenty-two dollars and twenty-four cents have been expended; and the same is true all through the list he has read.

The committee divided; and there were—ayes 41, noes 97.

So Mr. SEELYE's amendment was rejected.

Mr. DUNNELL. I move the following amendment.

The Clerk read as follows:

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $3,500.

Mr. DUNNELL. That amendment restores to the Indian appropriation bill a clause which has been in the last two appropriation bills, providing for the collection of statistics and historical data respecting the Indian tribes. A gentleman has been at work on the matter provided for in this clause, and has made considerable progress, and expense has been incurred in the purchase of type, so the several Indian languages should properly be represented. The entire expenditure already made will be utterly lost to the Indian Department and the country unless for another year this appropriation may be provided. I hope the chairman of the Committee on Appropriations will consent to the insertion of this small amendment.

The committee divided; and there were—ayes 49, noes 69.

So the amendment was disagreed to.

Mr. THROCKMORTON. I think after the paragraph in reference to transportation there should be added a provision that all contracts hereafter shall be let to the lowest bidder after advertisement. That has heretofore been the policy.

Mr. RANDALL. I submit the following amendment:

Provided, That hereafter contracts for transportation shall be advertised and let to the lowest bidder.

The amendment was agreed to.

Mr. RANDALL. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. COX] having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had according to order had under consideration a bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

MAIL-CONTRACTS INVESTIGATION.

Mr. CLARK, of Missouri. I move, by unanimous consent, that the testimony taken before the Committee on the Post-Office and Post-Roads in the investigation into mail contracts be ordered to be printed.

The motion was agreed to.

GENEVA AWARD.

Mr. LORD. I ask unanimous consent that the Geneva award bill be taken up on Monday next. It is now the special order from day to day. Inasmuch as I have to be absent on Tuesday for an indefinite period of time, I think it is reasonable the House should grant the motion I make to have the Geneva award bill set down for Monday next after the morning hour. I ask unanimous consent that the order may be made.

Mr. KELLEY. I suggest the gentleman add the words "immediately after the morning hour."

Mr. LORD. I so modify my motion.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. GAUSE. I ask, by unanimous consent, to go to the Speaker's table for the purpose of taking up and putting on its passage a bill, (H. R. No. 155.)

Mr. BLAINE. Was unanimous consent given to take up the Geneva award bill on Monday next, to the exclusion of the right to suspend the rules on that day?

The SPEAKER *pro tempore*. It is very rarely that such unanimous consent is granted.

Mr. BLAINE. That must be put in or else motions to suspend the rules will be in order.

The SPEAKER *pro tempore*. It is the understanding that the motion made by the gentleman from New York in reference to the Geneva award bill excludes the right to suspend the rules.

Mr. PAGE. Does the Chair decide that excludes the right to suspend the rules on Monday next?

Mr. LORD. The arrangement made with you will be carried out.

Mr. PAGE. Very well.

Mr. KELLEY. Therefore it was I suggested the insertion of the words "immediately after the morning hour." If it is to be some time during the day, I object. If immediately after the morning hour, so as to give time for the discussion of that important bill, then I have no objection.

Mr. LORD. That was the motion.

Mr. KELLEY. It is an important bill, and should not be crowded into half an hour. There should be time for discussion. I wish to be instructed by the discussion, for I confess my opinions are not clear.

The SPEAKER *pro tempore*. The Chair did not understand there was any limitation upon debate.

Mr. KELLEY. There will be if the day be spent in suspensions of the rules.

The SPEAKER *pro tempore*. It comes up immediately after the morning hour.

Mr. PAGE. After the second call?

The SPEAKER *pro tempore*. The first and second call are within the morning hour.

Mr. WHITE. Would it then be in order to suspend the rules?

The SPEAKER *pro tempore*. Not until after the Geneva award is disposed of.

Mr. WHITE. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. WHITE. I object.

Mr. LORD. I thought it had been carried.

The SPEAKER *pro tempore*. The Chair must decide that the objection of the gentleman from Kentucky comes too late.

Mr. HOLMAN. The moment the Chair began to state the order proposed to be made, I asked what the subject-matter was. In the midst of the confusion I had not heard what it was. I did not understand the proposition which was pending before the House, and I rose to inquire what it was. A proposition to deprive the House of the right to suspend the rules on Monday is a very important matter. At the same time I am anxious that the gentleman from New York shall get the subject before the House on Monday.

Mr. BLAINE. The gentleman from Indiana must see that the assignment is not worth making unless it involves the suspension of the right to move to suspend the rules, because the instant you start the bill a motion to suspend the rules will remove it from the floor.

Mr. HOLMAN. Does this involve a suspension of the right to move to suspend the rules during the entire day?

Mr. BLAINE. Only until this bill is disposed of.

The SPEAKER *pro tempore*. The Chair will again put the question. The gentleman from New York [Mr. LORD] asks the unanimous consent of the House that the Geneva arbitration award bill shall be set down as the special order, to the exclusion of the right to move to suspend the rules after the morning hour on Monday. It requires unanimous consent to make that order. Is there objection?

Mr. HOLMAN. I do not object if it is fixed for two o'clock.

Mr. JONES, of Kentucky. I object. I shall object to any privilege being given to new business till special orders which are now lying over shall be reached.

Mr. LORD. I ask the gentleman from Kentucky to hear me for a moment. This bill for which I desire Monday to be assigned is in its proper place. Except one small matter, it is ahead of all other business on the Calendar. I might call it up at any time to-morrow or Monday. All I ask is that, inasmuch as I have to leave the House on Tuesday, perhaps for an indefinite period, and as I have yielded on this bill several times for other matters, I ask this House to be so courteous in that regard, this being a matter of such importance, as to allow me to call it up on Monday. It is of no consequence for me to present it, unless it is assigned for consideration immediately after the morning hour.

Mr. JONES, of Kentucky. May I ask the gentleman from New York for what period his bill was originally made a special order?

The SPEAKER *pro tempore*. The bill relating to the Geneva award was on March 16 made a special order for March 29 after the morning hour. The bill reported by the gentleman from Kentucky [Mr. JONES] was made a special order on March 30 for the 18th of April, after the morning hour.

Mr. JONES, of Kentucky. The bill of the gentleman from New York having been made a special order before mine, I withdraw my objection.

Mr. HOLMAN. I would suggest to the gentleman from New York that he say two o'clock, instead of after the morning hour.

Mr. LORD. Very well.

There being no further objection, the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award was

made the special order for Monday at two o'clock, to the exclusion of all other orders and of motions to suspend the rules, until disposed of.

DISTRICT COURTS IN ARKANSAS.

The SPEAKER *pro tempore*. The Clerk will now read the title of the Senate bill which the gentleman from Arkansas [Mr. GAUSE] desires to take from the Speaker's table and put upon its passage.

The Clerk read as follows:

A bill (S. No. 155) to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States.

Mr. GAUSE. The bill simply provides for changes in the arrangement of the district courts in Arkansas. It is very important that it should be passed, and I think there can be no objection to it.

Mr. HOLMAN. Let the bill be read.

The bill was read.

Mr. PAGE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question is, Will the House consider this bill at this time?

Mr. BURCHARD, of Illinois. A recess has been ordered; and I suggest that the gentleman from California modify his motion so that the House shall take a recess.

Mr. PHILLIPS, of Kansas. I object to the present consideration of the bill.

Mr. PAGE. I move that the House take a recess, but yield to my colleague [Mr. LUTTRELL] to offer a resolution for reference.

NAVY-YARD AT MARE ISLAND.

Mr. LUTTRELL. I ask unanimous consent to offer the following resolution for reference to the Committee on Naval Affairs:

Resolved, That a committee of five members of this House be appointed by the Speaker, and they are hereby instructed to make inquiry into certain alleged frauds and abuses existing at the navy-yard at Mare Island, California, and that said committee have the right to send for persons and papers, to employ a stenographer and an expert accountant, that they have leave to sit during the recess, and that they make report to the next session of this House.

Mr. KELLEY. I object, and I shall continue to object until these investigations are conducted with open doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 339) for the relief of E. D. Franz;

A bill (H. R. No. 341) for the relief of Louis Rosenbaum;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army; and

A bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 42) granting a pension to Francis Bernard;

A bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois;

A bill (H. R. No. 1992) granting an additional pension to Mary P. Abeel;

A bill (H. R. No. 2291) granting a pension to John H. Garrison;

A bill (H. R. No. 2306) granting a pension to John McIntire;

A bill (H. R. No. 2447) transferring the custody of certain Indian trust funds; and

A bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, County of Allegheny and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 105) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap light-station, in the State of Virginia;

An act (S. No. 118) granting a pension to James H. Woodard;

An act (S. No. 294) for the relief of Charles E. Hedges;

An act (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances;

An act (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal;

An act (S. No. 471) to re-open the lands of the Fort Sedgwick military reservation to settlement and occupation as public lands;

An act (S. No. 539) to provide for an increase of pension in favor of Martin Kelly;

An act (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware;

An act (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867;

An act (S. No. 675) to enable Horace L. Emery to make an application to the Commissioner of Patents for the extension of letters-patent for improvement in cotton-ginning machines;

An act (S. No. 676) authorizing the construction of a light-house and fog-bell on Round Island, Straits of Mackinac;

An act (S. No. 678) for the relief of Ephrajm P. Abbott;

An act (S. No. 769) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes;

An act (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy;

An act (S. No. 825) to provide for the more speedy adjustment of the accounts of the Treasurer of the United States; and

An act (S. No. 872) for the relief of the family of the late John T. King, and of L. B. Cutler.

MILITARY BRIDGE OVER BIG SIOUX RIVER, IOWA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copy of the report of the General of the Army upon the subject of the repair of the military bridge over the Big Sioux River, Iowa; which was referred to the Committee on Military Affairs.

BRANT ISLAND LIGHT-HOUSE.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting letter from engineer secretary of the Light-House Board, in reference to the destruction of the Brant Island light-house by fire; which was referred to the Committee on Appropriations.

ARMY PROMOTIONS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petition of officers of the Army asking for rule of promotion in the line of the Army; which was referred to the Committee on Military Affairs.

CARRIAGE HIRE FOR WAR DEPARTMENT.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a statement of amounts paid for cost of carriage hire for the War Department from March 4, 1869, to March 1, 1876; which was referred to the Committee on Expenditures in the War Department.

ENGINEER CORPS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, containing information as to the Engineer Corps, called for by House resolution of April 27, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

SUBSISTENCE FURNISHED TO MEN OF THE SIGNAL CORPS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the Commissary-General of Subsistence concerning the cost of subsistence furnished men of the Signal Corps during the past and present fiscal years; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. COOK was granted leave of absence for a few days on account of sickness.

Mr. MACKEY, of Pennsylvania, was granted leave of absence for six days on account of business.

WITHDRAWAL OF PAPERS.

On motion of Mr. O'BRIEN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of Joseph H. J. Rutter, presented to the Thirty-ninth Congress, and upon which no adverse report had been made.

And then, on motion of Mr. HOLMAN, the House (at five o'clock and twenty minutes p. m.) took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at half past seven o'clock p. m., Mr. COX in the chair as Speaker *pro tempore*.

TARIFF BILL.

Mr. KELLEY. I move that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3132) to revise and simplify existing laws imposing duties on imports and to reduce taxation.

Mr. HUNTER. Mr. Chairman, the bill under consideration makes such a radical reduction in our present tariff law that it is an impossibility for those who favor protection to the laboring interests of the country to undertake to perfect it by amendments, as it would require a change of rate in nearly every item embraced within the bill. I had hoped that the committee would take our present law and amend it, by increasing and diminishing its rates wherever necessary, so as to make it fully and strictly protective to every industry within this country; placing upon the free list every article shipped from abroad that we do not grow or produce here by labor which enters into general consumption by the rich and poor alike, such as tea and coffee, so as to make them as cheap to the consumer as possible; but, upon all arti-

cles of luxury shipped from abroad, such as fine wines and brandies, silks, broadcloths, laces, diamonds, &c., put the tariff high, so as to make as much revenue out of them as they will stand, as they are consumed almost entirely by the wealthy, and it makes but little difference to them what an article costs, as they seldom stop to inquire the price when they need it for use. By this kind of tariff we would protect our labor and enrich our own country, and place the heaviest burdens of taxation upon the wealthy, who are best able to stand them, and at the same time raise revenue to support the Government without making our manufactured articles any dearer to the consumer. But instead of this the committee has brought forward a bill that does not make the proper discriminations between articles of necessity and luxury shipped from abroad, and with rates so low upon the articles we manufacture that they would not protect our labor from the impoverishing competition of the cheap labor of Europe, which would as certainly destroy our manufacturing establishments, and thereby seriously injure the material interests of the country or compel our laboring people to work at the same wages that are paid for labor in Europe, as that the weak must give way to the strong when they come in contact. Either would be very detrimental to us as a nation, for breaking down our manufacturing establishments would bring ruin upon the country, and to reduce our laboring people to the cheap wages of Europe would fill the land with untold misery and want. I feel that nothing but harm would grow out of this bill if enacted into a law. I shall therefore do everything I can to prevent its passage.

Every man upon this floor, with perhaps one or two exceptions, admits the necessity of a tariff, but we differ as to the kind we should have. One portion insists that its real purpose should be to raise revenue, and not to give protection to labor, except that incidental protection that a cheap or revenue tariff, as it is called, would give; these are called free-traders; while the other class insists that its real purpose should be to *protect labor* and at the same time raise revenue; this class are called protectionists.

The bill under discussion is gotten up to suit the views of the free-traders, in opposition to the present law, which is regarded as protective in its character.

The questions involved within this discussion affect the real and substantial interests of the country more than any others that can come before Congress. They embrace the subject of taxation as well as the financial and laboring interests of the nation, which are the vital questions of the day. They should therefore be fairly presented and discussed, with a view to enlighten, and not to deceive, the people.

The advocates of this bill are opposed to a protective tariff for the reason, as they say, it dwarfs our industries, closes the markets of the world against us, increases the price of all manufactured articles, and thereby robs and impoverishes the laboring people of the country. Is that true? I insist that it is not, but it is the very reverse of truth. I hold that if our tariff was made strictly protective to our industries, as above indicated, and the interest upon our money made low so that money could be used profitably in business, they would be the greatest blessing that Congress could possibly bestow upon the whole country, and especially upon the laboring-people. Such enactments would at once revive business, establish confidence among our people, put all of our manufacturing establishments in full operation, and thousands more would spring up all over the country, adding prosperity and wealth to our people; laborers would be increased by the millions, and all would be employed at wages that would not only enable them to live, but to properly clothe and educate their children. The markets of the world would then be supplied from our workshops. Competition among our own manufacturers would be so great that products, instead of being high and thereby robbing and impoverishing the poor, would be made cheaper to the people. In short, every department of business thoughout the country would be made prosperous and our people made happy. These are propositions, to my mind, that can be made as plain and clear as the noon-day sun.

If we should pass this bill I would feel that we had inflicted upon the country one of the greatest calamities that could possibly befall it. Within two years most of the manufacturing establishments in the United States would be closed, unless the laboring people of this country would be content to work for the same wages that the laboring people of Europe do. If the advocates of this bill desire that the laboring people of this country should be reduced to a state of pauperism, they have struck upon the exact plan to accomplish it. With such a tariff how would it be possible for our manufacturers to do business and compete with the manufacturers of Europe where their machinery and means for manufacturing are superior to ours; where interest on money that is used in manufacturing is about 60 per cent. and labor at least 50 per cent. cheaper than it is here, and all kinds of transportation less in the same proportion than we have to pay? I say how would it be possible for any manufacturer in this country to do business and compete with this cheap money, cheap labor, and cheap transportation of Europe, unless we reduce the wages of our laborers to the low prices paid there? It would be an utter impossibility for any one to manufacture here unless that was done.

Is it the object, then, of the advocates of this bill to stop manufacturing in this country unless our manufacturers will produce articles here as cheap as they are produced in Europe? How can they manufacture here as cheap as there unless interest and labor are made lower? The good book teaches us that the laborer is worthy of his hire. All admit that he is not properly rewarded in Europe for the services that are rendered. Capital there gets more than its share. Should it be our policy, then, to grind labor here as it is ground there by requiring it to work at wages that are not equal in value to the services rendered? I hope no man can be found on this floor who will advocate any such doctrine. It should be our policy, then, to lower interest but not the price of labor, for the reason that capital is now much better paid here than labor. The earnings of capital and labor should be placed upon an equality and kept so, as nearly as possible; it would be much better in the end for both. To do that, interest must be reduced and the price of labor raised rather than lowered, until interest and labor, after all expenses are paid, will find the same level in price. But the advocates of this bill, by lowering the tariff on all articles manufactured in this country, do the very reverse of that. They let interest remain where it is, but reduce the tariff about one-third, which will reduce the price of labor but not interest. Do they expect by any such short-sighted policy as that to cheapen goods in this country so as to benefit the people? It will not do so. The only effect of the lowering of the tariff on the products we manufacture in this country will be to dwarf our manufacturing interests by closing many of our workshops, check the growth of the country, produce general stagnation in business, injure the farmers, mechanics, and merchants, and impoverish the day-laborers. This will produce, I admit, a decline in the price of goods as well as every other commodity while our manufactories are thus being destroyed; but it will be through the general ruin and prostration of business, and not through prosperity to the country. Building up the country by such a policy is on a par with the theory of bleeding a man in order to give him strength, when blood is the very thing he needs for that purpose. All wealth comes from labor. Is it our policy, then, to grind our labor instead of fostering it, in order to get wealth out of it? By this grinding process we make the rich richer and the poor poorer; we render the few happy by giving them wealth, but make the masses wretched and miserable by reducing them to poverty.

This bill is based upon the idea that if our tariff is high, then goods are dear; if the tariff is low, then goods are cheap. Nothing can be more preposterous than that. Competition is what regulates prices, and not the tariff. The true purpose of a tariff should be to produce healthy competition. If it is too high or too low, it may fail to produce the required competition and then goods would be dear under either. For example, if we should put the tariff so high on articles we manufacture in this country that it would prohibit the European manufacturers from bringing their products here for sale, in that case we would prevent the foreign article coming in competition with those we manufactured, and it would make everything we manufactured dear, unless the competition among our manufacturers would be great enough to keep down the price. On the other hand, if we should make the tariff so low that the foreign manufacturers with their cheap money and cheap labor could bring their goods here and sell them lower than we could afford to manufacture them with money and labor at our prices, then our manufacturers would be compelled to stop work or lose money. So soon as they would stop the European manufacturers would have no competition to keep them down in price; then they would put up prices and articles would be dearer. A tariff, then, that is too high or too low would be injurious to the country, for each would fail to produce healthy competition. What we want is one that will give ample protection to our labor; not so high as to prohibit the foreign manufacturers from coming into fair competition, nor so low that we cannot manufacture and pay to our laborers good wages. With a tariff that will thus protect our labor competition will be strong, the market steady, and if interest was low goods would be as cheap as they are in Canada.

This bill reduces the tariff so low that if it should become a law we could not manufacture under it with interest and wages at their present rates. Our manufacturers would be compelled to retire from the contest, and our laborers would have to seek the plow for a support for themselves and families. Then we would have to depend upon Europe for our manufactured articles, and in a very short time we would find them costing us more than we now pay; for when our manufacturing establishments are once broken down, the competition that now regulates and keeps the price of articles at reasonable rates would be gone, and we would be completely in the hands of the European manufacturers. They would then have the articles to sell, and we would be compelled to purchase them. They would fix the prices, and we would have them to pay, and we would soon find them higher than now.

I know that many will treat this argument lightly and insist that our manufacturing establishments under a low tariff would not be closed but would continue as now. What would induce them to continue? They could not make their salt manufacturing under a tariff as low as this, with interest and wages as now paid in this country. The European manufacturers could and would, with their cheap money and cheap labor, undersell and break every one of our manufacturers who would undertake to do business, with perhaps a few exceptions. Manufacturing under a low tariff would be the most uncertain and unsatisfactory business that a man could follow in this country, for the reason that, in order to make a reasonable profit on

the money invested and compete successfully with the European manufacturers, it would require a heavy reduction of wages that would keep up a constant war between the operators and the laborers. Experience has shown us that when labor is not properly paid it is restive and uncertain, it will combine and strike; that injures the manufacturer as well as the laborer, for strikes frequently prevent the manufacturers from complying with their engagements to fill orders, and thereby seriously injures their business by loss of trade as well as actual loss of money, and while it lasts it deprives the laborers of their daily wages and brings suffering upon their families. At present interest is so high and foreign competition so great that our manufacturers are not making any money; many of them have closed their shops and others working only half time, and in order to keep their heads above water and prevent loss they have cut down wages. This has made labor restive and caused strikes, and the country has been seriously injured and the people are suffering on account of it. To now reduce the tariff would cause a still heavier reduction of wages, which would only make matters worse instead of better. Capital is cowardly at best, and with these troubles caused by a low tariff manufacturing would be so uncertain and so unpromising that capital would be driven almost entirely from the business. A protective tariff with low interest would prevent all this. It would insure capital that engaged in manufacturing against loss from unequal competition from abroad and enable it to pay labor good and satisfactory wages; this would keep down strikes, increase manufacturing, create strong home competition, make business steady, manufactured articles cheaper, and the whole country prosperous.

I admit if we should not lower interest but put wages down to the pauper prices paid in Europe we might with our natural advantages keep up manufactures here under this low tariff. But who would be benefited by so doing? None but the few. It would destroy the laboring-men of the country, the very class that needs protection. With our present tariff, which is much higher than the rates proposed in this bill, do we not find many of our workshops now closed? Why? Because interest is so high and our monetary matters so unsettled that men are afraid to engage in business. Experience has shown them that interest eats faster than the profits on business will make. If in addition to this burden of interest we reduce the tariff, what will be the result? We will let in goods manufactured abroad at much cheaper rates than now, and, for the purpose of breaking down our manufactories, they will be offered at reduced rates. If our manufacturers are to put down the price of their goods so as to compete with these cheap goods, they must rob labor of that difference or stop work, or break. No other alternative is left them. The laboring-man can see that the reduction of the tariff means that much reduction in his wages, and he must work at these reduced wages or quit the shop and go to the plow or starve.

Ah, but says the advocate of the cheap tariff, by reducing the tariff do we not let in the cheap goods and make it that much better for the poor man? Will he not get his goods cheaper then than now? Let us see. When our manufacturing establishments are once broken down, how long will these foreign goods remain cheap? About as long as the freights on our railroads remain cheap, after our water lines of transportation are frozen up late in the fall. Our water lines of transportation furnish the competition that brings down the price in freights on the railroads and keeps them down, as long as they are open, the same as our home manufacturing establishments compete with the foreign manufacturers and keep down their prices. These home manufacturing establishments can only be maintained by putting a tariff on all articles manufactured abroad where we manufacture the same article in this country. That tariff should be high enough, so that when the foreign manufacturer pays for making the article in Europe, including all expense, and pays the transportation here, and then pays our tariff, it will have cost him as much as the same article costs our manufacturer here to make it—including insurance, interest, and good living wages to our laborers; then each manufacturer stands upon an equality, and can compete fairly; the one that will sell his goods the cheapest will get the trade. But if we put the tariff so low that manufacturing cannot be carried on in this country, then we destroy our manufacturing interests, impoverish our laboring men, and at the same time destroy the competition that keeps down the price of all articles that we consume. Then the foreign merchants and manufacturers will have us within our power, and will take advantage of our necessities, and put up the price of all articles to suit themselves, the same as our railroads do when competition is broken down by reason of our water lines of transportation freezing up.

These foreign merchants and manufacturers are no better than our railroad kings, and we know from sad experience that they take advantage of our necessities whenever they can. And so will the foreign manufacturers and merchants do the same thing when they have the opportunity. The argument that the competition among the foreign manufacturers, were our manufacturing establishments broken down would be sufficient to keep the price of articles cheap, is unsound. If not, why is it that the competition among the railroads does not keep down the price of freights when our water lines of transportation are frozen up? for they furnish as much competition with each other and are far more able to supply the demand than the foreign manufacturers would be in the case put. The reason for it in the case of the railroads is this: the demand for shipments is so great and there being no way to ship except by the railroads, they have the shippers entirely within their power, and, so having them, they fix the rates to suit themselves and the shippers have them to pay. So would the foreign merchants and manufacturers take the advantage of us if our manufacturing establishments were broken down; for in that case our demand for goods would be so great, and there would be no way of supplying that demand except to purchase from them, for the reason that we could get them nowhere else: then they would have us as completely in their power as the railroads have the shippers after the water lines of transportation freeze up; and they would then fix the prices and we would have them to pay.

But, says one, that could not be so; for as soon as prices would go up our manufacturers would again commence operations, and that would create competition and bring down the prices. I cannot see what inducements there would be for our manufacturers to commence work again under such circumstances, after having been compelled to stop, for several reasons. First, it would cost them considerable money to start work. Second, they could not do so without skilled labor; and that would be very difficult to get, for such labor would not remain in this country after our manufacturing establishments were once broken down; and neither could it be induced to return here to work on uncertainties as to the time it would be employed, nor unless it received better wages here than were paid abroad. In the third place they would have no assurance without a protective tariff that they would not lose all they invested to commence manufacturing; for the reason as soon as they were ready to start work the European manufacturers could and would drop the price of goods so low that they could not turn a wheel in their establishments without losing money; the result would be that they would have to abandon the enterprise and lose all the money they put into it. So soon as the abandonment would take place, all competition would be destroyed; then up would go the price of goods again.

There is no use of any one insisting that our manufacturers would carry on their business under a low tariff the same as now unless the price of labor was put down, so that they could compete with the cheap labor of Europe. It would be utterly impossible for them to do so without reducing wages to that extent; and it is perfect folly to insist that they could or would do so without such a reduction of wages. A reduction of the tariff, then, means nothing more nor less than a reduction of the laboring-man's wages.

Why any one can insist that a cheap or revenue tariff, as it is called, is better for the people and the country than a protective tariff, I cannot understand. Under our present tariff we purchased last year from abroad over five hundred and forty-seven million dollars' worth of foreign products and collected from them in tariff duties over one hundred and fifty-four million dollars. Was not that enough to purchase from abroad? Under this bill, in order to collect the same amount of revenue it will require us to purchase abroad each year about seven hundred million dollars' worth of products. Does not every one see and know that every dollar's worth of manufactured products that we purchase abroad, where we produce the same kind of article in this country, we to that extent rob labor here? We now have at least a half a million of laborers that are idle, suffering and starving for employment. Is that the kind of tariff system that we need to build up our country and make it prosperous—a system that robs our labor by making nothing at home, but purchasing everything abroad? Such a policy would ruin and impoverish any nation or people upon the face of the earth. But, says one, "Our laborers need not be idle. If they will not work as cheap in the shops as other people, let them go to the plow and there seek honest employment." If they should all go to the plow, that would close our workshops and make farmers out of all our laborers, which would be disastrous to our farming interests, as I will presently show.

Many delude themselves with the idea that under a cheap tariff our people would be more prosperous, because the manufactured articles we consume would be so much cheaper to them. Says one, my suit of clothes cost me $60 in the city of New York, when I could have gone across the line into Canada and purchased the same article for thirty-five or forty dollars. But, says he, it is this abominable, outrageous, swindling, protective tariff that makes this difference. Why should we not break it down and let in those cheap goods to be worn and enjoyed by our people? Why will we suffer our poor laborers, farmers, and mechanics to be thus robbed for the benefit of the bloated manufacturers, who are sapping the life-blood from the people? We have been taxed long enough for their support. If they cannot manufacture goods as cheap as our neighbors across the line, let them quit and go at something else. Cheap goods are what we want and must have, and these we cannot have as long as we have this robbing protective tariff. This is the argument of the free trader. It is plausible and even winning when presented in the eloquent and fascinating tones of the distinguished gentlemen, Mr. COX, of New York, and Messrs. BURCHARD and MORRISON, of Illinois, who are all in favor of cheap goods, but against low interest. But this argument, when once dissected and its results clearly understood, if carried into full operation, will disclose the most destructive policy to all the material interests of the country, and especially to our laboring people, that could possibly be adopted.

A suit of clothes that costs in this country $60 falls under the head

of luxuries. They are worn only by the rich and well-to-do. They are not worn by the poor. We do not manufacture the class of goods in this country that these fine suits are made from. It should be our policy to put the tariff high on this class of goods. The tax thus raised goes to support the Government; the wealthy pay it and can afford to stand it. But if we come down to the class of goods, both cotton and woolen, that are manufactured in this country, such as are worn by our laborers, farmers, and mechanics, and their families, we will find them about as cheap as we could purchase them in Canada. In the manufacture of these fine broadcloths we have no home manufactories that are able as yet to compete with the foreign article so as to bring down the price; but when we come to calicoes, shirtings, casinets, jeans, and the classes of goods that are worn by the masses of our people, they are low in prices and much cheaper than they would be if we had to depend upon Europe for them. It is a mistaken notion to suppose that our manufacturers, after they make an article, can then add the price of the tariff and make it that much higher to the consumer. Take the article of prints or calicoes; the tariff on them ranges from 5 to 6½ cents per square yard, and yet we can purchase all we want from our own manufacturers at 5 and 6 cents per yard. Will any one say that the tariff adds to the price of these calicoes? Shirtings are cheap in the same proportion. Take the various classes of steel and iron; the tariff on these is high, with two or three exceptions. Yet they are as cheap here as in Canada, where they have no tariff. The various kinds of iron, such as the farmers consume, can now be purchased at wholesale from 2½ to 3 cents per pound, and the best American steel at 15 cents per pound. Does any one want iron and steel cheaper than that? Salt, with a tariff of 12 cents on the hundred pounds when in barrels, is now quoted in the West at $1.40 per barrel; that includes the barrel and transportation. At the salt manufactories it can be purchased in bulk at 12½ cents per bushel. Is not that cheap enough? With a tariff from 10 to 12 cents per pound on wool, our farmers are enabled to raise it and compete in price with the foreign article; and still the manufactured articles made from wool under a tariff which is above 50 per cent. are as cheap, if not cheaper, under our present tariff than in 1857 and 1860, when the tariff was much lower than now. For example, we paid at wholesale for—

	Prices in 1857 and 1860 in gold.	Prices in 1875 in greenbacks.
Kentucky jeans	26 to 28 cents.	30 cents.
Tweeds	60 to 60½ cents.	50 to 62½ cents.
Sackings	$1.10.	$1.10 to $1.15.
Flannels	26 to 34 cents.	27 to 30 cents.
All-wool doeskins	80 to 85 cents.	80 to 85 cents.
Satinets	60 to 65 cents.	60 to 65 cents.

I have given the prices of these articles for 1875. At the present time they are still lower. Will any one say, then, that our tariff has made these various articles dearer to our consumers, when they are really cheaper than they were before the war, when the tariff was much lower than now? Why is it that these articles are so cheap when the tariff is high enough to be protective? It is because capital feels secure under a protective tariff and goes readily into manufacturing. Each manufacturing establishment that is erected creates that much additional competition, and this competition has become so great, that it has brought down prices about as low as our farmers, mechanics, and laboring-men can ask them, unless interest on money is made cheaper; for it must be remembered that all these manufactured articles are produced by labor, and if made cheaper except by lowering interest or improvement in machinery, it must be ground from the sweat and toil of labor, in which reduction all laboring-men will have to bear their proportion. If it had not been for our protective system capital would not have gone into manufacturing, and our country would not have been enriched as it is, and we would have been without the competition that has made manufactured articles so cheap, and to-day would have been suffering under the curse and blight of free trade and high prices. Under the cry of making cheap goods, which means simply cheap broadcloths and articles of luxury that we do not manufacture and which are consumed alone by the wealthy, for the class of goods used by our laboring people are now cheap, these free-traders expect to alarm the masses and induce them to join in breaking down our protective system, under the pretext that the articles they consume would be so much cheaper to them under a low tariff. Protection they say robs the laboring-man, while I assert it is his truest and best friend.

Take the case of the farmer. A protective tariff is what he wants and must have in order to make him really prosperous, for this reason: The farmer works hard all the season and raises a fine crop. What benefit is this crop to him unless he has a good market for it? How can he have this kind of market unless there are human beings and animals under their employ, engaged in labor other than farming, and at wages that will warrant them in consuming these products at good prices? This market the farmer wants near him; if possible, within his own county, so as to save transportation; he does not want it hundreds and thousands of miles away from him, so that the cost of transportation would eat up the value of the products and leave him nothing for his labor in raising them. Then, how is it possible for the farmer to have these human beings near him, working at profitable wages, so as to give him this good home market, unless they are engaged in manufacturing or the mining of coal or iron ore, or some other industry other than farming, induced by the prosperity of the country growing out of our manufacturing interests; and how can we keep up this manufacturing that stimulates and keeps up these other industries, and pay to these laborers this living price for their labor unless we protect them against the cheap labor of Europe? And how can we give this protection except by a tariff?

These are questions that the western farmers want the free-traders to answer when they undertake to show how a protective tariff robs them. Farmers who live near manufacturing or mining settlements, where a large number of laborers reside with their families, know the benefits of the market that they create for their products; and it will be a very difficult undertaking for the free-traders to convince them that this market is not worth more to them than one where the consumers are hundreds and thousands of miles away. A protective tariff builds up these manufacturing and mining settlements all over the country, while a cheap tariff destroys them. If goods are so cheap in Europe and Canada, why are not the farmers and laboring-men there, where they enjoy free trade, as prosperous as the farmers and laboring-men in this country? Will some free-trader please answer?

The honorable gentleman from Illinois, [Mr. BURCHARD,] in his argument the other day when this bill was under consideration, said that the manufacturing States were wealthier than the agricultural States, and upon that fact he based his argument that it was our high tariff duties that were enriching the manufacturers at the expense of the agriculturists. He omitted to mention the fact that the farmers within those manufacturing States were among the wealthiest classes within them. The true reason of the great wealth and prosperity of the manufacturing States is on account of their diversity of labor. The farmers raise good crops and the laborers in the mines and the shops consume them at good prices and save their transportation to a distant market. These laborers get good wages and spend most that they make in the neighborhood where they work, and as a natural result these States grow rich. I am anxious to have our agricultural and cotton States in the West and South, that are filled with coal and iron, to profit by the example of these manufacturing States of the East and induce manufacturing establishments in their midst. This can only be done by a protective tariff. We should therefore vote down this bill.

Every man who has given the subject any thought must know that if our manufacturers in this country have to pay from 8 to 10 per cent. for money to use in their business, when the European manufacturers can get theirs at 5 per cent., and have to pay at least 50 per cent. more for their labor than the European manufacturers do for theirs, and at least one-third more for all kinds of transportation than is paid in Europe, that it is an impossibility for our manufacturers to carry on business in this country and compete with the foreign manufacturers unless we protect them by a tariff against this difference in price of money, labor, and transportation. The report of Hon. Edward Young, Chief of the Bureau of Statistics, for the year 1875 shows that during that year the average rate of per cent. of our present tariff upon all articles shipped from abroad upon which a duty was charged was 40.62 per cent., which according to his estimate is about 8 per cent. less than the difference in the price of labor in this country and Europe, saying nothing about the difference in the cost of money and transportation here as compared with its cost there. Cannot any one see the hardships with which our manufacturers have to contend in order to do business under our present tariff when they pay good wages to our laborers?

But to mend matters this bill under discussion is brought forward. What does it do? It lowers our present tariff duties on an average about one-third, which would make the average percentage of the tariff if this bill was adopted less than 29 per cent., with interest on money in this country 60 per cent. higher than it is in Europe (for the difference between 5 and 8 per cent. makes a difference of 60 per cent.) and labor 50 and transportation at least 33⅓ per cent. higher here than there. How could it be expected that any man of sense would risk his money in manufacturing under such a tariff when the articles he made had to come in competition with articles from abroad that were manufactured with this cheap money and cheap labor? Is it not the height of folly for any one to contend that we could or would manufacture here under such a tariff as this? The free-traders all over the country, who as a general rule belong to the wealthy class, are raising a hue and cry against the tariff and insisting that it is what is making the hard times and impoverishing our people, when in truth and in fact it is the high interest on money that is robbing and impoverishing our people, and not the tariff. If the committee had turned its attention to the lowering of interest instead of tinkering with the tariff, it would have been much better for the country. Our present tariff is full low now upon many of the articles we manufacture in order to give the necessary protection to labor; and if we undertake to carry on manufacturing in this country with a tariff less than our present one, except on a few articles, it will require the difference to be taken from the price of labor, for capital will have its profit if labor has to suffer; and every man who earns his bread by

the sweat of his brow, including the farmers, mechanics, and laborers, must share in that loss. And this loss to the laboring-man by reduction of the tariff below the true standard will be far greater than the saving he will make in the reduced prices of the manufactured articles that he will consume, for the reduction in price, if any, will be brought about by prostration in business.

If we put the tariff so low that we cannot manufacture in this country, then our laborers must go to the plow. What then will become of our farming interests? If every laboring-man raises his own bread and meat, who will consume the surplus products of the farms? Where will the farmers find a market? The free-traders say: If they cannot find a market in this country they must ship their products to Europe, where we purchase our manufactured articles, and sell them there. But Europe does not purchase but a small portion of the surplus products raised by our present number of farmers. What would be the result if all of our laborers were turned into farmers? The statistics for the last thirty years show that we have not been able to sell abroad more than one-tenth of our surplus from the farms. Europe has plenty of farmers, and they raise good crops. When the season is good they want but little from us. When the crop is a failure there, like it is here sometimes, then they want more. But a great farming country like this cannot afford to depend upon a foreign market for its products when that market is not able to consume one-tenth of our surplus. If we wish to be prosperous we must make a home market, and that can only be done by building up manufacturing establishments all over the country that will employ millions of laborers, who, with their wives and children, will furnish mouths to eat up the products of our farms when cultivated to their fullest capacity. If these laborers are paid good wages they will be prosperous, and can afford to pay to the farmers good prices that will make the farmers prosperous.

When the farmers and laborers of the country are prosperous they always feel like enjoying their prosperity. Then they want new houses, barns, wagons, plows, buggies, harness, reapers, mowers, good clothes, hats, boots, shoes, &c. To make all these would give the carpenters, bricklayers, stone-masons, blacksmiths, tailors, hatters, shoemakers, merchants, &c., plenty of employment at good wages and profits. The country being thus made prosperous, the lawyers, doctors, bankers, and in short all kinds of business men would have all they could do, and all, from the highest to the lowest, from the richest to the poorest, would share in the grand results thus produced. But, on the contrary, if the farmers have a poor market for their products, they can make but a bare support for their families; then they purchase but little from the stores and make but few improvements on their farms. They make their old wagons, plows, harness, &c., last as long as possible. In consequence of this the merchants and mechanics have but little employment and the country remains poor and at a stand-still.

True prosperity must come from labor. To have that we must first look to the true interests of the tiller of the soil, the man who digs wealth from the earth, and see that he is all right. He can only be made so by giving him a good home market for his products. This market can only be given, as I have shown, by the employment of laborers at good wages in manufacturing establishments distributed throughout the country, and these can only be kept up so as to pay these living wages by a protective tariff. By thus protecting our labor and keeping prosperity in the country, we do not make the manufactured products any dearer to the consumer; but, on the contrary, we make them cheaper.

The old saying that the consumer pays the duty is only true of certain articles we ship from abroad. For example, we do not grow in this country either tea or coffee. By putting a tariff on them we simply make them that much higher in price to those who consume them. In that case the consumer pays the duty; and so of all other articles that we ship from abroad where we do not produce the same kind in this country by labor. But upon all articles we ship from abroad, where we produce the same kind in this country by labor, the tariff that we put upon that class, if it is sufficient to protect our labor, does not make the article any dearer to the consumer, and upon such articles it is the foreign merchants and manufacturers who pay the duty, and not the consumers in this country. This is a proposition that can be demonstrated and made clear beyond question. The consumers of this country do not pay it for this reason: A protective tariff builds up and sustains our manufactories. They being numerous, and distributed throughout the country, keep the supply equal to the demand, and thereby create strong competition with each other as well as with the articles shipped from abroad. This competition makes each manufacturer come down in his prices, and the one that will sell the cheapest gets the trade. This home competition is what regulates the price of all articles in our market and keeps them as cheap as they are. To illustrate this more fully take the article of Bessemer steel. We did not manufacture that article in this country to any extent beyond mere experiments until 1868. Prior to our manufacture of it we never bought a single ton of it from Europe for less than $112 in gold, and most of the time the price ranged from $130 to $150 per ton in gold. During the war, when $1 in gold was worth $2.80 in currency, this steel then cost us at the rate of $400 per ton in currency.

The English merchants and manufacturers could have sold us this steel for a much less price than they did and still have made enormous profits, but they would not. Why? Because we were not in condition to compel them. We wanted the article and were compelled to have it. The English merchants knew that, and also knew that we could not get it except from them. That gave them the advantage of us, and then they fixed the price and we had it to pay. During this time there was a tariff on this Bessemer steel, and our consumers then not only paid this tariff, but they paid an outrageous price for the steel besides. But as soon as we commenced manufacturing it in this country, what was the result? It commenced falling in price at once, and in a very short time we could purchase it in currency at less rates than we could purchase it in gold before we commenced manufacturing it. And as our manufactories of this steel increased in numbers and capacity, the competition increased in the same proportion, and the price continued to fall, until now we can purchase all the Bessemer steel we want for $60 a ton in currency. I know it is said that its price was made high because there was a patent on its manufacture. I admit that that made a difference of $5 per ton on rails and $10 per ton on all other kinds in the price; but the great cause of the high price was on account of the European manufacturers having a monopoly in its manufacture. But as soon as we commenced manufacturing this steel our tariff served a new purpose, and at once became a shield of protection to our labor against the impoverishing competition of the cheap labor of Europe engaged in manufacturing this same article, the same as a strong breakwater protects the shipping within the harbor and prevents its destruction by a heavy sea driven against its walls by the furious storms of the ocean. So that the English manufacturer, after he paid all the expenses of manufacturing this steel in Europe and paid for shipping it to this country, and then paid our tariff—this steel cost him as much as it cost us to manufacture it in this country, we paying to our laborers a living price for their labor.

This tariff then protected our manufacturers and prevented them from being broken down, because it prevented the English manufacturers from putting down the price of this steel lower than we could manufacture it here and pay our labor a good price unless they did it at a loss to themselves. By this protection then we have been enabled to build up this home competition, which has brought down the price of this steel in currency to one-half what its price was in gold before we commenced manufacturing it. Now, if by this protective tariff we have been enabled to manufacture this steel and pay to our laborers good wages, and at the same time cheapen the article to our consumers one-half—and we compel the foreign merchants and manufacturers to pay this tariff into our Treasury before we permit them to sell this steel to our people at this reduced price—I submit whether it is not a fact that cannot be disputed, that it is the foreign merchants and manufacturers that pay this tariff on this steel, and not our people; for they now pay the tariff and sell us this steel for $60 per ton in currency, when before we commenced the manufacture of it we paid the tariff and then paid them from $112 to $150 per ton in gold for it. Quite a healthy difference.

If we should do away with this protective tariff, we would break down our manufactories and thereby destroy the very competition that made this steel cheap and now keeps down its price as well as the price of all other articles that we manufacture, as I have shown. We would then be dependent upon Europe again for this steel as well as the manufactured articles we consume; her merchants and manufacturers would then fix the prices and we would have them to pay. Before we commenced the manufacture of this steel we were completely within the power of Europe as to its price, but now we are independent of her, and it was our protective tariff that made us so. It is her people that now pays this tariff on this steel, and not ours, and still the article is cheaper to us; and so it will be of all other articles we manufacture if we will only make our tariff strictly protective, so as to keep up strong competition with our own manufacturers. There is nothing but competition that can control and regulate prices and keep them cheap. In this country we can only keep up this competition by sustaining our manufactories, and that can only be done by a protective tariff. With such a tariff we maintain our manufactories, develop our resources, open and work our mines of coal and iron, make more valuable our stone and timber, improve the cultivation of our farms, add wealth to the country, increase our population and make our people more prosperous, and at the same time make the articles we manufacture cheaper to our consumers, lighten our burdens of taxation by making the foreign merchants and manufacturers pay the duties that go to support our Government on all articles shipped from abroad, where we manufacture the same kind in this country.

Because Europe is able, on account of her cheap money, cheap labor, and cheap transportation, to manufacture and sell to us cheaper than we can manufacture the same articles in this country, is no evidence that she would do so, unless we are in condition to compel her, and that we can only be by keeping up our home competition by a protective tariff. To show how cheap Europe would sell to us if we had no manufactories in operation to create this home competition, take the case of France, in one article alone, after her war with Prussia. That war destroyed most of her iron manufacturing establishments. At its close her people were compelled to have iron, but had no means of their own to regulate the price by any kind of home competition that amounted to anything. The other nations of Europe had iron to sell and the French people were compelled to purchase it. Did these nations stop to inquire at what price they could

sell iron to the French people so as to make a good living profit to themselves, without any kind of extortion from their French neighbors who had been so sorely tried by the war? No; the only thing they thought of was how much they could exact from them without any reference to their necessities. Iron, as we all remember, in 1872 and 1873, during the time France was being thus bled, went up in price more than double what it was before the French market was opened up to them. And just so it would be with us if we are ever short-sighted enough to put our tariff so low that we cannot manufacture in this country without impoverishing our labor and crippling all the industries of the country. Expecting to supply ourselves with cheap goods from abroad, we will be badly sold. Europe will sell to us cheap goods, and pay our tariff duties that go to the support of our Government, and save our people that burden of taxation, while our manufactories are in full blast and we are in condition to dictate terms as to price; but when we place ourselves in a condition that they and not we can fix the price, then look out. They would rob us as they did France; all they want is the opportunity. A protective tariff is our sheet-anchor of safety, and whenever we cease to maintain it we will find our laboring people out of employment, and suffering for the want of bread.

Europe has wealth and she has greatness, but each is confined to the few. The great masses of her people are poor; they work hard and are permitted to enjoy but few of the comforts of life; most of them have to put up with a bare subsistence. There capital controls labor and forces it to work for low wages. If we allow our working people in our manufacturing establishments to come in competition with this cheap labor of Europe, cannot every one see that ours must give way to it and fall to its level in price or quit the shop and go to the plow? If they quit the shop, that destroys our manufacturing, injures our prosperity as a nation, takes from our farmers their home market; for these laborers would then raise their own bread and meat, and turns us over to the foreign merchant to be robbed by exorbitant prices as France was plundered after her war with Prussia. On the other hand, if our laborers remain in the shops at the reduced prices of the European laborer, their fate is sealed, and they will rapidly sink to his level, and there remain until a protective policy shall have been inaugurated that will give them relief. Does any one desire that our laboring people shall be thus reduced? If not, there is but one way, in my judgment, to prevent it; and that is, to cheapen the interest on our money so that it can be used in business, and then protect our labor from the cheap labor of Europe by a tariff. By so doing, as I have shown, we build up the country and make it prosperous, make all articles we manufacture cheaper to the consumer, supply the markets of the world from our workshops, and make the foreign manufacturers pay our tariff duties that go to the support of the Government on all articles we manufacture, and save our people from that burden of taxation.

Mr. KETCHAM. Mr. Chairman, I am opposed to the passage of this bill, both for its policy and for its specific provisions. It is a long step in the way of free trade, a policy that ignores all the obligations of nationality and knows no home and no country, and, without reference to difference of age, population, wealth, habits, education, or institutions, would make one rule applicable alike to the poor and weak, and to the rich and powerful, and subject a people sparse in numbers, and with undeveloped resources, to the unequal contest of competition with the accumulated power of nations who hold a controlling position in the great manufacturing and commercial interests of the world. In this contest, as in all others the weak must go down before the strong. The strong will crush and clear away all attempts at competition and with relentless despotism take possession of the markets of the weak, force upon them the products of their own industry, and remit the whole population to idleness and its inseparable result, moral and pecuniary bankruptcy. This has been the experience of the world. Fearful illustrations are to be found in Turkey and Portugal, who voluntarily burdened themselves with the policy, and Ireland and India, upon whom it was forced by conquest and arbitrary foreign rule. We ourselves have temporarily tried the experiment on several memorable occasions. Under its blight on every occasion we reached the brink of national ruin, and only rescued ourselves by resorting to the protection of a tariff on foreign products to equalize the condition of this country with its competitors. There is a form of invasion, that of overreaching trade inspired by avarice, pressing its conquest with all the power of wealth and diplomacy and craft, to depress and destroy the productive power of the rival nation, that its people may be made tributary to the aggressor. This conquest degrades the labor and subjugates the spirit and genius of a people, and is more hopelessly destructive than any military aggression. The basis of power in every country is its labor. The gifts of soil, minerals, all the bounties of Providence, are worthless, except so far as developed and improved by labor. It is the wealth of the nation. The power of physical and intellectual effort is the only property of a people worth contemplating. The existing physical results or accumulation at any given time, considered of themselves, are so destructible and evanescent that they do not deserve to be accounted wealth, but the capability of production applied to the physical resources of a country sustaining the accumulation of industrial results; this is the wealth of manhood, the most valuable of all wealths, the enduring power that builds up and sustains civilization. But this is only achieved by developing all the faculties of a nation. Nature in her economy has distributed her gifts in infinite variety of form and material in the sea and in the land, and bestowed upon man a corresponding variety and adaptation of faculties, appealing to him for a wide and varied exertion in the appropriation and use of the resources placed beneath his hand. It is forbidden that we should all be engaged in one pursuit.

No people ever were or can be prosperously or happily employed in one pursuit. The talent of a nation cannot be developed by the exercise of the faculties only necessary for one pursuit. The competition of a whole people in one pursuit renders the results of labor worthless. The law of nature is diversification. This gives to each variety of effort its due reward. France and England are illustrations of diversified industry, where every faculty has been developed, where genius and skill have been cherished until they have made these nations magnificent theaters of domestic exchange, and enabled them to cover the seas with a commerce that fills every market and proclaims their triumphs on every shore. There is no more inviting field for diversified industry than our own country. In the amplitude of its territory, in its climate, in the variety of its soil and its products, in its inexhaustible and varied deposits of minerals, and in its vast and wonderful internal water system it challenges and invites the enterprise and skill of mankind. The duty of this Government, as of every other, and peculiarly of this with our natural advantages, is to protect and foster its labor. Its whole energies should be bent to the work of promoting and cherishing every industrial pursuit, and cultivating to its highest efficiency every faculty and endowment of its people; and it should render available to the disciplined brain and skilled hand every natural resource.

Free trade ignores all this, and arrays itself against all governmental interference and care for the labor of the country. It madly makes war upon labor and domestic exchange to give supremacy to foreign commerce, which in the nature of things is but a secondary necessity. The province of foreign commerce is the exchange by one nation of the commodities which it can produce with others for the commodities of the others which it cannot produce. This is strictly foreign commerce. But if one nation depends for its manufactured articles upon purchase and money payments, the money-paying nation must become exhausted; and as the skill and labor bestowed upon most of the manufactured articles of commerce contribute most to their value, adding to the raw material in most cases double and treble and in many a hundred-fold, if they furnish only the raw material, whether it be in breadstuffs or any other material, or partly raw material and the balance in money, and purchase with it their manufactures, they must inevitably and constantly become the debtor, and sooner or later find themselves exhausted. The balance must be against them, for the value of the manufactures consumed in every civilized country exceeds the money of the nation and the value of the export of raw material; and as the mere production of raw material can furnish but partial employment, and that of a rude and cheap order, the larger portion of the people must be unemployed, and the whole population doomed to the burden and oppression of the poverty that results from the idleness of any considerable proportion of a nation's population. Money against manufactures cannot sustain a commerce, for no nation has money enough; nor can raw material, including the results of agriculture, against manufactures sustain a commerce, for they are all too proportionately distributed among the nations to require sufficient exchange.

Great Britain, under the shield and defense of a rigid protective system, developed all her resources, trained 7,000,000 of her people to the highest grades of skilled industry, supplied all the demands of her own people with manufactures, and having conquered India and the isles of the sea, and held on to her possessions in North and South America, and generally played the hard-handed aggressor all around the world, and secured a monopoly of half its markets and resources, with one-third of her population trained to manufactures, and insupportable except by manufactures, she resolved to become the great workshop of the world, and do the world's manufacturing, and force the world to employ her to do it, and pay her for it at her own price; and her protective statutes having given her the complete mastery, and repealed themselves by their success, the more consistently to induce the younger and weaker nations to fall into an unequal competition with her, she formally repealed most of her tariffs, and proclaimed herself the champion of free trade. She has intrenched herself in all our sea-ports in the interest of free trade and importation. She has organized and established her free-trade leagues, filled the country with free-trade emissaries, scattered abroad its publications, subsidized the press, and imported here her Oxford professors and all the brood of the parasites of shopocracy to popularize free trade; and with their stale and flippant misrepresentations of Adam Smith, and their jargon of pedantic nonsense they every where beset our people to convince them that it is cheaper to buy than to produce, and more profitable to employ and pay foreign labor than our own, and here they find ready coadjutors in the importers, who never add a dollar to the common stock, but gamble with the fruits of toil, and clip their fortunes from the muscle and brain of the masses; and in those who only know of labor in its most abject condition and barbarous form, guided by little more than brute instinct, and who have subsisted upon its results at such arm's length that their association with it has taught them to regard it with contempt and aversion in all conditions; and in all those who, tenacious of their own interest, totally

ignore that of others who are always eager for Government support and would deny it to all others; who always say my interest, my county, my district, my State, but never say my country; who, because they may need no protection, cannot bear that anybody else should be protected, and would be content to prosper themselves in the midst of general ruin all around them—all these would use the Government for their exclusive benefit, and prevent it from its grand purpose, the care of the whole people and their welfare.

Great Britain and all the other manufacturing nations say to us, "Do not manufacture at all; leave the market for manufactured goods to us; content yourselves with planting and sowing and leave to us the results of science and the mechanic arts. Your people are not constituted for successful manufacture." Upon this country they have fixed their eyes as the great receptacle of the diversified labor of Europe. This people, they say, shall hoe and plant and hew wood and draw water and be content in rudeness and simplicity to produce and furnish breadstuffs and raw material and gold, and leave to Europe the science and skill and its wages. All very well for Europe, so long as it could last. It would be all very well for them if we would leave to them all the high grades of employment for men and machinery at their own price, with a paying employment for their shipping, bringing to us their costly products and lading back with our raw materials and our money. A single man with his pick and shovel may in a day mine the elements worth but a few dollars that constitute when combined a ton of merchant iron; but many hands and much machinery must be employed to reduce them to the form of the merchant iron, worth eight or ten fold as much as the rude elements; and again, a whole well-appointed manufacturing establishment, with its varied machinery and array of skillful artisans, may be profitably employed in converting that ton of merchant iron into polished cutlery or into implements or machinery of a thousand forms, worth a thousand-fold the value of the original elements. So with the fleece of wool, the bale of cotton, the bundle of flax, the cocoon of silk, that clothe the peasant and robe the prince. So with the bag of sand that makes the glittering mirror, and so with the cumbrous rock that to the chisel yields up the column and the arch that support and grace the palace. They all say you may have the ore, the wool, the cotton, the flax, the cocoon, the sand, the rock, and exchange them with us for the cutlery, the machinery, the delicate instruments, the robe, the mirror, and the column; and they all say if you will not surrender the business of manufacturing you must take off your tariff and let us into your markets in free competition with yourselves that we may have employment for our people and capital. And the importers and shippers join in the cry and say, either surrender your manufactures or abolish your tariff, and give us commerce. To us they offer the alternative of either retrograding two centuries in the arts and ultimate bankruptcy or the degradation of our labor to serfdom to compete with their cheap labor and cheap money. This is the choice free trade would give to the labor of this country, and this is the condition upon which it would permit the country to build up its manufacturing and commercial interests.

With these conditions we are but too compliant. Even under the present tariff, called by free-traders a prohibitory tariff, we have imported the following list of articles of foreign manufacture to take the place of our domestic manufactures. There is not one of them whose material we do not produce in abundance and whose manufacture we cannot excel in:

Copper, ore, pigs, bars, ingots, old.
Copper, manufactures of.
Cotton, and manufactures of.
Glass and glassware.
Iron, pig, scrap, cast, and rolled.
Hardware, forged iron and fire-arms.
Machinery.
Cutlery, files, saws, and tools.
Steel rails.
Steel, ingots, bars, sheets, and wire.
Manufactured iron and steel, not specified.
Lead, pigs, bars, and old.
Printing and writing paper.
Provisions, (meats, poultry, lard, butter, &c.)
Salt.
Silk, and manufactures of.
Watches, watch movements, and material.
Wood, boards, deals, planks, joists, and scantling.
Wood, shingles and other lumber, except sawed or hewed.
Wool, and manufactures of.
Wheat and wheat flour.
White lead.
Zinc, blocks, pigs, and sheets.

Yes, to deny our own people employment, and to depress our business and contribute to the distress of the country, we have paid for them to other countries in 1872, $240,294,813; in 1873, $232,423,897, and in 1874, $167,753,194; altogether, $640,471,904 in three years. In fourteen years, from 1861 to 1874, we have paid in settling balances of trade $765,857,166, and in eight years prior to 1875, $431,992,761 for the same purpose, in gold. But for this we should have been relieved of all our financial embarrassments, and long ago our currency would have been at par and redeemed in gold. The balance of trade has been slowly, but steadily, growing less under the operation of the present tariff, until it has nearly or quite disappeared. If this tariff be continued the balance of trade will be in our favor, and by the accumulation of gold in the country in a few years we may be able to resume specie payment upon a sound and enduring basis. Under the free-trade tendencies of this bill, striking as it does at the life of our most important manufactures, we never will resume specie payment, for we will never have the means to do it with.

Instead of reducing this tariff and increasing the free list, we should place a strong tariff on at least two-thirds of the present free list. It should pay at least twenty-five millions additional duties. I am not speaking alone for manufactures. I am speaking for the Government and its financial honor; for the agriculture, the manufactures, the mining, and transportation, and trade; for all the business of the country. They are all affected by this question. We are struggling under a severe depression. In all departments of employment labor is suffering. In my own State, great and strong as she is, the energies of her people are paralyzed. Go into her great coal-fields, whose condition is a reliable index of the business condition of the country—the source of the power that fuses all the ore and propels all the factories and all the transportation of the country on land and water—and see there the millions of capital idle, and a hundred thousand miners, who, in the depth and darkness of the earth, develop the wealth of the country and support themselves and families with more peril and more courage than any other class of men.

See them on half time and half pay waiting and trusting for better times. But England is worse off than we are. Her land is filled with financial distress and the wreck of enterprise, her millions are idle and cry for bread, and her mills and marts are crowded with her manufactured goods without a market. She is looking with longing eyes to see this bill pass. It would bring her relief more than any legislation she can do. Pass this bill, and one brief month will fill our market with her goods at starvation prices and extinguish the last hope of our industry. Shall we do it? Shall we abandon our own, and defy that Scripture that has denounced as worse than an infidel him that will not provide for his own household?

Agriculture and manufactures first, and then commerce. Commerce must spring from domestic production, and before it can be sustained that production must supply all the demand of domestic consumption and furnish a surplus for exportation equal to the importation. This is the only condition upon which a foreign commerce can be profitable to any people. Commerce has carried civilization to the ends of the earth and been a mighty agent in elevating the condition of mankind. Long lines of wharves, stately warehouses, harbors crowded with rich argosies, and the bustle and display of commerce are poetic and imposing, and the subject of justifiable pride when it brings home in profit the riches of other lands; but when it comes like a many-winged monster to carry away the substance of the country, burden it with debt, and destroy its financial independence, it is not the display of prosperity, but the delusive pageant that leads to ruin.

Free trade taunts us with the question, how long do you want protection? How long will your infancy last? To this question we answer, we want protection until our home production of all that we can produce shall be equal to our home consumption. By that time our manufacturing interests will be so diffused throughout the country that the raw material will be converted in its own locality and agriculture will find its market at home, and not waste half its value in wandering across the continent and the ocean to find a purchaser in a foreign land. Then the expense of transportation will be taken off the ponderous and clumsy raw material and provisions and placed upon the compact and costly fabrics whose values will bear it.

Then home competition will furnish cheaper and better fabrics than we get abroad, then our infancy will be ended, and with full growth we will enter into free competition with the manufacturers of the world. We deny that we have always been protected and that protection is a failure. Up to the adoption of the present tariff we never had over twelve years of what could be called protection, and then but four or five years at a time. The first tariff that protected anything was the tariff of 1824, and that was only partial. The tariff of 1828, a very high tariff, lasted five years, and then on the sliding scale of a compromise descended so rapidly that it came to nothing in nine years, and in its descent gave us the panic of 1837, with its shinplasters, idleness, and beggary which lasted till 1842, and on the way, in 1840, turned the democrats and free trade out of power. In 1842 the whigs established a high protective tariff which rapidly restored the country to prosperity, and became so popular for its beneficence that the democrats in the contest of 1844 made it the labor of the campaign to prove their candidate a better protective-tariff man than Henry Clay, and with a campaign banner with a lie for its motto swindled Pennsylvania into voting for "Polk, Dallas, and the tariff of 1842." This put the democracy into power again. In 1846 they repealed the tariff of 1842, and gave us a revenue tariff "with incidental protection," which means the protection that cannot be prevented.

In 1857 the tariff was again reduced, and we had free trade with its most approved agonies: a panic that lasted until 1860. So that up to the rebellion we had about twelve years of more or less protection, and at such intervals and with such agitation that it served only to awaken the hopes of the people for a little while and then leave them to disappointment and despair. Instead of an infancy fostered and raised into strength, we have been occasionally promised and caressed for a little while only to undergo with more suffering Lord Brougham's and Joseph Humes's proposed strangling in the cradle. We rescued ourselves from distress by the tariff of 1824 and 1825, and again by the tariff of 1842, and again by the tariff of 1860.

The necessities of the country have continued the tariff of 1860 with some amendments for sixteen years, the longest period any tariff has been let alone under this Government. It was not established as has been said, for the purposes of the war; it was enacted before and without reference to the war, although with some amendments it has enabled us to pay the interest on the war debt. Though assailed as a prohibitory enormity by free trade, our imports under it in 1874 amounted to about six hundred millions, with a free list of one hundred and eighty millions, of which we might have produced at least two-thirds, so that on four hundred and twenty millions it raised us one hundred and sixty millions of revenue. Under this tariff we raised more than one hundred millions during most of the years of the war, with steadily increasing imports.

Under this tariff, up to the financial panic of 1873, this country was more prosperous than ever before. Manufactures sprang into existence all over the country, agriculture unburdened itself of debt, the people were everywhere employed and liberally rewarded, immigration crowded to our shores with money and skillful hands, new States were populated and organized, and the productive power of the country filled it with abundance. In the ten years from 1860 to 1870, in the nine old or Eastern and Middle manufacturing States, our manufactures increased 120 per cent. and in nine Western States 257 per cent.

The value of the iron and steel product of the country may be safely estimated at from one hundred and twenty-five to one hundred and fifty million dollars, having trebled in ten years; and of this amount from fifty to fifty-five millions was paid for labor.

The coal trade of the United States shows an equal advance, the production going up from twenty-two and a half million tons in 1864 to forty-five and a half millions in 1874, an increase of 100 per cent. Much the larger portion of this coal was consumed by manufactures, at least 8,000,000 tons in the manufacture of iron and steel, besides a large amount of charcoal. About $30,000,000 in wages was paid for labor in mining coal to make iron and steel, besides all used in the infinite variety of iron and steel manufacture. There were about 150,000 miners mining coal, about 60,000 men engaged in making iron and steel, and the wages paid to these two employments amount to from eighty to ninety million dollars, and from thirty-five to forty millions in Pennsylvania alone. In 1874 the iron-ore product of Lake Superior was worth nine millions. In 1873 five western States, Michigan, Wisconsin, Indiana, Illinois, and Missouri, produced 372,000 tons of pig-iron, about one-eighth of the whole product of the country, paying for labor about $8,000,000; and in 1874 the product of pig-iron of the whole country was about two and a half million tons.

In 1860 all the manufactures of the country amounted to about nineteen hundred millions, in 1870 to four thousand two hundred and fifty millions. In 1860 we exported of manufactures about fifty millions, and in 1874 over ninety millions. In nine western States in 1860 the value of manufactures was two hundred and twenty-nine millions, and in 1870 more than eight hundred millions. About 1,200,000 persons are employed in trade and transportation. At least half this employment comes from manufactures. Our iron and steel manufactories and a great variety of cotton and woolen and wood manufactories are of sufficient capacity to supply the country.

The gentleman from Illinois, [Mr. BURCHARD,] who seems to think that the chief blessing of the world is low prices, and that the only object of Government is low prices, and that if western farmers could buy their manufactures for nothing this country would be an Elysium, appeared the other day to fight the battle of free trade, and produced a bewildering array of tabulated figures to annihilate our manufactures, and he seems to have proved to his own satisfaction by these figures that the more manufactures are protected, and the more manufacturing is done in the country, the higher prices become. Figures it is said will not lie. But there is one thing certain, figures, and facts which they represent, may both be made to produce false results by incongruous combinations and false relations to each other. Facts, like anything else, may be misapplied. The gentleman gave us an illustration of this when he set to work to prove that protection as a policy permanently enhances the price of manufactures, by citing instances and illustrations of what we admit is the temporary result of a tariff, that for a certain time succeeding the laying on or increasing of a tariff on a given manufacture its price is increased. While he failed to prove his proposition, he accomplished what is calculated to mislead all those who would content themselves with his say-so without further inquiry.

No such temporary effects truthfully illustrate protection. While for a time a tariff having excluded or limited the importation of a certain fabric will raise the price of the domestic manufacture, yet that very increased price will induce competition to the extent of the capacity for production which will reduce the price ultimately as low as will sustain the manufacture. The same law will govern here as governs the price of foreign manufactures. The temporary results exhibited in his elaborate tables are not the *criteria* by which to measure the continuous history of a business. In the long run, in either foreign or domestic manufacture or in anything else, the law of supply and demand regulate the price.

For the sake of the argument, suppose the tariff should permanently raise the price of manufactured articles. No branch of business can stand alone and independent of all others. They all depend upon and sympathize with each other, and no one great interest can exclusively appropriate to itself the benefit of excessive reward. High prices for manufactures affect the prices in every department of trade and directly raise the price of labor and raw materials of every discription, including provisions, and thus compensate for any increase in the price of manufactures. But he says that the high prices of manufactures increase the burden of the whole people who purchase them, while they only confer this reciprocal benefit upon the immediate locality where they are produced. This is impossible in the nature of things. The increase in the price of manufactures or of grain or provisions in New York is felt simultaneously in every town and hamlet and on every farm in the land; and so a tariff protecting a manufacturer in Massachusetts or Pennsylvania is felt in its appreciating power upon the whole business of the country. There is not a day's work or bushel of wheat or pound of beef that is not affected by it from Massachusetts to Texas. This can no more be prevented than a wave of the sea can be prevented from seeking its level.

But suppose this is true, what is gained by this raising the price of everything? Has a day's wages or a bushel of wheat more purchasing power than it had when we were without a tariff and without manufactures and prices were low? It has more purchasing power for the reason that the wheat has a market and labor has employment for which they both receive the means of purchasing, and without a market and employment they cannot command the means of purchasing at all. Under free trade, wheat and provisions can go to a foreign market. Yes, to a limited extent, not to exceed one-eighth of the product of the country, with the expenses of transportation, insurance, and all the other charges that attend it on its long journey to reach a competition with the produce of all the world. But what is to become of the other seven-eighths? The home market for one-fourth of it is gone with the abandoned manufactures. And what becomes of your labor that found employment in manufactures? A portion of it, the most valuable, the choicest skill goes to other countries to enrich other lands, and the remainder, from two to three millions of operatives, are driven by necessity into agriculture, adding their production to the already marketless millions. What then will grain and provisions be worth? It would not be worth harvesting. Then with free trade foreign manufactures will have the market to themselves without any competition from us, and we shall be able to buy at their prices, and not ours. Then, with provisions we will pay them so far as they will take them. Yes, out of a surplus product of two or three thousand millions of farm products we will exchange three hundred millions' worth, if they need them, and as we have nothing else to exchange we will pay the balance of three or four hundred million dollars in money, or go into bankruptcy to pay the balance of trade against us. This is no tariff. This is free trade and its low prices.

As I have already said, protection does not permanently enhance the price of manufactures. The home market being assured and confidence in the stability of the protective policy established, capital will seek investment in manufactures, as it has done in the iron business, and the home competition, aided by perfected machinery and skill, with the abundant facilities of the country, will produce all the fabrics required by our people, of as good quality and as cheap as they can be produced anywhere. The question is, who shall do the business and receive the pay, and whether we shall manufacture for ourselves, employ our own people and keep our money at home, or buy our goods abroad, send our money out of the country, and deny our people employment? If anybody doubts that under a protective tariff our markets can be supplied with cheap goods by ourselves, let him look to-day at the prices of all American woolen and cotton goods and American iron and its manufactures, and see every market full of better and cheaper goods than England ever sent here under free trade. Our people are getting to know it. They are getting tired of the free-trade cry, "Buy where you can buy cheapest and sell where you can sell dearest." They have got to understand what Carlyle meant by cheap and nasty. They do not want English cinder iron nor English shoddy. They do not want English prints that lose one-third of their market value the first time they are dipped in the wash-tub. They prefer that she should cheat somebody else with them at free-trade prices even if she has to steal American trade-marks to get them off her hands.

The gentleman says, buy where you can buy cheapest and sell where you can sell dearest. Where it costs two bushels of wheat to sell one to a foreign market it is, to say the least, questionable whether this is not rather costly selling than selling dear. Transportation across a continent and over the sea cannot be done for nothing and will require a great amount of grangering to reduce it to nothing. In his ecstasy over the English market he ignores with contempt the market of our own people for the products of the West, and broadly proclaims Great Britain the only market, and boasts that the West feeds 15,000,000 of Englishmen. I certainly have no objection to his feeding all mankind, but inasmuch as all the breadstuffs and provisions shipped from this country to all the world amount to less than two hundred and fifty millions, and John Bull gets less than two hundred millions, his 15,000,000 of Englishmen fare pretty slim on about $13 *per capita* per annum, the slimmest feeding any English ever got since they learned to eat beef and drink ale.

The farm products of the country amount to about twenty-six hundred millions. Two hundred and fifty millions go abroad, leaving twenty-three hundred and fifty millions at home. Who consumes it?

The manufacturing interest in producing its five thousand millions, worth of fabrics supports one-fourth, or eleven millions of the people, and consumes and pays for about six hundred millions of farm products, a sum equal to the whole export or import trade of the nation. Truly the gentleman must have looked at his country's enterprise through a pair of British spectacles.

The chairman of the Committee of Ways and Means is also troubled with the low-price fever. By his bill he taxes tea and coffee, articles we cannot produce, and which cannot be considered as luxuries, but which as articles of food have really become necessities to all classes. Also he has taken tin and several other indispensable articles that we cannot produce from the free list and placed them on the dutiable list, and on these would raise a tax of twenty-five millions, so as to enable him to attack and cut down nearly all the domestic manufactures of the country. He reduces the tariff on pig-iron, one of our staples, $2 per ton, and on all descriptions of iron and steel manufactures from one-third to one-half; and so on, and worse, to the end, closing out with an additional free list of about sixty articles which we can produce, including even fire-brick and paving-stone. Under the present tariff nearly one-third of all our imports are free; but this is not enough to meet all the demands of free trade. Under this bill more than a third of the imports will be free, and the balance will be reduced to a scanty revenue tariff that will starve the Treasury and open the gates to a competition from abroad that must completely overwhelm our own manufactures and put them out of all competition, and give the market to foreign manufacturers at their own terms. This has always been the result of a low tariff upon the staples of this country.

But in the fever for low prices the destruction of American interests seems to be a matter of small moment. The great foreign importing interest must be taken care of, even at the price of American labor and prosperity, even if it overwhelms us with a hopeless balance of trade and bankruptcy. Low prices! The chairman is haunted by the price of a few blankets, and the burden of his speech is given to these blankets. They cost 56 cents in London and 110 cents in New York. Well, suppose they are free, does he expect to buy them in New York as cheap as in London? Nobody will bring them to New York for nothing nor sell them in New York without a profit. They are now made by ourselves with our own demand for them. Make them free, or reduce them to a purely revenue tariff, and the English will then transport them here and charge all their own competition will admit of.

The chairman also undertakes to prove that protection does not make a home market. He says the "home market" is a cheat and catch-word of the protectionists; that the overgrowth of grain has outgrown the wondrous growth of population, not only in the country at large, but in Pennsylvania, the chief seat of protection, and proves it by saying we now produce as much to the person as in 1860. That in 1860 Pennsylvania produced 4¼ bushels of wheat and 9.7 bushels of corn, and in 1875 4½ bushels of wheat and 11¼ bushels of corn to the person; and so the pretense of a home market there for the product of the grain fields is a sham and a cheat. And that in 1860 not 10 per cent. of our agricultural products were exported for market, estimating by export of wheat and corn, and that in 1875 22 per cent. of our whole products had to find a foreign market.

Let us examine this a little and see how much there is in this proof. First, Pennsylvania produces a little less wheat to the person than in 1860, and about two bushels of corn more to the person. The wheat crop increased in Pennsylvania about 2,000,000 bushels, and the corn crop about 16,000,000 bushels. Pennsylvania contains at least 4,000,000 of people; one-third, or over 1,300,000 of that people are supported by manufactures, and consume one-third of the whole amount consumed by the whole Commonwealth, which is equal to more than one-third of the amount of exports of breadstuffs and provisions from this country to Great Britain. In fifteen years her population has increased 29¼ per cent. of her present population, while the rest of the country has increased about 28 per cent. The value of her live stock has increased 38 per cent. in the same time, while that of the rest of the country has increased 28 per cent. Her live stock is worth twenty millions, and her whole farm products are worth two hundred millions, and grand as is her agriculture, with the help of her manufacturing and mining interests, she furnishes her own market for it all. He says in 1860 we exported 9.9 per cent. of the wheat and ¼ of 1 per cent. of the corn crop, and in 1875, 33.2 per cent. of wheat and 2½ per cent. of corn, and that the export of wheat and corn in 1860 was 10.2 per cent. of the combined crop, and 22 per cent. in 1875.

But what does this show? Why, that the increase of export has been $11\frac{8}{10}$ per cent. But the increased product of corn and wheat has been $23\frac{2}{10}$ per cent., so that the percentage of increased export has not kept up with the percentage of increased production by $11\frac{4}{10}$ per cent. And the percentage of increased home consumption is just that much greater than the percentage of increased exportation. Truly this looks as though something had increased the home market.

This computation is on his own tables. But it is really still stronger against him. The census shows the wheat crop of 1870 to have reached the enormous amount of 287,745,626 bushels, while for the purpose of his argument he has stated it in 1875 to amount only to 219,333,395 bushels, making the crop 68,412,231 bushels less in 1875 than in 1870; evidently a mistake, and which would make for home consumption that much more at least.

The farm products in the whole country have increased 28 per cent. and the population in the same ratio. One-fourth of the employment of the country is furnished by its manufactures, and 11,000,000 of its people are supported by them, consuming one-fourth of the farm products of the country, being more than double the whole exports of both breadstuffs and provisions.

So much for the great question of a home market. So much on the question of free trade and protection. The only obstacle in the way of harmony upon the question of protection between the agricultural and manufacturing interests is the hope of agriculture in the European market, and this I regard as but temporary; and in concluding I make the prediction that within the next five years these two great interests will be one on the question of protection and all the questions involved in it. This very hour India is taking possession of the English bread market, and within the next five years that vast region of productiveness, where eighty million bushels of wheat in useless surplus rots on the ground, will supply every European market. Our agriculture, unable even with all its labor-saving machinery to compete with the labor of millions who will produce wheat for two or three rupees per month, will be forced into sympathy with the manufacturing interest, and it will be found at home and in Congress with irresistible power in favor of protection and a home market. Then the Government will discharge its duty to its industry, and in return the labor of the country will come up in its majesty and bless the land with prosperity.

[Mr. MILLIKEN next addressed the committee. His remarks will appear in the Appendix.]

RAILROADS AND CHEAP TRANSPORTATION.

Mr. MACKEY, of Pennsylvania. Mr. Chairman, as a member of the committee that reported the bill under consideration, I desire to say a few words in favor of its passage, and am the more anxious that it may be favorably considered by the House from the fact that I earnestly believe that the enterprise proposed by this bill, if legislated into vitality, will contribute largely to the promotion of the productive industry of the country.

Congress, in my opinion, can make no higher contribution to the prosperity of the nation than by aiding so far as may be within its power, without encroaching upon the national Treasury, all enterprises that may be presented for the construction of railroads. Railways give employment to labor, and without them we cannot develop those resources of our country with which it is so bountifully supplied. To me it has been a source of sincere regret that this Congress has been in session for more than five months and so few measures have been perfected for the relief of the prostrate industries and starving labor of the country. Five months gone, and but little done for the people! When I go to my home and hear of the distress and suffering pervading almost all classes and conditions of our people; when I see hundreds of men with willing hands and honest hearts standing upon our streets with their hands in their pockets, and nothing there but their hands, asking not for bread but for work, that by honest toil they may earn bread for themselves, their wives, and their children, and am asked why does not Congress do something to relieve the sufferings of the people, I am at a loss for a satisfactory answer. But I take courage when measures such as that under consideration are presented to the House; for with questions such as these the interests of every laboring man of the country are involved, and I consider them of equal if not paramount importance to those of finance and currency, upon which so much has been said and so little done.

The productions of the country will be increased in proportion to the increase of the means of transportation, and if these means furnish cheap and fixed rates, the productions of labor will prove themselves to be the acknowledged basis of our wealth.

Stimulate and encourage public enterprises; give encouragement to capital to embark in railroad enterprises, in opening our mines of wealth, in establishing manufactories; protect and sustain the manufacturing interests of our country; aid in the development of our resources; utilize in the highest degree the various elements of wealth with which we are so bountifully supplied; decrease our importations by any legislation you can devise, and by similar means stimulate and increase our exports; restore the administration of the Government to that honesty, purity, and simplicity which characterized it in former days; enact such laws as will induce capital to give employment to labor, and thereby avert the impending conflict between capital and labor; restore official faithfulness to the several departments of our Government and secure economy and integrity in its administration; let the inspiration of the people be popular government honestly administered under the Constitution; give faith to energy and life to industry; repeal all laws fixing a definite time for the resumption of specie payments, and industry will revive, labor will receive employment and remuneration, and resumption will come by the natural laws of business and commerce long before it can be enforced by any arbitrary legislation.

Mr. Chairman, no subject can be presented to this House of greater importance in view of its influence on the prosperity of the country than that of cheap transportation, and the interests of the people demand that Congress shall devise that system of transportation for the mineral, agricultural, and manufactured products of the country which shall prove itself to be the cheapest, most perfect, and most enduring. An increase of railway facilities for conveying the prod-

ucts of the country from the section where produced to those of the purchaser and consumer will always increase not only the amount of the productions but also the tonnage furnished to the carrying companies, and thus the reciprocal influence prove beneficial to both.

The object of the bill under consideration is to provide for cheap transportation between the great producing regions of the West and the East, and under its provisions it is proposed to incorporate a company under the name and title of The United States Railway Corporation, authorized and empowered to obtain the necessary franchises and right of way, and title thereto, under the forms and in the manner prescribed by the laws of the States, and consolidate the same so as to create and maintain a perfect organization in and for the interests of commerce between the States, and to build and operate a railway, principally for freight, with a double track and steel rails, and with a grade not exceeding for eastward-bound traffic forty feet to the mile, to be built from some point on New York Bay to Council Bluffs, or to such other convenient point on the Missouri River, in the State of Iowa, as shall offer the best connection with the system of railways west of the Missouri River. The controlling management of the road is placed in the hands, not of stockholders, but of a board of seven commissioners appointed by the governors of the several States through which the road is to be constructed. Under the provisions of this bill no extortionate charges for transportation can be made. The tariff rates and charges are to be fixed and adjusted by commissioners, the representatives of the people who are interested in cheap transportation through the several States within whose limits the road is to be built. State laws cannot fix rates and charges except within the limits of the State in granting franchises, and it can only be done in such a manner as to aid the western producer by Congress, under the powers vested in it by the Constitution to regulate commerce among the States. This question, I believe, has not been positively decided by the highest judicial tribunal of the nation, but it is the generally accepted opinion that Congress has the power to regulate rates and charges on railroads passing through the States, and to regulate interstate commerce. In the case of Gray *vs.* The Clinton Bridge Company, in the Supreme Court of the United States, Justice Miller used the following language:

> For myself, I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become a part of one of those lines of interstate communication, or to authorize the creation of such roads when the purposes of interstate transportation of persons and property justify and require it.

If natural highways, such as rivers and lakes, are entitled to aid from the Government, and this is not doubted, who shall say that the Government has not equally the power to aid by appropriate legislation artificial highways of commerce, such as railways and canals?

The certainty which Government control, or rather such control as is contemplated by this bill, by persons selected by the several States through which the road may pass, will give to the rates of transportation, will so largely increase the productions of the West and Northwest that reduced rates, rates as low as any that can be furnished by water communication, will assure to railroads a remunerative income, and more especially so to the road contemplated by this bill, which, with the wise provisions contained in it against fraudulent practices in its construction and management, will not be encumbered by the incubus of an excess of liabilities above its actual cost of construction.

The producer and his labor create the wealth of the country, and yet he generally is poor, while the purchaser and consumer is enabled to enjoy all the advantages afforded by wealth, simply because the fruits of the producer's toil cannot reach a market where they may be disposed of at remunerative prices, on account of the lack of cheap transportation. Of what advantage is all the agricultural and mineral wealth of the great West and Northwest if it can find no market? Statistics have been produced here to show that corn forwarded from the West to an eastern market has netted the producer but eight cents a bushel, while the carrying company's charges were six times as great; and another case in which an Iowa farmer forwarded his corn at a cost of sixty-seven cents a bushel and received for it sixty-eight cents a bushel, thus leaving him a profit of one cent a bushel to compensate him for his labor, the interest on his invested capital, and his current and necessary expenses. In every case, therefore, it is safe to say, the producer, who represents the large majority of our people, is the man who is made to suffer; and the same is true to some extent with the consumer, while the transportation companies grow rich at the expense of both producer and consumer. Monopolies are never beneficial to any except those who enjoy the special privilege of being the monopolists; and this is a class in every community which can well be dispensed with to the great advantage of the public.

It may be claimed that the bill under consideration is a monopoly in itself. This is not the case. It makes no provision to monopolize the traffic in freight, but simply through its board of managers, who will be the representatives of the people and the people's interests, regulates the charges for freight so as not to oppress those for whom the Government has been established, and without whom the Government can neither prosper nor maintain its existence, and adopt such a tariff of rates as will enable the productions of the West to be shipped to the seaboard, and be sold at such prices as will yield a fair profit to the producer and impose no extravagant charges upon the consumer. It is not a monopoly, and does not propose to take any steps toward monopolizing traffic in any manner whatever. Its design is a measure of relief to the suffering citizens of both East and West by furnishing transportation for the great natural productions of the one and the manufactures and merchandise of the other, so that a fair exchange may be effected in such a manner as will prove of advantage to both sections of the country. Certainly there can be no objections to any measure calculated to effect the purpose designed to be accomplished by the provisions of this bill.

I do not believe, sir, that the bill, if passed, will prove detrimental to existing corporations. The evident result must be to stimulate production and thus in turn benefit the transportation companies already existing and operating their several lines of railways and canals. It may modify their freight rates, but I cannot see that it will prove detrimental to their interests, if the ultimate result is to give them an increased traffic. On the other hand I can see that this increased production and increased traffic will not only prove beneficial to the carrying companies themselves, but also create a new and enlarged demand for labor, and thus give employment to thousands now suffering for the necessaries of life.

It is not the design of this bill to do injustice in any sense to either individuals or corporations, but simply that the burdens may be more nearly equalized and the benefits derived from railways and similar corporations be more fairly distributed among the people. The people are entitled to this, and the public interest and the public welfare demand it.

Pass this bill and any others that authorize the construction of railways from the great producing West to the seaboard, and you will enrich the producer, improve the condition of the eastern consumer, give employment to labor, and life, vigor, and energy to the various industries of our country, and contribute more largely than by any other act within the scope of congressional power to ameliorate the condition of the workingmen of the nation.

The question of cheap transportation becomes of greater importance from the fact that while a very large proportion of the heavy products requiring transportation are produced in the West, about the same proportion of the capital to purchase, move, and market them is held in the East, and near the seaboard.

Let this Government emulate the example of almost all other nations, who have ever considered it their highest prerogative to aid in the construction of commercial highways. No subsidy, no land grant, no indorsement of bonds is asked for from the Government in this bill; and while the committee in reporting it express no opinion as to the power or policy of the Government in this respect, they believe it to be the duty of Congress to encourage by all practicable and available means the construction of great national highways by private capital and enterprise, that the interests, prosperity, and happiness of the people may be promoted.

INVENTORS AND THE PATENT OFFICE.

Mr. J. H. BAGLEY. Mr. Chairman, the subject which I propose to consider is one that has not met with much favor in this House, or perhaps it will be better to qualify my words by saying that in some of its phases it has met with opposition. There is an apparent disposition to ignore inventors when applying for extensions of their patents, and in such a manner as to indicate that a sentiment prevails that they have few rights which Congress is bound to respect, although a law exists permitting them to apply for relief, and making it the duty of this body to consider their petitions, and to grant their prayers when made in the proper manner, and when the merits of the case admit and require a favorable report from the Committee on Patents.

As a member of that committee I deem it my privilege, possibly it is my duty, to call the attention of the House and the country to the present condition of our Patent Office and system, and in a humble manner to present to view its advantages. In doing so I may evoke adverse criticism, as I intend in this connection to attempt a defense of inventors. I am well aware that here the subject is an unpopular one, and does not possess the absorbing interest which attaches to the subjects of the currency, the tariff, and other important topics that have from time to time commanded the eloquence of gentlemen on this floor, and which have, by the way, been most ably discussed. Notwithstanding this, the question possesses at least the merit of being new in the domain of discussion, and the Patent Office, being a Bureau of the Government, is a proper topic for consideration.

In view of the fact that many are inclined to antagonize the interests of inventors, particularly our granger friends, who imagine that every patent issued and every extension of a patent granted is in direct opposition to their interests and in furtherance of the interests of monopolies, it will be well for me to remind such that our material progress in the mechanic arts and agricultural pursuits has for its foundations the inventors of the world, who from their ingenious brains have worked out the plans, instruments, and results which have raised man from barbarism to civilization. I may not be justified in attributing to inventions solely this great advancement, and yet it will be difficult to point to any age where the inventor has not contributed largely.

Impelled by the love of fame, as well as the acquisition of wealth, the mind of man has been engaged in the creation of works of art, of utility, and convenience from the earliest ages, slowly at first, until in this nineteenth century the faculty has ripened and developed, and ours bears the palm as the era of great inventions. From the time when in the Garden of Eden our first parents sewed fig leaves together, inventive genius has been displayed in greater or less degree,

till in our day it has culminated in the steam-engine and the electric telegraph. The wooden plow of the ancients is abandoned and gives place to the useful and effective implement of the present time. Agricultural tools and conveniences multiply on every side, and the tiller of the soil is made glad and enriched by the introduction of speechless but many-fingered helpers, reducing his labors and causing the earth to bring forth with renewed and manifold increase. With increased populations come increased means for their support. A wise and beneficent Providence implants in man a fertile imagination, and making him the agent to carry out His great designs, directs his thoughts to the invention of useful machines, and thereby contributing to his comfort, advancement, and happiness.

The farmer, the soldier, the mariner, the manufacturer, all classes of industry have derived what appliances they have in their vocations and are still dependent upon the inventor. In the mansion of the rich or the modest home of the poor, on every side wherever is to be seen a comfort or convenience, behold the result of the studious and active mind of the inventor. The practical results of this gift are to be seen in every direction, and in every land and upon every sea are the monuments of the impulse, the energy, and the efforts of these men of thought, imparting to the peoples of the earth a grand sentiment of progress and impelling to new glories and greater and better action the nations.

Mr. Chairman, this may not be the place for pronouncing encomiums upon inventions or for an elaborate eulogy of inventors, neither do I propose it; but a recent visit to the centennial exposition has impressed me, and no doubt it has every member of this House, with the grandeur of the conceptions of inventive genius. Observe the immense engine, which at a simple touch moves with ponderous, yet graceful dignity, inspiring every other part of the grand combination with life, performing the labors of ten thousand hands, and, like a good servant, accomplishing the desire of its master. What perfect unison! what charming harmony of action! A glance at that alone should be sufficient to fill every heart with admiration for the inventive and mechanical skill which produces such grand forms and results, and dispel the feeling of envy or objection existing against the legitimate claims of the inventor.

It is true, there may be an honest difference of opinion as to these claims, one argument being that the inventor is as much entitled to his invention as the house-owner is to his property, and that he and his heirs should remain in perpetual possession, while the other side declare that his ownership should be limited to a short term of years, and then become public property, open to competition in manufacture, and the inventor deprived of personal benefit, except so far as he may take his chances with general competitors; that the term of the patent should be arbitrary, without the right of extension, regardless of the fact of inadequate reward; permitting no sympathy for him on account of poverty, or adverse circumstances, or misfortunes of any kind, leaving nothing for him but the fame he may have acquired, and which, in many instances, is taken from him by the sharp, shrewd speculator in patents, consigning the inventor not only to poverty, but oblivion. Upon this, as upon many other subjects, there are extremists, and I believe I have stated the extremes. A happy mean would be to give to a patent a long life, so that the patentee could, with a proper business tact, realize a sufficient amount to reward him for his time, labor, and ingenuity.

The present law, fixing the term at seventeen years, is generous and should be satisfactory. Under no circumstances should the patent extend beyond the statute term; for the fact that an extension can and may be obtained works a hardship to manufacturers and others who may have invested in particular machines, and whose purchased rights may be invaded by such extension. One advantage of the single term without extension is that the patentee, knowing the necessity, would be incited to proper exertions to realize from his privilege an adequate profit or reward. All exclusive privileges are of necessity monopolies, and should be so guarded and controlled by wise legislation as not to become oppressive or a burden to the people. A patent is of this character, but the invention which it commissions, being the result of individual effort, is entitled to certain consideration and protection. If an extension is permitted, as is the case under the old law, the patentee should be held to a strict compliance with that law.

One great difficulty the Committee on Patents has had to contend with in applications for first extensions is the excuse that the applicant, not understanding the law, has failed in his statements before the Commissioner and hence had his claim rejected; the Commissioner being permitted to extend, after the expiration of the original, upon proper application and evidence. Ignorance of the law should be no excuse. He who has possession of a valuable patent should be sufficiently interested in it to know the law protecting him, and should comply with its requirements or suffer. Ignorance of law is not an effectual plea before the courts, for every man is supposed to know the law and is held accountable. So with an application to Congress for an extension or an enabling act to apply to the Commissioner. Congress is the court, and if the evidence shows that the applicant has failed even in some minor detail in his application because of ignorance, his claim should be rejected by the committee. This plan would relieve the committee of much annoying investigation, and would be a warning to applicants to be wary, lest neglect should prove a bar to success. The present loose system encourages carelessness and may be productive of false representations, ignorance of law being a very safe refuge in the absence of some better excuse.

I would not include in the list to be rejected those who for a good reason, from circumstances beyond control, had failed compliance with the rules of the Patent Office. Many cases of this kind could arise, fair subjects for consideration, which might possess merit not to be disregarded, but would reject emphatically and absolutely the plea of ignorance. I am inclined to think, furthermore, that it would be better to have a general law controlling these cases, and avoid the necessity of special legislation; or even better than that, to leave it entirely with the Commissioner of Patents, without reference to Congress. This branch of the national Legislature is so large that cases of this character rarely receives proper consideration, and it is evident that the House is not always, and in fact seldom, willing to accept the conclusions of its committee. I speak from knowledge when I say that the duties of this committee have been discharged this session with a single eye to the administration of justice, and with favoritism to none.

But to return. The history of inventions is one of the most interesting to study. The Congressional Library contains many books suggestive of the benefits conferred upon the world by this class of active intellects, who have studied out and brought to light the multitude of grand devices and designs once unknown or mysteries, but now so plain and simple. The stories of self-sacrifice, of poverty, anxiety, and toil, the hopes deferred, the efforts unrewarded, the treasure spent, tell at what great cost this present age enjoys its many blessings. While the record of some mighty leader in battle, shedding the blood of nations, acquiring glory and renown and position upon the misery and ruin of his fellow-men, charms the popular eye and ear, he who has conferred a boon and added to the stock of human happiness by some useful invention receives but a passing notice and his name perhaps passes into oblivion. The arts of war are seemingly paramount to the arts of peace.

Our present patent laws, while in the main judicious, yet embody some peculiarities worthy of consideration. Notably is that of a patent taken out in a foreign land (in England) to run a stated time, which, lapsing for the non-payment of certain fees, causes the American patent to die. Issued for fourteen years, it ceases (regardless of the time it has run) with the foreign patent. In making this statement it is proper to say that no legal decision has yet been rendered upon this point; but it is the opinion of lawyers familiar with patent law that the American patent would cease by a lapse of the foreign patent, while others maintain that such consequence would follow only upon the expiration of the full term of the foreign patent. I have in vain sought for an explanation of this dependence of American law upon foreign law. There is no good reason discoverable why there should be any connection between the two, unless it be in the interest of manufacturers, and this position will not stand the test of argument. They are separate and distinct, without any bond of sympathy, and it is felt by inventors and believed by those who understand the subject that the law should be repealed. In Great Britain the law requires the payment of heavy fees at the end of the third and seventh years of the existence of the patent, and if the fees are not paid the patent terminates. Under our laws the original fee is all required, except in case of re-issue, and the patentee enjoys his privileges undisturbed, at least by the Government. Our law seems to be fair, liberal, and just, while the English is the reverse, and most oppressive to the inventor. But this is the land of invention and of progress.

It is quite possible, and no doubt is the fact, that many things are patented which cannot claim novelty to any extent, and are so simple that they hardly merit special privileges. We are made to pay royalty upon articles of the most simple construction, and upon very trivial claims, merely because some shrewd thinker has conceived the idea of asking for a patent, and the Commissioner in such cases is bound, if the article shows originality and is patentable, to grant the petition. Hence we have patents for coffee-pots, inkstands, glove-fastenings, paper boxes, stove-legs, and kindred articles entering into every day's domestic use, and oftentimes separate parts of these trifling but very useful utensils are patented. The consequence is, in many cases, that the public is obliged to pay an excessive percentage of profit for thousands of these every-day conveniences. The Government, however, receives as large a fee for issuing such patents as for the more important ones; but it is a question, and a pertinent one, whether this fee is a fair offset to the tax in the way of royalties imposed upon the people. Nevertheless these laws and rules exist, and it would be a difficult matter to draw the line between inventions that are of sufficient importance to be patented and those which are not. There would be no doubt as to the cotton-gin, the card-stripper, the sewing-machine, the mower, or the electric telegraph; there might be as to the bouquet-holder, the stove-shaker, or a patent tooth-pick.

It is an amusing fact that oftentimes the most ridiculous articles are offered for patent. There ever have been, and always will be probably, men who indulge in the vain and illusive idea of perpetual motion, and I am credibly informed that frequent application is made for patents for this sort of thing. The God of nature, who by His almighty will keeps the universe in motion, has not yet deigned to impart to man the wondrous secret; and although He permits us to view His grand designs, the planets traveling in their orbits, all things coming in their seasons, yet He says to man, "Thus far canst thou go, and no farther."

It seems to be characteristic of inventive genius to indulge in air-castle building, and it often leads to most absurd results. The fol-

lowing, clipped from a newspaper a few days ago, although intended as a burlesque, is a fair caricature of the extravagance of some minds in the way of inventions:

Among the ridiculous patents issued from the Patent Office is one where the inventor wanted a patent for an artificial moon. His idea was to have an immense balloon, which was to be moored in the air above the town or city, and from which would be suspended an electric light or great fire. By means of this invention we were to become entirely independent of the moon and dispense with gas-lamps in the streets altogether.

Still another wanted a patent for placing a large propeller-wheel on the bow of a boat. The vessel was simply to be started by a steam-engine, and then the forward motion of the boat would cause the water to turn the wheel on the bow; and this wheel would in turn impart motion to another wheel at the stern, which is to drive the boat forward. The inventor's great fear in regard to this invention was that it would be impossible to build a boat that would be strong enough to go through the water at the immense speed he expected to attain by means of his invention; and his great object was to invent some method to keep the boat from running more than fifty miles an hour.

Another wanted to obtain a patent upon an embalming compound; and wishing to show how well it would preserve bodies, obtained the body of an infant, embalmed it in his best manner, and sent the body to the Office as a model. His model was instantly returned to him.

Applications for patents for perpetual motion are about as frequent as ever. Many of these inventions show a great deal of ingenuity, but all of them an utter lack of knowledge of the simplest laws of nature.

But there are in all departments of life the impractical and foolish as well as the practical and wise. Fortunately for us, among inventors the practical predominates.

We have the most perfect patent system in the world, and I think I have a right to say that the business of the Patent Office is conducted with more ability and economy than any other Department of the Government. The revenues of the Patent Office are always in excess of its expenditures, and at this time there is to the credit of this Bureau in the United States Treasury nearly $900,000. What other branch of the Government can show such an exhibit as this? And yet there are those who pretend they would abolish the Office and deprive inventors of all protection.

To get an idea of the magnitude of this department, it is necessary to pay a visit to the museum of models in the magnificent building of the Interior Department. This is one of the great sights of the capital city. The visitor in Washington who neglects the opportunity of inspecting this grand museum of the results of inventive genius makes a serious omission and fails to see one of the most important and interesting features of the capital; and by the way, and in connection with this allusion to the museum and building, I wish to say that this splendid marble and granite structure was paid for in part from the revenues of the Office, the contributions of inventors in the form of fees. The act of Congress authorizing the building was approved July 4, 1836, and the amount expended from the patent fund was $319,000.

To conduct this immense business it is necessary to have a large corps of employés, and many of them, particularly the examiners, must be experts. By experts in this connection is not meant good clerks or book-keepers, but gentlemen familiar with mechanics, scientific men, and accustomed to the workings of the Office. To attain proficiency as an examiner requires experience and special training. The Commissioner of Patents, in a letter addressed to the House of Representatives upon a reduction of the force and salaries, uses the following language, which should be conclusive:

I beg leave to suggest that the work of the Office requires special training; that even with the present pay it is not possible long to keep in Government employ many of those best fitted by talent and experience for the duty; that the credit of the Office, and the interest of inventors whose money supports the Office, and of manufacturers, whose capital to many millions is involved in patents, are imperiled by inefficient work; and that the increased number of patents and the general progress of the arts render the proper examination each year more difficult. The erroneous issue of a single patent may easily involve the loss of ten times the amount of the yearly pay of an examiner. These examiners are not only to grant patents, but to see that none are improperly granted. Inventors pay to the Government more than enough to afford the small pay now allowed. To take possession of this fund, and then furnish half-paid (and consequently poor) service, seems like a fraud on inventors.

This note indicates (and there can be no better authority upon the subject than the Commissioner) that cheap men as examiners are not profitable, and that it is not true economy to reduce the pay of this class of employés below a figure commensurate with their services; and experience has proved that it is impossible to retain them, for the same reason that actuates most men, the betterment of their condition. If they can do better, it is natural for them to do so. The argument that they have obtained their knowledge of patents while in Government employ, which knowledge qualifies them to practice as solicitors, and that because of this they should retain their places as a matter of gratitude, falls to the ground. There is no law to prevent resignations; and while the heart may beat with grateful emotions to the Government for its instructions, it becomes necessary to forego sentiment and choose between a starving salary and a fat income. The remedy is, pay according to talent and retain the valuable men.

There has been a gradual and steady increase of the business of the Office from the year 1837, the year on which the Commissioner's comparative statement commences, until the present time, and during the thirty-eight years but eight years show the expenditures in excess of the receipts. In 1837 the cash received was $29,289.08; in 1875, $743,453.36. The number of patents issued in 1837, 435; in 1875, 16,288—an increase so large as to seem almost incredible. A table giving a comparative statement of the business of the Office from 1837 to 1875, inclusive, is here submitted, and tells its own story. It is worthy of examination:

Year.	Applications.	Caveats filed.	Patents issued.	Cash received.	Cash expended.
1837	.....	.....	435	$29,289 08	$33,506 98
1838	.....	.....	520	42,123 54	37,402 10
1839	.....	.....	425	37,260 00	34,543 51
1840	735	228	473	38,056 51	39,020 67
1841	847	312	495	40,413 01	52,666 87
1842	761	391	517	36,505 68	31,241 48
1843	819	315	531	35,315 81	30,776 96
1844	1,045	380	502	42,509 26	36,244 73
1845	1,246	452	502	51,076 14	30,395 65
1846	1,272	448	619	50,264 16	46,158 71
1847	1,531	553	572	63,111 19	41,878 35
1848	1,628	607	660	67,576 69	58,905 84
1849	1,955	595	1,070	80,752 98	77,716 44
1850	2,193	602	995	86,927 05	80,100 95
1851	2,258	760	869	95,738 61	86,916 93
1852	2,139	996	1,020	112,656 34	95,916 91
1853	2,673	901	958	121,527 45	132,869 83
1854	3,324	868	1,902	163,789 84	167,146 32
1855	4,435	906	2,024	216,459 35	179,540 33
1856	4,960	1,024	2,502	192,588 02	199,931 02
1857	4,771	1,010	2,910	196,132 01	211,582 09
1858	5,364	934	3,710	203,716 16	193,193 74
1859	6,225	1,097	4,538	245,942 15	210,278 41
1860	7,653	1,084	4,819	256,352 59	252,820 80
1861	4,643	700	3,340	137,354 44	221,491 91
1862	5,038	824	3,521	215,754 99	182,810 39
1863	6,014	787	4,170	195,593 29	189,414 14
1864	6,932	1,063	5,020	240,919 98	229,866 00
1865	10,644	1,937	6,616	348,791 84	274,199 34
1866	15,269	2,723	9,450	495,665 38	361,724 28
1867	21,276	3,597	13,015	646,581 92	639,263 32
1868	20,420	3,705	13,378	681,565 86	628,679 77
1869	19,271	3,624	13,986	693,145 81	486,430 78
1870	19,171	3,273	13,321	669,456 76	557,149 49
1871	19,472	3,366	13,033	678,716 46	560,505 08
1872	18,246	3,090	13,500	699,736 39	665,591 36
1873	20,414	3,248	12,864	703,191 77	691,178 98
1874	21,602	3,781	13,599	734,278 17	679,288 41
1875	21,638	3,094	16,288	743,453 36	741,657 71

Through the courtesy of a gentleman in the Office, I have obtained the following facts and figures, which prove the wonderful increase of business. He says:

In making this estimate I have calculated the cost to the Office to dispose of an application, whether it went to patent or was rejected, for the reason that, as a rule, rejected applications cost the Office more for examinations, &c., than those which are allowed. There were disposed of in 1856 4,960 applications; in 1865, 10,664; and in 1875, 23,250. The expenses for those years were: 1856, $125,843 for salaries and $31,571 for miscellaneous expenses; 1865, $195,487 for salaries and $73,244 for miscellaneous expenses; 1875, $459,730 for salaries and $63,216 for miscellaneous expenses. Hence the average expenses for application were: 1856, $25.37 in salary and $6 30 miscellaneous, or $31.67 total; 1865, $18.32 in salary and $7 miscellaneous, or $25.32 total; 1875, $19.80 in salary and $2.72 miscellaneous, or $22.50 total

But prior to each of these years there had been granted patents as follows: Previous to 1856, 14,000; 1865, 45,684; 1875, 171,000. That is, in 1865 there were three and one-fourth times as many patents and in 1875 over twelve times as many to be gone over as there were in 1856, and in 1875 three and three-quarters times as many as in 1865. The foreign patents and the technical literature increased in the same proportion. Hence these figures represent about the relative amount of labor involved in the examination of an application in those years. Assuming 1 as the standard for 1856, the proportions would be thus: 1856, 1; 1865, 3.25; 1875, 12. Yet, owing to the efforts of the last few years to thoroughly systematize the Office, the increased attention and diligence on the part of the employés, and increased facilities for examination due to the reproduction of back drawings, &c., the cost in each case was nearly $3 less in 1875 than in 1865. There were over twice the number of cases disposed of in 1875 as in 1865, and seven and one-half times the actual work of 1865 was done in 1875. Had the salary and expense account kept pace with the work, the expense in 1875 would have been over $2,000,000 instead of less than $600,000.

In these estimates the cost of printing reports and Gazette, &c., for each year is not included, for the reason that they are in the nature of public documents intended for the information of Congress and the public, and the expense is not properly chargeable to the Office and was not included in the Office appropriations until a few years ago.

I have copied from the report of the Commissioner for the year 1875 the following tables (which I ask leave to print) for the purpose of showing in detail the items of receipts and expenditures connected with the Office. This is a fair exhibit of the items entering into the account each year, except as to amount, each subsequent year showing a large increase. We have here also a statement of the balance in the Treasury to the credit of the Patent Office fund, a statement of the business of the Office for 1875, and the number of patents issued to the different States and Territories.

1. *Statement of moneys received.*

Amount received on applications for patents, re-issues, designs, extensions, caveats, disclaimers, appeals, and trade-marks	$676,180 00
Amount received for copies of specifications, drawings, and other papers	45,380 85
Amount received for recording assignments	18,912 18
Amount received for subscriptions to the Official Gazette	6,646 33
Amount received for registration of labels	2,334 00
Total	743,453 36

2. *Statement of moneys expended.*

Amount paid for salaries		$430,218 00
Amount paid for photolithographing current issues		46,986 59
Amount paid for photolithographing back issues		67,322 91
Amount paid for illustrations for Gazette		49,428 34
Amount paid for tracings of drawings		34,972 90
Amount paid for contingent and miscellaneous expenses, viz:		
Stationery	$16,599 27	
Painting, glazing, varnishing, paper-hanging, &c	1,067 21	
Furniture, carpeting, &c	8,593 96	
Fitting up cases in model-rooms, carpenter's work, and repairing furniture	20,073 33	
Plumbing and gas-fitting	1,054 17	
English patents and foreign periodicals	1,793 44	
Hardware	2,269 61	
Pay of temporary clerks	29,512 52	
Miscellaneous items, viz: Books for library, ice, subscriptions to journals, freight, washing towels, withdrawals, money refunded paid by mistake, repairing carriage and harness, keeping horse, advertising, &c	11,765 46	
		92,728 97
Total		721,657 71

3. *Statement of the balance in the Treasury of the United States on account of the patent fund.*

Amount to the credit of the patent fund January 1, 1875	865,113 97
Amount of receipts during the year 1875	743,453 36
Total	1,608,567 33
From which deduct expenditures for the year 1875	721,657 71
Balance January 1, 1876	886,909 62

4. *Statement of the business of the Office for the year 1875.*

Number of applications for patents during the year 1875	21,639
Number of patents issued, including re-issues and designs	14,837
Number of applications for extension of patents	2
Number of patents extended	38
Number of caveats filed during the year	3,094
Number of patents expired during the year	1,323
Number of patents allowed but not issued for want of final fee	3,518
Number of applications for registering of trade-marks	1,055
Number of trade-marks registered	1,138
Number of applications for registering of labels	566
Number of labels registered	313
Of the patents granted there were to—	
Citizens of the United States	14,274
Subjects of Great Britain	358
Subjects of France	83
Subjects of other foreign governments	122

5.—*Number of patents issued by the United States Patent Office to residents of the different States, Territories, and foreign countries, from January 1, 1875, to December 31, 1875.*

[The proportion of patents to population is shown in last column.]

States, &c.	No. of patents.	One to every—
Alabama	31	32,161
Arizona Territory	2	4,829
Arkansas	11	44,042
California	399	1,404
Colorado Territory	36	1,107
Connecticut	706	761
Dakota Territory	3	4,727
Delaware	44	2,841
District of Columbia	214	615
Florida	7	26,821
Georgia	63	18,795
Idaho Territory	1	14,999
Illinois	1,008	2,313
Indiana	378	4,462
Iowa	315	3,790
Kansas	66	5,521
Kentucky	142	9,303
Louisiana	103	7,057
Maine	158	3,964
Maryland	260	3,003
Massachusetts	1,846	787
Michigan	405	2,923
Minnesota	146	3,011
Mississippi	38	21,787
Missouri	302	4,754
Montana Territory	4	9,974
Nebraska	22	5,833
Nevada	16	3,669
New Hampshire	127	2,506
New Jersey	656	1,534
New Mexico Territory	3	37,101
New York	3,771	1,163
North Carolina	37	28,956
Ohio	1,091	2,443
Oregon	22	4,631
Pennsylvania	2,034	1,728
Rhode Island	229	943
South Carolina	46	17,513
Tennessee	117	10,765
Texas	118	6,939
Utah Territory	5	19,916
Vermont	122	2,709
Virginia	101	12,130
Washington Territory	3	12,710
West Virginia	48	9,209
Wisconsin	284	3,743
Wyoming Territory	2	5,759
Great Britain	371	.....
France	91	.....
Other foreign countries	128	.....
United States Army	5	.....
United States Navy	1	.....
United States in general	.....	2,412

Since 1872 the volume known as the Patent Office reports has not been printed; but instead the Official Gazette, a weekly publication, containing the Commissioner's decisions, decisions of the courts, designs patented, trade-marks registered, and various other matter, besides the drawings and claims patented during the week ending on the day of publication. The publication is a success, and a great improvement upon the old reports. The old reports were distributed gratuitously. It will be seen by the table that the amount received for subscriptions to the Official Gazette in 1875 was $6,646.33. The Department is now engaged in the work of photolithographing the drawings of back issues, and when that is completed, which will be, as is estimated, in a year and a half, and possibly sooner, the expenses will be decreased from seventy-five to one hundred thousand dollars yearly.

The following statement showing the receipts of the Patent Office for the quarter ending March 31, 1875, and the quarter ending March 31, 1876, indicates the still increasing business, and, when considered with the proposition of reducing the number of employés, presents the strange anomaly of reducing the help while increasing the work. At the rate shown here we shall have the receipts of 1876 amounting to upward of $900,000, with a large reduction in expenses.

	1875.		1876.	
	Receipts.	Expenses.	Receipts.	Expenses.
January	$61,385 22	$60,991 68	$72,070 40	$52,624 30
February	60,116 24	50,364 91	74,651 02	52,076 34
March	70,122 36	63,397 45	80,459 07	56,553 16
Total	191,623 82	174,754 04	227,181 09	161,253 80

Excess of receipts over expenses March 31, 1875	$16,869 78
Excess of receipts over expenses March 31, 1876	65,927 29

Should the appropriation bill pass the Senate in its present form, reducing the number of employés fifty-seven, it is very questionable as to maintaining the present business. In that event the Department would suffer seriously. The Commissioner says in the letter before referred to:

Should the proposed reduction be made, it will be impossible to keep up the business of the office.

It would be more than folly to permit so valuable a department of the Government to suffer from a false economy, and more especially a department that pays its own way, and is not, and never has been, the first dollar of taxation to the people. Says one who knows:

The income of the Patent Office should not be considered as a revenue to the Government, as it is not a general tax upon the people, but a compensation paid by a special few for service rendered by the Government.

The honorable gentleman, chairman of the Committee on Appropriations, during the discussion pending the passage of the legislative and executive appropriation bill, took a position so entirely contrary to his usual course, that it excited comment, and led to the conclusion that he had not examined the subject with his customary care. For the gentleman's wisdom and statesmanship I have a most profound respect, but that he really meant what he said upon the occasion referred to seems hardly probable. In reply to Mr. SAMPSON he said:

Mr. RANDALL. In reply to the gentleman I wish to direct his attention to the fact we have made no reduction whatever in the higher class of officers in this Bureau. If there is a legitimate source of revenue I know of it is from these patentees. There are some here who would like to break up, or at least to abridge the system of giving enormous fortunes to these patentees. Take for instance the sewing-machines. The whole people of the United States are made to contribute enormous sums of money annually on sewing-machine patents, thereby accumulating vast wealth for the few. So, too, with patents for agricultural machines. The wealth realized in this regard from the body of the people is enormous. Yet they now come here and say the expenses of this Patent Office should not be cut down. I never heard of such a proposition before. The trouble is they ought to be made to contribute toward the support of the Government which gives them a monopoly additional sums of money instead, while taking by indirection out of the pockets of the people enormous wealth.

Mr. SAMPSON. I would like to correct the gentleman. As I understand, he infers that I am in favor of cutting down the fees?

Mr. RANDALL. I do not infer anything. The gentleman stands here and wants these high salaries shall not be reduced, because the fees come out of the pockets of the patentees. He says they ought to be allowed to come in here and have every facility for the granting of patents. I think the policy of this Government should be in a different direction.

Mr. SAMPSON. Then why does not the gentleman abolish the Office altogether?

Mr. RANDALL. I am not quite certain whether I would not.

Mr. SAMPSON. If the gentleman is in favor of breaking down the inventors of the country, then let him say so.

Mr. RANDALL. I do not propose it. The gentleman is speaking in my time. I am not quite certain whether the whole system of patents in this country should not be broken up. As I said before, take your sewing-machines, take your agricultural machines, and what have they done? They have laid contributions upon the body of the people. I have no idea this Bureau shall have any greater facility than they now have. I re-affirm the fact that the compensation in this Bureau is larger than any other under the Government.

The gentleman from Pennsylvania, whose large-hearted generosity is proverbial and whose motives I know are correct, will hardly justify himself upon an examination of his words. I know he would not intentionally hamper any Department of the Government or place any obstacle in the way of a proper administration. The difficulty is that he has not properly considered this Bureau. It is separate and distinct and different from any other Department. The

people are not taxed one dollar for its support, but it is sustained by a few, not in the capacity of tax-payers, but as inventors. And why the allusion to sewing-machines and agricultural machines? None can certainly have any objection to them. Living millions and millions yet unborn will venerate and bless the names of Howe, of Wilson, of McCormick, and other worthies, the originators of labor-saving machines. Perhaps they have made fortunes. To fortunes they are entitled. For a few brief years the Government permits them to enjoy a monopoly, and we living contemporaneous with them must pay them for their genius. The benefits stop not with our age, but the future, full of centuries and generations, shall enjoy these blessings when the inventors are gone and their names perhaps forgotten.

Some of us speak of inventors as though we were under no obligations to them, and as if their productions are to be found in every nook or plucked from any tree. Why should not they be entitled to a monopoly and receive *enormous* sums of money for the products of their brains? Do we object to a man's holding possession of a gold mine, and enriching himself therefrom, if found upon his own land? Can we prevent it? And if an inventor, delving in the regions of thought, discovers something more precious than gold for the toiling millions, coins from his brain something that may bring to thousands of households relief and comfort and happiness, shall we say to him "You shall not be protected; this is but an idea, we will wrest it from you!" If this be justice, then let us have but little of it. Let Lowell and Providence and Manchester and all the manufacturing cities of the earth answer: "From whence came your wealth? On what foundation did you build? Not from the simple hand-machines of old, but from the splendid inventions of the present age." Let the farmer of the West, as he looks over his thousand acres of waving wheat and stately corn, tell you how he will gather and harvest all this wealth. Not with the scythe and sickle, (useful yet, but still relics of the past,) but with the reaper and mower and other magnificent inventions of to-day.

But I have strayed from the Patent Office. If the suggestions of some were adopted, it might be abolished. What then? Something worse or nothing at all. The latter would probably be satisfactory. No patent system; no protection; result, no inventions. Can it be possible that any thinking man believes that inventors puzzle their brains from a simple love of fame? I believe the principal incentive is bread and butter, or, in other words, a living, with a hope of accumulating money. Human nature is everywhere about the same in this respect, and the inventor is actuated by the same impulse as are the lawyer, the farmer, the merchant, and the laborer. Take away protection from these classes, and they must suffer. The same with the inventor, but in a greater degree. His protection is in our admirable patent system, and I think it plain that when we begin to impair its usefulness by cutting off the power of working the Office to its full capacity we do a great wrong. It has been said that we should not go backward with our postal system. That is true We should be progressive. And so I say of the Patent Office. Both are admirable; both should be sustained.

I do not want to be understood as casting any reflections upon the Committee on Appropriations. They have done their work mostly wisely and well. They are the active agents in the work of retrenchment and reform, and there is but little chance for honest adverse criticism of their acts. I am with them heart and hand in their efforts for economy and a proper administration of the different Departments of the Government, and I say nothing against the application of the 10 per cent. principle of reduction to the salaries of some of the employés in the Patent Office. But when the proposition is made to so reduce the force as to cut off a part of the business of the Bureau, and thereby of necessity the revenue, and impairing its efficiency, I respectfully enter my protest, and can but hope that something may interpose to prevent such an unfortunate consummation. The following table will show the proposed reduction of force, and is evidence that there are some sinecures in this department or that the reduction may prove injurious. I am inclined to the latter opinion:

Table showing the personnel and appropriation for the Patent Office for the fiscal year 1875–'76, *the estimate for the fiscal year* 1876–'77, *and the reductions for the year* 1876–'77 *as proposed by House bill No.* 2571.

Specified officers and employés.	Number.			Pay of each person of each grade.			Pay of all persons in each grade.			
	Present number.	Proposed No. by H. bill No. 2571.	Reduction from estimates.	Present pay.	Proposed pay.	Reduction in pay.	Appropriation 1875–'76.	Estimate 1876–'77.	Proposed appropriation, House bill No. 2571.	Reduction from estimate.
Commissioner	1	1	.....	$4,500	$4,000	$500	$4,500	$4,500	$4,000	$500
Assistant commissioner	1	1	.....	3,000	2,700	300	3,000	3,000	2,700	300
Chief clerk	1	1	.....	2,500	2,250	250	2,500	2,500	2,250	250
Examiners-in-chief	3	3	.....	3,000	2,700	300	9,000	9,000	8,100	900
Examiner of interferences	1	1	.....	2,500	2,250	250	2,500	2,500	2,250	250
Examiner of trade-marks	1	1	.....	2,500	2,250	250	2,500	2,500	2,250	250
Principal examiners	24	24	.....	2,500	2,250	250	60,000	60,000	54,000	6,000
First assistant examiners	24	24	.....	1,800	1,620	180	43,200	43,200	38,880	4,320
Second assistant examiners*	24	24	.....	1,600	1,440	160	*38,400	*38,400	*34,560	3,840
Third assistant examiners	23	23	.....	1,400	1,260	140	32,200	32,200	28,980	3,220
Machinist	1	1	.....	1,600	1,400	200	1,600	1,600	1,400	200
Clerks, class four†	6	5	1	1,800	1,600	200	†11,000	†11,000	†8,200	2,800
Clerks, class three†	7	5	2	1,600	1,450	150	11,200	11,200	7,250	3,950
Clerks, class two†	25	20	5	1,400	1,300	100	35,000	35,000	26,000	9,000
Clerks, class one	40	35	5	1,200	1,200	.....	48,000	48,000	42,000	6,000
Clerks, permanent	30	26	4	1,000	1,000	.....	30,000	30,000	26,000	4,000
Copyists	50	40	10	900	900	.....	45,000	45,000	36,000	9,000
Draughtsmen, (skilled)	3	3	.....	1,200	1,200	.....	3,600	3,600	3,600	.....
Messenger and purchasing clerk	1	1	.....	1,000	1,000	.....	1,000	1,000	1,000	.....
Skilled laborer	1	1	.....	1,200	1,200	.....	1,200	1,200	1,200	.....
Attendants in model-room	6	4	2	1,000	1,000	.....	6,000	6,000	4,000	2,000
Attendants in model-room	6	4	2	900	900	.....	5,400	5,400	3,600	1,800
Laborers	50	40	10	720	720	.....	36,000	36,000	28,800	7,200
Laborers	6	6	.....	600	600	.....	3,600	3,600	3,600	.....
Folders and pasters, (estimated for 1876–'77)	16	.....	16	480	.....	.....	.....	7,680	.....	7,680
	351	294	57	.....	.....	.....	436,400	444,080	370,220	73,460
OTHER EXPENSES.										
Contingent and miscellaneous, (including temporary clerks and laborers)	.....	.....	.....	.....	.....	.....	80,000	90,000	60,000	30,000
Drawing and photolithographing current and back issues	.....	.....	.....	.....	.....	.....	100,000	40,000	40,000	.....
Official Gazette and Illustrations of Patents, July 7, 1869 to January 1, 1872	.....	.....	.....	.....	.....	.....	40,000	40,000	40,000	.....
Photolithographing current issues	.....	.....	.....	.....	.....	.....	40,000	40,000	40,000	.....
Tracings for reproduction of back issues	.....	.....	.....	.....	.....	.....	35,000	35,000	25,000	10,000
							295,000	245,000	205,000	40,000
							731,400	689,080	575,220	113,460

* Two of whom may be women. † One of whom may receive $200 additional as financial clerk.

At this point I offer a statement of the receipts and expenditures of the office for the years 1873, 1874, 1875, which shows a steady increase of receipts, but not a corresponding increase of expenditures.

The table also shows the receipts for the months of January and February of 1874, 1875, and 1876, with the same result as to receipts:

Receipts for January and February, 1874, 1875, *and* 1876.

	1874.	1875.	1876.
Receipts from all sources, January	$63,792 30	$61,385 22	$72,070 40
Receipts from all sources, February	65,911 38	60,116 24	74,651 62

Receipts and expenditures for the years 1873, 1874, *and* 1875.

	1873.	1874.	1875.
Money received from applications for patents	$626,170 00	$656,951 00	$672,514 00
Money received from copies and recording	77,021 77	72,315 23	64,293 03
Money received from Official Gazette	.....	9,011 94	6,646 33
Total	703,141 77	738,278 17	743,453 36
Expenditures	691,178 98	679,288 41	721,657 71
Surplus each year	12,012 79	58,989 76	21,795 65
To credit of patent fund in United States Treasury January 1	$794,111 42	$806,124 21	$865,113 97
Number of patents, trade-marks, and labels	16,837	17,689	19,420

The following remarks, copied from the report of the Commissioner of Patents of January 19, 1876, in relation to the representation of the Patent Office at the centennial exposition, and the accompanying statistics, are of interest:

The Patent Office is to be represented at the centennial celebration, and a space of ten thousand square feet has been assigned for the exhibition of models of American inventions, illustrating the more important and useful industries. Models to the number of about five thousand are being selected for this purpose, being about 3 per cent. of the aggregate number in the possession of the Patent Office. These, while illustrating in part the progress of our country in "mechanical and manufacturing industries" and the development of American genius and skill, represent in one way only the results attained. Another mode of presentation of the facts and figures in the case is obtainable from the census report of 1870, and the general subject-matter index of patents granted since the year 1790.

In referring to the census, under the head of "manufactories in operation in 1870, exclusively for agricultural implements," it is found that the—

Number of establishments in operation was	2,076
Number of steam-engines at work	676
Horse-power	15,873
Number of water-wheels at work	426
Horse-power	10,209
Number of hands employed	25,249
Capital invested	$34,834,500
Wages paid	12,151,504
Material used, value	21,473,925

The census shows an increase of $14,578,825 in the value of agricultural implements manufactured over the amount reported in 1860 and of $45,224,174 over the amount reported in 1850, while the total value for the year 1870 of the "mechanical and manufacturing industries" aggregates the sum of $4,232,335,442.

The following are the products of agricultural implements of the manufactories first above referred to, being the articles manufactured and number made:

Cane-mills	108
Clover-hullers	5,206
Corn-planters	21,709
Corn-shellers	12,941
Cotton-planters	2,000
Cultivators	88,740
Fanning-mills	19,772
Grain-cradles	103,646
Grain-drills	32,033
Hand-rakes	207,310
Harrows	9,150
Harvesters	3,566
Hay and straw cutters	30,876
Hay forks	1,298,260
Hoes	135,139
Horse-powers	4,511
Horse-rakes	80,919
Lawn-mowers	2,536
Mowers	38,486
Plows	864,947
Reapers	60,388
Reapers and mowers combined	59,645
Rollers and scrapers	4,803
Seed-sowers	6,900
Scythes	881,244
Scythe-snaths	17,689
Separators	1,131
Shovels	25,756
Sickels	300
Stump-pullers	124
Threshers	22,934
Other products	5,206,789

For the articles above enumerated there have been granted between the years 1790 and 1873, inclusive—that is to say, since the organization of this Office, (1790,) the following patents:

Cane-mills	66
Clover-hullers	100
Corn-planters	647
Corn-shellers	378
Cotton-planters	173
Cultivators	1,617
Fanning-mills	127
Grain-cradles	18
Grain-drills	186
Hand-rakes	9
Harrows	329
Harvesters	2,244
Hay-forks	382
Hoes	201
Horse-powers	415
Horse-rakes	373
Lawn-mowers	38
Mowers	173
Plows	2,451
Reapers	69
Reapers and mowers combined	61
Rollers and scrapers	141
Seed-sowers	579
Scythes	50
Scythe-snaths	26
Separators	334
Shovels	58
Sickles	13
Stump-pullers	191
Threshers	732

I have further selected from the list of patents 1790–1873 the number of patents granted in some other classes or subjects of invention. These indicate the scope and versatility of the inventive genius of our country, and all enter more or less into the "mechanical and manufacturing industries" that have been referred to. They are as follows:

Bee-hives	645
Bending-machines for wood and metal	144
Boots and shoes, manufacture of, and articles used therein	817
Brick-kilns and brick-machines	808
Bridges	425
Brooms and brushes and their attachments	750
Buckles	388
Burglar-alarms	165
Burners, gas, lamp, and vapor	793
Car-brakes	495
Car coupling	961
Car-wheels	314
Carriages and their appendages	1,495
Churns and their appendages	1,391
Clothes driers and wringers	984
Curtain fixtures	364
Fire-arms	1,203
Gas and gas apparatus	1,399
Grain, cutting, binding, and drying	135
Grinding and grist mills	371
Lamps and appurtenances	1,483
Looms and appurtenances	1,210
Paper, manufacture of	269
Pavements	404
Photography	346
Planing machines, wood, and metal	384
Propellers, and apparatus for	570
Printing-presses, apparatus, and material	756
Railways, apparatus, and connections	1,552
Roofs and roofing	506
Rotary engines	170
Saw-mills and machines	1,981
Sewing-machines and their attachments	2,295
Steam-engines and apparatus	1,013
Stoves	2,400
Straw-cutters and machines	401
Sugar-mills and machinery	343
Telegraph and instruments	566
Toys	399
Tobacco-presses and manufactures	197
Valves	1,497
Total number of patents issued since 1836	174,640
Total number of re-issues	6,830
Total number of designs	8,883
Total number of trade-marks	3,287
Total number of labels	464

In the discussion of this subject I have occasionally found gentlemen who take the ground that the interest of the inventor and manufacturer are antagonistic; but the fallacy of this position must be apparent at a glance. They are mutually dependent. As said before, the manufacturing interests have risen to their present importance and the manufactories of the world have become great hives of industry only through and by the superior and wonderful machinery which this age has produced. And on the other hand, without the capital to encourage and the courage to invest, inventive talent must have lain dormant, or if exercised, attracted no remark. This will apply to those inventions connected with manufacturing enterprises, and I do not know but it will to all industries. Had there been no cotton, Whitney might have lived in vain. Without the cotton-gin, but light production of cotton, or if produced, the separation of the seed from the cotton by the old and slow process would result in poor fabrics and fewer manufactories. But the world moves, and all things work for good. That the two are interdependent is apparent. There should be no antagonism, no collision here. Let the inventor enjoy his monopoly for the full term the law allows without disturbance, and the manufacturer, without grudging, acquiesce, paying for the device as the law directs. I cannot think of any class of citizens not interested in preserving our Patent Office and system and protecting and encouraging inventors.

Comparing the fees charged for patents in England with those under our laws, it is evident that our law-makers have kept constantly in view the encouragement and promotion of the arts. While it costs but $35 here for any patent, the cost in Great Britain during the life, in various fees, is £175, or about $850. Before the patent issues £25 required; at the expiration of the third year £50 must be paid, and at the end of the seventh year £100. The patentee thereafter until the expiration of his privilege, which is for fourteen years, enjoys it undisturbed. What chance under such laws for inventors? A large proportion of them are poor men, unable frequently to procure money enough to pay for an American patent. If the fees required by the English laws are not paid in time, the patent is lost beyond redemption. There is but little encouragement under the English law, it being almost restrictive, while we hold out every inducement proper and possible. By the Canadian plan, patents are issued for five, ten, or fifteen years, and a fee of twenty, forty, and sixty dollars charged, according to the length of the term. There is a certain justice and propriety in this system worthy of consideration.

A well grounded cause of complaint exists in the fact that invent-

ors frequently sell their rights to dealers or speculators in patents for a small or inadequate sum, thereby defrauding themselves of the reward the patent laws design they should enjoy. There is no way of preventing this, for a man has a legal right to sell his property. Much of the opposition to inventors arises from this very fact, and if they would be more persistent in introducing their devices into public use themselves, they would obtain much more sympathy, and undoubtedly greater profits. The last ten or fifteen years has been productive of more swindles in agricultural implements than were ever known before, and the thoughtless and swindled victims, injured and angered, seek solace in denouncing honest inventors and the patent system. But the Patent Office lives notwithstanding, and is of itself evidence of its utility and benefits, and the fact that while most every other department of the Government has been under clouds of investigation for frauds and peculations, and that nothing has been presented against an officer of this Bureau in any form, is pretty sure evidence of the honesty and ability with which it is administered. Let it be sustained, and encourage the spirit of invention.

Mr. Chairman, it may be that the future is to give us the same progress in the arts and sciences as has the past, that the coming age is big with great ideas, and is to surprise us, or those who come after us, with its aerial ships, its new motors, its improved machines, just as we have been astonished by the genius of Fulton, of Stephenson, and of Morse. We have no reason to doubt the future. We may indulge in dreams of the advancement of our race with hope and faith that such anticipations are the shadow of a reality to come. Many yet are to be added to the glorious list which contains the names of Newton, of Franklin, of Watts, of Daguerre, and the host of discoverers and inventors who have illuminated the past, and many hearts searching for mysteries will beat with emotions of pleasure at their triumphs. Said Everett, the American orator:

> There are occasions in life in which a great mind lives years of rapt enjoyment in a moment. I can fancy the emotions of Galileo when, first raising the newly-constructed telescope to the heavens, he saw fulfilled the grand prophecy of Copernicus, and beheld the planet Venus crescent like the moon. It was such another moment as that when the immortal printer of Mentz and Strasburg received the first copy of the Bible into their hands, the work of their divine art; like that when Columbus, through the gray dawn of the 12th of October, 1492, beheld the shores of San Salvador; like that when the law of gravitation first revealed itself to the intellect of Newton; like that when Franklin saw, by the stiffening fibers of the hempen cord of his kite, that he held the lightning in his grasp.

It is for us to build up and sustain such institutions and departments of the Government as tend to foster the spirit of invention and discoveries.

Mr. Chairman, I have treated this subject I fear in a rather disconnected manner, and I would gladly have confided it to abler hands. While other Departments of the Government have received attention, there have been none so poor as to do the Patent Office reverence. This is my excuse.

Mr. POPPLETON. I move that the committee do now rise.

The motion was agreed to; and Mr. CUTLER having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 3132) to revise and simplify existing laws imposing duties on imports, and to reduce taxation, and had come to no resolution thereon.

And then, on motion of Mr. MACDOUGALL, (at nine o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: A letter from the United States Indian agent of the Chippewas of Lake Superior, asking payment of certain claims, to the Committee of Claims.

By Mr. DIBRELL: The petition of Asa Faulkner, of Warren County, Tennessee, for pay for 1,110 pounds of cotton taken by United States authority, to the Committee on War Claims.

By Mr. HUNTON: The petition of Williams Millsaps, for a pension, to the Committee on Revolutionory Pensions.

IN SENATE.

SATURDAY, *June* 3, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of J. H. Johnston, of Roane County, Tennessee, late major of the Eleventh Tennessee Cavalry, praying to be re-imbursed for certain moneys expended by him in recruiting his regiment during the late war; which was referred to the Committee on Military Affairs.

Mr. CHRISTIANCY presented the petition of E. O. Humphreys and 74 other citizens of Kalamazoo, Michigan, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. ALLISON. I present the petition of the Right Rev. Bishop Potter, of New York, General John A. Dix, of New York, and others, praying for an amendment to section 2505 of the Revised Statutes, so as to remove discriminations against religious societies. As it relates in some manner to taxation, I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. ALLISON presented the memorial of citizens of the Creek Nation of Indians, remonstrating against the passage of a law providing for a territorial government for the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a letter of the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, transmitting a copy of a report dated the 8th instant, from the Commissioner of Indian Affairs, upon the subject of the cutting of timber for sale by certain members of the Stockbridge tribe of Indians upon their reservation in the State of Wisconsin; which was referred to the Committee on Indian Affairs.

Mr. MCCREERY presented a petition of citizens of New Orleans, Louisiana, and a petition of citizens of Louisville, Kentucky, praying for the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 893) to authorize the sale of certain timber cut by the Stockbridge Indians on their reservation; which was read, and passed to the second reading.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 374) for the adjudication of title to lands claimed by José Apis and Pablo Apis in the State of California, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 198) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

SIOUX RESERVATION.

Mr. ALLISON. If there is no further morning business, I ask the Senate to take up the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, which was read and debated at considerable length some weeks ago.

Mr. INGALLS. I feel a very great interest in the subject of the bill, and every Senator who is familiar with the condition of affairs in the Black Hills country from the reports that are continually coming to us of the assaults upon emigrants and travelers must be equally convinced that something should be done; but there appear to be so few Senators present this morning that I am convinced it would be impossible for us to give this bill that consideration which it demands. I suggest that it had better be made a special order, and that we take up unobjected cases on the Calendar.

Mr. COCKRELL. Let us go on with the Calendar in regular order.

Mr. ALLISON. I do not like to antagonize the gentleman, but this is a very important bill; and it is made more so every day from the fact that an expedition is now on foot comprising a considerable number of the Army, which is about moving on this reservation, and the Indians themselves are in a state of great anxiety. It is supposed that very soon a general war will take place in that territory unless some arrangement is made by which a commission can go out there and talk with these Indians and treat with them.

I feel called upon to urge the passage of the bill at the very earliest moment on this account. Of course, if Senators think the Senate is not full enough this morning to consider it, I cannot press the bill.

Mr. THURMAN. I wish to say that I hope the bill will be taken up. If it will be of any advantage at all, it ought to be passed immediately. If it will not be of any advantage, let us find that out as soon as possible. I think when we are really in an Indian war, and threatened with a very extensive one, this bill is of much more consequence than the unobjected cases on the Private Calendar.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa, that the Senate proceed to the present consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, the pending question being on the amendment of the Committee on Indian Affairs to add to section [6] 5 the following:

> And the further sum of $50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Interior.

Mr. PADDOCK. I am reliably informed by citizens of my State, which borders upon this reservation, that these Indians now are in a

frame of mind which would warrant the Government in undertaking to make a treaty with them for the surrender of their present reservation and for their removal to the Indian Territory, where it is desirable they should go and to which the Government is making an effort to remove all Indians who are now upon reservations within the States of the Northwest. I do not believe that this bill in its present form can be passed; it is objectionable in many respects. It is objectionable to myself, and to my colleague, and to my State, for several reasons. I do not like the provision requiring them to go to the Missouri River. I am sure that these Indians themselves can never be induced to go there either temporarily or permanently from their present location upon the reservation. I think they could more easily be induced to go to the Indian Territory, to remove absolutely from that whole section, and so relieve us from the entire complication which has grown out of the discovery of gold in that section of the country, rather than go over to the eastern part of the reservation upon the Missouri River. For this reason, among others, I seriously object to the bill; and I desire to offer this simple resolution as a substitute for it:

Resolved, That the President be, and hereby is, authorized to appoint a commission of five persons, two of whom shall be officers of the United States Army, to treat with the Sioux tribe of Indians for the immediate surrender of their present reservation in Dakota Territory and for their removal to the Indian Territory south of the State of Kansas.

Mr. THURMAN. I wish to call the attention of the mover of the bill to the first section. If I understand the first section upon a very hasty reading, it prescribes definitely the terms which we will make with the Indians; and if the commission be appointed the commission will have no power except to propose and accept these terms. It gives them no discretion whatever. It confines them to these precise terms. I submit that possibly that might defeat the whole object of the bill. If I am mistaken, I should be glad to have my mistake pointed out; but as it occurs to me from a somewhat hasty reading—and I am fortified by the second section—the bill lays down an ultimatum on the part of the United States which neither the commissioners to be appointed nor the Indians can in any sense disregard. The second section provides—

That all appropriations hereafter made for the subsistence of the Sioux Nation shall be upon condition that they will agree to the several provisions of the first section of this act.

I do not see how the commission can vary from the provision of the first section of the bill. The language in line 34 and the following lines in the first section is:

And said commission is hereby authorized to make with said tribes an agreement embracing the foregoing provisions, and the further provision that said tribes will thereafter receive all their supplies under such agreement, and under the treaty of 1868, at such points and places on said reservation and in the vicinity of the Missouri River as the Department of the Interior may establish and provide; and also that said tribes will acquiesce in such methods as may be hereafter provided by law or adopted by the President to advance them in civilization and means of self-support.

That seems to me a plain limitation on the power of the commissioners. They are authorized to agree to the provisions in the first section that precede line 34, and then they are authorized to agree to certain other provisions which are herein specified. Everything is bound up in iron. They have absolutely no discretion whatever as it seems to me, and I do not know exactly how they will ever make a treaty if they are so rigidly bound down as this first section binds them. Upon that point I should like to have some light.

Mr. ALLISON. In reply to the question of the Senator from Ohio, I will say that the committee very carefully prepared this first section and intended to lay down a method by which some agreement could be reached. Of course, within certain limits, this section does bind the commissioners, that is, they shall not exceed a certain sum of money and any treaty they make shall include the idea of the removal of these Indians to the Missouri River.

The original treaty of 1868 with these Indians provided that they should go to the Missouri River and receive their supplies at that point; but they absolutely refused to go, and they are now in the State of Nebraska, and not upon their reservation at all. Therefore the committee, when this bill was originally prepared, thought it would be wise to notify these Indians that in this adjustment it was proposed they should, as a part of it, go to the Missouri River and receive their supplies there, at some point on the river, because they can be delivered so much more economically there than they can be at the place where they now are.

But I say now to the Senator from Ohio that I think it is vastly more important that a commission should be sent to these Indians with a view of making some arrangement with them than that we should tie down the commission to any specific arrangement. Therefore I think the committee would concur in any suggestion that would involve the idea of simply treating with these Indians with reference to the Black Hills, with reference to the general subject of peace on that reservation, and if need be with reference to their removal to the Indian Territory.

The Senator from Vermont [Mr. EDMUNDS] had some proposition which he intended to offer, which I personally have no objection to, and which I think perhaps will accomplish the purpose the committee have now in view.

The PRESIDENT *pro tempore*. The Chair will state that the substitute proposed by the Senator from Nebraska, [Mr. PADDOCK,] in the form of a resolution, is not in order. The Senator can accomplish his object by moving to strike out all after the enacting clause of the bill and inserting his proposition as a section.

Mr. PADDOCK. I do so move. My resolution was prepared hastily, and it may not be full enough.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska to strike out all after the enacting clause and insert what he has sent to the Chair.

Mr. EDMUNDS. When this matter was under discussion on the last occasion, I took some interest in it; and the difficulties suggested by the Senator from Ohio, as well as others, struck my mind, and it also to my mind appeared that it was altogether possible that, as proposing a treaty, it looked altogether too coercive, and that we should be less likely to get terms by forcing them than we should be by using mild talk in our laws that nevertheless would confer sufficient authority upon these commissioners to make any sort of representation to these tribes that they think justice and good policy would warrant.

With that view, and not feeling able to vote for the bill as it stands, and at the same time desirous to have a solution of this question, I prepared an amendment at that time which I handed to my distinguished friend, the chairman of the Committee on Indian Affairs, for his and his colleagues' consideration. I will read it. It is very short, and it is very much indeed like the proposition of the Senator from Nebraska.

Mr. HAMLIN. Where does it come in?

Mr. EDMUNDS. It is to come in as a substitute for the whole bill, striking out all after the enacting clause, and contains a complete proposition on the subject:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint a commission, to consist of five persons, to visit as soon as may be the tribes of Sioux Indians with a view to negotiating with them a treaty for the cession to the United States of the rights of said tribes to the country known as the Black Hills or some portion thereof.

Either the whole or part.

Each person so appointed, not being a salaried officer of the United States, shall be entitled to receive $8 a day and his actual and necessary traveling expenses while engaged as such commissioner. That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be expended under the direction of the President, to enable the tribes or their representatives to assemble and confer with said commissioners, and for the expenses of said commission.

Not as was suggested in respect of the appropriation contained in this bill, either justly or unjustly, that it was money to be used for stimulating purposes—not to use any harsh epithets about it—but of course in order to do anything with these people (who are so nomadic, scattered in bands, and so on) with any effect you have got to get a general concurrence; and to do that you must get them assembled together somewhere in as large a representative capacity as possible, all the chiefs, for instance, and all the head-men of these various bands. They may amount to hundreds or to thousands; and in order to do that it is necessary to provide for their sustenance and for their proper treatment, not bribery, but to treat them fairly and enable them to be in peace and comfort while this talk, which may be quite a prolonged one, goes on. To do that, it appeared to me that it was necessary and right that a sum of money sufficient for that purpose should be used, because if these men are going to chase these Indians with the Army in order to try to get them to make a treaty, it will turn out to be a failure, I am afraid. But if you provide for them so that they can see that what we want is a talk, as they call it, and a talk in which these commissioners have full powers, not tied up by any limitations but the general powers of diplomatic consideration with them and that they are all to be got together by representation or otherwise and protected in some convenient place and taken care of calmly, soberly, while the thing goes on, there ought to be considerable hope that some solution might be arrived at. I say this, Mr. President, not forgetting what I said on a former occasion, that it then appeared to me, as it does now, that the acts of our own citizens in invading this territory of theirs are wholly unjustifiable, and it is not strange that these Indians have resorted to the only methods known to them, and indeed to the only methods if the case were reversed known to us, to endeavor to expel by force, and by force according to their methods, for they do not know any other, the people who have gone in there. But at the same time the state of things is such that it is of the highest necessity that every means should be resorted to in order to have a careful conference with these people, so that if possible we may avoid being charged with cruelty or injustice hereafter, and at the same time if possible protect the lives and aid the pursuits of our citizens who are engaged in that sort of operation that leads them to go there.

So it appeared to me—not to make a long speech about it—that if we provided for a simple commission of five men, who, I hope, would be the best in the country for such a purpose, approved by the Senate, and provided the means of getting these Indians together and taking care of them while they were remaining together, some good might come out of it.

The PRESIDENT *pro tempore*. Does the Senator propose to amend the amendment of the Senator from Nebraska?

Mr. EDMUNDS. Yes, sir; to amend the amendment. I want to modify my proposition for a moment as to the description of this country.

I move to amend the amendment proposed by the Senator from Nebraska by striking out all after the word "that" and inserting what I now send to the Chair. I have only changed it from the way I read it before by inserting after the word "treaty" the words "or agreement," so that there will be no trouble about any technical difficulty as to the name of the thing, and I have described the country "as the country known as the Sioux reservation in Dakota and territory adjacent, or some portion thereof," so as to cover the whole ground.

Mr. INGALLS. Let it be reported as modified.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The Chief Clerk read as follows:

The President be, and hereby is, authorized, by and with the advice and consent of the Senate, to appoint a commission, to consist of five persons, to visit as soon as may be the tribes of the Sioux Indians with a view to negotiating with them a treaty or agreement for the cession to the United States of the rights of said tribes to the country known as the Sioux reservation in Dakota and the territory adjacent, or some portion thereof. Each person so appointed, not being a salaried officer of the United States, shall be entitled to receive $8 a day and his actual and necessary traveling expenses while engaged as such commissioner. That the sum, of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to be expended under the direction of the President, to enable the tribes or their representatives to assemble and confer with such commissioners and for the expenses of said commission.

Mr. PADDOCK. I accept the amendment.

Mr. INGALLS. The proposition of the Senator from Vermont is evidently a very great improvement upon the original bill as offered by the Senator from Iowa and reported from the Committee on Indian Affairs; but I still think that the proposition of the Senator from Vermont contains one limitation that ought to be removed. It now proposes that this commission shall treat with the Sioux for the relinquishment of a certain portion of their reservation known as the Black Hills. I am very much in doubt whether the United States want the Black Hills. But there is one thing that we do want, and that is peace with the Sioux Indians; and I am inclined to think that if this commission go there instructed to treat with the Sioux for the relinquishment of that portion of their reservation upon which the gold operations have been recently conducted it may be a failure, and that the commission ought to have unlimited power to treat with the Sioux Indians regardless of any cession of a portion of their reservation.

So far as I can judge from the most reliable reports that have been received from that country, it is entirely valueless as a gold-bearing region. Not one dollar has been produced for one hundred that have been expended, and the soil and the timber are no better than may be found in a very large portion of the territory of the United States west of the Missouri River and now unoccupied. The Sioux are sensitive upon this subject. It may be that they will be entirely unwilling to relinquish any portion of their reservation; and, if they are so unwilling, then this commission ought not to be restricted by the terms of the bill under which they are authorized to act to the cession of a portion of the reservation of these Indians, and I therefore think, and I hope the Senator from Vermont will so modify his amendment as to make this commission absolutely without instructions, and authorize them to proceed to that country for the purpose of making a treaty of peace upon some terms with the Sioux Indians, because, if the present condition of affairs is to continue, there will be hundreds more of lives sacrificed before anything whatever can be done; and, if this is to be insisted upon, it is possible that a satisfactory result may be indefinitely procrastinated. I hope, therefore, that this commission will be authorized to proceed there and treat without any limitation whatever, and prevent the continuation of the difficulty that now exists upon that frontier.

Mr. EDMUNDS. I have no objection to adding, if my friend thinks it necessary, after the description of what they are now authorized to treat for, (which is a relinquishment of the Indian title to the Dakota reservation and their rights adjacent,) the words "or otherwise for the preservation of peace." That will cover the whole subject, I think.

Mr. INGALLS. Anything that will not make it obligatory on this commission to obtain a cession of that portion of the reservation before peace can be obtained will do.

Mr. EDMUNDS. As it stands now, it does not do that. They have full authority to treat for the relinquishment of the whole or any portion of this reservation. It does not say "Black Hills."

Mr. INGALLS. That is what it means.

Mr. EDMUNDS. I think it would be implied in the language now; but I have no objection, if it is agreeable to the Senator, after providing for authority to treat for the relinquishment of some portion of this territory or the whole, to add "or otherwise for the preservation of peace." If that is agreeable to everybody, I will make that modification.

The PRESIDENT *pro tempore*. The Senator from Vermont modifies his amendment.

Mr. HOWE. Mr. President, the Senator from Kansas thinks the proposition now submitted to the Senate is an improvement upon that which emanated from the committee. On that point I am obliged to differ with the Senator from Kansas. The difference between the two propositions, so far as I understand them now, is that the one proposes to legislate and the other proposes to negotiate. Both have in view the same end. The question is, Which is the best mode of attaining that end? The Senator from Vermont objects that the bill of the committee is in terms and upon its face coercive. While his own proposition, it must be admitted, is relieved of that objection, yet I am profoundly impressed with the conviction that the mode proposed by the committee is practicable, while the method proposed by the Senator from Vermont is impracticable.

The Senator says that we want to avoid, if possible, all ground for imputing injustice to us in our dealings with the Indians. That is an object to be aimed at and to be striven for; but I do really believe that if we resort to negotiation instead of legislation, we not only shall not avoid the imputation of injustice, but we shall be sure of doing injustice, and doing it to two parties, to the Indians and to the United States. I think it is just as sure as the recurrence of winter, that if you send a commission out there to negotiate with the Indians under this proposition two things will happen: first, that you will pay four times as much money as you ought to pay; and secondly, that the Indians will not get what you pay. Your proposition is to negotiate with the Indians and to make a bargain with the Indians. I am not very familiar with your Indian negotiations, but I doubt very much if a bargain was ever made with an Indian tribe in the world. If there is such a case, it has only been in exceptional instances and with the most advanced tribes. Your bargains, while they are nominally upon their face with the Indian tribes, have been really made with their guardians *ad litem* or what not, their next friends, the crowd of hangers-on who always surround a tribe, who are their advisers and counsellors, who really tell them what they had better demand, and finally what they had better take, and who get large pay for doing it, and take good care of themselves in every treaty that is made. You sent a commission out there to these Sioux gentlemen last fall; they did not make a bargain; they found demands made which they dared not accede to, and which, in my judgment, they would have been very unwise if they had acceded to. Probably, strengthened by these instructions, your next commission will agree to whatever they ask, and they will be sure to ask a very large sum.

The Senator from Kansas says that he doubts whether we want the Black Hills. I concur in that doubt. I have never seen the Black Hills, but I think there is a less eager demand for them on the part of the people of the United States to-day than there was six months ago. I do not want myself the Black Hills, but I do want and would be willing to pay considerable money to exclude the Sioux Indians from occupying that portion of Dakota Territory. They have now a reservation large enough for a good smart empire. It is no sort of use to them; they cannot cultivate it and do not intend to do so. They do not even graze it. There is absolutely no game upon it. It is worthless to them. When they want a buffalo, or a deer, or anything else, they have to leave that reservation in order to get it. At the same time they are spread all over it, and you have to send the provisions that you send to them to a great many different points at a great cost of carriage. It would be worth money to the United States to collect that tribe on a small reservation, and on a reservation, if it is to be in that country anywhere, near to some of your natural thoroughfares—a reservation upon the Missouri River.

Now, Mr. President, while I think if you undertake to trade with these people you will cheat them and get cheated both, if you proceed by way of legislation you may avoid the imputation of injustice if you please. If you will pass a fair act, the act will always remain of record and will speak for itself. It will always vindicate itself if it be a fair one. And if you dare trust your own consciences, you know your judgments are better as to what would be a fair trade for the Indians than their judgments can possibly be. You ought to be safer counsellors and better legislators for them, better guides and better friends of them, than those half-breeds, those squaw-men, and the other guardians who have taken possession of the tribes and control them. So I should very much prefer to trust the honor of the United States to an act of Congress than to any negotiation that can be made by this commission.

I shall vote against this substitute. I do not doubt but that the Senate will think the old plan of treating is still the safer one. If they do, they will agree to it. I shall be sorry; and I am very sure the country will regret it a few years hence, if they do not this year.

Mr. ALLISON. I desire to say a word or two in reference to the object of the original bill as presented by the committee. The Senator from Kansas objects to it because it is limited in its provisions.

The difficulty that the committee had in making up a bill for this purpose was that we not only desired to provide for the acquisition of the Black Hills, so called, but we desired to provide for what should be done with them after they were acquired. The moment the United States acquires possession of the Black Hills, if they are of any value whatever, they will be seized upon by the people who are in the hills. Therefore, we provided in this bill that neither the homestead law nor any of the laws in reference to our public lands should apply to these hills, because we did not wish to have a permanent settlement go into these hills, unless some provision should be made at the same time for the absolute relinquishment of this whole Sioux reservation and the removal of these Indians to the Indian Territory. It would be almost impracticable to maintain settlements in the Black Hills if the entire country is to be surrounded by an Indian reservation. Therefore the committee made some specific provision on that subject.

Again, we are to be called upon within a week to appropriate not less than a million and a half dollars to subsist these Sioux for the

coming fiscal year. Although we are not bound by law or treaty stipulation to do it, yet we shall have presented to us, when the Indian appropriation bill comes up for consideration, the question of appropriating a million and a half dollars for the subsistence of these Sioux. Why? They cannot subsist themselves where they are. There is no game there. Therefore they must either plunder upon the border settlements or be subsisted by the Government of the United States. That necessity is forced upon us. We provided that in future expenditures for subsistence these sums should be expended on the Missouri River. Why? Because we supposed that it would be cheaper and better for the Indians to go to cheap transportation than for the Government of the United States to transport by land carriage this subsistence two hundred miles and by railway from the Missouri River five hundred miles to Cheyenne, thus involving the Government in large sums for transportation.

Hence these specific provisions were put in this bill with the view to protect the Government of the United States in future appropriations made and necessary to be made for these Indians. But so impressed am I with the necessity of some provision with reference to this subject immediately for the purpose of preserving peace with these Sioux tribes and for the purpose of saving the Government of the United States $10,000,000 or $15,000,000, if not more, which will be expended in a war with these Sioux tribes during the present summer, that I desire that some provision shall be made here and now whereby peace will be maintained and preserved. Therefore if the proposition of the Senator from Vermont is more satisfactory to the Senate, for myself I am willing to accede to it, although I do believe it would be better to pass the bill as it came from the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. PADDOCK] accepts the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. WINDOM. I do not want to take a moment, as the morning hour has nearly expired, and will only say that I very much prefer the bill as reported by the committee to the amendment, and therefore I shall vote against the amendment. I am not prepared to say that if the amendment shall carry I shall not vote for the bill thus amended, although I have several times pledged myself that I would never again vote for a general Indian treaty. I believe nearly all our Indian troubles have arisen from the treaty system, and wherever there is an opportunity to put an end to it, I mean to avail myself of that opportunity. I am inclined to believe there is an opportunity to do it with this one, the most important of the tribes, and therefore I do not want to see another general treaty such as is contemplated by the amendment. But I will not take up time, as a vote is desired.

Mr. HITCHCOCK. I desire simply to say that if the amendment of the Senator from Vermont is adopted, I shall not take the time of the Senate in any remarks upon the subject, because I believe that that amendment may do great good. If it is not adopted, and the question is to come up on the original bill, then I shall take occasion to say something on that subject; and therefore, as the hour of one is near at hand and the chairman of the Committee on Indian Affairs expresses his anxiety that some result shall be attained, I give way and trust we shall have a vote on the amendment.

Mr. BOGY. I was disposed to favor the amendment of the Senator from Vermont at first; but on reflection I do not think it will exactly do. I think the statement made by the Senator from Kansas is correct, that when the commissioners go out to the Indian country it will be found out that we do not really want this country known as the Black Hill country between the two Cheyenne Rivers.

Mr. EDMUNDS. I suggest to my friend that, pursuant to the suggestion of the Senator from Kansas, I have modified my proposition so as to embrace the alternative that the commissioners may treat "otherwise for the preservation of peace."

Mr. BOGY. I observed that, and to a certain extent I think it a great improvement, but it may not be sufficient.

I understand the facts about this case to be these: These Indians are in a great state of perturbation at this time because their country is being invaded by a very large number of people who are going into the Black Hills in search of gold. Whether there be gold there or not, they are going there.

Mr. PADDOCK. They are not only going but are there now by the thousand.

Mr. BOGY. They are there, and the Indian country is being traversed in every direction. The consequence is that there is a great state of perturbation and doubt, and it has led of course to aggressions on both sides. Therefore the time has arrived when something should be done intelligently with the question, and I am in favor of sending a commission there. I do not know that the amendment of the Senator from Vermont to authorize the appointment of a commission composed partly of officers of the Army, whether on the retired-list or not, but one or two gentlemen whom I could name, now in the Army and perhaps on the retired-list, ought to be a part of this commission no matter who else may be upon the commission, because I know that they are very competent and faithful, and that they know the wants of the Indians and their rights and at the same time know the wants of the white people perfectly well. The object is not to acquire territory so much, because it is yet a wild country and fit for nothing else but a home for the Indians for the present time, as it is to preserve peace at the present moment and to arrest what I cannot understand, the moving of three columns of the Army of the United States, as we are informed by the papers. I do not know it officially or directly; and yet I believe the information to be correct that that Indian country is now being invaded, not only invaded by the white men who are going there in pursuit of gold, but actually the Army is moving, a column from the Missouri River, a column from the northwest under General Gibbon, and a column from Fort Laramie under General Custer. Three columns are moving there to concentrate at one common point somewhere in the Black Hills country. The result is, as a matter of course, that the Indians are frightened, and they are only doing that which we under the same circumstances would do, as was well said by the Senator from Vermont—there is no question about that; the result is that a great many depredations are committed, a great many persons are killed, and a great deal of harm and injury is being done. Therefore something ought to be done by the Congress of the United States to arrest the thing as speedily as possible. The object is, first, to preserve the peace; second, to remove those Indians from that country, whether specifically the Black Hills country or another portion, but to get the consent of the Indians to remove from that region of country to the Missouri River. Why, it has been the home of the Sioux for many, many generations, and to concentrate those eight, nine, or ten different Sioux tribes together on the Missouri River, so that they would be there on a large reservation. The country is there a country fit for nothing else but for Indians, I think. It is not fit for cultivation, or, at most, is capable of very little cultivation; but you have to feed them there, and you will have to feed them if you send them down to the country west of Arkansas.

Mr. President, I think, then, under all the circumstances, as there appears to be a disposition on the part of the Senate which I think is unanimous to meet the subject intelligently and squarely and fairly, I shall move, with the consent of the Senator from Iowa, that the bill be referred to the Committee on Indians Affairs, hoping that they will be able to report on Monday, considering the proposition made by the Senator from Vermont which has a great deal of merit, and some portions of the bill. I think on reflection that the amendment of the Senator from Vermont is not quite sufficient, although I was disposed at first to favor it. Being anxious for early action on this matter I will move, unless my friend from Iowa shall object—he is chairman of the committee, but I think he will agree to it—that the subject be referred back to the Committee on Indian Affairs with instructions to report on Monday next and then have the matter disposed of. This bill may be worked up so as to make it satisfactory to my friend from Nebraska, [Mr. HITCHCOCK,] who has an objection which I have no doubt is well founded. He is from that region of country and has a right to be heard. So of his colleague. Let the committee get up a bill to meet the object. Something has to be done.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. THURMAN. I move to extend the morning hour for a quarter of an hour that this bill may be finished.

Mr. PADDOCK. I hope the morning hour may be extended.

Mr. MORRILL, of Maine. I have no objection to this bill going on by general consent for a few minutes.

The PRESIDENT *pro tempore*. By unanimous consent the time may be extended for a few minutes subject to a call for the unfinished business.

Mr. THURMAN. I do not wish to take up any time in the discussion of this measure about which other Senators are so much better informed than I am; but I wish to say in reference to some remarks which have been made here that there are two sides to this question between us and the Indians. Some Senators have spoken in language of very strong condemnation of the whites who have intruded themselves into this Black Hills country, and I agree that their conduct was unjustifiable; but because their conduct was unjustifiable, I cannot justify the wholesale massacre of them that has been going on if the reports that have reached us be true. These Sioux have been supported by this Government. Long since they were entitled to support under the treaty between them and us; we have without any treaty obligation requiring us to do so, continued to support them; and we have offered them the most liberal terms for a cession of this Black Hills country, which we are told here is of no value to them. They have rejected all our offers, and insisted upon a price for the Black Hills country ten times more than its real value; and, having thus been supported by us without any treaty obligation on our part to do so, and having rejected the fair and liberal offer on our part which would have prevented any difficulty between us at all, it will not do to say that they were justified in taking the tomahawk and scalping-knife in their hands simply because white men have intruded into this country. That was no way to treat citizens of the United States, citizens of a Government that has extended toward these Sioux as liberal and as charitable treatment as that which I have mentioned.

One word more. General Crook is out there with between twelve and thirteen hundred men. If I know that man—and I think I know him well—those murders must cease, or there will be punishment, and punishment that will be remembered as long as that tribe lasts. It will not do to condemn him or the Army of the United States in advance if they protect the white citizens there, even though they be wrongfully there. If there is blame at all, it is upon the Government for not having prevented the whites from going there; but if you had

undertaken to prevent them from going there, it would have required an army larger than you possess to do it. Having gone there wrongfully, as I admit, unjustly, improperly, I once more say that it is no justification for the murders that have been committed, the scalps that have been taken by the Sioux; and once more I say that, in my judgment, it is Crook's duty to prevent those murders and to defend those white people, and I believe he will do it.

Mr. BOGY. The tone of argument inaugurated by my friend from Ohio will transfer the Indian war from that country to the Senate Chamber; that is all. Nobody here vindicates the murder of white men by Indians. The Senator from Vermont has not done so, and I am sure I have not done so.

Mr. THURMAN. I am sure I did not intimate that any one did so.

Mr. BOGY. It is not right to argue a question of this kind in that way, and if you do it, you destroy the whole object. I am not here to vindicate the Indians who may have murdered the white men; yet that tone of argument would imply that those who are in favor of doing something to prevent war are men who vindicate the Indians and justify these murders. I do not wish to occupy any such position.

Mr. THURMAN. I beg my friend not to suppose that I intimated any such thing. I certainly never intended it.

Mr. BOGY. Whether my friend from Ohio intended it, or not, it is so recorded, and it was understood. My friend from Iowa and myself, and other members whom you have placed on the Indian Committee, and upon whom you have imposed the unpleasant duty of attending to Indian affairs, are made here to appear as vindicating the Indians when they commit murders and outrages. I do not choose to occupy any such position. I do not justify the Indians, but I say—and it cannot be denied by any reasonable man here or elsewhere—that if the white man will go to that country in violation of treaty stipulations, without any right to go there, they must expect to be murdered, not that I would justify their murder, not that I would commend it, but it is an inevitable fact. I do not know what right General Crook, or any other general, has to invade the Indian country unless he does so by peremptory orders, and I should like to know who has a right to give such orders, if even the President himself has a right to do it.

Mr. HITCHCOCK. Does the honorable Senator assert that General Crook is there in violation of orders?

Mr. BOGY. I say I do not know. There is the trouble. If we intend to discuss that matter in the way inaugurated by the Senator from Ohio, I say we shall transfer the Indian war from the Indian country to the Senate Chamber. I only wish not to be placed in a wrong position in regard to this thing. I wish a commission to go to that country authorized to prevent the things that are being done there to-day; that is, to bring about peace and good understanding with these Indians.

Mr. SARGENT. As if they were in a foreign country?

Mr. BOGY. No; I do not think it is foreign territory, but I think it is Indian country, but to the extent of making a treaty with them it is a foreign country as much as if it were a foreign nation with whom we were making a treaty.

The fact is, Mr. President, the time has come when this subject has to be approached in a very different way, in a kind way. That country is in a state of great confusion and great perturbation. Everything is boiling and seething there; and something must be done to protect the unfortunate white men who have been misled into that country. No man desires them to be protected more than I do. I do not wish one of them to lose his life. They are our own people on the frontier, with whom I am in sympathy.

I will renew the motion I made, unless my friend from Iowa should object to it, and I hope he will not, to refer this matter back to the Indian Committee, so that they may prepare a bill which, I presume, my friend from Nebraska [Mr. HITCHCOCK] himself will not object to, because I have no doubt he is right-minded upon this subject. He said he was in favor of the amendment of my friend from Vermont. I have no doubt he would have peace preserved in his own State. If that can be done, it is all I desire to do. I think the Indian Committee could perfect a bill that would meet this object, understanding now somewhat the sentiment of the Senate.

Mr. ALLISON. I hope the Senator from Missouri will not press that motion. I will ask that the amendment of the Senator from Vermont may be printed, and I think the Indian Committee can consider it and the other amendments and make such a proposition as may be advisable by Monday morning, if the bill cannot be finished to-day. But I hope it may be finished to-day, and that no motion will be made to recommit it to the committee.

Mr. PADDOCK. There ought not to be a single day's delay in considering this question. It seems to me that the Senate ought to take up the matter to-day and conclude it. The fact is patent to all that these people are already there in large numbers, and that there is bloodshed, carnage, and destruction of life and property by this savage tribe which contests the advance of civilization thither. Action ought to be and must be had at once, and while I am up I must be permitted to say that it has been a very fashionable thing here to reflect upon the brave and enterprising people on the frontier who have sometimes pushed forward into the so-called Indian country; but it should be remembered by our friends in the East that our friends on the frontier are only following the illustrious examples that have been set long before. They are only doing that which was done by the pilgrim fathers when they landed on Plymouth Rock, and by those who, afterward following their example, went into Pennsylvania, Ohio, Indiana, Illinois, Iowa, and other sections, repeating the history that had been made before. It is utterly impossible to restrain the American people when opportunities are presented to advance their fortunes. The same spirit of enterprise impels all, whether they reside in New England or Nebraska.

The PRESIDENT *pro tempore*. The Senator from Missouri moves the recommittal of the bill to the Committee on Indian Affairs.

Mr. ALLISON. I hope the Senator from Missouri will not press that motion.

Mr. BOGY. If my friend objects to it, I will not insist upon it.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his motion.

Mr. ALLISON. I have nothing further to say.

Mr. EDMUNDS. I merely wish to say a word, not to take up time. The difference between these two propositions is simply this: There is no need of sending the bill back to the committee, because we understand the two points of view. The bill provides, as was stated before, in such a way that however desirous I might be, for one, of getting this matter adjusted, I could not vote for it, because, as stated by the Senator from Ohio, [Mr. THURMAN,] it ties everything up to one rigid and distinct rule and makes a sort of proposition, and requires a species of performance, that leaves no latitude at all for conference or change. That is no way to make an agreement or to start to make one, unless we are going to abandon the whole idea of having an agreement and say "We will pass a positive act that this thing shall be done." For that purpose you need not send out any commissioners at all; and if the Indians will not do that, we can make them do it at the point of the bayonet. But nobody proposes that. Everybody agrees that these tribes have rights. I will not spend the time of the Senate in defining them and explaining them; but they have rights in that region of country, and having rights, they are entitled to be protected in the enjoyment of them until they are deprived of them. We all agree that at present the only just way of depriving them of those rights is to do it by their free consent and on just principles. In order to find out how that can be done, my proposition (or really the proposition of the Senator from Nebraska, [Mr. PADDOCK,] for mine is only an amplification in form of the one he has proposed, and it is his now as he has adopted that change of phraseology) makes a simple provision for meeting with these Indians and getting them together in a peaceable way to talk the present attitude of the subject over and see if it is not possible to come to some agreement for peace between us and them and for future security, with open powers, subject of course in the end to the approval of this Government when they come back. It does seem to me that is the most sensible way of doing. That is all I have to say.

Mr. INGALLS. It appears to me that the amendment proposed by the Senator from Vermont is defective in that it does not provide or say whether this agreement shall be valid until it is ratified by Congress.

Mr. EDMUNDS. It only provides for a negotiation, which necessarily implies a ratification by Congress.

Mr. INGALLS. That would be entirely ineffectual. Of course, unless there is some provision made for conveying assurances to these Indians that when these ministers plenipotentiary and envoys extraordinary to the court of Red Cloud are to have some authority from Congress to carry their treaty into effect, it will be merely nugatory and idle. It will be a powwow, a palaver, a talk that will amount to nothing.

Mr. SHERMAN. It will be a talk of the old folks while the young ones are fighting.

Mr. INGALLS. Therefore the amendment ought certainly to provide, both for the protection of the Government and for the satisfaction of the Indians, that this treaty shall not be valid and binding until ratified by Congress. I believe the Senator from Iowa [Mr. ALLISON] was in this country last summer with the Senator from Wisconsin, [Mr. HOWE,] and perhaps some others, and at that time the Sioux demanded the sum of $70,000,000 for the cession of what is known as the Black Hills country. The terms of the amendment confer plenary power and authority upon these commissioners to make any agreement they see fit with these Indians, and we certainly ought not to place it in their power to bind us to pay an extravagant and extortionate sum for this territory.

Mr. EDMUNDS. Will my friend allow me to explain to him a moment?

Mr. INGALLS. Yes, sir.

Mr. EDMUNDS. The amendment, as I drew it, and as it stands now, except that the word "agreement" is added after "treaty," provides that they are to negotiate with these Indians with a view to a treaty, and as it now reads, with a view to a treaty or agreement—that is a mere question of names—for these objects. That is the very language, I believe, *verbatim et literatim*, that is used when we authorize the President to make a treaty with a foreign power, or a negotiation or anything else. That is to say, upon the principles of our Constitution and the principles of all public government it is perfectly understood that these agents, plenipotentiaries as my friend calls them, have no power to bind their principal except in the way named. They make a negotiation, which if satisfactory to the principal the principal will carry out. And so with the Indians.

Mr. INGALLS. Under the laws of Congress we cannot make a treaty with them.

Mr. EDMUNDS. Under the laws of Congress I submit that we can make a treaty, because the Constitution gives us that power. Supposing we could not, this being the last law of Congress, if it should become a law, it would cover that. But I am indifferent as to whether it shall be an agreement that is to be ratified by Congress. If you want that, then I agree there ought to be added words, because ordinarily it would be understood that it would be referred to the Senate for ratification; but if Senators prefer that it shall be a ratification of both Houses rather than by two-thirds of the Senate, I certainly have no objection to saying so. I apologize to my friend for interrupting him.

Mr. INGALLS. I should be entirely unwilling to authorize these commissioners to bind the Government by negotiation or treaty or agreement with these Indians to pay an extortionate or entirely superfluous sum for this territory.

Mr. EDMUNDS. So should I, only I think it is plain that on the ordinary principle the treaty must be ratified by the Senate as the provision stands.

Mr. INGALLS. I think, then, the amendment should show it in plain and explicit terms.

Mr. EDMUNDS. It never has been the case before.

Mr. SARGENT. The policy of making treaties with Indian tribes was inaugurated very early in our history. Happily it was broken up a few years ago by act of Congress. I am not entirely sure that it was not necessary originally that these treaties should be made. Perhaps when these tribes were powerful, hovered upon our borders, and hemmed in our people, it was the only way of dealing with the problem; but it was a most expensive system, and toward the last, and just before Congress repudiated it, it loaded upon the shoulders of the United States annually millions of dollars. Some treaties which were made, and some notably with these very Sioux tribes, contained enormous provisions of tribute to be paid by the Government of the United States to these tribes without any obvious equivalent either of benefit to the Indians themselves or of peace to the country. I am very much opposed to reviving that system. I was very much in favor of abolishing it at the time it was done, and I should not like that any equivocal words placed in this legislation should raise the question again whether an agreement made with these Indians could be treated as a treaty and become the supreme law of the land by the mere assent of the Senate. In my view, the present condition of the Indian tribes amounts simply to a number of associations, whatever the number of tribes may be, holding land within the territories of the United States in common, ordinarily, in proprietorship, but subject to all the laws of the United States both for revenue and other purposes, liable to the military arm of the United States to repress disorders and subject to our general laws where applicable to their country.

I think this is the only relation which the Indians now sustain to the United States. They are not foreign nations in any sense of the word. If we see fit, in consideration of their poverty, or of the necessity of giving them the means of civilization, or any humane motive, to advance to them or donate to them, out of the Treasury of the United States money necessary for these purposes, I am willing to vote as liberally as any one this side of prudence for these purposes; but I am opposed to the theory, as the necessity no longer exists for it, that these amounts which we pay are tributes paid by this powerful nation to any other nation whatever, whether a nation of Indians or a nation under any pretense or designation.

I am opposed to any theory which degrades us into the supposition that we purchase peace of Indian tribes. If they are our wards, I am willing to treat them generously as such. I think it is very much better to pursue the policy which was laid down by the House of Representatives some four or five years ago, and assented to by the Senate after repeated committees of conference, that all these matters rest in agreement between ourselves and these scattered bands of Indians, and that Congress itself shall determine whether these agreements shall be ratified, whether money shall be taken out of the Treasury in consequence of them, and as to any territorial changes by which the lands of the Indians shall be increased or diminished. It is a much safer system, brings much better scrutiny to the expenditures which are made under this head, and prevents our being entrapped upon the point of honor, as we were in the old time, and frequently bled severely because there was some punctilio, some question of obligation as between nations binding us thereto.

I am opposed, therefore, to the amendment of the Senator from Vermont in its present form. I think the original bill of the committee, which proposes that this shall be an agreement and shall be subsequently ratified by Congress, is much more in consonance with the policy that we have pursued for several years past, and will be very much better for our people.

Mr. BOGY. With an amendment offered to the amendment of the Senator from Vermont, I should have no objection to it; but it would carry out my view, which is simply to authorize a commission to go to that country to take such steps as may be deemed necessary to bring about peace. That is the whole thing after all, and the latter clause of the amendment covers that point:

> They shall have the right to negotiate for the cession, in whole or in part, of that territory known as the Black Hills country, or otherwise for the preservation of peace.

With this amendment I should be perfectly willing to accept the amendment of the Senator from Vermont, and I think it covers the whole ground.

Mr. INGALLS. I shall propose to amend by adding the following words:

> Said commissioners shall make full report to the President at as early a day as practicable, which report, together with any agreement made with said Indian nation, shall be submitted to Congress for its approval; and any agreement when so approved, and not before, shall be binding upon the United States and the Sioux Nation.

Mr. SHERMAN. Mr. President, I will observe in regard to this matter that I hope the Senate will not attempt to go back on the law as it now stands. The law expressly provides that all negotiations and agreements or treaties with Indian tribes shall be submitted to Congress.

Mr. INGALLS. That is what I proposed.

Mr. SHERMAN. I know.

Mr. BOGY. Although that may be the law, can we not change the law? Is it never to be changed?

Mr. SHERMAN. Congress will have to change it.

Mr. BOGY. Congress will change it by this bill. The bill must pass Congress.

Mr. SHERMAN. I know that, but I am opposed to it. I shall oppose any further negotiations or treaties with Indian tribes. I supposed that system had been abandoned long ago. If the Committee on Indian Affairs will now state, with all the light they have before them, with the reports of Army officers, the reports of Indian agents and superintendents, and of the Commissioner of Indian Affairs, what they want of the Sioux Indians, what they think is right before God and their consciences, how much they are willing to give to support the Sioux Indians, what they demand of the Sioux Indians to submit to, what terms they will impose on them as peace-loving and good men—if they will make such a proposition to us, I will vote it as a law and enforce it as a law, and I will compel the Sioux to submit to it just as I would compel our own people to submit to the law.

Mr. ALLISON. That is precisely what the committee have done in the bill before the Senate.

Mr. SHERMAN. Therefore I say stand by the bill; I desire to vote for the bill. If this bill embodies the ideas of the Interior Department, the Commissioner of Indian Affairs, the agents, Army officers, and the committee appointed by the Senate to investigate this matter, as to what the Indians ought to do and what we ought to do, let us vote it as a law. The law to which I have referred was passed in 1871, after great debate, by Congress, and I will never vote to recede from it and go back to the old sham of Indian treaties. My friend from California points me out the law as it now stands, and I will read it:

> No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power, with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

The only objection I have to the proposition made by the Senator from Vermont, supported by the Senator from Nebraska, is that it violates the law; it goes back upon what is now the established policy of this Government, which is to make laws for the Indians. You may, if you choose, send a commission to talk with them; but what good will it do? The Senator from Iowa himself was on a commission last summer, and I imagine was very glad to get out of it as soon as possible—a commission not authorized by law exactly, but still it was an honest effort to bring about peace. I have no objection to it. But what is the use of sending men there who cannot understand their language, to go and talk with the old men of the tribes on the reservation while the bucks, as I believe they call them, are off fighting with General Crook or robbing and plundering our white people who have unlawfully gone into the hills? It is utterly useless, money thrown away; but, if you pass a law, they will have to support it, and the Army and our agents will enforce it.

Mr. PADDOCK. The bill itself provides for the appointment of a commission just such as is contemplated by the amendment.

Mr. SHERMAN. Only to get information; not to make a treaty or agreement.

Mr. PADDOCK. Yes, to make an agreement.

Mr. HITCHCOCK. Precisely the same thing.

Mr. INGALLS. Is the bill open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. INGALLS. I offer the following as an amendment to the bill——

The PRESIDENT *pro tempore*. To the bill or the substitute?

Mr. INGALLS. To the substitute offered by the Senator from Vermont.

The PRESIDENT *pro tempore*. The Chair will hear it read, but it is not in order unless it be by way of addition.

Mr. INGALLS. It is by addition.

The CHIEF CLERK. The amendment is to insert at the end of the proposed substitute the following:

> And said commissioners shall make full report to the President at as early a day as practicable, which report, together with any agreement made with said Indian nation, shall be submitted to Congress for its approval; and any agreement when so approved, and not before, shall be binding upon the United States and the Sioux Nation.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska accept the amendment?

Mr. PADDOCK. I do not.

The PRESIDENT *pro tempore*. The Chair should state that the question is on the amendment to the last section of the original bill reported by the Committee on Indian Affairs, which will be read.

The CHIEF CLERK. The committee propose to amend section [6] 5 by adding—

And the further sum of $50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Interior.

Mr. EDMUNDS. I suggest to the Senator from Iowa to allow us to take the question on the amendment by way of substitute for the whole bill before he puts the question on perfecting the original bill by the amendments of his committee.

Mr. ALLISON. I accept that suggestion, and tried to make it myself some time ago.

The PRESIDENT *pro tempore*. The Chair rules that that course is not in order without common consent.

Mr. EDMUNDS. I ask common consent.

The PRESIDENT *pro tempore*. Is there objection to taking a vote on the substitute before voting on the amendment of the committee to the original bill? The Chair hears no objection——

Mr. HOWE. No, I object. I think we had better perfect the bill first.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment just read to the bill.

Mr. PADDOCK. I should like to say, in explanation of my objection to the amendment of the Senator from Kansas, [Mr. INGALLS,] that, while ordinarily I would not object to such a provision, in this case the utmost expedition is necessary, as I conceive; and I have that confidence in the President of the United States to believe that he will appoint a commission under this bill that would perform its duties faithfully—a commission that would not go out there and arrogate to itself unwarranted powers.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee to the last section of the bill.

Mr. INGALLS. That amendment is exactly the same as the amendment offered by the Senator from Vermont to his substitute, as I understand, and after it is adopted it will then be in order to move the adoption of the substitute offered by the Senator from Vermont. This is merely perfecting the bill as it stands.

Mr. EDMUNDS. The objection to it is, as it was pointed out before, that there can be fairly implied from it that this money is to be used for what are sometimes called diplomatic purposes; while the amendment which I had the honor to suggest in relation to the proposition of the Senator from Nebraska stated in terms that this money was to be used for assembling the Indians and taking care of them, while the matter could be done; and while I am willing to do that, as I suggested, and for that purpose, I am not willing—and a good many others I think are not—to make this a perfectly open fund for all sorts of uses. That is the difference.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to the last section of the bill.

The question being put, there were on a division—ayes 15, noes 16.

Mr. ALLISON. The Senator from Vermont seems to think there is a difference between the language proposed by the committee and the language proposed by himself. I am quite willing to adopt the language of the Senator from Vermont in order to satisfy him.

Mr. BOGY. There is no difference in fact.

Mr. EDMUNDS. I thought I stood up to be counted. What is the state of business at this moment?

The PRESIDENT *pro tempore*. On agreeing to the amendment the ayes were 15, the noes 16—no quorum voting.

Mr. EDMUNDS. I wish the Chair would count the Senate.

Mr. THURMAN. Let the yeas and nays be called; that will disclose whether there is a quorum or not.

The yeas and nays were ordered.

Mr. HOWE. I suggest to the Senator from Iowa that he change his amendment and adopt the phraseology preferred by the Senator from Vermont, and let us see what it is about which the Senate is disputing.

Mr. ALLISON. I am quite willing to do so. I can conceive no possible difference.

The PRESIDENT *pro tempore*. Is there objection to changing the phraseology of this amendment to conform to the proposition of the Senator from Vermont? The Chair hears no objection.

Mr. BOGY. I think it is an improvement in language anyhow.

The PRESIDENT *pro tempore*. The question is on the amendment as modified.

Mr. HITCHCOCK. I thought there was unanimous consent some few minutes ago that the question should be taken on the substitute offered by the Senator from Vermont.

The PRESIDENT *pro tempore*. The Chair thought so too until the Senator from Wisconsin [Mr. HOWE] objected.

Mr. HITCHCOCK. The proposition of the Senator from Vermont can be adopted at the present time without objection as far as I have been able to learn. It is satisfactory both to the Committee on Indian Affairs and to the Senate, unless it be the Senator from Wisconsin.

Mr. WINDOM. I want to add that there will be a second objection to it.

Mr. ALLISON. Mr. President——

Mr. MORRILL, of Maine. If this debate is to continue I must call for the regular order.

Mr. ALLISON. I do not propose to debate. I only rise to say that I agree to accept the proposition of the Senator from Vermont in reference to the $50,000 to be added to the last section.

The PRESIDENT *pro tempore*. The Chair has so stated.

Mr. ALLISON. I understand that there is no objection on the part of the Senate to that amendment, and therefore the yeas and nays are not necessary.

Mr. EDMUNDS. Therefore I do not make any objection for the time being to the adoption of the amendment.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the call of the yeas and nays? The Chair hears none.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Kansas [Mr. INGALLS] to the substitute of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. I move to amend that by striking out the word "Congress" and inserting "the Senate." I believe that two-thirds of the Senate is better for a trade of this kind than a majority of the two Houses.

The PRESIDENT *pro tempore*. The Secretary will report the amendment of the Senator from Vermont to the amendment of the Senator from Kansas.

The CHIEF CLERK. The amendment of the Senator from Kansas is:

And said commissioners shall make full report to the President at as early a day as practicable, which report, together with any agreement made with said Indian nation, shall be submitted to Congress for its approval; and any agreement, when so approved, and not before, shall be binding upon the United States and the Sioux Nation.

The PRESIDENT *pro tempore*. The Senator from Vermont proposes to strike out "Congress" and insert "the Senate," as the Chair understands.

Mr. SARGENT. It necessarily defeats the bill and destroys the legislation.

Mr. EDMUNDS. What does the Senator mean by that?

Mr. SARGENT. I will explain, if the Senator will allow me.

Mr. EDMUNDS. Yes, sir.

Mr. SARGENT. I mean that in 1871, after a prolonged conference over the question and full debate in both Houses, this provision was incorporated in the statutes:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power, with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

Mr. BOGY. Is that Constitution or law?

Mr. SARGENT. That is a law; and I mean to say that it was adopted after full consideration by both branches. I have no right, I suppose, to discuss what took place in the other House, though I may, as matter of history, refer to what took place three or four Congresses ago, and say that it was the decided opinion of the Congress then existing that this was an essential, necessary reform; that the system of treating as independent nations little handfuls of individuals occupying American soil had outlived its usefulness a great many years; that it had entailed upon the Indian service extravagances of every name; and the question arose upon certain treaties which were at that time presented, where there were millions billeted upon the Treasury of the United States annually for thirty years to come. In that discussion it was shown that the provisions incorporated in these so-called treaties, running back a long time, were of the most ridiculous and frivolous character; that articles were required to be furnished to the Indians under these treaties which were as little adapted to their necessities or real wants or to advance them in civilization as it would have been to send the most ridiculous or extravagant articles which the imagination could devise. It would be like sending warming-pans to the West Indies. The whole thing fell down, so many absurdities had been incorporated upon it and so awful was the expense. And in the debate in the Senate on the proposition it was said by a prominent Senator familiar with the proceedings in secret session that many of these treaties, which entailed hundreds of thousands of dollars annually of expense on the United States, and which by their terms were perpetual, were passed here with a presence of five or six Senators. It was looked upon, in the light of confessions like these coming from prominent Senators and from the fact that the system was extravagant, from the fact that it was un-American for us to confess that we were paying tribute to independent nations, that this was a necessary reform, and Congress passed the law which now is on the statute-book. And when I say that I believe this defeats the legislation, I simply say that you incorporate it on your bill unnecessarily here, because it may be brought forward as an independent proposition; and it is a clause which must necessarily arouse the attention of the other House, and in my judgment would lead to unnecessary opposition to a solution of this matter, which is too pressing to be delayed by abstract questions. That is what I meant; and I now say in reply to the Senator from Vermont that this would impede and probably destroy legislation on the subject.

Mr. EDMUNDS. The Senator from California, I am sorry to say, has ended with doing the very thing that, when he began, he said

he would not do; and that is, bring forward what may be the temper of another branch of this Government to operate upon the minds of Senators and influence our action here, which is contrary to the proprieties of this body or any other, I believe; but I did not call him to order for it.

Mr. SARGENT. The Senator will find that I kept strictly within the rule. I did not allude to anything that the other House had done to influence the Senate, but spoke of the probabilities of legislation.

Mr. EDMUNDS. I know that the Senator did not allude to what had been done elsewhere; but when he ended he said he had made the objection to this amendment at last, finally, as one of his reasons, because, knowing the temper of the other House—I do not use his very words, but the substance; I cannot remember the very words—he knew that it was going to impede legislation and prevent this thing being accomplished. However sugared the phrase may be, that is swinging a flag over our heads here to act, not upon our own judgment as to what the intrinsic merit of this proposition may or may not be, but as to what view another branch of the legislative department may take of it. I always deprecate that thing being brought into either House. The Senator says that that is not within the rule. I respectfully submit that it is; but it is done, and there is no help for it now. It would be a very extraordinary thing for a Senator or a member of the other House to say in that branch, "I am opposed to this provision of this bill, however good it may be of itself, because I am well satisfied that the President of the United States will veto it." It would be a high breach of privilege to say that sort of thing. These three bodies that enter into legislation, the Senate and the House and the President, were intended to be absolutely independent of each other, and are bound to act upon their own judgment, uninfluenced by any hope or fear as to what the other branch may do. However, I am wasting time, Mr. President, in discussing a point that has gone by, although in a general sense I believe if we thought of these things oftener we should get on better.

Now, I make this proposition to amend this amendment simply because I believe it to be right. I do not want to go into any discussion of what took place when we passed that general law, or what any prominent Senator said who may or may not have known better than anybody else how much corruption there had been in treaties that had been made. We shall not avoid corruption by forms. We shall avoid corruption in quite different ways. Passing that, then the simple question is, whether in respect of facility, in respect of prompt action at last, in respect of careful consideration where there is free debate, we are more likely to have a deliberate and speedy solution of this question by a vote of this body of a proper proportion or by a vote of both bodies by simple majorities. I think this is the best way, and for these reasons. If Senators do not think so, they can vote it down. I shall not take up time about it.

The PRESIDENT *pro tempore*. The Senator from Vermont has moved to strike out "Congress" and insert "the Senate." The question is on that amendment to the amendment.

The question being put, a division was called for; and the ayes were 16.

Mr. EDMUNDS. That is not a majority of a quorum; I give it up and withdraw the amendment.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Kansas to the substitute of the Senator from Vermont.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the substitute as amended.

Mr. HOWE. A motion to amend the original bill is in order now.

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. I propose to amend the bill by striking out the description of the country which is to be surrendered and to insert another description; to strike out all from the word "lying" in the twenty-sixth line down to "number" in the thirty-fourth line, and insert in lieu thereof:

West of the one hundred and first meridian of longitude, north of the forty-fifth parallel of latitude, and south of the northern boundary of Nebraska.

Mr. ALLISON. Do you want them to relinquish all west of the one hundred and first meridian and north of the forty-fifth parallel?

Mr. HOWE. Yes, sir.

Mr. ALLISON. I am afraid that is taking too much country.

Mr. HOWE. It will still leave them country large enough for a State.

Mr. EDMUNDS. I appeal to my friend from Wisconsin to withdraw his proposition until we test the sense of the Senate on the other proposition. If that is agreed to, his proposition is not necessary, because it leaves it open. If it is not agreed to, we then can go on with the bill, and the Senator's amendment can be considered.

Mr. HOWE. An expression of the opinion of the Senate is more important, as it seems to me, in the case suggested by the Senator from Vermont than it is in the case now before the Senate. Whether you are to send a commission out there under the bill or under the amendment proposed by the Senator from Vermont, I think they ought to have an intimation from the Legislature as to how much of this territory shall be surrendered by the Indians. The bill proposes a surrender of a little piece of territory within the heart of the reservation, leaving the Sioux reservation to inclose it as with a ring, so that you cannot get to it or come from it without crossing an Indian reservation.

Mr. INGALLS. It could be approached from the west side.

Mr. HOWE. But even there you have to cross the territory which the Indians have hunting rights on, on which they are permitted to hunt. This amendment of mine proposes that they shall relinquish everything west of the one hundred and first meridian. That leaves them all the reservation they want or can possibly occupy, the best part of the reservation and that adjacent to the Missouri River.

Now, will the Senate conclude that that is advisable? You may make a treaty with them for the abandonment of what you call the Black Hills and pay them for it and it will not be five years, the ink will be scarcely dry, before the pushing and crowding settlements there will demand another concession and another treaty and another sum of money to be paid. What they do not want is this land. I do not think we want it, but a necessity of yours is to take care of the Indians, and when you agree, as you must agree in any treaty you make, to take care of them, to support them, had you not better ask them at once to give up what they do not want and what you know you will want or will have to get within a very few years?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

Mr. ALLISON. As I understand the amendment of the Senator from Wisconsin, it proposes to take that region of country north of the forty-fifth parallel.

Mr. HOWE. That is their present northern boundary.

Mr. ALLISON. But that will not include the Black Hills at all, as I understand.

Mr. HOWE. The Black Hills are all west of the one hundred and first meridian.

Mr. INGALLS. Their northern boundary is the forty-sixth parallel.

Mr. HOWE. True.

Mr. ALLISON. But the amendment includes all west of the one hundred and first meridian and north of the forty-fifth parallel. That does not include the Black Hills country, as I understand that is south of the forty-fifth parallel but west of the one hundred and first meridian.

Mr. HOWE. A part of that country is south of the forty-fifth parallel, but it is all west of the one hundred and first meridian.

Mr. INGALLS. This excludes the Black Hills country entirely. The forty-fifth parallel runs north of the North Fork of the Cheyenne and excludes the Black Hills.

Mr. HOWE. Mr. President, I have drawn several contracts in my time; I think I have acquired more information this morning in a very short time how to draw them——

Mr. INGALLS. Let me show the Senator the map; here it is.

[Submitting to Mr. HOWE a map.]

Mr. HOWE. The amendment proposes to them to relinquish all west of the one hundred and first meridian.

Mr. INGALLS. And north of the forty-fifth parallel.

Mr. HOWE. All west of that and all north of that and all south of that. [Illustrating by the map.] So that their reservation will be bounded by that meridian of longitude, by that parallel of latitude, and by that boundary line. [Illustrating.]

Mr. INGALLS. Their reservation will then include the Black Hills.

Mr. HOWE. The Black Hills being east of the one hundred and first meridian?

Mr. ALLISON. The Senator may have included the proper boundaries, but it does not strike me so.

Mr. HOWE. There is some experienced draughtsman here who certainly can frame language that will describe the Sioux reservation by the one hundred and first meridian of longitude, by the forty-fifth parallel of latitude, and by the northern boundary of Nebraska. That can be done. I know there is ingenuity enough in the Senate to accomplish that if you want to do it.

Several Senators made suggestions in an undertone.

Mr. HOWE. It is not the law that bothers me so much as the wit of the Senate. I think I can get along with either alone, but the two together are rather confusing. [Laughter.] The simple question is whether you want to confine this tribe within a reservation so small as that which I have suggested, which I think is a great deal larger than they have any use for. We need not dispute about the terms of this amendment if you do not want to include them within that reservation; but if you do want to, I do not wish you to vote the amendment down on the mere assertions that it does not do what I propose.

Mr. INGALLS. Within what limits does the Senator desire to include the reservation; all east of the one hundred and first meridian?

Mr. HOWE. All east of the one hundred and first meridian, all south of the forty-fifth parallel, and all north of Nebraska.

Mr. INGALLS. That includes the Black Hills.

Mr. HOWE. I have understood that the Black Hills were west of the one hundred and first meridian.

Mr. INGALLS. You said "east."

Mr. HOWE. I said "east," I believe.

Mr. MORRILL, of Maine. I have been waiting for the Senator from Wisconsin to take his seat to call for the regular order. I do not like to take him off his feet.

Mr. EDMUNDS. We can vote now.

Mr. PADDOCK. I think we can promise the Senator from Maine there will be no further debate.

Mr. MORRILL, of Maine. I see no end to it.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has the floor.

Mr. HOWE. I shall sit down the moment any Senator tells me to, and I shall sit down at the request of the Senator from Maine as soon as of anybody else.

Mr. MORRILL, of Maine. Mine is nothing but a hint, and I withdraw it with pleasure.

Mr. HOWE. I should like to have the question settled as to the propriety of this amendment; that is to say, whether the amendment does what I propose it shall do, and I will venture to ask to have it reported once more.

The PRESIDENT *pro tempore*. The Secretary will read the amendment.

The Chief Clerk read as follows:

West of the one hundred and first meridian of longitude, north of the forty-fifth parallel of latitude, and south of the northern boundary of Nebraska.

Mr. ALLISON. Now read it in connection.

The Chief Clerk read as follows:

And the sums thus to be provided shall be in consideration for the absolute relinquishment by said tribes of all their title to and interest in the following district of country: that is, the tract of country west of the one hundred and first meridian of longitude, north of the forty-fifth parallel of latitude, and south of the northern boundary of Nebraska.

Mr. HOWE. Now, does the Senator from Iowa think that includes the reservation within the limits that I have suggested?

Mr. ALLISON. As I understand the amendment, it proposes that they shall relinquish all west of the one hundred and first meridian and all north of the forty-fifth parallel. I think if the Senator would reverse that and say "all north of the north line of Nebraska and all south of the forty-fifth parallel," then he would have made a boundary which would include the Black Hills. It may be that I may be entirely confused on this question, but I think not. The Black Hills are west of the one hundred and first meridian; they are south of the forty-fifth parallel, and they are north of the northern line of Nebraska.

Mr. HOWE. I do not wish to struggle for this amendment against the disposition of the Senator from Iowa.

Mr. ALLISON. I do not want the Senator from Wisconsin to misunderstand me. I would agree to his amendment if it embraced what he means to embrace within it. So far as I am concerned, I think it is a more definite description than the one I proposed.

Mr. HOWE. If the Senator thinks it ought to be agreed to, will he change the form of it so as to meet the purpose?

Mr. ALLISON. I do not like to do that, for fear I may be mistaken.

Mr. HOWE. Evidently the Senator does not incline to the amendment, and I withdraw it.

The PRESIDENT *pro tempore*. The amendment of the Senator from Wisconsin is withdrawn. The question is on the substitute to the original bill as amended.

The substitute was agreed to.

Mr. WINDOM. When on my feet a few moments ago, I expressed doubts whether I could vote for the bill with the amendment just adopted. Upon further reflection I am unable to do so. The bill now is a re-instatement substantially of the old treaty system, out of which so many of our Indian troubles have grown. It is said that there is great necessity for haste in the passage of this bill. I do not feel any great haste about it, unless it can be made right. I would rather the bill should not pass at all than to again give the assent of the Senate to the old treaty system. I do not believe that any great good can come of it, so far as saving the white men in that Territory is concerned.

Why, sir, it is urged here that it should be passed at once because large numbers of white men who have gone into that Territory are threatened by these hostile savages, and if we do not pass this bill and send a commission out upon the plains to talk over the matter with the Indians, these white men will be massacred. Why, sir, it is not probable that such a commission could report until after the adjournment of Congress, and the treaty could not be ratified until December. If no more prompt measure than this can be devised, there is but little hope of saving the men who have gone to the Black Hills.

Now, we have a commission on the way there headed by General Crook, in which I have infinitely more confidence than in any commission that can be sent out under this bill. I believe that at least the right policy is adopted so far as the Sioux Indians are concerned.

Mr. ALLISON. Does my friend from Minnesota know that General Crook is not within four hundred miles of the Black Hills country; that his cavalry is passing by Forts Fetterman, Reno, and so on, to the Powder River, and that the farther he travels the farther he will be from the Black Hills?

Mr. WINDOM. I am aware, Mr. President that General Crook is not in the immediate vicinity of the Black Hills, and I am aware also that he is marching toward the main body of these Indians. I believe that nothing can be done so effectively to bring about peace with them as a good sound whipping, such as General Crook and his army will administer to them.

I have heard a great deal said about our violations of the Sioux treaty and of the wrongful acts of our people in going there, but I venture to say that there are two sides to that question. I am not going into it now, but I insist we are under no obligations to them, because both parties have regarded the treaty as having no binding effect. We have paid the Sioux nearly $4,000,000 within the last three years in order to prevent an open outbreak on their part. They were bound by the so-called treaty to keep the peace without these payments, but it being considered cheaper to feed than fight them, we have annually appropriated this money. They have now commenced that war so long threatened. These paupers, supported by the lavish generosity of the Government, too idle and lazy to work, have commenced their work of butchery, and I say let the question now be settled in the only way the Indians will respect.

Why, sir, to send this commission there to make a treaty with them while they are on the war-path is simply to encourage them and every other tribe in the country to make war whenever they are dissatisfied, and to assure them that the Government will forthwith make haste to treat with them and pay them a bounty for misconduct.

I am a little doubtful about expressing my sentiments toward these savages; and hence I have spoken so very guardedly on this subject. Some time ago, when this question was before the Senate, in answer to some remarks made by the honorable Senator from Massachusetts, [Mr. BOUTWELL,] which, at the time, aroused my feelings a little, with reference to a massacre that had been committeed in Minnesota several years ago, I took occasion to remark that I had but little confidence in Indian stories; for, if greater liars than the Indians existed on the face of the earth, they had not yet been discovered. For this I was taken to task by numerous gushing philanthropists all over the country. Newspapers in various quarters called me to an account. While I am on the floor, I desire to say that I think my remark was a little too sweeping. When I said they were "the greatest liars on the face of the earth," I think I should have made an exception in favor of a certain writer for the Popular Science Monthly of the city of New York, who has clearly demonstrated by a somewhat labored article that I was mistaken, and I take pleasure in making this exception today.

But, Mr. President, I do not desire to delay the Senate. I only insist that the Senate and the country will be just as sick of the treaty proposed to be made by this bill a few years hence as we are of existing treaties. I claim to be the friend of the Indian. I do not claim to be especially friendly to the Sioux Indians, but generally to the Indian race I am; and I am friendly enough to the Sioux to want to chastise them into good behavior, so that they will be better Indians hereafter. What we ought to do is, just as fast as an Indian treaty expires by its limitation or has been violated by the Indian tribes, to put an end to it. Instead of renewing the Indian treaty system, as you propose to do in the very broadest terms by this amendment, I would say to General Crook or to the executive department, chastise those Indians who have made war upon us, and then if they have anything to say we will talk with them. I would then extend our laws over the Indian tribes, and afford protection to life and property.

You talk about civilizing and Christianizing Indians, and yet you provide for them no protection of law either for life or for property. White men would degenerate into barbarism under such circumstances. It is true, as every one acquainted with Indian affairs will tell you, that in a large majority of these tribes, in all of them except the more civilized, in the Indian territories, if an Indian is disposed to be industrious, to accumulate a little food and make preparation for the winter, it is not safe in his hands, because the idle, vicious vagabonds of his tribe, finding that he has a few potatoes and a little corn laid aside for winter's use, will come down upon him and board with him until his food is exhausted.

There are no rights of property recognized among them. I think the Senator from Missouri [Mr. BOGY] will bear me out in this statement. He is much better acquainted with Indian affairs than I am. The law of retaliation is the only law that exists among them. If one Indian kills another, it is the duty of the next of kin of the man killed to kill the murderer, and of the next of kin of the man on the other side to kill him, and so there is no end to it. You cannot civilize and Christianize Indians until you extend the law of the country over them. Every treaty you make, such as is proposed to be made by this bill to-day, is a barrier thrown in the way of the future extension of the laws of the country over the Indian tribes.

This is the position of the best Indian men of the country, of such men as Bishop Whipple, of my own State, who I know is highly honored for all he has done for the Indians. I believe that no man in the country is better acquainted with their wants, and no man knows better what the true policy should be in dealing with them. It is one of the cardinal principles which Bishop Whipple lays down that you must extend your laws over them and give them the protection to life and property that white men have if you hope to civilize them and improve them. Withdraw the protection of life and property in a white community; let the vicious and the idle prey upon the industrious, and how much industry would there be in that community? Let those who would commit murder be restrained only by the law of retaliation, and how much peace would there be in the community? Until you choose to extend your laws over them and give them the protection to life and property, it is idle to talk about their civilization.

Hence I am opposed to this amendment, which proposes again to make a treaty, for aught we know for all time, which shall stand in the way forever of the extension of our laws over them for their protection and well-being.

Mr. MORRILL, of Maine. I must call for the regular order, unless a vote can be taken at once.

Mr. ALLISON. I desire to propose one further amendment, to which I suppose there will be no objection.

Mr. MORRILL, of Maine. If the vote can be taken without further debate, I shall waive the call for the regular order.

Mr. ALLISON. I move to insert at the end of the bill as it now stands—

That the Secretary of War be required to furnish transportation, subsistence, and protection to the said commissioners during the discharge of their duties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. SHERMAN. Let the bill be read at length as it now stands.

The Chief Clerk read as follows:

Be it enacted, &c., That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint a commission, to consist of five persons, to visit, as soon as may be, the tribes of Sioux Indians, with a view to negotiating with them a treaty or agreement for the cession to the United States of the rights of said tribe to the country known as the Sioux reservation, Dakota, and territory adjacent, or otherwise for the preservation of peace. Each person so appointed, not being a salaried officer of the United States, shall be entitled to receive $8 a day and his actual and necessary traveling expenses while engaged as such commissioner. That the sum of $50,000, or so much thereof as shall be necessary, be, and the same is hereby, appropriated, to be expended under the direction of the President, to enable the tribes or their representatives to assemble and confer with said commissioners, and for the expenses of said commission. And said commissioners shall make full report to the President at as early a day as practicable, which report, together with any agreement made with said Indian nation, shall be submitted to Congress for its approval; and any agreement, when so approved, and not before, shall be binding upon the United States and the Sioux Nation.

SEC. 2. That the Secretary of War be required to furnish transportation, subsistence, and protection to the said commissioners during the discharge of their duties.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The question being put, a division was called for, which resulted—ayes 21, noes 7; no quorum voting.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 8; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Booth, Boutwell, Bruce, Christiancy, Clayton, Cooper, Cragin, Edmunds, Ferry, Frelinghuysen, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Kelly, Key, Logan, Morrill of Maine, Norwood, Paddock, Patterson, Robertson, Spencer, Stevenson, and Withers—30.

NAYS—Messrs. Cockrell, Eaton, Goldthwaite, Hamilton, McCreery, Maxey, Sherman, and Windom—8.

ABSENT—Messrs. Alcorn, Barnum, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Conkling, Conover, Davis, Dawes, Dennis, Dorsey, Gordon, Harvey, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Merrimon, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Ransom, Sargent, Saulsbury, Sharon, Thurman, Wadleigh, Wallace, West, Whyte, and Wright—35.

So the bill was passed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, the petition of Captain J. M. Hamilton, of the Fifth United States Cavalry, praying that the date of his commission as captain be changed from June 6, 1867, to July 28, 1866; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF A COMMITTEE.

Mr. CLAYTON, from the Committee on Civil Service and Retrenchment, to whom was referred the bill (S. No. 885) relating to civil appointments in the Executive Departments of the Government, reported it as an amendment to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes; and it was ordered to be printed.

REVISION OF UNITED STATES STATUTES.

Mr. BOUTWELL. With the consent of the honorable chairman of the Committee on Appropriations, I report from the Committee on the Revision of the Laws the bill (H. R. No. 3156) to perfect the revision of the Statutes of the United States, and I desire to make a statement to the Senate for the purpose of ascertaining whether the Senate is willing to pass the bill upon the recommendation of the Committee on the Revision of the Laws in view of the history which the bill has.

The committee of the Senate prepared a bill to perfect the revision of the statutes. The committee of the House of Representatives, acting independently, also prepared a bill for the revision of the statutes. Those bills were printed. There was then an examination made and a comparison instituted by which it was ascertained that in a large number of particular amendments there was an agreement of the committees. We assumed that in those particulars the committees acting independently had arrived at proper conclusions. There were also differences to the extent of more than fifty. In regard to those differences there has been a conference of a subcommittee of the two committees, a careful examination of each proposed amendment, and an agreement in all particulars so far as the contents of this bill are concerned. There is nothing in the bill which has not been examined first independently by the respective committees and the differences examined by subcommittees of the two committees acting together, and with as much care, I think I may say, as the gentlemen composing the committees could exercise. About half of these amendments are verbal or for the purpose of correcting typographical errors in the print. There is nothing in the bill I believe which affects public policy in any large sense. There is nothing in the bill, so far as is believed by the committees, except old legislation which the revisers of the statutes had failed to incorporate into the Revised Statutes.

The bill was passed in the House of Representatives upon a statement similar to that which I have made. If the Senate under the circumstances is prepared to accept the work of the committee as it stands, I ask the Senate to pass the bill; but, if it is to be read and examined, of course it must be postponed to some future time. I ask for the consideration of the bill; but, if there is objection, of course it will take its place on the Calendar.

Mr. MORRILL, of Maine. If its consideration is to take no time, I shall not object.

Mr. BOUTWELL. It is upon that condition that I ask for its consideration. If there is any objection to the bill, it will be placed upon the Calendar.

Mr. MORRILL, of Maine. Must the bill be read?

Mr. BOUTWELL. I do not ask for its reading. It is voluminous, and of course if its reading is insisted upon it must go on the Calendar.

Mr. SHERMAN. If what is now asked involves the passage of a bill without reading, I must object. I never knew such a thing to occur except in regard to the post-route bill, and then the chairman of the Post-Office Committee was fairly put under oath that it was all right.

Mr. BOUTWELL. Then I merely report the bill from the committee, and ask that it be placed on the Calendar.

Mr. SHERMAN. I would take the statement of the Senator from Massachusetts as far as I would take anybody's statement, but I think it would be a bad precedent.

Mr. BOUTWELL. Very well.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The bill will be placed upon the Calendar.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 895) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 896) to extend the time during which settlements between the United States and certain railroads may be made under the provisions of the act of Congress approved February 27, 1875; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, which was, in line 418, after the word "dollars," to strike out the words:

Per annum, $33,611.11; and from said day to the 30th of June, 1877, both days inclusive, at the rate of $25,000 per annum, $8,135; in all $41,746.11; and on and after the 4th day of March, 1877, the salary of the President of the United States shall be $25,000 per annum.

So as to read:

For compensation of the President of the United States, $50,000.

The PRESIDING OFFICER, (Mr. ALLISON.) Upon the pending amendment the yeas and nays have been ordered, and the Secretary will call the roll.

Mr. COCKRELL. On account of his serious indisposition yesterday the Senator from Iowa [Mr. WRIGHT] and I paired upon this bill upon all amendments, excepting this particular provision. If the Senator from Iowa were present, he would vote against this amendment proposed by the Senate committee and in favor of the bill as it came from the House of Representatives, and I should vote the same way. Upon all the other amendments proposed by the Committee on Appropriations he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 31, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Booth, Boutwell, Christiancy, Clayton, Cooper, Cragin, Davis, Edmunds, Frelinghuysen, Hamlin, Howe, Johnston, Logan,

McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Paddock, Patterson, Ransom, Robertson, Sargent, Sherman, Spencer, Windom, and Withers—31.

NAYS—Messrs. Bogy, Cockrell, Eaton, Goldthwaite, Hitchcock, Kelly, Key, McCreery, Maxey, Stevenson, and Thurman—11.

ABSENT—Messrs. Alcorn, Barnum, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Conkling, Conover, Dawes, Dennis, Dorsey, Ferry, Gordon, Hamilton, Harvey, Ingalls, Jones of Florida, Jones of Nevada, Kernan, McDonald, Merrimon, Oglesby, Randolph, Saulsbury, Sharon, Wadleigh, Wallace, West, Whyte, and Wright—31.

So the amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 433, in the appropriations for the office of the President of the United States, to increase the appropriation for salary of private secretary from $3,150 to $3,500.

The amendment was agreed to.

The next amendment was in line 434, to increase the appropriation for salary of assistant secretary from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 435, to increase the appropriation for salary of two executive clerks from $2,000 each to $2,300 each.

The amendment was agreed to.

The next amendment was in line 436, to increase the appropriation for salary of steward from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was in line 438, to increase the total appropriation for private secretary, assistants, &c., in the office of the President of the United States from $12,000 to $13,800.

The amendment was agreed to.

The next amendment was in line 440, to increase the appropriation "for contingent expenses of the executive office, including stationery therefor," from $2,000 to $4,000.

The amendment was agreed to.

The next amendment was in line 444, in the appropriations for the Department of State, before the word "assistant," to strike out "two" and insert "three;" and in line 445, after "thousand," to strike out "one hundred and fifty" and insert "five hundred;" so as to read:

Three Assistant Secretaries of State, at $3,500 each.

The amendment was agreed to.

The next amendment was in line 446, to increase the appropriation for salary of chief clerk in the Department of State from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 447, before the word "clerks," to strike out the word "ten" and insert "twelve;" so as to read:

Twelve clerks of class four.

The amendment was agreed to.

The next amendment was in line 447, before the word "clerks," to strike out the word "four" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 448, before the word "clerks," to strike out the word "eight" and insert "eleven;" so as to read:

Eleven clerks of class one.

The amendment was agreed to.

The next amendment was in line 449, before the word "clerks," to strike out the word "ten" and insert "thirteen;" so as to read:

And thirteen clerks, at $900 each.

The amendment was agreed to.

The next amendment was in line 451, after the word "dollars," to insert:

One assistant superintendent of the watch, at $900.

The amendment was agreed to.

The next amendment was in line 452, before the word watchmen, to strike out "six" and insert "nine;" so as to read:

Nine watchmen.

The amendment was agreed to.

The next amendment was in line 453, before the word "laborers," to strike out the word "ten" and insert "seventeen;" so as to read:

Seventeen laborers.

The amendment was agreed to.

The next amendment was in line 454, before the word "assistant," to strike out the word "one" and insert "two;" in line 455, to strike out "engineer" and insert "engineers;" before the word "one" to insert "at;" and after the word "dollars" insert "each;" so as to read:

Two assistant engineers, at $1,000 each.

The amendment was agreed to.

The next amendment was in line 455, before the word "firemen," to strike out the word "four" and insert "six;" so as to read:

Six firemen, at $720 each.

The amendment was agreed to.

The next amendment was in line 459, to increase the total appropriations for the force in the office of the Secretary of State from $78,630 to $109,320.

The amendment was agreed to.

The next amendment was in line 461, before the word "chiefs," to strike out the word "three" and insert "six;" in line 462, before the word "hundred," to strike out "one" and insert "four;" after the word "each" to strike out "eight thousand four" and insert "sixteen thousand eight;" so as to read:

For six chiefs of Bureaus and one translator, at $2,400 each, $16,800.

The amendment was agreed to.

The next amendment was in line 464, after the word "proof-reading," to strike out the word "two" and insert the words "and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same;" so as to read:

For proof-reading and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, $3,000.

The amendment was agreed to.

The next amendment was in line 467, to increase the appropriation for stationery, furniture, fixtures, and repairs from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was in line 468, to increase the appropriation for books and maps from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 469, the words "for extra clerk hire and copying, $6,000."

The amendment was agreed to.

The next amendment was in line 470, to increase the total appropriation for salary of chiefs of bureaus, stationery, furniture, books and maps, copying, &c., for the Department of State, from $7,000 to $16,500.

The amendment was agreed to.

The next amendment was in line 474, to strike out "one horse" and insert "horses;" in line 475, to strike out "one wagon" and insert "wagons," and before the word "thousand," to strike out "one" and insert "two;" so as to read:

For care and subsistence of horses and repairs of wagons and harness, $2,000.

The amendment was agreed to.

The next amendment was in line 477, in the paragraph for contingent expenses, to increase the appropriation "for miscellaneous items not included in the foregoing" from $1,250 to $6,250.

The amendment was agreed to.

The next amendment was in line 478, to increase the total appropriation for contingent expenses of the Department of State from $17,250 to $23,250.

The amendment was agreed to.

The next amendment was in line 481, to increase the appropriation "for rent of stable and wagon-shed for the new State Department building" from $500 to $1,000.

The amendment was agreed to.

The next amendment was after line 486, to insert:

For expense of editing, printing, binding, and distributing the laws enacted by the second session of the Forty-fourth Congress, $10,000.

For expense of editing, printing, binding, and distributing the Statutes at Large of the Forty-fourth Congress, $20,000.

The amendment was agreed to.

The next amendment was after the word "dollars" in line 494, to strike out the following proviso:

Provided, That all letters, books, papers, and public documents sent by the Department of State to diplomatic and consular officers of the United States residing in countries with which this Government has entered into the postal treaty which took effect July 1, 1875, shall, so far as compatible with the public interests, be transmitted through the regular mails, and be prepaid with official stamps.

The amendment was agreed to.

The next amendment was in lines 505 and 506, to increase the appropriation for salary of two assistant secretaries of the Treasury from $4,000 to $4,500 each.

The amendment was agreed to.

The next amendment was in line 507, to increase the appropriation for salary of chief clerk and *ex officio* superintendent of the Treasury building from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was in line 508, after the word "one," to strike out "principal clerk" and insert "chief of divison;" and in lines 509 and 510, to strike out "2,500" and insert "3,000;" so as to read:

One chief of division of warrants, estimates, and appropriations, $3,000.

The amendment was agreed to.

The next amendment was in line 510, after the word "six," to strike out "principal clerks" and insert "chiefs of division;" and in line 511, after "thousand," to strike out "five" and insert "eight;" so as to read:

Six chiefs of division, at $2,800 each.

The amendment was agreed to.

The next amendment was in line 512, to strike out the words "four assistant clerks" and insert "seven assistant chiefs of division;" and in line 513, to strike out "one thousand eight" and insert "two thousand four;" so as to read:

Seven assistant chiefs of division, at $2,400 each.

The amendment was agreed to.

The next amendment was in line 514, after the word "twenty," to insert the word "three;" so as to read:

Twenty-three clerks of class four.

The amendment was agreed to.

The next amendment was in line 515, to increase the appropriation for salary of two disbursing clerks from $2,500 each to $2,800 each.

The amendment was agreed to.

The next amendment was in line 516, to increase the appropriation for salary of stenographer to the Secretary of the Treasury from $1,800 to $2,400.

The amendment was agreed to.

The next amendment was in line 517, before the word "clerks," to strike out "19" and insert "23;" so as to read:

Twenty-three clerks of class three.

The amendment was agreed to.

The next amendment was in line 518, before the word "clerks," to strike out "14" and insert "18;" so as to read:

Eighteen clerks of class two.

The amendment was agreed to.

The next amendment was in line 519, before the word "clerks," to strike out "14" and insert "16;" so as to read:

Sixteen clerks of class one.

The amendment was agreed to.

The next amendment was in line 520, before the word "messengers," to strike out "eight" and insert "ten;" so as to read:

Ten messengers.

The amendment was agreed to.

The next amendment was in line 520, before the word "laborers," to strike out "six" and insert "ten;" so as to read:

And ten laborers.

The amendment was agreed to.

The next amendment was in lines 521 and 522, to strike out the words:

One clerk of class one to assist the chief clerk in superintending the building.

The amendment was agreed to.

The next amendment was in line 523, to increase the appropriation for salary of one captain of the watch from $1,000 to $1,400.

The amendment was agreed to.

The next amendment was in line 524, to increase the appropriation for salary of one engineer from $1,200 to $1,600.

The amendment was agreed to.

The next amendment was in line 526, after the word "dollars," to insert the words:

One store-keeper, $1,400.

The amendment was agreed to.

The next amendment was in line 527, before the word "watchmen," to strike out "40" and insert "60;" and in line 529, before the word "hundred," to strike out "1" and insert "2;" so as to read:

Sixty watchmen at $720 each, and additional to two of said watchmen acting as lieutenants of watchmen, $280 each.

The amendment was agreed to.

The next amendment was in line 531, before the word "firemen," to strike out "six" and insert "seven;" so as to read:

Seven firemen at $720 each.

The amendment was agreed to.

The next amendment was in line 532, before the word "char-women," to strike out "ninety" and insert "seventy-five;" so as to read:

Seventy-five char-women at $180 each.

The amendment was agreed to.

The next amendment was in lines 533 and 534, to increase the total appropriation for the force in the office of the Secretary of the Treasury from $247,720 to $308,600.

The amendment was agreed to.

The next amendment was in line 541, to increase the appropriation for salary of one chief of the consolidated division of loans and currency from $2,500 to $2,800; in line 542, to increase the appropriation for compensation of two assistant chiefs of the division from $2,100 each to $2,400 each; in line 543, to provide for twelve instead of seven "clerks of class four" in that division; in line 543, after the word "four," to insert "and additional pay to three fourth-class clerks, namely, receiving clerk of bonds and two book-keepers, $300 each;" in line 545, to provide for seven instead of five "clerks of class three;" in line 546, for five instead of three "clerks of class two;" in line 548, for seven instead of four messengers; in line 549, for eight instead of five laborers at $720 each; in line 550, for eight instead of six laborers at $2.25 per day each; and in lines 551 and 552, to increase the total appropriation for the division from $81,035.50 to $106,374.

Mr. EATON. Mr. President, I do not propose to make any serious objection to this particular item; but I desire to express my disapprobation generally to what the action of the Senate has been as well as to what I suppose it will be upon this bill. There seems to be a determination not to change in the slightest particular the former action of Congress upon the subject of the expenses of Government except in reference to a few clerks. There is to be no change in salaries, no change in the various offices, many of which, in my judgment, are entirely unnecessary, under the idea, as I understand it, that we must do this because the law says so; that there must be no change here, because the law fixes this entire amount. I attach no importance to this consideration at all; not the slightest. The people of this country demand that the expenses of the Government should be reduced. From all the examination that I can make, in my judgment there will be a deficit of from eighteen to twenty million dollars this year. I know my honorable friend, the chairman of the Finance Committee, the Senator from Ohio, [Mr. SHERMAN,] stated yesterday that it would be about $14,000,000. He errs, in my judgment.

Again, I desire to call the attention of the Senate to the fact—and the Secretary of the Treasury in his letters upholds what I am about to say—that the receipts of this Government will fall off next year still more. There is a deficit now of $18,000,000 this year. There will be a deficit next year of between thirty and forty million dollars, and nothing is to be done by the Congress of the United States to meet that deficiency. We are simply told, when one branch of the Federal Legislature proposes to cut down the expenses of the Federal Government from twenty to thirty million dollars, "You cannot do it; there is no law for it." The law itself is a protection against doing what you might do toward assisting an overtaxed people.

We must wait, says the honorable Senator from Maine, [Mr. MORRILL,] until a bill can pass that will go into the House of Representatives and there receive the action of that House, and then be sent to the other end of the Avenue to receive the action of the Executive of the United States before you can save the people a million dollars. I protest against any such doctrine as that. This very service about which so much was said was ingrafted and became a law upon the deficiency bill a year or two ago. The whole arrangement was then made. I think a Representative in Congress from my own State was at the head of the committee in the other House that made all the various changes with regard to the organization of the Treasury Department, making chiefs of bureaus, and chiefs of divisions, and new clerks, all ingrafted on a deficiency bill. We are now told that nothing can be done here when it is confessed that, to use an ordinary phrase, good strong Anglo-Saxon, we shall "run behind" $14,000,000 this year.

I do not like to do anything by which it might be said that I was playing the demagogue. I dislike it; but I desire to cut down the expenses of the Government. I know it can be done. I said yesterday that there were three or four thousand employés here, admitting then that I understated the number. There are over five thousand employés in the various Departments here, and they are not needed.

Mr. ROBERTSON. Not needed!

Mr. EATON. Not five thousand of them, I tell my honorable friend from South Carolina. Let us have no quibbling with words. I spent three weeks looking through these Departments last spring, and I undertake to say that less than four thousand clerks can do the business of this Government in the city of Washington. This honorable committee have consented to cut the number down three hundred and eighteen. I want to say here, that in my judgment, based upon information from men who have spent years—let the Senate understand me—who have spent years in the service of the Government, in the Treasury Department, it can be run with one-half the force that is employed there to-day. There would be more work and less newspaper reading, more work and less cigar-smoking, more attention to the various duties of their offices. I base my opinion on this subject upon what respectable gentlemen tell me who have been engaged for years in the service of the Government in the very Department about which I am talking. I say it is our duty to cut down the expenses in these Departments here, and to begin to-day. As my honorable friend from Ohio [Mr. THURMAN] has made a certain expression classical let me use it; "it won't do" to tell me that we have not the power, and ought not to exercise it, to reduce the expenses of the Government without going through the work of writing a bill, sending it to a committee, letting it come back and be reported upon, discussed, sent into the House and go through with all the tread-mill of legislation. I say that it is our duty, so far as it is possible, to begin now to relieve the people.

But one gentleman asks, "Will you cut down your own salary? Will you cut down the salary of the President of the United States?" Certainly; cut everything down. Whatever you do, I say to the Senate do it with a full knowledge that the deficiency in the receipts of the Government will be $30,000,000. Very intelligent gentlemen say it will be $40,000,000, but I say $30,000,000, for I desire to put a moderate estimate upon it.

I say this much because it is my duty to say it. I do not propose to object and to take up the time of the Senate upon every one of the various items wherein our committee differ from what was fixed by the House. Therefore I shall content myself with voting against the entire action of the Senate committee. To call for the yeas and nays upon every one of these various items would take a month. I do not propose to neglect other business that will come before the Senate in order to make a record in that way. I may have occasion to say a word or two in regard to the tables which have been prepared at the instance of my honorable friend from Maine. If it were some other member than the honorable Senator from Maine, I might say he was getting up a campaign document. Why might I say it? I was amused this morning when I looked at the manner in which he arranged his tables in order to show that it cost more fifteen years ago to settle an account in the Treasury Department than it does to-day; that it cost more to do a certain item of business fifteen years ago than it does to-day. I was astonished because, as a business man—as I know the honorable Senator from Maine to be—he knows

as well as I that a mercantile house selling one hundred thousand dollars' worth of goods must employ a book-keeper and clerks, and if one million dollars' worth is sold a book-keeper and clerks must be employed. In other words, the cost of carrying on a business of $1,000,000 a year is not ten times as great as that of a business of $100,000 a year—not five times as great, not four times as great. There must be in the machinery of government such and such offices, and such and such assistants. Therefore there will be always a larger expense relatively attending the carrying on of a business where there are but four or ten or twenty millions of people, than where there are forty millions of people and all their ramified interests to look after.

Therefore, I say in the best of feeling to my honorable friend from Maine that if it had been some other honorable Senator I might have said he was getting up a campaign document.

Mr. MORRILL, of Maine. If my honorable friend will allow me, if it does not interfere with him——

Mr. EATON. Certainly.

Mr. MORRILL, of Maine. He attributes a supposition to the effect of the figures which did not occur to me. Certainly it was not the object of the presentation of these tables to prove what the Senator fancies might have been the object. I agree entirely with the reasoning of the Senator that an increased service, as an increased business, under certain circumstances, perhaps under ordinary circumstances, might be done to better advantage than a smaller service. The Senator will remember that I made the remark that there was an impression that the service was not only plethoric and extravagant numerically, but that the increase was unnecessarily large. It was to meet that proposition and to show that the service was really very much larger in its extent proportionately than in the comparative year, 1860, that I produced the tables. In order to show that our expenses were not immoderate compared with the work being done, an estimate was made of the work, and also a comparison with former years.

I submit to my honorable friend that if he will examine the tables he will find that the reduced percentage upon the larger service is about what he would expect, and I submit whether I had not a right, therefore, to infer that we are acting after all, although the force is a large one, strictly within the rules of a prudent economy. The comparison shows that the work performed is at a much lower rate than that of the year which it has been compared with, the year 1860.

Mr. EATON. I am not prepared to say, because I have not made such an examination as to enable me to say, that the Senator from Maine is entirely right, nor am I prepared to say he is wrong. There is, however, great force in the suggestion which has fallen from the honorable Senator.

Mr. MORRILL, of Maine. All I mean to claim is, that it has that tendency. I do not mean to say that it is absolutely conclusive; but the tables were introduced for that purpose, and I suggest that they have that tendency very strongly.

Mr. EATON. I have no doubt the tables were introduced for that purpose, and for a very good purpose; but what I said in regard to a campaign document, as my friend from Maine knows, I did not say for the purpose of either injuring his feelings or irritating him in the slighest degree. I simply did say that it might be made to have that look.

There is another thing which my friend has curiously placed much differently from what I would have placed it, but perhaps in a better way. He says, in his tables, the expenditures have been so much in so many years, 85 per cent. of which have been since a particular period of time. I should have put the horse before the cart, and not the cart before the horse. I think I should have made those figures entirely distinct; and I may hereafter, before we get through the discussion of this bill or bills appertaining to it, offer a table myself, whereby the exact results will be arrived at which my honorable friend from Maine has arrived at, but by a different method, and the look will be somewhat different to the reading community. But I do not mean to be drawn into a discussion of that point.

I am very willing to say this, however: I know this country has passed through a terrible civil convulsion from 1861 down to—when? I do not know when. We have not yet gotten through with it; but we will take the four years of absolute conflict. There was an immense amount of expenditure of money, and my friend from Maine suggested yesterday that we would not demand strict account of the expenditure of money or blood during a war in which were demanded the last man and the last dollar. I am not quite prepared to agree with my honorable friend in that particular. However, it is unnecessary to argue that point. I do not propose to talk about it at all. It is what has occurred since the war with which we have to deal. We must grapple with the difficulties which now beset us, and it is unnecessary to go back ten years or eleven years. Let us look at things as they are to-day. I am quite willing to say now what I was about to observe a little while ago, that I am not one of those who believe that everything that is opposed to me in politics must of necessity be wrong and that every man who writes "republican" at the end of his name must of necessity be corrupt or be a villain. I believe no such doctrine; but I propose to hold the republican party to a strict accountability for its use of power now and for what it has done within the last four years. I do not care to go back to the time of the war.

I say to my friend from Maine that I do not regard his excuse as a good one. I do not regard it as a valid one. He does. I do not. I say he ought to join with me to cut down the expenses of this Government now without waiting for the entire machinery of bills to be passed, which would take years to pass, in order to effect the object. He ought to remember, and he does remember, that very much of this very machinery of the civil service was placed there a year or two ago by the very disregard of law of which he now complains. Let us change it to-day. There are fifty-one hundred and odd employés in the various Departments of the Government in this city when thirty-five hundred can do the work, and they need work but seven hours a day to do it; while my friend in his professional business works ten and while the farmer of Maine and of Connecticut works twelve. Seven hours a day with thirty-five hundred clerks and employés—and I am liberal in my estimate—would do the entire business of the Departments here. Let gentlemen before they laugh examine this question. Let them go into the Departments and see the various men who are doing nothing but reading newspapers and smoking cigars. Let us talk about this thing as it is. There are very able men, very industrious men, men of very high character connected with the various Departments here. I know it. I have seen them at their labors; men who work not seven hours a day only, but eight, and nine, and ten, and eleven, and twelve, if it be necessary. There are such public officials. I honor them. All honor to them; but it is so to-day in the various Departments in this city, as it will be six years hence or eight years hence. No matter what party is in power, there will be men holding offices here who will not devote their time to the service of the Government, and the exception will be those gentlemen who do work. When I assert this I assert what every Senator on this floor knows has been the case in the public service for the last seventy years, here or anywhere else, under this Government or under any other government. Such is the tendency always.

What I desire is to do my duty. It is my duty to assist in cutting down the expenses of this Government. It is my duty to do it because I know it can be done and the service not be injured. It is my duty to do it because our people are taxed as no civilized people on earth have ever been taxed before. It is my duty to do it because I know that the receipts of the Government will be from fifteen to twenty million dollars less this year than they have been estimated. It is my duty to do it because I know that the receipts to the Government for the next year will be $30,000,000 less than the expenditures are this year. Therefore I say the time to do it is now. The occasion has arrived. I do not wait; as one Senator I shall not consent to wait to go through with the slow machinery of public bills in this body and in the body at the other end of the Capitol.

I suppose the Senate has determined upon its course, and therefore I can only say that I regret it. If the House of Representatives in any instance has gone further than it ought, if the committee of this body that has the bill in charge had shown a desire to meet the House, I might have been saved making the remarks that I have made this afternoon; but there is no such desire. On the other hand, I understand from my honorable friend, the chairman of the committee, that in no instance where there was a law for the expenditure of money, except with regard to three hundred and eighteen clerks when it ought to have been thirteen hundred and eighteen, does the committee propose to do anything toward reducing the expenses of the Government with regard to the various Departments in this city. Therefore it is that there is no middle ground that the committee propose to stand upon with any other member on the floor of the Senate. Hence I expect not to offer any factious opposition to the passage of the amendments, but simply to express my conviction as to what my duty is and then satisfy myself by a general vote against them all.

Mr. MORTON. Mr. President, I agree with my friend from Connecticut, that, wherever the public expenses of this Government can be reduced without material injury to the public service, it ought to be done; and, if the House of Representatives can find any such reduction, it is our duty to follow them. If such reduction can be pointed out by our friends on this side of the Chamber, it is our duty to follow them. Spasmodic reform, loudly professed reform, is generally not entitled to very much credit. Reform ought to be always steady. It is the business of every party in power to be constantly reforming the Government, for the simple reason that abuses are always growing up. I agree with my friend, therefore, that the business of reform is a work in which we should engage, not now and then, not just before a campaign, not under the pressure of high excitement; but reform is a work in which we should engage at all times; and so the reduction of expenses, wherever such reduction is possible and can be pointed out, ought to be attained.

But, Mr. President, it has been found by long experience in this and every other legislative body that the public interest is best attended to by confiding to particular committees the investigation and report upon particular subjects, making that their duty. Thereby they become better informed than any one man or one committee can in regard to the whole business of the Government.

Now, whether there can be a general reduction of salaries without injury to the public service is a question so large that no single committee of this body or of the other House will have the time during one session of Congress to make the necessary examination and make an intelligent and full report unless they can crowd one hundred hours into twenty-four. Unless they have multiplied ability for this investigation, it is impossible for any one committee to undertake it.

It is just as much as the Committee on Appropriations can do, with the time that they have and with the devotion they must give to the ordinary business of Congress, to become acquainted with the appropriations that the law requires them to make—for them to discharge their duties faithfully and successfully within the sphere of that committee. For them to undertake to examine, reform, and cut down or change the whole civil service of the Government, we all know is not within the limit of their ability, and any report that they may hastily make upon this subject or upon that in that direction is entitled to very little credit.

Now, there is one way in which these reforms can be made according to law, and my friends need not wait until the appropriation bills come. They might have begun at the very beginning of this session. If, for instance, a particular class of clerks or number of clerks could be dispensed with, that was a thing they might have gone about by a proper bill months ago. If the salaries of officers are too high, that was a thing that could have been provided for by a proper bill, referred, for example, if the officer is an embassador or a consul, to the Committee on Foreign Relations, and compel them to make an examination; if the officer is a judicial officer, refer it to the Committeee on the Judiciary, and so on; and thus we could have the whole Senate, and not a single committee, examining these reductions.

Mr. EATON. Will my friend permit me to interrupt him a moment? The result would have been precisely what it has been with other matters. They would have gone into the committees and been buried there.

Mr. MORTON. Although I have great confidence in my friend's judgment and in his knowledge of what has not taken place, yet I must say he states what he does not and cannot know. That any committee of this body or that any committee of the other body, whatever may be the political complexion of the majority, would refuse to entertain a bill where good cause is shown for reduction either in the number of employés or in the salaries, I am not prepared to credit. But I say to my friends that is the way to begin, and they need not wait until the session is far advanced. They could have begun on the first Monday in December; and every day from that time to this was properly open to that kind of business. If our friends know of any such offices or if they know of any such reductions, they know just as well as I do or anybody else how to get at them and how to make the reductions. My friend from Connecticut knows just as well as any other member of this body that the function of an appropriation bill is not to make laws for this country, but it is to appropriate money according to law already in existence.

My friend says that there are fifty-one hundred clerks in the employ of the Government, and that thirty-five hundred will do all the business and work only seven hours a day. If my friend is right about that, he ought to have made this Chamber ring with that important fact from the first day of the session until the present. I have no doubt that my friend believes it; but how he knows it I cannot possibly imagine. I do not know it, and I do not know how my friend knows it. He says, go into those Departments and you will see clerks reading newspapers and smoking cigars. They are outrageous offenses, which are entirely foreign to members of this body; we never do such things here, and never tolerate them! But men might occasionally smoke a cigar or read a newspaper, and yet do a good day's work. Occasionally going into a room you may find a clerk thus engaged, but that will hardly justify the statement that the whole number can be reduced from fifty-one hundred down to thirty-five hundred. That would be a very great reduction and a great saving if it could be made; but my friend ought to have brought the matter before in the Senate in the form of a bill or bills when we had time to discuss it, and not bring it up on an appropriation bill.

I will go with my friend as far as I ought to go. I will go with anybody for a reduction of the expenses of this Government; but I want to be pretty sure that I am right. I do not believe that cheap government is always the best. We want just enough men employed to do the work of the Government—no more and no less. Cheap men are sometimes the dearest and cheap parties are sometimes the costliest of all parties. What we want is just enough to do the work of the Government and carry it on successfully and easily. When we have that number, we do not want any more; and, if we have more, we ought to reduce it; but the question of reduction is a question open every day for discussion, and there are proper methods of showing it to this Chamber.

Mr. WINDOM. Mr. President, if almost any other Senator than the honorable Senator from Connecticut had made the speech he has made I might pay him the same good-natured compliment which he paid my honored colleague on the committee with reference to his speech yesterday on the figures that he submitted, namely, that it must have been submitted as a campaign document. But knowing that my honorable friend from Connecticut never indulges in partisan feeling, knowing that he is the last man who would think of getting up a campaign document or making a speech for campaign purposes, of course I do not assume that he had any such intention. Otherwise, though, the particular amendment that he has selected for the purpose of hanging his speech upon would have induced me to suppose that he really was intending to circulate a speech among his constituents.

He starts out with the assumption that the Committee on Appropriations have utterly refused or neglected to make any reductions, and that they have planted themselves, as I understand him, squarely upon the law; and whenever any of these economical gentlemen who are so anxious for a reduction of expenses make a proposition of that kind, they are met by the committee with the assertion that the law provides for the item, and therefore we cannot make any changes as between the expenses of this year and the last. I think that was the substance of my honorable friend's remarks. I want to show, Mr. President, how unfortunate he was in the paragraph of the bill upon which he hangs this speech, which from any other man would be a campaign document.

The paragraph last read by the Clerk makes a reduction in the expenditures as between this year and last year of $33,217 in this single division of a Department. It consolidates two Bureaus and reduces the expenditures below what they were last year 25 per cent. in money. The number of employés last year in the division to which he has referred was one hundred and twenty-seven; the Committee on Appropriations report ninety-four, a reduction of thirty-three clerks in this single paragraph, or a reduction of more than twenty-five of the clerical force of last year reported by the Committee on Appropriations that utterly refuses to attempt to meet the House of Representatives in its desire for economy, that utterly refuses, planting itself upon the law, to economize in any manner whatever! Yes, Mr. President, I think he was very unfortunate in selecting this particular paragraph, although I will say for his excuse that he could scarcely select any paragraph in this bill in which he would not be unfortunate in attempting to hang such a speech upon, as he has in this case.

The honorable Senator tells us that he has made a careful examination, and I assume that he would not make the statements he has made and send them forth broadcast to the country with the assurance which he has shown unless he had thoroughly and carefully examined these Departments and all of them, because the honorable Senator has asserted here that there are fifty-one hundred clerks and that a reduction can be made to thirty-five hundred, and that these men, working seven hours a day, can discharge all the duties that will be required of them.

In the first place, I wish to say that he has overshot his economical friends in the other House very largely in this matter. They, after what was supposed to be a most searching and most rigid economy, and as I think in a good many cases an economy that was somewhat of the Procrustean style, somewhat upon the horizontal rule rather than upon a full investigation of the needs of the service, only attempted to cut down to about forty-one hundred; but our honorable friend tells us they ought to have cut down six hundred more clerks than they did, and with that reduction of six hundred below what the House makes they would be required to work only seven hours a day to do their full duty and attend to all the business of the Government.

I want to say to my honorable friend, assuming that he is right or at least that he is confident that he is right, it is not his duty to permit this bill to go through in the way he suggests. I do not wish to challenge his opposition to it; but having so much confidence in his judgment as to this reduction, I think he ought to be able to show this committee, he ought to be able to show the Senate that he can make a reduction that will cut the clerks and employés down to thirty-five hundred. He certainly is not doing his full duty to the country if he believes honestly, as I have no doubt he does, what he tells us, that they may be cut down from fifty-one hundred to thirty-five hundred, when he proposes, without pointing out to us, without showing to us at what particular points the reduction can be made, to let the bill go through with this general challenge that from anybody else would look like a campaign document.

Now, Mr. President, the Committee on Appropriations, I know, have most carefully, industriously, and rigidly endeavored to cut down the expenses in this bill wherever it could be done without injury to the public service. They have called upon the heads of all the Departments and required them to make out upon their honor a statement of the very lowest number that could possibly discharge the duties in the several Departments; and, not satisfied with that, the committee, wherever they have had doubt on the subject, wherever they have had reason to believe that further reductions could be made, have gone personally to the Departments and to the heads of Bureaus and made their examination, and this bill is the result of that sort of inquiry. It is not a reduction made by the committee on the horizontal rule; it is not a broad statement that thirty-five hundred men will do whereas we have fifty-three hundred now; but it is a careful and thorough and conscientious examination of the Departments and Bureaus and divisions of this Government, as careful as if we were re-organizing the Government itself, for the purpose of ascertaining what is the lowest possible force that can fully and economically discharge the duties of the Government.

Then I say to my friend if he has this information that the force can be cut down to thirty-five hundred, I for one shall be exceedingly obliged to him to know in what particular instance it can be done, not that we should cut off one-third or one-fourth, but that in each particular case the reason should be given why we have the number too large. I think the committee is prepared to submit in nearly every case good reason why we cannot go below the number here fixed. I want to say that we have reduced this bill below last year's appropriations over $2,000,000. We reduced it last year very largely

from the year before, and for the last five or six years the Committee on Appropriations of the Senate and of the House have studied to bring down each of these bills to the lowest possible point without interfering with the public service.

I think if my honorable friend will look at the bill as reported, if he will examine all its provisions carefully, he will see that we have conscientiously endeavored to reduce and have not planted ourselves upon any rigid rule of law that will prevent our economizing, or made the law an excuse for not economizing; and if the honorable Senator himself had been in the Committee on Appropriations and given it his personal attention, which the committee gave, I have not a particle of doubt that he would have indorsed every recommendation which the committee has made, so far as the force is concerned.

Mr. EATON. I am not the judge of the gentleman's conscience. I have nothing to do with his conscience. He will discharge his duty toward his country as he understands it. I am not his judge. I find no fault with him in regard to his discharge of duty. I find a little fault with him in regard to the absolutely unfair manner in which he has addressed the Chair on this occasion, not intentionally of course.

He said that I was unfortunate in the clause which I selected to make my remarks upon. As I confess I did not read it before I rose, if he will read it now I shall be obliged to him.

Mr. WINDOM. I merely referred to the clause on which the honorable Senator hung his speech.

Mr. EATON. I did not look at it; I do not care about it particularly. Will he be kind enough to read it?

Mr. WINDOM. I will ask the Clerk to read it.

Mr. EATON. I beg pardon. The Senator had it in his hand.

Mr. WINDOM. I will state results. Perhaps that is what the Senator wishes.

Mr. EATON. Yes, sir; that will do.

Mr. WINDOM. We have reduced the number of employés in that clause from one hundred and twenty-seven last year to ninety-four, thus making a reduction of thirty-three, or over 25 per cent., and a reduction of over 33 per cent. of the actual expenditure.

Mr. EATON. Now, Mr. President, the honorable Senator forgets, when he makes a criticism of that character upon me, that I admitted the very reduction of clerks made by his committee, three hundred and eighteen; and the reduction of clerks in that very clause on which he has built his argument is all the reduction there is in that clause. Therefore a moment's reflection will show my honorable friend how (unintentionally, of course) unfair is the argument which he makes.

Mr. WINDOM. The Senator will allow me to say that I certainly did not desire to interfere, but I was simply retorting on him in a playful way an insinuation he made against my colleague on the committee; and as he chose this particular part of the bill to make his speech upon, I said that if it had been any other Senator the speech would be regarded as a campaign document.

Mr. EATON. All that is pleasantry, and I care nothing about it; but what I object to is the suggestion that I stated what was not true, that the Senate committee had made no reductions. I stated that the honorable Senator from Maine had informed me that a reduction was made in the number of clerks, and it turns out that it is partly in the very clause upon which I hung my objection; so that I am entirely right in my criticism.

Another word. I asked my honorable friend from Maine yesterday if any reduction was made in the expenditures where the law authorized a certain expenditure, and my honorable friend, as I understood him, informed me "no," but that where they had discretion—I use his own language—they used discretion. Therefore I was entirely right when I said that the action of the committee, as I understood it, was based entirely upon what they regard as positive statute commandment—the law.

Mr. WINDOM. So far as regards salaries.

Mr. EATON. But wherever there was a chance to exercise discretion, that discretion was exercised. I do not mean to accuse the committee of doing any unfair act. I supposed that I stated accurately, as accurately as I could from the remarks which fell from the honorable Senator from Maine, that they had adhered strictly to those appropriations which the law demanded. Not once, but again and again did the ringing voice of my honorable friend ring out the word "law."

Mr. MORRILL, of Maine. Will my honorable friend excuse me?

Mr. EATON. Certainly.

Mr. MORRILL, of Maine. He recognizes that I made a distinction. The point to which he now refers was entirely on the question of salaries; but I did take occasion to say that as to the question of the reduction of the force itself, we had considered that an open question, as we had always heretofore, and had met the House of Representatives on the question of reducing it to the lowest point consistent with our judgment.

Mr. EATON. And you said that you did not quite agree with the House of Representatives; but you exercised that discretion to the tune of three hundred and eighteen clerks.

Mr. MORRILL, of Maine. We hold the principle flexible as to that, as we ever have, because the service itself is variable. Salaries are not so necessarily.

Mr. EATON. I say again, sir, and it seems to excite, I will not say the risibilities of the honorable Senator from Minnesota, but he seems to think the idea is absurd that the public service of the Government in these various Departments can be carried on with thirty-five hundred clerks. When I said thirty-five hundred, I did not mean that thirty-four hundred and ninety-nine could not do it, or that it would not require thirty-five hundred and ninety-nine. I meant that there were a thousand or fifteen hundred more employés here than the Government service required. I believe it. I believe it from what I have seen in the Departments and from what I am told by intelligent and honorable men who have served years in the Departments. I have no doubt about it; and having no doubt about it, I say it, campaign or no campaign. The playful remark that I made I submit with great pleasure to have retorted upon myself. Whether it be a campaign speech or no campaign speech, let it go to the country that in the opinion not of a Senator on this floor alone but of intelligent men who have been engaged for years in the Government Departments here, the services of twelve or fifteen hundred clerks can be dispensed with, and then let the Senate say that they will not permit the two or three million dollars involved to be saved to an overtaxed people, if they choose to save it, and then fall back on the law for an excuse if an excuse is needed.

Now a word in justice to myself. I did not look at this clause of the bill. If I had done so I should have made my remarks upon the President's salary of $50,000. What I intended was to say a word or two generally with regard to this matter somewhere in the course of the examination of the bill, and then let it go, and not make any factious opposition to the action of the Committee on Appropriations, but to say what I had to say in as few words as possible without regard to what clause in the bill was pending when I made my remarks. I am therefore very frank to admit that I did not examine this clause of the bill; but if I had I would have made the remarks as soon there as anywhere, because the reduction which the Senator from Minnesota alludes to is simply a reduction which I have admitted, and that is in clerical force only.

Mr. WINDOM. I will say to the honorable Senator that I do not think he made any blunder in that, because he could have scarcely selected any paragraph in the bill, except the one in regard to the President's salary, which his speech would not have fitted as well, for there is reduction all through.

Mr. EATON. Scarcely a paragraph where there is not an employé.

Mr. WINDOM. And hence scarcely one where there is not a reduction.

Mr. EATON. And hence the Senator from Connecticut admitted in the outset that there had been a reduction of three hundred and eighteen clerks.

Mr. MORRILL, of Vermont. I desire to present an amendment, by direction of the Committee on Public Buildings and Grounds, to the bill under consideration, and ask to have it referred to the Committee on Appropriations.

The PRESIDING OFFICER, (Mr. BOGY in the chair.) The amendment will be referred to the Committee on Appropriations.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 555 and 556, to increase the appropriation for salary of Supervising Architect of the Treasury from $4,050 to $4,500.

The amendment was agreed to.

The next amendment was in lines 556 and 557, to increase the appropriation for salary of chief clerk to the Supervising Architect from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 558, to increase the appropriation for salary of photographer to the Supervising Architect from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 559, to increase the appropriation for salary of one principal clerk from $2,000 to $2,400.

The amendment was agreed to.

Mr. WINDOM. On line 560 an error was made in printing. The words should be "two clerks, at $2,000 each" instead of "$1,800" each, as the bill is printed. The amendment was omitted by mistake.

The PRESIDING OFFICER. That amendment will be included, if there be no objection. The Chair hears none.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 561, before the word "clerks," to strike out "three" and insert "two;" so as to read:

Three clerks of class three.

The amendment was agreed to.

The next amendment was in lines 561 and 562, to strike out "one clerk" and insert "two clerks;" so as to read:

Two clerks of class one.

The amendment was agreed to.

The next amendment was in lines 563 and 564, to increase the total appropriation for the construction-branch of the Treasury (Supervising Architect's Office) from $21,590 to $26,640.

The amendment was agreed to.

The next amendment was in lines 567 and 568, in the appropriations for the Office of the First Comptroller of the Treasury, to increase the appropriation for salary of the First Comptroller from $4,500 to $5,000.

The amendment was agrepe to.

The next amendment was in line 569, to increase the appropriation for salary of the Deputy Comptroller from $2,600 to $2,800.

The amendment was agreed to.

The next amendment was in line 569, after the word "four," to strike out "principal clerks at one thousand eight" and insert "chiefs of division," at two thousand four; so as to read:

Four chiefs of division, at $2,400.

The amendment was agreed to.

The next amendment was in line 571, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 571, before the word "clerks," to strike out "ten" and insert "twelve;" so as to read:

Twelve clerks of class three.

The amendment was agreed to.

The next amendment was in line 572, before the word "clerks," to strike out "six" and insert "ten;" so as to read:

Ten clerks of class two.

The amendment was agreed to.

The next amendment was in line 573, before the work "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class one.

The amendment was agreed to.

The next amendment was in line 574, before the word "laborers," to strike out "two" and insert "three;" so as to read:

And three laborers.

The amendment was agreed to.

The next amendment was in line 575, to increase the total appropriation for the force in the Office of the First Comptroller of the Treasury from $55,480 to $75,800.

The amendment was agreed to.

Mr. RANSOM. I see that it is late for Saturday evening; the Senate is very thin; and, if it will not interfere with the chairman of the committee, I will move an adjournment.

Mr. MORRILL, of Maine. As long as there are no questions about which there is any dispute to be raised, I hope we shall be allowed to go on, say for half an hour longer, at any rate.

Mr. RANSOM. I will not make the motion.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 578 and 579, in the appropriations for the Office of the Second Comptroller of the Treasury, to increase the appropriation for salary of the Second Comptroller from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 580, to increase the appropriation for salary of the Deputy Comptroller from $2,600 to $2,800.

The amendment was agreed to.

The next amendment was in line 580, after the word "dollars," to strike out "four principal clerks, at one thousand eight" and insert "six chiefs of division, at two thousand four;" so as to read:

Six chiefs of division, at $2,400 each.

The amendment was agreed to.

The next amendment was in line 582, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 582, before the word "clerks," to strike out "ten" and insert "fifteen;" so as to read:

Fifteen clerks of class three.

The amendment was agreed to.

The next amendment was in line 583, before the word "clerks," to strike out "ten" and insert "fifteen;" so as to read:

Fifteen clerks of class two.

The amendment was agreed to.

The next amendment was in line 583, before the word "clerks," to strike out "six" and insert "ten;" so as to read:

Ten clerks of class one.

The amendment was agreed to.

The next amendment was in line 584, before the word "clerks," to strike out "nine" and insert "five;" so as to read:

Five clerks, at $900 each.

The amendment was agreed to.

The next amendment was in lines 585 and 586, to increase the total appropriation for the force in the Office of the Second Comptroller of the Treasury from $65,780 to $96,780.

The amendment was agreed to.

The next amendment was in line 588, in the appropriations for the office of the Commissioner of Customs, to increase the appropriation for salary of the Commissioner from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 589, to increase the appropriation for salary of the deputy commissioner from $2,2?0 to $2,500.

The amendment was agreed to.

The next amendment was in line 590, after the word "two," to strike out "principal clerks, at one thousand eight" and insert "chiefs of division, at two thousand four;" so as to read:

Two chiefs of division, at $2,400 each.

The amendment was agreed to.

The next amendment was in line 591, after the word "each," to insert:

Two clerks of class four.

The amendment was agreed to.

The next amendment was in line 592, before the word "clerks," to strike out "three" and insert "five;" so as to read:

Five clerks of class three.

The amendment was agreed to.

The next amendment was in line 592, before the word "clerks," to strike out "six" and insert "ten;" so as to read:

Ten clerks of class two.

The amendment was agreed to.

The next amendment was in line 593, before the word "clerks," to strike out "six" and insert "nine;" so as to read:

Nine clerks of class one.

The amendment was agreed to.

The next amendment was in line 594, to increase the total appropriation for the force in the office of Commissioner of Customs from $30,760 to $49,760.

The amendment was agreed to.

The next amendment was in line 597, in the appropriations for the office of the First Auditor of the Treasury, to increase the appropriation for salary of the First Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 598, to increase the appropriation for salary of the deputy auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 599, after the word "dollars," to strike out "two principal clerks at one thousand eight" and insert "four chiefs of division at two thousand one;" so as to read:

Four chiefs of division at $2,100 each.

The amendment was agreed to.

The next amendment was in line 601, before the word "clerk," to strike out "four" and insert "seven;" so as to read:

Seven clerks of class three.

The amendment was agreed to.

The next amendment was in line 602, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class two.

The amendment was agreed to.

The next amendment was in line 602, before the word "clerks," to strike out "ten" and insert "thirteen;" so as to read:

Thirteen clerks of class one.

The amendment was agreed to.

The next amendment was in line 603, after the word "and," to strike out "one laborer" and insert "two laborers."

The amendment was agreed to.

The next amendment was in line 604, to increase the total appropriation for the force in the office of the First Auditor of the Treasury from $39,810 to $58,780.

The amendment was agreed to.

The next amendment was in line 606, in the appropriations for the division of loans in the First Auditor's Office, to provide for four instead of two clerks of class four; in line 607, for three instead of two clerks of class three; in line 607, for three instead of two clerks of class two; and in lines 608 and 609, to make the total appropriation for the division $18,600 instead of $11,100.

The amendment was agreed to.

The next amendment was in lines 610 and 611, in the appropriations for the office of the Second Auditor of the Treasury, to increase the appropriation for salary of the Second Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 612, to increase the appropriation for salary of the deputy auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 613, to strike out "three principal clerks at one thousand eight" and insert "five chiefs of division at two thousand one;" so as to read:

Five chiefs of division at $2,100 each.

The amendment was agreed to.

The next amendment was in line 614, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 615, before the word "clerks," to strike out "twenty-five" and insert "thirty-two;" so as to read:

Thirty-two clerks of class three.

The amendment was agreed to.

The next amendment was in line 616, before the word "clerks," to strike out "forty" and insert "sixty-five;" so as to read:

Sixty-five clerks of class two.

The amendment was agreed to.

The next amendment was in lines 616 and 617, before the word "clerks," to strike out "twenty-five" and insert "forty;" so as to read:

Forty clerks of class one.

The amendment was agreed to.

The next amendment was in line 617, to strike out the word "and" before the words "eight laborers."

The amendment was agreed to.

The next amendment was in line 618, after the word "laborers," to insert:

And four char-women, at $180 each.

The amendment was agreed to.

The next amendment was in lines 619 and 620, to increase the total appropriation for the force in the office of the Second Auditor of the Treasury from $142,500 to $225,320.

The amendment was agreed to.

The next amendment was in lines 622 and 623, in the appropriations for the office of the Third Auditor of the Treasury, to increase the appropriation for salary of the Third Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 624, to increase the appropriation for salary of the deputy auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 624 and 625, to strike out "three principal clerks, at one thousand eight" and insert "five chiefs of division, at two thousand one;" so as to read:

Five chiefs of division, at $2,100 each.

The amendment was agreed to.

The next amendment was in line 626, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 627, before the word "clerks," to strike out "forty-five" and insert "seventy;" so as to read:

Seventy clerks of class two.

The amendment was agreed to.

The next amendment was in line 628, before the word "clerks," to strike out "twenty-five" and insert "forty;" so as to read:

Forty clerks of class one.

The amendment was agreed to.

The next amendment was in line 629, before the word "clerks," to strike out "ten" and insert "five;" so as to read:

Five clerks, at $900 each.

The amendment was agreed to.

The next amendment was in line 630, after the word "char-woman," to insert the words "at $480;" so as to read:

And one char-woman, at $480.

The amendment was agreed to.

The next amendment was in lines 631 and 632, to increase the total appropriation for the force in the office of the Third Auditor of the Treasury from $141,100 to $214,500.

Mr. MORRILL, of Maine. In line 632 "fourteen" should be stricken out and "six" inserted, so as to amend the footing. It should be $206,500 instead of $214,500.

Mr. WITHERS. That is to correct an error in addition?

Mr. MORRILL, of Maine. That is it. I move the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in lines 634 and 635, in the appropriations for the office of the Fourth Auditor of the Treasury, to increase the appropriation for salary of the Fourth Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 636, to increase the appropriation for salary of the deputy auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 637, to strike out "two principal clerks, at one thousand eight" and insert "three chiefs of division, at two thousand one;" so as to read:

Three chiefs of division, at $2,100 each.

The amendment was agreed to.

The next amendment was in line 638, before the word "clerk," to strike out "one" and insert "two;" and in line 639, to strike out "clerk" and insert "clerks;" so as to read:

Two clerks of class four.

The amendment was agreed to.

The next amendment was in line 639, before the word "clerks," to strike out "twelve" and insert "eighteen;" so as to read:

Eighteen clerks of class three.

The amendment was agreed to.

The next amendment was in line 640, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class two.

The amendment was agreed to.

The next amendment was in line 640, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class one.

The amendment was agreed to.

The next amendment was in lines 642 and 643, to increase the total appropriation for the force in the Office of the Fourth Auditor of the Treasury from $56,130 to $78,880.

The amendment was agreed to.

The next amendment was in lines 645 and 646, in the appropriation for the Office of the Fifth Auditor of the Treasury, to increase the appropriation for salary of the Fifth Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 647, to increase the appropriation for the salary of the Deputy Auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 647, to insert "two chiefs of division, at $2,100 each."

The amendment was agreed to.

The next amendment was in line 649, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class three.

The amendment was agreed to.

The next amendment was in line 650, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class two.

The amendment was agreed to.

The next amendment was in line 650, before the word "clerks," to strike out "six" and insert "seven;" so as to read:

Seven clerks of class one.

The amendment was agreed to.

The next amendment was in line 651, before the word "clerks," to strike out "five" and insert "three;" so as to read:

Three clerks at $900 each.

The amendment was agreed to.

The next amendment was in lines 652 and 653, to increase the total appropriation for the force in the Office of the Fifth Auditor from $34,760 to $45,160.

The amendment was agreed to.

The next amendment was in lines 656 and 657, in the appropriations for the Office of the Auditor of the Treasury for the Post-Office Department, to increase the appropriation for salary of the Auditor from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 658, to increase the appropriation for salary of Deputy Auditor from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 659, after the word "eight," to to strike out the words "principal clerks, at one thousand eight" and insert "chiefs of division, at two thousand one;" so as to read:

Eight chiefs of division, at $2,100 each.

The amendment was agreed to.

The next amendment was in line 661, before the word "clerks," to strike out the word "four" and insert "eight;" so as to read:

Eight clerks of class four, and additional to one clerk as disbursing clerk, $900.

The amendment was agreed to.

The next amendment was in line 663, after the word "fifty," to insert "four;" so as to read:

Fifty-four clerks of class three.

The amendment was agreed to.

The next amendment was in line 663, to substitute sixty-nine for sixty-four clerks of class two.

The amendment was agreed to.

The next amendment was in line 664, to substitute thirty-seven for thirty-six clerks of class one.

The amendment was agreed to.

The next amendment was in line 665, after the word "and," to strike out "eighteen" and insert "nineteen;" so as to read:

And nineteen laborers.

The amendment was agreed to.

The next amendment was in line 665, after the word "laborers," to strike out the word "eighteen" and insert "twenty;" and in line 666, before the word "thousand," to strike out "eighteen" and insert "twenty;" so as to read:

Twenty assorters of money-orders, $20,000.

The amendment was agreed to.

The next amendment was in lines 668 and 669, to increase the total appropriation for the force in the Office of the Auditor of the Treasury for the Post-Office Department from $271,050 to $313,320.

The amendment was agreed to.

The next amendment was in line 672, in the appropriations for the office of the Treasurer of the United States, to increase the appropriation for salary of the Treasurer from $6,000 to $6,500.

The amendment was agreed to.

The next amendment was in line 673, to increase the appropriation for salary of the assistant treasurer from $3,500 to $3,800.

The amendment was agreed to.

The next amendment was in line 674, to increase the appropriation for salary of cashier from $3,500 to $3,800.

The amendment was agreed to.

The next amendment was in line 675, to increase the appropriation for salary of assistant cashier from $3,200 to $3,500.

The amendment was agreed to.

The next amendment was in line 676, to increase the appropriation for salary of chief clerk from $2,500 to $2,700.

The amendment was agreed to.

The next amendment was in line 676, to strike out the words "four principal clerks" and insert "five chiefs of division;" and in line 677, after the word "thousand," to strike out "five" and insert "seven;" so as to read:

Five chiefs of division at $2,700 each.

The amendment was agreed to.

The next amendment was in line 679, to increase the appropriation for salary of principal book-keeper from $2,400 to $2,600.

The amendment was agreed to.

The next amendment was in line 679, after the word "dollars," to insert:

One principal book-keeper at $2,500.

The amendment was agreed to.

The next amendment was in lines 680 and 681, after the word "tellers," to strike out the words "at $2,400 each" and insert "one at $2,700 and one at $2,600;" so as to read:

Two tellers, one at $2,700 and one at $2,600.

The amendment was agreed to.

The next amendment was in line 683, to increase the appropriation for salary of two assistant tellers from $2,000 each to $2,350 each.

The amendment was agreed to.

The next amendment was in lines 684 and 685, to strike out the words:

Five book-keepers at $2,000 each.

The amendment was agreed to.

The next amendment was in line 685, before the word "clerks," to strike out the word "ten" and insert "thirteen;" so as to read:

Thirteen clerks of class four.

The amendment was agreed to.

The next amendment was in line 685, before the word "clerks," to strike out "ten" and insert "thirteen;" so as to read:

Thirteen clerks of class three.

The amendment was agreed to.

The next amendment was in line 686, before the word "clerks," to strike out "six" and insert "nine;" so as to read:

Nine clerks of class two.

The amendment was agreed to.

The next amendment was in line 687, before the word "messengers," to strike out "four" and insert "seven;" so as to read:

Seven messengers.

The amendment was agreed to.

The next amendment was in lines 690 and 691, to increase the total appropriations for the force in the Office of the Treasurer from $127,590 to $160,060.

The amendment was agreed to.

The next amendment was in line 692, in the appropriations for the division of loans in the Treasurer's Office, before the word "clerks," to strike out "nine" and insert "seventeen;" so as to read:

Seventeen clerks of class four.

The amendment was agreed to.

The next amendment was in line 693, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 693, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class two.

The amendment was agreed to.

The next amendment was in line 694, before the word "counters," to strike out "ten" and insert "forty-three;" so as to read:

One hundred and forty-three counters and copyists, at $900 each.

The amendment was agreed to.

The next amendment was in line 696, before the word "messengers," to strike out "four" and insert "nine;" so as to read:

Nine messengers.

The amendment was agreed to.

The next amendment was in line 696, after "twenty," to insert "eight;" so as to read:

And twenty-eight laborers.

The amendment was agreed to.

The next amendment was in lines 697 and 698, to increase the total appropriations for the force of the division of loans of the Treasurer's Office from $156,010 to $200,020.

Mr. MORRILL, of Maine. That footing is inaccurate. Instead of $200,020, it should be $214,420.

The PRESIDING OFFICER. The correction will be made, if there be no objection.

The amendment, as modified, was agreed to.

The next amendment was in line 700, in the appropriations for the force employed in redeeming the national currency, in the Treasurer's Office, to increase the appropriation for salary of superintendent from $3,200 to $3,500; in line 702, to increase the appropriation for salary of two principal tellers and one principal book-keeper from $2,400 to $2,600; in line 703, to increase the appropriation for salary of one assistant book-keeper from $2,300 to $2,500; in lines 704 and 705, to increase the appropriation for salary of two assistant tellers from $2,000 to $2,200 each; in line 705, to provide for two instead of four clerks of class four; in line 705, to provide for two instead of three clerks of class three; in line 706, to provide for forty instead of thirty-six clerks of class one; in line 711, to increase the total appropriation $129,836 to $129,936.

Mr. MORRILL, of Maine. In line 711, "twenty-nine" should be stricken out and "thirty-one" inserted, and the word "nine" should be made "one," so as to read $131,136 instead of $129,936.

The PRESIDING OFFICER. The correction will be made if there be no objection.

The amendment, as modified, was agreed to.

The next amendment was in line 714, in the appropriations for the Office of the Register of the Treasury, to increase the appropriation for salary of the Register from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in lines 715 and 716, to increase the appropriation for salary of assistant register from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 716, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 716, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class three.

The amendment was agreed to.

The next amendment was in line 717, before the word "clerks," to strike out "ten" and insert "twelve;" so as to read:

Twelve clerks of class two.

The amendment was agreed to.

The next amendment was in line 718, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class one.

The amendment was agreed to.

The next amendment was in line 719, before the word "messenger," to strike out "one" and insert "two," and to strike out "messenger" and insert "messengers;" so as to read:

Two messengers.

The amendment was agreed to.

The next amendment was in line 719, before the word "laborers," to strike out "two" and insert "three;" so as to read:

And three laborers.

The amendment was agreed to.

The next amendment was in line 720, to increase the total appropriation for the force in the Office of the Register of the Treasury from $61,630 to $68,640.

The amendment was agreed to.

The next amendment was in lines 722 and 723, in the appropriations for the division of loans in the Register's Office, to strike out "four clerks at $1,800 each" and insert:

Five chiefs of division at $2,500 each, one disbursing clerk at $1,200.

The amendment was agreed to.

The next amendment was in line 725, before the word "clerks," to strike out "four" and insert "ten;" so as to read:

Ten clerks of class four.

The amendment was agreed to.

The next amendment was in line 725, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class three.

The amendment was agreed to.

The next amendment was in line 726, before the word "clerks," to strike out "two" and insert "four;" so as to read:

Four clerks of class two.

The amendment was agreed to.

The next amendment was in line 729, make the total appropriation for the force in the division of loans in the Register's Office $132,640 instead of $106,340.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 730:

And the office of deputy register of the Treasury is hereby abolished, to take effect on and after the 30th day of June next.

The amendment was agreed to.

The next amendment was in line 734, in the appropriations for the Office of the Comptroller of the Currency, to increase the appropriation for salary of Comptroller from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in lines 735 and 736, to increase the appropriation for salary of deputy comptroller from $2,600 to $3,000.

The amendment was agreed to.

The next amendment was in lines 736 and 737, to strike out the words "two principal clerks" and insert "four chiefs of division;" and after the word "thousand," in line 737, to insert "four hundred;" so as to read:

Four chiefs of division at $2,400 each.

The amendment was agreed to.

Mr. MORRILL, of Maine. On line 738 there is an omission. After the word "each" I move to insert "one stenographer at $2,000." It does not change the footing at all, because the footing was made as if that were in, it being a simple omission of an item which was agreed upon in committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 738, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class four.

The amendment was agreed to.

The next amendment was in line 739, before the word "clerks," to strike out "ten" and insert "fourteen;" so as to read:

Fourteen clerks of class three.

The amendment was agreed to.

The next amendment was in line 739, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class two.

The amendment was agreed to.

The next amendment was in line 741, before the word "messengers," to strike out "two" and insert "four;" so as to read:

Four messengers.

The amendment was agreed to.

The next amendment was in line 741, before the word "laborers," to strike out "two" and insert "four;" so as to read:

Four laborers.

The amendment was agreed to.

The next amendment was to insert after the word "laborers," in line 742, the words:

Two night watchmen at $720 each.

The amendment was agreed to.

The next amendment was in lines 743 and 744, to increase the total appropriation for the force in the Office of the Comptroller of the Currency from $80,470 to $110,180.

The amendment was agreed to.

The next amendment was in line 746, in the appropriations for expenses of the national currency under the Comptroller, to increase the appropriation for salary of one superintendent from $2,200 to $2,400; of one teller and one book-keeper, in line 748, from $2,000 each to $2,400 each; of one assistant book-keeper, in line 749, from $1,800 to $2,200; and in line 751, the total appropriation from $22,690 to $23,740.

The amendment was agreed to.

The next amendment was in line 754, to increase the appropriation "for expenses of special examinations of national banks from $1,000 to $2,500.

The amendment was agreed to.

The next amendment was in the appropriations for Commissioner of Internal Revenue, to increase the appropriation for salary of Commissioner, in line 756, from $5,500 to $6,000.

The amendment was agreed to.

The next amendment was in line 758, to increase the appropriation for salary of deputy commissioner from $3,200 to $3,500.

The amendment was agreed to.

The next amendment was in line 759, to increase the appropriation for salaries of seven heads of divisions from $2,250 each to $2,500 each.

The amendment was agreed to.

The next amendment was in line 760, to increase the appropriation for salary of stenographer from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 761, after the word "twenty," to insert "seven;" so as to read:

Twenty-seven clerks of class four.

The amendment was agreed to.

The next amendment was in line 761, after the word "thirty," to insert "five;" so as to read:

Thirty-five clerks of class three.

The amendment was agreed to.

The next amendment was in line 762, after the word "forty," to insert "five;" so as to read:

Forty-five clerks of class two.

The amendment was agreed to.

The next amendment was in line 764, before the word "messengers," to strike out "four" and insert "five;" so as to read:

Five messengers.

The amendment was agreed to.

The next amendment was in line 764, before the word "laborers," to strike out "ten" and insert "fifteen; so as to read:

And fifteen laborers.

The amendment was agreed to.

The next amendment was in lines 765 and 766, to increase the total appropriation for the force in the Office of Commissioner of Internal Revenue from $242,310 to $289,600.

The amendment was agreed to.

The next amendment was in line 767, before the word "thousand," to strike out the word "fifty" and insert "sixty-six;" and in line 768, after the word "dollars," to strike out the words:

Said engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department: *Provided*, The cost does not exceed the price paid under existing contracts.

And to insert in lieu thereof:

To be expended under the direction of the Secretary of the Treasury.

So as to read:

For dies, paper, and stamps, $466,000; to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in lines 781 and 782, after the word "1876," to strike out the words "and June 30, 1877;" so as to read:

And the unexpended balance standing on the books of the Treasury to the credit of the appropriation for stamps, paper, and dies, for the fiscal year ending June 30, 1875, is hereby made available for any expenditures incurred on account of stamps, paper, and dies, during the fiscal year ending June 30, 1876.

The amendment was agreed to.

The next amendment was in lines 783 and 784, to increase the appropriation for salaries and expenses of collectors of internal revenue from $1,531,000 to $1,920,000.

The amendment was agreed to.

The next amendment was in line 787, to increase the appropriation for salaries, expenses, and fees of store-keepers, agents, surveyors, gaugers, and miscellaneous expenses from $1,450,000 to $1,800,000.

The amendment was agreed to.

The next amendment was in line 796, before the word "collection," to strike out "one hundred and five" and insert "one hundred and thirty-one;" so as to read;

And from and after the 30th day of June next there shall be no more than one hundred and thirty-one collection districts.

The amendment was agreed to.

The next amendment was to strike out after the word "law," in line 800, the following words:

And sections 3159 and 3160 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal-revenue service, are hereby repealed.

Mr. SHERMAN. I am directed by the Committee on Finance to oppose that amendment of the Committee on Appropriations. I have a letter from the Secretary of the Treasury and the Commissioner of Internal Revenue on the subject.

Mr. MORRILL, of Maine. Do you wish it passed over?

Mr. SHERMAN. Why not just take the question now?

Mr. MORRILL, of Maine. It may lead to a division of the Senate.

Mr. SHERMAN. I only want the amendment of the Committee on Appropriations voted down *pro forma*. I have here a letter from the Secretary of the Treasury concurring entirely in the view of the Commissioner of Internal Revenue. The Commissioner's letter was read the other day.

The PRESIDING OFFICER. Does the Senator from Ohio propose an amendment?

Mr. SHERMAN. If the amendment is disagreed to, that will leave the whole text open to amendment hereafter. I ask that the question be put on the amendment from line 800 to 804 and the amendment negatived.

The Chief Clerk read the amendment proposed by the committee, which was to strike out, beginning in line 800, the following words:

And sections 3159 and 3160 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal-revenue service are hereby repealed.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out these words:

Mr. MORRILL, of Maine. The amendment may be rejected *pro forma* at any rate.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 807, before the word "statutes," to strike out the word "statutes."

The amendment was agreed to.

The next amendment was in line 811, after the word "only," to strike out the word "ten" and insert "thirty;" in line 812, after the word "agents," to strike out the words "each of whom shall receive a compensation of $8 per day" and insert "to be classified as follows: five

at a compensation of $10 per day, ten at a compensation of $8 per day, and fifteen at a compensation of $6 per day;" so as to read:

And sections 2649, 2650, and 2651 of the Revised Statutes, and all laws and parts of laws authorizing the Secretary of the Treasury to appoint special agents to be employed in the customs service, and classifying them and regulating the duties of said agents, shall be so modified as to authorize the appointment of only thirty special agents, to be classified as follows: Five at a compensation of $10 per day, ten at a compensation of $8 per day, and fifteen at a compensation of $6 per day, and actual traveling expenses when actually employed in the duties of such agency.

The amendment was agreed to.

The next amendment was in line 847, in the appropriations for the office of the Light-House Board, to increase the appropriation for salary of chief clerk from $2,250 to $2,500; and in line 851, to increase the total from $13,510 to $14,360.

The amendment was agreed to.

The next amendment was in line 854, in the appropriations for the office of the Bureau of Statistics, to increase the appropriation for salary of the officer in charge of the Bureau from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 855 and 856, to increase the appropriation for salary of chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 856, before the word "clerks," to strike out "three" and insert "five;" so as to read:

Five clerks of class four.

The amendment was agreed to.

The next amendment was in line 857, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 857, before the word "clerks," to strike out "four" and insert "eight;" so as to read:

Eight clerks of class one.

The amendment was agreed to.

The next amendment was in lines 860 and 861, to increase the total appropriation for the force in the Bureau of Statistics from $33,790 to $47,640.

The amendment was agreed to.

The next amendment was in line 862, after the word "and," to strike out the words "all the" and insert "for the additional;" and in line 865, after the word "Congress," to strike out the words "shall be performed by the clerical force herein provided for" and insert:

The sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, to be expended, under the direction of the Secretary of the Treasury, in payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States.

So as to make the clause read:

And for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, to be expended, under the direction of the Secretary of the Treasury, in payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States.

The amendment was agreed to.

The next amendment was in line 874, in the appropriations for the officers of the Bureau of Engraving and Printing, to increase the appropriation for salary of Chief of Bureau from $4,500 to $5,000; in line 875, to increase the appropriation for salary of one assistant from $2,250 to $2,500; in line 876, to increase the appropriation for salary of accountant from $2,000 to $2,200; in lines 879 and 880, to increase the total from $20,330 to $21,280.

The amendment was agreed to.

The next amendment was in line 884, in the miscellaneous appropriations for the Treasury Department, to increase the appropriation for official postage-stamps from $80,000 to $200,000.

The amendment was agreed to.

The next amendment was in line 892, to increase the appropriation "for investigations of accounts and records" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was in line 894, to increase the appropriation "for freight, expressage, telegrams, and car tickets" from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was to insert after line 895 the following:

For rent of buildings, $13,000.

The amendment was agreed to.

The next amendment was in line 899, to increase the appropriation "for care and subsistence of horses for office and mail-wagons, including feeding and shoeing; and for wagons, harness, and repairs of same" from $2,800 to $4,000.

The amendment was agreed to.

The next amendment was in line 902, to increase the appropriation for "ice, buckets, file-holders, book-rests, labor, clocks, and repairs of the same" from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was in line 905, to increase the appropriation "for coal, wood, grates, grate-baskets and fixtures, stoves and fixtures, blowers, coal-hods, hearths, shovels, tongs, pokers, matches, and match-safes" from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 908, to increase the appropriation "for gas, drop-lights and tubing, gas-burners, brackets and globes, candles, lanterns, and wicks" from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was in lines 915 and 916, to increase the appropriation "for desks, tables, and chairs, and shelving for file-rooms, and cases, repairs of furniture, boxes, rugs, chair-covers and caning, cushions, cloth for covering desks, locks, screws, hand-saws, turpentine and varnish" from $10,500 to $15,000.

The amendment was agreed to.

The next amendment was in line 929, to increase the appropriation "for washing towels, brooms, brushes, crash, cotton cloth, cane, chamois-skins, dusters, flour, keys, lye, matches, nails, oil, powders, sponge, soap, tacks, wall-paper, and the other miscellaneous expenses required for the current and ordinary business of the Department, and for repairs of machinery, baskets, spittoons, files, water-coolers, tumblers, ice-picks, bowls and pitchers, traps, thermometers, ventilators, towels, awnings and fixtures, alcohol, window-shades and fixtures, wire screens, hemming towels, axes, bellows, chisels, canvas, candle-sticks, door and window fasteners, bells and bell-pulls, hammers, mallets, leather, gum, and other belting, stencil-plates, tools, whetstones, wire, and zinc, and other absolutely necessary expenses" from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the assistant treasurer at New York, in line 933, to increase the appropriation for compensation of the assistant treasurer from $7,200 to $8,000.

The amendment was agreed to.

The next amendment was in lines 934 and 935, to increase the appropriation for compensation of Deputy Assistant Treasurer from $3,240 to $3,600.

The amendment was agreed to.

The next amendment was in line 936, to increase the appropriation for compensation of cashier and chief clerk from $3,780 to $4,200.

The amendment was agreed to.

The next amendment was in lines 937 and 938, to increase the appropriation for compensation of chief of coin division from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 939, to increase the appropriation for compensation of chief of note-paying division from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in lines 940 and 941, to increase the appropriation for compensation of chief of note-receiving division from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 942, to increase the appropriation for compensation of chief of check division from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in lines 943 and 944, to increase the appropriation for compensation of chief of registered-interest division from $2,520 to $2,800.

The amendment was agreed to.

The next amendment was in line 945, to increase the appropriation for compensation of chief of coupon-interest division from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 943, to increase the appropriation for compensation of chief of fractional-currency division from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 948, to increase the appropriation for compensation of chief of bond division from $2,160 to $2,400.

The amendment was agreed to.

The next amendment was in lines 949 and 950, to increase the appropriation for compensation of chief of canceled checks and record division from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 951, to increase the appropriation for compensation of two clerks from $2,160 each to $2,400 each.

The amendment was agreed to.

The next amendment was in line 952, to increase the appropriation for compensation of six clerks from $1,980 each to $2,200 each.

The amendment was agreed to.

The next amendment was in lines 953 and 954, to increase the appropriation for the compensation of ten clerks from $1,800 each to $2,000 each.

The amendment was agreed to.

The next amendment was in line 955, to increase the appropriation for compensation of nine clerks from $1,600 each to $1,800 each.

The amendment was agreed to.

The next amendment was in line 956, to increase the appropriation for compensation of four clerks from $1,530 each to $1,700 each.

The amendment was agreed to.

The next amendment was in line 958, to increase the appropriation for compensation of four clerks from $1,440 each to $1,600 each.

The amendment was agreed to.

The next amendment was in line 959, to increase the appropriation for compensation of two clerks from $1,350 each to $1,500 each.

The amendment was agreed to.

The next amendment was in lines 960 and 961, to increase the appropriation for compensation of ten clerks from $1,260 each to $1,400 each.

The amendment was agreed to.

The next amendment was in line 963, to increase the appropriation for compensation of five messengers from $1,200 each to $1,300 each.

The amendment was agreed to.

The next amendment was in line 965, to increase the appropriation for compensation of keeper of building from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 966, to increase the appropriation for compensation of chief detective from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in lines 967 and 968, to increase the appropriation for compensation of assistant detective from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was line 972, to increase the total amount of the appropriation for the force in the office of the assistant treasurer at New York from $137,440 to $150,980.

The amendment was agreed to.

The next amendment was in the appropriation for the office of the assistant treasurer at Boston, in line 975, to increase the appropriation for compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 976, to increase the appropriation for compensation of chief clerk from $2,430 to $2,700.

The amendment was agreed to.

The next amendment was in lines 977 and 978, to increase the appropriation for compensation of paying teller from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 979, to increase the appropriation for compensation of chief interest clerk from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 980, to increase the appropriation for compensation of receiving teller from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in lines 981 and 982, to increase the appropriation for compensation of first book-keeper from $1,530 to $1,700.

The amendment was agreed to.

The next amendment was in line 983, to increase the appropriation for compensation of second book-keeper, "depositors'" accounts, from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in line 985, to increase the appropriation for compensation of stamp and new fractional-currency clerk from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 986, to increase the appropriation for compensation of specie clerk from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in line 987 and 988, to increase the appropriation for compensation of assistant specie clerk from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was in line 989, to increase the appropriation for compensation of two coupon clerks from $1,260 to $1,400 each.

The amendment was agreed to.

The next amendment was in line 996, to increase the appropriation for compensation of messenger and chief watchman from $1,000 each to $1,060 each.

The amendment was agreed to.

The next amendment was in lines 997 and 998, to increase the total appropriation for the force in the office of the assistant treasurer at Boston from $31,680 to $34,260.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the assistant treasurer at San Francisco, in line 1001, to increase the appropriation for compensation of the assistant treasurer from $5,400 to $6,000.

The amendment was agreed to.

The next amendment was in line 1002, to increase the appropriation for compensation of cashier from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in lines 1003 and 1004, to increase the appropriation for compensation of book-keeper from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1004 and 1005, to increase the appropriation for compensation of assistant cashier from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1006, to increase the appropriation for compensation of assistant book-keeper from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1007, to increase the appropriation for compensation of stamp clerk from $2,160 to $2,400.

The amendment was agreed to.

The next amendment was in lines 1008 and 1009, to increase the appropriation for compensation of one clerk from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1010, to increase the appropriation for compensation of three night watchmen from $1,000 each to $1,500 each.

The amendment was agreed to.

The next amendment was in line 1011, to increase the appropriation for compensation of one day watchman from $900 to $960.

The amendment was agreed to.

The next amendment was in lines 1012 and 1013, to increase the total appropriation for the force in the office of assistant treasurer at San Francisco from $21,630 to $25,160.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the assistant treasurer in Philadelphia, in line 1015, to increase the appropriation for compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in lines 1016 and 1017, to increase the appropriation for compensation of cashier and chief clerk, from $2,430 to $2,700.

The amendment was agreed to.

The next amendment was in line 1018, to increase the appropriation for compensation of book-keeper from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1019 and 1020, to increase the appropriation for compensation of chief interest-clerk from $1,710 to $1,900.

The amendment was agreed to.

The next amendment was in line 1021, to increase the appropriation for compensation of assistant book-keeper from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1022, to increase the appropriation for compensation of coin teller from $1,530 to $1,700.

The amendment was agreed to.

The next amendment was in lines 1023 and 1024, to increase the appropriation for compensation of chief registered-interest clerk from $1,710 to $1,900.

The amendment was agreed to.

The next amendment was in line 1025, to increase the appropriation for compensation of assistant coupon clerk from $1,440 to $1,600.

The amendment was agreed to.

The next amendment was in line 1026, after the word "dollars," to insert:

Fractional-currency clerk, $1,600.

The amendment was agreed to.

The next amendment was in line 1028, to increase the appropriation for compensation of two assistant registered-loan clerks, one from $1,350 to $1,500 and one from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was in lines 1030 and 1031, to increase the appropriation for the compensation of assistant coin teller from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was in line 1032, to increase the appropriation for compensation of assistant fractional-currency clerk from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was in lines 1033 and 1034, to increase the appropriation for compensation of receiving teller from $1,170 to $1,300.

The amendment was agreed to.

The next amendment was in line 1037, before the word "watchmen," to strike out "five" and insert "four;" so as to read:

Four watchmen, at $930 each.

The amendment was agreed to.

The next amendment was in lines 1038 and 1039, to increase the total appropriation for the force in the office of the assistant treasurer at Philadelphia from $36,740 to $40,020.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the assistant treasurer at Baltimore, in line 1041, to increase the appropriation for the compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 1042, to increase the appropriation for compensation of cashier from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1043, to increase the appropriation for compensation of three clerks from $1,620 each to $1,800 each.

The amendment was agreed to.

The next amendment was in line 1045, to increase the appropriation for compensation of three clerks from $1,260 each to $1,400 each.

The amendment was agreed to.

The next amendment was in line 1049, to increase the total appropriation for the force in the office of the assistant treasurer at Baltimore from $22,230 to $23,940.

The amendment was agreed to.

The next amendment was the appropriations for the office of the

assistant treasurer at Saint Louis, in line 1052, to increase the appropriation for compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in lines 1053 and 1054, to increase the compensation of chief clerk and teller from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1054 and 1055, to increase the appropriation for compensation of assistant teller from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1056, to increase the appropriation for compensation of book-keeper from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in lines 1059 and 1060, to increase the total appropriation for the force in the office of the assistant treasurer at Saint Louis from $14,720 to $15,800.

The amendment was agreed to.

The next amendment was in the appropriation for the office of the assistant treasurer at Chicago, in line 1062, to increase the appropriation for the compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 1063, to increase the appropriation for compensation of cashier from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1064, to increase the appropriation for compensation of paying-teller from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1066, to increase the appropriation for compensation of book-keeper and receiving teller from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in line 1070, to increase the total appropriation for the force in the office of the assistant treasurer at Chicago from $13,830 to $15,069.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the assistant treasurer at Cincinnati, in line 1073, to increase the appropriation for the compensation of the assistant treasurer from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 1074, to increase the appropriation for compensation of cashier from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1075, to increase the appropriation for compensation of book-keeper from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in lines 1076 and 1077, to increase the appropriation for compensation of assistant cashier from $1,350 to to $1,500.

The amendment was agreed to.

The next amendment was in lines 1082 and 1083, to increase the total appropriation for the force in the office of the assistant treasurer at Cincinnati from $14,230 to $15,260.

The amendment was agreed to.

The next amendment was in the appropriation for the office of the assistant treasurer at New Orleans, in line 1086, to increase the appropriation for compensation of the assistant treasurer from $4,050 to $4,500.

The amendment was agreed to.

The next amendment was in line 1087, to increase the appropriation for compensation of cashier from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1088, to increase the appropriation for compensation of receiving teller from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in lines 1089 and 1090, to increase the appropriation for compensation of book-keeper from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in line 1090, after the word "dollars," to insert "one assistant book-keeper, at $1,500."

The amendment was agreed to.

The next amendment was in lines 1094 and 1095, to increase the total appropriation for the force in the office of the assistant treasurer at New Orleans from $13,230 to $15,780.

The amendment was agreed to.

The next amendment was to strike out lines 1096 to 1102, inclusive, in the following words:

And so much of section 3595 of the Revised Statutes as provides for the appointment of an assistant treasurer of the United States at Charleston is hereby repealed from and after June 30, 1876; and the Secretary of the Treasury is directed to discontinue the depositories at Buffalo, New York; Santa Fé, New Mexico; and Tucson, Arizona.

The amendment was agreed to.

The next amendment was to insert after line 1102, as lines 1103 to 1139:

Office of assistant treasurer at Charleston, South Carolina: For assistant treasurer, $4,000; one clerk, $1,800; one clerk, $1,600; one assistant messenger, $720; and two watchmen at $720 each; in all, $9,560.

Office of depositary at Pittsburgh: For cashier, $1,800; book-keeper, $1,400; one watchman, $720; in all, $3,920.

Office of depositary at Tucson, Arizona: For depositary, in addition to his pay as postmaster, $1,500.

For compensation to designated depositaries at Buffalo, New York, and Pittsburgh, Pennsylvania, for receiving, safely keeping, and paying out public money, at the rate of ½ of 1 per cent. on the first $100,000, ¼ of 1 per cent. on the second $100,000, and ⅛ of 1 per cent. on all sums over $200,000; any sum which may have been allowed to such depositaries for rent or any other contingent expenses in respect to the custody of such public money being deducted from such compensation before any payment shall be made therefor: *Provided*, That no compensation shall be allowed for the above services when the emoluments of the office of which said designated depositary is in commission amount to the maximum compensation fixed by law; nor shall the amount allowed to any one of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law: *And provided further*, That the whole allowance to any designated depositary for such service shall not exceed $1,500 per annum, $3,000.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Director of the Mint, in line 1161, to increase the appropriation for compensation of the Director from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 1162, to increase the appropriation for the compensation of examiner from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was in line 1163, to increase the appropriation for compensation of one computer of bullion from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was in line 1168, to increase the total appropriation for the force in the Office of Director of the Mint from $16,260 to $17,360.

The amendment was agreed to.

The next amendment was in line 1169, after the word "dollars," to strike out the following words:

And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act.

The amendment was agreed to.

The next amendment was in line 1176, after the word "expenses," to strike out the word "seven" and insert "including actual traveling expenses of the Director, twelve;" so as to read:

For books, balances and weights, and other incidental expenses, including actual traveling expenses of the Director, $1,200.

The amendment was agreed to.

The next amendment was in line 1183, after the word "materials," to insert the word "and;" and in line 1184, after the word "wastage," to strike out the words "and use of machinery;" so as to read:

And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law to the defraying in full of the expenses thereof, including, labor, materials, and wastage.

The amendment was agreed to.

The next amendment was in the appropriations for the Mint at Philadelphia, in line 1189, to increase the appropriation for salary of the superintendent from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 1191, to increase the appropriation for compensation of assayer, melter and refiner, coiner, and engraver, four in all, from $2,700 each to $3,000 each.

The amendment was agreed to.

The next amendment was in line 1193, to increase the appropriation for compensation of assistant assayer, assistant coiner, and assistant melter and refiner from $1,900 each to $2,100 each.

The amendment was agreed to.

The next amendment was in line 1194, to insert after the word "cashier" the words "$2,500."

The amendment was agreed to.

The next amendment was in line 1196, to increase the appropriation for compensation of chief clerk from $2,250 to $2,400; and in line 1195, after the word "dollars," to strike out the word "each."

The amendment was agreed to.

The next amendment was in line 1196, to increase the appropriation for compensation of book-keeper, deposit clerk, and weigh clerk from $1,800 each to $2,000 each.

The amendment was agreed to.

The next amendment was in line 1198, to increase the appropriation for compensation of two clerks from $1,600 each to $1,800 each.

The amendment was agreed to.

The next amendment was in line 1199, to increase the total appropriation for salaries at the Mint at Philadelphia from $33,600 to $37,300.

The amendment was agreed to.

The next amendment was in line 1201, to increase the appropriation "for wages of workmen and adjusters" at the Philadelphia Mint from $200,000 to $350,000.

The amendment was agreed to.

The next amendment was in line 1203, to increase the appropriation for incidental and contingent expenses of the Philadelphia Mint from $35,000 to $85,000.

The amendment was agreed to.

The next amendment was in line 1205, to increase the appropriation for freight on bullion and coin at the Philadelphia Mint from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was in the appropriations for the mint at San Francisco, California, in line 1208, to increase the appropriation for salary of the superintendent from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in lines 1209 and 1210, to increase the appropriation for compensation of assayer, melter and refiner, and coiner from $2,700 each to $3,000 each.

The amendment was agreed to.

The next amendment was in line 1211, before the word "clerks," to strike out "three" and insert "four;" and in line 1212, after "thousand," to strike out "six" and insert "eight;" so as to read:

Four clerks, at $1,800.

The amendment was agreed to.

The next amendment was in line 1213, to increase the total appropriation for salaries at the mint at San Francisco, California, from $21,900 to $25,700.

The amendment was agreed to.

The next amendment was in lines 1215 and 1216, to increase the appropriation for wages of workmen and adjusters at the San Francisco mint from $225,000 to $300,000.

The amendment was agreed to.

The next amendment was in line 1218, after the words "employé in," to strike out the words:

This mint shall not exceed in amount 25 per cent. additional to the daily rate of wages for similar services to employés in the Mint at Philadelphia.

And to insert:

The different mints and assay offices shall not exceed that paid on the average for similar services by private enterprise in the several localities in which the same are respectively situated.

So as to read:

And hereafter the daily wages paid for services of each employé in the different mints and assay offices shall not exceed that paid on the average for similar services by private enterprise in the several localities in which the same are respectively situated.

The amendment was agreed to.

The next amendment was in line 1226, to increase the appropriation for "material and repairs, fuel, lights, chemicals, and other necessaries" at the San Francisco mint from $75,000 to $86,000.

The amendment was agreed to.

The next amendment was in the appropriation for the mint at Carson, Nevada, in line 1228, to increase the appropriation for salary of superintendent from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1230, to increase the appropriation for compensation of assayer, melter and refiner, and coiner from $2,250 each to $2,500 each.

The amendment was agreed to.

The next amendment was in line 1232, to increase the appropriation for compensation of chief clerk from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1234 and 1235, to increase the appropriation for compensation of weighing clerk, voucher clerk, and computing clerk from $1,800 each to $2,000 each.

The amendment was agreed to.

The next amendment was in line 1235, after the word "each," to insert the words "assayer's clerk, at $1,600."

The amendment was agreed to.

The next amendment was in lines 1236 and 1237, to increase the total appropriation for salaries at the mint at Carson, Nevada, from $21,100 to $24,600.

The amendment was agreed to.

The next amendment was in line 1238, to increase the appropriation for wages of workmen and adjusters at the Carson mint from $40,000 to $100,000.

The amendment was agreed to.

The next amendment was in line 1241, to increase the appropriation for "materials and repairs, fuel and light, charcoal, chemicals, and other necessaries" at the Carson mint from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was in line 1245, in the appropriation for the mint at Denver, Colorado, to increase the appropriation for compensation of melter from $2,250 to $2,500; in line 1246, to increase the appropriation for two clerks at $1,600 each to three clerks at $1,800 each; and in line 1247, to increase the total from $7,950 to $10,400.

The amendment was agreed to.

The next amendment was to strike out after the word "dollars," in line 1251, the following:

And for the purposes of enabling the said mint at Denver, and the assay office at Helena, and the assay office at Boise City, to make returns to depositors with as little delay as possible, the provisions of section 3545 of the Revised Statutes of the United States shall hereafter apply to said mint and assay office as well as to the other mints and assay offices of the United States. And the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of bullion at said mint and assay office, coin certificates, representing coin in the Treasury, and issued under the provisions of section 254 of the Revised Statutes of the United States; all of said acts and duties to be performed under such rules and regulations as shall be prescribed by the Secretary of the Treasury. And it shall be lawful to apply the moneys arising from charges collected from depositors at said mint and assay office, pursuant to law, to the defraying of the expenses thereof, including labor, materials, wastage, and use of machinery; and only so much of the appropriations herein made shall be used for said mint and assay office as shall be necessary for the operation of same, after the money arising from the charges aforesaid shall have been exhausted as herein provided. But in no event shall the expenditures of said mint and assay office exceed the amount of the specific appropriations herein made for same. And it shall be the duty of those in charge of the mints and assay offices of the United States to make assays of ores brought to them for such purposes, and to give certificates under their official signatures of the results of such assays. And such assays shall be made at such price, not less than actual cost to the United States, as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury. And there shall be an accurate account kept at each mint and assay office of all assays made as above provided, and return made of same in each report made by the person in charge, as by law or regulation required; and the charges for such assays shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was in line 1291, in the appropriations for the assay office at New York, to increase the appropriation for salary of superintendent from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 1292, to increase the appropriation for compensation of assayer from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1293, to increase the appropriation for compensation of melter and refiner from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1294, to increase the appropriation for compensation of chief clerk from $2,500 to $2,800.

The amendment was agreed to.

The next amendment was in line 1295, to increase the appropriation for compensation of weighing clerk from $2,500 to $2,800.

The amendment was agreed to.

The next amendment was in line 1296, to increase the appropriation for compensation of paying clerk from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was in line 1297, to increase the appropriation for compensation of bar clerk from $1,800 to $2,000 each.

The amendment was agreed to.

The next amendment was in line 1298, to increase the appropriation for compensation of warrant clerk from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was in line 1299, to increase the appropriation for compensation of two calculating clerks from $1,800 to $2,000 each.

The amendment was agreed to.

The next amendment was to insert, after line 1299, "assistant weigh clerk, $1,800."

The amendment was agreed to.

The next amendment was in lines 1301 and 1303, to increase the appropriation for compensation of assayer's first assistant from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1303, to increase the appropriation for compensation of assayer's second assistant from $2,150 to to $2,350.

The amendment was agreed to.

The next amendment was in line 1304, to increase the appropriation for compensation of assayer's third assistant from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was in line 1305, to increase the total appropriation for salaries at the assay office at New York from $32,200 to $35,650.

The amendment was agreed to.

The next amendment was in line 1307, to increase the appropriation for wages of workmen at the New York assay office from $20,000 to $22,000.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 1315, the following:

And the assaying and stamping of bullion is hereby authorized, subject to the provisions of the coinage act of 1873.

The amendment was agreed to.

The next amendment was to insert after line 1324, in the appropriations for the assay office at Helena, Montana, the following:

For wages of workmen, $6,000.
For fuel, crucibles, chemicals, light, and other incidental expenses, $4,000.

The amendment was agreed to.

The next amendment was in line 1330, to increase the appropriation for "salary of assayer, who shall also perform the duties of melter," at the assay office at Boise City, Idaho Territory, from $1,800 to $2,500.

The amendment was agreed to.

The next amendment was in line 1340, in the appropriations for the Territory of Arizona, to increase the appropriations for salaries of the chief justice and two associate judges from $2,500 each to $3,000 each.

The amendment was agreed to.

The next amendment was in line 1341, to increase the appropriation for salary of the secretary of the Territory of Arizona from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was in line 1343, to increase the total appropriation for salaries of officers of the Territory of Arizona from $13,000 to $15,500.

The amendment was agreed to.

The next amendment was to strike out lines 1345 to 1354 inclusive, in the following words:

And hereafter the salaries of governors of Territories shall be $3,000 per annum each, and the salaries of chief justices and associate justices shall be $2,500 per an-

num each, and the salaries of secretaries of Territories shall be $2,000 per annum each; and sections 1845 and 1879 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions herewith stated, are hereby repealed.

The amendment was agreed to.

The next amendment was in line 1358, to increase the appropriation for legislative expenses of the Territory of Arizona from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was in lines 1362 and 1363, in the appropriation for the Territory of Colorado, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretaries from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in lines 1372 and 1373, in the appropriations for the Territory of Dakota, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in line 1377, to increase the appropriation for legislative expenses of the Territory of Dakota from $20,000 to $24,237.50.

The amendment was agreed to.

The next amendment was in lines 1382 and 1383, in the appropriations for the Territory of Idaho, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in line 1387, to increase the appropriation for legislative expenses of the Territory of Idaho from $20,000 to $25,783.

The amendment was agreed to.

The next amendment was in lines 1392 and 1393, in the appropriations for the Territory of Montana, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in lines 1400 and 1401, in the appropriations for the Territory of New Mexico, to increase the appropriation for salaries of governor, chief justice and two associate judges, secretary, and interpreter and translator in the executive office from $13,000 to $15,005.

The amendment was agreed to.

The next amendment was in lines 1408 and 1409, in the appropriations for the Territory of Utah, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in line 1423, in the appropriations for the Territory of Washington, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary, from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in lines 1430 and 1431, in the appropriations for the Territory of Wyoming, to increase the appropriation for salaries of governor, chief justice and two associate judges, and secretary from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was in line 1437, after the word "dollars," to strike out the following proviso:

Provided, That no salary shall be paid to, or accepted by, any judge of the supreme court of any Territory except what is paid from the Treasury of the United States or by express enactment of Congress.

The amendment was agreed to:

The next amendment was to insert after line 1441:

District of Columbia:
For salaries of the five members of the board of health, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was in the appropriation for the office of the Secretary of War, in lines 1447 and 1448, to increase the appropriation for compensation of one chief clerk from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1448 and 1449, to increase the appropriation for compensation of one disbursing clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1450, to increase the appropriation for compensation of two chief clerks of division from $1,800 each to $2,000 each.

The amendment was agreed to.

The next amendment was in line 1451, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class four.

The amendment was agreed to.

The next amendment was in line 1451, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 1452, before the word "clerks," to strike out "four" and insert the word "six;" so as to read:

Six clerks of class two.

The amendment was agreed to.

The next amendment was in line 1453, before the word "messengers," to strike out "eight" and insert "nine;" so as to read:

Nine messengers.

The amendment was agreed to.

The next amendment was after the word "messengers," in line 1453, to strike out the words:

And three copyists, to enable the Secretary of War to have the rebel archives examined and copies furnished for the Government, $2,700.

The amendment was agreed to.

The next amendment was in line 1456, before the word "laborers," to strike out "seven" and insert "nine;" so as to read:

Nine laborers.

The amendment was agreed to.

The next amendment was in line 1456, before the word "watchmen," to strike out "five" and insert "seven;" so as to read:

Seven watchmen for the Northwest Executive building.

The amendment was agreed to.

The next amendment was in line 1458, to increase the total appropriation for the force in the Office of the Secretary of War from $67,110 to $80,580.

The amendment was agreed to.

The next amendment was in line 1460, to increase the appropriation "for contingent expenses of his Office" from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was to insert after line 1461:

For the purpose of examining the rebel archives, and having copies furnished for the Government, $6,600.

The amendment was agreed to.

The next amendment was in the appropriation for the Office of the Adjutant-General, in line 1466, to increase the appropriation for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1468, before the word "clerks," to strike out "thirty" and insert "twenty-five;" so as to read:

Twenty-five clerks of class two.

The amendment was agreed to.

The next amendment was in line 1469, to strike out "one hundred and ten" before "clerks" and insert "one hundred;" so as to read:

One hundred clerks of class one.

The amendment was agreed to.

The next amendment was to insert after the words "of class one," in line 1469:

Three temporary clerks of class four; six temporary clerks of class three; twenty temporary clerks of class two; sixty temporary clerks of class one.

The amendment was agreed to.

The next amendment was in line 1472, before the word "messengers," to strike out "eight" and insert "ten;" so as to read:

Ten messengers, at $840 each.

The amendment was agreed to.

The next amendment was in lines 1473 and 1474, to increase the total amount of the appropriations for the force in the Office of the Adjutant-General from $215,670 to $320,600.

The amendment was agreed to.

The next amendment was in line 1476, to increase the appropriation for contingent expenses of the Office of the Adjutant-General from $8,000 to $12,000.

The amendment was agreed to.

The next amendment was in line 1479, to increase the appropriations for clerks in the Office of the Inspector-General from $2,440 to $2,640.

The amendment was agreed to.

The next amendment was to insert after line 1479 the following:

In the Bureau of Military Justice:
One chief clerk, at $2,000; one clerk of class four; one clerk of class three; two clerks of class two; three clerks of class one; one messenger; in all, $12,640.
For contingent expenses, $500.

The amendment was agreed to.

The next amendment was to insert after line 1485:

In the Signal Office:
Two clerks of class four; one messenger; in all, $4,440.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Quartermaster-General, in line 1490, to increase the appropriation for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1491, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class four.

The amendment was agreed to.

The next amendment was in line 1491, before the word "clerks," to strike out "eight" and insert "ten;" so as to read:

Ten clerks of class three.

The amendment was agreed to.

The next amendment was in line 1496, before the word "laborers," to strike out "six" and insert "eight;" so as to read:

Eight laborers.

The amendment was agreed to.

The next amendment was in line 1499, after the word "dollars," to insert:

Six temporary clerks of class two; two temporary clerks of class one; eight temporary copyists, at $900 each.

The amendment was agreed to.

The next amendment was in line 1502, to increase the total amount of the appropriation for the force in the Office of the Quartermaster-General from $132,680 to $163,920.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Commissary-General, in line 1506, to increase the appropriation for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1507, before the word "clerk," to strike out "one" and insert "two," and to strike out the word "clerk" and insert "clerks;" so as to read:

Two clerks of class four.

The amendment was agreed to.

The next amendment was in line 1507, before the word "clerks," to strike out "three" and insert "four;" so as to read:

Four clerks of class three.

The amendment was agreed to.

The next amendment was in line 1508, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class two.

The amendment was agreed to.

The next amendment was in line 1508, before the word "clerks," to strike out "ten" and insert "twelve;" so as to read:

Twelve clerks of class one.

The amendment was agreed to.

The next amendment was in lines 1510 and 1511, to increase the total amount of the appropriation for the force in the Office of the Commissary-General from $29,390 to $37,840.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Surgeon-General, in line 1516, to increase the appropriation for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1517, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class four.

The amendment was agreed to.

The next amendment was in line 1517, before the word "clerks," to strike out "four" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 1518, before the word "clerks," to strike out "six" and insert "nine;" so as to read:

Nine clerks of class two.

The amendment was agreed to.

The next amendment was in line 1518, after the word "hundred," to insert "and thirty;" and in line 1519, after the word "one," to insert "thirty-eight of whom shall be temporary;" so as to read:

One hundred and thirty clerks of class one, thirty-eight of whom shall be temporary.

The amendment was agreed to.

The next amendment was in line 1523, before the word "watchmen," to strike out "eighteen" and insert "twenty-two;" and in line 1524, after the word "laborers," to insert "six of whom shall be temporary;" so as to read:

Twenty-two watchmen and laborers, six of whom shall be temporary.

The amendment was agreed to.

The next amendment was in lines 1525 and 1526, to increase the total amount of the appropriations for the force in the Office of the Surgeon-General from $161,800 to $214,280.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Chief of Ordnance, to increase the appropriation in line 1531 for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1532, before the word "clerks," to strike out "two" and insert "three;" so as to read:

Three clerks of class three.

The amendment was agreed to.

The next amendment was in line 1533, before the word "clerks," to strike out "two" and insert "three;" so as to read:

Three clerks of class two.

The amendment was agreed to.

The next amendment was in line 1533, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class one.

The amendment was agreed to.

The next amendment was in line 1535, to increase the total amount of the appropriations for the force in the Office of the Chief of Ordnance from $20,860 to $27,560.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Paymaster-General, to increase the appropriation in line 1547 for compensation of one chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1548, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class four.

The amendment was agreed to.

The next amendment was in line 1548, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class three.

The amendment was agreed to.

The next amendment was in line 1549, before the words "clerks," to strike out "twelve" and insert "seventeen;" and in line 1550, after the word "two" to insert "two of whom shall be temporary;" so as to read:

Seventeen clerks of class two, two of whom shall be temporary.

The amendment was agreed to.

The next amendment was in line 1550, before the word "clerks," to strike out "ten" and insert "nine;" so as to read:

Nine clerks of class one.

The amendment was agreed to.

The next amendment was in line 1551, before the word "watchmen," to strike out "two" and insert "four;" so as to read:

Four watchmen.

The amendment was agreed to.

The next amendment was in line 1551, before the word "laborers," to strike out "two" and insert "five;" so as to read:

Five laborers.

The amendment was agreed to.

The next amendment was in line 1552, to increase the total amount of the appropriations for the force in the Office of the Paymaster-General from $49,820 to $69,320.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Chief of Engineers, to increase the appropriation for compensation of one chief clerk, in line 1556, from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1557, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class four.

The amendment was agreed to.

The next amendment was in line 1557, before the word "clerks," to strike out "three" and insert "four;" so as to read:

Four clerks of class three.

The amendment was agreed to.

The next amendment was in line 1558, before the word "clerks," to strike out "three" and insert "four;" so as to read:

Four clerks of class two.

The amendment was agreed to.

The next amendment was in line 1558, before the word "clerks," to strike out "three" and insert "two;" so as to read:

Two clerks of class one.

The amendment was agreed to.

The next amendment was in line 1560, to increase the total amount of the appropriation for the force in the Office of the Chief of Engineers from $23,050 to $28,400.

The amendment was agreed to.

The next amendment was in line 1568, to increase the appropriation for compensation of one engineer in the War Department building from $1,200 to $1,400; in line 1569, to increase the number of watchmen from two to four, and to change the total amount from $4,080 to $5,720; so as to make the clause read:

For compensation of one engineer in the War Department building, $1,400; and for four watchmen and two laborers; in all, $5,720.

The amendment was agreed to.

The next amendment was in line 1574, before the word "watchmen," to strike out "two" and insert "five;" before the word "laborer" to strike out the word "one" and insert "two;" strike out "laborer" and insert "laborers;" and in lines 1577 and 1578, to strike out "$12,160" and insert "$15,040;" so as to read:

For five watchmen and two laborers in the building occupied by the Paymaster-General, and for rent of the building, and fuel, and miscellaneous items, $10,000; in all, $15,040.

The amendment was agreed to.

The next amendment was in line 1579, before the word "watchmen," to strike out "two" and insert "four;" before the word "laborer" to strike out "one" and insert "two;" to strike out "laborer" and insert "laborers;" and in line 1585, to strike out "$8,160" and insert "$10,320;" so as to read:

For four watchmen and two laborers in the building at the corner of Seventeenth and F streets, and for fuel for warming the entire building, including the Ordnance Office, and for operating the ventilating fan in summer, repairs of steam-warming and ventilating apparatus, pay of steam engineer and fireman, and for general repairs and miscellaneous items, $6,000; in all, $10,320.

The amendment was agreed to.

The next amendment was in the appropriations for the Office of the Secretary of the Navy, in lines 1593 and 1594, to increase the appropriation for compensation of the chief clerk of the Navy Department from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1594 and 1595, to increase the appropriation for compensation of one disbursing clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1596, before the word "clerks," to strike out "three" and insert "four;" so as to read:

Four clerks of class three.

The amendment was agreed to.

The next amendment was in line 1596, to strike out the words "one clerk," and insert "two clerks;" so as to read:

Two clerks of class two.

The amendment was agreed to.

The next amendment was in line 1597, before the word "clerks," to strike out "two" and insert "three;" so as to read:

Three clerks of class one.

The amendment was agreed to.

The next amendment was in line 1597, to strike out "one messenger" and insert "two;" so as to read:

Two messengers.

The amendment was agreed to.

The next amendment was in lines 1598 and 1599, to increase the total appropriation for the force in the office of the Secretary of the Navy from $28,780 to $35,620.

The amendment was agreed to.

The next amendment was in lines 1604 and 1605, in the appropriations for the Bureau of Yards and Docks, to insert after the word "dollars" the words "one draughtsman, $1,800;" and in lines 1607 and 1608, to increase the total appropriation for salaries in the Bureau of Yards and Docks from $10,360 to $12,760.

The amendment was agreed to.

The next amendment was in line 1616, to increase the total appropriation for salaries in the Bureau of Equipment and Recruiting from $11,410 to $11,960.

The amendment was agreed to.

The next amendment was in line 1623, to increase the total appropriation for salaries in the Bureau of Navigation from $6,110 to $6,360.

The amendment was agreed to.

The next amendment was in line 1629, in the appropriations for the Bureau of Ordnance, to increase the appropriation for compensation of draughtsmen from $1,600 to $1,800; in lines 1629 and 1630, to provide for two clerks instead of one clerk of class two; and in line 1631, to increase the total from $7,710 to $9,560.

The amendment was agreed to.

The next amendment was in the appropriations for the Bureau of Construction and Repair, to increase the appropriation, in line 1637, for compensation of draughtsmen from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 1638, to strike out the words "one clerk" and insert "two clerks;" so as to read:

Two clerks of class three.

The amendment was agreed to.

The next amendment was in line 1638, before the word "clerk," to strike out "one clerk" and insert "two clerks;" so as to read:

Two clerks of class two.

The amendment was agreed to.

The next amendment was in lines 1639 and 1640, to increase the total appropriation for salaries in the Bureau of Construction and Repair from $9,310 to $12,960.

The amendment was agreed to.

The next amendment was in the appropriations for the Bureau of Steam Engineering, to insert after the word "dollars, in line 1645, the words "one draughtsman, at $1,800; one assistant draughtsman, at $1,600;" and in lines 1648 and 1649, to increase the total from $4,660 to $7,760.

The amendment was agreed to.

The next amendment was in the appropriations for the Bureau of Provisions and Clothing, to strike out the words "one clerk," in line 1655, and insert "two clerks;" so as to read: "Two clerks of class three;" in line 1656, before the word "clerks," to strike out "two" and insert "three;" so as to read: "Three clerks of class one;" and in lines 1657 and 1658, to increase the total from $11,410 to $14,760.

The next amendment was in lines 1661 and 1662, to strike out the words "one clerk of class four" and insert "chief clerk, $1,800; one clerk of class three;" in line 1663, after the word "messenger," to insert "and one laborer;" and in line 1664, after the word "all," to strike out "2,440" and insert "4,960;" so that the clause will read:

Bureau of Medicine and Surgery:

For chief clerk, $1,800; one clerk of class three, one messenger, and one laborer, in all, $4,960.

The amendment was agreed to.

The next amendment was in line 1668, before the word "watchmen," to strike out "two" and insert "five;" before the word "laborer," to strike out "one" and insert "two," and to strike out "laborer" and insert "laborers," and after the word "all," in line 1669, to strike out "two thousand one hundred and sixty" and insert "five thousand and forty;" so as to read:

For five watchmen and two laborers for the building occupied by the Navy Department; in all, $5,040.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. The Senate is certainly wearied, as I know I am. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were re-opened, and (at four o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

WHISKY FRAUDS.

Mr. CATE. I ask unanimous consent to introduce a resolution.

Mr. PAGE. I call for the regular order.

Mr. CASWELL. I reserve the right to object to the resolution after I shall have heard it read.

Mr. PAGE. I will withdraw my objection.

Mr. CATE. I offer the following resolution for action now:

Resolved, That the special committee of the House of Representatives appointed to investigate the so-called whisky frauds in Saint Louis, Missouri, are authorized and directed to investigate the question of frauds on the revenue in the manufacture of whisky and high wines in Milwaukee, Wisconsin, and whether any officers of the United States were concerned therein.

Mr. HURLBUT. I object to that resolution.

PRODUCTS OF GOLD AND SILVER.

Mr. BLAND. I ask to have printed a bill to utilize the products of gold and silver mines, and for other purposes, being a substitute for the bill H. R. No. 3363, as amended by the committee. The bill comes from the Committee on Mines and Mining with a favorable recommendation, and I ask to have the usual number of copies printed, and also to have it printed in the RECORD.

The SPEAKER. Is it an original bill or is it a substitute?

Mr. BLAND. This is a substitute for the bill, reported back with amendments and with a favorable recommendation.

Mr. KELLEY. Will it not be time enough when the committee is called?

Mr. BLAND. I wish to have it printed.

Mr. KELLEY. I understand that the substance of the bill is such that it is a bill that should properly come from the Banking and Currency Committee; that it is a bill that is not within the legitimate scope of the Committee on Mines and Mining, but proposes to utilize the products of gold and silver mines by giving us a new system of currency. I move that it be referred to the Committee on Banking and Currency.

Mr. BLAND. The bill was referred to the Committee on Mines and Mining and they reported a substitute, and now they report amendments to that substitute. It seems to me the motion of the gentleman comes too late.

Mr. KELLEY. Let the bill be read, and we can then see whether or not it is a bill appropriately belonging to the Committee on Banking and Currency.

The SPEAKER. The motion of the gentleman having charge of the bill to print and recommit will not do any harm.

Mr. KELLEY. But he does not ask to have it recommitted.

The SPEAKER. The effect of the request to print, if granted, will be to leave the bill in the hands of the committee. If the request was that the bill be printed and some order of the House made in regard to it, that would be another thing.

Mr. KELLEY. When the Chair asked the gentleman if he wished to have the bill recommitted, he said "no."

Mr. HURLBUT. Let the bill be printed and recommitted.

Mr. BLAND. No, I do not ask that.

Mr. HURLBUT. It cannot well be printed without recommittal, unless it is to be acted upon now.

The SPEAKER. The effect of ordering the bill to be printed will be to leave it with the committee; it amounts simply to an order that the bill be printed for the use of the House.

Mr. HURLBUT. If it is simply a question of printing, then let it go to the Committee on Printing.

Mr. BLAND. I simply ask to have the bill printed.

Mr. HURLBUT. I move to amend by adding "and recommitted."

Mr. BLAND. There is no necessity to recommit it.

Mr. KELLEY. The gentleman evidently reports this bill contemplating some action upon it. It has not been read; it is a bill that should come from another committee; it relates to business not within the range of business confided to the Committee on Mines and Mining.

Mr. BLAND. The gentleman is stating what he does not know precisely, though it may be the fact. The bill has not been read yet; and how can the gentleman state what is in a bill that has not been read. I desire to have the bill printed.

Mr. KELLEY. Let the bill be read, and then we will see whether I have not properly stated its contents.

Mr. RANDALL. How is this bill before the House?

Mr. BLAND. It is reported by order of the Committee on Mines and Mining.

The SPEAKER. The question is upon the amendment of the gentleman from Illinois [Mr. HURLBUT] to the motion of the gentleman from Missouri, [Mr. BLAND.] The gentleman from Missouri moves that the bill be printed; the gentleman from Illinois moves to amend by adding the words "and recommitted."

The question was taken upon the amendment; and upon a division there were—ayes 59, noes 34.

Mr. KELLEY. I call for tellers, no quorum having voted.

Mr. O'NEILL. Will a call for the regular order stop this? I want to help the majority of this House to adjourn before the 1st day of September, and to do that I call for the regular order.

The SPEAKER. It is too late to take this matter from before the House by calling for the regular order.

Mr. BLAND. I have no objection to printing and recommitting the bill.

The SPEAKER. Then, unless there be objection, the bill will be printed and recommitted.

Mr. KELLEY. Not to be brought back on a motion to reconsider.

The SPEAKER. It will be so ordered.

There being no objection, the bill (H. R. No. 3635) was ordered to be printed and recommitted.

WHISKY FRAUDS.

Mr. HURLBUT. I withdraw my objection to the resolution offered by the gentleman from Wisconsin, [Mr. CATE.]

Mr. CATE. I have modified the resolution, and I think there will now be no objection to it.

The resolution, as modified, was as follows:

Resolved, That the special committee of the House of Representatives appointed to investigate the so-called whisky frauds in Saint Louis, Missouri, are authorized and directed to investigate the question of frauds on the revenue in the manufacture of whisky and high wines in Milwaukee, Wisconsin, and whether any officers of the United States were concerned therein; to include the transactions and contributions of the whisky ring in the year 1873 in influencing the elections.

The SPEAKER. Is there further objection to the resolution offered by the gentleman from Wisconsin?

There being no further objection, the resolution was adopted.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' reunion at Caldwell, Ohio.

UNION PACIFIC RAILROAD.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in response to a House resolution of May 25, 1876, a copy of the report of Hon. Isaac N. Morris relative to the condition of the Union Pacific Railroad between Omaha and the summit of the Rocky Mountains; which was referred to the Committee on the Pacific Railroad.

ORDER OF BUSINESS.

Mr. HURLBUT. I now call for the regular order if the chairman of the Committee on Appropriations [Mr. RANDALL] is ready to go on.

Mr. RANDALL. I am always ready to do that. I move that the rules be suspended and that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of continuing the consideration of the Indian appropriation bill.

The SPEAKER. Before that motion is submitted the Chair will ask if there is objection to referring the bills now upon the Speaker's table to their appropriate committees?

There was no objection.

REFERENCE OF BILLS.

The following Senate bills were taken from the Speaker's table, read a first and second time, and severally referred, as follows:

A bill (S. No. 155) to amend sections 533, 556, 571, and 572, of the Revised Statutes of the United States relating to courts in Arkansas and other States—to the Committee on the Judiciary.

A bill (S. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow—to the Committee on Invalid Pensions.

A bill (S. No. 626) in relation to the Japanese indemnity—to the Committee on Foreign Affairs.

A bill (S. No. 728) for the relief of Martha J. Coston—to the Committee on Naval Affairs.

A bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska—to the Committee on Indian Affairs.

An act (S. No. 808) for the relief of Charles B. Varney, of Portland, Maine—to the Committee on Public Lands.

An act (S. No. 863) to change the name of the steamship City of Brashear to Lone Star—to the Committee on Commerce.

An act (S. No. 105) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap light-station, in the State of Virginia—to the same committee.

An act (S. No. 118) granting a pension to James H. Woodard—to the Committee on Invalid Pensions.

An act (S. No. 294) for the relief of Charles E. Hedges—to the Committee on Indian Affairs.

An act (S. No. 369) to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances—to the Committee on Commerce.

An act (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal—to the same committee.

An act (S. No. 471) to re-open the lands of the Fort Sedgwick military reservation to settlement and occupation as public lands—to the Committee on Public Lands.

An act (S. No. 539) to provide for an increase of pension in favor of Martin Kelly—to the Committee on Invalid Pensions.

An act (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware—to the Committee on Public Buildings and Grounds.

An act (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867—to the Committee for the District of Columbia.

An act (S. No. 675) to enable Horace L. Emery to make an application to the Commissioner of Patents for the extension of letters-patent for improvement in cotton-ginning machines—to the Committee on Patents.

An act (S. No. 676) authorizing the construction of a light-house and fog-bell on Round Island, Straits of Mackinac—to the Committee on Commerce.

An act (S. No. 678) for the relief of Ephraim P. Abbott—to the Committee on Public Lands.

An act (S. No. 769) to alter and appoint the time for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes—to the Committee on the Judiciary.

An act (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the United States Navy—to the Committee of Claims.

An act (S. No. 825) to provide for the more speedy adjustment of the accounts of the Treasurer of the United States—to the Committee of Ways and Means.

An act (S. No. 872) for the relief of the family of the late John T. King, and of L. B. Cutler—to the Committee on Appropriations.

The following House bills, returned from the Senate with amendments, were severally taken from the Speaker's table and referred as indicated:

A bill (H. R. No. 339) for the relief of E. D. Franz—to the Committee of Claims.

A bill (H. R. No. 341) for the relief of Louis Rosenbaum—to the same committee.

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army—to the Committee on Military Affairs.

A bill (H. R. No. 1803) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States—to the Committee on the Judiciary.

Mr. RANDALL. I move to reconsider the various votes by which these bills have been referred; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RICHARD S. KINNEY AND WILLIAM R. JONES.

Mr. HANCOCK, by unanimous consent, introduced a bill (H. R. No. 3636) to remove the legal and political disabilities of Richard S. Kinney and William R. Jones; which was read a first and second time.

The bill was read. It provides that, with the concurrence of two-thirds of each House of Congress, the legal and political disabilities of Richard S. Kinney, of San Antonio, Texas, and William R. Jones, of Laredo, Texas, imposed by reason of their participation in the late war, be removed.

Mr. HURLBUT. Has the customary petition been filed?

Mr. HANCOCK. Yes, sir; there are petitions on file in both cases.

Mr. KASSON. I suggest that the phraseology of the bill be varied so as to provide in the usual form for the removal of disabilities imposed by the fourteenth article of the amendments of the Constitution of the United States.

Mr. HANCOCK. I have no objection to such an amendment.

The SPEAKER. Is there objection to modifying the bill in the manner indicated?

There being no objection, the bill was modified accordingly.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OBSTRUCTIONS IN OHIO RIVER.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported back a bill (H. R. No. 1636) to re-imburse certain citizens of Allegheny County, Pennsylvania, for money paid to remove obstructions in the Ohio River; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I move the rules be suspended and the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the special order, the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary to defray the expenses of a general council of certain Indians in the Indian Territory, as provided by the twelfth article of the treaty with the Cherokees of July 19, 1866, the tenth article of the treaty with the Creeks of June 14, 1866, the seventh article of the treaty with the Seminoles of March 21, 1866, and the eighth article of the treaty with the Choctaws and Chickasaws of April 28, 1866, $5,000.

Mr. WELLS, of Missouri. I move in line 1185 to strike out "5" and insert "1;" so it will read "$1,000."

Mr. RANDALL. This subject was considered in the committee, and $5,000 was agreed to. This money is expended in the Indian Territory. Certain representatives of the various Indian tribes met in a congress, as it were, to recommend certain laws or regulations which shall govern the Indians in that Territory. The amount appropriated last year was $3,000. The estimate this year was for $7,000 because of increased representation. We heard representatives on the one side, and on the other side we heard through the gentleman from Missouri, who now offers the amendment. After due consideration the committee agreed to $5,000, which is $2,000 more than they had last year, but $2,000 less than was deemed adequate by the Department.

Mr. WELLS, of Missouri. In my opinion there is no necessity for the expenditure of any money for the purpose indicated by this clause of the bill. It has heretofore accomplished no good and will not hereafter. There is no provision of law requiring any such appropriation. The treaty of 1866 provides the different tribes may meet in council from year to year. This appropriation has accomplished no good whatever. I understand there are but five tribes in the Indian Territory which send representatives to this council, and the only object seems to be to expend money. I have a letter from Mr. Boudinot which I ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., *May* 14, 1876.

SIR: An appropriation for the general council of the Indian Territory is, in my judgment, unnecessary.

This council was organized six or seven years ago, under the treaties of 1866, with the Choctaws, Chickasaws, Creeks, Cherokees, and Seminoles.

The first section of the eighth article of the Choctaw and Chickasaw treaty of 1866 provides that such a council "may be annually convened." The other treaties above mentioned contain the same provision.

The general council was designed by these treaties to be a legislative assembly, as the following from the fourth section of the eighth article of the Choctaw and Chickasaw treaty of 1866 will show:

"The general assembly (or general council) shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in the said Territory, the arrest and extradition of criminals escaping from one tribe to another, the administration of justice between members of the several tribes of the said Territory, and persons other than Indians, and members of said tribes or nations, the construction of works of internal improvement, and the common defense and safety of the nations of the said Territory. All laws enacted by said council shall take effect at the times therein provided, unless suspended by the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States; nor shall said council legislate upon matters pertaining to the legislative, judicial, or other organization, laws, or customs of the several tribes or nations, except as herein provided for."

It will be seen that this general council or assembly is empowered to enact laws. This implies that there should be in this Territory a judiciary to expound and an executive to execute such laws as might be enacted. Neither of these branches of a government has as yet been granted by Congress to this Territory, and until they are granted the legislative council is entirely nugatory.

There are thirty-four tribes of Indians in the Indian Territory, all having treaty relations with the United States; out of this number only five have made any stipulation, by treaty or otherwise, for the organization of this council, namely, the Choctaw, Chickasaw, Creek, Cherokee, and Seminole; and of these the Chickasaws have refused to send delegates to the council for the last four or five years.

The council can be productive of no possible good until the other departments of a territorial government are provided for by act of Congress, as is contemplated by the treaties of 1866 with the five civilized nations.

If it is argued that the commingling of representatives of the civilized with the savage Indians has a good effect upon the latter, then I suggest, instead of this stupendous farce annually convened at the expense of thousands of dollars, that an appropriation of $500, to enable a few wise men from the five civilized nations before mentioned to visit Fort Sill, where the wild Indians are mostly gathered, would be much more economical and effective. No attempt to enact any law has yet been made by this council.

Very respectfully, your obedient servant,

ELIAS C. BOUDINOT.

Hon. ERASTUS WELLS.

Mr. HOLMAN. I hope the committee will not strike out this proposed appropriation or that my friend from Missouri [Mr. WELLS] will not press his amendment. A very intelligent gentleman belonging to one of these five civilized tribes came before the Committee on Appropriations and presented absolutely conclusive reasons why this Government should encourage this legislative assembly composed of representatives of the various tribes which have been gathered together in this Indian Territory. We are furnished the last opportunity on the face of this continent for the Indian to achieve whatever he can in the progress of civilization. And, sir, I hold it to be the very highest duty of this Government to encourage these tribes that have been progressing for years in the pathways of civilization in accomplishing whatever they can in the betterment and improvement of their condition.

I hold in my hand a journal purporting to be the journal of the sixth annual session of the General Council of the Indian Territory, composed of delegates duly elected from the Indian tribes legally resident therein, assembled in council at Ocmulgee, Indian Territory, from the 3d to the 15th, inclusive, of May, 1875. I have run over with great interest the proceedings of that council, that legislative body, that congress of these Indians, and I felt strongly impressed with confidence that such an assemblage of the representatives of these Indian tribes cannot fail to be beneficial not only to them, but to the wild Indian tribes who will be assembled within the limits of that Territory, because it is the policy of the Government to bring them all there in the course of time.

Now the amount proposed to be appropriated is trivial. This congress up to the present time, up to its sixth assemblage, has displayed the capacity of these Indians for self-government. They have a constitution of government somewhat similar to our own, the various tribes constituting separate states as it were, and this council enacts legislation upon many subjects common to them all. They meet together, discuss whatever affects them as individual tribes and whatever concerns their kindred, the Indians scattered over the wide wastes of this country from its northern to its southern boundary.

I do not know any stronger appeal which can be made to Congress for a reasonable appropriation of money, and especially for the small appropriation here provided, than the fact that these very intelligent Indians are seeking to improve in the science of government of their own people and the people of other tribes brought into that Territory under their influence. I do not see why we should not encourage the exercise of self-government among these Indian tribes. It is in the interest of peace this small appropriation is sought to be made; it is with a view to develop all the capacity for government of these Indian tribes.

I trust this committee with absolute unanimity will consent that this appropriation shall be made. I am aware that there are powerful motives now operating upon this Government to break in upon this territory and destroy whatever is left of these fast-fading-away tribes of Indians, who are disappearing steadily, hopelessly, from the face of the earth; that there are powerful motives for rendering their attempt at free government a failure, so that the great corporations which have been permitted to occupy that territory shall the more effectually accomplish their rapacious purposes. I know that my friend from Missouri [Mr. WELLS] has no sympathy with these schemes. But he doubts the capacity of these tribes for self-government, and therefore thinks this appropriation should not be made. I have great hopes of their capacity for self-government, and desire to encourage them.

Mr. FRANKLIN. I desire to ask the gentleman what are the purposes which the corporations to which he refers desire to accomplish?

Mr. HOLMAN. They desire to secure that vast empire of land within the limits of that territory which, on the condition of the Government of the United States acquiring control of that territory, they are entitled to receive.

Mr. FRANKLIN. I wish to say to the gentleman——

The CHAIRMAN. The time of the gentleman from Indiana has expired. The Chair has recognized the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I move to strike out the last word.

I think that no proposition like that now pending could have been made by the authority either of the Indian Committee or of the Appropriations Committee, unless they have come to a very different conclusion upon reading the annual journal of proceedings of these tribes from that to which I have come. No document has been laid upon the tables of members during this or a preceding Congress that has more interest in connection with the peaceful civilization of the Indians than has the document which contains the proceedings

of this assemblage of the representatives of the various Indian tribes. It reminds me in some respects of the recitals of experiences at a Methodist camp-meeting. From all grades of tribes, under various grades of civilization, there come representatives talking with those who have attained a higher degree of civilization and showing that they are endeavoring to imitate the most advanced in the progress of their civilization. They tell how they are planting crops or raising cattle, and what success they have had; their talk in this respect being like that at our county agricultural meetings in the West. One recites his advantageous experience and shows how he arrived at success. The others listen, and hope, as they express it, to get where their brothers have already arrived in the course of a few years. Another says, "We have schools of such and such a character among our tribes and so many of our children are being educated." Others say, "We have not got so far, but hope to arrive there soon."

The exchange of facts and theories of civilization among these Indians themselves in their own language is doing more than your Indian agents are able to do for the direct promotion of their civilization; for an Indian believes that what another Indian has done he will some time be able to do.

This also has a direct influence upon the peace maintained by these tribes. Every few years there comes some addition to the tribes settled in the Indian Territory. Representatives of the wild tribes come in and see what the Choctaws and Chickasaws and other advanced tribes have done, and pledge themselves to proceed in the same direction.

I agree with the gentleman from Indiana, [Mr. HOLMAN,] and am very glad that on this part of the appropriations he represents some Quakers in his district. It is the only instance, I believe, in which he has been heard in favor of maintaining these appropriations for civilizing purposes. A Quaker is the actual governor of these tribes in the Indian Territory, and addresses annually their representatives in council. The whole direction in which they are moving is that of peace, of progress, of religion, and of that gradual education which is adapted to the Indian character.

I hope, sir, that this clause will not be stricken out. The appropriation is small in amount, and the good that is done by these meetings is almost incalculable. I beg gentlemen, if they have not read the annual proceedings of this council, to take up any one of the numbers and read the speeches, made with all the characteristics of Indian eloquence, and they will become satisfied, as I have been, that this is one of the most useful organizations connected with the progress of the Indians. I not only hope that this appropriation will not be stricken out, but also that the gentleman from Indiana will give his attention to increasing in some particulars the amounts appropriated for what are known as civilizing purposes in the Indian Territory and at distant agencies. My objection to the bill is that it leaves this class of appropriations too small.

A single word touching the letter which has been read. The gentleman from Indiana [Mr. HOLMAN] I presume knows, as I do, that the gentleman who writes that letter is not on good terms with the ruling tribes and authorities in these Indian councils. There have been serious differences between him and them. And I do not think, therefore, that his counsel upon this subject ought to be received by the House as they would receive an expression of the wishes of the great majority of the Indian tribes that are represented in council.

Mr. HOLMAN. I am very glad to find the gentleman from Iowa [Mr. KASSON] feeling some little interest in this bill.

I am glad to hear him raise his voice in behalf of these civilized tribes who are struggling to establish a government of their own, and I trust, sir, that in common with myself he represents a Christian people—I have no doubt he does—who feel an interest in all efforts, however humble, of these tribes as they do in those of the common race of mankind to accomplish whatever they may do in progress and civilization.

But, sir, why strike out this appropriation? I have heard no objection to it heretofore. It has been made I believe every year since the treaty authorized it to be made for a period I think of six years.

Mr. FRANKLIN. But why increase it this year $2,000 over what you appropriated last year?

Mr. HOLMAN. For the reason given by the gentleman from Pennsylvania, [Mr. RANDALL,] which my friend knows is unanswerable, and that is that the humanizing and elevating influence of this council has gradually extended to the more savage tribes of Indians westward from the territory of the civilized tribes. It has been our policy to throw under this civilizing influence of these tribes the wilder Indians within the limits of that same territory, and they are being gradually represented in this council. This council is growing in interest and importance, and now it is proposed that we shall go back on this policy instead of advancing on this line of encouraging the Indians in the line of civilization.

Mr. FRANKLIN. Was not this council established for the purpose of legislation in that territory and of bringing within its influence the wilder tribes? Now, I will ask the gentleman if he has the proceedings there of the sixth annual council, and I desire him to point out to the House where they have enacted a single law of any kind whatsoever?

Mr. HOLMAN. Among the delegates in council last year there were represented—

Creeks: J. R. Moore, C. Micco, N. B. Moore, P. Porter, D. W. McIntosh, Frieland McIntosh, J. M. Perryman, James Larney, C. McIntosh, Joe Sells, W. Coachman, T. Adams, W. F. McIntosh, and J. Haynes.

Cherokees: S. Lebell, R. Bunch, James Ketchum, B. H. Sixkiller, C. Hicks, and J. W. Markham.

Choctaws: F. Anderson, James King, T. Holman, Me-ha-tubbee, Mish-a-ma-tubbee, William Johnson, N. McCoy, J. W. Lawrence, and John Williams.

Seminoles: L. Cloud, E. J. Brown, and New King.

Pawnees: Good Chief, Tur-se-le-con-waw-ho, Sun Chief, and Captain Chief.

Keechies, Confederated Peorias, Eastern Shawnees, Absentee Shawnees, Black Bob Shawnees, Ottawas, Modocs, Sacs and Foxes, Mexican Kickapoos, Wichitas, Wacoes, Comanches, Tawacarroes, Caddoes, Anadarkoes, Delawares, Kaws, Osages, Pottawatomies, Cheyennes, Arapahoes, Wyandotts, Quapaws, and Senecas.

Mr. FRANKLIN. That is not answering my question.

Mr. HOLMAN. My friend must see the difficulty that I have in pronouncing these names and should not embarrass me by interruptions. I answer his question by showing this large representation from these numerous tribes in this council.

Mr. FRANKLIN. I ask you to show a single law they have enacted.

Mr. HOLMAN. They have adopted a constitution and I have not read their code of laws.

Mr. FRANKLIN. You cannot find it?

Mr. HOLMAN. I have their constitution, and if they have met there for no other purpose but for the adoption of a constitution and government similar to our own in which the several tribes are organized as states, if they have accomplished nothing more than the organization of a government and bringing together these various tribes from the far south up to the English line for no other purpose than to exchange views in regard to the progress they are making under the influence of peace and under the influence of harmony, why then this little bagatelle of $5,000 a year is nothing.

Mr. KASSON. I withdraw my amendment.

Mr. FRANKLIN. I renew the amendment. Mr. Chairman, I hope that the amendment of my colleague [Mr. WELLS] will receive the sanction of this House. When I ask the gentleman from Indiana who is championing this five-thousand-dollar appropriation to point to a single law, to a single statute, or anything that this general council has done in pursuance of the law that established that general council, what does he say in reply to my question? Why, he commences reading the journal of the sixth annual session and reads a list of delegates and the tribes they represent, but neglects to answer the question.

I will send to the Clerk's desk to have read section 3 of article 10 of the treaty with the Creek Indians, as I want the House to know the purpose for which this general council was established.

The Clerk read as follows:

Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said territory and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defense and safety of the nations of said territory. All laws enacted by said general council shall take effect at such time as shall therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

Mr. FRANKLIN. Now, Mr. Chairman, I undertake to say that that general council has failed in the object for which it was established, and that it not only does not deserve an appropriation of $1,000 but that it does not deserve an appropriation of one cent at the hands of this House. Listen to me while I read from the report of the Commissioner of Indian Affairs made in 1875, and hear what he says in reference to the consolidated government of the Indians in that Territory. I read from page 13:

Further effort has been made by leading men among these different tribes of the Indian Territory to procure the establishment of a consolidated government of Indians by Indians; but it has not succeeded, and this large population becomes more and more helpless under the increasing lawlessness among themselves and the alarming intrusion of outlawed white men.

Now, sir, although the Commissioner of Indian Affairs says that there has been an increase in crime in that Territory this council has not enacted one solitary law to suppress it.

Mr. HOLMAN. Will my friend allow me to ask him a question?

Mr. FRANKLIN. Certainly.

Mr. HOLMAN. Has not my friend recently believed that the late Commissioner of Indian Affairs was eager to adopt a line of policy which would give to two great railroad corporations a strip of land twenty miles wide on each side of the road, which is secured to them under the treaty of 1866, as soon as the Government has obtained control of the lands? Does not my friend believe that the late Commissioner of Indian Affairs was in complicity with a movement to accomplish a purpose which involved millions of money to those two railroad corporations?

Mr. FRANKLIN. I will state that I have no reason to believe that any such state of facts existed as the gentleman states.

Mr. HOLMAN. I think it did.

Mr. FRANKLIN. Now, I will further state, in reply to the assertion of the gentleman that there were corporations seeking to grasp the lands in this Territory, in vindication of my position that at an early day in the session I introduced a bill, No. 943, which, if adopted by this House, will tell these Indians that the lands shall in no event become the property of any corporation, or of anybody else other than the Indians. It will all belong to them—these Indians. Under its provisions each and every person who is at the time of the passage of the act a member of any tribe or nation occupying a reservation in the Territory of Oklahoma shall be entitled to one hundred and sixty acres of land. The bill also provides that, after the entry and selection of such homesteads, patents shall be issued therefor, vesting in the parties entitled thereto a full and complete title in fee simple; and further, sir, the bill requires that the patent shall contain a provision prohibiting the sale or alienation or sale of the same by the patentees or their heirs for a period of twenty years.

And in addition to this, Mr. Chairman, the bill to which I refer divides all the balance of the land in the territory among the Indians therein. It gives the Indians every acre of it. Not one foot of land is left to be grasped by corporations.

There is also a section in the bill which repeals all acts granting lands in said territory to railroads. For information on this point I will ask that sections 17, 18, 19, 20, and 23 be incorporated in my remarks.

They read as follows:

SEC. 17. That the Secretary of the Interior shall cause the lands in said Territory of Oklahoma to be surveyed; and that each and every person who at the passage of this act is a member of any tribe or nation, occupying a reservation in said territory, by birth, marriage, or adoption, including adults, minors, males and females, shall be entitled to a homestead of one hundred and sixty acres of the land embraced in said reservation of the tribe of which said person is now a member; and if in actual possession or occupancy of land, improved or cultivated by him or her, shall have a prior right to the quarter section upon which such improvements are situated. The homesteads of adults shall be selected by themselves, and those of minors by their respective fathers, if living, and if not, by their mothers or guardians. The Secretary shall prescribe the manner in which these selections shall be made, and shall prescribe the rules therefor. All persons entitled to homesteads, as aforesaid, shall cause entry to be made of the same in the office of the register and receiver of lands, under such rules and regulations as may be prescribed by the Secretary of the Interior; and the entries of said homesteads shall be made by legal subdivisions.

SEC. 18. That as soon as practicable after the selection and entry of such homesteads in manner as aforesaid the Secretary of the Interior shall issue patents therefor, vesting in the respective parties entitled thereto a full and complete title in fee-simple to each of said homesteads so selected, including the possessory rights of said tribes and the ultimate fee of the United States: *Provided, however*, That such patents shall contain a condition prohibiting the alienation or sale of the same by the patentees or their heirs for the period of twenty years.

SEC. 19. That as soon as may be after the passage of this act the Secretary of the Interior shall cause to be made an enumeration of all the members of the different tribes of Indians now occupying reservations in the Territory of Oklahoma; and in making said enumeration each and every person entitled to select a homestead under the provisions of this act shall be enumerated. He shall then ascertain the number of acres of land in each of said reservations, after deducting therefrom the number of acres subject to be selected as homesteads under the provisions of this act, and the lands reserved for school purposes; and, under such rules and regulations as he shall prescribe, shall cause said lands to be allotted in severalty to said members of said tribes, and in making said allotments due reference shall be had to the number of members of said tribes, to the number of acres of land in said reservation, and the quality of the soil.

SEC. 20. That as soon as may be after the said allotment or division of said land has been made, the Secretary of the Interior shall issue patents for the same to the persons entitled thereto, vesting in said parties a full and complete title to the same, including the possessory rights of the Indians, and the ultimate fee of the United States, and no condition restricting the alienation or sale of said lands shall be contained in said patent, except that any sale made by the patentee shall be subject to the approval of the Secretary of the Interior.

SEC. 23. That all acts granting lands in said Territory of Oklahoma to railroads, conditioned upon the extinguishment of the Indian title, be, and the same are hereby, repealed, and that the lands of any Indian reservation in said Territory shall remain the common property of all the Indians rightfully occupying the same, until such time as said lands shall be selected as homesteads or allotted in severalty as hereinbefore provided.

A fair and impartial examination of its provisions will clearly show that it measures out full and complete justice to the Indian. It gives them the whole country. It makes them the largest landed proprietors in the United States. Point me to the State whose citizens own as much land *per capita* as this bill gives them.

The condition of affairs there, Mr. Chairman, must soon change. The change will come, and the gentleman from Indiana [Mr. HOLMAN] will not be able to prevent it. As well might he attempt with the motion of his hand to quell the terrors of the tempest. The public mind is awakening to the true solution of this Indian problem. You cannot arrest the tide of civilization and progress in this direction.

What would the gentleman say in addressing himself to this question if the Indian Territory occupied the same geographical position to his State that it does to the State of Missouri? Would he then see in the provisions of every bill introduced here for the organization of the Territory of Oklahoma the grasping hand of some corporation? Ah, I think not. He would then look at it in its proper light. His voice would be heard here, demanding that this wall of exclusion surrounding this Eden-like land be torn down.

As I have said before in the course of this debate, Mr. Chairman, a new state of affairs presents itself in the discussion of this question. The condition of the country has greatly changed since those tribes were placed in this Indian country. The wildest enthusiast in depicting the glorious future of his country would not have painted it as glorious as it exists to-day. Why, sir, Texas then belonged to Mexico, Arkansas was a Territory, Missouri did not contain 150,000 inhabitants, and her frontier was the scene of predatory warfare. Kansas, now with her million of people, with her garden-like farms and beautiful cities dotting her grand prairies like jewels in the crown of a young princess, with her universities and colleges, and her almost thousand miles of railroad, was then the hunting-ground of the untutored savage.

Does it not become us to meet this question as its magnitude and importance demand? We should throw aside the arts of the demagogue in its consideration. Let each bill introduced here for the organization of a territorial government for this Indian country be closely scanned and calmly and impartially considered. Let each stand or fall according to its own merits. But let us not in the zeal of sectional feeling unjustly denounce a just measure.

I know that bills have been introduced here for the organization of Oklahoma Territory that did not deal with the Indians in the spirit of equity and good faith, and there may have been the hand of some corporation behind; but I defy those who are declaiming so much about the rights of the Indian to point to one line or sentence of the bill to which I have referred, and which I had the honor to introduce for the consideration of this House—let them point to one single line or clause that deals unfairly with the Indian. I defy them to do it.

Now this debate has taken a wide range. Questions have been injected in this discussion that are somewhat foreign to the amendment under consideration. And I assure you, Mr. Chairman, that, had it not been for the remarks of the gentleman from Indiana [Mr. HOLMAN] concerning the organization of a territorial government for the Indian Territory, I should not have digressed in this debate; I should have confined myself directly to the question at issue. But after the remarks that have been made, after the covert insinuations that have been uttered, I have deemed it but justice to myself to thus briefly notice some of the features of the bill to which I have referred. I know it will bear the test of scrutiny; and in the light that the future will throw upon it, nothing but justice and fair dealing with the Indian will be discovered in its provisions.

The solution of the Indian problem so far as it relates to the organization of the proposed Territory of Oklahoma is one in which the people I have the honor to represent feel a deep interest. Looking to our future commercially, we almost feel that it is the paramount question.

At some future day, at the proper time, and upon the proper occasion, it is my intention to address myself to the consideration of this question at length, for it is one in which not only the people of my own district, but it is one in the proper solution of which the entire country west of the Mississippi feel a deep concern.

[Here the hammer fell.]

Mr. RANDALL. I do not think that the amendment offered by the gentleman from Missouri [Mr. WELLS] should be adopted. We should either strike out the entire amount and break up this council altogether, or give what is adequate to the payment of the Indians who meet in their representative capacity under treaty stipulations. The gentleman from Missouri [Mr. FRANKLIN] is mistaken when he states that this council is not authorized by law; it is authorized by treaty stipulations.

Mr. FRANKLIN. With how many tribes?

Mr. HOLMAN. There are three different treaty stipulations under which the council is held.

Mr. FRANKLIN. There are twenty-five or thirty tribes in the Indian Territory who have not agreed by treaty to any such council being established. If they have agreed to it, I want the gentleman to point to the treaty stipulation.

Mr. RANDALL. Here is where the first council was authorized. It was authorized first by article 10 of the treaty with the Creeks, and again on the 14th of June, 1866, a further stipulation was made; and if we are going to pay any respect to this treaty we should give them an adequate appropriation to pay for the expenses of the council.

Mr. FRANKLIN. You say it is authorized by law. Now I ask you if there are not thirty tribes in the Territory, and if it is authorized in any treaty with more than four or five tribes?

Mr. RANDALL. These four or five, as I understand it, form the original basis of this council, but they are allowed to, or at any rate the practice is to bring in representatives of other tribes from time to time.

The fact is, as far as I can see, that this general council runs counter to the effort to be made to form an Indian Territory there. There are a portion of the Indians there who desire to have a territorial government with admission as a Territory and a Delegate on this floor, just as other Territories are organized. I must therefore ask the House either to strike out the whole appropriation and to break up this council and vitiate the terms of the treaty, or else make an adequate appropriation to pay the representatives from the Indian tribes who come to the council under the stipulations of the treaty.

Mr. FRANKLIN. I withdraw my amendment.

Mr. MILLS. I renew it. I hope that the amendment offered by the gentleman from Missouri [Mr. WELLS] will not prevail, and I hope that the appropriation will not be stricken out which provides for the continuance of this council, because, sir, this council is one of the means of protection to our people. The Comanche Indians and

the Kiowa Indians meet with the Choctaws and the Chickasaws and the Creeks, and all the friendly civilized and half-civilized Indians in council together, and I know, for I have personally conferred with those gentlemen, that they do continually exercise persuasive power with the Comanches to keep them from outrages and from predatory warfare upon our borders.

Now, sir, we have to keep troops on the confines of the Mexican border to keep the peace. It is the young Comanche and Kiowa warriors who violate the treaties against the persuasions of the older men of the tribes.

Mr. FRANKLIN. These are the ones you want to put upon the borders of Missouri.

Mr. MILLS. The gentleman did not listen to me yesterday. I stated to the House that it was proved from history of the past that these tribes have a special enmity against the people of Texas, and against them alone, not against the people of Missouri and Arkansas, and I call upon the gentleman to state if he knows of a single solitary instance where a scalp has been taken in his State?

Mr. FRANKLIN. When the Indian meets the white man in battle he does not hold up his hair before scalping him and take time to ask him whether he is from Texas or Missouri. I know to be a Missourian is a great honor, but this is the first time I ever heard that it shielded any one from the scalping-knife of the wild Comanche.

Mr. MILLS. No; but the Indian in Texas finds the white man on the soil which he holds belonged to his fathers.

Mr. FRANKLIN. His hatred extends to the whole white race, and not to the people of Texas alone.

Mr. MILLS. Has the Indian killed any of your people in Missouri?

Mr. FRANKLIN. No; because he cannot get there.

Mr. MILLS. And we want to keep him from coming into Texas.

Mr. FRANKLIN. We do not intend that you shall place him on the border of Missouri.

Mr. MILLS. But the gentleman is carrying me away from this question. The amendments provide that one of the auxiliaries for the civilization of the Indians and the protection of the white people shall be taken away from us, and I oppose it as I would oppose the taking away of the troops that guard the frontier or as I would oppose the disbandment of our State troops. I oppose it because this is one of the civilizing influences of the Indians. Now, sir, I was talking to General McIntosh, who is known to most gentlemen here and who is as intelligent a gentleman as there is in this House, a gentleman who belongs to an Indian tribe and who knows what I say to be true, that it is the young warriors that create these disturbances on the frontier and that the old Indians are all the time persuading them to refrain from depredations. Take away this council, this persuasive body which protects us to some extent——

Mr. FRANKLIN. What does it accomplish?

Mr. MILLS. A great deal.

Mr. FRANKLIN. I would like the gentleman to state it.

Mr. MILLS. If it had not been for this council, instead of one hundred people being killed on our frontier there would have been five hundred.

Mr. FRANKLIN. That is a mere theory.

Mr. MILLS. Instead of our frontier having been driven back, as General Sherman says, two hundred miles, it would have been driven back four hundred.

Mr. FRANKLIN. Does the gentleman say that but for this council the frontier would have been driven back four hundred miles?

Mr. MILLS. I say that General Sherman tells you a fact, that our frontier has been driven back two hundred miles. And I say that if you deprive us of any of these means of protecting our frontier, take away your forts, take away any means of defense and protection which we now have, and the calamities that come upon us will be increased.

[Here the hammer fell.]

Mr. BLAND. This Indian question seems to excite considerable discussion. It seems that our Indian policy ever since we have been a Government has been a policy of errors. We first make treaties with the Indians; they break the treaties and we break the treaties. We feed them and bribe them into making treaties, and then we fight them and kill them.

In my opinion there is but one way in which to deal with the Indians, and that is to deal with them the same as we deal with other inhabitants and people of this country. We should place them under territorial governments, organize governments for them in subordination to the Federal Government, as other territorial governments are organized, and then compel them to obey our laws, as other people in this country are compelled to do. When we place them under our laws, make them subject to the jurisdiction both of our courts and of the military, then this policy of errors will cease, and we will have a policy based upon common sense.

Here is this Indian Territory lying between Missouri and Texas; it may be called the garden-spot of this country; it is fertile, beautiful, capable of being made a vast empire of commerce, civilization, science, and art. Does the gentleman from Indiana [Mr. HOLMAN] or any other gentleman upon this floor propose that the Indians shall be allowed perpetually to remain there; that that country shall be an asylum for State convicts and a place where riot, bloodshed, and lawbreaking shall continue forever? Are we to have Salt Lake and Mormondom twice over in this Indian Territory, and are both of those evils to be perpetuated in this Government?

I say that the sooner this Government adopts the policy of making territorial governments for the Indians, placing them under the jurisdiction of Congress, the better it will be for the Indian and for the Government. This system of things cannot last always as it is. No one will contend that that Territory shall be forever inhabited by Indians, with a so-called government, antagonistic to ours, reared in the very heart of this country.

The gentleman from Indiana [Mr. HOLMAN] says that these great railroad corporations will be benefited by the establishment of a territorial government for the Indians. Congress can pass such laws as will prevent that; can establish a territorial government for the Indians and keep them under our jurisdiction. That must of necessity be done sooner or later, and the sooner it is done the better it will be for the Indians and for us, not only in respect to these tribes, but in respect to all the Indian tribes.

We will have to come to such a policy at last, for it is the only policy that will keep peace in this country between the Indians and the whites; it is the only policy that we can pursue in good faith toward the Indians; because, however many treaties we make with them, as for instance we have made with the Black Hill Indians and with other Indians, we will break them as soon as it becomes to our interest to break them, or the Indians will break them as soon as they think it is for their interest to do so. Hence it is that the only good faith we can show toward the whites and the Indians is to establish territorial governments over the Indians and govern them as we do other people in this country.

This amendment may look to that end or it may not; I care not for that particularly, as it is for a small amount. Still if we are to appropriate money for their councils to carry on their territorial governments, why should we not place them under our jurisdiction; why not impose upon them some obligation to this Government; why not require that their laws, if they make any, shall be subject to our revision, as the laws of other Territories are?

[Here the hammer fell.]

Mr. MILLS. I withdraw the amendment to the amendment.

Mr. PHILLIPS, of Kansas. I renew it. The purpose of this amendment is to destroy the Indian council. Efforts have been made to establish a territorial government over these Indians. Whether that be wise or not is for this House to determine. This amendment is intended to destroy the Indian council and to pave the way for a territorial government over the Indians.

Mr. FRANKLIN. Are you opposed to a territorial government being organized over the Indians?

Mr. PHILLIPS, of Kansas. When that question is presented——

Mr. FRANKLIN. Has not the State of Kansas, which the gentleman has the honor in part to represent on this floor, through its Legislature memorialized this House to organize a territorial government over the Indian Territory?

Mr. PHILLIPS, of Kansas. Whenever a bill for a territorial government over the Indians shall come before this House, I will judge it by its merits.

Mr. FRANKLIN. That is not an answer to my question.

Mr. PHILLIPS, of Kansas. I say to the gentleman that no territorial bill to invade the rights of these people will ever receive my vote.

Mr. FRANKLIN. I hope not; nor will it receive mine either.

Mr. PHILLIPS, of Kansas. No form of government which will destroy their tribal relations and invade their territorial rights and give their country to railroad corporations will ever receive my vote.

Mr. FRANKLIN. Do you know——

Mr. PHILLIPS, of Kansas. Do not interrupt me further. This territorial government for the Indians will require officers who can understand twenty different Indian languages. Every bill before its legislature must be printed in twenty different languages. I know something about that, for I had something to do with them during the war.

What is sought is a territorial government for the whites. Time will bring that about all well enough. But if you want to maintain the rights guaranteed to these people, you will do nothing of that kind until their interests will permit. I say that the purpose, and the only purpose, of the gentleman from Missouri is to destroy these intertribal relations, which educate these people up to a capacity for self-government. The purpose is to destroy these relations and establish a government hostile to them and to their interests, and to destroy their governments and with them their titles.

Mr. FRANKLIN. Mr. Chairman, I concur with that remark of the gentleman from Kansas [Mr. PHILLIPS] in which he said that no bill for the organization of a territorial government in the Indian country would receive his vote if it invades the property rights of those people. I say that I would vote for no measure that would take from them in any manner one acre of their land or one dollar of their property.

I asked the gentleman a question, which he evaded, contrary to his usual frank, open, and candid manner. I asked him whether the State of Kansas had not memorialized this Congress to organize a territorial government for the Indian country. He evaded the question.

Mr. PHILLIPS, of Kansas. I will answer.

Mr. FRANKLIN. Well, let the gentleman answer it now.

Mr. PHILLIPS, of Kansas. I will say to the gentleman that the Legislature of my State the winter before last memorialized Congress against a territorial government for that country, and they memorialized this winter the other way.

Mr. FRANKLIN. I did not ask the gentleman that question.

Mr. PHILLIPS, of Kansas. I say that as soon as an intelligent form of government can be established and as soon as an appropriate bill for that end is presented, I will vote for it; not until then.

Mr. FRANKLIN. Does the gentleman believe in the right of instruction?

Mr. PHILLIPS, of Kansas. I will reply by my vote when a measure on that subject, worthy of support, is presented.

Mr. FRANKLIN. The gentleman has evaded the question again. He could answer very readily yes or no. He knows full well that his State has memorialized Congress in favor of the organization of this territorial government.

Now, the gentleman from Indiana [Mr. HOLMAN] says that it is the policy of this Government to congregate all the wild tribes of the plain in that Territory. Why, sir, as a western man, devoted to western interests, devoted to the good order, the peace and prosperity of the section whence I come, I denounce such a policy as an outrage upon four of the great States of this Union, Missouri, Kansas, Arkansas, and Texas. The gentleman happens to represent a district that is not at all affected by this matter; and I have sometimes wondered whether it is affected by anything in the world.

Mr. HOLMAN. Will the gentleman allow me a single remark?

Mr. FRANKLIN. Yes, sir.

Mr. HOLMAN. Does not my friend remember that by treaty stipulations and by legislation based upon those treaties, from 1822 to 1836, that territory was especially assigned to the then comparatively civilized tribes, with the distinct agreement that the Government should gather together there the various fragments of the Indian tribes, for the purpose of making that territory the home of these Indians? That was the policy of the Government then; and I believe it has never changed; for it was crystallized in the form of a treaty.

Mr. FRANKLIN. I do not understand that any such agreement was had at that time; and the gentleman knows very well (for he is a lawyer and has been a judge) that we can annul a treaty by an act of Congress. He knows that the Supreme Court has decided that where an act of Congress passed subsequent to the date of the treaty in contravention of an Indian treaty, the act of Congress prevails; and he knows further as a vigilant and working member of this body that this House two or three years ago passed an act declaring that there should be no more treaties with the Indian tribes of this country.

The Indian Territory in its present condition is standing as a great barrier to the progress and commerce of that great country west of the Mississippi River. The gentleman must understand that to-day there exists there an entirely different condition of affairs from what existed at the time these Indians were removed from Georgia and North Carolina and placed in the Territory. He knows that since that time gold has been discovered upon the Pacific coast, and that we have incorporated Texas into our Union as one of the members of this American family of States. He knows that great States have grown up all the way from the Missouri River to the Rocky Mountains, and from there to the Pacific coast. He knows very well that it is within the discretion of Congress to deal with these people as we think will best subserve their interests and the interests of all the people of this country. The people who inhabit that Territory are not the only persons whose interests are to be taken into consideration. Forty millions of people are interested in this question.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. PHILLIPS, of Kansas. I will withdraw my amendment, that it may be renewed.

Mr. RANDALL. I must object to any further withdrawal of amendments.

The question being taken on the *pro forma* amendment of Mr. PHILLIPS, of Kansas, it was not agreed to.

The question then recurred on the amendment of Mr. WELLS, of Missouri.

Mr. WELLS, of Missouri. I move to amend the amendment by striking out the last word. From the information which I have been able to obtain in regard to this grand council that is so much spoken of, it amounted to simply nothing. It did some years ago adopt a constitution, which was submitted to the different tribes and rejected by a very large vote. My friend from Indiana is mistaken in saying that this constitution was adopted.

He displayed before the House the journal of that council. It is the only one which has been produced. Probably it is the only labor in the way of legislation we have ever had from that council. I understand the representatives of these different tribes come together, smoke their pipes, drink their whisky, draw their $4 a day for thirty days, and then return home. They never have accomplished anything and probably never will, except to spend the money we annually appropriate for their meeting.

Now, Mr. Chairman, I have no objection to appropriate $1,000 for the purpose of calling those people together for a few days for the purposes of consultation, and that is about all the good they can accomplish, and then return home; but if those Indians are to meet together in their tribal relations as a legislative body, it will be farcical, for so far they have done nothing. Their acts in the past have shown this council has accomplished no good, and, as I have already said, the probability is that it never will.

To be sure the journal which has been presented here is well prepared. It is quite extensive in its character. The constitution of government reads very well. I know they have a few educated Indians in the principal tribes, but the large number have no intelligence, and simply go to the council to be feasted and spend the money appropriated in this bill.

In regard to a territorial government for these Indians, it was not in my mind when I suggested this amendment originally. I had no reference to it whatever. I thought it to be my duty as a member of the House to move the amendment. I believe in my conscience more will be accomplished by the appropriation of $1,000 than by the appropriation of $5,000 provided in the bill, to be distributed as I have stated among these people.

Mr. RANDALL. One thousand dollars is not enough. It ought to be $5,000, or the appropriation should be entirely stricken out.

Mr. WELLS, of Missouri. This is simply a provision to call them together for a few days, and no good can be accomplished by it.

Mr. TOWNSEND, of New York. Mr. Chairman, I confess to positive astonishment at the position which the State of Missouri seems to have assumed this morning. I do not know what hurt these Indians have done the State of Missouri; I do not know what means "this great commotion—otion—otion—Missouri through." [Laughter.

Mr. BLAND. I wish to ask the gentleman this question——

Mr. TOWNSEND, of New York. Wait until I get through.

Mr. BLAND. It will be too late when you get through.

Mr. TOWNSEND, of New York. These Indians have never raided since they have been in the Indian Territory on the State of Missouri, unless I have misread history, and what objection can Missouri have to giving to these Indians the means of acquiring knowledge of civilization and knowledge of legislation?

Mr. BLAND. Will the gentleman let me answer?

Mr. TOWNSEND, of New York. Yes, when I am through.

It is said by gentlemen, "Give the Indians of the Indian Territory a territorial government." Very well. We have not given them a territorial government, and until we do give them a territorial government certainly we should do everything in our power to civilize and enlighten these men of the forest.

One gentleman from Missouri [Mr. FRANKLIN] asks whether the gentleman from Kansas [Mr. PHILLIPS] would vote for a territorial government. I answer him for myself, I will vote for a territorial government in which the Indians shall participate, but I will not vote for a territorial government that shall enable a few white men, who have no right in the territory, to control the Indians, and give away the rights of the Indians—give away the lands of that beautiful territory to a set of corporations which are hungering and thirsting to-day for the possession of that territory. When a bill comes that shall enable the Indian to participate in self-government in that territory I will vote for it, but until then I shall not be dragooned even into assenting to a proposition that will rob the red man.

Mr. FRANKLIN. Do you know of any such bill before the House?

Mr. TOWNSEND, of New York. There has been one, and I am afraid it will come again.

Mr. FRANKLIN. Let the gentleman state what bill he refers to.

Mr. TOWNSEND, of New York. I have no time to talk about a particular bill. If the gentleman's bill was before the House I would talk about it.

Mr. FRANKLIN. What bill do you refer to?

Mr. TOWNSEND, of New York. The gentleman talked about confining the various Indian tribes to their reservations. I think we will have to pass an act to confine the Missouri tribe to their reservation. [Laughter.]

Mr. FRANKLIN. And the New York tribe to its location. [Laughter.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I will not say the discussion of this council of Indians in the Indian Territory has been conducted with any purposed unfairness to the Indians. My colleague from Missouri on the Committee on Appropriations has just stated to the House they had enacted no legislation; that they had no constitution; that they merely met there to drink and smoke, and pass away the time. I have the journal of that council, and I find in it many speeches made by various Indians discussing the interest of their several tribes with a great deal of intelligence, setting forth in a most excellent manner the advantages resulting from the council. I find the draught of a constitution which would do credit to any people, and which is now being submitted to the Indians for ratification.

Mr. WELLS, of Missouri, rose.

Mr. BLOUNT. I hope I will not be interrupted.

Mr. WELLS, of Missouri. I say the council adopted a constitution but the people did not ratify it.

Mr. FRANKLIN. It has never been ratified.

Mr. BLOUNT. I am talking about what is now proposed to be done. The gentleman is attempting to turn attention from what is in progress now among the people to another constitution which failed

to be ratified. There may have been proper and just reasons on the part of these people for rejecting that constitution, but they have not stopped in their efforts to organize a government.

There is in this journal a draught of a constitution which, as I have already said, would do credit to any people, drawn and being submitted, or to be submitted hereafter to those people.

Mr. FRANKLIN. I would like the gentleman to read——

Mr. BLOUNT. The gentleman from Missouri has taken up the time of almost every member who has spoken on this question. I decline to be interrupted.

I say that this amendment is utterly unfair. The proposition in this amendment is not to strike out the entire appropriation; it is simply to reduce it. Now I say if we are to continue this policy let us give an ample appropriation; let us provide the means for all of these delegates assembling there for intercourse and for counsel. If the policy is wrong let us strike out the appropriation entirely. But I submit that an appropriation in support of a policy which has been adopted, and which has in many instances been ingrafted upon treaties, should not be stricken out without the House having a chance to examine the question more fully.

Mr. BLAND. The gentleman from New York [Mr. TOWNSEND] refused to allow me to answer his question. He wanted to know why Missouri had so much to say about these Indians. Missouri, sir, has no enmity toward these Indians, or toward the gentleman from New York, or any one else. But she is opposed to the policy which is advocated here, and which was embraced in the amendment offered yesterday by the gentleman from Texas, [Mr. MILLS,] of colonizing every Indian in America right on the borders of Missouri, Kansas, and Arkansas.

I tell the gentleman from New York, [Mr. TOWNSEND,] that whether he would or not, his people would have objections to a policy of that kind if applied to themselves. And if a proposition was made to take all the Indians in America and colonize them around the State of New York, so as to prohibit in a manner all communication with other States, I think he would be the first to rise in his seat here and object to it. And the gentleman cannot "confine" Missouri in this matter. The gentleman may suggest that Missouri ought to be confined, but I tell him it is a State he will hear from in November next, and he may then wish it was confined. But it cannot be confined. The State of Missouri has rights on this floor equal to those of New York or of any other State, and proposes to assert them here before this body.

I have no particular objection to this appropriation, or to any bill proposing to establish a territory for those Indians. And I would not vote for a bill that would give the lands to a railroad company; but I would only vote for a proposition that would give the lands to the Indians and at the same time bring them under the jurisdiction of this Government. As I said before, not only these Indians, but all the Indians in this country, will sooner or later have to be governed in that manner and brought within the pale of our jurisdiction and our law. It is the only policy that can be inaugurated now with a due regard to common sense, and that will be just both to the Indians and to the white people.

Mr. RANDALL. I now ask unanimous consent that debate close on this paragraph.

There was no objection.

The *pro forma* amendment was withdrawn.

The question being taken on the amendment of Mr. WELLS, of Missouri, to strike out "$5,000" and insert "$1,000," it was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

For this amount, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $15,000.

Mr. SEELYE. I offer the following amendment:

After line 1293 insert the following paragraph:

Support and civilization of Indians in Arizona and New Mexico:

For this amount, or so much thereof as may be necessary, to be expended in the support and civilization of Indians at the Colorado River, Moquis Pueblo, and Pima and Maricopa agencies, in Arizona; and Abiquiu, Cimarron, and Pueblo agencies, in New Mexico, $116,287.50.

Mr. RANDALL. We have passed the paragraph which relates to the Indians in Arizona and in New Mexico.

Mr. SEELYE. I beg the gentleman's pardon. There is nothing in this bill, as I understand, which provides for these Indians. The appropriation for the Indians in Arizona and New Mexico is for the Apaches. This relates to the Mohaves and the Pueblos, and various other tribes, numbering some six agencies, amounting to 24,000 Indians, for whom not a dollar has been appropriated in the bill.

Mr. RANDALL. Nor an estimate made, so far as I know.

Mr. SEELYE. The remark of the gentleman illustrates how carefully the Committee on Appropriations have considered the bill now reported by them. The estimates for these same Indians were made or included in the incidental expenses, which the gentleman might very easily have discovered had he inquired, and which has come to the knowledge of the Committee on Indian Affairs in their consideration of the matter. There is not a dollar otherwise appropriated in this bill or otherwise recommended in the bill for these Indians.

These Indians, as I have said, number some 24,000. There are some six agencies, and there is some work going on in these agencies very desirable for their good, and such that it is very undesirable that it should be stopped. For instance, there is an irrigating canal at the Colorado agency, where there are some eleven hundred and seventy Indians; an irrigating canal almost finished, capable of irrigating and bringing under cultivation some 50,000 acres, sufficient for the support of all the Indians in Arizona, could it be completed. Without this appropriation that work must stop, and everything else at these agencies.

Mr. RANDALL. I desire to say to the gentleman that we did examine all those items, and the next paragraph relates to them. When we reach it we will discuss the question as to those Indians.

Mr. SEELYE. I would like to inquire if the chairman of the Committee on Appropriations means us to understand that in the next paragraph he has included anything in behalf of these Indians contemplated by the amendment I have offered?

Mr. RANDALL. When we come to the paragraph I will explain what we do provide for.

Mr. SEELYE. I shall have some things to state on the matter of incidental expenses when we come to that; but this matter does not relate to incidental expenses, but it relates to Indians for whom not a dollar is appropriated.

Mr. RANDALL. Now the gentleman knows, and I am sure he does not indorse that action, that under the head of incidental expenses enormous sums of money are used for the purchase of goods, transportation, and advertising which do not belong to incidental expenses, and which, if they are to be appropriated for, should be appropriated for separately.

Mr. SEELYE. That is precisely the end I seek to accomplish, and for that purpose I offer this amendment to provide separately for these tribes.

Mr. REAGAN. I will ask the gentleman from Massachusetts to accept as an amendment the words "Alabamas, Muscogees, and Cochattes." These are the remnants of tribes who have long been living in Polk County, Texas. Before annexation, the republic of Texas, in view of their fidelity to the white man, gave them twelve hundred and eighty acres of land, and what little they now receive comes from the State of Texas. They are to a large extent uninstructed in the arts of peace, and want that education which it is desirable that they should receive. As I understand, the aim of this amendment is to encourage that object. As to certain of those Indian tribes in New Mexico and Arizona, for whom the Government has made no appropriation, if agreeable, I would like to have these small bands who live together put under the guardianship and control of the Federal Government.

Mr. SEELYE. The Indians in Texas to whom the gentleman from Texas refers are not brought under special agencies as those are who are embraced in my amendment, but it seems to me that his suggestion is worthy of consideration, and I very cheerfully embrace the names of the tribes he mentioned in my amendment.

Mr. RANDALL. I ask the gentleman from Massachusetts to allow these items of his amendment to be embraced in the next paragraph as we reach the items for the Territories under the heading of "incidental expenses." I can show that the extravagance of the Bureau has been enormous, and I want to confine whatever appropriations I have given them here to the legitimate purposes for which they are designed, so that they may do good to the Indians who are supposed to reap the benefit of them.

Mr. SEELYE. The gentleman and I are entirely agreed as to that, and it is for the purpose of taking these items out of the incidental expenses that I offer the amendment, and he will certainly agree with me that this is the only proper place where the amendment can be considered.

Mr. RANDALL. In reference to the Indians in Arizona the amount appropriated for them was $64,918.10, and of that amount the sum of $3,441.46 was paid for goods, the sum of $4,133.12 was paid for supplies, and $12,002.46 was paid for transportation. There was $4,342.08 paid for advertising; there was paid for telegraphing $141.60; for agriculture, $7,168.13, and the enormous sum of $7,000 for schools, while but $2,520.17 was expended.

Now, as one member of the Committee on Appropriations, I suggest that instead of $60,000 there be appropriated $20,000 which covers the entire amount on the basis of a statement which I have made for legitimate purposes. If the amendment of the gentleman from Massachusetts will cut down under that $20,000 for incidentals, I have no objection that it shall individualize the appropriations to the tribes; otherwise I must object to more than $20,000 being contributed to what has been used for incidental purposes.

Mr. SEELYE. The vehemence with which the gentleman emphasizes advertisements illustrates again the very great care with which this bill has been considered by the Committee on Appropriations. This matter of advertising is done, as you may say, in gross. It is the advertising for all the agencies, for the entire Indian supplies. It is the custom in the Indian Bureau in charging over the advertising to put it on the funds of the agencies where it may be most easily borne. In this business of supplying the Indians some agencies would be very much pinched to get their supplies, while in others there would be an excess, and it has been the custom of the Indian Bureau, a custom I think perfectly justified, to charge the advertising where the cost may be most easily borne.

Mr. RANDALL. The gentleman knows perfectly well that that is

not a legitimate mode of doing business. He certainly does not intend to commend that kind of legislation.

Mr. SEELYE. I beg the gentleman's pardon. I do not know but that it is a perfectly legitimate mode of doing business. I do not understand why it is not perfectly legitimate. The advertising is done in gross. Why should it not be charged where it can be most economically paid? There has been no transgression of law and no transgression of a proper mode of doing business.

Mr. RANDALL. This item for advertising runs through nearly every appropriation. For California the amount is $270; for Colorado, $550; for Dakota, $2,816; for Idaho, $1,751; Montana, $1,805. For Nevada there is nothing charged. For New Mexico it is $2,918 for advertising; for Utah, $1,952; for Wyoming, $1,661.

Now, I declare here to this House that this is an extravagant expenditure of money, and I do not see why this advertising for the Government should not be estimated for and appropriated for just as the estimates for flour, beef, &c., and not scatter it through eight or ten appropriations.

[Here the hammer fell.]

Mr. SEELYE. I move to strike out the last word for the purpose of saying that the gentleman has made no provision for advertising, and what impropriety can there be in charging the amount for advertising for supplies for the several agencies to the account which can most easily bear it?

Mr. RANDALL. I say that these expenditures for advertising are enormous and wasteful. Here is another of nearly $2,000, out of the Arapaho appropriation. The aggregate of the items which I have enumerated is far beyond all necessity. It is well known to the people who supply Indian goods when those goods are required, and they would all go to the Indian Bureau without any advertising, I believe. If they did not they ought to be at the three or four centers where the business of the country is done, such as New York, Philadelphia, &c. I find these sums for advertising scattered through in every direction.

Mr. SEELYE. The gentleman surely is able to see this point, that this is exactly what is done, and the reason the advertising costs so much is that it is done in the great centers, where the supplies would naturally be furnished.

Mr. RANDALL. No, sir; it is merely giving patronage to political newspapers; that is the whole of it. It is one of the abuses that I have attempted to break up by the reduction of these incidental expenses. I maintain that the cost for advertising is altogether too much, that the amount of money paid for advertising is outrageously extravagant; and as far as I am able I propose to cut it off in the incidental expenses.

Mr. SEELYE. I have no desire to discuss this question further.

Mr. LUTTRELL. One word in support of what my friend from Pennsylvania [Mr. RANDALL] has said. On the Pacific coast the advertising has been done in papers that have scarcely any circulation, while the Daily Call and the Daily Chronicle, each having a circulation of thirty thousand or forty thousand daily, received none of this advertising. Most every man on the coast reads those papers, but you will find none of these advertisements in them.

Mr. FOSTER. I would ask what the question of advertising has to do with the proposition of the gentleman from Massachusetts, [Mr. SEELYE?]

Mr. RANDALL. His amendment is in lieu of part of the incidental expenses of Arizona Territory.

Mr. FOSTER. Not at all; it is a specific appropriation for a certain purpose.

Mr. RANDALL. It has a direct bearing upon an item in the next paragraph, the incidental item for Arizona, heretofore amounting to $65,000, and now, upon the recommendation of the committee, put at $20,000.

Mr. FOSTER. Sixteen thousand dollars.

Mr. RANDALL. The committee have modified it and made it $20,000.

Mr. FOSTER. I cannot see what the item of printing has to do with this amendment at all.

Mr. RANDALL. Nearly $20,000 have been expended altogether for advertising.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment has been exhausted. The question is upon the amendment moved by the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. REAGAN. I understood the gentleman from Massachusetts [Mr. SEELYE] to accept the amendment which I suggested.

Mr. SEELYE. I did accept it, and I thought the gentleman prepared the modification he suggested.

The CHAIRMAN. The question is upon the amendment as modified.

The question was taken; and upon a division there were—ayes 42, noes 68.

The CHAIRMAN. If no further count is demanded, the amendment will be consided as rejected.

There was no further count asked, and the amendment was accordingly not agreed to.

Mr. SEELYE. I move to insert after line 1203 of the printed bill that which I send to the Clerk's desk.

The Clerk read as follows:

Support and civilization of Indians in California; for this amount, or so much as may be necessary to be expended in the support and civilization of Indians at the Hooper Valley, Round Valley, Tule River, and Mission agencies in California, $45,500.

Mr. SEELYE. I do not desire to protract the discussion of this question. I offer this amendment, because I think it my duty to do so, as there is not any provision in this bill for these Indians in California, embracing between seven thousand and eight thousand Indians, some of whom are partially subsisted, full rations for whom would cost very much more than this, and some of whom are aided in processes of education.

Mr. LUTTRELL. I rise to oppose the amendment. In my district there are two occupied Indian reservations. When the gentleman says there are seven or eight thousand Indians there, he is very much mistaken. I happen to know all about the Indians on the reservations, because I have resided there in the immediate vicinity for nearly twenty years. I know that to-day on those reservations there are not exceeding twelve or fifteen hundred Indians all told. They have the best farming lands in our State upon which they can make and earn their own living.

I have a proposition sent from that section by Mr. John Matthews, one of the best citizens in my district, who offers to execute a bond of $100,000 to $500,000 to take these Indians for the next five or ten years, clothe and educate them, furnish physicians and ministers for them, and care for them, and for that he will ask only the privilege of grazing and cultivating their lands. I also call attention to the following proposition from Dr. Spring:

ROUND VALLEY, *January* 23, 1876.

DEAR SIR: Hearing that there is likely to be some change in the management of Round Valley Indian reservation, I desire to submit the following proposition in relation thereto:

First. I hereby agree to take charge of the Indians, clothe and subsist them—that is to say, furnish the same rations of food and the same amount of clothing each year that they have been provided with during the past year; also to provide medical attendance and maintain one school on the reservation for the education of Indian children—all free of charge to the Government.

As compensation therefor I am to have the use and control of the reservation lands, stock, tools, and agricultural implements; also the saw and grist mills; all of which to be returned at the expiration of the time in like condition as when received, reasonable wear and tear excepted.

The Government to appoint an agent to reside on the reservation and see that all the terms of the contract are complied with. I am ready to enter into contract as above indicated at any time, and to give a bond, with good security, in any amount that may be required, for the faithful performance of my obligations.

The contract to be in force for any term of years not less than five nor more than ten.

Very respectfully, your obedient servant,

G. S. SPRING.

Hon. J. K. LUTTRELL,
Washington, D. C.

I have here the indorsement of Hon. George W. Henley, one of the very best citizens of my State, a member of the State Legislature; and also the indorsement of a number of other eminent gentlemen in my district, who certify to the good character of Dr. Spring and Mr. John Matthews.

I have also the proposition of George E. White and many other good citizens of my State residing in that immediate vicinity, offering to take charge of these Indians, to feed, clothe, maintain, and educate them; and all they ask is the privilege of using the land for farming and grazing purposes. Many of these Indians are good farmers; they perform good work. The trouble is that the agents have been plundering and robbing them, and hundreds of them have left the reservation and refuse to go back.

I wish also to call attention to some extracts which I have taken from papers published in that county. One is as follows:

On Monday, November 29, Rev. J. L. Burchard—

That is the Indian agent there—

was bound over in the sum of $5,000 to await the action of the United States grand jury in San Francisco, which we learn from a Covelo correspondent.

The charge against him was embezzlement—using the Indian property.

Here is another extract, which I have taken from a Mendocino paper, published in that county:

We understand that a severe personal encounter took place in Round Valley last Monday, the 6th, between Rev. Mr. Kellogg, the pastor and school-teacher of the reservation, and Dr. E. B. Bateman. It appears that ill-feeling existed, and on casually meeting hard words were followed by hard blows. Mr. Kellogg was fined $5 for assault, but we understand more serious charges will be preferred against him.

That is the way your Christian ministers have been managing affairs in my district; that is the way they have been plundering the poor Indians. And now they come here and ask us to appropriate thousands of dollars for those Indians, when God in heaven knows the Indians do not receive 20 per cent. of the amount appropriated. We do not ask a dollar of appropriation for them. They have the best lands, in the highest state of cultivation; and if you will allow a military company to go there and take charge of them, under good, honest officials, there will be no occasion to appropriate one dollar.

Mr. FOSTER. The gentleman is in favor of reducing the Army.

Mr. LUTTRELL. No, sir; I am opposed to reducing the Army on the frontier. I hope this amendment will not prevail. These gentlemen to whom I have referred stand ready to contract with the In-

terior Department to take all the Indians in my district and keep them free of charge to the Government, to feed, clothe, and educate them, furnishing also physicians and ministers.

The CHAIRMAN. Debate is exhausted.

Mr. SEELYE. I move to amend by striking out the last word. The general treatment to which the Indians of California have been subjected by the Californians themselves would not favorably dispose me to any such proposition as the gentleman has stated for farming out that reservation.

Mr. LUTTRELL. What does the gentleman refer to?

Mr. SEELYE. In reference to the remark of the gentleman respecting the agent I will say that while it is undoubtedly a considerable calamity to be bound over to a grand jury, I do not know that it is a crime, and I do not know that it is in any particular disparaging to the party who suffers it, though when the facts are known it might appear quite disparaging to the party who procured it to be done.

But, Mr. Chairman, without discussing the matter, I will say that the gentleman from California ought to know more than he does know about this Round Valley agency, and about the agent there. Realizing my responsibility, and feeling fully able to prove the fact, I say that there is hardly a more creditable agency or a more praiseworthy agent than the agency and agent referred to.

Mr. LUTTRELL. The gentleman from Massachusetts has said that he understands the treatment which Indians receive from Californians. I would like to know what he refers to in that remark. I desire to say to the gentleman that I was one of the first to go into California; and I wish to say further that the Californians as a mass are friendly to the Indians, and desire to protect them. Petitions have come to me signed by hundreds of the very best citizens, and the extracts which I have quoted were published in the leading republican papers of that State; not organs of the democratic party. One of these papers is the San Francisco Daily Chronicle, which has a daily circulation of thirty to forty thousand. That paper has published the facts in regard to that reservation, and shown the frauds and abuses existing there.

I wish to say further to the gentleman that I have in my possession testimony showing that the agent there tied up Indians and whipped them upon the bare back. I have a written confession of the agent himself to that fact. If that is the Christian system which the gentleman advocates, God deliver me from his Christianity!

I know of what I am speaking. I reside within a few miles of that reservation. Mr. Matthews, the gentleman to whom I have referred, is one of the leading church members in the district, and a more pious and upright man does not reside there. He will be indorsed by every man in that whole community as a fit man to take charge of those Indians.

Now, all we ask is that the Indians shall be let alone to mark off the land and to farm it their own way. Several hundred of those Indians have left the reservation and are now away from it; and I have now on my desk letters from leading citizens—republicans, if you please—asking me to use my influence with the Department, if I possess any, that these Indians may be allowed to remain away from the reservation, because they are doing much better than they can on the reservation.

The Indians from that reservation have organized what they call a grange society in opposition to the grangers; they have fixed prices of wages; they charge so much for their labor, and hundreds of them are getting work to-day. Not only that, but those Indians living away from the reservation chartered a steamer last year and invited the whites to go on an excursion with them.

They are enterprising and industrious, and if you will allow them to have their own way, without being influenced by the Christian minister of whom the gentleman from Massachusetts has spoken so kindly, who whips them one day and takes them to worship the next; if you will allow them to go on in their own way they will make good citizens, and our people will educate their children; for, sir, we provide in the State of California under our laws that Indian children may be educated.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON, of Illinois. If the amendment is withdrawn I will renew it.

Mr. RANDALL. I object.

Mr. PAGE. I wish to ask my colleague a question.

The CHAIRMAN. Objection being made to the withdrawal of the amendment, the question must be taken.

Mr. LUTTRELL. I should like to answer any question put to me by my colleague, who has of course the best interests of the Indian at heart.

Mr. SEELYE. I will withdraw the formal amendment.

Mr. RANDALL. I thought all discussion was through, and will withdraw my objection.

Mr. CANNON, of Illinois. I will yield to the gentleman from California to ask his colleague a question.

Mr. PAGE. I desire to ask my colleague whether, when charges were made against Rev. Mr. Burchard, the agent at Round Valley, a commissioner was not appointed to make investigation as to the truth or falsity of the charge, and whether the report which has since been made has not completely exonerated that agent?

Mr. LUTTRELL. In one sense of the word that may be so. This man Vandever, a man who lives upon the bread and butter he receives, went there. He agreed with me to go and investigate the matter. He agreed to meet me and go upon the reservation. I gave him a list of witnesses. Instead of calling the witnesses whose names I gave him, such men as Hon. George W. Henley, George E. White, and men of that class, he went on the reservation without meeting me, although, as I have said, he agreed to meet me at a certain point and then with me go to the reservation. He went upon the reservation without my knowing or being advised of the fact. Indeed I did not know he had been upon the reservation until after he had left. I have letters from Hon. George W. Henley and others, protesting against the investigation made by Vandever. He called none of the witnesses whose names I gave him. He called other witnesses, put questions to them, and put down such answers as he pleased. They all say the investigation was unfair, that they honestly believe he had entered into the Indian ring and was one of them.

Mr. CANNON, of Illinois. Mr. Chairman, one word, and then I will yield to the gentleman from Iowa, [Mr. WILSON.] I do not desire to discuss this amendment, but I want to say to the gentleman from California, [Mr. LUTTRELL,] upon this matter as well as upon divers other matters since my acquaintance with him upon the floor of the House, that to hear him talk about the people in his district and his interest in that part of California, I have come to the conclusion there is more fraud, there is more rascality, there is more scoundrelism, there is more dishonesty there than anywhere else upon God's green earth; and taking the gentleman's statements as true, that if you want to locate the infernal regions, it ought to be done right there in his part of California. [Laughter.]

Mr. LUTTRELL. I admit, so far as the republican party management is concerned upon the Indian reservation, and also in reference to the Mare Island navy-yard, there have been fraud and dishonesty, for which the gentleman from Illinois and others on the republican side of the House are responsible.

Mr. WILSON, of Iowa. I do not rise, Mr. Chairman, to discuss the merits of this proposition. I have been edified, as well as other gentlemen, by hearing my friend from California telling about the best families and best citizens of California. There is one remark, however, he made which has brought me to my feet, and that is the disreputable connection in which he brought the name of General Vandever into this debate. General Vandever's name must not be mentioned here in that connection while I am here.

Mr. LUTTRELL. I referred to the fact that the letters which I received from reputable citizens in California stated that General Vandever had acted in bad faith in the investigation of Rev. Mr. Burchard.

Mr. WILSON, of Iowa. You have used his name in a connection which I cannot allow to pass without comment.

Mr. LUTTRELL. Certainly. I charge, on the basis of the letters to which I have referred, that General Vandever did not act in good faith.

Mr. WILSON, of Iowa. Those letters must have been written by irresponsible persons. General Vandever was a member of this House. When the rebellion began he left his seat, went into the Army and served faithfully. When superintendents or commissioners were appointed to look after the interests of the Indians and make a report to the Department upon everything they saw, without solicitation, so far as I can learn, on his behalf, he was selected by the President of the United States. If it is anything in favor of a man to speak of him as one of the first citizens of a State, I must testify that General Vandever is one of the best citizens of the State of Iowa.

Mr. LUTTRELL. I have no doubt he is one of the best citizens of Iowa.

Mr. WILSON, of Iowa. Then you must not bring in letters by irresponsible parties smirching the name of an honest man.

Mr. LUTTRELL. They come to me from the best men, for no better man can be found than George W. Henly.

Mr. WILSON, of Iowa. Give the name of the man.

Mr. LUTTRELL. His name is Hon. George W. Henly, and he is as honorable and as truthful a man as ever drew the breath of life.

Mr. WILSON, of Iowa. Who is he?

Mr. LUTTRELL. He is a member of the Legislature from Mendocino County, where this Round Valley reservation is located.

Mr. WILSON, of Iowa. What are his politics?

Mr. LUTTRELL. He is, thank God, a good democrat. I wish to say that Charles Eberly, a republican, and a good and honest man, with others, makes the same charge against General Vandever, that his investigation was an unfair one.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I now move, by unanimous consent, debate be closed on this paragraph.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The Chair hears no objection to the withdrawal of the formal amendment.

The question recurred on Mr. SEELYE's amendment; which was rejected.

Mr. SEELYE. I now move the following amendment.

The Clerk read as follows:

Support and civilization of Indians in Oregon and Washington:
For this amount, or so much thereof as may be necessary, to be expended in the support and civilization of Indians at the Grand Ronde and Siletz agencies, in Oregon, and the Colville and Puyallup agencies, in Washington Territory, $49,000.

Mr. SEELYE. Those are four agencies for which no appropriation is made in the bill.

The committee divided; and there were—ayes 48, noes 72.

So the amendment was rejected.

Mr. SEELYE. I offer the following amendment:

Insert after line 1203 as follows:

Support and civilization of Indians in Nevada:

For this amount, or so much thereof as may be necessary, to be expended in the support and civilization of Indians in Nevada, $23,000.

The amendment was not agreed to.

Mr. SEELYE. I offer the following amendment:

Insert after line 1203 as follows:

Support and civilization of Indians in Utah:

For this amount, or so much thereof as may be necessary, to be expended in the support and civilization of Indians in Utah, $25,000.

The amendment was not agreed to.

Mr. FOSTER. I offer the following amendment:

Insert after line 1203, as follows:

For buildings at agencies and repairs of the same, $20,000.

There are now three hundred and forty buildings of all kinds at these Indian agencies, and not one dollar is appropriated by this bill for their maintenance or repair. There are at least seventy-five mills, two of which are unable to run at this time for want of funds to repair a dam. The appropriation is deemed absolutely necessary whether the Indian Bureau is transferred to the War Department or not. I think the chairman of the committee should agree to this amendment.

Mr. RANDALL. We will put it in at its proper place, but not that amount.

Mr. FOSTER. I withdraw the amendment.

Mr. VANCE, of North Carolina. I offer the following amendment:

After line 1203, insert the following:

For payment of expenses incurred by Silas H. Swetland, special agent sent by the Indian Department to make a *per capita* payment to the North Carolina Cherokees in 1869, to the following-named persons, to wit: Samuel W. Davidson, $213.30; Henry Smith, $554.66; do. do., $201; N. J. Smith, $100; James W. Terrell, $60; A. McCallum, $100; John Gray Bynum, $867.50; J. D. Abbott, $165; M. C. King, $212.03; M. L. Brittain, $232; Scroop Enloe, $125.35: *Provided*, That the amounts due J. D. Abbott, M. C. King, M. L. Brittain, and Scroop Enloe be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees.

Mr. FOSTER. I make the point of order on that amendment.

Mr. RANDALL. I was about to say, before the gentleman from Ohio rose, that this is in the nature of a re-appropriation. I hope the gentleman from North Carolina will be allowed to make a statement in explanation of the amendment.

Mr. VANCE, of North Carolina. In 1869, Silas H. Swetland was sent into Western North Carolina to make the payment to the Cherokee Indians. He incurred certain expenses which have not been settled. The Forty-third Congress in the deficiency bill made an appropriation of $3,503.65 to pay this claim. But owing to the wording of the paragraph which was in these words: "for payment to the North Carolina Cherokee, $3,503.65," instead of the parties being named to whom the money is to go, the Secretary declined to make the payments. I hold in my hand a letter from Hon. John Q. Smith, which shows the necessity of re-appropriating the money which was actually appropriated by the Forty-third Congress. I will ask the Clerk to read it.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 16, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant in which you state, in reply to a communication from this Office, bearing the same date, that you do not feel authorized to disturb the decision of your predecessor, made April 5, 1875, relative to the applicability of the appropriation of $3,503.65 "for payment to North Carolina Cherokees," in the deficiency act of June 22, 1874, (18 Statutes, 144,) and, in compliance with your recommendation, to submit the following statement of facts showing the objects for which the said amount was estimated by this Bureau for presentation to Congress, with a view to further legislation.

In 1869 S. H. Swetland, now deceased, was appointed special agent of this Bureau to make *per capita* payments to the North Carolina Cherokee Indians under the act of July 29, 1848. (9 Statutes, pages 264, 265.)

At the time this appointment was made no funds had been appropriated, nor were there any at the disposal of the Department applicable to the payment of the expenses incident to this special agency. It appears, however, that Mr. Swetland, having signified his willingness to defray these expenses out of his own resources, and rely upon Congress to re-imburse him for his outlay, proceeded upon the duties to which he was assigned.

Upon examination of his account, the discovery was made that he used a portion of the money placed in his hands for the Indians in part payment of his expenses, and that vouchers rendered with his account to the amount of about $2,000 were settled by checks on the National Metropolitan Bank of this city. On the presentation of these checks for payment they were protested, and the claimants are still without their money.

It was the intent of the Office in making the estimate in question to secure funds for the purpose of defraying the expenses of Mr. Swetland while making the said *per capita* payments; but through some misunderstanding, or, perhaps, clerical error, the appropriation was made for "payment to the North Carolina Cherokees."

In view of this prior action by the Department and by Congress, these facts are respectfully submitted to the Department, with the recommendation that they be laid before Congress for its favorable consideration.

Very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

Mr. VANCE, of North Carolina. Does the gentleman from Ohio insist upon his point of order?

Mr. FOSTER. I do.

Mr. VANCE, of North Carolina. Mr. Chairman, I think it cannot be said that this is new legislation. It is for expenses incurred in carrying out a treaty which was entered into with the North Carolina Cherokees in 1836, and is carrying out the order of the Indian Bureau. The payment of this money is recommended by the Indian Bureau—I see the Commissioner present now—and meets the approval of the Committee on Appropriations.

Mr. RANDALL. We looked upon this as a re-appropriation of money which was designed by the last Congress to be expended for this purpose as now stated. The difficulty was that there was a mistake in the paragraph making the appropriation, and the money is now to be re-appropriated, with the names inserted of the individuals who are to receive the amounts.

Mr. FOSTER. I will say to the gentleman from North Carolina that I look upon this in the light of a claim, and so far the Committee on Appropriations have refused to entertain claims.

Mr. RANDALL. We do not report this.

Mr. VANCE, of North Carolina. This was appropriated by the Forty-third Congress, and was inserted in the appropriation bill; and it was done by the recommendation of the Secretary of the Interior.

Mr. FOSTER. I do not doubt that the Interior Department favors it, but I object to all legislation of this kind on appropriation bills. If, however, the chairman of the Committee on Appropriations wants the point of order to be withdrawn, I will withdraw it.

Mr. RANDALL. No, sir. We leave the amendment to the action of the House.

Mr. ATKINS. This amendment was agreed to, as I understand, by the Committee on Appropriations.

Mr. RANDALL. I think it was agreed to rather by individual members.

Mr. ATKINS. It was agreed to, as a good many other matters are agreed to, by common consent.

The CHAIRMAN. The Chair will decide the question of order raised by the gentleman from Ohio. This amendment seems to be germane to the bill. It is to pay certain expenses connected with the Indian service, and only differs from other provisions of the bill in naming the individuals to whom the money shall be appropriated. The second part of the title of the bill, "and for other purposes," would cover this amendment.

Mr. FOSTER. But I make the further point that it is not in the line of retrenchment.

The CHAIRMAN. But it does not change existing law. Therefore the point that it does not retrench expenditures does not apply. The Chair overrules the point of order.

The amendment was agreed to.

Mr. PHILLIPS, of Kansas. I offer the following amendment:

For compiling and preparing dictionaries and grammars of such Indian languages as can be obtained, and for the collection of other statistics throwing light upon the history of the people of ancient America, to be expended under the direction of the Secretary of the Interior, $5,000.

Mr. HOLMAN. That is certainly not in order.

Mr. PHILLIPS, of Kansas. I hope the gentleman will not make the point of order.

Mr. HOLMAN. O! it is certainly not necessary, and is out of order. As a private enterprise it might do very well, but it is not a matter for the Government.

Mr. PHILLIPS, of Kansas. It is a shame that we cannot go back with the history of our country more than two hundred and thirty years. These languages are perishing every day, and this is the only means of preserving them, and I hope the gentleman will not insist upon his point of order.

The CHAIRMAN. Is the point of order made?

Mr. PHILLIPS, of Kansas. Does the gentleman insist on the point of order?

Mr. HOLMAN. Why, certainly I must insist upon it. There is no treaty providing for it and no law authorizing it.

Mr. PHILLIPS, of Kansas. It has been the custom of the Department for years past to expend money for this purpose.

Mr. HOLMAN. The Government has nothing to do with such matters.

Mr. PHILLIPS, of Kansas. The gentleman knows that it has been done for many years.

Mr. HOLMAN. It would be of no possible value to any one.

The CHAIRMAN. The Chair thinks that the amendment is in order, as it does not change existing law.

Mr. HOLMAN. It does not change existing law, but there is no law to authorize it; that is my point. There is no law authorizing such an appropriation.

The CHAIRMAN. Several of the amendments offered by the gentleman from Massachusetts [Mr. SEELYE] for various purposes were exactly of the nature of this. The Chair can see no difference between an appropriation for dictionaries and grammars and one for schools.

Mr. HOLMAN. Anything on earth can go in a bill if this is in order, and I must respectfully appeal from the decision of the Chair.

The CHAIRMAN. It is for the committee to say whether they will adopt the amendment. The Chair does not pass upon the merits of the proposition, but he thinks it does not contravene Rule 120, as it is in continuation of appropriations for such objects as are already in progress.

Mr. HOLMAN. Well, I will not insist on the appeal, as I suppose the committee will vote it down anyhow; but I protest against any such precedent being established.

Mr. PHILLIPS, of Kansas, rose.

Mr. RANDALL. I suggest to the gentleman that this is not the miscellaneous bill, where everything can be put in.

Mr. PHILLIPS, of Kansas. Mr. Chairman, I regret to find a disposition to treat this amendment with merriment, and I regret that the gentleman from Indiana [Mr. HOLMAN] should regard it as of no value to possess data concerning the Indian history of the country. It is well known to gentlemen that for some years similar sums have been expended for similar purposes, and this is the first year for some years past when an appropriation for this purpose has not been incorporated into the bill.

I desire to say that already the means of obtaining information in regard to some of these tribes has passed away. We cannot go back into the history of the country more than two hundred and thirty years. With all our wealth and all our resources, we surely ought to be ashamed that the Government would not take the step proposed in the amendment to rescue the history of the country from oblivion. Gentlemen on the other side may not need information in regard to that history; they may think it would be a blessing if the country had no history.

Mr. HOLMAN. I suggest that this is a proper matter for private enterprise or for learned institutions, or for persons who deal in the occult sciences, but for the Government to go into a work of this kind my friend knows is entirely improper; it is a matter for the curious and the learned.

Mr. PHILLIPS, of Kansas. Let me state that one of the most accomplished statesmen that our country has ever known, Hon. Albert Gallatin, when Secretary of War, and in charge of the Indian Bureau, used funds appropriated for his Department for this purpose. He belonged to the democratic party, but not of the school of the democratic party of the present day who seem inclined to decline to give us some fragments of the history of our country.

Mr. COX. I am always ready to sustain any bill that looks towards education, history, philology—studies of all kind, scientific, linguistic, philosophic, or otherwise. Any measure tending toward enlightenment would receive my voice and vote at the right time and in the right place. But, sir, I am reminded of an oath to support the Constitution.

Is there any warrant in that instrument which allows the Federal Government to become a competitor with the authors and booksellers of the United States in a business like that proposed by this amendment?

We have published, by a loose system of appropriation, a great many and a great variety of books. Some of these pertain to our proper functions as Federal legislators and officers. We have had expeditions of all kinds, some over our own land, most interesting and useful in the developing of our resources. Some have a larger reach. The South Sea, the Dead Sea, and Japan have had volumes at our expense under our *imprimatur*. We have, in a measure, stopped this; but it is only two years ago that we appropriated for an expedition to Judea, to look over again that sacred and calcined soil, as though we did not know, from a hundred sources, all about Jerusalem and the mountains and valleys thereabouts. Where was the warrant for that? Not long since a gentleman from Ohio proposed and had passed an appropriation of $10,000, for the purpose of having a history, written or manuscript, examined and collated in Paris about the early French occupation, anterior to the revolutionary war, in the Northwest and along the Mississippi. Afterward, when the matters were investigated, it was found that the rich Mr. Astor had anticipated us and given money enough to collect all of the material which was valuable on that subject, and the money we appropriated, I believe, was never used. That shows how prompt, if not how reckless, we are to pass measures of this sort under elegant and gentle appeals to our taste and intellect. They are urged in the interest of education, history, and enlightenment, objects entirely outside of the margin of our Federal duties.

Under the strict construction of the Constitution and under the old canons of construction that belonged to our party in its palmiest days, or rather to the Supreme Court, which has generally interpreted the body of our powers correctly, it was held that the Government had no right to give money for objects unexpressed in the organic law or necessary to their enforcement. Objects however good, like those connected with education, literature, explorations, and science, excepting precisely wherein the Constitution authorizes them——

Mr. PHILLIPS, of Kansas. Will the gentleman allow me to ask him a question?

Mr. COX. With the greatest delight.

Mr. PHILLIPS, of Kansas. I would ask if it was not under the democratic party that the researches of Mr. Schoolcraft, Mr. McCoy, and Mr. Gallatin were conducted?

Mr. COX. I suppose that the democratic party have been at times negligent in carrying out the principles of their faith, (although I have never admitted it before on this floor, and it should not militate against the faith,) but that is not a reason why we should be careless now. On the contrary.

Suppose a man steals a horse; I am not bound to follow up the example and steal another horse. We bought the Schoolcraft books afterward, I believe; but no matter for that. Every time we go into this unwarranted business it is not unlike some machine I have seen up in New England. First, and thoughtlessly, in goes your finger, and if you do not cut it off, in goes your hand; and if you do not cut your hand off, then in goes your whole arm; and if you do not chop that off pretty suddenly, in goes your whole body, and then there is nothing "reserved."

If we look keenly into this amendment and similar legislation we will find in it the fountain of a great deal of our extraordinary extravagance. A careless survey of our duties on just such amendments and a shiftless construction of the Constitution are the causes of untold prodigality in expenditure. Yet by such amendments new bureaus—fresh leeches—are fixed on the body of our Federal law, and we grow powerless to shake them off. There is the Bureau of Education. Why should that remain? Why not remove that, and prepare the way for a happy riddance of the bureaucracy at this capital? If this bureaucracy had been abolished, if the barnacles had been removed, we would not have daily the impeachment scenes at the other end of the Capitol; nor would we have our committees engrossed in investigations and our attention distracted by them from our proper legislative duties.

Mr. PHILLIPS, of Kansas. Will the gentleman allow me to ask him a question?

Mr. COX. With the greatest pleasure.

Mr. PHILLIPS, of Kansas. How is it possible to obtain this data except through Government agency? My amendment contemplates the printing of no books, merely the collection of data.

Mr. COX. If this information is valuable, either in a linguistic, historical, or any other point of view, will you not find enthusiastic scholarship ready to collect data and produce books and enterprising publishers to print them? I am not sure but what the Smithsonian Institute is already engaged in the object contemplated by this amendment. At least, that would be the proper place for it to be done—for "the increase and diffusion of knowledge among men."

Mr. PHILLIPS, of Kansas. Will the gentleman allow me a moment?

Mr. COX. Why, certainly.

Mr. PHILLIPS, of Kansas. In order that one of the Indian languages, the Iroquois, should be preserved, I visited Professor Henry perhaps a year and a half ago, and desired him to take the necessary steps to prepare a dictionary of that language. He said that he had no means for that purpose, and that Congress would give him none.

Mr. COX. See where the gentleman would carry us by his argument. I do not care so much or specially in this relation about the Iroquois or the hundred other tribes of Indians whose names my friend from Indiana [Mr. HOLMAN] pronounces so badly. [Laughter.] One thing I do know, and that is, that if we enter upon this legislation as to one or a few tribes there is no end to the work which would follow by the example. If we pass this, is there any reason why we should not go into the collection of Icelandic and Scandinavian data concerning the Norsemen who a thousand years ago landed in Rhode Island and Massachusetts, but who, from some inscrutable dispensation of Providence, did not remain on that sterile coast? [Laughter.] And if the data are collected, how can we refuse to edit and print them?

Why not inquire into the history of the strange people who landed in North Carolina long before Columbus discovered this continent? They were doubtless Gaelic, or Celt, if we may believe the traditions and affidavits. We are credibly told that there exists in some of our western territories, at this time, a blue-eyed people, with great proclivities for the arts of civilized life. They talk the Gaelic or the Erse language. I have heard it discussed in the Senate and stated elsewhere that the very war-club which these Indians occasionally use in their contests is supposed to be the genuine original Irish shillalah. [Laughter.] Why not appropriate for data on that matter?

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. COX. And my dissertation is ended.

The question was taken upon the amendment moved by Mr. PHILLIPS, of Kansas; and upon a division there were—ayes 23, noes 83.

No further count being called for, the amendment was not agreed to.

Mr. FOSTER. I move to amend by inserting as a new paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

For civilization of the Chippewa Indians in Minnesota, for agricultural and industrial purposes, and for support of saw-mill at Leech Lake, $25,000.

Mr. FOSTER. All I desire to say is that there is no appropriation for this purpose now in this bill.

The question was taken upon the amendment of Mr. FOSTER; and upon a division there were—ayes 40, noes 65.

No further count being called for, the amendment was not agreed to.

Mr. FOSTER. I move to amend by inserting as a new paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

For education of Wichitas and other affiliated bands; their civilization and improvement, including instruction in agricultural and mechanical pursuits, $50,000.

The amendment was not agreed to.

The Clerk read the following:

For incidental expenses of the Indian service in the following States and Territories, namely: In Arizona, $16,000; California, $10,000; Colorado Territory, $3,000;

Dakota Territory, $5,000; Idaho Territory, $3,000; Montana Territory, $5,000; Washington Territory, $5,000; Wyoming Territory, $1,500; Nevada Territory, $5,000; Territory of New Mexico, $10,000; Oregon, $10,000; Utah Territory, $5,000; in all, $78,500: *Provided*, That none of the appropriations herein or hereafter made under the head of incidental expenses of the Indian service shall be expended in payment of employés in said service, but the same shall be used for annuity goods, subsistence, agricultural implements, for educational purposes, and incidental transportation, and for no other purposes.

Mr. PAGE. I notice that this paragraph appropriates $5,000 for "Nevada Territory."

Mr. RANDALL. That is a mistake; it should be "Nevada."

The CHAIRMAN. If there be no objection, the word "Territory" after "Nevada" will be stricken out.

There was no objection, and it was so ordered.

Mr. RANDALL. I have several amendments to offer to this paragraph, and I suppose the question can be taken upon them all at once. I move to increase the appropriation for Arizona from $16,000 to $20,000; for California, from $10,000 to $30,000; for New Mexico, from $10,000 to $15,000; and for Utah, from $5,000 to $10,000. I also move to amend the proviso by inserting after the words "educational purposes" the words "for repairs of saw and flour mills."

Mr. FOSTER. You do not include anything but mills?

Mr. RANDALL. I give them the discretion of expending any of this money for repairs of saw and flour mills.

Mr. FOSTER. Not for building new mills?

Mr. RANDALL. No new mills.

Mr. FOSTER. Why not make it read "for repairs of old buildings?"

Mr. RANDALL. It is necessary to increase these amounts, because of official information which I have received within a few days from the Bureau.

Mr. FOSTER. Why not include all agency buildings?

Mr. RANDALL. I will modify it so as to read, "for repairs of saw and flour mills and other agency buildings."

Mr. FOSTER. That will cover a dam, will it not?

The amendments moved by Mr. RANDALL were agreed to.

Mr. FOSTER. I move to amend by inserting the following:

For contingencies of the Indian service, including traveling, incidental, current, and contingent expenses of the superintendents and agents, and of their offices, $50,000.

No appropriation whatever has been made in this bill for contingencies.

Mr. RANDALL. O, yes; these are all incidentals.

Mr. FOSTER. But they are applied to specific purposes.

Mr. HOLMAN. Let the word "contingent" be inserted in connection with "incidental."

The amendment was not agreed to.

Mr. SEELYE. I move to amend by inserting the following:

For this amount, for the civilization of Indians and their assistance in agricultural operations, $25,000. For this amount, for the support of industrial and other schools not otherwise provided for among Indian tribes, $50,000. For this amount, for the training and education of promising Indian youth, $10,000. Total, $85,000.

The Committee on Appropriations have seen fit to omit entirely all reference to the estimate for civilization and education of Indians. Nothing has been provided for that purpose except what is required to fulfill treaty stipulations. An estimate of $150,000 for this object was submitted to the committee, who have, however, entirely ignored it. I implore the House not to stop a work that has been carried on thus far with great promise of success. The estimate of $150,000 is hardly ample; but the aggregate of my amendment is but $85,000. There are industrial schools and other agencies doing a great work, which will necessarily be stopped if this appropriation be withheld.

Mr. RANDALL. One hundred and fifty thousand dollars was the estimate submitted; but the Committee on Appropriations followed the line of the last committee and declined to make any appropriation. There was no appropriation whatever last year under this estimate.

Mr. HOLMAN. I think the gentleman from Massachusetts [Mr. SEELYE] puts his proposition too broadly when he states that no money is appropriated by this bill for the education and civilization of the Indians.

Mr. SEELYE. Except, I said, what was specially stipulated by treaty provisions.

Mr. HOLMAN. There is something beyond that. Without going over the various items, I should think that the appropriations in this bill for this purpose, outside of those in fulfillment of treaty stipulations, (and most of the treaty stipulations are for these objects,) would not fall short of $150,000 altogether.

Mr. SEELYE. I have failed to discover the appropriation to which the gentleman refers.

Mr. HOLMAN. There is quite a number of such items, outside of the appropriations made under treaty stipulations.

Mr. SEELYE. If the gentleman will point them out to me, I will thank him; but I have failed to discover them.

Mr. RANDALL. I will point out one. Here are the Kansas Indians. The purpose of the appropriation for them is thus stated:

To subsist and properly care for the Kansas Indians, including agricultural assistance, pay of employés, and for such other beneficial objects for the tribe at large as their necessities may indicate to be proper.

I take it this language would include the objects contemplated by the gentleman's amendment.

Then take the Sioux at Fort Peck agency. We make an appropriation of $100,000 to be used in part "in instructing in agricultural and mechanical pursuits, in providing employés and educating children." I take it that these objects are in promotion of the civilization and comfort of the Indians.

Then take the Arickarees, Gros Ventres, and Mandans. I find that in respect to these tribes the President is authorized in his discretion to expend the appropriation "in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement."

I think the gentleman will find generally throughout the bill provisions of this kind. The gentleman bases his amendment upon the estimate of $150,000. Now, the committee did not think there was any propriety at this time in giving this money for this purpose when the last Congress refused to make any such appropriation, and when we know that the resources of the Treasury are vastly more deficient at this time than they were a year ago.

Mr. SEELYE. Mr. Chairman, we are perpetually troubled with this Indian question. Shall we now look to the future with reference to avoiding this difficulty? Shall we seek to educate and civilize these people, and thus obviate the necessity for this trouble that we have recurring every year?

I do not care about discussing the subject in its length and breadth, but I will simply state to the House that there are schools and other agencies now in successful operation which must be stopped entirely unless this appropriation be made.

Mr. RANDALL. Then they stopped a year ago; for this appropriation was not in the last appropriation bill; there was no money given then under this estimate.

Mr. SEELYE. But the appropriations last year, as the gentleman very well knows, were very much in excess of the appropriations this year.

Mr. RANDALL. I know they were; and that brings me to this point: The gentleman hardly knows the amount of money that this Bureau costs. The estimate of the cost of running this Bureau is $740,000.

Mr. SEELYE. I understand precisely that fact; and I understand also that the gentleman has included in that estimate (for I have examined the figures) subsistence, forage, fuel, lights, and various other incidental expenses connected with the care of the Indians.

Mr. RANDALL. The gentleman says I have and I say I have not, and I will give the items showing the cost of running the Indian Bureau for the fiscal year ending 1875, so far as accounts have been audited:

Pay of superintendents and agents	$82,880 68
Pay of special agents	10,985 86
Pay of subagents	1,066 66
Pay of agents' clerks	4,600 00
Pay of regular employés	319,404 10
Pay of extra employés	146,913 07
Pay of traveling expenses	20,607 88
Pay of traveling expenses	1,737 43
Agents and superintendents' incidental expenses	38,914 77
Pay of Indian inspectors	16,224 70
Cost of inspection	3,760 67
Pay of interpreters	98,118 05
Commissioner, clerks, &c	65,680 00
Total	740,884 27

Is there any subsistence in those items? Is there any clothing in those items?

Mr. SEELYE. There is both. The gentleman has a very rare faculty of turning off attention from the matter directly before us to something which does not concern it. As long as he has presented it let me state for the information of the House that the largest item of $319,404.10 for regular employés includes subsistence, includes fuel and forage, and also includes the pay to the Mojave Indians on the Colorada Indian agency who have been engaged in excavating this irrigating canal and who have been furnished rations for subsistence in payment. The gentleman has gathered all these together in order to make out the sum he names. That sum does not relate at all to the expense of the Indian Territory.

But that has nothing to do with the case before us. I submit simply to the House, shall we continue the education and prospective civilization of these Indians or cut it off?

Mr. RANDALL. I ask this House shall follow in reference to this economy the example set by the last House.

Mr. SEELYE's amendment was rejected.

Mr. ELKINS. I submit the following amendment, to come in after line 1221:

For the establishment and maintenance of schools among the Pueblo Indians of New Mexico, $10,000.

I desire to state, Mr. Chairman, that the Pueblo Indians live in villages. There are twenty villages in New Mexico. They are the Aztecs, the last remnants of the worshipers of the sun. They are peaceable, industrious, quiet, and self-sustaining. They live upon agriculture and stock-growing. Under the Spanish and Mexican governments they were educated at the expense of the government, but under our Government their education has been neglected for twenty years. The appropriation for education was made last year and the

year before, but I believe the schools failed last year for want of a sufficient amount.

I ask that the education of these people be kept up. I believe they are capable of receiving education. I do not ask for the Navajoes, the Apaches, the Utes, or any other like Indians of my country, but merely ask it for these Pueblo Indians, who are deserving of a great deal of consideration on the part of the Government, as they have never given us the least trouble. They do not rob or steal. They are peaceable. Only three persons were presented for crime in twenty-five years. Such is the history of that people. Property and life are as safe in their villages as in this city. I think it is the duty of the Government to educate them. There are twenty pueblos, and my amendment allows $500 to each pueblo, which I believe will keep a school going for about seven months in the year. I hope there will be no objection to the adoption of my amendment.

Mr. RANDALL. How much was appropriated last year?

Mr. ELKINS. I do not know how much.

Mr. RANDALL. I do not think any was appropriated.

Mr. ELKINS. I was told by the Commissioner there was something appropriated, but not a sufficient amount to carry the schools on during the year.

Mr. RANDALL. It is not embraced in any incidental expense, and there has been no estimate for it. They were not in any of the incidentals, for I have them here.

Mr. ELKINS. I can say this to the gentleman, that the schools were not kept up, but stopped in the middle of the year from the lack of funds.

Mr. HARRISON. Let me ask the gentleman from New Mexico one question.

Mr. ELKINS. Certainly.

Mr. HARRISON. How many instances of crime did the gentleman state there were among these Pueblo Indians?

Mr. ELKINS. Only three.

Mr. HARRISON. In how many years?

Mr. ELKINS. Twenty-five years.

Mr. HARRISON. How many Indians are there?

Mr. ELKINS. Nine thousand.

Mr. HARRISON. Then, if that be the case, let us keep education from going there. [Laughter.] Sir, here, where we educate, crime is rampant. Let us therefore keep these people in blissful ignorance. [Laughter.]

Mr. ELKINS. Civilization and education may affect and retard the gentleman and his constituents in that way but I can vouch for these Indians that it will not injure them and that they are industrious and peaceful. They neither rob nor steal; they give the Government no trouble, and are deserving of education by the Government. It is our duty to educate them, as they will finally become a part of the social system of this country.

Mr. RANDALL. I wish to state I find there was $1,071 appropriated for contingent expenses. That is embraced and can be expended under this bill.

Mr. ELKINS. I hope my amendment will be adopted.

Mr. RANDALL. We have not interfered with that, and it is embraced here as one of the items. There is in this paragraph, at line 1220, a provision that a portion of this money shall be paid "for educational purposes." That is included in the amount fixed by the committee, and by one of the amendments which I am to offer to-day the amount will be increased to $15,000.

Mr. ELKINS. All I want is that it be made specific. I am afraid that this appropriation for incidental expenses will be expended for something else. You make no appropriation for these Pueblos; not a cent. They do not get a dollar from the Government for educational purposes.

Mr. RANDALL. It is proposed to increase the appropriation for the Territory of New Mexico from $10,000 to $15,000.

Mr. HOLMAN. And there might be added "$10,000 of this sum to be appropriated for the purposes of education."

Mr. RANDALL. That is too much.

The amendment was not agreed to.

Mr. SEELYE. I have one more amendment to propose, which I hope will not interfere with the equanimity of any gentleman. I offer the following amendment:

Insert after line 1221 as follows:

That the Secretary of the Interior shall hereafter forbid the issue of rations or supplies of any kind to any white men living with Indian women, or to any Indian women or their children who are married to or living with such white men, and that no such white men shall claim any rights on any Indian reservation by reason of such real or pretended marriage.

Mr. RANDALL. That is a social-order amendment. I have no objection to it.

The question being taken on the amendment, the chairman stated that in the judgment of the Chair the "noes" had it.

Mr. SEELYE. I call for a division.

May I be permitted to say that I did not suppose that the amendment would meet with any objection from any source. I do not suppose that it is a part of the province of this Government to support lazy or loose white men, who in order to obtain such support have taken unto themselves Indian concubines or wives. The object of this amendment is to remove a difficulty which the Indian agents very often sorely feel, and which they have no present means to obviate.

Mr. KASSON. I rose to make the point of order on the amendment at the time it was first offered. I shall not insist on the point of order if the gentleman from Massachusetts will confine the amendment to the white men. But I know there are many cases where hunters and others on the plains form regular marriages with Indian women. I do not care about the prohibition of the issue of rations to white men, but to refuse them to Indian women and helpless children is something I cannot assent to.

Mr. RANDALL. I wish to say to the gentleman from Massachusetts that so far as I am concerned I do not object to the purpose of this amendment at all.

Mr. MAGINNIS. In regard to the point of order, I will say that if this is new legisation, it is certainly in the line of retrenchment and reform.

Mr. SEELYE. It is certainly in the line of retrenchment. In reference to the suggestion of the gentleman from Iowa, I would say that it leaves the whole difficulty as it was before. The amendment amounts to nothing unless it includes the women and children. If there are honest cases like those referred to by the gentleman from Iowa, the hunters and others of whom he speaks are able to support the women and children.

Mr. LUTTRELL. I hope this amendment will prevail.

The CHAIRMAN. The merits of the amendment are not now before the committee. The gentleman from Iowa raises a point of order. Is it that the amendment contravenes Rule 120?

Mr. KASSON. I refer to a part of the amendment. I ask to have it read again.

The amendment was again read.

Mr. KASSON. The new legislation that does not come within the rule is the last clause. If the gentleman will let his amendment stop at the point where it prohibits issuing of rations to white men, I will not object to it. But why should he punish the women and children by leaving them to starvation?

Mr. HOLMAN. I think the gentleman from Iowa is mistaken as to the application of Rule 120 to this case. This is putting a limitation on the expenditure, and I would suggest to the gentleman from Massachusetts that it is very easy to change the phraseology of the amendment so as better to accomplish his purpose and bring it within the rule. He can very readily amend his proposition so as to make it in order. If he intends this to be a limitation on the expenditure of this money, there can be no doubt about its being in order. He should make it read: no sum of money appropriated by this bill shall be expended for such and such purposes.

Mr. MAGINNIS. These rations have to be bought out of the money here appropriated.

Mr. HOLMAN. I suggest that this is a mere question of phraseology. I think no gentleman who knows the rules of the House will pretend that the amendment, with its present phraseology, is in order. As it stands, it is a provision of law. If the amendment was that no sum of money appropriated by this bill shall be expended by the Secretary of the Interior for the purpose of furnishing rations to this class of persons, it would clearly be in order. But of course it is not in order now, as I think the gentleman from Massachusetts will undoubtedly see.

The CHAIRMAN. Does the gentleman from Massachusetts modify his resolution in accordance with the suggestion of the gentleman from Indiana?

Mr. SEELYE. I do not see the propriety of the modification. It seems to me that if it is modified, the entire intent and purpose of it would be defeated. If it allowed in any case an issue of rations to the wife or children, that would include also the man.

Mr. HOLMAN. But do s not the gentleman from Massachusetts see that his amendment as it stands proposes to enact a law upon this subject? That is to say, in other words, it is new legislation on an appropriation bill. But if it simply put a limitation on the appropriation made by this bill, then of course his amendment would be in order.

Mr. SEELYE. I beg the gentleman's pardon. I did not at first comprehend the scope of his suggestion, and I adopt it. It is an entirely proper suggestion, it seems to me.

Mr. KASSON. That does not relieve it of the objection to the last clause.

Mr. HOLMAN. The last clause I admit is not covered by it.

The CHAIRMAN. The Chair requests the gentleman from Massachusetts to modify his amendment so as to put it in the form in which he desires to offer it.

Mr. MAGINNIS. While the gentleman is doing that, I desire to offer the following amendment——

The CHAIRMAN. That can only be done by unanimous consent.

No objection was made.

Mr. MAGINNIS. I move in line 1209 to strike out "five" and insert "ten;" so that it will read:

Montana Territory, $10,000.

Mr. Chairman, the object of this amendment is to increase the incidental appropriation for the Territory of Montana from $5,000 to $10,000. Now I agree in a great measure with the chairman of the Committee on Appropriations with regard to the manner in which these incidental appropriations are expended. I believe it to be far better that the Department should make specific estimates for all they

desire, and I think it is a bad system which has obtained in that Bureau of using specific appropriations made for one purpose for another, and that it ought to be corrected. But it is a system that has existed for many years. I am informed, however, by the Commissioner and by his clerks that the amount of $10,000 is necessary for the legitimate expenses of the Territory of Montana.

Mr. RANDALL. In reply to the gentleman I desire to refer him to the manner in which this appropriation was expended last year; for transportation, $33.80; for transportation of goods, $728.45; for expenses of advertising, $1,805.72; for telegrams, $29.38; and for employés, $12,318.71.

The question was taken upon the amendment proposed by Mr. MAGINNIS, and it was not agreed to.

Mr. SEELYE. I have now modified my amendment, and offer it in the following form:

Provided, That the issue of any rations or supplies of any kind appropriated for in this act be not furnished to any white men living with Indian women, or to any Indian women or their children who are married to or living with such white men, except with the consent of the Commissioner of Indian Affairs.

That last provision is introduced in order to obviate the objection of the gentleman from Iowa.

Mr. KASSON. I think perhaps it will do it.

Mr. REAGAN. I wish to say a word in reference to the policy of that amendment. A long time ago in this country a man distinguished in its history—Patrick Henry—endeavored to secure the adoption of a measure in the house of burgesses of Virginia, for the purpose of encouraging the amalgamation of the Indian race with the whites as a means of their civilization, by offering bounties of land and exemption from taxes to such white men or women who would intermarry with Indian men or Indian women. The history of this effort was that it would probably have been adopted if it had not been that that distinguished man was transferred from the house of burgesses to the governorship of Virginia.

The object of this amendment is to drive the white man from among the Indians and prevent the intermingling of the two races. My own judgment is that it would be wrong in principle, wrong in practice, to do so; that it is wise to allow the two races when it suits their convenience to mingle together and thus elevate the Indian race. I would rather see a large appropriation made to encourage able-bodied men who are too lazy to do much else to go and live with them, and good service will be done to the country in that way. Certainly it seems to me that in the people that will go to live among the Indians and take Indian wives we lose nothing, and the Indians will gain something and hardly lose anything. Besides, no man can go into an Indian tribe and assume tribal relations with it and take an Indian wife without the consent of the tribal authorities. He cannot go of his own volition and become a member of the tribe and have an Indian wife; it must be by the consent of the tribe. I think we had better let the Indians in that respect take care of their own interests; and we cannot better subserve the interests of the Indians by adopting a policy that will drive the white man from them.

Sir, I have seen some of the finest specimens of men and women that ever trod the American soil of mixed blood, men and women of intellect, of energy, and of noble character, and there may be others. This Indian problem is one of great importance to the American people in its humanitarian aspect as well as in other respects. The Indians are with us. This is their native land. They were here before us. We owe them respect for their rights and the promotion of their interest, and we ought to pursue such policy as will educate them to our standard of civilization. Amalgamation, in my judgment, is the surest and shortest road to that. It is better than war and the destruction of the race. There is in that race some superiority; we have elevated the negro to all the rights of citizenship; he has the power of imitation. The distinction between him and the Indian is that the Indian in his pride of character imitates nobody, but stands forth as the representative of himself and his race with the peculiarly manly attributes of courage and perseverance. Looking to the necessities of trying to ameliorate their position, looking to the necessity of humanity, looking to the necessity of incorporating what remains of the race into the great body of American citizens, I think the policy of preventing white men from intermingling with them is wrong, but that it would be right to encourage such marriages.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. HARRISON. I move to strike out the last word, for the purpose of opposing this amendment, because I feel the wrong of it. There are men on this floor, and I am myself proud to be one of them, as is my friend from New York, sometimes the presiding officer of this body, [Mr. COX,] who boast that there is Indian blood flowing in our veins. When I go through the Rotunda of this Capitol and look up into its vast Dome, I feel proud of my country. And when I look at the picture that represents the baptism of one of my ancestors, Pocahontas, I feel that we should encourage amalgamation between the Indians and the whites, as the true method of carrying civilization among that race of people. Carry it to them, and carry the preacher along with it to marry them, and let them marry as much as they please.

All along on the northwestern frontier of this country to-day there are men of half and three-quarter Indian blood, who are among the very best citizens of the Northwest. Some of the very proudest families in the city of Chicago—and there are a great many proud people there, and they ought to be proud——

Mr. HOLMAN. To what tribe do you belong?

Mr. HARRISON. I am one of that tribe from away down in Virginia that boasts of having "F. F." blood in them. There are in the city of Chicago some of its very best citizens in whose veins runs Indian blood. Wherever you may go, there is no evidence that miscegenation with the Indian deteriorates the offspring of the white and Indian.

Let them marry as much as they please. If they choose to marry and there is no clergyman by, let them do as they do in Scotland, as they do in Florence, acknowledge themselves man and wife, and in the sight of high heaven they will be man and wife. In the South since the late war, there are laws making the offspring of men and women who live together as husbands and wives the legitimate offspring of those people. Does it require among these people this or that kind of ceremony to make them legally married? If they go before their God and acknowledge themselves husband and wife, I believe that God will consider them as husband and wife, for He certainly has never placed a curse upon the half-breed Indian.

Behind me in this Hall is a man now who in his own person is an evidence of the ameliorating effects of such a marriage. We have such persons everywhere. I deny that the amendment of the gentleman from Massachusetts [Mr. SEELYE] will result in good; it will only effect a wrong.

Mr. COX obtained the floor.

Mr. SEELYE. Allow me a moment.

Mr. COX. Certainly; I have not much desire to speak.

Mr. SEELYE. I am learning many things from this discussion. One should never be too old to learn. I confess, however, that I was hardly prepared for the information that the best way to solve the Indian problem was to cut off the ordinary agencies of schools and education and civilization, and to bring in such a process as this. [Laughter.]

Mr. COX. I am surprised that this matter has been discussed at all; I am surprised that any one should have thought of contesting so virtuous an amendment as that offered by the gentleman from Massachusetts, [Mr. SEELYE.] If we are in earnest about solving this Indian problem in an enlightened manner, we could not adopt any plan that would so surely lead to the demoralization and brutalization of the Indians as that which has been advocated by my friend of the Marine band, a band that has not yet been recognized in any of our Indian treaties. [Laughter.]

The gentleman says that the civilization of the Indian may be promoted—by what? By a sort of mock Scotch marriage, or by promiscuous intercourse with whites, by miscegenation, by allowing our traders and others worse than they to go among the Indian women *ad libitum*, by all the disgusting modes which, in addition to gambling, bad faith, and worse whisky, will bring the remnant of these Indian tribes down to a lower level than even the lizzard-fed Diggers that follow in the train or hang about the stations of our railroad civilization!

Such an important question cannot be discussed in the vein just adopted by the gentleman, or the same vein, when he so happily defended the Marine band. This is another and entirely different question to which nothing is relevant but sobriety and sedateness. The gentleman says, and others have said, that they find the best blood of the Indian in the half-breed. I have been told here that the entire blood of the half-breed is pure and good. If so, then it seems to me that a portion of the original blood must have been good also. But I pass that.

Mr. Jefferson, in his Notes on Virginia, when referring to Logan and other Indian chiefs, said that they were men of rare imagination, fine rhetorical ability, artistic skill, and simplicity of character. Old Virginia may now and then have had some of that blood, as thus described, in the veins of her statesmen. As a general rule, however, Old Virginia did not go in that direction. As a general rule Old Virginia kept proudly in the line of the Madisons, the Marshalls, the Jeffersons, the Harrisons, [laughter,] and others who ornament her history.

Mr. HARRISON. Jefferson had Indian blood in him.

Mr. COX. If Jefferson had Indian blood in him, I am yet to learn of it authentically. If he had in him Indian blood, I will never, *never*, NEVER, [laughter,] I will never vote for—any proposition defended by such an argument as that against the founder of the democratic party.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HARRISON. I withdraw my formal amendment.

Mr. REAGAN. I desire to renew the formal amendment. I am disposed to treat this subject as one of importance, especially to the Indians; and in so treating it I do not desire that the House should understand me as meaning to substitute for education and civilization that other quality referred to by the gentleman from Massachusetts [Mr. SEELYE] and the gentleman from New York, [Mr. COX.]

Mr. Chairman, the distinct proposition here is to prohibit by indirection the amalgamation of the white and the Indian race. Why should we do this? What good end shall we subserve by doing it? How do we promote morality or advance civilization by preventing the association and marriage of white people with Indians? Is it

deemed wise to preserve the distinct individuality and characteristics of the various tribes, their full blood, their separate nationality, their peculiar habits, antagonizing distinctly as they do in many respects the habits and civilization of the white race? If that be so, then the humanitarian idea that objects to seeing these races amalgamate in the bonds of matrimony and rear children the mixture of both races, must prepare itself with powder and lead and go to killing the Indians. You must either by a wise policy civilize them or by force destroy them. Which is the most humane and just treatment to be adopted by a great nation dealing with humble and powerless tribes that cannot protect themselves by their own force? They were the original occupants of our soil. Experience has shown that evil has not come from the mixture of these races, but that good has sprung from it. I do not refer to the baser sort of intercommunication which seems to be uppermost in the minds of gentlemen who oppose this amalgamation; I allude to that sort of intercommunication which springs from the white people going among the Indians, accepting their tribal relations, marrying wives and rearing children, and to that extent breaking down the habits of barbarism and introducing in their stead habits of civilization. I believe that such association ought not to be discouraged, but that on the contrary it would be wise to encourage the marriage of the whites and the Indians as the cheapest, the wisest, the best, and the most humane way of solving the problem of dealing with the Indian race.

I withdraw my *pro forma* amendment.

The question being taken on the amendment of Mr. SEELYE, it was not agreed to.

The Clerk read as follows:

For contingencies of trust fund, namely: For expenses in connection with the Indian trust fund for the fiscal year ending June 30, 1877, $1,500.

Mr. STEELE. I move to amend by inserting after the paragraph just read the following as a new section:

That no supplies or annuity goods for which appropriation is made in this act shall be issued to any band or tribe of Indians while the same may be engaged in hostilities against the United States or in depredations upon settlers; and the supplies issued to Indians in any section of country where hostilities may exist or where Indians may commit depredations upon settlers and settlements shall not be issued for a longer period than five days at any one time, and then only for such families as may be represented at such issue by all their male members over the age of fourteen years.

Mr. KASSON. I believe this is a legislative provision designed to apply generally, and not merely to the appropriations in this bill. If so, it is subject to objection upon a point of order.

Mr. STEELE. It applies only to the appropriations made by this bill.

Mr. KASSON. I do not so understand it. But, aside from that, I want to call the attention of the committee and of the gentleman from Wyoming [Mr. STEELE] to the question whether in all cases it would be safe to adopt such a rule as is here proposed. For instance, if depredations are committed by half a dozen Indians who have gone off, then this rule would apply to the whole distribution in that region.

Besides, I apprehend that in some cases it would work great inconvenience to require all Indians who are fourteen years of age to come every five days for their rations; and it would probably impose an enormous labor upon the disbursing or distributing officer in keeping the accounts. If the provision were presented in such a form as to be merely advisory or directory to the Indian commissioner wherever it may be practicable—if there were some saving clause of that sort, it might not be unsafe to adopt the amendment; but to make it a universal and imperative provision would, I apprehend, cause considerable trouble.

Mr. STEELE. The gentleman seems to suppose that to require the Indians to come every five days for their rations would take too much of their time. Now, if there is any one thing that the Indians committing these depredations have, it is time. They have more of that than anything else; that is the difficulty with them. Hence there is no reason on that ground why they should not be required to draw their rations frequently. If you issue rations to them for a long time, they go off between the issues and commit depredations.

Mr. KASSON. They can do it.

Mr. STEELE. They can and, I am sorry to say, they do. I know that by experience.

The CHAIRMAN. Is the point of order raised?

Mr. KASSON. Yes, if I am right that it applies generally, and not merely to the disbursements of this bill.

One word in regard to the distribution of goods. The gentleman can see you cannot distribute them once in five days.

Mr. STEELE. It does not apply to goods.

The CHAIRMAN. If the point of order is raised it must be raised now.

Mr. KASSON. I do raise it on the impression that it is not confined to the appropriation in this bill, but is general in its terms.

Mr. STEELE. I ask that the amendment be read.

The amendment was again read.

Mr. KASSON. I raise the point of order on the last clause of the amendment.

The CHAIRMAN. The Chair overrules the point of order, as the amendment, in his judgment, applies to the appropriations in this bill.

Mr. STEELE. I desire to say, Mr. Chairman, simply one word in answer to some objections made by the gentleman from Iowa. It will be found by reading the amendment that the issue of supplies and annuity goods to tribes is confined to those who are not engaged in hostilities, or, in other words, that they shall not be issued when any tribe is in hostility to the Government of the United States or committing depredations.

It may be true, as the gentleman suggests, that a portion of the tribe may go on a plundering expedition, committing damage and depredation for which the tribe itself cannot be held responsible, over which the tribe may have no control. Every man who understands anything about this Indian question knows that the great danger comes from the young men of all these tribes, who cannot be controlled by those who would like to control them, and who would do so in the interest of peace if they had the power to do it. I therefore provide that the young men, the male Indians capable of committing depredations, shall come once in every five days to the agency to obtain their rations and answer roll-call. That answers just this purpose. The agent will then know whether his Indians are upon the reservation or not. As it is under the present system, he knows nothing about it. He does not know whether there are five thousand or ten thousand Indians on the reservation, because at all these agencies they issue to the women if the men do not come to the agencies for supplies. The only effect of allowing that system to continue is to feed these Indians, to furnish them supplies, while they are marauding and fighting our troops in the field. If you make them come to the agency once in five days, they cannot go any great distance off from the reservation during that time. You will compel them to remain there very largely. You will compel them to remain there better by this than by any other means, for you make the support and sustenance of their families depend upon their being on their reservation.

I wish to say in this connection that one of the most effective means General Crook found of dealing with the Apaches in Arizona when he first put them upon their reservation was to compel every man to come individually for his rations once every three days. In that way he prevented them traveling off their reservation.

This is a provision which is of very great importance to the frontier country, to that portion which borders upon these Indian reservations. If this amendment be adopted, then no Indian can wander off and commit depredations without the knowledge of the Indian agent, and without any control from any source or responsibility anywhere for it, and our people will not be murdered and plundered by Indians who are fed and pampered by the Government. While you provide for the Indian, make some provision, if possible, for the protection of your own citizens.

Mr. HOLMAN. I ask the amendment of the gentleman from Wyoming be again read down to the word "settlers."

Mr. KASSON. Let me read the last clause from place, as I wish to speak to it. If the gentleman wishes to occupy the floor, however, I do not insist.

Mr. HOLMAN. I wish to say a word and move an amendment to the amendment.

The amendment was again read.

Mr. HOLMAN. I move to strike out all after the word "settlers," and in lieu thereof to substitute the following:

Nor shall any sum of money appropriated by this act for any tribe of Indians for whom a reservation of territory shall have been made be paid to them or expended for their benefit unless such tribe and the warriors thereof shall remain peaceably within the limits of the territory assigned to them.

Mr. Chairman, the difficulty in the language proposed to be stricken out is that a single warrior, or a very small number—a half a dozen—may be engaged in warlike operation, and yet under the specific provision of the last clause it would take away the rights of the whole tribe. It seems to me to be an embarrassing proposition. It is very desirable the provision should be carried out if practicable. I think it would be better to use more general terms than the specific terms used by the gentleman from Wyoming.

Mr. KASSON. Does not the gentleman from Indiana think it would be better to substitute for the whole "authority and direction to make issue of rations for a limited period, when by so doing they can protect settlers, for example, against incursions from a portion of a tribe;" or some phraseology of that sort? It would take a little time to frame it rightly. I think it is remedial, but, as the gentleman from Indiana has stated, this is so broad it ceases to be remedial, and will, in some cases, act injuriously. It will refuse supplies to starving and suffering Indians who are not engaged in committing depredations.

Mr. HOLMAN. Without understanding much about this subject, for I have not been among the Indians to any great extent for twenty-five years, although during part of that time I have had some experience connected with some of the western tribes—without professing to understand the subject, it seems to me that a general provision which would make a strong motive on the part of the Indians to remain within the reservation is about all that can be specifically provided for.

Mr. KASSON. I think so. And I suggest, if it is desired to finish the bill to-night, that the gentleman from Indiana and the gentleman from Wyoming have general consent to prepare an amendment, to be submitted hereafter, that will accomplish the object in view.

Mr. HOLMAN. Of course we desire to finish the bill to-night. I will submit the amendment as I have offered it. I ask that the whole section as I propose to amend it be read.

The Clerk read as follows:

Add as a new section the following:

SEC. 2. That no supplies or annuity goods for which appropriation is made in this act shall be issued to any band or tribe of Indians while the same may be engaged in hostilities against the United States or in depredations upon settlers, nor shall any sum of money appropriated by this act for any tribe of Indians for whom a reservation of territory shall have been made be paid to them, or expended for their benefit, unless such tribe and the warriors thereof shall remain peaceably within the limits of the territory assigned to them.

Mr. MAGINNIS. I would suggest to the gentleman from Indiana that the difficulty with his amendment is that it provides no means of carrying it out. How can he ascertain whether the warriors of any particular tribe remain peaceably on their reservation, and are not engaged in hostilities or depredations? The amendment submitted by the gentleman from Arizona simply proposes to test that question. To find out that the warriors shall not be off their reservation, shall not be on the war-path, shall not be committing depredations, he proposes to make them appear at the agency every five days. And in case they shall fail to do that, what is the penalty? Simply that nobody else shall draw that warrior's rations. And I submit that if a man is away from the reservation on the war-path, no one else should draw his rations.

Mr. KASSON. But these are not warriors. These are boys of fifteen years of age.

Mr. MAGINNIS. Every boy of fifteen is a warrior.

Mr. KASSON. I differ entirely from the gentleman in regard to that. Boys of fifteen are not warriors, are not treated as warriors, and do not make raids.

Mr. MAGINNIS. Well, fix eighteen as the age.

Mr. KASSON. I think it better to leave that to be fixed by executive order.

Mr. WELLS, of Missouri. Before the amendment is adopted, I desire to remind the gentleman from Indiana of a suggestion I made to him.

Mr. HOLMAN. Yes; I propose to add the words at the end of the amendment "unless absent with the consent of the agent."

The CHAIRMAN. If there be no objection, the gentleman from Indiana will be allowed to modify his amendment by the addition of those words.

There was no objection.

The amendment of Mr. HOLMAN, as modified, to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. MAGINNIS. I offer the following as an additional section, to which I hope no one will object:

SEC. 3. No money appropriated by this bill shall be expended at any agency where the officers of the Government endeavor to maintain a monopoly of trade with the Indians for the benefit of any person or firm. And the certificate of a judge of the district court for the United States nearest to any agency, attached to the application of any person for a license to trade with Indians, which certificate shall set forth that such person is of good moral character and fit to be in the Indian country, shall be accepted by the agent to whom it is presented, and by the Department of Indian Affairs, as conclusive evidence of the fitness of such person to receive a license to trade.

Mr. KASSON. I make the point of order on that amendment.

The CHAIRMAN. The Chair would suggest that this be offered at the end of the bill after the paragraphs making appropriations have been passed. The Chair would rather not decide the question of order at present. If the gentleman will offer it at the close of the bill the Chair will have time to examine it.

Mr. MAGINNIS rose.

Mr. KASSON. I reserve the point of order, but I do not object to the gentleman from Montana [Mr. MAGINNIS] going on to say what he chooses to say in support of the amendment.

Mr. HOLMAN. Time is of some value, and I hope the gentleman from Montana will confine his remarks to the point of order.

The CHAIRMAN. If the point of order is to be made on this section let it be made now before a discussion of the merits is entered upon.

Mr. KASSON. I desire to state the point of order, that this is new legislation and is not germane to an appropriation bill and not tending to retrenchment. That is the essential point, but I wish also to say that if that were all, if I believed the amendment to be useful, I would not make the point. But I have thought the point of order should be made because the amendment introduces a mode of conducting this business that will tend, I think, to very serious injury to the Indian service, and also interferes with what has been proposed in the bill, if I recollect rightly, in regard to the transfer of the Bureau to the War Department.

Mr. MAGINNIS. In reply to the gentleman from Iowa, I wish to say that it is not new legislation. It is simply to provide for carrying out existing legislation. When our non-intercourse laws were made it was intended that no monopolies of trade should grow up out of them. But they did grow up out of them; and in 1865, on an appropriation bill in the Senate of the United States, there was an amendment ingrafted providing that any person of good moral character applying for a license should have it. And the way that was got around was that the decision as to the good moral character of the applicant was confided solely to the agent, who gives it to his pal and denies it to all others. This clause carries out the existing law, a law, too, which was made on an appropriation bill.

Mr. CLYMER. Just one moment on the question of order, if the Chair has any difficulty about it.

The CHAIRMAN. The Chair has none. The Chair will state that he is informed that a point of order is to be made upon the next section of the bill, and therefore he would prefer to consider the two points of order together, and he would like the gentleman from Montana to reserve his amendment for the present.

Mr. RANDALL. How long does the Chair expect to reserve it?

The CHAIRMAN. The Chair will state after the other point of order is made.

Mr. MAGINNIS. I will withhold the amendment for the present.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 2. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau, are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to, and performed by, said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under, the control of the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. McCRARY. I make the point of order on the section which has just been read that it is new legislation and that it does not appear on the face of the record that it will retrench expenditures. I desire to say but a very few words on the point of order. No extended discussion will be necessary I apprehend, because this point of order was made in reference to the same subject-matter when offered as an amendment to the legislative, executive, and judicial appropriation bill, and was decided by the Speaker of the House.

There has been a change made in the form of the amendment by which I suppose it was intended to make it in order, and the only question for the Chair now to determine is whether by the additional provision that has been inserted the section has been brought within the ruling of the Speaker of the House and made in order. That additional provision is that the officers and employés of the Army who are to discharge the duties required by the Indian service are to receive no additional compensation other than that which they receive as officers of the Army. I do not think that this so changes the provision as to make it in order according to the rule laid down by the Speaker of the House. The rule, the fundamental rule, which the Speaker laid down was this, that it must appear upon the face of the record—and by the record is meant the amendment itself, the bill under consideration, the statutes of the United States, and the parliamentary law under which we are proceeding—it must appear upon the face of the record that the amendment, if adopted, will certainly retrench expenditures. Such was the decision of the Speaker, and such is unquestionably the correct construction of Rule 120 as amended.

Now it is true that here is a proposition to abolish a Bureau in the Interior Department having several hundred employés; I do not know how many, but perhaps four or five hundred; and there is a proposition also to devolve the duties of that Bureau and all of its employés upon the officers and employés of the Army.

There is also a provision that the officers of the Army shall for discharging these new duties receive no additional pay; but does this necessarily make the transfer of this Bureau a measure of retrenchment? I think not. One ground on which the Speaker decided this provision, when proposed as part of the legislative bill, to be out of order was this: that the bill under consideration contained no appropriation for the Army, and that therefore the Chair could not look forward into the legislation which is to be enacted in the future and say what Congress may do in the way of making an appropriation for the Army. That objection lies here precisely as it did in that case. Let me read what the Speaker said on that occasion:

> But the Chair must take official notice of the fact that in this bill no appropriation is made for the Army or for the performance of any of its duties in any of its several bureaus or departments; and the Chair must further officially know that in the ordinary course of legislative proceedings such an appropriation bill must be introduced and enacted before the session expires as of necessity will embrace the further and more complete regulation of this entire subject. Now, the Chair cannot look forward into that legislation and say, upon anything that appears on the face of this section, that such legislation will in all respects coincide with, sustain, or affirm the provisions of this section and carry out the proposed retrenchments indicated in it. In other words, the Chair desires it to be distinctly understood that the point upon which his decision in this case turns is that from the face of the section it does not appear that the provision comes within the requirement of this rule, which is that it shall be germane to the subject-matter of the bill and "shall retrench expenditures." It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

Now, because there is a statement in this bill that the officers of the Army shall receive no additional compensation for discharging these duties, the House will not be bound in any way when the Army appropriation bill comes before it not to make any additional appropriation. It may be argued that the House will not make such appropriation, but it must appear upon the face of this record that no appropriation will be made, and it does not appear and it cannot ap-

pear in this bill, because there is no appropriation here for the support of the Army.

But, Mr. Chairman, there is another ground on which I hold that this section is not in order. It is true that the bill devolves the duties heretofore discharged by the Indian Bureau upon the officers and employés of the Army, but there is nothing on the face of the record to show that there are officers and employés in the Army unemployed and whose services can, without detriment to the military service, be demanded for the discharge of these duties. Gentlemen may say that there are such. Gentlemen may contend that such is the fact; but it does not appear on the face of the record that the transfer of the duties of the officers of the Indian Bureau to the officers and employés of the Army will not interfere with the duties now devolved on the officers and employés of the Army under the law of the land. How can the Chair say from anything that appears upon the face of the record that this transfer of duties will not interfere with the military service and make future increased appropriations for the Army necessary?

We are not to presume here that the officers and employés of the Army have no duties to discharge. We cannot presume that there are three hundred or four hundred or five hundred unemployed persons now drawing pay in the Army who can be commanded for this service. That, I say, does not appear upon the face of this record; and it is not competent to show it *aliunde*. Hence, Mr. Chairman, we cannot say that if these duties are devolved upon the Army, it will not be necessary to make additional appropriations for the Army.

Moreover, we are not to presume, we have no right to presume, there is nothing in this record that requires us to presume, that we are to have a state of peace during the next fiscal year. How can the Chair say that we shall have no war before the end of the next fiscal year? How can the Chair say that within that fiscal year the country may not be engaged in Indian war, or some other kind of war that will require for military duty the service of every man and every officer and every employé now in the Army of the United States? If that shall be so, then the Chair must see that if we take four hundred or five hundred of these persons and require them to engage in civil duties, it will be necessary hereafter to increase the Army, and to increase the appropriations for the Army.

But more conclusive than all this, in my judgment, is the last consideration which I have to submit. The section provides that all laws in relation to Indian affairs shall be executed and enforced by the Army of the United States under the direction of the Secretary of War, instead of the Interior Department as now. No man can say what expense will be involved by this provision. There are large duties to be discharged in connection with transportation which involve very considerable expenditures every year. What it will cost for the Army to do all these duties the Chair cannot know. Nothing upon the face of this record gives the Chair any idea as to what it will cost for the Army to discharge these duties.

Why, sir, the laws and the treaties of the United States with relation to Indian affairs are very voluminous. In the volume which I hold in my hand are the treaties coming down only to the year 1845; and it embraces over six hundred pages. Thirty years of treaties are to be added to that volume, and all the statutes of the United States relative to Indian affairs which devolve any duties of any kind upon the Interior Department. All these duties are by this section devolved upon the War Department. Yet the Chair is expected to say that it appears from the face of this record, that it appears from this amendment, from these laws, from the bill before the House or from the parliamentary law of the land, that it will retrench expenditures to put the enforcement of these laws and of these treaties into the hands of the War Department. I say the Chair cannot so hold from what appears upon the face of this record. I say that the Chair cannot anticipate what appropriations for the Army will be made necessary in the future by this transfer. It is utterly impossible for him to anticipate it from anything that appears on the face of this record. I insist therefore that the section now before the House comes directly within the ruling made by the Speaker of the House, and must be ruled out of order.

The CHAIRMAN. The gentleman from Iowa [Mr. MCCRARY] raises upon section 2 of the original bill the point of order which he has stated. The Chair will be glad to hear the opinion of gentlemen on on this question, as it is one of great importance.

Mr. RANDALL. I would like to know what limitation applies to the debate on a point of order in Committee of the Whole when we are operating under the five-minute rule?

The CHAIRMAN. The Chair understands that upon questions of order that is to be determined by the circumstances of the case. Arguments on such a point are addressed to the Chair, and the Chair will not raise the point that gentlemen shall be limited in debate to any time. If any member raises that point, the Chair must enforce it.

Mr. RANDALL. Before proceeding to speak on the merits of this point, I desire to say that it would seem to me that the five-minute rule should prevail upon questions of this character as upon other matters arising in Committee of the Whole.

This section has been carefully considered, and drawn so as to avoid the difficulties which were presented by the decision of the Speaker. This bill not only transfers the duties of this office from certain officers to others, but it stipulates that the salaries of those from whom these duties are transferred shall absolutely cease and that the salaries of those to whom the duties are transferred shall in no respect be increased. I have here a statement showing the amount now paid under existing law in the administration of this Indian Bureau, which expenditures the section now under consideration proposes to dispense with. I submit this statement for the consideration of the Chair:

Statement showing amounts now being paid under existing laws which have been dropped from the Indian appropriation bill in contemplation of the provisions contained in the second section of the same.

For pay of 2 superintendents		$105,000
For pay of 70 agent		
For pay of 7 special agents		10,500
For pay of 4 clerks		4,600
For pay of 78 interpreters	$34,100	35,200
For pay of extra interpreters	1,100	
For pay of 3 Indian inspectors		9,000
For traveling expenses of 3 Indian inspectors		6,000
For buildings at agencies and repairs of same		10,000
For vaccine matter and vaccination of Indians		500
For contingencies of the Indian service, including traveling, incidental, current, and contingent expenses of superintendents and agents		30,000
		210,800
Indian officers dropped from the legislative, executive, and judicial bill:		
Commissioner and 47 clerks		77,880
Two messengers and 1 laborer, contingent		
Total		288,680

Upon this statement of the facts I submit the question to the decision of the Chair.

Mr. SEELYE. Mr. Chairman, I would not presume to add anything to the very clear, thorough, and as I think irrefutable, presentation of this case by the gentleman from Iowa, [Mr. MCCRARY.] I beg, however, to say a single word in reply to the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations. He is really a specimen for psychological study, interesting though not altogether rare. He is endowed with a capacity which can see anything that he has set his heart upon with remarkable clearness; and he can persist in seeing nothing else with remarkable pertinacity. But I have supposed, Mr. Chairman, that a legislator ought to see at least two things, and that a wise statesman who has set his heart upon anything ought to enlarge his vision so as to take in all possibilities connected with that end.

The gentleman, however, who is, I take it, a lineal descendant of one of the two knights in the famous story of the shield, thinks he has done his full duty when he has shut out certain matters bearing directly upon the case. The side of the shield turned toward him seems to be silver and therefore the shield he maintains to the death is silver, although the other side may be lead or brass or gold.

The gentleman is possessed with a persistent purpose to economize expenditures in Government. A most praiseworthy purpose certainly, and a purpose which I submit every member of this House has as intently as the gentleman and probably more intelligently. There is as much difference between seeming economy and real economy as there is between most extravagant expenditure and real economy. And this is precisely the difference which the gentleman seems unable to discover.

The gentleman reminds me of a householder who should suppose and argue he could necessarily retrench expenditures by cutting off the pay of his servants, giving up his house, and taking board at a hotel. "Of course this is retrenchment," the gentleman argues, "for do you not see I have no longer any servants to pay and I have no longer any house rent to pay, and of course it is retrenchment."

Or, if the gentleman will let me come a little nearer to it, the gentleman is a householder and merchant and he finds times are hard and business is dull, and so he says, "I will retrench by dismissing my household servants and having their work done by the employés of my mercantile establishment. I will change my cooks for my book-keepers and dispense with my laundresses, and supply their places with my salesmen, and I will give up my chamber-maids and have my porter do the work." Very well. Very possibly the gentleman's mercantile employés are meek, and perhaps they are versatile and will make no objection to these new duties assigned to them. Perhaps they are particularly capable of discharging them, and his book-keepers do as well in the kitchen as in the counting-room, and his salesmen are just as much at home at the wash-tub as at the counter, and his porters make beds just as well as carry bundles. All right; this is retrenchment of expenditures; but does it follow therefore it is retrenchment?

Granted, if you please, and it is a difficult proposition that his household affairs would go on as before. But what becomes of his mercantile arrangements? Have they not been interfered with by this proposition, and has it been the retrenchment to which the gentleman refers?

To bring the matter a little closer to him. "O, no," says the gentleman; "you are too fast. I have supernumerary employés; I have more book-keepers, more salesmen, more porters than I need, and so I will put them in the place of my servants, and thus I will retrench." Very well, Mr. Chairman; there come two questions here. In the first place, whether it is economy to have so many supernumeraries; and,

if the gentleman says "there are exigencies which occur in my business which make these supernumeraries necessary to my mercantile establishment," I want to know what is going to happen when those emergencies come, provided he has taken off his mercantile employés and turned them into these other channels? What is he going to do in that case? Is that retrenchment?

Mr. Chairman, the man who would undertake to carry on his private business in this way is a fool, and undertaking to carry on the business of Government in this way is precisely the same sort of folly. The whole process of this proposed transfer of the care of the Indians from the Interior to the War Department is precisely of the nature I have illustrated.

But, Mr. Chairman, one word further in order to prove this point, and I will not go into all the considerations that might very clearly establish it——

Mr. RANDALL. I hesitated to call the gentleman to order when he was referring to me, but, now that he has got through, I do call him to order.

Mr. SEELYE. I will yield to the gentleman when I get through.

Mr. RANDALL. I call you to order.

Mr. SEELYE. Let me go on.

Mr. RANDALL. I call the gentleman to order.

The CHAIRMAN. The gentleman from Pennsylvania rises to a question of order and will state it.

Mr. RANDALL. I hesitated until he had got about through with all he had to say of me before calling him to order. I did not desire to interrupt him in that particular, but now that he seems to be turning his remarks in another direction I submit he must confine them to the pending point of order.

The CHAIRMAN. The gentleman must confine his remarks to the point of order in question.

Mr. SEELYE. I will confine myself to the point of order. I will detain the House but a moment or two longer in reference to a single point on the matter before the House. I have already stated on this floor that there is no Department of the Government so extravagantly conducted as the War Department. There is no Department of this Government where there is such a latitude of expenditure with such a meagerness of result; and the statement has not been contradicted, and cannot be.

But, aside from all general speculations, I have a single item to relate to this House which I think will interest, as it will certainly attract the attention of, every one here. It is quite well known by some, perhaps by all, that this experiment of transferring the Indians from the Interior to the War Department has already been made, and is now going forward on a limited scale. A little more than a year ago in the troubles down in the Indian Territory, as we know, it was thought necessary by the military, and wisely so I judge, to punish some of the Indians who were captured there by imprisonment, and these Indians have been taken to Fort Marion in Florida, where they now, to the number of sixty-seven, are in prison. They have thus been borne away to the War Department. The transfer has been made respecting these Indians. Now it is quite worth while in a matter of this importance to take advantage of such an experiment. Let us see what the result of the experiment has been. The experiment has been complete. The transfer has been entire. There are no superintendents, no missionaries here. These Indians are entirely in the hands of the military. Now what is the actual result?

Mr. RANDALL. Mr. Chairman, I insist that the gentleman from Massachusetts shall confine himself to the point of order.

Mr. SEELYE. I am speaking to the point of order. I am showing that this is not a retrenchment of expenditure. I propose to show that this is not in the line of retrenchment, but in the line of increased expenditure.

Mr. Chairman, the War Department does not propose to bear the cost of supporting these prisoners. It makes a requisition on the Interior Department for their support. And how much? I have the official documents here. The requisitions from the War Department for the support of these sixty-seven Indians transferred to the War Department are for $11,000 a year. There it is; not including anything of the expenditure of their prison, of their guards, of their military attendants—all that is provided for—but covering simply the expenditure for their food and their clothing. The estimate of the War Department and the requisition it makes upon the Interior Department is at the rate of $11,000 a year for sixty-seven Indians.

Mr. Chairman, we have been contending here over a proposed expenditure by the Interior Department of eleven cents a day for these Indians and have concluded that we could not grant it. This expenditure by the War Department in the case of these Indians thus transferred in Florida is at the rate of 100 per cent. more than the highest estimate ever made by the Interior Department, the highest estimate asked for by the Interior Department.

Mr. Chairman, I submit therefore that this is quite to the point before us. This section is not in the line of retrenchment. Indeed there is no more extravagant piece of folly which this Congress could adopt in its treatment of the Indians.

Mr. RANDALL. I shall not follow the gentleman from Massachusetts in the spirit in which he has enumerated my demerits. But there are one or two merits that he ascribes to me; the merit, to wit, of persistency, the merit of pertinacity, and the merit of consistency; and I am sorry that I cannot award to the gentleman those merits which he confesses I possess, for he reminds me very much of a man rowing a boat, who is constantly rowing one way and looking another. During the gentleman's service here, while he has talked and made a parade about economy, I have seldom found him voting for anything that was an absolute economy. I have not observed him support anything that has been proposed in the line of economy, so far as I have observed on a standing-up vote, whether it was a matter of retrenchment or not. Now, sir, I have shown to the gentleman from Massachusetts, and to this committee, and to the chairman of the committee, that this section absolutely takes out of the expenditure of the Government $300,000 upon the face of it; I believe that ultimately it takes out approaching a million of dollars. I, as a business man, can see that by the arithmetic I learned when I was a boy; and I have never known that that fundamental principle of arithmetic that two and two make four was altered in colleges.

I now ask the decision of the Chair upon this proposition. I have consulted with the best authorities on both sides of the House as to this section being in order and coming within the rule. It has been prepared after being the subject of a good deal of consultation in the Committee on Appropriations, and no gentleman of that committee, so far as I know, seriously disputed that it was in order or that it did not escape all the objections of the Speaker.

This section also is in the line of what I believe to be the policy of this side of the House; it is in the line of retrenchment. Notwithstanding the gentlemen at the other end of the Capitol resist it, and declare to the country that what we have done we have not done understandingly, I can tell this House and the country that we have done it understandingly, and that what to-day they ascribe to partisanship was not partisanship. It was the voice of the people to which we sought to give expression in all these reductions. But to-day it has ceased to be partisanship, even if it ever was. I say here in my place, speaking upon information received from the Treasury Department, that these reductions have become to-day a necessity. The estimates of the receipts of this Government for the present fiscal year are deficient——

Mr. SEELYE. I believe the gentleman is discussing the point of order.

Mr. RANDALL. Deficient seventeen or twenty millions, and the Secretary of the Treasury tells you that it is not likely to be improved during the next six or twelve months. These are the results of the complete prostration of the agricultural, mechanical, and industrial interests of this country and of its commercial interests. That is what produces the deficiency, and I venture the opinion as a man somewhat familiar with the business of this country that in the next fiscal year the deficiency as compared with the estimates of this session as to the receipts of the Treasury will be from $35,000,000 to $40,000,000. I say to all comers, whether upon this floor or elsewhere, that you have got to reduce the expenditures of the Government for the next fiscal year to the extent that the Committee on Appropriations has determined it can be done without injury to the Government because of this deficit in your receipts. To-day you are not in accordance with a former law paying the sum actually pledged to the sinking fund at all. The money now assigned to the sinking fund is taken from moneys not coming into the Treasury for that purpose. The law as to the sinking fund is being satisfied by counting moneys brought into the Treasury in the shape of greenbacks under one of the sections of the resumption act.

Mr. KASSON. Will the gentleman yield to me at this late hour for a motion to rise, so that the chairman of the committee shall have time to consider the point of order?

Mr. RANDALL. I am glad that I have been provoked into this exposition of the condition of the finances of the country, and I defy contradiction as to the statements I have made. They came from republican authority, and you must admit that they are true, for here is the book that shows it.

Mr. KELLEY. Why not provide for the revival of business, and thereby replenish the Treasury of the country?

Mr. RANDALL. If my colleague can suggest a way, or any republican on that side of the House will suggest a way, I shall be glad to hear it.

Mr. KELLEY. It is to issue more gold-bearing bonds for the purchase of silver.

Mr. RANDALL. The trouble is the extravagance which prevails. Set the example to your fellow-citizens of economy here, and then you will be able to expect it from the individuals of the nation.

Mr. KELLEY. I am quite sure it can be done by issuing a few millions more of gold bonds for the purchase of silver.

Mr. RANDALL. Yes, that is one way to reach prosperity by recognizing the laws of the nation and dealing with them as honest business men.

Mr. FOSTER. Would not a revision of the tariff do it?

Mr. McCRARY. I rise to a point of order. My point of order is that neither of the gentlemen are speaking upon the point of order now before the Chair.

The CHAIRMAN. The point of order is well taken.

Mr. KASSON. I now ask the gentleman from Pennsylvania to make a motion that the committee rise. It is a very late hour, and it is Saturday evening.

Mr. RANDALL. I would like to have the decision on the point of order.

Mr. KASSON. I think the Chair ought to have at least until Monday to consider the question, as it is a very important one.

Mr. RANDALL. I want to say to the committee that I am compelled to be away on Monday, and if the bill goes over it should go over until Tuesday.

Mr. KASSON. It will not be possible to dispose of the bill this evening, for, in case the point of order is not sustained, there will be debate on the section itself.

Mr. RANDALL. If gentlemen on the other side will consent that the debate shall be cut off on the point of order, I will agree that the committee rise.

Mr. KASSON. I will not ask for further debate, although I should be very glad to answer some of the very general statements of the gentleman from Pennsylvania.

Mr. RANDALL. If the gentleman thinks it desirable to answer my statements on the figures which I have given, of course at any time I will afford him that opportunity.

Mr. WILSON, of Iowa. I desire to say a few words, and but a few, but if the committee desire to rise I will not detain them.

Mr. RANDALL. How much time does the gentleman want?

Mr. WILSON, of Iowa. None, if the committee desire to rise.

Mr. RANDALL. If the gentleman will indicate the time he wants I will grant him it, but I shall ask that at the close of his remarks all debate on the point of order shall cease.

Mr. KASSON. I hope that if it be continued, it will be under the five-minute rule.

The CHAIRMAN. Does the gentleman from Iowa desire more than five minutes?

Mr. WILSON, of Iowa. I do not. If it were in order to do so, I would like to remark, before speaking closely on the point of order, that the gentleman from Pennsylvania should have made some exception in his statement as to the general prostration, for the people of Iowa were never more prosperous than now; but that is not in order, and I cannot say it.

I understand that it is the wish of the committee to rise, and therefore I will not detain it.

Mr. RANDALL. I would like to reach the point of having some limitation placed on this debate, and am willing that the gentleman from Iowa shall have whatever time he desires, and that then the debate shall close.

Mr. WILSON, of Iowa. No more than five minutes.

The CHAIRMAN. The Chair desires to state to the committee that he would prefer to hear what remarks are to be made on the question of order before the committee rises, in order that before the next sitting of the committee he may consider the question.

Mr. WILSON, of Iowa. This point of order came before the committee before in almost the same shape as we have it now with a few exceptions to which I will call your attention, Mr. Chairman. The main difficulty in the mind of the Speaker of the House when he ruled on this question when the same proposition was offered on the legislative appropriation bill was that it did not go far enough and did not make appropriation for the whole Indian service.

The section of the bill now under consideration does make provision for all the purposes of the Indian Bureau. Furthermore, it abolishes many officers now drawing pay in that Bureau, and assigns their duties to officers who draw pay regularly in another department of the Government, in the Army.

In considering whether a provision of this kind is in order under the rule adopted by the House at this session, we do not need to consider the abstract question whether in all its bearings it will be best for the country, whether it will be the best legislation we can pass; for that I do not myself believe. The question is whether this section comes under the law and scope of the rule which we have adopted. It is true that double duties are assigned by this section to the officers of the Army, and those duties may not be performed as well perhaps as if we retained the officers of the Indian Bureau and permitted the officers of the Army to attend to those duties only which are now assigned them.

The question for us to determine is whether this section retrenches expenditure. I believe that it does. The office of Commissioner of Indian Affairs is abolished, and his duties are assigned to an officer of the Army. All the Indian superintendents are abolished, and their duties are assigned to officers of the Army. All the Indian agents, the special agents, interpreters, &c., are abolished, and their duties assigned to officers of the Army. Now it will not do to consider whether the present officers of the Army can sufficiently perform all the duties now devolving upon them and also these new duties. The question is whether, if we pass this section, it will retrench expenditures.

It seems to be difficult for gentlemen who speak upon this question to disassociate the effects of the proposed legislation from the scope of the rule itself. I have no difficulty at all upon that point. I believe this section to be in order. I have no doubt at all that it is not only germane to the bill, but that it does tend as well to retrench expenditures. The wisdom of the adoption of this section depends upon the House itself; the question whether the House shall have an opportunity to vote upon it depends, Mr. Chairman, upon you. I have already twice remarked, in speaking upon this rule, that where there is any ambiguity, any doubt in the mind of the Chair whether a deliberative body should have the opportunity to vote upon a proposition, that deliberative body should have the benefit of the doubt. I believe that is so in this case.

The difficulty is presented that if we adopt this section we must increase expenditures under the Army bill. That has not been our history. The gentleman from Ohio [Mr. BANNING] has brought in a bill very materially reducing the Army. Therefore, the question whether the total amount to be paid for the Indian Bureau and the Army combined will be greater or less, is a question which, Mr. Chairman, I think you have to consider in passing upon this point of order.

Mr. PHILLIPS, of Kansas. A word or two upon the point of order. Members of this House are very well aware that a bill for the very same purpose as this section contemplates has been introduced into and passed by this House. They are equally well aware that it is very doubtful if that bill will receive the sanction of the other branch of Congress or of the Executive. This is an attempt in an appropriation bill to force certain legislation, and, in my opinion, will tend to hinder legislation. It is an attempt to accomplish by indirection what it is supposed cannot be accomplished in a direct manner.

It introduces legislation into an appropriation bill for the expenditures of the Indian Department, proposing to change our whole system of Indian affairs. It is an attempt to incorporate in an appropriation bill the substance of another bill which is pending in the Senate and which will probably not become a law. I think the point of order raised by the gentleman from Iowa [Mr. MCCRARY] lies against this section. I think if it is adopted by the House it will only hinder legislation and keep us here for two or three weeks longer than we otherwise would be, by attempting to force through in an appropriation bill a measure which cannot be passed through Congress upon its own merits. I think the point of order is well taken against this section.

Mr. RANDALL. Do I understand that all debate upon this point of order is now closed?

The CHAIRMAN. The Chair so understands.

Mr. RANDALL. Then I move that the committee rise.

The CHAIRMAN. The Chair desires to state that it is entirely in accordance with his wishes that this point of order should not be decided until the committee again resumes the consideration of this bill. It is a question of great importance.

Mr. RANDALL. To the tax-payers it is.

The CHAIRMAN. And therefore the Chair desires that the decision may be postponed for the present.

The question was then taken upon the motion of Mr. RANDALL, and it was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 3477) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

ALASKA SEAL FISHERY.

Mr. WOOD, of New York, from the Committee of Ways and Means, to which had been referred a resolution of the House directing an investigation into certain matters relating to a lease made between the United States and the Alaska Commercial Company of the right to kill fur-seals on the islands of Saint George and Saint Paul, in Alaska, submitted a report; which was ordered to be printed and recommitted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 590) providing for an arrangement with the Sioux Nation in regard to a portion of their reservation, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, County of Allegheny and State of Pennsylvania, to close the channel of the Ohio River, on the south side of Neville Island, by the construction of an embankment or causeway from the head of said island to the southern shore of said river;

An act (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois;

An act (H. R. No. 42) granting a pension to Francis Bernard;

An act (H. R. No. 2291) granting a pension to John H. Garrison;

An act (H. R. No 1992) granting an additional pension to Mary P. Abeel;

An act (H. R. No. 2306) granting a pension to John McIntire; and

An act (H. R. No. 2447) transferring the custody of certain Indian trust funds.

AMENDMENT OF RULES—REPORTS ON CURRENCY.

Mr. RANDALL. I am instructed by the Committee on the Rules, who have acted under the instructions of the House as given on Mon-

day last, to submit a report, proposing to add to Rule 74 the following words:

And on any question referred to them by the House in relation to the currency the said committee may, during the present session, report at any time.

On the adoption of this report I move the previous question.

Mr. KELLEY. I object to the consideration of the report at this time.

Mr. RANDALL. The gentleman has not the right to object. I have moved the previous question.

Mr. HOLMAN. The report is in order, of course.

The SPEAKER *pro tempore*. The gentleman has a right to make the report; and he calls the previous question.

Mr. TOWNSEND, of New York. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 36, noes 66; no quorum voting.

Tellers were ordered; and Mr. KELLEY and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 29, noes 47.

Mr. RANDALL. I would like to make a suggestion. Let the previous question be sustained on this report, and then let it go over as unfinished business.

Mr. KELLEY. I object.

Mr. TOWNSEND, of New York. I shall have to insist on my motion to adjourn.

Mr. WILSON, of Iowa. A proposition to amend the rules requires one day's notice, at any rate.

Mr. KELLEY. No change in the rules ought to be made by less than one-third of the House.

Mr. RANDALL. It is the duty of the other two-thirds to stay here.

Mr. KELLEY. But they have not staid; and I am doing duty for them.

Mr. HOLMAN. I rise to a parliamentary inquiry. This being a question of high privilege, will it not come up at any rate as unfinished business immediately upon the next meeting of the House?

The SPEAKER *pro tempore*. The Chair would be inclined to so decide at present.

Mr. RANDALL. Then it will come up immediately after the reading of the Journal on Monday. I move that the House adjourn.

Mr. TOWNSEND, of New York. That motion is pending.

Mr. KELLEY. I think it will be time enough for the Chair to decide the question when it comes up.

The SPEAKER *pro tempore*. The Chair would not like to decide the question till it properly comes up.

Mr. KELLEY. The unfinished business before the House, as I understand, is on the question of adjournment.

The question being again taken on the motion to adjourn, it was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of citizens of Iowa, for an investigation of the acts of Congress, the rulings of the Interior Department, and the decisions of the Supreme Court concerning the Des Moines River lands, to the Committee on Public Lands.

By Mr. EDEN: The petition of Isabella J. Brown, of Greenup, Illinois, for a pension, to the Committee on Invalid Pensions.

By Mr. JENKS: Memorial of soldiers of the Black Hawk, Seminole, Creek, Comanche, and Sioux Indian wars, citizens of Montgomery County, Ohio, for pensions, to the same committee.

By Mr. LUTTRELL: The petition of E. D. Perkins, and other citizens of Yolo County, California, for a post-route from Woodland to Lower Lake, California, to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: Resolutions of the Board of Trade of Philadelphia, against the reduction of the working force in the Patent Office, to the Committee on Appropriations.

By Mr. PAYNE: The petition of Everett, Weddell & Co., and 164 others, bankers, merchants, and manufacturers, of Cleveland, Ohio, for the repeal of so much of the resumption act as provides for the payment of United States legal-tender notes in coin upon the 1st of January, 1879, and so much of said act as authorizes the Secretary of the Treasury to sell bonds of the United States for the purpose of enabling him to redeem such legal-tender notes, to the Committee on Banking and Currency.

Also, five petitions signed by George Mygatt and 410 other prominent and representative business men of Cleveland, Ohio, of similar import, to the same committee.

By Mr. WILLIAMS, of Indiana: The petition of Martin Weiss, for compensation for the use of his horse by the United States Army during the late war, to the Committee on War Claims.

By Mr. WILLIS: The petition of Right Reverend Horatio Potter, bishop of New York, Governor John A. Dix, John A. Stewart, Samuel D. Babcock, and about 100 others, to so amend section 2505, schedule M, title 33, Revised Statutes of the United States, as to remove discriminations against religious societies, to the Committee of Ways and Means.

IN SENATE.

MONDAY, *June* 5, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a note from the British minister resident at Washington, received from the Secretary of State, relative to certain defects alleged to exist in the laws of the United States respecting the shipment of dangerous goods on board different classes of vessels; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BOOTH presented a memorial of the shipping commissioner of San Francisco, California, remonstrating against the passage of the amendments to the shipping act of 1872, as proposed in House bill No. 654, introduced by Mr. WARD; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of citizens of Ohio, praying the passage of a law allowing a pension to Andrew Evarts, late a private in Company B, Fourth Regiment Ohio Volunteers; which was referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of James Sweet, John H. Tomlin, and other citizens of Nebraska City, Nebraska, praying the passage of a law authorizing the Secretary of War to detail an officer of the Engineer Corps of the Army to examine and report upon the feasibility of changing the channel of the Missouri River near that place in order to protect the port of Nebraska City; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a memorial of the Chamber of Commerce of Saint Paul, Minnesota, praying an appropriation to continue the improvement of the Upper Mississippi River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery, reported it without amendment, the committee adopting the report of the House committee.

He also, from the same committee, to whom was referred the petition of Captain Cherrie M. Levy, praying compensation and allowances as assistant quartermaster for two years, during which time he alleges he remained unassigned to duty by the proper officer of the Government, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred a letter of the Secretary of War, in relation to the disposition of tolls collected from the bridge across the North Platte River, at or near Fort Laramie, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Sarah Porter, widow of Frank W. Porter, late a private in Company A, Fifth Regiment Michigan Cavalry, praying for the removal of the charge of desertion from his Army record, to the end that she may obtain a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred a letter of the Secretary of War, transmitting the petition of Benjamin C. Card, praying that the date of his commission as major and quartermaster in the United States Army be corrected, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of George Whittaker, late private in Company C, Twelfth Regiment New York Volunteers, praying for the removal from his Army record of that portion of the sentence of a court-martial pronounced against him relating to "back pay and dishonorable discharge," submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation, in the State of Nebraska, reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 683) for the relief of the officers and privates of the Fourth Arkansas Cavalry Volunteers, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 889) to amend section 1212 of the Revised Statutes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 119) authorizing the Secretary of War to loan to the authorities of Steubenville, Ohio, two pieces of artillery, to be used in celebrating July 4, 1876, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement A. Finley, retired, reported it without amendment.

Mr. NORWOOD. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 732) for the relief of Mrs. Catherine Thrush and William B. Stone, owners of the schooner Flight, have had the same under consideration and instruct me to report a substitute in lieu of the House bill, authorizing them to go to the Court of Claims.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 739) to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting coin, reported it with amendments.

Mr. WHYTE. I desire to state, as a member of the committee, that at the proper time I shall oppose the substitute and favor the House bill.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

SARAH WILSON.

Mr. STEVENSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson, to report it back without amendment and recommend its passage, and I ask for its present consideration. It will only take a minute.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It releases to Sarah Wilson, her heirs and assigns, whatever title the United States may have in a tract of land, of about one hundred acres, in Braxton County, West Virginia, which was conveyed by George Wilson to Levi Woodbury, Secretary of the Treasury of the United States, by George Wilson by deed dated September 10, 1836.

Mr. SARGENT. There ought to be an explanation of the bill.

Mr. STEVENSON. It is a very simple proposition. About thirty years ago a man named Wilson, on a *capias ad satisfaciendum* execution against him as security, under the requirements of an act of Congress, surrendered all his property to Levi Woodbury, Secretary of the Treasury, including a tract of land of one hundred acres in Braxton County, West Virginia. The deed was made and he was discharged. Before this act the land had been sold for taxes and bought in by another party. There are two old widows claiming under the tax-title. As the United States did not acquire any title, under the circumstances the Judiciary Committee agreed with the House that it is well enough to release it, so as to clear the title of these old ladies from any incumbrance of the United States.

Mr. SARGENT. Have the United States ever put the land to any use?

Mr. STEVENSON. They have not, and have no claim to it, really.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 897) granting a pension to Andrew Evarts; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 898) granting a pension to William Criddle, minor child of William Criddle, late of Company B, Fifth Regiment New York Cavalry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 899) establishing a mail-route in the State of Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 900) making an appropriation for the completion of the post-office and custom-house building at Parkersburgh, in the State of West Virginia; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 901) authorizing the Secretary of War to detail an officer of the Engineer Corps of the Army to examine and report upon the feasibility of changing the channel of the Missouri River at Nebraska City, Nebraska, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 902) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers in the case of John A. Tardy, late major United States Army, be taken from the files of the Senate.

AMENDMENT TO APPROPRIATION BILL.

Mr. CLAYTON, from the Committee on Military Affairs, reported an amendment to be proposed to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The PRESIDENT *pro tempore*. The amendment will be printed, and referred to the Committee on Appropriations.

Mr. CLAYTON. Let it be printed and lie on the table.

The PRESIDENT *pro tempore*. The rule requires that it shall be referred.

Mr. CLAYTON. Very well.

FUND OF MIAMI INDIANS.

Mr. INGALLS. If there be no further morning business, I move that the Senate proceed to the consideration of the bill (S. No. 619) to carry out in part the provisions of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $35,539.62 to be paid to the thirty-four persons who, under the provisions of the third section of the act referred to, elected to and did become citizens of the United States, the same being their proportion of the assets of the tribe at the date of that act; and also the further sum of $23,878.67 to be paid to the Kaskaskia, Peoria, Piankeshaw, and Wea confederated bands for lands sold to the Indian division of the Miamies under the approved contract of January 15, 1872, as per the sixth section of the act; which two sums, making a total of $59,418.79, are to be taken from the tribal assets of the Miami Indians now in the hands of the Government. But until the respective funds of Miami and Kaskaskia, &c., Indians are in condition to enable the Secretary of the Interior to make the equitable consolidation contemplated by the act of the 3d of March, 1863, he shall continue to pay to each the annuities derived from their respective funds. It shall also be the duty of the Secretary to pay to the citizen Miamies their just proportion of the proceeds of all lands sold or which may hereafter be sold under the act of 3d of March, 1873, or which may be derived by the Miami tribe from any other source belonging of right to the Miami Indians prior to the abolition of their tribal relations.

The bill was reported from the Committee on Indian Affairs with amendments, in lines 21 and 22, to strike out the words "and so forth" and insert "Peoria, Piankeshaw, and Wea;" and in line 25, to strike out "sixty" and insert "seventy" before "three;" so as to read:

Provided, That until the respective funds of said Miami, and said Kaskaskia, Peoria, Piankeshaw, and Wea Indians are in condition to enable the Secretary of the Interior to make the equitable consolidation contemplated by the act of the 3d of March, 1873, aforesaid, he shall continue to pay to each the annuities derived from their respective funds.

Mr. DAVIS. This is a bill of some importance, apparently, and involves a considerable amount of appropriation. I ask if there is a report accompanying it?

Mr. INGALLS. If the Senator will excuse me, there is a report accompanying the bill. While it seems to be in form an appropriation bill, it merely provides for the distribution of the assets of the Indians between those who have citizenized and those who have retained their tribal relations. The bill has to be in the form of an appropriation because this is money in the Treasury belonging to the Indians. It expressly provides that the moneys appropriated shall be taken from the tribal assets of the Miami Indians, now in the hands of the Government. The bill is recommended from the Department of the Interior and has received the approbation of the Committee on Indian Affairs.

Mr. DAVIS. Is the recommendation from the Department of the Interior here?

Mr. INGALLS. Yes, sir.

Mr. DAVIS. Let it be read.

Mr. INGALLS. It is quite a long document.

Mr. DAVIS. Let merely that part be read in which the Secretary recommends that the appropriation be made.

Mr. INGALLS. As the report is somewhat long, and I suppose all the Senator desires to have read is that which refers specifically to the matter under consideration, I will read only that portion of it which refers to the bill.

Mr. DAVIS. I am aware that there are a great many supposed treaties that exist with the Indians. Some of them I have no doubt ought to be carried out, but there are others that ought not to be car-

ried out. There are treaties with the Indians which if carried out instead of the Indians getting the money some one else probably would get nine-tenths of it, perhaps all of it. I should want to be pretty well convinced, in the first place, that this amount of money is due to the Indians from the Government; secondly, that it is going to the parties for whom it is intended; and, thirdly, that it has been carefully examined both by the Department and the committee, and that each of them recommend it. I would thank the Senator to relieve my mind of these difficulties, if he can do so.

Mr. INGALLS. The Senator from West Virginia is right in saying that these matters should receive special scrutiny. I would say to him that this bill is not to carry out the provisions of a treaty, but to carry out the provisions of a previous law, passed in 1873, which, owing to an omission, rendered a compliance with its terms impossible. The Commissioner of Indian Affairs says:

The thirty-four Miamies who have become citizens of the United States have complied with all the requirements of the third section of the act named, are much in need of their proportion of the tribal assets, and are justly entitled to the same.

I therefore transmit herewith an estimate of appropriation required to pay the said thirty-four persons their share of the tribal assets of the Miami Indians, and to pay the confederated Kaskaskias, &c., for lands sold to the seventy-two Miamies who have united with them; and respectfully recommend that the same be laid before Congress for the favorable action of that body.

For the information of the Department I append hereto a statement of funds belonging to the Miamies of Kansas.

And here follow the various items.

Mr. DAVIS. When is that communication dated?

Mr. INGALLS. It is dated on the 24th of January, 1876, and was accompanied by the *projet* of a bill which was referred to the Committee on Indian Affairs and by them reported favorably.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments of the committee.

Mr. INGALLS. Those are merely formal.

The amendments were agreed to.

Mr. EDMUNDS. I should like to ask the Senator who has this bill in charge what is the meaning of the two last clauses in the bill? The first part of the bill provides for the payment out individually to these two tribes of certain moneys which they are supposed to be entitled to already, if I understand it.

Mr. INGALLS. Yes, sir.

Mr. EDMUNDS. That looks to the past merely. Then it provides:

That until the respective funds of said Miami, and said Kaskaskia, Peoria, Piankeshaw, and Wea Indians are in condition to enable the Secretary of the Interior to make the equitable consolidation contemplated by the act of the 3d of March, 1873, aforesaid, he shall continue to pay to each the annuities derived from their respective funds.

What is that "equitable consolidation," may I ask the Senator from Kansas?

Mr. INGALLS. There was an agreement entered into on the 15th of January, 1872, between the Miami Indians, then residing in Kansas upon a reservation, and the confederated Peorias, Kaskaskias, Piankeshaws, and Weas, by which the latter agreed to convey to such of the Miamies as would unite with them a *pro rata* share of the lands held by them under the provisions of a previous treaty, made, I think, in 1867, and in accordance with which the Miamies agreed to pay from their tribal fund a *pro rata* share of the cost of the acquisition of the territory held by the Kaskaskias. The act to which the Senator refers, approved March 3, 1873, ratified that agreement, and gave, or intended to give, the Secretary of the Interior full authority to carry out the provisions of the agreement between these two tribes of Indians, but failed to do so in consequence of some neglect or omission in its provisions. This bill is simply to remedy, as far as possible, those defects which would render it impossible for the Secretary to comply with the provisions of the arrangement made between these two tribes which had previously received the sanction of Congress. Of the tribe of Miamies but thirty-four had elected to become citizens, and they of course were entitled to their *pro rata* share of the funds of the tribe, leaving the balance to be held by the Miamies as a nation or as a tribe in their tribal capacity. Of course, the portion that is not paid over to the thirty-four who have concluded to become citizens would still remain subject to the disposition of the Secretary of the Interior, to be applied in the usual way, but the statute provides that the remainder of the Miami tribe can become citizenized, and whenever they do so, they will be entitled to withdraw their proportionate share of the tribal assets and funds.

Mr. EDMUNDS. Where are these Indians located?

Mr. INGALLS. In the Indian Territory. Those who have become citizenized are residing in Kansas, in the county of Miami.

Mr. EDMUNDS. Why should the United States continue to pay to each of these tribes annuities after a portion of this money has been paid out?

Mr. INGALLS. Simply because the annuities are due to all those who have not citizenized; it does not affect those who continue in their tribal relations. They are still entitled to annuities; they are still entitled to the general provisions of the agreements that have heretofore been made.

Mr. EDMUNDS. The Senator understands this to mean, then, simply that the income of the balance that is left after paying this fifty-odd thousand dollars is to continue to be paid to the Indians?

Mr. INGALLS. That is all. There is no provision for any appropriation out of the Treasury to pay these different sums.

Mr. EDMUNDS. As far as I am concerned on this examination, I shall have to take it, as I ought to do, on the inspection of the Committee on Indian Affairs and my friend from Kansas. The act of 1873 is so long and complicated that without careful study nobody can understand it.

Mr. INGALLS. We have given the matter careful attention. I think the bill is entirely right.

Mr. EDMUNDS. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that he was directed to inform the Senate that the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, having reported to the House that they were unable to agree, it was

Ordered, That the managers of said conference be discharged from the further consideration of the same.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen; and

A bill (H. R. No. 3636) to remove the political disabilities of Richard S. Kinney and William R. Jones.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 42) granting a pension to Francis Bernard;

A bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois;

A bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, County of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river;

A bill (H. R. No. 1922) granting an additional pension to Mary P. Abeel;

A bill (H. R. No. 2291) granting a pension to John H. Garrison;

A bill (H. R. No. 2306) granting a pension to John McIntire;

A bill (H. R. No. 2447) transferring the custody of certain Indian trust funds; and

A joint resolution (H. R. No. 115) granting the use of artillery, blankets, &c., at the national soldiers' reunion at Caldwell, Ohio.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 1594, entitled "An act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes," having met, after full and free conference, have been unable to agree.

A. A. SARGENT,
F. T. FRELINGHUYSEN,
R. E. WITHERS,
Managers on the part of the Senate.

O. R. SINGLETON,
SAMUEL J. RANDALL,
HENRY WALDRON,
Managers on the part of the House.

Mr. SARGENT. I move that the Senate further insist upon its amendments and ask for a further conference.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. HOWE, and Mr. BOGY.

COMMON UNIT OF MONEY AND ACCOUNTS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution.

The Committee on Finance reported the concurrent resolution with amendments.

The first amendment was in line 5, to strike out the words "following basis, namely," and insert "general basis herein stated, but subject to such modifications as may be agreed upon between the contracting parties."

The amendment was agreed to.

The next amendment was after the words "legal tender," in the fifth line of the fourth clause, to strike out the words "or circulate as money," and to add as a fifth paragraph the following:

5. The action of the convention shall take effect when approved by the respective parties thereto, and when laws shall have been passed by the respective countries to carry it into effect.

The amendment was agreed to.

The resolution, as amended, reads:

Concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland.

Whereas the magnitude of the transactions in commerce and the intimate social relations between the people of the United States and of Great Britain and Ireland combine to recommend the importance of uniformity in the gold coins and moneys of account of the respective countries; and whereas, in existing circumstances, a change in the standard of the gold coins of the United States could be introduced without serious inconvenience, and the United States are willing to make such change, to the end of securing such uniformity: Therefore,

Resolved by the Senate, (the House of Representatives concurring.) That the President be requested to propose a convention between the United States and her Majesty the Queen of Great Britain and Ireland, having for its object to secure uniformity in the coins and moneys of account of the respective countries on the general basis herein stated, but subject to such modifications as may be agreed upon between the contracting parties:

1. The money of account in each country shall be the dollar, which shall be represented by a coin formed of standard gold, whereof the pure metal shall be nine-tenths parts and the alloy one-tenth part, which alloy shall be of copper, or of copper and silver, the silver not to exceed one-tenth of the alloy. The weight of the dollar of such standard gold shall be twenty-five grains and one-ninth of a grain troy, and shall contain twenty-two grains and sixth-tenths of a grain troy in pure gold. Gold coins of two and one-half, five, ten, and twenty dollars, proportioned in in weight, may also be issued, of like standard; and the convention shall provide what variations may be allowed from the exact standard of weight and fineness for such gold coins.

2. Subsidiary coins of silver, copper, or alloys of base metal may be issued within each country, of such standard and weight as may be provided by their respective laws, and representing cents or hundredths parts of a dollar, and other convenient decimal subdivisions thereof.

3. All accounts, representing transactions to be settled in coin, shall be kept in dollars and cents, or fractional parts of a cent. Sterling money shall be converted into dollar money by computing the pound sterling as equivalent to five dollars, the shilling to twenty-five cents, the sixpence to twelve and one-half cents, the penny to two cents, and the farthing to one-half cent.

4. All such gold coins conformed to standard, within the allowed limits of variation, shall be a legal tender within each country for debts and obligations payable in gold coin, excepting such as may have been incurred within the United States payable in gold coins of a former standard. The coins subsidiary to the dollar shall not be a legal tender beyond the limits of the country within which they are issued.

5. The action of the convention shall take effect when approved by the respective parties thereto, and when laws shall have been passed by the respective countries to carry it into effect.

Mr. MORRILL, of Vermont. Mr. President, this is rather too important a measure to pass without a discussion that shall let the Senate know precisely what is pending. It seems to me that it is altogether too important a measure to be passed in the morning hour. As I understand it, it proposes a negotiation to make the dollar a unit, and to reduce the value of the dollar at least 3 per cent. in order to get it upon a level with the currency of Great Britain. I do not know but that that may be wise, but it seems to me that it will hereafter make necessary some very important changes in our laws in relation to our currency and legal-tenders. While this resolution of course does not do anything more than authorize a negotiation, the result of which may be accepted or rejected hereafter, at the same time I think it is of sufficient importance to command the attention of the Senate long enough to enable them to understand precisely what is intended.

Mr. SHERMAN. Mr. President, if the Senator from Vermont or any other Senator desires delay on this resolution, I certainly shall not ask action this morning; but there is no proposition before us that has been more carefully considered and more fully matured. It was introduced at the beginning of the present session; it is recommended by the Treasury Department; and the report on which it is based was prepared by the officers of the Mint and after full correspondence not only with officers in this country but in other countries, especially in England. It is based upon a printed report which is upon your files; it was considered by the Committee on Finance, and reported back on the 25th of April, 1876. The entire scope of it is to invite a negotiation with Great Britain to so change our dollar that our dollar will be one-fifth of a pound sterling, and that England will adopt our dollar as the common unit of account between this country and Great Britain. That is all there is of it.

It necessarily involves a change somewhat of the coinage of England, because they would have to alter the fineness of their coin from eleven-twelfths to nine-tenths, the alloy in their coin being one-twelfth instead of one-tenth as in ours, and we should have somewhat to reduce the value of our coin. As a matter of course this will only take effect first after negotiation, and then after laws have been passed by each country to carry it into effect. So it cannot take effect for two or three or four years. First there must be negotiation, and then Congress must act upon it hereafter; and then the Parliament of Great Britain must act on it. So, after all, this is only the opening of a negotiation that, if successful—of which I have some doubt, because I do not know whether Great Britain will assent to it or not—will make one of the most important progresses on this subject probably in the modern history of nations. That is, it will assimilate the coins of America and Great Britain, so that they will be convertible one into the other, so that $5 will be one pound; and then the assimilation that has already been brought about between the coins of France and the coins of Great Britain is now so near that a very slight change in the French coin—the basis of the treaty between what are called the Latin powers—would make the coins of all commercial nations easily interchangeable one with the other, so that five francs would be $1, and $5 one pound.

Mr. HOWE. How do you propose to make that assimilation? By increasing the value of the dollar or reducing the value of the pound?

Mr. SHERMAN. We take the pound, and one-fifth of the pound will make a dollar. They change their alloy so as to adopt our alloy, the metrical system of alloy, nine-tenths fine, one-tenth alloy. They will have to change somewhat their coin, and we shall have to change ours.

Mr. HOWE. Shall we have to increase the value of our coin?

Mr. SHERMAN. No; reduce it. The Senate will see that the present pound sterling is $4.86 $\frac{6}{10}$, and $5 would be the new basis. But, after all, I wish simply to say that this is a resolution inviting negotiation; and if it results in what we hope it may result in, success, as a matter of course it will be a great progress in promoting the commerce between not only these two nations, but all nations. If it fails, we are no worse off. So the Committee on Finance directed me to make this report. However, if any Senator wishes to examine into it and will look into the reasons, let me say that there is a printed document here; and if the resolution goes over to-day, I call the attention of Senators to it so that there may be no delay when I call it up again. There is a printed document, Miscellaneous Document No. 39, that gives fully the reasons for adopting this proposition. If anybody wants to study it, or if my friend from Vermont wants to study it, I have no objection to its going over.

Mr. MORRILL, of Vermont. I only desire to suggest that this is so important a subject that it ought to receive a full discussion, so that the Senate may fully understand it. My only willingness to have it acted on at all results from a belief that Great Britain never will consent to any treaty of the sort; but at the same time I can conceive that if it is to be acted upon, it will make necessary a considerable change in all of our laws in regard to legal-tender and the currency. Besides, this proposes to act by means of a treaty; and then when the result comes before us in the form of a treaty, it will be claimed that the House of Representatives are bound to act, whether they are in favor of the treaty or not.

Mr. SHERMAN. My friend knows very well that we put another clause on the resolution for the very purpose of obviating that difficulty, the Committee on Finance amending it by adding:

The action of the convention shall take effect when approved by the respective parties thereto, and when laws shall have been passed by the respective countries to carry it into effect.

Mr. MORRILL, of Vermont. I know that that was put in, and it was put into the Hawaiian treaty in the same manner; and yet when that treaty came before the other House it was argued that the House was bound to carry it into effect.

Now, I cannot say that I have examined this subject enough to discuss it as it ought to be discussed, but I am very clear that it is a measure which ought not to be passed in the morning hour. There ought to be sufficient time taken so that all Senators may fully understand it.

Mr. SHERMAN. As to passing it in the morning hour, it is obvious that a measure of this kind can only pass in the morning hour. I have no objection to letting it go over, because the attention of the Senate has now been called to it, and I am sure every Senator, when he has examined it, will be satisfied. Let it go over, and I will call it up at the first morning hour when there is leisure. There is no time to pass resolutions of this kind except in the morning hour. If the Senator wishes it to go over, I shall let it go over now.

Mr. MORRILL, of Vermont. Let it go over now.

Mr. SHERMAN. Let it be postponed, but I give notice that I will call it up at an early day, when the Senate shall be somewhat at leisure.

The PRESIDENT *pro tempore*. The resolution will be postponed.

CHARLES B. PHILLIPS.

Mr. MITCHELL. I move that the Senate proceed to the consideration of Senate bill No. 720.

The motion was agreed to; and the bill (S. No. 720) for the relief of Charles B. Phillips was read the second time, and considered as in Committee of the Whole. It provides for the payment to Charles B. Phillips of $1,000, in full satisfaction of his claim against the United States for one-half of the interest of D. G. Fowler in the wharf-boat D. G. Fowler, which, upon the information of Phillips, was, on the 2d of March, 1863, by a decree of the United States district court for the southern district of Illinois, declared to be forfeited to the United States under the act approved the 6th of August, 1861; but this is to be in full of all claim of Phillips by reason of the proceedings of forfeiture in such case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETERS & REED.

Mr. NORWOOD. I move to take up the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at Norfolk navy-yard in the year 1860, upon which I do not think there will be any controversy.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, by which the Secretary of the Navy is directed to cause to be paid to Peters & Reed the balances due them for labor done and material furnished at the Norfolk navy-yard in 1860, upon the contracts with them personally, and the balances due them as the attorneys in fact of the contractors, John E. McWilliams and F. W. Parmenter, in that navy-yard during the same

time, amounting in the aggregate to $15,170.89, as certified by the engineer in charge and approved by the commandant in June 1860.

Mr. BOUTWELL. Is there a report with that bill?

Mr. NORWOOD. There is a report.

Mr. BOUTWELL. Let it be read.

The Secretary read the following report, submitted by Mr. JOHN ROBBINS from the Committee on Naval Affairs of the House of Representatives on February 25, 1876:

The Committee on Naval Affairs, to whom was referred the petition for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860, have had the same under consideration, with the papers and vouchers in the case, and report:

That the Chief of the Bureau of Yards and Docks replied to a letter addressed to him by Hon. M. H. DUNNELL, a member of the Committee on Naval Affairs in the Forty-third Congress, as follows:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., February 9, 1874.

SIR: The Bureau has the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing certain papers, and asking information in reference to the claim of Peters & Reed, as attorney for F. W. Parmenter and John E. McWilliams, contractors for work at Norfolk navy-yard.

The remote period at which this claim originated, and the incompleteness of the record, caused by the destruction of the yard during the late war, have caused some delay in answering your inquiries. The records of this Bureau have been carefully examined, with the following results:

On the 1st of July, 1859, a contract was made by the Bureau with John E. McWilliams as principal, and A. M. H. Peters, Washington Reed, and Holt Wilson as sureties, all of Portsmouth, Virginia, for the work necessary to complete the masonry of the victualing establishment at the Norfolk navy-yard. The price to be paid was $10 per thousand for laying the bricks, to be paid to John E. McWilliams or his attorney.

On the 26th of August, 1859, a contract was made by the Bureau with F. W. Parmenter, of Troy, New York, as principal, and Sidney D. Roberts and Julius H. Kroehl, both of New York, as sureties, for the construction, erection, and completion of an iron roof to the said victualing establishment. The sum to be paid for this roof was $18,000, to be paid to F. W. Parmenter or his attorney.

In both cases Peters & Reed were recognized as the agents and attorneys of the contracting parties.

With regard to the payments made on McWilliams's contract, it appears from the records of the Bureau that bills to the amount of $13,308.25 were made and paid, except a reservation of $2,661.65, and subsequently one-half of this reservation, $1,330.83, was paid. There is no evidence on the files of the Bureau that the bills for $2,758.73, $2,266.63, or the reservation, $1,330.83, have ever been paid.

The aggregate amount of McWilliams's contract is not stated, the price being $10 per thousand for laying the bricks, while the number is not stated; nor is there any information in the Bureau by which it could be ascertained, as all the books and papers in the yard were destroyed when the navy-yard was burned.

The only payments on Parmenter's contract for the roof on record in the Bureau are one of $7,200 and one of $3,600, making $10,800, and leaving a balance of $7,200 to make the $18,000.

It also appears from the records of the Bureau that the bill of $777.99 and one of $175, both for extra work on the roof, were authorized by the Bureau to be paid but there is no evidence that either of these last three bills were paid.

The bill for $661.71, in favor of Peters & Reed, for bricks, is noticed on the books of the Bureau, but there is no evidence of it having been paid.

In February, 1860, the appropriation for this work was exhausted, and the contractors, through the commandant, applied for permission to go on and complete their work, and wait for payment until Congress should make appropriations to pay their bills. To this the Bureau interposed no objection, and the parties proceeded with the work and completed their contracts in a satisfactory manner.

In the annual report of 1860 the Bureau asked for an appropriation to pay outstanding liabilities on account of the victualing establishment and to complete the building; the appropriation was made on the 21st of February, 1861, for payment of liabilities and completing the building, but it was not available until the 1st of July, 1861, prior to which time the act of secession was passed, and the navy-yard at Norfolk was taken possession of by the insurgents in April, 1861, and the Navy Department ceased to have a disbursing officer at Norfolk.

The United States again came in possession of the yard in the latter part of May, 1862; the buildings in the yard had been destroyed by fire and the dry-dock disabled, and, under the emergency created by the exigencies of the war, it became necessary for the Department to avail itself of all the unexpended balances of appropriations to the credit of the Norfolk navy-yard; these balances are all condensed in one sum, and the money expended where needed without regard to former special allotment. The dry-dock was repaired and put in working order, and such buildings and wharves as were indispensably necessary to meet the demands of the service during a state of war were put in order; there, with other objects of most imperative necessity, were paid for out of this general fund.

The above is all the information this Bureau has on this subject. It has no knowledge of the payment of or the correctness of the copies of those bills. If any of them have been paid, it is probable that a reference to the books of the Fourth Auditor's Office would show it.

The papers are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

C. R. P. RODGERS.

Hon. MARK H. DUNNELL, of Minnesota,
House of Representatives, member of Committee on Claims.

On receipt of the above communication from the Navy Department, a letter was sent to the Fourth Auditor of the United States Treasury, to which the following reply was made:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
February 11, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday inclosing the papers in the claim of Peters & Reed, with a report thereon from the Bureau of Yards and Docks of the Navy Department. The papers and report are herewith respectfully returned.

An examination of the records of this Bureau shows the same result as the report above mentioned, namely: There has been paid on account of work and material on the victualling establishment at Norfolk the sum of $24,108.25 only; and the bills now presented, amounting to $15,170.89, do not appear to have been paid.

I am, very respectfully, &c.,

WM. B. MOORE,
Acting Auditor.

Hon. MARK H. DUNNELL,
House of Representatives, member Committee on Claims.

The amount found due and unpaid in the above communications, as well as the items therein given, exactly agrees with the sworn vouchers found among the papers in the case, and also exactly agrees with the amount named in the bill.

Your committee find that there was due from the Government to the claimant on the 1st day of January, 1861, on contracts made in 1859 and 1860, the sum of $15,170.89, and further find that this sum remains unpaid.

This indebtedness existed prior to the rebellion. While the claimants took no part in the rebellion and voted against the ordinance of secession, it is not claimed that they were free from sympathy in the rebellion; yet, as this claim had been recognized by the executive and legislative departments of the Government, and in view of the policy adopted by Congress in making payment of the claims of the census-takers of 1860, your committee recommend the payment of the claim. Your committee deem it the better policy to pay individual claims well sustained in fact and equity than pass a general law at the present time which shall admit a whole class irrespective of the merits of the several cases in the class.

Mr. BOUTWELL. I do not know whether it is worth while to object; but it seems to me that this report is defective in not showing the basis, especially in regard to the contract first mentioned, for the result urged in the bill. I do not see from the report how the Navy Department or the committee reached a conclusion that any certain sum was due to the contractor. That is my impression from hearing the report read.

Mr. NORWOOD. If the Senator will allow me, from the data, as shown there in the Bureau of Construction, they find the amount of the contract, they find the amount paid, they find the balance due, and they find that balance to correspond exactly with the bill rendered by Peters & Reed. I do not know how you can make out a plainer case.

Mr. BOUTWELL. The answer to that is that it is distinctly stated in the report that the contractors were to be paid $10 a thousand for laying brick; but they had no means of ascertaining how many were laid, and when the yard came into the possession of the Government again in 1862 the building was destroyed. I suppose that the contractors furnished the evidence, or at least they furnished their claim to the Department and they furnished a corresponding one to the committee; but there does not seem to have been any means of ascertaining whether something was due to them or not.

Mr. NORWOOD. The report refers to sworn vouchers.

Mr. BOUTWELL. But how were the vouchers made if there was no account in the Department previous to the war of the quantity of bricks laid? The building was destroyed when the Government came into the possession of the property. There certainly is no evidence as to the amount of work done.

Mr. NORWOOD. It is stated distinctly in the report that the sworn vouchers correspond with the records of the Bureau. How they got their information I do not know.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. NORWOOD. I ask for an extension of time.

Mr. BOUTWELL. I think that this bill had better go over. I do not know that I have any objection to it, but there does not seem to be a clear claim against the Government.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for the Department of the Interior, to increase the appropriation in line 1680 for compensation of Assistant Secretary from $3,150 to $3,500.

The amendment was agreed to.

The next amendment was in line 1681, to increase the appropriation for compensation of chief clerk from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1681 and 1682, to strike out the words "eight principal clerks, at $1,800 each," and in lieu thereof insert:

Ten clerks of class four, eight of whom may be paid $200 additional, if the Secretary of the Interior deem it necessary and proper.

The amendment was agreed to.

The next amendment was in line 1685, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class three.

The amendment was agreed to.

The next amendment was in line 1686, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class two.

The amendment was agreed to.

The next amendment was in line 1686, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class one, one of whom shall be the telegraph operator of the Department.

The amendment was agreed to.

The next amendment was in lines 1689 and 1690, to increase the total appropriation for the force in the office of the Secretary of the Interior from $58,530 to $69,780.

The amendment was agreed to.

The next amendment was in line 1693, to increase the appropriations for compensation of the secretary to sign patents for public lands from $1,350 to $1,500.

The amendment was agreed to.

The next amendment was in lines 1703 and 1704, to increase the ap-

propriation for expenses of packing and distributing official documents, including salary of superintendent, from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was to insert after line 1704—

For rent of buildings for use of the Pension Office and for the Bureau of Education, $10,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations, for a rent not exceeding that now paid for the Seaton House, he shall rent the same instead of the Seaton House.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to offer an amendment, to strike out the amendment just read and insert in lieu thereof the following:

For rental of the basement and five upper stories of the fire-proof building, and of heating the same, on the corner of Twelfth street and Pennsylvania avenue, if the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

For the expenses of removal of the office from the Seaton House, and expense of fitting up the rooms of the new office, $10,000.

Mr. HAMLIN. My attention has been called to this matter, I will state very frankly, by the owner of the Seaton House. The owner of the Seaton House informs me that he rented his present building to the Government for the term of four years, and there was a clause in that lease holding him to a continuation of the lease for a like term thereafter if the Government should elect to continue the occupation of it, and I think a clause in the lease for a still additional four years should the Government desire to avail itself of it. He affirms that he has been at very great expense in putting his building in its present condition. The first four years have expired, and I believe they are now in the first year of the second four; and having changed his house from a public house to accommodate the Government, it would involve a very large expense upon him to put it back again in its former condition. He thinks, therefore, in justice, the amendment which I send to the Chair should be adopted, which provides that he shall put his building into a fire-proof condition, and then that the Government shall continue to occupy it. I can only express my own opinion that if that amendment is adopted, it will save to the Government thousands of dollars, and give it equal accommodation and equal security.

The PRESIDING OFFICER. The amendment of the Senator from Maine [Mr. HAMLIN] will be read.

The CHIEF CLERK. The amendment is to strike out all after the word "provided," in line 1707, and insert:

That if the owners of the Seaton House shall refuse to make their building fire-proof, and the Secretary of the Interior can procure a fire-proof building of suitable accommodation, with privilege of occupying the same as long as it may be needed for the uses of the Pension Office, for a rent not exceeding that paid for the Seaton House, he shall rent the same instead of the Seaton House.

Mr. MORRILL, of Vermont. I should not like to do any injustice to any party whatever, but the public interests ought to be served before the interests of any private individual. The Committee on Public Buildings and Grounds have received a communication from the Secretary of the Interior and also from the Commissioner of Pensions, showing most conclusively that the papers and documents of the Pension Bureau, deposited now in the Seaton House, are inaccessible to the examiners and clerks of the Office, having to be placed in the basement, and whenever they are needed making it necessary for the clerks and examiners to go from top to bottom to obtain these papers; and then the whole building is deemed very unsafe in case of fire, unsafe to the papers and unsafe to the clerks. Three hundred or four hundred clerks in that building, it is represented, cannot possibly escape with their lives should a sudden fire break out in any part of the building.

Under these circumstances, by direction of the committees of the two Houses, an examination has been made throughout the city in order to ascertain whether a building, fire-proof and of sufficient extent, could be obtained for the accommodation of the Pension Bureau. One on the corner of Twelfth street and Pennsylvania avenue is now in the process of completion and may be ready by the 1st of August for the occupation of the Office. It can be obtained for a rental of $20,000, and for that rental it will be heated. With the amount of expenditure now paid out for other side buildings in addition to the Seaton House the rental is said by the Commissioner of Pensions to be as low as that now paid to the owner or proprietor of the Seaton House. I send to the Secretary's desk a communication from the Commissioner of Pensions to be read for the information of the Senate.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 29, 1876.

SIR: A few days after the date of my communication to you, setting forth briefly the exposed situation of the Pension Office, as regarded the safety of the papers, and documents, and also of the employés, in case of a fire, at your suggestion I sought an interview with the committees of the respective Houses of Congress to whom said communication had been referred after its transmission to Congress by you, in order to impress upon them the urgency of the necessity to remove the Office from its present location. I did not meet the committees in session, but saw the members of both the Senate and House committees having the matter in charge. These gentlemen were already pretty completely informed upon the subject. I found that after the reference of my communication upon the subject, and only the day previous to my visit to them, the gentlemen of the committee of the House of Representatives having the matter in charge had visited the Seaton House and made a personal examination.

The gentlemen of both committees at my interview requested me to make inquiries and report to them what building or buildings there were in the city available and fit to remove the Pension Office to, which I have accordingly done, making verbal report; but at the suggestion of Mr. WALSH, of the House committee, I reduce the substance of my report to writing, and if it meets your approval, you can forward it to him for the committees' use.

I am unable to find but one building in the city which is available and at the same time a desirable one in which to locate the Pension Office, and that is what is familiarly known as the "Shepherd building," at the corner of Twelfth street and Pennsylvania avenue.

This is a new building just approaching completion. It consists of six stories above the basement, substantially constructed of brick and iron, and fire-proof from roof to basement. It is to be heated by steam-pipes throughout; has an elevator which will run from the floor of the basement to the floor of the upper story. Each of the six floors above the basement lie in three large rooms, well lighted and ventilated, and which can be cut up into smaller rooms or left as they now are, as convenience may require.

The five upper stories with the basement have sufficient room to accommodate the entire Office.

All other buildings of which I have been able to hear are either not available, too small to accommodate the entire force, not fire-proof, or cut up into small rooms.

The Seaton House being not fire-proof, and cut up into small rooms, necessitates the keeping of the files upon the lower floor so far as that is possible, and necessitating by the separation of the "examiner from his papers great additional labor in various directions, while the small rooms render it impossible to properly oversee and operate the force of the Office.

The new Shepherd building being fire-proof, each examiner may have his cases on his desk before him and within an arm's length, thereby saving him much time in going for his cases, as he sometimes does, and much messenger service in carrying cases between the file-room and his desk. The rooms being large, the force will be continually under the eye of the chiefs of divisions and their assistants, and great economy would be found to result from such a situation over that which places from three to eight or ten persons in a room by themselves, with no responsible head and no person to take note whether the clerk is present or absent from his desk.

The basement and five upper stories of the new Shepherd building may be rented separately from the ground or street story, and may be as entirely shut off from any connection with such story as though they were in another building, and may be secured at a not unreasonable rental, not to exceed $20,000 per annum. If this building should be rented, it would be made ready for occupancy on or before August 1 next. In such case it will be necessary to provide a reasonable sum for removal of the Office and fitting up. This will probably cost not far from $10,000.

While the Government at the time of renting the Seaton House and subsequently until now undoubtedly did the only thing practicable in the way of accommodating the Pension Office, exposed and inconvenient as it was and is; but now that there is a safe place and a better one, it seems of the utmost importance to all concerned, for the welfare of the Government, the pensioners, and the safety of Government employés that it should be secured.

Very respectfully, your obedient servant,

J. A. BENTLEY, *Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

Mr. MORRILL, of Maine. Allow me a word. Mr. President, it will be seen that the Committee on Appropriations undertook to make some provision for a rent for the Pension Office. I desire simply to say that the committee were advised that some sum was necessary for rent, but were not particularly informed as to what; and it was represented by the Secretary of the Interior that some other than the present building was absolutely indispensable to the security of the public records; that they were very insecure where they were and very much exposed in that building; and to give jurisdiction of the question simply and present it to the Senate the committee reported this amendment on the best information they had, and then took the precaution to advise the chairman of the Committee on Public Buildings and Grounds, which has jurisdiction of this subject, to investigate it so as to be able to tell the Senate precisely what ought to be done. This amendment proposed by the Senator from Vermont, it seems, is the result of that proceeding.

The Committee on Appropriations had no specific information on the subject which would justify them in doing anything more than to make a proposition which should be perfected in the Senate, and then refer the subject over to the proper committee having jurisdiction of the question.

Mr. MORRILL, of Vermont. Mr. President, the proposition made by the Senator from Maine [Mr. HAMLIN] is to allow the proprietor of the Seaton House to make it fire-proof. I think that would be almost impossible. I suppose there are brick walls in the interior; but whether they are of sufficient thickness and depth to prevent the spread of fire, even if the roof was taken off and a fire-proof one put on, I think extremely doubtful; and then it is a very inconvenient building, it having been cut up into small rooms, and there are but two stairways leading from the bottom to the top; and therefore the means of escape from the building in case of fire are insufficient.

From all the information I have received on this subject from the Commissioner of Pensions, I am satisfied that this is as wise a proposition as can be made; that it will fully accommodate the Bureau; that they can conduct the business much better and with a less force at this new building than they can with the present accommodations. If there is any injustice upon the proprietor of the Seaton House in consequence of abandoning his building, that should be remedied; but I understand that the first contract made with the proprietor was for four years, and that subsequently a new contract was made by which the Government had a right to take it for a term of four years, or one year or two or three. I have not seen the contract; but that is my information, and I suppose it to be so.

Mr. HAMILTON. Mr. President, it is wonderful to my mind that the Government is not able to take care of itself, is not able to provide buildings for the use of the public offices and the archives of the Government, but that somebody is always coming forward here to propose some new plan, something to benefit the Government. There seem to be patriotic men who are spending their time and their money for the purpose of putting up buildings here for the public accommodation. I never heard a word about the danger of the archives of the Pension Office until about the time that Mr. Shepherd commenced

putting up this building at the corner of Twelth street and Pennsylvania avenue. I understood then that it was intended for the Pension Office; and when it got fairly under way this winter, certain parties became very much interested about the safety of the archives of the Pension Office; it became necessary to have a better building, a fire-proof building, that not only had capacity sufficient, but was secure. I understood precisely what all this meant of course; there was no concealment. The proprietor of the Seaton House, I understand, offered to make that house fire-proof, if it is not so to-day. He says it can be done at a comparatively small expense. The $20,000 rental proposed by the Senator from Vermont for the Shepherd building represents a building worth $300,000. Why is it that the Government cannot—it has land enough here—put up a fire-proof building sufficient to accommodate the Pension Bureau and save the money proposed to be paid out here at the rate of $20,000 a year?

Mr. MORRILL, of Vermont. Will the Senator from Texas allow me to explain on that point?

Mr. HAMILTON. Certainly.

Mr. MORRILL, of Vermont. Two or three years ago the Committee on Public Buildings and Grounds reported a bill to authorize the extension of the building on Judiciary Square, which involved an expenditure of about $150,000 or $160,000, by which the Pension Bureau was to have been accommodated; and then it was stated as distinctly and prominently as that the Seaton House was unsafe for the public archives as it has been to-day. Further than that, the Committee on Finance reported a bill a year or more ago in favor of taking the Freedman's Bank for this very purpose at an expenditure of $300,000. And yet the first proposition for Judiciary Square was rejected in committee of conference, I think. I know it passed this body on an appropriation bill, but was rejected elsewhere, so that it did not finally become a law. The other bill, I think, was never acted on.

Mr. HAMILTON. That may be so. I do not recollect anything about it. But the Government has gone along, according to the Senator, for three or four years risking these archives in that building, perfectly content with it until another building is finished that a man wants to rent. That is at the bottom of it, and that is the whole of it. If there was no such building here, we should not hear anything at all about this; the archives might lie as they are. I do not know that it would hurt anybody badly if the archives were ruined. They are not very important to the Government; they are less so perhaps than those of any other office in the Government without exception.

Mr. MORRILL, of Vermont. That is a great mistake.

Mr. HAMILTON. No, I am not mistaken about that. As the Senator suggests, it would be infinitely better to take the Freedman's Bank. That is a very good building, and I suppose, as the thing is going, the Government will have to take it anyhow. It looks that way to me. The bank is broken down, and something must be done. There is also a good deal of land adjoining the bank building on which to put up any other buildings the Government may want. You are renting a building now to accommodate the Educational Bureau, in which the pension agent for the city has I do not know how many rooms at the public expense. There is not another pension agent in the Union that is furnished with rooms, furniture, stationery, and stamps, and I do not know what else, at the public expense. The Government is renting more buildings here, in my opinion, than it has any use for; and this thing is growing every year. Year by year it comes to be a settled thing; so that there will be an estimate for $300,000 or $400,000 a year after a while to pay the rent of buildings.

I hope this amendment will be refused by the Senate, and let the Government look around and see what arrangement can be made for the Pension Bureau between this and the meeting of the next session, and save your $20,000 a year. It is too much to pay for a building here for that Office. There is no doubt about that, and I suppose it would not be paid at all for this proposed building if it did not belong to the party to whom it does.

Mr. WHYTE. I should like to ask the chairman of the Committee on Appropriations when the lease of the Seaton House expires?

Mr. MORRILL, of Maine. I am not accurately informed, but I understand within the last few months. My understanding of it is that the Government leased it for four years with the right to continue the lease another four years.

Mr. NORWOOD. Four years from what date?

Mr. MORRILL, of Maine. From the date of the lease, which I cannot state. My understanding is by hearsay—I have not seen the lease—that that time expired within the last four months.

Mr. WHYTE. It has expired?

Mr. MORRILL, of Maine. The first four years expired within the last four months perhaps.

Mr. WHYTE. Then, has the Government undertaken to renew the lease for four years more?

Mr. MORRILL, of Maine. I do not understand. On that I must say I am not particularly advised. I do not understand whether the Government has done anything about it.

Mr. WITHERS. Being a member of the Committee on Pensions, I have some recollection of the subject. The Commissioner of Pensions in his report, I think, brings this matter to the consideration of the committee. I have just sent for his report, and I think the facts for which the Senator from Maryland inquires will be there found. My recollection is that the Government rented the building for four years; that that time has expired, and that the Government at the time reserved the privilege of retaining it at the same rental for such additional time as it might desire, whether one year or four years. The Commissioner of Pensions recommends very strongly in his report that some other arrangements shall be made, owing to the insecurity to the public records in that building and its entire inappropriateness for the service to which it is now devoted.

Mr. MORRILL, of Maine. That probably is the statement. On the question to which the Senator from Virginia refers, it may be within his recollection that when this bill was before the Committee on Appropriations this subject was brought to the attention of the committee, and a communication from the Secretary of the Interior alluded to it in this way:

> In my judgment the present buildings occupied by the Pension Office are utterly unsafe and unfit for the safe-keeping of such important files as belong to the Bureau.

But it will be seen that the Committee on Appropriations, although they had a knowledge of the fact that some rent must be provided for this service, were not well advised as to what to do, and therefore put in this provision for the payment of a rent of $10,000, which was understood to be what the Government had been paying theretofore, and then providing that if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House, he shall rent it. That was placed in the bill on the information we had; and then we took the precaution, as I have already stated, to advise the Senator from Vermont, the chairman of the Committee on Public Buildings and Grounds, that that subject should be examined with reference to providing some place for the removal of these documents and records in harmony with the views of the Secretary of the Interior; and the amendment now under consideration proposed by him is the result, I understand, of that movement.

Mr. WHYTE. May I ask the chairman how much annually is paid for the rent of the Seaton House? I see $10,000 is appropriated for the use of the Pension Office and the Bureau of Education.

Mr. SARGENT. The communication of the Secretary of the Interior states that the rent proper of the Seaton House is $10,000; for the upper floors of the building adjoining on the west, used for the same purpose, $2,500; for the building on the east, $1,500; and then for necessary repairs, $2,000; making $16,000. Of course a new building would get rid of the repairs.

Mr. WHYTE. The appropriation is only $10,000.

Mr. SARGENT. I know. It was put in because we had not the specific information and could not get it. In addition to the rent, I understand that the heating of it costs $4,000 or $5,000, and that item and the running the elevator are included within the payment proposed for this new building; and that being done, we are able to assent to the reduction which the House propose of $5,000 in the general appropriation for fuel and lights; so that the difference is really $1,000 in favor of the Government instead of there being an additional expense.

Mr. WHYTE. Except that it will cost $10,000 to remove the Pension office to the new building.

Mr. SARGENT. It will cost that to remove it anywhere.

Mr. WHYTE. Making an appropriation of $30,000 for the first year for the Shepherd building.

Mr. WITHERS. The report of the Commissioner says:

> The four years' lease under which the building has been held expired on the 10th day of August last, and it is now retained under a condition of the lease which provides for further occupancy from year to year, as may be necessary, at the same yearly rental ($10,000) as is therein provided. The adjacent buildings, rented by the Department at an annual rental of $4,000, in order to supply the demand for necessary space, are open to the same objection as the Seaton House. Effort was made before the expiration of the four years to rent a more suitable building, but none fire-proof and of sufficient capacity could be secured. It is earnestly desired that Congress be again urged to provide for a building better adapted for the purposes of a public office.

That is the closing part of the report, the preceding portion of it dwelling especially on the unfitness of the present building for the purposes for which it is occupied and the want of safety of the documents therein stored.

Mr. WHYTE. The question now pending immediately before the Senate is not the question, as I understand, in regard to the removal to the Shepherd building, but the question pending is merely to correct the text.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The question is on the amendment of the Senator from Maine, [Mr. HAMLIN.]

Mr. MORRILL, of Vermont. I do not desire to protract this debate, for I think it is exceedingly important that we get through with this bill to-day. I do desire, however, to say a single word in reply to the Senator from Texas, [Mr. HAMILTON.]

That this matter has had the constant attention of the Committee on Public Buildings and Grounds for a series of years, that we have fully understood the condition of affairs in which the public archives in relation to pensions have been placed, is undoubtedly true; and I may say that it is out of no favor to anybody that we propose to hire this building. I have not seen the proprietor. I have endeavored to have the Commissioner of Pensions obtain some other building, not in so prominent a position, where the rental would be less; and to find a fire-proof building with sufficient amount of accommodations he

has ascertained to be impossible except in this direction. I think there are no public archives the destruction of which would bring a greater disaster on the Government than those of the Pension Office.

This is a matter that concerns every Senator as much as it concerns me. I only present the case as it has been submitted by the Secretary of the Interior and by the Commissioner of Pensions.

I hope that the amendment proposed by the Senator from Maine will not be adopted, but that the one which has been proposed by the Committee on Public Buildings and Grounds will be.

Mr. WHYTE. Let the pending amendment be read.

The PRESIDING OFFICER. The pending amendment will be read.

The CHIEF CLERK. It is proposed to amend the amendment of the Committee on Appropriations by striking out the proviso and inserting in lieu thereof the following:

Provided, That if the owners of the Seaton House shall refuse to make their building fire-proof, and the Secretary of the Interior can procure a fire-proof building of suitable accommodations, with privilege of occupying the same as long as it may be needed for the uses of the Pension Office for a rent not exceeding that now paid for the Seaton House, he shall rent the same instead of the Seaton House.

Mr. HAMILTON. I hope that amendment will be adopted. I think it is proper.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Appropriations which has just been read.

Mr. WHYTE. I hope that for a year at least we shall remain where we are and make no change. It has been indicated here that it will cost $10,000 to make a change, and a temporary change would certainly be very unwise. There are buildings in this city that probably the Government will become possessed of after a little while—the Freedman's Bank building for example; and I think there is some indication in some quarters that we shall have the Potomac Railroad building on our hands before a great many years. These buildings can be fitted up when owned by the Government and used by it for this purpose without the great expense which will be entailed by getting a twenty-thousand-dollar building or any building of that character belonging to a private citizen.

If this amendment is not adopted, I shall move to strike out the whole proviso, and for the present leave the Pension Office just where it is under the yearly rent that the Government is now obligated to pay. But two or three months only of the year have been consumed and we shall be in for three-quarters of a year at least; and therefore I think it better that the subject should remain open until the next meeting of Congress.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. HAMLIN] to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Vermont, [Mr. MORRILL,] from the Committee on Public Buildings and Grounds, to the amendment of the Committee on Appropriations, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "for," in the first line of the amendment of the Committee on Appropriations, and to insert:

Rental of the basement and five upper stories of the fire-proof building, and of heating the same, on the corner of Twelfth street and Pennsylvania avenue, if the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

For the expenses of removal of the office from the Seaton House and expense of fitting up the rooms of the new office, $10,000.

Mr. SARGENT. I move to reduce the item of $10,000 for removal to $7,500. I think they can do it for that.

Mr. MORRILL, of Vermont. I shall make no opposition to that.

Mr. SARGENT. And add there "or so much thereof as may be necessary." I believe that this removal can be made for $5,000. There are more rooms, and I believe additional cases will have to be had, and perhaps the accommodation that will be furnished will enable them to make a better arrangement of their records so as to be more accessible, and thus facilitate work, which will cost something. In conversation with the Secretary of the Interior on the matter, my recollection is that he stated that the removal and fitting up could be done for $5,000. In deference to the Committee on Public Buildings and Grounds, who say that it will cost $10,000, I am somewhat indisposed to reduce it to the amount of $5,000; but certainly $7,500 ought to be enough.

Mr. MORRILL, of Vermont. I will say to the Senator from California that it is understood there will be additional desks required for the accommodation of some of the clerks and to fit up some of the rooms.

Mr. SARGENT. I have no doubt of that; but $5,000 ought to go a great way, and they ought not to be fitted up very luxuriously simply for every-day working purposes. I am not entirely sure that the Senator had not better assent to have the amount of $10,000 made "$5,000, or so much thereof as may be necessary."

Mr. MORRILL, of Vermont. I shall make no opposition. I shall leave it to the Senate.

Mr. SARGENT. Then I modify my amendment so as to say "$5,000, or so much thereof as may be necessary."

The PRESIDING OFFICER. The question is on the amendment of the Senator from California, as modified, to the amendment of the Senator from Vermont.

Mr. NORWOOD. I desire to inquire of the Senator from Vermont if he has ever had any estimate made and submitted to his committee as to what it would cost to put up a building at the expense of the Government that would accommodate the Pension and Education Bureaus?

Mr. MORRILL, of Vermont. I will state to the Senator that when it was proposed here two or three years ago to extend the City Hall building on Judiciary Square it was estimated then that a sufficient amount of accommodation could be obtained for both the purposes indicated by the Senator from Georgia at an expense of about $160,000. That building, being a very plain brick building, could have been extended; but the proposition was rejected, and I think mainly for the reason that there was some idea on the part of some members of this House or the other that the square might be wanted for other purposes, for a library or something of that sort.

Mr. NORWOOD. To my mind it is evident that it would be very poor economy on the part of the Government to rent this building. It is proposed to pay $20,000 for a portion of the building, which is the interest at 7 per cent. on nearly $300,000, and yet the Government can put up a building which will accommodate these Bureaus for $160,000. I submit that that is very poor economy, and I shall therefore vote against the proposition of the Senator from Vermont.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. SARGENT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. In order that the Senate may understand what the question is that is pending, I will ask if the amendment of the Senator from Maine [Mr. HAMLIN] has not been voted upon?

The PRESIDING OFFICER. It has, and been rejected.

Mr. MORRILL, of Vermont. And now the only amendment pending is to strike out what is reported in the bill?

The PRESIDING OFFICER. That is the amendment of the Senator from Vermont, as modified upon the suggestion of the Senator from California.

Mr. ALLISON. I should be glad to have the amendment reported, as I was out at the time it was offered, in order to see what it is that we are to vote upon.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the clause reported by the Committee on Appropriations, and to insert in lieu thereof:

For rental of the basement and five upper stories of the fire-proof building, and of heating the same, on the corner of Twelfth street and Pennsylvania avenue, if the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

For expenses of removal of the office from the Seaton House, and expense of fitting up the rooms of the new office, $5,000, or so much thereof as may be necessary.

Mr. HAMILTON. I move to strike out the restriction as to the amount, so as to leave it to be fixed by Mr. Shepherd. We might just as well do that, for it will come to that anyhow.

The PRESIDING OFFICER. What is the motion of the Senator from Texas?

Mr. HAMILTON. I move to strike out all the restrictions and allow the Secretary of the Interior to rent the Shepherd building at his discretion.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the pending amendment by striking out the words in the first clause:

If the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

So that, if amended, the clause will read:

For rental of the basement and five upper stories of the fire-proof building, and of heating the same, on the corner of Twelfth street and Pennsylvania avenue.

Mr. MORRILL, of Vermont. I suppose that the Senator from Texas has had his joke and that is all he wants. Of course the amendment that he proposes does not apply to the amendment that is pending; and, besides, if it did apply, it is out of order because it would be an amendment in the first degree.

Mr. HAMILTON. The point I wanted to make was that, while this seems to be a new thing just conceived in order to see whether terms can be made with the proprietor of the building contemplated, I for one believe that the terms have been understood a long time ago. The house has been built, I think, for this express purpose, and with the tacit understanding on the part of those who would have the management and control of it that Mr. Shepherd was to rent the building to the Government as soon as it was finished at whatever figure he might fix.

Mr. MORRILL, of Vermont. The Senator is entirely mistaken. The words "if the same can be obtained upon terms to be approved by the Secretary of the Interior" were merely inserted for this purpose, and no other. It was understood that there was an elevator in the building, that was to be run, and the Commissioner of Pensions informed the Committee on Public Buildings and Grounds that it was to be run at the expense of the proprietor of the building. I suggested to him that the terms ought to be obtained from him in writing, so that there could be no contingency about it whatever. That was the sole purpose of putting in this provision.

Mr. HAMILTON. The experience we have had in transactions with Mr. Shepherd for the last four or five years is that he is not bound by anything, but has matters settled according to his own interest.

Mr. WHYTE. I agree with the Senator from Texas. I think we have had enough experience with Mr. Shepherd in the District of Columbia to satisfy the Government and the people of the United States; and I hope to-day that the Senate will not direct the Pension Office to be removed to any building belonging to Governor Shepherd, whether right or wrong.

Such rent as is contemplated to be given for this building might induce every man to go into the speculation of building houses to rent to the Government of the United States. Here is a building on the corner of Twelfth street and Pennsylvania avenue, the upper floors and the basement of which (without touching the floor that will yield the largest rental, the floor upon the level of the street) are to cost the Government of the United States $20,000 a year—a building that, probably, did not cost $150,000 to erect. This will leave the entire lower floor to its owner and proprietor to rent it at high rents upon the Avenue and upon Twelfth street. The Government is to be saddled with the rest of the building, and we are asked to take the Pension Office from the Seaton House, where we are now under rent and bound to remain for three-quarters of the year, and put it into this building of Mr. Shepherd. We are asked also to remove the furniture and fit the building up for the use of the United States at the expense of the United States. Mr. Shepherd could well afford to expend $10,000 in fitting up the building for the use of the United States with such a tenant at such a price. I hope the Senate of the United States will not vote to remove the Pension Office to his building.

Mr. INGALLS. I have been unfortunately out of the Senate Chamber while this discussion has been going on, and only know by information what the precise nature of the question now before the Senate is. I am no partisan or advocate of Mr. Shepherd. At the same time, I am, so far as I know, not his enemy; and I do not understand why the sentiment of any individual Senator or of the Senate collectively, or of any considerable number of citizens with regard to Mr. Shepherd, should have any influence whatever upon the determination of this question.

As the chairman of the Committee on Pensions in this body, my attention has heretofore been repeatedly called to the condition of the building in which this business is now conducted and where the most important portion of its records are stored and kept. I venture to say that, if with the consent of the Senate the business of that Bureau is longer conducted in the Seaton House, it is, in my judgment, but very little short of criminal negligence. The building was illy constructed even for the purposes for which it was originally employed. Six or seven stories in height, without any fire-walls or subdivisions in the interior, the partitions constructed of pine now rendered in the highest degree inflammable by the long period of time during which it has been subjected to artificial heat, with tortuous passages, with insufficient means of egress and exit, it is scarcely possible that there could even be an alarm of fire which would not result, not only in the injury and mutilation and loss of the records, but also in the destruction of human life. I say that if those Senators who are now opposing the provision that I understand is pending before the Senate would take the trouble to examine that building and advise themselves of the value to this Government of the records that are kept therein, they would consider the sum of $20,000 or $25,000 or of $30,000 annual rental in a safe building very profitably expended.

Mr. HAMILTON. Will the Senator from Kansas allow me a moment?

Mr. INGALLS. Certainly.

Mr. HAMILTON. I would inquire why it was that the Government did not look into the condition of the Seaton House building when they rented it in the first place?

Mr. INGALLS. I understand it was Hobson's choice at that time; that there was an absolute necessity for some arrangements being made for accommodations for the Pension Bureau. In consequence of the operations of the late war and the demands upon the Government resulting therefrom, the pension-list has expanded from a little over $1,000,000 to very nearly $30,000,000 per annum. There are upon the pension-rolls at the present time something like 270,000 or 280,000 pensioners; and, remaining unadjusted, are more than 60,000 additional claims. I do not know the exact number of employés who are continually occupied in the adjustment of the affairs of the Pension Office; but I venture to say that, if there should be any destruction of its records and of the testimony upon which a very large proportion of these claims are founded, the loss to the Government and to individuals would be absolutely irreparable. They could not be supplied from any other source whatever.

I sincerely hope, therefore, that there will be no opposition to some change from the present quarters to a location that would be reasonably secure, upon the ground that the premises to which the location may be changed are obnoxious, in a moral or political sense, to any individual member of the Senate. It seems to me that would be a very poor foundation for action in a matter so important and grave as this.

Mr. DORSEY. Before the Senator sits down, I should like to inquire what the Government now pays for the Seaton House?

Mr. INGALLS. I understand that the expenses of renting and heating the premises occupied by the Pension Bureau now aggregate about $16,000 annually.

Mr. MORRILL, of Maine. Independent of the heating.

Mr. INGALLS. The Senator from Maine corrects me. He says that the expenses are $16,000 annually, independent of the heating; that is an additional expense.

Mr. MAXEY. Conceding as true all that the Senator from Kansas says in regard to the Seaton House building, does it follow that the Senate should appropriate $20,000 for the rent of the Shepherd building? It appears from what has been said that the Shepherd building cost about $300,000. Six per cent. interest on that would be $18,000. It is proposed to pay rent on the entire investment of $300,000 at the rate of 6 per cent. for the basement and upper stories, leaving $2,000 over to go toward insurance and taxes, with the entire use of the street floor for Mr. Shepherd. It occurs to me that that is not very wise economy. Second, it appears to me we might construct a building on our public grounds amply adapted for the purpose for $160,000; and at 6 per cent. the interest would be $9,600. At the end of eight years, by saving $20,000 a year rental on the Shepherd building, the entire $160,000 for that building would be paid; but if we go on renting the building, at the end of eight years we shall be no better off than we are now, but with $160,000 expended for rent.

Mr. MORRILL, of Vermont. I will state to my honorable friend that the amount paid for the Seaton House and for accommodations elsewhere and for heating, which are all included in the proposition for this building, commonly called the Shepherd building, would make it equal to the sum now paid for the present accommodations, as I have been informed.

Mr. MAXEY. The United States Government owns public grounds here, and I see no more reason why there should be these large rents paid for governmental buildings for the Pension Office than for the Treasury, the Attorney-General's Office, the State Department, or this very Capitol. If the United States Government wants to control its own pension records, and if they are as important as Senators say they are, then let the Government put up a suitable building upon its own ground and own that building, making it fire-proof, and having it for all time, without the necessity of endangering the records or the necessity of paying $10,000, as has been proposed, to remove the records from one temporarily rented place to another temporarily rented place. The whole policy seems to me to be wrong.

Mr. NORWOOD. The Senator from Kansas said he was unfortunately out of the Chamber when this question came up. He spoke about Mr. Shepherd; and he did not understand why there should be any opposition upon a personal ground to Mr. Shepherd.

Mr. INGALLS. I beg the Senator's pardon. I said no such thing.

Mr. NORWOOD. I retract it; but I understood that to be the Senator's drift.

Mr. INGALLS. No, sir; that is entirely a misapprehension.

Mr. NORWOOD. I retract it entirely. I was going on to say that if the Senator had been in the Chamber he would have found that the opposition to this amendment is based upon the financial view of the question so far as I am concerned and others around me who have spoken. I stated to the Senate that the rental proposed to be paid here to Mr. Shepherd was equal to 7 per cent. on nearly $300,000. That is the ground of my opposition.

The honorable Senator said that when the Government went into the Seaton building it was "Hobson's choice," and that it would be criminal to remain there. I do not suppose that that building has deteriorated very much in the last four years. I do not suppose it is much more criminal to remain there now than it was to go in there, nor do I suppose that the danger has been very much enhanced lately. It seems that just in proportion as this magnificent property on the corner of Twelfth street and Pennsylvania avenue has risen toward the heavens the Seaton building has been deteriorated in the same proportion; and it has been suddenly ascertained that it is not only dangerous, but, as the Senator from Kansas now says, absolutely criminal, for the Government to remain in the Seaton building any longer. The Senator says when the Government went in there it was "Hobson's choice." The difference between the Government and Hobson is this: that Hobson had to take that horse or take none, because Hobson could not make a horse; but the Government can make a building, and it could have made a building when it went into the Seaton House. It can make one now, and at a far less cost, as the Senator from Texas [Mr. MAXEY] has shown, than to hire this building at even $10,000 a year.

If it is in order now, as a matter of economy, I move to amend the amendment of the Senator from Vermont, by striking out $20,000 and inserting $10,000. I do it for the reason that at that rate Mr. Shepherd would receive on nearly $100,000 7 per cent. on his investment.

Mr. INGALLS. My opposition to the continuance of the Pension Bureau in the Seaton House is not of recent origin. When the site of the Shepherd building on the corner of Twelfth street and Pennsylvania avenue was occupied by the Kirkwood House, and long before the title had passed, so far as I know, to the present owner of the property, I called the attention of the Senate repeatedly when the appropriation bills were up, to the condition of the public records of the Pension Office, and the danger to which they were exposed.

I am in favor of the construction of a building for the transaction of the business of the Pension Bureau. It has reached dimensions

that in my opinion require such action; but in the mean time what shall be done? Shall the public business still be exposed to the detriment resulting from the condition of those premises? The majority of the Senate may not know that in order to facilitate the removal of the records in case of an alarm of fire, at the suggestion of myself and other Senators, trucks have been constructed, cases upon wheels, and placed in a lower portion of the building, upon which the records have been placed, in order that they may be instantaneously removed in case of danger or alarm of fire.

Mr. MAXEY. If the Senator from Kansas will permit me, I desire to state that it is with me a national question. I have nothing to do with Mr. Shepherd; I do not know him; but it is a national question. I would ask, if it be true, as stated, that this building cost $300,000, and that we get only the use of the basement story and the upper stories, and he gets the use of the street-floor, is not $20,000 too large a rent to pay on an investment of that amount of money?

Mr. INGALLS. I do not think that $50,000 a year, until a building could be constructed, would be too much for the Government to expend to insure the safety of those records and the lives of its employés. That is my opinion.

Mr. BOGY. The question is how much he ought to receive.

Mr. INGALLS. I am not called upon to consider whether that rent would be extortionate and unjust or whether it would be too small for those premises. The place where the business is at present conducted is absolutely dangerous not only to property but to human life, and it is a matter of indifference what the Government pays temporarily, so that premises can be secured where that business can be safely and properly conducted.

Mr. MAXEY. Then why limit the Secretary in the amount of rental or in the selection of a house?

Mr. INGALLS. That is not a motion of mine. I am not in favor of limiting the price or of specifying the location. If there is any better place that can be selected, or any lower rent that can be paid, to secure the results that I believe the Government ought to obtain, then I shall be entirely satisfied if the committee secure those premises or pay that rent.

As I was going on to say, at my suggestion movable trucks or cases upon wheels have been constructed and placed upon the street-floor of the Seaton House, upon which, so far as possible, the records have been loaded, to the very great inconvenience of the transaction of the daily business there, in order that they may be removed out of the building upon the first alarm of fire that may be given. In addition to that, temporary pipes have been conducted into the different stories of the building for the purpose of flooding every floor with water as soon as any alarm may be given. The inevitable result of that would be, if the records were not destoyed by fire, they would be so injured by water that the loss to the Government and to the officers and to the dependents would be very nearly the same.

As I have said before, the method of escape and of egress from that building are such that in case of an alarm it would be inevitable that loss of life would ensue. The several hundred employés who are engaged constantly in that building would not be able to find means of escape through the doors, but would necessarily be compelled to jump from the windows; and I think that, no matter even if an alarm of fire should be given that was merely mischievous, wanton, or unintentional, the loss to this Government would be a great deal more than twenty or fifty or a hundred thousand dollars.

Mr. MORRILL, of Vermont. The Senator from Kansas should also state that the whole of this amount is not for rental, but that it is for heating as well, that costing something like $4,000.

Mr. MORRILL, of Maine. Just one word. I think the discussion discloses that the records at the present time are in a very unsafe and insecure position and that the Senate ought to do something for their security. Precisely what, I do not know; nor did the Committee on Appropriations understand; nor did they deem it worth while to inform themselves particularly, because it lay outside of what might fairly be expected of them. But they did charge it, as I have said, upon a committee of the body whose business it was to examine into the matter. I understand that committee to say to the Senate that some arrangement ought to be made by which the records shall be put in a more secure place. Of course none of us will care one fig as to the *personnel* of this question. We want the public accommodated. The chairman of the committee says that he has found a place, and he designates it. It has been suggested by other Senators—how much they know upon the subject I do not know—that other places may be found equally convenient and equally safe. Therefore the suggestion has been made whether it is worth while to confine it to any particular place.

Mr. MORRILL, of Vermont. I will say to the Senator from Maine that the committee of the other House first ascertained and selected this building, and, as I understand from the Commissioner of Pensions, the committee of the other House were in favor of renting this building.

Mr. MORRILL, of Maine. I should like to inquire of the Senator from Vermont whether the committee of the Senate acted in concurrence with the committee of the House on this subject?

Mr. MORRILL, of Vermont. I have not conferred with that committee; but we so understood by the information received from the Commissioner of Pensions.

Mr. MORRILL, of Maine. I would suggest, then, on the whole, to the Senator from Vermont that, if there be objection to the limitation to this particular place, he give such latitude to his proposition as that the Secretary of the Interior may select that or some other building, if he can find another building that will answer the purposes of the Government as well. It seems to me that we ought not to divide in a case of this kind, so clearly involving the public service and the safety of public records, and perhaps human life, upon a simple question personal to anybody either inside or outside the Senate. I suggest to the Senator from Vermont whether he cannot modify his proposition so as to leave it discretionary as to the selection of a proper building.

Mr. MORRILL, of Vermont. I should not be at liberty to modify it, because it is the action of the Committee on Public Buildings and Grounds; but I have no objection to the Senator proposing any amendment he sees fit.

Mr. WITHERS. I will suggest to the Senator from Vermont an amendment, which I should like to see substituted for the one pending, if it would be agreeable to him and the Committee on Public Buildings and Grounds. I think there is a great deal in the suggestion which has been made not to restrict the provision for rental to the particular building named, inasmuch as it has been suggested that other buildings equally suitable for the purposes might be procured and possibly at a less rental.

Mr. MORRILL, of Vermont. I shall make no opposition to such a proposition.

Mr. WITHERS. I will state, in connection with the amendment which I am going to suggest to that proposed by the committee—and I believe it has been mentioned previously—that the sum of $10,000, which is in the amendment proposed by the Committee on Appropriations, was fixed without any adequate or accurate knowledge on the part of the committee as to the amount of annual rental now being paid for the Seaton building and other buildings similarly used; it was merely put in in order to await further and more accurate information. That information now having been procured, and it appearing that the amount of $16,000 is now being paid for the buildings at present occupied by the Pension Bureau, I move that the word "ten" in the amendment of the committee be stricken out and "sixteen" substituted, and that the amendment be so amended as to read:

Provided, That, if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House and other buildings occupied by the Pension Bureau, he shall rent the same, instead of the Seaton House.

Mr. MORRILL, of Vermont. I would suggest to the Senator from Virginia that he amend the proposition proposed by the Committee on Public Buildings and Grounds by striking out after the words "rental of" the words "of the basement and five upper stories;" so as to read:

For the rental of a suitable fire-proof building, and heating the same, if the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

Mr. WITHERS. That is not exactly the same. The Senator will perceive that would leave it entirely at the discretion of the Secretary of the Interior. My feeling about it is—and that I find is shared by a great many other Senators—that I am willing to have a change made to some other location, if a fire-proof building can be procured without any very large increase of cost. I want to restrict the expense of such a building to about the amount that is now being paid for buildings which are manifestly unsuitable for the purposes for which they are occupied and which are admitted to be unsuitable.

Mr. MORRILL, of Vermont. The Senator has not understood my previous explanation that the whole amount paid for the rental and for the use of the Pension Bureau, including the Seaton House and other buildings and the cost of heating the same, amounts to a sum equal to that proposed by the amendment offered by the Committee on Public Buildings and Grounds.

Mr. WITHERS. According to my understanding, it does not amount to so much.

Mr. MORRILL, of Vermont. I so understand it. The Senator will also see that it would be impossible for the Secretary to obtain this building on the terms proposed by him, and there may not be any other suitable.

Mr. WEST. Will the Senator from Virginia be kind enough to repeat his amendment? I do not understand distinctly whether he intends to include heating or not or whether he intends to appropriate $16,000 for rent. If he does not include heating, then it will accomplish the purpose that the Senator from Vermont wants, and bring the Shepherd building, if necessary, within the purposes of the amendment.

Mr. WITHERS. I supposed that the amendment which I suggested was simply the amendment of the committee, except varying the amount and giving the privilege of renting other buildings at the same price. I presumed the amount appropriated for the rental of the Seaton building included the heating of that building.

Mr. INGALLS. No, it does not include the heating.

Mr. SARGENT. I think the Government heats it.

Mr. MORRILL, of Vermont. The Government heats it.

Mr. WITHERS. The same proposition would apply just as well to any other building rented by the Government for the same purpose. It is very manifest to any one who has any cognizance of the facts of the case that it is exceedingly desirable to secure the removal of the

records of the Pension Office from their present location in the Seaton building. I will guarantee, if the Senator from Maryland or any other Senator will go there and make an inspection of the premises and see the condition of the files which are there stowed away and the manifest and irretrievable injury which must result in case of an alarm of fire or actual fire, he will recognize that necessity as being one of overpowering magnitude. So far from its being recently that the necessity has been discovered, you will find by a reference to the official reports of the Commissioner of Pensions for some years past—two or three years at any rate—that this fact has been brought forward. In each successive report the attention of Congress has been called to the insecure condition of the records in that building and the manifest necessity which requires that some other provision should be made for their preservation. Therefore it is no new thing. I am, however, fully willing to admit the force of the suggestion made by various Senators as to the policy of not restricting the Secretary of the Interior in his choice of a building to this particular designated building at the corner of Twelfth street and Pennsylvania avenue; and that we should give him the largest liberty of selection. If he can go into the market here and find other fire-proof buildings suitable for the accommodation of this Bureau, let him have the privilege of renting those buildings, provided the rental does not exceed the amount heretofore paid or something in the neighborhood thereof.

Mr. SARGENT. I suggest to the Senator that he offer an amendment to that effect.

Mr. WITHERS. To meet the objection made by several Senators, I will move to substitute for the amendment of the committee the following:

For the r. ntal of a suitable fire-proof building and heating the same, if the same can be obtained upon terms to be approved by the Secretary of the Interior, $20,000.

This includes the cost of removal. All will see that that is a necessary expense, which must be encountered if any other building is selected than the one now proposed. We are bound to make some appropriation to secure the removal of the archives now stored in the Seaton building. I concur fully with the Senator from California in believing that the estimate of $10,000 originally made is far too great for such removal, although, as he suggested, it includes also the furnishing of this new building. I take it for granted that there are desks already used in the Seaton House which could be used in the new building to which they remove these archives, and there would not be much additional expense for furniture. Therefore, the only expense to be encountered would be the actual expense of handling and removing and restoring the archives of the Bureau.

Mr. NORWOOD. I should like to make a suggestion to the Senator from Virginia. I understood him to say that his amendment would appropriate $20,000 to cover rental and the expense of removal. It seems to me the amendment ought to specify the amount of rent and the amount of expense for removing; otherwise, how do you ascertain the respective amounts?

Mr. MORRILL, of Vermont. There is a proposition to appropriate $10,000 for the removal and fitting up the rooms, which follows the first proposition.

Mr. WITHERS. That is a question which does not affect the principle involved at all. I am not authorized to speak for the Committee on Appropriations, but so far as I am concerned I should be perfectly willing to take this sum from the cost of rental and specify a certain amount for the removal, if that would relieve the difficulty in the mind of the Senator from Georgia.

Mr. MORRILL, of Vermont. So far as I have the power, I accept the modification proposed by the Senator from Virginia to the first proposition, of course leaving the other proposition in relation to removal for separate consideration.

Mr. NORWOOD. I intended to move to strike out "$20,000" and insert "$10,000," but if the expense of removing to that building, with the rent of it, is to be covered by $20,000, which of course is for but one year, I shall not make that motion. That is the way I understand the proposition of the Senator from Virginia. I should prefer to erect a building at a much less expense than would be the cost of continuing to pay this rent.

Mr. WHYTE. It occurs to me that the amendment of the Senator from Virginia is not as good as the proposition made by the Senator from Vermont. I would much rather vote squarely on the building at the corner of Twelfth street and Pennsylvania avenue. We have been told by some Senators that there is no other building in the city that will suit the purposes of the Pension Office, and rather than leave it to the discretion of the Secretary of the Interior in regard to the selection of a building, for one, I would prefer to vote squarely on the building at the corner of Twelfth street and Pennsylvania avenue.

We are told, and certainly any of us who have any small property know that the fact is true as stated, that rents are coming down everywhere; but according to the Shepherd rule, it seems they are going up. We are going now from the Seaton House, which with the adjacent buildings costs in all to the Government but $16,000, to Shepherd's building or some other building at $20,000. That is the theory upon which we are about to act. We are going out of a building which we are paying only $16,000 for, and going into a building at $20,000 a year.

Mr. INGALLS. I think the Senator omits the consideration of the heating of the building, which is in addition to the $16,000 that the Government now pays.

Mr. WHYTE. Has there not been a provision already inserted in the bill for the heating?

Mr. SARGENT. No; not yet.

Mr. WHYTE. There is a clause in the bill in regard to heating.

Mr. DAVIS. Yes, there is; the next clause.

Mr. SARGENT. The estimates are $20,000, and it is cut down to $15,000; but if you make provision for the heating you have got to add $4,000 or $5,000 to that $15,000.

Mr. WHYTE. Does the Senator from California say that the House of Representatives made no provision whatever for heating the Seaton building?

Mr. SARGENT. I say not merely that, but I say they made no provision for the rental of that or any adjoining building.

Mr. WHYTE. No provision was made therefor?

Mr. SARGENT. There is no provision whatever in the bill, even for the buildings themselves. It is left a perfect blank, so that at the end of this fiscal year, even if the appropriation bill should pass as it comes from the House, there would be not a dollar to pay for the rent or heating of the Seaton House.

Mr. WHYTE. No provision for the other buildings adjoining the Seaton House?

Mr. SARGENT. No, sir; I think not.

Mr. WHYTE. I understood the chairman of the Committee on Appropriations to say that all the other buildings were provided for, and therefore but $10,000 was required to pay for the rent of the buildings used by the Pension Office.

Mr. SARGENT. I do not know how the Senator from Maine may have explained it, or how the Senator from Maryland may have understood it. I merely speak of that which I know. There are buildings provided here for the War Department and some other Bureaus, but there is no provision in the bill whatever for the Seaton House or for rental.

Mr. WHYTE. For the Seaton House proper I understand there is no provision, and therefore you provide $10,000 for that purpose.

Mr. SARGENT. We simply ascertained the omission, in the absence of an opportunity at once to consult with the Secretary of the Interior, and wishing to report the bill that morning we put in a provisional statement as it now stands in the bill. Subsequently we obtained the facts from the Secretary of the Interior and now desire to modify the bill in accordance with those facts stated.

Mr. WHYTE. But the Committee on Appropriations had made no proposition to modify the bill, as I understand, beyond this amendment which they offered.

Mr. SARGENT. Because the Committee on Public Buildings and Grounds, to whom they referred the matter, out of abundant caution to get still further information brought forward their own proposition. I had myself in my hand an amendment which I prepared, covering this proposition, but in another way. I, however, assented to the amendment of the Senator from Vermont, as it came from another committee, and would probably accomplish the same result.

Mr. WHYTE. I understand precisely that the Senator from Vermont has made a new proposition; but I do understand also, unless the Senator from California corrects me, that the Committee on Appropriations have provided for the buildings as they now exist; that if this appropriation bill passes with the amendment as it came from the Committee on Appropriations of the Senate, provision is made for all the buildings which the Government is under rental for at this present time.

Mr. SARGENT. Not at all; the Senator is in error there, and I am unfortunate that I cannot make him understand what I desire to convey. We provided:

For rent of buildings for use of the Pension Office and for the Bureau of Education, $10,000.

It is insufficient by $6,000. We did not know the amount of the rent paid, and we put in a proviso:

Provided, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations, for a rent not exceeding that now paid for the Seaton House, he shall rent the same instead of the Seaton House.

We discussed the question of this insufficiency of the building; the great danger of loss of these valuable records; the distress occasioned from destroying the evidence of the rights of widows and orphans; and the consequence of destroying valuable vouchers on which the Government rests against duplicate payments. All that was discussed, and we put the proposition in this form, somewhat hastily, because we did not have time then to ascertain the facts. I should have proposed an amendment, which the Senator will see contains at least the germ of the proposition of the Senator from Vermont, in this form:

For rent of buildings for use of the Pension Office and Bureau of Education, $16,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House and adjacent buildings, he shall rent the same instead of the Seaton House and such buildings; and the sum of $5,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removing to such fire-proof building.

That would have necessitated another amendment in the clause immediately above, changing the amount for fuel to $20,000 instead of $15,000, which would have been the complete proposition of the Senator from Vermont, except that his mentions a particular building. I did not desire to mention any particular building. I wanted the Secretary of the Interior to look about and see if there were other

buildings, consider the proposition of Mr. Scott if he has a building on Pennsylvania avenue to rent to the Government, or any other proposition by anybody whatever, leaving it indefinite.

Mr. WHYTE. Then, as I understand it, the bill as it came from the Committee on Appropriations was $6,000 and $5,000—$11,000 short of the actual requirements of the Government. Do I understand the member of the Committee on Appropriations to say that?

Mr. SARGENT. Unquestionably I say that. I stated as distinctly as I could that when we reached that portion of the bill we found that there was an entire blank in the bill, and as we wished to report the bill that morning, we put this in so as to retain jurisdiction, and immediately and properly sought information from the right quarters, and referred it also to the Committee on Public Buildings and Grounds.

Mr. WHYTE. The stronger reason, then, that there should be some information on this subject; the stronger reason that before we make any change or any removal from the Seaton House we should have more information as to the actual wants of the Government and the actual expenses to which the people should be subjected for the use of the Pension Office. I hope therefore that the amendment of the Committee on Appropriations will stand as it is, only the amount being altered and the proviso stricken out, and that we shall remain at the Seaton House until the next session of Congress; and that in the mean time proper examination, proper inquiry, may be made to see at what cost the Government may either purchase or erect a building for the purposes of the Government, and not be subjected to this constant renting and moving from place to place at the great expense entailed in such removal.

Mr. DAVIS. I understood the Senator from California and the Senator from Maryland each of them to think and to state that there was no provision in the bill as it now stood for heating and fuel.

Mr. WHYTE. No; I said there was.

Mr. DAVIS. Where do you find it?

Mr. WHYTE. Right in the next clause.

Mr. SARGENT. There is no provision for heating the Seaton House except the general appropriation for the whole Department.

Mr. DAVIS. There is following this clause a provision for fuel, &c., $15,000; but that, it will be noticed, is general for the Department.

Mr. WHYTE. Allow me to correct the Senator. I found it in the Pension Office clause. There is where I had seen it. There is a provision for "fuel" in the Pension Office and "repairs of building," &c., $10,500. There is where I see it.

Mr. DAVIS. That is just what I was going to call attention to. It will be found in this bill further on that we have provided for lighting and fuel, &c., of the Pension Office. What is the Pension Office? The Seaton House; and therefore we have provided for fuel and lighting, &c., of the Seaton House.

Mr. WEST. Will the Senator be good enough to point out that?

Mr. DAVIS. On page 74, lines 1806 and 1807, there is a provision already, further on in the bill, for fuel, so that point is provided for let the Pension Office go to whatever building it may. It is not necessary here to consider the heating.

Mr. SARGENT. I see there is a very large number of items mentioned here, and there are quite a number of buildings.

For fuel, gas, engraving and retouching plates; for bounty-land warrants, printing and binding the same, engraving and printing pension certificates; for repairs of building; and for other necessary expenses of the Office, including two daily newspapers, $10,500.

Does the Senator understand that all these items are included under that appropriation?

Mr. DAVIS. I understand that it includes heating.

Mr. SARGENT. I am not sure that the Senator is not correct.

Mr. WHYTE. There is $5,000 for furniture just above there.

Mr. DAVIS. As the Senator from California will recollect, $5,000 for carpets, repairs, &c., was put in from the fact that it was represented that certain repairs were necessary, let the Pension Office be where it would, even if it remained in the Seaton House, because repairs are going on there now. I was there some time ago and repairs were going on. If, however, the Pension Office is removed to some other building, then the $5,000, as well as the $10,500 on the seventy-fourth page, will be used in whatever building the Pension Office may be. Therefore, in deciding the question upon the rent of the building which we are now considering, the furniture and the heating ought not to be taken into consideration, or we ought to strike out that appropriation on page 74 when we get to it.

Mr. WITHERS. The Senator has overlooked that part of this appropriation is designed not for the Seaton House alone, but for the Patent Office building, several of the rooms in which are occupied by the Pension Bureau, and the Pension Bureau consequently has to pay expense in both buildings.

Mr. SARGENT. My impression is, however, that the general appropriation inures to the Interior Department. The $15,000 would cover that. I presume my friend from West Virginia is substantially correct.

Mr. DAVIS. My information is that the Patent Office and the Seaton House are entirely different buildings.

Mr. WITHERS. They are; but there are rooms in the Patent Office occupied by a portion of the Pension Bureau.

Mr. DAVIS. Certainly so.

Mr. INGALLS. They have lately been removed.

Mr. DAVIS. However, the $15,000 is for the Patent Office and other things in the Interior Department; the $10,500 is for the Pension Office proper. Therefore when the Senator from Virginia has $20,000 in his amendment, I think it is too much. If he offers his amendment at all, I hope he will offer it not with a view of having the building heated, but will leave that item out of his calculation.

Mr. WITHERS. Sixteen thousand dollars will cover the amount now paid ont for rent, and I presume there will be no objection on the part of the Senate or any Senator to expending the $16,000 now expended for rent of the Pension Office in securing a fire-proof building, provided it can be done. If this will meet the views of the Senator from West Virginia, I am perfectly frank to say that I want to reduce as low as I can; but the sum of $16,000, which is now paid, may be appropriated, subject to the discretion of the Secretary of the Interior in renting a building for the purpose, if one can be had. Of course, if none can be had at that price, there will be no change in existing arrangements; but still it would be necessary to make an additional appropriation for the purpose of removing the archives of the Pension Office, if a different building shall be rented. That is an expense which must be encountered.

Mr. DAVIS. I should like to ask the Senator from Virginia, or any other Senator who may know, if there is any definite information of what we are now paying rent for the Seaton House?

Mr. WITHERS. Yes, sir.

Mr. MORRILL, of Maine. It has been stated here. The Senator from California has stated it on authority.

Mr. DAVIS. That I should like to have understood; and I should wish to have a proviso inserted, that I hope the Senator from Virginia will provide for in the amendment he proposes to offer, "not exceeding the rent now paid."

Mr. WITHERS. That was exactly the form in which I presented it.

Mr. DAVIS. If that is so it would cover any objection that I might have.

Mr. WITHERS. I propose a rent not exceeding the sum now paid for the Seaton House and adjacent buildings.

Mr. MORTON. There is one consideration in this matter that has been alluded to which I think ought to be controlling, and that is the question of the safety of the public records. If those records should be destroyed a large portion of them could not be restored; money could not do it; and even if they could be restored it would be a very expensive business. I am told there are a great many records in the present building. They could not be got out in case of fire. It would be idle to think that. We are told it would be as much as the employés could do to get away in case of fire; and certainly the records could not be preserved and there would be a loss that money could not repair. Therefore they ought to be put into a building where they would be comparatively safe; and the question of expense in that connection is a subordinate consideration. The records of a county, of conveyances, of mortgages, when once destroyed, can hardly be restored anywhere perfectly. We know that the records of Chicago that were destroyed have not been restored, and never can be except to a limited extent. If these records are destroyed they cannot be restored at all a great part of them, and only imperfectly at best any of them. If this building is of the kind described by the Senator from Kansas it is a matter of the first importance to get these records into a safe building; and the question of $5,000 or $10,000 in the rent is a mere bagatelle. If it was in regard to county records or in regard to State records in our own States we would give due importance at once to these things.

Mr. MORRILL, of Maine. Mr. President, I inquire what the question is?

The PRESIDING OFFICER. An amendment was offered by the Senator from Vermont [Mr. MORRILL] to strike out all after the word "for," in line 1705, to and including line 1710, and to insert other matter. To that proposition the Senator from Georgia [Mr. NORWOOD] moved an amendment striking out the word "twenty" and inserting "ten," and then an offer was made by the Senator from Virginia [Mr. WITHERS] which was partially accepted by the Senator from Vermont, and the Chair is not quite able to say what is now before the Senate.

Mr. NORWOOD. I stated that I would withdraw my amendment in order to allow the Senator from Virginia to offer his.

Mr. WITHERS. I offer the proposition now in this form, to which I ask the attention of Senators:

For the rent of buildings for the use of the Pension Office and the Bureau of Education, $16,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House and adjacent buildings, he shall rent the same instead of said Seaton House and adjacent buildings; and the sum of $5,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to such fire-proof building.

Mr. EDMUNDS. I ask the Senator whether he intends to impose any limit on the period of time for which the rental of the new building may be taken?

Mr. WITHERS. The same period of time that now controls.

Mr. EDMUNDS. But would the amendment proposed by the Senator accomplish that? Would it not be a universal authority to rent for fifty years or any other time? I think it ought to be kept within the control of Congress in some way.

Mr. WEST. To meet that I will offer a proviso——

Mr. WITHERS. Let me reply to the interrogatory of the Senator from Vermont. I would suggest to him whether the mention of the Seaton House, with the substitution of one rental for the other, does not carry with it the same conditions which apply to the rental of the Seaton House now?

Mr. EDMUNDS. I do not think it does, except as to the sum, the actual rental; and if it be the object, as I think it ought to be, to control the discretion of the Secretary to a limited period or to the discretion of Congress from time to time, it ought to be so stated.

Mr. WITHERS. I have certainly no objection to limiting it in any way that the judgment of the Senator may deem judicious.

Mr. MORRILL, of Maine. I suggest that it read, "for a term not exceeding four years."

Mr. WEST. I had foreseen that very difficulty, and according to the wording of the amendment offered by the Senator from Vermont [Mr. MORRILL] and the amendment as now proposed by the Senator from Virginia [Mr. WITHERS] it would be entirely discretionary with the Secretary of the Interior to lease those premises for any indefinite period that he saw proper; and I had prepared to perfect the amendment with the following, and if the Senator from Virginia will accept it, I think it will complete it better for the approbation of the Senate:

And that no lease of premises for the Pension Office exceeding the term of three years shall be entered into.

Applying to all the premises.

Mr. MORRILL, of Vermont. I think it would be better that the Senator from Louisiana should propose that the lease might be terminated on giving one year's notice at any time. I should prefer that. I hardly think we shall want it for four years or three.

Mr. WITHERS. Either proposition would suit me; but it strikes me the latter proposition would be most judicious, because that would leave it in the power of the Secretary of the Interior at any time on giving a year's notice.

Mr. WEST. The Senator can word it now to suit himself, having received the suggestion.

Mr. MORRILL, of Maine. Now let us come to a vote.

Mr. WITHERS. I am willing to accept the proviso of the Senator from Vermont, [Mr. MORRILL,] which seems to suit the views of the Senators around me, that the lease shall expire on twelve months' notice being given by the Secretary of the Interior at any time.

The PRESIDING OFFICER. Will the Senator from Virginia send his amendment to the desk?

Mr. WITHERS. It is impossible to accommodate the views of everybody. Some prefer a term of years, but I will stand by the proviso as I have offered it.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all after the word "for" in the amendment of the Committee on Appropriations and insert in lieu thereof the following:

Rent of buildings for the use of the Pension Office and for the Bureau of Education, $16,000: *Provided*, That, if the Secretary of the Interior can procure a fire-proof building of suitable accommodation for a rent not exceeding that now paid for the Seaton House and adjacent buildings, he shall rent the same instead of the Seaton House and such adjacent buildings; and that any lease made for said building shall expire on twelve months' notice from the Secretary of the Interior; and that the sum of $5,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to such fire-proof building.

Mr. STEVENSON. This is a matter of dollars and cents, and I should like to make an inquiry of some Senator who can give me the information. I should like to know what we pay now for the Seaton House, including the adjacent buildings, and then I should like to know how much it is expected to pay for this new building, including the $5,000 for the transfer.

My opinion is that all these rents are too high. I do not know why the Government should pay a great deal more than a private individual. That rule of rent must be exceedingly extravagant which enables a man to build a house and in six years get the entire cost back again. I think there are buildings besides these two which might be had, but I should prefer to keep these offices where they are because I am not willing that any man who builds a fire-proof building shall have it in his power to put his own price and exact from the Government a higher price than he would from an individual, on the ground that your archives are not safe where they are. You can put guards, which will answer all the objections of the Senator from Indiana. Three guards will guard the present building from fire. It has been guarded and it can be guarded again, and it is a great saving to the Government for us to keep these archives where they are and pay for guards to guard them rather than give an extortionate price to some gentleman who has a fire-proof building. I would as soon rent from Mr. Shepherd as anybody else if he would put his building down to a proper price. We had a very good building where the State Department archives were kept, and I do not think we paid more than $10,000 a year for that. It was in a retired part of the city, it is true, but I think was fully as large as is the Seaton House, though I may be mistaken as to that. If we can get a building which will answer our purpose, with a proper guard if it is not fire-proof, and save the cost of $5,000 for the transfer, I am in favor of that as the most economical and the best, and therefore I desire to know what would be the difference in cost between what we are paying now, including heating. The Senator from California, who is posted on that subject, can tell me.

Mr. SARGENT. I have said several times that I think the amounts are the same. The cost of the new building will be the same as the old.

Mr. STEVENSON. All the difference then would be $5,000 for the transfer?

Mr. WHYTE. And $12,000 for the three-quarters of a year that the Government is responsible for; $12,000 for the balance of this year.

Mr. STEVENSON. That would be $17,000. That is what I am trying to get at.

Mr. WITHERS. The lease expires on the 10th of August, according to the report of the Secretary.

Mr. STEVENSON. I should like to know, on the suggestion of the Senator from Maryland, whether the Government is responsible, if we adopt this amendment, to pay three-quarters of a year's rent for the Seaton House. I only want light. I have no feeling about it. I only want to exercise a just economy on the part of the Government if I can. I pause for an answer from the Senator from Maryland to tell me the basis on which he supposes the Government will be responsible, in addition to the $5,000 for the removal and the rent of the new building, which, as I understand, will exceed $15,000. Now, if the Government is responsible for three-quarters of a year's rent at the Seaton House, it would be a great argument with me not to vote for this amendment.

Mr. WHYTE. I was under the impression, from some statements made by the chairman of the Committee on Appropriations, that the lease expired about four months ago; but, so far from it, I am satisfied now that the Government will be responsible for a whole year, because it has given no notice that it intends to vacate on the 10th of August, and I take it for granted that the lease contains a clause in regard to notice; that the lessors of this building never could have allowed the Government to rent it from year to year and walk out any day the Government pleased to do so. Landlords are not in the habit of making such contracts. Now, if this lease expires on the 10th of August, and no notice has been given to the owners of this property, we shall have a whole year's rent to pay, which will be $16,000, and the $5,000 for removal in addition, making $21,000 thrown away.

Mr. WITHERS. I take it for granted from the report of the Secretary that there will be no twelve months' rent to pay from the fact that he reports here officially—

That the four-years' lease under which this building was held expired on the 10th of August last, and it is now retained under a condition of the lease which provides for further occupancy from year to year as may be necessary at the same yearly rental, $10,000, as is therein provided.

Consequently, the assumption to be drawn from this is that the first lease was for four years, the Government retaining the privilege of continuing its occupancy of the building from year to year at its option by paying the same rental; and therefore, if the year expires on the 10th of next August, if they make arrangements prior to that time to vacate the building, the rent will expire with the termination of the year.

Mr. STEVENSON. Is the lease there?

Mr. WITHERS. No, sir.

Mr. STEVENSON. Can any Senator tell me what the provisions of the lease are?

Mr. WITHERS. I cannot beyond what I have read from the report.

Mr. STEVENSON. I do not think there is enough in what the Senator from Virginia has read to satisfy me to take the risk. Certainly this Senate ought not to run any risk of being liable to the owner of the Seaton House for a year's rent. As it is susceptible of clear demonstration, I should be glad to have this amendment passed over until we get the information.

Mr. WITHERS. I will state to my friend that an amendment was offered by the Senator from Maine [Mr. HAMLIN] this morning which I think by implication at least covers the whole ground, inasmuch as he offered an amendment which was in the interest of the proprietor of the Seaton House, in which he asked that he might be permitted to make such changes in his building as would render it suitable for occupancy, and complaining of the injustice done him by the Government occupying it for four or five years and then vacating it.

Mr. MORRILL, of Maine. Mr. President, we have spent two hours on this question. It is one of those indefinite things that anybody can see there is no end to. We are none of us well enough informed to be accurate about it; and at any rate we have approached so near that it is like dividing a hair. I am entirely patient about this; but there must be an end to it, as Senators will see. I would not mind myself paying for the rent of this building for the next four years for the sake of settling this question, if I had the money. [Laughter.]

Now I beg Senators to let us take the vote on this question. We are not divided on any essential question. The real fact is, that we are paying as much money now for this old rickety building, utterly unsuitable as everybody agrees, as will be involved in the proposition before us. I say to the honorable Senator from Kentucky that his apprehension about paying $20,000 is not altogether well founded. It depends upon the discretion of the Department. Twenty thousand dollars is provided for the purpose of paying rent, or so much thereof as may be necessary in the judgment of the Secretary of the Interior. The Senator was not in when the discussion began. The subject was referred by the Committee on Appropriations on examination, who saw that the rent of the building, together with the heating, probably amounts to $20,000, to the Committee on Public Buildings and Grounds.

But now can we not take the vote on this proposition under these circumstances? I am entirely willing, and would be very glad, if the Senate would adopt the amendment of the Senator from Virginia, and let this matter pass from the Senate, and let us go on with the bill. We have been two hours on this single proposition.

Mr. HAMILTON. In regard to the liability to the proprietor of the Seaton place, I am informed that he will claim rent for three years. I do not know what sort of a contract he has with the Government, and so far as I can ascertain no other Senator on the floor knows. It is stated by some Senators that they do not think we are liable for more than a few months; others say one year; but the proprietor of the house says three years. Whether it be three months or three years, it ought to be ascertained definitely before any vote is taken on this amendment. We may have two houses to pay for.

We are reminded of the danger to human life when a fire breaks out in the Seaton House, whereas in the other building it will be absolutely secure. I happen to have noticed that fire-proof buildings burn very often; they burned in Chicago, in Boston, and wherever else there has been a fire, just as quickly as any other building; and they have nothing in that tall building to enable persons to get out except an elevator, and that is absolutely useless in case of fire. So I take it that the danger to human life and to the archives would be greater in that building in case of fire than in the Seaton House. Moreover, the proprietor of that house states that the whole expense to the Government during the time it has rented that building has only been $14,000 a year, instead of $16,000, including heating and all other expenses. He appears to be accurate about it, and he says also that the building at a very small expense can be made absolutely fire-proof. It is fire-proof now, I believe, with the exception of some wooden partitions that were put up in order to make it suitable for a hotel. They can be knocked out, and in a very short time the building, he says, can be made fire-proof.

Now we are asked to pay $20,000 a year for the new building, and $10,000, as is proposed by the Senator from Vermont, as I understand, to make the removal to it; and then the other contingent expenses provided for in the bill will make $112,000—$115,000 per annum for rent and contingent expenses alone. I think it is out of all character, considering the dullness of times, the great number of buildings that are empty in the city and that will remain empty until times improve, to engage on the part of the Government now to pay as much as $20,000 a year rent for a building, and possibly after all if you do not make a close contract you will have to heat it and do all the other things requisite to make it tenantable.

Mr. STEVENSON. As I said before, I have no feeling in this matter except to get a good building at the cheapest rate; but I say to my honorable friend from Maine, the chairman of the Committee on Appropriations, that I am not prepared to vote on this proviso, because the Committee on Appropriations cannot give me the information which is essential, in my judgment, to a correct vote. I understand that the Government is a tenant from year to year of this building called the Seaton House. Every tenant from year to year, at least by the Kentucky law and I understand by the law of the District, is entitled to six months' notice to quit. You have not given the notice to quit; you have not the time requisite to give the legal notice between this and August; and if six months' notice to quit is essential, and without such notice the Government is bound to pay a year's rent, then I say we ought not to adopt this amendment. I understand the law in this District is that a tenant from year to year is entitled to six months' notice to quit; and, if you undertake to give the Secretary of the Interior this discretion, and he does rent a new building, you will be bound for another year's rent from the 10th of August next. There is no lawyer in this Chamber who will dispute this legal proposition, if the assumption which I make is true that the law of the District of Columbia requires six months' notice to quit to a tenant from year to year. That is the law in my State and usually the law in most agricultural States. In cities it is somewhat different.

Now, I say that my friend from Maine ought not to ask us to go blindly into a proposition until we have the necessary information; and he had better let this matter lie over until we can see the lease and know what the law is, and then we can act advisedly on what our liabilities are toward the owner of the Seaton House, who has rented this property to us from year to year, in consequence of our failure to give him six months' notice to quit. I should prefer to let it lie over, so that I may vote advisedly as to whether this discretion ought to be conferred.

Mr. EDMUNDS. The act of June 22, 1874, being a deficiency bill, provides in these words:

> And hereafter no contract shall be made for the rent of any building or part of any building in Washington, not now in use by the Government, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress.

That does not quite meet the case of the Seaton House, perhaps, for the reason that the building, at the passage of this act, was in use by the Government; and there may be, as the Senator from Texas says, a state of things which will leave us in liability to pay rent, for how long I do not know. That, of course, would depend upon the circumstances. But in respect of any new building like this one, there is no authority in the Secretary of the Interior or anybody else, without an express provision in advance by Congress to rent it.

Mr. MORRILL, of Maine. On that point I will state for the Senator's information—it may or may not have some connection with his remark—that it has been stated by the Senator's colleague, who examined the subject, that the lease of the Seaton House was first for four years, with the option on the part of the Government to continue the lease, which option the Government has not signified its intention to accept, and that the four years have expired.

Mr. EDMUNDS. If that is the exact fact, then it is a tenancy from year to year, and would require six months' notice to quit, on the general principles of law, as I understand. But then the question arises on this amendment as it stands whether under the act of 1874 this is an authority to rent any specific building; or is it designed to be a general repeal of the act of 1874? If it is, I am not in favor of it. If it is not, the question is whether, pursuing the act of 1874, you ought not to provide in this bill, if you intend to rent the property at the corner of Twelfth street and the Avenue, for authority for the Secretary to rent that building.

The abuses that it was intended to correct by the act of 1874 were those of leaving any discretionary authority in the head of a Department to rent any particular building until the eye of Congress had been brought to bear upon that identical piece of property and express provision been made for that property. The purpose apparently was to leave no discretion at all, because the pressure of public opinion is so great here that the best of Secretaries, in all ages and all administrations, have been considerably drawn in in these respects.

Mr. MORRILL, of Maine. The Senator will perceive that is the identical proposition of his colleague.

Mr. EDMUNDS. I do not. Was it read?

Mr. MORRILL, of Maine. "For rental of the basement and five upper stories of the fire-proof building, and of heating the same, on the corner of Twelfth street and Pennsylvania avenue."

Mr. EDMUNDS. That will do it.

Mr. MORRILL, of Maine. But there is an amendment to that by the Senator from Virginia [Mr. WITHERS] to strike out these words and leave it discretionary to have that or any other building.

Mr. EDMUNDS. That was the amendment I had heard and to which my attention was drawn. Whether that is in accordance with the spirit of the act of 1874, I very much doubt, as it leaves a general discretion with the Secretary to rent any building he likes, not exceeding the up-set price that is named.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) In order that the Senate may clearly apprehend the question to be voted upon, the Chair will state that the Committee on Appropriations reported to the pending bill an amendment, between lines 1705 and 1710, which has already been read. The Senator from Vermont [Mr. MORRILL] moved to amend by striking out the entire paragraph and substituting one which has already been reported. The Senator from Virginia [Mr. WITHERS] moves to amend by striking out a portion of the paragraph and inserting other words, by way of amendment to the text. The question therefore now will be upon the amendment offered by the Senator from Virginia, which the Clerk will read.

The CHIEF CLERK. The amendment is to make the amendment reported by the Committee on Appropriations read:

> For rent of buildings for the use of the Pension Office and for the Bureau of Education, $16,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House and adjacent buildings, he shall rent the same instead of the Seaton House and such adjacent buildings, and that any lease made for said building shall expire on twelve months' notice from the Secretary of the Interior. And the sum of $5,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to such fire-proof building.

Mr. MORRILL, of Vermont. I do not accept the amendment of the Senator from Virginia; but I will take the liberty to modify my original amendment so as to read as follows:

> For rental of a suitable fire-proof building, and heating the same, and repairs, if the same can be obtained upon terms to be approved by the Secretary of the Interior, terminable at any time upon one year's notice, $20,000.
>
> For the expenses of removal of the office from the Seaton House and expense of fitting up the rooms of the new office, $5,000, or so much thereof as may be necessary.

Mr. EDMUNDS. I suggest to my colleague to make the termination of this lease that he proposes nine months instead of twelve, because that would require a whole year's notice, and if a single day ran over, the right would be up, while nine months' notice after a current year has begun is amply sufficient for the lessor and would give the United States a certain leeway.

Mr. MORRILL, of Vermont. I accept the suggestion of my colleague.

Mr. WITHERS. I understand the question to be first on the amendment I offered.

The PRESIDING OFFICER. The amendment of the Senator from Vermont is not before the Senate.

Mr. WITHERS. I will state that on referring again to the items which make up the $16,000 of the amount of rent now paid, I find that there was an error in the computation. Two thousand dollars of that sum is reported as an amount necessary for repairs, and the amount actually paid for rent of buildings now occupied by the Bureau consequently is $14,000. Inasmuch as I desired my amendment to conform to the amount now paid by the Pension Bureau, I will by general consent strike out "sixteen" and insert "fourteen;" so as to read:

> For rent of buildings for the use of the Pension Office and for the Bureau of Education, $14,000.

Mr. MORRILL, of Vermont. Will it be in order now for me to move my original proposition, as modified, as an amendment to that of the Senator from Virginia?

The PRESIDING OFFICER. Not except by unanimous consent.

Mr. MORRILL, of Vermont. I would move it as an amendment to the Senator's proposition.

The PRESIDING OFFICER. The amendment of the Senator from Vermont will come up in its natural order after the pending question has been disposed of.

Mr. EDMUNDS. Is there any amendment proposed to the amendment offered by the Senator from Virginia?

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia is an amendment to the amendment reported by the Committee on Appropriations, and therefore in the second degree.

Mr. EDMUNDS. The Chair is quite right.

The PRESIDING OFFICER. The amendment of the Senator from Virginia is an amendment to an amendment reported by the committee.

Mr. STEVENSON. Now I raise a question of order both on the amendment offered by the committee and on the other amendment. The law read by the Senator from Vermont, and of which I had no notice until he read it, is:

And hereafter no contract shall be made for the rent of any building or any part of any building in Washington not now in use by the Government, to be used for the purposes of the Government, until an appropriation therefor shall have been made in terms by Congress.

That is the existing law. We have heard a great deal, especially from the chairman of this committee, about appropriation bills interfering with existing legislation. Here is an existing act forbidding any discretion in any officer of this Government to rent any building. Now, I say that this amendment is in direct conflict with existing law, and I submit it to the chairman of the committee and to the President of the Senate that both this amendment and the amendment to the amendment are in direct conflict with existing law, and therefore not in order.

The PRESIDING OFFICER. The Chair would rule as a question of order that in a legislative sense the amendments are both strictly within the province of the Senate. It is not a question of order that one law can undoubtedly be repealed by a subsequent law; but as a matter of legislative proceeding the amendments are both strictly in order. The Chair understands that the amendment of the Senator from Virginia has been modified by common consent by striking out "sixteen" and inserting "fourteen." The question is on the amendment of the Senator from Virginia to the amendment reported by the Committee on Appropriations.

Mr. EDMUNDS. If I do not take too much time, I should like to have the Secretary read the amendment of the committee and then the amendment proposed to it, just as they now stand, so that we may see the precise sense and I may know which way to vote.

The CHIEF CLERK. The paragraph proposed to be inserted by the Committee on Appropriations is:

For rent of buildings for use of the Pension Office and for the Bureau of Education, $10,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations, for a rent not exceeding that now paid for the Seaton House, he shall rent the same instead of the Seaton House.

It is proposed to amend that so as to read:

For rent of buildings for the use of the Pension Office and for the Bureau of Education, $14,000: *Provided*, That if the Secretary of the Interior can procure a fire-proof building of suitable accommodations for a rent not exceeding that now paid for the Seaton House and adjacent buildings, he shall rent the same instead of the Seaton House and such adjacent buildings; and that any lease made for said building shall expire on twelve months' notice from the Secretary of the Interior. And the sum of $5,000, or so much thereof as may be necessary, is appropriated for the cost of fitting up and removal to such fire-proof building.

Mr. EDMUNDS. I suggest to the Senator from Virginia to make that notice nine months instead of twelve, which is long enough.

Mr. WITHERS. I have no objection.

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment of the Senator from Virginia to the amendment reported by the Committee on Appropriations.

The question being put, it was declared that the affirmative appeared to prevail.

Mr. WHYTE called for a division.

Mr. MORRILL, of Maine. We can divide in the Senate; let us go on now.

Mr. WHYTE. Very well.

The PRESIDING OFFICER. The amendment of the Senator from Virginia is agreed to. The question now recurs on the amendment of the Senator from Vermont [Mr. MORRILL] as a substitute for the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Appropriations as amended by the amendment of the Senator from Virginia, [Mr. WITHERS.]

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for the General Land Office, in line 1726, to increase the appropriation for compensation of the Commissioner from $3,600 to $4,000.

The amendment was agreed to.

The next amendment was in line 1727, to increase the appropriation for compensation of chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1728, to increase the appropriation for compensation of recorder from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1729, after the word "dollars," to insert:

One clerk, $2,000; three principal clerks, at $1,800 each.

The amendment was agreed to.

The next amendment was in line 1731, before the word "clerks," to strike out "eight" and insert "six;" so as to read:

Six clerks of class four.

The amendment was agreed to.

The next amendment was in line 1731, after the word "twenty," to strike out "two" and insert "five;" so as to read:

Twenty-five clerks of class three.

The amendment was agreed to.

The next amendment was in line 1732, after the word "forty," to insert "four;" so as to read:

Forty-four clerks of class two.

The amendment was agreed to.

The next amendment was in line 1733, before the word "clerks," to strike out "eighty" and insert "sixty-one;" so as to read:

Sixty-one clerks of class one.

The amendment was agreed to.

The next amendment was in line 1734, to increase the appropriation for compensation of one draughtsman from $1,400 to $1,600.

The amendment was agreed to.

The next amendment was in line 1735, to increase the appropriation for compensation of assistant draughtsman from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was in line 1736, before the word "assistant," to strike out "two" and insert "three;" so as to read:

Three assistant messengers.

The amendment was agreed to.

The next amendment was in line 1736, before the word "laborers," to strike out "six" and insert "seven;" so as to read:

Seven laborers.

The amendment was agreed to.

The next amendment was in line 1738, to increase the total appropriation for the force in the General Land Office from $211,380 to $214,320.

The amendment was agreed to.

The next amendment was to insert after the word "dollars" in line 1739:

Also, for additional clerks, on account of military bounty-lands, namely: For one clerk of class three; four clerks of class two; thirty-five clerks of class one; and two laborers; in all, $50,640: *Provided*,

The amendment was agreed to.

The next amendment was in line 1753, after the word "office," to insert the words "for the actual expenses of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct;" and in line 1757, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

For diagrams, stationery, parchment-paper for land-patents, furniture and repairs of the same, miscellaneous items, including two of the city newspapers, to be filed, bound, and preserved for the use of the Office, for the actual expenses of clerks detailed to investigate fraudulent land entries, trespasses on public lands, and cases of official misconduct, and for advertising and telegraphing, $30,000.

The amendment was agreed to.

The next amendment was to insert after line 1760:

Indian Office:

For compensation of the Commissioner of Indian Affairs, $3,000; chief clerk, $2,000; five clerks of class four; eight clerks of class three; one stenographer, at $1,600; thirteen clerks of class two; thirteen clerks of class one; six copyists, at $900 each; one messenger; one assistant messenger; and one laborer; in all, $69,880.

For blank books, binding, stationery, fuel, lights, telegraphing, and miscellaneous items, including two city newspapers, to be filed, bound, and preserved for the use of the Office, $6,000.

Mr. STEVENSON. Why was that office left out of the House bill; can the chairman tell me? Is there not a bill pending to abolish the Indian Bureau? Was that the occasion of the omission; or for what reason was it that the House did not provide for the Indian Bureau?

Mr. MORRILL, of Maine. I do not know what motive there was about it. I am not enlightened as to that. I might give my impression. If I were allowed to have an opinion, I should say very likely what the Senator suggests was the cause; but I have no reason to know.

Mr. STEVENSON. I believe there is a bill now before the Senate abolishing this whole Bureau. I suppose if that bill becomes a law it will be time enough to strike this out.

Mr. MORRILL, of Maine. Yes, it can be done then. It is the duty of the committee to make appropriations for the service the law requires.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for the Pension Office, in line 1775, to reduce the appropriation for the salary of the Commissioner from $3,600 to $3,000.

The amendment was agreed to.

The next amendment was in line 1776, to increase the appropriation for salary of deputy commissioner from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1777 and 1778, to increase the appropriation for salary of chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1779, to increase the appropriation for salary of medical referee from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1779, after the word "twenty," to insert "six;" so as to read:

Twenty-six clerks of class four.

The amendment was agreed to.

The next amendment was in line 1780, before the word "clerks," to strike out "forty-two" and insert "fifty-two;" so as to read:

Fifty-two clerks of class three.

The amendment was agreed to.

The next amendment was in line 1781, before the word "clerks," to strike out "sixty-four" and insert "eighty-four;" so as to read:

Eighty-four clerks of class two.

The amendment was agreed to.

The next amendment was in line 1782, after the word "hundred," to insert the words "and twenty-two;" so as to read:

One hundred and twenty-two clerks of class one.

The amendment was agreed to.

The next amendment was in line 1783, after the word "twenty," to insert "five;" so as to read:

Twenty-five copyists, at $900 each.

The amendment was agreed to.

The next amendment was in line 1785, before the word "assistant," to strike out "eight" and insert "twelve;" so as to read:

Twelve assistant messengers.

The amendment was agreed to.

The next amendment was in line 1785, before the word "laborers," to strike out "six" and insert "eight;" so as to read:

Eight laborers.

The amendment was agreed to.

The next amendment was in lines 1786 and 1787, to increase the appropriation for compensation of engineer from $1,260 to $1,400.

The amendment was agreed to.

The next amendment was in lines 1788 and 1879, to increase the total appropriation for the force in the Pension Office from $338,920 to $446,780.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 1790—

And for the following additional clerks and employés, for one year only, namely: two clerks of class four, four clerks of class three, ten clerks of class two; and ten copyists, at $900 each; in all, $44,000.

Mr. MORRILL, of Maine. "Forty-four" should be struck out and "thirty-three" inserted; so as to read: "thirty-three thousand dollars." I move so to amend the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 1798, after the word "law" to insert the words "$60,000;" in line 1799, after "stationery" to insert "$10,000;" in line 1800, after "same" to insert "$5,000;" in line 1803, after "pension certificates" to insert "for repairs of building;" in line 1805, after "newspapers" to insert "$10,500," and in line 1806, to strike out "50,000" and insert "85,500;" so as to make the clause read:

For contingent expenses of the Office, namely: For actual expenses of clerks detailed to investigate suspected attempts at fraud, as provided by law, $60,000; for stationery, $10,000; for carpets, mats, furniture, awnings, and repairs of the same, $5,000; for fuel, gas, engraving and retouching plates; for bounty-land warrants, printing and binding the same, engraving and printing pension certificates; for repairs of building; and for other necessary expenses of the Office, including two daily newspapers, $10,500; in all, $85,500.

Mr. HAMILTON. There is provision there for furniture, fuel, and several other things provided for in the amendment adopted a while ago. I suggest that $60,000 for clerks to travel over the country and hunt up suspected frauds and report them is a very extravagant appropriation. Surely $60,000 would employ an army of clerks all the time, going all over the country. I suppose they are clerks drawing a salary, and this is simply to cover their traveling expenses. I think the amount ought to be cut down. I do not see anything in these contingent expenses that ought to be allowed at all, except stationery.

Mr. INGALLS. The Senator from Texas objects to the appropriation of $60,000 for the actual expenses of clerks detailed to investigate suspected attempts at fraud as provided by law, and says that the amount is extravagant and exorbitant, and that it would employ an army of men for this purpose. As a member of the Committee on Pensions, the Senator from Texas cannot be unaware that there are very large frauds perpetrated upon the pension fund of this Government. I have previously stated on this floor, and I reiterate the assertion, that from various causes unnecessary here to enumerate, in my judgment not less than 20 per cent. of the entire pension-list of this Government is fraudulently and wrongfully paid, amounting in the aggregate to not less than five or six million dollars. The subject has been deemed by the Department of sufficient importance to recommend the passage of a special bill authorizing the appointment of a force for the express purpose of investigating these frauds, ascertaining in how many instances by false personation, by persons who have remarried, by persons who have exceeded the age of minority when pension should cease, and after recovery from disability this fund is imposed upon and wronged to the great injustice of those who have legitimate claims upon it. This sum of $60,000 would not employ more than forty men at the very extreme, allowing them the compensation that would be paid to a first-class clerk and his traveling expenses. Of course these frauds cannot be investigated here in Washington. The clerks must be sent to different points where frauds are suspected to exist.

Mr. HAMILTON. I call the Senator's attention to the fact that this provision is simply to pay the expenses of clerks, and not their salaries.

Mr. INGALLS. Their actual expenses. I say that the expenses would largely exceed the compensation of the clerks. As they are at present employed by the Department, when they are detailed to investigate cases of suspected or alleged fraud, they receive a stated compensation per day in addition to their original compensation, and also their necessary expenses, including traveling and hotel bills. It is in evidence in the report of the Commissioner of Pensions this last year that between $200,000 and $300,000 have been saved by a very few efforts and by a very unsystematic endeavor to unravel and detect these cases of fraud.

I therefore think that this sum of $60,000 is a very moderate one, and that it is too small to accomplish the results that ought to be attained by this branch of the service. I should be glad to see it increased; and I believe that by a proper appropriation and a proper examination and inquiry into the present condition of the pension fund a very large amount could be immediately saved, probably not less than a million dollars, without much, if any, expenditure at all.

Mr. EDMUNDS. How many pension agencies are there in the United States?

Mr. INGALLS. I do not remember the exact number of pension agencies.

Mr. EDMUNDS. About seventy or eighty?

Mr. INGALLS. I should think as many as that. The report of the Commissioner of Pensions would disclose the number.

The method resorted to by the Commissioner of Pensions is to detail clerks to visit certain localities where frauds are alleged to exist and make specific inquiry in regard to the right of the persons to the pensions which they are enjoying. It seems to me that this is one of the appropriations that certainly ought to be retained; that, instead of being extravagant, it is too small, and that a very much larger amount could be profitably employed in this branch of the service.

Mr. HAMILTON. I cannot see for my part why, when the Commissioner of Pensions suspects that there is fraud in getting up the papers that are filed in his Office on the part of pensioners over the country, he cannot, from the local authorities of the State where the papers may happen to be made out, ascertain pretty correctly whether they are fraudulent or not. For example: If A B makes application for a pension and prepares his papers, and the Commissioner of Pensions thinks they are fraudulent—and that is the only guide, it seems to me, that he has to go upon—why not by telegraph, or by a letter written to the neighborhood to some local authority there, ascertain whether such a person resides there, whether she is the widow of a certain soldier who was killed during the war, or make any other inquiry that may be necessary, instead of sending a man out a thousand or fifteen hundred miles and paying his expenses all the way there and back?

There is no more difficulty about detecting frauds upon the Pension Office than upon any other Department of the Government. All persons who have claims upon the Government of any sort may practice frauds upon the Government if they are not watched. You cannot afford to hire forty, or fifty, or a hundred persons to watch men who claim bounty at the Land Office and claim compensation for losses during the war at the Court of Claims and various other places. In fact, wherever the Government is responsible to anybody for anything, it is liable to be imposed upon all the time.

I have not much confidence for my own part in the agents of the Government sent out from Washington to investigate things. I have known a number of post-office agents and Treasury agents to be sent out and they do more whitewashing than investigating, three to one. Three times out of four they are bought up by parties if a sufficient sum of money is offered to buy them. That is the great trouble. I think it is a waste of money to pay out $40,000, or $50,000, or $30,000 a year upon the mere supposition that it will save two or three hundred thousand dollars. We have no evidence that they have saved anything, except the mere statement that they have been of great service so and so. There is no specification that I have ever seen.

Mr. MORRILL, of Maine. O, yes, there is.

Mr. HAMILTON. I am a member of the Committee on Pensions, and I do not recollect any specification as to what these clerks have done. It may be so, but it is a general statement. I think that there are frauds practiced, and the Commissioner of Pensions has a suspicion that there other frauds that might be ferreted out; and he asks this large appropriation to send out clerks. Clerks like to travel around over the country whenever they can get an appropriation to pay their expenses. They would go any day in the week if you allowed them to go.

Mr. WITHERS. Will the Senator permit me to read to him a paragraph from the report of the Commissioner? The Senator says it is a merely estimated or suppositititous saving. Here is what was done last year by these agents, according to the official report of the Commissioner of Pensions:

During the fiscal year, fifteen hundred and thirty claims were investigated by the special agents of this Office. Of those cases in which pensions had been paid, three hundred and nine were found to be fraudulent. The names of these pensioners were dropped from the rolls, resulting in a saving of $2,605 per month, or $31,260 annually. Estimating the average duration of a pension at eight years, but for these investigations the payments in those cases would have amounted in that time to $250,080.

That is the amount actually saved to the Government by the operation of these special agents sent to investigate frauds in the Pension Office. The Commissioner of Pensions I have no doubt correctly estimates the saving which would be effected by a more systematic effort to ferret out the frauds perpetrated in the service at not less than $5,000,000 per annum. In the course of the last year the actual saving to the Government in the last year was $144,552 through the operations of these special agents.

Mr. HAMILTON. Do I understand the Senator from Virginia to state a belief that all these fraudulent cases would have been passed at the Department and paid if they had not been reported by these clerks?

Mr. WITHERS. They were actually passed, three hundred and nine of them were actually passed and paid; and upon the investigation of the special agents they found they were fraudulent, and the names stricken from the rolls, and $16,000 of pension money unlawfully obtained was refunded. That was last year's operations.

Mr. INGALLS. The pension system of this country is so enormous in its ramifications and reaches so many different portions of the country and touches so many individuals, that it is manifestly impossible for the Bureau here in Washington to maintain an accurate, minute, and special supervision over every individual upon the rolls. There must therefore be a system for the purpose of detecting any attempted frauds or wrongs in this branch of the service. That is the answer to the objection made by the Senator from Texas, who supposes that whenever these cases are brought to the attention of the department somebody ought to have authority to examine them. A course like that would be entirely nugatory and futile and would result in nothing. The allegations when made, of course, are investigated; but the difficulty is that these prodigious and enormous frauds exist, and the department has not the authority or the power or the means of making the systematic and thorough examination which they require.

It would not be proper to allow the statements of the Senator from Texas to go uncontradicted, to the effect that the agents who are detailed are bought up by the wholesale and induced to cover up frauds, and rather assist in their continuance than attempt their overthrow and detection. I have in my hand a report from the Secretary of the Interior, which shows that during the two years ending June 30, 1875, the total amount of claims investigated was 2,793; the total amount that were found to be fraudulent was 1,022, or a percentage of 36. Thirty-six per cent. of the entire amount investigated was proven to be fradulent. The financial result of these investigations was a saving, by dropping from the rolls during these two years of $72,791; by recovery of amount wrongfully claimed and returned to the Treasury, $32,813.41; and by the rejection of claims proved fraudulent, $173,885.20; making a clear aggregate during those two years, with the inadequate means at the disposal of the department, of $279,489.61, rising a quarter of a millionof dollars.

Mr. EDMUNDS. How much did they have last year applicable to this object?

Mr. WITHERS. The same amount.

Mr. INGALLS. Sixty thousand dollars. So I think the Senator from Texas, upon reflection, will be inclined to withdraw or at least to modify the allegation he makes against the honesty and integrity and good faith of the servants of this department.

Mr. HAMILTON. Personally I do not know anything about the agents of the Pension Bureau; but I have a personal knowledge of some investigations made by other Departments of the Government in my own section of the country. I have never known one yet, I believe, in any case to do any good, and I have known them to do some mischief.

Mr. INGALLS. With the consent of the chairman of the Committee on Appropriations and at the suggestion of the Senator from Vermont, in order to make this inquiry as particular as it should be, and not confine it to suspected attempts at fraud merely, I suggest the addition of "frauds and" after the word "suspected."

Mr. MORRILL, of Maine. There is no objection to that.

Mr. INGALLS. The effect of that would be to give the clerks authority to investigate suspected frauds and attempts at fraud.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the amendment to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon the amendments of the committee to the paragraph, from line 1796 to line 1807.

Mr. EDMUNDS. Do I understand that the Chair puts the question on all the amendments in this paragraph on page 74 at once?

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The general understanding has been, in order to facilitate the reading of the bill that instead of waiting to put the question on each amendment as it arises, the amendments being so numerous, the paragraph should be read and then the amendments to it acted upon in gross.

Mr. SARGENT. Any Senator may call for a separate vote upon any amendment.

Mr. EDMUNDS. Then I merely wish to inquire about the amendment in line 1799. Here I see is a provision for $10,000 for stationery for the Pension Office. It strikes me that $10,000 for stationery would buy a good deal for the Pension Office. I should like to know if the gentlemen in charge of the bill have looked into that matter. If it is necessary, of course I have not a word to say, but the amount of writing-paper, blank books, &c., that $10,000 could buy would be prodigious.

Mr. MORRILL, of Maine. It is exactly the appropriation we had last year and the estimate for this year.

Mr. EDMUNDS. Can the chairman tell me how much last year's appropriation has been exhausted for stationery?

Mr. MORRILL, of Maine. I did not look into that.

Mr. EDMUNDS. If we are in the habit of appropriating $10,000 for stationery under the contingent expenses of the Pension Office, then, taking all the other Bureaus of the Interior Department, it must cost $100,000 a year for stationery at this rate.

Mr. MORRILL, of Maine. It is not so.

Mr. EDMUNDS. It ought not to be so, plainly.

Mr. MORRILL, of Maine. It is not so. This item is exceptional. so far as I know.

Mr. INGALLS. With the consent of the Senator from Maine and for the information of the Senator from Vermont, I would say that the condition of the Pension Bureau is entirely different from that of the other departments of the Government in this: that the Bureau transmits to every pensioner and every applicant for a pension the necessary blanks for the transaction of the business of the Office in accordance with the terms of existing law. Therefore this appropriation for stationery does not include merely the writing-paper and ink and pens and blotters and sand of the Office where the business is transacted, but this vast amount of blanks for the different departments of the Bureau which are transmitted to the pensioners in different parts of the country.

Mr. EDMUNDS. I have no doubt of that. That I understood. I had that in mind; but I should be glad to be informed, if I can without delaying the bill, how this last year's appropriation, which is said to have been $10,000, has been expended, to see whether that amount is actually expended for that cause.

Mr. MORRILL, of Maine. Undoubtedly the report of the Secretary of the Interior on the contingent expenses of his Department would show that fact; but I did not examine it with reference to this item.

Mr. EDMUNDS. I have not sufficient knowledge of the matter to justify me in making any motion about it or to delay the bill.

Mr. MORRILL, of Maine. I will send for the report of the Secretary and examine it, and call the attention of the Senator to the fact. It was reported, I am free to say, upon the ground that we had appropriated the same thing last year and that it was estimated at the same figure again, and upon the further knowledge that as a general proposition it is exceptional in the way of the demands of the Pension Office for that particular article.

Mr. EDMUNDS. That to a degree is true, undoubtedly.

Mr. EATON. I want to say one word to the chairman of the committee with regard to the last clause of the paragraph, $10,500 for fuel. The necessity for that item is dispensed with by the amendment of the Senator from Virginia, [Mr. WITHERS,] as well as the item for repairs of the building. There will be no necessity for "repairs of the building" in the building to which the Pension Office is to go. I wish to suggest to the Senator from Maine that the $10,500 does not become necessary at all.

Mr. MORRILL, of Maine. I think that might be so if there were no contingency about the amendment adopted a while ago.

Mr. WITHERS. We do not know that we shall be able to rent the new building at the specified rate.

Mr. MORRILL, of Maine. We cannot tell about that. In the present condition of things the Senator will perceive—and I make this explanation with reference to the action of the committee—that we must make the service whole. The proposition for the new building is contingent. If the House should accept it, there would then be no need for this appropriation, but as at present advised I suggest to my honorable friend that it should be left to stand, as it may be corrected at a further stage of the proceedings.

Mr. EDMUNDS. Before the vote is taken upon this paragraph—

and I will not delay the Senate about it—I see that the total result under this contingent-expense account, which does not go into the face of any statute, of course, or change the law, is that we increase the House bill from $50,000 to $85,000—an increase of about 80 per cent. of the original appropriation. It appears to me that it may be possible to squeeze that down considerably. Can the chairman tell me how much the total of those items last year was?

Mr. MORRILL, of Maine. I think I can. The $60,000 in one lump was left out entirely for those clerks.

Mr. EDMUDNS. No; I do not read it so.

For contingent expenses of the Office, namely—

This Pension Office—

"Actual expenses of clerks detailed," &c., "carpets, mats," &c., "fuel, gas," &c., "engraving," &c., "and for other necessary expenses of the Office, including two daily newspapers, in all $50,000."

Our committee have itemized this, very properly indeed, but in itemizing it they have carried it up to $85,500. What I wish merely to inquire is whether it is not possible, as here is a point where there is no statute or principle which stands in the way, to bring this down somewhat below the point the committee have put it at. With that view I ask how much was allowed for these objects in the last regular appropriation bill?

Mr. MORRILL, of Maine. Seventy-three thousand eight hundred dollars. If it is advisable to take off anywhere, it should come off where it was last year; that is, it should come off the $60,000 in line 1798. The $10,000 for stationery is the same. I am not certain about the $5,000 for repairs, awnings, &c., but I think that is the same it was before. Then follows line 1805, $10,500 for expenses of the office, including two daily newspapers, &c. That possibly is a little higher, but I am not certain about it.

Mr. EDMUNDS. As this is now $12,500, according to the statement of my friend from Maine, above last year's appropriation, I want to try the experiment of submitting a proposition; and so I move in line 1799, to strike out "$10,000" and insert "$7,000;" in line 1800, to strike out "$5,000" and insert "$3,000;" in line 1805, to strike out "$10,500" and insert "$7,000;" which will bring it back substantially to the provision of last year, reducing it $13,000, taking $3,000 off the stationery, $2,000 off the carpets and mats, and $3,500 off the mere contingencies and two daily newspapers and repairs of the building, so as to bring it substantially to the appropriation of last year. I make that motion.

Mr. EATON. I hope the Senator from Vermont will strike out more than $3,000 from the $10,500, if he intends to move an amendment at all; for if the new building is used there will be an absolute saving in that item of about $5,000. There will be no repairs of the new building and no fuel required.

Mr. EDMUNDS. I will modify my amendment and make $10,500 in line 1805 read $5,000.

Mr. MORRILL, of Vermont. I call the attention of my colleague to the fact that, in line 1801 down to and including nearly all of line 1803, there is absolutely nothing appropriated for fuel, gas, engraving or retouching plates, or for bounty-land warrants, printing, binding the same, engraving and printing pension certificates. I suppose that either the last sum or the first sum named is to include these expenses. I further desire to call the attention of my colleague to the fact that the pensions are now paid quarterly, and these blanks have to be sent accordingly.

Mr. EDMUNDS. They have been paid quarterly for two or three years, and we ought to keep within the last year's appropriation, I should think.

Mr. MORRILL, of Vermont. My impression is that my colleague is seeking to make a reduction where there is no increase over last year's appropriation.

Mr. MORRILL, of Maine. I do not suppose it is possible for anybody to tell what his contingent expenses will be in any given year. If it were we could specify exactly; but we get the best information we can from the head of this Department, who ought to know better than anybody else. We have to rely to some extent upon what he tells us. Here is a communication from the Secretary of the Interior upon this precise point. He is speaking now of these contingent items and wants them to be increased:

The whole amount of the proposed appropriation for all purposes is $50,000.

The smallest sum which it is thought under the most prudent management will suffice to cover the items other than the special service is $27,000, detailed as follows:

For stationery	$10,000
Carpets, mats, awning, furniture and repairs of same	6,500
Fuel and gas	4,000
Engraving and retouching plates for bounty-land warrants, printing and binding the same, engraving and printing pension certificates	1,500
Other expenses, including Seaton House repairs	5,000
	27,000

For this year the appropriation for the same purpose was $33,800, the whole appropriation for contingent expenses being $73,800.

Speaking of the current year. It is impossible in a bill of this kind, of course, for us to investigate each individual case, and we are obliged, coming to these items, to get the best information we can and from the best sources. The best source, evidently, is the head of the Department. Whether it is reliable or not is another thing, and may depend upon the character of the officer, and, of course, upon our confidence in him. We get this from the best sources attainable and that is the best thing that can be done about it. The committee raised the sum from the House bill a little, and on that authority. Here is a statement of the expenditures of the contingent expenses; but it is a lengthy publication, and I do not know that we should worry the patience of the Senate with it. I will turn it over to my honorable friend from Vermont.

Mr. EDMUNDS. Is it grouped together so that we can tell how much is spent for stationery, for instance?

Mr. MORRILL, of Maine. I hardly think it is; but I suppose it is ascertainable in some way. If the Senator will allow this paragraph to pass, when we come into the Senate, or after the bill is read through, perhaps we can ascertain what is best to be done about it. The committee acted upon two assumptions; first, an endeavor to assimilate very nearly to what it was last year, and secondly, upon an express communication from the Department that this was as little as the Department could get along with.

Mr. EDMUNDS. I feel the force of all that the Senator from Maine has said; but the responsibility of the Department is one thing, and my responsibility is another, and I must act upon mine. We have found, all experiences of administrations have found, and all Congresses have found by experience that when you come to estimates that are not limited by statute, as they are about salaries and a great variety of things, the estimates are necessarily made up by the respective Departments and divisions, and in those by the respective clerks, and there is a natural human tendency to make the estimate large enough to cover all probabilities. The larger you make the estimate, the larger appropriation you expect to get and do get, and the larger appropriation you do get the more liberal will be the expenditure under it. I am not now referring to cases of gross misconduct and thievery and that sort of thing, but to extravagance and want of economy. Therefore I believe that I am speaking the sentiment of the Committee on Pensions—it certainly was its sentiment when I had the honor to be a member of it, and I am sure it has improved since—when I say that the committee and the Senate must, in respect of these matters that are left to discretion, be quite rigid and severe in regard to the sums of money that we appropriate. Otherwise you cannot encourage and enforce economy. If, during the last year and the years preceding, this contingent account has got along (saying now nothing about the provision for inspecting frauds, which I propose to leave just where it was last year) with $73,000, I do not see any good ground, I confess, for putting it up to $85,000.

Mr. MORRILL, of Maine. If my honorable friend will allow me, that all falls on the item of $60,000 for clerks to investigate frauds.

Mr. EDMUNDS. But I understand that $60,000 was appropriated last year. I inquired a little while ago, and it was said it was the same sum that was appropriated last year.

Mr. MORRILL, of Maine. If I said so in regard to that item, it is a mistake. It was $40,000.

Mr. FDMUNDS. Let us see what that item was.

Mr. MORRILL, of Maine. The act of last year reads as follows:

For contingent expenses of the Office, namely: For actual expenses of clerks detailed to investigate suspected attempts at fraud, as provided by law, $40,000; for stationery, $10,000; for carpets, mats, furniture, awnings, and repairs of the same, $5,000; for fuel, gas, engraving and retouching plates; for bounty-land warrants, printing and binding the same; engraving and printing pension certificates; and for other necessary expenses of the Office, including two daily newspapers, $18,800; in all, $73,800.

Those are all grouped. That makes the sum of $73,000.

Mr. EDMUNDS. From $40,000 to $60,000 you have risen.

Mr. MORRILL, of Maine. And that, if it were worth while, I would show, upon the urgent solicitation of the Secretary of the Interior, and especially the Commissioner of Pensions, based upon the statements which have been read already.

Mr. EDMUNDS. That I can see the force of; but at the same time if—as I did not understand before, but the reverse—you have increased the provision of last year for investigating frauds from $40,000 to $60,000, when you look at the fact that this is only for actual expenses, not for the per diem allowance, which comes in somewhere else, in some other bill, or in the appropriation for salaries which the statute authorizes for subsistence, not exceeding $4 a day, as is in the appropriation bill of last year, the question is whether you have not appropriated more money than is absolutely necessary for the purpose. The general point I want to get at is this: that it does not appear to me that there is anything in the present condition of the country this year which justifies me, so far as I now see it—I shall be glad to be corrected if I am wrong—in increasing the appropriation for the contingent expenses of this one Bureau in the Interior Department from $73,000 to $85,000.

It does appear to me that the thing can be squeezed down. If they made repairs and bought stationery extensively and got new carpets to the extent of $5,000 last year, and so on, those things ought to last more than a year, and there is no need of paying $5,000 a year for them year after year. The answer may be, to be sure, "if it is not needed it will not be spent;" but there is a habit, and always was, of charging things to particular accounts that seemed to be convenient that may not on strict inquiry be justified, and the auditing officers of the Treasury Department, in the immense multitude of things they have to do, cannot look into such matters with great exactness. If you find that there is a surplus of money on account of the subject of mats, carpets, furniture, awnings, &c., of

$5,000, something that is wanted in the Department is considered to be "mats, awnings, carpets," &c., and is so charged. The less margin you have, the less temptation there is to do that; and therefore I feel obliged, confessing my comparative ignorance of this subject and not doubting that the committee have done their full duty as they saw it, to take the liberty the rules give me of moving to reduce, not increase, the appropriation.

The PRESIDING OFFICER, (Mr. SARGENT.) The Clerk will report the amendments of the Senator from Vermont.

The CHIEF CLERK. It is moved to strike out "ten" and insert "seven" in line 1799; so as to read:

For stationery, $7,000.

Mr. MORRILL, of Maine. I will not divide the Senate at this stage.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is in line 1800, to strike out "five" and insert "three;" so as to read:

For carpets, mats, furniture, awnings, and repairs of the same, $3,000.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is in line 1805, to strike out $10,500 and insert $5,000; so as to read:

And for other necessary expenses of the office, including two daily newspapers, $5,000.

The amendment was agreed to.

The CHIEF CLERK. The next amendment of the Senator from Vermont is in line 1806, to strike out the total appropriation of $85,000 for the contingent expenses of the Pension Office and to insert $75,000.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 1810, in the appropriations for the United States Patent Office, to increase the appropriation for salary of the Commissioner from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in lines 1810 and 1811, to increase the appropriation for salary of assistant commissioner from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1812, to increase the appropriation for salary of chief clerk from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1813, to increase the appropriation for salary of three examiners-in-chief from $2,700 each to $3,000 each.

The amendment was agreed to.

The next amendment was in line 1815, to increase the appropriation for salary of examiner in charge of interferences from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1816 and 1817, to increase the appropriation for salary of trade-mark examiner from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 1819, to increase the appropriation for salaries of twenty-four principal examiners (one of whom shall be librarian) from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in lines 1820 and 1821, to increase the appropriation for salaries of twenty-four first-assistant examiners from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1822, to increase the appropriation for salaries of twenty-four second-assistant examiners from $1,440 each to $1,600 each.

The amendment was agreed to.

The next amendment was in line 1824, to increase the appropriation for salaries of twenty-three third-assistant examiners from $1,260 each to $1,400 each.

The amendment was agreed to.

The next amendment was in line 1825, to increase the appropriation for compensation of one machinist from $1,400 to $1,600.

The amendment was agreed to.

The next amendment was in line 1826, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class four, one of whom shall receive $200 aditional for services as financial clerk, and shall give bond in such amount as the Secretary of the Interior may determine.

The amendment was agreed to.

The next amendment was in line 1829, before the word "clerks," to strike out "five" and insert "seven;" so as to read:

Seven clerks of class three.

The amendment was agreed to.

The next amendment was in line 1830, after "twenty," to insert "five;" so as to read:

Twenty-five clerks of class two.

The amendment was agreed to.

The next amendment was in line 1830, after the word "and," to strike out "thirty-five" and insert "forty;" so as to read:

Forty clerks of class one.

The amendment was agreed to.

The next amendment was in line 1831, after the word "for," to strike out "twenty-six" and insert "thirty;" so as to read:

Also for thirty permanent clerks, at $1,000 each.

The amendment was agreed to.

The next amendment was in line 1832, after the word "for," to strike out "forty" and insert "fifty;" so as to read:

For fifty copyist clerks, at $900 each.

The amendment was agreed to.

The next amendment was in line 1837, after the word "for," to strike out "four" and insert "six;" so as to read:

For six attendants in model room, at $1,000 each.

The amendment was agreed to.

The next amendment was in line 1838, after the word "for," to strike out "four" and insert "six;" so as to read:

For six attendants in model-room, at $900 each.

The amendment was agreed to.

The next amendment was in line 1840, after the word "for," to strike out "forty" and insert "fifty;" so as to read:

For fifty laborers, at $750 each.

The amendment was agreed to.

The next amendment was in lines 1842 and 1843, to increase the total appropriation for the force in the Office of Commissioner of Patents from $370,220 to $436,400.

Mr. EATON. I should like to ask the honorable Senator from Maine if the number of clerks in this Office which the Senate committee recommend is the same as last year?

Mr. MORRILL, of Maine. Precisely.

Mr. EATON. Then I submit to my honorable friend that he ought to exercise that discretion which he spoke of last week. It is agreed in the first place, as I understand, that there has been one hour's additional daily duty imposed upon each clerk. If that be so, then certainly the same number is not required. I only make the suggestion.

Mr. MORRILL, of Maine. The considerations that controlled the committee I will submit to my honorable friend. The first is that this Office is entirely self-sustaining; but that of course is no reason why it should be extravagant. Originally it was run on its own resources, and run much more extravagantly than it is now. Latterly all its revenues have been covered into the Treasury, and been required to be audited into the Treasury; but still the Senator will see that it is not a burden on the Treasury, because it earns more than it spends.

Mr. EATON. I am aware of it.

Mr. MORRILL, of Maine. The second, which was the controlling one, is that the business is very constantly and rapidly increasing year by year, so that this is one of the cases where you cannot expect to retrench the force unless you cut off the business. It is like the branch of the service covered by the Post-Office Department, constantly increasing, and there is a large increase of revenue also corresponding. For these two reasons the committee submitted to the Senate the same number as last year, not increasing it a particle, although the business has increased; and that I submit to my honorable friend is an argument for an increase of force, but the committee took into consideration the addition of an hour to the day's work.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 1853, to increase the amount appropriated for contingent and miscellaneous expenses of the Patent Office from $60,000 to $80,000.

Mr. EDMUNDS. May I ask what was the provision for this contingent head last year?

Mr. MORRILL, of Maine. I have the act before me. Eighty thousand dollars last year.

Mr. EDMUNDS. How much of it was expended, so far as you know?

Mr. MORRILL, of Maine. That I did not examine.

The amendment was agreed to.

The next amendment was in lines 1862 and 1863, after the word "patents," to strike out the words "in the city of Washington;" so as to read:

For photolithographing, or otherwise producing copies of drawings of current and back issues, for use of the Office and for sale, including pay of temporary draughtsman, $40,000; the work to be done under the supervision of the Commissioner of Patents.

The amendment was agreed to.

Mr. MORRILL, of Maine. Commencing on line 1861, I move to strike out all the words after "dollars" to the end of that paragraph, with the view of transposing them to the bottom of line 1870; amended in this way:

The work of said photolithographing to be done under the supervision of the Commissioner of Patents, subject to the direction of the Secretary of the Interior.

The only substantive amendment is that it subjects the supervision to the direction of the Secretary of the Interior. There is a large expenditure of money embraced in this. The work ought to be under the supervision of the Commissioner; but when you come to the discretion over so large a sum of money, it seems to me that it should be subjected to the head of the Department. The Senate will see how

that might arise, because the Senate committee have amended the first of these paragraphs, which read in this way:

The work to be done under the supervision of the Commissioner of Patents in the city of Washington.

The very reason which led to the amendment to strike out "in the city of Washington" leads, I submit, to the amendment which is now proposed by the committee. There is a discretion to be exercised. That discretion over so large an amount of money ought to be in the head of the Department.

Mr. EDMUNDS. Will the Senator read the change again?

Mr. MORRILL, of Maine. It applies to three paragraphs, and should come at the end of them:

The work of said photolithographing to be done under the supervision of the Commissioner of Patents, subject to the direction of the Secretary of the Interior.

Mr. EDMUNDS. Now I suggest to the Senator to change the word "direction" to "approval," and say, "subject to the approval," so that the responsibility will be several and the sole control will be in the Secretary of the Interior. It accomplishes his purpose as well, exactly.

Mr. MORRILL, of Maine. I have no objection to that.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The amendment will be so modified.

Mr. EDMUNDS. Let me make a suggestion. The first clause provides for "otherwise producing copies" as well as for photolithographing, and "for pay of temporary draughtsmen," and the second clause for "otherwise producing plates for the Official Gazette," and the third clause, "otherwise producing copies of the weekly issues of drawings." I suppose you want all these subjected to the approval of the Secretary?

Mr. MORRILL, of Maine. It ought to be, "the work done under the supervision." Does not the word "work" cover all?

Mr. EDMUNDS. "The work in this and the two preceding paragraphs named," or something of that kind.

Mr. MORRILL, of Maine. Say:

The work of said photolithographing or otherwise producing plates and copies, referred to in this and the two next preceding paragraphs, shall be done under the supervision of the Commissioner of Patents, subject to the approval of the Secretary of the Interior.

So as to read:

For photolithographing, or otherwise producing copies of drawings of current and back issues, for use of the Office and for sale, including pay of temporary draughtsmen, $40,000.

For photolithographing, or otherwise producing plates for the Official Gazette, including pay of employés engaged on the Gazette, and for making similar plates, $40,000.

For photolithographing, or otherwise producing copies of the weekly issues of drawings to be attached to patents and copies, $40,000. And the work of said photolithographing, or otherwise producing plates and copies, referred to in this and the two next preceding paragraphs, shall be done under the supervision of the Commissioner of Patents, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 1872, to increase the appropriation for tracings of drawings preparatory to photolithographing back issues from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was in the appropriation for the Bureau of Education, to increase the appropriation in line 1875 for the salary of the Commissioner from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1876, to increase the appropriation for salary of chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1878, after the word "four," to insert the words:

One clerk of class three.

The amendment was agreed to.

The next amendment was in line 1882, after the word "dollars," to insert—

And one watchman.

The amendment was agreed to.

The next amendment was in lines 1882 and 1883, to increase the total appropriation for the force in the Bureau of Education from $14,890 to $18,360.

The amendment was agreed to.

The next amendment was in line 1885, after the word "stationery," to insert the words "two thousand;" so as to read:

For contingent, namely, stationery, $2,000.

The amendment was agreed to.

The next amendment was in line 1886, after the word "for," to strike out "library;" and after "library," in the same line, to insert "$500; library, $1,000;" so as to read:

Cases for library, $500; library, $1,000.

The amendment was agreed to.

The next amendment was in line 1888, after the word "periodicals," to insert "$250;" so as to read:

Current educational periodicals, $250.

The amendment was agreed to.

The next amendment was in line 1889, after the word "records," to insert "$250;" so as to read:

Cases for official records, $250.

The amendment was agreed to.

The next amendment was in line 1890, after the word "publications," to insert "$225;" so as to read:

Other current publications, $225.

The amendment was agreed to.

The next amendment was in line 1891, after the word "library," to insert "$200;" so as to read:

Completing valuable sets of periodicals and publications in the library, $200.

The amendment was agreed to.

The next amendment was in line 1892, after the word "expressage," to insert "$200;" so as to read:

Telegraphing and expressage, $200.

The amendment was agreed to.

The next amendment was in line 1895, after the word "information," to insert "$11,000;" so as to read:

Collecting statistics, and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $11,000.

The amendment was agreed to.

The next amendment was in line 1896, after the word "lights," to insert "$275;" so as to read:

Fuel and lights, $275.

The amendment was agreed to.

The next amendment was in line 1897, after the word "furniture," to insert the words "$250; contingencies, $1,060; in all;" and in line 1899, to strike out "4,000" and insert "17,210;" so as to read:

Office furniture, $250; contingencies, $1,060; in all, $17,210.

The amendment was agreed to.

The next amendment was to insert after line 1899:

Surveyors-general and their clerks:

For compensation of surveyor-general of Louisiana, $2,000; and for the clerks in his office, $5,000.

For surveyor-general of Florida, $2,000; and for the clerks in his office, $2,500.

For surveyor-general of Minnesota, $2,000; and for the clerks in his office, $3,400.

For surveyor-general of the Territory of Dakota, $2,000; and for the clerks in his office, $6,300.

For surveyor-general of the Territory of Colorado, $3,000; and for the clerks in his office, $6,300.

For surveyor-general of the Territory of New Mexico, $3,000; and for the clerks in his office, $6,300.

For surveyor-general of California, $3,000; and for the clerks in his office $20,000.

For surveyor-general of the Territory of Idaho, $3,000; and for the clerks in his office, $4,000.

For surveyor-general of Nevada, $3,000; and for the clerks in his office, $5,000.

For surveyor-general of Oregon, $2,500; and for the clerks in his office, $5,000.

For surveyor-general of the Territory of Washington, $2,500; and for the clerks in his office, $5,000.

For surveyor-general of Nebraska and Iowa, $2,000; and for the clerks in his office, $6,300.

For surveyor-general of the Territory of Montana, $3,000; and for the clerks in his office, $5,000.

For surveyor-general of the Territory of Utah, $3,000; and for the clerks in his office, $4,700.

For surveyor-general of the Territory of Wyoming, $3,000; and for the clerks in his office, $6,700.

For surveyor-general of the Territory of Arizona, $3,000; and for the clerks in his office, $4,000.

For recorder of land titles in Missouri, $500.

The amendment was agreed to.

The next amendment was in the appropriation for the Post-Office Department, in line 1952, to increase the appropriation for compensation of three Assistant Postmasters-General from $3,150 each to $3,500 each.

The amendment was agreed to.

The next amendment was in lines 1954 and 1955, to increase the appropriation for compensation of superintendent of foreign mails from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 1956, to increase the appropriation for compensation of topographer from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was in line 1958, to increase the appropriation for compensation of chief of division of postal stamps from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was in line 1959, after the word "dollars," to insert:

Superintendent of Post-Office building and disbursing officer, $2,300.

The amendment was agreed to.

The next amendment was in line 1962, after the word "general," to strike out the words "who shall be superintendent of the building;" so as to read:

Chief clerk to the Postmaster-General, $2 200.

The amendment was agreed to.

The next amendment was in line 1966, after the word "dollars," to strike out:

Principal clerk in charge of division of mail equipment, $1,800; principal clerk of inspection division of contract office, $1,800; principal clerk of finance division, who shall be disbursing officer, $2,000.

And insert:

Chief clerk to the superintendent of foreign mails, $2,000.

The amendment was agreed to.

The next amendment was in line 1973, to increase the appropriation for compensation of the chief of division of free delivery from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 1975, to increase the appropriation for compensation of superintendent of blank agency from $1,620 to $1,800.

The amendment was agreed to.

The next amendment was in line 1976, to increase the appropriation for compensation of assistant superintendent of blank agency from $1,450 to $1,600.

The amendment was agreed to.

The next amendment was in line 1977, to strike out "three" and insert "four;" so as to read:

Four assistants of blank agency, $1,200 each.

The amendment was agreed to.

The next amendment was in line 1980, to increase the appropriation for compensation of stenographer from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 1981, to strike out "twelve" and insert "twenty;" so as to read:

Twenty clerks of class four.

The amendment was agreed to.

The next amendment was in line 1981, to strike out "sixty-one" and insert "seventy-three;" so as to read:

Seventy-three clerks of class three.

The amendment was agreed to.

The next amendment was in line 1982, to strike out "forty-eight" and insert "fifty-two;" so as to read:

Fifty-two clerks of class two.

The amendment was agreed to.

The next amendment was in line 1983, to strike out "sixty" and insert "seventy;" so as to read:

Seventy clerks of class one.

The amendment was agreed to.

The next amendment was in line 1987, to strike out "three" and insert "eleven;" so as to read:

Eleven assistant messengers, $720 each.

The amendment was agreed to.

The next amendment was in line 1989, after the word "each," to insert:

Captain of the watch, $1,000.

The amendment was agreed to.

The next amendment was in line 1989, to strike out "seven" and insert "fourteen;" so as to read:

Fourteen watchmen, $720 each.

The amendment was agreed to.

The next amendment was in line 1991, to strike out "twenty" and insert "thirty-five;" so as to read:

Thirty-five laborers, $720 each.

The amendment was agreed to.

The next amendment was in line 1992, to increase the appropriation for compensation of engineer from $1,440 to $1,600.

The amendment was agreed to.

The next amendment was in line 1995, to increase the appropriation for compensation of carpenter from $1,200 to $1,252.

The amendment was agreed to.

The next amendment was in line 1998, after the word "dollars," to insert:

One fireman, $720.

The amendment was agreed to.

The next amendment was in line 1999, to strike out "three" and insert "four;" so as to read:

Four female laborers, $480 each.

The amendment was agreed to.

The next amendment was in line 2001, to strike out "eight" and insert "ten;" so as to read:

And for temporary clerks, $10,000.

The amendment was agreed to.

The next amendment was in line 2002, to increase the total appropriation for the force in the Post-Office Department from $393,070 to $491,012.

The amendment was agreed to.

The next amendment was in line 2006, after the word "stationery," to insert "$10,000;" so as to read:

For stationery, $10,000.

The amendment was agreed to.

The next amendment was in line 2007, after the word "office," to insert "$7,400;" so as to read:

Fuel for the General Post-Office building, including the Auditor's Office, $7,400.

The amendment was agreed to.

The next amendment was in line 2008, after the word "gas," to insert "$6,500;" so as to read:

For gas, $6,500.

The amendment was agreed to.

The next amendment was in line 2009, after the word "gas-fixtures," to insert "$4,000;" so as to read:

Plumbing and gas-fixtures, $4,000

The amendment was agreed to.

The next amendment was in line 2010, after the word "telegraphing," to insert "$3,500;" so as to read:

Telegraphing, $3,500.

The amendment was agreed to.

The next amendment was in line 2011, after the word "painting," to insert "$2,500;" so as to read:

Painting, $2,500.

The amendment was agreed to.

The next amendment was in line 2012, after the word "carpets," to insert "$5,000;" so as to read:

Carpets, $5,000.

The amendment was agreed to.

The next amendment was in line 2012, after the word "furniture," to insert "$7,500;" so as to read:

Furniture, $7,500.

The amendment was agreed to.

The next amendment was in line 2014, after the word "harness," to insert "$1,200;" so as to read:

Keeping of horses and repair of wagons and harness, $1,200.

The amendment was agreed to.

The next amendment was in line 2015, after the word "hardware," to insert "$1,500;" so as to read:

Hardware, $1,500.

The amendment was agreed to.

The next amendment was in line 2017, after the word "northwest," to insert "$1,800;" so as to read:

And for rent of house No. 915 E street northwest $1,800.

The amendment was agreed to.

The next amendment was in line 2018, after "miscellaneous items," to strike out "forty" and insert "nine" before "thousand;" and after "dollars," in line 2018, to insert "in all, $59,900."

The amendment was agreed to.

The next amendment was in the appropriations for the Department of Agriculture, to increase the appropriation for the compensation of the Commissioner, in line 2022, from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 2023, to increase the appropriation for the compensation of chief clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2024, to increase the appropriation for the compensation of entomologist from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2025, to increase the appropriation for compensation of chemist from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2026, to increase the appropriation for compensation of assistant chemist from $1,200 to $1,600.

The amendment was agreed to.

The next amendment was in line 2028, to increase the appropriation for the compensation of superintendent of experimental gardens and grounds from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2029, to increase the appropriation for compensation of satistician from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2031, to increase the appropriation for compensation of disbursing clerk from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 2032, to increase the appropriation for superintendent of the seed-room from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 2032, after the word "dollars," to insert "librarian, $1,800."

The amendment was agreed to.

The next amendment was in line 2034, to increase the appropriation for compensation of botanist from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 2035, to increase the appropriation for compensation of microscopist from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was in line 2035, to strike out "three" and insert "four;" so as to read:

Four clerks of class four.

The amendment was agreed to.

The next amendment was in line 2036, to strike out "four" and insert "five;" so as to read:

Five clerks of class three.

The amendment was agreed to.

The next amendment was in line 2036, to strike out "five" and insert "six;" so as to read:

Six clerks of class two.

The amendment was agreed to.

The next amendment was in line 2037, after the word "two," to strike out "six" and insert "seven;" so as to read:

Seven clerks of class one.

The amendment was agreed to.

The next amendment was in lines 2037, 2038, and 2039, to strike out:

One clerk of class four, two clerks of class three, two clerks of class two, and one clerk of class one, as tabulators for statistical division.

The amendment was agreed to.

The next amendment was in line 2040, after the word "thousand," to strike out "two hundred and sixty" and to insert "four hundred;" so as to read:

Engineer, $1,400.

The amendment was agreed to.

The next amendment was after the word "dollars," in line 2042, to insert:

Assistant superintendent of experimental gardens and grounds, $1,200; assistant superintendent of seed-room, $1,200.

The amendment was agreed to.

The next amendment was after the word "each," in line 2046, to strike out the words:

One female superintendent of flower-seed, $900.

The amendment was agreed to.

The next amendment was in line 2048, after the word "museum," to strike out the words "one of whom shall act as librarian;" so as to read:

Two attendants in the museum, $1,000 each.

The amendment was agreed to.

The next amendment was in line 2049, to insert:

One messenger at $840.

The amendment was agreed to.

The next amendment was in line 2052, to strike out "two and insert "three;" so as to read:

Three watchmen.

The amendment was agreed to.

The next amendment was in line 2053, after the word "and," to strike out "eight" and insert "nine;" so as to read:

And nine laborers.

The amendment was agreed to.

The next amendment was in line 2053, to increase the total appropriation for the force in the Department of Agriculture from $69,560 to $76,980.

The amendment was agreed to.

The next amendment was to strike out lines 2056, 2057, and 2058, as follows:

It shall be the duty of the Commissioner to collect agricultural statistics, compile the same, and publish monthly a statement thereof.

The amendment was agreed to.

The next amendment was to insert after line 3058:

For collecting agricultural statistics, and compiling and writing matter for monthly, annual, and special reports, $15,000: *Provided*, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

The amendment was agreed to.

The next amendment was in line 2095, to increase the appropriation for "repairs of building, heating-apparatus, furniture, water and gas pipes, and new furniture, cases for herbarium, gasometer, and necessary pipes for the same," from $2,000 to $3,300.

The amendment was agreed to.

The next amendment was in line 2226, to increase the appropriation for salary of the reporter of the decisions of the Supreme Court of the United States from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was in line 2128, to increase the appropriation for salary of the marshal of the Supreme Court from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was in line 2141, to increase the appropriation for salary of the warden of the jail in the District of Columbia from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was to insert after line 2141:

For the purchase of new books of reference for the judges of the Supreme Court, $5,000.

Mr. EATON. I do not like to object, but it strikes me that this item, "For the purchase of new books of reference for the judges of the Supreme Court, $5,000," is very large. These books of reference are to be for their use alone, apparently. Suppose the cost to be $10 a volume, not $5, here are five hundred volumes of new books of reference. It certainly seems to me there is no necessity for that large expenditure. If it was to purchase reports of the various States, or the reports of Great Britain, it would be another matter; but it is simply for "new books of reference, $5,000." I submit to the chairman that there is no necessity for such an expense of that character.

Mr. DAVIS. As I understand this appropriation of $5,000, it is for the law library.

Mr. EATON. You had better see if it be so. You are one of the committee. Then I shall understand it.

Mr. DAVIS. If the Senator will allow me to say what I understand, I shall be obliged to him. An item of $2,000 was what I had reference to. I see now that this was $5,000, which I cannot explain. Probably the chairman can. It was another matter that I referred to.

Mr. MORRILL, of Maine. I would say to my friend from Connecticut that this provision is put in on the motion of the Committee on the Library. The amendment was moved by the Committee on the Library and sent to the Committee on Appropriations and adopted by that committee, the Library Committee recommending it. That is the origin of it. Otherwise the Committee on Appropriations would not have felt authorized to put it on the bill, because it is a new item, not appropriated for heretofore. The Senator from Wisconsin [Mr. HOWE] ought to know something about this. I suggest to my honorable friend from Connecticut that if the Supreme Court of the United States have some good books bought for them, and they would read them frequently, they might be useful. [Laughter.] My honorable friend will see that if the purpose of the committee moving this is to provide them the books for consultation and reference, as I suppose it is, to have in their consultation-room, it may be very desirable. The Senator from Wisconsin will, I suppose, explain this amendment.

Mr. HOWE. It explains itself, as it seems to me. The demands upon the law library, owing to the large number of attorneys who practice at this bar and the fact that the court sits while the two Houses are in session, the members of which have more or less use for these volumes, makes it very difficult in the first place for the judges to get possession of the books when they want them, and then they get possession only first by sending to the library and then by hunting them up. They represent that it is very necessary for them to have a collection of the leading works in their consultation-room permanently, so that they can refer to them at any time; and upon their application and their testimony as to the necessity of such a collection the Joint Committee on the Library unanimously voted to ask for this appropriation, and I hope there will be no objection to making it. It is not a very large sum.

Mr. EATON. I did not understand it. I could not have supposed that the Library Committee proposed to get up a new library for the judges of the Supreme Court and that it was put in here in the way of an appropriation for new books of reference. My friend has explained it measurably; but it still strikes me, with all due deference, knowing something of the price of law-books, that they cannot require, in addition to the law library of Congress, $5,000 worth of new books of reference—more than five hundred volumes of new books. I desire that everything should be given the judges of the Supreme Court, as the honorable Senator from Maine intimates, which they may read in order to judge accurately. They should have all the books that are proper and necessary, but it really seems to me that the expenditure of $5,000 is unnecessary for that purpose.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The next amendment was in line 2147, after the words "chief clerk," to strike out "$2,500" and insert "$3,000;" after "assistant clerk," in line 2148, strike out "$1,600" and insert "$2,000;" in line 2149, after "bailiff," strike out "$1,200" and insert "$1,500;" and at the end of the clause strike out "$28,640" and insert "$29,840;" so as to read:

For salaries of five judges of the Court of Claims, at $4,500 each; the chief clerk, $3,000; one assistant clerk, $2,000; bailiff, $1,500; and messenger thereof; in all, $29,840.

The amendment was agreed to.

The next amendment was in line 2153, to strike out "$2,000" and insert "$2,500;" and in line 2158, to strike out "$3,000" and insert "$3,500;" so as to make the clause read:

For stationery, books, fuel, labor, postage, and other contingent and miscellaneous expenses, $2,500; for reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the eleventh volume of the Reports of the Court of Claims, to be paid on the order of the court, $1,000; in all, $3,500.

The amendment was agreed to.

The next amendment was in the appropriation for the Department of Justice, in line 2162, to increase the appropriation for the compensation of the Solicitor-General from $6,000 to $7,500.

The amendment was agreed to.

The next amendment was in line 2163, to strike out "two" and insert "three," and strike out "four thousand five hundred" and insert "five thousand;" so as to read:

Three Assistant Attorneys-General at $5,000 each.

The amendment was agreed to.

The next amendment was in line 2165, to increase the appropriation for the compensation of one Assistant Attorney-General of the Post-Office Department from $3,600 to $4,000.

Mr. EDMUNDS. I think in line 2165 the word "of" should be "for." This seems to separate this Assistant Attorney-General for the Post-Office Department, to make him exclusively an officer of that Department. If you change "of" to "for" it will bring it into harmony with the rest under the Department of Justice, to which he belongs.

Mr. MORRILL, of Maine. That should be so.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 2167, to increase the appropriation for compensation of the Solicitor of Internal Revenue from $4,500 to $5,000.

The amendment was agreed to.

The next amendment was in line 2168, to increase the appropriation for the compensation of the Naval Solicitor from $3,150 to $3,500.

The amendment was agreed to.

The next amendment was in line 2169, to increase the appropriation for compensation of the examiner of claims from $3,150 to $3,500.

The amendment was agreed to.

The next amendment was in line 2171, to increase the appropriation for the compensation of law clerk and examiner of titles from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 2173, to increase the appropriation for compensation of stenographic clerk from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2174, after the word "dollars," to insert:

One law clerk, $2,000.

The amendment was agreed to.

The next amendment was in line 2175, after the word "four," to insert:

Additional for disbursing clerk, $200.

The amendment was agreed to.

The next amendment was in line 2179, to increase the total appropriation for the force of the Department of Justice from $64,060 to $76,960.

The amendment was agreed to.

The next amendment was in line 2191, after the words "subsistence of," to strike out "one horse" and insert "horses;" in line 2192, after the words "repairs of," to strike out "one wagon" and insert "wagons;" and in the same line, after the word "harness," to strike out "five hundred" and insert "one thousand;" so as to read:

For care and subsistence of horses and repairs of wagons and harness, $1,000.

The amendment was agreed to.

The next amendment was in line 2194, to increase the appropriation for official postage-stamps for the Department of Justice from $1,000 to $5,000.

The amendment was agreed to.

The next amendment was in line 2197, to increase the appropiation for compensation of Solicitor of the Treasury from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was in line 2197, to increase the appropriation for salary of the Assistant Solicitor of the Treasury from $2,700 to $3,000.

The amendment was agreed to.

The next amendment was in line 2199, to increase the appropriation for salary of the chief clerk of the Solicitor of the Treasury from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was in line 2199, to strike out "two" and insert "four;" so as to read:

Four clerks of class four.

The amendment was agreed to.

The next amendment was in line 2200, to strike out "two" and insert "three;" so as to read:

Three clerks of class two.

The amendment was agreed to.

The next amendment was in line 2202, to increase the amount of the appropriation for the force in the Office of the Solicitor of the Treasury from $21,161 to $28,060.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That from and after the 1st day of July, 1876, the annual compensation of clerks of class four shall not exceed $1,600; and the annual compensation of clerks of class three shall not exceed $1,450; and the annual compensation of clerks of class two shall not exceed $1,300. And paragraphs 1, 2, and 3 of section 167 of the Revised Statutes, or so much thereof as provides a different compensation for said clerks, and all laws and parts of laws in conflict with the provisions of this section, are hereby repealed. And the several sums appropriated by this act for each of the several offices and employment therein mentioned shall be the salaries and compensations for such offices and employments respectively from and after the 30th day of June, 1876. And no officer or employé of the Government shall require or request, give to, or receive from, any other officer or employé of the same, or other person, directly or indirectly, any money, property, or other thing of value, for political purposes; and any such officer or employé who shall offend against the provisions of this act shall at once be dismissed from the service of the United States, and also be deemed guilty of a high misdemeanor, and, on conviction thereof, fined not less than $500 nor more than $3,000, and imprisoned not more than one year, at the discretion of the judge trying the case: *Provided*, That hereafter all appointments of clerks of either the fourth, third, or second class shall be made clerks of the class next below the one to which the appointment shall be made.

The amendment was agreed to.

The next amendment was in section [3,] 2, to strike out all after the word "same," in line 5, as follows:

And he is hereby required to issue regulations directing a reduction of 10 per cent. of the annual salaries of all the collectors of customs and officers employed in such service and their subordinates of every grade whose compensation exceeds $1,200 per annum, to take effect on and after July 1, 1876: *Provided*, That the reduction of 10 per cent herein provided for shall not apply to those salaries or compensations already reduced by the Secretary of the Treasury since June 30, 1875, below that percentage.

The amendment was agreed to.

The next amendment was in section [4,] 3, to strike out all before the word "whenever," in line 7, as follows:

That all laws and parts of laws in conflict with the provisions of this act, either in the reduction of salaries or of the number of officers or of employés, as made by the provisions of this act, or conflicting with any other of its provisions, are hereby repealed; and the words "during the session," as used in this act, are intended to, and shall be construed to mean, four months.

The amendment was agreed to.

The next amendment was to strike out section 5, in the following words:

SEC. 5. That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman, messenger, watchman, laborer, or other employé in any of the Executive Departments in the city of Washington, or elsewhere, except those for whom specific appropriations are made.

The amendment was agreed to.

Mr. MORRILL, of Maine. I call attention to some slight amendments which should be made to the bill. On page 6, line 127, after the word "day," I move to insert "when actually employed;" and at the end of the paragraph, after the word "dollars," to insert:

Provided, however, That any portion of said sum may be used in the discretion of said superintendent for piece-work.

So as to make the whole paragraph read:

For four folders, at not exceeding $3 per day when actually employed, under the direction of the superintendent of the folding-room, $3,000: *Provided, however*, That any portion of said sum may be used, in the discretion of said superintendent, for piece-work.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 10, line 234, in the appropriations for the House of Representatives, I move to strike out "eighteen" and insert "fourteen;" so as to read:

Fourteen messengers, at $1,440 each.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 11, line 241, I move to strike out "$4,200" and insert "$5,000;" so as to read:

Two stenographers for committees, $5,000.

Mr. EATON. I understand the motion is to add to the $4,200 already in the bill.

Mr. MORRILL, of Maine. It adds $500 to each stenographer and it corrects an error in the bill.

Mr. EATON. I wish my friend from Maine to understand distinctly that if the old law provides for the sum of $5,000 I shall not interpose any objection.

Mr. MORRILL, of Maine. It is the law.

Mr. EATON. Then I make no objection.

Mr. MORRILL, of Maine. My attention has been called to that matter from the other side.

Mr. EATON. Not that I do not think the committee were right in proposing $4,200, but I do not desire that they should go back on their views of the law.

Mr. MORRILL, of Maine. My attention has been called to it outside of the Chamber. We have made an error. We have not followed our own rule.

The amendment was agreed to.

Mr. MORRILL, of Maine. In line 247, in the appropriations of the House of Representatives, I move to strike out "two" and insert "three," and strike out "one" and insert "two;" so as to read:

Three clerks in the folding-room, two at $1,500 and one at $1,200.

I offer that on the same information.

The amendment was agreed to.

Mr. MORRILL, of Maine. In line 253 I move to strike out "eighteen" and insert "twelve;" and after the word "dollars" in the same line, to insert "eleven messengers, at $1,440 each;" so as to read:

Eleven messengers, at $1,440 each; twelve messengers to be employed during the session, at $125 per month.

The amendment was agreed to.

Mr. MORRILL, of Maine. On the following page the total of the appropriations for the House of Representatives should be changed in lines 267 and 268 from $209,243.20 to $221,103.20.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 15 in the appropriations for the Botanic Garden, in lines 358 and 359, I move to strike out "$1,440" and insert "$1,600;" so as to read:

For pay of superintendent, $1,600.

And in line 362, to make the total $7,600 instead of $7,440.

Mr. HOWE. Before that total sum is agreed to I want the Senate to make one or two other amendments in the paragraph.

Mr. MORRILL, of Maine. If the Senator please, we shall come back to that presently.

The PRESIDING OFFICER. The bill will be open to amendment as soon as the committee have concluded their amendments.

Mr. HOWE. Yes; but I want an amendment made which may change this sum total.

Mr. MORRILL, of Maine. We shall not object to that being acted on. That can be done at the same time.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 17, line 401, in the appropriation for the employés at the Executive Mansion, I move to insert after the word "ushers" the words "one at the President's door and one at the secretary's door." The purpose is to designate two ushers, instead of two policemen, and to describe their duties.

Mr. DAVIS. Without adding anything?

Mr. MORRILL, of Maine. And in the same line, instead of $1,200 I propose to say $1,320; so as to read:

Two day ushers, one at the President's door and one at the secretary's door, at $1,320 each.

The amendment was agreed to.

Mr. MORRILL, of Maine. The total amount appropriated in that paragraph should be corrected in line 403 by striking out "$7,764" and inserting "$8,004."

The amendment was agreed to.

Mr. MORRILL, of Maine. At the bottom of that page, after line 412, I move to insert:

For watchman in Lincoln Square, $540.

The amendment was agreed to.

Mr. WINDOM. On page 24, line 584, in the appropriations for the Office of the Second Comptroller of the Treasury, the committee desire to strike out "five" and insert "ten;" so as to read:

Ten clerks, at $900 each.

The amendment was agreed to.

Mr. WINDOM. The footing in line 506 should be amended so as to make it $101,180.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 32, line 785, I move to strike out after the word "salaries" the words "expenses and fees of storekeepers, agents, surveyors, gangers, and miscellaneous expenses," and insert:

And expenses of agents and surveyors, for fees and expenses of gangers, for salaries of store-keepers, and for miscellaneous expenses.

So as to read:

For salaries and expenses of agents and surveyors, for fees and expenses of gangers, for salaries of store-keepers, and for miscellaneous expenses, $1,800,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 33, in the same paragraph, after the word "hereafter" in line 789, I move to strike out the words:

No gauger shall receive a greater compensation than $5 per day; and

That is surplusage; the same thing is in the line above.

The amendment was agreed to.

Mr. MORRILL, of Maine. In line 793, in the same paragraph, I move to strike out the word "said" before "compensation."

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 48, line 1164, in the appropriation for the office of the Director of the Mint, I move to strike out "four" and insert "three;" so as to read:

One clerk of class three.

And in the next line to strike out "one" and insert "two;" so as to read:

One clerk of class two.

It is simply a transposition of the clerks, without changing the total.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 55, line 1332, in the appropriation for the assay office at Boise City, Idaho Territory, I move to strike out "$1,200 and insert "$2,500;" so as to read:

For wages of workmen, fuel, crucibles, chemicals, repairs, and other incidental expenses, $2,500.

Mr. EDMUNDS. What is your authority for it?

Mr. MORRILL, of Maine. Express application from the Secretary.

Mr. EDMUNDS. Will you please read it?

Mr. MORRILL, of Maine. O, yes! I was going to say that it only arises from an omission. The legislation of Congress on the silver question has made it necessary to increase in all these places somewhat the expenditures, and this was omitted. Throughout the bill we have done that, but at this point we did not; and since it has been reported my attention has been called to it by the Director of the Mint.

The amendment was agreed to.

Mr. MORRILL, of Maine. In line 1334, the word "salaries," should be changed into "salary."

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 57, line 1401, in the appropriations for the Territory of New Mexico, I move to insert after the word "five" the word "hundred;" so as to read:

For salaries of governor, chief justice and two associate judges, secretary, and interpreter and translator in the executive office, $15,500.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 3, line 63, in the appropriations for the Senate, I move to strike out "two" and insert "four;" so as to read:

Four mail-carriers, at $1,200.

The amendment was agreed to.

Mr. MORRILL, of Maine. The footing should be changed in lines 92 and 93 to correspond with that amendment, to $165,522.80.

The amendment was agreed to.

Mr. SHERMAN. I have two amendments sent to me from the Department. The first is a simple modification of lines 796 to 800. It does not change it, except in one particular. I will read it. After the word "service," in line 794, I move to strike out:

And from and after the 30th day of June next there shall be no more than one hundred and thirty-one collection districts.

In line 798, after the word "the," to insert "number of;" in line 799, after the word "exceeding," to strike out "the number aforesaid" and insert "one hundred and thirty-one;" and in line 800, after the word "law," to insert:

Which reduction shall take effect on the 1st day of July, 1876, or as soon thereafter as may be practicable.

The reason for the change in these lines is that the bill as it now reads requires the reduction to take place on or before the 30th day of June. The impracticability of this will be apparent when we consider the uncertainty of the time when the bill will become a law, and the time necessary to make such consolidation and preparation by the bonds of collectors. I have no doubt from former experience it will take sixty or ninety days. I will say the only effect is to allow the consolidation to go on as rapidly as possible. It does not change the number at all, but gives time to do it. As a matter of course, it cannot be by the 1st of July.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 794, after the word "service," it is moved to strike out:

And from and after the 30th day of June next there shall be no more than one hundred and thirty-one collection districts.

The amendment was agreed to.

The CHIEF CLERK. In line 798, after the word "the," it is proposed to insert "number of;" and in line 799, after the word "exceeding," strike out "the number aforesaid" and insert "one hundred and thirty-one;" and in line 800, after the word "law," to insert:

Which reduction shall take effect on the 1st day of July, 1876, or as soon thereafter as may be practicable.

So as to read:

And it shall be the duty of the President, and he is hereby authorized and directed, to reduce the number of internal-revenue districts to not exceeding one hundred and thirty-one, in the manner heretofore provided by law, which reduction shall take effect on the 1st day of July, 1876, or as soon thereafter as may be practicable.

The amendment was agreed to.

Mr. SHERMAN. The Senate have restored lines 800 to 804 in the following words:

And sections 1359 and 1360 of the Revised Statutes and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal-revenue service are hereby repealed.

I propose now to add after the word "repealed," in line 804, this clause, so as to transfer certain power now imposed on supervisors to the Commissioner of Internal Revenue:

And the powers of transfer and of suspension of officers conferred on supervisors by section 3163 of the Revised Statutes are hereby vested in the Commissioner of Internal Revenue, and all other powers conferred and duties imposed by said section upon supervisors are hereby conferred and imposed upon collectors of internal revenue within their respective districts. In case of the suspension of a collector under the power hereby conferred, the Commissioner of Internal Revenue shall, as soon thereafter as practicable, report the case to the President through the Secretary of the Treasury for such action as he may deem proper.

Under the law now a supervisor of internal revenue has the power to suspend officers temporarily. That power is here conferred on the Commissioner of Internal Revenue. The supervisors have also certain powers of seizure. Those powers are conferred on the collector of internal revenue in each district.

Mr. EDMUNDS. That is introducing distinct new legislation into this appropriation bill.

Mr. SHERMAN. It is made absolutely necessary by the fact that in the bill as it came to us there is legislation abolishing the office of supervisor of internal revenue. The Senate have concurred in abolishing that office, and it is necessary to transfer the duties conferred on those officers to other officers.

Mr. EDMUNDS. Then I merely say I am opposed to both propositions, for I have always tried to stand up for keeping appropriation bills free from legislation, with one notable exception that I will not refer to now. I will put in my simple negative to this proposition and the other, too.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. MORRILL, of Vermont. On page 17 an amendment was passed over which has not yet been agreed to. I ask to have it amended on line 391 by striking out "the" and inserting "other;" and in the same line by striking out the words "in charge of public buildings and grounds;" so as to read:

That all the duties relative to the Capitol building heretofore performed by other officers shall hereafter be performed by the architect of the Capitol, whose office shall be in the Capitol building.

And after the word "building" I move to strike out:

And who shall have the appointment and direction of the employés connected therewith.

Mr. MORRILL, of Maine. I have no objection to that.

The PRESIDING OFFICER. The Clerk will report the amendment of the Committee on Appropriations as it will read when amended.

The CHIEF CLERK. It is proposed to insert after line 385:

Provided, That the architect of the Capitol shall have the care and superintendence of the Capitol, including lighting, heating, and ventilating, and repairs; and shall submit, through the Secretary of the Interior, estimates thereof: *And provided further*, That all the duties relative to the Capitol building heretofore performed by other officers, shall hereafter be performed by the architect of the Capitol, whose office shall be in the Capitol building.

The amendment, as amended, was agreed to.

Mr. MORRILL, of Vermont. On page 17 I desire to call the attention of the Senate to the fact that the watchmen for a great many of the public grounds, including the Smithsonian, Judiciary Square, and various other squares, have been left out. I think a portion of them might very well be left out; for instance, the watchman on Rawlings Square and the watchman for Pacific Place, and watchman for the Washington Circle; but there are others that manifestly ought to be included in the bill. We cannot quite afford to leave the Smithsonian grounds without watchmen; there are a great number of trees there, and they are perhaps more necessary than at any other spot. There is a watchman needed for the circle at the intersection of Massachusetts and Vermont avenues, one of the most highly-decorated circles in the city, and where we have very extensive wrought-stone-work, seats, and other ornaments, and a large number of young trees and plants. Then as to the watchmen for the Capitol grounds; the grounds have been doubled in extent; and it is indispensable that there should be enough watchmen, so as to have some upon the grounds all the time. We now have eight; and in order to give them the sufficient number of four to be upon the grounds all the time, I shall offer an amendment for four additional. I offer this amendment to come in after line 410:

For four watchmen for Smithsonian grounds, at $720 each, $2,880.
For one watchman for circle at the intersection of Massachusetts and Vermont avenues, $540.
For one watchman for Judiciary Square, $720.
For four additional watchmen for Capitol grounds, at $720 each, $2,880.

Mr. SARGENT. I do not like to oppose an amendment offered by so careful a legislator as the chairman of the Committee on Public Buildings and Grounds, but it seems to me that for squares where there are merely trees and grass, where there are no statues or works of art or flowers, the ordinary police of the city should be sufficient. That I understand to be the theory of the House bill. In a square where there are flowers to be taken care of and a fountain, as at the junction of Massachusetts and Vermont avenues, and at Lincoln Park, where there is a very beautiful statue and there are fountains and conveniences for both sexes, &c., it seems to me there should be some one in charge to see that the water arrangements do not get out of order, to see that the works of art are not mutilated, and that the flowers are not destroyed. But for a large reservation like the Smithsonian, where none of these things exist, it seems to me it would be very much better to rely upon the general police. I make the suggestion with some deference.

Mr. MORRILL, of Vermont. I do not think the criticism of the Senator from California applies to anything that I have proposed, with the exception of Judiciary Square. It is possible that we might dispense with the use of a watchman there; but at the same time there has been a number of young trees set out there, and unless they are carefully looked after they will be inevitably injured and destroyed. In relation to the Smithsonian grounds, there are other reasons besides the protection of the trees that are there, although we have perhaps assembled there a larger number of beautiful trees than on any other spot in the city. There are not only day-walkers but night-walkers there, and it is absolutely indispensable perhaps to the public morals that there should be watchmen there.

Mr. SARGENT. I withdraw all objection.

The amendment was agreed to.

Mr. CLAYTON. I offer the following amendment, to be added to section 3:

That the appointments in all the Executive Departments of the Government shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population; and the principle of equal distribution of appointments as above provided for shall apply in making reductions of force in said Departments.

The amendment is recommended by the Committee on Civil Service and Retrenchment.

Mr. EDMUNDS. I move to amend the amendment by adding to it the words:

And all such appointments shall be made upon a careful and impartial examination of the candidate therefor by a board composed of not less than five persons, to be appointed by the President, by and with the advice and consent of the Senate; and the most capable and worthy of the competitors so examined shall be selected for such appointments.

This amendment, Mr. President, explains itself, in endeavoring to provide a careful scrutiny into the qualifications of persons who are selected for performing clerkly duties in the civil service of the Government, and I hope every Senator will vote for it.

Mr. SARGENT. Is the original amendment liable to a point of order?

The PRESIDING OFFICER. The Chair thinks not. It proposes no new item of appropriation. The Chair holds that it does not propose an item of appropriation, and therefore is not open to a point of order.

Mr. SARGENT. I do not know that I have any objection to the amendment to the amendment; but I object to the principle of the original proposition. I think it is a very bad system, and it is very unjust to this District. We have a large number of people brought here by the necessities of the Government from all parts of the Union, and without the employment which the Government gives being received by them with some regularity, there is a liability to very great distress and want in this District. If we were to say that the residents of this District should not receive more of these offices than their proportion when compared with the distant States, I think it would produce scenes here which would be very painful indeed. I do not believe in making the public offices in this District an object of scramble among the different States. I know it is sometimes disappointing where an impecunious constituent calls upon a member of Congress to find that it is impossible to get him a place in a Department; but these cases are comparatively rare to the others which are brought to our attention nearly every day of people living in this District where their parents may die, who may be orphan girls or young men who need employment, or where they are struggling widows seeking to get along and to educate their children or even to provide bread for them, and who are turned away simply because they do not come from California, Minnesota, or Arkansas.

We are liable to produce a very bad state of things in this District, in my judgment, by refusing employment to people who are here—who were brought here originally from the fact that their parents had some such employment, or from any cause have settled in this District. This is not a manufacturing city nor a commercial city in any large sense, and the people here necessarily depend upon the employment which the Government gives them. Many of them are liable to misfortune, are continually overtaken by it, and absolutely need the bread which the Government can dispense in return for honest service rendered by them. I should be very sorry indeed to see it out of our power, where these cases of distress are brought to us, to recommend worthy persons to the Departments and procure them such relief.

I am willing, as far as I am concerned, to forego any of that fancied claim of my State to have a dozen persons in the Treasury and eight or ten more in the Interior Department simply because they are Californians. It appeals very much more strongly to my sympathy when some worthy, excellent girl, well educated and able to do good work for the Government, in some neighboring street comes to me and shows me a case of distress existing in her own family which can be relieved provided the Government will give her employment; and many a time I have gone to the Departments and asked in such cases and in similar cases employment for these persons. It seems to me that we cut off any opportunity for doing good in this direction and are liable to have cases of distress brought to our attention where we are entirely unable to relieve them except by the very inadequate means of putting our hands in our pockets and giving out of our limited means mere charity to people who want honorable work. For this reason I am opposed to the original proposition, and I really hope it will not be adopted.

Mr. CLAYTON. Mr. President, this is a proposition not new at all in legislation, but is almost the exact language of the law as it now applies to one of the Departments of this Government, and that is the Treasury Department. That is a law which was passed on an appropriation bill of this kind, I think, at the last session of Congress. It has been in operation since January last. It has worked well, so far as we know, and I can see no reason why we should apply one rule to one Department and not to another. If there are any reasons, I should be glad to hear them. If the arguments of the Senator from California are correct, then we ought to repeal the similar provision which now applies to the Treasury Department; but I do not think we ought. I do not look upon these employments as appointments merely. They are appointments to labor. They are honorable, and labor is as sensitive as capital is in this country. The people take good care where they have appointments to make, that they are distributed according to population over the country. In your military arm of the Government you distribute them equally over the country. Why not let the people in distant States who desire to come here and labor honorably for the Government have the same privilege that people have in the District of Columbia or some of the adjoining States?

I cannot see any good reason why we should not open the door to all to this honorable employment and give all an equal chance. It is not a scramble for office that I propose; but where you have a citizen in the State of California, or in the State of Arkansas, or some other State, who desires to enter upon this labor, give him the same chance that the individual has who is lying around Washington here. But the fact of the business, if you get at the facts, is that nearly all the appointees from the District of Columbia came originally from some of the States; but they have been so long here that they have become citizens of the District of Columbia.

I do not think there will be any harm in carrying out this law, when we make reductions, make them from those States which are very largely in excess of their quota. I have taken the trouble to examine this matter somewhat. I find that the State of Maryland has more appointees in the Departments of the Government than nearly all the Southern States put together. It is true that there are

some few States that have more than their quota. The District of Columbia, however, has more in the Departments than all the Southern States, or I might almost add the Western States put together. I cannot see any good reason why the people here should monopolize this honorable employment.

I do not say turn out; I do not say re-organize; but where you have to remove let the curtailment come from those States that have more than their proportion; but do not turn out a man who is a good clerk; keep him there; but if some of the States that have less than their proportion have men who are inefficient, turn them out. That power already exists. This is not for the purpose of putting in men simply because they come from States that have not had their quota, who are not qualified. No one would ask for that; but, where everything else is equal, let this honorable labor be open to all parts of the country alike.

Mr. MORRILL, of Maine. I want to say a word or two about this matter, not upon the merits of it at all, but as a matter of business. If this is desirable to be enacted, it can be put upon almost any other bill of this character during the session. There are reasons, and particular reasons, I submit to the Senate, why this bill ought to pass to-night. If it had been considered upon objection, and amendments had been passed over, of course I should not think of passing it to-day; but in the way it has been considered, so little, if anything having been controverted, it seems to me if it were in the Senate we could pass it to-night. If it goes over, the court intervenes to-morrow. We are now within less than a month of the end of the fiscal year. We cannot afford to have the fiscal year expire with this bill on our hands. Therefore we ought to get it to the House of Representatives at the earliest day practicable. My honorable friend from Arkansas I trust will be content to propose his proposition to some other bill not so urgent as this, the sundry civil, or the very next bill that is brought forward.

Mr. CLAYTON. It properly belongs here.

Mr. MORRILL, of Maine. It does not properly belong to this bill. It is legislation. It is not an appropriation. It is as properly here as on any other bill; but I do not see that it is any more so.

I wish to call the attention of the Senate to this particular point. Everybody will see it, and I hope the Senate will appreciate it: It has become an absolute necessity for us to return this bill to the House of Representatives at the earliest period we can, so that the two Houses may confer upon the various items and upon the disagreeing votes of the two branches at a day so early as that there shall be no hitch in the public service. To that end I will try the sense of the Senate whether they will act upon this proposition now definitely, or reserve my honorable friend to some other time to present it. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Maine moves to lay the amendment of the Senator from Arkansas upon the table.

Mr. LOGAN rose.

Mr. MORRILL, of Maine. If any gentleman wishes to address the Chair upon the amendment I will withhold the motion for a moment.

Mr. LOGAN. I merely wish to ask a question. I do not know whether or not under the rule the new legislation which is proposed by the Senator from Vermont, appointing five officers a board to be confirmed by the Senate, is an appropriation. It is true that no salary is fixed, but that of course will follow afterward. Therefore it is as much in the character of legislation as if it were a direct appropriation.

Mr. MORRILL, of Maine. I understood the Chair to rule that as it does not increase an appropriation it is not out of order.

Mr. LOGAN. I beg the pardon of the Chair, however, if I differ from him; but it is only in order because there is no salary attached to the appointment, and a salary necessarily must be attached before the bill bec omes a law, and it will be done by the conference committee, I suppose. If these men are to be confirmed by the Senate, they will have to be paid. Hence, although the salary does not appear upon its face, there must be a salary attached to the appointment. I insist that it is increasing indirectly the appropriation.

Mr. EDMUNDS. Mr. President, I will not spend the time of the Senate in discussing the point of order, inasmuch as the Chair has ruled it is in order, and that I think is obviously according to the rule; but I might say to my friend from Illinois that there is a provision in the statutes now, an existing law which this merely provides for carrying out, and is only a change in the manner. The President, by law, is now authorized to appoint a board of examiners, &c. This merely changes that existing law and carries it out, by furnishing a more definite means and regulating the method by which that means shall be applied to the service of the country.

I am very glad to have the opportunity on the proposition of the Senator from Arkansas of bringing directly to the vote of the Senate the proposition I have submitted, and that is one which I believe, if we are to take protestations of desire for the public service, ought to make the bill a great deal more acceptable in the other quarters to which it is to go than it will be in its present state, because the chief burden of the song of public men this winter has been a reformation of the civil departments of the Government. It has been stated that the service was badly performed by too many persons and at too large salaries, and all that sort of thing. Now, if we can propose to the other branch of the Legislature a measure which provides in a clear and sensible way for ascertaining in a definite manner who are persons competent to perform these duties in the Department, then we shall be able to ascertain when we get them how few we can get along with and how many we can dispense with.

I think therefore the Senator from Maine ought not to be alarmed, taking the public talk about the good things that ought to be done for this Government, in respect of this measure of the Senator from Arkansas with the amendment to it which I have proposed, which I am glad to see no gentleman has made any objection to on its merits. My friend ought not to be put in any trouble on the score that it is going to embarrass the passage of the bill. We are bound in theory to suppose that it will promote the passage of the bill. I ask for the yeas and nays on the adoption of my amendment now offered.

The PRESIDING OFFICER. The Chair would suggest that the Senator from Maine having moved to lay the amendment on the table, debate is not in order except by unanimous consent.

Mr. EDMUNDS. I ask pardon of the Chair. I thought the motion was withdrawn.

Mr. MORRILL, of Maine. I yielded simply to allow Senators to address the Chair. I now renew the motion.

The PRESIDING OFFICER. The Senator from Maine insists on his motion and the enforcement of the rule. The Chair cannot recognize any Senator for debate.

Mr. LOGAN. I do not wish to debate the question, but I merely wish to make a statement which I presume is well known to all Senators. The amendment proposed by the Senator from Vermont is now the law. I have no reference to the question whether the President has a right to appoint, but I refer to the law of 1853, by which each Department is required to have a commission appointed of persons in the Department for the purpose of examining all clerks who apply for an appointment. That is the law and it is the rule followed in each one of the Departments without extra pay for extra service. They are appointed in each Department and these examinations are made just as the Senator desires, except in a different form.

Mr. McCREERY. I move that the Senate do now adjourn.

Mr. EDMUNDS. O, no, let us stick it out.

Mr. MORRILL, of Maine. What has become of my motion?

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from Maine moves to lay the amendment of the Senator from Arkansas on the table.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. That would carry the amendment of the Senator from Vermont with it.

Mr. MORRILL, of Maine. No, I think not.

Mr. EDMUNDS. It will carry the whole thing with it.

The question being taken by yeas and nays, resulted—yeas 13, nay 22; as follows:

YEAS—Messrs. Barnum, Cooper, Cragin, Eaton, Goldthwaite, Howe, Johnston, Jones of Nevada, Logan, McDonald, Morrill of Maine, Sargent, and Sherman—13.

NAYS—Messrs. Allison, Anthony, Bogy, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Cockrell, Davis, Edmunds, Hamilton, Ingalls, Jones of Florida, Key, McCreery, Maxey, Morrill of Vermont, Norwood, Ransom, Stevenson, Wadleigh, and Windom—22.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Ferry, Frelinghuysen, Gordon, Hamlin, Harvey, Hitchcock, Kelly, Kernan, McMillan, Merrimon, Mitchell, Morton, Oglesby, Paddock, Patterson, Randolph, Robertson, Saulsbury, Sharon, Spencer, Thurman, Wallace, West, Whyte, Withers, and Wright—38.

The PRESIDING OFFICER. Thirty-five Senators have responded to their names, which is less than a quorum.

Mr. PADDOCK. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

IDAHO CONTESTED-ELECTION CASE.

Mr. HALE. I demand the regular order of business.

Mr. HOUSE. I rise for the purpose of submitting a report from the Committee of Elections in the case of Fenn *vs.* Bennett.

Mr. HALE. Is there anything in order on Monday morning except a call of the States?

The SPEAKER *pro tempore*. No; but the gentleman from Tennessee rises to submit a privileged report from the Committee of Elections.

Mr. HOUSE. I move that the report be laid upon the table, and ordered to be printed, merely asking now that the resolutions accompanying the report be read.

The Clerk read as follows:

Resolved, That T. W. Bennett was not elected, and is not entitled, to a seatin the House of Representatives of the Forty-fourth Congress as a Delegate from the Territory of Idaho.

Resolved, That S. S. Fenn was elected, and is entitled, to a seat in the House of Representatives of the Forty-fourth Congress as a Delegate from the Territory of Idaho.

The motion was agreed to; and the report was laid on the table, and ordered to be printed.

MORNING HOUR.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour now begins at twelve o'clock and fifteen minutes; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

BENJAMIN F. RICE'S HEIRS.

Mr. JOYCE (by request) introduced a bill (H. R. No. 3637) authorizing the extension of letters-patent to the heirs of Benjamin F. Rice, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BUREAU OF EDUCATION.

Mr. CUTLER introduced a bill (H. R. No. 3638) authorizing the Bureau of Education to occupy the "Armory" and making an appropriation for the repair and refitting of the same; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

JAMES W. J. MOORE.

Mr. HENKLE introduced a bill (H. R. No. 3639) for the relief of James W. J. Moore, late of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH FORREST.

Mr. HENKLE also introduced a bill (H. R. No. 3640) for the relief of Joseph Forrest, of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WESTERN CHEROKEES.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 3641) to refer the claim of the Western Cherokees, or "old settlers," to the United States Court of Claims for adjudication; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INTERNAL REVENUE.

Mr. DURHAM introduced a bill (H. R. No. 3642) to amend article 3, section 3244, chapter 3, of the Revised Statutes, title 35, internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SINKING FUND.

Mr. DURHAM also introduced a bill (H. R. No. 3643) to amend section 1 of an act approved March 3, 1875, entitled "An act to further protect the sinking fund and provide for the expenses of the Government;" which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. SARAH B. M'CAMPBELL.

Mr. CLARKE, of Kentucky, introduced a bill (H. R. No. 3644) to re-imburse Mrs. Sarah B. McCampbell, of Jessamine County, Kentucky, for the payment of a succession tax erroneously assessed and collected; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CAPTAIN LEWIS SOWARDS.

Mr. WHITE introduced a bill (H. R. No. 3645) for the benefit of Captain Lewis Sowards, of Pike County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRA WELLS.

Mr. WHITE also introduced a bill (H. R. No. 3646) granting an increase of pension to Ira Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARMAN COLLEY.

Mr. WHITE also introduced a bill (H. R. No. 3647) to remove the charge of desertion against Harman Colley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONEY-ORDER OFFICES.

Mr. WHITE also introduced a bill (H. R. No. 3648) establishing a money-order office in the post-office at every county seat in the several States of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DISABILITY PENSIONS.

Mr. WHITE also introduced a bill (H. R. No. 3649) repealing section 4698½ of the United States Statutes at Large, and providing that an increase of pension shall date from the existence of the disability; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NUMBER OF MEMBERS OF HOUSE OF REPRESENTATIVES.

Mr. WHITE also introduced a bill (H. R. No. 3650) reducing the number of members of the House of Representatives to two hundred, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES L. CAIN.

Mr. McFARLAND introduced a bill (H. R. No. 3651) for the relief of James L. Cain, administrator of Hugh Cain, deceased, late of Hawkins County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JAMES L. HIGH.

Mr. CAULFIELD introduced a bill (H. R. No. 3652) for the relief of James L. High; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

A. B. GREENWOOD.

Mr. MORGAN introduced a bill (H. R. No. 3653) for the relief of A. B. Greenwood, of Barry County, Missouri; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM F. RUSSELL.

Mr. FINLEY introduced a bill (H. R. No. 3654) to relieve William F. Russell, of Florida, of political disabilities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY JANE VEAZIE.

Mr. CATE introduced a bill (H. R. No. 3655) for the relief of Mary Jane Veazie; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HORACE K. DRAKE.

Mr. KIMBALL introduced a bill (H. R. No. 3656) for the relief of Horace K. Drake; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

C. N. FELTON.

Mr. PIPER introduced a bill (H. R. No. 3657) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

J. E. REDFIELD.

Mr. GOODIN introduced a bill (H. R. No. 3658) for the relief of J. E. Redfield, late receiver of public moneys at Humboldt, Kansas; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROPERTY OF INDIANS DESTROYED DURING LATE WAR.

Mr. GOODIN also introduced a bill (H. R. No. 3659) to authorize the President of the United States to appoint a commission to ascertain the amount and kind of property and effects belonging to the Indians of the Indian Territory, and the value of the same, used, lost, and destroyed during and on account of the late war of the rebellion; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM FUDGE.

Mr. JACOBS introduced a bill (H. R. No. 3660) for the relief of William Fudge, by confirming his title to lands in Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

The SPEAKER *pro tempore*, (Mr. COX.) The call of States and Territories for bills on leave and joint resolutions for reference has now been completed.

CANNON FOR MONUMENTAL PURPOSES.

Mr. HARRIS, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3661) donating cannon for monumental purposes to Post No. 3, Grand Army of the Republic, of Taunton, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BOONE. I move that the rules be suspended——

The SPEAKER *pro tempore*. The morning hour has not yet expired. The next business of the morning hour on Monday is the second call of States and Territories for resolutions, at which time bills on leave may be introduced, and all resolutions which shall give rise to debate shall lie over for discussion. The call rests with the State of New York; and the unfinished business under this call is the resolution of the gentleman from New York [Mr. ADAMS] which was pending at the expiration of the morning hour on Monday last, the vote ordering the main question having been reconsidered on the motion of the gentleman from Illinois, [Mr. MORRISON.] The Clerk will read the resolution.

TARIFF LEGISLATION.

The Clerk read the preamble and resolution offered by Mr. ADAMS, as follows:

Whereas the fact is apparent that all branches of manufacturing, mechanical, and mining pursuits are at this time greatly depressed, and that all legislation

which tends to embarrassment by the unsettling of values or the rendering of manufacturing, mechanical, or mining operations uncertain is unwise and injudicious: Therefore,

Resolved, That in the judgment of this House legislation affecting the tariff is at this time inexpedient.

Mr. MORRISON. I move the reference of that resolution to the Committee of Ways and Means, and on that I demand the previous question.

Mr. COCHRANE. I call for the reading of the resolution again.

The Clerk again read the resolution.

The question was on seconding the demand for the previous question; and, being put, the previous question was seconded.

The question recurred upon ordering the main question to be put.

Mr. ADAMS and Mr. TOWNSEND of New York called for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. I ask the mover of that resolution to modify it.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. KASSON. I am not debating; I ask him to modify it by inserting the word "proposed" before the word "legislation;" so as to make it read "that in the judgment of this House the proposed legislation affecting the tariff is at this time inexpedient."

Mr. ADAMS. I am willing to modify it in that way.

Mr. KASSON. I construe that to be the meaning of it now.

The SPEAKER *pro tempore*. The previous question is now operating on the motion for reference, and no modification is in order.

The question was taken; and there were—yeas 116, nays 99, not voting 73; as follows:

YEAS—Messrs. Ainsworth, Anderson, Atkins, John H. Bagley, jr., John H. Baker, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Culberson, De Bolt, Dibrell, Douglas, Durham, Eden, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goodin, Gunter, Robert Hamilton, Hancock, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hays, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, House, Hunton, Hurd, Thomas L. Jones, Kehr, Knott, Lamar, Lane, Le Moyne, Levy, Lewis, Luttrell, McDill, McFarland, Meade, Metcalfe, Milliken, Mills, Morgan, Morrison, Neal, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Rea, Reagan, Rice, Riddle, Savage, Sayler, Scales, Seelye, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Tarbox, Terry, Thomas, Throckmorton, Robert B. Vance, Gilbert C. Walker, Warren, Erastus Wells, Whiting, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, and Yeates—116.

NAYS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Burleigh, Cason, Caswell, Clymer, Cochrane, Collins, Crapo, Crounse, Cutler, Davy, Denison, Dunnell, Eames, Evans, Freeman, Frost, Garfield, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoge, Hopkins, Hoskins, Hunter, Hurlbut, Jenks, Joyce, Kasson, Kelley, Kimball, King, Lapham, Lawrence, Lynch, Edmund W. M. Mackey, Magoon, Maish, MacDougall, McCrary, Miller, Monroe, Mutchler, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Powell, Pratt, Rainey, John Reilly, John Robbins, Robinson, Miles Ross, Sampson, Sheakley, Simonson, Strait, Stenger, Stone, Stowell, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, G. Wiley Wells, White, Willard, Andrew Williams, Charles G. Williams, William B. Williams, Alan Wood, jr., and Woodworth—99.

NOT VOTING—Messrs. Ashe, Bagby, Banks, Bass, Beebe, Bell, Bliss, Chittenden, Conger, Cook, Cowan, Cox, Danford, Darrall, Davis, Dobbins, Durand, Egbert, Ellis, Ely, Faulkner, Fort, Foster, Frye, Gibson, Goode, Andrew H. Hamilton, Henry R. Harris, Abram S. Hewitt, Hubbell, Hyman, Frank Jones, Ketcham, Franklin Landers, George M. Landers, Leavenworth, Lord, Lynde, L. A. Mackey, McMahon, Money, New, Phelps, Purman, Randall, James B. Reilly, William M. Robbins, Roberts, Sobieski Ross, Rusk, Schleicher, Schumaker, Smalls, A. Herr Smith, Stevenson, Swann, Thompson, Tucker, Turney, John L. Vance, Waddell, Wait, Walling, Ward, Wheeler, Whitehouse, Alpheus S. Williams, James Williams, Wilshire, Benjamin Wilson, James Wilson, Woodburn, and Young—73.

So the motion to refer was agreed to.

During the roll-call the following announcements were made:

Mr. ATKINS. My colleague, Mr. YOUNG, is necessarily absent from the House.

Mr. CABELL. My colleagues, Mr. GOODE and Mr. TUCKER, are absent by leave of the House; if here they would vote "ay."

Mr. HARTRIDGE. My colleague, Mr. COOK, is absent by leave of the House on account of sickness.

Mr. DURAND. Upon this question I am paired with my colleague, Mr. CONGER, who is absent by order of the House, and I also desire to say that my colleague, Mr. A. S. WILLIAMS, is also absent by leave of the House.

Mr. HURLBUT. I wish to state that my colleague, Mr. FORT, is absent by leave of the House.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore* proceeded with the second call.

JAMES DICKSON.

Mr. TEESE introduced a bill (H. R. No. 3662) for the relief of James Dickson; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EMMA A. RAMSEY.

Mr. ROBBINS, of Pennsylvania, introduced a bill (H. R. No. 3663) granting a pension to Emma A. Ramsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRANT OF LANDS FOR EDUCATIONAL PURPOSES.

Mr. HARALSON introduced a bill (H. R. No. 3664) granting the proceeds of public lands of the United States for educational purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SURVEY OF PUBLIC LANDS.

Mr. WALLING introduced a bill (H. R. No. 3665) to regulate the survey of the public lands in those portions of the United States where irrigation is necessary for agriculture; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LIZZIE F. RIED.

Mr. RICE introduced a bill (H. R. No. 3666) granting a pension to Lizzie F. Ried, widow of William F. Ried, late sergeant Company D, Thirteenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF RESUMPTION ACT.

Mr. NEAL. I introduce a bill to repeal the resumption act, upon which I call the previous question.

The bill, which was read, proposes to repeal the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875.

The question was taken upon seconding the call for the previous question, and upon a *viva voce* vote the Speaker *pro tempore* announced that the ayes appeared to have it.

Mr. KASSON. I do not think this bill is distinctly understood. I ask that it be again read.

The bill was again read.

Mr. KASSON. I raise the point of order on this bill that no notice of its introduction has been given, and that it is not now in order to introduce it without such notice.

Mr. HOLMAN. This bill has been read the second time, and the point of order is too late.

The SPEAKER *pro tempore*. The Chair would decide that the point of order is well taken; that it is not too late to raise it on a bill of which no previous notice has been given.

Mr. HOLMAN. The bill has been read the second time.

The SPEAKER *pro tempore*. The Chair has ruled upon the point of order.

Mr. WOOD, of New York. I would suggest to the Chair that his predecessor in the last Congress held that under the second call of States during the morning hour of Monday, when resolutions are called for, a member having the right to offer a resolution could introduce a bill for immediate action without previous notice.

Mr. HALE. On the contrary, I think it is very clear that the ruling of the Chair was always the other way; that upon this second call of States previous notice was always required when the point was made.

Mr. WOOD, of New York. The gentleman from Maine [Mr. HALE] himself held the latter part of the morning hour of Monday for nearly the whole of one session of the last Congress by a bill introduced under this call.

Mr. HALE. In regard to which I took good care to give notice, so that I should not be tripped up by a point of order.

Mr. HOLMAN. I submit that notice of this bill has already been given; it was not required that it should be given by the gentleman from Ohio, [Mr. NEAL.]

The SPEAKER *pro tempore*. The rule, which the Chair will read, is this, to be found on page 154 of the Digest:

In the case of a bill introduced by a motion for leave, at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal, and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed.

The only question is whether it is too late to raise the point of order. The Chair rules that the point of order is in time.

Mr. HOLMAN. This same bill was offered before.

Mr. MORRISON. This bill was never offered before.

Mr. HOLMAN. I appeal from the decision of the Chair.

Mr. MORRISON. I move to lay the appeal on the table.

The question was taken upon laying the appeal on the table, and it was agreed to upon a division—ayes 134, noes 35.

Mr. WILLIAMS, of Indiana. I would ask the Chair if the attempt to introduce this bill this morning will be regarded as notice for its introduction next Monday?

The SPEAKER *pro tempore*. The Chair will examine the question and decide when it arises, and consult with the gentleman from Indiana on the subject.

PERSONAL EXPLANATION.

Mr. BLAINE. If the morning hour has expired, I will rise to a question of privilege.

The SPEAKER *pro tempore*. The morning hour has expired.

Mr. BLAINE. Mr. Speaker, on the 2d day of May this resolution was passed by the House:

Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore,

Be it resolved, That the Committee on the Judiciary be instructed to inquire if any

such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the committee have power to send for persons and papers.

That resolution on its face, and in its fair intent, was obviously designed to find out whether any improper thing had been done by the Union Pacific Railroad Company; and of course, incidentally thereto, to find out with whom the transaction was made. The gentleman who offered that resolution offered it when I was not in the House, and my colleague, [Mr. FRYE,] after it was objected to, went to the gentleman and stated that he would have no objection to it, as he knew I would not have if I were present in the House. The gentleman from Massachusetts, [Mr. TARBOX,] to whom I refer, took especial pains to say to my colleague that the resolution was not in any sense aimed at me. The gentleman will pardon me if I say that I had a slight incredulity upon that assurance given by him to my colleague.

No sooner was the subcommittee designated than it became entirely obvious that the resolution was solely and only aimed at me. I think there had not been three questions asked until it was obvious that the investigation was to be a personal one upon me, and that the Union Pacific Railroad or any other incident of the transaction was secondary, insignificant, and unimportant. I do not complain of that; I do not say that I had any reason to complain of it. If the investigation was to be made in that personal sense, I was ready to meet it.

The gentleman on whose statement the accusation rested, Mr. Harrison, was first called. He stated what he knew from rumor. Then there were called Mr. Rollins, Mr. Morton, and Mr. Millard from Omaha, a Government director of the Union Pacific road, and finally Thomas A. Scott. The testimony was completely and conclusively in disproof of the charge that there was any possibility that I could have had anything to do with the transaction.

I expected (and I so stated to the gentleman from Virginia, the honorable chairman of the subcommittee) that I should have an early report; but the case was prolonged and prolonged and prolonged; and when last week the witnesses had seemed to be exhausted, I was somewhat surprised to be told that the committee would now turn to investigate a transaction of the Northern Pacific Railroad Company on a newspaper report that there had been some effort on my part with a friend in Boston to procure for him a share in that road, which effort had proved abortive, the money having been returned. I asked the honorable gentleman from Virginia on what authority he made that investigation—not that I cared about it; I begged him to be assured I did not; and the three witnesses that he called could not have been more favorable to me within any possibility. But I wanted to know on what authority I was to be arraigned before the country upon an investigation of that kind; and a resolution offered in this House on the 31st of January by the gentleman from California [Mr. LUTTRELL] was read as the authority for investigating that little transaction in Boston. I ask the House to bear with me while I read a somewhat lengthy resolution:

Whereas the several railroad companies hereinafter named, to wit, the Northern Pacific, the Kansas Pacific, the Union Pacific, the Central Branch of the Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, the act March 3, 1874, and the several acts amendatory thereof, money subsidies amounting to over $64,000,000, land subsidies amounting to over 220,000,000 acres of the public domain, bond subsidies amounting to $——, and interest amounting to $——, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

Be it resolved, That the Judiciary Committee be, and are hereby, instructed and authorized to inquire into and report to this House, first, whether the several railroad companies hereinbefore named, or any of them, have, in the construction of their railroads and telegraph lines, fully complied with the requirements of law granting money, bonds, and land subsidies to aid such companies in the construction of their railroads and telegraph lines; second, whether the several railroad companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad companies or any of them have forfeited their land subsidies by failing to construct and equip their road or roads or any portion of them as required by law; and, fourth, that, for the purpose of making a thorough investigation of the several Pacific railroads or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fraudulent transactions or negligence on the part of said railroad companies or any of them, or on the part of any corporate or construction company, in the expenditures of moneys, bonds, or interest, or in the disposition of land donated by the Government for the construction of the roads or any of them or any portion thereof, and for the non-payment of interest lawfully due the Government, or any other claim or claims the United States may have against such railroad company or companies.

Now, that resolution embraces a very wide scope. It undoubtedly embraces a great many things which it is highly proper for the Government to look into; but I think the gentleman from California who offered that resolution will be greatly surprised to find that the first movement made under it to investigate what the Northern Pacific Railroad Company has done was to bring the whole force of that resolution to find out the circumstances of a little transaction in Boston which never became a transaction at all. I asked the gentleman from Virginia how he deduced his power. Well, he said it would take three months to go through the whole matter, but in about three months it would reach this point, and that he might as well begin on me right there. Well, he began; and three witnesses testified precisely what the circumstances were. I had no sooner got through with that, than I was advised that in another part of the Capitol, without the slightest notice in the world being given to me, with no monition, no warning to me, I was being arraigned before a committee known as the Real Estate Pool Committee, which was originally organized to examine into the affairs of the estate of Jay Cooke & Co., and whose powers were enlarged on the 3d day of April by the following resolution:

Whereas, on the 24th day of January, A. D. 1876, the House adopted the following resolution:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in settlement, with power to send for persons and papers and report to this House:" Therefore,

Be it resolved, That said committee be further authorized and directed to likewise investigate any and all matters touching the official misconduct of any officer of the Government of the United States or of any member of the present Congress of the United States which may come to the knowledge of said committee: *Provided*, That this resolution shall not affect any such matter now being investigated by any other committee under authority of either House of Congress; and for this purpose said committee shall have the same powers to send for persons and papers as conferred by said original resolution.

They began an investigation which I am credibly informed, and I think the chairman of that committee will not deny, was specifically aimed at me. I had no notice of it, not the remotest; no opportunity to be confronted with witnesses. I had no idea that any such thing was going on, not the slightest. So that on three distinct charges I was being investigated at the same time and having no opportunity to meet any one of them; and I understand, though I was not present, that the gentleman from Virginia has this morning introduced a fourth, to find out something about the Kansas Pacific Railroad, a transaction fifteen years old if it ever existed, and has summoned numerous witnesses.

Mr. HUNTON. What was the statement the gentleman just made? I did not fully understand it.

Mr. BLAINE. That an investigation has been set on foot by the gentleman, aimed at me, in regard to the Kansas Pacific Railroad, and that witnesses have been summoned on that question, the transaction out of which it grew being fifteen years old.

Now, I say—and I state it boldly—that, under these general powers to investigate Pacific railroads and their transactions, the whole enginery of this committee is aimed personally at me; and I want that to be understood by the country. I have no objection to it; but I want you by name to organize a committee to investigate JAMES G. BLAINE. I want to meet the question squarely. That is the whole aim and intent; and the gentleman from Virginia and the gentleman from Kentucky [Mr. KNOTT] will pardon me for saying that when this investigation was organized I felt that such was the whole purpose and object. I will not further make personal references; for I do not wish to stir up any blood on this question; but ever since a certain debate here in January it has been known that there are gentlemen in this Hall whose feelings were peculiarly exasperated toward me. And I beg the gentleman from Kentucky, the chairman of the Judiciary Committee, to remember that when this matter affecting me went to his committee, while there were seven democratic members of that committee, he took as the majority of the subcommittee the two who were from the South and had been in the rebel army.

Mr. KNOTT. Will the gentleman allow me one word?

Mr. BLAINE. After a moment; I have not a great deal of time.

Mr. KNOTT. As the gentleman has made an insinuation, I prefer to answer it now.

Mr. BLAINE. Very well.

Mr. KNOTT. These railroad investigations were referred to that committee before I ever heard the gentleman's name insinuated in connection with them; and I will say furthermore that I had no act or part in instituting any investigation implicating the gentleman at all.

Mr. BLAINE. Then when the investigation began, the gentleman from Virginia who conducted it insisted under that resolution, which was obviously on its face limited to the seventy-five thousand dollar transaction—the transaction with the Union Pacific Railroad—he insisted on going into all the affairs of the Fort Smith Railroad as incidental thereto, and pursued that to such an extent that finally I had myself through my colleague, Mr. FRYE, to take an appeal to the whole committee, and the committee decided that the gentleman had no right to go there. But when he came back and resumed the examination he began again exactly in the same way, and was stopped there and then by my colleague who sits in front, not as my attorney, but as my friend.

When the famous witness Mulligan came here loaded with information in regard to the Fort Smith road, the gentleman from Virginia drew out what he knew had no reference whatever to the question of investigation. He then and there insisted on all of my private memoranda being allowed to be exhibited by that man in reference to business that had no more connection, no more relation, no more to do with that investigation than with the North Pole.

And the gentleman tried his best, also, though I believe that has been abandoned, to capture and use and control my private correspondence. This man had selected out of correspondence running over a great many years letters which he thought would be peculiarly damaging to me. He came here loaded with them. He came here for a sensation. He came here primed. He came here on that particular errand. I was advised of it, and I obtained those letters under circumstances which have been notoriously scattered throughout the United States, and are known to everybody. I have them. I claim I have the entire right to those letters, not only by natural right, but upon all the precedents and principles of law, as the man who held those letters in possession held them wrongfully. The committee that attempted to take those letters from that man for use against me proceeded wrongfully. They proceeded in all boldness to a most defiant violation of the ordinary private and personal rights which belong to every American citizen, and I was willing to stand and meet the Judiciary Committee on this floor. I wanted them to introduce it. I wanted the gentleman from Kentucky and the gentleman from Virginia to introduce that question upon this floor, but they did not do it.

Mr. KNOTT, (in his seat.) I know you did.

Mr. BLAINE. Very well.

Mr. KNOTT. I know you wanted to be made a martyr of. [Laughter.]

Mr. BLAINE. And you did not want to, and there is the difference. [Laughter and applause.] I go a little further: you did not dare to.

Mr. KNOTT. We will talk about that hereafter.

Mr. BLAINE. I wanted to meet that question. I wanted to invoke all the power you had in this House on that question.

Mr. HAMILTON, of New Jersey. I rise to a question of order. Is this language parliamentary?

Mr. BLAINE. Yes; entirely so. [Laughter.]

Mr. HAMILTON, of New Jersey. I do not ask the gentleman. I ask the Speaker. I call the gentleman to order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HAMILTON, of New Jersey. I want to know whether it is in order for one gentleman on this floor to say to another he dare not do so and so?

The SPEAKER *pro tempore*. The gentleman from New Jersey calls the gentleman from Maine to order, and under the rules the gentleman from Maine will be seated, and if there be objectionable words, they will be taken down.

Mr. KASSON. I wish to say the point of order is simply to the use of the second person, and I hope gentlemen on both sides will use the third person.

Mr. BLAINE. I did not.

Mr. KASSON. You said "you."

The SPEAKER *pro tempore*. The Chair will say to gentlemen who have the privilege of the House, that this display of cheering is entirely out of order.

Mr. BLAINE. It never ought to be done, and never has been done so much as during this Congress.

The SPEAKER *pro tempore*. The Chair will enforce the order, and the doorkeepers will assist the Chair, and, if necessary, the Sergeant-at-Arms under the rules will assist the doorkeepers. The gentleman from Maine will now proceed in order.

Mr. BLAINE. I repeat, the Judiciary Committee I understand have abandoned that issue against me. I stood up and declined not only on the conclusion of my own mind, but by eminent legal advice. I was standing behind the rights which belong to every American citizen, and if they wanted to treat the question in my person anywhere in the legislative halls or judicial halls, I was ready. Then there went forth everywhere the idea and impression that because I would not permit that man or any man whom I could prevent from holding as a menace over my head my private correspondence there must be something in it most deadly and destructive to my reputation. I would like any gentleman on this floor—and all gentlemen on this floor are presumed to be men of affairs, whose business has been varied, whose intercourse has been large—I would like any gentleman to stand up here and tell me that he is willing and ready to have his private correspondence scanned over and made public for the last eight or ten years. I would like any gentleman to say that. Does it imply guilt? Does it imply wrong-doing? Does it imply any sense of weakness that a man will protect his private correspondence? No, sir; it is the first instinct to do it, and it is the last outrage upon any man to violate it.

Now, Mr. Speaker, I say that I have defied the power of the House to compel me to produce those letters. I speak with all respect to this House. I know its powers, and I trust I respect them. But I say this House has no more power to order what shall be done or not done with my private correspondence than it has with what I shall do in the nurture and education of my children; not a particle. The right is as sacred in the one case as it is in the other. But, sir, having vindicated that right, standing by it, ready to make any sacrifice in the defense of it, here and now if any gentleman wants to take issue with me on behalf of this House I am ready for any extremity of contest or conflict in behalf of so sacred a right. And while I am so, I am not afraid to show the letters. Thank God Almighty I am not ashamed to show them. There they are, [holding up a package of letters.] There is the very original package. And with some sense of humiliation, with a mortification that I do not pretend to conceal, with a sense of outrage which I think any man in my position would feel, I invite the confidence of 44,000,000 of my countrymen while I read those letters from this desk. [Applause.]

The SPEAKER *pro tempore*. The doorkeepers will enforce the rule.

Mr. BLAINE. I beg gentlemen who are my friends to make no manifestation.

The SPEAKER *pro tempore*. The Chair has directed the doorkeepers to enforce the rule, and to remove from the Hall persons who are not entitled to its privileges who are making these manifestations.

Mr. KELLEY. I desire to say, Mr. Speaker, that so far as my observation extends the applause was within the bar of the House.

The SPEAKER *pro tempore*. The doorkeepers are authorized to remove from the Hall any persons who violate its privileges.

Mr. BLAINE. Now as regards many of these letters I have not the slightest feeling in reading them. Some of them will require a little explanation. Some of them may possibly, as I have said, involve a feeling of humiliation. But I would a great deal rather take that than take the evil surmises and still more evil inferences which might be drawn if I did not act with this frankness.

The first letter I shall read, marked "private and personal," is as follows:

[Private and personal.]

AUGUSTA, MAINE, *August* 31, 1872.

MY DEAR MR. FISHER: I have been absent so much of late that I did not receive your last letter until it was several days old. When I last wrote you I was expecting to be in Boston on a political conference about this time, but I found it impossible to be there, and it is now impossible for me to leave here until after our election, which occurs Monday week, the 9th. I will try to meet you at the Parker House on the 10th or 11th, availing myself of the first possible moment for that purpose.

I cannot, however, allow a remark in your letter to pass without comment. You say that you have been trying to get a settlement with me for fifteen months, you have been trying to induce me to comply with certain demands which you made upon me, without taking into account any claims I have of a counter kind. This does not fill my idea of a *settlement*, for a *settlement* must include both sides.

No person could be more anxious for a settlement than I am, and if upon our next interview we cannot reach one, why then we try other means.

But my judgment is that I shall make you so liberal an offer of settlement that you cannot possibly refuse it.

As one of the elements which I wish to take into account is the note of $10,000 given you in 1863 for Spencer stock, I desire that you will furnish me with the items of interest on that note. My impression is that when that note was consolidated into the large note, which you will still hold, that you did not charge me full interest, possibly omitting one or two years.

I will be obliged if you will give me information on this point, for I intend to submit to you a full and explicit basis of settlement, and in making it up it is necessary that I should have this information. Please send it as promptly as you may be able to give it to me.

In haste, very truly yours,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

There is an allusion there to Spencer stock. I took this letter up first because I wish to make an explanation as to that. In the month of November, 1861, I was summoned to Boston by a telegram to meet Mr. Fisher and another gentleman on some urgent business. I immediately responded. On getting there I found that they were the proprietors of a newly-invented rifle. The other gentleman was Mr. Ward Cheney, of Connecticut, recently deceased, well known for his eminence in the silk manufacture, and a gentleman of great wealth and high character. One of the ingenious mechanics in his employ named Spencer had invented a repeating rifle. It had been tested in various private ways, but it had not received the official sanction of the Government. They had employed various persons to come to Washington during the summer of 1861, the first of the war; but these various agents reported, and these gentlemen so reported to me, that what they called a gun-ring in Washington were so close and were so powerful that they could not get an opportunity to bring that new arm to the attention of the Secretary of War, the present venerable Senator from Pennsylvania, and they asked me if I thought I could do it. That was two years and more before I entered Congress.

I told them that I thought I could. And going back home and making preparations I immediately came to Washington, and in a very short time I had an interview with Secretary CAMERON at the War Department. He looked at the gun, was satisfied there was something in it, and gave an order to have it tested by the Ordnance Bureau. It was thoroughly tested, and in the course of two weeks the experiment was so satisfactory that they gave a preliminary order for 20,000 rifles. It was of course, as every gentleman who is familiar with the war knows, a most eminent success. It was one of the wonderful arms of the war: the Spencer rifle.

The company immediately proceeded to erect an armory in Boston, but, with all that ingenuity and capital could do, they did not produce, as every gentleman on this floor who was familiar with the operations of the war knows, half as many arms as the service wanted. They paid me not an extravagant but a moderate fee for that service, which I was then as much at liberty to take as any lawyer or agent on this floor would be in his private relations at home. I was not in Congress, was not nominated to Congress, was not here for two years afterward.

The winter afterward, or next spring, Mr. Fisher and Mr. Cheney, both together, offered me $10,000 stock in the concern, and I took it.

A MEMBER. And paid for it?

Mr. BLAINE. Yes, of course; and paid for it, and owned, and had

the dividends on it. I made no concealment of it. But I never was at the War Department about in any shape or form in my life. Now, if the gentleman from Missouri [Mr. GLOVER] wants to investigate that case I will save him all the trouble. I will just cut that short. If he wants the list of stockholders, why they are all private citizens, and very respectable ones, and the corporation is dissolved, dead, merged in the Winchester Rifle Company. I will give him all the trail there is to the whole story, and he can strike it and follow it out. The whole story, that I had so much per gun as a royalty of any sort, is simply absurd. I was an ordinary stockholder, just as a man is in a bank. A gentleman asks me if I paid for this stock. I tell him yes, I did, emphatically. The truth is the Department was only too anvious to urge in every direction to have these guns manufactured.

I take these letters up quite miscellaneously. The next is dated Augusta, Maine, August 9, 1872:

[Personal.]

AUGUSTA, MAINE, *August* 9, 1872.

MY DEAR MR. FISHER: On my return home yesterday I found your favor of 6th from Stonington, asking for my notes, $6,000, on account. It seems to me that a partial settlement of our matter would only lead to future trouble, or at all events to a mere postponement of our present difficulties.

I deem it highly desirable that we should have a conclusive and comprehensive settlement, and I have been eager for that these many months.

The account which you stated June 20, 1872, does not correspond precisely with the reckoning I have made of my indebtedness on the note you hold. You credit me, April 26, 1869, with $12,500 dividend from Spencer Company; but there were two subsequent dividends, one of $3,750, the other of $5,800, of which no mention is made in your statement, though I received in June, 1870, your check for $2,700 or $2,800, which was a part of these dividends, I believe. I think my "cash memorandum" of June 25, 1869, for $2,500, with which you charge me, represented at the time a part of the dividends; but being debited with that, I am entitled to a credit of the dividend.

In other words, as I reckon it, there are dividends amounting to $9,550 due me, with interest since June, 1870, of which I have received only $2,700 or $2,800, entitling me thus to a credit of some $7,500.

Besides the cash memorandum January 9, 1864, $600, which with interest amounts to $904.10, was obviously included in the consolidated note which was given to represent all my indebtedness to you and which you repeatedly assured me would be met and liquidated in good time by Spencer dividends.

You will thus see that we differ materially as to the figures. Of course each of us is aiming at precisely the facts of the case, and if I am wrong, please correct me. I am sure that you do not desire me to pay a dollar that is not due, and I am equally sure that I am more than ready to pay every cent that I owe you.

The Little Rock matter is a perpetual and never-ending embarrassment to me. I am pressed daily almost to make final settlement with those who still hold the securities—a settlement I am not able to make until I receive the bonds due on your article of agreement with me. That is to me by far the most urgent and pressing of all the demands connected with our matters, and the one which I think in all equity should be first settled, or certainly settled as soon as any.

If the $6,000 cash is so important to you, I would be glad to assist in raising the same for you on your notes, using Little Rock bonds as collateral at same rate they are used in Boston, four for one. I think I could get the money here on four or six months on these terms. If I had the money myself, I would be glad to advance it to you, but I am as dry as a contribution-box, borrowing indeed to defray my campaign expenses.

Very sincerely, yours,

J. G. BLAINE.

WARREN FISHER, Jr., Esq., *Boston.*

That is a very important communication to the American people. The next letter I hold is dated Augusta, Maine, July 3, 1872. The witness Mulligan said that there was nothing in this about the Northern Pacific Railroad.

AUGUSTA, MAINE, *July* 3, 1872.

MY DEAR MR. FISHER: I was detained far beyond my expectations in New York and Pennsylvania, being there quite a week. I was in Boston on Monday *en route* home, but I was so prostrated by the heat that I had no strength or energy to call on you.

It seems to me, as I review and recall our several conferences, that we ought not to have any trouble in coming to an easy adjustment, as follows: First, I am ready to fulfill the memorandum held by you in regard to the Northern Pacific Railroad, as I always have been; second, you are ready to consider the land bonds in my possession as surrendered in payment of the debt to which they were originally held as collateral; third, I am ready to pay you the *full amount* of cash due you on memoranda held by you provided you will pay me *half the amount* of bonds due me on memoranda held by me, the cash to be paid and the bonds to be delivered at same time. As to further sale of the share in Northern Pacific Railroad, that could be determined afterward. I am ready to do all in my power to oblige you in the matter.

If we can adjust the first and second points herein referred to, the third might be left, if you desire it, to the future.

Hitherto I have made all the propositions of settlement. If this is not acceptable to you, please submit your views of a fair basis in writing.

Sincerely yours,

J. G. BLAINE.

WARREN FISHER, Jr., Esq.

That letter calls for no special comment. Now, any one who hears this letter will observe that there was a dispute between the parties that ran over a very considerable period, and here is a letter in which he asks me to get him a letter of credit for $10,000 from Jay Cooke & Co., of this city. My answer, dated Washington, D. C., April 26, 1872, as follows:

WASHINGTON, *April* 26.

MY DEAR MR. FISHER: Yours of 24th received. There seems to be one great error of fact under which you are laboring in regard to my ability to comply with your request about the $10,000 letter of credit. I would gladly get it for you if I were able; but I have not the means. I have no power of getting a letter of credit from Jay Cooke except by paying the money for it, *and the money I have not got*, and have no means of getting it. *You ask me to do therefore what is simply impossible.* Nothing would give me more pleasure than to serve you if I were able; but my losses in the Fort Smith affair have entirely crippled me and deranged all my finances. You would, I know, be utterly amazed if you could see the precise experience I have had in that matter. Very bitter, I assure you. Among other things, I still owe nearly all of the $25,000 which I delivered to Mr. Pratt, and this is most harassing and embarrassing to me.

If you will give me the $76,500 of bonds which I propose to throw off as payment of the notes which you say I owe you, I will gladly get your ten-thousand-dollar letter of credit; but if I release those bonds to you as I propose, you can do the same for yourself.

I am at a loss to know what you mean by your repeated phrase that "*I have denied everything.*" *What have I denied?* I do not so much as understand what you mean, and would be glad to have you explain.

You reject the name of Ward Cheney as a friendly referee. Please suggest a name yourself of some one known to both of us. I mean for you to suggest a name in case you do not accept my basis of settlement proposed in my last letter preceding this.

Yours, very truly,

J. G. BLAINE.

WARREN FISHER, Jr., Esq.
When do you propose to sail for Europe?

Some of these letters were witten by the gentleman who sits on my right and who was my clerk during my Speakership, acting as my amanuensis.

Here is a letter dated April 22, 1872, again showing the accuracy of the witness Mulligan, who said that it contained no allusion to the Northern Pacific Railroad:

WASHINGTON, D. C., *April* 22, 1872.

MY DEAR MR. FISHER: Your brief note received. I do not know what you mean by my "not mentioning Northern Pacific and denying everything else."

You have my obligation to deliver to you a specified interest in Northern Pacific which I was to purchase for you, and in which I never had a penny's interest—direct or indirect. Some months ago you wrote me (twice) declaring that you would not receive the share, but demanding the return of the money. This was impossible, and I therefore could do nothing but wait.

Nothing I could write would make my obligation plainer than the memorandum you hold. Nothing you could write would change my obligation under that memorandum.

The matters between us are all perfectly plain and simple, and I am ready to settle them all comprehensively and liberally. I am not willing to settle those that benefit you and leave to the chances of the future those that benefit me.

I am willing to forego and give up a great deal for the sake of a friendly settlement, and I retain a copy of this letter as evidence of the spirit of the offer I make. I think, if we cannot settle ourselves, a friendly reference would be the best channel, and I propose Mr. Ward Cheney, who stands nearer to you certainly than he does to me. If this name does not suit you, please suggest one yourself.

Very sincerely, yours,

J. G. BLAINE.

WARREN FISHER, Jr.

Here is one dated Washington, May 26, 1864.

This correspondence, you will observe, stretches over a considerable march of time, and this refers to the Spencer Rifle Company:

WASHINGTON, *May* 26, 1864.

MY DEAR SIR: Your favor received. I am very glad, all things considered, that the Government has accepted your proposition to take all your manufacture till 1st September, 1865. It gives a straight and steady business for the company for a good stretch of time.

In regard to the tax provision you can judge for yourself, as I send herewith a copy of the bill as reported from the Finance Committee of the Senate and now pending in that body—see pages 148, 149, where I have marked. In looking over the bill you will please observe that all words in italic letters are amendments proposed by the Senate Finance Committee, while all words included in brackets are proposed to be struck out by same committee.

The provision which you inquire about was not in the original bill, but was an amendment moved from the Ways and Means Committee by Mr. KASSON, of Iowa, to whom I suggested it. It is just and proper in every sense, and will affect a good many interests, including your company. I am glad to hear such good accounts of your progress in the affairs of the company, of which I have always been proud to be a member.

Tell Mr. Welles that his brother has been nominated by the Senate for commissary of subsistence, with rank of captain. He will undoubtedly be confirmed as soon as his case can be reached. I will advise as soon as it is done.

In haste, yours, truly,

J. G. BLAINE.

WARREN FISHER, Jr., Esq.

I have looked up the provision which the gentleman from Iowa [Mr. KASSON] moved, and it was this: that where the Government had contracted for the delivery of a specific article of manufacture, and after the contract was made with the Government, an additional tax was levied on that article, the Government should stand the loss, and not the seller. The gentleman from Iowa understands the point.

Mr. KASSON. I do remember the fact of the amendment.

Mr. BLAINE. It is a very simple matter; in fact all the manufacturing interests in the United States where contracts were made were interested in it, and where new tax bills were passed every few months.

The next letter to which I refer was dated Washington, District of Columbia, April 18, 1872.

This is the letter in which Mulligan says and puts down in his abstract that I admitted the sixty-four-thousand-dollar sale of bonds:

WASHINGTON, D. C., *April* 18, 1872.

MY DEAR MR. FISHER: I answered you very hastily last evening, as you said you wished an immediate reply; and perhaps in my hurry I did not make myself fully understood.

You have been for some time laboring under a totally erroneous impression in regard to my results in the Fort Smith matter. The sales of bonds which you spoke of my making, and which you seem to have thought were for my own benefit, were entirely otherwise. I did not have the money in my possession forty-eight hours, but paid it over directly to the parties whom I tried by every means in my power to protect from loss. I am very sure that you have little idea of the labors, the losses, the efforts, and the sacrifices I have made within the past year to save those innocent persons, who invested on my request, from personal loss.

And I say to you to-night solemnly that I am immeasurably worse off than if I had never touched the Fort Smith matter.

The demand you make upon me now is one which I am entirely unable to comply with. *I cannot do it. It is not in my power.* You say that "necessity knows no law." That applies to me as well as to you, and when I have reached the point

I am now at I simply fall back on that law. You are as well aware as I am that the bonds are due me under the contract. Could I have these, I could adjust many matters not now in my power, and so long as this and other matters remain unadjusted between us I do not recognize the equity or the lawfulness of your calling on me for a partial settlement. I am ready at any moment to make a full, fair, comprehensive settlement with you on the most liberal terms. I will not be exacting or captious or critical, but am ready and eager to make a broad and generous adjustment with you, and if we can't agree ourselves, we can select a mutual friend who can easily compromise all points of difference between us.

You will, I trust, see that I am disposed to meet you in a spirit of friendly cordiality, and yet with a sense of self-defense that impels me to be frank and expose to you my pecuniary weakness.

With very kind regards to Mrs. Fisher, I am yours truly,

J. G. BLAINE.

W. FISHER, Jr., Esq.

I now pass to a letter dated Augusta, Maine, October 4, 1869; but I read these letters now somewhat in their order. Now, to this letter I ask the attention of the House. In the March session of 1869, the first one at which I was Speaker, the extra session of the Forty-first Congress, a land grant in the State of Arkansas to the Little Rock road was reported. I never remember to have heard of the road until at the last night of the session, when it was up here for consideration. The gentleman in Boston with whom I had relations did not have anything to do with that road for nearly three or four months after that time. It is in the light of that statement that I desire that letter read.

In the autumn, six or eight months afterward, I was looking over the Globe, probably with some little curiosity if not pride, to see the decisions I had made the first five weeks I was Speaker. I had not until then recalled this decision of mine, and when I came across it all the facts came back to me fresh, and I wrote this letter:

[Personal.]

AUGUSTA, MAINE, *October* 4, 1869.

MY DEAR SIR: I spoke to you a short time ago about a point of interest to your railroad company that occurred at the last session of Congress.

It was on the last night of the session, when the bill renewing the land grant to the State of Arkansas for the Little Rock road was reached, and Julian, of Indiana, chairman of the Public Lands Committee, and, by right, entitled to the floor, attempted to put on the bill, as an amendment, the Frémont El Paso scheme—a scheme probably well known to Mr. Caldwell. The House was thin and the lobby in the Frémont interest had the thing all set up, and Julian's amendment was likely to prevail if brought to a vote. Roots and the other members from Arkansas who were doing their best for their own bill (to which there seemed to be no objection) were in despair, for it was well known that the Senate was hostile to the Frémont scheme, and if the Arkansas bill had gone back to the Senate with Julian's amendment the whole thing would have gone on the table and slept the sleep of death.

In this dilemma Roots came to me to know what on earth he could do under the rules; for he said it was vital to his constituents that the bill should pass. I told him that Julian's amendment was entirely out of order, because not germane; but he had not sufficient confidence in his knowledge of the rules to make the point, but he said General LOGAN was opposed to the Frémont scheme, and would probably make the point. I sent my page to General LOGAN with the suggestion, and he at once made the point. I could not do otherwise than sustain it; and so the bill was freed from the mischievous amendment moved by Julian, and at once passed without objection.

At that time I had never seen Mr. Caldwell, but you can tell him that without knowing it I did him a great favor.

Sincerely yours,

J. G. BLAINE.

W. FISHER, Jr., Esq.,
24 *India Street, Boston.*

The amendment referred to in that letter will be found in the Congressional Globe of the first session of the Forty-first Congress, page 702. That was before the Boston persons had ever touched the road.

Mr. JULIAN. I offer the following as an additional section to the bill.

And then the Clerk read the whole of the El Paso bill.

Mr. LOGAN. I rise to a question of order, that this amendment is not germane to the pending bill. The bill is to revive a certain land grant and to extend the time, while the amendment is another charter for a Pacific railroad, authorizing the building of bridges, granting the right of way and everything else of the sort. I have been in favor of the pending Arkansas bill, but I do not wish to be made to carry this Pacific railroad bill. I do not think the amendment is in order.

The SPEAKER. The Chair sustains the point of order for two reasons. It is expressly prohibited by the rule that where a land grant is under consideration another grant to a different company shall be entertained. This is not a specific land grant, but it does give away the public land of the United States so far as to give the right of way. Again, by the rules no proposition upon a subject different from that under consideration can be admitted under color of amendment.

Therefore the amendment was out of order on either ground. If it was a land grant, of course it was out of order, because no land grant could be attached to another; and if not a land grant, it was out of order, because it was attempting to introduce a different subject under color of amendment. Therefore in either way the amendment was excluded.

Mr. FRYE. At the time that ruling was made did you have any interest whatever in this railroad?

Mr. BLAINE. Never had, and never expected to have; never remembered to have heard of it at that time.

Mr. FRYE. Did you know or expect any personal friend of yours to have any interest in that road?

Mr. BLAINE. None in the world, not the slightest, never had heard of it. And I want to say, (and the interruption by my colleague [Mr. FRYE] enables me to do so,) that what I did in that case, and every occupant of the chair will bear me out in the statement, is what is very frequently done by the Speaker. It was helping a member in that direction, nothing in it unusual, nothing extraordinary at all. Only by wresting it from its connection and giving it an evil construction could I be said at that time to have had the slightest possible interest in this road. But I never remembered that night to have heard of this road, and it was only three or four months afterward that these Boston parties themselves, with whom I was interested, took any interest in it. On the same day I wrote another letter:

AUGUSTA, *October* 4, 1869.

MY DEAR MR. FISHER: Find inclosed contracts of the parties named in my letter of yesterday. The remaining contracts will be completed as rapidly as circumstances will permit.

I inclose you a part of the Congressional Globe of April 9, containing the point to which I referred at some length in my previous letter of to-day. You will find it of interest to read it over and see what a narrow escape your bill made on that last night of the session. Of course it was my plain duty to make the ruling when the point was once raised. If the Arkansas men had not, however, happened to come to me when at their wit's end and in despair, the bill would undoubtedly have been lost, or at least postponed for a year. I thought the point would interest both you and Caldwell, though occurring before either of you engaged in the enterprise.

I beg you to understand that I thoroughly appreciate the courtesy with which you have treated me in this railroad matter; but your conduct toward me in business matters has always been marked by unbounded liberality in past years, and of course I have naturally come to expect the same of you now. You urge me to make as much as I fairly can out of the arrangement into which we have entered. It is natural that I should do my utmost to this end. I am bothered only by one thing, and that is definite and expressed arrangement with Mr. Caldwell. I am anxious to acquire the interest he has promised me, but I do not get a definite understanding with him as I have with you.

I shall be in Boston in a few days and shall then have an opportunity to talk the matter over fully with you. I am disposed to think that whatever I do with Mr. Caldwell must really be done through you.

Kind regards to Mrs. Fisher.

Sincerely,

J. G. BLAINE.

W. F., Jr., Esq.

Then in July I wrote this letter; they began then to speak of the road:

AUGUSTA, MAINE, *July* 2*d*, 1869.

MY DEAR MR. FISHER: You ask me if am satisfied with the offer you make me of a share in your new railroad enterprise.

Of course I am more than satisfied with the terms of the offer. I think it a most liberal proposition.

If I hesitate at all, it is from considerations no way connected with the character of the offer. Your liberal mode of dealing with me in all our business transactions of the past eight years has not passed without my full appreciation. What I wrote you on the 29th was intended to bring Caldwell to a definite proposition. That was all.

I go to Boston by same train that carries this letter, and will call at your office to-morrow at twelve m. If you don't happen to be in, no matter. Don't put yourself to any trouble about it.

Yours,

J. G. B.

W. FISHER, Jr.

Here is a letter which was written just before that:

AUGUSTA, *June* 29, 1869.

MY DEAR MR. FISHER: I thank you for the article from Mr. Lewis. It is good in itself, and will do good. He writes like a man of large intelligence and comprehension.

Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire. I thank you very sincerely for it, and in this connection I wish to make a suggestion of a somewhat selfish character. It is this: You spoke of Mr. Caldwell disposing of a share of his interest to me. If he really designs to do so, I wish he would make the proposition definite, so that I could know just what to depend on. Perhaps if he waits till the full development of the enterprise he might grow reluctant to part with the share; and I do not by this mean any distrust of him.

I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful.

Very hastily and sincerely, your friend,

J. G. BLAINE.

Mr. FISHER,
India street, Boston.

Mr. FRYE. I desire to ask my colleague if the trade which is alluded to there between him and Mr. Caldwell, called a share, or scheme, or something of that kind, was ever entered into between him and Mr. Caldwell?

Mr. BLAINE. It was not. That was a proposition to sell me a share in what was called the bed-rock of the road, to let me be interested in the building of it. That transaction was never consummated. All that I ever had to do with the road was this most unfortunate transaction of my life, pecuniarily and otherwise, in buying and selling some of the bonds.

WASHINGTON, *May* 14, 1870.

MY DEAR MR. FISHER: I think on the whole I had better not insist on the $40,000 additional bonds at same rate. My engagement was not *absolute*, and I can back out of it with honor. I would rather do this than seem to be exacting or indelicate.

Besides, I have always felt that Mr. Caldwell manifested the most gentlemanly spirit toward me and designed to treat me handsomely in the end. On the whole, therefore, I shall be better off perhaps to let things remain as they are. But I will follow your judgment in this matter if I can find what it is.

Very hastily,

J. G. BLAINE.

W. FISHER, Esq.

—

AUGUSTA, *October* 1, 1871.

MY DEAR MR. FISHER: I am doing all in my power to expedite and hasten the delivery of that stock. The delay has been occasioned by circumstances wholly beyond my control. But I shall reach a conclusion within a few days and make the formal delivery then. It will be an immense relief to get it off my hands, I assure you; far greater than it will be for you to receive it.

You must have strangely misunderstood Mr. Caldwell in regard to his paying those notes. He has paid me in all just $6,000, leaving $19,000 due, which I am carrying here at 8 and 8½ per cent. interest, and which embarrasses me beyond all imagination. I do not really know which way to turn for relief. I am so pressed and hampered. The Little Rock and Fort Smith matter has been a sore experience to me, and if you and Mr. Caldwell between you cannot pay me the $19,000 of borrowed money, I don't know what I shall do. Politically I am charged with being a wealthy man. Personally and pecuniarily I am laboring under the most fearful

embarrassments, and the greatest of all these embarrassments is the $19,000 which I handed over under your orders, and not one dollar of which I have received. Of the $25,000 original debt Mr. Caldwell has paid $6,000, and $6,000 only. Can you not give me some hope of relief in this matter? It is cruel beyond measure to leave me so exposed and so suffering.

You know my profound regard for you and my faith in you. We have been friends too long and too intimately to allow a shade between us now.

Yours truly,

J. G. BLAINE.

That will surprise a great many people.

AUGUSTA, MAINE, *October* 4, 1871.

MY DEAR MR. FISHER: You must have strangely misunderstood Mr. Caldwell's statement in regard to his paying me all but $2,500 of the $25,000 borrowed money which I loaned the company through him and you last January. Mr. Caldwell paid me in June $3,500, and in July $2,500 more, accepting at same time a draft for $2,500, July 10, ten days, which draft remains unpaid. I have therefore received but $6,000 from Mr. Caldwell, leaving $19,000 (besides interest) due me to-day.

For this $19,000 I am individually held, and, considering all the circumstances, I think you and Mr. Caldwell should regard it as an honorary debt, and you should not allow me to suffer for money which I raised under the peculiar circumstances attending this. It is a singularly hard and oppressive case, the features and facts of which are familiar to you and Mr. Caldwell.

And then, again, I have been used with positive cruelty in regard to the bonds. I have your positive written contract to deliver me $125,000 land bonds and $32,500 first-mortgage bonds. The money due you on the contract was all paid nearly a year and a half ago. Of this whole amount of bonds due me I have received but $50,000 land grants, leaving $75,000 of those and $32,500 first mortgage still due. I know you are pressed and in trouble, and I don't wish to be too exacting; rather I wish to be very liberal in settlement.

Now, I make this offer: Pay me the cash due on the borrowed money account; call it $19,000 in round numbers, and $40,000 land bonds, and we will call it square.

Mr. Caldwell has repeatedly assured me that I should be paid all the bonds due me under contracts with you, and outside of that $20,000 due me from him. I now voluntarily offer to make a very large reduction if I can have the matter closed.

I am without doubt the only person who has paid money for bonds without receiving them, and I think you will agree with me that I have fared pretty roughly. It would be an immense, immeasurable relief to me if I could receive the money in time to pay off the indebtedness here within the next six weeks, so that I can go to Washington this winter with the load taken off my shoulders. It was placed there in the fullest faith and confidence that you and Mr. Caldwell would not let me suffer. I still cling to that faith and confidence. You will much oblige me by showing this letter to Mr. Caldwell.

Yours, very truly,

J. G. BLAINE.

W. FISHER, Jr., Esq., *Boston.*

I will inform gentlemen for their benefit, especially those who are so eager to search the records of the circuit court at Little Rock, Arkansas, that it was this $25,000 which I recovered through the courts of Arkansas; I think it was the 1st of May this spring.

WASHINGTON, D. C., *April* 13, 1872.

MY DEAR MR. FISHER: I have your favor of the 12th. I am not prepared to pay any money just now in any direction, being so cramped and pressed that I am absolutely unable to do so. Please send me a copy of the notes of mine held by you with indorsed payments thereon.

I would have been glad, instead of a demand upon me for payment of notes, if you had proposed a general settlement of all matters between us that remain unadjusted. There is still due to me on articles of agreement between us $70,000 in land bonds and $31,000 in first-mortgage bonds, making $101,000 in all. For these bonds the money was paid you nearly three years ago, and every other party agreeing to take bonds on same basis has long since received its full quota. I alone am left hopeless and helpless, so far as I can see. Then there is the $25,000 which I borrowed and paid over, under your orders, to Mr. Pratt, for which I have received no pay. Mr. Caldwell paid me a small fraction of the amount as I supposed, but he now says the money he paid me must be credited to another account on which he was my debtor, and that he denies all responsibility, past, present, and future, on the $25,000, for payment of which I must, he says, look solely to you. I only know that I delivered the money to Mr. Pratt on your written order. I still owe the money in Maine, and am carrying the greater part of it at 8 per cent.—nearly $2,000 per annum steady draw on my resources, which are slender enough without this burden.

Still further, I left with Mr. Mulliken, January, 1871, $6,000 in land-grant bonds Union Pacific Railroad, to be exchanged for a like amount of Little Rock land bonds *with Mr. Caldwell*, he to change back when I desired. Mr. Caldwell declined to take them, and you took them without any negotiation with me or any authority from me in regard to the matter. You placed the Little Rock land bonds in the envelope, and I have the original envelope with Mr. Mulliken's indorsement thereon of the fact of the delivery to you. Now, I do not complain of your taking the bonds, provided you hold yourself bound to replace them. The worst of the whole matter was that the bonds were only a part mine, and I have had to make good the others to the original owner.

There are other matters to which I would refer; but my letter is already long.

I do not think, under the circumstances, it would be quite wise or kind in you to place any note or notes of mine that may happen to be in your possession in the hands of third parties as collateral.

In any event I ask as a simple favor that you will not do so, and that you will send me by return mail a copy of all obligations of mine in your possession.

Mrs' Blaine joins me in very kind regards to Mrs. Fisher and in the expression of the hope that you may have a pleasant and profitable tour in Europe.

Sincerely yours,

J. G. BLAINE.

WARREN FISHER, Jr., Esq.

There is mentioned in this letter $6,000 of land-grant bonds of the Union Pacific Railroad for which I stood as only part owner; they were only in part mine. As I have started out to make a personal explanation, I want to make a full explanation in regard to this matter. Those bonds were not mine except in this sense: In 1869 a lady who is a member of my family and whose financial affairs I have looked after for many years—many gentlemen will know to whom I refer without my being more explicit—bought on the recommendation of Mr. Samuel Hooper $6,000 in land-grant bonds of the Union Pacific Railroad as they were issued in 1869. She got them on what was called the stockholder's basis; I think it was a very favorable basis on which they distributed these bonds. These $6,000 of land-grant bonds were obtained in that way.

In 1871 the Union Pacific Railroad Company broke down, and these bonds fell so that they were worth about forty cents on the dollar. She was anxious to make herself safe; and I had so much confidence in the Fort Smith land bonds that I proposed to her to make an exchange. The six bonds were in my possession; and I had previously advanced money to her for certain purposes and held a part of these bonds as security for that advance. The bonds in that sense, and in that sense only, were mine—that they were security for the loan which I had made. They were all literally hers; they were all sold finally on her account—not one of them for me. I make this statement in order to be perfectly fair.

I have now read those fifteen letters, the whole of them. The House and the country now know all there is in them. They are dated and they correspond precisely with Mulligan's memorandum, which I have here. I keep this memorandum as a protection to myself; for it is very valuable as showing the identity of the letters in every respect.

Mr. GLOVER. Will the gentleman allow that memorandum to be read?

Mr. BLAINE. Wait just a moment. There was a contract also among these—the same that was put in evidence by Mulligan—of the parties in Maine who bought Little Rock bonds. I only refer to that because it is the same in every respect with that which has already been made public. He also testified to something as being among Mr. Fisher's papers about the Northern Pacific Railroad. That makes eighteen papers. I will put them all in; let them all go.

Mr. HALE. Does the exhibit which the gentleman has made cover every paper of every kind whatever that came from Mulligan?

Mr. BLAINE. Every solitary scrap and "scrimption," as the children say. (These papers will be appended in a foot-note to these remarks.)

Mr. GLOVER. Will the gentleman from Maine now respond to the request I made, that the memorandum of Mr. Mulligan be read at the Clerk's desk?

Mr. BLAINE. O, yes; I shall be glad to have it read.

The Clerk read as follows:

No. 1. Oct. 4, '69, relating to debate in the House and Blaine's ruling, and favors he was to receive from C. for pressing bill extending time on first 20 miles.

Mr. BLAINE. This is what Mr. Mulligan puts down as the substance of the letters.

The Clerk continued the reading, as follows:

No. 2. Oct. 4, '69, on same subject.

No. 3 June 27, '69, thanking Fisher for admitting him to participation in L. & F. R. R., and urging him to make call; say how much he would give him, and for what. He knew he would be no dead-head, but would render valuable assistance.

No. 4. July 25, '69, on the same subject.

No. 5. Sep. 5, '69, contract with different parties.

No. 6. Contract with Northern Pacific.

No. 7. May 14, '70, Caldwell designs to treat him handsomely in the end.

No. 8. Oct. 24, '71, Fisher to Blaine, urging settlement of N. P. R. account, $25,000.

Mr. BLAINE. There was no such letter in the package. The letter he speaks of seems to have been a letter from Mr. Fisher to myself. There was no such letter in the package; and the numbers he gives do not call for it. There are fifteen letters and three pieces of paper. At any rate that was not a letter from me.

The Clerk continued the reading as follows:

No. 9. Oct. 4, '71, Blaine admits that there was $6,000 paid on the $25,000 loan and to have received $50,000 from Fisher.

No. 10. Oct. 1, '71, admits being paid $6,000 on account of loan.

Mr. BLAINE sold sundry parties $125,000 in first-mortgage bonds, and common stock $125,000, preferred stock $125,000; for which was paid by them $125,000 cash; and Mr BLAINE was to receive for his share of the transaction $125,000 in land-grant bonds, and $32,500 in first-mortgage bonds. Total, $157,500.

Now, calling land and first-mortgage bonds equal in value, and stock valueless for $125,000 plus $157,000 equals $282,000 bonds; cash $25,000 equals $44^{29}/_{113}$%.

Mr. BLAINE also sold sundry parties $63,000 bonds and $56,000 stock for cash $43,150.

$15,150 less cash paid Mr. BLAINE for his share in the transaction.

$28,000 net cash received by Mr. Fisher for the above $63,000 bonds and $56,000 stock, equal $44^{28}/_{63}$ per cent. for the bonds, calling stock nothing.

Mr. BLAINE, in final settlement, Sept. 21, 1872, claimed only $101,000 bonds due Dec. letter, (Dec. 3, '72;) he previously received $61,000, and was to look to Caldwell for balance.

Sept. 21, '72, received $40,000.

No. 11. Apl. 13, 1872, saying there was $101,000 bonds due him, and claiming that there was due him on Union Pacific bonds exchanged $6,000, and admitting that there were some of them his own.

No. 12. Apl. 18, 1872, admits the $64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

Mr. BLAINE. See the abstract that he makes:

Admits the $64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

There is not a word said about it in the letter.

The Clerk continued and concluded the reading, as follows:

No. 13. Aug. 9, '72, as dry financially as a contribution-box, and borrowing money to defray his campaign expenses.

No. 14. Aug. 31, '72, about settlement.

No. 15. May 26, '64, says he was a partner in the Spencer Rifle Co.

Mr. BLAINE. Now, Mr. Speaker, I would be glad to have any gentleman who desires to be frank examine these letters, as they will be printed in the RECORD, and see the obvious intent and animus of Mulligan in making up this memorandum; I will not further comment on it. I desire to call attention to the fact that these are the letters for which I was ready to commit "suicide," and do sundry and divers other desperate things in order to acquire them.

I do not wish to detain the House, but I have one or two more observations to make. The specific charge that went to the committee of which the honorable gentleman from Virginia is chairman, so far as it affects me, was whether I was a party in interest to the sixty-four-thousand-dollar transaction; and I submit that up to this time there has not been one particle of proof before the committee sustaining that charge. Gentlemen have said what they had heard somebody else say, and generally when that somebody else was brought on the stand it appeared that he did not say it at all. Colonel Thomas A. Scott swore very positively and distinctly under the most rigid cross-examination all about it. Let me call attention to that letter of mine which Mulligan says refers to that. I ask your attention, gentlemen, as closely as if you were a jury while I show the absurdity of that statement. It is in evidence that with the exception of a small fraction the bonds which were sold to parties in Maine were first-mortgage bonds. It is in evidence over and over again that the bonds which went to the Union Pacific road were land-grant bonds. Therefore it is a moral impossibility the bonds taken up to Maine should have gone to the Union Pacific Railroad. They were of different series, different kinds, different colors, everything different, as different as if not issued within a thousand miles of each other. So on its face it is shown it could not be so.

There has not been, I say, one positive piece of testimony in any direction. They sent to Arkansas to get some hearsay about bonds. They sent to Boston to get some hearsay. Mulligan was contradicted by Fisher, and Atkins and Scott swore directly against him. Morton, of Morton, Bliss & Co., never heard my name in the matter. Carnegee, who negotiated the note, never heard my name in that connection. Rollins said it was one of the intangible rumors he spoke of as floating in the air. Gentlemen who have lived any time in Washington need not be told that intangible rumors get considerable circulation here; and if a man is to be held accountable before the bar of public opinion for intangible rumors, who in the House will stand?

Now, gentlemen, those letters I have read were picked out of correspondence extending over fifteen years. The man did his worst, the very worst he could, out of the most intimate business correspondence of my life. I ask gentlemen if any of you, and I ask it with some feeling, can stand a severer scrutiny of or more rigid investigation into your private correspondence? That was the worst he could do.

There is one piece of testimony wanting. There is but one thing to close the complete circle of evidence. There is but one witness whom I could not have, to whom the Judiciary Committee, taking into account the great and intimate connection he had with the transaction, was asked to send a cable dispatch, and I ask the gentleman from Kentucky if that dispatch was sent to him?

Mr. FRYE. Who?

Mr. BLAINE. To Josiah Caldwell.

Mr. KNOTT. I will reply to the gentleman that Judge HUNTON and myself have both endeavored to get Mr. Caldwell's address and have not yet got it.

Mr. BLAINE. Has the gentleman from Kentucky received a dispatch from Caldwell?

Mr. KNOTT. I will explain that directly.

Mr. BLAINE. I want a categorical answer.

Mr. KNOTT. I have received a dispatch purporting to be from Mr. Caldwell.

Mr. BLAINE. You did?

Mr. KNOTT. How did you know I got it?

Mr. BLAINE. When did you get it? I want the gentleman from Kentucky to answer when he got it.

Mr. KNOTT. Answer my question first.

Mr. BLAINE. I never heard of it until yesterday.

Mr. KNOTT. How did you hear it?

Mr. BLAINE. I heard you got a dispatch last Thursday morning at eight o'clock from Josiah Caldwell completely and absolutely exonerating me from this charge, and you have suppressed it. [Protracted applause upon the floor and in the galleries.] I want the gentleman to answer. [After a pause.] Does the gentleman from Kentucky decline to answer?

The SPEAKER *pro tempore*. The gentleman will suspend until order is restored. The doorkeepers will remove from the Hall those not entitled to the floor; and the galleries will be cleared if this applause is repeated. So long as the present occupant is in the chair that rule will be enforced.

Mr. BLAINE. Mr. Speaker, I ask to offer the following resolution as a matter of privilege in this connection.

The SPEAKER *pro tempore*. The gentleman from Maine will suspend until order is restored. The Chair is not responsible for this disorder, and the doorkeepers have failed to keep out men not authorized to come into the Hall. There are in this Hall those not members double the number of members. The doorkeepers will enforce the rules of the House. Those who are not entitled to the floor will leave it. Members of the House will be seated. [After a pause.] The gentleman from Maine will proceed.

Mr. BLAINE. I want the gentleman from Kentucky to answer me, or rather to answer the House, that question.

Mr. KNOTT. I will answer that when I get ready. Go on with your speech.

Mr. BLAINE. I desire to offer the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to report forthwith to the House whether in acting under the resolution of the House of May 2, relative to the purchase by the Pacific Railroad Company of seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad, it has sent any telegram to one Josiah Caldwell, in Europe, and received a reply thereto. And, if so, to report said telegram and reply, with the date when said reply was received, and the reasons why the same has been suppressed.

Mr. BLAINE. After that add, "or whether they have heard from Josiah Caldwell in any way." Just add those words, "and what." Give it to me and I will modify it.

The SPEAKER *pro tempore*. The Clerk will read the modification of the resolution.

The Clerk read as follows:

And whether they have heard from the said Josiah Caldwell, in any other way, and to what effect.

Mr. BLAINE. The gentleman from Kentucky in responding probably, I think, from what he said, intended to convey the idea I had some illegitimate knowledge of how that dispatch was obtained. I have had no communication with Josiah Caldwell. I have had no means of knowing from the telegraph office whether the telegram was received. But I tell the gentleman from Kentucky that murder will out.

Mr. GLOVER. That is true.

Mr. BLAINE. And secrets will leak. And I tell the gentleman now, and I am prepared to state to this House, that at eight o'clock on last Thursday morning, or thereabouts, the gentleman from Kentucky received and receipted for a message addressed to him from Josiah Caldwell, in London, entirely corroborating and substantiating the statements of Thomas A. Scott, which he had just read in the New York papers, and entirely exculpating me from the charges which I am bound to believe from the suppression of that report the gentleman is anxious to fasten upon me.

I call the previous question on that resolution.

[Protracted applause from the floor and the galleries.]

Foot-note.—Papers I, J, and K, found with the letters surrendered by Mulligan, are hereto appended. The papers relating to the Northern Pacific road are not remembered by Mr. BLAINE; the handwriting is not known to him, and he can recall no connection with them in any respect. They are, however, quite unimportant.

I.

Cost of $\frac{1}{2}$ of 1 share, $466,667, is	$58,333
$\frac{1}{2}$ of $416,667, to receive in bonds, is at par $52,083, at 90 c., would be	46,875
	11,458

for which you will get $\frac{1}{2}$ of 541,234 stock, which is $67,654; and when the road is finished you will get $\frac{1}{2}$ of 3,416,708, which is 427,088 in stock, beside your interest in the Land Company, which is proportionate. Bonds at par would make the above amount of stock cost about $6,250.

J.

Whereas, under certain agreements with the Northern Pacific Railroad Company, dated May 20, 1869, and January 1, 1870, Messrs. Jay Cooke & Co. become fiscal agents for the negotiations of the securities of said company upon the terms therein stated; and whereas, under said agreements, Jay Cooke & Co. become possessed of twelve of the twenty-four interests constituting the company and representing its franchises; and whereas Jay Cooke & Co. for the purpose of furnishing funds under their agreements as fiscal agents, for the construction and equipment of the road from its intersection with the Lake Superior and Mississippi Railroad to the Red River, near the mouth of the Cheyenne, a distance of about two hundred and twenty-five miles, forming a complete road from Lake Superior to the Red River, have offered to the subscribers for the first five millions of dollars of the first-mortgage bonds of the company the following terms, namely:

The subscribers to purchase of Jay Cooke & Co. the said bonds bearing 7.3 gold interest at par, $5,000,000, and twelve interests in the company at $50,000 each, $600,000, amounting in all to $5,600,000; or, say, twelve shares of $466,667 each to be paid for in installments, extending through about fifteen months, as the funds may be required by the company, for which each share shall receive as follows:

Bonds, one-twelfth of $5,000,000		$416,667
Preliminary issue of stock	$93,400	
Twenty per cent. stock commissions on bonds	83,334	
		476,734

and $40,500 stock upon completion of each section of twenty-five miles of the road.

Thus upon completion to Red River, estimating the distance at two hundred and twenty-five miles, (nine sections of twenty-five miles each,) each share will have received nine times $40,500, equal to $364,500, in addition to previously stated $176,734, say $541,234 stock; and this proportionate issue continuing with the progress of the road, upon completion to the Pacific each share will have received in all $416,667 bonds and $3 416,708 stock, (the fractions in all cases being adjusted in even figures,) and the entire five millions of bonds will thus carry with them a total of $41,000,500 stock.

It is designed in addition to organize a private land company for the purchase and sale of desirable town sites and other valuable lands, from which large profits are anticipated; the interests in such company to be held in the same proportion with the subscriptions to the present agreement and the funds required to be assessed correspondingly from time to time, of course, with the consent of the parties.

Upon the foregoing terms, we, the undersigned, subscribe the shares and portions of shares set opposite our names, to be paid for in installments as called, the bonds to carry interest from date of payments.

It is also hereby agreed by the subscribers whose names are hereby annexed that they will leave with Jay Cooke & Co. their proxies on all stock acquired under the terms of this agreement, and that they will not dispose of any of the first-mortgage bonds subscribed for unless with the consent of said Jay Cooke & Co., or until such sales shall cease to interfere with the plans of the fiscal agents for providing of necessary funds for the completion and equipment of the whole line of road.

K.

BOSTON, *September* 5, 1869.

Whereas I have this day entered into agreements with A. & P. Coburn, and sundry other parties resident in Maine, to deliver to them certain specified amounts of the common stock, preferred stock, and first-mortgage bonds of the Little Rock and Fort Smith Railroad Company, upon said parties paying to me the aggregate sum of $130,000, which several agreements are witnessed by J. G. Blaine and delivered to said parties by said Blaine:

Now this agreement witnesses, that upon the due fulfillment of the several contracts referred to, by the payment of the $130,000, and for other valuable considerations, the receipt of which is acknowledged, I hereby agree to deliver to J. G. Blaine, or order, as the same come into my hands as assignee of the contract for building the Little Rock and Fort Smith Railroad, the following securities, namely: Of the land bonds 7 per cents, $130,000; of the first-mortgage bonds, gold, sixes, $32,500. And these $130,000 of land bonds and $32,500 of first-mortgage bonds thus agreed to be delivered to said Blaine are over and above the securities agreed to be delivered by Warren Fisher, jr., assignee to the parties making the contracts, which parties, with the several amounts to be paid by each and the securities to be received by each, are named in a memorandum on the next page of this sheet.

And it is further agreed, that in the event of any one of said parties failing to pay the amount stipulated, then the amount of securities to be delivered to said Blaine under this agreement shall be reduced in the same proportion that the deficit of payment bears to the aggregate amount agreed to be paid.

WARREN FISHER, JR., *Assignee.*

Witness:
ALVAN R. FLANDERS.
[Stamp.]

Parties contracting with Warren Fisher, jr., assignee, as referred to in preceding agreement.

	To pay.	To receive.		
	Cash.	Common stock.	Preferred stock.	First-mortgage bonds.
1. A. & P. Coburn	$50,000	$50,000	$50,000	$50,000
2. Peter F. Sanborn	10,000	10,000	10,000	10,000
3. Anson P. Morrill	10,000	10,000	10,000	10,000
4. Ralph C. Johnson	10,000	10,000	10,000	10,000
5. P. R. Hazeltine	5,000	5,000	5,000	5,000
6. C. B. Hazeltine	5,000	5,000	5,000	5,000
7. N. P. Monroe	5,000	5,000	5,000	5,000
8. A. W. Johnson	5,000	5,000	5,000	5,000
9. H. H. Johnson	5,000	5,000	5,000	5,000
10. Philo Hersey	5,000	5,000	5,000	5,000
11. Lot M. Morrill	5,000	5,000	5,000	5,000
12. A. B. Farwell	5,000	5,000	5,000	5,000
13. Joseph H. Williams	5,000	5,000	5,000	5,000
14. Charles M. Bailey	5,000	5,000	5,000	5,000
	130,000	130,000	130,000	130,000

In addition to the above there are to be delivered to J. G. Blaine's order of the land bonds in 7s, currency, $130,000; first-mortgage bonds, 6s, gold, $32,500.

Mr. HOLMAN. I ask that the resolution be again read.

The resolution was again read.

Mr. KNOTT rose.

The SPEAKER *pro tempore.* Does the gentleman from Maine insist on the demand for the previous question?

Mr. BLAINE. If the gentleman from Kentucky desires to speak, I do not insist on it. But I do not yield the floor.

The SPEAKER *pro tempore.* The gentleman from Maine, not yielding the floor, insists on the demand for the previous question.

Mr. HOLMAN. Mr. Speaker, it appears to me that the resolution is only in order on a motion to suspend the rules.

Mr. BLAINE. O, no; I hold most decidedly, and I am sure the honorable occupant of the chair will sustain me in so holding, that the resolution embraces a question of the highest privilege.

Mr. HOLMAN. I am making no point against the resolution.

Mr. BLAINE. I hope the gentleman will not take the ground that this is not a privileged resolution.

Mr. HOLMAN. I am not making the point; but it seems to me there is the same right to call for a report on any matter which may have been referred to that committee.

Mr. BLAINE. No, sir. I say that this involves the good faith and the honor of the Judiciary Committee.

Mr. HOLMAN. Ah! that is a different matter. Mr. Speaker, I rise to make an inquiry.

The SPEAKER *pro tempore.* The gentleman from Indiana will state it.

Mr. HOLMAN. The gentleman from Kentucky [Mr. KNOTT] rose, as I understood, with a desire to submit some explanation. If the previous question should now be seconded would that exclude the gentleman from Kentucky from that privilege?

Mr. BLAINE. I am quite willing that the gentleman from Kentucky should be heard. I do not want to stop him, but I wish a vote on the previous question.

The SPEAKER *pro tempore.* The gentleman from Maine insists on a vote on his motion for the previous question.

Mr. BLAINE. I do not insist on that now. I insist on the right to call the previous question, but not to the exclusion of the gentleman from Kentucky from speaking.

The SPEAKER *pro tempore.* If the gentleman from Maine does not yield the floor the Chair has no other alternative than to put the question on the motion for the previous question.

Mr. BLAINE. Then I will yield the floor.

The SPEAKER *pro tempore.* The gentleman's hour has expired.

Mr. BLAINE. I know that the honorable Speaker will of course recognize me at the proper time hereafter to move the previous question.

The SPEAKER *pro tempore.* The Chair will decide that when the time comes.

Mr. HOLMAN. The gentleman from Maine must see the fairness of allowing the gentleman from Kentucky to make an explanation.

Mr. BLAINE. I do; and I withdraw for the present the motion for the previous question, knowing that the Chair will recognize me hereafter to renew the motion.

The SPEAKER *pro tempore.* The Chair does not decide that now.

Mr. BLAINE. The Chair could not do otherwise.

Mr. PHILIPS, of Missouri. I reserve the right to make the point of order on the competency of the resolution at this time.

Mr. GARFIELD. Too late.

The SPEAKER *pro tempore.* It is not too late. Does the gentleman from Missouri make that point of order?

Mr. PHILIPS, of Missouri. I do.

The SPEAKER *pro tempore.* It has been repeatedly decided by Speaker KERR that a resolution following an explanation of this kind is in order. That decision has been made several times this session.

Mr. JONES, of Kentucky, I desire to say a word. When I rose a while ago my motive might have been misunderstood. I intended to say if the question asked by the gentleman from Maine was a proper question it ought to be answered, and I intended to demand myself that it should be answered.

Mr. BLAINE. I thank the gentleman from Kentucky.

Mr. JONES, of Kentucky. The question, if a proper one, ought to be answered, and I have no doubt it will be when the gentleman from Kentucky [Mr. KNOTT] sees fit.

Mr. KNOTT. I yield to the gentleman from Virginia.

Mr. HUNTON. I claim the indulgence of the House for a very brief period.

The SPEAKER *pro tempore.* The Chair begs to state to the House that the doorkeepers report to him that it is utterly impossible to clear this Hall unless the Capitol police be called in. The doorkeepers are instructed to call in the police, if necessary, and clear the Hall of outsiders.

Mr. ATKINS. Has the Sergeant-at-Arms any duties in this matter?

The SPEAKER *pro tempore.* The Sergeant-at-Arms is bound by the rules to assist in that duty. The officers of the House will also clear the cloak-room of those who are not entitled to the privileges of the Hall.

After a pause of some minutes,

Mr. KASSON said: I ask for the regular order.

The SPEAKER *pro tempore.* The regular order is that the House be in order.

Mr. KASSON. The House is in more disorder than when the Chair suspended proceedings.

The SPEAKER *pro tempore.* The Chair will take care that the regular order is called at the proper time. Gentlemen who are in the cloak-room and not entitled to the privileges of the Hall will retire. The Chair has given the order and he intends that it shall be enforced; but the order has not yet been enforced, and the Chair is utterly powerless unless the doorkeepers assist. There are many persons on the floor who are here without authority and who refuse to go out. [After a pause, during which order in the Hall was restored.] The gentleman from Virginia will proceed.

Mr. HUNTON. I desire, Mr. Speaker, as chairman of the subcommittee to whom allusion has been frequently made in the statement of the gentleman from Maine, to detain the House to make a short statement of the matters to which he has alluded, and I trust that in doing this I shall speak as a member of the committee, and tell calmly, dispassionately, fairly, what has occurred before that subcommittee of which the gentleman from Maine complains.

I beg leave to say in advance that the House has witnessed this morning a remarkable, not to say an unexampled scene, a scene which may have its example in the history of legislation, but if so, it has escaped my observation and reading on the subject.

During the present session of this House two resolutions were adopted, each of which ordered an investigation, each of which was referred to the Committee on the Judiciary of this House, and each of which was referred to a subcommittee consisting of Mr. ASHE of North Carolina, Mr. LAWRENCE of Ohio, and myself as chairman of the committee, and before the committee has finished the taking of testimony, before that committee has reached a conclusion, an effort is made by the gentleman supposed to be mostly concerned in these investigations to take the consideration of these questions from the organ of the House and report upon them in person. I need not remind the House what sort of a report would come from that committee if it were allowed to be made by the gentleman from Maine. But I say that after this House has ordered an investigation and has committed

that investigation to a committee of the House it is not only unexampled, but entirely against legislative proceedings for a gentleman to rise and undertake to anticipate what the conclusion of that committee shall be and to state what the action of that committee has been.

Now, Mr. Speaker, in regard to the action of this committee, I will endeavor to follow some of the points made by the gentleman from Maine, and if I state any of the facts wrong I hope either of the gentlemen of that committee will correct me, because I desire to state nothing but what is accurately true in the statement I shall submit to the House.

The first point made by the gentleman from Maine was that it very soon was discovered that the resolution introduced by the gentleman from Massachusetts [Mr. TARBOX] was aimed at him, although his name was not mentioned in the resolution, and that he learned this from the proceedings of the subcommittee.

I beg to say to the House that the subcommittee and its chairman first learned from the gentleman from Maine that he was the man aimed at. He does not forget that after the resolution of Mr. TARBOX was referred to the subcommittee at his instance I had an interview with him in the committee-room of the Committee of Ways and Means, and in that interview the gentleman from Maine spoke of it as a resolution affecting him. Not only that, but he expressed himself satisfied and pleased with the *personnel* of the subcommittee, *although two of them were confederates.* And at the instance of the gentleman from Maine a day was appointed upon which the subcommittee was to enter upon its duties. And yet he tells this House that he learned from the subcommittee that he was the party to be investigated, and not the Union Pacific Railroad, as set out in the resolution of Mr. TARBOX. The first I heard either from a member of the House or a member of the committee on the subject was from the gentleman from Maine [Mr. BLAINE] himself, that the resolution referred to him, and he wanted the investigation commenced on a given day, and proceeded with, with as much dispatch as possible from that day. I told the gentleman from Maine that the investigation I should undertake should be as kindly as I could make it, and it should be as fairly conducted as I could conduct it, but as thorough as it could possibly be.

I acceded to his wish that the investigation should not commence until a day not very distant in the future, I think about ten days off. The reason why he did not want the investigation to begin at once was that he wanted to go to Philadelphia during what is known as the Centennial week, and did not want the investigation to commence until the following week. This request was granted with a great deal of pleasure and on the very day indicated by him, the very day he requested the investigation to begin, it was begun, and from that day to this there has been no hour that the committee could devote to this investigation that has not been devoted to it, except when the gentleman himself prevented it, and I say that more than two weeks' time has been lost to this committee because of the conduct of the gentleman from Maine; I do not mean to attach any blame to him; the first was the postponement until the week after the Centennial, and the next was a week of indisposition on his part, and even this morning I rose at the hour of four o'clock to come to this city, a distance of sixty miles, to renew the investigation and get through with it as soon as possible. The gentleman from Maine and his friends were not present, and the investigation had to be postponed. And yet he tells the House that the investigation is "*prolonged, prolonged, prolonged,*" and seeks to make the impression on the House that it is the purpose of the committee to prolong this investigation for some sinister purpose. Why he might just as well have said that we desired to postpone it until after the 14th of June, and every member of the committee will bear me witness to every word I say, that the committee worked in season and out of season; sitting on one occasion nearly the entire day in order to get through with this investigation before the 14th day of June, and every delay that has occurred, every day when the committee was not able to be in session, it was either because the gentleman from Maine was absent or requested an adjournment. I will not say "every day," for it is possible that there were one or two days when we had a meeting of the full committee, or something of that kind. But the delay has been at his instance, has been caused by him; for this subcommittee has worked as (I say) no other subcommittee of this House has ever worked. So much for the prolonging of this investigation.

I had no desire, God knows, to prolong it. I had no desire to enter upon it; but it was a duty imposed upon me by the House, and I intended to discharge that duty, as I have endeavored to discharge every such duty here, with fairness, impartiality, and a due regard to my duty to the House of Representatives.

But the gentleman says that when we had been examining witnesses under what is known as the Tarbox resolution, to his surprise he found that I claimed, or the committee claimed, that they had jurisdiction to investigate certain Pacific railroads, and that he was to be involved in the investigation of those Pacific railroads as well as under the Tarbox resolution.

Now, the gentleman cannot have forgotten what occurred in that connection; and, not having forgotten it, it was his duty in fairness to have stated it to this House. He knows that this resolution of Mr. LUTTRELL, of California, directing an investigation into all the Pacific railroads that had received subsidies from the Government, was alluded to almost from the start of the investigation by the subcommittee; therefore he could not have been surprised in the least to learn in the last day or two that there was to be an investigation under the Luttrell resolution.

I desire to state specifically what occurred on this subject a day or two ago in the committee-room. I was asked, "Is there to be an investigation under this Luttrell resolution?" I said to Mr. BLAINE, "The resolution will require an investigation that will take months at the hands of this committee. You have expressed a desire that all the investigation touching you shall be done speedily and concluded as soon as possible. If you desire it, I will not take up any other road except the Northern Pacific and the Kansas Pacific, because as to these two railroads your name has been mentioned as involved in an unpleasant way; and for your sake, that you may get a report before the tedious examinations of the affairs of all these Pacific railroads, we will take up first the matter which touches you, if you desire it." Mr. BLAINE said that he desired us to go on.

Yet he is very much surprised after all these things occurred in the committee-room. He is surprised to find that an investigation is to be undertaken by this subcommittee which involves an examination in these specific railroads, and it is to be prolonged, prolonged, prolonged, when we agreed for his sake and at his instance to skip all the other inquiries under the Luttrell resolution, until we had disposed of those which seemed to attach to Mr. BLAINE.

Mr. FRYE. Will my colleague on the Committee on the Judiciary [Mr. HUNTON] allow me to ask him a question in relation to that which he has just mentioned?

Mr. HUNTON. Certainly.

Mr. FRYE. Did not Mr. BLAINE, in that last conversation, object that under the resolution the committee had no jurisdiction of a stock transaction between two individuals?

Mr. HUNTON. Is that your only question?

Mr. FRYE. Yes.

Mr. HUNTON. I will answer it. I think it very likely he did. And I think also that if we had left the question of jurisdiction to Mr. BLAINE there would have been a great many questions ruled out. [Laughter.] But the committee had to decide the question of jurisdiction for themselves, and they decided that they had jurisdiction to go on.

Mr. FRYE. I will ask you——

Mr. HUNTON. I do not desire to be interrupted any further, if the gentleman will excuse me.

Mr. FRYE. Very well.

Mr. HUNTON. I say that there was no ground for the surprise of the gentleman, and instead of bad faith on the part of this committee in undertaking this investigation into the affairs of the Pacific railroads, it was our bounden duty as the organ of the House to undertake it, and to do what we could, whether we got through this session or not. And for the purpose of bringing to a close the matters which seemed to bear upon Mr. BLAINE—and this House and the country knows that there have been publications which drew from him certainly once if not twice a personal explanation on this floor—for the purpose of getting at them speedily and getting a report into this House as soon as we could, I said: "If you wish, Mr. BLAINE, we will not go into all these other roads, but take up the Northern Pacific Road and the Kansas Pacific Road, because there is connected with those two roads a charge against you." Now, if there is anything unfair in that I cannot see it, and I guarantee that this House cannot see it.

Then about these letters; and that I believe is the gist of his complaint before this House. In order to set that question before the House properly, I desire to state it as it arose in the committee-room on the evidence. And I beg leave to state here, before I go from this point, that every witness that has been examined before the Committee, whether his testimony was made in favor of Mr. BLAINE or against him, was summoned by the committee without any suggestion from Mr. BLAINE or any of his friends. He did on one occasion send me a memorandum of witnesses to summon, and my reply on the back of the memorandum was that every one of those witnesses had already been summoned (or were ordered to be summoned) by the Sergeant-at-Arms. Therefore, every witness who has appeared before the committee, under either resolution, was summoned by the committee without any suggestion from Mr. BLAINE or any of his friends.

Among these witnesses appeared Mr. James Mulligan, of the city of Boston, a gentleman whose character is unimpeached and, according to the testimony, unimpeachable. Mr. Fisher was put on the stand to state some things differently from Mr. Mulligan, and he was asked the question: "What sort of a man is James Mulligan?" He was put upon the stand by Mr. BLAINE, and, after his examination-in-chief had ended, he was asked this question. His reply was substantially, if not literally: "He is as good as any man I ever knew, or the best man I ever knew." Mr. Atkins, another witness introduced for the same purpose, said substantially the same thing of Mr. Mulligan. I desire to say to this House in the beginning that Mr. Mulligan stood before that committee with a reputation for truth and veracity equal to that of any gentleman on this floor. What may be his character I know not; I never saw him until he appeared in the committee-room.

Mr. FRYE. Will my colleague on the committee pardon me one moment?

Mr. HUNTON. Certainly.

Mr. FRYE. From the gentleman's statement in relation to these questions as to the character of Mr. Mulligan, the impression might go out that Mr. BLAINE asked those questions. Will the gentleman please state whether or not he, as chairman of the committee, asked them?

Mr. HUNTON. I did, sir.

Mr. FRYE. That is all.

Mr. HUNTON. And the witness answered just as I have stated. I wanted to know what sort of a witness I was dealing with. I put the question for the information of the committee. This witness, who had been summoned from Boston, was put upon the stand, and I did not know what he would testify to. If anybody had ever informed me what Mr. Mulligan's testimony would be or what it would relate to I had forgotten it entirely. In the course of his examination the first day Mr. Mulligan was testifying very quietly; there was no excitement in the committee-room at all when he happened to mention that he had in his possession certain letters written by Mr. BLAINE to Warren Fisher, jr. The mention of these letters seemed to have a remarkable effect upon Mr. BLAINE, for in a moment or two afterward he whispered to Mr. LAWRENCE, the republican member of that committee, "Move an adjournment." It so happened that I heard the suggestion. Mr. LAWRENCE got up with great solemnity on his countenance and said, "Mr. Chairman, I am very sick and I hope the committee will adjourn." [Laughter.]

Mr. LAWRENCE rose.

Mr. HUNTON. I hope the gentleman is better to-day.

Mr. LAWRENCE. Will my colleague on the committee allow me to ask a question or make a statement?

Mr. HUNTON. Certainly.

Mr. LAWRENCE. I will ask my colleague whether, when I went into the committee-room on that morning, the first thing I said to him before I had spoken to anybody else, was not that I had been exceedingly sick during the night? [Laughter.] I had been to Baltimore on the day before; and though I had not indulged in anything that would necessarily make me sick, yet I was extremely sick, so much so that it was with difficulty I sat there at all. I said simply what was true when I said that I was extremely unwell; and as the gentleman knows I have been quite unwell ever since. [Laughter.]

Mr. FRYE. What time was it when it was proposed to adjourn?

Mr. LAWRENCE. It was then half past twelve o'clock, half an hour beyond the time when the committee usually adjourns to attend the sittings of the House. Now, my friend says that he heard the remark of Mr. BLAINE asking me to move to adjourn. It was not necessary that I should state what Mr. BLAINE had said to me.

Mr. HUNTON. Nobody asked you to do so.

Mr. LAWRENCE. The gentleman says he heard it; but it was not necessary that I should state every ground for asking the adjournment.

Mr. HUNTON. Certainly not.

Mr. LAWRENCE. It was sufficient that I deemed it necessary to ask an adjournment. [Laughter.]

Mr. HUNTON. The gentleman has stated the matter exactly as it occurred. He did come in in the morning sick.

Mr. LAWRENCE. Yes, sir.

Mr. HUNTON. But he went to work in a most vigorous style for two hours.

Mr. LAWRENCE. But I became exhausted.

Mr. HUNTON. When those letters were mentioned the gentleman became sick, and somebody else sicker. [Laughter.] And the motion to adjourn was made at his suggestion.

Mr. LAWRENCE. It ought to be said in justice to Mr. BLAINE that so far as anything said by him to me could indicate his purpose, the motion to adjourn suggested by him was not caused by any fear of what was going on.

Mr. HUNTON. I never intimated such a thing. The gentleman is raising men of straw just to knock them over. But I do say that after these letters were mentioned incidentally by Mr. Mulligan, the reference being brought out without a question, (for I had not the remotest conception that he had any such letters in his possession,) the gentleman from Ohio did rise, at the suggestion of the gentleman from Maine, and move an adjournment; and he put it upon the ground that he was sick, and we had been sitting over our time anyhow. These are the exact facts. Now, why the motion to adjourn was suggested to the gentleman, and whether he was absolutely taken sicker at that moment, I cannot tell and do not propose to inquire; but an adjournment was had. We did not like to keep our colleague there in misery and distress; on account of his sickness and because we had sat over the hour which we were allowed to sit, an adjournment was had. The committee adjourned until the next morning at ten o'clock; and when we met, James Mulligan was put upon the stand again to complete his examination, which had been interrupted by the motion to adjourn. He was asked a question which did not look to the letters, which had no reference to them whatever. He said: "Mr. Chairman, before I proceed to answer that question, I desire to make a personal explanation painful to myself."

I will commence at the beginning of his personal explanation. I will state it substantially as he did, and if I err in any important particular I trust I will be corrected. Upon the evening of his first arrival in the city of Washington, before I knew he was in the city, he and Warren Fisher were waited on by Mr. BLAINE. They were invited to the house of Mr. BLAINE. Mr. Mulligan said, "Mr. BLAINE I decline to go to your house; I do not want to talk about what I have been brought here for. I desire to take the stand to-morrow untrammeled by conversation of any kind with anybody." Warren Fisher went to the house of Mr. BLAINE. Twice Mr. BLAINE sent a messenger down to induce Mulligan to come to his house. Mr. Mulligan still declined, and presently Mr. BLAINE and Warren Fisher came into the hotel where Mulligan stopped in the city of Washington, (the Riggs House.) Mr. Mulligan was in the barber-shop undergoing the pleasant operation of shaving, or about to undergo it, and Mr. BLAINE followed him into the barber-shop and commenced to entreat and earnestly to request that Mulligan would give up those letters which BLAINE had addressed to Warren Fisher. Mulligan declined to do it.

Mr. FRYE. Mr. Speaker, if the gentleman——

A MEMBER. I object to interruption.

Mr. FRYE. I ask my colleague of the committee if I may interrupt him?

Mr. HUNTON. Yes, you may.

Mr. FRYE. The gentleman is now stating evidence, and I desire him to be very careful, because, as I remember it, there is no testimony whatever showing or tending to show that Mr. BLAINE, in a barber-shop, in the presence of the barber, entreated Mulligan for those letters.

Mr. HUNTON. It matters not where he entreated him. I am under the impression it was there, but I am not certain.

Mr. FRYE. The letters were not read in any barber-shop.

Mr. HUNTON. I will take him out of the barber-shop. It does not matter in the least where the entreaty was made. Mr. BLAINE entreated him. I give you now the substance of the language of the witness. He entreated him with tears in his eyes, going down on his knees, or almost on his knees——

Mr. FRYE. In the barber-shop?

Mr. HUNTON. I did not say in the barber-shop. I do not care where it was. It was in his room, I believe; but he made this entreaty. The witness said, "with tears in his eyes, almost, if not quite, on his knees;" "'if you do not deliver those letters to me, I am ruined and my family disgraced.'" Of course I mean to be understood here that the witness meant that BLAINE's family would be disgraced through the ruin of Mr. BLAINE. He also threatened to commit suicide. Mr. Mulligan refused to deliver the letters. He said: "Mr. BLAINE, I see by the evening paper that my testimony given to the committee to-day is to be assailed"—to use his own word, "impugned"—"and in case my character and testimony are assailed, I want those letters to justify me in my testimony before the committee." Mr. BLAINE asked: "Do you suppose I am going to assail you?" The witness said: "If you do not assail me others may, and my character is too dear to me not to vindicate it if I can." Mr. BLAINE then tried politics with him, and he asked the witness: "Are you content with your station?" To this Mulligan said he would like to improve it if he could. Mr. BLAINE said: "Would you like a political office?" Mulligan replied he did not like politics, and did not care about it. Mr. BLAINE then asked how he would like a foreign consulship? He said he would not like it; and after that BLAINE said: "Let me see the letters to peruse them." The witness objected, but he said finally, upon a pledge of honor from Mr. BLAINE that he would return the letters, they were given him to read. He read them over once or twice, and returned them to the witness. Again he made an effort to obtain those letters, and Mr. Mulligan left the company and went into his room. In a short time Mr. BLAINE followed him into his room, and this scene occurred between the parties without any witnesses: Mr. BLAINE again endeavored to get possession of the letters. The witness again declined to deliver them. The witness says that Mr. BLAINE said: "I want to reread those letters again, and I want to have them for that purpose."

Mr. FRYE. I desire to ask my colleague a question there.

Mr. HUNTON. Very well.

Mr. FRYE. I want to call his attention——

Mr. HUNTON. I trust you will, if I misstated the testimony.

Mr. FRYE. The impression I received from the statement just made is that this effort and threat to commit suicide was in the presence of witnesses.

Mr. HUNTON. No; I did not say it was.

Mr. FRYE. It was not?

Mr. HUNTON. It was not.

Mr. FRYE. Do not you know he testified it was to himself?

Mr. HUNTON. I think he did; that it was to himself alone. He asked the witness to let him see the letters again; and the witness said that on a like pledge of honor to return them to him he delivered these letters over a second time to Mr. BLAINE to read and return them; and when Mr. BLAINE had read them and kept them a short time he refused to deliver them. The witness became excited, demanded his letters, and followed Mr. BLAINE into the room of Mr. Atkins on the floor below, and there demanded his letters from Mr. BLAINE; and he not only demanded his letters, but he demanded the private memorandum which the witness himself had made to use on his examination before the committee to refresh his memory. This was taken by Mr. BLAINE, and this also he refused to deliver.

Mr. FRYE. Will the gentleman pardon me again for interrupting him?

Mr. HUNTON. Certainly.

Mr. FRYE. Do I understand the gentleman as stating that Mr. Mulligan testified that he demanded in addition to the letters the private memorandum?

Mr. HUNTON. No, sir. He said that Mr. BLAINE took it when the letters were handed to him. The memorandum was with the letters when they were handed to him.

Mr. FRYE. It was in the bundle?

Mr. HUNTON. That may be.

Mr. FRYE. Was it so?

Mr. HUNTON. I think it was. And when Mr. BLAINE refused to deliver the letters he refused also to deliver the memorandum.

Now this was the statement made by the witness before the committee charged with the investigation of these subjects. Who has a right to complain? The gentleman from Maine or the committee? Who has a right to complain? The gentleman from Maine or this House? Here was a witness summoned from Boston. He did not appear as a volunteer in the case. He came under the compulsory process of the House, and was entitled to the protection of the House as long as he was in the city of Washington under his subpœna. Is the authority of this House in bringing witnesses here to testify to subject-matters of inquiry which the House has thought proper to make to be protected or not? It is a question which concerns this House more than the subcommittee of which I have the honor to be chairman.

But the gentleman from Maine says that these were his letters. Why, sir, it is an utter mistake as to the law of the case—an utter, complete mistake. I say to this House, without the fear of successful refutation, that according to the well-settled principles of law those letters belonged to Mr. Warren Fisher from the time he received them from the mail until he delivered them over to Mr. Mulligan, and Mr. Mulligan was entitled to the possession and ownership of those letters from that period.

In regard to how Mr. Mulligan got possession of those letters, he says, and Mr. Fisher corroborates his statement, that those letters were taken possession of and brought to the city of Washington by James Mulligan with the full consent and approbation of Warren Fisher. There was no surreptitious possession of these letters on the part of the witness, but they were brought here with the knowledge and consent of Warren Fisher, and witness brought them for the purpose of sustaining his testimony on the stand if it became necessary to use them. And I say, Mr. Speaker, that from the very moment Warren Fisher received those letters from Mr. BLAINE, Mr. BLAINE ceased to have any control of them. He had no more right to the possession or control of those letters than he has to my watch now in my pocket or any other piece of property which I may own. Some of the authorities go so far as to say that the publication of private correspondence may be enjoined by the writer or author of the correspondence if it is attempted on the part of the holder to use that correspondence to the detriment of *the writer's property*. But until that is attempted or threatened the writer has no right to interfere with any sort of use that the recipient of those letters chooses to make of them.

I will not go further into this question, because my friend, the chairman of the committee, the gentleman from Kentucky, [Mr. KNOTT,] is fortified with authorities on this subject and will state the law more clearly than I can. But if Mr. BLAINE—as I have said the law declares—was not entitled to the possession and had no right to the letters, I ask how he can justify his course before this House in taking the letters under a promise on his honor to return them and then withhold them.

Well, the subcommittee thought that, as the letters were obtained by Mr. BLAINE under circumstances such as I have detailed, it was right and proper that they should be given up to the committee or returned to the witness, the rightful owner of these letters; and when the demand was made upon Mr. BLAINE for the production of them he asked for time to consult counsel. His demand was cheerfully granted, and an adjournment took place from that day until ten o'clock the next morning. At ten o'clock the next morning we heard from Mr. BLAINE that he had not gotten through with the consultation; that owing to peculiar circumstances he had not been able to get the two counsel together the preceding night. We gave him until twelve o'clock. Twelve o'clock arrived; and he still was not ready. At two o'clock he came before the subcommittee with the opinion of Judge Black and Mr. Carpenter stating that we had no right to demand these letters; that they were private property pertaining to the private business of Mr. BLAINE; and that we had no right to demand them, and Mr. BLAINE should resist the demand.

Now, the committee may have very high respect for the authority of Judge Black and Mr. Carpenter, but they were investigating a question for the House, and not according to the rules prescribed by Mr. Carpenter and Judge Black. They did not choose that Mr. Carpenter and Judge Black should decide a question which the House had ordered them to decide.

Mr. FRYE. Will the gentleman allow me a question?

Mr. HUNTON. Yes, sir.

Mr. FRYE. Did not Mr. Mulligan on three different occasions testify that there was not more than one letter which touched however remotely any subject under investigation, whether the Union Pacific Railroad, the bonds sold the company by Tom Scott, or the Northern Pacific, or the Central Pacific, or all of the rest of those roads named in that resolution? Did he not testify in answer to your interrogatories at three different times that only one letter however remotely touched any matter which the subcommittee were investigating?

Mr. HUNTON. No, sir; he did not so testify, according to my recollection. I will tell you what he did testify.

Mr. FRYE. Well, sir.

Mr. HUNTON. He testified on one or two or perhaps on three occasions that he did not think that there were but two letters in the batch which bore upon the subject-matter of inquiry before the committee, one in regard to the Northern Pacific and the other in regard to the Union Pacific.

Mr. FRYE. Yes, sir.

Mr. HUNTON. That is what he said, but the committee thought that as the letters had been obtained in the manner in which Mr. BLAINE had obtained these letters, it was not only their right but their duty to determine the question for themselves whether the letters were pertinent to the subject-matter of inquiry or not.

Mr. FRYE. One other question. The gentleman says in response to my question that there were two letters, one relating to the Union and the other to the Northern Pacific Railroad. On the day before yesterday, when you were pursuing the Northern Pacific inquiry, did he not swear distinctly that there was not one letter which related at all to the Northern Pacific?

Mr. HUNTON. He mentioned a statement which related to it.

Mr. FRYE. A statement but not a letter, and that statement not in Mr. BLAINE's handwriting.

Mr. HUNTON. No, sir.

Mr. FRYE. Did he not state that the statement was not in Mr. BLAINE's handwriting?

Mr. HUNTON. I stated so.

Mr. FRYE. One more question.

Mr. HUNTON. I yield for one more.

Mr. FRYE. Was there, when this witness was subpœnaed to Washington, any *subpœna duces tecum* at all?

Mr. HUNTON. No, sir.

Mr. FRYE. That is all.

Mr. HUNTON. I do not see what difference it makes whether there was a *subpœna duces tecum* or not. The object of a *subpœna duces tecum* is to require the witness to bring papers. If he brings them without a *subpœna duces tecum*, the object is attained, because the letters are there; and the witness had a right to bring them without a *subpœna duces tecum* for the purpose for which he indicated he did bring them.

Now I say, sir, that when these facts came out that there was a letter and a statement, which I believe was stated by Mr. BLAINE to have been written by his clerk—when we found from the witness that one of these letters in that statement did relate to the subject-matter under inquiry, that when the solicitude was manifested to obtain possession of the letters, I ask the House whether it was not only the right but the duty of the subcommittee to demand at the hands of Mr. BLAINE the restoration of these letters to the witness or their production to the committee? The committee told Mr. BLAINE, "If you say these letters are your private papers, surrender them to the committee; you did not get possession of them in a manner which the committee think rightful, whatever may be your opinion about it, and we desire to see those letters, not to be made public, not to be published as a part of the proceedings of the committee, not to be given to the correspondents of newspapers to be spread throughout the length and breadth of the land, but to be inspected by the committee in private and used only when found pertinent."

Mr. FRYE. Mr. Speaker——

Mr. HUNTON. I thought you said that you were only going to ask one question more?

Mr. FRYE. Ah! at that time, allow me to ask if Mr. BLAINE did not ask the chairman of the subcommittee——

Mr. HUNTON. I am coming to that, if the gentleman will let me. I do not mean to omit an important particular; but let me state the case in my own way.

Mr. FRYE. Very well.

Mr. HUNTON. I stated that the committee ought to inspect those letters in private, and that wherever there was one that did not refer to the subject-matter of this investigation, either under the Luttrell resolution or the Tarbox resolution, those letters which were found to be private should not be made public.

Mr. FRYE. That is not what my inquiry was about.

Mr. HUNTON. I am coming to your inquiry; do not be impatient, if you please.

Mr. FRYE. Very well.

Mr. HUNTON. I know what the gentleman wants to ask me: if Mr. BLAINE did not invite me to his house to read these letters.

Mr. FRYE. That was not it.

Mr. HUNTON. What was it?

Mr. FRYE. I know Mr. BLAINE did invite you, and told you that you might read all the letters. But I want to ask you if Mr. BLAINE did not ask the subcommittee whether, if he produced these letters and gave them to them, they should be examined privately and only those put on record that related to the case, and if Mr. HUNTON, the chairman of the subcommittee, did not say no, he would not examine them privately?

Mr. HUNTON. No, sir.

Mr. FRYE. You say you did not say that?

Mr. HUNTON. I say I refused individually to examine them privately.

Mr. FRYE. Was not that inquiry addressed to you when the subcommittee was in session?

Mr. HUNTON. Yes, sir.

Mr. FRYE. Then I understand you to say that you understood that inquiry to be addressed to you privately?

Mr. HUNTON. I understood it so.

Mr. FRYE. I understood it differently.

Mr. HUNTON. I understood it as I have stated, and I do not think I am mistaken. I said to Mr. BLAINE over and over again, "Mr. BLAINE, I do not want to see your correspondence either public or private. I have no right to read it except as a committee-man; and these two gentlemen who sit on either side of me have the same right I have." I did not mean to receive at the hands of Mr. BLAINE any letters or any papers that my colleagues on the committee could not see and inspect with me.

When I had the honor of an invitation to the gentleman's house to read these letters, I replied to it in the same way: "Mr. BLAINE, I have no right to go to your house as a private citizen and read your correspondence; if I have the right to look at it at all, it is as a member and as the chairman of this committee; and if I have no right to look at it in that way, I have no right to look at it at all, and will not do it."

I believe he has stated on this floor to-day, and if I am wrong I hope I may be corrected, that forty-four gentlemen have read these papers. My colleague on the committee, the gentleman from North Carolina, [Mr. ASHE,] reminds me that when Mr. BLAINE refused to produce these letters, he or one of the members of the committee asked that the memorandum of the witness should be surrendered to the committee that we might examine it and see whether these letters were public and bore upon the subject of this investigation, or were private. That was refused.

When I refused to go to the gentleman's house and read these letters, I did it because I did not want, and God knows I do not want now, to pry into his private correspondence; but I thought it was my duty as a member of the committee, and my duty to this House, to demand at his hands the production of letters and memorandum obtained in the manner in which I have stated. Now it is for this House to determine whether I did right or wrong, whether the committee did right or wrong. If I did wrong I did it in pursuance of what I thought was my duty to this House to investigate thoroughly, and I trust impartially, the subject-matters of inquiry addressed by the House to the Judiciary Committee. If I have erred it has been an error of the judgment, and I say to-day that it is a job I never fancied.

Mr. BLAINE. Will the gentleman permit me to ask him a question?

Mr. HUNTON. Yes, sir.

Mr. BLAINE. Does the gentleman know of a dispatch received from Josiah Caldwell in London?

Mr. HUNTON. My friend, the chairman of the Committee on the Judiciary, [Mr. KNOTT,] will reply to you in full on that subject.

Mr. BLAINE. I ask the gentleman if he knows——

Mr. HUNTON. I do not mean to answer a question addressed properly to the chairman of the committee.

Mr. BLAINE. But I address it to the chairman with whom I have been dealing. I ask the gentleman who is the chairman of the subcommittee to state to this House whether on Thursday morning last the chairman of the full committee, Mr. KNOTT, of Kentucky, did not come to the committee-room and call the gentleman from Virginia out, and then or at some other time acquaint him with that fact?

Mr. HUNTON. Now you are done.

Mr. BLAINE. I do not know; it depends upon your answer.

Mr. HUNTON. You are done, unless I choose to yield to you again.

Mr. BLAINE. I ask you that question.

Mr. HUNTON. And I answer you that if my friend from Kentucky [Mr. KNOTT] does not answer you fully I will.

Mr. BLAINE. Ah, that is not what——

Mr. HUNTON. I will not yield to the gentleman any further.

Mr. BLAINE. Will the gentleman yield on another point?

Mr. HUNTON. Yes.

Mr. BLAINE. The gentleman will pardon me for a moment; I will give him more of my time in exchange. The gentleman has commented with an attempt at severity upon the fact that I saw these witnesses before they testified. Has it not been the habit of the gentleman from Virginia to see witnesses before they testified?

Mr. HUNTON. Not my habit, sir; I have seen several.

Mr. BLAINE. I have received this letter which I wish to read:

WASHINGTON, D. C., *May* 23, 1876.

DEAR SIR: I arrived here last night to give my testimony in the case concerning yourself before the Judiciary Committee. I was summoned to the committee-room at ten o'clock this morning and was sorry to find the investigation postponed until to-morrow on account of your illness. I shall endeavor to call and pay my respects this evening. I was greatly taken by surprise at being taken aside by Mr. HUNTON and somewhat closely interrogated privately as to the points of the testimony I should be able to give against you. All his inquiries seemed to be made with an animus, and the thorough questioning he gave me in this informal manner astonished me beyond measure. I had no idea that congressional investigations were conducted in this way. If they are they cease to be fair and honorable and degenerate into prosecutions and then into persecutions.

I learned after leaving Mr. HUNTON that he has been pursuing this course with other witnesses who are presumed to have some testimony to give against you. Mr. HUNTON's inquiries were not merely general, but were, it seemed to me, about as minute as they could well be, and put with an apparent desire to have every fact stated in a manner that would inculpate you.

I have felt that I was in honor bound to communicate this to you as early as possible for your own protection.

I am, very truly yours,

A. P. ROBINSON.

Hon. J. G. BLAINE.

He came that evening and had some conversation with me; and when the gentleman asked if he had seen me, he supposed it was in reference to the testimony. He did not come to tell me what he could testify to, but——

Mr. HUNTON. I did not give way for a speech.

Mr. BLAINE. I have made speech enough.

Mr. HUNTON. The animus of that witness is shown by his letter more than mine is shown by it. I do not deny, I never have denied, that I have talked with some half a dozen witnesses.

Mr. BLAINE. But he said it was understood you "coached" the witness; that is the phrase he used.

Mr. HUNTON. I say that if he or any other man says that I undertook to "post" the witness or to "coach" him, or intimates by any other technical term which I may not understand that there has been an attempt on my part to influence his testimony, it is false, absolutely false.

Now I confess that I had talked to these witnesses; but never, never have I attempted to influence their testimony in the slightest degree. My object in talking to the witnesses was to learn how to examine them; I thought it my right and my duty.

Mr. BLAINE. That is just what Mr. Robinson says—that the object was to get the strong points against me.

Mr. HUNTON. I did not give way to the gentleman. I beg him to recollect that I have the floor, and not to attempt to take it from me until I yield to him.

I want him to recollect also that I was not under investigation; I was not interested in the result; and though I may have talked to witnesses before their examination, was that as bad as for the gentleman from Maine, who was interested in the result, to take them to his house? I say here upon my personal responsibility that not once have I attempted to influence the testimony of a witness summoned before me in any investigation ordered by this House. Why, sir, the gentleman knows that a witness in his examination in the open committee-room stated, "In my conversation with you, Mr. HUNTON, this statement occurred." I never attempted to conceal the fact that on several occasions—probably four or five, it may be less or it may be more—I did talk with witnesses, that I might know under which resolution their testimony came; that I might know how to bring out the facts in the possession of the witness. If that is wrong, Mr. Speaker, it is an error of judgment on my part. I cannot see it.

Now, these are the facts in this case; and I beg the House to bear in mind that they have committed these investigations to the hands of a committee; and while that committee is proceeding with its investigation the gentleman from Maine, who supposes that he is involved in this investigation, undertakes to forestall the conclusions of that committee, and make his own statement to the House of the result of that investigation. Mr. Speaker, if this practice is to be observed in the House, let all references to committees be discontinued; and whenever there is an inquiry here which may possibly involve a member, let that member get up on the floor and make his statement; let that be received as the report of the committee; let it be adopted, and thus let the matter end. If that is not to be the practice, let this committee go on with its investigation. If the testimony does not implicate Mr. BLAINE, I undertake to say that the committee will not only cheerfully and promptly, but with pleasure report that fact to the House. If, on the other hand, the testimony shall involve him in the charges which are under consideration by the committee, then rest assured that I, as one of the members of the committee, mean to report the facts to the House and the conclusions to be drawn from these facts.

Mr. KNOTT obtained the floor.

The SPEAKER *pro tempore*. The Clerk will read to those who will listen the rule as to those entitled to the privilege of admission to the floor.

The Clerk read as follows:

No person except members of the Senate, their Secretary, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress shall be admitted within the hall of the House of Representatives or any of the rooms upon the same floor or leading into the same; provided that ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.

The SPEAKER *pro tempore*. The Chair will state that numbers of persons on the floor have defied the officers of the House in remaining and force has been required to put them outside of the Chamber. The Chair will also state that it is the duty of the Doorkeeper and the Sergeant-at-Arms to enforce this rule; and in order that gentlemen may conduct the public business the Chair states that this rule will be enforced, if necessary, by the police belonging to the Capitol. The gentleman from Kentucky will proceed.

Mr. KNOTT. Mr. Speaker, within the last two hours I have listened to imputations upon myself upon this floor which, coming from

a different source or elsewhere, I might, perhaps, answer very differently from the manner in which I shall attempt to answer them now. Those who are intimately acquainted with me know that I am the last man in the world to seek a personal altercation, and I assure the House that of all men in the world the gentleman from Maine [Mr. BLAINE] is the last man with whom I would seek such a conflict. He is entirely too immense in his proportions for me to presume to attack.

> Why, man, he doth bestride the narrow world
> Like a Colossus, and we petty men
> Walk under his huge legs and peep about
> To find ourselves dishonorable graves.

Personal controversy seems to be his forte, and whenever he is engaged in a conflict of that kind on this floor the gentleman reminds me of Homer's description of Diomede:

> Dire was the clang and dreadful from afar,
> Was armed Tydides rushing to the war.

No; the gentleman, as my old friend Jim Johnson would say, is habitually and entirely "too pompious and uzurpious" for me to seek a contest with. [Laughter.] Two-thirds of the time when he is in the House he does not seem to realize whether he is in the Speaker's chair or on the floor, and to a stranger it would be an insoluble enigma.

The gentleman quite unnecessarily, as I shall show, has dragged me into this personal matter of his own. In the first place, he insinuates that from some unworthy motive, I as chairman of the Committee on the Judiciary, appointed upon the subcommittee which has charge of this investigation the gentleman from Virginia [Mr. HUNTON] and the gentleman from North Carolina, [Mr. ASHE.] Well, in answer to that I have to say, first, that either of those gentlemen is his peer in any sense of the word, and, in point of honor, it is no disparagement to the gentleman from Maine to say they are both his superiors. [Hisses on the republican side of the House.] That is all right. There are but three animals in this world that hiss: vipers, geese, and fools. Hiss on! [Laughter and applause.]

In the second place this subcommittee was, as I remarked a while ago, selected long before there was any insinuation, public or private that I knew of, that the gentleman from Maine was in any manner implicated in any of the alleged fraudulent transactions on the part of any of these railroad corporations, and it did seem to me, when the gentleman flung his imputation at me, as a little strange that he could ascribe any motive to me under the circumstances, even granting the gentleman from Virginia and the gentleman from North Carolina were his personal enemies.

I repeat, sir, it does seem a little remarkable to me that you cannot touch one of these railroad companies but what the gentleman from Maine squeals. [Laughter.] Yes, sir, and I have no doubt it struck Mr. Harrison as a little remarkable, when that seventy-five-thousand-dollar bond transaction was mentioned in a meeting of directors of the Union Pacific Railroad, that the treasurer should say: "Do not say anything about that; it involves BLAINE." [Renewed laughter.]

I will say furthermore, Mr. Speaker, that when this subcommittee was raised, long before I had any intimation that Mr. BLAINE was involved in any manner in the railroad companies to be investigated, I went to his particular friend and colleague and asked him to take a position on that subcommittee, which he declined. So much for the appointment of the subcommittee.

Now as to the celebrated Mulligan letters——

Mr. FRYE. I should like to ask the gentleman a question. I suppose the gentleman referred to me.

Mr. KNOTT. I referred to you, sir.

Mr. FRYE. I presume if that is so—I have no recollection about it, but I have no reason to question the gentleman's word in the matter—if that was so, as a matter of course it was to take the place occupied by Mr. LAWRENCE.

Mr. KNOTT. Certainly.

Mr. FRYE. It was not to take the place occupied by the gentleman from Virginia or the gentleman from North Carolina?

Mr. KNOTT. Of course not.

Now with regard to the correspondence which seems to have brought up this attack by the gentleman from Maine upon the Judiciary Committee so far as I have had anything to do with that, I will proceed to state it. The facts were laid before the committee that Mr. Mulligan had been summoned here to give testimony touching the subject-matters referred to the subcommittee; that he had appeared before the subcommittee and informed them upon his arrival he had been approached by Mr. BLAINE for a private interview, which he declined; that Mr. BLAINE had asked him to show certain letters which were in his possession—lawfully in his possession—placed there by the recipient of those letters, Mr. Fisher, with his permission to the witness to make whatever use of them he might see proper; that he surrendred those letters to Mr. BLAINE upon the personal promise of Mr. BLAINE that he would return them to him after he had inspected them, which Mr. BLAINE had refused to do; and that thereupon the subcommittee asked the advice of the committee as to the course they were to pursue. While the discussion of that matter was pending the challenge was thrown out by the gentleman's friends, which has been thrown out by the gentleman himself here to-day, that he should be brought before the bar of the House and compelled to produce those letters. I then remarked as I now remark, if the gentleman desires to join the noble army of martyrs, he must volunteer as he has done. I will never act as conscripting officer to get him a position in that glorious band. [Laughter.]

More than that, the gentleman insinuates that it is the settled purpose of the Judiciary Committee to do something or other that may, peradventure, prevent him from receiving the nomination at the coming convention at Cincinnati. I beg the gentleman to understand that, so far as I am concerned, and I believe so far as any of my colleagues are concerned, we are perfectly willing that he shall receive that nomination. If, in the pending campaign, we cannot defeat the gentleman from Maine, God knows our case is hopeless, entirely so. If he should receive the nomination and be elected in the face of all the facts, all we can say is, may the Lord have mercy on the American people. [Laughter.]

In the discussion as to what should be done by the subcommittee under the circumstances I have stated I did take occasion to say what I now repeat here in the face of this House and the world, that so far as those letters were concerned they were legally the property of Mr. Fisher, and legally in the possession of his baillee, Mr. Mulligan, and that Mr. BLAINE had no more right to the possession of them than I had; and that if he could procure letters under even an implied pledge of his personal honor to return them, and withhold them in the face of that pledge, it was a question for him to settle with the American people whose suffrages he seeks.

I care not whether Mr. Mulligan extorted from him an express promise to return them or not. He received them, knowing that Mulligan expected him to return them, and kept them with a strong hand when they were not his property. I say they were not his property, and I say that in view of the law of the case. I affirm that the only right the gentleman from Maine had at all in those letters was to publish their contents for his own private use if he thought proper, or restrain by injunction their publication by another.

In one of the most celebrated cases upon this subject, where the whole question was thoroughly discussed and all the authorities reviewed, the famous case of Grigsby and wife against Breckenridge, one of the most illustrious jurists that ever adorned the bench on this continent, Chief Justice Robertson, of Kentucky, says:

> A majority of the American cases even deny the right of the author to enjoin the publication of a private letter on the ground of property. But, as before suggested, we incline to the conclusion that the weight of authority, fortified by analogy, preponderates in favor of the author's special property in the publication, and in his consequential right to publish if he keep or can procure a copy. But the recipient is not bound to keep the original for his transcription, inspection, or other use. There is no adjudged case or elementary dictum extending the author's right of property beyond this circumscribed and contingent range. And all the cases cited in this case thus limit and define it.
>
> Publication by the author is circulation before the public eye by printing or multiplied copies in writing. The like publicity by the act of the recipient would be an infringement of the author's exclusive right, which he may prevent by injunction.

He goes on to say:

> In an able article on the author's right to enjoin the publication of private letters, Parker, an eminent judge in Massachusetts and professor in the Harvard law school, said:
>
> "The receiver of a letter is not a bailee, nor does he stand in a character analogous to that of a bailee. There is no right to possession, present or future"—

Mark you—

> "no right to possession, present or future, in the writer."

Then where did the gentleman from Maine get the right to waylay Mr. Mulligan and procure these letters in the manner in which he admits himself he did, and hold on to them in defiance of the bailee's right of possession?

> The only right to be enforced against the holder is a right to prevent publication, not to require the manuscript from the holder in order to a publication by himself.
>
> The right of the receiver—

The right of the receiver—

> then, is to the whole letter. He may read it himself and to others, and recite it at meetings. He may do everything but multiply copies; and perhaps he may do this, if he do not print them.

Now, sir, there is the whole case. Mr. Mulligan was legally in the possession of the letters by the permission of the recipient, with the authority to use them in any manner he saw proper. Those letters were taken from him under an implied promise, to say the least, to return them, and they are kept from him by a strong hand. The question what the subcommittee was to do under the circumstances was submitted to the Committee on the Judiciary. And now comes the strange part of the whole thing, which I believe has not yet been developed before the House.

Mr. FRYE. Mr. Speaker, will the gentleman allow me——

The SPEAKER *pro tempore*. Does the gentleman yield to the gentleman from Maine?

Mr. KNOTT. Here comes the strange part of the whole thing. The Committee on the Judiciary have done the gentleman from Maine no wrong. They have not even decided what shall be done with those letters. Nobody has even intimated that he shall be obliged to give them to any human being on the earth. The committee have taken no action in the matter at all, but on to-morrow morning that question was to be brought up, and yet in advance of their conclusion and in defiance of all parliamentary law that I have ever heard of, an Ex-Speaker of the House comes here on the pretext of a per-

sonal explanation and takes the matter away from the jurisdiction of a committee to which it has been committed and drags it before the House.

Now, that is simply the condition in which the question stands. It is still *sub judice*, not decided at all, and with no intimation from any one that a solitary one of those letters would be taken from him or given to the public, but with a very positive assurance on my part to the gentleman, through his friends, that he would not be martyred by the Committee on the Judiciary, at least not with my consent.

Mr. FRYE. Now, will the gentleman yield to me for a moment?

The SPEAKER *pro tempore*. Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. KNOTT. Why is all this noise made for so little wool?

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. KNOTT. The Judiciary Committee, upon whom the gentleman has made such violent assaults, has done him no wrong. On the contrary, that committee has extended to him every conceivable courtesy from the very beginning, as has been explained here by my honorable colleague from Virginia.

No disposition has been manifested by any member of that committee to do anything that would militate against the gentleman's interest in the slightest possible degree. Every request he ever made to the committee has been complied with. Every postponment asked for has been granted. When he has asked that the inquiry should be prosecuted without delay, it has been done, or at least attempted. When he has asked that the investigation be delayed, it has been delayed. When he has asked on technical grounds that evidence be excluded, it has invariably been excluded. Everything has been done to protect the gentleman; for God knows we want him nominated. [Laughter.] He need not be afraid of meeting any opposition to his nomination on this side of the House.

Now, sir, there might be, I do not know that it ever will be, but there might be a grave question presented to the consideration of the House growing out of this matter, and that question is this: Whether after the House has committed a matter to a committee for investigation its authority can be trifled with by having the witnesses who may be summoned before that committee met by the way-side by parties implicated, pumped, their documentary evidence taken from them, retained by force, and a contemptuous refusal given to the committee when it calls for the production of papers thus obtained. Such a question, I say, might be raised, but I do not know that it ever will.

Sir, the gentleman has read a letter from a Mr. Robinson, and although I was not present when he was examined, I believe when that witness was asked if he had had an interview with Mr. BLAINE he denied it, until after a great deal of questioning, and coaxing, and persuading he finally admitted that he had had such an interview.

Mr. HUNTON. Let me state in regard to that matter that Mr. ASHE asked the witness the question whether he had talked of this matter with any gentlemen since his arrival in Washington. He said he had talked to one or more. Mr. ASHE asked him to name them, and he named one. Mr. ASHE asked him whether with any one else, and he answered yes, with Mr. A. B. Mr. ASHE asked him if that was all, and he answered yes, to Mr. C. D. He was then asked, "Is that all?" and he answered, "Yes; that is all." At that point I asked him, "Have you not talked this matter over with Mr. BLAINE since you arrived in Washington City?" and he said he had.

Mr. BLAINE. Who is that?

Mr. HUNTON. The witness Robinson.

Mr. BLAINE. Yes, he came to tell me how you had been coaching him. [Great laughter.]

Mr. KNOTT. I was remarking that every request preferred by Mr. BLAINE or his friends on the subcommittee has been granted. Whenever a legal question has been raised at his request or that of his friends and submitted to the whole committee, it has in every instance been decided, so far as I know and believe, with the utmost impartiality. When, for instance, a question was raised as to whether a certain witness should tell what Josiah Caldwell had told him about the seventy-five-thousand-dollar-bond transaction, it was objected on the part of Mr. BLAINE that Mr. Caldwell was out of the jurisdiction of the United States, and the witness was not allowed to say a word about Mr. Caldwell.

A proposition was then made that Mr. Caldwell should be telegraphed to know if he would come here and give his testimony. That was objected to by Mr. BLAINE and his friends. Why? Because, forsooth, Mr. Caldwell would not come if we were to telegraph for him. The question was submitted to the full committee, and it was determined not to telegraph to him. But other witnesses continually referring to matters of which they had heard showed the absolute necessity of having Mr. Caldwell's testimony if it could be obtained. After considerable delay the committee concluded that they would telegraph to him, and the chairman was instructed to do so. I asked my friend from Virginia [Mr. HUNTON] to ascertain Mr. Caldwell's address, and he endeavored to do so, and left this memorandum with one of the officers of the House:

Find some man from Arkansas and learn where in Europe is Josiah Caldwell.

After all the investigations that the officer of the House could make we could not find out where Mr. Caldwell was. I myself inquired of several gentlemen, and requested one of them to write to Boston to ascertain where Caldwell was. It is true—and now I am going to make the gentleman from Maine happy, I have no doubt—that on last Thursday morning, about eight o'clock—I do not know but it might have been a little after eight o'clock, or a little before eight o'clock, or at eight o'clock—I did receive such a telegram; but the gentleman from Maine seems to know precisely when it was——

Mr. BLAINE. I do.

Mr. KNOTT. He seems to know precisely from what point it came. He seems to know precisely the contents of the telegram. He seems to be thoroughly posted upon that subject. Now, right here, permit me to say with regard to the insinuation that that telegram was suppressed elsewhere, any man, high or low, whomsoever he may be, may make it and take the consequences here. I will hurl the falsehood into his teeth. I received it; but, so far from suppressing it, within less than thirty minutes after I received it I read it to several gentlemen. But there was no particular place designated in the dispatch as Caldwell's address, save London; no street, no house, no other locality whatever; and it did occur to me, and I am not altogether certain that I do not now believe, it was a fixed-up job; so I thought I would wait a while and see what would come of it.

Mr. FRYE. Allow me to ask you a question there?

Mr. KNOTT. Wait until I get through with this. That dispatch came last Thursday. On Friday we had a general meeting of the committee. I had not the dispatch with me. I am not sure that I would have read it to the committee at that time if I had had it with me, as we were engaged with other matters. I am free to say that I had a suspicion that it was a fixed-up job. I have that suspicion now. The reason why I have it is that other people seem to know so much about it. I am assured that none of the gentlemen to whom I showed it have ever said anything to any mortal man in relation to it.

And I will say further that no longer ago than Saturday last I again asked the friend whom I had asked to write to Boston if he had ascertained for me the address of this Mr. Caldwell, and was told by him that he had not. I intended to telegraph to him; I wanted an answer to a telegram of my own, so that I might know it was genuine. If I failed in that, I intended to hand the telegram I had received to the committee for them to make whatever use they could of it. Nobody is hurt by that. Even if it were published to the four winds of heaven, it is not evidence for any purpose on the Lord's earth, and no lawyer will insinuate that it is.

Now, sir, I will ask if I was under any obligation, legal or moral, to publish a telegram voluntarily sent to myself, without any solicitation upon my part, and in answer to no suggestion that I had made? It struck me as something strange that this man should know so well to whom to telegraph and what to telegraph, before he had ever had any communication at all with me on the subject; and it still strikes me as strange.

Mr. HALE. Will the gentleman from Kentucky allow me to ask him a question?

Mr. KNOTT. Yes, with a great deal of pleasure.

Mr. HALE. The dispatch was received, was it not, upon Thursday morning last?

Mr. KNOTT. I have said so two or three times over distinctly.

Mr. HALE. I want to fix the point; that was the date?

Mr. KNOTT. And the word "London" was at the top of it.

Mr. HALE. Did not that indicate to the gentleman last Thursday morning where Josiah Caldwell was, in order that he might telegraph to him and make certain whether it was a real dispatch? And did the gentleman from Kentucky at once take that method of obtaining information as to the genuineness of the dispatch?

Mr. KNOTT. Now I will answer the gentleman. I had information that this Mr. Caldwell was somewhere in Italy. I had had that information from more than one, that he was on the Continent and not in London. And there being no point in London designated in the dispatch, no street or house in a city where there are millions of people, it struck me that I might as well have gone to hunt for a particular drop of water in the middle of the ocean.

Mr. HALE. Does not the gentleman know that the telegraph operator in London would have learned that address at once, because that is an every-day method of securing the address of a person who has not given his address definitely?

Mr. KNOTT. The gentleman knows more about it than I do.

Mr. HALE. Does not the gentleman know that?

Mr. KNOTT. The gentleman seems to know a great deal about it.

Mr. HALE. I know enough to know that.

Mr. KNOTT. Very well. Now, I say to this House and to the gentleman from Maine that any insinuation of my suppressing any paper, keeping it back illegitimately, for any purpose whatever, is not only gratuitous, but false.

Mr. HALE. Will the gentleman read the dispatch, in order that we may see what there is in it?

Mr. KNOTT. When I get ready I will.

Mr. HALE. Does the gentleman from Kentucky propose to read it upon the floor——

The SPEAKER *pro tempore*. Does the gentleman from Kentucky yield?

Mr. KNOTT. I do not yield. I have asked the gentleman from Maine, [Mr. BLAINE,] who seems to be so thoroughly posted, how he got his information about that dispatch, and he has declined to tell. Now let the matter rest right there, just where it is.

Mr. MCCRARY. I would like to ask the chairman of the Commit-

tee on the Judiciary [Mr. KNOTT] whether he communicated the fact of the receipt by him of that dispatch to any of the republican members of the Judiciary Committee?

Mr. KNOTT. I have not; and there are several of my democratic colleagues to whom I have not communicated that fact, and there are many of my most intimate personal friends to whom I have not communicated it. To tell the truth about it, after the day that I received it I gave but little, if any, thought at all to it until the subject was brought up here.

Mr. MCCRARY. I wish it understood for myself and republican colleagues on that committee that we had no knowledge of the receipt of that dispatch.

Mr. MCMAHON. Will my colleague allow me to ask him a question?

Mr. KNOTT. Yes; with pleasure.

Mr. MCMAHON. I would ask the gentleman whether the Committee on the Judiciary authorized him to telegraph to Mr. Caldwell and have Mr. Caldwell telegraph a statement in reply; or was it simply that he should telegraph where he could be found, in order that his personal presence could be secured, and he be subjected to oath and cross-examination?

Mr. KNOTT. I was going to speak of that. The order of the Committee on the Judiciary, as I understood it, was to telegraph to Mr. Caldwell to know if he would come here and give his testimony under oath as a witness, and not that he should volunteer any information at all upon the subject.

Mr. FRYE. I desire to ask the gentleman a question right here. Will the gentleman be kind enough to state to the House what Mr. Caldwell said in that dispatch?

Mr. KNOTT. Has not your friend already stated it? Do you not believe your colleague from Maine?

Mr. FRYE. No, sir. [Laughter.]

Mr. KNOTT. You do not? Well, I do. [Great laughter.]

Mr. FRYE. In other words, if the gentleman from Kentucky refuses to produce that dispatch to the House, I say it seems to be entirely supposable that Mr. BLAINE has not got the whole of that dispatch, and I desire to ask if there is not something else in the dispatch to keep it back?

Mr. KNOTT. No, sir. Does that satisfy you?

Mr. BLAINE and others. Read it, then.

Mr. KNOTT. Will gentlemen "possess their souls in patience?" Let us hear from the gentleman from Maine where he got his information; let us know who has violated the law and how he came to be the recipient of the secrets of this violator of law.

Mr. BLAINE. If the gentleman is through I desire to call the previous question on my resolution. I merely want to test by that whether this House is going to unite——

Mr. KNOTT. I have not yielded the floor. I want to state to the House that this telegraphic dispatch, that was sent to me without any solicitation upon my part, I have it still in my possession, but it is at my room. Its contents are substantially as stated by the gentleman from Maine. Whoever informed him, or however he got his information, I do not know that I can repeat the dispatch in its exact terms. It was to the effect——

Mr. BLAINE. I thought you refused to repeat it.

Mr. KNOTT. Well, who asked you to put in just at this particular time? [Laughter.] You will have an opportunity to tell where you got your information. I was going on to state my recollection of the contents of the dispatch. If I had it here I should not object to reading it. Whether it came from Mr. Caldwell or not I do not know. The purport of it was that he had seen Mr. Thomas A. Scott's testimony in the New York papers; that it was substantially correct; that he had not let Mr. BLAINE have any bonds, and he would send an affidavit to that effect, but that he was engaged in railroad enterprises there and could not come here to give his testimony without serious pecuniary loss. That is substantially what is in the dispatch.

Now, I desire to say that if the gentleman had only waited that dispatch would have been presented to the committee to be made use of in whatever way the committee may have seen proper. I repeat, that from the beginning I have had no desire to injure the gentleman from Maine personally, and especially politically; none whatever. But I have desired, as I still desire, that the truth may be told. As for myself, I had no knowledge of any transaction by the gentleman from Maine inconsistent with the highest personal integrity. I had no desire that he should be injured if innocent. I had, however, and still have, a desire that whoever may be guilty of wrong, we shall "turn on the gas" and let the people see it.

Mr. BLAINE. I now demand the previous question on the resolution, because the gentleman declines to furnish the dispatch to the House, and I want to see whether this House will justify him in that position. It is now admitted by the gentleman that well into the fifth day he has deliberately suppressed that dispatch, and I understand that it has been suppressed——

[Cries of "Order."]

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. BLAINE. Why not?

The SPEAKER *pro tempore*. The Chair understood the gentleman to demand the previous question.

Mr. BLAINE. I rose to do so, but I have an hour before I do so.

Mr. SPRINGER. Not at all.

Mr. BLAINE. Why not?

Mr. SPRINGER. The gentleman has spoken one hour already.

Mr. BLAINE. I have not spoken an hour in closing the debate. I merely want to state this point: I wish to see whether this House will approve of the fact that two members at least of the Judiciary Committee, the gentleman from Kentucky, [Mr. KNOTT,] and the gentleman from Virginia, [Mr. HUNTON,] have known for five days of that dispatch——

Many MEMBERS. Regular order!

The SPEAKER *pro tempore*. The gentleman from Maine will suspend. The Chair understood the gentleman to claim the right to occupy another hour before the question is taken on his demand for the previous question.

Mr. BLAINE. I would not have any hour afterward. But I do not care anything about that. I demand the previous question on the resolution.

Mr. BANNING. I move that the resolution be laid on the table.

Mr. BLAINE. Very well; on that I call for the yeas and nays.

Mr. HOLMAN. I trust that will not be done.

Mr. BANNING. I withdraw the motion.

Mr. BLAINE. Stick to your motion.

The question being taken on seconding the demand for the previous question, there were—ayes 101, noes 107.

So the previous question was not seconded.

Mr. BLAINE. I move to suspend the rules and pass the resolution.

The SPEAKER *pro tempore*. The gentleman from Maine is not recognized. By the vote just taken, and as is customary, the gentleman loses control of the resolution. The Chair recognizes the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. I move to refer the resolution to the Committee on the Judiciary.

Mr. BLAINE. And pending that motion, I move to suspend the rules and adopt the resolution.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. BANNING] has been recognized.

Mr. BLAINE. But my motion comes in as of superior right.

The SPEAKER *pro tempore*. The gentleman lost the floor when the demand for the previous question was not sustained.

Mr. BLAINE. But pending the motion to refer, the motion to suspend the rules is in order.

Mr. BANNING. I move to refer the resolution to the Committee on the Judiciary.

Mr. BLAINE. Pending which I move to suspend the rules and pass the resolution.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Ohio to refer the resolution to the Committee on the Judiciary.

Mr. MCCRARY. Pending that I move to suspend the rules and pass the resolution. I have a right to make the motion.

Mr. BLAINE. By all the precedents.

Mr. BANNING. I call for the regular order of business.

The SPEAKER *pro tempore*. The Chair understands the gentleman moves it as a substitute for the motion to refer. That may be in order.

Mr. MCCRARY. I demand the yeas and nays.

Mr. SPRINGER. I rise to a question of order. On Friday last, by unanimous consent, an order was made by the House that to-day after the morning hour—at two o'clock—the House should proceed to the consideration of the bill making appropriation for the payment of the Geneva award, to the exclusion of all other business and especially to the exclusion of any motion to suspend the rules. That order was made on Friday last at the suggestion of the gentleman from Maine himself. Because otherwise the making of the Geneva award bill a special order for to-day would be of no avail, as it could be interrupted by motions to suspend the rules, which under the rules are privileged on Monday after the morning hour.

Mr. MCCRARY. That was to take effect at two o'clock to-day and has been waived.

The SPEAKER *pro tempore*. When unanimous consent was asked on Friday last by the gentleman from New York [Mr. LORD] to make the Geneva award bill a special order for to-day after the morning hour, and after much colloquy the gentleman from Maine called the attention of the Chair and of the House particularly to the fact that the order to set to-day at two o'clock for that business would not be worth making unless it was accompanied with the provision that it was to the exclusion of all motions to suspend the rules. The order was made in that way, and runs, by unanimous consent, until that bill is disposed of. The Chair is now bound to sustain that unanimous arrangement, and with it the point of order raised by the gentleman from Illinois. Therefore the motion to suspend the rules is not in order.

Mr. MCCRARY. Who has called up the Geneva award bill? It is not in the hands of the gentleman from Illinois. I do not think my colleague of the Judiciary Committee from New York [Mr. LORD] will take the responsibility of doing so.

The SPEAKER *pro tempore*. The Chair will take the responsibility of deciding that the point of order having been raised, and attention called to the conditions of the special order, he is bound to recognize the fact that a motion to suspend the rules is not in order at this time, and that, too, by virtue of the order made on Friday last.

Mr. KELLEY. I respectfully call the Speaker's attention to the

purpose for which that order was made. It was that Mr. SCOTT LORD, of New York, who is to be absent from the House hereafter, should call up that bill to-day and make his speech; and it was suggested after that speech should be concluded we could go on with the general business of the House. I do not understand that Mr. LORD avails himself of the special object of the order to call up that bill.

The SPEAKER *pro tempore*. The Chair may assume that to be the fact; but it does not affect the point of order raised by the gentleman from Illinois. The Chair has already decided it. Several gentlemen to-day have called the Chair's attention to the matter with a view to have the rules suspended, and the Chair has stated that he would refuse to entertain any motions to suspend the rules. The point of order being now raised, the Chair must decide that no motion to suspend the rules after two o'clock to-day is in order, that being the unanimous agreement of the House on Friday last.

Mr. KELLEY. Would it not be in order to suspend the rules after Mr. LORD had spoken?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is not in order.

Mr. WILSON, of Iowa. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. WILSON, of Iowa. My point of order is this: It has been understood by the whole House that when this question of personal privilege came up all the previous orders of the House had to give way to it. Had it come up on any other day than Monday, the motion to suspend the rules would not have been in order on any question bearing upon it.

The SPEAKER *pro tempore*. The Chair did not understand, when this privilege came, that any express or implied understanding was involved as to the previous orders.

Mr. WILSON, of Iowa. Allow me to make my point before you decide it. But it is the right of a member rising to a personal question here to have that determined independently of any point of order, and to call into requisition all the rules of the House to enable him to do it; and to-day, this being Monday, the motion to suspend the rules on the resolution connected with that question of privilege I claim to be in order. The honorable Chair will take care in ruling on this question of personal privilege whether he is going to rule out the right of a member to have a hearing upon this floor.

The SPEAKER *pro tempore*. The Chair has denied no right to be heard to the gentleman from Maine. He adheres to his decision, that after two o'clock to-day no motion to suspend the rules can be made.

Mr. McCRARY. I rise to appeal to the Chair whether a motion to refer the resolution is in order?

The SPEAKER *pro tempore*. Undoubtedly it is in order.

Mr. McCRARY. How so, if the special order precludes everything? If it cuts off a motion to suspend the rules, does it not also cut off the motion to refer?

The SPEAKER *pro tempore*. The gentleman from Maine rose to a personal explanation——

Mr. BLAINE. I did not.

The SPEAKER *pro tempore*. The Chair will first finish his remarks.

Mr. JONES, of Kentucky. It was the statement of the Chair at the time that the gentleman rose to a personal explanation.

Mr. BLAINE. But it was not the statement of the gentleman from Maine.

The SPEAKER *pro tempore*. The gentleman rose to a privileged question, and the Chair stated it to the House as one of "personal privilege."

Mr. BLAINE. To a question of privilege, which is as different as anything can be.

The SPEAKER *pro tempore*. The gentleman rose to a question of personal privilege.

Mr. BLAINE. Of high privilege, which is different from a personal explanation.

Mr. BLAND. It is now five o'clock, and, as we cannot do anything to-day in the way of business, I move the House do now adjourn.

Several MEMBERS. O, no; withdraw it.

Mr. BLAND. Very well, I withdraw the motion. [Laughter.]

Mr. McCRARY. I rise to a point of order. The Chair has decided, when a motion was made to suspend the rules and pass the resolution, that motion was excluded by the fact that the special order for this day excluded all other business. My point of order is, that, if the special order is of such high privilege as to exclude the motion to suspend the rules, it is also of such high privilege as to exclude the motion to refer this resolution. I now call for the special order.

Mr. HOLMAN. This resolution is before the House regularly.

The SPEAKER *pro tempore*. The Chair will state that this resolution has come up, as he supposes, properly before the House after the question raised by the gentleman from Maine of privilege or personal explanation, whichever it was; and the resolution at the end of his remarks was before the House without objection, but not to be disposed of irregularly. Now the disposition of the resolution is properly before the House upon the motion of the gentleman from Ohio [Mr. BANNING] to refer it. The question is on the motion of the gentleman from Ohio. In putting that motion no order of the House is violated and no one prejudiced.

Mr. PAGE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 97, not voting 66; as follows.

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Canfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Culberson, De Bolt, Dibrell, Douglas, Durham, Eden, Felton, Finley, Forney, Franklin, Gause, Glover, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Lamar, Franklin Landers, Lane, Le Moyne, Levy, Lewis, Lord, Lynde, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills, Morrison, Mutchler, Neal, O'Brien, Odell, Parsons, Payne, John F. Philips, Piper, Poppleton, Powell, Rea, Reagan, Rice, Riddle, John Robbins, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Teese, Terry, Thomas, Throckmorton, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Erastus Wells, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—125.

NAYS—Messrs. Adams, Anderson, George A. Bagley, John H. Baker, William H. Baker, Ballou, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Campbell, Cannon, Cason, Caswell, Cate, Chittenden, Crapo, Crounse, Danford, Davy, Denison, Dunnell, Eames, Evans, Freeman, Frost, Frye, Garfield, Goodin, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hays, Hendee, Henderson, Hoar, Hoge, Hoskins, Hunter, Hurlbut, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Lapham, Lawrence, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Rainey, Robinson, Sampson, Seelye, Sinnickson, Smalls, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, Willis, Alan Wood, jr., and Woodworth—97.

NOT VOTING—Messrs. Banks, Bass, Beebe, Bell, Blaine, Bliss, Conger, Cook, Cowan, Cox, Cutler, Darrall, Davis, Dobbins, Durand, Egbert, Ellis, Ely, Faulkner, Fort, Foster, Fuller, Gibson, Goode, Henry R. Harris, Abram S. Hewitt, Hubbell, Hyman, Frank Jones, Knott, George M. Landers, Leavenworth, Luttrell, L. A. Mackey, Meade, Money, Morgan, New, Phelps, Purman, Randall, John Reilly, James B. Reilly, William M. Robbins, Roberts, Sobieski Ross, Rusk, Schumaker, A. Herr Smith, Stevenson, Swann, Thompson, Tucker, Turney, Van Vorhes, John L. Vance, Waddell, Wait, Wheeler, Whitehouse, Alphens S. Williams, James Williams, Wilshire, Benjamin Wilson, James Wilson, and Woodburn—66.

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. DURAND. I am paired with my colleague, Mr. CONGER, who is absent by order of the House. My colleague, Mr. A. S. WILLIAMS, is also absent by order of the House.

Mr. VAN VORHES. I am paired with my colleague, Mr. VANCE, on all political questions. I regard this matter as more of a personal than a political question. If I am entitled to vote, I will vote "no;" but I will not vote, if there be objection.

Mr. WHITING. My colleague, Mr. FORT, is absent by leave of the House.

Mr. CASWELL. My colleague, Mr. RUSK, is absent. If here he would vote "no."

Mr. PAGE. The gentleman from Nevada, Mr. WOODBURN, is absent by leave of the House.

Mr. WILSON, of Iowa. I am paired with Mr. WADDELL, of North Carolina, on all political questions.

The result of the vote was then announced as above recorded.

Mr. BANNING moved to reconsider the vote by which the resolution was referred to the Committee on the Judiciary; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 619) to carry out in part the provisions of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873; and

A bill (S. No. 720) for the relief of Charles B. Phillips.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, Virginia, to Sarah Wilson.

The message also informed the House that the Senate further insisted upon its amendments to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. HOWE, and Mr. BOGY as conferees on the part of the Senate.

CAPTAIN J. M. HAMILTON.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Captain J. M. Hamilton, United States Army, for change in date of his commission; which was referred to the Committee on Military Affairs.

GEORGE W. CHILSON.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the papers in the case of George W. Chilson, recently decided in the Court of Claims; which was referred to the Committee on Military Affairs.

A. GATES LEE.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to papers in the case of A. Gates Lee, (House bill No. 2756;) which was referred to the Committee of Claims.

INSANE HOSPITAL INVESTIGATION.

Mr. MUTCHLER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Interior Department have permission to print the testimony taken in the investigation of the management of the Government Hospital for the Insane.

PASTURAGE LANDS IN ARID REGIONS.

Mr. LANE, by unanimous consent, introduced a bill (H. R. No. 3667) to provide for the settlement of pasturage lands in arid regions of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TERRITORIAL GOVERNMENT FOR INDIAN COUNTRY.

Mr. SPARKS, by unanimous consent, presented the protest of the chiefs and head-men of the Great and Little Osage Nation of Indians, residents of the Indian country, against the establishment of a territorial government for said Indian country; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD.

The protest is as follows:

To the honorable Senate and House of Representatives in Congress assembled, Washington, District of Columbia:

We, your petitioners, chiefs and head-men of the Osage Nation of Indians, resident in the Indian Territory, learn with some alarm of the introduction of several bills into Congress for the establishment of a territorial form of government over the Indian country heretofore guaranteed by treaties to the peaceable possession of the various Indian tribes resident therein forever, most of whom hold their titles in fee-simple by patent of the United States or by purchase of grantors holding such patents, which purchases have been confirmed by act of Congress. We entertain grave fears that the introduction of these bills is in the interest of extensive railroad corporations, for the purpose of securing land grants contingent upon the extinction of the Indian title. We fear that the establishment of a territorial government over our country would be regarded as but the stepping-stone to opening up the same to settlement by citizens of the United States and consequent extinction of the Indian title. In fact, we have grave apprehensions that the establishment of a duly-organized territorial government would be regarded by the courts as conferring, under existing laws, the rights to citizens to settle upon the unoccupied lands thereof. This, we feel, would be a grievous wrong upon the Indians, the rightful owners of the soil by purchase; a wrong committed by a great Government upon a weak people, in violation of its solemn treaties; a wrong which in itself seems almost to determine our future existence as a people. We cannot believe that the Government of the United States, our assumed protector and guardian, will perpetrate this wrong upon us, and for these and other reasons we do most earnestly protest against the establishment of a territorial government over the Indian country.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

To Mr. FAULKNER for ten days.

To Mr. PAYNE for eight days.

To Mr. FROST for four days, on account of important business.

To Mr. RUSK for one week.

To Mr. BENNETT for ten days from the 7th instant, on account of important business.

To Mr. HATCHER for five days, on account of business.

To Mr. THOMPSON for three days from Monday.

To Mr. WHITE for ten days from the 6th instant.

And then, on motion of Mr. LUTTRELL, (at five o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of Lytle Newton, for a reconsideration of his claim, disallowed by the southern claims commission, to the Committee on War Claims.

Also, resolutions of the general assembly of the Presbyterian Church of the United States, in relation to the claim of Bethel College, to the same committee.

By Mr. HARTRIDGE: Memorial of the Atlanta (Georgia) Medical Academy against the passage of the bill to incorporate the National Surgical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. LEVY: Memorial of John R. Williams, for compensation for property taken and used by the United States naval forces, to the Committee on War Claims.

By Mr. MACDOUGALL: A paper relating to the establishment of a post-route from Macedon, via Macedon Center and West Walworth, to Lincoln, Wayne County, New York, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to the establishment of a post-route from North Huron to Lummisville, Wayne County, New York, to the same committee.

Also, a paper relating to the establishment of a post-route from Walcott to North Walcott, Wayne County, New York, to the same committee.

Also, a paper relating to the establishment of a post-route from Butler to Butler Center, Wayne County, New York, to the same committee.

Also, a paper relating to the establishment of a post-route from Conquest to Spring Lake, Cayuga County, New York, to the same committee.

Also, a paper relating to the establishment of a post-route from Waterloo, via Magee's Corners, to Tyne, Seneca County, New York, to the same committee.

Also, the petition of A. Senedacer, and 57 citizens of Wayne County, New York, that certain lands adjoining the navy-yard in Brooklyn, New York, be set aside for market purposes, to the Committee on Military Affairs.

Also, the petition of W. H. Dennis and other citizens of Zurich, Wayne County, New York, of similar import, to the Committee on Naval Affairs.

By Mr. O'BRIEN: The petition of B. Deford & Co., of Baltimore, Maryland, for compensation for the destruction of their tannery and other property at New Creek, Mineral County, West Virginia, to the Committee on War Claims.

Also, the petition of Francis A. Gibbons, for compensation for grain furnished the Quartermaster's Department, United States Army, in 1854 and in 1863, to the Committee of Claims.

By Mr. O'NEILL: The petition of Henry Frank, of Philadelphia, Pennsylvania, for compensation for subsistence furnished the United States Army, to the Committee on War Claims.

By Mr. TEESE: The petition of James Dickson, of Newark, New Jersey, for compensation for the seizure of his vessel and cotton in 1863 by the United States authorities, to the Committee of Claims.

By Mr. WELLS, of Mississippi: The petition of citizens of Mississippi, for such legislation as will secure the immediate consideration by the proper Government officials of their applications for pensions, to the Committee on Invalid Pensions.

By Mr. WHITE: The petition of Ira Wells, for an increase of pension, to the same committee.

Also, the petition of Lewis Sowards, for a pension, to the same committee.

IN SENATE.

TUESDAY, *June* 6, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 3636) to remove the political disabilities of Richard S. Kinney and William R. Jones—to the Committee on the Judiciary.

A bill (H. R. No. 3187) to amend title 53 of the Revised Statutes, relating to merchant seamen—to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. WINDOM presented the petition of 1,011 citizens of Minnesota, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

Mr. WRIGHT presented the petition of 655 citizens of Iowa, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

He also presented the petition of Hugh Devlin, Daniel Strain, and other citizens of Webster County, Iowa, praying for the passage of a law requesting the Supreme Court of the United States to cause to be issued by the Federal courts of Iowa a general injunction restraining all persons from mining or any other operation whatever except the cultivation of the soil by the actual settlers, on all so-called Des Moines River lands in that State; which was referred to the Committee on the Judiciary.

Mr. JONES, of Nevada, presented a petition of citizens of Lyon County, Nevada, praying Congress to adopt some legal measures to prevent the further immigration of Chinese; which was referred to the Committee on Foreign Relations.

Mr. WHYTE presented the petition of G. T. Beauregard, of Louisiana, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 777) to incorporate the National Sanitary Abattoir Company of the District of Columbia, reported adversely thereon; and the bill was rejected.

He also, from the same committee, to whom was referred the bill (S. No. 815) to establish a zoological park near the Capitol in the District of Columbia, and to incorporate a company to maintain the same

and construct a railroad thereto, reported adversely thereon; and the bill was rejected.

Mr. SPENCER. I am also directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes, to report it with an amendment in the nature of a substitute, and I give notice that I shall call the bill up soon for action.

Mr. SHERMAN. I am directed by the Committee on Finance to submit a report on the resolution of the Senate of the 24th of January, instructing the Committee on Finance to investigate the books and accounts of the Treasury Department, with a view to explain certain discrepancies, &c. The committee have, in obedience to the order of the Senate, complied with their duty, and present the results of their investigation in a written report, which they ask to have printed.

The PRESIDENT *pro tempore*. The report will be printed, under the rule.

Mr. THURMAN, from the Committee on Land Claims, to whom was referred the bill (S. No. 224) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims, reported it without amendment.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 235) to give consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purpose of furnishing other and additional accommodations for the indigent insane and idiotic persons resident in said State, reported it without amendment.

Mr. WRIGHT. The Committee on Claims, to whom was recommitted the petition of J. A. Briggs, executor of the estate of C. M. Briggs, deceased, praying compensation for certain cotton taken by the United States military authorities during the late war and sold and the proceeds covered into the Treasury, with additional papers, have instructed me to report the same back and ask to be discharged from its further consideration, and recommend that the claim be rejected. I wish to state in this connection that the claim was referred at the last session of Congress to the Committee on the Judiciary. They reported adversely, and their report was concurred in. It was referred to the Committee on Claims at this session. We submitted a written report thereon, which was concurred in. Additional evidence in favor of the claim was afterward submitted and referred to the committee with the order of recommittal. We have examined this additional evidence and find nothing in it whatever to change or in any way to affect the conclusion to which we arrived at the time we made our former report. I am therefore instructed to report the petition back and recommend that the claim be rejected.

The report was agreed to, and ordered to be printed.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 903) for the relief of E. A. Clifford, postmaster at Evanston, Illinois; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 904) for the relief of William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 905) in relation to vacanciesin the office of appraiser of customs at any port of the United States; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

BELLIGERENCY OF CONFEDERATE STATES.

Mr. BOUTWELL. I offer the following resolution for present consideration, to which I presume there will be no objection:

Resolved, That the President be requested, if not inconsistent with the public interests, to furnish the Senate with a *fac simile* copy of the original draught of the letter of the Secretary of State to the minister of the United States at the court of St. James in May, 1861, in relation to the proclamation of Her Majesty the Queen of Great Britain recognizing the belligerent character of the Confederate States.

The resolution was considered by unanimous consent.

Mr. EDMUNDS. The words "in his opinion" are omitted accidentally.

Mr. BOUTWELL. I move to insert these words; so as to read: "If not, in his opinion, inconsistent with the public interests," &c.

The PRESIDENT *pro tempore*. That modification will be made.

The resolution, as modified, was agreed to.

RAILROAD GRANTS IN INDIAN TERRITORY.

Mr. MAXEY. I am requested by the Cherokee delegation to present a resolution of inquiry in relation to certain bonds issued by railroad corporations whose roads pass through the Indian Territory. As the resolution seems to raise certain questions of law, I shall ask to have it referred to the Committee on the Judiciary.

The Chief Clerk read the resolutions, as follows:

Resolved by the Senate of the United States, That the Committee on the Judiciary be, and they are hereby, instructed to ascertain whether or not the railroad corporations, or any of them, mentioned under acts—

First, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866.

Second, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas," approved July 26, 1866.

Third, an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866—

Have issued any bonds or securities of any kind predicated upon the conditional grants of the lands of the Indians of the Indian Territory claimed by said companies or corporations under the above-mentioned acts; and, if it be ascertained that such bonds or securities have been so issued, then it shall be the duty of the said committee to discover the amount of the same, in what hands they are held, and whether or not the public faith of the United States is pledged for their payment or redemption.

Resolved further, That the said committee, in the discharge of the duties hereby imposed, be, and they are hereby, authorized to call for persons and papers, and be required to report the result of their investigations to the Senate as early as practicable.

Mr. INGALLS. Let the resolution lie over. I wish to look at it.

The PRESIDENT *pro tempore*. On objection, the resolution goes over; and it will be printed.

JOSEPH WALSH.

Mr. CRAGIN. I offer the following resolution:

Resolved, That the President, if not incompatible with the public service, be requested to furnish the Senate with copies of all the papers now on the files of the Department of State in the case of Joseph Walsh, who was unlawfully and in violation of existing treaty deprived of his property by certain parties in the republic of Mexico.

Mr. EDMUNDS. How can we vote for that? We do not know that he was unlawfully deprived of his property.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object to the present consideration of the resolution?

Mr. EDMUNDS. I think it had better go over.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over.

FRANCIS T. NICHOLS.

Mr. THURMAN. If the morning business is through, I move that the Senate take up the bill (H. R. No. 26) to remove the political disabilities of Francis T. Nichols, of Louisiana. It has been reported upon favorably by the Judiciary Committee of the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senate voting in favor thereof.

LUTHER HALL.

Mr. WADLEIGH. I move to take up Senate bill No. 398.

The motion was agreed to; and the bill (S. No. 398) for the relief of Luther Hall was read the second time and considered as in Committe of the Whole. It authorizes the Commissioner of Patents, upon due application made to him therefor, and upon the same evidence and rules of law as in ordinary extension cases, to extend the patent granted to Luther Hall and S. S. Hemenway September 27, 1859, and numbered 25605, for a machine for shaping heels of boots and shoes, for the term of seven years from and after the passage of the act; and the patent so extended shall have the same effect in law as if originally granted to Hall for the term extending to the end of the term for which it shall be so extended; but no person shall be liable for infringing such extended patent by reason of any manufacture, use, or sale subsequent to the 27th day of September, 1873, and prior to the passage of the act.

Mr. EDMUNDS. I should like to hear the report read.

The Chief Clerk read the following report submitted by Mr. KERNAN, from the Committee on Patents, February 4:

The Committee on Patents, to whom was referred the petition of Luther Hall, of Boston, praying that an act be passed authorizing the extension of the letters-patent hereinafter mentioned, respectfully report:

That said Hall is the first and original inventor of certain valuable improvements in machines for trimming the heels of boots and shoes, for which letters-patent of the United States were granted to him and S. S. Hemenway September 27, 1859, numbered 25605, which expired the 27th of September, 1873. The said Hall bestowed time, labor, and skill in inventing and perfecting the improvement patented, and the letters-patent were issued to him and said Hemenway, as his assignee, in consideration of pecuniary aid to a small amount, which was furnished him by Mr. Hemenway while he was engaged in inventing and perfecting the improvement. Without fault on the part of Mr. Hall, he has failed to secure or receive any adequate or considerable compensation for or on account of his said improvement. Prior to ninety days before the expiration of the patent, and on the 18th of June, 1873, Hall, the petitioner, entered into a written contract with the McKoy Heeling-machine Association of Boston, whereby he sold and conveyed to said association all his right to the invention during the term of the letters-patent, and the extension thereof when granted, and agreed to execute all necessary papers to procure the extension or re-issue of the letters-patent; and the association, in consideration thereof, agreed to make all reasonable efforts to procure the extension of the letters-patent, and to pay all the expenses thereof. In and by the contract, the association agreed to pay to the petitioner a royalty of $5 for each machine manufactured or sold by it during the term of the letters patent or their extension, containing any of the improvements secured by the patent. This, with other agreements contained in the contract on the part of the association, was the consideration for the sale and transfer by the petitioner of his title to the improvement. The petitioner was induced to enter into this contract by the representations of the agent of said heeling association, that it was then manufacturing machines embracing his said improvement, and that, if patent was extended, the royalty of $5 for each of the machines the association would make and sell during the extended term would amount to a large sum of money. Immediately after the making of such written contract, and more than ninety days before the patent expired, the petitioner, by the direction of the agent of the association, went to the attorney of the association and executed what he was informed were the necessary papers to apply for

the extension of the letters-patent; and he fully believed that the application for the extension of the patent was properly made by the association, and would be granted. Subsequently, and about the time the letters-patent expired, the petitioner learned, for the first time, from the agent of the heeling association, that the application for the extension of the letters-patent had not been made to the Commissioner of Patents, said agent alleging in excuse that the omission was by the negligence of the attorney of the association. The petitioner relied upon the association to file in time and prosecute the application for the extension of the letters-patent, and, but for this reliance, he would have procured an application for the extension to have been made before it was too late to do so. It appears that the said McKoy Heeling-machine Association has been and is manufacturing and selling machines which embrace the improvement invented by the petitioner, and which was secured by the aforesaid letters-patent.

The petitioner has been and is without any considerable means, except his daily wages as a mechanic, and he has made a contract with a responsible party whereby, in the event that said letters-patent are extended for his benefit, it is believed he will realize a fair and just compensation for his invention and improvement.

The committee are of the opinion that the petitioner is entitled to relief, and recommend the passage of the bill herewith reported. All of which is respectfully submitted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL JONES.

Mr. WITHERS. I move the present consideration of Senate bill No. 774.

The motion was agreed to; and the bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia, was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

FANNIE S. WHITE.

Mr. JOHNSTON. I move to proceed to the consideration of House bill No. 2288.

The motion was agreed to; and the bill (H. R. No. 2288) granting a pension to Fannie S. White was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. White, widow of Chester B. White, a captain in the United States Army, at the rate of $20 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HARRISON H. DODDS.

Mr. INGALLS. I move the present consideration of Senate bill No. 737.

The motion was agreed to; and the bill (S. No. 737) granting a pension to Harrison H. Dodds was read the second time, and considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harrison H. Dodds, late private in Company C, Sixteenth Ohio Volunteer Infantry, and Company D, Ninth Regiment Ohio Volunteer Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

A. F. M'MILLEN.

Mr. CLAYTON. I move to take up House bill No. 3033, which was reported yesterday from the Committee on Military Affairs.

The motion was agreed to; and the bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery, was considered as in Committee of the Whole. It provides for paying to A. F. McMillen, late captain First Colored United States Heavy Artillery, $180, the amount of three months' pay proper, as provided by the acts approved March 3, 1865, and July 28, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

W. H. JENIFER.

Mr. DENNIS. I move to take up Senate bill No. 773.

The motion was agreed to; and the bill (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry United States Army, was read the second time, and considered as in Committee of the Whole.

Mr. ANTHONY. Is there any report in this case?

The PRESIDENT *pro tempore*. There is no written report. The bill was reported from the Committee on the Judiciary.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

VETO POWER IN ARIZONA TERRITORY.

Mr. HITCHCOCK. I move to proceed to the consideration of House bill No. 1970.

The motion was agreed to; and the bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona was considered as in Committee of the Whole.

The Committee on Territories proposed to amend the bill in lines 19 and 23 by striking out the word "three" and inserting "ten" as the number of days allowed to the governor.

The amendment was agreed to.

Mr. EDMUNDS. I call the attention of the chairman of the Committee on Territories to the language of the bill, which says that this territorial act passed in a certain way shall become a law, and suggest whether it is not necessary, in order to put it on the same footing as other territorial laws and not give it the approval of Congress in advance, to say "that all such laws shall be subject as in other cases to the disapproval of Congress." I am a little afraid that as by an act of Congress this bill provides for a specific way to pass a law and says it shall be a law, it would be a little out of the usual category and Congress would have no power afterward to rectify that legislation.

Mr. HITCHCOCK. It would be a law undoubtedly without that until Congress should disapprove it.

Mr. EDMUNDS. Yes.

Mr. HITCHCOCK. And it would with that, precisely in the same manner.

Mr. EDMUNDS. But the disapproval by Congress of a territorial law would have a different effect from the repeal by Congress of an act of Congress, I think. So I would suggest an amendment by putting in a proviso "that acts so becoming laws as aforesaid shall have the same force and effect, and none other, as the other laws of the Territory." I am sure there is no objection to that to guard against a possibility.

Mr. HITCHCOCK. I have no objection to the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be reported.

The CHIEF CLERK. It is proposed to add:

Provided, That acts so becoming laws as aforesaid shall have the same force and effect, and none other, as other laws of the Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

SWAMP AND OVERFLOWED LANDS IN FLORIDA.

Mr. McDONALD. I move to take up for present consideration Senate bill, No. 49, reported by the Committee on Public Lands.

The motion was agreed to; and the consideration of the bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850, was resumed as in Committee of the Whole.

The Committee on Public Lands reported the bill with an amendment to strike out the second and third sections, in the following words:

SEC. 2. That all lands in the State of Florida which have been returned as impracticable to survey by reason of being swamp or overflowed shall be certified to said State as swamp and overflowed lands by the Commissioner of the General Land Office: *Provided, however*, That said Commissioner may require the governor of said State to furnish additional evidence with respect to the character of said lands before certifying the same as aforesaid.

SEC. 3. That in such townships in the State of Florida as are notoriously swamp or overflowed, or where satisfactory evidence shall be furnished to the Commissioner of the General Land Office that such townships are entirely swamp and overflowed, it shall not be necessary to subdivide such townships, but to run only the exterior lines; and where large quantities of land are notoriously swamp or overflowed, or are shown to be such by satisfactory evidence as aforesaid, the Commissioner may direct the surveyor-general to make segregation surveys thereof, running only the exterior lines, upon application to the surveyor-general by the governor of said State. And when surveys are made as herein authorized the surveyor-general shall report the same, with maps thereof, to the General Land Office, representing and describing what land was swamp and overflowed according to the best evidence he can obtain. And it shall be the duty of the Commissioner of the General Land Office to certify over to the State of Florida as swamp and overflowed all the lands represented as such upon the maps or in the returns of the surveyor-general, or which shall be determined to be such upon the testimony taken before the surveyor-general, the decision of the surveyor-general thereon to be subject to the approval of the Commissioner of the General Land Office.

The amendment was agreed to.

Mr. EDMUNDS. I should like the Senator from Indiana to tell us what the bill means, and what is the necessity for passing it on the present state of the law?

Mr. McDONALD. The Senator, of course, is familiar with the act of 1850 granting swamp and overflowed lands to the State of Arkansas and other States named in that act. In 1860 a supplemental act was passed extending the provisions of the act of 1850 to the States that had been admitted into the Union since the passage of the first act. It also contained a proviso limiting the right of selection and confirmation to two years after there should be a regular session of the General Assembly of the State in which the lands were situate, where they had been previously surveyed; and if not surveyed, within two years after the survey should be made.

There was no legal Legislature in the State of Florida after the passage of the act of 1860 until after the close of the rebellion and the re-organization of the State, and then within two years from the re-organization of the State the State availed itself of the provisions of the act of 1860 so far as to make and certify its selections; but more than two years having passed, the Commissioner of the General Land Office declined to confirm the selections thus made.

Mr. EDMUNDS. On what ground?

Mr. McDONALD. On the ground that the statute of limitations had run against the State; that is, more than two years had transpired after the passage of the act of 1860 before the selections were made.

Mr. EDMUNDS. How many acres are selected?

Mr. McDONALD. The report of the Commissioner of the General Land Office to the committee states the number of acres embraced in the selections, which I am not able to state. It is upon the files of the committee.

Mr. EDMUNDS. About how many acres?

Mr. McDONALD. I am not able to state the quantity, because my memory does not serve me on that subject. If it is important, the files of the committee will show the letter of the Commissioner of the General Land Office on that subject.

Mr. EDMUNDS. Is this bill recommended by the Interior Department?

Mr. McDONALD. It is not recommended nor is it opposed by the Department of the Interior. The Commissioner of the General Land Office simply declined to confirm the selections because more than two years had passed after the passage and taking effect of the act of 1860.

Mr. EDMUNDS. Is that the sole point presented in the report from the Interior Department?

Mr. McDONALD. That is the sole ground on which the Interior Department refused to act; and the answer is that there was no legal Legislature, no legal body authorized to make these selections after that time had passed, and that the selections have been made within the time since there was a legal Legislature, within the two years. This matter was fully considered in the committee, and the second and third sections, which extended to lands that had not been surveyed, were stricken out, and the bill was confined simply to the surveys and selections. The committee were unanimous in favor of the bill as thus amended.

Mr. EDMUNDS. I should like to ask the Senator from Florida—perhaps he knows—as a mere matter of public information, about how many acres of land are embraced in this bill?

Mr. JONES, of Florida. I am not prepared to state the number of acres that are embraced in the selections covered by the bill at this time, because I did not conceive it important to ascertain the number of acres.

Mr. EDMUNDS. Cannot the Senator give us an estimate?

Mr. JONES, of Florida. I suppose there are at least from five hundred to eight hundred thousand acres. I am not sure as to, and cannot state positively what, the number of acres is. I will say to the Senator from Vermont that this is a matter that affects very deeply the interests of my State. The Supreme Court in 1869 gave a construction to the act of 1850 under which those lands passed to the State of Florida. Just one paragraph from that decision will show the view they take of it:

> By the second section of the act of 1850 it was made the duty of the Secretary of the Interior to ascertain this fact and furnish the State with the evidence of it.
>
> This was swamp land.
>
> Must the State lose the land, though clearly swamp land, because that officer has neglected to do this? The right of the State did not depend on his action, but on the act of Congress; and though the States might be embarrassed in the assertion of this right by the delay or failure of the Secretary to ascertain and make out lists of these lands, the right of the States to them could not be defeated by that delay.

Under the act of 1850 the title to these lands rested absolutely in the State; the duty of making the selections was devolved on the Secretary of the Interior; and the Supreme Court held in the case before me, the case of the Railroad Company *vs.* Smith, in 9 Wallace, that the right of the State could not be affected by the failure or omission of the Secretary of the Interior to prepare the lists and have the selections made in accordance with the law. The lands are in this condition: The Government of the United States are not willing to make title to anybody; they say they have no right to regard these lands as part of the public domain; the State of Florida can make no title to anybody; and the matter is tied up in this way so that a settler going there can acquire title from nobody to any portion of these lands. Under this decision the Government cannot regard them as part of the public domain; and the State of Florida, not having the lands surveyed and patents granted, cannot deal with them. That is the condition of affairs.

Mr. McDONALD. There can be no question that but for the act of 1860, the title to these lands would be good in the State of Florida, by virtue of the act of 1850.

Mr. EDMUNDS. What did the act of 1850 provide in respect to the proceeds of such swamp lands?

Mr. McDONALD. It required that they should be applied to the reclamation of these lands, and that same provision is in the fourth section of this act precisely.

Mr. EDMUNDS. Certainly I have no disposition to stand in the way of the State of Florida; but there is a general impression in this country, more or less well founded, that this swamp-land business has been carried until it is pretty dry, and that wherever the dew has fallen States have appropriated large quantities of what are called in the statute swamp lands, but which when taken up for cultivation turn out to be arable and fine and good lands.

I do not know but that it is too late to make any criticism upon that species of disposition of these lands. Certainly the States get the benefit of them, and that perhaps is better than their going into the hands of private speculators. But in most of these cases it has turned out, if you take the opinion of intelligent travelers, writers, and citizens of the States, that what are called swamp lands are really in a large degree not swamp lands, but good lands, and that it is a mere means of getting into the hands of the State or its authorities large quantities of the public domain to be disposed of for such beneficial uses as they may think fit. Certainly, as this case seems to stand upon the old law, and is not an enlargement of it, and as it is said to stand merely upon a point of time, I shall interpose no opposition to the report of the committee on this bill.

Mr. McDONALD. That is all. It stands simply on the point of time.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE GLOVER.

Mr. KEY. I move to take up the bill (S. No. 811) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, Tennessee.

Mr. WRIGHT. I wish to suggest to my friend from Tennessee that there are but five minutes left of the morning hour, and I am very certain that bill cannot pass in the morning hour, and I know the question has been up before and has always provoked discussion.

Mr. KEY. I do not wish to impose on the Senate this morning.

Mr. WRIGHT. I should willingly give way if I supposed the Senator could get the bill through.

Mr. KEY. I hope, then, I shall be allowed to bring it up to-morrow morning. I yield this morning to the Senator from Iowa.

Mr. WRIGHT. I do not wish to be understood as antagonizing my friend, but I understand the case. There is a little House bill, No. 1592, that I should like to have passed. I move to take it up.

The motion was agreed to; and the bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government was considered as in Committee of the Whole. It is a direction to the Treasurer of the United States to pay to Horace Glover or his legal assignee or representatives the sum of $388.50, being the amount realized by the United States Government through the unlawful seizure and sale of Glover's property; but Glover, or his legal assignee or representative, is to release and assign to the United States all claim or right of action against any officer of the United States or his sureties on account of the seizures.

The Committee on Claims report the bill with an amendment, which was in line 11, after the word "claim," to strike out the word "or" and to insert "to said money and."

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report read.

Mr. WRIGHT. I will state to the Senator from Vermont in a moment that it seems that this man's property was seized because of an alleged violation of the revenue laws, and being perishable was sold, and the money passed into the hands of the United States officer. It turned out afterwad that he was acquitted entirely of any offense against the Government; it was found that he was entirely innocent. My friend suggests that the word "assignee" had better be stricken out of the bill because of the general feeling that it is thought to be true public policy and better that the person immediately interested should receipt for it. I have no objection to striking out those words, as there are amendments to the bill anyhow, and it will have to go back to the House.

The PRESIDENT *pro tempore*. It is moved to strike out, in line 6 and line 10, the words "assignee or."

The amendment was agreed to.

Mr. WRIGHT. Will the Clerk be kind enough to read the first part of the bill? It is suggested that it says "the Treasurer of the United States," when it should be "the Secretary of the Treasury."

The Chief Clerk read as follows:

> That the Treasurer of the United States be, and he is hereby, directed to pay, &c.

Mr. WRIGHT. I move to strike out the word "Treasurer" and insert "Secretary of the Treasury."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

THEODORE GARDNER.

Mr. INGALLS. I ask for the present consideration of Senate bill No. 767.

There being no objection, the bill (S. No. 767) granting a pension to Theodore Gardner was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore Gardner, late sergeant First Battery, Kansas Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. WILDES.

Mr. SHERMAN. I ask the indulgence of the Senate to act upon House bill No. 3179.

There being no objection, the bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel, One hundred and sixteenth Regiment Ohio Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

AMENDMENT TO APPROPRIATION BILL.

Mr. MORRILL, of Vermont, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, legislative and executive business is suspended and the Senate proceeds to the consideration of articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War. The Sergeant-at-Arms will make proclamation.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session. The unfinished business of yesterday is the business in order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Maine [Mr. MORRILL] to lay upon the table the amendment proposed by the Senator from Arkansas [Mr. CLAYTON] and the amendment to the amendment offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MORRILL, of Maine. I understood that the vote was taken upon my motion.

The PRESIDENT *pro tempore*. The vote was taken by yeas and nays, but there was no quorum voting, which leaves that the pending question.

Mr. MORRILL, of Maine. I will withdraw that motion, if I can do so at this time.

Mr. EDMUNDS. It cannot be withdrawn after the yeas and nays have been ordered.

Mr. MORRILL, of Maine. I supposed it could be done by general consent. If there is any disposition to object, I shall not ask to withdraw the motion.

Mr. EDMUNDS. I do not object.

The PRESIDENT *pro tempore*. The yeas and nays were taken, the Chair understands, but there was no quorum. Therefore the motion can be withdrawn by common consent. Is there objection?

Mr. CLAYTON. I object.

Mr. EDMUNDS. The motion can be withdrawn by leave of the Senate, I think, by the rules. I do not see what the point is of objecting.

Mr. CLAYTON. I withdraw my objection.

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. MORRILL, of Maine. I have withdrawn my motion to lay the amendment on the table by general consent, I understand.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the motion is withdrawn.

Mr. MORRILL, of Maine. I inquire what the question is now?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from Arkansas, which will be reported.

Mr. MORRILL, of Maine. Before that is done, I ask the general consent of the Senate to allow me to move that the rule of five minutes be made to apply to any further debate on this bill.

Mr. EDMUNDS. I hope that will not be done until we dispose of this important matter pending.

Mr. MORRILL, of Maine. Very well.

Mr. EDMUNDS. I do not care, however. I have expressed my views upon the amendment, and I make no objection to the proposition of the Senator from Maine.

Mr. MORRILL, of Maine. I will not press the motion at this time.

Mr. SHERMAN. I venture to make the motion that debate be limited to five minutes.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that debate on this bill be limited to five minutes under the rule.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the pending amendment.

The CHIEF CLERK. The amendment proposed by Mr. CLAYTON was to add to section 3 the following words:

That the appointments in all the Executive Departments of the Government shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population; and the principle of equal distribution of appointments as above provided for shall apply in making reductions of force in said Departments.

Mr. EDMUNDS proposes to amend the amendment by adding thereto the following:

And all such appointments shall be made upon a careful and impartial examination of the candidate therefor by a board composed of not less than five persons, to be appointed by the President, by and with the advice and consent of the Senate; and the most capable and worthy of the competitors so examined shall be elected for such appointments.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I should like to have the Senator from Vermont explain to me whether the amendment requires that they shall turn out the excess now in or whether it is only to operate upon appointments in the future?

Mr. EDMUNDS. I suggest to the Senator from Ohio that that point is not now precisely up. The question is on the amendment to the amendment, which merely provides that this appointment be made as proposed in the original amendment after an examination by a board, from which the most worthy and competent thus ascertained shall be selected. That is all the pending question.

Mr. THURMAN. The question, then, is not on the original proposition?

Mr. EDMUNDS. No, sir; but on the amendment to it.

Mr. WEST. If the Senator from Ohio will allow me, I will state to him that the language of the proposition of the Senator from Arkansas is the language of the statute now relating to the Treasury Department, and the construction of that Department is to make no removals except when vacancies occur either by death, resignation, or otherwise. Then the changes are made in favor of the States which lack their quota; but the Department makes no removal under the statute, and this is a similar provision of law.

Mr. CRAGIN. Except the latter part of it.

Mr. CLAYTON. I ask that the amendment of the Senator from Vermont be reported separately.

The Chief Clerk read the amendment to the amendment.

Mr. CLAYTON. I simply want to say that we already have upon the statute-book authority for the President to constitute a board and to take such steps for the ascertainment of the qualifications of those applying for positions in the Department, as fully in my judgment as a member of this body as seems necessary. If the Senator from Vermont desires to put in force the civil-service rules again, it seems to me that could be accomplished by offering an appropriation for that purpose. As I understand, the civil-service regulations fell to the ground for the lack of an appropriation to continue them. If we constitute this board, it will be simply doing by Congress what the President now has the authority to do, as I understand, provided you give him the appropriation needed for that purpose. It seems to me that the best way to meet this question, if it is desirable to establish the civil-service examinations, would be to propose an amendment to the bill making the necessary appropriation for that purpose. I shall not favor the adoption of the amendment offered by the Senator from Vermont, because I do not think it arrives at the question in the best way.

Mr. EDMUNDS. The law now, it is true, authorizes the President of the United States to institute a civil-service board—if that be the name of it—and to make such rules and regulations for it, or to allow it to make such rules and regulations for itself, as may seem meet for an admission to the civil service. This act of Congress would require by act of law, if it be agreed to, that a board shall be constituted not subject to the discretion of the President, for we do not know exactly who he will be yet, and the next President may not be so much in favor of civil service as the present President is, who did strive faithfully and manfully, as I believe, to carry it out. How far Senators, including myself, and other people connected with the Government, assisted to break down the experiment, I will not take up the time to say; but it was broken down by one means or another. Now I propose that we shall make another manful effort to make worthiness and capacity the leading characteristics in selecting persons for mere clerical work in the Departments to which the amendment of my friend from Arkansas applies. That is the proposition.

Mr. WEST. Character and fitness.

Mr. EDMUNDS. Character and competency. The present law may authorize the board to arrange all sorts of rules. This makes the test, by law, character and competency, adjusting the appointments from the various States. Is it not worth while to try for a year or two more an experiment framed in this way, that a sufficient board, at least five, and if the applications are so numerous that they cannot dispose of them make them more as this amendment allows, may be instituted, whose duty it shall be among the various candidates from any one State to determine, not upon how much has been said at a corner grocery or how strongly a particular man or his friends boosted me for Congress or the Senate, but how he stands in respect of character and ability to perform duties that he is to perform; not political duties, but work.

This, Mr. President, is a broad advance, it strikes me, over the present loose state of the law; and if we are willing to try it once more upon those two tests by a board composed with the assent of this body, as to what persons, if there be fifty from Arkansas and twenty from Vermont in those respective States, are to be selected, providing that those impartially found to be the most worthy and the most competent shall be selected for that State, now is the time to do it, and here. If we do not wish to enter upon any such scheme, then we shall leave matters to go as they have done in this country since its earlier and better days, as some people call them. I do not think they were better days. They were better I think in these respects, but much worse in other respects. Now, I say, is our time to do it.

Latterly, since 1830, and along there, the notion has prevailed that "to the victors belong the spoils," and that the hottest politician at the primaries is to be the man who is to have the place, as distinguished from his brother republican or democrat who has voted just as well as he did, but who happens to know how to read and write the English language and who is not overfond of all sorts of dissipation, and who means to do his duty in other respects as well as in mere political respects. If he can do it better than the politician, then I submit that the true politician—and I do not claim to be anything else than a politician—ought to desire him.

That is the object of my amendment. I believe I have spent my time.

Mr. CLAYTON. I should like to ask the Senator from Vermont before he takes his seat whether it is his intention to have all the appointees of the Treasury Department subjected to this examination?

Mr. EDMUNDS. It is my intention to have exactly what my proposition fairly imports. I will not go into a discussion of how much it imports, because I desire to deal with entire candor: but if I have time, as the saying is, I desire to say that all the classes of appointments that my friend's amendment refers to, and that I understand him to mean it to refer to, although the language is not clear—those in the Executive Departments here in Washington—are intended to be embraced by my amendment.

Mr. CLAYTON. My amendment not only includes the clerks, but the messengers and laborers employed in the various Departments. If my amendment does not include them, I certainly meant to make it do so.

Mr. EDMUNDS. Then my friend means what his proposition does not state. His proposition says "appointments." We appoint a clerk, we hire a laborer.

Mr. CLAYTON. Do we not appoint a messenger?

Mr. EDMUNDS. We appoint a messenger, probably. I do not know how that is, but I should be perfectly willing to have this test applied to them, and I think it desirable, for messengers often perform clerical duties and are intrusted with most important work. I am not at all disturbed at the danger of having an examination into the fitness of a man for a messenger, not the slightest. If there be ten from Arkansas and only three to be appointed, then I say the three men from Arkansas ought to be appointed who will make the best messengers, who are most worthy and most competent.

Mr. CLAYTON. I agree to that. I want to do the best thing, of course.

Mr. HAMLIN. Mr. President, I am almost disposed to vote for any measure that will increase the competency and efficiency of the clerical service or the service in any of the Departments. I wish to do so. But the question as presented involves me in embarrassment. As I understand, the Senator from Vermont has proposed an amendment to the one already offered by the Senator from Arkansas. I will vote for the amendment proposed by the Senator from Vermont because, whatever may be the result, it is a look, in my judgment, in the right direction; but, if it be adopted by the Senate and made a part of the proposition submitted by the Senator from Arkansas, then I shall vote against it, because the two things are incongruous. You seek to improve your service, and then you undertake to fix the limits within which you shall get your appointees, whether they are as well qualified as others or not. I should like to vote upon the two propositions distinct: against the one and for the other. I will vote for the amendment of the Senator from Vermont; but, if it is incorporated with the first one, I will then vote against them both; because there is more of evil in the first than there is of good in the second, and, indeed, the one part negatives and nullifies the other.

Mr. EDMUNDS. Not entirely.

Mr. HAMLIN. No, I will not say entirely; but it has that tendency, the Senator will admit. I think if you are going to improve your service you want the best men, those best qualified, most efficient, and most competent.

Mr. SHERMAN. I should like to have read for the benefit of the Senate the proposition of the Senator from Vermont alone.

The Chief Clerk read the amendment to the amendment.

Mr. SHERMAN. This proposition requires a board of officers to be appointed, by and with the advice and consent of the Senate, to pass upon all appointments for the Executive Departments at Washington, covering all the different Departments of the Government. In the first place, it is totally impracticable for a single board to pass upon the appointments of the various officers of the Government here. Besides, the Constitution of the United States declares that the power to appoint shall be vested either in the President of the United States or in the heads of Departments. Each head of a Department has the power to appoint; and yet here is to be a board, not responsible to any head of a Department, controlling and governing all the appointments made in all the Departments of this Government. It seems to me it is totally impracticable, with due deference to the opinion of the Senator from Vermont.

On the other hand, if Congress really desires to promote civil service reform and will make a suitable appropriation to carry it into effect, the law now upon the statute-book is ample and admirably expressed, was adopted after full debate and with words carefully chosen so as to give the President of the United States power not only to appoint one but several boards, not only to appoint several boards, one for each Department, but to appoint them from officers of the Government now existing without creating any new office, or to appoint boards with a special aptitude for particular appointments. For instance, in the Patent Office you would appoint persons experienced in one line of life, in the Treasury Department you would appoint persons experienced in another line of life, because the employés in these Offices are to do an entirely different duty. I will close by reading the present law, because this law is better expressed than the proposition now submitted by the Senator from Vermont, and both are alike ineffectual without an appropriation to carry them out:

> The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service. (Revised Statutes, section 1753.)

Then the next section provides that—

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

It seems to me that these sections cover all that is necessary, except, I think, a reasonable appropriation ought to be made for extra pay to officers of the Government who may be designated in each Department for its service, or, if necessary, power given to appoint agents in lieu of officers of the Government at the payment of a reasonable salary.

Mr. HOWE. Mr. President, I am extremely reluctant to vote against any proposition which is offered with a view of improving the character of our civil service. I will not vote against any proposition which, in my judgment, will have the effect of improving that service. I shall be obliged, with the present light I have, to vote against the amendment of the Senator from Vermont, for the satisfactory reason to myself that I honestly believe that instead of its improving the service, it would demoralize the civil service.

One thing which your examining committee can determine, and the only thing entering into the fitness of a man for one of these clerical positions, is the amount of his literary attainments; but when you determine which of two or which of a dozen men is the farthest advanced in literary pursuits, you have not begun to determine the question of his fitness for clerical duties. He may be one of the best scholars extant and be totally unfit for any clerical position in these Departments. It is diligence, fidelity, a spirit of accommodation——

Mr. EDMUNDS. Does not that fall under the head of worthiness and competency?

Mr. HOWE. That falls under the head of worthiness and competency; but they are questions which no examination by a board of examiners can determine. Trial and trial alone will determine them. You make the head of the Department responsible and hold him responsible for the character and the conduct of every man who is in his Department, and then you may look for reasonable service, if you get a proper man at the head of the Department; but you put the best man in the United States at the head of a Department and make his subordinates responsible, not to him, but responsible to some board having no connection with him and not responsible to him, and he loses control of his employés from that moment.

Mr. President, I know how diligently the idea is held out that if you do not have some such machine as that of an examining committee to intervene, these clerical positions are rated as mere political gifts for partisan services. It may be they are. The inference is that as long as such is the case incompetent men will be put into office in order to promote the election of shiftless and worthless men to Congress and other positions. I have not understood myself that that was exactly the shortest way to get into Congress or to get into any other desirable position, to appoint worthless men to subordinate positions. I supposed a better way, in the face of an intelligent people, was to promote the appointment of good, competent men, worthy men. I do not believe any man can promote his election to the Senate from the State of Vermont by gathering up all the vagabonds he can find on the street-corners, although they talk politics very glibly, very loudly, and crowding these Departments with them. I do not think the Senator from Vermont will testify that he has ever tried that, and I do not believe he will testify or admit that he would think it a safe experiment.

I know there is a great deal of odium at the present day heaped upon that old adage "To the victors belong the spoils." That is an unworthy sentiment, and it is an untrue one in every point of view. There are no spoils under our system for victors to control. There are duties which every national election charges upon the victors; and the one great duty, which includes all others, is to administer the Government to the best interest of the American people; and I want every administration, be it with me or against me, to fill that duty charged upon it, and to be as unrestricted in the discharge of that duty as it is possible for it to be.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. HOWE. Well, I am through.

Mr. MORRILL, of Maine. Mr. President, I think the amendment of the Senator from Vermont is inadequate to accomplish the purpose

he evidently has in view. It provides a commission without any means of executing it——

Mr. EDMUNDS. If we cannot get the commission we shall not need the means; and if we get the commission we shall try to find the means.

Mr. MORRILL, of Maine. We have had a little experience on that point, I will say to my friend from Vermont. When we had an ample method of doing it, we could not get the means. I remember that within the last eighteen months the President of the United States gave notice to the Congress of this nation that unless an appropriation was made he would withdraw the rules and regulations he had made in regard to the public service on this branch. He had ample authority under the act of Congress; he had taken the necessary steps as he supposed in his way; I do not stop to comment on the system established; but the Congress of the United States absolutely refused to make the appropriation; and now, I submit to my honorable friend, what encouragement is there to suppose that if it is renewed in this shape he will meet with any better success?

Mr. EDMUNDS. The encouragement is that I trust Congress is in a better mind now than it was then; and, second, I trust if this amendment of mine be adopted together with that of the Senator from Arkansas, and without it if his should be modified in any way, the Committee on Appropriations will feel it to be a pleasure, as well as a duty, to bring in an item to pay necessary expense.

Mr. MORRILL, of Maine. I am not going to argue the proposition at all. It is incomplete in itself and does not improve the case one particle over what it is now under the statute. It provides for a commission. That is already provided for amply. The President may appoint them to-morrow, and if you can persuade him and give him the means, he will do it doubtless. It neither fixes the salary nor prescribes the duty particularly of these parties, nor does it provide funds to pay them. That is all for the future, and of course it will be all left open. Therefore, I submit it is no more complete than the proposition we have now.

But that is not my objection. My objection is that I do not think it lies in the way of my honorable friend from Vermont to raise this question of legislation on an appropriation bill. Not twenty minutes before my honorable friend proposed this legislation he objected to a matter that he supposed was legislation proposed by the Senator from Ohio, [Mr. SHERMAN.]

Mr. EDMUNDS. But the Senate overruled me.

Mr. MORRILL, of Maine. The Senator, after some explanation I believe, withdrew his point.

Mr. EDMUNDS. I gave it up as entirely impracticable. Now I propose to swim with the stream. That is all.

Mr. MORRILL, of Maine. I propose that my honorable friend shall not swim with the stream against the principles he inculcates for the rest of us here, and I object to putting this legislation on these bills and on this bill particularly, because we did say that the other House had been doing very erroneous things on this bill and the Senate has sustained from the beginning, manfully and bravely, the doctrine that we would not have legislation on this bill. Wherever else you choose to put it, I insist upon it that it ought not to go on this bill. There could be no better evidence that this thing ought not to go on this bill and is pernicious than the fact that we were on the point of going into the Senate with this bill when this proposition was offered and we might have passed the bill in twenty minutes, but we are here at the end of another day and may be at the end of another day still discussing a proposition which is already on the statute-book.

Mr. WEST. O, no.

Mr. MORRILL, of Maine. The part I am speaking of now is already on the statute-book, very much more complete than this. I am addressing myself to the proposition of the Senator from Vermont, because that is most open to the objection.

Now, in regard to the other proposition, I have not the slightest objection in the world that the principle that is applicable to the Treasury Department as to the distribution of appointments shall apply to the other Departments; but I regret that anything of this kind should be put upon an appropriation bill, especially under the circumstances of this case. This bill is the most troublesome one that we have. If you choose to put it on any other bill, I shall feel less strenuous about it than I do on this. The Senate may occupy as much time as they choose with it on some other bill. I moved yesterday to lay this proposition on the table. If we can have the vote taken, I will not try that motion again; but unless it is taken I give notice that I shall try to get the sense of the Senate in that way.

Mr. EDMUNDS. Mr. President, I do not know but that I have occupied my time.

The PRESIDENT *pro tempore*. The Senator has two minutes more.

Mr. EDMUNDS. I move to recommit this bill to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to recommit the bill to the Committee on Appropriations.

Mr. EDMUNDS. Now, Mr. President, I have something to say on the subject. My honorable friend from Maine finds difficulty with this proposition of mine, because it is imperfect, and therefore I think the motion is a very proper one to make, to send the bill back to the committee and have them make it perfect; for I cannot doubt that the committee, after having heard the reasons that are urged in favor of this proposition, endeavoring to improve and better the civil service of the United States in the Departments in Washington, and not undertaking to examine every country postmaster (as the present law requires if you do anything about it at all) that his neighbors want to have occupy a seven-dollar store—I say I cannot doubt that when the committee come to consider this proposition, as it will be carried by recommitting the bill with it for their consideration, if it lacks an appropriation or lacks any other matter of detail, to make it what it ought to be to achieve the end in view, the committee will consider it, and will so report.

My honorable friend from Maine says that on this particular bill this is especially objectionable, because this is the most difficult bill of any. I had not so supposed before. The largest part of this bill is merely to provide compensation for the fixed officers and employés of the Government; it does not contain any policy; it does not contain any large amount of discretionary appropriations, as the miscellaneous bill for instance does, and as the deficiency bill always does. This is a bill like the pension bill, and so on, which has less of intrinsic difficulty in it than any other. Therefore, Mr. President, if we are to legislate at all upon appropriation bills, which I have said over and over again, with one notable exception, I think we ought never to have done, this is the bill.

But my friend from Maine says that I am acting inconsistently myself in proposing this amendment only twenty minutes or less after I had opposed one by the Senator from Ohio on the ground that it was legislation. I only reply to that that if the Senate, as it has shown, is of the opinion that legislation upon this bill is suitable where there is a necessity for it, then there is the highest necessity when we are providing for the clerks and appointees in the Departments at Washington that we should provide for reducing the expenses of the Government by taking pains to select the most worthy and the most competent, in order that the least number of men and at the least expense to the tax-payers may be employed in this public service. That is the proposition.

But the honorable Senator from Ohio says or intimates that we are invading the Constitution, because we are putting a bridle upon the power of appointment mentioned in the Constitution as being capable of being attributed to the head of a Department in the clause which says that the President shall appoint or that Congress may by law vest the appointment in the heads of Departments of officers of the United States. Sir, there have been laws on the statute-book ever since the Government was formed and nobody has suspected until now that they were unconstitutional, that when you come to regulate the power of appointment that the Constitution confers on the President as you may, you may define the qualifications and the class of persons from whom appointments shall be made. The very first statute that was passed creating the office of Attorney-General of the United States required that he should be selected from persons learned in the law. If that be constitutional (and who will doubt it?) is it not competent, when the statute says that the Secretary of the Treasury may appoint clerks, that he shall appoint those who have been ascertained by a method provided by law to be most worthy and most competent to discharge the duties they are called upon to exercise? I take it not.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. EDMUNDS. I beg pardon of the Chair. This is on the motion to recommit.

The PRESIDENT *pro tempore*. But the Senator has spoken five minutes on this motion.

Mr. EDMUNDS. I cannot help that. The rule, if the Chair will be kind enough to read it, applies to amendments. Will the Chair be good enough to have the rule read?

The PRESIDENT *pro tempore*. The Senator is correct. The Senator will proceed.

Mr. EDMUNDS. Mr. President, I should not resort to this means of expressing my opinion were not this a very important subject, and I am sure the Senate will pardon me in taking advantage of my strict right to reply, as I have had no opportunity to do before, to the objections made by the Senator from Ohio and the Senator from Maine to my simple proposition. I am sure neither of my friends will suppose that I do this in any captious spirit, but in order that the Senate may fairly understand the two sides of the question; and I shall be as brief as possible.

My friend from Ohio says that the existing law is adequate to this purpose, and that this is merely a re-enactment of the existing law. That is an entire mistake. The existing law is that the President is authorized—not required—"to prescribe such rules and regulations for admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain," &c. That leaves everything to his discretion. This provides two tests—the test of worthiness and the test of capacity—only it fixes them by law. It leaves no discretion to anybody. It applies a clear and intelligible rule.

In the next place, the statute now in force applies to the whole civil service of the United States—not to the Departments at Washington, as the proposition of my friend from Arkansas does, which is practicable; but the law as it now stands covers every postmaster, every collector of internal revenue, every marshal, every person employed in the civil service of the United States over the whole vast area of the continent.

Mr. CLAYTON. May I ask the Senator a question? Is it not in

the power of the President, under the existing law, to make it apply to the Departments at Washington alone?

Mr. EDMUNDS. Then it is in the power of the President to repeal or ignore one-half of this law and split it in two. The power given to him is one consolidated power.

Mr. CLAYTON. Is he not to exercise it in his discretion?

Mr. EDMUNDS. Yes, sir; but it must be applied to admissions to the civil service, which is the whole civil service of the United States, and it has been so construed. If this thing is intrinsically disagreeable to anybody, we cannot escape on the idea that we have this law now. We have not got it, as I have shown, and the President never undertook to exercise the discretion of confining it to one-half the performance of his duty. He would have been derelict in his duty if he had done so. He applied it everywhere, and there were difficulties about it, and there was a great class of officers to which in the nature of things it could not and ought not to apply. The matter of postmasters is a chief and prominent illustration in all the small towns and hamlets, where it was impossible in the thirty or forty thousand there are to make such examination or to make the system apply. But now we come down to the concrete question of whether in the Departments at Washington, where there are so many applications from all the States that are being constantly turned away because there are not enough places for them to fill, we will say that among those applying from the various States the most worthy and most competent shall be selected and provide the means of finding out that fact. That is the question.

My friend from Wisconsin says that he does not believe that the corner-grocery politicians and the vagabonds are selected because they have urged the election of the Senator from Vermont or the Senator from Wisconsin. Very likely not; and very likely so in respect of any of the States; I have no doubt it is so; but we all know on all sides of this Chamber that one of the most unpleasant duties we have to perform, one that we perform in as small a degree as any one of the duties that are imposed upon us either by custom or by law, is among the great mass of our friends who are ambitious to serve their country from our respective States, to see which ones ought to be recommended. We dislike to say no. If a man has been an eager and earnest friend of ours or of our party, which is more—because it is very rarely undoubtedly a personal question with Senators or members, but for our party—if he has been eager and earnest "in season and out of season," we cannot help in some degree being impressed that he is the best man for the public service, and we put our name on his paper and he gets in.

Now, Mr. President, I wish for one to relieve myself from whatever responsibility there may be in that respect and from what great failure of duty they may have been in that respect, so far as my responsibility has gone; and I desire to make these appointments in the Departments, where mere work is to be done as I have said, and not politics or policies are to be exercised, depend, when persons come from my State or from any other and there are more than one or a dozen among those to be selected, upon the fitness of the man to perform the duties of the place and his worthiness as a trustworthy and faithful individual. That is the proposition.

If we could once adopt it and turn our backs upon this pressure that we all bring to bear on the Departments to get places for our political friends, I think we should make a great improvement in the civil service; and I verily believe that in one or two years, when there should have been time enough to have the effect of this measure felt, we could reduce the number of clerks in the Treasury Department, for instance—I only speak of that as an illustration—down to or below the point that the House of Representatives had now proposed; and that we could improve the exactness and the fidelity and the promptness with which business is dispatched. Experience in the countries where this has been tried has, I believe, proved this to be so. I am sincerely desirous that we shall try it once more in this way here applied to our Departments in Washington where it is in hand and within reach and is practicable.

Mr. President, I apologize, if I need do so, to my friend from Maine for having taken advantage of my right to move to recommit this bill, because I thought it was fair that I should reply to the objections that had been made.

Mr. MCCREERY. I will take the sense of the Senate on a motion to adjourn.

The question being put, there were on a division—ayes 20, noes 19.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 18, noes 18; as follows:

YEAS—Messrs. Anthony, Bogy, Booth, Clayton, Conkling, Cooper, Eaton, Goldthwaite, Gordon, Johnston, Jones of Nevada, Kelly, McCreery, Mitchell, Norwood, Sargent, Saulsbury, and Stevenson—18.

NAYS—Messrs. Allison, Bruce, Burnside, Christiancy, Cockrell, Dennis, Edmunds, Ferry, Hitchcock, Howe, Key, Morrill of Maine, Morrill of Vermont, Paddock, Sherman, West, Whyte, and Withers—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Conover, Cragin, Davis, Dawes, Dorsey, Frelinghuysen, Hamilton, Hamlin, Harvey, Ingalls, Jones of Florida, Kernan, Logan, McDonald, McMillan, Maxey, Merrimon, Morton, Oglesby, Patterson, Randolph, Ransom, Robertson, Sharon, Spencer, Thurman, Wadleigh, Wallace, Windom, and Wright—37.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. LOGAN. Can I vote now, sir?

Mr. EDMUNDS. Not after the result has been announced.

Mr. HOWE. Is a motion to call the absentees in order?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. I move that the names of those not voting be called, not the absentees.

Mr. EDMUNDS. It is the same thing.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the names of those not voting be called.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will call the absentees.

Mr. SARGENT. Is it now in order to move an adjournment?

The PRESIDENT *pro tempore*. It is.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 25, noes 13; and (at five o'clock and thirty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. HOAR. I rise to a correction of the Journal. I understand that the Journal is incorrect in two particulars in its narrative of the proceedings of yesterday; first, in stating that the gentleman from Maine [Mr. BLAINE] made a motion to suspend the rules, pending which the gentleman from Ohio [Mr. BANNING] moved to refer the pending matters. I understand that the order of those motions was, and of course it must have been, the other way; that is, that pending the motion to refer, the gentleman from Maine [Mr. BLAINE] made the motion to suspend the rules; second, I understand that the Journal is incorrect in omitting all reference whatever to the point of order made by the gentleman from Iowa, [Mr. MCCRARY.] The gentleman from Iowa raised the point of order that if the special order prevented the disposition of the pending matter by the motion to suspend the rules and pass the pending resolution, it equally prevented the disposition of the pending matter by a motion to refer it to a committee. That point of order was made by the gentleman from Iowa and was overruled by the Chair, and of that the Journal takes no notice. I insist that the Journal shall be corrected in both particulars.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The Chair will state that all the motions are comprehended in the statement which the Journal contains. The Clerk will read that portion of the Journal.

The Clerk read as follows:

Mr. BLAINE, as a question of privilege, submitted the following resolution, to wit:

"*Resolved*, That the Committee on the Judiciary be instructed to report forthwith to the House whether in acting under the resolution of the House of May 2, relative to the purchase by the Pacific Railroad Company of seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad, it has sent any telegram to one Josiah Caldwell, in Europe, and received a reply thereto. And, if so, to report said telegram and reply, with the date when said reply was received, and the reasons why the same has been suppressed. And whether they have heard from the said Josiah Caldwell in any other way, and to what effect."

After debate, Mr. BLAINE demanded the previous question on said resolution, and the House refused to second the same.

Mr. BLAINE then moved to suspend the rules and pass the resolution.

Pending which,

Mr. BANNING moved its reference to the Committee on the Judiciary.

Mr. MCCRARY renewed the motion to suspend the rules and pass the resolution.

Mr. SPRINGER made the point of order that under the order of the House made on Friday last the motion to suspend the rules was not in order after two o'clock p. m.

The SPEAKER *pro tempore* sustained the point of order.

The question recurred on the motion of Mr. BANNING, and it was decided in the affirmative.

Mr. HOAR. Now, Mr. Speaker, Mr. MCCRARY, of Iowa, made the point of order that the motion to refer was cut off by the same special order. That is not contained or implied in the statement of the Journal, neither is the decision of the Chair narrated in the Journal or in any part of the Journal narrative. With the permission of the Chair I will read from the RECORD upon that subject:

Mr. MCCRARY. I rise to a point of order. The Chair has decided, when a motion was made to suspend the rules and pass the resolution, that motion was excluded by the fact that the special order for this day excluded all other business. My point of order is, that, if the special order is of such high privilege as to exclude the motion to suspend the rules, it is also of such high privilege as to exclude the motion to refer this resolution. I now call for the special order.

Mr. HOLMAN. This resolution is before the House regularly.

The SPEAKER *pro tempore*. The Chair will state that this resolution has come up, as he supposes, properly before the House after the question raised by the gentleman from Maine of privilege or personal explanation, whichever it was; and the resolution at the end of his remarks was before the House without objection, but not to be disposed of irregularly.

The SPEAKER *pro tempore*. The Chair would state to the House that the ruling of the Chair cutting off all motions to suspend the rules after two o'clock overruled all other points of order made; and the Chair did not then and does not now understand that the gentle-

man from Iowa [Mr. MCCRARY] made strictly a point of order, but that what he said was rather an argument to sustain the point of order which the gentleman from Maine [Mr. BLAINE] had made in reference thereto.

Mr. HOAR. I am perfectly willing to let this matter about the amendment of the Journal stand with the consent of the House until the Speaker can examine the RECORD, for I am quite sure that the Chair after such examination will himself direct the Journal to be corrected.

Mr. GARFIELD. I ask that that portion of the Journal be again read.

Mr. SPRINGER. Before the reading, I desire to state that I have had some experience in making up the journals of legislative bodies, and I am of the impression that the custom is on points of order not to insert them on the record unless they dispose of the pending motion.

Mr. HOAR. We have an express rule that all points of order shall be entered on the Journal.

Mr. SPRINGER. At the end, but not recorded in the Journal.

Mr. GARFIELD. They appear in the RECORD, of course, but also in the Journal.

Mr. SPRINGER. It has not occurred to me that points of order overruled that do not dispose of the pending motion have been inserted in the Journal.

The SPEAKER *pro tempore*. The Chair would state that the Journal shows that Mr. MCCRARY's point of order was journalized.

Mr. HOAR. I think the Chair does not understand me. My proposition is that Mr. MCCRARY made a distinct point of order, to wit, that the call for the special order superseded the motion to refer the resolution.

The Chair had previously ruled that the call for the special order superseded the motion to suspend the rules. Then Mr. MCCRARY rose, after that ruling, saying distinctly, not as an argument relating to the ruling, "I rise to a point of order. My point of order is that the call for the special order supersedes also this motion to refer." Now, that point of order of the gentleman from Iowa [Mr. MCCRARY] was overruled by the Chair, and it is that decision of the Chair which is not in the Journal.

In regard to the suggestion of the gentleman from Illinois, [Mr. SPRINGER,] allow me to say that our rules specifically require that there shall be in a separate place at the end of the Journal a statement of all the points of order upon which the Chair has ruled. Of course it is absurd to suppose that this statement at the end of the Journal, which is a mere collection of these rulings for convenient reference, is required to be made when the Journal itself does not show the truth of the statement. It is merely a collection of the rulings which the Journal shows to have been made. There is no possible significance in this matter except to have our Journal correct; it does not affect either side of the question. It is merely for the correctness of the Journal. The public, of course, will ordinarily refer to the RECORD for the history of the proceedings of the House.

The SPEAKER *pro tempore*. The Chair will read the RECORD, which he thinks will verify the Journal:

The point of order being now raised, the Chair must decide that no motion to suspend the rules after two o'clock is in order, that being the unanimous agreement of the House on Friday last.

That is a comprehensive ruling, covering any point that might be raised. The Chair also stated subsequently as follows:

The Chair has denied no right to be heard to the gentleman from Maine. He adheres to his decision that after two o'clock to-day no motion to suspend the rules can be made.

Then Mr. MCCRARY said:

I rise to appeal to the Chair whether a motion to refer the resolution is in order?

That was not exactly making a point of order.

Mr. GARFIELD. If the Chair will look at the bottom of the column——

Mr. HOAR. At the bottom of the first column on the forty-third page of the RECORD; that is what I refer to.

The SPEAKER *pro tempore*. The Chair observes that at the bottom of the first column of the forty-third page Mr. MCCRARY did clearly make that point of order, and also the other one; at the same time both points were made. But it seems to the Chair that the latter point of order was included in the ruling of the Chair upon the first point. The Chair would state that the Journal might well be corrected in that regard to show that the point of order was made, and that it was overruled in the general ruling of the Chair. The Chair did not rule specifically upon that point, but his general ruling comprehended it.

Mr. HOAR. One observation, with great respect to the Chair. The very fact that the Chair was of opinion that Mr. MCCRARY's point of order was covered by the first ruling of the Chair is itself a decision of that point of order; that it is covered by the principle previously asserted. And if that is a ruling on the point, it should appear in the Journal.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. HOAR] will understand the Chair when he says that he intended the ruling to be this: that the resolution of the gentleman from Maine, [Mr. BLAINE,] whatever its character, had no other privilege than if it had been introduced on some other day than Monday; that is, the Chair understood that after two o'clock on Monday no motion to suspend the rules could be entertained.

Mr. BURCHARD, of Illinois. That was not the order of the House, but that during the pendency of the Geneva award bill on Monday motions to suspend the rules should not be in order.

Mr. SPRINGER. I beg the gentleman's pardon; that is not the order of the House.

The SPEAKER *pro tempore*. The Chair accepts the suggestion of the gentleman from Massachusetts, [Mr. HOAR,] and the Journal will be corrected if the gentleman will write out the proposed correction. Whatever the RECORD shows is no doubt correct, and the statements of the RECORD upon the matter will be journalized properly.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson.

ORDER OF BUSINESS.

Mr. BOONE. I move to suspend the rules so as to take from the Speaker's table——

The SPEAKER *pro tempore*. A motion to suspend the rules is not in order to-day; the gentleman can ask unanimous consent.

Mr. BOONE. Then I ask unanimous consent to take from the Speaker's table and put upon its passage Senate bill No. 590, providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes.

Mr. REAGAN. I object; that is an important matter and should receive the consideration of a committee.

AMENDMENT OF THE RULES.

Mr. RANDALL. I call for the regular order, and ask that the unfinished business of Saturday be now proceeded with.

The SPEAKER *pro tempore*. The unfinished business of Saturday is the report of the Committee on Rules, made by the gentleman from Pennsylvania, [Mr. RANDALL,] proposing to add to Rule 152 that which the Clerk will read.

The Clerk read as follows:

And on any question referred to them by the House in relation to the currency, the said committee may, during the present session, report at any time.

Mr. RANDALL. On that I ask the previous question.

Mr. KELLEY. I hope my colleague will allow some discussion. This is a very important proposition.

Mr. RANDALL. How much time does my colleague ask?

Mr. KELLEY. A few minutes, if no more. I speak for myself only when I ask for a few minutes.

Mr. RANDALL. I have no objection to giving as much time for discussion as will conduce to a proper understanding of the subject, and I will willingly yield to my colleague ten minutes, if he wishes.

The SPEAKER *pro tempore*. Does the gentleman [Mr. RANDALL] yield to his colleague, [Mr. KELLEY?]

Mr. RANDALL. Yes, sir.

The SPEAKER *pro tempore*. For how long?

Mr. RANDALL. Ten minutes. I understand that is more than he asks.

Mr. KELLEY. I said, "a few minutes."

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has ten minutes.

Mr. KELLEY. Mr. Speaker, we are within a few days of the final adjournment, if we may believe popular hope and expectation or attach significance to the idea of the chairman of the Committee of Ways and Means, who has proposed by resolution the 12th of this month as the day for adjournment. Of course adjournment at that date is impracticable; but we near the time for adjournment. And now, when deliberation has become impossible, one of the most important committees in the House, one that is charged with the consideration of that subject which is of most vital moment to a suffering community, the currency, comes in after six months of wasted time and asks that the rules may be set aside that it may force bills through under the previous question at any time, having given us an indication of the fairness with which it will execute the new power by the fact that this change of rule was attempted to be put through at five o'clock last Saturday afternoon, when but one-third of the House was in attendance.

For four months after the committees had been appointed the country understood that the Committee on Banking and Currency abstained from the consideration of the business confided to it, because another committee, not known to this House and consisting in part only of members thereof, were considering questions belonging legitimately to it. At length I tried to goad them into emancipating themselves from the control of a body unknown to either this House or the laws of the country—a committee consisting, I say, in part of gentlemen not members of this House and not responsible for the performance of its duties—and received assurance that it had escaped from the restraint. Since then, two months more have gone, but the committee has presented no practical measure to the House for consideration. I may say, as Lord Londonderry said when the resumption act was under discussion in England and gentlemen were talk-

ing of overproduction and underconsumption, "Gentlemen, you are not discussing the real question; the disease of the country lies in the currency; the question of the day is a question relating to the currency." Yet the Committee on Banking and Currency has not submitted a single measure or any evidence that it has had the question under consideration.

And now on the eve of an adjournment, when haste and confusion prevail, the settled rules of the House are to be set aside in order that measures relating to this subtle and complex question may be dictated by the committee, may be forced through under the previous question, and, as I have said, may be adopted when one-third only of the House are in their seats. I am opposed to changing the rules. If the committee has been derelict, as I believe the country will hold that it has, let it bear the penalty. Nothing that it can now report for the relief of the people is likely to become a law. With the impeachment before the Senate, with the dog-days approaching, the Senate will not be likely to consider and adopt anything this House may without deliberation send to it, and the passage of which has required such a modification of our rules as removed the restraints upon hasty and improvident legislation. There will be no time for the President to consider such a bill; and any measure, should it happen to receive the concurrence of the Senate, that passes may be vetoed without the responsibility of a veto, by being pocketed by the Executive.

Sir, the country demands the consideration of the currency question. Those who at the opening of this session, believing with undoubting faith in their theories, demanded the early resumption of specie payments are now praying for the repeal of the act providing therefor. The gorge of the country rises at what we are doing now in increasing our gold indebtedness for the purchase of depreciating silver and the cancellation of greenbacks. This country laughs to scorn that legislative wisdom which proposes to increase the volume of fractional currency by substituting silver thus dearly bought for fractional notes of like denomination, leaving the amount in circulation just what it now is.

Let us now, at the end of six wasted months, have bills brought fairly before the House, under the rules; let them be subjected to such consideration and discussion as the lateness of the season will permit. If, as I have already said, the Committee on Banking and Currency for four months was improperly restrained from considering its duties and for two more has staggered under the great responsibility resting upon it, let the country understand it. Our rules are wise; they are supported by the results of experience. They guard the rights of the minority, a thing that used to be sacred on the other side of the House; and let them stand.

Gentlemen may tell me that this change is proposed in order to secure the adoption of a measure that I desire: the repeal of the resumption act. Sir, any day during more than six months past a bill for that purpose could have been reported; we could have discussed it and disposed of it deliberately. I am in favor of it. I believe the industries of the country are paralyzed by the existence of that act, that it is a standing menace which paralyzes production and trade.

I believe that no relief can come to the suffering toilers and men of energy and enterprise until that act shall be repealed. Why then resist the change of rules? Who will tell me what hellish brood of bills may follow that act if the committee be authorized to report any bill at any time? The bill referred to cannot become a law. I have indicated the reasons that will prevent it. But bills may come——

Mr. HEREFORD. Will the gentleman from Pennsylvania let me ask him a question?

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield?

Mr. KELLEY. I have but a moment. Bills may be reported which, however objectionable they may be to the country, may be acceptable to those at the other end of the Capitol, who would prevent the repeal of the resumption act from becoming a law. But, at any rate in vindication of the rights of the minority, in vindication of the purity of legislation, I ask that this rule be maintained, or that the supposed wisdom of the change may be vindicated by applying it to every committee of the House.

I again say that I ask gentlemen not to relieve the Committee on Banking and Currency from the odium with which it has covered itself by refusing to engage in the consideration of the duties confided to it by removing any of the restraints now imposed on improvident legislation.

Mr. HEREFORD. I ask the gentleman from Pennsylvania [Mr. RANDALL] to yield to me for a few minutes.

Mr. RANDALL. Certainly.

Mr. HEREFORD. Mr. Speaker, I only desire to say a word in reply to a remark which fell from the lips of the gentleman from Pennsylvania [Mr. KELLEY] a moment ago, that the time was when the rights of the minority on this side of the House were held sacred by the majority on that side. I want to ask the gentleman this, for we both stand together upon the repeal of this resumption act, and I am ready and ever have been ready to vote for its repeal, pure and simple, but I ask the gentleman from Pennsylvania to recall to mind the fact that in the last Congress when that side of the House had an overwhelming majority they did not give the minority on this side the right, but on the contrary, persistently denied to the minority on this side the right, to discuss it at any point. When we asked the right to discuss it and gave our reasons against the enactment of such an outrageous law, which the gentleman has so emphatically stated has paralyzed all the industrial interests of the country, the republican majority refused the right to discuss or amend it. They refused us the right to lay before the country what would be the paralyzing and destructive effect of such an act as that.

I think it comes, I will not say from the gentleman from Pennsylvania peculiarly, but, if he speaks for his party, it comes with bad grace from him to say that the rights of the minority were held sacred then and are not held sacred now. It was because the rights of the minority were overridden that the resumption act was passed. It came from a caucus of the republican party and we were denied the right to discuss it; and in the other end of the Capitol, if I may be allowed to allude to what occurred there, when the question was asked of the gentleman in charge of it what it meant, he refused to answer any question. He refused to answer whether it was resumption or not, whether it was inflation or contraction. His only response was that each must determine it for himself. I say, while I agree and always have agreed on this subject of the repeal of this resumption act of 1879 with the gentleman from Pennsylvania, it does not come with good taste from him to refer to the minority having no rights on this subject, for I again repeat that if the rights of the minority had been respected by the republicans on the other side of the House the resumption act never would have passed, and this paralysis of trade, these bankruptcies all over the country, would have been prevented. And, sir, there is but one party responsible for the consequent distress and impoverishment of the American people, and that is the republican party. They will be held responsible on the ides of November next and deservedly rebuked by a verdict that will come from the people, from every village and every hamlet throughout the length and breadth of the land. They will say this state of affairs has been brought about by the resumption act, passed under the gag-law by the republican party, and they will hold you responsible for it, the democratic party having voted unanimously against it.

Mr. RANDALL. I now yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. KELLEY. One moment, if my colleague will allow me.

Mr. RANDALL. I have yielded to the gentleman from Ohio.

Mr. KELLEY. A single moment; and I hope my colleague will not object.

Mr. GARFIELD. I will yield to the gentleman from Pennsylvania for one minute.

Mr. KELLEY. It is in response to the personal remark made by the gentleman from West Virginia——

Mr. RANDALL. O, yes; go on.

Mr. KELLEY. I wish to say that the majority on this question in the last Congress refused to hear my protest and the reasons sustaining it; and I am unprepared to have the majority of the House do so now. I was opposed to that bill, and, had opportunity been allowed, was prepared to show that it must produce the baneful consequences it has. I demanded debate on it, as I do now upon any bill touching the currency.

Mr. RANDALL. Just one word. The gentleman is strangely inconsistent in his action. This amendment of the rule does not propose to cut off any debate. It proposes to give a committee of this House the privilege of bringing before the House for consideration, and only for consideration, unless the House shall determine otherwise, a question in which the interests of this great people and their prosperity and future comfort and happiness are involved to an extent beyond what they are involved in any other measure now agitating the public mind. It has no purpose to restrict debate.

I would remind the gentleman that when the old Committee of Ways and Means was divided, the duties of that committee were assigned to three committees; and two of the divisions were given special opportunities to bring their business before the House; while the other committee, that of Banking and Currency, was debarred from that privilege. We find ourselves, whether by change of rule or by custom, in this position to-day, that this great question in which the people are so much interested is prevented from being brought before the House for consideration except under a two-thirds vote. Now, is it not fair that the people through a majority of their Representatives here shall at least have the opportunity of expressing their sentiments and giving effect to their views by the action of a majority?

Mr. KASSON. I wish to ask the gentleman whether the Committee of Ways and Means and the Committee on Appropriations have the privilege of reporting for action at any time bills which have not been referred to them?

Mr. RANDALL. The gentleman from Iowa perfectly understands the rights of the Committee of Ways and Means and the Committee on Appropriations.

Mr. KASSON. Would not this give to the Committee on Banking and Currency a greater right than is given to any other committee?

Mr. RANDALL. This would give that committee an analogous right to that which already belongs to the Ways and Means and Appropriations Committees; so that they could make a report to go to the Committee of the Whole on the state of the Union or to be considered in the House as the majority might determine.

Mr. KASSON. But this rule gives them a greater advantage than belongs to those other committees.

Mr. RANDALL. It gives a committee of this House an opportunity of expressing its opinions on this subject, in regard to which there

appears to have been some change of sentiment recently; that is, whether the date fixed by a republican Congress for the resumption of specie payments shall be postponed, or whether the act shall be repealed absolutely or not. The position of the matter to-day is that a majority of the House cannot to-day pass a bill changing the date fixed for the resumption of specie payments.

Mr. KASSON. At the beginning of the session, by common understanding, that branch of the subject went to the Ways and Means Committee.

Mr. RANDALL. I am not fastidious at all about what committee shall report upon this subject. But I believe it to be due to the American people and the commercial, mercantile, and industrial interests of this nation that no rule of this House shall debar the majority of their Representatives from giving expression to their views and taking action by their votes on this vital question.

Mr. KASSON and Mr. KELLEY made remarks simultaneously, which were inaudible to the reporter.

Mr. RANDALL. I cannot listen to both gentlemen at once.

Mr. KASSON. Why has not the Committee of Ways and Means reported on this subject?

Mr. RANDALL. I have nothing to do with the Committee of Ways and Means.

Mr. KELLEY. I wish to offer a suggestion.

Mr. GARFIELD. I believe the floor has been assigned to me.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GARFIELD] has the floor.

Mr. GARFIELD. I ask the Clerk to read the proposed change in the rule.

The Clerk read as follows:

Amend Rule 74 by adding as follows:
And on any question referred to them by the House in relation to the currency, the said committee may during the present session report at any time.

Mr. GARFIELD. I desire to invite the attention of the House to this very remarkable proposed change in the rules. We have now four committees of the House that are empowered to report at any time on certain specific things: The Appropriations Committee on the appropriation bills only; the Ways and Means Committee on a tax bill only; the Printing Committee on matters of printing only; and the Elections Committee on an election case only; all these having been from the foundation of the Government considered of vital importance to the carrying on of the Government—one a matter of the highest privilege, the right of a member to his seat; another, the printing of our bills and proceedings; and the other, the support of the Government by taxes and the distribution of appropriations to carry it on. These, and these things only, have been set apart as so special and peculiar in their importance that the committees having them in charge might be permitted to report them at any time. No other committee, so far as I know, was ever clothed with that power in regard to its whole business; nor, so far as I know, was any other committee, any regular committee of the House, ever authorized to make reports on all subjects referred to it by the House at any time. All the other committees are placed on terms of equality to wait their regular call in the morning hour.

There is no difficulty whatever, Mr. Speaker, in reaching all these committees in the grinding out of the legislative grist of this House if we will do just one thing—demand the regular order in the morning and have the committees called. When that is done, the Committee on Banking and Currency can take its usual rights with all the other committees of the House. There have not to my knowledge been four calls of the morning hour within the last four weeks. The only failure is, and it is a failure we have been apt to have in all late sessions that we allow special orders to block the business of the House until it becomes a vast maze and tangle. Now it is proposed to remedy that by giving the power to a committee that I have never before known to be given to any committee, namely, that all the vast subject of currency and banking, in any phase of it, any bill relating to it which may be sent by the House to that committee, may be brought back here at any time in spite of any other committee, in disregard to the rights of any other committee; a power that is not given to the Ways and Means Committee; a power that is not given to the Appropriation Committee; a power that is not given to any one committee here.

The proposition is that the committee shall have power to report at any time measures to be considered in the House, and of course the moment that is done it gives them the power of moving the previous question. Now I want to say to gentlemen that if they have a measure they deem exceptionally important, let them get authority to report that measure at any time. I am speaking for the integrity of our rules, for the harmony of our work, for a wise conservatism in regard to the course of the machinery of the House, and not in reference to the merits or demerits of any measure. I am on the same side in this particular question with the gentleman from Pennsylvania, [Mr. KELLEY,] but for reasons entirely different. I do not agree with him in his financial theories, but I agree with him that it is unwise to change the time-honored rules of the House and give one committee preferential power over other committees, and thus disturb, disarrange, and disorder our entire legislation.

These remarks are not partisan in any sense, and I hope that the majority of the House, who have the power to decide questions of this sort, will see the unwisdom of so changing the rule.

As I have already suggested, there are two ways in which the same object may be accomplished; one is by rigorously demanding the regular order and getting the call of committees in the morning hour, and then the mill will roll around to the proper place; and the other is, that when the committee have a bill which they want acted on, to make it a special order; but I beg you, gentlemen, do not change the time-honored machinery of parliamentary regulations in order to reach a specific object.

Mr. RANDALL. I suppose the House will be willing to take the responsibility of so changing the rules that the majority shall control the action of the House in reference to so important a question as this. Surely a rule which gives the arbitrary right of one-third of this House in some instances and to one man in this House in almost all other instances to prevent legislation on this subject should be so modified that legislation can be reported for consideration upon the subject to which I have alluded, and then the House, the majority of the House, which should represent and reflect the sentiments of the majority of the people—for mark you this is not a political question entirely, but one somewhat controlled by localities and sections—and give to the majority of the House the opportunity of doing what is best to be done in the prostrate condition of the country. I now yield to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I recognize the fact, Mr. Speaker, that the question of the currency, and especially the question whether or not the resumption act shall be repealed, is not a political question in this House to-day, and I recognize the further fact that although the democratic party upon this side of the House are in the majority of the whole House there are many members who recognize the propriety of standing by the principles of that party who are not in favor of a repeal of the resumption act.

Now, Mr. Speaker, when the question of giving to the Committee on Banking and Currency the power to report a bill upon the subject of the currency was first presented to the consideration of the democratic members of this House, I was in favor of it; but I see the error of my first opinion, and I am now led to the conclusion that the amendment to the rule giving this power to that committee will at once launch upon this House measures in relation to the currency the passage of which would in my opinion be equivalent to the democratic party of the country so far as it is represented on this floor committing political suicide. For one I propose to hold back as well as I can the hand that would commit so felonious an act.

I am perfectly willing that any measure looking to the further issue in a guarded and proper way of silver currency shall be reported here; but I find from the statement of the gentleman from Pennsylvania [Mr. RANDALL] himself that the main object, if not the deliberate purpose of the amendment to this rule, is that the question, and the only question which will be presented to this House, will be whether or not the democratic party through its supremacy on this floor will repeal the present resumption act. I have no faith whatever in the assertion that any change will be made in regard to the date of resumption. The majority on the democratic side, from votes already given on this floor, are committed to the flat repeal of that law; and standing here as I do a representative of a hard-money constituency, I do not hesitate to say that it would not only be impolitic and unwise, but suicidal, for the political majority of this House to abandon the time-honored democratic doctrine of hard money for any assumed political expediency. I trust, Mr. Speaker, that the amendment will not prevail. For one, I will not consent to its adoption.

Mr. RANDALL. The gentleman's speech would have been appropriate if the subject-matter he alludes to had been reported in a bill of a character such as he has pictured to himself.

Mr. KELLEY. I ask my colleague to yield to me for a moment.

Mr. RANDALL. I will do so.

Mr. KELLEY. The statement of my colleague was calculated, though not intended to do so, to mislead the public mind into the belief that the Committee on Banking and Currency has been restrained from reporting measures for action because some one member or one-third of the members of the House could prevent it.

Now, I desire to ask him whether the Committee on Banking and Currency has not been called several times during the past six months, and whether on any one of those calls it could not have reported a bill and kept it before the House for consideration until disposed of by a majority of the House?

Mr. RANDALL. I am not to-day aware of the collective opinion of the Committee on Banking and Currency either on the subject of resumption or—yes, I am aware of their opinion on the silver bill, but not upon the question of repealing the resumption act; therefore I cannot answer the gentleman's question. We shall have done our duty when we allow that committee to present a bill on that question, so that the majority of this House may determine what action they will take upon the subject.

Mr. KELLEY. I hope my colleague will answer the question I put to him; whether if on any of the numerous calls of that committee it had reported a bill, anything less than a majority of the House——

Mr. RANDALL. That is utterly immaterial to the question of the proposed change of the rule, which, allow me to say frankly, for I have nothing to conceal, is for the purpose of allowing discussion upon this question of the repeal of the resumption act. I now call the previous question.

Mr. KELLEY. The remarks of my colleague were calculated to mislead members by creating the impression——

Mr. RANDALL. I do not know what created the impression.

Mr. KELLEY. The impression that if the committee had reported a bill one man or one-third of the House could have defeated it.

Mr. RANDALL. I now call for the previous question.

Mr. TOWNSEND, of Pennsylvania. I ask my colleague to allow me five minutes.

Mr. RANDALL. I think I have allowed as much time for discussion as is necessary.

Many MEMBERS. "Regular order!" "Regular order!"

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield?

Mr. RANDALL. I do not think it necessary to discuss this matter any further.

Mr. ANDERSON. I ask the gentleman to yield to me to offer a substitute.

Mr. RANDALL. I will allow it to be read for information.

Mr. ANDERSON. I desire to offer as a substitute for the report of the Committee on Rules that which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency shall have the right to report a bill to this House at any time repealing the resumption act of January 14, 1875.

Mr. RANDALL. My objection to that is that it is neither courteous nor usual.

Mr. KASSON. I object to that resolution.

Mr. ANDERSON. I ask the gentleman from Pennsylvania to allow a vote on my resolution.

Mr. RANDALL. I have no instructions from the Committee on Rules to allow such a proposition to be voted on. I call for the previous question.

Mr. PAGE. Does it require a two-thirds vote to change the rules of this House?

The SPEAKER *pro tempore*. The question now is upon seconding the call for the previous question.

The question was taken; and upon a division there were—ayes 130, noes 70.

So the previous question was seconded and the main question was then ordered.

The SPEAKER *pro tempore*. The question is upon agreeing to the report of the Committee on Rules.

Mr. O'BRIEN. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 97, not voting 76; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Felton, Finley, Forney, Franklin, Fuller, Glover, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hopkins, House-Hunton, Hurd, Jenks, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Le Moyne, Levy, Lewis, Maish, McFarland, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Mutchler, Neal, Odell, Parsons, John F. Philips, Piper, Poppleton, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, Roberts, Miles Ross, Savage, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Swann, Teese, Thomas, Throckmorton, Robert B. Vance, Gilbert C. Walker, Walling, Walsh, Erastus Wells, Whitthorne, Wigginton, James D. Williams, Jeremiah N. Williams, Fernando Wood, and Yeates—115.

NAYS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Beebe, Bell, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Candler, Cason, Caswell, Chapin, Crapo, Cronse, Danford, Davy, Denison, Dunnell, Durand, Eames, Frye, Garfield, Hale, Hardenbergh, Benjamin W. Harris, Hendee, Henderson, Hoge, Hoskins, Hunter, Hurlbut, Joyce, Kasson, Kehr, Kelley, Ketcham, Kimball, King, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, O'Brien, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Platt, Potter, Powell, Pratt, Rainey, Robinson, Sampson, Schleicher, Sedgwick, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Charles C. B. Walker, Alexander S. Wallace, Ward, Warren, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., and Woodworth—97.

NOT VOTING—Messrs. Banks, Bass, Bliss, Samuel D. Burchard Cannon, Conger, Cowan, Cox, Culberson, Darrall, Dobbins, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frost, Gause, Gibson, Goode, Hancock, Haralson, Henry R. Harris, Hatcher, Hathorn, Hays, Hoar, Holman, Hooker, Hubbell, Hyman, Frank Jones, Lamar, Lane, Lapham, Lo.d, Luttrell, Lynde, L. A. Mackey, McMahon, Morrison, New, Payne, Phelps, Plaisted, Purman, James B. Reilly, William M. Robbins, Sobieski Ross, Rusk, Sayler, Schumaker, Siemons, Stevenson, Stowell, Terry, Thompson, Tucker, Turney, John L. Vance, Waddell, Wait, John W. Wallace, G. Wiley Wells, Wheeler, White, Whitehouse, Wike, Alpheus S. Williams, James Williams, Wilshire, Benjamin Wilson, Woodburn, and Young—76.

So the report of the Committee on Rules was agreed to.

During the roll-call the following announcements were made:

Mr. DURAND. My colleague, Mr. A. S. WILLIAMS, is absent by order of the House. If present he would vote "no." I desire also to state that my colleague, Mr. CONGER, is absent by order of the House.

Mr. BRADLEY. My colleague, Mr. HUBBELL, is absent by leave of the House.

Mr. TUCKER. I voted just now in the affirmative. But I have since learned that the gentleman from Ohio, Mr. FOSTER, who has been pairing with me for some time during my absence, is now absent; and I think it but fair that I should pair with him. I ask therefore that my vote be taken from the roll.

The result of the vote was announced as above stated.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

INDIAN APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole to resume the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

The pending section was as follows:

SEC. 2. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau, are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to, and performed by, said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under the control of, the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The CHAIRMAN. The pending proposition when the Committee of the Whole was last in session was that submitted by the gentleman from Montana, [Mr. MAGINNIS.]

Mr. RANDALL. I submit that the unfinished business is the point of order which was taken upon the second section of the bill.

The CHAIRMAN. The first point of order was upon a proposition submitted by the gentleman from Montana.

Mr. MAGINNIS. I propose to withdraw that proposition and submit another.

The CHAIRMAN. Then the Chair will first decide the pending point of order upon the second section of the bill.

At the sitting of the committee for the consideration of this bill on Saturday last a point of order was raised by the honorable gentleman from Iowa [Mr. MCCRARY] on section 2 of the original bill, which section transfers the management and control of Indian affairs from the Interior to the War Department. The point of order was stated by the gentleman raising it to be this: that the section proposes new legislation, and that it does not appear on the face of the record that it will retrench expenditures. The decision of the Chair upon this question of order was reserved until the committee should again resume the consideration of the bill. The Chair will now submit his decision.

Since the amendment to Rule 120 of this House, which was adopted January 17 of this session, there has been considerable discussion as to its interpretation, and several rulings have been made upon it. In view of the exhaustive arguments which have been made upon the rule as amended, and the important ruling thereon by the honorable Speaker of the House on the 28th of April, the Chair could hardly err in the decision of the point of order now raised. The rule has been so often quoted that it is scarcely necessary to again read it, as it is doubtless familiar to every member. But as this question is in many respects similar to that decided by the Speaker on the 28th of April, the Chair has given the subject most serious consideration, and therefore asks the indulgence of the committee in again reading the rule:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

This rule has for its object the exclusion from appropriation bills of subjects of general legislation. No provision reported in such bill or amendment thereto which changes existing law is in order, except it be germane to the subject-matter of the bill and retrenches expenditures.

Whether a particular provision be germane to the subject-matter or not is a question which will generally admit of little doubt, and in this case it seems to be admitted that the section under consideration does not contravene the rule; for this bill relates exclusively to Indian affairs, and the section under consideration, taken in connection with the other provisions thereof, completely disposes of the whole subject. The section is in harmony with the other provisions of the bill, and, considered as a whole, a system of Indian control and management is provided, taken in connection with existing laws and treaties, which is complete in itself, effective in its operation, and not

dependent upon other or further legislation. The section is therefore undoubtedly germane to the subject-matter of the bill.

But how shall the Chair determine whether a particular provision of a bill or a proposed amendment thereto does retrench expenditures? Two rules for the determination of this question have been suggested: First. That the Chair may hear arguments, consider estimates, compare official reports, and from all these give his opinion as to whether the provision in the bill or the proposed amendment does or does not retrench expenditures. If this rule were the correct one the Chair would have no other guide than the weight of the arguments *pro* and *con* and his own conjectures upon the probabilities of the issue. Such a rule of interpretation is foreign to the province of the Chair, and if assumed would be trenching upon the privileges of the committee and of the House.

The other rule for the determination of this question is this: That the Chair will not resort to evidence *aliunde* or to speculation or argument, but will limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land, and the parliamentary rules and practices of this House. This construction of the rule is that laid down by the honorable Speaker of this House, and is in perfect accord with the views of the present occupant of the chair. In deciding a question of this kind the Chair sits as a court upon the hearing of a motion to quash an indictment, and not as a jury to weigh evidence and determine issues of fact. And the Chair in deciding questions of order, such as that raised upon the section under consideration, will consider such facts only as a court would take official cognizance of in construing a statute.

Does this section, then, upon which the question of order has been raised, by its own force, and the other provisions of this bill retrench expenditures? The section is as follows, and it has evidently been drawn with great care by the committee:

SEC. 2. That the Office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employés of the Army under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to and placed under the control of the Secretary of War, who is hereby empowered to and shall exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

If this section were in the words of section 4 of the legislative, executive, and judicial appropriation bill, which section the Speaker ruled out of that bill, the Chair would have but one course to pursue, and his decision would be simply a re-affirmation of that of the Speaker. But there is a material difference in the sections. The objectionable section of the legislative, executive, and judicial appropriation bill is as follows:

SEC. 4. That the management of all Indian affairs, and of all matters arising out of Indian relations, be, and the same are hereby, transferred from the Department of the Interior to the War Department, and the same are hereby placed under the Secretary of War agreeably to such regulations as the President may prescribe: *And provided further*, That the Office of Commissioner of Indian Affairs is hereby abolished, and the execution of all laws and parts of laws applicable to the management of Indian affairs and of matters arising out of Indian relations is hereby lodged with the Secretary of War: *And provided further*, That the duties now being intrusted to and performed by Indian agents and other officials and employés of every kind and description will be performed by officers, soldiers, and employés of the Army.

The Speaker, in his ruling upon this section, held that upon its face it was incomplete, and that it contemplated distinctly and unequivocally further and additional legislation in order to effectuate the intention of the House as evinced therein. And, for this reason, it did not appear that by its own enactment there would be a retrenchment of expenditures. The Speaker held that it was impossible for the Chair to look into the future and determine whether the future necessary legislation would, in all respects, sustain the provisions of the section, and carry out the proposed retrenchment indicated in it.

Furthermore, the Speaker held, in deciding the point of order raised on section 4, that the abolition of an office is the retrenchment of expenditure, and that, if such abolition had been begun and perfected by that bill, he would have had no hesitation in holding that such an abolition did accomplish a retrenchment of expenditures. But section 4 did not provide, as does section 2 of the bill under consideration, that the duties imposed upon Army officers and soldiers should be performed by them without additional compensation.

On account of these uncertainties and the incomplete legislation proposed in section 4 of the legislative bill, the Speaker held that it did not appear that the provision came within the requirement of the rule.

But is the section under consideration subject to the objections urged against section 4 of the legislative bill? This section proposes distinct, clearly-defined, and perfect legislation. If enacted into law it will transfer the whole management of Indian affairs from the Interior Department to the War Department without the necessity of any further legislation whatever. It is true that some regulations are to be prescribed by the President and others by the Secretary of War; but the prescribing of such regulations is not legislation, but mere matter of detail, the regulation of which is conferred in similar cases upon all the heads of Departments. But the section goes further and absolutely abolishes a large number of offices and discontinues the salaries thereof; and it provides that the officers, soldiers, and employés of the Army shall perform the duties of the persons heretofore filling such offices, without additional compensation.

Here, then, is manifestly and, by the very terms of the provision itself, in the light of existing law, a large reduction of expenditures. The Chair will take official cognizance of the fact that the law as it exists appropriates for the current year, for the salaries and expenses of the officers and agents, whose offices and positions are abolished by this section, over $200,000; and that this bill appropriates in the aggregate about fourteen hundred thousand dollars less than was appropriated for the same purposes for the current year. Considering the vast number of offices abolished by the section under consideration, it is evident that this transfer of the management of Indian affairs from the Interior to the War Department contributes largely to the general reduction of expenditures by the bill. At least the Chair may safely infer from this fact that the other provisions of the bill have not increased expenditures, in consequence of the large reduction thereof by the second section of the bill.

But it has been argued with much plausibility that the Chair cannot foresee what increased appropriations may be necessary in the future in order to support and pay the Army on account of the increased duties imposed upon its officers, soldiers, and employés by this section. And that, in consequence of war or other unforeseen emergency, or of the alleged impossibility of the present military force to perform the increased duties imposed upon them, it may be necessary hereafter to make much larger appropriations for the Indian service than are now necessary under the present management. Such arguments may with propriety be addressed to the committee or the House, but the Chair cannot speculate thus upon the uncertainties of human events. He has only to consider whether this section, by its own force, in connection with the other provisions of the bill, in view of existing law, does retrench expenditures, and whether the bill is so perfect and complete in itself as not to depend upon other or further legislation to give it effect.

That the section under consideration is new legislation, changing existing law, is admitted. But the rule as amended at this session expressly provides that such new legislation may be in order, in a general appropriation bill, provided it be germane to the subject-matter of the bill, and shall retrench expenditures. The section under consideration, in the opinion of the Chair, meets both these requirements and is therefore in order as a part of this bill, so far as the rule is concerned.

The importance of the question under consideration, and the effect which the proposed legislation must have upon the Indians themselves, and the great interest which this subject has attracted in this House and throughout the country are the Chair's only apology for the somewhat lengthy opinion which he has submitted.

For the reasons stated the point of order is overruled.

Mr. KASSON. Is the second section now before the House?

The CHAIRMAN. It is.

Mr. KASSON. I move, then, to strike out all of the section down to the proviso. My present object in offering this amendment is to call the attention of the Committee of the Whole, and particularly of the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, to a point to which I expressed on Saturday my desire to call attention respecting certain financial statements that he made to the House on that day. Of course my honorable friend is aware that a statement coming from the chairman of the Committee on Appropriations or the chairman of the Committee of Ways and Means is accepted by the country as much more significant than one made by other members of the House not holding those official positions. When the gentleman made the statement on Saturday, I apprehended that it would strike the country with surprise, as it surprised me, and I heard it with some little pain. I regret that in his desire to sustain a measure that is controverted as a partisan measure, he made a statement to the country touching the wants of the Treasury which was calculated to affect injuriously the credit of the United States as well as the interests of the taxpayers. The first statement is:

I say here in my place, speaking from information received from the Treasury Department, that these reductions have become to-day a necessity. The estimates of the receipts of this Government for the present fiscal year are deficient——

Mr. SEELYE. I believe the gentleman is discussing the point of order.

Mr. RANDALL. Deficient twenty or thirty millions.

Mr. RANDALL. I never made that statement.

Mr. KASSON:

And the Secretary of the Treasury tells you that it is not likely to be improved during the next six or twelve months.

Mr. RANDALL. Will the gentleman allow me to explain?

Mr. KASSON. Let me finish my quotation. I will gladly allow the gentleman time for an explanation as soon as practicable. The gentleman adds:

In the next fiscal year the deficiency as compared with the estimates of this session as to the receipts of the Treasury will be from $35,000,000 to $40,000,000. I say to all comers, whether upon this floor or elsewhere, that you have got to reduce the

expenditures of the Government for the next fiscal year to the extent that the Committee on Appropriations has determined it can be done without injury to the Government, because of this deficit in your receipts. To-day you are not in accordance with a former law paying the sum actually pledged to the sinking fund at all.

Mr. RANDALL. Allow me to explain. My statement was from seventeen to twenty millions; and I caused the error to be corrected in the RECORD by a note addressed to one of the reporters, for I had to go away from the city in consequence of a death.

Mr. KASSON. I shall be glad, of course, for the gentleman to make the correction, only he will see at once that I was obliged to take the remarks as they appeared in the RECORD.

Mr. RANDALL. No, sir; you were not obliged to do so, for you heard my statement.

Mr. KASSON. But, according to my memory, I heard it distinctly as I have read it from the RECORD. Of course, the gentleman knows better than I do what he said, but I understood him distinctly as he is reported.

Mr. RANDALL. Does the gentleman state that according to his recollection I said there would be a deficiency of twenty or thirty million dollars this year?

Mr. KASSON. I do distinctly say that according to my recollection the gentleman's statement was exactly as the reporters have it in the RECORD. I admit the gentleman's right to correct it.

Mr. RANDALL. No, sir; I do not assume any such position. I say that I stated (and stated nothing else) that from $17,000,000 to $20,000,000 would be the probable deficit for the current fiscal year.

Mr. KASSON. Very well, the gentleman's right to correct is undisputed; and my right to take the statement as I understood it, confirmed by the RECORD, is equally undisputed.

Mr. RANDALL. The statement I now make of what I said is supported by every gentleman around me.

Mr. KASSON. Allow me to finish, as my time is short.

Mr. RANDALL. The gentleman shall have plenty of time; but he must not be disingenuous.

Mr. KASSON. Well, sir, the statement upon which I am commenting is the statement as I understood it, and as it has gone into the newspapers.

Now, sir, I have obtained from the Treasury Department a statement showing the progress during the last three fiscal years of the surplus revenues applicable to the extinguishment of the public debt. I will publish the full statement; I now give only the aggregate.

For the fiscal year ending June 30, 1874, the surplus of revenues over expenditures was only $2,344,882.30; for the fiscal year ending June 30, 1875, the excess was $13,376,658.26; and for the present year, based on the actual returns, except for the month of June, which is estimated, the surplus of revenues applicable to the extinguishment of the public debt is $23,108,534.23.

Now, sir, it will appear, instead of the condition of the Treasury being calculated to alarm the country, that without any addition to taxation, but by reduction of expenditures in a former and republican Congress—for none yet proposed by this has taken effect—it has been so well-ordered that the revenues have exceeded the expenditures in an increasing amount from year to year, in round numbers, from two millions in 1873–'74 to thirteen millions and, in the present fiscal year, to twenty-three millions.

There is another point which I wish to state. There is no deficiency, no falling back of the revenue from any source except customs. From internal revenue we have steadily advanced, it being one hundred and sixteen millions for this fiscal year of 1876, and only one hundred and ten millions for the fiscal year ending in 1875, and that notwithstanding the difficulties arising out of the frauds and prosecutions under the Bureau of Internal Revenue connected with the production of distilled spirits. The miscellaneous receipts have been increasing also beyond the estimates, and the position of the Treasury is stronger this year than it has been at any time during three fiscal years. That condition will be fully shown by the tables I send up to the reporter to be inserted as part of my remarks, and they will be open to the inspection of the gentleman from Pennsylvania.

The tables are as follows:

Comparative statement of receipts and expenditures for fiscal years 1875 and 1876.

Quarter ending—	Customs.	Internal revenue.	Miscellaneous.
September 30, 1874	$46,651,200 10	$26,314,615 33	$7,918,470 56
December 31, 1874	32,187,238 95	27,248,051 62	3,126,436 55
March 31, 1875	41,940,667 53	28,739,763 25	5,948,315 58
June 30, 1875	36,418,615 77	27,705,063 38	3,831,622 48
Total for fiscal year 1875	157,167,722 35	110,007,493 58	20,824,835 17
September 30, 1875	44,233,626 25	24,199,723 50	8,722,795 30
December 31, 1875	32,267,931 72	29,258,069 63	4,464,518 11
March 31, 1876	33,209,535 02	25,820,139 95	6,384,031 12
June 30, 1876, (estimated)	31,256,443 05	32,770,574 02	4,600,000 00
Total for fiscal year 1876	146,027,536 04	116,048,507 10	24,171,344 62

Total receipts for fiscal year 1875	$288,000,051 10
Total receipts for fiscal year 1876	256,247,387 76
Difference in favor of 1875	1,752,663 34

EXPENDITURES.

Quarter ending—September 30, 1874	$35,313,489 42	
December 31, 1874	58,714,504 23	
March 31, 1875	78,195,521 00	
June 30, 1875	52,399,878 19	$274,623,392 84
Quarter ending—September 30, 1875	84,047,543 76	
December 31, 1875	55,017,943 99	
March 31, 1876	73,573,365 78	
June 30, 1876, (estimated)	50,500,000 00	263,138,853 53
Difference in favor of 1876		11,484,539 31

Comparative statement of estimated receipts and expenditures for fiscal year 1876.

Receipts for fiscal year 1876, estimated in November, 1875	$297,456,145 14	
Actual receipts for fiscal year 1876	256,247,387 76	
Loss in receipts		$11,208,757 38
Expenditures for fiscal year 1876, estimated in November, 1875	$268,447,543 76	
Actual expenditures for fiscal year 1876	263,138,853 53	
Gain in expenditures		5,308,690 23
		5,900,067 15

Mr. RANDALL. Mr. Chairman, my attention was first directed to the subject of the deficiencies by a newspaper paragraph published in this city which seemed to have proper authenticity. But I did not choose to rest upon that. I had a conversation with the Secretary of the Treasury, in which he admitted that the deficiencies would exceed or be certainly about fourteen millions from customs and internal revenue below what had been estimated. In a further conference with him I think I discovered he coincided with me that if the deficiencies for the current fiscal year were so great, they would in all probability be from thirty-five to forty millions during the next fiscal year, for the reason they did not cover the entire year, but as I understood were embraced in only about six months of the year. Furthermore the opinion was expressed by me and not contradicted as I understand, that the bottom of this distressed condition had not yet been reached, and that mainly these deficiencies arose from the prostrate condition of the country in its commercial, in its industrial, and in its agricultural interests.

I was furthermore confirmed in this opinion by a statement of the intelligent correspondent of the New York Times, a republican organ, an authority which gentlemen on the other side ought not to dispute, that this deficit in fact would be seventeen millions. Mark you, we are but entering upon the twelfth month of this fiscal year. We have a month of depression further to go on before we can reach an actual knowledge of what will be the deficiency for the entire twelve months. That correspondent who gave the figures stated it at seventeen millions.

It was upon these sufficient authorities I made my statement. That of the Secretary of the Treasury is certainly adequate. I believe a critical examination of the condition of the Treasury will demonstrate the truth of my statement. It was given as a warning to the House. I wanted promptly to warn the House against receding in the least degree from the retrenchment, from the savings this House had made which are not calculated in any way to produce friction in the administration of the Government, as they were not intended to do so. I wanted to call the attention of the Senate that the position they were taking was not tenable in view of the circumstances by which we are surrounded, and that if they continued in their extravagant notions as to the administration of this Government there was but one resort, and that was to borrow more money, a proceeding desired neither by this House nor by the people of the country.

In reference to our re-arrangement of salaries, whereby we have been able to save some millions of dollars, I wish to say in this connection to the House and to the country that two years ago, upon an appropriation bill, the whole of these same salaries in the Departments except only I believe the Post-Office Department, were re-adjusted by legislation. They were, as is proposed here, re-adjusted in an appropriation bill.

I have no disposition to misplace the Secretary of the Treasury or to say anything against him, because I have maintained from the beginning of the session that everything the Secretary has said has been in favor of economy and retrenchment. I say it now, and that in every instance, and I have consulted with him frequently, I have found him always ready to economize, and to try to do away with everything not necessary for the proper administration of his Department.

I state another fact, that almost all the heads of Bureaus acquiesced in the reduction of force, although they did not acquiesce in the reduction of 10 per cent. upon their salaries In almost every instance the heads of Bureaus seemed to agree, and in many cases absolutely did in fact, and I appeal to my colleagues of the committee whether it is not so, to a reduction of force?

Mr. KASSON. I wish to add a single word.

The CHAIRMAN. Debate is exhausted.

Mr. KASSON. I withdraw my amendment and move to strike out the last ten lines.

Now, Mr. Chairman, I had not time when I was up before to reply to the suggestion of so prominent an organ of the House as the gen-

tleman from Pennsylvania, that there was something irregular in some way in applying the destroyed greenbacks to the sinking fund. I wish to make the statement complete that it is equally in the spirit and letter of the original law and in compliance with the terms of both the original and resumption laws, that we should apply any part of the redeemed debt of the United States to the sinking fund, provided it entered into the interest account, so as to continue to supply that fund. So that it makes no difference, in respect to the ability or fidelity of the Government, whether they redeem the bonds or redeem the legal-tenders, while 1 per cent. of the entire debt is annually provided for.

Mr. RANDALL. Let me say just there that the practice has been to lay aside from the ordinary receipts an amount appropriated under the law known as "permanent appropriations" for the sinking fund. The law requires that.

Mr. KASSON. The gentleman and I do not differ as to that duty. That is the law requiring a surplus to apply in that way.

Mr. RANDALL. That is the reason why I wanted to call the gentleman's attention to the fact that we could do that when there was a surplus in the Treasury, a surplus which might otherwise be used in giving extravagant salaries.

Mr. KASSON. I cannot yield further. I must beg the gentleman to do me the courtesy to let me utter what I have to say, as my time is limited.

Mr. RANDALL. You shall have all the courtesy you wish and all the time you wish.

Mr. KASSON. What I want of the gentleman, whatever his politics may be, is that, as an organ of the Government so far as the majority of this House is concerned, he shall state the actual condition of the facts. That he is expected to do so has a most important influence on the public credit.

Mr. RANDALL. And certainly I have done so. In the conversation I have referred to with the Secretary of the Treasury, he promised to give me that information.

Mr. KASSON. I hope the gentleman will not continue to interrupt me unless I give my consent. I endeavor to treat the gentleman with courtesy, and he ought to reciprocate.

Now, when the gentleman put those figures before the country the other day, he did not, it seems to me, act in accordance with the responsibility which properly belongs to him; for one cannot admit on either side of the House that personal, loose conversation with a public officer of the Government should be set forth in a speech as official information from the Treasury. We are all of us too liable to errors of recollection to make that safe; and I have deemed it my duty, therefore, to present these statements in figures and in writing from the Treasury, in order to indicate the actual condition of our finances and to show that without any change or even reduction of the present system of expenditures, beyond what past legislation indicates, for three successive years we have been increasing our surplus in the ratio I have named from $2,000,000 to $13,000,000, and $23,000,000 in round numbers, and I hope for a still larger margin the next year; because I hope, with the gentleman from Pennsylvania, that there will be some serious reductions in expenditure. We have agreed to them in the Navy Department; we are disposed to agree to them wherever the officers of the Government officially charged with the responsible administration of its affairs will say it is safe for the Government itself to do it, or where we can obtain equally satisfactory information to that effect. There is no dispute upon that point. But the point I desire specially to make is that both sides of this House ought always to concur in the principle I have named, that the financial credit and honor and responsibility of the United States shall not be subjected to injury by misstatements arising from any political or partisan considerations.

Mr. WOOD, of New York. May I ask the gentleman a question?

Mr. KASSON. I will hear it with pleasure.

Mr. WOOD, of New York. I desire to ask what is the date of this statement which you have presented from the Treasury Department?

Mr. KASSON. It was delivered to me yesterday, and contains the returns of the month of May; we are just a little in June. The only estimate is for the month of June, and the one particularly worthy of attention is that every source of income except customs is maintaining itself in an advanced degree from year to year, even in these hard times.

Mr. WOOD, of New York. I understand the gentleman. I hold in my hand a statement from the Treasury Department of yesterday's date, which I think shows very clearly a very large deficiency between the estimates and the actual receipts.

Mr. KASSON. The gentleman is now talking about what is an unfair comparison. He is not talking about the surplus of receipts above expenditures, but of the deficiency of the receipts below the estimates, which are made a year in advance, of what the condition of the country in respect to revenues would be. I speak of figures showing actual receipts and actual expenditures and the actual surplus applicable to the reduction of the public debt.

Mr. WOOD, of New York. If the gentleman will permit me, I wish to say that I think the actual deficiency existing between the estimates for the year and the receipts out of which the expenditures are made is directly pertinent to the question of appropriations to be made at this time. And I think, if the gentleman with that view will reexamine and revise his statement, he will discover that the gentleman from Pennsylvania [Mr. RANDALL] has not been so very wide of the mark as he appears to state.

[Here the hammer fell.]

Mr. RANDALL. Let me read from the CONGRESSIONAL RECORD of June 3, the statement made in the Senate by Senator SHERMAN on this point. He is chairman of the Finance Committee of the Senate, and I think the gentleman from Iowa will consider him good authority in regard to what I have stated. He said:

> There is another aspect of our condition that is not pleasant and makes it our duty to meet the House of Representatives in all reasonable measures of economy. I am sorry to say that our receipts have fallen short of the estimates about fourteen or fifteen million dollars this year. Our customs have fallen off about $10,000,000 and our internal revenue has fallen off about $4,000,000. The increase of the tax on whisky and tobacco has, as I expected, caused a decrease of the estimated revenue to the amount of about $4,000,000, and perhaps other causes have operated to bring about this deficit.

Now, sir, I am abundantly corroborated in every direction as to the substantial facts I have stated. I have not made this statement in any partisan spirit. There is no man on this floor, as the gentleman knows, who has done or tried to do more than I have during my service here in sustaining the credit of the Government. At no time has any vote of mine been given which in the least degree impaired the value of the Government's indebtedness.

Mr. KASSON. Will the gentleman allow me there——

Mr. RANDALL. And I say, as a man of business and of observation, that the only way of maintaining the public credit is to bring the expenditures within the receipts. That is all I am contending for.

Mr. KASSON. Will the gentleman allow me a remark?

Mr. RANDALL. Certainly.

Mr. KASSON. If he had stated in connection with the reduction of receipts beyond the estimates the reduction of expenditures beyond the estimates he would have found that there are five million three hundred odd thousand dollars less expenditures, and that of course makes a great difference.

Mr. RANDALL. The Secretary never stated that such was the case. The Secretary as the head of one of the official Departments of the Government never furnished me with any facts such as you have read.

Mr. KASSON. If you had asked for them you would have got them.

Mr. RANDALL. I did ask for them, and I say I expressed some surprise at the condition of the Treasury, for in some way or other the administration has been studiously silent upon this question of deficiencies from receipts. It was my search for information that brought these facts to my knowledge. Having had an intimation from a newspaper article, I immediately chased the matter to the proper Department, and found that it was true. And then I had a corroboration in the Senate and by the able correspondent of the Times, who stated that the deficiency was $17,000,000, and I am inclined to believe that when we have reached the end of this fiscal year that the gentleman from Iowa will find that the deficiency is not much less than $17,000,000.

Mr. KASSON. I think the gentleman will see that it would have been proper for him to have addressed a written communication to the Department asking for this information. He of course would not have got it six months ago, but he would have got it recently.

Mr. RANDALL. My duty was to guard the House against extravagant expenditures.

Mr. KASSON. That is right.

Mr. RANDALL. Certainly, against expenditures in excess of receipts, and that is my purpose, and I am glad that I have aided in accomplishing that object by calling the attention of the gentleman from Iowa in one respect at least to this fact, and I hope I shall have his co-operation in maintaining the duty of the Committee on Appropriations in the various appropriation bills after he has been made aware of the fact, according to his own figures, that there is a deficiency this year amounting to $14,000,000.

Mr. KASSON. Not a deficiency, for we have a surplus of over $23,000,000.

Mr. RANDALL. Why, the gentleman knows perfectly well that it has been customary for the Department to lay aside the amount necessary for the sinking fund, and recently the sinking fund is being satisfied by the counting of the greenbacks that come in to be destroyed.

Mr. KASSON. Which is a reduction of the debt to that extent. I agree with the gentleman; we should have more surplus.

Mr. RANDALL. That is not a part of the receipts as heretofore, neither is it in accordance with the spirit of the law which established a sinking fund; it is in fact a violation of law.

Mr. KASSON. I withdraw the amendment.

Mr. BURCHARD, of Illinois. I renew the amendment. I do not desire to antagonize the efforts of the chairman of the Committee on Appropriations to lead the House to all necessary economy in making appropriations for the ensuing fiscal year, but I do desire to say here a word to relieve the unfavorable impression that perhaps may have been made in regard to the probable receipts and condition of the Treasury for the fiscal year to commence on the 1st of July next. It is true that there has been a falling off, not only in the receipts, but in the importations. The attention of the House was called two years ago to the fact that the importations of foreign commodities had risen to over six hundred millions; that that was far in excess of the normal amount of foreign goods that this country

could consume, and that they would probably come down one hundred or one hundred and fifty millions; that the reduction was not the result of the panic, but of causes preceding and culminating in the panic; that the panic was one of the incidents and not the cause of the reduction of importations, and that that reduction would continue until the exports commenced to increase and balance the imports, and then we might expect to see a somewhat more favorable change.

Now I desire to call attention to the fact that within the last year while imports have diminished the excess of exports over imports has largely increased. My recollection is, without having refreshed my memory in the examination of figures, that the total exports are a hundred millions—during the last twelve months have been in excess of the importations. In that condition of things I do not think that the imports will continue to diminish so much in the future as they have in the past, and I believe that we have reached bottom figures. That is one reason why there has been a falling off in customs receipts from what was estimated. The estimates were made on a supposed increase of receipts that would result from the increase of tariff duties by reason of the repeal of the 10 per cent. reduction, but we did not derive any additional receipts from that source; the imports more largely fell off. It is my impression that the imposition of the 10 per cent. additional duties resulted in a diminution of the revenue received from customs, rather than in an increase.

I may say that the receipts from internal revenue have not equaled the estimates, but the revenue received from internal revenues have exceeded those received for the preceding year, while those received for customs duties have fallen off. I think we may safely expect that the revenue for the next fiscal year, while it will not be larger in my opinion from customs, will exceed that of this year from internal revenue. One reason why there has been a diminution from internal revenue has been the fact that Congress is in session, and the business public, those who are engaged in the manufacturing of distilled spirits as well as tobacco, are uncertain as to what will be the legislation of Congress. They are not producing in proportion to the wants of the community; they are producing tobacco and distilled spirits, as I might say, only from hand to mouth, and are not throwing upon the market the goods they do produce, and that reduces the receipts from those sources. Such will continue to be the case until Congress adjourns, when you will see a revival of receipts from both sources. Therefore I do not think the chairman of the Committee on Appropriations [Mr. RANDALL] need be a prophet of evil for the future in regard to what revenue receipts will be. I do not say this to antagonize his efforts at economy, but to correct his statements as to the probable revenues for the next fiscal year and his prophecy of a bankrupt Treasury.

[Here the hammer fell.]

Mr. CHITTENDEN. I heard without surprise the other day the statement made by the chairman of the Committee on Appropriations [Mr. RANDALL] concerning the probable deficit in the revenues for the year succeeding July 1, 1876, and I heard without surprise that statement substantially confirmed by the Secretary of the Treasury.

I am surprised, however, that gentlemen of large experience and large intelligence should come here and discuss this question of revenue perfectly unintelligently in regard to the causes which have diminished our revenue. I beg to intimate to the gentleman from Illinois, [Mr. BURCHARD,] who has long been a member of the Committee on Ways and Means of this House, that his arguments and his theories in regard to the falling off of customs duties and their probable restoration next year are defective and at variance with the real condition of the commerce of this country.

The reason why the customs revenues are reduced and still to be reduced is that a man cannot, as a general rule, take a new dollar, invest it in foreign merchandise, bring that merchandise home, pay the duty on it, sell it, and get his own money back again. That process of loss has been going on for three or four years. Gentlemen have argued variously here in regard to the reduction of our foreign commerce. There is some force in what has been suggested by the gentleman from Illinois, [Mr. BURCHARD,] but I know from experience that the existing tariff has become in large measure prohibitory, and so cultivates smuggling and all sorts of vicious practices that an honest man with honest money and honest energy cannot compete with the scoundrels who, under that tariff, are bringing goods into this country across all our borders and by all devices.

I say again, as I said the other day, that gentlemen may theorize upon this question, they may discuss and rediscuss forever the question of free trade and protection, and it will do no good. I am not a free-trader; I have always been a protectionist, according to my understanding of the meaning of that term. But we have got a prohibitory tariff. And the gentleman's estimate of a deficiency of thirty-five or forty millions next year, backed, as I believe it to be, by the opinion of the Secretary of the Treasury, is more likely to be exceeded than diminished.

Having no position of influence or of authority, I have taken occasion within the last month to say many times in private, with that earnestness which every man who knows anything of me knows to be characteristic—I have said emphatically to several gentlemen at the other end of the Capitol that unless they met this question of retrenchment, consenting to every reasonable proposition of economy, they would find, if they were republican, that they were doing that which would damage their party, and that the deficiency at the end of the next fiscal year would be very inconveniently large.

This is not a question of philosophy; the American people are not fools; the merchants engaged in the commerce of this country are not fools. If one with honest capital, business intelligence, and integrity, having struggled for years to use that capital so as to make it return an ordinary interest, fails in that, with the exercise of vigilance, intelligence, and large experience, of what use is it for the gentleman from Pennsylvania [Mr. KELLEY] to reason with such a one that the prosperity of this country is to be increased and its revenues replenished with the existing tariff and currency? I say, as I said the other day, if you mean to extinguish the foreign commerce of this country, then you are intelligent in maintaining the existing tariff; and so long as you do maintain it your revenues will inevitably diminish.

[Here the hammer fell.]

Mr. BURCHARD, of Illinois. I withdraw my amendment.

Mr. KELLEY. I renew it. Had the gentleman who has just closed his remarks [Mr. CHITTENDEN] embraced production with trade, and said that no man could either import an article or produce one without probable loss, he would have covered the whole field; as it is, he covers but an unimportant part of it.

The gentleman from Illinois [Mr. BURCHARD] invited our attention to the fact that our exports are increasing. Yes, sir; in default of a home market we are exporting and selling our manufactures at a loss in foreign markets. I hold in my hand a paper from Indianapolis received through this morning's mail showing that out of 26,000 skilled laborers recently employed in that city over 12,000 of them are and for some time have been without employment, and that those who are at work are receiving but from one-half to two-thirds of their former wages. How can these idle and impoverished people purchase and consume either taxable or dutiable goods?

A recent letter from the president of the board of managers of the Philadelphia house of correction reports that of twenty-two hundred and forty-two commitments to that institution in three consecutive months, eleven hundred and fifty-one, or more than one-half, were voluntary commitments. He says:

> Do not suspect that these people seek shelter in order that they may live without work; they engage eagerly in the rough work of ditching and quarrying, though many of them are skilled mechanics or were brought up to clerical employments.

What contribution can these people make either to the internal or the customs revenue? Skilled mechanics, competent clerks, wearing the jail uniform, working in gangs under armed guards, locked up at night, each in his separate cell as a prisoner, for the poor privilege of food and shelter!

The pictures of Indianapolis and Philadelphia are but portraitures of the condition of the working-people of all our cities and manufacturing towns. Why this destitution? Has Providence withheld its bounties? Has scorching drought or drenching rain swept the crops from our fields? Do the forces of nature refuse to move the machinery standing idle in every part of the land? No; nature is as bounteous and as wise as ever, the fields as fertile; but man, as he is embodied in the American Congress, has produced this idleness by withdrawing the medium of exchange that enabled the producer to pay the laborer, and laborers to purchase and consume the necessaries of life they had produced for each other's use; and by putting on the statute-book a law which through three years and six months should notify every man that if he produced articles not to be sold for six months, he must sell them at steadily declining prices, has paralyzed energy and arrested production. This is what has stricken the revenues of the country. To charge these as results of the tariff is to utter nonsense. The policy of England is free trade; and pitiable as is the condition of the American laborer, that of his English colaborer is worse. Free trade and hard money! She staggers, I might almost say, under the weight of her accumulated capital; for in that country, the Financier tells us, there is no market for money, and the daily papers tell us that those who borrow on three months' notes get money at the rate of 1½ per cent. per annum.

She, too, suffers from our unwise legislation on the currency question; for in reducing the consumptive power of the freest livers, the most liberal consumers of the world, the American people, we have paralyzed not only our own revenues, but those of the country whose chief customer we were; and every financial and commercial paper in England will tell you that there is no hope of the revival of the industries of free-trade, hard-money England, until paper-money, protectionist America shall permit her people again to produce and consume freely. In insisting upon contraction and resumption capital has overreached itself.

Mr. RANDALL. I want to direct the attention of the House to a fact which causes the deficiency to appear much less than it would if the law in reference to the sinking fund had been executed by the Secretary of the Treasury. The act of February 25, 1862, as now embodied in section 3694 of the Revised Statutes, provides that—

> The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:
>
> First. To the payment in coin of the interest on the bonds and notes of the United States.
>
> Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund; and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.
>
> Third. The residue to be paid into the Treasury.

Now I say that the Secretary of the Treasury has not applied 1 per cent. of the coin receipts of the United States from customs to the sinking fund; but since the receipts have fallen off he has added, as part of the amount required to go to the sinking fund, the greenbacks which were authorized to be canceled under the resumption act.

Mr. KASSON. But did he not buy the greenbacks? Did people give him the greenbacks?

Mr. RANDALL. This is an evasion of the law; and you cannot escape it. The Secretary of the Treasury was required under the law to dedicate 1 per cent. of the coin receipts from customs to the sinking fund; and instead of doing that, the greenbacks, which another law directed to be destroyed, have been counted as part of the coin dedication, the coin being used for current purposes, the effect of which has been to make the deficiency, as it appears by the official statement, very much less than it would actually appear if the law had been executed and the $31,000,000 in coin applied during the year as the law directs.

Mr. KASSON. But the Secretary of the Treasury is only bound to reduce the public debt 1 per cent. per annum.

Mr. RANDALL. No, sir; he is bound by law to use the coin receipts of the Government in two ways. The second method is to set aside annually 1 per cent. of the aggregate indebtedness of the United States as a sinking fund.

Mr. KASSON. But I call the gentleman's attention to the fact that the pledge is designed to accomplish a purpose: the security of the holder of the Government debt; and so that this is accomplished, the form is not material.

Mr. RANDALL. That is a new doctrine, surely.

Mr. KASSON. If the gentleman will refer to the language of the law, he will find that I am correct.

Mr. RANDALL. The gentleman's confused manner of construing the law does not trouble me at all. I say that in effect, the Secretary of the Treasury has omitted to provide that which should have been provided for the sinking fund in the manner that I have indicated. The consequence is, as a question of figures, that the $14,000,000 does not show the actual deficiency which would have been exhibited if the law had been complied with.

Mr. BURCHARD, of Illinois. I call the gentleman's attention to the language of the law: "Shall be applied to the purchase or payment of the public debt."

Mr. RANDALL. In answer to that, I say that instead of applying the $31,000,000 per annum in coin to the purpose designated, greenbacks coming into the Treasury and directed to be destroyed by the resumption act have been counted instead; and the gold dedicated to this purpose has been used for current purposes.

Mr. BURCHARD, of Illinois. But the coin in the Treasury has been applied to the purchase of the greenbacks; and certainly the effect is the same.

Mr. RANDALL. That is not the provision of the law. I am only showing that the deficiency would have been much greater if the sinking fund had been made good as provided by law.

Mr. BURCHARD, of Illinois. I do not see how.

Mr. RANDALL. From sources provided by law.

Mr. BURCHARD, of Illinois. Whether he complied by paying greenbacks or bonds would make no difference.

Mr. RANDALL. That has been the manner of doing it, as I am apprised, for five years, and only since the necessity of the Government arising from the decrease of its revenues, has this evasion become necessary to run the Government.

Mr. KASSON. I hope the gentleman will not say it is an evasion of the law; it is a construction of the law which accomplishes the end.

Mr. KELLEY's amendment was rejected.

Mr. HUNTON. I desire to offer a substitute for the second section of the bill. The second and following sections of the bill relate to the transfer of the Indian Bureau from the Interior Department to the War Department; and the House will remember we have already perfected a bill upon that subject. I desire to offer in substance the bill which has already received the sanction of the House as a substitute for the second section.

Mr. CLYMER. Is the bill pending before the House?

Mr. HUNTON. No; it has passed the House.

Mr. CLYMER. I understand this is the bill which has already passed the House.

The CHAIRMAN. The gentleman's substitute will be read.

The Clerk read as follows:

That from and after the 1st day of July, 1876, the Secretary of War shall exercise the supervisory and appellate powers, and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them; that the Secretary of War shall make such details of officers of the Army as may be necessary, from time to time, to administer the affairs of the Indian branch of the War Department.

That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army, serving in their commands or on the retired list, as may be necessary, from time to time, to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector General of the Army shall discharge the duties of inspector of Indian affairs, and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes; and such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war; and the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof is concerned.

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who when on such duty shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner, and, as far as practicable, at the same time, provided for supplies and transportation for the use of the Army.

That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

That the offices of Commissioner of Indian Affairs, inspectors of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent and subagent in the Office of Indian Affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior, and connected with the administration of Indian affairs, not including the clerks of the Indian Bureau, shall be abolished and cease on the 1st day of July, 1876, on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus superseded.

That it shall be the duty of the Secretary of War, at as early a day as practicable after the 1st day of July, 1876, to cause a careful enumeration of all Indians in the United States to be made; and such census shall thereafter be retaken, at his discretion, whenever there may be reasonable doubt as to the number of any Indians in any tribe or tribes; and all issues of rations shall be upon the basis of the number of Indians reported by said enumerations.

That it is hereby provided that all religious denominations shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their civilizing and educational efforts.

That whenever any Indian belonging to any organized Indian tribe or nation having treaty relations with the United States shall desire to become a citizen of the United States, he may become such citizen by appearing in open court in the United States district court nearest to the reservation of his tribe or nation and making proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests, that he has adopted the habits of civilized life, and has for at least five years been able to support himself and family, and by taking an oath to support the Constitution of the United States: *Provided*, That no Indian who avails himself of the provisions of this act shall on that account forfeit any interest which he may have in any improvement or other property in the reservation of the tribe or nation to which he may have belonged; nor shall such act in any manner impair his rights and interests in the lands, claims, or other property belonging, or which may hereafter belong, to his tribe or nation.

That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. SEELYE. I rise to a parliamentary inquiry. Do I understand this is the same bill which has already passed the House?

Mr. HUNTON. It is, with the exception of the change of a word or two.

Mr. SEELYE. I desire to ask whether a bill which has passed the House already is in order to be proposed again for passage?

Mr. HUNTON. The rule is that no pending bill shall be offered as an amendment to another bill. This substitute does not embrace the bill exactly as it passed the House because, in order to avoid any trouble, I struck out a few immaterial words.

Mr. CLYMER. The rule on the subject is the forty-eighth, which provides that no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House. As I understand it, this substitute which the gentleman from Virginia offers for the second section of the Indian appropriation bill has already in substance passed this House, and so far as this House is concerned is a complete piece of legislation. Therefore, under the provisions of the forty-eighth rule, it cannot be moved as an amendment. It is stated in the Digest, however, that—

The latter clause of the forty-eighth rule as originally reported to the House contained, at the end of it, "Nor by any proposition containing the *substance*, in whole or in part, of any other bill or resolution pending before the House." These words were stricken out by the House before it would agree to the rule, by which it would seem to have been decided that an amendment containing the *substance* of another bill or resolution may be entertained. Such, too, has been the practice ever since. It has been decided that an amendment including the same provisions, to a very great extent, as other bills pending before the House, is in order.

Although the amendment moved by the gentleman from Virginia is in substance the bill already passed by this House, yet, as there have been some changes made, some words being stricken out, the point of order does not lie against it under the construction heretofore given to the rule. It may, however, be amenable to another point of order.

The CHAIRMAN. The Chair does not understand the gentleman from Massachusetts to make the point of order, but merely a parliamentary inquiry. The amendment sent to the Clerk's desk is not the bill passed by the House, as it appears from the amendment itself. The bill which has passed the House embraced eleven sections, while

the amendment contains only one section. Some of the words in the bill passed by the House have been stricken out, making under the uniform ruling heretofore a new and different proposition. The Chair holds the amendment to be in order.

Mr. SEELYE. Then I raise the point of order that it very obviously does not retrench expenditures. There are many complicated provisions in this substitute which are precisely susceptible to the ruling which the honorable Speaker of the House has given on this subject.

Mr. HUNTON rose.

The CHAIRMAN. The gentleman from Massachusetts raises the point of order on this amendment, and the Chair will hear the gentleman from Virginia on that point.

Mr. HUNTON. As I understand the ruling of the Chair this morning, it is that the second section of the pending bill is in order, because under the provisions of that second section there is retrenchment of expenditure. If the substitute I propose for that section is adopted it also will be retrenchment. It may not be retrenchment over the second section, but it is retrenchment over the existing law, and therefore is not subject to the point of order raised by the gentleman from Massachusetts.

Mr. SEELYE. If the gentleman will allow me, I submit that that does not appear. In the first place, Mr. Chairman, it does not appear that the salaries of these military officers who are to take the place of the employés of the Indian Bureau will be equivalent to the salaries now paid to these employés. That does not appear. In the second place, it does not appear that the various provisions of this bill are in the line of retrenchment. For instance, there is a provision with respect to the bringing of the Indians to the right of citizenship. That provision requires the session of a court and various judicial procedures which are not required by any existing legislation. That cannot be done without an increase of expenditures, and I submit, however appropriate the ruling of the Chair might be to the second section in the appropriation bill as originally presented, that very ruling of the Chair to which we have listened this morning would exclude the substitute now offered.

Mr. HUNTON. I cannot imagine how anybody can read the bill which I have offered as a substitute for the second section and fail to see that it is retrenchment on existing law. As the law stands this Indian Department is conducted by officers outside of the Army, every one of whom has to be paid his salary. Under the proposed amendment which I have had read at the Clerk's desk these duties are to be performed by officers of the Army. Those officers are now on pay and their pay is not increased, and therefore to a large extent this amendment which I have offered is retrenchment upon existing law.

As regards the provision about naturalization, I understand that the expenses connected with the naturalization of Indians provided for in this amendment are to be paid by the parties asking naturalization. And as to the court-martial to try the parties for violation of the duties imposed upon them by the law, courts-martial exist now, and I do not understand that they cost any more than the annual salaries of officers composing the court-martial. If the gentleman from Massachusetts be right in saying that that bill as it passed the House was not retrenchment, those of us who voted for it voted for it under a grievous mistake; because we were informed—and so believed—by the gentlemen both of the Military Committee and of the Indian Committee, that it reduced the expenditures of the Government a very large amount.

Mr. SEELYE. Did I understand the gentleman from Virginia to say that the employés now engaged in the service of the Indian Bureau would be furnished by the War Department from the employés already engaged in the military service? Did I understand the gentleman to say that?

Mr. HUNTON. No, sir. But let me repeat to the gentleman what I did say: That very many of the duties connected with the management of the Indians of the Indian Bureau would be discharged by officers of the Army under this bill.

Mr. SEELYE. Exactly. But the question whether the places of the officers now employed by the Indian Bureau can be supplied by officers now employed by the War Department is exactly the point before us. Now I submit to the gentleman, and the gentleman acknowledges it, that the officers employed by the War Department now cannot do the work of officers employed by the Indian Department. Therefore the substitute involves an additional expenditure; we do not know how much, and cannot say how much until the experiment is made.

Mr. McCRARY. I would like to hear read the portion of the bill offered by the gentleman from Virginia which provides that the salaries shall not be increased, if there be such a provision.

The CHAIRMAN. The Clerk will report that portion of the substitute.

The Clerk read as follows:

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

Mr. McCRARY. It seems that the bill provides that nothing in the act shall be construed to authorize an increase in the pay of Army officers who discharge this duty. But there is nothing in the bill which prohibits this or provides affirmatively that Army officers shall not be paid by virtue of the Army appropriation bill, when it shall be passed, an additional compensation.

There is a provision there that officers who are now retired shall be paid their full pay when put on this Indian service. The bill as it stands, Mr. Chairman, I think clearly comes within the ruling of the Speaker and the ruling of the honorable Chairman this morning.

Mr. HUNTON. Let me say one word more. I desire to state one item of reform in this bill, and it seems to me that must determine the question. There are now seventy Indian agents, and these are dispensed with and their places taken by the officers of the Army. And, although this bill does not say their salaries shall not be increased, there is no increase of salary of the officers of the Army in the bill.

Mr. BANNING. And that is a saving of $104,000.

Mr. HUNTON. Well, now, if it becomes necessary to employ the retired officer who is already getting three-fourths of his pay, you get an additional officer at one-fourth the salary. So that, in every view that can be taken of this bill, it is in the direct line of retrenchment and reform.

Mr. SEELYE. To illustrate the point I have made, I would like to know where are to come the various employés now needed at an Indian agency if this bill is passed? For instance, there are now employed at the Winnebago agency in Nebraska one physician at a salary of $800. Now, Mr. Chairman, if this service is to be rendered by a surgeon in the Army it has to be rendered at a cost of $1,500 a year, and there is a retrenchment.

Mr. BANNING. Will the gentleman allow me to ask him a question?

Mr. SEELYE. Certainly.

Mr. BANNING. Is there not an Army officer on duty right in that vicinity now?

Mr. SEELYE. I am only giving this as a specimen.

Mr. BANNING. Is not that a fact?

Mr. SEELYE. That I am unable to state.

Mr. BANNING. That is a fact. Is there not an Army surgeon employed there at this time?

Mr. SEELYE. That is very possible.

Mr. BANNING. Will not this, then, do away with two officers?

Mr. SEELYE. If that is the fact it does not bear upon the question before us, for it is an accidental fact. There is also employed one clerk at a salary of $700; one superintendent of schools at $700; four teachers, one at a salary of $400 and three at salaries of $600; two farmers, one at $500 and one at $750; one miller at $800; one engineer at $900; one shoemaker at a salary of $500. Where are these employés to come from? They are not provided for in the bill. They cannot be furnished without an increase of expenditures, because the average expenditures—let it be clearly understood, for these employés are to be brought from the Army service—the average expense of a soldier in the Army is $1,000 a year. Now that is only one illustration of the economy that gentlemen are going to have. It costs the Government $1,000 a year for a soldier, as we all know. We have already passed an Army bill reducing the Army to a degree that many wise people think is not safe. We have no supernumerary officers or employés, and if you take soldiers costing each one $1,000 a year and set them to do the work for which the Indian Department pays five or six hundred dollars a year, where is the economy?

Mr. BANNING. The question as to whether this change will be economy or not has, I think, been so thoroughly discussed in the House that no one can have any doubt upon the question. The gentleman asks a question as to the agency he has named. If you take away the agent and leave the Army officer now there to do the duty you save the pay of the agent. If you take away the surgeon now employed by the Indian Department and leave the Army surgeon at that post to do the duty, you save the pay of the surgeon now employed by the Indian Department; and so in regard to the other men in the Army now there.

Now, Mr. Chairman, as to whether this is economy or not, if we are here looking at that question I have the official report of Captain Ed. Ball, of the management of the Crow agency during the present year, showing that under the present management it is not only extravagant and wasteful but fraudulent and bad. I ask that that report be read for the information of the House on this subject, and I hope that every gentleman who thinks that this transfer will not be economy will listen.

The Clerk read as follows:

FORT ELLIS, MONTANA TERRITORY,
February 18, 1876.

SIR: I have the honor to report for the information of the Department, that I was at the Crow Indian agency on the 8th, 9th, 10th, and 11th instant, making an inspection of flour, bacon, and pork delivered there on contract for the Crow Indians, and that Nelson Story, of Bozeman, Montana Territory, contractor for pork and bacon for the Crow agency, was present, and presented for inspection fifty-seven barrels of pork. Fifty of these barrels were of the ordinary whisky barrels, and seven of the ordinary pork barrels, all packed with fresh pork in the town of Bozeman, Montana Territory, during the months of December, 1875, and January, 1876.

I opened three of these barrels, the large-size whisky barrels, and weighed the contents of each, one weighing two hundred and seventy-nine pounds, one two hundred and two pounds, and one two hundred and thirteen pounds, making an average of two hundred and thirty-one and one-quarter pounds to the barrel. This pork consisted of the entire hog, ham and feet excluded, and could not come under the head of mess pork, as required by the terms of the contract, and I rejected the

fifty-seven barrels. I would here state that that portion of the pork belonging to mess pork was of a good quality, and would have passed the inspection had it been packed separately; but the entire head, shoulders, back-bone, and tail, with all the trimmings from the hams, were also packed with it, which, in my judgment, was good cause for rejecting the entire lot. The contractor did not care to have me examine any more barrels than those I had examined, he knowing full well that they were all alike, and that I knew it, having visited the butcher's establishment frequently during the packing of this pork.

I would further state that on the 9th instant, while at the agency, and previous to my inspection of this pork, Mr. Nelson Story, contractor, made two propositions to me to defraud the Government, and cheat the Indians out of their supplies, and in each of these propositions it was evident to me that the agent, Mr. Dexter E. Clapp, was a party to the proposed fraud. The first proposition was this: that I should pass the pork for him at four hundred and fifty pounds to the barrel, and that he would give me $1,000. The second was that there was due on the contract for flour which he was putting in on the Kiskadden contract about three hundred thousand pounds, and that he was expecting an advance on the price, which, together with freight, would bring the flour up to $6 per hundred pounds, and that this amount, or a portion of it, at least, should be certified to as having been received, and that we would make a good thing out of it, otherwise there was nothing to be made out of the contract. He also informed me that there was still $75,000 unexpended of the appropriation for the Crow Indians, which he was very anxious to have expended before the end of the fiscal year, and he intimated to me that with my assistance the money could be expended so as to make it profitable to us, meaning, as I suppose, the agents, himself, and myself. To this I replied that the agent might not submit to such transactions. He replied: "Yes, he will; that is all right with the agent." I then asked Mr. Story what the poor Indian would have to subsist on, should such a transaction as he proposed take place. He replied that there were plenty of buffalo, and they could live on buffalo meat, as it was good enough for them. At this juncture I informed Mr. Story that I had served in the Army over thirty-one years; that I had never received a dollar in that way, and that I never should; that I would inspect his supplies, and if they came up to the requirements of the contracts, they would pass; if not, they would be rejected. You have seen the result of the inspection of the pork; now I will give you the result of the inspection of flour.

Mr. Story was putting in flour on the Kiskadden contract, and informed me before I commenced the inspection that he had in store at the agency two thousand sacks of flour for inspection. This flour was ranked up in the agent's storehouse, together with flour that had been inspected in December last, and possibly with a view to having some of the flour already inspected counted with it. I separated the flour, and inspected and branded the sacks. The flour was of an excellent quality, but fell short of the number of sacks the contractor reported to have had, there being only eleven hundred and ninety-seven sacks instead of two thousand.

This difference of eight hundred and three sacks I feel satisfied that Mr. Story intended, with the assistance of the agents, to make up by taking from the already inspected flour, first, by counting, if possible, some of the old flour in rank with the new flour, and, secondly, by resacking some of the already inspected flour. My reasons for supposing the latter are these: Mr. Story had a large lot of flour made at Mr. McAdam's mills, and gave Mr. McAdam particular instructions about the sacking of it. That was, that the flour should be double-sacked, in flour-sacks, inside and outside sacks to have the miller's brand, and the inside sacks sewed up separate from the outside sacks, and for this unusual way of putting up flour Mr. Story agreed to pay Mr. McAdam for any extra expense he might incur.

It must seem evident to all business men who might consider this matter and manner of double-sacking flour that it shows at first sight an intent at fraud, and from the fact that Mr. Story has attempted to bribe me in these matters I don't hesitate to say that his manner of having this flour double-sacked was for the purpose of defrauding the Government.

You can readily see how it could be done. The inspector examines the flour by running a small probe into the sacks, and if the flour is good he places his brand on the sack. This does not penetrate the inside sack; but leaves it clean. The inspector goes away, and on his return this flour will have the outside sack stripped off and an unbranded sack presented for inspection. Fortunately for me, Mr. McAdam, who put up this flour, informed me of this unusual way of sacking it, which put me on my guard; otherwise I might have, and probably would have, branded the outer sack only.

I would now invite the attention of the Commissioner to the beef-cattle being furnished to the agent of the Crows, and the reports that have been made to me by reliable men in regard to them.

First. The cattle are now being put in by Mr. Story and received by the agent without the action of an inspector. The character of Mr. Story in regard to dishonesty is sufficient to warrant a change in this matter.

Second. Dr. Hunter told me last September at the Crow agency that he knew positively from his own knowledge that Nelson Story took from the herd of beef-cattle belonging to the Crow agency forty head at one time and placed them in his ox train and sent them to the Missouri River. Mr. William Carr, a reliable citizen of Bozeman, told me on the 14th instant that he knew positively that large numbers of beef-cattle belonging to the Crow agency are now in Mr. Story's herd near the old Crow agency, seventy-five miles west of the present agency, and that more are in herds on Shields River, a distance of eighty-five and ninety miles from the agency, and that he, Carr, knows most of the Indian Department cattle, and that he can go at any time and pick them out. Mr. Carr says that he knows positively of Mr. Story having put his (Story's) brand on Indian Department cattle. The matter of beef-cattle does not come under my jurisdiction as inspector, but these reports have been made to me so often that I deem it my duty as an officer of the Government to lay them before the Department for its consideration, and would recommend an investigation of these reports.

I am, sir, very respectfully, your obedient servant,

ED. BALL,
Captain Second United States Cavalry,
Inspector of Indian Supplies.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington City, D. C.
(Through Headquarters Department of Dakota.)

Official:

THOMAS M. VINCENT,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *June* 1, 1876.

During the reading of the foregoing report,

Mr. PAGE said: I would like to inquire what reference this has to the point of order?

Mr. BANNING. I have asked for its reading merely to show that whatever change is made will be in the direction of economy.

Mr. PAGE. Is there any limit to this debate?

The CHAIRMAN. The Chair is informed that there is but a little more to be read.

The Clerk then resumed and concluded the reading of the report.

Mr. BANNING. I merely want to say a word in reference to that report. It is an official report. It comes from the Department. It has been sent to both the Indian and the War Department. It is the report of the management of Indian affairs at the Crow agency this year in February; and it shows that a barrel of pork only held about one-half as much pork as it should contain; that the flour was double-sacked, and the cattle worthless; and that they offered to bribe the inspectors who went there if they would pass them, showing most conclusively that any change whatever is a change in the direction of economy.

This amendment, as has been said and as has been shown to the Chair, reduces the entire number of agents who are practicing extravagance and fraud. That is so well and so fully shown by the official report of this Army officer who went there by the direction of the Department to the Crow agency and inspected the flour, the cattle, and the pork that were taken there, that I think, Mr. Chairman, there can be no question on the matter of economy; and if any gentleman concluded before that the present management of Indian affairs is better than the old, he must see in this official report, for which the officer of the Army is responsible, it is fully proven that this change is most desirable, in the interest of economy, for the welfare of the Indians, and that it is our duty to make it.

Mr. PAGE. Early in this session of Congress the Committee on Indian Affairs was instructed to investigate all frauds connected with the Indian service. The chairman of that committee appointed a subcommittee, consisting of three democrats and one republican, who for three months and more have been engaged steadily in investigating the frauds connected with the Indian Bureau or with the Indian service. Now, if it was within the knowledge of the chairman of the Committee on Military Affairs, [Mr. BANNING,] or of any other member of this House, that these frauds existed as set forth in the report which has just been read, why was not that report referred to the proper committee of this House who were engaged in investigating that very matter? I cannot see where there has been any intimation to this committee that any report of this kind has ever been made. It was the duty of the gentleman when this report came into his possession to have had it referred to the Committee on Indian Affairs.

Mr. CLYMER. I rise to a point of order.

Mr. SEELYE. I desire to say——

Mr. PAGE. I think my remarks are quite as appropriate as those made by the gentleman from Ohio, [Mr. BANNING.]

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania [Mr. CLYMER] on the point of order.

Mr. CLYMER. My point of order is this: The pending question is the point of order raised by the gentleman from Massachusetts [Mr. SEELYE] as to the admissibility of this amendment of the gentleman from Virginia, [Mr. HUNTON,] and the debate must be confined to that question.

The CHAIRMAN. The point of order is well taken.

Mr. PAGE. I wish to enter a motion that the report just read be referred to the Committee on Indian Affairs.

The CHAIRMAN. Such a motion cannot be entertained in Committee of the Whole.

Mr. SEELYE. I wish to speak to the point of order.

Mr. BANNING. Allow me to answer what has just been said in reference to this report being in our possession.

Mr. SEELYE. Not just at this time. One single puncture is sufficient to burst this bubble that has been so persistently blown here. That is done by the statement that precisely these facts, as alleged by the gentleman from Ohio, [Mr. BANNING,] but which are not facts—precisely the very points involved in this paper, have been investigated for over twenty days by a grand jury on the spot, and there has been an utter failure to find any indictment. That is sufficient to dispose of that matter. And if it were not, I have a very simple answer to the whole statement. If it were true, if the worst that has been or can be said were true, how much is there of it? There was expended for the Crow agency last year——

The CHAIRMAN. The Chair begs leave to remind the gentleman that the pending question is the point of order which has been made that the amendment proposed by the gentleman from Virginia [Mr. HUNTON] is not in order.

Mr. SEELYE. I am speaking to the point of order, to show that this will not retrench expenditures. My remarks bear quite pertinently upon the point of order, as I shall show in a single statement.

Granting, I say, the worst that has been or can be said, how much is it? There was expended last year for the support of forty-two hundred Crows at this agency $130,000, making, even with all the waste and all the cheating that might be charged, only some $30 for each Indian. Now, I beg leave to recall the attention of the House to a statement which I made on Saturday last as to the expenditure for sixty-seven Indians in Fort Marion, under the care of the War Department, during the same year. Remember that for forty-two hundred Indians the Indian Bureau required only $130,000, and allowing for all the waste and the cheating that may be claimed, that was an expenditure of say $30 each, or a little more. But the War Department during the same period, for the support of sixty-seven Indians, of whom it had the entire charge, for the bare items of food and clothing, nothing else, paid $11,000, almost $200 each. That is the point that I make, that this bill does not retrench expenditure.

Mr. RANDALL. I ask unanimous consent that debate on this point of order be now considered as closed.

Mr. FRANKLIN. I object.

Mr. RANDALL. Do you object to closing debate on the point of order?

Mr. FRANKLIN. I do.

The CHAIRMAN. The Chair will state that when the Committee of the Whole is operating under the five-minute rule all debate on points of order is by unanimous consent. By the order of the House all general debate upon this bill in Committee of the Whole has been closed. There is a special rule on this subject.

The proviso to Rule 60 is to this effect:

That when debate is closed by order of the House any member shall be allowed in committee five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it; and there shall be no further debate on the amendment.

This is the extent to which debate is in order in Committee of the Whole after general debate has been closed by order of the House. All questions of order which may arise, pending a question which is not debatable, must be decided without debate, if objection be made. Hence all this discussion is by unanimous consent.

The Chair will now decide the point of order raised by the gentleman from Massachusetts [Mr. SEELYE] upon the amendment proposed by the gentleman from Virginia, [Mr. HUNTON.] The Chair recognizes the fact, from hearing the amendment read, that it is to the same purport and has for its object the accomplishment of the same end that is proposed by section 2 of the original bill. The amendment, however, contains other matter not covered by that section, and which the Chair thinks does not come within the rule. For instance, that portion of the amendment which prescribes a particular rule of naturalization for Indians.

The provision in the amendment to which the Chair refers is this:

That whenever any Indian belonging to any organized tribe or nation having treaty relations with the United States shall desire to become a citizen of the United States, he may become such citizen by appearing in open court in the United States district court nearest to the reservation of his tribe or nation, and making proof, to the satisfaction of said court, that he is sufficiently intelligent and prudent to control his own affairs and interests; that he has adopted the habits of civilized life, and has for at least five years been able to support himself and family; and by taking an oath to support the Constitution of the United States.

Now, it will not be pretended that that is in the line of retrenchment, that it reduces expenditure, or even that it is germane to this appropriation bill. As the Chair must take the amendment as a whole, if any portion of it is not within the rule, it is his duty to sustain the point of order. He therefore rules that the amendment is not in order, as it contravenes Rule 120 of the House.

Mr. SEELYE. I move to amend by striking out the pending section. I make this motion because in the first place the section is unnecessary, since we have already passed a bill maturely considered covering this point; and in the second place, because it is impracticable. I simply submit that the provision here presented cannot be executed:

That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks of the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau, are hereby abolished.

This means that at the instant this bill becomes a law the Commissioner of Indian Affairs, every employé in the Indian Bureau, every agent in the field ceases to be at that moment an officer of the Government. No act of any of these officers has any longer any validity; no receipt for money, no contract, no procedure of any sort has one moment's validity after the passage of this bill. Under this provision all the complicated and vast machinery of the Indian Bureau must instantaneously cease; and then it is expected that the Secretary of War, by some magician's wand, is going to call up a bureau with employés sufficient to do the work. Here are clerks in the Indian Office; here is a system of accounts; but every clerk, every accounting officer ceases to be such the moment this bill is passed. What is to become of all the books of the Indian Bureau? What is to become of all the papers connected with it? How are they to be transferred to the War Department? There is absolutely no provision in this bill for that purpose. I submit, therefore, that the section is unnecessary and impracticable.

Mr. RANDALL. I think this subject has been discussed at such length in the House, and the judgment of members upon it is so fully made up and so clearly defined, that I ask a vote.

Mr. KASSON. I move to perfect the text of the section by striking out all down to and including the word "provided." I make this motion because it pertains directly to a view of this subject which I desire to present. Having introduced several years ago a measure for the transfer of this Bureau to the jurisdiction of the War Department, I have adhered ever since to the opinion that such transfer should be made; hence when the question was recently before the House in a separate bill from the Committee on Indian Affairs, I felt bound to sustain that bill by my vote, although I did it with the hope and expectation that it might be amended in the Senate in the particular to which I wish to allude.

The great opposition to the transfer, as gentlemen will observe, comes from all those vast religious and civilizing elements of the country represented in the religious and philanthropic associations, who fear that it means to substitute the iron hand of the military force in the custody and feeding of the Indians, without at the same time taking a single step to emancipate them from the necessity of this guardianship by civilizing them. My original measure, which passed the House and failed in the Senate some years ago, met that occasion for fear in this way: It provided a common head for both the civilizing and the protecting interest of the Indians by centralizing both works in the head of the War Department and by appointing officers of the Army to some of the principal governing agencies connected with the management of the Indians. But it left with the President the discretion (and this is the important point) to continue, by proper civil appointments, those civilizing and educating agencies which have obtained so great a popularity in the country. If gentlemen, either as an amendment to the appropriation bill or as an independent measure, had proposed to dispense with the Commissioner of Indian Affairs, (worthy as he is and enjoying as he does the confidence of us all,) to dispense with the superintendents and agents who distribute the goods, annuities, and food to the Indians, trusting all this to military officers, but leaving in the discretion of the President the continuance of those agencies to which I refer, I apprehend they would have accomplished the transfer and secured the approval both of the Senate and the President. But I may say that the opposition on this side of the House to the former bill of this session (for which I voted) was very largely on the ground that it did not recognize the necessity of continuing these civilizing agencies under the power and direction of the War Department or the President.

Now, the proposition which I have offered as an amendment to this bill will, if it should be adopted, transfer the whole control of Indian affairs from the Interior to the War Department, and nothing more; and you will get before the Senate the main proposition of a transfer without having it in such a form as to involve the abolition of the civilizing and Christianizing agencies now at work. I greatly desire to have the measure presented in that form; and I fear that if it is put upon this bill in the manner now proposed—not perfected as it was in the bill formerly passed by the House—you will embarrass and involve the main question, the result of which I fear will be that nothing will be accomplished in the direction of the reform which I regard as important.

My amendment proposes to strike out in this bill so much of the provision as abolishes the entire existing system without perfecting a new one. The bill already passed did to a certain degree perfect a new system. Unless some such amendment be adopted, you will have a measure much more imperfect than that which you have already sent to the Senate; and desirous as I am that the transfer should be wisely made, I should earnestly hope that the Senate would not concur in such a measure as this.

Mr. RANDALL. If the gentleman will look at the law of 1849, transferring the Indian Bureau from the War Department to the Interior Department as then organized, he will find that the transfer is accomplished in far fewer words than those embraced in this section.

One other fact I wish to state, that nowhere in this bill have the purposes of these religious societies who desire to evangelize the Indians been interfered with.

I now move that the committee rise for the purpose of closing debate on the pending section and all amendments thereto.

Mr. HUNTON. Allow me to offer an amendment.

Mr. RANDALL. It is not in order now, and the motion I make will not cut off amendments at all. I only desire to cut off debate, and when in order the gentleman can move his amendment.

The CHAIRMAN. After debate has been closed it will still be in order to move amendments.

Mr. RANDALL. I ask by unanimous consent that all debate be closed on the pending section and the amendments thereto.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The question recurs first on the amendment of the gentleman from Iowa, [Mr. KASSON.]

The amendment was disagreed to.

The question next recurred on Mr. SEELYE's amendment, to strike out the second section.

The committee divided; and there were—ayes 60, noes 102.

So the motion to strike out was rejected.

Mr. HUNTON. I offer the following proviso to the second section.

The Clerk read as follows:

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowance of officers of the Army in excess of that now provided by law; and this provision shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement as prescribed by law for officers on the active list.

Mr. RANDALL. I have no objection to that amendment as it is in accordance with what was inserted by the House in the other bill.

The amendment was agreed to.

The Clerk read the next section, as follows:

SEC. 4. That, in all lettings of contracts in connection with the Indian service, the proposals or bids received shall be filed and preserved; and, in the annual report made to Congress of the operations of the Department having charge of the Indian service, there shall be embodied a detailed and tabular statement of all bids and proposals received for any services, supplies, or annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received; and a copy of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury.

Mr. SEELYE. I do not know that any one would have any objection to this last clause, provided there is any reason for it. I should

like the chairman of the Committee on Appropriations to state the particular advantage to be gained from this last clause. It of course would be a considerable expense. A large additional clerical force would be involved in it. If there is any particular object to be gained of course it should pass, but I do not see any.

Mr. RANDALL. The object of the gentleman who placed this section in the hands of the committee, as well as the intention of the Committee on Appropriations in adopting it, was that every bid shall be known to every member of Congress; that everything shall be known to every one in the world, so we may detect instantly whether the Bureau has availed itself of the best and lowest bid in its administration.

Mr. SEELYE. Is not the chairman of the Committee on Appropriations aware, after the careful consideration he has given the subject—and that he has given it such consideration we have been told repeatedly—is not the gentleman aware that in the returns office of the Secretary of the Interior precisely that thing already is now, and all the world and all Congress can know and find every bid, and every proposal, and every particular of a contract, with all relating thereto, in that returns office, is provided by sections 3744, 3745, and 3746 of the Revised Statutes? I take it that it cannot be the chairman of the Committee on Appropriations has omitted anything from his careful consideration.

Mr. RANDALL. I did not understand that the Commissioner of Indian Affairs objected to the first part of that section.

Mr. SEELYE. I do not know the Commissioner of Indian Affairs does object to it.

Mr. RANDALL. He did object, as I understand, to it as likely to make a large addition to the duties of the clerical force of his Office in making and filing copies of all bids with the Second Comptroller of the Treasury Department. I admit it might cause such addition, but the Second Comptroller is the officer of the Government whose duty it is to audit these accounts, and he ought to be able to have these contracts before him while he is discharging that duty in auditing the bills under them, so he may see exactly that the bills in every particular conform to the contracts. It must be admitted surely there is something to be gained by such a course.

Mr. SEELYE. If the gentleman will allow me, that is not the thing he provides for here; and if he will pardon me, that is not the thing proposed, as to what the Commissioner on Indian Affairs thinks in respect to this matter.

Mr. RANDALL. I supposed his recommendation would have some weight with the gentleman from Massachusetts, and therefore I mentioned the fact.

Mr. SEELYE. I am quite apt to do as the gentleman does occasionally—follow my own judgment. As this precise matter is already provided for in section 3744 of the Revised Statutes, I cannot see why it should be embraced in this bill; but I will ask the Clerk to read the section of the Revised Statutes.

The CHAIRMAN. This discussion is all out of order, as the gentleman has proposed no amendment.

Mr. SEELYE. I move to strike out the eleventh, twelfth, thirteenth, and fourteenth lines of the section just read; and as the chairman of the Committee on Appropriations does not seem to know the same thing is provided for in the Revised Statutes, I will ask the Clerk to read section 3744.

The Clerk read as follows:

SEC. 3744. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; a copy of which shall be filed by the officer making and signing the contract in the returns office of the Department of the Interior, as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return.

Mr. SEELYE. Now it is quite apparent that this statute provides for precisely the work that is here required to be done over again. Only this statute requires that all these bids or proposals from the War Department, the Navy Department, and the Interior Department shall be filed in the returns office of the Interior Department. And here we are ordering that this same work shall be done over again, at the expense of very great clerical service, by the Second Comptroller of the Treasury.

Mr. RANDALL. I see the point which the gentleman desires to make. I would suggest that only the actual contract made should be filed with the Second Comptroller.

Mr. SEELYE. That is all, I suppose, that would be necessary.

Mr. RANDALL. The object of the first paragraph of the section is to secure for the use of Congress a transcript of all bids made, so that we shall be able to see instantly, on looking over them, whether in the administration of Indian affairs the contracts have been awarded to the lowest bidder.

Mr. SEELYE. Will the gentleman allow me a moment? I think he misapprehends me.

Mr. RANDALL. If the gentleman will hear me I think he will find that I apprehend what he means, and that I propose in a measure to reach it. I would suggest the striking out the words in the eleventh line, "all bids or proposals received;" so that it will read, "a copy of all contracts made shall be filed, &c." Does the gentleman understand me?

Mr. SEELYE. All right.

Mr. STEELE. I have prepared an amendment which I think will obviate the objection made by the gentleman from Massachusetts. It is to strike out the word "copy" in the tenth line, and insert in lieu thereof the word "abstract."

That would avoid the necessity of making a copy of all the proposals received by the department at its annual letting of contracts; but it will send with every contract actually made to the Second Comptroller's Office an abstract of all the bids received for that specific letting of goods, &c., on which that contract has been awarded, so that the Comptroller will be able to see what the bids were that were received, on which the award was made, and so that he may be able to know when contracts are let after the expiration of contracts, when contracts are let without advertisement and without public notice, what would be a reasonable sum to be paid for the supplies which are contracted for in that way.

The object of the first portion of this section is that Congress may have before it in the annual report of the Commissioner of Indian Affairs a copy of all the bids received at any of these lettings, so that every man may see for himself whether the awards have been proper, whether the lowest bidders have received the contracts, without being compelled to go to the Interior Department and the Indian Office and examine the files of that Office to determine that question.

This is simply in the line of what the last Congress did in reference to this matter, by compelling the Office to send to Congress at the commencement of every session a detailed statement of the expenditures of this department. I am sure it will work a very great reform in the matter of letting these Indian contracts to make public all the bids received and every award made upon those bids.

Mr. RANDALL. I think the gentleman from Wyoming has made very plain the reason for the insertion of this section; and I think from the information he has given us that it will be better to leave the section undisturbed, except by adopting the amendment he has offered.

The question being taken on Mr. STEELE's amendment to the amendment, it was agreed to. And the amendment, as amended, was agreed to.

The Clerk read the last section of the bill, as follows:

SEC. 5. That the distribution of all annuities, goods, and provisions shall, as far as practicable, be made at the various military posts.

Mr. SEELYE. I rise to make the point of order on this section that it is not in the line of retrenchment. This matter can be very simply stated. Many of the Indian agencies are far removed from military posts. Now, if they are brought to military posts there is necessarily a great expense in bringing them. If, on the other hand, the military posts are taken to the agencies, there would necessarily be a great expense in that change. And if the Indians are transported to the posts to receive their annuity goods and provisions, there is a great expenditure. In either case there is a very considerable increase of expenditure.

Mr. RANDALL. The intention of the section is that the Indians should come whenever practicable to a military post to receive all their goods, which would save of course the necessity of keeping up agencies and also the expense of transportation.

Mr. SEELYE. There is of course in reference to many of the Indian agencies an impossibility that they should be found at the military posts.

Mr. RANDALL. One of the great troubles we have had is that where Indian agencies have been located the military have been forced to them to protect them. There is no agency needed where the military is ready to distribute the goods.

Mr. SEELYE. Will the gentleman have the kindness to inform the House, in the case for instance of the Cattaraugus reservation, to what military post the Indians would have to repair to receive goods?

Mr. RANDALL. This section only provides that the distribution shall be made at military posts as far as practicable.

Mr. SEELYE. It is very impracticable.

The CHAIRMAN. The Chair is prepared to decide the point of order. The gentleman raises the point of order that this section contravenes Rule 120. The Chair regards this section as simply a limitation upon the appropriations made, or a direction of the manner in which the appropriations shall be expended. The section therefore does not contravene the rule and is in order.

Mr. WILSON, of Iowa. I was absent by order of the House examining a witness in an investigating committee when the committee passed over lines 744 and 745, in the first section of the bill, which read as follows:

For support of school for the Sacs and Foxes of the Mississippi at the agency in Iowa, $1,000.

I desire to offer a verbal amendment, to insert after the word "school" the words "and farmer."

That little agency has a farmer as well as a school-teacher, and it is at the suggestion of the Commissioner of Indian Affairs that I offer the amendment.

Mr. RANDALL. Is the appropriation sufficient for both?

Mr. WILSON, of Iowa. Yes, sir.

Mr. RANDALL. There is no objection to that. The only reason why it was left out was because it was not included in the estimates.

The amendment was agreed to.

Mr. MAGINNIS. I offer the following amendment:

SEC. 7. That the certificate of a judge of a district court, or of a judge of a supreme court of any Territory, given under the seal of the court, attached to the application of any citizen of the United States for license to trade with the Indians, which certificate shall set forth that such person is of good moral character and a fit person to be in the Indian country, shall be accepted by the agent to which it is directed, and by the head of the Department in charge of Indian affairs, as conclusive evidence of the fitness of such person to receive a license to trade with the Indians, subject to the provisions of law and regulations issued in accordance therewith; and upon compliance herewith a license shall be granted to the applicant, which license shall be approved by the head of the Department having jurisdiction of Indian affairs.

I have altered this amendment on consultation with the gentleman from Iowa [Mr. KASSON] so as to induce him to withdraw the objection which he made to it the other day.

The object of this amendment is to break up the odious monopolies which have characterized our trade with the Indians almost since the adoption of the non-intercourse acts. I am frank to say that the evil is of no recent date. It is a moss-covered fungus of iniquity which had its roots in the decaying condition of the Indian Bureau long back, but which has developed into peculiar forms of hideousness during the rottenness of the past years.

Every one in this House and in the country has been humiliated by the exposures made of abuses in this direction during the last few years. They have been painful and humiliating to us all. We have seen injustice done to individuals and the robbery of Indians permitted, whole tracts of country turned over to the domination of speculators and reservations extended over the public lands for private benefit. I say this regardless of the persons to whom these privileges have been granted. So long as these monopolies are to be granted it is no matter to me who enjoys the benefits. My opposition is not directed against individuals, but against the system under which these abuses are possible and under which these special privileges are granted.

The history of American trade with the Indians is not a record that we can be peculiarly proud of. Fraud and avarice have nurtured passions not only between the red and white, but rival traders in times past have marshaled tribe against tribe and originated intertribal wars which have done far more to reduce the Indian to nothingness than all the encroachments and conflicts of the whites.

When our non-intercourse law was adopted, it was intended not to rob but to protect the Indians. It was never intended to be a cover for fraud, nor designed to set up monopolies for the enrichment of traders against the interests of the Indians; but under its provisions, during the subsequent administrations of the Department, monopolies did grow up and strengthen themselves until they became the rule of Indian trade.

In 1865 an effort was made, originated, I believe, by the gentleman from Iowa, [Mr. KASSON,] to cure these abuses, and an amendment was made to an appropriation bill, which is now the second section of the law in the Revised Statutes, which provided that thereafter all loyal citizens who were of good, moral character should be able to obtain upon application, without discrimination in favor of persons, license to trade with the Indians. That law has been evaded in a way which I will explain, and which evasion my amendment is intended to prevent in future. And certainly we ought to try in every way to prevent monopoly of trade on these Indian reservations. I submit that when an Indian is an industrious hunter, and by his industry in the chase and skill in woodcraft and trapping he secures a large quantity of robes, furs, and peltries, he should be allowed to sell them where he can get the most for the product of his toil, and also he should be allowed to purchase where he can get the most for his money.

What would be thought if the Government were to establish such a system of trade in all our villages and give to one or more traders the right to establish the prices at which goods should be sold and the rates which the working-man should receive for the product of his labor? How long would the people of this country stand it? Why should not the Indians have the benefit of that competition which everywhere is the best regulator of prices?

And graver evils have resulted from this system. Under its cloak the corrupt rings have been formed, and the chief abuses of the Indian service have occurred behind its convenient cover. It has enabled the corrupt agent to keep every one off the reservation except his confidants and accomplices; and thus under an almost impenetrable cover, and beyond the reach of detection, much of that unholy work has been done which has brought such odium upon the Indian service. It is to this system I object, and the amendment is intended to break it up.

Under the law of 1865 the question of good morals and fitness of any applicant for a license to be in the Indian country is left to the determination of the agent. He places on the application of his pal a favorable indorsement and denies it to all other applicants, and he is not obliged even to report this rejected application to the Commissioner of Indian Affairs. I am glad to say that the present Commissioner, for whom I have a high regard, has intimated his desire to break up the system as much as possible. But what is he to do? He must give some credit to the reports of his subordinates, and virtually the entire control is in the hands of the agents.

I propose that any citizen who shall receive the certificate of a United States judge, or the judge of a territorial supreme court, certifying to his character and fitness, shall receive a license when he presents it to the agent, and that license shall be approved when it reaches the Department at Washington. The certificate of the court shall be binding upon both. In this way the trade will be thrown open to all proper applicants and a vicious system broken up. I trust the amendment will be adopted.

Mr. RANDALL. I have no objection to that amendment.

The amendment was agreed to.

Mr. RANDALL. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as SPEAKER *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. RANDALL. I ask the previous question upon the bill and the amendments.

The previous question was seconded and the main question ordered.

The Clerk proceeded to read the amendments reported from the Committee of the Whole on the state of the Union.

The following amendment was read:

On page 39, after line 931, insert:

Provided, That none of said sums shall be paid to said Indians until they cease their hostilities against white people.

Mr. KASSON. Is that language satisfactory to the gentleman from Pennsylvania?

Mr. RANDALL. There was no objection made to the amendment in committee.

Mr. KASSON. My doubt is whether it should not come in further on, so as to relate to the Sioux.

Mr. RANDALL. It is intended to relate not only to the Sioux but to other tribes, including the Comanches.

No separate vote being asked on any of the amendments reported from the Committee of the Whole on the state of the Union, they were agreed to.

Mr. RANDALL. The section of this bill relating to the Indian Bureau having been agreed to, it becomes necessary to change the phraseology of the bill to make it conform therewith. I therefore ask unanimous consent to substitute the words "Secretary of War" for "Secretary of the Interior" wherever they occur in the bill.

Mr. KASSON. I would suggest to the gentleman that in lieu of the words "Secretary of War" he use the words "Secretary having jurisdiction of Indian affairs."

Mr. RANDALL. I accept the suggestion.

There being no objection, the proposed change in the phraseology of the bill was ordered to be made.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BOONE. I move that the House now proceed to business on the Speaker's table. I make that motion for the purpose of reaching Senate bill No. 590, providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes.

Mr. REAGAN. I believe the regular order now is the morning hour. The bill referred to by the gentleman from Kentucky [Mr. BOONE] is a very important bill in its consequences, and I feel bound to take every step I can take to prevent its being acted upon until there has been an opportunity for its consideration and discussion. Therefore I call for the regular order of business.

The SPEAKER *pro tempore*. If the gentleman insists upon the regular order, the morning hour will now begin.

Mr. REAGAN. I do insist upon it.

Mr. FRANKLIN. I move that the House now adjourn.

The motion to adjourn was not agreed to; upon a division—ayes 80, noes 101.

Mr. DUNNELL. I call for the regular order of business.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin at four o'clock and twenty minutes. The business in order during the morning hour is the call of committees for reports of a public nature, and the call rests with the Committee on Public Lands.

Mr. LUTTRELL. I desire to make a report for which the House has given leave.

The SPEAKER *pro tempore*. The regular order being demanded, the report of the gentleman would not now be in order.

Mr. JONES, of Kentucky. Would it be in order to move to dispense with the morning hour?

The SPEAKER *pro tempore*. The only way to avoid the morning hour is to raise the question of consideration. The call rests with the Committee on Public Lands, and the unfinished business in the morning hour is the bill reported by the gentleman from Louisiana, Mr. Morey, who is not now in his seat. [Laughter.]

Mr. FRANKLIN. I renew the motion to adjourn.

The SPEAKER *pro tempore*. That motion is in order, business having intervened since the motion to adjourn was last made and voted down.

Mr. HARRISON. I ask the gentleman to yield to me for a moment.

Many MEMBERS. "Regular order!"

The SPEAKER *pro tempore*. The regular order is the motion to adjourn. Before putting that motion the Chair will submit to the House sundry requests of members.

WITHDRAWAL OF PAPERS.

Mr. STONE asked and obtained leave for the withdrawal from the files of the House of the papers accompanying House bill No. 1723, for the relief of Joanna Nay Page.

Mr. WALDRON asked and obtained leave for the withdrawal of the papers in the case of Helen M. Doyle.

Mr. O'BRIEN asked and obtained leave for the withdrawal of the papers in the case of Joseph H. J. Rutter.

LEAVE OF ABSENCE.

Mr. WARREN was granted leave of absence for ten days.

Mr. PLATT was granted leave of absence for two weeks.

The question was taken upon the motion to adjourn, and upon a division there were—ayes 118, noes 66.

So the motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. J. H. BAGLEY: The petition of W. H. Dempsey, for compensation for bond-paper furnished the Patent Office, to the Committee on Appropriations.

By Mr. BUCKNER: Memorial of owners of real estate in squares 819, 820, 843, and 844, in Washington, District of Columbia, for relief against an alleged illegal assessment of taxes, to the Committee for the District of Columbia.

By Mr. CANDLER: Resolutions of the Atlanta (Georgia) Academy of Medicine, against the passage of the bill incorporating the National Surgical Institute of the District of Columbia, to the same committee.

By Mr. HAYMOND: The petition of Enoch L. Folsom, for a pension, to the Committee on Invalid Pensions.

By Mr. MORGAN: Protest of the Cherokee Indians, against the establishment of a territorial government over the Indian country, to the Committee on Indian Affairs.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Shaw & Esrey and Simeon Cotton and 102 other manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties upon foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

By Mr. WELLS, of Mississippi: The petition of Stephen Daggett, for compensation for stores and supplies taken by the United States Army, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *June* 7, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. SHERMAN. I ask that an order be made relieving the Senator from Delaware [Mr. BAYARD] from service upon the committee of conference on the bank examiner's bill, on account of his absence from the city; and I ask that some other Senator be appointed in his place.

The PRESIDENT *pro tempore*. Will the Senate excuse the Senator from Delaware from further service upon this committee? The Chair hears no objection, and he is excused.

By unanimous consent, the President *pro tempore* was authorized to fill the vacancy, and Mr. COOPER was appointed.

Mr. BOGY. I ask to be relieved from service upon the committee of conference upon the consular and diplomatic appropriation bill. It will be impossible for me to attend to the work. The Senator from Michigan [Mr. CHRISTIANCY] and myself are investigating some very heavy cases in the Private Land Claims Committee, and I have not the time possibly to attend to this conference. Therefore I ask to be excused from further service on the committee of conference.

There being no objection, Mr. BOGY was excused.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON presented three petitions of citizens of Charleston, South Carolina, merchants and others, praying for the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of E. G. Adams and others, of Dawson County, Nebraska, praying for the passage of a law granting a pension to Benjamin Woosley, late a private in the Second Tennessee Infantry; which was referred to the Committee on Pensions.

Mr. KEY presented a petition of merchants of Nashville, Tennessee, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. GORDON presented the petition of S. P. Hunt, of Augusta, Georgia, praying that he may be allowed a land warrant and pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Atlanta Academy of Medicine, remonstrating against the granting of a charter for a national surgical institute in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of George S. Owens and others, planters and business men of Savannah, Georgia, approved by the Chamber of Commerce of that city, remonstrating against the adoption of that portion of the proposed treaty with the Hawaiian government which admits the free importation of rice into the United States; which was referred to the Committee on Foreign Relations.

PENSION STATISTICS.

Mr. INGALLS. I recently addressed a communication to the Commissioner of Pensions inquiring as to the number of pensioners who would be added to the roll and the amount of money which would be annually required from the Treasury by the passage of House bill No. 2454 with the amendments of the Senate committee. I have received from him a response which is valuable for the statistics it contains, and I ask that it may be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order to print will be made.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Indian Affairs, reported a bill (S. No. 906) to authorize the use of a portion of the invested funds belonging to the Great and Little Osage tribe of Indians for beneficial objects; which was recommitted to the Committee on Indian Affairs, with the accompanying papers, and ordered to be printed.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2157) to provide for a market-house on square 446 in the city of Washington, District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad and to regulate its construction and operation, reported adversely thereon.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 143) providing for the removal of the Walla Walla, Cayuse, and Umatilla tribes and bands of Indians to a permanent reservation, and to open to settlement the Umatilla reservation in Oregon, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 150) to provide for the removal of the Walla Walla, Cayuse, and Umatilla Indians from the Umatilla reservation in Oregon, and for the sale of their lands, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MITCHELL subsequently said: I have been just advised that there was an adverse report made this morning from the Committee on Indian Affairs on certain bills introduced early in the session in relation to opening up the Umatilla reservation in Oregon. I was not aware that the reports were to be made this morning, nor was I aware that the committee had acted upon the matter. I think I have in my possession, or at my command at least, some further evidence relating to the general question; and if there is no objection from the chairman of the Committee on Indian Affairs, or from any member of the committee, I ask that the order indefinitely postponing the bills be reconsidered, and that they be recommitted to the committee.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 1034) for the relief of James G. Harrison, submitted an adverse report thereon; which was ordered to be printed.

Mr. BOOTH. I am directed by the Committee on Public Lands, to whom was recommitted the bill (S. No. 805) relating to indemnity school selections in the State of California, to report it back with amendments; and I give notice that I shall call the bill up for consideration at an early day.

Mr. SPENCER. I am directed by the Committee on the District of Columbia, to whom was referred the petition of the officers and members of the National Association for the Relief of Destitute Colored Women and Children, praying an appropriation of $10,000, for the use of that institution, to report the same back, and ask that it be referred to the Committee on Appropriations with a favorable recommendation from the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 463) changing the names of some of the avenues of the city of Washington, in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 499) in relation to appropriations and expenditures for the District of Columbia and taxation therein, reported it adversely, and moved its indefinite postponement; which was agreed to, the committee having reported a bill covering the subject-matter.

He also, from the same committee, to whom was referred the bill (S. No. 835) for the relief of the Industrial Home School of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 595) to incorporate the National Surgical Institute of the District of Columbia, reported adversely thereon.

He also, from the same committee, to whom was referred the bill (S. No. 648) to provide for changes in alleys in the city of Washington by assent of parties interested, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPENCER. I am also directed by the Committee on the District of Columbia, to whom was referred a communication from the commissioners of the District of Columbia, transmitting in answer to a resolution of the Senate of May 2, 1876, a copy of a report of the board of trustees of the public schools of the District, giving information in relation to the management of the public schools, to report the same back and ask that it lie on the table and be printed. It requires no legislation.

The PRESIDENT *pro tempore*. The communication will be printed.

Mr. SPENCER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 475) to amend an act entitled "An act to incorporate the proprietors of the Glenwood Cemetery," approved July 27, 1854, to report the same back adversely. I would inquire of the Senator from Ohio if he desires this bill to go on the Calendar?

Mr. SHERMAN. I should like to have it placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. SPENCER, from the same committee, to whom was referred the bill (S. No. 818) to incorporate the National Drove-Yard Company of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 797) to incorporate the Washington and Bladensburgh Pike Railroad Company, and to prohibit the use of steam-power on the same or adjacent thereto, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 778) to promote education in the city of Washington, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 707) amendatory of the act to incorporate the Capitol, North O Street and South Washington Railway Company, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 879) for the advancement of medical and surgical science and for the protection of cemeteries in the District of Columbia, reported adversely thereon.

He also, from the same committee, to whom was referred a letter from the commissioners of the District of Columbia asking legislation providing for a just measure of taxation upon property in the District of Columbia, asked to be discharged from its further consideration, the committee having reported a bill on the subject; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2552) to reduce the expenditures for public advertising in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3012) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia, reported it without amendment.

Mr. WRIGHT. The majority of the Committee on Claims have instructed me to report back the bill (S. No. 562) for the relief of Joseph E. Moore, recommending its indefinite postponement. The Senator from Oregon, [Mr. MITCHELL,] who does not concur in the views of the majority, will file the views of the minority.

Mr. MITCHELL. I submit the minority report in this case, and ask that it be printed.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, and both reports will be printed, under the rule.

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 594) for the relief of the heirs of John W. Vose, have had the same under consideration, and instruct me to recommend its indefinite postponement.

Mr. ANTHONY. I ask that the bill go upon the Calendar.

Mr. WRIGHT. Very well. There will be no objection to that.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 593) for the relief of the heirs of James S. Ham, have had the same under consideration, and instruct me to recommend its indefinite postponement.

Mr. ANTHONY. Let that also go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WRIGHT. I desire to state that there is a written report in these two cases applicable to both cases, and I ask that the report be printed.

The PRESIDENT *pro tempore*. It will be printed, under the rule.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Andrew B. Battelle and George D. Evans, of Ohio, praying compensation for hides and tallow furnished to the Army during the late war, reported adversely thereon.

Mr. MITCHELL. I am authorized by a majority of the Committee on Claims, to whom was referred the bill (S. No. 174) for the relief of Dr. J. Milton Best, of Kentucky, to report it back without amendment and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 633) to prohibit the manufacture, importation, and sale of intoxicating liquors as a beverage in the District of Columbia, reported adversely thereon.

Mr. WRIGHT. Let the bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 624) to incorporate the Citizens' Mutual Gas-Light Company of Washington City, in the District of Columbia, reported adversely thereon, and it was postponed indefinitely.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of Michael Granary, Nicholas Max, and Molière Lange, praying to have refunded to them $500 each, being for the amount collected from them respectively on a bond given to the provost-marshal of the district of Baton Rouge, Louisiana, in 1863, for the appearance of one B. F. Rhodes to answer a criminal charge preferred against him, submitted a report thereon, accompanied by a bill (S. No. 907) for the relief of Nicholas Max, Michael Granary, and Molière Lange.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

RAVAGES OF GRASSHOPPERS.

Mr. WINDOM. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874, to report it with an amendment and recommend its passage. I ask the indulgence of the Senate for its present consideration. I am sure there will be no objection to it. I can state in a moment what its object is, and the necessity for prompt action.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It extends all the rights and privileges granted by an act for the relief of certain settlers on the public lands, approved December 28, 1874, for one year after the expiration of the time named in said act.

The bill was reported from the Committee on Public Lands with an amendment to add:

And all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on the western prairies," approved March 3, 1873, and the acts amendatory thereof.

Mr. WINDOM. I will state in one moment the object of the bill. At the time mentioned in the bill an act was passed permitting settlers on the public land whose crops had been utterly destroyed by the locusts to leave for a certain length of time without invalidating their pre-emption and homestead claims. That time has about expired. The pest is again upon them, and many of them have no means of supporting their families. This bill gives them permission to remain off another period, one year, I believe, without forfeiting their claims. A great many of those settlers have made valuable improvements upon those claims, and if they do not go back to them they will be forfeited, unless this bill shall pass. Some persons will "jump" the claims. This is simply to enable them to go elsewhere to find employment for the support of their families for a year longer if the ravages of the pest shall continue.

Mr. EDMUNDS. There is another part of the bill.

Mr. WINDOM. The amendment applies to settlers who have made

claims under the tree-culture act, and allows them to remain away for the same period and for the same reasons. The House bill omitted this class, by mistake. I hope there will be no objection to the bill. It is important that it be passed at once, that this worthy but unfortunate class of people may know what to do.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874, and for other purposes."

BILLS INTRODUCED.

Mr. PADDOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 908) granting a pension to Benjamin Woosley, of Nebraska; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SAULSBURY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 909) to correct an error in section 1588 of the Revised Statutes; which was read twice by its title.

Mr. SAULSBURY. I know nothing of the purpose of the bill, but I introduce it as requested. I move its reference to the Committee on the Revision of the Laws, and that it be printed.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3022) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD GRANTS IN INDIAN TERRITORY.

Mr. INGALLS. The Senator from Texas [Mr. MAXEY] yesterday morning introduced a resolution which was laid over on my objection. I have examined it and see no reason why it should not pass. I ask for its present consideration.

The Senate proceeded to consider the following resolution, submitted by Mr. MAXEY yesterday:

Resolved by the Senate of the United States, That the Committee on the Judiciary be, and they are hereby, instructed to ascertain whether or not the railroad corporations, or any of them, mentioned under acts—

First, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866.

Second, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith Arkansas," approved July 26, 1866.

Third, an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866—

Have issued any bonds or securities of any kind predicated upon the conditional grants of the lands of the Indians of the Indian Territory claimed by said companies or corporations under the above-mentioned acts; and, if it be ascertained that such bonds or securities have been so issued, then it shall be the duty of the said committee to discover the amount of the same, in what hands they are held, and whether or not the public faith of the United States is pledged for their payment or redemption.

Resolved further, That the said committee, in the discharge of the duties hereby imposed, be, and they are hereby, authorized to call for persons and papers, and be required to report the result of their investigations to the Senate as early as practicable.

Mr. EDMUNDS. I move to strike out "the Committee on the Judiciary" and insert "the Committee on Railroads." I think, first, that is the more appropriate committee, and, in the second place, it is only fair to the mover of this proposition to say that the amount of business now before the Judiciary Committee is so great that it is extremely improbable that the Judiciary Committee would have any time, taking even important matters in their due order, to devote to it at this session. I therefore hope that the Senate will agree to change the resolution so that the Committee on Railroads shall receive this instruction, and not the Judiciary Committee.

The PRESIDENT *pro tempore*. The Chair does not observe the Senator from Texas [Mr. MAXEY] in his seat, but the colleague of the Senator [Mr. HAMILTON] is here.

Mr. EDMUNDS. As the Senator from Texas is not here, I ask that the resolution be laid aside until he comes into the Chamber.

The PRESIDENT *pro tempore*. The resolution will go over for the present.

CHEBOYGAN, MICHIGAN, A PORT OF DELIVERY.

Mr. CHRISTIANCY. I move to take up the bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares Cheboygan, Michigan, within the collection district of Michigan, to be a port of delivery instead of Duncan City; and the office of deputy collector now located at Duncan City is to be removed to Cheboygan.

The bill was reported from the Committee on Commerce with an amendment to add:

And all acts and parts of acts declaring Duncan City a port of entry are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REMOVAL OF DISTRICT JAIL.

Mr. MORRILL, of Vermont. I move to take up Senate bill No. 842.

The motion was agreed to; and the bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District was read the second time, and considered as in Committee of the Whole.

The commissioners of the District of Columbia are empowered by the bill to tear down and remove the jail situate on Judiciary Square, in the city of Washington, and with the material thereof, and such other as may be necessary, to locate and construct, within the present year, a suitable building or buildings for the work-house of the Washington Asylum, for the use of the District, upon the public reservation now occupied in part by the buildings of the Washington Asylum; and it is to be lawful to use the building or buildings and grounds for the imprisonment, under the laws, of persons sentenced to imprisonment by the police court of the District, or by the supreme court of the District in cases appealed from the police court, for violation of the municipal laws or ordinances in force in said District. The commissioners are not to expend more than $14,000 in and about the work of tearing down, removal, and construction.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to offer the following amendment:

SEC. 3. That for the removal of earth and rubbish, grading, sewerage, and other improvements of Judiciary Square, the sum of $2,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, in lieu of money to have been derived from the sale of the jail on said square, and appropriated June 3, 1874.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMON UNIT OF MONEY AND ACCOUNTS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the resolution called up by me the other day in regard to a common unit of money between the United States and Great Britain. I send up the report of the committee, which can be read if any Senator desires.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland.

Whereas the magnitude of the transactions in commerce and the intimate social relations between the people of the United States and of Great Britain and Ireland combine to recommend the importance of uniformity in the gold coins and moneys of account of the respective countries; and whereas, in existing circumstances, a change in the standard of the gold coins of the United States could be introduced without serious inconvenience, and the United States are willing to make such change, to the end of securing such uniformity: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to propose a convention between the United States and Her Majesty the Queen of Great Britain and Ireland, having for its object to secure uniformity in the coins and moneys of account of the respective countries on the general basis herein stated, but subject to such modifications as may be agreed upon between the contracting parties:

1. The money of account in each country shall be the dollar, which shall be represented by a coin formed of standard gold, whereof the pure metal shall be nine-tenths parts and the alloy one-tenth part, which alloy shall be of copper, or of copper and silver, the silver not to exceed one-tenth of the alloy. The weight of the dollar of such standard gold shall be twenty-five grains and one-ninth of a grain troy, and shall contain twenty-two grains and six-tenths of a grain troy in pure gold. Gold coins of two and one-half, five, ten, and twenty dollars, proportioned in weight, may also be issued, of like standard; and the convention shall provide what variations may be allowed from the exact standard of weight and fineness for such gold coins.

2. Subsidiary coins of silver, copper, or alloys of base metal may be issued within each country, of such standard and weight as may be provided by their respective laws, and representing cents or hundredths parts of a dollar, and other convenient decimal subdivisions thereof.

3. All accounts, representing transactions to be settled in coin, shall be kept in dollars and cents, or fractional parts of a cent. Sterling money shall be converted into dollar money by computing the pound sterling as equivalent to five dollars, the shilling to twenty-five cents, the sixpence to twelve and one-half cents, the penny to two cents, and the farthing to one-half cent.

4. All such gold coins conformed to standard, within the allowed limits of variation, shall be a legal tender within each country for debts and obligations payable in gold coin, excepting such as may have been incurred within the United States payable in gold coins of a former standard. The coins subsidiary to the dollar shall not be a legal tender beyond the limits of the country within which they are issued.

5. The action of the convention shall take effect when approved by the respective parties thereto, and when laws shall have been passed by the respective countries to carry it into effect.

Mr. EDMUNDS. I should like to hear the report read. If the Senator is going to explain the matter, I will not ask for the reading of the report.

Mr. SHERMAN. The report itself was mainly prepared by the officers of the Treasury Department, and contains a good deal of technical information that I suppose would not, without careful examination, be accessible to members. It is only five pages of printed matter, and perhaps it had better be read, and the Senator will have the whole case before him. I would rather have it spread upon the record than any speech I could make.

The Chief Clerk read the following report submitted by Mr. SHERMAN from the Committee on Finance on the 1st of February:

The great facility to commercial and social intercourse which would be afforded by a uniform international money and language of accounts is acknowledged. It is, however, to be feared, a *desideratum* as far off from accomplishment as the introduction of a general language. To expect different nations to alter their established moneys and introduce new ones is, except under extraordinary contingencies, unreasonable. But circumstances growing out of the disorders of our paper currency have made it easy for the United States at this time to take such a step, which under other conditions would be inexpedient and unwise. The great bulk of our money contracts are now made and payable in a paper currency depreciated and fluctuating. It is expected that this currency will be gradually appreciated. In the course of such appreciation the dollar in paper will stand at various relations to the dollar of coin. In one of the stages of the change the paper dollar will be equal in value to the fifth of a pound sterling gold; in another, it will equal five francs in gold. When our present gold is at 103¾, then the paper dollar is worth 96½ cents in gold, or five francs; when gold is 102½ in our paper, then the currency is worth 97½ cents, or one-fifth of a pound sterling. If at one of these stages the coin dollar were changed and fixed so as to correspond to the value of the paper dollar of the time, we would have our coin brought in harmony, as the case might be, either with the British or French system of moneys, and since the mass of these outstanding currency contracts would represent in dollars the same relative value, to fix the coin dollar on one or the other such basis, and so circulate it, would be perfectly fair to the creditor class. The occasion is, therefore, most opportune to make such an alteration in our gold moneys preparatory to resumption, as will bring them in harmony with one or other of these well-established money systems of Great Britain or the franc countries. It would be a step at least toward a universal money, although the final accomplishment of that end might be very remote.

If the United States are prepared for a change, the question presses, with which of the foreign money systems should we harmonize? There can be no doubt that it should be with that of Great Britain, provided certain modifications were admitted by that country.

The franc basis of money has a recommendation in the fact of a considerable extension on the continent of Europe, and for a time it was expected that it might spread over the whole continent, but the introduction by the German Empire of the mark as its new unit of moneys has dispelled that prospect. The further development of the franc system is, therefore, probably permanently arrested, and if adopted by any other country, must be from its merits, and not in the hope of further continental extension. Considered from this point of view, the franc must be condemned as the basis of a gold coinage. As a unit, it cannot be represented in a coin of gold. In value it is so small that the hundredth or centime has practically no representative in coin or retail prices, the sou (of five centimes) being the least measure in circulation. Again, the coin has not even a symmetrical relation with the so-called metrical system, its weight in grams being such as can only be represented by an indefinite decimal fraction or by a vulgar fraction. This matter is adverted to because some admirers of the metrical system of weights and measures consider the franc basis of money as bearing a necessary relation to it, but this is not the fact. Any other coin would fall in with the metrical system as conveniently as the franc does. Finally, seigniorage on gold is the law of the mints coining francs, and if we adopted the franc basis, we should have to return to such a change, since harmony in coinage would be rendered nugatory if the mints differed as to seigniorage.

The reasons for harmonizing our moneys with those of Great Britain grow out of our intimate commercial and social relations. Our trade with that country exceeds in magnitude that with all other countries put together. Our language and literature and community of race must forever unite us more closely than ever is possible with the people using, or likely to use, the franc currency. Looking into the future, it is plain that the English-speaking races are to become predominant in civilized society throughout the world, while the Latin peoples, to whom mainly the franc basis is confined, are stationary. It is probable, therefore, that a system of money on which the American and British might unite would in the end become a universal money.

It is well known to those who have observed the discussions of late years by British writers and before Parliamentary committees, that the people of Great Britain are not satisfied with their system of coinage, especially from its non-decimal character.

No doubt the introduction of a decimal coinage would long ere this have taken place but for two considerations: one of them, that, in view of the prospect of harmonizing the coinage with that of other nations, it would be better to delay any change; the other, that the unit, being the pound sterling, the largest unit known, would have to be divided for the purpose of account into thousandths, a very inconvenient arrangement. The proposals for internationalizing the coinage generally looked toward harmonizing on the franc basis, but this involved the alteration of standard units in one or other country, and its introduction, never very probable, has been rendered even less so by the action of the German Empire, already referred to. It seems very unlikely that the British will make any substantial alteration in the intrinsic value of their gold coins, so as to present even the appearance of a degradation of the standard; but it is probable that they would be glad to accept any change that would permit the convenience of a decimal system, effectively preserve their standards, and bring them in unity with the people of the United States.

The proposal toward securing the end embraces the following particulars:

First. The United States are to abandon the present dollar of gold for a new dollar, which shall contain the same amount of pure metal as that in the fifth part of the pound sterling. Five such dollars (or the half-eagle) will be equal to the sovereign.

Second. The British will adopt a similar dollar as the unit of money of accounts. The sovereign of present weight and fineness to be discontinued, but all gold coins are to be nine-tenths fine and proportioned to the dollar unit. They will therefore coin a five-dollar piece, which will contain exactly the amount of gold in the sovereign and be of the same value. Other gold coins ($2.50, $10, and $20) are also to be coined. The gold coins of the two countries are therefore to be identical.

Third. The British are to introduce cents and other decimal coins subsidiary to the dollar, and to keep all accounts for the future in dollars and cents. The use of pounds, shillings, and pence as denominational moneys and for accounts is to be abandoned. This provision is considered indispensable. A partial harmony, such as might result from the pound sterling being retained as a unit and our half-eagle conformed thereto, would have little value. What we desire is to think and speak in the same language of money. We want prices named in the same units, dollars and cents. It helps little if we are always compelled to go through an arithmetical calculation, however simple: if we are to multiply British pieces by 5 and they to divide American pieces by 5. We need not a simple ratio, but absolute uniformity. The difficulties of the change from British money to dollars are very small. Four shillings of account are a dollar, and a people accustomed to naming prices in shillings will easily perceive the relation.

The pound is $5, the shilling twenty-five cents. The smaller coins are out of harmony, but decimal coins would of course be introduced.

Fourth. Finally, the gold coins of each country, if conformed to standard, should be legal tender within the other.

In fixing the standard for the proposed dollar, it has been made practically the fifth of the legal pound sterling, but not exactly so to the most remote fraction. The pound contains of pure gold 113.001605 grains, and one-fifth of that would be 22.600321. (One ounce or 480 grains $^{11}/_{12}$ fine = £3 17s. 10½d. or £3.89375, (or 440 grains pure gold;) therefore, $^{440}/_{3.89375}$ = 113.001605 pure grains of gold in one pound.)

To fix the weight so as to include the three-hundred-and-twenty-one-millionth part of a grain seems an unnecessary refinement, and therefore 22.6 grains pure gold to the dollar, or 25¼ grains of gold, nine-tenths fine, are taken. (Therefore, 226 grains pure gold = $10, and of standard ($^{9}/_{10}$) gold = $9.) British coin in circulation, even the new coin included, does not exceed 113 grains pure to the pound, which gives the basis of the dollar-weight selected, and the actual deficiency over full-weighted coin is but one in one hundred thousand parts, and practically inappreciable.

The marked superiority which the dollar seems to have over all other units of gold moneys is well known. It is desirable, of course, that any unit of money should have its representation in coin; hence, the franc, which cannot be represented in gold, a quite inadequate as is unit for a gold standard. Again, it is most convenient that the decimal divisions of the unit should not extend below the hundredth part, and these also should be represented by coins. The franc is centesimally divided in accounts, but (as before stated) the lowest current money is the sou of five centimes, equal to one cent. On the other hand, the pound sterling is so large that its centesimal division is of the value of our half-dime, and a most inconvenient long-drawn, millesimal division, both in coins and accounts, would be indispensable. Compare with the franc and pound our dollar. It is, indeed, a minute gold coin, but not inconvenient for circulation in smaller payments, while greater ones are effected by its larger multiples, the five, ten, and twenty dollar pieces. Its hundredth is about equal to the sou and half-penny, and is quite small enough for the least settlements of trade.

If the change proposed should be made, old contracts payable in the present gold dollar could be settled with all convenient approximation in the new dollars, on the basis of $1.02½ in new for $1 in old coins, that is by adding 2½ per cent.

The resolution was agreed to.

J. W. P. HUNTINGTON.

Mr. KELLY. I move that the Senate proceed to the consideration of Senate bill No. 454.

The motion was agreed to; and the bill (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon, was considered as in Committee of the Whole. It provides that in the settlement of the accounts of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon, the proper accounting officers of the Treasury shall allow a credit of $10,000, Indian funds, charged to him and lost by the wreck of the steamer Brother Jonathan, off the coast of California, on the 30th of July, 1865; also a credit of $500, for that sum transmitted by Huntington, on or about the 15th of May, 1865, to William Logan, deceased, late Indian agent, in charge of the Warm Springs Indian agency in Oregon, for which no vouchers were returned before the death of Logan. But no credit shall be allowed for these sums until satisfactory proof shall be made of the loss of the $10,000 by the wreck of the steamer Brother Jonathan and of the transmission of the $500 to Logan.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH WILSON.

Mr. COCKRELL. On Monday I believe it was, the bill (H. R. No. 2836) for the relief of Joseph Wilson, of Bourbon County, Kentucky, was taken up, and, the report not having been printed and laid on our tables, the matter was deferred. I ask that it be considered at the present time.

The bill was read.

Mr. EDMUNDS. I should like to hear the report read. If we are to pay for captures, I should like to know the grounds.

The Chief Clerk read the report submitted by Mr. COCKRELL, from the Committee on Claims, on the 31st of May.

Mr. EDMUNDS. Is the bill before the Senate?

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EDMUNDS. My inquiry is answered by the order of the Chair.

Mr. BOGY. I intended to speak to this bill, but the morning hour has expired.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to recommit the bill to the Committee on Appropriations.

Mr. EDMUNDS. I withdraw the motion, as the Senator from Illinois, who wished to speak upon it, is not here.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Arkansas, [Mr. CLAYTON,] upon which the yeas and nays have been ordered. The amendments will be reported by the Secretary.

The CHIEF CLERK. The amendment proposed by Mr. CLAYTON is to add to section 3 the following words:

That the appointments in all the Executive Departments of the Government shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population; and the principle of equal distribution of appointments as above provided for shall apply in making reductions of force in said Departments.

Mr. EDMUNDS proposes to amend the amendment by adding thereto the following:

And all such appointments shall be made upon a careful and impartial examination of the candidate therefor by a board composed of not less than five persons, to be appointed by the President, by and with the advice and consent of the Senate; and the most capable and worthy of the competitors so examined shall be selected for such appointments.

Mr. HOWE. Mr. President, I have already spoken on this amendment, I believe, five minutes.

The PRESIDENT *pro tempore*. The Senator has exhausted his time.

Mr. HOWE. I want the indulgence of the Senate. I do not want to try to flank the rule of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Wisconsin proceeding? The Chair hears none, and the Senator has the floor.

Mr. HOWE. My friend from Maine [Mr. HAMLIN] tells me that this opens up the whole debate. I do not open up the debate; it is the amendment.

Mr. HAMLIN. You beat down the restrictions.

Mr. HOWE. I beat down no restrictions. It is the amendment which opens up the debate. My deliberate judgment is that this amendment is open to the charge of being vicious in every respect which could be charged against an amendment. It proposes general legislation, to begin with, upon an appropriation bill; and, unless there is an emergency, I do not think that ever ought to be done. Then it opens a question of very grave, serious, and prolonged dispute under a rule which limits debate to five minutes, and I do not think that such a controversy ought to be opened up under such a rule.

The Senator from Maine [Mr. MORRILL] yesterday moved to lay the pending amendment on the table. The Senate refused to make that disposition of it. It is, therefore, forced upon the consideration of the Senate. I am unwilling to let the Senate incorporate this provision into our laws without saying something more than I have said about it; and yet I am going to be brief. I want to get along with the appropriation bills; I want to get along with the legitimate business of the Senate; but I do not want such a proposition as this crammed down my throat without at least offering some protest against it.

In addition to the objections which I have just mentioned to the pending amendment, growing out of the time at which it is proposed, and in addition to what I said of it last evening, I want to repeat as briefly as I can that, while I do not insist upon its unconstitutionality—a point which I did not make yesterday, and which, if it be true, as I think it is true, does not increase my opposition to the amendment—if it was ever so constitutional, I should still be inflexibly opposed to it; but I want to say in passing that the Senator from Vermont did not answer the objection which was made by the Senator from Ohio upon its unconstitutionality. The Senator from Vermont says that from the beginning of your Government you have had a statute regulating the mode of selecting different officers. He instances that as to the Attorney-General, which requires that a man shall be nominated for Attorney-General who is learned in the law. Why, undoubtedly, Mr. President, when a statute creates an office it may prescribe in general terms the qualifications which the incumbent shall have. That is what the statute does, and all the statute does, to which the Senator from Vermont refers. But it leaves the President under the Constitution, with all his constitutional authority, to select from all the learned lawyers of the United States the one who shall fill that office. That is not the operation by any manner of means of the amendment proposed by the Senator from Vermont.

The law vests the appointment of these clerks in the heads of Departments. There the Constitution says it shall be, or it shall be in the President; but the amendment in effect vests the appointment in this committee, and in nobody else; because it says that the Secretary shall appoint the man, the individual man who shall be selected by the committee. That is the precise effect of it; and it is a very different statute from the one referred to by the Senator from Vermont.

But, as I said before, if the measure was ever so constitutional, it would not be one whit the more acceptable to me. Its tendency is bad; its tendency is not to promote the welfare of the public service; but, as I said yesterday, it is to demoralize that service. And I want to call the attention of the Senate especially to the fact that when the Senator from Vermont spoke last evening he changed his ground entirely on which he defended originally the proposition. He admits that the present mode of selecting these clerks is not open to the suggestion which is so often urged against it, that you get unworthy men by allowing the heads of Departments to select. It is not that.

Mr. EDMUNDS. I have not said anything of that kind, that I remember.

Mr. HOWE. I understand the Senator to have admitted precisely that.

Mr. EDMUNDS. If I did, I do not recollect it. I will look over my remarks and see.

Mr. HOWE. I charged that if clerks were recommended by Senators and Representatives, they were not encouraged to select unworthy men with a view to promote their own election, but they were admonished to select worthy men upon pain of forfeiting an election if they selected unworthy men. I understood the Senator from Vermont to assent to that expressly; but he said, and he truly said—and upon this one question it is about the only true thing that I heard him utter—that it is one of the most irksome and disagreeable of the duties with which a representative is charged to answer the demands of his constituents for these employments. He said he would be glad to be relieved of that duty. I have no doubt he would. I certainly would myself. If I know myself, it is the one duty which I have shirked as diligently if not more so than any other, and I have shirked all the duties I could comfortably and conscientiously. That I have abstained from as much as from any other, but, if it be a duty, we have no right to shirk it any more than any other duty.

Mr. President, let your heads of Departments be held responsible to the country for the character of their employés, and you can have no better responsibility than that, in my judgment. I think myself that the employment of these committees of examination is a sham and a delusion for two reasons: first, because I have not the most implicit confidence in the integrity of all their decisions. You are not any more sure to get faithful and honest men on your committee of examination than you are to get them in the heads of your Departments. If you get a capable man at the head of a Department, you do not want the examining committee. His opportunities of telling who is most worthy and who is most capable and who is most intelligent are infinitely more ample than the opportunities of any examining committee. Secondly, I think it is a delusion, because the best examining committee in the world, and the most conscientious and the most faithful, can only, as I said yesterday, determine, after all, which of two men is the most advanced in literary attainments. Which has the other qualifications, just as necessary to every clerk, they cannot determine at all.

I am opposed to this amendment for another reason. It is not right to give these employments by an inflexible law always to the individual who is furthest advanced in literary pursuits. If the issue which the Secretary is called to decide is between one who is needy and one who is rich, although the son of the millionaire may be a little better educated than the one who is poor, yet if the latter be competent to discharge the duty the law ought not to prohibit his appointment. If the issue be between one who is diligent and one who is dilatory in the discharge of his duty, yet if the one who is dilatory passes the best examination the law commands the Secretary to select him if this amendment be adoped. These things are not right. The law should not command any such thing. I hope the Senate will not agree to the provision.

Mr. President, it seems to me there is no sensible man on this floor who does not know that, although you may incorporate this provision upon your statutes to-day in obedience to what you may suppose to be a public sentiment, it will not stand there five years. You cannot preserve the service of your Departments with such a law upon the books.

Now, I am going to conclude my part of this debate by making one further remark. If the Congress of the United States really wants to promote the welfare of the service in these Departments and will endow a university here in the capital at Washington and will accept of six hours' service per day from the clerks, you may, as the present clerks retire, fill your Departments with young men every one of whom is fitted to enter any college in the United States, who will do your work at six hours a day better than it is now done, will pursue a university course, will do it at an even salary of a thousand dollars a year instead of the graduated salaries you now pay. This will save you a million and a half of dollars in mere salaries and will turn off in every six years after the institution is fully established from three thousand to four thousand young men who have gone through the whole curriculum of university studies and who are just as familiar with the practical working of every Bureau in this Government as the head of the Bureau is to-day. That is what you may do to promote the welfare of your civil service here in these Departments; you may do it and make money out of the operation.

Mr. MAXEY. Mr. President, the argument of the Senator from Ohio [Mr. SHERMAN] yesterday in opposition to the amendment offered by the Senator from Vermont [Mr. EDMUNDS] appeared to me to be sound. The example given by the Senator from Vermont in support of his proposition is not in my judgment applicable to this case; that is to say, inasmuch as the Attorney-General and district attorneys are taken from a special class, he holds that that principle is the same as the principle of his amendment. It seems to me that that is a *non sequitur*. The Constitution of the United States provides for a Supreme Court and authorizes Congress to provide tribunals inferior to the Supreme Court. The Attorney-General and the district attorneys are as much a part and parcel of the machinery of the court as the judge upon the bench. They are counsellors of the court, officers of the court, and therefore there would be just as much need for a competitive examination among those presented to the Senate for confirmation as judges as there would be for competitive examination among candidates for district attorneys and for Attorney-General. But there is none in either, and therefore the illustration is not applicable to the case before the Senate.

The theory of local representation permeates the entire system of our Government, and by analogy should apply just as much to the appointment of clerks and all subordinates as to anything else. This theory of local representation runs everywhere throughout the entire frame-work of our Government, and it should run in the appointment of clerks. So far as I am personally concerned, or so far as I

am concerned as a Senator, I have perhaps as little, possibly less, interest than any other Senator on this floor, because it so happens that the State which I have the honor in part to represent is not in accord with the present Administration "by a large majority," [laughter,] and therefore, so far as my experience goes, what I would say in reference to the appointment of anybody would have very little weight indeed with this Administration. Hence I cannot be said to have any interest as a Senator or as an individual in supporting the proposition of the Senator from Arkansas; but I do it because it is right. The republicans in the State of Texas, if they are honest and worthy and well qualified, have as much right to appointments, according to the *pro rata* share to which that State would be entitled on a fair and just distribution, as those in any other State. Hence I say it is right, and if I could assist my worthy colleague in getting appointments for some right good republican people down in Texas, who are honest and worthy and well qualified, I would do so with very great pleasure, because I think that after a while perhaps, if things turn out right, I may get a little say in the appointments myself. I think it is right, no matter who is at the head of the Administration, and because I believe it to be right, and because I know it is not carried out in the Departments, I think the amendment of the Senator from Arkansas should be adopted, and that the amendment of the Senator from Vermont should not be.

Mr. EDMUNDS. May I ask the Senator a question? Would he be in favor of the substance of the amendment I have had the honor to offer if the constitutional objection could be overcome?

Mr. MAXEY. I will endeavor to answer the question of the Senator from Vermont. I think that this amendment of his is of the nature of substantive distinct legislation, and I think I have expressed my opinion against that in the form of a rider or tack-on to an appropriation bill in almost every remark I have made whenever an appropriation bill has come up. There is now upon the statute-book, which was read yesterday by the Senator from Ohio, an act designed to cover appointments in the civil service. If that act is defective, then I know of no Senator in all this body who is more thoroughly capable of appreciating a good bill than the Senator who asks me this question, who is the chairman of the Judiciary Committee, and hence I think that such a bill regulating the appointment of persons in the civil service would come properly and legitimately, not in the shape of amendment to an appropriation bill, but from the committee of which the Senator is the distinguished chairman, the Committee on the Judiciary. That I think is an answer to the question. I am opposed to anything of the kind here in this appropriation bill.

Mr. CHRISTIANCY. Mr. President, I agree in the principle of the amendment offered by the Senator from Vermont. I agree also with the statement made by the Senator from Wisconsin that the heads of Departments ought to be responsible for the appointments made in their own offices. I believe further that they ought entirely to control them; and for that very reason I am in favor of the principle of the amendment offered by the Senator from Vermont. Do the heads of Departments under the present practice control the appointments in their own offices? All Senators here know that they cannot under the present system; that the appointments are made through the influence of members of Congress, of Senators and political men. The control is taken out of the hands of the heads of Departments, and the public service in fact suffers by the practice. I am opposed to that entire system. It tends to make everything corrupt and everything mercenary. It occupies a large portion of the time of Senators and Representatives, and is the most annoying part of the duties they now have to perform—duties which, according to the true theory of the Constitution of our Government, they have nothing to do with; for according to the theory of our Constitution the heads of these Departments should control and run their own Departments and have the control of the patronage which belongs to them. That patronage does not belong to Senators and Members of Congress. The whole theory of the Constitution has been reversed in modern times in that respect. I am for going back to the true principle of the Constitution and placing the responsibility and the power of appointment and the running of these offices in the hands of those who were supposed by the Constitution to be responsible.

Now the objection is made by the Senator from Wisconsin that these examinations by an examining board are confined merely to literary attainments. Are they so? If they are, it shows an incompetency on the part of the members of the board; for what is it that confines their duties to an examination as to those particular qualifications? There may be some truth in it; but if that is the course taken they have clearly neglected their duties. Their duties should be to inquire into the competency of an applicant for the position for which he applies; and that I understand would come within the fair construction of the amendment presented by the Senator from Vermont. I should say that any examining board that would confine their examination merely to the literary attainments of an applicant would fail to have the first conception of their duty; they would misapprehend their duty.

I am not prepared to go into the constitutional question which has been raised here; but I am inclined to agree with the Senator from Vermont that a provision of the kind which is here proposed might be sustained upon constitutional grounds. It should, I think, however, leave to the Secretaries the choice, and not confine them to a single individual. If it leaves a choice from the class of persons who have passed a good examination, I think it could be sustained upon constitutional grounds.

There is one other objection which is raised here, that this is independent legislation proposed to an appropriation bill. There is perhaps some force in that; but I am so much in favor of the principle of the amendment offered by the Senator from Vermont that I am willing to vote for it in almost any shape and under almost any circumstances, and I hope the amendment will be adopted.

Mr. EATON. Mr. President, I hope the amendment offered by the honorable Senator from Vermont will not be adopted, and for two reasons, either of which, in my judgment, would be sufficient. In the first place, as I understand the amendment, it is in direct violation of the Constitution of the United States. I ask that the amendment offered by the Senator from Vermont be reported.

The Chief Clerk read the amendment to the amendment, as follows:

> And all such appointments shall be made upon a careful and impartial examination of the candidate therefor by a board composed of not less than five persons, to be appointed by the President, by and with the advice and consent of the Senate; and the most capable and worthy of the competitors so examined shall be selected for such appointments.

Mr. EATON. The Constitution of the United States says, in article 2, section 2, that the President—

> Shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, * * * and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Now, it seems to me that the reasoning of the honorable Senator from Vermont yesterday does not cover the difficulty at all. Here is to be established, if I understand the honorable Senator's amendment, a board of five, or not less than five, individuals, who are to be nominated to the Senate by the President of the United States and to be confirmed by the Senate, and then that body of five have the examination and pass upon the qualifications of all applicants for appointments to office under the Government. It strikes me that it is in direct conflict with the clause of the Constitution which I have read.

The illustration of the honorable Senator from Vermont of the appointment of an Attorney-General learned in the law, it does not seem to me strikes a hard blow against the position which I assume. I think a mere statement of the case, a mere reading first of the amendment proposed by the honorable Senator and then of the Constitution, settles the question. It is not necessary to elaborate it at all. So I am opposed to the amendment on that ground.

There is one other ground, and that is that no five men, in my judgment, can be nominated to the Senate and be confirmed by this body who are capable of passing upon the abilities of the five thousand persons that will offer for appointments here. Why, sir, you want a competent book-keeper at one point; you want a competent man in the Patent Office for a particular branch of service; you want a competent man in the Patent Office for another particular branch of service, and so on; it goes through the whole service of the United States. Why, sir, give me the intelligent head of a Bureau in any branch of the Treasury service, and I would rather have his opinion with regard to the capability of an employé than that of this board of five men who may be appointed by the President and confirmed by the Senate. Take the Light-House Board, for example. What five men can be appointed and confirmed by the Senate of the United States—who are they—that will be so competent to pass upon the capabilities of an applicant to serve in that Light-House Board as the head of that board? Who so competent?

But, says an objector, members of the Senate, members of the House force political bummers on the Departments. I think I have seen specimens of them. Very likely that may be true. Then let them be pruned. Prune the Departments, put out the dead-wood, and let good men only be either offered by Senators and Representatives or accepted by the Departments. That is the way to purge your service.

The PRESIDENT *pro tempore*. The Senator's time has expired. The question is on the amendment submitted by the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Arkansas, [Mr. CLAYTON,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 11, nays 28; as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Conkling, Cragin, Edmunds, Ferry, Hamlin, Kelly, Morrill of Vermont, and Wadleigh—11.

NAYS—Messrs. Barnum, Bogy, Bruce, Caperton, Clayton, Cooper, Dennis, Eaton, Hamilton, Howe, Johnston, Jones of Florida, Jones of Nevada, Key, McCreery, Maxey, Merrimon, Mitchell, Morrill of Maine, Norwood, Paddock, Robertson, Saulsbury, Sherman, Stevenson, Whyte, Windom, and Wright—28.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Cockrell, Conover, Davis, Dawes, Dorsey, Frelinghuysen, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Kernan, Logan, McDonald, McMillan, Morton, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Spencer, Thurman, Wallace, West, and Withers—34.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Arkansas, [Mr. CLAYTON.]

Mr. CHRISTIANCY. I move to amend the amendment, to follow

immediately after the printed portion of the amendment offered by the Senator from Arkansas:

Provided, That the District of Columbia shall be entitled to three times the number of appointments to which it would be entitled on the basis of population.

The amendment to the amendment was rejected.

Mr. EDMUNDS. I move to add the following provision to this amendment:

Provided, That the foregoing provision shall be subject to the provisions of section 1754 of the Revised Statutes of the United States.

That section is as follows:

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

If this amendment is to be adopted of making a distribution by States, unless we put in this provision, that it shall not affect the discharged soldiers, the result will be that a large number even who are now employed will have to be discharged, because it happens from an unhappy geographical and political circumstance that ninety-nine one-hundredths of the discharged soldiers are in the States that have more nearly their proportion, if not more, of appointees already. I therefore hope everybody will vote for this amendment of mine.

Mr. CLAYTON. I have here an amendment of a similar character recommended by the Committee on Military Affairs, and I ask the Senator to see whether it will not cover his amendment, though in different language. I understand the law already applies to appointments to be made. What I suppose the Senator wants is to cover the reductions.

Mr. EDMUNDS. I ask for the yeas and nays on my amendment.

Mr. CLAYTON. I think I shall move this as a substitute.

The yeas and nays were ordered.

Mr. CLAYTON. I offer this as a substitute for the amendment of the Senator from Vermont——

Mr. EDMUNDS. We have an amendment in the second degree now.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas offer an amendment?

Mr. CLAYTON. I offer it as a substitute for the amendment of the Senator from Vermont, if that is in order; as an amendment to his amendment.

The PRESIDENT *pro tempore*. That is not in order. The amendment of the Senator from Vermont is already in the second degree.

Mr. CLAYTON. I ask the Senator to read the section of the statute again. Perhaps I can accept his amendment.

Mr. EDMUNDS. We shall have to have the yeas and nays anyhow, though I shall be very glad to have the support of my friend. I will read the section again.

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Mr. CLAYTON. I think that covers the same thing that I am trying to get at. I have no objection to that. It covers the reductions, I think, as well as the appointments.

Mr. EDMUNDS. My proposition simply is that in making this geographical partition by the compass and the chain of the selection of people to fill Department offices, it shall not affect the fundamental right of a soldier, wherever he lives, if he is fit to fill one, to get it if he can.

Mr. SAULSBURY. In my opinion this whole matter in reference to the appointment of the subordinate employés in the Executive Departments ought to be left to the heads of Departments. You ought to have men at the head of the Departments who are capable to discharge the duties of their offices, and to them ought to be left the discretion of selecting the persons who shall carry out their wishes in the administration of their respective Departments of the Government. If you attempt to limit and restrict the authority of the heads of Departments over their employés, you will have the same kind of service you now have. But if you put the proper men at the head of the Departments, holding them responsible for the proper administration of the affairs of their Department, they will be exceedingly careful to employ none but proper men to carry out their wishes. This attempt to restrict the heads of Departments relieves them to a certain extent of a responsibility for their management.

I am therefore in favor, first, of the appointment to the head of the Departments of proper men, and then of letting them have the control of the employés under them.

A word now in reference to the provisions of the section read by the Senator from Vermont. I have as high a regard for the men who fought the battles of the country as has anybody else; but I am against any distinctions and preferences being exercised toward any particular class of American citizens. I do not believe that simply because a man has worn a uniform he is any better than anybody else. He is none the worse on that account; nor is he any the better on that account. Reward merit, whether you find it in the soldiery or whether you find it in the civilian, but do not attempt to discriminate between classes of citizens in this country. I know there has been a feeling of discrimination in favor of the soldiery, prompted more often by political considerations than by any desire for the public good; and I should not be honest to myself if I did not say here that all such attempts to make political capital out of the distribution of the offices of the Government are a part of those things which have brought upon the public service that disgrace to which it has been subjected. No, sir; let us have no discrimination; let merit be rewarded either in the soldier or in the citizen; but do not give a preference to any one class of our citizens over another.

Sir, leave this matter where it properly belongs; leave it with the heads of Departments; let them make their selections from such persons as they believe competent to perform the clerical duties of their offices, and then you will have a better public service than you will have by attempting to limit the power of the heads of Departments and restricting them in the performance of their official duties. I am therefore opposed to this whole concern. Let the public business of this country be managed by persons who are responsible for its management, and in my opinion you will have a better public service than you have at present.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont to the amendment of the Senator from Arkansas, upon which the yeas and nays have been ordered.

Mr. MAXEY. I understand this amendment is the law now, and I will vote for it simply because it is the law.

The question being taken by yeas and nays, resulted—yeas 37, nays 3; as follows:

YEAS—Messrs. Allison, Anthony, Barnum, Bogy, Bruce, Burnside, Caperton, Christiancy, Clayton, Cockrell, Conkling, Cooper, Cragin, Edmunds, Ferry, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Key, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Paddock, Robertson, Sherman, Stevenson, Wadleigh, White, Windom, Withers and Wright—37.

NAYS—Messrs. McCreery, Merrimon and Saulsbury—3.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Conover, Davis, Dawes, Dennis, Dorsey, Eaton, Frelinghuysen, Goldthwaite, Gordon, Harvey, Johnston, Kernan, Logan, McDonald, McMillan, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Spencer, Thurman, Wallace, and West—33.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is now on the amendment of the Senator from Arkansas as amended.

Mr. CLAYTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. I should like to hear the amendment reported as it now stands.

The PRESIDENT *pro tempore*. It will be reported as amended.

The Chief Clerk read as follows:

That the appointments in all the Executive Departments of the Government shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population; and the principle of equal distribution of appointments as above provided for shall apply in making reductions of force in said Departments: *Provided*, That the foregoing provision shall be subject to the provisions of section 1754 of the Revised Statutes of the United States.

Mr. MORRILL, of Maine. So far as any principle is involved in the amendment, I have no objection to it; but it is legislation, distinct legislation. Up to this time we have ignored that entirely on this bill. That has been one of the most distinct principles which the Senate has adhered to up to this time. That was the principle on which the committee acted in presenting this bill to the Senate; and if it is violated in this instance, it seems to me that we ignore a principle the ignoring of which may be very troublesome to us before we get though with this bill. Therefore I shall feel constrained to vote against this amendment.

Mr. CLAYTON. The appropriation bill clearly provides for reducing the force of the different Departments of the Government; and this amendment simply goes on one step further to say how that force shall be reduced. It certainly is perfectly germane to the bill, and I do not see why it should not be considered as appropriate.

Mr. WITHERS. What the chairman of the committee has stated is clearly correct. The Appropriation Committee of the Senate have, in consideration of what has been the expressed wish of the Senate, amended this legislative, executive, and judicial appropriation bill by striking out various provisions of it which proposed legislation; and they expected to sustain themselves in this position by declaring to the Senate and the country that an appropriation bill is not the proper place for legislation. As long as we can stand upon that principle it is possible we may be able to sustain ourselves in any contest with the other House; but if we present ourselves an amendment to the bill which violates the principle on which we have stricken out various clauses of their bill, it seems to me we cut the ground from under us, and it would leave us entirely open to the attacks of those who assert the right of the House to legislate in an appropriation bill. Therefore I think it would be exceedingly indiscreet on the part of the Senate to add this legislative amendment to the appropriation bill.

Mr. HAMLIN. I concur in every word that the Senator from Virginia has said; and yet there is one suggestion which I want to make to him for the purpose of seeing whether it will influence his mind. It does not quite influence my own. I think I shall vote with the Senator from Virginia; but we shall have an incoming administration on the 4th of March next; I do not know what sort of a one it will be, and it is not material to the point which I make. When you run your eye over the country you will ascertain that there are very many States that have never had cabinet ministers selected from those various States; and in kindness to those States this proposition

should require that selections be made from those States. It is just as sensible when applied to those offices, and indeed there is additional sense in it. I think perhaps that my friend from Virginia and I had better yield our objections in consideration of the fact that we should get an excellent Cabinet. I have no doubt that the rule that would require a Department to appoint its subordinates from a locality, when the subordinate to be appointed is not the equal of another, would apply precisely as well and with as much force to officers of a higher grade; and that would be an inducement for some to vote for the amendment. It will not quite induce me to vote for it, however.

Mr. CLAYTON. I did not want to speak upon this subject again; but there is one very singular coincidence that I cannot help noticing. All the gentlemen who seem to find fault with this amendment happen to represent States that have a very large preponderance over what would be due them under this provision.

Mr. HAMLIN. That is not true of my State.

Mr CLAYTON. I have here a tabulation of this subject, made upon the Blue Book of 1875. If there has been any great change it must have taken place since then. I will see how it is with regard to Maine. Maine is entitled to fifty-five employés in the Treasury Department upon the basis of population; she has eighty-seven. She is entitled to six in the Post-Office Department; she has eight. She is entitled to twenty in the Interior Department; she has twenty-four. In the War Department I believe, however, she is entitled to more than she has. In the War Department she is entitled to seventeen and has eight. In the State Department she is entitled to eight and has none. In the Navy Department she is entitled to three and has four. If the Senator from Virginia desires information in regard to the force from his State, I will say that Virginia is entitled to ninety-nine in the Treasury Department and has ninety. There she has not as many as she is entitled to by nine. In the Post-Office Department she is entitled to eleven and has twenty-one; in the Interior Department, to twenty-one and has thirty-six. In the War Department nearly all the States have less than they are entitled to.

Mr. NORWOOD. Is the record of Georgia upon the Senator's list?

Mr. CLAYTON. I think Georgia has far less than she is entitled to have.

Mr. MERRIMON. How about North Carolina?

Mr. CLAYTON. North Carolina has less than she is entitled to have.

Mr. NORWOOD. I should like to hear the statement in regard to Georgia.

Mr. CLAYTON. Georgia is entitled to ninety-nine in the Treasury Department, and has eight. There you see a considerable difference. She is entitled to eleven in the Post-Office Department and has eight. In the Interior Department she is entitled to thirty-six and has three; in the War Department to thirty and has none; in the State Department to fourteen and has four; in the Navy Department to five and has none. That is about the proportion in regard to most of the Southern States and a great many of the Western States.

Mr. MERRIMON. I ask the Senator to publish the list from which he is reading in his remarks.

Mr. EDMUNDS. I ask the Senator where he gets these figures?

Mr. CLAYTON. From the Blue Book of 1875.

Mr. EDMUNDS. Who tabulated it?

Mr. CLAYTON. I have examined it and find that it is correct.

Mr. WITHERS. With the permission of the Senator from Arkansas I will state that my objection to the measure did not arise from any knowledge of these facts.

Mr. CLAYTON. I did not say it did. I only said that it was a coincidence.

Mr. WITHERS. The coincidence may go for what it is worth. Up to the present moment I have been in entire ignorance of the number to which we were entitled or the number in the different Departments hailing from Virginia. I have no knowledge whatever on that subject. My information, however, was precisely predicated upon the fact which I stated in my remarks; but as the subject has been introduced, I will say that it is not at all surprising that both the States of Virginia and Maryland should have a larger number credited to them than their proper quota, estimated upon the basis of the amendment of the Senator from Arkansas, for the reason that persons coming to the city of Washington from other localities hoping to get appointments in some one or other of the Departments, and failing to do so, and having to fix upon a residence, naturally locate either in Virginia or in Maryland in order to be accessible to Washington where they may prosecute their claims upon the Departments or their applications for appointments, and then if subsequently appointed to any office they are credited to the State of Virginia or to the State of Maryland as the case may be. Notably I will recall the instance of Mr. Caleb Cushing, who certainly nobody ever supposed to be a Virginian, or claimed that he was a Virginian, and yet when nominated as minister to one of the great powers he claimed to be from Virginia because he had his residence just across the Potomac; and I could name a good many other instances of this kind.

Mr. CLAYTON. I did not intend to say that any Senator here would be actuated by any motive of that kind. I do not believe they would. The question has been stated here about these little petty appointments and the scramble for office, &c. I cannot believe that any Senator on this floor would be actuated for one moment by such a motive; but it is like the upsetting of Tony Weller's stage—it is a "very strange coincidence." You remember he undertook to convey a party of gentlemen to the polls and it so happened he upset the stage in the exact spot where he upset it a year before under similar circumstances, and in each case the gentlemen upset were of opposite politics to Tony and by reason of the mishap were unable to get to the polls. That was a strange coincidence, and so is this; but I do not mean to say that any such unworthy motives as some persons might assume have anything to do with the views of the gentlemen who have spoken against this proposition.

I only want to say in conclusion, as was said before, that the amendment is simply to apply the provision of existing law, which is now applicable to the Treasury Department, and which was put upon an appropriation bill just like this, to all the other Executive Departments of the Government. So far as the criticism made by the Senator from Maine, in relation to Cabinet appointments, is concerned, everybody knows that that has no bearing upon this case. This simply applies to the appointees in these Departments, not the heads of Departments. I ask to have the list from which I read incorporated in my remarks.

The list referred to is as follows:

A table showing the number of persons engaged as officers, clerks, and employés in each Department at Washington, together with the number each State and Territory would be entitled to upon the basis of a division according to representation and the number actually employed from each State and Territory.

States and Territories.	Treasury. (3,200.)		Post-Office. (365.)		Interior. (1,200.)		War. (1,000.)		State. (455.)		Navy. (150.)		Printing. (1,550.)		R. R. po. cl. and mess. (2,100.)	
	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.
Alabama	88	21	10	3	32	9	26	1	12	.....	4	.....	40	.....	56	.....
Arkansas	44	8	6	3	16	3	13	1	6	1	2	.....	20	.....	28	.....
California	44	12	5	4	16	8	13	2	6	12	2	.....	20	.....	28	.....
Connecticut	44	47	5	13	16	21	13	11	6	6	2	3	20	.....	28	.....
Delaware	11	14	1	2	4	4	3	4	2	2	.....	.....	5	.....	7	.....
Florida	22	4	2	3	8	.....	7	.....	3	.....	1	.....	10	.....	14	.....
Georgia	99	8	11	8	36	3	30	.....	14	4	5	.....	45	.....	63	.....
Illinois	209	80	24	6	76	46	58	9	29	19	10	2	95	.....	133	.....
Indiana	143	58	27	9	52	26	50	6	20	7	7	.....	65	.....	91	.....
Iowa	99	34	11	5	36	32	30	11	14	10	5	.....	45	.....	63	.....
Kansas	33	16	4	8	12	13	10	6	5	2	2	.....	15	.....	21	.....
Kentucky	110	33	13	2	40	4	34	4	15	4	5	1	50	.....	70	.....
Louisiana	66	15	8	4	24	7	20	3	9	3	3	.....	30	.....	42	.....
Maine	55	87	6	8	20	24	17	8	8	.....	3	4	25	.....	35	.....
Maryland	66	114	8	34	24	48	20	51	9	4	3	3	30	.....	42	.....
Massachusetts	121	126	14	16	44	20	37	40	17	16	6	1	55	.....	77	.....
Michigan	99	14	11	10	36	31	30	11	14	10	5	2	45	.....	63	.....
Minnesota	33	22	4	3	12	26	10	3	5	4	2	.....	15	.....	21	.....
Mississippi	66	19	8	2	24	11	20	1	9	2	3	.....	30	.....	42	.....
Missouri	143	26	27	3	52	12	50	10	20	6	7	.....	65	.....	91	.....
Nebraska	11	5	1	3	4	12	3	1	2	2	.....	.....	5	.....	7	.....
Nevada	11	3	1	.....	4	3	3	.....	2	1	.....	.....	5	.....	7	.....
New Hampshire	33	67	4	4	12	20	10	10	5	4	2	2	15	.....	21	.....
New Jersey	77	47	9	10	28	14	23	16	11	9	4	3	35	.....	49	.....
New York	363	300	44	30	132	126	110	145	50	45	17	5	165	.....	231	.....

A table showing the number of persons engaged as officers, clerks, and employés in each Department at Washington, &c.—Continued.

States and Territories.	Treasury. (3,300.)		Post-Office. (365.)		Interior. (1,200.)		War. (1,000.)		State. (455.)		Navy. (150.)		Printing. (1,550.)		R. R. po. el. and mess. (2,100.)	
	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.	Entitled.	Employed.
North Carolina	88	18	10	3	32	6	26	.....	13	5	4	.....	40	.....	56	.....
Ohio	239	140	28	15	80	107	67	34	30	17	10	1	100	.....	140	.....
Oregon	11	4	1	2	4	4	3	1	2	1	.....	.....	5	.....	7	.....
Pennsylvania	297	269	34	27	108	78	90	90	41	24	14	13	135	.....	189	.....
Rhode Island	22	9	2	.....	8	5	7	5	3	6	1	1	10	.....	14	.....
South Carolina	55	20	6	5	20	6	17	3	8	3	3	.....	27	.....	35	.....
Tennessee	110	18	13	7	40	14	34	1	15	3	5	2	50	.....	70	.....
Texas	66	8	8	1	24	2	20	2	9	3	3	.....	30	.....	42	.....
Vermont	33	49	4	8	12	20	10	9	5	5	2	.....	15	.....	21	.....
Virginia	99	90	11	21	36	61	39	21	14	8	10	3	45	.....	63	.....
West Virginia	33	27	4	8	12	10	3	4	5	3	2	.....	15	.....	21	.....
Wisconsin	64	42	.....	7	.....	.....	.....	.....	.....	9	.....	.....	.....	.....	.....	.....
Arizona	11	.....	4	.....	12	.....	3	.....	5	.....	2	.....	15	.....	21	.....
Colorado	11	.....	4	.....	12	1	3	.....	5	1	2	.....	15	.....	21	.....
Dakota	11	.....	4	.....	12	1	3	.....	5	.....	2	.....	15	.....	21	.....
Idaho	11	.....	4	.....	12	.....	3	.....	5	.....	2	.....	15	.....	21	.....
Utah	11	.....	4	.....	12	.....	3	.....	5	.....	2	.....	15	.....	21	.....
Washington	11	.....	4	.....	12	2	3	1	5	.....	2	.....	15	.....	21	.....
Wyoming	11	.....	4	.....	12	.....	3	.....	5	1	2	.....	15	.....	21	.....
New Mexico	11	.....	4	.....	12	2	3	.....	5	1	2	.....	15	.....	21	.....
District of Columbia	11	604	4	82	12	295	13	256	5	59	2	45	15	.....	21	.....

Mr. SAULSBURY. I desire to ask the Senator from Arkansas if he does not know that now frequently appointees are accredited to certain States that they never have been in, and whether, if this amendment should prevail, it would in practice amount to anything? Are there not in all the Departments now persons accredited to different States who, perhaps, were never in the States to which they are accredited? They come and apply for certain appointments, and they get the influence of a Senator or member from a different State than their own, and they go in as appointees from that particular State. I know that I had occasion at one time to look over the appointments from the State of Delaware in the Treasury Department, I think there were only some six in the Department whom I could find credited to my State, and there were but one or two of them that I had ever heard of as being Delawareans; but there were some persons who had applied to some former Representative of the State and he had given them a letter of recommendation, and in some way they had assumed to be citizens of the State, and were appointed as such, whereas perhaps more than one-half of them never were in the State. So I apprehend it is in regard to many of the States.

If, therefore, the Senator's amendment should prevail, which seems to be fair on its face, it would amount to nothing practically, because if I had any influence with the Departments (which perhaps very fortunately I have not) and were to see proper to recommend some person from Texas, he would be accredited to the State of Delaware, if the recommendation availed. It would amount therefore practically to nothing so far as the citizens in the respective States are concerned; and all legislation of this character, which amounts to nothing practical, we had better let alone. That is my opinion. I shall therefore vote against the amendment.

Mr. EDMUNDS. I ask the indulgence of the Senate to say one word. I believe I have two minutes left on my old amendment, which is enough.

Mr. President, these appointments, it appears to me, are appointments which belong, so far as you can apply that word to any such thing, to the people of the United States; that State lines have nothing at all to do with them except as a matter of convenience in the distribution of offices, because they should be distributed all over the Union; all the people should have an equal chance. But when you are going to employ a body of persons to do something that requires special information and skill or some sort of education, then I think if a particular section of the country, be it North or South, East or West, happens to possess a larger proportion of citizens who are capable of filling that class of officers than another portion of the country does, that portion of the country naturally and justly ought to have a larger proportion of the people who are appointed. If, for instance, in the State of Illinois the proportion of people who cannot read and write is less than 5 per cent.; and if in the State of Arkansas the proportion of people who cannot read and write is above 30 per cent., then, I submit, without regard to State lines—I only speak of States as merely indicating sections of country; the country as to Departments is common to everybody; there are not any State lines—if it happens that in that particular geographical part of the country that is called the State of Arkansas there are five times as many people in proportion to the population who are entirely incapable of filling such offices, then I submit that the proportions ought to go according to capability in the whole nation. It would be unjust to pick out the 600,000 people there are in Arkansas when only a proportion of 60 per cent. of them are even capable of reading and writing, and to exclude the 500,000 people in the State of Minnesota, or wherever it may be, where 95 per cent. of them are capable; or, to put it in another way, where 95 per cent. of the people who would apply are capable of performing the duty, and only 30 or 40 per cent. in another section of the country are capable of doing it. The rule must be universal. The principle of my friend's proposition, therefore, is wrong by making it geographical. If you could find that in the Departments a head of Department was preferring one section of country to another because it was a section, then he ought to be dealt with undoubtedly; but to undertake to put him in a box which is measured by geography, when you look at the condition of our people as it unfortunately happens to be, it appears to me is doing wrong.

Mr. WHYTE. Mr. President, we have heard for a long time many comments upon that which has become almost an axiom of politics, that, "to the victors belong the spoils;" but this looks very much as if it was proposed that the Senate should divide the spoils with mathematical precision. The population of the different sections of the country is to be recognized as the mode by which appointments are to be distributed. Now, sir, the theory of our Revised Statutes seems to be that the efficiency of the service is to be promoted by securing the best persons wherever they can be found, and I think that that theory carried out in practice will best subserve the public interest.

This thing of introducing the rule of three into the distribution of office is almost as bad as the principle of "addition, division, and silence." It is far better that the President should have the power that he now has under the Revised Statutes, without being trammeled by any other provision of law, to make such regulations as he may deem fit for the purpose of winnowing, if you please, the Departments of the Government of the bummers, as I heard a Senator call some persons who are presumed to be in office—I hope there are none in reality in any of the Departments—but for the purpose of ridding them of the drones and lazy persons who may have crept in through the influence of politicians, not of course of Senators or Representatives, but outside politicians. They should be cleared out, and a rule established which will work well for all parties in the country, that only the competent, the efficient, and the worthy may get places in the different branches of the civil service, giving preference, as we have voted and indicated to-day by our action, to those who have lost their health in the service of the country.

I trust that this proposition of the Senator from Arkansas will not prevail for the reason which I have stated, and for the additional reason that we ought not to ingraft upon an appropriation bill legislation of this character.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. WHYTE, (when his name was called.) I should like to vote on this question, but I am under the impression that I have paired with the Senator from Minnesota, [Mr. MCMILLAN,] and therefore I prefer not to vote, though I should vote "nay" if he were present, and he, I am sure, would vote "yea."

Mr. RANSOM. I should like to vote on this amendment, but I am paired on the bill generally with the Senator from New Jersey, [Mr. FRELINGHUYSEN.] I would vote "yea" if at liberty to do so.

Mr. WINDOM. I am paired with the Senator from West Virginia [Mr. DAVIS] on all political questions; but not regarding this as one I vote "nay."

The roll-call having been concluded, the result was announced—yeas 22, nays 23; as follows:

YEAS—Messrs. Allison, Barnum, Bogy, Bruce, Caperton, Clayton, Cockrell, Dorsey, Ferry, Gordon, Hitchcock, Ingalls, Jones of Nevada, Kelly, Key, McCreery, Maxey, Mitchell, Paddock, Robertson, Stevenson, and Wright—22.

NAYS—Messrs. Anthony, Booth, Cameron of Pennsylvania, Christiancy, Conkling, Cooper, Dennis, Eaton, Edmunds, Goldthwaite, Hamilton, Hamlin, Howe, Johnston, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Sargent, Saulsbury, Sherman, Windom, and Withers—23.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Cameron of Wisconsin, Conover, Cragin, Davis, Dawes, Frelinghuysen, Harvey, Jones of Florida, Kernan, Logan, McDonald, McMillan, Morton, Oglesby, Patterson, Randolph, Ransom, Sharon, Spencer, Thurman, Wadleigh, Wallace, West, and Whyte—28.

So the amendment was rejected.

Mr. CLAYTON. I believe this vote disposes of the amendment of the Senator from Vermont also. Both fall together. I now offer the following to come in at the end of the third section of the bill:

Provided, That, in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors.

I desire to state that this amendment is recommended by the Committee on Military Affairs. It speaks for itself, and I shall make no further remarks on the subject. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 43, nay 0: as follows:

YEAS—Messrs. Allison, Anthony, Barnum, Bogy, Booth, Bruce, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Cockrell, Conkling, Cooper, Dennis, Dorsey, Edmunds, Ferry, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Jones of Nevada, Kelly, Key, McCreery, Maxey, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Paddock, Ransom, Robertson, Sargent, Sherman, Stevenson, Whyte, Windom, Withers, and Wright—43.

NAY—0.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Cameron of Wisconsin, Conover, Cragin, Davis, Dawes, Eaton, Frelinghuysen, Gordon, Harvey, Johnston, Jones of Florida, Kernan, Logan, McDonald, McMillan, Morrill of Maine, Oglesby, Patterson, Randolph, Saulsbury, Sharon, Spencer, Thurman, Wadleigh, Wallace, and West—30.

So the amendment was agreed to.

Mr. MORRILL, of Maine. On page 7, after the word "Representatives," in line 159, at the end of the appropriations for the Capitol police, I move to insert:

Provided, That so much of the joint resolution approved July 15, 1870, as authorizes the employment of an additional police force is hereby repealed, to take effect from and after the 30th day of June next.

I ought to state what the effect of that is. It is an amendment which does not increase but decreases expenditure. By a statute of 1870 three temporary policemen were authorized to be employed during certain improvements in the Botanic Garden. There is no longer any use for them, but still they have continued to be appropriated for. This reduces the appropriation by so much.

The amendment was agreed to.

Mr. MORRILL, of Maine. On the same page, line 140, I move to strike out the word "fifteen" and insert "thirteen," and in the same line strike out "thirty" and insert "twenty-eight;" so as to read:

For fuel and oil, * * *; for miscellaneous items, exclusive of labor, $13,000; in all, $28,740.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 13, line 308, I move to strike out "twenty" and insert "eighteen;" so as to read:

For miscellaneous items $18,000.

This is among the contingent expenses of the House of Representatives.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 16 at the bottom of the page, line 388, I move to strike out "heating, and ventilating and repairs;" so as to read:

Provided, That the Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting, &c.

And then on page 17, line 391, after the word "the," strike out "officer" and insert "Commissioner;" so as to read "Commissioner of Public Buildings and Grounds."

The PRESIDENT *pro tempore*. That clause has already been amended so as to read:

And provided further, That all the duties relative to the Capitol building heretofore performed by other officers shall hereafter be performed by the architect of the Capitol, &c.

Mr. MORRILL, of Maine. The object is further to amend that, so as to confine the duties devolved on the architect to those which were formerly devolved on the Commissioner of Public Buildings. It is thought by certain Senators that the language here includes too much; that is, it includes heating and ventilating and repairs, whereas the chief duty should be the general supervision of the Capitol, including lighting.

The amendment was agreed to.

Mr. WINDOM. I propose an amendment. On page 25, line 591, I move to strike out the word "two" where it occurs the second time in the line and insert "three;" and I ought perhaps to say, being a member of the Committee on Appropriations, that I do not make the motion from the committee, though I believe with their consent. I gave notice of it. I am prepared to state the reasons why I make it, if that is desired.

The object is to give an additional clerk of class four to the Commissioner of Customs; and I make this motion on the authority of a letter received from him and a statement made by him, to the effect that an examination recently made, at the instance of the Senate under a resolution passed by this body, discloses the fact that there is a large amount of uncollected balances which have run through thirty or forty years, from which he thinks a large saving could be made if he had the additional force necessary to look up the matter and prepare it. There are some three or four million dollars of balances, I think, uncollected that have run through a great many years; but he has no clerk whom he can spare from the current duties for this work. Believing that it is in the line of economy, and that much more money can be saved than the cost of this clerkship, I move the amendment at his instance. I think it ought to be adopted.

The amendment was agreed to.

Mr. JONES, of Nevada. I desire to offer an amendment on page 4, after the word "each" and before the word "three," in line 82, to insert:

To pay William H. St. John, in charge of Senate store-room and document-wagon, $1,200.

Mr. SHERMAN. Is there any recommendation for that?

Mr. JONES, of Nevada. I will say that the Committee on Appropriations have no objection to it. It will be observed by all Senators that this is one of the most useful and hard-working men in the employ of the Senate.

Mr. SHERMAN. Does the amendment come from the Committee on Contingent Expenses?

Mr. JONES, of Nevada. Yes, sir.

Mr. MORRILL, of Maine. By an arrangement made in committee for an adjustment in regard to this labor, which has heretofore been provided for in gross, it is in this bill provided for in detail. It is said by the Committee on Contingent Expenses who have examined the question that we have cut them a little short in the number of laborers necessary. This amendment is occasioned by that action.

The amendment was agreed to.

Mr. JONES, of Nevada. In line 82, I move to strike out "three" and insert "eight;" so as to read:

Eight skilled laborers.

Mr. EATON and others. What is the object of that?

Mr. JONES, of Nevada. This amendment increases the number of skilled laborers from three to eight. These skilled laborers, as the Sergeant-at-Arms informed the committee, have quite important duties to perform. They frequently are employed as messengers. Eight is much less than the number now employed in that capacity. It makes the difference between $2 and $2.75 per day in their pay. He finds it impossible to get the proper kind of persons for that service at $2 a day. This amendment increases the number of skilled laborers by five; and in an amendment which I am about to offer we shall decrease the number of unskilled laborers by five.

Mr. EATON. That was the question I was about to ask in regard to.

The PRESIDENT *pro tempore*. The question is on the amendment submitted by the Senator from Nevada.

Mr. SAULSBURY. Does it increase the number of employés?

Mr. JONES, of Nevada. No; it increases by five the number of the skilled laborers, and I am about to offer an amendment to decrease the number of unskilled laborers by five.

Mr. MERRIMON. I should like to ask the Senator a question. What is the difference in cost? Does it increase the cost?

Mr. JONES, of Nevada. It provides for five more skilled laborers and gives them seventy-five cents a day more than they would get under the provisions of the bill as it stands.

Mr. SHERMAN. Let me ask the Senator what the skilled laborers get now?

Mr. JONES, of Nevada. Two dollars and seventy-five cents a day.

Mr. SHERMAN. Are there eight employed?

Mr. JONES, of Nevada. A great many more than eight. The amendment I propose is a reduction of the present force.

Mr. MORRILL, of Maine. I think it is rather an inconsiderable matter anyway. It is rather a regulation of the force than any material increase of the expenditure. As I have already said, by an adjustment in this bill of the labor about the Senate, the Committee on Appropriations intended to provide for the labor specifically; to appropriate for so many laborers, and no more. Now the Committee on Contingent Expenses think that we have not been exactly discreet in the adjustment of the labor into classes, and this is simply to distribute the labor from one class of what is called skilled labor that does a certain sort of work about the building to another class of common labor. I understand that to be the upshot of it.

The amendment was agreed to.

Mr. JONES, of Nevada. In lines 87 and 88 I move to strike out "seventeen" and insert "twelve;" so as to read:

And twelve laborers at the rate of $720 per annum, during the session of the Senate.

This makes the reduction which I have just alluded to.

The amendment was agreed to.

Mr. JONES, of Nevada. In line 104 I move to strike out "two" and insert "three." This is to keep the number of riding pages in the employ of the Senate what it is to-day; and they are said to be

the hardest worked employés in the service of the Senate. Certainly it would seem almost an impossibility to get along with two; at least so think the Committee on Contingent Expenses. It is to keep the number of riding pages the same as now.

The amendment was agreed to.

Mr. JONES, of Nevada. In line 137 I move to strike out "five" and insert "ten." This increases from five to ten thousand dollars the appropriation for renovating, refurnishing, and taking care of in the way of renovating the rooms in the wing of the Capitol including this Chamber. Last year the appropriation was $9,000, and there was a deficiency of $6,000. We think the cost will probably be from eight to ten thousand dollars this year of refurnishing, refitting, and taking care of the property of the Government in the committee-rooms, &c., in any event. The appropriation last year, as I have just stated, was $9,000, and there was a deficiency of $6,000. It is supposed that $10,000 will cover the necessities of the ensuing year. Whatever is not used of course will be covered back into the Treasury.

Mr. HAMILTON. If they expended $6,000 more than was estimated last year, it would seem that that ought to do for another year. We cannot put in new furniture and new carpets every year. Ten thousand dollars for this purpose seems to me to be an enormous sum.

Mr. JONES, of Nevada. This will be no more than the average of years, rather less than the average expenditure from year to year in this department.

Mr. EATON. Will the Senator from Nevada tell me where the amendment comes in? I did not hear.

Mr. JONES, of Nevada. In line 137.

Mr. EATON. What is it to strike out?

The PRESIDENT *pro tempore*. To strike out "five" and insert "ten" before "thousand."

Mr. JONES, of Nevada. It is for furniture and repairs of furniture.

Mr. EATON. Will the Senator from Nevada inform us what there is to be done there that it makes it necessary to raise this appropriation from $5,000 to $10,000?

Mr. JONES, of Nevada. I take for the average of years the sum that has been spent for this particular purpose; and I think it preferable to appropriate a sufficient sum to cover the expenses than to have a deficiency bill presented here, as we had this year for $6,000, $9,000 having been appropriated for this purpose last year.

Mr. EATON. That does not make it certain that it requires $9,000 more now.

Mr. JONES, of Nevada. I cannot estimate how much furniture will be needed or how much repairs. I have not examined the various committee-rooms, nor got estimates from furniture-dealers to find out how much it will take to keep them in order. I simply take the statement of the Sergeant-at-Arms and of those who are supposed to know something about it, who tell me that this will be about the amount necessary to keep the rooms in proper condition. You have to put in a good many rooms new carpets, new furniture, and all the desks here have to be revarnished. I am sure I cannot tell the Senator exactly what is done with this money; but I presume that it is honestly applied for the purposes mentioned in the item.

Mr. SAULSBURY. I think this is a small matter at any rate; but we ought not to adopt an amendment unless we know the necessity for it. The committee who have had this matter under consideration deemed $5,000 a proper appropriation. The Senator from Nevada now proposes to raise it to $10,000 without being able to state to us the absolute necessity for it. He claims that in fact in the previous years a greater amount than that appropriated by the committee has been required. It may be that the Sergeant-at-Arms, or whoever has control of the expenditure of this money, may find that $5,000 is not enough; but it has been customary to allow a proper deficiency in his expenses, and we had better adhere to the sum fixed by the Committee on Appropriations. We all know that as a general rule men everywhere live up to their income; and I apprehend that if the Sergeant-at-Arms or any other officer of the Senate had all the money voted to him that he asked for he would live up to it. I do not say that the Sergeant-at-Arms or anybody else would spend money unnecessarily; but men are apt to spend less if the appropriation is not large. If, however, $5,000 is not sufficient, the Sergeant-at-Arms heretofore has been allowed the necessary expenditures of his office. Let us follow that course in the future. I think we can afford to trust the Sergeant-at-Arms to make a proper expenditure of this money, and then he may come before the Senate and ask that the deficiency be supplied. I think we had better adhere to this rule, although it is a small matter.

The question being put, a division was called for; and the ayes were 10.

Mr. MORRILL, of Maine. I ask the Senator from Nevada to withdraw this amendment for the time. He can renew it again, if he desires, in the Senate. The Senate is rather thin to divide at this time.

Mr. JONES, of Nevada. If the amendment can be reserved, I will withdraw it.

The PRESIDENT *pro tempore*. It can be offered again in the Senate.

Mr. JONES, of Nevada. Very well.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. HOWE. On page 15, in line 357, I move to strike out "three" and insert "five" before "thousand," raising the appropriation to $5,000; so as to read:

For Botanic Garden, for improving the garden, procuring manure, tools, fuel, and repairs, and purchasing trees and shrubs, under the direction of the Library Committee of Congress, $5,000.

Mr. SHERMAN. I should like to ask the Senator from Wisconsin why a drive is not made through the Botanic Garden to the Mall?

Mr. HOWE. That is a matter over which the Library Committee has no jurisdiction.

Mr. SHERMAN. Has not the Library Committee jurisdiction over the Botanic Garden? I merely asked the question because this is an appropriation for the Botanic Garden, and it seems to me there ought to be an appropriation in some way to extend the road or drive through the Botanic Garden.

Mr. HOWE. I hope there will be a very good reason why that shall not be done in a short time, if there is not a good reason now.

Mr. MORRILL, of Maine. If I may be allowed, the jurisdiction of the Library Committee is confined to vegetables, and that of the committee of the Senator from Vermont [Mr. MORRILL] to the public grounds.

The PRESIDENT *pro tempore* put the question upon the amendment, and declared that the noes appeared to prevail.

Mr. HOWE. I call for a division. I do not think there is any intention to vote the amendment down. It costs $2,000 a year now to warm and heat those buildings. That would leave but $1,000 of the present appropriation for tools, manure for trees, boxes, and all other necessary expenses.

Mr. MORRILL, of Vermont. It is expended under the direction of Mr. Smith, a very careful man.

Mr. INGALLS. What was the appropriation last year?

Mr. HOWE. The same—$5,000. Mr. Smith, I believe, has the reputation of being one of the most economical men we have in the service of the Government. I am told he gets more work out of the money he spends than any man we have.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HOWE. On the same page, in line 343, I move to strike out "five" and insert "nine" before "thousand," raising the appropriation for the purchase of books for the Library from $5,000 to $9,000, which has been the usual appropriation.

Mr. STEVENSON. May I ask the chairman whether the present library is not now insufficient to contain the books?

Mr. HOWE. Yes, sir, it is.

Mr. STEVENSON. I should like to know if any step is going to be taken toward a new library. Does the committee propose any such thing? My vote will be somewhat regulated by that, as it is of no use to buy books if we have no place to put them. I would ask the chairman if there is any prospect of a report recommending other accommodations for the Library?

Mr. HOWE. There will be a report and a bill laid before the Senate within a day or two having that object in view. The Librarian thinks it very inexpedient to be left without a small sum which would be available at the sales of books which sometimes take place.

Mr. EDMUNDS. And especially sales of rare books.

Mr. HOWE. The opportunities are not very frequent, and the Librarian wants to have some provision made to take advantage of such as occur.

Mr. EDMUNDS. I hope the Senate will agree to this amendment without any objection. Of course we all understand as to the purchase of the ordinary run of books, that they can be bought at any time; but the books in respect of which the Library is lacking are rare books, editions long out of print, that only come into the market now and then; so that it is essential, to make this Library perfect, as it ought to be, that there should be a fund at command, to be available at any moment when these rare and infrequent opportunities occur, of making up the perfectness of the Library by getting books that only very rarely come into the market.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HOWE. In line 346, I move to strike out "one" and insert "two," so as to raise the appropriation for the purchase of newspapers and periodicals for the Library from $1,500 to $2,500.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the ayes appeared to prevail.

Mr. EATON. I ask for a division.

Mr. HOWE. I did not see which Senator it was that called for a division.

Mr. EATON, (rising.) You can see. I called for a division.

Mr. HOWE. I am very glad to see that it comes from a responsible source. I did not doubt that. I want to say to the Senator who did call for it that the Librarian, and I believe the Committee on the Library, think this one of the most necessary expenditures which are made for that department of the service. The Librarian some years ago, under the direction of the joint committee, undertook to make a collection of newspapers by subscribing for two of the leading newspapers in each State and Territory of the Union, so that in the Library you can at any time find intelligence, authenticated intelli-

gence, of current events in any and every quarter of the Union. That calls for a large part of this appropriation. The Librarian says that to keep up his magazines and to keep up these files of newspapers takes the whole of $2,500 and leaves him but very little margin. He wants a little margin, because occasionally he has an opportunity to buy back files of leading newspapers in different parts of the country, which, when an opportunity of that kind occurs, he is very glad to avail himself of. I regard it myself as a very important part of the Library. If Senators think the United States cannot afford it, I shall submit to the judgment of the Senate.

Mr. EATON. The United States can afford a great many things. There is no doubt about that. The only question to be considered is whether this amendment is necessary? As it was at first presented, there was no seeming necessity for it; not one word was said; but the honorable Senator simply moved to amend by throwing in another thousand dollars. He has now given a reason for the amendment. Before that there was none. I did not think it was necessary that there should be an additional $4,000 for books for the Library when that amendment was proposed; but the eloquence of the honorable Senator from Vermont convinced even me that possibly something might come along here in the shape of a rarity that we should want to buy, and that, therefore, we had better have a little money on hand to do it with. My friend from Wisconsin now says that we want two newspapers from each State in the Union. We ought to have a great many more than two for $1,500 a year, and take all the leading periodicals that are printed in the United States also. I know what I am talking about. I say more than two of the leading newspapers, three or four from each State in the Union and all the leading periodicals may be bought for less than $1,500. Really, if it be necessary that there should be another thousand dollars held in the pocket of this gentleman to buy some rare old periodicals I shall withdraw any objection. If we did divide, I certainly should be compelled to vote against the amendment; for I do not think there is any urgent necessity for it; but I withdraw the call for a division.

Mr. EDMUNDS. I know my friend from Connecticut withdraws his objection, for he is a sensible man, and when information is given to him he appreciates it; but the Senator will observe that this is for the purchase of newspapers. Anybody who understands the Library will know that in respect of the history of this country and of others, particularly of this country, as found in the daily newspapers of the day, which are its current history, the great lack is in the old files before this system that the Library Committee inaugurated two or three years ago of taking two from each State of opposite politics so as to get really a picture of affairs. Before that time we have to make up in order to make the list as perfect as possible, by finding old files as they come in from place to place; and the object of this appropriation is not merely to provide current newspapers but to make up the past history.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HOWE. After line 351 I move to insert:

For postage on copyright business, $700.

The Librarian asked for an appropriation of $2,000 for contingent expenses, and the House voted an appropriation of $1,000. The Librarian will content himself with that if he can have a separate appropriation of $700 for postage on the copyright business, and he says that postage amounts to the full sum specified in my amendment.

Mr. EATON. May I ask my honorable friend a question? Is this the last thing that the Librarian wants?

Mr. HOWE. It is the last thing that the Librarian wants this year. I trust there will be something next year.

Mr. EATON. I meant this year; and I thought if it was the last thing he wanted we had better give it to him.

Mr. HOWE. Let me add what my friend from Vermont [Mr. EDMUNDS] has suggested, that in every application for a copyright there is a dollar transmitted to the Librarian, so that it is a profitable correspondence on the whole. I think we can afford to pay our postage.

Mr. SARGENT. The money goes into the Treasury.

Mr. EDMUNDS. And therefore he cannot pay the postage out of it.

Mr. MORRILL, of Maine. Allow me to inquire of the Senator from Wisconsin what is the significance of the following line:

For expenses of the copyright business, $500.

Mr. HOWE. That is an appropriation made for clerical assistance perhaps. It does not cover the postage, at all events.

Mr. SHERMAN. How is it paid?

Mr. HOWE. It is paid out of the contingent fund.

Mr. EDMUNDS. And that is so much reduced that we want a special provision for the postage on the copyright business where we get a dollar every time we write a letter.

Mr. MORRILL, of Maine. My inquiry is as to what is the meaning of the next line providing for expenses of the copyright business.

Mr. HOWE. I know it does not cover the postage; and that is all the information I can give the Senator on that point.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HOWE. I have one more amendment to present, but it is not for the Library. In line 362 I move to strike out "in all seven" and insert "eight;" so that it will make the appropriation for assistant gardeners and laborers in the garden $8,440.

Mr. EATON. If this is necessary I am perfectly willing to vote for it. I am disposed to do everything that my friend desires; but it does not read very well.

Mr. HOWE. The Senator does not understand that if my amendment is agreed to then the Committee on Appropriations will not insist upon their amendment. Mine is in lieu of that.

Mr. EATON. It is only $1,000 more.

Mr. HOWE. It is $2,000 more than the committee's amendment.

Mr. WRIGHT. It seems to me the Senator from Wisconsin does not mean what he says when he says $2,000 more. What he means is to add $1,000 to the $6,000, in line 361. Then the aggregate would be $8,440. If you add $1,000 to the $6,000 you will have $1,440 for salary of superintendent and $7,000 for assistants and what follows. That I understand to be what the Senator wants.

Mr. HOWE. I want an appropriation of $8,000 for the assistants and laborers.

Mr. WRIGHT. Then you want to add $2,000 to the $6,000 in line 361.

Mr. HOWE. The amendment as I move it will be more easily incorporated. I want it to stand $8,440. If the Senate will agree to the amendment that I have moved, it will be precisely what the gardener wants. Then $1,600 for pay of superintendent will have to be added to the $8,440 to make the sum total. The only difficulty I have in explaining it is that I do not understand exactly how the bill stands.

Mr. MORRILL, of Maine. I will tell the Senator what my understanding is. As it now stands it reads:

For pay of superintendent, $1,600——

Mr. HOWE. That is right.

Mr. MORRILL, of Maine. For all the others below that it is $6,000, and the Senator wants to increase the amount $1,000, as I understand. If you strike out "six" and insert "seven," and then strike out "seven" and insert "eight" in the next line, which is the total, the Senator has exactly what he wants.

Mr. HOWE. The Senator misunderstands what I want. Instead of wanting $7,000 for assistants I want $8,440.

Mr. MORRILL, of Maine. For assistants alone?

Mr. HOWE. For assistants and laborers.

Mr. MORRILL, of Maine. You do not want to increase the number?

Mr. HOWE. I do not want to increase the number, and my amendment does not increase the number.

Mr. MORRILL, of Maine. But you increase the pay over last year.

Mr. HOWE. I do not understand it so. I am informed that that is precisely the pay of last year. I do not propose to increase it at all.

Mr. MORRILL, of Maine. I have no objection to putting it in that way.

Mr. HOWE. Let it be put in that way, and, if I am mistaken about it or misinformed about it, it can be corrected in the committee of conference.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin, which will be reported.

The CHIEF CLERK. The clause as proposed to be amended will read:

For pay of superintendent, $1,600; for assistants in Botanic Garden and greenhouses and two additional laborers, under the direction of the Library Committee of Congress, $8,440.

The amendment was agreed to.

Mr. HOWE. The Senate will now non-concur in the amendment of the Committee on Appropriations to insert $6,000 in lines 361 and 362, in order to make it correspond with the vote just taken.

The amendment was rejected.

The PRESIDENT *pro tempore*. The Secretary will read an additional amendment reported to the clause which is now to be acted upon, having been heretofore reserved.

The CHIEF CLERK. In line 363 the Committee on Appropriations reported an amendment to strike out the following words:

And said superintendent shall have charge of all the public gardens in the District of Columbia that are supported by specific appropriations.

The amendment was agreed to.

Mr. STEVENSON. I propose an amendment to the bill. I desire on page 8 to insert at the beginning of line 186:

For distributing clerk, $1,800.

That was an omission in the House.

Mr. MORRILL, of Maine. The Senator is so advised about that, I suppose?

Mr. STEVENSON. Yes, sir; I have a letter from a prominent member of the House suggesting the amendment I propose as eminently proper.

Mr. MORRILL, of Maine. I call the attention of the Senator to a preceding line, line 182, where the words "distributing clerk" occur.

Mr. STEVENSON. I shall move to strike out those words in line 182, as soon as I have perfected the text of my proposed amendment.

The PRESIDENT *pro tempore*. The question is on the amendment

on page 8, at the commencement of line 186, before the word "for," to insert:

For distributing clerk, $1,800.

The amendment was agreed to.

Mr. STEVENSON. In order to correct the previous provision of the bill, so as to make it correspond with the amendment just adopted, in line 182, before the word "petition," I now move to insert the word "and;" and after the word "petition" to strike out "and distributing;" so as to read:

Resolution and petition clerk.

This perfects the text and harmonizes it with the amendment restoring the distribution clerk.

Mr. ALLISON. What about the newspaper clerk in the same line?

Mr. STEVENSON. That stands. I do not propose to disturb it. It has nothing to do with the amendment I propose. The House evidently intended to amalgamate two offices but the amendment included three. Hence the necessity of the amendment proposed, restoring the distribution clerkship, which, as I am informed, has existed for twenty years and should be retained.

Mr. SARGENT. I have no objection after the statement of my friend from Kentucky. He will notice that on the House side, as well as on the Senate, there are very considerable reductions. The committee of course did not wish to interfere with their matters more than we could possibly help, but at their request in some cases we have made changes. This seems to be one of that character.

Mr. STEVENSON. This amendment is right.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 30, line 732, the bill reads:

From and after the 30th day of June next.

That would indicate 1877, or a time after the present month of June. Therefore I move to strike out the word "next" and insert "1876."

The amendment was agreed to.

Mr. MORRILL, of Maine. I think there is a similar mistake in the amendment in regard to the Capitol police on page 7, adopted to-day. I will ask the Clerk to turn to it and read the amendment which comes in after the word "Representatives" in line 159.

The Chief Clerk read as follows:

Provided, That so much of the joint resolution approved July 15, 1870, as authorizes the employment of an additional police force is hereby repealed, to take effect from and after the 30th of June next.

Mr. MORRILL, of Maine. I move to strike out "next" and insert "1876."

Mr. ALLISON. May I ask the chairman of the committee to state the effect of the amendment which has just been read by the Clerk?

Mr. MORRILL, of Maine. I explained it when it was adopted. It repeals a joint resolution adopted in 1870, which provided for three policemen in the Botanic Garden during the repairs that were then taking place. It has remained in force ever since. There is no occasion for three policemen there now, or any number of policemen at all, and they have, I suppose, been acting in some other capacity. The amendment simply repeals the joint resolution and reduces the appropriation by so much. I now simply move to change "June 30 next" to "June 30, 1876."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 6, lines 127 and 128, I move to strike out the words "under the direction of the superintendent of the folding-room;" so as to make the clause read:

For four folders, at not exceeding $3 per day, $3,000 when actually employed.

The amendment was agreed to.

Mr. MORRILL, of Maine. The proviso to this clause now reads:

Provided, however, That any portion of said sum may be used, at the discretion of said superintendent, for piece-work.

I move to strike out the word "said" before "superintendent" and insert the word "the."

The amendment was agreed to.

Mr. MORRILL, of Maine. I hope, by general consent, the Secretary will be authorized to make the sums total correspond to the amendments.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that will be done by the Secretary.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. CLAYTON. I move to add at the end of the bill the following:

That the appointments in all the Executive Departments of the Government shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population; and the principle of equal distribution of appointments as above provided for shall apply in making reductions of force in said Departments.

Mr. EDMUNDS. I move to amend the amendment by adding the proviso that I moved to it when it was offered in committee.

Mr. CLAYTON. That is covered by an amendment which has been adopted.

Mr. EDMUNDS. Not by any means. That only respects reductions. It does not come within a thousand miles of covering it.

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment to the amendment.

The CHIEF CLERK. It is proposed to add to the amendment the following proviso:

Provided, That the foregoing provision shall be subject to the provisions of section 1754 of the Revised Statutes of the United States.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. CLAYTON. Now, let the amendment that I moved in Committee of the Whole be reported.

The Chief Clerk read as follows:

Resolved, That in making any reduction of force in any of the Executive Departments the head of such Department shall retain those persons, who may be qualified, who have been honorably discharged from the military or naval service or the United States and the widows and orphans of deceased soldiers and sailors.

Mr. CLAYTON. This amendment is now upon the bill, as I understand it, having been put there in Committee of the Whole and reported to the Senate with the other amendments. It provides that, in making reductions called for by the bill, everything else being equal, persons who have served in the Army shall have the preference in being retained. I submit that the amendment proposed by the Senator from Vermont is altogether unnecessary, because it is now the law. It is the law upon the statute-book to-day, and it is simply re-enacting a law that is already upon the statute-book.

Mr. DORSEY. Then accept it.

Mr. CLAYTON. I would accept it but that I see no necessity for it. I cannot see any necessity for re-enacting a law now on the statute-book. I think this amendment now upon the bill adopted in Committee of the Whole fully covers the case.

Mr. MORRILL, of Maine. This subject has been discussed in Committee of the Whole. Therefore I think no further discussion is necessary. The sense of the Senate in Committee of the Whole was against the measure; and, to bring the matter to a close and to test the sense of the Senate further on the subject, I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to lay the amendment on the table.

The question being put, there were on a division—ayes 10, noes 13; no quorum voting.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 18; as follows:

YEAS—Messrs. Anthony, Booth, Christiancy, Cragin, Eaton, Edmunds, Gordon, Hamilton, Hamlin, Johnston, Jones of Nevada, Morrill of Maine, Morrill of Vermont, Norwood, Sargent, Saulsbury, Sherman, Stevenson, Whyte, Windom, and Withers—21.

NAYS—Messrs. Allison, Cameron of Pennsylvania, Clayton, Cockrell, Cooper, Dorsey, Ferry, Goldthwaite, Hitchcock, Ingalls, Kelly, McCreery, Maxey, Merrimon, Paddock, West, and Wright—18.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Caperton, Conkling, Conover, Davis, Dawes, Dennis, Frelinghuysen, Harvey, Howe, Jones of Florida, Kernan, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Patterson, Randolph, Ransom, Robertson, Sharon, Spencer, Thurman, Wadleigh, and Wallace—34.

So the motion to lay on the table was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. EATON. I ask for the yeas and nays on the passage of the bill.

Mr. SHERMAN. It is hardly worth while.

Mr. COCKRELL. We ought to have the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. There are a great many amendments to the bill that I should like to vote against, taking them as a whole; but I do not want to be placed in the position of voting against one of the regular appropriation bills necessary for the support of the Government. I shall therefore vote in the affirmative.

The Chief Clerk proceeded to call the roll.

Mr. RANSOM, (when his name was called.) On this bill I am paired with the Senator from New Jersey, [Mr. FRELINGHUYSEN.] If he were here he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 33, nays 7; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Cooper, Cragin, Edmunds, Ferry, Goldthwaite, Gordon, Hamilton, Hamlin, Hitchcock, Ingalls, Johnston, Jones of Nevada, Kelly, Key, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Paddock, Sargent, Sherman, Wadleigh, West, Windom, Withers, and Wright—33.

NAYS—Messrs. Barnum, Cockrell, Eaton, McCreery, Maxey, Stevenson, and Whyte—7.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Boutwell, Bruce, Cameron of Wisconsin, Caperton, Conkling, Conover, Davis, Dawes, Dennis, Dorsey, Frelinghuysen, Harvey, Howe, Jones of Florida, Kernan, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Spencer, Thurman, and Wallace—33.

So the bill was passed.

Mr. EDMUNDS. Mr. President——

Mr. CAMERON, of Pennsylvania. Perhaps the Senator from Vermont will give way to me for a moment.

Mr. EDMUNDS. I cannot give way, but I will hear my friend.

RECOGNITION OF GOD.

Mr. CAMERON, of Pennsylvania. I have got before me a large mass of papers which I want to put in a safe place. They are petitions for the acknowledgment of God and Christianity in the Constitution of the United States. They are signed by 2,964 persons from New York, 9,703 from Pennsylvania, 1,668 from Vermont, and 106 from Massachusetts. I ask permission at this time to present all these petitions, and I do not know to what committee to refer them, but it ought to be the best committee in the House. I will move their reference to the Committee on the Judiciary.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EDMUNDS. I do not wish to antagonize anything, but the bill introduced by the Senator from Indiana, [Mr. MORTON,] conforming the legislation of Congress to the recent decision of the Supreme Court of the United States in respect of the protection of the citizens of the United States in their civil and political rights, which has been reported from the Committee on the Judiciary, is of great importance; and—and I am not debating the merits of the bill, but only describing it so that the Senate can see what it is—as it is in perfect harmony with that decision, I cannot but suppose it will receive the general, if not the unanimous, concurrence of this body, being for a great constitutional object. Therefore I wish to get it up so that we may all have an opportunity to vote upon it and pass it if possible.

But my friend from Ohio, [Mr. SHERMAN,] as I understand from him in private conversation, wishes to proceed with the consideration of what is called the silver bill, which I believe has been up already. If the Senate is willing to take notice, so far as I may properly ask it to do so, that I will move to take up this bill, to which I have referred, immediately upon the disposition of the so-called silver bill, inasmuch as I believe business is best subserved by disposing of one subject that is begun before you take up another, I shall yield to my friend from Ohio to make the motion that he desires to make; and giving this notice, as I hear no objection to it, I do yield.

Mr. SARGENT. I do not wish to be bound by such an indefinite statement. The Senator is very well aware, as is the Senate generally, that I have been trying for some time to get before the Senate a matter of very great importance to my coast on which I spoke at length some days ago. I refer to the matter of Chinese immigration. At the time this effort was made on my part there was before the Senate the bill with reference to the Japanese indemnity fund. At that time the Senator from Ohio desired to bring up the silver bill and I gave way I must confess with some reluctance, but still gave way with a kind of understanding on the part of the Senate, at any rate with notice on my part that after those bills were disposed of in their order I would ask that this momentous subject might be considered.

Mr. EDMUNDS. Has that been reported from any committee yet?

Mr. SARGENT. The resolution asking the action of the executive department upon the treaty relations with China lies on the table.

Mr. EDMUNDS. It has not been referred to a committee or reported?

Mr. SARGENT. That resolution has not been referred to a committee. A bill relating to the same subject is now before the Committee on Foreign Relations, and I trust will be reported favorably.

Mr. EDMUNDS. I submit to my friend from California that it would be hardly fair to exclude an important bill reported from a committee, while the subject to which he refers is still under consideration by another committee, in order to take it up in another form.

Mr. SARGENT. The subject has two aspects. The matter of the resolution is one which, I think, the Senate can pass upon without the necessity of reference to a committee, and in that aspect of the matter I desire to press it on the attention of the Senate. The other being a matter more of detail requires the consideration of a committee. One depends on a general principle easily understood, and does not require the report of a committee. The bill, however, may require attention in its details, and therefore the suggestion which the Senator himself made that it should go to a committee I cheerfully assented to.

LEGAL TENDER OF SILVER COIN.

Mr. SHERMAN. By the kind indulgence of my friend from Vermont [Mr. EDMUNDS] I move now to take up Senate bill No. 263. I do not want to antagonize it to any bill proposed by the Senator from Maine [Mr. MORRILL] or to the proposition of the Senator from California, [Mr. SARGENT;] but we must not waste much time now on the order of business. This bill has been twice under consideration, and I hope to close it. I shall get it out of the way as soon as I can. I move, therefore, that the Senate proceed to its consideration; and I will say now, beforehand, that I will give way to the Senator from Maine whenever he has an appropriation bill ready; but I hope we may take up this silver bill for consideration and stand by it and end it. I hope we shall end it now. We have no time for long speeches, but must act upon it.

Mr. EDMUNDS. Feeling the force of what the Senator from Ohio has said in the fact that his bill, reported from a committee, has been twice under consideration, I yield; but I call the attention of the Senate to the fact that this important bill affecting human rights, to which I have referred, and bringing our legislation into direct harmony with the decision of the highest tribunal of the land, I shall move immediately upon the conclusion of the bill which he now proposes to take up.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Ohio to take up the bill indicated by him.

Mr. MORRILL, of Maine. I do not know that I shall have any occasion to antagonize the Senator from Vermont; but I have a bill that I can proceed with. It is so small in its character that I do not care to antagonize it against anything; but I desire to put in a *caveat* against any interference whatever with the appropriation bills when they are ready. They will not be ready to-morrow; I can say that to the Senator from Vermont.

Mr. EDMUNDS. I do not mean to stand in the way of the appropriation bills.

Mr. MORRILL, of Maine. Then I have nothing to say.

Mr. SHERMAN. I move to take up Senate bill No. 263, and I give notice to Senators who desire to discuss the bill that I hope they will do it to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 263) to amend the laws relating to legal tender of silver coin.

Mr. MORRILL, of Vermont, obtained the floor.

Mr. MORRILL, of Maine. Now I understand the Senator from Ohio will yield to me to pass an appropriation bill which will not take fifteen minutes—the fortification bill.

Mr. MORRILL, of Vermont. I yield to that.

Mr. SHERMAN. Let this bill be laid aside informally for that purpose.

FORTIFICATION APPROPRIATION BILL.

Mr. MORRILL, of Maine. I now move to take up House bill No. 2134.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent to lay aside the pending order informally and take up the fortification bill. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes.

Mr. MORRILL, of Maine. I do not propose any amendments from the Committee on Appropriations; I am not authorized to offer any. It will be seen that the committee have recommended concurrence with the action of the House of Representatives; but it is due to the Senate that they should know something about the bill.

The estimates for this service, the exterior defenses and the repairs of fortifications and the armament of the same, were $3,294,000. The House of Representatives have appropriated $315,000, which is supposed to be enough simply to take care of the fortifications, without making any improvements whatever or making any provision of any considerable character for the armament. This is not a fixed definite service, and therefore the House of Representatives may, as of course the Senate may, exercise its discretion as to how much shall be appropriated for it. The usual appropriation for the last year or two has been from a million to a million and a half of dollars. Last year it was a little under a million, which did provide somewhat for the armament and somewhat for improvements. But considering the character of the times and considering the idea of the country and the fact also of the absolute necessity for rigid retrenchment, the Committee on Appropriations of the Senate have concluded to recommend concurrence in the action of the House in appropriating $315,000 as against $3,294,000 estimated for.

This is one of those branches of the public service where, as I have already said, a discretion may be exercised. It is not that inflexible service which fixes a salary and where the obligations of the law are imperative on us to provide for it; and wherever there has been anything of this character, the committee have endeavored to meet the House of Representatives in the exercise of a sound discretion exactly at the point where according to their information the necessities of the public service would permit; and so they recommend concurrence with the House in this bill which will leave no appropriations for improvements or for the armaments of the forts. That may be postponed. We are not in the presence of any imminent danger from abroad certainly, although undoubtedly this is a branch of the public service which ought not to be neglected, nor do I characterize or desire to characterize this as neglect. There is money enough, probably, simply to care for these exterior fortifications for another year.

Mr. EDMUNDS. To preserve the *status quo*.

Mr. MORRILL, of Maine. Precisely. The armament of these fortifications in the end will be a very large affair, and it will undoubtedly be the duty of the country from time to time to prepare it by annual appropriations. Not less than $75,000,000 is the estimate of the Department having this subject in charge for the armament simply of these forts. That will have at some time or other to be expended hereafter in armament; but of course that is very much in the future.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at four o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. T. L. TOWNSEND.

The Journal of yesterday was read and approved.

JOANNA NAY PAGE.

Mr. BLAND. I rise to a privileged motion. I find by the RECORD of this morning that yesterday leave was obtained for the withdrawal from the files of the House of the papers accompanying House bill No. 1723 for the relief of Joanna Nay Page. I desire to enter a motion to reconsider the vote granting such leave, inasmuch as a report of the subcommittee has been made adverse to that claim.

The SPEAKER. The motion will be entered.

CIVIL-SERVICE REFORM.

Mr. HURLBUT. I am directed by the Committee on Civil-Service Reform to report back certain testimony, and to move that it be ordered to be printed and recommitted.

There being no objection, the motion was agreed to.

THOMAS D. WRIGHT.

Mr. JONES, of Kentucky, by unanimous consent, introduced a bill (H. R. No. 3668) for the relief of Thomas D. Wright, of Carrollton, Kentucky, for the destruction of his property by the Federal troops in the year 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMIL HEINEMAN AND OTHERS.

Mr. DAVY, by unanimous consent, introduced a bill (H. R. No. 3669) for the relief of Emil Heineman, Francis Payson, and George H. Morgan; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. COX. The Committee on Rules, who are authorized, I believe, to report at any time, have directed me to report back, with a favorable recommendation, the following resolution:

Resolved, That Rule 103 be so amended as to strike out the sixth clause, referring to the committee on public accounts and expenditures relating to public buildings, and insert at the end of said rule the following additional clause: "A committee on so much of the public accounts and expenditures as relates to the public buildings, to consist of seven members;" and this amendment shall continue in force only during the present session.

Mr. Speaker, the only amendment here proposed is to increase the number of members on this committee from five to seven, in consequence of the absence and sickness of some members.

The resolution was agreed to.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. POPPLETON and Mr. BELL as the additional members upon the Committee on Expenditures on Public Buildings.

RAILROAD TRACKS IN SOUTH WASHINGTON.

Mr. HARRISON, by unanimous consent, reported from the Committee on Public Buildings and Grounds a memorial of residents of Washington City for the removal of railroad tracks now used in the southern portion of the city of Washington, and also a brief on the right of Congress to repeal the privileges and franchises heretofore granted to the Baltimore and Potomac Railroad Company and other railroad companies having grants to enter South Washington; and moved that the same be ordered to be printed and recommitted.

The motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT NEBRASKA CITY.

Mr. CROUNSE. I ask unanimous consent to report from the Committee on Commerce a short bill, which I desire to have put on its passage. I believe there will be no objection to it. The report of the committee is unanimous; and the measure has the approval of the War Department.

There being no objection, the bill (H. R. No. 3670) reported as a substitute for House bill No. 175, authorizing the Nebraska City Bridge Company to construct a ponton-railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska, was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Nebraska City Bridge Company, a corporation having authority from the State of Nebraska and from the State of Iowa, its successors and assigns, to build, maintain, and operate a ponton-railway transit and wagon bridge across the Missouri River at Nebraska City, in the County of Otoe, and State of Nebraska; and said company, its successors or assigns, shall keep up and maintain a suitable ponton draw of not less than three hundred feet in length; and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats or rafts; but in no case shall unreasonable delay occur in the opening of said draw before or after the passage of trains; and the company, corporation, or individuals having the charge or control of said bridge shall, for the security of navigation, maintain, from sunset to sunrise, throughout the year, such lights on said bridge as may be required by the Light-House Board.

SEC. 2. That all railway companies desiring to use said ponton bridge shall have, and be entitled to, equal rights and privileges in the use of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree; and the United States shall have the right of way for postal and telegraphic purposes across said bridge; and no greater charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and in case of any litigation arising from any obstruction, or alleged obstruction, to the navigation of the said Missouri River, created by the construction of said bridge under this act, the cause or question arising may be tried before the district or circuit court of the United States of any State wherein the obstruction exists.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said Missouri River is hereby expressly reserved, without any liability to the Government for damages on account of the alteration or amendment of this act or on account of the prevention or requiring the removal of any such obstructions; and if any change be made in the plan of construction of said ponton bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be at the cost and expense of the owners thereof. Said bridge shall be constructed, as near as may be practicable, upon the line heretofore surveyed and established by the Nebraska City Bridge Company.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of the bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built.

Mr. CROUNSE. I repeat that this bill has the unanimous indorsement of the Committee on Commerce, and also the approval of the engineer of the War Department. There can be no objection to it; and it is important that it should be passed promptly.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. PHELPS to fill the vacancy upon the Committee on Foreign Affairs occasioned by the resignation of Mr. BARNUM.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent——

Mr. THORNBURGH. I demand the regular order of business.

Mr. WILLIS. I have the floor, and I hope the gentleman from Tennessee will allow me to go on.

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) Does the gentleman withdraw his demand for the regular order of business?

Mr. THORNBURGH. No, I insist on it.

PUBLIC LANDS IN ALABAMA, ETC.

The SPEAKER *pro tempore*. The morning hour now begins at twelve o'clock and twenty-five minutes, and the regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on Public Lands.

The pending business is the bill reported by the gentleman from Louisiana (Mr. Morey) from the Committee on Public Lands, the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act shall be offered at public sale, as soon as practicable, from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

The amendments reported by the Committee on Public Lands were read, as follows:

Amend by inserting in line 11, after the word "act" and before the word "shall," the following: "which are unsuited for agricultural purposes." And at the end of the section add as follows: "and that all public lands in said States fitted for the purposes of agriculture shall be subject to disposal under the provisions of the

homestead laws of the United States, and not otherwise: *And provided further*, That nothing herein shall be construed to affect the disposal of any mineral lands as now provided by law."

Mr. WALLING. Mr. Speaker, members will recollect that this bill was reported from the Committee on Public Lands by the gentleman from Louisiana, (Mr. Morey;) that a lengthy discussion was had on its merits; that more than one-half of the time was occupied by the opponents of the measure; and that on the last day it came before the House, the 24th of May, Mr. Morey took the floor to close discussion, giving notice that the amendments that had been suggested by the Committee on Public Lands he was ordered to withdraw. At the end of that hour, discussion having been exhausted, the gentleman from Virginia [Mr. HARRIS] rose to a question of privilege, calling up a contested-election case. The House therefore is now brought to a vote on the bill proper. Mr. Morey since then has been unseated; and, by order of the Committee on Public Lands, the charge of the bill has been turned over to me. In accordance with the instruction of the committee to Mr. Morey and with his notice to the House by order of the Committee on Public Lands, I now formally withdraw the committee's amendments to the bill, and demand the previous question.

The bill, Mr. Speaker, is one reasonable in itself, and is unanimously approved by the Representatives of the people interested in its passage. The legislation which it is proposed to repeal is not desired by those people. It was enacted, not by their request, but at the suggestion of people in other sections of the Union, under the idea that a principle which might well apply to other parts of the country would also apply to those States. The result of the experiment has demonstrated its utter failure to produce the effect intended.

It does not affect the homestead law elsewhere, but merely puts the lands in those States upon the basis of other public lands elsewhere in the United States. It is an act of justice to those people. It is an act of right. It is in the line of equality. It is a measure deemed proper by the Committee on Public Lands, who have unanimously reported it to the House.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman yield to me for a few moments?

Mr. WALLING. I must decline to yield the floor, as three morning hours already have been taken up in the discussion of this question; and on the last occasion at the close of the morning hour notice was given that the vote would be taken. That morning hour was devoted to discussion in ten-minute speeches *pro* and *con* upon the bill. Other morning hours, as I have stated, have been occupied in discussion in the same way. The gentleman from Indiana [Mr. HOLMAN] occupied one entire hour. The bill has been discussed at greater length than any other coming before the House during this session. In justice to other committees, in justice to the House itself, and especially in justice to those interested in this bill, I must respectfully decline to yield the floor.

Mr. TOWNSEND, of Pennsylvania. I should like the gentleman to yield to me for only five minutes.

Mr. PAGE. Was it not the agreement when the bill was up before that the amendment of the gentleman from Indiana [Mr. HOLMAN] should be accepted?

Mr. WALLING. No, sir.

Mr. PAGE. Or at least that a vote should be taken upon it?

Mr. WALLING. No, sir; there was no agreement except that at the close of the hour the discussion should be closed, and the vote taken on the bill without amendment.

Mr. KASSON. Was it not understood it should apply only to timber lands?

Mr. CLYMER. Is this unanimously reported from the Committee on Public Lands?

Mr. WALLING. It is, and under the order of that committee I now demand the previous question, having already formally withdrawn all pending amendments reported from the Committee on Public Lands.

Mr. TOWNSEND, of Pennsylvania. Let me ask the gentleman a question.

Mr. WALLING. I decline to be interrupted further.

The SPEAKER *pro tempore*. The gentleman from Ohio, [Mr. WALLING,] on behalf of the Committee on Public Lands, withdraws the amendments reported by that committee, and demands the previous question on the third reading of the bill.

Mr. SAYLER. I desire to say on behalf of the Committee on Public Lands that there are three members of the Committee on Public Lands who favor an amendment to this bill.

On seconding the demand for the previous question there were—ayes 71, noes 49; no quorum voting.

Tellers were ordered; and Mr. WALLING and Mr. PAGE were appointed.

The House again divided; and the tellers reported—ayes 102, noes 56.

So the previous question was seconed.

The SPEAKER *pro tempore*. The question is, Shall the main question be now ordered?

Mr. DUNNELL. I desire to ask the gentleman who has charge of this bill a question. Will he permit any further debate upon it?

Mr. WALLING. I cannot. It has been debated at great length.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman from Ohio allow an amendment to be offered for consideration?

Mr. WALLING. I cannot.

Mr. KASSON. On the question of the passage of the bill I shall call for the yeas and nays, to see if we are going back on the homestead principle.

The main question was ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. KASSON. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. REAGAN. I would like to have the bill reported again before we vote on it.

The bill was again read.

The question was on the passage of the bill; and being taken, there were—yeas 108, nays 97, not voting 83; as follows:

YEAS—Messrs. Atkins, Bagby, John H. Bagley, jr., Beebe, Bell, Blackburn, Bland, Boone, Bradford, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Cook, Cox, Culberson, Davis, De Bolt, Dibrell, Douglas, Eden, Egbert, Felton, Finley, Forney, Franklin, Gause, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Harrison, Hartridge, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoge, Hooker, Hopkins, House, Hurd, Jenks, Thomas L. Jones, Lamar, George M. Landers, Levy, Lewis, Lord, McFarland, Meade, Metcalfe, Milliken, Mills, Money, Morgan, O'Brien, Odell, Parsons, Phelps, John F. Philips, Rea, Reagan, John Reilly, Riddle, John Robbins, Roberts, Miles Ross, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Swann, Teese, Terry, Thomas, Thompson, Throckmorton, Tucker, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Erastus Wells, Whitthorne, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Fernando Wood, and Yeates—108.

NAYS—Messrs. Adams, Ainsworth, Anderson, George A. Bagley, William H. Baker, Ballou, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Campbell, Cannon, Cason, Caswell, Chittenden, Clymer, Collins, Crapo, Crounse, Cutler, Danford, Davy, Denison, Dobbins, Dunnell, Durand, Eames, Evans, Foster, Garfield, Goodin, Hale, Benjamin W. Harris, Hartzell, Hathorn, Haymond, Hendee, Henderson, Hoar, Holman, Hunter, Hurlbut, Joyce, Kasson, Kelley, Ketcham, Kimball, Franklin Landers, Lapham, Leavenworth, Le Moyne, Lynch, Edmund W. M. Mackey, L. A. Mackey, McCrary, McDill, Miller, Monroe, Nash, Neal, Norton, Oliver, O'Neill, Packer, Page, Pierce, Piper, Platt, Potter, Pratt, Rainey, Randall, Robinson, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Thornburgh, Washington Townsend, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Whitehouse, Whiting, Willard, Andrew Williams, Charles G. Williams, James Wilson, Alan Wood, jr., and Young—97.

NOT VOTING—Messrs. Ashe, John H. Baker, Banks, Banning, Bass, Blaine, Bliss, Blount, Bright, Caulfield, Chapin, Conger, Cowan, Darrall, Durham, Ellis, Ely, Faulkner, Fort, Freeman, Frost, Frye, Fuller, Gibson, Glover, Hancock, Harlson, Henry R. Harris, John T. Harris, Hatcher, Hays, Henkle, Hereford, Hoskins, Hubbell, Hunton, Hyman, Frank Jones, Kehr, King, Knott, Lane, Lawrence, Luttrell, Lynde, Magoon, Maish, MacDougall, McMahon, Morrison, Mutchler, New, Payne, William A. Phillips, Plaisted, Poppleton, Powell, Purman, James B. Reilly, Rice, William M. Robbins, Sobieski Ross, Rusk, Sayler, Stevenson, Stowell, Martin I. Townsend, Tufts, Turney, John L. Vance, Waddell, Wait, Ward, Warren, Wheeler, White, Wigginton, Alpheus S. Williams, William B. Williams, Wilshire, Benjamin Wilson, Woodburn, and Woodworth—83.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. DURAND. My colleagues, Mr. A. S. WILLIAMS and Mr. CONGER, are absent by order of the House.

Mr. BRADLEY. My colleague, Mr. W. B. WILLIAMS, is absent on important business.

Mr. DURHAM. On this bill I am paired with Mr. HUBBELL, of Michigan.

The result of the vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE FOR SPEAKER.

The SPEAKER. The Chair feels the necessity of asking the further indulgence of the House. He asks that he may have leave of absence for ten days, though he may not be absent for so long a time. Is there objection to this request?

There was no objection.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair, subject to the approval of the House, appoints the gentleman from New York [Mr. COX] as Speaker during his absence. Is there objection to this appointment?

There was no objection, and Mr. COX took the chair as Speaker *pro tempore*.

MAILING OBSCENE BOOKS, ETC.

The SPEAKER *pro tempore*. The calling of committees for reports has now reached the Committee on the Post-Office and Post-Roads.

Mr. CANNON, of Illinois, from the Committee on the Post-Office and Post-Roads reported back, with the recommendation that it do pass, the bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books and other matters therein contained, and prohibiting lottery-circulars passing through the mails.

The bill was read, as follows:

Be it enacted, &c., That section 3893 of the Revised Statutes shall be, and is hereby, amended so as to read as follows:

"Every obscene, lewd, or lascivious book, pamphlet, picture paper, print, or other publication of an indecent character, and every article or thing designed or

intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means, any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, and every letter upon the envelope of which, or postal card upon which, indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall for each and every offense be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court."

And all offenses committed under said original section 3893 of the Revised Statutes prior to the approval of this act may be prosecuted and punished under the said original section in the same manner and with the same effect as if this act had not been passed.

SEC. 2. That section 3894 of the Revised Statutes be, and is hereby, amended by striking out the word "illegal" in the first line of said section.

Mr. CANNON, of Illinois. This bill is reported unanimously by the Committee on the Post-Office and Post-Roads. If passed it does not materially change the two sections of the Revised Statutes that are proposed to be amended. Section 3893 of the Revised Statutes is perfected by the bill so as to provide a complete penalty for the mailing of all kinds of matter therein prohibited to pass through the mails.

The other section, section 3894, provides that "illegal" lottery circulars shall not pass through the mails. In some States lotteries are legalized, in others they are prohibited, so that we have matters mailable in one State that are not mailable in another. The object of the amendment to that section is to secure uniformity and prohibit lottery circulars of any kind from passing through the mails. This bill, or one substantially like it, was reported before, and, on the suggestion of various gentlemen and with the consent finally of the committee, it was recommitted and amended in some particulars to meet the suggestions made at that time. I think there can be no objection to the bill, and if there is no desire to say anything about it, I will ask that it be placed upon its passage. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROADS.

Mr. CLARK, of Missouri, from the Committee on the Post-Office and Post-Roads, reported back, with amendments, the bill (H. R. No. 3628) establishing post-roads.

The Clerk proceeded to read the amendments.

Mr. HOAR. These amendments relate to post-roads simply, I presume?

The SPEAKER *pro tempore*. The chairman of the committee informs the Chair that there is nothing in the bill in the shape of legislation except in the establishment of post-roads.

Mr. HOAR. I presume it is not necessary to read them. I understand that these post-roads are put into a bill of this kind on the request of any member as a matter of course, and there is no necessity to read them.

The SPEAKER *pro tempore*. That is the uniform course.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. CANNON, of Illinois. At what time does the morning hour expire?

The SPEAKER *pro tempore*. At twenty-five minutes after one o'clock.

Mr. CANNON, of Illinois. I want the engrossed bill read.

The SPEAKER *pro tempore*. The bill is not now engrossed, and it will go to the Speaker's table to come up whenever the business on the Speaker's table is reached by a vote of the House; but if the bill goes to the Speaker's table it can be taken from it by a motion.

Mr. CANNON, of Illinois. I will not call for the reading of the engrossed bill, but I ask that it be read in full on the third reading.

The Clerk proceeded to read the bill.

Mr. O'BRIEN. Is this a third reading of the bill?

The SPEAKER *pro tempore*. It is.

Mr. WILSON, of Iowa. Has the call for the reading of the engrossed bill been withdrawn?

The SPEAKER *pro tempore*. It has. The Chair understands that the object of the gentleman from Illinois is to exhaust the morning hour so as to verify the bill.

Mr. CANNON, of Illinois. If by unanimous consent the morning hour can now be considered as closed, I am willing to dispense with the reading.

The SPEAKER *pro tempore*. The Chair cannot entertain such a motion during the morning hour.

Mr. CANNON, of Illinois. Then I must ask for the reading of the bill.

The Clerk resumed the reading of the bill.

Mr. CANNON, of Illinois. I withdraw the request for the further reading of the bill.

The SPEAKER *pro tempore*. The morning hour has expired, and the bill goes over.

ALASKA COMMERCIAL COMPANY.

Mr. WOOD, of New York. The Committee of Ways and Means have unanimously directed me to report back the following resolution and ask its adoption:

Whereas the Committee of Ways and Means, after a full and complete investigation into the law and facts relating to the granting of the lease to the Alaska Commercial Company for the right to take fur-seals on the islands of Saint Paul and Saint George, report that they find that the lease aforesaid was made in accordance with the act approved July 1, 1870, and has been complied with on the part of the lessees, and is for the advantage of the United States: Therefore,

Resolved, That in the opinion of this House there is no just ground of complaint against the Alaska Commercial Company or the officers of the Government who were intrusted under the law with the power to make and see to the performance of the lease aforesaid, and that it is entitled to the enjoyment of the franchise so long as it faithfully performs all the requirements and stipulations of the law and contract under which it holds its rights and so long as the act shall remain in force.

I will only state to the House that after four months of very patient and thorough examination and investigation the committee have unanimously agreed upon this report, and I have been directed to report the resolution back to the House and ask its adoption. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. WOOD, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WALLABOUT BAY, BROOKLYN.

Mr. WILLIS. I ask unanimous consent to report back from the Committee on Naval Affairs the bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land in the Wallabout Bay, in the State of New York, to the city of Brooklyn, with amendments, and to ask its immediate passage.

The bill and amendments were read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill now?

Mr. LANDERS, of Indiana. I object.

The SPEAKER *pro tempore*. Then the bill is not before the House.

Mr. WILLIS. I trust the gentleman from Indiana, [Mr. LANDERS,] in view of the fact that I am willing to make any explanation necessary to remove his doubts regarding this matter, will withdraw his objection.

Mr. THORNBURGH. Will the gentleman answer a question?

Mr. WILLIS. I am ready to answer it.

Mr. THORNBURGH. Why is the Secretary of the Navy selected to dispose of public land instead of the Secretary of the Interior?

Mr. WILLIS. I will answer the gentleman in regard to everything in this bill.

Mr. THORNBURGH. I only wish that question answered.

Mr. WILLIS. This land is in the heart of the city of Brooklyn; where there are 500,000 people, who without reference to party are demanding that this land, which is covered by water and produces pestilence, disease, and death, shall be sold. The terms and provisions provided by this bill are these——

Mr. THORNBURGH. The gentleman does not answer my question.

Mr. WILLIS. I will answer it in a moment. The bill provides for four commissioners, two of them to be appointed by the Secretary of the Navy and two of them to be the mayor and comptroller of the city of Brooklyn, the one a republican and the other a democrat; that this commission shall immediately proceed to agree upon the terms and conditions and consideration for which this land shall be sold, and that they shall report their conclusions to the next session of Congress, and, if the next session of Congress shall ratify their conclusions, thereupon the Secretary of the Navy is directed to execute and deliver a sufficient and proper deed of guarantee.

Mr. THORNBURGH. The gentleman has not answered my question, which is, why the Secretary of the Navy, instead of the Secretary of the Interior, is selected to dispose of public land?

Mr. WILLIS. The reason is——

Mr. HURLBUT. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HURLBUT. My point of order is that, the bill being objected to, debate is out of order.

The SPEAKER *pro tempore*. The bill is not before the House, objection having been made.

Mr. WILLIS. I think the objection will be withdrawn.

Mr. LANDERS, of Indiana. I understand that this question is to be brought back to Congress again——

The SPEAKER *pro tempore*. No debate is in order.

Mr. LANDERS, of Indiana. And upon that understanding I withdraw my objection.

Mr. OLIVER. I renew it.

Mr. WILLIS. I hope the gentleman will not renew it. This is a bill of public necessity.

Mr. OLIVER. I insist upon my objection.

The SPEAKER *pro tempore*. The bill being objected to, it is not before the House.

SAMUEL B. NELSON.

Mr. COCHRANE, by unanimous consent, introduced a bill (H. R. No. 3671) for the relief of Samuel B. Nelson; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PACIFIC RAILROAD.

Mr. LAWRENCE. I ask that there be printed in the RECORD the bill which I send to the Clerk's desk. It has been fully agreed upon by the Committee on the Judiciary, and I ask that it be printed in the RECORD for information. It is a bill to provide a sinking fund for the Pacific Railroad.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read the title of the bill, as follows:

A bill to amend the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned.

The SPEAKER *pro tempore*. Is there objection to printing this bill in full in the RECORD?

Mr. HURLBUT. I object.

Mr. KASSON. Has not the bill already been printed?

Mr. LAWRENCE. Several amendments have been made to the bill. I ask that it be printed as a separate bill and recommitted.

There being no objection, the bill (H. R. No. 3672) was received, read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. DURHAM. I object to any further business that will be in the way of my calling up House bill No. 2284, which is the oldest special order now on the Calendar.

Mr. LORD. I propose to call up a special order, being the bill for the distribution of the unappropriated moneys of the Geneva award.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. LORD] and the gentleman from Kentucky [Mr. DURHAM] rise to call up each a special order.

Mr. LORD. The Geneva award bill was made a special order for Monday last at two o'clock.

Mr. DURHAM. The bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes concerning mineral lands is the oldest special order now upon the Calendar, having been made the special order for the 9th of March last. I am sure it will not take ten minutes to pass the bill.

The SPEAKER *pro tempore*. The Chair will submit the question to the House, and let the House determine between the motions of the gentlemen.

Mr. DURHAM. I am perfectly willing to yield to the gentleman from New York [Mr. LORD] if I may have the assurance that my bill will be taken up after his bill has been disposed of.

The SPEAKER *pro tempore*. The Chair would state that the earlier special order is the one referred to by the gentleman from Kentucky, [Mr. DURHAM.]

Mr. DURHAM. I will yield to the gentleman from New York [Mr. LORD] at this time, as his bill seems to be of more general interest than mine. Afterward I will call up my bill.

Mr. BANNING. There is an older special order, or at all events a more important one, than that of the gentleman from Kentucky, [Mr. DURHAM]—that is, the bill to equalize the bounties of soldiers—which I shall insist upon after the Geneva award bill has been disposed of.

Mr. DURHAM. All right; we will try our strength on our bills.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from New York [Mr. LORD] to proceed to the consideration of the Geneva award bill.

PERSONAL EXPLANATION.

Mr. TARBOX. I rise to a question of privilege.

Mr. KASSON. Is it a question of privilege?

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TARBOX. It is a personal explanation.

Mr. LORD. How long will the gentleman take for his explanation?

Mr. TARBOX. Not more than fifteen minutes.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. TARBOX] will proceed.

Mr. TARBOX. When on Monday last the gentleman from Maine [Mr. BLAINE] occupied the floor in a personal explanation——

Mr. KASSON. Before the gentleman proceeds, I would inquire whether the gentleman from Maine is on the floor; and, if not, I would suggest whether it would not be more delicate for the gentleman from Massachusetts [Mr. TARBOX] to postpone his personal explanation in order to enable the gentleman from Maine to be present.

Mr. TARBOX. In response to the gentleman from Iowa [Mr. KASSON] I will say that I should be very happy to have the presence of the gentleman from Maine when I may occupy the floor in an explanation touching a matter in which he is concerned, provided I can have some assurance when that gentleman's presence may be expected.

Mr. MILLIKEN. I understand he is in the committee-room.

Mr. KASSON. After the gentleman from New York [Mr. LORD] has occupied the floor I presume there will be no objection to the gentleman from Massachusetts proceeding, and meanwhile there will be opportunity to advise the gentleman from Maine.

Mr. TARBOX. Upon that suggestion I am very happy to yield for the present.

EVIDENCE IN PACIFIC RAILROAD INVESTIGATIONS.

Mr. HUNTON. I ask my friend from New York [Mr. LORD] to yield to me a moment that I may present a resolution for the printing of evidence.

Mr. LORD. I yield for that purpose.

Mr. HUNTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary is authorized to print the evidence taken before said committee under the resolution offered by Hon. Mr. LUTTRELL, and under the resolution offered by Hon. Mr. TARBOX.

Subsequently, during the course of Mr. LORD's speech, the following occurred:

Mr. BLAINE. The gentleman from New York kindly yields to me to enter a motion to reconsider the vote by which the resolution offered this morning by the gentleman from Virginia [Mr. HUNTON] in regard to printing certain testimony was adopted. I only enter that motion now. I will explain the reason for it afterward.

The SPEAKER *pro tempore*. The motion to reconsider is entered.

Mr. LORD. I yield for the introduction of several bills.

SMYTH COUNTY, VIRGINIA.

Mr. TERRY, by unanimous consent, introduced a bill (H. R. No. 3673) for the relief of Smyth County, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ERASTUS T. BUSSELL.

Mr. LANDERS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 3674) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Comissioner of Patents for an extension of letters-patent for a "combined rubber and spiral steel spring;" which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CONGRESSIONAL DOCUMENTS FOR THE ARMY.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 3675) to provide military headquarters and posts with copies of all publications made by authority of Congress; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRIBUTION OF GENEVA AWARD.

The House, according to order, proceeded to the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award.

Mr. LORD. I ask that the bill, with the amendments reported by the Committee on the Judiciary, be read:

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the court of commissioners of Alabama claims, in the mode and subject to all the conditions, limitations, and provisions of chapter 459 of the laws of the Forty-third Congress, except as changed or modified by this act, to receive and examine the claims mentioned in section 2 of this act, and to enter judgment for the amounts allowed therefor in three classes.

SEC. 2. That the first class shall be for claims directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked on the high seas or pursued therefrom, although destroyed within four miles of the shore, except as provided for in section 11 of said chapter 459. The second class shall be for claims for the payment of premiums for war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser. The third class shall be for claims for sums actually paid for insured property destroyed on the high seas by such confederate cruisers except claims for which judgments have been entered under section 12 of said chapter.

SEC. 3. That in examining claims in the second class it shall be the duty of the court to deduct any sum in any way received by or repaid to the claimant, diminishing the amount paid for any such premium, so that the actual loss of the claimant only shall be allowed; and no claimant in the second class who has been paid such loss shall be entitled to receive from any insurance company recovering in the third class any further sum on account of such loss.

SEC. 4. That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the sum of money paid to the United States pursuant to article 7 of the treaty of Washington, and accruing therefrom, not appropriated to claims provable under the provisions of said chapter 459 and the act extending the time for the filing of claims thereunder.

SEC. 5. That judgments entered in the first class shall be paid before judgments of the second class are paid and judgments of the second class shall be paid before judgments of the third class are paid. If the sum of money so unappropriated shall be insufficient to pay the judgments of the first class, they shall be paid according to the proportions which they severally bear to the whole amount of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first class and not sufficient to pay the judgments of the second class, the latter judgments shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum. If such sum shall be sufficient to pay the judgments of the first and second classes and not sufficient to pay the judgments of the third class, they shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum after the payment of the judgments of the first and second classes.

SEC. 6. That in other respects the said judgments shall be reported and paid in the mode provided for the payment of judgments by said chapter 459 and the act providing for the payment of judgments rendered and to be rendered thereunder.

SEC. 7. That all claims filed or that may hereafter be filed in said court in the name of one or more claimants, relating to a vessel in which other claimants are interested, shall be deemed and held to be legally filed the same as if all the parties in interest had joined in the filing of the petition.

The amendments reported by the Judiciary Committee were read as follows:

At the end of the first section add the following:

Such claims to be filed with the clerk of said court within six months from the passage of this act; and said court is hereby continued until July 22, A. D. 1877.

Insert after the words "vessels and cargoes attacked," in the third line of the second section, the words "or taken."

Mr. LORD. I yield to the gentleman from Kentucky, [Mr. KNOTT,] that he may offer a substitute.

Mr. KNOTT. As a substitute for the bill which has just been read, I offer the measure reported by the minority of the committee.

The Clerk read as follows:

A bill to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by the court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee or otherwise in the right of a person or party insured, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war-risks exceeded the sum of its or his premiums or other gains upon or in respect to such war-risks; and, in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

SEC. 2. That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this amendment as he could have had after the passage of the said act if not so excluded. And the time of the duration of the court created by the said act and its powers are hereby extended for a period sufficient to enable it to hear and dispose of such additional claims and the claims already referred to it; which period shall not exceed one year from the expiration of the time for filing claims under this section.

Mr. LORD. I now yield to the gentleman from Ohio [Mr. LAWRENCE] to offer a substitute.

Mr. LAWRENCE. I desire in the first place to offer some amendments to the original bill.

Mr. LORD. I have not yielded for that purpose, but only for the offering of a substitute. At the proper time I will yield for amendments to the original bill, but not now. It is only fair that the principal question should be first discussed.

Mr. LAWRENCE. I thought it better to offer all the propositions now.

Mr. LORD. No, sir, I object. I have only yielded for the purpose of allowing a substitute to be offered.

Mr. LAWRENCE. I understood when the committee acted on this matter that the arrangement was otherwise; but I will offer the following substitute:

That all bonds of the United States in which the money awarded to the United States by the tribunal of arbitration at Geneva has been invested, after paying all charges thereon and judgments as determined by the court of commissioners of Alabama claims under existing law, shall be canceled by the Secretary of State and the Secretary of the Treasury; and all money, if any, arising from said award or from bonds in which it has been invested shall be covered into the Treasury.

Mr. LORD. I now move to recommit the bill and several amendments, in order that the debate may proceed with that motion pending.

The SPEAKER *pro tempore*. The motion will be entered.

Mr. LORD. Mr. Speaker, as near as can be estimated there remains unappropriated of the moneys paid under article 7 of the treaty of Washington over $10,000,000.

PROPOSITIONS TO BE SUSTAINED.

First. The *award* made in pursuance of such treaty was in favor of the United States as a nation against Great Britain as a nation, absolutely free from any trust or legal claim, to be distributed by the former according to its sense of justice. Therefore the last Congress *had the power* to legislate as it did in favor of actual sufferers, and with this exercise of *its discretion* this Congress ought not to interfere.

Second. The claim made by the underwriters that section 12 of chapter 459 of the laws of the Forty-third Congress should be repealed rests on no legal, equitable, or meritorious basis. Those who make this demand have been paid, in fact overpaid several millions of dollars. This sum they should not divert from those who paid them.

Third. Those who *lost* property on the high seas, and those who were compelled to pay war premiums by reason of the confederate cruisers should be paid from such unappropriated sum to the extent of their actual losses.

Fourth. If any interlocutory decision of the tribunal of arbitration, organized under the treaty of Washington, appears to be in conflict with the foregoing positions, although the award is binding as between the nations, such decision is in no manner binding on the United States, in regard to its own citizens, *for the claims for all property destroyed by such cruisers are within the provisions of the treaty and are satisfied thereby.* Neither the claims for war premiums nor for insurance could have been added to the award without allowing a double claim.

Fifth. The residue after the payment of such actual losses should be paid as a *secondary loss* to insurers excluded by section 12 of said chapter:

I.—THE AWARD WAS TO THE UNITED STATES AS A NATION.

I now proceed, Mr. Speaker, to discuss the first proposition, that this award was to the United States as a nation; and this, if I can have the attention of the House, I will demonstrate to it, I think, beyond all question. In this regard the majority report does not differ from one of the minority reports. The minority report, made by Mr. LAWRENCE, of Ohio, is predicated on the theory that this award was wholly and absolutely in favor of the United States, and the United States the sole owner and custodian of the money awarded.

The Clarendon-Johnson treaty was rejected under the inspiration of Senator Sumner, notably because it was based upon the vicious principle of former treaties made with Great Britain, France, and Spain, which provided for payment directly to individuals, thereby failing to recognize the true principle upon which all claims against a foreign country for the destruction of property should be based. Mr. Sumner denounced the Clarendon-Johnson treaty "as a bundle of private claims," and asserted the principle which it is believed will be recognized in all future treaties, that if a nation has lost a portion of its taxable property by reason of the unwarranted acts of another nation, the claim for damages should be made and recovered by the nation, and when recovered the amount should be distributed to the actual sufferers, subject, of course, as a matter of law to the right of taxation.

The treaty of Washington was the result of a claim on the part of the United States that Great Britain by its unwarranted recognition of belligerent rights in favor of the seceded States and allowing its citizens to aid the cruisers, which, but for such recognition, would not have been on the sea, caused great injury to the material interests of this nation; and it was proposed that the commission which framed the treaty "should agree upon a sum to be paid by Great Britain to the United States in satisfaction of *all the claims*." (See papers relating to the treaty of Washington, volume 1, pages 9 and 10.)

Instead of following this suggestion, but in harmony therewith, the treaty of Washington was made, which contained the following articles.

Now, to these articles I ask the attention of the House to show how clearly the proposition is demonstrated that this is the money of the nation, received by the nation, to be distributed according to its sense of justice and according to actual merit:

ARTICLE I.

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims;"

* * * * * * *

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's government, the high contracting parties agree *that all the said claims, growing out of acts committed by the aforesaid vessels and generically known as the "Alabama claims," shall be referred to a tribunal of arbitration.*

And it is important that the House should remember that the word "Alabama" was used generically and typically, (and in regard to this I presume there will be no dispute,) to cover all the losses occasioned by the confederate cruisers on the high seas.

From the foregoing article it will be seen that in the most comprehensive words the treaty of Washington provides for the reference of to such tribunal *of all claims* growing out of "the several vessels" which found a place upon the "high seas" under cover of the recognition by Great Britain of belligerent rights in the Confederate States. The claims and vessels are described in the argument of the counsel of the United States before the tribunal as "losses growing out of the acts of cruisers of the confederates designated by the *typical* name of the Alabama." (Volume 3 of papers relating to the treaty of Washington, page 209.) And it appears by the award of the arbitrators that claims were presented for losses occasioned by a large number of such cruisers.

I now call attention to the second article of the treaty:

ARTICLE II

The arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the governments of the United States and Her Britannic Majesty, respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its *agent*, to represent it generally in all matters connected with the arbitration.

ARTICLE VII.

* * * * * * * *

The said tribunal shall *first* determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States *for all the claims referred to it;* and in such case the gross sum so awarded shall be paid in coin by the government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the agent of the United States for his Government, and the other copy shall be delivered to the agent of Great Britain for his government.

Thus by the express terms of the treaty the sum in gross was to be paid *for all the claims referred to the tribunal.*

ARTICLE VIII.

Each Government shall pay its own agent and provide for the proper remuneration of the counsel employed by it and of the arbitrator appointed by it, and for the

expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two governments in equal moieties.

ARTICLE XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of assessors, should such board be appointed, *as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.*

The award of the tribunal is in entire harmony with this provision of the treaty of Washington.

Therefore all claims growing out of the acts of the confederate cruisers on the high seas, generically or typically known by the name of the Alabama, whether presented or not to the tribunal or whether allowed or disallowed by it, were to be absolutely satisfied and forever barred by the award, whether made by the tribunal of arbitration or the contemplated board of assessors. To assume that the Government did not by these provisions reserve to itself the supreme right to do justice would be to assume that it was acting in a most reckless and arbitrary manner, disregarding entirely the rights of its citizens and the merits of their claims.

These provisions make it entirely certain that the United States, recovering the money in its own name and at its own expense under its inherent right to recover the value of its taxable property so destroyed, intended to reserve and did reserve the right of distribution as to all the claims so satisfied, or to such of them as should prove to be the most meritorious.

From these provisions it appears that, in all its parts, the treaty of Washington was made for and between the two governments. They alone were to conduct the proceedings and to bear the expense. The claims to be satisfied were "all the claims," *whether or not presented to or allowed or disallowed by the tribunal of arbitration.* The rules incorporated were to bind the governments the same as "the duties (theretofore) recognized by the principles of international law." This international treaty recognized no individual right, but, as before suggested, repudiated the long-established heresy by which the citizens of one nation, through commissions, could prove claims directly against another nation, thus involving practices often discreditable and tending to bring the nation the claimants represented into disrepute. Both the dignity and interest of the nation, as well as its superior power to do justice, uphold the principles underlying the treaty of Washington.

Before proceeding to quote the instructions of the State Department, the views of the prime minister of Great Britain, the decisions of the court, and the statements of the counsel of the United States in relation to this question, all concurring in the view we have taken, attention is called to article 10 of the treaty of Washington:

In case the tribunal finds that Great Britain has failed to fulfill any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall *be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability, as decided by the arbitrators.*

As in this article an express limitation is imposed upon the inferior tribunal created thereby, in case a gross sum was not awarded, not to inculpate any other cruiser than had the "tribunal of arbitration," and as no such limitation was imposed on the United States it shows that there was no intent to impose such a limitation upon the United States, the superior tribunal to both. Had the board been organized, the underlying principle was the same, the proceeding was still between the two governments; and it was to proceed, in the language of the treaty, "to the investigation of the claims which shall be presented to them *by the Government of the United States*, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished *by or on behalf of the governments of the United States and of Great Britain respectively.* They shall be bound to hear on each separate claim, if required, one person *on behalf of each government as counsel or agent.*"

As this limitation confining the board of assessors to the injuries done by the inculpated cruisers constitutes the only material difference between the tribunals it is evident that the object of the treaty in this regard was, if insisted on, to allow the test of evidence to be applied as to the value of the vessels and cargoes destroyed by each cruiser instead of relying upon the *ex parte* statements of interested parties received by the tribunal of arbitration. Either would make up the amount of the national loss from individual claims, in the one case on *ex parte* statements, in the other by the aid of testimony. The treaty further provides in regard to such board:

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the representative of Her Britannic Majesty at Washington.

All sums of money which may be awarded under this article shall be payable at Washington in coin within twelve months after the delivery of each report.

Thus, whether before the tribunal or the board, the two governments were the parties, and the award was to be paid to the United States, without limitation, to be distributed upon the claims *satisfied* by the treaty of Washington, according to their respective merits.

The minority report seems to assume that, had the board of assessors been appointed, it would have dealt with individuals. This, as has already appeared, is an error; either tribunal would only examine individual claims as evidence. It also states that—

It was not necessary, if indeed it would not have been indelicate, to insert a stipulation in the treaty that the United States should faithfully administer such sum as might be awarded to them in gross in accordance with the judgment of the tribunal.

Why indelicate to bind a nation more than the individuals composing it? *Why indelicate to bind this nation more than the representatives of the three nations composing the "board of assessors?"*

The reasoning of the minority is very far from being sufficient to reverse the axiom, *Expressio unius est exclusio alterius.* But it is a sufficient answer to the speculations of the minority report to say that a "gross sum" was awarded and the "board" was not appointed. And it must be remembered that had this board of assessors been appointed every proceeding as to the award would have been the same as before the tribunal, except in regard to the single limitation put upon the board by the treaty in question.

In furtherance of the view that the sum so awarded "in gross" to the United States was paid to it as a nation, to be distributed in its discretion, bounded only by the claims satisfied by the treaty of Washington, we quote the instructions given by the State Department, under date of December 8, A. D. 1871, and found in the second volume of papers relating to the treaty of Washington, pages 415 416, as follows:

The President desires to have the subject discussed as one between the two governments. * * * In the discussion of this question and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. * * * The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government, without committal as to the mode of distribution.

We also quote the view of Great Britain; (See Foreign Relations of the United States, part 1, page 377:)

Mr. Gladstone, then prime minister, said:

"It appears to be implied that the government submitted the claims of certain persons not subjects of Her Majesty to arbitration.

"This is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the Alabama.

"What was submitted to arbitration was entirely a question between the two governments."

Now I ask the attention of this House to the decision of the court of commissioners of Alabama claims made on the precise question. I have read the treaty which in its broad range satisfied every claim referred to the tribunal of Geneva by the treaty of Washington, and every claim was referred to them which could possibly grow out of the ravages of confederate cruisers on the high seas. I have read to you the instructions of the State Department to its counsel at Geneva. Not one single suggestion was made by that tribunal as to the subject of distribution to individuals, the United States having reserved to itself the supreme right of distribution.

I shall read to you the decisions of the court created by the Congress, composed of intelligent judges, and which has had to pass upon this identical question. If the treaty, the award, the construction of Great Britain, the construction of the State Department, as well as the decisions of such court agree in this one direction, and more, if the last Congress in its discretion agreed with all these authorities and enacted the law the insurers desire to repeal, I ask by what right it is claimed that this Congress should repeal that law? Shall we yield to the arguments of newspapers, perhaps advertisements paid for by the very men who demand the repeal?

Several decisions made "in the court of commissioners of Alabama claims" sustain the declaration of the State Department that—

If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government, without committal as to the mode of distribution.

The act organizing the "court of commissioners of Alabama claims" was approved June 23, 1874. (See Statutes at Large of the Forty-third Congress, page 249.)

By section 11, page 247, it is made the duty of the court to examine claims admissible under the act, "to decide upon the amount and validity of such claims in conformity with the provisions thereinafter contained, *and according to the principles of law and the merits of the several cases.*"

By the Constitution of the United States, article 6, subdivision 2, "treaties made * * * under the authority of the United States shall be the supreme law of the land."

It is alleged that the rule of damages enacted in section 12 of such act is in contravention of the treaty of Washington.

In Schreiber and others *vs.* The United States, page 4, the court say:

The court of commissioners of Alabama claims was, by the act of the 23d of June, 1874, constituted a court, not in form merely, but in every essential attribute of a court. * * * Its jurisdiction is certainly limited to a particular class of subjects, but within the range of its jurisdiction its power to hear, to decide, and to enter judgment is as complete as could be claimed for any court of the most enlarged jurisdiction.

In Williams *vs.* The United States, pages 2 and 3, the court say:

Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been, he had not the power to obtain compensation from Great Britain by his own acts. * * *

The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty. * * *

It is clear the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal right to it except that which this Government, by its own acts, chose to accord.

Raynor, Justice, in Hubbell *vs.* The United States, page 3, says:

Nothing can be found in those proceedings to limit or control good faith on the part of our Government in making such allowance to claimants before us as in their judgment and discretion Congress might think proper. In fact, the very able committee to whom the British board of trade referred the investigation of the points at issue say in their report:

"The proper compensation for the losses occasioned by the cruisers is the question we have to examine, but with the mode of distributing that among the various claimants the American Government alone is concerned."

And the position taken by the Board of Trade of Great Britain is thus indorsed by the court of commissioners of Alabama claims.

In the recent case of Rhind *vs.* The United States, in which the point was distinctly before it, the court say:

The award was made in favor of the Government and not in favor of the claimants. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants nor any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made.

The distinguished counsel of the United States, William M. Evarts, Caleb Cushing, and Morrison R. Waite, now Chief Justice, stated—see volume 3, page 16, of the papers relating to the treaty of Washington:

That these claims were all preferred by the United States as a nation against Britain as a nation.

It is evident that Great Britain did not become liable to any citizen of the United States for any loss sustained by him by reason of such cruisers. Neither could such citizen make any legal claim therefor upon his own Government. The wrongs done by Great Britain to the United States were treated throughout as a national claim. The moneys paid therefor were paid "by the government of Great Britain to the Government of the United States," and "the United States" is made the respondent upon the prosecution of any claim before the court organized by the act of Congress.

From the foregoing it follows that the Forty-third Congress had the power to enact chapter 459 of the laws of that session.

It should be stated also that "a treaty may supersede a prior act of Congress and an act of Congress may supersede a prior treaty." (Foster *vs.* Neilson, 2 Peters, page 314; The Cherokee Tobacco, 11 Wallace, page 621; Taylor *vs.* Moden, 2 Curtis, page 454.) But we choose to rest the power on the higher ground that the nation recovered the money in question as a nation, for so much of its taxable property destroyed, to distribute it "according to its sense of justice" to actual sufferers by reason of the presence and ravages of the confederate cruisers.

The tribunal of arbitration was first to determine whether Great Britain had by any act or omission failed to fulfill certain duties to show a reasonable foundation for awarding to the United States a "gross sum" or organizing a board of assessors.

The determination of the tribunal as to liability was but interlocutory so far as the government and its constituent parts are concerned. It could in no manner, I repeat, control the United States, because, by the express terms of the treaty, the sum awarded was to be "a full, perfect, and final settlement of all the claims thereinbefore referred to," namely, "All the * * * claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims."

In no way was it referred to the tribunal of arbitration to settle questions between the individual citizens of the United States, and the nation reserved to itself the supreme right to do justice.

While the Forty-third Congress by section 15 of said act provided for a further distribution "in payment of other claims," should there be a residue, yet it is evident that it supposed that the actual losses it provided for would exhaust the amount of the award.

Now I wish to call the attention of the House to the position in which this matter would be left if we overruled the action of the last Congress in doing what it did in furtherance of justice. Had such supposition proved to be true, the recognition of the present claim of the underwriters would result in setting aside all the judgments rendered by the court of commissioners of Alabama claims; if paid, such companies could properly claim the amount due them from the United States.

The rule of damages asserted in section 12 is not only in conflict with such claim, but the act in question departed from the conclusions of the tribunal of arbitration, as construed by the underwriters, in several other particulars:

First. By directing that the difference in value between the amount of insurance and the vessel destroyed should be paid to the owner of the vessel.

Second. In allowing an insurance company, under section 12, to include all its losses by both the inculpated and exculpated cruisers.

Third. By excluding unincorporated insurance companies.

Fourth. By excluding the claim of any person not entitled at the time of the loss to the protection of the United States.

Fifth. By excluding all persons who during the late rebellion did not bear true allegiance to the United States.

If the underwriters are entitled to the value of the insured vessels destroyed, then any sum awarded to the owners for such difference in value should not be paid; if the findings of the tribunal were final, then any sum awarded to an insurance company for losses occasioned by the exculpated cruisers should not be paid, and the judgments should be modified accordingly. Therefore it appears that both justice and policy combine in requiring this Congress to uphold the action of the last Congress in relation to the money paid to this Government under the Geneva award.

As its mode of distribution was "within the power of the Congress," this Congress ought not to disturb it. Any other rule, particularly as relating to the distribution of money, would, as in this case, lead to great confusion. Questions resting in discretion, after having been decided by a competent tribunal, are not afterward reviewable, whether in legal or legislative forums.

II.—THE CLAIM OF THE UNDERWRITERS.

The underwriters assume that they have a specific interest in this fund and that the award would have been less to the extent of the amount of their claims had the tribunal of arbitration taken the same view of their rights as did the last Congress.

As has been seen, the insurance companies are put by the act of the last Congress, not only upon the same footing with other claimants, but are preferred to them, and allowed to prove losses outside of those occasioned by the inculpated cruisers, including war premiums paid by way of re-insurance.

But it is a great error to claim that the Geneva award would have been any less if the underwriters had stated that they had made profits amounting to millions of dollars by reason of such cruisers being on the sea, and had such tribunal held that they were not entitled to receive anything more.

It will not be disputed but that the basis of the Geneva award was the value of the vessels and cargoes destroyed by the confederate cruisers inculpated by the tribunal of arbitration. Claims for insurance were predicated on the value of the vessels or cargoes insured; so in either case, whether the owners or the insurers made the claim, the award as to value would be the same. This seems to be conceded by the distinguished gentleman from New York. The underwriters presented their claims; the war-premium claimants presented their claims, in pursuance of the invitation of the Government. One or both of them may have been an aid in estimating the value of the vessels and cargoes, but the necessary office of the tribunal was to ascertain the value of the property destroyed, leaving the United States to ascertain the actual sufferers; in other words, to trace the losses to their respective sources.

Now, if the House please, the doctrine of subrogation is the foundation-stone upon which the insurers have finally rested in regard to their claims. They have talked something about a trust. But this idea of a trust cannot exist in the light of the fact that this money was recovered by the nation. The underwriters have fallen back, therefore, upon the right of subrogation. They say that had the Geneva tribunal taken the same view of their claims as did the last Congress, the award would have been so much the less. We say that inasmuch as the award was necessarily made from evidence of the value of the cargoes and vessels destroyed, it made no difference whether an insurance company had ever been heard of or not. All they had to furnish was evidence. Not one dollar of their claims entered into the award. Not one dollar of their claims could have gone into the award, nor one dollar of the war premiums, without allowing a double claim. Therefore, if the value of the property destroyed was $15,000,000, and if the war-premium men had paid $8,000,000, and the insurance men $5,000,000, to have allowed all these claims would have been to nearly double the amount. To have allowed the war-premium claims would have added about $8,000,000; to have allowed the insurance claims would have added over $5,000,000 more, and increased the claim from $15,000,000 to $28,000,000.

The agent of the United States, J. Bancroft Davis, (volume 4, pages 7 and 8 of the papers relating to such treaty,) says:

We devoted our energies toward securing such a sum as should be practically an indemnity to *the sufferers*. Whether we have or have not been successful can be determined only by the final division of the sum.

The insurance companies who seek the repeal of section 12 are not in fact sufferers. If they were, as has been seen, they have their remedy and a wider range for damages than other claimants. The claim to subrogation is always a legal claim.

The underwriters, therefore, must place the right to be *subrogated* on a legal basis. Their claim under the right of subrogation is as foundationless as the assumption that the Geneva award would have been less but for their demands, or that the money is held for them in trust.

First. Subrogation exists in favor of an insurer who has paid a loss on the policy of insurance "*to all actions* against the person by whose negligence or wrong the loss was caused." (Dixon on Insurance, page 151.)

Second. Subrogation must therefore be based on a legal claim which the insured could have enforced. The stream can rise no higher than the fountain. No citizen of the United States by reason of such cruisers had any such claim against Great Britain, or against his own Government. He might have had a claim against the captain of the cruiser destroying his vessel but for his commission; he might have had a claim against the Confederate States but for a state of war. He could have no claim against Great Britain for exercising the legal right of recognition, and such recognition was too remote for any possible cause of action, assuming Great Britain suable.

Mr. LAWRENCE. Will my colleague on the committee allow me a question?

Mr. LORD. Yes, sir.

Mr. LAWRENCE. The gentleman asserts, as I understand him, the claim of the insurance companies upon the ground of a right of subrogation.

Mr. LORD. I deny that right.

Mr. LAWRENCE. Then you are all right upon that point.

Mr. WILLIS. All wrong.

Mr. LAWRENCE. You may be all right there, but you are wrong on some other points.

Mr. LORD. I have not differed with you yet. Hold on till I differ with you. You are sound so far as I have yet gone.

In Langredge *vs.* Levy, 2 Meeson & Welsby, 530, it was claimed by counsel that when a duty is imposed any one injured by the violation of it may recover against the wrong-doer, but the court denied a principle which would lead to that indefinite extent of liability, and said, "To create liability the act complained of must result, not from an act remote and consequential, but one contemplated by the defendant at the time as one of its results."

The damage to be recovered must always be the natural and proximate consequence of the act complained of. (2 Greenleaf on Evidence, section 562.) A person damnified by a wrong-doer has no right to be subrogated to his indemnity. (McGay *vs.* Keelback, 14 Abbott, 142.)

Third. The premiums charged were based in fact on the *expectation* of total destruction; on the contrary, there was *no expectation* that by the award of an unthought of and theretofore unheard of tribunal a fund was to be provided for the benefit of the sufferers from the acts of the cruisers.

Fourth. If under a spirit of prophecy it could have been anticipated that such a tribunal might be called into existence *ex gratia* and not *de jure*, and should award money for the purpose of protecting actual sufferers by the ravages of such cruisers, a special contract would have been necessary for the assignment of such claim; but such contract would in law be void, upon the familiar principle that a man cannot assign that to which he has no legal claim, certainly not that to which he could never have a legal claim. At common law the conveyance of a mere right of expectancy is void. (Tooley *vs.* Dibble, 2 Hill, 641.)

A power to seize future acquired property does not operate even in equity as an assignment thereof. (Reeve *vs.* Whitmore, 9 Jurist, new series, page 1214.)

A deed does not convey property which did not belong to the grantor at the time of the execution. (Dunn *vs.* Thompson, 1 Common Bench, page 379.)

A cause of action, as before admitted, may be anticipated, by the contract of insurance. If an insured vessel is run down by another vessel under circumstances making the owner of the latter legally liable to the former, the docrine of subrogation would aid the insurer, but only because of such *legal* right. Assume that the destroyed vessel was at fault and the generous and wealthy owner of the surviving vessel, of his own grace, had indemnified the loser, could the underwriter claim the money?

If the underwriter could not claim the money in the precise case supposed, where the vessel run down was at fault, how would it be in the case where a generous owner whose vessel had inadvertently destroyed the other should say, "Sir, I will protect you; you have not come out of what proved almost to be a watery grave, charging upon me the fault. But admit that it is your own fault. I am rich and you are poor; therefore I will give you $5,000 to indemnify you." Will any lawyer in this House, will those who presented the minority report, claim that under such circumstances there was such a legal claim that the insurance company could claim the right of subrogation?

Therefore, in the case before the Congress, there is not even the shadow of a legal right for the insurers, who have been more than paid, to take the money in question from those who have paid them. The remotest possible semblance to subrogation they would create into a devouring Moloch, to consume the money which should go to their benefactors, to those who paid them at least two or three millions of dollars more than they paid out, as appears from the following table.

We have not the precise evidence how much the insurers made; I mean those insurers who cannot prove their claims under the act of last Congress, which I beg the House to remember they have the right to do if they lost anything. But we can approximate to it. Here is the table:

Claims for war premiums filed with Secretary of State		$6,146,219 71
Claims not filed, estimated by insurers from $3,000,000 to $4,000,000, say		2,000,000 00
		8,146,219 71
Paid out by insurance companies		5,750,693 00
		2,336,526 71

Leaving their actual profits, so far as has been ascertained, in round numbers, $2,500,000. Probably this amount is too small by half. We have one specific case to which I call the attention of the House, that of the Columbia Company:

The books of the Columbia Company show that it received for war premiums		$1,918,760 00
Paid re-insurance	$75,205 00	
Losses	705,508 00	
		780,713 00
Profits		1,138,047 00

On this basis insurers made more than they paid out.

This, I presume, is the case with most of the insurance companies. But whether they made one million or five millions or ten millions, it makes no difference in the principle. If they have lost anything they are fully protected by the present legislation.

The authorities quoted by the minority do not affect the question in controversy.

The question in the case of Randall *vs.* Cochrane, 1 Vesey, 98, was a question as to prize-money between the *owners* of a vessel and the *insurer*, who had *paid* the *owners in full* for their loss.

The case of the Lubeck Fire Insurance Company *vs.* Saint Louis, 7 Moore, P. C., 286, was as to subrogation between individuals under the French law in L. C., and touches no question in this case.

The case of Comynge *vs.* Vasse, 1 Peters, 193, arose under the treaty with Spain, (1819,) by which, in consideration of the cession of "the Floridas," the United States agreed to pay $5,000,000 to its own citizens for spoliations by Spain, to be ascertained as to the individuals by a commission. No national claim was involved.

The case of Rogers *vs.* Hosack, 18 Wendell, 319, arose under the French treaty of 1803, by which certain claims were to be *paid to citizens* of the United States, and under Jay's treaty with Great Britain, whereby the money was to be paid *to the citizens complainant* through *the tribunals* awarding the judgments. (Comynge *vs.* Vasse, *supra*, page 217.)

In the case of Campbell *vs.* Mullet, 2 Swanson, 551-613, it was expressly held that even in cases in which the individual citizen recovers, it is not a matter of legal right. The court say:

> It is said that the sums awarded by the commissioners are not matters of bounty or donation; can they be matter of right? What is right? That which may be enforced in a court of justice. * * * The ground of relief before the commissioners is the want of redress in any municipal court. Whatever the individual obtains is not on the ground of right, or private property, but of hardship and injustice; * * * a grant to the sufferer for what he lost. The inducements for one nation to give to the citizens of another this bounty are matters of liberality and conciliation, but not of strict legal right. * * *
>
> All persons receiving benefit under this commission succeed not in virtue of any consideration moving from them, but by an article of a treaty which gives as *bounty* from this nation to *American* citizens a compensation for losses.

If this be the law when the treaty treats with the citizen of a foreign state, how much stronger the rule when nation deals with a nation. But of course, when the insurer is the actual sufferer, he should be protected under the principle for which we contend. So far, and so far only, did Webster—or Great Britain—intend in the cases cited by the honorable member, [Mr. WARD.]

IV.—THE CLAIMS OF THOSE WHO LOST PROPERTY BY THE CONFEDERATE CRUISERS AND OF THOSE WHO PAID WAR PREMIUMS.

It may be hard to distinguish between the claims of those who had property destroyed on the high seas by the so-called exculpated cruisers and those who lost by being compelled to pay war premiums by reason of the existence of such cruisers. Practically the question need not be settled. The proposed bill puts in the first class the owners of such vessels, and persons who had property destroyed therein.

Some questions are raised in regard to those who paid war premiums which I propose now to consider. The principal objection (and to this I call the particular attention of the House) made to paying the losses they sustained is that the tribunal of arbitration held the claims for such "increased insurance" indirect, and our Government consented to their withdrawal from the consideration of the tribunal. The term indirect was introduced by the counsel for Great Britain. It is not necessary to ascertain or discuss its precise significance. If a right conclusion was made, it makes no difference if a wrong reason were given.

After performing the preliminary duty of ascertaining whether Great Britain had failed to perform certain duties, the tribunal, before it could award a "sum in gross," had to ascertain the amount of the damage done by "each vessel" inculpated. All other claims had been withdrawn or excluded except the claim for the destruction of vessels and their cargoes, the value of which the tribunal proceeded to ascertain.

The valuations made by the British and American cases differed very largely. From all the statements before it the tribunal came to the conclusion that the value of the vessels and cargoes so destroyed amounted to $15,500,000. Nothing could be allowed for sums paid for war premiums, nothing for sums paid by insurers, because, in either case, it would have been to allow a double claim. But by ascertaining the value of the property destroyed absolute justice could be attained. If the owner had been paid by the insurer, as against the owner, the insurer would be entitled to the money. If the insurer had been paid by war premiums, those who paid them as against the insurer would be entitled to the money. In other words, ascertaining the value of the property, the loss could and should be traced to the actual sufferer. Therefore the rejection or withdrawal of either the war premiums or insurance claims, both of which were presented, had no significance.

There is another answer which has been before suggested. By the express terms of the treaty the award of such sum "in gross" was to be in satisfaction of all the claims referred to the tribunal. These claims were as broad as the high seas, and covered all the destructions made by the confederate cruisers, namely, all claims "generically (or typically) known as the Alabama claims."

To Great Britain it was a matter of profound indifference to which class of claimants the money was paid. By objection and argument its counsel sought to reduce the amount of the award. On the other

hand, the United States, most anxious to secure certain national rules, consented to the withdrawal of certain claims without passing upon their merits, yet reserving the power to do justice. Neither Great Britain nor the United States had any intention, in their respective attitudes, to pass upon the question as to who were the real sufferers, certainly not to foreclose them.

As all these claims were referred to the tribunal of arbitration it made no difference whether it allowed or disallowed them, for they were absolutely satisfied by the award, and therefore should be paid according to the intent of the treaty of Washington and pursuant to the declaration of the State Department. The war-premium claims were referred to the tribunal of arbitration.

Now, I wish to call the attention of the House to the declaration made in this regard by the government of Great Britain, and the reply of the United States showing that the minority report is greatly in error in giving the least significance to the position assumed by some, that these claims, because withdrawn, were not referred to the tribunal.

The treaty was made in 1871. In 1872 the Queen of Great Britain, in proroguing the two Houses of Parliament, stated:

In the case so submitted on behalf of the United States, large claims have been included which are understood on my part not to be within the province of the arbitrators. (See volume 2 of such papers, page 582.)

The Secretary of State responded, pages 583 and 584:

If they were not within the province of the arbitrators, why should the arbitrators give them consideration, * * * or why should they express their individual and collective opinion with regard to them?

If not within "the province of the arbitrators," why should the British government, * * * upon the statement of the agent of the United States that they will not be further insisted upon before the tribunal, ask for the entry of an order * * * "that they be henceforth wholly excluded from all consideration?"

A very significant reason why the United States should not raise the question as against the claimants is found in the fact that this Government withdrew such claims for a consideration largely advantageous to itself.

The American minister (volume 2 of papers relating to the treaty of Washington, page 516) says:

I think the principle declared in this article (the fifth) for future observance between the two nations is one which, if settled and maintained, must be of inestimable advantage to the United States.

The Secretary of State, in writing of these "indirect claims," page 476, says:

The United States now desire no pecuniary award on their account. * * * In the correspondence I have gone as far as prudence would allow in intimating * * * that we should be content with an award that a state is not liable in pecuniary damages for the indirect results of a failure to observe its neutral obligations. * * * This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent.

In regard to the withdrawal of the claim for indirect losses (page 526 of such papers) the following appears:

In consideration thereof the President of the United States, by and with the advice and consent of the Senate thereof, consents that he will make no claim on the part of the United States in respect of indirect losses as aforesaid before the tribunal of arbitration at Geneva.

The British minister writes, (page 532)—

That the Senate considered that the adoption of the wider principle with regard to indirect claims would be an equivalent for the consent given by the President that he would make no claim for indirect losses before the tribunal of arbitration at Geneva.

It is stated by the Secretary of State (page 533) that the President, to preserve such a treaty, "has been willing to make large concessions."

The American minister writes (page 569) to the Earl of Granville:

I am now authorized * * * to say that the Government of the United States regards the new rule * * * as the consideration for and to be accepted as a final settlement of the three classes of the indirect claims put forth in the case of the United States.

The Secretary of State (page 579) says:

This is an attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of that character.

The counsel of the United States (page 223, volume 3) state—

That the United States did not insist on extravagant damages; their object was a higher one, and one more important to them.

The learned counsel (page 224) say:

We * * * have acted accordingly * * * regarding a mere question of the amount of national damages to be awarded as secondary to the higher consideration of the welfare and the honor of the United States.

Without this last statement it is evident that the United States never intended by withdrawing the indirect damages to extinguish all claims therefor as between this Government and its own citizens.

Notwithstanding, such recognition of the belligerent rights of the seceded States greatly prolonged the war, and this Government paid more to protect its commerce from the cruisers created thereby than the whole amount of the Geneva award, yet not having presented or for its own advantage having withdrawn or acquiesced in the rejection of its own claims for indirect losses and also the indirect losses of individuals who had also borne their part of the national losses, it would seem more than unjust for the United States, which acted voluntarily in the premises, to cover any portion of the award into the Treasury before the payment of all individual losses, even if the intent to pay the losses of individuals so denominated by the agent of the United States as "the sufferers" were not made apparent by every statement and proceeding involved in the history of the case.

In what way would the award be "an indemnity to the sufferers," as proclaimed by the agent of the United States, if such sufferers were sacrificed on the altar of negotiation from which the nation received such "inestimable advantage?" So far did the United States take the control of this whole matter that it, as the successor of the confederacy, took the Shenandoah and sold it in Great Britain, (Alabama Claims Correspondence, volume 3, pages 319, 447;) which seizure prevented the owner of one of the ships destroyed by the Shenandoah, before it entered Melbourne, from bringing his libel in a British court.

It is objected that those who paid war premiums have in some way received back the amount paid by them. It is a sufficient answer to this to say that in regard to this class the bill provides:

It shall be the duty of the court to deduct any sum in any way received by or repaid to the claimant, diminishing the amount paid for any such premium, so that the actual loss of the claimant only shall be allowed; and no claimant in the second class who has been paid such loss shall be entitled to receive from any insurance company recovering in the third class any further sum on account of such loss.

Therefore, if the premium itself were insured or repaid or added to the price of the goods, or diminished by non-payment of tonnage duties, or otherwise, the facts will be ascertained by the court and only the actual loss will be allowed. But we say both the reason of the case and the evidence concur in the following propositions:

1. The claimants who paid such war premiums were compelled to pay them because such cruisers were on the sea.

2. In order to obtain credit in the purchase of foreign goods, they were required to procure such increased insurance, or, if exporting, they had to pay such increased insurance on account of the war risks.

3. So many American vessels sailed under neutral flags, the competition made it impossible to add the increased insurance to the price of the merchandise.

4. These claimants are actual losers to the amount of the premiums paid by them, less such amount as they may have received from dividends or otherwise.

5. The owners of vessels had to pay such war premiums, for they were compelled to carry freight in competition with all vessels sailing under neutral flags, and not only lost the premium but had to take freight at less rates than the neutral vessels lying side by side, until the former were driven from the sea.

Now, I wish to call the attention of the House to what the evidence was before the subcommittee. Not only was it proven that the war premiums could not be added to the freight or the price of the goods, but it was proven by one witness that he offered to bring goods from China for fifteen cents less per hundred than was offered by the neutral vessels, and that he continued in business until his fifteen vessels were driven from the sea because he refused to hoist a neutral flag and abandon the flag of his country.

Many of these owners bore up heroically, preferring that their vessels should be "driven from the sea," rather than to sail under a foreign flag.

You of the South, who so heroically stood by the "lost cause" because you believed you were right, can but honor the men whom the lust of gain could not seduce to abandon a flag which they so intensely honored and which now floats again over a great and united people. May it thus float forever.

The abstract right of those who paid the war premiums to recover them has been settled by "the court of commissioners of Alabama claims" in ascertaining the loss in the insurance cases which have found a standing before this court under the act of the last session.

Now, if the House please, I wish to call particular attention to these decisions. I have already said that the insurance companies had a better foundation for their claims in regard to damages than any others who lost. Some of them have lost and have been before the tribunal created by Congress to award this fund to the proper claimants, and the question has been distinctly presented. It is claimed that the war premiums are necessarily indirect. We have no such term as indirect in American law. We speak of damages as direct and consequential. The Court of Claims has held that war premiums are the most direct of damages in three or four cases to which I will refer. I have copies of the records in court——

[Here the hammer fell.]

Mr. KELLEY. I move that the time of the gentleman from New York be extended.

Mr. LORD. I shall want but a very few moments.

The SPEAKER *pro tempore*. Is there objection to the gentleman from New York proceeding?

No objection was made.

Mr. LORD. In the case of The Mutual Marine Insurance Company *vs.* The United States, No. 1098, the company paid for war premiums for re-insurance of its war risks the sum of $2,511.57 and was allowed, less scrip received, $470, $2,041.57.

In the case of The Merchants Mutual Marine Insurance Company *vs.* The United States, No. 257, the company was allowed war premiums paid for re-insurance of its war risks, $2,550.83.

In the case of The Ocean Mutual Insurance Company *vs.* The United States, No. 1093, the company "paid for re-insuring war risks" $27,209.59 and received for war losses re-insured $22,057.15. The balance it recovered in its judgment, namely, $5,152.44.

In The Commercial Marine Insurance Company *vs.* The United States, No. 1089, the company paid for war premiums by way of re-insurance $30,599.83 and received for re-insurance losses $10,556.40 and recovered in its judgment the balance, $20,243.43.

That the underwriters who demand the repeal of section 12 have made several millions of dollars out of their war risks during the rebellion has already appeared and is not disputed. That those who paid war premiums have lost several millions of dollars cannot be disputed. If they have not actually lost they cannot recover, and the insurers under the bill in question will have the benefit.

The statement of this case is its argument, unless some inexorable rule of law demands that insurers who have made these millions should take the fund in question from those who have lost millions not only but have also actually paid the insurers the millions which they have paid out on war risks and the millions they have made in profits.

We have shown that no such rule of law is in this case; that the insurers make a claim that cannot rest even under the shadow of a technical rule, for the facts show that the insurers neither by contract nor in expectation had any reference to this extraordinary and unexpected award.

Therefore the wheels of justice need not be reversed in obedience to an arbitrary and in this case an imaginary rule.

MUTUAL COMPANIES.

It has been suggested that the money paid for war premiums, so far as mutual companies are concerned, should be paid to the companies, with directions to ascertain and pay over to those who paid the premiums, called by some assessments. This plan is objectionable. Many of the companies have failed, all have changed; it will create too many tribunals. And without a sufficient guarantee as to uniformity in rules of evidence or decisions as to the law, far better to make the distribution through the court organized for such purpose, familiar with the general character of the cases, with the rules of evidence, and principles of law.

A more objectionable plan is, that such part of the award as belongs to the war-premium claimants, who paid or were assessed in mutual companies, be paid directly to the companies, leaving them to distribute according to their sense of the right or under the statutes of the particular States.

In New York such companies may, after "deducting expenses and liabilities," divide the money "derived from the Geneva award" among those who paid the premiums; but in this there is no guarantee that it will be done or justly done.

Many of the mutual companies have failed, not by reason of their war risks, but for other causes, and there would be an entire diversion of the money.

Several of these companies took fire as well as marine risks, and, after making large profits on their war risks, failed by reason of the Chicago and Boston fires, so that by payment to them there would be another diversion.

It may be here stated that a claim made by one of these companies in Boston on the Geneva award for over $145,000 sold for $1,000, or less than seven-tenths of 1 per cent. This shows the estimation of the Boston business men as to the value of claims of insurers who have lost nothing by their war risks. Again, many of the claimants in this lapse of years are dead, and those who represent them unknown; the money in such cases would remain with the insurance companies; under the bill proposed it would remain in the Treasury.

V. The bill proposed is strictly in accordance with justice and should be passed. It divides the claimants into three classes, to be paid as classified.

First. Those who had vessels or cargoes destroyed on the high seas by confederate cruisers, which for want of evidence, or on a divided vote, were exculpated by the tribunal of arbitration as in the case of the Shenandoah, a cruiser built, armed, and manned in England, it coaled in Australia; exculpated before it entered Melbourne, inculpated after.

To pay this class it will take less than $1,000,000.

Second. The second class is for claims for sums paid for war premiums subject to the conditions before stated. Five million dollars will cover this class of claims, leaving over four millions unappropriated, as will appear from the following table:

War premiums filed	$6,146,219 71
Not filed, (*supra*)	2,000,000 00
	8,146,219 71
Deduct for scrip or premiums returned to the insured, one-third	2,715,406 90
	5,430,813 81
Deduct claims which will never be filed, and reductions by court, at least	1,000,000 00
Leaves	4,430,813 81

It is claimed that this class of claims will absorb the whole of the award. I say, after the most careful examination—assuming that the tribunal which has so far acted wisely, justly, and with great discrimination, will observe the same rules of evidence hereafter as heretofore, that there will be left four, if not five, million dollars in the Treasury. In my judgment, the war-premium claims will not amount to more than $4,500,000 when reduced to judgments.

Before stating as to the third class created by the bill, I will say there are some who think that prisoners taken by these cruisers and suffering injuries thereby should be paid before any of the money goes to insurance companies; but the difficulty of reaching that class is so great, that I still adhere, as a matter of judgment, to the plan proposed by the majority of the committee in favor of paying the residue, after paying the actual sufferers by loss of property, to the insurance companies.

Third. This residue the bill provides shall be paid for insured property destroyed on the high seas by such cruisers, except for claims provable under section 12.

While the insurance companies can only recover their actual losses, and are thereby put on an equality with other claimants, yet when such actual losses which may be distinguished as primary are satisfied, may not Congress, if the amount paid under such treaty is sufficient, provide for losses of a secondary character?

The claim of the insurance companies has entered largely into all the discussions pertaining to the treaty of Washington and the award and legislation thereunder.

The determination of the Congress that all actual losses should first be paid has prevailed; yet it is true that, had not the cruisers in question destroyed the particular vessels insured, such companies would have had the amount they paid to the insured therefor in their treasuries.

The residue of such unappropriated sum which shall remain after paying actual sufferers should be paid, *pro rata* to their claims, to such insurance companies. This disposition of the residue is more just than the covering of it into the Treasury of the United States or returning it to Great Britain.

Great Britain having paid under the award of a mutual tribunal, and as the national losses of the United States by reason of such cruisers are far beyond the amount of the award, this Government has a strict legal right to cover such residue into the Treasury. But the United States asserted so often, and in so many ways, that to procure the adoption of rules so favorable to a neutral nation it would waive all claims for damages except those in favor of individual sufferers, it would not be consistent with the national honor to cover any part of the award into the Treasury of the United States; and therefore, as it makes no difference to Great Britain whether the money is paid on a primary or secondary loss—within the range of the treaty of Washington—it will be both just and proper to pay such residue to insurers so sustaining a secondary loss rather than to raise an international question to vex the ear of the ages.

Mr. KELLEY. I would like to ask the gentleman a question: Whether his bill or scheme contemplates the payment of losses by cruisers not named in the award?

Mr. LORD. It contemplates the payment of losses occasioned by all confederate cruisers on the high seas, because they were all referred to the tribunal of arbitration.

Mr. KELLEY. That was my understanding.

Mr. LORD. And they were all satisfied by the treaty of Washington, and all within the notice given by the United States to the tribunal.

Mr. KELLEY. I have not had the pleasure of hearing all that the gentleman has said, and I wanted that point settled.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850;

An act (S. No. 398) for the relief of Luther Hall;

An act (S. No. 454) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon;

An act (S. No. 737) granting a pension to Harrison H. Dodds;

An act (S. No. 767) granting a pension to Theodore Gardner;

An act (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army;

An act (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia; and

An act (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum, for the use of the District.

The message further announced that the Senate had passed, without amendment, bills and a joint resolution of the House of the following titles:

A bill (H. R. No. 26) to remove the political disabilities of Francis T. Nicholls, of Louisiana;

A bill (H. R. No. 2238) granting a pension to Fannie A. White;

A bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery;

A bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers; and

A joint resolution (H. R. No. 102) authorizing the Secretary of War to loan the use of tents and camp and garrison equipage for shelter of the surviving veterans of the war of 1812 and of the Mexican war during the centennial exposition at Philadelphia.

The message further announced that the Senate had passed bills of

the House of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government;

A bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona;

A bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery; and

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874, and for other purposes.

The message further announced that the Senate had passed a concurrent resolution requesting the President of the United States to propose a convention between the United States and Her Majesty the Queen of Great Britain and Ireland, having for its object to secure uniformity in the coins and moneys of account of the respective countries; in which the concurrence of the House was requested.

The message further announced that Mr. COOPER had been appointed as a manager on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, in place of Mr. BAYARD, excused.

ORDER OF BUSINESS.

Mr. KNOTT addressed the House upon the Geneva award bill, and during his remarks the following discussion occurred:

Mr. BLAINE. Will the gentleman from Kentucky [Mr. KNOTT] yield to me for a moment?

Mr. KNOTT. For what purpose?

Mr. BLAINE. Not for anything between the gentleman and myself; merely for a statement. Nearly an hour ago I was notified by a friend that the gentleman from Massachusetts [Mr. TARBOX] had risen to a personal matter, and had waived his right to speak until I could be present, and that he would speak at the close of the remarks of the gentleman from New York, [Mr. LORD.] I merely wanted to notify the gentleman of my presence, and to ascertain what his views and desires were.

Mr. KNOTT. I reckon the gentlemen can settle that privately.

Mr. BLAINE. The announcement was made publicly.

Mr. TARBOX. The gentleman from Maine [Mr. BLAINE] is in error in his informantion as to any notice I gave when it would suit my pleasure to again rise to the privileged question. I choose to select my own occasion for that purpose, and that is not at this time.

Mr. BLAINE. I understood that the gentleman from Massachusetts [Mr. TARBOX] was proceeding when my friend from Iowa [Mr. KASSON] interrupted him by the suggestion that I was not present.

Mr. KNOTT. I do not yield further.

Mr. BLAINE. I would ask if the gentleman proposes to avail himself of the floor when I am not present?

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) The gentleman from Maine [Mr. BLAINE] is not in order at this time.

Mr. BLAINE. I hope the gentleman from Kentucky [Mr. KNOTT] will not cut me off.

The SPEAKER *pro tempore*. The gentleman from Maine is not in order as long as the gentleman from Kentucky declines to yield further.

Mr. KNOTT. I supposed the matter was settled; the gentleman from Massachusetts [Mr. TARBOX] said that he was not ready to go on at this time.

Mr. EDEN. I call for the regular order.

Mr. BLAINE. I want to know whether the gentleman proposes to go on when I am absent?

Mr. RANDALL. He has said that he does not.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky [Mr. KNOTT] yield any further?

Mr. KNOTT. I will yield to the gentleman from Massachusetts, [Mr. TARBOX.]

Mr. TARBOX. I will simply respond to the question of the gentleman whether I intend to proceed in his absence by saying that I certainly do not. I wish to speak when he is present, and shall do so.

DISTRIBUTION OF GENEVA AWARD.

[Mr. KNOTT resumed and concluded his remarks. They will appear in the Appendix.]

RECESS.

Mr. MORRISON. I move that the House take a recess until half past seven o'clock, and I ask unanimous consent that to-night's session shall be set aside for debate upon this subject only, no business to be transacted.

Mr. MCCRARY. I desire to retain my place in this discussion, and I do not wish to go on before to-morrow morning.

Mr. MORRISON. I will say to the gentleman from Iowa that there are a number of gentlemen here who desire to speak to-night.

No objection was made.

Mr. DURHAM. I would suggest to the gentleman that he make his motion for a recess until eight o'clock, as the hour is late now.

Mr. MORRISON. I will modify my motion so as to move that the House take a recess until eight o'clock.

LEAVE OF ABSENCE.

Mr. MACDOUGALL was granted leave of absence for two weeks from to-morrow.

Mr. HARRIS, of Massachusetts, was granted leave of absence for two days.

The question was taken on Mr. MORRISON'S motion, and it was agreed to; and accordingly (at five o'clock p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The House re-assembled at eight o'clock p. m., Mr. COX in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The session this evening will be devoted to the discussion of the Gevena award bill; no vote to be taken and no other business to be transacted.

Mr. DAVY. Mr. Speaker, I desire to express my views very briefly in relation to the bill now under consideration. I for one am not in favor of the proposition entertained by gentlemen on this floor that the insurance companies who have paid losses upon policies of insurance covering vessels and property destroyed by certain privateers which England allowed to sail from her ports upon the high seas ought to be excluded from receiving any portion of this fund unless they can show that the premiums received by them during the war did not exceed the losses paid. Now, sir, in considering this question it is important to ascertain, first, whether this money belongs to the United States or not. If it does, then she has a perfect right to do what she chooses with it. She may refuse to pay any of these claims; she may appropriate it to any purpose she sees fit. But if it is a trust fund, she has no right to do with it as she pleases. If she obtained this money for those who suffered losses, then she holds it in trust, subject to the rights of those whose claims were allowed by the Geneva tribunal.

When this case on the part of the Government of the United States was served upon the English government or her representatives, that government raised the objection that claims for indirect losses, such as "the enhanced payments of insurance," were not embraced within the scope or intention of the arbitration. England demanded that these claims should be withdrawn; but our Government declined to withdraw them. A long diplomatic correspondence ensued upon this subject, which will be found in volume 2 of the documents or papers relating to the treaty.

In June, 1872, when the arbitrators assembled at Geneva, the adjustment of this question not having been arrived at by the representatives of the two great governments, our Government insisted that these remote claims should be allowed. The English counsel asked for an adjournment, which was granted till the following Monday, for consultation. When the arbitrators again assembled the following proceedings took place, as will appear by the official report found in volume 2 of the documents, beginning at page 577:

No. 112.—*Mr. Davis to Mr. Fish.*

[Telegram.]

GENEVA, *June* 19, 1872. (Received 4.50 p. m.)

Tribunal will this morning make declaration reciting British motion for adjournment, and reasons given for making it, namely, the differences between the governments as to competency of tribunal to determine the three classes of indirect claims, and then continues:

"The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty, but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which it is to be presumed both governments would equally deplore, that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or conputation of damages between nations; and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon. With a view to the settlement of the other claims, to the consideration of which by the tribunal no exception has been taken on the part of Her Britannic Majesty's government, the arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that, after this declaration by the tribunal, it may be considered by the Government of the United States whether any course can be adopt d respecting the first-mentioned claims which would relieve the tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's government."

DAVIS.

No. 113.—*Mr. Davis to Mr. Fish.*

[Telegram.]

GENEVA, *June* 19, 1872. (Received at 6 p. m.)

The counsel write me as follows:

"We are of the opinion that the announcement this day made by the tribunal must be received by the United States as determinative of its judgment upon the question of public law involved, upon which the United States have insisted upon taking the opinion of the tribunal. We advise, therefore, that it should be submitted to, as precluding the propriety of further insisting upon the claims covered by this declaration of the tribunal, and that the United States, with the view of maintaining the due course of the arbitration on the other claims without adjournment, should announce to the tribunal that the said claims covered by its opinion will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration by the tribunal in making its award."

DAVIS.

No. 114.—*Mr. Fish to General Schenck.*

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 22, 1872.

Send following by telegraph, and also by mail, without delay, to Davis, Geneva:

"*Mr. Fish to Mr. Davis.*

"Your telegram of 19th informs me that the tribunal has made a declaration stating that the arbitrators have arrived at the conclusion that a class of the claims set forth in the case presented in behalf of the United States do not constitute, upon the principles of international law applicable to such cases, a good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making up its award.

"You also inform me that the counsel of this Government before the tribunal at Geneva have advised in writing that they are of opinion that the announcement thus made by the tribunal must be received by the United States as determinative of its judgment upon the question of public law involved, upon which the United States have insisted upon taking the opinion of the tribunal; that the counsel advise, therefore, that this judgment be submitted to as precluding the propriety of further insisting upon the claims covered by the declaration of the tribunal; and that the United States, with a view of maintaining the due course of arbitration on the other claims, without adjournment, should announce its opinion that the claims referred to by the tribunal will not be further insisted upon by the United States, and may be excluded from its consideration by the tribunal in making its award.

"I have laid your telegrams before the President, who directs me to say that he accepts the declaration of the tribunal as its judgment upon a question of public law, which he had felt that the interests of both governments required should be decided, and for the determination of which he had felt it important to present the claims referred to for the purpose of taking the opinion of the tribunal.

"This is the attainment of an end which this Government had in view in the putting forth of these claims. We had no desire for a pecuniary award, but desired an expression by the tribunal as to the liability of a neutral for claims of that character. The President, therefore, further accepts the opinion and advice of the counsel as set forth above, and authorizes the announcement to the tribunal that he accepts their declaration as determinative of their judgment upon the important question of public law upon which he had felt it his duty to seek the expression of their opinion; and that, in accordance with such judgment and opinion, from henceforth he regards the claims set forth in the case presented on the part of the United States for loss in the transfer of the American commercial marine to the British flag, the enhanced payment of insurance, and the prolongation of the war, and the addition of a large sum to the cost of the war, and the suppression of the rebellion, as adjudicated and disposed of; and that, consequently, they will not be further insisted upon before the tribunal by the United States, but are henceforth excluded from its consideration by the tribunal in making its award.

"FISH."

Claims of a national character and also claims for indirect losses were thrown out by the arbitrators.

Upon the subject of indirect losses the court said:

Count Sclopis, on behalf of all the arbitrators, then declared that the said several claims for indirect losses mentioned in the statement made by the agent of the United States on the 25th instant, and referred to in the statement just made by the agent of Her Britannic Majesty, are, and from henceforth shall be, wholly excluded from the consideration of the tribunal, and directed the secretary to embody this declaration in the protocol of this day's proceedings.

Now, sir, in distributing this money shall we recognize the decision of that tribunal or not? If we propose to be governed by the Geneva decision, then we must distribute the money awarded to us to those whose claims the arbitrators considered Great Britain liable for. A nation cannot afford to transgress the plain principles of justice and honor any more than individuals. I maintain, sir, that we only hold this money in trust for those who sustained direct losses. It must be applied to the purposes for which the arbitrators designed it. What right have we to exclude the class of claimants in whose name we presented our demands to Great Britain, and for whom the money was awarded? If we intended to exclude them it should have been done when the Government called on our citizens to present their claims. If we did not intend that the insurance companies should be paid, we should have said so. We did not say so; and can we now exclude them without doing great injustice to them, and without bringing dishonor to our Government? Let us, sir, carry out the very spirit and letter of the treaty. We must bear in mind that this award was not made to the Government of the United States as a government and the proceeds to be applied to general use and purposes. We obtained it to repay certain losses which we specified and presented to the court for its decision, and it was paid to us in trust for the losses which the findings of the arbitrators set forth. The language of the award was for all claims referred to the consideration of the tribunal:

The tribunal, making use of the authority conferred upon it by article 7 of the said treaty by a majority of four voices to one, awards to the United States the sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal. (Decisions and award papers relating to treaty of Washington, volume 4, page 53.)

Thus it will be seen that all claims expressly excluded from the consideration of the tribunal cannot justly be claimed to have been referred to its consideration; and none will contend that such claims, as were expressly and deliberately excluded from the consideration of the arbitrators with the consent of both parties, were "referred to the consideration" of said tribunal.

The honor of the American people will not permit us to disregard the conditions upon which we received this money from a friendly power, as clearly indicated by the action of the arbitrators at Geneva.

I, for one, would be glad if our Government could rightfully and legally distribute this money among all those who had sustained either direct or indirect losses, but I do not see how she can honorably do it. She cannot without ignoring the decisions of the Geneva tribunal.

I claim, sir, that we have no moral or legal right to depart from the judgment of that tribunal. If a government has that right, then with equal propriety she may depart from all principles of international law. The Government of the United States, after all national claims had been thrown out, still insisted upon the payment of the private claims of her citizens, and among them the claims of the insurance companies, our Government representing all the time that it wanted payment for them in order to indemnify them out of the sum awarded, leading the arbitrators to believe that they were presented in good faith. We insisted that the sum to be awarded should be large enough to cover all private claims, otherwise the United States might be called upon to make up to the private claimants what the arbitrators failed to give. Now, after we have insisted before the arbitrators that these claims should be allowed, how can we refuse to pay them?

It would be claimed at once by Great Britain that we presented to the Geneva tribunal and asked that certain private claims or direct losses be allowed, and then disposed of the money awarded to pay such specific claims contrary to the spirit and decision of said award. I ask you could we in the disbursement of this money thus violate the conditions upon which it was received without degrading ourselves in the estimation of the civilized world? It appears, sir, that the officers of our Government who received this money regarded it as a trust fund, for the certificate of deposit or bond which was issued was in these words:

The United States of America are indebted to Hon. Hamilton Fish, Secretary of State, in trust, to be held subject to the future disposition of Congress, in the sum of $15,500,000.

Now, sir, I admit we can exercise an arbitrary and sovereign power and do whatever we choose with this money because it is within our grasp and the claimants must submit. They are powerless, because there is no appeal from our decision. They cannot sue the Government or compel her to pay them a single dollar.

But, sir, upon what principle of law or justice can we do it? And upon what principle can we deprive the underwriter of his claim to this money, and give it to a class of claimants who were not recognized before the Geneva tribunal? If we compel the underwriters to give an account of their profits, that we may determine how much to pay them, why not compel those who paid war premiums to render an account and compel them to show whether they have not received compensation in profits sufficient to overbalance the extra premiums which they have paid? Why is it not just as reasonable to compel the merchant to show a balance of losses over his profits before recovery as it is the underwriter? The reasoning applies with equal force to the one as to the other. Take the vessels and cargoes destroyed that were insured; the owners were paid for their losses by the insurance companies according to the contract of insurance. Then, as these companies in fact sustained the loss, equity and justice as well as the decision of the arbitrators at Geneva demand that they should receive their share of the damages awarded. We ought not as legislators to be influenced by any feeling of prejudice which we may have against insurance companies. It is our duty to do right and protect the honor and credit of the nation under all circumstances.

The arbitrators only held Great Britain liable for depredations committed by certain named confederate cruisers. But, by the bill reported by the majority of the committee, it is proposed to pay a class of claimants who were distinctly ruled out before the Geneva tribunal. Now, after our Government agreed to abide by the rulings of that court and received the money awarded in trust for such claimants as were recognized at Geneva, we never can appropriate said money in payment of such demands as were excluded by the tribunal from its consideration in making up the award without greatly impairing the good name and integrity of the nation. It would be bad enough for Congress to disregard the settled rules and principles of law between private individuals; but to ignore the decisions of a great international court, chosen to settle the dispute between two great nations, would not only be bad faith on our part toward a friendly nation, but an unwarrantable infringement upon the rights of a large and worthy class of our own citizens.

Now, sir, aside from the decisions of the Geneva tribunal, there are certain legal principles which should govern our action in this case.

I believe that this question as between the underwriter and the insured must be decided upon legal principles. The underwriter must be treated as a surety. By the contract of marine insurance, the company becomes the surety against the loss for the owner. And in case of loss, such company, according to the acknowledged laws of the land, stands in the place of, and succeeds to, all the rights of the owner.

The Supreme Court of the United States has repeatedly held that the insurer in such cases is entitled to the right of subrogation, and succeeds to all the rights of the owner, including the right to all moneys recovered on account of loss or destruction.

Story speaks of the doctrine as derived from the civil law. He says:

By the contract of marine insurance the company becomes the surety against loss for the owner, and in case of loss, like any other surety, becomes entitled to stand in the place of the creditor; the company succeeds to all the rights of the owner, including the right to recover the vessel if restored, and all moneys recovered on account of its loss or destruction.

In the case of Hall & Long *vs.* Railroad Company, 13 Wallace Re-

ports, 376, the court held "that the insurer stood practically in the position of a surety he is entitled to all the means of indemnity which the satisfied owner held against the party primarily liable." It rests upon the broadest and clearest principles of law and justice, because the insurance and the rate of premium are based upon the principles of subrogation. If the underwriters are not entitled to the indemnity, then, sir, I ask, who is entitled to it? For the owner has already been indemified for his loss under the contract which he made with the insurance company.

The English lawyers before the Geneva tribunal even admitted the right of the insurance companies to be subrogated. The counsel for Great Britain said:

> The American insurance companies who have paid the owners as for a total loss are, in our opinion, entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of insurance. This principle was explained and acted on in the well-known English cases of Randall *vs.* Cochran, 1 Vesey, sr., 98, and the Quebec Fire Insurance Company *vs.* Saint Louis, 7 Moore's P. C., 226, and is well recognized by the courts of America.

In 1835 Mr. Webster said:

> There is no more universal maxim of law and justice throughout the civilized and commercial world than that an underwriter who has paid any losses on a ship or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment, and if the property or its proceeds be afterward recovered in whole or in part, or whether the recovery be from the sea, from the captors, or from the justice of foreign states, such recovery is for the benefit of the underwriter.

Suppose this money was handed over to the court to be distributed according to legal principles and according to the terms of the Geneva arbitration; does any lawyer upon this floor believe that the court would not hold that as between the underwriters and the insured, whatever claims the insured may have had to this money, it becomes subrogated to the insurance company upon their payment of the policy of insurance?

I think, sir, that this whole matter in the first place ought to have been referred to the judicial tribunals of the country, and let every person who claims any portion of this money submit his claim to the decision of the Supreme Court of the United States. It is the proper tribunal to settle this disputed question, and we ought not to be afraid to let the question of title to this fund be judicially determined, and without doubt all claimants would be satisfied with the result and justice would be done between the high contracting parties and the *cestui que trust*.

Entertaining the views which I have already expressed, I cannot vote for the bill presented by the majority of the committee. It takes the money that we collected from Great Britain and gives it to a class of claimants who were not recognized before the Geneva tribunal. Such a distribution of the funds is clearly against all principles of law and justice, and it will greatly impair the high character and standing of the American nation among the peoples of the Old World.

Mr. HEWITT, of New York. Mr. Speaker, I ought perhaps to explain how it happens that I undertake to discuss this bill at all, for it seems to me that it belongs rather to that class of legislation which concerns the lawyers, especially of the House, rather than laymen and men of business, but my friend and colleague from New York [Mr. LORD] requested that I should make an examination of the bill, probably because he wished to have the views of a man of business. I took it up and followed the subject with great interest, and the result was that I had to read the entire discussion in the Forty-third Congress and all the treaties and the instructions of the State Department, and everything in fact that has been done by Congress in reference to this important matter, and I have arrived at some conclusions which differ from the conclusions which are contained in the report of the majority of the committee and the two reports of the minority.

The most important subject of discussion in the Forty-third Congress was the distribution of the sum of money awarded by the international tribunal which met at Geneva to pass upon what are commonly known as the Alabama claims; and no discussion was ever more thorough and exhaustive, receiving as it did the careful attention of the leading members of the Senate and the House. The result was the act which it is now proposed to supplement by additional legislation.

I agree fully with the proposition laid down in the majority report, that it would be unwise to unsettle the principles upon which this legislation was based. In fact, it is difficult to conceive of a case in which legislation, framed upon a new basis of settlement, would be more productive of confusion and unmitigated evil. Under the existing law a court has been organized, awards have been made, precedents have been established, equities have been defined, and money has been paid beyond recall. No one would be reckless enough to pull down the edifice which has thus been laboriously constructed and begin to build anew. Principle and policy alike concur in this case to preserve, and not to destroy. But while we are thus limited by the underlying principles embodied in the conclusions of the last Congress, it is the right and the duty of the existing Congress to cure whatever defects may have been discovered in the law as it stands, and to carry to their logical consequences the principles upon which it is based.

What, then, was settled as the governing principles of the existing statute? First, it is based upon the fundamental idea that the award was paid over by Great Britain to the United States, not as a trust fund to be distributed to particular claimants who had proved losses, but as a sum of money absolutely within the discretion of Congress as to its disposition. Whether we accept this judgment as right or not, it is now too late to re-open the question and proceed upon any theory which would limit the right of Congress to distribute this money, or even to retain it in the Treasury for the benefit of the whole people if it had seemed good to do so. But it did not elect to retain it in the Treasury, but, on the contrary, the conclusion was reached that the fund *should be distributed*, not as a trust fund, but to those parties, and to those only, who had sustained actual loss and damage by the acts of the confederate cruisers.

It was also decided that this distribution should be made within certain limits clearly defined by the act. It provided that those who had sustained losses by the inculpated steamers without insurance should be paid in full. Those sufferers were placed in the most meritorious class, and justly so. It next provided that those who had had partial insurance should be indemnified as to the excess of their losses over the insurance received. Next that insurance companies should be indemnified for actual losses paid by them on war risks, whether those losses occurred through the acts of the inculpated or exculpated steamers, after crediting the total amount of war premiums received on war risks. By this action the legal doctrine of subrogation was entirely disregarded and rejected evidently upon the consideration urged in the discussion: that no one, whether private individuals or insurance companies, sustaining loss had or could have any legal claim upon the Government in the distribution of this fund, for the reason mainly that the losses were the result of seizures legally made during a state of recognized war. The equitable and not the legal doctrine is the underlying basis upon which the whole act rests. It was admitted, and it cannot be denied, that the insurance companies proved the loss; but because they proved it it did not follow that they sustained any portion of the damage. As a matter of fact these losses were, except in a few cases involving no great amount, recouped by imposing war rates of insurance upon the insured, and to the extent that insurance companies were not thus indemnified they were allowed a lien upon the fund.

This statement covers all classes which were included in the distribution provided for by the legislation of the last Congress. That legislation excludes all claims for war premiums, all claims for loss by exculpated cruisers, except so far as the latter losses were allowed to the insurance companies as an offset against the aggregate amount of war premiums received.

Now, then, I lay down the proposition that it is neither competent nor wise for this Congress to disturb this legislation. Whatever might be our views, if the question were still an open one, we are bound by the principles settled and concluded by the Congress upon whom fell the duty and the responsibility of dealing with the question. It is in fact in the nature of *res adjudicata*. But on the other hand I am equally clear that it is our duty to correct any failure of that Congress to carry into effect the principles upon which its legislation was intended to be based. In fact in the closing debate upon the adoption of the report of the conference committee this doctrine was distinctly avowed, and it was conceded on both sides that the present Congress would necessarily be called upon to rectify errors, supply omissions, and provide for the further distribution of the fund upon the principles of equity and justice. Now two manifest errors appear to me to be incorporated into the law of the last session, the first of which arose from confounding what are known as mutual-insurance companies, having no capital stock and making no profits, with insurance companies having a capital stock upon which dividends are paid. The latter class are organized for the profit of the stockholder alone, and in no respect differ from corporations organized for manufacturing or trading purposes. They engage in a lawful business for the express purpose of making money for the stockholders. Mutual-insurance companies on the other hand have no such object in view. They take profit out of no one. They have therefore no profits to divide and they have no stockholders among whom to divide profits. They merely provide a machinery, so to speak, for the distribution of losses, and not of profits; and all that they have to do is to assess the losses incurred by any one associate upon the whole number of associates for the time being in proportion to the amount of insurance taken by each. In other words, they are self-insurers, and therefore they are in reality uninsured. This will be made plain by imagining that ten merchants send out their cargoes without any insurance whatever. Some of these cargoes arrive at their ports of destination safely and some are lost. In the course of time it naturally occurs to the owners that the loss in any particular case may be too heavy for one to bear alone, and they agree to distribute the loss over the whole number in proportion to the value of all the cargoes. The loss when made remains a loss without possibility of indemnity from any source whatever. Therefore in the aggregate these ten merchants are just as much uninsured as if they had never combined to distribute the loss among the whole number.

Hence, the mutual-insurance companies belong in the most meritorious category; and, but for the fact that they are called "insurance companies" and have chosen so to regard themselves and have come to be so regarded by the public, it seems to me that they might have gone before the court and proved their claims as in the class of uninsured. To deprive them of this right was and is a gross wrong

which should be repaired by restoring them to the precise position which they would have occupied if each individual had continued to insure himself without any agreement with any other individual to divide whatever losses might occur.

The second error in the existing statute was made in the exclusion of claims for losses caused by the exculpated cruisers. In calling this an error I do not mean to imply that Congress had not the absolute right to exclude losses by those cruisers; on the contrary, I assert that they had, and I should have had no difference with them if they had in reality excluded them. But, while apparently excluding claimants for such losses, they in fact allowed a portion of them to come in when they authorized insurance companies to include in their statement all damages resulting from inculpated and exculpated cruisers alike, subject only to deduction by the total amount of war premiums which they had received. Take the case of a company which lost $100,000, $40,000 of which was by inculpated steamers and $60,000 by exculpated steamers. The amount of war premiums received by this company amounted to $40,000. The court, on the principle it has laid down, would award to that company $60,000 as the balance of loss, which is, in effect, a payment in full of the amount of loss caused by the exculpated cruisers. This principle has actually been decided in the case of the Mutual Insurance Company of New Bedford, as will appear by the following brief statement:

The Mutual Marine Insurance Company of New Bedford paid for losses caused by all the confederate cruisers, including one by the Sumter, an exculpated cruiser	$88,019 17
It paid war premiums on a part of its own risks, re-insured in other companies	2,041 57
	90,060 74
It received in war premiums	45,863 02
The court of Alabama claims gave its judgment for the whole balance of the gross amount	44,197 74
	90,060 72

Thus it has received in war premiums or from the Geneva award the whole amount of its gross losses by both inculpated and exculpated cruisers and all it paid for war premiums.

Had $41,569.45 more of its gross loss been caused by the exculpated cruisers, the judgment of the court would have been the same, for by the existing law payment for all actual loss on all the war business of an insurance company may be made from the Geneva award fund, provided such loss does not exceed its gross payment for destructions by inculpated cruisers.

Now, then, if it be just to allow the insurance companies payment for the losses caused by the exculpated cruisers, upon what principle of equity and justice can private individuals who have sustained losses by these cruisers be denied equal indemnity? And yet this is the precise inconsistency which prevails under the existing statute, giving in fact a preference to the incorporated companies over private persons, which should never be the policy of enlightened legislation. The logical sequence of the principle thus recognized is that all losses caused by the exculpated cruisers should be paid out of the fund.

There is still one other feature of the existing legislation which is inequitable, and which doubtless would have been corrected if it had been pointed out. The persons who paid war premiums were not recognized by the Geneva tribunal nor by the Forty-third Congress, for the reason, as is clearly stated in the decisions of the tribunal and the discussions in Congress, that the premiums so paid were, as a rule, added to the price of the goods and in reality recouped from the community at large. This view is clearly enforced in the minority report submitted by Judge LAWRENCE. Now, this view is undoubtedly sound, except as to parties who, prior to the sailing of the confederate privateers, had made contracts to deliver goods at fixed prices, either in home or foreign ports. In those cases it was impossible for them to add the amounts which they may have paid for war premiums to the prices of goods specified to be delivered at fixed rates in the contracts. To such party the amount paid for war premiums was an absolute and total loss. Such persons fall clearly within the fundamental principle of the legislation of the last Congress, that all who sustained actual, direct losses by reason of the acts of the confederate privateers should be indemnified out of the fund to the extent of such actual loss, and no further. But I can imagine no other case in which parties who have paid war premiums should be admitted to share in the award.

Any surplus which may remain after providing for the classes thus indicated should be held subject to the further disposition of Congress. It has been suggested that the balance, if any, should be returned to the British government. But when it is remembered that the fund was paid over in a gross sum upon the express understanding that if it should prove to be insufficient to meet all just claims upon it no further demands should be made upon Great Britain—thus, in fact, giving that power a receipt in full—no good reason in equity or comity can be advanced why any portion of it should be returned. The settlement was full, final, and absolute; and it seems to me that it would be little short of an insult to Great Britain, after such a settlement, to offer to return any portion of the money.

The conclusions to which I arrive are therefore as follows:

First. That the stock-insurance companies having received full indemnity for all their losses, and having actually profited at the expense of the community at large by war risks which they imposed and collected, are entitled to no further beneficial legislation, unless we are prepared to overthrow the fundamental principle adopted as the basis of the existing legislation.

Second. That mutual-insurance companies, never having derived either profit or indemnity from any source whatever, should be paid the full amount of their losses, whether incurred in consequence of the acts of inculpated or exculpated cruisers, upon the express condition, however, that the money so received shall be divided among those, and those only, who were assessed for the losses paid, and not to any insured party who did not contribute to the payment of losses caused by the confederate cruisers.

Third. That losses sustained by private individuals from the acts of exculpated cruisers should be paid in the same manner and to the same extent as if those losses had arisen from inculpated cruisers, because this rule has already been applied to the insurance companies.

Fourth. That the war-premium men, as they are commonly called, are entitled to be indemnified in all cases in which they were precluded by actual contracts or other circumstances equivalent thereto from adding the amount of the war premiums to the prices of the goods which they insured.

It will be seen that these conclusions, which are the result of a careful study of the debates of the Forty-third Congress, are not in harmony with any one of the reports submitted by the majority and the minority of the Judiciary Committee. I cannot expect that the mere presentation of these views will lead to such modifications in the proposed legislation as I now advocate; but as they are presented in no partisan spirit, and differ quite as much from my own preconceived notions, held before I had fully examined the subject, as they do from the conclusions of the majority, I venture to suggest them to the careful consideration of the committee, in the hope that before the bill now pending be put upon its passage the amendment which I may venture to offer will at least not meet with opposition from the committee and commend themselves to the favorable judgment of the House.

POLITICAL CONDITION OF THE SOUTH.

Mr. NASH. Mr. Chairman, it was not my purpose to crave the indulgence of the House during the present session, in view of my inexperience in public legislation, and especially in public speaking, but the recent speech of the honorable member from North Carolina [Mr. YEATES] is such an extraordinary production in its reflections upon the existing State government of Louisiana and the character of many of its citizens that I feel that I would be false to my public trust were I to remain silent and fail to refute the many glaring misrepresentations of the distinguished gentleman's production. The gentleman from North Carolina has given the caption to his speech, "Economy, Retrenchment, and Reform," and the House now being in Committee of the Whole on the state of the Union I shall follow with a like caption as the text for my remarks.

The gentleman from North Carolina in his speech says:

> I could go through the Southern States and select leading secessionists of the country whom the republican party has hugged to its bosom long ago. There is one distinguished hero and leader, General Longstreet, whose fiery columns were felt on every battle-field but a few years since, and whose name was worth a thousand men to the cause of secession. Where is he to-day? and where has he been for the last eight years? He is on that side, and they think him a marvelously proper and good patriot.

Now, sir, General Longstreet needs no defense at my hands, being a representative man of that class of our reconstructed citizens who immediately after the close of hostilities patriotically came to the front, accepted the situation, put their shoulders to the burdens and responsibilities of bringing order out of chaos by re-establishing the practical relations of the insurrectionary States and the people to the Federal Government. He had political sagacity and independence of character to be among the advanced guards in this patriotic labor of reconstruction. The democratic party in like spirit and for like purposes, as evidenced by the remarks of the gentleman from North Carolina, have made General Longstreet a target of their displeasure and attack. The gentleman admits that General Longstreet performed valiant services for the confederacy, and I will tell him that he has done equal service for the reconstruction of the Federal Union; and I do not understand why he should be specially assaulted for the performance of his duties as a citizen. But it seems the special pleasure of the democratic party to assault the character and impugn the motives of all white men who act in concert with the policy of the republican party in the Southern States, as well as to doubt the integrity and ability of the few colored men called to the performance of the public trusts therein. I can better explain my position to the House by reading a portion of the recent report to this House made at the last session of Congress bearing on the subject, and known as the Hoar Louisiana report, in which the honorable chairman of the committee [Mr. HOAR] used the following language:

> Charges of corruption are made by the conservatives against republican officials without the slightest discrimination. They assume that the acceptance of office is a badge of fraud. No matter how high the position hitherto occupied socially, how spotless the reputation, the moment of acceptance of office witnesses an entire reverse. The gentleman suddenly becomes a blackguard, the honest man a thief.

Mr. Chairman, comment by me is unnecessary. The language of this report gives to the world the true secret of the ostracism and menaces of the democratic party against such worthy citizens of the South as General Longstreet; so I will dismiss all further reference to that portion of the debate.

Again, the member from North Carolina, [Mr. YEATES,] further along in his speech, uses the following language:

> Now, Mr. Chairman, to be perfectly serious, we all know that the republican party did not start out in the war with the aim of freeing the colored people. It declared in its resolutions in Congress and in the proclamations of its President that that was not the object. But, sir, the colored man was freed, in spite both of the northern and southern men, by the will of God; and the colored people are learning that. Another thing: the republican party did not willingly give the colored man his right to vote.
>
> A MEMBER. Who did?
>
> MR. YEATES. I will answer that question. They undertook to pass the fourteenth amendment to the Constitution of the United States, and said to the southern people, "Vote for that." You are fresh out of the war, now turn around and abuse and curse your friends and let them die. We would not do that. If the republicans could have got the white people of the South to have voted with them they would have let the colored man go on forever without a vote. But when they found out that the southern people, though defeated in arms, still rose pure and strong in virtue and could not be beaten down in that way, they threatened us that they would let the colored people vote. Is not that the history of the times?
>
> So, in due course of time, when they could not get our votes then they turned the colored people loose and let them vote. What else did they do? They multiplied offices and filled those offices with ten thousand carpet-baggers, who came down and prejudiced the colored people against us. * * * They poisoned the minds of the colored people; they left the country a howling waste and wilderness; they destroyed liberty in Louisiana * * * and in all the States where they had the power to do it.

Mr. Chairman, I am willing to admit with this gentleman that the colored race owe their freedom rather to the providence of Almighty God, who took His own good time and adopted His own means to accomplish this great result, than to any party. Being one of that proscribed race which has been benefited by the results of the war of the rebellion in the providence of God, I take this occasion to publicly offer up my thanksgiving and heartfelt prayer of gratitude to Him who is the Giver of all good for the emancipation of my race in view of the anticipated future which I trust awaits them as citizens of this Republic. But, sir, I cannot agree with the gentleman in that portion of his speech where he announces that the colored race owes nothing to the republican party for the enjoyment of the political rights conferred upon us. I may be no historian, but this much of history do I know, because I have been an actor in its scenes. Let me remind the gentleman what the democratic party have done for us in the past. When the thirteenth amendment, abolishing slavery, was proposed, the democratic party, both in Congress and throughout the country, opposed it; when the fourteenth amendment was proposed the democratic party opposed it; when the fifteenth amendment was proposed the democratic party, with a vehemence only equal to its assaults upon the life of the nation, opposed it. Why, sir, when arming the negroes was proposed, the democratic party opposed it; when paying pensions to negroes was proposed, the democratic party opposed it; when giving the right of suffrage to the colored people of the District of Columbia was proposed as an experiment, the democratic party came forward with its usual philanthropy and opposed it.

Now, sir, tell me where any measure of constitutional law or general legislation has been proposed or enacted for the benefit of the emancipated black race which the democratic party has not strenuously opposed; and, not satisfied after the popular verdict had been rendered in favor of the rights which we have thus far secured, this same democratic party in the South, encouraged and backed by its brethren of the North, has kept a continual warfare upon the advancement, peace, and prosperity of our people. Therefore, I propose to give a timely warning to these stirrers up of strife, what they may expect if they continue this war of races. Ex-Governor Pinchback, of my State, hit the nail squarely on the head in his recent address before the colored convention at Jackson, Mississippi. Said Mr. Pinchback:

> I tell you, my white friends, that this killing off our people must be stopped, and I intend to help in putting a stop to it. Not by force of arms, not by use of needle-guns and Remington rifles, by breaking up this issue of race and by breaking up your whiteline democratic party. The colored people are bound to have their rights, and I advise you who are gentlemen to be the ones to guarantee them those rights; for if you do not, in sober earnestness I warn you to beware of the day when the ruffian class of whites shall unite with the more ignorant class of colored people! I leave you to imagine the result.

Sir, it is not difficult to comprehend the effect of a combination like that named by Mr. Pinchback. When it shall be made, if it ever shall be, the day will be a sorry one for southern society. So far it has been for the interests of the ruffians and outlaws of the South to work with the white-leaguer. But the moment the scramble for spoils shall have fairly commenced there will be a division, and in that division white respectability must be re-enforced by colored decency, or the cotton States will be handed over to a rule as shameless and scandalous as the imagination can conceive. There has been a great deal of opposition manifested by the native southern whites to the education of the colored people. Wherever the republicans have had control, as in Texas, Louisiana, and Mississippi, a system of schools has been put in operation that would have honored the New England States themselves. But the moment any of them fall into the hands of the democracy, that moment public education meets with discouragement. This is such egregious folly that it is surprising that the people of the South do not see it. The danger to that section is and has been in the ignorance of the masses. Designing demagogues can influence the uneducated and thus compass their ends; whereas, if intelligence were universal, any combination of vice and ignorance would be impossible. Let the South realize this fact and encourage popular education. The race issue is the issue of ignorance. Education dispels narrow prejudices as the sun dispels the noxious vapors of the night. The South needs more and better schools than the North, for she has a wider field for them. Not only has she a large colored population groveling in the dust of intellectual squalor, but a majority of her white citizens are without the facilities for mental improvement. Reform this altogether. Let a spirit of progress in this respect be manifested, and the southern people will find the North giving them a helping hand and bidding them Godspeed in the work.

Mr. Chairman, there are other portions of the gentleman's speech that I might take notice of, but I hardly deem it necessary, inasmuch as I have already noticed those parts of it which apply more particularly to the interests and people of my State.

As to a defense of the whole republican party, which he has seen fit to arraign, there need little be said. We have before us to-day a living and useful illustration of the wise forethought and broad philanthropy of the men of 1776. To-day it is the boast of the republican party that every man born in this country or naturalized, no matter what his condition in life, his race, or color, is an American citizen, and, as such, is entitled to equal rights before the law, and to a participation in the elective franchise. The republican party, which has achieved much for the country, has wrought no greater work than this. It is a proud day for us. Although we have passed through a sanguinary struggle in which thousands of our brave and patriotic citizens have yielded up their lives, yet we cannot lose sight of the fact that at the close of the conflict the immortal principles so happily announced in the Declaration of Independence have not only been preserved, but have grown into practical and living reality. This is the essential creed of the republican party. It is true we have not yet seen unqualified acquiescence in this grand result on the part of our democratic fellow-citizens, but the time is not far distant when even the people of the South must lay aside the prejudices engendered by the late war, and accept in its fullest sense the freedom of citizenship and equality before the law of all men. Democratic conventions may be silent on this subject, and a democratic House may be criminally neglectful of its highest duty; the people themselves may be misled and deceived by political leaders; the "still, small voice" of reason may be hushed and silenced by the turbulent passions of the hour, yet the day is not far distant when this underlying principle of the republican party will be fully acknowledged and accepted by all the people. When this shall be done, the first great purpose of the republican party will have been accomplished; and it will then be the duty of that party to preserve intact its own great power.

The mission of the republican party is not yet ended. The loyal people of this country, who preserved the Government in war and have maintained its honor in peace, are not yet ready to hand it over to the party that conspired to destroy it and has resisted every effort to make it indestructible. At no time in our history has the cause of civil and religious liberty made such progress as in this decade under the fostering care of the republican party. In giving freedom with civil and political rights to one race it has not been unmindful of the rights and liberties of the other. The same constitutional provision that gave freedom to the black man makes it forever impossible to enslave any portion of the white race. The citizenship secured by the fourteenth article of amendment to all persons born or naturalized in the United States applies alike to all persons, rich and poor, white and black. The inhibition upon the States to make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within their jurisdiction the equal protection of the laws, is a bulwark of safety to every citizen and a protection against the oppressors that might otherwise be created by sectional jealously or local hate. All these constitutional provisions were passed in the interest of personal liberty and individual security. The love of liberty is inherent in human nature. It may be stifled, but not without much difficulty. Whenever it is not gratified there is danger to the state. Gratify it and you insure the safety of society. Neither these constitutional provisions nor any statute passed in conjunction with them oppresses or harms any human being. A government which cannot protect its humblest citizens from outrage and injury is unworthy the name and ought not to command the support of a free people.

These are the works of the great republican party of the nation, which saved the country in war and is able to preserve it in peace. This is the party which must control the destinies of this free country for years to come.

The awful scenes of the late war are passed, and forever. The battle-cry is no longer sounded; war's thunder-clouds have rolled muttering away, and the skies are bright after the storm. The heroes of one side are sleeping side by side with those whom they withstood in battle, and they sleep in peace. The grave has closed over their animosities and a truce has been proclaimed between them forever. Let the living strike hands also, for we are not enemies but brethren. A man with the noblest instincts may succumb to a temporary madness, but he is

nevertheless a man, and when the cloud has passed away he is to be restored to a man's loves and rights and privileges. Brother, late our foe in battle but our brother still, this country is our joint inheritance, this flag has always been our joint banner. The glories of our past belong to both of us. This purified land, this great, united people, these broad acres stretching from ocean to ocean, yet bound by the cord of commerce, which makes of oceans near neighbors and of mountains level plains—this boundless wealth, this tireless energy, this hunger for progress, this thirst for knowledge—it is yours, it is ours, and no power can despoil us of it. We alone by our dissensions can destroy this rich inheritance. Over brothers' graves let brothers' quarrels die. Let there be peace between us, that these swords which we have learned to use so well, may if used again strike only at a common foe. Let us sing anthems of peace; let the song be taken up throughout the land; by the shores of the great lakes, by the waters of the Gulf, in the land of the loom and spindle, in the land of gold, on broad prairies, on sunny savannas, let the chorus again and again break forth, "Peace on earth, good will toward men." We have had enough war. Too many widows' weeds are scattered in this land; too many orphan children are gazing upon and lamenting the past. It was a just and righteous war, bravely fought and nobly won. Thank God it is over; and let us hope it will be revived only in memory.

I think the time has arrived for the ravages of this war to entirely disappear. Where any turbulent elements still exist the law should have its just sway, however much we may dread such necessities. And unto every citizen is there a duty assigned. As to what that is no honest patriot can doubt. The elimination of bias and bigotry and the general education of the high and low of every section will be found the true source of our national prosperity; and as the mind is expanded, reason will come forth from the dark obscurity of ignorance to balance with a nice hand the scales of justice.

America will not die. As the time demands them great men will appear, and by their combined efforts render liberty and happiness more secure. The people will be ready and answer in every emergency that may arise. If they have been able to direct and manage affairs wisely in the past, how much additional power will they have in the future with which to mold and invigorate the mighty fabric of the Republic. The union of national prosperity with social harmony, which is sure to come, will be indicated by one rapid reconstruction. Wisdom and knowledge from their highest pinnacles must no longer view the progress of national greatness, but its perfection. From Maine to Alaska will resound the shouts of rejoicing which will arise from millions of intelligent and happy freemen. With such watchwords as freedom, equality, and fraternity no factor of discord will be apparent. The seed has been sown and the harvest shall be reaped, and such a one as has never been known before in the history of nations—a harvest of peace, prosperity, and virtue.

But before this millennium dawns there will be still much to accomplish. However, we may comfort ourselves with the reflection that the path of virtue is sometimes dark; if we follow it steadily difficulties and embarrassments will melt away. The cloud will one day roll off, and the bow of hope and promise will be found in its place. Let us surrender no vital principle; neither let us waste precious time in the idle discussion of obsolete issues. The policy to be adopted must be one that will build up our waste places, cover our broad acres with waving grain, send our ships into every sea, start our factories, bridge our streams, and make the hum of industry resound on all sides. Let us go on as an orderly, law-abiding people, and wait patiently for the time when the reward cometh; for the time when a sense of justice shall once more animate the hearts of all, and malice and hate shall give place to brotherly love.

With the ardent prayer that our Government may remain an everlasting unit, and that the great Commonwealth of Louisiana regain and then maintain her lofty position among the sisterhood of States, I shall close with the prediction that this Government "of the people, for the people, and by the people" will not perish from the face of the earth.

And then, on motion of Mr. REAGAN, (at nine o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of Samuel Lee, to be re-imbursed the amount expended by him in contesting for the seat of Hon. JOSEPH H. RAINEY in the House of Representatives, United States Congress, to the Committee of Elections.

By Mr. FOSTER: The petition of Omar P. Norris, for additional compensation as a United States Army officer, to the Committee on War Claims.

By Mr. HOAR: The petition of Sidney S. Turner, for a renewal of a patent, to the Committee on Patents.

By Mr. LAPHAM: The petition of soldiers of the late war, for an equalization of bounties, to the Committee on Military Affairs.

By Mr. PHELPS: The petition of W. A. Norton and others, professors and instructors in Yale College, for an additional appropriation to the board for testing iron and steel and other metals, to the Committee on Appropriations.

IN SENATE.

THURSDAY, *June* 8, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read.

Mr. WEST. My attention has been called by parties interested to the fact that neither the Journal nor the report of the proceedings in the RECORD corresponds exactly with the report made by the Senator from Kansas [Mr. INGALLS] yesterday upon the bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad and to regulate its construction and operation. The Senator from Kansas reported the bill adversely; but, as the committee were divided, he asked that it be put upon the Calendar. I move that the Journal be so corrected as to contain the request of the committee, that the bill be placed on the Calendar with the adverse report.

Mr. SHERMAN. I think the bill has been placed on the Calendar.

The PRESIDENT *pro tempore*. The Chair is informed that the Journal is right.

Mr. WEST. I followed the Secretary as he read the Journal, and did not hear it so stated.

The PRESIDENT *pro tempore*. The Secretary will read the entry in the Journal.

The Secretary read as follows:

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad and to regulate its construction and operation, reported it without amendment, and that it ought not to pass.

Mr. INGALLS. I move that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. A bill goes upon the Calender when reported adversely if it is not postponed indefinitely.

The Journal was approved.

PUBLICATION OF DISTRICT TAX-LIST.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, referred to the Committee on the District of Columbia, and ordered to be printed:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 7, 1876.

SIR: In answer to the resolution of the Senate of the 2d instant directing the commissioners of the District of Columbia to furnish the Senate with a copy of the contract entered into with the National Republican newspaper for the publication of the list of delinquent tax-payers for the present year, and to inform the Senate whether the collector of taxes for the District has charged delinquent tax-payers for the publication of such list in excess of the price paid said newspaper, and if so, by what authority the same has been done, we have the honor to send herewith a copy of the contract with the National Republican newspaper and a statement of the collector of the District, from which it will be seen that in the opinion of the collector no excess of the price paid for said publication has been charged delinquent tax-payers.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners of the District of Columbia.

Hon. THOMAS W. FERRY,
President United States Senate.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of citizens of Iowa, praying the passage of a law authorizing the Federal courts in that State to grant a general injunction restraining all persons from mining or other operations, except the cultivation of the soil by actual settlers, on the so-called Des Moines River land grant; which was referred to the Committee on the Judiciary.

Mr. MORRILL, of Vermont, presented the petition of Sarah E. Cook, James F. O'Brien, and others, of Washington, District of Columbia, praying that the District commissioners be authorized to inclose the Holmead burial-ground; which was referred to the Committee on the District of Columbia.

Mr. SPENCER presented the petition of W. B. Sherrell and other citizens of Morgan and Winston Counties, Alabama, praying for the establishment of a mail route from Hartsell to Houston, Alabama; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON. I present the petition of S. D. Lee, of Mississippi, praying for the removal of his political disabilities. I will state that this petition has been presented once before and by some mistake was mislaid. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

GLENWOOD CEMETERY.

Mr. SHERMAN. I ask, I believe with the consent of the Senator from Alabama, [Mr. SPENCER,] that the bill (S. No. 475) to amend an act entitled "An act to incorporate the proprietors of the Glenwood Cemetery," approved July 17, 1854, reported adversely by him yesterday, be recommitted. I do this at the request of one of the parties interested.

Mr. SPENCER. I have no objection to a recommitment, but the bill would have to be changed very much in order to meet the approval of the District Committee.

Mr. SHERMAN. Certainly, it will be open to amendment in the committee.

Mr. INGALLS. Would it not be better for the purposes of the Senator from Ohio to allow the bill to go on the Calendar?

Mr. SPENCER. It is already on the Calendar, with the adverse report of the committee.

Mr. INGALLS. I shall violate no confidence in saying that the committee, I believe, are absolutely and irreconcilably divided upon the bill. It would be impossible to get a conclusion of the committee upon it, and therefore it is utterly useless to recommit it.

Mr. MERRIMON. I beg to say a word touching this matter. The Senator from Kansas and myself were charged, as a subcommittee, with this bill. We did not agree, and the committee discharged us from its further consideration. I desired that the bill should be at least reported back to the Senate without recommendation, so as to come fairly before the Senate without any prejudice on account of any judgment of the committee. I think that ought to have been done, and I believe I shall venture to request that the bill be referred again that we may consider it again and see if we cannot report it back without prejudice and allow it to go on the Calendar without any report at all, either adverse or favorable.

Mr. SHERMAN. I should be very glad indeed if the committee would be willing to let the bill stand upon the Calendar without any recommendation. It is a very common proceeding to do so.

Mr. INGALLS. There is no written report accompanying the bill, so that, practically, the suggestion of the Senator from Ohio is met. There was a mere formal report on the bill from the committee, we being unable to agree.

Mr. MERRIMON. I wish to make a further remark. This bill relates to a grave-yard, and involves a great deal of feeling on both sides. On one side they are capitalists, on the other side there are those who have buried their dead in that place and want some voice in its control. It is a subject that appeals very strongly to the sympathies of everybody, as well as to the sense of right. I think it ought to be placed before the Senate at least without any action on the part of the committee, further than to be discharged from its further consideration.

Mr. SHERMAN. I shall not ask that the bill be recommitted if the Senator from Kansas states that it will stand upon the Calendar without recommendation. I am perfectly willing, after what has been said already, to let the matter stand as it is. I made the motion at the request of a gentleman known to Senators themselves, an officer of the Government, who has a good deal of interest in the case.

Mr. SPENCER. The Senator from Kansas has stated the case. The committee were divided, a majority being in favor of an adverse report. I do not know how we can make any statement on the floor of the Senate which would change the conclusion of the committee.

Mr. SHERMAN. Upon the statement made by the Senator from Kansas that the bill may stand as a formal report, I think it just as well to let it remain on the Calendar. It will be open to amendment when it is reached, and I will not press a motion to recommit.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 286) for the relief of W. S. McComb, of the State of Georgia, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 109) for the relief of the estate of I. M. Micow, of the State of Alabama, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WEST. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, to report it back with amendments. I am instructed also to give notice to the Senate that to-morrow at one o'clock this bill will be called up for action.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3037) granting a pension to Samuel D. Falls, late unassigned recruit Ninth Regiment Minnesota Volunteers, reported it without amendment, the committee adopting the report of the House committee.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 31) granting a pension to Patrick Glackin, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1936) granting a pension to John Haley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2295) granting a pension to Thomas Leach, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HOWE, from the Joint Committee on the Library, submitted a report accompanied by a bill (S. No. 910) to provide for the construction of a new library building.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

A petition of citizens of Charleston, South Carolina, praying to have donated to them a certain amount of condemned cannon for the erection of a bronze monument to commemorate the battle of Fort Moultrie, fought June 26, 1776;

The letter from the Secretary of War, transmitting the petition of Captain J. M. Hamilton, praying that the date of his commission be changed from June 6, 1867, to July 28, 1866;

The petition of Alexander Brigham, praying the passage of an act giving him back pay and bounty for services rendered in the First Michigan Cavalry;

The petition of James T. Shelley, praying to be re-imbursed for the amount of certain moneys expended by him in recruiting, organizing, and drilling troops for the United States Army during the late war;

The petition of Charles Edward Nott, of Northampton, Massachusetts, praying Congress to provide by law for a permanent centennial star on our national flag;

The memorial of Tarvin C. Grooms, late of the One hundred and fifteenth Regiment Indiana Volunteers, praying compensation as first lieutenant from November 15, 1863, to February 1, 1864; and

The memorial of James G. Gibbes, of Columbia, South Carolina, praying the Government to refund him moneys advanced to Union soldiers during the late war.

He also, from the same committee, to whom was referred the petition of William Martin, late of the Fifty-third Regiment Indiana Volunteers, praying for back muster and pay as chaplain of the Fifty-third Indiana Volunteers, asked to be discharged from its further consideration, and that the petitioner have leave to withdraw his petition and papers; which was agreed to.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1849) granting a pension to Abigail S. Dawney, reported it without amendment.

Mr. KEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3495) for the relief of the mail contractors on route No. 19319, in Tennessee, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota, reported it without amendment.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late private Company L, Seventh Tennessee Cavalry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of citizens of Butler County, Pennsylvania, praying the passage of an act granting a pension to Hamilton Gillespie, late a private in Company K, Eighteenth Regiment Pennsylvania Volunteers, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

MARY H. BARTLETT.

Mr. BOOTH. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. No. 803) to repeal an act granting a pension to Mary H. Bartlett, approved January 28, 1873, to report it without amendment. This bill repeals the pension of this lady because she was married at the time the bill giving her a pension was approved. I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals the act granting a pension to Mary H. Bartlett, widow of E. W. Bartlett, late acting steersman on the United States steam-ram Monarch, approved January 28, 1873.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS DETAILED AS INSTRUCTORS.

Mr. GORDON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States, to report it with an amendment and ask the immediate consideration of the bill. It is important that it should be acted upon now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It was reported from the Committee on Military Affairs with an amendment in line 5 to strike out "twenty-five" and insert "thirty;" so as to read:

That section 1225 of the Revised Statutes of the United States be so amended as to read, "but the number of officers so detailed shall not exceed thirty at any time," instead of twenty, as in said section provided.

Mr. GORDON. The bill merely authorizes the increase of the number of officers detailed to drill the boys and to teach military tactics at the different academies, under the law of Congress.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 911) to fix the salary of the Commissioner of Pensions; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 912) for the relief of Thomas H. Halsey, paymaster United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 913) to establish post-roads in Missouri; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. WINDOM, it was

Ordered, That the bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre be recommitted to the Committee on Public Lands.

RAILROAD GRANTS IN INDIAN TERRITORY.

Mr. MAXEY. I offered a resolution the day before yesterday which went over under the objection of the Senator from Kansas, [Mr. INGALLS,] who now withdraws his objection. I proposed that the resolution should instruct the Committee on the Judiciary. I have been since informed by the chairman of that committee that, on account of the amount of work they have, he prefers it to go to the Committee on Railroads. I ask that that change be made.

The Senate proceeded to consider the following resolutions, submitted by Mr. MAXEY on the 6th instant:

Resolved by the Senate of the United States, That the Committee on the Judiciary be, and they are hereby, instructed to ascertain whether or not the railroad corporations, or any of them, mentioned under acts—

First, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extensions to Red River," approved July 25, 1866.

Second, an act entitled "An act granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas," approved July 26, 1866.

Third, an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866—

Have issued any bonds or securities of any kind predicated upon the conditional grants of the lands of the Indians of the Indian Territory claimed by said companies or corporations under the above-mentioned acts; and, if it be ascertained that such bonds or securities have been so issued, then it shall be the duty of the said committee to discover the amount of the same, in what hands they are held, and whether or not the public faith of the United States is pledged for their payment or redemption.

Resolved further, That the said committee, in the discharge of the duties hereby imposed, be, and they are hereby, authorized to call for persons and papers, and be required to report the result of their investigations to the Senate as early as practicable.

The PRESIDENT *pro tempore*. The question is on the motion of the gentleman from Vermont, [Mr. EDMUNDS,] to amend the resolution by striking out "the Committee on the Judiciary" and inserting "the Committee on Railroads."

The amendment was agreed to.

Mr. MAXEY. I move that the resolutions be referred to the Committee on Railroads.

The motion was agreed to.

SEWERAGE ON TIBER CREEK.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia are hereby directed to inquire and report to the Senate whether the system of sewerage along Tiber Creek north of the Capitol has been completed, and, if not, to furnish an estimate of the cost of connecting sewers to drain the surface-water of the valley of said Tiber Creek and the several streets crossing the same, and to state what effect, if any, the failure to drain the surface-water in said valley has had or will probably have upon the public health.

CIRCUIT-COURT JURISDICTION.

Mr. CONKLING. I move that the Senate proceed to the consideration of the bill (S. No. 240) relating to the jurisdiction of the circuit courts of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Chief Clerk proceeded to read the bill.

Mr. CONKLING. I venture to suggest that there is a virtual substitute for the bill, consisting of two sections. If the Secretary will just read the amendment, doubtless no Senator will care to hear the original bill; it is somewhat long.

The CHIEF CLERK. The committee report to strike out the second and third sections of the bill.

The Committee on the Judiciary proposed to amend the first section by inserting after the word "injunctions," in line 3, the word "duly;" by inserting after the word "circuit," in line 4, the words "justice or;" in line 6, by striking out "at law or in equity;" in line 7, after the word "court," by inserting "and duly served;" in line 7, after the word "shall," by inserting "unless otherwise provided in the order or decree;" in line 9, after the word "proceeding," by inserting "duly served with such injunction;" and after the words "United States," in line 11, by inserting "and elsewhere;" so as to make the section read:

That an injunction duly issued by the circuit court of any judicial circuit of the United States, or by the circuit justice or judge of any judicial circuit of the United States, in an action or proceeding pending in said court and duly served, shall, unless otherwise provided in the order or decree, be binding on and operative against the defendant or defendants in said action or proceeding duly served with such injunction in every judicial circuit of the United States and elsewhere.

The amendment was agreed to.

The next amendment was to strike out the second and third sections, in the following words:

SEC. 2. That the said defendant or defendants shall have the right, on due and proper notice to the plaintiff or plaintiffs in said action, to move to dissolve, vacate, or modify the said injunction for the judicial circuit in which said motion is made, and the circuit court or circuit judge shall have jurisdiction on sufficient cause to dissolve, vacate, or modify said injunction in and for the judicial circuit of the circuit court or circuit judge in which said motion is made.

SEC. 3. That every circuit court or circuit judge of the United States shall have jurisdiction, according to the rules and practice of the court, to punish, as for a contempt of court, any person violating within the judicial circuit of said court or judge an injunction legally issued by any other circuit court or circuit judge, and duly served on said person in the judicial circuit in which the said injunction was issued.

The amendment was agreed to.

The next amendment was to insert at the end of section [4] 2:

And provided further, That this section shall not apply to any case unless the same shall have been instituted within seven years next after the first publication or performance of such play or drama.

So as to make the section read:

SEC. 2. That it shall be no defense or bar to an action or a motion on the part of the proprietor or owner of the origial manuscript of a theatrical play or drama to restrain and enjoin the public performance, representation, or exhibition of said play or drama on the stage, in violation of the rights of said proprietor or owner in or to said play or drama, that the said play or drama has been printed or published: *Provided always*, That the said play or drama was not printed or published before the plaintiff in said action or on said motion became proprietor or owner of the same by purchase or otherwise: *And provided further*, That this section shall not apply to any case unless the same shall have been instituted within seven years next after the first publication or performance of such play or drama.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF P. B. S. PINCHBACK.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the report made by myself from the Committee on Privileges and Elections, on the 17th of April of the present year, providing for the compensation and mileage of Mr. Pinchback, late a contestant for a seat in this body.

The resolution was read, as follows:

Resolved, That P. B. S. Pinchback, late contestant for a seat in the Senate from the State of Louisiana, be allowed an amount equal to compensation and mileage of a Senator from the beginning of the term for which he was a contestant up to the period of the determination of the contest by the Senate.

Mr. MITCHELL. I ask that the report be read in this case. It is very brief.

Mr. SAULSBURY. I hope the Senator from Oregon will not offer that resolution this morning. Certainly it will lead to debate, and if the object is to pass it in the morning hour, it will not be accomplished.

Mr. MITCHELL. If it be not passed in the morning hour, it certainly will not be passed at this session, it seems to me.

Mr. SAULSBURY. It certainly will not be passed in the morning hour. It will lead to debate.

Mr. MITCHELL. I hope the resolution will be taken up. I think as a matter of justice to Mr. Pinchback and to this body the resolution ought to be considered.

The PRESIDENT *pro tempore*. The Senator from Oregon moves the present consideration of the resolution which has been read.

The question being put, a division was called for.

Mr. MORRILL, of Vermont. I desire to ask the Senator from Oregon if he purposes to take up this resolution to the exclusion of the regular order for one o'clock?

Mr. SHERMAN. It does not interfere with that.

Mr. MITCHELL. It does not interfere with it.

Mr. MORRILL, of Vermont. I have no objection, then.

The question being put, there were on division—ayes 16, noes 20; no quorum voting.

Mr. MITCHELL. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia [Mr. DAVIS] on all political questions, and as this has somewhat that appearance from the vote now being taken, I decline to vote. I would vote for taking up the resolution if he were here, and I presume he would vote against it.

The roll-call was concluded.

Mr. CONKLING, (after having first voted in the affirmative.) I voted to take up this resolution, which I am in favor of doing. I am paired with my colleague [Mr. KERNAN] who is unavoidably absent, and has been for several days, on all political questions; and on referring to my friend the Senator from Kentucky [Mr. STEVENSON] he expresses the opinion that this is a political question; and therefore I prefer to withdraw my vote.

The PRESIDENT *pro tempore*. Permission will be given to withdraw the vote if there be no objection. The Chair hears none.

Mr. RANSOM. I am paired on political questions generally with the Senator from New Jersey, [Mr. FRELINGHUYSEN;] and after the statement made by the Senator from Minnesota and the Senator from New York, on the advice of the Senator from Kentucky, I will not vote.

Mr. MORTON. I suggest that I understand the three Senators who have gone to Mississippi on the investigating committee are paired on all political questions, and I believe this is regarded as one.

Mr. COCKRELL. I will say that the Senator from Minnesota [Mr. MCMILLAN] and I are paired on the bankrupt law, and on nothing else. As to whether he is paired with anybody else on any other question I do not know.

Mr. COOPER. On all political questions I am paired with the Senator from Minnesota, [Mr. MCMILLAN,] and therefore do not vote. I do not know how he would vote on this motion to take up.

Mr. MERRIMON. Mr. President, is this a political question?

Mr. SARGENT. That is not a point of order.

The PRESIDENT *pro tempore*. The Chair is unable to determine; that is for the Senator from North Carolina to decide.

Mr. MORTON. I understand that the Senator from Massachusetts [Mr. BOUTWELL] and the Senator from Wisconsin [Mr. CAMERON] are paired on all political questions with their colleagues on the Mississippi Committee, [Messrs. BAYARD and MCDONALD.] That this is regarded as such I have no doubt.

The result was announced—yeas 19, nays 19; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Clayton, Cragin, Ferry, Hamlin, Hitchcock, Logan, Mitchell, Morrill of Vermont, Morton, Paddock, Patterson, Sargent, Sherman, Spencer, West, and Wright—19.

NAYS—Messrs. Barnum, Bogy, Caperton, Christiancy, Cockrell, Dennis, Eaton, Gordon, Johnston, Kelly, Key, McCreery, Maxey, Merrimon, Norwood, Saulsbury, Stevenson, Whyte, and Withers—19.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Conkling, Conover, Cooper, Davis, Dawes, Dorsey, Edmunds, Frelinghuysen, Goldthwaite, Hamilton, Harvey, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kernan, McDonald, McMillan, Morrill of Maine, Oglesby, Randolph, Ransom, Robertson, Sharon, Thurman, Wadleigh, Wallace, and Windom—35.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books and other matters therein contained, and prohibiting lottery circulars passing through the mails;

A bill (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton-railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska;

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 3628) establishing post-roads.

The message also announced that the House had passed the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, to Sarah Wilson; and it was thereupon signed by the President *pro tempore*.

NATIONAL-BANK RECEIVERS.

Mr. SHERMAN submitted the following report:

The committee of conference appointed by the two Houses on House bill No. 2441, authorizing the appointment of receivers of national banks, and for other purposes, after full and free conference, have agreed upon the following report, to wit:

That the House recede from its disagreement to all the Senate amendments except No. 11, and agree to the same:

That the Senate recede from its amendment No. 11, and agree to the same, with an amendment, as follows: Amend the proviso so that it will read:

Provided, That such savings banks now established shall not be required to have a paid-in capital exceeding $100,000.

JOHN SHERMAN,
JOHN A. LOGAN,
HENRY COOPER,
Managers on the part of the Senate.

S. S. COX,
J. A. KASSON,
SCOTT WIKE,
Managers on the part of the House.

The report was concurred in.

THE CALENDAR.

Mr. WITHERS. I move that the residue of the morning hour be devoted to the calling of bills on the Calendar subject to objection.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar will be reported.

Mr. ANTHONY. There was an understanding some time ago when a certain point on the Calendar had been reached that the concurrent resolutions and the resolutions should come up and be considered. As the Calendar is called now, the resolutions have no chance whatever. I think they ought to come in with the bills and the general orders, according to the dates at which they were reported. There is a concurrent resolution there that I am very anxious to reach, though I should not want to take it up at this period of the morning hour. I make the suggestion, therefore, that when the Calendar of unobjected cases is next called the resolutions, concurrent and Senate, shall have place according to their date. As they are put on the Calendar behind the general orders, they will never be reached otherwise. I hope that will be generally understood, and that the Secretary will take notice.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Rhode Island? The Chair hears none, and that order will be observed. The Secretary will report the first case on the Calendar.

DANIEL H. KELLY.

The bill (S. No. 685) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry, was read the second time, and considered as in Committee of the Whole.

Mr. WITHERS. Let the report be read, unless the Senator from Illinois, [Mr. LOGAN,] who reported the bill, will state the circumstances of the case.

Mr. KEY. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. LOGAN from the Committee on Military Affairs, on the 3d of April:

The Committee on Military Affairs, to whom was referred the petition of Delilah Kelly, having had the same under consideration, submit the following report, which was submitted to the Forty-third Congress to the same petition, and recommend the passage of the accompanying bill:

[Senate report No. 378. Forty-third Congress, first session.]

MAY 22, 1874.—Ordered to be printed.

Mr. LOGAN submitted the following report, to accompany bill S. No. 841:

The Committee on Military Affairs, to whom the petition of Delilah Kelly was referred, having had the same under consideration, submit the following report:

This is the petition of Delilah Kelly, who claims to be the widow of Daniel H. Kelly, deceased, late a private of Company F, Second Regiment Tennessee Volunteers. The evidence shows that deceased enlisted in the military service of the United States about December 1, 1861, at Couche's Gap, Tennessee, under Captain David Fry; that while on their way in Lee County, Virginia, the command was attacked by a large force of rebels, and, after a hard fight, continuing from two o'clock till dark, the deceased, the captain, and several others were taken prisoners. The recruiting papers were in the hands of deceased, who had been made orderly sergeant, and, by direction of said Captain Fry, were destroyed the night after their capture, on which account no return was ever made of the enlistment of deceased. The deceased was sent to the rebel prison at Richmond, where he died.

The facts in this case are testified to by Captain Fry and one Thomas Davis, both of whom were taken prisoners with deceased. The particulars are stated minutely, and so clearly as to satisfy the committee of their truthfulness, and the signature of Captain Fry is verified by the War Department.

The committee, being fully satisfied of the justice of this claim, recommend the passage of the accompanying bill.

Mr. LOGAN. My attention is called to the fact that the Senator from Virginia asked me a question. I did not hear him.

Mr. WITHERS. I merely asked for a statement of the facts to obviate the necessity of reading the report.

Mr. LOGAN. I did not designedly refuse to answer. I was conversing with another Senator at the time.

Mr. WITHERS. The report is satisfactory. I saw that the Senator was engaged.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NICHOLAS VEDDER.

The next bill on the Calendar was the bill (S. No. 527) for the relief of Major Nicholas Vedder.

Mr. WITHERS. There is an adverse report in that case, and also in the next case. Let them go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

BOUNTIES TO COLORED SOLDIERS AND SAILORS.

The next bill on the Calendar was the bill (S. No. 637) to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs.

Mr. WITHERS. There is an adverse report in that case also.

Mr. JOHNSTON. Why not let it go off the Calendar?

The PRESIDENT *pro tempore*. The bill will be passed over.

INDIAN APPROPRIATION BILL.

On motion of Mr. WINDOM, the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

WESTERN AND ATLANTIC RAILROAD.

The next bill on the Calendar was the bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad.

Mr. GORDON. The morning hour has nearly expired, and the bill is likely to lead to debate. I shall have to be absent for a few days, and I will let it lie over.

The PRESIDENT *pro tempore*. The bill will be returned to its place upon the Calendar. The morning hour has expired.

LEGAL TENDER OF SILVER COIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 263) to amend the laws relating to legal tender of silver coin, the pending question being on the amendment of Mr. BOGY to the amendment reported by the Committee on Finance.

Mr. MORRILL, of Vermont. Mr. President, the present bill proposes to revive the issue of the silver dollar of the standard of 1837—412.8 grains in weight, nine-tenths fine—without any limitation of the ultimate issue, and to make it a legal tender for all sums of $20 or less. If I differ from others as to its merits, it is not because of an unwillingness to appreciate their arguments, and I hope to be credited for the sincerity of my own convictions and for at least a patriotic desire to maintain the interests and the honor of our country. If I can attract the attention of the Senate to the character of this bill, my whole purpose will have been accomplished. The bill would seem to be a very little affair, and yet it would by the issuance of a degraded dollar revolutionize the policy and the traditions of the American people. It is urged upon us as a step toward specie resumption, and it is a step, but a desperate step. The market value of a paper dollar to-day is about the same as that of the silver dollar, or a small fraction less, with which redemption is to be offered. There is also pending an amendment to make this an unlimited legal tender or to remove even the twenty-dollar limitation; but the gates would be open wide enough at $20 to let loose an irrepressible and unlimited inundation in the end. The policy of paying small debts in silver and large debts in gold, however, will be scouted by the people unless the metals shall be made of equal value. Small debts due to the poor must be paid in as good money as large debts due to the rich; nor should even savings-banks be compelled to pay in gold in lump sums what they may have received in silver driblets.

But adopt this bill and what a pie-bald, higgledy-piggledy system of legal-tenders we should offer to the world! This view of the merits of the measure has been so accurately presented by the Senator from Indiana, [Mr. MORTON,] that I shall only barely refer to it; and in doing so I wish to do full justice to that able Senator, because on a former occasion I find that I charged him with "Pendletonianism" on perhaps insufficient grounds. We have differed widely upon financial questions, but we both voted for the 1879 resumption act, purpose to stand by it; and I am glad to be able to agree with him, so far as he has disclosed his views, upon the present bill. He thinks we promised to make the greenback dollar equal in value to the gold dollar, and that will be the opinion not only of our own people, but that of the world.

But let this bill become a law, with silver bullion at fifty-two pence per ounce, as it is now, and we shall have in circulation—with gold standing at 113 in greenbacks—two half-dollars, or other silver small coins of equal amount, worth in paper 93.17 cents and in gold 82.46 cents; silver dollars in paper 99.68 cents and in gold 88.22 cents; gold dollars standing at par and United States notes worth in gold 88¼ cents; and all these to a greater or less extent, and without regard to race or color, a legal tender. In addition, also, there is the United States trade-dollar, worth 89.76 cents in gold and about 101.42 cents in paper. This presents a heterogeneous assemblage, each one of which would require a letter of introduction to any other one, and all intercourse would begin and end with the words, "I beg your pardon, but you seem to have the advantage of me." The prices of products for sale would be as difficult to ascertain as the old puzzle of school-boys touching the number of cubic feet in a pile of brush.

I listened with eager interest for two days to the speech of the distinguished Senator from Nevada, whose ability and learning upon these subjects do him so much credit, though adorning all the related questions quite as much as the one involved in this bill; but I regretted to find he was not for the *gold dollar* he so sharply described in his memorable speech of two years ago, when he said:

> This Government pledges its honor that this coin is nine-tenths fine and contains 25.8 grains in weight.

The Senator is now very willing to give us the silver dollar, but a dollar containing just as little silver as possible and worth not over eighty-eight and a quarter cents.

There has been no hint from any quarter except in the amendment proposed by me, which since the last fall in silver will be inadequate, that we were to start silver as a legal tender of equal mint value with gold. The argument offered is for a double standard, but the bill will practically give us silver, and nothing else. We have the voice of Jacob but the hand of Esau. Having no feeling in this matter to make me waver a hair's breadth from what I believe will most conduce to the public welfare and maintain a decent respect for national honesty, I have proposed some amendments, and first to limit the amount of silver which may be used as a legal tender to $5. If that could be adopted, then hardly any other amendments would be pressed by me. Should that fail—and I may very well say that I have no lively expectation that any amendment to be offered by me will prevail, as I greatly fear "Ephraim is joined to idols"—I shall offer the amendments which seek to make the silver dollar as good as the gold dollar, that is to say, containing 467.8 grains of silver, which would be of about the same real value. Here I could wish for the potential aid of the distinguished Senator from Nevada. I much fear he will wait for a more convenient season. Further, it has seemed to me that it might be better to have the silver dollar, if issued at all, so issued as to take and hold the place of small bills, and therefore I shall propose that these shall be redeemed first. Whatever the result may be my duty will then have been discharged. I know that the advocates of silver claim that it is now temporarily depressed and that congressional omnipotence by legislative action can here and now inflate it so that it will float at a much higher appreciation. This I judge to be a great mistake. The cost of silver very possibly has been as permanently reduced by the steam quartz-mills and the "bonanzas" of the Comstock and other lodes as the cost of cotton was reduced by the cotton-gin and the savannahs of the South. It may not be just now the accepted and popular doctrine, but I have a deep conviction that silver as a stable measure of value has been forever dethroned, and that is evidently the distinctly pronounced judgment of the most enlightened nations of the present time.

The Senator from Nevada, [Mr. JONES,] appropriating all the logic of the wildest paper inflationists, as it seems to me, proclaims that resumption on a gold basis is impossible. Said he, "I tell you, gentlemen, the thing cannot be done! Resumption in gold is out of the question; it is not practical financially; it is not practical metallurgically; it is not practical internationally; it is not practical politically; in short it is not practical at all." And he added, "I can no longer wonder that the interchangeable theory or any other form of paper lunacy has obtained a footing in the land." And he thinks finally the plan of gold resumption not a whit better than that of the demagogues and rogues.

This confident assertion from so high an authority, imbedded in a large array of historical facts, glittering with flashes of denunciation for those who may entertain a different conclusion drawn from the same facts, might have deterred me from venturing to suggest any doubt as to its infallibility, but, fortunately for me, I find an argument ready-made, not so ancient indeed as many of the authorities cited by the distinguished Senator from Nevada, but which even he will feel bound to respect, and which, if I am not much deceived, not only answers the extract I have just read from the late speech of the Senator, but will lift up and bear away the oppressive load of "plutocratic" epithets so pitilessly heaped upon the world's most perverse admiration of gold. If gold, however, is capable of resisting the strongest acids, it may be expected to survive these epithets. Of course I refer to no other argument than that of the Senator from Nevada himself two years ago, when he captivated the whole Senate by a most felicitous speech. I shall read a few extracts from the speech made April 1, 1874. It will bear repetition:

> Does this Congress mean now to leave entirely out of view and to discard forever a standard of value? Did any country ever accumulate wealth, achieve greatness, or attain a high civilization without such standard? And what but gold can be that standard? What other thing on earth possesses the requisite qualities? Its value is represented by the average amount of labor required to produce it. Its scarcity gives a small quantity of it great value, so that it is easily transported from place to place. It is capable of division and subdivision, and also of being reunited—all without loss. It is in every commercial country made into coins and stamped, by national authority, with a certificate as to fineness and weight. It is flexible and self-regulating, and flows by natural laws wherever the exigencies of trade demand it.
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> Gold is the articulation of commerce. It is the most potent agent of civilization. It is gold that has lifted the nations from barbarism. It has done more to organize society, to promote industry and insure its rewards, to inspire progress, to encourage science and the arts, than gunpowder, steam, and electricity.
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> The use of gold had its origin in the necessities of mankind. The human heart is set upon it. It will command the proper services of everybody at all times and in all places. The necessities which compel its use are as inexorable to-day as they were at the beginning, although improved systems of exchange have diminished the proportionate volume necessary to do the work.
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> So exact a measure is it of human effort that when it is exclusively used as money it teaches the very habit of honesty. It neither deals in nor tolerates false pretenses. It cannot lie. It keeps its promises to rich and poor alike.
>
> While it has seen human institutions perish and human governments crumble and decay, it is itself imperishable. The gold that was in Solomon's temple possessed the same qualities as the gold dug to-day from the sands of Africa. The gold of California and the gold of Australia are precisely the same. It defies the corroding hand of time and the friction of the ages. It is the common denominator of values. It makes possible the classification of labor and the equitable interchange of commodities. Gold has intervened in the bargains made between men since the dawn of civilization, and it has never failed to faithfully fulfill its part as the universal agent and servant of mankind. But it withdraws from the companionship of the bedizened harlot called irredeemable paper money, and says to every people, "Banish her before you look for my return." It is the oxygen in the commercial atmosphere, and its absence produces financial asphyxia.
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> The value of gold is not affected by the stamp of government. That is merely the final and reliable evidence of its weight and fineness.
>
> You must have something with the attribute of extension when you measure extension; to measure weight you must have something of specific gravity; and to measure value you must have something of value—something that requires labor to produce it. Gold has this requisite. The stamp on a gold dollar says in effect: "This Government pledges its honor that this coin is nine-tenths fine and contains 25.8 grains in weight." The Government stamp on every piece of coin is a certificate to mankind that the bearer has rendered a service unto society which is measured by that piece of metal, and that he is entitled to an equivalent service from society in return, payable on demand. Such a draft has never yet been dishonored.

I thought this a sound argument at the time, and hope to be pardoned for thinking so still. Let me read a little more:

I differed from nearly every Senator on this floor in the reasons which induced me to support the amendment introduced by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] The objection was made by friends of that amendment that it would have a tendency to make gold rise in price. Now, sir, I say gold ought to rise. Every other commodity in this country—butchers' meat, groceries, provisions—everything that enters into domestic use has risen, so that in relation to them greenbacks are really at a depreciation of fully 40 per cent., while in relation to gold, which has been shorn of one of its chief uses by being demonetized, the same greenbacks are at a depreciation of only 10 or 12 per cent. The effect of this is to discourage mining enterprises and depress mining interests. If the Government ever intends to resume specie payments these interests should be stimulated and encouraged by every legitimate means.

Two years ago gold was too cheap; now it is not cheap enough. It ought not to be, according to the Senator, any more than at the rate of fifteen and one-half of silver to one of gold, while it stands to-day at the rate of over eighteen to one. Now let me read how easy it was to get gold for a resumption of specie payments two years ago as contrasted with the insuperable difficulties presented a few days ago. There was then no lion in the way and no lack of courage. I will again read from the earlier and, as I think, better speech:

Gentlemen ask, "How will you get the gold with which to resume specie payments?" As a general proposition, I would say that the Government should hoard gold; that it should take no part in the gold gambling of this country. I admit it would be a great injustice to the debtor to say that specie payments shall be resumed immediately, because he contracted his debt when currency was worth about what it is to-day, and it would not be just to make him pay in an appreciated currency. But he has to pay some time. I would put it off three years, and say that on the 1st day of January or the 1st day of July, 1877, the greenbacks, the national legal-tenders, should be redeemed, either in bonds or in gold, at the option of the Government, and destroyed, and at the same time I would repeal the legal-tender clause as to all debts contracted after that time. This would be contraction, and would cause a reduction in the price of everything. Without such contraction the maintenance of the specie standard would be impossible. The effect of that would be to make the condition precedent to a return to specie payments. Unless we make these conditions precedent, unless we fix that time certain in the future, the people will never commence to prepare for it, and will never be more ready than they are to-day.

It is as though you were owing a certain debt and you asked your creditor when you should pay it, and he should say, "Well, pay it by and by; pay it almost any time." The debtor is never ready to pay a debt when that is the understanding. But if you are told the exact time when the debt is to be paid, you will put your house in order and get ready to pay it. If you will fix a time for resumption, it will not be the Government alone that will resume; that will be the least and easiest part of it. Resumption will take place on the part of the people of the country. If the Secretary of the Treasury alone were to redeem, he would be a shining mark against whom all the banking-houses of the world could make their combinations, and Wall street would assist in the work. They could and would make corners on him in gold, but they could not make corners on forty millions of people. When the people knew that gold was to be the currency of the country at any stated time, each man would have his little amount of gold and it would flow into the country in a thousand Pactolian streams. There would be no doubt about it. The people would be ready. Gold will be found all over this country when you do not banish it; when you permit it to circulate; when you give it its true function.

All I have to say on this point is this: If resumption was possible in 1877 it is incomprehensible how it can be impossible in 1879. The flow of the "Pactolian streams" may be just as safely predicted surely in 1879 as at the earlier period of 1877. The metallurgical, international, and political impracticability that had no terrors then is even less formidable now. We resumed specie payments in 1843 with less gold on hand than we had in 1837 at the time of the great suspension, and in one year's time thereafter increased our stock of gold nearly 50 per cent. The result was similar in 1858, when resumption took place with less gold on hand than the year before at the time of suspension, and the stock of gold increased the following year. The circulation of paper money also expanded at the same periods.

The bill under consideration "to amend the laws relating to legal tender of silver coin" beyond all doubt presents the gravest questions that are likely to have the attention of the present Congress. We were compelled by the urgent necessities precipitated upon the national Government by the late rebellion to resort to a lavish issue of paper money, and the difficulty of retiring it when no longer needed is as great as that of denying the coveted drug to the opium-eater whose will has been conquered and enslaved by its habitual use. To escape from this vexatious calamity the present bill has been offered and offered as a remedy; but a careful study of its provisions, of the policy it will fasten upon the country, and of the results which must follow from the moment of its passage, will show that, instead of being a remedy, it will aggravate the evils from which the country now suffers, and from which we have unavailingly tried to escape.

At the present moment no silver dollars of the standard here proposed are in circulation, and the standard is fifty-five grains less of silver than would be required to equal that of the standard of our gold dollar, which would require 467.8 grains of silver instead of 412.8, as now proposed. Put them both, gold and silver, in circulation, and could we expect ever again to see the gold dollar, or gold of any description? Every man who had a debt to pay or workmen to pay off would use the cheapest legal tender, and gold would be practically and most expeditiously banished. Ten or twelve per cent. disadvantage would more effectually remove gold from circulation than a statutory exclusion.

The limitation of silver as a legal tender to the sum of $5 by this bill is to be abandoned, and the sum hereafter to be allowed is fixed at $20; but there is no limit fixed as to the amount which may be ultimately issued by Government, and it is to be receivable for all dues to the United States except customs. When the country shall have been flooded with this low-priced silver coinage, rushing in for postage, internal revenue, and from all other sources, except customs, at over one hundred and fifty millions annually, can any sane man expect that it will ever be redeemed? No, sir; we make no promises of that sort. We have promised to redeem United States notes and here is a bill presented which nominally proposes to do this but in a coinage of no greater present value than the paper itself! It needs no seer to prophesy, if we take the first step in the issue of silver upon the basis of this bill, that such a step can never be retraced, but must be followed by the universal and unlimited employment of silver as the exclusive metallic currency of the United States.

If the direct proposition were to be made for the adulteration of our standard of legal tender there are few that would have the hardihood to propose it, and yet the present bill practically offers nothing less. We have no silver dollars now in circulation—and have had none for a quarter of a century—and when we had, there was a sufficient protection from inflation or from any undue issue in the fact that silver was formerly valued at a much higher price than it is now. But here it is proposed to resuscitate silver dollars upon a standard of a gone-by century, ighoring the great depreciation of silver, and then to practically make a fourfold increase of the amount which may be used as a legal tender. If the adulteration of the coinage of a nation deserves the blasting condemnation with which historians have visited it for ages, this measure when fully developed will not escape the sharpest criticism of future commentators. We are to restore an obsolete coin and give it room—much now, and all that may be required hereafter—to absorb all the *bonanzas* now reposing under the Sierra Nevada and all the rejected coinage of half the civilized world.

The learned Senator from Missouri [Mr. BOGY] does not blind himself to the possible profits of this new device, and makes the rather startling annunciation that we must pay the national debt in silver or not pay it at all; and he argues that we may do this legally. This distinguished Senator, for aught I have yet heard, speaks for his side of the Chamber, although in a wholly different voice from that of his great predecessor, Benton, and if his words should be as much respected abroad as the author is here, our bonds now held by foreign owners would be sent home by ship-loads to be sold for whatever they would bring. The world could not afford to trust us. In other words, the Senator would have us copy the example of Austria and make two standards of coin, and, one being greatly depreciated, issue no more of the other, in order to scale and pay off the national debt at much less cost. The price of silver has fallen ever since this question was last before the Senate and need not and does not now cost the Government more than fifty-two pence per ounce. The gold cost of the dollar proposed yields about 13 per cent. profit, that is to say, the gold cost of $1,000, exclusive of the cost of coinage, would be $822.27, and, if made an unlimited legal tender, a million of dollars of our public debt would be worth no more than $822,270. Surely the agitation of such perilous propositions as this is not calculated to aid in funding the national debt at a lower rate of interest. But the Senator from Missouri does not stand alone. Are not the words of the Senator from Nevada, who seeks the same change of the legal-tender standard, even contending for it as a constitutional right, equally radical and significant? He asks for nothing different. He says: "We have thoughtlessly so worded our laws that until we alter them we can only pay in gold." Manifestly that means that we should thoughtfully so word our laws that we can pay in silver. That would scale the public debt at the rate of $177,730 in every million; but would that be honest?

We have for years collected all revenue at the custom-house in gold and have set apart that identical revenue and solemnly pledged the good faith of the country that it should be devoted to the payment of the public debt. This fact cannot be obliterated without obliterating the public honor, not without a plain and palpable breach of the public faith.

Our silver dollar has passed out of use, and the silver subsidiary coins were not intended to regulate the intrinsic value of the standard of legal tender. They were tokens of value, and so long as the amount issued or to be tendered was limited, the actual value of the silver represented was of little consequence and they passed without depreciation. But the moment these limitations are removed their value will be reduced to the value of whatever bullion they happen to contain.

There is no nation now which attempts to maintain a double currency of gold and silver which does not practically limit the issue of silver. The chairman of the Committee on Finance [Mr. SHERMAN] was mistaken if he intended to claim that an unlimited double standard existed in England, as he will find by a further study of the subject.

The silver coinage of England is wholly subsidiary, and of lower intrinsic value than even our own, being in the proportion of 1 to 14.2, and the overvaluation profit upon its issue is wholly reserved to the government. From the annual report of the British mint of 1871 I take the following extract:

The silver coin is issued through the medium of the Bank of England, which is able, as in the case of gold, to judge from the amount in its possession and the demands made upon it at what times and in what quantities fresh supplies will be required for circulation. As, however, silver is a token coinage, representing more than the intrinsic value of the metal used in its manufacture, it is coined for the profit of the state, and not from metal brought in, as in the case of gold, by the public. Silver bullion for coinage is purchased with sums advanced to the master of

the mint from time to time from the consolidated fund by the treasury, under the ninth section of the coinage act of 1870.

It is sufficient in this place to point out that under the coinage act of 1870 no obligation is imposed upon the state to coin silver for the public.

This shows that their silver coinage represents more than its real value and the excess accrues as profit to the state, while gold bullion can be exchanged by the owners at its full value for gold coins.

It is also a misapprehension to suppose that Germany, after having demonetized silver, has any purpose of abandoning that policy. When Germany made gold her standard there were many millions of silver in the country, and a double standard was permitted for a limited time to facilitate the settlements of existing contracts; but on December 27, 1875, even the silver thaler ceased to be a legal tender except to the amount of $5. Germany is getting rid of her three hundred and fifty millions of old silver as rapidly as possible without glutting the market, and this undoubtedly contributes something to the depression, not temporary but permanent, of the price of silver bullion; and any one who fancies that Bismarck has made a stupid blunder and will advise the abandonment of gold as the standard of Germany is simply misinformed.

It is true that what are called the Latin states, or France, Italy, Belgium, and Switzerland, had a monetary convention by which silver and gold were made interchangeable at the rate of fifteen and a half of silver to one of gold, but the issue of five-franc pieces, nearly similar in value to our dollar, was limited in 1872 to $60,000,000, and by a more recent agreement has been further restricted to $24,000,000, or 120,000,000 francs. Belgium and Switzerland are, however, anxious, even with this limitation, and though the convention expires in less than four years, or in 1880, to return to the gold standard. Italy, where there is a large amount of depreciated paper money afloat, may prefer a cheap silver standard, and possibly somebody there too may expect in the end to find that the cheapest medium in which to pay off the national debt. In France silver has flowed in so plenteously as to be at 12 per cent. discount, as compared with their gold. The concentration there is so great that it cannot be gotten rid of without immense loss. The Bank of France has gold enough on hand, $250,000,000, to warrant an immediate resumption of specie payments. There are no political difficulties in the way. But the gold, if paid out while it brings 12 per cent. above the price of silver, would not stay in France a moment. Hence the Bank of France may not be expected to resume specie payments, whatever its ability, until silver, of which the bank holds one hundred millions, shall be demonetized. The Government of France cannot afford to permit the bank to exchange or to sell its gold and resume on silver. It will be seen by the latest intelligence that the French minister of finance, finding their position wholly changed from what it was in 1868 and 1870, has just offered the proposition—since this debate began—that no more silver five-franc pieces shall be coined. The trade of France is far too great to be conducted on a silver basis. India, hitherto absorbing so much of the surplus silver of the world, is controlled by Great Britain, and is likely to have the ascendency of gold established there much sooner than we can by our example force any other country to adopt silver as their financial queen and empress.

Thus, while other nations are sorely perplexed with depreciated silver coinage and doing their utmost to escape from its embarrassments, we are gravely asked to plunge into the same inextricable perplexity as a measure of relief. To the extent of our fractional currency I am heartily in favor of the emission of silver coins, and while it is limited to the amount required for change there will be no discrepancy between it and the better standard of gold, if we ever reach that standard; but the moment we go beyond this limitation our silver money will be at a discount, and the oscillations in value will be as great as they have been for the past five years in our paper currency. One of the most potent reasons for a return to what is called a sound currency is to avoid the harassing fluctuations of paper; but a return to silver, judging by the past and present, would positively augment these fluctuations. Since 1870 the price in London, the great market for silver, has varied from 60*d.* per ounce to 52*d.*, or nearly 16 per cent., which is actually more than the variation during the same period of our paper money.

But it is claimed that the depression in the present value of silver is merely temporary, and that if we pass this measure we can not only revolutionize the market here at home, but stop what is claimed to be the almost universal undervaluation abroad, and this notwithstanding it is known that the unprecedented production of silver for some time past will be largely surpassed the present year. If the product of silver in the United States in 1875 amounted to $40,000,000, no one can estimate it at less than $50,000,000 in 1876. A much smaller influx of silver after the discovery of the mines in Mexico and Peru brought about a reduction in the value of silver which revolutionized the money standards of the world, and this when an extraordinary market existed for both coinage and the manufactures of silver. Then Spain supplied the world with the Spanish milled dollar, and the tables of the wealthy were everywhere loaded with silver-plate. India and China then and since appeared capable of absorbing silver to an indefinite amount. All these circumstances have wonderfully changed, and speculation in the future rise of silver bullion may be considered much more hazardous.

The supply of silver in Mexico continues at about $25,000,000 annually, and might be undoubtedly very largely increased under more skillful management. Other nations outside of our own produce annually much more than an equal amount, which, added to the product of the United States, makes an aggregate of at least $130,000,000. The product of the mines of Mexico and South America alone was held by Humboldt, and is now held by Chevalier, as capable of indefinite expansion. To these must now be added the marvelous mines of Nevada, Colorado, Arizona, Utah, and Montana, the owners of which seem to command fortunes never dreamed of by even the possessor of Aladdin's lamp. They may well exclaim, in the language of Holy Writ, "Who hath weighed the mountains?" Large portions of Europe have combined and resolved to use as little as possible of silver, much less certainly than heretofore; and the oriental market at last seems to have been cloyed, or at least is now contented with about one-half of its former supply, and finds no means by which it can pay for more. Gold has found its way there, and some is obtained from their native mines. Silver rupees will not pay for goods or interest on an immense Indian debt in England. It takes gold. Silver even from China is sent to the London market. Japan, the most enlightened among eastern nations, has already, with her increasing commerce, established the gold standard.

When we come to the use of silver bullion in the manufacture of solid plate, there has also been a marked change. Barbaric displays of dishes made of silver have been largely superseded by glass, chinaware, and porcelain; bronze and other metals have taken its place elsewhere; and much of the table-service formerly of solid silver has given way to plated ware, for the reason that while not inferior in appearance, it costs less and does not require a burglar-proof safe. The world, whether the style of living is more luxurious or not, hardly makes any greater demand for solid silver-plate than what existed in the seventeenth and eighteenth centuries, although in the arts the use of silver has undoubtedly been extended. The potential fact stares us in the face that the proportionate value in 1849 of silver compared with gold was $15\frac{7}{10}$ to 1, while it is to-day $18\frac{13}{100}$ to 1; which conclusively shows, notwithstanding the recent enormous yield of the gold-fields of California and Australia, that the production of silver is in excess of the demand, and consequently has been steadily sinking in value.

Under these circumstances—and I have not attempted to state them too broadly—it would seem almost preposterous to undertake to raise the value of silver throughout the world by the poor experiment of coining dollars worth no more than $88\frac{1}{4}$ cents each, and making them a legal tender to the amount of twenty dollars. If the Consolidated Virginia Mine produces $3,600,000 of silver and gold in one month at a cost, as reported, of only $300,000, then other mines must close up or the price of silver must fall. Twelve hundred per cent. profit, and counted by millions, is brilliant, and may be possibly too brilliant to last. The stock of the great lodes, however, is not yet waning in price. The owners are not overanxious to sell out. Whether the present mines will be exhausted or others even richer will be discovered, no very safe conjecture can be made; but for the present generation it seems clear that with American mines growing more productive, with leading European nations shaking off their heavy loads of silver coin, pushing its dispersion wherever a vacuum can be found, and with a diminishing market in India, diminishing ever since it was gorged by the influx of silver arising from the cotton famine in England, there are likely to be more sellers than buyers of silver, and that at a price, with some variations, tending in favor of the buyer. As a uniform standard of legal tender I cannot hesitate to say that silver must prove a disastrous failure. With a double standard we should have a double lack of uniformity, with oscillations hither and thither, and ever fitfully sinking to the lowest point of either one or the other of the competing metals.

The distinguished chairman of the Committee on Finance declared that he had "always supported the policy of encouraging the production of iron, wool, and fabrics." And then he asked, "Why not of silver?" If it needed protection, I should be in favor of putting a moderate duty upon the importation of foreign silver, the only legitimate mode of protection; but such protection would not protect, as our abundance requires a foreign market, and we can produce it cheaper than it can be obtained, except from stocks on hand, anywhere else in the world. If we could only find a market for it, we should not be vexed by this bill, which after all would offer a market first to the surplus stock of Europe rather than to the mines of America. I would encourage the production of silver bullion to the largest extent possible, only I would not put a Government stamp upon it, and say that it should be legal-tender at a price 10 per cent. above its real value, and no other. Ultra protectionist as I have been called, but not very accurately, I have never proposed to stamp iron or copper, and say that it should be accepted as a legal tender at a price fixed by Government and far above the market value. This would be pushing the doctrine of protection rather too far. As long as we have been fasting, I do not think we are so hungry for silver as to offer a bounty like that.

It may also be observed that our interest in protecting the American product of gold cannot be greatly inferior to that we have in silver. Beyond the placer products, exclusively of gold, the quartz mines, yielding silver most abundantly, produce at the same time 40 to 45 per cent. of gold, and but 55 to 60 per cent. of silver. Why, then, should we be called upon suddenly to adopt a measure as likely to depreciate the value of gold as to appreciate that of silver.

It may be sound policy for us to go into the market and buy the silver ingots needed for forty or fifty millions of subsidiary coinage and for Government to profit by the difference between its intrinsic value and its nominal value as a token coinage, though that seems to be begrudged by silver bullionists, who claim that the owners of silver have a right to have it coined free of charge and with all the benefits of the increased nominal value; but at this moment to allow the Government of the United States to go into the market for the amount of silver required for specie resumption would be to take all the risk of the depreciation of an immense sum of silver, and to postpone any resumption until the people holding United States notes and all other public debts became satisfied they were never to have anything better. This is more protection to silver than the American people can afford, and it is a sudden and violent blow at those who favor the gold standard, those whom the Senator from Nevada would call the "plutocracy," or the men who are so unfortunate as to be gold-diggers, not quartz-miners, when they might perhaps earn even more by digging potatoes.

This measure would also be a great wrong upon the laboring-men of the country. They have been long imposed upon by a depreciated currency. They are impatiently waiting for a return to specie payments, when wages and all articles of consumption shall be adjusted upon a solid basis, and wages very likely would be adjusted upon this silver basis because it is metallic; but, being 10 or 12 per cent. below that of gold, the laborer would be the sufferer to that extent, and would be the loser of one day's work in every ten, while whatever he consumed would still be likely to bear the old inflated prices. If he still owed a mortgage on his house or farm, it would have to be paid in gold, but his $20 of wages would be paid in silver. Would not that be setting at defiance the divine command, "Thou shalt not have in thy bag divers weights, a great and a small?"

Hard-money men may jump at the conclusion that silver in the place of paper would be some remedy for our present inflated currency, but it would be only a change; intrinsically perhaps better, but much more inconvenient; not any reduction of the amount required to be in actual circulation, because of no higher current value. The evils of inflation would remain in full force and to the same extent. All hope of unity in monetary affairs would be forever extinguished. If the time should ever arrive when it should be thought advisable to unload our depreciated silver, the difficulties in the way would be greatly multiplied. The Government would be unwilling to assume the loss, and debtors would be still less willing to accept of a higher standard in the payment of debts. We should necessarily fall into the examples of former ages, and, as silver became depreciated, clip the gold coins, if any remained, or reduce the quantity of gold and increase the alloy they might contain. This process has been fully tried, and if it commends itself to the judgment of the Senate we can try it again by starting a legal tender of silver dollars at 10 or 12 per cent. below the standard of gold, and then gold must either be debased or be hustled out of the country. The survival, not of the fittest, but of the poorest only, is possible under the laws of trade, which inexorably rule whatever comes forth as money.

This measure, however, should it unfortunately become a law, would prove to be a step that cannot be retraced in the policy of a *silver* currency alone. Gold could not be kept in its company. Nor could our monetary affairs be conducted in harmony with those of other nations. There would be a universal and continuous dislocation of exchange with all other countries, and a positive difference of between 10 and 15 per cent. against us, and for us to pay, in every commercial transaction abroad. The millennium of "a non-exportable currency," sought after by some moon-struck philosophers, would have arrived. This is not, therefore, a measure in accordance with the highest experience of the world, and we "kick against the pricks" when we flout at the wisdom of other nations. At the international convention only a few years since, where this subject was considered by the most competent men of the age, the conclusion reached was in favor of a gold standard alone, and our representatives to that convention fully coincided in that conclusion. But now it is here abruptly proposed to have a gold and silver standard, one being at a heavy discount at the start, and then we are to trust to the happening of such future accidents to silver mines as will cripple the production of silver and thereby raise its present value. The wisdom of the world as exhibited in its best examples among nations and men is to be disregarded, and we are to be suddenly captivated by theories which promise small local benefit and incalculable general injury.

In olden times, when labor was less paid by more than one-half than now, and when silver was rated at more than twice its present value, the circulation of silver was both a necessity and a convenience. In India, China, and Mexico, where wages now bear no proportion to wages in America, silver is equal to their wants, and may be tolerated; but the workingmen of this country, after a week or a month of toil, will not be willing to be paid off in a coin such as may be current with the lowest class of laborers among mankind. The civilization on this continent will not suddenly turn Asiatic. China may be so poor as to accept of silver alone, but that is not the condition of the American people. They are looking forward to the golden age, and will not be turned back to the age of silver, bronze, or iron. Silver may answer for the currency of countries having little home trade and less foreign commerce, but will not answer for the large trade of enterprising peoples, nor of nations competing for high positions in all the markets of the world. Germany has recently made such strides in universal education and power in all the industrial arts and in an extensive commerce, that silver no longer answers her purpose, and at some cost she is replacing it with gold. Silver is equally insufficient and equally inappropriate for the American people or for the United States. If we are to have a foremost place among commercial nations, it must be won by running the race with the wisest and the strongest, and not by stooping to conquer pigmies nor by being content to shine among the dull, and showing vigor only among the decrepit.

By the existing law a resumption of specie payments is to be brought about as early as January, 1879. Many people are supposed to be anxious that this shall not be postponed, nor any hinderances placed in the way. To redeem our fractional currency with subsidiary silver coin would strengthen our power to resume, because fractional currency is redeemable in United States notes, and when these come to be payable in gold, fractional currency would not be surrendered for silver worth 12 to 15 per cent. less.

Thus far as we stand to-day the way is clear. At present we have no silver dollars, and even not enough subsidiary silver coins yet to replace the fractional currency; but in the Treasury and in the country there is not less than $150,000,000 in gold—probably more—and upon a resumption upon a gold standard all this would be ready for circulation. There would be so much capital for the redemption or maintenance at par of so much paper. But start the issue of silver legal-tender upon a lower standard than gold, as this bill proposes to do, and no gold would show itself except for export and perpetual ostracism. The cheapest money would be the only money to be had, and a resumption even upon that inferior standard could not take place until the entire amount required should have been furnished. To purchase silver bullion and coin it might require a series of years. So far as resumption is concerned, we must bear in mind that we have no silver dollars, while we have a very considerable sum in gold. Whether this is in the hands of the Government or in the hands of the people, it will be equally serviceable in the work of resumption.

No such extravagant quantity of gold would be required to be substituted for paper money to bring the latter to par as has been sometimes estimated. In addition to what we now hold, it is probable that one hundred millions would be more than enough. Even gold is much cheaper and the stock of the world twice as large as at the beginning of the present century. Our annual export of cotton, amounting to $189,000,000, is all paid for by the "plutocrats" in gold, or its equivalent. Our exports of wheat and flour and other provisions are paid for in gold or its equivalent, which, with petroleum and tobacco, amount to two hundred and fifty millions more. We have only to pinch our imports and we shall at once increase our hoard of gold. Beyond this, we last year exported over fifty-nine millions of gold coin, and when we come to have any use for it at home, the export of gold will be likely to cease. Our imports of gold coin also should not be overlooked, which amounted last year to $12,115,155. The gold product of the world for twenty-five years has been at about one hundred and twenty millions annually. We have outstanding $370,000,000 of United States notes, but if they were exchangeable at the will of the holder for gold a much smaller sum of gold would sustain them at par, so that not less of paper and gold in the aggregate might circulate together. There is not the slightest danger that ample supplies will be beyond our reach. When gold can be had for paper very little will be wanted. The world's stock is increasing more rapidly than population, and as a measure of value the tendency of even this supreme standard has long been downward. It must now be exchanged for much less corn and labor than it commanded in 1850. Bills of exchange and paper redeemable in gold at the will of the holder have taken and evermore will largely take the place of gold. France has no ore-bearing mines, and yet it is a country which has four or five times as much gold as we have, and holds it fast because they intend to bring their paper to a level with gold.

But if we start out with silver as a legal tender, we shall soon have nothing else, and then I admit it will take a good deal of it to resume specie payments. It might stiffen the market price a trifle, but it would not stiffen our national Government. Nevada cannot hope to supply it all, but must encounter the rivalry of the present waiting European surplus.

It has been argued that a double standard of gold and silver will prevent oscillations. That is not our experience, nor that of Europe. Wherever it has been attempted, even if starting upon an accurate equilibrium of values, a variation has soon appeared which has always practically resulted in leaving only the cheaper currency in the field. To maintain this dual currency, a debasement of the superior money has been the common stratagem. That has sometimes been our own expedient. Our first dollar of 1792 contained 416 grains of standard silver; was to be of the value of the Spanish milled dollar then current, and so remained until 1834, when it was reduced in weight to 412.8 grains, but contained the same amount of pure metal. But, owing to a mistake on the part of Hamilton, in specifying 371¼ grains of pure silver instead of 377¼ grains, it was always about 2 per cent. below the value of the Spanish milled dollar, and 3 or 4 per cent. less than the dollar of 1786. It soon, however, became more valuable than our gold coinage, and very few were ever issued. In our subsidiary coinage the alloy in 1853 was largely increased, and even this coinage all disappeared when brought into contact with paper still more depreciated.

The present standard of gold is also inferior to that which our revolutionary fathers established. In 1792 the eagle contained 270 grains of standard gold, but in 1834 it was reduced to 258 grains, and the gold minted previously was to be received as legal tender at a premium of about $6\frac{6}{10}$ per cent. And now a bill has just been reported from the Committee on Finance proposing a convention with Great Britain by which we are to offer to reduce still further the gold-dollar unit by about 3 per cent.

These changes of the standard of our money have been made most often to obviate the rise or fall in the value of one or the other of the precious metals; but the change is notably always downward, and oscillations continue greater than ever.

A double legal-tender standard of coins cannot circulate together and be interchangeable unless at the time of equal intrinsic value, except in the case of limited coinage of small denominations required for change.

The act of 1873, by which the future issue of silver was regulated, has been referred to as though it were an ill-timed measure which passed "in the interest of a few plutocrats in England and in Germany," without much consideration. The bill, with a full report prepared in 1869, came to the Senate in 1870, and passed the Senate in 1871. It did not, however, pass the House until the next Congress, and then the Senate treated the measure, as all measures which have been once considered and passed are treated, or as requiring little debate; but the bill was not passed without the "deliberate judgment" of Congress. On the contrary, it was long pending and most patiently considered in both Houses of Congress and by their committees, as well as by the officers of the Government, as the report of the Secretary of the Treasury, of the Superintendent of the Mint, and the Comptroller of the Currency all abundantly show. Any other course would have thrown the depreciated silver upon our own markets, and our customs would all have been paid in such silver. Prior to the passage of this act, it will be seen, the value of silver bullion was calculated upon the silver dollar of account, not upon the intrinsic value of an ounce of silver, and the branch mints at San Francisco and Carson City always had to pay too much for it. * The act of 1873 was the result, therefore, of no narrow statesmanship and was not inharmonious with the prior act of 1853; but was dictated by that prudent forecast which guards the future, and any policy based upon its subversion will be freighted with calamities. But this act only established by law the policy which has been practically pursued by the Government since when the memory of man hardly runneth to the contrary. It started no new policy, but maintained the old. The issue of any large amount of silver-dollar coinage has never been the policy of the United States. From 1805 to 1836 not a dollar was struck at the Mint, and only $1,000 were struck in 1837 or 1838. From 1793 to 1805 inclusive the whole amount coined was $1,439,512. From 1793 up to and including 1840 the whole amount coined was $1,501,822. Since 1840 the whole amount coined has been $6,544,016. But the sum total of the silver dollars struck at all the mints of the United States from 1793 up to this day amounts to no more than $8,045,838. (See appendix A.)

These facts show the inconsiderable figure that silver dollars have played in our monetary affairs from the foundation of the Government, and the groundlessness of the complaint relative to the law of 1873. Spread over the whole time since the adoption of the Constitution, the average issue would have amounted to less than $100,000 annually; but no such insignificant sum seems now to satisfy those who are the supporters of the present scheme of a so-called double standard. No moderate and fructifying shower, but an impetuous flood, is demanded. The double standard of gold and silver may find a place in statute laws, but it is a delusion everywhere else, and practically one or the other, whichever is most valuable, must by the inexorable laws of trade be expelled. We have thus far kept pace with the world, and generally by law or administration held silver appropriately in its subordinate position. To undertake now to champion silver against a world overstocked would be an exhibition of knight-errantry worthy only of the feudal ages.

Silver is urged to the front because it is now more abundant and consequently cheaper than gold. So is copper, so is iron, the ancient currency of Sparta, but our country is not yet ready to adopt any metallic standard of money merely because of its abundance. A genuine standard of money best maintains ascendency by its real value and known stability, of which silver has lost much of the former and can no longer claim the latter.

It is undesirable to place our money in actual use in such a condition as to bear no harmonious relations with that of other nations to which we are bound by the strong ligaments of a large as well as of a constantly increasing commercial intercourse. Our trade silver dollar should satisfy those engaged in commerce with the oriental world, without an extraordinary attempt to hamper that of vastly greater magnitude where gold is indispensable.

Nor will it be wise to degrade our own people to the level of inferior races whose rewards of labor are solely computed in silver, whose genius develops neither agriculture nor manufactures, and whose feeble ambition is unequal to the grasp of commerce. At a season when business of every kind is greatly depressed here and throughout the civilized world, when capital is seeking a bomb-proof shelter from all ventures, distrusting all enterprises, setting nobody at work, and afraid of the public faith of towns, cities, States, and even of nations, it would be extremely unfortunate for us to initiate a policy which may have no other goal than the threatened payment of a large portion of the public debt, not in gold but in either gold or silver, as we shall find most for our interest. Now the scheme embraces only United States notes, but these cannot be properly held less sacred than any other description of the public debt; and some of those who now most conspicuously favor this scheme do not conceal their earnest desire for its adoption without any reservation whatever.

By the argument of my friend, the distinguished Senator from Nevada, and the statistical tables appended to his speech, it would appear that he regards the circulation of silver as the great panacea for failures in business, for fires, divorces, homicides, suicides, and other crimes. I respectfully suggest that this may be advertising rather more than any certificates of cure will be likely to support; and the fact that paper has been the only currency in circulation for the last fifteen years seems to have been overlooked.

No one could hail with more delight than myself any plan by which our public burdens could be honestly diminished, but no plan of using depreciated silver as the instrument of such a diminution at the expense of the slightest stain upon our honor and good faith ought to receive any countenance from the American Congress. We have invited the world to look at us upon our centennial anniversary, and shall we ask the vast crowd that comes at our bidding to make a note of the art and skill with which it has been proposed to scale a part of the public debt by the issue of a cheaper legal tender? A double standard might offer too great temptation—buying in one and paying in the other, as our visitors would think—for double dealing. The public credit is sensitive to the slightest touch of the law-making power, and we cannot afford to give a hint to all the holders of our public securities that, if they would save 10 or 15 per cent. of their investments, now is the time to unload. No greater financial disaster could befall all parts of our country than a panic arising from even a remote threat of paying off any portion of the public debt in silver. This bill, to be sure, only goes now to the extent of making it a legal tender for all dues to the Government, except customs, and to the extent of $20 between individuals; but the arguments brought forth in support of the step would justify the major proposition of removing all restrictions, its main spokesmen proclaim it, and the policy once begun, as it is here proposed, would not be likely to leave the Government any other sufficient available resource. We might continue to pay interest in gold, unless silver should invade the custom-house, but when it came to the principal it would be silver or nothing. For ten years we have been striving to obtain some substantial alleviation of the public burdens by the process of funding the public debt at a lower rate of interest, but this sound policy will be ended from the moment we accept the policy of a double legal-tender standard, and the public debt of the United States will no longer be fundable at 4½ per cent. or even 5 per cent. Our credit might not perhaps be classed with that of the Khedive of Egypt or the Sultan of Turkey, but it would no longer approximate to the highest rank among nations.

Ready as I am to restore to circulation a legitimate share of silver upon almost any terms, I cannot aid in giving it a monopoly of the whole field, and believe it to be my duty, as I trust others upon a careful examination will find it to be their duty, to urge some radical amendments if the bill shall be pressed to a final vote. To me it is of little consequence, but it is to be measured by its possible results upon future generations. May I not appeal to the good sense of Senators, to their broadest patriotism and sober second thought, to see to it that the bill shall here be so shaped as to bring no reproach upon American statesmanship and no prejudice to the future prosperous career of our country?

* Report of November 10, 1872.

APPENDIX A.

Statement of the number of silver dollars coined in the mints of the United States from their organization until the passage of the coinage act of February 12, 1873.

PHILADELPHIA.

1793		1817	
1794	$204,791	1818	
1795		1819	
1796	72,920	1820	
1797	7,776	1821	
1798	327,536	1822	
1799	423,515	1823	
1800	220,920	1824	
1801	54,454	1825	
1802	41,650	1826	
1803	66,064	1827	
1804	19,570	1828	
1805	321	1829	
1806		1830	
1807		1831	
1808		1832	
1809		1833	
1810		1834	
1811		1835	
1812		1836	$1,000
1813		1837	
1814		1838	
1815		1839	300
1816		1840	61,005

Statement of the number of silver dollars coined in the mints of the United States, &c.—Continued.

1841	$173,000	1859	$73,500
1842	184,618	1860	315,530
1843	1 65 100	1861	164,900
1844	20,000	1862	1,750
1845	24,500	1863	31,400
1846	110,600	1864	23,170
1847	140,750	1865	32,900
1848	15,000	1866	58,550
1849	62,600	1867	57,000
1850	7,500	1868	54,800
1851	1,300	1869	231,350
1852	1,100	1870	576,150
1853	46,110	1871	657,625
1854	33,140	1872	1,109,435
1855	26,000	1873	964,150
1856	63,500		
1857	94,000	Total	7,022,850
1858			

NEW ORLEANS.

1838		1857	
1839		1858	
1840		1859	$200,000
1841		1860	250,000
1842		1861	395,000
1843		1862	
1844		1863	
1845		1864	
1846	$59,000	1865	
1847		1866	
1848		1867	
1849		1868	
1850	40,000	1869	
1851		1870	
1852		1871	
1853		1872	
1854		1873	
1855			
1856		Total	974,000

CARSON.

1870	$12,158	1872	$3,526
1871	304	1873	3,300
		Total	19,288

SAN FRANCISCO.

1854		1865	
1855		1866	
1856		1867	
1857		1868	
1858		1869	
1859	$15,000	1870	
1860	5,000	1871	
1861		1872	
1862		1873	$9,700
1863			
1864		Total	29,700

RECAPITULATION.

Carson	$19,288
Philadelphia	7,022,850
New Orleans	974,000
San Francisco	29,700
Total	8,045,838

Years.	Philadelphia.	New Orleans.	Carson.	San Francisco.
1793 to 1805	$1,439,512			
1793 to 1840	1,501,822			
1841 to 1873	5,521,028	$974,000	$19,288	$29,700
Total	7,022,850	974,000	19,288	29,700

Total for the years 1793 to 1873, $8,045,838.

Mr. BOOTH Mr. President, the provisions of the bill under consideration, known as the "silver bill," are important; its theory is more important. I ask the hearing of the Senate to some considerations touching both its form and substance.

First, let us examine the bill in its details with a view to its probable practical operation. The first section provides for the coinage of a silver dollar of 412.8 grains of standard silver, and that said dollar shall be a legal-tender for any amount not exceeding $20 in any one payment, and shall be receivable in payment of all dues to the United States except duties on imports; and that the trade-dollar of 420 grains standard silver shall no longer be a legal-tender.

The circulating medium of the United States consists of greenbacks and bank-notes convertible into greenbacks, of gold coin, fractional currency now being retired, and subsidiary silver coin, really a token coinage by a limitation upon the amount to be issued, made equal to greenbacks in value; gold coin being used only in business transactions on the Pacific coast, where it circulates to the amount of about $25,000,000, and by the Government in the collection of customs and payment of principal and interest of funded debt, and worth at this time 12 to 13 per cent. more than the national and bank notes which constitute the great body of the circulation.

Now, certainly one great object to be attained, the greatest, I think, in any legislation upon the currency, is to bring the different currencies in use to one standard of value, and, if possible, to that standard recognized by the commercial world. The new factor which it is proposed to introduce not only does not reconcile those now in use, but is an additional element of variation.

When this bill was introduced about a month ago, the bullion of the silver dollar it proposes to coin was worth 11 per cent. less than gold and 2 per cent. more than greenbacks. It is now worth 13 per cent. less than gold and ¼ to ½ per cent. less than greenbacks. If this bill can be operative at all, the value of silver will be somewhat enhanced by the new use created for it, but just how much no one can predict. If, in the fluctuation of the bullion market or the value of legal-tenders, the silver dollar should again become worth more than the greenback, who would pay an obligation in silver which could be discharged in United States notes? You compel the use of gold for certain purposes but give an option to silver, and whenever it is worth more than United States notes it will drop from the Mint into the melting-pot, but never go into circulation.

In that condition you could only compel its use by withdrawing from circulation all national and bank notes of less denomination than $20, and then you would have the anomaly of requiring small transactions to be conducted and small payments to be made in a medium of greater value than large ones, in place of the absurdity of supposing it will be done without compulsion.

Suppose there shall be continued decline in silver in the markets of the world, and it would take more silver dollars than greenbacks to purchase a hundred dollars in gold or a hundred bushels of wheat, then as fast as they could be manufactured silver dollars would crowd national notes out of circulation, supplanting paper money not by a superior but by an inferior currency. That is the natural law, if there be anything natural about money. I admit that it would be counteracted for a time by the practical limitation of silver coinage to the capacity of our mints.

This is purely mechanical and does not concern the theory of the bill. The tendency of silver to fall below greenbacks would be mitigated, not destroyed, by the inability of the Mint to manufacture silver dollars fast enough to supply the demand; this indeed would be a new variable quantity introduced into a question, which can only be solved by an equation—an equation we shall endeavor in vain to formulate where all the quantities are unknown variables. No man can predict the relative value of silver and greenbacks six months from now, or on the day this bill may become a law. Yet the practical operation of the bill depends upon the remote contingency that this silver coinage, with its legal-tender limited to $20, shall settle to and fluctuate with national notes legal tenders for any amount.

Rhetorical criticism distinguishes between an improbable possibility and an impossible probability. I am at a loss to know to which of these categories this contingency belongs.

Though I admit that silver being below greenbacks the bill may be operative for a period—not, however, *ex proprio vigore*—but simply from the mechanical disability of the Mint to comply with the theory of the bill.

We have had experience enough to teach us that values cannot be fixed by legislation. The only possible way in which an identity of value can be maintained between two instruments created by law, is to make them interconvertible; and that brings me to consider the second section of the bill which provides—

First. That the Secretary of the Treasury is authorized to exchange silver dollars for an equal amount of United States notes which shall be retired and canceled, and not again be replaced by other notes, &c.

Now, how is the Secretary of the Treasury to get silver dollars with which to redeem greenbacks? By collections of internal revenue?

If silver should be worth less than greenbacks it will be paid into the Treasury to the extent of its manufacture; but who would want to exchange greenbacks for it, giving more for less? In that event it must either lie in the Treasury as dead capital or be paid out to reluctant creditors of the Government under the twenty-dollar legal-tender clause; the smallest claims upon the Government losing the largest percentage of the discount, and claims of $20, or under, losing it all. Suppose the silver to be worth more than greenbacks, who will pay it into the Treasury when he can pay greenbacks—that is, pay more when he can pay less?

To cover every contingency, suppose that, being in commercial value less than or equal to greenbacks, it does get into the Treasury, and that in the fluctuations of both or either it is enhanced—then first come first served. The most active holders of greenbacks would drain the Treasury's till, and the Government would be compelled to suspend *specie* payments after resumption. As soon as that contingency did occur no more silver would flow into the Treasury, and silver-specie redemption would have the fluctuations of the tides without their regularity.

Again, we have a law requiring the redemption of national notes in coin on and after January 1, 1879. The present bill is not inconsistent with it, and if it be enacted and the resumption law not repealed, we shall have this condition of things on that day; the bills of the denomination of $20 or under can be redeemed in silver, of larger denomination must be redeemed in gold.

Of course the largest holders of money could avail themselves of this profit to the greatest extent. The banks would accumulate the greenbacks of denominations larger than $20, in order to make the premium on gold. They would call in their own large notes, substitute the smaller, and be able to redeem their own circulation in silver while receiving the interest on their bonds and collecting their re-

serves from the Government in gold. Under the law a bank having any large bills in circulation could easily avail itself of the opportunity for the whole of this profit, and retiring its whole circulation by making the deposit required in the Treasury and then issuing a new one.

The remaining provision of this section requires that the United States notes which shall be redeemed in silver be canceled and not be replaced by other notes. Upon this I have only two suggestions:

First. In the past few years silver has been just as mercurial, just as variable in value as United States notes; for the one quality we desire in money, stability, it is not superior. While this condition continues, it is a questionable gain to substitute an interest-bearing for a non-interest-bearing debt.

Second. No one, I imagine, supposes that silver itself, except for purposes of change, will circulate very extensively as money.

The freight on silver, when sent by express, by railroad, or steamship, may not be greater than on gold; but no one wants to carry even $20 in silver in his pocket, or to get an express-wagon, a handcart, or a dray to make a deposit in, or collect a draft from, a bank.

What would really circulate would be promises to pay silver, and we should end by using the credit of a bank instead of the credit of the Government as money.

There are those who think this an improvement, and that it is "specie payment." I do not; and I think the history of American banking sustains the conclusion that bank credit is not any more stable than the credit of the Government.

The fact that under every system of banking we have ever had prior to the one we now have, which is based upon the credit of the Government, the loss to the people through bank bills has equaled their average circulation every thirty years may justify the doubt that that model of human perfection, the bank director, is absolutely and immaculately infallible, or that the difference between him and that *summum malum*, the politician, is so great that it cannot be calculated by logarithms or measured by astronomical instruments.

I pass to section 3, and have to confess that its meaning is to my mind so obscure, that I fear I shall not comment intelligently upon the meaning it is intended to express. Its first provision reads:

> That any owner of silver bullion may deposit the same at the mints, to be taken at its market value, as ascertained and publicly announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury, and to be paid for either in silver dollars, or with gold coin, or United States notes.

The privilege to deposit is as wide as language can make it. Under any ordinary rule of interpretation payment must be made on the day of deposit at the market value of that day. Our mints have a capacity to coin, in addition to other necessary business, not to exceed fifteen million silver dollars a year. Under this provision of the bill, in the present condition of the silver-bullion market, enough bullion might be deposited in one day to run the mints for years; the Secretary of the Treasury would be at the mercy of the bullion dealers, and would be compelled to receive and pay for bullion in large quantities when it was high and unable to buy it when it became cheap. So far from being able to take advantage of fluctuations of the market, the fluctuations would take advantage of him.

What is the meaning of "market value" in this clause? Of course the market value of silver must be quoted in something other than silver. To quote it in itself would be as absurd as saying the price of a bushel of wheat is a bushel of wheat, or to refine the mathematical axiom, "Things equal to the same thing are equal to each other," into "The same thing as equal to itself."

It is true that silver coin is manufactured silver, and bullion raw material; but in this instance the cost of manufacture is so uniform and so slight that it need not be taken into account. Silver dollars, where there is no legal restriction upon the amount which can be coined, will fluctuate in value exactly with silver bullion. As a matter of fact, we know that silver is quoted in gold. The Senator from Indiana [Mr. MORTON] interpreted the clause under consideration as authorizing the Secretary of the Treasury to pay for silver bullion the gold price in silver coin or greenbacks. This is the obvious meaning of the language, but the conclusion is so obviously absurd that I suppose we shall be driven to seek some other construction.

The meaning intended probably is that the bullion shall be paid for either in gold coin, or in silver coin, or greenbacks reduced to gold value. I only pause to note the fact that we are compelled to go back to gold as the world's standard of value even in providing the material for silver coin, and to point the moral that laws of trade cannot be overruled by acts of Congress, and that beneficent legislation on the subject of trade must be in harmony with these silent laws which we can neither enact nor repeal.

In this connection I may refer to the amendment offered by the Senator from Missouri [Mr. BOGY] that the "relation between gold and silver is hereby fixed at 15½ to 1." As the weight of the silver dollar has already been fixed at 412.8 grains and of the gold dollar at 25.8 grains, the amendment does not change either of these weights, but only a rule of arithmetic, and makes the following a legal proportion: 412.8 : 25.8 :: 15½ : 1.

The concluding clause of the section gives the Secretary of the Treasury the option to buy silver bullion out of the "bullion fund," but as the sellers have an unlimited option to sell under the prior provision the Secretary will not have an opportunity to exercise his until the rules which govern buyers and sellers are reversed.

The theory of the bill is to give circulation to silver, but its provisions seem to me inadequate to accomplish the result. The logical conclusion of the able and learned speech of the Senator from Nevada is that we should make silver the standard of value and medium of exchange.

I do not underestimate the force of his reasoning in favor of what is called the "double standard," but no one knows better than he that only one standard will be in use at one time except so far as a specific use is given by law to the other, as is the case in regard to gold with us in payment of customs and interest.

The superior convenience of "paper money" will prevent the extensive circulation of silver coin. So long as the representative of value will answer the same purpose as value itself the coin will not circulate, but only its representative. Why not issue the representative upon the bullion without the expense and delay of coinage? The Government might receive silver bullion in bars or ingots and issue notes thereon in multiples of $5, redeemable at the option of the Government in silver coin, or upon presentation of a stipulated amount, in standard silver bullion.

As we shall ultimately reach the point where paper promises to pay silver will circulate as silver, why not start there and avoid the payment to the owners of silver bullion a profit which will accrue from the inability of the Mint to supply the demand for silver coin? Why not look the whole question in the face, and adopt a bill which will give the theory of this bill fair play, if the theory be correct?

The question now arises, and it is a pivotal question, what should be the value of the silver dollar? How much should it express? Shall it be of the same weight as when we parted company with it, twenty-three years ago? Shall we assume that it retains the same relation to gold, the accepted international standard, that it did then, though we know it does not? Shall we recognize by law the relation which we know exists to-day and make the bullion in the silver dollar to be coined equal to that of the gold dollar which is coined? Shall we endeavor to ascertain what the value of silver will be when the bill is passed which shall make it possible to use silver as the basis of circulation, and establish upon that the legal relation between silver and gold? If the latter, who can determine or even approximate that relation to-day?

The Senator from Nevada argued very ably in favor of the double standard, but it was a double standard that started from the same point, the two lines running together, and where the variations of each were supposed to be corrected and equalized by the average of relation of each to the other. That is, gold and silver starting from a common point, both variable of changing relations to each other, both would touch a straight line drawn from that point oftener than either. This would undoubtedly be true so long as the variations of both were about that line, each being sometimes above and sometimes below it. I am aware of the difficulty of drawing that straight line of value. I anticipate the answer that it can only be fixed by first knowing the average of differences between gold and silver. But here a new factor comes in, the comparatively modern factor, the use of credit as money, and the impossibility of a correct solution drives me back to consider the necessity of the single standard by which all values shall be measured, to which all quantities shall be reduced.

The assimilation in value between national notes and silver to-day is an accident—an accident which cannot be properly taken into account in fixing the relation between silver and gold in the adoption of silver as the currency of the country. The Senator from Nevada in effect admitted this when he expressed the opinion that the adoption of silver for that purpose would approximate its value to our present gold coinage; that is, bring back the relation between gold and silver to the proportion of 1 to 16. The general theory of his speech failed, I think, to give due weight to the use of credit as money, for he assumed that by universal experience only gold and silver furnished the materials out of which money could properly be made. Granting this for the purposes of the argument, though by modern usage and with vast labor-saving credit is used as money for ninety-nine one-hundredths of business, let us consider what is the philosophy of the double standard. It is this; that gold and silver, both starting from the same point, a common unit of value, their average differences after leaving that point will establish the line about which values ought to be determined, and that practically for the time being values always will be determined by the factor which happens to be below that line. This *is* a very different question from starting from two points, one ten degrees below the other, in the hope that the lines drawn from each will eventually meet and then vary about a mean line. Since the time we ceased to use the silver dollar it has diverged from gold ten degrees; shall we get down to the level of the one or up to the level of the other?

If we intend to get down to the level of the silver dollar as established by this bill, what shall we gain by the exchange? It will cost us an annual interest of at least $14,000,000 to make the exchange of greenbacks for silver. If credit will answer precisely the same purpose as silver, but we must revert to silver because it costs more, by a parity of reasoning we ought to abolish all labor-saving machinery, for in making exchanges the use of credit is only an improvement on that labor-saving machinery of which money is the original invention. If, on the other hand, it is supposed that, by the use of promises to pay in silver, silver itself will be brought back to the relation

in value it sustained to gold twenty-three years ago, I shall endeavor to show that with less difficulty and expense we can bring greenbacks and gold to a common value, utilize all without losing the special advantage of either.

I do not wish to be misunderstood. I do not expect to inaugurate the millennium by legislative enactment; I do not expect to reverse the law, "In the sweat of thy face shalt thou earn thy bread;" I do not expect the world to move except as the glacier moves, imperceptibly. To-day will not be greatly better than yesterday or to-morrow than to-day.

Whoever looks to great immediate improvement from inflation or from instant return to specie payments may prognosticate and give loose rein to imagination in safety, for both are impossible; the first absolutely, and the last because no living man has the courage to face its consequences.

I have heard here and elsewhere that it is a point of honor to resume. Sir, if that be so, there is nothing else to be considered. If it be a point of honor to resume, it is a disgrace to think of consequences. The national honor is above all other considerations; when that is involved, the nation that hesitates is lost. Resumption in itself is easy, more easy than lying.

Pass a bill to-morrow that greenbacks can be funded into fifty year 4 per cent. gold bonds, and the day the bill is signed gold and greenbacks will be of equal value. In six months, if any greenbacks are outstanding, they will be at a premium in gold. If national honor is involved we are disgraced; and doubly disgraced because redemption is so easy. It is true we should drive banks into liquidation, bring mortgaged property to the red flag, debtors to bankruptcy; but if the national honor be in pawn, we should redeem it though at the price of a million lives, and it is base huckstering to talk about loss of property. Perish all considerations of pecuniary loss to citizens in the presence of that greater loss, national honor.

Pardon me, Mr. President; this is mere "parrot-talk," it is "sound and fury." If the national honor were at stake, we should not hear of it first from the money-changers in the temple, but from the voice of the people driving the money-changers out; or to change the simile, it would be the people, blind to all else, stalking by the instinct of honor into the temple and grasping its columns to save it or perish in its ruins; for where honor is to be saved nothing can be counted as lost. National honor is not a thing discovered in debate and cast as make-weight into the scales of argument. It is not rhetorical hyperbole. Instinct feels it before reason discovers it. It is a thing for which to stand against the world, against the world in arms; supreme devotion to which would count loss as gain and would feel the world dropping beneath its feet with the ecstasy which consoles, sustains, translates, and transfigures the martyr—the feeling which makes man a hero, the hero a god. I confess I am impatient with phrases which are used to bridge over a want of meaning. Let us look at this question of "honor" closely. First, if any man of honor honestly thought after close communion this were the question, to him it would be the only question, and he would not stand upon the order of resumption, but resume at once. Until this were done he would

> Make mad the guilty and appal the free,
> Confound the ignorant, and amaze indeed
> The very faculties of eyes and ears.

Let us look into this question of honor. We have passed through a war where the nation's honor and safety were at stake. In preserving both we spent all the gold and silver in the country, (not to mention some hundreds of thousands of lives which were freely given for the national honor and which are not rated in money,) and went into debt for some $2,500,000,000. A portion of this was borrowed from the people themselves, and there being now no gold and silver coin left, some form of credit had to be used, as some form of credit had long before *been* used, as money; a portion of this loan by the people was so used from necessity—that necessity which is supreme law.

Now, we are compelled to speak of the Government and the people as distinct things; but so far as revenues and debts are concerned, the revenues of the Government are derived from the people, the debts of the Government are paid by the people, and in this regard at least the Government is the corporation of which the people are the stockholders.

Let us suppose a corporation composed of one hundred stockholders, having exclusive possession of an island cultivated on joint account: The corporation owes a large debt, larger than it can immediately pay, one-quarter of which, say $50,000, is held by the stockholders in the form of certificates of indebtedness. The directors say to the stockholders, the corporation owes you this amount, and we must borrow the money and pay you. The stockholders answer, these certificates we hold answer our purpose as money; if you borrow the money to pay us, you will have to assess us to pay the interest on the loan; besides all this, our relations to each other have been adjusted on those certificates; these relations will be disturbed and confused if they are retired; if they should be retired, we know we shall have to pay the interest on the loans which absorb them, and that 10 per cent. of our number will then furnish us certificates of their credit, which we shall be compelled to use as money precisely as the certificates we now use. Then the directors would answer their parrot-talk, we the corporation owe you, the stockholders, and as a point of honor we must assess you to pay the interest on what we shall borrow to pay you.

Some one will discover a fallacy in this illustration, because the stockholders do not hold these certificates in the exact proportion to their stock. To this the answer is that, among the people who are the stockholders in this great corporation, the American Union, there is not one who holds a green-backed certificate of indebtedness who cannot get for it all that it cost him in any of the exchanges of business, in the purchase of commodities, payment of debts, or by loan at interest. That portion of the question resolves itself to this: some form of credit will be used as money. At present the people are using their own credit for that purpose. Shall they continue to do that, or borrow the money to pay themselves, and then use the credit of a part, organized into banks, in the place of the whole, and give the banks the advantage to be derived from such use in place of retaining it for the whole? Shall it be national credit or bank credit? "That is the question." Let me not be misunderstood. I think it the true policy of the country to bring every form of currency used as money to the same standard of value; and that standard ought to be the gold standard, because that is the one recognized by the commercial world, and I believe it will be so recognized, whatever our legislation may be; but I am convinced that can be accomplished more easily with national notes than bank-notes.

I confess I fail to perceive the important consequences which were attributed by the Senator from Nevada to the omission to provide for the coinage of the silver dollar in 1873. If he be right, the Congress of the United States, like Atlas, bears the world on its shoulders.

I believe I have a high appreciation of the responsibilities of public office, but I have always consoled myself with the reflection that the mighty stream of human life and activity would flow on in its great channel despite any accidental mistake of ours.

Why, sir, the whole silver coinage of the United States mints from 1821 to 1873 was less than $140,000,000. For more than twenty years the silver dollar had not been in use in the United States and was not known outside the collections of curious coins. To say that the value of silver and the monetary market throughout the world and the conditions of all values and all contracts was disturbed by an omission to provide for doing that which we had long ceased to do, may be true to that faculty, the imagination, which can construct the known out of the unknown, but is at least doubtful to the understanding, which can only reason upon facts. And, sir, if we had authorized its coinage from that day to the first day of this month, the only use we could have put it to would have been to receive it for customs and pay on our funded debt. Of this I shall speak hereafter.

The Senator's theory, if I correctly understand, is that embraced by the amendments of the Senator from Missouri, which would result in the use of silver alike in place of greenbacks in general business, and of gold in payment of the principal and interest of the funded debt. The plan is not without its advantages. One is it would continue existing contracts substantially upon the same basis on which they were formed. This, however, would be destroyed if the hypothesis of the Senator from Nevada be correct that the value of silver would be enhanced by the new use created for it. Granting it, however, for the moment to the full, what is the advantage in this particular of exchanging one system for another at a large expense, simply for maintaining relations which will be equally maintained under the present system? Is it alleged that the advantage will accrue in that silver will appreciate to the gold value? National notes can be made to do so with far more ease and certainty. Is it argued that we shall get the benefit of the double standard? The true philosophy of the double standard is that the two metals should start with a common unit of value, that their variations might mutually correct each other.

To start with one thirteen degrees below the other is simply to adopt the lower standard and to abandon the only benefit—mutual corrections—which is claimed for the double standard. It is not the "double standard" in any proper sense where all offices of both must from the nature of things be performed by one.

Is it argued that with silver currency we shall escape the bug-bear of inflation that haunts the timid mind? Silver currency cannot be inflated, because it costs labor to get silver. Costs whom and how much? The man who does get it; a dollar in service to get as much as will pass for a dollar. So long as it costs a dollar in service to get a national note for a dollar, there is no more danger of *inflation* in one system than the other. This much for the substitution of silver for national notes as currency in the general business of the country on the basis of value proposed in the bill.

Let us examine for a few moments the theory of substituting silver for gold in the payment of the principal and interest of the funded debt. If we have a right to do this, it is purely technical. At the time when we agreed by law to pay principal and interest in coin gold was cheaper than the silver which it is now proposed to pay, and that was the reason of our election to pay in gold. At that time the silver dollar which we now propose to pay had no existence in fact; it was only a legal possibility, a very "barren ideality," for it had passed out of memory and did not enter into the imagination; it was as obsolete then in fact as it is now in law. The revenues which were set apart for the payment of this debt were collected in gold, for there was no silver with which to pay them, and no one contemplated there would be any. The silver dollar was not so much eliminated from the law as it dropped out of it. What shall we gain now by availing ourselves of a technical legal right to pay in silver that

which we elected to pay in gold when it was our interest to do so, and which election has determined the market value of our bonds at home and abroad, the price at which they are bought and sold?

We shall scale down our funded debt 13 per cent., say $200,000,000. But if the argument be correct that the use of silver for all purposes of money will bring its value on the basis of the proposed coinage to that of gold, then shall we take nothing by our device, for Banquo we shall have filed our mind.

What shall we lose? We shall lose the high estimation of public opinion, which is the world's conscience. We shall lose that fine sense of honor which is the soul of credit, and which it is even more profitable to the debtor to observe than to the creditor to exact. In the distinction between a moral obligation and a legal right we shall place ourselves upon the lower plane.

A nation that owes vast sums, and whose policy it is to use its credit at the lowest rate of interest, cannot afford even to seem to seek a temporary advantage by availing itself of a technical right.

By keeping upon the high plane of moral obligation, by maintaining our credit to a nice sense of honor in the forum of the conscience of the public opinion of mankind, we shall not only honor ourselves and our institutions, but we shall receive a temporal reward far exceeding any the tempter can offer. By so doing we shall be able to convert our funded debt into a security, (and there is a world of meaning in the word security; it does not mean insecurity,) into a security bearing an interest of 3 per cent. per annum. If we begin to palter in a double sense, and keep the word of promise to the ear only, we shall lose the opportunity to save quadruple our questionable gains.

Something has been said of the Shylock spirit of the creditor which exacts the pound of flesh. The phrase is somewhat musty. It is to be remembered that the heroism of Antonio is shown in his willingness to submit to the penalty of his bond as he understood it as well as the rapacity of Shylock in exacting it; and it is only an evidence of a sad tendency in human nature that the rapacity is immortalized, the heroism is forgot. If Antonio had promised to pay ducats—elected to pay gold ducats when that was his rightful advantage, afterward sought to discharge the debt in silver when he found a profit therein, the world's verdict in the case of Shylock *vs.* Antonio would have been different; Portia's legal quibble as *amicus curiæ* would hardly have been justified, her divine appeal for mercy sadly out of place.

Sir, there is one rule of morals which can seldom mislead: in a doubtful question which involves your own interest, give the doubt against yourself. The nation which observes this rule will find its reward exceeding great in this world as certainly as the man who does will in the world to come.

I have reached certain conclusions which I shall state, not in their logical or natural order, but in that which is most convenient for my purpose:

First. That the funded debt of the Government should be paid in gold.

Second. That the "double standard" requires at the time of its adoption a common unit of value, and to avail ourselves of its supposed benefits we must increase the silver dollar.

Third. That all forms of currency in use at any given time ought to be equivalent in value.

Fourth. That gold by the common consent of the commercial world is the ultimate standard by which all values are measured.

Fifth. That some form of credit is now and always will qe used as money in every civilized commercial country.

Sixth. That with us we ought to use the national credit directly in the form of national notes and not lend it to the banks for that purpose, and that we can and ought as a matter of wise policy to make national notes as good as gold.

It is only the last proposition which I intend further to discuss, and I trust I shall be pardoned if in the hurry of preparation I sometimes use language and illustrations which I have used upon another occasion.

I believe our funded debt can be reduced to the lowest possible rate of interest and United States notes appreciated to the gold standard and maintained there by the use of an interconvertible bond the interest upon which is payable in gold.

I know the term "interconvertible bond" is wont to fright us from our propriety. To some it suggests the supernal, to others the infernal; to some it is a badge of repudiation, to others the harbingers of the millennium; to some it is a charm to exorcise every devil, to others a very devil which no exorcism can lay. To me it is a harmless instrument which cannot accomplish miracles, but does furnish the best practical solution of the currency question. There is no easy road out of the present depressed state of our business and industry. It is the necessary result of our history; it is one of the after-effects of the war and as inevitable as its bloody foot-prints. It is the mortgage left on our estate by the war. War is destruction—destruction of property as well as life. Imagine a million of men in this country idle for four years; how vast the loss to production. But a million of men, all their energies perverted for four years from production to destruction, when often the act of a moment can destroy the work of years, who shall estimate the difference or calculate the loss? But the business of the Northern States was never more prosperous than during the war. Why? The war, though it was the business of destruction, was still a business, giving employment to vast numbers of men and stimulating every industrial pursuit into the highest activity to supply the demand created by the war. The war was a great fire, into which every man was throwing his goods at an extravagant price, which the nation borrowed the money to pay. Reveling in the riches of the pay, we did not pause to reflect that we, the people, were the nation, and must pay the debt ourselves. Our riches were like fairy gold. We squandered our inheritance borrowed of the world and discounted our future at usurious interest. No man is so prodigal as the borrower who does not think of pay-day, none so poor as he when pay-day comes.

But our prosperity continued years after the close of the war. Yes, we seemed to be rich on the very waste of the war; the evidences of our own indebtedness were counted as riches. We, the nation, owed us, the people; the fairy gold had not vanished. There was one element of prosperity more real while it lasted, an active demand for labor to supply the vacuum created by the war. In the daze of the hour prices were factitious, extravagance the habit, credit inflated, and labor wasted in unprofitable enterprises.

But there is no such inexorable creditor as time, and pay-day has come. Seven hundred and fifty million dollars collected in taxes every year is a burden upon the industries of this people which no magic can conjure away. There are those who fancy we are suffering from overproduction; as if there could be too great a production of what is necessary to the sustenance, the comfort, and enjoyment of life, while vast numbers are in want. Overproduction means inability of consumers, and every one is a consumer. It is not too much capital at one end, but too little at the other. We complain that capital does not seek new enterprise. How can it, successfully, when taxation is higher than interest in many other countries. I am not of those who believe that relief can come from all this except through patience, labor, and economy. Through these I know it can, and there is no other way opened up.

What would a man or a corporation do when embarrassed by debt? One thing, certainly: reduce the interest to the lowest possible rate. A nation may use its credit with greater advantage than an individual or corporation. It is perpetual, and the markets of the world are open to it. What species of loan will command the lowest rate of interest? A long loan, on account of its permanence as an investment, and a loan on call, by reason of its convertibility at pleasure. The national bond which would unite these qualities in the highest degree would be perpetual, but convertible at the pleasure of the holder.

The English consol is a perpetual 3 per cent. worth 95 per cent. and practically as steady as gold. The difference between 3 and 5 per cent. on our national debt compounded for thirty-five years would pay it off. Visionary as it may appear, that is one effect which I believe can be accomplished by a bond perpetual in terms, interest payable in gold, and convertible at the pleasure of the holder into United States notes.

How can such a bond be put upon the market successfully? By making greenbacks and bank-notes now in circulation convertible into it, and when it advances to par in gold redeem with it the outstanding 6 per cents. But if it does not advance to par? All legislation is to some extent experimental, and this will cost nothing; our 5 per cent. loan was offered long before it was all taken.

The monetary system of a country, like all its institutions, is far more the result of its experience of the accidents and exigencies of its history than of any deliberate predetermined plan. Universal experience has demonstrated certain fundamental principles, but the methods of their application must vary with circumstances. No one in this country advocates the establishment of an institution like the Bank of England, however wise its adaptation may be to the wants and interests of the United Kingdom. The Bank of Amsterdam has subserved a most useful purpose, but no one proposes to copy it.

The great body of our circulating medium consists of greenbacks and bank-notes. In what respect is the latter superior to the former? I admit that our present system of free national banking is the best that we have ever had. Perhaps it is the best system of banks of issue that can be devised. It is incomparably better than that which made shinplasters, wildcat, red-dog, and blue-pup familiar and significant names for paper-money; when a bank-note caught astray over a State line was arrested as a trespasser; when a counterfeit-detector and bank-note list were as indispensable to every counting-house as a cash-book or diary; when exchange on New York could reach 10 per cent. premium in the Western States without an appreciable difference in the solvency of the banks; when a man going from Saint Louis to Boston would pass through as many systems of currency as States, and sometimes find a State system checkered with county lines like a schoolboy's atlas, and his "money of account" in the morning would be of no account in the evening. Our present system is infinitely better, because it is based upon better credit. There is absolute security for the ultimate redemption of national-bank notes. Redemption of what? The notes of the United States. It is not the credit of the banks which makes their notes good and gives them uniform value wherever they circulate, but the credit of the Government.

Now, in political economy as well as in mechanics, all unnecessary machinery is a loss of effective power. Friction is to be avoided as much in one case as in the other. Examine the practical working of

our banking system and see if there be not some unnecessary machinery and waste of power.

The Government could only have two objects in issuing greenbacks: first, to obtain a loan without interest; second, to furnish a form of credit which should circulate as money.

A national bank is organized; it deposits a hundred thousand dollars in United States bonds and five thousand dollars in greenbacks in the United States Treasury, and receives $90,000 in bank-notes signed by the United States Treasurer, upon which it agrees to pay the United States 1 per cent. per annum. In plain English, what is this but the bank borrowing the credit of the Government for 1 per cent. per annum, and leaving security, with a fair margin, upon which security the Government pays the bank 5 or 6 per cent. per annum? That is, the bank pays the Government upon one form of its credit 1 per cent., and the Government pays the bank upon another form of its credit 5 or 6 per cent. in the same transaction—and that not for one year, but while the bank charter continues.

Now if the first object, a loan without interest, controls the Government in issuing the greenback, that is defeated by this operation to the extent of all bank circulation.

If the second, it is unnecessary, for the bank-note never can be better than the greenback in which it is payable.

You will observe I am speaking of the condition of things which exists, and not of what would be if the greenback were eliminated.

Now suppose, for any cause, the bank goes into liquidation. The Government sells the securities, and, after redeeming the bills of the bank in Government bills, (for which as yet there is no plan of redemption,) pays over the residue to the stockholders. All this circumlocution, from the first establishment of the bank to its liquidation, to get back to the United States note, which could have just as well been issued directly in the first instance.

If it be necessary, by all means let us put fifth wheels on our coaches, devise engines to drive engines, invent a grate to warm the fire, and grease water that it may run down hill!

It is constantly said that the Government ought not to engage in the business of banking. It *is* engaged in the "business of banking," and it undertakes to wind up banks and administer upon their assets in a manner as unprofitable as unnecessary. It maintains a redemption agency for bank bills at the expense of the Treasury. It receives deposits and issues certificates. It issues bank bills to banks, requires reports from banks, regulates the reserves of banks, examines the affairs of banks, and keeps that kind of surveillance over banks which bank officers and stockholders are supposed to. It does everything pertaining to banking which a bank might, could, would, or should do, except discount bills and sell exchange, which, in addition to receiving deposits, are the only things a bank should do, and which no one proposes the Government shall do.

The issuance of bills of credit to circulate as money is not a function of banking, but of government, and no bank or individual is permitted to exercise it under any wise policy except by the consent and delegation of government. That is evidenced by the case we exercise to guard the privilege. It is a privilege, and that is an odious part of it. True, it is a free privilege, but only free to those whose circumstances or ability enable them to avail themselves of it.

If the present system owes its confessed superiority to the fact (as it confessedly does) that it is based upon the Government credit, why not go one step further and use the Government credit directly in place of lending it at 1 per cent. (out of which the expenses of the Government's connection with banks must be deducted) and paying 5 or 6?

If one-quarter the thought and attention had been given to improving the national currency there has been to dovetailing into it the bank-note and maintaining and reconciling a system artificially complicated, the greenback would have been at par with gold long ago.

It seems to be apprehended on the one hand that without banks of issue there would be a deficiency of currency—that is, that it is necessary to pay some one to keep up a supply of currency—and, on the other, that but for the intervention of banks the Government would "inflate" the currency. Suppose the Government to-day could substitute greenbacks for the bank-notes in circulation the volume of currency would be the same, the quality no worse. Do you fear there would be a failure of the necessary machinery for the proper distribution of currency to meet the wants of the people and for the accommodation of business? Have the receiving of deposits, drawing exchange, and lending of money suddenly become so unprofitable or irksome a business that no one will engage in it without the added premium of a power to issue money?

Suppose the substitution made, and to-morrow the currency should be made convertible into a perpetual 3 per cent. gold bond, would not that improve the currency to the value of such a bond? Make the bond interconvertible with currency; will not that give it additional value, by making it the receptacle of the money of estates of decedents and bankrupts under administration and giving it a power of absorbing money temporarily idle but wanted "on call?" Is there an apprehension that its absorbing qualities would become so great that the currency of the country would rush into it and disappear from circulation? That could only happen when such a bond was worth a premium in gold; then the gold of the world would seek it as an investment, until our 6 per cent. bonds could be exchanged for threes, a result I could contemplate with very considerable philosophic composure, even if it were nearer than I anticipate; while the catastrophe of an entire disappearance of our currency would be effectually prevented by the option of the Government to redeem it in gold. When that period arrives men will take their gold to the United States Treasury and exchange it for Government notes on account of their superior convenience.

Very seriously, I do believe a 3 per cent. interconvertible gold bond would appreciate to par, carrying the greenback with it with reasonable rapidity and certainty; that it would eventually take up all our bonds; that, as such a security would for many purposes be more valuable at home than abroad, it would be held in larger proportions at home than our present bonds are—large enough to afford an ample basis for any expansion of currency, if any should become necessary.

Under such a system, if more currency were necessary, in place of the circumlocution of lending Government credit to banks, the capital which now organizes banks would take Government bonds to the Treasury, get notes for them, with the absolute certainty that when, for any cause, the notes came home, they would find the exact security left in pledge for them. Government promises under all circumstances would be fulfilled to the letter.

In place of accumulating gold in the Treasury to redeem, enhancing its value by a large sudden demand, creating an artificial stringency of money—the Treasury hoarding gold upon the one hand and the people hoarding currency upon the other to get the gold when the door of the Treasury is opened—we should redeem the United States notes with an instrument which would be a draft at sight upon the treasury of the world, an open sesame to the universal cash-box.

What an anomaly it is: a 4 per cent. forty-year bond is worth par in gold throughout the civilized world; a United States note is worth 13 per cent. less than gold at home. This anomaly, in my judgment, is owing to our system of banks of issue.

It is urged with plausibility that the interconvertible system would enable operators "for a corner" to retire large amounts of currency from circulation and create an artificial dearth. The objection is more seeming than real. Such operations seldom extend their effects beyond stock-gambling. The ease with which the vacuum could be filled under the interconvertible system would greatly prevent the attempt. Every day we should know the exact amount added to or withdrawn from circulation; and this publicity would make a corner almost impossible. We should have a signal-bureau to predict a financial storm with infallible accuracy. It would be more easy to create a stringency on the banking plan whenever we reach any system of specie payment by investing in British consols. But is the banking system so perfect that it can discover so small a flaw as this and call it fatal? Are bank-notes subject to no vicissitudes?

While human nature continues as it is, with its thirst for sudden riches, its spirit of speculation, its moral epidemics, its periods of elation and depression, we shall be subject to financial crises at the meeting of ingoing and outgoing tides. Even bank officers are not steel against human emotions or proof against moral epidemics, the excitements of hope and despondency of fear. When revulsions come, as come they will, what can banks do to mitigate them? The danger to banks is from all sides. Their depositors will be clamorous for pay, their note-holders for gold, their debtors never so little able to assist them. They must contract from every quarter, add calamity to misfortune, and redouble the ruin which their notes redeemable in gold have made them powerless to withstand. In no American system of banking we have ever had or shall have can any bank in the most prosperous times redeem its obligations except by going into liquidation. Albert Gallatin truly said:

> The bank-note is a direct promise to pay on the part of the maker, with an implied promise never to ask payment on the part of the receiver.

The interconvertible system has been called inflation. Nothing can be further from the truth. Under it no one can put a dollar in circulation without depositing security for a dollar. In that it resembles and has all the advantages of the national-bank system. Under the national-bank system a bank desiring more currency deposits United States bonds in the Treasury, gets currency, and draws interest on the bonds deposited; under the interconvertible system, whoever wants more currency must deposit bonds just as the banker now does, but, unlike the banker, he would draw no interest. Whatever defects are chargeable to the latter system, inflation is not one of them. But, under the banking system, whatever profit there is on circulation is an inducement to inflation; to an unwise expansion of credit. From the very nature of the system of banks of issue expansion and contraction are periodical and ruinous. Banks only issue currency for the sake of the profit on circulation; they will inflate it whenever it can be done with profit, and must contract whenever their safety is menaced. They contribute alike to the excitements of speculative periods and to the depressions which follow.

Dean Swift by his Draper letters prevented the circulation in Ireland of a copper coin authorized by act of Parliament and certified by Sir Isaac Newton to be of the weight and fineness required by law, because the privilege of making it had been granted to a private party. The idea of farming out to banks the privilege of supplying the people with currency is an absurdity whose enormity is only concealed by custom. It is reconciled to the habits of men, not to their convictions.

There are many who advocate the funding of a fixed amount of

greenbacks per month, until by a reduction of their volume they should be appreciated to gold. That volume would vary with the necessities of business; it would vary with the seasons from day to day, be influenced by the "moving of the crops," and all the vicissitudes of business. It would at all times be controlled by the banks who would share with the Government the privilege of issuing currency. It is a mechanical method of feeling the way up to the specie point by a series of experiments instead of rising there through natural causes. In what respect is it superior to the interconvertible plan with a bond payable in gold? The bond it offers bears a higher rate of interest. It would compel the Treasury to keep a large gold reserve, and enable the banks gradually (and I suppose this to be the merit of the plan in the minds of its advocates) to convert United States notes into gold and monopolize the whole field of circulation.

One thing is certain, under any system either the greenback or the bank-note will disappear from our circulation. No arbitrary fixing of the amount of greenbacks will or ought to keep them in circulation as mere tenders to bank-notes. We shall eventually have one system or the other. If we have the banking system, there will be no real resumption, no holding of gold as a reserve which gives an absolute assurance of payment on presentation—the credit of the bank-note will still depend upon the credit of the Government behind it. There will be a great many banks of issue located at points distant from business centers, and not of the most convenient access. The profit on circulation given to the banks will be a premium offered for inflation, and a temptation to it, which even the superior human nature of the average bank director will not always resist.

Again, it is urged that under the interconvertible system the Government will become a borrower of the idle capital of the country. Why, sir, the Government is a borrower now to the amount of more than $2,000,000,000, and it can certainly be no disadvantage to transfer any portion of this loan from the idle capital of Europe to that of this country and from a higher to a lower rate of interest. But it is a strange misuse of terms to call the conversion of the greenback, which is one form of Government obligation, into a bond which is another form of obligation, borrowing. That ought to be the right of the holder of the greenback if the Government does not redeem in gold. Equally strange is it to call that a loan by the Government if the holder of the United States bond converts an obligation which bears interest to one which does not. The whole theory of the plan is to organize the credit of the Government so that the interest paid shall be reduced to the lowest possible amount; that a creditor of the Government shall at all times have the option of taking a bond which bears interest, or notes without interest that will circulate as money; and that the bond and note alike shall appreciate to par with gold with as much rapidity as is equitable to existing contracts; and that we shall have one currency, good for every purpose, bearing one device known of all men; not representing a privilege, but the credit of the nation; not regulated in bank parlors, but by the necessities of the time; not an idle promise to pay if you do not want payment and a broken one if you do, but convertible at all times into an instrument which is a draft at sight upon the treasury of the world.

The Senator from Ohio in his speech advocating the silver bill eloquently reminded us that he proposed to re-introduce the dollar of the Revolution, and invoked upon it the blessing of sacred memories. I was not aware before that any silver dollars were coined by the United States in the revolutionary period of our history.

Sir, we have currency that is consecrated by memories more recent and not less glorious. We can preserve it as a memento of a heroic time, make it the symbol of unbroken faith and the pledge of a fraternal reunion, whose consummation is alone worth the precious blood that it has cost.

Much as I hope for the whole good that can be accomplished by this system, I do not imagine that if adopted it will at once start the laggard wheels of industry and make the waste places glad, but I do believe it will inspire hope, courage, and confidence, and that its simplicity and justice will commend it to the reason and conscience of the American people.

Mr. President, there is one monarch of the world to-day whose throne is above dominions and powers and principalities, whose rule is supreme over law, edict, and decree. That monarch is debt. It is the annual tribute he levies upon the industry of this country I am anxious to reduce.

Mr. SHERMAN Mr. President, I wish very briefly to call the attention of the Senate from all the various topics that have been discussed since this bill was introduced to the consideration of a very small measure intended to meet a temporary necessity; and which has given rise to a very extraordinary debate.

This bill proposes to restore the old silver dollar and with it and the subsidiary coins of the United States to redeem the United States notes and fractional currency. The dollar to be restored is the same dollar that had existed from 1792 to 1873; and the subsidiary coins to be issued are the same in form and value as have been issued since 1853. I have already stated in my remarks, made on the 11th of April last, the history of these silver coins and the relation of silver and gold to each other, not only in the United States, but in the countries with which we have the most extensive commercial relations. The Senator from Nevada [Mr. JONES] has also, in more detail and with complete fullness of illustration and authority, presented the important questions of the double standard, with the reasons why, in the United States especially, silver and gold must both be standards of value. I will therefore not repeat those arguments, but confine myself to the two main propositions contained in this bill, and then show, if I can, that it is not wise public policy to adopt the full silver standard proposed by the Senators from Nevada and Missouri, nor to go further than is proposed by the Committee on Finance.

The two main question are:

First. Shall silver coin be exchanged for United States notes as well as for fractional currency? And,

Second. Is it wise to recoin the old silver dollar with a view to exchange it for United States notes?

The bill as reported embodies both propositions. It is purely a *voluntary* process. No one need surrender his notes for coin unless he wishes to do so. We do not take advantage of a public creditor to force upon him silver coin, for we have given him the assurance of positive law that we will on the 1st day of January, 1879, pay all notes or demands against the United States in coin. We cannot, or rather public sentiment will not, allow us to pay in gold coin sooner. By this bill we authorize the Secretary of the Treasury to the extent of the sinking fund to pay silver coin to the holder of our notes in exchange for them if he demands it. In spite of all that has been said about the depreciation of silver, and of our coin being worth less than United States notes, we know there is an eager demand for silver coin. The long lines of people awaiting their turn at the doors of your custom-houses show an anxious desire to surrender your promises for bright, shining coin. The instinct of the people, more wise than the calculations of the broker, assures them that hard money, real money, the result of and the representative of labor, is more desirable than a promise to pay money, and especially a promise that may be broken, changed, evaded, or postponed.

By the law as it stands only fractional currency, one kind of paper money, is redeemable in silver coin. United States notes although based upon the same promise and of the same or more intrinsic value than fractional currency, because a legal tender for all sums, are not redeemable in silver coin. Therefore fractional currency is this day more valuable than United States notes. Why? Because they can at will be converted into silver coin, and United States notes cannot be. The first effect of the issue of silver coin is to advance the value of fractional currency. In like manner this bill if it passes will advance the value of United States notes. It will be resumption of specie payments in silver. It will tie our promises to pay to the solid basis of a metal which has always been a standard of value, is now, and ever will be, and which can only vary in a comparatively slight degree from the more precious metal which is now and ever will be the highest standard of value.

Now, sir, it is admitted that we are able to pay a portion of our indebtedness. Indeed, a specific fund has been set aside by a law of the highest sanction to pay 1 per cent. of our entire debt, together with the accumulation of interest on the fund created by this appropriation, called the sinking fund, and this annual sum to be taken from our customs duties is to be applied to the payment of our debt. What portion of our debt ought to be annually paid is purely a question of public policy and interest. We have heretofore paid our bonded debt; but this debt is now so valuable that it is worth 18 per cent. more than United States notes and 5 per cent. more than gold. It is therefore manifestly our interest to apply this fund to the payment of United States notes, and this we can now do not only with the assent but upon the demand of the holders of our notes. Why upon this demand? Upon what ground of honor or interest can we refuse to pay this note now due while we are using large sums to pay bonds not due. They pay a large premium for our bonds worth more than gold, while we refuse to pay our notes now due and daily quoted at a depreciation of 12 to 14 per cent. Whatever other reasons are given for this anomaly we cannot pretend that we are not able to pay these notes while we are paying out thirty millions a year in gold to buy bonds not due.

Nor can we refuse to pay silver coin for our notes because it is depreciated compared with gold. That is a question for every holder of our notes. When he demands silver it is idle, yes, it is dishonorable, for you to say, "O, we will not pay you silver, because it is not worth as much as our notes. Wait until 1879 and we will pay you gold." Every market-woman in the land knows that the reason for your refusal is false. She may well say she will not trust to your promise to pay gold three years hence when you will not pay silver now when you can. All objections to this bill based upon the pretension that payment in silver is unjust to the note-holder are the merest sham, unless you are now prepared to pay him in gold. He is the best judge of what he will take in payment, and he wants and demands the *silver now*. And this is a sufficient answer to all arguments about the note-holder. When you redeem the note you can do with it what you please. You may burn it, or replace it, or re-issue it, or whatever else you have the power to do with it. But the men who holds it now has your promise to pay; and if you refuse to pay him gold it is for him to say whether or no he will take silver. Will you give him the option? If this was to be decided by considerations of public honor or public faith, no one would question how it would be decided. But I now propose to discuss it upon the basis of interest, upon the narrowest basis of commercial traffic; and by this sordid view, as well as by the more exalted one of public honor and public faith, it is manifest that it is for the interest of the United

States now to redeem with silver coin such portion of the notes of the United States as the holders thereof may choose to exchange for such coin.

And, first, it is the cheapest mode in which we can pay our notes. One dollar of the subsidiary silver coin of the United States contains 385.8 grains of standard silver, worth to-day about 84 in gold or 95 in United States notes. It needs no logic to show that the United States makes money by the exchange of this dollar for a United States note; and yet no injury is done to the holder, for the exclusive power of the United States to coin money has imparted to the silver in the coined dollar additional value which makes the holder eager to accept it for his promise dollar. The silver in the dollar provided for in this bill is now of the market value of the United States notes, but it is of intrinsic value, and even though the United States notes may rise in value the silver dollar will keep pace with it. The Government pays its debt and yet replaces its note with a real dollar which takes the place of the paper dollar in circulation and does not have to be paid when resumption comes.

Not only is payment in silver coin the cheapest mode of paying our notes, but it strengthens us for full resumption in gold. It not only lessens the amount of notes to be maintained at par with gold, but it scatters among the people a large amount of silver coin which, without reserve or aid from the Government, will, from its intrinsic value, maintain itself at par with gold. And this quality of silver coin does not depend upon its being a legal tender, but upon its intrinsic value and its indispensable use among all classes of people for change and for the payment of labor and family supplies. As I showed the other day, not less than $2.70 per inhabitant of silver coin of less intrinsic value than ours is maintained at par with gold by Great Britain, France, and Germany. The United States, before the war, maintained at par with gold more than fifty millions of the very silver coin this bill provides for. No one inquired how much this silver coin cost the United States, but they knew it passed everywhere and was as good anywhere as gold coin. So now, with our increased population and business, it is manifest that seventy-five millions or more of this silver coin could be maintained at par with gold after we reach the full gold standard, and this amount is about as much as could be issued under this bill. The effect of substituting this silver money for that amount of paper money is obvious in appreciating the purchasing power of the remaining mass of paper money. Who does not see that the reduction of the aggregate of paper money to three hundred millions strengthens us for the duty of maintaining it at par with gold?

Sir, silver resumption is better now than gold resumption, for silver money will now circulate with paper money; gold will not. Silver money in intrinsic value is so near that of paper money that it will freely circulate, while gold would at once be hoarded. Even if silver money was of the same intrinsic value as gold, it ought to be put freely into circulation before gold. It must always be the specie of the people, and gold is not. Silver resumption must preced gold resumption. We now but avail ourselves of the present depreciation of silver bullion to prepare the way for gold resumption. It appears almost as a providential dispensation to enable us to follow the path of safety and honor. If we did not avail ourselves of this opportunity we would be blind to every instinct of a statesman and a patriot.

Again, sir, there is a popular instinct which we may call the "instinct of hoarding," which impels the provident classes of every nation and tribe of men to hoard the precious metals as the safest form of wealth, either to gratify avarice or to prepare for immediate or surely approaching wants. This instinct is as well gratified by hoarding silver as gold. For this reason, and for this reason mainly, a larger amount of silver coin will be hoarded than of fractional currency. The currency is perishable; it is subject to loss by fire and water, and its very nature compels its active circulation. Silver coin can neither be burned by fire nor perish by water, and the common instinct of humanity will cause it to be held while the fractional currency will be paid out. But the silver is the people's resource, and will be paid out and circulated when the necessity for it arises. For these reasons we must provide for a much larger amount of silver coin than experience proves to be necessary for fractional currency.

Again, sir, this bill will relieve us from a possibility of a dearth of change by issuing silver coin in exchange for United States notes. It is manifest that, by limiting this exchange to fractional currency, we have given an artificial value to fractional currency. The hoarding of this currency to get silver coin may create a serious want of small change. It is this want that the House of Representatives has attempted to guard against by a bill pending in that House. This will at once be obviated by this bill by placing both notes and currency on an equal footing with silver coin and lifting all gradually to the gold standard. The object of the law now in force is to substitute silver coin for fractional currency. If this can only be done by a direct exchange one or the other will be demonetized or held for a premium during the process, but if silver coin can at will be had for either fractional currency or greenbacks, the process can easily be effected. Things that are equal to the same are equal to each other. The difficulty of a direct exchange of commodities first caused the use of money. While we have paper money we can only circulate that of the lowest market value. Even a temporary demand for fractional currency causes it to be hoarded. Brokers all over the country are offering a premium for fractional currency in order to get silver coin. Even in this city, where fractional currency was most abundant, it is advertised for at a premium. Besides, we must provide more silver money than fractional currency for the reasons already stated; and therefore we must exchange it for United States notes as well as for fractional currency.

And, sir, the substitution of silver coin for United States notes meets and allays the fear of "contraction" that has been the direful cause of our long delay in approaching the specie standard. Reason about it as you will, you cannot persuade the people to endure for a time the process of contraction even to secure the acknowledged good of a specie standard. How often do we hear people say they are for specie payments, but not through contraction? They are in favor of getting well, but do not like the medicine. They are in favor of the Maine liquor law, but are opposed to its execution. They want to get well by natural processes. Well, now, the silver opportunity offers; silver can be substituted for paper without contraction. Both will circulate together, because their market value is near each other, and we have the silver bullion and the sinking fund amply sufficient to sustain the process of exchange. By giving a market for silver we advance a domestic product, and by reducing the amount of paper money we approach and prepare for full resumption. The silver will circulate with the paper. To the extent that it is hoarded or exported there may be some contraction, but it will not be hoarded or exported largely when issued in sufficient quantities to meet the demand for it, and this bill provides for either hoarding or exporting, by authorizing the issue of silver coin in exchange for silver bullion. If, then, there is a demand for silver coin greater than the surplus fund at our disposal, it can be had for the silver bullion of private persons, which can be promptly converted into coin.

The bill reported by the Committee on Finance thus provides for an immediate resumption of specie payments in silver coin, and thus completes the first and most difficult step of the problem. It neither disturbs nor deranges business, or stirs up the phantom of contraction. It is in exact accordance with existing law, and leaves the silver coin, as now, a subsidiary coin, a legal tender only for limited amounts.

The next question presented by this bill is, shall we return to our silver coinage the old silver dollar. And here I am met by the objections of the Senator from Vermont, but his objections are rather to the amendments proposed by the Senator from Missouri than to the report of the committee. The committee propose the silver dollar not as a legal tender for gold contracts, but only as a tender for currency contracts not exceeding $20 in any one payment. I would prefer to leave the silver dollar stand upon its intrinsic value as a legal tender the same as the smaller coin; but there is no injustice in enlarging the limit to $20, and but for the reasons I will state hereafter there is no injustice in making it a legal tender for all currency contracts. The silver dollar has that intrinsic value which in all periods of our history has made it a favorite coin not only for domestic uses but for exportation. It furnishes silver bullion in a shape and form more convenient for handling than any other form of coin. I fell into a common error in the debate a few days since in saying that this dollar had not been issued since 1853. Official reports show that it was issued in considerable quantities until it was demonetized by the coinage act of 1873. From 1870 to 1873 there was issued in silver dollars by the United States $3,336,348 at par with gold, and when specie payments were suspended and silver circulated only in the Pacific States and Territories; and since the trade-dollar was substituted for the old silver dollar there has been issued up to April 30, 1876, of trade-dollars the large sum of $14,912,350. These are mainly for export, but many were and are held for circulation in this country. When the old silver dollars are issued at par with United States notes, a large amount of them will be taken as a reserve by the people to meet future needs, with or without a legal-tender quality. As their issue is not peremptory, and the aggregate cannot exceed the surplus revenue or sinking fund, there is no danger of an overissue, while their existence among the people will be the best reserve when gold alone becomes the full standard of value.

Every argument already mentioned in favor of subsidiary silver coin is equally potent in favor of the silver dollar. It will be eagerly taken in payment of United States notes. It is purely a voluntary exchange. It is the cheapest mode in which we can redeem United States notes. It is specie resumption in the old time-honored standard of silver dollars of full weight and fineness. It will accustom our people to distinguish between the real dollar that pays where it goes and a paper dollar which only promises to pay. It will prepare the way for full resumption in gold. To the extent proposed by the committee, and to be used as a purely voluntary approach to a full specie standard, it is open to no objection or criticism, and should be assented to by gentlemen who have differed with each other on the present resumption law or on the merits and dangers of contraction and expansion. Why is it, therefore, that we cannot pass this bill without introducing controverted propositions which, if they do nothing else, will delay and endanger this bill? This bill as reported would by this time have been the law of the land but for these amendments; and as we cannot act upon these amendments without a long debate—now a sufficient cause to defeat almost any bill—it is in the power of any Senator under our rules to defeat legislation by urging controverted amendments. It is sufficient now to justify voting against these amendments to say that they endanger even by delay the passage of this bill.

I must appeal to the good sense of the Senators from Missouri and Nevada not to embarrass this bill, the purpose of which they approve, by urging amendments that raise new difficulties of an opposite character likely to defeat its passage; or, if adopted, will demonetize gold not only in private transactions, but in the payment of customs duties and the public debt. They raise the most difficult questions of political economy and the most delicate questions affecting the public credit, and at a time when above all others we ought not to attempt to decide them. At this time, when we cannot pay our debt in gold or silver, and when the relations between gold and silver are unnaturally affected by the recent movements in Europe, and when it is impossible to fix their precise relations to each other, it is exceedingly inopportune to consider or decide any radical change in the existing law. Ever since 1853 silver coin has been practically a legal tender only for $5, and yet it has been maintained in very large sums at par with gold. Why disturb this law? Ever since the present debt of the United States was contracted we have religiously paid its interest in gold coin. To enable us to do so, we have collected our revenues in gold coin, and we have ample means to pay the interest. To now claim, on any pretense whatever, the right to pay this interest in silver coin, when the whole amount of silver coin that could be issued in three years would not pay the interest for a single year, would create a revolution in our public credit without any benefit whatever. The serious effect of such a proposition upon our national character or credit cannot be measured in dollars and cents.

Again, sir, if you undertake to pay your interest with silver coin, you must pay the whole of it with such coin. You cannot discriminate. You cannot pay the large holders of your securities with gold and the small holders with silver. The great body of your interest is paid to banks and bankers, even when the bonds are the property of private individuals. You have gold to pay with, but you have no coined silver and cannot have enough in three years; and the same objection applies to customs duties. For small sums, and as change, the duties may be received in silver; but the supply of such coin is not and cannot be sufficient for some years to pay the duties collected. The only effect of such a proposition is to give an artificial value to silver bullion and silver coin in order to pay duties; and the immediate effect would be to demonetize both gold and silver coin and segregate it from our current money as gold is now segregated for the purpose of paying duties. It is manifest, therefore, that if we mean to collect our customs duties and pay our interest in silver coin, we must postpone the operation of such a law until we have such coin in sufficient quantities to conduct the business, and by no possibility could this be done in less than four years. The amendment, then, as it is proposed, would have no effect whatever, except to take from the people the silver coin they now have and hope to receive and cause it to be held like gold in New York to pay duties. The Government would not and could not pay it out for fractional currency and United States notes when it would be at once bought up by brokers for its peculiar property in paying customs duties. This objection is clearly fatal to the amendment proposed by the Senator from Missouri for years at least; but there are other reasons why such a proposition ought not to be entertained.

The public debt was contracted and the interest to be paid was under the universal understanding that the coin stipulated for was gold coin. At that time all the silver in circulation was limited in its legal-tender quality to $5 in any one payment. And although by the act of 1853 the old silver dollar was not demonetized in terms, it was not issued, and no human being contemplated the payment of principal or interest of the debt in silver coin. In fact, during the whole period from the contraction of the debt up to and after the year 1873, when the silver dollar was demonetized, it was worth more than the gold dollar. No one foresaw or had reason to suppose that it would be less valuable than gold. Its great depreciation grows mainly, if not exclusively, from the action of foreign governments in dealing with their coin. To now make the silver dollar a legal tender in payment of the interest of our debt would not only be impracticable, as I have already shown, but would be universally regarded as a violation of good faith, and would destroy the confidence with which the commercial world now regard our public securities. The silver dollar was, it is true, a legal tender until 1873 and in strict law might be restored to its position then as a standard of value without a violation of the legal contract between the United States and the bondholder; but, sir, the effect of such a measure upon the value of our public securities would be far more injurious to us as a nation than the difference between the payment of the interest on our public debt for two or three years in silver or in gold. For over forty years, since 1834, the silver dollar, though in law a money of account, was in fact demonetized, because it was more valuable than the gold dollar. It was for that reason alone the silver dollar was dropped from our coinage system. This is clearly stated in a report to the Senate of Mr. Knox, Comptroller of the Currency, dated April 25, 1870.

I read from his report, as follows:

> The coinage of the silver-dollar piece, the history of which is here given, is discontinued in the proposed bill. It is by law the dollar unit, and assuming the value of gold to be fifteen and one-half times that of silver, being about the mean ratio for the past six years, is worth in gold a premium of about 3 per cent., (its value being $1 03.12) and intrinsically more than 7 per cent. premium in our other silver coins, its value thus being $1 07.42. The present laws consequently authorize both a gold-dollar unit and a silver-dollar unit, differing from each other in intrinsic value. The present gold-dollar piece is made the dollar unit in the proposed bill, and the silver-dollar piece is discontinued. If, however, such a coin is authorized, it should be issued only as a *commercial dollar*, not as a standard unit of account, and of the exact value of the Mexican dollar,* which is the favorite for circulation in China and Japan and other oriental countries.

This report was the beginning of the voluminous documents which led to the revision of the mint laws of 1873. The proposed act was subjected to the greatest scrutiny. I have here a document of one hundred pages containing suggestions and criticisms of experts, several of whom suggest a substitution of the Mexican pillar-dollar or a trade-dollar for the old dollar, and one only, Mr. Patterson, of Philadelphia, objected to demonetizing the silver dollar, and that for the reason that though "too valuable to be used as a circulating medium, yet it could be used for cabinets, or perhaps to supply some occasional or local demand." (Executive Document No. 307, page 38.) No one was wise enough to foresee or suggest that the time would soon come when the old silver dollar would be less valuable than gold.

The great revolution in the precious metals has occurred since, and now the practical question is, Shall we avail ourselves of the extraordinary fall in silver to make the old silver dollar a full legal tender, and thus to reduce the market value of our bonds, which we are not bound to pay, which are not due, and which we have not the ability to pay; or shall we improve this opportunity offered us by an unforeseen event to redeem our depreciated notes without loss, and with the free and voluntary consent of the holder of them? Sir, this is the choice presented us. I say that not only public honor but public policy, our interest in the narrowest sense as well as in the broadest sense of that word, points to the redemption of United States notes.

To the extent that any of our creditors choose to take our silver coin we are at liberty to offer it, but a compulsory payment in silver coin is a very different proposition. Any attempt for us to enforce it would fail. We have not and cannot have the silver coin to pay it. The attempt would only bring upon us the discarded silver coin of other countries to be recoined into our coin with a view to pay it to the United States in payment of customs duties, thus reducing the intrinsic value of our customs revenue. Gold being rejected by us would be at once demonetized and the silver standard alone prevail. I therefore reject as inadmissible the amendment proposed to make silver coin a legal tender for customs duties or interest of the public debt, and regret exceedingly that it has been proposed.

As to making the silver dollar a full legal tender for contracts between private individuals, very different considerations arise. All debts contracted prior to 1873 were payable by the law then in force either in gold or silver dollars or in United States notes. If contracts were specifically payable in gold coin they can be enforced in gold coin, whatever the general legal tender may be. The terms of the contract between individuals must be the law between the parties, and the general law only applies to contracts when the specific mode of payment is not stipulated for. If a contract made before 1873 was stipulated to be paid in coin, it could undoubtedly be paid in silver as well as gold coin. At that time and for near forty years previously it would not be tendered in silver dollars because silver dollars were worth more in the market than gold; but the legal option to tender silver coin existed until 1873 and until the revised code was adopted which excluded the old dollar from among the silver coins of the United States.

It is thus apparent that all contracts payable in coin prior to 1873 were impliedly payable in gold coin, and all coin contracts made since 1873 could only be paid in gold coin. None other were provided by law, and, when coined, trade-dollars were only a legal tender like the subsidiary coins for $5. I am not aware that any considerable amount of such contracts exist; but when they exist they ought to be left to the precise law in force when made or payable. The great body of the contracts now existing in this country are either currency contracts or contracts specifically payable in gold coin. The latter cannot be and ought not to be changed by law. Those payable in coin can be and ought to be payable in the coin made a legal tender when the contract was made or was payable and ought not to be affected by subsequent law. Such contracts ought to be left to the agreement of the parties or the action of the courts. Our laws ought only to have effect upon the future and not upon the past. Congress can coin money and regulate the value thereof, but this great power ought not to be made the pretext for impairing the obligation of existing contracts. It is no answer to say it was done when our present legal-tender act was passed. The condition of the country then authorized, yea, demanded, the most extreme measures, even to the confiscation of debts and property in the form of taxes. We know with what doubt and hesitation and under what circumstances the Supreme Court finally sanctioned the constitutionality of the legal-tender act as it affected pre-existing contracts. No one believes it would sanction the exercise of such a power except as a measure of war, when Congress is invested by the Constitution with extraordinary powers. As one of those who in this Senate asserted and voted for the legal-tender act, I now say that I did it only under the shadow of a supreme necessity involving the national life, and that it ought not to be made the precedent for a retroactive legal-tender law passed in a

*Assuming the value of gold to be fifteen and one-half times that of silver, the French five-franc piece is worth about ninety-six and one-half cents, (96.4784,) the standard Mexican dollar $1 04.90, our silver-dollar piece $1 03.12, and two of our half dollar pieces ninety-six cents.

time of profound peace to change or affect existing contracts. Our power should deal with the future; and in passing laws for future contracts we are not embarrassed by questions of public faith or private obligations, but by public policy.

Is it wise at this time as a question of public policy to attempt by law to fix the precise relation of gold and silver to each other, and to make both a legal tender for all sums? Or is it best to adhere for the present to the policy of a gold unit, with subsidiary silver coins limited in amount of issue, or of legal-tender, or of both?

These two opposing policies have been debated here, but far more extensively in every European country, and especially in the writings of political economists. But wherever debated, the action of modern governments has in all the great commercial nations settled down upon a composite policy, a coinage compounded of gold as a unit, and silver coins of somewhat less intrinsic value than gold, but kept at par with gold either by a limit of the amount issued, or by a limit of its legal-tender quality, or by both. This policy was adopted by Great Britain in 1815, by the United States in 1853, by the Latin nations in 1865, and by Germany in 1873. This policy is neither monometallic nor bimetallic. The first demands a single standard of gold and demonetizes silver; the other makes both metals a legal tender for all sums. The objection to the monometallic system is that it enormously adds to the value of gold by making it alone the metal in which all debts must be paid. The objection to the bimetallic system is that from the nature of things it is impossible to fix the true relation of silver and gold to each other, and when either advances in value a single hair, it becomes demonetized and flees the country. These primary reasons have led to the composite system, which combines the two metals, gold for large transactions and silver for small, the silver purposely reduced in value, but kept at par with gold by limit in amount or otherwise. Now, sir, it is perfectly obvious that if we could in some way prevent gold and silver from fluctuating in their relations to each other the double standard is the best, as giving the largest store of the precious metals to draw upon, and it is now proposed by international treaties to bring this about. In the absence of such treaties it is far wiser for us to stand by the composite system in force in the United States since 1853, and such is the basis of the report of the Committee on Finance. We propose, as now, to leave the ultimate unit of gold aided with subsidiary silver coin, including the silver dollar, and to limit the legal-tender quality of the silver coin and the amount to be issued to the amount of the sinking fund; while the amendments proposed adopt the bimetallic system, with all its uncertainties, at a time when it has been rejected or is being rejected by all commercial nations, and especially at a time when the difference between silver and gold is greater than it has been for two hundred years. The proposition of the committee will be amply supplied by our domestic production of silver and the sinking fund; the amendments offered will bring to us for a market the rejected silver of Germany and Europe, and demonetize gold not only between individuals, but in the custom-house and with the public creditors.

The time for this proposed radical change of our coinage is a truly unfortunate one. The wide margin between gold and silver is now 10 per cent. more that the rate fixed by law of 16 to 1. Nothing is clearer than that under the bimetallic system the legal relation between the two metals should be as nearly as practicable the market relation. That is the theory of the system. The first step in adopting the new system should be to adopt the relations of 17¼ in silver to 1 of gold. But this would defeat the primary object of making the present depreciation of silver the means of a voluntary resumption of the specie standard. By the composite system this is easily done, and can be heartily accepted by all classes without contraction or expansion of our currency.

Sir, without going further into this argument, already too much protracted, I appeal to Senators charged with high duties at a critical period of our financial history not to press upon us extreme opinions, but to hold fast to the progress we have made, and let us seize the opportunity now offered us to make easy and straight the path now opened for a specie standard, when gold and silver and notes, all alike of equal value, will circulate side by side and revive again the flagging industry and enterprise of our people. To the one side I say that if this bill does not give you all the silver you want, I answer that in three years it will give you all that will circulate at par with gold; and to the other side I say that if this bill does not promise resumption in gold, it does provide for resumption in silver, which the present law does not, and prepares the way for resumption in gold by laying a foundation of silver coin, without which gold coin will never circulate and never has circulated in any country of the world. Let us lay the foundation first and the superstructure will come in due time. Both metals are indispensable, but silver first. It is the granite rock of the money superstructure. Let us lay well this foundation, and in due time the golden dome will crown our work, and United States notes, redeemable in gold and silver at the choice and demand of the holder, will be the winged Mercury to do the business and promote the exchange of the products of human industry. Though the work is a great one and the difficulties in the way greater than Bunyan's pilgrim encountered, I will not surrender my hope to see it accomplished.

Mr. BOGY. Mr. President, this subject has been discussed at some length already to-day. It is a very important subject, and, as stated by all the Senators who have spoken, perhaps it is the most important which will be presented to Congress during the present session. I view it myself as a subject of great importance. I am very unwell, and have been for a couple of days, and therefore ask that the subject be postponed to a future day, fixing the hour and making it a special order for that time.

I am perfectly in accord with the honorable Senator from Ohio as to the importance of passing some bill on this subject. I agree with him entirely as to the reasons which he has given for passing a bill so as to avoid the scarcity of small coin which will inevitably take place between this time and next fall. I am of the opinion that silver can be made a legal tender for all debts. It is my purpose at the proper time to give my views upon that subject. I am not able to do so to-day, and therefore I ask that the subject be postponed to a future time.

Before I make that motion, I think it proper that I should state, so that the fact may go to the country, that it is my intention to offer an amendment to the amendment heretofore offered by myself, if that be in order.

Mr. SHERMAN. I will state to the Senator from Missouri that according to the ordinary usage the amendment reported from the committee as section 2, should be acted upon before other amendments are offered. The Senator has no objection, I suppose, to letting that amendment be adopted, and then the whole text of the bill will be open to amendment.

Mr. BOGY. I have no objection to that course. I will, however, make a statement as a matter of information, and I desire that the fact should go to the country. The amendment heretofore proposed by me has been very much misunderstood and very severely criticised. I proposed that the duties on imports should be payable in silver or gold at the option of the importer. I stated the reason of my motion at the time I offered it, that I believed it to be the law; that is, the law providing for the payment of duties upon imports used the word "coin," and I contended then, as I contend now, that "coin" at that time, in accordance with the law of that date, was composed of the two metals, gold and silver; and I argued that it was competent to pay the duties with silver.

I furthermore said that if a tender was made by an importer of silver for duties upon importations, that tender would be good, and in my estimation it would be sustained by the Supreme Court of the United States. Nevertheless, for reasons which I intend to give at a future day, if I am able to secure the postponement of the further discussion of this subject, I think it would be better to limit it so that the duties upon imports may be paid in silver to the extent of one-half. Conceding the principle which I advanced a while ago that it is the right of the importer to pay all in silver, yet for reasons which I will not give at this moment, but which I intend to give, I would limit that right to one-half. That is one of the amendments which I design to propose to my amendment.

Another amendment which it is my intention to propose is as to the relation between gold and silver. My amendment proposes 15½ of silver to 1 of gold. At the time I proposed the amendment I explained at some length the reason of the amendment, stating that it did not meet my own approbation, but that, as that was the relation all over Europe, I thought it better to present the proposition in that way, so that it should be discussed on that basis, believing that a different relation should exist in this country. Therefore I shall at the proper time move that the relative value as between silver and gold shall be 16 of silver to 1 of gold.

These are the two amendments which I intend to propose to the amendment offered by myself. I state these facts so that they may go before the country for what they are worth. But as it is my desire to speak at some length on this subject, which is a subject of great importance, I ask that further discussion be postponed to a day certain. My friend from Nevada, [Mr. JONES,] who may be absent from the city, and I myself, perhaps, could not be present to-morrow, proposes that it be postponed until next Tuesday week, and be made the special order at one o'clock on that day. If that will meet the approbation of Senators, I will make that motion.

Mr. ALLISON. With the understanding, of course, that it shall not interfere with regular appropriation bills?

Mr. SHERMAN. I can only say that if that is done, I shall consider it substantially a defeat of the bill at this stage of the session.

Mr. BOGY. I would rather not have that understanding. It is very well known now that we shall be here a good while, and I think we shall have no trouble as far as the Senate is concerned with the appropriation bills, and the discussion of this bill will not be very lengthy. One day more will dispose of this subject. In view of its great importance, I think we ought to be allowed to have that one day. I therefore move that the bill be postponed until Tuesday week next and be made the special order at one o'clock on that day.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the pending bill be made the special order for the 20th of this month at one o'clock p. m.

Mr. ALLISON. Subject to appropriation bills. I move to amend it in that way because I certainly cannot consent that this bill shall take the place of the regular appropriation bills. If it does, I am sure we shall not get through with the appropriation bills before the 6th of July.

The PRESIDENT *pro tempore*. This motion requires a two-thirds

vote; and the proposed amendment to it is not in order. The question will be taken on the motion of the Senator from Missouri.

Mr. ALLISON. Then I shall be compelled to vote against it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri, to make the bill a special order for Tuesday, the 20th day of this month.

Mr. BOGY. To avoid any trouble or disappointment in this matter I would rather accept the amendment of my friend from Iowa, and let it be understood that this subject shall come up immediately after the appropriation bills. I have no disposition to postpone action on the appropriation bills. I thought they would be disposed of in a very short time so far as the Senate is concerned; but I will accept the suggestion of my friend from Iowa, provided I can get his support.

Mr. ALLISON. I have no objection to this bill being made a special order, subject to the appropriation bills.

Mr. BOGY. Immediately after them.

The PRESIDENT *pro tempore*. If there is no objection the Chair will put the question in that form, that the bill be made the special order for Tuesday, the 20th instant, at one o'clock p. m., subject to appropriation bills.

Mr. SHERMAN. I think it had better be put in such a form that there will be no controversy about it, by saying "subject to the then pending appropriation bill," so that it shall not be left to the end of all the appropriation bills. It must be passed in time for the other House to act.

Mr. ALLISON. Suppose an appropriation bill should be ready? But I see the chairman of the Committee on Appropriations in his seat now. I only interposed because he was not present.

Mr. SHERMAN. I shall insist on this matter being disposed of the next time it is brought up, even if we have to have a night session. I hope there will be an understanding that one day shall finish it.

Mr. BOGY. My speech will not be long.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri to make this bill the special order for the 20th of June, subject to any then pending appropriation bill.

The motion was agreed to by a two-thirds vote.

WARREN MITCHELL.

Mr. WRIGHT. On the 22d of March a report was made from the Committee on Claims upon the petition of Warren Mitchell, of Louisville, Kentucky, praying to have refunded to him the proceeds of certain cotton belonging to him seized and sold by the Government of the United States and covered into the Treasury. On the 30th, I believe, an order was made recommitting it to the Committee on Claims, as was supposed. It seems that it dropped out of the Journal; no such order appears in the Journal. In order that the record may be all straight and the matter get before the committee, I move that the order of the Senate concurring in the adverse report of the committee on that claim be reconsidered and that the bill be recommitted to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Iowa to reconsider the action of the Senate concurring in the adverse report and recommitting the case to the Committee on Claims? The Chair hears none, and the order is made.

B. F. WEST & CO.

Mr. WRIGHT. I move to proceed to the consideration of a little bill, House bill No. 40.

The motion was agreed to; and the bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge (Ohio) post-office, was considered as in Committee of the Whole. It provides for the payment to B. F. West & Co., of Martin's Ferry, Ohio, of $357, to re-imburse them for revenue-stamps purchased by them of the collector of internal revenue of the sixteenth district of Ohio, on the 4th of May, 1871, and stolen from the post-office at Cambridge, Ohio, on that night.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LAURA M. KNOWLTON.

Mr. ALLISON. I should be glad to have the Senate pass a little pension bill. It is a Senate bill which ought to go to the House to secure action there; and I am sure there will be no objection to it. I move to take up Senate bill No. 816.

The motion was agreed to; and the bill (S. No. 816) granting a pension to Laura M. Knowlton was read the second time and considered as in Committee of the Whole.

Mr. ALLISON. I offer an amendment, which was really agreed to by the committee:

Said pension to take effect from and after the passage of this act.

I think that is the effect of it now; but it may not possibly be so construed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TESTS OF METALS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I herewith transmit the report of the board appointed to test iron, steel, and other metals in accordance with the provisions of section 4 of an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1876, and for other purposes, approved March 3, 1875.

This board is to determine by actual tests the strength and value of all metals, and to prepare tables which will exhibit their strength and value for all constructions.

The accompanying memorials and resolutions of scientific associations, colleges, and schools strongly advocate the continuation of this board, which is national in its character and general in its investigations.

The board asks for an appropriation of $50,000 for the ensuing year, and that any unexpended balances remaining on hand on the 30th June, 1876, may be re-appropriated.

This recommendation is submitted for favorable action in the belief that the labors of the board will, in the benefits accruing to important industrial interests, more than repay to the country at large any money that may be so expended.

U. S. GRANT.

EXECUTIVE MANSION, *June* 7, 1876.

The message was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books and other matters therein contained, and prohibiting lottery circulars passing through the mails; and

A bill (H. R. No. 3628) establishing post-roads.

The bill (H. R. No. 3670) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska, was referred to the Committee on Railroads.

A. K. EATON AND J. D. JENKINS.

Mr. COCKRELL. I move for the present consideration of House bill No. 2829.

The motion was agreed to; and the bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins was considered as in Committee of the Whole. It provides for paying to Ariel K Eaton, of Osage, Iowa, late receiver of the United States land office at Decorah and Osage, Iowa, $3,600, on account of money paid out and expended by him as such receiver for clerks in his office during the time he was the incumbent thereof; and for paying to James D. Jenkins, of Osage, Iowa, late register of the United States land office at Decorah and Osage, Iowa, $3,600, on account of money paid out and expended by him as such register for clerks in his office during the time he was the incumbent thereof.

Mr. INGALLS. This bill presents an innovation on the usual method of conducting business by the Department of the Interior in regard to the administration of its public-land business; and before voting for the bill I should like to have some explanation why it is necessary to make an allowance for clerk hire when the sum prescribed is fixed by law and is usually derived from the funds paid to the office.

Mr. COCKRELL. Let the report be read, and that will explain the whole case.

The PRESIDENT *pro tempore*. There is a House report.

Mr. COCKRELL. The House report was adopted by our committee.

Mr. WRIGHT. I suggest to my friend from Kansas that I can make a statement which will obviate the necessity of reading the report.

Mr. INGALLS. I should be glad to hear it.

Mr. WRIGHT. The necessity of this appropriation arises in this way: This extra clerk hire was incurred at a time when there was an unprecedented rush, especially in our State, making entries by military land warrants.

Mr. INGALLS. When?

Mr. WRIGHT. The year I do not remember.

Mr. ALLISON. Eighteen hundred and fifty-six.

Mr. WRIGHT. Yes, it was 1856. The rush that was then made was unprecedented. It was then understood that the fees arising from entries by military land warrants went into the hands of the land officers, and they did receive an amount of fees, $30,000 or $40,000, all of which was paid into the Treasury of the United States under a decision subsequently made. At the time they employed clerks upon the supposition that they were entitled to the entire sum they received from the entries by military land warrants, and they were compelled to do it over and above what they could possibly afford to do under their salaries. Subsequently it was determined by the Department that they were compelled to pay this money into the Treasury, and they did pay it in, and this bill is to compensate them because of the extraordinary amount they were compelled to pay by reason of the immense rush there was in the entry of land warrants, for which there are several precedents in the legislation of Congress in reference to similar cases heretofore.

Mr. INGALLS. I must still say that this claim wears a very suspicious aspect. It has been depending since 1856, now twenty years, and I believe that this act will be found to have no precedent in the

legislation of this country. The uniform custom is that, no matter how large may be the receipts or however much in excess of the maximum the fees of the office may be, the registers and receivers shall receive a stated compensation, out of which they shall pay clerk hire in their respective offices; and to allow this bill to pass at this time under these circumstances, in my judgment, would make an immediate demand upon the Treasury by the register and receiver of every land office in this country, because there is not one, certainly not one in my State, I presume not one in the State of Nebraska, where they have not been subjected to extraordinary labor and to the employment of an extra amount of clerk hire by the incursion of settlers and immigrants and purchasers upon the public lands. I hope that this bill will not be urged upon the consideration of the Senate, because it establishes, in my opinion, a precedent that is as vicious in theory as it will be pernicious in practice.

Mr. WRIGHT. I only wish to say one word. I regret very much that my friend from Kansas, after this bill has passed the House and passed the scrutiny of a committee in that body, and has passed also the scrutiny of the Committee on Claims of the Senate, where it had the concurrence of every member of the committee, should have thought it necessary to state that he regarded it as vicious. We are not in the habit of passing claims in that way. I did believe and still believe this to be a fair and honest claim.

The Senator also suggests that he does not believe any precedent can be found for this. The report itself and the record show that there has been more than one precedent, perhaps half a dozen almost, for this very legislation. I said when I was up before that there were precedents for this legislation. I did not say so without having examined them and without knowing that it was so; and therefore I regret very much that my friend should have esteemed this bill and styled it fishy, and that he did not think there were precedents for it. There are precedents for it.

Then, so far as the time is concerned, these persons have been knocking at the door of Congress and have never been able to get any relief. This is the third or fourth Congress they have been here, and before that they were endeavoring to have the matter settled before the Department.

I have no particular anxiety to press the bill; but these men have been delayed so long, and they have been so literally broken up from the fact that they took these fees believing they had a right to them under a former decision of the Department and were afterward required to pay and did pay them at the sacrifice of almost everything they had on earth, and have now been for years knocking at the door of Congress to be re-imbursed.

Mr. CLAYTON. I move that the Senate adjourn.

Mr. GORDON. Will the Senator withdraw that in order that we may have a few minutes' executive session?

Mr. CLAYTON. I withdraw my motion for that purpose.

EXECUTIVE SESSION.

Mr. GORDON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 8, 1876.

The House met at twelve o'clock m. Prayer by Rev. A. F. STEELE, of Washington.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. BLAND. I rise for the purpose of correcting the Journal. I understand that the motion which I made to reconsider the vote granting leave for the withdrawal of papers accompanying House bill No. 1723 for the relief of Johanna May Page, is ascribed to Mr. HENDEE, when it was made by myself.

The SPEAKER *pro tempore*. The correction of the Journal will be made.

SWEARING IN OF A MEMBER.

Mr. HOUSE. I desire to state that Mr. Spencer, from the fifth congressional district of Louisiana, is present, and I ask that he be sworn in.

Mr. WILLIAM B. SPENCER appeared and qualified by taking the oath prescribed by the act of July 11, 1868.

INDIAN APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Chair desires to lay before the House one or two executive communications, and he will state that the communication from the Indian Department came to the House several days ago and was mislaid, having been placed with other papers in a similar envelope.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a suggestion from the Indian Bureau relative to the Indian appropriation bill for the coming fiscal year; which was referred to the Committee on Appropriations.

CLAIMS FOR INDEMNITY FOR INDIAN DEPREDATIONS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the claims of sundry persons for indemnity for Indian depredations; which was referred to the Committee on Indian Affairs.

PACIFIC RAILROAD.

Mr. LAWRENCE. I desire to enter a motion to reconsider the vote by which the bill (H. R. No. 3671) to amend the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned, was recommitted to the Committee on the Judiciary.

The SPEAKER *pro tempore*. The motion will be entered.

ORDER OF BUSINESS.

Mr. LORD. I move that the House proceed to the consideration of the unfinished business relating to the Geneva award. I yield for a moment to the gentleman from Ohio [Mr. BANNING] for a motion.

COMMUNICATION BETWEEN COLORADO AND NEW MEXICO.

Mr. BANNING, by unanimous consent, reported from the Committee on Military Affairs a letter and accompanying report from the Secretary of War, relating to lines of communication between Southern Colorado and Northern New Mexico; which were ordered to be printed, and recommitted.

DISPOSITION OF SECRET-SERVICE FUND.

Mr. LORD. I yield now to the gentleman from Illinois, [Mr. CAULFIELD.]

Mr. CAULFIELD, by unanimous consent, reported from the Committee on Expenditures in the Department of Justice the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be authorized to print the testimony taken by said committee in reference to the disposition of the secret-service fund.

Mr. CLYMER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLARK, of Missouri. I rise to a parliamentary inquiry. I desire to know whether the consideration of the Geneva award bill has such priority as to preclude the morning hour? If not, I call for the regular order.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) The Chair will state to the gentleman from Missouri that, in his judgment, it is within the discretion of the House, if it so desires, to defer the morning hour.

Mr. LORD. I understood that I was recognized, and I made my motion. I am at least entitled to have the question put whether the morning hour shall not be excluded.

The SPEAKER *pro tempore*. The gentleman from New York is entitled to take the sense of the House upon the exclusion of the morning hour.

Mr. REAGAN. In relation to the motion of the gentleman from New York and the opinion which appears to be indicated by the Chair, I wish to say that while I have no objection to taking up the bill in relation to the Geneva award, and do not wish to throw any obstacle in its way, yet if the gentleman from New York can have the House by a majority vote to take up that bill when the question of order is made that the morning hour is entitled to precedence, it enables this House to suspend the rules by a majority vote. I merely mention this point, not that I feel any interest in the present question, but only because, as I understand, the rules of the House cannot be overridden except by a two-thirds vote.

The SPEAKER *pro tempore*. The gentleman from Texas will remember that the permanent Speaker of the House has over and over again decided that it was competent to do away with the morning hour whenever the pleasure of the House should be so indicated. The present occupant of the Chair is indisposed to overturn a ruling so well settled.

Mr. REAGAN. I do not wish to question the decision of the Speaker of the House; but it is a little singular that a majority of the House should be able to set aside the rules of the House.

Mr. LORD. I desire to call attention to Rule 56 in relation to the unfinished business. It will be found on page 255 of the Digest. I ask that the rule be read.

The Clerk read as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Mr. CANNON, of Illinois. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. LORD] is entitled to the floor.

Mr. CANNON, of Illinois. The regular order is the unfinished business pending in the last morning hour, which was upon the passage of a post-route bill.

Mr. GARFIELD and Mr. CLARK of Missouri. That is the fact.

Mr. LORD. On account of the pressure of this bill and others, I move to dispense with the morning hour.

Mr. CANNON, of Illinois. In reply to that I call for the regular order.

The SPEAKER *pro tempore*, (Mr. COX.) The regular order would be the consideration of the unfinished business in the morning hour, the bill reported from the Committee on the Post-Office and Post-Roads.

Mr. LORD. I move to dispense with the morning hour.

The SPEAKER *pro tempore*. That is equivalent to raising the question of consideration.

Mr. REAGAN. Can a majority of the House suspend a rule and do away with the morning hour?

Mr. O'BRIEN. We have a hundred precedents for that.

The SPEAKER *pro tempore*. That is often done on appropriation bills, &c., on other days than Mondays.

Mr. CLARK, of Missouri. I will raise the question of consideration.

The SPEAKER *pro tempore*. The unfinished business is the morning-hour business coming over from yesterday, and the gentleman from New York [Mr. LORD] moves to dispense with the morning hour, which raises the question of consideration.

Mr. HOAR. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOAR. The morning hour being required under the rules, it cannot be dispensed with on any other day but Monday, except by unanimous consent. I respectfully ask leave to say a word or two on this question, which is one of the most important and involves the right of all the committees of this House, except perhaps two or three of them. I understood the honorable gentleman who just now occupied the chair [Mr. BLACKBURN] to state that the permanent Speaker of the House had ruled over and over again that the morning hour might be dispensed with.

The SPEAKER *pro tempore*. That has been done.

Mr. HOAR. No such ruling has taken place when I was present. My impression is that an examination of the rulings of the Speaker would show that they were simply that the morning hour could be dispensed with by unanimous consent; because to set aside this rule by a majority vote is to destroy the right of every committee of this House to have its two morning hours for the consideration of its business, and to put the business of the House under the control of those committees having the right to report at any time, which would be destructive of the equality of members upon this floor. If there has been any such precedent established this session, it must have been without being noticed, for it would overturn the universal practice of this House ever since its rules were established, and would be a most dangerous precedent.

Mr. BURCHARD, of Illinois. I ask the gentleman from Massachusetts [Mr. HOAR] if he intends to say that it has not been the practice of the House to take up unfinished business as the regular order, to the exclusion of the morning hour, until that unfinished business was disposed of?

Mr. HOAR. Undoubtedly the unfinished business comes up before the morning hour; that is, when business has once been entertained by the House and comes over in regular order, that unfinished business is taken up and completed before the morning hour begins. That is not the proposition here. If the Geneva award bill be the unfinished business coming over from yesterday, then it will come up under the rule, as I hope it will. I do not want to interfere with it in the least. But what I remonstrate against is the principle that when there is no unfinished business a majority vote can set aside the morning hour.

Mr. BURCHARD, of Illinois. I agree with the gentleman there.

Mr. LORD. The Geneva award bill is the unfinished business upon which the House adjourned last night, and is strictly within the rule as construed by the gentleman from Massachusetts [Mr. HOAR] as unfinished business coming up before the morning hour.

Mr. REAGAN. It is not the unfinished business of the morning hour.

Mr. BURCHARD, of Illinois. The Geneva award bill was made a special order to the exclusion of all other orders, and even of motions to suspend the rules, until disposed of; hence I take it to be the regular order of business.

The SPEAKER *pro tempore*. Whatever might be the opinion of the Chair, he can only decide the question according to the practice which has prevailed in the House, and according to what has been frequently done this session, that is, where there is a collision of this kind, as to which business shall take precedence, the Chair has uniformly submitted the question to the House. In regard to matters of this very nature, such as dispensing with the morning hour, that has been done over and over again. There is no doubt of the fact that in the morning hour the unfinished business is the bill reported from the Committee on the Post-Office and Post-Roads; and that would seem at first sight to be the very first business to be attended to this morning under the rule which gives unfinished business the precedence, because of the necessity of securing a continuity of business and of procedure in the House. The rule provides:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of.

Another rule limits this, so that the unfinished business pertaining to that particular occasion or time shall come up as unfinished business. The Chair, therefore, will submit to the House, for the majority to determine, the question whether or not they will proceed now to the consideration of the unfinished business of the morning hour of yesterday or the Geneva award bill.

Mr. CANNON, of Illinois. I desire to make one statement, or rather inquiry, in reference to the ruling of the Chair, and its bearing also upon the merits of the question. The Committee on the Post-Office and Post-Roads desire to have a bill considered which I think can be considered and passed within an hour; a bill that will save many hundred thousands of dollars to the Government in the letting of contracts. Under the ruling of the Chair I put it to the House whether we should not have this morning instead of being crowded out by the wrangling of private individuals as to who shall have a few millions of the Geneva award.

The SPEAKER *pro tempore*. The question is this: Will the House now proceed with the consideration of the unfinished business of the morning hour of yesterday?

The question was taken; and it was decided in the affirmative.

POST-ROUTE BILL.

The SPEAKER *pro tempore*. The morning hour now begins at twenty-five minutes to one o'clock, and the first thing in order is the unfinished business of the morning hour yesterday, a bill (H. R. No. 3628) establishing post-routes.

Mr. LORD. I will move that the Geneva award be taken up at the expiration of the morning hour.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman at the end of the morning hour for that purpose.

Mr. BRADLEY. I ask the gentleman from Illinois to yield to me for a single moment.

Mr. CANNON, of Illinois. The bill is under the charge of the gentleman from Missouri.

Mr. MORRISON. I demand the regular order of business.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. CROUNSE. I move an amendment to the bill to strike out line 557, page 24, "from Kearney, Nebraska, to Custer City in the Black Hills," because it has already been provided for in the other bill.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. KEHR. I ask unanimous consent to print as part of the debates some remarks on the bill reported from the Committee on Foreign Affairs, to carry into execution the provisions of the fourteenth amendment to the Constitution.

There was no objection, and leave was granted. [See Appendix.]

MAIL CONTRACTS.

Mr. LUTTRELL, from the Committee on the Post-Office and Post-Roads, reported back a bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and moved it be put on its passage.

The Clerk read the bill, as follows:

That sections 246 and 251 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, be amended to read as follows:

"SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond over and above all debts due and owing by them and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond, and as a part thereof, there shall be a series of interrogatories in print or writing, to be prescribed by the Postmaster-General and answered by the sureties under oath, showing the amount of real estate owned by them, a brief description thereof and its probable value, where it is situated; in what county and State the record evidence of their title exists; the character of the incumbrance thereon, whether by mortgage or judgment, and a reference to the State, county, and office in which the record evidence of such incumbrance exists; what exemptions under the provisions of State laws or otherwise can be claimed in favor of the sureties against said real estate; and if the sureties shall knowingly and willfully make false answers thereto they shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury.

"SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or, having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid too high, in which case he shall re-advertise such service. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with surefies, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed and with sureties to be approved by the Postmaster-General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving, in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured, the route shall be re-advertised. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term. And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms, for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General."

Mr. LUTTRELL. I am directed by the committee to move the following amendment.

The Clerk read as follows:

And that section 3954 of the Revised Statutes be amended to read as follows:

"Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or, having entered into such contract, shall wrongfully refuse or fail to perform such service, shall for any such failure or refusal be deemed guilty of a misdemeanor, and be punished by a fine of not more than $5,000 and by imprisonment for not more than twelve months.

And the failure or refusal of any such person or persons to enter into such contract in due form, or, having entered into such contract, the failure or refusal to perform such service, shall be *prima facie* evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful."

The amendment was agreed to.

Mr. CLARK, of Missouri. I am directed by the committee to move, on line 27, beginning at the words "the character," to strike out to line 36, inclusive, and insert as follows.

The Clerk read as follows:

And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section, he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury.

The amendment was agreed to.

Mr. LUTTRELL. Mr. Speaker, this bill as it has been amended has been prepared by the committee and the Post-Office Department. It has been fully approved by the Postmaster-General and the Second Assistant Postmaster-General. It is intended to break up the system of "straw bids." The committee believes, if the bill be passed as it is, that system will be entirely broken up and thereby hundreds of thousands of dollars saved to the tax-payers of the country.

Mr. PAGE. Do I understand my colleague to say this bill was prepared at the Post-Office Department?

Mr. LUTTRELL. In answer to my colleague, I will say that the Post-Office Department and the Committee on the Post-Office and Post-Roads prepared this bill with great care. They have united on every provision of it and there is no difference of opinion in regard to any one of them. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LUTTRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LUTTRELL moved to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. LUTTRELL moved to reconsider the vote by which the bill was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. SLEMONS, from the Committee on the Post-Office and Post-Roads, reported back, with an amendment, the bill (H. R. No. 1741) to authorize the construction of a bridge across the Mississippi River at Memphis, Tennessee; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

OATHS FOR GRAND AND PETIT JURORS.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 1442) to repeal section 821 of the Revised Statutes of the United States, and to provide an oath for grand and petit jurors in the courts of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 821 of the Revised Statutes of the United States, which provides for an oath to be administered to jurors in the courts of the United States, be, and the same is hereby, repealed.

SEC. 2. That the following oath, and no other, shall be administered to, and taken by, grand jurors in United States courts, to wit: "You, A B, do solemnly swear that you will support the Constitution of the United States and the laws of Congress made in pursuance thereof; that you will keep secret the proceedings of the grand jury of which you are a member; that you will diligently inquire and examine into all matters given you in charge by the court and into all matters brought before you; that you will present no one from hatred or malice, nor will you fail to present any one from fear, favor, or affection; but that you will present all matters according to law and the testimony and according to the best of your understanding and belief: so help you God."

SEC. 3. That petit jurors in the courts of the United States shall take the following oath, and no other, to wit: "You, A B, do solemnly swear that you will support the Constitution of the United States and the laws made in pursuance thereof; that you will well and truly try and a true deliverance make in the cause wherein the United States is plaintiff (or if it be a civil cause insert the name of the plaintiff in lieu of the words United States) and C D is defendant, according to the law and the evidence, to the best of your knowledge and understanding: so help you God."

The amendment reported by the committee was read, as follows:

Strike out sections 2 and 3 of the bill, and insert the following:

SEC. 2. That the following oath, and no other, shall be administered to, and taken by, grand jurors in the courts of the United States, to wit: "You do solemnly swear that saving yourselves you will diligent inquiry and true presentment make of all treasons, felonies, and misdemeanors and other breaches of the penal laws of the United States within the jurisdiction of this court of which you have or may obtain knowledge, or which may be given you in charge by the court, or otherwise legally brought to your notice; that you will keep secret the proceedings of this grand jury; that you will present no one through malice, hatred, or ill will, or for reward or hope of reward, nor fail to present any one through fear, favor, or affection; and that in all respects you will well and faithfully discharge the duties of grand jurors according to law to the best of your understanding and belief: so help you God."

SEC. 3. That the following oath, and no other, shall be administered to petit jurors on the trial of causes in the courts of the United States, to wit: "That you and each of you do solemnly swear that you will well and truly try the issue joined in the cause now pending, wherein —— is plaintiff, and —— is defendant, and a true verdict render according to the law and the evidence: so help you God."

Mr. KASSON. I ask for the reading of the section of the Revised Statutes which this bill proposes to repeal.

The Clerk read section 821 of the Revised Statutes, as follows.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court in their discretion may require, the clerk to tender to every person summoned to serve as a grand or petit juror, or veniremen, or talesman in said court the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms the laws of, the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury or venire to which he may have been summoned.

Mr. KNOTT. I call the previous question on the bill and amendment.

Mr. KASSON. Will the gentleman not be good enough to give a brief explanation of the change effected by the bill? It was almost impossible to hear the bill read in the confusion.

Mr. KNOTT. The only change that the bill makes in the existing law is this: It repeals a provision of law enacted in 1862, during the rebellion, providing for the administering of what is commonly known as the iron-clad oath to jurors, grand and petit, at the discretion of the district attorney; and provides that the same oath shall be taken in the United States courts, by petit and grand jurors, as is taken by jurors in civil cases in the State courts; namely, the old common-law oath. That is the only change made. The bill substitutes the oath with which lawyers have been familiar, and which has always been found, at least in times of peace, abundantly sufficient to answer the ends of justice.

Mr. KASSON. Does the new oath proposed include an oath or affirmation to support the Constitution of the United States; or is that left out of the new oath?

Mr. KNOTT. That is left out. That clause of the oath never existed anterior to this iron-clad oath. At the time that law was passed during the rebellion, there was a necessity for that oath. But the necessity no longer exists in time of peace.

Mr. KASSON. I agree with the gentleman from Kentucky as to the propriety now of changing that oath. But I do not quite agree with him as to the propriety of removing that branch of it which calls for an oath to support the Constitution of the United States in the

future. I would be very glad if the gentleman would allow an amendment to the proposed oath by adding that. I think that ought to go in, in view of the amendments to the Constitution, and in view of the troubles that may arise in regard to, or the rights arising under, those amendments. If the gentleman will allow me I will offer that amendment in the language of the present oath, "You do solemnly swear that you will support the Constitution of the United States of America," followed by what it is proposed.

Mr. KNOTT. I do not yield for that amendment. I do not know how it may be in the courts of Iowa, but I suppose that no citizen of Iowa summoned as a juror, either in a State or a Federal court, is required to take that oath. Nor is it necessary. It never was considered necessary anterior to the enactment of the law of 1862.

Mr. KASSON. If my honorable friend will allow me, I will say that the reason for this is not theoretical. There are certain new amendments to the Constitution, under which certain private rights have been created that did not exist before the war; and in view of the peculiar character of these private rights I think it just and even necessary that that oath should be required in the courts of the United States.

Mr. KNOTT. So far as that is concerned I will remark that the gentleman is a very fine lawyer, and he must know that whatever the provision of the Constitution or the laws may be the juror is not the judge of the law at all; he must decide according to the law as given to him by the court; the court is the judge of the law and the juror's oath binds him to render a verdict according to the law.

Mr. O'BRIEN. I am in favor of the incorporation of this provision as an amendment, as suggested by the gentleman from Iowa, [Mr. KASSON,] and I would call the attention of the gentleman from Kentucky [Mr. KNOTT] and of the House to the fact that in the State courts of Maryland—I do not know how it may be in other States—the jurors in criminal cases are judges of the law and the fact.

The provision to support the Constitution may not exist in the oath taken in the State courts, but in the United States courts both the petit and grand jurors should be sworn to support the Constitution of the United States, as proceedings there pertain particularly to the laws of the United States. It would be well, therefore, that the provision suggested by the gentleman from Iowa should be incorporated as an amendment.

Mr. HOAR. I desire to ask the gentleman from Kentucky whether the statement which he last made was quite correct? I understood him to state that what is known as the iron-clad oath, which I think everybody will agree to dispense with, and which I understand the gentleman from Iowa to agree to dispense with, is abolished by this provision, but in section 822 of the Revised Statutes of the United States there is this provision:

> No person shall be a grand or petit juror in any court of the United States, upon any inquiry, hearing or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of title "civil rights" and of title "crimes," for enforcing the provisions of the fourteenth amendment to the Constitution, who is, in the judgment of the court, in complicity with any combination or conspiracy in said titles set forth; and every grand and petit juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath, in open court, that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy.

Now, does not this bill repeal that also?

Mr. KNOTT. I think it does in a measure, though my attention has not been called to that question.

Mr. HOAR. I hope the gentleman will allow this bill to be printed before further action is taken on it.

Mr. KNOTT. I will yield for the amendment proposed by the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I move, then, to insert after the word "swear" the words "that you will support the Constitution of the United States and."

Mr. KNOTT. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I desire to ask the gentleman from Kentucky whether he has included in his amendment the suggestion of the gentleman from Massachusetts to save the provision of the law in reference to the civil-rights bill and the fourteenth amendment?

Mr. KNOTT. I have not.

Mr. GARFIELD. Well, I am sure the gentleman would not like to have the House act under a misapprehension. I understood that to have been corrected, and I hope he will allow it to be corrected now.

Mr. KNOTT. I have not yielded for any such amendment nor do I propose to do so.

Mr. GARFIELD. The Kasson amendment does not save section 822 of the Revised Statutes from repeal. I ask the gentleman to permit the previous question to be reconsidered so as to allow an amendment to be offered.

Mr. KNOTT. No, sir; I cannot yield.

The question was taken on Mr. KASSON's amendment to the amendment; and it was agreed to.

The amendment reported by the Committee on the Judiciary, as amended, was then agreed to.

Mr. GARFIELD. I now ask the gentleman to allow me to offer an amendment providing that this bill shall not repeal section 822 of the Revised Statutes.

Mr. KNOTT. No, Mr. Speaker, I cannot yield.

Mr. GARFIELD. Well, then, Mr. Speaker, I ask the House to vote down the bill.

Mr. KNOTT. Very well, let the House do it if they want to.

The question was put on ordering the bill to be engrossed and read a third time, there being on a division—ayes 123, noes 83.

So the bill was ordered to be engrossed and read a third time.

Mr. GARFIELD. I call for the reading of the engrossed bill; if the gentleman will allow the amendment I have suggested to be offered I will withdraw that call.

Mr. KNOTT. I will not yield. If the gentleman wants to retard business in this way, let him do it.

Mr. GARFIELD. I do want to retard business that neglects so important a provision as that.

Mr. KNOTT. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, in order to give time to have it engrossed, and upon that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and the affirmative having voted, the Speaker *pro tempore* announced that a sufficient number had risen to order the yeas and nays.

Mr. HOAR. I desire to address the House on the motion to reconsider.

Mr. CLYMER. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Massachusetts is entitled to the floor, as the previous question has not been called upon the motion to reconsider.

Mr. HOAR. I do not believe that any considerable number of members upon this side of the House——

Mr. O'BRIEN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. O'BRIEN. The point of order is that the motion to reconsider was put to the House and decided in the affirmative, and was so announced from the Speaker's chair; and it is now too late to rise to debate a question which has already been determined and the decision upon it announced by the Speaker.

Mr. KNOTT. The yeas and nays were ordered on the motion to reconsider.

Mr. O'BRIEN. The Chair had already announced that the motion to reconsider was agreed to before the gentleman from Massachusetts [Mr. HOAR] rose to debate that motion.

Mr. HOAR. As I understand it, the previous question was ordered upon the motion that the bill be ordered to be engrossed and read a third time, and that motion prevailed; thereupon the previous question was exhausted. Then the gentleman from Kentucky [Mr. KNOTT] moved to reconsider the vote by which the bill was ordered to be engrossed, but he did not move to lay that motion to reconsider upon the table. It is to the motion to reconsider, which is now pending, that I desire to address myself. Upon the question of ordering the yeas and nays upon the motion to reconsider, the affirmative vote was taken, but the negative vote was not called for. A member arising and addressing the Chair under this circumstance is entitled to the floor. Even had there been a vote upon the motion to reconsider, the call for the yeas and nays upon that motion wipes out the previous ascertainment of the vote.

Mr. O'BRIEN. Not only was the affirmative vote taken and the negative vote also, but——

Mr. HOAR. I have not got through yet, if the gentleman will wait a moment. On page 171 of the Manual is this:

> When a vote under the operation of the previous question is reconsidered, the question is then divested of the previous question and open to debate and amendment.

Mr. O'BRIEN. There is no doubt about that; but this case does not come within that rule. The motion to reconsider was made by the gentleman from Kentucky, [Mr. KNOTT,] the affirmative vote was taken, the negative vote taken——

Many MEMBERS. "No," "no."

Mr. O'BRIEN. And the Speaker decided that the motion to reconsider had prevailed; whereupon the gentleman from Massachusetts [Mr. HOAR] rose in his place and claimed the floor, with the privilege of debating the question. Now while I do not object to any discussion and do not object to hearing the gentleman from Massachusetts, except in the interest of the proper proceedings of the House, I claim that my point of order is well taken.

Mr. HOAR. I was quite sure the gentleman from Maryland [Mr. O'BRIEN] did not understand the facts. The Chair has not decided that the motion to reconsider has prevailed; there has been no such announcement by the Chair; the negative vote has not been called for.

Mr. O'BRIEN. It is only a question of recollection; the record will state the fact.

Mr. HOAR. Even if it had been, the call for the yeas and nays wipes out all previous voting upon the question.

The SPEAKER *pro tempore*. Of course the previous question did not operate upon the motion to reconsider; it was exhausted previous to the motion to reconsider. The motion to reconsider was in order, and the gentleman from Kentucky [Mr. KNOTT] made the motion, but did not call the previous question upon it. The yeas and nays, however, were ordered upon the motion to reconsider.

Mr. HOAR. The yeas and nays were called for, and the affirmative

vote was taken upon ordering them, but the negative vote was not taken.

The SPEAKER *pro tempore*. The negative vote was not insisted upon. The yeas and nays were called for——

Mr. GARFIELD. But not ordered.

The SPEAKER *pro tempore*. The affirmative vote on ordering the yeas and nays was taken. Any gentleman had the right to call for the vote upon the other side, but that was not done. In the opinion of the Chair, the previous question not operating upon the motion to reconsider and the gentleman from Massachusetts [Mr. HOAR] claiming the floor upon that motion, he is entitled to speak upon it.

Mr. HOAR. It is often the case, Mr. Speaker, that, in preparing one of these general laws which affect the practice in all criminal and all civil cases, the most learned and most careful committee will sometimes overlook some special view or some special case, and not provide for it in the bill which they prepare.

Now this bill proposes to repeal what is called the iron-clad oath, and we all agree that it is a good thing to repeal that iron-clad oath. The bill goes on then to enact that no other oath whatsoever shall be required, except the simple oath to perform the general duty of a juryman.

Now section 822 of the Revised Statutes provides that wherever there is a criminal trial for any conspiracy to avoid or overthrow the laws of the United States set forth either under the title civil rights or the title crimes, before entering upon that special inquiry an oath shall be administered to the grand or petit juror that he is not a partner or a partaker in any such conspiracy. It is that oath which this bill——

Mr. KNOTT. Will the gentleman permit me——

Mr. HOAR. Allow me to finish my statement. It is that oath also that is done away with by this bill. The result of passing this bill will be that a member of the whisky-ring in the city of Milwaukee, the city of Saint Louis, the city of Chicago, or in any of the other places where, according to public fame, combinations to defraud the revenue have existed, may sit upon a jury, and there is no mode whatever known to the law by which that man can be banished from that jury.

Mr. KNOTT. Will the gentleman permit me to ask him a question now?

Mr. HOAR. Certainly, with great pleasure.

Mr. KNOTT. In impaneling a jury would it not be perfectly competent for the judge to propound the question to a juryman whether or not he had belonged to such an organization?

Mr. HOAR. Not upon oath; that is the very thing which this bill cuts up; every protection of that kind this bill cuts up by the roots. At common law the judge, upon the *voir dire*, might propound that question to a juryman on oath; but this bill proposes to enact that no other oath whatever than the one set forth shall in any case be required to be taken by a juryman.

Mr. KASSON. I would like to call the attention of the gentleman from Massachusetts [Mr. HOAR] to another clause which enforces the view he has taken. There is in the proposed oath a clause that "saving yourself you will make true presentment," &c. So that the criminals referred to by the gentleman from Massachusetts are saved by the provision of the oath, where one or more of them do sit on a jury, from making a finding as against any member of the jury.

Mr. HOAR. Now, is there a gentleman on either side of this House who is willing to stand up in the face of the American people and say that if anywhere a body of men are on trial for a conspiracy to overthrow the laws of the United States, whether a conspiracy against the civil-rights bill, or against the revenue, or against the purity of the mails, the judge shall not have the power of excluding from the jury the partners in the very conspiracy which is to be tried?

There is no indignity upon anybody in this oath. As my colleague on the committee has very well suggested to me by his question, it is no more than the judge of any State court would upon the *voir dire* require of a jury impaneled before him. If a jury is sitting in Mississippi or Tennessee or Virginia or any other State to inquire into a conspiracy for the obstruction of any law of that State, the judge has the right, at the suggestion of either party, to require a juryman to answer under oath upon the *voir dire*, "Are you in any degree connected with any conspiracy of this kind?" and to exclude him from the jury if he is.

Now, here is a bill in which by inadvertence—by inadvertence I have no doubt—the honorable chairman of the Committee on the Judiciary has cut off that protection in all criminal cases; and he will be open—I do not mean to impute such a thing to him myself, but he will be open to the gravest suspicion that for the sake of protecting a particular class of conspirators he is willing to sweep away forever one of the principal protections of the purity and integrity of criminal trials.

Mr. REAGAN. I want to say one word.

Mr. HOAR. I yield to the gentleman for a few moments, but I do not surrender the floor.

Mr. REAGAN. I want to say that under the laws of various States provisions are made to exclude from service on juries persons who have been convicted of certain infamous crimes or violations of the law. But these exclusions from jury service are always of persons convicted of crimes which seem to disqualify them. The idea of adopting expurgatory oaths is a new one in our American system of government and law. It is a new thing that by this mode of indirection we seek to make men testify to their own guilt as to violations of the law. This is, I submit, a course inconsistent with a proper judicial system, with proper judicial morality, and with that security guaranteed to every person that he shall not be compelled to testify against himself.

Mr. HOAR. Has not this been the rule in the State of Texas ever since it was a republic?

Mr. REAGAN. Never in Texas or in any other State of this Union has a man been required to testify to facts that would exclude or admit him upon a jury except as to cases where conviction had preceded the interrogatory.

Mr. HOAR. Why, Mr. Speaker, twenty years ago in my own State of Massachusetts, as those of my colleagues who are lawyers will doubtless remember, there was an association of temperance men organized to enforce what was called the "Maine law," a very strict law against the sale of liquor; and one of our higher courts set aside a verdict because the court below that tried the case against one of these liquor-sellers would not at the request of the defendant allow a question to be put to men summoned upon the jury whether they belonged to that association. The higher court held that the defendant was entitled to have that fact ascertained and to have such men rejected from the jury. That was the case of an association to enforce a criminal law. Now, if you can ask a juryman whether he belongs to an association to enforce the criminal law, can you not ask him whether he belongs to an association to obstruct a criminal law?

I do not wish to put my word against that of the gentleman from Texas, [Mr. REAGAN,] whom I much respect; but I say that I think he must be mistaken. I do not believe that in any community where law is administered by the process of a jury trial the method which this bill seeks to repeal is not pursued.

Mr. REAGAN. If the gentleman will allow me, I will say that there is a difference between putting such questions as show whether the juryman would be prejudiced or disqualified by some fact of that kind from sitting on the jury, and the establishment of a rule which violates the great fundamental principle underlying both our legislation and the writings of our elementary authorities, that all men are presumed innocent until their guilt is proved.

Mr. HOAR. Does not the gentleman see——

Mr. LORD. I believe the morning hour has expired.

The SPEAKER *pro tempore*. It has.

Mr. HOAR. Then I shall hold the floor to-morrow morning.

Mr. LORD. I now call up the unfinished business, the bill in regard to the distribution of the Geneva award; but I will yield for a moment to the gentleman from Virginia [Mr. TUCKER] for a motion which will take no time.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., his Private Secretary.

CUSTOM-HOUSE BONDS.

Mr. TUCKER. I am instructed by the Committee of Ways and Means to report back the amendment of the Senate to the bill (H. R. No. 2135) relating to the execution of custom-house bonds, with the recommendation that it be concurred in. The bill passed the House in February last and the Senate on March 29 with an amendment. I ask unanimous consent for the consideration of the question at this time, as it will not take but a moment.

There was no objection.

The amendment of the Senate was read, as follows:

Strike out in lines 5 and 6 the words "or for the use and benefit of;" so the bill will read:

That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares, or merchandise imported into the United States by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof in like manner and to the same extent as if such other members or partners had personally executed the same; and any action or suit may be instituted on such bond against all the members or partners of such firm, as if all of the members or partners had executed the same.

The amendment of the Senate was concurred in.

Mr. TUCKER moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF REVENUE TAXES.

Mr. BURCHARD, of Illinois. I ask the gentleman from New York to yield to me.

Mr. LORD. I now yield to the gentleman from Illinois.

Mr. BURCHARD, of Illinois. I am instructed by the Committee of Ways and Means to report back the amendments of the Senate to the bill (H. R. No. 1800) for the relief of Kendrick & Avis; Kuner, Zisemann & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio, and to move that they be concurred in.

The Clerk read the amendments of the Senate, as follows:

In line 4 after the word "remit," insert "so much of," and insert at the end of the bill the following:

As, in his opinion, justice and equity may require: *Provided*, He shall be satisfied that the parties named are entirely free from any intention to violate the internal-revenue laws in the manufacture of vinegar as aforesaid.

The amendments were concurred in.

Mr. BURCHARD, of Illinois, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAPERS IN EXTRADITION CASES.

Mr. LORD. I now yield to the gentleman from Kentucky, [Mr. KNOTT,] in order that he may move concurrence in some Senate amendments.

Mr. KNOTT. I am directed by the Committee on the Judiciary to report back amendments of the Senate to the bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States, and to move they be concurred in.

The amendments of the Senate were read, as follows:

In line 7 strike out the words "or copies thereof," and in line 12, after the word "escape," insert:

And copies of any such depositions, warrants, or other papers shall, if authenticated according to the law of such foreign country, be in like manner received as evidence.

The amendments of the Senate were concurred in.

Mr. KNOTT moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINANCE.

Mr. LORD. I now yield to the gentleman from Indiana [Mr. LANDERS] for the purpose of introducing a resolution for reference only.

Mr. LANDERS, of Indiana. I send up to be read a preamble and resolution.

The Clerk read as follows:

Whereas it is the manifest duty of Congress to give a fixed and permanent value to all money it makes a legal tender in payment of honest debts; and whereas the American Congress is only the concentrated voice and power of the American people, between whom and their Government no special privileges can rightfully exist; and whereas by congressional legislation preference has been given to the bondholding creditors of the Government (in violation of that contract by which that debt was created) by promising to pay its principal and interest in gold, while the business of the country is transacted and honest private debts paid in legal-tender notes possessing less purchasing power than gold; by demonetizing silver, which was a legal tender when said debt was created; by permitting the issue of national-bank notes for which the people are annually taxed $20,000,000; by permitting national-bank notes to circulate as money without possessing any of its qualities, said notes being simply the evidence of the indebtedness of certain corporations, payable in legal-tender notes; by exhausting this country of gold by forcing Government bonds into the hands of foreign holders, to whom we have paid over $700,000,000 in interest during the past twelve years; by calling in and paying $400,000,000 of bonds in gold before they were due; by rendering everything else in the country valueless by measuring its value with a standard having no existence; by paralyzing industries, destroying credits, and bankrupting the people; by promising to redeem legal-tender notes at a stated time without one dollar in the Treasury for that purpose—all of which has been done without being petitioned for by the people and against their interest: Therefore,

Resolved, That the Committee on Banking and Currency be, and are hereby, instructed to prepare and report to this House at its earliest convenience a bill or bills covering the following:

First. The immediate repeal of the act approved January 14, 1875, pledging the faith of the Government to redeem its outstanding legal-tender notes with gold January 1, 1879.

Second. Making legal-tender notes and silver coin bearing the stamp or impress of the United States with its value marked thereon a legal tender equal with gold of like stamped value in payment of all debts, public and private.

Third. The substitution of legal tender for national-bank notes and authorizing a system of free banking, without circulation.

Fourth. The repeal of the act of March 18, 1869, promising to pay the 5-20 bonds of the Government in coin, and providing for their payment in lawful money, according to the contract under which said bonds were issued.

Fifth. Authorizing and directing the Secretary of the Treasury to issue legal-tender notes to the par value of any bonds of the Government deposited as security for said notes upon the payment of the interest accruing on said bonds while so held together, with 1 per cent. to the Government by the owners of said bonds for the use of said notes, and authorizing and directing said Secretary to return said bonds to their rightful owners after proper notice has been given and the payment into the Treasury of a like sum in par value of legal-tender notes.

And be it further resolved, That it is the sense of this House that neither gold nor silver should longer be regarded as arbitrary standards of value in payment of debts or settlement of exchanges; that they are just as good, but no better than paper bearing the impress, and representing the entire wealth, intelligence, and labor of a great and free government like the United States, and for this reason Congress should give to each equal value in the payment of all debts.

Be it further resolved, That it is the duty of the Government to furnish a currency, with a fixed value, equal to the requirements of business and the demand of an intelligent people, and that no issue of gold, silver, or paper should be permitted to exceed that demand.

Mr. KASSON. I object to the introduction of the resolution.

Mr. LORD. Let it be referred.

Mr. KASSON. I object.

The SPEAKER *pro tempore*. The resolution is not before the House, objection having been made.

RAVAGES OF GRASSHOPPERS.

Mr. DUNNELL. I ask unanimous consent to take from the Speaker's table a bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874, and to move that the amendments of the Senate be concurred in.

The amendments of the Senate were read, as follows:

Add the following:

And all the rights and privileges extended by this act to homestead and preemption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on the western prairies," approved March 3, 1873, and the acts amendatory thereof.

Amend the title of the bill so it will read: "A bill to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874, and for other purposes."

The amendments of the Senate were concurred in.

Mr. DUNNELL moved to reconsider the vote by which the bill and amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INFRINGEMENTS OF PATENTS.

Mr. LYNDE, by unanimous consent, from the Committee on the Judiciary, reported back a bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes, with amendments; which were recommitted, and ordered to be printed.

EVIDENCE IN PACIFIC RAILROAD INVESTIGATIONS.

Mr. BLAINE. Will the gentleman from New York yield to me for a moment?

Mr. LORD. Yes, sir.

Mr. BLAINE. Yesterday I entered a motion to reconsider the vote by which the resolution of the gentleman from Virginia [Mr. HUNTON] to print the testimony taken before his committee was passed.

The SPEAKER *pro tempore*. Does the gentleman call up that motion to reconsider?

Mr. BLAINE. No, sir. I desire the attention of the gentleman from Virginia [Mr. HUNTON] for a moment. My object in entering the motion to reconsider was not to delay the printing of the testimony, but to include in the resolution that there be also printed the telegram from Josiah Caldwell and the proceedings before the committee. There were certain proceedings which took place before that committee yesterday very important to me that would not be included under the head of evidence strictly and technically because not under oath. The gentleman from Virginia [Mr. HUNTON] will no doubt agree to the suggestion.

Mr. LORD. I did not yield for any debate or discussion. I merely yielded to the gentleman from Maine for a moment.

Mr. BLAINE. It will not take more than a moment.

Mr. HUNTON. I will detain the House but a minute. I desire to say that we have no sort of objection to publishing the dispatch to which allusion has been made for what it is worth and the proceedings of the committee yesterday morning.

Mr. BLAINE. Then just insert in the resolution "including the proceedings before the committee and the dispatch of Josiah Caldwell."

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. BLAINE. The gentleman from Virginia accedes to the proposition. Who is there to object?

Mr. SOUTHARD, (in his seat.) I object.

Mr. BLAINE. You must rise if you object.

Mr. SOUTHARD, (having risen.) I object.

Mr. BLAINE. The gentleman from Ohio objects. I do not delay the printing of the testimony.

Mr. SOUTHARD. I desire to say one word. I object to the publication of anything that purports to be evidence unless it is evidence before that committee. I make my objection for that reason.

Mr. BLAINE. You did not object to its being suppressed, but you object to its being published.

The SPEAKER *pro tempore*. This was a request for unanimous consent, and the gentleman from Ohio objects.

Mr. LORD. I yield now for a moment to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. HUNTON. The motion to reconsider has not been laid on the table. I make that motion now.

Mr. BLAINE. The motion to reconsider is not up.

Mr. HUNTON. I understood the gentleman to call it up.

Mr. BLAINE. I did not call it up. I asked for unanimous consent. If the motion is before the House, I am entitled to the floor upon it, and it is debatable.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from Maine to call up the motion to reconsider. The Chair put the question to him, and the gentleman said he did not call it up.

Mr. BLAINE. I would have something to say on it if it was called up.

Mr. HUNTON. I rise to a question of order. I make the point of order that the gentleman from Maine cannot call up his motion to reconsider for one purpose to the exclusion of another.

The SPEAKER *pro tempore*. The gentleman did not call up the motion to reconsider. The Chair put the question to the gentleman from Maine if he did so, and he said he did not.

Mr. BLAINE. If the gentleman from New York [Mr. LORD] will yield to me——

The SPEAKER *pro tempore*. The Chair will state the position of this matter. The gentleman from Maine was on the floor by the courtesy of the gentleman from New York, to ask for unanimous consent only. He did not call up the motion to reconsider, for the Chair asked him that question and he said he did not.

The gentleman from Maryland [Mr. O'BRIEN] is now on the floor by the courtesy of the gentleman from New York, [Mr. LORD.]

Mr. BLAINE. I desire to say, if the gentleman from New York will permit me——

The SPEAKER *pro tempore*. Does the gentleman from New York yield to the gentleman from Maine?

Mr. BLAINE. Merely for one word of explanation.

Mr. EDEN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the reading of the title of the bill which the gentleman from Maryland [Mr. O'BRIEN] desires to call up.

Mr. O'BRIEN. It is a bill to give a gentleman from Maryland relief from political disabilities.

Mr. BLAINE. Let him have it.

W. H. JENIFER.

Mr. O'BRIEN. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army.

The bill was read. It removes from W. H. Jenifer, late first lieutenant Second Cavalry, United States Army, all political disabilities imposed upon him by the fourteenth amendment of the Constitution of the United States by reason of participation in the rebellion.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed, (two-thirds voting in favor thereof.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The message also informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 803) to repeal the act granting a pension to Mary H. Bartlett, approved January 28, 1873;

A bill (S. No. 685) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry;

A bill (S. No. 240) relating to the jurisdiction of the circuit courts of the United States; and

A bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WELLS, of Missouri. I move that the legislative, &c., appropriation bill, which has just been returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Appropriations, and that the bill, with the amendments of the Senate, be printed.

The motion was agreed to.

DISTRIBUTION OF GENEVA AWARD.

The House, according to order, proceeded to the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award.

Mr. McCRARY. I yield five minutes of my time to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. Mr. Speaker, a few days since the able gentleman from New York [Mr. WARD] in the course of his speech introduced as a part of his remarks and had read from the Clerk's desk a petition from underwriters in regard to this Geneva award bill. A gentleman who suffered very heavily from one of the privateers in the late civil war has sent to me a very brief petition, which will take about two minutes to read, and asks to have his petition read at the Clerk's desk and printed in the RECORD. He takes a somewhat different view of the subject from that taken by the underwriters, and the gentleman from Iowa has kindly yielded me five minutes' time to have that petition read and printed in the RECORD as a part of my remarks. I only require time for that purpose.

The Clerk read the petition, as follows:

To the honorable House of Representatives:

The undersigned respectfully asks your favorable consideration of House bill No. 2685, it being in accord with the claims, the policy, and the record of this Government. It was never claimed by this Government that Great Britain destroyed the property of citizens of the United States. It was claimed that—

"The nation that recognized a power as a belligerent before it had built a vessel, and became itself the sole source of all the belligerent character it has ever possessed on the ocean, must be regarded as responsible for all the damage that has ensued from that cause;" that "indemnity, without reservation or compromise, should be made by the British government to those citizens of the United States who had suffered individual injury and damage by the vessels of war."

The policy of the Government has been "to secure, if possible, (for this damage,) the award of a sum in gross," to "be careful not to commit the Government as to the disposition of what may be awarded," while declaring that "the distribution of the amount recovered will be made by this Government."

The record shows that such gross sum was obtained—was obtained in the name of the Government; that it was in full "satisfaction of all the claims," "all the damage that has ensued from that cause;" that claims of insurance companies against the United States have always been dismissed by both Congress and the Treasury Department on the ground that they were paid for the risk and could not ask the Government to hold them harmless.

The fault of England first caused millions of dollars in war premiums to flow into the treasuries of insurance companies; destructions afterward cause half as much to flow out for war losses.

Which most directly ensued from the fault of England, this inflow or the outflow averaging at least a year later?

E. W. METCALF,
Owner of Ship Delphine.

Mr. McCRARY resumed the floor.

PERSONAL EXPLANATION.

Mr. TARBOX. I rise to a question of personal privilege.

Mr. McCRARY. I thought I had the floor.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Massachusetts rise?

Mr. TARBOX. I rise to a question of personal privilege.

Mr. LORD. I desire to have the question presented to the House whether this question of privilege shall interfere with the business of the House. I desire to make the motion, as I admit that the House has control of the question, that the question of privilege be postponed until after the consideration of this bill for to-day.

I admit that a gentleman may rise to a question of personal privilege, but what I claim is that the House by a majority vote may control the matter, and therefore I desire that the question of privilege shall be postponed.

The SPEAKER *pro tempore*. The Chair would state that on matters of personal privilege it has been the uniform custom here to allow a gentleman to rise and state it, and, if it be necessary under the rules, the Chair can submit the matter to the House whether or not they will entertain it as a question of personal privilege.

Mr. LORD. I yielded to the gentleman from Iowa.

The SPEAKER *pro tempore*. If the gentleman insists, the Chair will put the question to the House whether the gentleman from Massachusetts shall bring before the House the question of personal privilege. The rule on the subject is as follows:

And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

Mr. TARBOX. I do not know, Mr. Speaker, that I quite comprehend the ruling of the Chair. Have I the floor, or is the question whether the floor shall be given to me or not?

The SPEAKER *pro tempore*. The Chair will state that if any gentleman asks that the matter shall be submitted to the House as to the entertainment of this question he will submit it under the rules. As nobody has asked it, the question is in order. The gentleman will suspend, however, until the Chair will have read to the House the rule with reference to persons privileged to be upon the floor of the House. The Chair is informed that numerous counterfeits of tickets of admission have been signed, and that persons not entitled to be upon the floor have been upon the floor to-day, yesterday, and the day before.

The Clerk read as follows:

No person, except members of the Senate, their Secretary, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the Hall of the House of Representatives or any of the rooms upon the same floor or opening into the same: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no person except those herein specified shall at any time be admitted to the floor of the House.

The SPEAKER *pro tempore*. The Doorkeeper and the Sergeant-at-Arms are directed to enforce that rule.

Mr. HARRIS, of Virginia. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HARRIS, of Virginia. Under the term "personal explanation" I desire to know whether it is the opinion of the Chair that it opens up debate at the pleasure of the parties claiming to make personal explanations, or does the parliamentary rule require them to confine themselves to the question involved in the personal explanation?

The SPEAKER *pro tempore*. The Chair will state that that question has been asked, to his certain knowledge, for some fifteen or twenty years in the House and there has never been a definite decision upon it. The Chair cannot say until the members are heard whether it be a question of personal privilege or not. The gentleman from Massachusetts will proceed.

Mr. TARBOX. Mr. Speaker, when the gentleman from Maine [Mr. BLAINE] occupied the attention of the House on Monday last on a question of personal privilege he commenced his statement with the citation of a resolution which I had the honor to offer to this body, and under which certain investigations by the Committee on the Judiciary had been had; and, commenting on that resolution, stated as follows:

The gentleman who offered that resolution offered it when I was not in the House, and my colleague, [Mr. FRYE] after it was objected to, went to the gentleman and stated that he would have no objection to it, as he knew I would not have if I were present in the House. The gentleman from Massachusetts, [Mr. TAR-

BOX,] to whom I refer, took especial pains to say to my colleague that the resolution was not in any sense aimed at me. The gentleman will pardon me if I say that I had a slight incredulity upon that assurance given by him to my colleague.

Now, sir, I do not profess to be skilled in the translation of parliamentary language, but, sir, my crude sense in relation to it leads me to suppose that the gentleman intended to impeach my sincerity in the statement I made to his colleague.

I do not rise with any purpose to attempt to convince the incredulous mind of the gentleman from Maine [Mr. BLAINE] of my truthfulness. What his opinion may be of my sincerity or of any quality I may possess is quite inconsequential to the public as it is to me. But the whole tenor of his remarks went to this result: that here was an investigation in progress, conceived in a partisan spirit and prosecuted in political malice toward himself personally; and, of course, as I had formally set that investigation on foot, the charge embraced me as one of the conspirators against his peace and honor or an instrument of such conspiracy. To that question, in vindication of my own good faith and in order that the House and the country may be in possession of some facts that bear upon it, I claim for a brief time the ear of the House and especially the ear of the gentleman from Maine, [Mr. BLAINE.]

Now, sir, I confess that, after the conspicuous, not to say ostentatious, championship of the inviolability of private correspondence by the gentleman from Maine, I was surprised that a private communication of mine to his colleague, [Mr. FRYE,] made purely in a courteous sort, and in an obliging spirit, and in respose to a request for a favor to the gentleman personally, should have been gratuitously cited by the gentleman from Maine [Mr. BLAINE] in order to do me an entirely uncalled-for and vulgar impertinence. By the law as laid down by the gentleman, that conversation was my private property, [laughter;] it was a communication between his colleague and myself in the frankness and privilege of personal private intercourse, and equally under the seal of honor when spoken by the lips as when recorded by the pen.

The gentleman from Maine could not have done it through thoughtlessness, for he was at that moment about to expound the law, and he stated the principle so broadly that it would cover the case of a prisoner on trial in a court of justice, and a witness on the stand with a private letter of the prisoner's in his pocket, that prisoner had the right by force or subterfuge to obtain that letter which might contain the proof of the prisoner's guilt, and hold it in despite of court, witness, or jury. And yet, having so read the law of honor for his own justification, he did not scruple to violate, when it suited his convenience, the confidence that existed between his colleague and me.

Now I desire to state briefly to this House—for the gentleman from Maine has raised the seal from my relations with his colleague in this matter—just what that transaction was. The gentleman states that his colleague [Mr. FRYE] came to me and said he would have no objection to my resolution, and that the gentleman from Maine, his colleague, [Mr. BLAINE,] would have no objection to it if present. Sir, that was not the statement made to me.

I offered the resolution on Friday, the 28th day of April, and its introduction was objected to by the gentleman from Illinois, [Mr. HURLBUT.] A short space after the objection was made, the resolution of course not being entertained, that gentleman came to me and stated that had he known the scope and purpose of the resolution he would not have interposed an objection to exclude it.

I purposed to offer the resolution anew on the following morning, Saturday. But in the mean time I received a message from the gentleman from Maine [Mr. FRYE] requesting that I would forbear its introduction until the Tuesday or Wednesday next. I went to Mr. FRYE and stated to him that I had received such an intimation of his desire; that I would be very glad to comply with his request; that I had no disposition to do any injustice to Mr. BLAINE, and that in my judgment the investigation proposed by the resolution would not involve Mr. BLAINE's integrity. He said that, for a reason which he did not like to state, he preferred that the resolution might not be introduced until Tuesday or Wednesday; and, in that event, if I would consent to postpone it thus far, he would engage that no objection would be offered to it on his side of the House.

On Monday, as I noticed that his colleague, Mr. BLAINE, had returned, I suggested to Mr. FRYE that he relieve me from that obligation and permit me to introduce the resolution in regular course at once. He stated in reply that he would prefer to hold me to my obligation of courtesy; and I yielded, of course.

Soon afterward the gentleman came to my desk and asked of me the privilege of examining the resolution. I gave it to him and he retired with it, for what purpose I know not, except as I infer from subsequent events. He then returned it to me with the statement that he withdrew all objection to my presenting it at that time. Such, sir, is the history of my relation to that resolution.

I speak now of my personal motive in the introduction of that resolution. First, I meant by that resolution just what appears on its face, and no more. I spoke in entire frankness to the gentleman's colleague. I did not suppose that I was doing the gentleman an ill-service when I set the inquest on foot or that he would so esteem it. As a man of integrity, who had no stain to hide, I supposed he would welcome it as much as he desired the Credit Mobilier investigation, which he himself put in motion. However, later revelations have influenced my judgment. I did not anticipate when I offered the resolution that the inquest it ordered would involve Mr. BLAINE disreputably.

At that time I had some vague tradition of Mr. Caldwell as a celebrity of doubtful fame in New England business circles, who was conveniently beyond seas, where he was safer in the enjoyment of his inalienable rights of liberty and the pursuit of happiness than he might be here. But I had not the slightest hint that the gentleman from Maine had ever been in confidential business relations with Mr. Caldwell, or an operator in that class of securities which figured in the suspicious transactions of the Union Pacific Railroad. So I could not have designed any injury to the gentleman from any possible disclosures in that line. Had I known what he knew, I might have agreed in his opinion as to whom the resolution would hit, but I had not his consciousness.

Now, sir, was the investigation ordered a proper one? Was the charge of a gravity worthy the attention of Congress, and of a subject-matter within the control of Congress; and did the charge have an apparent basis? Well, sir, the charge was of a corrupt misapplication of the funds of the Union Pacific Railroad Company by its officers; a corporation chartered by and a creature of the Government; that had fed on Government bounty; that is indebted to the Government in many millions of dollars; a quasi public corporation, the honest management of which is a matter of vital concern to the interests of the whole country. Who preferred the charge? A man placed in the board of direction to represent and protect Government interests, who charged that he had sought in vain from the management of that corporation an investigation into this particular transaction which bore upon its face the badges of fraud.

The gentleman charges that this is a persecution of partisan malice. What is the history of the charge? It appears, sir, that the gentleman was suspected—I certainly do not mean to say or intimate justly—but he was suspected, it seems, of some complicity in that transaction. Not suspected by strangers or political enemies, but by his personal and political intimates, who knew him best. Harrison, the Government director and a political sympathizer, thought it; Rollins, the treasurer of the corporation, thought it, and threw himself gallantly into the breach to defend it even at the risk of what was more valuable than life, his honor. Fisher thought it, the intimate business friend of a life-time of the gentleman from Maine. Mulligan thought it, the man whom Fisher declares to be, if not the best, as good a man as there is in the world!

Do you find, sir, in this any signs of partisan malice, any diabolical scheme of political opponents to ruin the personal character and the political aspirations of the gentleman from Maine? From what democratic source in this country, I ask, has any charge originated attacking the integrity of the gentleman? It can be discovered nowhere. The calumny, if so it be, was hatched, if anywhere, in the bosom of his own political household and by his own political kin. No democrat or ex-confederate conceived it or nursed it.

Now, sir, the gentleman, when rumor was loud in relation to this business, made upon this floor an elaborate and eloquent refutation of the charge as affecting him. Very well, sir, that sufficed perhaps for the vindication of his personal honor, but it did not alter or affect the rectitude of the transaction itself or relieve the officers of the corporation of the imputation on their fidelity. Then, sir, was this body to forego investigation because the gentleman's name had been involved by public noise in the matter, or shall the good faith of the investigation be put in question because some gentleman from egotism, a suspicious temper, or self-consciousness, or any other motive, chooses to imagine himself an intended victim?

The investigation then, I claim, was entirely a legitimate one. The gentleman from Maine was not assailed by it, as he was not named in it. If he is put on trial, it is by his own election that he occupies that attitude. If he is accused at all, it is not out of the lips of his political enemies that that accusation comes.

But, sir, to constitute a malicious prosecution the investigation must be without probable cause. If there are circumstances which raise a suspicion, whether they in any degree establish guilt or not, then there exists a proper basis for investigation. Investigation, sir, is not an arraignment and an accusation. It is as much designed to vindicate innocence from injurious suspicions as it is to brand the guilty with their guilt, and is the delight of the spotless as much as the aversion of the tainted.

When the gentleman moved the investigation into the Credit Mobilier affairs, with which his name had been connected in some equivocal way, he did not thereby accuse himself; he did not put himself on trial as an alleged criminal. He instituted it to vindicate his innocence; and he has no right to stand here and challenge my sincerity in instituting an investigation upon larger warrant of suspicion than attached to the Credit Mobilier at the time the investigation was ordered into that. And I challenge him to produce the act or word of mine that is inconsistent with what I professed to his colleague and what I profess now.

Then, sir, was there probable cause for this investigation? The history of the public rumor is notorious to the country and to the world. The connection of the gentleman from Maine with that public rumor is equally familiar to the country. Who set on its legs the suspicion of his connection with it is known; and there is no circumstance connected with it from the earliest moment of the public agitation of the question that in the slightest degree points it out as of partisan orig-

ination. Precisely the contrary is confirmed by every circumstance connected with it. I should suppose that any man jealous of his honest fame in the position of the gentleman would desire the thoroughest investigation into the whole elements of the transaction.

The inquiry conducted by the committee, it is suggested, looks singly and solely to the gentleman. The committee, sir, had to deal with the evidence and pursue the inquiry as it was developed to their inspection. If a witness testified to circumstances that seemed to point to the gentleman from Maine, it was not their discretion but their duty to pursue that clew wherever it should lead.

I do not know by what intimation the committee were enabled to get information upon which to summon witnesses. I know that I have not spoken a word to the committee since it had charge of the resolution or before in respect to who should be summoned or in respect to the conduct of the investigation, with the single exception that I made to the chairman of the subcommittee [Mr. HUNTON] a protest that this investigation should not be permitted to take the form of a personal matter, but should go on purely as a public inquest into transactions by a corporation which was in some respect amenable for its honest management to the Government of the country, and was charged wi'h unfaithfulness in the use of its franchise.

That covers my entire agency in the inception and prosecution of the matter.

In respect to one matter which has been referred to here—which was made the subject of controversy yesterday in the committee-room, as public prints report—I desire a single word. The gentleman from Maine seeks to encourage the impression that he is the object of a persecution in this matter, and that the committee which have charge of the investigation was intentionally constituted in furtherance of this persecution in an unfriendly manner. I happen to know, sir, that before I offered the resolution, before anybody knew I proposed to offer it, the committee having charge of the Pacific Railroad investigation, and to whom my resolution would go in natural course, had been constituted. I mean that under the Luttrell resolution which embraced the question of the management of the Pacific Railroad a committee had been designated before my resolution was thought of. There were ex-confederates, the gentleman diplomatically and with sinister object suggests, upon that committee. True, sir, but they could not have been selected from any consideration of their antagonism to the gentleman so far as any procedure under the resolution I am responsible for is concerned, because their designation antedated it. No one on this floor will deny that they are men of truth and honor.

And I repeat that the inception of this investigation could not have been in malice to the gentleman from Maine except that malice found harbor in my own breast. It could not have had its origin south of Mason and Dixon's line. The scheme of calumny, if there be one, is not the concoction of democratic malignity nor fed on democratic slander, for the charge and the testimony to support it is altogether of republican sources, and any attempt to gather political or personal capital by an impeachment of the loyal source of this investigation must fail; for it was not instituted on the motion of any man who has a doubtful Union record, but alone of one who not only was not in the confederate service but was in the Union Army other than by substitute! [Laughter and applause.]

Mr. BLAINE. I yield to my colleague, [Mr. FRYE.]

Mr. FRYE. I desire to ask the gentleman from Massachusetts a question or two.

Mr. TARBOX. I am not under the catechism, but I will listen to the gentleman from Maine.

Mr. FRYE. Please state whether or not it was on Monday when you came to me and asked to be relieved from your promise that I returned and relieved you; whether it was not on Monday?

Mr. TARBOX. The gentleman is right. I will state it fully. On Monday, when I came into the House at the opening of the session, I met the gentleman from Maine, and suggested to him that inasmuch as Mr. BLAINE had returned I might as well introduce the resolution then, that day, Monday; to which he replied that he preferred to hold me to my understanding. I then went to my desk. Some time afterward, I would not state the length of time, perhaps half an hour, the gentleman came to me and asked whether I was willing he should examine the resolution I had prepared. I expressed my willingness and handed it to him, and he retired with it, and was absent some little space. When he returned and handed me back my resolution, he said that he relieved me from my obligation.

Mr. FRYE. I desire to ask the gentleman a further question, whether or not he imposed upon me or indicated to me by any words whatever that there was any privacy in the statement made to me about his purpose in offering that resolution?

Mr. TARBOX. What?

Mr. FRYE. Whether you indicated to me by any words you regarded the conversation between you and me to be private?

Mr. TARBOX. By no manner of means, sir; and permit me in commentary on that to say I make no complaint, upon any law of obligation between gentlemen of which I know, of the use which has been made of that. I was applying the principle laid down by the distinguished colleague of the gentleman in another case. [Laughter and applause.]

Mr. FRYE. I simply desire to state, further, that this communication of what the gentleman from Massachusetts had said to me was made in the committee-room before those gentlemen who were then present, and a question arose as to the limitation which was involved in this resolution. Some gentlemen remarked, I think a member of the committee, that they understood Mr. TARBOX had said he did not arraign Mr. BLAINE in that resolution. I immediately responded I knew he did not; that Mr. TARBOX had informed me he had no purpose or thought of Mr. BLAINE; that it was some other gentleman. Now I do not feel, so far as I am personally concerned, that there is anything in the remarks of the gentleman for me to reply to.

A MEMBER. Then I would not do it.

Mr. FRYE. I desire to suggest this, however, which occurs to my mind, and which has, no doubt, occurred to the mind of many gentlemen on the floor of this House, that the position taken by the gentleman from Massachusetts of the sacredness of conversation, that it was as sacred as written letters, as private letters—I desire simply to say, in reply to that, that my colleague from Maine a short time ago made a speech in this House upon questions of finance; that it was a printed speech, and one copy of that printed speech had been surreptitiously taken from the possession of Mr. BLAINE or his printer; and that I have learned from good authority that Mr. BLAINE's printed speech, the copy surreptitiously taken from the printer, was on Mr. TARBOX's desk, who at once proceeded to reply. Therefore the sacredness of conversation, of private conversation as assumed by him, amazed me while that fact was in my possession. [Applause and laughter.]

Mr. TARBOX rose.

Mr. BLAINE. I am on the floor. I yield to the gentleman from Massachusetts.

Mr. TARBOX. I do not know, Mr. Speaker, what relation the remarks of the gentleman from Maine [Mr. FRYE] have to the subject of the privileged question to which I rose, and I am quite unaware in what school of propriety the gentleman has been brought up. I do not know what he charges me with. I do understand what he intimates. I suppose it is that I by some improper method obtained possession of a speech which the gentleman from Maine intended to deliver as his best counsel to his countrymen upon a subject affecting deeply the public welfare, and that I made some improper use of that paper. I have simply to reply that what he states is utterly untrue. [Applause on the floor and in the galleries.]

The SPEAKER *pro tempore*. The Chair would state to the galleries and the House that such manifestations are entirely out of order. The Chair would apprise them that the House is a deliberative body.

Mr. TARBOX. Not by any means do I charge intentional untruth on the gentleman from Maine. I suppose he speaks from rumor; perhaps out of a suspicious temper; perhaps out of some irritation.

Mr. FRYE. Irritation at what?

Mr. TARBOX. Well, sir, all the irritation that I can conceive the gentleman to feel in respect to the transaction in question is that by a certain circumstance a deliverance upon a public question that was made for personal purposes and not from patriotic considerations for the public good, which contained within it that which was calculated, spoken by a statesman, to mislead his countrymen, was not permitted to go forth to the country without certain of its misstatements having been refuted on the spot. [Laughter from the Republican side of the House.]

Mr. FRYE. I desire to ask the gentleman now, as he says what I stated was untrue, whether or not he did have a copy of Mr. BLAINE's speech on his desk?

Mr. TARBOX. Mr. Speaker, the gentleman should not make a charge and then cross-examine the man he charges with an offense, in order to find out whether it is true or not.

Mr. FRYE. Well, was it true? [After a pause.] I have nothing further to say.

Mr. BLAINE. I desire to state the transaction to which my colleague has referred. I never supposed the occasion would arise when I should desire or be induced to state it in the House.

Before I came away from my home last autumn to resume my public duties here, I did as many gentlemen have done, prepared a speech upon an absorbing public question. It was upon the currency. That speech was printed at the newspaper office with which I was for many years connected. It was printed in confidence. It was sacredly confided to the Associated Press with the intimation on the top of the speech that whoever found himself in possession of a copy of it before its publication was in possession of it wrongfully.

Circumstances of a varying character arising postponed the delivery of the speech from the month of December, when I had expected to deliver it, until the 10th of February. Meanwhile, five or six weeks before I did deliver it, I ascertained that the gentleman from Massachusetts [Mr. TARBOX] had a copy in his possession. I think he offered it to some newspaper men to publish. How it came into his possession I do not know. I never have been able to ascertain. I have surmises. I assert that it was there, and that it was in his possession for weeks, and that his holding it was as gross a violation of the primal laws of honesty as though he had held my watch. I have never recognized the gentleman since. I have only recognized him to-day to state this fact.

I now call up the motion to reconsider the resolution for printing certain evidence taken before the Judiciary Committee.

Mr. TARBOX rose,

The SPEAKER *pro tempore*. The gentleman from Massachusetts

rises. Does the gentleman from Maine yield to the gentleman from Massachusetts?

Mr. BLAINE. I will hear what he has to say.

Mr. TARBOX. I understood the gentleman from Maine to intimate that I had offered a printed speech purporting to be his to some public newspaper.

Mr. BLAINE. I had heard so.

Mr. TARBOX. It is not true.

Mr. BLAINE. The gentleman a while ago stated that it was not true that he had a copy.

Mr. TARBOX. I did not hear what the gentleman remarked.

Mr. BLAINE. In answer to my colleague I understood the gentleman to say it was not true he had a copy.

Mr. TARBOX. I made no such statement.

EVIDENCE IN PACIFIC RAILROAD INVESTIGATION.

Mr. BLAINE. I call up the motion to reconsider the vote by which the House yesterday passed a resolution in regard to the printing of certain evidence before the Committee on the Judiciary. I ask the Clerk to read the resolution.

Mr. LORD. Mr. Speaker, I ask that the House continue the consideration of the Geneva award bill.

Mr. BLAINE. I am on the floor for a highly privileged motion.

Mr. LORD. I appeal to the House to proceed with the pending business.

Mr. BLAINE. I cannot be taken off the floor.

Mr. SPRINGER. Mr. Speaker, I understand the Geneva award bill to be pending now as unfinished business. Is that true?

The SPEAKER *pro tempore*. That is evidently true.

Mr. SPRINGER. Then I rise to a question of order. I read from page 195 of the Digest:

It is in order at any time, even when a member is on the floor or the highest privileged question is pending, on the same or succeeding day to move a reconsideration and have it entered, but it cannot be taken up and considered while another question is before the House.

Mr. BURCHARD, of Illinois. I would ask my colleague that, if there is anything in the point of order, he will not insist upon it and prevent the gentleman from Maine [Mr. BLAINE] from replying to the personal attack upon him.

Mr. BLAINE. O, I have no reply to make to the member from Massachusetts, [Mr. TARBOX.] [Laughter.]

Mr. WOOD, of New York. I hope the regular order will not be insisted on, but that the gentleman from Maine will be allowed to proceed.

Mr. MORRISON. Let the House proceed with its business.

The SPEAKER *pro tempore*. Does the gentleman from Maine [Mr. BLAINE] desire to be heard upon the point of order?

Mr. BLAINE. O, no; I merely insist that I have the right to call up the motion under Rule 49.

Mr. SPRINGER. I desire to state in explanation that I object to the taking up of the motion to reconsider, but I do not object to the gentleman from Maine [Mr. BLAINE] rising to a personal explanation in reply to the remarks of the gentleman from Massachusetts, [Mr. TARBOX.]

Mr. BLAINE. I have none to make; I have no personal explanation to make.

Mr. SPRINGER. Then I object.

Mr. BLAINE. Object to what?

Mr. SPRINGER. To the taking up of the motion to reconsider.

Mr. BLAINE. That is for the Speaker to decide. I have already made all the reply to the member from Massachusetts that I desire to make.

Mr. SPRINGER. I desire here to call the attention of the Chair to a note on page 172 of the Digest to this effect:

If the motion be made when a different subject is before the House, it is entered and remains until that subject is disposed of, and then "takes precedence of all other business, except a motion to adjourn."

The motion to reconsider may be entered at any time, but cannot be considered while other business is pending.

Mr. BLAINE. I will be heard for one moment on the point of order. The Chair very courteously afforded me the opportunity, and I will avail myself of it. Rule 49 says:

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.

Now, I want the Chair to observe the full significance of this rule. Yesterday and to-day I have the legitimate parliamentary control of this motion. I entered it. I had the right yesterday and I have the right to-day under Rule 49 to call it up, to discuss it, and to ask the judgment of the House upon it. If I am deprived of that right by the ruling of the Chair or by any other cause, then any other gentleman can call it up and I do not have the parliamentary connection with it to which I am entitled.

Mr. GARFIELD. After to-day.

Mr. BLAINE. Yes, after to-day; but if I am deprived of that right the motion to reconsider goes into the hands of any gentleman whom the Chair may recognize who can call up the motion and move to lay it upon the table. I do not want to be heard in reply to anybody, but upon that resolution.

Mr. REAGAN. I have had no connection with what has been going on in this debate, but I want to say a word in the behalf of this House. The pending question before the House is the bill in relation to the Geneva award; that bill is now under consideration. A resolution was offered here for the printing of testimony taken before the committee, and a motion was yesterday entered by the gentleman from Maine [Mr. BLAINE] to reconsider that motion. That motion stands, to be taken up by the House under its rules. I do not care to say further than this, that so far as I understand the rules the motion having been entered confers upon no one the privilege to come in and arrest the regular business of the House.

I want to say one more thing, and that is that it is apparent to all that the object of all this is to take away from a committee of the House the investigation of a subject-matter committed to that committee by the action of the House. It is an appeal in fact from the committee that is hearing the matter, and I suppose we are to have now the same thing that we had the other day, an arraignment of the committee.

Mr. BLAINE. If the gentleman will allow me to correct him, I wish to reconsider the vote by which the resolution was adopted, in order to include in it a motion to print the telegram received from Josiah Caldwell and the proceedings before the committee yesterday.

Mr. REAGAN. That telegram has no business before the House; it is not evidence, and its substance has been stated.

Mr. BLAINE. And yet one of your committees has reported a resolution of censure against General Schenck on precisely the same kind of evidence.

The SPEAKER *pro tempore*. The Chair will decide the question without further debate.

Mr. SPRINGER. Before the Chair decides that question I wish to say that the Committee on Foreign Affairs did receive certain telegrams from London in regard to General Schenck's connection with the Emma Mine, but those telegrams were submitted to him before they were used. [Laughter.]

Mr. BLAINE. Why did not they submit this telegram to me? [Great applause.]

Mr. SPRINGER. I presume they will submit it to the gentleman in good time for him to answer it.

Mr. BLAINE. Yes, "in good time."

The SPEAKER *pro tempore*, [rapping with his gavel.] The House will be in order.

Mr. BLAINE. It has been seven days in the possession of the committee.

The SPEAKER *pro tempore*. The gentleman will be seated.

Mr. BLAINE. One moment, Mr. Speaker——

The SPEAKER *pro tempore*. No, sir; there is no necessity of discussing that matter on a point of order. The Chair must come to the point of order and decide it for the furtherance of the public business. The Chair is not here to listen to anything but in explanation of the rules which he is bound to enforce. The Chair desires to ask the gentleman from Iowa [Mr. MCCRARY] and the gentleman from New York [Mr. LORD] whether they have not already claimed the floor on the Geneva award bill, and whether some progress was not had thereon after the morning hour?

Mr. LORD. We did claim the floor on that bill.

Mr. GARFIELD. But no progress was made in its consideration.

The SPEAKER *pro tempore*. Did the gentleman from Iowa [Mr. MCCRARY] claim the floor?

Mr. MCCRARY. I did; but I do not understand that there was any progress made in the consideration of the bill.

Mr. LORD. Allow me to call the attention of the gentleman from Iowa, [Mr. MCCRARY]——

Mr. BLAINE. A moment——

The SPEAKER *pro tempore*. The Chair will decide this matter. If the Chair has any authority it is to enforce the rules simply as the organ of the House. The Geneva award bill being before the House, according to the statement of the gentleman from Iowa [Mr. MCCRARY] and the gentleman from New York, [Mr. LORD,] this rule applies:

It is in order at any time, even when a member is on the floor, or the highest privileged question is pending, on the same or succeeding day to move a reconsideration and have it entered, but it cannot be taken up and considered while another question is before the House.

That rule is imperative. The gentleman from Maine [Mr. BLAINE] can call up his motion to reconsider at some other time; but the Geneva award bill is now before the House.

Mr. BLAINE. Then I understand the Chair to rule that I lose my control over the motion to reconsider.

The SPEAKER *pro tempore*. No, sir; the Chair has ruled no such thing. The Chair rules that for the present the Geneva award bill is before the House. The Chair will recognize the gentleman from Maine [Mr. BLAINE] the moment he rises on the floor when there is no other matter properly pending before the House. The Chair rules according to the rules.

Mr. BLAINE. The Chair will not understand——

The SPEAKER *pro tempore*, [rapping with his gavel.] Does the gentleman take an appeal from the decision of the Chair?

Mr. BLAINE. The Chair has said that he has ruled according to

the rules of the House. The Chair will permit me to say that while that may be so——

The SPEAKER *pro tempore*, [again rapping with his gavel.] Does the gentleman take an appeal from the decision of the Chair?

Mr. BLAINE. I will be through quicker than the Chair can strike twice with his gavel. The Chair will not understand that, in submitting to his ruling gracefully, as I do, I concur in it at all.

The SPEAKER *pro tempore*. The Chair will not understand anything of the kind. [Laughter.] The gentleman from Iowa [Mr. MCCRARY] is entitled to the floor upon the Geneva award bill.

GENEVA AWARD.

The House resumed the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award.

Mr. MCCRARY. I desire to confine my remarks upon this bill mainly to what I regard as the fundamental inquiry in the discussion. That inquiry is whether the fund paid into the hands of the United States as the proceeds of the Geneva arbitration and award is a trust fund which we are bound to pay to certain particular claimants, or whether it is a fund paid to this Government to be distributed according to its discretion, and according to its view of what is required by equity and justice and good faith toward its own citizens. This I say is the fundamental question. If it be decided, as I think it must be, that the Government of the United States may exercise its discretion in the disposition of this fund, then I think there will be but little difficulty in determining what ought to be done with it.

One class of the claimants, the insurance companies, represented by the minority of the committee, have already been enriched by war premiums charged and received on account of the very causes which gave rise to the treaty of Washington and resulted in the Geneva award. In order that the importance and the significance of this question may be seen by the House, I beg to state a few facts which have now passed into history and will not be questioned.

Very soon after the outbreak of the war of the rebellion Great Britain, animated no doubt by a hope that her oft-repeated prophecy of the downfall of this Republic was about to be fulfilled, recognized the belligerent rights of the Confederate States. That recognition and the events which followed gave rise to what were known as the Alabama claims, to the treaty of Washington, and to the Geneva arbitration. Before that recognition, Mr. Speaker, our commerce was safe upon the high seas. The confederacy had no ships of war and no means of producing them. It was not long after that recognition until a large number of confederate cruisers were armed and equipped in British ports and let loose upon the high seas to prey upon American commerce and to destroy American shipping. This, in a word, was the cause of our complaint against Great Britain. It was maintained by the Government of the United States from the very commencement that the losses which our American ship-owners and our American merchants suffered by reason of these cruisers were caused by the hasty recognition of the belligerent rights of the confederacy and by the subsequent course of the government of Great Britain in permitting rebel cruisers to fit out in and sail from her ports. As one of the results of these causes the rates of insurance went up to enormous proportions. The insurance companies who insured American ships charged very high war premiums; and as a result of the business of insuring American ships and cargoes against war risks, the insurance companies, which are now claimants for a portion of this fund, realized a profit in the aggregate of more than $2,000,000. Various ships were destroyed that were not insured. Persons who paid, because these cruisers were abroad upon the ocean, large sums of money as war premiums now ask, and I think justly, to be indemnified from this fund.

It is not my purpose to enter into detail. My task shall be to establish the proposition that it is within the power of Congress to exercise a discretion in the distribution of this fund and so to distribute it as to pay the actual losses, so as to pay the actual sufferers the amounts which they lost by reason of Great Britain's wrong. I maintain, Mr. Speaker, that Congress is not bound to pay over this money or any part of it into the coffers of corporations that were enriched by the recognition of the confederacy by Great Britain and by the fact that confederate cruisers were permitted to be abroad upon the ocean. If, sir, this great arbitration between these two great nations has had no other result than this, that the fund received from Great Britain in order to carry out the award must be carried into the coffers of corporations that lost nothing but really enriched themselves by reason of the wrongs for which our damages were allowed, then our boast as to the honor that has been conferred upon this nation by the treaty of Washington and the Geneva award is an empty boast.

Now, I maintain the proposition that the Government of the United States has not put itself in this attitude, but has from the beginning to the end of this great and to us highly honorable controversy reserved the right to distribute this fund as right and justice and good faith may dictate. If I can settle that proposition, I think there will be little doubt as to what the House will do with the pending bill. The report of the majority provides a just, an equitable, a fair distribution of this fund, a distribution such as I am sure the House will not hesitate to agree to, if we shall find that this discretion exists.

In determining this question it is proper that we consider the treaty itself, the proceedings at Geneva, and the award of the arbitrators. I maintain that by reference to all of these it is apparent that the Government of the United States did retain control of this fund and the right to dispose of it to actual sufferers by reason of England's wrong, bounded only by the subject-matter of the arbitration.

But before I come to consider the main question, let me call the attention of the House to a preliminary consideration. This question, Mr. Speaker, has once been decided by Congress. After a long debate the two Houses agreed, and a bill was passed which is now the law of the land which recognizes the doctrine for which I contend, and which provides that the insurance companies which made money out of war premiums shall only recover the amount of their actual losses. The language of the law is as follows:

> No claim shall be admissible or allowed by said court, by or in behalf of any insurance company * * * unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its * * * losses in respect to its * * * war risks exceeded the sum of its * * * premiums or other gains upon or in respect to such war risks.

Now, Mr. Speaker, under that law the proper court has distributed about one-half of this large fund. Upon that principle about ten millions of the twenty million dollars originally in the Treasury, including interest and premium on gold, has been distributed. Now, I do not say that this Congress may not reverse the policy of the last Congress; but I do say that as a matter of public policy it is exceedingly impolitic for one Congress upon a subject of this character to change the policy established by another.

Let us look at it for a moment. Congress has deliberately decided upon a rule by which this fund shall be distributed. By that rule a large class of claimants are denied relief because they are not losers, but gainers, on account of the acts of which the Government complained and for which the Government received this money. Under this rule, established by solemn act of Congress, we have proceeded until the fund is one-half exhausted.

Now, sir, if that rule is reversed, if it be now declared that the insurance companies are entitled to this money, no man can say the fund will hold out until they are all paid, because one-half of it has been distributed upon the other theory. And if the fund does not hold out, who will undertake to say these corporations will not successfully demand the payment of their claims out of the Treasury of the United States for any balance over and above the amount of the fund? I think, Mr. Speaker, that a question of this character once decided, once passed into law, ought not to be changed unless there be very grave and controlling reasons for so doing, especially after a large part of the fund has been distributed.

But, sir, I proceed to show, as I believe I can, from the treaty itself, from the proceedings at Geneva, and from the award, that the Government of the United States has retained the control of this fund; that it was paid to this Government as a nation, without any requirement that it should be distributed to particular claimants, but with the distinct understanding that the Government retained the right to distribute it in its own discretion.

Mr. HOOKER. Will the gentleman allow me to ask him a question for information?

Mr. MCCRARY. Certainly.

Mr. HOOKER. Are you prepared to state what proportion of this award has been paid to these insurance companies in comparison to what has been paid to actual losers?

Mr. MCCRARY. Mr. Speaker, under the law as it stands insurance companies are entitled to their actual losses, and I am told that they have claimed and recovered a small amount, a very small amount, because there were few companies that did not make money out of war risks.

Mr. CAULFIELD. The amount of claims put in was $48,000, and they proved $12,000.

Mr. MCCRARY. Now, sir, I insist under the treaty it was intended that if a sum in gross should be paid to the United States, that sum should be paid to the United States as a nation without restriction as to the disposition of the fund by this Government. By reference to the treaty it will be seen that two plans were proposed for the settlement of these claims. first it was proposed that the arbitrators might, if they saw fit, provide for the appointment of assessors before whom all private claimants should present their claims and prove them up. Or, if that was not agreed to, then it was proposed and provided that a sum in gross might be paid by the government of Great Britain to the Government of the United States.

And now I want to call the attention of the House to the two articles of the treaty, the one which provides for the appointment of assessors, and the other which provides for the payment of a sum in gross. I ask the especial attention of the House to the difference between these two articles, because the difference is very striking, and, as I think, very significant. If the proposition to refer the claims to assessors had been adopted, then it was provided that those assessors should be guided and governed in the allowance of claims by the decisions and findings of the board of arbitration. But in case a sum in gross was allowed to the Government of the United States, a very different provision was made. In the latter case there is no limitation to be found in the award except this: that the sum paid to the Government of the United States shall be in satisfaction of all the claims referred to the tribunal.

Let me call the attention of the House to the exact language of these two articles, and comment briefly on them. Article 7, which relates to the payment of a sum in gross, provides as follows:

In case the tribunal finds that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States.

For what? For such claims as the arbitrators have specifically allowed? For any particular claims, to satisfy any class of claims to the exclusion of others? No, sir.

To be paid by Great Britain to the United States *for all the claims referred to it.*

For all the claims referred to the tribunal. Now, sir, that is peculiar language, and it must have been inserted in the treaty for a purpose. I shall show, Mr. Speaker, presently that this language is repeated, with little variation, several times in the treaty and in the award.

But when you contrast it with article 10, which provides for the appointment of assessors, the House will discover at once why this difference, why this peculiar language in one article which is not found in the other. Article 10, which relates to the allowance of claims by assessors, is as follows:

In case the tribunal finds that Great Britain has failed to fulfill any duty or duties as aforesaid and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel—

Here is the point I call the attention of the House to—

as to each vessel *according to the extent of such liability, as decided by the arbitrators.*

Now, Mr. Speaker, why was not that language in article 7? Why was no limitation put upon the Government of the United States as to the disposition of this fund? It was provided in case assessors were appointed they should be guided by the decisions of the arbitrators, and it was provided if a sum in gross was paid to the United States it should be for "all the claims referred to the tribunal."

Now, sir, it is very plain that a different mode of distribution was intended under section 10 from that which is provided under section 7. I will show as I proceed why it was that the arbitrators were careful, and why it was that this language was inserted; that it was simply and solely because it was the settled policy of the United States to insist that this Government should not be committed as to the mode or manner of the distribution of any gross sum that might be allowed. Hence it was that when they provided for a sum in gross they provided nothing but that it should be in satisfaction of all the claims; but when they came to talk about submitting these claims to assessors, then they inserted the restrictions.

It was of importance to Great Britain in case the claims were to be settled by assessors, without any maximum sum being named in the treaty, that the rules should be laid down whereby these claims should be determined and the amount paid to each claimant should be fixed. But, sir, when it was proposed to pay a sum in gross to the United States in satisfaction of all claims, it became a matter of no consequence whatever to Great Britain what the United States did with the money.

I shall recur again to some other features of the treaty before I conclude, but I pass now to show by the proceedings at Geneva that this Government is not committed as to the disposition of this fund. Our policy on the subject was declared in language that cannot be misunderstood in the instructions given by this Government to our counsel at Geneva, from which I read as follows; and as I regard this as very significant, I would like to have the attention of the House to it:

The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure if possible the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. * * * The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government, without committal as to the mode of distribution.

Now, Mr. Speaker, if the counsel of the United States before the tribunal at Geneva did not violate the instructions given by this Government, then I say that this Government is not committed as to the mode of distribution. And gentlemen who come here representing insurance companies and claiming that this Government is committed by the proceedings and the award at Geneva must do so upon the assumption that this positive, direct, imperative, and explicit instruction given by the Government to its own counsel was disregarded and was not obeyed.

Sir, if it became necessary in the course of that negotiation for the counsel of the United States to submit to a decision which would compel this Government to pay these $20,000,000 into the coffers of corporations that had been enriched by England's wrongs, if it became necessary in the course of that negotiation for our counsel to determine the question whether we should withdraw from the arbitration or tie the hands of this Government in that way, it would have been the imperative duty of the counsel on the part of the United States to insist upon a withdrawal from the negotiation. They were commanded by their Government to see to it that the Government of the United States was left free as to—

"The disposition of what may be awarded" and especially free "to decide as to the rights and claims of insurers upon the termination of the case" and to distribute any sum recovered in the name of the government "without committal as to the mode of distribution."

But, sir, the counsel of this Government were not false to their client and to their high trust. They did not fail to do their duty. They did not violate the order and the instruction which this Government had given them. They were careful from the beginning to the end of the negotiation to make it a negotiation between the two governments alone and not in any manner to commit this Government to do injustice as between its own citizens. Our counsel, in pursuance of this instruction, said to the tribunal:

These claims are all preferred by the United States as a nation against Great Britain as a nation, and are to be so computed and paid.

Now, sir, what did they mean when they said that this money was to be paid to the United States as a nation? It follows inevitably that it was not paid to the United States as a mere attorney or agent or trustee for any class of claimants whatever.

Mr. HURD. The nation may be a trustee.

Mr. McCRARY. The nation, my friend from Ohio says, may be a trustee. So it may. But you must put your finger on the authority which makes it a trustee. Where is the authority in all these proceedings for saying that this Government accepted the position of a trustee, much less of a trustee for the insurance companies or for any particular class of these claimants? Why, sir, from the very beginning this Government insisted that all these wrongs and injuries resulting from the recognition of the confederacy as a belligerent nation were just claims of damages on behalf of the citizens of the United States. The President in his message as early as 1870 recommended to Congress that all these claims be allowed and paid by this Government as a basis for a claim to be made thereafter by the United States against Great Britain. It is not to be presumed, sir, that this Government, for the sake of collecting money to be paid over to the insurance companies, intended to sacrifice the rights of other claimants whose claims were far more meritorious.

Well, sir, did the Government of the United States ever waive its right to distribute this fund in its own discretion? If so, when and where? Not surely by the award which it consented to and under which it received the money, for I will now undertake to show to the House that the most conclusive of all the proof on this subject is the award itself, and that, Mr. Speaker, is the instrument under which the money was paid. If anywhere there is to be found evidence to show what the United States was to do with this fund, surely it must be in the award, the final end, conclusion, and summing up of the whole matter. If the United States is a trustee for any particular class of claimants, surely we will find some evidence to that effect in the award which directed the money to be paid.

Now let us turn to the award for a moment and see how careful the representatives of the United States were to carry out and not violate or disregard the injunctions of the Government in regard to leaving the United States perfectly free and in no manner committed as to the mode of distributing this fund. I read now from the award itself:

The tribunal, making use of the authority conferred upon it by article 7 of the said treaty, by a majority of four voices to one, awards to the United States a sum of $15,500,000 in gold, as the indemnity to be paid by Great Britain to the United States, for the *satisfaction* of all the claims referred to the *consideration* of the tribunal, conformably to the provisions contained in article 7 of the aforesaid treaty.

Now, there are two or three things that I wish to call attention to in that part of the award. The money was awarded to the United States, not to any claimants, not for any particular claimants, but "as indemnity to be paid by Great Britain to the United States, for the satisfaction of all claims referred to the consideration of the tribunal."

Now, Mr. Speaker, if the Government of the United States took the money to be paid to a particular class of claimants, to the insurance companies, how could it be said that it was received in satisfaction of all claims referred to in the treaty? I apprehend, sir, that a man who owned a vessel that was uninsured, worth $50,000, which was run down and destroyed by one of the rebel cruiser not mentioned as inculpated by the tribunal, would think it a strange sort of satisfaction of his claim to pay the money over to the United States to be applied to other people's claims, and with the express injunction and provision that the Government should not use one dollar of it for the liquidation of his claim. A curious sort of satisfaction that. And yet this solemn instrument, the award of the tribunal, declares that this sum is paid to the United States in *satisfaction* of all claims referred to the consideration of the tribunal, all of the claims known as Alabama claims. Sir, it was to be in satisfaction of all the claims because this Government took the money to distribute as it might deem just.

I read again from this award:

And, in accordance with the terms of article 11 of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled." Furthermore, it declares that "each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible."

And yet, Mr. Speaker, it is seriously contended that by that award the Government of the United States holds this fund as a mere trustee to pay to a certain class of claimants. The award was not for specific claims. If such had been the purpose of the tribunal, it would have been very easy to have expressed it. The tribunal found no difficulty in expressing its idea in reference to the allowance of claims by assessors, and it would have found no difficulty in saying, "the tribunal awards to the United States $15,500,000 for the purpose

of paying the claims of certain claimants, according to the decisions of the tribunal." It would have been easy, I say, to have inserted language of that sort; but, sir, our counsel stood there, and they had been instructed by their Government that they were not to submit to anything of that sort; that this Government would not take the money if it should be bound by the award to do anything with it which it did not believe to be right and just in its dealings with its own people, and hence it was that all Great Britain demanded, all the United States submitted to was, that it would take this money and it would be considered a full settlement of all the claims referred to the tribunal, not all the claims allowed by the tribunal, not all the claims coming within the interlocutory decisions of the tribunal, but all the claims referred to the tribunal.

Why, sir, it is even provided that this fund paid to the United States shall be in full satisfaction for all claims whether presented to the tribunal or not. How could the United States become a trustee for the payment of specific claims under an instrument like that? A trust is not ordinarily created without some language being used implying that there is a trust. No man can read the award of the tribunal which I have read to the House and say that it was in the minds of the arbitrators to limit, prescribe, and control the mode of distributing that fund.

Why, sir, the men who sat in that tribunal, the men who penned that award, were great and learned men; they knew the force of language, and it cannot be that they intended any such thing as this when they used the language to which I have called the attention of the House.

But it is said (and this is the great argument on behalf of the insurance companies) that the award was founded upon a certain class of claims, that the amount of it was ascertained by referring to a certain schedule setting forth the claims chiefly of insurance companies, and that the Government of the United States obtained this money by making use of the evidence furnished by the insurance companies, and that now it is bound to pay it over to them.

Sir, there might be something in this argument if this statement embraced all the facts in the case; but it does not. The gentlemen who make these arguments overlook the fact that when this Government submitted to the decision of the tribunal as to the particular vessels concerning whose acts Great Britain was to be held responsible—when this Government submitted to that decision it did so giving notice to the tribunal, giving notice to Great Britain, that it reserved the right to dispose of this fund in its own discretion in distributing it among its own citizens. Therefore the proposition that this Government recovered this amount of money upon the showing made at Geneva by the insurance companies, even if it were true, would have no controlling influence in the decision of this question. But it does not appear to be true.

It is impossible to say upon what data, upon what evidence, the arbitrators arrived at the sum of $15,500,000. Various claims had been presented; such evidence as the United States could command was laid before the tribunal. But the Government expressly declared that it was not to be bound by anything that was presented. The tribunal ascertained the amount from the best evidence it could get. But, like the proceedings in a jury-room, it is impossible to say what controlled or influenced the decision of the arbitrators in fixing the sum.

Upon that subject perhaps no man is better informed than Mr. J. Bancroft Davis, who was the agent of the United States at Geneva. I ask to read to the House what he says about it. Mr. Davis says this:

It is evident that the arbitrators, to facilitate the investigations, wished to have before them a comparative summary of that which the United States claim and the criticism of these claims by England, criticism bearing upon the items as well as upon the classes of claims. These tables, made by the two parties in no way bind the arbitrators. They are simply indications suited to guide the tribunal across the mass of figures and details contained in the cases and the evidences of the two governments.

Again, he says:

It does not appear in the protocols how the arbitrators arrived at this amount. I am informed that it was reached by mutual concessions. The neutral arbitrators and Mr. Adams, from the beginning of the proceedings, were convinced of the policy of awarding a sum in gross. * * * We therefore devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers. Whether we have or have not been successful can be determined only by the final division of the sum.

I have said, and I based the statement upon what appears in the record, that our counsel at Geneva obeyed the instructions which were given them by the Government. I think I have shown that they did so. But I have a little further testimony upon that subject; it is the opinion of one of the counsel who represented the Government before that tribunal; I mean Hon. Caleb Cushing.

Mr. Cushing, counsel for our Government, in his book upon the Alabama claims, says:

The award is to the United States, in conformity with the letter of the treaty, which has for its well-defined object to adjust and remove complaints and claims on the part of the United States.

But the history of the treaty and of the arbitration shows that the United States recovered not for the benefit of the American Government as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government. It is, however, not a special trust legally affected by any particular claimant or claims, but a general fund, to be administered by the United States in good faith, in conformity with their own conception of justice and equity within the range of the award. Nor does the tribunal define formally what claims shall be satisfied otherwise than in the comprehensive terms of the award, which declares that the sum awarded is the indemnity to be paid by Great Britain to the United States for the satisfaction of all claims referred to the consideration of the tribunal.

He further says:

The arbitrators, be it observed, do not say that it is for the satisfaction of certain specific claims among those referred to the consideration of the tribunal, but of all the claims so referred conformably to the provisions of the treaty.

And again, and more especially upon the point which I am discussing, as to whether the counsel of the United States carried out the instructions given to them by this Government, Mr. Cushing in a more recent opinion says:

The counsel of the United States were specially instructed by the Government to avoid committing the United States to any theory of distribution as regards either claims or claimants, and especially not to commit the United States in the matter of the claims of insurers.

* * * * * * *

5. The counsel of the United States obeyed the instructions given them, and did not commit the United States to any theory of distribution whatever, either by way of inclusion or of exclusion, but left that question to be determined by the wisdom and discretion of Congress.

The United States at Geneva laid before the tribunal all the claims of citizens of the United States which had been presented to the Government, without vouching for the validity of any of them; but insisted that the United States were not bound by the printed schedules, but only by the description of the treaty—"all the said claims, growing out of acts committed by the aforesaid vessels, and generally known as the Alabama claims." (Protocol XXVI.)

So it appears, not only from the language employed in the treaty and award and from the whole course of the proceedings at Geneva but also from the statement of one of the counsel of the United States, that they did obey instructions, and did not commit this Government as to the distribution of this fund.

But this very view of the subject has been taken by British statesmen themselves, and I wish now to call the attention of the House to that. Certain citizens of England who had lost by the Alabama, claimed indemnity from their own government, insisting that, inasmuch as Great Britain had consented to indemnify the citizens of another nation (the United States) for losses occasioned by those cruisers, that government was bound to indemnify its own citizens in like manner. And a claim of this character was made in the British Parliament. But it was not considered as valid. The reason given was that the government of Great Britain had not indemnified any citizen of the United States; that the claim of no citizen of the United States had ever been considered or allowed by the Geneva tribunal or paid by the British government under that award. During the debate in the British Parliament Mr. Anderson asked—

If we were obliged to pay for damage sustained by the Americans, by reason of the conduct of the Alabama, why were we not equally bound to pay for the damage sustained by our own subjects by reason of the acts of that vessel?

Mr. Gladstone, then prime minister, said in reply:

It appears to be implied that the government submitted the claims of certain persons not subjects of Her Majesty to arbitration.

This is altogether a mistake. No claims of individuals have been submitted to arbitration in relation to the Alabama.

What was submitted to arbitration was entirely a question between the two governments.

The report of this debate is to be found in the London Times of May 27, 1873, and is quoted in a volume of the Foreign Relations of the United States, part 1, page 371.

So that the statesmen of Great Britain themselves, who must be presumed to have been familiar with the proceedings of the tribunal, to have understood the views and purposes of the two governments concerned and of the tribunal itself, have declared upon this subject that the tribunal had nothing to do with the claims of individuals, and that this was simply a question between the two governments.

Now, Mr. Speaker, I would like to call the attention of the House to some decisions upon this question which have been rendered by the court of commissioners of Alabama claims. The very question now under consideration has been repeatedly brought to the attention of that court, and has legitimately and properly arisen in the discharge of its duties under the law; for a treaty, Mr. Speaker, is the supreme law of this land. And if this treaty makes this a trust fund and vests the title to the fund in certain specific claimants, it is not within the power of Congress to divert the fund from the claimants who are entitled to it under and by virtue of the treaty itself. This question, I say, has been repeatedly made before the court of commissioners of Alabama claims; a tribunal, I undertake to say, entitled to great respect for its ability, learning, and high character.

Mr. HURD. Will the gentleman allow me to ask him whether, from the very nature of its constitution, that court is not one of limited jurisdiction?

Mr. McCRARY. Undoubtedly it is a court of limited jurisdiction. What I say is that this question arises properly and necessarily in the administration of the duties devolved upon that court by the law under which it is created.

Mr. LORD. Is not the jurisdiction of the court limited only as to the subject-matter of the claim? Does not the statute confer upon it the broadest power in other respects?

Mr. McCRARY. Unquestionably it is limited only as to the subject-matter over which it shall have jurisdiction; but there is no limitation upon that court which prevents it from deciding a constitutional question which may arise in the course of an adjudication properly brought before it.

Now, in the case of Hubbell *vs.* The United States that court uses this language:

Nothing can be found in those proceedings (at Geneva) to limit or control good faith on the part of our Government in making such allowance to claimants before us, as in their judgment and discretion Congress might think proper. In fact, the very able committee, to whom the British board of trade referred the investigation of the points at issue, say, in their report: "The proper compensation for the losses occasioned by the cruisers is the question we have to examine; but with the mode of distributing that among the various claimants the American Government alone is concerned."

[Here the hammer fell.]

Mr. LORD. I ask that the gentleman be allowed to continue; but I had agreed that at this point of time I would yield an hour to the gentleman from Kentucky [Mr. JONES] on another matter. Does the gentleman from Iowa [Mr. MCCRARY] prefer to continue his remarks now or at some other time?

Mr. MCCRARY. I shall conclude in a very few minutes, and I prefer to go on now.

The SPEAKER *pro tempore*. If there be no objection the gentleman will proceed.

There was no objection.

Mr. MCCRARY. Further on in this same opinion this court says:

The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, and soon afterward Congress passed the act providing for its distribution among the claimants, which is to be our chief guide in the actual work of distribution. It is clear that the Government had the right to prescribe the terms on which claimants should present their claims. They were not strong enough to compel payment of the money by Great Britain, and when this Government obtained it the claimants had no legal rights to it except that which this Government, by its own acts, chose to accord. They must, therefore, take their respective shares of it subject to all the conditions which the Government has thought fit to appoint, or not take them at all.

I might read from numerous opinions of that court; but I will content myself with reading only from one more, which is a very recent case. I refer to the case of Rhind *vs.* The United States, in which the court say:

The award was made in favor of the Government and not in favor of the claimants. The Government thus vindicated the national honor; but it did not assume to pay any particular class of claimants, nor any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made. It certainly had the power to exclude certain claimants and to include others less meritorious. In the act now before us, claimants are excluded who believe themselves justly entitled to a part of the fund; but they have no power to assert their right to it. Under the powers committed to us we have in some instances rejected altogether claims presented at Geneva, and in many more instances we have largely reduced such claims in amount.

So I think, Mr. Speaker, I have shown that by the treaty itself, by the proceedings at Geneva, by the terms of the award, and by the decisions of the only court to which these questions have been submitted, it has been settled that this fund was paid to the United States to be distributed among the sufferers by reason of England's wrong in its own discretion.

It is claimed that the United States acted in that arbitration as the attorney or as the agent of these claimants. I deny it. There is no evidence to support it. All the evidence contradicts the proposition. But sir, if the Government of the United States did assume the position of an agent or an attorney it was alike the agent and representative of all the claimants named and referred to in the treaty of Washington. And if gentlemen could sustain the proposition that this Government was there in the capacity of an agent, not to settle great questions of international law, but to collect certain claims which citizens of the United States had against Great Britain by reason of her wrong-doing, they would only succeed in showing, according to their theory of what our Government did, that never did an agent and never did an attorney so betray a trust.

They would have you believe, Mr. Speaker, that this Government came before that great tribunal as the representative and agent of all these claimants, and so conducted its agency, so represented its principals or its clients, as to give the greater part of this whole award of $20,000,000 to men who do not in honesty and good faith deserve to receive a single dollar, and so as to deprive others who have lost their all by England's wrong of the right to recover a single cent.

A citizen of the United States was the owner of a vessel upon the high seas. With true patriotism and with true courage he took his own risk. He unfurled the Stars and Stripes over his vessel, when by showing foreign colors he would have been safe. He had no insurance. A rebel cruiser let loose from a port in Great Britain runs down his vessel and it is destroyed. His all is gone and he is entitled from no source, if not from this fund, to recover a single dollar of indemnity. This patriotic and loyal citizen places his claim in the hands of his Government, and his Government goes before this great tribunal to assert his rights, insisting it was England's wrong which resulted in his ruin. An insurance company that made its million of dollars out of war premiums, having in the course of its business to pay the loss on another vessel, places its claim, too, in the hands of this Government, and asks the Government to be its representative before this high tribunal and to insist upon its rights. The Government, according to gentlemen, accepted the position of agent or of attorney for these two claimants. It went before that high court. Before going, however, it pledged itself to these claimants, and to its citizens, and to the world, that it would not under any circumstances so tie its hands as to be unable to distribute fairly and justly any sum in gross which might be paid into its Treasury as the result of its negotiations. Yet, after all that, are we to be told that this Government, in its capacity as attorney or agent, has gone before that tribunal and has violated its promise to the people and to the claimants, and has so conducted that negotiation that the citizen who lost his all can recover nothing from this fund, and the insurance company that made its million shall carry off its whole claim? Sir, you disgrace the nation when you say it acted as attorney in this case, and you disgrace it more when you undertake to show to Congress and the American people that when acting as attorney it conducted itself in this way. No lawyer could retain his place at the bar in any respectable court on the face of the earth who should so betray his client.

Mr. LORD. I move the consideration of the Geneva award bill be postponed until half past seven o'clock this evening, and that in the mean time Mr. JONES, of Kentucky, be permitted to call up a bill which I understand had precedence of the Geneva award bill, but was yielded in order to give me the floor.

The SPEAKER *pro tempore*. The Chair hears no objection, and it will be ordered accordingly. The Chair understands that no business whatever is to be transacted in case a night session is had.

Mr. LORD. I intended that as part of my motion.

CONSULAR AND DIPLOMATIC BILL.

Mr. SINGLETON. I move to take from the Speaker's table a bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and move that the House further insists on its disagreement to the amendments of the Senate and agrees to the committee of conference asked for on the part of the Senate.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair appoints as the committee of conference under the order just made Mr. SINGLETON, Mr. RANDALL, and Mr. WALDRON.

CHEBOYGAN.

Mr. BRADLEY. I move, by unanimous consent, to take from the Speaker's table the amendment of the Senate to the bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery.

The motion was agreed to.

The Clerk read the amendment of the Senate, as follows.

At the end of the bill insert the following:

And all acts and parts of acts declaring Duncan City a port of entry are repealed.

The amendment was concurred in.

Mr. BRADLEY moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 26) to remove the political disabilities of Francis T. Nicholls, of Louisiana;

An act (H. R. No. 2288) granting a pension to Fannie S. White;

An act (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery; and

An act (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers.

COMMITTEE OF CONFERENCE ON DIPLOMATIC AND CONSULAR BILL.

Mr. WALDRON. Mr. Speaker, I expect to be absent next week, and I ask to be excused from service on the conference committee appointed a few moments ago.

There was no objection, and Mr. WALDRON was excused.

PROFESSOR OF MATHEMATICS IN THE NAVY.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 3676) to provide for the examination of candidates for the appointment of professor of mathematics in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KASSON. Not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. The bill is referred with that understanding.

ROCK ISLAND ARSENAL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, asking the insertion in the sundry civil bill of a proviso making available for the year 1877 the unexpended balance of appropriation by the act of March 3, 1875, for Rock Island arsenal; which was referred to the Committee on Appropriations.

COMMISSIONERS TO TAKE TESTIMONY ON CLAIMS.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 3677) to amend an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1872, and for other purposes," approved March 3, 1871, and an act entled "An act to authorize the commissioners of claims to appoint spe-

cial commissioners to take testimony, and for other purposes," approved May 11, 1872; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TEST OF METALS.

The SPEAKER *pro tempore*. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I herewith transmit the report of the board appointed to test iron, steel, and other metals, in accordance with the provisions of section 4 of an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1876, and for other purposes, approved March 3, 1875.

This board is to determine by actual tests the strength and value of all metals, and to prepare tables which will exhibit their strength and value for all constructions.

The accompanying memorials and resolutions of scientific associations, colleges, and schools strongly advocate the continuation of this board, which is national in its character and general in its investigations.

The board asks for an appropriation of $50,000 for the ensuing year, and that any unexpended balances remaining on hand on the 30th of June, 1876, may be re-appropriated.

This recommendation is submitted for favorable action, in the belief that the labors of the board will in the benefits accruing to important industrial interests more than repay to the country at large any money that may be so expended.

U. S. GRANT.

EXECUTIVE MANSION, *June* 7, 1876.

NOTE.—Accompanying papers sent with duplicate of this message to the Senate.

The message was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLYMER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Before the Chair puts the question on that motion, he desires to submit to the House certain requests.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given, as follows:

To Mr. HATHORN for one week on account of important business.

To Mr. SEELYE for one week.

To Mr. DAVY for ten days.

To Mr. KING for four weeks on account of sickness in his family.

To Mr. GOODIN for nine days.

To Mr. MUTCHLER for three days.

To Mr. WELLS, of Mississippi, for three weeks from June 10.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. JONES] is entitled to the floor.

Mr. PAGE. Has not a motion been made to adjourn?

The SPEAKER *pro tempore*. The gentleman from Kentucky had the floor before the motion was made to adjourn and has the right to state his motion.

Mr. JONES, of Kentucky. I desire to call up the bill (H. R. No. 2798) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide water to the cities of Saint Louis and Chicago. This bill has been a special order since the 18th of April. It is a short bill and I think we can pass it in half an hour. I do not propose to discuss it unless it is opposed and questions are asked in regard to it. But I hope the bill will be read and attentively listened to by the House.

Mr. NEAL. I move that the House take a recess until half past seven o'clock.

The SPEAKER *pro tempore*. The gentleman from Ohio moves that the House take a recess until half past seven o'clock when, by previous order, the House will meet for debate only on the Geneva award bill.

Mr. HARRIS, of Virginia. I hope the House will vote down the motion for a recess. The bill called up by the gentleman from Kentucky is a short bill and ought to be acted upon.

The question being taken on the motion for a recess, there were—ayes 56, noes 54.

So (further count not being demanded) the motion was agreed to.

And accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The House re-assembled at half past seven o'clock p. m., Mr. COX in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The session this evening will be devoted to the discussion of the Geneva award bill; no vote to be taken and no other business to be transacted.

After a pause,

Mr. NEAL. There seems to be no gentleman present to address the House, and I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at seven o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HILL: Memorial of citizens of Morgan and Walton Counties, Georgia, for a post-route from Rutledge to Fair Play, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTON: The petition of Eli Petty, for compensation for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. JENKS: The petition of William S. Lawrenson, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. LANE: The petition of W. H. Musgrove and other citizens of Oregon, relative to Chinese immigration, to the Committee on Foreign Affairs.

By Mr. VANCE, of North Carolina: A paper relating to the claim of Jones County, North Carolina, for compensation for court-house destroyed by United States troops, to the Committee on War Claims.

IN SENATE.

FRIDAY, *June* 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read; and, on motion of Mr. INGALLS, ordered to lie on the table and be printed:

TREASURY DEPARTMENT,
Washington, D. C., June 8, 1876.

SIR: I am in receipt of Senate resolution of May 23, 1876, directing the Secretary of the Treasury to furnish a detailed estimate of the amount that would be required to execute House bill No. 2454, as reported with amendments by the Senate Committee on Pensions, and in reply have the honor to inclose a copy of a letter from the Third Auditor of the Treasury, who states that it is impracticable to give the detailed estimate from the records of the war of 1812, as filed in his Office, in any reasonable time, with the present force at his command.

On a conference, however, with the Commissioner of Pensions, and from the most reliable data that can be obtained on the question, he estimates that under the fourteen days' clause in the bill there will probably be seventy-three hundred applicants, (survivors and widows,) which number, at $8 per month, will aggregate $700,800 per year. If, however, the bill is intended to apply only to those "who were in any engagement," and who served fourteen days, there would probably be sixteen hundred and twenty applicants, and the amount required will be $155,520 annually.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. T. W. FERRY,
President of the Senate.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented a petition of citizens of Pittsburgh, Pennsylvania, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Cleveland, Ohio, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. INGALLS presented a petition of delegates of the Cherokee Nation of Indians, praying the passage of a law extending the time in which to make applications for pensions by members of that nation who were in the late war; which was referred to the Committee on Pensions.

Mr. PATTERSON presented a memorial of citizens of Charleston County, South Carolina, remonstrating against the adoption of that portion of the proposed treaty with the Hawaiian government which admits the free importation of rice into the United States; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. DENNIS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes concerning commerce and navigation and regulation of steam-vessels, to report it back with amendments. I will state that the bill has been in the hands of the committee for a considerable time, but owing to circumstances over which they had no control it has not been acted upon until the present time.

BILLS INTRODUCED.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 914) to repeal an act entitled "An act to incorporate the proprietors of the Glenwood Cemetery," approved July 27, 1854; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 915) to remove the political disabilities of D. H. Hill, of North Carolina; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL H. CANFIELD.

Mr. WRIGHT. If there be no resolutions, I move that the Senate proceed to the consideration of Senate bill No. 715.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut. It directs the Postmaster-General to allow Samuel H. Canfield, postmaster at Seymour, Connecticut, credit for such a sum of money, not exceeding $352, as shall cover the amount of money-order funds and post-office

stamps which shall appear to the Postmaster-General, upon satisfactory evidence to him, to have been stolen from the office of that postmaster on the night of the 30th of March, 1874.

The bill was reported from the Committee on Claims with an amendment in lines 5 and 6, to strike out "not exceeding $352" and insert "not exceeding $193.36 on his account for stamps, nor exceeding $158.65 on his money-order account;" and after the word "stolen," in line 12, to insert "without fault on his part."

Mr. EDMUNDS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. WRIGHT from the Committee on Claims May 31:

The Committee on Claims, to whom was referred the bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut, submit the following report:

It appears from the report of the special agent of the Post-Office Department appointed to examine the facts and all the circumstances attending the alleged loss in this case, that Mr. Canfield is a first-class man, and in every respect reliable and worthy; that the stamps and funds were in a Sanborn patent safe weighing four tons, which was considered perfectly secure; that it was opened by professional burglars on the night of the 30th March, 1874, by means of drills and powder; that they escaped with the funds, taking other money and property in the store and safe belonging to Canfield and others; and that the loss occurred without fault or neglect on the part of the postmaster.

The money-order funds taken amounted to $158.65, the stamps to $193.36.

Deeming it better that these two funds should be kept separate and distinct, we recommend that the bill be so amended the better to effectuate this object, and with this and one other slight amendment we recommend the passage of the bill.

Mr. EDMUNDS. Does the report state what the means of getting at the amount of loss was, or does my friend know?

Mr. WRIGHT. I will state to the Senator from Vermont that the special agent appointed to examine this case reported that the books of the postmaster and also the account kept at the Department here, and the evidence before him, satisfied him of the correctness of the amount. He therefore estimated the balance upon each fund and reported that he is entitled to that amount. The bill as it came from the House aggregated these two amounts and allowed payment of the aggregate amount. We deemed it better to separate them and allow the claim for the stamp account and for the money-order account also. That is the amendment which the committee propose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT KEARNEY RESERVATION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of Senate bill No. 894.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 894) to provide for the sale of the Fort Kearney military reservation in the State of Nebraska.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was in line 6, to insert after the word "only" the words "at the minimum price;" so as to read:

To offer said land to actual settlers only at the minimum price, under and in accordance with the provisions of the homestead laws.

Mr. EDMUNDS. I should like to know if there is any report from the War Department recommending the sale of this land?

Mr. HITCHCOCK. There was such a report last year. A bill of this character passed the Senate last year, with the exception that the provisions of the bill last year were to give the lands to the State; this bill gives the lands to the settlers upon them.

Mr. SHERMAN. Where is this reservation?

Mr. HITCHCOCK. In the western part of the State of Nebraska. It has been abandoned for several years by the military authorities.

Mr. EDMUNDS. It is a place where there are a good many settlers, is it not, and where there is a railway?

Mr. HITCHCOCK. No, sir; it is not a place of large settlement. There are settlers on each one hundred and sixty acres of the reservation.

Mr. EDMUNDS. How did they get there?

Mr. SPENCER. It is occupied by squatters.

Mr. HITCHCOCK. They have been there for several years. They are squatters.

Mr. EDMUNDS. Is not that a junction of railways?

Mr. PADDOCK. On the south side.

Mr. HITCHCOCK. There is a junction near there.

Mr. EDMUNDS. How large is this reservation?

Mr. HITCHCOCK. It is about ten miles square.

Mr. EDMUNDS. What I want to get at is, if the War Department recommend this sale, the question whether the land is not worth more than the minimum price if it has been settled up all around there and railroads run near by?

Mr. HITCHCOCK. I do not think that the average value of the reservation is greater than that of the lands in that immediate vicinity. Some of it may be more valuable, owing to the fact of the improvements made by the settlers upon the land, but not essentially so. The House has already passed a bill providing for the disposal of the lands to homestead settlers only. This bill as amended changes that in three respects. It provides that those settlers who prefer it may enter their lands under the pre-emption law. It provides also that the heirs of persons who have made valuable improvements upon these lands may enter the lands in accordance with the pre-emption law. Further, it makes a small appropriation to provide for the survey of the lands.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Public Lands.

Mr. SHERMAN. I have found out where this reservation is. I ought to state to the Senate that it is a very valuable reservation. I was there a number of years ago. It is about two hundred miles from Omaha, is it not?

Mr. HITCHCOCK. Yes, sir.

Mr. SHERMAN. At that time there was a town on the reservation. Is there not a town there called Oldtown, and also a fort?

Mr. HITCHCOCK. There was a town near there at one time, I will say, but there is no town there now, and no fort, or any other buildings except the buildings on their farms occupied by the squatters.

Mr. SHERMAN. When I was there it was occupied by the Government as a military reservation.

Mr. HITCHCOCK. It has been abandoned many years by the military authorities.

Mr. SHERMAN. It seems to me that such a valuable tract of land ought to bring to the Government of the United States a considerable sum of money; but I do not want to interfere with the disposition of the bill.

Mr. HITCHCOCK. I do not think the land would average in value any more than the land in the vicinity, which is now offered at the same rate to actual settlers only.

Mr. SHERMAN. As I understand, the Union Pacific Railroad is just on the north bank of the river, and this reservation is on the south bank, and there is another railroad which comes from the south and forms a junction.

Mr. HITCHCOCK. Not far off.

Mr. SHERMAN. On the reservation?

Mr. HITCHCOCK. No, sir.

Mr. PADDOCK. The reservation is at some distance south of the Platte River.

Mr. HITCHCOCK. I do not think there is any material difference between the value of this land and of other lands open to settlers in the vicinity at the same rate.

Mr. EDMUNDS. May I ask my friend from Nebraska whether the railway lands have not been sold at two dollars and a half an acre, which are right along aside of these?

Mr. HITCHCOCK. Some portions of the reservation might be within the reach of the railway limits. This reservation was reserved long ago before the railroad was ever chartered, and the settlers are on these lands, each one on his own one hundred and sixty acres. The only possible result to be obtained from any such rule would be to divide the farms of the settlers.

Mr. EDMUNDS. That is not the point. I am getting at the value of this land. The United States ought to get what it is worth inasmuch as it reserved it, as everybody knew. I think everybody will agree to that. A railway has been built along and by this reservation; I do not know but that it crosses it; I do not know how that is——

Mr. PADDOCK. No; both roads are some distance away.

Mr. EDMUNDS. If the railway grants and the reserved lands of the United States have been disposed of to settlers to any considerable extent at two dollars and a half an acre in that vicinity, I do not see why it is not a pretty good evidence that these lands are worth two dollars and a half an acre, and if they are, I do not see why the United States Treasury ought not to have what they are worth. That is what I should like to have light upon.

Mr. HITCHCOCK. As I said before, I think that but a very small portion of the reservation might possibly come within that limit; but if it did, the only advantage which the Government would obtain by establishing that rule now would be to divide up the farms of the settlers who have been on this land now for a long time, who supposed very properly that all of it would be entered in one-hundred-and-sixty-acre subdivisions, and who have already gone on and made their actual improvements. I do not think that any possible advantage would accrue to the Government from the suggestion of the Senator from Vermont, while it would seriously embarrass the settlers.

Mr. EDMUNDS. It would certainly be an advantage if we could get two dollars and a half an acre instead of a dollar and a quarter.

Mr. HITCHCOCK. The advantage, the honorable Senator will see, if he understands the provisions of the homestead law, would be that settlers would be allowed simply to take eighty acres as homestead land.

Mr. EDMUNDS. That I understand.

Mr. HITCHCOCK. It makes no money for the Government, and it diminishes the size of the settlers' farms.

Mr. EDMUNDS. Yes, that leaves the Government standing on the ordinary homestead law, eighty acres out of every one hundred and sixty to sell to somebody else; but this bill, if I understand it, provides that they may take it up as homesteads in one-hundred-and-sixty-acre parcels, does it not?

Mr. HITCHCOCK. Yes, sir; they have taken it up in that way already.

Mr. EDMUNDS. Then because these people have settled on a Government reservation where they had fair notice that they had no right to go at all, you are to give them twice the benefit that you do other people who settled where they had a right to go. If that is the state of the case, I do not precisely see the justice of it to the United States. When you turn to that part of the bill which is now to provide that there may be pre-emption sales at the minimum of a dollar and a quarter an acre, my question is whether the minimum ought not to be two dollars and a half an acre in view of the circumstance that a railway is already built in close proximity to this section of country and it is being settled up, and has been for a good while.

That is the point; not to do any injustice to these people who have gone there on their own account, and not through any misapprehension as to this being a military reservation and therefore not open to settlement or occupation in any form lawfully, but whether we ought to wrong the Treasury for the sake of doing an act of extraordinary generosity to these people by doubling their homsteads and selling them to them at the minimum.

Mr. HITCHCOCK. There is no proposition to double the ordinary homestead of any of the settlers on these lands. The proposition is simply to give them the ordinary homesteads that other settlers have settling on Government land. The suggestion made by the honorable Senator that they went there knowing they had no right there is perhaps technically true; but they went there as other settlers usually go upon reservations that are openly and publicly abandoned by the military authorities, with the understanding that the same rule would apply to this reservation as has applied to other reservations in numerous instances in the frontier country. I think it would make serious trouble with the settlers there and make no gain to the Government, and I trust the bill will pass with the amendments proposed by the committee.

Mr. EDMUNDS. In order to test the sense of the Senate, I move to amend the first amendment of the committee by making it double minimum price, which will be two dollars and a half an acre.

Mr. HITCHCOCK. I hope not.

Mr. EDMUNDS. I have no reason to suppose my proposition will prevail, but as I think it ought to be so, I hope my friend will excuse me for making the motion.

Mr. PADDOCK. These settlers who went on this reservation some years ago are squatters, so termed in our country; but they have only done that which they have been in the habit of doing upon other unsurveyed lands. It has been a custom for many years for settlers to go upon the unsurveyed lands of the United States. These settlers who went on this reservation, at the time they did go might have gone on other equally valuable unsurveyed lands of the United States; and so it seems to me, taking that fact into view, it is rather an unjust discrimination against that class of settlers. That is all I have to say.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont to the amendment of the Committee on Military Affairs, to insert the words "double the" before the word "minimum;" so as to read: "at double the minimum price."

Mr. ANTHONY. Does not this minimum price apply not only to those who have squatted upon the land, but to outsiders who may go there and buy the land? Have the lands all been occupied by squatters?

Mr. HITCHCOCK. They have all been occupied and improved for some time. It would make very great trouble and disturbance with the settlers. I hope the amendment of the Senator from Vermont will not be pressed.

Mr. PADDOCK. In addition to what my colleague has said, I should like to state that there is a very small portion of this reservation that is comparatively valueless, and while that portion of it might sell for a dollar and a quarter an acre, I do not think the Government would be able to dispose of it at two dollars and a half an acre.

The question being put on the amendment to the amendment, there were on a division—ayes 18, noes 14; no quorum voting.

Mr. HITCHCOCK. I hope the Senator will withdraw the amendment. I hardly think he realizes how much trouble it would make and how little good it would do if it were possible to pass the bill with that amendment.

Mr. EDMUNDS. Suppose the Senator let this matter go over until to-morrow, that I may look into it.

Mr. HITCHCOCK. Very well. I prefer that it should go over.

The PRESIDENT *pro tempore*. The bill will be postponed if there be no objection.

Mr. EDMUNDS. There is no quorum according to the record. Will the Chair count the Senate to ascertain the fact that there is a quorum here?

The Senate was counted, and a quorum announced to be present

AUSTIN-TOPOLOVAMPO PACIFIC ROUTE.

Mr. CAPERTON. On the 4th of April the Committee on Railroads reported with amendments the bill (S. No. 92) to survey the Austin-Topolovampo Pacific route. The bill was afterward called up for consideration, and on motion of the Senator from Vermont [Mr. EDMUNDS] was postponed indefinitely. I had not an opportunity at that time to say anything on the bill, and it seems not to have been understood. There was a motion afterward made by the Senator from New York [Mr. CONKLING] to reconsider the vote to indefinitely postpone, and I ask that that motion be taken up now.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The motion to reconsider the vote by which the bill was indefinitely postponed.

Mr. EDMUNDS. Who made the motion to reconsider?

The PRESIDENT *pro tempore*. The Senator from New York, [Mr. CONKLING.]

Mr. EDMUNDS. The Senator from New York is not in, and I do not think we ought to act on it now.

Mr. CAPERTON. The Senator from New York is not in; but I had an understanding with him yesterday that the bill should be called up, and I notified him that I would make the motion.

Mr. EDMUNDS. I merely call attention to the fact.

Mr. CAPERTON. I am sorry he is not here.

The PRESIDENT *pro tempore*. The bill was indefinitely postponed, and the question is on reconsidering that vote.

Mr. EDMUNDS. I ask for the yeas and nays on the motion.

Mr. CAPERTON. I desire to make an explanation. Some years since, in 1873, there was a survey of a route from Denver, I think, to the Rio Grande in Mexico.

In the exploration of the route proposed from Denver to the Rio Grande there was a survey made, or attempted to be made, for the purpose of discovering a route to the Gulf of California, where there is an interesting harbor called Topolovampo, or commonly called Smuggler's Retreat. This awakened a good deal of inquiry, and a young engineer of great intelligence and a sensible gentleman had his attention directed to the importance of this point as a point for the accommodation of an interoceanic route from the Chesapeake Bay to the Pacific. Further inquiry and investigations were made by him, resulting in a great deal of very valuable information. The consequence was that a bill was introduced in January, 1875, for the purpose of obtaining an appropriation to aid in a survey of a route from Austin in Texas to this point on the Gulf of California. That bill was brought before Congress in January, 1875, and resulted in its reference to the War Department for the purpose of having information in regard to the feasibility of the route. There was a board of surveyors appointed, and that board made its report to the Committee on Railroads, in which they came to the conclusion that the proposed road, if the route was practicable, would be a very important road and that its feasibility could only be ascertained by a survey. There was a great deal of very valuable and interesting information communicated by that investigation to the Railroad Committee of the Senate; and, without reference to the great question as to whether this would be a feasible and practicable route for an interoceanic railroad, I was particularly struck with its importance in opening up a very interesting trade between our States and Mexico.

The government of Mexico has had its attention called to this subject and has manifested a good deal of interest in the establishment of this line, because it will at once put the northwestern portion of Mexico in railroad communication with every part and portion of this country; not only with the West and Northwest, but with the East and all along the Gulf States. The question is whether or not Congress will feel itself justified in appropriating the small sum of $15,000 to ascertain by survey the practicability of this route, which, if once established and once opened, will be of vast commercial consequence to this country.

I call the attention of the Senator from Vermont especially to the history of this bill, because he seems not to have understood it the other day. The inquiry was made whether this was proposed at the instance of any railroad or corporation. There is no railroad or corporation behind it. It is the result of inquiries made by the intelligent young engineer to whom I have referred, and one for which we ought to feel thankful to him, because it seems to me that, if the route is entirely practicable, without imposing upon this Government any other cost than the cost proposed by this appropriation of $15,000, it may result in the construction of a railroad along this line.

From Austin, in Texas, to the point on the Rio Grande where it is proposed to go is three hundred and seventy-five miles; from the Rio Grande to Topolovampo, four hundred and twenty-five miles; making altogether eight hundred miles. Then all that will be necessary for us will be to provide, and no doubt our railroad companies would unite with those whose roads terminate or pass by Austin, in Texas, and at once provide for the completion of a road to the boundary-line of Mexico.

In addition, I will state the fact that from San Antonio to the Rio Grande is one hundred and twenty-five miles only, and from the Rio Grande at this point to Topolovampo is five hundred and seventy-five miles, making a distance of seven hundred miles, and I have no doubt from the investigation I have made that this line will be adopted, which would make it necessary only to construct one hundred and twenty-five miles from San Antonio to the Rio Grande within the limits of our own country.

The effect of granting this appropriation will be to awaken the attention of the people of Mexico, and especially of that portion of Mexico where there is a great deal of wealth as I understand, to the importance of having this communication opened to Texas. It would open up a vast trade between that portion of Texas and all the States, especially the Western and Northwestern States. From Maz-

atlan to Guaymas there is a district of country between the Gulf shore and the foot of the mountain range about equal in territorial extent to Cuba and furnishing everything that Cuba furnishes, which makes the trade between us and Cuba. I believe our trade with Cuba amounts to some hundreds of millions. We could, if we had communication opened with that portion of Mexico, get all that Cuba supplies, and upon much better terms, for they would take in exchange for such products as would be furnished from that portion of Mexico a vast amount of our products and fabrics which now find an outlet to no other point in that direction.

I think, sir, if any one will take the pains to investigate the papers and documents which have been filed with the Railroad Committee through the intervention of the author of this bill and through the commission of engineers, he would be perfectly satisfied that there is probably nothing that would more interest the country than this proposed route between these points.

Mr. EATON. I should like to ask my friend one question, and that is where he gets his information that there is any such amount of sugar or tobacco raised on this territory that he is speaking of as there is on the island of Cuba? I have been unable to find any such information.

Mr. CAPERTON. I hope the Senator from Connecticut will investigate this question; and I am sure if he had investigated it he would have found this to be the fact. Of course they do not raise as much sugar there now as they do in Cuba; but the idea I intended to convey was that being a tropical country they have the opportunity by climate and by soil to raise sugar probably to as great an extent as in Cuba. They do make a great deal of sugar now, and they make a great deal of tobacco; they abound in every variety of tropical fruits.

This is a point interesting to us, that the Mexican tropics are the only tropics with which we can have railroad communication. To get to Cuba we have to cross the ocean. Here we shall have a continuous railroad line connecting with the railroads throughout all portions of this country, extending and ramifying through the East and West, that will connect with this tropical region which would furnish us an almost inappreciable amount of products.

I say, sir, that apart from the great question as to whether this can be adopted as an interoceanic line, it is exceedingly important in that point of view. It will have the effect of establishing commercial relations and social relations with the government of Mexico. That is a matter of great importance to us; and I submit to the Senators from California, who are so much interested in the Chinese question, that it is all-important that we should cultivate pleasant relations with Mexico, in order that she may co-operate with us in keeping back that tide of Chinese immigration which threatens not only to overrun California but other portions of the country.

In view of the fact that it will have the effect to establish commercial relations with Mexico—one of the most important countries on the face of the globe in every respect, so far as commerce is concerned—or as it will tend in that way, I think there should be no hesitation on the part of Congress in making this small appropriation. If it should result, as I said before, in ascertaining that this is the best interoceanic line of communication between the Chesapeake Bay and the Pacific, it will be a very important result. But apart from that, the important interests that we have in our commerce with Mexico ought to command the assent of Congress without hesitation.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which this bill was postponed indefinitely. The Senator from Vermont has called for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WEST. Mr. President, I trust at least that the Senate will favor the restitution of this bill to a condition of business that will permit of its consideration. This now is a motion not to pass the bill, but to reconsider its indefinite postponement and give us at some future time an opportunity to consider it, as, with the few minutes left of the morning hour, we shall have no opportunity to do now.

In addition to what the Senator from West Virginia has said, I should like for a moment to ask the attention of the Senate to the fact that this bill which has been charged with being the origination of the War Department and officers of the Army was not so originated, but it was presented here by a member of the Senate; and was, by the chairman of the Committee on Railroads in the last Congress, referred to the War Department under the request of that committee; and a board was convened in New York who presented the result of their examination of the subject in a recommendation that a survey should be made.

Mr. EDMUNDS. Where is that report?

Mr. WEST. Here it is in full; I will hand it to the Senator. I repeat that the matter was referred by Congress to the War Department; that the Secretary of War convened a board, and the result of their investigations is submitted to us in an official document that we have.

Mr. EDMUNDS. Why do you say Congress referred it to the War Department?

Mr. WEST. Referred by the Senate.

Mr. EDMUNDS. I wish the Senator would read a resolution of that kind.

Mr. WEST. By the committee.

Mr. EDMUNDS. By a committee of the Senate. Is that what you call "Congress?"

Mr. WEST. The amount asked for in this bill is no great sum, and the Senate I should think would ask the question whether the expenditure of such an amount should stand in the way of exploring another highway to the Pacific. Millions of money have been spent in opening communication to the Pacific on higher latitudes, both in construction of the ways themselves and in the minor expenditures for exploration. The section of the Union lying to the south of those degrees of latitude is absolutely cut off from communication with the Pacific; and when a simple amount is asked for an exploration, certainly that much consideration might be accorded to that section.

To the objection which is sometimes made that such an exploration ought to be undertaken at the expense of private individuals who are interested in the opening of this route, it is a sufficient answer to say that this exploration is to be directed through our own and through the territory of a foreign neighbor. Any individual surveying party sent down there to Mexico would be met on the confines of that territory with the objection that they were intruders; but going there by co-operation between this Government and the government of Mexico, they will have that official and authoritative sanction which will enable them to pursue their labors. Hence this appropriation is asked for from the Government of the United States, and it is but a very small trifle in contrast with what has been done for other sections of the Union. This is a proposition to inquire, to examine, to see whether there is not some outlet through southern territory to the Pacific Ocean. You of the North have your northern communications; you have had your millions and your hundreds of millions spent to facilitate that communication and to benefit your property. We ask you to give us this little amount to see whether we cannot find our way to the ocean, and we are met here by an objection that it is too much money. Mr. President, it is not generous, it is not fair or equitable. If we are required to build our roads, open the highway to us, show us the route, at least go to that expense on behalf of that section of the Union. I have no expectation that we can pass this bill now; but I think, out of consideration for its claims, at least the motion to reconsider and place the bill on the Calendar, where it can receive the consideration of the Senate, should be accorded by the Senate.

Mr. MAXEY. Mr. President, I trust the Senate will place this bill upon the Calendar so that we can in the future consider the matter with some degree of care. If by this appropriation more intimate relations can be established with Mexico, if we can make it to the interest of Mexico to maintain close commercial relations with us, we shall thereby aid very greatly in settling the Rio Grande trouble, which is now disturbing the country, and has occupied so much of the time of the other House during the present session of Congress. If by this course we can secure another outlet to the Pacific Ocean, we thereby bring about a competition which is in the interest of promoting trade and transportation, and thus benefit every citizen throughout the length and breadth of the land.

The city of Austin is now connected by rail with the rest of the country. There is a railroad chartered to the Rio Grande; and if that road can connect with a road through Mexico to Topolovampo, we shall have possession of the trade of all that country. The result will be of advantage in two respects: First, in promoting commercial relations with that country, and in settling the Rio Grande troubles; and second, in bringing about competition between the present roads and a new road to the Pacific Ocean.

For these reasons I hope the motion to reconsider will be adopted so that the matter can be fully investigated.

Mr. CHRISTIANCY. Mr. President, I am not at all opposed to the route of road proposed here. I am not opposed to the construction of the road. I should certainly be glad to see it constructed; it might be of great national importance; but I am opposed to any further Government aid or subsidy to any railroad whatever, whether it be in the North or in the South.

Mr. MAXEY. I will state to the Senator that this bill has nothing on earth to do with the question of subsidy.

Mr. CHRISTIANCY. I understand that, and I am coming to that point presently.

Our experience in the past in reference to encouragement by the Government to railroad enterprises has not been such as to recommend that policy for the future. There was, it is true, before the construction of the Union Pacific and Central Pacific Railroads, a great national necessity for the immediate construction of one railroad to the Pacific, and that sooner than private enterprise could accomplish the object. But I look upon all the legislation since that time as wasteful and extravagant in the extreme, and it ought to be checked from this time forward. It is said this is not a subsidy. It is true it is not a subsidy; that is not the form of it; but it is making an appropriation which in the end is to result in favor of some railroad company to be hereafter established. The principle of it is precisely that of a railroad subsidy, and it is nothing else. Now whenever private capital, whenever the interests of capitalists will warrant the construction of such a road, it will be built, and whenever they undertake to build such a road they can easily obtain the necessary survey and establish the necessary route, which should be done at their own expense, as well as the construction of the road itself. I see no difference in principle.

It is said here, however, by the Senator from Louisiana [Mr. WEST] that a private company may not be able to obtain leave from the government of Mexico. I should think that the diplomacy of the United

States might succeed in obtaining that leave for a company as well as for the Government, and in my opinion it would be a much easier thing to obtain. I see nothing, therefore, in that objection.

I do not wish to take up the time of the Senate. I have merely stated briefly my objections to the adoption of this motion to reconsider.

The PRESIDENT *pro tempore*. The morning hour has expired.

STATUE FROM VERMONT.

Mr. MORRILL, of Vermont. I do not desire to speak on this question, but I rise to give notice to the Senate that to-morrow morning immediately after the close of the morning business I shall ask the Senate in behalf of my colleague and myself to take up the resolution from the House of Representatives, which has been for some time lying upon the desk of the President, in relation to a statue to be given by the State of Vermont to Statuary Hall; and we shall want to occupy perhaps twenty-five or thirty minutes in relation to the matter.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HOWE was, on his own motion, excused from serving upon the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

By unanimous consent, the President *pro tempore* was authorized to fill the vacancies.

The PRESIDENT *pro tempore* appointed Mr. FRELINGHUYSEN to fill the vacancy occasioned by excusing Mr. HOWE and also Mr. WITHERS in the place of Mr. BOGY, excused yesterday from service upon the committee of conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes; and

A bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1800) for the relief of Kendrick & Avis; Kuner, Ziseman & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio;

A bill (H. R. No. 2135) relating to the execution of custom-house bonds;

A bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery;

A bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States; and

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874.

The message further announced that the House had passed the bill (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; it agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTHO R. SINGLETON of Mississippi, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. HENRY WALDRON of Michigan managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 26) to remove the political disabilities of Francis T. Nicholls, of Louisiana;

A bill (H. R. No. 2288) granting a pension to Fannie S. White;

A bill (H. R. No. 3033) for the relief of A. F. McMillen, late captain First United States Heavy Artillery; and

A bill (H. R. No. 3179) granting a pension to Thomas F. Wildes, late lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteers.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. Agreeably to notice given yesterday in the Senate, I desire now to call up the post-office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate proceed to the consideration of House bill No. 3263.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. WEST. I suggest that we act on the amendments of the Committee on Appropriations as they are reached in order in the reading of the bill.

The PRESIDENT *pro tempore*. If there be no objection, that course will be pursued. The Chair hears no objection.

Mr. WEST. I desire to preface the consideration of the bill with a few general remarks in regard to it.

The salient features in all appropriation bills at the present time are perhaps the contrasts in which they are submitted to the consideration of the Senate with the action that has been had upon them in the House of Representatives, the two bodies being somewhat at variance with respect to the proper economies of the Government at this time.

I will state that when this bill came over from the other end of the Capitol it proposed an appropriation of $33,589,109. It is now submitted to the Senate, with the approbation of the Committee on Appropriations, with a recommendation that the sum of $36,946,350 be appropriated, being equivalent to an addition recommended to the Senate over and above the amount appropriated by the House of $3,357,241. The considerations that have governed the committee in making their recommendation have been somewhat various. In the bill as it came from the House there were propositions of a general legislative character, looking to an anticipated and possible reduction of the expenditures that upon the information of the Senate committee are not practicable. That is to say, the Senate committee recommends non-concurrence in the legislative features of the bill. Those legislative features embrace three points: First, the re-arrangement and re-adjustment of the salaries of all postmasters throughout the country. On that point the matter more properly belongs to the Committee on Post-Offices and Post-Roads, who have the subject under consideration; and from the information laid before the Committee on Appropriations they were of opinion that the just and economical method as at present applied was more for the interest of the Government and of the people than the recommendation made by the House in its bill.

The next recommendation of a legislative character proposed by the House in the bill looks to a change in the compensation made to the different railroad companies throughout the country. Some of the Senators will bear in mind that this has been a vexed question for years, and after extended controversy between the Government and the railroad companies an adjustment and agreement were arrived at somewhat upon compulsion as against the companies, but admitted and sanctioned by them some two years ago. Now, in the direction of economy, in the judgment of the other branch of the legislative department, it is proposed to open the question again. That subject is also under consideration by the Committee on Post-Offices and Post-Roads, and so far as the Committee on Appropriations could inform themselves, they are of opinion that a curtailment in that direction would not be advisable and would not meet the sanction of the people. One of its first effects would be to entirely take away the system of railway post-office service. Under the limitations of the bill as it came from the House an absolute discontinuance of the railway post-office service throughout the country, and entirely throughout the country, would necessarily follow. Besides, if their propositions should be acceded to, there would be necessarily a further reduction of what is known as the fast-mail service throughout the country, with the withdrawal of the through lines from Boston to New York, from Springfield to Albany, from Albany to Buffalo, Cleveland, Chicago, and Saint Louis; from New York to Philadelphia and Pittsburgh.

One other matter of the proposed legislation refers to the details of the management of the Post-Office simply with respect to what are known as depredations. It is not a material matter, nor did it tend in the direction of any great economy; consequently the proposition has not met the approval of the Committee on Appropriations.

Now, with respect to the amount appropriated, let me tell the Senate that we have met the House of Representatives part of the way at least in the direction of economy. We have not gone to the full extent that they desire; but we appropriate less money this year for the service of the Post-Office Department than we appropriated last year. The continual growth of this service is well-known to every Senator here. The demands from his region and section are constant; and not long ago we passed a bill establishing post-routes that, without the action that the Senate committee now recommends, it will be impossible to carry into effect.

The annual increase of the Post-Office service is estimated at something like 8 per cent. We have not admitted the possibility of such an increase, but we have conceded something to the recommendations of the heads of the various Departments, and granted them, as far as we felt justified in doing so, such appropriations as would meet the necessities of the service; and I take very great pleasure in saying that there is no dissent on the part of any member of the general or subcommittee on appropriations to whom this bill was confided. They come here united, and recommend that the entire reductions that are suggested by the House of Representatives shall not be conceded, but that we shall do something in the direction of economy, and try to contribute toward making this branch of the public service self-sustaining.

I have felt it due to say this much in reference to the general features of the bill, because I know that the first inquiry with reference to all appropriation bills in this Congress is, how far do the two Houses differ in their efforts at economy? I trust that the bill will now be proceeded with; and I shall be glad to offer any explanation that may be required in the consideration of its specific provisions.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in line 11, to increase the appropriation "for mail depredations and special agents" from $110,000 to $150,000.

Mr. KERNAN. While I do not wish to occupy time or be at all captious about these appropriation bills, and while I regret that I am not as familiar with this post-office bill as I should like to be, I submit to those in charge of this bill whether we cannot make some reduction in some items. Every one is generally familiar with the fact that during the years of high prices and of flush times as to money the expenditures for agents and country postmasters grew up to large proportions. Here I assume that the committee have reported the former sum, $150,000. Am I right? Is that what the appropriation for this item was last year?

Mr. WEST. No; it was $160,000 last year.

Mr. KERNAN. I think in this item "for special agents" there can be great economy without detriment to the public service. If the amount of $160,000 was allowed last year we can reduce it more than $10,000 this year.

Mr. WEST. The Senator will find that there is a proviso which makes the reduction $17,500.

Mr. KERNAN. My suggestion is that, if we turn our attention to going over these items, and where there is one like this that is quite elastic, where there is a discretion as to spending much or little, we can reduce the figures as much as the House did this item. I believe that if we, as to special agents, appropriate $110,000, assuming that it was $160,000 last year, we shall find that the head of the Department, who I doubt not is quite willing to economize as much as he can, can reduce the expenses for special agents down to the $110,000.

I say this with a little diffidence, because it has not been in my line to examine this matter; but I know generally that in the section of country where I live there is a great struggle to be a special agent, and the agents magnify their calling to some extent. I do think we should commence to try the experiment of reducing the amount to be paid to these men who are employed more or less, as the Department requires them, and I think you will find that the mail service will be as honestly performed, frauds as efficiently detected, with the $110,000 as with this sum of $150,000 to which this item has grown up in the past. I do not understand we are cutting off anything here that the law fixes at so much, but I feel sure that if we appropriate $110,000 we shall be able, especially in these lower-priced times, to get along very well. I think to a reduction of that kind by the House we should be willing to conform, unless there are very strong reasons given to the contrary. I think as to many of these items we should endeavor to reduce them down. Certainly the business was done much more cheaply years ago. True, it was not then so large, you may say; but there was a great deal more of peculation and a great deal more necessity for special agents in the old days when the mail was carried by stages, where there were great frauds perpetrated which are not possible now when there is so much railway service. I hope we shall refuse to agree to this amendment, and concur with the House in appropriating $110,000 rather than $150,000.

I see there is here for special attorneys an appropriation of seven or eight thousand dollars. The Government has United States attorneys whose fees exceed the salary allowed by law in almost every district; and they will be able to furnish the legal service necessary to special agents without employing special counsel. Although the sum is not much, I think it might be cut off entirely.

Mr. INGALLS. I agree with the Senator from New York in what he has said respecting the necessity for reductions in all governmental expenditures, and I shall very heartily concur with him and all other members of the Senate in this direction so far as is consistent with the proper administration of public affairs. With regard to appropriations not required by law, it is undoubtedly true that reductions can and should be made wherever practicable. I am inclined to think from a cursory inspection of this bill that the Committee on Appropriations have in many cases injudiciously increased the sums named by the House of Representatives; but, with regard to the particular item under consideration, I am convinced that the amendment reported by the Senate committee should be adopted.

The number of special agents, I am informed by the Senator from Louisiana, is about sixty. They are the detective and the police force of the Department. They have in charge the whole subject-matter of depredations upon the mails, whether in the transportation of them or in the money-order department, and it is absolutely essential for the efficiency and for the safety of the transmission of letters and money through the mails that this force should be efficient and that it should be supplied with all the necessary means to carry on its operations at the discretion of the Postmaster-General. I think, therefore, that the sum of $110,000 is too little for this purpose; that the experience of previous Postmasters-General, the experience that has been heretofore communicated to the Senate, is such as to render it almost absolutely certain that this appropriation is one that should not be curtailed, because it concerns the efficiency and the safety of the whole mail service.

Mr. WEST. If I vex the ear of the Senate with undue frequency, it is because of the confidence that seems to be reposed in me by my associates on the committee. I should be very glad to find some of them here giving me support and taking from me the irksomeness of being on my feet constantly to explain.

I will say, in response to what the Senator from New York has said about the great desire of individuals to become these special agents, that no doubt that was the case during the early inauguration of this system; but it is scarcely so now. They are selected with great care from a very superior class of men, and they are by no means cheap men. We have to have the very best men with respect to efficiency and character in this service; and it is the insurance to the people of the United States that their property, when passing through the mails of the United States, shall not be spoliated. This is done in their interest, to protect them, because, as the Senator very well knows, there is no recourse for any citizen of the United States upon the Post-Office Department for any depredation upon his property passing through the mails.

There have been during the last year ninety-one convictions—not arrests, but ninety-one convictions—brought about through the instrumentality of this branch of the service. There are now some four hundred and odd persons under arrest, detected by them, awaiting their trial. In whatever direction the Senate may feel willing to go toward economy, this of all others seems to me the least justifiable. We have given the Post-Office Department this year in that connection $17,500 less than we did last year, not taking into account the increase of the service; and I am happy to state that we have arrived at that proposition, that we have called a halt in the expenditures of the Post-Office Department, and everybody can very well tell how soon the revenues of the service will overtake its expenditures at that rate. We appropriate less money than we did last year in the aggregate. In but one instance do we give more than we gave last year. Therefore we offer this bill, and the Senate should consider that we have demanded that the officials of the Post-Office Department shall spend no more money than they did last year, and the Senate can very readily realize how soon the revenues will overtake them. In this particular branch it is worse than in almost any other to make the economy proposed further than the extent the committee have already done.

Mr. KERNAN. I desire to ask the Senator in charge of the bill whether these special agents receive fixed salaries for the year?

Mr. WEST. Their compensation is $1,600 a year and from three to five dollars a day, according to the nature of their expenses.

Mr. KERNAN. That is, they get a salary and expenses besides?

Mr. WEST. Yes, sir.

Mr. KERNAN. I do not desire to press this matter unreasonably; but I cannot conceive why we should have sixty detectives. We have all the postmasters charged with looking after the safety of the mails; we have the district attorneys of the various districts, who are bound to prosecute offenses against the postal laws whenever their attention is called to them; and we have all the marshals. When I once, as a young man, had a little familiarity with ferreting out troublesome things, at a time when the mail was opened every four or five miles in every State, you did not have any corps of detectives. When it was ascertained that the ordinary officers did not find the money that was missed, and that the vigilance of district attorneys and marshals and postmasters was not sufficient, now and then a man was specially detailed as a detective to work up the case and detect where the dishonesty was. I still think we do not need sixty. I still think if we had fewer men—for they are to be detailed whenever there is occasion for it—they would be sufficient; and I should like very much, unless the gentleman thinks it would be detrimental to the service, to try the experiment of $110,000 for the salaries of the necessary special agents, because we pay their expenses, and he will find they will detect all crime, and we shall save $50,000.

Mr. INGALLS. I find, on inspection, that the number of special agents is forty-three, instead of sixty, as the Senator from Louisiana stated.

Mr. WEST. Then they have reduced them.

Mr. KERNAN. Then why so large an appropriation?

Mr. INGALLS. The Senator will observe that the amount appropriated, distributed among the forty-three special agents, would only amount to about $3,000 each annually, including their compensation and expenses.

Mr. KERNAN. I still think the Postmaster-General will detect all crime with the $110,000. That is my opinion.

Mr. HAMLIN. Mr. President, I sympathize most fully with what the Senator from New York has expressed. I too, with him, would be extremely glad to see the expenditures of the Post-Office Department reduced at every practicable point; and with the information which I have I would join with him in doing that where my judgment tells me the best interests of the service will allow it. Further than that I cannot go. Further than that the Senator from New York will not go.

Now, a word or two in relation to these special agents. There are about forty of them. The compensation, including expenses, is about $3,000 per annum. It is a corps of men which has been very carefully selected, and they have certainly rendered very valuable service

to the Department in the detections which they have made, in the arrests and convictions which have been had under their supervision; and in many of the cases it is the work of weeks, if not months, to follow up the simple intimation, the simple circumstance upon which they fasten. That requires skill and vigilance and endurance—a service by night and a service by day; and in that service there have been four hundred and ten arrests during the past year; ninety-one convictions have been had, and there are still pending one hundred and forty indictments. Owing perhaps to the condition of the country, resulting from the war—for I think all wars are demoralizing—we have unfortunately found more of that class in our community than there was at another and an earlier time. When you look at the service which they have performed, its breadth, and the precise duties which they discharge, I can only express my own judgment that I believe the best interests of the service are promoted by not reducing this number. It may be done; but my own judgment is that the best interests of the service do not require it.

Your postal service is one which, to be carefully and properly administered, must be taken as a whole. There are a great many subjects connected with it; but when we come to act practically upon any of the details of the service, it is wise and well to examine carefully, and we do not do our duty if we do not examine very carefully, what is the effect of our action upon one branch as connected with another. In that view, taking into consideration the honest administration of the Department, and knowing as I do of a good many of the cases which have been made public and where punishment has been finally inflicted, and knowing the service that has been performed, and from my position being compelled to know something of the character of quite a number of those who are engaged in it, I think I am justified in saying that they are skilled men; they are men of integrity; and the best interests of the service will justify, nay, require, that they shall be retained. That is my judgment.

Mr. SAULSBURY. Mr. President, I know nothing special, except from information derived from the Department, of the necessity for the services of these special agents. I have no question, however, that they do render very valuable service to the Department; but I find in the second section of this bill a provision contemplating the contingency of a deficit in the revenues of the Department of over $7,000,000, for which an appropriation is made out of the public Treasury of the country. That suggests to my mind that we ought to be exceedingly careful in reference to the provisions of this bill and to restrict and limit the expenses of the Department to the very lowest possible point. I will not undertake to say that the appropriation provided by the committee is too large; that is, too large for the service which might be properly performed by these special agents; but seeing that we are to have a deficiency, had we not better even dispense with the services of some of these special agents and with the services of other employés of the Government, rather than to tax the public Treasury of the country with the amount which is provided in this bill, over $7,000,000? Therefore, I think I shall vote for the bill as it came from the House, and in doing so I do not wish to be understood as expressing the opinion that the amendment is wholly unnecessary or that the public service would not be benefited by the amount appropriated by the committee of the Senate; but I think we must curtail somewhere. The expenses of the Postal Department are too heavy, are beyond the income of the Department, and we ought to bring it down to a self-sustaining system if we possibly can. Rather than vote for an appropriation of public money to such a large amount as $7,000,000 to carry on the Department, I would rather dispense with the services of some of these special agents.

Mr. WEST. I was aware that when a discussion on this bill would commence, it would embrace the whole question of economy in the postal service, and therefore I have not up to the present time, and shall not just yet, ask for the application of the five-minute rule, in order that in the consideration of this preliminary amendment the whole subject of economy in the post-office service may be discussed, and I feel it necessary in that connection to say a few words in reply to the Senator from Delaware.

He speaks as if this was the first time such a thing as an appropriation for a deficiency in the post-office service had been heard of.

Mr. SAULSBURY. The Senator greatly misunderstood my remarks.

Mr. WEST. At least he says that now is the occasion to make the post-office service self-sustaining. If the Senator is willing to go before the country with a proposition to-morrow to abruptly bring the postal service of the country to that condition, I am quite sure that some of us will not hesitate to go there. But we cannot do that in justice to the public requirements. We can only examine how far our efforts are directed, and how far they are accomplishing that much desired equilibrium between expenditures and receipts in the Post-Office Department; and although there is an apparent growth from year to year of this deficiency, yet the percentage is almost uniformly, and has been for ten years, in the direction of economy. Gradually, although yielding to the expansive necessities of the country, although contributing generally to all the requirements coming up from remote and new-settled portions of the country, we are coming, and the pursuance of the present policy will undoubtedly bring us, to such an equilibrium as will require no disbursement of the public money. But suppose we do, I ask the Senator where and in what direction can you more justifiably, beneficially, or advisedly spend the money of the public than in this very service?

I would ask the attention of the Senate to the figures I am about to present. In the year 1868 the percentage of the deficiency of the post-office service was 28 per cent.; in 1869, 22 per cent.; in 1870, 17 per cent.; in 1871, 17 per cent.; in 1872, 17 per cent.; in 1873, 20 per cent.; the rise being due to the increased compensation of postmasters and the re-adjustment of mail transportation. Then we come down again in 1874 to 17 per cent. Then the effects of the panic are evidenced in the receipts of 1875, and the percentage is 20 per cent. Now again it is about 18 per cent. So it will be seen that the whole tendency has been in the direction of economy, and from the fullest and most careful consideration of the subject, without the least inclination in the world to yield to the requirements of the Department unless they were well and thoroughly substantiated, the Committee on Appropriations has made this report, and those Senators who differ with the majority on political questions should bear in mind that their representatives were present in the committee, and after a careful digest of all the features in the bill they have seen the necessity and given their consent to these recommendations.

Mr. WITHERS. I wish to state in connection with the last remark made by the Senator who reported the bill that, so far as I am apprised, this bill does come before the Senate with the approval of the whole committee. It is true that the postal service can be administered at less expense than is provided for in this bill as proposed to be amended, because it is manifest at once that you might cut down the appropriations by one-half and the postal service would still be administered by the Postmaster-General, but it would be at the expense of the people; the mail facilities with which they are now furnished would be cut down precisely in the same proportion.

I am not one of those who believe that the post-office ought to be a self-sustaining institution. I believe that it was organized for the accommodation of the people, and although that accommodation can only be secured by appropriations out of the Treasury to supply any deficit that may be found to exist in the receipts of the Department, I believe that such appropriations ought to be made.

With regard to the particular amendment now under consideration, I would state that the bill as reported is a reduction upon the amount expended last year in the same direction, and although the reduction is not as great as was contemplated by the House bill, it still in my opinion is judicious. We may cut down this appropriation for special agents to detect frauds and thefts and robberies of the mail to $50,000, and the service will be rendered, but of course to much less extent than it will be if you increase the appropriation, because as you decrease the appropriation you decrease the number of special agents whose duty it is to ferret out and detect these frauds and these thefts, and the service suffers precisely in the same ratio. Whether these detectives are always selected of the very best men possible; whether they may not themselves occasionally be found corrupt, is a matter which I do not pretend to decide. I presume such instances can be found, but they are absolutely inseparable from the administration of any public service. Let it be known that the appropriation for this particular service, for the detection of frauds, thefts, &c., upon the mail is cut down one-half, and the number of persons employed in the detection of these crimes diminished by one-half, and I think it a logical deduction to assume that those whose minds are already turned to making money corruptly by these practices will see that their chances are thereby increased for robbing with impunity the United States mail and committing these thefts and depredations, and that the number will be increased thereby because the legislation will absolutely encourage it.

I do not myself conscientiously believe that the amount appropriated for this service is larger than the necessities of the service demand, and consequently I shall vote for the amendment.

Mr. SAULSBURY. I desire to say in reply to the Senator from Louisiana [Mr. WEST] that I made no allusion to political considerations in my remarks; neither did I make my remarks because of any political considerations. My connection with the Post Office Committee has given me some information with reference to the wants and necessities of that Department, and I have felt it my duty to aid the Department with all the suggestions which I can make, and to aid it by my vote in this body to properly administer the affairs of that Department without any reference to political considerations. The Senator from Louisiana does great injustice to those whom he supposes to be influenced in their course by political considerations. I took especial occasion to state that I was not prepared to say that the appropriation proposed by the committee of the Senate was in excess of the wants of the service; but I based my opposition to the increase upon the consideration that the expenses of the Post-Office Department were increasing, and taking from the public Treasury, which is supplied by taxation upon the people of the country, a large amount of money. I stated that we had better curtail something even of the necessary service in the Post-Office Department rather than to be increasing the expenditures of that Department and taking the surplus over the proceeds of the Department out of the Treasury of the country.

The people of this country are taxed enough already, and we ought to curtail wherever we can legitimately and properly do so. I have not accused the Committee on Appropriations with being extrava-

gant. On the contrary, I am sure that the committee acted according to their best judgment of what was necessary for the postal service. I say to the Senator who has this bill in charge, and also to my friend from Virginia, [Mr. WITHERS,] that in looking at the wants of the Postal Department they have lost sight of the necessities of the people of the country in another direction; that is, the necessity for relief from the taxations which are imposed upon them.

I repeat again that I do not say, because I am not prepared to say, that this appropriation is in excess of what could be properly and judiciously expended by the Department; but my objection to it is that it is one of the items which help to entail upon the Treasury of the country between seven and eight million dollars, to be provided for by taxation imposed upon the people of the country. I am, therefore, in favor of restricting it. I think we should not give to the Post-Office Department all that it wants or all that it needs, but give it that which will be efficient and the lowest minimum amount.

Mr. ANTHONY. Mr. President, if it is desirable to diminish the cost of the Post-Office so as to make it self-supporting or to approximate to that condition, it is perfectly plain that this is not to be done by diminishing its general efficiency, its security, and its reliability. It can only be done by cutting off the small post-offices, which are exceedingly convenient to small neighborhoods, to remote settlements, connecting them with the heart of the country, and by increasing the rates of postage. Either of these, however undesirable, would be a legitimate means of bringing the expenses and the revenues of the Post-Office near together; but to cut off the means of detecting frauds in the mails, to cut off the means which I know are not now as large as they ought to be and are not adequate to the necessities of the service, to cut off the means of preventing a plundering of the mails, it seems to me, is the most miserable economy that ever was thought of. If we must diminish the expenses of the Post-Office, there are but two ways to do it, either to cut down its farthest ramifications or to increase the rates of postage.

Mr. SARGENT. Mr. President, some two weeks ago or more Congress passed a post-route bill establishing new post-routes. I sent to the document-room for a copy of the bill, and am furnished with one which I find was submitted to the Senate June 8, 1876. I do not see the chairman of the Committee on Post-Offices and Post-Roads [Mr. HAMLIN] in his seat, or I should like to ask him if this is an addition to one in my mind which has passed Congress, a bill of about the bulk of this, which has become a law.

Mr. ALLISON. This is an additional bill.

Mr. SARGENT. This, then, is an additional bill. A bill about the same size as this has passed, and this is additional to that. This will answer as a text for the few remarks which I wish to make.

I find in looking over this bill, which resembles so much in bulk the one which went before it, that here are proposed new post-routes to be established in every State and Territory of the Union. For instance, in Georgia is a long list of new post-routes, the first one being from Villa Rica, via Draketown, to Cedartown; and the last one being from Cave Spring to Livingston, via Thomasville; in all twenty-two. I suppose that these items were placed in the bill by the members from Georgia in the House or the Senators from that State, they being familiar with the wants of their country and knowing that by development of population and business it is necessary that this provision shall be made in order to give them the advantage which they ought to have in the post-route service. I find in the State of Iowa, which my friend near me [Mr. ALLISON] so ably represents, that there are twenty post-routes. Kansas comes in with some twenty-five new post-routes, and Kentucky comes in with twenty-four, and so on running through the whole list. Virginia desires twenty-seven additional post-routes. Double this number, and we have the amount of post-routes required for these various States, and all of them during this session of Congress, for the next fiscal year.

Mr. HAMLIN. If the Senator will pardon me, I will say to him that there is a necessity, the public demands it as its right, for another post-route bill probably. There has been one passed about the same size as that in the Senator's hand, to which his remarks will apply precisely as well as to the one he has in his hand.

Mr. SARGENT. Exactly; and this is a second bill establishing post-routes.

Mr. HAMLIN. A second bill at this session.

Mr. SARGENT. I have no doubt those who represented their various States in making these suggestions for new routes did so on account of a necessity existing there. I know it was so in reference to my own State, although the number of post-routes there is somewhat less than in the States I have named. Notwithstanding, they were of necessity to my people. Senators perhaps will be somewhat surprised if we pass this post-route bill, as we have already passed one, to find that the Postmaster-General says, "I am not able to put on any of this service." The bill before the Senate, stripped of the amendments of the Committee on Appropriations, cuts down the amount of money at the disposal of the Postmaster-General so much that he would not be able to put on any of what is called the "star service;" that is, inland transportation aside from railroads. It is a very serious question whether he would be able, in case of default on routes now existing, the failure of contractors, or accidents which break up a service, to re-advertise a letting unless he could bring it within the amount which is now being paid. In other words, we require him to make bricks without straw. We pass laws establishing post-routes as our right under the Constitution. The House of Representatives has required that no existing service shall be discontinued. I should like to know how it is possible for the Postmaster-General to oblige Congress in both particulars. You cannot have the post-routes unless you appropriate money for them.

What is true in regard to this service is true of the rest; it illustrates the whole principle. A person sends a valuable registered letter by the mail and it is lost, or there is some depredation committed upon the mail by which he is a considerable sufferer. The person so suffering does not like to be told by the local postmaster, or by the Postmaster-General, if he applies to him, that Congress has not appropriated money enough to hunt up his property which was placed in charge of the United States. The United States is not responsible for it absolutely, but in good faith it has been accustomed to endeavor to recover the man's property for him. He would not like to be told that Congress was so mean that it cut down the appropriation for mail depredations and special agents so low that it is impossible for the Department to answer this natural obligation; and yet it cannot be done unless the amendment of the Senate committee is adopted. That is, the Postmaster-General so assures us; his most accomplished officers say so, and the committee are thoroughly satisfied of it, and so is the Committee on Post-Offices and Post-Roads.

I agree with my friend from Virginia fully in the idea that the postal service should be maintained amply, even if we do pay out of the Treasury for its support. By and by, a hundred years from now, it may be that we can have a magnificent postal service which will pay all its expenses. There are only five States of the Union now which pay their expenses to the postal service. There are enough letters deposited in the post-offices within those States, reckoning postage upon them, to pay the expenses of the postal service within them. Unquestionably, as time progresses and our population becomes more numerous and our business more important and extensive, more States will be in this category; and by and by, it may be, by another centennial, the postal service carried on properly may be self-sustaining; but it is not so now. Yet this is the nerve running to every community throughout the land, through which the benefits of the Government are more distinctly felt by the people than any other whatever. It is more pervading even than our courts, because very few men resort to the courts. If it were the rule that property rights were invaded or personal liberty infringed, then everybody, perhaps, would apply to the courts; but fortunately under our form of society there are very few who need this protection. The United States courts are generally not called into requisition and a very small class of the community are compelled to resort to them, although all have the privilege.

Run all through. Take the Patent Office. This is for the benefit of inventors, a small class, although a useful one; but when you come to the Post-Office Department it affects every man, woman, and child in the whole country old enough to have intelligence to read or write. It is the principal benefit, I may say, which the Government confers upon the people; and certainly we ought not to begrudge a small portion of the taxes which are paid into the Treasury to keep up the service in such a manner that it shall foster our growing settlements; that it shall give facilities to our great volume of business; that it shall oblige the people in every part of the land. Suppose that we apply a Procrustean principle to this service; suppose we say in effect, and we might as well say it in words, that there shall be during the next fiscal year no additional postal service; that all further feeders on the railroad routes shall be forbidden to the country; that although growing so vastly and although the interests of this service are growing so greatly, we shall have no additional mail-routes; would it not be a cause of great discontent necessarily, and great inconvenience?

I appeal to any of my friends, especially those from the outlying States, those who are distant from the great commercial centers, whether it is not necessary to maintain this service in proportion to the growing wants of the community; whether the immediate interests of our constituents do not require it. How can you do without additional routes? One-third, perhaps, of the fourteen additional routes proposed in Kentucky, for instance, may be reduced, but the remainder may be absolutely essential. I have seen the growth of these communities. I have seen California grow from a few thousand people to hundreds of thousands. I know what our shifting population is; shifting from elsewhere and gathering there in communities where these facilities are as absolutely necessary to their convenience and their business as they are to any street in New York City. We do not ask that we shall have a carrier service that shall bring the mail two or three times a day. There is only one city in my State where this privilege is granted. That is the city of San Francisco, where it pays its expenses. But we do ask for such cities as Sacramento, Yreka, and Petaluma, places of moderate population but business interesting to them, that they shall have means of intercommunication.

Furthermore, our business is largely with the Eastern States. We buy many of our goods from the East. We sell our grain and other articles to the East, and they are handled, furthermore, by factors who reside in New York and other eastern cities. If we are able to send our letters to them, they are able to send theirs to us; and so there is a common benefit to the postal service. I hold that we can do the people no better favor, we can no more clearly answer their wants, than by a decent liberality in providing for postal facilities, and it seems to me that we shall lay ourselves liable to extreme cen-

sure, and that we shall deserve it, provided our action upon an appropriation bill will even stunt the postal service to its present dimensions when the country is growing so rapidly.

Mr. MAXEY. As a member of the Post-Office Committee, Mr. President, I happen to have a pretty fair knowledge of the largely increased number of mail-routes which have been projected in the Senate and in the House during the present session. I represent in part a State which is largely increasing in population, and therefore necessarily demanding largely increased mail facilities. I have presented a large number of applications for additional routes in the State of Texas. In regard to every one of those which I have presented, I either personally know the necessity of the additional route, or I had such information from gentlemen of the country known to me as residents of the State as led to the assurance that the route was needed. I also know, because I have been in constant intercourse with the members of the Texas delegation in the other House, that the routes presented there by the members of the House from Texas were necessary.

It occurs to me that there ought to be some reason in all things. I do not know that I ought to refer to the bill as it was presented to us by the House, but I will state that a largely increased mail service is demanded. The Postmaster-General is required to carry out every one of the contracts, including the star contracts, and yet the means of complying with these contracts are cut off from him. I cannot, as a business transaction, understand the bill as it came from the House. I know that in all the frontier States, as was well said by the Senator from California, we have a feeling knowledge of the absolute necessity of increased mail facilities because our States are constantly increasing in wealth, population, and prosperity, and therefore constantly demanding increased mail facilities.

As a Senator from a State which necessarily demands additional mail facilities, I ask that they be given. I do not know the number required in Texas. The Senator from California has the bill in his hands. I do know it is very large, and I do know that so far as those routes presented by me are concerned they are needed. They were known to me to have been needed from my own personal knowledge or from information which justified me in declaring so to the committee. I have every confidence that the Representatives from my State in the House, all of whom I personally know, have presented no application whatever except for routes that are needed owing to the necessities of the increased population of our State and the increase of commerce in the State.

Mr. SARGENT. The number is forty-two in Texas.

Mr. MAXEY. As was said by the Senator from Maine, the chairman of the Senate Committee on Post-Offices and Post-Roads, the number of new routes will be probably doubled before we get through with that bill here, for almost daily additional applications are made and referred to the Post-Office Committee. I will state further that in every instance, so far as my knowledge of the operations of that committee are concerned, we have never failed, when a Senator has stated of his own personal knowledge or from information which justified him in so doing that a route was needed, to authorize that route to be incorporated in the bill. I think that right, because it is one of the objects of local representation to have men here who can say for themselves whether a thing is right or wrong, and not only say it but insist upon it.

I insist upon all the routes I have asked for, and I do not call upon Congress to do a nonsensical thing. I do not ask Congress to establish post-offices and post-routes in order to be told when I go to the Postmaster-General, "I cannot carry out that act of Congress, because you have not given me the money to enable me to carry it out." We have a maxim of the law that the law never does a vain or useless or foolish thing. I think an act of Congress which would establish post-offices and post-routes, and not furnish the means of executing that law, would be a very vain and a very foolish thing.

To the extent, therefore, of whatever is necessary to make the Post-Office effective everywhere, to the extent of carrying out wholly and completely the postal facilities for the convenience of all the people of all the States, I shall favor this bill as reported by the Committee on Appropriations. I shall do so because I know that there is no part of this Government in which the people are more directly or more immediately interested than they are in a complete and perfect system of mail facilities.

There are some things reported in the bill that I do not understand. I only say in regard to that which has fallen within my personal knowledge, that, so far as the increased routes are concerned, which are necessary, there should be an increased appropriation of money to pay for the establishment of those routes. Every one of us who lives in the new States knows and feels the absolute necessity of establishing new routes. The man representing a new State who would not be in favor of establishing post-routes and post-offices wherever they are needed in that country is not the right representative of his State. I can readily understand how in the old States, where everything is working as smoothly as the machinery of a clock or a watch, they do not feel this need as we do who live in the outlying States. They have had all their facilities years and years ago. The predecessors of those who now represent them came into Congress and had their routes established, and they have been continued up to the present time; but we now, in this new West and in this new Southwest, which is building up so rapidly and making such a magnificent addition to the wealth, population, and prosperity of the American Union, come into this Congress and say we are entitled by right to the same privileges which have been extended to the old States, and I for one shall favor granting them.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. WEST. I presume, now that debate upon the economies of this bill has been pretty well indulged in, I may, in order to expedite matters, ask for the application of what is known as the five-minute rule in the further consideration of the bill.

Mr. SHERMAN. I may desire, on the amendment in regard to the salaries of postmasters, perhaps, to exceed that time, but I shall be very brief.

Mr. WEST. In a case of that kind the rule may be waived.

Mr. SHERMAN. I have no objection to the rule being adopted, because I think the Senate will allow me to call attention to some figures.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the five-minute rule be applied to the pending bill.

The motion was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 11, after the word "dollars," to insert:

And not exceeding $7,500 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and counsel necessarily employed by special agents of the Post-Office Department, subject to approval by the Attorney-General.

The amendment was agreed to.

The next amendment was in line 18, to increase the appropriation "for preparation and publication of post-route maps" from $20,000 to $30,000.

Mr. INGALLS. Without fuller information, I should be inclined to oppose this amendment. It seems to me this is a matter in which the discretion of the Department is largely exercised, and I can see no reason why the sum fixed by the House bill is not employed for the purpose specified.

Mr. WEST. It is true, as the Senator says, that in the expenditure of this amount of money for these special purposes the control is largely at the discretion of the Department; but that control is influenced and affected by the demands of Senators and Representatives for their own localities. These maps are made mostly in response to these demands, and the Department, judging by its experience in the past, knows that these demands will be continued. There will be the same necessity as heretofore, and the committee do not consider it judicious to assent to the curtailment that is made by the House. The amount appropriated last year was $30,000. We propose to give the same amount now. If you cut it down to $20,000, although you can conduct that branch of the service as you may conduct all others with a reduced amount, it must be followed by a reduced accommodation to the parties who require it.

Mr. INGALLS. This is certainly not an essential feature of the Post-Office Department. The Senator from Louisiana himself says it is merely for the accommodation of Senators and Representatives. For my part, I am entirely willing to forego any share I may have in the benefits of this appropriation. The sum of $20,000 will certainly, if these maps are lithographed, provide for an enormous number of copies for distribution. I trust, in the interest of economy and retrenchment, as this is purely a matter of accommodation, and not of necessity, that the amendment will not be assented to.

Mr. WEST. I beg pardon. The extent of it is a mere matter of accommodation, but it is a matter of necessity for the transaction of the business of the Post-Office Department itself.

Mr. INGALLS. Are not these maps lithographed?

Mr. WEST. No.

Mr. SARGENT. I understand this appropriation is used for keeping up the office maps, which are continually changing in every part of the United States. I shall have to refer to the post-route bill again for the purpose of illustration. Every route advertised to be let has to be laid out on the map. If a route is abolished it has to be erased from the map. Senators and Members wish to consult with regard to routes in their States and districts; a reference is continually made to the maps to ascertain distances, routes, &c. The amount of $30,000 is not too much for the necessities of the office.

I did not understand what was said with reference to the distribution of the maps. I am sure, so far as I am concerned, I never received any of them, and I doubt if many of these maps are given to Senators and Representatives. It may be that when a Senator is applied to for one of these maps he may send to the Department for it and get it. Under these circumstances he may procure a copy and send it; but this appropriation is spent in keeping up this branch of the service of the Department, and if it falls behind the Department would be very much at a loss to know where the post-routes are. The amount is not extravagant considering the necessities of the service.

Mr. INGALLS. If I understand this matter, the original plate of every State or group of States is lithographed with the railroad routes and other mail-routes laid out in pen or pencil, and as these routes are changed the change is indicated by some clerks in the office in order to make it a proper matter of reference for the Department. The routes are marked in red or blue or yellow to indicate

the frequency of the service. A subsequent portion of this paragraph provides that these maps may be published and sold "to individuals at the cost thereof" and the proceeds "applied as a further appropriation for said purpose." I still am unable to see what considerable use there is for this large appropriation. I should like to know how many copies there are printed and how many clerks are employed in their preparation, and what is the necessity for this annual appropriation, because undoubtedly the plates are lithographed and additional copies from them or from the block can be supplied at an almost infinitesimal cost.

Mr. SARGENT. Assume that they are lithographed, nevertheless they have to be materially changed. As the additional routes have to be put upon them, new lithographing of plates is necessary, and the work has to be gone over year by year. A map of year before last would be entirely obsolete except in regard to some of the main railroad routes, and on many of those there might be changes.

Mr. INGALLS. Those changes are indicated by pen or pencil.

Mr. SARGENT. That is a mere temporary expedient; but how soon will it be before the map is completely destroyed by constant use? It has to be put in some more permanent form, and a surface has to be prepared for future change. I am assured at the Post-Office Department that this is a very necessary appropriation, and that the want of the service cannot be supplied unless this amendment is adopted. My attention has been specially called to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations in line 18.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 22, to increase the appropriation "for advertising" from $25,000 to $40,000.

Mr. SAULSBURY. I desire to ask the gentleman having charge of this bill what is the object of changing the advertising from the newspapers of the country to special advertisements placed in the post-offices? It seems to me that is an amendment of doubtful propriety.

Mr. WEST. If that is so that doubtful propriety or impropriety ought to have been discovered in the past year, because I will say to the Senator that that principle was established a year ago. It was done for the purpose of lessening the expense, and also with a view of giving more extended notice, according to the judgment of the officials of the Post-Office Department. This is, therefore, perpetuating an arrangement that was established a year ago, which has been found to work exceedingly beneficially. It is not a change made at the present time.

Mr. SAULSBURY. I do not know anything about the propriety of the matter, and I do not know how it has operated. The Post-Office Department perhaps are aware of the facts on that point. It seems to me that $40,000 for simply sending advertisements to the post-offices of the country is a very large amount. There are some 50,000 post-offices, I believe, in the country. If the object is simply to place in the post-offices an advertisement put up by the postmaster, it seems to me it is more than a dollar for each post-office, if that is the mode which is to be adopted. If, however, there is a special agent sent around to place up those advertisements, I can see how the expenses would be increased to $40,000. I presume the Department does not have that rule, but simply sends the advertisements to the post-offices. If that is true, then I think the amount in the bill as it came from the House would be sufficient.

Mr. WEST. Last year there were $100,000 given for this same purpose. This year the House proposed to reduce that item down to $25,000. The Senate committee acquiesced with the House to the extent of three-fifths of the reduction instead of what they fixed, which would be three-fourths. The system is found to work so beneficially that the Senate committee now recommend its continuance. It has been established for over a year.

The PRESIDENT *pro tempore*. The question is on the amendment in line 22.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 25, after the word "cause," to strike out "an advertisement" and insert "advertisements;" in line 24, after the word "of," to strike out to "the" and insert "all general;" in line 25, after the word "be," to insert conspicuously;" after the word "post-office," to strike out "therein, to be posted conspicuously" and insert "in the State and Territory embraced in said advertisements;" in line 28, after the word "such," to insert "general;" in the same line, after the word "letting," to strike out "but" and insert "and;" and after the word "required," in line 29, to insert "but this provision shall not apply to any other than general mail-lettings;" so as to make the proviso read:

Provided, That the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings.

Mr. HITCHCOCK. Do I understand the honorable Senator from Louisiana to say that this was a provision of the law last year?

Mr. WEST. Yes, sir. If the Senator will refer to the post-office appropriation bill of last session, he will find that the system of advertising in the newspapers was changed to advertisements posted in the post-offices.

Mr. SARGENT. Are they not still advertising in newspapers?

Mr. WEST. Certain mail-lettings are advertised; what are known as specific mail-lettings, not general mail-lettings. If a contractor defaults or if a new route is established, that is known as a special letting; but the general mail-lettings are put out in pamphlet form and distributed to the post-offices throughout the country. That principle was established a year ago, and in the experience of the Office the new arrangement is found to be beneficial.

The amendment was agreed to.

The next amendment was in lines 32 and 33, to increase the appropriation "for compensation to postmasters" from $6,800,000 to $7,500,000.

Mr. SHERMAN. It is upon this amendment that I desire to make a few remarks, and especially to express my regret that on the question of the compensation of postmasters the Senate Committee on Appropriations did not concur in the reduction proposed by the House of Representatives. It is true that to carry out this reduction it will be necessary to adopt certain legislative provisions. I do not know whether the legislative provisions on that point in the House bill are wise or not. I expected the Committee on Post-Offices and Post-Roads to propose some substitute for the provision made by the House of Representatives. I know that a reduction ought to be made in the pay of postmasters in the country. I know that in the State in which I live the office of postmaster is the most valuable office in the State, comparatively; that the pay of a postmaster in an ordinary city in Ohio is more than the pay of a supreme judge of the State of Ohio or of the governor of Ohio or any of our officers; and this occurs in most of the States of the Union. I am told by my friend from Maine, [Mr. HAMLIN,] the chairman of the Committee on Post-Offices and Post-Roads, and also by the chairman of the Committee on Appropriations, that to be postmaster of a town of 20,000 inhabitants in Maine is worth more than to be governor of the State of Maine, the highest office in the State. This is wrong and ought to be corrected. We cannot, in the face of the present condition of affairs and in view of the figures which I shall give to the Senate, agree to the continuance of this state of things. We cannot refuse to make a reduction here where it is plainly and properly right. I for one will not vote for the amendment of the committee.

The estimate of appropriations submitted to us by the Departments, which is guiding the Committee on Appropriations, aggregates $314,612,608. Our bills are based upon these general estimates. It is true that the Treasury Department in their estimate have reduced these amounts, and they put the amount necessary for general purposes at $269,265,000, to which is to be added the sinking fund, $34,063,000. The Secretary of the Treasury recommends, according to the estimates of appropriation for this year, appropriations in all to $303,328,371 which is $11,284,281 less than the general estimates submitted to us from the heads of Departments. In addition to that, there will be a falling off of revenue in all human probability during the next year equivalent to that of the present year, of $15,000,000. It is therefore absolutely necessary for the Congress of the United States to reduce the appropriation bills to the extent of $26,284,231.

In order to show this matter a little more plainly and to spread upon the record these facts, I will state the actual result of the deficiency during the current fiscal year as taken from the official documents received by me since I made a statement on this subject the other day.

It was estimated by the Treasury in November last, (finance report, pages 4, 5, and 6,) that the receipts from customs for the fiscal year ending June 30, 1876, would be		$156,233,626 25
The actual receipts from July 1 to May 31 have been	$136,527,536 04	
And during the month of June it is thought there will be received	9,500,000 00	
Making the total receipts for the year		146,027,536 04
And less than the estimate.		10,205,090 21
The estimate of the internal-revenue receipts for the same period was		120,199,723 50
The amount received from July 1 to May 31 has been	$105,448,507 10	
It is estimated that the receipts during the month of June will reach the sum of	10,600,000 00	
Making the total receipts for the year		116,048,507 10
And less than the estimate.		4,151,216 40
In these two items there is a falling below the estimates of		14,357,306 61
The estimate of miscellaneous revenues, including sales of public lands, &c., was placed at		21,022,795 39

The actual receipts to date added to the amount which will be paid into the Treasury during the current month it is expected will be yielding from this source	$24,171,344 62
And in excess of the estimate	3,148,549 23
The foregoing statement of actual receipts and estimates for the current month puts the total income of the Government for this fiscal year at	286,247,387 76
The estimate of the same in finance report, page 6, was placed at	297,456,145 14
It will therefore be seen that the income of the Government will probably fall below the estimates by the amount of	11,208,757 38

It is manifest, therefore, that if we are to be guided by the amount of our revenues we cannot presume a deficiency in the next year upon the same estimates of less than $15,000,000, and we must face a probable deficiency during this year of at least $26,000,000 less than the aggregate of the estimate submitted to us by the Treasury Department. It will be necessary to us to reduce the appropriation bills $26,284,231. This duty rests upon the Committee on Appropriations, and they are pursuing the duty, no doubt, wisely and well. I have concurred with them thus far, and I believe that their action upon the legislative and executive appropriation bill was wise. I had no cause to criticise it. Indeed I voted for every proposition of theirs. But here is a proposition made by the House of Representatives where if they do not agree to the identical measure submitted by the House, it seems to me the Committee on Appropriations or some committee of this body ought to make a counter-proposition.

Take another fact. The Postmaster-General has said himself that the pay of postmasters is too large, and he has submitted a bill to Congress which, according to the statement made to me, reduces the aggregate salaries of postmasters by the amount of $400,000 or $500,000.

Mr. HAMLIN. About $250,000.

Mr. SHERMAN. Two hundred and fifty thousand dollars! I understood it was more.

Mr. MORRILL, of Maine. I am not certain that I am accurate about it, but I understood it was about $400,000.

Mr. SHERMAN. I did not know exactly; but it is perfectly apparent that there can be a reduction in the salaries of postmasters. That is not all. I have the figures before me, furnished by the Post-Office Department, and I will present you a rather remarkable statement presented in these papers. I find in one of the tables furnished by the Postmaster-General, and I suppose sent to most Senators, that the pay of postmasters has increased up to last year, since 1868, 65 per cent.; but now, this year's estimate for the pay of postmasters is $7,500,000, instead of $7,049,000; so that, if we adopt the appropriation bill as it is now before us, the increase of the pay of postmasters in the United States from 1868 is 80 per cent.

Mr. HAMLIN. But the revenue increases *pari passu*.

Mr. SHERMAN. I will call attention to that. The revenues have increased to the extent of 63 per cent. only. In 1868 money was far less valuable than now; so that the postmaster now receives money worth 30 per cent. more than it was in 1868. Three thousand dollars in 1868 would not buy so much marketing or provisions, or supplies, or gold, or anything else, by from 25 to 30 per cent. as it will now; and yet since that time the aggregate pay of postmasters has increased 80 per cent., partly by the increase of the number of postmasters, but also by increasing the actual rate of pay. Is this right? Ought we not to consider the changed condition of things? Ought we not to reduce the pay of these postmasters? I say we ought; and I believe it is the duty of the Committee on Appropriations to take some proposition to reduce these appropriations.

But that is not all. We had here a very able speech made at the beginning of the session by the honorable Senator from Maine, in which he showed us that there was a deficiency in carrying the newspapers of this country to the amount of $7,000,000.

Mr. HAMLIN. Six million dollars; I made a mistake.

Mr. SHERMAN. I find it stated in the table at $6,900,000. The Senator now says $6,000,000. According to the statement made by him, there is a loss on carrying the second-class mail matter of $6,933,023 and some cents. Why is it? What argument can be given by any prudent man to justify the people of the United States in carrying newspapers practically free of postage? The whole amount paid by the newspapers of this country toward carrying the mail matter I believe is only about $2,000,000.

Mr. HAMLIN. About one million.

Mr. SHERMAN. Only $1,000,000, my friend says. Why is that? Have we not the courage to deal with this question? Have the newspapers the power over us to compel us to carry their matter free? When we are charging three cents on letters, should we carry newspapers at two cents a pound? Is there such terror of newspapers in this country that we cannot do what is right? Cannot everybody see that this is not right? We can all very well admit that the circulation of newspapers, intelligence, information, is of great value and great importance. We ought not to pass laws that would greatly check it; but at the same time it is manifest that this service should be paid for by those who have the first benefit of it, that to a reasonable extent at least the newspaper ought to make good this deficiency.

Now, sir, put the question to any intelligent newspaper publisher, and he would consider himself insulted if you would tell him that he is a stipendiary on the bounty of the Government; that we carry for his special benefit this large mass of matter at a loss of $7,000,000 a year, covering nearly the whole of our deficiency. It is wrong; it ought to be corrected; and we ought to have the courage to do it, even if every newspaper in the land should cry out against it.

Two or three years ago, when this rate was fixed, I called attention to the fact that the charge was greatly below the cost and tried to have it put at four cents a pound instead of two; and I was very much misrepresented about it; and yet I have since conversed with many newspaper publishers in regard to it, and they have uniformly said to me that our action was a mistake and that we put the rate too low, and that a reasonable rate, such as would divide with the public at large the expense of carrying this matter, would be right and proper.

It seems to me, therefore, that to increase the rate to four or five or even six cents a pound on the newspapers carried in the mail would be a wise solution of the trouble; would give us two or three millions to supply this deficiency, and thus enable us to live within our means. Why can we not do it? The House of Representatives have proposed certain reductions. Accept them. If their proposition is not wise—and I rather think it is not from the statement made to me—make some counter-proposition that will bring about the same result, the reduction of half a million dollars on the pay of postmasters. Does anybody dispute that their pay is too high? I never saw a man do it; the Senator from Maine does not do it. Why not reduce them, then? Why pay the postmaster of a town in Ohio $4,000 a year when a judge of the supreme court traveling over the State gets but $3,500? Why hold out to all the people of the United States the eager desire to get a Federal office because the Federal office is paid for beyond a State office? To many of the men who hold your post-offices the position is a matter of great convenience. Large numbers of them are merchants, who find it convenient to have the post-office at their place of business in order to bring customers. Of all the services in the world there is no service that will bear to sustain itself at a less rate of compensation than that of postmaster, because it is an easy service, a very easy service comparatively.

Mr. WEST. Are the bonds easy?

Mr. SHERMAN. It is no trouble for a man to be honest. I take it where a man receives money he has to pay the same money back.

Mr. WEST. Let me interpose. The post-office in New York has some seven hundred employés and the postmaster is responsible for the official integrity of every one of them. It is easy for him to be honest.

Mr. SHERMAN. Is that fair? I admit that the postmasters at New York, Philadelphia, Boston, these leading cities, ought to be paid more than elsewhere.

Mr. WEST. The Senator has not said so.

Mr. SHERMAN. I have not said all I intended to say, by any means.

Now, sir, I submit to the honorable Senator from Louisiana, because a single man, or two men, or three men get an insufficient salary, is that a reason why we should pay ten thousand men an unreasonable salary? We cannot meet the House of Representatives on that proposition. If the salary in New York is too low, why does he not propose to raise it? If it is too low in a few cities, as I confess it to be—and I would not hold the office of postmaster of New York, because of the responsibility—is that any reason why in Bangor, Maine, or in some other town in Maine or in Ohio, or anywhere else, there should be paid more than any private citizen would pay for the same kind of service? Not at all. We ought to correct it; we ought to meet the House of Representatives, if their proposition is not a fair one, by some counter-proposition.

So with the newspapers; if it is a fact that we spend $8,000,000 to carry newspapers from the publishers to the people, and only get $1,000,000 back, we are derelict in our duty unless we make them pay a reasonable fraction, at least one-half, of the cost of that service. There is no reason in the world why that service should be charged upon the people; and they ought to pay a reasonable rate, whatever it is.

It seems to me these amendments ought to be made to this appropriation bill; and in this way we ought to save a considerable sum. As it is now, there is over $8,000,000 appropriated for a deficiency in the postal service. We can reduce it; we ought to reduce it; we must reduce it. We must reduce these appropriation bills; and, therefore, while I do not desire to criticise my honorable friends who have charge of these bills, while I know they are carrying out the general idea that they will not agree to any legislative amendments to appropriation bills, yet these legislative amendments are here; they have got to be acted on; they will be carried into our conference committees. If we do not think they are right, we ought to propose something else; and besides, the Senate cannot stand in the position of refusing to meet legislative provisions in appropriation bills when we have loaded them down for the last forty years. All we can do is to take up these propositions and say whether they are right or wrong.

If they are wrong, we can strike them out; if they are not right in details, we can amend them in details; but we must act upon them when they are presented to us. While I am disposed to acquiesce in anything that is proposed by the Committee on Appropriations, and not to call for a division on this question, I do say that it is the duty of somebody of the Senate to meet the House of Representatives on this question of the reduction of the pay of postmasters and an increase of the income of the Post-Office Department so as to make it self-sustaining, or at least to relieve it from some of the embarrassments under which it now labors.

Mr. HAMLIN. Mr. President, I concur in nearly all that the Senator from Ohio has said. I concur at least in the propriety and justice of re-adjusting the compensation to postmasters; but I do not favor such an amendment in this bill. I have prepared no counter *projet*, because I do not propose to do it on an appropriation bill.

Now, I will state very briefly—and perhaps I will ask the indulgence of the Senate to allow me to transcend the five minutes—my views in relation to a re-adjustment of the compensation to postmasters; and I am inclined to believe that when I have stated them I shall meet the approval of the candid judgment of this Senate.

I would re-adjust it upon a basis that will furnish a competent sum to pay a good man for discharging the duties, no more. And in looking at the present law and at its application to the present officials, I know that it does provide a compensation in a very large number of cases beyond that which is required for the good interest of the service, and I am, therefore, and have been at all times, for reducing it to a proper standard.

Senators will recollect that at the last session of Congress there was incorporated in a bill a provision that the Postmaster-General should communicate to Congress his views upon two propositions, one upon the postage paid upon what was called third-class matter, and the other in relation to the compensation of postmasters. The Postmaster-General did that. He communicated to this body at length his views, and gave to the Senate his figures in relation to the effect of the postage paid upon third-class matter. We have acted. He sent to the House of Representatives his views in relation to the reduction of the salaries of postmasters. That communication never has been committed to the Senate; we have never had it before us; but we have waited, or I can say as one member of the Post-Office Committee, that we have waited in all patience expecting that the House of Representatives would send us that bill, or such a bill as they might agree upon, that we might here consider it, instead of which they have incorporated in this appropriation bill the provision which is here.

The compensation of postmasters is based upon a commission. The first commission is 60 per cent. on the first $100. That applies to the little offices; and so it runs up, and as the sum increases the commission is reduced, and the maximum of a postmaster is $4,000. Under the action of the present law we find this fact, that in all the little cities and towns of fifteen or twenty thousand people over the country the salary is $4,000, while when you go to Boston, to Philadelphia, to Chicago, and to Saint Louis you find the postmasters get not one mill above that sum. Every man will see at a glance that a law which fixes the compensation of a postmaster in a little town of fifteen or twenty thousand people upon a basis that gives him $4,000 and allows no greater compensation in such cities as Boston, Philadelphia, Baltimore, Chicago, and Saint Louis is wrong; it is palpably wrong.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The Chair will interrupt the Senator to say that under the rule his time has expired.

Mr. SHERMAN. I believe there was a reservation made of this amendment.

Mr. MORRILL, of Vermont. Let the Senator from Maine go on.

The PRESIDING OFFICER. The time will be extended if there be no objection.

Mr. HAMLIN. In that view of the case I have on several occasions invited the attention of the Committee on Post-Offices and Post-Roads to the consideration of this subject, and I say here for myself, as I say for them, that we are willing to meet it and to give to it that consideration which our best judgment shall dictate. I have said that the *projet* of a bill was furnished to the House of Representatives and that bill, of which I had knowledge although it never came to the committee of the Senate, did make a new basis upon which the compensation of postmasters was to be graded; and, if I am right in my recollection, it made a saving to the Government of about $250,000, at least that, or it might be $300,000. But that gradation, while it cut off the amount beyond that which was fair and requisite, and necessary for the smaller offices, would have made the compensation of the postmasters at Philadelphia, Boston, Chicago, and some other places, above $4,000—more than they now get; and that, in my judgment, is clearly and distinctly right, because when you go to those offices and see the large amount of revenue which they collect, the large number of employés under them, for whose moral conduct the postmaster is responsible, there is an equity and a right that while you apply the corrective to the smaller offices you should also do equal justice to these large offices that have been limited by the existing law.

That was the bill which met my approval, which meets my approval now; but I do not propose to offer it here as legislative matter to an appropriation bill. And yet if the House of Representatives are not disposed to act upon that and send it here to us, then if we strike out the section of this bill on that subject the matter will be in abeyance between the two branches, and then you may more accurately and more properly, in my judgment, or with more hope of success, present your counter-proposition to the House. I think there can be no doubt that there should be a re-adjustment of this compensation.

But now let me come to the conditions contained in the section inserted in this bill by the House of Representatives. First, I object to treating the subject upon an appropriation bill. I am in favor, as I have been, of re-adjusting the compensation upon that basis which shall meet the approval of candid men, which shall furnish just and adequate compensation to an honest and competent man, and no more. But this section is reckless; it has no system to it; it would not apply justly and equitably if it should become a law. I have papers in my possession which I could read, and show you that a postmaster in a town of 20,000 inhabitants receiving a compensation of $4,000 under the provisions of this section might not receive $1,000. That is not right; and how is it? I have said the compensation was graduated upon the amount of revenues received. I should have said, to be accurate, upon the amount of stamps sold and box-rents. How, then, would the result be produced to which I have alluded? Let me state. In one of these small towns, and they are everywhere uniform without exception, save where the Government owns the building, there are box-rents received by the postmaster. Where the Government owns its own building, it furnishes its own boxes and receives the rents; but in all other offices the postmaster himself furnishes the boxes, and puts his own tax upon them, and in that way he gets a portion of his compensation. Having had some conversation with the Senator from New York on my right, [Mr. KERNAN,] I invite his attention to this point that I am now making. In addition to the compensation which the postmaster gets, he gets the rents of his boxes. In an office where he furnishes his own boxes, it may be at an expense of $1,500 or $2,000, and he does not happen to hold the office for a single year, he would not get above $1,000 for the whole of his compensation. I have a case in my mind where it would be less than $1,000.

I say, therefore, that while a plan of re-adjustment is right and ought to be carried out, and as one Senator and as a member of the committee I am ready and desirous of carrying it out, I am opposed to this provision, because it is not what I think is just. It goes perhaps as far the other way, it makes the compensation in many instances too low; but taking the *projet* of the bill which the House committee have before them, I think substantial justice would have been done and proper economy would have been exercised.

Mr. WITHERS. The provision to which the Senator refers is in the House bill, not the amendment of the committee.

Mr. HAMLIN. A provision of this bill inserted by the House. It is not the bill referred to the House Post-Office Committee, but a House amendment put upon the appropriation bill. Whether it came from the House Committee on Post-Offices and Post-Roads or not, I am not advised; I do not know.

Therefore with my present view, I would strike out all this legislation. I have not yet seen the time when I would be willing to vote affirmatively on any general legislation of this kind on an appropriation bill. I will not say that in the last resort I would not vote for it if we can secure the measure in no other manner. But if we may do it, we may better do it by trusting to a committee of conference to meet a committee on the part of the House and so compare our notes the one with the other, and find perhaps, as I hope we may, some middle ground upon which we can stand.

Mr. KERNAN. Mr. President, I hope we shall dissent from this amendment. While I appreciate the great force of what the Senator from Maine says, I think as the matter stands we shall accomplish the result so many are in favor of, the reducing of the salaries of some of these postmasters, by not appropriating money enough to pay them their present salaries; and I think when we make the appropriation less we shall be more likely to amend the law and adjust their salaries according to the money appropriated, rather than to appropriate the full amount of money, for then I fear there will be no change made.

The amendment to the House bill is to increase the amount $700,000. The House of Representatives by the bill under consideration appropriated $6,800,000 for compensation to postmasters. The amendment of the Senate committee increases it to $7,500,000, being an addition of $7,000,000. I think we should appropriate only the lesser sum; and we have a right to and we should amend the law so as to re-adjust the salaries of postmasters. It is conceded on all hands that some of them get far too much, a great many of them, and very few get too little. To illustrate that I have looked to the salaries of some of the postmasters in my own State. While the postmaster in New York is performing the service of postmaster for a million people and a great business center for $8,000, at the little town of Tarrytown, on the Hudson, a little watering-place, a nice town, the postmaster gets $2,600. Nobody doubts that you could get a good man to do all the duty, his clerks and office expenses being paid, for $1,000 or $1,200. As I have no invidious feeling toward anybody, I will take the city where I live, where the postmaster is an excellent gentleman. The population

is 35,000; the compensation of the postmaster used to be $2,000. I do not know when it was changed, but I know it was at that rate about the year 1860, or a little before it. It is now $4,000. I do not doubt that, in the present state of business and at the present value of money and price of living, that gentleman or any other excellent man would perform the service and feel that he was well compensated for much less. There is a very nice village in my own county, the village of Clinton, where I find that the postmaster gets $1,900. I venture to say it would be on all hands admitted that $1,000 or $1,200 would be very ample compensation. Then take Geneva, a nice village, but not a place where you need have a high-salaried officer, and there the salary is $3,100. At Genesee it is $2,500. Then there is the village of Richfield Springs, a nice little watering-place, a country village, where the postmaster gets $1,700. You could get any of the business men to take the office into their stores for half that sum. At Buffalo, a large city, as you all know, the postmaster gets $4,000, and is very willing to serve at that, while at Bath, a small village in a neighboring county, quite a small village compared with Buffalo, the postmaster gets $2,300. At Batavia, a nice village on the line of the road this side of Buffalo, the postmaster gets $3,100. These rates are too high.

Mr. WEST. Is the Senator from New York aware of how much out of that compensation these parties are obliged to disburse for carrying on their offices?

Mr. KERNAN. I do not understand that they disburse at all for carrying on their offices.

Mr. WEST. I am so informed by the First Assistant Postmaster-General.

Mr. KERNAN. Then we should have the facts, because certainly the office is paid for at Utica and it is at Buffalo, and I think also at Batavia, and the clerks are paid. But at Batavia or Richfield Springs the expenses of the office must be very trifling. I think, without any feeling of politics or party, the people would say in these country towns "we can get good men, reliable men, for much less salaries." I do not want to make the compensation too low; but I think we should adhere to the House bill and not appropriate $700,000 more than they call for but appropriate the lesser amount, and then adjust the law or authorize the Postmaster-General in some way to adjust these salaries at a fair rate of compensation, and not while we are paying out of the Treasury large sums to carry on the distribution of mail matter pay to postmasters what is really an exorbitant salary in these times in a large number of instances. Therefore I hope we shall stand by the House bill.

Mr. WITHERS. Mr. President, I will state that there is no contrariety of sentiment on the part of the Committee on Appropriations with the opinions expressed by all the Senators who have addressed the Senate on the subject of the necessity of a re-adjustment of the salaries of postmasters in certain localities. That was a difficulty which was recognized by the committee; and the particular amendment which is now under consideration, increasing the appropriation from $6,800,000 to $7,500,000, was predicated upon this fact, that although the House bill provided for a re-adjustment of the salaries of postmasters to such a degree and in such a manner as would probably cause a reduction in the amount which they would receive to the sum fixed by the House bill, yet in accordance with what we understood to be the sentiment of the Senate as expressed on all the appropriation bills which have been passed inimical to ingrafting any legislation thereupon, we could not assume that the proposed reduction which would be effected by the House bill would be consummated; and as we recognized the obligation to pass the appropriation bills in consonance with the existing laws, we had, as we thought, no option in carrying out what I say had been the previously expressed views of the Senate than to increase this appropriation by the amount indicated.

There is, I will mention here, also an additional reason why this should be done. The law as it at present stands requires the salaries of the postmasters to be adjusted every two years, and the time has now come when such adjustment is absolutely necessary, because a notice has to be sent out of the change by the beginning of the next quarter, and there is barely time to make the re-adjustment and issue the notice as required by law.

Bearing all these facts in mind, therefore, the committee decided to increase the appropriation to the amount required under the existing law, leaving it hereafter to the Senate to decide whether the additional legislation which would be demanded to re-adjust the salaries should be consummated, because if it be thus consummated the effect will be simply that the whole amount appropriated will not be required and the residue will be turned back into the Treasury.

As to the point of legislation upon appropriation bills, I do not propose to say much, because it is a subject which has been very freely discussed in the Senate, and all men of all parties, so far as I know, have expressed their disapprobation of that principle; and to-day——

Mr. COCKRELL. Will the Senator from Virginia permit me to ask him one question?

Mr. WITHERS. Certainly.

Mr. COCKRELL. When was it that this Senate established the principle that they would ingraft no legislation in appropriation bills?

Mr. WITHERS. It has been done by the uniform votes of the Senate on all appropriation bills involving that principle.

Mr. COCKRELL. Will the Senator answer this question? Section 4 of the postal appropriation act of the last year, passed on the 3d of March, 1875, is as follows:

That the Revised Statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

Was that legislation in an appropriation bill?

Mr. WITHERS. I hope that the Senator does not understand that the remarks which I have submitted on the subject of the opinion of the Senate in regard to legislating on appropriation bills had any reference to the last Senate or to any previous Congress. It is what has passed in this Senate during this session that I referred to, and I think I have sufficient ground to repeat the statement which I made that the Senate has indicated, to my mind unmistakably, its condemnation of that practice by the votes which it has given on all legislative amendments hitherto to appropriation bills in this body.

The PRESIDING OFFICER. The time due to the Senator from Virginia under the rule has expired.

Mr. WEST. I suggest to the occupant of the chair at the present moment that before he took his position the rule was suspended on this amendment. The five-minute rule was suspended by common consent.

Mr. WITHERS. There are some other points I wish to present——

The PRESIDING OFFICER. The Chair was not so informed. The Senator from Virginia will proceed.

Mr. BOGY. It was distinctly understood that the rule should not apply to this amendment.

Mr. WITHERS. With regard to the action of the Committee on Appropriations on the legislative portions of this bill, I will state this, which I think will meet the views of the Senator from Maine as well as I hope those of the Senator from Ohio: that when the committee determined to amend the bill by striking out the fifth and sixth and subsequent sections which contain legislative provisions, it was done with the understanding that those amendments, if agreed to in the Senate, would be coupled with a reference of these particular sections to the appropriate committee, the Committee on Post-Offices and Post-Roads of the Senate, in order that they might investigate the matters therein contained and report such a bill as would embody their views upon the reforms which are proposed to be instituted by these sections.

I say for myself very frankly that many of the provisions which are contained in these legislative sections meet my hearty and cordial approval, and I would very cheerfully vote for a bill which embodied them; but, in accordance with the principle which I have previously announced as the one that controlled us in our action, I did not agree to them as attached to this appropriation bill. I will here state further that many of the amendments which have been adopted by the Senate on these appropriation bills in consonance with the idea to which I have alluded, that it is improper to ingraft legislation upon them, struck out provisions which would meet my approval in themselves; and if we are to strike down this principle on which we have previously acted, and if it be determined, in accordance with the suggestion of the Senator from Ohio, that legislation shall be ingrafted on the appropriation bills, then for one I am willing to recede from several of the amendments adopted in this body, so far as my vote is concerned, and, if we are to legislate at all, to exercise such discrimination as in our best judgment may induce us to select what is the most appropriate legislation to ingraft on these bills.

But, sir, I submit with all due deference that all that is proposed to be accomplished in the way of legislation can be much more certainly and much more efficiently accomplished by referring the legislative sections of this bill to the appropriate committee, and let them prepare legislation to meet the wants which are indicated by the House bill.

Mr. MORRILL, of Maine. Mr. President, just a word or two in reply to the Senator from Ohio, whom I do not see in his seat at this moment. The Senator from Ohio thinks that the Committee on Appropriations did not do their duty in that they did not recommend some reduction of the salaries of postmasters. That is precisely the question that we had been discussing on former appropriation bills, and that we settled, as I thought, if we settled anything. If anything can be settled in the Senate of the United States as to the duties or office of the Appropriation Committee, it is that their function is to appropriate for the service and not undertake to tell what it ought to be. The Senate, I agree, may determine the service, but the Appropriation Committee cannot. That is the distinction, and for that reason I would say to my honorable friend, if he were here, that the Senate Committee on Appropriations reported this bill back according to the law. Now, if the Senate chooses to change it, very well; that is not our business.

My honorable friend says he thinks the salaries of the postmasters ought to be reduced and may be reduced, and that the Postmaster-General is of that opinion. Very likely. I think that is so; but will the Senator from Ohio tell me or tell the Senate precisely how much? That is the proposition—how much? I can see from the statement of the Postmaster-General that it is competent, that it is probably consistent with the public service to reduce the salaries of the postmasters in this country. Who is there on the floor of the Senate that can tell precisely to what extent? My honorable friend confesses that he is not wise on that subject at all; and if he is not, how does he suppose that it falls to the lot of the Committee on Appropriations,

whose business it is simply to find what the law is and appropriate for it, and not to determine what it should be?

If my honorable friend from Ohio, who I am glad to see has returned to his seat, can tell the Senate precisely what these salaries ought to be, then I am in favor of accepting his amendment; but my honorable friend says he is not able to do that.

Mr. SHERMAN. Let me make a suggestion. I do not want to make amendments to appropriation bills blindly, because I know how foolish, and how difficult, and how embarrassing it is to the committee having charge of them; but when the Postmaster-General says he can get along with $400,000 less, my idea would be to put the amount at what he says he can get along with, and then allow the legislation to reduce the salaries to be arranged either by a committee of conference, which is a dangerous way, it is true, or by a proposition coming from the Committee on Post-Offices and Post-Roads. I would fix the amount at about what the Postmaster-General thinks he can get along with.

Mr. WEST. Where does that admission come from? We have not heard it from the Postmaster-General, and he has absolutely insisted on having this amount. Of course we should have curtailed it if we could have got his consent.

Mr. SHERMAN. I inquired of the Senator from Maine—I went to the fountain-head—and he told me he thought $400,000 could be saved according to the idea of the Postmaster-General. His colleague thinks not so much.

Mr. MORRILL, of Maine. That is not the point I am touching; the point is the reduction of salary. I understand the Senator to say that he thinks the Postmaster-General supposes the salaries of postmasters in this country might be reduced without injury to the public service, and without any injustice to them; but the question is how much? On that point I did say to the Senator from Ohio that I understood the Postmaster-General to think there might be a reduction of about $400,000, but I am told it is less than that, and only $250,000 or $300,000.

The bill as it comes from the House of Representatives undertakes to do a particular thing in regard to the salaries, to reduce them to a certain amount. The Postmaster-General says as to that particular reduction that it would be an injustice and that it would cripple the public service. Therefore the Committee on Appropriations were placed in an attitude precisely like this: First, we must undertake to judge whether this proposition of the House of Representatives was a correct one, whether it might be done or not, without the proper information; and when we go to the Postmaster-General he tells us that it would be an injustice and would cripple the public service. Now, what was to be done? Of course the proper thing was to strike it out and remit it to the Senate for its judgment. Our judgment is, from the best information we get, that it is not a safe thing to concur with the House of Representatives, and still that something else might be done, but precisely what we do not know. Nobody proposes anything. I do not know that the Committee on Post-Offices and Post-Roads, who are supposed to have the best information on this subject, have any proposition; if they have, they do not offer it. That is the predicament in which we are found; and the Senate must either take the ground of concurring in the action of the House or take the ground of non-concurring, and trust to a conference to put this matter right, or some proposition must be made in the Senate. The Committee on Appropriations had none to make, and from the nature of the case I submit to my honorable friend from Ohio he ought not to expect us to make any.

The real question then is, will the Senate agree to the amendment of the Committee on Appropriations non-concurring with the House, and settle this somewhere else, or undertake to settle it now? It seems to me it will come to this: you will probably either concur with the House of Representatives in their provision or concur with the action of the committee, and endeavor to settle the matter in conference. Otherwise you can see, with the information we have, as to what is precisely right, we may stay here until the end of this week and next week to discuss this general topic without making much progress.

I agree with my honorable friend from Virginia, [Mr. WITHERS,] who has recently addressed the Senate on this subject, that unquestionably there may be a reduction in the salaries; but that must be effected by the judgment of the Senate. If anybody is wise on that subject I wish he would put his wisdom in the form of an amendment, and I shall be the last man to object to it. But it should not come from the Committee on Appropriations. I submit, therefore, that there is nothing left for the Senate but to concur with the House of Representatives. That is the way it strikes me.

Mr. SHERMAN. In order to present a proposition—and I will make one that I will vote for cheerfully—I move to reduce the amount proposed by the Committee on Appropriations, which I think is the estimate of the Department, by exactly $300,000, so that the committee of conference when they are acting on this matter may have a choice between the House proposition and the Senate reduction, which will then be $300,000 below the estimate. I make it $300,000 because that is the smallest sum stated as the probable result of the proposition of the Postmaster-General.

I will say now, in order to present the question fully to the Committee on Post-Offices and Post-Roads and the Committee on Appropriations, that I will move at the proper time to increase the rate of postage on newspapers to four cents a pound. I wish it understood now beforehand that I do it not to punish the newspapers, but simply that newspaper publishers should pay some reasonable share of the cost of carrying newspapers in the mail. I will now content myself with moving a reduction of the amount proposed by the Committee on Appropriations in this amendment $300,000. That will leave the committee to adjust the amount upon the basis of legislation that they may agree upon.

Mr. COCKRELL. The Senator's motion is to reduce the $7,500,000 to $7,200,000?

Mr. SHERMAN. Yes, sir. That will give a margin; that will leave the whole question open. If the two Houses cannot agree on some change of the existing law, they will have to appropriate the full amount, I admit. My amendment is to strike out "5" in line 33 and insert "2."

Mr. KERNAN. I was cut off from answering the question of the Senator from Louisiana as to whether these postmasters get this money as salary. I do understand that all those I have named receive, as salary for their own services, the sums I have stated. It is so put down in the Blue Book, and the clerks are paid out of the very appropriation in this same section of $3,290,000 for clerks of post-offices.

While we all agree that there could be and should be a very large saving to the Post-Office Department and to the country from a proper reduction of the salaries of a large number of postmasters, I fear that, if we adhere so firmly to this new principle that we shall not do anything by way of reduction in an appropriation bill, the people will lose the benefit of any reductions. Appropriation bills have been the medium generally of raising salaries, and I think we had better correct this evil and extravagance, as the House of Representatives propose to do here, by appropriating only the sum they have named and by legislating in the other sections of the bill so as to have the salaries reduced where they are too large, as they are. Salaries have been raised year after year by provisions in appropriation bills, and I think that we could correct a conceded wrong toward the Treasury by legislating in this appropriation bill, that will certainly go through, to reduce these salaries down as the House proposes by only appropriating this sum, and then by the subsequent sections, which the committee propose to strike out, regulating the salaries according to law. If we pass this bill as the House has sent it to us, these salaries will be reduced, and the law will be amended to conform to the sum which the House proposes to appropriate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio to the amendment of the Committee on Appropriations in line 33, so as to make the appropriation $7,200,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee, as amended, to strike out "$6,800,000" and insert "$7,200,000."

Mr. KERNAN. I ask for the yeas and nays on this as a test question whether we shall do anything in the way of reducing where the appropriation is admitted to be too large.

The yeas and nays were ordered.

Mr. SHERMAN. I further propose to amend by providing that the reduction in the rate of pay shall commence on the 1st day of October next. A practical difficulty has been suggested to me that it will take some time to fix the new rate, and it will be impossible to do it by the first of the fiscal year.

Mr. ALLISON. That need not be put here.

Mr. SHERMAN. I suppose it can be put in the legislative sections.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. RANSOM, (when his name was called.) I am generally paired with the Senator from New Jersey, [Mr. FRELINGHUYSEN;] hence I cannot vote on this bill. I apprehend if he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 22, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Christiancy, Conkling, Cooper, Dennis, Edmunds, Hamilton, Hamlin, Howe, Maxey, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Robertson, Sherman, Spencer, West, Withers, and Wright—22.

NAYS—Messrs. Barnum, Bogy, Caperton, Cockrell, Goldthwaite, Johnston, Kelly, Kernan, Key, McCreery, Merrimon, Norwood, Saulsbury, Thurman, and Whyte—15.

ABSENT—Messrs. Alcorn, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, Logan, McDonald, McMillan, Mitchell, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Stevenson, Wadleigh, Wallace, and Windom—36.

So the amendment, as amended, was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 44, to increase the appropriation "for payment of letter-carriers" from $1,800,000 to $2,000,000.

Mr. SAULSBURY. Some time ago I called attention to the fact that there was a very great discrepancy in the number of letter-carriers and clerks in the various post-offices in this country. I instanced the discrepancy which existed between Boston and Saint Louis and Philadelphia, cities of much larger size, both with respect to the number of clerks employed and the number of letter-carriers employed. I am satisfied from an inspection of the Blue Book, which

shows the number of letter-carriers employed in the various large cities and towns in this country and the number of clerks in the post-offices of those cities, that there is a surplus and an unnecessarily large number of clerks and letter-carriers employed. I do not know exactly the compensation that is paid to these letter-carriers; but we ought to curtail wherever we can, and if there are more letter-carriers being paid than are necessary we ought at least to curtail the number. I think the service could be supplied by a sufficient number of letter-carriers for the amount fixed by the House of Representatives, and therefore I shall vote against the amendment.

Mr. WEST. I will say in behalf of this amendment that the reduction made by the House of Representatives was a reduction from the amount allowed last year, and I am obliged to repeat that statement over and over again to remind the Senate of the increasing requirements of the postal service, so that whenever we get to the point where we prevent an expansion I think we have accomplished a great deal of good. That is the case in regard to this amendment. The amount we gave last year was $2,000,000. We prevent any further expansion and stop there.

Now, with reference to the character of the service, its benefit to the country, and to the people served by it, I have this to say: that of all the classes of service rendered through the post-office, this is almost the only self-sustaining branch of it.

Mr. SAULSBURY. I should like to inquire of the Senator what he means by sustaining itself? If he means that the letters which the carriers gather up and which they take to the post-office fully pay the expenses of the letter-carriers, I have no question of that; but would not those letters get to the post-office without the intervention of letter-carriers?

Mr. WEST. I suppose they would; and the Senator could send a letter to Dover if he hired a private express; but the question is whether you economically use the money of the people for this purpose. The revenue derived from collected mail matter more than pays this expense. It is not open to the objection of not being self-sustaining; it is self-sustaining, and more than self-sustaining at $2,000,000, for the revenue is about $2,100,000. Instead of expanding it as was desired by the Post-Office Department, we say, "Stop; you have gone far enough." We propose to keep them there, and we think that the service rendered is an equivalent for the money to the people.

Mr. SAULSBURY. I do not wish to be understood as being opposed to the letter-carrier system. I am not in favor of the abolition of the carrier system at all, but I am in favor of restricting it to the actual wants of the service of the cities and towns in which it is employed. My point is that there is an unnecessarily large number of employés of that character. With reference to the service they perform paying, I cannot see how it adds to the revenues of the Post-Office Department. It is true they gather up letters in the different cities in which they are employed and take them to the post-office; but they have got to be carried through the mails afterward, and if there were not a letter-carrier in those cities a large proportion of those letters would find their way to the post-office. I am not in favor, I say, of abolishing the letter-carrier system, but I am in favor of restricting it and of not having such an unnecessarily large number of letter-carriers in the various cities as there are in this country. That is the point I make.

Mr. HAMLIN. Senators are aware that within every post-office delivery supplied by letter-carriers an additional cent is paid in postage on every letter and circular deposited within the limits of that office. That I believe furnishes a revenue of about half a million dollars. That is done because the locality has a benefit upon its other communications. That is why drop-letters, so to speak, are charged a cent within the delivery where mail-messengers deliver them, and not elsewhere. The Government gets about half a million of revenue from that.

Now it is affirmed, and I have no doubt truthfully affirmed, that the letter-carriers do get enough more letters that would not otherwise go to the post-office to compensate them. I did not rise, however, to discuss that point, but to call the attention of my friend from Delaware to a fact that perhaps had escaped his attention or may not be within his knowledge. The House committee reported this bill, as he will see on looking at the proceedings of the House, abolishing all carriers in cities where the population was less than forty thousand; it is now limited to a population of twenty thousand; and they made their appropriation on that basis, to wit, of confining the carriers to the offices in cities of above forty thousand people. The House thought otherwise, and refused to concur in that part of the bill, and struck it out by a very large vote; but then the House did not put back the $200,000 to pay the carriers in those offices of between twenty thousand and forty thousand people; and there is just where the necessity for this additional appropriation comes in.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 52, to increase the appropriation "for wrapping-twine" from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was in line 53, to increase the appropriation "for marking and rating stamps" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 54, to increase the appropriation "for letter-balances and scales" from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was in line 56, to increase the appropriation "for rent, light, and fuel" from $390,000 to $425,000.

Mr. WEST. I will state for the information of the Senate that the sum appropriated last year was $500,000 for rent, light, and fuel for all the post-offices throughout the country. The House committee propose to reduce the amount to $390,000; in other words, to cut off $110,000. The Senate committee meet them over two-thirds of the way and reduce the amount $75,000 upon the assurance of the Post-Office Department that that amount is absolutely and indispensably necessary for the purpose. The appropriation failed last year, as the Senator from Maine [Mr. HAMLIN] reminds me, because there was not enough. Now they think by proper economy they can get along with a reduced amount, and the difference between the requirements of the Post-Office Department and what the Senate gives is $75,000, and the House is $35,000 less than that.

The PRESIDING OFFICER. The question is on the amendment of the committee in lines 56 and 57.

The amendment was agreed to.

The next amendment was in line 59, to increase the appropriation "for stationery" from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was in line 60, to increase the appropriation "for miscellaneous and incidental items" from $50,000 to $100,000.

Mr. WEST. The increase being 100 per cent. on the amount proposed by the House, I believe it is necessary to state that the Senate committee has there met the House once more half way. The appropriation last year was $150,000. The House have now cut it down $100,000. We have met them between the two points and reduced it one-half.

Mr. EDMUNDS. How much is the estimate of the Department for this year?

Mr. WEST. One hundred and forty-five thousand dollars.

Mr. KERNAN. I would ask the Senator in charge of the bill if he would indicate what they use this money for, "miscellaneous and incidental" items that run up to $100,000?

Mr. WEST. In response to the inquiry of the Senator from New York, I would refer to the detailed account of expenditures of the Post-Office Department on page 233 of the Postmaster-General's report for this year, giving minutely every item of expenditure. For instance, I will take Cambridge, Massachusetts:

Cambridge, Massachusetts, for 30,000 Official Postal Guides furnished October 10, 1874, $6,450.

That is one item. On that page and throughout he will find every dollar of the money accounted for and passed by the accounting officers of the Treasury. They had $150,000 last year and asked for $145,000 this year. The House gave $50,000, and we meet them half way.

The amendment was agreed to.

The next amendment was in line 63, after "inland" to insert "mail," and after "transportation" to strike out "namely: for transportation by railroad, $8,862,149; for transportation on 'star routes' and by steamboats, and on all other than railroad routes, $6,737,851; in all, fifteen million six," and insert "seventeen million five;" so as to read:

For inland mail transportation, $17,500,000.

The amendment was agreed to.

The next amendment was to insert after line 69 the following proviso:

Provided, That so much of said sum as may be necessary may be expended to continue the daily-mail service between Chicago and the Pacific coast, not exceeding, however, the sum of $25,000.

Mr. ALLISON. I move to insert in line 70, after the words "provided, that," the words "in addition to the amount authorized by law;" so as to read:

Provided, That in addition to the amount authorized by law, so much of said sum as may be necessary may be expended to continue the daily-mail service between Chicago and the Pacific coast, &c.

I will state very briefly that the object of this proviso is to establish a daily-mail service between Chicago and Omaha. That service is now performed alternately by three different railways, and the proviso provides for the service; but on consulting with the Comptroller, he seemed to think the amendment which I offer necessary in order to perfect the proviso.

Mr. WITHERS. Will the Senator state how much is now provided by law for that service?

Mr. ALLISON. I will state briefly that there is a daily-mail service now between Chicago and Omaha, connecting the daily mail from the east to Chicago with the daily mail running from Omaha to the Pacific coast. The three different railways running through Iowa contracted for this service and called it a Sunday-mail service, they before running only six times a week; but under an amendment to the law passed last year, the Comptroller of the Treasury has decided that this additional service cannot be paid for. It is to enable this service to be paid for that I propose the amendment. Otherwise the train will be taken off.

Mr. WEST. It is a mere question of the administration of the Office, not an increase of appropriation.

Mr. ALLISON. It does not increase the service, and is no increase of the amount paid for it.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 75, to increase the appropriation "for compensation to railway-post-office clerks" from $1,125,000 to $1,300,000.

The amendment was agreed to.

The next amendment was in line 77, to increase the appropriation "for route-agents" from $945,000 to $1,000,000.

The amendment was agreed to.

The next amendment was in line 79, to increase the appropriation "for mail-route messengers" from $147,000 to $160,000.

The amendment was agreed to.

The next amendment was in lines 81 and 82, to increase the appropriation "for local agents" from $98,559 to $109,000.

The amendment was agreed to.

The next amendment was in line 83, to increase the appropriation for mail-messengers from $621,000 to $720,000.

The amendment was agreed to.

The next amendment was in line 99, to increase the appropriation "for pay of agent and assistants to distribute stamped envelopes and newspaper-wrappers, and expenses of agency," from $10,000 to $16,300.

Mr. KERNAN. I ask the gentleman in charge of the bill if that is not the same item as in line 93, above:

For pay of agent and assistants to distribute stamps, and expenses of the agency, $6,900.

Mr. WEST. I will say to the Senator from New York that that is entirely a different establishment. That is the establishment which controls the adhesive stamps. There are two establishments entirely separate and in two different cities.

The PRESIDING OFFICER put the question on the amendment, and declared that the noes appeared to prevail.

Mr. WEST. Our friends who are in favor of sustaining these amendments require me continually to call attention to their necessity. I will call attention to the fact that for some six or eight items preceding the Senate has agreed with the House all the way along in this reduction, but we could not bring ourselves to consent in this instance, for the reason that it has been demonstrated to us, by the pay-rolls of the persons necessarily employed in that establishment, that this amount is absolutely necessary. It was given last year, and it is the same amount which has been maintained year by year, without increase, notwithstanding the increase of the service.

Another reason for assenting to this proposition from the Post-Office Department is that by a subsequent amendment of the bill all this expense is to be paid by the purchaser of the envelopes. Consequently this is another self-sustaining proposition, and I hardly think it was understood by the House when they adopted it. I hope the Senate will concur in the amendment.

The amendment was agreed to.

The next amendment was to insert after line 112 the following:

For miscellaneous items in the office of the Postmaster-General, $1,500

Mr. WEST. I feel it necessary to explain that there has been a similar fund placed at the disposition of the Postmaster-General in person as a contingent miscellaneous fund for his own use. It has hitherto been $2,500. It was omitted by the House, and the Senate committee agreed to give him $1,500. This is for the purpose of defraying the expenses of any man sent out of his office in the event of an extraordinary emergency attending the abstraction of the mails, or some peculiar defalcation, in order to enable him to have a fund, so that he can send a man, an expert, right from his own eye, to attend to these matters. The amount is very trivial.

The amendment was agreed to.

The next amendment was in line 117, to increase the appropriation "for transportation of foreign mails" from $220,000 to $250,000.

The amendment was agreed to.

The next amendment was to insert after the word "dollars," in line 119, the words:

Including the United States portion of the expense of the international office organized under the provisions of article 15 of the general postal union treaty concluded at Berne October 9, 1874.

So as to read:

For balances due foreign countries, $50,000, including the United States portion of the expense of the international office organized under the provisions of article 15 of the general postal union treaty concluded at Berne October 9, 1874.

The amendment was agreed to.

The next amendment was to strike out lines 123 and 124, in the following words:

For official postage-stamps, for the use of the Post-Office Department, $850,000.

Mr. SHERMAN. Let us see if we understand that.

Mr. SARGENT. It is put in another place.

Mr. SHERMAN. I know it is put in another place; but it makes all the difference in the world, exactly the difference of putting a thing on the other side of the ledger. All the items in section 1 are paid out of the receipts of the Post-Office Department. Consequently where it is now it amounts to nothing at all. They simply pay it out of their own receipts. That is right enough, but when it is transferred to section 2 it is paid out of the Treasury of the United States.

Mr. SARGENT. My friend is mistaken. It does not make a bit of difference whether it is in section 1 or in section 2, as the Senator will find if he will read the bill with a little more care than he did on a hasty glance.

Mr. SHERMAN. If I do not convince the Senator that he is wrong, I will give it up. The first clause of the first section provides—

That the following sums be, and the same are hereby, appropriated for the service of the Post-Office Department for the year ending June 30, 1877, out of any money in the Treasury arising from the revenues of said Department, in conformity to the act of July 2, 1836.

On the other hand, the committee have inserted the following words at the commencement of section 3, into which they have transferred this clause:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

* * * * * *

For official postage-stamps for the use of the Post-Office Department, $850,000.

Mr. SARGENT. Section 2 of the bill provides—

That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $7,188,147, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in revenue of the Post-Office Department for the year ending June 30, 1877.

Mr. SHERMAN. That is right.

Mr. SARGENT. So it makes no difference whether it is in section 1 or in section 2; if the revenues of the Department are not sufficient to meet the appropriation the appropriation is made out of the Treasury.

Mr. SHERMAN. Section 2 appropriates $7,000,000, and section 3, as proposed to be amended, appropriates a further sum out of the United States Treasury, first, for foreign steamship service $250,000, and secondly, for official postage-stamps, $850,000. I do not say that the appropriation is not necessary; but the place in which it is put makes a very material difference.

Mr. SARGENT. It would only be material provided the revenues of the Department were sufficient to pay the expenses. It is very well understood that it is a mere nominal sum. Probably the actual expenditure will be only $5,000. I have over and over again insisted that this was a false and fictitious system, piling up apparent expenditures which did not exist to several millions of dollars. I think it ought to be abolished; but neither the House nor the Senate up to this time have done so. The legislative bill which has passed both Houses proceeds without question upon the idea that these stamps are to be furnished and charged to the appropriations of the various Departments at their nominal value, as they are in this bill.

Mr. SHERMAN. I assure the Senator that this $850,000 is just so much money paid out of the Treasury of the United States. It is just as much money paid out of the Treasury of the United States in addition to the $7,000,000 as if paid to members of Congress or judges of the Supreme Court. It is to be paid out for services rendered by the Post-Office Department. This bill proceeds upon the idea that the Post-Office Department is one person and the United States is another. We appropriate out of the revenues of the Post-Office Department so many millions, and then the balance is made up of three items appropriated from the Treasury of the United States: First, the general deficiency; second, the steamship service, and third, the service rendered by the Post-Office Department for the United States. It is paid in money; and the very first thing that will be done after the 1st of July next will be to place to the credit of the Post-Office Department this $7,000,000 and this $850,000.

Mr. SARGENT. If the Senator is correct, we are certainly carrying on a most extravagant system of paying postage. If the postage-stamps which the Post-Office Department uses for its own business in sending its own correspondence cost nearly a million of dollars, then it is time to abolish it entirely and revert to the old system of franking. But that view is not correct. The money is not taken out of the Treasury of the United States to the extent of nearly a million of dollars. That is simply the nominal phase of it. The Government does not expend to carry on the correspondence of the Post-Office Department any such sum.

Mr. SHERMAN. I think I can convince my friend. When I go to the post-office and buy three dollars' worth of stamps I pay $3 for them. I do not pay $3 for the hundred pictures I get and the paper on which they are printed, but I pay it for the privilege of sending one hundred letters through the mails. So when the United States pay $850,000 for official stamps, they do not pay it for the pictures that are printed on those stamps, nor to re-imburse the mere cost of printing them, but they pay it to the Post-Office Department for the service of carrying the official documents of the United States through the mails of the United States. Therefore it is precisely the same when the Government buys the stamps as when an individual buys them. The money is appropriated out of the Treasury. The true way, in my judgment, would be to drop this fiction, because I agree in one sense it is a fiction, of increasing the annual appropriations for deficiency by adding the $850,000 to the $7,188,000. It is done in the estimates proper. In the estimates they are all grouped together as deficiencies, and so they are here in the Book of Estimates. They are all included in the deficiency.

Mr. WEST. I presume there will be no further objection. We

shall get at this matter better and make progress by dropping this item where the committee recommend that it be stricken out, and then we can discuss the question when we reach the point where the committee propose to insert it.

Mr. HAMLIN. I want to say that the Committee on Post-Offices and Post-Roads have reported a bill, and it is now before the Senate, to abolish this whole thing of franking by the Departments and to provide that their envelopes may go without any frank upon them. They would go just the same, just as well, and I can see no necessity for keeping this thing here in any event.

Mr. SHERMAN. Why does not the Senator move that provision right on this bill?

Mr. HAMLIN. Because I do not support the bill as it is; it has got other things in it.

Mr. PADDOCK. I suggested the idea of putting the bill to which the chairman of the Committee on Post-Offices and Post-Roads has referred upon this bill as an amendment, but it was objected that it would be in the nature of legislation. Therefore it was concluded to let it go over and deal with it separately by itself.

Mr. SHERMAN. My friends around me do not yet seem to understand that this $850,000 is to be taken bodily out of the Treasury of the United States and placed to the credit of the Post-Office Department.

Mr. WEST. And paid back to the Treasury through the Post-Office.

Mr. SHERMAN. It may not be paid in greenbacks, but it is placed to the credit of the Post-Office Department and drawn out in money, just like my salary or the salary of any one here. It is simply an addition of $850,000 to the deficiency in the revenues of the Post-Office Department.

Mr. WEST. There is no question but that the Senator from Ohio is perfectly right. That subject has been understood by the Senate ever since it adopted the principle that each Department should pay its own postage just like an individual does, for the purpose of doing away with what was considered a pernicious system of franking. But when the Senator from Ohio says that it costs the Government of the United States that amount, he is scarcely correct. It is taken out of the Treasury and put in as a receipt in the revenues of the Post-Office Department. It is nothing but a fiction so far as that goes. It is putting to the credit of the Post-Office Department $850,000 which they draw out and credit to their revenues; but, so far as taking a dollar of the people's money is concerned, it does not do it.

Mr. SHERMAN. That $850,000 is paid to your postmasters, and the railroads, and everybody else.

Mr. WEST. Most assuredly it is. I do not hesitate to admit that; but it is so much more of revenue received. It is making the Post-Office Department pay its own postage, as we are making the State Department pay its own postage, for the very good and sufficient reason that this is found to be the most feasible way to provide against the frauds which were practiced under the franking privilege. Unless you do something of this kind, you are obliged to adopt some measure to carry the post-office business through the Department. How will you do it? By saying that the Postmaster-General shall frank everything? That would be impossible. If his whole time were devoted to that subject alone, it would occupy all of it merely to frank. Therefore you have got to have some insignia upon your official communications to pass them through the mail, and this is the method which has been adopted of doing that. Let me tell the Senator that this is found to be the most direct method, by creating a fiction of this kind, because I venture to tell him that if he will get a Treasury stamp or a post-office stamp and put it on a letter, the letter will be stopped and to-morrow morning it will be returned to him from the post-office here on the ground that he had no right to use the stamp.

The effect of the system is to check frauds. Its operation has been found most beneficial. We paid dearly to inaugurate it. I did not believe in it when we did it. It cost $50,000 for the payment of plates alone to put it in operation. We did so, and now it costs only $1,500 a year, the cost of printing these stamps for franking all over the country. You could not hire two clerks to frank the Postmaster-General's business for that amount.

Mr. SHERMAN. I am happy to hear that the Committee on Post-Offices and Post-Roads have taken a better view of the matter. I believe it is in one sense a fiction, and a very bad fiction indeed. Under the operation of this system of franking there is more fraud committed than ever was committed under the old system.

Mr. WEST. O, no.

Mr. SHERMAN. Yes, sir. Here the anomaly is presented that every clerk in all these Departments who has the power to mail letters may abuse that privilege. You trust it to all the numberless officers contained in all these various Departments, but you will not trust a Senator or a Member of the House of Representatives with this power. These postage-stamps may be applied to private letters or may be given out to wives and children, and can be used and abused, and you cannot detect it.

Mr. HAMLIN. And they are.

Mr. SHERMAN. The honorable Senator from Maine, who is chairman of the Committee on Post-Offices and Post-Roads, says they are. I do not say they are, because I do not know it, but I know very well that there is the power of abuse in this system of stamps.

Mr. HAMLIN. If my friend will allow me, I will say that I know it, because I have received letters with the stamps on them.

Mr. SAULSBURY. I desire to ask the chairman of the Committee on Post-Offices and Post-Roads if the Postmaster-General is not of opinion that this is a more expensive system than the old system of franking?

Mr. HAMLIN. I have so understood.

Mr. WEST. I do not know when the gentleman had an opportunity of conferring with the Postmaster-General, but I can say to him that the Committee on Appropriations have direct from the Postmaster-General an entire refutal of that statement. He says this is the best way and the most economical way. As for the idea of the Senator from Ohio that clerks can give these postage-stamps to their wives and children, did he never in his innocence hear of a member of Congress doing the same thing, franking for his daughter, for instance. Very likely he did. We know that the franking privilege was abused and it met its reprobation before the public. Here now you propose to re-adopt it. I do not say that I would not be willing to do so; but, until you do, this is a necessary check upon the frauds that are practiced.

I say to the Senator from Ohio once more let him try it to-morrow morning and put a letter in the post-office with a Department stamp upon it, and see if it is not found out and sent back to him.

Mr. SHERMAN. Does the Senator really believe that a clerk in the post-office in Washington would dare open my letter or the letter of a private individual? If so, he would be guilty of an offense for which he could be sent to the penitentiary.

Mr. WEST. I do not know as to that; I have not looked into that, and I will not take the Senator from Ohio as my guide on a post-office question. On finance he is perfectly right and I will follow him, for we know him to be a brilliant and shining light, but having "locked horns" with him once on this proposition and followed him, and followed him to ruin, I do not propose to do so again.

Mr. SHERMAN. On the contrary, my friend deserted me on the question of postage on newspapers. I tried very hard to get the postage fixed on newspapers at four cents a pound, and he agreed to put it at two cents a pound, and the proposition, now on the statute-book, has lost us thousands and thousands of revenue.

Mr. WEST. The honorable Senator forgets where he stood. He stood for three cents a pound and compromised on two, the result of necessity; but I do not see how we should have saved so much if we had only adopted his proposition. The whole revenue of the Government from this source is only $1,000,000. That is what makes me hesitate about adopting the views of the honorable Senator from Ohio as orthodox on postage questions, although I follow him as a brilliant light on finance, a question which none of the rest of us seem to understand.

Mr. SHERMAN. I was put, probably at the request of the Senator himself, on the committee of conference and I stood for four cents. My impression is that I did not even sign the report. I was deserted by my friend from Louisiana and the report was carried without me.

Mr. WEST. I did not have the honor to serve with the Senator.

Mr. SHERMAN. And for a year afterward I was very heartily criticised, I will not say abused, by the newspapers for trying to make them pay four cents a pound. I have conversed with some of the same gentlemen who criticised me, and they say it was a great mistake that we did not adopt that suggestion; and I intend to try it again.

Mr. COCKRELL. I should like to ask the Senator from Louisiana why it was that the clause "for official postage-stamps for the use of the Post-Office Department, $850,000" was taken from its place in lines 123 and 124 and put where it is now?

Mr. WEST. For the simple purpose of increasing the appropriation made for the service of the Post-Office Department. It is part of the increase that I spoke of at the outset. This is one of the items. I admitted that the Senate Committee on Appropriations had increased the amount appropriated by the House $3,357,241, although keeping within the limit of last year. To take the clause from where it is and put it where we propose to do is part of the increase. That is the effect of it.

Mr. COCKRELL. I understand that, if it remained where it is aimed to be stricken out, it would not be an increase.

Mr. WEST. No, sir, it would not be.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations striking out lines 123 and 124, in the following words:

For official postage-stamps for the use of the Post-Office Department, $850,000.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in section 2, lines 3 and 4, to strike out "four million two hundred and thirty thousand nine hundred and six," and insert "seven million one hundred and eighty-eight thousand one hundred and forty-seven;" so as to make the section read:

SEC. 2. That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $7,188,147, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in revenue of the Post-Office Department for the year ending June 30, 1877.

The PRESIDING OFFICER put the question on the amendment, and declared that the noes appeared to prevail.

Mr. WEST. If the noes are to have that, the balance of the bill is all gone. The defeat of this amendment virtually neutralizes everything the Senate has so far adopted in the bill, if it is the pleasure of the Senate to pass it. No new route could be established; you have got to stop your railway-post-office service, fast trains, and everything else. It is all right, however, if you want to do it.

The PRESIDING OFFICER. The Chair will put the question again.

The amendment was agreed to.

The next amendment was to insert after section 3 the words:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely.

The amendment was agreed to.

The next amendment was in section 3, lines 5 and 6, to strike out the words:

To be paid out of any money in the Treasury not otherwise appropriated.

So as to read:

For steamship service between San Francisco, China, and Japan, $250,000.

Mr. HAMLIN. I should like to know why that appropriation should not come out of the Treasury and not out of the Post-Office Department. It is made in pursuance of a distinct law for sea-service. It has, I think, always heretofore been paid out of the Treasury, and I think it ought to be now.

Mr. SARGENT. Because that language occurs at the commencement of the section by the amendment just adopted, and we do not want to repeat it.

Mr. HAMLIN. Then it will be still paid out of the Treasury?

Mr. SARGENT. Yes.

Mr. HAMLIN. Very well.

The amendment was agreed to.

The next amendment was in section 3, after line 6, to insert the following:

For official postage-stamps for the use of the Post-Office Department, $850,000.

Mr. SARGENT. I understood the amendment of the committee striking out this clause in lines 123 and 124 was disagreed to?

The PRESIDING OFFICER. It was not agreed to.

Mr. SARGENT, (to Mr. WEST.) Then of course you do not want to insist on this latter amendment.

Mr. WEST. I should like to insist, and I should like the Senate to agree to it, for the reason that it would bring the whole subject within the jurisdiction of the committee of conference and enable us to come to an agreement on it. It being in both parts of the bill, the question is where shall we retain it.

Mr. SARGENT, (to Mr. WEST.) You do not want to pass it in a double form?

Mr. WEST. It is not material, and I will not insist on its retention.

The amendment was rejected.

The next amendment was to strike out sections 5 to 14 inclusive, as follows:

SEC. 5. That the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General from their respective quarterly returns to the Auditor of the Treasury for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to an amount of the box rents of the office received or estimated not exceeding $1,200 when the boxes are supplied and owned by the postmaster, and two-thirds of the box rents and not to exceed $1,000 when the boxes are not supplied and owned by the postmaster, that at such offices the postmaster shall at least receive $700 per annum out of the box rents, if so much as that shall be collected; commissions on all other postal revenues of the office to an amount not exceeding $1,200, at the following rates, namely: on the first $100 per quarter, 60 per cent.; on all over $100 and not over $400 per quarter, 50 per cent.; and 30 per cent. on all revenues exceeding $400 per quarter, but the aggregate of the said commissions not to exceed $1,200; and at all offices where the total revenues exceed, respectively, $4,000 per annum, there shall be added to the compensation hereinbefore provided from box rents and commissions a percentage of the gross revenues at the following rates, namely: 1 per cent. on all sums over $4,000 and not exceeding $10,000, 9-10 of 1 per cent. on all sums over $10,000 and not exceeding $20,000; 8-10 of 1 per cent. on all sums over $20,000 and not exceeding $40,000; 6-10 of 1 per cent. on all sums over $40,000 and not exceeding $80,000; 5-10 of 1 per cent. on all sums over $80,000 and not exceeding $160,000; 4-10 of 1 per cent. on all sums over $160,000 and not exceeding $320,000; 3-10 of 1 per cent. on all sums over $320,000 and not exceeding $640,000; 2-10 of 1 per cent. on all sums over $640,000 and not exceeding $1,280,000; and 1-10 of 1 per cent. on all sums exceeding $1,280,000; and in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor of the Treasury for the Post-Office Department at such times and for such periods as he may deem necessary in each case: *Provided*, That at offices where the letter-carrier system is now, or may hereafter be, established, the box rents, in fixing the compensation of the respective postmasters at such offices, shall be estimated at not less than $1,000 per annum; but at all such offices they shall be estimated at an amount which, with the commissions and percentage hereby allowed, will make the salaries of the postmasters thereat not less than $2,500: *And provided further*, That the maximum salary and compensation of any postmaster under the provisions of this act shall not exceed the sum of $4,000, except in the city of New York, where the salary and compensation shall be the sum of $6,000, and no more.

SEC. 6. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices; and commissions on other postal revenues of their offices at the following rates, namely: On the first $100, or less, per quarter, 60 per cent.; on all over $100, and not over $400, per quarter, 50 per cent.; and all over $400 per quarter, 30 per cent., the same to be ascertained and allowed by the Auditor of the Treasury for the Post-Office Department in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the said Auditor shall report such fact to the Postmaster General in order that such postmaster may be assigned to his proper class, and a salary fixed as heretofore provided.

SEC. 7. That railroad companies furnishing cars or parts of cars for the exclusive accommodation of the United States mails and the agents in charge of said mails, for what is known as postal-car, route-agent, or baggage-car service, shall be paid at the following rates, to wit: When by an order of the Postmaster-General the mail-car is attached to trains or space set apart for through or express mails on trains run regularly during any quarter, on a schedule time, between terminal points, at a rate of speed not exceeding twenty-five miles per hour, a sum not exceeding five mills per linear foot of interior full-width car-space per mile run; attached to or set apart on trains run regularly during any quarter, on a schedule time, between terminal points, at a rate of speed exceeding twenty-five miles, a sum not exceeding six mills per linear foot of interior full-width car-space per mile run: *Provided*, That no railroad company transporting the United States mail shall, when all the requirements of the Postmaster-General, under the laws governing the transportation of the mail by railroad, are complied with, be paid a less rate than $25 per mile of road per annum. But the sum paid to any railroad company for such transportation shall not exceed $500 per mile for such service for any one year.

SEC. 8. That all mail-cars or parts of cars shall be heated, lighted, fitted up, and furnished in a suitable and acceptable manner by the railroad companies for the character of service for which said cars or parts of cars are required: *And provided*, That a mail-car shall be attached to, or part of a mail-car furnished on, any passenger train run, as the interests of the postal service may require and the Postmaster-General direct: *Provided, however*, That no railroad company shall be required or permitted to furnish car space for the transportation of the mails in route agents', baggage, or railway postal cars not actually required for that service, and no car or part of a car shall be loaded with United States mail beyond the maximum capacity of such car or part of a car, under the regulations of the railroad company by which such cars or parts of cars are furnished.

SEC. 9. That the Postmaster-General is hereby authorized and directed to adjust the space furnished by or required from each railroad company to the actual necessities of the postal service upon each railroad, in accordance with sections 7 and 8 of this act; and this adjustment shall be made during the last month of each quarter for the next succeeding quarter, and shall be certified to by the officer authorized by the Postmaster-General to make the adjustment.

SEC. 10. That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their road at such price as Congress should by law direct, shall receive only 80 per cent. of the compensation authorized by the seventh section of this act.

SEC. 11. That section 4017 of the Revised Statutes be so amended as to read as follows:

"SEC. 4017. The Postmaster-General may employ such a number of special agents as the good of the service and the safety of the mail may require. Such agents shall be paid a salary at the rate of not more than $1,000 a year each; and they shall be allowed, on proper vouchers, for living and incidental expenses actually incurred while traveling and absent from their headquarters in the discharge of their official duties, not exceeding $5 a day: *Provided*, That in the employment of such special agents, the appropriation made in the first section of this act for mail depredations and special agents shall not be exceeded."

SEC. 12. That section 4019 of the Revised Statutes be so amended as to read as follows:

"SEC. 4019. The Postmaster-General may employ, when the service requires it, any officer of his Department as a special agent; and he may allow him therefor, out of the appropriation for mail depredations and special agents, not exceeding the amount actually expended by him as necessary traveling and living expenses while so employed, upon his approval of itemized vouchers for such expenses, which must be certified to by the officer, and accompanied with a statement of the service upon which he has been engaged."

SEC. 13. That section 4020 of the Revised Statutes be so amended as to read as follows:

"SEC. 4020. The Postmaster-General may appoint one special agent as superintendent of the railway postal service at a salary at the rate of $2,500 a year, and not to exceed six special agents as assistant superintendents of the railway postal service at a salary at the rate of $1,600 a year each; and the superintendent and assistant superintendents shall receive such additional allowances only as are provided for by section 4017, which allowances, together with their salaries, shall be paid out of the appropriation for the transportation of the mails; and the Auditor of the Treasury for the Post-Office Department shall charge to the appropriation for the free-delivery system the salary and allowances made to one special agent who may be detailed for that service; and the salary and allowances made to not exceeding five special agents who may be detailed for employment in the money-order service shall be paid out of the proceeds of that service: *Provided*, That nothing in this section shall be construed to prevent the temporary detail of any special agent in the employment of the Post-Office Department for special agent's duty in connection with any branch of the postal service in cases of emergency."

SEC. 14. That no post-office or service on any mail-route necessary for the public service, and required for the proper and efficient distribution of the mails, shall be discontinued.

Mr. WITHERS. Would it be in order to make a motion in addition to the amendments striking out these sections? My understanding was that the Committee on Appropriations agreed to refer these legislative sections to the Committee on Post-Offices and Post-Roads. I make the motion that these sections be stricken out and referred to the Committee on Post-Offices and Post-Roads, if that be in order.

Mr. WEST. I have no objection if the Senator from Virginia will make that proposition apply to all the legislative provisions to be stricken out.

Mr. WITHERS. My proposition would include all the legislative portions of the bill. It would also include sections 16 and 17.

Mr. HAMLIN. Section 15 in the original print, which will stand as section 5 of the bill, will not be referred?

Mr. WITHERS. No, sir.

Mr. SAULSBURY. Would not the effect of section 15 be to increase the cost of the stamped envelopes and stamped wrappers?

Mr. WEST. That is to be retained, the Senator will observe.

Mr. SAULSBURY. I ask if the effect of retaining that section will not be to increase the price of stamped envelopes, so that a person sending letters with stamped envelopes will be at greater expense than where he buys the stamp and attaches it himself; and will it not defeat entirely the sale of stamped envelopes?

Mr. WEST. I shall be ready to answer the Senator's proposition when we come to consider that section; but I will now ask the consent of the Senate that the motion of the Senator from Virginia be taken, which would facilitate business very much. The motion of the

Senator from Virginia is to strike out all from section 5 to section 14 inclusive and refer those sections to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. The question is on agreeing to strike out all from section 5 to section 14 inclusive, and refer the same to the Committee on Post-Offices and Post-Roads. The question is first upon striking out.

The motion to strike out was agreed to.

The PRESIDING OFFICER. The question now before the Senate is upon referring the matter thus stricken out to the Committee on Post-Offices and Post-Roads.

The motion to refer was agreed to.

The next amendment was in section [15] 5, line 3, to insert before the word "cost" the word "average;" so as to make the section read:

No stamped envelopes or newspaper-wrappers shall be sold by the Post-Office Department at less (in addition to the legal postage) than the average cost, including all salaries, clerk hire, and other expenses connected therewith.

Mr. WEST. I shall be very glad to answer the question of the Senator from Delaware as to the increased cost of these stamped envelopes or newspaper-wrappers. There will be an increased cost, probably so small in special instances as not to be observable, but really in the aggregate amounting to a considerable sum. This provision was put on for the purpose of protecting the interests of envelope manufacturers throughout the country, they complaining—in the opinion of the committee with a great deal of propriety—that the transportation of the Post-Office Department throughout the country was made use of free of charge for the purpose or with the result of enabling the Post-Office Department to undersell the dealer in envelopes; that in no place in the United States can you buy stamped envelopes but at the post-office, and they are offered for less than the dealer across the way can offer an envelope with a stamp upon it. This proposition is to charge, in addition to the original cost of printing, the clerk hire in handling and the expense of transmitting. It increases the revenue of the Post-Office Department, exacts from the people a very small trifle, and at the same time does not encroach or infringe upon the private business of envelope manufacturers. It is evidently just, and I hope it will meet the approbation of the Senate as it has of the House.

Mr. SARGENT. I do not know that I ought to raise any objection to this matter. I was not in committee the moment when this proposition was considered, and I will not object to it, provided the committee were clear upon the point that this was a well-considered provision of law. I should like to ask my friend from Louisiana if the committee were decidedly of opinion that this section ought to be adopted. If there was debate and doubt upon the matter, I wish to express my opinion upon it.

Mr. WEST. There was none. The committee were clear on the subject; and if the Senator will recur to the debates in the House of Representatives on this subject, he will find that a very elaborate statement was made there by a member from Massachusetts, [Mr. HOAR.] The section was put on in the House by the unanimous concurrence of the House itself, and in committee it was considered thoroughly and concurred in.

Mr. SARGENT. It is very well known that the principal fraud inflicted upon the post-office revenue is in the use of stamps separate from envelopes, on account of the readiness with which defacing-ink is washed off. They have never been able to invent any kind of ink that would make permanent defacement, unless it contained acids, which could not be used on account of injury to the fingers of persons canceling the stamps. This fraud has been avoided in a very large degree by the use of stamps with envelopes. Directing an envelope is canceling the stamp, and it cannot be used a second time. If the effect of this section should be to increase very much the cost of these envelopes, of course persons would resort to envelopes bought of other persons, not of the Post-Office Department, and there will be no more stamped envelopes used. They will resort to the system of stamps, where I am told at least 25 per cent. of fraud is committed. If the committee, however, considered this matter well and in that view, aside from the claim which was made by the envelope manufacturers, I do not know that I ought to antagonize my own opinion to that of my committee.

The amendment was agreed to.

The next amendment was to strike out sections 16 and 17, as follows:

SEC. 16. That all mailable matter of the third class, referred to in sections 3878 and 3911 of the Revised Statutes of the United States, may weigh not exceeding four pounds for each package thereof; and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed; but nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes; and that all annual reports of universities, colleges, and other institutions, and annual catalogues, shall be deemed third-class matter.

SEC. 17. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. WITHERS. I move that these sections be stricken out with a view to have them referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out sections 16 and 17.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Virginia moves the reference of these provisions to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SHERMAN. I wish to make some observations on the bill itself. I was so much flattered by the remarks of the Senator from Louisiana, especially his compliment to me as a financial manager, that I almost feel regret in calling the attention of the Senator to the mistake into which he fell, which was very natural, because it is in regard to a matter that occurred two years ago. I think it is proper that I should call attention to the fact that I was right and he was wrong in the matter of recollection of what occurred two years ago when he said he followed me. The truth was I refused to follow him. I have before me now the debate upon the post-office appropriation bill. I was one of the committee on the part of the Senate to manage the matter. The House had reduced the postage on newspapers to one and a half cents per pound, much below even the present rate, and the committee of conference met. The Senator from Louisiana was the chairman and Mr. Ramsey, then Senator from Minnesota, and myself, the other conferees. We met, and the Senate conferees agreed to report fixing the rate at one and a half cents per pound. That was the rate, I believe, proposed by the House of Representatives. I refused to sign the report, so that my friend and I separated there.

Mr. WEST. The Senator is mistaken. He was not on that committee with me.

Mr. SHERMAN. Here is the RECORD. I will read what I said.

Mr. WEST. Is my name to that report?

Mr. SHERMAN. Yes, sir.

Mr. WEST. Where? [Examining.] Certainly; but the Senator was not on that committee. He defeated that proposition in the Senate and then he was put on the next committee. He never served on that committee with me.

Mr. SHERMAN. I have the RECORD before me.

Mr. WEST. Where is it?

Mr. SHERMAN. Here it is.

Mr. WEST. I ask the Senator whether he ever served on the conference with me?

Mr. SHERMAN. Certainly I did.

Mr. WEST. I ask the Senator's pardon.

Mr. SHERMAN. My dear sir, here is the RECORD. Of course you cannot deny it.

Mr. WEST. We shall see.

Mr. SHERMAN. I will give the Senator the book in a moment. Here is the report of the conference committee, and it is signed:

J. R. WEST,
ALEX. RAMSEY,
Managers on the part of the Senate.

JAS. N. TYNER,
S. S. MARSHALL,
Managers on the part of the House.

Mr. WEST. Who was the other person?

Mr. SHERMAN. I was the other conferee. I rose and opposed the report, and it was defeated. Here is what I said:

Mr. SHERMAN. I regret very much that I was not able to agree to the report of the committee of conference on account of the very large reduction it makes in the rate of postage on newspapers. It is reduced by this bill to one-half the present rate. The present rate of postage on newspapers is 20 cents per annum on a weekly paper. These papers weigh about 2 ounces, so that 52 papers weighing 104 ounces are now carried through the mails at 20 cents, or a trifle over 3 cents a pound. This bill reduces the postage on newspapers to 1½ cents a pound, or $30 a ton, to be distributed all over the United States. In other words, it is a reduction in the rate of postage on newspapers to one-half. The postage on periodicals is by a somewhat different scale; the precise rate I am not able to state, but no doubt the Senator from Louisiana can tell.

Mr. WEST. Three cents.

Mr. SHERMAN. I mean the old rate on periodicals and large magazines.

Mr. WEST. The same, 3 cents.

Mr. SHERMAN. The proposition now is to fix the rate of postage at 1½ cents a pound on newspapers and at 3 cents a pound on periodicals. On both the reduction is about one-half. To reduce the rate of postage on newspapers at this time, when we are looking around for new sources of revenue, when our expenses are coming close to our receipts, seems to me a most unwise measure, improvident, and unjustifiable in every sense of the term. I cannot therefore consent to it.

In the amendment sent to the House the Senate proposed a rate of postage of 4 cents a pound on all newspapers and periodicals alike—

That was offered by me, and I suppose that was the reason I was put on the committee—

which was perhaps a very slight advance on the present rate, but it was a uniform rate and therefore much preferable rate either to the House or the rate now in force.

The debate goes on between the Senator from Louisiana and myself, in which my honorable friend from Maine [Mr. MORRILL] came to my relief and opposed the report of the committee of conference very urgently. The Senator from Maine, after speaking at some length, says:

The same spirit which yields this now will yield it forever. That is my answer to all that. Nobody has suggested any necessity for it. It is just as easy to put the tax at three cents, where it was before, as it is to put it at one and a half cents. It is optional with Congress. Nothing on earth stands in the way of it.—*Congressional Record*, volume 2, part 6, Forty-third Congress, first session, page 5346 *et seq.*, June 22, 1874.

After some debate the report of the conference committee was defeated, and here is the vote—yeas 19, nays 21; the Senator from Louisiana voting in the affirmative and I voting in the negative. Whereupon another committee of conference was appointed, and

with great difficulty and by a struggle afterward we got the amount raised to two cents a pound. That was all we could get out of the House of Representatives. That is the whole history of it. So my friend in that case simply endeavored to reduce the rate of postage on an appropriation bill to one and a-half cents per pound, and the Senate refused, having previously adopted the rate of four cents a pound. The Senate defeated the conference report signed by the Senator from Louisiana. The bill was sent back to another committee, of which I was a member I believe, although I am not certain about that. The result of it was, however, that finally we got the House to raise the rate to two cents a pound, and that is only just one-half what it ought to be. The Senator was mistaken in his recollection, and I do not think that at all unnatural; and I was not very positive about what the RECORD would show until I sent for it.

Mr. WEST. The Senator has not shown here, and I am not certain that he can show, that he was on that committee at all. My recollection is that he was not. If he was, I may be excused for forgetting the circumstance, because if he was there the committee was composed in a very extraordinary manner of members of one political party entirely. I knew that I had the assistance of the then chairman of the Committee on Post-Offices and Post-Roads, the Senator from Minnesota, (Mr. Ramsey,) but I had no recollection of being allied with the Senator from Ohio, and I for the present decline to remember it.

But the Senator says I did not follow him but he refused to follow me. I was constrained to follow him, by the vote of the Senate, in what I considered a glaring mistake that it was led into by the very Senator himself.

Mr. SHERMAN. How follow me?

Mr. WEST. A glaring mistake by his rising in his seat and saying to the Senate that two or three millions of dollars could be saved to the public if his proposition was carried out.

Mr. SHERMAN. So it could.

Mr. WEST. His proposition was three cents a pound. That he signed and that he agreed to, and he said two or three million dollars could be saved. The Senate adopted two cents, and with what result? With less money now than we used to get at three cents when the matter was not prepaid. I propose to make it a cent and a half and have it prepaid. What is the result? Where are the two or three million dollars in search of which I did follow the Senator and was constrained to do it by the vote of the Senate? The miserable barren result of $1,000,000 from that service. That is all there is of it.

The Senator appealed over and over again to the Senate, and said that if his proposition was followed we could save $3,000,000, and we did follow his proposition as far as we could go, and we did not get one million, let alone save anything, with an absolute loss to the Government all the way through. Put down your price on the newspapers and let it be followed as always had been the reduction of postage, and you will get more newspapers, and express companies will not carry them. That is where we are at fault, and there is where we have been led to be at fault by a part of the proposition of the Senator.

Mr. SHERMAN. A proposition came to us to put the postage on newspapers at a cent and a half per pound and changing the law so as to require it to be prepaid. The Senator from Louisiana favored that proposition to fix the rate at a cent and a half per pound. I opposed it and demanded the rate of four cents a pound, which everybody can see now would have saved us millions of dollars. Two cents, which we finally got after a long struggle, yield us only $1,000,000. The Senate, however, surrendered. The House proposed a cent and a half a pound prepaid. I, after a long struggle, was able to get it up to two cents, and that was all. Even at two cents it yielded only a million dollars. My proposition was four cents, for which I contended, and the facts justify the position I then took against the reduction of the postage on newspapers. If we had fixed the rate at four cents a pound prepaid we should have been receiving about two and a half millions every year from that time to this of money arising from postage on newspapers, and that would have lessened by so much the deficiency we now are providing for.

I do not find fault with my honorable friend from Louisiana that he was in favor of the smaller postage. It was a question simply of recollection. Either of us might have been wrong without any fault; but I knew very well that I struggled hard one long night—for it was a night session when this debate occurred—when the conference report was defeated and a new committee appointed. I have forgotten now whether I was on it or not; but the result was that we got the House finally to bring it up to two cents a pound instead of four cents. The proposition of the honorable Senator was in favor of one and a half cents, and if he had carried the day—and he was defeated by only two votes—the result would have been that instead of a million we should have received but $750,000 postage.

Mr. WITHERS. What is the question before the Senate?

The PRESIDENT *pro tempore*. The bill is open to amendment.

Mr. SHERMAN. I offer the following amendment:

That on and after the 1st day of January, A. D. 1877, all newspapers and periodical publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications issued weekly and more frequently than once a week, four cents for each pound or fraction of a pound, and on those issued less frequently than once a week, five cents for each pound or fraction thereof.

That is in the precise language of the present law, except that instead of two cents it is put at four cents. I offer it rather for the purpose of giving the committee of conference jurisdiction of the subject than with any desire to press my own opinions.

Mr. WITHERS. I appeal to the Senator from Ohio not to embarrass the bill now and delay its passage by the introduction of a question which is certain to lead to very extended and protracted debate. As the residue of the sections which provide legislation on this bill have been referred to the Committee on Post-Offices and Post-Roads, let this proposition go to the same committee.

Mr. SHERMAN. I am perfectly willing to accept that suggestion. I suppose the Committee on Post-Offices and Post-Roads will take the whole subject into consideration. I want something to give them jurisdiction. I accept with pleasure the suggestion.

The PRESIDENT *pro tempore*. Does the Senator propose the amendment?

Mr. SHERMAN. No, sir; I move that it be referred to the Committee on Post-Offices and Post-Roads with the other propositions.

The motion was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. RANSOM. I am generally paired on all subjects with the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and shall not vote on this bill as I do not know how he would vote.

The roll-call was concluded.

Mr. RANSOM. I will vote to make a quorum, as I understand my vote is necessary for that purpose.

The result was announced—yeas 23, nays 14; as follows:

YEAS—Messrs. Allison, Anthony, Caperton, Conkling, Cragin, Dennis, Edmunds, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Paddock, Patterson, Robertson, Sargent, Sherman, West, Withers, and Wright—23.

NAYS—Messrs. Barnum, Bogy, Cockrell, Cooper, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, and Thurman—14.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Harvey, Jones of Florida, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—36.

So the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF ENFORCEMENT ACTS.

Mr. EDMUNDS. I move to proceed to the consideration of Senate bill No. 686, the bill introduced by the Senator from Indiana, [Mr. MORTON,] providing for amending the laws touching civil rights and suffrage to conform to the decision of the Supreme Court.

Mr. THURMAN. What bill is that?

Mr. EDMUNDS. It is the suffrage bill reported from our committee. It is a bill (S. No. 686) to amend the second, fourth, and fifth sections of the act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes.

Mr. THURMAN. Mr. President, I do not expect to take up any time of the Senate in the discussion of that bill. I have expressed my opinion in regard to similar bills previously, and I dare say have fatigued the Senate with the expression of my views; but really I do think that there are more important matters for the consideration of the Senate at this time than the passage of that bill, and I suggest therefore that it had as well go over until we dispose of matters that we are absolutely obliged to dispose of.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The question being put, there were on a division—ayes 18, noes 17; no quorum voting.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. FRELINGHUYSEN.] If he were present he would vote "yea," and I should vote "nay."

Mr. COOPER, (after having first voted in the negative.) It is suggested this is a political question. If so, I am paired with the Senator from Minnesota [Mr. MCMILLAN] and withdraw my vote.

Mr. WITHERS. I desire to state that the Senator from West Virginia [Mr. DAVIS] is paired with the Senator from Minnesota, [Mr. WINDOM.]

The result was announced—yeas 18, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Conkling, Cragin, Edmunds, Hamlin, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Paddock, Patterson, Robertson, Sargent, Sherman, West, and Wright—18.

NAYS—Messrs. Barnum, Bogy, Caperton, Cockrell, Dennis, Goldthwaite, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Thurman and Withers—16.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cooper, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Hamilton, Harvey, Jones of Florida, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Ransom, Saulsbury, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—39.

The PRESIDING OFFICER. There is less than a quorum voting.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. COOPER. Pending that I move that the Senate adjourn.

Mr. SARGENT. I am compelled to leave in the morning to be gone for some days, and I have a telegram from another Senator asking that a certain motion be made in executive session. I want an executive session to make that motion to oblige him.

Mr. EDMUNDS. You cannot make such a motion now; there is no quorum.

Mr. THURMAN. There are but two motions in order; one is to send for absent Senators, and the other is to adjourn.

The PRESIDING OFFICER. The Senator from Tennessee has moved that the Senate adjourn. The question is on that motion.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Barnum, Bogy, Cockrell, Cooper, Dennis, Goldthwaite, Johnston, Kelly, Kernan, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Thurman, and Withers—17.

NAYS—Messrs. Allison, Anthony, Caperton, Conkling, Cragin, Edmunds, Hitchcock, Howe, Ingalls, Key, Logan, Morrill of Maine, Paddock, Patterson, Robertson, Sargent, Sherman, West, and Wright—19.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Harvey, Jones of Florida, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—37.

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. HITCHCOCK. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. EDMUNDS. That is not in order.

The PRESIDING OFFICER. That motion is not now in order.

Mr. EDMUNDS. The question recurs on my motion to send for the absentees.

Mr. CONKLING. I move to suspend the further proceedings on the motion of the Senator from Vermont, which is to inform absent Senators. I do it because a quorum has appeared, as I understand.

Mr. EDMUNDS. Then I withdraw the motion.

Mr. HITCHCOCK. Is my motion now in order?

The PRESIDING OFFICER. The motion of the Senator from Nebraska is in order if a quorum is present.

Mr. EDMUNDS. If I understand it, the last vote did not disclose a quorum.

Mr. HITCHCOCK. I thought it did.

The PRESIDING OFFICER. The Chair understands that the last vote shows that a quorum is not present, and therefore the motion of the Senator from Nebraska is not now in order.

Mr. CONKLING. I misunderstood the state of the vote.

Mr. EDMUNDS. I submit further that it would not be in order, there being another question pending, and that is the motion to take up the bill referred to. Now I renew my motion that the Sergeant-at-Arms be directed to request the prompt attendance of absentees.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont as just stated by him.

Mr. THURMAN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KELLY, (at five o'clock and fifteen minutes p. m.) I move that the Senate do now adjourn.

The PRESIDING OFFICER. The motion to adjourn is in order.

Mr. BOGY. I move that when the Senate adjourns it adjourn until Monday.

The PRESIDING OFFICER. That motion is not in order. It is moved that the Senate do now adjourn.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 18; as follows:

YEAS—Messrs. Barnum, Bogy, Caperton, Cooper, Dennis, Goldthwaite, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Thurman, and Withers—18.

NAYS—Messrs. Allison, Anthony, Cockrell, Conkling, Cragin, Edmunds, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Paddock, Patterson, Robertson, Sargent, Sherman, West, and Wright—18.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Harvey, Jones of Florida, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—37.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Vermont to direct the Sergeant-at-Arms to request the attendance of members.

Mr. THURMAN. There is clearly a quorum now, several Senators have come in, and I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CONKLING, (after having first voted in the negative.) Understanding that there is no quorum, I change my vote and vote yea.

The result was announced—yeas 14, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Conkling, Cragin, Edmunds, Hitchcock, Howe, Morrill of Maine, Paddock, Patterson, Sargent, Sherman, West, and Wright—14.

NAYS—Messrs. Barnum, Bogy, Caperton, Cockrell, Cooper, Dennis, Goldthwaite, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Thurman, and Withers—22.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Harvey, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Robertson, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—37.

So the motion was not agreed to.

Mr. WITHERS, (at five o'clock and twenty-six minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 17; as follows:

YEAS—Messrs. Barnum, Bogy, Caperton, Cockrell, Cooper, Dennis, Goldthwaite, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Ransom, Saulsbury, Thurman, and Withers—20.

NAYS—Messrs. Allison, Anthony, Conkling, Cragin, Edmunds, Hamilton, Hitchcock, Howe, Ingalls, Logan, Morrill of Maine, Paddock, Patterson, Sargent, Sherman, West, and Wright—17.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conover, Davis, Dawes, Dorsey, Eaton, Ferry, Frelinghuysen, Gordon, Hamlin, Harvey, Jones of Nevada, McDonald, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Robertson, Sharon, Spencer, Stevenson, Wadleigh, Wallace, Whyte, and Windom—36.

The PRESIDING OFFICER. Before the Chair announces the vote, he will lay before the Senate bills from the House of Representatives.

Mr. EDMUNDS. There is no quorum present; we can have nothing laid before the Senate.

The PRESIDING OFFICER. The vote shows a quorum. Upon the motion to adjourn the yeas are 20 and the nays 17; so the motion is agreed to, and the Senate stands adjourned until to-morrow at twelve o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 9, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MRS. D. C. SMITH.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the report of the Paymaster-General on Senate bill No. 548, for the relief of Mrs. D. C. Smith; which was referred to the Committee on Military Affairs.

ALFRED MULLEN.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the reports of the Adjutant-General and the Quartermaster-General on House bill No. 1953, for the relief of Alfred Mullen, late assistant surgeon United States Army.

ORDER OF BUSINESS.

Mr. LORD. I call up for consideration the Geneva award bill.

Mr. WILSON, of Iowa. I desire to raise the question of consideration on the Geneva award bill until we have a morning hour, so that the committees can report private bills and save this constant asking of unanimous consent.

The SPEAKER *pro tempore*. The Chair will rule that the Geneva award bill comes up after the morning hour, and for a stronger reason than the one stated yesterday; for the reason that the special order on the Geneva award bill was fixed at two o'clock, which is after the morning hour.

Mr. HURLBUT. I call for the regular order.

Mr. BUCKNER. I desire to give notice that I shall ask the decision of the House upon the question of taking up the Geneva award bill. There was a bill reported three months ago to confirm certain surveys in New Mexico. It is a matter of great importance, and it ought to be disposed of. For three months that matter has been before the House. It is a matter in which the Government is interested, and not private individuals; it is not a scramble as to how $10,000,000 shall be divided among private citizens.

The SPEAKER *pro tempore*. The Chair will decide that question when it arises.

Mr. JONES, of Kentucky. I rise to a point of order. When the House took a recess last evening I occupied the floor with a bill now upon the Clerk's desk, and I wish to know if that does not come over as unfinished business?

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Kentucky, by the courtesy of the gentleman from New

York, [Mr. LORD,] was on the floor to make a motion or to ask unanimous consent.

Mr. JONES, of Kentucky. No, sir; the gentleman from New York yielded to me for one hour, in which hour I was to call up for consideration a railroad bill, and I took the floor and yielded to several gentlemen to make motions. I sent the bill to the Clerk's desk to be read, and when it was about to be read some gentleman moved that the House take a recess.

The SPEAKER *pro tempore*. The Chair will examine the record before making a decision on that question. The Chair is under the impression that unanimous consent was required and that the gentleman was on the floor to make the motion if he could obtain unanimous consent. The regular order is now demanded, and the Chair will now proceed to call the committees for reports of a private nature. The morning hour commences at twenty-five minutes past twelve, and the call rests with the Committee of Claims.

ADVERSE REPORTS.

Mr. TARBOX, from the Committee of Claims, made adverse reports upon the following petitions; which were laid on the table, and ordered to be printed:

The petition of John Graham, for re-imbursement of expenses while United States marshal of the eastern district of Louisiana;

The petition of G. W. Ford; and

The petition of William S. Mitchell.

CHARLES B. ROBERTS.

Mr. TARBOX also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1434) for the relief of Charles B. Roberts; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

CHARLES W. BUTTON.

Mr. TARBOX also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 433) to pay to Charles W. Button the cost of advertising property levied on by the collector of the United States internal revenue in the fifth district of the State of Virginia; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

THOMAS T. BARTLETT.

Mr. PHILIPS, of Missouri, from the same committee, reported back adversely the bill (H. R. No. 1029) for the relief of Thomas T. Bartlett, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

LOUISVILLE BAPTIST ORPHANS' HOME.

Mr. NEAL, from the Committee of Claims, reported back, with a favorable recommendation, the bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

E. R. SEARLE.

Mr. NEAL. The Committee of Claims, to whom was referred the petition of A. R. Searle, asking for payment for services as riding page of the House of Representatives, have directed me to report for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives, That the Clerk of this House be, and is hereby, directed to pay to A. R. Searle the sum of $60 out of the contingent fund of said House, the same being the balance due the said A. R. Searle for services as riding page for the month of December, 1875.

Mr. NEAL. This claim was considered by the Committee of Accounts, but owing to the fact that the roll bore more names than was allowed by law, the Committee of Accounts refused to recommend the payment of the claim, and had it referred to the Committee of Claims, who have reported the resolution which has just been read.

The resolution was adopted.

Mr. NEAL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMSHIP CITY OF BRASHEAR.

Mr. REAGAN, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

The question was upon ordering the bill to be read a third time.

Mr. REAGAN. I ask to have read a letter which will show the reasons for the passage of this bill.

The Clerk read as follows:

NEW ORLEANS, *May* 13, 1876.

DEAR SIR: Mr. Charles Morgan, of New York City, has recently built four large freighting-steamers, to run between New York and New Orleans in connection with his railroad and steamship line to different Texan ports. The first of said steamships was named after the city of Brashear, Louisiana, the western terminus of his railroad. Since the naming of said steamer the name of the city of Brashear has been changed. Mr. Morgan is now desirous of changing the name of said steamer, and as a compliment to the State of Texas he desires to call her the Lone Star. We should like your active co-operation, with the other delegates from your State and such friends as we may have in Congress, to introduce and pass a bill authorizing said change. We have written to our good friend Hon. RANDALL L. GIBSON, member of Congress from this city, asking him to give his personal attention to the matter. Will you be kind enough to confer with Mr. GIBSON upon the subject? The steamship Brashear was built during the year 1875, by the Harlan-Hollingsworth Company, at Wilmington, Delaware, for Mr. Charles Morgan, of the city of New York. Her registered number is 2972, and letter J. R. C. T. She is 1735 14 tons burden; hails from the city of New York; is registered at the custom-house in the city of New York in the name of Charles Morgan, sole owner, and resident of New York.

Your attention to this matter will oblige, yours, very truly,

CHAS. A. WHITNEY & CO.,
Agents for Charles Morgan.

Hon. JOHN H. REAGAN,
Washington, D. C.

The bill was ordered to a third reading, read a third time, and passed.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PIVOT-DRAW IN BRIDGES ACROSS THE OHIO.

Mr. REAGAN. I am directed by the Committee on Commerce to report back, with a favorable recommendation, the bill (H. R. No. 2263) for the repeal of so much of the act of December 17, 1872, as provides for a pivot-draw in any bridge to be erected across the Ohio River between the cities of Covington, Kentucky, and Cincinnati, Ohio.

The SPEAKER *pro tempore*. The attention of the Chair was called to this matter on Friday before last, and the Chair would be bound to rule that this is a public bill and not in order under this call.

PLEASURE-YACHT LYDIA.

Mr. PIERCE, from the Committee on Commerce, reported a bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PIERCE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STEAM-BARGE DOLPHIN.

Mr. PIERCE also, from the Committee on Commerce, reported back, with an amendment, the bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York.

The bill authorizes the owner of the steam-barge Dolphin, of Clayton, New York, to change the name of said barge to Solon H. Johnson, and provides that from the passage of the act the said barge shall be entitled to register in that name.

The amendment was to strike out the words "owner of the steam-barge Dolphin" and insert the words "Secretary of the Treasury be authorized to change the name of;" also strike out the words "be authorized to change the name of said boat."

The amendments were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PIERCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF DANIEL CARROLL.

Mr. HUNTON, from the Committee on the Judiciary, reported as a substitute for House bill No. 2976 a bill (H. R. No. 3679) to ascertain the interest of the heirs or devisees of Daniel Carroll, of Duddington, in certain real estate in the city of Washington, and to secure the conveyance of the same to the United States; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the heirs or devisees of Daniel Carroll, of Duddington, or persons lawfully claiming title under or through him or them, be, and they are hereby, authorized to institute proceedings in the Court of Claims, for the purpose of ascertaining and settling the rights of the said heirs in and to the parcel of ground situated in the city of Washington, and District of Columbia, bounded by Maryland avenue, Second street, B street, and Canal street, and now known as square west of square No. 576 in said city; and the said Court of Claims is hereby authorized and required to hear and determine the said matter, and if it shall find that said claimants have any interest legal or equitable in said property, then to render judgment in favor of such claimants for whatsoever amount their interest in said property may be reasonably worth, whether the estate of the claimants be legal or equitable, and for such sum as may be just and equitable: *Provided*, That in ascertaining the value of such interest the court shall exclude from the estimate the buildings erected on said property by the United States.

SEC. 2. That before the Secretary of the Treasury shall pay any judgment of the Court of Claims which may be rendered by virtue of this act, he shall require to be made and delivered to him, by the said claimants, a deed, good and sufficient in the law, conveying to the United States all the interest of said claimants in and to said parcel of ground.

Mr. WILSON, of Iowa. I raise the point of order that this, being a private bill, must receive its first consideration in Committee of the Whole. I understand it has been the uniform practice of this House that all bills involving any property or money of the United States must receive their first consideration in Committee of the Whole.

Mr. HUNTON. This bill provides for the payment of no money, but merely for the reference of this claim to the Court of Claims. If that court shall make any award, then an appropriation must hereafter be made by Congress. The bill itself does not appropriate any money or dispose of any property of the United States.

Mr. WILSON, of Iowa. It has been uniformly held that bills of this nature must receive their first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair, in accordance with the uniform ruling, sustains the point of order. Under Rule 112, as amended within the last few years, all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, must be first discussed in a Committee of the Whole House.

Mr. HUNTON. I understand that rule; but it does not apply to this bill; and I beg to state why it does not.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HUNTON. The evidence discloses the fact that these parties whom this bill is designed to relieve owned a piece of property in the city of Washington, which some years ago the superintendent of the Botanic Garden, under direction from some of the officers of the Government, took possession of and built upon. That ground is now, and for years has been, the property of the claimants in this bill. In order to avoid the necessity of bringing suit, (if suit could be brought against the Government,) and in order to avoid disturbing the public buildings which have been erected upon this ground, the bill merely provides that the Court of Claims shall adjudge what is the fair value of that property.

The SPEAKER *pro tempore*. The Chair would rule in conformity with the precedents that wherever a bill contemplates a contingency whereby an interest of the United States in property may be divested, the bill should be first discussed in the Committee of the Whole. In sustaining the point of order the Chair follows the authorities, and adheres to the ordinary interpretation of the rule as given by previous occupants of the chair.

The bill was referred to the Committee of the Whole on the Private Calender.

CHANGE OF NAME OF SCOW MAYFLOWER.

Mr. DUNNELL, from the Committee on Commerce, reported back, with an amendment, the bill (H. R. No. 2752) to change the name of the scow Mayflower.

The bill was read. It grants authority to the owner of the scow Mayflower, of the port of Black River, Ohio, to change the name of the scow to that of Luella, by which name the scow shall hereafter be known.

The amendment was to strike out "scow" wherever it occurs and insert "schooner."

The amendment was agreed to.

Mr. O'BRIEN. I suggest that the bill should be further amended so as to provide, in accordance with the precedents, that this proposed change of name shall be made by the Secretary of the Treasury, and not by the owners of the schooner.

Mr. DUNNELL. I have no objection to that amendment.

Mr. O'BRIEN. I move then to amend by inserting instead of "the owner" the words "the Secretary of the Treasury."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. SAMPSON AND BENJAMIN HENRICKS.

Mr. HURD, from the Committee on the Judiciary, reported back with an amendment, the bill (H. R. No. 3609) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Texas; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM C. O'BRIEN.

Mr. EDEN, from the Committee on War Claims, reported a bill (H. R. No. 3680) for the relief of William C. O'Brien; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JAMES K. POLK.

Mr. EDEN. I am also directed by the Committee on War Claims to report back, with an amendment, the bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee. I am unanimously instructed by the committee to ask that this bill be put on its passage now. It makes an appropriation of $1,500 to pay for ten mules which during the war were taken by the Federal Army in Mississippi for its use, and which belonged to Mrs. Polk, widow of the late President Polk.

Mr. HURLBUT. I hope there will be no objection to the passage of this bill. It is a graceful tribute to Mrs. Polk, who, remembering her connection with the nation, stood fast to the Union during all our troubles. As this capture of mules was within my command in Mississippi, upon a plantation which belonged to that lady, I happen to know personally that this claim is just and right. I hope that an exception will be made in this case, and that the bill will be passed at once.

There being no objection, the House proceeded to the consideration of the bill. The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,040 to Mrs. James K. Polk, widow of the late President of the United States, in full satisfaction of her claim for property supplied the United States Army in Yalabusha County, Mississippi.

The amendment, which was read, was to strike out $2,040 and insert $1,500.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

B. B. CONNOR & BROTHER.

Mr. CALDWELL, of Alabama, from the Committee on War Claims, reported a bill (H. R. No. 3681) for the relief of B. B. Connor & Brother; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LUCIE A. JAMESON.

Mr. CALDWELL, of Alabama, also, from the same committee, reported back a bill (H. R. No. 1705) for the relief of Mrs. Lucie A. Jameson, of Memphis, Tennessee, with a favorable recommendation; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. ALEXANDER.

Mr. SMITH, of Pennsylvania, from the same committee, reported back a bill (H. R. No. 255) for the relief of William J. Alexander, of Bloomington, Monroe County, Indiana, with amendments; which were referred to the Committee of the Whole on the Private Calendar, and the bill and amendments, with the accompanying report, ordered to be printed.

MRS. EMMA A. PORCH.

Mr. WILSON, of Iowa, from the same committee, reported a bill (H. R. No. 3682) for the relief of Mrs. Emma A. Porch, of Missouri; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. REYNOLDS.

Mr. WILSON, of Iowa, also, from the same committee, reported back a bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds, with a favorable recommendation; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BOUNDARIES IN SAN MATEO, CALIFORNIA.

Mr. CANDLER, from the Committee on Private Land Claims, reported back adversely a bill (H. R. No. 1308) to authorize the correction of bounndaries of certain lands in San Mateo, California, and moved that the bill be laid on the table, and the report ordered to be printed.

Mr. GUNTER. I desire in that case to submit from the Committee on Private Land Claims a report containing the views of the minority, and move that it be ordered to be printed.

The motion was agreed to.

Mr. GUNTER. I now ask that the bill, together with the majority and minority reports, be referred to the Committee of the Whole and placed on the Private Calendar.

The SPEAKER *pro tempore*. Under the rule the gentleman has that right.

The bill, with the adverse report and the views of the minority report, was referred to the Committee of the Whole and placed on the Private Calendar.

HEIRS OF JACOB CRAMER.

Mr. LEVY, from the Committee on Private Land Claims, reported a bill (H. R. No. 3683) for the relief of the heirs of Jacob Cramer, lieutenant of the Pennsylvania Continental Line in the revolutionary war; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAND CLAIMS IN FLORIDA, ETC.

Mr. LEVY also, from the same committee, reported a bill (H. R. No. 3684) respecting land claims in Florida, Louisiana, and Missouri, established under act of June 22, 1860; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

F. B. CULVER.

Mr. LANE, from the Committee on Indian Affairs, reported a bill (H. R. No. 3685) for the relief of F. B. Culver; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN PHILIPS.

Mr. SCALES, from the same committee, moved that committee be discharged from the further consideration of the claim of John Philips, and the same be laid on the table; which motion was agreed to.

BENJAMIN F. BEVERIDGE.

Mr. SPARKS, from the same committee, reported back adversely a bill (H. R. No. 3379) for the relief of Benjamin F. Beveridge; which was laid on the table, and the accompanying report ordered to be printed.

JOHN JACKSON.

Mr. SPARKS also, from the same committee, reported back adversely a bill (H. R. No. 1276) for the relief of John Jackson; which was referred to the Committee of the Whole House and placed on the Private Calendar, and the majority report and views of the minority, submitted by Mr. LANE from the same committee, were ordered to be printed.

EDWARD C. HOWARD AND DANIEL HARNETT.

Mr. VAN VORHES, from the same committee, reported back the memorial of Edward C. Howard and Daniel Harnett, in relation to their being driven from their land in Brule City, Dakota, by the authorities of the United States, when the same was included in an Indian reservation, and moved its reference to the Committee on Private Land Claims; which motion was agreed to.

MARIANO TRISARRO.

Mr. TUFTS, from the same committee, reported adversely upon the depredation claim of Mariano Trisarro; and the same was laid on the table, and the report ordered to be printed.

JOSÉ MARIA GONZALES.

Mr. TUFTS also, from the same committee, reported adversely upon the claim of José Maria Gonzales; and the same was laid on the table, and the report ordered to be printed.

M. LADD AND J. L. WILLIAMS.

Mr. MORGAN, from the same committee, reported a bill (H. R. No. 3686) authorizing the Secretary of the Interior to adjust the claims of Moses Ladd and John L. Williams, half-blood Menomonee Indians, and the Secretary of the Treasury to pay amount due; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. A. SHEPPERD.

Mr. MORGAN also, from the same committee, reported back the bill (H. R. No. 2780) for the relief of S. A. Shepperd; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

A. D. FISHER.

Mr. MORGAN also, from the same committee, reported back the bill (H. R. No. 1023) for the relief of A. D. Fisher; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Public Lands.

The motion was agreed to.

EASTERN BAND OF NORTH CAROLINA CHEROKEES.

Mr. MORGAN also, from the same committee, reported back, as a substitute for House bills No. 3358 and No. 3361, a bill (H. R. No. 3687) to authorize the eastern band of North Carolina Cherokees to institute suits to provide for the purchase of lands and to have a final settlement, and for other purposes; which was read a first and second time.

The bill was read at length.

Mr. MORGAN. I ask that the substitute I have reported be put upon its passage. The purpose of this bill is simply to enable the eastern band of Cherokee Indians to bring a suit against the Cherokee Nation.

Mr. BLOUNT. Before the gentleman goes on to speak of the merits of the bill I raise the question of order that it involves an appropriation of money, and ought to go to the Committee of the Whole.

Mr. MORGAN. I will refer to that before I get through. There is no appropriation of money provided for by the bill.

Mr. BLOUNT. I think differently from the reading of the bill.

Mr. MORGAN. It provides that $10,000 which may be expended in the payment of costs shall come out of the funds of the Indians. There is no provision for the appropriation of one cent of money.

I was about to say that a controversy had arisen between the eastern band of Cherokee Indians, who live in North Carolina, and the Cherokee Nation west of the Mississippi, in regard to the right of the North Carolina Indians to participate in the funds of the nation. The matter has been repeatedly before the Department, and generally there has been adverse action upon it. Any bill providing for the payment of that fund has never, I believe, been reported upon favorably in Congress; but in one instance, I think, a bill of that character did meet the approbation of the Department.

This bill does not provide, nor does it attempt to provide, for the distribution of a part of this fund to the Cherokee Indians of North Carolina. It merely provides for the investigation of the controversy in a proper court, and clothes the Court of Claims with jurisdiction to determine that matter. The committee considered that this controversy should have the deliberate consideration of a court rather than that it should be acted upon by Congress. The bill is carefully drawn. There is a provision in regard to the costs of the suit and the manner in which those costs shall be paid. It provides that they shall be paid out of the funds belonging to the eastern band of Cherokee Indians, who are the claimants in the suit; but that not exceeding $10,000 shall be expended as costs. It also provides that an attorney shall be employed and the amount of fees shall be determined by the Court of Claims. This bill meets the approbation of the Department and of the parties interested, and has the unanimous indorsement of the Committee on Indian Affairs.

Mr. BLOUNT. From what source are the costs of the suit to be paid? What is the idea of the committee as to that?

Mr. MORGAN. The idea of the committee is that the costs of the suit, the incidental costs of the suit outside of attorneys' fees, shall be paid out of the funds of the eastern band of Cherokees.

Mr. BLOUNT. Where do the attorneys' fees come from?

Mr. MORGAN. It is provided they shall be paid out of the amount recovered in the Court of Claims.

Mr. BLOUNT. If any shall be recovered?

Mr. MORGAN. Yes, sir. The attorneys' fees are to be fixed by the Court of Claims, and only such fees shall be paid as are allowed by the court.

The bill merely settles the controversy between these two tribes, which has been a matter of great annoyance and a source of trouble and demoralization. For the best interests of the Indians it should be settled. That is all I have to say in regard to the bill. I move the previous question.

Mr. VANCE, of North Carolina. I think the point of order is not well taken, because the bill does not propose to appropriate money out of the Treasury of the United States; it proposes to appropriate $10,000, or so much thereof as may be necessary, out of the funds held in trust by the Secretary of the Interior for the Indians, and I think therefore that the point of order is not well taken.

The SPEAKER *pro tempore*. The Chair will rule that this is a re-appropriation, the United States being trustee, and there being no necessity for this bill unless a re-appropriation is necessary. The Chair therefore sustains the point of order.

Mr. MORGAN. Then I move that the bill be referred to the Committee of the Whole on the Private Calendar, and I ask that it be made a special order for a week from to-day after the morning hour.

Mr. HOAR. Would it then take the place of other bills that would otherwise have preference?

The SPEAKER *pro tempore*. It would not take the place of an appropriation bill.

Mr. RANDALL. One week from to-day is private-bill day and, I think, objection day.

Mr. BRIGHT. I object to making the bill a special order.

The SPEAKER *pro tempore*. Objection is made, and the morning hour has expired.

Mr. MORGAN. I will ask, then, that the bill be made a special order one week from to-morrow instead of one week from to-day.

Mr. HOAR. I object.

ORDER OF BUSINESS.

Mr. GLOVER. I ask unanimous consent that the call of the committees shall be continued until all the committees have been called.

Mr. BUCKNER. I call for the regular order of business.

EVIDENCE IN PACIFIC RAILROAD INVESTIGATIONS.

Mr. HUNTON. I call up the motion made by the gentleman from Maine [Mr. BLAINE] to reconsider the vote by which the resolution was adopted by the House authorizing the printing of the evidence taken by the Committee on the Judiciary under two resolutions for investigating matters relating to the Pacific Railroad.

Mr. PAGE. I hope the gentleman will not insist on that motion in the absence of the gentleman from Maine, [Mr. BLAINE.]

Mr. HUNTON. I move to lay the motion to reconsider on the table

Mr. PAGE. It was understood by the Chair yesterday and by the House that the gentleman from Maine should have a right to be recognized on the motion to reconsider.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Maine stated that the rule was that any gentlemen could call up the motion to reconsider after yesterday.

Mr. PAGE. The gentleman from Maine stated very distinctly to the House that this motion could be called up after yesterday by any gentleman, and the Chair stated that he would recognize the gentleman from Maine to call up the motion on the first opportunity after the Geneva award bill was disposed of.

The SPEAKER *pro tempore*. The Chair would certainly have recognized the gentleman from Maine if he had been here to call up the motion.

Mr. PAGE. I ask the gentleman from Virginia not to press the motion until the gentleman from Maine can be here.

Mr. BLAINE, (entering the Hall.) I am here.

The SPEAKER *pro tempore*. The gentleman from Virginia calls up the motion to reconsider offered by the gentleman from Maine; and moves to lay that motion on the table.

Mr. BLAINE. Do you think that in accordance with the under-

standing had on this floor yesterday? I put that question to the Chair.

The SPEAKER *pro tempore*. Any understanding with the Chair is stated in the public RECORD; whatever it was, the Chair will abide by it.

Mr. BLAINE. I think the Chair gave me the assurance that I should have the floor on this question.

Mr. HOAR. The Chair has just said that if the gentleman from Maine had been present he would have recognized him.

The SPEAKER *pro tempore*. The Chair would very gladly have recognized him. For all the Chair knows this matter of printing may be important.

Mr. BLAINE. It is very important; but I want the whole of it printed. I have not looked at what the RECORD records; I hope the Chair will.

Mr. BUCKNER. I rise to a point of order. This is a day set apart for the consideration of private business.

Mr. BLAINE. Very well; let the gentleman from Virginia withdraw his motion.

Mr. BUCKNER. I am not talking about the gentleman from Virginia or the gentleman from Maine either; I am insisting upon the enforcement of the rules of the House.

Mr. RANDALL. Let us have gentlemen take their seats. We may as well be quiet.

The SPEAKER *pro tempore*. Gentlemen will take their seats. The RECORD shows the following; but before reading it the Chair will state to the gentleman from Maine and to the House that this matter comes up by no motion of the Chair.

Mr. BLAINE. The Chair does not usually make motions, as I understand it.

The SPEAKER *pro tempore*. No intimation of that kind can be made against the present occupant of the Chair.

The RECORD reads as follows:

If I am deprived of that right by the ruling of the Chair or by any other cause, then any other gentleman can call it up and I do not have the parliamentary connection with it to which I am entitled.

Mr. GARFIELD. After to-day.

Mr. GARFIELD. That was not a question, as the Chair read it, but an affirmative statement.

The SPEAKER *pro tempore*. Very well.

Mr. BLAINE. Yes, after to-day; but if I am deprived of that right the motion to reconsider goes into the hands of any gentleman whom the Chair may recognize who can call up the motion and move to lay it upon the table.

Mr. BLAINE. Will the Chair accept a suggestion and allow the whole of it to be read?

The SPEAKER *pro tempore*. After the ruling of the Chair, the RECORD reads as follows:

Mr. BLAINE. Then I understand the Chair to rule that I lose my control over the motion to reconsider.

The SPEAKER *pro tempore*. No, sir; the Chair has ruled no such thing. The Chair rules that for the present the Geneva award bill is before the House. The Chair will recognize the gentleman from Maine [Mr. BLAINE] the moment he rises on the floor when there is no other matter properly pending before the House.

How could the Chair rule otherwise?

Mr. BLAINE. I stated yesterday——

The SPEAKER *pro tempore*. If the gentleman from Maine [Mr. BLAINE] had risen at any time after the morning hour to-day for the purpose of calling up his motion to reconsider, the Chair would have recognized him.

Mr. BLAINE. I stated yesterday that during the first two days after the order to print was made and the motion to reconsider entered the universal rule and courtesy of the House gave the floor to the person who entered the motion to reconsider. That was the reason why I was somewhat strenuous in insisting upon calling up the motion on yesterday, which was the last day under that rule that the matter remained within my control. I then interrogated the Chair to know whether I would lose my control of the motion to reconsider, should it pass over yesterday on account of my failure to obtain the floor.

The SPEAKER *pro tempore*. And the Chair replied as has been read from the RECORD.

Mr. BLAINE. I now understand that the gentleman from Virginia [Mr. HUNTON] proposes to come in and call up my motion to reconsider and move to lay it upon the table, so as to prevent me from having the opportunity to move to have included in the testimony of the committee to be printed the Caldwell telegram and the proceedings before the Committee on the Judiciary day before yesterday, in which there was some testimony not under oath, but still as valuable as if it were given by the chairman of the Committee on the Judiciary.

Mr. HUNTON. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. HUNTON. I would inquire of the Chair if this matter is debatable?

The SPEAKER *pro tempore*. It is not debatable, but the Chair is always very glad to hear gentlemen upon points of order.

Mr. BLAINE. Does the gentleman from Virginia [Mr. HUNTON] decline to withdraw his motion to lay on the table my motion to reconsider?

Mr. HUNTON. Yes, sir.

Mr. BLAINE. And does he decline to allow me an opportunity to move an amendment to the resolution directing the printing of the testimony?

Mr. HUNTON. I stated to you on a former occasion what I was willing to do, and you declined to accept it.

Mr. BLAINE. What was it?

Mr. HUNTON. The RECORD will show.

Mr. BLAINE. I do not remember what the gentleman refers to.

The SPEAKER *pro tempore*. The Chair will state in addition, what the gentleman from Maine [Mr. BLAINE] very likely knows better than any other member of the House, that there is a rule specially applicable to this matter, and the Chair has no inclination to break the rule, which is this:

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House; and thereafter any member may call it up for consideration.

Mr. BLAINE. That is just what I called the attention of the Chair to yesterday, and why I insisted on yesterday that I should have the opportunity to call up my motion to reconsider. And I received the assurance of the Chair, as I thought, with the assent of the House, that I should not be deprived by anything that took place yesterday of the opportunity to call up my motion to reconsider.

The SPEAKER *pro tempore*. The only assurance given by the Chair is that recorded in the RECORD.

Mr. RANDALL. I was not present on yesterday, and therefore I do not know what agreement was made. But I would like to remind the gentleman from Maine [Mr. BLAINE] that by entering his motion to reconsider the other day he took advantage of the omission of the gentleman from Virginia [Mr. HUNTON] to make the usual motion to reconsider and table.

Mr. HUNTON. I think you are wrong about that.

Mr. BLAINE. How did I take advantage of the gentleman from Virginia? I went to the Clerk and asked him if the motion to reconsider had been made and tabled, and he told me it had not been.

Mr. RANDALL. I know that, exactly.

Mr. BLAINE. Then what advantage did I take of the gentleman?

Mr. RANDALL. It took from him, by your quick knowledge of the rules, after his omission to make the usual motion, an advantage. I admit that you could do it.

Mr. BLAINE. Was that any more advantage than——

Mr. RANDALL. Allow me one moment. Having taken that advantage of the omission of the gentleman from Virginia, [Mr. HUNTON,] I submit that the gentleman from Virginia was entirely within the practices of the House, and entirely within the rules of due courtesy, in also taking advatage to-day of the gentleman from Maine [Mr. BLAINE] in moving to lay the motion to reconsider on the table.

Mr. BLAINE. If the gentleman is talking about taking any advantage——

Mr. RANDALL. I am not through yet. Now, as to the telegram, I insist that the gentleman from Virginia—I was not here on Monday either—but I understood that the gentleman from Virginia was willing that the telegram should go in and be of record for what it was worth.

Mr. BLAINE. It could not go for any more.

Mr. RANDALL. I am not speaking of that at all. I do not understand that the gentleman from Virginia objects that the telegram should go in with the testimony.

Mr. BLAINE. But I call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the fact that neither the chairman of the Committee on the Judiciary nor the chairman of the subcommittee on the judiciary has ever yet intimated to this House or to me what they proposed to do with regard to that telegram.

Mr. RANDALL. Let the gentleman ask this House now that that telegram shall be embraced in the testimony.

Mr. BLAINE. Yes; I am after that very thing; and I want the official telegram. The gentleman from Kentucky, [Mr. KNOTT,] after keeping it in his pocket for five days and then for three days longer——

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order.

Mr. BLAINE. As I understand, gave it to the Associated Press; but he has never given it to the House, never.

Mr. GLOVER. I call the gentleman from Maine to order. I say that he is violating the rules of the House.

Mr. BLAINE. Very well; I am sorry that the rules are not observed by the other side of the House.

Mr. BLACKBURN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman from Maine and other members will be seated. The gentleman from Maine was speaking out of order after the regular order was called, as no one knows better than himself.

Mr. BLACKBURN. I rise to a parliamentary inquiry. Is it proper that the record should bear the utterances of a member, delivered out of order as declared by the Speaker?

The SPEAKER *pro tempore*. The Chair would state that there is no rule upon that subject. The old custom was—and there was once a rule to that effect—that such utterances should be excluded from

the official report. The Chair is not aware that such a rule is now in existence. The Chair would say to the gentleman from Maine that, while he gave the House the assurance, as reported in the RECORD, that he would recognize the gentleman from Maine to call up this motion, he did not, nor could he, preclude thereby any other member from calling up the motion at the proper time. How could the Chair do otherwise? How could the Chair take the gentleman from Virginia off the floor?

Mr. BLAINE. The gentleman from Virginia could do otherwise very easily.

The SPEAKER *pro tempore*. The Chair should not have any imputation cast upon him by the gentleman from Maine.

Mr. HUNTON. I call for the regular order.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Virginia to lay on the table the motion to reconsider.

Mr. WILSON, of Iowa. Mr. Speaker——

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. WILSON, of Iowa. I know that; but I want to make a motion which I think the Chair will entertain.

Mr. SOUTHARD. I would like to make an explanation.

The SPEAKER *pro tempore*. The Chair will hear the point of the gentleman from Iowa.

Mr. WILSON, of Iowa. I raise the question of consideration on this business. I do not believe that the majority will cut off the gentleman from Maine from a hearing.

The SPEAKER *pro tempore*. The Chair would state that that point comes too late.

Mr. WILSON, of Iowa. How so?

The SPEAKER *pro tempore*. Because the motion to lay on the table is pending.

Mr. WILSON, of Iowa. The gentleman from Virginia called up the motion, and moved to lay it on the table; but——

The SPEAKER *pro tempore*. And it is now pending.

Mr. WILSON, of Iowa. But it is in order, according to the Digest, page 85, to raise the question of consideration.

The SPEAKER *pro tempore*. The motion to lay on the table has been pending, and the regular order is called for.

Mr. SOUTHARD. I would like to say one word in explanation of what occurred yesterday. The gentleman from Maine then insisted on calling up his motion to reconsider, and one of the reasons which he urged why he should have that right was that if it were not allowed him at that time he would lose the control of the motion. He then from his place on this floor gave it as his opinion that if he were not allowed the right to call it up then he would lose his right to the floor.

Mr. BLAINE. The Chair assured me otherwise.

The SPEAKER *pro tempore*. The Chair did not give the gentleman any such assurance and the RECORD does not show it.

Mr. SOUTHARD. My point is that the gentleman, not having the opportunity at that time to call up his motion, has, by his own admission, lost the right to the floor, and has no ground for claiming it to-day.

Many MEMBERS. "Regular order!"

Mr. KASSON. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KASSON. It will be very brief. Yesterday I understood the Chair to rule the gentleman from Maine out of order in attempting to call up his motion, because under the rules of the House a special order was pending. To-day, under a like rule of the House, only private business is in order. Therefore, the point I wish to make is substantially that made by the gentleman from Missouri, [Mr. BUCKNER,] that, under the rules of the House and in accordance with the ruling of the Speaker yesterday, it is not in order for any gentleman to call up this matter of general business.

The SPEAKER *pro tempore*. The Chair will overrule that point of order.

Mr. BLAINE. On what ground?

The SPEAKER *pro tempore*. The Chair is not bound to give his reasons.

Mr. BLAINE. I never heard the Chair refuse to give the reasons for his ruling.

The SPEAKER *pro tempore*. The gentleman is out of order now.

Mr. BLAINE. Is it out of order to ask the Chair to state the reasons for his rulings?

The SPEAKER *pro tempore*. The gentleman has no right to make a colloquy with the Chair in this way; and he knows it very well.

Mr. BLAINE. The Chair does not seem disposed to have any colloquy.

The question being taken on the motion of Mr. HUNTON to lay on the table the motion to reconsider, the Speaker *pro tempore* announced that the ayes appeared to prevail.

Mr. GARFIELD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 23, not voting 146; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Davis, De Bolt, Dibrell, Durham, Eden, Ellis, Felton, Finley, Forney, Franklin, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hooker, House, Hunton, Jenks, Thomas L. Jones, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Milliken, Mills, Morrison, Neal, Parsons, John F. Philips, Piper, Pompleton, Powell, Randall, Rea, Reagan, Rice, Riddle, John Robbins, Roberts, Miles Ross, Scales, Schleicher, Sheakley, Singleton, Slemons, Southard, Sparks, Spencer, Springer, Stone, Tarbox, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Erastus Wells, Whitthorne, Wigginton, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—121.

NAYS—Messrs. Anderson, William H. Baker, Bell, Campbell, Chittenden, Cutler, Durand, Hardenbergh, Haymond, Hill, Hopkins, Hurd, Kehr, Le Moyne, McFarland, O'Brien, Potter, John Reilly, Savage, William E. Smith, Walsh, Whitehouse, and Willis—23.

NOT VOTING—Messrs. Adams, George A. Bagley, John H. Baker, Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Chapin, Conger, Cowan, Crapo, Croonse, Danford, Darrall, Davy, Denison, Dobbins, Douglas, Dunnell, Eames, Egbert, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frost, Frye, Fuller, Garfield, Gibson, Goodin, Hale, Haralson, Benjamin W. Harris, Henry R. Harris, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Frank Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Meade, Metcalfe, Miller, Money, Monroe, Morgan, Mutchler, Nash, New, Norton, Odell, Oliver, O'Neill, Packer, Page, Payne, Phelps, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Purman, Rainey, James B. Reilly, William M. Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Sayler, Schumaker, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stenger, Stevenson, Stowell, Swann, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Warren, G. Wiley Wells, Wheeler, White, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—146.

No quorum voted.

During the vote,

Mr. BEEBE stated that he was paired with his colleague Mr. DAVY, who, if present, would vote against the proposition, while he would vote for it.

Mr. DURAND stated that his colleagues, Mr. CONGER and Mr. A. S. WILLIAMS, were absent by order of the House.

Mr. DOUGLAS stated that he was paired with Mr. MACDOUGALL, who, if present, he presumed would vote "no," while he himself would vote "ay."

Mr. MORGAN said: I am paired with Mr. PLATT, of New York, on all political questions during his absence. If he were present I would vote "ay," while he would not vote, I presume.

Mr VAN VORHES stated that his colleague, Mr. VANCE, was absent by leave of the House.

Mr. SPRINGER. I rise to a parliamentary inquiry. It is in reference to the vote that is now being taken.

Mr. PAGE. Wait until the vote is announced.

Mr. SPRINGER. It pertains to the announcement of the vote.

Mr. BLAINE. How can you make a parliamentary inquiry about the announcement of a vote?

Mr. SPRINGER. The gentleman will know when I make it.

Mr. BLAINE. It is not in order. I object to it. There is nothing in order but the announcement of the vote.

Mr. SPRINGER. The point of order is in order.

Mr. BLAINE. The announcement of the vote is in order.

Mr. SPRINGER. The gentleman mistakes his position on this floor. He is not now in the chair. The Speaker is in the chair, and I rise to make a parliamentary inquiry of the Chair.

The SPEAKER *pro tempore*. It is customary here, and was often practiced while the gentleman from Maine was Speaker, to address to the Chair parliamentary inquiries.

Mr. BLAINE. During the roll-call? Never!

The SPEAKER *pro tempore*. The roll-call has been completed.

Mr. BLAINE. Then the vote should be announced.

The SPEAKER *pro tempore*. The gentleman from Maine knows it is not proper, and under the rules hardly decent, to confer with the Chair in that peculiar style.

Mr. BLAINE. I know very well—[the Speaker *pro tempore* at the same time beating with his gavel]—I know very well this is done to gain time. The vote should be announced. There is no quorum, and this is to gain time and get a quorum. I demand the vote be announced.

Mr. SPRINGER. I deny the right of the gentleman from Maine to impugn my motives.

Mr. BLAINE. The clerks have prepared the vote, and I demand it be announced. The Chair will announce it when it is handed to him.

The SPEAKER *pro tempore*. He cannot announce it before it is handed to him.

Mr. BLAINE. The Clerk has it ready. I demand that the vote be announced.

Mr. DAVIS. I rise to a question of order.

Mr. BLAINE. I demand that the vote be announced.

[The Speaker *pro tempore* during these remarks kept beating with his gavel.]

Mr. SPRINGER. I demand that the gentleman from Maine take his seat and be in order.

The SPEAKER *pro tempore*. If the gentleman from Maine does not preserve order, and take his seat, the Chair will call, under the rules, the help of the officers of the House to enforce order. [Cries on the democratic side of "That is it!" "That is it!" and applause.]

The gentleman from Maine, and every member of the House, will be seated.

Mr. BLAINE. I will be seated with pleasure when the rest are seated.

The SPEAKER *pro tempore*. The gentleman from Maine said the Chair should have announced the vote before. The Chair had not the vote in his hand at the time the imputation was made. It was intended to go out to the country as an imputation of unfairness upon the part of the Chair. The Chair will now proceed to announce in a proper and formal way the vote on this question, and all the statements to the contrary are positively and infamously false.

Mr. BLAINE. That is not very parliamentary language on the part of the Chair.

The SPEAKER *pro tempore*. On the motion to lay on the table the motion to reconsider the yeas are 121 and the nays are 23.

Mr. PAGE. No quorum.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. On the vote just taken no quorum has appeared.

Mr. PAGE. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman from California, [Mr. PAGE.] The Chair recognizes the gentleman from Illinois, [Mr. SPRINGER.]

Mr. PAGE. Is anything in order except a motion to adjourn, or a motion for a call of the House?

The SPEAKER *pro tempore*. The Chair understands his business. A quorum not having appeared on the last vote there are two things in order; a motion for a call of the House, or a motion to adjourn. *Non constat* that the gentleman from Illinois [Mr. SPRINGER] may not make the one or the other of these motions.

Mr. PAGE. I have just made one of them.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman from California for that purpose.

Mr. SPRINGER. I have risen to a question of order.

Mr. BLAINE. Nothing is in order but a motion to adjourn or for a call of the House.

The SPEAKER *pro tempore*. The gentleman from Maine is not the Speaker of the House.

Mr. BLAINE. I am a member of it.

Mr. SPRINGER. The parliamentary inquiry I wish to put, if the gentleman from Maine will allow me, is this: Though a quorum has not appeared on the roll-call, several gentlemen have risen in the House and shown their presence by stating that they were paired with other gentlemen. I may mention the gentleman from New York [Mr. BEEBE] as one; and there are several other gentlemen who have announced pairs. By making these announcements these gentlemen have shown their presence in this House.

Mr. BLAINE. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair will decide one question of order at a time. The gentleman from Illinois [Mr. SPRINGER] was stating a point of order.

Mr. SPRINGER. My parliamentary inquiry is this: Will the Chair take cognizance of the presence of those gentlemen who by rising and announcing pairs have shown that they are here?

The SPEAKER *pro tempore*. The parliamentary inquiry of the gentleman from Illinois is a very pertinent and proper one. In answer to the gentleman the Chair will state that in deciding as to the presence of a quorum he cannot go outside of the record of the roll-call.

Mr. BLAINE. Now for the motion to adjourn.

Mr. SPRINGER. Mr. Speaker, I move that there be a call of the House.

The SPEAKER *pro tempore*. That is one of the motions which it is alone proper to make. The Chair recognized the gentleman from Illinois to make the one or the other.

Mr. PAGE. And now I move that the House adjourn, and upon that motion I call for the yeas and nays.

Mr. BLAINE. I rise to a point of order. I desire to have read from the Digest, as exhibiting the point of order I make, the clause I have marked which is inclosed in brackets.

The Clerk read as follows:

It is not in order on a private-bill day to call up and consider a motion to reconsider a vote on a public bill, if objected to, except after a postponement by a majority vote of the private business.

Mr. BLAINE. The Chair overruled that point when made before. I asked him to give reasons for doing so and he declined. He could not because the letter of the rule is very express that this motion is not in order at all to-day. It is private-bill day and this is a public measure. It is not here properly. It is here in defiance of the rule, by a ruling of the Chair for which he would give no reason and which he made right in the teeth of the letter of the rule. That is my point. [Applause.]

Mr. SPRINGER. I desire to speak to this point of order.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. SPRINGER. It is the reconsideration of a vote on a "public bill" that is referred to in the rule which the gentleman from Maine [Mr. BLAINE] has caused to be read by the Clerk. The measure under consideration is not a public bill. It is a resolution of a private nature, in the interest of the nomination of the gentleman from Maine for President of the United States, [applause and hisses,] and properly comes in on private-bill day.

Mr. MORRISON. I desire to ask unanimous consent to offer a resolution.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. BLAINE] raised a point of order and had a rule read which in the opinion of the Chair is not applicable at this present stage of the business. It is sufficient for the Chair to say that even the present occupant of the Chair may make rulings without giving reasons for them; otherwise the whole business of the House might be taken up in hearing points of order.

Mr. BLAINE. I have never seen——

The SPEAKER *pro tempore*. If the Chair calls the gentleman from Maine to order now he gives no reason for it, for it is apparent that he is out of order in interrupting the Chair. [Applause on the floor and in the galleries.]

Mr. BLAINE. Does the Chair decline to hear a statement?

The SPEAKER *pro tempore*. The gentleman knows the rules very well, and he knows that he cannot interrupt the Chair while making a ruling, but he can appeal from the decision of the Chair when made.

Mr. PAGE. There is a motion pending to adjourn on which the yeas and nays are demanded.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. BLAINE] intercepted the motion to adjourn by a point of order.

Mr. BLAINE. If the Chair will hear me on the point of order——

The SPEAKER *pro tempore*. You have spoken.

Mr. BLAINE. I have not spoken to it.

Mr. BROWN, of Kentucky. I rise to a parliamentary inquiry. I want simply to know whether this is the American Congress——

Mr. BLAINE. That is what I want to know.

Mr. BROWN, of Kentucky. Or a school in which we are merely pupils of the schoolmaster from Maine?

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. BLAINE. It is the most surprising American Congress that ever assembled. [Laughter and applause.]

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Illinois, [Mr. MORRISON.]

Mr. MORRISON. I ask unanimous consent to have read a resolution which I propose to offer when it shall be in order.

Mr. PAGE. I have made a motion to adjourn upon which the yeas and nays are demanded.

The SPEAKER *pro tempore*. The Chair understands the business of the Chair in this regard. Pending the motion to adjourn, the gentleman rises to ask unanimous consent to have a resolution read. Is there objection to hearing it?

Mr. PAGE. I do not object to hearing the resolution read, but I have the floor on a motion to adjourn.

Mr. RANDALL. The reading of the resolution will not deprive the gentleman of any of his rights.

The SPEAKER *pro tempore*. The Chair understands that, and the gentleman from California must understand that the Chair does not intend to intercept his motion.

Mr. MORRISON. I ask to have read the resolution, and I repeat that I propose to offer it as soon as it is in order.

The Clerk read the resolution, as follows:

Resolved, That all the evidence taken by the Judiciary Committee under the authority of the resolutions of Mr. LUTTRELL and Mr. TARBOX be printed, and that the dispatch signed Josiah Caldwell be also printed as a part of the record in the case; and said committee shall examine any witnesses that may be called who may have heard said Caldwell make the same or contradictory statements from those contained in said dispatch; and the evidence of such witnesses shall also be printed with the other evidence taken by said committee.

Mr. HOAR. I object to that.

The SPEAKER *pro tempore*. The question is upon ordering the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 4, nays 151, not voting 134; as follows:

YEAS—Messrs. Adams, McDill, Pratt, and Sampson—4.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Le Moyne, Levy, Lewis, Luttrell, Lynde, L. A. Mackey, Maish, McFarland, McMahon, Meade, Milliken, Mills, Morrison, Neal, O'Brien, Parsons, Phelps, William A. Phillips, Pierce, Piper, Poppleton, Powell, Rainey, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Spencer, Springer, Stenger, Stone, Tarbox, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, James Wilson, Fernando Wood, Yeates, and Young—151.

NOT VOTING—Messrs. George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Blaine, Blair, Bliss, Blount, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Cowan, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Ely, Evans, Faulkner, Felton, Fort, Foster, Freeman, Frost, Frye, Garfield, Gibson, Goodin, Hale, Haralson, Benjamin W. Harris, Henry R. Harris, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Holman, Hoskins, House, Hubbell, Hunter, Hurlbut, Hyman, Frank Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Lap-

ham, Lawrence, Leavenworth, Lord, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, Metcalfe, Miller, Money, Monroe, Morgan, Mutchler, Nash, New, Norton, Odell, Oliver, O'Neill, Packer, Page, Payne, John F. Philips, Plaisted, Platt, Potter, Purman, James B. Reilly, William M. Robbins, Robinson, Sobieski Ross, Rusk, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Stowell, Swann, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Warren, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Alphens S. Williams, Charles G. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Woodburn, and Woodworth—134.

So the motion to adjourn was not agreed to.

During the call of the roll,

The SPEAKER *pro tempore* said: The Clerk informs the Chair that he cannot hear the responses of members. The Chair will direct to be read the rule in relation to the presence of persons on the floor of the House. The Chair is determined to break up this system of claquerism in the House.

The Clerk read as follows:

No person, except members of the Senate, their secretary, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the Hall of the House of Representatives or any of the rooms upon the same floor or opening into the same: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no person except those herein specified shall at any time be admitted to the floor of the House.

The SPEAKER *pro tempore*. The Doorkeeper will enforce this rule. Every person not included within this rule will leave the Hall, and the Sergeant-at-Arms will assist the Doorkeeper in enforcing the rule. Any disorder in the galleries will result in the clearing of the galleries also. The roll-call will be suspended for the enforcement of this rule.

After order was restored, the Clerk resumed and concluded the calling of the roll.

Mr. DURAND. I desire to announce that my colleagues, Mr. CONGER and General WILLIAMS, are absent by leave of the House.

Mr. SPRINGER. I withdraw the motion for a call of the House.

The SPEAKER *pro tempore*. The question recurs on laying on the table the motion to reconsider.

The question was taken; and upon a *viva voce* vote the Speaker *pro tempore* announced that the ayes had it.

Mr. GARFIELD. I call for the yeas and nays.

Several MEMBERS. That call is too late.

Mr. GARFIELD. It is not. I desire, however, to request that gentlemen will allow to be offered and voted upon the amendment that was talked of yesterday between the gentleman from Maine [Mr. BLAINE] and the gentleman from Virginia, [Mr. HUNTON.] That will settle this matter in a few minutes. I understood the gentleman from Virginia to express his willingness to allow that amendment to be offered.

Mr. BLACKBURN. Will the gentleman from Ohio [Mr. GARFIELD] accept as an amendment the resolution read for information offered by the gentleman from Illinois, [Mr. MORRISON?]

Mr. GARFIELD. I have no authority to accept any amendment. The amendment suggested yesterday to the gentleman from Virginia, [Mr. HUNTON,] and to which he said he had no sort of objection, and only some other gentleman objected to it—I think everybody would feel that it would be good faith and fairness all round to allow that amendment to be voted on. I suggest to the gentleman from Virginia [Mr. HUNTON] that he allow that amendment to be voted upon in the very language proposed yesterday. I will read from the RECORD, if I may be allowed to do so, what occurred on yesterday in regard to that:

Mr. HUNTON. I will detain the House but a minute. I desire to say that we have no sort of objection to publishing the dispatch to which allusion has been made for what it is worth and the proceedings of the committee yesterday morning.

Mr. BLAINE. Then just insert in the resolution "including the proceedings before the committee and the dispatch of Josiah Caldwell."

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. BLAINE. The gentleman from Virginia accedes to the proposition. Who is there to object?

Whereupon my colleague [Mr. SOUTHARD] objected. Now that arrangement which was suggested by the gentleman from Maine, and which it was understood was acceded to by the gentleman from Virginia, is all that is asked for on this side of the House, as I understand. If that proposition is caried out, just as suggested and accepted, there need be no delay at all. I ask the gentleman from Virginia [Mr. HUNTON] if he will allow that amendment to be voted on? That is all we desire.

Mr. HUNTON. When that proceeding took place in the House on yesterday, I stated to the House, and I stated the same to the House again this morning, that I had no sort of objection to publishing that telegram for what it was worth. But I did not agree to accept it as an amendment to my resolution, and I do not now accept it. The resolution offered by my friend from Illinois, [Mr. MORRISON,] it seems to me is a proper resolution, and one that meets the whole case.

Mr. GARFIELD. Now may I ask the gentleman this? He has stated repeatedly—and nobody on this side of the House has contradicted his views—that the telegram asked to be published is not evidence. That is perfectly correct. It is not asked to be published as evidence, but it is asked that it be published in connection with the proceedings of the committee as such.

Now, as I understand the new proposition of the gentleman from Illinois, [Mr. MORRISON] it is this: that this telegram shall not only be published as suggested, but that there may be proceedings in the committee to take hearsay testimony, which, as I understand, the committee have almost if not quite unanimously decided they will not take.

Mr. SPRINGER. What is this telegram but hearsay testimony?

Mr. GARFIELD. It is not testimony at all; it is not claimed to be testimony.

Mr. SPRINGER. Why publish it then?

Mr. GARFIELD. It is part of the *res gestæ*, part of the doings of the committee, and not evidence.

Mr. SPRINGER. It must be evidence or something else.

Mr. GARFIELD. You may call it what you please; we do not call it evidence. I will simply say to my friends on the other side that to pass an order of the House now authorizing and directing the committee to receive hearsay evidence, which the committee do not now receive, would be manifestly unfair and unjust, and as a mode of proceedings before the committee would result also in delay.

Mr. MORRISON. A single word.

Mr. BUCKNER. I call for the regular order of business.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Illinois, [Mr. MORRISON.]

Mr. MORRISON. A single word. I understand the gentleman from Maine [Mr. BLAINE] desires the publication of this dispatch for what it is worth.

Mr. GARFIELD. Certainly.

Mr. MORRISON. Is it not proper for this committee to show that it is worth nothing? That is the object of the resolution which I had read; that is all it proposes to do. You want to take this telegram for what it is worth. Then you must think that in some sense it answers the purpose of evidence; that it is in some way in favor of the gentleman from Maine. To the extent that it is true he ought to have the benefit of it. If it is not true he ought to get no benefit from it. Then why not allow the committee to take evidence to show that it has no 'ruth in it? That is the whole object.

Mr. GARFIELD. I agree entirely in what the gentleman says that it is perfectly and absolutely right to allow the committee to prove, if they can, that the dispatch is worth nothing. It is not proposed to be offered as evidence; but if they can show that it is spurious, they ought to be enabled to show it; if they can show that it is false, they ought to have power to do so. I agree with the gentleman on that point. All I ask is that we shall not make a rule under which they shall undertake to show that it is false by a violation of all the known rules of evidence, namely, that by mere secondary and hearsay evidence they shall undertake to prove something about this dispatch. Let them prove all they can, but prove it according to the rules of evidence which the committee themselves have adopted.

Mr. RANDALL. The known rules of evidence would exclude the cable.

Mr. SPRINGER. I understand the position of the gentleman from Ohio [Mr. GARFIELD] to be this: that Mr. Caldwell can give evidence without being under oath, and that he cannot be contradicted by witnesses under oath.

Mr. GARFIELD. Nobody has claimed that this was evidence.

Mr. McMAHON. O, yes; it is claimed to be evidence, and the whole country is called to witness that we have excluded this evidence.

Mr. SPRINGER. If the dispatch is not evidence, on what ground do gentlemen ask to put it in the record?

Mr. GARFIELD. On the same ground that the gentleman's committee put in the cable dispatch in regard to General Schenck. We do not call such a thing evidence, but you did.

Mr. SPRINGER. General Schenck was heard.

Mr. GARFIELD. Yes; when he was on a sick-bed four hundred miles away from here.

Mr. RANDALL. He was notified of the telegram, and he made his answer.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is called for, which is the question whether the House will order the yeas and nays upon the motion to lay on the table the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 90, not voting 72; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Culberson, Davis, De Bolt, Dibrell, Durham, Eden, Ellis, Felton, Finley, Forney, Franklin, Fuller, Gause, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hooker, House, Hunton, Jenks, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Metcalfe, Milliken, Mills, Morrison, Neal, Parsons, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, Rice, Riddle, John Robbins, Roberts, Miles Ross, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, Southard, Sparks, Spencer, Springer, Stenger, Stone, Tarbox, Terry,

Thomas, Thompson, Throckmorton, Tucker, Turney, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Fernando Wood, Yeates, and Young—127.

NAYS—Messrs. Adams, Anderson, John H. Baker, William H. Baker, Ballou, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Campbell, Cannon, Cason, Caswell, Chittenden, Crapo, Cutler, Danford, Denison, Dobbins, Dunnell, Durand, Eames, Egbert, Evans, Foster, Garfield, Haralson, Hardenbergh, Hendee, Hill, Hoar, Hoge, Hopkins, Hunter, Hurd, Hurlbut, Thomas L. Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, Lapham, Lawrence, Leavenworth, Le Moyne, Lynch, Magoon, McDill, McFarland, Meade, Monroe, Nash, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Rainey, John Reilly, Robinson, Sampson, Savage, Sayler, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Strait, Thornburgh, Washington Townsend, Tufts, Alexander S. Wallace, John W. Wallace, Walsh, Whiting, Willard, Andrew Williams, Charles G. Williams, Willis, James Wilson, and Woodworth—90.

NOT VOTING—Messrs. George A. Bagley, Banks, Bass, Beebe, Blaine, Bliss, Burleigh, Conger, Cowan, Cox, Crounse, Darrall, Davy, Douglas, Ely, Faulkner, Fort, Freeman, Frost, Frye, Gibson, Goodin, Hale, Benjamin W. Harris, Henry R. Harris, Hathorn, Hays, Henderson, Holman, Hoskins, Hubbell, Hyman, Frank Jones, Kehr, King, Edmund W. M. Mackey, MacDougall, McCrary, Miller, Money, Morgan, Mutchler, New, Odell, Payne, Platt, Purman, James B. Reilly, William M. Robbins, Sobieski Ross, Rusk, Seelye, Stevenson, Stowell, Swann, Teese, Martin I. Townsend, Van Vorhes, John L. Vance, Waddell, Wait, Waldron, Warren, G. Wiley Wells, Wheeler, White, Alpheus S. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., and Woodburn—72.

So the motion to reconsider was laid on the table.

During the vote,

Mr. DOUGLAS stated that he was paired with Mr. MACDOUGALL, who, if present, would vote "no," while he would vote "ay."

Mr. WILLARD stated that his colleague, Mr. HUBBELL, was absent by leave of the House.

Mr. VAN VORHES stated that his colleague, Mr. VANCE, was absent by leave of the House.

Mr. BRADLEY stated that his colleague, Mr. W. B. WILLIAMS, was absent by leave of the House.

Mr. DURAND stated that his colleagues, Mr. CONGER and Mr. A. S. WILLIAMS, were absent by leave of the House.

The vote was then announced as above recorded.

Mr. MORRISON. I ask unanimous consent to offer the resolution of which I gave notice.

The Clerk read as follows:

Resolved, That all the evidence taken by the Judiciary Committee under the authority of the resolutions of Mr. LUTTRELL and Mr. TARBOX be printed; and that the dispatch signed Josiah Caldwell be also printed as a part of the record in the case; and said committee shall examine any witnesses that may be called, who may have heard said Caldwell make the same or contradictory statements from those contained in said dispatch; and the evidence of such witnesses shall also be printed with the other evidence taken by said committee.

The SPEAKER *pro tempore*. Is there any objection to the consideration of the resolution?

Mr. HURLBUT. Yes; I object.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order of business.

Mr. SPRINGER. I move the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. LORD. I move to go on with the Geneva award bill.

Mr. HOAR. This is not objection day, and why not go on with the consideration of the Geneva award bill?

Mr. LORD. I desire that the Geneva award bill shall hold its place, and therefore move its consideration be proceeded with.

Mr. HOAR. I rise to a parliamentary inquiry. I understand the gentleman from New York merely moves to take up the Geneva award bill in order that it may hold its place, as he does not care to antagonize the Private Calendar. My inquiry is whether if we go into Committee of the Whole on the Private Calendar, to-morrow the Geneva award bill will not come up with the same rights that it now has?

The SPEAKER *pro tempore*. The Chair will so rule, but to make the matter sure, the question of consideration having been raised, the Chair will put it to the House. If there be no objection, the Geneva award bill will go over until to-morrow with all the rights it now has.

Mr. LORD. That is all I ask.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. SPRINGER. And I now move to go into Committee of the Whole on the Private Calendar.

Mr. MORRISON. Mr. Speaker, in order to accommodate gentlemen on the other side who wish to attend the Cincinnati convention, I ask that during Monday, Tuesday, Wednesday, and Thursday of next week no business or proposition be considered by the House of a political character or nature.

Mr. BUCKNER. What is that?

The SPEAKER *pro tempore*. The gentleman from Illinois suggests that Monday, Tuesday, Wednesday, and Thursday of next week be devoted to business not of a political character.

Mr. HOAR. Is there any such business possible?

The SPEAKER *pro tempore*. The Chair is unable to decide.

Mr. GARFIELD. I should like to inquire if that includes the bill on the question of resumption?

Mr. BLAND. Mr. Speaker, I object to the postponement of the public business for any political convention.

The SPEAKER *pro tempore*. Objection being made, the motion is not before the House.

HENRY THIERMAN AND WHITE FROST.

Mr. TUCKER. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3485) for the relief of Henry Thierman and White Frost, and it be recommitted to the Committee of Ways and Means.

There was no objection, and it was ordered accordingly.

Mr. KASSON. Not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*, (Mr BLACKBURN in the chair.) That is the understanding; but under the rule any proposition recommitted by unanimous consent cannot be brought back on a motion to reconsider.

LIEUTENANT JAMES B. SINCLAIR.

Mr. BANNING. I am directed by the Committee on Military Affairs to report back Senate amendment to the bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army, with the recommendation that it be concurred in. It is a unanimous report from that committee, and I hope there will be no objection to taking up the amendment and acting upon it at once.

The SPEAKER *pro tempore*. The Chair hears no objection, and the amendment will be read.

The Clerk read the amendment, as follows:

Amend line 2 by striking out the word "directed" and inserting in lieu thereof "authorized."

The amendment was concurred in.

Mr. BANNING moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BANK RECEIVERS.

Mr. COX. I rise to a privileged question. I have a report of a conference committee that ought to be disposed of this evening. It is in relation to bank receivers, and will not occupy any time.

The Clerk read as follows:

The committee of conference appointed by the two Houses on House bill No. 2411, authorizing the appointment of receivers of national banks, and for other purposes, after full and free conference, have agreed upon the following report, to wit:

That the House recede from its disagreement to all the Senate amendments except No. 11, and agree to the same.

That the Senate recede from its amendment No. 11, and agree to the same with an amendment, as follows:

Amend the proviso so it will read:

Provided, That such savings-banks now established shall not be required to have a paid-in capital exceeding $100,000.

S. S. COX,
SCOTT WIKE,
JNO. A. KASSON,
Managers on the part of the House.

JOHN SHERMAN,
JOHN A. LOGAN,
HENRY COOPER,
Managers on the part of the Senate.

The conference report was adopted.

Mr. COX moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOAR. I rise to a parliamentary inquiry. I desire to state, with the very greatest respect to the gentleman from New York, [Mr. COX,] that I regard the order of the House allowing the Speaker to appoint during his absence a Speaker for the space of ten days as one of the most important measures in its relation to the privileges of the House that the House has ever adopted. And without suggesting any objection to the conferring of that very extraordinary power on the present Speaker, under present circumstances, it seems to me quite obvious that the person so charged with that delicate and important duty should not act as one of the ordinary members of the House or take part in the ordinary business of the House, but should consider himself as Speaker of the House and governed by the same etiquette in regard to the business as the regular Speaker is. And without in the least reflecting on what the gentleman has done in this instance, for I know this was a matter which came before my honorable friend from New York previous to his appointment as Speaker *pro tempore* and his action in the present matter is entirely proper, yet I take leave to make that suggestion.

Mr. COX. I concur entirely with the gentleman from Massachusetts in what he has said on the point of delicacy in regard to the future action of the Speaker *pro tempore*. But, as he has stated, this matter was in my charge. Speaker KERR, before he left, when choosing the committee of conference, placed me at the head of it, and I thought it fairly due to me that I should finish up that business.

Mr. HOAR. I think the gentleman was perfectly right in finishing that business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 40) to re-imburse B. F. West, of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge, Ohio, post-office.

The message also announced that the Senate had passed bills of

the following titles; in which the concurrence of the House was requested:

A bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut; and

A bill (S. No. 816) granting a pension to Laura M. Knowlton.

The message also announced that Mr. FRELINGHUYSEN and Mr. WITHERS had been appointed managers on the part of the Senate of the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, in place of Mr. HOWE and Mr. BOGY, excused.

PRIVATE CALENDAR.

Mr. THORNBURGH. I insist on the regular order.

The SPEAKER *pro tempore*. The regular order being called, the question is on the motion of the gentleman from Illinois, [Mr. SPRINGER,] that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

So the House resolved itself into Committee of the Whole on the Private Calendar, (Mr. BLACKBURN in the chair.)

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. BUCKNER. On the last consideration day in Committee of the Whole on the Private Calendar the committee was considering the bill reported from the Private Land Claims Committee, the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico; and the gentleman from Texas [Mr. HANCOCK] had the floor upon that bill. This is the first consideration day we have had since the bill was before the committee, other business having prevented the House from resuming the consideration of the Calendar.

The CHAIRMAN. The bill indicated by the gentleman from Missouri [Mr. BUCKNER] is before the committee; and the gentleman from Texas [Mr. HANCOCK] is entitled to the floor.

Mr. HANCOCK. When this bill was under consideration some weeks since there was some objection to it, which I supposed at the time arose from the fact that the gentlemen objecting had not probably had an opportunity of looking into its provisions and the law under which it was reported.

The CHAIRMAN. The committee will come to order, so that the gentleman from Texas may have a proper hearing.

Mr. HANCOCK. If the gentlemen who then objected have since examined the bill, and have no further objections to allowing it to be reported favorably to the House, as other gentlemen are desirous of bringing forward other measures, I have no desire to speak merely for the purpose of speaking, and it is very evident that this House has no disposition to hear. [After a pause.] As there is no manifestation of satisfaction with the bill, I do not know that I can with propriety do otherwise than go on and make some remarks on the bill to such ears as I may possibly be able to reach.

Mr. DUNNELL. I think it is due to the honorable gentleman from Texas that he have a respectful hearing.

The CHAIRMAN. The Chair has appealed to the members of the committee to observe that respectful bearing to the House that will enable the gentleman from Texas to proceed with his remarks with some hope of being heard. It is not in the power of the Chairman to force members of the committee to pay attention.

Mr. HANCOCK. I have not any dramatic exhibitions to make. I desire merely to offer a few plain remarks on the bill now under consideration. It is probably too tame and commonplace a subject to arrest the attention even of those who have heretofore objected to the passage of the bill.

This is a bill relating to certain land titles claimed by citizens of the Territory of New Mexico to which they assert a right in virtue of grants of different characters made to them by the Spanish or Mexican authorities, a right which is recognized by the eighth article of the treaty of Guadalupe Hidalgo, which I send to the Clerk's desk, and I ask that that article may be read.

The Clerk read as follows:

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories or disposing thereof and removing the proceeds wherever they please without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty, and those who shall remain in the said territory after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

Mr. HANCOCK. By that section of the treaty of Guadalupe Hidalgo it will be observed that the rights of property of every character, whether it is real, personal, or mixed, whether a title in fee or of less grade to realty, are protected to the inhabitants of the country then being ceded to the United States to the same extent as the same property or right or interest of whatever character would be protected and carried into a perfect title under the laws of Mexico.

It has been objected in the first place that there is no necessity for the party wishing to perfect his title to come before Congress for the purpose of having any confirmation of his title. That to a degree may be correct. It may be that there is no absolute necessity for his doing so; but, if not, it subjects him to very great inconvenience, and in many instances great hardships, and possibly might result in the utter destruction of his right, if he be left alone dependent on the provision of the treaty referred to, unless under the laws of the United States he obtained title to his land, although it may have been a perfect title under the laws of Mexico or of Spain, as he may have obtained the title under one or the other of these governments. If his title should be assailed or his right of possession in any way interfered with so that he is compelled to enter the courts of the country, he would be compelled to prove his title as well as establish his right under it by proving the law under which it was obtained, and as they would be laws of a foreign country it might be difficult or utterly impossible for him to prove the execution of the title by reason of the disappearance of witnesses and for other reasons, and there are many other like difficulties that the party would incur if he were brought into court in proving a perfect title. Hence it has been usual, not only under the treaty made with France in reference to Louisiana and to Spain in regard to Florida, but also under this treaty with Mexico as to lands in California, New Mexico, and Arizona, to provide some means by which the party holding even a perfect title shall be able to have that perfect title recognized and established, so that it becomes a title under the laws of the Government of the United States, without compelling him to go through the devious and circuitous passages that he would have to go through if he were dependent simply upon the treaty for his right.

But it is not only perfect titles alone that are embraced by the eighth article of the treaty of Guadalupe Hidalgo. Every character of right, whether perfect or imperfect, whether in fee or inchoate, is equally protected by the treaty of Guadalupe Hidalgo, and the United States is to carry it ont in the manner in which the parties had a right to have it carried out under the laws of Mexico or Spain, and of course in this case under the laws of Mexico, as at the time of the treaty the government of Mexico had entire and absolute jurisdiction.

This is a character of title that addresses itself to the political authorities of the country, and the political authorities alone, in the absence of any political action vested in the courts as power over titles of this character.

It has been said the uniform practice of the Government and of all governments from the time of William the Conqueror up to the present time to leave such title dependent on recognition by the legislative branch of the Government. Until the legislative branch of the Government has acted the parties have no standing in court; yet in point of fact it might be a title which has a perfect equity; every duty incumbent on the grantee had been complied with on his part, and he stands in the position to demand, and upon his demand a perfect title in fee would have been awarded to him by the former government under which he lived; yet, as he had not got such a title, he must necessarily be dependent on the legislative branch of the Government for the protection of the title left in this inchoate state by the former government.

This is the condition of quite a number of titles reported on by the surveyor-general in this instance. Some of them are probably titles which would be regarded as complete and legal titles, such as those known as pueblo grants, which are not met under our land system, and it is proper that they too, for the purpose of putting the parties in the condition of enjoying the rights of property as guaranteed to them under the treaty, should receive such legislation as has been extended to them, and that their titles should be perfected in such form as to put the holders of them in such a position as to readily present their titles in court for protection and defense.

This being the position, then, in which parties are placed by the treaty, and the character of property that is comprehended by that treaty, it becomes necessary on the part of the legislative branch of the Government to make provision for ascertaining not alone the character of the titles, but also the particular pieces of land that should be rightfully embraced within their limits. In fulfillment of that duty, Congress passed a law July 22, 1854, to which I invite the attention of members who wish to understand this question, providing for the appointment of an officer termed the "surveyor-general of New Mexico." Section 8 of that act specifies the duties which that officer shall perform with reference to the character of property embraced in the eighth article of the treaty of Guadalupe Hidalgo, and is in these words:

That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the

land, such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants and give full effect to the treaty of 1848 between the United States and Mexico; and, until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

By reversing the order of the different provisions of this section, and commencing at the last clause of the section, we find that all the lands in the Territory of New Mexico are tied up beyond the reach of individuals for any purpose, placed out of the control of the Commissioner of the General Land Office or of any other officer of the Government, until the question now under consideration shall be finally settled, until the claims set up by the citizens of that Territory, under grants from Spain or Mexico, shall have been passed upon. Hence the necessity of either passing upon those titles and confirming or rejecting them, or, if we are not able to confirm them or reject them, then disapproving of the report of the surveyor-general and sending the matter back for further investigation, in order that there may be an end to the uncertainty that overhangs the property of the Government there, and that the lands of the Territory may be put in a condition to be appropriated by citizens who may go or have gone there since the treaty, and who are probably going there from year to year, as is usually the case in all our western Territories.

We must either act upon these grants in compliance with the law to which I have just referred, or we must repeal that law and leave the citizens who claim rights under grants or cessions or titles of any character from Spain and Mexico to protect themselves as best they may after we shall have refused—and a failure to perform is a refusal—to carry out the stipulations contained in the eighth article of the treaty of Guadalupe Hidalgo.

Referring to the commencement of this section in regard to the duties of the surveyor-general, we find that while he is called a surveyor-general he is, in point of fact, a judicial officer. He is constituted a judicial tribunal, with all the necessary attributes of a tribunal to enable him to investigate the character of these titles and to determine their merits with reference to the laws under which they have been granted, with full power to send for persons and papers, to administer oaths, to hear testimony, and to come to a determination upon this subject as would any other judicial tribunal.

But his action is not binding at all, as will be seen by reference to the next clause of the section, although it might be *prima facie* correct, like the decision of any other judicial tribunal. He does not present his decision either to Congress or to the Commissioner of the General Land Office to be accepted as a determination of the rights of the parties who appear before him. It is his duty to report to the Secretary of the Interior, whose duty it is to examine the report made to him of the various titles that have been considered by the surveyor-general; and in the next paragraph of the section it is made the duty of the Secretary of the Interior to report to Congress the various titles acted upon by the surveyor-general and which he conceives should receive the confirmation of Congress as titles that have been rightfully granted, or as evidence of such rights to lands, to enable Congress to perfect the titles in the parties.

This is nearly in the same line of action that Congress has taken upon titles to land claimed by parties in the various territories which we have obtained under treaties with other governments, as well as the titles set up by individuals in California and heretofore in New Mexico. It is not that this is action of Congress in ratification of valid titles, but it is the perfecting of evidence of a right to land by giving the parties that which carries out the spirit and gives force and effect to the provisions of the eighth article of the treaty of Guadalupe Hidalgo; a duty devolved upon this Government when we accepted that as one of the terms of the settlement of the war of 1846–'48, and charged ourselves with the duty of carrying out the obligation to those citizens within that Territory in the same manner that Mexico would have done had the Territory remained a part and parcel of the Mexican republic.

Mr. LAWRENCE. How much land does this bill involve?

Mr. HANCOCK. I do not know; but a very considerable number of acres.

Mr. GUNTER. It involves about two million five hundred thousand acres.

Mr. HANCOCK. I think the gentleman is mistaken, unless he has made a calculation.

Mr. GUNTER. That is what I understood from the Commissioner of the General Land Office.

Mr. HANCOCK. I am glad the gentleman has called my attention to that point, and I will refer to it in proper time.

Mr. GUNTER. It is not all in one claim, not in favor of any one individual, but of several thousand claims.

Mr. HANCOCK. How many thousands do you say?

Mr. ELKINS. There are 23,000 claims on the property now.

Mr. HANCOCK. I will state in reply to the gentleman from Ohio [Mr. LAWRENCE] who makes a very pertinent inquiry, that some of these grants are nearly two hundred years old; and some of them are for very large tracts of land. Under the government of Spain and of Mexico every settlement of individuals in the form of a town, called a pueblo, was entitled to large grants of land. Under the government of Mexico, after the revolution of 1823, every town was entitled to a grant of four leagues of land, embracing the town and the surrounding suburbs.

Mr. LAWRENCE. About how many of these grants are Mexican and how many Spanish?

Mr. HANCOCK. I am not able at once to answer that question; but there is a list here which will show the proportion of Spanish and the proportion of Mexican titles. I think the larger number, and those embracing the largest district of country, were made prior to the revolution. I have not made a calculation.

Mr. LAWRENCE. I have heard it said that there is a class of these grants known as Amarjo grants, many of which are alleged to be fraudulent. I do not know the facts myself.

Mr. HANCOCK. I have not met with any grant of that kind here. There are a good many pueblo grants. I have not made the calculation to which the gentleman calls my attention, but others have; and estimating the population to be what it is stated to be, if the lands embraced in this bill were divided up equally and sold it would not amount to one hundred acres apiece.

Mr. LAWRENCE. Has the Commissioner of the General Land Office examined this, and have we his opinion upon it?

Mr. HANCOCK. Not so far as I know.

Mr. GUNTER. With the consent of the gentleman, I will state that I understand the Secretary of the Interior has investigated all these claims which have been acted upon by the surveyor-general or commissioner—for he was acting in the attitude of commissioner—and that he has approved of the various claims reported here and asked to be confirmed; has recommended them to the House to be approved by its action. That is my understanding.

Mr. REAGAN. The gentleman will allow me to say that the report was made by the surveyor-general, and the Secretary of the Interior transmits the report to Congress. That is all there is about it.

Mr. GUNTER. My understanding is that it was the duty of the Secretary of the Interior or commission to approve the action which had been taken; that he did approve it and made the report to Congress.

Mr. HANCOCK. I will state further, in reply to the gentleman from Ohio, that this bill seems to conform to the character of grants made by Mexico and by Spain in prohibiting the confirmation of a larger amount than eleven leagues in any one grant subsequent to August 18, 1823, the time of the passage of what is known as the national colonization law. From that time this was the maximum amount which could be granted to any one individual.

The necessity for legislative action arises not alone from the treaty stipulations, but from the fact that no provision has been made by which the parties interested in these titles could establish them by any action under our laws. It is a subject exclusively within the control of Congress under that clause of the Constitution which provides that—

> Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

One of the needful rules and regulations respecting the Territories and the property, too, belonging to citizens of the United States is found in this very act to which I refer, the act of July 22, 1854, as necessary to enable the parties who set up a right under grants or concessions of any character received from Spain or Mexico to come before the tribunal which we established and make good the claims which they assert to these lands.

After we have established our own tribunal and have subjected these parties to the trouble and expense of coming before it and bringing the evidences of their title, and after twenty-eight years have passed by without their having obtained the adjudication of their rights, it would seem a little remarkable that we ourselves should say that we yet hesitate, unless there can be shown some evidence of want of fidelity on the part of the officer. No statement based upon any fact, so far as I know, has been made that the officer acting in the capacity of surveyor-general of New Mexico has not performed the duty with ability and fidelity. Nor have I heard any one impute to the Secretary of the Interior want of fidelity in the discharge of his duty in presenting this report with his recommendation to Congress, unless the remark of my colleague [Mr. REAGAN] should be construed into a reflection upon that officer. So far as I have seen anything coming from him, he seems to have acted with his usual care and circumspection as to the subject-matter which it was his duty to present to Congress; and I will assume, until the contrary is shown, that both the surveyor-general and the Secretary of the Interior have acted not only within the scope of their jurisdiction, but faithfully and honestly.

Mr. REAGAN. I do not wish it to be understood that I have reflected upon the integrity of the action of the surveyor-general or any one else. What I did was to question the authority of that officer to do what is asserted here he has done and what I deny he had the right to do. I never imputed anything else.

Mr. HANCOCK. I did not understand what you meant to deny.

Mr. REAGAN. I denied that he had any judicial power, that he had the right to pass upon titles.

Mr. HANCOCK. I suppose if the surveyor-general had been called a judge my colleague would have recognized him as a judicial officer, since it is made his duty to bring these parties before him, to swear witnesses, and to pass upon the sufficiency of title.

Mr. REAGAN. I do not wish to interrupt my colleague.

Mr. HANCOCK. You do not interrupt me.

Mr. REAGAN. I trust I understand what is meant by a judicial

officer without reference to the name he may have, and I am obliged to my colleague for the suggestion that I may not know only by name what a judge is. I know this officer has to summon witnesses and report the facts to Congress; but I also know he has no power to vest or divest any title out of or into any one, and therefore that he lacks judicial authority.

Mr. HANCOCK. Here are the powers conferred upon the surveyor-general:

That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands—

To ascertain their origin and nature. Mark that language—

under the laws, usages, and customs of Spain and Mexico.

How can he do that unless he passes upon the laws of Spain and Mexico?

And for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of titles—

I presume my colleague could enumerate more than a dozen different grades of title emanating from Mexico and old Spain. He has to denote the various grades, and to do that requires critical research, extending over a period of two hundred years—

Denoting the various grades of titles, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States.

It seems to me that makes it pretty clear this officer, the surveyor-general, has precisely the functions which I have attributed to him.

Mr. PIPER. Let me ask the gentleman a question.

Mr. HANCOCK. I believe I will not be further interrupted.

Mr. PIPER. But one question. It says to ascertain the extent. Did he ascertain the extent of any one of these fifty-three claims?

Mr. HANCOCK. That is what we are coming to. There is nothing novel in this proceeding, and I am a little astonished my colleague should find so much to object to. In a portion of the territory embraced by the treaty of Guadalupe Hidalgo, we have had to deal with this same question. If I am not mistaken my colleague was a member of the Legislature in 1850, when a law similar to this was passed to investigate titles in that portion of the country between the Rio Grande and the Nueces River, formerly constituting part of the state of Tamaulipas, over which there was controversy for a great while and which has not yet been determined. I do not know whether my colleague was a member of that Legislature or not.

Mr. REAGAN. I was not in the Legislature of 1850, or of 1853, or 1854 when that law was passed.

Mr. HANCOCK. My colleague cannot but be familiar with the provision of that law, which is similar to the one under consideration, with the difference that they were termed commissioners, and there were more of them, there being three. The necessity was similar to that in this instance. It did not obtain as to land titles confirmed by the Republic of Texas, because under the land laws as well as the constitution of that republic parties holding titles, whether from Mexico or Spain, should deposit them in the archives of the general land office of the republic within a certain time, which protected them from being appropriated by subsequent claimants and gave them a standing in court by reason of the fact they had been archived as part of the records relating to the lands of the republic, showing what belonged to individuals and what remained still unappropriated, forming part of the public domain. Holders of land which had been a portion of Tamaulipas, and in fact occupants all along the Rio Grande, having never recognized the government of the Republic of Texas, and that government not having the power to enforce its authority, did not so deposit their titles. The time having gone by, there was no recognition of their right to the land granted by Spain or Mexico. Some of the grants embraced as much as sixty leagues. In order that justice might be done, commissioners were appointed to go to that country, receive the evidence relating to these titles to enable them to determine their character, and to report the facts to the General Land Office. If the officer representing the State of Texas, the district attorney, was satisfied of the report, the claimant did not have to rely upon his own title at all, and received a patent, and to-day, and at this time, day by day, patents are being issued for that land, some of which had been granted one hundred and fifty years ago. If the prosecuting attorney for the State of Texas was dissatisfied he could carry it up to the supreme court of the State of Texas, where a good many of those titles are still pending. Until final adjudication the land is tied up just as this land is tied up, and the same necessity exists here that there should be a settlement, in order that, as in that instance, the State may know what belongs to the public domain, and the claimant may know what land he may appropriate in virtue of his rightful claim and remain secure in the enjoyment of its possession. And the reason for issuing the patent there is identical with the reason existing here. Upon this point, as it may probably be more satisfactory, I will ask to have read from the fourteenth volume of Opinions of Attorneys-General what I have marked.

The Clerk read as follows:

The bill herewith reported also provides for the issuing of a patent in each case. It is not assumed that a patent is at all necessary in order to confer or confirm title in these cases, for we are aware that our Supreme Court has decided that confirmation by act of Congress and approved survey under it are sufficient evidence of title without any patent; but we believe it due to these claimants, whose original title papers have heretofore been surrendered to the Government, that they should not be put to the trouble of providing each for himself or herself a copy of the treaty of Guadalupe Hidalgo, of the act of Congress of July, 1854, of the act confirming such title and the survey made under it, in order to feel assured that the land, which in some of these cases has been in possession of these claimants or their ancestors for one hundred years, is really their property.

As American citizens, they are entitled to a simple evidence of title, and such as is given to our citizens who acquire real estate from the Government by the various modes provided by our laws. * * * In some of the acts heretofore passed in reference to lands under said treaty with Mexico patents have been required to be issued, while in others this has been overlooked; *hence we provide furthermore in this bill that in all cases in which confirmation has been had without the issuing of patents, such patents shall be issued, thus placing all claims under said treaty upon an equal basis.*

Mr. HANCOCK. I desire to say a word simply in application to the titles embraced within this bill of the reasoning set out in this passage from the fourteenth volume of the Opinions of the Attorneys-General which has just been read. The simple act of confirmation, going no further, would be but doing half justice. You would still leave the party interested in the title so confirmed, if he should be driven into the courts for the protection of his rights of any grade or character, to bring into the court as evidence not only his title confirmed, but all the proceedings had upon it, and evidence also of the survey made; whereas by giving to him that which he is entitled to under the treaty, a title, as he might have obtained it from the government of Mexico, you put him, as the treaty stipulates he shall be put, upon the same footing with any other citizen of the United States who holds a right to realty with a patent that presupposes the regularity of all the necessary preceding steps, and abridge the burden that otherwise would devolve upon him of bringing in this immense mass of evidence in order to establish the right to the land which would be concentrated in a simple bit of parchment or paper called usually a patent to land. This is what he is entitled to, and this is what has usually been done. But in some instances, not being expressly provided, it has been omitted, and the parties have come back subsequently and claimed it was right and proper it should be given.

Now, I can see nothing whatever that excites my distrust of any irregularity or unfairness, or job, or scheme, or steal. Most of these titles are a hundred to a hundred and fifty and some of them nearly two hundred years old. They have been in possession of the parties, especially the city of Santa Fé, which claims but four leagues of land, with a population, I understand, of some six thousand, and the only title they have, the only title any of these Mexican towns or cities have usually is the one which emanates from the town authorities, it having been confirmed to the town or city corporation in the first instance.

Mr. GUNTER. I wish to ask the gentleman one question. Have these titles to lands, which have been investigated by the surveyor-general and favorably reported on, as the gentleman has intimated, been usually recognized by the citizens there as valid titles?

Mr. HANCOCK. I cannot answer that, except historically. I am not a citizen of New Mexico.

Mr. GUNTER. You were speaking with regard to that point.

Mr. HANCOCK. I was speaking with regard to what I ascertained from the report. Unquestionably, however, they have been recognized historically; for Santa Fé is rather a historical place.

Mr. REAGAN. If my colleague [Mr. HANCOCK] will allow me, I may say in answer to the gentleman from Arkansas [Mr. GUNTER] that a reference to the reports themselves shows that in many cases which came before the surveyor-general there were contests between different parties for the title to these lands.

Mr. GUNTER. My understanding is different. It is that as a general thing these titles are recognized, and the Commissioner of the General Land Office recommends or reports them here for confirmation.

Mr. REAGAN. I think that very likely. Most of them are old titles and recognized as titles. But what I mean to say is that they are not titles in particular claimants that are sent here, because the records themselves show in many cases that there are two sets of claimants. It is not a question of the right of the grant, but a question between two sets of claimants.

Mr. GUNTER. That may be in some cases, but it is not generally the case.

Mr. HANCOCK. I cannot yield further to the gentlemen.

I know that the experience of my colleague [Mr. REAGAN] in Mexican titles has not been a pleasant one. For the last quarter of a century he has been fighting them, and, so far as I know, he has never whipped once. But finding some of them coming in here from New Mexico, he seems to have nerved himself up for a fresh encounter, with a determination of whipping something if he could not whip the Mexican titles at home.

Mr. REAGAN. I have no objection to my friend indulging in humor, but I would rather that it should not be at the expense of truth.

Mr. HANCOCK. Let me call my colleague's attention to this provision of the bill:

Provided, That such confirmation shall only be construed as a quitclaim, or relinquishment of all title or claim on the part of the United States to any of the lands embraced in either of the said claims, and shall not affect the adverse rights of any person or persons to the same or any part thereof.

That was drawn with direct reference to the apprehension that my colleague seems to have that some persons may be injured if there are adverse claims to these lands.

Mr. REAGAN. I ask my colleague if he will allow me to interrupt him again?

Mr. HANCOCK. Yes, sir.

Mr. REAGAN. In relation to any unpleasant experience I may have had with the eleven-league grants, it is true that ever since I was quite a young man I have as earnestly as I could, sometimes successfully and sometimes unsuccessfully, fought these land frauds, and it was from seeing the enormous amount of fraud in these grants which I have seen that I desire to examine what is in this bill.

Mr. HANCOCK. I do not wish to be understood as detracting in any degree from the action of my colleague in his warfare against fraud. I know he has waged war against it, but his practiced hand ought to wield a blade against foes more worthy of his steel than the poor Mexicans, for it is the last complaint ever made on the part of the Anglo-American that the Mexican is disposed to practice any fraud in reference to land titles.

Mr. REAGAN. It was never against the Mexican that I fought; it was against those who practiced fraud in the name of the Mexicans.

Mr. HANCOCK. I am sorry I cannot please my colleague; I would like to do so; but I will not pursue the subject, for if I shall go a little further I might let out family secrets; a great many exist with which my colleague and myself are not immediately connected, but in which we were witnesses. I know this, that wherever the Mexican or the Indian or the Mongolian race, like every other foreigner, come in contact with the Yankee, they come out second best. I now yield the remainder of my time to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. Mr. Chairman, this bill comes as a unanimous report from the Committee on Private Land Claims, and it is in exact accordance with the precedents heretofore set by Congress in reference to these very New Mexican claims. Similar titles have been heretofore confirmed under similar laws and under precisely the same circumstances as these now recommended by the Committee on Private Land Claims. We ask that Congress shall confirm these claims. They are confirmed by numbers running up from forty-nine to one hundred and nine, and that was made an objection to the bill by the great objector of the House, the gentleman from Indiana, [Mr. HOLMAN,] who, I regret to say, is not now present. I undertake to say, and I can prove that this legislation is in accordance with the action of Congress in regard to the territory which now constitutes the States of Louisiana, Florida, Missouri, and Arkansas. We are under treaty obligations to give these people titles from the United States. In Louisiana and in my own State commissioners were appointed with the same powers given under the act of 1854 to the surveyor-general, who is a quasi-judicial officer, to determine certain facts for Congress to act upon. But there was this difference, and it is a marked one: in Missouri and in Florida and in Louisiana there was no case where there had not been a survey made under the Spanish law. Now, in New Mexico there had been no survey and the grants involved large tracts of land. There never was a survey made in the Territory of New Mexico by the Spanish or the New Mexican authorities, hence the distinguished lawyer who drew up the act of 1854, who is better acquainted with Spanish law than any other man of the day, proposed to authorize the surveyor-general of New Mexico to determine this question, and Congress passed such a law and subsequently extended that law to the Territories of Arizona and Colorado.

Now, sir, what are the objections to this bill? This officer, invested with authority by law to determine these questions as against the United States, comes here and presents from year to year his various reports on this subject, one of which I hold in my hand. He gives the claims, the evidence, and all the facts, having had witnesses called up before him, all of which is printed in Spanish and English, and at the end of his report he states what his conclusion is, and asks Congress to act upon it. He recommends a particular claim as a just claim, according to the usages, customs, and laws of Mexico and Spain. So it is with all these claims; several of them are rejected and reported as disproved. This bill only attempts the confirmation of those claims that this officer, authorized by law to investigate and determine upon these claims, says to Congress he believes should be confirmed.

It is a matter of just as much importance to the Government as it is to these claimants, for the Government ought to know where its lands are. Under the law of 1854 no lands in New Mexico can be sold by the Government until these claims are pointed out and the lines are run. Hence, if the validity of a grant is established, the importance of having a survey of that grant; and this bill provides for that survey; that is all there is of it.

Gentlemen speak about interference between claims. So far as that is concerned, if there is a claim on the part of each of two parties, this bill does not give priority to one claimant over the other. This bill only provides a relinquishment on the part of the United States of all claims to any of the land, and these parties, if there should be a conflict growing out of these reports or surveys, are left to settle the matter between themselves in the courts. It is precisely in accordance with an act of a previous Congress confirming forty-nine claims.

Many of these claims have been presented for years to the Commissioner of the General Land Office. They have been presented to Congress for years, as I know of my own knowledge in regard to the last Congress. They have been presented to the Committee on Private Land Claims; I do not know that there has been any positive action in regard to them. But these claims have accumulated year by year until there is now a necessity that something should be done, and this bill is brought in to carry out the law of 1854.

The gentleman from California [Mr. PIPER] says why not let these claims go before the courts and be determined? That is a question that might properly have been asked when the original law was under consideration. But Congress vested in this surveyor-general the power to pass upon these claims, though not to pass upon them absolutely. Congress may reject any particular claim; Congress may say that it is void, that the report in its favor was obtained by perjury or subornation of witnesses. But shall we, upon the mere presumption that this officer is a corrupt man or has not discharged his duty, upon vague suspicion either as to the number of the claims or to any other fact connected with them, without a particle of evidence before us—shall we say that this officer, appointed under the law to do what he has done, has not acted properly, and that we will send these cases or any of them back? What will you do when you have sent the case back? Suppose you refuse to adopt the report of the committee; upon what testimony do you propose to act?

Does my friend from Texas [Mr. REAGAN] say that he knows any of those claims to be fraudulent or that there is any testimony going to show that there is any fraud practiced or wrong done to anybody? Have any parties appeared before the Committee on Private Land Claims or before the Commissioner of the General Land Office, from New Mexico, protesting that any one or all of these claims are fraudulent or that this officer has exceeded his authority? Has anything of that sort been done? If not, can you presume fraud? Have you not vested this officer with authority, as my friend from Texas [Mr. HANCOCK] said, with quasi-judicial authority? It does seem to me that the idea that because there may be fraud in some of these cases or because there are two or three million acres involved—I believe there are about 1,400,000 acres, according to my estimate. My friend from Ohio [Mr. LAWRENCE] asked the question as to the amount of land involved in this bill. I would say to him that I would not give one quarter-section of land in his great State of Ohio for any grant that there is in this whole number of claims.

Mr. LAWRENCE. Do not some of these grants include mineral lands and other valuable lands?

Mr. BUCKNER. That may be. If the gentleman knows that these parties are not entitled to these lands, or that any claimant is not entitled to his particular claim, then I say it ought not to be confirmed. But I ask that if there was any ground for saying that Congress should not confirm these claims, there would be somebody somewhere interested in coming before Congress and making that fact known. We should not, however, upon mere vague, indefinite suspicion of wrong or fraud, refuse to confirm any of these claims.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. I will hear him.

Mr. BLOUNT. How much land is involved in this bill?

Mr. BUCKNER. According to my estimate there is involved 1,400,000 acres, and the bill is for the benefit of 24,000 people. Now, you can make your calculation, assuming this Mexican land to be worth five cents an acre, what a large donation will be made by Congress should this bill pass. On that subject allow me to say that the town of Santa Fé, with a population of seven thousand, is covered by one of these grants. Every man in that town who owns a foot of land within the grant is interested in obtaining a title which will be sufficient in a court of justice without requiring him to plead the treaty and prove that he has a title according to the Mexican law. That is one object of this bill.

But there is another reason for the bill. I have already stated that New Mexico differs from all the other Territories of this country which we have obtained by cession from Spain or France in this, that in New Mexico there has not been a survey of a single grant, and there are hundreds of grants there about which there is no question at all, and the parties claiming possession under the grants have had possession for two hundred years. There is not an instance of a survey of a grant, not one.

The land was attempted to be identified by being on a certain creek or between certain ranges of mountains, or around a certain lake. Now, this measure is designed as much for the benefit of the Government as for these parties. Not only have these claimants the right to demand that the Government shall be true to its treaty obligations with Mexico, but it is the interest of the Government of the United States that this land should be separated from the public domain so that our public officers may know where to sell and where not to sell. Hence the importance of this survey. The bill provides that the grants thus reported shall be surveyed; and then the question of the propriety of the survey may come up in the Land Office, if there should be any wrong done to anybody. But it is impossible that any wrong can be done.

Mr. BLAND. I would like to ask my colleague [Mr. BUCKNER] a question. Do I understand him to say that the boundaries of these grants are so indefinite and uncertain that the location of the respective claims cannot be determined?

Mr. BUCKNER. I say that the exact boundaries cannot be determined.

Mr. BLAND. When the boundaries are so uncertain that they cannot be determined would not the grant be void for uncertainty? Where a grant cannot be determined by metes and bounds, how can we confirm such a grant?

Mr. BUCKNER. When I say that the exact boundaries cannot be determined, I do not mean to say that you cannot ascertain with some accuracy where the land lies. It may not be with exact accuracy; but the very object of the survey contemplated by this bill is to settle the location of these grants. We cannot say that a grant begins at a particular point, marked by a certain tree or a certain water-course, but we can know that it includes two thousand acres between certain hills or between two lakes. The object of the bill is to identify this land and vest the title in the parties interested. If there are two or more claimants for the same land, this bill will not give any one of them priority over the others; that must depend on the question who has the prior grant. But the Government must determine where this land is. I say that the surveyor-general is the officer who has been selected for this purpose; he has been authorized to take testimony, and, if necessary, go upon the land. Having made his examination, he decides that these claims are good. I do not mean to say that this officer is the purest man in the world. I know nothing of him. But I do say that it is trifling with this Congress, after this officer has so far as we know done his duty, and when there is no allegation of anything wrong, for men to get up here and say upon vague, indefinite suspicion that his action should not be confirmed. That is what I object to.

Nor will it do to say that some of these claims are fraudulent. We know nothing about that. It is a principle of law that fraud is not to be presumed; it must be proved. I say that the very fact that these claims have been brought here, and that nobody comes here from New Mexico or anywhere else protesting against them, shows that they are not fraudulent. If there are any parties interested in objecting to this confirmation, they should be here to lay their remonstrances before Congress or before the Commissioner of the General Land Office. Not a word of remonstrance or protest is heard from these parties; yet, because the claim is a large one, because it covers hundreds of thousands of acres, (though the land is not worth five cents an acre probably,) Congress is asked—to do what? To change the law and provide for taking the question before the courts. Why, sir, they have been anxious to do that. They have been anxious for some means by which they could obtain a judicial adjudication of their title. This law puts in the possession of the Government all their muniments of title which are now in the archives at Santa Fé. The Government holds those evidences of title, refusing to enable the parties to identify their lands or to establish their rights upon the flimsy pretense that there may be fraud or that these Mexicans or somebody else have sworn to something that is false.

Why, sir, Congress has always acted upon the principle on which this bill proceeds. In the State of Missouri we had first a commission of three members; afterward the recorder of land titles reported to Congress for confirmation more claims than any other body. Afterward, in 1835 or 1836, we had another board of commissioners, and they reported a large number of claims which before that time were said to be fraudulent. They came up here and Congress confirmed them upon the report of those officers.

I do not pretend to say that the method which has been adopted was the best for the settlement of these claims. That is not the question. Congress may have erred. But the law as applicable to New Mexico has now been upon the statute-book for upward of twenty years; and by amendment it has been extended to Arizona and Colorado. The surveyors-general of these different Territories have been authorized to make this examination and report to Congress. And when the properly-authorized officers, examining the case upon the ground with all the evidence before them, have made their report in favor of these claims, it does not matter whether they contain ten arpents or twenty thousand. The principle is the same whether the quantity of land in question is small or large, whether the parties interested are the seven thousand people of Santa Fé or only a few dozen persons.

The principle is the same. Unless there is evidence before this Congress that there has been wrong-doing, unless you can point to some specific case of violation of law or wrong-doing, I say Congress is bound to confirm these claims.

But suppose you do not do it, what then? Are you going to leave these people in that condition when you are under solemn treaty obligation to give them all the rights of American citizens and to protect them in their lands?

How will you do it? Change the law, say some gentlemen. Are they to go before the courts? I say, so far as our experience has gone, so far as the action of Congress and the Government is concerned, except in California, these questions have never been submitted to the courts. They have been submitted to boards, to commissioners, sometimes one, sometimes five, sometimes three. They have brought in their reports and given their opinion. Then, on the testimony and on the reports, Congress has invariably confirmed them when reported upon favorably. Thousands and thousands of acres in my State and in Louisiana and in Florida have been so confirmed. They have rejected some of course. I say Congress ought to reject in all cases where there is evidence to prove there is fraud.

I do object to the idea presented by the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Texas, [Mr. REAGAN,] that, because this is a large amount of land, because we have not the names given, (as the gentleman from Indiana has suggested,) because the land has to be confirmed by numbers, and not by exact designation, because all that is so, therefore, we must necessarily assume those titles are fraudulent, and ought not to be confirmed. Now, I hold in my hand a statement which I believe to be correct.

Mr. GUNTER. Permit me to ask the gentleman a question.

Mr. BUCKNER. Certainly.

Mr. GUNTER. Are not these land claims presented to the House by the Commissioner of the General Land Office by numbers?

Mr. BUCKNER. Certainly. I say on that subject there can be no trouble on that score. These numbers refer to the numbers in the Land Office. Every man acquainted with the mode of conveying lands in many portions of the country knows lands are conveyed by the mere number of the survey. So it is here. These surveys confirm them by number. The name is not given as in cases confirmed in Missouri when the name of the particular party was given or those claiming under him. Why? Simply because when New Mexico was first settled a large number of grants were to pueblos and towns. I believe nineteen or twenty towns are included, with a population of fifteen or twenty thousand claiming under those grants. They have no other title which they could support before a court without great expense.

I agree with the gentleman from Texas [Mr. HANCOCK] if you have an original grant and a survey the parties need not come to Congress, but can defend themselves before the courts. But here there are no surveys. It is absolutely important the lands owned by individuals should be separated from the public domain as well for these parties as for the Government itself.

Mr. LEAVENWORTH. Is this bill unanimously reported from the committee?

Mr. BUCKNER. It is.

Mr. LEAVENWORTH. Did the committee investigate these titles?

Mr. BUCKNER. They investigated them as far as they could. We had the report in each particular case; we had the evidence in each particular case, and acted understandingly. Some papers were in Spanish, and not many of us (I can speak for myself) are familiar with that language, but they were always accompanied with translations. All the papers were examined, as well as the report of the officer in each case.

Mr. LEAVENWORTH. Has any remonstrance been sent to the committee from New Mexico?

Mr. BUCKNER. No, sir. As I have before said, if there is any remonstrance, it has not come to the attention of Congress. There is no remonstrance, filed in the General Land Office. None has come before the Committee on Private Land Claims, where they would have gone, and where they ought to have gone, if there had been anything wrong about these claims.

I do not care to assert all these claims are honest and *bona fide*, and ought in justice and equity to be allowed. I know nothing about them; but when I see the Government of the United States intrusting certain authority and power to a certain officer, who performs the duty imposed upon him, and reports to Congress a certain statement of facts, giving his conclusions as to what should be done, I do say, unless something can be shown to the contrary, we are bound to respect his opinion and we are bound to confirm his decision; we are bound to be guided by his advice, unless something to the contrary can be clearly shown.

Mr. PIPER. Has the surveyor-general reported the exact number of acres embraced in any one case? Does the gentleman say that any one of these claims has been accurately surveyed?

Mr. BUCKNER. The very object of the bill is to provide for surveys. The fact is, these grants from the Mexican and Spanish governments were in some cases for two thousand, and in others for ten thousand, and so on, being perfectly indefinite as to exact quantity; and the very object of the bill is that the grants shall be surveyed. If any question arises as to whether the survey has been too much or too little, it can be settled when the survey is returned. Then is the time to bring up the question whether it is within that grant or not.

Mr. BLAND. I would like to ask my colleague another question; whether it would not be better to first survey these lands, if it is possible to survey them by any metes and bounds given in the grant, and then apply to Congress for confirmation, so that we may know what we are confirming and what we are not confirming?

Mr. BUCKNER. The gentleman's question on that point would have been a very good one in the Congress of 1854, that passed this act. That would have been the proper time to present that view.

Mr. PIPER. That very act itself included a provision that the surveyor-general shall ascertain the extent of these claims. Let the gentleman look at the law, and he will find it there. He has not ascertained the extent of one of them, by the gentleman's own admission.

Mr. BUCKNER. He has not ascertained by survey——

Mr. PIPER. Of not one of them.

Mr. BUCKNER. As I have already stated, he has not ascertained by survey definitely any claims, and the very object of this bill is to enable him to do that.

Mr. PIPER. What is it to ascertain the extent of the claims? It is to know the number of acres of which they are composed.

Mr. BUCKNER. I think it a very important matter to ascertain whether a party has a proper claim or not. And that is what he decides there; that they have a grant. And this bill provides that it shall be located according to the best evidence.

Mr. PIPER. When the surveyor-general ascertained that these parties had a grant he should have ascertained the extent of it.

Mr. BUCKNER. The great difficulty with my friend on this question of land claims in New Mexico is that in his country, as in my State, the land was originally granted by surveys. There is no instance in the State of Missouri where the land was not originally granted by survey. That was the first thing that was done, and the party was then put in possession. But here is a very different sort of case. There was no survey in New Mexico; not one to start with. In all the territories of New Mexico and Arizona and a part of Colorado, there was not a survey made under the Spanish or Mexican governments, and hence the first thing to be decided is: is there a real grant binding on the Government of the United States in virtue of the treaty of Guadalupe Hidalgo. When you ascertain there was such a grant, you can ascertain the amount of it. If that is left indefinite the surveyor-general is authorized to go and make a survey. And I say that is no new thing in this House. It was done in the act by which you confirmed forty-nine claims some years ago. But my friend objects because we did not go at this thing according to California fashion. He thinks, therefore, it is all wrong.

Mr. BLAND. If my colleague will yield to me, I will say that I think he is mistaken about California. I happened to live there a good while myself, and hence my opposition to these grants. The lands in that State were covered by indefinite grants just like this, and they gave the people of that State more trouble than anything else, and set them back years, and they are not out of litigation yet. Hence my objection to confirming titles or passing upon titles the validity of which this House knows nothing about, and leaving it to some surveyor or some man to run off that whole Territory under a single grant. I protest against it on account of the injustice California suffered in this respect.

Mr. BUCKNER. They had courts in California to decide those questions, and there was there a great deal of fraud and a great deal of difficulty in finding it out. Here Congress thought it best to direct the surveyor-general to find out what the courts did in California. There is generally a great deal of difficulty about land claims; and whether there be any fraud or not, as my friend from Texas [Mr. HANCOCK] said, we have our land in it and ought to do what the circumstances of the case require. The objection urged by my colleague is rather to the law under which we are now proceeding, the law of 1854. That law was drawn up by Judah P. Benjamin, who was more familiar perhaps with civil and Spanish law than any other man that was ever in Congress. He, as chairman of the Private Land Claims Committee of the Senate, introduced this law, and we are now acting under it.

I find, Mr. Chairman, that I have occupied longer time than I expected.

Mr. LAWRENCE. Will the gentleman yield to me for a few words?

Mr. BUCKNER. I yield to the gentleman.

Mr. LAWRENCE. I dislike very much to say anything in opposition to a bill which comes before the Committee of the Whole House with the sanction of a standing committee of the House. This is a measure, however, of a great deal of importance. If we make a mistake in confirming these land titles upon the report of this committee, it does not necessarily conclude the parties who may be claimants to some portions of some of these lands; but the whole subject is left open to litigation in the courts. In other words, the issuing of a patent does not necessarily settle the title to the lands. A patent does pass the legal title, but the equities which lie behind the patent may still be overhauled by the courts, and the parties who are really entitled to the lands may litigate their rights notwithstanding the issue of the patent. It is exceedingly important, therefore, before a patent shall issue in any case that it shall be almost absolutely certain that it is issued to the rightful party. Now, no man need tell me that in the case of grants which bear the age of these it is possible to ascertain with absolute certainty that the parties in whose favor the report is made are the right parties.

Mr. Chairman, it seems to me that there are two objections to this bill. In the first place it rests upon the report only of the surveyor-general. Now, if this surveyor-general is immaculate in his honesty—and I have no reason to doubt it at all and do not question it—it is morally certain that he does not possess all the legal learning and wisdom of the country, and is undoubtedly liable to make mistakes. I do not believe that a bill involving so many titles as this should be passed by this House upon the report of any one single man. The practice heretofore has been in the case of land grants similar to those claimed under the Louisiana purchase and the Florida purchase to settle the titles either by a court or by what is equivalent to it, a commission.

Mr. BUCKNER. In Louisiana the largest number of these claims were considered by a single officer.

Mr. LAWRENCE. Well, that was a bad practice. The much better practice is to confirm them on the report of a commission selected for their learning and law and for their capacity to ascertain facts. I do not believe that we ought to confirm these titles on the report of one man. That is the first objection I have to the bill.

Then, sir, it seems to me there is a second objection, which is that this is a confirmation, that my friend has said, not of specific grants determined by metes and bounds, but of grants by number, the extent of which when surveyed is not at all indicated by the bill now before us or by the report upon which the bill is based. It does seem to me that, for the interest of all parties concerned and for the protection of the Government, these lands ought to be surveyed before there shall be a confirmation of the grants.

Now I concede that these parties interested ought to have their titles settled. Congress ought to act on the subject, and there should not be any unnecessary delay; but it is better that when we do act we shall act so as to foreclose all possible future litigation that can be avoided and at the same time so act as to leave the question all open to controversey among the claimants of the lands.

Mr. REAGAN. Mr. Chairman, I desire to say a word upon this bill. I shall not take up much of the time of the committee, but I wish to call attention to some features of this case which it seems to me deserve consideration. It is assumed that these grants are the property of Mexicans living in New Mexico.

If the fact be true, it is well to remember that these Mexicans are a pastoral people, an ignorant people, who know nothing of land titles, who have no knowledge of the forms of litigation, and who have little means either in intellect or in money of defending themselves in case of litigation. That ought not to be lost sight of when we undertake to adjudicate wholesale upon the titles to the land upon which they themselves live, our adjudication extending to millions of acres, and especially in view of the fact that the very record before us discloses the fact that many of these grants are in controversy between different parties.

Why, sir, the very first case in the bill is awarded to those who went out of possession of the land nearly a hundred years ago and against those who have been long in possession of that land, and it will be observed by reference to the testimony that some witnesses showed themselves to have been over one hundred years old.

Mr. ELKINS. There is nothing of that kind in the testimony.

Mr. REAGAN. I will show you by the record here in the very first case; Ramon Baca says upon page 21, "I was born in 1763." He was testifying in 1870.

Mr. ELKINS. That is a misprint.

Mr. REAGAN. But there is another case in which a man makes himself out older than that. I do not make any special point upon that, but here, Mr. Speaker, is what it seems to me deserves attention. The gentleman from Missouri [Mr. BUCKNER] says that the committee reported these fifty-seven cases on the examination of the surveyor-general. They are not here, let the House understand, by numbers only, but each one is here on the record containing the petition and showing the absence of litigation. In answer to a question put to me by the gentleman from New York [Mr. LEAVENWORTH] I will say that I know of no formal protests except the protest which comes from the contestant parties over these lands. There is a protest to that extent on record in many cases. I have not had time or opportunity, and I regret it very much, to give that attention to this bill which it deserves; but I wish to say that in the discussion which sprung up when the bill was first before the committee, and in which I took part, I assumed that under the eighth article of the treaty of Guadalupe Hidalgo the rights of the Mexicans were guaranteed as firmly and as absolutely as the rights of any American citizens could be. They are absolutely guaranteed; they are good in any court, good in any action at law or in equity in any court where such an action is permitted by the laws of this country, without any action by the surveyor-general or by Congress.

I assume, therefore, that if these titles were themselves good and perfect, no legislation was called for to confirm them. My friend from Missouri [Mr. BUCKNER] answers that by saying that the object of this bill is to cure the defects in inchoate titles. Yet he asserts that the committee have examined these records. The bill itself refers to the confirmation of valid grants alone, no one of which grants is to date later than the 18th of August, 1824.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. BUCKNER. You hold that there was no necessity in regard to all these grants for any action at all on the part of the Government; is that your position?

Mr. REAGAN. My position is that the title is good without Government action; as good as the law can make it.

Mr. BUCKNER. Then the law of 1854 was nugatory, unnecessary, and nonsensical. That is your position, is it?

Mr. REAGAN. I do not go into that matter; but I say that they are titles that are good.

Mr. HOOKER. As it is evident that we will not reach a conclusion upon this bill this evening, will the gentleman from Texas [Mr. REAGAN] give way to a motion that the committee now rise?

Mr. REAGAN. I do not intend to make a speech, and as perhaps the friends of the bill may desire a vote upon it to-day——

Mr. HOOKER. There will be no quorum here.

Mr. REAGAN. I am informed that the gentleman from Vermont [Mr. JOYCE] desires to take the floor upon this bill to-day in order that he may proceed with its discussion when it shall be again taken up. I have but few more words to say, and will go on now. I have

referred to this matter for no other purpose than to show that this committee have not examined these titles. The gentleman who reports this bill, a sweeping bill, covering fifty-seven titles and embracing from eleven leagues down to each title—and recollect that a league is 44.60 acres—the gentleman speaks of this bill as one to validate inchoate titles, although the bill itself is one to confirm valid titles, none of which is to date later than August 18, 1824, and must have been titles either by grant or by prescription. The gentleman certainly cannot have examined the records in this case.

Various things have become apparent in the previous discussion as well as in the discussion of to-day to satisfy my mind that this is a dangerous leap, to attempt by an act of Congress to confirm these titles, in which, according to a statement of a member of the committee reporting the bill, there is involved the interest of 34,000 people, when it is clear to my mind that the committee have not examined these titles or the records connected with them, and they are to-day unable to state the facts to this House.

I have not given three hours' attention to this bill and the documents connected with it, but yet that little time has been sufficient to show me that the friends of the bill are unable this evening to state to the House the facts as they are known to me from the little examination I have made.

It is too much to ask this House to take this leap in the dark, and to establish titles to such an enormous extent of land, involving the interests of so many people, without further and more thorough investigation. It seems to me that fewer of these claims ought to have been brought forward at one time. It would have been enough to have brought forward one claim involving, as some of these do, from five thousand acres and upward, so that members might have had an opportunity to look into the facts and ascertain the history of the claims, the legality of the rights, and the equity of the parties concerned in the claims.

Mr. BUCKNER. These claims have been before Congress for four or five years, and it is not true to say that they have not been examined.

Mr. REAGAN. It seems to me that there are too many of these claims brought forward at one time.

Mr. ATKINS. Will the gentleman yield to a motion that the committee now rise?

Mr. REAGAN. Not now; I want to say a few words more, and then I will give way so that the gentleman from Vermont [Mr. JOYCE] can take the floor upon this bill. The object of this bill is not to obtain a survey of these lands particularly, in order to ascertain the extent of these grants, as the law says was one of the duties devolved upon the surveyor-general by the act of 1854, so that Congress could know how much land it granted away when it confirmed any one of these titles. We are informed by gentlemen who have looked into this matter that the surveyor-general has attempted only in a general way to define the boundaries of these claims.

If gentlemen will look at case 62 involved in this bill, which is one of the two or three cases I have looked at, they will find that by the act of the surveyor-general, to whom I impute no bad motive—there is no suspicion of that, for he has submitted the record—it is proposed to confirm a grant of seven leagues of land, when by the description of the title five and a half leagues is all that could be confirmed. I will not say that I am entirely accurate in that statement, but it is stated that the report is for about two leagues too much, and it is shown on the face of the papers that the recommendation of the surveyor-general covers two leagues too much.

How many more such cases there are I am not able to say. I only say that I am not prepared to leap in the dark, to legislate in this way upon the rights of an ignorant people, without wealth, without knowledge of our language or our forms of judicature. I am not prepared without fuller and more explicit information than I now have to take this leap in the dark in reference to as many litigated claims as there are embraced in this bill, and to say by one sweeping act that we will confirm the titles to one and a half millions of acres of land, even taking the amount as stated by the chairman of the committee, though the gentleman from Arkansas [Mr. GUNTER] says that it is 1,000,000 acres more than that amount. I am not prepared to vest titles in this vast amount of land under such circumstances.

My own judgment is that duty to New Mexico and her humble population, as well as to the United States, whose interest it is that the public domain should be protected, requires that this bill be recommitted, and that, if all these titles are brought here together again, they shall come here under circumstances which will enable the committee to tell us whether we are asked to confirm valid titles or inchoate titles, and whether there are controversies between different claimants to the same land.

I have nothing to add, except to tell an anecdote in regard to the country about which my colleague spoke, between the Nueces and the Rio Grande. I will take up the case where he left off. In 1854 a commission, consisting of two gentlemen, went there to investigate and allow Mexican titles. One of them was a humorous gentleman and a very frank man. He returned very soon; and a friend meeting him asked, "How is it you are back so soon? We expected you to be there all the fall." "Well," said he, "we got through with all the land that was between the Nueces and the Rio Grande; and as there was nothing more to do, we thought we would come home." A commission dealing with five thousand acres of land at one stroke can soon get through with a pretty large country; and when the law-making authority comes to confirm the action of such a commission, comes to deal with the titles of a whole people, embracing towns and rural settlements, it owes it to those people and the country to see that it does not do a great wrong by a sweeping universal confirmation of all sorts of claims under all sorts of circumstances.

Mr. JOYCE obtained the floor, and yielded to

Mr. HAMILTON, of Indiana, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the Private Calendar had had under consideration the Private Calendar generally, and particularly the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico, but had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1800) for the relief of Kendrick and Avis; Kuner, Zisemann & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio;

An act (H. R. No. 2134) making appropriations for fortifications and for other works of defense and for the armament thereof for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 2135) relating to the execution of custom-house bonds;

An act (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery;

An act (H. R. No. 2431) to correct an error in section 5271 of the Revised Statutes of the United States, relating to extradition; and

An act (H. R. No. 3573) to award "An act for the relief of certain settlers on the public lands approved December 28, 1874," and for other purposes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER *pro tempore* announced the appointment of Mr. FOSTER in place of Mr. WALDRON, resigned, as a member of the committee of conference on the consular and diplomatic appropriation bill.

SILVER COIN.

The SPEAKER *pro tempore*. The Chair at the request of several members asks that two propositions under consideration in the Committee on Banking and Currency as substitute for the joint resolution (H. R. No. 109) for the issue of silver coin be printed in the RECORD.

There being no objection, it was ordered accordingly.

The proposed substitutes are as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury to an amount not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

Strike out all after the enacting clause and insert the following:

That in addition to the amount of subsidiary coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin to the amount of $20,000,000.

SEC. 2. That the silver bullion required for this purpose shall be purchased from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; and the resulting coin may be issued in the ordinary disbursement of the Treasury, or in exchange for legal-tender notes at par; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue or exchange as herein provided without loss to the Treasury, and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000,000.

SEC. 3. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ODELL for five days;

To Mr. MONEY for two weeks, on account of important business;

To Mr. WOODWORTH for fifteen days, on account of important business;

To Mr. POWELL for four days;

To Mr. SLEMONS for twenty days from to-morrow;

To Mr. BURLEIGH for one week;

To Mr. CHITTENDEN for four days;

To Mr. WALDRON for one week;

To Mr. KELLEY for three days;

To Mr. WHITING for five days; and

To Mr. WILLIAMS, of New York, for ten days, on account of important business.

REFRESHMENT.

Mr. FOSTER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Accounts be requested to furnish this House with such refreshment as has been customary.

PACIFIC RAILROADS BONDS AND SECURITIES.

Mr. WIKE, by unanimous consent, submitted the following resolutions; which were read, considered, and agreed to:

Resolved by the House of Representatives, That the Committee on Indian Affairs be, and they are hereby, instructed to ascertain whether or not the railroad corporations mentioned, or any of them, under acts entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866; and "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas," approved July 26, 1866; and "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, have issued any bonds or securities of any kind predicated upon the conditional grants of the lands of the Indians on the Indian Territory claimed by said companies under the said acts. And if it be ascertained that such bonds or securities have been issued, then it shall be the duty of said committee to ascertain the amount of the same, in what hands they are held, and whether or not the public faith of the United States has been pledged for their payment or redemption.

Be it further resolved, That the said committee in the discharge of their duties be authorized to call for persons and papers, and to report the result of their investigation to the House as early as practicable.

Mr. WIKE moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY S. FRENCH.

Mr. MILLIKEN, by unanimous consent, from the Committee on War Claims, reported back a bill (H. R. No. 473) for the relief of Henry S. French, of Nashville, Tennessee, with amendments; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MILLIKEN moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ALLAN EDDY.

Mr. BRADLEY. I ask unanimous consent to put on its passage a bill granting a pension to Allan Eddy, a soldier of the war of 1812.

Mr. BELL. I object, and I demand the regular order of business.

Mr. BRADLEY. I ask that a letter be read which I think will remove all objection.

Mr. BELL. I insist on the regular order.

SEIZURE OF COTTON.

Mr. BLOUNT, by unanimous consent, from the Committee on Appropriations, reported back a bill (H. R. No. 2368) authorizing payment for cotton seized after May 29, 1865, and moved its reference to the Committee on the Judiciary; which motion was agreed to.

Mr. RANDALL moved to reconsider in all the cases just acted on; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAMILTON, of Indiana. I move the House take a recess until eight o'clock this evening for the purpose of going on with the debate on the Geneva award bill.

The motion was disagreed to.

And then, on motion of Mr. KEHR, (at five o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CHAPIN: The petition of 29 citizens of Newburyport, Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. GOODE: Papers relating to the petition of Edward L. Young, for compensation for injuries received in the naval service, to the Committee on Naval Affairs.

By Mr. HILL: A paper relating to a post-route from Clarksville, Habersham County, to King's Store, Rabun County, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. MAGOON: Memorial of the Legislature of Wisconsin, for the establishment of a tri-weekly mail from Marquette, via Kingston, to Portage, Wisconsin, to the same committee.

Also, the petition of Henry L. Mann, Samuel Merrick, and 58 other citizens of Fair Play, Grant County, Wisconsin, that the present tariff on lead be retained, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: A paper relating to the establishment of a post-route from Blue Ridge, North Carolina, via Tryon, to Campobello, South Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WALSH: The petition of John Fulton, for compensation for cord-wood, grain, and hay taken and used by the United States Army in 1863, to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of John P. Williams, of Gibson County, Tennessee, for compensation for a horse lost in the war with Mexico, to the Committee of Claims.

IN SENATE.

SATURDAY, *June* 10, 1876.

Prayer by Rev. P. H. BURGHENETT, of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 2684) to amend sections 246 and 251 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, as amended by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and for other purposes—to the Committee on Post-Offices and Post-Roads; and

A bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee—to the Committee on Claims.

MEAD'S STATUE OF ETHAN ALLEN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the thanks of this Congress be presented to the governor, and through him to the people, of the State of Vermont for the statue of Ethan Allen, whose name is so honorably identified with our revolutionary history; that this work of art is accepted in the name of the nation, and assigned a place in the old Hall of Representatives, already set aside by Congress for the statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Vermont.

The Senate proceeded to consider the resolution.

Mr. MORRILL, of Vermont. Mr. President, before coming to the work of Larkin G. Mead, presented by the State of Vermont as a part of her contribution to the Statuary Hall, I hope it will not be disagreeable to the Senate if for a moment I allude to the Hall itself.

The rare architectural proportions of the old Hall of the House of Representatives, upon which all beholders dwell with delight, and its association with the memories of American statesmen and orators for a half of a century, forbade its demolition or any mutilation of its peculiar elegance and symmetry; and the propriety of its preservation and assignment as a national Statuary Hall seems to have been already vindicated. There was no outlay for a new structure, but merely a law to perpetuate the old. Its unrivaled monolithic columns of brecciated or conglomerate marble, reminding us of an extinct or abandoned quarry on the Gunpowder River, whence these grand specimens appear to have been rescued almost as relics from among the lost arts of nature, will now remain in a hall destined to be quite as sacred as Faneuil Hall or Independence Hall, and where its treasures, unlike those of the Parthenon of Athens, it may be hoped, will forever escape alien as well as domestic spoliation. When the roof shall be replaced by one that will be fire-proof, as the whole of the Capitol manifestly should be, and the sky-light properly enlarged, the fitness of the Hall for its patriotic purposes will be fully demonstrated and scarcely anywhere excelled.

In this Hall once gathered such men as Webster, Clay, and Calhoun, John Randolph, Felix Grundy, and George McDuffie, John C. Spencer, Rollin C. Mallory, and John Quincy Adams, Tristam Burges, Tom. Corwin, and Thad. Stevens, supplemented by a long procession of other brilliant names not without honor in their own country. Here war was declared against Great Britain; here that Navy which superseded gunboats was created; here momentous questions as to the tariff, public lands, and the national bank have been debated and determined; and while the furniture has been and galleries will be removed, the old Hall will forever remain redolent with the eloquence and the well-earned fame of many whose services to the Republic were and are gratefully appreciated.

The contributions of statuary thus far made by the States show that in point of artistic merit they will not be inferior to works chosen by other instrumentalities, and the examples already in place are sufficient to indicate the future imposing grandeur of a silent congress, assembled in marble and bronze, representing some of the most distinguished Americans of a past era, and standing forth here to guard forever the immortality of the Republic. True, there are not yet so many present but that inquiries are made with regret for the absent. When shall we behold Old Hickory from Tennessee, and the great Commoner from Kentucky? Can old Virginia forget John Marshall and Patrick Henry? Are not William Penn and Nathaniel Macon, Oglethorpe and Stark, Tom. Benton and Sam Houston, and Douglas also worthy of conspicuous remembrance among those who are to stand as monuments to the glories, both State and national, of our early history? There are names conspicuously identified with the origin and progress of each State whose fame will not only be likely to endure, but to grow brighter and more valuable with the lapse of time, just as the patriotic treasures of Statuary Hall will become in the centuries we may hope they are destined to endure more and more precious, loved, and revered.

The early history of many of the States is marked by features of enduring as well as of romantic interest, and they have often engaged the attention not only of their own citizens but of the world.

The gravity of the events, military, political, and religious, has furnished abundant themes to historians, orators, and poets, and the lives of the leading men of the times illustrate the proverb that truth is often stranger than fiction. Virginia and Kentucky, Louisiana and Illinois, Pennsylvania and Ohio, each and all have their legendary lore as affectionately and reverently pondered over as that furnished by the Knickerbockers of New York or by the Puritans of New England.

In the days when all were young there appears no more stubbornly independent State than that defended by the Green Mountain Boys, and her early history lacks no element of fascination for either youth or age. Vermont, decorated by Connecticut River on one side and Lake Champlain on the other, was the theater of border war between the English and French, and her thick woods of evergreens and sugar-maples were often traversed by the war-parties of the Adirondacks and Mohawks and the Iroquois, whose disputes about the title to their hunting-grounds may have been quite as bitter and bloody as those of later contending parties. Here women and children were too frequently seized by a stealthy foe and subjected to cruel captivity among savages; and settlers often tilled the soil while their firelocks were kept within reach. Good land could be bought cheaper here than much poorer land in Massachusetts, where it is related that a whole township was sometimes sold "for £460, three barrels of cider, and thirty quarts of rum;" but the early settlers of Vermont not only had to buy their lands, but in order to keep them they had to fight for them. One crusade was no sooner ended than another began. Nor were the savages and wild beasts their most formidable foes. The country had never been explored or surveyed, and charters from the King conflicted and clashed one with another. New Hampshire grants were confused by those of Massachusetts and Connecticut, and were overlapped by those of New York, which was even then aspiring to win the title of "the Empire State." The King in council was perplexed by rival claims. New York had been pushed back by Massachusetts and Connecticut to within twenty miles of the Hudson, but was in no mood to be pushed by Vermont, and had obtained a decision which extended her jurisdiction eastward over the whole of Vermont to the Connecticut River, and now not only claimed jurisdiction but also claimed property rights. To this the hardy settlers would not tamely submit, and successfully resisted. After a struggle of years they secured their property and complete jurisdiction over it and themselves. They had paid Governor Benning Wentworth, of New Hampshire, for their grants, and they resolutely clung to them at all risks. They had added tenfold, sometimes a hundredfold, to their value, and had no idea of any passive surrender. When the courts at Albany decided against them, Allen told their attorney that "the gods of the valleys are not the gods of the hills," and left him not a little bewildered as to what court the land suits were thenceforth to be appealed and adjudicated. When parties came to enforce these decisions they were warned away "on pain of suffering the displeasure of the Green Mountain Boys," and, if they did not obey, the intruders were subjected to the penalty of the "Beach Seal," or, according to Ethan Allen, were "chastised with the twigs of the wilderness." "The transferring or alienation of property," said Allen, "is a sacred prerogative of the true owner—kings and governors cannot intermeddle therewith." When New York offered large rewards for the apprehension of Allen and others, he retaliated by offering a small and contemptuous reward for their obnoxious attorney-general, and stated in his proclamation that "although they have a license by the law aforesaid to kill us, and an indemnification for so doing by the same authority, yet they have no indemnification for so doing from the Green Mountain Boys."

Ethan Allen was one of those marked characters which are the exclusive outgrowth of a new country, grand in proportions and odorous of the forest. He was a chieftain never loth to court danger, a pioneer of rough-and-ready sagacity, and a leader whose will was often the paramount law. In spite of all the adverse statecraft of surrounding colonial governors, supported as he was by a band of fit associates, he achieved success, and must be reckoned as one of the heroic founders of the State. Both his sword and his pen were sharply employed in this service, and his tongue was wont to wake the mountain echoes with "a flood of language" which, if adding little to the graces of history, failed not to fire the hearts of the people.

Allen was born in Connecticut, January 10, 1737, and migrated to Vermont in 1769. He was then thirty-two years of age, in the very prime and beauty of manhood, six feet and four inches in height, and as an athlete would have made no mean figure at the Olympian games of the ancient Greeks. When the young painter Benjamin West, upon going abroad, first saw the statue of Apollo Belvedere, as De Puy relates, he exclaimed, "How like a young Mohawk warrior!" The muscular and well-rounded proportions and gigantic stature of Allen, though perhaps more of a Hercules than of an Apollo, doubtless excited similar admiration at first sight among the pioneers of the embryo State; and this admiration was daily augmented by his resounding words, quaint wit, and daring exploits. His image became indelibly stamped upon the State, and the people, electrified by the recital of his adventures, and always sure that he was no sham, are still proud to claim him as a veritable hero. Fertile in resources as he was himself, there were around him others wiser, even some wiser brothers; but a policy once suggested or determined, he was the engine, always fired up, to swiftly carry it into execution. When he led, a flock of volunteers stood ready to follow. Uncouth as his language might sometimes be, it was never deficient in homely vigor, and he was ever the trusted patriot, whether the question involved was with New Hampshire or New York, with the Canadas or with Congress. There were more than one of the old thirteen States which contributed not more to the independence of our whole country than even the limited and scattered population where Ethan Allen bore so large a sway.

It would be a trespass upon the proprieties of the occasion to present at any length a biography of one whose history every school-boy knows by heart, and yet enough of personal anecdote to indicate a few traits of character may not be out of place. It will be remembered that the January declaration of independence by Vermont amounted to this: "Free and independent of all nations and kingdoms, except the kingdom of God;" but the people were as true to Congress as the needle to the pole. When Allen's brother Levi fled to Canada, Ethan promptly petitioned to have his estate confiscated for the benefit of the State. Levi, hearing of this, challenged his brother to fight a duel; but Ethan refused, on the ground that it would "be disgraceful to fight a tory."

Failing in his expedition to capture Montreal in consequence of the failure of Colonel Brown to co-operate in an attack upon the opposite side of the city, he was captured himself and put on board a vessel of war bound for England. He acknowledges some favors as to his treatment while a prisoner, but bitterly refers to the great "plurality" of the abuse received. While handcuffed and fettered with irons weighing thirty pounds, to which an iron bar was attached eight feet long, upon being insulted he twisted off with his teeth in a fit of anger a tenpenny nail which had been inserted in the bar of his handcuffs, and astonished the lookers-on still more by the torrent of invectives he poured out against those who had given the provocation. After between two and three years' imprisonment he returned to enjoy again the confidence of the people, who found he had served the cause of independence abroad with the same zeal he exhibited at home; and his prominent traits of character had lost none of their peculiar charms, and his words had all of their former tough, gamy energy.

Whether he appeared before Congress in person or by letter, his opinions were no less clear than emphatic. In 1781 he wrote to Congress that—

> I am as resolutely determined to defend the independence of Vermont as Congress is that of the United States; and rather than fail, I will retire with the hardy Green Mountain Boys into the desolate caverns of the mountains, and wage war with human nature at large.

The first man sentenced to be hung in the State had drawn together on the day from remote places a multitude of people to witness the execution; and when, by some official interposition, the execution had been postponed, they became dangerously clamorous that there should be no postponement. Allen thereupon mounted a stump, where this tribune of the people failed not to display his power, telling them all, in conclusion, to go home and come back upon a certain day, "when they should see somebody hung, if not the prisoner, he would be hung himself." Thus law and order prevailed.

A catalogue of the literary, political, and theological works of Allen, however useful and pungent at the time some part of them may have been, are not calculated to add much to his fame. He was for a time a free-thinker, and felt that he should be as well treated, as he said himself, in "the world of spirits as other gentlemen of my merit."

There are other incidents in the life of Allen of greater consequence and of not less personal significance than those I have enumerated, requiring, however, too much space to present; but the one which gives most luster to his name and which the statue presented by Vermont is intended to honor, is that of Ticonderoga, and occurred more than a year prior to our national Declaration of Independence.

Our grievances with the mother country had multiplied without diminishing those of the settlers in Vermont, and had also enlarged the ambition of Colonel Allen, by giving him what he called a "relish for martial glory." Already widely known as a brave defender of the rights of his fellow-men, he at once espoused the cause of American liberty, and contributed his full share not only to the independence of his State, but to the independence of the United States, and in that behalf won the first victory of the Revolution.

The battle of Lexington was fought April 19, 1775; and Massachusetts, the hot-bed of rebellion, with Connecticut, burned to retaliate, and with that end in view both conceived the idea of seizing upon Fort Ticonderoga. But when their limited expedition arrived in Vermont they found Colonel Allen and his Green Mountain Boys organized for the same enterprise, and they would have no other leader.

On the 9th of May, 1775, having made a forced march from Bennington, two hundred and thirty strong, they arrived at the lake opposite to Ticonderoga. There they had great difficulty in procuring boats, and only got the officers and eighty-three men across as the day began to dawn on the morning of the 10th. No time was to be lost. Allen briefly harangued his men in a speech, which if not as classic as that of Napoleon at the battle of the Pyramids, was effective enough to make at least one century look back upon him. He told them it was "a desperate attempt; which none but the bravest men dare attempt. I do not urge it on any contrary to his will. You that will undertake voluntarily, poise your firelocks!" It is

needless to say that every man poised his firelock. At the head of his center file, Colonel Allen led the way to the wicket-gate, where the sentry, after snapping his fusee at him in vain, retreated, but closely pursued by Allen and his comrades to the interior of the fort. The garrison were surprised. Allen rushed to the lodgings of the commander, Captain Delaplace, and ordered him to come forth instantly or he would sacrifice the whole garrison. "At which," to use the words of Allen, "the captain came immediately to the door with his breeches in his hand, when I ordered him to deliver me the fort instantly. He asked me by what authority I demanded it; I answered him, 'In the name of the Great Jehovah and the Continental Congress!'"

The prompt surrender of "old Ticonderoga" followed, together with the garrison of about fifty men and officers, one hundred pieces of cannon, one mortar, and a number of swivels. The next step was to send part of the force to Crown Point, which was easily captured, having only a few men, but with an armament about equal to that of Ticonderoga. "This surprise," in the words of Allen, "was carried into execution in the gray of the morning of the 10th of May, 1775. The sun seemed to rise that morning with superior luster, and Ticonderoga and its dependencies smiled to its conquerors, who tossed about the flowing bowl and wished success to Congress and the liberty and freedom of America."

The point of time happily chosen by the sculptor, Larkin G. Mead, to represent the hero, appears to have been just after he knocked at the door of the commander of the fort and had ordered him with thundering voice to come forth instantly or the whole garrison would be sacrificed. There was a moment of suspense; the invaders, with cocked guns, stood in line ready for any fray; Allen not knowing what might yet remain to be encountered, but with his sword firmly grasped, and his left arm and hand clinched across his breast, stands like a giant, conscious of some power to crush a foe, sternly resolved to crush or be crushed, and nothing loth to proclaim the exalted sources of his authority.

It will be generally admitted, I think, that the conception of character by the artist is truthful, and that it has been displayed with wonderful skill and vigor. The costume is in close harmony with the times, the sash having been copied from one he wore, and all the details are handled and finished in the highest style of art. If there was anything lacking in the life or character of Allen necessary to perpetuate his memory, it would seem to have been supplied by the genius of the sculptor.

Vermont tenders this offering with that holiest sentiment of the human heart, which would honor the great deeds of ancestors in order that they may be emulated by future generations, and tenders it also to strengthen the bonds of affection which may serve to unite and cement together our great sisterhood of States.

Mr. EDMUNDS. Mr. President, what may be fitly said on an occasion like this must be brief and necessarily inadequate to a full portrayal of the chief qualities and deeds of the men to whom, by statues and orations, we make grateful memorial.

Wherever civilization, even in its earliest germs, has found a footing, an instinctive sentiment has led to the endeavor to perpetuate the memory of those who have been leaders, and have impressed their individuality upon the progress of society, by effigies in some enduring material that should give to succeeding generations a vivid idea of their personality and, as far as possible, of their most noble acts.

In the long career of mankind, when written accounts of battles and triumphs and rulers have passed away, there still appear to us, exhumed from the bosom of the all-embracing earth, the portraits in bronze or more enduring marble of the great actors in founding states, in contests, in government, and the progress of arts, from the very morning of the world.

Italy gives to us not only the monuments and statues of imperial and republican Rome, but also mementoes of that dim and earlier civilization, the marks of which are found so abundantly in the pictorial inscriptions upon the Etruscan vases and other ceramic works.

The old Assyria opens to our gaze the treasures of Nineveh and the most instructive examples of the culture and progress of her early dynasties, while Egypt furnishes from the heart of her pyramids sculptures and inscriptions that give information of her ancient career that otherwise would have been long lost; and Troy, mythical or real, unbosoms from her thrice-buried walls the story of Priam and his sons; and but for the objects in pottery and in stone found in so many parts of our Western World its history beyond four centuries would have remained practically a blank. Dim as is the light that these old memorials give, it is far better than the impenetrable darkness that would exist without them.

It is even now, perhaps, not too much to say that the people who would send something of their history to the remotest generations will do it *not* so much by treatises or manuscripts or printing upon paper or by solemn archives of parchment as by objects shaped by cunning hands in bronze or stone, expressing the story of human experience and human endeavor that will appeal to the understanding and sympathies of distant ages by suggestion and symbol, rather than by consecutive narrative.

If this be so, the placing of a statue in the grand historic Hall of the Capitol is not merely a ceremony calculated to gratify the pride of a State, but it is a contribution to the most enduring of historic records. We then dedicate this heroic statue of a hero not only as a memorial of gratitude for his great services to his State and country, but also as an enduring contribution to the history of the times when States founded upon high principles of republican liberty were being created in the new world, devoted as it must seem by Providence to the establishment and development of equal rights among men.

Ethan Allen was a man of gifts rather than acquirements, although he was not by any mean deficient in that knowledge obtained from reading and from intercourse with men. But it was the natural force of his character that made him eminent among the worthies who founded the Republic and pre-eminent in that little band of brave and intelligent men who, by the sheer force and intensity of their true devotion to the protection of the rights and interests of the Green Mountain Boys, founded the State of Vermont.

The disorders that led to the formation of the State began at a date earlier by some years than the Declaration of Independence. They arose from the local and apparently trifling circumstance of conflicting land grants made respectively by the colonial governors of New Hampshire and New York.

It happened by that destiny that is sometimes said to do nothing amiss that Ethan Allen and his coadjutors upheld the grants of the governor of New Hampshire and resisted those of the governor of New York, although the latter were in point of strict law possibly the better title. In the midst of those troubles, while the settlers under the New Hampshire grants were defending their possessions and homes by force against the New York claimants, the contest between the colonies and the British government culminated in open rebellion.

A few weeks after the battles of Lexington and Concord Ethan Allen, acting under the suggestion of the General Assembly of Connecticut, from which colony the New Hampshire grants had been chiefly peopled, with a force of only two hundred and thirty men, surprised and captured the British fortress of Ticonderoga, within the acknowledged jurisdiction of the colony of New York, thus obtaining the first affirmative triumph of the Revolution in and for the colony whose government had, as he and his fellow-settlers believed, trampled with cruelty and oppression upon their rights. The circumstances of the capture were dramatic in the highest degree; they are familiar to all and need not be repeated at large. But it was significant, as it has been in recent times, that the drawn sword was necessary to make effective the authority of Congress; when the gray morning of victory opened, as Allen himself expressed it, with a sunrise of "superior luster," and with libations for "success to Congress and the liberty and freedom of America."

After a few months devoted to defending the possessions of his fellow-settlers, as well as to the interests of the general cause of the colonies, we find him with that desperate daring characteristic of his nature, although holding no regular commission under Congress, taking the most difficult and dangerous service under Generals Schuyler and Montgomery, against Montreal.

In the course of this duty, and really through the failure of the supporting troops, he was captured in attempting the reduction of that town. He was taken to England and thence to South Carolina, and kept a prisoner until he was finally exchanged. During this period he was made to submit in every way to the extremist rigor ever practiced in civilized warfare upon a captive whose status was undefined. The British officials, in the doubt that existed whether he should be executed as a traitor or held as a prisoner of war, seemed determined that he should suffer more than the punishment of both conditions, and subjected him to every privation and misery, and heaped upon him daily contumely and insult; but the high spirit of a brave man and patriot rose in exact proportion to the cruelties showered upon him. Undismayed and unsubdued he asserted the liberty of speech (the only liberty left to him) with that rough but caustic wit and good sense that commanded the respect of those who were the instruments of his oppression. Exchanged at last at New York, in May, 1778, after reporting to General Washington at Valley Forge, he returned to Bennington, Vermont, "the capital of the Green Mountain Boys," where, as he says in his narrative, he "arrived on the evening of the last of May, to their great surprise; for I was to them as one rose from the dead, and now both their joy and mine was complete. Three cannon were fired that evening, and next morning Colonel Herrick gave orders, and fourteen more were discharged, welcoming me to Bennington: thirteen for the United States and one for young Vermont."

No sooner had he reached his home than he took again his acknowledged place as the chief leader of the Green Mountain Boys in their unhappy contest with their neighbors of New York and in the great cause of freedom for all the States.

Almost at that moment of time the affairs of Vermont took the completed form of a constitutional, organized, and independent government, the first election under a written constitution having taken place on the first Tuesday of March, 1778. But New York, as well as New Hampshire indeed, was unwilling to give up her pretensions to dominion over the beautiful and fertile valley of Lake Champlain and the magnificent country of hill and mountain between it and the Connecticut.

Congress, too, turning its face, as is always natural, toward the most powerful claimant, inclined to ignore the independence of Vermont, while the British forces in Canada constantly threatened the young Republic with disaster and destruction. Then the bold and reckless soldier Allen was transformed into the astute and wily diplomatist,

and he set off against each other the pretensions of New York and New Hampshire and the claims of Massachusetts to the territory of Vermont and at the same time negotiated with the British authorities to such purpose that he protected the whole northern frontier from invasion, and so rendered, as he intended, the best possible service to the general cause, although the conduct of Congress and New York and New Hampshire might have excused the infant State, beset on every side, in securing her own interests alone by an easy arrangement with the British Crown.

After infinite difficulty and delay, during which the great spirit of Allen chiefly sustained and encouraged the Vermonters to hold fast to their position of independent equality, Congress and the contending parties acceded to her demands, and Vermont, among the first-born of separate and independent States on this continent, became in 1791 also the first star added to the constellation of the American Union.

To be the founder of a free state is perhaps the greatest fortune that can happen to any man. Ethan Allen can be justly described as such. Others of his compeers, such as Warner, Baker, Cochran, and the Fays, were also illustrious chiefs and leaders, but to Allen more than to any other one belongs, I think, the honor of the achievement; and in this character his name is now a household word among all the inhabitants of the State; and it is also honored and revered in every part of our Union as that of one of the boldest and most persistent spirits of the Revolution.

When peace and order and independence had been obtained, Allen quietly and gladly retired from public service, and occupied the short remainder of his life in the simple pursuits of a husbandman near Burlington. He expired on the 12th of February, 1789, and was buried in the cemetery of Green Mount, in that town, where his State, in grateful appreciation of his services, has erected to his memory a monumental column, now surmounted by a statue the voluntary offering of citizens of the State.

The State now places in the Capitol his statue as a fit and most enduring record not only of the great and beneficent events in which he bore so conspicuous a part, but of the personality of one who in times of the greatest difficulty and peril developed for the service of the Republic the qualities of a leader and a patriot. May it, like its companions in that old historic Hall, be to Americans not only a memorial, but an inspiration for liberty and equality under the law, which alone can bear our country safely through the unknown future.

The resolution was concurred in.

NATIONAL-BANK RECEIVERS.

Mr. SHERMAN. There was a mistake made in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, in numbering one of the amendments. No. 11 was inserted instead of No. 10. I ask the Secretary to make the change in the record so as to conform with the fact. The engrossing clerk discovered the error. The correction ought to be communicated also to the House, so that the number may be changed there.

The PRESIDENT *pro tempore*. The correction will be made, and the Secretary will communicate the correction to the House.

AMENDMENT TO POST-ROUTE BILL.

Mr. ROBERTSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 3628) establishing post-roads; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ANDREW J. BARRETT.

Mr. CAPERTON. I move to take up House bill No. 648 for the relief of Andrew J. Barrett.

Mr. EDMUNDS. I hope that bill will not be taken up. I am very anxious to get to a matter of general importance. I ask a division on taking it up.

Mr. WRIGHT. Before the division is taken I wish to make one suggestion. I suppose the object of the Senator from Vermont is to ascertain whether we have a quorum before we proceed with any business. I am not in favor of proceeding with any business unless we have such a quorum.

Mr. EDMUNDS. That result will be reached by a division.

Mr. WRIGHT. I wish to suggest whether it would not be better simply to take up the Calendar of unobjected cases without a division, and let the struggle to obtain the floor on individual cases come up after it is ascertained we have a quorum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia to proceed to the consideration of the bill which he has named.

The question being taken by a division, the ayes were 22, and the noes 7; no quorum voting.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CAPERTON. If the Senator from Vermont will hear the bill read he will see that it is proper. It will not take a minute to dispose of it. It was referred to the committee about two months ago, and was considered by them and reported favorably. It only involves the small sum of $154.

Mr. EDMUNDS. I cannot ascertain whether it is proper and right until it is taken up, so that we can hear the report read.

The question being taken by yeas and nays, resulted—yeas 33, nays 4; as follows:

YEAS—Messrs. Allison, Bogy, Booth, Caperton, Christiancy, Cockrell, Cragin, Eaton, Ferry, Hamilton, Howe, Ingalls, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Paddock, Patterson, Robertson, Saulsbury, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—33.

NAYS—Messrs. Anthony, Conkling, Dawes, and Edmunds—4.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Harvey, Hitchcock, Jones of Florida, Jones of Nevada, Logan, McDonald, McMillan, Mitchell, Oglesby, Randolph, Ransom, Sargent, Sharon, Spencer, Stevenson, West, Whyte, and Windom—36.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 648) for the relief of Andrew J. Barrett. It directs the Secretary of the Treasury to pay to Andrew J. Barrett the sum of $154, in payment of draft numbered 3609 on the United States depository at Richmond, Virginia, drawn by Peter A. Kellar, the disbursing agent, upon W. M. Harrison, the officer in charge of the United States depository at that place, in favor of Andrew J. Barrett: the draft bearing date January 28, 1861, and being for the first payment for taking the eighth census.

Mr. EDMUNDS. Let the report be read.

The Chief Clerk read the following report submitted by Mr. CAMERON, of Wisconsin, from the Committee on Claims May 22:

The Committee on Claims, to whom was referred the bill (H. R. No. 648) for the relief of Andrew J. Barrett, have considered the same, and submit the following report:

A draft for $154 was drawn by Peter A. Kellar, disbursing agent for the eighth census, on the 28th of January, 1861, in favor of Andrew J. Barrett, then assistant United States marshal, in Virginia, for payment in part to him for services rendered in taking this census, and drawn on W. M. Harrison, in charge of the United States depository at Richmond, Virginia. Mr. Barrett gave his receipt for the draft, and the amount was charged to him on settlement of his final account as census-taker.

Soon after receiving it, in the course of some business transaction, he paid the same to William Thompson, sheriff of Boone County, Virginia, as money. The draft lay in Mr. Thompson's hands for a long time, and when he attempted to use it by turning it over to J. M. Bennet, the auditor of public accounts of Virginia, Mr. Bennet refused to take it. Mr. Thompson attempted to get it cashed at the United States Treasury, but was told that the account of Mr. Barrett had been closed and that the Department did not feel authorized to re-open it, and the payment was again refused. Mr. Thompson then returned the draft to Mr. Barrett, who redeemed it in full, and now asks the passage of a bill for his relief. Correspondence with the Treasury Department shows that while the justice of the claim is not denied, yet under the rules for keeping and closing accounts they cannot now pay the same.

The committee being satisfied that Mr. Barrett has never received full compensation due him in the amount named in the bill, viz, $154, recommend its passage.

Mr. EDMUNDS. That is a most extraordinary statement. I should like to ask the gentleman who reported this bill one or two questions. One of them is whether Mr. Andrew J. Barrett, in whose favor this draft was drawn, and who received it against a fund that was there in Richmond ready to respond to it, presented it for payment? This was on the 28th of January, 1861, it appears, and I suppose he got the draft within a day or two. The State of Virginia went out, or tried to go out, some time in the spring, I suppose.

Mr. ALLISON. In April.

Mr. EDMUNDS. It is very well known to everybody who hears me that a very large sum of the moneys of the United States, a part of which would have been paid over on this draft if it had been presented to the drawee at once, was turned over to the confederated State of Virginia, and by her applied to making war against the United States.

I should be glad to have the chairman of the committee or somebody tell me upon what principle it is that this gentleman living in Richmond, this draft having been drawn against a fund that was there and ready to respond, did not present his draft for a long time, if at all, until the public enemy had taken possession of the money and used it. When I get that question answered I have one or two more to present.

Mr. WRIGHT. I desire to say with reference to this bill that I shall have to plead entire ignorance upon the subject for the reason that it passed the committee at a time when I was not present. The Senator from West Virginia, who called the bill up, is, of course, familiar with all the circumstances, and I shall not pretend to answer the question that has been suggested. This is a bill, as I remarked, which passed the committee at a time when I was absent from the city, and I do not know anything about the particulars.

Mr. CAPERTON. The report was made by the Senator from Wisconsin, [Mr. CAMERON.] I know nothing about the case except the facts set forth in the report. It seems to me there ought not to be any question about the payment of the debt. This party had rendered the service to the United States Government, and he was paid in a draft. For the reasons set forth in the report he could not obtain his money, and the only question is whether it is due to him and proper that it should be paid to him.

Mr. EDMUNDS. The law and justice, if I correctly understand the law and appreciate sentiments of justice, are perfectly in accord, that where a man who owes another draws a draft in his favor, a check on the bank, (for that is what this case is, it being on the assistant treasurer at Richmond,) where he has funds for the payment

of that check or draft, and does not present it for payment within a reasonable time, and that in a matter of payment is as soon as the course of ordinary business will bring it around, and the bank fails and the money is lost, the man who owed the debt and gave the draft is discharged in law, and justice, too. Here the United States held the money devoted for this purpose in the hands of its public depository in Richmond. It gave this man an order on it for payment, he living in Richmond. He neglected to present this order, as this report states, he never presented it, and by and by, three or four months after, the State of Virginia "scoops," as they say out West, the whole of that money into her treasury and disposed of it. Can it be said there is any justice in going back and calling on the drawer of that draft to make it good? It is certainly not the law in commercial countries, if I correctly understand it.

Then there is another circumstance. I should be glad to have the Senator from West Virginia, who probably knows or can ascertain, inform me what became of Mr. Andrew J. Barrett. If it should turn out that Mr. Andrew J. Barrett, being a man of function down there, was one of the very people who assisted in abstracting this money from the United States depository and turning it over to the confederated authorities, then I think, and an additional principle of equity might come in, that he would not have any strong claim upon the Treasury of the United States. I think that is a fact that ought to be ascertained. We ought to know the whole history of this transaction, because, I repeat, that it is publicly known, it is notorious, that a great many thousand dollars of the money of the United States in the possession of this Mr. Harrison was taken possession of by the confederate State of Virginia and appropriated to her use in carrying on military and other operations. That being a notorious fact, we ought certainly to have a very careful inquiry, in order to know what diligence this man used to get his money, why he did not present his draft, and whether he had anything to do with the seizure of this property and cash of the United States and turning it over; because if he had I take it everybody would agree that it is no part of our business to pay him over again. He would be taken to have had a chance to get his money.

There is another curious thing here. It appears that Barrett paid this draft over to William Thompson, sheriff of Boone County. The draft lay in Thompson's hands for a long time and when he attempted to use it by turning it over to J. M. Bennett, the auditor of public accounts of Virginia, Mr. Bennett refused to take it. I suppose Mr. Bennett, the auditor of public accounts of Virginia, after this long time, which I take it was during the rebellion, did not wish to take as cash a draft drawn by the United States on its money in the hands of Harrison, the United States depositary, which the State of Virginia had already entirely absorbed. She had already got the money, and he did not propose to allow this draft against it.

I think that we should be setting a very extraordinary example of the administration of public justice to private claimants if we pay this sum, which, to be sure, is small, but the principle is a great one, to this man until we know something more of the history which attends this transaction; because it will not be at all surprising if it turns out that this Mr. Barrett was one of the confederates who assisted to capture this money against which he had this draft and turn it over to the confederate authorities. If he did, I suppose his best friend would not claim that he ought to have it again. If he did not, then these other questions that I have named will arise.

I hope the Senator will not press the bill at this time, but let it go over.

Mr. CAPERTON. I call the attention of the Senator from Vermont to the fact, unknown probably to him, that the residence of this man Barrett was about three hundred miles from the city of Richmond. The Government chose to give him a draft on the depository at Richmond, when it might have given him a draft on the depository at Cincinnati, within two or three hours' ride from his home. He transferred that draft with a view to discharge some of his liabilities to the State government in the payment of taxes. It was some time in getting down to the city of Richmond, and that accounts for the delay. As to what part Mr. Barrett had in taking possession of the funds belonging to the United States Government I do not know anything.

Mr. EDMUNDS. Which side was he on in the rebellion?

Mr. CAPERTON. I do not know that. It is perfectly manifest that he rendered the service, and the Government assented to pay him his claim; but it has not paid him, and the amount is still due for his services. It is for the Congress of the United States to say whether he shall have the money or not.

Mr. ANTHONY. I understand that, in all cases of confiscation by government, the legal claims which exist against the confiscated property by the citizens of the confiscating government are respected. I believe that is a universal rule in civilized governments. If the funds of the Government against which this draft was drawn were confiscated in aid of the rebellion and if the claimant was a party to that confiscation and withheld his draft out of affection for the cause to which the fund was confiscated, it seems to me it would be very wrong to deprive him of the merit and the fame of that patriotic act by paying it over again. If, on the other hand, he was a citizen loyal to the Government, and not a party to the confiscation, but was prevented by circumstances beyond his own control from presenting the draft, I should be in favor of paying it over again. Upon that point I am not sufficiently informed to be able to vote. I listened to the reading of the report, but it does not disclose the facts to which I refer.

Mr. SHERMAN. I hope the bill will be postponed. It ought not to pass in its present condition, because it is plain that this man held a draft that would have been paid if presented in due course. He must have held it for three or five months without presentation and then presented it to the captors of the money, who refused to pay it. It seems to me that unless he explains the long delay between January and May, if that was the time when the draft was refused by the authorities of Virginia, he is clearly not entitled to the money, and by the commercial law of any State or any country he has lost his right to it. If in the mean time the fund on hand at the time of the drawing had been stolen or lost in any way he would have lost the money by his neglect. It seems to me we ought not to set a precedent of that kind unless the cause of delay is clearly explained.

Mr. WRIGHT. I wish to make an inquiry. If the Senator from West Virginia proposes to press this bill to its passage now, I wish to say a very few words in connection with it. If he does not intend to press it, I shall not take up the time of the Senate. I suggest to him, however, that, as the Senator from Wisconsin [Mr. CAMERON] who reported the bill and is familiar with all the circumstances, is not present, perhaps it might be as well not to insist on its passage at this time. I think there are matters in connection with this report which would be a complete answer to very much that has been said and which it is very proper to answer. The inquiry with reference to the status of this person toward the Government may not be sufficiently answered by the report; and yet I have thought that perhaps in that respect there is a sufficient answer, as the report found in his favor. We know perfectly well that we never have reported in favor of any person who occupied a doubtful status toward the Government. The Department itself says this is a just claim and ought to be paid and would be paid but that his accounts were closed. But, all the circumstances considered, I suggest to my friend whether it would not be well to have the bill passed over until the Senator who reported it shall be present.

Mr. CAPERTON. I have no objection to letting it take that course.

The PRESIDENT *pro tempore*. The bill will be placed back on the Calendar, if there be no objection. The Chair hears none.

REDEMPTION OF UNUSED STAMPS.

Mr. KERNAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 1100) relative to the redemption of unused stamps. I will ask the clerk to read the bill and the letter of the Commissioner of Internal Revenue, Mr. Pratt; which, very likely, will be satisfactory. The bill is reported unanimously from the Finance Committee.

Mr. THURMAN. Unless the Senate is disposed to go on with the Calendar of unobjected cases, I will move that the Senate adjourn.

Mr. KERNAN. I suggest that the letter of the Commissioner be read, and then we can see if the Senate will not pass the bill. It is a House bill and has been here a good while. Only a few persons are interested in it.

Mr. THURMAN. I withdraw my motion.

Mr. EDMUNDS. The letter cannot be read until we get the bill up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York to take up the bill named by him.

The question being put, there were on a division—ayes 25, noes 4; no quorum voting.

Mr. KERNAN. I call for the yeas and nays.

Mr. THURMAN. There is no quorum here, and we might as well adjourn. I think we had better give up business for to-day. We shall have no quorum, I think. As I have some friends who ought to be allowed to consult with the delegates on their way to Cincinnati, I think it would facilitate business to adjourn.

Mr. CONKLING. Does the Senator mean Cincinnati or Saint Louis? [Laughter.]

Mr. THURMAN. I mean Cincinnati. [Laughter.] I move that the Senate adjourn.

The motion was agreed to; there being on a division—ayes 18, noes 13; and (at one o'clock and twenty-one minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 10, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. C. C. SNIFFEN, his Private Secretary, who also announced that the President had approved a joint resolution and bill of the following titles:

A joint resolution (H. R. No. 115) granting the use of artillery blankets, &c., at the national soldiers reunion at Caldwell, Ohio; and

An act (H. R. No. 2447) transferring the custody of certain Indian trust funds.

ENROLLED BILL.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army.

EXTRADITION TREATY WITH GREAT BRITAIN.

The SPEAKER *pro tempore*. The Chair lays before the House a message from the President of the United States, transmitting a report from the Department of State in relation to the construction of the extradition treaty with Great Britain.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 30th day of March last, a report from the Secretary of State, with accompanying papers, which presents the correspondence and condition of the question up to the day of its date.

U. S. GRANT.

WASHINGTON, *June* 10, 1876.

The message and accompanying papers were referred to the Committee on Foreign Affairs, and ordered to be printed.

AGREEMENT WITH SIOUX NATION.

Mr. BOONE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, in order that it may be referred to the Committee on Indian Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TAXES PAID BY BALTIMORE AND OHIO RAILROAD COMPANY, ETC.

Mr. BAKER, of Indiana. I desire to offer the resolution of inquiry which I send to the desk.

Mr. BLAND. I demand the regular order.

Mr. BAKER, of Indiana. This is simply a resolution of inquiry. I trust the gentleman will allow it to be read.

The SPEAKER *pro tempore*. The resolution will be read for information, after which objections to its present consideration will be in order.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury, if not incompatible with the public service, be, and he is hereby, requested to report to this House the amount of internal-revenue taxes paid by the Baltimore and Ohio Railroad Company and its branches and by the Central Pacific Railroad Company and its branches from the 1st day of July, A. D. 1864, to the 31st day of December, A. D. 1871, on undivided profits, on profits used for construction or improvements, or carried to the account of any fund.

Mr. BLAND. I have no objection to that.

There being no further objection, the resolution was agreed to.

CHANGES OF REFERENCE.

On motion of Mr. BRIGHT, by unanimous consent, the Committee of Claims was discharged from the further consideration of the bill (H. R. No. 3019) for the relief of William R. Wilmer, late collector of internal revenue for the fifth district of Maryland; and the same was referred to the Committee on Ways and Means.

On motion of Mr. BRIGHT, by unanimous consent, the Committee of Claims was discharged from the further consideration of the following bills and petitions; and the same were referred to the Committee on War Claims:

The bill (H. R. No. 3236) for the relief of Robert L. Lindsay, late captain of the Fiftieth Regiment Missouri Volunteers;

The bill (H R. No. 3529) for the relief of Dr. Mary E. Walker;

The bill (H. R. No. 3357) for the relief of Mary and Albert F. Lavalette, executors of the estate of Elie A. F. Lavalette, deceased;

The bill (H. R. No. 1098) for the relief of Charles H. Frank;

The petition of John J. Busby; and

The petition of Robert E. Finnel, for goods furnished the United States Army during the rebellion.

RANGE-LIGHT IN MAUMEE BAY.

Mr. KEHR. I am instructed by the Committee on Commerce to report back the bill (H. R. No. 2898) to provide for the construction of a range-light in Maumee Bay, Ohio, with an amendment in the nature of a substitute, and to move that the bill and substitute, together with the report of the committee and the accompanying documents, be referred to the Committee on Appropriations.

The motion was agreed to.

CLERK OF COMMITTEE.

Mr. WILLIAMS, of Indiana. I am directed by the Committee of Accounts to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, allowed to retain the services of a clerk for the period of thirty days from the expiration of the present term.

Mr. KASSON. Is it intended that the services of this clerk shall be retained after the expiration of the present session?

Mr. WILLIAMS, of Indiana. Not at all. I will modify the resolution so as to make that clear.

The resolution was modified accordingly, and, as modified, was agreed to.

ENTRY OF GOODS AT INTERMEDIATE PORTS.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 3687) to amend section 3117 of the Revised Statutes of the United States relative to entry of goods taken or delivered at intermediate ports; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AND FOG-BELL ON ROUND ISLAND.

Mr. DURAND. I am instructed by the Committee on Commerce to report back favorably the bill (S. No. 676) authorizing the construction of a light-house and fog-bell on Round Island, Straits of Mackinac, and move that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3396) donating one condemned cannon and carriage to the Soldiers' Monument Association of Susquehanna County, Pennsylvania; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3570) granting condemned iron cannon for a monument to General Kearney; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

COMMUNICATION BETWEEN NEW MEXICO AND COLORADO.

Mr. JONES, of Kentucky, by unanimous consent, from the Committee on Railways and Canals, reported back an executive document in reference to the lines of communication between Northern New Mexico and Southern Colorado; and the same was referred to the Committee on Appropriations.

MEDICAL CORPS OF THE ARMY.

Mr. BANNING. I ask unanimous consent to report from the Committee on Military Affairs the bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army.

I will say that an exactly similar bill has already passed the House, and the Committee on Military Affairs agreed unanimously to it. I ask that the bill be passed at this time; but if any one wishes to discuss it, I will withdraw it.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill now?

No objection was made.

The bill was read. It reduces the number of assistant surgeons now allowed by law to one hundred and twenty-five; abolishes the office of medical store-keeper; and provides, in addition to the grades now allowed by law, for four surgeons with the rank, pay, and emoluments of colonels; eight surgeons with the rank, pay, and emoluments of lieutenant-colonels, to be promoted by seniority from the medical officers of the Army. That the act shall not be construed to deprive any medical officer or store-keeper now in office of his commission in the United States Army.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN COLORADO.

Mr. PATTERSON. I ask unanimous consent to report from the Committee on Territories the bill (S. No. 546) to further the administration of justice in the State of Colorado; and if necessary, I will make a short statement in reference to the bill.

Mr. WILSON, of Iowa. Let us hear the bill read.

The bill was read. It provides for the establishment of a district court in Colorado when admitted as a State.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PATTERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore*. The gentleman, being a Delegate, has no right to make that motion.

Mr. SPRINGER. I move to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KNOTT. I call for the regular order of business.

Mr. ROBBINS, of Pennsylvania. I am instructed by the Committee on Naval Affairs to report adversely on two bills.

Mr. KNOTT. I must insist on the regular order. I want the morning hour for the call of the Committee on the Judiciary.

OATHS TO JURORS IN UNITED STATES COURTS.

The SPEAKER *pro tempore*. The morning hour commences at ten minutes to one o'clock, and the regular order of business is the calling of committees for reports. The call rests with the Committee on the Judiciary, and the pending bill is the bill (H. R. No. 1442) to repeal section 821 of the Revised Statutes of the United States and to provide an oath for grand and petit jurors in the courts of the United States.

The pending question is upon the motion of the gentleman from Kentucky to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. KNOTT. On that motion I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to reconsider was agreed to.

Mr. KNOTT. I now move that the bill and the pending amendments be recommitted to the Committee on the Judiciary.

Mr. KASSON. That is right.

Mr. KNOTT's motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. KNOTT, from the same committee, reported back the bill (H. R. No. 353) to amend section 1911 of the Revised Statutes of the United States, with the amendments of the Senate thereto, with a recommendation that the amendments of the Senate be concurred in.

The amendments of the Senate were read, as follows:

In line 3 strike out "the" where it occurs the second time.

In lines 3 and 4 strike out the words "of the United States." Amend the title so as to read:

An act to amend section 1911 of the Revised Statutes of the United States.

The amendments of the Senate were concurred in.

Mr. KNOTT moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BANKRUPT LAW.

Mr. LYNDE, from the Committee on the Judiciary, reported back the bill (S. No. 332) to amend an act entitled an act to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and for other purposes, approved June 22, 1874, with an amendment.

The committee reported the following amendment:

That section 5108 of the Revised Statutes of the United States be, and the same is hereby, repealed.

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time; and was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF THE FOX AND WISCONSIN RIVERS.

Mr. LYNDE also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress.

The bill provides that the Secretary of War may apply so much of the $25,000 appropriated in the second section of the act of March 3, 1875, to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, as may be necessary to pay the salaries of the commissioners to assess the damages for property so taken, &c.

Mr. LYNDE. I will state that by the second section of the act of March 3, 1875, $25,000 was appropriated for the Fox and Wisconsin river improvement, to be applied for the payment of the property taken and the expenses provided for in the previous section. The act further provided that commissioners should assess the damages for property taken or overflowed, and this bill merely provides that those commissioners, who have already acted, may be paid by the Secretary of War out of the $25,000 heretofore appropriated; it makes no new appropriation at all.

The bill was ordered to a third reading, read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL EXHIBITION.

Mr. LYNDE also, from the same committee, reported back the bill (H. R. No. 2860) with a favorable recommendation, to facilitate and encourage philosophical, mechanical, and scientific exhibitions and experiments at the centennial exhibition.

The bill was read, as follows:

Be it enacted, &c., That no work of art, or production of mechanical skill or labor, or any pattern, design, or model for manufacture, or any tool, implement, machine, or device for the manufacture, either in whole or in part, of any useful or ornamental fabric or article, shall be liable to be levied upon, seized, or taken, nor shall the same be levied upon, seized, or taken, under or by virtue of any writ or process issued by any court of the United States, or any judge thereof, while the same shall be on exhibition, or be used in any philosophical, mechanical, or scientific experiment, at the centennial exhibition to be held in the city of Philadelphia during the year 1876, or while the same is being transported to said city for such exhibition; nor shall any writ or any process issued out of any court of the United States, or by any judge thereof, be effectual, or operate to prevent or restrain, or be construed to prevent or restrain, the exhibition, or the making for exhibition, at said centennial exhibition, of any work of art, or any production of mechanical skill or labor, or any pattern, model, or design for manufacture, or any tool, implement, or machine for the manufacture, either in whole or in part, of any useful or ornamental article or fabric, or to prevent or restrain any philosophical, mechanical, or scientific exhibition or experiment which may be made at said centennial exhibition under such regulations as shall be prescribed by the proper officers or managers thereof: *Provided, however*, That nothing herein contained shall be construed to authorize any person other than the inventor thereof or his agents or assigns to exhibit any new and useful improvement, combination, or mechanical contrivance not heretofore manufactured and sold.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. LYNDE. The only object of this bill is to enable parties who are inventors of machines or philosophical apparatus to exhibit at the centennial exhibition the machines of which they claim to be inventors without being interrupted by parties who may claim that such machine is an infringement upon previous patents; and the bill applies only during the exhibition. There is a great deal of feeling, as is well known, between parties who have patents for machines accomplishing the same object, and there may be a conflict between them as to whether the patentee is the original inventor of the machine. This bill is to prevent the getting out of an injunction prohibiting the exhibition of such a machine at the centennial exhibition. It has nothing to do with the ultimate settlement of the rights of the parties, but merely to permit the exhibition of such machines during the continuance of the centennial exhibition.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMIGRATION.

Mr. LYNDE, from the same committee, reported, as a substitute for House bill No. 2812, a bill (H. R. No. 3688) to amend an act entitled "An act supplementary to the acts in relation to immigration," approved March 3, 1875; which was read a first and second time.

The bill provides that section 5 of the act entitled "An act supplementary to the acts in relation to immigration," approved March 3, 1875, shall be amended by adding the following:

When any two citizens shall file with the collector of any port of the United States an affidavit stating that they have reason to believe that on board any vessel or vessels arriving at said port there are persons prohibited from landing by this act, it shall be the duty of said collector to make or cause to be made the inspection provided for in this act; and every collector or inspection officer who willfully refuses or neglects to make such inspection or to enforce the provisions of this act shall be punishable by a fine of not less than $500 nor more than $3,000, or by imprisonment for not less than three months nor more than one year: *Provided*, That this amendment shall not be so construed as to relieve the collectors of ports from causing the inspection of vessels as provided for in the original section, though no affidavit be made as required by this amendment.

Mr. DUNNELL. I would like to have the gentleman from Wisconsin [Mr. LYNDE] state what are the provisions of the act of which this is amendatory.

Mr. PAGE. I would like to ask the gentleman a question.

Mr. LYNDE. Certainly.

Mr. PAGE. This bill, just reported by the Committee on the Judiciary, is intended to carry into effect the act of 1875, is it not?

Mr. LYNDE. It is.

Mr. PAGE. It does not change the law in any particular, only renders the act of 1875 operative.

Mr. DUNNELL. Let the gentleman from Wisconsin [Mr. LYNDE] state what the original act is.

Mr. LYNDE. The section in regard to which the gentleman from Minnesota asks reads as follows:

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution," &c.

This section is intended to prevent the immigration into this country of those classes; but there is no provision in the existing law compelling the collecter to make an inspection of vessels supposed to contain persons of this description. It is provided that the collector may inspect such vessels and prevent their landing; but there is no mode of enforcing the section. This amendatory bill is simply for the purpose of enforcing that inspection where two citizens of the port make affidavit that they have reason to believe persons of these classes are upon the vessel.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the concurrent resolution of the House presenting the thanks of Congress to the governor, and

through him to the people, of the State of Vermont, for the statue of Ethan Allen.

The message also announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The message also announced that the Senate had corrected a clerical error in the second and third paragraphs of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, by changing the number of the Senate amendment from eleven to ten.

RECEIVERS OF NATIONAL BANKS.

The SPEAKER *pro tempore*. The message just received announces that the Senate has amended the report of the committee of conference on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes, by changing the number of a Senate amendment from eleven to ten. If there be no objection, the amendment will be concurred in by the House.

There was no objection, and it was ordered accordingly.

DAMAGES FOR INFRINGEMENT OF PATENTS.

Mr. LYNDE. A few days ago the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents was reported, with amendments, for the purpose of printing and recommitment. I now move to reconsider the vote by which the bill was recommitted, in order that it may be put on its passage.

The motion to reconsider was agreed to.

The question recurring on the motion to recommit, it was not agreed to.

The SPEAKER *pro tempore*. The bill is now before the House. The first question is upon the amendments reported by the Committee on the Judiciary.

Mr. LYNDE. Before the bill and amendments are read, I will explain that the bill provides that hereafter in suits for infringement of patents the complainant shall be entitled to recover damages for only one year previous to giving notice to the defendant that he is infringing the patent. The great difficulty now existing is that when a patentee claims that parties are infringing his patent, such parties, who may have been using the invention innocently, supposing themselves the inventors or the licensees of the original patentees, may be compelled to pay damages for a long term of years, because the original inventor has waited for years before bringing his suit.

In some cases large amounts of money have been invested and large manufacturing establishments built upon the belief that a party holding the patent of the Government for a certain machine was the real inventor, when in point of fact the prior right to the invention was claimed by another party. This bill provides that where such a party brings suit for infringement, he shall not be permitted to recover damages for more than one year previous to the time of having notified the defendant that he claims there is an infringement. This will enable the defendant to make inquiry into the right of the plaintiff to the patent, to determine whether he is infringing or not, and then either to settle or abide the consequences; for after notice is given the party may rest as long as he sees fit before he brings his action. The bill further provides that where no notice is actually given, the commencement of the suit shall be considered notice.

Mr. EDEN. Suppose that the plantiff has had no notice of an infringement which has been going on for a long time. In that case does he have no remedy under this bill? Such infringement may occur in a distant part of the country, and the owner of the patent may for a long time have no information of the fact.

Mr. LYNDE. Well, sir, the owners of patents are very apt to find out when there is any infringement; for where the patent is really of any value they have their agents and attorneys all through the United States. The evil which may arise in such a case as that supposed by the gentleman, does not begin to compare with the evil now felt by manufacturers who have suits brought against them when they had no idea that they were infringing anybody's patent.

Mr. EDEN. It seems to me that in such cases as I have supposed great injustice may be done to the owners of patents.

Mr. LYNDE. Our patent laws confer especial privileges upon these parties; and of course there is no injustice in making such provisions as will protect manufacturers and the people generally against any abuse which may arise in this way, or against the improper recovery of damages where the parties using the patents are entirely innocent. Every lawyer who is accustomed to patent suits understands very well that in almost all of these patent cases there is a nice question as to whether the defendant is infringing or not. The Government goes on issuing patent after patent; and the party holding a patent of subsequent date may believe he is the holder of the original patent; and yet somebody previously having the patent brings a suit against this subsequent patentee, and claims that this subsequent patent is an infringement of his, and shuts up his shop or his manufacturing establishment. He has a right to close it entirely and destroy his property. Now this law merely provides that he must give notice to the party or else he should only be entitled to recover damages for one year previous to the suit being brought.

I ask that the amendments of the committee be agreed to, and that the bill as amended be put upon its passage.

Mr. COCHRANE. This is a very important bill, and ought to be considered carefully by the House. I ask that it may be read by the clerk.

Mr. HURLBUT. I would suggest that it would be more intelligible to the House if the Clerk will read the bill as it is proposed to be amended by the committee. If so read I think the House will understand it better.

The SPEAKER *pro tempore*. If there be no objection the bill will be read as proposed to be amended by the committee.

There was no objection.

The bill, as proposed to be amended, was read as follows:

Be it enacted, &c., That from and after the passage of this act the plaintiff in any action at law or proceeding in equity, if found entitled in such proceeding or action to recover damages for infringement of any patent, shall recover only for such damages for infringement as shall have occurred for and during the term of one year immediately preceding the notice of infringement, and after such notice shall be given and until the date of the judgment: *Provided*, That, where no other notice of infringement shall be given, the commencement of a suit for such infringement shall be construed as notice.

SEC. 2. That the measure of the plaintiff's damages shall be the same in law and in equity; and the rule in all cases shall be to give to the plaintiff, as far as possible, a reasonable recompense for his time, labor, ingenuity, and expense. Where a reasonable recompense in form of a license fee has been established, that shall be taken as the measure of damages; and, where no such license fee has been established, the court or jury may determine, from the evidence, what would be a reasonable license fee, according to the circumstances of the case. And, whenever the court shall be of opinion that the damages ought to be increased, the court may increase the same, not exceeding, however, three times the amount of the license fee, as shown, together with the costs. And the court shall have power, when necessary to prevent injustice, to diminish the damages in like manner. And no other recovery for damages or profits shall be allowed except as provided in this section.

SEC. 3. That every patent, or any interest therein, shall be assignable in law, by an instrument in writing; and the patentee, or his assigns or legal representatives, may, in like manner, grant and convey an exclusive right under the patent for the whole or any specified part of the United States, or may grant licenses under said patent, exclusive or otherwise, as the parties may agree. And when there are two or more joint owners, or owners in common, of any patent, a license from any one of said owners shall be good and valid in law, and shall vest in the licensee full right to the said invention, according to the terms of said license, unless the conveyance or other instrument creating such joint ownership, or ownership in common, shall provide that no license shall be valid unless executed by all of such owners, or unless an agreement to that effect shall be made by said owners, and filed for record before the execution of said license.

SEC. 4. That all such grants, licenses, and conveyances, and all powers of attorney and agreements made under any letters-patent shall be acknowledged before an officer competent to take acknowledgments of deeds in the place where executed, and shall take effect from the time of filing the same for record in the Patent Office as to any subsequent purchaser, licensee, or mortgagee, for valuable consideration, without notice, and shall be void as to all such purchasers, licensees, and mortgagees, without notice, until filed for record as aforesaid.

SEC. 5. That any person who may wish to perpetuate testimony showing, or tending to show, that any applicant or patentee was not the first and original inventor of the thing patented by him, or of any substantial and material part thereof, claimed as new, may do so, subject to the following rules and conditions: He may file a bill or petition in the circuit court of any district in which the parties having the right to sue for infringement of said patent, or of any of them, reside or may be found, setting forth the date and subject of the patent, and the name of the patentee, the names and residences of the several parties interested in said patent so far as known to him, the names of witnesses proposed to be examined, and his desire to perpetuate testimony, as aforesaid. On the defendant being brought into court in the usual way, the court may enter an order or orders in the case, directing when and where the evidence shall be taken. Both parties may attend at the time and place, or times and places, so designated by the court, or at such times and places as they may agree, and then and there introduce such legal testimony as they may see fit, bearing on the question aforesaid; which evidence, when so taken, shall be filed among the records of the court; and the same, or duly-certified copies thereof, shall thereafter be received in all suits on said patent to which the said plaintiffs or petitioners, or any of them, and any of the defendants, or those claiming by, through, or under them, shall be parties. And the complainant or petitioner in any such proceeding shall, within thirty days after the filing in the court of any such testimony, file in the Patent Office a certificate of the clerk of the court setting forth when and where such testimony was taken and the names of the witnesses examined, which certificate shall be entered of record by the Commissioner of Patents in the assignment-records of the Patent Office. Any number of persons, whether jointly interested or not, may join in said petition; and, if necessary, several petitions may be filed, at the election of the petitioners, in different districts where any other parties interested in said patent resides or may be found. Each party to said petition shall pay the costs of taking its own testimony, but all the costs of court shall be paid by the petitioners; but the court may, in its discretion, assess upon the complainant or petitioner any part or all of the legal costs.

SEC. 6. That the four hundred and ninety-third section of the Revised Statutes be amended to read as follows:

"The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of fifty per cent. in excess of the cost of printing the same."

Mr. LYNDE. I am instructed by the Committee on the Judiciary to ask the House to concur in the amendments made by the committee, and then to ask that the bill, as amended, be put upon its passage.

Mr. OLIVER. May I ask the gentleman a question?

Mr. LYNDE. Certainly.

Mr. OLIVER. I understand that the bill applies to actions now pending as well as to actions hereafter to be begun. Am I right?

Mr. LYNDE. It applies to all actions.

Mr. OLIVER. It seems to me a dangerous and unusual thing to amend the law so as to change the rule of damages on actions now pending in court. I desired to know what was the provision of the bill in regard to that.

Mr. LYNDE. It applies to all actions; and I think no injustice is done by the bill in that respect. There is certainly no injustice in applying the provisions of the bill to existing actions, if it is proper to apply them to actions which may be brought hereafter, for the reason that even in existing actions plaintiffs would only be allowed

to recover damages for one year previous to the commencement of the suit, no notice of infringement having been given.

Mr. OLIVER. Perhaps there might have been no infringement within the year.

Mr. LYNDE. If there was no infringement within the year, then no damages would be recovered.

Mr. COCHRANE. I am opposed to the first section of this bill because it allows the recovery only of such damages for infringement as shall have occurred for and during the term of one year immediately preceding the notice of infringement. I do not understand why a patentee should not have the right to recover any damages he may have sustained by an infringement of his patent, and that without regard to the fact of notice or the time when he shall have discovered that infringement. I am opposed to any limitation in the bill which will, where it is clear there has been an infringement of the patent, restrict the right of the patentee to recover damages for that infringement.

Mr. LYNDE. From my observation in patent suits, I think that the patent law at the present time works more injustice than it does benefit to the American people. But whether that is true or not, it is certain that the law is made use of at the present time by patentees and patent lawyers for the purpose of breaking up or oppressing, or extorting large sums of money from the manufacturing and industrial interests of our country. And this law is reported merely for the purpose of protecting the community against those abuses.

I believe, for one, Mr. Speaker, that if a person has a patent from the United States Government he ought not to be liable in damages to any previous patentee who may bring suit against him for infringement, because it is the duty of the Government to examine every application that is made for a patent in the Patent Office. They have scientific experts there whose duty it is to determine as to every patent applied for, whether it infringes on any previous patent or not; and when it is found that that is not done, the patent is then issued. The patentee, then, goes forth to the country with his patent to mechanics and manufacturers, and the people believe that he has the right, as inventor of that patent, and that they have a right to use the machine. But here comes a prior patentee claiming it is an infringement of his patent. The case comes on in court; experts are called, and men who follow the business of testifying as a profession—hired experts, who receive large fees for giving testimony in patent cases—come forward and swear that the subsequent patent is an infringement upon the prior patent, and the manufacturing establishment is necessarily closed. It is to remedy this evil that this bill is presented and its passage recommended.

Mr. COCHRANE. That certain abuses have grown up in the application of the patent laws there can be no question; and I quite agree with my friend who has just taken his seat that it is very unfortunate in many cases that parties should be put to expense and trouble in defending unjust suits which may be brought against them for alleged infringements of patents, where in point of fact there has been no infringement. But that is not the question to which I spoke. The gentleman from Wisconsin has not replied to the suggestions which I made.

The letters-patent which are granted to an inventor guarantee to him the right of property in the thing which he has invented. He has the same right of property in his invention as he has in the horse which he owns, or in the farm which he owns; and any one who infringes that patent, any one who violates that right of property, should be held amenable for that violation. And I am opposed to any bill which provides that although a party may be able to show in a court of justice that he has sustained damages from the infringement of a patent to the extent, say, of $10,000, yet that because, forsooth, he can only show that he has sustained within a year damages to the extent of $1,000, a jury is to be precluded from allowing him the $9,000 damages which he sustained prior to that year, and that he is compelled to take only the $1,000, the amount of damages which he sustained within the year.

Mr. LYNDE. I move the previous question.

Mr. SAMPSON. I ask the gentleman to allow me to have a few moments before he demands the previous question.

Mr. LYNDE. Certainly; how much time do you want?

Mr. SAMPSON. Not more than five minutes.

Mr. LYNDE. I will yield to the gentleman for that time.

Mr. SAMPSON. I was not aware, Mr. Speaker, that there would be a bill of this kind reported from the Judiciary Committee this morning, or I should have given it some attention. The theory of our laws is that we will protect the property of patentees; that property of this character is entitled to protection the same as any other. This bill proposes that no person shall be protected in his rights of property in a patent, except to secure damages for one year's use, unless he can give actual notice to the parties infringing that they are trespassing upon his rights; that is, if a party sees proper to infringe upon an invention and use it in secret, and the patentee is not able to discover its use for a year after the same has terminated, he can secure no damages therefor. Now we have an extensive country. Here are forty-four millions of people using this class of property, and on a great many occasions, in a great many instances, this property is used in secret for the purpose of preventing discovery. Parties may use a patent for a year or two in secret, and then for the first time, and more than one year after its last use, it comes to the knowledge of the owner of the patent-right that his patent has been infringed, and under this bill he can recover nothing for such wrongful use.

If we propose to protect this kind of property at all, it seems to me that we ought not to pass this bill. A great many innocent parties are interested in patent-rights. It is not always the patentee who is injured by infringement, but there are a great many assignees and thousands and thousands of persons become interested in patent property. Assignments are made, and made to parties who are not acquainted with the patent laws. I know of many farmers in our country who have honestly and innocently purchased interests in patent-rights, and they are trying to dispose of them in an honest way.

Now, sir, while they are thus endeavoring to sell their rights other parties are infringing on the patent in different parts of the country without their knowledge, and if a year passes before they discover such use, they have no right of action under this bill and no protection whatever for their property.

This it seems to me is against the entire policy of our patent laws. We say that a man shall have the right of action in case his patent is infringed, and then we say that if any man steals an invention and uses it secretly the patentee shall not have the right of action unless he discovers the theft within one year.

Mr. LYNDE. I believe the gentleman's five minutes have expired, and, as there are but five minutes left before the morning hour will expire, I must ask the previous question.

Mr. EAMES. Will not the gentleman allow me to make a single remark?

Mr. LYNDE. I must insist upon the previous question.

Mr. VANCE, of North Carolina. I hope the gentleman will allow me to make a remark. I think I ought to have a right to say a word, as I am connected with the Committee on Patents.

Mr. LYNDE. I am compelled to insist upon the previous question.

Mr. VANCE, of North Carolina. Then I hope the House will vote it down.

The SPEAKER *pro tempore*. The gentleman from Wisconsin demands the previous question, and the Chair has no alternative but to put the question.

The question was put upon seconding the previous question; and upon a division there were—ayes 71, noes 53.

Mr. CANNON, of Illinois. I call for tellers, as no quorum voted.

Tellers were ordered; and Mr. LYNDE and Mr. EAMES were appointed.

The House divided; and the tellers reported—ayes 85, noes 28; no quorum voting.

Mr. CANNON, of Illinois. I call for the regular order, as I believe the morning hour has expired.

The SPEAKER *pro tempore*. The Chair would state that the morning hour has expired.

Mr. COCHRANE. I call for the regular order.

Mr. LORD. I move that the House resume the consideration of the Geneva award bill.

At this point Mr. SAYLER took the chair as Speaker *pro tempore*.

SILVER COIN.

Mr. COX. I ask my colleague to yield to me for a moment.

Mr. LORD. Certainly.

Mr. COX. I thank my colleague for yielding to me to enable me to ask the House to finish up some matters from the Committee on Banking and Currency which have been placed in my charge, and as we are authorized to report at any time I ask to report back from that committee unanimously what is known as the Payne silver bill. The House has thoroughly discussed it, and upon a motion to suspend the rules has given it a majority. I do not propose now to discuss it, because it has had full discussion.

I bring it up at this time simply because I am informed by the Treasurer of the United States and other officers connected with the fiscal affairs of the Government that the passage of the bill is imperatively demanded, not only in the interest of this city and the commercial centers, but for the purpose of re-issuing the coin already in the Treasury. The committee reports a substitute for the bill introduced by Mr. FROST, of Massachusetts. I ask that it be put upon its passage, and on that I call the previous question.

Mr. PHILLIPS, of Kansas. I object, if it is not in order.

Mr. COX. The committee has a right to report at any time.

The SPEAKER *pro tempore*. The committee has a right to report at any time under the amended rule.

Mr. COX. I report from the Committee on Banking and Currency a substitute for House joint resolution No. 109, for the issue of silver coin.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury to an amount not exceeding $40,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

Mr. COX. I will state to the House that no one can take exception to this joint resolution on the ground that it is a surprise, for it is

printed in the RECORD of this morning as a substitute for Mr. FROST'S joint resolution. It has been read several times, and the House has voted on it once or twice already. It is important to have it disposed of in some way or other at once, for if it goes over this week it may go over for ten days or two weeks before it can be reached.

Mr. MILLS. I ask the gentleman from New York [Mr. COX] to permit me to offer an amendment to the substitute he has reported.

Mr. COX. I am not instructed by the Committee on Banking and Currency to accept any amendment, but to press the consideration of the substitute at this time.

Mr. MILLS. Will you allow the amendment to be read?

Mr. COX. I have no objection to that.

The Clerk read the proposed amendment, which was to add to the substitute the following:

And that the third section of an act entitled "An act to provide for the resumption of specie payments," approved the 14th day of January, 1875, be, and the same is hereby, repealed.

Mr. COX. I am not authorized to admit any amendment.

Mr. MILLS. Then I hope the call for the previous question will be voted down.

Mr. COX. I send to the Clerk's desk, and ask to have read, a statement of the amount of silver coin issued to June 7, 1876.

The Clerk read as follows:

TREASURY OF THE UNITED STATES,
Washington, June 7, 1876.

Silver issued to date, as per reports:	
For redemption of fractional currency	$5,144,735
For payment of currency obligations	3,352,434
Total	8,497,169
On hand with assistant treasurers, &c	5,011,194
Ordered from United States mints to assistant treasurers and depositaries	2,230,000

Mr. COX. I am informed in an unofficial way that the demand for change is very great and some relief is imperatively demanded by the banks, the people, the manufacturing interests, and others, for it is impossible now to obtain change, either in silver coin or fractional currency, sufficient to meet the pay-rolls of the various establishments. Every member of Congress must have received letters on this subject. I do not propose to detain the House with any discussion, but will call the previous question, and if the House chooses to vote it down it can do so.

Mr. KASSON. One word, so that gentlemen may not vote on the previous question under a misapprehension.

Mr. COX. I will yield to the gentleman.

Mr. KASSON. I desire to state that if the previous question shall not be sustained, the proposition of the gentleman from Texas [Mr. MILLS] will not be in order, because it is not germane to this bill.

Mr. SPRINGER. That is a question for the Chair to decide. I hope that the previous question may be voted down, in order that the gentleman from Texas [Mr. MILLS] may have an opportunity to offer his amendment.

Mr. RANDALL. Before the gentleman calls the previous question I desire to state that the House some time ago, in a spirit of fairness and justness, gave authority to the Committee on Banking and Currency to report at any time on the subject of the currency, including of course the question of resumption. There is no propriety in mingling the two subjects of subsidiary coin and the resumption of specie payments. The other day, by a report from the Committee on Rules, I gave an opportunity to the Committee on Banking and Currency to report at any time upon the question of resumption of specie payment.

Mr. MILLS. Both of the propositions involve resumption; one to the extent of $10,000,000 and the other to the extent of the whole issue of legal-tender notes.

Mr. ANDERSON. I object to debate unless it can be general.

Mr. RANDALL. I desire to say that I do not consider it either fair or just that this question of subsidiary silver coinage should be entangled with the question of resumption of specie payments.

Mr. SPRINGER. The House amended its rule especially to enable the Committee on Banking and Currency to report so that we could have a vote on the question of the repeal of the resumption act.

Mr. COX. I now call for the previous question.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The Chair must beg the House to be in order. No business will be transacted until gentlemen cease conversation and resume their seats.

Mr. COX. I withdraw the call for the previous question for one minute, that I may say that several weeks since the Committee on Banking and Currency took action in regard to the matter of silver coinage, and it was brought before the House on a motion to suspend the rules. They have not had a meeting since that time so as to be able to dispose of the question of repealing the resumption act. Mr. PAYNE, of Ohio, one of the members of the committee is absent, and Mr. GIBSON, of Louisiana, is absent in New Orleans. As soon as there can be a meeting of the full committee, that moment the repeal of the resumption act will be considered. The silver bill is a matter requiring immediate action, and, as we think, a measure of immediate relief that is imperatively required. It has no connection parliamentarily or otherwise with the repeal of the resumption act.

I now call for the previous question.

The previous question was seconded; there being upon a division—ayes 85, noes 54.

The SPEAKER *pro tempore*. The question is now upon ordering the main question.

Mr. HOLMAN, Mr. LANDERS of Indiana, Mr. SPRINGER and others called for the yeas and nays upon ordering the main question.

The yeas and nays were ordered; there being upon a division ayes 28, more than one-fifth of the last vote.

The question was then taken; and there were—yeas 106, nays 86, not voting 98; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Beebe, Bell, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Candler, Cannon, Caswell, Caulfield, Chapin, Cochrane, Cox, Crapo, Crounse, Cutler, Danford, Denison, Dunnell, Durand, Durham, Eames, Foster, Frost, Garfield, Gause, Goode, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hartridge, Haymond, Hendee, Henderson, Hurd, Hurlbut, Jenks, Joyce, Kasson, Kehr, Kimball, George M. Landers, Lane, Lapham, Leavenworth, Le Moyne, Levy, Lord, Luttrell, Lynch, Lynde, Magoon, Maish, McCrary, McDill, Meade, Miller, Monroe, Morrison, Norton, O'Neill, Packer, Page, Piper, Potter, Rainey, Randall, John Robbins, Sampson, Schleicher, Sinnickson, A. Herr Smith, Strait, Stenger, Tarbox, Thompson, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, John W. Wallace, Ward, Erastus Wells, G. Wiley Wells, Whitehouse, Wigginton, Wike, Willard, Charles G. Williams, James Williams, Jeremiah N. Williams, Willis, James Wilson, and Woodworth—106.

NAYS—Messrs. Ainsworth, Anderson, Ashe, John H. Baker, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Culberson, Davis, De Bolt, Dibrell, Eden, Ellis, Evans, Felton, Finley, Forney, Franklin, Glover, Andrew H. Hamilton, John T. Harris, Hartzell, Hatcher, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hunter, Hunton, Thomas L. Jones, Franklin Landers, Lawrence, Lewis, McFarland, McMahon, Milliken, Mills, Morgan, Nash, Neal, Oliver, John F. Philips, William A. Phillips, Poppleton, Rea, Reagan, John Reilly, Rice, Riddle, Robinson, Savage, Sayler, Scales, William E. Smith, Southard, Sparks, Spencer, Springer, Terry, Tucker, Turney, Robert B. Vance, Walsh, Whitthorne, Fernando Wood, Yeates, and Young—86.

NOT VOTING—Messrs. Atkins, Bass, Bliss, Burleigh, Chittenden, Conger, Cowan, Darrall, Davy, Dobbins, Douglas, Egbert, Ely, Faulkner, Fort, Freeman, Frye, Fuller, Gibson, Goodin, Gunter, Hale, Henry R. Harris, Harrison, Hathorn, Hays, Henkle, Abram S. Hewitt, Hoar, Hoge, Hopkins, Hoskins, House, Hubbell, Hyman, Frank Jones, Kelley, Ketcham, King, Knott, Lamar, Edmund W. M. Mackey, L. A. Mackey, MacDougall, Metcalfe, Money, Mutchler, New, O'Brien, Odell, Parsons, Payne, Phelps, Pierce, Plaisted, Platt, Powell, Pratt, Purman, James B. Reilly, William M. Robbins, Roberts, Miles Ross, Sobieski Ross, Rusk, Schumaker, Seelye, Sheakley, Singleton, Slemons, Smalls, Stevenson, Stone, Stowell, Swann, Teese, Thomas, Thornburgh, John L. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walling, Warren, Wheeler, White, Whiting, Andrew Williams, Alpheus S. Williams, James D. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., and Woodburn—98.

So the main question was ordered.

During the roll-call the following announcements were made:

Mr. BANNING. My colleague, Mr. WALLING, is unavoidably absent. If here, he would vote "no."

Mr. STENGER. My colleague, Mr. HOPKINS, has been called home on important business.

Mr. GOODE. My colleague, Mr. DOUGLAS, is detained from his seat to-day by sickness.

Mr. WALKER, of Virginia. On this question, I am paired with the gentleman from New York, Mr. HOSKINS. If he were present, he would vote in the affirmative, and I should vote in the negative.

Mr. DURAND. My colleague, Mr. CONGER, is absent by order of the House. If present, he would vote "ay."

Mr. FOSTER. The gentleman from Massachusetts, Mr. SEELYE, and the gentleman from Pennsylvania, Mr. KELLEY, are paired on this question.

Mr. WILLARD. My colleagues, Mr. HUBBELL and Mr. WALDRON, are absent by leave of the House. If here they would vote "ay."

Mr. CASWELL. My colleague, Mr. RUSK, who is absent by leave of the House, desired me to say that upon this bill he would if present vote "ay."

Mr. BRADLEY. I wish to announce that my colleague, Mr. W. B. WILLIAMS, is absent by leave of the House. If present he would vote "ay."

Mr. POPPLETON. My colleague, Mr. COWAN, is absent by leave of the House.

The result of the vote was announced as before stated.

The question then recurring on agreeing to the substitute, it was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the joint resolution,

Mr. ANDERSON called for the yeas and nays.

On ordering the yeas and nays there were—ayes 28, noes 93.

Mr. ANDERSON called for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered.

The joint resolution was passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF COIN.

Mr. COX. I am also directed by the Committee on Banking and Currency to report back, with an amendment in the form of a substitute, the bill known as the Randall bill.

Mr. RANDALL. Do not call it that.

Mr. COX. It is known as a very respectable bill. It is House bill No. 3398, for the issue of coin and other purposes.

Mr. LANDERS, of Indiana. Will the gentlemen allow me to have read an amendment which I wish to offer to this bill?

Mr. RANDALL. Let the bill be first read.

The substitute reported by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

That, in addition to the amount of subsidiary coin authorized by law to be issued in redemption of the fractional currency, it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin to the amount of $20,000,000.

SEC. 2. That the silver bullion required for this purpose shall be purchased from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; and the resulting coin may be issued in the ordinary disbursement of the Treasury or in exchange for legal-tender notes at par; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue or exchange as herein provided without loss to the Treasury, and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000,000.

SEC. 3. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. COX. I demand the previous question.

Mr. PHILLIPS, of Kansas. I hope the gentleman will not do that.

Mr. REAGAN. Will the gentleman allow me to offer an amendment to strike out two or three words?

Mr. COX. I am authorized by the Committee on Banking and Currency to allow my colleague on the committee, the gentleman from Pennsylvania, [Mr. TOWNSEND,] to move an amendment striking out "$20,000,000" and inserting "$10,000,000."

By leave and favor of the House I am permitted to make a few remarks touching this silver legislation.

Before entering upon the brief discussion, may I be allowed to say that these matters have long since been considered by the Committee on Banking and Currency? They were considered and ordered to be reported long before the House gave that committee the privilege to report at any time. Premising that the committee did not crave such an honored privilege, and that they have no wish to abuse it, I may say that they have instructed me to use the courtesy of the House only for urgent purposes.

The bill which has already passed was one that seemed too urgent to be disregarded any longer. The demand for "change" was imperative and popular. As I have already shown, the daily and hourly interests of trade and business required that bill as a sluice to allow the free issuance of the silver coins already authorized this session. I have shown authentically what amount has been placed in circulation and what amount remains retarded by the slow processes provided. The bill just passed was an indispensability. It was not intended to be a contraction or inflation measure. The argument for it is one entirely temporary. It is the *ab convenienie*. It cannot be disregarded.

The bill now before us has a like approval by the guardians of the Mint and Treasury. It has been well considered by the committee. The bill (No. 3647) now under consideration would continue the supply of silver coin for change, until the demand is filled. Those who are conversant with this branch of our public service do not think twenty millions too large. There is some export demand for this subsidiary silver. At present prices of silver bullion it can be coined at a profit of from 6 to 7 per cent. About fifty millions will be required (and I say this authoritatively) for purposes of change in the country. It will take the place of fractional currency; and it is very clear that, unless these bills or some additional coinage bills are passed, more fractional currency will have to be printed. That would be a step backward in the way of resumption. The people will not retrograde.

The Treasury has issued about $8,500,000 and they have about seven and a quarter yet on hand. These two bills will make no excess, and I sincerely hope both will pass at once and together.

Mr. Speaker, I trust it will not be considered either indelicate on my part or embarrassing to any other committee that I should report these bills from the Banking and Currency Committee. The honorable gentleman from Massachusetts, [Mr. HOAR,] who is not now present, in the most complimentary and respectful way intimated that the present Speaker *pro tempore* should be chary of indulging in the active business of legislation on the floor. I agreed with him; but it is within his exception that I am instructed to finish the business delegated to me before the honorable Speaker, [Mr. KERR,] now so lamentably stricken with illness, intrusted to me the engrossing duties as temporary chairman. I perform these trusts best by pursuing my line of duty on which lie these bills as to silver coin, long since passed upon by the committee of which I am chairman.

It was urged recently in debate by the distinguished champion of the greenback currency [Mr. KELLEY] that the Committee on Banking and Currency should not have the right to report at any time, because so long a time has elapsed without report from that committee on these all-important questions.

I have obtained leave to present these remarks, to state, in justification of the seeming inaction of our committee, that we were not the sole custodians and interpreters as committee-men of the difficult fiscal questions which now press upon this Congress and the country. In justification of that committee it will not be forgotten that in the early days of the session, (January 6,) not long after the committees were announced, and when the honorable gentleman from Illinois [Mr. MORRISON] moved the appropriate reference of the subjects embraced in the President's annual message, a debate arose as to the appropriate reference of financial subjects. There was a seeming conflict between the Ways and Means and the Banking and Currency Committees. On the former committee were the honorable gentlemen [Mr. KELLEY and Mr. WOOD] who took part in that debate. On the Banking and Currency Committee were the gentleman from Iowa, [Mr. KASSON,] the gentleman from Pennsylvania, [Mr. TOWNSEND,] and myself. The gentleman from New York quoted from remarks of mine when introducing, in 1865, the rule dividing up the old Ways and Means into three parts. The question arose as to which committee the currency problem should be relegated. The gentleman from Iowa [Mr. KASSON] stoutly championed our committee. I was disposed to allow both committees to tender their united wisdom and experience to solve the question; but the gentleman from Pennsylvania [Mr. KELLEY] had no doubtful voice. He urged the Ways and Means, as did my colleague, [Mr. WOOD,] as the proper and only organ for initiating and reporting remedial legislation on currency. Here is what the gentleman from Pennsylvania said:

Mr. KELLEY. Mr. Speaker, in connection with what the gentleman from New York [Mr. COX] has just said, I would like to call his attention and that of the House to the fact that the distinction made in the successive distribution of the President's message is a philosophic one. They refer all questions relating to the greenback to the Committee of Ways and Means. As was suggested by the other gentleman from New York, [Mr. WOOD,] the greenback is a part of the national debt. But it is more than that, sir. It is money. It is the current money of the realm. It is the legal tender with which all private debts and almost all public debts may be paid. It is the substance of which currency is the shadow. Checks, drafts, bills of exchange, bank-notes are liquidated in money, and therefore that which is at once part of the debt of the country and the legal-tender money of the country has always been referred to the Committee of Ways and Means. * * *

The conclusion of this matter, Mr. Speaker, at that time, was a submission of such questions by my acquiescence to the Committee of Ways and Means. The gentleman from Iowa [Mr. KASSON] thus emphasized this submission:

Mr. KASSON. I ask permission of the chairman of the Committee of Ways and Means to say a single word. It is this: That if this resolution is adopted, as I presume it will be, (and I do not oppose it,) I desire it may be distinctly understood by the House and the country that original legislation touching the payment or redemption of the notes known as legal-tender or greenback will be with the Committee of Ways and Means, and not with the Committee on Banking and Currency. I distinctly wish to have that understood—for one at least, and for others around me here—that the question will be with that committee.

I submit, therefore, that if any committee is to be reprehended for lack of activity in this matter it is not the Committee on Banking and Currency. Or, to be more logical, it does not lie with the Ways and Means to derogate from us because of any dilatoriness. They are to say it mildly, equally charged and equally responsible for any non-action.

The simple truth is, that it is a problem where no hurried agreement was possible. No report from any committee, or from any party, would have received general acquiescence.

At last it seems to have been regarded that the Banking and Currency Committee possessed the most patience and studiousness in dealing with the problem; and it is a matter of regret that in its deliberations we had no Moses like the gentleman from Pennsylvania [Mr. KELLEY] to guide us through the wilderness to the promised land!

Mr. Speaker, having thus vindicated our committee for its seeming slowness, let me commend it for its wisdom. It has done nothing to disturb the business interests of the country. The House has already approved of one of its bills on this silver question. Because we have been as yet unable to frame a substitute or make acceptable conditions upon the repeal of the futile resumption act, it does not follow that when a full committee appears to consider and report, that we will not obey the precept of the House in giving us leave to report at any time and present something upon that topic for legislative action.

As to the bill now before the House, which bears the paternity of the honorable gentleman from Pennsylvania, [Mr. RANDALL,] some remarks may be added by leave of the House in explanation of its provisions.

The first section of this bill adds to the subsidiary coin already authorized, and which has been issued, all too slowly, to take up the fractional currency, twenty millions. Under this bill our mints may make and the Treasury issue this amount.

To effectuate this minting and issuance the Secretary of the Treasury may buy, from time to time, at market rates, with any money in the Treasury, the silver bullion. It allows no increase of the bonded debt. That objection is obviated. The coin is to issue as in ordinary disbursements, or on exchange for legal-tender notes at par. Hence it takes up what it gives out; and no valid objection going to the volume of the currency is tenable as valid to the bill. It will be noticed that the bill forbids any loss to the Treasury either in the coinage or issue; the cost of purchase at the market rates must cover such expense. The gain or seigniorage is to go into the Treasury under the existing laws. But the committee, by an amendment to the original bill, prudently provide that the amount invested in bullion at any one time—excluding the resulting coin—shall not exceed a million of dollars. The wisdom of that proviso is in its caution.

We do not know what the condition of the Treasury may be; nor do we delegate to the Treasury the whole discretion as to the purchase of bullion to any great extent.

It is known that the act of January 14, 1875, to resume specie payment contemplated this issue of silver coins, equal in number and amount to the fractional currency of similar denominations. Besides it gave to the Secretary of the Treasury discretion to issue the coins, as we provide in this bill in the ordinary disbursements of the Treasury, as through the mints, subtreasuries, post-offices, and public depositories. This act was simply re-enforced by our legislation of this session. It is a policy we do not propose to repeal in connection with the resumption act.

When this bill was first presented it had in it a provision for twenty-five millions. We have reduced that amount to twenty millions; and one of the Banking and Currency Committee, [Mr. TOWNSEND, of Pennsylvania,] will present a further amendment limiting the amount to ten millions. He will give his reasons, and they are entitled to the consideration which experience and judgment bestow on that just gentleman.

That twenty millions is not too much, is testified to by the Treasurer of the United States, and will appear by the facts which I state. The coinage statistics show that there was under the act of 1853 forty-eight millions of silver change out.

It may be objected that the money of the Treasury will have to be used to provide this additional coin. But has it not already been shown that in the long run it is cheaper to issue the silver, which runs forty or fifty years and costs to make it about as much as to make the fractional currency per annum? The economies favor the issue of silver.

Besides, is silver disregarded as the legal-tender of the Constitution? If the organic law is unchanged, is it questionable whether the silver of legal standard can be limited as to amount when used as a legal-tender? But I do not propose to argue that.

We have a coin, legalized, of peculiar quality and for a peculiar purpose. In the last section of this bill we propose to discourage the trade-dollar. It answers no wise purpose, except for export. There is a reason why our bill should take away from that trade-dollar its legal-tender quality. It is not our standard. Its uses at home are not now as valuable as they were. But for export its demand may continue, and the Secretary of the Treasury is authorized, from time to time, to coin such trade-dollars, so as to fill the export demand. By this, all know, is meant the demand in our Japanese and Chinese trade.

Its gold value is ninety or ninety-one cents. It is a legal tender for its face-value at one hundred cents, to pay a debt of $5 of gold on the Pacific coast.

The difference between the bullion value of silver and the nominal or tale value is, say, 8 per cent., and this is realized by depositors instead of the Government. The Federal depositories, under present laws, cannot refuse to receive trade-dollars. This trade-dollar interferes with the Government business of coining small silver, and has become redundant on the Pacific coast. There are two millions of it in circulation, and the chief harm of its redundancy and existence is inflicted upon the retail dealers.

In this connection I will read a letter from the Director of the Mint, of June 8, 1876. It is confirmatory of the committee's conclusion and its recommendation as to the trade-dollar will assist us in our votes:

TREASURY DEPARTMENT,
Office of the Director of the Mint, June 8, 1876.

SIR: I received at two p. m. your note of yesterday inclosing bill H. R. No. 3198 for the issue of coin and other purposes, and requesting my opinion thereon, and especially in relation to the trade-dollar clause.

The general provisions of the bill appear to provide for the most convenient mode of issuing silver coin additional to that which is to be exchanged for fractional currency.

The section relating to the trade-dollar is necessary if its coinage on private account is to be continued, and principally for the reason that under existing laws and the reduced value of silver bullion, a seigniorage or gain arises in its coinage which is realized by the depositor instead of accruing to the Government.

The section, if passed as it now stands, will prevent any person from being compelled to receive this coin at its nominal value, and the provision placing its coinage under the control of the Secretary of the Treasury will enable that officer to restrict the amount of coinage to the actual requirements of the export trade.

In this connection I take the liberty of suggesting that it would be better to coin the trade-dollar exclusively on Government account in the mode proposed, and with the powers and functions which a bill now pending in the Senate confers upon a new dollar of the weight of 412.8 grains of standard silver, instead of issuing two silver dollars so near alike in value.

Very respectfully,

H. R. LINDERMAN, *Director.*

Hon. S. S. COX,
Chairman Committee on Banking and Currency,
House of Representatives.

Before I conclude, Mr. Speaker, allow me to call attention to a bill referred to our committee by the gentleman from Missouri [Mr. WELLS] yet to be considered. It may not be out of place to say that it has been favorably regarded.

It is a bill providing for the issue of subsidiary silver coin, and it enacts that any owner of silver bullion may, with the approval of the Secretary of the Treasury, deposit the same at any coinage mint or the assay office New York, and receive payment therefor in subsidiary silver coins at a rate of price per standard ounce to be fixed and announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury; such price to be based on the market rate. The cost of coinage shall devolve on the seller of the bullion, and the profit or seigniorage arising therefrom shall accrue to the Government; provided, that the total amount of silver coin issued under this act shall not exceed the sum of $25,000,000.

This may be reported favorably. Why? Saint Louis receives from Utah, Colorado, and the Mexicos ores in sacks and in rocks. She has manufactories for separation. Many millions are embarked in this enterprise and more millions are ready. It seems good sense to allow these ores to be separated by our native chemistry and enterprise instead of sending them to Wales. If this be done, why not allow the resulting bullion to be coined for private parties and the seigniorage retained by our Government?

But that is yet to be considered fully. If it be considered wise and expedient, the trouble, expense, and risk of coinage will be saved, and the coins go out. If private interests do not use this privilege, no harm can come from the passage of the bill. If the bill now before the House be a failure, then perhaps this bill yet to be considered may be a proper and useful substitute.

Another bill is pending before the Senate. It has a wider scope, and may find a more intelligent consideration than in this hasty legislation of to-day. The amendment of the gentleman from Missouri [Mr. BLAND] looks toward such a policy. I may be pardoned for suggesting its features, and the reasons for it, as I learn them from the Director of the Mint.

The proposed dollar of 412.8 grains with silver at fifty-two pence corresponds very nearly in gold value with the paper dollar. (Gold at 112½.)

It is to be a legal-tender in sums not exceeding $20, and receivable without limit in payment of dues to the Treasury except duties on imports.

Under the provisions of the act for the resumption of specie payments the paper dollar may be expected to graduall, appreciate, and by January, 1879, be at par with gold.

It is not probable that silver will materially appreciate in value during the same period, and on the contrary, the indications are that it will still further depreciate. The paper dollar proposed by that Senate bill may therefore be expected to have a higher gold value than the proposed silver dollar, which, although a legal lender in sums not exceeding $20, cannot be expected to enter into circulation to any considerable extent, especially while the one and two dollar bills continue out. The principal demand for the new dollar will be for the payment of internal-revenue dues to the United States, for which it will be used in preference to legal-tenders as long as it can be procured at a lower rate than the latter. Assuming this as the probable result, the inquiry naturally arises as to the mode of the Treasury for getting rid of these dollars. If of less value than legal-tender notes, no one will accept them in exchange for the latter; and being a legal tender for only $20, they could not be paid out to any considerable extent in the ordinary disbursements of the Treasury. As these dollars may, however, pay any dues to the Government equally with legal-tender notes, they will, until the issue has been considerable, maintain a value nearly equal to the legal-tender notes; but whenever the issue shall be in excess of the demand for the purpose indicated, they will, provided silver shall not materially advance in value, depreciate and become a drug in the market. If this should prove to be the case, the United States Treasury would find it difficult to get rid of the amount which it would be obliged to receive in payment of dues.

One of the objects of issuing this dollar suggested by the Senate bill appears to be to re-establish the old relative proportion of silver to gold in the coinage, 16 to 1, but that would not amount to much, with a restriction of legal tender. In the present attitude of the principal European countries with respect to silver as a monetary standard and the undoubted large excess of supply over demand, may it not be unwise to attempt to establish a double standard on a basis which would value silver say 12 per cent. above its commercial relation to gold? Let this be weighed by thoughtful legislators.

If it were admitted that the true policy of this country is to establish a double standard, the time has not arrived even to consider what the ratio of the two metals should be. We should first see what decision shall be arrived at by France, Belgium, and Holland. Unless those countries adhere to the double standard, its establishment by the United States would, in the present condition of affairs, practically be the adoption of the silver standard, and open a market for the surplus of the world, and without any reasonable prospect of arresting the decline in the value of silver.

Instead of issuing a dollar of 412.8 grains, it would no doubt be far better to coin the trade-dollar exclusively on Government account and give it precisely the same character and uses which the pending bill provides for the proposed new dollar. This would make the trade-dollar an active and useful domestic coin, and would not lessen its value for export to the oriental nations.

The coinage might be large, but there would be no danger of redundancy.

The export of ten or twelve millions to China annually would effectually prevent that. With this export value no serious embarrassment could arise in case silver should fall considerably lower, but it would not be so with the proposed new dollar, as it would have no export value except as bullion.

The value of the trade-dollar is one and one-half cents more than the proposed dollar of 412.8 grains, and having an export demand

equal to about one million per month. Greenbacks would be readily given in exchange for it, and if used to pay internal duties the Treasury would find a ready market for it.

It is quite certain that the trade-dollar, if these suggestions be adopted, can be made a much more active and useful coin than the proposed new dollar, and that the effect would be to more surely and rapidly appreciate the value of greenbacks; and it would be much more likely to preserve a purchasing power equal to greenbacks, and with gold, after resumption, than a dollar of 412.8 grains.

I present these propositions not so much by way of unreserved approval as to provoke careful reflection.

In conclusion, Mr. Speaker, allow me to thank the House for their leave to present these facts and principles bearing upon our silver issues.

In presenting this bill and explaining possible and future bills, we take one more steady step forward to reach the legal tender of the Constitution, to obtain a currency which is worth what it costs to get it out of the earth.

If we utilize the labors of our mines by recurring to the universal standard from which silver cannot be eliminated, there will be, in more ways than one, a spur to production, a revival of trade, and increased demands for labor. When, as in our country at present, labor is depressed and the productive classes unemployed, it becomes us to approach as nearly as possible a rigid standard. The increase or diminution in the measure of value so as to disturb that standard is injustice to all. Legislation may not avail to protect against such injustice, but certainly it is our duty to avoid all artificial stimulants or narcotics in the political body. Nature, as well as commerce and trade, if left unshackled, will work out the fiscal problems of our time and country far better than hasty, selfish, or sectional legislation.

Why, then, should we discriminate in our legislation against silver, a product of our own land? It is a product, like wheat. It costs to get it. Its beauty and brilliancy are inferior to no metal. Softer than copper, harder than gold, its malleability makes it a medium, and our organic law regards it as a legal medium of exchange. Its very ductility gives it a quality as wonderful as that of any metal. It may be drawn out into wires finer than hair. A grain of it may be extended by the genius of mechanism four hundred feet in length. Its tenacity is not less remarkable. Its alloy with copper by fusion not only makes it harder, but gives it a ringing sonorousness which is beginning to make music in the pockets of the million. It may be too heavy for lazy effeminacy, but it is none the less precious when jingled in the hand of toil. Our Government has fixed its standard, as have Britain, Austria, and France. Let us maintain it, as our fathers advanced it, above and out of the slough of the continental currency!

This white metal is not a new coin. I have seen its old mines in Cartagena, which were once worked by Spanish slaves under Roman masters, as Peru and Mexico have worked their mines under Spanish mastery. The ancients used silver for coin, and made the coin unalloyed. Hungary, Saxony, Norway, and Asiatic Russia have had and yet have their mines of silver; but all nations, ancient and modern, fail in its production in comparison with our own mining miracles. The stories of Monte Cristo and the fables of Aladdin and the Orient do not touch the realities of Nevada with its incalculable bonanzas.

In our present emergencies, and when the bulk of the currency of our country is provincial paper; when it is, therefore, non-exportable; when it is neither the standard of wages nor prices; when it is not the legal tender which industry deserves or the Constitution contemplates, is it not a heroic and wise movement toward honest money, to prepare with caution and receive with prudence this remarkable metal placed by Providence within the bosom of the earth, to be delved after as a factor in the exchanges of our enterprising country and busy world? Well might the Psalmist exclaim: "O, Lord, how manifold are Thy works! In wisdom hast Thou made them all. The earth is full of Thy riches."

Mr. EDEN. I rise to a point of order. This bill makes appropriations, and should have its first consideration in Committee of the Whole.

Mr. COX. The point of order is made too late.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. REAGAN. I ask to have my amendment read for information.

Mr. COX. I have no objection to the gentleman's amendment being read.

Mr. TOWNSEND of Pennsylvania, Mr. REAGAN, and Mr. LANDERS of Indiana rose.

The SPEAKER *pro tempore*. The gentleman from New York, the chairman of the Committee on Banking and Currency, yields to his colleague on the committee, the gentleman from Pennsylvania, [Mr. TOWNSEND,] that he may offer an amendment.

Mr. TOWNSEND, of Pennsylvania. I move to amend the bill by striking out "$20,000,000" and inserting "$10,000,000."

I desire in a very few words to explain the reason wherefore I offer that amendment. The object of my colleague from Pennsylvania [Mr. RANDALL] in introducing the bill was to supply a deficiency which he imagined existed in the fractional-currency system of the country arising from the destruction of the fractional notes. I think, sir, I can show that the amount is far beyond what is or will be the actual deficiency that will arise from the destruction of those notes.

I have a table from the Treasury showing that the whole amount of fractional currency outstanding of the first four issues down to the last issue, which was made last February, is only $18,000,000, while the gentleman's bill is to supply its place by an issue of subsidiary coin to the amount of $20,000,000. But that fractional currency is still coming in. It comes in every day. The day on which I was at the Treasury and obtained this statement, May 25 last, there had come in of it $324,000 for the purpose of being destroyed. No man can tell precisely within the next twenty years how much of it will be destroyed, for it will be coming in all the time, until the whole of it that can be obtained comes into the Treasury.

To arrive at any conclusions as to the amount that may be needed we have to arrive at those conclusions by analogy, by ascertaining what has been the destruction of other paper currency. And I find in the report of the Comptroller of the Currency that out of the $60,000,000 that were issued by the United States from July 17, 1861, to December 31, 1862, in fives, tens, and twenties, the whole amount outstanding on the 1st of November, 1875, was only $69,707, or one-ninth of 1 per cent.; while this bill proposes to supply a deficiency of 40 per cent. of fractional currency.

Mr. BUCKNER. I would ask the gentleman if he thinks there is any danger of our getting too much gold and silver in the country?

Mr. TOWNSEND, of Pennsylvania. Not if it is of the right weight and standard.

Now in New York State, of two hundred and eighty-six banks, the maximum circulation was $50,754,515; and after six years' notice for all of those notes to come in, after which time they would not be payable or redeemable at the Treasury, there was left out only $1,336,009, equal to $2\frac{63}{100}$ per cent. of the whole amount. And again, thirty of those banks in the city of New York are still redeeming their circulation as a matter of honor, although exonerated from it by the law; and of their $7,763,000 circulation there is only now unredeemed $142,365, equal to about $1\frac{83}{100}$ per cent.

In Wisconsin, of two hundred and forty State banks, there are unredeemed only $1\frac{86}{100}$ per cent. And of all the national banks which failed in 1870 there is but $1\frac{39}{100}$ per cent. of the circulation outstanding.

Of the $50,000,000, then, of fractional currency which we have issued, the whole amount that we can reasonably expect that the Government will ever be advantaged by would be about 5 per cent., and not more than 10 per cent. at the utmost, which would be about $5,000,000. I am willing, however, to make any reasonable allowance and let the bill stand at $10,000,000, which would be to allow that 20 per cent. of the issue of the fractional currency would not be redeemed.

I am opposed to the issue of any more of this subsidiary coin, this depreciated currency, than may be absolutely necessary for the every-day wants of trade. The experience of the country shows that there never was necessary more than $41,000,000 of fractional currency. There never was outstanding in the hands of the people at any one time more than forty-one millions and two or three hundred thousand dollars of these fractional notes. It would be an erroneous policy, therefore, to issue more than was necessary for the wants of the people. If we take off $10,000,000, from the $41,000,000, it would leave $31,000,000. But the gentleman proposes in this bill to add to that $20,000,000, making the whole outstanding subsidiary coin and minor currency over $51,000,000, and inflating the currency to that extent with a kind of currency that will necessarily be depreciated, because it is an overplus.

Now it is the fact with regard to this very subsidiary coin that before the war and while it was in circulation, there being at that time about $50,000,000 thereof, it made a plethora in the subsidiary silver currency of the country, and it was with the greatest difficulty that men who had large amounts of it could get rid of it at par. Besides that, it is a tax and a burden on the laboring man, because the greater part of his purchases are made in this kind of coin at the grocers, the butchers, and the bakers, and the store-keepers generally; and knowing that they will have to pay their bills in this kind of coin to their creditors in the commercial cities, and that in doing so they have to submit to a discount, they always take care to protect themselves by putting an additional price upon all articles which the poor man has to buy.

For these reasons, therefore, that it will be beyond the wants of the people and a tax upon the laboring classes to adopt the bill in this present shape, I hope that my amendment, which will carry the amount of currency far enough, will be adopted by the House, and that the amount proposed by my colleague, [Mr. RANDALL,] being too much, will be voted down.

Mr. COX. I now yield to the gentleman from Texas [Mr. REAGAN] to have his amendment read.

Mr. REAGAN. I would like the gentleman to allow me five minutes on my amendment. I do think the House ought to hear me five minutes on this subject.

The SPEAKER *pro tempore*. Does the gentleman from New York yield?

Mr. REAGAN. This is not a question upon which to gag members.

Mr. COX. The gentleman says I would gag members on this question. Why, sir, I was about to yield to him the time he asks.

Mr. REAGAN. I hope the gentleman will do so.

Mr. COX. If the gentleman from Texas will withdraw the word "gag" I will.

Mr. REAGAN. Certainly. I read the amendment which I propose.

It is in line 4 of section 2, to strike out the words "or in exchange for legal-tender notes at par;" so that it will read:

SEC. 2. That the silver bullion required for this purpose shall be purchased from time to time, at market rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; and the resulting coin may be issued in the ordinary disbursement of the Treasury; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue or exchange as herein provided without loss to the Treasury, and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $1,000,000.

What I want to say is that in a time of contraction and depression like this it seems to me to be an unwise policy to take from the circulation of the country any amount of the legal-tender notes. We have just passed a bill, the effect of which is apparently to retire ten millions of Treasury notes in the interest of the banks and against the interests of the country. These words "or in exchange for legal-tender notes at par" are also, whatever the intention of the committee was, in the interest of the banks and against the interests of the people of the country, to the extent of proposing to retire Treasury notes to place it in the power of the banks by the issue of currency to take up twenty millions of coin.

If the gentleman will allow that amendment, I am anxious to see this bill pass, authorizing the issue of $20,000,000 in subsidiary coin to be disbursed by the Government in any payments which it may have to make, if you put this additional silver coin in circulation and keep it out of the power of the banks to subscribe for it, and retire from circulation $20,000,000 of the present circulating medium, which the business of the country requires. I am indebted to the courtesy of the gentleman from New York, and will not trespass further on the time of the House.

Mr. COX. I now yield to the gentleman from Indiana [Mr. LANDERS] to have an amendment read only.

The amendment of Mr. LANDERS, of Indiana, was read, as follows:

Strike out all after the word "offices," in the sixth line, and insert as follows:

One hundred million dollars in silver coin as hereinafter provided.

SEC. 2. That the silver bullion required for this purpose shall be purchased at its market rates by the Secretary of the Treasury, with any legal-tender notes not otherwise appropriated, and the resulting coin may be issued in the ordinary disbursements of the Treasury; and no purchase of bullion in exchange for said legal-tender notes shall be made under this act when the market rate for the same will not admit of its coinage and issue without loss to the Government, and any gain or seigniorage arising from its coinage shall be accounted for and paid into the Treasury as now provided by law relative to subsidiary coinage; and the coinage of the bullion shall be one-half in dollars of the same weight and fineness as the legal silver dollar of the United States in use January 1, 1861, and the remainder in fifty, twenty-five, and ten-cent pieces, as the Secretary of the Treasury shall direct. Said dollar shall be a full legal tender for all debts, public and private, and the fractional part thereof shall be a legal tender for all debts not exceeding $20.

SEC. 3. It shall be the duty of the Secretary of the Treasury to keep a careful account of the amount of all silver coin issued under this act and the act authorizing the issue of subsidiary coin for the redemption of fractional currency, together with the amount and kind of coined silver exported or used for manufacturing purposes, and at all times to keep in circulation of subsidiary silver coin and fractional currency a sum of not less than $45,000,000; and said Secretary shall always, when requested, deliver in sums of $50, or any multiple thereof, fractional currency in exchange for legal-tender notes at their par value, which legal tender notes shall be covered into the Treasury with other public funds. And the Secretary of the Treasury is hereby authorized and directed to prepare and keep on hand a sufficient amount of fractional currency to carry out the provisions of this act.

Mr. BLAND. I desire to have an amendment read.

Mr. COX. I now yield for that purpose.

The amendment of Mr. BLAND was read, as follows:

That the silver dollar of 412.8 grains standard silver to the dollar is hereby authorized to be coined at the mints of the United States, and said dollar shall be a legal tender for all debts, public and private, not specified to be paid in gold.

Mr. COX. There is a bill pending in the Senate in reference to that matter, to which attention will be called. It is worthy of the careful attention of members. I now yield to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I desire to state with reference to this bill that it is to supply a deficiency in the amount of subsidiary coin. From the best estimate I can reach, the amount of subsidiary silver coin which will go out under the legislation known as the substitution legislation as silver in place of fractional currency will not exceed $25,000,000.

I introduced a bill which was referred to the Committee on Banking and Currency, proposing a further issue of $25,000,000 of subsidiary silver coin. The committee reduced the amount from twenty-five millions to twenty millions and so reported the bill to the House.

Now this question of the amount of subsidiary coin necessary to do the business of the country is simply one regulated by past experience. Before the war, so far as I can find out from statistics, the amount of silver coin in use for small transactions, the retail transactions of the business of the country, was $48,000,000. Now, my judgment leads me to believe that with the increased population of the country $50,000,000 will not be too much, and that it will require at least $50,000,000. Some who are well informed on this subject declare that $65,000,000 could be very well floated and there would be no redundancy of that amount.

The next point in this plan is to authorize the Secretary of the Treasury to purchase $1,000,000 of silver bullion with $1,000,000 of legal-tender notes or of national-bank notes, and the legal-tender notes paid for the bullion will go at once into circulation. There is, therefore, no feature in this bill which proposes in the least to contract the currency or to destroy any portion of the greenback circulation. The million of dollars of silver bullion having been purchased with the $1,000,000 of notes in the Treasury, the bullion is then minted, the Government secures the seigniorage, and that amount of coin is issued and goes into circulation.

Mr. REAGAN. I would ask the gentleman from Pennsylvania if these words, "or in exchange for legal-tender notes at par," do not take those legal-tender notes out of circulation?

Mr. RANDALL. No, sir; it only allows $1,000,000 to be used at any one time for the purchase of silver bullion for coin, and the result in coin when it is paid out makes the debit and credit sides of the Government account exactly even.

Mr. REAGAN. The gentleman is talking about one clause of the bill and I about another. The clause I am referring to is this: "And the resulting coin"—that is, the coin made from the bullion purchased—"may be issued in the ordinary disbursement of the Treasury, or in exchange for legal-tender notes at par."

Mr. RANDALL. It is not my object to retire any of the legal-tender notes in any way by this bill. I do not know how that clause came in, and I am willing to have it struck out.

Mr. REAGAN. If that clause is struck out I will support the bill.

Mr. TOWNSEND, of Pennsylvania. That is the clause making provision for putting into circulation the silver coin resulting from the bullion purchased.

Mr. RANDALL. The object is to put the silver coinage into circulation, not to destroy the greenbacks.

Mr. GARFIELD. Has the gentleman any objection to an amendment providing for the retirement of an equivalent amount of paper circulation as this coin is issued?

Mr. RANDALL. I would object to that, because I do not want to trench upon that question at all. I may just as well say here that in my remarks upon the amendment to the rules the other day I desired to say that I believed the Committee on Banking and Currency would give, and I now say that under that expression of the House I think they are bound to give us an opportunity to vote for some act that may modify the resumption act. As I understand that act, I do not think it contains any provision to give it force and effect. The result is that we are fast approaching the day fixed for the act to go into effect without any preparation whatever for resumption.

Mr. KASSON. That question is not now before the House, and I must object to its being debated at present.

Mr. COX. I call the previous question.

Mr. WHITEHOUSE. Will the gentleman allow me to offer an amendment?

Mr. GARFIELD. I ask the gentleman to yield to me for three minutes.

Mr. REAGAN. I want my amendment to be offered.

Mr. COX. I am willing to hear the amendment of my colleague [Mr. WHITEHOUSE] read for information only, and I will yield to him for three minutes to make some remarks.

Mr. REAGAN. I want to know if my amendment is pending?

The SPEAKER *pro tempore*. The Chair understood that it was agreed by the gentleman from New York [Mr. COX] that it should be read for information only.

Mr. REAGAN. The gentleman from Pennsylvania [Mr. RANDALL] said that he had no objection to my amendment.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] has not the charge of this bill; it is in the control of the gentleman from New York, [Mr. COX,] who reported it from the committee.

Mr. REAGAN. Does the Committee on Banking and Currency undertake to forbid any amendments? I hope the House will not permit this bill to be forced through in this way.

Mr. COX. I yield to allow the amendment of my colleague to be read.

The Clerk read the proposed amendment of Mr. WHITEHOUSE, as follows:

Amend the substitute by striking out $20,000,000 and inserting $15,000,000.

Mr. RANDALL. I would like the gentleman from New York [Mr. COX] to permit the gentleman from Texas [Mr. REAGAN] to test the sense of the House upon his amendment.

Mr. COX. What is the amendment.

Mr. RANDALL. The gentleman from Texas desires the sense of the House to be taken on striking out these words: "Or in exchange for legal-tender notes at par."

Mr. REAGAN. That is all I ask.

Mr. RANDALL. I understand that the object of putting in that clause was to provide the means for putting into circulation the silver coin provided for in this bill.

Mr. KASSON. It is simply a privilege to people who want to make the exchange of notes for coin, and ought to be in the bill.

Mr. COX. I will yield to my colleague [Mr. WHITEHOUSE] for three minutes.

Mr. REAGAN. Is my amendment pending?

The SPEAKER *pro tempore*. Does the gentleman from New York yield to allow the gentleman from Texas to offer his amendment?

Mr. COX. I yield first to my colleague [Mr. WHITEHOUSE] for three minutes.

The SPEAKER *pro tempore*. Then the Chair will rule that the amendment of the gentleman from Texas is not before the House.

Mr. WHITEHOUSE. Mr. Speaker, in proposing my amendment for reducing the amount of subsidiary coin, I have done so with a full conviction that it provides the full amount required for this purpose, and will be ample to meet the demands of the people.

I am in favor of an early resumption of specie payment, either in silver of proper standard value or in gold. I voted against the resumption act of 1875, not that I was opposed to the resumption of specie payments at as early a day as practicable, but I thought it unwise at that time to specify any particular time, especially in the absence of any legislation in that measure furnishing the requisites for resumption, and in the absence of any previous legislation tending in that direction.

I have steadily voted during this session against all propositions for the unqualified repeal of that resumption act, because I had hoped that the repeal would be accompanied by some measure which would have a tendency toward the resumption of specie payments, however slowly. But at this late day of the session I despair of having that repeal accompanied by anything looking toward the resumption of specie payments, and hence I must say that at this late hour I am prepared to vote for and shall most gladly support any bill for the repeal of that portion of the resumption act of 1875 which names a specified day for resumption.

Mr. FRANKLIN. Why not let us have a fair and square vote on the repeal of the resumption act? That is what we want.

Mr. COX. I yield for the purpose of allowing the amendment of the gentleman from Texas [Mr. REAGAN] to be offered. That being admitted, I shall call the previous question.

Mr. REAGAN. I move the amendment which has been already read at the Clerk's desk.

Mr. COX. I now call the previous question absolutely.

The previous question was seconded and the main question ordered.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, to strike out $20,000,000 and insert $10,000,000, it was not agreed to.

The question then recurred on the amendment of Mr. REAGAN to strike out in section 2 the words "or in exchange for legal-tender notes at par."

Mr KASSON. That takes away the popular right to exchange.

The amendment was agreed to; there being ayes 64, noes not counted.

Mr. RANDALL. I suggest to the gentleman from Texas a further amendment, to strike out after the words "coinage and issue" the words "or exchange," so as to make the proposition harmonious.

Mr. REAGAN. I hope that modification will be adopted.

Mr. COX. I trust there will be no objection to it.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be made.

There being no objection, the modification was agreed to.

The substitute reported by the committee, as amended, was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. EDEN. I wish to ask the chairman of the Committee on Banking and Currency whether this bill proposes to retire any of the legal-tender notes now in circulation?

Several MEMBERS. Regular order!

The bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BAKER, of Indiana, obtained leave to have printed as part of the debates, remarks on the bill just passed. [See Appendix.]

ARMY OFFICERS ON DUTY AT WASHINGTON.

The SPEAKER *pro tempore*, (Mr. COX,) by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a statement of pay and allowances of officers on duty at Washington since March 4, 1869; which was referred to the Committee on Military Affairs.

DISTRIBUTION OF GENEVA AWARD.

Mr. LORD. I move that the House resume the consideration of the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award.

The motion was agreed to.

Mr. WILLIS proceeded to address the House.

CARE OF THE HALL.

While Mr. WILLIS was speaking some confusion occurred in the Hall, in consequence of some of the glass falling from one of the escutcheons in the ceiling.

Mr. BANKS. Mr. Speaker, I avail myself of the interruption of the business of the House, occasioned by the fall of a part of one of the panes of glass in the ceiling overhead, to ask attention to the necessity of some action that shall prevent its recurrence. There is some person over our heads evidently engaged in some employment that ought to be deferred until adjournment. The orders of the House forbid any person to pass over the ceiling during its sessions. This order has been violated and it has endangered, and will endanger, if allowed, the lives of members. It has occurred before. I move that the Clerk of the House be directed to inquire into the cause of this interruption to our proceedings and to report the facts to the House, with such recommendations as may prevent the recurrence of the accident.

The SPEAKER *pro tempore*, (Mr. COX.) This is a question of the personal safety of members, and is one of the highest privilege. The Chair understands that the Hall is under the control of the Clerk, and that the Clerk has already sent a messenger to ascertain how this has occurred, and he will report to the House what it means.

Mr. BANKS. I think we want something more than that. This has occurred before, and may occur again. I ask for action on my motion that the Clerk be directed to inquire into the cause of this interruption of the proceedings of the House, and that he report the facts to the House.

Mr. RANDALL. We are not safe if people are going to break windows over our heads.

The motion of Mr. BANKS was agreed to.

GENEVA AWARD.

Mr. WILLIS resumed the floor.

Mr. HURLBUT. If the gentleman from New York [Mr. WILLIS] will yield to me, I will move that the House do now adjourn. The gentleman can complete his remarks on Monday.

Mr. WILLIS. There is a gentleman on this floor who desires to participate in this debate, and purposes leaving the city to-night. I promised to yield a portion of my time to him, and it would be a violation of good faith if I yielded now to a motion to adjourn. The member to whom I refer is the gentleman from Mississippi, [Mr. WELLS.] But before yielding to him I desire to yield for a moment to the gentleman from Ohio, [Mr. POPPLETON,] who has a report to present from the Committee of Elections.

CONTESTED ELECTION—ABBOTT VS. FROST.

Mr. POPPLETON. I rise to make a report from the Committee of Elections in the case of Josiah G. Abbott vs. Rufus S. Frost. I ask that the resolutions be read, and move that the report be printed and lie on the table.

The resolutions reported by the committee were read, as follows:

Resolved, That Rufus S. Frost was not elected, and is not entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

Resolved, That Josiah G. Abbott was elected, and is entitled, to a seat in the House of Representatives in the Forty-fourth Congress from the fourth congressional district of Massachusetts.

The report was ordered to be printed, and to lie on the table.

Mr. BAKER, of Indiana, by unanimous consent, presented the views of a minority of the committee.

The minority report, concluding with the following resolutions, was laid on the table and ordered to be printed:

Resolved, That Rufus S. Frost was elected, and is entitled, to a seat in this House.

Resolved, That Josiah G. Abbott was not elected, and is not entitled, to a seat in this House.

TARIFF.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, obtained leave to have printed in the RECORD, as part of the debates, some remarks which he had prepared in regard to the tariff bill. [See Appendix.]

BONDS AUTHORIZED BY ACT OF JUNE 20, 1874.

Mr. WOOD, of New York, by unanimous consent, introduced a bill (H. R. No. 3589) to prevent default or delay in the payment of interest on the bonds authorized by act of Congress approved June 20, 1874; which was read a first and second time, referred to the Committee of Ways and Means, ordered to be printed.

GENEVA AWARD.

Mr. WILLIS. I resume the floor and yield to the gentleman from Mississippi, [Mr. WELLS.]

[The remarks of Mr. WILLIS will appear hereafter when completed.]

Mr. WELLS, of Mississippi. I send to the desk to be read an amendment which I desire to have printed in connection with my remarks

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That an act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874, and as amended by divers acts, namely—

First. By an act approved December 24, 1875, entitled "An act to extend the duration of the court of commissioners of Alabama claims;"

Second. By an act approved February 15, 1876, entitled "An act providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress;" and

Third. By an act approved March 6, 1876, entitled "An act to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims"—

be, and the same is hereby, continued and extended to the 22d day of July, 1877, with the same effect, and no other, as if said last-named day had been named in said act for the termination of the powers of said court, and said act is hereby continued in force during said period, subject, however, to the changes, alterations, and amendments hereinafter provided for.

SEC. 2. That in addition to the class of claims provided for in said act, it shall be the duty of said court to receive and examine two other several classes of cases, namely, claims directly resulting from damage caused by any and all of the so-called confederate cruisers or their tenders, and claims for the payment of premiums for

war risks, whether paid to corporations, agents, or individuals, after the sailing of any confederate cruiser; and the said court shall not give priority to either, but shall give judgment in full in each and every case, no matter to which class belonging.

SEC. 3. That the said court shall report to the Secretary of State a list of the several judgments and decisions made by it, a certified copy of which shall, upon the conclusion of the business of the said court, be by him transmitted to the Secretary of the Treasury, who shall thereafter as soon as may be, and upon such notice and such manner as he shall prescribe, pay the said judgments, together with interest at the rate of 4 per cent. per annum, or the amount of said judgments from the date certified, unto the persons respectively in whose favor the same shall have been made, or to their respective legal representatives, in full satisfaction and discharge of said judgments. After payment of the two classes before provided for, any sum that remains in the Treasury is hereby appropriated as follows:

First, said court shall ascertain what persons have sustained injuries to person or health by reason of such confederate cruisers, and, in any case in which it shall be satisfied that such personal injury has been sustained, may award therefor a reasonable sum.

Second, the residue shall be paid into the Treasury for future appropriation.

SEC. 4. That the said court of commissioners of Alabama claims shall be extended and shall continue to exist for one year, from and after the 22d day of July, 1876; and, should it be found impracticable to complete the work of said court before the expiration of the said one year, the President may, by proclamation, extend the time of the duration thereof to a period not more than six months beyond the expiration of the said one year; and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended.

SEC. 5. That all laws and clauses of laws coming in conflict with this act be, and the same are hereby, repealed.

Mr. WELLS, of Mississippi. Mr. Speaker, the indemnity paid over by Great Britain to the United States under the award of the Geneva arbitration was $15,500,000 in gold. This fund was invested in a 5 per cent. security in 1873. The fund now, principal and interest, when converted into currency, will amount to about $21,000,000.

According to the most reliable estimates, it will take about eight millions of the fund to pay all the judgments now rendered and to be rendered up to the 22d of July next, when the act under which the court is now organized will cease to be operative; leaving about thirteen millions of the fund. The history of our negotiations with Great Britain, beginning with the treaty of Washington and ending with the award at Geneva, proves beyond dispute that this remaining thirteen millions belongs to some portions or classes of our citizens. The award at Geneva was peculiar in its character. Although paid as a sum in gross, which was to cover all claims growing out of the depredations of confederate cruisers, yet it was arrived at, in some way never made public, upon special data based upon losses suffered by American citizens. As this sum was paid to re-imburse for these losses, it must be admitted that the Government of the United States should make distribution of this fund among those of her citzens who suffered wrong.

It is to be hoped there are but few who favor covering the remainder of this fund into the National Treasury. Such an act would be not only unjust and cruel to our own citizens, to whom the money rightfully belongs, but it would be an act of national discourtesy and national wrong to Great Britain. It would be a palpable breach of good faith toward that power. The Government of the United States affected the deepest anxiety to obtain this remuneration for her injured citizens. The claims of our citizens were presented at Geneva as the basis of our demand. Great Britain paid it as such, and for that purpose. If we now divert this money to the general uses of the nation, we shall occupy the position in the eyes of the world of having misled, deceived, and imposed upon Great Britain, and of having obtained millions of money from her under false pretenses. What would the friendly arbitrators of other countries, that made the award, think of our Government, if they see that we used them as mere cat's-paws, to cheat a friendly nation, for the purpose of replenishing our own Treasury, instead of paying it over to those who are entitled to the protection of the Government, and for whose benefit it was awarded?

If we can find none among our own people who are entitled to this money, then we should show ourselves to be a just and magnanimous nation, and tender it back to Great Britain again. We should prove ourselves to be too noble, too proud, too generous, too just, to defile our hands with money that belongs to others, and which we had managed to get hold of by indirection and fraudulent pretense. But I take it for granted this is not to be done. I hope we shall be spared seeing any names recorded in favor of appropriating to our own use money which does not belong to us.

The practical question is, how shall we dispose of this fund in conformity with our duty, and in discharge of the obligation which rests upon us? What class or classes of our citizens are best and most justly entitled to it? Without going into the argument of that question now, I will advert to the fact that there are three classes of our people who insist that it was their losses by the depredations of the confederate cruisers, and their claims for redress, that superinduced the treaty of Washington and the arbitration at Geneva, and who contend that they are entitled to priority in the distribution of this fund. It is much to be regretted that these several classes of claimants are indulging in a feeling of rivalry and in terms of disparagement toward each other.

The three classes of claimants who are contending for the balance of this fund, or a portion of it, are, first, the insurance companies; second, those who paid heavy war premiums during the war on vessels and cargoes, owing to the danger of capture by the confederate cruisers; and, third, those who lost by the depredations of the other exculpated cruisers of the Confederate States, the Nashville, the Sumter, the Georgia, Tallahassee, &c. Each of these classes of claimants is contending for priority, as being most meritorious. What ought Congress to do? Each class of claimants suffered loss; each contends that it has the strongest ground on which to apply to Congress for redress.

The award was made to the nation for actual sufferers. By the treaty of Washington all the claims growing out of the ravages of the confederate cruisers on the high seas were satisfied by the sum awarded.

As to the insurance companies, Congress may well pause, and listen to the objections urged by those who say that the insurance companies reaped a rich harvest from the heavy premiums they received upon war risks; they made money enough by the war; and they ought to be content with the law as it now stands, which provides for allowing them for the surplus of what they lost, over and above what profit they realized on war premiums paid them. We cannot ignore the history of the negotiation, and what was done at Geneva. The claims of the insurance companies were presented at Geneva in detail. These claims did constitute a part of the data on which the arbitrators at Geneva made their award in gross of fifteen and a half millions. The representatives of Great Britain at Geneva did not object to these claims of the insurance companies as evidence; so far from it, they readily admitted them, according to the commercial law of the world, as evidence. It cannot be claimed that the United States received, and now holds, a portion of this fund as a trustee for the insurance companies, and that in equity and in good faith it ought to be paid to them, for it must be borne in mind that the representatives of the United States at Geneva, under the treaty and special instructions from the Executive here at home, positively refused to bind our Government, or to commit it in any way, as to how, in what proportions, or to what parties, it would distribute this fund, reserving to itself entire control over that question. This our Government no doubt felt itself called upon to have stipulated, by way of maintaining its independence and unconditional authority in dealing with its own citizens. So that, while in equity and good faith the Government cannot absolve itself from the obligation to perform its duties for a certain class of our people, yet *literally* it reserved to itself the power and the right to remunerate any meritorious class of the population that suffered from the depredations of the confederate cruisers, if they should think proper to do so.

We have no reliable data by which to judge of the *motives* that actuated the parties at Geneva. Looking at the history of the transaction, it must be admitted that the claims for war premiums and for losses by the exculpated cruisers were presented at Geneva, and after long discussion were thrown out. But may it not be, is it not reasonable to suppose, that our Government may have regarded their agreement to the abandonment of these claims as the price they had to pay for the allowance of the claims that were recognized in making up the award in gross? If our Government presented the war-premium claims and the claims for losses by the exculpated cruisers as being equally meritorious with the claims of the insurance companies; if the abandonment of the latter was an element that entered into the allowance of the former; if the Government temporarily sacrified the latter as a part of the price paid for the former, is not the Government now bound, when it has the entire control over the whole subject, to remunerate one meritorious class of claimants as well as another? It reserved to itself the power to do so, subject to the equities of the parties interested.

Those who paid heavy war premiums were forced to do so as a consequence of a war the Government was then waging. They were compelled to pay these excessive premiums or abandon the pursuits of commerce. It was the only method by which our ships could be kept afloat. And now, while paying for the losses of ships and cargoes that they thus enabled to fly the American flag, will the Government ignore and refuse to give redress to those whose heavy contributions kept our commerce afloat?

So also in regard to the exculpated cruisers. The losses by them were also presented at Geneva, and were not recognized. But the sacrifice of these claims at Geneva was also a part of the price paid for the indemnity our Government did secure. All and every one of the many classes of claims presented at Geneva constituted the *gravamen* of our complaint against Great Britain. By the terms of the award, as before stated, the sum agreed on was to be in full satisfaction of all our claims against Great Britain growing out of the depredations of the confederate cruisers. Every meritorious claim of every one of our people which the Government agreed to abandon as a part of the consideration for this fifteen and a half millions our Government is in honor bound to redress, and is in equity and good faith a charge upon the fund itself. I admit the insurance companies are entitled to remuneration. But let them not be so selfish and exacting as to deny the meritorious claims of others. Let them recollect that if our Government had pertinaciously insisted upon having the losses by war premiums and by the exculpated cruisers paid for, the negotiation would have failed, and they (the insurance companies) would have got nothing even for actual loss.

I have said the balance of this fund yet to be distributed will amount to ten or eleven millions of dollars. It belongs to certain of our American citizens. There is enough to satisfy the reasonable demands of all the claimants. We do not know exactly what are the relative amounts contended for by the several classes of claimants, but we

have data, as I am credibly informed, that enable us to make a proximate estimate. It is thought that the claims for losses by the exculpated cruisers will amount to about $1,000,000, the excess of war premiums over ordinary marine risks to about $6,000,000. Some allowance must be made for the pruning these several claims must necessarily receive at the hands of the court. From all I can learn, I am inclined to think there is enough of the fund to pay them all, or to come very near it. The bill reported by the Judiciary Committee gives the entirety of one class of claims priority over all of the two last and the entirety of two classes priority over all of the third. Considering the rivalry and, I regret to see, the bad feeling excited among these respective classes of claims, I fear there is not much prospect of harmonizing on that bill; and therefore we must do what is right, and pay the money to actual sufferers. No one has a legal claim to the fund; it is disbursable in the discretion of Congress. Certainly, those who have lost should first be paid. Yet there is a class of sufferers whose claims should at least rank as secondary.

But as the vessels sunk in the sea and their cargoes were the basis of the award, the money must first be paid *in rem* after claims based on property are satisfied; then, as a secondary loss, claims *in personam* may be allowed. There are many who suffered in person and health from imprisonment in confederate cruisers; and certainly the residue can be appropriated to no better purpose, for I consider these several classes of claims as equally meritorious; I regard them all as having equal claims upon the equity and good faith of Congress. And yet the claims upon property, for the reasons before given, should be first satisfied. Those who have just claims on this fund ought to have their money, and that as soon as possible. They need it. Financial distress prevails throughout the land. Relief could never come to those entitled to it at a more acceptable time. For the reasons given, I propose an amendment to the bill, providing for the payment of the residue, after satisfying the two classes provided for, to persons who have so suffered in person or health, and let them be paid *pro rata* if there is not a sufficiency of the fund to pay them all in full.

I wish to make a friendly suggestion to the immediate representatives here of these respective claimants and who feel a proportionate interest in the rights and wishes of their constituents. By your strifes and bickerings, and by your exclusive demands upon the favorable consideration of Congress, you are in danger of sacrificing those whom you wish to serve. Do not forget the fable of the dog and the shadow. By grasping at all, you may lose all.

There is another suggestion I will make in all kindness. There is a large section of this Union whose people have no direct interest in this matter, who have no claims to present, and who will not participate in the distribution of this fund. I mean the Southern States. Still we wish to see the good faith of the Government preserved and the money given where it is rightfully due. I presume I feel on this subject as do the great body of southern representatives here. Compromise it among yourselves, be generous and forbearing, dispose of the question so as to leave no taunts or heart-burnings behind, and we are willing to vote with you in having a final settlement of the matter. But do not expect us to enter into your divisions or to become the partisans of one set of claimants in giving them priority over the others.

I wish to see this question finally disposed of. It will be getting rid of another troublesome subject growing out of the complications of our unfortunate internecine struggle. I wish to God it was the last! Congress will do well to dispose of it now. We may put it off from session to session, but if the money is not paid over to whom it belongs Congress will be besieged with these claims for thirty years to come. Year after year it will give rise to long discussion, until finally it will be paid with heavy interest. So, whether on the score of doing our duty to others or of consulting the economy of the Government or the comfort and convenience of Congress, now is the time to dispose of this matter.

I now yield to the gentleman from Ohio [Mr. LAWRENCE] for a question.

Mr. LAWRENCE. I will ask the gentleman from Mississippi whether the Geneva award covered anything but damages for the destruction of ships and cargoes?

Mr. WELLS, of Mississippi. We have not the data upon which the arbitrators made their award.

Mr. LAWRENCE. Were not all other claims withdrawn?

Mr. WELLS, of Mississippi. Not withdrawn.

Mr. LAWRENCE. Or excluded?

Mr. WELLS, of Mississippi. They may have been excluded.

Mr. LAWRENCE. Then the Geneva award covered nothing but damages for destruction of ships and cargoes. If that be so, would it not be a breach of faith with Great Britain for Congress to appropriate this money to any purpose except to pay those who suffered from the destruction of ships and cargoes?

Mr. WELLS, of Mississippi. I will answer the gentleman by saying that I understand the award was given for the purpose of compensating actual sufferers.

Mr. LAWRENCE. It was given for the purpose of compensating those who had ships and cargoes destroyed.

Mr. WELLS, of Mississippi. And those who had ships and cargoes destroyed may have been imprisoned and lost their health, and were therefore sufferers.

Mr. LAWRENCE. Would it not be a breach of faith for Congress to appropriate money to any persons except those who suffered loss from the destruction of ships and cargoes?

Mr. WELLS, of Mississippi. Without doubt.

Mr. LAWRENCE. Now, if ships were destroyed, and if the owners of them were re-imbursed by insurance companies, have the shipowners thus re-imbursed any claim upon this fund?

Mr. WELLS, of Mississippi. They certainly would for the amount they lost, for which they were not re-imbursed by the insurance companies.

Mr. LAWRENCE. To the extent to which they were re-imbursed, they would have no claim. Now one thing more. If the insurance companies——

Mr. WELLS, of Mississippi. I do not object to being catechised, but I would respectfully state to the gentleman from Ohio, that if he wishes to pursue this investigation further he can do it next week, and by an examination of the files of the State Department he can obtain more information than I can give him.

Mr. LAWRENCE. I expect to pursue the inquiry next week, but my design was to have the gentleman from Mississippi testify personally to the assertions I have made.

Mr. WELLS, of Mississippi. I will only say, in conclusion, that I wish to thank the gentleman from Ohio for the good faith and appreciation he has for my testimony, as I have certainly testified to the truth in the remarks which I have concluded.

TEXAS BORDER TROUBLES.

Mr. SCHLEICHER. I ask unanimous consent that the report of the committee in relation to the Texas border troubles be made a special order for Monday next at two o'clock, or immediately after the Geneva award bill has been disposed of.

Mr. RANDALL. Say immediately after the reading of the Journal on Monday.

Mr. DURHAM. I must object, as there are other special orders which have also been postponed.

Mr. HURLBUT. Then in behalf of the chairman of the Committee of the Texas Investigation, I give notice that on Monday next I will endeavor to call up that special order.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. HOLMAN the post-office appropriation bill, with the amendments of the Senate thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and, with the amendments of the Senate, ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported back the legislative, executive, judicial, &c., appropriation bill, with the amendments of the Senate thereto, and moved that the amendments of the Senate be non-concurred in, and upon that motion called for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments of the Senate were non-concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MIAMI INDIANS.

On motion of Mr. PHILLIPS, of Kansas, by unanimous consent, the bill (S. No. 619) to carry out in part the provisions of the act entitled "An act to abolish the tribal relations with the Miami Indians, and for other purposes," approved March 3, 1873, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

LOUISIANA INVESTIGATION.

Mr. LEVY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the special committee appointed by the House of Representatives to investigate the custom-house and other Government offices in Louisiana, and also the alleged outrages at Coushatta, be, and is hereby, further instructed to investigate and report upon the outrages alleged to have been recently committed in the parish of West Feliciana, in said State; and that said committee, or any subcommittee thereof, is invested with authority to visit said parish, make the necessary investigation, to summon and administer oaths to witnesses, and to send for persons and papers; and in regard to this additional duty is clothed with all the powers heretofore conferred on said committee by resolution of this House.

Mr. LEVY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT ROYAL HARBOR.

Mr. SMALLS. By unanimous consent introduced a bill (H. R. No. 3690) to authorize the construction of docks, warehouses and other buildings for shipping accommodations at Port Royal Harbor in South Carolina; which was read a first and second time, referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO REVISED STATUTES.

Mr. DIBRELL. I ask unanimous consent that the bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States

be taken from the Speaker's table and referred to the Committee on Military Affairs, with leave to report back at any time.

The bill was read.

Mr. BANNING. Why not put it on its passage?

Mr. HOLMAN. I wish to inquire what the effect of the bill is? No one can tell from the reading of it. I think it had better go to the committee.

Mr. BANKS. I object to granting privilege to the committee to report at any time.

Mr. DIBRELL. Very well; let it take the usual course.

The bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

BILLS REFERRED.

The SPEAKER *pro tempore*. The Chair desires to ask the House to allow bills from the Senate upon the Speaker's table, to be taken up and referred.

No objection was made.

The following bills from the Senate were severally taken from the Speaker's table, read a first and second time, and referred as indicated below:

A bill (S. No. 720) for the relief of Charles B. Phillips—to the Committee on War Claims.

A bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850—to the Committee on Public Lands.

A bill (S. No. 454) for the relief of the sureties of J. W. P. Huntingdon, deceased, late superintendent of Indian affairs in Oregon—to the Committee on Indian Affairs.

A bill (S. No. 737) granting a pension to Harrison H. Dodds—to the Committee on Invalid Pensions.

A bill (S. No. 767) granting a pension to Theodore Gardner—to the Committee on Invalid Pensions.

A bill (S. No. 774) to remove the political disabilities of Samuel Jones, of Virginia—to the Committee on the Judiciary.

A bill (S. No. 398) for the relief of Luther Hall—to the Committee on Patents.

A bill (S. No. 842) authorizing the commissioners of the District of Columbia to remove the jail on Judiciary Square to grounds near to the Washington Asylum for the use of the District—to the Committee on Public Buildings and Grounds.

A bill (S. No. 685) to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry—to the Committee on Military Affairs.

A bill (S. No. 803) to repeal "An act granting a pension to Mary H. Bartlett," approved January 28, 1873, to the Committee on Invalid Pensions.

A bill (S. No. 240) relating to the jurisdiction of the circuit courts of the United States—to the Committee on the Judiciary.

A bill (S. No. 715) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut—to the Committee on Claims.

A bill (S. No. 816) granting a pension to Laura M. Knowlton—to the Committee on Invalid Pensions.

The following bills of the House, returned from the Senate with amendments, were then taken from the Speaker's table, and, with the Senate amendments, referred as follows:

A bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona—to the Committee on Territories.

A bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government—to the Committee on Claims.

Mr. RANDALL. I move to reconsider the various votes by which the bills from the Speaker's table have been referred; and I also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

POWDER MAGAZINE AT CHELSEA, MASSACHUSETTS.

Mr. FROST, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on Public Buildings and Grounds:

Whereas the powder magazine located upon Mystic River, in the city of Chelsea, Massachusetts, threatens danger to the lives and property of the people of that city and also of Boston, and endangers the safety and perpetuity of the Bunker Hill monument: Therefore,

Resolved, That the Committee on Public Buildings and Grounds be requested to consider the propriety of reporting a bill providing for the removal of the said powder magazine to a location where such danger cannot exist.

REAL-ESTATE-POOL INVESTIGATION.

Mr. GLOVER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Select Committee of Investigation on Real-Estate Pool and Jay Cooke & Co.'s Indebtedness have leave to sit during the sessions of the House.

WILLIAM A. DOUGLASS.

Mr. J. H. BAGLEY, by unanimous consent, introduced a bill (H. R. No. 3691) for the relief of William A. Douglass, postmaster at Hunter, Greene County, New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

Mr. RANDALL. I believe that under the rule all bills introduced by unanimous consent are referred to committees, not to be brought back into the House on motions to reconsider.

The SPEAKER *pro tempore*. That is the rule of the House.

Mr. RANDALL. I desire to call attention to that fact, because had there been no such rule I would have moved to reconsider and table the reference of the bill just introduced.

CAPTAIN M. L. COURTNEY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on House bill No. 3091, for the relief of Captain M. L. Courtney, Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

WHITE AND COLORED TROOPS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a statement showing the difference in the cost of remounting, clothing, and providing labor for white and colored troops; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. WALLACE, of South Carolina, was granted leave of absence for one week.

Mr. BAKER, of Indiana, was granted leave of absence for four days from Monday next.

Mr. EVANS was granted leave of absence for ten days from the 12th instant.

Mr. NASH was granted leave of absence for three weeks from Monday next.

Mr. THORNBURGH was granted leave of absence for five days.

Mr. CABELL was granted leave of absence for one week.

Mr. RAINEY was granted leave of absence for ten days.

Mr. SMALLS was granted leave of absence for ten days.

Mr. HARALSON was granted leave of absence for six days.

Mr. HUNTER was granted leave of absence for ten days from Monday next.

Mr. STOWELL was granted leave of absence for one week.

COMMITTEE ON MISSISSIPPI LEVEES.

The SPEAKER *pro tempore* announced the appointment of Mr. SPENCER, of Louisiana, in place of Mr. Morey, on the Select Committee on the Mississippi Levees.

ENROLLED BILL SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes.

Mr. HURLBUT. I renew my motion that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. O'NEILL: Memorial of the National Tobacco Association of the United States, against any decrease of the duty on imported cigars, to the Committee of Ways and Means.

By Mr. WELLS, of Missouri: The petition of William Roach, that he be paid a portion of the money appropriated by Congress for the relief of the sufferers by the explosion at the United States arsenal in Washington, District of Columbia, June, 1864, his daughter Ellen, who contributed mainly to the support of the petitioner and his family, having been killed by said explosion, to the Committee of Claims.

IN SENATE.

MONDAY, *June* 12, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MICHAEL W. BROCK—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I return herewith, without my approval, Senate bill No. 165, entitled "An act for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers."

The objection to affixing my signature to this bill may be found in the indorsement (which accompanies this message) by the Adjutant-General of the Army.

U. S. GRANT.

EXECUTIVE MANSION, *June* 9, 1876.

The PRESIDENT *pro tempore*. The Secretary will read the indorsement.

The Chief Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 8, 1876.

Respectfully returned to the Secretary of War.

The records of this Office show that Michael W. Brock, Company D, Tenth Tennessee Volunteers, deserted November 24, 1864, due the United States for horse and horse-equipments, carbine, saber, and pistol, all complete.

He presented satisfactory evidence of his having left the service by proper authority, and the charge of desertion has been removed and the soldier furnished an honorable discharge.

No evidence has been presented to this Office to establish that he was erroneously charged with Government property.

If satisfactory evidence is furnished showing conclusively that this soldier was erroneously charged with Government property taken at the time of his reported desertion, the charge will be removed; and in that case the inclosed act for his relief will be unnecessary.

E. D. TOWNSEND,
Adjutant-General.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass notwithstanding the objections of the President?

Mr. COCKRELL. I move that the bill and accompanying message be referred to the Committee on Military Affairs, and that the papers be printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MERRIMON presented the petition of D. H. Hill, of Charlotte, North Carolina, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of Theodore Barnes and other citizens of Washington occupying stalls and stands in the Center or Washington market-house, praying Congress to pass the bill (H. R. No. 2339) to amend the charter of the Washington Market Company; which was referred to the Committee on the District of Columbia.

Mr. CHRISTIANCY presented the petition of George E. Warner, late a private in the Seventeenth New York Independent Battery, praying for an extension of time within which to prosecute his claim for a pension; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of William A. Brown and 400 other citizens of Nebraska City, Nebraska, praying that Congress take some action for the protection of the port of Nebraska City and the improvement of the Missouri River at that point; which was referred to the Committee on Commerce.

Mr. EATON. I present a memorial of citizens of New Haven, Connecticut, remonstrating against the passage of House bill No. 3187, to amend title 53 of the Revised Statutes, known as the shipping act. It is signed by very eminent gentlemen, shipping-merchants and other business men. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present the memorial of the Albany Institute, a venerable institution, existing since 1793, signed by its president, John V. L. Pruyn, and its other officers and members, favoring the establishment and maintenance of an international bureau of weights and measures. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. WALLACE presented a memorial of ten business men of McConnellsburgh, Pennsylvania, remonstrating against any change in the tariff laws at the present time; which was referred to the Committee on Finance.

Mr. CRAGIN presented the petition of Isabelle George, of Goffstown, New Hampshire, widow of Albert T. George, praying to be allowed a pension; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2752) to change the name of the schooner Mayflower;

A bill (H. R. No. 2860) to facilitate and encourage philosophical, mechanical, and scientific exhibitions and experiments at the centennial exhibition;

A bill (H. R. No. 3398) for the issue of coin and other purposes;

A bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York;

A bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph;

A bill (H. R. No. 3688) to amend an act entitled "An act supplementary to the acts in relation to immigration," approved March 3, 1875; and

A joint resolution (H. R. No. 109) for the issue of silver coin.

The message also announced that the House had passed the following bills:

A bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army;

A bill (S. No. 546) to further the administration of justice in the State of Colorado;

A bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress; and

A bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The message further announced that Mr. CHARLES FOSTER, of Ohio, had been appointed a manager on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, in place of Mr. WALDRON, excused.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes; and that it had agreed to the amendment of the Senate to the foregoing report.

The message further announced that the House had passed the bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874, with an amendment, in which the concurrence of the Senate was requested.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 353) to amend section 1911 of the Revised Statutes; and

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills:

An act (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army;

A bill (H. R. No. 1800) for the relief of Kendrick & Avis; Kuner, Zisemann & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio;

A bill (H. R. No. 2135) relating to the execution of custom-house bonds;

A bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery;

A bill (H. R. No. 2434) to amend section 5271 of the Revised Statutes of the United States, relating to extradition;

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874; and

A bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the petition of L. Madison Day, of Louisiana, praying for the return of the purchase-money of certain real estate sold to him by the marshal of the United States of the district of Louisiana in pursuance of a decree of the district court of the United States for Louisiana, under the act of Congress of July 17, 1862, known as the confiscation act, submitted a report thereon, accompanied by a bill (S. No. 916) for the relief of L. Madison Day, of Louisiana.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL. I wish the Senator would withhold the report. I desire to make an adverse report as a member of the committee dissenting from the views of the majority. It has been usual in all these cases to have both reports presented at the same time.

Mr. JONES, of Florida. The majority of the committee instructed me to make the report on the following day after their meeting, and I have delayed it until now. I supposed the minority report was ready. However, I have no objection to deferring my report until the Senator from Missouri is ready to submit the views of the minority.

Mr. COCKRELL. I think that would be most convenient.

Mr. WRIGHT. I suggest to my friend from Missouri that there will be no difficulty in filing the views of the minority at any time hereafter, and the report of the majority can be made now.

Mr. COCKRELL. Very well.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PADDOCK. I desire to submit the views of the minority of the Committee on Public Lands on the bill (S. No. 445) for the relief of settlers on public lands in the State of California. The majority report in this case was made on the 28th of March last by the Senator from Indiana, [Mr. MCDONALD.] I move that the views of the minority be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 917) to enable Erastus T. Bussell, of Indianapolis, Indiana, to make application to the Commissioner of Patents

for extension of letters-patent for a "combined rubber and spiral steel spring;" which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 918) granting a pension to Ellen W. Thornton, widow of the late Captain James S. Thornton, United States Navy; which was read twice by its title.

Mr. CRAGIN. I desire to call the attention of the chairman of the Committee on Pensions to this bill. Captain Thornton was executive officer on board the Kearsarge at the time of the fight with the Alabama, and to him more than any other man was due the victory on that occasion. I move that the bill be referred to the Committee on Pensions and printed.

The motion was agreed to.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 919) for the relief of Allen C. Hammond, George Seibert, and William Megarey, sureties on the bond of Dennis Murphy, deceased, late paymaster at Harper's Ferry armory, in West Virginia; which was read twice by its title.

Mr. DAVIS. This, I think, is a meritorious case. When the accounts were settled at the Department there was not a balance found due to these gentlemen. By the books apparently there is a balance. The papers, however, explain that pretty fully, and I have gotten all the information the Department is in possession of. I move that the bill, with the accompanying papers, be referred to the Committee on Military Affairs, with the hope that they will examine it, and, if it is a meritorious case, report at an early day.

The motion was agreed to.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 920) to authorize Louis Petaskey to enter a certain tract of land which embraces his home and improvements; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 921) to establish post-roads in the State of Missouri; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PROPOSED ADJOURNMENT TO THURSDAY.

Mr. WRIGHT. I move that when the Senate adjourns to-day it be to meet on Thursday next.

Mr. ANTHONY. I rise to suggest that we must meet on Friday. I understand that the court of impeachment adjourned until Friday. We cannot adjourn later than Thursday. If there is not to be a quorum here, and it appears pretty plainly there will not be——

Mr. EDMUNDS. Long?

Mr. ANTHONY. If there should be a quorum, I suppose there are so many pairs that no business of much importance could be transacted, nothing but what can be done by universal consent and finished up almost any morning hour. Therefore, would it not be better for us to have an agreement now that when we meet to-morrow we shall adjourn until Friday, and that when we meet on Friday we shall adjourn to Monday? I suggest that that be entered on the Journal by common consent, and then Senators will have at their own disposal time which, it seems, will be of no value in the Senate as we are constituted at present.

Mr. EDMUNDS. There should be a quorum here on Friday. We might be left without a quorum on Friday under the arrangement suggested.

Mr. ANTHONY. I make the suggestion in order to see if it meets the views of Senators.

Mr. CAPERTON. Why not adjourn for two days at this time? What is the use of coming back to-morrow? If we adjourn over to-day, we cannot adjourn to a later day than Thursday. Then we shall have to meet on Thursday and adjourn until Friday, because the court meets on Friday.

Mr. CONKLING. It is just as broad as it is long. You will have to meet to-morrow if you adjourn from to-morrow.

Mr. ANTHONY. But if we have an agreement that when we meet to-morrow we shall adjourn until Friday, and that when we meet on Friday, after transacting the business of the court, we shall adjourn until Monday, then the members of the Senate will have this time to themselves. I simply make the suggestion; I make no motion. If the suggestion does not meet the views of Senators, let the other motion be put.

Mr. EDMUNDS. The difficulty about the last part of the proposition is that on Friday, which is the day of the court, I understand, it is to be hoped and presumed that there will be a quorum here. Otherwise the court could not take even the simplest step, which is merely one of receiving the pleadings, &c. Therefore I wish the Senator from Rhode Island would modify his proposition, by general consent, so as merely to carry us to Friday with the expectation that on that day there will be a quorum; and then the Senate can go on and do business on Friday and on Saturday if it chooses. I have no objection to the proposition that we adjourn now and when we meet to-morrow that without reading the Journal we shall adjourn until Friday; but I do not think it ought to go beyond that, because on Friday we ought to have a quorum, and must have one.

Mr. MORTON. I make the suggestion that the Senate adjourn until Thursday, and we cannot adjourn longer than three days at a time, with the understanding that when we meet on Thursday we shall adjourn at once until Friday.

Mr. EDMUNDS. That would do it. That is the same thing.

Mr. ANTHONY. That is better.

Mr. MORTON. I move therefore that when the Senate adjourns to-day it adjourn to meet on Thursday.

Mr. WRIGHT. My proposition is that when we adjourn to-day we meet on Thursday, and it was made with the very idea of the Senator from Rhode Island.

Mr. ANTHONY. Let there be an understanding that on Thursday we shall adjourn until Friday without transacting any business.

Mr. EDMUNDS. The Chair will ask consent to that after he puts the question on adjourning to Thursday, if that is agreed to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. WRIGHT] that when the Senate adjourns to-day it adjourn to meet on Thursday next.

Mr. COCKRELL. A few days ago it was urged very persistently as a reason why the trial on the articles of impeachment against William W. Belknap should not be set for the 19th of June that we were pressed with appropriation bills which were pending before the Senate and which must be passed before the 1st day of July. We have passed one such bill, I believe, since that order of the Senate, and now the proposition is to adjourn in effect until that time. We are to adjourn until Thursday, and then to adjourn until Friday. I presume that is to accommodate gentlemen who desire to attend the Cincinnati convention. If it is done for that purpose, as a matter of course the same courtesy will be expected and extended in regard to the Saint Louis convention, and that would consume all of week after next.

If that is the intention and purpose of this adjournment, it does seem to me that it would be infinitely better that some arrangement should be made with the House of Representatives. If we are to do no business until after the two national conventions have assembled and adjourned, let there be an understanding to that effect. We cannot adjourn for a longer time than three days without their consent, nor can they adjourn longer than three days at a time without our consent. Doubtless some of them want to attend both those conventions, and it does seem to me that we ought to have some consultation with them in regard to it. We should not adjourn without an agreement to that effect; and, even if there were such an agreement, I should be opposed to either the Senate or the House adjourning. I think we are sent here to attend to the business of the Senate and that we should do it. I desire simply now to say that I am opposed to any proposition for adjournment, and I think the Senate should go on and do its work.

Mr. ANTHONY. It is not a matter of courtesy or a matter of convenience; it is a matter of necessity, from the fact that we have not a quorum and cannot transact business. The question is for us to consider whether those of us who are here shall come up every morning and, finding no quorum, adjourn as a matter of necessity, or whether we shall have the disposition of the time to ourselves. I think the Senator is mistaken in saying that but one appropriation bill has passed since the Senate sat as a court of impeachment. Three appropriation bills have passed since that time. I would much rather stay here and pass the appropriation bills than to take a recess now which we shall have to pay for in July, and perhaps in August; but unless we have a quorum we cannot transact any business.

Mr. COCKRELL. I apprehend that there is a quorum here in the city of Washington, and probably now in the Senate Chamber. I do not think that is the objection or that it can be any objection. If we are going to adjourn for the accommodation of friends who desire to go to the convention, let us say so and have some understanding about it.

Mr. ANTHONY. Those who desire to go to the convention have already gone. Nobody remaining here is desirous to go.

Mr. COCKRELL. Then let us adjourn to accommodate them and others who want to go, if there are any others, but not adjourn simply because we have no quorum, without saying why it is that we have no quorum here.

Mr. CONKLING. I inquire of the Chair whether a quorum is not requisite to adjourn from now until Thursday?

The PRESIDENT *pro tempore*. It is.

Mr. CONKLING. So I understand. The record then, when we have adjourned, will show that there was a quorum not only in the city but in the Chamber, and that that quorum adjourned until Thursday with or without some understanding that then a further adjournment should be had until Friday, and then until Monday; in short that no business is to be done this week.

I do not wish to interpose against the convenience of anybody. This question, however, presents itself apparently as one governing the conduct of the Senate in its own behalf. The House of Representatives has made no request of us. If it had, certainly we ought to take that into account, because, as has been said, the House cannot adjourn for more than three days without our concurrence, and that concurrence being asked we ought to consider it. We are acting in reference to our own judgment and our own convenience. Senators who wish to attend the national convention about to sit have gone, as I understand. I know of no Senator, I have heard of no Senator, who is here, who wishes or means to go to the convention. Then as a matter of convenience why should we adjourn? If we have a quorum, we know there is business to do, and enough of it,

and we are admonished very properly by the Senator from Rhode Island that every hour of time which we take now is to be paid for again when the weather is hotter; which he says will be, very likely, in August.

It seems to me, (and I make this remark by way of suggestion, being very willing to acquiesce in what seems convenient to other Senators,) that if there is, as I believe there is, from looking about the Chamber, and as the record, if we adjourn until Thursday, will imply that there is, a quorum here, we had better go on and transact the business which would naturally proceed, a quorum being present. A Senator near me, [Mr. HOWE,] who seems to have counted, says that by his count there is actually a quorum in the Senate Chamber. I see other Senators assent to that; and I think I know of Senators quite near by whom I do not see at this moment. I would suggest, Mr. President, that we go on and do such business as we have and make such progress as we can.

Mr. MORTON. In making the motion I did not consult my own convenience. I do not expect to go away, and I would just as soon come here and spend the day as remain at my hotel, and indeed would prefer doing so. I made the motion at the suggestion of several Senators who thought there would be no business done if we staid here, but who, if an adjournment took place, would utilize the time. On Saturday we had a bare quorum; but it could not be maintained, and I believe the Senate adjourned without doing anything. I think that is the apprehension in regard to this week; but, as I am just as patriotic as anybody, I am willing to stay here. I have not the slightest interest in the motion.

Mr. SHERMAN. I have had the experience of passing through six periods in Congress when presidential nominations have been made. I have heard the speech made by the Senator from Missouri [Mr. COCKRELL] six times, and perhaps have made it two or three times myself, but yet never have I seen any work done during the week when one of the great political parties of the country held a national convention. While we find ourselves here with barely a quorum during the republican convention, I tell my friend that week after next when the democratic convention is going on at Saint Louis the House of Representatives will be entirely without a quorum. We may preach against it and talk against it, and say these gentlemen had better be here to attend to the business for which they are paid, but that makes no difference. These great occasions do call men of both political parties from their appropriate duties to attend to a very peculiar and singular feature of the American Government, that is, a popular movement to initiate and nominate the candidates for President of the United States, and whether we will or no the ordinary functions of legislation will stop when this occasion arises by either party.

Therefore, it is entirely unwise in the Senate to undertake this week to do any kind of legislation. We may have a quorum here; but when we come to a question of any moment it will be found that several Senators are paired; and they cannot vote because they are paired, and we shall make no progress. I am told that no appropriation bill is ready, and therefore we can only take up and act upon unobjected cases which is the most dangerous form of legislation, because those who ought to object are not here to object.

I am willing to stay here this week right along every day, to come up at twelve o'clock and be here promptly in my seat; but there is nothing that we could do, and we should be only wasting time. I think the better way would be for the rest of us to adjourn to Philadelphia and go to see the centennial exposition, and inform and instruct ourselves in one of the great institutions of modern time, one of the most instructive lessons that any one, wise or great, little or otherwise, can have. We cannot do anything here this week, because if we had a quorum the quorum would disappear. I shall therefore vote for the proposition to adjourn over the longest time that is named.

Mr. INGALLS. I regret that a motion to adjourn has been made, and I should regret still more if it should prevail, for it is evident if we adjourn over this week that there is one other week in this month when we shall be called upon to transact no business, and that will throw us into the early part of July. Upon the 6th of July, I believe, we are to proceed with the trial of the impeachment case; and the consequence would be that in the transaction of the ordinary business of the session we should be detained here perhaps until August, or even later than that. There are upon the Calendar a very large number of cases to which there is no conceivable objection, cases which have been reported by various committees of this body, some of them bills from the House of Representatives that only await the bare formal action of the Senate to become laws. Among them are twenty or thirty bills that have been reported by the Committee on Pensions. These are merely formal matters. The reports even are never called upon to be read. The action of the committee is taken for granted as being correct, and whenever the bills are read they are acted upon without any inquiry or objection. There is a large amount of this kind of business that could be acted upon, and acted upon to-day. I should be very glad if the Senate would proceed and allow me this morning to call up the bills reported by the Committee on Pensions for action by the Senate. In that way I think we could dispose of a great deal of business that would not only be advantageous to individuals, but beneficial to the country.

Mr. MORRILL, of Vermont. I shall stay here through August with no more reluctance perhaps than any other Senator; but it seems to me there is a quorum present ready for the transaction of business. I hardly see why we should spend the time in debating about there being a quorum present, when by actual count there are at least thirty-eight Senators here. I do not know, but I have understood that less than ten are absent at Cincinnati, and there are only five who are away in Mississippi. Therefore, there should be sixty Senators in the city to-day. I presume there are that number in the city, and I do not see why we may not go on and transact business as usual. I hope, therefore, there will be no adjournment whatever.

Mr. COCKRELL. I concur with the Senator from Ohio [Mr. SHERMAN] and think it is very probable that just what he predicts will occur. If that is going to occur, let us say frankly and plainly to the country that it will occur, and not go to adjourning over until Wednesday or Thursday or Friday. Let us have the arrangement made and adjourn during this week. The Senate can meet on Friday, and then adjourn over until Monday. Then there will be another week between that and the democratic convention which meets at Saint Louis on the 27th of June, in which both Houses can be here. Then the House of Representatives will probably want to adjourn from the Saturday preceding until that is over. Then let us have that understanding, and make the adjournment accordingly; that is, if we cannot do any business. If that is true, if the Senator from Ohio is correct in supposing that we cannot keep Senators here, and cannot retain them in the Senate for the transaction of business, I think that course would be infinitely better; but I am opposed to adjourning at all. I think we have the power to summon absent Senators here. We ought certainly to have some power in that respect, and we ought to transact the business of the country.

Mr. SHERMAN. I was about to say that I have no doubt the House of Representatives can this week go on and transact the ordinary business of the House. One of the members of the House who is responsible for much of the business there says that they expect to go on and perfect the appropriation bills this week. Week after next they will be in the same condition we are, and we can then go on and transact public business, because we shall have a majority here who will not take any interest in the Saint Louis convention.

Mr. EATON. They may take an interest in it in November.

Mr. SHERMAN. I do not care anything about that. It is a matter of great indifference to the country and to us, and I leave it to futurity. But that is neither here nor there. If we could go on now and transact business I would be willing to do so. I am told that there are thirty-five or forty Senators here, which is a little more than a quorum. If you try the experiment, in ten minutes you will find that if a vote is called there will be less than a quorum.

Mr. WRIGHT. I made the motion to adjourn over until Thursday for the reason that I was satisfied, as I am yet, that if we meet here to-morrow morning and on Wednesday morning we shall be compelled to adjourn at once. I think that my record will show that I have as persistently opposed adjournment over for two or three days as any member of the Senate. I doubt whether there is a quorum in the city at this time. If there be, I am just as certain that after we have progressed a little way with our business we shall find ourselves without a quorum. Then we should come back here to-morrow and go through the same experience. I am just as anxious to progress with business as any member of this body, and I will so cast my vote all the time, if I know what I am doing, as to assist in the progress of business; but I do not think there is any propriety or any wisdom in our remaining here and adjourning over until to-morrow, then coming here and adjourning until Wednesday, and so on from day to day, taking up the time of Senators in that way. I think we can be more profitably employed by proceeding with our work in the committee-rooms, and getting ready for the sessions next week. We are compelled to take that course for we cannot progress with our work now. The other House can progress with their work now if they see proper. If I believed we could do anything to the interest and profit and benefit of the public business by continuing here, I should vote against adjournment; but it is hardly right to the public business that we should progress here with a bare quorum, supposing we had that, and transact what may turn out to be the most important business.

I therefore have made the motion that we adjourn over until Thursday. If that should be voted down, then I am as much in favor as anybody else of progressing with the business, and, there being a quorum to-morrow, progressing with the business then; but, as I do not believe there will be a quorum to-day or to-morrow or the next day, I have made this proposition. If the Senate votes otherwise, I expect to remain here, and do the best we can; but, if we do have a quorum now, I think the moment when we come to a vote it will disclose the fact that we have not a quorum, and cannot go on.

Mr. MAXEY. The record will show that I have attended all the sessions of the Senate since the opening of the present session. It is too far from here to Texas for me to go home for a few days. Therefore I have no interest in wanting an adjournment; but it is perfectly manifest to me that we are not going to do any business, and I think it is idle and useless to remain here and do nothing, for whenever a question of any importance comes up, there being so many already paired, I think you will not have a quorum voting. Hence, I think the suggestion that we had better go to the Centennial or somewhere else and learn something is a very good one. It is perfectly manifest that we shall do nothing here this week. I do not care to come up to the Capitol daily for a useless purpose. Being satisfied that we can

do no business, I think the motion to adjourn to Thursday is correct. We cannot adjourn longer than then, and when Thursday comes then we may adjourn until the meeting of the court, and afterward adjourn to Monday.

Mr. McCREERY. It is perfectly manifest to my mind that the only way we can do any business is to do it. If this debate continues, certainly nothing can be done. I call for the yeas and nays on the motion to adjourn over.

The yeas and nays were ordered.

Mr. DAVIS. I concur with the Senator from Texas, [Mr. MAXEY.] In addition to what he has stated, I believe it is a courtesy due to absent Senators that we should adjourn. I therefore favor the adjournment if we have no other reason than courtesy; but it is plain that we can do little or no business here, and in a few weeks this same courtesy extended to Senators on this side might be very acceptable. Therefore I favor the adjournment.

Mr. HOWE. It seems to me I have never seen so happy a time to do business as the present. We have a constitutional quorum here; there is no doubt about that. Then we have a larger number of Senators than we have had during many years of the time since I have had a seat in the Chamber. Then the great advantage of the position is that there is not enough of either party here to do any mischief. We have got to work together or not work at all. It seems to me this is just the juncture to do up our work; and by and by, when there is a preponderence of one party or the other, we can attend to that which is not work, but is something else. I think we ought to improve this occasion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. WRIGHT] that when the Senate adjourns to-day it adjourn to meet on Thursday next.

Mr. ANTHONY. Had we not better let this motion lie over until a later part of the day? I would be in favor of an adjournment; but if there is a quorum here to transact business I would prefer to stay.

Mr. SHERMAN. Let us try it.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island suggest that the motion lie over by common consent?

Mr. ANTHONY. I will not press the request.

The question being taken by yeas and nays, resulted—yeas 16, nays 23; as follows:

YEAS—Messrs. Caperton, Cragin, Davis, Dennis, Edmunds, Frelinghuysen, Hamilton, Jones of Florida, Kelly, Maxey, Norwood, Saulsbury, Sherman, Stevenson, Wadleigh, and Wright—16.

NAYS—Messrs. Allison, Anthony, Barnum, Christiancy, Cockrell, Conkling, Dawes, Eaton, Ferry, Hitchcock, Howe, Ingalls, Johnston, Kernan, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Paddock, Robertson, Wallace, Whyte, and Withers—23.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cooper, Dorsey, Goldthwaite, Gordon, Hamlin, Harvey, Jones of Nevada, Key, Logan, McDonald, McMillan, Mitchell, Morton, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Spencer, Thurman, West, and Windom—34.

So the motion was not agreed to.

PUBLICATION OF DISTRICT TAX-LIST.

Mr. SAULSBURY. I offer the following resolution, and ask for its present consideration:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to inform the Senate whether any costs or charges have been paid by property-owners within the District for or on account of the publication of the list of delinquent tax-payers prior to the publication of such list, and, if any, what amount of costs and charges have been so paid, together with the names of the persons so paying the same and the amount paid by each person.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SAULSBURY. I desire to say, in offering the resolution, that the reason for making the inquiry is that I am informed and believe that persons who have not paid their taxes prior to a contract entered into with Mr. Murtagh for the publication of the delinquent tax-list of this District, but who paid their taxes before any publication of that list was made, were charged a very considerable amount of expense by reason of a contract which had been made for which no service could possibly have been rendered, because if they paid the tax no publication of their names as delinquents could appear. My attention was called to this fact by a gentleman from the Eastern Shore of Maryland, who owned some property in this District. He came to my rooms, being an acquaintance of mine, and told me he had been to the collector's office for the purpose of paying his tax and that they refused it. I was coming to the Capitol, and accompanied him to the office, and I asked them to receive his tax. They hesitated, but finally agreed to receive it, but charged him upon $4.90 tax-costs amounting to $3. I have his bill in my pocket. I protested for him against it, because there had been no publication at that time of any delinquents. I told them this gentleman was two hundred miles from home, and was compelled to submit to the exaction or to incur the expense of returning to this city. I have his bill here, [producing a bill.] His tax was $4.90, and they charged him $3 costs prior to the publication of the delinquent list. Such a thing I protested in their presence was an outrage; and I think it is a matter which the Senate ought to inquire into. I do not hesitate to say that if I was the prosecuting attorney in this District, so far as I understand the law, I would prosecute any man who would exact from another charges and costs not authorized by law.

It is for the purpose of ascertaining what has been the amount of exactions which have been made of that character that I offer the resolution.

Mr. DAWES. I suggest to the Senator that he add to the resolution that they furnish a copy of the contract.

Mr. SAULSBURY. I move to amend the resolution by adding:

And that they furnish a copy of the contract for printing such list, and the amount paid under such contract.

The amendment was agreed to.

The resolution, as amended, was agreed to.

THE CALENDAR.

Mr. WRIGHT. I move that the Senate proceed to the consideration of unobjected cases on the Calendar.

The motion was agreed to.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Secretary will report the first case on the Calendar at the point where its consideration was last suspended.

WESTERN AND ATLANTIC RAILROAD.

The first bill on the Calendar at the point where its consideration was last left off was the bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad.

Mr. EDMUNDS. The Senator from Georgia [Mr. GORDON] who had that bill in charge spoke to me upon the subject before he left town, and, as I understood him, he did not wish it taken up in his absence. I ask, therefore, that it go over.

The PRESIDING OFFICER. The bill will be passed over.

TAXATION OF RAILROAD LANDS.

The next bill on the Calendar was the bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation.

Mr. INGALLS. The Senator who reported that bill [Mr. OGLESBY] is absent, and I suggest that it be laid over until his return.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT JUSTICES OF THE PEACE.

The next bill on the Calendar was the bill (S. No. 525) to amend section 994 of the Revised Statutes relating to the District of Columbia; which was considered as in Committee of the Whole. It proposes to amend the section named so as to read:

Justices of the peace shall be appointed for the term of three years, and shall take an oath for the faithful and impartial discharge of the duties of their office, for which they shall give bond in the same manner as constables are or may be required by law to give bond.

Mr. EDMUNDS. I should like to have the gentleman having that bill in charge explain how it alters the law.

Mr. MERRIMON. It requires a justice of the peace to give a bond like a constable. That is the principal object. I understand their records are very loosely kept, and sometimes inefficient persons are appointed. The bill has the approbation of the chief justice of the District, and is regarded as necessary.

Mr. EDMUNDS. These justices of the peace exercise only judicial functions, do they not?

Mr. MERRIMON. That is all.

Mr. EDMUNDS. Is there any precedents in the States or elsewhere for requiring judicial officers to give bond?

Mr. MERRIMON. I think they have been required to do so heretofore. The object is to require them to keep their record safe. I believe a loose practice prevails now; their records lie about loose; they carry them in their pockets or in some careless place, and often they are lost.

Mr. SHERMAN. Not only that, but I suppose like justices of the peace in Ohio, they collect money and often have large sums in their hands.

Mr. MERRIMON. I think they do sometimes receive money. It has been so long since the bill was reported that I do not recollect it distinctly.

Mr. EDMUNDS. Do they receive money officially as justices?

Mr. SHERMAN. They collect money; receive it for anybody. They have jurisdiction to the amount of $100.

Mr. EDMUNDS. In their official capacity, do you mean?

Mr. INGALLS. In their official capacity.

Mr. EDMUNDS. They hear a suit, decide it, take the money, and pay it over to the suitor. Are they required to give any bonds in Ohio?

Mr. SHERMAN. So I understand. I have forgotten whether they do or not, but I know they collect money. They are the great collectors of small sums of money in our State.

Mr. EDMUNDS. They differ from our collectors.

Mr. MERRIMON. This bill has the approval of the chief justice of the District, and is regarded as important, I know, by some leading members of the legal profession in the District. I do not remember all the details about it, for it is some time since I reported the bill; but I remember that the committee were very well satisfied that this amendment ought to be made in the law, and they came to that conclusion after a very thorough investigation of the matter.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I do not yet see the force of this bill; I mean in a proper sense. I see precisely what the point is; but justices of the

peace in the District of Columbia are not authorized by law or required by law to receive moneys on judgments that they render. If they receive moneys, it must be because the parties choose to allow them to become bailees. Their judgments are either that in criminal cases the delinquent shall pay a fine into the treasury of the District, or in civil cases that the defendant who is beaten shall pay a certain sum of money to the plaintiff, and the marshal, or constable, or bailiff, or whatever he is called, collects it, and he, giving an official bond, is liable to pay it over to the plaintiff. I do not know any law in the District of Columbia that recognizes even the fact that a justice of the peace in his official capacity is to have any moneys paid into his court under any circumstances; and that being so, it does not appear to me that it is right to require these judicial officers to give bond. But I do not want to take up time with it.

Mr. KERNAN. Allow me to make an inquiry. Where judgment is rendered, may not the party obviate the expense of an execution by going to the justice and paying the sum? It is usual in the States; otherwise the constable would always get the fees out of him and make him trouble.

Mr. EDMUNDS. He may go to the plaintiff with it.

Mr. KERNAN. The plaintiff is not always willing to take it in that way. I think the usual practice, to save the expense of an execution, is to pay to the justice and have the judgment satisfied. That is the case in many of the States, I am sure.

Mr. MERRIMON. My recollection is that the principal ground for requiring magistrates to give bond in this District is that their papers and their judgments, which belong to their courts, are not records, but they are quasi records, and they keep their offices in a very loose way, and it is said that some of them in the past have not been very responsible. They do not have clerks, like ordinary courts of record. They keep their own papers; they keep their offices in their pockets and wherever it is convenient to do so, and very loosely. Sometimes they receive money and they hold it for suitors. That is the practice, and I am not sure that under the law they may not do it. At all events, on looking into the whole matter and consulting the chief justice, it was deemed wise that the law should be amended in this respect. These justices are not regular judicial officers. Their office in this respect is rather quasi than otherwise.

The object of this proposed amendment of the Revised Statutes is to strengthen this office, make it more responsible, conduce more to the public convenience and safety. I recollect that the very objection that the Senator from Vermont suggests now occurred to my mind; I was astonished to hear it suggested that a judicial officer ought to give a bond; but when I come to look into the matter—and I repeat again I do not remember all the details—when the details were brought to my attention I was satisfied the bill ought to pass, and joined in the judgment of the committee.

Mr. EDMUNDS. I should think it would be better, if these officers did not do their duty, to turn them out and put in somebody who would do it.

Mr. MERRIMON. Unfortunately that is not always done.

Mr. EDMUNDS. I never knew a bond to do any good, but I am not going to delay the business of the Senate—it is in a hurry—by asking that the thing be put off. Let us take the vote upon it by a division.

Mr. WHYTE. The duties of justices of the peace in this District are similar to those of justices of the peace in our State, and their practice has been regulated upon pretty much the same principle. We have discovered that it is absolutely necessary to require justices of the peace to give bond; and at the very last session of our Legislature we required a bond from justices of the peace. Almost all the fines that are imposed are paid to the magistrate, and there is no security that they ever reach the public treasury at all. Besides, their judgments are not judgments entered as of record; they are entered on the back of the precept, and upon the receipt of the money they are delivered to the party against whom the judgment is rendered. It has been discovered to be absolutely necessary to require a bond from these magistrates.

The PRESIDING OFFICER. The question is on ordering the bill to be engrossed for a third reading.

The question being put, there were on a division—ayes 26, noes 4; no quorum voting.

Mr. MERRIMON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PADDOCK. Before the roll is called, I move that the Sergeant-at-Arms be directed to invite the attendance of absent Senators.

The PRESIDING OFFICER. The call of the roll will develop whether there is a quorum or not.

Mr. EDMUNDS. The motion is in order.

The PRESIDING OFFICER. The motion is in order, but the call of the roll will develop whether there be a quorum or not. Does the Senator from Nebraska insist on his motion?

Mr. PADDOCK. Yes, sir; I think it had better be put.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. SHERMAN. How can he tell who is absent?

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. NORWOOD, (at one o'clock and eleven minutes p. m.) I move that the Senate do now adjourn.

Mr. MERRIMON. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered, and being taken; resulted—yeas 6, nays 28; as follows:

YEAS—Messrs. Caperton, Dennis, Edmunds, Frelinghuysen, Norwood, and Robertson—6.

NAYS—Messrs. Allison, Anthony, Barnum, Christiancy, Cockrell, Conkling, Cragin, Davis, Dawes, Eaton, Hitchcock, Howe, Ingalls, Johnston, Kelly, Kernan, McCreery, Maxey, Merrimon, Morrill of Vermont, Morton, Paddock, Saulsbury, Sherman, Wallace, Whyte, Withers, and Wright—28.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cooper, Dorsey, Ferry, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Jones of Florida, Jones of Nevada, Key, Logan, McDonald, McMillan, Mitchell, Morrill of Maine, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Spencer, Stevenson, Thurman, Wadleigh, West, and Windom—30.

So the motion was not agreed to.

The PRESIDING OFFICER. The Senate refuses to adjourn, but there is no quorum voting.

Mr. ALLISON. I suppose it is in order to invite absentees to come in.

Mr. EDMUNDS. That order is under execution already.

Mr. MERRIMON. We know that half an hour ago a quorum of Senators was present; I think those who are not in the Chamber now are near by. I move again that the Sergeant-at-Arms be instructed to request the presence of absent Senators.

The PRESIDING OFFICER. That order has been passed, and the Sergeant-at-Arms is now executing it.

Mr. PADDOCK, (at one o'clock and twenty minutes p. m.) I think there is a quorum present now.

The PRESIDING OFFICER. Enough Senators have come in since the roll-call to make a quorum. The Chair believes a quorum is present.

Mr. FRELINGHUYSEN. Ought there not to be another count?

The PRESIDING OFFICER. The Chair will count the Senate.

Mr. MERRIMON. Do I understand the Chair to say that a quorum is present?

Mr. FRELINGHUYSEN. The Chair is counting the Senate to ascertain the fact.

The PRESIDING OFFICER, (after counting the Senate.) There is not a quorum present. Enough who did not vote have come in to make a quorum, but some other Senators have gone out.

Mr. MERRIMON. Is the order executed?

The PRESIDING OFFICER. The Sergeant-at-Arms has commenced executing the order; it is now in process of execution.

Mr. FRELINGHUYSEN, (at one o'clock and twenty-two minutes p. m.) I move that the Senate adjourn.

Mr. MERRIMON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 25; as follows:

YEAS—Messrs. Anthony, Caperton, Christiancy, Dennis, Edmunds, Frelinghuysen, Kelly, McCreery, Morton, Norwood, Wadleigh, and Wright—12.

NAYS—Messrs. Allison, Barnum, Cockrell, Conkling, Cragin, Davis, Dawes, Eaton, Hitchcock, Howe, Ingalls, Johnston, Kernan, Maxey, Merrimon, Morrill of Maine, Morrill of Vermont, Paddock, Robertson, Saulsbury, Sherman, Stevenson, Wallace, Whyte, and Withers—25.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cooper, Dorsey, Ferry, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Jones of Florida, Jones of Nevada, Key, Logan, McDonald, McMillan, Mitchell, Oglesby, Patterson, Randolph, Ransom, Sargent, Sharon, Spencer, Thurman, West, and Windom—36.

So the motion was not agreed to.

The PRESIDING OFFICER. The Senate refuses to adjourn. A quorum is present.

Mr. WHYTE. The question pending, I believe, is to take the yeas and yeas on ordering to be engrossed the bill in regard to justices of the peace in the District of Columbia.

The PRESIDING OFFICER. The question is on ordering the bill to be engrossed for a third reading, on which the yeas and nays were ordered for the purpose of ascertaining the presence of a quorum. Is the call for the yeas and nays insisted upon?

Mr. MERRIMON. A quorum being here now, I will withdraw the call for the yeas and nays if it be competent for me to do so.

The PRESIDING OFFICER. If there be no objection, the call for the yeas and nays will be withdrawn. The question is on ordering the bill to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading.

Mr. EDMUNDS. I believe the yeas and nays were ordered upon that question; but if they were, as a quorum is present, I have no disposition to have the yeas and nays called.

The PRESIDING OFFICER. It was intimated that the yeas and nays were ordered for the purpose of ascertaining the presence of a quorum.

Mr. EDMUNDS. There is no objection to withdrawing the call, but I wish to have the Journal show the fact.

The bill was read the third time, and passed.

Mr. DAWES. The title of the bill ought to be amended. There is no indication in the title of the bill as to what is the subject-matter of the bill. I move to add "concerning justices of the peace."

The amendment was agreed to.

ADJOURNMENT TO THURSDAY.

Mr. WHYTE. Mr. President, it is manifest that we are not going

to progress very rapidly or very satisfactorily in the discharge of the public business in the next two or three days. I think the trial of the last half hour ought to prove conclusively to every Senator that it will really promote the public business if the Senate adjourn temporarily. I therefore rise to renew the motion that when the Senate adjourn to-day, it be to meet on Thursday next, with the understanding that that will be a mere formal meeting and an adjournment will then take place until Friday when we shall meet as a court of impeachment. I therefore move that when the Senate adjourn to-day it be to meet on Thursday next.

Mr. MORRILL, of Vermont. I voted against this proposition when it was up before, but I am quite satisfied that we shall make no progress. I shall now vote for it.

Mr. COCKRELL. I voted against the motion before and shall vote the same way now. I am opposed to the adjournment, and think we can stay here and transact the business which is before us; but it seems impossible to keep a quorum in the Senate Chamber. Although there are thirty-nine to forty-one Senators present in the Capitol building, we cannot keep them in the Senate Chamber. I shall not call for the yeas and nays, but simply desire to express my disapprobation of the motion.

The PRESIDING OFFICER. The Senator from Maryland moves that when the Senate adjourn it be to meet on Thursday next.

The motion was agreed to.

Mr. WHYTE. I move that the Senate do now adjourn.

Mr. SHERMAN. Is it understood among us that on Thursday there will be only a formal meeting?

The PRESIDING OFFICER. The Chair was going to state what the Chair understood to be the proposition of the Senator from Maryland, that the meeting on Thursday should be merely formal for the purpose of adjourning till Friday, when it is necessary for the Senate to meet as a court of impeachment.

Mr. COCKRELL. There will be then no business at all transacted on Thursday, so that the presence of any of the Senators will not be required. The President will have to be here, of course, and some one Senator to make a motion to adjourn.

The PRESIDING OFFICER. The suggestion requires unanimous consent. The Chair hears no objection.

Mr. EDMUNDS. I do not think it ought to be entered in the Journal. I do not think it ever has been.

The PRESIDING OFFICER. In the RECORD.

Mr. EDMUNDS. In the CONGESSIONAL RECORD. But an understanding of this kind does not go into the Journal as an order of the Senate agreed to by the Senate.

The PRESIDING OFFICER. The Senator is correct. The Chair should have said that it would so appear in the RECORD and he meant to say "the RECORD."

Mr. WHYTE. I have moved that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate adjourn.

The motion was agreed to; and (at one o'clock and thirty-nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 12, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The morning hour begins at half past twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

BOARD OF NAVAL COMMISSIONERS.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 3692) for the establishment of a board of commissioners for the Navy of the United States; which was read a first and second time.

Mr. FOSTER. I call for the reading of that bill.

The bill, after being read at length, was referred to the Committee on Naval Affairs, and ordered to be printed.

CHANGE OF NAME OF NATIONAL BANK.

Mr. THOMPSON introduced a bill (H. R. No. 3693) changing the name of the First National Bank of Amesbury to the First National Bank of Merrimac; which was read a first and second time.

Mr. KASSON called for the reading of the bill; and it was read in full.

The bill was referred to the Committee on Banking and Currency, and ordered to be printed.

UNPAID CLAIMS OF REVOLUTIONARY OFFICERS.

Mr. THOMPSON also introduced a bill (H. R. No. 3694) for the settlement of the unpaid claims of those officers of the line of the revolutionary army who served to the close of the war of Independence and so returned on the books of the Treasury; which was read a first and second time.

Mr. FOSTER called for the reading of the bill in full; and it was read.

The bill was referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. LORD introduced a joint resolution (H. R. No. 121) to amend the Constitution of the United States; which was read a first and second time.

Mr. WILLIS. For the purpose of information and not for delay, I call for the reading of this resolution.

The joint resolution was read, as follows:

Whereas under the Constitution all the officers of the United States, numbering with dependents about one hundred thousand, penetrating into every part of the country and having charge of its transmitted intelligence, are commissioned by the President, and are, through the power of appointment and removal, subject to the coercion of any administration in power, and required to act, vote, and contribute money in accordance with the central will, whereby both the caucuses and the elections are controlled; and whereas such relations between the administration and the officers of the Government tend not only to defeat the will of the majority and to degrade the independence and fidelity of such officers, but to relax the rules of official accountability, which it is of supreme importance not only to maintain, but to extend; and whereas, securing the independence of such officers from such central control is the only method by which the evil can be remedied: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of each House concurring therein,) That the following amendments to the Constitution be, and are hereby, proposed to the Legislatures of the several States:

ARTICLE —.

SECTION 1. All postmasters, marshals, assessors, and collectors, except collectors of custom duties, shall be chosen for a term of four years at a general election by the electors of the district, city, town, or village in which the duties of their offices are to be performed.

SEC. 2. The Congress shall enact suitable laws to execute the foregoing article, and to insure the faithful discharge of the duties of such officers, and for their removal by the President for official misconduct; and, in case of a removal, for an appointment until the next general election, and for filling vacancies in such offices.

ARTICLE —.

SECTION 1. The Congress shall enact suitable laws for the prevention and punishment of official misconduct and to insure official accountability.

SEC. 2. No person indicted for bribery or for converting the public money, or called as a witness in relation thereto, shall be excused from testifying on the ground that his testimony will tend to criminate himself; and any person convicted of such bribery or conversion shall not be pardoned, and shall be disqualified from holding any office of honor, trust, or profit under the United States.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M'DONALD.

Mr. BEEBE introduced a bill (H. R. No. 3695) granting a pension to James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JEREMIAH PHELAN.

Mr. WHITEHOUSE (for Mr. BLISS) introduced a bill (H. R. No. 3696) authorizing the President to appoint Dr. Jeremiah Phelan an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RESUMPTION ACT.

Mr. WHITEHOUSE also introduced a joint resolution (H. R. No. 122) to amend the resumption act of January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. HARDENBERGH introduced a bill (H. R. No. 3697) authorizing the Secretary of War to deliver to the commissioners of Forest Park, Saint Louis, Missouri, eight condemned cannon to be used in constructing the base of the statue of Ex-Attorney General Edward Bates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. WILMER.

Mr. HENKLE introduced a bill (H. R. No. 3698) for the relief of William R. Wilmer, late collector of internal revenue for the fifth district of Maryland; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. ELIZA KEARNEY.

Mr. HUNTON introduced a bill (H. R. No. 3699) to increase the pension of Mrs. Eliza Kearney, widow of Lieutenant-Colonel James Kearney, corps of topographical engineers, United States Army; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ANNE E. HARPER.

Mr. HUNTON also introduced a bill (H. R. No. 3700) for the relief of Anne E. Harper, of Alexandria County, Virginia; which was read

a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOSPITAL STEWARDS.

Mr. FOSTER introduced a bill (H. R. No. 3701) to provide for a better compensation and to raise the standard of hospital stewards United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLECTION DISTRICT OF THE MIAMI.

Mr. HURD introduced a bill (H. R. No. 3702) to change the name of the collection district of the Miami; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SUPREME COURT REPORTS.

Mr. HURD also introduced a joint resolution (H. R. No. 123) directing the Attorney-General to furnish a set of Supreme Court reports to the clerk of the United States district court at Toledo, Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 1588 OF REVISED STATUTES.

Mr. DURHAM introduced a bill (H. R. No. 3703) to correct an error in section 1588 of the Revised Statutes; which was read a first and second time.

The Clerk proceeded to read the bill in full.

Mr. DURHAM. I did not call for the reading of the bill.

Mr. TOWNSEND, of New York. I call for the reading.

Mr. HOLMAN. The gentleman from Kentucky can withdraw the bill if he thinks proper.

Mr. DURHAM. I cannot do that. The bill is a very short one.

The bill, having been read in full, was referred to the Committee on the Revision of the Laws, and ordered to be printed.

J. D. BOND & BROTHER.

Mr. RIDDLE introduced a bill (H. R. No. 3704) for the relief of J. D. Bond & Brother, of Wilson County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ASA FAULKNER.

Mr. DIBRELL introduced a bill (H. R. No. 3705) for the relief of Asa Faulkner, of Warren County, Tennessee; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The bill, having been read in full, was referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BULLARD.

Mr. DIBRELL also introduced a bill (H. R. No. 3706) granting relief to William Bullard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. HAYMOND introduced a bill (H. R. No. 3707) providing for the gradual resumption of specie payments, and to repeal the portion of section 3 of the act of January 14, 1875, which fixed the date for the resumption of specie payments on the 1st day of January, 1879; which was read a first and second time.

Mr. FOSTER. We want to hear that.

The bill, having been read in full, was referred to the Committee on Banking and Currency, and ordered to be printed.

ENOCH L. FOLSOM.

Mr. HAYMOND also introduced a bill (H. R. No. 3708) granting a pension to Enoch L. Folsom, of Lake County, Indiana; which was read a first and second time.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON YEWELL.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 3709) granting a pension to Solomon Yewell, late private in Company H, Thirteenth Indiana Volunteers; which was read a first and second time.

Mr. HURLBUT. Let the bill be read.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN V. DAY.

Mr. HARTZELL introduced a bill (H. R. No. 3710) granting a pension to Martin V. Day; which was read a first and second time.

The bill, having been read in full, was referred to the Committee on Invalid Pensions, and ordered to be printed.

A. J. SMITH.

Mr. STONE introduced a bill (H. R. No. 3711) to authorize the President of the United States to place the name of A. J. Smith, late colonel of the Seventh Cavalry, on the retired list; which was read a first and second time.

Mr. HURLBUT. I desire to have that bill read.

The bill was read in full, and was referred to the Committee on Military Affairs, and ordered to be printed.

STAMPED LETTER AND NOTE SHEET.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 3712) to authorize the issue of a stamped letter and note sheet; which was read a first and second time.

Mr. HURLBUT. Let the bill be read.

The bill, having been read in full, was referred to the Committee on the Post-Office and Post-Roads.

MONEYS ERRONEOUSLY CREDITED TO POST-OFFICE DEPARTMENT.

Mr. CLARK, of Missouri, also introduced a bill (H. R. No. 3713) to enable the Postmaster-General to place to the credit of the proper account any moneys erroneously deposited to the credit of the Post-Office Department; which was read a first and second time.

Mr. HURLBUT. I call for the reading of that bill.

The bill, having been read in full, was referred to the Committee on the Post-Office and Post-Roads.

JOHN HOSTAT.

Mr. GLOVER introduced a bill (H. R. No. 3714) for the relief of John Hostat, a soldier of the war of 1812; which was read a first and second time.

The bill was read in full, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT COURT FOR WESTERN ARKANSAS.

Mr. GAUSE introduced a bill (H. R. No. 3715) to confer jurisdiction in certain cases on the district court of the United States for the western district of Arkansas; which was read a first and second time.

Mr. FOSTER. I call for the reading of that bill.

The bill, having been read in full, was referred to the Committee on the Judiciary, and ordered to be printed.

SUSPENDED EMPLOYÉS OF BUREAU OF ENGRAVING AND PRINTING.

Mr. WILLARD introduced a bill (H. R. No. 3716) for the relief of suspended employés of the Bureau of Engraving and Printing, United States Treasury Department; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The bill was read, and referred to the Committee on Appropriations, and ordered to be printed.

CHEAP TRANSPORTATION OF FREIGHT.

Mr. POTTER introduced a bill to provide for the cheap transportation of freight between tidewater on or near the Atlantic Ocean and the Ohio and Mississippi Valleys; which was read a first and second time.

Mr. FOSTER. I call for the reading of the bill.

The Clerk proceeded to read the bill.

Before he had concluded,

Mr. LORD said: I understand that the morning hour has expired.

The SPEAKER *pro tempore*. The morning hour has just expired.

Mr. PIPER. Then I call up the unfinished business.

Mr. FOSTER. I ask unanimous consent that the call of the States be completed for bills for reference only, the bills not to be read.

Mr. HOLMAN. I hope that will be done.

Mr. POPPLETON. I object.

Mr. PIPER. Before calling up my motion to suspend the rules, I will yield for gentlemen who desire to report and introduce bills.

ARMY APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes; which was read a first and second time.

Mr. GARFIELD. I desire to reserve all points of order on that bill.

The SPEAKER *pro tempore*. The same will be noted.

Mr. ATKINS. To-morrow morning I will move to suspend the rules and that the House shall go into Committee of the Whole on the state of the Union on this bill, and shall spend to-morrow in general debate upon it and the next morning that we shall take up the bill under the five-minute rule.

Mr. WALLING. I object.

Mr. RANDALL. The gentleman from Tennessee only gives notice that he will make that motion.

Mr. GARFIELD. Let him move to suspend the rules and make the order now.

Mr. HOLMAN. That is not necessary.

Mr. ATKINS. Upon suggestion I will move to suspend the rules so as to make that order.

Mr. HOLMAN. Although there is no impropriety in that course it is certainly not necessary, as the gentleman from Tennessee can make a motion to suspend the rules to go into Committee of the Whole on the state of the Union, on the bill to-morrow as well as to-day, and then it will require merely a majority vote, whereas to-day it requires a two-thirds vote.

The SPEAKER *pro tempore*. Unanimous consent not having been given to the course proposed by the gentleman from Tennessee, he now moves to suspend the rules and make the proposed arrangement.

The question was taken, and (two-thirds voting in favor thereof) the motion was agreed to.

Mr. WILSON, of Iowa. It does not require a two-thirds vote to suspend the rules to go into Committee of the Whole; a majority can do that.

The SPEAKER *pro tempore*. A majority can do it on an appropriation bill, and the Chair will correct it in that regard.

MRS. MARIA B. CRAIG.

Mr. BANKS, by unanimous consent, introduced a bill (H. R. No. 3718) for the relief of Mrs. Maria B. Craig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. CHEEVER.

Mr. BANKS also, by unanimous consent, introduced a bill (H. R. No. 3719) granting a pension to Henry A. Cheever, late first lieutenant and adjutant Seventeenth Massachusetts Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF MOSES COX.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 3720) for the relief of the heirs of Moses Cox, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF UNITED STATES STATUTES.

Mr. LYNDE, by unanimous consent, introduced a bill (H. R. No. 3721) to amend chapter 304 of the statutes of Congress of 1874; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JULES BLANCHEZ.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 3722) for the relief of Jules Blanchez, late of Brownsville, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. SAVAGE. I desire to know whether it requires unanimous consent for the introduction of these bills now?

The SPEAKER *pro tempore*. It does require unanimous consent, and the gentleman from California yields for that purpose.

Mr. SAVAGE. I object to any more bills being introduced in this way.

IMMIGRATION FROM AND EMIGRATION TO CHINA.

The SPEAKER *pro tempore*. The gentleman from California [Mr. PIPER] calls up the unfinished business, which is a motion made on Monday before last to suspend the rules and pass a joint resolution reported by the Committee on Commerce.

The joint resolution will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, That the President of the United States be, and he is hereby, requested to submit to the government of the Ta Tsing Empire (China) an additional article to the treaty of July 28, 1868, between the United States of America and the Ta Tsing Empire (China) to the following effect: The United States of America do hereby reserve the right to regulate, restrict, or prevent the immigration of Chinese subjects into the United States except for commercial pursuits, and reciprocally, the Emperor of China does reserve the right to regulate, restrict, or prevent the immigration of citizens of the United States into the Ta Tsing Empire (China) except for commercial pursuits.

Mr. PIPER. I have moved that the rules be suspended and the joint resolution be passed.

The question was put on the motion to suspend the rules; and the Speaker *pro tempore* announced that the ayes had it.

Mr. WALLING. I call for a division.

The House divided; and there were—ayes 78, noes 7; no quorum voting.

Mr. HOLMAN. If no further count is called for, I suppose the joint resolution may be considered as passed by a two-thirds vote.

Mr. HURLBUT. No quorum has voted.

The SPEAKER *pro tempore*. If the gentleman insists upon a further count it will be taken; otherwise the Chair will declare the joint resolution passed.

Mr. TOWNSEND, of New York. I raise the point that no quorum has voted.

The SPEAKER *pro tempore*. The Chair has put the question to the House very distinctly. If the gentleman says he made the point of order that no quorum voted the Chair will submit the question to the House again.

Mr. TOWNSEND, of New York. I certainly did make the point.

The question was again taken; and upon a division there were—ayes 118, noes 6.

Mr. TOWNSEND, of New York. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. PIPER, and Mr. TOWNSEND of New York, were appointed.

The House again divided; and the tellers reported that there were—ayes 126, noes 14.

Mr. TOWNSEND. I do not call for any further count.

No further count being called for, the rules were suspended (two-thirds voting in favor thereof) and the joint resolution (H. R. No. 124) was passed.

JOHN A. BRIDGELAND.

Mr. CALDWELL, of Tennessee. I move that the rules be suspended and the resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the evidence taken by the Committee on the Judiciary in an investigation in relation to Horace Boughton be referred, so far as it relates to John A. Bridgeland, at present consul to Havre, France, to the Committee on Expenditures in the State Department; and that said committee be authorized to send for persons and papers, to investigate said charges against said Bridgeland, and report thereon to the House.

Mr. HURLBUT. There is a mistake in the wording of the resolution; the testimony was not taken before the Committee on the Judiciary, but before the Committee on Military Affairs.

Mr. CALDWELL, of Tennessee. I will modify the resolution by substituting the "Committee on Military Affairs" for the "Committee on the Judiciary."

Mr. KASSON. What are the charges? I hope consent will be given to the gentleman from Tennessee [Mr. CALDWELL] to state what are the charges. For one, I am ignorant, and I presume we are all ignorant, of what is involved in these charges.

Mr. HURLBUT. If the gentleman will modify the resolution so as to embrace in it and have printed all the testimony taken in that case, I will not object to it.

Mr. BANNING. That is right.

Mr. CALDWELL, of Tennessee. I modify the resolution accordingly.

The question was then taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution, as modified, was adopted.

JAMES F. BUCKNER.

Mr. TUCKER. I move that the rules be suspended so as to discharge the Committee of the Whole on the Private Calendar from the further consideration of the bill (H. R. No. 3486) for the relief of James F. Buckner, and that it be now passed by the House.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed, in the settlement of the accounts of James F. Buckner, collector of internal revenue for the fifth district of Kentucky, to credit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector and cashier, George N. Jackson, it being first proved to the satisfaction of the Secretary of the Treasury that such embezzlement or larceny did not occur through any fault or negligence of said Buckner: *Provided*, That the said Buckner shall assign and transfer to the United States, and for their benefit, any bond or other security, lien by judgment, or otherwise, against the said Jackson or others, and the right to prosecute all suit or suits thereon or for the enforcement thereof, and the exclusive benefit of all such shall inure to the United States.

Mr. HOLMAN. Will the gentleman from Virginia allow me to ask him a question?

Mr. TUCKER. Certainly.

Mr. HOLMAN. I understand that this officer gave an official bond to the Government, and his deputy gave a proper bond to him; and it is now proposed to relieve the collector and throw upon the United States Government the duty of collecting the penalty of the bond given by the person who committed the embezzlement. Now, I submit that if such is the state of facts we are asked to go further in this bill than we have ever gone before in my experience. It is proposing that the United States shall collect this money instead of its being collected by the officer to whom the bond was given.

Mr. TUCKER. My friend is mistaken.

The SPEAKER *pro tempore*. Debate is proceeding by unanimous consent only.

Mr. FOSTER. I suggest that the report in this case be read.

Mr. TUCKER. I have no objection to the report being read, but I think I can make a statement in a few minutes that will answer every purpose. I ask consent for that purpose.

There was no objection, and leave was granted accordingly.

Mr. TUCKER. As a member of the Committee of Ways and Means and as chairman of the subcommittee I have examined this case with very great care. I think my colleague upon that committee will agree that I am not apt to report in favor of the release of any party from his legal liabilities, unless the circumstances are very strongly in favor of such a proposition. After a very careful and full examination of the case I am satisfied that this relief ought to be given to this party.

He is a collector in a district, the fifth district of the State of Kentucky, in which about $2,000,000 are usually collected every year. By law he is required to appoint his deputies, one of whom acts as cashier. He appointed as his cashier and deputy a young man from the city of Louisville, of the very highest character for integrity and honesty, according to the evidence in the case. When this young man entered upon the office, the collector required him to deposit in bank to the credit of the collector all the moneys received during each day, so that no money was left on hand. The collector took a bond from this deputy in the penalty of $25,000, which was more than the penalty required of any party in the same office at any previous time, Collector Buckner increasing the penalty from $15,000 to $25,000, in order to obtain the better security. The young man by a series of frauds, very well concealed, perpetrated these peculations upon the Government in reference to the stamps which were in his possession; so that the defalcation amounted to something like $60,000. Six detectives were sent out at different times to examine the office of Mr. Buckner; and upon each examination they reported everything right in the office of this young man. These reports are filed with the evidence before the committee.

As soon as the frauds were detected the young man committed suicide, destroying—as was supposed—the papers and books by which it would have been ascertained how the fraud was committed. The

effect is that this man, Mr. Buckner, with his securities, is held liable for the defalcation.

The committee in examining this case took the ground that there should be no relaxation of the liability of the party unless these four points were made out:

1. The whole burden of proof rests with the officer.

2. He must exclude all hypothesis of fraud on his part or privity in or knowledge of the misconduct of his subordinate.

3. He must show due, that is, watchful, care and diligence in the appointment and over the action of his subordinate.

4. He must show that he used all reasonable care in providing for responsibility of the subordinate for any malfeasance or negligence in office.

Now the committee, upon an examination of all the evidence, held that those four points were conclusively made out; that in all respects there was an entire exclusion of all privity or knowledge on the part of the collector of any fraudulent act of his subordinate; that the frauds of the latter were so well concealed from him and from these six detectives that it was well-nigh impossible for Mr. Buckner ever to have found them out.

Mr. BROWN, of Kentucky. Let me state one other fact. Within two weeks of the discovery of the defalcation did not an officer of the Government, a trained expert, whose special business it was to investigate the business of such offices, go thoroughly through this one and report its accounts all accurate and all its affairs in every respect faultless?

Mr. TUCKER. Yes, sir; Mr. Wheeler, on the 25th of June, 1875, made such a report to the Government. Thus Mr. Buckner was lulled into entire security as to the whole matter, because, when the detectives at various times examined and reported to the Government and to Mr. Buckner that upon a thorough examination the matter was all right, Mr. Buckner was justified in assuming that he was not required to make any further examination.

Mr. EDEN. How long were these frauds going on?

Mr. TUCKER. For two or three years, I think, and during the whole time there were six examinations by officers of the Government: in November, 1872; in April, 1873; in February, 1874; in November, 1874; in March, 1875; and in June, 1875.

Mr. EDEN. Is it known how the frauds occurred?

Mr. TUCKER. It is impossible, as the detectives say, to ascertain exactly how the frauds occurred; but it is supposed that the fraud was in the miscount of stamps; that the amount of stamps on hand was concealed or in some other way deception was practiced. The evidence does not show the manner in which the fraud occurred.

I am opposed to releasing public officers except where the case is a clear one; but the House will permit me to read a single passage from the report which states what seems to me to be the ground upon which there ought to be a release in such cases:

> Your committee would not relax the responsibility of a collector for his own or the defaults of his subordinates as fixed by law, except where it is clearly established by affirmative proof that the collector has not only had no complicity with the wrongful act, but where he has used due diligence in the selection of his agent, in supervising his conduct, and in guarding the Government and public against the consequences of his malfeasance. Where this is fully shown, and all guilty knowledge and improper negligence in respect to the acts of the subordinates are excluded by clear proof, your committee are of opinion that justice, sustained by numerous precedents, requires that the legal liability of the collector may be properly released by the Government.
>
> The collector is the agent of the Government, an agent whose duties are such as to authorize him to employ subagents; in fact, the law expressly authorizes it. To hold the collector to responsibility for a lack of infallibility in the selection and in the supervision and guarding of these subagents, so that the Government shall be absolutely secured against loss, would be to make the collector not a mere bailee but an insurer for the Government. Such a measure of liability would be fraught with public detriment, because it would deter upright men from undertaking official duty which involved such hazard, and leave the offices to be filled by irresponsible men. It is the interest of the Government to induce honest men to take office, and not frighten them from it by the exaction of a liability too great to be willingly incurred.

Mr. HOLMAN. I would like to ask the gentleman a question. Under the law the collector, I believe, determines what shall be the character of the security given to him by his subordinates.

Mr. TUCKER. Yes, sir.

Mr. HOLMAN. He determines what shall be the form of the bond, who the sureties shall be, and what shall be the penalty. This whole matter is by the law placed exclusively under the control of the collector. In this case he fixed the penalty of the bond of his subordinate at $25,000. Now, what steps have been taken by the collector to enforce the penalty of that bond?

Mr. TUCKER. I am coming to that in a moment. The only doubt I had about this case was on just that point, whether the collector had used due diligence in fixing the proper penalty for the bond. The proof is that previously the penalty in the bond of this officer was $10,000, which was afterward increased to $15,000; but when Buckner came in, he required a bond to be given in the penalty of $25,000, one-fourth the penalty of his own bond. It seemed to me, therefore, that he had used due diligence in fixing a proper penalty, because it cannot be said that if a proper penalty had been fixed there would have been no loss. Why, sir, $2,000,000 were collected every year by this collector; and in order to cover all possible liability the bond must have been in the penalty of $2,000,000. Who could have given such a bond? The clerk who gets $1,500 salary? So that, as I say, and as the report states, we must be careful not to put such limitations and restrictions upon the officers as that no honest man would take the office. Now I admit that you must hold a fiduciary to strict liability, but you must take care not to deter honest men from becoming fiduciaries, and you must not hold them to such strict liability as that a man would say, "Why, if this man whom I have appointed to office steals a sum of money to-night without my knowing anything about it, and I am to be held liable, I would not accept the office."

Mr. LANDERS, of Indiana. I understand the gentleman to say that the object of the Government should be to get honest men to take office. Should it not be the part of the Government to get competent men to take office?

Mr. TUCKER. Unquestionably.

Mr. LANDERS, of Indiana. Do you consider a man competent who allows such a fraud to pass without his notice?

Mr. TUCKER. The question is whether you shall require or can have a competency which involves infallibility. That is the question. And as my friend from Indiana in common with all human beings is fallible, I suppose that he ought not to be excluded from office on account of that fallibility which is common to our race.

Mr. EDEN. May I ask the gentleman a question?

Mr. TUCKER. Certainly.

Mr. EDEN. Does the committee consider it would be a safe precedent to say that any public officer who appoints his own subordinates should not be responsible for the acts of those subordinates?

Mr. TUCKER. Yes; under the circumstances of this case and under the limitations stated by the committee.

But I will state to the House, Mr. Speaker, that I was careful, and I think my friends on the committee will agree with me that I was careful, so to limit the cases in which a party will be exempted from liability as that this cannot be drawn into an evil precedent for any future action.

Mr. FOSTER. Is this a unanimous report by the committee?

Mr. TUCKER. It is not a unanimous report.

Mr. LORD. I find that this matter is going into a general debate, and I feel constrained to call for the regular order.

The SPEAKER *pro tempore*. This debate is going on by unanimous consent.

Mr. TUCKER. If my friend from New York [Mr. LORD] will allow me two minutes, I desire to answer the question of my friend from Indiana, [Mr. HOLMAN.]

Mr. MORRISON. Will the gentleman allow me a moment?

Mr. TUCKER. Certainly.

Mr. MORRISON. The gentleman from Ohio [Mr. FOSTER] inquired if this is a unanimous report. I think I ought in justice to myself to say that I did not concur in it. This man is entitled to my sympathies, but he assumed the responsibilities of this office and he ought, in my judgment, to incur the loss.

Mr. TUCKER. I stated that it was not a unanimous report.

Mr. FOSTER. I wish to say that I have given, myself, considerable attention to this case, and I regard it as one coming within the conditions heretofore required and for which there are numerous precedents.

Mr. TUCKER. I will answer the question of my friend from Indiana, [Mr. HOLMAN.]

The gentleman asks me what steps have been taken by this party to recover on the penal bond given by the deputy. Steps were immediately taken; suit was immediately brought. The sureties on the bond were worth eight times the amount of the penalty at the time the bond was given, and up to the time of the death of the party and the time the suit was brought. That question was very earnestly inquired into by me as a member of the committee. The suit was brought, and is now pending; and my friend from Indiana [Mr. HOLMAN] is mistaken in supposing that it is proposed to hand over to the Government the duty of bringing this suit. The only thing we propose is that the collector be exempted from liability, but shall assign to the Government all the benefit of this bond which he has taken and all the benefits of any lien which he may obtain by judgment or otherwise.

Mr. HOLMAN. But would it not be safer at any rate for the collector to pay over the amount which is so amply secured according to the statement of my friend from Virginia? Let him pay over that amount, at least, rather than devolve upon the Government the prosecution of the suit.

And there is one other question which I am very anxious to have presented, and to which I desire an answer from the Committee of Ways and Means, as being of importance in this case. I understand the law to be this: In such a case, on the recommendation of the judge trying the case and the district attorney, after the facts have been all judicially investigated, the Treasury Department is authorized to remit the liability of the officer, to remit the penalty of the bond, and relieve the collector from the responsibility. Is not that the law?

Mr. TUCKER. I think not. I hope that is not the law.

Mr. HOLMAN. Then, if it is not the law, how does it happen that the Treasury Department is authorized to compromise the case after judgment is rendered, on the recommendation of the district attorney and the judge before whom the case is tried?

Mr. TUCKER. I do not know of any such law. That is not proposed here at all. Buckner has no funds to pay over to the Govern-

ment. He would be very glad if he had. He has brought suit against the deputy collector's sureties, and the bill proposes that he shall assign over to the Government the benefit of any judgment that may accrue under that suit.

Mr. HOLMAN. I think it would be safer to let this case rest until after the case has been tried, and then we shall know by a judicial examination of the case exactly how far this collector was responsible for the defalcation.

Mr. TUCKER. The difficulty is that if this measure is not adopted the property of Buckner will be exposed for sale for this defalcation, and that will ruin the party, and this bill is proposed by the committee in order to save this man from utter ruin. We think that he should be exempted from all liability in this case, and he assigns over to the Government the benefit of all the securities he has, and the Government is not authorized to relieve him from liability until these securities are assigned.

Mr. HOLMAN. Will not the release of this principal necessarily result in releasing the sureties of the deputy?

Mr. TUCKER. O, no; not at all.

Mr. HOLMAN. Why, certainly it will; certainly my friend is mistaken about that.

Mr. TUCKER. Why, my friend from Indiana is certainly too learned a lawyer not to know that the release of Buckner by the United States on the official bond of Buckner to the United States cannot affect the liability of the sureties on a private bond to Buckner. The bill saves the interest of the Government in that bond, and I hope it will be the pleasure of the House to pass it.

Mr. HAMILTON, of New Jersey. If Buckner be relieved, how can you enforce any penalty against his deputy?

Mr. TUCKER. Well, sir, a suit against Buckner would be a suit by the United States against Buckner, while his suit is a suit against the sureties of his deputy.

Mr. HAMILTON, of New Jersey. Buckner, unless he is damnified, cannot in that suit recover damages, and the sureties of his deputy will be relieved.

Mr. TUCKER. O, no; not at all. If the Government allows him to assign this case, it does not release the depnty or his sureties at all.

Mr. HANCOCK. The assignment is one of the conditions of release.

Mr. GARFIELD. Allow me to say that few measures have been before the Committee of Ways and Means which have been so carefully examined as this case, and I am satisfied that every statement made by the gentleman from Virginia will bear the fullest scrutiny. I am equally satisfied that the eqnity of the case requires the passage of the bill, and its passage now.

Mr. TUCKER. If gentlemen have no further qnestions to ask me I will call the previous question.

Mr. HOLMAN. I believe the motion is not snbject to the previous question.

The SPEAKER *pro tempore*. This debate is proceeding by unanimous consent.

Mr. HOLMAN. I ask leave to submit a single remark as to the policy to be pursued in this particular case, for I am satisfied that this bill is carrying the relief which Congress has occasionally granted to persons connected with a defalcation to a degree that no relief has ever been granted for until 1864.

I do not believe that a bill beginning to approach this in its character and furnishing such relief ever passed this House; I am not aware at least of any such measure giving relief to this extent having passed the House prior to that time. Since that time I admit that we have grown very loose in this kind of legislation, in furnishing this relief to the extent, it seems to me, of encouraging rather than preventing defalcation.

But in this particular case, if the gentleman from Virginia will allow me, there will be a judicial investigation in a short time. We are told that a suit is to be brought at once on the bonds given by this deputy, and that the penalty of that bond is amply secured to the amount of $25,000. It will be tried at an early day and the trial will inevitably involve the whole question of defalcation. There will be a recovery of judgment there if the facts are as my friend understands them to be, and the amount of that penalty will be the recovery. The House can then move with a reasonable certainty. There will have been a judicial investigation. There will have been collected $25,000 of this money, and we can then proceed with a reasonable certainty on two points; first, it can be assured that the judicial tribunal will determine with a reasonable certainty whether the defalcation could have come to the knowledge of the principal or not; and secondly, whether the money should go into the Treasury of the United States. While both these matters remain an uncertainty and until the suit is determined, delay can do no harm, for the Treasury Department, in the case put, will not be in haste to determine the suit against his sureties.

Mr. BROWN, of Kentucky. Upon that point I would ask the gentleman from Indiana [Mr. HOLMAN] if the report of the committee of this House specially charged with the investigation of the merits of the case should not be accepted as more satisfactory than any opinion of the judge who may hereafter try the case?

Mr. HOLMAN. O, not at all.

Mr. BROWN, of Kentucky. As I understand, this case has had a most exhaustive and thorough investigation by the commttee on all points presented by the claimant and that the proof is overwhelming in his favor.

Let me add, Mr. Speaker, that the claimant here is not of my political faith—but a consistent, determined republican, of great influence, but unspotted character. James F. Buckner is honest and incorruptible. Since this great misfortune he has been continued in office, retaining fully the confidence of the officers of the Government and of his fellow-citizens at home. He renewed his bond, at once and without difficulty, in the same community where the defalcation occurred; and there, with those who know him best, there exists no shadow of suspicion of any misconduct on his part.

There is a memorial here recommending his relief, signed by hundreds of the leading citizens of Kentucky—lawyers, bankers, editors, doctors, and merchants—most of them living in his city, and, indeed, most of them not of his political party. The bill should pass. A case of more merit could not be made out.

Mr. HOLMAN. I have had some experience, as my friend from Kentucky has, in congressional investigations. They are from the necessities of the case partial, for from the necessities of the case the testimony is *ex parte*.

Mr. TUCKER. No, sir.

Mr. HOLMAN. From the necessity of the case the testimony is *ex parte;* it is impossible that there should be a judicial investigation of any question before a committee of Congress. Now in the mean time there will be a judicial investigation; the real facts will come out under the severe tests which a court of justice applies, and we can then act with absolute safety; until then we cannot.

Mr. BROWN, of Kentucky. For the information of the gentleman from Indiana [Mr. HOLMAN] I will ask the gentleman from Virginia [Mr. TUCKER] if during the progress of this investigation, wherever a doubt suggested itself to the mind of the committee, they did not require additional proof on that point?

Mr. TUCKER. All the way through.

Mr. BROWN, of Kentucky. And was not the proof on all those doubtful points most abundant and satisfactory?

Mr. TUCKER. There is no question about that. The proof of Mr. Buckner's honesty and honor and non-privity in this matter is absolutely positive. And furthermore, in answer to the gentleman from Kentucky, [Mr. BROWN,] I will say that whenever any doubt suggested itself to my mind I required additional proof, and I obtained it from such sources as left no doubt upon my mind. When the gentlemen from Indiana [Mr. HOLMAN] says that the evidence in this case must have been *ex parte*, I will say to him that the committee heard that there were persons in this city who had evidence against Buckner, and we suspended the examination and examined those persons fully before the committee, and there was nothing proved by all of the parties brought here that threw the slightest shade upon the conduct or character of Mr. Buckner.

Mr. HOLMAN. I ask the gentleman from Ohio [Mr. FOSTER] if this case was before his committee in the last Congress; and, if so, why that committee did not then report in favor of it?

Mr. FOSTER. It was not before our committee in the last Congress.

Mr. TUCKER. I now call for a vote.

The question was taken; and upon a division there were—ayes 118, noes 32.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

ELECTIONS IN THE TERRITORIES.

Mr. WIGGINTON, from the Committee on the Territories, reported as a substitute for House bill No. 3101 a bill (H. R. No. 3723) to regulate elections and the election franchise in the Territories of the United States; which was read a first and second time, ordered to be printed, and recommitted.

PAYMENT OF 5.20 BONDS IN COIN.

Mr. POPPLETON. I move that the rules be suspended so that the House may now adopt the preamble and resolutions which I send to the Clerk's desk to be read.

The Clerk read as follows:

Whereas it has been publicly charged that the act passed March 18, 1869, promising to pay the principal of the 5.20 bonds of the Government in coin was procured through fraud, by the use of large sums of money used to elect and corrupt public officials and influence the public press, said money having been obtained through the combined efforts of certain banks, bankers, and moneyed corporations in this country and the moneyed centers of London and Frankfort in Europe, by the purchase on account, and for that purpose, of $50,000,000 of said bonds, on which 10 per cent. advance was paid to procure said legislation, the total amount of which was at least $5,000,000, that being the sum alleged as having been paid to secure the passage of said act; and whereas it is held and alleged—

First. That the effect of said legislation has been to compel the payment of twice the amount in coin for all of said bonds already redeemed as was received in coin or its equivalent by the Government for said bonds when issued, owing to the statute under which they were created promising their payment in lawful money.

Second. To continue the payment of usurious interest on said bonds for more than seven years after the Government had the right to redeem them in lawful money, whereby over $500,000,000 have been unjustly wrung from the people.

Third. To force a large majority of said bonds out of the country and into the hands of foreigners to whom said interest is paid, which, had just and honest legislation prevailed, would have been reduced to a reasonable rate and paid to our own people in lawful money, and retained within the country to develop its resources.

Fourth. To create a demand for gold in excess of the production of our mines, to pay the interest on said bonds held in foreign countries, thereby depleting this country of that commodity.

Fifth. To bring the corrupting influence of foreign capital to bear upon our elec-

tions, public officials, and the press, the result of all of which, it is charged, has been to enrich the few at the expense of the many, to paralyze business, exhaust the resources and impair the confidence of the people, and to bring public officials into general distrust: Therefore,

Resolved, That the Committee on the Judiciary be directed to inquire into the truth or falsity of said charges and allegations, and, if found true, whether said corrupt action does not invalidate said law, and also whether said law was not in violation of the contract under which said bonds were originally issued, and for that reason unconstitutional and void.

Resolved, That said committee have power to send for and examine persons and papers, either of the Government or any firm or corporation having business connected with the purchase or sale of Government bonds when said act was passed, to administer oaths, punish witnesses, and to do all things necessary to obtain correct and truthful information relating to all matters referred to in this preamble and these resolutions, and to report the result of its investigations and conclusions to this House at its earliest convenience.

Before the reading had been concluded,

Mr. KASSON said: I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. KASSON. I raise this point of order as against the motion which is now made to the House to suspend the rules and pass the preamble and resolutions being read by the Clerk; it is that House bill No. 2685, for the distribution of the unappropriated moneys of the Geneva award, was made a special order for Monday to the exclusion of all other orders, and to the exclusion of all motions to suspend the rules from and after two o'clock p. m. That bill is now in order.

Mr. HOLMAN. The pending proposition is one to suspend the rules.

The SPEAKER *pro tempore*. The order of the House relating to that bill, or that portion of the order in regard to a suspension of the rules, exhausted itself on Monday last.

Mr. KASSON. On the contrary, it was made a special order from day to day.

The SPEAKER *pro tempore*. The consideration of the bill proceeds from day to day.

Mr. KASSON. And on Mondays excluding all motions to suspend the rules.

The SPEAKER *pro tempore*. Not "on Mondays." The Chair has had his attention called to the matter; and the gentleman from New York [Mr. LORD] will be recognized directly to make a motion to suspend the rules for the purpose of proceeding with the consideration of that bill.

Mr. KASSON. The Calendar sets it down as an order for to-day, whatever that may be worth.

The SPEAKER *pro tempore*. The Chair is not responsible for the Calendar, only for the enforcement of the rules.

Mr. SPRINGER. I can refer the gentleman in the RECORD to the proceedings of last Saturday week, when that order was made.

The Clerk resumed and concluded the reading of the preamble and resolution.

Mr. KASSON. Does the gentleman who offers this resolution expect us to indorse all those recitals without the examination of a committee?

Mr. POPPLETON. I do ask the House to indorse those recitals as having been alleged against the legislation of 1869; alleged in the public press and by responsible parties.

Mr. HOLMAN. Every fact asserted there has been alleged here on the floor of the House.

Mr. POPPLETON. I call for the yeas and nays on the motion to suspend the rules and adopt the preamble and resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 21, not voting 166; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Culberson, Cutler, Davis, De Bolt, Dibrell, Eden, Felton, Finley, Forney, Franklin, Fuller, Gause, Goode, Gunter, Robert Hamilton, Hardenbergh, Hartridge, Hartzell, Hatcher, Henkle, Goldsmith W. Hewitt, Holman, Hooker, House, Hunton, Jenks, Thomas L. Jones, Franklin Landers, Levy, Lord, Luttrell, Lynde, Maish, McMahon, Metcalfe, Milliken, Mills, Morrison, Neal, Parsons, Phelps, John F. Philips, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Terry, Throckmorton, Turney, Robert B. Vance, Walling, Erastus Wells, Whitthorne, Wigginton, Wike, James D. Williams, Jeremiah N. Williams, Yeates, and Young—102.

NAYS—Messrs. Bagby, Banks, Bell, Bradley, Candler, Caswell, Chapin, Hancock, Hendee, Hurd, Frank Jones, Kehr, George M. Landers, Lewis, O'Brien, Schleicher, Thompson, Ward, James Williams, Willis, and Fernando Wood—21.

NOT VOTING—Messrs. Adams, Ainsworth, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Bass, Beebe, Blaine, Blair, Bliss, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, Cannon, Caulfield, Chittenden, Conger, Cowan, Cox, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Douglas, Dunnell, Durand, Durham, Eames, Egbert, Ellis, Ely, Evans, Faulkner, Fort, Foster, Freeman, Frost, Fryo, Garfield, Gibson, Glover, Goodin, Hale, Andrew H. Hamilton, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hathorn, Haymond, Haya, Henderson, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Hopkins, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Knott, Lamar, Lane, Lapham, Lawrence, Leavenworth, Le Moyne, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, MacDougall, McCrary, McDill, McFarland, Meade, Miller, Money, Monroe, Morgan, Mutchler, Nash, New, Norton, Odell, Oliver, O'Neill, Packer, Page, Payne, William A. Phillips, Pierce, Plaisted, Platt, Powell, Pratt, Purman, Rainey, James B. Reilly, Robinson, Sobieski Ross, Rusk, Sampson, Schumaker, Seelye, Sinnickson, Simmons, Smalls, A. Herr Smith, Spencer, Strait, Stevenson, Stowell, Swann, Tarbox, Teese, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Waddell, Wait, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Warren, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—166.

No quorum voted.

During the roll-call the following announcements were made:

Mr. TUCKER. I am paired with the gentleman from Illinois, Mr. BURCHARD, who, if present would vote in the negative, while I should vote in the affirmative.

Mr. DOUGLAS. I am paired with the gentleman from New York, Mr. MACDOUGALL. I do not know how he would vote if he were present; I presume he would not vote at all. I would vote "ay."

Mr. VAN VORHES. My colleague from Ohio, Mr. VANCE, is absent by order of the House.

Mr. MORGAN. I am paired with the gentleman from New York, Mr. PLATT. If he were present I should vote "ay."

Mr. AINSWORTH. I am paired with the gentleman from New York, Mr. MILLER. If he were present he would vote "no," and I should vote "ay."

The result of the vote was announced as above stated—no quorum voting.

Mr. O'BRIEN. I make the point that no quorum has voted.

Mr. POPPLETON. I move a call of the House.

Mr. O'BRIEN. Has the Chair announced the decision of the question on the call of the yeas and nays?

The SPEAKER *pro tempore*. No quorum having voted, there is no decision.

Mr. O'NEILL. I move that the House adjourn; and on that motion I call for the yeas and nays.

Mr. CLYMER. I ask unanimous consent to make a report at this time from the Committee on Expenditures in the War Department.

Mr. O'NEILL. I yield to my colleague for that purpose.

The SPEAKER *pro tempore*. Pending the motion to adjourn, the gentleman from Pennsylvania [Mr. CLYMER] asks unanimous consent to make a report from the Committee on Expenditures in the War Department.

Mr. POPPLETON. I have no objection, provided the motion made by myself does not lose its proper standing.

The SPEAKER *pro tempore*. The gentleman's motion for a call of the House is still pending and will be taken up when the motion to adjourn is disposed of. The Chair hears no objection to allowing the gentleman from Pennsylvania to submit his report.

THE CHARGE AGAINST THE SPEAKER.

Mr. CLYMER. I am directed by the Committee on Expenditures in the War Department to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on Expenditures in the War Department, after full investigation into the charges made against Hon. M. C. KERR, to the effect that the said KERR, while a member of the Thirty-ninth Congress of the United States, in 1866, had nominated one Augustus P. Greene, of New York, to an appointment in the regular Army of the United States, and in consideration of such appointment had received the sum of $450, would submit that, upon a thorough inquiry into the facts, after full examination of Lawrence Harney, (the only witness making the charge,) also of Augustus P. Greene and divers other witnesses, it appears that in 1866, while he was a member of the House of Representatives in the Thirty-ninth Congress, Mr. KERR did, in the exercise of his right or privilege as such Representative, nominate the said Augustus P. Greene for an appointment in the regular Army; that such nomination was made upon the application of said Greene, several Representatives from New York, including the member from his own district, being unable to present his name by reason of their engagements in that regard to other persons desirous of securing such appointment; that said Greene was furnished with and showed to Mr. KERR letters of commendation and indorsement from many worthy and prominent citizens of New York, together with letters of indorsement from divers officers of the United States Army; that additional indorsements from parties in New York with whom he was personally acquainted were required by Mr. KERR; that such additional vouchers of Greene's worth and fitness were secured and presented; that Hon. Morgan Jones, at that time a member of Congress from New York, made application in person to Mr. KERR, soliciting at his hands the appointment of Greene; that no application for the place had been or ever was made to Mr. KERR by any citizen or resident of his own district; that the time within which such right of appointment could be exercised was about to expire; that the appointment had been tendered by Mr. KERR to several of his constituency—at least two—and by each of these gentlemen it had been declined. It was under these circumstances that Mr. KERR conferred upon Greene the nomination for an appointment in the regular Army, which, after examination before the proper board, was given him; and your committee most emphatically declare their conviction of the perfect and absolute propriety of the action taken by Mr. KERR in the premises. It does appear from the testimony that the money, $450, was paid by Greene to Lawrence Harney upon assurance given by Harney that for the sum of $500 he (Harney) could secure the appointment; that Harney did receive the money from Greene and reported to him that he had paid the same to Mr. KERR.

This statement stands alone and unsupported. From the testimony of Greene it appears that he knows nothing of the transaction beyond the payment of the money by him to Harney. From the whole of the testimony, in the face of other and conflicting statements made by Harney to divers persons in relation to the transaction, coupled with the counter-statements of other witnesses and the circumstances attending the transaction, your committee have found no difficulty in reaching the conclusion that the charge, as made by Harney as to the payment of the amount of money stated or any other sum to Mr. KERR, for the object and purpose named, is unqualifiedly false; that Mr. KERR stands fully exonerated from all implication in anywise affecting his personal honor or official integrity. Your committee find nothing throughout the whole progress of this investigation to impair or detract from the well-established reputation that he enjoys for unquestioned personal integrity and unsullied purity of official record. All of which, together with the testimony taken, is herewith respectfully submitted as the unanimous action of all the members present.

HIESTER CLYMER.
WM. M. ROBBINS.
JO. C. S. BLACKBURN.
L. DANFORD.

Mr. CLYMER. It is my great pleasure to believe that the report just read records not only the unanimous judgment of the members of this House, but that also of the whole people of the country. As such, sir, I leave it without further comment, simply asking that it and the accompanying evidence may be printed. If there are others who desire to be heard on the report, I will be happy to give them an opportunity. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. DANFORD.]

Mr. DANFORD. It affords me real pleasure to be able to subscribe to the report just read at the Clerk's desk, and I desire at the outset to say that I do it not because of the unfortunate illness of Mr. KERR, but I do it because it is an act of simple justice to the man.

I desire to call the attention of the House for a few minutes to what I deem were some of the unfortunate circumstances that surrounded Mr. KERR in connection with the charge of the witness Harney. The committee were met at the very threshold of this investigation with a somewhat singular fact. Mr. KERR, a resident of the State of Indiana, had conferred a valuable appointment, perhaps fully as valuable as any appointment he had the privilege of controlling during that Congress, upon a resident of the State of New York. Mr. KERR, a democratic member of this House, conferred an appointment on a republican, a man with whom—as his testimony shows—he had no previous acquaintance, and a man that had no acquaintance in his district.

These were the unfortunate circumstances that surrounded him at the very outset of this investigation; and I will announce here for myself, and I believe for the entire committee, that had it not been for these unfortunate circumstances the committee would not have deemed it worth while to even enter upon the investigation.

The witness Harney, when he came before the committee, told a connected story, and one that in a cross-examination of four or five hours he in the main sustained, and which the House will see that he had very little difficulty in sustaining. In the main he was telling the truth; and in that constituted the danger to Mr. KERR. It was true, as he stated, that Greene had been appointed on Mr. KERR's recommendation; and it was undoubtedly true, as he testified, as Greene also testified, that Mr. KERR's first acquaintance with Greene was upon the introduction of this man Harney. The appointment was made, and for ten years I presume that Mr. KERR had thought but little of it. The circumstance had almost passed out of his mind, and when, some time in April last, he received through an anonymous letter notice that a report was being quietly circulated about the city of New York that he had been corrupted in the appointment of Greene, he naturally became anxious about the report. The committee met the fact of his anxiety also upon the very threshold of this examination. They found that the personal friends of the Speaker had visited Harney as well as Greene.

These were the circumstances under which we put Harney upon the stand as a witness. I will not speak here of the testimony of Greene, for I believe that the committee are thoroughly satisfied that, to the best of his recollection, he swore entirely to the truth. When this report, however, was being circulated, and when it came to the knowledge of Mr. KERR, he endeavored to find out the author of the anonymous letter. Knowing, as he did, the circumstances of Greene's appointment, and although at the first blush it might seem rather an unnatural circumstance that a man occupying the position of Speaker of this House should go to work through his personal friends and through an attorney to hunt down the author of an anonymous letter, yet when we come to consider the feeble condition of the man, when we come to consider the toils with which by circumstances he was surrounded, his action was natural and was just what any man under the circumstances should have done.

Harney, as I have said, had but *one* falsehood to tell, and in that I repeat consisted the danger of this story. The falsehood was in saying that he had handed the amount he had undoubtedly received from Greene to Mr. KERR; and this was the only circumstance and the only fact that in any way affected the honor or the integrity of Mr. KERR. Sir, there have been some charges made, and I desire in this connection to refer to the testimony of the witness Mr. Joseph S. Moore, that this charge against Mr. KERR had grown out of some conspiracy hatched in the city of New York, *corruptly* hatched for the purpose of breaking down the reputation and character of the Speaker of this House. I want to address myself to this matter as contained in the testimony of Mr. Moore. I do not and shall not refer to any newspaper articles upon the subject, but only to the testimony of Moore. After having visited the Speaker, and after having learned the circumstances of the case, he returned to the city of New York, and after an interview with Harney he wrote a letter to the Speaker, in which he characterized this as a conspiracy; and when the Speaker came first before the committee and gave his informal statement and denial, he spoke of the matter as a conspiracy.

Now, Mr. Speaker, upon that point I have but a word or two to say. This story of Harney's was no new invention. He told it ten years ago to Greene; and the evidence of a conspiracy is contained wholly and entirely in the testimony of the witness Harney. Moore based the facts upon which he based this charge of conspiracy upon what Harney had said to him. Moore testifies that when he first went to see Harney, Harney told him that he was pressed to make this statement. He tells him likewise that his lips were sealed, and that if he desired to know anything more of the charge he must go to see his lawyer, Judge Dittenhoffer. I believe we have the testimony of Moore as to the fact of his strange conduct upon that occasion; but the House will take notice that all this testimony is the testimony of Harney alone. Moore testifies that Harney had said to him on one occasion that Darling and Bliss and Davenport were insisting on his coming before the committee of the House and revealing this secret; but it will be remembered that Harney, on the witness-stand, denied having made any such declaration to Moore or any one else; and whether he did so or not, I am authorized to say here that as far as these gentlemen are concerned it is wholly and entirely untrue as to any corrupt motives or any conspiracy. Then there is no testimony save the testimony of Harney himself, a witness whom we discredit in our report, a witness who has gotten up this falsehood, a witness who has, as we believe and say virtually in the report, perjured himself on the witness-stand in the attempt to fasten this stain on Mr. KERR; he is the only and solitary witness testifying to any fact or circumstance brought to the attention of the committee that looked to any one else having had a hand in this transaction but himself.

I believe that this statement came from Harney in a very natural way. As I remarked a moment ago, it is the story he told ten years ago to Greene. Greene himself testifies that Harney stated that he paid the money to Mr. KERR, and he testified before the committee that during the winter, while the press was, perhaps, to use his own expression, "pitching into his employer" while these investigations were going on which the House and the country have been full of for the last six months, and while he was under some excitement in relation to this transaction, he told the story he had told ten years ago to Greene, told it to Darling, and Darling told it to Bliss, and Bliss told the story, as he testified before a committee of the House, in New York some weeks ago to a member of this committee.

I say, then, that the manner in which this charge came out from Harney was a perfectly natural course. He was only following up the story he had told to Greene ten years ago. When it was told to these gentlemen, with the knowledge they had of the circumstances which surround the case which I have already detailed, they gave it naturally to the committee, and the committee have acted upon it, and acted in good faith.

Now, a word just here in relation to Harney's testimony itself. As I have said, he told a story that in the main was consistent with itself; but fortunately for Mr. KERR we have been able by the testimony of a number of witnesses to contradict him in some matters testified to by him more or less material.

In the first place, he was contradicted in the testimony of the witness Moore, to which I have already referred. He was contradicted in his statement that he had never talked in relation to this matter to any other persons than Mr. Darling; he was contradicted by the testimony of Mr. Shanks, a material and important witness, whose testimony was taken last Saturday, and who testified that he visited Harney and talked with him in relation to this charge, and that Harney said to him in reply to his question that he had never said that there was any money transaction between him and Mr. KERR, but that it was only the social relations that he referred to. Harney in his testimony on the witness-stand denied having ever talked to a newspaper reporter on this subject or in that direction to any one. He denied that he had ever applied to any member of Congress to appoint Mr. Greene because of any benefit that might accrue to him out of it. That was his testimony as given on the stand. One witness, Morgan Jones, testified that while a member of the same Congress Harney approached him in the interest of Greene, asking his appointment, and saying that if it could be made it would be to his advantage, and he would have a nice present for the appointment. We have also the testimony of Meyer Strouse, also a member of the same Congress, who testified, by the way, that he was on intimate and familiar terms with the witness Harney; that Harney had applied to him for the appointment of Greene, saying that he might thereby make three or four hundred dollars. We have these contradictions of Harney on these material matters testified to by him.

There is another matter that Harney had taken care to notice. He was cross-examined in relation to the rooms occupied by Mr. KERR during that session, and he was able in some way to give such a statement to the committee of the location and situation of the rooms occupied by Mr. KERR at that time as that he was not contradicted. I have not been able to satisfy my mind as to whether it is not true as he testified that he had accompanied Greene to the rooms of Mr. KERR, although Greene testified positively that no such thing occurred, and Speaker KERR is very confident and clear in his recollection also in the same direction. Harney was, however, fortified upon that, and on cross-examination his story was not disproved. I am happy, however, to say that in the contradictions of Harney in his manner before the committee the committee were satisfied that he was not testifying to the truth. I have felt it my duty to say this as a member of the committee, having met this witness face to face, and it is a fact well known to every lawyer present at least, that it is half the question as to the value of a witness's testimony whether you can have him confront the jury or not. He was present and testified to the committee, and I am happy to say that notwithstanding all these circumstances which I have detailed I have no idea that so far as the corruption of Mr. KERR is concerned there was one single

scintilla of truth in his testimoey. But it was a falsehood, taken advantage of by a bad man for the purpose of blackening, or attempting to blacken, the reputation of a good man. [Applause.]

Just here let me say one word, and the House will pardon me for saying it, in connection with investigations by committees of Congress and the manner in which they are conducted. An investigation by a committee of Congress may be an instrument of great good in remedying evils that have crept into the public service, and likewise may result in great public benefit by unearthing villainies and scoundrelism generally. But when such investigations are made use of by a bad man like Harney for the purpose of blackening the reputation of an honored and esteemed citizen, they become the very worst instruments that can be used in a country like ours. The testimony of Harney, his appearance before one of our committees as a witness, in my judgment was the natural outgrowth of the investigations which have been conducted by some of the committees of this House during the last six months.

We have seen such committees, composed either of entire standing committees or of subcommittees, mousing around and dragging to public view the private correspondence of citizens, publishing the bank accounts of public men, without charges and without specification against them. I have thought at times, during the present session of this Congress, that in some quarters there was an evident feeling of gratification when a public official could be smirched. I remember reading some two months ago the head-lines in a newspaper, in which it was announced that "Grant is caught at last," followed by a dispatch actually rejoicing at the prospect that the President of the United States had been found, as they announced, concerned in some questionable transaction, referring in that case to the expenditure of money in connection with the New York election frauds—the President of the United States, whom we should all honor and respect for the position he occupies, a great soldier who led our armies from Donelson to Appomattox, from victory to final triumph, who is now in the last year of his second term as President of the United States, the successor of Washington, Jefferson, and Lincoln. Sir, it is a sad spectacle when any committee of the House of Representatives, or any citizen of this country, can express gratification at the mere idea of connecting the President of the United States with any questionable transaction.

I remember another committee of this House that brought a certain witness here to testify against the President of the United States in regard to the breaking up of the marital relations of that witness by the President. He came before that committee without one corroborating circumstance, without a single fact to support the testimony he was about to give. Yet, in the hope that the public character and reputation of the President might be blasted or smirched forever, it might be his family relations broken up, a committee of this Congress felt called upon to bring before them this witness and examine him upon the subject, until they found he was a lunatic.

I have in my mind at this time a committee of this House that by the process of an officer of this House has gone to the office of one of the telegraph companies of the country and seized I do not know how many hundred pounds of telegraphic messages, indiscriminate, from citizens of all classes, in relation to private and public affairs alike, to be moused through and searched over by a committee of the House of Representatives.

I ask is it wonderful that such conduct, such operations as these, should beget an occasional Harney in the way perhaps of retaliation? I believe the man was corrupt, that he was bad, and I say from my heart that I believe such men as he are the worst class of men that can be found in our country.

I am happy to say, after going through all this testimony, after hearing the clear statement of Mr. KERR, after he gave to the committee his satisfactory explanation of the appointment of Greene, that he had no applicants from his own district, that he offered it to two personal friends who declined, that the time for the appointment was drawing to a close, that he made the appointment he did upon the application of his colleagues upon the floor of this House—I am happy to say that we all think the testimony is clear and conclusive as to the entire innocence and integrity of Mr. KERR in this matter.

There is another thing, however, that weighs in my mind more than all these circumstances; that is, *a good name*, a name that he has borne in this Congress without reproach for many sessions. Has it come to this, that a man's good name shall count for nothing in tais country? Our strength as a people, the perpetuity of our institutions depend upon the character of the good men that we have produced. I should be loath to believe that any man occupying the high position that Mr. KERR occupies to-day before the country could be found guilty of any transaction like the one charged in this case.

I hope that the vote in favor of this report will be the unanimous vote of this House, without one dissentient voice, that every gentleman upon this floor who knows the Speaker of this House as we all know him will join in wiping out this attempted stain upon his character and reputation. I trust that by our action here to-day we will enter our protest against this wholesale slander of public men, and enable Mr. KERR to present to his countrymen, to this House, that has elevated him to the third highest position in our Government, a character that will enable him to say to every one hereafter, "My fame is as white as it was before the breath of this scandal touched it." It is our duty to him, as a just and upright man, to adopt this report without a single dissenting voice, so that he may be hereafter, as he has been in the past, an honor to his country, a tower of strength to his colleagues upon this floor, and a comfort and consolation and pride to his wife and children. Mr. Speaker, I now ask the adoption of this report.

Mr. BLACKBURN. I do not desire to say a word on this subject, but only to afford to my colleague on the committee, the gentleman from Ohio, [Mr. DANFORD,] the opportunity to say that which I am satisfied he has only failed to say by inadvertence. In reference to the fact that Greene, of New York, the appointee in question, was a republican—one of the circumstances which tended to give color to the charge against Mr. KERR. I only desire that my colleague on the committee might add, as part of his own utterance, that it appears in testimony that two men—one named Jackson, mentioned by the Speaker in his evidence before the committee, and the other Williams, communicating with us by letter from Princeton, Indiana—both had the appointment tendered to them by Mr. KERR, and both declined. They were both then republicans, and one at least is now.

Mr. DANFORD. Certainly, that is true; and while Greene was a republican, several members from New York—Mr. JONES and one or two others—who applied to Mr. KERR for the appointment of Greene were democrats. The testimony likewise shows that Greene brought to him recommendations from prominent citizens of the city and State of New York without regard to party.

Mr. CLYMER. I yield to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, the reputation of our public men is among the best riches of the country, and the man or men who would unjustly and untruly detract from the reputation of any public man not only directs a stab at the character of the person attacked, but is doing the utmost mischief to the fair fame and success of the nation.

I did not wait for this report. With me the long record of an honorable life outweighs and has outweighed all these loose defamers that this baser time encourages upon the track of detraction and scandal. I only rise on this occasion to express by my voice, and by my vote which is to come, the idea that for one, as an American Representative, having before my eyes the honor of the people and the honor of this House which is the honor of the people, I am glad here to be able from the heart to say that, whatever shadow this momentary imputation may have cast upon the days of the distinguished Speaker of this House, days which some of us fear are numbered already, yet let it go forth by the unanimous voice of the people through their Representatives that the ægis of a long and honorable life has protected him from the envenomed shaft of malice; that the cloud is removed; and that if his sun goes down, it shall go down in full honor and esteem from all honorable men of whatever party. [General applause.]

Mr. CLYMER. I ask the previous question on the adoption of this report.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I ask that the question on the adoption of the report be taken by a rising vote.

Mr. CLYMER. I hope that will be done.

Mr. BLACKBURN. I trust the suggestion of the gentleman from Ohio [Mr. GARFIELD] will be adopted.

The affirmative vote being called for, all the members present rose.

Mr. BANKS. Let there be a count; it makes a record.

Mr. GARFIELD. I ask unanimous consent that it be entered on the record that the report was unanimously adopted.

Mr. MILLIKEN. By a rising vote.

Mr. CAULFIELD. I move that the count be dispensed with.

The SPEAKER *pro tempore*. Unless there be objection that will be done, and the record suggested by the gentleman from Ohio will be entered.

Mr. BANKS. There should be a count of the votes; it makes a record.

The negative vote having been called for and no member rising, the result was announced—ayes 210, noes none.

The SPEAKER *pro tempore*. The report is adopted by a unanimous vote.

Mr. GARFIELD. I renew my request that it be recorded that the report was adopted unanimously by a rising vote.

The SPEAKER *pro tempore*. It will be so recorded.

Mr. CLYMER. I ask that the report and the accompanying testimony be printed.

There being no objection, it was ordered accordingly.

Mr. LEAVENWORTH. It seems to me, Mr. Speaker, that it would be highly proper that this House should furnish to Mr. KERR in the most formal manner a certified copy of our proceedings on this occasion. I move that such copy be furnished to him by the Clerk of this House.

The SPEAKER *pro tempore*. The gentleman from New York moves that the Clerk of this House furnish the Speaker of the House in the most formal way a certification of the proceedings on the report of the Committee on Expenditures in the War Department. The Chair bears no objection, and that order is made.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. O'NEILL] that the House adjourn. Does he withdraw it?

Mr. O'NEILL. I agreed to yield to the gentleman from New York, [Mr. WILLIS,] who desires to finish his speech on the Geneva award.

Mr. LORD. I move that the House now resume the consideration of the bill for the distribution of the unappropriated moneys of the Geneva award.

Mr. HURLBUT. In view of the peculiar circumstances attending the adoption of the report just agreed to there ought to be no further business to-day.

Mr. LORD. I think so, too.

Mr. O'NEILL. I insist on my motion to adjourn. I do not think the House desires to transact further business to-day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 525) to amend section 994 of the Revised Statutes relating to justices of the peace in the District of Columbia; in which the concurrence of the House was requested.

J. A. YECKLEY.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 3724) for the relief of First Lieutenant J. A. Yeckley, Twentieth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. 3725) to amend sections 5185 and 5186 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FORT SILL.

Mr. BANNING, by unanimous consent, reported back from the Committee on Military Affairs a letter from Colonel Mackenzie, relative to matters at Fort Sill; which was recommitted to the Committee on Military Affairs, and ordered to be printed.

SALE OF MILITIA ARMS.

Mr. BANNING also, by unanimous consent, presented the petition of B. Kittredge & Co., of Cincinnati; John L. Moore's Sons, of New York, and other wholesale dealers in military and sporting arms in Saint Louis, New Orleans, and Philadelphia, setting forth that new and good arms issued by the General Government to the States for the armament of the militia, bearing the inspection-mark of the Government, have been thrown upon the market in the city of New York and other places, and asking for legislation preventing executives in States from selling arms issued for the armament of the militia; which was referred to the Committee on the Militia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given as follows:

To Mr. BRADLEY for ten days;

To Mr. BURCHARD, of Illinois, for one week;

To Mr. BLAIR for five days;

To Mr. SCALES for ten days; and

To Mr. ASHE for two weeks.

GENERAL LAFAYETTE'S GRANDSON.

The SPEAKER *pro tempore*. The Chair desires to lay before the House the following letter from Thurlow Weed.

The Clerk read as follows:

NEW YORK, *June* 9, 1876.

MY DEAR SIR: Half a century ago General Lafayette revisited America, and as the guest of the nation made a triumphal tour of the States. As you know by reading and tradition, the affection and enthusiasm and gratitude awakened by that visit have no parallel in the world's history. Would it not be equally appropriate and wise half a century after the visit of his grandfather to invite Oscar Lafayette as the guest of the nation to attend the centennial anniversary of our Independence?

Our committee has decided to invite M. Lafayette, but it has occurred to me that Congress might think proper to give broader and deeper effect to a patriotic idea.

Very truly yours,

THURLOW WEED.

Hon. S. S. COX.

The letter was referred to the Committee on the Centennial Exposition.

The question was then taken on Mr. O'NEILL's motion that the House adjourn, and it was agreed to—ayes 94, noes 42.

The House accordingly (at three o'clock and forty-five minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Alvah W. Hicks, for compensation for extraordinary, perilous, and valuable services in running the blockade at Fort Pillow in June, 1862, to the Committee on Military Affairs.

Also, the petition of Louis Sonntag, of Company I, Third New Jersey Cavalry, that the records of the War Department be so changed as to show that he was honorably discharged from the Army, to the same committee.

By Mr. BRADLEY: The petition of John H. Russell, that Congress confirm to him the location of certain lands at the Hot Springs, Arkansas, and vest the title to the same in him, to the Committee on Public Lands.

By Mr. JENKS: A paper relating to a post-route from Brockwayville, via Dubois, to Luthersburgh, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. McCRARY: The petition of Thaddeus S. Stewart, for action upon his petition for a pension, to the Committee on Invalid Pensions.

By Mr. PLAISTED: The petition of Samuel Kealiher, for a pension, to the Committee on Revolutionary Pensions.

By Mr. SAVAGE: Papers relating to the claim of T. Worthington, late colonel Forty-sixth Regiment Ohio Volunteers, to the Committee on Military Affairs.

By Mr. WALLACE, of Pennsylvania: Petitions for the acknowledgment of God and Christianity in the Constitution of the United States, signed by 1,083 persons residing in the States of Kansas, Nebraska, California, Oregon, and Colorado and Washington Territories, to the Committee on the Judiciary.

Also, petitions of similar import, signed by 3,645 persons residing in the States of Wisconsin, Iowa, and Missouri, to the same committee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 13, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

GO-SI UTES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation for the removal of the Go-si Utes to the Uintah reservation; which was referred to the Committee on Appropriations.

TAX ON DOMESTIC BEERS.

Mr. HANCOCK, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be, and hereby are, directed to inquire into the propriety of relieving from taxation all domestic, fermented, or brewed beers.

LAND CLAIMS IN FLORIDA, LOUISIANA, AND MISSOURI.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 3726) to extend the provisions of an act entitled "An act for the final adjustment of land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;" which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JAMES M. SEEDS.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 1578) for the relief of James M. Seeds, and moved that the bill, as amended, and the accompanying report, be printed, and referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

H. NELSON.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 1395) for the relief of H. Nelson, of the county of Warren, State of Pennsylvania; and the same was laid on the table, and the accompanying report ordered to be printed.

PATRICK O'CONNELL.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back, with an adverse recommendation, the petition of Patrick O'Connell, late captain Company F, First Ohio Volunteer Infantry; and the same was laid on the table, and the accompanying report ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported back the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, with Senate amendments, with the recommendation that the amendments of the Senate be non-concurred in.

The amendments of the Senate were non-concurred in.

Mr. HOLMAN moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. SHELTON.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 1661) for the relief of Mary E. Shelton, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

STATE-BANK-CIRCULATION TAX.

Mr. ROBERTS, by unanimous consent, introduced a bill (H. R. No. 3727) to reduce the tax on circulation of State banks to an amount equal to that paid by national banks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM H. CARMEN.

Mr. STRAIT, by unanimous consent, from the Committee on Military Affairs, reported back a bill (H. R. No. 1240) for the relief of William H. Carmen, with amendments; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED FRY.

Mr. STRAIT also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 1312) for the relief of the heirs of Alfred Fry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LOAN OF ARTILLERY TO PATERSON, NEW JERSEY.

Mr. CUTLER, by unanimous consent, introduced a joint resolution (H. R. No. 125) authorizing the Secretary of War to loan to the authorities of the city of Paterson, New Jersey, four pieces of artillery, to be used in celebrating July 4, 1876; which was read a first and second time.

The joint resolution, which was read, authorizes the Secretary of War to loan to the city of Paterson, New Jersey, from the most convenient Government arsenal, four pieces of artillery, to be used by said city in celebrating the 4th of July, 1876, said artillery to be returned immediately after said celebration at the risk and expense of said city authorities.

Mr. FOSTER. I do not know I will object to the introduction of this resolution. In common with a great many other members I have received applications of this kind for loan of cannon. I will not be so ungracious as to object to the passage of the resolution, but I call the attention of the House here is an entering-wedge to the loan by the Government of a great many cannon, for if you loan in this instance you must in all others.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTLER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLOTHING TO ENLISTED MEN IN THE NAVY.

Mr. ROBBINS, of Pennsylvania, by unanimous consent, from the Committee on Naval Affairs, reported back adversely a bill (H. R. No. 1080) providing for the outfit and yearly allowance of clothing to enlisted men and boys in the Navy; which was laid on the table.

ENLISTED MEN IN THE NAVY.

Mr. ROBBINS, of Pennsylvania, also, by unanimous consent, from the same committee, reported back adversely a bill (H. R. No. 2007) to protect the interest of enlisted men and others in the Navy; which was laid on the table.

UTAH WESTERN RAILROAD.

Mr. HARDENBERGH, by unanimous consent, from the Committee on Military Affairs, reported back a bill (H. R. No. 2652) granting the right of way to the Utah Western Railroad through Rush Lake military reservation; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SIGNAL SERVICE.

Mr. HARDENBERGH also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 222) to extend the operations of the Signal Service of the Army so as to benefit the public health; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ORRA WILDER.

Mr. HARDENBERGH also, by unanimous consent, from the same committee, reported back adversely the petition of Orra Wilder; which was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF D. S. MILES.

Mr. HARDENBERGH also, by unanimous consent, from the same committee, reported back adversely the petition of the heirs of Colonel D. S. Miles; which was laid on the table, and the accompanying report ordered to be printed.

DEPOSITS OF PUBLIC MONEY.

Mr. THOMAS, by unanimous consent, from the Committee of Ways and Means, moved that the committee be discharged from the further consideration of a bill (H. R. No. 1852) to amend sections 5490 and 5497 of the Revised Statutes regulating the deposits of public money, and that it be laid on the table, and the following letter ordered to be printed in the RECORD; which motion was agreed to:

TREASURY DEPARTMENT, *April* 30, 1876.

SIR: I have the honor to acknowledge the receipt of a bill to amend sections 5490 and 5497 of the Revised Statutes regulating the deposits of public moneys, (H. R. No. 1852,) on the merits of which you ask my opinion.

Under the provisions of the bill in question, collectors of internal revenue whose offices are located more than twenty miles from any authorized depository will not be prohibited from depositing their collections with private bankers nor the bankers prohibited from receiving the same.

Under the present law and regulations such collections must be deposited with some public depository daily or as soon as the same shall amount to $1,000, and at the close of each month regardless of the amount accumulated.

It is of course very desirable that money belonging to the United States shall, as soon as practicable, pass from the hands of the collectors to the Treasurer's credit in the subtreasury offices or national-bank depositories, where it can be held with greater safety and be subject to the demands of the Government for current disbursement. Internal-revenue taxes are payable only in current funds, and I am aware of no convenience or necessity of the public service which would be served by permitting their deposit, when collected, in private banks.

Very respectfully,

B. H. BRISTOW, *Secretary.*

Hon. WILLIAM R. MORRISON,
Chairman of Committee of Ways and Means,
House of Representatives.

DETAIL OF OFFICERS.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back a bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States with the recommendation that it do pass.

The bill, which was read, provides that section 1225 of the Revised Statutes of the United States be so amended as to read: "That the number of officers so detailed shall not exceed thirty" instead of twenty in said section provided.

Mr. HOLMAN. Does this come before the House by unanimous consent?

The SPEAKER *pro tempore.* It does.

Mr. HOLMAN. It was objected to on yesterday.

The SPEAKER *pro tempore.* It is too late to object now.

Mr. HOLMAN. It shows the absolute necessity of insisting on the regular order. My friend from Tennessee asked the passage of that bill out of order yesterday.

Mr. DIBRELL. No, on Saturday last.

Mr. HOLMAN. Well, on Saturday last. It was not to be expected it would be again offered out of order.

Mr. TERRY. It was referred to the Committee on Military Affairs on Saturday and was acted on this morning, and I was instructed to report it to the House favorably.

The SPEAKER *pro tempore.* What has been done this morning has been done by unanimous consent.

Mr. HOLMAN. I perceive it is too late to raise the question of order on the bill or to object to its consideration at this time. I am aware a bill that is in conflict with our general purpose of retrenchment while it happens to favor our local interests is apt to receive favorable consideration. I am aware of that, but I believed that inasmuch as this legislation was directly across the track we are attempting to pursue it could at least be postponed until its impolicy could be made manifest. With the steady effort to reduce the number of officers down to some reasonable proportion the argument is constantly raised in favor of increasing rather than diminishing their number.

I know of no reason why for the purpose of furnishing professors to the institutions of learning throughout the country, in which inevitably a large degree of favoritism must be shown, a large body of employés on the part of the Federal Government should be kept up at a heavy expense, a system creating in many instances unhappy results in the institutions of learning in view of the difference between the salaries paid by the Federal Government and those paid by the more carefully organized institutions of learning. This discrimination produces dissatisfaction and discontent.

Mr. ATKINS. Will the gentleman allow me to suggest that at this time there is a surplus of officers of the Army and there is likely to be one for some time, and that it is well to assign them to some duties?

Mr. HOLMAN. I do know it; and my friend from Tennessee is aware of the fact that so long as this kind of legislation is kept up and new places for Federal officers are furnished, so long will the restoration of the Government to its old basis and to the simplicity of the olden times be absolutely impossible. If it is found that there is a supernumerary body of officers, then, instead of dispensing with their services and retrenching expenditures, the question seems to be to find what new field of employment can be found for them under the pay of the Federal Government.

But, sir, the bill is before the House. I was not aware of its being reported out of order, and I do not now object to it, because it is too late to object.

Mr. WILSON, of Iowa. Please allow me a few minutes.

The people I have the honor to represent are very much interested in the passage of this bill. Cornell College, at Mount Vernon, Iowa, was one of the first institutions of learning in the country to test the practicability of teaching military science and tactics in connection with academic studies, under the law of Congress authorizing the

Secretary of War to detail military officers for that purpose. From careful inquiry into the work of the gentleman detailed, (Lieutenant Webster,) I am well satisfied that the experiment is successful. Two hundred young men are organized, uniformed, and armed, outside of West Point. The officer asserts their equals in regard to the acquirements of every mental and physical acquisition in that particular line are difficult to find. The boys like it, their parents indorse it, and the faculty testify to marked improvement in hitherto commendable deportment. The State University has lately applied for and has had assigned an instructor, Lieutenant Schenck, from the War Department, under whose management the university students are being successfully organized and educated in military tactics and science.

So far the success has been all that could be desired; but the limits of the law have been reached, and colleges in other States are asking for details. We must surrender one of these gentlemen or increase the number the Secretary of War may detail.

I can imagine no good reason why in time of peace a few of the regular-Army officers cannot be allowed to impart the instructions in civil institutions of learning they have received from the General Government at public expense. There is much that is taught in a military school that is valuable if a boy never sees active service, especially the mental discipline resulting from the very thorough study of mathematics. Besides this, the private schools have no other depository of learning of this kind from which to secure professors to fill these particular chairs. It has been earnestly urged here this session that we have a surplus of Army officers and that many of them should be mustered out. Why not permit them first to give the country the benefit of their acquirements in military training? Let the information they possess in this direction become the property of several classes in some of our colleges in each State and the chairs afterward can be easily filled from the graduates.

It will only be a question of time when each State can furnish military education as readily as any other.

Our future soldiers may as well receive their training at home as abroad. The repugnance felt by many of our best families to sending their boys away from home to a military school will not prevent them from permitting the boys to acquire much that is beneficial in the discipline of a soldier.

The objection raised by the gentleman from Indiana, that the difference between the salary paid the officer and member of the college faculty creates jealousy, does not obtain in Iowa, because we pay our faculties as much as the Government pays a lieutenant, and in some colleges much more.

I hope my friend from Indiana will waive his opposition just long enough to let us become possessed of this art from its proper source. I sympathize with him in most of his efforts toward economy, but in Iowa we consider liberal expenditures to educate, the truest economy. My district supports five colleges with complete faculties, the number of students in each numbering from three hundred to seven hundred and fifty of both sexes. The State of Iowa pays $5,000,000 annually to support the common schools. Congress cannot stop us from educating in every direction. We want you to help us just here.

Iowa College, at Grinnell, has succeeded in securing an instructor in military science outside of the regular Army. I am inclined to think, however, that he received his education at West Point, which proves that such education is in demand even outside of colleges that have the benefit of an officer from the War Department. The bill under consideration increases the number that may be detailed from twenty to thirty, and I do not think they could possibly be better employed. I thank the gentleman from Virginia [Mr. TERRY] for his courtesy to me.

Mr. HOLMAN. A single word in reply to the gentleman from Iowa. The gentleman seems to misapprehend the spirit of my remarks. I object to the bill not simply upon the grounds I have mentioned, which is that it stands in the way of retrenchment and a diminution of the number of employés of the Government, but I object especially to the bill because it belongs to a class of legislation which is more fatal and ruinous to this Government than any other class of legislation. It indicates a tendency to legislate not for the whole people of the United States, not in the interests of the whole mass of the people, but in the interest of special and privileged classes.

Will you tell me, sir, why a few institutions of learning, by the aid of the Federal Treasury, shall be benefited or encouraged while the great body of the American people, those who have not even obtained the benefit of a common-school education, those who are yet without common-school facilities, are limited in the opportunities of education, are debarred of these opportunities to receive the fostering care of the General Government?

Mr. HURLBUT. Where did Ohio get her common-school fund from, or Indiana?

Mr. HOLMAN. Why is it that Congress is willing to promote the fortunes of colleges and the higher grades of education, while every effort made to meet the wants of the whole people of the country, the living masses of our children who are to take upon themselves in a few years the reins of government, meets the objection that that kind of legislation does not come within the purview and power of Congress? Special legislation is unhappily the favorite employment of the Congress of the United States; we are constantly enacting laws in the interest of particular classes. The legislation of such a body as Congress should be confined to the enactment of laws affecting the whole body of our people, and for the benefit of every child no matter how humble it may be, who should receive from the law exactly the same benefits as any other child, no matter how favored by fortune. It is because this is a measure of special and class legislation that I object to it.

Mr. WILSON, of Iowa. One word in reply. I agree with the gentleman in his views relative to universal education. I have just this to say, that if Congress will permit us to draw on this sole depository of this class of knowledge until we have educated one set of boys, then we will find our instructors at home.

Mr. DIBRELL. This application came up from the East Tennessee University, situated at Knoxville, with upward of three hundred students, one of the finest institutions of learning in the country. When Senator KEY of my State made application to the Secretary of War for an officer for this purpose, he was told that the number allowed by law had already been detailed. He introduced a bill to increase the number of officers to be so detailed from twenty to twenty-five, and the Senate increased the number to thirty, and passed the bill. I hope the gentleman from Indiana [Mr. HOLMAN] will withdraw his objection to this bill. We have a surplus of Army officers, and we cannot obtain better instructors than they are for this purpose.

Mr. BANNING. One word only. The object of this bill is to give to the young men throughout the country some of the advantages that are now enjoyed only by the young men who are fortunate enough to be appointed to West Point. Under the law as it now is twenty officers may be detailed, not to colleges alone, but to any school in the country that has an attendance of one hundred and fifty students. These details are made only to such institutions as ask for them. When the gentleman from Indiana [Mr. HOLMAN] objects to this detailing of Army officers for this purpose and says that it has been attended with unhappy results, I reply to him that it is not the fault of the law, but the fault of the institutions. No officer is forced upon any institution; no institution in the country obtains the services of one of these officers unless it asks for him.

This bill increases by ten the number of officers that may be detailed for this purpose. Those ten are already asked for by schools that wish to add military education to that already afforded by the institution. As has been already stated, there is a surplus of officers who might much better be performing this duty of teaching the young men of the country than loafing around military posts and doing nothing.

The Government can well afford to do this, to permit these officers to educate our young men and prepare them for military service if we ever again shall need such service. Every gentleman on this floor knows full well the advantages that would have resulted to the country had this course been pursued before the war.

This bill has already passed the Senate. It is no new idea, but an old one; one that has been adopted and in force ever since the war. The number of officers to be detailed is increased by this bill from twenty to thirty, because the people throughout the country ask for them. When my friend from Indiana [Mr. HOLMAN] says that this advantage applies only to colleges and not to the general public, I think he makes a very feeble objection to the bill. At present these officers can educate young men only at West Point. This bill allows officers to be detailed to thirty different colleges throughout the country and to give to the students of those colleges the benefit of the education these officers have received at the expense of the Government. The objection that this only goes to the aristocratic colleges is without foundation. This bill proposes to increase the opportunities of military education from the few to the many. When my friend makes that objection, he shows that he has not studied the bill. I hope it will be passed without further objection.

Mr. TOWNSEND, of Pennsylvania. I am in favor of this bill, because I know of the good results that have come from the detail of officers of the Army for service in military academies. There is a military academy in my district at Chester, under the superintendence of Colonel Hyatt, which academy has for its instructor an officer of the Army. It is one of the best mathematical institutions of the country and at the same time one of the best-drilled military institutions in the United States. Competent judges who have witnessed the drill of the students there have no hesitation in saying that it is not surpassed by the drill at West Point.

With regard to the objection made by the gentleman from Indiana, [Mr. HOLMAN,] that this applies merely to aristocratic institutions, I want to say to him that the military academy of which I speak is a purely democratic institution; it has the education of boys from all parts of the country, the poor as well as the rich; and a better institution of the kind is nowhere to be found. Before the war it was under military discipline, the school was in charge of a gentleman who had been in the Army. It was then in a high state of military discipline and excellence, and it afforded during the rebellion several young men who afterward turned out to be excellent officers of the Army.

I think this is the best way in which we can employ our supernumerary officers of the Army, to allow them to give this military instruction to the students of academies and colleges, so that hereafter when a war may come upon us, whether foreign or of an internecine character, there shall be men educated and capable of disciplining the armies that we may find it necessary to employ for national defense. I trust, therefore, that this bill may pass.

Mr. TERRY. I now yield to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, I want the House thoroughly to understand that under the existing law the number of officers who can be detailed for the use of schools, colleges, and universities throughout the country is limited to twenty. The demand from all parts of the Union for additional officers to be detailed for this purpose is overwhelming. It is not confined to any one portion of the country. This bill proposes simply to allow a detail of thirty instead of twenty, making ten additional officers disposable for this purpose. I had no idea that any gentleman here would object to the measure. I do not believe any gentleman would have objected except the gentleman from Indiana, [Mr. HOLMAN,] and his grounds of objection, considering the section of country that he represents, are astonishing; for his section, like my own, lives to-day, so far as education is concerned, upon the bounty of this nation.

Mr. HOLMAN. My friend will allow me to say, however, that it is a bounty which extends to every child in the community, which is not specially applied to a few out of many thousands of youth, and these the most favored already by fortune.

Mr. HURLBUT. If the gentleman will increase the Army so that we can detail an officer for every public school in the country, I have no objection. We ought not to object to giving this advantage to those who ask it, just so far as our means can go; and the idea that it is a breach of the ordinary habit or principles of the Government to apply either its men or its means to the education of the people is a falsification of the history of the whole country. When Virginia gave the Northwestern Territory to the Union, she accompanied the gift by a reservation from which have sprung the large and valuable school funds of all the Northwestern States. No greater gift was ever given to this nation than was given by Virginia in that reservation for the establishment of schools; and the gentleman from Indiana knows it, because he himself is one of the offspring of that school system.

Mr. HOLMAN. Certainly. That is what I have been boasting of. It is that system I have been advocating; not a partial, discriminating system which would extend certain privileges to thirty colleges of the country at the expense of the mass of the people.

Mr. HURLBUT. The gentleman does not do any credit to the liberality of the Government which has educated him and thousands of others.

Now, sir, this is merely a proposition to extend to such institutions of learning throughout the country as desire to take it the benefit of the services of these officers. We have them now disposable for this purpose, without injury to the service; and I think we are going to have them, the gentleman from Indiana to the contrary notwithstanding.

Mr. HOLMAN. The gentleman will allow me to say that I do owe to this Government and its bounty the little education I have. I obtained it through the common-school system. The common school is the true university of this nation—the one that is entitled to and has received the fostering care of this Government; for it has sought to reach every child in the nation. The gentleman, by this bill, would give the benefit of the fostering care of the Government not to all the children of the country, but he would assign to one out of ten colleges—perhaps one out of twenty or one out of thirty—the benefit of an educated professor, while he would deprive all other institutions of learning of such an advantage. The gentleman would carry on this Government upon the principle of the olden time—the principle of favoring a particular class—while I advocate legislation which, with its beneficent influence, reaches alike every citizen of the nation.

Mr. HURLBUT. O! I have heard that ever since I was born.

Mr. HOLMAN. I know you have; and you will hear it hereafter.

Mr. TERRY. I now yield to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. I think, Mr. Speaker, that if the House understood the original law as it stands upon the statute-book and the amendment proposed in the pending bill there could not be any very material objection to the passage of the measure. The only one which I have heard is that emanating from the gentleman from Indiana; and it is predicated upon the idea that, because you cannot extend the benefit of this provision to every school in the country, however small it may be in its numbers or limited in its operations, therefore you should deny it altogether. If the original act had any virtue in it, the amendment now proposed will simply extend the benefits and advantages accruing from such a course of instruction to other schools than those now embraced in it.

It should be observed that the provision of the section now proposed to be amended is limited in its application to schools having capacity to instruct one hundred and fifty male students; and authority is given to the President of the United States and the Secretary of War to make the designation of such officers of the Army as can be spared for the purpose of giving this instruction. I ask that the original section may be read from the Clerk's desk in order that its provisions may be understood. I think then there can be no possible objection to the bill now proposed, which is designed simply to enlarge and extend the privileges of the existing law.

The Clerk read as follows:

SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate, at the same time, not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed twenty at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed, from time to time, by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of any small-arms or pieces of field-artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required. (See section 1667.)

Mr. HOLMAN. I ask the gentleman whether he approves of the class legislation involved in the first section of this bill?

Mr. HOOKER. Well, Mr. Speaker, in answer to the inquiry of the gentleman from Indiana I will not say that I do not suppose anybody thinks it would be possible to constitute a military academy in every school in this country, but I do approve the allowing of officers of the Army who may be disengaged and where without any additional expense it can be done, to instruct the pupils in the various schools designated in the original act. I do approve of it. I see no impropriety in it, and I am unable to see the force of the argument that, because the benefit intended to be conferred upon particular schools and colleges cannot be extended to every old field school in the country, therefore it ought not to be extended to a sufficient number under the terms of the original act to allow them to be organized into military academies to drill their scholars in military science.

Mr. HOLMAN. As a measure of legislation this provision of law goes to the very extremity of special class legislation. I hold, sir, it is the duty of Congress to legislate in such manner as directly to reach the whole of our people with the beneficent influence of the law, and not to promote simply the private interest of any particular class at the expense of the whole people.

Mr. HOOKER. Then you ought to move to repeal the original act.

Mr. BANKS. Mr. Speaker, the law to which this bill from the Senate is an amendment originated in 1866 and 1867. I remember the circumstances very well. It was carefully examined and considered by the educational interests of the country. As the question was presented to the House it originated mainly with an officer of the Army who had been debarred from participating in the controversies of past years but desired to do something for his country, and the idea occurred to him that the extension of the means of military education was one of those subjects to which he could well devote himself. All the educational interests of the country were consulted in regard to it. In the first instance there was not a university, or academy, or educational interest or element that expressed an opinion against it. Then it came to the Executive Departments of the Government, and after full examination it was confirmed by them, and the two Houses of Congress passed the bill with scarcely any objection. And I am glad to know after ten or twelve years it has so far vindicated itself in practice as to justify the extension of the principles and methods of education which are embodied in this bill.

Now, sir, the gentleman from Indiana [Mr. HOLMAN] is in error in supposing this is limited to any class at all. It is not limited to any class, unless the subject of military education can be said of itself to be absolutely limited to a class. The proposition is for the Government that has an institution for the education of persons in military science, and who by that education become themselves professors of military art and military science, to allow the service of those officers to be extended to the universities of the country for the purpose of teaching and imparting the theories and principles of that science, that military art, to the students generally throughout the country, to all the students of the country, of whatever character, and wherever they may be.

Mr. HOLMAN rose.

Mr. BANKS. Wait one moment, and I will come to your point. That was as far as the Government could do it. It was limited in the first instance to a few universities, three or four, which had made application, having examined the subject and desired that assistance and were willing to make the experiment. It is now proposed to be extended still further.

Let me ask the attention of the gentleman from Indiana to this point. These professors, these West Point graduates if you please, afterward become professors, the scholars of the universities become professors in the academies, imparting military science, the military history of the country, and comprehension of the military art to all other students. The students of the universities who have become educated in this way in military science become in time teachers of the higher schools; teachers of the middle schools; teachers of the lower schools. Each one as he moves from this central point imparts his knowledge, science, and attainments, until ultimately they extend to all the students in the lower schools as well as in the higher schools. So that in the end every person who becomes a teacher will have acquired more or less of this knowledge of the military art and military science, and will impart it to the pupils of every school in the country without exception, restriction, or limitation. There is not a school in the district which I represent which may not in the end be benefited directly, not indeed by the professor who may come from West Point, but by the acquisition of this military science on the part of the pupils of these universities, who in the end become teachers of the lower schools, and finally instruct all the people of the country in this art.

Let me say a word about the object and necessity of this kind of instruction in this country. Military science has been limited to a single school. I cannot say it is due to the fact I propose to speak of, but it will have in the end the effect of creating a class of men devoted to military science alone, and who in case of trouble, whether among ourselves or with foreign nations, will become themselves the sole representatives of this military art, and military science. And we turn to them, sir; to them alone. The whole country is taught to regard them as the only persons upon whom we can rely for defense. Why? Because there is no other military education, generally speaking, except that which is given to them; and as a matter of course they will, having rendered the country great services in this way, in good time become the representatives of the civil power as well as of the military power; and thus seriously will be undermined the very foundations of republican or democratic government.

Does the gentleman from Indiana propose or desire any such result as this? I know he cannot. I know he does not. But that is the effect of the policy which he advocates. I am not for war. For the whole of my life I have resisted, as far as I was able, any appeal to arms. I am not afraid to repeat what I have said here often, and in my own part of the country still more frequently, that we have never gained anything by an appeal to arms that we could not better have gained in other ways. But it takes two men to keep peace, while one man can make war. Therefore we must be prepared for war. And to be prepared for war it is not enough that we have a class educated to that kind of business which sometimes comes to a republic as well as to an empire or monarchy. The whole people must be capable of defending themselves; and the country never will and never can be able to defend itself until the whole people shall have more or less of this instruction and this faculty. And this is the best, the wisest, and the most democratic method that can be devised to impart this education to the young people of the country who need it and desire it.

I hope, therefore, inasmuch as this bill from the Senate is only a limitation or restriction upon the idea, fixing a point beyond which we shall not go, that the House will give its assent to it.

Mr. HOLMAN. Can the gentleman from Massachusetts possibly assume that this measure is in any sense a measure of general application, when a great number of the children of this nation are not even provided under the fostering care of this Government with the benefits of a common-school education and a still vaster number under the fortunes that surround them can only have the benefits of a common-school education, and no efforts are being made on the part of the Federal Government to increase the facilities of the great body of our children to obtain even those benefits? Nor do gentlemen assume that the Federal Government should take the general subject of education under its charge. Can the gentleman, therefore, say that a law like this is general in its purposes which is so partial in its effects that it reaches only to the sons of those of our citizens who are able to secure to their children much beyond the benefits of a common-school education? Can a law be more partial than this? And you do not even propose to extend this law to all the colleges in the various States. You do not confer even upon the young men of all the higher institutions of learning in each State of the Union the benefit of this particular form of education which the distinguished gentleman esteems so valuable for the citizens of this country.

I cannot imagine a law more partial even in its operation, and I hold that a republican government forgets its highest obligation when it confers upon any class of citizens, except in connection with the administration of the government, rights and opportunities which do not belong in common to the whole people. I abhor that legislation which confers special benefits on the few and withholds them from the greater number. We can well understand why in that great country from whence we drew our origin a few institutions of learning, and notably those of Oxford and Cambridge, should be fostered by government and should have become pillars of the state. It is because there the state in the main rests upon a favored class of its people. But that any one should contend that in a government of the people that system of education should be fostered which reaches and benefits only a favored class, while multitudes of the generation that is coming are left destitute of the benefits of that degree of education which would fit them for citizenship, is to me incomprehensible.

I hold on the subject of education that whatever qualifies a citizen for the duties of citizenship should be alike common to all, and that any legislation upon that subject which does not tend to that result is not in harmony with the genius and spirit of our republican institutions. It is true that the Federal Government, in view of the greater efficiency and noble rivalry of the States, may not enter upon the general field of education, but the spirit of our institutions demands that every aid the Federal Government shall extend to the high cause of education should be as broad as the Republic and reach in its beneficent influences every child of the nation.

The defense of West Point and the Naval Academy has always been that they were not simply institutions of learning, but necessary agents of the Government in the organization of its armies; institutions having no relations to the general education of the people, but the organization of the military and naval forces of the Government.

Mr. HOOKER. I desire to make a single inquiry of the gentleman from Indiana. Am I correct in understanding the gentleman from Indiana as arguing that because you cannot impart military instruction to every single youth in the land you should impart it to none?

Mr. HOLMAN. The gentleman from Mississippi scarcely supposes that a branch of learning which may come into use once perhaps in the progress of two or three generations should be the subject of the special fostering care of this Government as a feature of its general system of education. It is a branch of learning the necessity for which is happily passing away. It was well enough for the Middle Ages, and it was a natural feature in the conflicting despotisms of Europe, where organized armies kept the people in subjection. It is the education of monarchies, not of republics. But the idea is becoming abhorrent even in liberal monarchies that education in the murderous art of war should be a special object of the Government. The grand idea that it is through the education and agencies of peace that the whole human race should be elevated swells the heart of our period. In these circumstances does the gentleman think it necessary that the Federal Government should foster by a heavy taxation of the people education in the art of war?

Mr. HOOKER. That is avoiding my inquiry.

Mr. HOLMAN. No, sir; when this Government, through its great and prosperous States, shall have furnished to every child in the land the benefit of a common-school education, so that he shall be prepared to enter on the high duties of citizenship armed and equipped, it will have accomplished a great work worthy of the Republic and of the age. I would rejoice in seeing that standard of education raised higher and higher, but I insist that it shall in its progress be so directed that it shall reach alike every child of the Republic so far as the system of education shall be under the fostering care of the Government, whether remote or direct.

The spirit of special legislation should be dying out. Favoritism in legislation is against the spirit of the age. This, I hope, is one of its last struggles. The spirit of universality is the one that inspires the nation, especially in all its purposes for the education and elevation of its people.

Mr. BANNING. I would ask the gentleman if this does not make the military education of the people far more general than it now is?

Mr. HOLMAN. It applies to but a handful of the youth of the nation. My friend claiming to be a republican—I use the term in its highest sense—and a democrat and is yet favoring a system of legislation that would open up superior opportunities to a few boys who have already had superior advantages of education by good fortune above their fellows, and would furnish to them at the expense of the whole people the opportunity to pursue a class of studies from which the great mass of the youth of the country are debarred. Is this democracy?

Mr. BANNING. The gentleman is defending a system which proposes to educate our youth in this branch only at one college, while this bill proposes to educate them at thirty.

Mr. HOLMAN. Why, certainly not; the one college is for the benefit of the Government, not for the benefit of education. I would willingly see West Point abolished; but it has been the policy of the Government through long years to foster that institution as a necessity of Government, and traditions have gathered around West Point investing it with a glow of patriotism and almost of reverence to the American people. We preserve it as a tradition of the Republic and an agent of Government, not as simply an institution of learning; while this bill involves a matter of the common education of the whole people. My friend forgets that the moment that he breaks loose from the grand doctrine of America, the fundamental idea of our Government, that whatever appertains to the rights and immunities of the citizens shall be equal and common to all—that whenever he breaks loose from that principle and ventures into the traditions of the middle-age system, then he meets at every step the principles of republican government springing up to confront him. Let us have laws of education that shall not discriminate in favor of a portion of our citizens, but apply alike to all. It is for that reason that I object to a system of legislation which in the matter of education singles out a handful of our youths and gives them, at the expense of the nation, further advantages of education than those they already enjoy in being educated in the higher branches of learning.

Mr. ATKINS. I desire to know if this debate is continuing under any rule?

Mr. TERRY. I did intend saying a word in reply to the gentleman from Indiana on the matter of economy, but so much has been said upon this subject that I will not further detain the House, but will call the previous question.

Mr. HOLMAN. I attach no such weight to the question of economy as I do to the question of principle involved here.

Mr. BANKS. I hope the gentleman from Virginia will allow me to answer a question put to me by the gentleman from Indiana?

Mr. TERRY. I yield for that purpose.

Mr. BANKS. The gentleman asked me a question and I want to answer it in the affirmative. He inquires if this measure is one that reaches the common schools of the country, if the pupils of the common schools are to reap the advantages of it, and I answer that they are. There are no common schools without the higher school of education. It is from them that we get teachers and professors, and if there is to be any military education in this country of a general character it must come from this measure and no other.

Now the gentleman from Indiana does not propose, as I understand

him, to interfere with the military school at West Point. He sustains that. Under his idea all the military education of the country is to be obtained there from professors under the favor of the Government. Is that a democratic institution or a democratic idea? And not only that, but he desires that all the education of a military character shall be limited to the pupils of that school, and that all the people who have military knowledge shall have been trained in that school. Does the gentleman from Indiana call that a democratic theory? Certainly not. If you are to have military education you must provide measures for general instruction. If this principle is extended, as I have no doubt it will be, and if this policy, of which this is but the beginning, shall be successful, I venture to say that it will provide military instruction for ordinary purposes in every common school in the land.

Mr. HOLMAN. Was not the experience of the last war such as to teach our people that acquirements in military sience were of such a character that in a free Government like ours all that was requisite in that field of learning could be acquired almost upon the impulse of the moment? Were not some of the most successful generals of the Army men who had never devoted themselves at all to military science until the tocsin of war was sounded? And when I look at the distinguished gentleman from Massachusetts, [Mr. BANKS,] and the gentleman from Illinois [Mr. HURLBUT,] and others who honor this floor by their presence and shed luster upon arms in the late war, I know there can be but one answer to that question, that is, that among a free people preparation for war is always made, and there is no necessity for wasting the time of our youth in acquiring that branch of learning, when from the very spirit and nature of our institutions we are always armed and equipped.

Mr. BANKS. There is but one answer to the question which the gentleman propounds, and that is that the advantage in the beginning of the war, as I doubt not every volunteer officer and soldier of the northern army and of the southern army perhaps will admit, was absolutely and overwhelming with the graduates of West Point Academy. In the commencement of the war every man in the Army believed that it was scarcely safe to enter upon a campaign unless we had one or more of these officers in command of the volunteer forces of the Army. It is, however, true that after two or three years' experience in active service the volunteers acquired skill; and I do not stand here to say that their skill was not equal to that of the graduates of West Point Academy. But I will say this, and every soldier on this floor will justify me in saying it, that no volunteer officer, at least of the northern Army, ever for a single moment had that credit with the country, the Government, or the people for whatever services he might have performed that these graduates of West Point Academy universally received from the Government and the people. That was because the West Point graduates were supposed to have been thoroughly educated in their profession and the volunteer officers were supposed not to have been so educated. It was an injustice to the volunteer for which the country never can atone.

Mr. JONES, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. BANKS. I would prefer not to be led away from my argument.

Mr. JONES, of Kentucky. I want to ask the gentleman if he has observed how this system has been carried out heretofore? Have these officers been assigned generally among the States in proportion to population, or what has been the practice in that regard?

Mr. BANKS. It has been an experiment. Whenever a university or one of the higher schools in Kentucky, for instance, has asked the Government to assign an officer to a military professorship in that institution, the request has been granted if there have been such officers to be assigned.

Mr. JONES, of Kentucky. I understand the law very well; but I ask the gentleman if he has observed how these professors have been assigned, whether to the States generally or to particular sections?

Mr. BANKS. They have been assigned wherever they have been required; that is the intention of the law.

Mr. BLOUNT. That is not true in practice.

Mr. JONES, of Kentucky. With the permission of the gentleman from Massachusetts, [Mr. BANKS,] I would ask the gentleman who reports this bill [Mr. TERRY] if it provides for a fair and equal assignment of these officers among the States, or is it left discretionary with the Secretary of War or the President where to assign them? If the bill does not provide for that it should do so. With such a provision I would not object to the bill; without it I would be opposed to its passage.

Mr. BANKS. The assignment is made at the discretion of the Government, because the number of officers for this purpose is not equal to the calls upon the Government for them. If you will increase the number of these officers you will have them in every section of the country, and in every school wherever wanted.

Mr. BANNING. Will the gentleman from Massachusetts [Mr. BANKS] permit me to answer the question of the gentleman from Kentucky, [Mr. JONES?]

Mr. BANKS. I prefer to go on. The gentleman from Indiana [Mr. HOLMAN] has said that this was a proposition to extend a murderous system of policy; that is, the policy of war. Permit me to say that it is exactly the opposite of that; it is a measure to strengthen the policy of peace. There is nothing that tends so much to the maintenance of peace among individuals and among nations as a knowledge that each individual or each nation is prepared for war if forced upon him or it.

What is it that keeps the states of Europe at peace at this moment, with their seven millions of armed men? It is the knowledge that every state is prepared for war, and if war should once commence it would involve the whole of Europe. It is this preparation for war that preserves nations from war. What led the first Napoleon to his destruction? It was his belief and declaration that the people of England were a nation of shop-keepers and would not fight. What led us into our controversy so much as the belief on the one side and the other that its opponents would not fight?

To be prepared for war, to comprehend and fully understand its terrible conditions and results, is the best way to obtain and maintain peace. That was in fact the legacy of Washington. "There is a rank due to the United States among nations," he said "that will be withheld, if not absolutely lost by the reputation of weakness. If we desire to avoid it we must be able to repel it. If we desire peace, it must be known that at all times we are ready for war." The gentleman from Kentucky [Mr. JONES] ought to be able to comprehend that this is a measure in the interest of peace. For myself I would never have uttered one word in favor of it, and would not now, except as a measure of peace.

Mr. JONES, of Kentucky. As an answer to some extent to my own question, I desire to call attention to the section of the Revised Statutes to which this bill relates. Section 1225, after providing that the President may detail an officer of the Army to act as president, superintendent, or professor of any established college or university having capacity to educate at the same time not less than one hundred and fifty students, goes on to provide that—

> The number of officers so detailed shall not exceed twenty at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population.

I hold that under that provision the Secretary of War or the President must distribute these officers fairly and justly among the States.

Mr. TERRY. Inasmuch as nobody has spoken against the bill except one gentleman, I yield to my friend from Georgia, [Mr. BLOUNT,] who I understand desires to oppose it.

Mr. BLOUNT. Mr. Speaker, I am somewhat surprised that a proposition of this sort should come from a committee on this side of the House; for it involves the right of the Federal Government to take charge of the proper education of the people in the several States. The gentleman from Mississippi [Mr. HOOKER] urges that this amendatory bill provides only for an addition of ten officers to the number allowed by existing law. But is that meeting the question properly? If this power does not reside with the Federal Government, is it not time that instead of acting on what has been done we should correct what has been erroneously done. If we may go forward in building up these institutions in the several States, where is the limit of our power? Where are the boundaries? Where is the voice that shall say, "Thus far shalt thou go, and no farther?" For one I believe that this country is not now asking for this measure. The cry is not coming up from the States for military education; the cry is not coming up for an increase of expenditures. The sentiment of the people does not favor any excuse for multiplying Army officers. If we have too many of them, more than the public service requires, let us not seek to perpetuate them upon the people of the country by assigning them to the business of educating the people.

Mr. HOOKER. Will the gentleman allow me to answer his inquiry?

Mr. BLOUNT. I will in a moment. If the excuse is that you have too many Army officers, then respond to the cries of the distressed people of the country; restrict the number of officers; reduce expenditures; take your heavy hand off the industries of the people.

Mr. HOOKER. The gentleman will allow me to say that I am not aware of anything in this bill which forces these instructors upon any State. They are never sent anywhere except at the instance of colleges that apply for them under the law. There is no power to send them unless they are called for. If they are not wanted in any State, they certainly will not be sent.

Mr. BLOUNT. If they are wanted, what right have we to appropriate money to meet a wish of that kind? Where will the gentleman find the power to appropriate money for such a purpose? If we have power to do this, why have we not power to legislate broadly on this whole subject of education? My colleague [Mr. COOK] says that no appropriation is asked for. I will tell him of one thing that is asked for, retrenchment in the expenditures of the Government. If these officers are useless for the military purposes of the country, let us not maintain these expensive salaries; let them be abolished.

The distinguished gentleman from Massachusetts, [Mr. BANKS,] for whose wisdom and patriotism I have the highest regard—who never speaks without winning my attention and respect—has attempted to defend this proposition on a ground which I think is entirely untenable. He says that we tried the assignment of three officers for this purpose and found advantage from it; we then tried twenty and found advantage from it; and therefore we should increase the number. Sir, if that is the way we are to proceed where will be the end? We have thirty-seven States with a vast number of colleges scattered through them. The measure now proposed is not expected by any one to meet all the demands in this direction. When you have inaugurated this movement, where is it to stop?

Mr. Speaker, for one I feel that it is the duty of the Representatives of the people at this hour to meet wherever they can the demand for retrenchment. I appreciate the benefits to be derived from the assignment of these officers to this duty. I would like to have one in my own State; and I believe there is a pending application of that kind. But, sir, because we would like to have the services of these officers for nothing, I will not violate what I deem to be a principle of the Constitution, I will not violate the demand of the day for retrenchment. Why, sir, we have a perfect army of officers. The gentleman from Massachusetts [Mr. BANKS] attempts to magnify the great advantages of military education throughout the States. Sir, we are isolated; we are separated by a vast ocean from the other great powers of the world. Why should gentlemen try to alarm us on this subject? For one I have no fear of an invading foe. We have a gallant people ready for war whenever it shall come and capable of defending the country from all harm.

Mr. SPARKS. Will the gentleman allow me to ask him wherein this increases expenditures?

Mr. BLOUNT. I will answer with a great deal of pleasure. If these Army officers can be spared from the military service of the country to be assigned to educational purposes, then they are not needed for the military purposes of the Government; and, if they are not needed, I say we have no right to maintain them for the purpose of devoting their services to the education of the people.

Mr. TERRY. Mr. Speaker, so much has been said about the question of economy that I will say one word. We do not propose by this measure to increase the expenses of the Government a single dollar. We have at present upon the rolls many officers whose services are not now required in the Army. If the gentleman from Georgia [Mr. BLOUNT] or the gentleman from Indiana [Mr. HOLMAN] will bring forward a bill to reduce the number of Army officers, I will vote for it; but while we have this large number of supernumerary officers doing nothing, I say let them be assigned to the civil institutions of learning, and let them earn their pay by giving instruction there.

Mr. HOLMAN. Why, sir, a bill reducing the number of our Army officers is now pending in the House.

Mr. TERRY. I demand the previous question.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman allow me to offer an amendment?

Mr. TERRY. No, sir; I cannot yield.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman allow it to be read?

Mr. TERRY. Yes, sir.

The Clerk read as follows:

Provided, That section 1225 of the Revised Statutes be so amended as to extend the privilege of a detail of an officer of the United States Army to any educational institution within the United States having a capacity to educate one hundred male students at the same time, the number of officers so detailed not to exceed thirty in all.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Virginia to allow that amendment to be offered.

Mr. TERRY. I am not instructed by my committee to permit any amendments; and I must decline to comply with the gentleman's request.

Mr. GARFIELD. I ask the gentleman to yield to me that I may read a single paragraph bearing upon this subject.

Mr. TERRY. Very well.

Mr. GARFIELD. The remarks made by the gentleman from Georgia [Mr. BLOUNT] were so striking on two points—first, on the constitutional power of this Congress to do anything in regard to education in the States and, second, in regard to our less need of education of this sort in an isolated country like ours—that it has occurred to me to read a paragraph from a very venerable document to which I am sure everybody in the House will listen with pleasure.

I read from the second annual message of George Washington to the Congress of the United States. After recommending Congress under the Constitution to take into consideration the care of manufactures, the advancement of agriculture and commerce, the establishment of uniformity of weights, measures, and the like. He says:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of Government receive their impression so immediately from the sense of the community as in ours it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights, to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority, between burdens proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments with an inviolable respect to the laws.

Now listen, and remember this is an address to Congress:

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the Legislature.

I commend to the gentleman who has so much fear of the constitutional powers of this Congress to do anything in encouragement of education to ponder awhile upon this second annual message of the first President of the United States.

Mr. TERRY. I must insist on the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof, the bill was ordered to a third reading, and it was accordingly read the third time.

Mr. LANDERS, of Indiana, demanded the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 24, noes 133.

The SPEAKER *pro tempore*. Not a sufficient number.

Mr. HOLMAN demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. HOLMAN and Mr. TERRY were appointed.

The House again divided; and the tellers reported ayes 38, noes not counted.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 122, nays 50, not voting 117; as follows:

YEAS—Messrs. Adams, Atkins, Bagby, George A. Bagley, William H. Baker, Ballou, Banks, Banning, Beebe, Samuel D. Burchard, William P. Caldwell, Candler, Cannon, Cason, Caswell, Cate, Caulfield, Cochrane, Collins, Cook, Cromse, Cutler, Danford, Davis, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durand, Durham, Eames, Egbert, Finley, Franklin, Frost, Garfield, Ganse, Glover, Goode, Gunter, Hancock, Benjamin W. Harris, Harrison, Hartridge, Hatcher, Hendee, Henderson, Abram S. Hewitt, Hill, Hooker, Hurlbut, Jenks, Thomas L. Jones, Joyce, Kasson, Kehr, Ketcham, Kimball, Lamar, Lapham, Leavenworth, Levy, Luttrell, Lynch, Edmund W. M. Mackey, L. A. Mackey, Magoon, McDill, McMahon, Metcalfe, Miller, Monroe, Mutchler, Norton, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Plaisted, Poppleton, Potter, Pratt, John Reilly, Riddle, William M. Robbins, Robinson, Miles Ross, Sampson, Schleicher, Sheakley, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Sparks, Spencer, Stenger, Stone, Tarbox, Teese, Terry, Thomas, Martin I. Townsend, Washington Townsend, Tufts, Turney, Van Vorhes, Robert B. Vance, Wait, Gilbert C. Walker, John W. Wallace, Ward, Whitehouse, Whitthorne, Wigginton, Charles G. Williams, James Wilson, Yeates, and Young—122.

NAYS—Messrs. Ainsworth, Anderson, Blackburn, Blount, Boone, Bradford, John Young Brown, Buckner, John H. Caldwell, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Culberson, Dobbins, Eden, Forney, Fuller, Andrew H. Hamilton, Hardenbergh, Hartzell, Haymond, Goldsmith W. Hewitt, Holman, Hurd, Franklin Landers, George M. Landers, Lane, Lawrence, Lewis, Lynde, Milliken, Neal, Parsons, John F. Philips, Piper, Reagan, Rice, John Robbins, Savage, Springer, Thompson, Throckmorton, Walling, Wike, Willard, James Williams, James D. Williams, Jeremiah N. Williams, and Willis—50.

NOT VOTING—Messrs. Ashe, John H. Bagley, jr., John H. Baker, Bass, Bell, Blaine, Blair, Bland, Bliss, Bradley, Bright, William R. Brown, Horatio C. Burchard, Burleigh, Cabell, Campbell, Chittenden, Conger, Cowan, Cox, Crapo, Darrall, Davy, Ellis, Ely, Evans, Faulkner, Felton, Fort, Foster, Freeman, Frye, Gibson, Goodin, Hale, Robert Hamilton, Haralson, Henry R. Harris, John T. Harris, Hathorn, Hays, Henkle, Hereford, Hoar, Hoge, Hopkins, Hoskins, House, Hubbell, Hunter, Hunton, Hyman, Frank Jones, Kelley, King, Knott, Le Moyne, Lord, Maish, MacDougall, McCrary, McFarland, Meade, Mills, Money, Morgan, Morrison, Nash, New, O'Brien, Odell, Payne, Pierce, Platt, Powell, Purman, Rainey, Randall, Rea, James B. Reilly, Roberts, Sobieski Ross, Rusk, Sayler, Scales, Schumaker, Seelye, Slemons, Smalls, Southard, Strait, Stevenson, Stowell, Swann, Thornburgh, Tucker, John L. Vance, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, Walsh, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whiting, Andrew Williams, Alpheus S. Williams, William B. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—117.

So the bill was passed.

During the vote,

Mr. WILLARD stated that his colleagues, Mr. WALDRON, Mr. WILLIAM B. WILLIAMS, Mr. BRADLEY, and Mr. HUBBELL, were absent by leave of the House.

Mr. J. H. BAGLEY stated that he was paired with Mr. EVANS.

The vote was then announced as above recorded.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge (Ohio) post-office;

An act (H. R. No. 353) to amend section 1911 of the Revised Statutes of the United States, defining the jurisdiction of Washington Territory; and

An act (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes.

COURT OF CLAIMS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in reference to a bill of the House (H. R. No. 3481) extending the jurisdiction of the Court of Claims, and for other purposes, with accompanying papers; which was referred to the Committee on Patents, and ordered to be printed.

MILITARY ROADS IN ARIZONA.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a report of the Chief of Engineers on a bill (H. R. No. 3608) to provide for the construction of military roads in Arizona; which was referred to the Committee on Military Affairs.

WAREHOUSES, ETC.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting copies of application for leases to build wharves, warehouses, &c., upon the east bank of the Potomac River; which was referred to the Committee on Expenditures in the War Department.

LIEUTENANT CHARLES METCALFE.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting additional papers in the case of Lieutenant Charles Metcalfe; which were referred to the Committee on Military Affairs.

INSANE ASYLUM.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a report on admissions into the Insane Asylum of the District of Columbia; which were referred to the Committee on Expenditures in the Interior Department.

MARTHA A. ASHBURN.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, reported back adversely in the matter of the claim of Martha A. Ashburn, widow of George W. Ashburn; which was laid on the table, and the report ordered to be printed.

INVALID PENSIONS.

Mr. JENKS. I ask unanimous consent to discharge the Committee of the Whole on the Private Calendar from a bill in order that it may be put on its passage at this time.

Mr. HURLBUT. I object to taking any bill from the Private Calendar unless some good and special reason is assigned therefor.

GEORGE EYSTER.

Mr. THOMAS, by unanimous consent, from the Committee of Ways and Means, reported a bill (H. R. No. 3728) for the relief of George Eyster, assistant treasurer of the United States, Philadelphia, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EIGHTH CAVALRY MISSOURI STATE MILITIA.

Mr. GLOVER, by unanimous consent from the Committee on Military Affairs, reported back a bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry of the Missouri State Militia, with amendments; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. PLEAS AND F. S. JONES.

Mr. GLOVER also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 1057) for the relief of William M. Pleas and F. S. Jones, with amendments; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

O. E. BABCOCK.

Mr. GLOVER also, by unanimous consent, from the same committee, reported back copies of orders, letters, telegrams, &c., filed in the Adjutant-General's Office relating to the assembly on the business of the military court of inquiry called to inquire into the conduct of Colonel O. E. Babcock, and moved its reference to the Committee on Whisky Frauds; which motion was agreed to.

BRIDGE OVER THE WABASH RIVER.

Mr. ATKINS. I now call for the regular order of business.

Mr. DUNNELL. I ask the gentleman to yield to me for a moment.

Mr. ATKINS. I yield on condition that it gives rise to no debate.

Mr. DUNNELL. I ask leave to submit a report from the Committee on Commerce authorizing the construction of a bridge across the Wabash River. The bill is not lengthy, and will not take up much time.

Mr. ATKINS. If it is going to excite discussion, I must object.

Mr. DUNNELL. There will be no discussion on the bill. If there is I will withdraw it.

The bill was read.

Mr. DUNNELL. The second section of the bill is the section added to bills authorizing the construction of these bridges.

Mr. HOLMAN. I reserve objection to this bill for a moment until I state the grounds of my objection. I will state the grounds of my objection, and the gentleman can correct his bill in these particulars. The question as to the length of the span and height above high-water mark is not left to the Secretary of War.

Mr. ATKINS. If discussion is going to spring up, I object and call for the regular order.

The SPEAKER *pro tempore*. Objection being made, the bill is not before the House.

Mr. DUNNELL. This is in harmony with bills already passed.

Mr. HOLMAN. We paid no attention to the Wabash until we began to spend large sums of money to improve its navigation, $75,000 for the present year. I must insist that the Secretary of War shall determine the width of the span and height above high-water mark, and also that any change required by the Secretary of War shall be at the expense of the company. As this bill may be reported by the Committee on Commerce, I ask that my amendments be included.

The SPEAKER *pro tempore*. The bill is not before the House.

Mr. HOLMAN. I think the bill can be put in shape in a moment.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee object?

Mr. ATKINS. If it is going to take up any time, I must object.

The SPEAKER *pro tempore*. The Chair must have another answer if the gentleman insists on his objection.

Mr. ATKINS. The gentleman assured me that it would not give rise to any debate. I do not like to be discourteous, but I must insist on my objection.

The SPEAKER *pro tempore*. The bill is not before the House.

GENERAL DEBATE.

Mr. MORRISON. I am asked by gentlemen on the other side of the House to make the following request for unanimous consent.

The Clerk read as follows:

That the sessions of Wednesday and Thursday shall be devoted to the consideration of special orders now pending, and no vote be taken thereon or question determined on which a division shall be demanded.

Mr. WILLIAMS, of Indiana. I object.

Mr. ATKINS. That practically dispenses with the consideration of the Army bill and the action of the House upon it?

The SPEAKER *pro tempore*. It does not dispense with the consideration of the Army bill so far as general debate is concerned. But any action on this bill is dispensed with if this resolution be adopted. Is there objection?

Mr. ATKINS. I object.

The SPEAKER *pro tempore*. Objection being made, the proposition is not before the House.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of the Army appropriation bill.

Mr. WALLING. I do not desire to antagonize this bill, but I would say to gentlemen who have charge of bills which committees are ready to report that if they expect to have them brought before the House the morning hour must be insisted on.

The motion of Mr. ATKINS was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the Army appropriation bill. The gentleman from New York [Mr. WOOD] is entitled to the floor.

Mr. WOOD, of New York. Mr. Chairman, this is the eleventh appropriation bill reported from the Committee on Appropriations during this session. It is the last except one of all of the regular appropriation bills usually passed by Congress. And when the remaining one shall have been presented, we will then have, in the language of the British House of Commons, the "budget" for the ensuing fiscal year. It appears to me, Mr. Chairman, a proper time for this House to take an observation, that we may know exactly where we stand with reference to the expenditures of the Government and the resources of the Government by which these expenditures shall be maintained.

I propose, sir, in the time that shall be allotted to me in this discussion to address myself more to the general question as to the expenditures and resources and the general condition of the country with reference to the public burdens than I shall attempt to enter into any discussion of the propositions contained in detail in the bill itself. I have given some reflection to this general question and have matured some thoughts directly bearing upon the resources of the Government as it stands at this time and as to its probable condition at the end of the next fiscal year; whether it is in default now of the estimates, and whether it will not be still more so this time next year. In this connection I shall refer somewhat in detail to the past extravagance of the Administration, the general tendency to undue expenditure, and the clear duty of this House in view of the professions and criticisms of the democratic party.

As preliminary to a consideration of this subject, I desire to call the attention of the House to the peculiarity of our past history and the leading developments of our national existence. Were I to write the history of this country for the century just closing, I would separate it into four great epochs, namely:

First, from 1776 to 1801, as that distinguished as the revolutionary era, the grand struggle for freedom from the British Crown, the formation of a confederated league, the adoption of the Constitution, and the creation of a more effective and united government, and the annunciation of the true theory of republicanism, as developed in the system of Thomas Jefferson.

Second, from 1801 to 1826, for the final consummation of entire in-

dependence of England in the second war with that power, the gradual development of trade and commerce, and the settlement of certain grave questions of government finances and foreign policy, including the acquisition of Louisiana and Florida.

Third, from 1826 to 1851, for the further extension of territory in the additions of Texas and our Pacific possessions, the discovery and working of the gold and silver mines, and in the commencement of a brighter era, which, if rightly appreciated and directed, would have laid the foundation for a national prosperity in an enlarged material development in excess of anything in the history of this or any other people.

Fourth, from 1851 to 1876, for the humiliating exhibition of general financial and commercial intoxication, the most terrible civil war of any age, followed by public and private demoralization, the accession to power over the Government of a combination formed of the worst and the best but weakest elements of society, and the consequent introduction of extravagance, profligacy, and corruption in the management of public affairs and throughout the body-politic; the period of sensationalism, of pretense, of assumption, and of inferior and diluted intellects struggling with each other for the control of the Government, for the better advantage of each other. Such is the humiliating spectacle presented to the world by this truly great people, who in an evil hour have become untrue to their fathers and themselves.

Such, Mr. Chairman, is our position to-day. Such is our condition as a government, and such is our condition socially. In all our industrial and material interests we have, in common parlance, been living far beyond our resources; I mean our legitimate resources. The scale of expenditures has been largely in excess of our means. What were once thought to be mere luxuries have become necessities. Men who formerly could live upon $2,500 a year now require $5,000 and $10,000 a year, and are not as comfortable, nor as happy, nor as upright as formerly upon that sum. Our Government, which during the war spent at one period $1,500,000,000 a year, after war had ceased found it almost impossible to reduce those expenditures. The impure infusion into the Government would not come down to a peace basis. It was only by the bold and aggressive attitude of the minority in Congress that any material reductions were effected at all. But though reductions were made from the war scale of expenditures, look at the gradual increase effected notwithstanding. I print tables gathered from official data, which of themselves abundantly prove the successful efforts of the party in power to force back again the former enormous disbursements. I call the attention of the House and the country to the fruits of republican misrule as exemplified and illustrated in what is here presented.

I submit a comparative table of expenditures or appropriations for the public service, collated from reports of the Secretary of the Treasury and other official documents:

Post-office expenditures.

1868	$22,730,592 65
1869	23,698,131 50
1870	23,998,837 63
1871	24,390,104 08
1872	26,658,192 31
1873	29,084,945 67
1874	32,126,414 58
1875	33,611,309 45
	2,162,985,527 87
For year 1876 appropriated	37,524,361 00
Total	2,200,509,888 87

Naval appropriations.

1868	16,288,244 00
1869	17,356,350 00
1870	18,453,270 00
1871	19,250,090 00
1872	19,832,323 00
1873	18,296,733 00
1874	*22,276,257 00
1875	20,813,946 00
	152,567,213 00

Comparative receipts and expenditures of the Internal Revenue Department, collated from the reports of the Secretary of the Treasury.

Year.	Receipts.	Cost of collection.	Per cent.
1867	$266,027,537 43	$7,292,050 98	3
1868	191,087,589 41	8,730,357 65	4½
1869	158,386,460 86	7,200,114 16	4½
1870	184,899,756 49	7,224,531 14	4
1871	143,089,153 63	7,075,187 14	5
1872	130,642,177 72	5,697,288 34	4
1873	113,729,314 14	5,337,124 23	4½
1874	102,409,784 90	4,573,086 89	4½
1875	110,007,493 58	5,188,513 31	4½
Total	1,400,288,268 16	58,928,253 84	.....

*Of this sum four millions was appropriated for extraordinary expenses of the naval service.

Expenditures on account of Indians.

1868	$3,998,353 59
1869	6,927,773 48
1870	3,407,938 14
1871	7,426,997 44
1872	7,061,728 82
1873	7,951,704 88
1874	6,692,402 09
1875	8,384,656 82
Total	51,851,615 26

The amounts appropriated to pay the expenses of the War Department for the years 1866 to 1876, inclusive.

For the fiscal year ending June 30—	
1866	283,154,676 06
1867	95,224,415 63
1868	123,246,648 62
1869	78,501,990 61
1870	57,655,675 40
1871	35,790,991 82
1872	35,372,157 20
1873	46,323,138 31
1874	42,313,927 22
1875	41,120,645 98
1876	28,331,070 00
	867,044,336 85
Estimates for 1877	33,697,178 50
Making a grand total of	890,741,515 35

Coast Survey expenditures.

1868	455,700 77
1869	478,410 72
1870	506,279 06
1871	735,000 00
1872	729,000 00
1873	852,828 75
1874	841,000 00
1875	780,635 44
Total	5,378,854 74

Expenditures surveying public lands.

1868	373,252 30
1869	429,495 78
1870	641,497 37
1871	564,940 76
1872	838,514 96
1873	1,128,060 13
1874	1,271,193 15
1875	1,299,636 36
Total	6,546,590 81

Expenditures surveyors-general's offices.

1868	95,209 75
1869	96,596 08
1870	114,962 89
1871	121,144 05
1872	557,359 95
1873	414,135 19
1874	735,524 86
1875	690,303 38
Total	2,825,236 15

Judiciary expenditures.

1868	723,378 57
1869	2,357,661 94
1870	2,610,342 53
1871	3,320,918 98
1872	3,594,077 52
1873	3,826,131 77
1874	3,436,567 25
1875	3,704,309 90
Total	23,573,388 46

United States mints and assay offices expenditures.

1873	762,182 00
1874	1,267,147 68
1875	1,408,846 41
Total	3,438,176 09

Sub-treasuries expenditures.

1868	260,113 88
1869	272,614 27
1870	305,075 06
1871	324,074 73
1872	430,835 82
1873	494,660 90
1874	549,477 50
1875	460,379 77
Total	3,096,231 93

Miscellaneous expenditures.

1868	53,009,867 67
1869	56,474,061 53
1870	53,237,461 56
1871	60,481,916 23
1872	60,984,757 42
1873	73,328,110 06
1874	*85,141,593 61
1875	71,070,702 98
Total	513,728,471 06

*In this amount is included $15,500,000 expended under Geneva award.

Summary and comparative statement of expenditures or appropriations in the several branches of the public service named in the fiscal years, respectively, as follows:

Branch of service.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	Remarks.
Post-Office	$22,730,592 00	$23,698,131 50	$23,998,837 63	$24,390,104 08	$26,658,192 31	$29,084,944 00	$32,126,414 58	$33,611,309 45	Expenditures.
Indians	3,988,353 00	6,927,773 48	3,407,938 14	7,426,997 44	7,061,728 83	7,951,704 00	6,692,462 00	8,384,656 82	Do.
War	123,246,548 00	78,501,990 61	57,655,676 40	35,799,491 82	35,372,157 20	46,324,138 00	42,313,927 22	51,120,645 98	Appropriations
Naval	16,288,244 00	17,356,350 00	18,453,270 00	19,250,090 00	19,832,323 00	18,296,733 00	22,276,257 00	20,813,946 00	Do.
Coast Survey	455,700 00	478,410 72	506,279 06	735,000 00	749,000 00	852,828 73	841,000 00	780,633 44	Expenditures.
Survey of public lands	373,253 30	429,495 78	641,497 37	564,940 76	838,514 96	1,128,060 00	1,271,193 15	1,289,636 36	Do.
Surveyors-General's Offices	95,309 00	96,596 08	114,962 89	121,144 05	557,359 95	414,135 00	735,524 86	690,304 38	Do.
Judiciary	723,378 00	2,357,661 94	2,610,342 53	3,339,918 98	3,594,077 52	3,826,131 00	3,436,567 25	3,704,309 90	Do.
Subtreasury	260,113 00	272,614 27	305,075 06	324,074 73	430,835 82	493,661 00	549,477 50	460,379 77	Do.
Miscellaneous	53,009,867 00	56,474,001 53	53,237,461 56	60,481,916 23	60,984,757 42	73,328,110 00	85,141,593 61	71,070,702 98	Do.

Nor is this general increase in expenditures the only proof of extravagance, to call it by the mildest phrase, of the Government under the present party. The increase in the civil list furnishes additional evidence if it were required. I ask a careful examination of the following table as exhibiting the fact that a larger number of employés have been borne upon the pay-rolls since the war than during the war. Certainly the object must have been for other purposes than to conduct merely official duties. It is not uncharitable to conclude that this horde of paid dependents was in the main but auxiliary to the general working of the political machine, devoted more to the continuance of the ruling power than to the public weal.

Statement of the number of employés borne upon the civil list of the United States from 1859 *to* 1875, *inclusive, compiled from the Biennial Registers.*

Departments.	1859.			1861.			1863.			1865.			1867.			1869.			1871.			1873.			1875.
	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	At Washington.	Elsewhere.	Total.	Total.
State	34	339	373	33	366	399	34	374	408	37	398	435	39	434	473	47	528	575	57	387	444	63	401	464	460
Treasury	487	3,295	3,782	494	2,697	3,191	1,103	3,721	4,824	2,067	4,176	6,243	2,529	5,582	8,111	2,451	5,631	8,082	2,543	6,050	8,593	2,800	8,630	11,430	11,316
Interior	607	691	1,298	875	610	1,485	829	634	1,463	924	583	1,507	774	984	1,758	1,322	849	2,171	1,452	1,412	2,864	1,590	1,991	3,581	2,750
War	90	246	336	120	703	823	670	749	1,419	924	2,379	3,303	1,645	1,023	2,668	644	692	1,336	564	968	1,532	584	1,082	1,666	1,720
Navy	73	19	92	81	17	98	115	23	138	118	23	141	115	48	163	80	93	173	111	90	201	119	8,122	8,241	10,105
Justice	6	206	212	8	268	276	9	204	213	9	212	221	11	219	230	41	198	239	44	260	304	47	681	728	728
Post-Office	101	38,193	38,294	107	39,506	39,613	160	38,574	38,734	173	40,971	41,144	234	42,189	42,423	289	41,057	41,346	426	42,925	43,351	495	59,730	60,225	65,726
Legislative	140	.....	140	164	.....	164	176	.....	176	173	.....	173	287	.....	287	285	.....	285	316	.....	316	325	.....	325	314
Total	1,538	42,989	44,527	1,882	44,167	46,049	3,096	44,279	47,375	4,495	48,742	53,167	5,634	50,479	56,113	5,159	49,048	54,207	5,513	52,092	57,605	6,023	80,637	86,660	94,119

In view of these facts, the question presents itself should the people of the United States bear this burden, even if they were able to do so? Admit that our material interests were in a condition of great prosperity; admit that we were where we were a few years ago, when all of us were doing well and making money, and many of us saving something besides our expenditures. I submit, that however wealthy the people may be it is not necessary that so large a number of officials should be employed for governmental purposes, or that such a large expenditure of money should be incurred. I believe it is demonstrable that our Government can be maintained efficiently, the public interest better preserved and protected by a reduction of at least 35 to 40 per cent. in the number of employés and in the general disbursements.

But are the people able to bear their large burdens at this time even if the present scale of expenditures are necessary? What is the present condition of the Treasury? For this is a pertinent and indeed a vital question we should ask ourselves in this connection.

A government, like an individual, should live within its means. If in either case the cost of living is in excess of the income, the deficit must be provided for in some way, either by levying contributions upon others, by borrowing, or by retrenchment. I have ascertained from the best available official sources the present condition of the Treasury at this time, the end of the present fiscal year. My data is entirely reliable if we can place confidence in the official statements of those who have the immediate charge of the Treasury.

Statement of condition of the Treasury, June 30, 1876.

The estimate of receipts for the present year (see report of Secretary of the Treasury, 1875, page vi) was		$297,456,145 14
The actual receipts for eleven months and estimate for the present month is officially stated		286,247,387 76
Difference between estimates and receipts		11,208,757 38
The expenditures for same period was estimated (report of Secretary of the Treasury, page vi) at		268,447,543 76
Actual expenditures for eleven months and estimate for present month, as officially stated, not including sinking fund		263,138,853 53
		5,308,690 23
Add to this the balance due the sinking fund, after deducting $13,000,000, the only bonds called for this year	$32,293,692 32	
	13,000,000 00	
		19,293,692 32
Deficiency at end of present fiscal year		24,602,382 55

NOTE.—The retired legal-tender and fractional currency redeemed are no part of the sinking fund under the act of February 25, 1862.

Estimated condition of the Treasury for 1877.

Estimated expenditures, (see report of Secretary of the Treasury, December 6, 1875, page vi)	$269,265,000 00
Add to this sinking fund, (see report of Secretary of the Treasury, page vii)	34,063,377 40
Total	303,328,377 40
To this add deficiency for 1876	24,602,382 55
Total to be provided for	327,930,759 95
To provide for this take same total receipts as the present year	286,247,387 76
Probable deficiency at end of fiscal year 1877	41,683,372 19

In these statements it will be observed that the required contribution to the sinking fund is provided for. Though it is my belief that the Government is not indebted to this fund at all, owing to the large purchases by Mr. BOUTWELL when Secretary of the Treasury of outstanding bonds, yet in view of the positively expressed intention of Mr. Bristow in his last annual report of adhering strictly to the requirement of the law which sets apart a portion of the coin receipts as a special fund for this object, I do not see why it should not be included as one of the obligations of the Government. To consider the legal-tenders and fractional currency redeemed under recent acts of Congress as complying with the law of 1862 as proper appropriation to this fund is, in my opinion, an evasion of the clearly expressed determination of the Secretary in his report to Congress referring to this subject. The sinking-fund account, therefore, stands thus:

Sinking-fund account, (official,) 1875 *and* 1876.

For 1875:		
Due		$31,096,545
Applied		25,170,400
Balance due		5,926,145
For 1876:		
Due	$32,140,914	
Applied	13,000,000	
Balance due		19,140,914
Now due		25,067,059

(See report Secretary of the Treasury, December, 1876, pages x and xi.)

Such is the condition of the public finances. It is obvious the Government cannot bear the burden which has been imposed upon it in the appropriations, in view of its decreased and decreasing resources.

Further taxation is out of the question at this time, and should not be resorted to even if practicable. There is but one honest course left, and that lies in a general, radical change in the scale of official expenditure. This is our duty if we are true to those we represent, and the special mission of this House.

Our legislative system was modeled after the English system. England has her House of Lords, corresponding with our Senate; her House of Commons, corresponding with our House of Representatives. The government of England is no longer in the Crown, nor in the peers of the realm; it is in the people as represented in the House of Commons. So the Government of the United States is to-day, or ought to be, in the people; and so far as we here are faithful to the interests and liberties and rights of the people, here should be the power of the Government in controlling everything relating to the question of expenditures. Sir, the House of Commons fixes the budget; no House of Lords ever dared to make an issue with the House of Commons as to expenditures of the public money. The House of Lords does not amend a money bill coming from the House of Commons. The chancellor of the exchequer opens his budget; he presents to the House of Commons what, in his judgment, are the necessities of the government; he presents a detailed statement of the resources of the government; he makes his recommendation; the ministry support his recommendations, and the House of Commons vote upon it. Sometimes they modify, alter, and amend materially, but generally in the line of decrease, although I have known instances where the budget has been materially increased by the action of the House of Commons as against the ministry. Whatever that determination may be, when that budget is transmitted from the House of Commons to the House of Lords, it is adopted almost always *nem. con.* as a finality. Not so here, sir; and I hope my apprehension may not be realized that our house of lords will make issue with us at this time as to our budget on the question of economy. But if that issue shall come, I hope we will go before the people on it and let that court of final resort judge between us.

What has our Committee on Appropriations done? I said at the beginning of these remarks that our budget was nearly closed. The Committee on Appropriations has reported to the House the eleventh general appropriation bill. There remains but one more, and when that bill shall have been reported to the House we will have the entire amount of expenditure which the House of Representatives, so far as I know and believe, intend to allow for carrying on the Government during the next fiscal year.

I cannot say that I justify every detailed item of expenditure presented in these bills. I took exception originally to the diplomatic and consular appropriation bill as reported from the Committee on Appropriations. I had grave doubts about the abolition of several consulships which under existing law certified to invoices of merchandise and had a material influence on the amount of duties to be collected under the *ad-valorem* system. I had my fears that the revenues of the country would be affected by the abolition of those consulates, and I looked upon the trifling expense involved in keeping them up as of little consequence compared with what, in my judgment, were larger and graver national considerations. I could go on and show particular items in other bills, isolated propositions, which of and by themselves I might have some doubts about, but the whole purpose, scope, and theory upon which these reductions of public expenditure have been made are in my judgment politic and wise, and we have no duty here on this side of the House except to stand by them as the declaration of a principle, as a practical, ever-living illustration of the truth of our professions to the people of economy and reform.

Now let us see what the Committee on Appropriations and this House propose in the way of reductions. It is well occasionally, and especially at this time, to take "an observation," in marine language, of the exact situation of the ship of state and how this House proposes to meet the existing deficiency in the revenues of the Government. I present a concise statement relating to each of the appropriation bills as reported from the committee, as acted upon by the House, and as compared with the estimates and the appropriations made by the last Congress for the same service:

Situation of the following-named bills, June 13, 1876.

Military Academy, reported January 11:

Estimates, (see Book of Estimates, pages 70, 75, 76, 77, and 134)	$437,470 00
Committee recommended	231,241 00
Reduction	206,229 00
Appropriation for present year	364,740 00
Reduction	133,499 00

In conference committee.
Passed the House January 31.

Pension bill, reported January 11:

Same as estimates	29,533,500 00
Appropriation for present year	30,000,000 00
Reduction	466,500 00

Has become a law as passed House.

Consular and diplomatic bill, reported January 28:

Estimates, (see Book of Estimates, pages 61, &c.)	1,352,485 00
Committee recommended	922,847 50
Reduction	429,637 50
Appropriation for present year	1,351,285 00
Reduction	428,437 50

Conference committee re-appointed by the House.
Passed the House April 10.

Fortification bill, including torpedoes and armaments, reported February 15:

Estimates, (see Book of Estimates, pages 73,74, 83, and 126)	$3,406,000 00
Committee recommended	315,000 00
Reduction	3,091,000 00
Appropriation for present year	850,000 00
Reduction	535,000 00

Has become a law.

Legislative, executive, and judicial, reported March 8:

Estimates, (see Book of Estimates, pages 9*a*, 32, 34*a*, 50, 51*a*, and 58)	20,836,307 00
Committee recommended	13,009,807 61
Reduction	7,826,499 39
Appropriation for present year	18,734,225 00
Reduction	5,724,417 39
Returned to the Senate with nine hundred and fifty-two amendments non-concurred in	3,500,000 00

Passed the House April 28.

River and harbor bill, reported April 3:

Estimates, (see Book of Estimates, pages 127 *et seq.*)	14,301,100 00
Committee recommended	5,872,850 00
Reduction	8,428,250 00
Appropriation for present year	6,643,517 50
Reduction	770,667 50

Passed the House April 10.
In the Committee on Commerce, Senate.

Deficiency bill, reported April 11:

Estimate, (see Executive Document No. 155, Forty-fourth Congress, first session)	2,723,471 70
Committee recommended	662,315 07
Reduction	2,061,156 63
Appropriation for last year	4,703,699 18
Reduction	4,041,384 11

Has become a law.

Post-office bill, reported April 29:

Estimates, (see Book of Estimates, page 141)	37,939,895 99
Committee recommended	32,189,109 00
Reduction	5,750,696 99
Appropriation for present year	37,524,361 00
Reduction	5,335,252 00
Returned to Senate with non-concurrence of House	3,350,000 00

Passed the House May 17.

Navy bill, reported May 5:

Estimates, (see Book of Estimates, pages 816 *et seq.*)	20,871,666 40
Committee recommended	12,808,655 40
Reduction	8,063,011 00
Appropriation for present year	17,011,306 90
Reduction	4,202,651 50

In the Senate committee.
Passed the House May 23.

Indian bill, reported May 18:

Estimates, (see Book of Estimates, pages 91, *et seq.*)	5,787,995 64
Recommended by committee	3,905,771 27
Reduction	1,882,224 37
Appropriation for present year	5,360,554 55
Reduction	1,454,783 28

In the Senate committee.

Summary showing reductions on the several bills as reported from estimates:

Military Academy	206,229 00
Consular and diplomatic	429,637 50
Fortifications, including torpedoes, &c	3,091,000 00
Deficiency	2,061,156 63
Legislative, executive, and judicial	7,826,499 89
Rivers and harbors	8,428,250 00
Post-office	5,750,696 99
Naval service	8,063,011 00
Indian service	1,882,224 37
Amount carried to page 5	37,738,705 38

From appropriations for present year:

Military Academy	133,499 00
Consular and diplomatic	428,437 50
Fortifications, including torpedoes, &c	535,000 00
Deficiency	4,041,384 11
Legislative, executive, and judicial	5,724,417 39
Rivers and harbors	770,667 50
Post-office	5,335,000 00
Naval service	4,202,651 50
Indian service	1,454,783 28
Amount carried to page 5	22,625,840 28

Army bill, reported June 12, 1876:	
Estimates, (see Book of Estimates, pages 67 and 77, inclusive)	$33, 348, 708 50
Recommended	23, 254, 477 12
Reduction	10, 094, 231 38
Amount appropriated for present year	27, 933, 380 00
Reduction	4, 678, 902 88
Reduction from estimates:	
Amount brought forward from page 4	37, 738, 705 38
Reduction from estimates in Army bill	10, 094, 231 38
	47, 832, 936 76
Reduction from last year's appropriation brought forward from page 4	22, 625, 840 28
Reduction from last year's appropriation of Army bill	4, 678, 902 88
	27, 304, 743 16

SUMMARY.

The pension, fortification, and deficiency bills have become laws.

The consular and diplomatic and Military Academy bills are with conference committees.

The legislative, river and harbor, and post-office bills are before committees by reference of the Senate.

The naval bill has gone to the Senate committee.

The Indian bill is before the Senate committee.

The sundry civil bill is with the Committee on Appropriations, shortly to be reported to the House.

The Army bill is before the House.

The reduction made in the ten bills, as set forth in the foregoing pages, below the estimates amounts to	$37, 738, 705 38
Add to this the probable reduction on the two remaining bills, (Army and sundry civil,) say	20, 000, 000 00
Total as reduced below estimates	57, 000, 000 00
The reduction below the amounts appropriated for the present year	22 625, 840 00
Add to this the probable reduction on the two remaining bills	17, 000, 000 00
Total as reduced below appropriation for this year	39, 000, 000 00

In this way this House proposes to meet the deficiency. We believe it is necessary to meet that deficiency, not by borrowing, not by increase of taxation of the people, but simply by retrenchment. We think that reduction can be made without injury to the public service. We think the Government can be efficiently conducted with a very large reduction in each of the several branches; and I think I represent every gentleman upon this side of the House when I state that we have no disposition to embarrass the Administration. We do not wish to withhold a single dollar where that dollar is required for actual value rendered to the people who contribute that dollar, but we are resolved to make every effort to reduce the expenditures of the Government. Whether we will succeed or not, we must make the effort. While here and there there may be an item that might probably have been a little different, yet I take the ground that an aggregate reduction of over $40,000,000, which I have stated in detail, can be made and ought to be made for the relief of the people.

I believe, sir, from my experience and somewhat intimate knowledge of public affairs, that the machine might be run just as well, even better, by a more simple process at much less expense than this grand and magnificent affair that we now have, with its varied ramifications reaching every township and every voter of the country, and exercising an influence upon him in contradistinction to the true theory of self-government and the right of free opinion.

MILITARY POWER ANTAGONISTIC TO CIVIL POWER.

Now, with reference to the Army, my position and belief are, Mr. Chairman, republics have no necessity for standing armies. These institutions are inconsistent with the nature and theory of free opinion. The military power is one of force; it belongs to arbitrary rule. The civil power is one of thought; it belongs to the government of popular liberty, uncontrolled and untrammeled by other considerations than public good, as determined by the will of the people. Under our system the military is, or should be, subservient to the civil authority. The Army, as such, and those who control it, have no rights or privileges not accorded by the law, which itself is but the emanation of the people's voice.

And yet the military have never relaxed its effort to command a supreme power. Though not in fact even a necessary feature of government, it has always essayed not only to be permanently fixed as one but to be paramount to all others. In this country the War Department should have no existence except in time of war. It is not a requisite branch of the Government, as is generally conceded. It performs none of the legitimate functions of our Government in time of peace. It is inappropriate to such a period, having no uses, no duties, no affinity, or sympathy with the workings of a political institution founded on free opinion. It aids not in the execution of the laws, being foreign to the execution of any of the duties imposed upon the President. In time of peace neither the conduct of our relations with other governments nor the postal nor the internal nor the fiscal nor the judicial divisions of authority require the support of the military in the performance of the several duties devolving upon them.

For purposes of the protection of the merchant marine, a small naval force may be required; but, outside of a few cavalry upon the frontier and border settlements, I know of no necessity for military in the performance of the legitimate and proper functions of this Government.

Switzerland, our transatlantic sister-republic, has no war department and no standing army. She has no government troops, and needs none. If an emergency arises when an army is required, she draws upon the cantons (corresponding with our States) for their armed contributions, according to their population and means of furnishing them. I think it worthy of serious consideration whether we could not learn from their example and reform and re-organize our military system upon some such economical and simple plan. The arguments based upon the necessity for always being prepared for war in time of peace, and hence the reason for always maintaining an army, can have no force after the wonderful facility with which the Union forces were improvised, increased, and maintained in 1861, 1862, 1863, and 1864. From a few thousand men, all told, at the beginning of the late civil war the world witnessed with intense interest the creation, as it were, within a month of one of the largest and best-equipped military forces ever gathered together upon a field of battle.

What has been done once in this country can be done again. If our people, who are by temperament and education of all others the best fitted naturally for soldiers, could thus so suddenly change their characters from civilians to warriors to suppress a domestic insurrection, with how much greater alacrity would they not mass themselves to meet a foreign enemy. We do not need the paraphernalia of war in times of peace, certainly not when the expense of its maintenance imposes so heavy a burden. Therefore, I am in favor of the reductions provided for in this bill. I voted for the bills recently passed by the House for a further re-organization and consolidation of this branch of the service. I am disposed to go yet further by abolishing the War Department as a Department of the Government and transferring the duties, under very greatly restricted regulations, to the Department of the Interior, as one of the bureaus of that Department. But as it is not likely so radical a change could be effected under existing circumstances, it appears to me even yet greater reforms can be made than has as yet been proposed.

The chief work of reform must be on the great establishments, because they are in excess of the public needs. The Army is too large. The cost of it is greater than the country can bear, with all the other burdens. It is high time the Army was put on the proper basis of a peace establishment, suited to a Republic whose aim, both at the first and now, was and is to relieve the people from oppressive and expensive government. Our doctrine, as Mr. Jefferson put it, ought to be settled by this time, "not to take from the mouth of labor the bread it has earned," especially now when every industry of the country is suffering and prostrate, mainly, as wise men believe, from public debt and taxation.

Heretofore, in regard to a standing Army, we have held to republican principles. After the first war, which placed a free Republic among the nations, we disbanded the Army we had no longer need for. After the war of 1812 we maintained little more than the nucleus of a military establishment. Since the civil war we do not revert to republican practice. We do not relieve, as we might, the burdens of the people. The great debt of the war is and was larger than any nation ever accumulated in the same time. The great cost of the pension list, of the retired list, of the invalid soldiers worn out in public service, all that must be borne. But the standing Army, for active service after the war, ought to be no greater than is useful and necessary, and we ought to consider the proper use we have for it. We have not the use monarchies have for standing armies, to make war on our neighbors or to govern and oppress our people. In civil administration free government is all we need. We have no good use for soldiers to regulate popular elections, to organize legislatures, to administer laws. The only use we have for soldiers at all is to serve as a nucleus for organization and a protection for the Indian frontier. For this last, we need as little or less than twenty-five years ago. We have now industrious, prosperous, well-governed States, where then we had but frontier settlements. The Indian tribes are weaker, more peaceful, submissive. Railroads and improved communications give the means of moving troops for frontier police and give greatly increased effect to the same force. For frontier use and defense ten thousand men would seem sufficient. For the other uses of a standing Army, for military science and preparation, the Military Academy and a complete and well-instructed staff are sufficient, with the skill in arms, the intelligence, and warlike temper of our people.

Assuming these principles, the application of them is not difficult.

First. What need is there in peace for sea-coast garrisons? Fort-keepers under engineers would save the expense and take better care of the works. Two regiments of artillery are now employed for that purpose in New York and New England, two more from Baltimore to Pensacola. Those four regiments may be useful elsewhere; if not, they furnish occasion of a great retrenchment and an excellent economy.

Second. Worse than useless, very mischievous, are the garrisons and troops posted in the Southern States. Those reconstructed States, admitted to their place in the Federal Government, have State governments sufficient to their domestic tranquillity.

The soldier is no part of the republican institution for that work, and if employed in it is liable to misconceive his use and function; to conceive, like Sheridan, that he is to deal with the people as banditti. For the peace and good government of the country, and of

the Southern States especially, as States of this Union, whose prosperity and wealth are part of ours, the soldiers there ought to be taken away and they ought to be disbanded; certainly they are not wanted there, even if they were as subordinate to the civil authority as the Constitution declares they shall be; even if their commanders had the dutiful respect and reverence for law that animated Washington and Jackson and Hancock.

If our Government is reconstructed; if we are the republic we were; if the methods of free government and legal administration are sufficient to us now, as before the war, we have no use for a larger standing army now than then. Some facts of detail may be suggested. Before the war the Army was about twelve thousand men, now it is twenty thousand. The cost then was fifteen millions a year; last year it was over forty-one millions. Look, too, at the list of officers; when the soldier is let go, the officer often continues to hold on under the plea of "organization," and of keeping on hand a proper amount of the "science of war." Our General and Lieutenant-General have held on, though admitted by the law to be useless and allowed "until a vacancy and no longer;" so says the act of 1870. This is a concession in the way of pension. Besides, there is the expense, with all the machinery of staff and headquarters. The official report of this expense is not quite explicit.

The General's salary is put at $13,500, with 40 per cent. added for service. House rent, fuel, and forage added to the 40 per cent. must run it up over $20,000. His aids, colonels, at $3,500 to $4,500 salary each, with fuel, quarters, forage for each, and cost of headquarters in cities, and clerks, make at least $30,000 more, or $50,000 in all. The Lieutenant-General and all his machinery must be put at least $30,000; say $80,000 per year for the two officers, for and during the incumbents. These officers, until a vacancy, are to "command the armies of the United States." The Constitution imposes this duty upon the President and no one else. That style and authority may do in war and with armies in the field. It is absurd in peace. Then, in every nation, the executive head of the nation, by a minister of war or government department, with subordinate bureaus, controls and directs the military administration—a function of government in peace. The General and Lieutenant-General, with headquarters in distant cities, are mere circumlocution and obstructions to the regular administration from the seat of Government.

Much rank in peace is bad provision for war. The ablest administrator among Napoleon's great soldiers has told of the incumbrance he found in his earlier wars. Even his all-controling hand could not restrain their jealousies, vanity, and contention.

The list of generals is too large. There were four before the war, there are now eleven. The staff corps has accumulated largely in numbers and rank. The adjutant-generals have gone up from fourteen to seventeen, the judge advocates from one to ten, the inspectors from two to eight, the quartermasters from thirty-seven to forty-eight, the commissaries from twelve to twenty-six, the doctors from one hundred and fifteen to one hundred and eighty-seven, the paymasters from twenty-eight to fifty-three, the engineers from ninety-one to one hundred and nine, the ordnance from thirty-four to fifty-three. There appears on the Army list twenty-eight chaplains; they may be useful in peace and war, but can be reduced fully one-half.

Am I not right, therefore, in asking an abolition of the whole system, or a material modification of it?

"The pomp and circumstance of glorious war" is as antagonistic to free government, founded on popular opinion, in time of peace as it is too expensive to be borne. Therefore, for these reasons, I am in favor of a general reduction of expenditures, a re-organization of the entire governmental routine, and a re-adaptation of the executive machine to the pure, cheap, and simple plan upon which it was constructed by our fathers. Why should all this splendid extravagance and immense array of the *personnel* of the official list be maintained any longer? I know how hard it is to reduce expenses once created and continued for a while, but the people have had to do so in their individual case, and I know no reason why the Government should not do so likewise.

Let this House, the popular branch of Congress, and which represents the great democratic party of the country, stand firm in its economy; and if the Senate, which, representing the republican party, chooses to place itself in a hostile attitude to this so much needed reform, the issue will be fairly joined, and we shall go before the people as the court of last resort to determine between us. I have no fear of the result.

A cause so just cannot fail, and we shall recover once more the possession of the people's power, to be used in their interest and for their welfare.

During the delivery of Mr. WOOD's remarks his time was extended, on motion of Mr. TUCKER, and the following proceedings took place:

Mr. ATKINS. Will the gentleman from New York [Mr. WOOD] allow me to interrupt him for a moment?

Mr. WOOD, of New York. Certainly.

Mr. ATKINS. I wish to say, Mr. Chairman, that a good many gentlemen desire to speak upon this bill. They cannot all speak to-day, and I believe it is agreeable to the Committee on Appropriations that the general discussion shall run both to-day and to-morrow, and that the next day we will take up the consideration of the bill under the five-minute rule.

Mr. KASSON. So that no business shall be transacted to-day or to-morrow?

The CHAIRMAN. Unless there be objection the Chair will regard that as the unanimous order of the committee.

Mr. ATKINS. On Friday morning I expect to explain the different sections of the bill, and may require rather more than five minutes to do so.

Mr. WILSON, of Iowa. We cannot make that order in Committee of the Whole. If it is necessary to make the order at all, the committee must rise and the proposition be made in the House.

The CHAIRMAN. Does the gentleman from New York [Mr. WOOD] yield for a motion that the committee rise.

Mr. WOOD, of New York. I will yield providing I do not lose any of my time.

The CHAIRMAN. The time will not be taken from the hour of the gentleman from New York.

Mr. WILSON, of Iowa. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. ATKINS. I move that to-day and to-morrow be appropriated to the general discussion of the Army appropriation bill.

The SPEAKER *pro tempore*. The gentleman from Tennessee moves that the understanding be that to-day and to-morrow be devoted to general discussion upon the Army appropriation bill in Committee of the Whole on the state of the Union.

Mr. REAGAN. Will that exclude us from making reports in the morning hour?

Mr. ATKINS. My motion is that general debate shall run to-day and to-morrow.

The SPEAKER *pro tempore*. The suggestion is that the sessions of to-day and to-morrow be devoted to general debate on the Army appropriation bill, and that no vote shall be taken on any proposition pending.

Mr. REAGAN. Let me ask the gentleman from Tennessee to modify that proposition so as to allow us to make reports in the morning hour.

The SPEAKER *pro tempore*. The very object of the gentleman from Tennessee is to avoid reports from committees and votes thereon during the morning hour which could be done otherwise than by this agreement.

Mr. HEWITT, of New York. Will that exclude the Committee on Foreign Affairs from reporting?

The SPEAKER *pro tempore*. The Chair decides that it will exclude everything.

Mr. HEWITT, of New York. Does it require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. JONES, of Kentucky. Does it exclude the morning hour entirely?

The SPEAKER *pro tempore*. It does.

Mr. ATKINS. Gentlemen know that the House is not full, and there would probably be no quorum here.

No objection being made, the understanding proposed by Mr. ATKINS was agreed to.

Mr. WILSON, of Iowa. I now move that the House resolve itself into Committee of the Whole on the state of the Union on the Army appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLACKBURN in the chair, and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. WOOD, of New York, then resumed and concluded his remarks.

THE SOUTHERN QUESTION.

Mr. LYNCH. Mr. Chairman, I do not rise for the purpose of discussing the pending bill, but as the Army has a direct bearing upon southern affairs, I did not think it would be inappropriate for me to take advantage of this occasion to discuss in a general way what is commonly called "the southern question." It is a source of deep regret to me that this is still the most important question agitating the public mind. It is important, because it was out of the discussion of this question that sprang up some of the most serious political troubles that have occurred in this country since the organization of the Government. It is important, inasmuch as it was the immediate cause of the recent civil war, which cost the country many millions of dollars and thousands of lives. It is important, because the results of the late war were supposed to have been made secure under the system of reconstruction that was finally adopted.

In discussing this subject, I desire to have it understood that I speak not as a casual observer of passing events, but from thorough practical knowledge. It is a subject with which I am not only familiar in consequence of my identity with southern people and southern interests, as I understand them, but it is one which has occupied no little portion of my most serious consideration. The spirit of my re-

marks I hope will be such as will satisfy the House and the country that I am entirely free from passion and prejudice. Having been born upon southern soil and raised under the influences of southern society, it is nothing more than reasonable to suppose that I would have a very strong attachment for its people, even though I could not as much as respect some of its peculiar institutions. The peculiar relation which I occupy toward a large class of white citizens in my State makes it a source of deep regret to me to give utterance to some things which nothing but a sense of public duty would cause me to utter. But believing as I do that the best and truest friend that any people can have is the friend that will tell them of their faults as well as of their virtues, I shall proceed to discharge what I believe to be a plain duty, regardless of consequences personal to myself.

It is not my purpose to speak with a view of advancing the interest of the republican party, except so far as its interest may be advanced by the truth of history impartially told. It is a fact well known by those who are familiar with my public career thus far that I am not one of that number, if there be such, who are anxious that the republican party at the South or elsewhere should retain or regain its ascendency more in consequence of the demerits of others than any merit it may possess itself. I hope to see the day come when public opinion will be such that no party can be successful in the Government or in any State of this Union unless it deserves success. Although the republican party is not as free from faults as it should be, yet its claim upon the gratitude and support of the American people is sufficiently strong, in my judgment, to commend it to their approbation upon its own merits, and not as the least of two admitted evils. As anxious as I am that this great party shall remain in the ascendency in the Government, yet if I could be induced to believe that this ascendency can only be made an accomplished fact at the expense of good government, friendly and amicable relations between the different elements of which southern society is composed, and that democratic ascendency would bring about the opposite result, then I would be willing to at least try the experiment of a change. But I am thoroughly convinced that republican ascendency in the Government is not the cause of political troubles at the South, and that democratic ascendency is not the remedy for the evils thus complained of.

Nor am I one of that number, if there be such, who take pleasure in referring to political troubles at the South with a view of controlling public opinion at the North. It would be to me a source of personal pride and congratulation if I could declare upon the floor of the House of Representatives to-day that mob-law and violence do not exist in any part of the South and are not tolerated by any portion of its citizens. That circumstances are such that the facts would not sustain me in making this declaration is to me a source of deep mortification and profound regret. If the political troubles at the South were not unusual and exceptional, and were such as are common on excitable and extraordinary occasions, and would be just as likely to occur in one section of the country as in the other, for the purpose of preserving the good name of the people whom I have the honor in part to represent, as well as the section of country from which I come, I would cover them over with the mantle of charity rather than expose them to the public gaze.

The chief cause of political troubles at the South, in my judgment, is, as I have said on a former occasion, the result of the existence of a public sentiment which renders it necessary for the masses of the two races to identify themselves with two different political organizations and thus bring themselves into an apparent, if not real, antagonism with each other. Every sensible man must admit that, if, in any government, State, or community the material elements composing the society of which consist of different races, nationalities, and religions, political parties should be organized upon the basis of race, nationality, or religion, the result will be disastrous, not only to the parties to such a contest, but also to the entire community where such organizations may exist. It was certainly not the intention of the original advocates of the system of reconstruction that was finally adopted to make race or color the basis of political organizations at the South, but they evidently believed and were justified in believing that the incorporation of the colored element into the body-politic was not only essential to secure to the Government the fruits of its victory upon the field of battle, but that a combination of the Union and liberal element among the whites with that of the colored would be most certain to follow.

That the anticipations of those who thus believed have not been fully realized presents to the American people questions which demand the most serious attention and careful consideration of the statesmen of to-day. The causes that have conspired to prevent a realization of these anticipations and to keep up race organizations at the South are questions which I propose briefly to touch upon at this time.

There are in brief just two causes that have brought about this result: First, the continuous and unnecessary opposition of the Bourbon or impracticable element inside of the ranks of the democracy to the system of reconstruction that was finally adopted by Congress and a stubborn refusal to willingly and cheerfully acquiesce in the results of the war, (and this element has unfortunately controlled the democratic organization and shaped its policy;) second, the persistent and uncharitable opposition of the same element to the civil and political rights of the colored people.

I now ask the careful attention of the House while I enlarge somewhat upon these two points. I admit that the unconditional enfranchisement of the colored men at the South may have been brought about as much from necessity as from choice; yet, as I said before, no other plan, in my judgment, would have secured to the Government the fruits of its victory upon the battle-field. The success of the Johnson plan of reconstruction would not only have placed the colored man in a condition worse than abject slavery, but it would have restored to power and position in the Government the very class of men who inaugurated the rebellion and brought on the war. The loyal people of the nation saw the danger, and the cry came up from one end of the country to the other, "Give the colored man the ballot."

The colored was the only material element at the South that the country could depend upon. Although the masses of them were known to be ignorant, yet it was also known that they were true to their Government. Whatever else may be said of the colored man, it can never be truthfully said of him that he was ever disloyal to his Government or ungrateful to his friends, in consequence of which I feel justified in appealing to the generous heart of the American people. Condemn not the colored man for his unintentional mistakes when he has stood by you so firmly in the hour of need.

I see nothing in the congressional plan of reconstruction to condemn. The fact that the South is in an unsettled condition to-day is not the result of the adoption of that policy, but the fault is in the people of that section. The same conduct on their part would produce precisely the same results under any system. If the congressional plan of reconstruction is a failure in consequence of the opposition of those from whom opposition was expected, then the war was a failure, because the rebellion was crushed out by force, and not by the voluntary consent of the confederate authorities. To admit that a plan must be agreed upon that will be satisfactory to the Bourbon element at the South will be admitting everything for which the northern democracy contended in 1864.

The plan of reconstruction that was finally adopted was not only the policy of the republican party but it was also the policy of the Government, for it involved everything which was supposed to have been accomplished as the result of the war. The colored people, being loyal to the Government and friendly to its policy, aside from the fact that they were the immediate beneficiaries of that policy, could not be expected to identify themselves with an organization the aims, the purposes, the tendencies, and the public declarations of which were in opposition to that policy, even though they may have been assured that their right and privileges would not be interfered with. The loyalty of the colored man to his Government is not measured by his personal interest. Even to admit that the promises made by the democracy to the colored voters were made in good faith and would have been carried out, still the colored man would not have been justified in affiliating with that organization so long as its policy was in opposition to that of the Government.

But the opposition of the democracy to the policy of the Government would not bring about such disastrous results, but for the fact that this opposition is so intense and intolerant as to render independent action on the part of white as well as colored men almost an impossibility. Except in some counties and localities, the Bourbon element inside of the ranks of the democracy at the South controls that organization and shapes its policy, and as a natural consequence there is a morbid public sentiment which renders life, liberty, and property comparatively insecure. In consequence of this intolerance, colored men are forced to vote for the candidates of the republican party, however objectionable to them some of these candidates may be, unless they are prevented from doing so by violence and intimidation. White men are compelled to vote for the candidates of the democratic party, however objectionable to them some of these candidates may be, or else suffer the consequences of being outcasts from society and destroyed in business.

As the South was governed even for a number of years anterior to the rebellion by an aristocracy that was antagonistic to every principle of true republicanism, it is not strange that the public sentiment of that section should be hostile to the principles embodied in the system of reconstruction that was adopted by the Government. As republican governments can only be sustained by the public sentiment of the people, however strange it may seem to some or humiliating to others, it is a fact, nevertheless, that until there shall have been a revolution in public opinion at the South—until an honest difference of opinion upon public questions shall be tolerated in white and colored men alike—until malice, passion, and prejudice shall give way to reason, argument, and persuasion, civil governments in harmony with the system of reconstruction that was adopted by the General Government can only be sustained and upheld by the power of the General Government—the power that crushed out the rebellion. And yet to sustain or tolerate a governmental system at the South hostile or inimical to the principles embodied in the reconstruction acts of Congress will be to acknowledge practically that the war was a failure, and that the policy of the Government toward the Southern States has been from the beginning a mistaken one.

DEMOCRATIC OPPOSITION TO THE CIVIL AND POLITICAL RIGHTS OF THE COLORED PEOPLE.

The facts of history will bear me out in asserting that the repulsive attitude of the democratic party toward the colored man has had

more to do with preventing the political affiliation of the two races than anything else; that united political action on the part of colored men has been and is still a matter of necessity in consequence of democratic opposition to them as a race and as a class is what every unprejudiced man must admit; that there is any necessity for united political action on the part of white men as such is what every fair-minded man must deny; that any considerable number of colored men can ever be induced to affiliate with the Democratic party of to-day is just as unreasonable as it is unnatural. Colored men can no more affiliate with the democratic party, as at present organized, than Catholics and foreign-born citizens could affiliate with the know-nothing party during the existence of that organization.

I can say to the democrats of the House and of the country, that the colored people are asking you every day to allow them to occupy an independent position in politics; to allow them to make their identification with a political organization a matter of choice and not of necessity; but thus far you have repulsed them on nearly every occasion. You tell them in nearly all of your political platforms; in nearly all of your leading papers; in nearly all of your political speeches; in nearly all of your political votes as members of Congress or of State Legislatures that they shall not be allowed to affiliate with any other than the republican party without self-humiliation and disgrace. I appeal to the leaders of the democracy in the name of humanity and justice, why continue this unjust, unnecessary, and uncharitable opposition to this powerless and defenseless race? You know that they are not your enemies; they do not seek to harm you, or to deprive any of you of any of the rights and privileges that you are entitled to under the Constitution and laws of the country. They have been and are still cultivating the soil of the southern portion of this great country, and have produced with their labor the wealth that many of you are enjoying to-day. And now, what do they ask or demand of you? Nothing but a fair chance in the race of life. Protection and security through a healthy public opinion in the enjoyment of their rights and privileges as American citizens. It is strange, remarkably strange, that the democratic party should maintain such persistent and uniform opposition to the colored people.

Shame upon this once grand, noble, and patriotic organization, that it has so degenerated that it can have no nobler aim, no grander object, no higher aspiration than the degradation, humiliation, and political subjugation of an innocent, harmless, powerless as compared with the whites, and inoffensive race. Well may we exclaim, Mr. Chairman, O, democracy, where is thy generosity, where is thy magnanimity! It is true that a number of the leaders of your party profess to be in favor of protecting the colored people in the enjoyment of their rights. A number of these gentlemen I believe to be honest and sincere in these professions; but it is an unfortunate, a lamentable, fact that every proposition that has been presented thus far having for its object the elevation, advancement, and promotion of the colored race in the scale of civilization and morality, as we understand it, has met with your solid, united, and unbroken opposition.

I listened carefully and attentively not long since to a very able and eloquent speech that was delivered by the honorable gentleman from New York [Mr. COX] in defense of the Indians, every word and sentence of which, so far as it related to the Indians, met with my hearty and cordial approval. But while he was delivering that speech this thought occurred to me: What a pity it is, how unfortunate it is, that some gentleman on that side of the House cannot be recognized as the advocate and defender of the colored race of America. So far as the gentleman from New York is concerned I have no hesitation in expressing it as my opinion that he personally wishes the colored people no harm. I look upon him as a kind, generous, benevolent man—as much so as it is possible for a democrat to be. But the aims, the purposes, and the tendencies of his party are such, the policy of his party is such, that he dare not stand upon the floor of the House of Representatives as the advocate and defender of the colored race of his country without placing himself in hostility to and in antagonism with the political organization with which he is at present unfortunately identified.

AN APPEAL TO REPUBLICANS.

To the republican members, Mr. Chairman, I desire to make what may be a final appeal. I use the word "final" because, as little as you may think of it, the condition of the colored people of the South to-day, if not of the whole country, is a seriously critical one. We are standing, as it were, upon the brink of our political and, I may add, personal destruction. When we look to the right, we find the angry billows of an enraged democracy seeking to overwhelm us. When we look to the left, we find that we are crushed to the earth, as it were, with an unjust and an unchristian prejudice. When we turn to the rear we find the assassin in certain portions of the country ready to plunge the dagger into our hearts for a public expression of our honest conviction. We turn our faces to you then as our friends, our advocates, our defenders, and our protectors.

Some of you may say that the colored man having been invested with the same political rights that are enjoyed by the whites he ought to be able to take care of himself. Plausible argument. To this we would have no objection if we were allowed to exercise and enjoy the rights and privileges thus conferred. But in some localities we are not. The democratic party has an armed military organization in several of the Southern States to-day called the White League. This organization has been brought into existence for the sole and exclusive purpose of accomplishing with the bullet that which cannot be accomplished with the ballot; for the purpose of controlling public opinion and carrying popular elections by violence and force of arms; for the purpose of destroying the freedom of speech, the freedom of opinion, the freedom of the press, and the protection of the ballot. Its mission is to accomplish practically within the Union that which could not be accomplished through the madness of secession. Not to establish an independent confederacy with slavery as its chief corner-stone, but, to use in substance the language of the gentleman from Georgia, [Mr. HILL,] it is to crush out northern fanaticism at the South and to eliminate the negro from the politics of the country. The election held in my own State in November last is a striking illustration of the purpose for which this organization has been brought into existence.

But I do not propose to go into details upon that subject at this time. It is sufficient for me to say that that election was a sad and serious commentary upon our elective system and upon our republican form of government. Here is a State that would be just as certain to vote for the nominees of the Cincinnati convention in November next as any State in the Union if we could have toleration of opinion and a free, fair, orderly election. But under existing circumstances this State, with its known, acknowledged, admitted, unquestionable republican majority of from twenty to thirty thousand votes, will be just as certain to vote for the nominees of the Saint Louis convention as any State in the Union, simply because the republican organization has been crushed practically out of existence by the terrorism that has been inaugurated by this White-League organization. In several of the largest counties in that State to-day the republican party cannot as much as have an organized existence.

I ask the question in all seriousness, can the public sentiment of the country afford to sustain and tolerate this condition of affairs? If so, then the war was fought in vain and the billions of dollars spent for the preservation of the Union have been thrown away. To use the language of the honorable gentleman from Tennessee, [Mr. HOUSE,] "the Union has only been restored in name, and the mighty conflict waged professedly to save it, a terrible and melancholy failure." We will have civil government in name but not in fact. I do not wish to be understood as endeavoring to convey the idea that all of the white people of my State who are not identified with the republican party are in sympathy with the White-League or Bourbon element; far from it. There is a large intelligent and respectable element among the whites of that State who are opposed to mob-law and violence and in favor of maintaining law and order and having every citizen protected in the enjoyment of his rights. It gives me pleasure to be able to bear testimony to the fact that there is not a more peaceable, orderly, and law-abiding people anywhere in the United States than those of the county and city in which I live. But, taking the State as a whole, it is an unfortunate fact that this liberal, moderate, conservative element is controlled and domineered over just as the Union element was in 1861.

I can fully recognize and appreciate the fact that there is a strong desire in the northern mind to blot out all of the unpleasant recollections engendered by the recent war. I am aware of the fact that there is a strong desire in the northern mind to have the issues growing out of the war dropped from the politics of the country. I confess that I share in this desire; for every man who knows anything about southern politics is aware of the fact that, if we ever expect to have a permanent republican organization in that section, it must be composed of men who fought the battles of the confederacy as well as those who fought the battles of the Union. And in this connection I will remark that the men who are instrumental in bringing into existence white leagues and other dangerous and mischievous organizations are not, as a rule, those who fought in the rank and file of either army, but they are men who never smelled powder in their lives, men who are particularly anxious to fight in times of peace but have no desire in that direction in times of war. While you are anxious to forget and forgive everything in connection with the war, let me admonish you, be careful that you do not allow your desire in that direction to become so intense as to render it possible for you to lose, practically, that which you are supposed to have accomplished as the result of the war.

CONCLUSION.

In conclusion, Mr. Chairman, I will say that the colored man does not ask his Government to protect him from violence as a colored man but as an American citizen. He does not ask to be protected in the right to vote the republican ticket, but to exercise the rights and privileges appertaining to American citizenship. It is a fact perhaps not generally known that the white man at the South who affiliates with the republican party, whether he be of northern or southern birth or whether he fought on the side of the Union or the side of the confederacy, is as much in need of this protection as the colored man. The colored man of the South appeals to the generosity of this great nation to-day to save him from personal if not political destruction. He appeals to the generous heart of what he believes to be a patriotic, just, and magnanimous people. He cannot believe that his appeal will be made in vain, but that the people of this great country will gratefully remember that, when the Union

was threatened with dissolution, when the Constitution was ignored and the flag of the country was draped in mourning, the colored man remained true to his country, true to the Constitution, and loyal to the flag of his country.

In making this appeal, it is nothing more than proper that I should state, as one who knows whereof he speaks, that, if you should desert us in this the hour of our troubles; if you leave us to perish at the hands of those who seek our destruction for no other reason than because of our devotion to principle, if not loyalty to the Government, you will have destroyed our hopes, banished our ambition, crushed out our energies, and buried our aspirations beneath the sod of political degradation, to which you will have so ungenerously assigned us. That it is possible for the American people to be guilty of such ingratitude as this is what I will not believe until I am forced to do it. In considering this subject I hope you will be governed by the same motives that actuated Patrick Henry when he gave utterance to that noble and patriotic declaration, "Give me liberty or give me death."

I yield whatever remains of my time to the gentleman from Ohio, [Mr. LAWRENCE.]

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining, which he yields to the gentleman from Ohio, [Mr. LAWRENCE.] In the absence of that gentleman, the floor is given to the gentleman from Ohio, [Mr. SAVAGE,] who has been recognized to follow the gentleman from Mississippi.

Mr. SAVAGE. Mr. Chairman, never having been a member of any legislative body until I took my seat as a member of the Forty-fourth Congress, I have heretofore felt that it were better for me to listen to others rather than to take an active part in the debates of this body, and in the opinion of many it may be that I am now too early in giving expression to my views. But it seems to me that the time has arrived when, without laying myself liable to the charge of egotism on the one hand or excessive modesty on the other, I can with propriety give expression to my views upon some of the important questions of the day. And right at the outset I feel compelled to find fault with the action of the party in the majority, of which I am one, and to me it is by no means a welcome task. This body, with an overwhelming democratic majority, has now been in session over six months, and, while they have done much worthy of commendation, candor compels me to say that they have fallen far short of what the country had a right to expect at their hands; not that I would charge the democratic majority with any acts of positive wrong, except as evil has resulted from their failure to act at all. Their sins are wholly of omission, not of commission.

In order that I may be properly understood, it will be necessary for me to indulge in a brief retrospective view of the country. At the close of the late war, a period of unexampled prosperity set in and continued for four or five years thereafter unabated and apparently without the slightest financial disturbance throughout our land. Notwithstanding the fact that the South at the close of the war was left prostrate and helpless, no sooner were the contending hosts on either side who were spared from the slaughter returned to the fields and the workshops than the reign of prosperity began, and the hum of the manufacturing establishments joined to the song of the plowman conspired to make the air vocal with the songs of peace and prosperity. All the laborers and mechanics of the country found employment without difficulty at remunerative wages; all of the manufacturing establishments in the country were run to their utmost capacity; the farmer sold all of his produce at fair rates; it would be but the literal truth to say that prosperity sat smiling at every door. Then it was that the ruinous policy of contraction was begun under the advice and threats of English capitalists, and has been since carried forward with merciless rigor, until it has bankrupted thousands of our manufacturers and deprived tens of thousands upon tens of thousands of our mechanics of their employment, and almost, if not quite, of daily food for themselves and their families. On the 31st of October, 1865, according to good authority, there was a circulating medium in the country of more than twice the volume that it is to-day, and which was confined almost wholly to the Northern States, by which I mean the States that were not engaged in rebellion.

Notwithstanding the addition of the Southern States, without a currency, with all of their industries paralyzed, their cotton fields idle, their laborers and mechanics almost in a state of starvation, the policy of contraction was steadily carried forward by the republican party until our available circulation was reduced to a sum not exceeding $638,000,000, less than one-half what it was for the Northern States alone at the close of the war. To this legislation has been added another law which now stands upon your statute-books, proposing to reach a specie standard by the year 1879, which, according to the best lights we have now, would reduce your circulating medium to the sum of about one hundred and fifty or two hundred millions of dollars, or to less than one-third what it is to-day.

I know that some of the leading republican speakers in Ohio last fall asked the question, "When did the republican party contract the currency?" And that in answer to the question they proceeded to show that the withdrawal of forty-four millions of the currency was accomplished by Secretary McCulloch during the administration of Andrew Johnson, but they neglected to tell the people that McCulloch was a legacy handed down to President Johnson by his predecessor, Mr. Lincoln, and that the withdrawal of that amount of currency was in pursuance of an act of a republican Congress, and that the republican party is, therefore, responsible for it. It will not do for the party who has been in unlimited control of the affairs of this Government for the past fifteen years to attempt to avoid responsibility for their acts by charging it to the administration of Mr. Johnson, who was himself elected by this same party. Indeed, some of the republican leaders go so far as to deny that there has been any contraction of the currency at all by the republican party. One instance which now occurs to me is that of a distinguished republican Senator, who denied in the most explicit manner that there had been any contraction of the currency at all, and charged that McCulloch retired all the compound-interest notes, time bills, and all interest-bearing and convertible bonds before Grant came into power, and he denied in the most emphatic manner that any of these securities ever at any time formed any part of the currency of the country, but that they were held exclusively for the accruing interest. The history of the country, however, shows that these interest-bearing bonds or notes almost exclusively took the place of the bank reserves, and to that extent at least answered the same purpose to the country as currency, by allowing the currency itself to be turned loose to circulate among the people. It is likewise equally true that, whenever there was any occasion for their use, these interest-bearing notes were actually circulated as a currency. I have seen them in circulation, and I have no doubt but what every member of this House has also seen them actually performing the office of money.

To show that I am not mistaken as to these interest-bearing notes and bonds being considered as a part of the currency of the country, I quote from the message of President Grant of December 1, 1873. He said:

> During the last four years the currency has been contracted, directly by the withdrawal of 3 per cent. certificates, compound-interest notes, and 7.30 bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of $63,000,000.

Two most singular misapprehensions of the distinguished Senator to which I have alluded will be exposed by an examination of this quotation from the President's message. The Senator says "they did not form any part of the currency, but were held for the accruing interest." The President says the currency was contracted by their withdrawal. The Senator says, and I use his exact language, "these were all retired by McCulloch and before Grant came into power." Grant says that to the extent of $63,000,000 they had been withdrawn "during the last four years" and that to that extent at least they were "outstanding on the 4th day of March, 1869," which was the date of the commencement of his first term.

The Senator further denied that resuming specie payment in 1879, according to the legislation of the last Congress, would contract the currency; but, on the other hand, claimed that the great body of our currency could be floated at par with gold. I had heretofore taken it for granted that our republican friends expected to confine the people strictly to a "hard-money" currency, or if a paper currency be issued, that, like Amasa Walker, they would say, "No issues should be made except upon specie in hand." I supposed they would not dare to come before the people and say that they were in favor of a return to the old system of banking upon a specie basis; for the people of this country never want to see the day again when we have a paper currency like that of 1857, which amounted to between fifteen and sixteen dollars *per capita*, with but $2 in specie to redeem it. But here is substantially the old system proposed by this distinguished financier of the republican party. About the only difference is that we are to have national instead of State banks. The proposition is to attempt to float between seven and eight hundred million dollars of redeemable paper upon a basis of $150,000,000 in gold. Wherein does this proposition of the Senator differ from the old wild-cat system? And what prevents a run being made upon the banks, and consequent failure to pay, and the ever-recurring result—a panic? So long as your banks are permitted to issue five or six dollars in paper to one of specie in hand there will always be panics whenever there is a run made upon them, and, to my mind, it is folly to expect anything else. The Senator also proposes to put the United States Treasury in the same dangerous condition as the banks, that is, they are to have United States Treasury notes outstanding payable on demand in gold to the extent of five or six dollars to one in gold in the Treasury to redeem them, and of course their legal-tender quality will be taken from them, notwithstanding his views to the contrary. It does not require a person of very great genius to see that, in case a run should be made upon the Treasury for payment or redemption of the outstanding notes, the United States, just like any other corporation doing a banking business, would have to suspend. In the event of such a contingency arising, I would like to ask some who favor this financial scheme about how much below par, in their opinion, these notes would sink?

It seems to me that the proposition to return to a specie standard involves one of two things: either a return to hard money or paper issued dollar for dollar, or a return to the old system of banking, or one in substance the same. To the second alternative I am opposed. Neither do I believe that the people of the United States will ever consent to a return to that iniquitous system of robbing the many for the benefit of the few. In the last annual report of the Comptroller of the Currency he makes use of this language:

> The experience of this country, previous to the organization of the national banking system, has shown that in twenty years an amount equal to its whole banking circulation was lost in the hands of the people, *the loss by bills of broken banks alone being computed to have been at the rate of 5 per cent. per annum.*

With this showing before them I do not think the people of this country ought to be in great haste to return to a system of banking on specie such as we are invited to by this republican party legislation.

We hear a great deal of talk about "honest money" among a certain class of politicians, but for one I do not want any more of that class of honest money, that one-twentieth of the entire circulation of the country becomes entirely worthless in the hands of the people each year, their loss being pocketed by that class of bankers who are not above playing the knave by enriching themselves at the expense of their less-favored neighbors. And not only a twentieth, but in some years, according to this same authority, the people who are compelled to handle this money have been known to suffer a loss of one-fifth of the entire bank capital of the country. Who is there among the business men of the country that is willing or desirous to return to specie payment unless some system can be devised that will promise better results than those given by the Comptroller of the Currency? And what better system can be devised while you have but $150,000,000 gold in the country to form that basis of which we hear so much talk? It is not a specie basis to which you are invited to return, for you cannot return to that which you never had, and I affirm that you never had in this country a specie basis in the true sense of those words; but, on the contrary, four-fifths of your circulation, in many instances before the war, was built upon credit, and credit alone, there not being more than one dollar in coin in the vaults of the banks to redeem five of the paper dollars that were in circulation, and that on their face purported to be redeemable in coin, but which every man of sense knew to be a glaring falsehood. It seems to me, therefore, unless we have deliberately determined to return to the old credit system of banking, that it is scarcely less than criminal to talk of a return to a specie basis, so long as our supply of specie is so limited as at present.

President Grant in his message in 1873, speaking of the currency, uses this language:

> In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, *I do not believe there is too much of it now for the dullest period of the year.*

If Grant was right in using this language when we had over six hundred millions of currency, what shall we think of the party which proposes, notwithstanding constant increase of population, to reduce our circulation to less than two hundred millions? I do not wish to be understood from what I have said as being opposed to a specie standard when that can be reached without bringing bankruptcy and ruin in its train. On the contrary, I would be glad to see the day when we can adopt a specie standard without injury to the manufacturing and producing classes of our country. And I would not willingly do any act that would put off that desirable day. But I do not believe a specie standard can be reached until our exports are sufficiently increased to pay for our imports, interest due abroad, and other specie obligations, and at the same time have an appreciable accumulation of the precious metals in our country. And I believe with President Grant, as expressed in his message before quoted from, that—

> To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue.

I am therefore in favor of the adoption of some plan by which the volume of currency will be regulated by natural laws and will always correspond with the demands of trade, and not be left to be constantly tampered with according to the whims of partisan politicians or the bankers and money-lenders of the country.

I am in favor of the immediate and unconditional repeal of that stupendous folly of the republican party known as the specie-resumption act; and what is the most surprising thing to my mind is the fact that, although there is a democratic majority in this House of nearly two-thirds, and petitions and letters have poured in upon us by the thousand begging and praying for its repeal, it still stands upon our statute-books untouched even by the action of this House. Why is this? It is not because there are any democrats here who are in favor of this law; for in my opinion there are not a dozen of the majority in this House who would say that if that law was now pending before this House they would support it. We know as a matter of history that every democrat in both branches of Congress voted against it, and that it was put through under the whip and spur as a party measure in order to bridge over the presidential election. And we honor that noble band of democrats who, though in a minority, yet stood up with a united front against its original passage. Once at least, if not twice, a proposition for its repeal has received a majority vote in this House; but in consequence of not having been reported by a committee, it failed to pass for want of a two-thirds vote in its favor.

I am told by those having experience in these matters that in days gone by a majority vote in favor of a proposition has been taken as instructions by the committee having the matter in charge; and that in consequence such committee always reported a bill in accordance with the views of the majority as expressed by a vote in the House. But not so with our Committee on Banking and Currency. They seem to be determined to prevent its repeal; and why? Is it because they think it is a good law? I do not think so; for I do not believe there is a democrat on that committee who would not say that he thought it ought to be repealed; but when you ask them why they do not report a bill for its repeal, you will be told that while they favor its repeal, they think something should be substituted in its place, and that the democrats cannot agree upon a plan for resumption to take the place of this republican plan which it is proposed to repeal.

In God's name, gentlemen, if you mean what you say, and you are really in favor of the repeal of this iniquitous law, why not report your bill for its unconditional repeal, and discuss your substitute afterward; or do you mean to hold the present law over our heads as a means of driving gentlemen who hold the same views that I do into the support of measures for specie resumption dictated by the bondholders of the East, and but little if any improvement upon the present law? If such is your intentions, I serve notice on you now that you will have to wait until you get a Congress composed of different men than the present. We do not propose to be driven by a small minority of the democrats on this floor into the support of any scheme which would involve the destruction of the dearest rights of our constituents, and the dishonor of ourselves as their representatives on this floor. No, gentlemen; if that is your plan you might just as well abandon it at once, and not wait until you are driven to do your duty by the uncontrollable force of public opinion. If you persist in your refusal to do that which the plainest dictates of common justice requires at your hands, you will be repudiated by the people whom you have betrayed, as you will richly deserve to be. I speak now to the democratic majority on this floor, for it is to them that the people look for relief in this matter. Will you continue to refuse to do that which in your hearts you confess ought to be done merely for the purpose of forcing upon us a measure which you know would receive no support upon its own merits? Or will you not rather like honest men, as you are, come forward and repeal this law and then submit your plans and let them stand or fall by their merits or demerits as independent measures? Give us a chance to have a square vote upon the repeal of this law, and then do not complicate it with any proposition for forced resumption of specie payment. You cannot bring about specie payments by acts of Congress before the business interests of the country are ready for it, and to my mind it is utter madness to attempt it. All such attempts will be futile and will end in the bankruptcy and ruin of thousands of our most enterprising business men, who are more or less involved and are now straining every nerve to keep up. On the other hand, whenever we are in a condition to maintain specie payment, after we have resumed it will take but little legislation to bring about the resumption, and I am one of those who do not wish to undertake to resume until we are in a condition to maintain resumption.

There is another subject closely allied to this which I wish to consider briefly.

The democracy of Ohio have placed themselves upon the record in favor of the withdrawal of the present national-bank circulation and the issuing of legal-tender currency in its stead. Is not this proposition one that is eminently just to the people of this country? I know we are told by some of the leading radical speakers and journals that the legal-tenders are simply "irredeemable rags," and but little, if any, better than confederate scrip. I know also that these speakers and journals only a few years ago charged every one with disloyalty and treason who dared even to intimate a doubt as to the propriety of making greenbacks a legal tender. Notwithstanding all this, I am unable to see any reason why the legal-tenders are not as good as national-bank money which is redeemable in legal-tenders, and if by substituting the money in which the national-bank money is redeemable we can save from eighteen to twenty million dollars a year to the people, I am in favor of the substitution. I do not object to the national-bank currency because it is not a safe currency; on the contrary, I regard the currency of the national banks as perfectly safe; but I see no good reason why the people of this country should pay eighteen or twenty millions each year to the bankers of the country for a currency which is in no respect better than one they can obtain without any of that outlay.

Now, how is this most reasonable proposition met by the republican party and those democrats who belong to the national banks of the country? Why, we are told that under the pledge contained in the act of 1864 we are limited to the sum of $400,000,000, and that it would be a violation of the plighted faith of the nation if a single dollar beyond that amount should be issued. Now, if gentlemen who make this objection are right in their views of the law, it must be confessed that this is an insuperable obstacle in the way of ever carrying into effect the change proposed by the Ohio democracy, unless they avoid the force of the objection by substituting a currency such as was proposed by the bill offered by Mr. Beck, of Kentucky, in the Forty-third Congress; that is, to give the Treasury notes exactly the same qualities as a circulating medium that is now possessed by the national-bank circulation, and not make them legal tenders. But the Ohio democracy say they are in favor of "the gradual but early substitution of *legal-tenders* for national-bank notes." Without considering whether it was wise to declare that the Treasury note to be substituted for the national-bank note should be a *legal tender*, I propose to briefly consider the question as to whether under the legislation of Congress we are prohibited from issuing legal-tenders in excess of $400,000,000 for the purpose of supplying the place of

the present national-bank currency. The law which it is claimed contains the limitation is in these words:

Nor shall the total amount of United States notes issued, or to be issued, ever exceed $400,000,000, and such additional sum not exceeding $50,000,000 as may be temporarily required for the redemption of the temporary loan.

Now, if it can be shown from the reading of this law, and from the circumstances under which it was enacted, that it was the intention of the Congress which enacted it, and that the only construction of the law is to limit all future Congresses in their power to enact a law for the issuing of legal-tenders, no matter what may be the circumstances, to the sum of $400,000,000, and not merely to limit the officers of the United States under the laws then in force. I say in my opinion if this could be shown it would demonstrate in the most palpable manner the unconstitutionality of the law. For if under the Constitution Congress has the right to make Treasury notes a legal tender, no act of one Congress can take that right away from another. In other words, one Congress cannot limit the constitutional rights and powers of another. I am not now discussing the question as to whether Congress has the right to make anything else besides gold and silver a legal-teader; or whether, if they have that right, it is confined exclusively to times of great public emergencies, as some gentlemen have claimed; but I am taking it for granted that at least under some circumstances they have that right, and from that I deduce the proposition that whenever those circumstances arise Congress has the right and power to provide for their issue, without regard to any past legislation of any former Congress or of the same Congress. And if the Congress which enacted this law attempted any such thing as to put a limitation upon the power of future Congresses, they went beyond their constitutional power and the act to that extent is null and void. But I maintain that no such intention as that of limiting the constitutional powers of future Congresses existed at the time of the passage of this law, but the evident intention was to limit the United States officers, who were charged with the duty of issuing these notes, in the amount to be issued under and by virtue of the laws in force at that time. I am sustained in this conclusion by the construction which Congress and the people have put upon a similar statute. In February, 1862, Congress enacted a law containing this proviso in relation to the legal-tenders and demand notes:

That the amount of the two kinds of notes together shall at *no time* exceed the sum of $150,000,000.

This language, I might say is equally as comprehensive as that contained in the act of 1864. Yet the same Congress which enacted this law, containing this positive language, in less than ninety days thereafter passed another law in which they authorized the issuing of one hundred and fifty millions more, making the aggregate $300,000,000. They must have construed the act of 1862 as I construe that of 1864, or else they willfully and knowingly violated the plighted faith of the nation to the holders of the first one hundred and fifty millions. And if Congress had a right to construe the act of February 25, 1862, as not in any manner limiting their rights, then plainly the same construction can and ought to be placed upon the act of 1864. And in my opinion the forced construction which has recently been put upon that act would never have been heard of had it not been that over four hundred millions of concentrated bank capital is interested in having that construction adopted as the true one. And by the powerful influence of this net-work of banks, primary elections and conventions of the people are manipulated, and men are set up and pulled down almost at their will, and by their well-organized lobby the very fountains of legislation have been corrupted, and the people are groaning to-day under an increased weight of taxation as the result. And unless the people rise in their might and hurl from power the party which has betrayed their trust, they will find that their trials and hardships have but just begun.

There are many objectionable features in the present banking system, some only of which I have time to notice. From the returns made on the 12th day of September, 1873, which was about one week prior to the money panic of 1873, we learn the astounding fact that the banks of this country were drawing interest upon nearly $714,000,000, more than their entire capital, including surplus fund and undivided profits. On this vast sum of money the banks were drawing interest, when in reality they were not the owners of one dollar of it. Is it any wonder that they should be able to declare large dividends, when they were receiving interest upon all of their capital and upon seven hundred and fourteen millions in addition thereto?

This sum if loaned at but 5 per cent. shows that the banks draw from the laboring and producing interest of the country each year more than $35,000,000, for which they return no equivalent whatever. Here is an abuse which calls loudly for correction; but I despair of being able to accomplish anything in the way of legislation looking to the relief of the country from this incubus, so long as one branch of Congress contains a majority of their avowed champions and the other has so many who are afraid to have the money power arrayed against them in their congressional districts. I despair of having any legislation on this subject until the people speak to their representatives in tones which cannot be misunderstood. Then, and not till then, will there be legislation abridging the almost unlimited power of this gigantic monster, which has grown up in our midst almost imperceptibly, and which is stealthily sapping the very foundations of our Government.

But it is said that they are entirely safe, and that the people will never lose any of their money by broken banks so long as they furnish the circulation. That is true so far as their circulation is concerned, but, managed as they have been in the past, I deny that they are anything else than the fruitful source of money panics, just such as we witnessed in September, 1873. Let us take their condition at that time and see what chance there was for them to have done otherwise than they did do.

Their immediate liabilities were as follows:

Bank-notes outstanding	$339,081,799
Individual deposits	622,685,563
United States deposits	7,829,327
Deposits by United States officers	8,098,560
Total immediate liabilities	977,695,249

Their immediate resources were as follows:

Legal-tenders	$92,347,663
Specie	19,868,469
United States certificates of deposits	20,610,000
Total immediate resources	132,826,132

It will be observed from these statistics that the banks were in condition to redeem but 13 or 14 per cent. of the amount they had outstanding, and which was liable to be called for at any moment. When there was a run made upon them of course they could do nothing but suspend; and, as we all recollect, they did suspend.

I do not pretend to be able to furnish a remedy for all of these evils, but that such evils exist is patent to the most casual observer, and much would be accomplished in the way of remedying them by cutting off the right of the banks to issue a currency and by confining them to a legitimate banking business and by restoring the circulating medium to the Government, where it should have been from the commencement. Why should these national banks throughout the country have any more right to issue a currency than any of the thousands of other banks who aid in carrying on the commercial transactions of the country, without this prerogative, which really belongs to sovereignty and ought never to have been delegated by the Government to any private corporations? I have no disposition to quarrel with the banks or to take any rights away from them which justly belong to them. They are necessary institutions in a great commercial country such as ours, and no one but a fool would wish to cripple their necessary functions. But the prerogative of issuing a currency is no part of the necessary functions appertaining to the banks, and I am decidedly in favor of lopping it off at as early a day as practicable, without deranging the business interests of the country, and returning it to the Government, where it legitimately belongs.

I yield the residue of my time to the gentleman from Georgia, [Mr. SMITH.]

Mr. SMITH, of Georgia. I would inquire of the Chair how much time is left?

The CHAIRMAN. The gentleman from Ohio has thirty minutes of his time yet unexpired, which he has yielded to the gentleman from Georgia.

Mr. COOK. Inasmuch as it is now five o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. REAGAN having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

PAYMENT TO WIDOW OF DECEASED MEMBER-ELECT.

Mr. HILL. I ask unanimous consent to offer a resolution to which I think there can be no objection. It is in relation to the pay of a deceased member.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be directed to insert the following item in the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877:

To enable the Clerk of the House of Representatives to pay to the widow of Garnet McMillan, late Member-elect of this House from the ninth district of Georgia, a sum equal to the salary of a member of Congress for three months, being the sum of $1,250.

Mr. HOLMAN. That may be all correct, but I think the resolution should not be imperative.

Mr. HILL. I have copied precisely the form of a similar resolution adopted during this present session.

Mr. RANDALL. This is not properly an item for the sundry civil bill. This payment should come out of the contingent fund.

Mr. HOLMAN. If the resolution were made one merely of inquiry, it might be taken into account in determining what the amount of the contingent fund shall be. But this resolution as now drawn leaves no discretion with the committee as to the form in which this should be passed. I suggest to the gentleman that he simply direct the committee to inquire into the subject.

Mr. HILL. Very well. As I have stated, this is copied precisely

from a resolution adopted during this session of Congress. But I am willing that it shall be modified so as merely to direct the committee to inquire.

Mr. RANDALL. Did we not agree to transact no business?

Mr. HOLMAN. I wish to inquire of the Chair whether it is the order of the House that no business shall be transacted to-morrow?

The SPEAKER *pro tempore*. The Chair understands that that is the order of the House.

Mr. RANDALL. We may let this resolution go, if it be made one of inquiry merely; but I submit for the future, while this order is in operation, we cannot even by unanimous consent transact any business.

Mr. WILLIAMS, of Indiana. I would like to hear the resolution read as it is proposed to modify it.

The Clerk read as follows:

That the Committee on Appropriations inquire into the propriety of inserting the following item in the sundry civil appropriation bill, &c.

The resolution, as modified, was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. NORTON for eight days.

LEAVE TO PRINT.

By unanimous consent, Mr. CATE obtained leave to print in the RECORD, as part of the debates, some remarks he had prepared in regard to commercial relations with Canada. [See Appendix.]

And then, on motion of Mr. COOK, (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of B. Kittredge & Co. of Cincinnati, John L. Moore's Sons of New York, and other wholesale dealers in military and sporting arms in Saint Louis, New Orleans, and Philadelphia, declaring that new and good arms issued by the General Government to the States for the armament of the militia, bearing the inspection mark of the Government, have been thrown upon the market in the city of New York, and other places, and asking for such legislation as will prevent the executives of States from selling arms issued for the armament of the militia, to the Committee on the Militia.

By Mr. BOONE: The petition of citizens of Trigg and Lyon Counties, Kentucky, that the tariff laws remain unchanged, to the Committee of Ways and Means.

By Mr. CHAPIN: The petition of Jonas A. Champney and 60 others, for one condemned cannon and two cannon-balls for ornamenting the burial ground at South Adams, Massachusetts, to the Committee on Military Affairs.

By Mr. HOLMAN: Memorial of P. R. Sawyer, of Madison County, Illinois, against the squandering of the public lands, against a monopoly of said lands or in the finances of the country, and against favoritism in legislation, to the Committee on Public Lands.

Also, the petition of citizens of Jackson County, Indiana, for the restoration of the pension of George Green, a soldier of the Mexican war, to the Committee on Invalid Pensions.

Also, the petition of architects of the city of Washington, District of Columbia, that House bill No. 2328 be amended so as to include the public buildings of the District of Columbia in its provisions, to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS: The petition of Margaret Kenah, widow of Patrick Kenah, Company D, First United States Artillery, for a pension, to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Henry Rowe, George C. Rowe, Thomas Lindsey, Edmund Burke, and 160 others, against the reduction of import duties upon foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

By Mr. WAITE: The petition of William H. Latham, for an honorable discharge as an acting volunteer lieutenant in the Navy, to the Committee on Naval Affairs.

The following petition was presented at the Clerk's desk under the rule without having indorsed thereon the name of any member of the House, and referred as stated: The petition of citizens of Webster County, Iowa, that the United States Supreme Court be requested to cause to be issued by the Federal courts of Iowa a general injunction restraining all persons from mining, or any other operation whatever, save and except the cultivation of the soil by the actual settlers on all so-called Des Moines River land in Iowa, to the Committee on Public Lands.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 14, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair would state that by the order made yesterday by unanimous consent this day is to be devoted exclusively to the consideration of the Army appropriation bill; that there will be no morning hour, and no other business will be transacted.

Mr. O'NEILL. The gentleman from Tennessee, [Mr. ATKINS,] in one portion of his remarks when about to introduce his request to make the order, said this:

On Friday morning I expect to explain the different sections of the bill, and may require rather more than five minutes to do so.

I merely want to ask for information whether he did not mean on Thursday morning, that is, to-morrow.

The SPEAKER *pro tempore*. The Chair presumes that the gentleman meant that the debate under the five-minute rule should proceed to-morrow. This day is exclusively for general debate on the Army bill.

ARMY APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

CURRENCY.

Mr. SMITH, of Georgia. Mr. Chairman, I desire to submit a few reflections on those subjects usually embraced in the term "currency," and in doing so I shall not be vain enough to assume the power of declaring to this House any new principle of finance or any new fact in history. I shall content myself with such impressions of my subject as the average business, not scientific, citizen usually receives and retains. I shall avoid all technicalities and all appearances of a scientific disquisition and shall treat my subject in a practical way.

It must be evident to all that the more learned and scientific our financial doctors are the greater is their difference, and the less hope of an agreement among them.

A casual survey of the condition of the people and Government of the United States does not produce the most encouraging impressions. The cry for relief to Congress comes from every section of this great country, from every industry, and from every grade of human life. The distress is paralyzing the manufacturer, the merchant, the mechanic, the farmer, and the laborer; and, so far from touching the bottom of this financial quicksand and re-ascending, it seems as if we were sinking deeper and deeper, and our condition becoming gradually worse and worse.

The close of the war found us in possession of an inflated and depreciated currency, (amounting to $1,152,914,892,) and, measured by it, the value of all kinds of property and the price of every description of labor ruled high in amount. Confidence in the final redemption of the currency was then wanting, and this feeling of insecurity produced a general desire to exchange it for property and thereby preserve its value. Then, the passion for speculation and accumulation of wealth, created during the war, was universal and irresistible. Our people had become extravagant and reckless. This state of things was soon followed by a practical reduction of the amount of legal-tender notes, and so continued until the amount was reduced to less than four hundred millions. A general shrinkage of the value of property and a general reduction in the price of labor were experienced throughout the entire country. Confidence in the ability and intention of the Government and people to discharge the national debt was established on a firm basis. To these great and rapid changes may be added the fact that since 1863, and during this period, the currency has been gradually yet surely concentrating at a few great money centers, producing as a natural result a scarcity of money at other points, a shrinkage of values, the destruction of individual and mutual confidence, the hoarding of currency, and the prostration of all kinds of business and occupations, resulting in a general outburst from the people for relief. Incident to this state of distress may be mentioned the fact that, since 1860, there has been a large increase of national and State indebtedness over the increase of population. The taxes of the United States, individual States, counties, and municipal corporations are fivefold what they were in 1860, while our population has not increased in proportion. These facts, considered in connection with the disastrous depreciation of property everywhere, show the real condition of the country in a strong but faithful light. Our people are overburdened with taxes; their earnings are absorbed and their hopes and energies are paralyzed by them.

Believing, at the time, that the condition of our industries was owing in part to the want of a sufficient and flexible circulating medium, early in the session I introduced a bill to repeal the tax of 10 per cent. on the issue of State banks and private bankers. I was induced to believe if this were done we could retain in our several States a domestic or local currency that would supply our necessities and afford us some relief. I felt and believed then that such a local circulation would have the same relative value and be controlled by the same general financial laws that operate upon our national paper currency; that such currency would remain at home in circulation among our people and would not be carried away; that it would be treated by the people of our sister-States just as our national currency is treated by the people of foreign countries. I followed my

bill into the committee-room of the Committee on Banking and Currency, and while that committee of intelligent gentlemen did me the honor of a patient hearing, they failed to be impressed with the merits of my scheme of relief, and my bill slumbers on the Speaker's table.

Such, then, are the conditions and necessities of our people and country, and the question naturally arises, what can and shall be done by Congress to secure relief? To stand still is to see the ship sink without an effort to save it. To furnish relief is to save the ship. Destruction will follow if nothing is done, and it can only follow if we attempt and fail.

While the absence of currency is paralyzing the energies of our people, it must be apparent that the amount of coin and currency is either insufficient in volume or, if sufficient, it has ceased to circulate as a medium of exchange.

The circulation at present may be estimated as follows:

Old demand and legal-tender notes	$370,596,038
Fractional currency	40,860,039
National-bank notes, 10th March, 1876	341,000,000
Coin, (estimated)	200,000,000
Amount	952,456,077

To say nothing of the value of the property which is transferred annually, our yearly products alone exceed in value $8,000,000,000, a bare statement of which shows that every dollar of coin and currency now in the country must be actively employed, with the aid of checks and drafts, to meet the necessities of Government and trade. That this volume of coin and currency is more than sufficient for such purposes I am not prepared to admit, and so long as I am not satisfied of this fact I shall feel it my duty to oppose a further reduction of our legal-tender currency. That there is an amount of coin and currency in the country sufficient to meet the requirements of Government, the exigencies of commerce, and the necessities of the people may well be doubted. The history of the past ten years is the history of contraction of currency and exportation of coin, and during the whole period, as a natural consequence, we have seen our property shrink in value until it has become almost unsalable.

As the South and West are without coin or currency, and while the business of these sections languishes for the want of both, and as it is apparent that there is a vast amount in existence, the question naturally arises, Where is this currency? In what is it employed? And the answer to all this is found in the newspapers every day. The great money centers of the country have absorbed it; and to-day currency is stacked up in the vaults of New York, Philadelphia, and Boston unemployed and without demand. Currency can be had to-day in Wall street at the lowest possible rates of interest; as low as 2 per cent. per annum on Government securities, while at the South it cannot be had at 20 per cent. on our landed property. These vast sums so held at these money centers may be considered as retired and destroyed, so far as we are concerned. We have but little credit, and what little we have is likely to be destroyed by politicians. We have but a small number of Government securities, and the money kings of the North have no confidence in the present or prospective value of our landed property. Indeed, the present hoarding of currency is the very worst of all practical schemes for retirement and contraction. It is of no service to the banker who holds it and none to the farmer, merchant, or mechanic, who are being ruined for the want of it; and if this vicious practice is persisted in, it may at no very distant day imperil the credit of the Government itself. A point may be reached where the Federal Government, as in some Southern States, may be compelled for the want of currency to accept property in lieu of taxes.

This monetary condition of the country flows directly from the national act compelling resumption on the 1st day of January, 1879, and must continue to exist until that time is reached or until that act is repealed, speculation in legal-tender and national-bank notes by hoarding them till the date of resumption must cease, and this evil can only be cured by one of two remedies:

First. By redeeming the legal-tenders at once in coin or by receiving them in payment of all customs and dues to the Government, and, if this be impracticable, then,

Secondly. By repealing the resumption act immediately.

The effect of this legislation will be to take away the inducement to hold such notes, and, as a natural consequence, they will flow out of their places of concealment and seek profitable investments in property, in business, and in the securities of the country.

The present value of legal-tender notes as compared with gold is about eighty-seven cents on the dollar. The day fixed for resumption by law is January 1, 1879, less than two years and eight months hence. Now, if this promise by the Government is carried into practical effect, it is clear that the present holder will realize the difference between the value of a dollar in currency now and the value of a dollar in gold then, a difference of at least 13 per cent. The holders of such notes have only to keep their bills until the date of resumption and realize a greater profit or interest than can be obtained at the present time by loans on Government securities, and this without any risk whatever. The law of resumption actually offers a premium to those who will hoard their currency, when the inducement should be strong enough to draw them out for circulation. In view of the prospective action of this law, our national banks, too, are hoarding their legal-tender notes and retiring their own issue; for when the Government resumes they also must resume in coin or legal-tender notes. These notes, therefore, are gold for their purposes. The retirement of their own bills now, at a time of depreciation, is a decided advantage to them; but it is another inducement to injure the business of the whole country by an ill-timed contraction.

It is said, and in high official circles too, that it is impracticable to resume at once, for the best of reasons: we have no gold; and this seems to be true; for on the 24th of February last the Secretary of the Treasury, in answer to a resolution introduced in the House by Mr. SAYLER, said the amount of gold then in the Treasury subject to the redemption of legal-tender notes was $13,341,423.76; that the whole amount on hand that day was $91,987,028.17; all of which was appropriated to other and legitimate claims, except the above sum of $13,341,423.76; and as the Government is obliged to have from ninety to one hundred millions of gold annually to meet interest demands, customs duties, now receivable in gold, cannot be accepted in legal-tender notes. As it is impossible to resume specie payment at once and impracticable to receive legal-tenders for customs duties at this time, it also seems clear that we shall not be able to do so by January 1, 1879. To accomplish this great feat we will have to pay off the legal-tenders, fractional notes, cancel national-bank notes, and pay all maturing claims in gold coin in two years and a half. The coin interest, $95,152,845.90, must be paid in six semi-annual installments of $47,576,422.50 each up to January 1, 1879, equal to $285,458,537.70; interest on $500,000,000 of new bonds at 5 per cent. for two years and a half, $62,500,000; amount of legal-tender and fractional currency to be redeemed in coin, $413,428,542; making the vast sum of $761,387,079.70 in coin, and to be raised and paid within two years and a half.

Now, to raise this gold, to meet such demands, it will be necessary to issue new bonds—exchange these bonds for gold—then the gold for greenbacks. Thus indirectly funding the entire legal-tender issue; thus retiring from circulation over three hundred and seventy millions of legal-tender notes, and by such means change a debt which bears no interest now to one that will. It would seem that the substitution of gold for greenbacks would not affect the monetary volume, that the amount would remain unchanged. But, when it is remembered that we are exporting coin by millions, we will soon see that the gold we draw from Europe for one purpose will be returned to Europe for another. Thus, without State and private banks; without a legal-tender circulation; with national-bank notes driven to their vaults, and specie exported from the country—our condition, bad as it now is, will be worse then.

To resume coin payment now is impossible; to resume January 1, 1879, impracticable. But while this is true I insist that we can, and in justice should, make our legal-tender issue receivable for all taxes, duties, and customs demanded by the Government. The effect of such a course would be to bring the greenback dollar to par value with gold. But it will be said that it will cut off the Treasury from its annual supply of gold from customs. This is true; and, while true, will it be insisted that we shall not supply the Treasury with gold in a different mode? The Government can obtain its annual supply of gold without depreciating legal-tenders and without collecting its customs in coin only. Let the Government apply the annual customs collected in currency to the purchase of their value in gold or foreign exchange. If the acceptance of currency in lieu of gold for customs will have the effect to make their values equal, then there can be no loss. If neither gold or foreign exchange can be had in sufficient quantities, let the Government purchase with currency a sufficient amount of cotton or other articles of export, and thus acquire the necessary gold or exchange. Cotton may no longer be king, but it is gold for all commercial purposes.

Thus, Mr. Chairman, may the volume of our volume be maintained without inflation. Thus may it be appreciated without contraction, and thus may it equal gold in value, without resumption, and the millions now locked up in idleness be forced into active circulation.

By the process of funding our legal-tender issue, or by its redemption in coin, our currency would be reduced four hundred millions less than it now is, and would place the Government and the people at the mercy of two thousand national banks. For be it remembered that after having retired our legal-tender notes we would then have to depend on national banks for a paper currency. We should have then coin and national-bank notes as our only medium of exchange. If the future is to be judged by the past, we would soon be without specie. It would be exhausted in discharging foreign claims, public and private. In that event we would have no other circulation but national-bank notes. We would have to depend exclusively on them for our paper currency. Would these two thousand corporations control their issue for the public good or for their private benefit? The experience of the past and knowledge of the present admonishes us not to confide in them. We have seen the power of money-kings, we have felt the effects of gold-kings, stock-kings, cotton-kings, and black Fridays too severely not to know and to fear the mal-use of their powers. To suit their own interest we would have currency or be without it. At their will their vaults would close or fly open. We might then expect to experience "panics" and "corners" in every department of trade and in every month of the year. This Congress surely will not betray the country into the hands of these two thousand selfish and soulless monsters.

But if it be impossible to resume at once and impracticable to resume in 1879, and Congress will not make legal-tenders receivable for customs dues, then the next best and only thing we can and ought to do is to repeal the resumption act of 1875. The repeal of this act would have the same effect as the resumption of specie payments, or

it would destroy the inducement to hoard these notes. It would stop the retirement of national-bank notes and authorize such banks to issue their bills without having any angry cloud hanging over them.

It is impossible to consider these subjects without being impressed with the fact that the Government of the United States is owing a debt of over four hundred millions of legal-tender and fractional-currency notes now in circulation, and that this debt sooner or later must be paid. So far as this debt is concerned there is no danger to be apprehended from any section of the country or from any political party in it at this time. For one, speaking for myself, it has no terrors for me. I have ever appreciated a national debt, and I believe now that the best thing that Congress can do to assure the perpetuity of this Union of States and national Government would be to call in all the bonds held in foreign countries and issue others to be held only by the American people; so that to the extent of this loan, let it be ever so much, each individual citizen would be interested in sustaining the Government. Then taxation to meet the annual interest would be easily borne, as such annual interest, instead of being paid to Europeans, would be returned to the citizen. Such a scheme would do more to bridge over the bloody chasm than all the sentimental orations and hand-shakings of a century.

Mr. Seward uttered a profound truth when he said this Government could not endure half free and half slave. Had there been no slavery, we would have had no secession and consequently no war. Had slavery existed in all the States, instead of being confined to one-half, there would have been no secession and no war. It would have been the interest as well as the duty of each citizen to have sustained the Government. But while the Government stands an acknowledged debtor of the bill-holder, it occupies, with respect to the currency, a different and more important relation to the people of the United States. The Government, having, by an issue of its own notes and by hostile and perhaps unconstitutional legislation, expelled from the country all other paper mediums of exchange, has committed itself to the policy of furnishing such an amount of its own bills as will, without friction or laxity, meet the wants and necessities of our internal commerce.

If the present volume of legal-tender notes is sufficient, it should be continued unchanged. When it becomes too great, either by the increase of coin or national-bank notes or other paper currency, it should be contracted by redemption or by funding in national securities. When it becomes insufficient, either by the exportation of coin or the retirement of national-bank notes or other paper currency, the amount in circulation should be increased until it should meet and supply the necessities of trade; thus providing at all times and under all circumstances a steady and sufficient amount of paper currency for the people and protecting them from sudden expansions and contractions.

This abnormal financial relation of the Government should be abandoned as soon as possible without detriment to the commerce of the country, and to do this a liberal system of banking should be inaugurated, which would enable the people to furnish their own paper currency. While, therefore, it is the duty of the Government to redeem these notes, it is equally its duty, in the process of redemption, to protect our commerce from the effects of sudden contraction.

I confess I have neither stated nor argued my case in a satisfactory manner, but it has been done with the hope, at least, that, while I may not have touched the disease or prescribed a proper remedy, others seeing my errors may correct the one and cure the other.

Mr. BLOUNT. I yield thirty minutes of my time to my colleague, [Mr. FELTON.]

Mr. FELTON. Mr. Chairman, there is a bill pending before this House, having been reported back from the Committee on Pensions with a favorable recommendation, granting pensions to the surviving soldiers of the Indian wars, known as the Seminole and Black Hawk wars, and also to the surviving soldiers of the Mexican war.

I avail myself of this opportunity, during the discussion of the bill making appropriations for the Army, to urge upon the House considerations for the early performance of this long-delayed act of justice and national gratitude.

I am for economy in all public expenditures. The accomplished members of the Committee on Appropriations, who have labored so wisely and indefatigably for a reduction of expenditures, will bear me witness that I have sustained them by my vote in all this laudable work.

When new debts are to be contracted, or when current expenses can be reduced, I will always co-operate with the friends of retrenchment. But when debts have already been contracted, and outstanding obligations are to be discharged, I shall insist that the duty of the nation requires full and prompt cancellation of all such indebtedness. Repudiation can never enter into the calculations of an honorable people.

There are debts and obligations which are not written on parchment, not evidenced by bonds and promissory notes—moral obligations, debts of honor, unwritten promises to pay, which are as binding upon nations as though they were collectable in a "court of claims." Repudiation of the latter is as reprehensible as the former.

A pension law is a recognition of service, a vote of thanks embodied in a tangible, material form. It is not intended as a compensation or as an equivalent, for the service is sometimes far above price. The wealth of a nation would be insufficient as a recompense for some services that may be rendered. For example, the three men—Paulding, Van Wert, and Williams—who arrested Major André, who refused the most tempting bribes, and remembered only their country, thereby saving General Washington, the American army, and the cause of the colonies. These three men received, each, from the Government only $200 per annum as a pension. Who will say that this sum was a compensation or an equivalent for their patriotism and fidelity. It was simply a recognition of valuable service, a testimonial of national gratitude, pleasing to them and encouraging to others.

England understands the value of such recognition. There is an allowance granted to the indigent widows of officers killed or dying in the service, and is considered as a military reward. The fund for these pensions arises from the pay of two fictitious men borne on the muster-roll of every troop or company in the army on the British establishment.

Every officer is assured, if he performs his duty as a soldier, his country will appreciate the service, and will demonstrate that appreciation in some tangible and valuable form. The result is, when on the eve of battle some commander runs up to the mast-head the words "England expects every man to do his duty," victories that live forever in history become the heritage of England's crown.

France understands the value of such recognition by the government of valuable military services. Probably there is no government that rewards her troops so munificently as France. As a result, we see her squadrons mown down by storms of artillery and musketry. If the opposing commander demands their surrender as an act of mercy, the response comes, "The Old Guard can die, but they never surrender."

Our fathers, as I have intimated before, appreciated in an early day of this Government the importance of rewarding distinguished military service. General and special testimonials were voted those soldiers who had contributed to the independence of the American colonies.

The war of the Revolution and the war of 1812 were waged for the purpose of acquiring a *de jure* title to this country, and it was right and proper that service so successful in wrenching the title to these lands from the British Crown and lodging that title in the American people should have a suitable reward.

But, sir, when that *de jure* title was acquired by the revolutionary war, and fully confirmed by the war of 1812, by far the largest part of the national domain was in the possession of cruel and warlike savages, disposed to contest every inch of ground with the whites; and I submit that the courage and privation that won for us a possessory title to these lands is also entitled to a suitable recognition by the Government.

There are many rights: Rights of discovery, rights in nature, rights of conquest, and statutory rights, all of which may become practically valueless, because they bring no material benefits, or yield no pecuniary revenues to the man or people holding these vested rights.

Spain had a right by discovery to this continent, yet neither Spain nor any other country enjoyed any material advantage from that right until her citizens and the world came over and "possessed the land."

Florida was ceded to the United States in 1821, and at that time the most desirable portions of that Territory, so rich in interesting historical events and so attractive with its tropical productions, was in the possession of Seminole or "runaway" Creek Indians. These Indians, together with the original tribe of Creeks, who occupied a part of Southwest Georgia and much of Alabama, considered themselves sole owners of the soil.

While I must confess they were frequently maltreated by the white citizens, defrauded and brutalized by designing men, yet after they had made and ratified treaties they would violate these treaties, and under the plea of retaliation they would commit the most cruel and barbarous acts upon the white inhabitants of that country.

War was the result of their perfidy. The Government determined to remove them, and from the assassination of General Thompson and Lieutenant Smith, in 1835, until the final removal of the Indians or their pacification in 1845, the Seminole or Creek war drained the Government of money and the country of valuable citizens and regular soldiers. I find that twelve hundred and fifty-five privates and officers of the regular Army were killed in action or died of disease contracted during the Florida war; also ten surgeons and assistant surgeons; also sixty-three seamen and marines.

I find also that during that war the following number of volunteer troops were furnished to the Government by the States:

States.	Number of officers.	Number of enlisted men.
Florida	727	14,096
South Carolina	140	2,154
District of Columbia	6	120
Alabama	152	2,970
Georgia	280	4,352
Louisiana	64	1,114
Missouri	36	451
New York	6	160
Pennsylvania	18	458
Tennessee	110	1,541
Total	1,547	27,416

To this number must be added about one thousand friendly Indians, who greatly assisted in the struggle, making a grand total of 29,963 volunteers and militia who risked all that was valuable to meet the demands of their country.

How many of these were killed in action or died of fevers and dysenteries brought on by exposure in the swamps of Florida, I am unable to state. I well remember that the fact of some young man enrolling his name as a volunteer for the Forida war was considered as equivalent to signing his own death-warrant. For many years after the struggle the death of some man in country neighborhoods would provoke the common saying, "He died from disease contracted in the Florida war."

General Scott says:

We found the heat, even before April, so oppressive that the troops could not execute even ordinary marches from this cause alone; the sink-holes and ponds on which both men and horses had to rely for water were many of them dried up, and in others the water was tepid, besides being filled with vegetable matter and animalculæ. Add to these causes of distress and disease the swamps and hammocks which were traversed, the deficiency in bacon, to which the volunteers had been accustomed at home, and the necessity to eat unleavened dough, partially fried with pork or half baked before the camp-fires, and it will astonish no one to learn from the testimony that we had very many individuals, officers and men, that could neither ride nor march. The only resource was to crowd them into wagons.

When we remember the comparative handful of Indians led on by cruel and sagacious chieftains; when we remember the delays and mistakes of public authorities; when we remember the expenditures of the General Government in quelling this border-savage war, it having cost the nation $19,488,000, exclusive of the expenditures pertaining to the regular Army; when we remember the starvation and exposure of the troops and the terrible work of the torch and the scalping-knife, we are convinced there is no page in the history of our Indian wars that surpasses in interest the one which records the Seminole war.

General Scott says, in describing the scarcity of provisions:

That having put Major Cooper's battalion of Georgia foot in march to join General Clinch, he was compelled to recall this battalion, then distant two days' march, over a wretched road, as it was easy to subsist the battalion on the Saint Johns, and infinitely difficult to do so at Fort Drane.

Scott mentions most favorably this fine battalion and its gallant commander. That battalion major lives to-day in my county, an honored ex-member of this House, and as true a patriot as when he faced Indians, fevers, and starvation in Florida.

General Scott, in detailing the difficulties that environed him, also mentions another Georgian from that portion of the State which I have the honor to represent. He says:

The Georgia horse began to arrive about the end of the month, the three companies before mentioned, and another on the 10th of March, under Captain Nelson, who had made an unparalleled march from the northwest corner of Georgia.

And also says:

This fine company, together with Colonel Bankhead's little column, through rain and mud, without tents, and without a murmur, set out with him for Fort Drane.

I wish I had time to allude to all these brave Georgians and all those gallant soldiers from New York to Louisiana. When we remember all their privations, certainly they are entitled to recognition by the General Government.

Sir, it was no holiday pastime for those engaged in the Seminole war. From the massacre of Major Dade and his command of one hundred men; from the sharp, deadly contest of General Clinch and his little army with Osceola and Tusteneggee, on the banks of the Withlacoochee; all the way through skirmish and through ambush, through sortie and through battle, through dense scrub, wading in mud and water, and struggling with embarrassments incident to operations against a foe occupying 47,000 square miles, in a country without roads, bridges, guides, subsistence, or transportation, our soldiers, worn down with constant watchings, disappointments, and tedious marches, yet pressed on in hope of a general engagement with the foe, and always unsuccessful in bringing on this coveted action.

The theater of operations was a wilderness, and every hammock and swamp a citadel for the enemy. In subduing these savages, thus fortified and impelled by a burning thirst for revenge, Scott, Taylor, North, Clinch, Harney, Call, Gaines, and a score of names distinguished in our military history exhausted all their skill and bravery.

Remembering all these obstacles, these embarrassing and exasperating circumstances; the demands made upon men who sacrificed home, business, health, and life; the need for energy, endurance, and unwavering courage, I think the argument is conclusive that the Government which reaped the benefits of this sacrifice, this courage, and endurance should pension the surviving men and widows of those who participated in this terrible border war.

But, sir, there is not an argument in favor of pensioning the soldiers of the Indian wars which does not apply with increased force to the soldiers of our Mexican war. The Indian wars were carried on and successfully terminated chiefly by regular troops. The Mexican war was eminently a war of volunteers. It was the first time in our history when there was such an opportunity of demonstrating the truth that our safety and power are lodged in the intelligence, patriotism, and courage of our citizenship.

Then was established the fact that there is no necessity in this country for standing armies, which consume the products of peaceful industry and sooner or later overturn the liberties of the people; but that it is possible for a nation to surrender itself to the avocations of peace, of productive labor, and at the same time be ready at the first rude alarum of war to carry its flag to victory.

It was during that contest that one State acquired the distinguished *sobriquet* of the "Volunteer State." Tennessee, with her fifty-eight hundred and sixty-five citizen soldiers, led on by her own chosen officers, never wavering, and sometimes charging over the backs of laggards in the fight that they might reach the enemy, made us understand then and there the honor and military strength of republican governments is deposited in the arms and hearts of its volunteer soldiery.

Never can I forget the military enthusiasm that pervaded this country at that time. Sectionalism and partisanship were dwarfed for the time, and all minor differences faded in the presence of our country's flag. New York and South Carolina at Contreras and Cherubusco forgot all rivalship except the high distinction of being first in the capture of the enemy's stronghold. As they charged shoulder to shoulder, so also the casualties of battle occurred almost equally in that day to these two regiments, New York having seventy-six killed and wounded and South Carolina having one hundred and fifteen killed and wounded. So at Cerro Gordo, the South, the West, and the North mingled their blood in one common assault upon the enemy. At Buena Vista Mississippi, Illinois, Kentucky, Arkansas, Indiana, and Texas, with but little difference in the number of their respective losses, left two hundred and fifty-nine dead upon that field of honor, and about in equal proportion had three hundred and seventy-two wounded.

At Monterey Maryland and the District of Columbia, Ohio, Louisiana, and other States, lost in killed and wounded two hundred and eighty-two; while Missouri, Alabama, Virginia, North Carolina, Massachusetts, Pennsylvania, New Jersey, Michigan, Iowa, Wisconsin, and Florida all did their duty.

This devotion to country was conspicuous in my own State, and Georgia did her duty in those exciting times. From the section of the State which I represent six companies of true and gallant men were raised, who participated in the glories and sufferings of Mexico. Wofford, Hamilton, C. H. Nelson, Allison Nelson, Fulton, and Jones gathered around them as patriotic and brave companies as ever followed young commanders to a field of strife. Many died, some were killed and wounded, and a great majority of them contracted under the burning sun and in the malarial climate of Mexico diseases which soon carried them to the grave.

These companies, together with others in the regiments of Jackson, Seymour, and Calhoun, also others commanded by Thomas, Doyle, Clark, Ector, and Echols, made up in part the contribution of Georgia to this general assembly of American heroes; in which sectionalism and partisanship were subordinated to the country's interests. Whigs and democrats, free-soilers and pro-slavery men, all hushed their wrangles in the presence of the overtowering claims of a common patriotism.

I repeat, sir, this Government is under obligation to the survivors of this war, and to the widows of those who are deceased, for the immense value of their services to their country. Men should be paid according to the value of the work performed. Where much is given, much is required.

What did we acquire by their sacrifices and devotion? What wealth was added to this country by their labors and sufferings? Not including Texas, though it is properly an acquisition of the war, yet exclusive of this State we obtained by the treaty of Guadalupe Hidalgo territory to the amount of 658,838 square miles, and in 1870 we had in that territory a population of 806,055 inhabitants.

The gold and silver produced by this territory is about as follows:

From—	
California	$1,143,620,060
Nevada	289,245,879
Idaho	64,955,525
Utah	38,725,152
Arizona, 1874, 1875	135,159
New Mexico, 1875	500,000
Total	1,537,281,775

It will be seen that the amount set opposite to Arizona is the produce for only two years, while that opposite New Mexico is for one year.

These are all the results we can obtain just now from these Territories. Their produce of the precious metals has never been very large, and would not materially alter the aggregate given.

The total value of agricultural products in the United States in 1870 was $2,447,538,658; the same year the agricultural products of the territory acquired from Mexico was—

California	$40,836,024
Nevada	1,659,713
Idaho	637,797
Utah	1,973,142
Arizona	277,998
New Mexico	1,905,060
Total	47,309,734

Now, add all the prospective population and wealth of this territory, its growing commerce with the East, its undeveloped resources, mineral, agricultural, and commercial, its rapidly increasing population, with its capacity to sustain millions of enterprising and industrious people—add to this the mastership which its possession secures

to us over Mexico. Mexico is the American "sick man." The Pacific States can maintain a "masterly inactivity" and patiently await the result.

Now add to this the influence which it gives us over the trade with China, Japan, and the islands of the Pacific.

What a future! The center of our population west of the Mississippi! The dream of ambition in olden times never realized such a magnificent empire.

Whence did it come? To whom are we indebted for its possession? Remember, sir, all this is but the blood, the suffering, and heroism of our soldiers crystallized into material wealth and national power.

I have read of a great king, who on a certain night could not sleep, and he commanded to bring the book of records, and they were read before the king. It was found that Mordecai had done the king a great service, and the king said, "What honor and dignity hath been done to Mordecai for this?" Then said the king's servants that ministered unto him, "There is nothing done for him." This king in his wakefulness at night seems to have been apprehensive that some faithful friend and subject should fail to get the rewards he merited, that he might be omitting a grateful recognition of valuable service. He was determined that whatsoever might be alleged against Ahasuerus, the charge of ingratitude should not be preferred. He commanded that he be clothed in royal apparel and a crown be placed upon his head, and as he passed through the streets proclamation should be made, "Thus shall it be done to the man whom the king delighted to honor."

To-day as we read from the book of records and ask the question, What rewards and honors hath been given to these heroes of the Mexican war, the answer is "There is nothing done for them."

The question of loyalty is frequently raised upon subjects of this character—upon all claims against the Government originating previous to the late civil war. If I contract a debt or incur an obligation of any description, it seems to me that no subsequent change in the relations of the parties can abrogate or annul that obligation.

It is true that change may be made an excuse for an evasion of a just debt or obligation; but nations, having due regard to their honor, will never resort to so cheap a subterfuge, alike discreditable to honesty and magnanimity.

Sir, is not this Union restored? Are not the citizens of the Southern States, here and everywhere, the constitutional peers of the citizens of other States? Have they not contributed as liberally of their blood and treasure in the acquisition of all the territory that makes up the territorial wealth of the United States as has been contributed by other sections? Have not the creators of this wealth, the men "who commanded and it stood forth," some right to a recognition of their patriotism and their courage?

In discussing this question of obligation to the heroes of the Mexican war, let no political or sectional Pharisee say to any southern man, "Stand back; I am holier than thou;" for the truth will not sustain him in the selfish and arrogant assertion.

Let us put aside all sectional and unauthorized phraseology; let us remember that this measure will tend to restore kind and fraternal relations between the two sections, more than all the resolutions and declarations that can pass this Congress or be uttered by any number of political conventions.

This measure is one of conciliation. It reunites; it fills up the "bloody chasm." It runs the plowshare over the battle-fields of sections. It brings the brave and patriotic men of the past and the brave men of the present into the brotherhood of a common citizenship. It heals wounded and estranged hearts. It convinces all men that for the future we are a united people, because our interests and hopes are centered in a common government.

Mr. BLOUNT. I now yield for a moment to the gentleman from Kentucky, [Mr. PARSONS.]

Mr. PARSONS. I avail myself of the courtesy of the gentleman from Georgia to make application for consent to print in the RECORD some remarks which I have prepared upon House bill No. 472, bearing on the question of the Texas and Pacific Railroad.

No objection was made, and the leave was granted. [See Appendix.]

Mr. BLOUNT. I now yield to the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. BRIGHT. Mr. Chairman, I propose to submit some remarks upon the hackneyed theme of the currency. It is almost impossible, sir, to exaggerate the importance of this question. It is the war power of the Government; without money armies in the field cannot be supported. It is the civil power of the Government; without money the machinery of our Government cannot be operated. It is the commercial power of the nation; without money our commerce cannot be floated, and it is the most important power of all the interests of the country; the grand lubricator of all its industries.

This being so, I wish to beg the indulgence of the House while I shall endeavor candidly to review something of the relations of this subject toward the country, and particularly its relations to the democratic party.

Mr. Chairman, in 1789 the Government of the United States had a foreign debt of $53,000,000; it had a home debt of $22,000,000; making in the aggregate $75,000,000. At the same time the country had $12,000,000 of specie and seven millions of currency, making an aggregate of $19,000,000. It became apparent to the financial statesmen of the day that it was impossible with $19,000,000 of currency to pay off a foreign debt of $75,000,000, to furnish money to the national and State governments for their administration, and at the same time to float the rising commerce of the new-born country. Hence it became necessary to resort to certain expedients to supply the deficiency of the currency.

Mr. Hamilton, who was at that time financial minister, proposed the plan of a United States bank, so that the United States might furnish the requisite quantity of currency. His plan, from necessity, was approved by the Cabinet of the time, Mr. Jefferson assenting as one of the Cabinet; and the Congress of the United States passed the bill by a vote of 39 to 20; so that fixed the question of currency for twenty years in the United States, the basis being that of a mixed currency.

Upon the expiration of the charter, after a short interval it was renewed in 1816, which fixed it for another period of twenty years, terminating in 1836. The war of 1812–1814 ran up the national debt from $75,000,000 to $127,000,000. All the Presidents of the United States—Mr. Monroe, Mr. Madison, Mr. Adams, and General Jackson—held the view, in which the Congress of the United States concurred, that the national debt was a national curse, and the whole bent of the administration of the country was to relieve it from the incubus of the national debt. Hence we find that in 1836, for the first time since the Government was established, we reached what was called a normal financial base in the extinguishment of the national debt; and just here let me erect a monument; the nation was out of debt, and, as Mr. Benton said, we had been traveling forty years in the wilderness to reach that point.

And it became necessary then, in the estimation of some of the existing statesmen, to change the course of the financial policy. It was followed by what was called the specie circular, which proposed to receive all the proceeds of the sales of the public lands in specie. Upon the issuance of this circular, taking the country by surprise as it did, the people, having purchased nearly twenty-five million dollars' worth of the public lands and being in debt for the payment thereof, petitioned the Government for the revocation of the circular, but without effect; they petitioned Congress for relief, but without relief being granted. They were forced to the alternative of complying with the demands of the Government, and the result was that, upon calling upon the State banks for the redemption of their notes and drawing from their vaults the specie to meet their obligation to the Government, every State bank from Massachusetts to Louisiana sunk as though it had been upon a running quicksand.

There were financial calamity and distress. Bankruptcy stared the nation in the face. The New York merchants presented a petition to the Congress of the United States, depicting in glowing colors the condition of that great metropolis, to which I invite the attention of this body at this time. The attention of Representatives is respectively requested to this petition. The New York merchants affirmed that the value of their real estate had within the last six months depreciated more than $40,000,000; that within the preceding two months there had been more than two hundred and fifty failures of houses engaged in extensive business; that within the same period a decline of twenty millions had occurred in their local stocks, including those railroad and canal incorporations which, though chartered in other States, depended chiefly upon New York for their sale; that the immense amount of merchandise in their warehouses had within the same period fallen in value at least 30 per cent.; that within a few weeks not less than 20,000 individuals, depending upon their daily labor for their daily bread, had been discharged by their employers because the means of retaining them were exhausted; and that a complete blight had fallen upon a community heretofore so active, enterprising, and prosperous; the errors of our rulers they declared "had produced a wider desolation than the pestilence which depopulated our streets or the conflagration which laid them in ashes."

With calamity staring the country in the face, and in order that it might be met, the democratic party insisted at the time that this calamity was partly the result of overbanking, overtrading, overdashing, overdriving, overeating, overdrinking, and overeverything except overworking. But they went into the issue with the specie circular and the bankruptcy upon the nation at the time, and in 1840 they were perfectly overwhelmed and routed in every particular.

They rallied, however, in 1844 upon the same issue, and upon the admission of Texas into the Union. While they did that, I beg leave to call the attention of this honorable body, and particularly the democrats of this House, to the platform which was adopted by that party in 1840, 1844, 1848, 1852, and 1856, five consecutive national platforms adhering to the same declaration of principles. Here it is. Your attention, if you please, to the seventh and eighth articles of the democratic national platform:

DEMOCRATIC PLATFORM OF 1840 AND 1856.

7. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people; [and that the results of democratic legislation in this and all other financial measures upon which issues have been made between the two political parties of the country have demonstrated to

candid and practical men of all parties their soundness, safety, and utility in all business pursuits.*]

8. That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people.

That was the declaration of the democratic national platform upon finance. You see there was nothing said in that platform upon the subject of even the national finances or the currency in which the revenues of the Government were to be collected. But under the authority of the President of the United States the revenues were collected in gold and silver, except as afterward modified by the laws of Congress, to which I shall allude.

There was another feature connected with this, that so far as the financial affairs of the State governments were concerned the democratic party were composed of too good States-rights men to invade the rights of the States in relation to their currency. They did not quarrel with any State that saw proper to adopt an exclusively metallic currency, nor did they quarrel with one that saw proper to adopt State banks and State financial agencies to aid them in the administration of their State governments and to furnish the people with the currency. We find that General Jackson favored that, and used in his sixth annual message the following language:

If the several States shall be induced generally to reform their banking systems and prohibit the issue of small notes, we shall in a few years have a *currency as sound and as little liable to fluctuations as any other commercial country.*

Mr. Benton used the following language in his Thirty-Years View:

He deprecated the spirit which seemed to have broken out against *State banks;* it was a spirit which argued badly for the *rights of the States.* Those banks were created by the States, and the works of the States ought to be respected. (Page 456.)

Again he says:

The spirit of hostility to the State banks was of recent origin, and seemed to keep pace with the spirit of attack on the political rights of the States. When the first Federal bank was created in the year 1791, it was not even made by its charter a place of deposit for the public moneys. Mr. Jefferson preferred the State banks at that time, and so declared himself in his cabinet opinion to President Washington. (Page 456.)

We find that up to that time the democratic party, adopting as its policy opposition to national banks, being either passive or in favor of State banks, urged the retirement of small State bank-notes by refusing them for Federal revenues, by advocating the introduction of coin in the place of small notes, and the payment of Federal revenues in gold, silver, and Treasury notes.

Now, when we enter upon the ground after that time there may be some confusion in relation to the democratic policy, but still the road can be traced, and I propose to follow it up and show from the record the policy adopted by the democratic party.

In 1863, when it was proposed to charter the national banks, when the vote was taken in the Senate upon the proposition, there were but two democrats for to twelve against it. In the House there were two democrats for and forty-two against it. When the supplemental bank bill of 1864 was on its passage there was in the Senate no democratic vote for and seven against; in the House not one democratic vote for and sixty-five against it. Among the democrats who voted against it were Messrs. EDEN, HOLMAN, MORRISON, RANDALL, and FERNANDO WOOD.

Again, upon the subject of taxing the Government bonds and securities held by the banks in the different States of the United States, when that proposition was submitted upon Mr. Fenton's amendment, the democrats stood fifty-three for it and none against it. We find that while the Government had about $2,500,000,000 funded in bonds, constituting a bank capital in part and retired for the purpose of sanctuary and shelter from taxation, the democratic party as a party were opposed to such legislation as being in the interest of the money power and against the interests of the many.

But that is not all. On Mr. SHERMAN'S Senate bill of July 7, 1870, being a proposition to increase the amount of national-bank-note circulation the democratic vote in the House was 4 for and 44 against it, showing that they were opposed to the increase of the circulation of these incorporated institutions. So far as the previous legislation was concerned upon the subject, Mr. RANDALL in the House June 14, 1870, offered a substitute for the Senate bill, which substitute proposed to issue $300,000,000 of legal-tender notes to redeem the outstanding national-bank notes and put them out of circulation. Upon that proposition the democratic vote of the House stood 42 ayes and 5 noes. Mr. Morgan, of Ohio, on the same day offered a substitute to repeal the national-bank act and proposing to authorize the Secretary of the Treasury to have executed gold Treasury notes to the amount of $400,000,000 to redeem the national-bank notes and for other purposes, and that all taxes, duties, and imposts of every kind payable to the Government of the United States should be receivable in gold, silver, or Treasury notes at the option of the person making the payment; and upon the redemption of the public debt all outstanding Treasury notes shall be redeemed at par in gold or silver in a manner to be provided for by law. The democratic vote was 34 for to 9 against it. Again, in 1870, January 17, Mr. McNeeley moved to suspend the rules and put the following resolution on its passage:

Resolved, That the Committee on Banking and Currency be, and they are hereby, instructed to report at an early day a bill providing for withdrawing from circulation the national-bank currency, and for issuing instead of such currency *Treasury notes*, usually known as "greenbacks."

* Words in brackets added in 1848.

The democratic vote was 53 for and 2 against it. For it, Beck, COX, HOLMAN, KERR, KNOTT, Morgan, Niblack, RANDALL, Voorhees, and FERNANDO WOOD among others. The two against it were Messrs. POTTER and BARNUM. Again, in regard to the act to strengthen the public credit, of March 18, 1869, which proposed to pay gold instead of greenbacks in the redemption or payment of bonds of the United States, occasioning a loss by changing the contract as understood to the extent of $500,000,000. On that proposition the democratic vote stood 1 for and 34 against it. Again, in regard to the resumption act of January 14, 1875, which proposed to retire the legal-tender notes and abandon the field of currency to the national banks, not one democrat voted for it, but every one voted against the proposition.

The demonstration is complete that opposition to national banks for forty-four years has been a vital and cardinal principle of the democratic party. It is proved by the veto of the United States Bank act by Jackson in 1832; by the indorsement of his veto on his re-election by the people; by five democratic national conventions; by the democratic vote against the national-bank bills in 1863 and 1864; by the democratic vote to authorize States to tax Government securities and obligations held by the national banks; by the democratic vote on the McNeeley resolution of January 17, 1870, to wind up the national banks; by their vote against the Sherman bill of July 7, 1870, to increase the national-bank issues; by their vote on the Randall resolution proposing to substitute legal-tender notes for national-bank notes; by their vote on the Morgan substitute on the same day to wind up the national banks and to make legal-tenders receivable for all taxes, customs, and other debts due to the United States, and by their unanimous vote against the resumption act of January 14, 1875, which proposed to supersede the legal-tender notes of the United States.

You find that there is not one broken link in the democratic policy, and if we are asked where we stand at the present time we must place the democratic party on this old cardinal doctrine and principle, or it must prepare for a new departure, and into an unknown sea. For my part, I propose to adhere to the old principle, to stand by the old policy, and to demonstrate that the democratic party has been consistent in its maintenance of this old principle.

Now, it is just as well established that the democratic party as a party has been the advocate of Treasury notes as that they have been opposed to the national-bank system.

And if I can have the attention of this House, Mr. Chairman, I propose to demonstrate it as plainly as if written by a sunbeam on the face of the heavens.

Who was the author of the Treasury-note system? Mr. Jefferson, in his letter to Mr. Epps, stated it was practiced by Virginia in its colonial state; that Virginia had issued notes bearing interest bottomed upon a tax. They were soon sequestered, disappeared from circulation, went into the hands of guardians, executors, and others, occupying a fiduciary relation. Others were issued bearing no interest, and they circulated freely at par as long as they remained. I have an extract from his letter which I propose to read to this House, and to which I call attention as he proposed to apply the doctrine to the national Government. Here it is.

In volume 6, pages 139 and 140 of his Correspondence, letter to John W. Epps, June 24, 1813, he says:

And so the nation may continue to issue its bills as far as its wants require and the limits of the circulation will admit. Those limits are understood to extend with us at present to $200,000,000, a greater sum than would be necessary for any war. But this, the only resource which the Government could command with certainty, the States have unfortunately fooled away, nay, corruptly alienated to swindlers and shavers under the color of private banks. Say, too, as an additional evil, that the disposal funds of individuals, to this great amount, have thus been drawn from improvement and useful enterprise, and employed in the useless, usurious, and demoralizing practices of bank directors and their accomplices.

In the war of 1755 our State availed itself of this fund by issuing a paper money bottomed on a specific tax for its redemption, and, to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, widows, farmers, &c. We then issued bills bottomed on a redeeming tax, but bearing no interest. These were readily received, and never depreciated a single farthing. * * * If Treasury bills are emitted on a tax appropriated for their redemption in fifteen years, and (to insure preference in the first moments of competition) bearing an interest of 6 per cent., there is no one who would not take them in preference to bank paper now afloat, on a principle of patriotism as well as interest; and they would be withdrawn from circulation into private hoards to a considerable amount. Their credit once established, others might be emitted, bottomed also on a tax, but not bearing interest; and if ever this credit faltered, open public loans, on which alone these bills should be received as specie. These, operating as a sinking fund, would reduce the quantity in circulation so as to maintain that in an equilibrium with specie. It is not easy to estimate the obstacles which, in the beginning, we should encounter in ousting the banks from their possession of the circulation; but a steady and judicious alternation of emissions and loans would reduce them in time. * * * But, it will be asked, are we to have no banks? Are merchants and others to be deprived of the resource of short accommodations, found so convenient? I answer, let us have banks. * * * There is not a bank of discount on the continent of Europe (or at least there was not one while I was there) which offers anything but cash in exchange for discounted bills. No one has a natural right to the trade of a money-lender but he who has money to lend. Let those, then, among us who have a moneyed capital, and who prefer employing it in loans rather than otherwise, set up bank, and give cash or national bills for the notes they discount.

There is the tap-root of the Treasury-note system, advocated first by the great apostle of democratic teachings, the forerunner, the head-light which has thrown its beams along down the path of posterity and which may illumine the nation now and carry it out of the wilderness in safety. This was afterward recommended by Van Buren, advocated by Calhoun, voted for by Benton, Buchanan, and

other exponents of the democratic party. Calhoun stated in his great speech in 1837 upon the subject of these Treasury notes:

> But whatever may be the amount that can be circulated, I hold it clear that, to that amount, it would be as stable in value as gold and silver itself, provided the *Government be bound to receive it exclusively with those metals in all its dues*, and that it be left perfectly optional with those who have claims on the Government to receive it or not.—*Appendix to Congressional Globe*, first session Twenty-fifth Congress, page 36, 1837.

But these notes were not only voted for and advocated by those great exponents of the democratic party, but the legislation of the country put its seal on the great question and put it beyond any dispute as to what was our true policy. But in 1837, so soon after specie circulation, why was it that bankruptcy spread broadcast all over the country? Simply because the Government was without revenue and the people without money. The Government attempted to supply it by pledging its credit, putting out Treasury notes to circulate as money, which, as decided by the Supreme Court of the United States in 1819, were held to be legal tenders to the Government of the United States. From that time down to the present, both in democratic and republican administrations, the Government has constantly adhered to the policy of Treasury notes.

Now, to the record, to see whether I am right or wrong. The act of Congress of 1814 authorized their issue and it was approved by Madison. The act of October 12, 1837, authorized the issue of ten millions, making them receivable in payment of all duties, taxes, debts due to the United States. The act of May 21, 1838, made them re-issuable. The act of March 12, 1839, authorized the issue of the remainder of the notes which had not been issued. The act of March 31, 1840, extended the time of issue twelve months and made them re-issuable. The act of February 15, 1841, authorized the issue of five millions additional. The act of January 31, 1842, authorized five millions to be issued in place of others redeemed. The act of April 15, 1842, authorized the re-issue of any that had been taken up. The act of July 22, 1846, authorized the issue of ten millions additional. That was during the Mexican war. The act of August 6, 1846, provides, (and now the attention of every Representative in this House if I can get it,) provides—

> That on the 1st day of January, 1847, and *thereafter*, all duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, and also all sums due for postages, or otherwise, to the general Post-Office Department, shall be paid in gold and silver coin only, or in Treasury notes, issued under the authority of the United States. (9 United States Statutes at Large, page 64.)

So you find the democratic party so far as that was concerned put the Treasury notes upon a par with gold and silver, and gave the great legislative equation to gold and silver and Treasury notes, and there it permitted it to remain until disturbed by other legislation.

The act of January 28, 1847, authorized the issue of twenty-three millions additional, receivable in like manner for all taxes.

The act of December 23, 1857, authorized the issue of $20,000,000 additional, receivable in like manner. The act of March 3, 1859, authorized the issue and re-issue of notes, extended to July 1, 1860.

So we find that Treasury notes were issued by every democratic administration; and after the inauguration of the civil war they were issued by both parties as indispensable to move the armies and float the navies. And, as the language was used by the Supreme Court of the United States, there was not gold enough to have answered the purposes of the Government for three months, and the nation from necessity had to coin its credit. So we find that they were not only used in time of war, but they were used in time of peace; twenty-three years of peace during these five successive democratic administrations with the broad seal of the legislation of the country stamped upon them. And now let me make the inquiry here: When, since the foundation of the Government, was there a more safe, uniform currency than from the time of the issuing of these Treasury notes during those democratic administrations?

Mr. Chairman, what is the conclusion of this matter? In the language of the act of August 6, 1846, the democratic party have been for Federal currency, for gold and silver, or Treasury notes issued under the authority of the United States. And here it stands to-day, as I have shown, by every vote they have given. If we wish to find the landmarks of the democratic party, if the House will excuse the sophomoric language of the school-boy, when we look out for it we will see it looming up

> As some tall cliff, that lifts its awful form,
> Swells from the vale, and midway leaves the storm,
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head.

There it stands to-day, the uncrumbling, imperishable monument, fixing the wisdom of the legislation of the country. Not even the rough blows and tornadoes of war and civil convulsion could disturb or unsettle the great democratic doctrine and teaching of the country. Even while the waves rolled high in our civil commotion, that same old doctrine was thrown out like the sheet-anchor of a man-of-war, and still it will hold this nation in safety if it will only abide by it and if the Saint Louis convention will be true to its teachings.

So we find the democratic party is not a rag-money party. It never has lifted its voice or voted against gold and silver. We can appeal to the record. It never has proposed to demonetize silver, one of the old coins of the country, but one that has received the approbation and, if you please, the love of our fathers when it used to cliuk music to their ears. They were in favor of gold and silver and against demonetizing silver, as they had traveled together from the days of Abraham down to the present time; but while they were in favor of them they were not exclusively in favor of them. This Government never could have been administered solely upon gold and silver. It has always resorted to the issue of notes. The old continental money—the two hundred millions of it at the end of the revolutionary war—was only as the shell left in the nest after the eagle was hatched and had flown, and the emblem bird continued its flight until it beat its wings against the gates of the setting sun. And those old warriors were well paid in an unbounded domain, and with that liberty the heritage which their children enjoy to-day. And if the democratic party in the Saint Louis convention will unbare its arm and advocate that doctrine, it will rescue the fortunes of the sinking nation. Let it unbare its arm and display the action of its larger muscle in spreading a shield over the head of the millions, in the interest of labor, instead of getting upon its knees and crawling recreant before the golden gods set up to be worshiped in this country.

Well, now we stand and look out upon the future, and there are three measures of financial policy which we may adopt. Shall we adopt the State-banking system? Shall we adopt the national-banking system? Or shall we adopt the Treasury-note system of furnishing a paper currency to the United States? Some have advocated a State-bank system. According to Madison and Jefferson and others, as they have generally been established in the United States, they were placed upon an immoral basis, and no financial system could ever rest securely upon it; because we are told by Amasa Walker, who investigated this matter, that the average issue of these State banks has been about 4½ to 1, say 4 to 1 in coin. The State bank-notes are neither the representatives of gold in the vaults nor are they substitutes for gold in the vaults; because if there be only one gold dollar for four of issue when you have redeemed the one dollar, three remain without representation or substitution. As a matter of course that system founded upon a theory of that description would be delusive in the end to the people; for when the financial gale begins, when there is the least disturbance abroad, the foundation of the system is shown to be upon sand, instead of the solid granite which should underlie it. It is not based upon national credit, but upon the credit of a corporation. Hence, while no member of the democratic party will quarrel with any State that sees proper to adopt it as a system of its own, we would say that the theory as practiced heretofore is, according to the views of the old statesmen and according to the test we have developed, an experiment which has proved a failure, and we cannot recommend it.

Then will you adopt the national-bank system? It has been a doctrine of the old democratic party to oppose all monopolies and all financial connections between the Government and banking corporations. At the very threshold you find that these national banks are the monopolists of all the currency of the country. In respect to these banks, the State governments crawl like Lazarus at the gate of the rich man, waiting for the crumbs to fall from their tables. These corporations are nothing but sheer, unmitigated monopolies, which have met the reprehension of the democracy in all times.

Not only so, but we find that they have certain privileges extended to them in the exemption from taxation of all stocks, bonds, and other securities of the United States held by national banks in the States. These are exempted from taxation according to the act of June 30, 1864, chapter 172, section 1.

But, in addition to that, they are founded upon a merely delusive and dangerous basis so far as their deposits are concerned. They are required to keep only 25 per cent. reserve, lawful money, in redemption cities, 15 per cent. in other places, making an average of about 20 per cent. According to the last report of the Comptroller of the Currency the deposits of these banks amounted to $675,358,346. Only one-fifth of this amount is secured by the charters, which would be $135,071,669. Four-fifths are not secured, amounting to $540,286,677. Thus we find that, though the circulation may be secured by the deposits of bonds, the actual deposits of the banks have no security except about 20 per cent. of reserves which are held for that purpose. The remainder is based upon the credit of the national banks or their stockholders; and the individual stockholders are bound only to the extent of their stock; there is no individual liability beyond this. A Vanderbilt may hold one thousand dollars' worth of stock in a national bank, and if it fails he escapes with the payment of his thousand dollars. In addition to that, the 10 per cent. tax excludes all competition in relation to this matter.

Let us test this matter further. There have been forty national-bank failures in the United States. Let the Comptroller of the Treasury, who sits as a financial Neptune swaying the trident over the financial sea, point to a single broken national bank that has ever paid its depcsits. There is no such case; and generally the depositors have found poor comfort in raking among the *detritus* of a bankrupt court to get some partial satisfaction.

But that is not all. With all the frailties and imperfections of these banks, let us look into some of their other constituents. Mr. Amasa Walker, in giving the sources of their interest, makes the following summary, which I apply to the figures as they exist at the

present time, as appears from the report of the Comptroller of the Currency for December, 1875:

The loans and discounts of the national banks were	$980, 222, 951
Overdrafts	4, 468, 484
United States bonds to secure circulation	370, 321, 700
United States bonds to secure deposits	14, 097, 200
United States bonds on hand	13, 989, 950
Other stocks, mortgages, &c	33, 505, 045
Total drawing interest	1, 416, 605, 330

Upon the other hand the actual capital of these banks at the same time was—

Capital stock paid in	$504, 929, 769
Surplus fund	134, 356, 076
Profits on hand	52, 964, 954
Total capital	692, 150, 799

Deducting the latter amount from the former, we have $724,554,531 as the pure credit element of the currency; that is mere indebtedness of the banks but for which, although it was neither money nor capital, they were receiving interest over and above all their actual capital.

Let me call attention to a very simple illustration of the operation of these national banks. They are drawing 6 per cent. interest semi-annually in gold upon their bonds. Converting this semi-annual gold interest into legal-tenders makes an actual interest of about 7½ per cent. The Comptroller of the Currency states that, after the payment of all expenses, taxes and otherwise, the dividends of these institutions are 10½ per cent. Add to this 7½ per cent., and it makes 18 per cent. interest which the stockholders of these banks are drawing upon credit and upon capital.

Mr. LAWRENCE. The dividends include the interest received on Government bonds.

Mr. BRIGHT. Assuming, then, that I am mistaken and that the interest of the bonds is included in the 10½ per cent. dividend as reported by the Comptroller of the Currency, excluding the surplus fund on which no dividend is declared, such a statement will still illustrate the point which I have in view.

But to the illustration. The national banks declare a dividend of 10½ per cent., and from a computation in regard to all the other industries in the country it appears that they produce—and I wish this important fact to be understood and to go to the country—that all other industries of the country produce only about 4 per cent. interest or less on the amount of capital invested, leaving 6½ per cent. advantage so far as the national banks are concerned, and it is only a question of time when the banks shall eat up the other industries of the country.

And not only that. I am not done with them yet. The danger of these institutions, with the rapidity and concert of their action, is that they are in a situation to enter into commercial conspiracies by the contraction and expansion of their currency and the manipulation, if you choose, of your Agricultural Department statistics so that they can absolutely control the price of productions in this country. Yes, sir, and they will do it if they are left free and unrebuked in this country.

When your crops are ready for the market, when the hard-handed agriculturist, who has borne the brunt and the heat of the day, who has sweltered beneath the sun to produce his crops, has wrung them from the earth by his rugged toil, why, sir, you find a set of manipulators ready who can contract the currency and thereby keep out the produce from market and purchase at their own terms. And when once they have secured this, then they can expand again and they can throw it into the power of any pets or favorites to reap a large profit out of the labor of the man who has furnished the capitalist with the subject of his speculation.

And that is not all. They cannot only perpetrate commercial conspiracies, but they can embark in political conspiracies; and there is the dangerous element to the liberties of this country. Whenever this Government denudes itself of its power, abandons the control of its money, which is the highest act of sovereignty, to these corporations, it has put itself and all the people in the hands and in the power of these corporations. I am not speaking without warrant. I do not propose to guess and blunder along through these statistical facts to do these corporations an injury. Not at all. I propose to speak within the record; to have at my back the verification of facts to support the assertions I make.

First, as far as the question of inclination is concerned and the interference of these institutions with the legislation of the country.

Speaking of the political influence of banks, Mr. Madison, in a letter to Thomas Jefferson, April 23, 1796, wrote as follows, in relation to the ratification of a treaty:

> The banks have been powerfully felt in the progress of the petitions in the cities for the treaty. Scarce a merchant or a trader but what depends on discounts, and at this moment there is a general pinch for money. Under such circumstances a bank director soliciting subscriptions is like a highwayman with a pistol demanding the purse.

Not only so, but I might refer to the action as charged upon the bank power by General Jackson, Mr. Benton, and others; what it did in olden time; how it was charged that it subsidized the press, corrupted the ballot-box, throttled the State banks, fought its way through both Houses of Congress, and thundered at the doors of the Capitol; when the old hero Andrew Jackson stood up in his might, seized the veto power and wielded it as the warrior wields his battle-ax, and it descended crushing through bone and brain, and the antagonist sunk prostrate at his feet.

Such were the allegations that were made against it then. But I do not intend to let it rest even at that. Andrew Jackson demonstrated a power and a determination in relation to one United States bank. What do you suppose the old hero would do now if turned loose among twenty-three hundred of those that have sprung up like dragon's teeth apparently from the old root? Would he not go out to battle like Samson with the jawbone of an ass among the Philistines?

But there are not only illustrations from the past; but to bring it nearer home, and to make it more applicable to these banks themselves, let me say that I have reliable information that in consideration of Mr. Chase having been the author of the national-bank system, they proposed to form a bank combination to run him for the Presidency, or to secure his nomination. All the presidents, all the directors, all the clerks were to combine to manipulate the primary conventions for the purpose of securing his nomination.

Mr. LAWRENCE. They did not succeed very well.

Mr. BRIGHT. They did not succeed, but the will was there; the animus was there.

Mr. LAWRENCE. How many delegates did they get?

Mr. BRIGHT. No matter for that. I will give you something else in relation to it.

Mr. LAWRENCE. Very well.

Mr. BRIGHT. I have it from reliable information that there was a bank agreement or conspiracy that each one of the banks should be put under contribution to furnish one dollar out of every thousand dollars of their circulation for the purpose of influencing legislation in their behalf. Does the gentleman deny that?

Mr. LAWRENCE. I would like the gentleman to furnish the proof.

Mr. BRIGHT. If you call for the proof it can be had.

Mr. LAWRENCE. I would like to see it.

Mr. BRIGHT. I do not care to give the names unless it becomes necessary. But I have it here indorsed with the authority of a respectable gentleman from New York, and indorsed by a member of Congress in this House who was a bank officer, a bank president, and knows the facts. And if it is necessary his letter shall be published, and made evidence of the fact which I stated. And if you wish, other evidence shall be produced.

Mr. TOWNSEND, of New York, (in his seat.) Is that a subject for another investigation?

Mr. BRIGHT. The letter is called for; here is the letter:

> 214 D STREET N. W., WASHINGTON, D. C., *June* 1, 1876.
>
> DEAR SIR: I was told some months since by Dr. EGBERT, member of Congress from the twenty-seventh district, Pennsylvania, that when he was president of a national bank, I think in Mercer, Pennsylvania, that they were assessed $1 upon each thousand dollars of their circulation as a fund to secure legislation in their interests; and he said he supposed this was general throughout the country. This would give an annual fund of about $350,000, and yourself can compute its corrupting influence as well as any one. Dr. EGBERT was six years at the head of a national bank.
>
> Yours, very truly,
>
> EGBERT HASARD.
>
> HON. J. M. BRIGHT, M. C., *Washington, D. C.*
>
> When Dr. E. returns I will introduce him to you, and he will repeat it.

That letter was submitted to Mr. EGBERT, who sits near me here, and was approved by him, and he is ready to-day, so far as he is concerned, to testify, and there is other testimony on the subject.

Mr. HARDENBERGH. The gentleman will allow me to say that I have been cashier of a national bank for twenty years and the subject of politics has never been mentioned in it, and not only that, but let me say that there are thirteen directors, twelve of whom are republicans and one a democrat, and no man has ever mentioned a word of politics in connection with that bank.

Mr. LAWRENCE. I will ask if the gentleman has ever been called upon to make any contribution for political purposes?

Mr. HARDENBERGH. Never, sir.

Mr. TOWNSEND, of New York. If any member of this House has been giving money to influence legislation here he ought to be investigated. [Laughter.]

Mr. BRIGHT. I have no objection to such an investigation and to my friend from New York being appointed chairman of the committee to investigate.

Mr. TOWNSEND, of New York. Ah, they do not appoint chairmen from this side of the House.

Mr. BRIGHT. I tell you, furthermore, that I think a highly penal act ought to be passed imposing a penalty for any bank director or officer implicated in charges of this sort. I make no imputation upon my friend from New Jersey [Mr. HARDENBERGH] or upon any bank officer here; but the facts I have stated are verified by authority, and I therefore make the statement, and it is credible. If these corporations are permitted to come here to influence the legislation of the country, I think it is time that a check and rebuke should be given to them. I proclaim here that they are the enemies of human liberty and the constitutional rights of the people, the invaders of the legislation of the country. Their relation to the people is a financial one. That relation is a pecuniary one; it is one for the purpose of traffic; it is one for the purpose of making the people

bleed money. There is nothing in harmony between them and the industries of the country, except as they can make profit out of them.

But at the same time, while I make these remarks in relation to these corporations, it is in no unfriendly spirit toward any member or any corporator that may have interest in them. They are lawful institutions. Every citizen of the United States has a right to embark in them if he sees proper to do so. I would not have these banks wound up summarily, but let them go into liquidation gradually, for the safety of the people and the prosperity of the industrial interests of the country. The people are owing them $1,000,000,000, and if you were to force them into settlement immediately it would bankrupt the whole country, and for that reason, although the evil is there, I would let it grow like tares among the wheat until the time to put in the sickle for the harvest, without doing injury to any one.

Now, Mr. Chairman, I conceive that these national banks are part of a system which ought not to be tolerated at all; and I come to another proposition, and that is to the consideration of the Treasury note. I maintain, sir, first, that it is the cheapest, that it is the safest, that it is the more democratic currency. These legal-tender notes cost one-fourth of 1 per cent. in their manufacture; they bear no interest. I have told you what the interest is on the national-bank notes. This Treasury note is safe as the Government itself. All the taxing powers of the Government are pledged for its payment; all the mountains of gold and silver, all the cattle on a thousand hills, all the national funds are pledged for the security of this note. Now there is no better security. The security of the national banks is not to be brought into competition for one moment with it. It has been indorsed by the Government, indorsed by the democratic party, indorsed by the people. The people are satisfied with it, and no petitions come from the masses asking you to supersede it. Have any such petitions come? Never! never! never!

Now, Mr. Chairman, there are some remarkable facts connected with the Treasury-note system of the United States. It can be well verified that during the Mexican war, when gold and silver were taken out into the heart of Mexico for the purpose of paying our soldiers, we had $10,000,000 of Treasury notes, which were sent along with the gold and silver; and how did the matter stand between the Treasury notes and gold? Would you believe it? The Treasury note was worth 6 per cent. more than American gold in the heart of that country, because they did not wish to be encumbered with the gold. The faith of the Government was sufficient. Even British merchants would sell gold to purchase United States notes; would take these notes to Liverpool or London and there pay debts to the United States or its citizens for productions of this country, and were well satisfied with their bargain.

From 1837 to 1861 Treasury notes were at a par with gold. There was no depreciation of them at all, and they remained without depreciation until the Government itself saw proper to set its seal of condemnation upon them, to shake its head and tell the holders of these notes that it would not receive them in payment of interest upon public bonds or in payment of customs duties. This was the time when your Treasury notes first received their depreciating influence, which has continued to this day.

At the time the Government was fixing this depreciation upon its notes Thaddeus Stevens declared in this Hall that the Government was depreciating its own currency, turning its back upon its own credit; and he condemned the measure with reprehension such as perhaps the Government deserved at that time. It surely does not lie in the mouth of the Government, it certainly does not lie in the mouth of any advocate of the Treasury note issued during the recent war, to say that there is a discount upon this note as compared with gold. The fault lies at the door of the Government itself; it is not the fault of the currency.

What did General Grant say upon this subject? and I suppose he is good authority with our republican friends. In 1873 he said: "It is the best ever devised." It is based on the nation's faith and the nation's wealth. When I have a legal tender in my pocket, if you will make it an unqualified legal tender, I will regard it as a title-deed to all the labor of the country, to all the mines in the country, and to all the lands in the country to the extent of the dollar itself. That is the meaning of it.

But we are told that the greenback is a piece of paper, that it is "rag money." So are your bonds "rag money." The American Constitution is on paper; the title-deed to your land is on paper. But all these are symbols which represent something that you can repose upon; and there is not an American citizen to-day who is afraid to lean upon the strong arm of his Government, for it will not waver beneath him in its currency, particularly in making good every one of its Treasury notes.

Why, sir, during the war of 1812–1814, in the Mexican war, and in all the wars we have had since, the Treasury note has been the champion of the prowess of the nation. Your gold has fled from the country and burrowed in the ground. The greenback, representing the nation's faith, has gone forth with our Army and Navy to victory.

I have stated that the Government has depreciated the Treasury note. It only remains for the Government to re-enact the law of 1846, making the revenues of the Government collectable in gold and silver or Treasury notes, and it will come to its equation. Such a measure will fall like a bursting bomb into Wall street, and will blow up all their gambling-shops, and the currency will be relieved from its fluctuations as compared with gold and silver. Othello's occupation will be gone.

[Here the hammer fell.]

Mr. RIDDLE. I ask unanimous consent that the gentleman from Tennessee be permitted to finish his remarks.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. BRIGHT. I am much obliged for the courtesy of the House. As gentlemen are aware, I have not troubled the House before this session, and I do not know that I shall do so again. I therefore beg indulgence while I finish my remarks. I promise to make them as brief as possible.

Let me pursue the question a little further; let me present another aspect of this case, and show the country one of the reasons of the war that is made upon the currency of the national faith. Though there is a clamor for the payment of all the bonds of the United States in gold under the act of 1869, I wish to call the attention of Representatives to one feature of that law, and it is this: that the faith of the Government is pledged to the payment of these bonds in "coin or its equivalent." Now at the time that law was under discussion it was never contemplated that, should the greenback currency of the United States ever come to par with gold and silver, it should not be used in the solution of the bonded debt. Do you understand it? Do you see why it is that they wish to get clear of the legal-tender notes of the United States? Do you see why it is that they wish to supersede these notes as rapidly as possible? For when you make them by law receivable as gold and silver, they will rise to the value of gold and silver; they will be the equivalent of gold and silver, and your bonds will be solvable in legal-tenders without depreciation. But the policy has been to put it out of the power of the Government to pay off this indebtedness in its own money according to contract. It has been the policy to wind cord after cord of legislation around the people, until you have bound them hand and foot, and abandoned them a prey to the heartless exactions of a pampered avarice.

Suppose that Treasury notes should come to a par with gold and silver; suppose that your bonds should be solved in legal-tender, being the equal of gold and silver, and what would be the condition of the country then? There would be a solution, there would be an outlet; there you could find elasticity. If you should have too many legal-tenders, the taxing powers of this Government could absorb them; they could be carried to your destruction account, leaving just enough for the wants of the people and without detriment to anybody.

In addition to this, the banks of the country can bank upon them as well as upon any other capital, and with far greater safety to the people than the present national-bank circulation.

But, Mr. Chairman, we are told that it is unsafe to intrust Congress with the power of issuing Treasury notes, and it is gravely argued here in this House by gentlemen who would aspire to fill the White House that Congress is not to be intrusted with this power. Why? Because it is supposed that here is a wild, corruptible, and inflammable body of legislators, who are not to be intrusted with the financial affairs of the nation, which is one of the highest acts of sovereignty. Why did you not make the same objection to their being intrusted with the taxing powers of the Government; the war-making power of the Government; the administrative powers of the Government; the legislative exposition of the Constitution of the United States? Why did you permit all these things, and still complain that Congress is presumed to be a licentious body and is not to be intrusted with this power? Was there ever a more impudent proposition? And what would you do with a great power which contains such danger to the people of this country that a great and enlightened body of representatives of the people are not to be intrusted with it? What would you do with it? Why, you would tear it away from the Government of the United States, to do what with it? Lug it along and lay it down to irresponsible corporations and abandon the whole field to them, leaving the Government and the people without a currency at all, except as administered by these corporations. Ridiculous? Why, it is the acme of the ridiculous to maintain such a proposition. Just hear what Mr. Benton said on that subject in his Thirty Years' View, volume 1, page 450. He said:

> The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which was known to our form of government.
>
> The Government itself ceases to be independent; it ceases to be safe when the national currency is at the will of a company. *The Government can undertake no great enterprise, neither of war nor peace*, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company—its friendship or its enmity its concurrence or opposition—to see how far that company will permit money to be scarce or to be plenty; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices; to make and break fortunes; to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings—their gambling theater, on which they gamble daily with as little secrecy and as little morality, and far more mischief to fortunes, than common gamblers carry on their operations.

Now, Mr. Chairman, let that group of appalling objections to such transfer of powers strike and startle not only this body, but the Amer-

ican nation, with the vast surrender of powers they have made to those corporations. Would that my voice could ring trumpet-tongued throughout this nation. I would arouse the people from their nightmare slumber to a sense of their endangered liberties and industries. One other idea. I call upon this House to bear witness to the fact that during the various issues of the Treasury notes of the United States where is the man who has lost a single dollar by virtue of the issuance of one of those notes? Another picture. We have had nine bank panics in the United States, and it can be verified by the best authority that it has cost the people a thousand millions of dollars to get through with each one of these bank panics, being a loss of $9,000,000,000 the people have suffered at the hands of the banks, while not one dollar has been lost because of Treasury notes. Who is afraid of the comparison? Where is the danger? Who would mislead the people?

What did President Grant say on the subject in his Cowdrey letter, October 6, 1873?

No one now distrusts the value of his paper dollar; on the contrary, it is seized and hoarded with the same avidity now that the gold dollar has been in former like adversities.

Who distrusts these Treasury notes? Who is it? Where is the skeptic? With his shriveled lips of scorn crying out rag money to the democratic party, when he is advocating and pandering to the only rag-money institutions in this country, the rag currency, not money, in this country—the national banks. Are they money? No; they are not. Have they the nation's stamp upon them any further than to secure the redemption of the circulating notes and to receive them for certain revenues? No; they are not money in any of its essential features, except that they are received by the people through the operation of the forces of Government. In that way they become quasi money, and only in that way.

But I have not done with this subject quite yet. Bear with me a little, Representatives, if you please, as I propose now to call the attention of the House to some facts which I think ought to go before the country. We find we had some financiers who imagined that the gold basis was to be reached through the contraction of the currency of the country.

On the 31st of August, 1865, the public debt reached its highest point, as appears from finance report, 1867, pages 3 and 4, the most of which was used as a currency. The following issues were so used:

Temporary loans	$107,148,713
Certificates of indebtedness	85,033,000
Five per cent. legal-tender notes	34,954,230
Coin interest legal-tender notes	217,924,160
Seven-thirty notes	830,000,000
United States notes, legal-tenders	433,160,000
Fractional currency	26,344,742
Cash in Treasury	88,218,055
Total United States currency	1,820,922,200
National bank	131,452,000
State bank notes	240,000,000
Total circulation 31st of August, 1865	2,192,395,627
Add confederate treasury notes	450,000,000
	2,642,395,627
Confederate notes perished:	
Amount of currency, November 1, 1875	762,204,483
Contraction apparent	1,430,191,144

By act of June 3, 1864, Revised Statutes, section 3476, it is provided that:

Treasury notes bearing interest may be paid to any creditor of the United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest.

Mr. McCulloch said:

A very large portion of which were in circulation as currency * * * of which $654,138,949 were a legal tender, to wit, United States notes, $433,160,569; 5 per cent. notes, $34,954,230; compound-interest notes, $217,024,160.

But the following table will show the true condition of the Treasury at this time:

Estimate of currency compiled from reports of the Comptroller of the Currency, 1875, page 47, &c., by Judge Martin and amended by myself.

Amount of currency November 1, 1875:		
Fractional currency		$40,681,629
Old demand notes		69,707
National-bank notes		348,216,902
Legal-tender notes		373,236,244
Aggregate		762,204,482
Reduction of currency in 1875:		
Fractional currency	$6,704,069	
Old demand notes	5,707	
Legal-tenders	8,763,756	
National-bank notes	3,710,264	
Further reduction of legal-tender notes up to May 31, 1876, as per Comptroller's statement	3,112,576	
National-bank notes to same date	13,588,746	
	35,885,119	
The following currency is taken out of circulation:		
Comptroller's report, 1875, page 36. Legal-tenders held to redeem national-bank notes	16,000,000	
Comptroller's report, 1875, page 33. Legal-tenders held to redeem mutilated notes	20,000,000	
Comptroller's report, 1875, pages 10 and 11. Collected under law of 1874 from excess of circulation	$25,000,000	
Comptroller's report, 1875, page 102. To redeem surrender circulation	5,376,183	
Comptroller's report, 1875, page 103. To redeem broken banks in hands of receiver	1,478,341	
Comptroller's report, 1875, page 111. Held by national banks to secure deposits	148,500,000	
In Treasury to pay current expenses	11,000,000	
Comptroller's report, 1875, page 40. Estimated amount held in State banks, savings-banks, and trust companies, 10 per cent. on deposits amounting to over $1,100,000,000	110,000,000	
Amount in redemption banks which can only be loaned on call	158,926,597	
	496,281,121	$532,166,240
		230,038,242

It thus appears that the amount in actual circulation is only $230,000,000. And for what purpose? I will repeat a summary which I had occasion to produce in a speech addressed to the House on the 28th of March, 1874:

To spread over illimitable territory; to distribute among forty-five millions of people; to furnish money for the salable part of $40,000,000,000 of property; to pay national, State, county, city, corporation, and individual indebtedness amounting to $10,000,000,000; to pay for the marketable part of $10,000,000,000 of annual productions; to pay annual taxation, United States, State, county, and town, $611,000,000; to pay annual interest on the public and private debt, $500,000,000; to pay for the annual construction and operation of railroads, $1,000,000,000; to pay for annual imports into the United States, $642,000,000; to pay for the support of schools, colleges, churches, book concerns, newspapers; for building houses and towns, founding new States, and to pay for the personal expenses of the millions who move every day upon the railroads and public thoroughfares, $500,000,000 more.

And still we hear the cry of contraction, contraction! Contraction is the relief of all our woes; while upon the other hand, your country, your population is in expansion, your productions in expansion, and your wants in expansion, and moving with race-horse speed in the opposite direction, while you would compress and bind and cripple every expanding industry in the country. An absurd proposition, to say the most and the best for it, with due respect to those who advocate the doctrine.

As evidence that we have not enough money, let any individual cast his eye across the country. Why do you see your commerce languishing? Why do you see your commerce now blushing before the commerce of other countries? Why do you look upon your mute mills and manufacturing establishments? Why does the nation bow its ear in vain to hear the dull thunder of its looms and the rumbling of its machinery? Why does the nation look upon so many laborers and operatives who have been expelled from the fields and shops and mills, and wandering as vagrants through the country and through your streets, and with their children clamoring for bread and clothed in rags and tatters? Why is it that you see your lands depreciated in their value, and your productions reduced in a corresponding ratio? Why so many houses sold to meet the taxes of the state? Why are all these things? And why is there a clamor rising from the mouths of the millions, deep-toned, admonishing the country that there is something financially, criminally wrong in the administration of the monetary affairs of this country?

Representatives, you have only heard the crepitation of the volcano; soon you will hear the explosion of the crater unless there is relief. And it is wise to give that relief before the lava is thrown high and far over hill and plain in scorching, consuming fires upon the authors of the people's wrongs.

Tell me that contraction is the remedy! Ay, sir, this Government owes its people relief and protection against bankruptcy and ruin as much as to defend them from personal violence. And if any man stands in the way of it, whether he thinks he is innocent or not, the people will visit a terrible retribution upon him or the party that dares to withhold justice and their due demands from them.

No, Mr. Chairman, it is unavailing to point us to New York and tell us that they have an abundance there. No, sir; it is only the apoplexy in the head while there is pining atrophy in the limbs. The blood is all in coagulum in the veins. Financial death has seized upon the country and relief must be had. Give the people their own money, the nation's money, the nation's faith, the nation's blood; and let it circulate and you will soon see the blood going to the extremities and returning to the heart, and its quick and bounding pulsations, with the ruddy glow of health upon the nation's cheek, will admonish us that all is well and the people prosperous and happy.

But there is another idea to which I wish to call the attention of the House. It is this: That if you wish a contented and prosperous and happy people you must give them currency enough or facility to obtain it; you must let the taxing powers of the Government rest easily, lightly, and equally upon them, so that they will bear the burdens of the Government like heaven's atmosphere all expanded over them, without bearing harder upon one than upon another. As Mr. Hamilton said:

The ability of a country to pay taxes must always be proportioned in a great degree *to the quantity of money in circulation and to the celerity with which it circulates.*

There is another fact to which I wish to call the attention of the House. You may talk a great deal about the balance of trade between this country and foreign countries. I have a statistical table here elaborately prepared by Mr. Grosvenor in his excellent work. Does Protection Protect? It is as follows:

Morement of currency and imports compared.

Year.	Currency.	Imports.	Per capita.	
			Currency.	Imports.
1829	$95, 700, 000	$57, 834, 049	$7 70	$4 61
1830	93, 000, 000	56, 489, 441	7 20	4 31
1831	117, 000, 000	83, 157, 598	8 80	6 25
1832	112, 000, 000	76, 989, 793	8 20	5 61
1833	119, 000, 000	88, 295, 576	8 50	6 25
1834	139, 000, 000	104, 208, 521	9 60	7 09
1835	183, 000, 000	120, 391, 247	12 40	8 64
1836	205, 000, 000	168, 233, 675	13 30	10 93
1837	222, 000, 000	119, 134, 255	14 00	7 53
1838	203, 000, 000	101, 264, 609	12 50	6 23
1839	222, 000, 000	144, 597, 607	13 40	8 68
1840	190, 000, 000	88, 951, 207	11 20	5 21
1841	187, 000, 000	112, 477, 096	10 70	6 38
1842	143, 700, 000	88, 440, 549	8 00	4 87
1843	128, 500, 000	58, 201, 102	6 90	4 15
1844	175, 000, 000	96, 950, 168	9 10	5 03
1845	186, 000, 000	101, 907, 734	9 40	5 15
1846	202, 500, 000	110, 354, 174	9 90	5 42
1847	225, 500, 000	138, 534, 480	10 70	6 60
1848	240, 000, 000	133, 870, 918	11 10	6 25
1849	234, 700, 000	134, 768, 574	10 50	6 13
1850	285, 000, 000	163, 186, 510	12 20	7 03
1851	341, 000, 000	194, 525, 639	14 20	8 14
1852	369, 000, 000	195, 656, 060	14 50	7 95
1853	380, 000, 000	250, 420, 187	14 80	9 88
1854	418, 600, 000	280, 813, 867	15 80	10 71
1855	394, 600, 000	233, 020, 227	14 50	8 67
1856	446, 200, 000	298, 261, 364	16 10	10 77
1857	474, 300, 000	336, 914, 524	16 70	11 81
1858	406, 600, 000	251, 727, 008	14 00	8 57
1859	458, 800, 000	317, 873, 053	15 80	10 50
1860	457, 000, 000	335, 233, 232	14 50	10 80

The above table shows that the imports of this Government for the last thirty years, or since 1829, have kept their relative position to the quantity of the currency in the country. And why so? Because the quantity of money is the purchasing power of the people, and the consuming capacity will be limited by the purchasing power. Hence, you find that we have had a contraction within the last twelve months of thirty-odd millions of dollars as shown here. More than that even, you find that the Secretary of the Treasury reports that within the last year there has been a falling off in the revenues from customs of $5,936,111.34. You find that it is true to this law. And you may contract the currency still, and you will find that the imports will decrease. And what is the result of that? Another important truth for this nation to know is that whenever your revenues diminish from such articles as are subject to taxation, you have to increase the burden of taxation upon something else, and with a diminished currency you have an oppressed and clamoring and a distressed people, a people on the highway to national bankruptcy.

That is the result of it; but in regard to that section of the country, those that produce the staples for foreign market, whenever you increase your import duties the foreign merchant who buys the raw material tells the producer that he cannot pay him a high price for his production and export it to his own country and manufacture it and pay for its re-shipment, and subject to high customs duties.

In this way the increased tariff reduces the price of the raw material, resulting in this condition of things—that there is a low price for the raw material and a high price for the articles consumed; that is the unequal and grinding effect of the system of contraction on the country. It is that which afflicts the country. The country is in an agony under it. These burdens must be removed by a change in our whole financial system. Industry must be unshackled, and if not unshackled, sooner or later, I believe that this House will be swept as by a besom by the people, and other Representatives will be put here who will respond to the wants and distresses of the country.

I wish to say another word in behalf of my section of the country, if you will pardon me, in relation to its distress, and that distress is intimately connected with your prosperity. I have heretofore stated to our northern friends that you may destroy the industry of that section of the country, but, like the dead Siamese twin, it will spread mortification to every industry you have. Now, there have been some legislative blunders committed in relation to that section of the country and its prosperity. It emerged desolate and forlorn from the war, with its labor system prostrated, with its currency destroyed, its people in debt, and with the necessity devolving upon them of repairing their railroads and means of transportation, and before long they found themselves $500,000,000 in debt at an annual interest of $30,000,000. They are without farming implements, without manufactories, without the means of clothing themselves, or supplying themselves with other articles of consumption; all these things had to be brought from another portion of the country, and all the money that they could realize from their productions was sent north for the purpose of buying articles to consume; for the purpose of buying agricultural implements, for the purpose of paying the interest on their private and public debts, and the money going from them never to return. One sad result is that before twelve months shall roll around, although my own State of Tennessee is as prosperous as any Southern State, 10,000 individuals in that State will have the shelter sold from over their heads to pay the interest upon these bonds.

Now, sir, this condition of affairs has been superinduced in part by legislation. I say it not with a view of recrimination, but simply to recount a blunder. Here was a cotton tax levied of $70,000,000. The people found that they could not pay the interest on the debt and engage in this production and support themselves, and the consequence was that they were driven from the cotton-fields and the rice and sugar plantations to raise breadstuffs for their own support.

Now, listen to another important fact, you men of the West, you Representatives of the West—listen to another important fact in connection with this matter; in 1859-'60 this section of the country to which I have alluded produced 4,861,291 bales of cotton. In 1872 it produced 3,930,508 bales of cotton. Why this falling off? Prior to that time there had been a regular progression in proportion to the population and area of country, and if that progression had been kept up there should have been 7,000,000 bales of cotton produced last year, and with wise legislation there would have been that production, and that product would have brought into the country gold from foreign markets, which would have been sent to the West in exchange for the products of its grain-fields. I give here a table showing the production of cotton in the United States from the year 1840 until the year 1873:

Production of cotton in the United States.

Years ending August 31.	Production.	Consumption.	Exports.	Average weight per bale.	Average price per pound in New York.	Average price per pound in Liverpool.
	Bales.	*Bales.*	*Bales.*	*Lbs.*	*Cents.*	*Pence.*
1840-'41	1, 634, 954	267, 850	1, 313, 500	394	9. 50	5. 73
1841-'42	1, 683, 574	267, 850	1, 465, 500	397	7. 85	4. 86
1842-'43	2, 378, 875	324, 129	2, 010, 000	409	7. 25	4. 57
1843-'44	2, 030, 409	346, 750	1, 629, 500	412	7. 73	4. 71
1844-'45	2, 394, 503	389, 000	2, 083, 700	415	5. 63	3. 92
1845-'46	2, 100, 537	422, 600	1, 666, 700	411	7. 87	4. 80
1846-'47	1, 778, 654	428, 000	1, 241, 200	431	11. 21	6. 02
1847-'48	2, 439, 786	616, 044	1, 858, 000	417	8. 03	3. 94
1848-'49	2, 866, 938	642, 485	2, 228, 000	436	7. 55	4. 09
1849-'50	2, 233, 718	613, 498	1, 590, 200	429	12. 34	7. 10
1850-'51	2, 454, 442	485, 614	1, 988, 710	416	12. 14	5. 51
1851-'52	3, 126, 310	669, 603	2, 443, 646	428	9. 50	5. 05
1852-'53	3, 416, 214	803, 725	2, 528, 400	428	11. 02	5. 54
1853-'54	3, 074, 979	737, 236	2, 319, 148	440	10. 97	5. 31
1854-'55	2, 982, 634	706, 417	2, 244, 209	434	10 39	5. 60
1855-'56	3, 665, 557	770, 739	2, 934, 606	420	10. 30	6. 22
1856-'57	3, 093, 737	819, 936	2, 252, 657	444	13. 51	7. 73
1857-'58	3, 257, 339	805, 562	2, 590, 455	442	12. 23	6. 91
1858-'59	4, 018, 914	927, 651	3, 021, 403	447	12. 08	6. 68
1859-'60	4, 861, 292	978, 043	3, 774, 173	461	11. 00	5. 97
1861-'62	3, 849, 469	843, 740	3, 127, 568	477	13. 01	8. 50
1862-'63	.....	.....	.....	.....	31. 29	22. 46
1863-'64	.....	.....	.....	.....	67. 21	27. 17
1864-'65	.....	.....	.....	.....	101. 50	19. 11
1865-'66	2, 269, 316	666, 100	1, 554, 664	441	83. 38	15. 30
1866-'67	2, 097, 254	770, 430	1, 557, 054	444	43. 20	10. 98
1867-'68	2, 519, 554	906, 636	1, 654, 816	445	31. 50	10. 52
1868-'69	2, 366, 407	926, 374	1, 465, 880	444	24. 85	12. 12
1869-'70	3, 122, 551	865, 160	2, 206, 480	440	29. 01	9. 89
1870-'71	4, 362, 317	1, 110, 196	3, 166, 742	442	23. 98	8. 55
1871-'72	3. 014, 351	1, 237, 330	1, 957, 314	443	20. 48	10. 78
1872-'73	3, 930, 508	1, 201, 137	2, 679, 986	464	18. 15	9. 65

The result of the legislation of Congress was that a few years ago you had to make fuel of your grain because you were deprived of your market.

Mr. TOWNSEND, of New York. Will the gentleman allow me a question?

Mr. BRIGHT. Certainly.

Mr. TOWNSEND, of New York. Was not the production of cotton last year greater than ever before in the history of the country?

Mr. BRIGHT. No, sir; it was not.

Mr. TOWNSEND, of New York. Was it not about 5,000,000 bales?

Mr. BRIGHT. Well, it may have risen nearly to that amount.

Mr. TOWNSEND, of New York. Five million bales?

Mr. BRIGHT. Yes, sir; but by this time it ought to have risen to the amount of 7,000,000 bales, and with proper legislation and industry you would have had that amount; it would have been so if you had legislated in the interest of industry instead of the money power, which has been gripping the life out of our people and yours.

Mr. Chairman, I will draw my remarks to a close as fast as I can. I am very much obliged to the House for their patient indulgence, and I only desire to call attention to another fact or two.

We have heard a great deal upon the subject of specie resumption, all looking to that end as the halcyon age, the golden age. Let us consider a few facts in relation to that matter. According to the reports that have been made upon the subject we have of gold and silver coin in the country $140,000,000, all told. The Government needs of that $132,000,000 for the purpose of paying the interest upon the

bonds and for the sinking fund. That would leave $8,000,000 for the purpose of furnishing a banking capital and a general circulation and for all the other wants of a period of gold resumption.

Now, let us examine into the possibility of this thing. Our interest-bearing national debt abroad amounts to about $1,600,000,000 gold, to say the least; some place it as high as $2,000,000,000. The interest upon that amount, taking it at its minimum, is $100,000,000 a year. Our carrying trade in foreign vessels, which has to be paid in gold, is $60,000,000, as estimated by Mr. Grosvenor; and we lose by smuggling and undervaluation of invoices some $50,000,000; making $210,000,000 of money balance against us, not a trade balance. There is no delusion in a money balance, no shifting of invoices that will correct it, because it is an inflexible thing. You have $210,000,000 of a gold money balance against you.

Of annual production of gold and silver we have a total of $63,000,000, of gold only about $40,000,000. Put them together, and you have a money balance of $147,000,000 against you, and increasing every day.

Now, how will you get to your gold basis under your financial system? Have you not been trying it for a number of years? Has not your golden Pactolus swept by you only to delude you and pass to a foreign country? Have you not been rolling the stone of Sisyphus without reaching the top? Have you not been attempting to sip the retreating wave of Tantalus? And, instead of getting nearer to the golden shore, you have been driven farther away out into the ocean, the unknown sea. Where is the arithmetic that will calculate you back to the golden-resumption shore upon which you hope to land?

In 1870 the gold premium was 10 per cent., and now it is 14 per cent.

You have attempted it by what was called the contraction system. Just let me call attention to one absurdity in relation to that matter. The Government depreciated the value of the legal-tender note by not receiving it for interest on the public debt nor for customs duties, but making coin an exclusive tender for that purpose. The consequence is that the Government made the distinction between your legal-tender notes and your coin. I predict here that you may destroy your currency down to two dollars, one of greenback and one of gold, and there will be as great a disparity between the legal-tender note and gold dollar as now.

The gold dollar will be needed by the Government to pay the interest on the national debt, and by the importer to pay his customs dues; the legal tender will not do. And when the merchant takes a legal-tender note to buy a gold dollar he will have to pay the difference, that is all. I thus show the absurdity of this contraction theory. Two unequal things in law can never be made equal. Mr. McCulloch, in 1866, said he thought resumption could be reached in 1868. In his report in 1867 he said that resumption ought not be delayed beyond the 1st of January, or at the latest the 1st of July, 1869. Congress arrested his theory, and the Comptroller, Mr. Hulburd, in his report of 1871 said that "the doctrine of contraction as a means to an end for the purpose of hastening a return to specie payments has been condemned by the people. It has been tried and rejected, and may be considered as abandoned."

[Here the hammer fell.]

The CHAIRMAN. The second hour of the gentleman's time has expired.

Mr. LANDERS, of Indiana. I move that the time of the gentleman be further extended.

Mr. BRIGHT. I will be through in a few minutes.

The CHAIRMAN. If there be no objection, the time of the gentleman will be extended.

There was no objection, and the time was extended.

Mr. BRIGHT. Secretary BOUTWELL and Secretary Richardson pursued the golden phantom. Secretary Bristow and President Grant are bent on reaching it by the 1st of January, 1879. Still, with all your efforts, you have not increased a single gold dollar within the last fifteen years. Now you add the gold-resumption act of 1875, providing for resumption in 1879; and what is the result? You find the national banks and the national industries clawing off from resumption as the mariner claws off from the lee shore when he knows that shipwrecks and dangers lie there. Still they sing the siren song of contraction, and would endeavor to hide their sophistries under their dazzling rhetoric.

But it is of no avail. The American people are not to be deceived in this matter. You cannot argue a man in want into the belief that he has an abundance. How does a man know that he wants bread when he is starving? How does a man know that he wants clothing when he is naked? How does a man know that he wants money when he is in penury? It is by experience. One fact is worth a whole ship-load of sophistical arguments.

But we are told again, as an argument to the people to go for contraction, go for hoarding money. You can have your deposits in the savings-banks and in the national banks. And when you get down to a gold basis, do you not see that you have found the philosopher's stone, that you have struck a bonanza, and are going to convert all into gold at once? Shame upon the hypocrisy of the argument, when there is not currency enough in the United States to pay the deposits in the savings-banks; and they may thank Heaven if they ever get their money back in good legal-tenders, or from the national banks either.

A few other facts, and I will draw my remarks to a close. So far as this question of specie resumption is concerned, the policy of the Government has been to get further and further from resumption. In the first place, it funded its floating debt and made the interest payable in coin. Then in 1869 it passed a law to make the principal payable in coin or its equivalent, increasing the debt $500,000,000. On the 12th of February, 1873, it demonetized silver and limited payment to gold, so far as to make the means of payment scarcer than before. It expelled the gold from the country to pay a foreign debt by unwise legislation. As I showed in a speech of January 25, 1875, the Government has paid as principal and interest on the public debt about $1,800,000,000 in gold, when it might have been paid in silver, saving $200,000,000 to the people. Again, the specie value of the nation's debt in 1865 was about $1,200,000,000. We have already paid $1,800,000,000 in gold; and it will yet, according to the same process, take $9,000,000,000 more to wipe out the national debt; and it will yet take $25,000,000,000 more of taxation, according to the scale adopted, in order to raise the revenues for that portion taken from it to pay the national debt.

There is one other fact to which I wish to allude. This demonetization of silver, which I developed more than twelve months ago, was so artfully done that I do not believe the President of the United States knew the effect of the bill which he was signing. Why do I say so? In February, 1873, the silver dollar was demonetized; it dropped from the coins of the nation; and six months after that, in October, 1873, as appears by Mr. McPherson's Hand-book of Politics for 1873, General Grant in a letter to Mr. Cowdrey said:

> The panic has brought greenbacks about to a par with silver. I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. When it does come, and I predict that it will soon, we will have made a rapid stride toward specie payments. Currency will never go below silver after that. The circulation of silver will have other beneficial effects. Experience has proved that it takes about forty millions of fractional currency to make small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and, further, will become the standard of values which will be hoarded in a small way. *I estimate that this will consume from two to three hundred millions, in time, of this species of our circulating medium. It will leave the paper currency free to perform the legitimate functions of trade, and will tend to bring us back where we must come at last, to a specie basis.* I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard of value the world over. Silver has this, and if we once get back to that our strides toward a higher appreciation of our currency will be rapid. Our mines are now producing almost unlimited amounts of silver, and it is becoming a question, "What shall we do with it?" I suggest here a solution that will answer for some years, and suggest to you bankers whether you may not imitate it: To put it in circulation now; keep it there until it is fixed, and then we will find other markets.

That was the language of President Grant after he had signed the bill demonetizing the silver dollar, showing how artfully that was done. As I demonstrated, the bonds were certainly payable in silver coin at that time; and if they had been so paid, $200,000,000 might have been saved to the American people. That act was a criminal blunder upon the part of our legislators, an oversight that ought to be remedied as soon as possible. If the silver dollar were now in circulation, it would furnish another facility for discharging the national debt. Let us have the trinity of financial power here: gold, silver, and Treasury notes; the Treasury note to supplement any and all deficiencies of the Government and people. As to the quantity of Treasury notes that might be needed, it would rest on the demand, like any other commodity. Mr. Calhoun said in his speech in 1837, before alluded to: "On what, then, ought a paper currency to rest? I would say on demand and supply simply, which regulates everything else, the constant demand which the Government has on the community for its necessary supplies."

One other remark. Whatever may be said about it, gold is as uncertain in its price as anything else and as uncertain in its movements. You may think that you have a gold basis for your banks; but let a panic come or a revolution in Europe take place, and away will go the bottom out of your banks. Not only so, but gold and silver always flow from a debtor nation to a creditor nation; and ours being $1,600,000,000 in debt, you cannot bind gold and silver here; they go from us by an inevitable law. It was unwise legislation that sent the precious metals away from us. It was not the democratic party that expelled them; and there must be some change in the system before there will be any absolute change for the better in the financial condition of the country.

Now, as showing that gold is liable to fluctuation and that the quantity of currency afloat has no absolute control over it, let me read the language of Mr. Fessenden, one of the most enlightened Secretaries of the Treasury that we ever had. I ask the House to listen to his words of wisdom. In his report on the finances in 1864 he said, on pages 22 and 23:

> The experience of the past few months cannot have failed to convince the most careless observer that, whatever may be the effect of a redundant circulation upon the price of coin, other causes have exercised a greater and more deleterious influence. In the course of a few days the price of this article rose from about $1.50 to $2.85 in paper for $1 in specie, and subsequently fell, in as short a period, to $1.87, and then again rose, as rapidly, to $2.50; and all without any assignable cause, traceable to an increase or decrease in the circulation of paper money, or an expansion or contraction of credit, or other similar influence on the market, tending to occasion a fluctuation so violent. It is quite apparent that the solution of the problem may be found in the unpatriotic and criminal efforts of speculators, and probably of secret enemies, to raise the price of coin, regardless of the injury inflicted upon the country, or desiring to inflict it.

What a stab to the speculators and the secret enemies of the country! Who is keeping up the artificial distinction now but your gold gamblers in Wall street who have "cornered" the Government, who have given occasion for your "black Fridays," who have produced

financial revulsions, and made gold more unstable by a hundred per cent. than your legal-tender note, which is more stable than anything else because the credit of the Government is more stable?

But why this reckless haste to reach specie resumption? To show the hypocrisy of the roaring advocates of a speedy resumption, why do they not go to banking on gold under the national-banking act, which authorizes an unlimited number of gold banks? And yet, passing strange, there is not *one* gold bank east of the Rocky Mountains. Why do they not advocate the payment of all the State taxes in gold, as it they might do, because the Supreme Court of the United States, in the case of Lane *vs.* The State of Oregon, decided that a State may collect its taxes in coin. Let him advocate the payment of the State bonds and private debts in gold. Let such an advocate become a candidate before a distressed people, and he would find that he would be without voters, except bondholders, who want their debts paid in gold. And the bondholders have no right to complain; because they were permitted to fund their depreciated paper into gold-interest-bearing bonds; because they secured an amendment to the Constitution of the United States to prevent the repudiation of their debt; because they secured the passage of the act of March, 1869, making the principal of their bonds payable in coin or its equivalent, securing an advantage of $500,000,000; because they secured the passage of the act of February 12, 1873, demonetizing the silver dollar, thereby forcing the Government to pay them in the scarcer and more costly gold coin; because they have already received $1,800,000,000 in gold, which is fully equal to the gold value of the original debt against the Government. But yet, like the insatiate giant Polyphemus, they would devour the resources of the country, as he eat up the crew of Ulysses, so clean that—

No entrails, blood, nor solid bone remains.

Mr. Chairman, how will we reach the result so much desired of bringing the Government back to a gold and silver basis? Will it be by forced resumption? Mr. Benton says:

Specie derivable from foreign commerce, added to the quantity of gold derivable from our mines, were fully sufficient, *if not expelled from the country by unwise laws*, to furnish the people with an abundant circulation of *gold and silver coin* for the common currency, without having recourse to a circulation of small bank-notes. (1 Benton, 438–9.)

Mr. Schenck says it must come in consequence of wise and wholesome legislation. Mr. McCulloch condemned forced resumption as of no avail. President Grant, in his first annual message, contended that a forced resumption would ruin the debtor class.

I will tell you how to reach the result. Repeal your resumption act; strike the fetters from the industries of the country and encourage them; wind up your national banks; make the country free; employ gold, silver, and Treasury notes in the payment of taxes, duties, and national debt; let our enormous productions, which are gathering head and pressing hard against our tariff blockades, burst through and find vent to the open seas; let 10,000 American argosies climb the mountain waves of every sea; let them touch at every island, land on every coast, sweep every continent, feel around Arctic and Antarctic, gather up the wealth of the Old World, with the gold and the silver, and bring them back and empty them into the lap of our own country, and these mingling with the precious metals from our own mines, and we will have reached the specie basis, and not before.

I thank the House for its unusual indulgence and attention.

PACIFIC RAILROAD.

Mr. LAWRENCE. Mr. Chairman, at an early day in the session I had the privilege of introducing a resolution, which was adopted by the House, directing the Committee on the Judiciary to report what legislation, if any, is necessary to secure the payment of the "subsidy bonds" issued by the United States to the so-called Pacific railroad companies, and for the payment of which the Government is responsible. From that day to this I have pursued the subject with all the industry and energy I could command, and after delays which I could neither avert nor control, largely interposed by the railroad companies, the Committee on the Judiciary have agreed upon a bill which I will read, as follows:

A bill (H. R. No. 3672) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall at all times withhold payment of any money due from the United States to any railroad company which has received any gift or grant of land, or grant of a right of way or easement, or gift or loan of money or credit from the United States, whether such money so due be reduced to judgment or not, to the amount of any and all claims due from such company to the United States.

SEC. 2. That in any action or proceeding brought in pursuance of law by any such company against the United States, any claim or demand in favor of the United States against such company may, at the election of the United States, be a set-off, and pleaded as such, or may be made the subject of a separate action or actions in any court of competent jurisdiction.

SEC. 3. That all claims and demands for money due the United States from any such company, from the time they respectively become due, if payment be unreasonably withheld, shall bear interest at the rate of 6 per cent. per annum.

SEC. 4. That it shall be the duty of the several railroad companies to which bonds were issued under any of the several acts of which this act is amendatory to provide a sinking fund for the payment, according to law, of the interest and principal of such bonds, and for re-imbursing the United States for such sums as have been, and may from time to time be, advanced and paid by the United States upon such bonds and interest, and which may not be re-imbursed from compensation for services as now provided by law, and from 5 per cent. of net earnings. And for the purpose of providing such sinking fund said companies shall severally be required to pay into the Treasury of the United States, in addition to the said compensation for services and 5 per cent. of net earnings, the following annual installments, to wit: The Union Pacific Railroad Company shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of $750,000, to be paid one-half on July 1 and the other half on January 1 in each of said years. And during each and every year commencing with the expiration of said period of ten years, the said Union Pacific Railroad Company shall pay into the Treasury of the United States $1,000,000, until the whole amount of bonds issued to said company, together with interest, shall have been fully paid, one-half of each annual installment to be paid on the 1st of July and the other half on the 1st of January. And the said Central Pacific Railroad Company, on its own account and on account of the Western Pacific Railroad Company, shall, during the period of ten years from and after the 1st day of July, 1876, pay annually into the Treasury of the United States the sum of $568,210, to be paid one half on July 1 and the other half on January 1 in each of said years. And during each and every year, commencing with the expiration of said period of ten years, the said Central Pacific Railroad Company shall pay into the Treasury of the United States the sum of $760,330, until the whole amount of bonds issued to said company, together with interest, shall have been fully paid, one-half of each annual installment to be paid on the 1st day of July and the other half on the 1st day of January: *Provided*, That the sums paid into the sinking fund under this act shall apply first to the extinguishment of interest, and the balance to the principal of the aforesaid bonds. And there shall be paid into the Treasury on account of said sinking fund annually, one-half on the 1st day of July and the other half on the 1st day of January in each year, by the Kansas Pacific Railway Company, $87,327; by the Central Branch Union Pacific Railroad Company, $22,297; and by the Sioux City and Pacific Railroad Company, $20,723, until the bonds issued to said companies respectively, and the interest thereon, shall be fully paid. And said several companies shall owe and be indebted to the United States in the several sums required to be by them respectively paid as aforesaid. And any company may pay any sum herein required to be paid in bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par, [or in first-mortgage bonds issued by any of said companies.]

The total sum required to be paid by any company in any one year by virtue of this act, and including said 5 per cent. of net earnings and said compensation for services as now required by law, shall not exceed the several sums following, to wit: By the Central Pacific Railroad Company, on its own account, $1,861,484, and on account of the Western Pacific Railroad Company, $113,538; the Union Pacific Railroad Company, $1,989,462; the Kansas Pacific Railway Company, $489,034; the Central Branch Union Pacific Railroad Company, $124,856; and the Sioux City and Pacific Railroad Company, $116,050.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to invest to the best advantage the money paid into the Treasury or collected in pursuance of this act on account of said sinking funds in any bonds issued by the United States, [or in the first-mortgage bonds issued by any of said companies,] and to re-invest the same from time to time with all interest and profits and hold the same for the purpose of said sinking funds, respectively, and at the maturity of the bonds issued to said railroad companies to sell, dispose of, or otherwise apply said money and bonds, at not less than their par value, to the credit of said sinking funds, respectively, in paying and canceling said bonds issued to said companies and the interest thereon advanced by the United States not already re-imbursed. But nothing herein shall require said 5 per cent. of net earnings or said one-half of the compensation for services rendered for the Government to be invested as herein mentioned.

SEC. 6. That if any such railroad company shall fail to pay any money or claim due or to become due the United States, or payable in pursuance of this act, such company shall be liable to an action therefor in any court of competent jurisdiction, at the suit of the United States. And it shall be the duty of the Attorney-General to institute the necessary suits and proceedings to collect said money and claims so due or payable, and otherwise obtain redress in respect of the same, and prosecute the same with all convenient dispatch to a final determination. And all such suits and proceedings shall have precedence in the courts over other cases.

SEC. 7. That it shall be unlawful for any such railroad company, or director, officer, or agent thereof, to make or pay, or cause or authorize to be made or paid, any dividend from the earnings, profits, or resources of such company, so long as such company may for sixty days be in default in paying to the United States any money due and owing by such company to the United States, in pursuance of this or any act relating to such company or otherwise, the payment of which has been demanded of such company by the Secretary of the Treasury. Every person receiving such dividend shall be liable to refund the same to the United States; and every director, officer, or agent of such company who shall violate any provision of this section shall be individually and personally liable to account and to pay to the United States the whole amount of such dividend.

SEC. 8. That no director or officer of any company hereinbefore mentioned or referred to shall hereafter be interested, directly or indirectly, in any contract therewith, except for his lawful compensation as such officer. And every such person who shall violate the provisions of this section shall, on conviction thereof, be fined in any sum not more than $10,000 or imprisoned not exceeding one year, or both of said punishments may be inflicted.

SEC. 9. That any remedy herein provided shall not be deemed to deny, exclude, or impair any other heretofore existing in favor of the United States. And nothing herein contained shall affect any pending suit instituted under the fourth section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873. And nothing herein shall be deemed a waiver of the power and right of Congress at any time to alter, amend, or repeal this or any other act relating to any such railroad company; but such right and power are reserved to Congress. And nothing herein shall impair any right existing by law under the first-mortgage bonds issued under the act approved July 2, 1864, entitled, "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862." And nothing herein shall be deemed a waiver of any right which the United States may have.

[The words in brackets indicate amendments suggested for consideration.]

THE REAL QUESTION.

The *real question* presented in this bill is this: Shall the so-called Pacific railroad companies from their abundant means and resources provide for the payment of $145,000,000 to the United States which they have promised to pay for a full and fair consideration or shall this vast sum be lost to the Government, and thus be unjustly transferred from the pockets of the people to the coffers of these great corporations?

I shall endeavor to show that this is the *real question*, and that the measure proposed is alike *just, reasonable, necessary*, and *fully authorized by the express sanction and agreement of the railroad companies* interested.

It rarely happens that any one bill involves so vast an amount of money as this. Its magnitude in this respect, as in the questions it presents, has secured for it more consideration by the Judiciary Committee than any one bill in this Congress, and after long and careful

investigation at last it comes before the House with the sanction and approval of the committee. It now awaits the action of the House.

THE LOBBY.

Before proceeding to state in detail what the bill is, a few words may be proper as furnishing reasons why members on this floor should examine the measure for themselves, without accepting unconsidered all that has been and may be said outside of this Hall in opposition to it.

These great railroad companies are vast agencies for good, and they should always have a liberal measure of consideration and of justice. But it must not be forgotten that they have sometimes secured legislative concessions which in the light of experience have been unwise, if not worse, and they have resisted just legislation demanded by the public interest. This should admonish the House to scrutinize with care the demands the companies now make.

The vice-president of the Central Pacific Railroad Company, in a letter of May 15 to the chairman of the Judiciary Committee in opposing this bill, says that—

Realizing fully the *enormous disadvantage* at which an individual or a corporation stands as against the Government, we appeal to the representatives of the States and of the people.

As a matter of fact, the advantages are all the other way. It should be borne in mind that while the Government and people have no *lobby* or *counsel* to represent them in or out of committee these companies *have both*, in opposition to this bill, selected for their great learning and ability; some, it may be, for their political and personal influence, and so distributed geographically as to "do the most good." This gives the companies the advantage of supplying by the persuasive power of argument all that can be said in their behalf; and yet they defy the order of this House requiring them to register with the Clerk the names of these attorneys and agents, so that it may be known to all how far their advice is disinterested.

We have seen the effect of the persuasive power of these agencies on other and memorable occasions—occasions to which I need not now refer. (House Report No. 78, third session Forty-second Congress, page 189, 227; also Credit Mobilier report, same session, No. 77.)

But they all show that in a legislative contest almost every advantage is with the companies and against the Government.

This bill has been met at every step with a power of argument, with a determined opposition, with urgent and successful appeals for delay, such as no other measure has encountered.

The lobby in opposition to it swarm in the corridors of the Capitol, besiege the committee-room where it is considered, and appeal in public and private to individual members of Congress with arguments against it.

No such agencies are here in behalf of the Government and people, whose interests the bill is designed to protect.

THE MATERIAL FACTS.

And now I proceed to a statement of some facts material to be kept in mind and necessary in a discussion of the bill.

The act of Congress of July 1, 1862, created "The Union Pacific Railroad Company" as a corporation, and with other subsequent acts authorized it to construct and maintain a railroad and telegraph line from Council Bluffs, in Iowa, to a point five miles west of Ogden, in Utah, a distance of 1,085.88 miles.

By the same acts the Central Pacific Company, a California corporation, was authorized to construct a similar railroad and telegraph line from the western terminus of the Union Pacific road to Sacramento, a distance of 737.50 miles, and, as consolidated with the Western Pacific from Sacramento to San José, 123 16, or in all 860.66.

To enable these companies to construct these roads the act of 1862 proposed to loan them Government bonds, known as "*subsidy bonds*," payable thirty years after date, with 6 per cent. currency interest, the payment of the principal and interest to be secured to the Government by a *first* mortgage on the roads, and it proposed to *give* alternate sections of Government lands to the companies.

By the act of July 2, 1864, the land grant was *doubled*, the companies were authorized to issue bonds secured by mortgage on their respective roads, to be made a *first* lien, equal in amount to the "subsidy bonds," and the Government *first* mortgage was postponed or made *second* to that in favor of the first-mortgage bonds which the companies were thus authorized to issue.

The same aid was rendered to and similar privileges were granted by these acts to other companies to enable them to construct branch roads tributary to the great trunk lines of the Union Pacific and Central Pacific. The bonds were all issued and lands granted *under* and *since* the act of 1864. When these laws were passed it seems to have been understood by Congress, and it was decided by the Attorney-General in December, 1870, that *the companies were bound to pay the interest as it accrued semi-annually on the subsidy bonds*, but it has recently been decided by the Supreme Court that the Government is required to pay this interest as it accrues, and that the companies are not obliged to repay it until the maturity of the subsidy bonds about the year 1898—about twenty-two years hence—except as this may be repaid to a limited extent annually by "5 per cent. of the net earnings" of the companies and "one-half the compensation for services" rendered the Government in carrying freights, mails, &c. (House Report No. 440, first session Forty-fourth Congress, pages 6, 120, 175, 275.)

The Supreme Court, however, did *not* decide that the Government would *not* be entitled to or that the companies could not be required to pay simple interest on the semi-annual advaces of interest from the time thereof to the maturity of the subsidy bonds. This is an open question. In order to have in one view certain information material to a correct understanding of the bill, I present the following table:

Statement of subsidies to Pacific railroads.

Names of companies.	Date of maturity of subsidy bonds.	Principal of subsidy bonds.	Simple interest to maturity, at 6 per cent., without counting any interest on advances of interest.	Compound interest to maturity at 6 per cent.	Amount of sinking fund required to pay off the principal at maturity, payable half-yearly from July 1, 1876, interest re-invested at 5 per cent.	Amount of sinking fund required to pay off simple interest, payable half-yearly from July 1, 1876, interest re-invested at 5 per cent.	Total of requisite sinking fund to pay principal and simple interest at maturity, payable semi-annually. (a.)
1. Central Pacific	Nov. 18, 1897	$25,885,120 00	$46,593,216 00	$126,619,733 30	$332,408 00	$598,334 00	$930,742 00
2. Kansas Pacific	Nov. 17, 1896	6,303,000 00	11,345,400 00	30,831,774 36	87,327 00	157,190 00	244,517 00
3. Union Pacific	Sept. 3, 1897	27,236,512 00	49,025,721 00	133,230,206 60	355,261 00	639,470 00	994,731 00
4. Central Branch Union Pacific	Oct. 20, 1896	1,600,000 00	2,880,000 00	7,826,564 96	22,209,00	40,138 00	62,378 00
5. Western Pacific	Sept. 5, 1898	1,970,560 00	3,547,008 00	9,639,197 41	23,855 00	42,939 00	66,794 00
6. Sioux City and Pacific	Jan. 1, 1898	1,628,320 00	2,930,976 00	7,965,095 16	20,723 00	37,302 00	58,025 00
Total		64,623,512 00	116,322,321 16	316,112,571 79	841,873 00	1,515,373 00	2,357,946 00
Simple interest				116,322,321 16			
Difference				199,790,250 63			

Names of companies.	Approximate estimate of half earnings for services to Government as claimed by the Treasury Department. (See report, 440, first session Forty-fourth Congress, pages 9, 16, 99.)	Approximate estimate of 5 per cent. of net earnings as claimed by Government on basis of reports to Interior Department not deducting interest on mortgage debt. (House Report, 440, first session Forty-fourth Congress, page 13.)	Approximate estimate of 5 per cent. of net earnings as claimed by companies. (House Report, 440, first session Forty-fourth Congress, pages 13, 14, 15, 16, 97, 99, and especially page 17.) (c.)	Approximate estimate of the land grant to which each company is entitled in acres. (d.)	Statement of lands actually patented.
1. Central Pacific	(b) $178,071,000 for 1873	$401,584 for 1875	$128,459 { Average of four years, 1870–'73.	9,100,000	$764,607 74
2. Kansas Pacific				6,000,000	516,553 19
3. Union Pacific	224,338,000 for 1874	307,418 for 1875		12,000,000	1,625,403 28
4. Central Branch Union Pacific			182,825 for 1875	245,166	186,453 28
5. Western Pacific				Included in Central Pacific.	Included in Central Pacific.
6. Sioux City and Pacific				45,000	40,196 64
Total				27,390,166	

NOTES TO PRECEDING TABLE.

(a) This would be the correct amount, *assuming* that the Government is not entitled to credit *any sum* on current interest advanced by the Government on subsidy bonds until their *maturity*. But the Government *is* entitled to credit on such advances half the railroad and telegraph services rendered by the companies to the Government at the time payment is due for such services and 5 per cent. of the net annual earnings of the companies. The requisite sinking fund would depend somewhat on these, so that the above amounts are not precisely accurate.

(b) The Central Pacific Company was aided by "subsidy bonds" on 737.50 miles, from Sacramento to Ogden; the Western Pacific on 123.16 miles, from Sacramento to San José; and these two companies are consolidated, making 860.66 miles. The Central Pacific has also been consolidated with the California and Oregon Railroad, the San Francisco, Oakland and Alameda Railroad, and the San Joaquin Valley Railroad. These combined roads are all in length 1,219 miles. The reports of the Central Pacific Company show the earnings, expenditures, &c., of the one combined road, with no account kept (as it is understood) by which the earnings of the subsidy-bond-aided road can be ascertained. The proportion of 860.66 to 1,219 is not a satisfactory mode of ascertaining either earnings or expenditures. (See House Report No. 440, first session Forty-fourth Congress, pages 9, 16, 99.)

(c) In Senate Report No. 341, first session Forty-fourth Congress, it is said:

The Union Pacific Railroad Company has furnished your committee with a statement of the amounts which the company has charged to the United States for services rendered from April, 1867, to December 31, 1875.

The gross amount for these nine years is	$7,290,252 89
Average yearly amount earned in nine years	810,028 10
Of which the Government retains one-half annually	405,014 05
To this add 5 per cent. of the amounts which the company admits are net earnings by declaring a dividend of 8 per cent. upon the capital stock of $36,475,000=dividend, $2,918,000, 5 per cent. upon which is	145,900 00
Undisputed annual amount to be relied upon from the Union Pacific Railroad Company	550,014 05

The parties representing the Central Pacific Company before this committee have not at the present time obtained from California a statement of the amounts which the company have charged to the United States, and the committee, for the present purpose, uses the statement presented by the Secretary of the Treasury in Senate Executive Document No. 25, present session, page 9.

From June 30, 1870, to June 30, 1874, the gross amount for these four years is	$1,406,092 48
Average yearly amount earned in four years is	351,523 12
Of this the Government retains one-half annually	175,761 56
To this add 5 per cent. of the amount which the company admits are net earnings by declaring a dividend of 8 per cent. upon the capital stock of $34,275,500=dividend, $4,342,040, two-thirds of which arises from the road aided by the United States, $2,894,693, 5 per cent. upon which is	144,734 65
Undisputed annual amount to be relied upon from the Central Pacific Railroad Company	320,496 21

(d) Patents are probably not taken out in view of the decision of the Supreme Court that until patented the lands are not *taxable*. (House Report No. 440, Forty-fourth Congress, first session, page 194. *Niswanger vs. Gwynne*, 20 Ohio.) This shows how section 21 of the act of July 2, 1864, apparently in the interest of the Government, was really in the interest of the companies. (Ibid, page 62.)

At the present session of Congress a bill has been passed through the House authorizing the unpatented lands to be taxed.

WHAT THE GOVERNMENT HAS GIVEN THE COMPANIES.

From this we can see something of the lavish bounty bestowed as a gift upon these corporations, useful we all admit, essential to the public interest, of more than national utility and importance, but immense in their demands on the Government; a land grant of 27,390,166 acres—an empire in extent—which should render these companies grateful to the Congress that gave it, and ready and anxious to perform every obligation. If these companies should even at the maturity of the subsidy bonds pay the *aggregate* of semi-annual interest advanced and to be advanced by the Government on them, the Government would still *lose the interest on its advances of interest*, which, compounded, amounts to the enormous sum of nearly $200,000,000, subject to comparatively small reductions by crediting "half services" of the companies to the Government and "5 per cent. of net earnings," and which in any event would probably leave more than $100,000,000, transferred in semi-annual payments through thirty years from the labor of the people to these corporations, with no return, as they claim, ever to be asked or expected. The bill now before the House asks no return for these lands—no return of this $100,000,000 of interest on advances of interest.

This is hopelessly gone—gone forever—

Gone where the woodbine twineth.

ADMITTED INDEBTEDNESS OF RAILROAD COMPANIES TO GOVERNMENT.

But these companies *admit* that they have agreed to pay the Government the principal of the subsidy bonds at maturity, $64,623,512; they *admit* their liability at the same time to pay the *aggregate of interest* on these bonds to that time advanced, less the credits thereon, which may in the mean time arise from half their services to the Government and 5 per cent. of their net annual earnings, if they shall ever pay any such net earnings as they have not yet, though such payments have long been due. (House Report No. 440, Forty-fourth Congress, first session; pages 6, 19, 99.)

After applying these half services and 5 per cent. of earnings there will remain to be paid the Government on the 1st of January, 1898, as nearly as may now be estimated, $144,945,833. (*Ibid.*, 440, page 19.)

NO PROVISION FOR PAYMENT.

The companies do not claim that they are making any provision by a sinking fund or otherwise to meet this immense liability when it shall mature, nor do they deny that they are paying out in dividends to their stockholders largely the earnings of the companies while making no provision for their creditors, or at least none for the Government as a creditor.

The *leading purpose of the bill* now before the House *is simply to require the companies to pay into the Treasury specified sums semi-annually to be invested and accumulate on interest so that at some time in the future—not so soon as the companies agreed to pay, but away beyond that—the Government may hope to be re-imbursed, so that the companies may not escape the payment of these immense millions, and thereby require them to be drawn in taxes from the labor of an already overburdened people.*

But before I come directly to this feature of the bill permit me briefly to state some of its other provisions.

SPECIAL PROVISIONS OF THE BILL.

The first section in substance provides as to all railroad companies which have received aid from the Government that the Secretary of the Treasury shall at all times withhold payment of any money due from the United States to such company to the amount of any and all claims due from it to the United States.

This merely extends the principle of the act of March 3, 1873, to other companies aided by the Government as well as the Pacific companies. (Report 440, page 71.)

The second section simply gives the Government a right of set-off when sued by any such company or the right to bring a separate action.

The right of set-off does not exist at common law, but is authorized in equity. It is authorized by statute in the Court of Claims. (Revised Statutes, section 1059.) This bill extends it to all courts.

The third section gives the United States a right to recover interest from any railroad company aided by the Government upon all claims for money due if payment be unreasonably withheld. If unlawfully withheld it would be unreasonably withheld. If not paid when required by law it would be unlawfully withheld.

The act of March 3, 1797, gave interest to the United States against revenue officers and persons accountable for "public money" in case of default in settlement from the time of receiving it. (1 Statutes, 512.) This does not seem to have been carried into the Revised Statutes, but they give interest in suits on bonds, (section 963,) balances due the Post-Office, (section 964,) in suits on debentures, (section 965,) on *judgments* in civil causes in circuit and district courts, (section 966,) and on overdue internal-revenue taxes, (sections 3184 and 3185.)

It is not necessary to say whether any other law, statutory or common, could give interest, but the committee deemed this provision at least advisable if not necessary. If these companies can escape interest on the 5 per cent. of net earnings they owe the Government, it will make it profitable to litigate and delay every payment as they are now doing.

The *demand* made upon them under the act of June 22, 1874, does not in terms ask for interest, though the declarations filed in the suits commenced do, and while the act itself is apparently in the interest of the Government, yet if it could be held as superseding remedies given by the act of 1862, it might be really in the interest of the companies. One misfortune of much of this railroad legislation is that it seems to point one way but leads in another.

This section is proper at least to remove all doubt.

I present a copy of the declaration and bill of particulars in the suit brought against one of these companies, as follows:

UNITED STATES OF AMERICA,
Massachusetts District, ss:

CIRCUIT COURT, *May* 7, 1875.

UNITED STATES
vs.
UNION PACIFIC RAILROAD CORPORATION.

Plaintiff's declaration.

And the plaintiffs say that the defendant is a corporation, duly established and existing under and by virtue of an act of the Congress of the said United States, approved July 1, A. D. 1862, and entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and by certain other acts of said Congress in addition to or in amendment of the said first-named act; that in and by said acts of Congress large privileges and great amounts of lands and bonds of the said United States were granted to the defendant corporation upon certain conditions, and were accepted upon the same conditions by said corporation; and that the said defendant corporation in its organization and establishment under said act and the acts in addition to and in amendment thereof, and by its acceptance of the said charter, privileges, and grants aforesaid; and by its assent to the act first aforesaid named, duly filed by the defendant corporation with the Department of the Interior, as required by the said act, became bound by the said conditions and obliged to perform the same; that among the said conditions and obligations which the said defendant corporation is obliged to keep and perform is the following one, namely: That after the said defendant corporation has completed its road, and until the said bonds granted by the said United States to said corporation and the interest thereon have been paid, at least 5 per cent. of the net earnings of the said road shall be annually applied to the payment thereof, to wit, of the said bonds and interest.

And the plaintiffs say that said road was completed November 6, A. D. 1869, and that the said bonds and the interest thereon were not then and have not since been paid; [and that since the said date of November 6, A. D. 1869, there have been each year net earnings in the operation of said road;] and that thereupon and thereafter it became and was the duty of said defendant corporation, until said bonds and interest should be paid, to pay to the said plaintiffs annually 5 per cent. of the net earnings of said road to be applied to the payment of said bonds and interest; yet the said defendant corporation, wholly neglecting its duty in the premises, has failed and refused to pay to the plaintiffs the 5 per cent. as aforesaid, or any part thereof, for either of the years that have elapsed since said November 6, A. D. 1869, and now owes the plaintiffs the full amount thereof *and interest thereon, according to the bill of particulars hereto annexed*, amounting in all to the sum of $1,160,619.34.

GEORGE P. SANGER,
United States Attorney.

Bill of particulars.

Number.	Net earnings of defendant corporation from—	Amount.	Five per cent. on said net earnings.	Interest on said net earnings since same respectively became due.
1	Nov. 6, 1869, to January 1, 1870	$441,179 19	$22,058 96	$7,058 88
2	January 1, 1870, to January 1, 1871	2,947,862 27	147,393 11	38,322 18
3	January 1, 1871, to January 1, 1872	3,921,115 30	196,055 77	39,211 20
4	January 1, 1872, to January 1, 1873	4,032,032 05	201,601 61	28,644 28
5	January 1, 1873, to January 1, 1874	5,291,242 64	264,562 13	21,164 96
6	January 1, 1874, to October 31, 1874	4,107,694 36	205,384 71	6,161 55
			1,040,056 29	140,563 05
			140,563 05	
	Total		1,180,619 34	

THE SINKING-FUND PROVISIONS.

This brings us up to the most essential and main sections of the bill requiring the several companies to pay into the Treasury of the United States semi-annually a specified sum in addition to the 5 per cent. of net earnings and half services to the Government to be invested and accumulate on interest until the maturity of the subsidy bonds, when the fund is to be applied, so far as it may, in extinguishing, first, the interest on subsidy bonds then due and not re-imbursed by 5 per cent. of net earnings and half services, and then the principal, and so on until all shall be paid.

It will be seen from the table already presented that a *sufficient* sinking fund would require the Central Pacific to pay each year, *including* the 5 per cent. of net earnings and half services, about $1,861,484, and the Union Pacific $1,989,462; or, exclusive of such half services and 5 per cent., probably the Central Pacific $1,400,000, and the Union Pacific $1,500,000.

The bill as recommended in the report on this subject submitted to the House on the 25th of April required a sufficient sinking fund to meet the subsidy bonds and interest at maturity. This was modified by the committee in the bill now before us to require only in addition to the 5 per cent. of net earnings and half services from the Union Pacific company each year for ten years $750,000, and each year thereafter $1,000,000 until the subsidy bonds and interest should be paid. The corresponding sums from the Central Pacific are $568,210 and $760,330. The sinking fund required, therefore, of the Union Pacific is only about half sufficient, and that of the Central Pacific not half sufficient, to pay at maturity. At the maturity of the subsidy bonds, allowing the credits in the mean time for the "half services" and "5 per cent. of net earnings" according to the claims of the companies, not a dollar of the principal of the subsidy bonds would be paid from these sources, and the Union Pacific company would then owe for advances of interest $38,225,721.60, and the Central Pacific $39,340,224, besides the principal of the subsidy bonds.

After applying, at the maturity of the subsidy bonds, January 1, 1898, the accumulated sinking fund, as proposed in the bill, compounded at 5 per cent., besides the 5 per cent. of net earnings and half services, the Union Pacific company would then owe the United States for principal and interest of subsidy bonds $31,961,478.10, and the Central Pacific $41,771,344.20. This will be seen from a computation made by the learned, accurate, and able actuary of the Treasury Department, as follows:

Statement of process of computation of values, given in response to the letter of Hon. WILLIAM LAWRENCE, member of Congress, bearing date May 29, 1876, addressed to Mr. Maclennan.

Assume, commencing in 1874, an annual payment of $450,000 as 5 *per cent. of the net earnings and half services* to be due to the Government from the Union Pacific Railroad Company, and a like amount from the Central Pacific Railroad Company, (meaning the Central Pacific and Western Pacific Companies;) required the amount that will be owing the Government at maturity of subsidy bonds (January 1, 1898) from each company, (1) for principal, (2,) for interest not re-imbursed, no allowance being made for interest on these several payments:

	Union Pacific.	Central Pacific.
Principal	$27,236,512 00	$27,855,680 00
Thirty years' interest at 6 per cent	49,025,721 60	50,140,224 00
Five per cent. of the net earnings and half services from 1874-1897, both inclusive, (twenty-four years,) assumed to be $450,000 a year	10,800,000 00	10,800,000 00
Therefore, at maturity due the Government for principal	27,236,512 00	27,855,680 00
For interest not re-imbursed	38,225,721 60	39,340,224 00
Total	65,462,233 60	67,195,904 00

The amount of the proposed forty-four semi-annual payments by the *Union Pacific Company* of $375,000 each, the first payment to be made June 30, 1876, and the last or forty-fourth December 31, 1897, added to the amount of twenty-four semi-annual payments of $96,060 each, the first payment to be made June 30, 1886, and the last at the date of maturity of the bonds, December 31, 1897, compounded semi-annually, at the rate of 5 per cent. per annum, is $33,500,755.50.

In like manner the amount of the proposed forty-four semi-annual payments by the *Central Pacific Company* of $284,105 each, the first payment to be made June 30, 1876, and the last or forty-fourth December 31, 1897, added to the amount of twenty-four semi-annual payments of $96,060 each, the first payment to be made June 30, 1886, and the last at the date of maturity of the bonds, December 31, 1897, compounded semi-annually, at the rate of 5 per cent. per annum, is $25,424,559.80.

The proposed forty-four semi-annual payments of $375,000 each by the Union Pacific, and of $284,105 each by the Central Pacific, and the twenty-four proposed payments for the last portion of the period, of $125,000 each by the Union Pacific Company and of $96,060 each by the Central Pacific Company are the same in value as twenty payments of $375,000 each by Union Pacific Company and of $284,105 each by Central Pacific Company for the first part of the period of twenty-two years (or forty-four half years) and of twenty-four semi-annual payments of $560,000 each by the Union Pacific Company and of $380,165 each by the Central Pacific Company for the remaining twelve of the twenty-two years.

The balances due to the Government at maturity of subsidy bonds (January 1, 1898) are therefore as follows:

By the Union Pacific	$65,462,233 60
Less	33,500,755 50
Or	31,961,478 10
By the Central Pacific and Western Pacific Companies	67,195,904 00
Less	25,424,559 80
Or	41,771,344 20

E. B. ELLIOTT.

TREASURY DEPARTMENT, *Washington, D. C., June* 10, 1876.

Then on this estimate there will remain due to the United States on the 1st of January, 1898, from the Union Pacific, $31,961,478.10, and from the Central Pacific $41,771,344.20.

From *that date*, the Government *will have a right to apply the "5 per cent. of net earnings" and "half services" and "the sinking fund payments"* ALL *annually to liquidate the accruing interest and principal of the subsidy bonds.*

These annual payments will be upon the estimate made as follows:

In the case of the Union Pacific:

Estimated annual 5 per cent. of net earnings and half services	$450,000 00
Sinking fund required by bill	1,000,000 00
Total	1,450,000 00
The annual interest on the debt of $31,961,478.10 is	1,917,688 69
Deficiency in sum required to pay annual interest	467,688 69

In the case of the Central Pacific:

Estimated annual 5 per cent. of net earnings and half services	450,000 00
Sinking fund required by bill	760,330 00
Total	1,210,330 00
The annual interest on the debt of $41,771,344.20 is	2,506,280 65
Deficiency in sum required to pay annual interest	1,295,950 65

The learned actuary, to whom I have already referred in a letter of this date, very well says that on this plan:

The claim of the Government will never be extinguished.

We must look to future lower rates of interest and future legislation to remedy these deficiencies.

And yet these companies are not satisfied! The idea of complying with their obligations to the Government seems to be no part of their purpose! And they appeal to the Constitution in behalf of the obligation of contracts!

I will now endeavor to show that this measure is *just, reasonable, necessary,* and *authorized.*

THE BILL IS JUST.

I. *It is just.*

1. It simply requires the companies to provide the means of paying their just and admitted debts; not so *soon* as they may become due, but by a liberal indulgence in good part long after. The companies cannot pay their debts without providing the means. If they *intend to do so*, this bill does not interfere with their purpose, but carries it out in the safest possible method.

If they do *not intend to do so*, their purpose must be to disregard their promises and obligations. This would be dishonest, and demand at our hands the most vigorous measures to prevent so great a wrong, so enormous a fraud.

The obligation to pay is clear and undisputed. The fifth section of the act of 1862 declared, with reference to the subsidy bonds and interest, that—

To secure the repayment to the United States as hereinafter provided, of the amount of said bonds so issued, * * * with all interest thereon which shall have been paid by the United States, the issue of said bonds and delivery to the company shall *ipso facto* constitute a *first* mortgage on the whole line of the railroad and telegraph, together with the rolling-stock, fixtures, and property of every kind and description.

The act of 1864 changed this to a second mortgage, but it left in force the obligation to pay and that provision of the act of 1862 which declares that the grants of land and franchises are made "*upon condition* that said companies *shall pay* said bonds at maturity."

STOCKHOLDERS NO RIGHT TO COMPLAIN.

2. *The stockholders will have no legal or moral ground of complaint.* So far as there may be stockholders who have purchased shares for a valuable consideration, it might be a hardship if they could receive no dividends. But the Government does not guarantee dividends to stockholders. They take their chances with a full knowledge of their hazards.

This is so well understood as a principle of law and of morals that it said in all the books on private corporations that *the claims of cred-*

itors are to be first satisfied before stockholders are entitled to dividends. The act of 1862, as I have shown, made it a "*condition*" of the existence of those companies and upon which property and privileges were granted to them that they "*shall pay* said bonds and interest."

This is the contract which *binds the stockholders.*

The payment of dividends without providing a sinking fund is *a waste* and *misapplication of the revenues*, which a court of equity would enjoin on behalf of private creditors of the companies sustaining to them the same relation which the Government does.

Story, in his Equity Jurisprudence, volume 1, § 730, says:

Where property is covenanted to be secured for certain purposes and in certain events, and there is danger of its being alienated or squandered, courts of equity will interpose to secure the property for original purposes. And, generally, * * * in cases of contracts, express or implied, courts of equity will interpose to preserve the funds devoted to particular objects under such contracts and decree what in effect is a specific performance, *security to be given or the fund to be placed under the control of the court.* (House Report No. 440, Forty-fourth Congress, first session, page 165.)

The power of a court of equity to require a corporation to apply its funds to perform obligations to the public is well understood. (2 Redfield on Railways, § 211, page 359.)

WILL NOT IMPAIR VALUE OF STOCK.

The creation of the proposed sinking fund cannot impair the real value of the stock. If the purpose of stockholders is to *make dividends* until the maturity of the subsidy bonds, with no provision for their payment, and then let the roads be sold out and go into the hands of the first-mortgage bondholders, the stock sacrificed, and the Government defrauded out of the subsidy bonds and interest, this sinking fund would prevent all that. It would impair the value of the stock only as a means of accomplishing these purposes. But if the stockholders intend to pay their debts with a view to preserve a permanent value to the stock, they lose nothing by the sinking fund. Every dollar added to the fund is so much added to the permanent value of the stock. It is not a subtraction from, but an addition to, its value.

This bill is necessary to protect the stockholders or those who may become such.

If Congress shall permit these companies to make dividends, with no reservation for the payment of future debts, the stock will temporarily acquire a fictitious *price* far beyond its real *value*. This will enable stockholders who "understand the situation" at the proper ebb-tide in the market "to unload" upon unsuspecting buyers, and thus great wrong and ruin may be wrought.

The stockholders are in no condition to require that earnings should be paid out in dividends to the prejudice and in frand of the Government and other creditors. It is well understood that the *directors* of the principal companies own or control a majority of the stock—a combination of wealth and power in a few hands which should always have its just measure of protection, and against which I would scorn to create or invoke any prejudice, but which can well afford to permit the earnings of the companies to be set apart to pay the Government and other creditors.

The last annual report of these companies shows that in the Central Pacific there were only ninety-one individuals, firms, or companies owning its capital of $54,275,500; while the Union Pacific had three hundred and twenty-three stockholders owning its capital of $36,762,300.

THE RIGHTS OF THE PEOPLE.

There are some other stockholders whose rights are to be respected. Every tax-payer in the United States is a stockholder in the Government, whose duty and interest it is to require the payment of these bonds and interest. By what authority can Congress surrender the rights of these *tax-paying stockholders*, whose claim rests on *law* and *justice*, in favor of *incorporated stockholders*, who have no right to such surrender either in law, justice, or morals? By what authority can we betray a people who have already surrendered so much? But as a matter of fact, as will be hereafter shown, the resources of the principal companies are ample to pay all charges, including the proposed sinking fund, and make reasonable dividends to stockholders besides.

THE FIRST-MORTGAGE BONDHOLDERS.

The first-mortgage bondholders have no legal or moral ground of complaint.

Their mortgages, by the express terms of section 10 of the act of 1864, "are authorized to be issued on the respective *road, property*, and *equipments*" of the several companies—on *nothing more.* (House Report No. 440, Forty-fourth Congress, first session, pages 23, 76; Coe vs. Columbus Railroad, 10 Ohio State Rep. 372.)

Neither the *franchise* nor *revenues* are pledged to these bondholders.

On the contrary, they accepted a mortgage, with provisions in the law which gave the Government a right to appropriate the *revenues* in satisfaction of interest and principal of subsidy bonds before any claim could arise from *this source* either in favor of first-mortgage bondholders or stockholders.

This results from the sixth section of the act of 1862, by which the companies hold their lands, right of way, and some or all their franchises, "*upon condition* that the companies *shall pay* said bonds at maturity."

This is in the nature of a *first mortgage* or lien in favor of the Government on the *revenues* of the companies. It imposes a *duty to pay*, and the *duty* implies an *obligation* to provide the means, and the revenues are the only means otherwise unencumbered. A great author has said:

Whenever a *power* is given by a statute—

And where a *duty* is required, the result is the same *quo ad hoc*—

everything necessary to the making of it effectual or requisite to attain the end is implied. "*Quando lex aliquid concedit, concedere videtur et id, per quod devenitur ad illud.*" (1 Kent's Commentaries, page 464.)

This claim or lien in the nature of a first mortgage on the revenues to secure the Government may be made to exist by force of the express power reserved to Congress in the act of 1864, at any time to "alter, amend, or repeal it," as I will endeavor to show more fully hereafter.

The result, then, is—the *contract is*—that the first-mortgage bondholders have the *first security* "on the respective roads, property, and equipments," while the Government has control of all *corporate franchises* given by the acts of 1862 and 1864 and of all the *revenues* of the companies for its security. (House Report No. 440, page 23; 10 Ohio State, page 372.)

The power of repeal gives complete control over the franchise. The power to take it away, to create it anew and sell it, implies a power to control it, so as to direct the manner of applying the revenues. The major includes the inferior exercise of power.

No class of creditors are more interested in the creation of this sinking fund than the holders of first-mortgage bonds. The real danger they encounter is that the managers of the companies will divide out the earnings of the roads in dividends until the first mortgages mature, and then with a prospect of foreclosure and a sale of the roads for less than will pay the first-mortgage bonds, the bonds will depreciate in value, the managers of the roads will aid in depreciating them so they may buy in a sufficient amount to control the foreclosure, and then, with no competition, they will buy in the roads, so that bondholders may ultimately realize but a moiety of the money promised them in the mortgages.

But this is by no means material. *The security of the first-mortgage bondholders is ample*, if this proposed sinking fund shall be created, and thereby fidelity in the management of the roads secured.

THE RAILROAD COMPANIES ABLE TO CREATE SINKING FUNDS.

And, besides all this, *the revenues of the principal companies are ample to provide the proposed sinking fund to pay interest on first-mortgage bonds and dividends in addition.*

This I now proceed to show. The proposed sinking fund is designed to meet principal and interest of *subsidy bonds*, so that these may be omitted from the estimate.

The following statement will show approximately the capacity of the Union Pacific Company:

Union Pacific.	Amount.	Annual interest.
First-mortgage bonds	$27,232,000 00	$1,633,920
Sinking-fund mortgage bonds	14,299,000 00	857,940
Income bonds	68,000 00	.....
Land-grant bonds	7,812,000 00	.....
Omaha bridge bonds	2,330,000 00	.....
Certificates for bonds	480,400 00	.....
United States bonds loaned, "subsidy bonds"	27,236,512 00	.....
Total	79,457,912 00	2,491,860

The net earnings for 1875, including excess of receipts over expenditures, were (House Report No. 440, first session Forty-fourth Congress, page 13)	$6,148,365
Balance of earnings after deducting interest	3,656,505
Deduct proposed sinking fund	750,000
Balance for dividend	2,906,505
The capital stock paid, $36,762,300; 7 per cent. dividend on this is	2,573,361
Surplus	333,144

This 7 per cent. is over 11 per cent. dividend on the selling value of the stock at sixty cents on the dollar, and more than 22 per cent. on *its actual cost* to those who built the road and received the stock in payment. (Report No. 440, pages 16, 21, 149, 203, 287.)

Thus it will be seen this company can provide the requisite sinking fund and make a liberal dividend besides.

This estimate is based on the report made to the Secretary of the Interior by the company for the fiscal year 1875, giving net earnings $6,148,365. But the annual report of the directors to the stockholders, made March 8, 1876, for the year 1875 shows the surplus earnings $7,011,784. (House Report No. 440, first session Forty-fourth Congress, page 226.) Here is an additional surplus of $863,419. This would increase the dividend 2¼ per cent. This estimate permits interest to be paid from net earnings on "sinking-fund mortgage-bonds." These bonds are a second mortgage on the land grant and a mortgage on the road subsequent to that of the Government. As against the Government mortgage they have no claim on the *revenues* of the road. They may well look to the land sales for payment. This would exclude from the computation $857,940 allowed to be deducted for interest before providing the proposed sinking fund. And now can this com-

pany continue to pay? The reports of the company made to the Secretary of the Interior show that notwithstanding the panic of September, 1873, and the depression in business since, the net earnings have gone on increasing at the rate of a million a year, as follows:

Year.	Receipts.	Expenditures.	Net earnings.
1865			
1866			
1867	$1,015,195 29	$658,880 54	
1868	4,186,832 09	3,213,565 83	
1869	7,342,271 16	5,894,268 63	$1,448,002 53
1870	8,344,371 08	5,649,573 45	2,694,797 63
1871	7,362,015 19		
1872	7,962,170 78		
1873	9,633,965 09	4,697,999 50	
1874	10,246,760 16	5,089,789 17	5,156,970 99
1875	11,522,021 54	5,373,655 87	6,148,365 67

The increase in surplus for 1875 is stated in the annual report to the stockholders at $1,303,607. At this rate of increase the dividend for next year could be increased 4 per cent. over the estimate for 1875, and this is to go on increasing.

The report to the stockholders for 1875 says:

The future of your property is no longer in doubt. The steady growth of its local trade; the continual and unexpected development of the zone of country through which the road runs, demonstrating that every part of it is valuable in agriculture and grazing-lands, ores, minerals, and hidden treasures that daily come to light, and that for over one thousand miles long east and west, and three hundred miles wide north and south, are tributary for all time to this one great artery. *This will insure a steady, healthy, and rapid growth to the business of the road.* Its coal, iron, silver, gold, soda, sulphur, paint, oil, lead, and copper products are *daily increasing*, and the Union and Central Pacific roads will soon carry east and west to markets a greater variety of products and precious metals than any road in the country.

Its coal traffic to-day in its infancy controls almost the entire fuel trade from the Missouri River to the Pacific coast, and as the manufactures, furnaces, mills, and other powers become necessary, the traffic in this one product cannot to-day be estimated.

The road has passed through the severest year in flood and snow that it has yet experienced, and has come out with comparatively small cost and no delay, and has demonstrated that its present improvements to meet both are ample and well conceived, and will avoid future great expenditure on this account.

The amicable arrangements and relations with connecting roads place us in a position to meet promptly unfriendly attacks, *or competition*, intended to obtain the traffic properly belonging to us, *and will enable us to hold the great bulk of the travel and freight for the Pacific coast, and to China, Japan, and other important ports in the Pacific Ocean.* Your board congratulates you upon the steady increasing value of the property, and predicts for the *coming year* an equally if not *more remunerative one than the past.* (House Report No. 440, page 228.)

It is somewhat remarkable that these companies *in utter defiance of law* refuse to show accurately what their net earning are.

The Secretary of the Treasury, in a communication to the Attorney-General, made January 15, 1875, says:

In this connection I desire to say that the twentieth section of the act of July 1, 1862, required these companies to make certain annual reports to the Secretary of the Treasury.

By the subsequent acts of June 28, 1868, these reports were to be made to the Secretary of the Interior. If the requirements of the law in this regard had been complied with, the annual net earnings of these companies would have been shown, and these would have furnished a basis upon which to make a demand for the 5 per cent. thereof.

The companies did not, however, comply with the requirements of the act, and did not, upon a further demand of the Interior Department, furnish a statement of the net earnings.

In this estimate for 1875 large amounts are included in *operating expenses* which, in fact, are permanent additions to the property and capital. The directors in their annual report to the stockholders for 1875 say:

The rate of expenses to earnings last year was considered as very small; this year it has been decreased from 45 97-100 to 41 54-100 per cent., a decrease of 4 43-100 per cent., and this is accomplished in the face of the extraordinary expenses incurred during the spring floods.

There has been expended for new construction during the year, $500,365.90. Included in this are twelve new locomotives, forty-one second-class passenger-cars, eighty-five new freight-cars, iron bridge for Dale Creek; new headquarters and depot at Omaha; eating-houses at Rawlins, Grand Island, Sidney, and other points, and permanent water-works at Omaha, Grand Island, and Dale Creek; also a large sum to complete the rolling-mill at Laramie, and the new scrap-furnace at Omaha.

Fifteen hundred and sixty-one tons of steel, and 7,422 tons of iron rails; 449,738 pine ties, and 55,594 hard-wood ties have been placed in the track. One hundred and eighty-two thousand five hundred and eighty-nine dollars and sixty-four cents has been expended in replacing wooden bridges with iron and steel, and repairing permanent structure, *all of which has been charged to the operating expenses.* The entire road-bed, together with equipment, depots, water-supply, and snow-defense, has been brought to a high order of efficiency, as demonstrated by the winter's experience. No such winter as this of 1875-'76 has been experienced since the road was finished. In the winter of 1871-'72, with less than half the snow of this winter, trains were delayed weeks; this winter we have combated the heavy drifting fall of snow and extraordinary cold weather successfully, with no unusual delay of trains or hinderance to travel.

The important work of filling and replacing all temporary structures was completed in 1874, but the company has added much to the efficiency of the road in past years by continuing the raising of banks and the widening of cuts, thus obviating the necessity of maintaining expensive snow sheds. The providing for extraordinary floods, and the general protection from damage by snow or water, will add important savings in the future operating expenses of the road.

These improvements, and the reduction in the cost of fuel, lead to the belief that for the next year, on the same volume of business, notwithstanding the extraordinary expenditure on account of the severe winter, even a further reduction of the percentage of operating expenses may be attained.

The new rolling-mill at Laramie has been completed, and has cost $212,503.33, and has a capacity to roll 20,000 tons per annum. It is now in full operation, turning out satisfactory work; and has rerolled for the company during the year 6,378 tons of iron, at the contract price of $18.50 per ton.

This is no unusual mode of adding to the value of the stock. The Government directors, in the report of September 13, 1872, referring to the obligation of the company to pay 5 per cent. of its net earnings to the Government, say:

Here it may be well to state, as illustrative of the company's ability to discharge this 5 per cent. claim, that up to August 1, 1872, the Union Pacific company had furnished toward the construction of the Colorado Central Railroad, in money and material, $369,244 94, besides $35,387 54 for equipment loaned; had advanced to the Utah Northern Railroad, in material, freight, &c., $91,000, and to the Utah Southern Railroad, in material, freight, &c., $99,109 52, or an aggregate of $494,742. We understand that the grand total for all of these roads now amounts to $1,400,000.

We do not question the wisdom of a policy which tends to secure to the trunk line the business which the said several roads may command. It could not well afford to have said business diverted from it. The policy, however, should be so ordered as not to interfere with whatever present or future claim the Government may have for re-imbursement.

We have herein expressed the opinion that the Union Pacific Railroad, properly managed, can be made to meet all just demands upon it, including the Government lien.

It is not an exceptionally expensive road to operate. With a careful, prudent management, located at the head of the road, clothed with necessary power, making itself thoroughly familiar with the character, resources, and needs of the country tributary, a most gratifying increase in the revenues of the company could, in our judgment, be effected. (Senate Executive Document No. 24, Forty-third Congress, first session, pages 4 and 5.)

In this estimate no account is taken of the land-grant bonds, which are set down in the report of the company to the Secretary of the Interior at $7,812,000.

The interest on these should not be deducted from the net earnings, because the lands will pay the interest and leave a source of revenue with which still further to augment the sinking fund.

The report of the directors to the stockholders for 1875 says:

The total amount of land sales for 1875 was 111,049.55 acres, purchased by seven hundred and five different persons, at an average price of $3.66 per acre, amounting to $404,462.

The total amount of land sold since organization of department was 1,082,893.36 acres, at an average price of $4.47 per acre, amounting to		$5,336,014 02
Amount of interest received on contracts		333,458 20
Amount received on forfeited contracts		1,140 94
Total proceeds		5,670,643 16
Total expenses of land department	$653,566 66	
Total taxes paid	385,244 69	
		1,038,811 35
Leaving net proceeds as		4,631,831 81
The total amount of land-grant bonds issued and sold by the company was		$10,400,000 00
Amount retired and canceled to date		2,768,000 00
Remaining outstanding		7,632,000 00
There are in the hands of the company notes and contracts bearing interest, which is to be applied as fast as due and paid to canceling outstanding bonds		3,012,501 68
Leaving to be provided for by future sales		4,619,498 32

Thus showing that this portion of the bonded debt of the company will, in a short time, be entirely paid off and canceled, without encroaching upon the revenues of the road. A *small part* of the acreage left at present prices will create a fund sufficient to meet the balance of the land-grant bonds outstanding.

Here, then, it is shown that *the resources of the company are more than ample to meet every demand on it, to make a reasonable dividend, and provide the proposed sinking fund besides.*

The Central Pacific Company is equally able to pay, as will appear from the following statement:

Central Pacific.	Amount.	Annual interest.
United States Government bonds	$27,855,680 00	$1,673,140
First-mortgage bonds, Central Pacific Railroad	25,883,000 00	1,552,980
First-mortgage bonds, Western Pacific, series A	1,970,000 00	118,200
First-mortgage bonds, Western Pacific, series B	765,000 00	45,900
Convertible bonds, Central Pacific Railroad, 7 per cent.	1,483,000 00	103,810
California State aid, Central Pacific Railroad	1,500,000 00	105,000
Land bonds	8,884,000 00	
First mortgage, California and Oregon Railroad	8,000,000 00	480,000
First mortgage, San Francisco, Oakland and Alameda Railroad	500,000 00	30,000
First mortgage, San Joaquin Valley Railroad	6,080,000 00	364,800
Bills payable	1,148,817 15	
Personal accounts	2,009,190 96	
Total	86,168,688 11	4,473,830

The net earnings for 1875, including excess of receipts over expenditures, (Report 440, page 13,) were		$8,031,498
The interest to be paid		4,473,830
Balance of earnings		3,557,668
Deduct the proposed sinking fund		568,210
Balance for dividend		2,989,458
The capital stock paid in is, (report, page 18)	$54,275,500	
Of this owned by the railroad company, (Report 244)	8,333,300	
Balance	45,942,200	
Six per cent. dividend on this capital is		2,756,532
Surplus		232,926

How much larger than 6 per cent. on the *real cost* of the road may

never be known. (House Report No. 440, Forty-fourth Congress, first session, pages 21, 203, 287.)

On the basis of the earnings, expenses, and interest account for 1875, the Central Pacific company can make a dividend of 6 per cent. and have a surplus of $232,926.

This estimate is on the report of the company made to the Government. In that report the net earnings are stated for 1874 at $7,212,410, and for 1875, $8,031,498.

The report of the directors to the stockholders for the year ending December 31, 1874, is as follows:

	Coin.	Currency.
Earnings	$8,276,301 55	$5,334,720 08
Expenditures	5,223,429 42	44,702 45
	3,052,872 13	5,290,026 08
		3,052,872 13
Total net earnings		8,342,898 76

The surplus already stated is therefore largely increased by premium on coin. The reports show also, as in the case of the Central Pacific company, a large addition to the value of the stock by expenditures in the nature of permanent additions of value, including Sacramento River steamers, $769,784.27, and a steady increase yearly of net earnings, indicating a prospective capacity to pay all demands and make increased dividends.

The vice-president of the Central Pacific company in his letter of May 15, says:

Heretofore, the company has preferred *to use its surplus earnings in extending its branches and tributaries*, in providing against winter obstructions along the exposed parts of its main line, and in otherwise perfecting its road, and consequently has divided but little among its stockholders.

(Appendix to minority views, House Report No. 440, first session Forty-fourth Congress, page 15.)

This statement is made on the basis of the earnings of the five combined and consolidated companies, all merged in one controlling 1,219 miles of road. No separate report is made of the combined Central and Western Pacific, with their 860.66 miles of subsidy-aided roads, and it is understood that no separate account is kept, although as to the *aided* roads the Government is entitled to 5 per cent. of net annual earnings and half compensation for services to the United States, and as to the other roads there is no such claim. This shows how utterly this company has disregarded its obligation as to the net earnings and half services since the means of ascertaining them are placed beyond reach.

The Central Pacific company intimates that if the sinking fund be required it "might, *wherever the stress of competition would permit*, be forced to *increase the rate of freight and fares*, and thus enhance the cost of transportation to all who patronize the road, including the Government itself. (See Views of Minority, part 2 of House Report No. 440, Forty-fourth Congress, first session; letter of Vice-President Huntington, of May 15, 1876.)

Fortunately for passengers and shippers "the stress of competition" would probably not permit this.

But, if it would, the State of California can regulate "freights and fares" for commerce and passengers intended to be carried only within the State. (House Report No. 440, Forty-fourth Congress, first session, page 265.)

The discussions in Congress during the last three years show that the authority of Congress is ample to regulate freights on all *interstate* commerce and fares for passengers; that is, on freights and passengers passing from one State to another or through the Territories, even as to companies incorporated either by Congress or by the States.

If the act of 1864 reserves to Congress an unqualified right to "alter or amend" the statutes in relation to these companies, then under this power there is ample romedy to regulate freights and fares. I will discuss the power to "alter or amend" in some respects before I close my remarks.

But if this power is not in this respect ample, there is a power under the eighteenth section of the act of 1862 whenever the net earnings of any company "shall exceed 10 per cent. upon" the "*cost*" of its road, to "reduce the rates of fare thereon." (House Report No. 440, page 51.)

Any attempt to "increase the rate of freight and fares" might bring the inquiry, what was "the *cost*" of the roads; the actual, honest *cost*. And if it should be shown, as a committee of this House has reported as to one of the roads, that it "*cost*" not more than the sum represented by its nominal capital stock, without reference to its bonded debt of $79,457,912, a duty would rest on Congress to *largely reduce* the present "rate of freights and fares." (House Report No. 440, first session Forty-fourth Congress, pages 16, 21, 149, 203, 287.)

This is an inquiry which it may not be well for these companies to require and the possibility of which should be remembered by stockholders; for if the stockholders are only entitled to 10 per cent. of dividends on the real, *bona fide* cost of the road, the stock may be found absolutely worthless.

The day is not far distant when roads will be made by companies at an economical cost and whose stockholders will be satisfied to realize fair dividends on *such* cost, and then the dividends of corporations whose stock is a fiction will vanish into nothingness.

I have now shown that this bill is *just* to all—unjust to none—unjust to none except the Government and people whose rights as fixed by law, as fixed by the assent of the companies, are not sufficiently provided for.

THE BILL IS REASONABLE.

It is so because it is *just*.

It is so because it demands only what the law sanctions.

It is so because it only requires the companies to abide by their contracts.

It is so because it demands even *less* than the companies are *able* to pay, and it indulges them far beyond the time when they agreed to pay.

It may be urged that the Government should guarantee a fixed rate of interest on the sinking fund. The bill requires it to be invested "to the best advantage in any bonds issued by the United States." Let the companies pay in the fund in the subsidy bonds and they will realize 6 per cent. compounded, whereas if they ever pay they only propose to pay 6 per cent., without any interest at all on advances.

IT IS NECESSARY.

This bill is necessary.

If the declarations and acts of these companies can be relied on as evidence there is an imperative *necessity* for prompt and decisive action to secure the just demands of the Government and to save it from loss.

The president of the Union Pacific company, in a letter to the Secretary of the Treasury, dated February 9, 1875, says:

The mortgage held by the Government, in its terms and by judicial decision of the United States circuit court, cannot be enforced until the maturity of the bonds, which is near the close of the present century.

The bonds are accumulating an interest-account, also uncollectible until the principal is due. The principal and interest when due will amount to the very large aggregate of over $77,000,000, though the actual amount advanced by the Government was only $27,236,512.

For this very large amount the Government has only a second mortgage, and *if it be allowed to accumulate, without any provision being made to meet it, the company will probably be utterly unable to pay it.*

At the same time, it is equally manifest that *the Government will be unable to collect it*, except upon the assumption that it will advance the money to discharge prior mortgages, and run the road on Government account—a policy which wise statesmanship could not advise.

By standing still, therefore, *the company has a load of debt accumulating for which no provision is made, and the Government is drifting further and further from the opportunity to secure a just return for its advances. To do nothing is to injure both the Government and the company, perhaps irretrievably to both.* (And see House Executive Document No. 127, first session Forty-fourth Congress.)

Here, then, is the testimony of the president of this company, and I believe it.

The vice-president of the Central Pacific, in his letter of May 15 to the Judiciary Committee, says:

The security of the second lien of the Government, so far as the lands are concerned, is *gradually disappearing*.

He more than intimates that the Government should *lose* a portion of its claim, for, after referring to the general depreciation in values since the war, he says:

The company believe the question may properly be raised whether the nation is a co-investor in the great work, and, as the principal beneficiary, may not honorably *share in this inevitable shrinkage*.

And, referring to the subsidy-bond debt, he disclaims any purpose to create a sinking fund, and says:

The calculations in detail are somewhat lengthy and complicated, but may be condensed so as to show roughly the operation of the law as it now stands, contrasted with that of the proposed sinking fund, as follows:

The issue of bonds to the Central Pacific Railroad Company was	$25,885,120
And to the Western Pacific Railroad Company, to which the Central is successor	1,970,560
Or a total of subsidy bonds issued between 1865 and 1870	27,855,680
Thirty years' interest thereon, at 6 per cent., amounts to	50,140,224
Making a total of principal and interest	77,995,904
From this sum should be deducted repayments by one-half services from 1865 to December 31, 1875, amounting to about	1,000,000

If the existing plan were to continue in force till the bonds mature, and allowing the repayment by one-half of services and 5 per cent. of net earnings, as defined by the Supreme Court, (if it should be so adjudged,) to amount to a quarter of a million yearly for the remaining twenty-four years, there would remain to be paid a balance of about $70,000,000, or an average of $80,000 per mile for that portion of the main line on which the subsidy bonds were issued. These bonds and their interest are a second lien, subordinate to a first mortgage averaging $30,000 per mile.

Under these circumstances the company would have the alternatives presented of paying off this enormous sum in cash between 1895 and 1900, if they were able, *or, if not*, of *then* arranging with the Government for the creation of a sinking fund for its gradual liquidation during a series of years thereafter. In such an event, THE GOVERNMENT WOULD BE COMPELLED TO CHOOSE BETWEEN ENTERING INTO SUCH AN ARRANGEMENT with the company, OR RELINQUISHING ITS CLAIM ALTOGETHER, or assuming the payment of the interest and principal of the first-mortgage bonds and taking possession of the road. There can be no question that, as between these three alternatives, the first would be the only one which the Government could afford to entertain, or to which it could look for the ultimate recovery of its advances.

But can this whole subject be safely left to the judgment and discretion of the companies? Most certainly not.

They do *not propose* the creation of any sinking fund under their own control.

They *resist* the creation of any under the management of the Government.

If the conduct of those who have heretofore managed these companies has failed to inspire confidence that the interests of the Government will be fairly protected, the fault is theirs, not ours.

In a report made by a committee of this House on the 20th February, 1873, it was said of the Union Pacific Company:

That the moneys borrowed by the corporation, under a power given them only to meet the necessities of the construction and endowment of the road, have been distributed in dividends among the corporators; that the stock was issued not to men who paid for it at par in money, but who paid for it at not more than 30 cents on the dollar in road-making; that, of the Government directors, some of them have neglected their duties, and others have been interested in the transactions by which the provisions of the organic law have been evaded; that at least one of the commissioners appointed by the President has been directly bribed to betray his trust by the gift of $25,000; that the chief engineer of the road was largely interested in the contracts for its construction; and that there has been an attempt to prevent the exercise of the reserved power in Congress by inducing influential members of Congress to become interested in the profits of the transaction. So that of the safeguards above enumerated none seems to be left but the sense of public duty of the corporators. (Report 440, first session Forty-fourth Congress, page 140.)

This latter sentence is cogent for the depth of its irony and the force of its sarcasm.

I have now shown that the creation of a sinking fund under the control of the Government IS A NECESSITY.

THE POWER OF CONGRESS TO CREATE THE SINKING FUND.

The creation of this sinking fund in the mode proposed is AUTHORIZED *by the* EXPRESS AGREEMENT *of the companies.*

This question has already been argued somewhat at large in the report from the Judiciary Committee. (Report No. 440, April 25, 1876; 2 Southern Law Review, new series, April, 1876, page 22; 8 Boston American Law Review, 1873–'74, page 190; 9 Law Review, 1874–'75, pages, 50, 213.)

I will briefly restate some of the facts, positions, and authorities there relied on.

By the act of 1862, the United States held a *first-mortgage* lien on the railroads to secure the repayment of the subsidy bonds and interest. This made the Government perfectly secure. That act reserved to Congress a very *limited* and qualified right to amend the act and so change the contract which it created between the companies and the Government. (Section 18.)

The act of 1864 doubled the land grants to these companies, authorized them to mortgage their roads for bonds to an amount equal to the subsidy bonds, made the Government mortgage a *second lien* instead of a first, surrendered the right of the Government to apply *all* of the services rendered to it by the companies as a credit on advances of interest, and in lieu provided that only *half* should be so applied, and gave the companies additional and valuable powers and privileges.

In return for all this it was expressly stipulated:

That Congress may at any time *alter, amend,* or *repeal* this act.

In other words, the act of 1862 created a contract between the companies and the Government, prescribed its terms, the time when the companies should pay money, the security the Government should *then* have, and in effect said to the companies, "The Government cannot change *these* terms, can exact no other security, impose no additional duties."

That was *the* contract of 1862. But the act of 1864 made a *new contract.* The United States surrendered their best security, agreed that a *prior* mortgage should be placed on the roads, gave an immense additional land grant, and the companies, *in consideration of these,* in accepting the new law—the new contract—said to Congress, in the last section of the act:

You may at any time *alter, amend,* or *repeal* this contract. You may change its terms.

It was under *this* law that the subsidy bonds were issued and the lands granted. This means *something;* it must have some *purpose.* It means, among other things, that if Congress finds the second-mortgage security *inadequate,* or the companies making no provision to pay the subsidy bonds, they may be required to so apply their earnings as to make the payment certain. An obligation may be imposed on them to this extent, a change in the contract, because the companies so agreed. A sinking fund may be required in the form prescribed in this bill. If this cannot be done, what can? If the authority to require this is not reserved to Congress by the right to alter the contract, what power can be exercised? In the report which has been submitted on this subject no less than sixteen different decisions of courts are quoted more or less at large, and a still greater number are referred to, all affirming this power of Congress.

And now I will ask attention only to a few of these:

Miller *vs.* State, 15 Wallace, 478:

A railroad company was organized under a law authorizing its creation, with *thirteen* directors to be elected by stockholders. A subsequent statute gave the city of Rochester, which had become a stockholder, power to appoint seven of the directors, leaving the other stockholders to elect six. The court held this was an authorized exercise of power under a reservation in the law of a right to alter or repeal.

Judge Clifford said of such charter:

The reserved power may be exercised, and to almost any extent, to *carry into effect the original purposes of the grant,* or to secure the *due administration of its affairs* so as *to protect the rights of* stockholders and *creditors* and *for the proper disposition of the assets.* (Fitchburgh Railroad Company *vs.* Grand Junction Railroad Company, 4 Allen, Massachusetts, 198; Bangor Old Town Railroad Company *vs.* Smith, 47 Maine, 34; State *vs.* Cape Girardeau Railroad Company, 48 Missouri, 468; Tabuskie *vs.* Hackensack and New York Railroad Company, 3 C. E. Green, Chancery, New York, 178.)

This is a clear statement of the broad power which may be exercised by Congress. Let us apply it here: "The original purpose of the grant" to these companies was to secure the repayment to the Government of the subsidy bonds at their maturity. Mr. Justice Clifford says that for *this purpose* the "reserved power" to alter the contract "may be exercised and to almost any extent."

The Government is a *creditor* of the companies. Mr. Justice Clifford says that "to protect the rights of creditors" this "reserved power may be exercised, and to almost any extent." But how shall creditors be protected? Mr. Justice Clifford answers: "The reserved power may be exercised, and to almost any extent, FOR THE PROPER DISPOSITION OF THE ASSETS."

This is well and truly said, for there is no mode of securing creditors but by the proper disposition of the assets, and the creation of a liability as a mode of reaching them "necessary and proper" to secure the object.

In Pomeroy's note to Sedgwick on Statutes (second edition, page 620) it is said of the reserved power to alter that—

It certainly is far broader than the police power, the taxing power, or the power of eminent domain. * * * There are cases which hold that the power of repeal and amendment enables the Legislature to dispose of the property of all corporations to the same extent as it may dispose of the property of municipal corporations, and to invalidate contracts so far as the corporations are concerned. * * * It has been held that the limits of an exclusive ferry privilege may be narrowed. (Perrin *vs.* Oliver, 1 Minnesota, page 202.) And in New York that the land of a railroad may be taken for a public highway without compensation. (Boston, &c., Railroad *vs.* Greenbush, 5 Lansing, page 461.)

This bill asks no such exercise of power as this would seem to warrant.

Hyatt *vs.* McMahon, 25 Barbour, 467:

A mutual insurance company was organized under a statute which authorized the *directors* to make assessments on premium notes to meet losses, but which reserved the legislative power to alter or repeal the charter. A subsequent law authorized *receivers* to make assessments. The plaintiff, as receiver, sued to recover an assessment. Rosekrans, judge, said:

The Legislature, when they granted this charter, reserved the right to alter it. * * * The Legislature exercised this right by declaring that when the assets of such corporation passed into the hands of a receiver, he should make the assessment instead of the directors. This was a legitimate exercise of the reserved power. * * * *Even if it increased the liability of the members,* as it does not, *it would be valid.* (10 Barbour, 2, 60.) It need not be claimed to be without limit, or that it may be capriciously or wantonly exercised, but *it may be affirmed that it may be exercised, in all cases and to any extent, to carry out the original purposes of the incorporation, and to secure the due administration of justice in regard to the rights of creditors of the corporation, and the proper disposition of its assets.* (Northern Railroad Company *vs.* Miller, 10 Barbour, 282; Schenectady Plank Road Company *vs.* Thatcher, 1 Kernan, 102-115; White *vs.* Syracuse Railroad, 14 Barbour, 560; Troy Railroad *vs.* Kerr, 17 Barbour.)

In Kenosha Railroad *vs.* Marsh, 17 Wisconsin, 13, the court said of the reserved power to alter:

Undoubtedly the Legislature might, under this power, *impose new duties* and new restraints upon corporations in the prosecution of the enterprises already undertaken.

Hyatt *vs.* McMahon, 25 Barbour, 467:

A charter was altered by the Legislature, and the court said of the alteration:

Even if it increased the liability of the members, as it does not, *it would be valid.*

Northern Railroad Company *vs.* Miller, 10 Barbour, 282:

This was an action to recover on a stock subscription under a charter which reserved a legislative right to alter or repeal. The defense was that the Legislature had altered the charter by authorizing the corporation to borrow money and to construct branch lines of railroad.

The court said:

The directors * * * by accepting the charter became bound by this condition or reservation; and every individual who subscribes to the stock of the company thereby makes himself a party to the contract, subject to the conditions and reservations of the charter. In effect, he stipulates at the time he subscribes that the Legislature may alter or repeal the law, *and thus change the obligation of his subscription,* or defeat it altogether. * * * Whatever modification is *thus effected in the obligation* created by his subscription, is made by his own agreement. * * * What a man authorizes another to do is as obligatory upon him when done as if it had been performed by himself.

The bill now before the House does not go so far as bills introduced in the Senate from the head of the Railroad Committee, and which I may be permitted to read by way of authority, as follows:

FORTY-FOURTH CONGRESS, FIRST SESSION.

S. 275.

IN THE SENATE OF THE UNITED STATES,
January 17, 1876.

Mr. WEST asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, referred to the Committee on the Judiciary, and ordered to be printed:

A bill to amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and to amend the act amendatory thereof, approved July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 5 of the act of which this is amendatory as provides that only one-half of the compensation for services ren-

dered for the Government by said companies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads be, and the same is hereby, repealed.

SEC. 2. That from and after the passage of this act all compensation for services rendered for the Government of the United States by the Pacific railroad companies shall be applied to the payment of the bonds issued to, and the interest paid, and to be paid, for said companies until the whole amount is fully re-imbursed to the United States.

FORTY-FOURTH CONGRESS, FIRST SESSION.

S. 316.

IN THE SENATE OF THE UNITED STATES,
January 20, 1876.

Mr. WEST asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, referred to the Committee on the Judiciary, and ordered to be printed:

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1862, and to amend an act amendatory thereof, approved July 2, 1-64.

Whereas under and by virtue of an act of the Congress of the United States, approved the 2d day of July, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," the Government, in addition to its munificent land grant of —— acres, loaned to the Pacific railway companies mentioned in said act and the subsequent acts amendatory thereof, the aggregate sum of $64,623,512 in 6 per cent. bonds at thirty years, bearing interest payable semi-annually, to secure the payment of which a lien was retained upon the property and franchises of the several companies for the respective amounts loaned; and whereas, by subsequent amendments to said acts, the said companies were permitted to issue their first-mortgage bonds on their respective roads in amounts not to exceed the amount of bonds loaned to them by the United States Government, which bonds should be a lien upon said road superior to the lien of the United States; and whereas the said companies refuse to re-imburse the United States Treasury for interest already paid on said bonds, amounting now to over $20,000,000, and decline to pay any interest until the maturity of the bonds, while some of said companies are declaring dividends to stockholders; and whereas the interest on the bonds loaned to these companies will amount, at their maturity, including compound interest on the coupons, as paid by the Government until that date, to over $300,000,000; and whereas the official report of the Secretary of the Interior to the President of the United States exhibits the net earnings of said companies for the year ending June 30, 1875, as exceeding $15,000,000, being nearly 12 per cent. of the first-mortgage-bond debt, which has precedence of lien over the bonds loaned these companies by the Government and the Government debt combined, showing unquestioned ability, from earnings, to pay the accruing interest to the Government; and whereas it was not the purpose of the Government, in promoting and fostering these great national enterprises, to postpone its own lien to the enriching of individual shareholders: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of sections 5 and 6 of the act of Congress approved the 2d day of July, 1862, and of which this is amendatory, as provides, either by their express terms or by their construction, that the railroad companies therein named shall not be required to pay interest on the United States bonds loaned to them by the terms of said act until the maturity of the bonds, or to re-imburse the Government for interest paid and to be paid by the Government on said bonds until the maturity of the bonds, be, and the same are hereby, repealed.

SEC. 2. That from and after the passage of this act said companies shall be liable to pay into the Treasury of the United States the whole amount of interest heretofore paid by the Government on the bonds loaned to said companies in aid of the construction of said railroads, together with interest upon the several sums paid by the Government in discharge of interest on said bonds, at the rate of — per cent. per annum from the date of payment, less the amount retained by the Government for the transportation of the mails from time to time, which shall be credited in the account every six months; and it shall be the duty of said companies respectively to deposit with the Secretary of the Treasury of the United States, ten days immediately preceding the maturity of semi-annual interest on the bonds respectively loaned them, such sums added to the amount then due each company from the United States on account of the mail service and use of telegraph lines as will amount to the semi-annual interest then falling due.

(And see House Report No. 440, Forty-fourth Congress, first session, pages 280, 293, for an able argument in support of these bills.)

I might refer to many additional authorities, but the following will suffice: 1 C. E. Green's Equity, 13; 30 New Jersey Law, 1 Vroom, 368; 31 Id., 521-575; 51 New Hampshire, 504; 103 Massachusetts, 10; 12 Indiana, 285; 37 Barbour, 257-399; 44 Illinois, 500; 104 Massachusetts, 451; 4 Hill, 140; 15 B. Monroe, 340-642; 13 Gray, 239; 4 Allen, 198; 23 Pickering, 334; 21 Barbour, 513; 7 Greenleaf, 474; 23 Maine, 318; 30 Maine, 547; 39 Maine, 571; 6 Rhode Island, 491; 9 Rhode Island, 194; 1 Minnesota, 202; 19 Minnesota, 418; 1 Green, Iowa, 563; 26 Pennsylvania State, 287-302; 1 Paige, 102; 10 New York, 102; 14 New York, 336; 21 New York, 9; 22 New York, 9; 24 New York, 345; 14 Barbour, 559; 6 Cushing, 424.

VESTED RIGHTS.

These railroad companies affirm that they have *vested rights*, and, as it has been said by an able writer—

This term of *vested rights* is now sought to be made as effectual as the phrase *chartered rights of men* was in 1783 when the East India Company appealed to *Magna Charta* in support of the right to oppress and plunder thirty millions of Asiatics without parliamentary interference.

But it was well said by Mr. Burke, in the Commons of England at that time, that—

For us passively to bear with oppressions committed under the sanction of our own authority is in truth and reason for this house to be an *active accomplice in the abuse*.

That these companies have *vested rights* no lawyer, no man will deny. I yield to no man in respect for vested rights. No vested right shall ever be infringed with any sanction of mine. But what are *vested rights?*

When a *title* to land or goods or choses in action or a right of action is vested in a corporation or other person this right cannot be taken away by an act of Congress.

Chief Justice Shaw, in Commonwealth of Massachusetts *vs.* Essex Company, (13 Gray, 253,) comments upon the reserved power to alter a charter as follows:

It seems to us that this power must have some limit, though it is difficult to define it. Suppose an authority has been given by law to a railroad corporation to purchase a lot of land for purposes connected with its business, and they purchased said lot from a third party, could the Legislature prohibit the company from holding it? If so, in whom should it vest; or could the Legislature direct it to revest in the grantor, or escheat to the public, or how otherwise? Suppose a manufacturing company, incorporated, is authorized to erect a dam and flow a tract of meadow, and the owners claim gross damages, which are assessed and paid, can the Legislature afterward alter the act of incorporation so as to give to such meadow-owners future annual damages? Perhaps, from these extreme cases—for extreme cases are allowable to test a legal principle—the *rule to be extracted is this: That when, under power in a charter, rights have been acquired and become vested, no amendment or alteration of the charter can take away the property or rights which have become vested under a legitimate exercise of the powers granted.*

Here the learned judge would seem to concede to Congress the power to make *any law* unless it *divested a title*. I am unwilling to go so far as this.

But the claim now made for the companies is that they have a *vested right to contract debts*, and then a *vested right to refuse to make any provision for their payment*.

To a plain, unsophisticated man, this would look like a *vested right to swindle creditors*, and a demand that *such right* should be protected by Congress and the courts.

If any such rights have been heretofore protected, a continuance of this practice "will be more honored in the breach than the observance."

The bill now before the House divests no title, impairs no right. It recognizes the right of the Government as a creditor, and only provides a *remedy* to secure it. It deals with an acknowledged right only to the extent of prescribing a remedy to secure it.

THE POWER TO ALTER.

It has been insisted that this power to "alter or amend" is only a qualified power. (Senate Report No. 341, Forty-fourth Congress first session; minority views in House Report No. 440.)

The act of 1862 provides as follows:

SEC. 18. That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures, including repairs, and the furnishing, running, and managing of said road, shall exceed 10 per cent. upon its cost, exclusive of the 5 per cent. to be paid to the United States, Congress may reduce the rates of fare thereon, if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, *Congress may at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act.*

The last section of the act of July 2, 1864, is as follows:

SEC. 22 That Congress may at any time alter, amend, or repeal this act.

These two acts are to be construed together as one act. (Kansas Pacific Company *vs.* Prescott, 16 Wallace, page 603.)

The section 18 of the act of 1862 does not limit and control section 22 of the act of 1864, but the latter statute must modify and control the former one. If it does so where the interests of the companies are concerned, it must do so where the interests of the United States are concerned. This is the necessary result of the case in 16 Wallace, 603. This must be so, because the *language* of the act of 1864 so requires.

[Here the hammer fell.]

Mr. WILLIAMS, of Indiana. I move that the time of the gentleman from Ohio be extended.

The CHAIRMAN. The Chair hears no objection, and his time is extended.

Mr. LAWRENCE. It must be so, because the rule of *strict* construction applied to corporations so requires. (L. L. and G. R. R. Co. *vs.* United States, 1 Otto.)

It must be so, because it is the manifest purpose of the act, tested by its *language* and the *rule of construction* to which I have referred, and still further as a *necessity* growing out of the great surrender of property and privileges made to the companies by the act of 1864.

It is said, in the views of the minority of the Judiciary Committee, that this bill "impairs the *obligation* of the original contract."

This is a mistake. It seeks to preserve and enforce the *obligation* by which the companies agreed to pay the subsidy bonds and interest at maturity.

The right to prescribe a mode by which this obligation is enforced is given to Congress in the reserved power to "alter, amend, or repeal" the original contract.

The bonds were issued under and *after* the act of 1864; and I will repeat, as to these companies and this bill, what the court said in Northern Railroad Company *vs.* Miller, 10 Barbour, 282.

Whatever modification is thus effected [by this bill] in the [original] obligation is made by [*their*] *own agreement*. What a man authorizes another to do is as obligatory upon him when done as if it had been performed by himself.

The contracts under the Post-Office Department for carrying the mails reserve a right to the Postmaster-General practically to alter, amend, or repeal. The Postmaster-General exercises that right, and requires a less or greater number of trips, and various other changes in the mode of performing the contract, but no contractor yet has

appealed to the Constitution as a protection against a change to which he had assented. Yet that is precisely the condition of these companies now.

NO CHANGE OF THE TIME OF PAYING THE DEBT.

It is alleged that the obligation of the contract is impaired "by changing *the time of the payment* of the debt." It is not necessary to inquire if such a change could be made. The bill does *not* change "the time of payment." It requires a fund to be paid in to be invested on interest until the maturity of the subsidy bonds, and then when the debt is conceded to be due it is to be paid—not before that.

The *companies* propose to violate the obligation of *their* contract by refusing to make any provision for its payment when due.

It is said this bill "necessarily affects the vested rights (1) of the company itself, (2) of the stockholders, and (3) of the holders of the first-mortgage bonds."

It would be a sufficient answer to this to say that under the power reserved to Congress to "alter, amend, or repeal" the contract the companies *agreed* that Congress might so far change their *duties* as to require them to create this sinking fund.

There is no *vested right* of any company interfered with unless it has a *vested right* to swindle its creditors.

NO RIGHT OF STOCKHOLDERS INFRINGED.

No vested right of the stockholders is interfered with, because by law they have no right to dividends until the claims of creditors are provided for.

Why is their right to dividends more sacred than the right of the Government to payment of its debt? If the application of the revenues of the company to the payment of the debt of the Government affects the vested rights of stockholders and first-mortgage bondholders, why would not such an application to them affect the vested rights of the Government?

The stockholders have no mortgage, no lien, no lawful right to divert revenues from the payment of general creditors. The Government has a mortgage, has a lien, has by express consent of the companies power to control the application of the revenues and the power to *prescribe a duty*, as the courts say, "so as to protect the rights of creditors." (15 Wallace, 478.)

FIRST-MORTGAGE BONDHOLDERS.

It may be said that if this sinking fund is enforced the companies cannot pay or create a sinking fund to pay the first-mortgage bonds at maturity. To this there are several answers.

The companies have not proposed to create any such fund.

Why should such fund be created for the first-mortgage bonds rather than the debt to the Government?

They are secure, the Government is not. A foreclosure will give them all the security they asked or bargained for. They can by law claim no more. To ask or to take more is to interfere with and affect vested rights of the Government. Congress can by law require additional security for the repayment of the subsidy bonds. But if the companies *would propose to create a sinking fund, under Government control*, for the payment of the first-mortgage bonds, we might perhaps afford to agree to it. That would secure the Government by leaving its mortgage with no prior incumbrance.

Let the companies present their bill and it will deserve consideration. If the subsidy bonds shall be provided for by a sinking fund, these companies may, by a new loan, secure further time for the payment of their first mortgage bonds.

DANGER OF LOSS TO THE GOVERNMENT BY FORECLOSURE.

But with no sinking fund for either, an immense debt will mature about the year 1898, a foreclosure of the first-mortgage bonds will take place, the road will be bought in on these, and the Government will lose its entire debt.

It will not be difficult to foresee who the purchasers will be. The men who manage the roads will own the first-mortgage bonds and become the purchasers.

THE RAILROAD COMPANIES CAN PERFORM EVERY DUTY.

It may be said this sinking fund may disable the companies from maintaining their roads, a failure to do which will forfeit the charter granted by Congress, (part 2, views of minority, Report No. 440, Forty-fourth Congress, first session, page 12; Senate Report No. 341, Forty-fourth Congress, first session, page 6.) But they have the capacity to maintain their roads and pay this sinking fund besides. No man doubts this.

Both the acts of 1862 and 1864 show that the railroad companies agreed to "keep the railroads and telegraph lines in repair and use, and at all times transmit dispatches over said telegraph lines and transport mails, troops, and munitions of war, supplies, and public stores upon said railroads for the Government."

If the mortgage debts of the companies are permitted to accumulate, with no provision for their payment, the roads must eventually be sold out and pass into other hands.

These sinking funds are necessary to keep the companies in a condition, as said by the supreme court of New York, "to carry out the original purposes of the incorporation." Unless the sinking funds are created, the roads will not be permanently kept in repair by the existing companies.

And if the companies must fail, it is no worse in point of legal duty to fail to keep their roads in repair than to fail to pay their debts.

If they cannot perform all duties, it may be because one of them, if not more, has squandered the money and property bestowed as a gift in illegal distributions among those who managed the roads. (House Report No. 440, Forty-fourth Congress, first session, pages 21, 149, 287.)

I repeat, the companies can keep their roads in repair and create the sinking funds besides.

Let them offer to pay into the Treasury, for a sinking fund, all their net earnings, after keeping the roads in repair, paying the interest on first-mortgage bonds, and paying the required 5 per cent. of net earnings and "half services," and Congress would give a speedy consideration to such proposition. No vested right of the "holders of the first-mortgage bonds" is interfered with, because they have *no pledge* of the *revenues* of any company, the Government *has*. If the bill creates a debt, which may be reduced to judgment and become a lien by levy or otherwise on the road, it will be subject to the prior lien of the first mortgage, which is not interfered with, impaired, or divested in the slightest degree.

STATE CORPORATIONS.

If it be urged that the Central Pacific Company is a *State corporation* and that Congress cannot alter its act of incorporation the answer is very plain.

By the acts of 1862 and 1864 that corporation made a contract with the Government and agreed that Congress might at any time "alter or amend" it. Under this power Congress may now legislate, as said by Mr. Justice Clifford, in any manner "necessary to secure the due administration of the affairs" of these companies and protect the Government as a *creditor*, and thus carry into effect the original object to secure payment of the subsidy-bond debt.

But the Central Pacific company obtained under those acts its entire franchise in many respects and, as to its road east of California, *all its franchises*.

DUTY IN CASE OF DOUBT.

And now let me address a few words to those who *doubt* the power of Congress over this subject. No lawyer will say that there is no reasonable ground to maintain the right to create a sinking fund. If there *could* be doubt, why resolve it now against the Government and people? Have they no rights which Congress is bound to respect? Is every doubt to be resolved against them here in their own Hall, where they are supposed to be represented?

If the doubt be resolved against them here, they are without any remedy. They cannot appeal to the courts to supply the *omission* of Congress. But if we should err in enacting a law, err in what we may *do*, the railroad companies have a remedy. They *can* appeal to the courts to protect them against the mistake. Let this whole question be put in a shape where the Government and people can have a trial of this question. Let not their rights be trampled under foot and they denied all opportunity to avert the daring robbery which is threatened against them. Who stands here to say the proposed measure is wrong in any respect? Who stands here to say these companies are to be justified in refusing to make any provision for the payment of their debts?

THE THREAT OF LITIGATION.

The *threat* is held over our heads that *if this bill be passed the companies will resist its enforcement in the courts.*

I believe they will execute this promise much better than their promise to pay their debts. If the courts shall still further aid them—which I do not for one moment believe—by declaring them above all law, and by holding that *repudiation* is their *vested right*, the Government even then will be in no worse condition than it is now without the passage of this bill. We have everything to gain and nothing to lose by the bill. And if at last the solemn seal of judicial sanction shall be given—which, for the honor of our courts, I cannot believe—to perfidy and repudiation, when we thus learn that no obligation of law, honor, or morals binds the companies or can be enforced in courts, Congress will at least be in a position then to inquire whether protection to the Government and people may not demand a repeal of corporate franchises which are so grossly abused.

THE PROPOSITIONS OF THE RAILROAD COMPANIES.

I now propose to consider briefly certain propositions submitted by the principal companies. They deny the right or power of Congress to enforce payment of an acknowledged indebtedness, and demand a new surrender of many millions from the Government.

NEW SACRIFICES DEMANDED.

The Union Pacific company a year ago proposed in substance to the Secretary of the Treasury to pay into the Treasury as a sinking fund "$500,000 per annum in semi-annual installments of $250,000" for ten years and double that sum thereafter, *all* to be put on compound interest at 6 per cent. per annum *until the maturity of the subsidy bonds*, but it is required that these payments shall "be in *full* settlement of *all claims* by the Government." (House Report No. 440, first session Forty-fourth Congress, pages 94, 95.)

Under the law as it now stands the "5 per cent of net earnings" and "half services" rendered the Government apply *each year as a credit on the Government advances or payments of interest on subsidy bonds.* In this mode the Government is now entitled to be re-imbursed *each year* for its advances of interest so far as the application of 5 per cent. of net earnings and half services may extend in re-imbursement. I have already shown that the Government is entitled to receive annually

for "5 per cent. of net earnings" and "half services" a *larger sum* at least for the first ten years than the payments for sinking fund offered by this company. The proposition of the company, then, is in effect to put on compound interest for its benefit until the maturity of the subsidy bonds, about twenty-two years, $500,000 each year during that time, when by law now the Government is entitled to this sum or more without allowing any interest at all!

It requires but little computation to show the loss to the Government, the gain to this company, by this operation. This company graciously proposes to accept a new sacrifice by the Government which shall add new and increased taxes on the people for its benefit.

The proposition covers an offer that any money now due the company for half services shall go into this so-called sinking fund. But this assumes that there is money due, which depends upon the result of pending suits to determine what amount is due the Government for 5 per cent. of net earnings. (Senate Report No. 341, first session Forty-fourth Congress, page 3.)

And it is coupled with the proposition for compound interest in the face of the law which says it shall be credited on advances by the Government without any interest.

The proposition of the Central Pacific company is substantially the same in effect, with an offer to pay $200,000 semi-annually. (House Report No. 480, first session Forty-fourth Congress, page 96.)

Both are alike unreasonable and unjust.

These are the offers made by these companies in 1875. Since that time it is understood the companies have proposed new terms. (House Report No. 440, Forty-fourth Congress, first session, page 36, note, page 38, note, page 103; same report, part 2, views of minority, pages 10, 15; Senate Report No. 341, Forty-fourth Congress, first session, accompanied with Senate bills No. 687 and 870.)

THE OFFER OF WORTHLESS LANDS.

By these the Union Pacific company proposes to release to the United States its lands west of the one hundredth meridian of longitude in the State of Nebraska and the Territories of Wyoming and Utah to the amount of 600,000,000 of acres for $15,000,000, to be credited on the *principal* of the subsidy bonds, with a sinking fund payment semi-annually of $375,000.

In order that I may present the proposition which I suppose to be acceptable to the company, I ask the Clerk to read a bill which I send to the Clerk's desk.

The Clerk read as follows:

FORTY-FOURTH CONGRESS, FIRST SESSION.

S. 870.—(Report No. 341.)

IN THE SENATE OF THE UNITED STATES,

May 26, 1876.

Mr. WEST, from the Committee on Railroads, submitted a report, (No. 341,) accompanied by the following bill; which was read the first and second times:

A bill to create a sinking fund for the liquidation of the Government bonds advanced to the Union Pacific Railroad Company, and for the settlement of the claim of the Government on account of said bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railroad Company may, and it is hereby authorized to, convey and release to the United States all the lands on the main line of its railroad westerly of the one hundredth meridian of longitude, in the State of Nebraska and in the Territories of Wyoming and Utah, which were granted by the acts of Congress of July 1, 1862, and of July 2, 1864, to said Union Pacific Railroad Company, to the amount of six million acres, for the consideration of $15,000,000, computed at the price established for even-numbered sections of Government lands within the limits of railroad grants.

SEC. 2. That upon a conveyance and release of said lands being executed in due form, and delivered to the Secretary of the Treasury of the United States, he is hereby authorized and directed to receive the said conveyance and release from the said Union Pacific Railroad Company, and to credit and apply the sum of $15,000,000, the value or price of the lands so conveyed and released, to the extinguishment of that amount of the claim of the Government for the principal of the Government bonds advanced under said acts to said Union Pacific Railroad Company; said credit and application to be, however, conditioned upon the performance, by said company, of the provisions of this act relative to the payments by said company to be made on account of its land-grant and sinking-fund mortgages.

SEC. 3. That the Secretary of the Treasury is also hereby authorized and directed to carry to the credit of a sinking fund, for the payment of the balance of the principal of said bonds and of the interest, the amount due the said company for the carriage and transportation of the mails, troops, munitions of war, supplies, and public stores for the Government, under the act aforesaid, up to the 31st day of December, 1875, payment of which has been withheld under the act of March 3, 1873, which, if not amounting to the sum of $1,000,000, shall be made up by the company to that sum; any sum exceeding said $1,000,000 to be forthwith paid to said company.

SEC. 4. That the said company shall pay semi-annually, on the 1st day of April and October in each year, into the Treasury of the United States, such approximate sum, not exceeding $375,000, either in lawful money or in any of the bonds and securities of the United States Government at par, as shall, with interest thereon as hereinafter provided, be sufficient, when added to the other sums to the credit of said sinking fund, to pay off and extinguish the balance of the claim for the Government bonds advanced as aforesaid, with 6 per cent. interest thereon from their respective dates up to the maturity of the last bonds issued to said company. Interest on all sums placed to the credit of said sinking fund shall be credited and added thereto semi-annually at the rate of 6 per cent. per annum.

SEC. 5. That the payments so to be made by said company shall be in lieu of all payments or other requirements from said company under said act and the amendments thereto in relation to the re-imbursement to the Government of the bonds so issued to said corporation: *Provided, however*, That until said bonds and interest are fully paid, said company shall not in any manner be released from its present liabilities to keep the said railroad and telegraph lines, constructed under the acts of Congress aforesaid, in repair and use, and to transmit dispatches over said telegraph line, and transport mails, troops, munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any Department thereof, at fair and reasonable rates of compensation, the whole amount of which shall, upon the compliance of the company with the provisions hereof, be paid by the Government to said company, on the adjustment of the accounts therefor, and that the Government shall, at all times, have the preference in the use of the same for all the purposes aforesaid; said rates not to exceed the amounts paid by private parties for the same kind of service.

SEC. 6. That it shall be the duty of said Union Pacific Railroad Company to provide for and pay the interest on all land-grant bonds issued under the mortgage of April 6, 1867, payable twenty years from said date, and on all bonds issued under the sinking-fund mortgage of December 18, 1873, payable September 1, 1893, which mortgages cover the lands to be released and conveyed to the Government according to the provisions of this act; and said company shall also provide and maintain any necessary sinking funds for the redemption of all such land-grant and sinking-fund bonds, and shall duly redeem or pay all such bonds at or before the maturity thereof, or shall otherwise discharge said lands from the lien of said mortgages; and whenever and as often as any of the aforesaid lands shall be sold by the Government to settlers or otherwise, said company shall pay to the trustees under said land-grant mortgage, or to the trustees under said sinking-fund mortgage, as the case may require, an amount sufficient to release and discharge such lands so sold by the Government from all claim under said mortgages against said lands.

SEC. 7. That the mortgage of the Government created by the fifth section of the act of July 1, 1862, amended by the act of July 2, 1864, shall not be in any way impaired or released by the operations of this act unless or until the obligations of said company to the Government under said section 5 are, in accordance with the provisions of this act or otherwise, fully and perfectly performed; but said mortgage shall remain in full force and virtue, and, upon the failure of said company to perform the obligations imposed upon it by this act, said mortgage shall be enforced as if this act had not been passed; the Government, however, duly crediting and allowing to said company upon said mortgage all payments which may have been made in part execution of this act.

SEC. 8. That said Union Pacific Railroad Company shall be entitled at any time, whenever its financial condition will allow, to pay to the Government, in lieu of the semi-annual payments provided for in section 4 of this act, which may then remain to be made before the full payment and extinguishment of the balance of the Government claim as aforesaid, the then present value of all such future semi-annual payments, computed according to an interest rate of 6 per cent. per annum; and upon such payment of the present value the said balance of the Government claim shall be discharged without further semi-annual payments.

SEC. 9. That this act shall not be operative unless the same shall be accepted by the said Union Pacific Railroad Company within four months from the date of its passage by votes of the directors and stockholders at regular meetings duly called.

SEC. 10. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. LAWRENCE. The principal companies, on the 9th of June, submitted to the Judiciary Committee of the House a substantially similar proposition, in the form of a bill, *not including a release of lands to the United States*, substantially as proposed in the letter of the vice-president of the Central Pacific company of May 15 to the chairman of the Committee on the Judiciary. I proceed, therefore, to state some of the objections to these schemes urged by the companies.

THE OBJECT TO ESCAPE TAXES.

1. One object, as avowed by these companies, is to *escape taxation* in the State of Nebraska and the Territories of Wyoming and Utah. (Part 2 of House Report No. 440, first session Forty-fourth Congress; views of minority, page 14.)

The hardy and enterprising pioneers, many of whom have *paid* for their lands, bear the burdens of taxation, but these companies having obtained lands as a *gift* while sharing the benefit of State and territorial government, propose to throw the whole burden of taxation on the very people who in good part contribute the freight and passengers to make a large portion of their revenues. This House has already determined that this would not be just by passing at this session a bill authorizing the taxation of the railroad lands whether patented or not.

THE PURPOSE TO PREVENT PRE-EMPTION OF LANDS.

2. If the Government should take these lands at $2.50 an acre it must sell at that price, with interest added until the time of sale, or suffer loss.

By law these lands *are now*, or soon will be, subject to pre-emption in favor of actual settlers at *half this price*.

The original land grant was made by the third section of the act of 1862, which provides that—

All such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding $1.25 per acre, to be paid to said company.

According to the claim of the Government the Union Pacific road *was completed* more than three years ago, and these lands *are now open to settlement at $1.25 an acre.*

This company claims that its road was not completed until October, 1874; but even this would soon make these lands subject to pre-emption, as I have stated. (House Report No. 440, Forty-fourth Congress, first session, pages 10–17.)

This proposition, then, is a mere scheme to deprive actual settlers of the right to take these lands at $1.25 an acre, so far as there are any lands suitable for settlement. It is a mere scheme to enable the companies to obtain an increased price for their lands.

GOOD LANDS RESERVED TO COMPANIES—WORTHLESS LANDS FOR THE GOVERNMENT.

3. But still worse, this proposition is a mere scheme to impose upon the Government millions of acres of land at $2.50 an acre which is not worth ten cents for each thousand acres. The Union Pacific Company is entitled to 12,000,000 acres. Its lands east of the one hundredth meridian were valuable, but these are sold or withheld from the proposition.

The company will undoubtedly select its most worthless lands for release to the United States. Does any man believe that if this company could make more money out of these lands that it would release to the United States? If the lands are profitable at this price, let the companies keep them; if not, the Government does not want them.

The six millions of refuse lands left in such a selection are as bar-

ren as the rainless desert of Sahara. A vast alkali desert uninhabited and almost uninhabitable at $2.50 an acre! If the lands had natural fertility, which they have not, as a general rule they are in a region without rain, and they are inaccessible to water. They are worth no more than so much land in the moon.

It is urged that the price of $2.50 an acre "is but the equivalent of about seventy-five cents per acre, cash in hand, for the reason that the debt is not due for an average of twenty-three years to come, and this latter sum, invested at 6 per cent. interest, with its accumulations," will, at the expiration of that period, amount to the former sum. (Letter of vice-president Central Pacific, in views of minority, part 2 Report No. 440, first session Forty-fourth Congress, page 15.) But this is by no means correct. The company is *bound to pay interest* on the subsidy bonds. If there can be a credit *now* of $15,000,000 on the principal, the effect is that the Government pays $2.50 an acre now.

THE GOVERNMENT ULTIMATELY TO LOSE THE LANDS.

4. This scheme requires the credit of $15,000,000 to be made when a release of the lands is made to the United States. It leaves the lands subject to the land-grant and sinking-fund mortgages upon them. It does not require the proceeds of sales of other lands to be applied in releasing the mortgages on these. It does require, as the Senate bill would seem to indicate, that—

Said company shall also provide and maintain any necessary sinking funds for the redemption of all such land-grant and sinking-fund bonds.

It also provides that—

Whenever any of the lands [released to the Government] shall be sold by the Government said company shall pay to the trustees under said land-grant or sinking-fund mortgages an amount sufficient to release and discharge said lands so sold by the Government from all claim under said mortgages against said lands.

That is handsomely stated! "*Whenever*" any lands shall be sold!

Distance lends enchantment to the view.

The day of judgment is probably a long period in the future, but nothing as compared to the endless future "whenever" these lands will be sold. And we are to accept the promise of these companies without security in any form.

PROMISES NEVER TO BE FULFILLED.

No mode is provided for *enforcing* the creation of the sinking fund or for the payment to the trustees. Any future legislation to enforce these duties would be met with the cry of *vested rights* and the violation of the *charter contract*.

The result might and probably would be that the company would get credit for the $15,000,000, the price of the lands, and then the lands would be sold out under a foreclosure of the mortgage, and the Government lose its title.

Then we may be met with another modest inquiry, whether in consequence of the shrinkage in the value of the lands the Government "may not honorably share in this inevitable shrinkage." Its share would be a large share—*all*.

RELEASE OF DUTIES.

5. The fifth section of the Senate bill seems to be so drawn as to release the company from the duty to keep its road in repair and use after the subsidy bonds shall be paid.

But I will not pursue the objections which exist to this whole scheme, and which is supposed to meet the wishes of this company.

The Senate bill No. 687 in relation to the Central Pacific Company is substantially similar to that in relation to the Union Pacific.

The whole scheme of the companies, as I understand it, seems to me so destitute of justice, so outrageous in its demands, so bald a swindle that it deserves only the mature consideration necessary to repudiate and reject it with an emphasis and unanimity that will place it beyond resurrection.

A PLAN TO DISCOUNT THE CLAIMS OF THE GOVERNMENT.

6. It is a part of the proposition of the companies that they shall each "be entitled at any time, whenever its financial condition will allow, to pay to the Government, in lieu of the semi-annual payments" proposed by them, "which may remain to be made before the full payment and extinguishment of the balance of the Government claim, the *then present value* of all such future semi-annual payments, computed according to an interest rate of 6 per cent. per annum; and upon such payment of the present value, the said balance of the Government claim shall be discharged without further semi-annual payments." That is, they propose to first *impair and cut down* the value of an acknowledged debt—the subsidy bonds and interest payable at a future day—by declaring that the Government shall *not* apply in liquidation of current interest advanced by the United States, the 5 per cent. of net earnings, and half services, as the law now authorizes, and then to *increase the value of their payments* by putting them on compound interest until the maturity of the debt.

Having thus cut down the debt on one end and augmented the means of paying at the other, they propose to reserve a right to *buy in at a discount a debt thus impaired in value*. It is one of the intricacies of the progressive increase of compound interest that $1 put on compound interest will in a sufficient length of time pay a million on simple interest. The companies first propose to create a sinking fund on this principle and to make a discount on the sum they are to pay largely more than the Government could realize on the sum so to be advanced.

In point of mathematical ingenuity this scheme is so sublime that only a skilled actuary could sufficiently admire its strategy or compute the extent of the new sacrifice it proposes for the Government!

Here are *three* specific losses to the Government:

1. The millions of loss by a surrender of the right to credit 5 per cent. of net earnings and half services on current advances of interest;

2. The millions of loss by allowing compound interest on sums to meet advances of interest, without any interest on such advances; and, finally,

3. The millions of loss by the proposed discount on sums so payable to the Government.

In view of this proposition it is a little difficult to perceive the force of the assertion that these companies are *unable* to pay the proposed sinking fund. They are so well satisfied of their ability that even now they are laying their plans to discount their liability to the Government.

THIS OR NOTHING.

Will it be said it is better to accept these lands because if Congress does not the Government will ultimately get nothing?

But this assumption rests on an error of fact. Congress can enforce its demands. If a security by way of lien on the lands be desirable, Congress could create it by law. (House Miscellaneous Document No. 16, third session Forty-first Congress.)

THERE IS AMPLE REMEDY FOR THE GOVERNMENT.

And there is at least one remedy which could be applied, but which no man desires to apply; certainly I do not. Congress could for sufficient reasons repeal the charter conferred by acts of Congress, or cause its forfeiture on *quo warranto*, and sell out the corporate franchises to a new company or companies. (House Report No. 440, first session Forty-fourth Congress, page 164.)

The power of repeal is not limited to the same extent as the power to alter or amend.

If these companies continue to resist every demand, however just, if they resolve to defy all law and contemn every dictate of justice, we may at last be driven to inquire of each one of them—

"Quosque tandem abutere patientia nostra? Quamdiu etiam furor iste tuus nos eludet? Quem ad finem esse effrenata jactabit audacia?"

The extreme power is reserved by the fifth section of the act of 1862 to the Government to take possession of the roads for the use and benefit of the United States on their failure to redeem the subsidy bonds. These I know are extreme remedies never to be resorted to so long as any other remains, but it is by no means true that all is lost, and that the Government is under the necessity of accepting the fragmentary and worthless lands left after all having any value shall be first selected for the companies.

The remedies are abundant and the power complete to secure full indemnity to the Government if Congress will enact the necessary law.

CONCLUSION.

Mr. Chairman, in behalf of the bill now before the House, I appeal to you, and to the representatives of the toiling, taxed, and tax-paying people, to protect them from burdens which in law, and all good conscience, should rest upon these great and greatly-favored corporations. I appeal to you in the name of that justice which is the sole purpose of the bill, and which will sanction and sanctify it in the estimation of our constituents, and in the impartial history of the great hereafter. In the name of that Constitution which recognizes, protects, defends, and enforces the *obligations of contracts*, I demand that these corporations shall not be permitted to leave theirs unperformed. In the name of the illustrious men who conceived the mighty project of uniting by rail and telegraph the two oceans that wash our eastern and western shores, I demand that their consummated work shall never be dishonored with the recollection of violated faith and fraud in the broken promises of these corporations. In this centennial year of our national existence, in the assembled presence of illustrious representatives of every civilized power of the earth, while dealing with the most magnificent highway of the world, the crowning glory of all our internal improvements, which almost greets the sun in his rising at Plymouth Rock and follows his course across the continent to the Golden Gate, which opens the treasures of a continent to the Pacific Ocean and the commerce of untold millions of people, let it never be said that the Constitution is powerless to enforce the obligation of contracts or that the American Congress is without the courage to exercise the authority it has given for this purpose.

In the name of every corporation in the land, representing all our varied industries, giving employment to the enterprising and toiling millions of our population, I demand that these agencies for creating wealth and securing happiness and prosperity throughout our wide domain shall not be involved in the common odium that to some extent must rest upon all, if these greatest of commercial corporations shall be guilty of broken faith and violated honor. Let us cherish but yet control by just laws all the institutions of our country, among which are unnumbered corporations created for every conceivable purpose, and everywhere dispensing good among men. The Government itself is a gigantic corporation, established to "provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity" forever.

Corporations are the agencies through which commerce traverses

every ocean and is carried over every land. They build and operate our manufactories which display the wonder-working skill, genius, and enterprise of our people. They penetrate the earth in search of the treasures of coal and iron and petroleum and copper and lead and zinc and tin and cinnabar and silver and gold that are garnered under our wide-spreading plains, or hid away under rugged mountain ranges. They operate the machinery that prints our books and sends the newspapers to the door of every citizen of the Republic. They build colleges and conduct schools for the education of our children. They print the Bible and send the glad tidings of the gospel to every people. They erect churches to the true and living God and provide the means by which His ministers "go preach the gospel to every creature."

Let them all be made to obey the precepts of truth, honor, and justice born of heaven and proclaimed for the common good of all.

NATIONAL BANKS.

Mr. HARDENBERGH. Mr. Chairman, the Representative of a generous constituency who at such an hour as this would underestimate the great responsibility which devolves upon him cannot but be unfaithful to his high trust and to his country.

It is no idle honor to occupy a desk within this audience Chamber of the nation in the centennial year of its existence, when on the one hand exulting freemen mingle with loud acclaim their rejoicings at the progress of constitutional liberty as freighted with the wealth which time has gathered for them. All nations, all creeds, and all opinions lay their common offerings upon the altars of our country's progress.

The scene is strange; it is more, it is bewildering. The procession of the nations to attest our progress is assured. They come from every quarter and from every isle with the tributes of their industry, their wisdom, and their skill. Within our harbors the peaceful navies of the world shall ride, and by the richness of their contributions find an anchorage within the hearts of American freemen.

It is a splendid spectacle; a glowing page in the annals of the world's great history; a light-house in the ocean waste; an oasis in the desert sands of time, where humanity, worn and wearied, may give pause and invoke its higher, better destiny.

Time marches resistlessly onward in the development of events with wondrous strides. We pause as hoary monarchies enriched with spoils attest our greatness. The sword is sheathed; the spear has become a pruning-hook; and yet, with all these evidences of our greatness, with all these biddings to a newer prosperity than we yet have known, as the mighty arm of labor swings to invention's chime, a flush is seen upon the national countenance that bodes no good within.

Statesmen, tell us of the hour; what its signs of promise are; why, with all these elements of prosperity, does want of confidence exist; why does labor languish, and why the folded sails of commerce that have spread to every breeze and borne over every wave our banner with its stripes and stars?

The tremendous energies of war have we know been felt, but the smoke of the conflict has long since died away and over the graves of the actors upon either side tender hands and loving hearts have strewn with flowers the evidences of an unfading love, and with solemn ritual and Christian hope greet their immortal spirits year by year with a reverent hail and farewell.

The tributes we pay to their memories would be but idle did we not carry within our hearts the resolve to do something that shall give greater consecration to the memories of our soldier dead by the bestowment of our better energies to the proper solution of the great questions of public import on which hang the destinies of our Union and its grand or inglorious future.

These questions can alone be settled here, not in the simple light of party prejudice and party zeal, but on the higher plane of a statesmanship which can control the confidence and the sanction of the American citizen. It is not for want of capital, for its accumulation is awaiting exercise more than ever before. It is not for want of labor, for a million of stalwart men with uplifted hands appeal for work; the forge is idle and the workshop closed, while the hour that gives announcement to the stranger of the glory of our institutions yet finds those very institutions on a greater and severer trial than when they firmly stood beneath the iron hail of war and from a hundred battle-fields the crimsoned torrents flowed with the blood of brothers in the struggle for union and for freedom.

By common consent were remitted to the Forty-fourth Congress these questions of high and solemn import. The great body of a free people care less for party than for principle, and if American manhood and American statesmanship clothed with the high prerogatives of power are unequal to the task, where shall we find the remedy? Not in differences arising from sectional opinions, for of these there should be none. Not by the East and the North, where vast amounts of capital are awaiting remunerative investment. Not by the South, as she girds herself anew in the race for a higher prosperity than she has ever known, and bids you with yearning look believe she will be true forever to that Union which in an hour of madness she spurned; nor yet by the West, whose giant energies are so rapidly expanding to their fullest development, from where their shores of empire are laved by inland seas to where the traveler stands within that Golden Gate where California bids the world a welcome and crowns her commerce with diadems of gold; but in the union of all these knowing no distinctions which shall adjust the harmony between capital and labor, the only true basis of a real and permanent national greatness.

Come, then, representatives of earth's greatest republic, and as we weave together for her the crowns of laurel to attest her greatness and the benignity of her institutions, see if we may not agree upon some plan by which prejudices may be blotted out forever and the love of country find a higher devotion than the love of party and animosities which party spirit are so apt to generate. Mr. Chairman, I am of New Jersey, proud of her history and of her progress, and to New Jersey I must be true. How can all these things be, she asks of her representatives to-day. What is the measure of statesmanship required, and why may not her industries thrive, her children find employment, and hope and confidence again bear sway where distrust and dismay so long have reigned?

How stands the case? Two thousand millions of debt confront us. It must be paid though wrung from toil, for a nation's honor and a nation's faith may not be loosely trampled in the dust. We are writing and enacting history, and the example of our Republic will give glory to our institutions or bury their proud name forever.

We have solved thus far successfully great problems of government which in the ages past have confounded the wisdom of philosophy and the science of statesmanship. Wresting a continent from savages, denying the exactions of false rule, commanding independence, achieving victory over hoary monarchy, this nation seemed the offspring of time to bear the tidings of peace and good-will to men. Had not an overruling Providence thus designed it, when withheld so long from civilization, and erected the eternal barrier of three thousand miles of oceans—imperial domain—between the establishment and conservation of its liberties and the protests by arms of interferance from the despotism of the world at large?

When again her ancient enemy sought to reconquer the domain her treachery to liberty had lost, invasion was repulsed as on the land and on the sea we won the victor's wreath, and by repeated triumphs of gallantry and skill achieved no doubtful title to respect and confidence.

The third great trial has occurred, and been decided; its power to allay dissensions within itself; and now State vies with State to yield devotion to the Union and the great principles on which it was primarily established.

The issues with which we have to deal are of the present, and by the present they must be adjusted. They confront us each day in our legislation; give pause and hesitation to each bill we pass, each vote we give, for on our country's faith and credit all else must hang suspended in the balance. For the people we must legislate and by the people we must be judged.

It is now more than sixteen years since the war cloud lowered, changing all our preconcieved notions of finance. Various had been the systems adopted by the several States. From the wrecks of former panics, which had shaken from center to circumferance our busy industries and arrested the giant arms of labor, new systems had gradually been evolved. In many States the institutions organized for purposes of banking were alone dependent upon the good faith and common honesty of those to whom their interests were intrusted. It was public honor founded upon private faith. For a time all was well, until the frequent recurrence of stringency in the money mart forced home circulation to an alarming extent, and the people, becoming distrustful, hesitated in their acceptance.

From this state of affairs arose the security system, whereby the bill-holder was rendered secure in the deposit of public stocks in the departments of state of States thus enacting, and at such rate of value as would redeem at par, so far as human foresight could determine, their several issues. Then come panic or distress. The people or bill-holders who accepted these issues were secure.

New York as early as 1838 gave to it her adoption, and New Jersey followed some years after.

But with all these precautions something yet seemed wanting, and when the war-cloud lowered the public stocks of States which had been pledged for bank circulation became affected; the banks at great loss were obliged to deposit securities to cover the depreciation, until finally obliged to sell them at great loss and find investment in the bonds of the Government. When this necessity arose the banks became practically founded under a system of national credit, for their securities were national and their circulation was based upon it, and thus in the conflicts of the rebellion the national-banking act had its birth. The banks became the aiders and supporters of the war. A currency founded upon the national faith was, through the banks, at once created. The sinews of war were thus supplied, and our very existence rendered secure by the means thus adopted to give confidence to a patriot soldiery.

Thus incorporated into our system of finance, it must of necessity enter largely in the consideration of any plans which Congress may adopt looking to a solution of the problems of finance. What it has done in the past may not be ignored. It has stood through every test, giving confidence alike to depositor and to bill-holder; and if any monopoly exists, it is that of the public confidence, which refuses to be shaken. It belongs to no creed; it is allied to no party, while the only reason ventured for its repeal is the strongest which can be urged for its continuance; it is founded upon the nation's faith, and has sustained the nation's credit. While depositing as the security for the redemption of its circulating notes, it gives to the people from Maine to Texas and from seaboard to seaboard its notes of credit current in every section with the Union as their indorser and the security for their redemption.

The one great difficulty lies in the issue of 6 per cent. gold bonds, which by reason of their great security became an object of investment by the people of Europe, who amid the revolutions which so often threaten them are bidden to look hitherward for their sources of investment; and why? Because nothing so stable as republican liberty, nothing so secure as the empire which breaks the shackles of the slave, and permits the undeveloped freedom of the race to find its freest exercise. Though thus is complimented our national strength in the various marts of the world's great enterprise, yet we must be true to ourselves and win back our national securities, which have found such lodgement abroad, in order that we may more effectually control our own indebtedness and provide the remedies for its earlier adjustment.

The national banks, now falsely considered as monopolies, may be made conducive to the national credit as its chief aiders and supporters.

Permit me, then, to suggest the remedy whereby all cry of monopoly may be estopped and their continuance encouraged as a necessity to the State and to the nation. The people care not what plan you may adopt, so that their interests are secure and the promises to pay offered them in the multitudinous transactions of every-day life are beyond dispute. The wretched State-bank system, with notes unsecured, had well-nigh destroyed the public confidence, and for one who traversed many States the metallic currency was necessary to save imposition from the bill-brokers, who thrived in their occupations founded upon a distrust of confidence of State with State. To-day, whether the traveler has a note of the national banks or of the greenback currency, he feels secure.

A currency thus guarded would seem to need no defense, and institutions thus created ought to be beyond the prejudices of monopoly. Root them out and sure ruin awaits us, for they are governed by men of all parties and of all creeds. It is said the Government pays tax on their issues, and how? The bonds they hold are but a part of the indebtedness which the Government owes. The banks are but the investors, such as each individual is who has faith in the national honor, and expects and has a right to expect a return for the moneys invested; and thus in round numbers the banks are the holders of three hundred and seventy-five millions of Government bonds.

My proposition is this: to issue five hundred millions of 4 per cent. bonds, to be used by the banks as a collateral security for the notes issued to them, the bonds thus issued to be paid in fifty years. The banks can make sale of their 6 per cent. gold bonds and find investment in the 4 per cent. bonds, which will yield them a compensatory interest, as upon their pledge at the national Treasury a circulation at 90 per cent. can be issued. In the same proportion as the 4 per cent. bonds are issued the 6 per cent. bonds can be retired and the Government thus saved the payment of $16,000,000 gold interest. The bonds will readily be absorbed by the banks, the interest saved by the retirement of the 6 per cent. gold-bearing bonds will be kept within our own country, and banking will then be practically free, because the new bonds will command a simple par value, and new institutions starting under the law making banking free will be enabled to make fair purchase with which to make pledge at the Treasury for circulation issued while they part with the present gold-bearing bonds at a premium and secure to themselves the benefits resulting therefrom.

More than one hundred and twenty millions of legal-tender notes are now lying in the vaults of the banks as so much idle paper, because necessary to maintain the reserve required by law. Why should not this be utilized in the purchase of the bonds which would answer the purposes of the reserve and at the same time be a profit to the bank? There can be no purpose in the law requiring the banks to hold a reserve against their circulation and deposits which would not be as fully met by a reserve consisting of Government bonds as by one composed of legal-tender notes. In cases of emergency requiring a resort to the reserve of the banks for the purposes for which it is intended the bonds could at all times be converted into legal-tender notes in the market at a day's notice, while if counted at their par value only they would form a reserve of additional value over that of the greenbacks to the extent of the premium. It would be an advantage to the general business interests of the country, because without any addition to or inflation of the legal-tender currency it would release from the vaults of the banks and place at the disposal of business so much of the legal-tender currency now rendered inactive and comparatively useless as should be set free by the bonds of the Government in the reserves of the banks.

Does it not appear that we should endeavor to apply some means which may combine heartily the capital of the nation in its behalf, that we may secure something like stability on the part of our boasted form of government and quiet the trust-to-chance order of things which has been too much the history of the past in banking as a system, and provide for the future some plan which may elevate the native dignity and intelligence of forty-five millions of people, and that shall foster and encourage a healthy growth of commerce which can alone sustain the supremacy of any nation upon the earth for any length of time? and for this fact we have only to search the histories of Rome, of Venice, and of the Netherlands, and in the present age the British Empire of Great Britain. It may be said that a nation living upon two islands scarcely larger than our own Empire State to-day holds the purse-strings of the world, dictating laws to and levying tribute upon two hundred millions in India, ten thousand miles away from these little island-homes of these Anglo Saxons, our progenitors, and dictating peace or war to five hundred millions of civilized men.

Look back for the foundation and the cause for this fearful reach of power on the part of that nation, and what do we find is the underlying secret of this vast success. It is this: Well regulated commerce, well regulated finances, the fostering care of the private citizen in every relation of public or of private life which that citizen may see fit to occupy; protection to his natural rights always and at any cost.

Stability in our system of banking is the very nerve and life-blood of commerce, and without which it must linger and die, and our seaboard cities, instead of attaining to what the Queen of the Adriatic was, become what Venice now is.

The folded sails of commerce and a prostrated industry invite us to reflect not alone upon our condition, but to the enactment of positive measures of relief. Has the national-banking act performed its mission? Have the people given to it their support? And what are the reasons alleged for its repeal? Various have been the arguments used against it, the most prominent of which have been termed its monopolizing features. It was called into existence by the necessities of a disordered finances, rendered thus disordered by the stern arbitrament of war. The metallic currency was not sufficient by which armies could be raised and a patriot soldiery mustered for the tented field.

The nation had the right to use whatever of its resources the preservation of its life demanded. Thus were swept away the banks of State organization, that but one currency founded upon public faith might give renewed confidence to the threatened fortunes of the Republic. A new spirit was infused in the soldier's breast that his country was not unmindful of his valor as he gave the awful pledge of life to her service, and that if he fell amid the shock of battle, his family would find protection. If it did no more than this, and still performed its mission as the sweet wings of peace were spread over a restored Union, it should cause calumny to cease and invoke the sentiment of gratitude from all. Since its enactment nearly thirteen years have passed. No disaster or disasters have followed in its wake; its provisions are now more liberal than ever; it belongs to no party, is controlled by no section, offers its advantages to all who seek them, and gives to all the States a currency unapproached in security and preserved from the manipulations imposed upon doubtful State issues. This is its crowning feature, that during the long years of war and of peace not a dollar has been lost to the bill-holders, who are the people themselves.

What monopoly can attach to a system which bears upon its very face a perfect freedom, requiring every safeguard in its management, and so far as the interests of toil are concerned placed beyond the reach of peril?

By the repeal of the national-banking act one of two plans must be adopted, namely: a return to the system of State banks, or the issue by the Government of what is known as the greenback currency.

The first found its full condemnation by the people, who had grown restive under their constant failures, but yet were obliged to receive them in the ordinary operations of trade. When strictures in the market occurred and panic was breathed upon the public ear, terror and dismay followed in their long train of disaster, and the unsecured promises became but worthless paper, labor was cheated of its reward, and the arms of industry were palsied.

As to the second or greenback currency, shall the Government issue *its* notes as the requirements of the national Treasury may demand, and what limit shall be set to the public confidence?

What wondrous schemes shall be unfolded of internal improvements to demand their issue at the enactment of Congress until the land shall be flooded with promises to pay at the instance of political gamblers, to be rejected by the laborer in proportion as its value shall decrease by the immensity of its issue and the counterfeits which will be made upon it!

There can be but one way out of the wilderness in which we now are to the green fields of the public confidence. We must curtail our vast expenditures and give assurance that the road we travel is toward a gradual but sure and positive resumption; that it can be done as contemplated by the resumption act of 1875 I cannot believe. A proper extension will answer. The shrinkages of value, already enormous, will greatly increase. In view of this the banks are already making return of large amounts of their circulation to avoid the possibilities and penalties of that act. Yet with all this there should be no extension until the public confidence is assured of some positive enactment by Congress that its extension will not be used as an argument for their still greater enemy, inflation. We are to-day far richer than any nation upon earth; have more of value within ourselves of all that conduces to the wants and the happiness of our people. Let but the words of "confidence restored" again be spoken and the wheels of industry will again revolve and heavier strokes of labor fall upon the anvil of the nation's greatness. The want of these by a sound, assured system of finance is the cause of all our misery; deprives real estate of its proper value; produces uncertainty in all the relations of business, and prevents the investment of capital and the restoration of its harmony with labor.

A moderate tariff to defray the revenues of Government and pro-

vide for the payment of the interest upon the public debt must be maintained until the debt is greatly reduced. We must by every law of nature give protection to our own industries while struggling for their very life. The future is filled with hope, the clouds have each a silver lining.

The people are not prepared to ruthlessly abandon on the one hand a system of banking which has so well conserved their purposes and produced over sixty-five millions of revenue to the Government since their organization and have only received in return three million six hundred thousand for their expenses, nor will they on the other hand reject all the lessons of history which teach us that that nation alone can find enduring happiness which plants its operations upon positive values and adjusts itself to their proper measure.

Mr. Chairman, from my association with the national banks for a period dating from their first organization, it was not my purpose, nor did I suppose an occasion in the national Legislature would have arisen to have urged any arguments in their defense, but from some quarters here the language of invective has so often been applied that it occurred to me a few words fitly spoken would not be misconstrued.

Sir, we are in no condition for radical changes in our system of finance. When the nation, by its industry and thrift, shall have rolled from its shoulders this Herculean debt, then we may adopt some new system or remand the entire question back to the several States. But, until that is done, preserve them in all their integrity, and, above all, I pray you preserve them from the attacks of partisan malice. They have not entered the field of politics or sought to be ingrafted in political platforms. For those of New Jersey I speak with pride and satisfaction. Their mission has been beneficent and honorable. Conservative in all their action, they but reflect the character New Jersey so proudly sustains. With the same spirit ingrafted upon every State, our Union will be secure forever, and no sunderings of plighted faith disturb our progress as we cross the threshold of our second centennial, the wonder, the welcome, and the glory of the world.

APPENDIX.

An estimate of the total taxation of the national banks for the ten years ending in 1875 has been made, by assuming the rate of State taxation in the years in which no returns were made to this Office to have been the same as the known rate in the years which immediately preceded them. For the years 1872 and 1873 the necessary allowance has been made in the estimate for the amount of the income and license tax and the stamp tax on promissory notes, which taxes had then been repealed. Such estimate is shown in the following table:

Years.	Capital stock.	Amount of taxes.			Ratios to capital.		
		United States.	State.	Total.	United States.	State.	Total.
					P. ct.	P. ct.	P. ct.
1866	$410, 593, 435	$7, 949, 451	$8, 069, 938	$16, 019, 389	1. 9	2	3. 9
1867	422, 804, 666	9, 525, 607	8, 813, 127	18, 338, 734	2. 2	2. 1	4. 3
1868	420, 143, 491	9, 465, 652	8, 757, 656	18, 223, 308	2. 2	2. 1	4. 3
1869	419, 619, 860	10, 081, 244	7, 297, 096	17, 378, 340	2. 4	1. 7	4. 1
1870	423, 314, 041	10, 190. 682	7, 465, 675	17, 656, 357	2. 4	1. 7	4. 1
1871	451, 994, 133	10, 649. 895	7, 860. 078	18, 509, 973	2. 4	1. 7	4. 1
1872	472, 956 958	6, 703, 940	8, 343, 772	15, 047, 682	1. 4	1. 8	3. 2
1873	488, 778, 418	7, 004, 646	8, 499, 748	15, 504, 394	1. 4	1. 8	3. 2
1874	493, 751, 679	7, 256, 083	9, 620, 326*	16, 876, 409	1. 5	2	3. 5
1875	499, 438, 171	7, 305, 134	10, 076, 332	17, 381, 466	1. 5	2	3. 5
		86, 132, 304					

*Capital of banks reporting state taxes, $476,836,031.

The following table exhibits the amount of United States taxes* collected annually from the organization of the system (1863) to July 1, 1875; which amount has been collected without any expense whatever to the Government except the compiling of the returns in the Treasury:

Year.	On circulation.	On deposits.	On capital.	Aggregate.
1864	$53, 096 97	$95, 811 25	$18, 402 23	$167, 310 45
1865	733, 247 59	1, 087, 530 86	133, 251 15	1, 954, 029 60
1866	2, 106, 785 30	2, 633, 102 77	406, 947 74	5, 146, 835 81
1867	2, 868, 636 78	2, 650, 180 07	321, 881 36	5, 840, 698 21
1868	2, 946, 343 07	2, 564, 143 44	306, 781 67	5, 817, 268 18
1869	2, 957, 416 73	2, 614, 553 58	312, 918 68	5, 884, 888 99
1870	2, 949, 744 13	2, 614, 767 61	375, 962 26	5, 940, 474 00
1871	2, 987, 021 69	2, 802, 849 85	385, 292 13	6, 175, 154 67
1872	3, 193, 570 03	3, 120, 984 37	389, 356 27	6, 703, 910 67
1873	3, 353, 186 13	3, 196, 569 30	454, 891 51	7, 004, 646 93
1874	3, 404, 483 11	3, 209, 967 72	469, 048 02	7, 083, 498 85
1875	3, 283, 405 89	3, 514, 310 39	507, 417 76	7, 305, 134 04
Total	30, 836, 937 42	30, 104, 762 20	4, 082, 150 78	65, 023, 650 40

*The amount collected by the Commissioner of Internal Revenue from State banks, savings-banks, and private banks and bankers during the fiscal year ending June 30, 1875, was as follows:

On deposits	$2, 972, 260 27
On capital	1, 102, 241 58
On circulation	†22, 746 27
Total	4, 097, 248 12

†Of this amount $11,627.92 was derived from the tax of 10 per cent. upon unauthorized circulation.

Mr. ATKINS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. PHILIPS, of Missouri, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3263) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

Mr. SPRINGER. I move that the House adjourn.

Mr. LORD. I move that the House take a recess until eight o'clock this evening for the purpose of general debate on the subject of the Geneva award.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. ROBBINS, of Pennsylvania, for Friday and Saturday next.

To Mr. TOWNSEND, of New York, for ten days.

To Mr. CLYMER for four days from the 15th instant on account of important business.

To Mr. TUCKER for eight days on account of important business.

ORDER OF BUSINESS.

Mr. LORD. I hope the gentleman from Illinois will withdraw his motion to adjourn, so I may move that the House take a recess until eight o'clock for debate on the Geneva award bill.

Mr. SPRINGER. I will withdraw the motion to adjourn for that purpose.

Mr. PAGE. Does the order that the session shall be for debate only, no business whatever to be transacted, extend over to-morrow?

The SPEAKER *pro tempore*. It does not.

Mr. PAGE. I should like to ask the chairman of the Committee on Appropriations, or some other member of the committee, that by unanimous consent that order be extended so as to include to-morrow.

Mr. SPRINGER. I object, because I want the Army appropriation bill taken up to-morrow under the five-minute rule, and disposed of.

Mr. LORD. I now ask for the vote on my motion that there be an evening session at eight o'clock, to go on with the debate on the Geneva award bill.

Mr. BLACKBURN. I rise to a point of order. I understand, under the arrangement made by unanimous consent yesterday, that to-day no business should be transacted, but that the session should be for debate only, and debate only on the Army appropriation bill. I ask the Chair to decide whether the motion of the gentleman from New York is in order under that unanimous action of the House?

The SPEAKER *pro tempore*. The Chair has before his eye that order as it appears in the RECORD. The Chair sustains the point of order.

Mr. BLACKBURN. I do not make the point of order with any view of antagonizing the motion of the gentleman from New York, [Mr. LORD.] I have made it simply that the order of the House may be observed.

The SPEAKER *pro tempore*. The order is absolute that yesterday and to-day be devoted to general debate on the Army appropriation bill.

Mr. LORD. Then I move that the House take a recess till eight o'clock, when gentlemen may speak on the Army appropriation bill if they see fit. That will give an opportunity for general debate.

The SPEAKER *pro tempore*. The gentleman from New York moves that the House take a recess till eight o'clock for the purpose of discussing further generally the Army bill. Is there objection?

Mr. PAGE. I object.

The SPEAKER *pro tempore*. The Chair will put the question.

Mr. PAGE. We have been here all day and have a very thin House. I think we should adjourn, and call for a division.

The question being taken by a rising vote, the Chair announced 20 ayes. Before the negative vote was counted,

Mr. PAGE said: There is evidently not a quorum present. I make the point that there is no quorum.

The SPEAKER *pro tempore*. The Chair observes the fact that there is no quorum.

Mr. SPRINGER. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. PARSONS: The petition of Jacob Klatter, for compensation for property taken by the United States Army, to the Committee on War Claims.

By Mr. PLAISTED: The petition of Caleb Holyoke and others, owners of the brig Itasca, destroyed by confederate cruisers, to be indemnified for said loss out of the Geneva award fund, to the Committee on the Judiciary.

By Mr. RIDDLE: Papers relating to the petition of J. D. Bond & Brother, of Wilson County, Tennessee, for the refunding of internal-revenue taxes illegally assessed against and collected from him, to the Committee of Claims.

Also, papers relating to the claims of Torrance Kirby, of Sumner County, Tennessee, to the Committee on War Claims.

IN SENATE.

THURSDAY, *June* 15, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Monday last was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 2752) to change the name of the schooner Mayflower;

A bill (H. R. No. 3200) to change the name of the steam-barge Dolphin, of Clayton, New York;

A bill (H. R. No. 3678) to change the name of the pleasure-yacht Lydia to that of Sylph; and

A bill (H. R. No. 3688) to amend an act entitled "An act supplementary to the acts in relation to immigration," approved March 3, 1875.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 3398) for the issue of coin, and other purposes; and

A joint resolution (H. R. No. 109) for the issue of silver coin.

The bill (H. R. No. 2860) to facilitate and encourage philosophical, mechanical, and scientific exhibitions and experiments at the centennial exhibition was read twice by its title, and referred to the Committee on the Judiciary.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives.

Mr. MORRILL, of Maine. I move that the Senate insist upon its amendments and ask a conference upon the disagreeing votes of the two Houses.

Mr. COCKRELL. I simply desire to record my opposition to the motion. I think the Senate should recede from its amendments to the bill. I will not call the yeas and nays, however, at this time upon the question.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine, [Mr. MORRILL.]

The motion was agreed to.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. MORRILL of Maine, Mr. WINDOM, and Mr. WITHERS were appointed the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

An act (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes;

A bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army;

A bill (H. R. No. 1800) for the relief of Kendrick & Avis; Kuner, Ziscmann & Zott; Kuner & Zott, all of Saint Louis, Missouri; and Nachtrieb & Co., of Galion, Ohio;

A bill (H. R. No. 2135) relating to the execution of custom-house bonds;

A bill (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery;

A bill (H. R. No. 2434) to amend section 5271 of the Revised Statutes of the United States, relating to extradition;

A bill (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 28, 1874; and

A bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes.

BILL INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 922) for the relief of Crary & Carter; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MORRILL, of Vermont. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

WILLIAM HARPER AND OTHERS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of William Harper and others; which was referred to the Committee on Military Affairs.

BONDING MARBLE IN BLOCKS.

Mr. CHAPIN, by unanimous consent, from the Committee of Ways and Means, reported back, with the recommendation that it do pass, the bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes.

The bill, which was read, proposes to amend section 2958 of the Revised Statutes by adding in the sixth line, after the words "other merchandise," the words "and marble in blocks may, in the discretion of the Secretary of the Treasury, be bonded in open yards, under the care of an officer of customs, at the expense of the owner or importer."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CHAPIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUSTICES OF THE PEACE IN THE DISTRICT.

On motion of Mr. BUCKNER, by unanimous consent, the bill (S. No. 525) to amend section 994 of the Revised Statutes relating to justices of the peace in the District of Columbia was taken from the Speaker's table, read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN BOYLE.

Mr. BLISS, by unanimous consent, introduced a bill (H. R. No. 3729) granting a pension to John Boyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. MAURAN AND OTHERS.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, reported back, with an adverse recommendation, the bill (H. R. No. 1043) for the relief of J. R. Mauran, J. D. Price, H. Norris, and others; and the same was laid on the table, and the accompanying report ordered to be printed.

J. D. SIMMS AND S. V. TURNER.

Mr. GOODE, by unanimous consent, introduced a bill (H. R. No. 3730) to remove the political disabilities of John D. Simms and Samuel V. Turner, of Virginia; which was read a first and second time.

Mr. GOODE. I ask that the bill may now be put upon its passage.

The bill was read. It removes from John D. Simms and Samuel V. Turner, of Virginia, all political disabilities imposed by the fourteenth amendment to the Constitution of the United States by reason of participation in the late civil war.

Mr. HURLBUT. I would ask the gentleman whether petitions in the ordinary form have been filed?

Mr. GOODE. Yes, sir; that has been done in both cases.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

Mr. GOODE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELISHA C. BENNETT.

Mr. JOHN REILLY, by unanimous consent, introduced a bill (H. R. No. 3731) granting a pension to Elisha C. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. BROWN.

Mr. JOHN REILLY also, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 3732) for the relief of John T. Brown; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS F. CARTER.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported a bill (H. R. No. 3733) for the relief of Thomas F. Carter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. M. HAMILTON.

Mr. JOHN REILLY also, by unanimous consent, from the same committee, reported back, with an adverse recommendation, the petition of Captain J. M. Hamilton, Fifth Cavalry, United States Army, for change in date of commission; and the same was laid on the table, and the accompanying report ordered to be printed.

AMOS B. FERGUSON.

Mr. HURLBUT, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 82) for the relief of Amos B. Ferguson; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

L. DAVIS AND A. REES.

Mr. HURLBUT also, by unanimous consent, from the same committee, reported a joint resolution (H. R. No. 126) for the relief of Lawrence Davis and August Rees, of the Twenty-third United States Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. NEEDHAM.

Mr. HURLBUT also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2093) for the relief of William H. Needham; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

REDEMPTION OF NATIONAL-BANK GOLD-NOTES.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 3734) providing for the redemption of national-bank notes payable in gold at the office of the assistant treasurer of the United States at San Francisco; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARIA W. SANDERS.

Mr. JENKS. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of Senate bill No. 375 for the relief of Maria W. Sanders, and that it be now considered by the House.

Mr. HURLBUT. I desire to state that I objected the other day to this proposition of the gentleman from Pennsylvania, [Mr. JENKS,] but since then having learned the purport of the bill I withdraw my objection.

The SPEAKER *pro tempore*. The bill will be read, after which objections to its present consideration will be in order.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Maria W. Sanders, of Pittsburgh, in the State of Pennsylvania, upon the list of pensioners, as the widow of Brevet Major John Sanders, at the rate of $50 per month, to commence from the 1st day of March, 1861, and to continue during her widowhood.

The amendment proposed was to strike out "$50" and insert "$30," and to strike out the words "to commence from the 1st day of March, 1861, and."

Mr. WILSON, of Iowa. I hope the gentleman from Pennsylvania [Mr. JENKS] will give some reasons for this bill.

Mr. JENKS. There are several reasons for its passage. The application in this case was made in 1860, but not acted upon; and the war coming on, it was not renewed until the last Congress.

Mr. HOLMAN. I think there should be no partiality shown in bills of this class. I would ask that the report in this case be read.

Mr. RANDALL. The trouble is that some injustice has already been done in this case by the arbitrary objection of some person in Committee of the Whole when this bill was reached.

Mr. JENKS. When the Private Calendar was under consideration on an objection day, by mistake this bill was objected to when it was reached.

Mr. HURLBUT. I ask the gentleman from Pennsylvania to make some explanation of this bill.

Mr. HOLMAN. Let the report be read.

Mr. JENKS. There is a report of the Senate committee, which the Clerk can read.

The Clerk read as follows:

That the petitioner is the widow of Brevet Major John Sanders, late of the Engineer Corps of the United States Army, who died on the 29th day of July, 1858, as is believed in consequence of disease contracted in the Mexican war and subsequent exposure in the line of duty; that he entered the Army in 1834, having graduated second in the class of that year, and served with faithfulness and distinction in the Engineer Corps until the time of his death, about twenty-four years, embracing the whole period of the war with Mexico, when exposure and laborious effort impaired his constitution; that he died while engaged in superintending and directing the works on Reed Island, in the Delaware, leaving a widow and seven children.

Mrs. Sanders applied for a pension in 1860-'61, but the petition was not acted on, and, the war soon thereafter commencing, the application was not renewed until the last Congress, when no decisive action was taken, and it is now renewed.

Though not coming within the provisions of the general pension laws, your committee regard the case as one of sufficient merit to justify a special act for the relief of Mrs. Sanders, and find abundant precedent to justify such action in the records of Congress in connection with this subject.

They would therefore recommend the passage of the bill, (S. No. 375,) with an amendment fixing the amount of pension at $30 per month, and striking out the words "from the 1st day of March, 1861," and inserting "from the approval of this act."

Mr. HOLMAN. I will reserve my right to object until the bill is again reported.

The Clerk again reported the bill and proposed amendment as before.

Mr. HOLMAN. I see nothing remarkable about this bill, except the fact that it does not even appear that this officer died in consequence of wounds received or of sickness incurred while in the service of the United States. There is a belief expressed that such may have been the fact, but it is not asserted in the report as a fact.

The Senate have thought proper to pass this bill. Congress perhaps is not too liberal in granting pensions; I am certain it is not too liberal in granting pensions to the widows of the private soldiers of the Army. If I might make a single suggestion to my young friend from Pennsylvania [Mr. JENKS] it would be this: if it was urged more frequently in this House that pensions be granted to widows of private soldiers instead of the extraordinary pressure which is so often made here in behalf of officers' widows, I should consider it more in harmony with the proper policy and duty of Congress. With the proposed amendment I will not raise any objection to the bill.

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and the same was before the House.

The SPEAKER *pro tempore*. The question is on the amendment which has been reported.

Mr. JENKS. There was an error in reporting that amendment. It is an amendment which has been already agreed to by the Senate.

Mr. HOLMAN. I understood that it was an amendment reported from the Committee on Invalid Pensions of this House.

Mr. JENKS. It was an amendment reported to the Senate, and agreed to by the Senate.

Mr. HOLMAN. I do not wish any mistake about this. The bill as read by the Clerk proposed to give $50 per month, while the amendment proposed to reduce the pension to $30 a month.

The SPEAKER *pro tempore*. The Clerk read the printed copy of the bill as first introduced in the Senate. The Clerk will now read the bill as passed by the Senate and now before the House.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Maria W. Sanders, of Pittsburgh, in the State of Pennsylvania, upon the list of pensioners, as the widow of Brevet Major John Sanders, at the rate of $30 per month, to continue during her widowhood.

The bill was then read the third time, and passed.

Mr. JENKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET KEENAH.

Mr. ROBERTS, by unanimous consent, introduced a bill (H. R. No. 3735) granting a pension to Margaret Keenah; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLERK OF COMMITTEE ON EXPENDITURES IN WAR DEPARTMENT.

Mr. ROBERTS, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Expenditures in the War Department be allowed a clerk for the further term of one month from the 6th day of June, 1876, whose compensation shall be $4 per day.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary. The morning hour now begins at half past twelve o'clock. The regular order of to-day is the unfinished business of yesterday, being the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, upon which the previous question was demanded, and the gentleman from Wisconsin [Mr. LYNDE] is entitled to the floor.

Mr. ATKINS. Is this the regular order?

The SPEAKER *pro tempore*. The regular order is the call of committees for reports, and this bill comes up under that call as unfinished business.

Mr. ATKINS. Is it in order to move to go into Committee of the Whole on the state of the Union on the Army appropriation bill?

The SPEAKER *pro tempore*. The gentleman is too late to make that motion; the Chair expected him to make the motion and would have recognized him had he risen.

Mr. HOLMAN. The motion to suspend the rules to go into Committee of the Whole on the state of the Union is certainly in order. It is done by a majority vote only, but it stands on the same footing as a motion to suspend the rules which requires a two-third vote. The only difference is that this particular right pertains to appropriation bills only, and I submit therefore that that motion can be submitted at any time, and in the absence of a pending motion to suspend the rules is in order.

The SPEAKER *pro tempore*. The Chair would state that the motion of the gentleman from Tennessee is a privileged motion.

Mr. ATKINS. I certainly thought so; and I would state that I rose to address the Chair several times for the purpose of making that motion.

The SPEAKER *pro tempore*. The morning hour had begun at that time.

The question was taken on Mr. ATKINS's motion, and it was agreed to.

Mr. HURLBUT. I have been trying to obtain the attention of the Chair. I desired before that motion was declared to submit to the gentleman from Tennessee, in consideration of the slimness of the House, the propriety as a matter of courtesy that he allow the general debate upon the Army bill to continue to-day, and that the bill shall not be taken up in detail to-day; and I hope that the gentleman will accept that modification.

Mr. ATKINS. In answer to the remarks of the gentleman from Illinois, I wish to say that as far as the members of the Committee on Appropriations are concerned they desire to treat gentlemen on the other side of the House with perfect courtesy in this matter: and if it is the wish of gentlemen not to go into Committee of the Whole on the state of the Union on the Army bill, I do not desire to press my motion.

Mr. HURLBUT. I hope then that by unanimous consent the House will agree that general debate shall go on to-day, no business to be transacted. I hope that will be done.

Mr. SPRINGER. I object.

Mr. ATKINS. I believe the House is already in Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. The House has voted to go into Committee of the Whole on the state of the Union, and awaits the pleasure of the gentleman from Kentucky [Mr. BLACKBURN] to take the chair.

ARMY APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. HURLBUT. I move that the committee rise in order to allow me to submit to the House the proposition I have made.

Mr. HOLMAN. Before that motion is put it is well enough to consider whether or not business can be transacted to any advantage to-day.

Mr. HURLBUT. I would rather adjourn.

Mr. ATKINS. There is no objection I think on this side of the House to the proposition of the gentleman from Illinois; it seems to be one pretty generally entertained on the other side of the House. We do not desire to press the bill. It proposes no change in the laws, but there are reductions made in the bill which gentlemen on the other side may not agree to; and as the House is thin, on that side at least, I hope our friends on this side will not oppose the suggestion.

Mr. LUTTRELL. We will want the same privilege next week.

Mr. RANDALL. I desire to ask if gentlemen on the other side object to going on with the details of the bill to-morrow.

Mr. HURLBUT. Not at all; I do not object.

Mr. HOLMAN. If the committee rise for that purpose, or if we agree in committee that to-day's business be limited to debate on this bill, I should wish to have it coupled with the further understanding that to-morrow the bill shall be taken up by paragraphs.

Mr. HURLBUT. I am content that it shall be taken up under the five-minute rule to-morrow.

Mr. HOLMAN. I make the suggestion out of courtesy to gentlemen on the other side of the House.

The CHAIRMAN. The Chair would suggest that this is a modification of the motion of the gentleman from Illinois, which should come properly before the House, so that the House may bind itself to this agreement.

Mr. HOLMAN. I hope that the committee will rise.

The question was taken on Mr. HURLBUT's motion, and it was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HOLMAN. I suggest to my colleague on the Committee on Appropriations, the gentleman from Tennessee, that in view of the request made by the gentlemen upon the other side of the House that the only business of to-day shall be general debate on the pending bill, I trust that he will agree to it, and that the further unanimous consent be given that the bill shall be proceeded with by paragraphs to-morrow after the reading of the Journal.

Mr. HURLBUT. Under the five-minute rule.

Mr. ATKINS. I would state in reply to the gentleman from Indiana that I desire to make a brief explanation of this bill when the House is full, and with the understanding that I shall have that opportunity I have no objection to the proposed arrangement. I shall not detain the House more than fifteen or twenty minutes, I think, at the utmost.

Mr. HOLMAN. I will reserve that right to the gentleman, before the House proceeds to consider the bill, in my proposition.

Mr. REAGAN. I would suggest if it is not advisable that we shall go on with the call of committees. Many of the committees have reports which it is very desirable they shall get before the House, and I understand that there are now but two appropriation bills undisposed of. I suggest that to-morrow morning the committees should be called for reports.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that to-day be devoted to general debate on the Army appropriation bill and that to-morrow, after the reading of the Journal, the bill shall be considered by paragraphs under the five-minute rule. Is there objection to that proposition?

Mr. SPRINGER. I desire to ask the gentleman to make this modification, that members may discuss the Geneva award in the House after the House has been in Committee of the Whole on the state of the Union, in order that that business may be disposed of.

Mr. ATKINS. I suppose that under the practice of the House gentlemen may discuss anything under an order for general debate if they want to. There is no restriction as to the Geneva award.

Mr. SPRINGER That bill is in the House.

Mr. O'NEILL. Could not by unanimous consent the debate on the Geneva award go on to-morrow and Saturday? I think that if we allow that time for its discussion we could get through the bill by Tuesday.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Indiana, [Mr. HOLMAN,] that the session of to-day be for general debate only upon the Army appropriation bill?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. MORRILL of Maine, Mr. WINDOM, and Mr. WITHERS.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I ask unanimous consent that the House take up the legislative, &c., appropriation bill, which has just been returned from the Senate, in order that a committee of conference may be appointed on the part of the House to meet the one already appointed on the part of the Senate.

No objection was made, and the bill was taken from the Speaker's table.

The House insisted on its disagreement to the amendments of the Senate, and ordered that a committee of conference be appointed on the part of the House on the disagreeing votes of the two Houses thereon.

The SPEAKER *pro tempore* appointed as managers of the conference on the part of the House Mr. RANDALL, Mr. HOLMAN, and Mr. FOSTER.

EVENING SESSION.

Mr. LORD. I move that there be an evening session for the purpose of discussing the Geneva award bill.

The motion was agreed to.

SINKING FUND FOR THE PACIFIC RAILROAD.

Mr. LAWRENCE. I desire to state to the House that on Tuesday next I shall call up the bill (H. R. No. 3676) to amend the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and other acts in relation to the railroad companies therein mentioned, and put it on its passage. It is the desire of the Committee on the Judiciary, informally expressed, that this should be done, and then it is understood to be the desire of the Committee on the Judiciary that on the next day a vote shall be taken on the bill to provide for the distribution of the Geneva award. I make this announcement now so that if any gentlemen desire to speak upon the bill they may do so before that time.

Mr. HOLMAN. The bill to equalize the bounties of soldiers in the late war was made a special order in advance of the bill to which the gentleman referred. If the gentleman who has charge of that bill should be upon the floor on Tuesday, that bill will have precedence on that day.

Mr. LAWRENCE. We can possibly pass both of them.

Mr. HOLMAN. I hope so.

Mr. SCHLEICHER. There is another special order. The report of the Committee on the Texas Border Troubles has been a special order since the 20th of April last, and notice was given last Saturday that it would be called up, and it certainly comes in previous to the other bills which have been mentioned.

Mr. HOLMAN. I think the first special order is the bill to which the gentleman from Texas refers.

The SPEAKER *pro tempore*. The Chair would state that a list of the special orders will be made out and published in the RECORD of to-morrow.

BRIDGE ACROSS THE WABASH RIVER.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Commerce a bill which was objected to the other day by the gentleman from Indiana, [Mr. HOLMAN,] who at that time offered an amendment which the committee have instructed me to accept, and which is included in the bill I now propose to report.

There was no objection, and

Mr. DUNNELL, from the Committee on Commerce, reported a bill (H. R. No. 3736) authorizing the construction of a bridge across the Wabash River; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIOUX INDIANS.

Mr. BOONE. I ask unanimous consent to report back from the Committee on Indian Affairs a bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, with an amendment, and to ask that it be put on its passage now.

Mr. HOLMAN. Let the bill be read.

The bill was read *in extenso*.

Mr. BOONE. I now ask that the amendment reported from the Committee on Indian Affairs be read together with the report of that committee.

Mr. HURLBUT. I make the point of order that the bill, making an appropriation, must have its first consideration in the Committee of the Whole.

Mr. PAGE. The bill has passed the Senate and is all right, and I hope the gentleman from Illinois will withdraw his objection.

Mr. HURLBUT. Unless there is some urgent necessity for the passage of the bill, I must object to taking it up for consideration at this time.

Mr. HOLMAN. There should be some delay before the bill is put upon its passage. The report has just been submitted and the bill is not in print.

Mr. BOONE. It seems important we should dispose of the proposition in some way. There is great probability of collision between United States forces and these Sioux Indians who are off their reservation.

Mr. HURLBUT. Is it to negotiate in reference to the title of the Sioux Nation of Indians to the Black Hills country?

Mr. BOONE. Yes; an agreement with the Sioux Nation in regard to a portion of their reservation.

Mr. HURLBUT. I withdraw the point of order on the statement of the gentleman from Kentucky.

Mr. HOLMAN. I do not wish to renew the point of order, though I shall have to do so unless I can have time to consider the bill.

Mr. ATKINS. It has not been printed. It ought to be printed and carefully considered before it is put upon its passage. It is an important measure. It is an entering-wedge in reference to an important line of policy. I do not wish to object, however, to the bill.

The SPEAKER *pro tempore*. It is too late to object to the consideration of the bill.

Mr. HOLMAN. I shall have, then, to make the point of order that it must have its first consideration in the Committee of the Whole on the state of the Union, as it makes an appropriation.

The SPEAKER *pro tempore*. The bill is obnoxious to the point of order in that it makes an appropriation in the second section.

Mr. HOLMAN. I hope the gentleman, then, will allow me to reserve the point of order. I believe he will concede it is better not to have the bill go to the Committee of the Whole on the state of the Union on the point of order, and therefore I hope he will agree to its postponement until the bill is printed and we shall have time to consider it.

Mr. BOONE. The gentleman from Indiana says the bill has not been considered.

Mr. HOLMAN. I mean not considered in the House.

Mr. BOONE. It has been considered by the Committee on Indian Affairs, and it is now reported from that committee with an amendment and a report, which I have asked be read.

Mr. HOLMAN. I say there has been no opportunity for the members to consider the bill. I have not read the bill and have not seen it until to-day. I knew such a bill had passed the Senate, but did not know what were its details until this morning. As it is a bill of much importance, we ought to have time to examine it carefully before it is put upon its passage.

The SPEAKER *pro tempore*. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I do.

The SPEAKER *pro tempore*. The Chair, then, will be compelled under the rules to sustain the point of order, and send the bill to the Committee of the Whole on the state of the Union.

Mr. BOONE. I withdraw the bill.

Mr. HOLMAN. O, no; let it be printed and recommitted.

Mr. BOONE. I move, then, that the bill and amendment, together with the accompanying report, be printed, and recommitted to the Committee on Indian Affairs.

There was no objection, and it was ordered accordingly.

MESSAGE FROM THE PRESIDENT.

A message from the President, by his Private Secretary, Mr. ULYSSES S. GRANT, jr., notified the House that he had approved and signed, June 12, an act (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, State of Pennsylvania, to close the channel of the Ohio River, on the south side of Neville Island, by the construction of an embankment or causeway from the head of said island to the southern shore of said river; and

An act (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons.

It further announced that the following bills, having been received by the President on the 2d of June, and not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become laws without his signature:

An act (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment of Iowa Cavalry Volunteers; and

An act (H. R. No. 755) for the relief of Jackson T. Sorrells.

ORDER OF BUSINESS.

Mr. ATKINS. This proceeding, Mr. Speaker, is all out of order. The House has resolved to go into Committee of the Whole on the state of the Union to proceed with the debate on the Army appropriation bill.

The SPEAKER *pro tempore*. But the House has not yet agreed to suspend the rules and go into committee.

Mr. ATKINS. Then I make that motion.

The motion was agreed to.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. TARBOX. Mr. Chairman, I avail myself of the wide range of debate the committee permits to comment with the brevity that defers to the age of the session, now venerable, and the urgent claims of legislative business, upon a topic of national concern that has largely interested public attention hitherto and threatens new controversies. It is the subject of Government aid and patronage to enterprises of a private sort, which, however worthy and public spirited, do not relate to the Federal functions, are of local or sectional rather than national scope, and by connection with which the Government involves itself in concerns and enters into obligations outside the proper and safe limit of its powers. I am provoked to this discussion, and justified in it, by the arguments and appeals, able and fervid, made here in recent debates by the gentleman from Tennessee [Mr. ATKINS] and the gentleman from Texas, [Mr. CULBERSON,] in support of a pledge of Government credit in aid of the construction by a private corporation of another line of railroad to the Pacific.

Early in the session this body, by an impressive majority of its members, put upon record its emphatic hostility to all Government grants of land, subsidies, or credit to any object not purely public and distinctively Federal in character. We shut and barred the doors of the Treasury vault against all assaults of private interest or importunity and dedicated every dollar in its coffers to public uses. This action, I doubt not, was the honest and patriotic judgment of this House and faithfully interpreted the intelligent sense of the country. And yet these gentlemen—in perfect sincerity, I am sure, for I know and honor them both as true men and honest legislators—while virtually abandoning hope of favorable consideration of their project now, appeal from this sternly hostile Congress to a future one, which they hope may be found more pliant to their design. While it is the clear right of the advocates of this measure to ask of the people in whose grasp the powers of government lie, and of a future Congress that the people shall put here to execute their will, to reverse our judgment in this matter, I am not content the appeal shall go forth hence to the country without a challenge in the name of the public opinion I speak for here.

Sir, we are urged to loan the nation's credit to a railroad corporation already richly endowed by gifts of the public domain and yet unable to support itself. I will not discuss the constitutionality of the proposition. If not unconstitutional it is impolitic, and I prefer to meet its advocates on that broader issue. And yet, sir, I am persuaded, however jurists may dispute or courts determine, the Constitution, as the fathers inspired it and as sound policy should construe it, gave no power to Congress to so appropriate the money or hypothecate the credit of the people. Sir, the power to take the substance of the individual citizen, whether under the right of eminent domain exercised over specific property, or under the right to levy and collect taxes, is of the highest prerogative of sovereignty. That prerogative can extend no further, consistent with inalienable popular rights, than the right to take property for public use, and to tax and apply the proceeds of taxation to the support of legitimate government functions. If it transcends these limits it becomes usurper and tyrant, and rebellion against it is virtue. So the father statesmen of the Republic taught, and such is our faith. Surely no constitution of government framed for the defense of liberty can perform a worthier civil office than the maintenance of these just boundaries of power. And I cannot credit, sir, that the wise men who a century ago proclaimed these principles and vindicated them in a historic war ever intended to clothe Government with authority to levy taxes on the industry and thrift of the people, to be loaned on good or doubtful or no security at all to private commercial corporations organized for private profit.

But I waive the constitutional objection for the purpose of the present debate. Politicians, I discover, are quite human, whatever their political creed, and prone to impatience of constitutional inhibitions and ingenious to circumvent a constitutional obstacle when it stands in the path of their interests or prejudices or ambitions. So careful constructionists as gentlemen who found no warrant in the Constitution for the appropriation of money for the public commem-

oration of the first completed century of the Republic see no constitutional impediment here. So I forbear to spend impotent breath in pleading the bar of the Constitution, and, stepping outside legal limits and defenses, oppose to the measure the objections urged by public policy and commercial morals, pausing only to refer for a moment to one position taken by the gentleman from Tennessee. He invokes the clauses of the Constitution relative to the establishment of post-roads and providing for the common defense and general welfare. The argument is familiar. It has served well hitherto as nepenthe to the congressional conscience against constitutional qualms. I do not care to revive the debate. Only, sir, if the latitude of construction contended for be admissible as to its other grants of power, the Constitution might as well be a blank page on which the administrators of Federal trusts may record whatever charter of prerogative their ambition or caprice dictates. Does there exist here, within the legal intent, a necessity of the public safety or convenience that summons the Government to exercise the power these clauses of the Constitution confer? If not, the discussion is over; for such need is the basis of authority. But, if the necessity does exist, then let the Government meet it in the direct and legitimate mode: build the road, control it, and own it for the national uses it is wanted to serve.

This is no subsidy, only a loan secured by ample pledge, say gentlemen. Ah, sir, be not beguiled by these pleasant illusions. I feel forewarned by an experience that cost on a theater of local fame. Massachusetts once lent her credit to a railroad corporation of great promise and mean performance. The argument was as plausible and as deceptive as the one urged here, and supported by as clear demonstration that the loan was a safe one and the State certain to realize commercial benefits of great value. Wheedled by the specious plea, the generous old Commonwealth lent her treasure to the enrichment of knaves and the shame of her commercial honor. How has it been on the larger field? Has the General Government ever touched the unclean thing without defilement? Is there a single instance where its bounty has not been abused to selfish ends? To this subsidy policy we must charge the grossest scandals that cloud our public life. I beg gentlemen to ponder the history of the several Pacific railroad corporations recorded to our perpetual shame in the official archives of Congress and familiar to all the land, and be admonished. The tree of subsidy has borne its natural fruit of corruption and profligacy. We should strike the ax at the root. When one of these corporations gets in position to lean on the arm of the Government and draw sustenance from the public purse, it seems in the loss of self-dependence to part also with thrift, and the spirit of plunder casts out the spirit of integrity. The Pacific Railroad cost indefinite millions more than it would have cost had the managers of its construction handled the funds alone of themselves and associate corporators. Who pays the wasteful excess? Credit-built railroads, especially when Government supplies the credit, are expensive beyond reasonable limit. And all the waste and debt constitute a drain and mortgage upon the commerce of the people. What a railroad can transport passengers and freight for, or in other words the tariff of tolls, depends on the capital invested in it and the liabilities to be met from its income. The greater the cost, as represented in stock or debt, the higher the tolls. We are a good deal perplexed to attain the lowest scale of costs in transportation of our products both to home and foreign markets. The importance to our commercial interests of lowest possible schedules of fares and freights is scarcely capable of overestimation. But how can we hope for cheap tolls from dear railroads? Is it wise to build any more such? The Union Pacific line is unable to properly serve the public. It levies unfair and extreme burdens of tribute upon the people and commerce of the country in the shape of fares, freights, and tolls on its traffic, fixed to a scale high enough to produce a revenue adequate to the payment of dividends on a fraudulent capital stock and the principal and interest of an indebtedness which represents waste, extravagance, and peculation. Practically it is a spoliation of the people by contributions laid on their commercial transactions. I would state the proposition thus: First, the common interest asks that railroads, which constitute so important an agent in commercial intercourse, be built at the least cost, to the end that the exchanges of commodities may be the more cheaply made; and, second, railroads built with Government aid cost dear, and therefore, except under extraordinary conditions, are not commercially desirable.

Gentlemen earnestly disavow that they solicit a subsidy. All they ask, they affirm, is that the Government shall guarantee the bonds of the corporation. Well, sir, be it gift, loan, or indorsement, it is all one in principle and the objection the same. The Government involves its credit and exposes itself to liability. Upon failure of the company to pay the interest on the bonds, the Government must pay it. But, the reply is, the company will not fail. Ah! sir, we cannot know that! Still, the reply is urged, suppose the company should fail, the Government can take possession of the road property and secure itself. But, sir, that is an entanglement that the Government should studiously avoid the danger of. A bankrupt railroad on the hands of the Government would be a most awkward sort of elephant, and suggests a contingency not to be contemplated with composure.

The gentleman from Texas [Mr. CULBERSON] demonstrates, as he claims, beyond contest, that the security the road offers is such that the Government is made absolutely safe in its indorsement. "The road," he asserts, in its incomplete condition, "as now operated, pays a fine profit," and "when completed it will be the best-paying road in the United States." To the same purport argues and asserts the gentleman from Tennessee. Sir, these advocates prove too much for their cause. If all these favorable conditions exist this corporation, regally endowed as it already is by Federal and State grants, ought not to be here a beggar for more help. The proper appeal is to the private capital of the country now idle and awaiting investment. Let the friends of the enterprise convince our vigilant capitalists of the correctness of their estimate of its eligibility, and abundant resources will come at their call. But, sir, the Congress of the United States ought not to embark the national finances in a venture which the sagacious men who control capital and credit hold aloof from.

Not only do I deny that Government can be justified on any grounds of public policy in aiding this particular railroad in any form, but I hold the opinion that no occasion has arisen in our history when it was wise for the Government by its credits, loans, or subsidies to aid railroad construction by private corporations. The transcontinental railway line to the Pacific, now in operation, had grave political considerations in its favor, growing out of the condition of the country at the time of its conception, of great force and persuasiveness, that do not exist in favor of this or any other proposed line. First, the difficulty of communication and commercial intercourse with our Pacific possessions was suggestive of peril to our territorial integrity in the not remote future, and to bind them more securely to us by closer commercial ties was obviously, at that juncture, a wise aim of statesmanship; and, second, the enterprise was felt to be beyond the then capacity of private capital to manage. And yet, sir, in view of all the facts and consequences attendant upon it, its enormous cost far in excess of all honest expenditure, the public treasure misapplied to the uses of peculation, and the mischiefs done to public morals, I am far from persuaded that the common welfare has been promoted by its construction in the manner it was. The country has been forced of late to a conviction of the impolicy of the construction of railroads in advance of commercial necessities. We, as a people, have unprofitably invested labor, materials, and capital, withdrawn from productive enterprise, in railroad building far beyond the natural wants and wholesome growth of our legitimate commerce, and to that extent have impaired our available industrial resources. As the unhappy result, and without proportionate benefits, we have saddled the industry of the people with huge public debts, national, State, and municipal, that stand for monuments to other generations of the improvidence of our railroad-mad age. We have attempted a too precipitate industrial conquest of the continent, as though our generation was the last of the race, and the whole continental resources were designed by the Creator for our use and essential to our happiness, and, but for our use, would go to waste in the workshop of the universe.

Sir, I do homage to the spirit of enterprise. But I do not agree that our commercial development, in the direction under discussion, has needed or now needs the stimulation of government subsidies. It is my belief that had we been content to go slower in the past we had gone surer and built wiser, and our industrial life to-day had been healthier, and our public life purer. My creed is simple and brief told, and fully covers the present case. It is, that capital is sagacious, more so in business affairs than Congress; that commerce is keen-sighted as the lynx to see and estimate its wants; that commerce and capital are at one in interest, and capital will lend itself to the active uses of commerce as largely as may consist with sound commercial growth; and finally and conclusively, that the province of the political establishment in relation to this branch of commerce extends no further than the enactment of just laws and the enforcement of efficient, frugal and honest government. I do not controvert what the gentleman from Tennessee elaborates in this connection on the subject of State rights. His reflections are in the main just and liberal, and quite significant of the clear sight that comes, after the secession madness, to men of sense. We are many States, but one nation, and while we keep inviolate the rights of the several States, we concede to the Federal agent all powers needful to support in vigorous health the welfare and dignity of the nation. No, sir; the State-rights doctrine (and I am its faithful disciple) has no application here. It is the broad question of the true limits and rightful reach of the government function, independent of the form of the political organization, whether federative or purely national, democratic or autocratic. I deprecate the policy of governmental aid to railroad corporations on the part of the State government as strenuously as on the part of the Federal Government, and I have been constant in this opinion and action whenever I have spoken or acted in relation thereto in the affairs of my own State. While I have seen much to confirm, I have seen nothing as yet in my experience to shake my convictions in this regard.

From these more general views I pass to consider other persuasions outside the general question that gentlemen urge upon us with zeal and eloquence, which do not reach the judgment though they may touch the sensibilities. We are implored in patriotic kinship to grant this as a measure of relief to the broken, maimed, and impoverished South. And again, it is demanded, in fair dealing's name, as an act of justice to the South, to equalize her portion of Federal favors with the portions granted to other sections of the Union. I wish to examine this claim upon our magnanimity and upon our justice, and ascertain what, if anything, is due of the one or the other or both.

Sir, I bear a warm heart for the people of the South, as warm as for any portion of my countrymen. I would not prefer over them even the chosen of my affection, the people of the State of my cradle, home, and expectant tomb, in rights, dignity, and honor. Nor would I consciously permit my lips to utter of them a word of reproach or crimination here in this council chamber of the Republic, whence all distinctions of fought out controversies are banished, and where all are clothed with equal dignity and speak with equal voice. For the rape of their peace and dignity, and the pillage of their substance by the adventurer, the politician, and the fanatic, I stint not of indignation. But I cannot admit the charge that the Federal Government has been unjust to the South and partial to the North and West in the carrying on of internal improvements, and I repel the aspersion as wholly groundless. Sir, so far as the Republic ever felt the domination of a section, the South dominated it by its intellectual skill and concentration of purpose until under a mad impulse of passion it broke the scepter of its rule. Up to 1860 no legislation was accomplished except it had southern countenance, and the charge of favoritism to northern interests prior to that date certainly will not lie. The memory of the southern statesmen of the *ante bellum* period cannot be successfully assailed with accusations of unthrifty care for the rights of their immediate section, or of prodigal liberality to the sister States of the Union while power dwelt in their hands.

How has it been since? Certain impediments, not useful to recapitulate, (the history is too fresh and too painful,) forbade the prosecution by the Federal Government of public works of a peaceful sort in the Southern States from 1860 to 1866. Our expenditure during that period, however—made on their account—amounting to some $5,000,000,000, sufficiently refutes all charges of Federal indifference or neglect. Their waywardness, sir, cost the Government an amount of treasure sufficient to have wrought for them their proportionate share of internal improvements for a thousand years and more! When the Government in 1862 resolved to unite more firmly, commercially and politically, its eastern and western possessions by a system of railroad communications, the location was prescribed by conditions beyond Government control. The line as established, it is urged, is too far north to best and most fairly serve the general interests of the whole country. Possibly—but the Government was not in fault; it but yielded to the inexorable conditions of the case—conditions for whose existence the South was responsible. This, be it borne faithfully in memory, was in 1862, when the wisest of our seers could not foretell the event of the conflict that was to cast the political configuration of a continent. National dismemberment was a contingency which even brave men, constant in faith and strong in hope, had to contemplate as a possible event. If secession triumphs, where will the national boundaries be? What will be done with the public domain outside of the established States' limits? What other secessions may follow?

These were grave and anxious questions, that haunted the vigils of statesmen of that fateful time. Obviously it was statesmanlike forecast to make all possible preparation to secure the best of the worst that might transpire, by strengthening the bonds of interest and attachment that held together the integral parts of the Union yet loyally steadfast to its authority, and so limit the area of secession. The Pacific slope, imperial in extent and resources, fitted by geographical situation to be the seat of an independent empire, was true to the Union. But the secession accomplished, disintegration in progress, would the Pacific States hold to their allegiance? They were remote, isolated by great mountain ranges and vast stretches of wilderness from the parent state. Was it not, then, a reasonable apprehension that if the principal political body violently broke apart, dwindling the majestic front of union and maiming the national sentiment, these distant members, unless brought into closer neighborhood and intimacies of commerce, would grow dissatisfied with a political relation in which their position was essentially provincial and aspire to independent statehood?

I thus, Mr. Speaker, indicate in broad lines the grave public considerations which operated to persuade the Government into its liberal action in aid of the construction of the Pacific Railroad, built as a war measure upon a political exigency. Of the location, in respect to latitude and relative position to the nation commercially and territorially, it should suffice to silence all objectors, especially from the southern quarter, that the route was fixed by the logic of the military situation created by secession. Should we have built it through a region of country contended for by hostile armies, and which the violence of war might in the final issue wrench from our dominion altogether? For reasons therefore which vitally affected the common welfare, and as a provision of national safety, the country lent its strength to forge this link of iron to the Union chain. There was no sectionalism in it. It was broadly national in aim and consequence. To treat it as a sectional measure laden with sectional benefits to the North, to be in justice compensated for upon some principle of sectional equivalents by Government support of a similar enterprise for the benefit of southern interests, would be to blink history and common sense, and to wrest truth and right reason to frame a false precedent.

Two exhibits are set out to sustain the charge of invidious favor to the North and West and neglect of the South in Federal benefactions. First is a statement of amounts expended by the United States for the various public works of the Government in each State and Territory of the Union from 1865 to 1873, whence it appears that out of a total of $103,294,501 but $11,612,086 was expended within the sixteen Southern and border States. Second, a statement showing that of $104,705,163 of Federal expenditures from 1783 to 1873 for railroads, canals, and wagon-roads, $6,981,982 only was expended in the Southern States. Pointing at these figures with the air of a man who feels and invokes indignation for the injustice they disclose, the gentleman from Tennessee exclaims:

> With this record, Mr. Chairman, staring gentlemen in the face, I most respectfully submit, is it fair-play? Is it generous? Nay, sir, is it just that these neglected portions of the Union should be refused the aid asked for?

Mr. Chairman, the most superficial reflection will, I think, show to the unprejudiced how incapable these figures are of the logical use the gentleman attempts to put them to. His palpable fallacy is the assumption that expenditures for public works located within a State are expenditures for the benefit of that State, and not, as the truth is, for national uses, and so for the joint benefit of all States and sections. For what, sir, were these "public works" expenditures within the past decade? More than $14,000,000 were spent within the District of Columbia for the accommodation of the business of the Federal Government—its legislation, its Executive Departments, the residence of the Chief Magistrate. Shall, therefore, Texas or Massachusetts or any other State conceive a grievance and put in a complaint that the District of Columbia has had more than its portion of the Federal expenditures, and therefore, to equalize matters, demand that the Government forthwith spend a share of public money within *its* borders?

Then, sir, a principal class of public works are on our navigable rivers, lakes, and harbors for the safety and convenience of our commerce; custom-house establishments at the gates of the commercial highways to gather in the tolls that fill the common purse; navy-yards to prepare armaments for the common defense, and fortifications for the protection of vulnerable points in the event of war. All expenditure for these works by the Federal Government is made for the betterment of its own property and the execution of its powers. The harbors and navigable waters within its jurisdiction it controls and owns for the uses of the commerce of all its people. Its customs establishments are the instruments it employs to collect its revenues and support the common government. Its fortifications and navy-yard establishments are the means by which it executes its power and fulfills its obligation to provide for the common defense. These public works are carried on as the public interests call for, regardless of States or localities, and the suggestion of a sectional apportionment of this class of expenditures is inadmissible and absurd. Sir, if there are public works that a judicious regard for national interests requires should be prosecuted in the South, I am ready to vote the needful appropriations; but in that vote I should be influenced solely by the claim of national needs, and in no manner by considerations of favor or benefit to any State. I would vote for a custom-house at Memphis or at Boston, not because Tennessee wanted it or Massachusetts wanted it, but because the Federal Government wanted it for the proper administration of its revenue laws. And so in all Federal expenditure the decisive test should in all cases be "Is it for a Federal use?" If *not*, then it is not within the rightful power of a Federal Congress to authorize it. If *ay*, then within whatever State limits expended, it is for the common benefit of all the States. I am unable to see how money or credit given or lent to a corporation chartered to build, own, and operate a railroad can, in any just sense, in any constitutional sense, be considered as applied to a Federal use.

One word of comment, sir, on the statement submitted of expenditures for railroads, canals, and wagon-roads, and the wholly impertinent inference sought to be deduced from it. I quote the eloquent remarks with which the gentleman from Tennessee supplements his tabulated exhibit:

> Here, sir, is the large sum of $104,705,163.43 that Congress has appropriated from 1789 down to 1873 for railroads, canals, and wagon-roads, of which sum the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, twelve in number, have received $3,246,861.56, while the other States have received $101,458,501.87. These States contain 812,499 square miles, while the other twenty-six States contain 1,075,854 square miles only. Of this pittance West Virginia gets not a dollar; Texas not a dollar; Georgia, one of the original thirteen, gets not a dollar; South Carolina, another one of the old thirteen, gets only $9,961.92; Tennessee received only $5,000, and would not have got that but for the brave volunteers who followed the flag of the Union borne by her illustrious Jackson through the forests and swamps of the Southwest to drive back the savages and to aid in conquering a peace with the haughty Britons upon the victorious plains of New Orleans.
>
> Virginia, the cradle of the Revolution, the mother of the statesmen and heroes whom American patriotism will forever delight to honor, who in the prodigality of her generosity consecrated to freedom an empire, has received of this meager sum $57,538.27. And now, when the voice of Old Virginia is heard upon this floor pleading her own and the cause of her neglected sisters, it is stifled in the cry of subsidy that hoarsely murmurs through this Hall.

This is eloquence, but nothing more. His tabular exhibit flatly contradicts his oratory both in fact and logic. From that it appears that more than four-fifths of the whole amount, to wit, $85,000,000, was expended in the common territories of the Union! Of the portion spent within the orginal States, the southern and border got the chief part. "Virginia," exclaims the gentleman, "the cradle of the Revolution * * * has received of this the meager sum of $57,538.27!" Well, sir, Massachusetts, who, too, had a cradle of her own, and rocked in it the lovely twin infants, Revolution and Liberty, as tenderly and as bravely as did old Virginia, never got a dollar, and she neither complains nor feels herself a "neglected sister" in con-

sequence. No portion was spent in Pennsylvania, New Jersey, New Hampshire, Vermont, Rhode Island, or Connecticut, of the "old thirteen," and only $3,500—a sixteenth of what Virginia got—in New York, the Empire State of the Union. The gentleman's inference is not deducible from his facts. He must seek other cause of complaint or yield his argument.

Mr. Chairman, national thrift is the proper study of our statesmen. Our national housekeeping must be conformed to rigid economical rules and within our income. Weakened by the enormous waste and cost of war, burdened with a debt the annual interest on which is nearly or quite double the total annual ordinary expenses of carrying on the Government before the war, our industries languishing and our revenues falling off, the nation is severely admonished to the most frugal husbandry of its resources in order to be honest with its creditors and just to its people. Sir, if the time ever was, which I dispute, when it was wisdom to suckle at the Government bosom enterprises like this Texas Pacific, it is not now when the industry of the country bends nigh to break under a taxation that, burdensome as it is, barely suffices to produce revenue equal to the indispensable needs of Government. The exigencies of the financial status put bonds upon our liberal soul. We must yield to the inexorable fact of our necessity, and hold back the munificent with the frugal hand; for, let gentlemen argue and asseverate as they will, the measure means fresh taxes and burdens for the people.

None can have a readier sympathy than I feel for the South in the disasters that have befallen her. I shall rejoice with her people to see the fires of a prosperous content bright as of old on her renewed altars. But what she suffers is the judgment entered against her on the decision from which lies no appeal in the litigation she invoked in the tremendous court of arms. Aid is asked from the Federal Government for her recuperation. I fear she mistakes the source whence her deliverance is to come, if come it shall. It is the cry to Hercules without the brave and patient self-helpfulness which is always the condition of Hercules's help. This railroad is by no means an indispensable factor in her recuperation; certainly not the chiefest or among the chief. She is not condemned to pine in commercial seclusion. With her incomparable Mississippi and grand coast line of sea and gulf, the best markets of the world are as accessible to her as is possible to be. She has no occasion to traverse the continent in vain quest of El Dorados. Let her cease to cast wistful eyes abroad and look at home. No "argosies of magic sails" will bring unearned treasures to her. No wizard touch will bid her fallen temples rise and her wasted fields be clothed in riches. The shapely form of her regenerate prosperity must be reared, if at all, by the industrious hands of her thrifty people, and its foundations be set in her abundant soil.

Mr. HOOKER. I know, Mr. Chairman, how difficult it is on a topic which is not immediately before the House to command its attention; and indeed I am somewhat averse ever to speak in this House upon any question except the particular matter which may be under consideration. But I will avail myself of the latitude of debate which is allowed in Committee of the Whole upon any proposition which may be under consideration to correct some views and opinions which have been expressed in the public press and elsewhere in regard to a question upon which it was my purpose to address some remarks to the House when the committee charged with the investigation of the affairs of the Freedman's Bank and Trust Company, of which my friend, Judge DOUGLAS, of Virginia, is the chairman, should have made its report. I do it now because I think it improbable that that report will be made at an early day; and in order to correct some erroneous impressions which have been made by the testimony taken before the committee which has been organized by the co-ordinate branch of the national Legislature, and which is now in session in the capital of my own State. And I do it, sir, because I think that the truth of history needs vindication, and that the people whom I have the honor to represent here in connection with my colleagues have not been understood in reference to this matter.

It was a very difficult question to determine, Mr. Chairman, when the war closed what should be the relation, the natural, normal, and necessary relation, between those of the Southern States who had without any wish, or will, or thought, or fault certainly of their own been born masters, and those who equally without any wish, or will, or thought, or fault of their own had been born slaves. The result of the civil contest changed as it were in the twinkling of an eye the relations borne between 4,000,000 of people in the South to the Caucasian race that had inhabited it from the days of the Revolution down to the present time. And it is no wonder, sir, that whenever that condition of affairs had arisen in any State—from Massachusetts, which was the first to manumit the slaves, down to New Jersey, which was the last to manumit under an apprentice system—I say that it is no wonder when this condition of affairs sprung up in each State that the legislators and the statesmen of those States felt that they had to deal with a question difficult of solution and proper adjustment. There has been partly revealed through the public press the evidence taken before this committee, a committee by the by, Mr. Chairman, most extraordinarily constituted—constituted by one department of the Legislature, not a joint committee of this House and the Senate, but a committee of the Senate, proposing to sit in judgment upon the action of a sovereign State as to the election of its Legislature and its public officers; and even further, Mr. Chairman, in violation of a right inherent in this House, and which until the resolution appointing that committee was presented to the other branch of the national Legislature had never been questioned, that each House was the judge of the qualifications of its own members.

There have been many strains upon the Constitution within the last fifteen years. There have been many infractions of its provisions. But it was left, sir, to the first session of the Forty-fourth Congress to present to the country the strange and startling proposition that the Senate possessed the power to constitute a committee to determine the competency of the elections of the sitting members of this House. Suppose we should reverse the picture, Mr. Chairman, and constitute a committee of the House of Representatives to ascertain whether the Senator from Delaware or the Senator from Indiana had his seat properly in the other branch of the Legislature. It is not a more startling proposition, so far as constitutional infraction is concerned, than is that which was embraced in the resolution under which this committee is now sitting at the capital of my own State.

But the public mind had probably been prepared for measures as extreme as this. It had been prepared for them because there had been a strain upon the Constitution, not in the interests of the country and of peace and of order, but that strain upon the Constitution had been in the interest of party for the domination of party; and the appeals that were made in order to secure these infractions were made, not that peace and law and order and the attendant prosperity which go along with them should be the legitimate inheritance of the country after ten years had elapsed since the close of the war, but they were made in order that there might be continued the domination of the party in power.

When the proposition was first presented to the consideration of the country as to what should be the status of the colored race who had been freed by the results of the war, and who stood at its conclusion by the adoption of the amendments to the Constitution upon the same plane of civil rights and equality before the law—when that question was first presented there was much debate as to what was the proper course to be pursued. A distinguished gentleman from one of the Western States made the proposition, as was charged, in a debate in 1871 between Governor STEVENSON, of Kentucky, and himself, that it was necessary that a period of probation of from seven to ten years should be allowed in order to qualify the colored man for the intelligent exercise of the suffrage. That proposition was charged, I say, in that discussion between the Senator from Indiana and the Senator from Kentucky, in 1871, as the reports will show. Such a proposition, however, never came from any Southern State. On the contrary, there was no disposition on the part of any Southern State, so far as I am aware, to deny the legitimate results of the war and the bestowal of citizenship and the right of the ballot on the colored race. It is true that many of us doubted, and the most sagacious men of the republican party doubted whether they were prepared to emerge at once from a condition of slavery without intelligence to a condition of freedom and the exercise intelligently of the ballot. But such was the will of the nation, and more, such was the will of all of the Southern States. Mississippi adopted it by her own ordinance.

They have, then, given the colored man the ballot ever since the war closed, during the last ten years; and I predicted in Mississippi last fall that the first proposition which would be made to the country to take that ballot from him or to limit its exercise would spring not from the Southern States, but would spring from the republican party who had already given the power of the ballot to 800,000 citizens, and thus increased to that extent the ratio of representation in this Hall and the power of the Southern States in the electoral college.

I had scarcely taken my seat upon this floor when a message from the President came to this body and the Senate, recommending among other measures that all persons who could not read and write in 1890 should be deprived of the ballot, coupled, it is true, with a sickly proviso that it should not apply to any one whose illiteracy now disqualifies him. But, sir, that was a verification of the prediction I had made, that so far from any southern State proposing to restrict, limit, or take away the ballot from the colored race, the proposition came in the shape of a recommendation from the President of the United States himself, for no man can conceal from himself that that was the class of people in reference to whom the recommendation was designed and intended to apply. What I have just said is sustained by a debate which occurred in this House during the last session of Congress, when I was not here, when the force bill was introduced and members in this Hall and in the Senate were appealed to by every sentiment of party pride and every incentive to the accumulation of party power to sustain that measure ten years after the war had closed. The organ of the Administration, the organ of the President, the organ of the republican party then and now in this city, asserted that the passage of that measure, which was designed to restore military power in the South and military commissions to try questions of civil right, was necessary, not in the interest of peace and order, but in the interest of the republican party. That sentiment resulted in words which I will read in a moment, in a speech made on the 27th of February, not by a democrat, but by a republican then and now. But when that measure was before Congress, feeling that there were certain great principles of American freedom,

American liberty, and human freedom, and human rights the world over that were dearer than party ties, and which constitutions and governments were simply designed to be the exponents and protectors of, a gentleman who then held his place on this floor, as distinguished in his advocacy of the republican party as any man, used these remarkable words in relation to it, and I allude to Mr. Hawley, of Connecticut. When that bill (the force bill) was under consideration he described his own partisan position, and said:

I have been a radical abolitionist from my earliest days. I began on reaching my majority as a member of the free-soil party. I fought in it with all my might until the republican party was formed, and I joined that party. I went into the service of the Union the first day of the war, and I staid in it until I was honorably discharged after the close. I have worked with the republican party for its most radical measures, the thirteenth, fourteenth, and fifteen amendments included. So my record on that subject is tolerably clear and radical.

But I am coming to a time now when I must seriously consider whether I shall go on with some of my radical associates. I am compelled in a measure to part company with them, but I dislike to do it. A very few minutes will suffice to tell why I must take another path this once. I cannot agree to put any further or greater powers into the hands of any President of the United States. I think the existing laws upon the statute-book are strong enough for the preservation of all the rights guaranteed by the Federal Government, full and strong enough for the fulfillment and discharge of all the obligations resting upon that Government.

This is the evidence offered by a republican, and in addition to that, on that very morning the organ of the Administration and of the republican party said in reference to this force bill, which drove Mr. Hawley from the ranks of his own party, radical as he was, that—

The passage of the bill—

Alluding to the force bill—

is required to preserve to the republican party the electoral vote of the Southern States.

Remember that if the democrats carry all the Southern States, as they will if the White League usurpation in some of them is not suppressed, it will require only fifty democratic electoral votes from the Northern States to elect a democratic President. This is a liberal estimate.

The evidence, then, is that that measure was inaugurated and designed not for the interests of the country, not because it was required to restore peace and order, but it was done in order that the Southern States might be held in the leash of party, for party purposes, and for party domination.

Now, sir, I have said that you have given the ballot to the colored people during the first ten years after the war; you did it by amendments to the Constitution, and many of the States did it themselves. You have given them the ballot for ten years, and while in all the Southern States they are banded together as sheep in the shambles or as cattle on the way to market, they have voted *en masse* in favor of the republican party, and so long as this could be done, so long as the colored vote could be utilized in favor of the republican party, you heard no proposition, either from the President or from anybody else, to limit his exercise of the ballot. But for one, representing a large portion of these colored people in my district, and as standing here pledged to see that all their rights under the Constitution and under the ordinance of the convention of my State are sustained, I here enter my protest against any effort to limit the power and authority which you have already given to them, and a power and authority which you have given to the Southern States by extending the ratio of representation. These rights were maintained so long as they could be utilized, so long as carpet-baggers could control them—a class of men who came to our country for the purpose of running the State governments, and who are very pertinently described by that good and philosophic man Mr. Greeley, when he had been to Texas to tell the people there "what he knew about farming." When he returned to New York they asked him the question if what was reported about the carpet-bagger was true. His response was, "Yes, gentlemen, I regret to say to you that he is a mournful fact, and the attitude in which I have most generally found him is with both arms around the negro's neck and both hands in his pocket." [Laughter.]

It is this class of men who were sent there, or who went there for the purpose of organizing the State governments. As I have had occasion to say elsewhere, if the terms of the surrender made by your great battling generals had been carried out in good faith, if a set of politicians had not crept into the halls of the national Legislature and into the halls of the State Legislatures who believe in laws engendered in hate, you could have restored real peace, and the prosperity which goes with it would have been established in those States long ago. But this class of men were sent there. I do not speak my own opinion or speak from the stand-point of any democrat. On the contrary, there sits upon this floor a gentleman whom I regret is not now in his seat, who at the time the debate was going on gave a description of the governments of the Southern States from a republican stand-point. I allude to the gentleman from Maine, [Mr. HALE.] He gave a description, not exactly as terse and dramatic as that which Mr. Greeley gave, but generally as truthful as that, and here is what he said in the last Congress:

For the last few years the infamy and disgrace of certain southern state governments have been constantly on the increase. There have been corrupt electors and corrupt elections. There have been corrupt legislators and corrupt legislation. There have been double Legislatures, double governors, double Representatives in this House, and double Senators year by year in many States. There have been bad men in these States who have bought power by wholesale bribery and have enriched themselves at the expense of the people by peculation or open-handed robbery. *Corruption and anarchy have occupied and possessed these unfortunate States.*

Now that is the evidence of a republican as to the character of the governments which had grown up under the carpet-bag administrations in the South. That is the evidence of a gentleman identified in all his political relations with the republican party, and yet at that time it was not considered necessary that either branch of the Legislature should send forth a committee for the purpose of investigating that very corruption which was admitted by a prominent republican member of the House then to exist in the Southern States. But now that the colored man has for ten years exercised the right of the ballot; now that the colored man begins to understand that there is an identity of interest between himself and the white race of the country; now that they understand that when I come here if I make good laws for the white man I must make good laws for the black man, and when I make bad laws for the white man I make bad for the black man; now that they are beginning, in obedience to the great mandate of the Master of the universe, to earn their bread by the sweat of their face; now that there is quiet and peace, and that the natural relations between labor and capital are established, the proposition comes from a republican President that he ought to be in some way deprived of his ballot. I enter my pro'est against it. He is now beginning to be instructed that there is no power in the Federal Government to maintain the four millions of his race. He is beginning to be convinced of the fact that he must work for his support and that of his family, and when he does that he knows that the land he cultivates, the animals he plows his land with, the meat and bread that keep body and soul together, are solely derived from the southern people, and the southern man has been his real friend, has understood his character, his necessities, and wants more than any northern man, be he a democrat or a republican. I enter my protest against his advancement in physical well-being being made a political question; it is not so, and should not be made so.

In 1875, when the election occurred in my State, the platform adopted by the democratic and conservative party declared for perfect equality before the law in every particular. It has been alleged that in that election the colored man did not act freely of his own accord with the democratic party. There was but one general officer voted for in that election, and he to fill a vacancy occasioned by the resignation of the treasurer of the State, and the conservative candidate was elected by 33,000 majority; in almost every congressional district the conservative majorities were very large, but there are two congressional districts which have sent republican members to this House, and one of them owes his election and holds his seat by virtue of the fact that every democrat in his district voted for him, and while they sit here they are living refutations of the slander which is attempted to be put upon the white people of the State, that they banded together to prevent republicans from being elected to the Halls of Congress.

I say that this could not have occurred if the accusations made were true. If the power to carry it out exists in one congressional district it is as emphatic in another. No such state of things exists; on the contrary, I remember very well that on the 27th of October, 1875, when the conservative and democratic party held its convention and gathered at the capitol, where Governor Ames filled the executive office, there were present there from the county of Hinds, the largest tax-paying county in the State before the war, and probably containing more colored people than any other county in the State, a procession of colored men from that county who passed along before the capitol. One of the judges of the supreme court of the State stood by me on the pavement and saw the colored men riding through the capital with the democratic and conservative banners borne by them, and he then said to me, what the election proved to be true, that the back-bone of the republican party in Mississippi was broken. The result was that in the county of Hinds, the capital county, the county where Mr. Ames has his official office, where the United States marshal holds his official position, the county where the United States court is held and appoints the supervisors of election, a county which usually gives 2,500 republican majority, was carried by the democrats by 1,580.

And who were the men elected? Prominent among the men who, sacrificing personal interest and private gain, stood forward bearing the banner of that party, was that distinguished veteran in the whig ranks who all his life had been a whig, Hon. Amos R. Jackson, and side by side with him stood George W. Harper and Oliver Clifton and Mayer Dewdney, all their lives old-line whigs. Everywhere throughout the State former party distinctions and political differences were merged in the common desire, and I may say in the common determination, that these corrupt governments such as Mr. HALE described as having existed in Mississippi, and which had swelled its governmental expenses from $360,000 to over $1,250,000 annually, should cease to exist.

I take this county as one just and proper to be taken as an evidence of what was done. I assert the fact, and it cannot be contradicted, that in the lower part of that county the colored men not only voted the democratic ticket, but they united in the formation of a club, and came over to the conservative party almost *en masse*, not because force or intimidation or fraud was applied to them, but because they became satisfied that the promises which the republican party had been making to them so long; promises which had been made to the ear but broken to the hope; promises which the Government had not the power to fulfill much less they; promises which included the idea that some extraordinary advantage should be given to the colored men over other people, and which, of course, they had not the

power to carry out, the promise, for instance, of forty acres of land and a mule to each one of them—they became satisfied that these promises were all delusive; and of their own accord and voluntarily they entered into that canvass and cast their ballots side by side with the old white people of the country, satisfied that there was a common destiny for them all, and that what was for the prosperity of the one was for the prosperity of the other.

It has been said that fraud and force and intimidation existed in that State during that canvass. Sir, in the district which I have the honor to represent there was but one county that cast its votes against me; and there was one county that gave me every vote within it except two, though there were probably a great many colored men in that county.

There was one county lying on the banks of the Mississippi River which I visited. It was very largely a colored county. I addressed a mixed auditory of white and colored people in the day-time. At night I retired to the residence of a friend some distance from the village, with no expectation of speaking again. That night there was an organization of colored men of that neighborhood, the president of the organization being a colored man; and to my surprise, as I was about preparing to retire, a committee of colored men waited upon me and asked me to address that audience of colored men. I present this fact to the House and to the country as an evidence that the assertion is not true, but is a libel upon both races, that we have hostile feelings one toward the other.

It has been sometimes said that the white people of the Southern States were particularly hostile not only to the colored man, but also to the white men of the republican party who came down there for the purpose of taking part in our election. Well, sir, I can only say that we have in Mississippi a record upon that subject of which we are not ashamed. In the days of our prosperity, in the days when we were a power in the land, in the days when our people were wealthy, who of all the men of Mississippi received the highest honors and distinction of our people? I call to mind just now that grand old man John Anthony Quitman, who came from the Knickerbocker region of New York and settled among us years ago. He was advanced to the highest positions in our State—of chancelor, of governor, and finally of Representative upon this floor. He was a northern man.

I call to mind that gallant old veteran, Charles Clark, yet living and hobbling about on his crutches. He came from the banks of the beautiful Ohio.

I call to mind that great and gifted genius who came from away off down on the eastern shore of Maine, the gallant, eloquent, and noble Prentiss, who came as came those others and hundreds like them honestly to lend their bone and sinew and muscle and blood and brain to build up the waste-places of our country, and to become in deed and in truth part and parcel of us. Whenever men have come there for that purpose, with those objects, whether from the East or from the West, they have ever been met with warm hearts and open arms.

But when a certain class of men have come down there, and instead of ringing the front-door bell have stolen in at the kitchen door and attempted to breed bad blood (and there are yet those who would do it) between the old white people of the country and the old slaves, now freedmen—when they come with this purpose and insidiously endeavor to instill into the minds and hearts of the colored people hostility and opposition to the whites, I say now as I have said upon the soil of Mississippi, "The back of our hands to this class of people forever," and our people say so.

I may refer as an illustration, and I take him as I took the county of Hinds as the best illustration, I refer to a distinguished general who recently has been governor of that State; he came there a military man. When you sent your committee down to investigate certain disturbances, for which in the sight of man and God he was probably more responsible than any other living man, when you sent your committee there for the purpose of making an investigation, I chanced for the first time to see him.

The inquiry was made of him, "Governor Ames, when did you first determine to settle in Mississippi?" His reply was, "November, 1869." "When were you elected United States Senator?" His reply was, "In 1870—about January or February." The third inquiry was, "Who signed your credentials?" The reply was, "I signed them myself." [Laughter.]

Mr. COOK. And his colleague told him that he had not lived long enough in the State to get his shirt washed. [Laughter.]

Mr. HOOKER. He came, however, to the United States Senate, a body for which, Mr. Chairman, since I first read the memorable lines of Mr. Calhoun in speaking of it, I have entertained the profoundest respect and regard. For Mr. Calhoun said "that it was the favorite of the Constitution," where Delaware, with her 80,000 inhabitants, stood upon an equality with New York, with her 4,000,000. Ay, and more; that upon a proposition to change the equality of sovereign representation in the Senate, Delaware, the smallest State in the Union, with but one Representative upon this floor and two Senators in the other branch, Delaware had the power and the right and the authority under the Constitution to put her veto upon the acts of all the other people and all the other States.

He (Governor Ames) came to that body. I have always thought when one was advanced to the high dignity of representing a sovereign State he should rise to the level of the plane of the lofty duties which devolved upon him; that he should forget party and party spirit; that he should forget there was a majority in his favor and a minority which voted against him. I hold to the doctrine, too, that is true of Representatives here, that a Representative when elected here, as a Senator when elected to the other branch of the national Legislature, should feel that he represented the whole people, the minority who did not think him fit for the position as well as the majority who elected him.

When this distinguished gentleman was advanced to this position, in a debate which occurred in 1871, he spoke the sentiments of the carpet-baggers of the South. When in the debate upon that occasion he stood upon the floor of the Senate, the question being the conferring of the franchise upon the colored men, he said, and I quote his precise language:

> It is to be desired that this question of negro suffrage shall not be settled by those who believe him unfit for citizenship and those who, as his masters, would have sold him to be cut up on the butcher's block had such a disposition of his body brought in a few more dollars.—*Congressional Globe*, first session Forty-second Congress, page 569.

That was the sentiment uttered by this chief of the carpet-baggers, and I have always replied to it by saying that the man whose heart could have conceived, or whose mind could have thought such a thought, or whose lips could have uttered it only proved that if he had been there himself he would have done what he suspected others capable of doing. I regret to say that that sentiment, which was a libel upon every southern white man whom he represented and whom he should have represented, for it embraced them all—I regret to say there was no Senator from Mississippi to rise on the floor of the Senate Chamber in vindication of the slandered honor and fair fame of that State. But I rejoice to say there was a Senator who, though probably he had never set his foot on Mississippi soil or upon Mississippi soil gazed into the face of a Mississippi man or a Mississippi woman, that there was a Senator there, large hearted and great minded, who rose in his place, although he came from the far-off State of Ohio, (I allude to the great-minded, catholic-spirited THURMAN, of Ohio)—I rejoice there was a Senator who did rise in his place and say:

> Now, sir, if you want the people of the South to be orderly, give them good government. Let them govern themselves according to the nature and spirit of our free institutions; let the intelligence of the country have fair play; let the honesty and economy that everybody will admit existed in those States before the civil war, whatever faults they may have had, once more take place; let mere adventurers retire to the background or hide themselves in the holes from which they came; let once more the people feel that they have a Constitution that will be enforced, laws that they repect; and once more you will have peace and order there as elsewhere.—*Congressional Globe*, Forty-second Congress, page 192.

That was the reply which had to be made by the Senator of a distant State in vindication of the white people of Mississippi against the slander charged upon them by their carpet-bag Senator.

But I now say, sir, that he who asserts, whether he be Governor Ames or anybody else, that there exists in the heart of that white people a disposition to deny the right of free suffrage to the colored man, and I say more, that he who asserts that the colored man, I mean the great body of the laboring colored men of the land, the bone, and sinew, and muscle that come into contact with the earth daily, and like Antæus, the famed wrestler of old, who gained new life and vigor every time he touched his mother earth—I allude to the great body of the laboring colored men in Mississippi—I say there is no hostility, there is no difference between them and the white people, and they are rapidly coming together, and it is the height of cruel barbarity to attempt by thrusting political differences between them to create anew dissensions which now, happily, are rapidly passing away.

It has been said, sir, that the colored race was true to the Union, that some of its men fought on the side of the Union. I am prepared to assert for the great body of that race that they had an ordeal presented to them, one never before presented, and it was this: We were battling for what they considered and what others considered to be their perpetual subjugation. The Union arms if successful would, as a necessary incident, free them. Yet, sir, the great body of the working colored race stood true and firm by the side of those with whom they had been reared, and upon whose places they had been born. They stood by us during the trials and tribulations and hardships and bloodshed of the long civil war. They stood by us when temptations of an extraordinary character were offered for their desertion. They stood by us when there was not a meal in the larder to be spread for the common family. They stood by us when the lambent flames of the incendiary licked our very house-tops and the crackling rafters crumbled into ashes upon our desolated hearth-stones. It is a slander upon that race to say they were false to the soil upon which they had been reared and false to the people with whose fortunes their own, whether for good or for ill, had constantly been blended.

That is their history during the war, and since it no dissension would have existed, no differences would have been created if they had been left alone to act for themselves, if they had been left free to make their own choice. But loyal leagues were formed, and it is a well-known fact in the history of the country that the reconstruction acts which have sometimes been so much lauded had only one particular and especial fault about them, and that was that they attempted to reconstruct a State and leave the people out. [Laughter.] All such reconstruction as that failed, and the very moment the mailed hand

of the Government was taken off those States, the very moment the people were allowed to act freely for themselves, that very moment they asserted the right of local self-government, and the colored people united with the white people for the purpose of establishing it.

It has been sometimes said, sir, that it was necessary you should have the military in the Southern States. For myself, I have never had any particular reason to find fault with its existence there, for I have generally found them fair-minded in their action. In the city in which I live they are encamped upon my old homestead, and have been ever since the war closed. The gentlemen who is now commandant of the post there, Major Allyn, in the progress of the last campaign, having application made to him to loan a cannon to the rival political parties, did so to the republican party, and he did the same thing in the spirit of even-handed justice and generosity to the conservative-democratic party. For that act he was court-martialed and tried, but I am happy to say that the spirit of even-handed justice and fair-mindedness which he had displayed toward the people in the midst of whom he held military position was displayed by the commission which tried him, and he was acquitted. Who was the chief accuser? A man by the name of G. K. Chase, of New York, who was sent down by the Department of Justice, as he testified on the trial, for the purpose of acting as a secret agent in the supervision of the elections in the State of Mississippi. You had provided by an act of Congress for supervisors in the various congressional districts, and under that authority the district judge had appointed a general supervisor for the State, and the supervisor for the State had appointed supervisors for every congressional district. Yet his report to the Department of Justice has never been made public.

Not one single complaint has been made by any supervisor of any congressional elections throughout the length and breadth of Mississippi that there was unfairness in the election. Ay, and more than that, though we have a statute, simple and plain in its provisions, giving the remedy to any man who thinks he has been unjustly defrauded of his position to test that question primarily before a justice of the peace, and by appeal to the superior courts, there was not a contest there; from the highest general officer who was elected down to the constable, there was not a single contest throughout the length and breadth of the entire State, not one. Can it be said, therefore, there is any truth in the assertion that fraud, or force, or intimidation was exercised anywhere? On the contrary, Mr. Chairman, in the counties east of Pearl River there is not a republican, white or black, who will attempt to say there was anything like intimidation or fraud, not one. And, more than that, if you take every one of the counties in which there is the slightest allegation of any irregularities on the day of election, and you throw them out of the count, or give them the majority the republican party obtained at the previous election, it would not change the result.

I say, therefore, you have this spectacle presented in the face of the proof offered by Governor Ames and his coadjutors—you have the significant fact that there is not a single supervisor, though appointed by your district judge in every congressional district, who has reported any unfairness in a single contest anywhere. And yet you have the general assertion that fraud and force and violence were resorted to for the purpose of affecting the result. I think, sir, this is a sufficient answer to whatever evidence may be attempted to be given on this subject.

If let alone, sir, the relations, the natural relations between the colored man and the white man of the South will adjust themselves. I have said it is not a political question. I have said that you could not make it a political question; that you could not put upon the statute-book any law which would affect those relations; on the contrary, the two races must work out the relations which will exist between them for themselves. They are rapidly doing so. And it is just and due to the colored race to say that, taking them in the mass, uninfluenced by bad advisers, uncontrolled by men who think that the blood of twenty-five or thirty of them, in the language of Governor Ames, would be a service to the republican party—leaving them free from the influence of such men and such control, they are a peaceable, quiet, hard-working, industrious community. And so far from its being true that the old white people of the country are disposed to be oppressive to them in any particular, I can only say that in my own congressional district, and on my own farm where I have some that were formerly my slaves and some who were not, I never even mentioned to one of them privately that I was a candidate for Congress. And such I believe was the temper and disposition of other candidates everywhere. And never at any time did I make any speech in that or in any other canvass since they have been invested with the ballot by the Constitution of the United States; never have I said that they did not have as full, as free, as perfect, as unquestioned a right to vote against me as to vote for me. And so with all the other candidates.

When you take into consideration the fact that there never was a representative of that race in this body until after the war closed and these 800,000 freedmen had been made voters, you have presented a significant fact. If the republican party of the North, or any of the people of the North, whether republicans or democrats, had had this extraordinary regard for the interests and the welfare and the intelligence of the colored race, why was it never manifested long before the results of the war?

In Massachusetts the colored man has been a freedman for nearly a hundred years. State by State all the States of the North manumitted their slaves at successive periods, down to New Jersey, whose last act of manumission was in 1846, and that under the apprentice system which gave to the old owner the right to the possession of the services of the male under twenty-eight years and of the female until she was twenty-one years of age. In New Jersey, where I chanced at one time for some years to be myself, and in Massachusetts, where I chanced to be at one time for two years, I saw a great many intelligent colored men. In Massachusetts the white men stand to the colored men as a hundred to one, according to the census of 1870. In New Jersey, the last State to manumit, the white men stand to the colored men as forty-six and one-half to one. The colored man was unimportant in influence; he was greatly in the minority; and yet, in both of those States, in Massachusetts and New Jersey, I knew a great many intelligent, educated colored men. And it was the same in all the Northern States through which it was my fortune to travel, and yet, during my long residence in New Jersey and during my two years' residence in Cambridge, I never saw or heard of a colored man being a governor of one of those States, a representative in its Legislature, or presiding on its bench as a circuit judge or even as a justice of the peace. Why was this? Why did the country awake at once to the recognition of the fact that these people were a power in the land and that they had an intelligence which ought to be invoked in the interests of their own race? In no northern State, whether democratic or republican, did they ever attempt to send one colored man here as a Representative.

I say, therefore, that when this wonderfully aroused affection and regard for the colored man is assumed to be a virtue on the part of a particular party, the question arises how it never asserted itself before. And it is a striking refutation of the idea that there was any peculiar love or affection among northern men toward this race of people rather than among southern men. We had a very striking illustration of the force of this a short time after the war closed. I chanced to be traveling from the Mississippi River to my home, and I took my seat in a car in the vicinity of a good-looking gentleman and a still better-looking lady. In the progress of the journey to the capital we got into conversation, and the relations between the two races, their rights and interests and the duties of one toward the other, became the subject of conversation. He professed very great regard for the colored race; he manifested profound sensitiveness for their rights to be recognized in the Southern States, and as he conversed with me the lady who sat by his side, and who had been flashing her black, beautiful eyes on me occasionally, when his enthusiasm became very great, turned to me and with great emphasis, and with that power of expression which belongs to the female alone, and which is denied to our sex, said, "This gentleman is my husband, and so far from having such affection for the colored race as he professes, he is really prejudiced so bitterly against them that he will never allow me to employ one of them in our household even to wait upon us."

I assert here for my own State that in the coming election as in the past the democratic and conservative party, in the ranks of which I assert that there are to-day thousands of colored men as earnest, as warm, and as voluntary in their support of that party as any white man—I say in the coming election, as in the past, profoundly convinced that the great material interests of the country and the true prosperity of the races are so indissolubly united that you might as well undertake to sever a limb from the body or allow it to be attacked with gangrene and expect that the warm currents of blood would rush from the heart to the extremity and from the extremity back to the heart, as to suppose that this country can be in a healthy condition if there is a perpetual warfare kept up by designing politicians between the two races; but, if we are left alone and allowed to adjust the normal and legitimate relations between the races, I believe that peace will prevail within our borders, and with it that prosperity which once distinguished us as a nation.

I know of no man within the limits of my State who has expressed the wish to change the political condition of the colored race within my State in any respect. We have manifested this in the most extraordinary manner by the taxes we have submitted to for the purpose of educating our colored citizens. Are you aware of the fact that in many of the northern States when taxes were raised for school purposes the taxes were distributed to the colored persons in proportion to what they paid in taxes, but we in Mississippi have willingly allowed all our property to be taxed and that the colored people shall have an equal share in the establishment of common schools for the education of their children.

I have before me a synopsis of the laws passed in various northern States designed for the protection of those States against a class of people who might become a charge upon them.

I am indebted for this synopsis to the very intelligent chairman of the democratic committee of my State, General J. A. George, who made this synopsis to show what had been the temper and what the character of the laws passed in the Northern States at the time of the emancipation of their slaves.

It is said that the same force and fraud and intimidation existed in regard to the white republicans of the South. I do not like to refer to myself, but I may be permitted to say that I labored under the profound conviction to-day that in the interest of good government, and impelled by the necessity of having good government for our people, all the northern men, the republicans who have gone to our

State for the purpose of lending their energies and capital for the building up of our waste-places—that all the prominent republicans in my district gave me their votes for the position I hold upon this floor. Were they intimidated? Will any gentleman go to Mississippi and dare to say that they were? They stand there to-day desiring good government, preferring it to party, believing that good government is better than the domination of a party, and that we there labor under the same necessity which existed everywhere for letting the laboring-man alone, as was so strikingly illustrated by the distinguished gentleman from Pennsylvania [Mr. KELLEY] in a debate in the last Congress. Speaking on the 27th of February, 1875, Judge KELLEY said:

> The falling off in the revenues demonstrates the poverty of the people. They do not contribute to the Treasury, because they cannot supply their wants. They are unable to consume dutiable and taxable commodities, because we have by our legislation paralyzed their productive power. It is a maxim of mine, and I cannot too often repeat it, that a prosperous people not only supply their wants but gratify their desires; while a people suffering as the laboring people of this country now are not only do not gratify their desires, but are unable to provide themselves with the necessaries of life.
>
> More than a million working people of the country are in want. In one week, ay, in the first five days of one week, it is recorded that forty-one sober, industrious, and honest workingmen in my own city begged the privilege of passing the winter in the house of correction rather than starve or steal.

This was the legitimate reaction from a system of laws which strains the Constitution; you cannot do it without a fearful reaction such as has been produced now, a reaction which to-day stretches over your broad and beautiful country of the North. We must have peace and order and good government, general as well as local. You must have confidence between man and man. You must have corruption ruled out of high places. You must have the miserable pretenders who have been sent into the Southern States to establish governments there banished from their borders. You must allow the honest hard-working yoemanry of the land, black and white, assert their rights to good governments, to economic governments, both general and local.

In my opinion, this cannot be done by any one party. It could not be done by the democratic party to-morrow if it had possession of the other branch of the national Legislature, of the Executive, and of all the Departments. The question must be solved by the two races themselves—by the natural condition of reliance and dependence of the one race on the other that exists there. This alone is the secret of the solution. No legislation adopted by the one party or by the other, in my humble judgment, can accomplish it.

I have already, Mr. Chairman, trespassed longer upon the attention of the committee than I intended, and I will now bring my remarks to a close.

Mr. TEESE obtained the floor.

Mr. LYNCH. Will the gentleman from New Jersey [Mr. TEESE] yield to me for a moment until I request of the committee that before it rises I may be allowed a few minutes to correct some erroneous impressions made by my honorable colleague, [Mr. HOOKER?] That is all I desire.

Mr. TEESE. How long a time does the gentleman desire?

Mr. LYNCH. I shall not want over twenty or thirty minutes.

Mr. TEESE. I will yield to the gentleman for that purpose.

Mr. LYNCH. Mr. Chairman, I am very thankful to the gentleman from New Jersey [Mr. TEESE] for his courtesy in allowing me to submit a few remarks at this time. I will require but a very few minutes, because but little has been said by my honorable colleague [Mr. HOOKER] that requires a reply from me. I desire only to correct some one or two errors that he has fallen into with regard to the condition of affairs in the State which he has the honor so creditably to represent in part on this floor.

I recognize the fact, and none can deny it, that we have had in the republican party in several of the Southern States men whose records it would not be a credit to any one to attempt to defend. We have had some such men in my own State. I do not propose now, I never have had any desire and never have expected, to defend all the men who are identified with the republican party. In my judgment no honest man would attempt to defend all of the members of the party with which he may be identified. I do not think it would be to the credit of my honorable colleague to attempt to defend all of the members of his party in the State of Mississippi or elsewhere, for no one knows better than himself that all of the bad men in Mississippi are not identified with the republican party.

In speaking of carpet-baggers—of that class of men who came to the State for no other purpose than to fill their pockets—my colleague seems to have entirely forgotten that his own party did not only set the example for the colored people to follow in this respect, but the hostility of his party toward the colored voters was such that it was made incumbent upon them to accept the best material that it was possible for them to get. Is it strange, then, that they put some of that class of men in office? But let me explain what I mean when I say the democratic party set the example for the colored people to follow in this respect.

The gentleman ought to be aware of the fact that that very class of men have been taken up by the democratic party and elevated to power and position whenever they would consent to serve that party. I have witnessed with sorrow and regret that the very class of men whom the democratic party would denounce, repudiate, and condemn in one election would be taken up by them at the very next election and enlogized to the skies, although they were carpet-baggers, provided they would join their party.

Does my colleague desire me to make an illustration? I will not do it by referring to my own State. I will not be so uncharitable as to do that, but I will take a case from another southern State, and refresh his memory in that particular. He will perhaps remember that there never was a carpet-bagger in the South that was more universally denounced, repudiated, and condemned by the democratic party than was Ex-Governor Warmoth, of the State of Louisiana. They said so many bad things about him, accused him of so many bad things, that I among others was induced to believe that at least some of them were true. But yet when that gentleman decided to join the democracy, or rather decided to affiliate with them at that election, I was surprised to find that the party that had denounced, repudiated, and condemned him had opened wide its doors for his reception. They did not only receive him immediately into their ranks but they regarded him as one of their most notable and trusted leaders, one of the shining lights of their party, and they were ready to honor him with the highest office in the gift of the people of the State. It is believed that when the important announcement was made that Warmoth intended to affiliate with the democracy they had a grand jollification meeting in honor of that important event, and the chief mogul of the party, I imagine, took the young political convert by the right hand and exclaimed solemnly in these words: "Warmoth, we have regarded you as a bad man; we have accused you of being a corrupt man, a dishonest man, a public plunderer of our people; but we now confess that there is only one sin of which we considered you guilty: affiliation with the republican party. But as you have left that organization it makes no difference with us *now* how much you may have stolen, how much you may have plundered us, how much you may have corrupted the morals of our people. These *little* sins will be charged against you no more forever. [Laughter.] Enter thou into the joys of the democracy, for as you have been found faithful over a few things we will now make you ruler over many." [Renewed laughter.] That is in brief the history of the democratic party in the Southern States on the carpet-bag question, in consequence of which I think it comes with very bad grace from the leaders of that party to complain of carpet-bag rule at the South.

So much, sir, for carpet-baggers. As I said before, I will not refer to my own State; I will be too generous to my honorable colleague to do that. I will let that pass; for he knows something about it himself as well as I do.

But now, sir, I want to refer to the question of violence resorted to at the last election in the State of Mississippi, and which my colleague so eloquently denies. I had hoped there would be no necessity for referring to it at length. In the few remarks which I delivered here day before yesterday, I made only brief reference to that point. But, in speaking of violence, I say now with sorrow, with regret, with mortification, that it is true that an armed military organization exists in the State of Mississippi in behalf of the democratic party; and my colleague took particular pains not to deny it, because he *cannot* deny it. If he thinks he can, I am willing to yield him the floor now to do it. There is an army in the State of Mississippi to-day called the White League. It is a military organization.

I will not say violence was resorted to in all the counties of that State, for it is not true. The election was fairly, peaceably, and honestly conducted in almost every democratic county in that State. The election was fairly, peaceably, and honestly conducted in *some* of the republican counties in that State. Violence and intimidation were confined on the part of the democracy chiefly to the republican counties. The reason, I suppose, will readily suggest itself why they were confined to republican counties.

I, as well as my honorable colleague, am honestly opposed to electing corrupt men to office, honestly opposed to electing men to positions who will fill them with discredit to themselves and discredit to the party which elected them.

I say the colored people of my own State especially have been particularly anxious to be placed in a position where they could be justified and sustained in voting against their own party when it put up men whose honesty is open to question, but they have never been placed in that position in consequence of the hostile attitude of the party which my colleague so ably represents. He says they are all friendly, no ill will, no bad blood, when he knows, wherever the White-League organization has an existence, that the public declaration of the men who belong to it, as well as the papers which represent it, declare in their speeches and in the columns of those papers that that organization has been brought into existence for the very purpose of bringing about white supremacy, and to crush out the negro because he is a negro, and for no other reason.

That is true of the White League. It is not true of all of the white people of the State, because they all do not belong to it. It is not true of all of the democrats, for they do not all belong to it. But it is true of that organization which has been brought into existence by the bad men in the democratic party for the purpose of securing position by the power of the bullet and not by the power of the ballot.

I will make one illustration to substantiate it. As my colleague referred to one county, I will refer to another. In the county of Claiborne in my State, one of the counties of my district, a county containing about 3,000 voters, 500 of which or thereabouts are demo-

cratic and the balance republican—that county, in 1872, out of a total vote of about 2,500, gave 1,752 republican majority. That is just about the average republican majority of that county in an ordinarily fair election. At the last election the White-League organization, being in existence, was armed for the purpose of intimidating the colored people. They borrowed cannon, so I was informed, from some of the steamboats, and had some men from Louisiana come over for the purpose of assisting them in the work of intimidation. They carried that county for the democratic party by a majority of 556, as they said, out of a total vote of about 1,500. They would not let the colored people vote at all at a majority of the voting-places in the county, unless they would vote the democratic ticket. They had men armed for the purpose of preventing them from doing it, and they did prevent them. And yet the gentleman would have you believe that the election in that county was fairly and honestly conducted and that no violence was resorted to, when he knows the reverse to be true.

And I will tell you to-day, Mr. Chairman, and I say to my honorable colleague, that it is to the interest of his party if it is in favor of good government; it is for the interest of all law-abiding men to put down this lawlessness, this violence, and allow men to vote without being intimidated. If he can induce the colored men to vote for him, or for any member of his party, of their own free will, by their own choice, I for one will have no objection to their doing it. In fact, I will be glad to see the day come when the colored man will incur no risk in voting the democratic ticket whenever he wants to do so. But I do not want you to shoot him down if he does not vote the way you want him. And the White League is brought into existence for that very purpose. I do not want you to say, as some of the democratic papers in our State have said, "If you cannot vote him down, knock him down." That is the language of one of the democratic papers in Mississippi.

Now, with all candor, with all fairness, with every feeling of goodwill to the white people as well as to the colored, I will say that I want to see the honest white men of that State who are opposed to mob law and violence rise in their might against this rebellious organization that has been brought into existence for the purpose of carrying elections by violence and not by votes. I assert that this is true of the White League organization. That organization exists in Mississippi to-day for the purpose of carrying elections by violence; and no man can deny this assertion, for Mississippi could not be carried by the democratic party, in my judgment, in any other way.

Let me refer now to the question of taxation in that State. My honorable colleague said in effect that the taxation in Mississippi that had been brought about by the republican administration justified what had been done for the purpose of turning that party out of power. He asserted in effect that they were determined to defeat the republican party in consequence of the corruption, the extravagance, and the taxation that had been heaped upon the people. Now, as a citizen of that State, as a tax-payer, I say that the charge cannot be sustained. I have some figures here in regard to the public debt in Mississippi. I did not know that I would have occasion to use them to-day. But I have them, and I will give my colleague a little information on the question, as he seems to stand very much in need of it:

On the 1st of January, 1874, the beginning of Governor Ames's administration, the public debt of the State, exclusive of what is known as the Chickasaw and common-school fund debts, was about	$821,292
On the 1st of January, 1875, it was about	708,428
Decrease in one year	112,864
On the 1st of January, 1875, as above stated, the debt was about	708,428
On the 1st of January, 1876, it was about	520,138
Decrease in 1875	188,290
Reduction in 1874	112,864
Reduction in 1875	188,290
Reduction in two years	301,154
Actual debt 1st January, 1876, about	520,138

Prior to the inauguration of the administration of Governor Ames in the State of Mississippi the total tax rate was about fourteen mills on the dollar, $14 upon each $1,000 of taxable property. During the two years that Governor Ames had the privilege of serving as governor in that State the taxes were considerably reduced, so that in 1875, instead of being fourteen mills, the tax rate was nine and one-fourth mills on the dollar. Now I ask any member of this House, regardless of party, does he consider that an exorbitant tax—a tax of nine and one-fourth mills—only four mills of which were for what we call general purposes, two mills for a teacher's tax, and three and one-fourth mills to pay the interest on the public debt and to create a sinking fund for its redemption? I never thought that was an exorbitant rate. I never thought it extravagant. And during the two years that Governor Ames served as governor the public debt, as I have above shown, was decreased to about half a million dollars, leaving out what is called the Chickasaw and common-school fund debts; debts the principal of which cannot be paid, the interest of which has to be paid every year. But, leaving out the Chickasaw and common-school fund debts, the debt was decreased to the amount that I have already stated.

Such was the extravagance, such was the profligacy of which my colleague spoke—our debt decreasing each year; our taxes decreasing each year! The value of the State paper increased from 10 to 15 per cent. on the dollar when Governor Ames went out over what it was when he went in. And yet my colleague says that we had extravagance and profligacy to an extent that justified violence and mob law to turn what he is pleased to call a corrupt party out of power. I hold, Mr. Chairman, that that charge cannot be substantiated. I do not believe that the public sentiment of the country will justify the means that were resorted to for the purpose of carrying an election against the known wishes of a majority on such a flimsy pretext as that.

How much time have I remaining?

The CHAIRMAN. Eight minutes.

Mr. LYNCH. During those eight minutes I want to say, that while I acknowledge, while I admit and confess that a large element inside the ranks of the democracy in that State are honestly in favor of vindicating the majesty of the law in protecting every citizen in the exercise and enjoyment of his rights, while I acknowledge this, it is with sorrow and regret that I am compelled at the same time to acknowledge that the public sentiment there sustains and tolerates an organization that has been brought into existence for violence, and violence alone. And I am utterly surprised that my colleague, for whom I have the highest respect, should allow his love of party to carry him so far as to attempt to justify the deeds of violence, the deeds of bloodshed that were resorted to by this organization for the purpose of overcoming the popular majority in that State.

Let the investigation reveal what it may, I stand upon the platform of honest government and honest men to administer the laws; and when the democratic party will recognize the complete equality of the colored man before the law, which they have not yet done, then the colored man will be justified in voting against the republican party when the candidates of that party do not come up to the Jeffersonian standard of honesty and capacity.

Now, sir, let me admonish gentlemen on this floor from other sections, let me admonish the democrats from the North, and I would appeal especially to my honorable friend from New York, [Mr. COX,] who so gracefully occupies the chair in the absence of the honorable Speaker—a gentleman for whom I have the highest regard, because I look upon him as a man of moderate views except on some questions, [laughter,] let me say to him, as a leader of his party, and a creditable one, too, at that; let me say to others from the North who are leaders of the democratic party, to put your power, put your votes, put your organization upon record against mob law and violence, and try to gain the colored vote by honest means, by argument, persuasion, and reason. When you succeed in gaining the colored vote by those means no one will regret it. I will not regret it, but I will rejoice to see the day come when men will be enabled to vote as they please without personal risk to themselves by doing so. I trust that the northern democrats will try and get our southern brethren to come up to the standard that you keep at the North, to tolerate differences of opinion, and try and educate them up to the necessity of allowing men to vote how they please and for what party they please. When you do that we shall have peace and good-will at the South. But under existing circumstances that cannot be done. No government can be sustained and upheld by the public sentiment of a people when one portion of the country is controlled and governed by a band of men organized into an army for the purpose of intimidating men who do not belong to the party they are identified with.

Now I appeal to the public sentiment of the country to crush out mobocracy at the South; to vindicate freedom of speech, freedom of opinion, freedom of the press, and the purity of the ballot-box.

That is what I am in favor of, and I trust the gentlemen from the North will see the necessity of this course. Otherwise you will lay the foundation for the dissolution of this Republic.

Mr. Chairman, I could say more if I had more time, for this is a subject that I could speak upon for hours. It is a subject that my honorable colleague knows I am as deeply interested in as he is, and while I take pleasure in saying that a large number of the white democrats in my State did not countenance the violence resorted to for the purpose of overcoming the republican party, yet it is an unfortunate fact that that party could not have been wiped out of existence as it has been by any other means than by violence and intimidation.

I am very thankful to the gentleman from New Jersey [Mr. TEESE] for allowing me to make these remarks.

ADMISSION OF NEW MEXICO.

Mr. TEESE. Mr. Chairman, before considering the question whether New Mexico ought to be admitted into the Union I would first call the attention of the House to what sort of a country it is that the friends of this bill propose to join us as a State in bonds not thereafter to be sundered.

So far as extent of territory is concerned there is no doubt that in acres or square miles it is amply sufficient to form not only one but

many States. Having an area of 121,201 square miles, it is larger than the island of Great Britain by nearly 34,000 square miles. It is nearly twice as large as all the New England States together and larger than the five Middle States of New York, New Jersey, Pennsylvania, Delaware, and Maryland by more than nine thousand square miles.

But when we seek for the advantages, natural or otherwise, belonging to this Territory, they cannot be found. Nowhere in its vast domain do agriculture, trade, commerce, or the useful arts flourish; nay, they can scarcely be said to exist. The report of the majority of the Committee on the Territories admits that, "for the most part, the Territory consists in extensive plains not entirely suited to the purposes of agriculture." The fact is that, except for grazing purposes, it is little better than a barren waste. The rain-fall is so small that what little tillage of the soil there is has always for the most part been accomplished by irrigation. Furthermore, the rain-fall is growing less year by year, and the country is becoming more and more a desert, as is witnessed by the ruins of many deserted *pueblos*, the inhabitants of which have been compelled to abandon them for the want of water.

The unproductiveness of the country is strikingly demonstrated by the census of 1870, which shows that but 833,549 acres are in farms, and of this more than 82 per cent. remain unimproved. W. F. M. Arny, formerly acting governor of New Mexico, in his work on that country, published in 1873, says:

> This country is not a garden of Eden. On the contrary, the superficial observer would place his ideas of desolation within its limits. * * * It is arid, rainless; presenting contrasts to the American, come from what part he may. * * * Of the area of the public lands in New Mexico unsurveyed, and, of course, unoffered and undisposed of, about *one-tenth* is susceptible of cultivation.

It will be seen, therefore, that there is nothing to render New Mexico desirable as a State, so far as its soil, natural resources, or possible productions are concerned. It is supposed that there are rich mines, but as yet no great mineral resources have been developed. In short, the whole country almost is an arid desert, with here and there irrigated oases. It is of no value whatever to the Union; and the best thing that could be done with it would be to "prevail on Mexico to take it back," as General Sherman suggested in his testimony before the Committee on Military Affairs of the House of Representatives in 1874, referred to in the minority report.

But it is said that we are bound by treaty obligations and promises from civil and military officers of the Government made to the people of New Mexico to admit it as a State, and that we are acting in bad faith not to do so. The report of the majority of the committee alleges that—

> The people of New Mexico have from time to time presented their claims to admission into the Union as a State, arising upon the assurances of officers of the United States during military occupation of that country, and also upon the terms of the treaty of cession. * * * General Kearney and other officers of the Army at the time of the occupation of this Territory assured the people of New Mexico that if they consented to annexation to the United States they would be at an early day admitted into the Union. These assurances contributed to the peaceable and bloodless transfer of that Territory.

So far as the treaty obligations are concerned, they are all embraced in the ninth article of the treaty, as follows:

> Mexicans who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted *at the proper time, to be judged by the Congress of the United States*, to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

It is admitted that there is here no express provision for a speedy admission of New Mexico as a State, and that—

> The terms of this provision of the treaty leave Congress to judge of the proper time when the Territory should be incorporated into the Union of the United States, and admitted to all the rights of the States. But—

Continues the report—

> it is insisted, in view of the assurances of our officers pending the military occupation of this Territory and the declarations of the authorities of this Government a short time after the execution of the treaty, that it would be unjust to the people of New Mexico to say that it was contemplated, at the time of the transfer of this Territory to the United States, by either of the parties to the treaty, that admission as a State would be indefinitely postponed and denied to the people of this Territory.

"The declarations of the authorities of this Government" quoted are, first, some general recommendations of President Taylor, advising "an early application by the people of these territories for admission as States," for the purpose, he says, "*of avoiding occasions of bitter and angry discussions among the people of the United States*," alluding to the agitation of the question of slavery in the Territories, and not in any way referring to any moral or other obligation on the part of the Government arising from any stipulation. The only other declaration quoted or referred to is that of Mr. Buchanan, who, while Secretary of State, pending the ratification of the treaty with Mexico, said:

> Congress, under all the circumstances and under the treaties, are the sole judges of this proper time, because they and they alone under the Federal Constitution have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial governments. Besides, Congress will never turn a deaf ear to a people anxious to enjoy the privilege of self-government. Their desire to become one of the States of this Union will be granted *the moment it can be done with safety*.

These are all the "acts and declarations of the authorities" which the majority of the committee give us; and it will be observed that President Taylor bases his recommendation upon the idea that certain "angry discussions" might be avoided by early admitting as States the territory acquired from Mexico, and that Mr. Buchanan said the Territory would be admitted when it could be done with safety, of which "Congress, under all the circumstances," are the exclusive judges. I agree that New Mexico should be admitted as soon as it can be done with safety, but I shall endeavor to show that that time is not yet.

The assurances of "General Kearney and other officers of the Army," whereby the people of New Mexico were persuaded "that if they consented to annexation to the United States they would be at an early day admitted into the Union," are not given in the report. I have failed to find any such assurances in the published proclamations of General Kearney, of which there are two, one issued July 31, 1846, enjoining on the citizens of New Mexico to remain quietly at their homes and to pursue their peaceful avocations and promising them protection in their civil and religious rights, the other of the 22d of August, 1846, announcing the flight of Don Manuel Armijo, the late governor, and that for the present he (General Kearney) would be considered as governor of the Territory. In this proclamation he says:

> It is the wish and intention of the United States to provide for New Mexico a free government with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of freemen in electing their own representatives *to the territorial Legislature*.

He had previously, on the 15th of the same month, stated in an address to the people:

> I have come among you by the orders of my Government to take possession of your country and extend over it the laws of the United States. We consider it, and have done so for some time, *a part of the territory of the United States*.

Where do we find in any of these utterances of General Kearney the slightest foundation for the statement that he "assured the people of New Mexico that if they consented to annexation to the United States they would be at an early day admitted into the Union?" On the contrary, he expressly and in terms promised them nothing but the privilege of sending representatives to a *territorial* Legislature. I have not been able to find from a single fact or a single utterence by General Kearney that New Mexico was ever solicited to annexation to the United States by him.

This is the way General Kearney wooed the New Mexicans into giving their "consent" to annexation. I quote from his proclamation of August 22, 1846:

> The undersigned has come to New Mexico with a strong military force, and an equally strong one is following close in his rear. He has more troops than necessary to put down any opposition that can possibly be brought against him, and therefore it would be but folly or madness for any dissatisfied or discontented persons to think of resisting him. * * *
>
> The undersigned hereby absolves all persons residing within the boundaries of New Mexico from any further allegiance to the republic of Mexico, and hereby claims them as citizens of the United States. Those who remain quiet and peaceable will be considered good citizens and receive protection; those who are found in arms, or instigating others against the United States, will be considered as traitors and treated accordingly.

I have no doubt that General Kearney's "assurances" *did* contribute "to the peaceable and bloodless transfer of that Territory," because the inhabitants understood that the penalty of misbehavior was death; but I do not see that any other reward was promised except protection in case of good behavior.

I have now endeavored briefly to show that New Mexico, not a desirable acquisition at the first, would not as a State add anything to the value of the Union, and that we are violating no plighted faith in refusing it admission.

But I am opposed to the passage of this bill for the further reason that New Mexico has not a sufficient number of inhabitants to claim as a right admission into the Union, and because the inhabitants who are there are not fitted for self-government, and much less are they fitted to participate in the government of all the other States under the Constitution.

There appears to be a wide difference of opinion as to what the real population of the Territory is. The territorial Legislature in their memorials claim a population of nearly one hundred and fifty thousand. The minority report says:

> This estimate has been carefully considered, and is found without foundation in fact, and depending solely upon the statement contained in the memorial of the Legislature of the Territory to this Congress.

The report then goes on to make a statement, derived from the number of the voting population and other data, from which the total population in 1875 is estimated at 93,926.

As according to the census of 1870 the population was 91,874, the probabilities are that the population does not exceed the number estimated in the report. We have no official or reliable information upon the subject since the census of 1870, and no warrant for saying or believing that the population amounts to as many as 95,000. Now, as according to the quota of the last census the population of a congressional district should exceed 130,000, I should like to know what justice or fairness there is in admitting a new State with between thirty thousand and forty thousand less inhabitants than that number. But when we consider that such State will be entitled to send to the Senate of the United States two Senators, and thus be equal in that branch of the national Legislature to New York with a population exceeding four million, the injustice of such admission is still more apparent.

I am aware that in the admission of two or three of the former Territories the rule which ought to be observed of maintaining the same ratio of representation as in the existing States has been departed from, and their admission is urged as a precedent for the admission of New Mexico. But wrong and injustice can never be justified by precedent. I do not believe it right that a Territory should receive such unequal advantages, and if there were no other reason than the want of sufficient population, that consideration alone would decide my vote against this bill. No doubt the Constitution contemplates that a Territory should be admitted as a State at the proper time, to be judged of by Congress, but it never was contemplated that a Territory should, by becoming a State, be entitled to send to this House a member whose constituency is less than that required for members from other States.

But, sir, although New Mexico has not in my judgment a sufficient number of inhabitants to justify us in admitting it into the Union as a State, and although in former debates upon this subject, whether or not New Mexico had sufficient population to form a State was the principal point discussed, it is the one upon which I lay the least stress, and the one which I think to be altogether of secondary consideration. The admission of States from Territories is after all a matter of discretion with Congress, and peculiar reasons may exist why in given cases Territories with small populations, very much smaller than that of New Mexico, might with some propriety be admitted. But when we consider that there is no reason whatever urged for the admission of this desert wilderness except that other States have been admitted with less population, and when we consider its ignorant, half-civilized population, foreign for the most part to our language, our laws, and our race, what can be said in justification of the passage of this bill?

Sir, whatever may be said as to the impropriety or injustice of admissions of new States heretofore allowed on account of the smallness of their population, we have never yet permitted a State to be brought into the Union on an equal footing with the other States, and to send Senators and Representatives here to make laws for the Government of the United States, unless it appeared that it had the necessary intelligence to govern its own people according to our American ideas of government. It is not alone sufficient that the number of inhabitants of a Territory should be large; on the contrary, the number of inhabitants, such as they are, constituting a given Territory may be a great objection to its admission into the Union; and the great number of ignorant and half-civilized people inhabiting this Territory totally unfit in every respect to form a government republican in form is, to my mind, the chief obstacle to the admission of New Mexico. If it had only one-half its present population, I should be more favorably inclined toward it; but, as it is, the more of such citizens we have the worse we are off.

Sir, it is not numbers alone that constitute a state. Some of the most powerful nations, nations that have governed the world, have occupied territories small in extent, and whose population proper had constituted but a small portion of the people they have controlled and governed for centuries. The Roman empire embraced the known world, but Rome was but a single city, and when it fell that empire ceased to exist. And so with nearly all the ancient nations; while they extended their arts and arms over vast and populous territories the soul of empire existed only at the capital; nay, sometimes only in a single individual whose genius alone guided and controlled the government; as in our own day Napoleon created the French Empire and when his star set that empire vanished. England, upon whose dominions the sun never sets, is small in extent, but her possessions have been acquired and maintained by the skill, intelligence, and valor of her people, not by their numbers. So that while it is true that New Mexico has not a sufficient population to entitle her to demand admission as a State, it is not the chief objection.

Now, sir, I think it can be demonstrated by facts which cannot be questioned that New Mexico, as at present populated, is so far below the standard of the average intelligence, civilization, and enterprise of the citizens of the rest of the United States that she should not be admitted into our sisterhood of States until she shall have become less Mexican, less Indian, and less degraded, and more American, more civilized, and better educated.

Of the 91,874 population of New Mexico in 1870, 48,836 of ten years of age and over could not read. As 86,254 of its inhabitants were native born, it cannot be said that this profound ignorance of more than one-half of its population is owing to an influx of foreigners. Foreigners do not consider this a good country to immigrate to. The New Mexicans are more truly native Americans than any other portion of our citizens, for Governor Arny says that—

> The blood of the Montezumas is to-day three-fifths of the blood of Mexico.

The country has been settled for more than two hundred and fifty years, and it had its villages and cities, and for the privileged few its schools and colleges, when what is now the heart of the United States, populated by many millions, was an unexplored wilderness. During all this time this mongrel race have kept on the even tenor of their way, content to live and die as their ancestors, deriving their instruction from their religious leaders, but having no idea of what a government of the people meant. Now, while all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States by the fourteenth amendment to the Constitution, yet when such a people, so different from the great mass of our population, seek to participate in the government of the United States, I think they should not be allowed to do so until they shall have more closely assimilated themselves to the rest of our citizens.

A comparison of the intelligence of the people of the more recently admitted States with that of New Mexico will show how widely the material out of which our new States have been formed differs from that of this Territory.

The last State admitted into the Union (not counting Colorado, still in embryo) was Nebraska, which in 1870 had a population of 122,993; the next preceding admitted States being Nevada, with a population of 42,491, or less than one-half that of New Mexico, and Oregon, with a population of 90,923, within less than one thousand of the same number with it. A comparison of these three States with New Mexico will show the difference between American and Mexico-Indian civilization, and will also show that while the former are fitted for a republican form of government, the latter is not.

Much stress has been laid upon the fact that when Nevada was admitted into the Union in 1864 it had but about forty thousand inhabitants, and hence it is claimed that, as New Mexico has more than double that population, it should also be admitted; and if the test of numbers were the only test, the claim would be well founded. But if we have regard to the intelligence of the people, and their ability to govern themselves, we shall find that that State is immeasurably in advance of the Territory; that while the latter is sunk in the depths of mediæval ignorance, the former is up to the full standard of American intelligence and American institutions.

By the census of 1870 the number of persons in Nevada ten years of age and over who could not read was 727, or *less than 2 per cent.* of its population, while of the population of New Mexico of the same age who could not read the percentage was *more than 53 per cent.*

In New Mexico there were five public schools. In Nevada there were more than seven times as many, namely, thirty-eight. There were but 138 pupils in all New Mexico who attended the public schools. In Nevada there were nearly ten times as many, namely, 1,856; of these 1,065 were males. In New Mexico but 84 male pupils attended the public schools in 1870.

If we make the same comparison with the other two last admitted States, we will find the same difference to exist. In Nebraska the number of persons ten years of age and over who could not read was 2,365, or less than 2 per cent. of its population. The number of public schools was 781, the number of pupils 17,052.

In Oregon the number of persons of the same class who could not read was 2,609, or less than 3 per cent. of its population. The number of public schools was 594, with 29,822 pupils.

A comparison of the illiteracy of New Mexico with the other existing Territories will be found equally unfavorable to the former. Arizona, in which the illiteracy is the greatest, was organized out of New Mexico, and a portion of the latter Territory with several thousand of its population has been annexed to Colorado.

The percentage of persons in the other Territories of ten years of age and over, who, by the census of 1870, could not read, was as follows, (fractions being disregarded:) Arizona, 27 per cent.; Colorado, 15; Dakota, 8; Idaho, 21; Montana, 3; Utah, 2; Washington, 4; Wyoming, 5.

I think these statistics alone show how much the New Mexicans differ from those whom we have been accustomed to admit to all the rights of citizens of States under the Constitution.

The majority report admits that "the people of New Mexico have not, until within a few years past, manifested a proper disposition to support a system of public schools adequate to bring within the reach of its scholastic population the advantages and benefits of education," though "since 1873 a relative increase in the number of schools is observed, and it is believed that the advancement will continue until the system will be adequate to meet all requirements."

It is well known that the mass of the people of New Mexico are hostile to the public-school system, and that a few years ago they voted against it, although as a matter of policy it is now adopted.

There are, it is true, some schools other than public schools under the care of religious organizations, the census of 1870 showing that there were forty-four schools of all classes, (including the five public schools,) with a total number of seventeen hundred and ninety-eight pupils. I have no doubt the influence of these schools is good; and if there were ten times as many of them, they might approximate toward supplying the wants of the people; but what are forty-four schools in a population of nearly one hundred thousand?

In looking further into the state of this people we find their want of enterprise to correspond with their want of intelligence. There were but five newspapers in the Territory in 1870, with a circulation all told of fifteen hundred and twenty-five. There were but one hundred and eighty-two manufacturing establishments in all the Territory, and the total number of hands employed in manufacturing was four hundred and twenty-seven. There were but thirteen steam-engines and forty-two water-wheels in its whole area of more than one hundred and twenty-one thousand square miles, and the sum total of its population engaged in manufactures and mechanical and mining industries was twenty-two hundred and ninety-five.

But there is another reason why we should not be in haste to admit New Mexico as a State. I refer to the large percentage of its population, consisting of the Montezuma or Pueblo Indians, whose

blood, Governor Army says, constitutes about three-fifths of its population, and who are in number about ten thousand. They live in towns, and have regular governments of their own.

Each town has a separate organized government of its own, but all are nearly the same, as most of them adhere to ancient customs and laws. The officers consist of a governor, lieutenant-governor, cacique war captain, and his lieutenant, a constable, and a superintendent of (*acequeas*) ditches for irrigation, &c. (Army, page 38.)

The memorials of the Legislature of New Mexico referred to and quoted in the majority report, (page 4,) states that they are "*among the best citizens of our Territory,* * * * mostly a quiet, pastoral people, and as truly loyal to the government under which they live as any people under the sun." This is a pretty strong indorsement and from very high authority.

Moreover, it has been decided by the supreme court of New Mexico that these Indians being citizens of the republic of Mexico at the date of the treaty of Gaudalupe Hidalgo, by the terms of that treaty became citizens of the United States, and are entitled to all the privileges of citizens of the United States. Accordingly this bill provides—

That all persons qualified by law to vote for representatives to the General Assembly of said Territory *under the laws thereof*, shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention, &c.

Now let us see what kind of people these are who are among the best citizens of New Mexico, and who by the terms of this bill are at once entitled to vote. Army says of them:

There are yet many who expect the return of Montezuma as the Jews await the advent of Christ, and believe when he comes to be their king they will be united, rich, powerful, and will regain their prestige and empire. (Page 7.)

Quoting from the report of the Commissioner of Indian Affairs for 1854, he says:

The Pueblos are all nominally Roman Catholics, and, as far as can be discerned, appear to be sincere and earnestly devoted to the rites of that church. * * * However, there is every reason to believe that the Pueblos still adhere to their native belief and ancient rites. *That most of them have faith in Montezuma is beyond a doubt.* * * * He foretold events that actually came to pass, and it is related of him that he performed many wonderful things. * * *

From all I have been able to learn, I am fully convinced that the Montezuma who was held in such reverence by the Pueblo Indians of New Mexico and Arizona was a descendant of the Montezumas, (kings of Mexico,) and who was looked upon both as a king and priest, subordinate only to "the Great Spirit," whom they believe to be represented by the sun, the great orb of day, and the representative of light and heat. Hence they kept burning upon their altars in their *estufas* (places of worship) fire, the earthly representative of that light and heat imparted by the sun, *and I have reason to believe that to this day these edifices are used for this purpose.*

During the past few years I have visited most of the pueblos (Indian towns) now extant, and also the ruins of others which have been abandoned. * * * Mr. Davis, in his work Conquest of Mexico, in writing of the Pecos pueblo, says: * * * "It is said that Montezuma kindled a sacred fire in the *estufa* of that pueblo and commanded that it should be kept burning until he came back to deliver them from the Spaniards. He was expected to appear with the rising sun, and every morning the Indians ascended to the tops of the houses and strained their eyes looking to the east for the appearance of their deliverer and king." * * *

During the period that I was acting governor of New Mexico in 1863 I was visited at Santa Fé on several occasions by a venerable Pueblo Indian. He condescended to inform me that *all the Pueblos now in secret perform rites and ceremonies looking still for the return of Montezuma.* This is corroborated by the much-lamented General Kit Carson, who is the only person I know of who has been permitted to enter their *estufas*, and witnessed on one occasion their worship, which was a dance in the *estufa* around the "altar of fire." Last summer I visited some of the Pueblos at the time of their great feasts, but was not permitted to enter the *estufa*. The outside worship was a blending of the Roman Catholic ceremonies with some of their own heathen rites, the principal of which was the *cacaina*, a dance, at which time they make offerings of flour, corn, and other articles. On the occasion of their great feasts I noticed that in the morning at sunrise they were on the house-tops with their faces turned toward the rising sun. (Pages 34-37.)

If these people are among *the best citizens* of New Mexico, and its Legislature says that they are, to what depths of degradation must the average New Mexican be sunk? And yet it is proposed that such citizens are to constitute a State of this Union, who are unable to decide whether Christ or Montezuma is the Saviour of the world; who marry and baptize their children according to Christian rites, while in secret they keep burning the sacred fire, emblem of the sun, and daily hail the god of day, as they watch and wait with patient longing the risen Montezuma, who will re-establish the fallen empire of the Aztecs and avenge the centuries of wrongs to which his people have been subjected.

Although we cannot sit in judgment upon the religion of these people, nor upon their manners and customs, and they have a perfect right to follow their own consciences and inclinations in such matters, yet, when they are asking as a boon to be admitted into our family of States, the granting of which lies entirely in our discretion, we have a right to consider whether they are homogeneous with our other population, and if not, we have a right to keep them out of the family until they become one with us. For myself, I do not believe that any two races ever did or ever will exist side by side under the same government where anything like true equality was maintained. You may enact such equality in statute laws or in constitutions, but the instinct of race is stronger than law. You may make it a penal offense not to admit a person of a different-hued skin from your own into a pew in your church or a box in your theater, but the races will still keep apart, and each will seek its own, leaving the philosophers and politicians to discourse upon the unity of the race, and the liberty, equality, and fraternity of man; or if perchance, as in the case of New Mexico, you can succeed to a degree in amalgamating the races, you debase the blood of both to such an extent that the aboriginal barbarian pagans become the respectable class.

The New Mexicans are not only un-American in race and ideas, but they are also foreign to us in language. The report of the majority of the committee to whom this bill was referred claims that there are now in the Territory one hundred and thirty-three public schools supported by taxation, one hundred and eleven of which are taught in the Spanish language exclusively, twelve in the English and Spanish languages, and ten in the English language. Such a thing as a *Spanish* common-school may be possible, but this bill recognizes the peculiarity of such a system of education by first granting land for the support of common schools, and then enacting:

That the English language shall not be excluded from, but be taught in, said common schools.

Now, I do not wish to be understood as saying that New Mexico ought not to be admitted because the Spanish language is mostly spoken in that Territory, but I mention it as one of the matters to be considered in connection with others, of which I have spoken, before we give the consent of Congress to its becoming a State.

For my part, sir, I am opposed to admitting into the Union a community to such a great extent foreign to us in language, ideas, manners, and customs, ignorant and superstitious to the last degree, and a people who have always been accustomed to be under the guardianship and direction of teachers of a superior race.

But, Mr. Chairman, the majority report, though it seems to me somewhat rose-colored, gives us sufficient encouragement to expect, from the alleged increased attention to the subject of education, that New Mexico will become, perhaps at no distant day, fitted to take its place as a State. Perhaps the next census may show that the time has then arrived. Whenever reliable statistics shall show that American ideas have permeated the masses of the people, and that the inhabitants are sufficient in number, then let New Mexico be admitted. But until Anglo-Saxon civilization and enterprise, the results of which are the school-house, the printing-press, the steam-engine, the telegraph, the railroad, shall have taken deeper root than now appears, let it remain a Territory, and let the prospect of admission when fitted be held out to its people as an incentive to increased efforts for preparation to become a State, equal in intelligence, or at least approximately equal, to the rest of the Union.

THE POWER TO MAKE INVESTIGATIONS BY COMMITTEES OF CONGRESS—THE PRIVILEGES OF WITNESSES.

Mr. LAWRENCE. Mr. Chairman, on the 14th day of March, 1876, Hallet Kilbourn was by this House ordered to be imprisoned for contempt of its authority in refusing to testify as a witness before a committee duly authorized to require his evidence. The investigation which the committee was making was one in which the Government was interested. The District of Columbia had for some years been under the control of officers acting under a law of Congress. It was alleged that the District officers had been guilty of great frauds, and investigations in the Forty-third Congress seemed to prove it. It was alleged that a combination of men known as the "District ring" had fraudulently conspired together to make public improvements at enormous prices, and that they had been guilty of great frauds resulting in an immense bonded debt, a large part of which Congress is bound to pay. It was also alleged that when Jay Cooke & Co. failed Hallet Kilbourn held the title to large amounts of property as trustee in which Jay Cooke & Co. were interested as part owners. The Government, as a creditor of Jay Cooke & Co., was interested in knowing what property was so held by Kilbourn. It was alleged that he could give this information, and that it would be disclosed by his books and papers, which he refused to produce.

It was in view of these facts that Kilbourn was imprisoned. (House Report No. 242, first session Forty-fourth Congress, on Real Estate Pool, March 16, 1876; Miscellaneous Document No. 174, first session Forty-fourth Congress.

He applied for a writ of *habeas corpus*, which was allowed by Hon. David K. Cartter, one of the judges of the supreme court of the District of Columbia, and who, after argument, on the 28th of April, discharged Kilbourn from the custody of the Sergeant-at-Arms.

I desire to submit a few remarks on some of the questions involved in this whole case.

The question whether the House should direct the Sergeant-at-Arms to produce the body of Kilbourn in obedience to the writ of *habeas corpus* was decided by very nearly a party vote. This question was never regarded as a party question heretofore. This will appear at least to be the fact in the case of Richard Irwin, in the Forty-third Congress.

In the second session of the Forty-third Congress the case of Richard Irwin, imprisoned by order of the House for refusing to testify in the Pacific Mail investigation, was considered. (Congressional Record, volume 9, pages 62, 64, 174, 471, 509, 589, 590, 609, 698.) Mr. DAWES offered the resolution for his imprisonment December 21, 1874, (page 175.) It was adopted by a majority so large there was no division, (page 182.)

On the 14th January, 1875, the Sergeant-at-Arms reported that a writ of *habeas corpus* was issued, and that the judge refused to hear it without a return of the body, (page 471.) The House refused to surrender him by a vote of 96 to 51, (p. 478.) The court refused to receive a return without the production of the body.

On the 15th January, 1875, the House, on a vote by yeas and nays of 107 to 64, surrendered him to the court.

The vote was as follows, the republicans printed in *italics*, (page 516.)

The yeas were as follows:

George M. Adams,	D. W. C. Giddings,	Hosea W. Parker,
William E. Arthur,	John M. Glover,	*Isaac C. Parker,*
Thomas S. Ashe,	*Daniel W. Gooch,*	*Richard C. Parsons,*
John D. C. Atkins,	Thomas M. Gunter,	*Charles Pelham,*
John T. Averill,	J. M. Hagans,	*James M. Pendleton,*
Henry B. Banning,	John Hancock,	*Alonzo J. Ransier,*
Granville Barrere,	*Benjamin W. Harris,*	*William H. Ray,*
James B. Beck,	Henry R. Harris,	William M. Robbins,
Hiram P. Bell,	John T. Harris,	*Jeremiah M. Rusk,*
John Berry,	*H. H. Harrison,*	*Philetus Sawyer,*
James H. Blount,	Robert A. Hatcher,	*H. B. Sayler,*
Rees T. Bowen,	*Joseph R. Hawley,*	Richard Schell,
John M. Bright,	Frank Hereford,	*John P. C. Shanks,*
John Young Brown,	*Sherman O. Houghton,*	*Christopher C. Sheats,*
Aylett H. Buckner,	*Jay A. Hubbell,*	*H. Boardman Smith,*
H. C. Burchard,	Eppa Hunton,	*Oliver P. Snyder,*
Benjamin F. Butler,	*John A. Kasson,*	Milton I. Southard,
R. R. Butler,	*Stephen W. Kellogg,*	Elisha D. Standiford,
R. H. Cain,	Robert M. Knapp,	William H. Stone,
John H. Caldwell,	L. Q. C. Lamar,	*Horace B. Strait,*
Thomas J. Cason,	Charles N. Lamison,	*J. Hale Sypher,*
John Cessna,	James M. Leach,	*Charles R. Thomas,*
John B. Clark, jr.,	*James R. Lofland,*	*Christopher Y. Thomas,*
Isaac Clemens,	*David P. Lowe,*	*Jacob M. Thornburgh,*
Stephen A. Cobb,	John K. Luttrell,	*Lemuel Todd,*
Philip Cook,	John A. Magee,	*Joseph H. Rainey,*
Franklin Corwin,	*Alexander S. McDill,*	Robert B. Vance,
Thomas T. Crittenden,	*George C. McKee,*	Alfred M. Waddell,
Edward Crossland,	*John McNulta,*	*Jasper D. Ward,*
Lorenzo Crounse,	Charles W. Milliken,	Thomas Whitehead,
John J. Davis,	Roger Q. Mills,	W. C. Whitthorne,
Mark H. Dunnell,	*Leonard Myers,*	*George Willard,*
Milton J. Durham,	Lawrence T. Neal,	*William Williams,*
Benjamin T. Eames,	*James S. Negley,*	*William B. Williams,* and
Charles A. Eldridge,	William E. Niblack,	Asa H. Willie—107.
Moses W. Field,	*Godlove S. Orth,*	

The nays were as follows:

Charles Albright,	*George F. Hoar,*	*William B. Small,*
J. Allen Barber,	William S. Holman,	*A. Herr Smith,*
Josiah W. Begole,	*Ira B. Hyde,*	*John Q. Smith,*
James S. Biery,	*William J. Hynes,*	*William P. Sprague,*
Richard P. Bland,	*William Lawrence,*	Edward O. Stanard,
Frederick G. Bromberg,	*John D. Lawson,*	*H. H. Starkweather,*
James Buffinton,	*Barbour Lewis,*	*Charles St. John,*
John H. Burleigh,	*John R. Lynch,*	John B. Storm,
Joseph G. Cannon,	Samuel S. Marshall,	*James D. Strawbridge,*
Amos Clark, jr.,	*James S Martin,*	*Alexander W. Taylor,*
William Crutchfield,	*Horace Maynard,*	*John M. Thompson,*
Henry L. Dawes,	*Clinton C. Merriam,*	*Washington Townsend,*
William G. Donnan,	*James Monroe,*	*Lyman Tremain,*
William E. Finck,	William R. Morrison,	*James N. Tyner,*
Greenbury L. Fort,	*John B. Packer,*	*Marcus L. Ward,*
Charles Foster,	*Horace F. Page,*	Erastus Wells,
Lewis B. Gunckel,	*William A. Phillips,*	*David Wilber,*
Eugene Hale,	*Austin F. Pike,*	*John M. S. Williams,*
Robert Hamilton,	Samuel J. Randall,	*Ephraim K. Wilson,* and
John B. Hawley,	*Ellis H. Roberts,*	*James Wilson*—64.
Gerry W. Hazelton,	*James W. Robinson,*	
John W. Hazelton,	*L. D. Shoemaker,*	

Here are fifty-one republicans and thirteen democrats voting against surrendering the witness in answer to the writ of *habeas corpus*.

Well, sir, the judge heard the case, and decided the House had the right to imprison and that the judge had no power or right to pass upon the legality of the action of the House. The troops "marched up the hill and then marched down again." The views which I entertained when a republican House was investigating frauds I still entertained when a democratic House was seeking light and knowledge under so many difficulties.

When the question arose as to Kilbourn, I thought we could not afford to throw any obstacle in the way of investigation, that we could not afford in justice to the country to permit the members of this democratic House to say they had not a fair chance to investigate every subject and every question proper for examination in this form.

In the remarks I made in this House on the question of surrendering Kilbourn, I said in substance, among other things, that the decision which the House would make *would settle the law* and practice on the subject. The House decided in favor of the surrender, and so I regard the practice as settled that a witness imprisoned by order of the House for contempt in refusing to testify may apply for a writ of *habeas corpus*, and when the writ is issued it must be obeyed by the Sergeant-at-Arms, and it is his duty to produce the body to the court or judge issuing the writ.

As it is now settled that the body must be produced, any order of the House must necessarily be unnecessary and wrong. It is inconsistent with the idea that a court or judge has a *right* to require the production of the body.

In accordance with these views I introduced a bill on the 20th of April, which was referred to the Committee on the Judiciary, as follows:

A bill to enlarge the privileges of the writ of *habeas corpus*.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person shall be detained or imprisoned by order of the Senate of the United States or of the House of Representatives he shall be entitled to the privileges of the writ of *habeas corpus*; and the Sergeant-at-Arms, or other officer or person having the custody of any person so detained or imprisoned, shall, in obedience to a writ of *habeas corpus*, produce to the court, judge, or justice who issued the writ the body of the person so detained without any order for that purpose from said Senate or House of Representatives. The application for such writ by or on behalf of said person so imprisoned or detained shall be made, in the first instance, to the Chief Justice of the United States, or any justice of the Supreme Court of the United States, or, in the absence of these from the city of Washington, or in case of disability, the application shall be made to the supreme court of the District of Columbia, or to the chief justice or any associate justice thereof.

SEC. 2. That any person who shall be imprisoned or detained by any court of the United States, or any justice or judge thereof, for contempt, shall be entitled to apply to any court having appellate jurisdiction in any case, from the court, justice, or judge having made such order of detention or imprisonment, or to any justice or judge of said court having such appellate jurisdiction, for a writ of *habeas corpus*, and the same shall be issued, served, obeyed, proceeded with, and determined as in other cases.

At the same time I introduced a bill further to protect the rights of citizens and to secure the liberty of the press, as follows:

A bill to limit the power of courts to punish for contempts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court shall not be construed to extend to any cases except to the misbehavior of any person or persons in the presence of the courts, or so near thereto as to obstruct the administration of justice; the misbehavior of the officers of said courts in their official transactions, and the disobedience or resistance by any officer of any court, party, juror, witness, or any other person or persons to any lawful writ, process, order, rule, decree, or command of said courts. And no person shall be punishable for contempt who is liable to be indicted for the same matter which constitutes the contempt. No court shall, by order or otherwise, prohibit the publication in any newspaper or other publication of any of its proceedings, or of any evidence produced or given in the trial of any cause.

I do not propose to discuss either of these bills now. They are before the appropriate committee, and will doubtless receive due consideration at the proper time.

I do propose now, however, to say a few words as to what should be done in view of the decision of Judge Cartter, and to refer briefly to the decision itself.

The case as stated by the judge and his opinion will be found in House Miscellaneous Document No. 169, submitted to the House on the 28th of April, and referred to the Judiciary Committee, and still more fully in House Miscellaneous Document No. 174, submitted to the House on the 29th of May.

The counsel who represented the Sergeant-at-Arms before Judge Cartter gave the proper notice of appeal from his decision or order to the general term or court in banc of the supreme court of the District.

I think this appeal should be prosecuted. There is no power in the Supreme Court of the United States to review the order made by Judge Cartter at chambers, but there is an appeal from this order to the full bench of judges of the supreme court of the District. All this it seems to me results from an examination of the statutes.

Since the Supreme Court of the United States has and by Congress can be given no *original* jurisdiction in *habeas corpus*, and can have none save in the exercise of its appellate powers, (see 8 Wallace, 85–89; 18 Wallace, 166;) and since the Supreme Court of the United States has received from Congress no *appellate* powers in review or reversal of an order of a judge at chambers, (as Cartter's late order is,) therefore there can now be no review of Cartter's order in the Supreme Court of the United States.

The supreme court of the District of Columbia has the legal *status* in our system of the *circuit courts* of the United States, (page 91, section 760 Revised Statutes of the District of Columbia,) and those *special* terms held by separate judges of this court become generally *district* courts of the United States, (section 762 of Revised Statutes of the District of Columbia, page 91,) and from there last appeals go to the general term or to the supreme court of the District of Columbia, (section 772, page 92.)

Owing to these provisions it seems clear that Judge Cartter, sitting in Kilbourn's case, sits as a judge of a court *inferior* to a circuit court. He certainly does when he sits in "*special term*." Does he not when he sits in *habeas corpus* at chambers? If he does, then section 763 of the general Revised Statutes gives an appeal to the supreme court of the District of Columbia from his recent order.

The question whether there is any appeal from the decision of the supreme court of the District to the Supreme Court of the United States is not so clear. (See section 764 of the Revised Statutes of the United States; section 761 Revised Statutes of the District of Columbia, page 91; and section 763 of Revised Statutes of the United States.)

There are two qustions deserving attention:

One is that last referred to, to wit, is there any appeal to the supreme court of the District of Columbia from Cartter's decision under section 763 general Revised Statutes? page 143.

The other is this: Suppose there be an appeal to the supreme court of the District of Columbia, and suppose that court should affirm Cartter's decision, which is not at all probable, then can that judgment be reviewed on error by the Supreme Court of the United States under the general powers of the supreme court as a court of error, as provided in section 691 of the Revised Statutes? There would be no question on this point if the decision should be in favor of remanding Kilbourn. (See Milligan's case, 4 Wallace, page 2; Holmes *vs.* Jenning, 14 Peters, page 540; Lange, 18; Wallace, page 163, and Phillips's Practice, page 55–56.)

Would the fact that the relator, Kilbourn, should be discharged by the circuit court prevent the supreme court from revising the judg-

ment of the circuit court discharging the relator? And does the fact that section 764 of the Revised Statutes cuts off appeals to the supreme court in such case as this deprive the Sergeant-at-Arms of the proceeding in error if section 691 gives it?

These are questions which at least deserve examination and decision.

I now propose to notice briefly the opinion of Judge Cartter, already referred to.

He held that the imprisonment of Kilbourn was illegal, because the statute of January 24, 1857, as carried into sections 102 and 104 of the Revised Statutes, *substituted* for the *common* parliamentary-law power of the House to punish, the *statutory* punishment prescribed by these sections. In other words, he held that the *moment* the House adjudged Kilbourn in contempt, its power to *punish* ceased, and he became liable to indictment. His opinion says:

> With the judgment of the House in contempt its power to punish terminated, and the punishment prescribed by law supervened.

This denies all *jurisdiction* on the part of the House over the person of Kilbourn after he was adjudged in contempt.

This is in flat contradiction of the opinion of the same judge, delivered in April, 1874, in the case of Stewart *vs.* Blaine, (1 MacArthur, 457.) That was an action by Stewart against BLAINE of trespass for assault and false imprisonment. The complaint was that BLAINE, as Speaker of the House, issued a warrant for the arrest and imprisonment of Stewart, by virtue of which he was imprisoned. The warrant was issued in pursuance of an order of the House, adjudging Stewart to be in contempt for refusing to testify and directing the warrant to issue. It was under the same law now in force. It was ably argued, with a citation of authorities designed to show that the order made by this House was final and conclusive. The court held that—

> The House of Representatives *has power to commit for contempt*, and when a party is found guilty of a contempt, the order of the House directing his commitment is a complete protection to the Speaker who orders him into custody of the Sergeant-at-Arms.

And Chief Justice Cartter said:

> *If jurisdiction* over the *subject* and *person* of the plaintiff *resided in the House*, the ministerial functions discharged by the Speaker and Sergeant-at-Arms in the premises were justified in the jurisdiction.

Notice the words, "*if* jurisdiction over the subject and person resided in the House," *then* the Speaker is protected. If the House had *no jurisdiction* to make the *order of imprisonment*, then the Speaker would not be protected. This is the necessary effect of the language employed in this decision. It is *the law*, as settled by abundant authority. (Champaign County Bank *vs.* Smith, 7 Ohio State, page 51.)

And when Chief Justice Cartter held in *Stewart* vs. *Blaine* that no action would lie, he necessarily held that the House *had the power to imprison*, and that it is *not true*, as he decided in Kilbourn's case, that the power of the House to punish terminated with the judgment in contempt.

The chief justice did not support his opinion in Kilbourn's case by the citation of a *single authority*, nor by any process of reasoning. It is a mere declaration that the law is so—*ipse dixit*—and that is the end of it.

In the passage which I have read from his opinion he assumes:

I. That in imprisoning Kilbourn the House exercised "its power to *punish;*" in other words, that the imprisonment of a witness for a refusal to testify is "*punishment.*"

But it is not "punishment" either for the *purpose* nor in the *sense* in which men are *punished* under *criminal statutes for crime.*

The Supreme Court of the United States decided *in re* Chiles that:

> Punishments for contempt of court have two aspects, namely: 1. To vindicate the *dignity of the court* from disrespect shown to *it* or its orders.
> 2. To *compel the performance* of some order or decree of the court which it is in the power of the party to perform and which he refuses to obey.

(22 Wallace, 157; House Miscellaneous Document No. 174, first session Forty-fourth Congress, page 100-128; Yates *vs.* Lansing, 9 Johnson, 417; Opinion of Attorney-General in Houston's case, June 25, 1834; King *vs.* Ossulston, 2 Strange, 1107; State *vs.* Woodfen, 5 Iredell, North Carolina, 199; 1 Bishop's Criminal Law, section 1067.)

II. The opinion in the Kilbourn case *assumes* that sections 102 and 104 of the Revised Statutes "*terminated*" the "*power*" of the House to imprison for contempt the moment the House entered its "judgment in contempt." In other words, that these sections either *repealed* the common-law power of the House to imprison, or, as the opinion says, these sections were "not in *extinguishment* of the constitutional right of punishment [by the House] for contempt, but in *definition* and *expression* of IT."

It must be conceded that the common-law power which Chief Justice Cartter declared to exist in Stewart *vs.* Blaine still exists and existed as to Kilbourn, unless the power was either, first, *repealed*, or, second, *transferred* to the courts by sections 102 and 104 of the Revised Statutes. But neither of these positions is sustained either by authority or reason.

1. The common-law power to imprison was not *repealed* by the Revised Statutes.

There is in these sections no *express* repeal; there are no "negative" words employed to deny the existence of the common-law power. It is a rule of law that a common-law power is not repealed except by a statute employing negative words for the purpose.

Repeals by implication are not favored.

2. The power to imprison for contempt has not been *transferred* to the courts.

Chief Justice Cartter seems to have held that the power of the *House* was transferred to the *courts.*

Referring to the common-law power of the House to punish, he says the statute is "in definition and expression of it."

(*a*) There are several difficulties in the way of such transfer.

The statute contains no declaration of any such transfer.

The act of 1857 provides that any witness who shall refuse to testify before a committee of Congress "shall, *in addition to the pains and penalties now existing, be liable to indictment.*" (11 Statutes, page 155.)

Judge Cartter, in commenting on this, says:

> By reference to the statute of 1857 it will be seen that Congress contemplated additional penalties to the penalties that inhered in the power of the respective Houses, and so expressed it in the words "*in addition to the pains and penalties now existing*" The present statute, for some reason in the wisdom of Congress, rejected the language commanding the additional punishment, leaving the penalty of the last amended statute as the sole punishment of the offense.
> This last statute stands unembarrassed, not only as an expression of the legislative will, but as a legislative interpretation of congressional power to inflict double punishment.
> It provides in express terms that the offense shall constitute a misdemeanor and shall be punished by fine and imprisonment through process of indictment and trial by jury.

This is an utter perversion of the law as found in the Revised Statutes. The Revised Statutes do drop out the words "in addition to the pains and penalties now existing." But every lawyer knows that the Revised Statutes were designed to *state the law* as it *previously existed, without any change.* These words were dropped out as *unnecessary.* The attempt to base an argument on the omission of those words would lead to a rule of construction which would utterly pervert the whole purpose of a large part of the Revised Statutes.

(*b*) The power of the House to punish is inherent in its existence as a co-ordinate branch of the Government, and is derived from its organization or creation by the Constitution.

A power which is parliamentary in its *character* and *purposes* cannot be transferred to or exercised by courts. The power of the House to imprison is not "*judicial*" power, because, by the Constitution, "*the* judicial power of the United States," *all* such power is vested in the courts. (Article 3, section 1; Martin *vs.* Hunter, 1 Wheaton, page 337.)

The power of the House to imprison is therefore not "*judicial.*" It *is* legislative or *parliamentary.* It is a personal authority, intrusted by the Constitution to the members of the House. It requires the exercise of *their judgment* and *discretion.* It cannot be exercised by any court or judge, because it has been determined that a court or judge cannot be required to exercise any but judicial power. (Hayburn's case, 2 Dallas, page 409, note.)

It has been determined that Congress cannot *abdicate* or transfer its *legislative* power to any other body or tribunal. (Cooley on Constitutional Limitations, page 117; 1 Ohio State, page 77; 6 Pennsylvania State, page 507; 11 Pennsylvania State, page 61; 4 Indiana, page 342; 11 Indiana, page 482; 26 Vermont, page 362; 17 Texas, page 441; 3 Rhode Island, page 33; 15 Barbour, pages 112 and 122; 8 New York, page 483; 23 Barbour, page 349; 4 Harr., page 479; 2 Iowa, page 165; 5 Iowa, page 491; 9 Iowa, page 203; 3 Michigan, page 243.)

I conclude therefore that the decision of the judge in the case of Kilbourn finds no sanction in law, precedent, or reason.

I believe in protecting citizens in their custody of private papers not essential to the discovery of facts which the public interests require to be made known.

I will state what I conceive to be the proper rule upon this subject. Neither a committee of Congress nor a court can compel the production of private papers on mere suspicion that they may be pertinent to the inquiry which the committee or the court may be authorized to make.

The Constitution provides that—

> The right of the people to be secure in their persons, houses, *papers*, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon *probable cause, supported by oath* or affirmation, and particularly describing the place to be searched and the person or *thing* to be seized. (Article 4, amendments.)

The act of Congress of September 24, 1789, (1 United States Statute, 82) authorizes the courts to require parties "to produce books or writings which contain evidence pertinent to the issue."

But to procure an order requiring the production, "a *prima facie* case of the existence of the paper and *its materiality* must be made out [by affidavit."] (Iasigi *vs.* Brown, 1 Curtis, C. C, 401; Hylton *vs.* Brown, 1 Washington, C. C., 298; Bas *vs.* Steele, 3 idem, 381; Dunham *vs.* Riley, 4 idem, 126; Vasse *vs.* Mifflin, idem, 519; 3 Chitty's General Practice, 434; Law's United States Courts, 35, 36; Herschfield *vs.* Clark, 34 English Law and Equity, 549; Coster *vs.* Baring, idem, 365; 1 Redfield's Greenleaf on Evidence, section 559. See Garland's House Report, second session Twenty-fourth Congress, evidence of William D. Lewis, who refused to produce private correspondence; House Report No. 242, Forty-fourth Congress, first session, March 16, 1837, on real-estate pool.)

Until, therefore, it is *shown by prima facie evidence* that the papers which are required to be produced are material, there is no power or right to require their production. It certainly cannot be claimed, or at least not maintained, that either a court or a committee of Congress

can upon any principle of law, justice, or reason demand the production of papers in bulk or in gross, or any papers, unless it be first shown that they are material to the pending inquiry or investigation. If this were not so, the most sacred relations of life might be ruthlessly invaded, the business of men be exposed to their ruin, and the privacy of home be laid bare to the gaze of the world.

To this I could never assent. But in a case where the proper foundation is laid showing papers to be material to an investigation Congress has a right to require their production, and no court can interfere with or destroy that jurisdiction. The owner of the papers is not the sole judge of their pertinency to a pending inquiry, and hence he cannot arbitrarily decide upon his right to withhold them.

The tribunal which makes the investigation must decide after it has received the evidence showing the materiality of the papers to the subject of inquiry.

But in making this decision the tribunal should carefully reject all papers affecting *any* citizen unless they be material to the inquiry.

The rules of law which I have stated are sufficient to attain the ends of justice.

A witness having the custody of papers can be required to state if he has knowledge of any papers relating in any degree to the subject of inquiry.

He can be required to examine them with a view to ascertain the fact. A refusal could be punished as for a contempt.

Here, then, are means ample to secure the ends of justice—the same means deemed material in every court of justice.

But I will not pursue this inquiry further. The whole subject has been fully and ably discussed in the elaborate arguments before the chief justice who decided the Kilbourn case. While I cannot agree with the conclusions of that distinguished judge, I do not doubt his integrity, ability, and independence, for all which he is so generally and justly admired.

Mr. O'NEILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair, as Speaker *pro tempore*, Mr. PHILIPS, of Missouri, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. LORD. I move that the House take a recess until eight o'clock, according to the order made this morning.

Mr. BANKS. Will the gentleman, before he presses that motion, allow me to offer a resolution for reference?

The SPEAKER *pro tempore*. The Chair desires to state that that cannot be done under the order the House made this morning.

Mr. BANKS. I was not aware of that.

TEXAS BORDER TROUBLES.

Mr. SCHLEICHER. I rise to a correction of the Journal, in which there is an error that I have but lately discovered. On the 4th of April, as the RECORD shows, the report of the Committee on Texas Border Troubles was made a special order for the 20th of April, and from day to day until disposed of. I find that order entered upon the Calendar as a special order for the 20th of April, but no mention is made of the fact that it is a continuing order "from day to day till disposed of." The RECORD shows that such was the order made by the House, and I ask that the correction be made.

The SPEAKER *pro tempore*. It requires unanimous consent. If there be no objection the entry will be made according to the fact.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from New York [Mr. LORD] that the House now take a recess until eight o'clock.

Mr. STONE. Pending that motion, I move that the House now adjourn.

Mr. LORD. Allow me a moment. The House made an order to-day that the session of this evening should be for debate only on the Geneva award bill; the debate is to be confined to that subject, and I hope the gentleman will not insist upon his motion.

Mr. STONE. I will withdraw the motion to adjourn.

Mr. EDEN. I desire to have some changes of reference made in the cases of bills improperly referred.

The SPEAKER *pro tempore*. Under the order of the House made to-day no business whatever can be transacted. The question is on the motion for a recess.

Mr. ODELL. I renew the motion that the House now adjourn.

Mr. LORD. I hope the gentleman will not insist upon that motion. The session of this evening will be for debate only upon the Geneva award bill, and several gentlemen desire to speak upon that subject.

Mr. ODELL. I withdraw the motion.

The motion of Mr. LORD was then agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m., Mr. COX, Speaker *pro tempore*, in the chair.

GENEVA AWARD.

The SPEAKER *pro tempore*. By order of the House, made this day, the session this evening is for debate only on the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award, no business whatever to be transacted. The gentleman from New York [Mr. MEADE] is entitled to the floor.

Mr. MEADE. Mr. Speaker, we are favored by the Judiciary Committee with three distinct recommendations looking to the distribution of the balance of the fund known as the Geneva award. If the gentlemen of this committee had been able to devise instead a feasible recommendation for the abrogation of so much of the treaty of Washington as relates to the subject of the Alabama claims, I would be far better satisfied than I now am with either report; but it was doubtless impracticable to do this, for the provisions of the treaty bear the nation's pledge of faith and honor. But, while we may not now question those provisions, I cannot withhold the reflection that they are a legacy of questionable merit, and I predict our present difficulty in disposing of the award based upon them will prove but the precursor to us of far greater embarrassments to rise up in our relations with Great Britain, and which might have been transferred had we avoided the treaty altogether. As a blunder in our diplomacy, it is all the more inexcusable, because the treaty and its rules of diligence in the sixth article thereof were adopted after all occasion for them on our part had passed, and but for which England must have remained at the mercy of her traditional perfidy, while in the adoption thereof she measurably secures protection from it.

There was a sugar-coating to this treaty in a friendly regret expressed for the escape from British ports and the depredations of the Alabama and other vessels; besides there was indemnity promised, which would go a great way in reconciling a large interest to an Administration against which it had many reasons for just complaint; for none of our citizens have been or continue to be so injuriously affected by the policy of the party in power as those engaged in commerce upon the high seas, and none were more likely to assert themselves at the test of the Administration in the election of 1872.

The treaty of Washington established the tribunal of arbitration which assembled at Geneva and contingently provided in its seventh article for an award in gross for all the claims referred to such tribunal, and the award in pursuance of such contingent provision was $15,500,000 in gold. This was the measure of damages of which Mr. Johnson had written.

> I am at a loss to imagine what would be the measure of damages which it supposes our Government should be indemnified for. How is it to be ascertained? By what rule is it to be measured? A nation's honor can have no compensation in money, and the depredations of the Alabama were of property in which our nation had no pecuniary interest.

It is true, however, that we have now only to deal with the results of that tribunal, however impolitic, unwise, and distasteful may have been or hereafter may be regarded the provisions of the treaty which called it into existence.

The language of the award is as follows:

> The tribunal, making use of the authority conferred upon it by article 7 of the said treaty, by a majority of four voices to one, awards to the United States a sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article 7 of the aforesaid treaty.
>
> And, in accordance with the terms of article 11 of the said treaty, the tribunal declares that "all the claims referred to in the treaty as submitted to the tribunal are hereby fully, perfectly, and finally settled."
>
> Furthermore it declares that "each and every one of the said claims, whether the same may or may not have been presented to the notice of, or made, preferred, or laid before, the tribunal, shall henceforth be considered and treated as finally settled, barred, and inadmissible."

Now, Mr. Speaker, as plain as the language of this award appears, its intent is the subject of controversy, upon which our legislation depends. By act of Congress approved June 23, 1874, a provision was made for the distribution of this fund; but in following the phraseology of the act, in connection with the discussion which led to its passage, we can hardly avoid the conviction that our predecessors were embarrassed by the magnitude and variety of the claims presented, and sought rather to avoid the possibility of error than to establish rules for the complete distribution of the fund.

This act provides for the determination by the court of commissioners of Alabama claims of all claims for damages resulting from the Alabama and Florida and their tenders and the Shenandoah after her departure from Melbourne, all known as inculpated cruisers, so far following the language of the Geneva decision on the question of diligence on the part of Great Britain. Section 12 of the act provides various rules for the establishment of damages, some of which, as will be hereafter observed, extend materially the scope of the provisions before restricted to acts embraced under the head of diligence.

It is supposed that substantially all claims admissible under this act have been presented for adjudication, and there remains, after sufficient provision being made for them, a balance of about $10,000,000 of the proceeds and accumulations of the Geneva award, which bal-

ance this Congress is asked to appropriate for the parties respectively described in the report of the committee, as follows:

First. Persons who had vessels destroyed during the late rebellion by the cruisers exculpated by such tribunal.
Second. Persons who paid war premiums by reason of such cruisers being upon the sea.
Third. Insurance companies who insured vessels destroyed by the cruisers inculpated by the tribunal of arbitration.
Fourth. Persons excluded by section 12 of chapter 459 of the laws of the Forty-third Congress, because not bearing during the late rebellion true allegiance to the United States.

In omitting discussion concerning the fourth class, the remainder naturally arrange themselves into the first and second classes on the one hand, as opposed by the third class on the other hand, and the discussion of the claims of these respective parties as naturally tend to these points. First, was the Geneva decision and award intended to prescribe rules for the distribution of the money awarded; and, if so, what rules were prescribed? And, second, if no such rules were intended, then on what basis, as being equitable and just, should the further distribution be had?

I have alluded to the seventh article of the treaty as providing for an award in gross for all the claims referred to the tribunal, and have also quoted the language of the award made in conformity with such provisions, as well as the provisions of article 11 of said treaty.

From neither of these quotations do we perceive any intention to designate any particular class as entitled to receive compensation or pecuniary benefit; but, on the contrary, an obvious intention appears to avoid any such conclusion, which view of the subject is heightened by the first paragraph of the treaty, which recites in the general terms that—

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims."

It is probably true that the second paragraph of the treaty limits the regret expressed in regard to the escape of vessels from British ports to those more nearly afterward classified as inculpated cruisers. But no such restriction is contained in the third and comprehensive paragraph which provides for a reference to the tribunal of arbitration of all the claims referred to in the first paragraph generically known as the "Alabama claims," "in order," to use the precise language of the treaty, "to remove and adjust all complaints and claims on the part of the United States," &c.

It is a matter of history to be borne in mind that up to the date of this treaty there was no distinction or discrimination yet made respecting inculpated or exculpated cruisers, and that complaints against Great Britain were commonly and to all intents equally preferred concerning both these classes, and the term "Alabama claims" was known and considered to apply equally to all classes as having originated in the precipitate recognition on the part of Great Britain of the belligerent rights of the so-called Confederate States, and of course prior to the establishment by the treaty of the rules of due diligence which were thereafter to limit the liability of a neutral, and in a particular manner restricting the measure of damages in the cases which form the subject-matter of the treaty, although that treaty provided in its eleventh article for a full, perfect, and final settlement of all the claims thereinbefore referred to, as well those which had as those which might have been presented to the notice of, made, preferred, or laid before the tribunal.

And again, as if contemplating the very question now here raised, it is provided in article 7 of the treaty that the tribunal may award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it in case of the determination by the tribunal of the failure by Great Britain to fulfill any of the duties enjoined by the rules of diligence prescribed by article 6 as applied to each of the vessels whose acts were subject of complaint, and in lieu of the appointment under the tenth article of a board of assessors to ascertain and determine what claims were valid and what amount or amounts should be paid by Great Britain on account of the liability arising from such failure.

Now, when we consider that up to the period at least of the execution of this treaty, and still further on to the payment by Great Britain to the United States of the sum which the tribunal had awarded in gross, there was by no possible construction of law any liability whatsoever on the part of either the United States or Great Britain to any of the claimants as referred to in the treaty, the conclusion is obvious to my mind that the alternative modes prescribed by the treaty for the payment of any sum contemplated by it had clearly in view that either in the one case the separate claims should be passed upon with a view to the more direct and expeditious payment by the United States as from an actual adjudication from the provisions of the treaty, or that, in the other aspect, the payment of a gross sum would leave our Government in the position to make such distribution as its more intimate knowledge from all the circumstances attending each particular case would enable it to do with equity and justice toward the real sufferers by reason of the acts complained of, and without reference to technical rules of international law as provided in the treaty, and which were only applicable in considering the relations of the one nation with the other.

That the latter mode was desired by this Government is distinctly set forth in the letter of instructions from Mr. Secretary Fish to our counsel at Geneva. It says:

The President desires me to have the subject discussed as one between the two governments * * * to secure, if possible, the award of a sum in gross. And in the treatment of the entire case you will be careful not to commit the Government as to the disposition of what may be awarded. The Government wishes to hold itself free to decide as to the rights and claims of insurers. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.

And Mr. Cushing, one of the counsel referred to, in writing after the award, stated of this letter of instruction:

The counsel of the United States obeyed the instructions given them, and did not commit the United States to any theory of distribution whatever, either by way of inclusion or exclusion, but left that question to be determined by the wisdom and discretion of Congress.
The United States at Geneva laid before the tribunal all the claims of the citizens of the United States which had been presented to the Government without vouching for the validity of any of them, but insisted that the United States were not bound by the printed schedule, but only by the description of the treaty—all the said claims growing out of acts committed by the aforesaid vessels, and generally known as the Alabama claims.—*Protocol* xxvi.

And as explanative of the motive which actuated our Government in instructing our representatives at Geneva to obtain the award of a sum in gross, Mr. Cushing has written in his book on the treaty of Washington as follows:

The award is to the United States, in conformity with the letter of the treaty, which has for its well-defined object to remove and adjust complaints and claims on the part of the United States.
But the history of the treaty and of the arbitration shows that the United States recover, not for the benefit of the American Government as such, but of such individual citizens of the United States as shall appear to have suffered loss by the acts or neglects of the British government. It is, however—

He says—

not a special trust, legally affected to any particular claim or claimants, but a general fund, to be administered by the United States in good faith, in conformity with their own conceptions of justice and equity, within the range of the award. * * * Nor does the tribunal define affirmatively what claims should be satisfied otherwise than in the comprehensive terms of the award, which declares that the sum awarded is the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article 7 of the aforesaid treaty.

He further says:

The arbitrators, be it observed, do not say for the satisfaction of certain specific claims among those referred to the consideration of the tribunal, but of "all the claims" so referred conformably to the provisions of the treaty.

Other quotations might be added having an official or semi-official authority, but I presume they are unnecessary to establish the fact that this Government sought the award of a sum in gross in order that it alone might adjust and remove the claims and complaints of our own citizens by such distribution as would recompense actual sufferers from the depredations of the confederate cruisers.

Now, added to this fact there is the additional circumstance that this Government invited and received the various claims without discrimination, (and this may be readily inferred from all want of authority in the premises,) without any attempt on its part to pass upon the validity of the same or other idea than to make use of them in securing such recompense from Great Britain as would indemnify actual sufferers.

The efforts of this Government having been successful in securing the award in gross, it follows, according to my judgment, that a construction either of the language of the treaty or the various papers relating to the Geneva award are to a great degree immaterial, as the various claimants before this Congress are dependent and bound by the official acts and intent expressed by the executive department of the Government, so far at least as those acts may be regarded as in law or equity having any relation or bearing upon the deliberations or conclusions of this legislative branch of the same Government. But be this as it may, I have little apprehension that this House will find any difficulty in arriving at such decision as will be in conformity with strict justice toward those who may establish claims for actual losses.

The individual member of the committee who makes his report in favor of covering the money in controversy into the Treasury has indeed arrived at some conclusions which cannot be well denied. He claims with great propriety that the fund belongs to the Government, and that the people at large have been the sufferers from the circumstances which led to this payment by Great Britain; but upon a like theory we might exclude all claims upon the justice and fair dealing of this Government toward its citizens who have suffered in a direct and ascertainable manner by reason of their citizenship. It is no novelty in legal history that remote and consequential damages must often pass unliquidated and unpaid, even though substantial justice may be denied in so doing.

With these explanations concerning the object and result obtained from the treaty of Washington and its sequel of the Geneva conference, as well as the relations which claimants occupy toward this Government and the fund in question, the relative claims of the parties as I have classified them appear to my mind easily to be disposed of.

The claimants for losses sustained by acts of the exculpated cruisers possess all the merit of sufferers from actual damages sustained, and they appeal to us with a force which cannot be gainsaid or controverted, and in this respect their rights are equally as great and their equities perhaps even superior to those who come under the second

subdivision of the report of the majority of the committee, known as claimants for the payment of war or enhanced premiums which they were subjected to by insurance companies by reason of the existence upon the high seas of confederate cruisers.

I am aware that it has been argued that those who paid the enhanced rates of insurance were re-imbursed in additional charges upon importations which went into the general consumption of the country. But a moment's reflection is sufficient to show the fallacy of such a theory. It could, in the first place, apply only to cargoes, and not at all to vessels which form the more important subject of insurance. Again, the importer or exporter in American bottoms was in direct competition with his neighbor, who employed the protection of a foreign flag, and how many secured this protection is the more easily understood by the falling off in our carrying trade to an extent that has left us scarcely an emblem of our former commercial greatness. If it is true that our importations rose rapidly in value at about the time when our merchants were subjected to enhanced premiums, that circumstance is rather to be attributed to the uncertainty in our monetary condition and to the increased duties to which our imports were subjected. The enhanced premiums were the direct result of the existence of confederate cruisers, and were submitted to by our merchants as a temporary necessity rather than that long years of established trade and intercourse might be destroyed and that such trade should pass exclusively into the hands of foreign dealers. They sought to avoid absolute ruin on the one hand at the expense of great loss on the other, until it may be fairly presumed they might receive indemnity from this Government.

The losses sustained by the claimants under the head of exculpated cruisers is altogether, I am credibly informed, in round numbers $1,000,000. The war premiums for which claimants seek re-imbursement amount to about the sum of $5,000,000.

If a further argument were needed to establish the validity of these claims known as war premiums, it is readily to be had in the fact that they have already been recognized in the construction placed by the court of commissioners of Alabama claims upon the twelfth section of the act of 1874 constituting that court, and already referred to. By the provisions of that section the insurance company or insurer was allowed compensation for losses sustained in respect to war risks (which were not limited to either class of cruisers) upon showing to the satisfaction of the court that such losses exceeded the premiums or gains in respect to such risks. By virtue of this provision and the other provisions of the act, all insurance companies which had suffered actual loss were allowed full indemnity for the same. This provision has been availed of by all the companies who had a right and title so to do, and the result is shown by judgments in their favor amounting to something less than $100,000.

In the calculation of these losses reference was had and allowances made for war premiums paid by companies for re-insurance. In the case of the Commercial Mutual Marine Insurance Company, of New Bedford, the sum paid for war premiums on its own risks re-insured in other companies was $2,041.57, which was allowed by the court and included in its judgment, and other instances to the same effect might be cited.

I am aware that it is contended with much earnestness by the insurance companies which are claimants for this fund that the claims for enhanced premiums were excluded from the award by reason of the action of the tribunal respecting the so-called indirect claims. There is in the history of almost every important treaty a secret or unwritten version, which only becomes public with the lapse of time and when the circumstances which called for it no longer exist; and after a careful perusal of all the circumstances with which we are favored connected with this treaty and the proceedings of the tribunal I am forced to the conviction that this treaty is no exception. For, taking Mr. Agent Davis's report relative to the presentation of the indirect claims, the motion of Lord Tenterden for the long adjournment having in view a supplementary or explanatory treaty, and the action of the tribunal in volunteering to exclude such claims without expressing or implying an opinion as to the interpretation or effect of the treaty upon the very matter of such claims in difference, and without a suggestion from either party for such action on the part of the tribunal, and the acquiescence by this Government, I can find no explanation or hypothesis satisfactory, except the existence of an understanding in the nature of an agreed case and decision, having for a principal object the payment of such a sum *en bloc* as would enable this Government to discharge all the legal claims of its citizens, whether or not strictly embraced in the treaty, which could necessarily only embrace subjects of international character.

The following is the language used by the arbitrators in passing upon the question of an adjournment, which I submit can only be explained, considering the eminent character of the men who composed the tribunal and surrounded it, except in the manner which I have suggested:

> The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty; but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and, after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which, it is to be presumed, both governments would equally deplore—that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that, after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or compensation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide therein.

It will be observed that the tribunal held that as matters of international law these claims did not constitute good claims for award or compensation or computation of damages; and it will also be observed that Mr. Fish, in behalf of the President, accepted this result only as determinative of questions of public (*i. e.*, international) law involved. Now, if we will observe the final decision and award, which is intended to cover the entire proceedings of the tribunal, including the ruling quoted, we perceive that, while direct reference is had to the other classes included in so-called indirect claims, no reference whatever is made to war premiums, unless covered by the term "double claims," and clearly thereby avoiding discrimination between claims of insurance companies and those held by the insured for enhanced premiums paid. This decision is arrived at in view of an equitable compensation for damages which have been sustained, and in the immediate context the arbitrators say that, in accordance with the spirit and letter of the treaty of Washington, they have preferred to make the adjudication in gross. How this sum was arrived at we have no information, for Mr. Agent Davis informs Mr. Fish that "the deliberations of the tribunal on the subject of damages were held with closed doors." And further on in Mr. Davis's report he says:

> The neutral arbitrators and Mr. Adams from the beginning of the proceedings were convinced of the policy of awarding a sum in gross. For some weeks before the decision was given I felt sure that the arbitrators would not consent to send the case to assessors until they should have exhausted all efforts to agree themselves upon the sum to be paid. Whether we have or have not been successful can be determined only by the final division of the sum.

In this report of Mr. Davis we find the term "sufferers," which, in my judgment, is the test to be applied to all these various claimants which are now before us. By the act of June 23, 1874, all insurance companies were provided compensation for losses from either exculpated or inculpated cruisers, and their various claims have been presented to the court constituted by that act and passed upon in conformity with its provisions, while at the same time we have information that the other insurance companies, who are now here as claimants, have been actually enriched by reason of their business in accepting the risks for which they were paid enhanced premiums to the extent of nearly $4,000,000.

These insurance companies therefore do not appear before us in the character of sufferers, but on the contrary as having been actually benefited.

As I understand this question, Mr. Speaker, it follows that the claim of the insurance companies as presented to us is either a naked legal right directly growing out of the treaty of Washington and the action of the Geneva tribunal or else depending upon principles of common law which we clearly recognize. As I have before observed and exhibited by the language of the treaty and the reports with reference to and the proceedings of that tribunal, they contain no basis whatever upon which such a claim can be predicated; and as their claim for damages has been exhausted by the act of June 23, 1874, I am unable to find but the further pretense of claims which these insurance companies present here in nature of assignees of those whose losses were paid by them, by virtue of which they claim to be subrogated to the rights of the parties who originally held them.

Let us observe the circumstances under which these claims on the part of the insurance companies were obtained. Instead of claiming by subrogation because of payment of losses sustained by the insured by the depredations of the inculpated cruisers in the usual and direct method, enhanced premiums having been first obtained, these insurance companies obtained upon payment of the losses an assignment from the losers of the amount which they paid them.

It is not for us to question the action of the sufferers who felt compelled to make this concession in order the more readily to obtain what was justly due them. Others circumstanced as they were, with perhaps their all at stake or involved, would have done the same, innocently referring it to a proper tribunal, such as we now constitute, to determine whether these companies by reason of such assignment obtained legal right to such payment as they now demand at our hands. No such right was contemplated by the original articles of insurance, and salvage, whatever might be its worth, is not preferred by the insurance companies in this case. Reclamation was not specified in the contract, and, if it had been, such a claim would have been valueless in the first instance against Great Britain, because no such claim could be tolerated for an instant, and negligence on the part of this Government has never been pretended.

The general law of subrogation which gives the surety the benefit of the position of his principal does not therefore by any intendment apply to this case either in more general law, as will be observed from the following letter, respecting the disposition of such cases on the part of Congress:

> COMMONWEALTH OF MASSACHUSETTS.
> *Executive Department, Boston, January 24, 1873.*
>
> DEAR SIR: While I was on the Committee of Claims for six years several cases of insurance companies were presented where property had been lost or destroyed

on which they had paid the insurance. The committee always dismissed the claim on the ground that they were paid for the risk and could not ask the Government to hold them harmless.

Yours, truly,

W. B. WASHBURN.

GEORGE O. SHATTUCK, Esq.

In brief, therefore, the assignment of these claims gave the companies only such rights as the assignors possessed; and the latter have been fully indemnified except for the enhanced premiums which they with others now here claim.

But there is yet a more enlarged view to be taken of this question of relative rights of claimants for this fund, a view which appeals to a patriotic sense of justice. It was a dark hour for our commerce when the confederate cruisers abroad upon the ocean highway intercepted and made havoc with our vessels and cargoes. The inducement to seek a foreign flag was great, and many years must elapse before that commerce which is our lawful right is restored to us. The few remained true to the flag in faith of its ultimate success and restoration of its power. These few were the ship-owners and merchants who ventured still abroad under its folds. How many of these went down in the financial disaster which followed will never be mentioned. Enormous rates of insurance, largely increased rates of freight, failures of insurance companies, disturbance in business arrangements, and delays in collecting insurance make up a partial list only of the difficulties under which our patriotic citizens suffered, while the other class of claimants which appear before us, as insurers, grew rich, as it were, out of the nation's distress. It appears to me that in this respect alone the conclusion is inevitable that to those who were "the sufferers," who sustained the nation's flag and the national honor, belongs the first and highest consideration not only in the past, but as a promise in the future to follow the example which has saved us the little which remains of the gallant merchant marine once a chief pride and resource of our country.

Mr. JONES, of Kentucky. If no other member desires to address the House I will move that the House now adjourn.

The motion was agreed to; and accordingly (at eight o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. PIERCE: The petition of Harrison Loring, of Boston, Massachusetts, that the name of the steamship Whirlwind be changed to that of Arcadia, to the Committee on Commerce.

By Mr. SHEAKLEY: The petition of citizens and soldiers of Western Pennsylvania, for the passage of the bill equalizing the bounties of soldiers of the late war, to the Committee on Military Affairs.

By Mr. STEVENS: The petition of 131 citizens of Arizona Territory, for a post-route from Greaterville to Tucson, in said Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of Kirkland, Chase & Co. and others, of Baltimore, Maryland, for the passage of the bill now pending in the House relating to the distribution of the balance of the Geneva award fund, to the Committee on the Judiciary.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of D. Trainer & Sons, Charles Hill, Verlinden Brothers, Jacob S. Terrill, and 91 other manufacturers and workingmen of Delaware County, Pennsylvania, against the reduction of import duties on foreign goods which enter into competition with their respective manufactures, to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *June* 16, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, in answer to a resolution of the Senate of the 26th of April last, transmitting a copy of a report from the Secretary of State, with accompanying documents, relating to claims upon which judgments have been rendered or that may be now pending before the court of commissioners of Alabama claims arising from captures by the rebel cruiser Shenandoah; which, on motion of Mr. EDMUNDS, was referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF BANKRUPT LAW.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874.

The amendment of the House was to add at the end of the bill:

That section 5108 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. EDMUNDS. I move that the amendment be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

EXTENSION OF LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. Is there objection to continuing the time of the legislative session for the reception of morning business? The Chair hears no objection.

PETITIONS AND MEMORIALS.

Mr. OGLESBY presented the petition of Mary M. Berry, mother of Lieutenant James W. Berry, late of Company H, One hundred and sixth Regiment Illinois Volunteers, praying to be allowed a pension on account of services rendered by her son during the late war; which was referred to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, to report it with amendments. I give notice that to-morrow, or the next legislative day thereafter, I shall ask the consideration of the bill by the Senate.

Mr. INGALLS. I present an amendment to the bill making appropriations for the Indian service just reported by the Senator from Minnesota, [Mr. WINDOM,] and I move that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

The motion was agreed to.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. If there be no further morning business, pursuant to order the legislative and executive business will be suspended and the Senate will proceed to consider the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 16, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

WALLABOUT BAY, BROOKLYN, NEW YORK.

Mr. WILLIS. I am instructed by the Committee on Naval Affairs to ask consent to report back at this time, with an amendment, the bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land in the Wallabout Bay, in the State of New York, to the city of Brooklyn. I will state that the objections made on a previous occasion to this bill have been withdrawn.

The preamble and bill were read, as follows:

Whereas the United States Government owns certain lands in the city of Brooklyn, in the State of New York, that are unoccupied, are partly under water, and are not needed for Government use; and whereas the city of Brooklyn is without an available site for a public market for the accommodation of its inhabitants, and has appealed to its Representatives in Congress to secure a site for such building on the lands of the United States at Wallabout Bay: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized, empowered, and directed to organize a commission of five members, two of whom he shall name, two of whom shall be the mayor and the comptroller of the city of Brooklyn, and the fifth member to be selected by the four above mentioned. The commission when organized shall proceed to arrange equitable terms, conditions, and considerations for the conveyance to the city of Brooklyn of all that certain piece or parcel of land partly under water situate in Wallabout Bay, in the State of New York, and bounded and described as follows: Beginning at the intersection of the northerly side of Flushing avenue with the westerly side of Washington avenue; running thence westerly along the northerly side of Flushing avenue five hundred and sixty feet to the westerly side of Clinton avenue; thence northerly in a straight line in continuation of the westerly line of Clinton avenue sixteen hundred and fifty feet to tide-water; thence easterly along the water-front to the westerly side of Washington avenue; and thence southerly along the westerly side of Washington avenue fourteen hundred and seventy five feet to the point or place

of beginning, be any or all of the said several dimensions more or less; the land being bounded on the north by Wallabout Bay, on the east by Washington avenue, on the south by Flushing avenue, and on the west by Clinton avenue.

SEC. 2. That when the commission, or a majority of its members, shall have agreed on the consideration, terms, and conditions of sale, the Secretary of the Navy shall make, execute, and deliver to the city of Brooklyn a good and sufficient deed of conveyance of the land above described, as soon as the terms agreed upon shall have been complied with.

The amendment reported from the Committee on Naval Affairs was to the second section, to insert before the words "the Secretary of the Navy" the words "they shall report their conclusions to the Secretary of the Navy, who shall lay them before Congress at the beginning of its next session, and if Congress shall ratify the same and authorize it to be done."

Mr. HOLMAN. I have no doubt this measure is right, but I reserve the right to object. I wish to hear the reading of the paper sent to the Clerk's desk. I must object to any measure passing this House until we can understand what it is.

Mr. O'NEILL. I hope the gentleman from Indiana will permit this bill to pass. I think it will be a blessing to the citizens of the city of Brooklyn to have this swamp filled up in some way with buildings.

Mr. HOLMAN. If gentlemen insist on the passage of a bill through the House without anybody understanding it, I shall have to object peremptorily. I am only asking now, reserving the right to object, to have the paper read at the Clerk's desk. I object to business being presented in such a manner that no member can know what is its nature. I ask the paper be read. I have no doubt it is right, but I wish to understand it.

SIOUX INDIAN RESERVATION.

Mr. BOONE. I rise to a privileged question. I desire to have entered a motion to reconsider the vote by which the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, was recommitted to the Committee on Indian Affairs.

The SPEAKER *pro tempore*. It will be entered.

Mr. BOONE. I will call it up hereafter.

WALLABOUT BAY, BROOKLYN.

The SPEAKER *pro tempore*. What paper does the gentleman from Indiana wish to have read?

Mr. HOLMAN. The paper which was being read at the time I took the floor.

The SPEAKER *pro tempore*. The Clerk was then reading the bill.

Mr. HOLMAN. Very well; then I call for the rereading of the bill so we can understand what it is we are called to vote upon.

The bill was again read.

Mr. O'NEILL. I wish to ask the gentleman from New York a question for information. I desire to have the bill passed. Let me ask him whether this is to be a sale of a public nature in any way?

Mr. WILLIS. The terms of the sale are to be agreed upon by commissioners, and they are to report their conclusions to Congress at the next session for ratification.

Mr. O'NEILL. I think the fairest way to do it is by public sale, as was done in the case of the sale of the old Philadelphia navy-yard. I make the suggestion with a view to help to perfect the bill. I think there should be some member of the municipality of Brooklyn on that commission, some officer of the city having charge of taxation. We had, for instance, in the Philadelphia navy-yard sale the chairman of the board of revision of taxes on the commission. There may be arrived at then almost the absolute value of the property to be sold. I only wish to see the Government get the full value of this property at a fair public sale. It will be a great blessing to that part of Brooklyn and Williamsburgh to have this marsh land filled up and covered with buildings.

Mr. LEAVENWORTH. Mr. Speaker, I entertain very serious doubts about the wisdom of selling this land. It seems to me in the highest degree improbable it can be for the interest of the United States to sell this property. I have never known any great corporation, I have never known any railroad or any other corporation which required the use of any considerable amount of land, which ever obtained the amount of land they needed. In the process of time the business they are engaged in develops the want of a great deal more land than they have.

It is now proposed we should discontinue the navy-yards in New England mainly, and that we should concentrate all the business of building ships and repairing ships belonging to the United States in two or three navy-yards. If that is so, it is very remarkable we should want to part with this land.

But whether that be so or not, there is another thing I am sure is wrong in regard to this bill. It is certainly not right this bill should provide, in determining the amount to be paid for this land, for the selection of two appraisers from the city of Brooklyn; that the mayor and comptroller of the city of Brooklyn should be put upon the board to determine the amount of money the city of Brooklyn should pay for the land in question. Who has ever heard of a case where you selected as judges to decide between two parties the parties themselves? Yet that is what is being done by this bill. You not only select four independent, honest men who have no interest in the matter in question to decide the amount to be paid, but you select the mayor and comptroller of the city of Brooklyn as the parties to decide how much the city of Brooklyn should pay. Is that the way to determine the honest and fair value of this land? Who ever heard of selecting as judges parties to the matter? They really are the parties, as the mayor and comptroller of the city of Brooklyn represent the city, and you really leave it to the city to say how much the city shall pay.

Now, Mr. Speaker, I have never known in the little experience I have had in the sale of lands in the State of New York we ever selected the purchasers to determine the value of the property to be sold. Gentlemen say on the other side, here are two other gentlemen selected by the Government. Very well; that is right; but there should be four selected by the Government—four intelligent, disinterested men, who should determine the value of this property. But the gentleman who introduced this bill tells us it has to come back to this House at the next session of Congress and we are to ratify it. That is so. It is to come back here. But what evidence will we have when it comes back of the value of this property except the report of this commission? Do we go behind their report to see what the value of this property is? Not at all. We have to depend entirely upon that report; and that report is made by two men who are interested in making the amount as small as possible, other two who may perhaps be independent men, and the fifth to be appointed by these four.

I desire to amend this bill by striking out the words "two of whom shall be the mayor and comptroller of the city of Brooklyn," and inserting in their place the names of Elbridge G. Spaulding of Buffalo, late treasurer of the State of New York, and George Geddes, of Onondaga, both gentlemen of high intelligence and unimpeachable character. I object to its being left to the mayor and comptroller of the city of Brooklyn to say how much Brooklyn shall pay for this property.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. HOLMAN. I desire still to reserve the right of objection.

The SPEAKER *pro tempore*. The gentleman must see that it is very anomalous to carry the bill along in this way, without determining whether it is before the House for consideration.

Mr. HOLMAN. I ask that the provision of the bill in regard to the persons who shall make this appraisal shall be again reported.

The SPEAKER *pro tempore*. The House will come to order. There is a great confusion in the House to-day, owing to circumstances unnecessary for the Chair to mention. The Clerk will read the portion of the bill indicated by the gentleman from Indiana.

The Clerk read as follows:

That the Secretary of the Navy be, and he is hereby, authorized, empowered, and directed to organize a commission of five members, two of whom he shall name, two of whom shall be the mayor and the comptroller of the city of Brooklyn, and the fifth member to be selected by the four above named.

Mr. HOLMAN. I suggest this amendment to the gentleman from New York, [Mr. WILLIS:] That the commission shall consist of the mayor of the city of Brooklyn and three to be appointed by the Secretary of the Navy, making a commission of four.

Mr. WILLIS. I ask, Mr. Speaker, that a vote be taken on that amendment. I am not authorized to accept any amendment.

Mr. HOLMAN. The gentleman from New York [Mr. LEAVENWORTH] suggests that there is no good reason for the mayor of the city of Brooklyn being on the commission; and there certainly seems to be an impropriety in that. I therefore suggest to the gentleman from New York [Mr. WILLIS] who has this measure in charge that the commission be composed of three persons, to be appointed by the Secretary of the Navy.

The SPEAKER *pro tempore*. The Chair will regard the bill as being before the House for consideration, no objection being made. The gentleman from Indiana [Mr. HOLMAN] desires to offer an amendment, which he will send to the desk in writing.

Mr. HOLMAN. It has been suggested that the appointment should be made by the head of the Government, instead of by the head of a Department. I therefore suggest that the bill be amended so as to read, that the President of the United States shall nominate a commission of three persons.

Mr. FORT. I desire to make an inquiry of the gentleman from New York [Mr. WILLIS] who has charge of the bill whether the city of Brooklyn has ever memorialized Congress or applied to the Government to purchase this land?

Mr. WILLIS. It has; and I would respond to the gentleman from Indiana by informing him that all parties are in favor of this measure. The press and the occupants of the Government, republican and democratic, favor it, and believe that the public interests will be served by it.

Mr. FORT. I do not know what republicans or democrats, as such, have to do with the matter.

Mr. WILLIS. Everybody is in favor of it.

Mr. BLISS. The bill now under consideration is one which I introduced early in the session. The reason why we have tried this morning to bring it before the House for action is because we feared that the Committee on Naval Affairs might not be called again this session.

I have no wish to detain the House by making any extended explanation; but I desire to say that I ask on behalf of over 500,000 people that this bill shall pass. This land has never been used by the Government since it was ceded by the city of Brooklyn to the Government. It was not used during the war, and there is no probability that it will be used for the next fifty years. We do not want this land for nothing. We want to pay for it all that it is worth, and it may be double what it is worth.

I do not care who the commissioners are, provided their appointment is not made in such a way as to defeat the object of the bill. I do not care whether the appointment be made by the President of the United States or by the Secretary of the Navy, or whether private individuals be named in the bill. But I think that by appointing the mayor of the city of Brooklyn, who is a republican, and the comptroller, who is a democrat, and the Secretary of the Navy appointing two others, and those four agreeing upon a fifth, a fair conclusion would be arrived at. The gentleman from Indiana, as I understand, proposes that the President shall name the commission. If such is the wish of the House, I do not desire to oppose that proposition. Still, I must submit that the proposition contained in the bill is a fair one, and I should like to have a vote taken upon it.

In my judgment, the passage of this bill is of the utmost importance, not only to the people of the city of Brooklyn and of Long Island, but it is equally so to the Government itself. The object of the bill is to enable the city of Brooklyn to acquire title to those marshy and overflowed lands of the United States adjoining its navy-yard at that point for the purpose of erecting a public market thereon, which shall combine the advantages of a central location and the indispensable requisite of a suitable water front.

It is proposed on behalf of the city that a full equivalent shall be paid for the land desired either in cash or by the exchange of other land adjoining the navy-yard equally if not more valuable for navy-yard purposes. The bill provides that the precise terms or conditions of the sale or exchange shall be determined by a commission to be appointed for that purpose.

Those unacquainted with the city of Brooklyn will be surprised at being informed that the third city in the Union, with its 500,000 inhabitants and its rapidly increasing population, is to-day without the conveniences of a public market. Such, however, is the case.

From its incorporation as a city until the present time Brooklyn has been without adequate market facilities, and has depended upon the markets of the city of New York for its supplies.

The farmers and other producers of Long Island, because of this absence of a public market in Brooklyn, are forced to transport their produce across the river to the markets of New York; and this produce, having been conveyed past its natural market, is then brought back to Brooklyn for consumption in that city at an increased price, and damaged by the unnecessary transportation.

The citizens of Brooklyn have suffered this inconvenience year after year, and up to this time have been unable to obtain relief because no fit location with proper water-front facilities could be obtained. Earnest endeavors have been made to discover some other satisfactory location, but they have been uniformly unsuccessful.

These lands, although so desirable to the city of Brooklyn for the purposes mentioned, are of comparatively little value to the United States Government, inasmuch as they are marshy and overflowed, and have remained almost entirely unused by the Government. They were not necessary for Government purposes during the last war, when the navy-yard at that place was worked to its utmost capacity, and it is not likely that the Government will ever require the land for any purpose whatever. Indeed, it is even probable that before many years the entire navy-yard will be removed to some other point, where it will not interfere with the business growth or commercial prosperity of a great city.

Some members of the present Congress may recollect that a few years since a bill was introduced having for its object the removal of the Brooklyn yard, alleging as reasons therefor that so much water-front was monopolized by its use and that its being located so centrally prevented improvements in that section of the city. It is believed by many that if the question of its removal were left to the decision of the citizens of Brooklyn a large majority in favor of its removal would be found.

I mention these facts not because I desire to urge any arguments for its removal, but to show that the general sentiment of the citizens of Brooklyn is that the navy-yard in its present location, with the outlying lands attached to it, is a restriction upon the commerce of the city, a real detriment to its advancement. The Government, under these circumstances, ought not to be unwilling to make this trifling concession to that city.

It is perhaps proper to state here, as I remarked before the committee, that in the infancy of Brooklyn the navy-yard was on its northern limits, where the overflowed and marsh lands ran in an easterly direction, dividing what was then known as the cities of Brooklyn and Williamsburgh, and seemed to forbid the growth of the city in that direction. Since then those municipalities, together with other interior settlements, have all been consolidated and now form one city. The enterprise and industry of its inhabitants have pushed improvements across the marshy lands wherever owned by the city until it is found that the outlying lands of the United States adjoining the navy-yard are actual obstacles in the way of commerce in their present condition, and prevent further improvements needed for the relief of the inhabitants.

The present bill provides for the sale of only a very small portion of these outlying Government lands, with a water front of some two hundred feet, after which there will still remain to the United States fully three thousand feet of water front (the entire navy-yard proper) and a large section of unimproved and unused land.

The importance of having a public market located somewhere on these lands is considered of such vital consequence that men of all parties, the entire press of the city, and the neighboring communities unite in asking the General Government to cede this land to the city. The board of aldermen and the board of supervisors have urged their Representatives in Congress from that city by resolutions to try and secure this much-needed relief for the city of Brooklyn.

To meet these wishes of the people negotiations were opened with the Navy Department by the officials of Brooklyn about a year ago having that object in view. A proposition was made to exchange certain lands with the United States, but the negotiation failed because the consent and authority of Congress had not been obtained.

As I observed before the Naval Committee, the advocates of this measure invite the closest scrutiny. A fair and equitable transaction is all that is contemplated; so that, while the city of Brooklyn will secure a much-needed relief for its inhabitants, the Government will not fail to receive ample compensation therefor.

Another reason why it will benefit the Government is that in addition to receiving full consideration for land in an unimproved condition, which is useless to it and virtually not needed, its remaining lands will be greatly enhanced in value on account of the improvements which will be made on the portion ceded.

I have said there could be no reasonable opposition to selling these lands; and there is no opposition except from a few of the old line officers of the Navy, whose theory is that the Government should hold on to all it gets, especially where the Navy Department is interested, and that the necessities of the people should not in any case enter into the question. But even this opposition is confined to a few, and I do not imagine that this House—directly representing the people—will refuse its assent to so reasonable a request as is proposed in this measure upon any such consideration.

I have thus briefly stated the reasons why this bill has been introduced, its object and provisions, the benefits to be derived, and the necessities which call for its passage.

The committee to whom it was referred have, I believe, thoroughly investigated its merits, and some gentlemen of the committee have visited the location in person to satisfy themselves that the Government can make the transfer of the land in question without detriment to its interests. From the investigations they have made I believe they are fully satisfied that the Government can dispose of the property without the slighest disadvantage.

In conclusion, I ask the House to consider the great benefit which the passage of the bill will confer upon the people of Brooklyn and Long Island, the little use, if any, which the Government has for the property, and the actual advantage which the United States will derive from its sale, in addition to receiving full compensation therefor. I trust the House will carefully weigh the arguments I have advanced in support of this meritorious measure and assent to its passage.

The SPEAKER *pro tempore*. The Clerk will now read the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

Strike out these words: "That the Secretary of the Navy be, and he is hereby, authorized, empowered, and directed to organize a commission of five members, two of whom he shall name, two of whom shall be the mayor and the comptroller of the city of Brooklyn, and the fifth member to be selected by the four above mentioned."

And insert in lieu thereof as follows:

That the President of the United States be, and he is hereby, authorized, empowered, and directed to organize a commission of three members.

The question being taken on Mr. HOLMAN'S amendment, it was agreed to.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES RICHARDSON.

Mr. EDEN, by unanimous consent, from the Committee on War Claims, reported back the bill (H. R. No. 3155) for the relief of James Richardson, late a private in Company E, Thirteenth Indiana Volunteer Cavalry, and moved that the Committee on War Claims be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

TARRONUNCE KIRBY.

Mr. EDEN also, by unanimous consent, from the same committee, reported back papers relating to the claim of Tarrounce Kirby, of Sumner County, Tennessee, and moved that the Committee on War Claims be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. LAWRENCE. I ask unanimous consent to report from the Committee on the Judiciary a couple of bills that relate to the District of Columbia. It is desirable that they should pass without delay, and I think there can be no objection to them.

Mr. HOLMAN. I object; but I shall not object to the introduction of bills for reference.

MARTHA N. DAVIS.

Mr. FAULKNER, by unanimous consent, introduced a bill (H. R.

No. 3737) for the relief of Martha N. Davis, of the county of Jefferson, State of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT VAN STEINHAUSEN.

Mr. HARRISON, by unanimous consent, introduced a bill (H. R. No. 3738) for the relief of Albert Van Steinhausen, late lieutenant-colonel of the Sixty-eighth Regiment New York Volunteers; which was read a first and second time, and, with the accompanying memorial, referred to the Committee on Invalid Pensions, and the bill ordered to be printed.

HENRY PLOWMAN.

Mr. STRAIT, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2128) for the relief of Henry Plowman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLOTHING, ETC., FOR THE SIGNAL CORPS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a report showing the amount expended during the past fiscal year for clothing, &c., for the Signal corps; which was referred to the Committee on Appropriations.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. ATKINS. Mr. Chairman, I promise the committee the merit of brevity, if my remarks shall possess no other.

The bill making appropriations for the Army for the next fiscal year has been maturely considered by the committee in charge of it. Every available source of authentic information has been consulted, that no injury should be done this important branch of the public service.

It will be remembered that a bill some months since was reported to this House by the honorable gentleman from Ohio, [Mr. BANNING,] chairman of the Committee on Military Affairs, entitled "An act to regulate the pay and allowances of Army officers," which after considerable discussion passed this House and is now pending in the Senate. This bill reduced the pay and allowances of the General, the Lieutenant-General, the major-generals, and the brigadier-generals.

The bill now before the House has been made to conform in many respects to the provisions of that bill, and also to another bill to promote the efficiency of the Army, which was reported by the same committee and passed. I refer now to House bill No. 2935.

In the adjustment of the salaries of the general officers the Committee on Appropriations did not descend in the scale of reduction to the basis of the Banning bill. That bill fixed the salary of the General at $10,000 per annum; we have left it at $12,000. So with the Lieutenant-General the salary was fixed at $8,000; we make it $9,000. A reduction, exclusive of allowances in the first instance, of $1,500; in the second a reduction of $2,000. As both of these offices expire with the death or resignation of their present incumbents, it was deemed advisable not to reduce them any lower, as it might have the appearance of personality. In the case of the major-generals, this bill advanced over the rate of the other bill to $7,000 instead of $6,000. We also fixed the salaries of brigadiers at $5,500 instead of $5,000. These rates of pay were considered to correspond with the grades in rank; the longevity pay of officers of the line bringing up their pay in corresponding proportion. For instance, a colonel's pay is $3,500; his longevity pay finally advances his salary to $4,500, and a lieutenant-colonel's from $3,000 to $4,000.

In section 3 of this bill one abuse is corrected which of late has become very prevalent among Army officers and others high in authority. Such subordinate officers who may be so fortunate as to be personal and political favorites with the commanding general, or who may have a friend at court, who may be not without influence with the war minister or the President, are often detailed from the duty of sharing the privations and hardships of their regiment on duty in the camp or field to discharge some civic duty or to take position upon some general's staff surrounded by the comforts and elegancies of city headquarters, with additional pay and allowances over and above the pay and allowances of his rank, while other officers, older in the service and doubtless more meritorious, have been passed by or assigned to duty on the frontiers with less pay. This practice is regarded in the Army with suspicion, and is looked upon as an unjust discrimination which is demoralizing to the service. In the Army, merit and the length of service alone should be the test of promotion; personal favoritism, never.

Section 4 abolishes the adjutants and quartermasters, who were made extra lieutenants by the act of July 28, 1866.

Section 5 limits the service of chaplains in the Army to four years, but does not prohibit their re-appointment by the President, by and with the advice and consent of the Senate. This change is manifestly desirable.

Section 7 provides for a court of inquiry and courts-martial, dispensing with the more expensive form of having a judge-advocate and a court of military justice.

Section 8 requires the appointments to the rank of second lieutenant to be made from the Military Academy and from the enlisted men or non-commissioned officers. This I regard as an important reform, for the reason that it helps to keep up the *esprit de corps* of the enlisted men, excites their military pride and aspiration by being placed directly in the line of promotion. No outside or political or personal favoritism can defeat the just reward of obedience and soldierly conduct.

Section 9 requires that post-traders shall hereafter be appointed by the Secretary of War on the recommendation of the council of administration and the approval of the commanding general, thus dividing the responsibility of those appointments. This reform I think will readily commend itself to the House without argument. Recent events would seem to justify it, if not require it.

Section 10, among other things, provides that the paymasters shall be reduced from fifty to forty in number by dropping the junior commissions. I do not undertake to say that forty are enough to do the work efficiently. It is proper for me to add that the Paymaster-General thinks forty not enough. But the Military Committee, and especially its gallant and able chairman, insists that the reduction to forty should be made. I am free to say that if the House should go up to forty-five I should not regard it as extravagant. But in connection with this Pay Department I wish to call the attention of the House and of the War Department to the rather singular fact that the disbursements in the Paymaster's Department increase over a half million of dollars every year. I herewith append the following table showing the disbursements to the regular Army by the Pay Department during the fiscal years 1860 and 1871, and the disbursements chargeable to the appropriations for the fiscal years 1872, 1873, 1874, 1875:

Statement showing the disbursements to the regular Army by the Pay Department during the fiscal years 1860 *and* 1871, *and the disbursements chargeable to the appropriations for the fiscal years* 1872, 1873, 1874, *and* 1875.

	Disbursements during fiscal year 1860.	Disbursements during fiscal year 1871.	Disbursements chargeable to fiscal year 1872.	Disbursements chargeable to fiscal year 1873.	Disbursements chargeable to fiscal year 1874.	Disbursements chargeable to fiscal year 1875.
Pay proper to officers	$5,182,381 14	$13,493,144 50	$8,233,126 45	$9,059,146 99	$9,525,836 74	$3,790,397 78
Pay proper to enlisted men						4,285,181 73
Retained pay to enlisted men						483,641 69
Pay, miscellaneous						413,617 90
Service pay to officers			594,861 32	649,516 26	682,316 00	674,271 91
Retired pay to officers			678,708 34	674,713 20	673,927 57	675,187 53
Extra-duty pay to enlisted men			27,979 86	28,470 32	20,587 20	28,571 42
Travel pay and subsistence to enlisted men			269,385 60	133,584 68	166,425 37	433,358 93
Service pay, enlisted men			92,451 02	233,614 16	250,414 53	252,215 05
Clothing, enlisted men		1,714,128 84	479,181 97	24,893 23	127,441 27	392,619 56
Mileage		307,188 40	206,448 86	265,666 73	224,826 34	129,696 03
Traveling expenses, paymasters' clerks			24,676 03	23,059 49	21,969 67	15,119 34
Postage		117,716 97	54,150 46	71,045 79	67,485 32	65,756 83
Telegrams					13,959 99	22,319 49
Court-martial expenses			22,211 69	24,845 85	13,620 78	9,175 73
Total	15,182,381 15	15,632,178 71	10,683,181 60	11,188,556 70	11,797,810 78	11,671,130 92
Add amount due and unpaid, (short appropriation)						500,000 00
						12,171,130 92

NOTES.—Prior to the fiscal year 1871 the disbursements for items 11, 12, 13, 14, and 15 were made by the Quartermaster-General's Department.

Included in the disbursements for 1871 is the amount (one year's pay and allowances) paid to officers leaving the Army under act of July 15, 1870.

The amounts stated as disbursements chargeable to fiscal year 1875, under items 1, 2, 3, 4, 5, and 6, are for eleven and a half months' service. One-half month's pay, say $500,000, is due and not paid, owing to a deficiency in the amount appropriated for the service of said year. The disbursements in 1875 under item 11 are not "mileage," but "actual traveling expenses" of officers, exclusive of amount paid by the Quartermaster's Department on transportation orders, which form an item of these expenses.

BENJ. ALVORD,
Paymaster-General United States Army.

FEBRUARY 29, 1876.

Section 11 provides that hereafter officers shall be allowed eight cents per mile instead of ten cents for distances actually traveled. This sum is doubtless sufficient. In reference to the reduction proposed in this bill of the commutation for officers' quarters, I desire to state that the reduction of the allowance of $18 per month for each room to $12 per month was made at the earnest solicitation of the chairman of the Military Committee. The bill regulating allowances to officers, reported by the Military Committee, reduced the pay to $12, and this committee has only conformed to that amount. If the sum allowed is not enough, the Military Committee must shoulder the responsibility. This committee has no disposition whatever to reduce the compensation of the officers of the Army below a comfortable and respectable living.

Returning to section 6 of the bill, two important changes present themselves. First, sections 1104 and 1108 of the Revised Statutes are herein repealed, which provide that the Ninth and Tenth Regiments of cavalry and the Twenty-fourth and Twenty-fifth Regiments of infantry shall be recruited exclusively of colored men. This bill is constructed upon the hypothesis that no discriminations under the law should be made between the white and colored race on account of color. As the right and privilege to join the Army of the United States belongs to any citizen who is not liable to prescribed disabilities, of course these statutes discriminating in favor of colored people are repugnant to the principles of equality and to the theory and teachings of the fourteenth and fifteenth amendments to the Constitution. Besides this view of their incompatibility, do not those statutes in effect declare that the strong arm of the law must be used by special application and class legislation to place the colored men in the Army at the expense of their claims to manhood and equal merit as soldiers? Under that view, do the colored men desire this class legislation, which in the one case stamps them as inferiors under the law, while in the other it would for their protection seem to do violence to their equality under the Constitution? In either case, it occurs to me that the removal of this discrimination would be desirable from their stand-point.

But to do justice to my own views I must say that I am influenced in my action, (and I believe I can say about as much for the majority of the Committee on Appropriations,) not by any political considerations in the advocacy of this change in the laws, but altogether by economic reasons.

It has been found by actual experiment and comparison that colored troops cost much more than white ones. In the first place it costs more to recruit colored troops than white ones, for the reason that the colored man does not like the life of a soldier as well a white man does. It takes more time to recruit a given number of the former than it does the latter, and of course at greater expense. In fact, I am informed by Army officers that it is now difficult to induce colored men to join the Army at all in any reasonable numbers. Its restraints and discipline do not suit their ideas of freedom.

Nor are they as efficient soldiers, especially in cavalry and frontier service. The death rate among them is also greater than among white soldiers.

It is foreign altogether to my purpose to attempt any explanation of the facts. Suffice it, they are authenticated by Army records and by still more convincing evidence, the increased sums of money which are required to maintain colored troops over and above the amounts which are necessary to keep the same number of white soldiers in the field.

But for fear some one may suppose that I am speaking from prejudice—and that I have any undue antipathy toward the colored man, I utterly deny; upon the contrary, I have every disposition to help him—I desire to refer the House to the letter of General Bingham addressed to myself in answer to verbal inquiries on this subject:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., June 10, 1876.

SIR: In compliance with the verbal request you made of me on the 7th instant, the day I was directed to meet the Committee on Appropriations at the War Department, I have the honor to submit herewith a statement, hastily prepared from the records, showing the difference in cost of remounting, clothing, and providing hired labor for white and colored troops:

The Ninth and Tenth Cavalry and Twenty-fourth and Twenty-fifth Infantry are colored. All other regiments are composed of white troops. The Fourth, Eighth, Ninth, and Tenth Regiments of cavalry and Tenth, Twenty-fourth, and Twenty-fifth infantry were stationed in the same part of the country during the period covered by the statement.

The average strength of the cavalry regiments during the years 1871, 1872, 1873, 1874, and 1875 was as follows: Fourth, 730 enlisted men; Eighth, 795 enlisted men; Ninth, 671 enlisted men; Tenth, 775 enlisted men. Total number of white men, 1,585; total number of colored men, 1,446.

The number of horses purchased for each regiment during the five years was as follows: Fourth, 890 horses; Eighth, 762 horses; Ninth, 761 horses; Tenth, 1,004 horses. Total number of horses purchased for 1,585 white men, 1,652; total number purchased for 1,446 colored men, 1,965. Excess for the two colored regiments having 193 men less than the two white regiments, 313.

The scouting and field service of each regiment during the five years was as follows: Fourth, 23 months; Eighth, 27 months; Ninth, 10 months; Tenth, 17 months.

The two white regiments were engaged in such service 5½ months in the five years, or an average of 10 months per year. The two colored regiments were on such service 27 months in the same time, or an average of 5¼ months per year.

Scouting and field service are the principal legitimate causes of the loss of horses, rendering remounts necessary.

The average cost of horses during the five years was $127.40 each. The average cost of remounting a white soldier was $132.78; the same average for a colored soldier was $173.12½; showing that it cost $40.34 more per year to remount a colored soldier than a white one.

Horses for remounting the 1,585 white soldiers cost $210,464.80 in five years; horses for remounting 1,446 colored soldiers during the same time cost $250,341.00.

The cost of remounting a number of colored soldiers equal in number to the white would be $274,403.12, an excess in cost in five years of $63,938.32, or $12,787.66 per year. But the scouting and field service being an important element in considering the case, it may be assumed that the less actively employed regiments, with equal management, should have broken down and lost fewer horses and cost less for remounts.

The average cost of clothing furnished to the Eighth Cavalry in 1875 was $46.58 per man. The average cost of clothing furnished to the Ninth Cavalry during the same year was $54.09 per man, being an excess of $7.51 per man. The cost of clothing furnished during that year to 609 men of the Ninth Cavalry exceeded that furnished to an equal number of the Eighth Cavalry by $4,578.59.

It is found necessary to hire more citizens as clerks, mechanics, &c., in connection with the colored troops than the white. The companies of a regiment are usually distributed among several posts, and it is difficult to make a comparison of the cost under this item. Mounted and foot, white and colored troops are frequently found at the same post.

Fort Clark, Texas, was garrisoned by white troops, the Fourth Cavalry and Tenth Infantry, during the year ending June 30, 1874, with the exception of three months when the garrison was increased by one company of colored infantry. The amount furnished per company from "incidental expenses" for payment for hired citizen labor during that year was $331.92. During the same year Forts Brown and Davis and Ringgold Barracks were garrisoned by colored troops, namely: Ninth Cavalry and Twenty-fourth and Twenty-fifth Infantry. These companies were furnished an average of $576.80 each from incidental expenses for payment for hired citizen labor.

From this it appears that the hire of citizen labor for colored troops costs $244.88 more per company than for white troops. For a cavalry regiment this would amount to $2,938.56, and for infantry to $2,448.80.

Very respectfully, your obedient servant,

J. D. BINGHAM,
Deputy Quartermaster-General,
Brevet Brigadier-General United States Army.

Hon. J. D. C. ATKINS,
Member of Committee on Appropriations,
House of Representatives, Washington, D. C.

These colored regiments are far from being full, and cannot be kept near the maximum. These facts leave no doubt as to the wisdom of the action of the committee from economic considerations, to say nothing of the efficiency and vigor of the service. This change, in the judgment of the committee, is a real reform, and as such they do not hesitate to commend it cordially to the House.

I have no respect for any sickly sentimentalism born of prejudice on either side of this question. The negro has been made the equal of the white man before the law, and he who agitates the issue now settled on either side for political and partisan ends is a pestiferous demagogue, whose patriotism is sacrificed on the altar of self-aggrandizement or to the Moloch of party. The statesman should ignore the issue, and treat the question from the stand-point of justice and a sound economy.

The other feature of this bill which may elicit an honest difference of opinion is the reduction of the Army. With the exception of Alaska Territory, we have no more territory now than we had in 1860. Then there were more Indians than there are now, and a much larger proportion of them were wild and unfriendly. Then, too, the Government had trouble with the Mormons of Utah, which required a considerable military force to prevent outbreaks and preserve the lives and property of the people. The Army consisted in 1858–'60 of 14,000 non-commissioned officers and enlisted men. The following table will show the cost of the Army in the years 1858–'60 and 1873–'75:

Army appropriations, from Army law, including only what is in bill for this year.

For 14,000 troops:	
1857–'58	$12,230,040 73
1858–'59	15,222,266 14
1859–'60	13,647,325 28
For 30,000 troops:	
1872–'73	27,501,393 32
1873–'74	30,396,008 81
1874–'75	27,698,500 00

The reductions proposed by this bill are as follows:

The estimates for the Army for 1877 are	$33,697,148 00
The amount appropriated by this bill is	23,155,077 12
Reduction below the estimate	10,532,040 88
Secretary Taft revised the estimate and reduced it over	5,000,000 00
Amount appropriated for 1876, ending June 30	27,933,830 00
Amount appropriated by this bill for 1877 is	23,155,077 12
Reduction below appropriation of 1876	4,778,758 88

The present force of 2,168 commissioned officers and 25,000 enlisted men is distributed at one hundred and seventy-one posts, exclusive of arsenals, seventy-two of which are west of the Mississippi River and two in Alaska Territory.

Mr. FOSTER. Will the gentleman allow me to interrupt him right there?

Mr. ATKINS. Certainly.

Mr. FOSTER. The gentleman is showing the reduction this year from the appropriations made last year?

Mr. ATKINS. Yes, sir.

Mr. FOSTER. I notice in the bill a number of re-appropriations, and I would inquire of the gentleman what they amount to?

Mr. ATKINS. They amount to something less than a million of dollars.

Mr. FOSTER. Then really the reduction is a million less than you have stated.

Mr. ATKINS. The amount of re-appropriations is something less than a million of dollars.

Mr. RANDALL. What is that point made by the gentleman from Ohio?

Mr. FOSTER. There are in this bill a number of re-appropriations of unexpended balances.

Mr. RANDALL. I can explain that.

Mr. FOSTER. The point I make is that the gentleman from Tennessee [Mr. ATKINS] stated that the reduction this year amounts to $4,778,000. Now you propose to re-appropriate by this bill a million of dollars of unexpended balances, and I thought the amount was a million and a half, and I suggest to him that he should state, if he desires to be entirely accurate, that these re-appropriations should be deducted.

Mr. RANDALL. I will tell the House what is the reduction of the expenditures during the current year and those that it is designed to give the next fiscal year preceding the current year. The pay of the Army in the appropriation bill of last year was $11,400,000, which was arbitrarily reduced to the extent of $900,000 by the Committee on Appropriations. The Department found itself this year deficient $900,000 upon the Army pay; I might go further back, and say that the deficiency in the year prior to that in the Army pay was $500,000, which this Congress has provided for, and in this bill the amount appropriated is made so large that there will be no contingency in which any soldier of this country, either officer or private, shall be for two weeks without pay, as they were in the last two weeks of June last, or without pay for a month, as they would have been but for the interposition of this Congress. We give in this bill the full amount necessary for the pay of the Army, whereas Congress at its last session gave $900,000 too little, and in the prior year there was a deficiency of $500,000.

It is no more than fair, therefore, that when we come to make a comparison between the appropriations of this year and the appropriations of last year that $900,000, which was improperly and arbitrarily cast out of the appropriations, should not be made to count against us. Therefore, in order to make the thing even and just in the comparison between the two years, it should be stated that we re-appropriated $900,000, or thereabouts, for this purpose. The reductions in fact are as stated by the gentleman from Tennessee, [Mr. ATKINS.]

Mr. FOSTER. The gentleman from Pennsylvania [Mr. RANDALL] will remember that the Committee on Appropriations paid $500,000 of this $900,000 deficiency by a re-appropriation; so that the appropriations of last year after all were nearly $2,000,000 in excess of what was actually needed.

Mr. RANDALL. All I desire to say is that these are the reductions fairly and conclusively established, because you omitted to appropriate money enough to pay the Army by $900,000, and they must have known or ought to have known it at the time. This Congress says that every dollar necessary to pay the Army, both officers and privates, must be appropriated, and it has been appropriated in this bill. Therefore, at the end of this year, there will be a different position of things from what there has been for two years past. There will be money enough in the Treasury to pay every soldier, whereas there was a deficiency of $500,000 for the year ending June 30, 1875, and a deficiency of $900,000 for the year ending June 30, 1876.

Mr. FOSTER. I do not think that alters the statement at all.

Mr. ATKINS. I think my colleague on the committee from Pennsylvania [Mr. RANDALL] has fully answered my colleague from Ohio [Mr. FOSTER] on that point.

The reduction of the Army since the war has been going on gradually. In view of the pomp and splendor so recently investing the Army, and in view, too, of the magnitude of its operations and the immense forces it contained, any sudden and radical reduction to a low peace basis has been avoided. The act of July 28, 1866, reduced the Army to forty-five regiments of infantry and ten regiments of cavalry, and the act of 1872 reduced it to 30,000. The last Congress reduced it from 30,000 enlisted men to 25,000. The bill under consideration proposes a still further reduction to 22,000 enlisted men. Now, as the statistics show that an American soldier costs about $1,200 per annum, the reduction of 3,000 men at that rate would be a saving of $3,600,000 yearly. If the soldier costs only $1,000 per annum, then it amounts to a saving of $3,000,000.

When we remember that our receipts from all sources for the present fiscal year fall short of our expenditures by $12,000,000, and that the next fiscal year bids fair for us to realize even a still greater diminution in our revenues, is it not worthy of our serious inquiry whether this saving can be dispensed with with safety to the general administration of the Government?

With the present decay in our commerce and the gloomy outlook which everywhere obscures our business and financial horizon, the Committee on Appropriations felt the pressure and demand for retrenchment in expenditures. One of two things was apparent; we either had to reduce expenditures so as to meet the diminished revenues, or the Committee of Ways and Means would be forced to levy additional taxation upon the people.

The reductions in the ordinary expenditures already made by the House and the additional reductions proposed by the Committee on Appropriations amount in the grand aggregate to $38,000,000.

With the unfavorable prospects which forebode our revenues for the next fiscal year, may not these reductions seem to the chancellor of the exchequer during the coming year very timely and fortunate? Prudent men always graduate their expenses to their income, and governments should do likewise.

Now, if the Army can be reduced still further without impairing its efficiency or subjecting the frontier settlements to exposure and the danger incident to border life, it certainly is an economic measure to do so. Properly distributed upon the frontiers, it does seem that all reasonable protection ought to be afforded upon the basis of twenty-two thousand men.

The idea of a large standing Army is un-American and anti-republican. It is the outgrowth, and necessity in fact, of the strong monarchial governments of Europe. The petty ambition of rival houses, sometimes developing into fierce political revolutions, have for centuries swept over those countries with the fury of the hurricane, devastating their fair fields in all the ruin which follows in the train of long and bloody wars, until the budgets of national debt have swelled to proportions mountain high; and now national debts and standing armies have become through a singular process of political economy mutually supportive and protective of each other. The two together have covered those countries with distressing taxes, built up landed and moneyed aristocracies, reduced the great mass of the people through generations for centuries back to a mere peasantry—tenants at the will of a few royal families. The rich, gathering their tithes and rentals from the toiling millions, whom tyranny and taxation have reduced to submission, contribute liberally of the proceeds of others' labor to government, while government in turn furnishes the power, the military force, to continue and support the system of national spoliation and plunder of the great laboring masses though the process of tithes, rents, and other laws regulating the relations of landlord and tenant. Thus it is that practically the liberties of the people have been crushed through the unholy alliance of the purse and the sword.

I have no prejudice originating in sectional memories against the regular Army—not the slightest. Whatever we have I would keep up to the highest standard of modern equipment and appointment. Every measure necessary to maintain its *esprit de corps* and efficiency I would adopt regardless of reasonable expenditure, so that the American soldier or officer should feel that his Government invested him with something more than the character of its defender. I would have them feel that their Government cared for their wants, pensioned their crippled, provided for them in declining years, perpetuated their names and deeds upon imperishable stone and unfading parchment, and crowned the true and the brave with its first honors, and embalmed them in the heart-affections of its citizens. All this I feel as an American citizen.

But of what use is a standing army in this country further than to keep the Indians in subjection and protect the frontiers of the settlements and man our forts upon our ocean-front? The latter service is more nominal than real and requires but few men. It is now too long since the close of the war that there is any need of soldiers in any of the States. Civil government can be best maintained by civil law. Our fathers thought that to civil government alone should be intrusted the preservation of peace, the protection of life and property, and the equal and just administration of the laws. The sheriff with the *posse comitatus* is entirely competent to maintain the supremacy of civil government, preserve the peace, and protect the rights of all in every State of the Union. Withdraw the Army and devolve that duty upon the civil authorities and the citizens of the States, and their self-respect and a decent regard for the opinions of mankind outside of a natural love of order and justice, and the spirit of self-preservation would strengthen the arm of the regularly constituted civil authority with the willing support of every patriot and well-wisher of good government in the land, if necessary. An army larger, then, than just sufficient to defend and protect our frontiers from the depredations of savage Indians in the main is useless.

No large force would seem to be required for even that purpose, except in the event of occasional wars. The border settlers are naturally a martial people, and need but little military training to become expert in the art of war. The youth are bred to the use of arms and to the manly and heroic sports of the chase and field. One of the chief characteristics of the western citizen is self-reliance and promptness and courage in self-defense. His main reliance is in his own manhood and in his own right arm.

A force of 22,000 men, with its trained officers, constitutes a sufficient nucleus upon which to enlarge should our country be threatened with foreign war. In such a case all history has proven how efficient and successful American armies have proven, composed in great part of citizen soldiery.

We need no large standing army as long as the people live under and

up to a written constitution, and hold all political power ultimately in their own hands, as they have a right to do. They themselves constitute their best standing army. They are their own bulwark, their own surest defense. While our people shall love their country and maintain their liberties as citizens, they will be ever competent to its protection and defense whenever the emergency shall arise, no matter how sudden or what may be the odds.

Mr. BANNING. Mr. Chairman, I do not propose to make a speech upon this bill. Most of its provisions, in fact all the new legislation contained in the bill, has been considered in the Military Committee. The bills reported by that committee and passed by this House, and now waiting the action of the Senate, contain all of the economies proposed in this bill but one.

The bill reported from the Military Committee and passed, re-organizing the Army, as originally introduced, fixed the numerical strength of the Army at 22,000 men, the same as this bill. The Military Committee struck out that section of the bill, leaving the number of enlisted men in the Army at 25,000, as now provided by law. Although I have always been opposed to a large army, I came to the conclusion, as did the committee, after a careful study of the situation and the demand for troops for the protection of our railroads in and through the Indian country, the suppression of Indian hostilities, and the protection of the Texas frontier against Mexican raiders, that the fighting strength or enlisted men of the Army should not be reduced at this time. I gave my reasons for this opinion in the discussion of the Army bill, and the House approved that opinion by passing the bill reported.

I will not detain the House by repeating the reasons for that conclusion, for more reasons than one, chief among which is the fact that the legislation proposed by the Appropriation Committee in the bill now before the House is so near that of the Military Committee already passed by this House that a refusal to support it on my part would be unreasonable.

The proposition contained in this bill to reduce the Army to 22,000 is so guarded that under no circumstances can it result in any injury either to the service or the country.

The bill provides that "after the 1st of July there shall not be any new enlistments in the Army until the number of enlisted men shall have been reduced to 22,000." This is the exact provision of the original Army bill as referred to the Military Committee.

Now, if this provision is unwise or the reduction too great, before any mischief or injury can result from it, Congress will be in session again in December, and the clause can be repealed.

This, in connection with the fact that our Appropriation Committee, whose ability we all acknowledge, and whose well-considered economies are receiving the approval of the country, recommend it, prompt me to make no opposition to this feature of the bill.

Nearly all the other provisions of the bill are in the direction of economy and reform, and will, as I have argued before and repeat now, make our Army organization far more efficient and useful.

One word as to the economies of the bill. The re-organization of the Army and the reduction of Army officers' pay has not only been severely criticised, but sneered at by gentlemen upon this floor, and even characterized "as legislation to punish the Army." The House, however, passed the pay bill and the re-organization bill, and the Appropriation Committee in the bill now before us adopt the reductions recommended.

Under this bill the Army officers will be paid as follows:

The General, $12,000 a year.
The Lieutenant-General, $9,000 a year.
A major-general, $7,000 a year.
A brigadier general, $5,500 a year.
A colonel, $3,500 a year.
A lieutenant-colonel, $3,000 a year.
A major, $2,500 a year.
A captain, (mounted,) $2,000 a year.
A captain, (not mounted,) $1,800 a year.
An adjutant, $1,800 a year.
A regimental quartermaster, $1,800 a year.
A first lieutenant, (mounted,) $1,600 a year.
A first lieutenant, (not mounted,) $1,500 a year.
A second lieutenant, (mounted,) $1,500 a year.
A second lieutenant, (not mounted,) $1,400 a year: *Provided*, That for the first four years' service second lieutenants (mounted) shall receive $1,300 a year, and second lieutenants (not mounted) shall receive $1,200.

In my opinion, Mr. Chairman, these salaries are ample and sufficient, quite as much as our heavily-taxed constituents are able to pay, as much as Army officers earn. These salaries are 25 per cent. more than the annual receipts of the civilian who, when he is old, retires, not as the Army officers retire, upon 75 per cent. of a good salary, but—as is estimated—one in fifty upon an ample fortune, ten upon a competency, ten upon a bare living, one to the poor-house, while the balance are supported upon family charities, which consist of old clothes and cold victuals.

Yes, Mr. Chairman, these salaries are sufficient, and not only sufficient but satisfactory to the Army officers themselves, who recognize the necessity of a reduction of expenditures and expect to bear their proper proportion.

Mr. Chairman, to say that our Army management and Army legislation have been extravagant, wasteful, and hurtful to Army discipline has been too fully shown by developments made since this Congress commenced and too often proven upon this floor for me now to detain the House with their rehearsal.

In this connection I wish to call the attention of the House to a comparison between the estimates for our War Department, with our Army of 25,000 men, and the expense of the English army of 125,000 men; also that of France of 441,000 men.

This comparison has been made by a writer who says Secretary Belknap's War Department estimates call for the prodigious sum of $57,430,499.17 for the ensuing fiscal year. Now, whether we compare this with the cost of the American Army in previous years or whether we contrast it with the expense of the military force in Great Britain or France, the disproportion is still most enormous. The military service of the United States before the war never cost over $25,000,000 in any one year, with the single exception of 1847, the most active year of the Mexican war. Even since the war closed, and during the era of an inflated currency and high prices, the military service has cost far less than is now demanded in the midst of the universal depression under which the country is laboring. Let the reader compare the following figures:

Total cost of the military service for the fiscal year—

1870–'71	$35,799,901 82
1871–'72	35,372,157 20
1872–'73	46,323,138 31
1873–'74	42,343,927 22
1874–'75	38,710,645 00
Amount appropriated for 1875–'76	40,630,657 29
Amount asked in the estimates for 1876–'77	57,430,499 17

Here, it will be observed, is the Secretary of War asking for twenty millions more than has been expended by that branch of the public service in the average during the past six years, and more than double what was ever expended prior to 1860 for the Army service. Is there any good reason in the world why Congress should consent to making our Army, in a time of profound peace, cost the people twenty millions more money than it has been doing for these many years?

The expenses of our Army are not only great as compared with our own past, but they are largely disproportionate to the present cost of the much more numerous and efficient armies of any first-class power. The total cost of the British army averages only £15,000,000 a year, or about $75,000,000. There, for less than twenty millions more in dollars than is asked for by Secretary Belknap, Great Britain supports a standing army mustering a total of 125,000 men of all arms, while our little Army musters only 25,000 men. In other words, Great Britain gets five soldiers for what it costs the United States to secure the services of one and a quarter. If our Military Department were managed as economically as that of Great Britain, we ought to get an army of 100,000 soldiers for our expenditures of $57,000,000, instead of getting only one-fourth as many.

The army of France costs about $88,000,000 per annum; and for this sum that republic secures an effective army, mustering in time of peace no less than 441,000 men. Here we see for an expense but little more than half as much again as is asked for by the Secretary of War, an army of more than seventeen times the size of our own is maintained.

Sir, to consider further the increased and increasing expenses of our own organization. In 1872, with an Army of 30,000 men, the disbursements by the Pay Department alone amounted to $10,683,181.60. The Forty-third Congress reduced the Army to 25,000 men. The disbursements to the Army by the Pay Department for 1873 were $11,797,810.78; for 1874, $11,797,810.78; for 1875, $12,171,130.92. This has been our Army management—a reduction of the fighting strength of the Army of 5,000 men, and an annual increase in pay of one-half million of dollars, or an increase in three years in the pay of a reduced Army $1,487,949.32.

An examination into this matter will show that the reduction of 5,000 men by the Forty-third Congress was not followed by a corresponding reduction of officers. A further examination will show that after deducting the large amount of money paid our 2,168 commissioned officers for quarters, forage, and fuel, we have been paying them more money than we pay the entire army of 25,000 non-commissioned officers and privates.

This Congress was asked to appropriate by Secretary of War Belknap for the support of the military establishment $33,697,178.50. To this should be added $500,000 for a deficiency due the Army for a half month's pay for the last fiscal year, making the amount demanded of this Congress for the support of the Army $34,997,178.50 for next fiscal year, and last year's deficiencies being $5,866,108.50 more than the total amount appropriated for this fiscal year.

Hon. Alphonso Taft, Secretary of War, to whom this House referred these estimates for revision, reduced the amount $5,604,000. Thus establishing, not to say more, a reckless, extravagant, shameful demand of money by the War Department to defray the expenses of the military establishment.

Adopting many of the reforms and reductions provided for in the bills reported by the Military Committee which have passed this House, the Appropriations Committee present the bill under consideration. This bill appropriates $23,155,077.12 for the support of the military establishment for the next fiscal year, being $10,193,631.38 less than the amount asked for in the estimates of Secretary of War Belknap.

Mr. Chairman, this reduction is commendable for more reasons than one. First, because our financial condition demands of this House the exercise of every reasonable and proper economy; second, because the reforms and new legislation upon which these reductions are based will add to the efficiency and usefulness of the Army, as is fully

shown in the testimony of Army officers before the Military Committee.

The honorable gentleman from Tennessee [Mr. ATKINS] says he will have to hold the Military Committee responsible for the reduction made in the bill of the amount allowed officers for commutation of quarters.

All officers serving without troops at posts where there are no public quarters received before the war and during the war the following amounts for commutation of quarters. I read from paragraph 1081 of the Army Regulations of 1863, page 161:

The following rates of monthly commutation for quarters, when officers are serving without troops and at posts where there are no public quarters which they can occupy, have been established:

First. At Boston, New York, Philadelphia, Baltimore, Washington City, Charleston, Key West, Mobile, and New Orleans, and at all posts and stations in Texas, and in the Territories of New Mexico, Oregon, and Washington, $9 per room.

Second. At Detroit, Chicago, and Saint Louis, and at all places east of the Rocky Mountains not heretofore enumerated, $8 per room.

Third. At San Francisco, $20 per room; at all other places in California, $12 per room.

At the time this was the rule the pay of officers was less than it now is, the currency of the country much less valuable, and the expense of living much greater.

Of late this amount has been increased to $18 per room per month throughout the country; so that now a colonel when on detail will receive $90 a month or $1,080 a year as commutation for quarters, while the colonel upon the frontier, who lives in a tent and daily risks his life in Indian warfare, gets no commutation of quarters.

A lieutenant-colonel, or a major, having a good time on duty at the Centennial, draws $70 a month as commutation of quarters, while the lieutenant-colonel or the major on duty in the field draws no commutation of quarters.

The captain on detail draws $54 a month as commutation for quarters, and the lieutenant $36.

The bill gives these officers on detail as commutation for quarters the following amounts: A colonel, $12 per room per month, $60 a month, or $720 a year; a lieutenant-colonel, or major, $48 per month, or $576 a year; a captain, $36, or $432 a year; and a lieutenant, $24 a month, or $288 a year.

In the opinion of the Military Committee, this was a fair and just reduction to make. The House, in passing the pay bill, approved this reduction. This makes a saving of $107,839.30 a year.

I ask to have read the following extract from the letter of a distinguished officer of our service on this subject.

The Clerk read as follows:

The old allowance when I entered the Army for officers was $9 per room. It is now $18. Cut it down to $12, in other words, cut down the estimate for appropriation for renting officers' quarters 33⅓ per cent. This will hire them better quarters than they get in garrison. In fact, the pay of officers being fixed by law, but the allowances being largely fixed by officers at Washington, the allowances are largely in excess of the pay, and have continually grown that way.

The pay of captain is now $150 per month, as against $125, or thereabouts, in 1861. The allowance for quarters is just double, or 100 per cent. increase, as against 20 per cent. of pay.

In the English army officers in their colonies receive double pay; in India quadruple. In ours the officer finds his compensation decrease as his service and risks grow greater. For instance, a captain taking the field has no quarters or fuel for his family; has to board them somewhere out of his $150 a month. In garrison he has modest quarters assigned him and fuel brought him. He has a cook-stove, some pine-tables, and five chairs, and his $150 a month besides. Let him get a detail in a city and he finds himself allowed $54 a month for quarters and an average of $40 for fuel, or an addition of two-thirds to his pay.

This is either too large for allowances or too small for pay.

Again, by taking the reduction out of the allowances, the condition of the officer on duty with his men is more nearly like that of those who are more favored. Reducing the allowances will do something toward preventing such a pressure of officers to get on all sorts of boards which take them to cities; boards to buy horses, boards to examine fire-arms, centennial boards, &c., and the *morale* of the Army would be thus far improved.

Believing that the question of where to pare would come up and that some paring is inevitable, I would respectfully invite your attention to the result of my fifteen years' experience as a captain in the line. I would not turn any laundress away, but would dispense with them as fast as they naturally pass out.

For a last item, quit building forty-thousand-dollar houses for second lieutenants of ordnance to live in, and quit building one-hundred-and-fifty-thousand-dollar houses for commanders of ordnance depots to live in, even if it does employ men in somebody's congressional district. For further information on this head, look at ordnance buildings at Rock Island.

Mr. HURLBUT. Who is the writer of that letter?

Mr. FORT. Give his name.

Mr. BANNING. The letter was written to a gentleman on the Committee on Military Affairs, the gentleman from Virginia, [Mr. TERRY.] The writer is an officer on duty on the frontier. I do not choose to give his name in order to submit him to persecution.

Mr. FORT. We do not want any anonymous letters here.

Mr. BANNING. The letter is not anonymous, but the letter of a gallant and able officer.

I trust this bill will receive the cordial support of the House and be passed without unnecessary delay. I am glad, sir, that the provisions of the pay bill of the Military Committee are embodied in this bill for another reason than those I have mentioned. When the pay bill passed this House many gentlemen who generally vote right, who did not have an opportunity to examine that bill, followed blind leaders and voted against an economy which is not only fair and just, but which is generally approved by the men whose salaries are reduced.

The CHAIRMAN. By the order of the House general debate upon this bill is now closed, and it will be read by paragraphs for amendments under the five-minute rule.

Mr. MILLS. I would like to ask the gentleman who has this bill in charge why it is that in reporting all the appropriation bills to this House the Committee on Appropriations have cut down the pay of all the officers and employés of the Government except in the naval appropriation bill?

Mr. RANDALL. I believe that the naval appropriation bill is not now under consideration. I can answer any question that pertains to this bill.

The Clerk read as follows:

That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, $12,000 a year.

Mr. FOSTER. I move to amend the clause relating to the pay of the General of the Army by striking out $12,000 and inserting $13,500. And I propose to make a like motion in relation to the next clause applying to the pay of Lieutenant-General of the Army. The amount named in my amendment is the amount now paid the General of the Army. The compensation of the General and Lieutenant-General of the Army was fixed, not because the Congress of the United States or the people of the United States thought that the offices required that amount of pay, but because a grateful people desired to give to the officers holding those positions a competency for distinguished services. For that reason, and that reason alone, was the salary of the General of the Army fixed at $13,500 a year.

It should be remembered also that these offices expire with the lives of the generals now occupying them. I appeal to the gentlemen on the other side of the House, especially to those who fought on the opposite side during the late war, to stand by this proposition of reward to these distinguished generals, and let them continue to receive what a grateful people in the hour of their triumph thought they ought to receive.

Mr. MILLS. Why not make the salary of the General of the Army the same as that proposed for the Admiral of the Navy, $13,500 a year?

Mr. FOSTER. We are not dealing with the Admiral of the Navy now.

Mr. BANNING. In reply to my friend from Ohio [Mr. FOSTER] I have but this to say: the General of the Army is now receiving $18,081.91 a year. The pay for the General of the Army was first fixed when General Grant was appointed to the position, and during his time it was reduced a small sum.

The Committee on Military Affairs took this matter fully into consideration and reported to the House in favor of reducing the pay of the General of the Army to $10,000 a year, believing that that was sufficient pay for that officer at that time. He was then living at Saint Louis. Since then orders have been issued transferring the headquarters of the Army to Washington, and the Committee on Appropriations have reported in favor of giving the General of the Army $2,000 more; that is, $1,000 a month.

I think that is good pay in this country at this time. It is large pay for him.

The gentleman says this was given to him because he was a distinguished soldier in the Army. I grant it; but how many distinguished soldiers of the Army who were major-generals, regular-Army officers—such as Stanley, who saved the battle of Franklin—are to-day not only not receiving the pay they then received, but reduced from the pay of major-general and simply receiving the pay of a colonel in the Army? Not only Stanley, but hundreds of others have been thus reduced.

This Government cannot pay these men with money. Money will not reward them. They did not risk their lives or give their blood for the money to be paid, but for their country.

But, sir, to-day, when the Government pays the General of the Army $12,000 a year, is it not paying him well? It pays him more than any officer of the Government except the President of the United States. I would gladly give this to the distinguished General of our Army, but it is not mine to give. Nations must be just before they are generous with the people's money. Nay, I do not believe it is the right of a legislator under any circumstances to be generous in giving more of the people's money than necessity requires. Let us in place of increasing these salaries decrease them, and thus reduce the burden of taxation imposed upon the people. Let us not give it all to the General of the Army, but let us also be just to others. Let us reduce as far as may be right the burden of taxation, which to-day is piled upon a million and a half of the very men who fought in our Army to save the Government and who are now getting nothing.

This is a fair reduction. The House has agreed to it once. I trust it will stand by it now. I believe this is enough. It is as much as the country will justify us in giving. It is as much as we ought to give. The Military Committee agreed to it. The House agreed to it when it was less. We ought to stand by it now, because I think it is enough.

[Here the hammer fell.]

Mr. HURLBUT. I move to strike out the last word.

I do not intend to antagonize the clear right of the majority of this House, which I have always believed in, to shape legislation; nor do I intend to throw any obstacle in the way of the rapid progress of business. Especially it was not my intention to attack the reduction

made by this bill as it had been passed upon by the House already in the military bill. But as the question has come up here now, I desire to submit to the House there is a great deal of force in the suggestion made by the gentleman from Texas. This House has no right to place the Admiral of the Navy, whose assimilated rank is precisely the same as that of the General of the Army, upon a different and better footing. And as the naval appropriation bill continues this pay of $13,500 to the Admiral of the Navy, it is simple justice to the General of the Army he should stand upon the same basis, given by the nation long ago. The two ranks are precisely alike. Therefore, sir, I hope we may have a fair and distinct vote on that question and upon the one which is to follow in regard to the rank and pay of the Lieutenant-General of the Army.

Mr. RANDALL. I wish to direct the attention of the gentleman from Illinois to the fact that in the Navy the officers partook of prize-money, from which officers of the Army were debarred. Naval officers not only had that opportunity and realized enormous benefits, but the same advantage is open to them in the future.

Mr. HURLBUT. And is that the reason therefore you should keep their pay high?

Mr. RANDALL. No, I wish it to be equal. The pay of the Admiral should be $12,000.

Mr. HURLBUT. But has it not been passed?

Mr. RANDALL. It has not been considered, so far as I know. We have raised this pay from what the House and what the Military Committee recommended.

Mr. MILLS. It is being considered as an amendment to the naval appropriation bill.

Mr. HURLBUT. The pay of the Admiral so far as the action of the House is concerned has been placed at $13,500.

Mr. BANNING. His pay should be $12,000.

Mr. HURLBUT. Why not make it so?

Mr. BANNING. That was not my business.

Mr. HURLBUT. I hope we will have a division on this amendment. I withdraw my formal amendment.

Mr. ATKINS. The House will observe that the present bill fixes the pay of the General at $12,000; whereas the bill (H. R. No. 2817) which was reported from the Military Committee and passed the House fixes his salary at $10,000. The Committee on Appropriations felt that $12,000 was enough, and that the pay of the General should be fixed at that rate.

The question being taken on Mr. FOSTER's amendment, there were—ayes 19, noes 61.

So (further count not being demanded) the amendment was agreed to.

The Clerk read the following paragraph:

The Lieutenant-General, $9,000 a year.

Mr. FOSTER. I move to amend by striking out "$9,000" and inserting "$11,000."

I move the sum asked in this case as in that of the General himself. It is no answer to say that we may economize on these two officers. I repeat that these salaries were fixed for distinguished services, and I am sure that my colleague is mistaken when he says that the country demands that the salaries of these distinguished generals, which were fixed because of their distinguished services to the country, should be reduced by the amount here proposed.

Probably of all the reductions that have been made here in this House where they ought not to be made—I will not characterize them—this is the smallest and the least. I tell you, Mr. Chairman, that the people of this country do not ask that these distinguished generals shall have their salaries reduced. If you are going to put it upon a mere question of what is a proper compensation, you may reduce it to what you think officers of that rank ought to have. But do not in this centennial year, if you please, reduce the salaries of generals who have rendered such distinguished services. The responsibility is with you, gentlemen on the other side, and if you attempt to do this thing I tell you the country will not stand by you.

Mr. RANDALL. The Military Committee recommended and the House passed a bill fixing the pay of a lieutenant-general at $8,000. The Committee on Appropriations, so as to indicate to the country that there was no possible hostility in any way whatever toward these officers, has raised the salary to $9,000. And I might as well make the general remark here as anywhere else that, so far as this side of the House is concerned and that part of it to which the gentleman rather by inference than in any other way alluded—is concerned, great kindness and consideration have been shown to the Army, and a great sensitiveness has been exhibited lest we should in any degree do any act that should imply a reflection upon the Army of the United States. I have admired very much in those gentlemen that spirit of magnanimity which they have exhibited in this particular. Their magnanimity sometimes in this respect has led, as I have thought, into extravagance; but I have always attributed this to the fact that they were prompted, perhaps, by their hearts rather than their heads.

This House therefore is not chargeable, nor this side of it, nor any portion of it, and least of all that portion, with anything which looked like an effort to make a reduction of the expenditures of the Army which would produce inefficiency or cause any hardship to any officer or private in the Army. It is due to those gentlemen to say that; and that any cutting that has been done as against the Army has rather been done by those who stood by the Union in every respect during the conflict.

I do not think that this bill in any degree impairs either the efficiency of the Army or the *esprit de corps* at all. No such purpose is intended.

Of all the appropriation bills that have been submitted to the House there has been none, so far as I have been able to see and know, that has received more generally the approval of the Department with the discharge of whose duties it is connected than has this bill. There is really no complaint, so far as I know on the part of the Department as to the changes proposed, although there may be a difference of opinion as to some minor points. There is really no objection to the bill on the part of the War Department.

Mr. FOSTER. I do not propose to make any factious opposition to this bill. Perhaps I will not occupy the floor again. I rose simply to say that the gentleman from Ohio, my colleague, the chairman of the Committee on Military Affairs, and the chairman of the Committee on Appropriations have stated to the House that this bill is in accord with the views of the Army officers and of the War Department. They have failed to produce a single line from any single officer to that effect, and I wish to say that so far as my interviews with those gentlemen are concerned, I should be disposed to take exactly the contrary view on this question.

Mr. RANDALL. I spoke of the main, of the large reductions; I did not speak of the reduction of these salaries. Of course they have human nature as well as the rest of us.

Mr. FOSTER. This bill, for the number of officers and the size of the Army proposed, so far as I can judge, is a fair one. I believe a proper amount is appropriated for the number of men; for the size of the Army. And I do not propose to make any factious opposition to it. There is no quorum here and I want gentlemen to get along with their bill.

Mr. RANDALL. I did not suppose that the amendments were offered in any factious spirit.

Mr. FOSTER. Not at all.

Mr. HOLMAN. I move to strike out the last word.

Mr. Chairman, I think the gentleman from Pennsylvania has spoken the truth in saying that in dealing with this subject there has been great consideration for the distinguished gentlemen who hold the higher official positions in connection with our Army. Not only that, but there has been a very great anxiety to avoid any seeming reduction of the military force of the Government, or the appropriation for it that might by any human possibility impair the efficiency of this branch of the public service, or diminish its importance in the estimation of the country.

But, taking the item which is now under consideration, the appropriation of $9,000 for the coming fiscal year for the office of Lieutenant-General, I think the gentleman from Ohio, whose drift of opinion is generally admirable and patriotic, misapprehends the sense in which he makes use of the term "the centennial year." He says that in this centennial year there should not be a discrimination in your legislation against the distinguished gentleman who holds the high office at the head of our military establishment.

Now, sir, this salary of $9,000 a year is certainly a very ample salary. It is the third highest salary, except I believe the Chief Justice of the Supreme Court of the United States, under this Government. The salary paid to the General of the Army is the second highest salary paid by the Government. Nine thousand dollars a year is $750 a month, and the high services which the distinguished gentleman who holds the position rendered in the cause of the nation would perhaps alone justify such a salary. He is in some sense a representative of that great army which but a short time since was shaking the very earth in the struggle for the Union.

But my friend forgets that this is the centennial year, although he used the term. He forgets the spirit of the period which the present year typifies and of which it is the symbol, the Government of the people, by the people, and for the people; a Government under which every citizen who well and truly fulfills his duties of citizenship is to receive proper recognition at the hands of the Republic.

Now, my friend does not seek to bring forward the bill to equalize the bounties of soldiers——

Mr. FOSTER. The gentleman has no right to put me in that position.

Mr. HOLMAN. Let me finish my sentence. We paid these men in the ranks, who bore the heat and burden of the day in that fearful contest, a vast number of whom fell upon the field, the little pittance of $16 a month. We paid some of them no bounties at all, and we paid some of them only $100; some more and some less. We delayed last Congress and we have delayed up to the present hour in this Congress to do them justice because it is objected to by some gentlemen that the Treasury cannot bear such a drain on it at this time. That was the argument in the last Congress and it is the argument of this Congress.

You pay the widow of the soldier who sacrificed not only health but life itself in defense of the Republic $8 a month or $96 a year to support herself and her little children, the orphans of the dead soldier. You pay only $96 a year to the widow of the man who sacrificed his life for this Republic, and yet the gentleman in this centennial year stands up and speaks about the discrimination against the

officers of the Army because we do not fix the compensation of the Lieutenant-General at a rate exceeding $9,000 per annum.

[Here the hammer fell.]

Mr. FOSTER. If I understood the gentleman from Indiana he charged me with opposing the bringing forward of the soldiers' bounty bill.

Mr. HOLMAN. O, no, I did not use the word "opposing;" I said the gentleman had not been pressing.

Mr. BANNING. I merely desire to say one word in reply to my colleague, which is this: The Lieutenant-General of the Army now receives $13,593.86 a year. The Military Committee reduced his salary to $8,000 a year. The Committee on Appropriations have put it up $1,000. Now my colleague tells me that this is a reduction which ought not to be made. He says that he knows no officer in the Army who approves this bill, and that he knows of no such evidence. That is only because my colleague has been working so hard on the Committee on Appropriations to perform his duties to the country and to his constituents that he has not had time to look into other matters, or he would know that the distinguished General of the Army whose pay we have just reduced says that if you cut off, cut off at the head, and not at the foot.

Mr. HURLBUT. But you cut off at both ends.

Mr. FOSTER. He says "if."

Mr. BANNING. The gentleman says "if." Is it possible that any gentleman in this House thinks that there is an "if" in the way of the necessity of reducing the expenditures of the Government?

The gentleman says that our constituents will not stand this. I ask him if he is going back to his constituents and tell them that he did not reduce those salaries because the taxation upon them now is not too heavy? There is no "if" in the matter. The necessity is upon us now; the demand is now at our door. It is doubtful if we will have enough to pay the expenses of this Government during the next fiscal year with the present rate of taxation. Where will you get the money; where will you find it?

We have reduced the salaries of all the clerks, those officials that now receive a compensation barely sufficient to support them; we have reduced the salaries of all officers now receiving small pay. Is it not right that these generals of the Army now receiving kingly salaries of $18,000 and $13,000 a year should have their compensation reduced? With any just man the answer will certainly be, yes.

General Sherman said: "If you must reduce, cut down my pay and Sheridan's pay and the pay of the officers who are receiving their thousands, those receiving $18,000, $13,000, and $10,000 a year; cut down our pay, and not the salaries of the clerks who receive so little." I believe this is a just and fair reduction. It will leave General Sheridan $9,000 a year, which certainly is enough for him. Why should he have his pay fixed at $13,000 a year, when other officers equally distinguished with himself, equally useful to the country, officers who led their commands into the thick of the fight, who have suffered all the hardships of war, have their compensation reduced?

That is not in keeping with the spirit of our Government; it is not in keeping with the spirit of our free institutions. It might be well enough abroad in other countries, where the rule seems to be to pay everything to the kings, the emperors, the generals of the army, and nothing to the subject and the private soldier. But in this land of equality that rule will not do. It will not do for my friend and colleague, [Mr. FOSTER,] who tells me that my constituents do not demand this at my hands—it will not do for him to stand upon that sandy foundation, for strong as he is with his constituents, and worthily so, he will go down upon that sand-bar sooner, I believe, than I will upon the proposition to reduce the salaries of men who are overpaid, and not to reduce too much the salaries of men who are not now too well paid.

The question was then taken upon the amendment moved by Mr. FOSTER, to make the salary of the Lieutenant-General $11,000 a year; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

A second lieutenant, (not mounted,) $1,400 a year: *Provided*, That for the first four years' service second lieutenants (mounted) shall receive $1,300 a year and second lieutenants (not mounted) shall receive $1,200 a year.

Mr. HURLBUT. I move to strike out the proviso of the paragraph just read. I make that motion in order that I may have the opportunity to state to the House, from some knowledge of this matter, that the first four years of service of an officer who comes from West Point are among the most expensive years of his life. During that time he is compelled to provide himself with his outfit and all the necessary equipage of his position. I do not believe in the justice of making the distinction proposed by the Committee on Appropriations in this proviso: that for the first four years' service the pay of second lieutenants shall be cut down $200 a year.

Mr. BLOUNT. Is not that outfit procured from the pay of the lieutenant while at the Military Academy?

Mr. HURLBUT. No; he never has enough of that pay left over for the purpose.

Mr. BLOUNT. I understood from the course of the debate on the Military Academy bill that the outfit of the lieutenant when he left the Academy was provided from the surplus of his pay as a cadet.

Mr. HURLBUT. That is not so. There never is a sufficient surplus for the purpose.

Mr. BANNING. I would say to the House that this proviso was reported from the Committee on Military Affairs, and we came to the conclusion that it was proper and necessary, after consulting many officers of the Army, whose testimony is now before the House. Many of the leading officers of the Army say that young officers for the first four years of their service should receive a compensation barely sufficient for them to live upon; that any extra money they might have would be spent in dissipation, and if they have any surplus over the amount required for their support it will be hurtful and injurious rather than beneficial. General Vincent, our present adjutant-general, served in Florida on a great deal less pay than this. The testimony of several of the ablest and most competent officers of the Army is to the effect I have stated.

The Committee on Military Affairs believed that this reduction was not only in the interest of economy to the country, but also in the interest of the young officers, who will be better off, as the old officers say, if they are taught economy when they first enter the service. That is the reason why the Committee on Military Affairs finally agreed to report this proposition.

The amendment of Mr. HURLBUT was not agreed to.

The Clerk read as follows:

SEC. 3. That now or hereafter no officer selected, detailed, or assigned to duty upon the staff of, or as aid to, any general officer, or upon any other duty whatsoever, shall be entitled to or receive any additional rank, pay, or allowance by reason of such selection, detail, or assignment; and all laws or parts of laws in conflict with the provisions of this section are hereby repealed.

Mr. HURLBUT. I should like to ask the gentleman in charge of this bill what is meant by the language—

That now or hereafter no officer selected, detailed, or assigned to duty upon the staff of, or as aid to, any general officer, or upon any other duty whatsoever, shall be entitled to or receive any additional rank, pay, or allowance by reason of such selection, detail, or assignment.

Does he mean that a captain detailed on the staff of the general commanding the Army shall not have staff rank? Is it proposed to keep him at his lineal rank in the Army?

Mr. BANNING. I think that word "rank" should be stricken out, and it should be "pay and allowance."

Mr. HURLBUT. Then I move to strike out the word "rank."

Mr. HOLMAN. The pay is the substance of the matter.

Mr. HURLBUT. I supposed you meant pay only, and therefore made the suggestion to the House.

Mr. HOLMAN. There is no objection to the word "rank" being stricken out. It was intended merely that there should be no increase of pay, and in that regard the section is perfectly proper.

Mr. HURLBUT. Then I move to strike out the word "rank."

The motion was agreed to.

Mr. HURLBUT. I move to offer a substitute for the whole of section 3.

The Clerk read as follows:

Any officer selected, detailed, or assigned to duty upon the staff of, or as aid to, any general officer shall be entitled to receive the pay and allowances of the grade in the Army next above his actual rank in the Army.

Mr. ATKINS. I hope that substitute will not be adopted.

Mr. HURLBUT. The Military Committee, when they had the military bill under consideration, as I remember, for I have not the bill before me now, agreed substantially to that proposition; and I wish to state to the House the effect of and the reason for the substitute. We will take for example a captain of the line who is assigned to staff duty with a major-general of the Army. He is generally removed from his quarters. The quarters of the major-general are established in a city where the cost of living is much higher, and it is only just and right, in my opinion, that he should be entitled to the pay of the rank next above his lineal rank in the Army to make good the additional expense which he is subjected to. Otherwise you make the position instead of an honor a burden on the officer. You compel him by assigning him to this honorable position of staff officer to incur a larger expense than he would if he were in garrison or in the field. I think it is just and right, and I hope the substitute will be adopted instead of the section as it now stands in the bill.

Mr. RANDALL. I hope the amendment of the gentleman from Illinois will not prevail. The third section gives no additional pay to an officer because of his assignment to staff duty, and in my judgment there should be none, for the officer who is assigned, taking in his period of service, takes his chance as to that assignment. Indeed there has been no little criticism in reference to these assignments of officers to staff duty.

Mr. HURLBUT. And very properly so.

Mr. RANDALL. There has been much criticism which I do not propose to discuss, as it would be entering upon personal matters, in reference to which at this time I do not wish to allude. The fact is, Mr. Chairman, these staff assignments are very desirable and much sought after. There are no officers hardly in the Army anywhere who do not desire them. They are generally very pleasant positions. The consequent increased pay has been the occasion, as we learn, of a good deal of feeling and heart-burning in the service. We therefore have deemed it best to do away entirely with this discrimination as to pay in favor of staff officers.

Let me say to the gentleman from Illinois that this was done after a good deal of reflection and consultation.

Mr. HURLBUT. Let me state to the gentleman, in order that the House may understand this matter intelligently, that the law and

regulations as they stand provide that if you take a captain from the line and make him an aid to the General of the Army, he shall have the rank and pay and emoluments of a colonel, which is entirely too much, I admit; and that if you detail the same officer and make him aid to the Lieutenant-General, he shall take the rank and pay and emoluments of a lieutenant-colonel, and that is too large a premium. But, sir, I believe the amendment I have suggested will relieve all this heart-burning. I do not make so broad a distinction between such service and the line service. Yet the amendment provides that the officers assigned to staff duty shall have a sufficient increase of pay to meet the necessary and inevitable expense under the circumstances.

Mr. RANDALL. The impression made upon my mind and the conclusion which I have reached satisfy me that any difference in reference to pay given to the officer by reason of favoritism because of his assignments we may as well understand are a species of favoritism, officers having been known to assign their own sons upon their staff; that any difference in reference to pay will continue the heart-burning of which I have already spoken. The House can readily see that when increased pay is given to these special assignments to the staff how that will bring about heart-burning. To remedy all such heart-burning in reference to these assignments the best way, in my judgment, is to provide there shall be no discrimination at all as to pay, and that is what this bill proposes to do.

Mr. KELLEY. If my colleague will permit me, I would like to suggest to him that the modification proposed by the gentleman from Illinois seems to me to be an equitable one.

Mr. RANDALL. It is in the right direction.

Mr. KELLEY. It is a long step in the right direction. And I do not think that the difference between the office filled by the officer assigned and the grade above him, as between a captain and a major, or between a major and a lieutenant-colonel, or between a lieutenant-colonel and a colonel, would lead to heart-burning, or would be so material as to induce gentlemen to seek assignments. Nor do I believe that in perhaps a majority of cases in time of peace would this pay the additional expenses entailed by the assignment. I think that this might be done by general consent. It would be a long step in the right direction.

Mr. RANDALL. It is not far enough. That is the only trouble. It still leaves the occasional heart-burnings that would arise from such discriminations. I admit that this is a proposition in the right direction, but it does not go far enough.

Mr. KELLEY. I think that it will be found in practice that it does go far enough; that is, that it provides sufficient compensation for extra expenses incurred.

Mr. HOLMAN. The pay is ample.

Mr. KELLEY. Of course by these assignments you involve these officers in increased expenses.

The question being taken on Mr. HURLBUT's substitute, there were—ayes 33, noes 53.

So (further count not being demanded) the substitute was not agreed to.

Mr. BANNING. I offer the following amendment, to come in at the end of the section:

No officer shall fill any staff appointment or other situation the duties of which will detach him from his company, regiment, or corps until he has served three years with his regiment or corps; nor shall any officer (aids-de-camp excepted) so remain detached longer than four years.

Mr. HURLBUT. That is the law now.

Mr. BANNING. I grant the gentleman there is a possibility that it is the law. But if it is the law, it is constantly violated.

Mr. ATKINS. If no point of order is made on the amendment I do not object to it.

Mr. HURLBUT. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed the reading of the bill, and read the following section:

SEC. 5. That all chaplains hereafter appointed shall be appointed for a term of four years only, subject to re-appointment by the President, with the advice and consent of the Senate.

Mr. DUNNELL. I move to strike out the section just read.

I am unable to see any good result from a change in the existing law in relation to the appointment of chaplains. At present the chaplains are appointed for life; but by this section they are hereafter to be appointed for the period of four years only.

Now, Mr. Chairman, the only effect of this can be to make the chaplains practically office-seekers. You compel men who desire to serve in the regular Army as chaplains to come here and secure their appointments; and then at the end of four years they must come here again and seek a re-appointment. I believe it will result very much in degrading the character of the chaplains of the Army. It is certainly not in the interest of retrenchment, because it will cost the Government as much if they are thus appointed as they are now costing the Government. But to bring the chaplains down to the level of ordinary office-seekers is utterly to degrade the character of the office.

It will be very readily seen that it will be very much better for a chaplain who has had any experience in the service to be re-appointed or to continue in the service rather than that he should be turned out. A man who has been a chaplain in the Army for fifteen or twenty years is unfit to go back into the service from which he came. He is unfit for the office of a minister in any church. His life, for the period of fifteen years he has been in the service, has unfitted him for the kind of duty from which he was taken when he was made a chaplain. I am unable to conceive of any good reason why these men who are to serve in the Army as chaplains should be compelled every four years to seek re-appointment. I say it is simply degrading a high and sacred office.

Mr. ATKINS. I differ with the gentleman from Minnesota. I think, sir, as regards the chaplain who proves himself efficient and worthy there will be no difficulty in his being re-appointed to his position without any office-seeking on his part. If, on the contrary, he should not be an acceptable chaplain, it would be rather hard on the soldiers to have him fastened like a barnacle upon them all his life. I think that the change proposed is a good one. If he is an efficient man, there will be no difficulty about his being re-appointed. If he is inefficient, it would be rather hard upon the service to have him remain all his life, or as long as he chooses, in a position for which he is not fit.

Mr. BANNING. I move to strike out the last word.

I wish to say to the gentleman from Minnesota [Mr. DUNNELL] that this was a suggestion that came from the Military Committee. It came originally from General MACDOUGALL, a member of that committee, and I wish to give the gentleman the reason for it. This change was recommended because it turned out on examination that the majority of the chaplains in the service are not very worthy men; that as a whole they are not very useful men. This amendment was introduced in order that the appointments might be made over again, and that the Army might get the advantage of having better chaplains.

On this subject we have much testimony; and I desire to have read the opinion which General Palmer has of the Army chaplains, and then I believe my friend from Minnesota will have no objection to the law being made as proposed in this bill. I hope every gentleman will listen to this passage, that he may see the reasons for the change.

The Clerk read as follows:

I cannot leave this subject, however, without bringing to your attention what almost every intelligent officer considers the greatest incubus in the Army—that is, the post chaplains. A more useless and worthless set of drones and idlers were never fastened upon any body of men. The men who have been appointed to these positions are generally characterless men, who are no example to either the officers or men, and they bring the Christian religion into contempt wherever they go. These are hard words to say, but when I say that the Army chaplain is a by-word and a reproach to the Army I merely state what nearly every intelligent officer knows to be a fact. There are a few honorable exceptions. But unless we can procure refined and cultivated gentlemen to administer to the religious wants of a man we had better have none at all.

Mr. BANNING. Now, Mr. Chairman, allow me one word. That is the opinion of General Palmer, and there are half a dozen other opinions of a similar character in this report showing that these men are generally men who are of no use in the Army, who are an incubus upon it, and the committee propose that they shall be re-appointed and reconfirmed every four years. If they are men of good character, there will be no difficulty in securing their re-appointment and re-confirmation by the Senate. I think the Army should be relieved of such men as are described in the letter of General Palmer, and that proper men should be appointed to administer to the spiritual wants of our soldiers.

Mr. DUNNELL. I do not see how the change in the law which the gentleman proposes will get rid of the bad men now acting as chaplains. It proposes to let the existing chaplains remain; and this change of law applies only to those to be appointed hereafter. Now, I would like to have him tell me how that is going to help the matter. This change in the law does not propose to discharge the chaplains we now have; and the communication which has been read is not evidently in favor of chaplains at all; and I should say that the writer of that letter needs the prayers of a good chaplain. I am unable to see how we are to better that branch of the service if we are to keep in under this bill all the existing chaplains, simply providing that hereafter they shall be appointed once in four years.

The letter which has been read looks to doing away with chaplains altogether; but you do not propose that, but simply more frequent appointments. Now, sir, when there is a vacancy in the office of chaplain there will be a dozen men who want the place, and there will be a scramble for it, and, if it is to be but for four years, that scramble will be repeated every four years.

I trust, Mr. Chairman, inasmuch as there is no retrenchment in this section, that my motion to strike it out will prevail. I do not know but that the section could be objected to on the point of order. It is new legislation and there is no retrenchment in it. I am not given to making points of order or perhaps I would have made one on this section. I repeat that it is new legislation and there is no retrenchment in it, and I hope the committee will strike out this obnoxious provision.

Mr. BANNING. If there is anything in the point of order it certainly comes too late; but the provision is certainly in the direction of reform: it turns off the bad chaplains and secures good ones. Now the gentleman says that this does not take us in the direction of getting better chaplains for the Army. I think he is mistaken. I have sufficient faith in the Senate to believe that, when a chaplain comes to be confirmed again and it is brought to their notice that that man is worthless, the Senate will not confirm him.

Mr. DUNNELL. But you do not propose to get rid of the men now holding these offices under this bill.

Mr. BANNING. They have to come back for re-appointment.

Mr. HURLBUT. Let me call attention to one thing. This section 5 only applies to chaplains hereafter appointed. That was not the proposition of the Committee on Military Affairs.

Mr. RANDALL. The Committee on Military Affairs want it to apply to those already in the service.

Mr. HURLBUT. Certainly.

Mr. RANDALL. The Committee on Appropriations hesitated to strike out these chaplains in the Army who had been appointed on the supposition and in fact under a law which made them permanently in the Army. The proposition of the Committee on Appropriations is that in all future appointments it shall be for four years only. There is a good deal of force in the argument as to the character of these chaplains who are willing to go into the Army. Sometimes we get chaplains in the Army who do not come up to the religious standard, and hereafter every four years we can adopt the old Methodist policy, of probation and if a chaplain does not come up to the requirements of the service we can get rid of him. As it is now, a bad chaplain is fastened upon the service for his life-time. There is a great deal of force in the amendment proposed by the Committee on Military Affairs which applies to chaplains hereafter appointed, but the Committee on Appropriations hesitated to make war upon chaplains, even though sometimes chaplains that have received appointments do not have those evangelical qualities which ought to predominate in that class of human nature.

Mr. BANNING. I suggest to the gentleman that he make an amendment to strike out the words "hereafter appointed;" so that it will read:

That all chaplains shall be appointed for a term of four years only, subject to re-appointment by the President, with the advice and consent of the Senate.

Mr. ATKINS. The gentleman can submit that motion to the committee and the committee can act upon it.

The question was taken on Mr. DUNNELL's motion to strike out the fifth section of the bill, and it was not agreed to.

Mr. BANNING. I now move to strike out the words "hereafter appointed," so as to make the section apply to all chaplains, those now in the service as well as to those hereafter appointed; and I wish to say that the letter read here from General Palmer shows that it should apply to all chaplains.

The question was taken on Mr. BANNING's motion; and there were—ayes 35, noes 27; no quorum voting.

Tellers were ordered; and Mr. DUNNELL's and Mr. BANNING were appointed.

The committee divided; and the tellers reported ayes 42, noes not counted.

So the motion was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 6. That the number of cavalry regiments is hereby reduced to eight, and the number of artillery and infantry regiments to twenty-three. And the Secretary of War, as soon as the requirements of the service will permit, holding in view the least expense on account of transportation, shall cause the reduction to be made by the merging of the enlisted men into other organizations, either of their own or other regiments, by the consolidation into troops, companies, or otherwise, and the assignment of the commissioned officers to duty with the consolidated troops or companies, or with other regiments of their respective arms: *Provided*, That the officers of the discontinued regiments may be assigned to other regiments of their respective arms, according to their dates of commission, as vacancies may occur, and any officer, on his own application, may be honorably discharged with one year's pay; and sections 1104 and 1108 of the Revised Statutes are hereby repealed, and hereafter there shall be no distinction in the service on account of color.

Mr. DURHAM. I move to amend that section in the third line by striking out the word "three" after the word "twenty," so as to reduce the number of regiments to twenty instead of twenty-three.

Mr. Chairman, at the commencement of the last session of Congress my recollection is that the whole military force of the United States amounted to 30,000 men. During the last Congress the military force was reduced 5,000, and now under this bill I see that the Committee on Appropriations propose to reduce it 2,000. I had supposed after making some very thorough investigation of this subject during the last Congress that the standing military force of the United States ought not to exceed 15,000 men. It is true that I am willing to submit in some degree to the estimates made in this regard by the Military Committee and by the Committee on Appropriations, but if I could have my own way I would not have one single man in the service exceeding 15,000 men. I am willing, however, to concede that the number stand at 20,000, and my amendment contemplates reducing the force to 20,000, and when we come to the second clause of this bill I shall offer an amendment, in case my amendment prevails, to make it conform to the first one.

Now, why do I make this statement? When I look to the vast Northwest, to the Middle and the Eastern States, I do not find any cause there for military force except upon the frontier; but as soon as I pass a certain line, dividing the North from the South, I find a company here and a company there in States where, in my humble judgment, there is no necessity for a standing Army. Let me illustrate. In my own congressional district ever since the cessation of hostilities there has been a company quartered at Lancaster, in the county of Garrard. I am sorry to say that they perform no services.

I may refer also to another company stationed at Lebanon, Marion County, in the district of my distinguished colleague, [Mr. KNOTT.] I never heard that they performed one iota of military service. Now why is that $10,000 appropriated for the maintenance of the one company, and $10,000 for the maintenance of the other? I ask what are their services? Why are our own militia called on whenever there is military action required of that sort? I see that during the last six weeks those two companies have been called away from their stations and located in the district represented by my colleague, [Mr. JONES,] at Newport. Why at Newport? What services are they to discharge there? Are they to guard Cincinnati or the Ohio River? Not at all. You had much better send them on to the Texas frontier, for I believe gentlemen are clamoring here, and no doubt justly, for protection against raiders and marauders who come into Texas from the Mexican territory. If I had my own way I would send all these troops out of the Southern States and send them to the frontier, for that is the only place where they are needed, and for the protection of the frontier in my judgment 20,000 men is sufficient.

Mr. ATKINS. This section only applies to the regiments; it does not apply to the mean force.

Mr. SCHLEICHER. I offer the following amendment:

In section 6, lines 1 and 2, strike out the words "is hereby reduced to eight" and insert "shall hereafter be twelve;" and in line 3, strike out the words "twenty-three" and insert "reduce to eighteen."

The effect of this amendment is to reduce the total number of regiments, but it increases the cavalry service. The service actually done upon the frontier is done by the cavalry. You need infantry only for garrison duty. I will read one sentence from General Ord's testimony before the Special Committee on the Texas Border Troubles:

Question. I suppose that only cavalry is available for active purposes?

Answer. The cavalry is much more rapidly concentrated at any point on the river than infantry would be. This sort of service requires cavalry, for these men are all mounted, and to send infantry after them would be like sending the tortoise to catch the deer.

He refers to the Mexican raider upon our border, and the raiders in these cases are all mounted.

The same is true of the Indians who commit depredations in Texas, and therefore infantry is only useful on the border for garrison duty.

This amendment is for the purpose of making the total number of regiments thirty-one. Now I propose to reduce the total to only thirty-one regiments, but have them distributed in a different manner, so that hereafter there will be twelve regiments of cavalry and only eighteen regiments of infantry, instead of twenty-three, as the bill here proposes, and you cannot reduce the cavalry without involving very great injury on the people of the frontier.

I therefore propose that this section shall be amended as I have indicated. The proposition of the Committee on Appropriations is that the present number of cavalry regiments, ten, shall be reduced to eight and that the present number of infantry regiments, twenty-five, shall be reduced to twenty-three, making a total of thirty-one regiments. I propose to reduce the total number of regiments to thirty, instead of thirty-one, but to have them proportioned in a different manner; that is, that there shall hereafter be twelve regiments of cavalry and only eighteen regiments of infantry.

Mr. THROCKMORTON. I would inquire of the chairman of the Committee on Appropriations [Mr. RANDALL] what will be the difference in cost between the proposition of the Committee on Appropriations and the proposition of my colleague, [Mr. SCHLEICHER?]

Mr. RANDALL. I think the expense of a cavalry regiment now is about $708,000 a year and of an infantry regiment about $330,000 a year. It must be remembered that there are more men in a cavalry regiment than in an infantry regiment.

Mr. HURLBUT. A regiment of cavalry costs more than twice as much as a regiment of infantry, partly because the cavalry regiment is larger.

Mr. ATKINS. In answer to the gentleman from Texas [Mr. THROCKMORTON] I will say that the cost of a cavalry regiment is $708,216 a year, of an infantry regiment $331,985 a year. As the gentleman from Illinois [Mr. HURLBUT] has said, a cavalry regiment costs more than twice as much as an infantry regiment.

Mr. SCHLEICHER. Allow me one moment. I would call the attention of gentlemen who are familiar with the service to this fact, that if the number of men in a cavalry regiment is made as small as in an infantry regiment the service will be so heavy upon the troops that there must be very frequent remounts. With a small force all the regiments would be continually in the field, and the horses would have no opportunity for rest. If a cavalry regiment should be made as small as an infantry regiment the additional cost in the way of remounts would make the total expense as large as it is now.

Mr. RANDALL. There are twelve companies in a cavalry regiment and only ten companies in an infantry regiment.

Mr. THROCKMORTON. I trust the amendment of my colleague [Mr. SCHLEICHER] will be adopted, for I think the reasons why it should be are very cogent. I will not speak of any other portion of the country than that with which I am personally acquainted. From the Canadian Fork, on the northern border of Texas, to the Rio Grande, is about seven hundred miles in a direct line, rather more following the line of frontier. From Brownsville to El Paso, on the Rio Grande, is some one thousand or twelve hundred miles more, making a total line of frontier of about sixteen hundred miles, which is exposed on the one hand to Indian depredations and on the other to Mexican raiders.

It is a fact, which must be known to every gentleman on this floor who is at all acquainted with the necessity of the kind of service required on our frontiers, that infantry is almost entirely useless. They would be of but little service, except it be at Fort Sill, where they might be of service in restraining the Indians about the agency. But for the pursuit of Indians and the protection of the exposed line of frontier, infantry are almost entirely worthless. That applies equally well to portions of the Territories of New Mexico and Arizona, and perhaps other portions of our territory.

In the active duty, the field duty required of the Army, with a comparatively few exceptions, cavalry troops would render ten times the service that infantry troops could do. I do not know what number of infantry is now engaged in that service, but the troops so engaged should be almost entirely cavalry. Although a cavalry regiment may cost more than an infantry regiment, still I believe that in the end it would be a great deal preferable in the way of economy to adopt the proposition of my colleague [Mr. SCHLEICHER] in lieu of the proposition of the gentleman from Kentucky, [Mr. DURHAM;] and I hope the proposition of my colleague will be adopted.

Mr. RANDALL. A bill has already passed the House to reduce the number of cavalry regiments in the Army. The present number of cavalry regiments in the Army, if I am correctly informed, is only ten. The proposition of the gentleman from Texas [Mr. SCHLEICHER] is to increase the number of regiments of cavalry to twelve, or to make the number two more than we now have. I do not think that is desirable. There might be some propriety in continuing the number of cavalry regiments at what they now are, and make the reduction of the Army apply entirely to the infantry and artillery. If I am well advised, I think it is a practice in the Army to mount some of the infantry whenever a necessity requires it.

Mr. MILLS. I wish to ask if my colleague, the chairman of the Committee on the Texas Border Troubles, [Mr. SCHLEICHER,] has not reported from his committee and recommended that there be two additional cavalry regiments provided?

Mr. RANDALL. The Committee on Military Affairs, which is the final arbiter in such matters so far as this House is concerned, reported a bill which was passed by the House reducing the number of cavalry regiments to eight. I hope the amendment increasing the number of cavalry regiments will not be adopted.

Mr. HURLBUT. This section 6 contains some of the most important changes that are proposed to be made in the organization of the Army. I will ask the House to bear with me, although I may be outside of the strict rules of order, in speaking of the different propositions which are made here, and showing what, in my judgment, will be the conveniences and inconveniences of the changes proposed.

The present number of cavalry regiments in the United States Army is ten, of artillery regiments five, and of infantry regiments twenty-five; a total of forty regiments. The proposition in this bill is to reduce the ten regiments of cavalry to eight and to reduce artillery and infantry to twenty-three. It is a very bad style of legislation to legislate in that way, because you must leave the discretion of reduction in the two arms, not fixing it by the House, to the Secretary of War. I have said repeatedly in the House—and I do not know there is any use of my saying it again—that, to cover the country we are compelled to cover and garrison our sea-coast and fortresses on the Gulf, to attend to our Pacific slope fortresses, to look after the Indian borders, we cannot get along probably with less than 25,000 effective men; and 25,000 effective men, as every officer's experience shows, means practically an Army of 30,000 enlisted men.

Now, sir, I have here returns of the regular Army, showing where all these troops are posted. I was utterly astonished to hear my distinguished friend from Kentucky [Mr. DURHAM] take the ground he did. I can imagine no reason why a company of infantry should be in his district except to aid in the collection of revenue from illicit whisky. [Laughter.] I do not know of any other reason, as his district is celebrated in that line.

He complains there is a company at Newport Barracks. He knows that Newport Barracks is and has been for the last thirty years a recruiting station.

I want at this time to do away with the notion there is any overshadowing cloud of force resting upon the Southern States so far as the regular Army of the United States is concerned. There is to-day of the regular Army in the whole of the Southern States only sixteen hundred and twenty-four men, and I am not inclined to insult anybody by supposing that scattered force is there as a threat against that population.

We have clamors coming up to us, and just ones, from the Texas frontier. There is a line of four hundred miles in which the authority of the United States is defied every day. Neither life nor property nor pursuit of labor is safe in all that belt of country. It is practically at the mercy of an undisciplined, marauding band of Mexican savages. It is a disgrace and a reproach to the Government. I do not wonder, therefore, gentlemen from Texas ask that the cavalry force should be increased by the addition of two regiments. I do not think it is necessary to do that. I think that ten regiments of cavalry, if you give the Executive power to recruit them to the full strength of twelve hundred men, would cover all our dangerous frontier.

[Here the hammer fell.]

Mr. HANCOCK. Mr. Chairman, I am opposed to reduction of the Army at all. If in the great zeal and patriotic ardor for economy it must be reduced, I hope the House will so reduce it that as little injury as possible will result to those sections that are very inadequately protected, and have been to an extent and for a length of time, in the language of the gentleman who has just taken his seat, as to make it a disgrace and reproach to the Government.

When gentlemen speak of there not being a necessity for as many troops as heretofore, they seem to overlook the changed condition of the country and especially the changed policy in reference to the use of troops. When the frontiers were as before, the condition of the Indian service did not necessitate by one half as many soldiers as at the present time. We have undertaken, and probably wisely, to control by military presence the Indians. Hence we find the great body of the Army employed in that duty. There is imminent necessity for them in the extreme Northwest, where the Sioux are now threatening war. A large portion of the Army is employed in New Mexico and Arizona, and some considerable number in the Indian Territory. I believe seven or eight companies are employed at Fort Sill.

At an early day of this session, in company with my colleagues, I called upon the President. We laid before him the facts, which were not unknown to him, with reference to the condition of affairs on our Mexican frontier; that along the Rio Grande, from its mouth to a distance of over four hundred miles in the interior, a citizen of the United States had no protection for life or person; that in many instances our citizens were compelled to abandon their property and seek safety in little towns and villages. His reply was that he had no disposable force suitable for that purpose; that if he had cavalry sufficient he would like to put it there; that it was disposed as well as it could be, in the judgment of those having charge of that branch of the service; that if he had the power he would properly mount and arm the infantry, thus giving to that exposed frontier protection.

This subject has been one of most laborious investigation by a committee of this House at this session. The report of its labors has been lying on members' desks for two months, and those who have had the inclination to look at it must feel that we have had cause for war with Mexico almost any day for the last ten years, and even before that time.

At present there is a little lull and cessation of incursions in that immediate section of the country by reason of the fact that a revolution has been going on on the other side of the Rio Grande, which has given employment to the desperadoes and marauders who have heretofore been engaged on our frontier. That is about over, and we cannot doubt that the incursions will be resumed, probably with increased force and determination. Cortina, the chief of the band of robbers, has made his escape, and will make his return to his fastnesses in Tamaulipas, and he will make an effort to re-imburse himself for his losses during the length of time he has been in captivity.

The fact that a company has been stationed in Kentucky to look after their crooked whisky, and perhaps for another purpose, is no reason why a district or country larger than Kentucky, which is now or has been virtually occupied by a hostile force, an armed body of men, sometimes actually under officers wearing the uniform of a foreign government, shall not receive protection from the strong arm of the United States. If that company had interfered in that domestic broil of which we were told, I think we should have heard some complaint on the subject; and I believe the officer only discharged his duty in declining to act.

But I see nothing in that as a reason why protection should not be given to that portion of the country which is suffering such terrible disaster and loss. An amount of property is yearly destroyed of far greater value than the amounts that it is proposed here to save. Texas has a bill to pay at the end of the year of from $400,000 to $600,000. We simply ask that justice shall be meted out to us and that the Army shall be preserved in a state of efficiency.

Mr. BANNING. This question was very thoroughly considered in the Military Committee, and that committee came to the conclusion that the Army was small enough. I believe that conclusion was correct, and the House adopted that conclusion in adopting the bill. Now my friend from Kentucky, [Mr. DURHAM,] when he complains of the waste of the force of the Army in his State, I fear has not measured well the strength that is wasted there. I hold in my hand, Mr. Chairman, a statement of troops that are now in the Southern States, and I will read it. There are in Louisiana 701, in Mississippi 336, in Florida 243, in North Carolina 226, in South Carolina 522, in Georgia 317, in Alabama 222, in Tennessee 205, in Kentucky 112.

Mr. HURLBUT. Send that statement to the desk and have it read.

Mr. BANNING. These are the soldiers at present in the Southern States, except on the frontier. Our Army is pretty well distributed. There are only 112 in Kentucky. At the present time our Army is well occupied and hard worked in the Indian wars and in defending the Texas frontier.

The Military Committee have reported a bill in favor of reducing the cavalry regiments to eight and the infantry regiments to twenty. This was a reduction that made the force more available and more useful. It put all the cavalry force that we now have into eight regiments, and left room for six hundred more, making that branch of the service more useful and less expensive.

Mr. Chairman, the great difficulty with our Army, against which gentlemen strike so often, is not in its number of fighting men, but in its number of officers. Why, sir, in an executive document which

has just come into this House, (No. 174,) I discover that we have paid to officers of the Army in this city of Washington alone since 1869 the large sum of $2,207,720.59.

Mr. DUNNELL. How have they been employed?

Mr. BANNING. They have been employed in Washington defending the capital.

Mr. HANCOCK. How many?

Mr. BANNING. I cannot give the number at this moment, but it is here in the document which I have before me.

I think with my friend from Illinois [Mr. HURLBUT] that this reduction of the fighting force of the Army at this time is a mistake. Gentlemen should take into consideration that we have not only the Indian wars to put down, but we have the Texas frontier to protect, which is daily threatened; and not only is threatened but Mexicans are actually coming over and robbing our citizens and killing our people upon our own soil. And when this is being done it is, in my opinion, an unsuitable time to reduce the Army.

In addition to this we have now over four thousand miles of railroad built in and through the Indian country that has no protection, save and except what the Army gives. Now, if we cut off and reduce the officers and thus reduce the expenses, we do well; but when we reduce the men I believe that we are guilty of a great mistake; that it is not statesmanship to do it; that it is not right to do it. And I fear that before we come back here again we may find that we have made a mistake in so doing.

As to the forces that should be reduced, I agree with my friend from Texas [Mr. HANCOCK] that what we need in this country is cavalry and artillery; artillery to protect the sea-coast and cavalry to hunt down the Indian.

Mr. RANDALL. Who is attacking the sea-coast at this time?

Mr. BANNING. No one, I believe. But you in your bill provide for the reduction of the artillery regiments, without taking into consideration that it takes years to make artillery and that it takes years to make cavalry, while the reduction of the infantry may be supplied in a very short time.

[Here the hammer fell.]

Mr. MILLS. Will it be in order to offer an amendment now to strike out the whole of section 6?

The CHAIRMAN. The Chair would state that it is first in order for the committee to have an opportunity to perfect the section of the bill before the question is taken on striking it out.

Mr. MILLS. I wish to state that at the proper time, when it is in order, I shall offer an amendment to strike out the whole of that section. I trust that this House will not be guilty of such a wrong to the people of Texas as to reduce the Army at the present time from forty regiments to thirty-one. Such an act would be equivalent to a declaration of war by the House of Representatives against the people whom the delegates from Texas represent upon this floor. It would simply be putting this House in line with the foreigners who make invasions upon her soil and make war upon her people.

It is known to the House that the State of Texas is now maintaining a regular army for the defense of its people against invasion from Mexico, and has been doing that for years. The gentleman from Pennsylvania says that this question was maturely considered in committee, and this reduction made after mature consideration is justified in the sight of the American people.

What considerations could have entered into the deliberations or discussions of that committee that could have authorized them to come to the conclusion to muster out nine of the regiments of the Army at a time when Texas is knocking at the doors of the Government and asking for more troops? You proposed an amendment to the existing law to reduce the number of infantry and artillery regiments to twenty-three, which amendment leaves it at the discretion of the Secretary of War to have all the regiments of artillery or all of infantry. It does not seem to me that this could have been maturely considered. Not only is the number of regiments reduced; when the bill of the gentleman from Ohio [Mr. BANNING] passed a few days ago reducing the number of regiments, he assured the House that the number of men in the lesser number of regiments would remain the same. But in the bill of the Committee on Appropriations they reduce the fighting force of this Government to 22,000 men instead of 25,000.

Now, General Sherman told us at the last session of Congress that if there was a reduction of the force of the Army it must necessarily come from the Texas frontier. Now what will be the pitiable position of the people of Texas when the three thousand men, the extent to which this bill reduces the Army, are withdrawn from the Texas frontier? You impose upon the State of Texas the duty of raising additional forces and maintaining them out of their own resources. Is that right? Why did they come into the Union if they are to maintain themselves against all foreign powers? One of the main reasons why States come into this alliance is to gather additional strength to maintain themselves against all foreign powers.

I am very much afraid, Mr. Chairman, that we have indulged this idea of economy in this House until it has become a mania, and we are always talking about economy. Why, sir, you may save every dollar you now spend by dissolving the Government entirely. That would be economy, and you could save two or three hundred millions of dollars a year by it.

[Here the hammer fell.]

Mr. RANDALL. I do not think, Mr. Chairman, that there is any subject upon which the general judgment of the country is so well made up, and conclusively made up, as is that judgment which favors a reduction of the Army, provided the frontier of the country is properly protected. Now, in reference to fixing the number of cavalry regiments, we fixed at eight in accordance with the recommendation of the Committee on Military Affairs. We then fixed the number of infantry and artillery regiments at two less than the number fixed by the Committee on Military Affairs, because of a subsequent reduction of the number of enlisted men, and we left it, as indicated by the gentleman from Illinois, [Mr. HURLBUT,] to the discretion of the Secretary of War whether we should have four or five artillery regiments. My impression was, from information I had received, that four regiments of artillery were quite sufficient.

Now, sir, as to the reduction of the force of the Army to 23,000 men. When I came here I was prepared to vote for a much larger reduction, but the Indian troubles have induced me in a measure to change my views in that respect; but I will tell the gentleman why, as one member of that committee, I fixed the reduction of the force at three thousand as the number that could be dispensed with. The very figures given by the gentleman from North Carolina indicate that in nine States of this Union there are garrisoned three thousand men; in the States of Louisiana, Mississippi, Florida, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Kentucky. There are in those States three thousand men garrisoned. I, as one member of the Committee on Appropriations, deemed that the services of those three thousand soldiers could be dispensed with.

Now, mark you, this has no relation to Texas. There are thirty-three hundred soldiers in Texas, and I have not spoken at all of the Army quartered in the North or on the sea-coast. What necessity is there for an Army on the sea-coast? Who is attacking it? Are we in danger of attack upon the sea-border from any nation on the earth?

Now what I want is so to reduce our Army that it shall be exclusively applied to the frontier, where there is occasion for an Army. In my judgment there is occasion for an Army nowhere else. I hope, therefore, that the reduction proposed by the Committee on Appropriations will be adhered to, and that these three thousand men that are now in States able themselves to protect their own citizens without calling upon the United States for assistance will be taken off from the expense of the Government during the next fiscal year.

Mr. KELLEY. Mr. Chairman, I hope that no reduction of any part of the Army will be made. The case of Texas is an obvious appeal for more men than she now has. We cannot measure our present necessities by our past history, especially our ante-war history.

We now have a system of internal taxes, onerous, oppressive, and exasperating, one which requires the maintenance of troops in many sections of the country to enforce it, not only in the fastnesses of the South, for in the city of Brooklyn Government troops have had to clear out the crooked stills and to fight the people in the streets, who were pelting them with stones and other missiles. I reply to my colleague that this system of internal taxation is the enemy that necessitates the maintenance of a force of infantry along the seacoast.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. KELLEY. Not now; when I get through my five minutes I will hear the gentleman.

History repeats itself. We are now living over again the history of England between 1819 and 1823. It required her troops, infantry and cavalry, to hold in order her starving working-people. Our Bristol and Peterloo may come to us, if from now till the 1st of January, 1879, we continue to close workshops, factories, mines, forges, and furnaces as we have since the passage of the resumption act.

Millions of our people are already without employment. During the last eighteen months many of them have had to live upon their savings. Many of them started into that brief period owning their homes. They were well clad; they had many things which the auctioneer might sell, or on which the pawnbroker would advance money. The number of small depositors in savings-banks shrinks away week by week. The total deposits in the savings-banks are taking a retrograde movement and showing a diminution. The workingmen's homes are being sold at sheriff's sale in my city by the tens and by the hundreds. The furniture in their homes is diminishing; their apparel is exhausted. Already in Indianapolis, a fact to which I had occasion to call the attention of the House the other day, the people are asking how they may protect themselves against armed bands of idle and hungry workingmen.

Nearly three years more of this horrible life lies before us. I warn my colleague [Mr. RANDALL] that any economy that will prevent the Government from doing as the British government did, ride down the starving people with dragoons, bayonet them by the infantry, and force them into submission to legal robbery, may, if the resumption act is to be maintained and enforced, deprive the Government of the power to enforce the law.

But if the resumption act should be repealed, if we quit burdening the community with increased taxes for the purchase of silver for small change, and give them the currency they once had, a medium of exchange sufficient in volume to enable the employer to buy labor, and the laborer, having sold his skill and knowledge, to pay for and consume the products of others, we may escape the need of an army in our manufacturing centers. But, on the other hand, if the financial legislation now prevailing is to be maintained, I warn my col-

league and all other mad economists against depriving the Government of power to maintain order in our mining and manufacturing interests.

Mr. RANDALL. We do not want to employ the Army against the poor.

Mr. REAGAN. What we should do is to make all proper reductions in the expenditures of the Government. In making those reductions, however, we should look to the practical necessities of our people.

The chairman of the Committee on Appropriations [Mr. RANDALL] suggests that on looking over the distribution of the present military force of the United States he finds that there are some three thousand troops stationed along through the Southern States where there are no Indians, no hostile enemy; and he supposes that we could well dispense with that number of troops. But whatever may be the cause of the present distribution of the troops a reduction of the force by the number suggested by him will not, I apprehend, have the effect of taking them away from the Southern States. If it would do so I would agree cheerfully to support the reduction. But we cannot, at least for the present year, under the policy which has been pursued by the existing Administration, expect that the troops will be taken away from those States.

Some of them may be necessary for ordinary purposes, as has been suggested, for the purpose of enforcing our revenue laws. Others may be used there for other purposes which I will not now spe k of, because they are not material to the object I have in view.

If we look for what constitutes the real necessity for troops, we will find it is the protection of the people on our frontiers. When we compare the present military necessities with those of the past, we ought not to lose sight of some material facts. One of them is, that by the extension of railroads across the continent, by the advancement of isolated settlements into the different Territories, we have not only not shortened the pre-existing exposed frontiers, but we have increased the extent of frontier settlements which demand protection at the hands of the Government.

We cannot therefore expect, if the Army has done its duty in the past, as we presume it has, that it can do the same duty with a less number of troops or with the same efficiency when greater service is required.

There is a demand for troops not only along the Texas border but in the neighborhood of the Sioux Indians and elsewhere in the Territories. The Indians, on account of encroachments of white settlements upon their territory and on account of their disturbed condition, are restless and disposed in many instances to be hostile. I trust we will in a spirit of humanity deal with that problem, but we must be so prepared as to protect our people.

My colleagues have called the attention of the House to the fact of the actual condition of war which has continued along the Texas border upon the Rio Grande for ten years past. Evidence has been submitted by which it is shown that millions and millions of dollars' worth of property have been destroyed, and hundreds of citizens, not only private citizens but officers of the Government, have lost their lives for lack of sufficient defense and protection on the part of the Government. I concede, so far as protection upon our border against Indians is concerned, it has been better for the last two or three years than for a long time before, but it is not as efficient as desired and as efficient as it ought to be.

In addition to what the Government spends for the protection of our frontier against Mexicans and Indians, I desire to call the attention of the committee to the fact that up to the 23d of December last the government of Texas has paid out $1,536,489 for the defense of her borders. It has not yet been re-imbursed to the State of Texas. I take it that it is better the Government should take the defense of the frontier into its own hands by its own troops than to drive Texas or any other State at its own expense to protect the frontier and then to remain for a long time without being re-imbursed. We owe it to the people, as it was suggested a while ago, in a government like ours, that our citizens ought not only to feel proud of their citizenship, but to feel absolutely secure of the protection of the Government.

[Here the hammer fell.]

Mr. HOLMAN. I trust the argument presented with much force as coming from the Texas frontier can be fully met, while at the same time the reduction proposed by this bill can be made. In other words, I hope the Army can be substantially reduced to 22,000 men, and at the same time the cavalry force, the important force for the protection of the frontier, can be kept up so as to prevent any loss of protection which the Government ought to afford to that section of the Union.

The gentleman from Texas [Mr. MILLS] stated that General Sherman, in discussing this subject, had said that a reduction of the Army meant a reduction of protection to the frontier of Texas. That was what he stated, if I understood him correctly.

Mr. MILLS. He so stated to me: "You have most of the troops in your State, and a reduction of the Army must mean a reduction of that force."

Mr. HOLMAN. That meant that a reduction of the Army would be a reduction of the cavalry force. Now it is clear to my mind that the Army may be reduced to 22,000 men without any reduction of the cavalry force, and yet every facility for protection furnished that Texas or any other section might desire.

I think I am entirely safe, Mr. Chairman, in saying there are five thousand men east of the Mississippi River. The gentleman from Texas has studied this subject more thoroughly than I have, and if I am not correct, he will please correct me. I think I am entirely safe in saying that east of the Mississippi River there are at this time five thousand men. There are posts at the eastern extremity of Lake Superior, at Mackinaw, at Detroit, and at Port Huron, and a long series of posts in the northwestern section or the Union, remote from the Indian frontier, and not required for any purpose of defense, where the number of companies range from two to seven in the aggregate. I think I am safe in saying that at least five thousand men are now stationed where they are not required for any military service. Suppose it is necessary, as was suggested by the gentleman a little while ago, that they will be needed for the enforcement of our revenue laws, suppose it should happen in some portion of the country it should be necessary to use some of our soldiers for that purpose, an event to be regretted and deplored, yet I do not think any one will be willing to agree there would be any necessity for having so many as five thousand men for that purpose.

Mr. MILLS. My colleague stated that when the Texas delegation called upon the President to ask him for protection of the frontier, he stated that he had no disposable force to afford any more protection than was given to the frontier of Texas. The gentleman from Indiana must remember that force on the east side of the Mississippi River is to be continued. The only question, then, is, if you are going to reduce the Army, are you going to take away the protection we now have upon our frontier?

Mr. HOLMAN. Why maintain the posts with five thousand men to the east of the Mississippi, where they are not required for any military service?

Mr. MILLS. That is a question between you and the President of the United States.

Mr. HOLMAN. We have troops stationed at Detroit, Port Huron, and at Mackinaw, in Michigan.

Mr. HURLBUT. Does the gentleman wish to know why?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HOLMAN. I hope I will be allowed a single moment to make a suggestion.

I only wish to say that in point of fact, without reference to the motive, there are on the east side of the Mississippi at least five thousand men. I have not been able to see any detailed statement for the last two years showing the exact number in the various posts east of the Mississippi River. But, judging from the numbers two years ago, I think I am entirely safe in saying that there are at least five thousand men now east of the Mississippi River. If that be true, the only question with reference to the protection of the frontier of Texas as to the military demands of the country is what should be the character of this force.

Now I desire to submit this proposition more as a proposition than as an amendment, that the cavalry regiments be limited to ten and the infantry and artillery regiments to twenty. The question as to the number of men, whether 25,000 or 22,000, is not involved in this proposition. That comes up when that portion of the paragraph is reached. I ask the gentleman from Texas if that would not be entirely satisfactory?

Mr. HANCOCK. That is the number now, and the President stated that he was not able to give more men for the service on the frontier.

Mr. HOLMAN. Having consulted with the other gentlemen who have been concerned in preparing this bill, I make the motion—I believe it can be put as an amend ment to the pending proposition—that the cavalry regiments be ten and the number of artillery and infantry regiments twenty. I offer that as an amendment to the substitute now pending.

Mr. HURLBUT. If my friend from Indiana desires to know the manner in which the Army is distributed I will be happy to furnish him the information. As a matter of fact all the ten cavalry regiments of the United States are now in active service on the frontier; every one of them. Every man that they can carry is in active service on the frontier, either the Indian or the southwestern frontier.

The gentleman from Indiana asked why troops are required at Detroit and at Port Huron. I will tell him. These are the points to which regiments that are exhausted and depleted by having been in southern climates are returned every four years or every three years in order to recruit.

My friend from Philadelphia talks about the artillery. Why, sir, this Government has established a line of fortresses at vast cost all along our coast, and to-day there are not men enough to police and take care of those great and costly fortresses. Gentlemen ask what danger is there of an attack on the sea-coast? I do not know that there is any now. But is it economy to allow those great works to fall to pieces that cover New York and that cover Philadelphia? Or do they consider it more economical to remove the troops whose duty it is to garrison them, and have that work done by men hired by the Ordnance and Engineer Departments in the most costly way it can be done?

The conclusion, to my mind, is inevitable, from looking over as carefully and as conscientiously as I can the disposition of the present force of the Army of the United States, that any reduction whatsoever of the effective force of our Army is a mistake, and involves se-

rious danger. The Committee on Appropriations in this case, as in all others, have proceeded not only without warrant, but without authority. They have not followed either the existing law or the proposed law.

Mr. RANDALL. I would remind the gentleman that the Army was reduced by a republican House very much in this way. We are following the line of that example.

Mr. HURLBUT. Not exactly. Your Committee on Military Affairs reported a bill which was passed here by a strong majority for the reduction of the Army. But it expressly forbade the reduction of a single musket or a single saber. And now the Committee on Appropriations has gone on not only to reduce the number of regiments below what was proposed by the committee that had that matter in charge, but to strike off three thousand more men from the effective force of the Army; and they have done it at their own peril and risk.

Mr. BANNING. If the gentleman from Indiana will withdraw his amendment I will renew it.

Mr. HOLMAN. I withdraw the amendment.

Mr. BANNING. I renew it.

I desire to point out to my friend from Indiana the mistake he makes in his amendment, and I hope the gentleman from Texas will agree with me. As I have already stated and as I repeat again now, the great difficulty in the matter of expense is not in the fighting portion of the Army, but in the officers. Some of the companies are scarcely a corporal's guard.

Mr. HANCOCK. We are satisfied with the proposition of the Military Committee, and only ask the Committee on Military Affairs to stand to it.

Mr. BANNING. We do stand to it. And I wish to say to my friend from Indiana that the present organization of cavalry regiments would permit the increase of six hundred, or, as I have said, six hundred and fifty-seven more men, and then they would not be full. The Military Committee reduced the number by two, in order to do away with the expense of two regimental headquarters and twenty company headquarters, and so as to permit the filling up and strengthening of the regiments and the companies as has been recommended by General Sheridan and the most of our Army officers. This, I think, was a proper reduction to make. It sustains the cavalry force as strong in men as it now is, and admits of its being made stronger. It then reduces the number of infantry regiments, and makes some that now have only one hundred or one hundred and twenty men and companies that have only four or five, stronger in fighting force. I believe that was correct. And my friend from Indiana proposes an amendment that carries us back to the ridiculous position of an army of officers in place of an Army of men. Now, I do not think that with this understanding he will insist upon his amendment. I believe with the gentleman from Texas that we need this cavalry force, and that as arranged in the bill of the Committee on Military Affairs, it will be more useful to the frontier than if an increase be made in the number of regiments. Therefore I hope the matter will be allowed to stand in that shape. The only difference between the bill of the Committee on Appropriations and our own is the reduction of the number of regiments and a reduction of three thousand in the number of troops. This reduction will not, to any great extent, take place before December, though I do not think that is correct. The worst feature, however, of this bill is the possible reduction of our artillery. We had better make a reduction in the infantry of five, six, or eight regiments than dispense with a single regiment of either cavalry or artillery, because this part of our Army can be made useful only by age and experience; and this is the part of the Army we most need.

Mr. RANDALL. Why, then, does the gentleman recommend a reduction to eight regiments?

Mr. BANNING. I have told the gentleman that we recommend a reduction to eight cavalry regiments because if all the cavalry force we now have be put into eight regiments we have room for six hundred and fifty-seven more men than we now have in ten regiments.

Mr. RANDALL. Then we have only to provide for filling up to the maximum eight cavalry regiments.

Mr. BANNING. Yes, sir; we have only to provide for that.

[Here the hammer fell.]

Mr. CHITTENDEN. I do not rise to oppose the amendment of the gentleman from Indiana, [Mr. HOLMAN,] neither am I quite prepared to advocate a reduction of the force of the Army. I am very much inclined to think, however, that there are but two purposes for which the United States need an Army at present, namely, the protection of the Texas frontier and the care of the Indians.

My particular object in rising is, if possible, to relieve the anxiety of the "father of the House," the gentleman from Pennsylvania, [Mr. KELLEY,] in respect to the necessity of maintaining our Army in order to enforce the resumption act, and I wish to give him on this point an easy problem to settle. Within the last ten days, in the States of Massachusetts, Rhode Island, and New York, where money is abundant, there have occurred and been noted in the public prints several first-class commercial disasters, which are only the principal ones, there having been many others of which no notice had appeared in the newspapers. A first-class manufacturing establishment in Massachusetts, with $2,500,000 of capital paid up, has failed. A first-class commercial establishment in New York City, owing $1,600,000, has failed. The great Sprague Manufacturing Company of Rhode Island, with a capital of $5,000,000 or $6,000,000, has closed all its mills. A savings-bank in New York City, which had $1,900,000 of deposits on the 1st day of January, has failed. And now the point which I address to the gentleman from Pennsylvania is that if he will institute an honest and careful investigation in regard to each and every one of those disasters he will discover that the resumption act had no more to do with either of them than it had to do with the death of the late Sultan of Turkey; not a bit more.

Mr. LAWRENCE. Will the gentlemen tell us what had anything to do with them?

Mr. CHITTENDEN. Certainly, if you will give me time. I am familiar with the cases.

Mr. KELLEY. If the gentleman from New York [Mr. CHITTENDEN] does not see that the facts he adduced make out my case, Omnipotence cannot give him the power to perceive the relation of cause and effect.

Mr. CHITTENDEN. I re-affirm my position; and if the gentleman will take the trouble to investigate, he will find that I am right, without the least mistake.

Mr. RANDALL. I ask for a vote.

Mr. HOLMAN. I believe I will withdraw my amendment. I desire, however, to say that if the ten regiments proposed in this amendment, reducing the infantry and artillery down to twenty regiments, would be satisfactory to the gentlemen who represent the Texas frontier, I should, so far as my own vote is concerned, be strongly inclined to adopt the amendment in that form. But it does not seem to me that the gentlemen from Texas have any special desire about this matter. The bill as already passed by the House fixed the number of cavalry regiments at eight; and there was no special objection to it at the time of its passage.

Mr. HANCOCK. But those regiments were required to be filled up to the maximum number.

Mr. HOLMAN. I hope it will be borne in mind that this does not affect the reduction of the force down to 22,000, inasmuch as that is involved in a subsequent proposition.

But the argument presented to-day by the gentleman from Pennsylvania, [Mr. KELLEY,] even if it were offered in a spirit of *badinage*, that it is possible in a government like ours for an Army to be kept up for the purpose of overawing the people, is, to my mind, the strongest reason why the doctrine of our fathers that in time of peace the Army should be reduced to the smallest possible number, and should be used only for the purpose of protecting the frontiers against the Indians, should be solemnly maintained. That argument of the gentleman from Pennsylvania, even if it were uttered, as I hope it was, in the spirit of pleasantry, makes me tremble when I contemplate the fact that there are five thousand men of our Army east of the Mississippi River; and if I thought it possible that in this Government of ours, in this centennial year, the organized Army (not the militia force drawn from the body of the people) could be required to be used for the enforcement of the laws of the land, I should in this centennial year feel——

Mr. KELLEY. Will the gentleman in this centennial year permit me to ask him a question?

Mr. HOLMAN. I should feel that we were not entering upon a century of peace and prosperity, but a century in which the bayonet would play its part in the civil administration of the Government.

Mr. KELLEY. Will the gentleman allow me——

Mr. HOLMAN. I have treated the gentleman from Pennsylvania courteously, and though he always speaks admirably, I hope he will allow me to finish my sentence.

[Here the hammer fell.]

Mr. KELLEY. I would like to ask the gentleman from Indiana a question in my own time.

The CHAIRMAN. Does the gentleman from Pennsylvania make a *pro forma* amendment?

Mr. KELLEY. Yes, sir; I move to amend by striking out the last two words. I desire to ask the gentleman from Indiana for a brief answer to this question: whether he supposes that the fathers of the country ever contemplated that Congress would by adroit legislation prohibit laborers from following their honest employments and doom them to destitution; whether he thinks the fathers believed that under our republican institutions the laboring mass would become such inborn slaves that if thus oppressed they would offer no protest or resistance?

Mr. HOLMAN. I am very glad that the gentleman has asked me that question; I will answer it with very great pleasure. It is a happy reflection that in the end of this century we can call to mind that the purpose of our fathers was to organize a government "of the people"——

Mr. KELLEY. So I supposed.

Mr. HOLMAN. "By the people"——

Mr. KELLEY. So I supposed.

Mr. HOLMAN. "And for the people."

Mr. KELLEY. And not for capitalists alone.

Mr. HOLMAN. Not a government resting on the bayonet, but on the sovereign will of the people.

Mr. LAWRENCE. Yes, sir; that is in the Cincinnati platform. [Laughter.]

Mr. HOLMAN. I say further, that our fathers——

Mr. ATKINS. I rise to a point of order.

Mr. KELLEY. I would further ask my friend from Indiana——

Mr. HOLMAN. I trust that my friend from Pennsylvania will allow me to finish my answer to one question before he asks another.

The CHAIRMAN. The gentleman from Tennessee [Mr. ATKINS] rises to a point of order.

Mr. KELLEY. Are not a majority of the working-people——

The CHAIRMAN. The gentleman from Pennsylvania is not in order.

Mr. KELLEY. Is my time out?

The CHAIRMAN. The gentleman from Pennsylvania is not in order because, as the Chair has stated, the gentleman from Tennessee has risen to a point of order.

Mr. KELLEY. I beg pardon. I did not hear the Chair in the tumult. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee [Mr. ATKINS] will state his point of order.

Mr. ATKINS. My point of order is that there is no question before the committee.

The CHAIRMAN. The point of order is well taken, and the debate between the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Indiana [Mr. HOLMAN] is not in order.

Mr. HOLMAN. I move to amend by striking out the last clause of the pending proposition.

Mr. SCHLEICHER. I accept that amendment of the gentleman.

Mr. HOLMAN. Mr. Speaker, I have been fortunate at any rate in accomplishing one end, which is that the records of this hour shall not go down into the coming century bearing the expression of the gentleman from Pennsylvania [Mr. KELLEY] as a serious utterance. I would regret, and so would the gentleman from Pennsylvania—however by questionable legislation, by adroit measures in the interest of capital, labor may have been oppressed—that those who control the administration of this Government should in this centennial year encounter resistance of the law which would call for the exercise of the military power of the Government to suppress it. I regret that in this centennial year such an utterance, except in the spirit of pleasantry, should go upon our records and float down the coming century. Therefore I consider myself fortunate in having elicited the subsequent utterance of the gentleman showing that his original remark was not made seriously, and that he does not apprehend such resistance to the law as would justify the employment of military power; that he does not believe that in a Government like this the military power could be used to subdue the people. It cannot be done, and it will not be done.

Mr. KELLEY. Will the gentleman permit a brief and pertinent inquiry?

Mr. HOLMAN. It will have to be very brief.

Mr. KELLEY. Is it not true that 14,000 of the 26,000 working-people of Indianapolis, the capital of the gentleman's own State, are without employment, and many of them living on garbage?

Mr. HOLMAN. O, no; my friend puts the matter too strongly.

Mr. KELLEY. That information I get from the papers of Indiana.

Mr. HOLMAN. I trust I have not heard the gentleman aright. I agree with him that the laboring masses of the people of this country are sorely oppressed, but——

Mr. KELLEY. The papers of the gentleman's own State testify that the unemployed workingmen gather decayed potatoes and other garbage from the fronts of stores and other places where they have been thrown.

Mr. HOLMAN. It is no doubt true that large numbers of people in that recently prosperous city have been thrown out of employment, and like men they have made their appeals to each other for help and like men they are standing shoulder to shoulder and furnishing aid and succor to each other. But, thank God, neither at Indianapolis nor elsewhere are the laboring-men of this country reduced to such a condition that they are not still able to stand up in the light of day feeling that they are men, with the surroundings of men and the rights of men.

Mr. KELLEY. I quote from their statements as published in the Indianapolis papers. One at least admitted editorially that a respectable, well-known, worthy workingman and his family had been living on garbage, on decayed potatoes thrown out from market stores.

Mr. ATKINS. I move that the committee rise in order that the House may close debate on the pending section.

Mr. HOLMAN. I hope that the gentleman from Pennsylvania will take back his imputation upon the people of my State. The magnanimity and brotherly feeling of the laboring masses themselves have not proved insufficient to protect the rights of labor there as well as elsewhere. Labor is not so oppressed that the fearful result stated by the gentleman has been reached.

Mr. ATKINS. I call for the regular order.

The CHAIRMAN. The Chair feels that it is not necessary to remind the gentleman from Indiana that his remarks are not in order, the gentleman from Tennessee having moved that the committee rise in order that a motion may be made to close debate on the pending section.

Mr. LANDERS, of Indiana. Mr. Chairman——

Mr. HOLMAN. I trust that the gentleman from Tennessee will withdraw his motion in order to allow my colleague [Mr. LANDERS] to be heard.

Mr. ATKINS. We shall never get through this bill if gentlemen are to discuss the currency question upon it.

The question being taken on the motion of Mr. ATKINS, it was agreed to; there being ayes 73, noes not counted.

The committee accordingly rose; and Mr. PHILIPS, of Missouri, having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. ATKINS. I move that when the Committee of the Whole on the state of the Union resumes the consideration of the Army appropriation bill all discussion on the pending section be closed in five minutes.

Mr. PAGE. Pending that motion, I move that the House do now adjourn.

Mr. RANDALL. I hope the gentleman from California [Mr. PAGE] will not press that motion.

Mr. PAGE. O, yes; let us adjourn.

Mr. MILLS. The question now under consideration in Committee of the Whole is of more importance than all the other questions involved in the bill. I hope therefore that debate upon it will not be restricted to five minutes.

Mr. RANDALL. I would remind the gentleman from California that we have done nothing for three days with the distinct understanding that we should proceed with this bill to-day.

Mr. HOLMAN. We yielded yesterday with the expectation that we should have to-day for the bill.

The motion of Mr. PAGE that the House adjourn was not agreed to.

The question recurring on the motion of Mr. ATKINS that debate in Committee of the Whole on the pending section be closed in five minutes, it was agreed to.

Mr. ATKINS. I move that the House again resolve itself into Committee of the Whole on the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. ATKINS. I yield to the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. Mr. Chairman, I have not engaged the attention of this House to any great extent, and I regret the necessity of occupying its time now. I would not have thought of seeking the floor at all but for the remarks of the gentleman from Pennsylvania, [Mr. KELLEY.] I do not think that his statements are without authority, such as he refers to. He says that he has obtained his information from the papers of Indianapolis. I presume there are some papers there that are anxious to get up a sensation, though it be at the expense of the city; but it is not true that the people of Indianapolis are in such a destitute condition as is represented by the gentleman from Pennsylvania. It is true that Indianapolis has been improving very rapidly, and large numbers of workingmen have been attracted there, especially during the past year, when that city was prosperous while other cities were not. It was understood, Mr. Chairman, that there was some destitution in that city, that some laboring-men were out of employment and had no means of support. The authorities of the city called a meeting and made arrangements under which they have commenced improvements on the public works. They have invited every workingman to come forward that needed labor for the support of his family, and all that have applied have obtained employment. When the call was made about four hundred responded.

It was agreed by the citizens of Indianapolis that they would give employment to all laboring-men having families; and that they would encourage the young men who were needy to leave the city and seek employment in the country, as the farmers in many places could employ them; that those desiring to leave should be furnished with money to enable them to do so. This is the arrangement that has been made at Indianapolis; and I will say that so far as I know (and I am in communication with Indianapolis daily) there is no destitution there at this time that is not provided for.

As to the cause which has produced this embarrassment, I agree with declarations often made by the gentleman from Pennsylvania, [Mr. KELLEY;] that is, "that of contraction of the currency," which was the immediate result of the resumption act. I regret this condition of affairs as much as the gentleman from Pennsylvania, but do not wish it exaggerated.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. SCHLEICHER] which will be read.

Mr. SCHLEICHER. The gentleman from Indiana [Mr. HOLMAN] made a motion to strike out the last clause, and I accepted that amendment.

The CHAIRMAN. The Chair understood the gentleman from Indiana to make a merely formal amendment for the purpose of submitting remarks.

Mr. SCHLEICHER. I stated that I accepted the amendment.

The CHAIRMAN. According to the understanding of the Chair, the amendment was formal and was withdrawn at the conclusion of the gentleman's remarks.

Mr. SCHLEICHER. Then I renew it for the purpose of bringing to the attention of the committee the increase of cavalry force.

The CHAIRMAN. The Chair will state that under the direction of the House debate has been closed.

Mr. SCHLEICHER. Have I not the right to answer the remark made by the gentleman from Indiana [Mr. HOLMAN] that the Texas delegation made no objection to the reduction of the cavalry force to eight regiments?

The CHAIRMAN. The Chair must state that under the order of the House he cannot tolerate any debate.

Mr. SCHLEICHER. I wish to say that on the contrary the Texas delegation did make objection.

The CHAIRMAN. The amendment of the gentleman from Texas will be read.

Mr. HANCOCK. The Chair will permit me to state that my colleague [Mr. SCHLEICHER] and the gentleman from Indiana [Mr. HOLMAN] have agreed upon the substitution of ten regiments for twelve.

The CHAIRMAN. The gentleman from Texas [Mr. SCHLEICHER] will indicate the form in which he modifies his amendment.

Mr. SCHLEICHER. I modify it by inserting "ten" instead of "twelve" and by striking out the concluding clause.

The amendment, as modified, was read, as follows:

Strike out the words "is hereby reduced to eight" and insert the words "shall hereafter be ten."

Mr. RANDALL. That is what it is now.

The question being taken on the amendment of Mr. SCHLEICHER, as modified, there were—ayes 34, noes 64; no quorum voting.

Tellers were ordered; and Mr. SCHLEICHER and Mr. ATKINS were appointed.

The committee divided; and the tellers reported—ayes 27, noes 58.

The CHAIRMAN. If no further count be demanded, the amendment will be regarded as negatived.

Mr. HANCOCK. I demand a further count.

The CHAIRMAN. Does the gentleman desire to make the point of order that no quorum has voted?

Mr. HANCOCK. Yes, sir.

The CHAIRMAN. Then it becomes the duty of the Chair to direct the roll to be called, that the absentees may be reported to the House.

Mr. HURLBUT. I move that the committee rise, in order that the House may adjourn.

Mr. RANDALL. I am sorry that the gentleman from Texas [Mr. HANCOCK] will not allow us to go on.

Mr. HURLBUT. Well, it is late anyhow; we had better adjourn, and take up the bill again in the morning.

The CHAIRMAN. Does the gentleman from Texas withdraw the point of order, that the question may be taken on the motion that the committee rise?

Mr. RANDALL. I wish to call attention to the fact that when we next go into Committee of the Whole amendments only will be in order to this section, the House having cut off further debate.

The CHAIRMAN. The order of the House was that debate on this section should be closed at the end of five minutes, which time has expired.

Mr. RANDALL. That is what I wanted to impress upon members, so that they may see that by an adjournment they will not gain any time for debate.

Mr. HURLBUT. The order of the House was that debate should be closed on the paragraph; only the first paragraph.

Mr. ATKINS. No, sir; on the pending section.

The CHAIRMAN. The order of the House was that debate should be closed on this section. Does the Chair understand the gentleman from Texas to make a point of order upon the fact that no quorum has voted?

Mr. HANCOCK. I merely wish a further count.

The CHAIRMAN. The Chair will state to the gentleman that, if he demands a further count, it becomes the duty of the Chair to order the roll to be called, that the names of absentees may be noted, so that the committee may rise and report them to the House.

Mr. HANCOCK. I want a further count to-day or some other day. There is no quorum here, or a quorum is not disposed to vote; so probably we had better rise and adjourn.

The CHAIRMAN. The gentleman then does not insist on the point of order.

Mr. ATKINS. Has the gentleman from Texas any objection to the committee rising?

Mr. HANCOCK. None in the world.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. ATKINS] move that the committee rise?

Mr. ATKINS. I do.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally and particularly the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

CARE OF THE ROOF OF THE HALL.

The SPEAKER *pro tempore* laid before the House the following communication from the Clerk of the House; which was referred to the Committee on the Rules:

WASHINGTON, *June* 15, 1876.

SIR: I have the honor to state that, in obedience to the order of the House of the 10th instant directing the Clerk of the House "to inquire into the cause of the interruption of its proceedings of that date by the breaking of a pane of glass in the ceiling of the Hall and to report the facts to the House with such recommendation as may prevent a recurrence of the accident," I have carefully inquired into the circumstances attending the accident in question, and find the facts to be as follows:

The Engineer of the House had sent one of the employés in his department to the ceiling to remove some pools of water which had been driven in by the storm just then past, and which, if permitted to remain, would have continued to leak upon the floor of the House and upon the heads and desks of its members, and while thus employed the accident occurred.

Positive instructions have been given not hereafter to allow any one under any circumstances to pass over the ceiling of the House during its sessions; and it is respectfully suggested that a permanent rule of the House to that effect would, in view of the changes which may hereafter occur in the officers of the House, be the best protection against similar occurrences in the future.

Very respectfully,

GEORGE M. ADAMS, *Clerk.*

Hon. S. S. COX,
Speaker of the House of Representatives.

Mr. BANKS, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

No person shall be allowed to enter the room over the Hall of the House when the House is in session. The Clerk of the House is charged with the enforcement of this rule.

Mr. ATKINS. I move that the House adjourn.

PERSONAL EXPLANATION.

Mr. KELLEY. I ask the gentleman to yield to me for three minutes for a personal explanation.

Mr. ATKINS. I will do so.

Mr. KELLEY. Mr. Speaker, as my name has been mentioned by the gentleman from Indiana, [Mr. LANDERS,] I desire to say that my statements with reference to the condition of the workingmen of Indianapolis were derived from what appeared to me to be reputable and well-established papers, published in that city, one of which had sent a commissioner (to use its own language) through the workshops and reported by trades and callings the number of men that had been employed, the number now employed, and the number that consequently were in idleness. It also stated the reduced rates at which the greatly reduced numbers were working. I have seen other papers from the same city, generally confirming these statements. A meeting of the workingmen was held and its proceedings were characterized by the most excellent order and by the utterance of none but proper and peaceful sentiments.

Mr. RANDALL. I submit that this is no "personal explanation."

Mr. KELLEY. I think it is when my statements have been challenged; but in one minute I shall be done.

Mr. HOLMAN. But should not the gentleman from Pennsylvania have known that in view of the generosity of the population of Indiana such a statement as he made was absolutely impossible to be true?

Several MEMBERS. Regular order.

Mr. KELLEY. I have been allowed three minutes, and I shall be through in a moment.

At the meeting to which I just referred a mechanic, who was indorsed by the papers editorially as a man of respectability, stated that he and his family had lived for days on decayed potatoes found at the door of a store.

Mr. RANDALL. Thank Heaven, there are none living in that way in Philadelphia.

PROPOSED ADJOURNMENT TILL MONDAY.

Mr. STONE. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was not agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROSS, of Pennsylvania, indefinitely, on account of illness;

To Mr. MILLIKEN for ten days on account of sickness;

To Mr. MAGOON for ten days on account of important business;

To Mr. EGBERT indefinitely; and

To Mr. SPENCER till Monday morning next.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. COX for the withdrawal from the files of the House of papers connected with the claim of James R. D. Morrison.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. HOOKER to append to the printed report of his remarks made yesterday a synopsis of the laws of certain States referred to by him.

ADVERSE REPORTS.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back adversely the following; which were laid on the table, and the accompanying reports ordered to be printed:

A petition for the relief of J. W. Lawless; and

A bill (H. R. No. 2925) making provision for the payment for a

horse to George A. Lemert, late a captain in Company F, Ninety-seventh Regiment Ohio Volunteer Infantry in the war of 1861.

Mr. MORRISON. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. JONES of Kentucky: The petition of J. D. Allen, for a pension, to the Committee on Invalid Pensions.

By Mr. PACKER: The petition of Mrs. Mary A. Edelen, for an increase of pension, to the same committee.

Also, remonstrance of citizens of Northumberland County, Pennsylvania, against a reduction of the tariff, and asking that the tariff laws may remain unchanged, to the Committee of Ways and Means.

By Mr. RICE: The petition of T. Worthington, late colonel of the Forty-sixth Regiment Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of James Co, for a pension, and for compensation for services rendered the United States in the war of 1812, to the Committee of Claims.

By Mr. SPRINGER: The petition of Phœbe M. Tayloe, for a rehearing of her claim for corn furnished the United States Army, rejected by the southern claims commission, to the Committee on War Claims.

Also, memorial of citizens of Des Moines Valley, Iowa, in reference to certain lands in that State, to the Committee on Public Lands.

IN SENATE.

SATURDAY, *June* 17, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the following acts, having been received by the President on the 3d of June and not having been returned by him to the Senate within the ten days prescribed by the Constitution, had become laws without his signature:

An act (S. No. 3) for the relief of Alvis Smith;

An act (S. No. 43) granting a pension to Urial Bundy;

An act (S. No. 121) granting a pension to John Pierson; and

An act (S. No. 545) granting a pension to Julia Scroggin.

FAILURE OF APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

The near approach of a new fiscal year and the failure of Congress up to this time to provide the necessary means to continue all the functions of government, makes it my duty to call your attention to the embarrassments that must ensue if the fiscal year is allowed to close without remedial action on your part.

Article 1, section 9, of the Constitution declares:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law."

To insure economy of expenditures and security of the public treasure, Congress has from time to time enacted laws to restrain the use of public moneys except for the specific purpose for which appropriated and within the time for which appropriated, and to prevent contracting debts in anticipation of appropriate appropriations.

Revised Statutes, section 3679, provides:

"No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations."

Section 3732 provides:

"No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

Section 3678, as follows:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Section 3690, that—

"All balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations."

The effect of the laws quoted, taken in connection with the constitutional provision referred to, is, as above stated, to prohibit any outlay of public money toward defraying even the current and necessary expenses of Government after the expiration of the year for which appropriated, excepting when those expenses are provided for by some permanent appropriation, and excepting in the War and Navy Departments, under section 3732.

The number of permanent appropriations are very limited, and cover but few of the necessary expenditures of the Government. They are nearly all, if not quite all, embraced in sections 3687, 3688, and 3689 of the Revised Statutes. That contained in section 3687 *is applicable to expenses of collecting the revenue from customs,* that in section 3688 to the payment of interest on the *public debt*, and that in section 3689 to various objects too numerous to detail here.

It will be observed that while section 3679, quoted above, provides that *no* Department shall in any one fiscal year involve the Government in any contract for the future payment of money in excess of the appropriation for that year, section 3732, also quoted above, confers, by clear implication, upon the heads of the War and Navy Departments full authority, even in the absence of any appropriation, to purchase or contract for clothing, subsistence, forage, fuel, quarters, or transportation not exceeding the necessities of the current year. The latter provision is special and exceptional in its character, and is to be regarded as excluded from the operation of the former more general one. But if any of the appropriation bills above enumerated should fail to be matured before the expiration of the current fiscal year, the Government would be greatly embarrassed for want of the necessary funds to carry on the service. Precluded from expending money not appropriated, the Departments would have to suspend the service, so far as the appropriations for it should have failed to be made.

A careful examination of this subject will demonstrate the embarrassed condition all branches of the Government will be in—and especially the executive—if there should be a failure to pass the necessary appropriation bills before the 1st of July, or otherwise provide.

I commend this subject most earnestly to your consideration, and urge that some measure be speedily adopted to avert the evils which would result from non-action by Congress. I will venture the suggestion, by way of remedy, that a joint resolution, properly guarded, might be passed through the two Houses of Congress, extending the provisions of all appropriations for the present fiscal year to the next in all cases where there is a failure on the 1st of July to supply such appropriation; each appropriation so extended to hold good until Congress shall have passed a corresponding appropriation applicable to the new fiscal year, when all moneys expended under laws enacted for this fiscal year shall be deducted from the corresponding appropriation for the next.

To make my ideas on this subject more clear, I have caused to be drawn up a "joint resolution" embodying them more fully.

U. S. GRANT.

EXECUTIVE MANSION, *June* 17, 1876.

Joint resolution to provide for defraying temporarily the ordinary and necessary expenses of the public service.

Whereas the ordinary and necessary expenses of the public service in its various branches, comprising among others the expenses which especially pertain to the legislative, executive, and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and whereas to avoid the great embarrassment to the public service that might otherwise ensue it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure, that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army; and the bill providing for the naval service, the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect.

The PRESIDENT *pro tempore*. The message will be printed and referred to the Committee on Finance, if there be no objection.

Mr. MORRILL, of Maine. I was going to suggest that it be printed and lie on the table, and in the mean time we can consider as to the best disposition to make of it.

Mr. DAVIS. I ask that it be printed to-day.

The PRESIDENT *pro tempore*. The Secretary will give the Printer notice to have the message printed at once.

Mr. SHERMAN. I think the communication ought to go to the Committee on Appropriations. I suppose that committee can at once consider it.

The PRESIDENT *pro tempore*. The chairman of the Committee on Appropriations made the suggestion that it lie on the table for the present.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. The message will lie on the table and be printed, if there be no objection.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a protest from the leading men of the Osage Nation against the establishment of a territorial government over the Indian country, together with a copy of a letter from the Commissioner of Indian Affairs forwarding the same to the Interior Department; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented a memorial of citizens of Savannah, Georgia, remonstrating against the passage of House bill No. 3187 to amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

He also presented the petition of Andrew Lutz, late major of the Eighth New York Volunteers, praying to be allowed the pay due him as such officer from August 1, 1861, to November 22, 1861; which was referred to the Committee on Military Affairs.

He also presented a memorial of ship-owners of the port of New York, remonstrating against the passage of House bill No. 3187 to

amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

Mr. ROBERTSON presented the petition of J. D. Allen, of Barnwell, South Carolina, praying for a pension; which was referred to the Committee on Pensions.

BILL INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 923) authorizing the appointment of Acting Passed Assistant Surgeon Francis V. Greene as surgeon, and Acting Passed Assistant Surgeon Joseph J. Sowerby as assistant surgeon in the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. If there be no further morning business, pursuant to order legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative business.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. There will be undoubtedly a quorum here in a very few moments. I move that the Senate proceed to the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

Mr. CONKLING. May I inquire how many Senators voted a moment ago?

The PRESIDENT *pro tempore*. Thirty-five voted in trial.

Mr. CONKLING. Is that a quorum?

The PRESIDENT *pro tempore*. It is not a quorum.

Mr. CONKLING. I do not object to this proceeding, but I want to know as we go along.

Mr. WINDOM. I think there must be a quorum in the Senate.

The PRESIDENT *pro tempore*. The Chair is not aware how many Senators are in the Senate in legislative session. There were thirty-five who voted in trial.

Mr. INGALLS. This bill is of too much importance and involves too many questions of very serious moment to the country to be considered by less than a quorum of the Senate. I shall certainly object to the motion of the Senator from Minnesota unless a quorum is ascertained to be present.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to proceeding with the bill unless there is a quorum.

Mr. SHERMAN. It might be taken up and read through.

The PRESIDENT *pro tempore*. If the Senator from Minnesota insists on his motion, the Chair will order a call of the Senate.

Mr. WINDOM. I move that the Senate adjourn.

The question being put, there were on division—ayes 14, noes 15; no quorum voting.

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. PADDOCK, (when Mr. HITCHCOCK's name was called.) I desire to say for my colleague that he is too ill to be present in his seat.

Mr. WINDOM, (after having voted in the negative.) I vote "yea" with the understanding that there is not a quorum present. If there is a quorum here I shall vote "nay."

The call having been concluded, the result was announced—yeas 19, nays 16; as follows:

YEAS—Messrs. Allison, Christiancy, Cragin, Dawes, Edmunds, Frelinghuysen, Hamilton, Howe, Ingalls, Johnston, Morrill of Maine, Morrill of Vermont, Morton, Sherman, Spencer, Thurman, Wadleigh, Windom, and Wright—19.

NAYS—Messrs. Bogy, Booth, Cockrell, Conkling, Davis, Eaton, Ferry, Key, McCreery, Maxey, Oglesby, Paddock, Randolph, Ransom, Robertson, and Whyte—16

ABSENT—Messrs. Alcorn, Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conover, Cooper, Dennis, Dorsey, Goldthwaite, Gordon, Hamlin, Harvey, Hitchcock, Jones of Florida, Jones of Nevada, Kelly, Kernan, Logan, McDonald, McMillan, Merrimon, Mitchell, Norwood, Patterson, Sargent, Saulsbury, Sharon, Stevenson, Wallace, West, and Withers—38.

So the motion was agreed to; and (at twelve o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 17, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. U. S. GRANT, jr., one of his secretaries.

PENSION AGENCY IN CHICAGO.

Mr. HURLBUT, by unanimous consent, from the Committee on Reform in the Civil Service, submitted a report on the pension agency at Chicago; which was recommitted to the committee, and ordered to be printed.

FIRE-WORKS ON THE FOURTH OF JULY.

Mr. CHITTENDEN. I hold in my hand a letter of great public interest but of doubtful relation to Federal business. I ask the indulgence of the House that it be read, and referred to the Committee on the Centennial Celebration.

The Clerk read the letter, as follows:

NOS. 100 AND 102 BROADWAY, *New York, June* 12, 1876.

DEAR SIR: The inclosed circular of the National Board of Fire Underwriters upon the danger likely to arise by the use of fire-works in the coming celebration of the Fourth of July, of this year, indicates somewhat the anxiety upon the subject in insurance circles, but we fear that it may not command the public attention to the extent which its importance demands and which would follow the discussion of the subject in Congress. It may not strike you as being a proper subject to occupy the attention of the House, or it may be that the introduction of the matter might call forth political squibs or opposition and the cry of an endeavor to restrain the liberty of the patriotic citizen, but as the verified statistics show that of the earned wealth of the country since 1870 seven hundred millions have been destroyed by fire, we do not know of a question more important than this and it should not be "whistled down the wind."

The necessity of preventing so enormous a destruction of earned values is so apparent that it admits of no question. Possibly this great loss has much to do with the present mercantile troubles which so seriously affect the community, and it must impoverish the nation unless it is checked.

You will, no doubt, remember that the conflagration which so nearly destroyed Portland, July 4, 1866, originated from the careless use of fire-works, and there is reason to apprehend that other cities will suffer by the approaching celebration, unless some national effort to restrain carelessness and provide against such emergencies can be inaugurated. We bring the subject to your attention, hoping that some method may suggest itself to you by which the interests of the whole country will be enlisted to prevent fires from these sources.

It occurs to us that possibly the Secretary of State might consider it worthy of a short proclamation by the President. We leave the matter in your hands for such action as may suggest itself to you; and if some such notice can be secured you would render the country a public service. The date is so near that any action taken should be prompt

Yours, most respectfully,

B. C. TOWNSEND,
Secretary, A. D.

Hon. S. B. CHITTENDEN,
House of Representatives, Washington, D. C.

Mr. FORT. I suggest that that communication ought to go to the Committee for the District of Columbia, for that is the only place in the United States over which Congress has exclusive jurisdiction.

Mr. CHITTENDEN. I accept that suggestion.

The motion, as modified, was agreed to.

RAILROAD IN WASHINGTON TERRITORY.

Mr. TERRY. I ask unanimous consent to call up and have passed the bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation, in Washington Territory.

No objection was made.

The bill was read. It provides that the right of way, not exceeding one hundred feet in width, through the lands of the Fort Walla Walla military reservation in Washington Territory is thereby granted to the Walla Walla and Columbia River Railroad Company, a corporation organized under the laws of said Territory, for the purpose of constructing a railroad and telegraph line; provided, that the said right of way, and the width and location thereof through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works; provided also, that whenever said rights of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Section 2 provides that Congress reserves the right to alter, amend, or repeal the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

JOHN A. SHAW.

Mr. HARDENBERGH, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation,

the bill (S. No. 509) for the relief of John A. Shaw; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC GROUNDS IN CHICAGO.

Mr. HARRISON. On the first day of this month a unanimous report was made from the Committee on Public Buildings and Grounds on a bill (H. R. No. 3631) to confirm to the city of Chicago, Illinois, the title to certain public grounds, and a motion to recommit the bill was made. I entered a motion to reconsider the vote by which the bill was recommitted, and I now call up that motion to reconsider, and propose that the vote be reconsidered and the bill passed.

The motion to reconsider was agreed to.

The question recurred upon the motion to recommit; and it was not agreed to.

Mr. HARRISON. I now ask for the passage of the bill.

The bill was read. It provides that all the right, title, and interest of the United States in and to the public grounds in that portion of the city of Chicago known as "Fort Dearborn addition to Chicago," subdivided, platted, and recorded under the authority of the Secretary of War about the year A. D. 1839, be, and hereby is, conveyed to the city of Chicago, together with all the accretions and riparian rights and all reversions and remainders thereto belonging; provided, however, that this act shall in no respect impair the dedication heretofore made of said grounds, or any private rights therein.

Mr. WILSON, of Iowa. Is this the report of any committee?

Mr. HARRISON. It is the unanimous report of the Committee on Public Buildings and Grounds. The report was presented on the first day of the month, and unless some gentleman wishes to make inquiries in reference to it I will move the previous question upon it.

Mr. FORT. I desire to say that I am in favor of the bill, but I suggest to my colleague whether this ought not reserve to the United States the right, if necessary, to encroach on any of this land for the purpose of dredging out the harbor?

Mr. HARRISON. It does not touch upon the harbor at all.

Mr. FORT. If my colleague will consider I think he will find that there are accretions which might be conveyed by this bill which would extend so far into the lake as to cross the channel of the Chicago River.

Mr. HARRISON. I would say that it is hardly probable that the city of Chicago would allow anything to be done to destroy its harbor on which its vast commerce depends.

Mr. FORT. Certainly not.

Mr. HARRISON. This bill has been fully considered by the Committee on Public Buildings and Grounds.

Mr. FORT. I do not wish to antagonize the bill. I will ask another question: What private right is reserved by this bill?

Mr. HARRISON. Any and all private rights, if there are any; we do not regard that there are any private rights in conflict with the bill.

Mr. FORT. Does the gentleman know of any?

Mr. HARRISON. The only private rights that can possibly be affected by the bill are these: in some places where scrip was issued certain parties have attempted to locate a warrant upon the riparian rights, and no attention has been paid to that by the bill. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NECESSITY FOR APPROPRIATIONS.

The SPEAKER *pro tempore*. The Chair lays before the House a message from the President of the United States, and desires to call particularly the attention of the Committee on Appropriations to the message.

The Clerk read the message, as follows:

To the Senate and House of Representatives:

The near approach of a new fiscal year and the failure of Congress up to this time to provide the necessary means to continue all the functions of government, makes it my duty to call your attention to the embarrassments that must ensue if the fiscal year is allowed to close without remedial action on your part.

Article 1, section 9, of the Constitution declares:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law."

To insure economy of expenditures and security of the public treasure, Congress has from time to time enacted laws to restrain the use of public moneys except for the specific purpose for which appropriated and within the time for which appropriated, and to prevent contracting debts in anticipation of appropriate appropriations.

Revised Statutes, section 3679, provides:

"No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations."

Section 3732 provides:

"No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year."

Section 3678, as follows:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Section 3690, that—

"All balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations."

The effect of the laws quoted, taken in connection with the constitutional provision referred to, is, as above stated, to prohibit any outlay of public money toward defraying even the current and necessary expenses of Government after the expiration of the year for which appropriated, excepting when those expenses are provided for by some permanent appropriation, and excepting in the War and Navy Departments, under section 3732.

The number of permanent appropriations are very limited, and cover but few of the necessary expenditures of the Government. They are nearly all, if not quite all, embraced in section 3687, 3688, and 3689 of the Revised Statutes. That contained in section 3687 is applicable to *expenses of collecting the revenue from customs*, that in section 3688 to the payment of interest on the *public debt*, and that in section 3689 to various objects too numerous to detail here.

It will be observed that while section 3679, quoted above, provides that no Department shall in any one fiscal year involve the Government in any contract for the future payment of money in excess of the appropriation for that year, section 3732, also quoted above, confers, by clear implication, upon the heads of the War and Navy Departments full authority, even in the absence of any appropriation, to purchase or contract for clothing, subsistence, forage, fuel, quarters, or transportation not exceeding the necessities of the current year. The latter provision is special and exceptional in its character, and is to be regarded as excluded from the operation of the former more general one. But if any of the appropriation bills above enumerated should fail to be matured before the expiration of the current fiscal year, the Government would be greatly embarrassed for want of the necessary funds to carry on the service. Precluded from expending money not appropriated, the Departments would have to suspend the service, so far as the appropriations for it should have failed to be made.

A careful examination of this subject will demonstrate the embarrassed condition all branches of the Government will be in—and especially the executive—if there should be a failure to pass the necessary appropriation bills before the 1st of July, or otherwise provide.

I commend this subject most earnestly to your consideration, and urge that some measure be speedily adopted to avert the evils which would result from non-action by Congress. I will venture the suggestion, by way of remedy, that a joint resolution, properly guarded, might be passed through the two Houses of Congress, extending the provisions of all appropriations for the present fiscal year to the next in all cases where there is a failure on the 1st of July to supply such appropriation; each appropriation so extended to hold good until Congress shall have passed a corresponding appropriation applicable to the new fiscal year, when all moneys expended under laws enacted for this fiscal year shall be deducted from the corresponding appropriation for the next.

To make my ideas on this subject more clear, I have caused to be drawn up a "joint resolution" embodying them more fully.

U. S. GRANT.

EXECUTIVE MANSION, *June 17, 1876.*

Mr. PAGE. Let the accompanying joint resolution be read.

The SPEAKER *pro tempore*. The Clerk will read the accompanying joint resolution as a part of the message.

The Clerk read as follows:

A joint resolution to provide for defraying temporarily the ordinary and necessary expenses of the public service.

Whereas the ordinary and necessary expenses of the public service in the various branches, comprising among others the expenses which especially pertain to the legislative, executive, and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and whereas to avoid the great embarrassment of the public service that might otherwise ensue it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure, that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army; and the bill providing for the naval service, the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect.

Mr. RANDALL. While that message is rather unusual, and as I think altogether unnecessary, still it should have a respectful reference and consideration. The Committee on Appropriations and this House are not unmindful at all of the situation; and they have brought, both the committee and the House, elaborate consideration and great industry to the subject of the appropriations for the next fiscal year. They have reached a result enormously reducing the public expenditures of the Government. They believe they have not reduced them in any particular below what the Government can be administered for. Believing that, so far as I know the Committee on Appropriations will recommend to this House an adherence in the main to their recommendations.

In the abundance of caution, however, it may be well that the country should understand that if we have erred in any particular so as that friction may be produced in the administration of the Govern-

ment, we shall be here, or rather some of us, in December next, when we will be enabled to remedy any such error that we may have committed.

The people of this country from one end to the other desire economy, reduction, and retrenchment of expenditure. It is safe ground for any of the representatives of the people to stand upon. From that proper reduction there is no occasion to move, nor is there any occasion for any flutter. We say that the amount of these appropriation bills are fully adequate to a proper administration of the Government. We say more, that in the present condition of the varied industries of the people, which are now prostrate, and more particularly and directly in connection with the amount of money coming into the Treasury, these reductions not only are advisable but are indispensable. Upon that issue we propose to stand and to go before the country, so far at least as I can advise.

I move that the message of the President, with the accompanying proposed joint resolution, be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. Does the gentleman include in his motion a motion to print?

Mr. RANDALL. That is usual on a reference. Of course the message, having been read, will go into the RECORD.

Mr. HURLBUT. I have no objection, of course, to the reference proposed by the chairman of the Committee on Appropriations, [Mr. RANDALL;] but he need not suppose that, either before this House or before the country, he, his committee, or those who support him are to avoid the direct and impending responsibility of their action.

Mr. RANDALL. Does the gentleman ask me a question?

Mr. HURLBUT. No, sir; I did not ask any question. I was making a statement, which is a different thing.

The fact remains that here in this seventh month of the session the present Committee on Appropriations have not yet reported to this House all the appropriation bills. The fact remains that with the fiscal year closing rapidly upon us, no agreement has been reached or is likely to be reached between the two legislative bodies as to those bills which have passed this House. The fact remains that by the action of this House in insisting upon extravagant and unnecessary reductions; in insisting upon the application of an unwise and illegitimate rule, which transferred all power of this House into the hands of the Committee on Appropriations, we are brought face to face with a dead lock against the Senate of the United States, and the Senate have the law on their side.

The attempt which is made here by this House of Representatives is not to give the co-ordinate body the fair opportunity of free discussion, but to compel them, by changes made without warrant of law in an appropriation bill, to either ignore the public service and let these difficulties indicated in the President's message occur, or that they, representing just as much and just as freely the sentiments and opinions of the country as we do, shall be compelled to surrender their own convictions.

Now, sir, what is the outlook? That is the thing we must meet practically. Here we are within two weeks of the end of the fiscal year, and no sort of provision whatsoever has yet been perfected to carry on the workings of this Government; and when the clock shall strike at midnight on the 30th of June this Government is left absolutely powerless to carry on any of its ordinary functions; powerless by reason of the incompetency and unnecessary delay of the majority of this body in reporting these appropriation bills; powerless because of the assumption of the majority of this body, in violation of law, to make changes in the whole fabric of our administration in appropriation bills.

The President simply desires—not dictating at all to either branch of Congress—to submit some means by which the ordinary service of the Government may be carried on until this dead lock between the two bodies can be removed. It is right that he should submit it. He would not have done his duty if he had not submitted it; and it is now a question for the Committee on Appropriations, which by the unwise change of the rules of this House has absorbed all the legislative functions of this body—it is a question for them to consider whether or not they dare peril the stoppage of the machinery of this Government on the 1st day of next July. That is for them to determine, not for me.

I state these things not with any idea of provoking any argument upon the subject. I should not have said a word about it but for the vaunting style in which the chairman of the Committee on Appropriations thought fit to preface an ordinary motion of respect to a message of the President of the United States.

But, sir, for one I am willing, as I suppose every other gentleman on this floor is, to accept the full responsibility of the position; and I say here that the Senate of the United States is in no way bound to recognize the change which we made in our rules unwisely and improvidently; that they have the right to stand out and insist that this House shall either change existing law by law (and law implies the free consent of both parties who have the power to make the enactment) or that we shall appropriate in accordance with existing laws.

Mr. HOLMAN. I think, Mr. Speaker, that from one point of view the presentation of this message to the House is not unfortunate. It will at least admonish gentlemen that the appropriation bill now pending in the Committee of the Whole should be promptly passed. The facts stated in the message and well known to the House indicate the imperative necessity of the policy which has been urged upon the House with some earnestness for some time past, that especial attention shall be devoted and the especial time of the House given to the passage of the appropriation bills. This message is unusual. It has not unfrequently occurred in the history of our legislation within a comparatively recent period that important appropriation bills, in which no effort at reform or retrenchment was attempted, have passed after the 30th day of June, after the close of the current fiscal year. The passage of the leading appropriation bills in the closing hours of the session has been the general experience of Congress for many years. Both Houses of Congress are generally well-informed of the importance of the passage of the appropriation bills before the end of the fiscal year. This House has labored with great earnestness to secure the result this session.

The message is certainly unusual, for Congress could not be unmindful of the importance of promptly passing the general appropriation bills.

But, sir, what is the state of the business so far as the House is concerned? Let us see whether the arraignment of the House by implication in the message which has been read, and directly in the remarks of the gentleman from Illinois, [Mr. HURLBUT,] is entirely just. All the great appropriation bills for the current session have passed the House except two—all except two; and one of these—the bill making appropriations for the support of the Army—should undoubtedly reach the Senate before the adjournment of the House to-day, judging from the present condition of the measure. The other, and the last of the appropriation bills—the sundry civil bill—requiring unusual care and labor in its appropriations—that measure, as gentlemen well know, having of late years grown in the magnitude of its appropriations beyond any possible justification—that bill I think I am safe in saying will be reported to the House as early as Tuesday next; and I indulge the hope that by Wednesday of next week that bill also will have reached the Senate. So that I may say with reasonable confidence all of the appropriation bills will have passed the House before the end of the fiscal year—the last some nine days before the end of the fiscal year—giving ample time, if these measures shall be met in the reasonable spirit of retrenchment that has animated this House, to secure their final passage before the end of the fiscal year.

The large body of facts, the information from the Departments upon which the House has acted, slowly accumulated through many months, relieve the other House of Congress of the embarrassment under which we have labored.

The House passed the bill of especial moment, the post-office appropriation bill, some thirty days ago. Many amendments were made to that bill by the Senate, and it was returned to the House. The House promptly (I think on last Monday) non-concurred in the amendments made by the Senate, and the bill was returned to that body. From that day to this the House has heard nothing of the action of the Senate concerning that bill, in many respects the most important bill of the session.

If I am correct as to the time when that bill passed the House, after this delay on the part of the Senate in acting upon the measure, and especially the delay in acting upon the non-concurrence of the House in the Senate amendments, surely the House cannot be held responsible if that branch of the public service shall suffer; but I trust no injury will result from this delay; there is ample time for the passage of the bill, even if the Senate shall wish a conference on their amendments.

The other bill especially referred to—the legislative, executive, and judicial appropriation bill—makes appropriations simply for salaries. The diplomatic and consular appropriation bill makes appropriations simply for salaries. Well-paid employés of the Government are alone concerned in those bills; but the post-office appropriation bill is one that reaches far beyond that, and involves the most important and valuable interests—social, commercial, and political—of the whole people. Yet, if my memory is correct, that bill was returned to the Senate last Monday with the non-concurrence of the House in the Senate amendments; and up to this hour the House has not been informed of the wish of the Senate.

In this connection, permit me to say that the House did not ask for a conference on that bill; it was not in accordance with parliamentary law that a conference should have been asked for by the House. The House making the amendments which are non-concurred in is the body to ask for a conference if they desire to insist on their amendments, though this rule is frequently disregarded in the closing hours of a session. Thus it occurs that that important bill, the post-office appropriation bill, with the Senate amendments non-concurred in, has slept in the Senate for some five days, if my memory is correct, without any communication to the House from the Senate touching the measure.

It is true the Senate was not in session a portion of this time, but the House has remained in session.

I say, then, that by the twenty-second day of the present month, according to the present appearances of the public business, every one of the great appropriation bills will have reached the Senate, having passed the ordeal of this House after the most thorough and exhaustive inquiry, leaving then eight entire days of the session in which the bills undisposed of may receive the proper consideration of the two Houses and patient conferences upon those measures of reform and re-

trenchment proposed by the House in which the Senate may not wish to concur.

Under these circumstances I am not aware that there is anything to create an apprehension upon the part of the Executive that the appropriations required for the proper administration of the Government will not be made in season. I have called the attention of the House to the fact that it is not without precedent in recent years for appropriation bills of the most important character to pass Congress after the expiration of the current fiscal year, even when no special effort at reform was attempted, and it was not found that the public service materially suffered. Indeed, sir, it is within the memory of gentlemen on this floor that the sundry civil bill, which has not yet been reported to this House, and of course has not reached the Senate, is in the main, while appropriating many millions, so unimportant (though it does contain some important and necessary appropriations) that it was defeated or laid upon the Speaker's table during the Thirty-eighth Congress to "sleep the sleep of death" without this Government being in the slightest degree embarrassed in the administration of its powers.

I admit that the sundry civil appropriation bill does contain some provisions which must become law, or else the Government would be quite seriously embarrassed; but the most of its appropriations are of no moment to the Government. But having said this much as to the condition of the public business before Congress, I do not hesitate to say that there is no reason to doubt that, with concurrent effort on the part of the other branch of the national Legislature and a spirit of fairness in view of the public interests and necessities and the just demands of the people for reasonable retrenchment and reform, these bills will have passed through both branches of Congress and become laws within the present fiscal year. For I deem it unjust to assume that this House is more eager to relieve the industries of the country from oppressive taxation than the Senate.

The gentleman from Illinois went beyond the courtesies of debate in the remarks which he thought proper to submit to the House.

Mr. HURLBUT. In what respect?

Mr. HOLMAN. I think he did.

Mr. HURLBUT. Well, in what respect?

Mr. HOLMAN. It was a very cheap method of assault to talk about the incompetency of a committee of this House; a cheap mode of assault.

Mr. HURLBUT. I am not aware that I used that expression.

Mr. HOLMAN. A committee composed not entirely of members of either party, but of members of both parties.

Mr. HURLBUT. I am not aware that I used that word.

Mr. HOLMAN. "Incompetent" was the word, and the gentleman used it with great earnestness. He should bear in mind that the committee which is thus discourteously treated embraced not simply democrats, but distinguished republicans—that great citizen of New York whose name yesterday traveled the wires throughout this broad land as entitled in the judgment of the republican party as represented by its national convention to the second place within the gift of the American people is a distinguished member of that committee. Others entertaining the same political faith that he does, scarcely less distinguished than himself, are members of that committee. And I think, sir, that that committee has displayed a spirit of fairness and singleness of purpose in its efforts for reform, looking only to the public welfare, equal to the patient industry with which its inquiries have been conducted.

This House has never surrendered a power conferred on it by the Constitution, but has again and again asserted its constitutional powers as necessary for the public safety. But the gentleman from Illinois seems to concede, is willing to concede, that even in the method of procedure this House is dependent on the Senate. But I have seen it otherwise even when the gentleman's political friends were in complete power here.

That was when the Senate thought to assume the power of originating money bills, which, in the spirit of the Constitution, was reserved to the House as the nearest and most responsible to the people. I refer to the right of the House of Representatives without concurrence of the Senate to change the rules of its procedure. I think, sir, that the Constitution has provided that each House shall determine its own methods of procedure. I did not suppose a member of this House was prepared to yield the point that even in the rules of procedure the House must ask concurrence of the Senate.

The gentleman says that provisions were placed upon those appropriation bills which have gone to the Senate which the Senate was not bound to regard, not having assented to the change made in the rules of the House. What rules does the gentleman refer to? The old rule authorized the change of existing law in the interest of expenditure—of increased expenditure. It allowed a change of law in the interest of extravagance; but the House reversed that rule. The new rule reversing the old one declared that provisions affecting existing law might be ingrafted on an appropriation bill in the interest of retrenchment. The House had an unquestionable right to adopt it, under the Constitution, without the concurrence of the Senate.

I am willing, sir, that the gentleman should arraign before the country this House for that change of its rule. A rule is all right, according to the gentleman, and one which the Senate is bound to respect, if it allows extravagance of expenditure, appropriation without limit upon the power to take money from the public Treasury; for this purpose any change of law by an appropriation bill was allowable; but if it be that by the law of the House no provision changing existing law shall be in order unless it be in the interest of economy, unless it retrench expenditure, that law of the House, according to the view of the gentleman from Illinois, is a measure which the House has not the right to adopt without the concurrence of the other branch of Congress.

Gentlemen say you shall not legislate on an appropriation bill. Mr. Speaker, the gentleman cannot point to one provision of any one bill which has passed the House this session, up to this time, which has not been the subject of legislation on an appropriation bill time and time again during the last twenty years, and always in the interest of increased expenditure. I defy the gentleman to point to a single legislative provision in any of the appropriation bills which passed this House during this session of Congress that the same feature of legislation on the same subject-matters are not found in appropriation bills which have passed Congress from time to time for twenty years past; but reversed, sir, in their purpose, changing the laws by appropriation bills to increase salaries and every known form of expenditure, while now the inexorable rule only allows the law to be changed by an appropriation bill in the interest of retrenchment. Did gentlemen complain of the old rule? O, no; but they view the new rule with abhorrence. The gentleman denounces legislation on an appropriation bill.

Does he refer to the legislative, executive, and judicial appropriation bill, which retrenches expenditure many million dollars by reducing salaries? Does he not know that for thirty years all the legislation of this country by which salaries have been increased has been on appropriation bills? But now when the rule is reversed, and it is proposed to allow the people through their Representatives to retrench expenditures on appropriation bills, his fiery indignation is roused, and the gentleman talks about an incompetent committee.

Incompetent! No, sir. The rule adopted by the House was a rule in the interest of economy and honest government, as every gentleman upon this floor knows. It has been honestly and earnestly applied to that office. There has been a sincere purpose, not on this side of the House only but on that side of the House, a sincere, earnest purpose upon the part of the larger number of Representatives here, rising above party, to retrench the expenditures of this Government. The iron hand of taxation lies heavily upon the labor of this country. Corruption in Government has followed on the heels of extravagance. Well may the people at their firesides in their cities and towns and villages and at their rural gatherings demand retrenchment and reform at the hands of this Congress. And I thank God, sir, that in the main, through all these months of investigation and discussion, there has been a general effort on both sides of this House to rise above party in the attempt to purify this Government by retrenching its expenditures and extinguishing as far as it can be done by legislation the unblushing venality in public affairs which has of recent years so often tinged the cheek of every honest man in the nation with the sense of public dishonor.

I have felt justifiable in saying this much in vindication of this House. These bills will have reached the Senate in ample time if they should be met by the Senate in the spirit of reform in which they were passed by this House. If it should transpire that the desire to reform abuses, to retrench expenditure, to reduce salaries is confined alone to this House, there may be serious embarrassment; but I know very well that if the Senate is willing to meet the reasonable expectations of the people in reducing expenditures, now that money has grown greatly in value and taxation more oppressive, in the spirit that inspires the greater number on both sides of this House, every appropriation bill will have passed Congress before the 1st day of July, and no embarrassment will ensue; and Congress will receive in this centennial year the unqualified thanks of the country.

I will call attention, sir, in conclusion, to the fact that the bill making appropriations of money out of the public Treasury to pay the pensions of the soldiers, their widows, and their orphan children, has passed both branches of Congress with great unanimity, and is now a law of the land.

Mr. HURLBUT. You did not change any law in that.

Mr. HOLMAN. The bill which was asked by the Departments of the Government to enable them to bridge over the present fiscal year, the deficiency bill, was passed promptly. And yet I venture to say if that bill had been met in any spirit of factiousness not one dollar of deficiency would have been appropriated. I have some ground to complain that we are not met in the spirit of magnanimity which we think in the main this side of the House has displayed. When that deficiency bill came in, this side of the House might well have resisted it, as it was demanding an expenditure beyond the appropriations which you made for the present fiscal year during last session of Congress. But without any hesitation we passed that deficiency bill and it promptly became a law.

Does this look like a disposition to embarrass the Government?

I say again, in conclusion, that this House has not put on the appropriation bills, in the interest of economy, and we have none other, one legislative provision, like provisions to which cannot be found time and time again on appropriation bills during the last ten years in the interest of extravagance; and that every one of those legislative provisions is in the interest of economy, and for the avowed pur-

pose of retrenching expenditure, and does in fact reduce the expenditures of this Government. I do not believe, sir, in the present temper of the American people, in the present prostrate condition of their industries, with the present weight of taxation upon them, that either party in either branch of Congress can afford to hesitate in attempting an honest effort at reform. The expenditures of this Government must be reduced, and no evasion or subterfuge will either satisfy or deceive the people. Sincere and honest reform is demanded, and I do not think any party can afford to neglect that demand. We ask a reasonable retrenchment; and all that we ask is to be met in the same spirit as that in which we bring forward our measures. We have applied the rule of retrenchments impartially, indifferent to mere party considerations. For myself, I scorn the thought of being controlled in legislation by any consideration of party. It cannot be charged upon us that we have acted in a spirit of partisanship, for we have applied the rule alike to all the employés of this House, to the employés of the Senate, and to employés in every Department of the Government, and have impartially rejected from the public Treasury those not required by the public service. We demand retrenchment, and for the purpose of carrying that demand into effect we have made such moderate reductions in the appropriations, as in our judgment, after the most careful scrutiny, the public interest seemed to require.

Instead of embarrassing the Government, this retrenchment will give vigor to every branch of the Administration, by promoting its purity and driving out the low and unworthy motives of venality from the public employment.

Mr. KASSON. Mr. Speaker, I had wished to defer saying what the situation seemed to me to invite until the Appropriations Committee should, upon a conference, formally report the situation to this House. I had intended to postpone any remarks upon the subject for the reason that, after a full and free conference with the Senate, I supposed that committee would make a candid statement to the House of the situation, and would consult the House as a whole, independent of party considerations, touching the proper course of action in an emergency like this. What I have to say now, sir, I shall say in the most careful modes of expression, that there may be no unreasonable exhibition of party sentiment or other prejudice in presence of the very serious situation into which this branch of Congress seems to be settling.

The President of the United States has sent to us a message near the close of the fiscal year of 1876 calling our attention to the fact that the public service in all its branches is imperiled after the 1st of July next, from the probable want of laws appropriating money to carry it on. He has suggested to us that if further time for deliberation is required we can allow the balances of former appropriations, in excess of expenditures, to be applied to the services of the next year, so as to enable the Government to go on temporarily under existing laws.

The gentleman from Pennsylvania [Mr. RANDALL] meets that message—and with some little disrespect it seems to me to the official and constitutional organ of the Executive Government—with an intimation that the President of the United States has done an unnecessary act, and implies that it was a communication which he ought not to have made to the House. On that question I take most respectful and decided issue with the gentleman from Pennsylvania. The President, under the Constitution, is sworn to execute the laws, and by the Constitution is required from time to time to make communications touching the welfare of the Government. If the crisis is such as to imperil the very administration of the Government itself, is it not the duty of that high officer of the Constitution to acquaint Congress with it and urge action to meet that emergency? For example, sir, after the 1st of July, or on that very day, if you pass no consular and diplomatic appropriation bill, the Secretary of State will be obliged to telegraph to every consul, every foreign minister, and to every foreign depository of the United States that if a draft is drawn upon the United States after that date that draft will be protested, and the financial credit of the country will, to that extent, be dishonored. Was it not the duty of the President to let us know such facts, and call our attention especially to them? If the Indian appropriation bill fails a formidable difficulty will occur in our relations with the Indians; and in that case it will imperil lives as well as property of the citizens on the frontier.

Mr. HOLMAN. Is not the Indian bill now before the Senate?

Mr. KASSON. I will speak to what the gentleman has said, in a moment, in regard to the state of forwardness of the appropriation bills; I shall not forget it.

The situation in respect to these and other bills is, then, a serious one, and one which commends itself to the serious consideration of members on both sides of the House. Sir, have we not a country to save and a National Government to protect; or are we but a series of successively triumphant parties, these parties alone to be protected? I affirm that there is no respectable government in the world, whether republican or monarchical, which does not recognize the principle—whichever party succeeds to power—that it is its duty, involving the honor on the one hand and the dishonor on the other of the nation, to sustain the vigorous administration of the government of the country. I ask, therefore, whether we have a Government to be maintained, irrespective of our party predilections; whether there is any member of this House who is unwilling to sustain the honor of his country because his party is not controlling it?

But then gentlemen meet this question by saying that they are willing to sustain the Government by passing appropriation bills, but they will stop sustaining it where they think the Government should stop in its operations. Where, then, is the just ground which we can take and upon which we can stand? You, sir, are an old member of this House, and you have seen, as I have seen, time and again, issues between this House and the Senate, and you know the rule which has been established between the two Houses, a rule older than your service or than mine upon the floor of this House, by which such questions may be settled. We have laws upon the statute-book creating certain offices, establishing an Army and a Navy, making provisions relating to the Indians, &c.; in other words, we have existing laws requiring certain annual expenditures, laws to which the House has agreed and the Senate has agreed and to which the President has agreed, the three co-ordinate branches of the legislative power. Those laws have been made by their free concurrence. What is the position we are asked to take in this House? I make my appeal to no party. I make my appeal to statesmen and to men who wish to do the duty of statesmen.

The position the House now seems to take by its Committee on Appropriations is that, unless the Senate will make a new law, unless the President will approve a new law, this one single third part of the legislative power will refuse to conform to the laws which have already been made and which stand upon the statute-book.

Now, sir, we cannot stand in that position; we cannot refuse to obey existing laws to which all three parts of the legislative power have agreed, without at the same time making ourselves repudiators of the law. There is a rule governing this question, based on the logic of the situation and the outgrowth of congressional experience; and what is it? It is that that House, whether it be the Senate or the House of Representatives, which proposes to change an existing law, after having made every reasonable effort to induce the other House to consent to the change, must in the last resort recede in favor of the law in which both houses and the President have concurred.

And the other rule is that wherever one House proposes a new appropriation, the amount of which is not fixed by law, that House which proposes the largest sum must recede and yield to the House that proposes the smaller sum. On these two rules the two Houses have stood and settled their difficulties and differences in nearly every instance for many years.

The gentleman from Indiana [Mr. HOLMAN] alludes to the sundry civil appropriation bill having once failed. It did fail, but not on such propositions as those which have been appended to our various appropriation bills. I presume I remember the instance to which the gentleman refers, during the war, when Henry Winter Davis, for the sake of a certain protection to personal liberty, if I remember rightly, a provision attached to the sundry civil appropriation bill, and to which the Senate refused to yield, induced this House to let the bill perish at the close of the session. It was not laid upon the table, but it came to us on the report of the committee of conference; and to that report the House would not agree. I see the gentleman rising; does he wish to ask me a question about it?

Mr. HOLMAN. Does not the gentleman remember very distinctly that that bill was laid upon the table? And I think he himself voted to lay it on the table.

Mr. KASSON. No; I made the last remarks upon that bill a few minutes before the close of the session, imploring the House to save at least the light-house and hospital service in that bill. And I will also remind the gentleman that then the law was not as it is now. Now we prohibit the Government from drawing upon the appropriations of a previous year for the like expenses of the succeeding year. At that time we could draw on the unexpended appropriations of the previous year for the same purpose in the succeeding year until the appropriations were exhausted. That was the situation then; but for that I doubt whether this House could have been induced to let that bill fail.

Now, touching the manner in which these appropriation bills have been presented to the House this session. The gentleman from Indiana expresses surprise that the Senate had kept the post-office appropriation bill sent to them on Monday last for five days without notifying the House of its action. Does he consider that an extraordinary delay, knowing, as he does, that for three days the Senate was not in session? Does he regard the Committee on Appropriations as justified in blaming the Senate for delaying action on any of these bills because of the few days they have taken for their consideration—bills which the House has kept back for many months?

What is the situation in this House in respect to these bills? I send Rule 77 to the Clerk to be read. While there are two appropriation bills yet unacted on in the House, and one not yet even reported from the Committee on Appropriations, it will be seen from the rule what was the intention of the House in respect to giving ample time to both the House and the Senate for the consideration of all these bills. If the Clerk will read Rule 77 we will all remember it.

The Clerk read as follows:

It shall also be the duty of the Committee on Appropriations, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian Department; for the payment of invalid and other pensions; for the support of the

Military Academy; for fortifications; for the service of the Post-Office Department, and for mail transportation by ocean steamers; or, in failure thereof, the reasons of such failure.

Mr. KASSON, [to the Clerk.] That is enough.

Mr. HOLMAN. Allow me one question.

Mr. KASSON. Let me finish what I have to say on this point. It will be seen from that rule that the delay in the committee's action upon these appropriation bills has been in contravention, not of any supposed or theoretical duty, but of a positive duty as laid down by the rule. I recollect that the committees of this House were not appointed until the 1st of January. That was not the fault of anybody on this floor.

Mr. HOLMAN. Allow me a question. Has the gentleman, in all his experience on this floor ever known that rule to be complied with?

Mr. KASSON. Only in part.

Mr. RANDALL. Not during a long session.

Mr. HOLMAN. Not in any session, long or short.

Mr. KASSON. Yes; several bills were reported last session within thirty days.

Mr. HOLMAN. Has the gentleman ever known all the appropriation bills at any session of Congress to be reported in conformity with that rule?

Mr. KASSON. I do not think that all of them have ever been reported within the first thirty days.

Mr. HOLMAN. Of course not.

Mr. KASSON. But I do know that Committees on Appropriations have met prior to the first Monday of December, and several of the appropriation bills have been reported to the House within the first thirty days of the session. And but for the partisan purpose of combining with the appropriation bills serious changes in the laws for the administration of the Government, we should have had them this session reported to the House long before this time.

The sundry civil appropriation bill, which we have now the promise shall be reported next week, by the 22d of June, is one of those which the rule requires to be reported within thirty days from the commencement of the session or the appointment of the committee. Let me say, in justice to the present Committee on Appropriations as well as of former Committees on Appropriations, that it is nearly impossible to report all the appropriation bills within thirty days. But it is not impossible to get them all in before the 1st day of June; and they should have been before us, the most of them, in March or April, and all of them in the month of May. That would allow very ample time to the committees.

Here comes in the difficulty, that the Committee on Appropriations desire to have power over all the other committees of the House and to subordinate them to that committee. To do that, of course, requires a great deal of time. The committee now expects the Senate, which has its own independent committees, which do not propose to be subordinated to any one committee of this House or of the Senate, to pass upon the appropriation bills and the separate laws thrust into them, as reported from this House, within five or six days from the time when the bills reach them.

I submit that the House has gone too far in this direction, and we must do something to bring the two Houses to an agreement upon some principle of action. Let gentlemen think for a moment what they would say here if the Senate should refuse to pass an appropriation bill unless we would consent to some changes in the law, or in a great variety of laws, which the Senate wanted; and then they will understand somewhat the situation as it is now, when the House demands like action on the part of the Senate.

Mr. HOLMAN. Will the gentleman allow me to put one other question?

Mr. KASSON. Yes.

Mr. HOLMAN. The gentleman speaks about changing laws.

Mr. KASSON. Make it a question, not a speech.

Mr. HOLMAN. Can the gentleman say that any change of law has occurred or been attempted on any appropriation bill that has passed the House at this session that has not occurred time and again in his own experience on appropriation bills?

Mr. KASSON. I answer emphatically that never in my experience did I see an attempt made on an appropriation bill to change the organization of the Navy or the Army. Once I did see a simple transfer of the Indian Bureau to the Military Department.

Mr. RANDALL. Where did Mr. Orth put his bill changing the law in regard to the diplomatic system? And where did Mr. Kellogg put his bill re-organizing the Treasury Department?

Mr. KASSON. The bill of Mr. Kellogg was a mere economical rearrangement of certain officers; and authority for its introduction was given by two-thirds of this House.

Mr. RANDALL. The diplomatic service was changed in 1874 on an appropriation bill.

Mr. KASSON. It was only done under the old rule by a motion to suspend the rules, adopted by a two-thirds vote, so as to make it in order; and it involved no radical change.

Mr. RANDALL. The minority heretofore in my experience has always been in favor of suspending the rules for anything looking to retrenchment; but this session we found ourselves here with an inadequate number to suspend the rules; and we had to change the rules.

Mr. KASSON. But the number has been adequate heretofore in a republican House. We could always get a two-thirds vote for a reduction of expenditures.

Mr. RANDALL. Yes, sir. But you had a rule then in favor of extravagance, and our rule was a change, so as to be in favor of economy.

Mr. KASSON. Now, sir, one word in regard to the allegation that the former rule was calculated to encourage extravagance. Gentlemen on the other side have implied that the rule referred to prevailed only in republican Congresses. But, sir, that rule was a democratic rule. It was introduced by Mr. C. C. Cambreling, the old democratic chairman of the Committee of Ways and Means, in old democratic times.

Mr. RANDALL. But the interpretation of that rule was republican.

Mr. HOLMAN. One other question——

Mr. KASSON. I beg not to be interrupted this moment. On the contrary, when Mr. Cambreling saw that he could not increase the pay of custom-house officers in New York, the point being made under the rule, he obtained a report from the Committee on Rules supplying those words, "contingencies for carrying on the Government," under which the democracy of the old "economical" times occasionally increased salaries of officers of the Government. Very little has been done in that way by republican Congresses. As a rule it has been done, if at all, by separate bills or under the old practice of suspending the rules by a two-thirds vote.

Mr. HOLMAN. I ask the gentleman to listen to this inquiry: Does he not know that the pay of postmasters and the compensation of railroads for the transportation of the mails have been fixed on appropriation bills, without a single exception, for the last twenty years?

Mr. KASSON. I do not know that fact. I know that occasionally partial changes of some sort of business like post-office business have been made by motion to suspend the rules to authorize them to be put on appropriation bills.

Mr. HOLMAN. I hope the gentleman will be fair about this. Does he not know that the present law, both as to the salaries of postmasters and as to the compensation of railroads for transporting the mails was put on the post-office appropriation bill?

Mr. KASSON. I cannot say as to that. I do not know whether I was in the Congress in which the present law was passed.

Mr. HOLMAN. It was only a few years ago.

Mr. KASSON. I do not believe it was put on an appropriation bill——

Mr. HOLMAN. It was.

Mr. KASSON. Except on a motion to suspend the rules.

Mr. HOLMAN. It came from the Senate.

Mr. KASSON. There is another point in this case. When we obtained the vote to increase the postal facilities of the Government for the benefit of the people, it was done in an open and manly manner, and with the free consent of the Senate. And never within my knowledge was an appropriation bill allowed to be dropped in this House, with the single exception I have named, by reason of the failure of one House to agree to a new proposition of the other House in respect to a change in the law.

The gentleman says that this post-office appropriation bill is a very important measure. So it is; but he is endeavoring to force the Senate to agree to a proposition to deprive the people of this country of existing postal facilities.

Mr. HOLMAN. That the gentleman knows is not true.

Mr. KASSON. I submit to the gentleman that, in respect to what is known as the fast-mail service in which 15,000,000 people are interested, the gentleman has proposed in the post-office appropriation bill such rates as imperil, if they do not in fact insure, the discontinuance of that service.

Mr. HOLMAN. We proposed in that bill no such thing; and the gentleman knows it.

Mr. KASSON. I must say that I cannot answer for the gentleman's brains, but I will for mine; and that, in my opinion, is the effect of the bill.

Now, Mr. Speaker, this is going into the details of a bill, which I did not care to do, because of the importance of the principle involved and the question presented by the President's message; but I felt it due to us on this side of the House to state distinctly the principle of legislation upon which, as I conceive it, we stand; and that is that neither the Senate can by refusing to maintain the Government force this House to change a law at the peril of the Government, nor can the House do it as against the Senate and the President; and that upon these appropriation bills we should comply with the law of the land and vote the bills required by law. Gentlemen cannot fail to see that the claims of the men who have their pay fixed by law are as good as if the appropriation for them were made. It must be made at some time. And when they propose to destroy the diplomatic and consular service if they do not succeed——

Mr. RANDALL. Every man in this House save two voted for that diplomatic bill.

Mr. HOLMAN. The gentleman voted for it himself.

Mr. KASSON. We did not vote for that part of the bill, but on the contrary opposed it—that part which struck off blindly a large portion of the instruments of our commercial prosperity in the different parts of the world.

Mr. RANDALL. I say on the passage of that bill every man save two voted for it.

Mr. KASSON. The gentleman knows he called the yeas and nays for the purpose of making just such a statement as that which he now makes, in order if we voted against it to say that then the republican party as represented here is opposed even to carrying on so much of the Government as the other side chose to leave; and if we voted for it, to claim an approval by us of his whole bill. He knows distinctly we never yielded to the proposition to abolish various places of diplomatic and consular importance throughout the world connected with the commerce of the United States, or with the honor and influence of our nation abroad.

Mr. RANDALL. I did not think upon so slender a provocation that side of the House could be put to flight on the question of economy. I supposed they cast their vote according to their judgment.

Mr. KASSON. With our own reductions of so many millions in the appropriations made by the last and republican Congress, with our agreement to reduction in the last Navy bill, our agreement to reduction in the fortification bill, and our agreement to reduction in every instance where, in our honest judgment, you did not imperil the Administration, the gentleman still talks about our opposition to economy. If economy is to reduce expenditures without reason and against judgment, why have not this committee doubled, trebled, quadrupled their economy? They are not half economists on that principle. They could have cut off half the Government or utterly destroyed it, instead of a quarter of it, and still call it economy.

Mr. RANDALL. I agree, if we had the co-ordinate branch of the Government with us, there could have been a reduction of the expenditures of this Government without any peril under the Administration, but with great relief to the tax-burdened people, of twenty millions more than we have reported.

Mr. KASSON. Instead of economy consistent with the due administration of the Government, we have that sort of economy which re-arranges the order of the Government as the bull arranges the china on the shelves of a china-shop when he is turned loose into it. [Laughter.] Economy is orderly retrenchment, justified by facts given, by facts ascertained, and justified by those most intimately acquainted with the necessities of the Government. In every instance where those reasons existed and those facts were given this side of the House has voted for the reduction. There is not a single Department of this Government which has admitted that they could sacrifice without detriment to the public service even one clerk that this side of the House has not cheerfully voted for the reduction. And so it has been with all the appropriations, where we thought we could dispense with any disbursement for the next fiscal year. It is not fair nor just, therefore, to say there is any opposition to economy on this side of the House. Gentlemen know it is our interest as well as our duty to go to the last point in retrenchment and economy consistent with the success of Government and with our obligations to the people of the country; and we will do it.

Mr. HOLMAN. I wish to ask the gentleman this question. He has complained of the delay of the Committee on Appropriations.

Mr. KASSON. That is going back to another matter, and I hope the gentleman will not keep me on the floor for that purpose.

Mr. HOLMAN. But one moment. When the Secretary of War, Judge Taft, came into that office and reduced the estimates of his predecessor, reducing those estimates some $5,000,000, did not the state of things which justified him in making that reduction show it was proper the House of Representatives should be patient in its efforts to reduce appropriations—patient for still further reduction justified by the same circumstances and by the estimates which had been sent in for their appropriation bills?

Mr. KASSON. No, sir; for a long time had elapsed since the former estimates had been sent in, and since they had been sent in there had been a change of administration of that Department.

Mr. HOLMAN. Did it not apply to all the other bills?

Mr. KASSON. It did not apply to all the other bills. There was no other such change in administration. He simply omitted those things which a further lapse of time had shown it was possible to dispense with or postpone. Not content with that, the gentlemen go beyond what that admittedly honest and intelligent officer has said was right and proper, and propose to mount on the Army appropriation bill, which could pass without trouble except for that very fact, provisions going far beyond what the Secretary said could be done—to put on provisions destroying part of the Army, leaving the frontiers unprotected and our permanent forts unguarded, and insisting that we shall not maintain the Army according to law unless we destroy at the same time a fourth or a fifth part of it.

It is that conduct to which we object on this side and to which we shall continue to object.

Now, Mr. Speaker, I come back to the main point for which I rose, and that is to say that there is absolute necessity for us to do one thing or the other in order to save the Government of the country from dishonor and discredit, caused by our action or non-action. We must either re-appropriate now what remains of former appropriations, or rather make them applicable by this resolution to the service of the next fiscal year, or else our conference committees must come to some early understanding with the Senate upon that old ground on which we have so often met—upon that established rule which is founded in sound reason, justice, and experience.

Mr. HEREFORD rose.

Mr. ATKINS. Before the gentleman from West Virginia begins I would like that the House should come to some understanding as to how long this debate is to run. If a gentleman on this side is to speak of course some gentleman on that side will reply, and I would like to know when this discussion is to close.

Mr. RANDALL. When the gentleman from West Virginia rose I was about to endeavor to close debate by calling the previous question.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from West Virginia.

Mr. HEREFORD. I must confess, Mr. Speaker, that I was surprised when the gentleman from Illinois rose in his seat and told this House that he and his party intend to hold us on this side of the House responsible for not passing just such an appropriation bill as they deem proper at the other end of this building. I accept, so far as I am concerned, that responsibility. The people of this country, irrespective of party, in their party platforms have pledged themselves to economy and reform. But what step in the direction of economy and reform have we ever seen taken by the other side of this House? Every single proposition that is made of any magnitude or of any importance whatever toward economy is met and fought step by step by that side of the House.

Mr. FOSTER. Will the gentleman from West Virginia allow me to ask him a question?

Mr. HEREFORD. Yes, sir.

Mr. FOSTER. I would like to have the gentleman address himself to the reductions made in the river and harbor bill.

Mr. HEREFORD. I will do so with great pleasure.

Mr. FORT. In that bill was there not appropriated $400,000 in the gentleman's own district to improve a few dry creeks?

Mr. HEREFORD. I will state, by way of parenthesis, that the bill which I had the honor to report for the improvement of rivers and harbors appropriated between $800,000 and $900,000 less than the appropriations of last year. And I will ask my friend from Ohio [Mr. FOSTER] if he did not vote for that same river and harbor bill? I should like an answer from the gentleman. I ask him if he did not vote for the river and harbor bill himself?

Mr. FOSTER rose.

Mr. FORT. I asked the gentleman from West Virginia a question; and I did not vote for the bill.

Mr. HOLMAN. One at a time.

Mr. FOSTER. Does the gentleman from West Virginia want an answer?

Mr. HEREFORD. Yes, sir.

Mr. FOSTER. I found that the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, and the gentleman from Indiana [Mr. HOLMAN] were not opposing the bill, and I voted for it.

Mr. HOLMAN. I voted against it.

Mr. FOSTER. Where was the gentleman's voice at that time?

Mr. HOLMAN. You voted to suspend the rules. I said all that could be said on a motion to suspend the rules. I demanded the yeas and nays.

Mr. FOSTER. And where was the gentleman from Pennsylvania at that time? We did not hear his voice.

Mr. RANDALL. The gentleman from Pennsylvania was here, as he always is. The record shows where he was.

The SPEAKER *pro tempore*. The gentleman from West Virginia has the floor and will proceed.

Mr. HEREFORD. To answer more fully my friend from Ohio, [Mr. FOSTER,] before taking up the thread of the remarks I was about to make, I will say that the river and harbor bill, which I had the honor to report, and for which the gentleman himself voted, not only was $800,000 less than the appropriations of the preceding session, but it was over $8,000,000 less than was recommended by the Secretary of the Treasury and the Secretary of War; over $8,000,000 less than was asked for by the Administration, as the gentleman will find by turning to the Book of Estimates, on page 126. So much, then, Mr. Speaker, for the river and harbor bill.

Now, with the permission of my friends on the other side of the House, if they will give me their attention for a few minutes, I will try to tell them why it is that the people of the United States are holding the party in power to such strict accountability. It is this: When you turn to the report of the Secretary of the Treasury you find that on the 1st of July, 1866, the public debt of the United States had reached the highest figure, and was then $2,773,236,173. Since that period what has been drawn from the people of the United States? If you turn to the reports of the Secretary of the Treasury, you will find that since 1866 to the present time you have collected from the people $4,682,000,000, nearly $2,000,000,000 more than the whole debt. No man can deny these facts. Your debt on July 1, 1866, was twenty-seven hundred and odd million dollars. Since that time, as the report of the Secretary of the Treasury shows, you have collected over $4,600,000,000, nearly $2,000,000,000 more than the whole debt; and yet what is your indebtedness to-day as it is shown by the last report of the Secretary of the Treasury?

Mr. HURLBUT. Will the gentleman allow me to interrupt him a single moment?

Mr. HEREFORD. Wait a little.

The SPEAKER *pro tempore*. The gentleman from West Virginia declines to yield.

Mr. HEREFORD. I say it is shown by the last report of the Secretary of the Treasury that we were in debt on the 1st of July, 1875, $2,270,000,000. The people of this country are asking this Congress, they are asking men here of all parties—democrats, republicans, and liberals—what have you done with nearly $5,000,000,000 since 1866? You have only decreased your debt about $450,000,000, and we have paid you nearly $5,000,000,000.

Mr. HURLBUT. I wish to make a parliamentary inquiry. I wish to know whether it is in order for the gentleman from West Virginia to say "you have increased our debt" and "you have done" so and so? I want to know whether he means to exclude that side of the House from any responsibility for the debt; whether he has the right to say "you" and "your."

The SPEAKER *pro tempore*. Does the gentleman desire the Chair to pass upon a matter of rhetoric? The Chair declines to do so.

Mr. HURLBUT. It is not a matter of rhetoric, but of order.

Mr. HEREFORD. That is the trouble with our friends on the other side. They come here and talk to us about being in favor of union, peace, and harmony and brotherly love, and yet no gentleman on this side of the House can arise and make a few remarks upon any subject that it is not thrown into his teeth that he happens to have been born or to represent a district south of Mason and Dixon's line. Upon any and upon all occasions that must come up. It has been so every session since I have been here; and whenever we talk on this side of the House about retrenchment and reform the "bloody shirt" is an answer to us. If we talk about peculations and frauds in high places or in low places, the answer is the "bloody shirt." Thank God, I believe that the people of this country are about to rise in the might and majesty of their power and say to those who breathe such a spirit, "We desire your presence in the national councils no longer." I believe the great mass of the American people are in favor of this.

But let me come back for a moment to the matter I was discussing when interrupted. The people of this country are asking the question what has been done with those thousands and thousands of millions of dollars. That is what these investigating committees have intended to bring to light which have been appointed; but when we attempt to answer this question to the people where those thousands of millions of dollars have gone, through our investigating committees, you call us the ex-confederate House of Representatives and say that our committees of investigation are intended to strike down some loyal man or "assassinate character." That is the answer to all of them, but the people think differently. They are coming back all the time to the question what has become of the $5,000,000,000 which have been drawn from the people during the last ten years. Gentlemen on the other side, when the question of economy comes up, say that they are in favor of economy, but they oppose any steps in that direction, and they come to-day in the person of the gentleman from Illinois [Mr. HURLBUT] and make a threat to this House that if we do not continue these appropriations upon the same magnificent and extravagant scale they have been doing while they have been squandering $5,000,000,000 they will hold us responsible to the people. As far as I am concerned, I accept the responsibility, and I shall go before the country with my feeble ability and oppose all men and all parties who will not vote for retrenchment and reform and who will not give the widest scope to inform the people through investigating committees and otherwise what has become of the $5,000,000,000 wrung from the hard earnings of the people during the short period of ten years.

Mr. WOOD, of New York. Mr. Speaker, I should regret exceedingly that Congress should fail to pass the necessary appropriation bills before the expiration of the fiscal year. I should regret very much any embarrassment that the Government should feel in consequence of any differences that might possibly exist between the two Houses on questions of money. I am quite sure, sir, that, in common with a very large majority of the members of this House, I am resolved to do everything I can do consistent with the sense of duty and the oath of office which I took at the beginning of this Congress, to make the appropriations that may be required for the proper conduct of the Government for the ensuing year.

But when I say this, Mr. Speaker, I am compelled to express my regret that the President has seen proper to send us this communication. I think, sir, he has been very, very badly advised, and I think that the responsibility which he ostensibly from his position necessarily must assume for sending us that communication should be properly placed upon other shoulders.

In the first place, there was no necessity for this communication. In the second place, the message itself does not contain one single new idea; and in the third place, I recollect no instance which establishes a precedent for a communication of this kind sent to Congress under circumstances such as now exist. The President tells us, and calls attention to the fact, that it is the House that is to be instructed upon this subject. The President tells us the appropriations will expire on the 30th of the present month. We knew that. He refers us to the law upon the subject, and that no money can be drawn from the public Treasury except in pursuance of law in pursuance of appropriations made beforehand. We knew that. He tells us in addition that after the 30th of this month the Treasurer will not have power to respond to any obligation that exist against the Government. We knew that, sir.

I therefore repeat that so far as reference to law is concerned we knew all that before. But he goes further; he proposes to Congress a measure, a precedent for which does not exist in the annals of the Government, a proposition that the Government may spend what money it requires whether Congress makes any appropriation or not. He sends us the form of a joint resolution which provides that the Government may go on under existing laws, which expire by limitation at the end of the fiscal year, and spend as much money as is now provided for the coming fiscal year until Congress shall act in the matter.

Mr. FOSTER. I would like in good faith to ask the gentleman a question.

Mr. WOOD, of New York. Very well.

Mr. FOSTER. Will the gentleman state what course the Administration could take on the 1st of July in case these appropriation bills are not passed before that time?

Mr. WOOD, of New York. I will answer the gentleman. I suppose the Administration, under those circumstances, would do precisely what my friend from Ohio [Mr. FOSTER] or myself would do; if we had not the money of our own properly to be used for any specific and legitimate purpose, we could not expend it. If the money is not appropriated, I agree with the President and my friend from Ohio that it cannot be expended, for to do so without authority of law would be a violation of the duty of the President. There is no question of that fact.

But I do not apprehend any such result. I cannot comprehend that the President himself, when he put his name to that document for the reasons therein stated, could have assumed for one moment that the two Houses of Congress would finally conclude to differ on the question of appropriations. I apprehend it was for another motive, for another purpose, that that message was sent to us. It was to coerce one branch of Congress into yielding to a demand upon the part of the Executive and his political partisans and coadjutors in the other branch of Congress to grant them what they wanted. This House is to-day placed in the attitude of being surrounded by menace and the power of the Executive and the other branch of the legislative department of the Government to compel us to yield to demands to which in our conscience we do not feel at liberty to yield.

Shall it be assumed that this House in the discharge of its legitimate constitutional right to initiate all appropriations of the public money does not know the amount to be appropriated? While I do not assume that we have original and absolute control, still as a portion of the law-making power of the country we have the right to judge.

Mr. KASSON. Will my friend yield——

Mr. WOOD, of New York. As I said the other day, while under our system of government the legislative branch is modeled upon that of England, the House of Commons in England is never interfered with either by the Crown or by the House of Lords in reference to any money bill it may initiate or pass; but the appropriation made by the House of Commons is final. They tell the government how much money is necessary to be expended, they make the appropriation of that amount of money, and that appropriation is never interfered with.

Mr. KASSON. Now, will my friend yield——

Mr. WOOD, of New York. In a moment. While I do not hold that this House should take that independent position, while I know that under the practice of our Government the assent of the Senate is necessary to all our money bills, and the assent of the President is also necessary unless we pass them over his veto; yet I deny the right of the President of the United States, or of the Senate of the United States, or of any other power in this land, to take from this House its right to originate those bills, its right to consider them, its right to refuse or to assent to any amendment made by the Senate, its independent right, without intimidation or coercion, or influence of an executive or any other character, to judge for itself what it is right and proper to do.

This House is responsible to the people, and is the only branch of the Government of the United States that does represent the people, coming as it does directly from the people. The Senate does not directly represent the people of the United States. The President of the United States once in four years is the creature and the creation of the people. The members of this House, coming from the people every two years and returning to them every two years for its judgment upon their conduct, while they are members of this House are directly responsible to the people.

Mr. KASSON. Will the gentleman now yield?

Mr. WOOD, of New York. Certainly.

Mr. KASSON. I would ask my honorable friend to read the clause of the Constitution which gives to this House the exclusive right to originate appropriation bills. And I would also ask him if he does not remember that even revenue bills may be amended by the Senate? The gentleman alluded to the practice in England; that is wholly different from the practice in this country.

Mr. WOOD, of New York. I have not denied the proposition of the gentleman from Iowa.

Mr. KASSON. But the gentleman said that this House had the exclusive right conferred on them by the Constitution——

Mr. WOOD, of New York. I say that this House has the right to originate the bills for the appropriation of public money.

Mr. KASSON. Will the gentleman read that clause?

Mr. WOOD, of New York. The clause refers directly to revenue bills.

Mr. KASSON. Revenue bills are not appropriation bills.

Mr. WOOD, of New York. I have seen that clause of the Constitution so construed as to apply to money bills of every character, because they pertain to the revenue. Therefore the gentleman is not strictly accurate in his strained construction of even my hasty declaration of what our constitutional rights are.

Why is it assumed that there is to be a dead lock between the two Houses? Who assumes it? Are we to construe this assumption as the result of a determination on the part of the other branch of Congress to refuse its assent to our bills? Is it the intention upon their part to produce a dead lock if we do not consent to their modification of our bills? Do they propose to bring the executive power to bear upon us, and to say in advance that they will place as before the people of this country in such a position that the creditors of the Government will hold us as a party responsible for the exercise of what we consider our legitimate and proper function? Is that the object? Is the presidential canvass to be opened in advance in this way? History furnishes very many instances of precedents to confirm my suspicion of what is the intention in this case.

Responsibility! Why, sir, we will take that; we will always take the responsibility of our public acts when they commend themselves to our conscience. The people of this country are compelled in their individual affairs to retrench; and they do not understand why we should keep up an expensive, extravagant organization of the Federal Government while they themselves are so dependent, so impoverished, and so destitute. If our friends on the other side threaten to go before the people upon the naked issue whether this House should continue this paraphernalia of Government, established upon such a splendid and extravagant basis, or retrench as proposed by the House of Representatives, we will go there; and if we are to understand that the presidential election is to determine whether the party in power shall maintain its exorbitant scale of disbursement, whether it shall keep up this immense horde of paid followers, whether it shall have its emissaries and agents, paid out of the public Treasury, in every precinct and almost in every man's house—if that, sir, is to be the ground on which we are to go before the country in the coming presidential canvass, I have no donbt of the result. The American people are not in a mood at this moment to continue that which is subversive of their liberties and rights as well as absolutely destructive of their material interests.

I hope that the usual course between the two Houses in attempting to adjust their disagreements as to these bills may continue. I hope there will be no strong, resolute, determined effort upon the part of either House to adhere to anything which in itself cannot be defended solely upon the ground of the public good. As one member of this House, I desire no partisan or political advantage in this matter. I desire to vote the moneys necessary to the support of the Government. I do not want to embarrass the Administration. I want the machine to run on in its integrity, but on a basis that shall come down to the actual condition of the American people. For that I shall struggle and contend to the last.

Mr. KELLEY. My friend from New York [Mr. WOOD] says that he thinks the President has been badly advised, and that such advice has influenced him to make the communication he has made to us this morning. Sir, I do not think any man is ever badly advised by going to the Constitution of the United States for counsel; and I find in section 3 of article 2 of the Constitution a provision defining the duties of the President, which says:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

This is the 17th of June; to-morrow is Sunday. Beyond that there are eleven working days of the fiscal year; and under a recent law prohibiting the expenditure after the expiration of the year of unexpended balances, the Executive will be without one cent of money which it may apply to the support of the Government. But eleven days of the fiscal year remaining and three appropriation bills not yet agreed upon by the Committee on Appropriations.

Mr. WOOD, of New York. May I remind my friend from Pennsylvania—I think he was here at the time—that appropriation bills have been passed in this House without even being read at the Clerk's desk? One bill appropriating millions of dollars was passed through the House in five minutes.

Mr. KELLEY. I will remark that the majority of that Congress was not an opposition majority and had not sought to force a dead lock between it and the majority at the other end of the Capitol.

Mr. RANDALL. Does my colleague know how much time it took to pass the sundry civil bill at the last session? It embraced appropriations to the amount of $27,000,000, but it was passed in about two minutes and a half on the morning of our departure. We were debarred from suggesting any reductions or anything else, and there was not one man in ten in this House who knew what was in that bill. As one member of the conference committee I refused to sign the report.

Mr. FOSTER. Neither do members know what is in these bills.

Mr. RANDALL. Yes, sir; every appropiation bill this session save one has been discussed.

Mr. FOSTER. Not one man in ten understands what is in them.

Mr. RANDALL. And there is not an item in any appropriation bill that has come from the Committee on Appropriations at this session that has not been duly considered by that committee.

Mr. KELLEY. I am not considering the dead past or how the reports of committees of conference have been disposed of.

Mr. RANDALL. I am looking to some of the wounded.

Mr. KELLEY. I am looking to the living future. What are to be the provisions of the appropriation bills that are yet to be agreed upon and reported by the committee? When are they to be reported to and considered by the House? Are they to be passed under the previous question in accordance with intimations just given by the gentleman's significant allusions to the past, and then sent to the Senate and thence to the Executive? No, sir. The message is not indecorous or inopportune. The President sees what every good citizen sees—that if action such as he suggests be not had the Government will be paralyzed twelve days hence.

Mr. RANDALL. Just as the people's industries are now.

Mr. KELLEY. Its custom-houses will be closed; its postal arrangements suspended; its commercial credit dishonored by any draft arriving after the 30th of this month for payment from any one of our consular and diplomatic representatives. If ever an exigency called upon the President to bring "the state of the Union" to the attention of Congress and to submit a measure to its consideration, the impending exigency does.

What does the President suggest? Does he, as the gentleman from New York [Mr. WOOD] intimates, originate or attempt to originate a bill? Does he trench upon the prerogatives of the House? No. He sees the possibilities of the future; he sees the grounds and breadth of the controversy between the two Houses; and he asks that a law recently repealed, which had existed, I think, for the whole life of the Government, allowing the application of unexpended balances to the uses of the Government shall be revived in order that the two Houses may have time to deliberate and agree upon appropriations for the coming year. He takes no part with either House. He has no intimation to make as to the wisdom or otherwise of any pending bill or of those yet to be reported in this seventh month of the session by the Committee on Appropriations. But in substance he says: "While you are in conflict let the functions of the Government be exercised to the extent that they can be upon unexpended balances of appropriations for this year."

If any man be ingenious or fastidious enough to find a purpose to trespass or trench upon the prerogatives of this House in this suggestion, his ability in that way is keener than mine.

Mr. WOOD, of New York. My friend from Pennsylvania cannot have forgotten that the President sends us a form of law by which we shall agree to intrust to the heads of the Departments of the Government the expenditure of any amount of money they may please. There is now upon the Clerk's desk a form of law draughted in the Executive Mansion, to be passed by Congress, in the shape of a joint resolution.

Mr. KELLEY. Yes; in order to show by what a simple process the impending danger may be averted, the project which my colleague has proposed, and properly, to refer to one of the committees of the House, is submitted by the President in the form of a joint resolution. He says the "better to express my meaning I embody it in the form of a joint resolution." Where is the indignity upon the House? Wherein does that trench upon the prerogatives of the House? Wherein is it improper? I fail to see anything improper here.

The gentleman denies the right of the President to originate a bill. He denies the right of the Senate to originate a bill. He deplores the fact that we are not English, while I thank God that we are American. He deplores the fact that the functions of the Government in this particular are not vested in the majority of this House alone, while I rejoice in the fact that the Senate may, by express provision of the Constitution, amend and alter the action of this House. In the event of disagreement between the Houses conferences may be had. So that the best sense of either or both may be applied to our legislation. A bill cannot become a law until both Houses have had separate discussion and action upon its provisions.

I believe that in a multitude of counselors there is wisdom and safety, and that this truth is again illustrated by the danger the President seeks to avert; for, sir, this session of this body will show the country the danger of a single-House Legislature. Let us look at our own experience. It has shown the wisdom of the reference of all questions to committees. As the country has grown and the number of Representatives has increased, the number of standing committees has been enlarged. When I came here the duties now performed by the Ways and Means, the Appropriations, and Banking and Currency Committees were performed by one committee, known as the Committee of Ways and Means. It was found wise to divide the functions and submit them to three committees, to thirty-three gentlemen instead of to nine, by increasing the number of members of each as well as of committees. Yet, sir, one of the first acts of the majority of this House was to consolidate the business of the House within the jurisdiction of a single committee; to divest every committee whose business required or should require an appropriation of its power, and to vest it in the Committee on Appropriations. Thus having concentrated the labors, duties, and power in one committee, great blunders have been made.

Mr. RANDALL. Name them; let us hear what they are.

Mr. KELLEY. Why, the attempt to change the function of the several Departments of the Government?

Mr. RANDALL. That is a very light blunder—a very tender mode of expressing it.

Mr. KELLEY. The transfer of the Indian Bureau to the War Department was a matter well worth consideration; it was a subject which might well have had the consideration of the Committee on Military Affairs and of the Committee on Indian Affairs.

Mr. RANDALL. It had both.

Mr. KELLEY. It should have been amply discussed in this House, as it would have been if reported by the appropriate committee.

Mr. RANDALL. It had both. The Indian Committee recommended the transfer after the Committee on Military Affairs had acted on it. We followed the line of their suggestions except as to reduction. Now go on with your blunders, and I will explain them one after another as fast as you state them.

Mr. KELLEY. I will not enumerate them.

Mr. RANDALL. You cannot.

Mr. KELLEY. I leave them to the sense of the country.

Mr. RANDALL. You ought to be informed, and therefore you ought to state them.

Mr. KELLEY. What is that you say?

Mr. RANDALL. You ought to be informed.

Mr. KELLEY. I am.

Mr. RANDALL. You do not state the blunders. You have made a declaration you cannot sustain.

Mr. KELLEY. I propose to discuss the question at issue as it strikes my mind.

Mr. RANDALL. Give the House a little detail of your mind.

Mr. KELLEY. I apprehend that the country will brand them all as blunders, or something worse, and I assert unhesitatingly that the whole legislation thus attempted to be interpolated into appropriation bills was to force a dead lock between the two Houses on those bills. Why is it that within eleven or twelve days of the end of the fiscal year bills are still withheld by that committee? Why is the House and the Senate and the Executive and the country not to know what in the last days will come forth from that committee? Contemplating the facts just alluded to, with the fact that almost every appropriation bill is loaded with legislation, under the rule I have referred to and which I have the right to refer to——

Mr. RANDALL. It is all in the direction of economy.

Mr. KELLEY. I have the right to say the country will believe, as I believe——

Mr. RANDALL. Not in extravagance.

Mr. KELLEY. I have the right to say the country will believe, as I believe, that the object has been, not economy—not economy, sir, but a dead lock.

Economy! Was not the fractional currency good enough? Why issue gold-bearing bonds to buy a new form of fractional currency, if economy were an object?

Mr. RANDALL. Not any dead lock about that.

Mr. KELLEY. Why sell bonds bearing interest in gold, and buy material to make fractional currency? Forty millions of dollars of gold at 5 per cent., and in twenty years you will have paid $40,000,000 interest and still owe the $40,000,000 bonds, with much less than $40,000,000 to show for the $80,000,000. You had a fractional currency which when the holder lost a piece he lost it, and the Government gained its denominational value; but when the holder loses a silver coin which you have bought with gold, he loses it and the Government loses its intrinsic value. In the face of such wanton extravagance it is idle to talk of retrenchment and economy.

Mr. RANDALL. Is not that executing the law of the 14th of January, 1875?

Mr. KELLEY. Exactly; and executing it by men who profess economy, and who have had seven months in which they could have repealed the law—and yet they have not reported a bill to repeal it, although the rules were suspended for that very purpose.

Mr. RANDALL. They will have a dead lock.

Mr. KELLEY. The rules have been altered to allow it to be done, to allow the committee to have leave to report at any time. And when that was being done I said it would be followed by a hellish brood of bills. I was mistaken. It has been anticipated by them. You have passed two silver bills but have not brought forward a bill to repeal the resumption act and prevent the issue of 5 per cent. gold bonds for the purchase of silver.

Mr. RANDALL. We did what you failed in your republican Congress to do, to provide some means of taking a step toward resumption.

Mr. KELLEY. You economize a few tens or hundreds of thousands of dollars at the risk of embarrassing the Government, and you are lavish in your expenditure of millions of gold when it answers the purposes of owners of bonanza mines or dealers in gold and gold-bearing bonds. If you can reach resumption by increasing your gold debt you have taken a step toward resumption—but I cannot see it that way.

But I have been led into a diversion by this hackneyed but illusory cry of economy and retrenchment. I rose simply to vindicate the President from the aspersions which had been cast upon him, and to thank him in the name of the people——

Mr. RANDALL. Fall down and worship.

Mr. KELLEY. For having performed his constitutional duties in calling the attention of Congress to its duty when the faith and credit of the Government are in peril, and the Government itself is fractiously threatened with paralysis.

Mr. BLACKBURN was at this point called to the chair as Speaker *pro tempore*.

Mr. COX. I would not take up the time of the House now except for certain imputations which have been thrown on the famous retrenchment rule, 120. This rule I had the honor to introduce from the Committee on Rules. It is my pleasure to defend it. Besides, I speak because of remarks made by the distinguished gentleman from Pennsylvania [Mr. KELLEY] in relation to the Committee on Banking and Currency and the silver bills.

BANKING AND CURRENCY COMMITTEE DEFENDED.

As to the last matter, let me say that the House will recollect that at the beginning of this session there was a discussion as to which committee should take charge of the currency business. It was contended by gentlemen on one side that the Committee of Ways and Means was the only proper committee, because the greenback was currency, and because, being a debt also, it had charge of it by virtue of raising ways and means to support the Government. It was argued that to it belonged the exclusive jurisdiction on that subject. It was contended, on the other hand, that the Committee on Banking and Currency should take control. As the author of the measure dividing the old Ways and Means into three committees, I was compelled to speak. My remarks were to the effect that it would be well if all the wise men of both committees and in Congress should give their best attention and judgment to the solution of our most difficult and perilous problem. But the gentleman from Pennsylvania took great care in that debate to assume for his Committee of Ways and Means that it was the only committee which should have the power to consider and report such measures. Now, sir, when he complains of the committee of which I am chairman, may I ask if any report has ever come from the Committee of Ways and Means? Currency bills have been referred to it as to my committee. We have reported something to remonetize silver. Has his committee reported anything?

Mr. KELLEY. Will the gentleman allow me to state my position?

Mr. COX. I prefer not to yield now.

Mr. KELLEY. Let me say that I held that the Committee of Ways and Means had the right over the money and bonds, and that the currency or bank paper belonged to the Committee on Banking and Currency.

Mr. COX. It is enough to say that we have had no report on money or greenbacks or any kind of currency from the Committee of Ways and Means. But why should I blame it on account of this? No committee of this House, no party in this House, has been ready thus far to make a satisfactory report. Nor has the recent convention of the republican people at Cincinnati given any definite conclusion on that matter. All conclusions have been general and inconclusive. There are no remedies proposed. Why, sir, in Cincinnati the other day, was it an uncertain or a certain sound as to the repeal of this resumption law? I say to the House what I said the other day, that the Committee on Banking and Currency will take that matter up for consideration as soon as a quorum appears. We have no desire to postpone it now that a privilege is afforded us to report at any time. A quorum will be here on Monday. All intimations of disinclination to consider and report on that critical question will be easily repelled by the frankness and future action of that committee which has been peculiarly honored by the House.

THE GREAT RULE OF RETRENCHMENT—120.

But the matter now before the House is brought here by the message of the President. It is significant of conflict, and calls for pluck, faith, virtue, and popular defiance. The debate from one side is an attack on Rule 120 as amended. The object of the amendment of that rule, as gentlemen know very well, was to allow the Committee on Appropriations to retrench and reduce expenditures and salaries. The object of the old rule, I do not care by whom enacted, was to allow them only to increase.

"It has been decided," says Barclay, (page 16,) "that under Rule 120 it is not in order to propose an amendment to a general appropriation bill which changes existing law." But on the same page it is said that it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

Increase only! Not decrease at all. No wonder this new Congress, fresh from an impoverished and indignant people, desired more virtue in our rules as well as rulers. What virtue comes from the new rule, which strikes out increasing and inserts its opposite, is due to the honest gentleman from Indiana [Mr. HOLMAN] or the Committee on Rules, who reported that peculiar amendment which he sent to us. It is due as well to the House which has so gallantly sustained the Appropriation Committee in giving effect to the amended rule. From this fountain of pure legislation will come what relief a frugal people will receive from the exactions of profligate legislatures and a more profligate administration.

The amendment from the Committee on Rules was intended to remove our disability to economize. It passed with some disgruntling remarks from gentlemen opposite. It has had several ordeals, but it has come out thus far burnished and purified. Its results are seen in the various reductions which I will hereafter refer to.

HOW THE SENATE RECEIVED THE RETRENCHING RULE.

It may be proper to say that the Senate received it in no pleasant mood; and their action upon the bills passed under its auspices shows plainly that the reform it would work is not acceptable to that body. They fear it will encroach upon their prerogative, or that it will repeal bad laws. However, I venture to say that there was no other mode left to kill the parasite alike with the monster which had been so long eating up the substance of the people by ordinate salaries and scandalous outlays. Besides, it was framed in the very spirit of the best parliamentary law. If it be an innovation, it is a wise one, for what does it not save through the agency of fresh and just legislation?

ENGLISH ANALOGIES AS TO RULE 120.

An authoritative writer, Mr. May, speaking of the English system, reminds us that the House can entertain any motion for diminishing a tax or charge upon the people; and bills are frequently brought in for that purpose without the formality of a committee. All rules are opposed to the imposition of burdens, but not to their removal or alleviation. This is a principle laid down by Cushing, § 2039. Instances of the value of this principle may be given pertinent to our newly-amended Rule 120, as when blanks are left for salaries, rates, &c. These are filled up in committee, but on the report the House may reduce their amount. To increase requires recommittal. So, too, deductions from custom duties may be entertained by the House, but payments out of the revenue must be considered in committee. If, therefore, the Senate objects to the reductions of our appropriations, we plant ourselves upon this priceless principle, lying at the root of parliamentary law and frugal legislation, namely, to guard closely and make facile the blessed privilege of retrenchment; consider long, heedfully, carefully, and jealously the dangerous privilege of increasing burdens. Whereas, as I have shown, under our rule of many years' standing, only amendments on appropriation bills were allowed so as to increase, the new order plainly recognizes the sacred, traditional, rational, and invaluable popular right of curtailing expenditures! To this branch of Congress belongs the credit of building this smooth and broad highway to reform. Without it all platforms and platitudes, all promises and pretentions to economy are as ashes!

MENACE FROM EXECUTIVE AND SENATE.

Yet we are confronted at the closing of this Congress with the menacing challenge of the Senate. We have sent to them our bills, framed in the spirit of economy. The consular and diplomatic bill was passed here after much difficulty and contention, but it passed almost unanimously. The Senate at once disagrees with the House. The legislative, judicial, and executive bill, which had forty days and forty nights of a deluge of debate, passed almost unanimously. The Senate assumes and presumes at once to usurp our function. By a thousand amendments it would make it not only a new bill substantially, but would thereby resuscitate the old bills, as to which the popular reprobation is fresh and uncompromising. Our other bills are to share the same treatment. Let us meet this contest *à l'outrance*. Let us be patient. The people are behind us. Let the House stand upon the ancient ways. Let us re-assert its undoubted privilege. No prerogative of power, no assumption of equality in this matter, is to be tolerated. No pretentious dignity or increasing usurpation of power on the part of the Senate will excuse the representatives of the people from the courageous performance of their duty. If these bills fail and the very organism of government itself stops, as is threatened by the menacing message read to-day, for want of the motive power, the corrective will be applied by the popular mandate, from which there is no appeal, and before which the Senate is impotent.

There is, therefore, in this dilemma no other course for us but resistance to encroachment. If the Senate will copy the example of the House of Lords in some of its attempts to encroach on the Commons, let them at once make it a standing order to "reject at sight" all of our appropriation bills. Much better and braver would be this contemptuous treatment than the pretense of considering our bills in detail only to reject them *en bloc*.

JEALOUSY OF THE SENATE.

It is in the beauty of proportion and its compensations of power that our Government finds its best eulogy. Let one branch encroach upon another, and it will become as Mr. Madison once said of Greece: she was undone as soon as the King of Macedon obtained a seat among the Amphictyons. It was not alone the monarchical form of the new confederate, but the disproportionate and disturbing force.

Give to the Senate a power over appropriations ungranted and pernicious, and you not only give it a force in our Federal economy disproportioned and jarring to the general harmony, but you place upon the House itself a responsibility disproportioned to its power. I would not place too much confidence in the Senate. It may be as fatal as too much jealousy of the people. If a Senate which comes within one vote of impeaching Andrew Johnson, to aggrandize its own power, could thus arrogate more than it should, are we not wise to be jealous of its power when it would breed confusion and discontent by tampering with or denying great reforms made by the popular decree and by the popular branch?

TAXATION THE GREAT ISSUE IN ADMINISTRATION.

History teaches that in all contests for power between the governed and the government and between different departments of the government, the question of taxation is not only the most sensitive, but the most potential for good or ill. From the early exactions of the oriental despots and their satrapies down to the largesses of the last Turkish Sultan, which worked his dethronement and suicide; from the embattled protests written in Gaelic blood in the time of the Roman Cæsars, down to the wild sanguinary scenes of the French revolution; from the early protests of the "gentlemen of England" in her Commons against the exactions of the Plantagenets and Stuarts to the last allowance for the children of Queen Victoria; from the times of Hampden and ship-money and Samuel Adams and tea-tribute, which cements by a principle England with her colonies, and both with Magna Charta and the declarations and bills of right. down to the present dissolute extravagance and corruption of the Federal officials in this Capitol and elsewhere, and from the large cities of the seaboard to the remotest border, where the post-trader plies his ill-gotten trade for ill-gotten gain, the perversion of the taxing and appropriating power, which wrests supplies from the people, has been watched with jealousy and attacked with determination.

This Congress will not shame the history of its origin, nor degrade the lofty privileges granted to it by the Constitution. It will not allow them to be abridged or frittered away by making itself the supple slave to an exacting Senate or a grasping Executive. It is, by organic law on this matter, the master.

SENATORIAL ASSUMPTION.

I am not sure that it might, *malgré* all usage to the contrary, be held that the Senate has no more right to originate or destroy the fundamental propositions or substance of our monetary reform bills than it has to pass bills of attainder, *ex post facto* or retrospective laws. When it has proposed amendments, and we do not concur, is it not its duty to yield formally to the House? Is not the House the egg or source of the only money bills to be passed? Does merely *proposing* an amendment give the right to defeat or reject the bill altogether?

A distinguished English parliamentary writer, Mr. Hatsell, rejects as precedents all the proceedings of both Houses from 1641, when Charles I went to the Commons to arrest its members, until the restoration. May we not ask, are not all recent precedents found in the Senate overstepping the express constitutional privilege of the House to the control of money bills equally valueless? If it were not so, would not an architect who is consulted as to alterations in a house claim the right to tear down and build anew? May not this peculiar authority of the House as to money bills excluding the Senate from any proprietorship in the substantial legislation be the very method intended to prevent the "dead lock" so often threatened and so often feared? May it not be the plan adopted by the sages of the Constitution to keep the wheels running without hazard of losing supplies by conflicting bodies?

But it is not necessary to assume or assert so much as this proposition involves. It is enough to say now to the House as a matter of political ethics: Stand on your superior vantage-ground! Adhere to your own rule of action and your own principle of retrenchment! Bate not a jot of heart or hope, but press right onward to the relief of a deficient Treasury and a plundered people! Thus acting you will be crowned with the approbation of a grateful constituency.

THE CONSTITUTIONAL PROVISION.

In this grapple between the representatives of State sovereignties and the Representatives of the people it would be as well before the final struggle and test to know precisely in what consist the respective elements of strength. What is their vigor as derived from the Constitution? If in seeking this knowledge we find our quarrel just we shall have the added strength of conscious rectitude, and we will not fail.

The first clause of the seventh section of the first article of the Constitution declares that—

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Now, what is meant by bills for raising revenue? Does the clause apply to all "money bills," and does it include "appropriation bills?" I maintain that it does, and that that was the meaning of the clause. Bills for spending as well as for the raising of money are to be considered as belonging in their origin to the House. "All clauses," says Cushing, "relative to taxation are divisible into two classes, namely, those which relate to raising revenue only and, second, those which embrace both the raising and spending of money." The constitutions of New Hampshire and Massachusetts use the term "money bills" to include the raising and appropriation of money. In Georgia, and perhaps in other States, appropriating moneys is used in order to be more cautious and definite.

CONTEMPORANEOUS DISCUSSION.

In the discussion of this clause in the constitutional convention, as will appear in Madison's Debates, volume 3, pages 1306, *et seq.*, all the eminent debaters regarded "money bills" as within the signification of "revenue." To originate and tax, to tax and appropriate was, by the constitutional fathers, considered grouped in one subject—"money bills." "Money bills"—the exact language of English statesmen—had reference to all uses of the money raised.

ENGLISH DEFINITIONS OF MONEY BILLS.

In order, however, accurately to define the constitutional clause, we

go with the commentator Judge Story to its source. He makes no question as to the origin of this clause:

It is borrowed from the British House of Commons, of which it is the ancient and indisputable privilege and right, that all grants of subsidies and parliamentary aids shall begin in their house, and are first bestowed by them, although their grants are not effectual to all intents and purposes until they have the assent of the other two branches of the legislature. (2 Story, § 831.)

BLACKSTONE AND STORY AS AUTHORITY.

Blackstone, with his usual perspicuity, enforces the statement of Story by a clear statement of the functions of the Commons in this relation. I quote from his first book, page 169:

The peculiar laws and customs of the House of Commons relate principally to the raising of taxes and the election of members to serve in Parliament.

First, with regard to taxes, it is the ancient, indisputable privilege and right of the House of Commons that all grants of subsidies or parliamentary aids do begin in their house and are first bestowed by them; although their grants are not effectual to all intents and purposes until they have the assent of the other two branches of the legislature. The general reason given for this exclusive privilege of the House of Commons is that the supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves.

But such an experiment will hardly be repeated by the Lords under the present improved idea of the privilege of the House of Commons, and in any case where a money bill is remanded to the Commons all amendments in the mode of taxation are sure to be rejected.

In reading the history of similar legislation in England, I find in May's Parliamentary Practice that we are conforming to the English mode in this respect. I shall take leave (by the favor of the House) to make some elaborate remarks upon this subject. They touch the constitutional functions of the House. They are entirely unpartisan in conception as in delivery.

The English system as to appropriation bills allows peculiar privileges for retrenchment—never for increase except under extraordinary circumstances; and shall we, the Representatives of the American people,—we who are specially charged with the initiation of money bills—shall we be behind the Commons of England in claiming the privilege which they fought for against the prerogative of the Crown and the assumptions of the House of Peers? I trust there is spirit enough in this House, irrespective of party, to maintain its organism as it was intended to be and as it was modeled after the English system.

Why, sir, do not gentlemen know that to-day in the House of Peers they dare not amend an appropriation bill from the Commons, but that perfunctorily and with certain formalities they assent, and "assent" only to those bills making appropriations?

Let me quote from Mr. May:

The legal right of the Commons to originate grants cannot be more distinctly recognized than by these various proceedings; and to this right alone their claim appears to have been confined for nearly three hundred years. The Lords were not originally precluded from amending bills of supply; for there are numerous cases in the journals in which the Lords' amendments to such bills were agreed to; but in 1671 the Commons advanced their claim somewhat further by a resolving *nem. con.*, "That in all aids given to the king by the Commons the rate or tax ought not to be altered;" and in 1678 their claim was urged so far as to exclude the Lords from all power of amending bills of supply. On the 3d of July, in that year, they resolved—

"That all aids and supplies and aids to His Majesty in Parliament are the sole gifts of the Commons; and all bills for the granting of any such aids and supplies ought to begin with the Commons; and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords." It is upon this latter resolution that all proceedings between the two houses in matters of supply are now founded.

The principle is acquiesced in by the Lords, and, except in cases when it is difficult to determine whether a matter be strictly one of supply or not, no serious difference can well arise. The Lords rarely attempt to make any but verbal alterations in which the sense or intention is not affected; and even in regard to these, when the Commons have accepted them, they have made special entries in their journal, recording the character and objects of the amendments and their reasons for agreeing to them. So strictly is the principle observed in all matters affecting the public revenues that where certain payments have been directed by a bill to be made into and out of the consolidated fund, the Commons have refused to permit the Lords to insert a clause providing that such payments should be made under the same regulations as were applicable by law to other similar payments.

This would seem to make it clear that all grants or appropriations, all parliamentary aids to the executive in the shape of moneys, are understood as connected with the raising of revenue. The mere raising of it by taxation is no pleasant privilege and no salutary safeguard. The spending of the money for specific objects of public good is the higher privilege and right. So it has been regarded in a majority of the States where corresponding provisions are inserted as to the origin of such money bills.

How far the House may go in tacking on legislation not strictly belonging to revenue or appropriation is a study for the philosophic statesman. He will find its practice by no means uniform. Although in England the Lords have endeavored to check this mode of legislation, yet here it may be an open and debatable question. But in such an exigence as the present condition of our business and affairs I would not hesitate to tack remedial provisos and conditions to the disbursement of public money, so as to effectuate reform and stop prodigality. The House has not hesitated; and if it awakens a tempest at the other end of the Capitol, it will only prove a summer thunder-storm, with a clearer blue and a purer atmosphere in the sky after it is over.

It is not difficult to trace the reason of this constitutional right. Blackstone explains it, and the parliamentary history of England illustrates his explanation. The Commons represents the people, and the supplies come from the body of the people. It is their estate which is administered when supplies are voted. The Lords came in originally for a small modicum of the power only because they held a large share of the property of the realm; a reason which in no valid sense applies to our Senate, which represents not their own estates, nor the people, nor their property. If the Senate may simply propose amendments or simply concur in them, it does not derogate from the high privilege of the commonalty to restrain lavish and improvident appropriations. To allow the Senate to concur is easy and pleasing; to allow them to propose amendments is respectful and courteous; but to allow them to so propose as to add immense sums to gratify the craving of a greedy Executive and a horde of salaried parasites, is to place in peril of explosion or escape the very motive-power for the machinery of government. To allow the Senate to reject our bills, to permit radical alterations, and to change the conditions of the disbursement of money—would it not give the Senate equal power with the House in raising and spending money? Would it not nullify and render meaningless the clause of the Constitution which Judge Story derives from the British constitution? Would it not in effect destroy the equilibrium of the Federal system, by giving to Nevada, with its fifty thousand people and its bonanza Senators, a power of taxation to nullify New York, with its five millions of people and its diffused wealth? Was the equality of the States intended to be outside of the Constitution or within it? If within it, then Nevada in money bills must remain as to New York as 1 in 100. This is the very history of the compromise by which this debatable clause was fixed in the Constitution.

Judge Story says that the same reasons do not exist to the same extent, for the same exclusive right in our House of Representatives in regard to money bills as exist for such a right in the House of Commons. Had he lived to see the demoralizing results of our civil war; had he read our investigations and reports of malfeasance in office; had he observed the tendency of the Senate to grow in power by the patronage it fed on; had he seen governors of States newly elect rush from their local capitals to secure the curule chair of the Senate for its six years of easy dignity, unrestricted patronage, and self-contented power; had he seen the luxury of living, the frippery of fashion, the magnificence of our Federal city, the mushroom growth of meretricious ostentation, the pride of official presumption, and the long retinue of obsequious clientage which follows in the wake of senatorial dignity, not to speak of the pomp of the unrepresentative southern Senator or the liveried carriage of a northern Senator; had he seen the senatorial fasces united to scourge Andrew Johnson, a faithful Executive, for resisting senatorial decrees, he would have found many counterparts in our day to remind him of the worst days of Roman decline, and many reasons which did not occur to him as a contemporary of Clay, Webster, and Calhoun for the almost exclusive right of the House over that senatorial patronage which can only live by confirmations and supplies.

Was it not enough to give to the Senate a part of the treaty-making power and the exclusive confirming power as to Federal appointments? Was it not enough to give the Senate the veto over the Executive will as to his subordinates? Granting these powers, why does not the same reason exist here as in England for the deposit of this dangerous purse power in the House? Is not the lower House here, as in England, presumed to be nearer the fountain of popular will and intelligence? Does it not more readily, both as to time and desire, answer the popular call to hinder all evil courses in the Executive Departments? Has it not more speedy means to investigate misconduct and punish and impeach? Has it not more ample sources of special and local information? Does it not, as with electric touch, on instant urgency, expose and represent the very whims and caprices, if you please, or what is better, the opinions and feelings, of the people? Do not its members, by telegraph and mail, by newspapers and record, by more familiar acquaintance and intercourse, reach the popular ear and more readily obtain the popular verdict? Are they not, therefore, every two years, if not every session or week, dependent on the popular wish for support, for honor, for comfort in duty and solace in trial, for succor in emergency as to character and standing; in fine, for those sustaining pillars and ornamental graces which make office an honorable trust, and its service an ennobling mark of dignity? And when it comes to the imposition of taxes, or the payment of money drawn from toil, will they not be more heedful and vigilant than a body whose tenure of office is more permanent and less democratic, and whose habits and position are less popular and more aristocratic?

In answering these questions, it is readily ascertained why the House is more changeable as to its composition, in men and parties; why it is in emergencies the only refuge against wrong and corruption; why the people who are depressed and distressed as to their agricultural, commercial, or manufacturing interests look first to the popular branch for relief. The Senate is not a help; it is a clog to popular relief. It is so by the very nature of its constitution. Wholesome legislation is not to be expected of it, as from the House. From the latter should and do generally spring those measures which ameliorate and bless.

Even in the States where the tenure of senators is less than that of the Federal Senators, the provision of the constitutions as to money bills and their origin is preserved. Some of the States, in their early history, even gave to the lower branch exclusive jurisdiction over such measures.

BRITISH PRECEDENTS.

But all such clauses point to the British constitution. In the light of that nebulous, unwritten, but remarkable entity we find the rea-

sons for their existence; ay, sir, we find in them motives as pure as ever animated Cato or Sydney, Hampden or Washington, for the maintenance of our right, now sought to be intrenched upon by the Senate, and as to which we are admonished in an amazing way by the President's message just read.

It is both instructive and pertinent to this inquiry to consider the growth of the Commons' right of supply. At first the exactions were of feudal origin; all aids to the Crown, however, in the times of the Tudors were freely voted by Parliament.

Judge Story, in his Commentaries on the Constitution in regard to that clause which says that the lower House of Congress shall have the origination of money bills and the Senate only can propose amendments or concur with them, gives the reason for that rule.

Mr. KASSON. Does my friend also claim that the Constitution provides that this House alone shall originate appropriation bills?

Mr. COX. I will come to that in a moment; I see it is troubling the gentleman.

Mr. KASSON. Not at all; it seems to trouble the two gentlemen from New York. The phrase in the Constitution is "bills for raising revenue."

Mr. COX. It has been interpreted by many of the States and by many of our commentators that the term "bills for raising revenue" includes all money bills. In some States the constitutions contain the words "appropriation and money bills." But according to our practice, according to the general interpretation, according to the reasons that lie below, and, as I shall show, according to the debates in the constitutional convention, that clause of the Constitution itself is the true source of this moneyed power. It includes appropriations. It is the old power of the Commons to hold the purse against the sword. For six hundred years in England it fought royalty with its prerogatives, backed by the usurping insolence of the peers. It has only been modified in this country because the Senate happens to represent sovereign States; but, as Judge Story well says, the House is nearer to the people; it is more frequently elected; it has more local information, and hence therefore originates money bills; and the House, if they are firm and honest, if they are parliamentary in the old heroic Saxon mold, should demand from the Senate that their prerogatives should not be interfered with, especially when the people demand it.

Mr. HURLBUT. Do I understand the gentleman from New York to consider that the Senate of the United States is in any manner analogous to the hereditary House of Peers in England?

Mr. COX. I only repeat what Judge Story says; I do not now profess to judge upon this matter myself. If my citations (which I ask leave to print) are read and properly considered, they will help to disentangle us, or at least be a key to the dead-lock which threatens us.

But, Mr. Speaker, I did not propose to speak very long or to speak at all upon this question. It is perhaps a little indelicate for me, situated as I am, to come down upon the floor and speak at all after the suggestion made the other day by my friend from Massachusetts [Mr. HOAR] who is absent.

But one thing ought to be borne in mind, and especially by this side of the House, that the people are demanding, especially in view of the deficit now threatened in the Treasury, not that we shall issue new bonds or create new debts or add to our taxation system, already the most burdensome in all the world, but they are demanding, as a good housewife would demand about her domestic economy, that we cut down the expenses of this Government; and if the Senate does not concur with us, there is their duty in the Constitution; they can simply propose amendments. They should not cripple our efforts, nor stop the wheels of the state. To avoid this, is the very object of their inferior relations to the House on money bills. The Constitution does not say that they shall stand there and insist and adhere to amendments and thus break down the machinery of the Government, but they are at liberty, as once the Peers of England were, to propose or to concur in amendments. Hence in the conference committee we may agree on many matters where mistakes may have been made. But one thing is sure, Mr. Speaker, and gentlemen, that the main contest in the coming election will depend upon the fairness of those who seek the popular suffrage in reaching out after economy. The people do not want those economists who are all the time extravagant and who never go forward in the work of cutting down expenditures; men who, like some upon the other side of the House—thank God they are very few—think they are starving because they do not wear purple and fine linen and fare sumptuously every day.

Mr. FOSTER. Kentucky jean. [Laughter.]

Mr. COX. It would be a very happy thing if more persons, both republicans and democrats, wore homespun. It would be a good thing if the Government itself wore more homespun. [Laughter.] But what I am referring to is not so much what you put on, as how you behave. [Laughter and applause.] I do not care how my friend from Ohio is dressed, I respect him; I suspect he is arrayed in fine linen; perhaps in royal English broadcloth, upon which he has fixed a high tariff. [Laughter.] I am too near-sighted to see just how he is dressed, but the reporters will get it. I suspect that my friend is trying to affect some votes in Ohio and Indiana in our favor; I sometimes suspect him, owing to some spasms of goodness, as having a little leaning to our side of the House. I am glad he has made this reference to an honest, plainly-dressed man, who has, as chairman of Accounts, been taking care of our accounts so honestly, and when he goes before the people of Indiana to give another account, as their man for governor, they will take good care of him. [Applause.]

MODE OF ENGLISH APPROPRIATIONS.

In the Commons, there is what would seem to us a paradox. When the supplies for the service of the year have all been granted, the Committee of Supply discontinues its sittings; but then the Ways and Means Committee have yet to act. There is a revenue called a consolidated fund, and the several grants come out of it and a bill is passed to that effect. That is the English appropriation bill. The bill enumerates all the grants of the session; and, by a prudence we should imitate, it orders no illegal use of the supplies.

When these formalities are complied with and the appropriation bill is passed both houses, then it is fit to receive the royal assent. It is handed back to the Commons, its source. When Parliament is prorogued, as I have seen it, by the lord commissioners—or, as sometimes occurs, by the sovereign—the speaker carries the appropriation bill to the bar of the House of Peers. The speaker tells royalty that the Commons have given the supplies, and the money bills receive assent. It is given in the old royal Norman French, and as said by a lady, it is quite an elegance of politics: *La reyne remercie ses bons sujets, accepte leur bénévolence et ainsi le veult.* A benevolence, a free gift, remember, not a forced loan from the Lords and Commons; but from the Commons alone to the sovereign. The Peers sit humbly by and acquiesce.

Sometimes the Commons votes grants of money with an assurance to make it good. There are a few other exceptional modes of raising and disbursing money. I do not refer to them, although they defer always to the inalienable right of the Commons to dictate the uses of private means to public purposes. He who does not recognize this in England mistakes her whole history. He who does not know that the Lords are as sheep before the shepherd, the Commons being the real House of Lords and the House of Lords the veriest commonplace, is illy read in the history of Parliament and its struggles.

MACAULAY'S LESSONS ON "MONEY BILLS."

Perhaps no Englishman ever gave so careful a study of the practice of Parliament under the English constitution as Lord Macaulay. Sometimes he searched a whole year to elucidate one reign or one political epoch. In his third volume he reaches the era of William and Mary. No portion of English history comes so near to our own one hundred years ago as that which occurred during the revolution of 1688. The circumstances which justified and the causes which produced that revolution were not dissimilar to our own. If stamp taxes were grievances to the colonies the ship-money had not been less grievous to Englishmen. When the new settlement passed to William and Mary nobody denied that all duties which had been granted to the Crown for a fixed term of years might be constitutionally exacted till that term expired; but it was denied, and to the mortification and disgust of the "Dutchman King," that the revenues which had been settled by Parliament on James II for life, could be claimed by William and Mary. Whether it was during the reign or life of James was contested by English statesmen. The House sided with Somers, and held that the defunct king could not have the revenues run with his person. Then began a splendid parliamentary effort for reform. It can be likened to no other in this country than that begun by this Congress against corruption and waste. Well does Macaulay in summing up this portion of the conflict remind us that "during the conflict which fifteen successive Parliaments had maintained against four successive kings, the chief weapon of the Commons had been the power of the purse, (Macaulay, volume 11, page 36,) and never had the representatives been induced to surrender that weapon without having speedy cause to repent of their too credulous loyalty."

As during the reign of the Stuarts, so during the past ten years of our history, Congress has been less vigilant than even the cavaliers of Charles in protesting against the large revenues and the abuses which disgraced every Department of the Government. There was no security then, as there is none now, against maladministration, except the frequent recurrences to the great popular council for pecuniary aid. Therefore, the new dynasty began with a new system of supplies. The exchequer was called on for estimates. Immediate exigencies were provided for. Monthly assessments were made. It is said that as William marched from Torbay to London the people importuned him, as they importune us now, to relieve them of their intolerable burdens. The chief of these was hearth-money.

HEARTH-MONEY.

It was the meanest tax ever levied, unless it be our tariff taxes on woolens, iron, and quinine. It was unequal. It pressed the poor; it was light on the rich; dukes paid but little more than peasants. Families were disturbed at meals; bed-rooms were forced; the very trencher on which the barley loaf was divided among the poor children and the pillow from under the head of the lying-in woman were taxed and seized by a remorseless hand. Besides, the tax was farmed out to rascals, whose counterpart is only to be found in our custom-houses. There was a tax in Rome once which was levied upon the very offal of mankind. "My son," said an emperor, "the coin smells good, whatever may be the odor of the thing taxed." The hearth-money came in all too regularly, but was not of a pleasant savor, except to the goldsmiths who advanced money on it. Where was the

remedy? In the Lords? Did they strike down this hearth-tax? No! The Commons was the refuge. It gave relief to the hearth, and the smoke that curled from the chimney of the English peasant was incense to the grand body of the people represented in the Commons.

Again, in 1690, the revenue came again before the Commons. The reform had not been consummated. Salaries and pensions were enormous. Independent members, like Sedley, played their jests of pleasantry on the civil list; but sarcasm, jests, and invective fell powerless on the mailed form of tyranny. The civil list, however, only provoked ill-humor, which soon evaporated. It was so easy then as now to laugh off the details as little. The income in lieu of the old feudal services had remained. Appeals were made on behalf of William, who had saved the nation from popery, who had delivered the church from persecution. In vain whig and tory joined in the Commons against the incomes, and placed all disasters at the door of a too liberal Parliament in the days of the Stuarts. Experience had taught them; and though a compromise was made whereby some of the excise was fixed for life on the sovereign for the household and civil list, yet William growled at the grudging Commons; but the Commons established a precedent and a principle, and protected posterity against indiscreet liberality, while furnishing a code for a new hemisphere.

ENGLISH CIVIL LIST AND OUR OWN PRODIGALITY.

I venture to say that upon this civil list—then considered by the king so meager—there was not so much prodigality as the last ten years show in this Congress. In recent Parliaments, Englishmen like Sir Charles Dilke have shown what extravagant largesses have been granted to the numerous family and dependents of the queen!

This republican member of Parliament puts to shame our republican practice. The House may remember that this civil list was held sacred from parliamentary reduction during the whole reign. But Sir Charles held in 1872, as we hold now, that the House can examine into expenditures, if not question their right. How he tore the veil from the English pensioners, the masters of the buck-hounds and fox-hounds and the yeomen of the guard! How he opened to the shafts of ridicule the lord of the bed-chamber! How like the gentlemen of our Appropriations Committee he stigmatized the sinecures and useless offices; how he discovered the charlatanry of double offices with double salaries, like that of constable of Windsor—offices with only charges and no duty; how he displayed the public expense for lordlings and princelings, for royal yachts and palace repairs, for masters of the horse and royal chamberlains, with duties more mysterious than proper, for robes, collars, and badges, for presents, missions, and clothing for royal trumpeters; how he opened the privy purse to the ridicule of sensible Englishmen; how, in fine, he demanded reform in sustaining the carriages and equipages of great personages, can be found rehearsed in pure English in Hansard, ccx, page 254, and can be found equaled only in the corrupt days of France, when John Law gambled, or the worse days here when worse men rule. Talk about our post-tradership, District and whisky rings, navy-yards and naval frauds, expensive diplomatic nonsense, corrupt custom-houses, and worse Indian complications—all these in most unhappy detail, running into and out of Congress, through courts and into all the public service—these parasites must remain still further to fatten on the prevalent corruption. An honest Congress may not investigate nor even stay the unpleasant tide by fresh rules or by the ever-during power it holds over the purse. Why? Because the Senate says, no!

THE HIGHER POWERS AND DUTIES OF THE HOUSE.

By an unexampled popular uprising the people sent to this Congress nearly a two-thirds majority favorable to economy and retrenchment. It was well known that the House had no power over general legislation except in connection with the Senate and the President. But it was well known that in reference to retrenchment the House stood upon a higher plane, with greater functions and more responsibility than either Senate or President. It held the purse and it could withhold supplies. It could open the purse and affix conditions to the use of its contents. It could give or refrain as it pleased. It was the disburser, subject to certain conditions clearly fixed in the Constitution and recognized by the traditions and practice under the British constitution. The Senate might modify our money bills to make them either more palatable or more just; the President might approve or negative them; and while the House is not in terms the exclusive legislature on this vital topic, its paramount voice was to be regarded as the creative voice. It cannot be disregarded without violating the spirit and letter of the Constitution.

The election of gentlemen here confers by the election the entire power possessed by the electors. Under our Constitution, until amendment, it is irrevocable. You, gentlemen, are but the deputies of the people to carry out this parliamentary authority. If there is any defect in executing the electoral will, it is yours. You cannot go home, ducking to the Senate, without reproof from and damage to the constituent. You are not merely responsible to the first district of Ohio or the thirtieth district of New York. Your action binds your fellows. The safety and good of all are embraced in the Constitution, and you are the trustee for every person in the land. By yielding to the Senate, on a question of supplies, you give up to strangers, or at best but remote relations, the economy of that household of which you are the stewards. Your indenture is written and interpreted. You durst not defer to those not parties in its particular execution. No pledges you have made as to this or that reform or retrenchment can change your relation to the Senate or to the Constitution. Your party fealty is nothing before your oath to the organic ordinance. Your instructions are crystallized and set. They are crown jewels of popular sovereignty. In the matter of appropriations here, as supplies in Britain, you may be concurrent in a fractional incidental way, but you are independent in the integrity of your specific exclusive duty.

If courtesy and conference fail to reconcile the two Houses, the responsibility falls on the branch which encroaches. There is no umpire except the vote of the people in re-electing the House, or the slower remedy in this country of reforming the Senate by filling the places of expiring Senators. In England when the Lords become recusant the late and sure remedy is summary. A new set of peers are created by the ministry; and the Commons become the creators and masters of the Peers. Therefore, for a stronger reason in this country, we must insist and adhere to our constitutional duty and trust to the righteous judgment of the people.

In all sciences—

Says Lord Bacon—

they are the soundest that keep close to particulars. Indeed, a science appears to be best formed into a system by a number of instances drawn from observation and experience, and reduced gradually into general rules.

The mind which would make law without heeding minute particulars has neither observed the phenomena of the material world, nor understands the first clause of the social contract.

From the numerous precedents of English history, interpreting our own Constitution, we may infer the inner meaning of that constitution which gives to the House the controlling influence in money bills.

CONGRESS TAKES ACTION IN 1872.

In further illustration of the power of the House, let me refer to a report made to this House on the 27th February, 1871, (Forty-first Congress, third session, Report No. 42.) It seems that a committee of conference on the part of the House was charged with the duty of conferring with a similar committee of the Senate. A question of privilege was raised by resolution of the House in reference to a tax bill. The bill had originated in the Senate. It continued the income tax until after December, 1869. A respectful resolution of the House called in question the power of the Senate. The bill was sent to the Senate with the resolution. It involved a constitutional privilege of the House. True, it referred to the imposition of taxes, and not appropriations. At that time the House maintained its privilege. The report of that committee naturally looked to the British constitution as the model for our own on revenue matters. Was not the balance of power between the two Houses affected? That report asserted that our constitutional clause was adopted as a compromise, and the committee took care to claim the sole power of the House to originate "money bills." That power was considered by them a safeguard against the oppression of the people. It was therefore considered as properly lodged in that body which most naturally represented and which was most directly controlled by the people.

Referring to the British precedents which I have already quoted, the committee affirmed that the acquiescence of the Lords in the privileges of the Commons was of so clear a nature that the Lords could not amend money bills so as to alter the intention of the Commons. That intention went not only to the amount of the rate or charge, whether by increase or reduction, but to its duration, its mode of assessment, its levy, its collection, its appropriation, its management. It justifies in the precedents quoted, not merely the right of the House to originate, but to appropriate and manage, by proper provisos and amendments, all moneys that come into the Treasury by taxation. Whoever shall pay, receive, manage, or control such moneys are within the rule laid down by the Constitution, copied in the spirit of jealous freedom from our British ancestors.

THE CONSTITUTIONAL COMPROMISE.

When our fathers considered the question of taxation and representation there was a contest for power between the large and small States; but the compromise consisted in concessions to the small States, which were specifically counterbalanced by the provision that money bills should originate in the House of Representatives, where the people were represented according to numbers.

The origin of this clause as to money bills is attributed to Charles Pinckney in his notes of the Constitution, though Dr. Franklin after introduced it in committee. The people's money should not be voted away by the Senators representing States. It was held to be an aristocratic privilege to vote away other people's money regardless of the source from which it came, and for which there was no direct responsibility. The people should know who disposed of their money, and how. "It is a maxim," said Dr. Franklin, "that those who feel can best judge." Hence, the House was given the paramount power over all money bills. Mr. Gerry considered the clause relative to money bills as the corner-stone of the accommodation between the large and small States. It is absolutely certain, as a careful study of the debates will disclose, that the words "money bills" as used in the British constitution, were the synonyms for the words "revenue bills" used in ours. Mr. Webster has used the words "money bills" in the same connection. The reasoning for this principle first grows out of the hereditary nature of the British House of Lords, and to the continuance and perpetuity of a body known as our Senate, each one of whose members holds through three successive Congresses.

The English analogy is a more striking one the more it is considered. We even followed the English Committee on Ways and Means in our First Congress, which was authorized not only to originate all revenue measures, but those of taxation and appropriation. This practice is not peculiar to later days. In 1832 it was again asserted, and in other instances it was asserted by the control and to the destruction of two appropriation bills: one in 1856 and another in 1865. To these I shall refer in detail.

Mr. Speaker, this is not a question of privilege altogether; it is higher; it is a question of constitutional power. The House is the sole judge of the manner, the measure, and the time of imposing taxes or disbursing them. The committee to which I have referred, consisting of Messrs. Hooper, Allison, and Voorhees, followed the English precedents which I have quoted, and deferred to the Senate only in its right to propose or concur with amendments.

TWO APPROPRIATION BILLS FAILED IN TWENTY YEARS.

This question of disagreement between the two Houses on appropriation bills is neither new in this country nor in England. The most conspicuous instances of disagreements in this country grew out of the legislation on the slavery question, and upon an Army bill. The Journal of the House of August 6, 1856, shows the beginning of this disagreement. The House at that time was republican and the Senate democratic. A proviso to the Army bill (Journal, page 1383) forbade that the money appropriated should be drawn from the Treasury until certain prosecutions in Kansas should be dismissed and those restrained of liberty released. This proviso passed the House by a vote of yeas 84, nays 69, almost a party vote. Colfax, Giddings, Grow, Washburne, and others voted for it. Another proviso substantially the same (page 1387) was passed—yeas 82, nays 60. The Senate disagreed to the provisos, and the House insisted, on a motion by Mr. Stevens to recede. There was a full vote, and the republican House insisted upon retaining the provisos. That contest continued until the disagreement was so wide that Congress adjourned, and the appropriation bill was lost. The last vote, on a motion of Mr. Campbell for adherence, was 101 yeas to 97 nays.

On page 1622 of the Journal of August 30, the Army bill came back for the last time on this proviso:

That no part of the military forces of the United States for the support of which appropriations are made by this act shall be employed in aid of the enforcement of any enactment heretofore passed of the bodies claiming to be the territorial Legislature of Kansas.

The vote on this proviso was yeas 101, nays 98. This was a party vote. The present financial leader of the Senate, Mr. JOHN SHERMAN, voted against striking out the proviso, (page 1623.) It therefore appears by the action of this House, when the republican party was virtuous and skilled in legislation that for the purpose of rescuing the soil of Kansas from the black stain of slavery they were willing to defeat the Army bill.

I came into Congress the following session and the main objection I had to combat on the stump in that canvass was the admirable stand taken by my competitor in favor of holding the purse of the Government against its use to sustain the evil spirit of slavery, the suspension of the *habeas corpus*, and the barbarous code of the Legislature of Kansas. The speeches of that day are full of philippics against Draco and Jeffries, Russian serfdom and Spanish slavery. Standing armies were denounced; the dread of their violence and the dangers likely to ensue were held up in every light before the House and the country. It was stoutly maintained by the republican party in the day of its purity that the sword should not have weight in the scale of American justice. Europe was appealed to with its 2,000,000 armed men. The songs of liberty were repeated upon this floor as lyrics lost amid the clash of arms. Our Army was then but 14,000 strong, and, though the proviso did not annul the Kansas code, yet it declared it absolutely powerless and not to be enforced with the bayonet. The proviso was held to be constitutional, legal, just, and reasonable. It was Congress and Congress alone which could use, as occasion required, the money and the sword. The Senate was denounced as assuming a position memorable in the historic page of the Stuarts. Charles had lost his head and James his crown. Revolution was openly proclaimed; but it was revolution only against the known opinions of Senators.

The House would not then bow before the Senate at its nod. Latin was summoned to aid the cause of the gallant republicans—

Quicquid delirunt reges, plectuntur Achivi—

which was interpreted by scholarly republicans, "that when Senators get mad the people feel the scourge." The result was that the Senate stood firm and the House firmer. The result showed subsequently that the republican party made strength by their determination to sustain the commonalty against the Senate.

I have intimated that two appropriation bills have failed because of an irreconcilable disagreement between the two Houses. On the 2d day of March, 1865, when the miscellaneous bill was under consideration, Mr. Henry Winter Davis, of Maryland, moved an additional section to the bill. It was intended that no person should be tried by court-martial or military commission in any State or Territory where the courts of the United States were open with certain exceptions, and that all proceedings contrary to that proviso should be vacated. It was further held that all persons under sentence in that peculiar mode of trial should either be discharged or delivered to the civil authorities.

On that proviso Mr. Washburne, of Illinois, raised a point of order; but it was subsequently ruled in order by Schuyler Colfax, the Speaker of the House. Mr. Davis strenuously and eloquently contended that while he would not cast any imputation upon the administration, he would contend against destroying the foundation of the popular safety. While he confined the amendment to the so-called then loyal States, so as not to strip the Government of any power to suppress rebellion, he rose to the height of a great argument for personal liberty, by annulling all illegal military commissions and enlarging all those illegally found under sentence of illegal military commissions. It must be remembered that this proviso was introduced into a republican House and by a republican. His spirit was instinct with the virtue which belongs to our common freedom. He was ably seconded by the present Senator from New York, [Mr. KERNAN,] who gave instances of civilians of unimpeachable character being thrown into prison and detained for months and subjected to trial by military commission for alleged violations of the statutes of New York, and only discharged when this military tribunal could find nothing against them.

The extreme measures of that Congress found championship in the House of Representatives, and no threat of the defeat of the appropriation bill, involving millions, lessened the force of that championship. Some sneered at it as a general jail delivery. Mr. Schenck was one of them. Mr. Stevens, while admitting that courts-martial were often composed of men ignorant of law, refused to reverse such decisions and "turn loose God knows whom on the demand of the House of Representatives fixed to an appropriation bill."

It is needless for me to refer to the details of that debate. It is enough to say that never was there exhibited in the best days of English contest against prerogative, and in the conflict of the Commons against the King, more knowledge and coolness. When that miscellaneous bill failed by the attack of freemen in a republican House, it was felt that civil law was still supreme, and that every man was able to breathe freer in the hope of the peaceful reign of liberty by submission to law.

Afterward, as will appear from the Globe of March 3, 1865, page 1421, when the disagreement was again reported to the House certain small provisions like that of light-houses and gas-l'ght were agreed to. They were large in number and amount, and covered all the business details of the various amendments of the House. But when the conference committee reached the radical diversity of opinion, Mr. Davis stated that while the majority of the Senate concurred in the principles involved, the majority had refused in two votes to pass the amendments. It was insisted that the Senate might pass the proviso as a separate bill; but these lords of the Senate refused. An important appropriation bill, with a proviso touching the right of every citizen and the endurance of republican institutions, was reported back to the House under a grave disagreement, and the fundamental principles of liberty were vindicated. The bad practices of the Government introduced into the jurisprudence of the Federal Government under the general title of the rules and usages of war, together with new crimes without any authority, were regarded as of more consequence than the mere temporary provision of a miscellaneous appropriation bill.

All honor to the gentlemen of that Congress, not always careful of personal liberty, but with a sufficient number of republicans to join with the democrats to vindicate the primary ideas of freedom. When, therefore, at twelve o'clock on the 3d of March, 1865, the Speaker announced that the parting hour had come, personal liberty stood high aloof above mercenary consideration, and the departing Speaker in adjourning the Thirty-eight Congress *sine die* made a lyric orison to the Father of us all that he would lead all our wandering citizens to the old fold.

While heaven's wide arch resounds again,
With "peace on earth, good-will to men."

Thus, Mr. Speaker, on two occasions, both of them in republican Houses, have the fundamental ideas inherited from our English ancestry been vindicated, and the right of the Commons to fix conditions to the voting of money has lifted that standard by which alone through nearly a thousand years the safety of the public charters has been secured.

Mr. Speaker, much discussion has been had and much bitterness created between the two Houses in reference to retrenchment. My relation to the House and its business deters me from any partisan appeal which would intrench upon the honor or respect due to the Senate. If there were no rules requiring the House to be decorous and complaisant toward that body, it would afford me no gratification to disregard that moral comity which leads us into unison for the common weal. It is not to be regarded as overstepping the limits of discussion in which the temporary Speaker might properly indulge in defense of the organization of the lower branch of Congress if he did point out—not merely from English precedent, not merely from the glorious history of the Commons, but from the present condition of our Treasury and its finances—the immense responsibility of that branch which would reject any measure for the facile running of the Government.

EXPENDITURES INCREASE

This Congress was called into being to restrain inordinate living beyond our resources. When our expenditures exceed our means it

is time for an aggressive spirit on the part of the people and their representatives against all comers who would attack them. Need I refer you to the increased expenditures of the administration since the war ended? Comparisons between 1860 and 1870 or 1875 seem to fail of their cogency. Let me, then, take some of the years immediately after the war.

The post-office expenditures in 1868 were $10,000,000 less than now. The Indian expenditures are nearly $4,000,000 more now than in 1868. Why should we appropriate for surveying the public lands nearly four times as much in 1875 as in 1868, or double our Coast Survey expenses in the same period? Why should the judicial expenditures rush up from $700,000 to over three and a half millions from 1868 to 1875? Why should our miscellaneous expenditures in the same period be $20,000,000 more? Are these burdens of such a character as to be patiently borne? Is our present time so auspicious and prosperous that we can afford to add to instead of subtracting from our expenditures?

Besides, it is susceptible of proof from an authentic statement of the condition of the Treasury up until June 30, 1876, there will be a deficiency at the end of the present fiscal year of over twenty-four millions and a half. And the probable deficiency at the end of the year 1877 will be over $40,000,000.

Such a condition of public finances calls either for debt, taxes, or thrift. If England could hold the purse-string against the Crown, and if, through a remarkable struggle, a republican Congress could hold the purse for liberty in Kansas, for *habeas corpus*, free speech, and free press; if a republican Congress led by the eloquence of Henry Winter Davis could break down the miscellaneous bill, by a proviso for a fair trial under an American bill of rights and the spirit of Magna Charta, how craven and contemptible would not a democratic Congress seem should they adopt the budget fixed by a Senate in its arrogance, and in derogation of every legislative right and privilege?

It is unnecessary for me to state in detail what bills we have offered to the Senate for retrenchment. I have already spoken as to the military and diplomatic bills. The reductions on these bills were generally concurred in. Upon the first it amounted to $200,000 below the estimates. The diplomatic bill was reduced from the estimates near one-half million. In the fortification bill there was a reduction of over three millions. Upon the legislative, executive, and judicial appropriation bill, to which the Senate have made nearly a thousand amendments, we had proposed a reduction of over five and a half millions. On the river and harbor bill the reduction of appropriations below the estimate amounted to $770,000. On the deficiency bill we reduced from the appropriation of last year nearly $4,000,000; on the post-office bill more than $5,000,000; on the naval bill over $4,000,000; and on the Indian bill over one and a half millions. Or, sir, to sum it all up, the reduction on the bills thus far reported shows as in comparison with the estimates a reduction of $37,738,000, while the actual appropriations for the present year show a reduction thus far of nearly $23,000,000. The Army bill will show a reduction of appropriation of nearly $5,000,000. So that in the sum-total this pains-taking economy of the House of Representatives has labored to make an aggregate reduction amounting to $40,000,000. These details will be approved by a prostrate and a discriminating people.

I do not propose now to argue for or against the propriety or the utility of these reductions. They have had careful consideration in the committee and unexampled debate in the Committee of the Whole. Many of them have been approved without a vote against them. The Senate may in the end generally approve of our retrenchment, but the conciliatory disposition thus far seems lacking. Upon this retrenchment not only depend matters of a fiscal nature connected with currency, economy, taxation, and incorruptibility, but, sir, there is at stake the very organic law of constitutional liberty, derived from our English ancestors and our own American fathers. We demand that no servile submission to an inferior body should be shown by this the superior body under the sanctions of the Constitution.

I did not expect, sir, when I left the chair to speak in this way. I came down simply to ask the House to give me the privilege of printing in the RECORD some historical reminiscences connected with this struggle between the Commons and the Peers, so as to illustrate the relation which this House will sustain to the Senate in case the gentlemen in the other end of the Capitol shall insist upon their peculiar notions.

CONCLUSION.

In conclusion, there is but one path leading out of this cave of despair. We must break the lull and work. Public confidence will come only as we are assured that values are no longer wasted, but created. The path may be rough and the wilderness and sloughs difficult. Our path does not lie simply in the repeal of any foolish act for resumption at an early and impossible day. The extension of that day is not the only path, though it may remove many impediments. The extension of resumption must not involve, as a condition, indefinite postponement. We have riches, developed and undeveloped, for our wants, if those wants are not too imaginative. We must prepare even for a greater shrinkage of values; we must prepare for sacrifices. But one sacrifice we must not make: We cannot sacrifice the traditions, muniments, and dignities of this House of the people, this House of refuge from unjust exactions, profligate officials, and unconstitutional insolence and arrogance.

THE HEROES OF THE COMMONS.

There are many crowns to be won and many crosses to be borne in public service; but, sir, was there ever nobler crown or but one other more sacred cross than that won or borne in the parliamentary arena? French annals are crowded with such heroes. In France the States General, as early as 1355, demanded and received from a French king, John, a declaration which established the right of those assemblies to speak for the people against all comers who would despoil them. (Millar, page 309.) In later days such assemblies made France free. Mirabeau is their noblest commoner. No hirelings or *claquers* were about to give them prestige, notoriety, or applause; but history has honored their names in despite of the bloody eras in which they were actors. The Spanish Cortes, by pencils worthy of Velasquez and Murillo, is decorated with the forms and faces of those who spoke with an eloquence as superb as that of Castellar for the *fueros* of the Spanish provinces and constitution. The Pyms and Prynnes, Sydneys and Hampdens are household names as well as splendid authorities in England. They fill the measure of parliamentary renown.

And should we revert to the earlier eras of English history, even before the boy burgess, Sir Thomas More, defied royalty in the interests of free government and honest taxation, we might find names repeated almost in our own roll-call; for as early as the second Richard "Sir Peter de la Mare, knight," is less honored as the first of the Somersets than as among the first of the speakers of the Commons. Monsieur Peres de la Mare was not only a progenitor, as I reckon, of our distinguished friend from Mississippi, but he was a stout rebel, who suffered imprisonment for speaking too freely in Parliament. His imprisonment did not seal his lips. While he is remembered because he commended all feats of chivalry in one of his resolutions, he advocated liberty and the commonalty in another! He was an especial hater of corrupt rule, and became a baron of the realm as redoubtable in war as he was fearless in debate. Indeed, the entire company of parliamentary worthies in England, beginning with the morning stars, who, like the Chaucers, were both speakers and poets, furnishes us a procession of heroes in the popular cause against kings and peers, which neither Tower nor block could appall, and whose oratorical fervors were neither of selfish greed nor truckling subserviency. These will be remembered long after the dust of the disreputable mercenaries in English, Irish, and American assemblies has been blown to the winds of heaven! These will be heralded to the ages as examples worthy of honorable imitation; while the parasites of corrupt power, "who have lived without virtue and died without repentance," will have neither scrip, nor picture, nor marble—only the universal detestation of mankind to embalm their infamy.

Let us not fail nor falter in our popular faith. Let no arguments for convenience and no anxiety for remuneration or preferment lead us to forget that our place is here to baffle machinations such as the message to-day reveals. Perish the petty threats of a cunning foe, which would invoke the hurricane of popular indignation because we do not promptly succumb to a superserviceable Senate. In this conflict we have law and learning, wisdom and eloquence, and, above all, the confiding approbation of a free and incorruptible people.

Mr. RANDALL, and Mr. PHILLIPS of Kansas rose.

Mr. RANDALL. I ask that the debate on this subject shall now close.

Mr. PHILLIPS, of Kansas. I ask for only five minutes.

Mr. CANNON, of Illinois. I hope the gentleman will yield to me also for ten minutes.

Mr. RANDALL. There is but a single point to which I wish to direct the attention of this House and of the country before asking a vote; that is, as to where the responsibility will rest of a dead lock on the appropriation bill. Now, sir, there are three general appropriation bills which have already become laws.

Mr. PHILLIPS, of Kansas. Does the gentleman from Pennsylvania [Mr. RANDALL] intend to yield any time?

Mr. RANDALL. There are three appropriation bills now in the Senate.

Mr. PHILLIPS, of Kansas. I supposed that the Speaker recognized me.

Mr. RANDALL. I am not disposed to yield now.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] had the floor, but the Chair understood him to indicate a purpose to yield to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. RANDALL. How much time does the gentleman want?

Mr. PHILLIPS, of Kansas. Only five minutes.

Mr. RANDALL. I have no objection to yielding for that length of time.

Mr. PHILLIPS, of Kansas. I desire to say but a few words. I wish to present but one or two points which have not been mentioned in this discussion. Before I do so I will thank my friend from New York, [Mr. COX,] when he comes to print his remarks in regard to the British constitution as compared with our Constitution, to bear in mind that in England there is no written constitution, and consequently the powers of the different branches of the government are not defined anywhere, but are to be found in a bundle of precedents scattered all through the centuries.

In this country a law requires, first, the action of the House, next the action of the Senate, or *vice versa*, and then the action of the Exec-

utive. An appropriation bill must originate, not in all its parts, but the bill itself must originate in the House; but it may be amended by the Senate. That has been the history of our Government since its organization.

What I wish to say particularly is this: The other side of the House during the whole of this session have sought to put all of us upon this floor in a very awkward attitude. They have incorporated in these appropriation bills changes of general laws, changes and modifications of all the forms of the Government. They have framed their appropriation bills in those parts relating to appropriations upon the ground of what they called economy, and they base the proposed changes of law upon the same grounds.

They now propose to force these changes upon the Senate of the United States. I say that every member upon this floor has just reason to complain of the course that has been pursued. If these measures had been brought in separately, the case would have been different. But when gentlemen on the other side incorporate general legislation in appropriation bills, general legislation which they know cannot on its own merits meet the approval of the other branch of Congress, when they say to us that they will stop the wheels of government, will not furnish the supplies to keep the Government in motion unless we yield to them, they take upon themselves the responsibility before the whole country, and they cannot deny it.

I think the President of the United States in this message has acted very wisely, let me say to my friend from Pennsylvania, [Mr. RANDALL.] Within twelve days of the close of the fiscal year, the Executive of this nation, seeing the two Houses at a dead lock and that some of the appropriation bills which must be passed are not yet even reported from the committee, formally notifies us that the wheels of the Government must stop on the 1st of July. The responsibility for that rests not upon the Senate, but upon this House. It rests with the other side of the House to say whether they will permit the necessary appropriations to be made.

My friend from New York [Mr. WOOD] says that it is the intention of thePresident to coerce and force this House. Sir, the forcing is upon the other side. When they come here and demand legislation which they are unable to secure except in connection with the appropriation bill, they cannot hold us responsible. The President has wisely and justly thrown the entire responsibility upon them, and the people will hold them responsible.

Mr. CANNON, of Illinois. I ask the gentleman from Pennsylvania to yield to me.

Mr. RANDALL. For how long?

Mr. CANNON, of Illinois. I should like ten minutes; perhaps I may get through in five minutes.

Mr. RANDALL. I will yield for five minutes.

Mr. CANNON, of Illinois. I am not a member of the Committee on Appropriations or of the Committee of Ways and Means. If there is a democracy in this House, in the pure sense of the term, I am one of the democracy of the House, the members of the Committee on Appropriations being, so far as the control of business of the House is concerned, the autocrats, while the great majority of the members blindly follow the lead of that committee, whether right or wrong.

Now, then, under the rules of the House, especially under the late amendment to Rule 120, at last we understand that the Committee on Appropriations not only control the appropriations so far as the House is concerned, but also seek to practically control all legislation, and as a result of so doing we now have a dead lock between the House and Senate on part of the appropriation bills, and the same state of affairs may exist as to the remaining appropriation bills. Now let us inquire for a moment as to the cause of the dead lock and as to how it can be broken.

Under the Constitution the House and Senate have to concur before legislation can be had, and in theory each member of the House has as much power to effect legislation as any other member; but as it is impossible for any one member to master all the details of legislation, it became necessary in organizing the House to constitute a great number of committees to prepare legislation to propose to the House, and the recommendations of different committees touching any matter they have matured should have weight with the House. For instance, the Committee on Foreign Affairs, giving its whole time, should know more of that service and its wants than the Committee on the Post-Office and Post-Roads does, and *vice versa*; and so of every other one of the fifty-odd committees of the House. And, let me say right here, there is no one active committee of this House that does not have sufficient business to keep every one of its members busy the whole of the time not taken up by the sessions of the House, and this, too, however industrious or able the respective members of the committee may be.

Now, then, originally it was intended that the Committee on Appropriations should report bills to the House appropriating money to carry on the Government in pursuance of existing law, but the practice has grown up between the House and Senate to not only appropriate money by bills which come from the Committee on Appropriations, but to also stick on to such bills much of the important general and special legislation that is had, and the result has frequently been that vicious legislation has been had in this way. In other words, the necessity for passing these bills appropriating money to carry on the Government have been seized upon by mistaken or designing legislators to drag through under the rules of the House vicious legislation.

Such a practice as to legislation, it will be seen at once, gives the Committee on Appropriations under the rules undue influence and power in the control of legislation, enabling that committee to usurp the legitimate business of other committees; and now, since the late amendment to the rules of the House, the eleven members of the Committee on Appropriations, in fact I may say six members of the committee, constituting a majority of the same, practically have rendered useless nearly all the other committees of the House and control the legislation of the House. For example, it will be recollected when the consular and diplomatic appropriation bill was considered by the House that the Committee on Foreign Affairs, composed of gentlemen of as great ability and fidelity as the eminent gentlemen of the Committee on Appropriations, warned the House that the legislation changing existing law as proposed by the Committee on Appropriations was vicious, and there can be no doubt that the Committee on Foreign Affairs, which had only matters pertaining to the same before it, and so to speak had made such matters a specialty, were better advised as to the same than the Committee on Appropriations could have been, having as it did thousands of other important questions to determine, yet under the specious plea of economy so persistently urged by the gentlemen of the Appropriation Committee, the recommendations of the Committee on Foreign Relations were thrown to the winds, and a majority of the House blindly followed the lead of the Committee on Appropriations.

And so it has been with the most of the committees of the House. I know that the unanimous recommendations of the committee of which I have the honor to be a member, agreed upon after great investigation, (I mean Post-Office and Post-Roads,) were brushed aside by the Committee on Appropriations with a wave of the hand, and legislation by the wholesale was put upon the post-office appropriation bill, some of it in the right direction and much of it improper, ill-advised, and vicious; and in watching the exploits of some members of this Committee on Appropriations from day to day in their domineering and frequently reckless and ill-advised course I have found myself asking, "Upon what meat do these our Cæsars feed that they have grown so great?"

Mr. Speaker, it is a common thing for members on the other side of the House to say when appealed to not to wrongfully and recklessly follow the lead of the Committee on Appropriations, "O, well, I know it is wrong, but then the Senate will make it all right by amendments when we send the bills to that body."

Mr. RANDALL. Gentlemen may be a little disappointed.

Mr. CANNON, of Illinois. Yes, sir; they may be. But I tell you one thing: I want it placed fairly before the House and country that the dead lock on the appropriation bills arises out of proposed changes in existing law under the lead of the Committee on Appropriations that are hastily, and in many instances recklessly, proposed; and that the majority of the House, under the crack of the party whip, are blindly following the lead of that committee, and in many instances members knowing and acknowledging that the leadership is wrong and much of the proposed legislation vicious. And I would like to see some member on the other side who is not a member of that committee get up and contradict me in this statement. [After a pause.] Not one gentleman rises.

[Here the hammer fell.]

Mr. RANDALL, (to Mr. CANNON, of Illinois.) Go ahead; take five minutes more if you wish.

Mr. CANNON, of Illinois. Thank you; I will only take a moment or two more. Now, then, do you want to know how to get rid of this dead lock between the House and Senate? I will tell you. Let the Committee on Appropriations go to work and adopt the recommendations of the various appropriate committees of the House touching matters of general legislation upon these bills, and the members of the House, in good faith, in the interest of true economy, do what their better judgment tells them is right and proper, and not depend upon the Senate to correct known errors of the House. In other words, let us be honest politically and do as well as we know, and in less than thirty days this dead lock will be completely broken, the legislation of the session accomplished, and the country not only satisfied but rejoiced that we have honestly performed our duty and adjourned.

Now, then, a word in reply to the gentleman from West Virginia, [Mr. HEREFORD,] the chairman of the Committee on Commerce. I was amused and surprised at his remarks. It has got to be fashionable for some gentlemen on that side of the House, in season and out of season, to accuse this side of the House of holding up the bloody shirt, as they call it. Now, then, who on this side of the House has spoken of the bloody shirt that appears to haunt the gentleman from West Virginia? The gentlemen from Iowa [Mr. KASSON] and from Illinois, [Mr. HURLBUT,] have ably, and, so far as I noticed, correctly arraigned the other side of the House for some attempted, hasty, and ill-advised legislation, and claimed that it is not in the interest of true economy. Whereupon the gentleman from West Virginia accuses this side of the House of being opposed to retrenchment and economy, and travels out of his way to denounce us as trying to evade the true issue by holding up the bloody shirt.

Now let us see how much he favors economy. The gentleman hails from that great mountain State of West Virginia, with its magnificent rivers and splendid coast and harbors, upon whose waters float numberless ships engaged in a prosperous commerce; at least one not acquainted with the mountains of West Virginia would think so

when he reads the river and harbor bill which passed this House appropriating over $400,000 for the rivers and harbors of West Virginia and only $10,000 for the Charleston harbor and many other real harbors in proportion. Yet that the future historian may not be misled as to the maritime State of West Virginia, and to illustrate the economy of the gentleman from West Virginia, as well as of this democratic House, let me state that there is scarcely a branch or river in the whole State of West Virginia proper to which this appropriation applies but what a small man could throw an elephant across by the tail; and let me state further, that the bill was reported by the gentleman from his committee on a Monday and passed by a two-thirds vote of this democratic House, so that all debate or even power to protest, except by a vote of "no," was cut off, and in the light of this record upon the part of the gentleman he grows red in the face, violent in gesticulation, and with loud voice thunders his anathemas against this side of the House for obstructing his onward march to economy and reform.

[Here the hammer fell.]

Mr. WILLIAMS, of Indiana, rose.

Mr. RANDALL. As the gentleman from Indiana [Mr. WILLIAMS] has been attacked, or rather his suit, I think he should be heard.

Mr. WILLIAMS, of Indiana. Mr. Speaker, I have been here some four or five months a silent listener to the debates. I have endeavored to do my duty as a member here in supporting such measures as I thought right and proper. But this debate, like many others, reminds me very much of a circumstance which took place about the first year that Indiana was a State. Late one evening in November a gentleman was seen to rein up his horse at the door of a cabin on the road. He inquired whether he could stay over night. The landlady, who appeared at the door, replied, "Yes, sir; if you will put up with such fare as we can give you." The gentleman readily assented, for he was none of your eastern gentlemen; he belonged to the West. [Laughter.] Soon after the landlord appeared and took his horse and put him up. The landlady showed him into a room used as a parlor, sitting-room, dining-room, and kitchen. The man was seated before a pleasant fire, it being the latter part of November, and over the fire hung a pot of boiling water. The landlady soon came in again with a pan of corn-meal and commenced stirring it into the hot water, pouring it in with one hand and stirring it with the other until she got it to a proper consistency for what we call in the western part of the country mush. [Laughter.]

A MEMBER. O, yes; we know what that is. [Laughter.]

Mr. WILLIAMS, of Indiana. She then threw in some salt and gave it another stir. Her daughter Sallie came along and said: "I expect mother has forgotten to salt the mush," and so she threw in a little salt and gave it a stir. The landlord brought in a stick of wood on his shoulder and put it down near the fire, saying, "I expect my folks have forgotten to salt that mush," and he threw in a little handful of salt and gave it a stir. [Laughter.] The landlady coming in, took up her mush and set it upon the table, and all hands were called to supper. The landlord was the first to discover it. As soon as he took the mush and put it into his milk, he said: "Ugh! you have ruined this mush; you have put too much salt in it." "Well," said the landlady, "I did not put in any more than I ought to put in it." The landlord said "I did not know you put any in, and so I salted it." "Why, mother," said Sallie, [laughter,] "I salted it because I supposed you had forgotten it." Said the traveler, "I thought it was fashionable, and so I salted it." And now it has become so fashionable for every gentleman to talk on this floor that I thought I would try it, and now propose to throw in my handful of salt. [Laughter.]

I want to say something about these blunders which have been committed, as we are told, on the other side, and in such sharp and fluent language by the gentleman from Pennsylvania. I discover one of the blunders we have committed, and I will stand by that blunder, is in reducing the salary of the President of the United States from $50,000 down to $25,000 a year. That is a very terrible blunder! That is one of the blunders we have committed. [Laughter.]

Another one of the blunders we have committed is to reduce the pay of members from $5,000 to $4,500 a year. Now is that a very serious blunder? [Laughter.] I think gentlemen who voted for that will not find it so dangerous a blunder as those who voted for an increase of salary two or three years ago. [Laughter.]

Another very great blunder we have committed is in not increasing the pay of the Cabinet officers. It was attempted to be increased, and we did not do it. That is one of our terrible blunders. I am glad we did not.

Another one of our terrible blunders is that our foreign ministers are to be starved to death; that they are to be reduced from $17,000 a year down to $14,000 a year. Horrible! [Great laughter.] We cannot get a man to touch any one of them at $14,000. [Laughter.] He will not take it all; he cannot afford to go abroad and work for $14,000 a year. Not at all. [Great laughter.]

Let us look at this thing with a broader view. We want to do right. We find bankers—and I am not in favor of bankers; some are around me, and they are clever gentlemen. I believe they are gone now. We find bankers cannot make $50,000 as the President makes it, although they may have $250,000 capital. They cannot make $25,000 a year. You cannot find a mechanic who can do it. The manufacturer who may be established in the city of Philadelphia cannot make it. He cannot make $25,000, not to speak of $50,000 a year, although he may have an invested capital of over $250,000. Why should it be lamented as a blunder that we have reduced that salary from $50,000 down to $25,000? Why deplore that blunder of the Committee on Appropriations of this House? [Laughter.]

Mr. Speaker, I have another word to say. I understood the gentleman from Ohio [Mr. FOSTER] made some remarks while my friend from New York [Mr. COX] was on the floor. Am I right?

Mr. FOSTER. What is it?

Mr. WILLIAMS, of Indiana. The gentleman made some remarks from his seat.

Mr. FOSTER. What?

Mr. WILLIAMS, of Indiana. In relation to Kentucky jeans.

Mr. FOSTER. Not in relation to the gentleman from Indiana.

Mr. WILLIAMS, of Indiana. Who did you mean?

Mr. FOSTER. I meant the gentleman from New York, [Mr. COX,] [laughter,] who once—[renewed laughter]—just allow me to finish.

Mr. WILLIAMS, of Indiana. Well, go on.

Mr. FOSTER. Who once boasted here of wearing Canada jeans.

Mr. WILLIAMS, of Indiana. I do not wish to do anybody any injustice at all——

A MEMBER. He said Canada broadcloth.

Mr. FOSTER. I thought it was Canada jeans.

Mr. COX. That was a great many years ago. [Laughter.]

Mr. WILLIAMS, of Indiana. I do not wish to misunderstand the gentleman from Ohio. I thought at the time that I was the one to whom he alluded. I am not ashamed of my old Kentucky jeans. The people of Indiana are not ashamed of me because I wear it. He then reminded me of a circumstance which took place a few days ago. The gentleman from Ohio [Mr. FOSTER] introduced a resolution requesting the Committee of Accounts to furnish this House with such refreshments as have been customary heretofore. [Laughter.] He is decidedly in favor of economy. [Laughter.] Now that gentleman introduced that resolution, and I want to show you what the effect will be when you pass it.

Mr. FOSTER. Did it not pass unanimously?

Mr. WILLIAMS, of Indiana. It is in the hands of the Committee of Accounts.

Mr. FOSTER. Did it not pass unanimously?

Mr. WILLIAMS, of Indiana. The gentleman will not ask questions; I am not on the stand now. [Laughter.] I want to show you what will be the effect. I have a memoranda of what happened two years ago, and when it is printed I want some copies sent to the gentleman's constituency as well as my own. [Laughter.]

Let me read some of the items from this account for articles furnished to the House of Representatives.

Four and seven-eighths gallons alcohol, and package for same, $13.19.
One cask of sal-soda, $26.29.
Fifty pounds tea, $7.50; two hundred and twenty pounds granulated sugar $25.30.
Two hundred and nineteen pounds powdered sugar, $25.19; six boxes of lemons, $78.
Six boxes lemons, $78; two hundred and five pounds sugar, $23.58.
Six boxes lemons, $75; two hundred and thirty-two pounds sugar, $26.58.

The next is "one hundred fans." [Mr. WILLIAMS, of Indiana, here imitated the action of using a fan, amidst great laughter.]

Two hundred and thirty-four pounds granulated sugar, $26.91.
Two hundred and thirty pounds powdered sugar, $26.45; six boxes lemons, $72.
Six boxes lemons, $72; one hundred and ninety-eight pounds granulated sugar, $22.77.
Six boxes lemons, $72; two hundred and five pounds granulated sugar, $23.58.
Six boxes lemons, $72.
Three boxes lemons, $36; one hundred and ninety-nine pounds granulated sugar, $22.88.

The total is $1,293.08. Now, who were running this House then? [Laughter.] The trouble with a great many of our friends here, and I am sorry to see it, is that they have been here so long that looking up into those galleries they think the people there are the only constituents they have got. They forget that they have any constituents at home. If they thought a little less of the clothes that may be worn here, whether they be of broadcloth or Kentucky jean, and looked a little less at the galleries, it would be better for them. But they require only to go before the people once in two years; and that accounts for it. [Laughter.]

Mr. RANDALL. I wish to direct the attention of the House to a single point in regard to where the responsibility for this dead lock, if it should occur, should rest. I am advised that in 1868 quite a number of appropriation bills were not passed until after the 1st of July. As regards the situation of the appropriation bills in the present Congress let me say that of the regular appropriation bills three have already been passed by both Houses; four remain in the hands of conference committees, which conferences are called by the Senate conferees, and the House conferees have met them on every occasion when invited. There remain in the Senate now to-day three bills unacted upon, so far as I am advised, which have passed the House, the Navy, the Indian, and the river and harbor bills. The river and harbor bill has been in the Senate since April 3. And there remain in this House but two bills not acted on: one, the Army bill, now under consideration, which might have been passed by this time but for this debate, which I do not regret at all, because it is right that the people should distinguish between those who favor economy and those who keep up or desire to keep up the old habits of extravagance which the gentlemen on the other side have been so accustomed to,

and under the influence of which the Departments have found it so easy to secure extravagant sums.

As a general proposition, I assert that, taking the diplomatic appropriation bill and the appropriation bills generally, all the Appropriations Committees who have preceded us during the last ten years have merely taken the estimates of the Departments, while the present committee—and I think it is conceded that no committee ever before has worked with more diligence or given more pains or labor to its work—the present committee, I say, has gone carefully over every item, and we have made no reduction from any item except when we considered we were warranted in doing it; and in many cases, lest we should seem to be excessive in our desire for economy, lest we might subject ourselves to the criticism that we were crippling the Government, we have given an amount in many cases above what a majority of the committee deemed sufficient.

I assert it here to-day as my opinion, based on the closest study and scrutiny of the history of these bills, before the Committee on Appropriations and before the House during the past ten years, that if these appropriations were made on the same principles which guide any gentlemen in this House, of whatever politics, in conducting their own business and expending their own money, instead of the appropriations being forty millions under the appropriations made last year, sixty or seventy millions of dollars would be saved to the people of this country and no harm done to any interest or any branch of the Government. And I warn both sides of this House—I do not speak for my side of the House alone—I warn both sides of the House that it is absolutely essential that you on your individual responsibility as Representatives of an oppressed and paralyzed people should come forward and, instead of casting slurs on the Appropriations Committee, should stand up in your own rights, irrespective of party drill, and sustain the committee which seeks to bring back the Government to the economy which was exercised in its administration before the period of the war.

Having said this much, I ask for a vote on the proposition to refer.

Mr. HOLMAN. Before my friend from Pennsylvania moves the previous question, I wish to call attention to some points in the history of the appropriation bills in 1868. I will just take a single year. The bill making appropriations for the legislative, executive, and judicial expenses of the Government that year did not become a law until the 20th day of July.

Mr. FOSTER. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. FOSTER. Were the laws then in force which exist now, to which reference is made in the President's message?

Mr. HOLMAN. They were substantially in force.

Mr. FOSTER. I think not.

Mr. HOLMAN. The same principles governed substantially at that time. The act making appropriations to supply deficiencies for that year was not passed until the 25th of July. The act making appropriations for sundry civil expenditures was not passed until the 20th of July. In other words, four of the appropriation bills in 1868 were passed after the beginning of the fiscal year and after the 1st day of July. And, indeed, gentlemen who have been here any length of time will remember, or can ascertain by looking over the statutes, that during the long sessions of Congress it has very frequently occurred that numbers of the appropriation bills did not finally get through both branches of Congress until after the close of the fiscal year.

Mr. FOSTER. The gentleman understands very well that at the time to which he refers unexpended balances were used; and since that time there has been a law requiring them to be covered into the Treasury.

Mr. HOLMAN. The unexpended balances were at that time covered into the Treasury.

Mr. FOSTER. No, sir.

Mr. HOLMAN. There have only been certain modifications of the law on the subject since that time.

Mr. RANDALL. I call the previous question on the motion to refer the President's message.

The previous question was seconded and the main question ordered; and under the operation thereof the President's message was referred to the Committee on Appropriations.

Mr. RANDALL moved to reconsider the vote by which the message was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LORD. I desire in behalf of the managers appointed to conduct the impeachment against Ex-Secretary Belknap to submit a resolution. On appearing in court this morning the defendant again made application for an adjournment until November, giving various reasons therefor; among them the great difficulty of bringing and retaining witnesses here in the month of July. Without detailing all the reasons given for the motion, I desire to say that the reasons presented were such and the reflection of the managers on the subject had been such that we asked leave of the Senate to confer with the House on this point.

I desire to say to the House before submitting the resolution which the managers have prepared: first, that the question of jurisdiction has been settled and the question as to the two-thirds vote will be settled before the adjournment of the court, if it shall be adjourned before the close of this session; second, I desire to state that the Senate as a court will not, so far as we can judge, sit after Congress has adjourned.

The plan of the managers on the part of the House had been this: To induce the Senate as a court of impeachment to allow Congress to adjourn and then sit as a court to carry on the case. But there are two reasons against that which render it conclusive that the Senate will not do so. The first is that many Senators doubt the power of the Senate to sit as a court of impeachment after the adjournment of Congress. The second, and the really practicable reason, is that it will be found impossible to keep a quorum of the court together after the adjournment of Congress. The managers are satisfied of this beyond all reasonable doubt, and we are satisfied that if we shall bring witnesses here from the Pacific coast and from other parts of the country with seventy-three judges the progress of the trial will be so slow that it would result in an adjournment of the court until November or December, and then all the witnesses would have to be brought back here again.

Under these circumstances the managers propose that Congress shall adjourn until some time about the 15th or 20th of November which we think the Senate will consent to. (Cries of "O, no!") As I hear objection made to my proposition I will state that we want to avoid the question as to the right of the Senate to sit as a court of impeachment during the adjournment of Congress. Now, the managers think that by meeting on the 20th of November Congress can convene and consider various matters which will not be disposed of during the present session, and in the mean time the trial can go on in the Senate and be concluded possibly in November, certainly in December. The managers therefore submit this resolution, which I send to the Clerk's desk, that they may receive instructions from the House, which they desire.

The Clerk read as follows:

Whereas in the impeachment of William W. Belknap the defendant has moved for a continuance now on account of the lateness of the season, with the difficulty which will probably attend the retaining of a full organization of the court and the urgency of other business:

Resolved, That the managers be authorized to consent to a continuance until the —— day of November next.

Mr. WOOD, of New York. It seems to me that if the chairman of the board of managers representing the House is correct in his assumption that the Senate believes that the House should be in session during the trial, the adoption of this resolution would compel a convening of both Houses on the day named; because, unless both Houses convenes at that date, this resolution will substantially amount to nothing, if I understood the remarks made by my colleague before he offered the resolution.

Mr. LORD. I propose to follow up this resolution by a joint resolution that the two Houses shall adjourn to that time, say to the 20th day of November, or to an earlier or later day in that month as may be fixed upon by the two Houses; but I think a day should be fixed before the commencement of the next regular session of Congress.

Mr. LAWRENCE. I desire to make an inquiry. I would inquire whether the managers have examined the question whether the presence of the House of Representatives be necessary in order that the Senate may go on with the prosecution of this impeachment case?

Mr. LORD. Several of the managers have considered that question, and, as one of the managers, I have no doubt the Senate may go on as a court independent of the session of Congress. It is an independent tribunal. It may adjourn when it pleases. The House may be represented by its managers, although, of course, the House must authorize its managers to go there. Several Senators concur in this opinion, but the difficulty is that some Senators do not concur, and it seems to me to be settled in the minds of all the Senators, or nearly all of them, that it would be impossible to keep a quorum of the Senate to try this case as a court of impeachment after the adjournment of Congress. But they are willing to come here a few days before the ordinary time for the meeting of Congress in order to try the case.

Mr. REAGAN. If it is understood on the part of the managers on the part of the House and the proper authorities of the Senate that a joint resolution adjourning Congress until some day in November will follow this resolution, I hope the House will adopt the resolution. It is the best thing we can now do. If the case is now taken up it will be full midsummer before we could get away. I apprehend that most members here will feel the necessity of not remaining here until September or October of this year. I will not be inclined myself, however, to put it at as late a day in November as the gentleman suggested. I think that the time required for the trial of this case will necessitate a meeting of Congress at as early a day in November as may be convenient. I certainly would be disinclined to fix a day later than the 20th of November; and it seems to me that the 10th of November would be the better time for Congress to adjourn to. As to that, however, I will not insist.

What I wanted to say was this: As I have heard the expression of opinion among members, I think I but reflect that expression when I say that, situated as we are, in view of the time that must necessarily be occupied in that trial, it will be prudent for the House to adjourn over.

On the subject of whether the House ought to be in session during the time the Senate is sitting as a court of impeachment, if it were necessary for me to give an opinion on that subject, I should say, from such examination as I have been able to give it, that I do not agree with the gentleman from New York [Mr. LORD] in the opinion he has expressed. By parliamentary law the House is presumed to be in session while the trial is in progress. Occasions might arise when the managers would be required to call upon the House for instructions. As I understand both the law and the precedents, as well as the necessities of the case, it is proper that the House should be in session while the trial is going on. A friend near me suggests that any judgment of the Senate must be reported to the House.

I trust it will be the pleasure of the House to adopt the resolution which has been presented. I would be glad that the terms of the resolution should not be changed so as to fix a later time than the 20th of November.

Mr. RANDALL. My judgment is, and I desire to express it simply as a layman, in the direction of propriety and perhaps of common sense, that this question is one for the court to determine, one that belongs exclusively to the court. The court sitting in this case is the Senate of the United States. Whatever they may determine upon, I do not doubt the House will accede to. But that court is the body to determine this question, and I do not think the House is called upon to act upon it until they are apprised of what the Senate wishes in this connection.

Mr. LORD. Will the gentleman yield to me to make a statement that I perhaps ought to make?

Mr. RANDALL. Certainly.

Mr. LORD. The Senate has twice passed on this question. I desire members to hear the statement I am about to make. Before the question of jurisdiction was decided, an application was made on behalf of the defendant to adjourn the trial until November or December next. That application the Senate, after mature deliberation, refused. After the question of jurisdiction was settled, an application was again made upon the part of the defendant, accompanied by statements of quite strong reasons, for the adjournment of the case until November or December next. The House opposed the application through its managers, and the Senate refused it. The Senate therefore has twice passed upon this question, once before the question of jurisdiction was settled and once since, and in obedience to the motion of the managers of the House the application in each case was denied.

But a new state of affairs is now presented. More deliberation has been had in regard to the matter. As one of the managers—and I think all of the managers concur with me—I have no doubt whatever that if the trial now goes on and all these witnesses are brought on here, the result will be that the trial will be postponed, and the witnesses must be brought on again.

Mr. RANDALL. Allow me to ask the gentleman a question.

Mr. LORD. Certainly.

Mr. RANDALL. It is whether these one hundred and ninety-seven witnesses will not have to come on here in November; and whether they had not better come on now than to invade the short session of Congress and drive us on to the 4th of March without concluding our business?

Mr. LORD. I will answer the gentleman. The one hundred and ninety-seven witnesses will never come except at the expense of the defendant, and the defendant will not bring them.

Mr. RANDALL. Then why not go on with the trial now? You cited that matter of the witnesses as a reason for postponing the trial.

Mr. LORD. I did not mention the one hundred and ninety-seven witnesses.

Mr. RANDALL. You mentioned the witnesses.

Mr. LORD. I did not suppose the gentleman presumed for a moment——

Mr. RANDALL. I saw it stated very authentically that there will be one hundred and ninety-seven witnesses.

Mr. HURLBUT. That is only a newspaper statement.

Mr. RANDALL. No; it was on the authority of the officer of the Senate who was to summon them.

Mr. LORD. It is fair to the gentleman to say that the defendant has served upon the managers a list of witnesses numbering one hundred and ninety-seven.

Mr. RANDALL. That is all that I say.

Mr. LORD. But I say that number of witnesses will never, in my judgment, be called at the expense of the Senate.

Mr. RANDALL. Then you can go on with the trial the sooner.

Mr. LORD. I want the House to understand that the Senate has decided this question both before and after the question of jurisdiction was settled, as moved by the managers on the part of the House. Therefore, as the case now stands, unless the House authorizes its managers to consent to this postponement, or in some other way gives its consent, the trial must proceed on the 6th of July next.

Mr. RANDALL. Let the Senate take the absolute responsibility of the postponement of this trial; it belongs to the Senate sitting as a court of impeachment to settle that question, and then the House will acquiesce. There is no occasion whatever for the House to be brought in to share the responsibility of a postponement of the trial.

Mr. LORD. The gentleman must remember that the defendant, on the one hand, appears by his counsel, and the House, on the other hand, appears by its managers.

The managers on the part of the House and the counsel of the defendant have the right to make motions there. It no more belongs to the Senate to settle this question of itself, without hearing counsel——

Mr. RANDALL. Why not?

Mr. LORD. I will explain, if the gentleman will hear me. It no more belongs to the Senate to settle this question independently of the motions and arguments of counsel than it belongs to any other tribunal to determine a question of that kind without argument; and it is very evident (we must meet this question and we may as well meet it now) that the Senate having once, on the motion of the managers, since the question of jurisdiction was settled, declined to adjourn, that body of its own motion will not alter that order. Therefore unless the managers are authorized to assent to the adjournment in some form the result will be that the trial will go on in the month of July.

Mr. RANDALL. The Senate, after having declined to agree to an adjournment, wants to throw upon this House the entire responsibility of a postponement.

Mr. LORD. I think that is not a fair inference.

Mr. RANDALL. That is the effect of the gentleman's proposition. I say it respectfully.

Mr. LORD. I do not think the Senate can be charged with that, for this reason: After this second application the managers, having thought of the matter somewhat, unanimously concluded in the light of all the facts presented to them that it would be far better under all the circumstances to assent to this proposition for an adjournment.

Mr. WOOD, of New York. Will my colleague allow me to ask him whether the Senate has not the power to postpone this trial without any consent on the part of the managers representing the House?

Mr. LORD. Undoubtedly the Senate, like any other court, has that absolute power. But I say we may as well act in view of the certainty that the Senate, having once upon motion of the House declined to adjourn the trial, will not do so unless the House assents.

Mr. RANDALL. They have absolute power in the matter; let them exercise it.

Mr. WOOD, of New York. Although this question is a very grave one, it is one very easily determined. This House has presented articles of impeachment; it has selected a board of managers; the case has been properly presented to the Senate sitting as a court to try this defendant. The case rests with that court. The managers are representing the House, and the court has the power, and must take the responsibility, of adjourning the case.

Mr. REAGAN. I must, with some deference, express a doubt about the disposition of a question like this on any partisan ground. I can understand how the Senate, constituted as it is with a majority of republicans and being charged with the trial of a late republican cabinet officer, should feel some degree of hesitancy in taking the responsibility of an adjournment of the trial at this time without some concurrence on the part of the House. So far as I am individually concerned, I feel no disposition to put upon them an unpleasant alternative. If in their judgment and that of the managers the public interests would be best consulted by the adoption of the resolution which has been proposed and by following it with a concurrent resolution to adjourn over until some time in November, I think it is more fair and just to pursue that course. It seems to me better to do this than that the Senate should upon its own motion adjourn the trial; for if that be done, it must be adjourned until the beginning of the next regular session, so that the whole trial would be thrown into that session. It seems to be the desire that the trial should be adjourned until November; and I would suggest an earlier day in November than that indicated in the resolution, though I will not myself propose an amendment.

Mr. HOLMAN. I only wish to suggest that if the Senate sitting as a court of impeachment should think proper to postpone this trial to any particular day between this time and the meeting of Congress next December, then, inasmuch as it is generally conceded that the House must be in session for the purpose of being, in form at least, present during the trial, the House would, of course, concur in the adjournment over to that day; so that there could be no possible embarrassment.

Mr. LORD. Does not the gentleman understand that the Senate, upon the motion of the House, represented by its managers, have declined to grant any further adjournment. We may as well meet this question squarely. It is absolutely true that unless the managers are in some way authorized in their discretion to assent to the adjournment the trial will go on.

Mr. RANDALL. Let it go on.

Mr. LORD. If it is thought preferable that the trial should go on in July rather than in November let the House say so, and let us meet the question squarely. The Senate certainly will not adjourn the trial without the assent of the House.

Mr. HOLMAN. I wish to make this remark to the gentleman from New York, [Mr. LORD.] I apprehend the House has reached the conclusion that this really is a question for the court trying the impeachment to determine; and if a case shall be presented which will justify and render it proper that the trial should be postponed to a

future day, if that is the determination of the court, no matter what may be the day fixed between this time and the time of the next regular meeting of Congress, the House would certainly concur in that action and agree to adjourn to the time fixed by the Senate for the resumption of the trial.

Mr. LORD. Why does the responsibility upon this question rest on this court any more than the responsibility for a similar question would rest upon any other court? What difference is there in this regard between the Senate sitting as a court of impeachment and any other court?

I ask the gentleman whether the courts do not pass on this question after hearing parties on both sides?

Mr. HOLMAN. Certainly this does not differ in its general outline very materially from cases before a court. The House of Representatives, representing the whole people, is one party, while the impeached officer is the other, and the Senate sits as the high court of impeachment. Of course the Senate sitting as a court of impeachment can concur in whatever determination as to continuance shall be reached. That, of course, is clearly possible. And suppose the House, as I assume, is of the opinion this case, unless continued regularly, unless ground be shown to justify continuance in the judgment of the Senate, should go on; then the question would be whether a case strong enough on the part of the defense can be presented to the Senate to justify a continuance. I only make the suggestion with a view to what seems to be the judgment of the House from the opinions already expressed.

Mr. SINGLETON. I hope this motion will not prevail. It is evident from the number of witnesses likely to be subpœnaed that this trial is going to be a protracted one. If you postpone it to the 20th of November, as suggested, you will scarcely get a majority of the members here at that time, and the trial cannot commence until there shall be a quorum present.

A MEMBER. Your Sergeant-at-Arms can bring them.

Mr. SINGLETON. The Sergeant-at-Arms can bring them, but he will have a hard time of it, traveling over thirty-seven States to hunt them up, consuming a month perhaps in the accomplishment of this task.

I think I see the drift and tendency of this whole matter. If you postpone to the beginning of the next session or near that time, the whole of that session will be consumed in the trial of the case, and then, this House having taken the initiative in the matter, if the appropriation bills or anything else important in its character cannot be done, or shall fail for want of time, the responsibility will fall on the shoulders of this House. By adopting this resolution we shall have given precedence to this trial, to the exclusion of other legislation claiming our whole time, it may be to the 4th of March, when the session must end.

Let it go on now, that the public business shall not suffer in December for want of proper attention. I do hope this resolution will not be adopted, but that the responsibility will be left with the Senate to take such steps in relation to the matter as it may think proper, having full power to do so. Again, the question will arise after the 4th of March next, in case the trial is not concluded, whether you can prosecute it after that time, whether with the expiration of this Congress the impeachment will not be at an end, even though a decision shall not have been reached. I move to refer the resolution to the Committee on the Judiciary, that these several points may be examined into.

Mr. REAGAN. In reply to the closing remark of my friend from Mississippi, I simply desire to say this: that in reference to the question he propounded about the adjournment of this Congress suspending or rendering impossible the completion of the Belknap trial there is, as I understand it, no difficulty whatever. It will be remembered that in English and American history there are many instances where like cases have gone over different parliaments and different legislative bodies. So there is no need to indulge in any apprehension on that account.

But what I rose to say is this: I take it, if you consult the private judgment of members of this House, nine out of every ten, and maybe more, believe it is expedient and proper to adjourn over until the 10th of November. The only objection which seems to be interposed is that of throwing upon the Senate the responsibility of taking the initiative. In relation to that point, I have no desire to impose upon anybody any responsibility which I am not willing to take myself. I see no particular advantage to result to us by throwing the responsibility upon the Senate, or any injury to result to us by consenting to take a practical course in reference to this matter. I concede, if the Senate is driven to the necessity of adjourning the case itself, it must go over until the next session. That will put the trial within the short session of Congress, and in that respect be inconvenient. If the adjournment by the Senate shall be to the 10th of November, that trial may be ended by the beginning of the regular session, or very nearly so, and will give the House more time to mature the legislation now up, and it can be perfected at this session, in order to have it ready for the action of the Senate. All our experience teaches us greater time is required for deliberation on measures in a body so large as this than is required in the Senate. Everything concurring, it seems to me it would be right to adopt the resolution presented with an amendment, and I shall move an amendment that the adjournment, if it takes place, shall be to the 10th instead of the 20th of November.

Mr. JENKS. I simply rise for the purpose of asking this House to have the manhood to do its simple constitutional duty, whatever that may be. There is no utility and no manhood in attempting in any particular to forget that duty which is honestly and fairly by the Constitution placed upon our shoulders. The Constitution says that the House of Representatives shall have the whole power of impeachment, shall prosecute all impeachments; and that implies that we, as prosecutors in the exercise of an honest discretion, shall assume all the duties and responsibilities of prosecutors, whatever they may be.

Now, what is the duty of a prosecutor in any criminal court of the land? Will there be a continuance without consulting the prosecutor in reference to it? And will this House say that the Senate has the right or should assume the privilege of directing this continuance without consulting the prosecutor? This case will ultimately and inevitably result in a continuance; and it would be a singular spectacle to bring witnesses here and to hold the session during the whole summer, which would likely be the case, at great expense and with no utility in the world, for the simple reason that the House declines to step up manfully and do what a prosecutor would do in any other case. The ends of justice, and of expediency, and of everything else would be best subserved by permitting that to be done now which must inevitably result at last.

It seems to me that we should accept the facts of the case as they are. If we meet on November 10, even if a quorum of the House be not present, if its officers be present, so that the House may adjourn from day to day, the trial can go on. The Senate will not sit, so far as I can learn from the individual opinions of members, and hear the case through unless the House be in session. The result will be that the public business will be retarded. Why, then, should we not take the position which the Constitution gives us in this prosecution, and thus consult the general interests of the public?

Mr. JONES, of Kentucky. Mr. Speaker, I believe this case has passed entirely from the jurisdiction of the House of Representatives. We stand now before the court of impeachment in the attitude of clients, as my friend from New York has well said. The House has presented articles of impeachment against this officer, and has instructed its managers to prosecute those articles of impeachment before the high court of the Senate. Now, for one, I am utterly opposed to doing anything which looks like a recession on the part of this House. We can do nothing. The matter is entirely under the jurisdiction of the court of impeachment; and I believe that this case can be carried on without the presence of the House at all.

Is it necessary, I would ask the gentleman from New York, that a client should always be present in the prosecution of a case? What more have we to do? We have no more articles of impeachment to get up. We have nothing more to do, unless it be done by a recession or the suggestion of a compromise.

Mr. REAGAN. Will the gentleman from Kentucky allow me to ask him whether, in his recollection of all the impeachment trials that have occurred, he ever knew a trial to be carried on by the Senate, or trying body, when the impeaching body was not in session?

Mr. JONES, of Kentucky. I do not know that there has been such a case, but I adhere to the position that it is not absolutely necessary for the House to be in session during the whole trial.

I ask what more has the House to do? It has no more articles of impeachment to get up. They are all presented already, and our attorneys are there to prosecute them before the court; and the case is absolutely under the discretion of the Senate sitting as a court, and it is for the Senate to say whether it will postpone or not.

I would ask the gentleman from Pennsylvania [Mr. JENKS] if it has not often been the case in court that a postponement or continuation is made without the consent of the opposing counsel, and merely by an arbitrary rule or by the rules of court? That is often the case in the courts of the country. I contend that the Senate in this case is sitting simply as a court, and that it should sit as a court after the adjournment of the House, and that it is not at all necessary that the House should be present as the clients in the case.

Mr. LORD. Is the gentleman not aware that it has always been the practice in England and in this country for the managers on the part of the House of Commons or the House of Representatives, as the case may be, to confer with the House as the trial proceeds?

Mr. JONES, of Kentucky. I do not remember any case to the contrary of what the gentleman states. But I do not think that in the celebrated case of the trial of Warren Hastings the Commons were present all the time. I do not believe they were. But whether they were or not, I do contend, as a principle which cannot be controverted, that it is not necessary that this House, as clients in the case, should stand at the backs of their managers all the time. The House has done all it can do, and I am in favor of leaving the question of postponement to the discretion of the Senate. Let that court take the responsibility. I for one am in favor of their taking it entirely. I hope, therefore, that the gentleman from New York [Mr. LORD] will withdraw the resolution. If he does not, I hope it will be referred on the motion of the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. WOOD, of New York. I desire to ask my colleague [Mr. LORD] what will be his position as one of the managers on the part of the House if by protracting this trial in the interest of the defendant the trial shall not be concluded by the Senate on the 4th of March next? I want to know what his position will then be as chairman of the managers on the part of the House?

Mr. LORD. I will answer the gentleman. In the first place, I do not think that the assent to the motion made by the respondent for the continuance of the case would result in any such thing. In the next place, I have no doubt that the Senate could go on with the trial, if necessary, to the day of judgment if the respondent should live so long.

Mr. HOLMAN. I now call the previous question on the pending motion.

Mr. REAGAN. I desire to offer a substitute.

Mr. HOLMAN. I think this matter ought to go to the Committee on the Judiciary, but I have no objection to the substitute being read.

Mr. REAGAN. I trust it will be read for action.

Mr. HOLMAN. I only consent to its being read for information.

The Clerk read the substitute proposed, as follows:

Resolved, That upon the information communicated by the managers with reference to the impeachment of W. W. Belknap, to the House of Representatives, with renewed assurances of confidence in the managers to whom the conduct of the trial has been committed, authorize them to act upon the subject of their communication as to them shall under all the circumstances of the case seem proper.

Mr. HOLMAN. I now move the previous question.

Mr. REAGAN. I hope it will be voted down.

The question was put upon seconding the previous question, and there were—ayes 77, noes 77.

The SPEAKER *pro tempore*. The Chair votes in the affirmative.

Mr. REAGAN. I call for tellers.

Tellers were ordered; and Mr. REAGAN and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 69, noes 69.

The SPEAKER *pro tempore*. The Chair votes in the affirmative, and the previous question is seconded.

Mr. LORD. I call for the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays cannot be taken upon seconding the previous question.

Mr. LUTTRELL. I move that the House adjourn.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, of Indiana, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

An act (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army;

An act (S. No. 546) to further the administration of justice in the State of Colorado;

An act (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress;

An act (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry United States Army; and

An act (S. No. 863) to change the name of the steamship City of Brashear to Lone Star.

JOSEPH C. IRWIN.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a report of the Quartermaster-General on the bill (H. R. No. 161) for the relief of Joseph C. Irwin and William Phillips; which was referred to the Committee on Military Affairs.

BOUNTY AND PRIZE MONEY OF COLORED SOLDIERS, ETC.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, transmitting a report on the collection and payment of bounties and prize-money to colored soldiers and sailors; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HARRIS, of Massachusetts, for one week.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion to adjourn.

The question was taken on Mr. LUTTRELL's motion; and on a division there were—ayes 53, noes 94.

So the House refused to adjourn.

Mr. BANNING. I move that the House take a recess until Monday at ten o'clock.

Mr. RANDALL. I hope the House will take a recess until eight o'clock this evening.

ARMY APPROPRIATION BILL.

Mr. ATKINS. I move that the House now resolve itself into Committee of the Whole on the state of the Union on the Army appropriation bill.

The question was taken on Mr. ATKINS's motion; and there were—ayes 84, noes 66.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

Mr. PAGE. I move that the committee do now rise.

The question was put; and on a division there were—ayes 59, noes 61.

Mr. PAGE. I call the attention of the Chair to the fact that no quorum voted.

The CHAIRMAN. Does the gentleman make the point that no quorum voted?

Mr. ATKINS. I am surprised that the gentleman from California should make that motion after the courtesy that has been shown to that side of the House.

Mr. PAGE. I make the point; and I will say in reply to the gentleman from Tennessee that he need not be surprised.

The CHAIRMAN. The gentleman from California makes the point that no quorum voted, and it then becomes the duty of the Chair to order the Clerk to call the roll.

Mr. HOLMAN. I hope the gentleman will withdraw the point. We are very anxious to finish this bill to-night.

Mr. BANKS. A quorum is not necessary on this vote.

Mr. RANDALL. The gentlemen on the other side of the House complain of us for not pressing the appropriation bills, and yet here is an objection to proceeding with one of them.

The CHAIRMAN. On reflection, the Chair is satisfied that it is not necessary that a quorum should vote upon a motion that the committee rise. The Chair therefore rules that the motion of the gentleman from California [Mr. PAGE] that the committee now rise is lost.

Mr. ATKINS. I desire to offer an amendment to the sixth section of this bill.

The CHAIRMAN. The Clerk will report the portion of the bill now under consideration, together with the pending amendment.

The Clerk read the first paragraph of section 6, as follows:

SEC. 6. That the number of cavalry regiments is hereby reduced to eight, and the number of artillery and infantry regiments to twenty-three. And the Secretary of War, as soon as the requirements of the service will permit, holding in view the least expense on account of transportation, shall cause the reduction to be made by the merging of the enlisted men into other organizations, either of their own or other regiments, by the consolidation into troops, companies, or otherwise, and the assignment of the commissioned officers to duty with the consolidated troops or companies, or with other regiments of their respective arms: *Provided*, That the officers of the discontinued regiments may be assigned to other regiments of their respective arms, according to their dates of commission, as vacancies may occur, and any officer, on his own application, may be honorably discharged with one year's pay; and sections 1104 and 1108 of the Revised Statutes are hereby repealed, and hereafter there shall be no distinction in the service on account of color.

The amendment moved by Mr. DURHAM, and pending, was to strike out the word "twenty-three" and insert "twenty" in the first sentence of the section, as the number of artillery and infantry regiments.

The amendment to the amendment moved by Mr. SCHLEICHER was to strike out after the words "the number of cavalry regiments" the words "is hereby reduced to eight," and to insert in lieu thereof the words "shall hereafter be ten."

Mr. ATKINS. I move as a substitute for the first sentence of this section that which I send to the Clerk's desk to be read.

The Clerk read as follows:

The number of cavalry regiments are hereby fixed at eight, and of infantry and artillery at twenty; and the cavalry regiments shall be recruited and kept at their maximum strength as far as practicable and the appropriation will permit; and an efficient force of cavalry shall be employed in the defense of the frontier of Texas.

Mr. ATKINS. I believe all debate on this section has been closed by order of the House.

Mr. MILLS. I move as a substitute for the amendment of the gentleman from Tennessee [Mr. ATKINS] that which I send to the Clerk's desk.

The Clerk read as follows:

The number of cavalry regiments are hereby fixed at eight, and of infantry and artillery at twenty; and the cavalry regiments shall be recruited to one hundred men in each company, and kept at that number; and a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas.

Mr. MILLS. I wish simply to make a statement——

The CHAIRMAN. By order of the House all debate upon this section has been exhausted.

Mr. MILLS. I simply wish to state the difference between my amendment and the amendment of the gentleman from Tennessee. I ask unanimous consent of the committee for that purpose.

No objection was made.

Mr. MILLS. The only difference is as to the number of men in each troop of cavalry. The amendment offered by the gentleman from Tennessee [Mr. ATKINS] requires the cavalry regiments to be kept at their maximum, which, by the present law, is fixed at seventy-eight privates to the company. My amendment fixes the number of each company at one hundred.

Mr. RANDALL. The maximum number of a regiment of cavalry is one thousand and eight.

Mr. MILLS. That is for twelve companies; my amendment would make it twelve hundred to the regiment.

The question was then taken upon the amendment of Mr. MILLS, and upon a division there were—ayes 46, noes 32.

No further count being required, the amendment of Mr. MILLS was declared to be adopted.

Mr. HURLBUT. I now move to strike out the whole of section 6.

Mr. ATKINS. The second paragraph of section 6 has not yet been read.

The CHAIRMAN. The Clerk will now read the second paragraph of the pending section.

The Clerk read as follows:

And there shall not be any new enlistments in the Army until the number of enlisted men shall have been reduced to 22,000, exclusive of Indian scouts and the enlisted force authorized for the office of the Adjutant-General by the act approved March 3, 1875, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876.

Mr. HURLBUT. I move to amend the paragraph just read by striking out "22,000" and inserting "25,000;" so as to make the entire force of the Army 25,000.

Mr. RANDALL. Let us have a vote.

The amendment was not agreed to.

Mr. DURHAM. I move to amend by striking out "22,000" and inserting "20,000."

The amendment was not agreed to.

The Clerk read as follows:

SEC. 7. That the President is hereby authorized to assemble, from time to time as occasion may require, a board of not less than three nor more than five officers, such board being hereby invested with the powers of a court of inquiry and court-martial, whose duty it shall be to examine the propriety of conduct, capacity, qualifications, and efficiency of any commissioned officer of the Army on the active list, and into the conduct of retired officers who may be reported to the board; and upon such report, if adverse to such officer, after a revision of the proceedings like to that of a court of inquiry or a court-martial, and approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible as a member of said board whose rank or promotion would in any way be affected by its proceedings; and two members at least, if practicable, shall be of higher rank than the officer to be examined; and the members of said board and the recorder shall be sworn to an honest and impartial discharge of their duties.

Mr. HURLBUT. I wish to ask the gentleman in charge of this bill what is meant by this phrase in the section just read: "who may be reported to the board;" referring to the officers to be examined by the board created by this section? Who is to report them? Does it mean any casual mention that somebody may think proper to send up to the board? I have never heard of officers being sent before a board of inquiry, except upon superior authority. This thing is altogether too vague and general.

Mr. RANDALL. The object of this section is——

Mr. HURLBUT. I understand the object of the section perfectly.

Mr. HOLMAN. It is the same in that respect as the present law.

Mr. HURLBUT. That is not the law now.

Mr. RANDALL. The same purpose is intended.

Mr. HURLBUT. The present law is, "such officers as may be sent by the President or the Secretary of War."

Mr. RANDALL. By the consent of the gentleman in charge of the bill, I would like to have the section amended so as to say, "the President is hereby authorized and directed to assemble," &c. I can see also that the manner in which these officers shall be sent before the board may be made more plain.

Mr. HURLBUT. I propose to test this question by raising the point of order on this section that it is not germane to the bill, has nothing to do with the matter of appropriations, and is manifestly not in the line of retrenchment and economy.

Mr. RANDALL. O, yes; the proposition is to vacate the commissions of unworthy officers.

Mr. HOLMAN. I submit that after the gentleman has discussed the question the point of order comes too late.

Mr. HURLBUT. No, sir; I merely asked a question. No motion had been made.

The CHAIRMAN. The Chair does not think it is too late for the gentleman to raise the point of order.

Mr. HURLBUT. I raise the point of order that the proposition is not germane to the bill and does not come within the rule.

Mr. HOLMAN. The gentleman discussed the subject before raising the point of order.

The CHAIRMAN. The present occupant of the Chair is not disposed to rule that the gentleman from Illinois is too late in making the point of order. The point was embraced in the short statemen the was making by way of inquiry to the gentleman in charge of the bill.

Mr. HOLMAN. The ruling of the Chair is not in conformity with the practice of the Committee of the Whole of this House. Under that practice, if a gentleman debates a proposition he may not afterward raise a point of order upon it.

The CHAIRMAN. The Chair does not understand that the gentleman was debating the subject at all. He merely submitted an inquiry as to the object and purpose of the section.

Mr. HOLMAN. That has always been held to be debate.

The CHAIRMAN. Upon the information elicited by the gentleman's inquiry he makes the point of order, which the Chair thinks is in time.

Mr. RANDALL. The object of the provision is to reduce the number of commissioned officers in the Army, and that will be the result. I have no objection to a change, such as the gentleman from Illinois suggests, in the manner of having these officers brought before the board.

Mr. HURLBUT. I think I will stand on the point of order.

The CHAIRMAN. The Chair is not disposed to sustain the point of order as made by the gentleman from Illinois. It does not appear clear to the Chair that this provision is not in the interest of retrenchment or economy; on the contrary, the proposition is for the retirement of certain officers of the Army by the vacation of their commissions. The Chair does not sustain the point of order.

Mr. HURLBUT. I cannot argue with the Chair of course.

Mr. BANKS. I wish to inquire whether a mere appearance of economy is enough to justify a change in the laws.

The CHAIRMAN. The Chair is not contenting himself with the mere appearance. The design of the provision to which the gentleman from Illinois objects is to provide for a board of examination which is to assemble for the purpose of vacating the commissions of certain officers of the United States Army.

Mr. HOLMAN. I move to amend by inserting after the word "board" in the ninth line the words "by the Secretary of War."

Mr. HURLBUT. I suggest to the gentleman from Indiana that it had better read "by order of the President." He is the proper commanding officer, not the Secretary of War.

Mr. HOLMAN. Very well; I modify my amendment so as to insert "by order of the President or Secretary of War." I think the Secretary of War ought to be added. He is, to be sure, the clerk of the President for the purposes of war affairs; but it seems to me he should be authorized to act independently of the President in a matter like this.

The amendment was agreed to.

Mr. RANDALL. I move to amend by inserting after the word "authorized" in the first line of the section the words "and directed." This relieves the President of the responsibility.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the appointments to the grade of second lieutenant in the Army shall be confined to the graduates of the Military Academy and the non-commissioned officers of the Army.

Mr. HURLBUT. On this section I make the point of order that it is an alteration of existing law and bears no evidence on its face or elsewhere of economy. I am opposed to the proposition. I do not think it right to limit the appointments in the regular Army to the graduates of West Point and to non-commissioned officers of the regular Army. I think that officers who have had experience in the volunteer service and others who may from time to time graduate at various military schools, if they show ability and character entitling them to the positions, should not be prohibited from receiving appointments at the hands of the President. Therefore I make the point of order so that the law may stand exactly as it is.

Mr. RANDALL. The object of the section is to restrict the power of appointment. It is well known that we have now more than two thousand commissioned officers in the Army; and the authority exists to appoint them from civil life as vacancies occur. Our desire was to reduce the number of commissioned officers.

Mr. HURLBUT. But you do not do it.

Mr. RANDALL. It has that effect.

Mr. HURLBUT. Not at all.

Mr. RANDALL. If we limit the number from which officers can be selected, the effect is a reduction.

Mr. BANNING. That this provision is in the interest of economy I think my friend from Illinois will admit when he learns that the proposition is to take non-commissioned officers, to whom we are now paying salaries, and make commissioned officers of them. Certainly there is less expense in this way than if we take citizens to whom the Government is not paying salaries.

Mr. HURLBUT. But when you promote a non-commissioned officer do you not put another man in his place?

Mr. BANNING. But we take him from the Army which we are already paying; and we do not increase the Army until we have recruited it again. So that the provision is clearly in the interest of economy.

The CHAIRMAN. The Chair desires to say that this eighth section certainly proposes a change in existing law, and in the judgment of the Chair its effect is not such as will warrant the Chair in overruling the point of order made by the gentleman from Illinois. But as this is an important section the Chair prefers to submit the question to the Committee of the Whole for its determination.

Mr. HURLBUT. There is only one way in which that can be done, and that is by taking an appeal from the decision of the Chair.

The CHAIRMAN. That is what the Chair expected and what he indicated to the committee.

Mr. HURLBUT. I do not propose to take an appeal.

The CHAIRMAN. The Chair is forced to decide that the point of order is well taken.

Mr. HOLMAN. As a matter of parliamentary law the Chair may put such a question to the House. I appeal to the gentleman from Massachusetts whether that is not so.

The CHAIRMAN. The Chair is ready to submit to the committee or the House for its determination the question thus raised.

Mr. BANKS. I should like to say a word on the question of order, if not too late.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BANKS. This is a proposition to prohibit the appointment of a man from civil life to an office in the Army, and that is all there is in it. Now, it is absurd to say that law can be changed because it is a proposition to reduce the expenses of the Government. You deprive the President of the power to appoint a man who has been in the Army of the United States to a commission in the regular Army. That is all there is of it. Now, can gentlemen on the other side say that change in the law is admissible as a parliamentary question because it is a matter of economy?

The CHAIRMAN. The Chair is sustained in its own opinion by the gentleman from Massachusetts, but prefers to submit the question to the committee for its determination. The Chair hopes he will be relieved from the necessity of passing upon the point of order by the committee determining the question for itself.

Mr. KELLEY. There seems to be no one who wishes to take an appeal from the decision of the Chair.

Mr. ATKINS. And therefore I cannot see the slightest delicacy in the Chair passing upon the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

Mr. THROCKMORTON. There can be no question in the mind of any one, and the Chair is undoubtedly correct in his ruling.

The Clerk read as follows:

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field-telegraphs and signal equipments, $12,500.

Mr. ATKINS. I move to amend in line 18 by striking out "12" and inserting "10."

Mr. FORT. I do not know the object of the gentleman in reducing this appropriation. It does seem to me that the Signal Service is one of great usefulness.

Mr. RANDALL. That is all they ask for that branch of the service.

Mr. FORT. I supposed they asked for what is reported in the bill.

Mr. ATKINS. The Signal Service is provided for in a different part of the bill.

The amendment was agreed to.

Mr. ATKINS. I now move in line 19 to insert the following:

And hereafter the number of enlisted men in said service shall not exceed 300, and shall receive the pay and allowance of engineer soldiers of similar grades.

Mr. FOSTER. Mr. Chairman, I rise simply to say that, as I understand it, the amendment proposed reduces the number of enlisted men in the Signal Service from four hundred and fifty to three hundred. I believe I am right.

Mr. RANDALL. How much do you say it is?

Mr. FOSTER. From four hundred and fifty, the present number, down to three hundred.

Mr. RANDALL. Yes, sir.

Mr. FOSTER. This is done against the views and judgment of the Signal Corps. If it is done, the value of that service to the country will be lessened. I deem it proper to say this much, in order to have the House understand it, that this is a proposition to reduce the efficiency and value of that service.

Mr. ATKINS. I withdraw the latter portion of the amendment—the latter clause in regard to pay and allowance.

The CHAIRMAN. The Clerk will read the amendment as it has been modified.

The Clerk read as follows:

At the end of line 19 add the following:
And hereafter the number of enlisted men in said service shall not exceed three hundred.

Mr. RANDALL. Mr. Chairman, this has grown to be a very extensive department of the Government. The cost of it is approaching millions of dollars. It is paid under various Departments and from various sources. It is paid from direct appropriations. It is paid from the Pay Department of the Army. It is paid from the Subsistence Department. It is paid, in addition, large sums of money in the sundry civil appropriation bill. There are one hundred and forty-one stations. Upon consultation we were advised twenty-three of those stations could be done away with, reducing the number to about one hundred and eighteen. We deem two soldiers bearing the rank and pay of sergeants are sufficient at each of these stations. Now at many of the stations they run up from one to seven, which we think excessive. This number would give two persons at these one hundred and eighteen stations and leave sixty-odd men besides. Some might require two; some, as I said before, require only one.

Mr. HANCOCK. Will the gentleman permit me to ask him a question as to the stations he refers to, whether he includes the military telegraphs in the State of Texas?

Mr. RANDALL. I include all the stations. They are one hundred and forty-one in number, including the military-telegraph stations in the State of Texas.

Mr. FOSTER. Where would the reduction be made?

Mr. RANDALL. The reduction would be made in the number of clerks employed here, which we are advised is about one hundred.

Mr. FOSTER. My question was in regard to the stations. The gentleman says he proposes to do away with twenty-three of them.

Mr. RANDALL. In a conference with the general having this in charge, he stated that in his judgment twenty-three could be done away with. Of course we leave that to his discretion, and it is understood he will exercise it. But I am alluding just now to the number of one hundred employés here, which we thought to be excessive.

Then we dispense with the school of instruction at Fort Whipple, which is another large expense. And in this way we arrive at the conclusion that three hundred enlisted men are adequate for these one hundred and eighteen stations and for every other purpose. There was paid last year $250,000 to the telegraph companies of the United States alone.

Mr. HURLBUT. That question does not arise on this amendment.

Mr. RANDALL. It does not. But I wanted to give full information on the subject. That will come up on the sundry civil bill when we come to reduce that amount. But as regards this matter, we think we are not impairing the efficiency of this Signal Service in reducing the number from four hundred and fifty to three hundred.

Mr. HURLBUT. The Signal Service of the United States as now constituted has one hundred and fifty men, who have the rank and pay and emoluments of first sergeant, and three hundred privates. That is the *personnel* of the force.

Mr. RANDALL. Let me say to the gentleman that we have made the reduction of one hundred and fifty from those receiving the lowest pay. The reduction is $25,000.

Mr. HOLMAN. The force is reduced by one hundred and fifty privates.

Mr. HURLBUT. I cannot undertake to set my individual judgment up against the judgment of the committee in the matter of this reduction. But it appears to me that the reduction proposed here is excessive. And I call the attention of the committee to it more particularly because though this Signal Service is counted as a part of the Army, it is a purely civil service, intended for the benefit of the great mass of the people of the country, giving information of the changes of the wind, and the approach of storms, and the rise or fall of the rivers, its prophecies in regard to which the people in my section of the country are taught to rely upon. And I am not willing, speaking for the people whom I represent, and who believe in the usefulness of this service, to see so rash a reduction, as it seems to me, made at this time. The gentleman from Pennsylvania states that there are one hundred clerks employed in the Bureau here.

Mr. RANDALL. There are only two civilian clerks. The rest are all enlisted men. There are about one hundred men, as I understand, employed by the Bureau here.

Mr. HURLBUT. The work of the Bureau is very large. It may be that there is extravagance in regard to the school of instruction at Fort Whipple. I do not know how that may be. But I know that you cannot take a man and put him on that service without giving him from three to six months' education in the specialty to which his attention is to be devoted. And I have reason to say that I am not willing by my vote, on present information, to say that this force should be cut down; and I hope the amendment will not be adopted.

Mr. BANNING. I desire to offer an amendment to the amendment of the gentleman from Tennessee, [Mr. ATKINS,] so that the number, instead of three hundred, shall be three hundred and fifty men. This will be a reduction of one hundred.

I offer this amendment after having had a conference with the Chief of the Signal Corps. He told me that it would be impossible to get on with three hundred men, but he might possibly get on with three hundred and fifty, and keep up the posts by reducing the number of sergeants at the different posts. I make this proposition, Mr. Chairman, at the request of that officer, and believing that it will be right and just for us to limit the reduction to one hundred.

We have been asked to protect and care for the Signal Service by the Chambers of Commerce of all the leading cities in the land; my own city, the city of Chicago, the city of Saint Louis, and the cities of the East. The country is deriving more benefits every day from this service, and I think the House should do nothing to cripple it. I have placed in my amendment the number which the chief officer of the Signal Service says himself it would be barely possible for him to get on with. I hope the House will reduce no more than the hundred. And I ask the gentleman who has charge of the bill whether he will not accept this amendment?

Mr. ATKINS. I have no objection to it.

Mr. BANKS. Mr. Chairman, what is the pending question?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio to the amendment of the gentleman from Tennessee; the amendment to the amendment reducing the number to three hundred and fifty.

Mr. BANKS. I do not think the committee, if it will look into the matter carefully, will make the reduction now proposed.

Mr. ATKINS. Does the gentleman from Massachusetts understand that the amendment of the gentleman from Ohio is accepted.

The CHAIRMAN. The Chair would state to the gentleman from Massachusetts that the original amendment proposed to make the number three hundred, and the amendment to the amendment makes it three hundred and fifty, which latter amendment is accepted by the committee.

Mr. HANCOCK. And that reduces the number one hundred.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the proposed reduction now is one hundred men instead of one hundred and fifty men.

Mr. BANKS. Well, I desire to oppose any reduction.

The CHAIRMAN. The gentleman from Massachusetts is in order and will proceed.

Mr. BANKS. The reason that the Signal Corps is attached to the Army is that the meteorological observations from the beginning of the Government have been conducted by the Army. Most of them are made in distant parts of the country where there is no protection except that afforded by the Army posts, and then, as the gentleman from Illinois has said, it is necessary that men shall be trained for this service and retained in it for several years.

Now, if gentlemen on the other side of the House will give me their

attention for a moment, the gentlemen connected with the Committee on Appropriations, I want to state the reasons why no reduction should be made at all. The observations which now give the Signal Bureau importance, by which most of the business of the country is conducted at the present time, depend on their making observations in every section of the country. There are observations made for distinct sections of the country; there are reports made every day from the Southeast, the Southwest, and from the Northeast and from the Northwest; and it requires so many men to make reports of the changes in the temperature or the conditions which control the weather.

The object of the department, and what it will ultimately arrive at, is to extend these observations, not limiting them to sections, but bringing them to every town and neighborhood, so that that condition of weather which is now understood is likely to exist in certain sections of the country may be as carefully anticipated and reported for a village and its immediate neighborhood as for a section. Now, if the gentlemen who have charge of this matter reduce the number of men, they not only prevent the extension of these observations, but they cripple the organization required to make observations for sections of the country to which the system now applies. Take, for example, the Southwest and the Southeast, or the Northeast and the Northwest, and if you withdraw one hundred and fifty men from those now engaged in reporting these calculations, you disturb the reports for some one or more of these sections of the country, and it ought not to be done in justice to the business interests of the country. A reduction of the force will not only prevent the Bureau from extending its operations and bringing down its reports to minuter sections of the country, such as towns and villages, but it will cripple its action in regard to the sections of the country to which it now applies. Let us leave the organization as it stands for the sections of the country to which it now applies.

Now, sir, I appreciate the importance of economy and of the reduction of the expenditures of the Government, but there are many ways in which that can be done. The Committee on the Civil Service reported a year ago that one-fourth of the entire taxes of the country were not collected; that one-quarter of the revenues levied by law and that ought to be collected is lost to the Government by the imperfect administration of the Departments. Why should not the gentlemen on the other side of the House go to work on some problem of that kind? Here are four or five hundred million dollars of taxes imposed upon the people every year, and we have reason to believe that one hundred and twenty millions or one hundred and twenty-five millions are lost in the collection. Why should not the gentlemen turn their attention to that subject? Why should they strike down and cripple the service of the Government in this matter which brings anticipations of the weather to every family and every business man in the country? Why should they take such action as to disturb and cripple the action of the very organization upon which these reports are based?

[Here the hammer fell.]

Mr. ATKINS. I would simply state in reply to the gentleman from Massachusetts that the officer who has this Bureau in charge says that he can do very well with three hundred and fifty men.

Mr. FOSTER. Does he say that he can get along very well?

Mr. RANDALL. I think he should get along very well with that number of men. I think he can get along with three hundred.

Mr. ATKINS. In regard to the suggestion made by the gentleman from Massachusetts, that the Committee on Appropriations provide for the better collection of the revenue, I will just say to my distinguished friend that we propose to do it when we change the administration.

Mr. FOSTER. That will not happen very soon.

Mr. ATKINS. It will happen next March.

Mr. BANKS. I hope the gentleman from Tennessee will let these weather observations stand until he changes the administration. Why does he want to make war upon one hundred men engaged in the innocent occupation under the instruction of the Government of reporting the changes of the temperature so as to give in advance to every business man twenty-four hours' notice of what changes in the weather are likely to take place? I think that might be deferred until the administration shall be changed. What an admission does the gentleman on the other side make when he proposes to let thieves run away with one hundred and twenty or one hundred and twenty-five million dollars of revenue every year until there is a change of administration.

Mr. RANDALL. The only way to stop thieving is to put honest officers in.

Mr. BANKS. What position is that for these gentlemen?

Mr. RANDALL. What have the Committee on Appropriations to do with the collection of the revenue?

Mr. WELLS, of Missouri. I desire to say that I have had several conferences with General Myer, who is at the head of this corps, and he said that with three hundred and fifty men he can get along satisfactorily.

He has told the committee that he did not intend to establish new stations, and that he had all the stations necessary. He said further he could conduct his Bureau with the reductions made by the committee, not only this reduction, but reductions amounting to large sums made in other items for the support of this Bureau. I believe the statement made by him, and he states that three hundred and fifty men will be sufficient for that Bureau.

Mr. BANKS. One word, if the gentleman pleases. Of course I do not know what the Superintendent of the Signal Bureau has said. I venture to say this, however, that he would say, as every other officer of the Government would say and ought to say to Congress, "Whatever you propose to give me I will do the best I can with it to carry on the business of my department."

Mr. WELLS, of Missouri. I suppose if we made the appropriation he would employ five hundred men or one thousand men.

Mr. BANKS. No officer of the Government would say to Congress, "I will not carry on the business of my Department with such appropriations as you propose to make," for it is our business to make appropriations. I am sure the gentleman from Missouri, [Mr. WELLS,] if he will examine this matter more carefully and consider better what General Myer, the Superintendent of the Signal Bureau, has said, will find that it was only to the effect that, in fact, whatever appropriations Congress chooses to make for this purpose, he will execute the law and try to get along with it. But no man will say that one hundred men can be withdrawn from the small force that is now employed in the Signal Service Bureau without restricting the operations of the Bureau for the benefit of the country.

Mr. WELLS, of Missouri. I only know what General Myer has said to the committee himself. After several conferences with him, in which he was asked to make reductions in the amount of appropriations and the number of men employed in the Bureau, he said he could get along satisfactorily and efficiently with three hundred and fifty men, and he also consented to several reductions in the amounts of money to be appropriated for the expenses of that Bureau. For one, in the committee-room I consented to the reduction of this force to three hundred and fifty men, but I refused to assent to a reduction to three hundred men. I preferred rather to see the Bureau abolished entirely than not to give the number of men which he said was the lowest number he could get along with.

The question was then taken upon the amendment of Mr. ATKINS, as modified by the amendment of Mr. BANNING, to make the number of enlisted men in the Signal Service Bureau three hundred and fifty; and it was agreed to.

Mr. HURLBUT. I move that the committee now rise. It is utterly impossible for us to continue much longer in session in this way.

Mr. RANDALL. There is no dispute about the remainder of this bill. We have already wasted several days of this week, and we were given the assurance that we should have an opportunity of passing this bill by Saturday.

Mr. HURLBUT. I would like to be here myself while the consideration of this bill is going on, and I cannot remain here much longer to-day. I believe we will make more rapid progress with the bill by rising now.

The motion that the committee rise was not agreed to; upon a division—ayes 30, noes 38.

The Clerk read the following:

Pay Department:

For the pay of the commissioned and non-commissioned officers, privates, military store-keepers, medical store-keepers, musicians, veterinary surgeons, artificers, farriers, saddlers, and wagoners, except as hereinafter enumerated, $9,170,788.50. And after the 1st day of January next there shall be no more than forty paymasters for the Army of the United States, the reduction being made by dropping from the rolls the junior commissions until the maximum of forty is reached; and so much of section 1182 of the Revised Statutes and of the act of March 2, 1875, and the joint resolution of March 3, 1875, as provides for a greater number, is hereby repealed: *Provided*, That section 1194 of the Revised Statutes is hereby repealed.

Mr. ATKINS. I move to amend by striking out "$9,170,788.50 and inserting "$9,154,788.54." That reduces the appropriation $16,000.

Mr. RANDALL. That is made necessary by the reduction in the total force of the Army.

The amendment was agreed to.

Mr. HURLBUT. I move to amend the paragraph by striking out these words:

And after the 1st day of January next there shall be no more than forty paymasters for the Army of the United States, the reduction being made by dropping from the rolls the junior commissions until the maximum of forty is reached; and so much of section 1182 of the Revised Statutes and of the act of March 2, 1875, and the joint resolution of March 3, 1875, as provides for a greater number, is hereby repealed: *Provided*, That section 1194 of the Revised Statutes is hereby repealed.

This portion of the paragraph proposes to limit the number of paymasters in the Army to forty. Of course it is not liable to any point of order, because it is a reduction of the number of paymasters now authorized by law. But I desire to state to the House my conviction from examination of the subject that in the scattered condition of our Army that number of paymasters is not sufficient to pay the men at the different isolated posts their pay regularly every two months, as under the law they should be paid.

I beg gentlemen to consider the time which is lost by these paymasters in moving around to our different isolated posts scattered all through the country; the time they must occupy in traveling, which they are compelled to occupy in traveling. They will be compelled in that way to occupy more time than it would take to pay the troops. It is true that during the war we were able to pay a large body of troops concentrated together, where they were assembled by regiments with their pay-rolls all made out, and they were paid off rapidly. It is

just as much trouble now for a paymaster to pay off a single company of men at a post as it was then to pay off an entire regiment.

In addition to that, there is to be considered the great distance between our several garrisons and posts in the interior. The time which the paymaster must take to travel from post to post will render it impossible, in my judgment, and as I am informed by the Paymaster-General, for them to regularly and faithfully pay the men in accordance with the law.

Mr. RANDALL. In 1874, I think it was, the Army was reduced from 30,000 to 20,000; yet in 1875 ten paymasters were added to the number in the Army.

Mr. HURLBUT. Certainly, that is correct.

Mr. RANDALL. Now we propose to make a further reduction in the Army. In the judgment of the Committee on Appropriations there was no necessity for that increase in 1875, and therefore we have provided here for reducing the number of paymasters to what it was prior to that time.

Mr. HURLBUT. I beg to say in reply to my friend that the reason why these ten paymasters were added in 1875 was expressly upon the fact brought to the knowledge of the Committee on Military Affairs and the Committee on Appropriations of this House, that the then existing number of forty paymasters did not secure that punctuality in the payment of these isolated garrisons which the men had a right to expect from their Government.

Mr. RANDALL. There was really no occasion, as a large minority in this House thought at the last session, for any increase at all in the number of paymasters. I do not know, of course, what were the motives of those who by their votes forced that legislation upon the statute-book; but I think this House is perfectly safe in assuming the position that forty paymasters are enough to pay the force we propose to have in the Army, when forty were enough to pay an army of 30,000.

Mr. HURLBUT. Has not the gentleman the report of the Paymaster-General on this subject?

Mr. RANDALL. The Paymaster-General of course resists this reduction just as every body else whom we have come in contact with resists reductions. But he did say to some members of the committee, if I am correctly informed, that he could get along with forty-five paymasters.

Mr. HURLBUT. And therefore you gave him forty!

Mr. RANDALL. No, sir; we believed there was no occasion for the appointment of these ten additional paymasters last year.

The amendment of Mr. HURLBUT was not agreed to.

The Clerk read as follows:

Miscellaneous:
For the pay of seventy-five contract surgeons, $107,700.

Mr. ATKINS. I move to amend the paragraph just read by striking out "seventy-five" before the words "contract, surgeons." The object of this amendment is to give the Surgeon-General discretion to employ as many contract surgeons as he pleases with the amount of money appropriated.

Mr. HURLBUT. Then you do not limit the number?

Mr. RANDALL. No, sir; the Surgeon-General may want more than seventy-five.

The amendment was agreed to.

The Clerk read as follows:

For the pay of forty-two paymasters' clerks, $50,400.

Mr. ATKINS. I move to amend by making the appropriation $56,400.

Mr. RANDALL. The object of that is to allow the extra number of paymasters' clerks to continue as long as those ten additional paymasters shall continue in office, that is until the 1st of January next.

Mr. HURLBUT. You have forty-two clerks and fifty paymasters.

Mr. RANDALL. Forty-two paymasters.

Mr. HURLBUT. No; there will be fifty until the 1st of January. Do you intend that in the interim, before the reduction has taken effect, these paymasters shall not have clerks?

Mr. RANDALL. The amendment is not perfected. With the consent of the gentleman from Tennessee, [Mr. ATKINS,] I offer it in this modified form:

Add to the paragraph the following:
And ten paymasters' clerks, $6,000, to hold their positions until January 1, 1877.

Mr. HANCOCK. It seems to me impossible for us to get through this bill to-night unless we stay until a very late hour.

Mr. RANDALL. Do let us stay. If you want to go, we have no objection.

Mr. HANCOCK. I would like to do as I please on that subject, if the gentleman from Pennsylvania will allow me. I move that the committee rise.

The question being taken on the motion of Mr. HANCOCK, there were—ayes 16, noes 39.

The CHAIRMAN. The committee refuses to rise.

Mr. HANCOCK. I believe the Chair has decided that a quorum is not required to vote on this motion.

The CHAIRMAN. The motion that the committee rise is equivalent to a motion that the House adjourn, which does not require to be determined by a quorum.

Mr. HANCOCK. A quorum will certainly be required very soon.

The question recurring on the amendment of Mr. RANDALL, it was agreed to.

The Clerk read as follows:

For postage on letters and packages received and sent by officers of the Army, on public service; cost of telegrams; compensation of citizen witnesses attending upon courts-martial, military commissions, courts of inquiry; traveling expenses of paymasters' clerks, $80,000.

Mr. ATKINS. At the suggestion of the Paymaster-General, I move to amend by adding to the paragraph just read the following:

Provided, That the appropriations under the head of Pay Department in this act shall be accounted for by disbursing officers under the title of "pay, &c., of the Army of 1877;" so that the total amount appropriated for that purpose shall not be exceeded.

The object is to simplify the accounts and save clerical labor.

Mr. HURLBUT. The amendment is correct.

The amendment was agreed to.

Mr. HURLBUT. I ask the gentlemen on the other side to consent that the committee now rise.

Mr. HOLMAN. O, no!

Mr. RANDALL. We want to get this bill through to-night.

Mr. HURLBUT. Well, you cannot do it. There are nine pages remaining. There is no quorum present, and you are at the mercy of any member who chooses to raise that point.

Mr. MORRISON. Gentlemen on the other side will be complaining because we have not passed the appropriation bills.

Mr. HURLBUT. You have been seven months doing this much, and I am willing you shall have an hour or two longer.

The CHAIRMAN. Does the Chair understand the gentleman to make a motion that the committee rise?

Mr. HURLBUT. Yes, sir.

The question being taken on the motion that the committee rise, there were—ayes 22, noes 47.

The CHAIRMAN. The committee refuses to rise.

The Clerk read as follows:

Subsistence Department:
For subsistence of regular troops, Indian scouts, and Indian prisoners, $1,948,686.

Mr. ATKINS. I move to amend so as to make the amount of this appropriation $1,908,686.

The committee divided; and there were—ayes 47, noes 11; no quorum voting.

Mr. HURLBUT. I make the point that no quorum has voted. At this time in the evening, long after the usual hour for adjournment, I must insist on the point of order.

Mr. BANNING. You ought to have made it this morning.

Mr. HURLBUT. No, sir; I never made it before.

The CHAIRMAN. The Chair will appoint tellers to see whether a quorum is present unless a motion to rise is made.

Mr. HURLBUT. I insist on my point of order that no quorum is present.

The CHAIRMAN appointed Mr. HURLBUT and Mr. BANNING as tellers.

The committee again divided; and the tellers reported—ayes 52, noes 13; no quorum voting.

Mr. ATKINS. I move the committee rise.

The committee divided; and there were—ayes 48, noes 32.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending 30th of June, 1877, and for other purposes, and had come to no resolution thereon.

CARE OF THE HALL.

Mr. BANKS. I am directed by the Committee on Rules to report the following:

The Clerk read as follows:

RULE —. No person shall be allowed to enter the room over the Hall of the House when the House is in session. The Clerk of the House is charged with the enforcement of this rule.

Mr. BANKS. This is a unanimous report. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was adopted.

Mr. BANKS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. RANDALL, (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: The petition of T. Worthington, relating to the water supply of Camp Dennison, Ohio, in 1861, to the Committee on War Claims.

By Mr. BANNING: The petition of John Edwards, jr., late captain

Third United States Artillery, for restoration to his former rank and position, to the Committee on Military Affairs.

By Mr. DOBBINS: The petition of Sylvanus Murphy, for a pension, to the Committee on Invalid Pensions.

By Mr. ELLIS: Memorial of W. B. SPENCER, of Louisiana, for reimbursement of expenses of contest for a seat in the House of Representatives, to the Committee of Elections.

By Mr. HOGE: The petition of Charles Edward Wunderlick, late a consul from Bremen at Charleston, South Carolina, for compensation for cotton seized and sold by United States Army officers, to the Committee on War Claims.

By Mr. REAGAN: Memorial of citizens of Eastern and Northeastern Texas, against the removal of the place of holding the United States courts from Tyler to Dallas, in said State, to the Committee on the Judiciary.

By Mr. RIDDLE: Papers relating to the petition of Terrence Kirby, of Sumner County, Tennessee, for a pension by reason of signal acts of valor in the war of 1812, to the Committee on Revolutionary Pensions.

IN SENATE.

MONDAY, *June* 19, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I hold in my hand a petition, addressed to the California delegation, from a very large number of citizens of Los Angeles County, California. This petition is of such character that I think it is intended to be presented to Congress. It refers to the necessity of action upon the Chinese question; and in it the petitioners say: "We ask this as a matter of right, and know no party in the matter. The Chinese curse is blighting the prospects of our youth, retarding the development of our country, and taking from our social being the very essence of its vitality, the manhood of the present and future generations." I move the reference of this petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CONKLING presented a memorial of the American Seamen's Friend Society, of New York, remonstrating against the passage of House bill No. 3187, to amend title 53 of the Revised Statutes, relating to merchant seamen; which was referred to the Committee on Commerce.

He also presented the petition of Sophie Leavor, mother of David Leavor, late of Company C, Second Regiment New York Cavalry Volunteers, praying for an amendment of the pension laws so as to extend the time within which application may be made for arrears of pension until July 4, 1876; which was referred to the Committee on Pensions.

He also presented the petition of Martha Vananam, mother of Horace Vananam, late of Company I, First Regiment New York Volunteers, praying for an amendment of the pension laws so as to extend the time within which application may be made for arrears of pension until July 4, 1876; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 604) for the relief of James L. High, submitted an adverse report thereon; which was ordered to be printed, and the bill was rejected.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 830) for the relief of Joseph W. Parish, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3182) for the relief of Albert Grant, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Andrew D. Worman, of Frederick County, Maryland, praying compensation for certain supplies furnished to the Quartermaster's Department of the United States Army during the late war, submitted an adverse report thereon; which was ordered to be printed, and the claim was rejected.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 852) for the relief of Elisha E. Rice, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL. The Committee on Claims, to whom was referred the bill (S. No. 579) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri, instruct me to report it without amendment and recommend its passage. I will state that this is one of the contested cases in committee. The committee were not unanimous in the report. There are a number of cases of the same kind. I submit a written report with this bill, and move that it be printed.

The motion was agreed to.

Mr. COCKRELL. I am instructed by the Committee on Claims, to whom was referred the petition of Thomas M. Redd, of Paducah, Kentucky, praying compensation for property taken and destroyed by United States troops in 1864, to submit a favorable report thereon, accompanied by a bill. This is not a unanimous report either.

The bill (S. No. 924) for the relief of Thomas M. Redd was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL. The Committee on Claims, to whom was recommitted the bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York, have reconsidered it, and adhere to the former report. This bill was rereferred to the Committee on Claims on the motion of the Senator from New York, [Mr. CONKLING.] I ask that it go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (H. R. No. 3192) for the relief of William Wheeler Hubbell, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Henry S. Van Carr and Elsie M. Reynolds, administrators of the estate of Rensselaer Reynolds, deceased, and Gordon B. Reynolds, praying for the extension of a patent granted to the decedent on brakes for power-looms, submitted a report thereon, accompanied by a bill (S. No. 925) for the extension of the patent known as Reynold's patented brake for power-looms.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 61) for the relief of John R. Harrington, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 431) for the relief of the heirs of William A. Graham, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOWE. The Committee on the Judiciary, to whom was referred the bill (S. No. 611) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, have instructed me to report the bill adversely. I call the attention of the Senator from California to this bill. Shall it go on the Calendar?

Mr. SARGENT. I should like to have it go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I should like to inquire of the Chair what is the condition before the Senate of the post-office appropriation bill?

The PRESIDENT *pro tempore*. It has not yet been returned from the House of Representatives.

BILLS INTRODUCED.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 926) to establish a post-road in the State of West Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 927) prescribing the devices and inscriptions upon the coins of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 16) to authorize the President to appoint commissioners to attend an international conference upon the subject of the relative values of gold and silver; which was read at length, as follows:

Be it resolved, &c., That should the government of one or more countries invite a conference or convention to consider the important change which has recently occurred in the relative values of gold and silver, and the adoption of international measures for the removal of embarrassments arising therefrom, the President of the United States is authorized to appoint three properly-qualified persons as commissioners to attend such conference or convention.

Mr. BOGY. I would suggest to the Senator from Ohio to change it into "the conference," and not wait upon the other nations.

Mr. SHERMAN. It was thought by those who understood the subject thoroughly that it would be better to await the action of foreign nations. The Department is informed that other nations will move in the matter probably, and it is thought better for us to await the initiative, rather than commence the proceedings. I hope if there is no objection that the resolution will pass at this time. I take it no one will object to its present consideration.

Mr. BOGY. I object.

Mr. MORTON. I think it had better go over until to-morrow.

The PRESIDENT *pro tempore*. Objection is made.

Mr. SHERMAN. I will then move its reference to the Committee on Foreign Relations.

Mr. MORRILL, of Vermont. I move to amend the motion by referring the joint resolution to the Committee on Finance.

Mr. DAVIS. And that it be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the joint resolution will be considered as read the second time, and referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. CLAYTON, it was

Ordered, That the papers relating to the claim of Cherry Levy be withdrawn from the files of the Senate on leaving copies of the same.

DISTRICT POLICE FORCE.

Mr. WADLEIGH. By request, I introduce the following resolution, and ask for its present consideration:

Resolved, That the commissioners of the District of Columbia be requested to furnish the names of all persons appointed on the police force of the said District (and now serving on said force) since March 2, 1867, with the names of all such persons as have served in the Army and Navy of the United States; also, whether the act of March 2, 1867, has been complied with, and, if not, the reasons for such violation of law.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which the concurrence of the Senate was requested:

A bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land in the Wallabout Bay, in the State of New York, to the city of Brooklyn;

A bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes;

A bill (H. R. No. 3486) for the relief of James F. Buckner;

A bill (H. R. No. 3331) to confirm to the city of Chicago, Illinois, the title to certain public grounds;

A bill (H. R. No. 3730) to remove the political disabilities of John D. Simms and Samuel V. Turner, of Virginia;

A bill (H. R. No. 3736) authorizing the construction of a bridge across the Wabash River;

A joint resolution (H. R. No. 124) requesting the President of the United States to negotiate an additional article to the treaty of July 28, 1868, between the United States of America and the Ta-Tsing Empire, (China;) and

A joint resolution (H. R. No. 125) authorizing the Secretary of War to loan to the authorities of the city of Paterson, New Jersey, four pieces of artillery to be used in celebrating July 4, 1876.

The message also announced that the House had passed the following bills:

A bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation, in Washington Territory;

A bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States; and

A bill (S. No. 375) for the relief of Maria W. Sanders.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. CHARLES FOSTER of Ohio managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army;

A bill (S. No. 546) to further the administration of justice in the State of Colorado;

A bill (S. No. 692) to amend chapter 166 of the laws of the second session of the Forty-third Congress;

A bill (S. No. 773) to remove the political disabilities of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army;

A bill (S. No. 863) to change the name of the steamship City of Brashear to Lone Star;

A bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from the Cambridge (Ohio) post-office;

A bill (H. R. No. 353) to amend section 1911 of the Revised Statutes of the United States, defining the jurisdiction of the courts in Washington Territory; and

A bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I should like to call up the appropriation bill for the post-office service, which has just been returned to the Senate, in order to move that the Senate insist upon its amendments and appoint a committee of conference to confer with the House on the subjects at issue between the two bodies.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, disagreed to by the House or Representatives.

On motion of Mr. WEST, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. WEST, Mr. HAMLIN, and Mr. DAVIS were appointed as the committee on the part of the Senate.

IMPEACHMENT OF W. W. BELKNAP.

The PRESIDENT *pro tempore*. If there be no further morning business, pursuant to order legislative and executive business will be suspended, and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against William W. Belknap, late Secretary of War.

The Senate then proceeded to the trial of the impeachment of William W. Belknap, late Secretary of War.

The Senate sitting for the trial of the impeachment of William W. Belknap having adjourned then resumed its

LEGISLATIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes its legislative session.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate proceed to the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes. I merely desire to take up the bill in order to leave it the unfinished business for to-morrow.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. WINDOM. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 19, 1876.

The House met at twelve o'clock m., and was called to order by its Clerk, Hon. GEORGE M. ADAMS.

The CLERK. The Speaker of the House being absent and the time for which a Speaker *pro tempore* was appointed having expired, the Clerk, in conformity with the rules and usages of the House, will now ask the House to be in order while the Chaplain proceeds in prayer.

Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The CLERK. The House is now in session, and unless objection be made it will be held that the first thing in order is the election of a Speaker *pro tempore*.

ELECTION OF SPEAKER PRO TEMPORE.

Mr. RANDALL. Mr. Clerk, I offer the following resolution:

The Clerk read as follows:

Resolved, That Hon. SAMUEL S. COX, a Representative from the State of New York, be, and he is hereby, appointed Speaker *pro tempore* during the present temporary absence of the Speaker.

The resolution was adopted.

The CLERK. The Hon. Speaker *pro tempore* will take the chair.

The SPEAKER *pro tempore*, (taking the chair.) The House will be in order.

Gentlemen, it would seem to be ungracious if I did not tender to the House my cordial acknowledgments for this renewed and unanimous expression of their confidence. I shall best deserve that confidence by assisting the House to proceed at once to the dispatch of business.

The Clerk will read the Journal of Saturday last.

The Journal of Saturday last was read and approved.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk be directed to inform the Senate that the House of Representatives has appointed Hon. SAMUEL S. COX, Representative in the House from the State of New York, as Speaker *pro tempore* during the present temporary absence of the Speaker.

Mr. MORRISON also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House inform the President of the United States that Hon. SAMUEL S. COX, one of the Representatives of the State of New York, has been appointed Speaker *pro tempore* during the present temporary absence of the Speaker.

Mr. MORRISON moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFAULTING COLLECTORS OF INTERNAL REVENUE.

Mr. SOUTHARD. I ask unanimous consent to submit the following resolution in reference to defaulting collectors of internal revenue.

The Clerk read as follows:

Whereas the following resolution passed the House on the 13th day of March, 1876, to which the Secretary of the Treasury has failed to reply, to wit:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to state to this House the actual balance due from collectors of internal revenue, who are not now in office, since the organization of that Bureau; that the names of such defaulting collectors be given with the amount due from each, and the total amount due from all of those who are in default; that he also inform this House of the names of the defaulting creditors who have been sued, with the date of the suit, together with the date of resignation of the defaulting collectors, and the name of the President by whom and the time when appointed:" Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House why he has not complied with the foregoing resolution.

Mr. KASSON. I object to that, as I understand the information is nearly completed, or was so last week, having required a gread deal of labor.

Mr. SOUTHARD. There is a letter and also a telegram from Assistant Secretary of the Treasury Conant which can be read, and if they are read, I think there will be no further objection to my resolution.

Mr. KASSON. I object to entertaining the question, for if I am correct there is no need of adopting any such resolution.

ORDER OF BUSINESS.

Mr. HENDEE. I demand the regular order.

Mr. ATKINS. I ask, by unanimous consent, that the House go into Committee of the Whole on the state of the Union on the Army appropriation bill. I think there will be no objection to allowing me to make that motion, as I think we can get through with the Army appropriation bill in half an hour, or an hour at the furthest.

Mr. RANDALL. I hope the gentleman from Vermont will not object to that, as that will give the District of Columbia Committee the floor at two o'clock for the disposal of business of that committee.

Mr. HENDEE. I have no objection, provided we are not precluded from going on with District of Columbia business at two o'clock. I presume if the Army bill occupies till two o'clock, the District of Columbia business will then be called without any morning hour and call of States.

Mr. ATKINS. We can finish before two o'clock.

The SPEAKER *pro tempore*. There can be no doubt that the District of Columbia Committee has the right absolutely to the floor at two o'clock, and at that hour can take any committee or any member off the floor.

Mr. ATKINS. We will give up the floor at that hour if we are not then through with the bill.

The SPEAKER *pro tempore*. The gentleman from Tennessee asks that by unanimous consent the House go into Committee of the Whole for the purpose of resuming the consideration of the Army appropriation bill.

Mr. POPPLETON. I must object for the reason that there is unfinished business coming over from last Monday which I am very desirous should be disposed of. I refer to the resolution offered by myself under a motion to suspend the rules.

Mr. ATKINS. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole.

The SPEAKER *pro tempore*. A motion to suspend the rules is not in order before the morning hour on Monday.

Mr. HOLMAN. With all respect to the Chair, I submit that a motion to suspend the rules for the purpose of going into Committee of the Whole to consider an appropriation bill is in order, and that the rule in regard to motions to suspend the rules after the morning hour on Monday does not apply in the case of appropriation bills. Undoubtedly a motion to suspend the rules to go into Committee of the Whole may be entertained at any time by a majority of the House.

Mr. SPRINGER. It is undoubtedly true that with reference to appropriation bills a majority may at any time suspend the rules.

The SPEAKER *pro tempore*. The point made by the gentleman from Indiana [Mr. HOLMAN] is well taken. Rule 104 says:

The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union.

The motion to suspend the rules for the House to go into Committee of the Whole to consider an appropriation bill is therefore in order.

Mr. ATKINS. I make that motion.

The motion was agreed to.

LEAVE TO PRINT.

Mr. BANKS. I made some remarks on Saturday on the Signal Service, and I ask leave of the House to print some remarks in addition thereto on the origin of the service and the extension of its purposes and objects.

There was no objection. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate was ready to proceed upon the impeachment of William W. Belknap, and to receive the managers on the part of the House, and that the Senate Chamber was prepared with accommodations for the reception of the House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is in Committee of the Whole for the consideration of the Army appropriation bill, and the gentleman from Kentucky [Mr. BLACKBURN] will resume the chair.

Mr. BUCKNER. The understanding is that this order will not extend beyond two o'clock.

The SPEAKER *pro tempore*. At two o'clock the District of Columbia Committee will be recognized.

Mr. HOLMAN. I hope no decision will be made on that point until the occasion arises.

The SPEAKER *pro tempore*. The decision has been so often made in regard to the right to the floor of the District of Columbia Committee at two o'clock on the third Monday of each month that it is not necessary to reserve it.

Mr. HOLMAN. Never on an appropriation bill.

Mr. HENDEE. I understand that the Chair has already given his decision.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will report the portion of the bill now under consideration, together with the pending amendment.

The Clerk read the following paragraph:

Subsistence Department:

For subsistence of regular troops, Indian scouts, and Indian prisoners, $1,948,686.

The amendment moved by Mr. ATKINS, and pending, was to strike out "$1,948,686" and insert in lieu thereof "$1,908,686."

The amendment was agreed to.

The Clerk read the following paragraph:

Quartermaster's Department:

For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports, $3,410,667.93, in addition to the unexpended balance of the appropriation for the service of the fiscal year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877.

Mr. ATKINS. I offer the following amendment:

In line 87 strike out "$3,410,667.93" and insert in lieu thereof "$3,360,667.93."

The amendment was agreed to.

Mr. HURLBUT. I would like to ask the gentleman in charge of the bill what is the amount now unexpended which is re-appropriated in this section?

Mr. ATKINS. The amount is $189,932.

The Clerk read the following paragraph:

For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, $104,784.89, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877.

Mr. HURLBUT. I desire that the record shall show all along as we proceed precisely the amounts of money actually voted. I therefore ask the gentleman from Tennessee to state in this connection the amount of unexpended balance here transferred to the service of the next fiscal year.

Mr. ATKINS. I will do so. The amount is $645,215.11.

The Clerk read the following paragraph:

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, $2,817,804.65, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877.

Mr. ATKINS. I offer the following amendment:

In line 146, before the word "ships," insert the words "hire of;" so that it will read "of hire of ships and other sea-going vessels."

The amendment was agreed to.

Mr. ATKINS. I will state also that the unexpended balance made available in this paragraph is $682,195.35.

The Clerk resumed the reading of the bill, and read as follows:

For hire of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, $977,865.52, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877; and at all posts and stations where there are no public quarters, officers may be furnished with quarters in kind by the Quartermaster's Department as now allowed by regulations: *Provided*, That the amount paid is not in excess of $12 per room per month.

Mr. EDEN. I am instructed by the Committee on War Claims to offer the amendment which I send to the desk to come in as an additional paragraph.

Mr. ATKINS. Perhaps the gentleman had better wait until the pending paragraph is perfected.

Mr. HURLBUT. Before my colleague offers his amendment, I desire to amend the pending paragraph. I would ask my colleague to yield a moment, for my amendment is strictly in advance of his.

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. HURLBUT] has a right to amend the pending paragraph before an additional paragraph is offered.

Mr. HURLBUT. I move in line 179 to strike out the word "twelve" and insert in lieu thereof the word "fifteen;" so that it will read: "Provided, that the amount paid is not in excess of $15 per room per month."

I offer the amendment, sir, for this reason: I think that as an average of commutation of quarters all over the United States the amount of $15 is a fair and just average, and that $12 is too little. The old plan was arranged by making a difference in behalf of the Pacific slope, and I hope the gentleman will not resist this amendment, because I believe it strictly fair and proper.

Mr. ATKINS. I wish to state that the proviso which the gentleman proposes to amend was inserted in the bill at the suggestion of the Committee on Military Affairs, and I want to state further that the honorable chairman of that committee urged the insertion rather earnestly. Our committee, I think, would not have reduced the amount below that proposed by the gentleman from Illinois, except at the request, and insisting indeed, of the Committee on Military Affairs.

Now, so far as I am concerned, I think the amendment of the gentleman from Illinois is reasonable enough, and for one I am willing to accept it. I do not desire to cut down the pay and allowances of Army officers below the necessities of a decent and genteel living, and for that reason I am willing that the amendment shall be adopted.

Mr. BANNING. I merely want to make a statement to the House of the amendment proposed by the gentleman from Illinois. The Committee on Military Affairs agreed to reduce the amount to $12 per room per month. That would give a colonel serving away from his command $60 a month for rooms; a lieutenant-colonel, $48 per month; a captain, $36 per month; and a lieutenant, $24 per month. This is more than it was before the war, when it was $9, $12, and $15. Now a colonel who has been serving in Washington since 1869 has received $40,515.12, and of that more than $11,000 has been his commutation of quarters and other commutations received by him by reason of his services here and away from the troops. That is, an officer who was away from his troops and from the field got between one-fourth and one-third more than officers serving in the field.

The reduction here made was agreed upon by the Military Committee. I believe the amount proposed to be allowed is ample and sufficient. It will save a considerable amount of money and give these men, as I have already stated, $60 per month for a colonel, $48 for a lieutenant-colonel, $36 for a captain, and $24 for a lieutenant for their room rent, besides their other commutations for fuel and forage, which makes their pay very ample.

Now, I do not believe that the reduction is too great. I believe that it is just and that it is one of the fairest things in the bill, and I hope the amendment will not prevail.

Mr. HURLBUT. The chairman of the Committee on Military Affairs, in reporting and passing the bill which he introduced himself in relation to the Army, does not propose to reduce this amount to $12 per month.

Mr. BANNING. We said all except in San Francisco. Those were the terms of the bill.

Mr. HURLBUT. Will the gentleman stand up here and show by figures that from 1869 to 1876 an officer received so much money as he has stated. He has not answered the question. The question is what is a just and reasonable amount to give?

Now, where the United States furnish quarters, as they do in garrisons where the Government already has quarters built, the officer receives no commutation for quarters. It is only when he is detailed somewhere where the Government has no building to which he can be assigned that he is allowed this room rent in place of quarters for himself and family, and I undertake to say that any gentleman will see that the amount of $15 per room per month, making in the case of a colonel $60, is not too much, and I hope the amendment will prevail.

Mr. LUTTRELL. I would like to suggest that on the Pacific coast and in the Territories this room rent must be paid in gold and silver coin. I think, therefore, that the amendment should prevail.

The question was taken on Mr. HURLBUT's amendment; and on a division there were—ayes 40, noes not counted.

So the amendment was not agreed to.

Mr. ATKINS. I move to amend the paragraph in line 169 by striking out $977,865.52 and inserting in lieu thereof $877,865.62. It becomes necessary to do that in order to reduce the sum to the rate of $12 per room per month.

The amendment was agreed to.

Mr. EDEN. I now offer the following as an additional paragraph to come in after the paragraph just disposed of:

For hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables, and for repairing public buildings at established posts, being a deficiency for the fiscal year 1871 and prior years of $73,344.82.

For the purchase of horses for the cavalry and artillery, and for Indian scouts, and for such infantry as may be mounted, being a deficiency for the fiscal year 1871 and prior years, $28,397.58.

I read from the estimates of the Quartermaster-General's Office:

Hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, being a deficiency for the fiscal year 1871 and prior years of $114,285.74 and a deficiency for the fiscal year 1875 of $7,783.35.

Purchase of horses for the cavalry and artillery, and for Indian scouts, and for such infantry as may be mounted, being a deficiency for the fiscal year 1871 and prior years.

It appears from the estimates of the Secretary of the Treasury that on the 24th of March, 1876, there was a deficiency for the hire of quarters for officers on military duty and for hire of quarters for troops of the amount stated in the amendment, and there was a similiar deficiency of twenty-eight-odd thousand dollars for the purchase of horses for the cavalry and artillery.

These two items in the estimate of deficiencies were referred to the Committee on War Claims. We sent to the Department for information in reference to these items, and in reply to that inquiry the Department sent us a list of the different persons to whom these claims were due and the amount due each, the whole number of claims amounting to nearly three hundred. The reason for the deficiency I suppose arises from the fact that these claims have been audited and allowed since the close of the fiscal year 1871. The unexpended balances of appropriations being covered in the Treasury, when the claims are allowed there is no money out of which they can be paid, and consequently the estimate comes from the Department in the shape of a deficiency.

The Committee on War Claims thought the proper way to act upon this matter was to move an amendment to the Army appropriation bill, as under the rules the Committee on War Claims have no right to report a deficiency bill. I ask that the letter of the Third Auditor of the Treasury in reference to these claims be read by the Clerk, and I have no doubt it will explain this matter to the satisfaction of the Committee of the Whole.

Mr. ATKINS. For what year is this a deficiency?

Mr. EDEN. For the year 1871, and prior years.

Mr. ATKINS. Why has it not been allowed heretofore?

Mr. EDEN. The claims have just been audited at the Treasury Department, some of them since the estimates were sent in. Before the letter is read, I will state that we do not ask an appropriation of the entire amount. The estimate upon which the committee were called upon to act included about $40,000 of claims not yet allowed, but which it was supposed would be allowed. We have reported only the amount that has been allowed by the accounting officers of the Treasury.

Mr. REAGAN. Is there any deficiency since 1871 for this purpose?

Mr. EDEN. This deficiency is for the year 1871, and prior years.

Mr. REAGAN. Is there any such deficiency since that time?

Mr. EDEN. We did not examine that matter, because these particular items were all that were referred to our committee. I now ask the Clerk to read the letter.

The Clerk read as follows:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., June 14, 1876.

SIR: In response to the indorsement of A. E. Wilson, esq., chief clerk, of the 10th instant, transmitting letter of Hon. JOHN R. EDEN, chairman War Claims Committee, House of Representatives, I have the honor to say that I inclose, as requested by the committee, a statement showing the items which make up the amounts allowed by the accounting officers of the Treasury prior to December 3, 1875, to be paid from appropriation (when made) for barracks and quarters and cavalry and artillery horses for 1871 and prior years, and including list of claims against such appropriation which have been since allowed.

The item for barracks and quarters referred to in the communication of the committee, to wit, in Executive Document No. 151, amounting to $114,285.74, included all the claims allowed by the accounting officers of the Treasury payable from such appropriation up to December 3, 1875, amounting, as will be seen by accompanying bill, to $66,296.04. The balance of said amount was asked for to pay claims in process of settlement, some of which had passed this Office and were pending in the Office of the Second Comptroller, and also to pay claims which it was believed would be allowed prior to the passage of the appropriation bill by Congress.

This last class embraced an estimated amount, but it included only claims which appeared to be meritorious and which it was thought would be allowed when reached in order.

The statement submitted also shows that since the report to the Secretary claims have been allowed against said appropriation amounting to $7,048.78, so that the sum of $73,344.82 will be needed to pay claims actually allowed and awaiting settlement in this Office.

The item for cavalry and artillery horses included in said executive document amounted to $27,520.08 and included only claims that had been allowed and were on the 3d day of December, 1875, awaiting an appropriation; but since that time, funds having become available (by partial appropriation by act of May 1, 1876) for the purpose, payments on those claims have been made, so that there now remains unsettled in this Office, of claims included in the above, those only mentioned in the inclosed schedule, amounting to	$22,890 58
But there have been since allowed by the accounting officers claims, as shown by the schedule, amounting to	5,507 00
So that the aggregate sum actually needed to pay claims for cavalry and artillery horses is	28,397 58
Making a summary of the foregoing, we find that there is needed to pay claims reported to the Secretary of the Treasury, December 3, 1875, from appropriations for barracks and quarters	66,296 04
For barracks and quarters subsequent to December 3	7,048 78
Total	73,344 82
To pay claims for cavalry and artillery horses reported to Secretary, December 3, 1875, less amount paid as hereinbefore shown	22,890 58
Claims for cavalry and artillery horses subsequent to December 3, 1875.	5,507 00
Total	28,397 58

And these amounts include only claims actually allowed by the accounting officers, and embrace no estimates of amounts that may be needed to meet allowances to be made.

In reply to the request of the committee that a statement of facts bearing upon the liability of the Government for these claims be made, I can only say that such liability has been determined by the accounting officers of the Treasury, to whom all of the claims were submitted, and that the claims have been carefully examined and the amount called for is undoubtedly due.

I am, sir, respectfully, your obedient servant,

A. M. GANGEWER,
Acting Auditor.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

The amendment offered by Mr. EDEN was then agreed to.

The Clerk read the following:

For construction and repair of hospitals, $36,494.42, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877.

Mr. ATKINS. I move to amend the paragraph just read by striking out "$36,494.42" and inserting "$61,494.42."

The amendment was agreed to.

Mr. ATKINS. I will say that the unexpended balance referred to in this paragraph is $13,558.70.

The Clerk read the following:

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, $383,221.21, in addition to the unexpended balance of the appropriation for the same purpose for the year ending June 30, 1874, which is hereby made available for the service of the year ending June 30, 1877.

Mr. ATKINS. The unexpended balance referred to in this paragraph is $16,778.79.

The Clerk resumed and concluded the reading of the bill, the last section of which was as follows:

SEC. 11. That when any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed eight cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated by the shortest usually traveled route; and so much of section 1273 of the Revised Statutes, or of any act, as conflicts with the provisions of this section, is hereby repealed; and no part of the sum appropriated by this act shall be used for the payment of any officer of the field or line who, by appointment or otherwise, shall be in the performance of any duties of a civil nature in or about any of the Executive Departments of the Government other than for his pay and allowances as an officer of the Army.

Mr. HOLMAN. I move to amend section 11 by inserting after the words "conveyance belonging to or chartered by the United States" these words:

Or on a land-grant railroad on which the troops and supplies of the United States are entitled to be transported free of charge.

Mr. HURLBUT. I would suggest to the gentleman from Indiana [Mr. HOLMAN] that instead of saying "a land-grant railroad" he say "any railroad." There are some railroads which are not land-grant roads upon which the United States are entitled to have troops and supplies transported free of charge.

Mr. HOLMAN. I accept the suggestion, and will modify my amendment by striking out the words "land grant."

The amendment, as modified, was then adopted.

Mr. BANNING. With the consent of the gentleman having charge of the bill, [Mr. ATKINS,] I desire to move an amendment to the paragraph relating to national military cemeteries.

The paragraph referred to was as follows:

For maintaining and improving national military cemeteries, $125,000; which is hereby re-appropriated from the unexpended balance of the appropriation of $1,000,000 for head-stones for soldiers' graves, under the act approved March 3, 1873, being an act making appropriations for the support of the Army for the year ending June 30, 1874.

Mr. HURLBUT. Let the amendment be read; I will reserve any point of order upon it.

Mr. BANNING. I move to add to the paragraph the following:

Provided, That the Secretary of War shall provide for the care and maintenance of the national military cemeteries, and for this purpose shall submit an estimate with his annual estimates to Congress; and section 4876 of the Revised Statutes is hereby repealed.

Mr. HURLBUT. Read the section of the Revised Statutes which it is proposed to repeal.

Mr. BANNING. It is as follows:

The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of the national cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the Secretary shall transmit such report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

All of this matter is under the Quartermaster's Department, and there is no major in that Department to do this duty.

Mr. HOLMAN. This matter is under the control of the Secretary of War?

Mr. BANNING. It is under the control of the Secretary of War, and, if this amendment is adopted, he can detail any major or colonel or captain or lieutenant he may see fit to perform this duty; but under the law as it now stands he must detail a major.

Mr. HURLBUT. I have no objection to the amendment.

Mr. ATKINS. I think the amendment is all right.

The amendment offered by Mr. BANNING was agreed to.

Mr. FORT. I move as an additional section that which I send to the Clerk's desk, to which I suppose there will be no objection.

The Clerk read as follows:

That no bonded officer charged with the disbursement of any of the money hereby appropriated shall be subject to the orders or control of any post, division, or department commander so far as relates to the disbursement of such money, and shall be subject to the orders of superior officers in his department, and to the orders of the Secretary of War.

Mr. ATKINS. What is the purpose of that amendment?

Mr. FORT. A bonded officer has to account to his superior officers in the disbursements of money, and ought not to be subject to whatever order a post commander or a division commander or any other commander may think proper to make. He pays out money according to law, and should not be subject to the will of the officer who may happen to be in command at the particular place where he is discharging his duties.

Mr. ATKINS. To whom will he be subject by the amendment?

Mr. FORT. He is subject to all orders in his department. If he is a subsistence officer, he is subject to the orders of the Subsistence Department; if in the Quartermaster's Department, he is subject to the orders of that Department and to the Secretary of the War. I will say that the amendment was sent to me by an experienced officer, who is in the habit of disbursing money.

Mr. HURLBUT. I do not like the amendment; and I propose to make a point of order upon it.

Mr. FORT. The point of order comes too late; the amendment has been discussed.

Mr. HURLBUT. I could not make the point before the gentleman yielded the floor.

The CHAIRMAN. In the opinion of the Chair, the gentleman from Illinois is hardly precluded from raising the point of order, as there has been no debate except by the gentleman offering the amendment.

Mr. FORT. The amendment cannot be out of order, because it refers to the money appropriated by the bill, and no other.

Mr. HURLBUT. It is out of order simply because it proposes to change existing law, and is not in the interest of economy.

If the House will bear with me, I will state why the proposition ought not to be adopted. It proposes simply to continue and aggravate the worst evil existing to-day in our Army; that is, the organization of staff corps who are independent of the fighting force of the Army.

Mr. BANNING. And with no responsibility to the commanding general.

Mr. HURLBUT. There may be occasions when it is absolutely necessary for the safety of the command that the commanding general should interfere in this matter; and it ought to be left to his discretion.

Mr. RANDALL. It seems to me that the amendment undertakes to adopt Army orders by a legislative enactment.

The CHAIRMAN. The Chair feels sufficiently advised to rule upon the point of order. In the judgment of the Chair, the amendment clearly proposes a change in existing law, and it does not propose a reduction of expenses. Hence the Chair does not hesitate to sustain the point of order made by the gentleman from Illinois.

Mr. FOSTER. I move a *pro forma* amendment to strike out the last word of the pending paragraph, in order to call attention to a statement made by the gentleman from Indiana [Mr. HOLMAN] on Saturday last. That gentleman complained of the non-action of the Senate on the post-office appropriation bill. I have learned this morning that the bill has been in the possession of the House, and only went to the Senate this morning.

Mr. HOLMAN rose.

Mr. ATKINS. I rise to a question of order, that this discussion is not in order.

The CHAIRMAN. The point of order made by the gentleman from Tennessee [Mr. ATKINS] is well taken.

MESSAGE FROM THE SENATE.

The Committee of the Whole rose informally; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. WEST, Mr. HAMLIN, and Mr. DAVIS as conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. MAGINNIS. I offer that amendment which I send to the desk.

Mr. HOLMAN. Before that amendment is read, I wish to say that in my remarks just referred to by the gentleman from Ohio [Mr. FOSTER] I said nothing about the time when the post-office appropriation bill went to the Senate. I simply said that the House promptly nonconcurred in the Senate amendments, and, as I thought, on last Monday. I believe that is correct.

Mr. FOSTER. Yes, sir; but you complained further that the Senate had taken no action.

Mr. HOLMAN. I was not aware that the bill had not gone back to the Senate. I presumed it had been promply returned. If not, I suppose it was because the Senate had adjourned.

Mr. FOSTER. I merely wished to correct the gentleman.

Mr. HOLMAN. If the Senate had adjourned when our action was taken, of course the bill could not go back till the Senate met again.

Mr. FOSTER. While the gentleman was complaining the bill was here in the House.

Mr. HOLMAN. I supposed that it went back promptly while the Senate was still in session.

The amendment of Mr. MAGINNIS was read, as follows:

Add to the bill the following:

For this amount, or so much thereof as may be necessary, for the erection of two military posts upon the Yellowstone and Muscle-shell Rivers, as recommended by the Secretary of War and the General and Lieutenant-General of the Army, $200,000: *Provided*, That the military posts the continued occupation of which will be rendered unnecessary in the opinion of the Secretary of War by the erection of said military posts shall be abandoned as soon as practicable.

Mr. MAGINNIS. The law now authorizes the erection of these posts, and all that is necessary is an appropriation. The provision of the statutes on the subject I have not before me, but I know that these posts were provided for by law upon the personal request of the Lieutenant-General, made before the Committee on Appropriations several years ago. Congress authorized the posts, but their building was delayed until the Yellowstone was proved to be navigable. I now call the attention of the chairman of the Committee on Military Affairs [Mr. BANNING] to the fact that this amendment is in substance identical with a bill unanimously directed to be reported by his committee, and which has been for some time in the hands of the gentleman from Tennessee [Mr. THORNBURGH] to be reported to this House.

Mr. THORNBURGH. I ask the amendment be again read.

The amendment was again read.

Mr. MAGINNIS. I yield now to the chairman of the Committee on Military Affairs.

Mr. BANNING. Mr. Chairman, the Committee on Military Affairs have some time since unanimously agreed to this appropriation. They agreed to it after looking thoroughly into the subject. Upon the recommendation of the Secretary of War, the General of the Army, and Lieutenant-General Sheridan, we reported it to the Appropriations Committee, and I had hoped the appropriation would have been made earlier in the session. Whether it is too late to be made available this year or not the gentleman from Montana can answer better than I can. I can only say we unanimously agreed to it. The gentleman from Tennessee [Mr. THORNBURGH] has the bill of the committee and will give the reasons why the committee agreed to it. I think he also has the letters of the Secretary of War and the General of the Army. I hope the appropriation will be made, particularly if it can be made available at once. I understand two expeditions have now reached that country, and there is another yet to go.

Mr. RANDALL. Let me ask the question whether this proposition does direct the abandonment of those other posts?

Mr. MAGINNIS. Yes, the proviso directs that.

Mr. BANNING. I will answer that in this way——

Mr. RANDALL. The amendment will answer that. Let the amendment be again read.

The amendment was again read.

Mr. BANNING. I will answer the gentleman from Pennsylvania as fully as I can. My recollection of the testimony of General Sheridan is that he stated as many as six posts could be abandoned by making this appropriation. The amendment does not provide for the abandonment of any particular six posts. I think the committee did not recommend any particular posts should be abandoned. We could not do that, but left it to the General of the Army and the Secretary of War.

Mr. MAGINNIS. I wish to call the attention of the chairman of the Committee on Military Affairs to the fact that the saving to the Government will not be so much in the abandonment of certain posts as in the immense cost of Army transportation necessary to carry on these expeditions, which will be saved by the establishment of these two new posts.

Mr. RANDALL. I should like to have some statement as to the amount. Does it require $200,000 to be expended?

Mr. HURLBUT. The gentleman from Tennessee has all the figures.

Mr. RANDALL. Then let us have them.

Mr. THORNBURGH. I move to substitute for the amendment of the gentleman from Montana the following, which is the proposition agreed to by the Committee on Military Affairs.

The Clerk read as follows:

That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated for the construction of such military posts or depots at such points as may be selected by the Secretary of War: *Provided*, That all existing military posts the maintenance of which may be rendered unnecessary by the erection of these new posts shall be abandoned as soon as practicable.

Mr. MAGINNIS. I am satisfied with that proposition, and am willing to withdraw my own in order that the proposition of the Military Committee may be tested.

Mr. HOLMAN. That would not seem to be in order. It does not seem to alter the proposition, but it would not be in order as it is a pending bill before the House.

The CHAIRMAN. The Chair does not understand the gentleman offers this substitute as a bill pending in the House, but simply as a substitute for the amendment of the gentleman from Montana.

Mr. HOLMAN. The rule of the House is that no bill pending in either House can be offered as an amendment to another bill.

The CHAIRMAN. The Chair does not understand the substitute is a bill pending in the House. There is no objection under the rule to taking a part of any proposition and offering it as an amendment to another.

Mr. HOLMAN. I understood it was the bill of the committee.

Mr. THORNBURGH. No, it is only one section. There is no such bill pending. I was prepared to offer this as a substitute for the bill pending in the House. The Committee on Military Affairs did not propose to report back the bill, but to report this substitute for it.

The CHAIRMAN. The Chair understands that the gentleman from Montana accepts it as a substitute instead of his proposition?

Mr. THORNBURGH. Yes, sir; I ask that the letter of Lieutenant-General Sheridan be read, in order that the committee may have information as to the necessity for these two posts being established.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 18, 1876.

DEAR SIR: I requested the honorable chairman of the Committee on Military Affairs to solicit you to detail at length the reasons existing for the establishment of the posts recommended in your annual report and provided for in the inclosed bill. In the press of business while you were here this was overlooked. It would greatly aid in carrying out the recommendations of your report if such a statement could be laid before the committee, as also *your estimate* of the lowest sum that would be required to carry out your plans in the establishment of these posts.

The threatening news from the northern Sioux gives additional force to your recommendations, and to the belief so long entertained that the only way to control them is in the establishment of depots for troops and supplies in these positions which threaten their haunts and hiding-places, and from which they can be reached in the winter-time without the necessity of such long and dangerous marches as must be made from any of the posts at present occupied.

With high regard, your obedient servant,

MARTIN MAGINNIS.

Lieutenant-General P. H. SHERIDAN,
Chicago, Illinois.

[Indorsement.]

HOUSE MILITARY COMMITTEE.

I hope General Sheridan will answer the within inquiry in his corrected report.

Respectfully, &c.,

H. B. BANNING,
Chairman Military Committee.

A bill to provide for the construction of military posts on the Yellowstone and Muscleshell Rivers.

Whereas Lieutenant-General Philip H. Sheridan and Brigadier-General Alfred H. Terry have, in their reports to the Secretary of War for the year 1875, set forth the great importance and immediate necessity of the construction of military posts at certain points on the Yellowstone River, in the Territory of Montana, and in the military department of Dakota, and such recommendations have been transmitted to Congress with the approval of the Secretary of War: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated for the construction of such military posts or depots, at such points as may be selected by the Secretary of War.

Lieutenant-General Sheridan's reply to the foregoing communication from the Military Committee House of Representatives.

CHICAGO, *February* —, 1876.

The necessity for two military posts on the Yellowstone has been apparent to me for two years past, and I have recommended their establishment in my annual reports. So strongly have I been convinced of this necessity that I have, without any expense to the Government, made an examination of the Yellowstone River, and selected the points at which they should be built.

The Indian question in the Black Hills must now be settled by the establishment of the Indians on the Missouri River, and in the accomplishment of this purpose the two points mentioned will have to be located, one at or near the mouth of the Big Horn River, the other at or near the mouth of Tongue River. These posts can be supplied by steamboat up the Yellowstone, and can be constructed of material found in the vicinity of the points selected. I think I can have them built for

$100,000 each; or, in other words, I will try to build both for $200,000, instead of $300,000, mentioned in the bill.

The Black Hills country will probably be covered with towns and villages during the next five or six years. Its value will cause the extension of the Northern Pacific Railroad on the south side of the Yellowstone as far as the Gallatin Valley in Montana and will also build another railroad from North Platte station, on the Union Pacific Railroad, to the hills.

I am of the belief that the largest deposits of gold are farther west than where the miners are now working. The headwaters of Wind River are gold-bearing; the Owl Creek Mountains are gold-bearing; the Big Horn Valley is gold-bearing; Powder River is gold-bearing; also Clark's Fork of the Yellowstone. Besides this, the Black Hills have abundance of good timber for the treeless country south of them and west of the Missouri River.

The success of all these interests depends on the establishment of the two posts named.

Military operations have now been commenced against the hostile bands of Sioux Indians by request of the Interior Department; and I consider this appropriation so necessary that I especially request immediate action on it.

P. H. SHERIDAN,
Lieutenant-General.

Mr. ATKINS. Will my colleague have any objection to inserting in his amendment a provision for the abandonment of those six forts to which he alludes?

Mr. THORNBURGH. They cannot at present be named, for future events may show some one which might be named and placed in the bill it would be necessary to retain. Therefore I hope that provision will not be inserted.

Mr. MAGINNIS. The question of what post shall be abandoned depends largely on the direction in which the Indians shall fall back.

Mr. THORNBURGH. This appropriation is in the line of economy, for the purpose of shortening the lines of transportation over which we have to transport troops, supplies for troops, and supplies for the Indians. There are to-day some half dozen interior posts, away from the river, away from the railroad, in that country where it is necessary for us to keep a continuous supply of munitions of war and supplies for the Indians, that can be and will be abandoned on the establishment of these two posts which can be supplied by river transportation by means of steamboats, and thus save a great expense in the way of transportation to the Government.

Mr. HOLMAN. Will the gentleman allow me to make an inquiry?

Mr. THORNBURGH. I yield to the gentleman for a question.

Mr. HOLMAN. Is it not one main motive urging the establishment of these two posts in the Yellowstone region that it will promote the interests of the Northern Pacific Railroad either in its business or the continuation of its construction? Is not that quite a strong motive in favor of the establishment of these two posts?

Mr. THORNBURGH. The establishment of these posts is not in the interest of any railroad. That was a consideration which had nothing to do with the action taken by the Committee on Military Affairs. Their motive was purely and alone to save the Government the expense of transportation to posts remote from rivers and from railroads; to save the immense Army transportation that costs the Government hundreds of thousands of dollars every year. That consideration alone moved the Committee on Military Affairs.

Mr. HOLMAN. The interests of the Northern Pacific Railroad were not taken into account?

Mr. THORNBURGH. Not by the Military Committee, so far as I am aware. At all events, Mr. Chairman, they were not taken into account by me. There will be annually saved to the Government several hundred thousand dollars in transportation alone by the establishment of these posts and the abandonment of the others, which will be abandoned as soon as these are established.

Mr. HOLMAN. It is not desired to antagonize this measure, if it is a proper one. Whether it be a measure of economy or not depends altogether upon whether other posts can be abandoned by the Government. That is the question which has to be considered. The Sioux Indians in the vicinity who are gathered at Spotted Tail agency and the other agencies in that vicinity are protesting, as gentlemen are aware, against being removed. General Vandever, who was for several years a member of this House, a gentleman of very high character, has visited the Sioux at those agencies, the Red Cloud, Spotted Tail, and other agencies, and the conversations he had with them have been reported to Congress, as gentlemen are aware. It is quite clear that those Indians are determined not to abandon that portion of the territory which they now occupy, and it would not seem, as far as I have been informed, practicable to abandon any of those posts, unless you can do away with the agencies in that region of country. If they can be abandoned I admit there will be economy in establishing the post on the Upper Missouri River.

Mr. MAGINNIS. The Missouri River posts can be abandoned.

Mr. HOLMAN. That will not give any material relief. There must be a relief resulting from the abandonment of the posts around which the great body of the Sioux have been gathered in order to make this a measure of economy; and I am very apprehensive that after the expenditure of this large sum of money it may be found from the requirements of the Indian service or from some other cause that these posts are of little importance.

Mr. MAGINNIS. I think I can in a few minutes demonstrate to the gentleman from Indiana that these posts should be established for purely military reasons. I agree fully with all the gentleman from Indiana says about the Sioux at the agencies he has spoken about. But the gentleman must understand that there is a band of northern Sioux under Sitting Bull who have never made any treaties with the Government. They occupy a country on the Yellowstone which is covered from the East by the Bad Lands, so that it is very difficult to make expeditions there from that direction. General Terry, as the gentleman will see from the public prints, is now endeavoring to penetrate the Bad Lands to reach the Indians from that direction. On the other hand, it is very difficult to make an expedition from the south, as General Crook tried to do last winter. And it is equally distant from Montana. The object, then, of these posts is to establish depots right in the heart of that hostile country by which these hostile Indians can be reached, and the supplies can be put in there by water at greatly less cost than at present, and from which the Indians can be reached without the long, hazardous, and expensive marches now required to be made.

The gentleman from Indiana is aware that we have now three small armies moving on these points, designed to be occupied by these very same posts. Those expeditions are accompanied by immense wagon-trains, and by mule-trains carrying provisions.

Mr. BANNING. May I ask the gentleman a question?

Mr. MAGINNIS. Yes, sir.

Mr. BANNING. Are these expeditions now moving with the expectation of getting this appropriation, and making their winter quarters there?

Mr. MAGINNIS. They started out with that expectation, and this amount asked for would have been placed in the regular estimates but for the fact that the Army officers desired that the appropriation should be made in advance of the regular appropriations, and asked the Committee on Military Affairs to report an appropriation in a separate bill, which should have passed long before this. The columns all marched with the anticipation of favorable action by Congress.

Every officer of the Army connected with military operations in that country concurs in the necessity of these ports, as bases from which to conduct successful operations against the Indians. They can be supplied there easily and cheaply by the Yellowstone River, which proves to be a fine navigable stream. And gentlemen must see at a glance the great cost of supplying expeditions which must make long marches by wagon and pack trains. Besides that, the length of march greatly jeopardizes the success of such expeditions, and every failure makes the Indians more confident and hostile. It is folly to maintain an army unless you are willing to permit its officers to take the military means which are necessary to success. Gentlemen may, without meaning it, thwart the efforts of our soldiers and bring defeat and disaster on them; but I warn them that the cost of that will be great to this Government.

Mr. HOLMAN. These northern Sioux to whom the gentleman from Montana refers cannot be well gathered around these military posts on reservations.

Mr. MAGINNIS. The authorities do not want to gather them there. The gentleman must not confound the hostile with the treaty Sioux.

Mr. HOLMAN. The tendency of the northern Sioux is to drift down to their kindred at other posts.

Mr. MAGINNIS. The gentleman is entirely mistaken. The tendency is for the dissatisfied agency Sioux to go to the strongholds of the hostile bands.

Mr. HOLMAN. O, yes, in the conflicts of the last season that was their tendency.

Mr. STEELE. In answer to the gentleman from Indiana I desire to say that he is entirely wrong as to the tendency of the northern Sioux. So far from it being the tendency of the northern Sioux to go down to their kindred upon the reservation and remain there in peace, the fact is that those Indians who go down to the reservation remain long enough to be fed and perhaps clothed and then leave to murder and plunder our settlers, while the agency Sioux, after remaining at the agencies all winter and being fed and cared for, are to a large extent ready in the spring to leave the agencies and join these northern Sioux in their murdering and plundering raids upon the unfortunate frontier settlers. So that in the present condition of affairs the Government feeds during the winter the people it is called upon to fight during the summer.

The building of these two posts upon the Yellowstone and Muscleshell Rivers will be a great aid to military operations against the northern Sioux. It is now practically impossible for any military expedition to reach them in any reasonable time. General Gibbon, going from Montana, has to travel hundreds of miles to reach the northern Sioux country, carrying his supplies with him by wagon trains. General Terry, moving from the east, has to carry his whole supplies with him hundreds of miles over the Bad Lands. And so with General Crook moving from Fort Laramie, he also has to carry his supplies with him by wagon and pack trains; and the distance traveled by these military expeditions gives the Indians sufficient notice, so that they are enabled to avoid any punishment and escape entirely from the military arm of the Government.

Now if these posts are located there in the heart of the Indian country right where these tribes pass back and forth when going out upon their hunting expeditions or to commit depredations, it will be a very great measure of economy as far as the control of the Indians is concerned, and a very great protection to the entire region of country where they roam. If the base of supplies were near the Indians the troops could move out rapidly and strike and punish these northern Sioux who are constantly desolating our frontier. And we should then have the satisfaction of knowing that the Government was not

feeding and caring for Indians at the Sioux agencies during the winter who could go out during the summer murdering and plundering our citizens without fear of punishment of any kind. This appropriation looks to the protection of the people upon the Sioux frontier, and to enabling the Government to compel peace and good order by the Sioux Indians, who by treaty promise peace and in fact are constantly committing outrages and depredations upon our people.

Mr. ATKINS. I ask unanimous consent that debate on the pending amendment be closed.

There was no objection, and it was so ordered.

The question was taken on Mr. THORNBURGH's amendment; and on a division there were—ayes 63, noes 75; no quorum voting.

Mr. HOLMAN. I demand tellers on the amendment; but, before the vote is taken, I suggest that the appropriation be put at $150,000.

Mr. THORNBURGH. I will state that $300,000 is asked for; and General Sheridan says that he will make the men build it himself, and that it will need every dollar proposed to be appropriated.

Tellers were ordered; and Mr. THORNBURGH and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported ayes 78, noes not counted.

Mr. HOLMAN. I do not call for a further vote on the amendment, but I shall ask for a vote on it in the House.

So the amendment was agreed to.

Mr. ATKINS. I move that the committee now rise and report the bill to the House with the amendments, and with a recommendation that the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with a recommendation that the bill do pass.

Mr. ATKINS. I call the previous question on the bill and the amendments.

Mr. LORD. Will the gentleman from Tennessee yield to me for a moment?

Mr. ATKINS. No, sir; I cannot.

Mr. RANDALL. We want to pass this bill before the District business comes up.

The previous question was seconded and the main question ordered.

Mr. RANDALL. I suggest that all the amendments reported from the Committee of the Whole be agreed to, except the one upon which the gentleman from Indiana [Mr. HOLMAN] indicated his purpose to call for a vote in the House.

There was no objection, and the amendments reported from the Committee of the Whole on the state of the Union were severally agreed to, with the exception of the amendment offered by Mr. THORNBURGH.

The Clerk read the amendment offered by Mr. THORNBURGH and adopted by the committee, as follows:

Add to section 11, as follows:

That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated for the construction of such military posts or depots at such points as may be selected by the Secretary of War: *Provided*, That all existing military posts the maintenance of which may be rendered unnecessary by the erection of these new posts shall be abandoned as soon as practicable.

The question was put upon the amendment; and on a division there were—ayes 89, noes 56.

Mr. ATKINS. I call for the yeas and nays.

The yeas and nays were ordered; there being on a division—ayes 33, noes 101.

Mr. BANKS. Is debate in order?

The SPEAKER *pro tempore*. Debate is not in order, the main question having been ordered.

The question was taken; and there were—yeas 97, nays 99, not voting 94; as follows;

YEAS—Messrs. Adams, William H. Baker, Ballou, Banning, Blair, Bland, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Cook, Crounse, Culberson, Danford, Denison, Dunnell, Eames, Ely, Fort, Foster, Frye, Glover, Goode, Goodin, Hancock, Haralson, Harrison, Hartridge, Hatcher, Haymond, Hendee, Henderson, Henkle, Hoar, Hoge, Hoskins, Hubbell, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kelley, Ketcham, Kimball, George M. Landers, Lane, Leavenworth, Levy, Lord, Luttrell, Lynch, Edmund W. M. Mackey, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Mills, Oliver, O'Neill, Page, Parsons, Payne, William A. Phillips, Pierce, Potter, Rainey, Reagan, John Reilly, Robinson, Rusk, Sampson, Schleicher, Sinnickson, Smalls, Strait, Stone, Teese, Terry, Thornburgh, Throckmorton, Washington Townsend, Tufts, Van Vorhes, Wait, Waldron, Alexander S. Wallace, John W. Wallace, Whiting, Wigginton, Willard, Charles G. Williams, William B. Williams, and Willis—97.

NAYS—Messrs. Anderson, Atkins, Bagby, Banks, Beebe, Blackburn, Blount, Boone, Bradford, Bright, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Faulkner, Felton, Finley, Forney, Franklin, Gunter, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Hartzell, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Lamar, Franklin Landers, Lawrence, Le Moyne, Lynde, L. A. Mackey, Maish, Meade, Morgan, Morrison, Mutchler, Neal, O'Brien, Phelps, John F. Philips, Piper, Poppleton, Randall, Rea, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Stenger, Tarbox, Thompson, Turney, Robert B. Vance, Walling, Walsh, Ward, Warren, Erastus Wells, Wike, James Williams, James D. Williams, Jeremiah N. Williams, James Wilson, Yeates, and Young—99.

NOT VOTING—Messrs. Ainsworth, Ashe, George A. Bagley, John H. Bagley, jr., John H. Baker, Bass, Bell, Blaine, Bliss, Bradley, John Young Brown, Buckner, Samuel D. Burchard, Caswell, Clymer, Collins, Conger, Cowan, Cox, Crapo, Darrall, Davy, Dobbins, Egbert, Ellis, Evans, Freeman, Frost, Fuller, Garfield, Gause, Gibson, Hale, Robert Hamilton, John T. Harris, Hathorn, Hays, Abram S. Hewitt, Hooker, Hunter, Hurd, King, Knott, Lapham, Lewis, Magoon, MacDougall, Milliken, Money, Monroe, Nash, New, Norton, Odell, Packer, Plaisted, Platt, Powell, Pratt, Purman, James B. Reilly, Miles Ross, Sobieski Ross, Sayler, Scales, Schumaker, Seelye, Siemons, A. Herr Smith, Spencer, Stevenson, Stowell, Swann, Thomas, Martin I. Townsend, Tucker, John L. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, G. Wiley Wells, Wheeler, White, Whitehouse, Whithorne, Andrew Williams, Alpheus S. Williams, Wilshire, Benjamin Wilson, Alan Wood, jr., Fernando Wood, Woodburn, and Woodworth—94.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. BOONE. I desire to state that my colleague, Mr. BROWN, is absent on account of sickness.

Mr. DURAND. My colleagues, Mr. A. S. WILLIAMS and Mr. CONGER, are absent by order of the House.

Mr. GUNTER. My colleague, Mr. GAUSE, is absent on account of sickness.

Mr. SPRINGER. I am requested by Mr. SPENCER, of Louisiana, to say that he will not be here to-day on account of sickness in his family.

Mr. CUTLER. My colleague, Mr. ROSS, is absent on account of sickness.

Mr. WILLARD. I desire to say that my colleague, Mr. BRADLEY, is absent by leave of the House.

Mr. VAN VORHES. My colleague, Mr. VANCE, is absent by order of the House.

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. CLYMER; if he were present I should vote "ay."

Mr. J. H. BAGLEY. I am paired with Mr. EVANS, of Indiana; if present he would vote "ay," and I would vote "no."

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUCKNER. I now call for the regular order.

The SPEAKER *pro tempore*. This being the third Monday of the month, and the hour of two o'clock having arrived, the regular order under the rule is the consideration of business reported from the Committee for the District of Columbia.

Mr. LORD. I ask the gentleman to yield to me for a moment, to submit a request to the House which I think will take no time.

Mr. BUCKNER. I will yield for that purpose.

IMPEACHMENT OF W. W. BELKNAP.

Mr. LORD. The managers of the impeachment have reported to the Senate that the House has taken no action upon the question of continuance, and therefore they must leave the question with the court. The managers desire to say to the House that they still entertain the opinions announced on Saturday; but as they find they were mistaken as to the unanimity of the desire of the House not to have the impeachment trial interfere with the appropriation bills and the other pressing business of the Congress, they therefore ask unanimous consent to withdraw the resolution introduced by them, preferring to leave the House, of which they are but the agents, to act independent of any resolution introduced by the managers. And as the Senate will probably definitely settle the question, it is desirable that the record be disencumbered of the previous question now ordered.

There being no objection, the resolution was withdrawn.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I ask unanimous consent that the House now concur in the request of the Senate for a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the postal service, and for other purposes.

There being no objection, it was ordered accordingly.

INVESTIGATION BY NAVAL COMMITTEE.

Mr. MILLS. I submit to the House the responses of the Secretary of the Navy to resolutions making inquiry on the part of the Naval Committee, and ask that they be printed in the appendix to the testimony taken by that committee.

There was no objection, and it was so ordered.

DISTRICT OF COLUMBIA BUSINESS.

Mr. BUCKNER. I am directed by the Committee for the District of Columbia to report back to the House, with a recommendation that the same do pass, the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue; also, the joint resolution (H. R. No. 100) providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes, and to move that the same be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. BUCKNER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill and joint resolution just referred from the Committee for the District of Columbia. Pending that motion, I also move that all debate upon said bill and joint resolution in Committee of the Whole be limited to one hour.

The motion to limit debate was agreed to, and the motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SAYLER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill authorizing the repavement of Pennsylvania avenue and the joint resolution providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes; upon which the gentleman from Missouri [Mr. BUCKNER] is entitled to the floor.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. BUCKNER. It is known perhaps to the House that the Senate some time since passed an act authorizing the repavement of Pennsylvania avenue, which was referred in this House to the Committee for the District of Columbia. In order to obviate any constitutional objection that might grow out of the introduction of a bill of this character in the Senate, it was thought best, out of abundant caution, that the House should originate the bill on this subject, on the ground that it appropriates money to be derived from property-holders on Pennsylvania avenue to the repavement of that street; and it has been thought by some that there might be a constitutional objection on the ground that the Senate cannot originate a revenue bill.

At a proper time, therefore, I shall ask that the bill from the Senate on this subject be laid on the table. The bill to which I now call the attention of the House corresponds in all its important features with the bill passed by the Senate, so far as regards the mode of repaving the street and the proportion of expense to be borne respectively by individual property-holders, by the District, and by the General Government. The amendments made by the House committee do not interfere with the general features of the bill from the Senate. I make this explanation in order that the House may understand why a new bill is presented here.

I desire to explain briefly the provisions of this bill. It provides in the first place for the appointment of three commissioners—two Army officers, and one civilian, the present Architect of the Capitol, Mr. Clark. These commissioners are to determine the character of the pavement, and are to have charge of the appropriation of money for the purpose of improving this street.

According to my calculation the total cost of this pavement will be from $250,000 to $260,000. This estimate is upon the basis of $4 per superficial square yard. Of this amount the Government of the United States will pay $125,000; the property-holders, somewhere in the neighborhood of $43,000; and the District of Columbia by general taxation about $92,000.

The Senate bill fixed $4.60 per superficial square yard as the ultimate limit of the expense. We have reduced that limit to $4, because from the evidence before us we have very little doubt that an excellent pavement can be laid down at this figure or even less. I believe the bids will be at a much lower figure, and yet secure us a pavement which will be satisfactory to the country.

The bill provides that the Washington and Georgetown Railroad Company shall pave inside their tracks and for two feet on each side of the track; that the cost of that paving shall be paid by the railroad company. It provides further that the Government of the United States shall pave up to the line where the railroad begins to pave; that it shall pay for the pavement fronting the Botanical Garden and the reservations belonging to the Government. It is further provided that the Government (and this is also the provision of the Senate bill) shall pay one-half the expense of paving the street intersections, and the District of Columbia one-half; that the private property-owners shall pay one-third of the expense of paving on their frontage, the District of Columbia one-third, and the Government of the United States one-third.

Perhaps the House may desire to hear some reasons for this provision. It grows out of the fact that in 1871 the private parties owning property on Pennsylvania avenue from the Capitol gate to the Treasury building paid $19.55 per front foot for the present pavement, which is absolutely in a state of decay and destruction; while between the Treasury Department and Georgetown in 1872 a similar pavement was laid at an expense to the property-holders of only $4.40. During the last year that pavement has been taken up and a new concrete pavement laid at the expense of the District of Columbia, the property-holders paying nothing. Hence it has been provided in the Senate bill (and we agree with the Senate on this point) that these property-holders shall pay only one-third of the cost, which will be about $6.70 per front foot; that the Government shall pay one-third, and that the District of Columbia by general taxation shall pay the remaining third.

With this explanation of the provisions of the bill, I send to the Clerk's desk several amendments agreed to by the committee. Before they are read I will state that this bill as introduced by myself provided for a commission to consist of two Army officers and three private citizens—Mr. Cluss, Mr. Mason, and Mr. Clark. The committee have, however, directed me to move in one of these amendments to strike out the names of two of these citizens, leaving that of Mr. Clark, so that the commission shall consist of General Gillmore, General Wright, and Mr. Clark, the architect of the Capitol.

The first amendment reported by the committee was read, as follows:

In the sixth line of section 1 strike out Adolph Cluss and Charles Mason.

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

In the second line of section 8, after the words "District of Columbia," insert "under the direction of said paving commission."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

In the fourth line of section 8, after the word "down," insert the following:
And it shall be the duty of the board of water commissioners and of the Washington Gas-light Company, under the direction of said paving commission, to take up, lay, and replace all gas-pipes, water-mains, and connections on said Pennsylvania avenue, at such time and places as said paving commission may direct.

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

Add as a new section the following:
SEC. 9. The sum of $3,000 is hereby appropriated, out of any money in the Treasury of the United States not heretofore appropriated, and a like amount is directed to be paid by the District of Columbia commissioners to the said paving commission, to defray the necessary expenses of said commission.

The amendment was agreed to.

Mr. NEAL. I desire to offer some amendments.

The CHAIRMAN. Does the gentleman report them from the committee?

Mr. NEAL. No, sir; I offer them on my individual responsibility. I move, in the first place, to insert "five" instead of "three," in line 26 of section 2, so as to provide that "the contractors shall keep the said pavement in good order for the term of five years." I will state the effect of this amendment is simply that the contractors shall guarantee this pavement for the term of five instead of three years, as in the bill.

The amendment was agreed to.

Mr. NEAL. I have an additional amendment. I move in the same section, line 27, to strike out the word "or" and insert the word "and," and to strike out the word "a" and insert in lieu of it "ten;" and in line 28, after the word "as," insert the words "an additional security and;" so it will read:

Provided, That said pavement shall be of the best material, laid in the most substantial manner, and without unnecessary delay, and that a good and sufficient bond to the United States, with sureties to be approved by the commission, shall be exacted, guaranteeing that the terms of any contract or contracts made shall be strictly and faithfully observed, and that the contractor shall keep the said pavement in good repair for the term of five years; and said commission shall retain 10 per cent. of the cost of the work as an additional security and guarantee fund to keep the same in repair for the said term.

The amendment was agreed to.

Mr. HOAR. I move the following amendment, to come in as an additional section:

The Clerk read as follows:

SEC. 10. Said commission shall also cause so much of I street as lies between Eighth and Tenth streets northwest to be paved at a cost of not more than $2.50 per square yard above the proceeds of the old pavement, the cost thereof to be paid in the manner set forth in the third section for repaving Pennsylvania avenue.

Mr. BUCKNER. It seems to me that amendment is unnecessary.

Mr. HOAR. I am entitled to the floor on my amendment.

The CHAIRMAN. The Chair supposed the gentleman from Missouri rose to some other point.

Mr. HOAR. I will yield to the gentleman from Missouri, chairman of the Committee for the District of Columbia.

Mr. BUCKNER. I understand this amendment applies to that portion of Pennsylvania avenue north——

Mr. HOAR. O, no; just hear my statement. This amendment applies to a little piece of I street between Eighth and Tenth streets. It is a part of I street wholly occupied by private residences, and is one of the worst pieces of pavement in the city, as everybody knows who has had occasion to travel over it. It was paved at the entire expense of the owners some years ago. It is a pavement now almost unfit to pass over in a carriage. This proposition is made at the request of those who live there, quite a number, and provides that the expense shall not exceed $2.50 per square yard and shall be assessed by this commission.

Mr. BUCKNER. I hope the amendment will not be adopted. There are a great many streets here which ought to be repaired now, and a great deal of money might be spent. If we make provision in this bill for the repaving of this portion of I street because it is bad, requests will come up for the repaving of all the other streets in the city at once. I hope the amendment will be voted down.

Mr. HOAR. This is a simple thing, but important to the persons dwelling on that street. They think, having at their own expense laid this pavement, they ought to be permitted now to have this little piece repaved at their own expense.

Mr. BUCKNER. I hope the amendment will be voted down.

Mr. HOAR. I demand a division on the amendment.

Mr. BUCKNER. I hope not.

Mr. HOAR. I will not press it if the committee having the bill in charge seriously oppose it. I will not press the division.

The amendment was rejected.

Mr. THORNBURGH. I move the following, to come in as an additional section.

The Clerk read as follows:

SEC. 10. The expense of laying down such service-pipes and sewer connections shall be assessed by the commissioners of the District of Columbia in the manner provided by the fourth section of this act, upon the property in front of which they shall be laid; and the provisions of the fourth and sixth sections of this act in relation to the collection of the assessments for the expenses of said pavement are hereby made applicable to the assessments for the expense of laying down such service-pipes and sewer connections.

Mr. LEAVENWORTH. Mr. Chairman, it will be observed this bill makes simply provision for assessing and collecting the expense of this pavement, but it makes no provision whatever for assessing and collecting the expense of this service-pipe and sewer connections for gas and water. It has been suggested there is some general law upon which it can be done, but it would be very remarkable there should be a general law under which you could not assess and collect the expense of this pavement, and yet at the same time, under which you could assess and collect the expense of this service-pipe and sewer connections. If the gentleman can find such a law, my amendment would be unnecessary, but I have examined the law somewhat carefully since the organization of the old District government, and I can find no authority in the board of commissioners to make any such assessment. If there is such a law, the gentleman can point it out. Inasmuch as this bill makes such special provision in regard to paving, it is remarkable there should be in the general law some power by which similar provisions should be found in reference to this service-pipe and sewer connections.

Mr. BUCKNER. I had prepared some such provision as that, but I was told by a gentleman who was perfectly familiar with the law and practice in this District that there is a general law covering just such cases, and that the District commissioners had the right to assess and collect the expense of such service-pipe and sewer connections upon the property affected thereby.

Mr. LEAVENWORTH. If there be any such law, which I have not been able to find, the result of adopting this amendment would be merely that this section would be superfluous, for this amendment which I propose is in perfect harmony with the bill. It authorizes the same persons to assess the expenses, and provides for collecting the amount in the same manner.

Mr. BUCKNER. The tax for the pavement ought to be kept by itself, that for the water connections should be paid by the property-holders.

Mr. LEAVENWORTH. In my amendment this is kept by itself, and the amount is assessed upon the property in front of which each connection is formed.

The question being taken on Mr. LEAVENWORTH's amendment, there were ayes 10, noes not counted.

So the amendment was not agreed to.

Mr. J. H. BAGLEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the first section insert the following:

It shall also be the duty of such commission to select and determine the best kind of stone to be used in making the street-crossings across Pennsylvania avenue and the streets and avenues intersecting the same, and across the triangular spaces above mentioned, and to have such street-crossings made of such kind of stone as they or a majority of said commission may agree upon. It shall also be the duty of said commission to select and determine the best kind of stone for paving the sidewalks adjacent to the property of the United States fronting on said avenue, and to have such sidewalks paved with such stone as they or a majority of the said commission may agree upon.

Mr. J. H. BAGLEY. My object in offering this amendment is to supply a deficiency in the bill by giving the commissioners the discretion of naming the kind of stone to be used in making the crossings. And in relation to the sidewalks, my object is to do away with the old brick sidewalks ajacent to the Government property on the Avenue and to replace them with stone.

Mr. BUCKNER. There are two objections to this amendment. One is that it requires the commissioners to determine what sort of stone should be used in making the crossings. We do not want to encumber this bill with anything of that sort. That is one objection. And then, in regard to the sidewalks, the amendment makes it the duty of the commissioners to determine the best stone for paving the sidewalks adjacent to the property of the United States. That is hardly germane to this bill, and it is not necessary to encumber the bill with any amendment of that sort. As to making the crossings with any particular kind of stone, however desirable that may be, in a certain contingency it would not be necessary at all if the commissioners should decide to adopt the asphalt pavement or any other hard pavement.

Mr. NEAL. If I understand the amendment of the gentleman from New York rightly it is wholly and entirely unnecessary. As regards the first point in the amendment the bill as it now comes from the committee provides for the very thing which the gentleman seeks to provide for. Again, the amendment proposed, if adopted by the committee, will add largely to the amount of money that must be paid out of the Treasury of the United States. For the amendment provides that the sidewalks adjacent to the Government property on the Avenue shall be repaved with this stone, which would be entirely unnecessary, and is not provided for in the bill as it now stands. It would be adding unnecessarily to the cost required at the hands of the Government.

Mr. J. H. BAGLEY. I wish simply to say that the gentleman from Ohio [Mr. NEAL] is mistaken. The amendment does not make it obligatory on the commission to decide on any stone. It leaves it entirely with the commission. That is the idea of the amendment.

The amendment was not agreed to.

Mr. BUCKNER. I move that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

PERMANENT GOVERNMENT FOR THE DISTRICT.

The CHAIRMAN. The Clerk will now read the joint resolution, which is also before the Committee of the Whole.

The Clerk read as follows:

Joint resolution (H. R. No. 100) providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes.

Resolved, &c., That a joint committee, consisting of three members of the House and two members of the Senate, to be appointed by the Speaker of the House and by the presiding officer of the Senate, respectively, is hereby appointed, whose duty it shall be, during the recess of Congress, to prepare a suitable form of government for the District of Columbia and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof. It shall also be the duty of said joint committee to prepare and submit to the next session of this Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions are based. Said committee are authorized to employ such assistance as may be needed to enable them to discharge the duties hereby imposed on said committee; and the sum of $5,000 is hereby appropriated, or so much thereof as may be necessary, to defray the necessary expenses of said joint committee.

Mr. BUCKNER. By direction of the committee, I send to the desk an amendment.

The Clerk read as follows:

Strike out in the third line, after the word "that" to the word "respectively," in the sixth line, inclusive, and insert "a commission consisting of two residents of the District of Columbia and one non-resident thereof, to be appointed by the Speaker of the House, and two residents of said District and one non-resident thereof to be selected by the presiding officer of the Senate."

Mr. RANDALL. Will the gentleman explain the effect of that?

Mr. BUCKNER. The effect of this amendment is, instead of a joint committee of the House and the Senate, as in the original bill, to authorize the appointment of six persons, three of whom shall be residents of the District of Columbia and three non-residents, to report to Congress at its next session some form of permanent government for the District of Columbia; and also to determine what proportion of the expenses of the District should be borne by the General Government. The reason of the change is simply that, upon consideration, the committee came to the conclusion that it would be impossible in the coming recess, on account of the political excitement, to get a committee of Congress or any number of them to decide or even to discuss this question as it ought to be so as to make a report to this Congress. There is no more important question, so far as the Government is concerned and this District is concerned, than to have a permanent form of government for the District; and also to have it determined what proportion the Government shall pay of the expenses of this District.

This provision, except as to the character of the commission, is precisely identical, almost word for word, with the provision in the act of 1874, when this present temporary government was established. The act of Congress of 1874 provided that a committee should be appointed to prepare a form of government as well as to determine this other important question. That committee did report to the Senate, but the report fell still-born and nothing has been done. The consequence is that this District is in a very extraordinary condition, with no permanent form of government, and with no understanding in regard to its relations to the Government.

Mr. RANDALL. I desire to say that it may be very proper that there should be on this commission three residents of the District of Columbia, but the other three should be non-residents. Every one knows that the natural feeling of those three from the District would be to lighten the burden upon property here. There should be three that are non-residents, and who may be presumed to act in the interests of the United States Government. I would suggest that the gentleman change the amendment so that three shall be residents of the District of Columbia and the other three non-residents.

Mr. BUCKNER. The amendment provides that.

Mr. RANDALL. No, sir; I think not.

Mr. BUCKNER. I think it does.

Mr. RANDALL. No; it only says that the other three shall be non-residents.

Mr. BUCKNER. We desire that the Government shall be interested as well as the District.

Mr. RANDALL. I would like to have the Government have the same force in this commission as the District.

Mr. HENKLE. The reading of the amendment again will show that it has. I ask for the reading of the amendment.

The Clerk again read the amendment.

Mr. RANDALL. That makes it four District commissioners to two non-residents.

Mr. BUCKNER. O, no; it does not mean that.

Mr. BLAND. Yes, it says so certainly.

Mr. BUCKNER. Then I was mistaken.

Mr. BLAND. It gives four commissioners for the District and two outside of the District.

Mr. RANDALL. I suggest an amendment, that two of the commissioners appointed on the part of the House shall be non-residents of the District, and one a resident of the District, and that of the three appointed on the part of the Senate, two shall be residents of the District, and one a non-resident.

Mr. BUCKNER. We have no objection to that; that is what we designed.

Mr. RANDALL. Yes; but you leave the House to appoint two residents and the Senate to appoint two.

Mr. BUCKNER. That is not what the committee intended.

Mr. RANDALL. Then the language does not convey the intention of the committee.

Mr. BUCKNER. I am willing to accept the suggestion of the gentleman from Pennsylvania, [Mr. RANDALL.]

The amendment offered by Mr. BUCKNER, as modified at the suggestion of Mr. RANDALL, was then agreed to.

Mr. WILLARD. I offer the following amendment to the joint resolution:

Provided, In any report which may be made by said commission, it shall be provided that the right of suffrage shall be given to the people of the District under proper regulations.

Mr. Chairman, I do not propose to make any extended remarks on this amendment.

Mr. RANDALL. I will raise the point of order before the gentleman proceeds; but I am willing to withhold it until he has submitted his remarks.

Mr. BUCKNER. I hope my friend from Michigan will withdraw that proposition to-day. It will come up next winter when the report of the commission is presented.

Mr. WILLARD. I desire by this amendment to give form to my views on a subject which I consider to be of vital importance. I believe it to be a shame, Mr. Chairman, that in the capital city of a republic which is based upon the principle of self-government that we should repudiate that principle. I believe, sir, that many of the evils which have arisen in this District and which have attracted the attention of the nation have in a large measure been derived from the fact that the government of this District was vested in those who had no personal and immediate interest in it. It is my firm conviction that we should impose the responsibility of directing the affairs of the people of this municipality upon themselves; that the men of property and the men of intelligence in this District, together with the rest of the people, should be made to realize that upon them rests the burden of managing their own affairs, and the sooner they understand that they must be responsible for their own government I believe it will be to their decided advantage. Most assuredly so long as we profess to believe in the principle of self-government it should not be abnegated and denied here in the political metropolis of a great people whose special boast is individual liberty.

Mr. BLAND. I would like to ask the gentleman if he proposes by what he has said that none but property-holders should vote, or legislate, or have any voice in this matter?

Mr. WILLARD. No, sir; but the objection that is urged by some to suffrage is that a large class of the population who are without property will take the direction of affairs here. Now, it is true that in almost all the cities of the Union the same trouble to some extent exists. It is often found to be the case that a class of people who perhaps do not give sufficient attention to government, and who are liable to be led by demagogues, do not always give a very proper illustration of the principle of self-government; while at the same time it is true that if all the people, the men of property and the men without property, the men of more intelligence and the men of less intelligence, are made to feel that they are committed to the same destiny, that they are in the same boat, that it is for them to sink or swim, to survive or perish upon the single principle of self-government—I say, when men are made to realize this, I believe the result will be such as to fully justify the cardinal principle upon which our republican institutions are founded—the principle that the people in their sovereign capacity should take care of their own affairs, should feel their own responsibility, should take their own burdens, should support their own schools, should make their own municipal laws and regulations, should build up all their local institutions, and beautify their towns and cities as may to them seem best.

Mr. HOAR. Will the gentleman allow me a question?

Mr. WILLARD. Certainly.

Mr. HOAR. If the people of the District of Columbia make their own laws, what becomes of the clause in the Constitution requiring Congress to exercise exclusive legislation over the District of Columbia?

Mr. WILLARD. I refer, when I say their own laws, to their municipal regulations. I do not deny that under the Constitution of the United States the Congress of the United States has exclusive legislation over the District, for that is required by the very words of that instrument, but at the same time I believe that it was the intention of the fathers, and is in accordance with the spirit of our institutions, that the relation of this Congress to the people of the District of Columbia should be the same as that of the Legislature of a State to the different municipalities of the State, and that the District of Columbia, as a municipality, should have the right to elect its own officers, to make its own municipal regulations, and direct its own affairs in every particular, while Congress at the same time is to exercise that supervisory authority over it which the Legislatures of the several States exercise over the municipalities of the States. Under that regulation, I believe that we should establish this new government for the District of Columbia. In this centennial year of the Republic I plead for the principle of self-rule as a right, and that we should not stand before the nations of the Old World here, and right under the shadow of the Capitol, denying to the people the right of self-government.

Mr. LAWRENCE. I wish to say a word or two upon this subject. It is undoubtedly competent for the House, while providing for the appointment of this commission, to give some directions as to the manner in which they shall perform their duty. The single purpose of this amendment, as I understand it, is to direct the commission in framing a form of government for the District of Columbia to incorporate in their system the principle of suffrage.

My friend from Massachusetts [Mr. HOAR] says very truly that the Constitution provides that Congress shall have exclusive legislative power over the District of Columbia. So the constitution of every State provides that all the legislative power of the State shall be vested in a general assembly or legislature of the State. Yet we know that in all the States, notwithstanding the exclusive legislative power given to the General Assembly or Legislature of the State, city governments are established and police powers are conferred upon them, and the authority to make police and other regulations is vested in city councils. It never has been supposed that that is a violation of the provision of the State constitution which confers all legislative power on the General Assembly of the State. So much for that.

But it does not absolutely follow that if this amendment shall be adopted there shall be any transfer of the legislative power of Congress to any body that may be organized under the plan proposed by this commission. It does undoubtedly contemplate that under any system that shall be established the people of the District shall have the right to elect all officers who are to execute the laws under the District government. To that it seems to me there can be no objection.

As my friend from Michigan [Mr. WILLARD] has said, we ought not in this capital city of the Republic and in this centennial year to say that the principle of suffrage is a failure, that popular government is a failure; we ought not to abandon this cardinal principle of all republican governments. I hope the amendment will be agreed to.

Mr. HOAR. I had supposed, Mr. Chairman, there was no wiser provision in the Constitution of the United States than that which provided for the existence of a Federal city, a spot in the country where the jurisdiction of the United States should be supreme, which should be occupied by the Government buildings and Government officers, persons from various parts of the country engaged in the public employment; a territory over which Congress should have exclusive legislative power and from which the principle of local self-government should be excluded. That is the Constitution of the United States, adopted by a body many of whom belonged to the Continental Congress, which had been bullied by the citizens of Philadelphia and compelled to adjourn because they would not yield to the popular tumult and excitement in regard to some matter of important public legislation.

Now the gentleman from Michigan [Mr. WILLARD] talks about the centennial year, and about holding out to the nations of the world the principle of self-government and of suffrage. Why, sir, what sort of a figure will he make addressing his oration to the nations of the world and showing in this centennial year the example of giving the right of suffrage to a body of people from whom by the Constitution of the United States all right to make their own laws is expressly forbidden? His speech must be confined to the glories of corporate powers, to police arrangements and such petty arrangements in regard to streets, highways, driving horses, having the snow shoveled from roofs, &c., as do not anywhere fall within the definition of lawmaking.

Mr. LAWRENCE. Police power is not legislative power.

Mr. HOAR. No, police power is not legislative power. Now, the only thing we can do while the Constitution of the United States remains unchanged is to give to the people of this District the power of appointing their own policemen and all petty officers of that kind, and of making their own police regulations; such powers as towns and cities have under the constitutions of States. I maintain that the experience of seventy-five years in governing this District shows that the misgovernment and complaint which have prevailed under every experiment we have tried have grown out of this attempt to confer the power of executing laws upon an entirely different body from that which has the power of making them.

The people of this District are irresponsible. Men who come here as public officers are citizens of their own States at home. Men who come here merely to take up a residence are few in number, and they take up that residence with a full knowledge that they come into a

place where, from public policy, the power of self-government must be denied to them. If this District is too large for Federal purposes, then let us cede it back to Maryland in part, as we have already ceded it back in part to the State of Virginia.

In my judgment there is but one feasible method that has been proposed for the government of this District, and that is to have, in regard to each subject of administration, such as schools, a water supply, roads and highways, and the like, separate boards of officers appointed by the President and responsible to the United States, and exercising a power analogous to that of county commissioners in our northern States. Such boards of officers appointed according to subject-matters ought to be appointed by Federal authority.

Then, in regard to this perplexing matter of adjustment of taxation, we ought to authorize these commissioners for their purposes to assess on all the property of the District of Columbia a sum equal to the average rate of taxation on all property, personal and real, which prevails in all well-governed cities of the country. And having got that sum, which is all the people of this District ought to be asked to contribute, the rest should be paid, and will have to be paid, out of the Treasury of the United States.

Now, until that scheme in substance is adopted, we shall have the old complaint, first, of inefficiency, misrule, and an unsewered, ungraded, unpaved, and uncleansed city, such as we had when we came here; or, second, a usurpation of political power in order to make the city decent and habitable, and with such usurpation its accompanying corruption and abuse in regard to the expenditure of money.

The CHAIRMAN. By order of the House all debate in connection with these two bills was to terminate in one hour, which has now expired.

Mr. RANDALL. I move that by consent——

The CHAIRMAN. The time for debate cannot be extended by consent. The committee may rise and ask additional time of the House.

Mr. RANDALL. Well, let us rise.

Mr. WILSON, of Iowa. The five-minute debate on amendments can go on, I presume.

The CHAIRMAN. The Chair is only ruling in accordance with the order of the House.

Mr. WILSON, of Iowa. The House did not cut off the five-minute debate.

The CHAIRMAN. The Chair understood that by order of the House, upon request of the chairman for the District of Columbia, all debate was limited to one hour.

Mr. BANKS. All general debate.

Mr. BUCKNER. I move that the committee rise and report these bills.

Mr. WILLARD. I ask a vote on my amendment.

The question being taken on the amendment of Mr. WILLARD, it was not agreed to.

Mr. BUCKNER. I now move that the committee rise and report the bill and joint resolution to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue, and a joint resolution (H. R. No. 100) providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes, and had directed that the same be reported with certain amendments and a recommendation that they be passed as amended.

REPAVEMENT OF PENNSYLVANIA AVENUE.

The House proceeded to the consideration of the bill reported from the Committee of the Whole on the state of the Union, being the bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue.

Mr. BUCKNER called the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the Committee of the Whole were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 109, noes 24; no quorum voting.

Mr. HOLMAN. I would like to have the yeas and nays on this bill.

The question being taken on ordering the yeas and nays, there were—ayes 15, noes 150; less than one-fifth voting in the affirmative.

Mr. COCHRANE. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered.

The SPEAKER *pro tempore*. No quorum having voted on the passage of the bill, the Chair orders tellers and appoints the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri, [Mr. BUCKNER.]

The House divided; and the tellers reported—ayes 118, noes 34.

So the bill was passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERMANENT GOVERNMENT FOR DISTRICT OF COLUMBIA.

The House next proceeded to the consideration of the joint resolution reported from the Committee of the Whole on the state of the Union, being joint resolution (H. R. No. 100) providing for a joint committee to frame a permanent form of government for the District of Columbia, and for other purposes.

The amendment reported from the Committee of the Whole was read, as follows:

After the word "that," in line 3, strike out the following: "A joint committee, consisting of three members of the House and two members of the Senate, to be appointed by the Speaker of the House and by the presiding officer of the Senate, respectively," and insert the following:

A commission, consisting of two non-residents of the District of Columbia, and one resident thereof to be appointed by the Speaker of the House, and two residents of said District and one non-resident thereof to be selected by the presiding officer of the Senate.

Mr. BUCKNER. I call the previous question.

Mr. GARFIELD. Before the previous question is ordered I want to put on record a statement of the principle which in my view governs the question that has been raised here in regard to the District of Columbia. The question presents itself to me in this broad form: can a power of legislation delegated to Congress in the Constitution be by it delegated to anybody else? To my mind the question answers itself. When the Constitution says that Congress shall have power to collect taxes, I take it for granted that we cannot, by any possible construction, invest anybody else with that power of collecting taxes. We cannot delegate any legislative power.

Now it is provided explicitly in the Constitution that Congress "shall exercise exclusive legislation in all cases whatsoever" in the District of Columbia. To my mind that ends all controversy. There is no room for sentiment about the principle of personal sovereignty and suffrage. There is no room for philosophy. The law, the Constitution, has settled the question; and in the first step we take toward giving any legislative power whatever in the District of Columbia to anybody we break the very fundamental law that regulates this whole subject.

Mr. WILLARD. Did the fathers so interpret it?

Mr. GARFIELD. That is what they provided; and they so provided for a reason which the gentleman from Massachusetts [Mr. HOAR] has hinted at and which will bear further statement. They found themselves without a foot of ground which the Government could call its own. They found themselves trespassers on the courtesy and kindness of States and cities. The old Continental Congress was absolutely a fugitive in the land which it was blessing with its wisdom; driven from Philadelphia by an armed mob that the State would not and the city could not prevent; taking refuge in Baltimore; going back again to Philadelphia; thence to Lancaster; thence to York; thence to Princeton and to Trenton; finally closing its career in New York City. When the fathers came to found a stable National Government, one of the most important things to be provided for—so recognized by Washington especially, who had seen the deadly peril in which Congress would be placed without such a provision—was that there should be no division of absolute sovereignty in regard to the government of the Federal city.

And they went even further, to take absolute jurisdiction generally. They went so far as to arrange that the fee simple of the streets of the Federal city should be exclusively and only in the Government. And so far as I know it is the only city on the globe that owns the fee simple to every foot of the streets in it.

A MEMBER. Who owns it?

Mr. GARFIELD. The Government owns it. We could build a block of buildings all the way from the western foot of our Capitol to the Treasury, filling Pennsylvania avenue from side to side, if we chose to do so, because we own every foot of the ground.

Well, now, with such exclusive and despotic powers placed in our hands for a purpose which the fathers deemed wise, there is left for us no room for sentiment whatever. I voted, I think, for the organization of the government of this District, but I am sure it was not long afterward I became satisfied I had made a mistake when I did so. I became satisfied—and I think my first attention was called to it by the gentleman from Massachusetts, [Mr. HOAR]—that we could not part with any whit of our power when thus conferred as an exclusive and absolute power relating to all matters of legislation whatever.

Now if you talk about the appointment of police, if you talk about any merely subsidiary regulation, that cannot rise to the dignity of legislation, perhaps that can be delegated, but anything that can be called legislation in reference to the city of Washington and the District of Columbia must be done here. To my mind that is the end of the whole chapter.

We owe to this city of Washington, Mr. Speaker, more of our time, more of our thoughts, and we ought to make them a more coherent body of laws than they now have. Let us order a committee to go over this whole subject and enable us to do some worthy work of legislation.

In this same connection I wish to say precisely this kind of committee to prepare legislation will, in my judgment, before many years be found to be necessary in a wider way and in our own legislation. John Stuart Mill has said a very wise, a very remarkably

wise thing in his autobiography which he left to be published after his death. He said the time is coming——

Mr. RANDALL rose.

Mr. GARFIELD. Allow me a moment longer. He said that the time is coming, and that soon, when every great free government must have a legislative commission as part of its constitutional arrangement; that a great body like this of ours is not fit—is radically unfit—to make laws, but is very fit to tell what laws shall be made; that a body like this could direct the kind of statute it would have made on any such subject and then a legislative commission of not a large number of men, but the highest political minds, could put into the proper form of law such an act as the aspiration of Congress expresses in its resolution; and when that law thus fully and completely expressed was laid before Congress, and Congress should ratify it and pass it, it should become the law. I believe such a time will come, when such a commission will be required by the vast legislation of Congress. Let us try it in reference to this District.

Mr. RANDALL. I remember when the law was enacted which the gentlemen states he voted for and which he finds ont now to have been an interference with the constitutional rights of Congress over the District of Columbia. I very well remember it was resisted on my part, and that I voted against the proposition. Had the nicety of the gentleman from Ohio then been in force it would have been rejected and millions of dollars could have been saved to this District. Perhaps no greater calamity ever befel any community than befel this District of Columbia by the adoption of that very law. I am glad to say the responsibility for its passage rests entirely upon the party now in the minority on the other side of this House.

I recollect, sir, a little more in reference to this question. I recollect very well that the question of universal suffrage and of qualified suffrage was first tested in this District; that universal suffrage was the pioneer law, as applied to this District, and it was in substance subsequently, as I believe, incorporated in all the reconstruction acts.

Mr. HOAR. Allow me to ask the gentleman whether that universal suffrage did not permit them to vote for a Delegate who could not himself vote for anything?

Mr. RANDALL. The gentleman is right; and perhaps in that regard it was absurd and amusing; but the question remains that universal suffrage was first tested in this District, that the law for this District was the pioneer law of those afterward embraced in the reconstruction acts, and that now—strange to say—the very first place we find it stricken out is the very place where the pioneer law on the subject was put into the statute-book. This is history, and I leave it to conjecture why it is: whether it is that universal suffrage which was placed upon this District was stricken out because of our finding out subsequently it was an interference with the Constitution or whether it was that universal suffrage as exercised in this District was a failure in its application to the administration here. But so it is; and I would only suggest, therefore, that the next step we should take is to eliminate it from the various State constitutions, so as to be consistent, and leave that question to the States which you compelled to accept universal suffrage; to leave to them the same discretion you propose to leave in this District, and the same control of suffrage you now find necessary to exercise in reference to this District.

I do not think the suggestion of the gentleman from Michigan [Mr. WILLARD] should be incorporated into this proposition, because I believe this is one of the questions which the commission should be left untrammeled about, and in reference to which they should not receive any instructions.

But let them consider the question and state their views, for I should like to hear the views of the six gentlemen likely to be appointed on this commission; I should like to hear their sentiments and their judgment on the question of universal suffrage as tested by its effects in this District.

So far as I am able to hear, almost the entire body of property-holders in this District desire that they shall not be handed back to the tender mercies of universal suffrage. And a great many of the people of color, who are supposed to be more directly benefited by the system of universal suffrage, have said to me that they did not believe that it would be productive of good results. Under these circumstances, I think that this commission should not be instructed in this particular, and I hope they will not.

Mr. BUCKNER. I yield to my colleague on the committee, the gentleman from Michigan, [Mr. WILLARD.]

Mr. WILLARD. I will not trespass on the patience of the House more than a single moment. But I wish to point out a difference between the power of legislative bodies and that which resides in municipalities; a difference which I believe that those who have discussed this question on the other side have entirely overlooked.

Now, Mr. Speaker, it must be understood that the Federal convention which framed the organic law of this Republic in the use of the term "legislation" used it in the sense in which it had been interpreted in England and in this country up to that time. And it is well known that the English Parliament has exclusive jurisdiction over every precinct within the entire empire of Great Britain, while at the same time there is left to the several cities and counties and parishes this principle of self-government which we have derived from them. The autonomy of this country does not reside in State Legislatures so much as it resides in that last unit of self-government, the municipality. And why I protest against the existing system is that it destroys that municipal principle which I believe to be the fundamental idea of our liberty and the very principle upon which our institutions finally rest.

I fully concede that the Congress of the United States has like powers over the District of Columbia with those exercised by the Parliament of Great Britain over the entire empire of Great Britain, and with those exercised by the Legislature of the State of Michigan or the Legislature of Virginia over the States of Michigan or Virginia. But, Mr. Speaker, we have regarded it as an extreme exercise of power for the Legislature of a State to interfere with the local and municipal governments in that State. And I would ask gentlemen on the other side of the House whether they have not, in former times, protested against that principle?

I regarded it, Mr. Speaker, as one of the most triumphant vindications of liberty in this land when a recent governor of the State of Virginia gave his veto to a bill which took from the city of Petersburgh its self-government; and I remember well the glorious words which he put on record on behalf of equal civil liberty in this land. And so I say that if we would recognize the principle of self-government, the very principle upon which our institutions are founded, while we give to Congress what is called the power of exclusive legislation, there is no reason why we should take from the people their municipal and local powers.

If we would have permanence we must recognize this principle. The Fathers of the Republic did recognize it, and they gave to the city of Washington, to the city of Georgetown, and to the city of Alexandria their autonomy. They never believed it to be destructible. It was the unity, the last unit, the principle which they dared not and did not attempt to touch. Neither George Washington, nor Thomas Jefferson, nor John Adams, nor any of our Presidents, nor any of the Congresses down to recent times have undertaken to interfere with it. And since the period in which it has been interferred with, what have we to-day? We have at this very time, in this city of Washington, been obliged to witness changes of government that have been almost akin to anarchy. The people have lived from summer to winter and from winter to summer without knowing what Congress was going to give them. And, amid all the political mutations in this country which Congress reflects, and which would be reflected here on this District, do we not perceive that one Congress may constantly take from the people the officers which a previous Congress has established? If we are to have permanence of government we must throw upon the people of this municipality the responsibility which is given them by the principle of democratic autonomy which is the fundamental idea of our institutions.

Just one word more, Mr. Speaker. It has been said that the earlier Congresses of the United States experienced difficulties from the mobs by which they were surrounded and the violence with which they were threatened. If you wish to preserve this Congress from violence, if you wish to preserve it hereafter from the reach of mobs, you must give to the people their rights. For I can conceive that in this city of Washington, with a population growing up that does not feel the responsibility of government and is not instructed in the principles of liberty, the time may come when this American Congress will feel that they have reared up in their very midst the elements which will destroy our free institutions. I appeal, Mr. Speaker, on behalf of the principle contained in my amendment, by everything which is sacred in our institutions or which is vital to the continued welfare of the Republic.

Mr. BUCKNER. I yield two minutes to the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. Mr. Speaker, this is a very important question; we appoint by this bill commissioners to provide a government for the District of Columbia. It is well known that the people of the District of Columbia have had the right of suffrage. But for a few years past the District has been governed by commissioners appointed by Congress. Under this arrangement it has been no more satisfactory than the government by the people of the District, as committees of this House have been engaged in investigating their acts, and great frauds have been discovered. I agree with the gentleman from Michigan, [Mr. WILLARD,] that the Congress of the United States ought to give an expression to the commissioners to be appointed in favor of the people of the District having the right of suffrage.

It is argued that the people of the District of Columbia, as a whole, are not capable of self-government. The resolution does not declare that all shall be entitled to the right of suffrage. That might be restricted. It might be provided that a person should not vote until he had been a resident one or two years, so as to keep down the transient voting population. But right here I want to say one word to the gentleman from Ohio [Mr. GARFIELD] which is probably foreign to this question. He says that the powers delegated to Congress cannot be redelegated. I understand, Mr. Speaker, that the Constitution of the United States has delegated the power *alone* to Congress to make money and to regulate its value, and yet the power to make money has been delegated to banking corporations now, and I want to say to the gentleman from Ohio that I hope when that question comes up he will occupy the position he does now. Returning to the question under consideration, I will say that I hope the amendment of the gentleman from Michigan will prevail.

Mr. BUCKNER. I now move the previous question on the passage of the joint resolution and the amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to, and the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. BUCKNER. There is some misunderstanding here. I understand that the amendment adopted was the one which I offered from the committee, and not that of the gentleman from Michigan, which was voted down in Committee of the Whole.

Mr. RANDALL. That amendment did not come from the committee, and all of this debate has been by unanimous consent.

The SPEAKER *pro tempore*. Debate has proceeded by the consent of the gentleman from Missouri.

Mr. BUCKNER. I ask unanimous consent to have the words "committe" and "joint committee" wherever they occur stricken out and the word "commission" inserted in lieu thereof.

There was no objection, and it was so ordered.

Mr. W. B. WILLIAMS. I ask now that the joint resolution be read as amended.

The joint resolution was read, as follows:

That a commission, consisting of two non-residents and one resident thereof, to be appointed by the Speaker of the House, and two residents of said District and one non-resident thereof by the presiding officer of the Senate, respectively, is hereby appointed, whose duty it shall be, during the recess of Congress, to prepare a suitable form of government for the District of Columbia, and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof. It shall also be the duty of said commission to prepare and submit to the next session of this Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions are based Said commission are authorized to employ such assistance as may be needed to enable them to discharge the duties hereby imposed on said commission; and the sum of $5,000 is hereby appropriated, or so much thereof as may be necessary, to defray the necessary expenses of said commission.

The joint resolution was then passed.

Mr. BUCKNER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUCKNER. I move to amend the title of the joint resolution by striking out "joint committee" and inserting in lieu thereof the word "commission;" so that it will read:

Providing for a commission to frame a permanent form of government for the District of Columbia, and for other purposes.

The motion was agreed to.

UNDIVIDED INTERESTS IN REAL ESTATE IN THE DISTRICT.

Mr. BUCKNER also, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 790) to allow owners of undivided interests in real estate in the District of Columbia to pay taxes on their respective interests, and to redeem the same when sold for taxes.

The bill was read, as follows:

That whenever two or more persons own undivided interests in real estate situate in the District of Columbia, taxes upon the said real estate shall be assessed against each of said interests, separately, whenever the records of titles to said real estate show such separate interests, or whenever the fact of such ownership becomes otherwise known to those charged by law with making such assessment.

SEC. 2. That in all cases in which assessments of taxes against such real estate so owned have heretofore been made, each separate owner, upon *prima facie* showing of his interest by transcript of his recorded title or by his affidavit of ownership, shall be entitled to pay his proportion of the whole tax so assessed, and thereby relieve his said interest of the lien of said taxes. And in all cases in which sales of such real estate so owned have heretofore been made, in default of payment of the taxes due thereon, the owner of each separate interest shall be entitled to redeem the same by the payment or tender to the purchaser thereof of his proportion of the taxes and other charges that would have to be paid as now provided by law to redeem the whole property, and shall thereupon be re-invested with the title to his said interest in said property.

Mr. BUCKNER. This bill explains itself, and I do not see that there is any necessity for me to make any remarks upon it.

Mr. HOAR. The gentleman from Missouri says that this bill explains itself; then it seems to me that it explains one of the most extraordinary propositions that I ever heard. The idea of having every separate and undivided interest in real estate separately taxed, so that if there are twenty heirs and one of those dies leaving twenty more heirs the public are obliged to deal separately with each of those interests in the real estate is as strange a one as I ever heard of. But the latter clause of the bill is still more unjust.

Mr. BUCKNER. The bill provides that wherever two or more persons own undivided interest in real estate the tax on that real estate should be assessed against each of said interests separately, and each party shall be entitled to pay his proportion of the whole tax so assessed and thereby relieve his interest of the tax.

Mr. HOAR. Leaving the Government to deal on the question of taxation with the other undivided shares.

But the latter clause of the bill seems to me to be absolutely unconstitutional. Here is a man who under existing law has bought at a tax sale real estate to which he is entitled by the laws in force; but this bill provides that any owner of a divided interest may redeem his land sold for taxes, so that the man who has in good faith bought the property at a tax sale for its full value is bound to become a joint owner and tenant in common for six or a dozen years with the man or the parties who have redeemed their lands from tax sale.

Now, I never heard, Mr. Speaker, of an instance where real estate was subjected to taxation, and a lien existed on it for taxation, that the public were bound to cut up the lien or claim by dealing separately with every owner of an undivided claim. It would seem—I do not know where this bill comes from—but it would seem as if it were drawn up by some person for his own personal interests. I do not, of course, know where the bill comes from, but, of course, if it originated with the committee it can have no such purpose.

Mr. BUCKNER. Mr. Speaker, it seems to me that the gentleman from Massachusetts misapprehends the object of this bill. Whether there is anybody particularly interested in it or not is more than I know. It came to us just as other bills do, (by reference from the House,) and it occurs to me that it is a bill which has at least the credit of equity and justice. Three parties may own a tract of land in this city in undivided interest, and according to the law as it now stands, or at least as it is construed, although one party may be willing to pay his proportion of the tax, he is required to pay the tax on the entire property in order to obtain a release for his share of the tax. The object of this bill is to obviate that.

Mr. HOAR. But he has a lien on the interest of his associates if he pays the whole tax, does he not?

Mr. BUCKNER. It may be that in equity he would have a lien on the interest of his associates if he paid the whole tax. But it is obviously nothing but just and proper that if he pays his part of the tax he should be released from his obligation to that extent. The Government would lose nothing, because it would have a lien on the remaining two-thirds interest if the owners of that two-thirds interest failed to pay the tax. The object of this bill is to allow a party who owns but a third interest to pay his share of the tax, and then leave the Government to collect the other portion of the tax from the owners of the other two-thirds interest. It does not affect the interest of the Government or of the District and is a matter of pure equity, and, as I understand the law, it is according to the law now.

Mr. CAULFIELD. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. Certainly.

Mr. CAULFIELD. Suppose a party owning one-third of an undivided piece of property pays his tax; then a party who owns another third does not pay his tax, and the property is sold; and a person interested with the party whose property is sold to the extent of half his interest comes forward to redeem that half of that third, can he do it under your bill?

Mr. BUCKNER. I think he can.

Mr. HOAR. Allow me to follow that out a little, if it will not interrupt the gentleman.

Mr. BUCKNER. Certainly not.

Mr. HOAR. I will make a statement preliminary to a question. As I understand, when two persons own each an undivided half interest in a certain piece of property they have a right to a partition; each of them is entitled to have one-half in value, not necessarily in quantity, set off to him in one lot or parcel, and the other has the rest. One of these parties cannot before partition sell one-half of his interest by metes and bounds, because if he did when they came to make a partition his associate would have to take his share in two pieces; he would have to divide in one part with the man who originally owned the whole undivided half, and then he would have to divide the part he owned with another person. Therefore, instead of taking his interest in one piece, he would have his interest impaired in value by being cut up in several pieces with the several associates with whom he would have to make several partitions.

Suppose that the gentleman from New York [Mr. WOOD] and myself owned a piece of land together. He pays his tax, and so much of my part of the land is sold for my unpaid tax as is needed; one-half of my interest in the land is sold to some one else, and the other half is left to me. I come in and compel the gentleman from New York to set off so much in one piece, dividing his interest from mine; and then the man to whom the sale has been made comes in and compels the gentleman from New York to make another partition with him. Thus, instead of having one piece of land in one place, when the division is made, the gentleman from New York would have two pieces of land in two different places, and in that way we will have seriously impaired the value of his property.

It is for that reason that wherever the common law prevails men who own a piece of real estate in common cannot sell by metes and bounds any portion less than their undivided part. Each one may divide his undivided half by selling a lesser undivided interest. Does not this proposition reported from the Committee for the District of Columbia destroy or seriously impair the value of the land owned by the man who pays his tax? How do you get over that?

Mr. BUCKNER. I do not understand that to be so.

Mr. HOAR. That is the law everywhere.

Mr. WOOD, of New York. I am apprehensive that this bill, if enacted into a law, would lead to serious difficulties. I think it would be very embarrassing to those men who are copartners in real estate, and much more embarrassing to the Government itself.

The principle of taxation upon real estate is not to recognize individual ownership. We do not know who owns the land; we tax the land. If the Government should enter into a recognition of the in-

terests of the different persons who have entered into a copartnership for purposes of speculation in real estate, receiving from A a portion of the tax and from B another portion of the tax, crediting and receipting to each for his portion of the tax, it would lead to complications and difficulties which would result in loss of revenue to the Government, and would lead to litigation between the parties themselves in interest.

I see no reason for departing from the well-established usages in every State and every municipality in the United States with reference to taxation upon real estate. We do not know who owns the land; we do not care who owns the land. The land is assessed so much by way of tax, and when the tax is paid the land is released, and not before. In receiving a portion of the whole tax, no release can be given or should be given for $1 of the amount of the whole tax which is due upon that piece of land.

I am afraid of this experiment, this innovation upon the well-established rules and regulations in reference to the system of municipal taxation throughout the whole United States. I think we had better stand where we are in that matter. If men are so foolish—and I think no common-sense man would do any such thing—as to own real estate in copartnership with anybody else, then they must take the consequences. I hope, therefore, that this bill will not pass.

Mr. BUCKNER. I do not want to occupy further the time of the House with this bill; and I move that it be referred to the Committee of the Whole, in order that we may take up other measures of more importance in the hands of my colleagues on the committee.

The motion was agreed to.

PUBLIC BUILDING IN ALBANY, NEW YORK.

Mr. ADAMS, by unanimous consent, introduced a bill (H. R. No. 3739) to amend the act approved March 12, 1872, entitled "An act to authorize the construction of a fire-proof building in Albany, New York;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC.

Mr. HENDEE, from the Committee for the District of Columbia, reported back, with a recommendation that it pass, the bill (H. R. No. 1121) to authorize the Secretary of War to construct a bridge across the Potomac River, at or near the Three Sisters Islands, and appropriating $140,000 for that purpose; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

RECORDING DEEDS, MORTGAGES, ETC.

Mr. HENDEE also, from the same committee, reported a bill (H. R. No. 3740) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; which was read a first and second time.

The bill was read. It provides that sections 446 and 447 of the Revised Statutes, relating to the District of Columbia, passed at the first session of the Forty-third Congress, 1873 and 1874, be repealed; and that the following be enacted in lieu thereof:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds shall take effect and be valid, as to creditors and as to subsequent purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage conveyance, covenant, agreement, or instrument in writing shall, after having been acknowledged, proved, or certified, as the case may be, be delivered to the recorder of deeds for record, and from that time only; and the recorder of deeds shall note on each deed or other instrument of writing required by law to be recorded, the time of delivery of the same to him to be recorded.

The second section provides that the act shall not be so construed as to affect any deed or other instrument of writing heretofore recorded.

Mr. HENDEE. I do not propose to read the sections of the Revised Statutes referred to in this bill; but I will state the purpose of the measure. As a preliminary to that, however, I desire to say that my colleague on the committee, the gentleman from Massachusetts, [Mr. CRAPO,] reported some two months since a bill very similar in form to this; and it was passed by this body and the Senate, but was vetoed by the President upon the ground of ambiguity. In this new bill we have obviated that difficulty.

Under the existing law in this District, deeds may be withheld from record for six months by the party holding them. This has led and might hereafter lead to much fraud as between purchasers and sellers of real estate. The object of this bill is to make every deed take effect from the time when it shall be entered for record; and it is provided that the recorder shall note upon the instrument the time when it is received for record. Then, as a matter of course, everybody purchasing or having anything to do with property obtains from the record notice as to the true state of the case. This is all there is of the bill; and I hope that it may pass.

Mr. REAGAN. I call the attention of the gentleman from Vermont [Mr. HENDEE] to the fact that the bill now provides for recording "the time of delivery" of the deed or other instrument to the recorder. I suggest that we should provide for noting the day and the hour. Such a modification will conform to the law in a number of States, where the provision has been adopted in order to avoid confusion or difficulty from the legal principle of the indivisibility of a day. I think the amendment I suggest may be useful.

Mr. HENDEE. I have no objection to the modification suggested. I move to amend by striking out "time" and inserting "day and hour."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOINT-STOCK COMPANY—YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. HENDEE also, from the Committee on the District of Columbia, reported back, with a recommendation that it pass, the bill (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

The bill was read.

Section 1 empowers the joint-stock company of the Young Men's Christian Association to borrow, on the security of the real estate now owned by it in square No. 407 in the city of Washington, not exceeding the sum of $33,000, at a lawful rate of interest, for the purpose of paying off the debt now due from the company to the Freedman's Savings and Trust Company.

Section 2, in order to secure the amount authorized to be borrowed by the preceding section, authorizes the joint-stock company to execute and deliver its note for the amount borrowed, bearing such lawful rate of interest and payable at such time, principal and interest, as may be agreed upon between it and the persons from whom it may borrow the money, and, to secure the payment of such note and interest, to convey the property to two trustees in fee-simple, with power in the trustees, or the survivor of them, to sell the property at public auction in case of default made in the payment of the note, or any installment of interest due thereon, upon such terms and after such notice by advertisement as the trustees, or the survivor of them, may deem best for the interest of all parties concerned, and to convey the same to the purchaser in fee simple.

The third section provides that the rents and revenues derived from said property shall be retained by the board of directors of said joint-stock company and applied to the payment of the indebtedness herein authorized, and shall not be applied to the payment of interest on the capital stock of said corporation until said indebtedness is fully paid.

The fourth section provides that nothing therein contained shall be construed as authorizing said joint-stock company to encumber said real estate for any other purpose or in any other manner.

Mr. HENDEE. Mr. Speaker, a bill precisely like this was passed in this House after a report and explanation by myself. The same bill was also passed by the Senate. As this bill has come from the Senate, if now concurred in by the House and it should receive the signature of the President, it will become the law.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GLENWOOD CEMETERY.

Mr. HARDENBERGH. I am directed by the Committee for the District of Columbia to report back a bill (H. R. No. 2235) to amend an act entitled "An act to incorporate the proprietors of Glenwood Cemetery," approved July 27, 1854, with a substitute, (H. R. No. 3741.)

The SPEAKER *pro tempore*. The substitute will be considered as an original bill.

Mr. HARDENBERGH. Very well. It is an act to amend an act entitled "An act to incorporate the proprietors of Glenwood Cemetery," approved July 27, 1854.

The bill, which was read, provides that nothing in the act of incorporation shall prevent the owner or owners of any lot or lots therein from making improvements or decorations therein without let or hinderance as may not be inconsistent with the objects and purposes of said cemetery.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARDENBERGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CELEBRATION OF THE FOURTH OF JULY.

Mr. HARDENBERGH also, from the same committee, reported back a joint resolution (H. R. No. 127) relative to the celebration of July 4, 1876; which was read a first and second time.

The joint resolution, which was read, authorizes the commissioners of the District of Columbia to expend the sum of $1,000 in the purchase of fire-works to aid in the celebration of the approaching centennial anniversary of American Independence.

Mr. HARDENBERGH. A petition was addressed to the commissioners of the District of Columbia asking them to appropriate a sum of money for the purchase of fire-works for the celebration of the cen-

tennial anniversary of the Fourth of July of American Independence. The commissioners referred that petition to the Committee for the District of Columbia. There was also a request that the Government should make an appropriation for the same purpose on their part. The committee is disposed to do what is right in the matter. I ask the House whether they will consider any other sum is necessary than that provided for in this joint resolution. The money here appropriated is to be taken from the funds belonging to the city held by the commissioners, and this merely authorizes them to make the expenditure for the purpose specified. The point for this House to consider is whether, in addition to this sum, Congress shall make a further appropriation on its part. The committee express no opinion on the matter, but leave it entirely to the consideration of the House.

Mr. REAGAN. Mr. Speaker, I have no objection to facilitating the celebration of the Fourth of July, but I do not think we ought to appropriate money to aid the people of one city to celebrate it when we do not appropriate for others. In that respect I do not think it is just.

Mr. HARDENBERGH. This joint resolution does not propose to appropriate money belonging to the Government, but it simply authorizes the commissioners to expend the sum of $1,000 out of the funds belonging to the city for that purpose.

A MEMBER. How much does the joint resolution appropriate?

Mr. HARDENBERGH. This simply authorizes the commissioners of the District of Columbia to expend $1,000 out of the money in their hands coming from the people of this District of Columbia. They found they had no right to spend any such sum for the purpose specified without the authority of Congress. It would be strange, in the centennial year, when the people are aroused everywhere throughout the country to a sense of patriotism, if here, in the capital city of the Union, beneath the very dome of that nation's Capitol, not a single fire-work should be allowed to explode. It would look very strange, Mr. Speaker, and therefore the commissioners of this District, having no right to appropriate the money of the people for that purpose, have asked Congress to give them the power which this joint resolution simply proposes to do. It appropriates the small sum of $1,000, and I do not see why the House should hesitate.

Mr. LAWRENCE. Let the people here raise their own money to get up this Fourth-of-July celebration.

Mr. NEAL. Mr. Speaker, I represent the minority of the Committee for the District of Columbia, which was opposed to the report of this joint resolution. The gentleman from New Jersey has very eloquently referred to the celebration in the nation's capital in this the centennial year of the one hundredth anniversary of American Independence, but I think it would be much more to the credit of the people of this capital, much more to the credit of this Congress, to appropriate $1,000 and let it be paid toward the extinction of the indebtedness of this District rather than to be wasted in fire-crackers and tomfoolery of this kind.

Mr. CHITTENDEN. It may by some be considered a very serious venture to say anything against the use of fire-works on the Fourth of July; but, sir, this proposition reminds me that I had the honor to present to the House on Saturday last a letter calling the attention of Congress to the fact that within the last few years, since 1870, $700,000,000 of the people's property has been burned in our country. I was myself an honored messenger to carry $100,000 to the city of Portland, Maine, a few years ago, when it was devastated by Fourth-of-July fire-works. The boys, or the city authorities, very nearly burned that city up in celebrating the Fourth of July.

I believe, Mr. Speaker, this is a serious question, and that it becomes an important question whether Congress shall appropriate or recommend the appropriation of anybody's money for the unguarded burning of fire-works in such a city as this. I acknowledge and honor the patriotic spirit of the gentleman from New Jersey. I share that spirit with him. I procure for my own children, and superintend myself, a certain amount of fire-works on every Fourth of July. And I would cultivate a proper disposition in respect to that day, especially this year. But it is another thing, in the present condition of the country, for Congress heedlessly, and without due consideration, to recommend the expenditure of large or small sums of money for such a purpose. In this particular exigency, with dangers peculiar to the centennial year confronting us, we are requested by respectable and influential men and underwriters in the metropolis of the country to take some steps in order that great disasters may if possible be avoided on that day. I have, within forty-eight hours, presented a memorial appealing to the wisdom of Congress to direct the attention of the people of the country in some way to the danger of this growing evil, with such suggestions as are calculated to diminish it. I therefore hope that we shall at least suggest prudence by refusing in this case to recommend this expenditure, though it be only a thousand dollars, for fire-works at Washington on the Fourth of July.

Mr. HARRISON. I must say, sir, that I am astonished that the gentleman from New York should rise here in this House and ask us to abolish the Fourth of July. Sir, a hundred years ago on the 4th of July our nation was born; and now the gentleman would deny the boys, the coming young America, the privilege of burning fire-works in celebration of it. He is afraid of burning up things. Why, sir, we will have the fire-works between here and the Smithsonian Institution, in that park where the railroad is which we cannot remove, and which is ruining the park, and we will burn that up to the tune of the finest music the Marine Band can give. [Laughter.]

But seriously, I appeal to the gentleman in all seriousness, is he going to permit us to have no fire-works in this city on the Fourth of July? [Laughter.]

Mr. CHITTENDEN. O, no; nothing of the sort.

Mr. HARRISON. Patriotism, sir, is dying out. They have shown down in Cincinnati that it does not exist there. It is all *hazy*. [Laughter.] And here the gentleman wants this Congress to acknowledge that we have no patriotism. Sir, I will never consent to it. [Cries of "Never, Never!"] Nor do I think this House will. I will stand here if it takes me all summer voting for fire-works on the next Fourth of July. [Laughter.] And I ask my republican friends to aid me in voting for it. If my democratic friends will not vote for it I will turn republican. I will be with the party that is faithful to the Fourth of July.

Mr. CHITTENDEN. But it should be done prudently. Let us not do anything which may end in burning up the city.

Mr. HARRISON. The gentleman I believe claims to be what is called an independent, and I do not wonder that he does not want any fire-works. I think every man should belong to some great party in this country. The gentleman comes here and talks to us as if he were a free-lance. And this shows what a man becomes by joining the free-lances. If he would turn republican he would be in favor of the Fourth of July, for he would not dare to go with that party before the country without it. If he would turn democrat he would want it, because patriotism would be big in his bosom, as big as it is in mine. [Laughter.]

Let us have the Fourth of July. Let us have fire-works. And if something must be burned, let us put them where they will burn up something without doing any harm. Let us put them where they will burn out this railroad track, iron and all, that crosses our park. Let us put them where they may burn up those low buildings that lie away down in the neighborhood of the Tiber. And when they are burned out we will have a magnificent park in the city of Washington, and that park dedicated to the Fourth of July, 1876.

Mr. HARDENBERGH. I see no particular occasion for the display of all this eloquence on a matter of this kind. It seems to me one of the simplest propositions ever presented here. My friend, the gentleman from New York, with all his patriotism, with all his legislative tact and ability, stands here this afternoon and votes $280,000 to pave for this District of Columbia a street that wealth may ride over and enjoy while he refuses to the toiling millions an amusement to cost a thousand dollars on the centennial anniversary of American liberty.

Mr. NEAL. Will the gentleman allow me one question?

Mr. HARDENBERGH. Certainly.

Mr. NEAL. Only this morning a poor laboring-man of this city appeared before our committee, making complaint that he had been unable for six years to obtain payment of a debt due him by the District amounting to the little pittance of $40. Now, my question to the gentleman is whether it would not be better to take this thousand dollars and apply it to the payment of such just debts?

Mr. HARDENBERGH. Let the commissioners go back and compel delinquents to pay their taxes and there will be money enough to pay these just claims. We have here the singular spectacle presented of a municipal government in the shadow of the Capitol of the United States without power to grant a single dollar for a celebration of the Fourth of July, and when they come here and ask Congress to give them that power, it is doubted whether it should be granted.

Mr. WHITE. Will the gentleman allow me to ask him a question?

Mr. HARDENBERGH. Certainly.

Mr. WHITE. Have cities as a rule the authority to vote money collected from the taxes of the people to celebrate the Fourth of July?

Mr. HARDENBERGH. Everywhere throughout the country. And let me say that having had the honor to present the joint resolution which was passed so handsomely by this House for centennial celebrations in which the people might all harmonize and agree, my own city is coming forward to the front and appropriating a large sum of money for that purpose; and every little village and hamlet throughout the country is giving of its means for the same purpose.

Mr. WHITE. Has it not been decided to be unconstitutional?

Mr. HARDENBERGH. I am unable to answer the question of the gentleman as to whether the question has been tested in the courts or not, but I would invite the patriotism of the people of the country to do it everywhere.

Mr. FORT. Of course the courts have no jurisdiction over the Fourth of July.

[Loud cries of "Vote!" "Vote!"]

Mr. BLAND. I only desire to say, that in my country when we want a Fourth-of-July celebration we usually go out among the neighbors, and some will supply a little money and some a quarter of mutton or of beef, and some bread, and we meet together and have a social Fourth of July at our own expense. I desire to move an amendment to the resolution of the gentleman, if he will accept it, and it is that the Speaker appoint the honorable gentleman from New Jersey as a committee of one, and let him take the hat and go around among the members and the people generally, and I think we can raise money enough to avoid this difficulty.

Mr. CHITTENDEN. One word, Mr. Speaker. The humor and music of the captain of the Marine Band cannot make it appear to the intelligent gentlemen of this House that I said anything against the proper use of fire-works on the Fourth of July. [Laughter and applause.] I seriously called the attention of the House to the great fact that within a few years seven hundred million dollars' worth of property, equal to about one-third of the national debt, has been burned up, and that in a large measure by the careless use of fire-works. My plain, acknowledged object was to make some impression here and upon the country so that fire-works, wherever authorized and indulged in on the Fourth of July next, shall be guarded with more than the usual care; that the boys, when they go forth in the morning, shall be warned by their fathers or guardians to be careful, and that the city authorities, wherever they are in use, shall enforce stern police measures to avoid great disasters. It may save us immense loss; and, unimportant as this discussion is, if it gets into the newspapers, however unimportant it may now appear to us, the accidental introduction of the subject during this half hour may save the country $100,000,000. I am in favor of fire-works, but I say let every man furnish his own, [laughter,] and if the city of Washington or the government of the city has not $1,000 at its disposal for such purpose I would carry round the hat and let the people here subscribe rather than that any careless action on the part of this House sh all seem to furnish any apology whatever for an indiscriminate and heedless use of these dangerous combustibles, of which all of us are always more or less afraid, on the glorious Fourth. [Laughter.]

The SPEAKER *pro tempore*. Does the gentleman from Missouri insist on his amendment?

Mr. HARDENBERGH. I hope the gentleman will not try to make nonsense out of the resolution. If he does not wish to vote for it he can vote against it.

Mr. BLAND. I will withdraw the amendment.

The question was on the engrossment and third reading of the joint resolution; and on a division there were—ayes 56, noes 85; no quorum voting.

Mr. HARDENBERGH. I call for tellers.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will order tellers, and appoints Mr. HARDENBERGH and Mr. HOLMAN to act as tellers.

Mr. HOLMAN. We are both on the same side. [Laughter.]

Mr. HARDENBERGH. I wish it understood that the gentleman from Indiana is with me.

The SPEAKER *pro tempore*. Then the Chair appoints Mr. BLAND as teller in place of Mr. HOLMAN.

The House again divided; and the tellers reported—ayes 62, noes 56; no quorum voting.

Mr. COCHRANE. I move that the House do now adjourn.

The question was put; and on a division there were—ayes 102, noes 62.

ACCOUNTS OF CONSULAR OFFICERS.

The SPEAKER *pro tempore*. Before announcing the result of the vote on adjournment, the Chair desires to lay before the House some executive communications and some requests for leave of absence.

The SPEAKER *pro tempore*, then by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in response to a House communication of January 19, 1876, relative to the amounts now due the United States from consular officers of the United States; which was referred to the Committee of Ways and Means.

IMPROVEMENT OF SOUTH PASS, MISSISSIPPI RIVER.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the inspection and improvement of the South Pass, Mississippi River; which was referred to the Committee on Commerce.

JURISDICTION OF THE COURT OF CLAIMS OF THE UNITED STATES.

Mr. DOBBINS, by unanimous consent, introduced a bill (H. R. No. 3743) extending the jurisdiction of the Court of Claims of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN H. LONG.

Mr. BAKER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 3744) for the relief of John H. Long; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

COMMITTEE OF CONFERENCE APPOINTED.

The SPEAKER *pro tempore* announced as the committee of conference on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the post-office appropriation bill Mr. HOLMAN, Mr. BLOUNT, and Mr. WALDRON.

REPAVING OF PENNSYLVANIA AVENUE.

Mr. BUCKNER, by unanimous consent, from the Committee for the District of Columbia reported back the bill (S. No. 680) authorizing the repavement of Pennsylvania avenue, and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. ROSS, of New Jersey, was granted leave of absence indefinitely on account of sickness.

Mr. BROWN, of Kentucky, was granted leave of absence for ten days on account of sickness of himself and family.

Mr. FAULKNER was granted leave of absence for twelve days.

Mr. GARFIELD was granted leave of absence for ten days.

Mr. HARDENBERGH was granted leave of absence for one week.

WITHDRAWAL OF PAPERS.

On motion of Mr. O'NEILL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Henry Frank.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HARRIS, of Virginia: The petition of G. E. W. Sharretts, of Washington, District of Columbia, for compensation for labor done in preparing Government salary tables, to the Committee of Claims.

By Mr. JONES, of Kentucky: The petition of Dr. William H. Curran for compensation for services rendered as assistant surgeon of the Twentieth Kentucky Regiment of Volunteers prior to date of his muster into service as assistant surgeon, to the Committee on Military Affairs.

By Mr. WALSH: The petition of Elizabeth Barrett, widow of Samuel C. Barrett, deceased, a private in Captain Heeter's company of the Forty-fourth Regiment of Maryland Militia in the war of 1812, for a pension, to the Committee on Revolutionary Pensions.

By Mr. WOOD, of New York: The petition of John Monte, for an increase of pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *June* 20, 1876.

Prayer by Rev. P. H. BURGHENETT, of Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report and maps of the last inspection made by Major Cyrus B. Comstock, Corps of Engineers United States Army, of the South Pass improvement of the Mississippi River; which was referred to the Committee on Commerce and ordered to be printed.

TREASURY ACCOUNTS.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read:

TREASURY DEPARTMENT,
Washington, D. C., June 19, 1876.

SIR: I have the honor to acknowledge the receipt of Senate resolution of February 9, 1876, calling for a statement of all balances due to the United States from public officers, and all such balances due from other parties no longer in the public service, distinguishing those whose accounts with the United States have been finally passed upon and adjudicated and those whose accounts are yet unsettled and subject to additional credits, stating the nature of such accounts and the credits in question; the statement to embrace the accounts of all such officers or parties in which such balances have respectively accrued since the 1st day of January, 1830, and to set forth respectively and as near as practicable the period over which the accounts extended and the amounts involved therein.

Also to furnish a detailed statement of the stocks held by the United States in trust or to secure moneys paid, the character of such stocks, under what law or by what authority, and at what time the same were acquired, and on what amount thereof, if any, has there been a default in the payment of interest due thereon.

In reply I have to transmit herewith the statement of balances called for, also a recapitulation showing the amount of such losses, also the amount of the receipts and disbursements of the Government for the same period and the ratio of losses per $1,000 to the aggregate received and disbursed, arranged as nearly as practicable in periods of four years each; also a statement showing, as far as known to this Department, the stocks held by the United States in trust or to secure moneys paid, as called for by the terms of the resolution.

Very respectfully,

B. H. BRISTOW, *Secretary*.

Hon. T. W. FERRY,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The communication will lie upon the table and be printed, if there be no objection.

Mr. SHERMAN. In regard to the printing of the document I should like to have that question referred to the Committee on Printing. I will say that my attention was called to the document itself by an officer of the Government in the Treasury Department. It covers several volumes, most of them matters of no possible moment, which can be of no interest to any mortal man, woman, or child. I think it would be great injustice to thousands of worthy men to print this document. It seems to me the motion to print ought to be referred to some committee to select whatever anybody may properly desire

to have published. It contains the name of every officer of the Government from 1830 to this time, and the state of his account. I may as well confess that I think the resolution originally was intended for political effect, because I cannot imagine for what else it could have been intended. But some Senator will be disappointed in the results of the figures as given, and I think they would derive no comfort from their publication. At the same time I would be perfectly willing to allow any committee of this body to look at the document and say what parts of it should be published and what parts should not; but the fact is that the whole document itself is so voluminous that no one should desire to have it published.

Mr. EDMUNDS. What is it?

Mr. SHERMAN. It gives the accounts of every officer of the Government from 1830 to this time. I notice many cases of this class: During the Indian wars, and during our recent civil war, a soldier may have been killed in battle who was charged with a lot of muskets, and against his account they all stand in the balance charged to him, while it was stated that he was killed in battle, &c. Consuls have died abroad and it has been impossible to settle their accounts, and yet balances are charged at the Treasury Department against the consul. Honorable men, men of the highest rank in the public service, men of the greatest distinction in this country, have little balances charged against them, and they would now be published in the list of defaulters. There may have been nothing due from them, but if there were some little discrepancy in their accounts they are still unbalanced. Such a list would injure greatly the reputation of honorable officers in the civil, military, and naval service, if published, although they are little matters, sometimes amounting to but a few dollars.

However, I merely call attention to the fact, and move that the motion to print be referred to the Committee on Printing, with a view to designate how much of the document ought to be published.

Mr. DAVIS. I had not an opportunity of hearing the communication from the Secretary of the Treasury read. I came in just as the reading was being finished. Therefore I do not know its full contents; but I infer from the remarks of the Senator from Ohio, the chairman of the Finance Committee, that it is in answer probably to a resolution which I offered calling for the names and amounts due by different parties to the Government. My recollection is that I asked for a list of the defaulters since 1865, after the close of the war, but that the Committee on Finance went back a number of years, I do not know how far, and wanted all the accounts stated, so that it should be fully known how many defaulters there were and for what amounts as well previous to 1865 as since that time. It will be well recollected by the Senate that probably for three or four sessions I have offered a resolution asking for a list of the defaulters to the Government since 1865. That resolution was often, and almost at each session I believe, denied; either voted down or such amendments added to it as made it almost impossible to answer it. When the last resolution passed the Senate I did hope that there would come an answer and that we should be furnished with the large number of defaulters since 1865, some of them for immense amounts, in individual cases I believe amounting to a million dollars. I did hope that there would be such an answer as should be intelligent and short and to the point. But the Finance Committee saw proper to amend the resolution. I presume they had very good reasons for their action, for the names of the defaulters to the Government are legion, I believe, and the amounts are hundreds of millions, perhaps. The Finance Committee, through its chairman, said it would take very little work to go back a number of years; I forget the exact number of years—perhaps thirty years or more. I then said to the chairman, and perhaps to the Senate, that I did not want to delay the information. I do not recollect exactly what occurred or whether it was in the Senate or privately; but certainly something took place between us to the effect that I did not want to delay the information. Therefore I agreed at once to the request of the committee that the call should go back a number of years. It now turns out that the result of going back a number of years has been to bring such an amount of names and of accounts here that it would be wrong to print the document. Mr. President, I believe the country ought to know who has defaulted.

Mr. MORTON. Do I understand the Senator to say that he only asked for the names of those who have defaulted since 1865?

Mr. DAVIS. Those in default to the Government since 1865. That was my resolution, according to my recollection. I will say to the Senator from Indiana that I made three or four attempts to have such a resolution passed, and each time it was voted down or sent to some committee or denied from some cause or other. In one instance especially it was amended, I believe, by the Senator from Louisiana [Mr. WEST] so as to go back to such an extent as to make an answer almost impossible.

Mr. SARGENT. I should like to ask my friend if it is not as interesting to have the names of those defaulting in 1855, 1856, 1857, 1858, and 1859 as well as in the last few years?

Mr. DAVIS. I will answer my friend from California that probably the volume now sent here contains those years, but objection is made to printing it. It is said a motion to print should be sent to the Committee on Printing, or some other committee, to examine the document. I have no objection to going back to the days of the foundation of the Government. We want to know who the defaulters are; and if they are so numerous as to make it almost impossible to print the list without a large expense, I think the sooner the country and the Senate know it the better.

Mr. SARGENT. As it strikes me, by going back anterior to 1865 the accounts of the defaulters are so numerous as to swell the volume beyond the propriety of printing.

Mr. SHERMAN. I will say but a word more.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. DAVIS. I yield with pleasure, for I want light.

Mr. SHERMAN. It is true that the Senator from West Virginia did only call for a list of the defaulters since 1865; and therefore I said, without referring to him; that the plain and obvious purpose was a political purpose, to show that since the war republican officeholders had been guilty of defalcation. As a matter of course, meeting it in that way, you would naturally say, "Well, it may be so; republican officers have been guilty of defalcation; but, if so, let us compare republican officers with democratic officers;" and therefore it was that a common sentiment of fairness induced the Senate to go back to 1830, which was the last time when these statements were made up. That, it is true, involved a great deal of work.

Mr. DAVIS. I know my friend will allow me to correct him.

Mr. SHERMAN. Certainly.

Mr. DAVIS. My recollection is (and I am about as positive in it as a man can be without having the record before him) that in 1857 a thorough report was made of the name of every defaulter; and that for two or three administrations there was reported to Congress a detailed statement of every man in default from the foundation of the Government to that day.

Mr. SHERMAN. The papers on file will show that the statement referred to was made up to 1830. The Secretary of the Treasury in the letter read says he has commenced from the time the last report was made in 1830. There may have been some general statements made in the mean time, but nothing like the detail here. These papers were shown to me. As a matter of course, the Secretary of the Treasury felt bound to go back and do this work. Here (exhibiting) are some of the tables sent here—great, long tables. There are general results from these tables that are shown also in the tabular statements that accompany the letter of the Secretary of the Treasury. I have no objection to printing this document except on account of the great cost that will be involved and the unfairness and injustice that will be done to innocent people now in their graves.

Mr. President, these tables show that most of the persons named as defaulting officers were men in the military, naval, and civil service of the United States, who are now dead. The names of their sureties are given here, many of whom are dead; the amounts range from $1 up to $100,000. Scandals without number all over this broad country of ours will be published to the world without any good whatever if we print this document; and yet I feel bound to say that, by the general results it is shown that during the period for which the Senator from West Virginia called for information, the amount of defalcation and loss is less than one-tenth, in proportion to the amount expended, than the amount before 1860, when somebody else was responsible for the Government. I do not think it is necessary to print more than the tables that accompany the Secretary's letter; but if it is, here are all the details. I think it would be a scandal to the Senate of the United States to publish these documents, which contain the names of the highest officers of the Government, who believe that their accounts are settled.

Mr. DAVIS. If, as the Senator says, previous to 1860, the names of defaulters are much more frequent and the amounts larger than since, let that fact go to the country; let us know it. The Senator says that there are a number of people who are indebted to the Government, and that it will be a scandal to let the country know that they do owe the Government. I differ with him very widely indeed on that point. The resolution as amended by the Finance Committee was formed in such a way as especially to avoid any accounts in which there were apparent discrepancies, and the Secretary was directed to say, according to my recollection, where there was an account stated, what its condition was, not simply to state that a man appeared to owe the Government so and so, but to state the condition of the account; to show the reasons why the indebtedness existed.

It has been, I think, about twenty years since a list of the defaulters of this Government has been published. That is my recollection.

Mr. SHERMAN. Over thirty.

Mr. DAVIS. Let it be thirty. So much the worse if it is thirty. We ought to have it now. Previous to that time we had frequent reports, yearly reports. Bear in mind, Senators, that there is now a law on the statute-book which requires the Secretary of the Treasury or the Comptroller of the Treasury every year to report who is indebted to the Government, and I say that each and every year this list has failed of being published. If it has been for thirty years, then for thirty years has the law been disobeyed. It is well-known to all Senators who have taken the trouble to look into the matter that there is now on the statute-book and has been ever since the foundation of the Government or soon after, a law which requires each and every year a list of the defaulters to be published, and if it has been omitted for thirty years, there has been for thirty years a

violation of the statutes of the United States. It ought to have been published long ago.

I do not wish at present to say anything more about this list, for I have not seen it; but if it is large, we ought to know it, and, as I have said, there is now a statute which requires it, and that statute for thirty years, as the Senator from Ohio puts it—but I think it is about twenty years—has been disregarded. It is time now that it should be obeyed.

This information has now come from the Secretary of the Treasury. I want nothing that is improper; and I have no objection to its going to a committee, and if there is anything improper, they can strike it out or refuse to order it to be printed. But I certainly want the name of every man who is indebted to the Government; and the Secretary of the Treasury under the resolution no doubt has stated the cause, has given the reasons, where there are unsettled accounts. Certainly he should have done so. I have no objection to the document going to a committee, but I think it ought to be published, and I shall insist on its being published. At the proper time, if it does not come from the committee, I shall ask the committee what has become of it.

Mr. SHERMAN. In order to show the Senate the injustice of publishing these statements, I have opened these accounts cursorily, and I find on a page which I have opened without reference to who the person is—I do not read the name—that a certain person, a captain, Nineteenth Infantry, was overpaid in 1862 $388.06, and he is reported as "killed." Consequently there was an officer who had been overpaid, who was killed in battle and was not able to settle his account. Do you want to publish his name and wound the feelings of his wife and children? Here are on this same page men without number who are charged as officers, first and second lieutenants, captains, and majors, with guns and equipments, and they were killed or died in hospital, so that their accounts are not settled. No one pretends that the money can be collected from them, and no doubt the guns were either lost in battle or handed over. Is it desirable to publish the names of all these men; to hold them out to the world in this way, so that somebody hereafter may throw up into the teeth of the family of a soldier who was probably killed in the service and lost his accouterments in battle that he was a defaulter to the Government? It seems to me that a sentiment of justice would prevent us from giving publication to these items. The officer to whom I have referred called my attention to the fact that while the Department was obeying a simple, plain duty, no one pretended that this money was due by these people; and yet it is charged on the books of the Treasury Department as a claim against them, but it never would be and never could be settled.

Now I say I will not, for one, whatever may be the result, consent to the publication of a great mass of information to make scandal and reproach against honorable men, who probably gave their lives to the service of the country, unless compelled to do so by the mandate of the Senate. I am willing, so far as there is any advantage to be gained by showing that men have not settled their accounts, to publish the fact. If there are any political offenders in this list, any man who has stolen money or robbed or plundered the Treasury, or done wrong, if it can be shown, I would publish him to the world and nail him to the gate-post; but I would not make this information the means of scattering infamy, and disgrace, and reproach, and of pointing the finger of scorn at men who probably are as deserving as any of us. That is the only feeling I have. The Senator from West Virginia, I have no doubt, does not want to do injustice; and yet here he will find in 1833, 1834, 1835, or 1836, the names of men now dead, honored names in the democratic party, contained in these lists, that I would not publish for any consideration in the world.

Mr. DAVIS. Will the Senator from Ohio allow me a word?

Mr. SHERMAN. Certainly.

Mr. DAVIS. The Senator has stated to the Senate that I asked for the list since 1865, not previous to 1865. I am perfectly willing now that that list shall be published. I did not ask for, and I do not believe the country wants to know that a soldier was indebted for a knapsack, or a gun, or anything of that kind.

Mr. SHERMAN. But these soldiers' accounts were not made up until after 1865, and they did not appear to be defaulters until then.

Mr. DAVIS. I asked for the defaulters since 1865; not whether the accounts were made up then or not, but the men who have defaulted to the Government since 1865, and the Committee on Finance went back twenty or thirty years. I have no objection now to striking out the name of every man who belonged to the Army who was charged with a knapsack or any other item; that is not the class of men we are after.

The Senator has said that my resolution was for political purposes. I will not say that the refusal to publish this list is for political purposes. I should hardly venture that far; though the Senator did venture to say that the resolution calling for the information since 1865 might have been influenced by political purposes.

Mr. EDMUNDS. I wish to ask the Senator from West Virginia if he would be willing to have the resolution under which this information is furnished read, that we may see exactly what it is?

Mr. DAVIS. I should be glad to have the original resolution, as passed by the Senate, read.

Mr. EDMUNDS. Let us find out where the politics come in.

The PRESIDENT *pro tempore*. The resolution will be read.

The CHIEF CLERK. The communication is:

I have the honor to acknowledge the receipt of Senate resolution of February 9, 1876, calling for a statement of "all balances due to the United States from public officers, and all such balances due from other parties no longer in the public service, distinguishing those whose accounts with the United States have been finally passed upon and adjudicated, and those whose accounts are yet unsettled and subject to additional credits."

Mr. EDMUNDS. What I wanted was the original vote of the Senate on the resolution to show how it stood and what amendment was made to it, so as to find out exactly how we have got so much of this information; but I will not detain the Senate about it at this moment.

Mr. DAVIS. There is no difference of opinion on that, I will say to the Senator from Vermont. The Senator from Ohio and myself agree that the original resolution asked for the list since 1865. It was amended by the Committee on Finance so as to go back for thirty years, I believe.

The PRESIDENT *pro tempore*. Is there objection to referring the communication to the Committee on Printing? The Chair hears no objection, and it is so referred.

Mr. DAVIS. Before that is disposed of, I will say that I have no objection to its going there with the understanding that it will be reported at an early day, and with the statement on my part that the resolution has been voted down here several times by the Senate and referred to different committees, and the information declined each year until this session, and now it comes in a form that its printing is objected to. I want to make that statement and let it go.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 3486) for the relief of James F. Buckner; and

A bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes.

The bill (H. R. No. 3631) to confirm to the city of Chicago, Illinois, the title to certain public grounds was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3730) to remove the political disabilities of John D. Simms and Samuel V. Turner, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 3736) authorizing the construction of a bridge across the Wabash River was read twice by its title and referred to the Committee on Commerce.

The bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land in the Wallabout Bay, in the State of New York, to the city of Brooklyn, was read twice by its title, and referred to the Committee on Naval Affairs.

The joint resolution (H. R. No. 124) requesting the President of the United States to negotiate an additional article to the treaty of July 28, 1868, between the United States of America and the Ta-Tsing Empire, (China,) was read twice by its title, and referred to the Committee on Foreign Relations.

The joint resolution (H. R. No. 125) authorizing the Secretary of War to loan to the authorities of the city of Paterson, New Jersey, four pieces of artillery, to be used in celebrating July 4, 1876, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the memorial of T. A. Thompson and others, citizens of New Orleans, Louisiana, remonstrating against the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

Mr. EDMUNDS presented the petition of Louis Duval, father of Edward Duval, late of Company D, Tenth Regiment Vermont Volunteers, praying for an amendment of the pension laws extending the time of limitation for obtaining arrears of pension to July 4, 1876; which was referred to the Committee on Pensions.

Mr. WRIGHT presented a memorial of the Scott County Medical Society, of Davenport, Iowa, remonstrating against the passage of the bill (S. No. 595) to incorporate the National Surgical Institute of the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the joint resolution (H. R. No. 109) for the issue of silver coin, with a verbal amendment, and as it is simply intended to expedite and facilitate the execution of existing law, I am directed by the committee unanimously to ask that it may be passed now.

The joint resolution was read.

Mr. MORTON. I object to the consideration of that to-day. I want to examine it.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar, objection being made to its present consideration.

Mr. SHERMAN. I give notice that I will call it up to-morrow.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 914) to repeal an act entitled "An

act to incorporate the proprietors of the Glenwood Cemetery," approved July 27, 1854, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 752) authorizing the recorder of the District of Columbia to appoint an assistant with certain powers, reported it with an amendment.

Mr. SARGENT. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, to report it back with sundry amendments. I give notice that I will call up this bill immediately after the Senate shall have finished the consideration of the Indian appropriation bill.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 873) to provide for the 8 per cent. certificates of indebtedness issued for work done under the direction of the board of public works and chargeable to the private property benefited thereby, reported it without amendment.

He also, from the same committee, to whom was referred the petition of James G. Naylor, praying that he may be allowed to complete the work of building the western market, in the city of Washington, in accordance with his contract heretofore made with the District commissioners, asked to be discharged from its further consideration; which was agreed to.

Mr. SPENCER. I am directed by the same committee, to whom was referred a resolution of the Senate of April 3, instructing that committee to inquire what additional jail accommodations are required for the use of the District of Columbia, to ask to be discharged from the further consideration of the subject, the Senate having already passed a bill reported from the Committee on Public Buildings and Grounds.

The report was agreed to.

Mr. CLAYTON, from the Committee on Military Affairs, to whom were referred the petition and papers of Captain J. M. Keeler, of New York, late provost-marshal for Oregon, praying for re-imbursement of amount paid for transportation of himself and servant, &c., from New York to Salem, Oregon, in 1863, submitted an adverse report; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Alexander Montgomery, lieutenant-colonel United States Army, praying compensation for services as major from July 4, 1863, to June 14, 1864, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 68) for the improvement of the military wagon-road from Scottsburgh, Oregon, to Camp Stewart, Oregon, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1337) for the relief of Nelson Tiffany, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. WINDOM, from the Committee on Public Lands, to whom was recommitted the bill (H. R. No 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of $1.25 per acre, reported it with an amendment.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (S. No. 920) to authorize Louis Petoskey, of Michigan, to enter a certain tract of land which embraces his home and improvements, reported it without amendment.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 904) for the relief of William C. Nichols, late assistant treasurer of the United States at Chicago, Illinois, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 723) for the relief of Nannie Hall, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 354) for the relief of Moore N. Falls, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of McKnight & Richardson, praying payment of the balance of their claim of $9,102.50, with interest from May, 1861, being a balance on vouchers for $30,778.18, issued for supplies furnished to the Army in May, 1861, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of E. C. Burdorff, late of Company H, Thirty-fifth Regiment New Jersey Volunteers, praying payment of balance of bounty, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of R. K. Byrd, late colonel First Tennessee Volunteers, praying to be re-imbursed for the amount of moneys expended by him in recruiting, organizing, and drilling troops for the Union Army during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 763) to change the date of commission of Henry Romeyn, first lieutenant Fifth United States Infantry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 8) restoring Albert W. Preston to his late rank of colonel on the retired list of the United States Army, submitted a report thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, reported a bill (S. No. 928) for the relief of Albert W. Preston; which was read twice by its title, and, together with the report, ordered to be printed.

THE BANKRUPT LAW.

Mr. WRIGHT. The Committee on the Judiciary, to whom were referred eleven petitions, papers, and documents asking for the repeal of the bankrupt law, as also some twenty-four petitions, documents, and papers remonstrating against the repeal of that law, have had the same under consideration and instruct me to report them back, and also to report by a bill, which I send to the desk.

The bill (S. No. 929) providing for the appointment of a commission to investigate the operation of the several statutes in relation to bankruptcy and to recommend legislation thereon was read, and passed to the second reading.

Mr. WRIGHT. The same committee, to whom was referred the bill (H. R. No. 390) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereof, have had the same under consideration; and in view of the recommendation made by the bill just reported, this being a bill to repeal the act to establish a uniform system of bankruptcy, have instructed me to report it back and recommend that the consideration of the same be postponed until the first day of the next session. This is the recommendation of the committee. The two bills will go on the Calendar and come up for consideration.

Mr. MORTON. The recommendation as to the postponement will be opposed.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar. When called up, the question can be considered.

BILLS INTRODUCED.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 930) to establish a post-road in the State of Missouri; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 17) authorizing Lieutenant Theodore B. M. Mason, of the United States Navy, to accept a silver medal from the King of Italy; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. SHERMAN. I ask leave to withdraw the papers of Thomas F. Wilde. It is a pension case. A bill for this man's relief has passed, and the papers are needed before the Commissioner of Pensions. I move that they be withdrawn and sent to the Commissioner of Pensions, who has to act on them.

The motion was agreed to.

AMENDMENT TO SILVER COINAGE BILL.

Mr. CHRISTIANCY submitted an amendment intended to be proposed by him to the bill (S. No. 263) to amend the laws relating to legal tender of silver coin; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had appointed Mr. SAMUEL S. COX, a Representative from the State of New York, Speaker *pro tempore* during the present absence of the Speaker.

The message also announced that the House had passed the bill (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 3263) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. J. H. BLOUNT of Georgia, and Mr. HENRY WALDRON of Michigan managers at the conference on its part.

The message also announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue;

A bill (H. R. No. 1539) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota;

A bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 3740) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia;

A bill (H. R. No. 3741) amending an act incorporating the proprietors of Glenwood Cemetery;

A bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia;

A bill (H. R. No. 3745) to prevent the sale and use of adulterated and explosive illuminating oils and other fluids; and

A joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I ask the Senate to proceed with the consideration of the Indian appropriation bill, if there be no further morning business.

The PRESIDENT *pro tempore*. That being the unfinished business is before the Senate and will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

Mr. WINDOM. Mr. President, I will make a very brief statement of the principal points of the bill.

The amount appropriated in the bill proposed by the House of Representatives is $4,090,112.83, to which the Senate Committee on Appropriations has added $998,096.35. The total amount of the bill as recommended by the Senate Committee on Appropriations is $5,088,209.18. In order that the Senate may see how this compares with a few former years, I will say that in 1873 the total appropriation for the Indian service was $6,196,362.91; in 1874, $5,505,218.90; in 1875, $5,538,274.87; for the current fiscal year, $5,360,554.55, a little less than the previous year. The amount of this bill as reported by the Senate committee is $272,345.37 less than that for the current year.

The Senate will see that there has been a constant diminution in these bills since 1873. The reduction made by the House on the appropriation for the current year is $1,270,441.72, and I will call the attention of the Senate for a single moment to the principal items constituting that reduction.

The item for pay of superintendents, agents, &c., is omitted in the bill, amounting to $213,300. The superintendents, agents, &c., were omitted on the theory of the House that the Indian Department should be abolished and that the duties now performed by the officers, agents, and employés in that Department should be performed by the officers and soldiers of the Army; so that, although there is an apparent diminution of $213,300 for that item, I think when we come to the examination of it we shall find that it is only apparent; that it will not be an actual reduction of expenditures to anything like that extent. Another reduction of $50,000 made by the House is in the item for the Apaches of Arizona and New Mexico, the House appropriating $400,000. Last year the appropriation was $450,000, and there was a subsequent deficiency—two deficiency bills passed in fact—one for $25,000 and the other for $50,000; making the entire appropriation, including the deficiency bills, $525,000 last year. The House bill makes the sum $400,000 for the coming year; but I have put the deduction made in the House bill at only $50,000.

In the item for the Arapahoes and Cheyennes, there is $50,000 reduction. To that the committee have agreed. The Crows the House have reduced $32,000. The treaty provides for the payment of a certain amount, $10 for each Indian roaming, to the Crows. The River Crows have been transferred to the Crow agency; but there has been no addition made in the House bill for the expenditures, so that that amount of $32,000 was dropped out entirely by the House. Then there is omitted an item for the Assinaboines, $30,000; for the Gros Ventres, $35,000; making a total of $65,000 reduction for those two tribes. The House bill transfers the Assinaboines and Gros Ventres to the Sioux agency at Fort Peck; but the amount appropriated for the Sioux, as well as these two tribes, is no larger than last year; so that this reduction is simply a failure to appropriate $65,000 that was last year appropriated to these two tribes.

There are several small items which I will not now mention which will be observed as we consider the bill. For the Sioux of different tribes the House bill has reduced the appropriation from the expenditure of last year $247,000. That is a discretionary amount, and the committee will submit to the Senate for its consideration what shall be appropriated. For the item of incidental expenses in the States and Territories, the reduction of the House bill is $237,500; in transportation there is a reduction of $79,000.

These are the principal items of reduction as against the appropriation of last year made by the House bill. Now I will state the additions proposed by the Senate Committee on Appropriations.

They have re-instated the superintendents, agents, and employés, as now provided for by law, and have recommended for that service $210,300 additional to the House bill. For the Blackfeet, Bloods, and Piegans they have recommended an additional $5,000. There is an unratified treaty with these tribes providing that they shall be paid $50,000 a year, which they have received for several years past; and although we are not bound by the treaty that has undergone all the formalities to pay this full amount, the committee believe that it is the best policy to do so, that the Indians need it, and that it will be impossible to explain to them why it has not been done, and that the failure to appropriate the $50,000 will cost us more than we shall save by it.

There are several other little items of appropriation which I shall not now mention. For the Crow Nation we appropriate $30,000 in addition to the House bill, which, as I said, is provided for by treaty, we agreeing to pay them $10 for each Indian roaming, there being about three thousand of them. We have added to the appropriation for the Sioux $284,800, and have annexed to that appropriation certain conditions requiring a relinquishment of certain claims made by them, which I will not now stop to consider.

For the Apaches of Arizona and New Mexico we have added $50,000. I have already stated that for the current year they had $525,000. It has been found to be the smallest amount that the Department could get along with and preserve the peace. The House has appropriated, as I have already stated, $400,000. We have added $50,000 to it, making it $450,000 for the next year as against $525,000 expended in the current fiscal year.

We have also added in our recommendations $72,000 for transportation, which brings it to the amount actually expended for transportation this year, the House bill being $72,000 less than the amount actually expended the current year.

For general incidental expenses, subsistence, &c., in the States and Territories the committee have added $237,500, making in all an addition of $998,096.35. I have not stated all the small items.

Mr. President, I will not take the time of the Senate further in a general statement with reference to the bill; but I think that the pressure of the public business justifies me in saying that this bill ought to be passed before the Senate shall adjourn to-day, and I shall refrain talking as much as possible, and will ask that the Senate remain in session until the bill be concluded. There are but three or four questions that will elicit discussion, and it seems to me that they should elicit but little. We have but ten days until the close of the fiscal year, and really but five practical working days, for, I take it, the next week we shall hardly be able to do more than we did last week, for similar circumstances to those which then prevented a quorum will transpire.

The PRESIDENT *pro tempore*. If there be no objection the amendments reported by the Committee on Appropriations will be acted on in their order as the reading of the bill progresses.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 7, after the word "namely," at the end of the first clause of the bill, to strike out the words "for the."

The amendment was agreed to.

Mr. WINDOM. I ask that the Senate by unanimous consent pass over all the amendments beginning in line 8 down to line 143, on page 7, until we come to the proposition in the latter part of the bill providing for the abolition of the Indian Bureau, so that these may be reserved for discussion when we settle that point, and then the whole question can be taken together.

The PRESIDENT *pro tempore*. The amendments from line 8 to line 143 will be passed over for the present if there be no objection. The Chair hears no objection.

Mr. WINDOM. I ask that the amendments only be reported, unless some one asks for the reading of the bill.

The PRESIDENT *pro tempore*. By common consent, the formal reading of the bill will be dispensed with, and the amendments taken up in their order.

The Chief Clerk proceeded to read the amendments reported by the Committee on Appropriations.

The next amendment was in line 166, in the appropriation for the Blackfeet, Bloods, and Piegans, to increase the item, "for this amount to be expended in such goods, provisions, and other articles as the President may, from time to time, determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in every other respect to promote their civilization, comfort, and improvement," from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was in line 226, to increase the appropriation "for this amount, or so much thereof as may be necessary, for the support and civilization of the Chippewas of Lake Superior, to be expended for agricultural and educational purposes, pay of clerk and necessary employés, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was to insert after line 440 the following additional paragraph among the appropriations for the Crows:

For eighth of ten installments, to be used by the Secretary of the Interior in the purchase of such articles as from time to time their condition and necessities may indicate to be proper, the sum of $10 for each Indian roaming, as per same article, $30,000.

Mr. HAMILTON. I hope the Senate will not concur in that amendment. It is so indefinite and so uncertain whether those Indians, roaming over the plains there, will ever get anything under any administration of the Government that it looks like throwing money away. I do not believe that any officer of the Government now has an assurance that appropriations of a similar character have been properly applied hitherto. There is no way to test it, there is no way to find out. It is a lump-sum, at the discretion of the Secretary of the Interior, to be paid $10 a head to Indians roaming. Nobody knows where they are. Nobody knows whether they are ever communicated with at all. Nobody knows whether they have ever received one sixpence, and I believe it is pretty well understood over the country that hitherto they have not received anything; that the agents employed by the Government have absolutely pocketed nearly all the money that has been appropriated in that way. The Secretary of the Interior possibly cannot help it; he is not in a condition to watch these agents and see what they do with the money appropriated out of the public Treasury. He does perhaps the best that he can under the circumstances; but I am not sure that the late Secretary of the Interior or Commissioner of Indian Affairs did even that. The supposition is I believe pretty general that they did not do their duty in that respect. We may expect better things now. But I think that when money is appropriated by the hundreds of thousands of dollars for the purpose of aiding Indians roaming over the plains in the western country some steps ought to be taken first to collect those Indians and get them on reservations. Whenever you have got them where you can count them and where provisions can be issued to them and checks held upon the agents of the Government, it may be time then to consider whether the Government will appropriate money for their support. As it is now, I hope the Senate will not consent to such a waste of public money. I hope the amendment will be non-concurred in.

Mr. WINDOM. A word or two, Mr. President. If we are to refuse to appropriate for the Indian service because it is not always honestly conducted, I regret that the Senator from Texas has chosen these particular Indians for the purpose of enforcing that rule. The Crow Indians have been friendly for many years. They have stood as a wall of protection between the hostile Sioux and the whites. We are under treaty stipulations with them to furnish them this amount of money, and it seems to me it would be in bad faith on the part of the Government to fail to do it. The treaty provides that for Indians roaming we shall furnish $10 per head, and these are all Indians of that character. It is not professed that they are engaged in agriculture. Very many of them are engaged as scouts in assisting us, and have rendered very great service to the Government. I hope the amendment may be adopted.

Mr. DAVIS. Is this provision confined to the Crows?

Mr. WINDOM. This provision is confined to the Crows—friendly Indians.

The question being put on the amendment, the ayes were 7.

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. I am quite certain that the Senate does not understand this provision. Last year we appropriated for the River Crows and the Crow Nation proper $165,000. This year by the House bill $100,000 only is appropriated. We have added from the Senate committee $30,000 in compliance with a treaty; and it does seem to me that it is very hard upon these friendly Indians, one hundred and fifty of whom, I am informed, are to-day marching with our troops to suppress the hostile Sioux, that we should decline to comply with what is understood by them and us to be an obligation on our part.

Mr. PADDOCK. I should like to inquire of my friend from Minnesota if any one or more of these Indians should cease to roam at any time, what would be his or their condition in reference to subsistence? Is there other provision for those who do not roam; or is this only an encouragement to roam?

Mr. WINDOM. The provision of the treaty is: for Indians roaming, $10 per head; for those engaged in agriculture, $20 per head. But as they are all, or nearly all, roaming, we have given them the round sum provided for by the treaty. I will read it:

> And, in addition to the clothing herein named, the sum of $10 shall be annually appropriated for each Indian roaming, and $20 for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper.

Now, sir, why should we select these friendly Indians, who have furnished soldiers to aid the United States, who have maintained the peace with us, who are really the best of the uncivilized Indians, when we propose to and will be compelled to appropriate for those not so friendly, but merely because we have to do it to keep the peace?

Mr. President, I think the Senate will not vote down this proposition. I am sure it would be an act of injustice to do so.

The question being taken by yeas and nays, resulted—yeas 23, nays 15; as follows:

YEAS—Messrs. Allison, Christiancy, Conkling, Conover, Cooper, Dawes, Edmunds, Ferry, Frelinghuysen, Howe, Kernan, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Patterson, Sherman, Stevenson, West, Windom, Withers, and Wright—23.

NAYS—Messrs. Alcorn, Bogy, Cockrell, Hamilton, Hitchcock, Ingalls, Johnston, Key, McCreery, Maxey, Norwood, Paddock, Robertson, Wallace, and Whyte—15.

ABSENT—Messrs. Anthony, Barnum, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Cragin, Davis, Dennis, Dorsey, Eaton, Goldthwaite, Gordon, Hamlin, Harvey, Jones of Florida, Jones of Nevada, Kelly, McDonald, McMillan, Merrimon, Morrill of Vermont, Randolph, Ransom, Sargent, Saulsbury, Sharon, Spencer, Thurman, and Wadleigh—35.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was in the appropriations for the Dwamish and other allied tribes in Washington Territory, in line 478, after the word "physician," to strike out the words "who shall furnish medicines for the sick;" so as to make the clause read:

> For seventeenth of twenty installments, for the employment of a blacksmith, carpenter, farmer, and physician, per fourteenth article of same treaty, $4,200.

The amendment was agreed to.

The next amendment was in the appropriation for the Makahs, in lines 586 and 587, after the word "physician," to strike out the words "who shall furnish medicine for the sick;" so as to make the clause read:

> For seventeenth of twenty installments, for the employment of a blacksmith, carpenter, farmer, and physician, per same article and treaty, $4,600.

The amendment was agreed to.

The next amendment was in line 646, in the appropriation for the mixed Shoshones, Bannacks, and Sheepeaters, to increase the amount "to be expended in such goods, provisions, and other articles as the President may from time to time determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out the following proviso in lines 723 to 726, at the close of the appropriations for the northern Cheyennes and Arapahoes:

> *Provided*, That said northern Cheyennes and Arapahoes shall remove to their reservation in the Indian Territory before the delivery of the supplies appropriated for by the foregoing clauses.

The amendment was agreed to.

The next amendment was to insert at the close of the appropriations for the Osages the following proviso, to be lines 762 to 776:

> *Provided*, That authority is hereby given for the use of $200,000 of the funds of the Great and Little Osage tribe of Indians, now in the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the erection of buildings, opening farms, fencing, digging wells, support of schools, purchase of agricultural implements, farm stock, seeds, fruit-trees, necessary household articles, merchandise, and subsistence supplies, and in the employment of the necessary labor to carry out the objects herein specified: *Provided further*, That Indian labor shall be preferred and be employed in all cases, except where skilled labor shall be found necessary: *Provided further*, That if deemed proper by the Secretary of the Interior, a sum not exceeding $50,000 of the above amount may be expended as a *per capita* payment to the Osages.

Mr. COCKRELL. As this amendment affects the question of transfer, I would ask the Senator from Minnesota if it had not better be reserved and voted upon with the other amendment?

Mr. WINDOM. This amendment does not, I think, affect the question of transfer.

Mr. COCKRELL. It places this matter under the charge of the Secretary of the Interior; and if the Bureau should be transferred, I suppose it would be placed under the charge of the Secretary of War.

Mr. WINDOM. I have no special objection to reserving it. We could change that word, however. I think we had better refer to it again and change that word in case the Senate should agree to transfer the Department. The Senator from Iowa, [Mr. ALLISON,] the chairman of the Committee on Indian Affairs, will make any explanation of the amendment necessary, if any is desired. We can refer to this again in case the action of the Senate should agree to the transfer.

Mr. HAMILTON. I would ask the Senator in charge of the bill whether he thinks it is a proper thing to do to fritter away the little patrimony of this tribe of Indians now in the Treasury of the United States at interest. It is so small, $200,000, that if it is to be expended in this way it will hardly be felt at all. It is true, if properly expended, it would amount to something; but if it is followed every year by a similar appropriation, very soon they will have nothing in the Treasury at all. If the interest that accrues upon this fund every year is expended properly, those Indians may be after a while civilized by the use of this fund alone. Of course an appropriation of $200,000 a year would soon squander it, considering the want of success we have had in the management of these things for the last eight years. With all the exertions of the Administration, and with all the support that has been given to its policy by the Congress of the United States, very little progress has been made. I do not think that anybody, either in the Senate or out of it, has been more friendly to the policy chalked out by the present Administration for the management of the Indians than I have been. I have supported it all the way through since I have been here, and I should like to support it as long as I remain in the Senate; but if there is not some improvement made in the management of Indian affairs, nobody will be able to support the policy a great while longer, I think. This fact has caused the country pretty generally to insist upon a change from the Interior Department to the War Department, so that the control of these matters may be placed in the hands of officers of the Army of the United States. I think it would be unwise to make the transfer, and I therefore move to non-concur in this amendment making an expenditure of $200,000.

The PRESIDENT *pro tempore*. The question is on concurrence in the committee's amendment. The Senator can reach his object by voting against the amendment of the committee.

Mr. ALLISON. I desire to say only one word with reference to this amendment on page 32. These Osages are the wealthiest tribe of Indians in the United States. They have, or will have within a very few years, a sum approaching nearly $10,000,000.

Mr. HAMILTON. The interest on that, if the Senator will allow me, will suffice for them.

Mr. ALLISON. Undoubtedly. They have recently removed from the State of Kansas to the Indian Territory. During the years 1874 and 1875 they have received $200,000 for the purpose of building houses and improving farms, &c., at their new homes, and a great number of them are now living in houses.

I am not prepared to disagree with the Senator from Texas as to the way in which a portion of this money has been expended hitherto, but a portion of these Indians now living in houses, the remainder of them desire also to have homes and houses and improved farms. The Secretary of the Interior and the Commissioner of Indian Affairs recommend that this sum be devoted to that purpose; and if it is honestly and carefully expended, I have no doubt that this is the proper thing to do. If we have not faith that the Secretary of the Interior will see that this money is properly expended, then we ought not to appropriate it. If we have faith that he will do so, I think it is a proper disposition of the large fund which these Osage Indians are entitled to receive. It takes money out of the Treasury, of course; but it is a part of their own fund, which now amounts, I believe, to about eight or nine hundred thousand dollars in the Treasury, and it certainly would be better for these Indians to receive this sum of $200,000 now than to receive a much larger sum at some future time, providing, of course, that it is faithfully expended. I believe it will be expended right. The committee believe it will be, and have recommended the appropriation.

Mr. KERNAN. I should like to know whether the Indians themselves ask that this sum of their own money shall be expended in this way?

Mr. ALLISON. They do, and urge it very strongly. They urged it in their council. I have sent for the printed document which covers this case.

Mr. KERNAN. I remember that some time ago I learned from some person who professed to have an interest in the Indians in that country, who was going to the Secretary of the Interior, that before they were removed they had churches and schools. I believe that is correct, is it not?

Mr. ALLISON. Yes, sir.

Mr. KERNAN. Their agent was here, and asked me to go with him to the Department. He complained that while they did support their own institutions, and while the treaty provided that they should have their own clergymen and teachers as they desired, they were deprived of that privilege; that while their own money supported them they were compelled to have others dictate what class of schools they should have, as well as what teachers and what class of persons should instruct them religiously. Of course, if they ask for this expenditure of their own money—they having become somewhat civilized—I shall not object to it; but I think we should carry out the treaty, and permit them, themselves, to have, so far as they indicate, the teachers, both secular and religious, that they prefer, taking those to suit the various views of the various parts of their tribe. My friend says they ask for this appropriation, and if they do, I have nothing to say in opposition to the amendment.

Mr. ALLISON. Here is a petition of the Osages addressed to the House of Representatives—a printed document, Miscellaneous Document No. 112. The Osages state at some length the reason why they desire this appropriation to be made out of this fund.

Mr. KERNAN. Is it signed?

Mr. ALLISON. It is signed by at least forty members of the tribe.

Mr. BOGY. The Osage Indians are really entitled to some $6,000,000 or $8,000,000. I have been looking through the report to find the evidence of the fact which I state. I cannot find it in this report; but the fact is as I state. By the treaty made with them a good many years ago they obtained the sum of $1,600,000 for a portion of their reserve. By a treaty made subsequently, the remainder of their land was to be sold by the United States, and the net proceeds carried to their credit. That would yield an amount of money from perhaps $5,000,000 to $6,000,000; and yet our Indian affairs are so badly administered that I can find no evidence of this fact anywhere. We are called upon to make an appropriation of $200,000 out of the Indian fund, when, as far as we know, there is no evidence that there is any such sum due these Indians. We know as an outside fact that this or a much larger sum is due to them; but if there is evidence of it, I should like to have the fact pointed out by some persons who are more familiar with it than I am. I have not been able to find it yet. If it be true that this large sum of money is due to these Indians, it should draw interest, and 5 per cent. upon $5,000,000 or $6,000,000 would be more than enough for this purpose without any appropriation. There is something lacking, something wrong, some looseness in this thing somewhere.

Again, the same sum of $200,000 was paid to them last year for the same purpose—to promote agriculture and to facilitate them in their agricultural pursuits. The report which was made and which went before the Committee on Indian Affairs shows very plainly that the largest portion of this money was misspent. The largest portion of it, I have no doubt, was directly robbed and did not go to the benefit of the Indians. It is the loosest report, the loosest account, and the most unsatisfactory, which could be imagined. I would be perfectly willing to give to all these Indians, the Osages as well as the other Indians, a fair proportion of the money arising from the sale of their lands to promote them in the pursuit of agriculture, to civilize them, to educate them, to benefit them in any way; but the manner in which it has been done heretofore has resulted only in enriching the agents who are among these Indians, and the Indians have derived no benefit from the money at all, or very little.

I opposed this amendment before the Committee on Indian Affairs because I was not satisfied that the money heretofore had been well spent, but, on the contrary, I was well satisfied it had been misspent. The committee made no effort to satisfy me that I was wrong, and I feel it my duty now to oppose this appropriation.

Mr. ALLISON. If the Senator will turn to page 169 of the last report of the Commissioner of Indian Affairs, he will see the amount there placed to the credit of the Osages, $721,000.

Mr. BOGY. Yes, sir; I am familiar with that already. That states that there is a certain amount of money due to the Indians which amounts to some $1,600,000; but I said there are many hundred thousand dollars due these Indians, and this report does not show it. I give in round numbers the sum which is due to these Indians for what was called their diminished reserve by treaty made with them many years ago. It is $1,584,000. They retained a large portion of their reserves which, since that time, has been sold under a law I believe perhaps introduced by my friend from Maine, [Mr. MORRILL,] which authorized us to sell Indian lands in Kansas and place the proceeds to their credit. The amount of lands thus undertaken to be sold amounted to millions of acres, but nowhere can we find the evidence of that fact. Even this item of $1,584,000 is in this book as a mere memorandum. Why is it not carried regularly there? It is a mere memorandum, an addendum at the foot of the book.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment of the Committee on Appropriations after line 761.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in the appropriation for the Qui-nai-elts and Quil-leh-utes, in line 886, after the word "physician," to strike out the words "who shall furnish medicine for the sick."

Mr. KERNAN. I should like to inquire of the Senator in charge of the bill why those words are to be stricken out? Does not the physician furnish the medicine; or is some one else to do it?

Mr. WINDOM. I will answer the Senator from New York that it has been the practice for the physician to furnish the medicine, but the Indians have complained that when the physicians furnished medicine out of their own salary it was of an inferior quality, and it is proposed by the Department to furnish it out of their contingent fund instead.

The amendment was agreed to.

The next amendment was in the appropriations for "Sioux of different tribes, including Santee Sioux, State of Nebraska," in lines 1087 and 1088, after the word "Secretary," to strike out the words "having jurisdiction of Indian affairs" and insert "of the Interior;" in line 1089, after the word "agriculture," to strike out the words "one hundred and fifty thousand" and to insert "four hundred and thirty-four thousand eight hundred;" and after "dollars," in line 1091, to strike out "*Provided*, That none of said sum shall be paid to said Indians until they shall cease their hostilities against the white people;" so that the paragraph will read:

For seventh of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, for Indians roaming and for Indians engaged in agriculture, $434,800.

Mr. WINDOM. Before taking the vote on this amendment, I am instructed by the committee to modify the amendment by striking out in line 1090 the word "thirty-four" and inserting "nineteen;" so as to make the sum $419,800.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

Mr. KELLY. I should like to hear the Senator state the reason why he desires the proviso to be stricken out.

Mr. WINDOM. We have made a general provision for all the sums appropriated at another point, in the amendment following on page 46. The same proviso is substantially in the amendment on the next page.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 1094, after the word "amount," to strike out the words "to be expended in the purchase of beef, flour, bacon, sugar, and coffee in proportionate quantities for 35,000 persons;" in line 1096, after the word "subsistence," to strike out "of" and insert "including;" so as to make the clause read:

For this amount for subsistence, including the Yankton Sioux and Poncas, and for purposes of their civilization, $1,000,000.

The amendment was agreed to.

The next amendment was in line 1098, after the word "that" to strike out the words "no portion of the appropriation hereby made for feeding the Sioux Indians, parties to the treaty of April 29, 1868, shall be available or be used for that purpose unless the said Indians shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the said treaty for said Indians;" and to insert in lieu thereof the words:

None of said sums appropriated for said Sioux Indians shall be paid to any tribe thereof while said tribe is engaged in hostilities against the white people; and only one-half of the last-named sum shall be available, or be used for the subsistence of said Indians, unless they shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the treaty of 1868 for said Indians; and also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads, from convenient and accessible points on the Missouri River, in all not more than three in number; and unless they will receive all such supplies herein provided for, and provided for by said treaty of 1868, at such points and places on their said reservation, and in the vicinity of the Missouri River, as the President may designate: *And provided also*, That no further appropriation for said Sioux Indians for subsistence shall hereafter be made until some stipulation, agreement, or arrangement shall have been entered into by said Indians with the President of the United States, which is calculated and designed to enable said Indians to become self supporting: *Provided further*, That the Secretary of the Interior may use of the foregoing amount the sum of $25,000 for the removal of the Poncas to the Indian Territory, and providing them a home therein, with the consent of said tribe.

Mr. KERNAN. I should like to have some information in regard to this amendment. I suppose we appropriate this money in pursuance of some treaty which would bind us to do it. It says:

That none of said sums appropriated for said Sioux Indians shall be paid to any tribe thereof while said tribe is engaged in hostilities against the white people.

That is all right. It also says:

And also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads, from convenient and accessible points on the Missouri River, in all not more than three in number.

What I desire to know is whether this is a pure gratuity for which we require them to give us some of their land until they give us grants of right of way, or whether it is money that we are to appropriate anyhow to make them give up the Black Hills country, as it is called, and grant rights of way, or whether we are making a new agreement to be binding by an act of Congress. I think we should know that.

Mr. WINDOM. It is a fact, I will say to the Senator from New York, that the $1,000,000 appropriated is a pure gratuity. We are under no treaty obligation whatever to grant it. But it is not only a gratuity but a necessity, I suppose. The committee have thought that if we were compelled to grant this large amount of money for their subsistence, they should be required to relinquish this outside territory, a small portion, comparatively, of their reservation. We make this gratuity on the condition of that relinquishment, hoping it will preserve the peace in that country. I think that answers the point suggested by the Senator from New York.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in the appropriation for the S'Klallams, line 1179, after the word "physician," to strike out the words "who shall furnish medicine for the sick."

The amendment was agreed to.

The next amendment was in the appropriation for the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes, line 1200, after the word "Secretary," to strike out the words "having jurisdiction of Indian affairs" and insert "of the Interior."

The amendment was agreed to.

The next amendment was to insert after line 1228 the following item:

For colonizing and supporting the Wichitas and other affiliated bands:

For this amount, to be expended in such goods, provisions, and other articles as the President may, from time to time, determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, $25,000.

The amendment was agreed to.

The next amendment was in the appropriation for the Winnebagoes, in line 1258, after the word "Secretary," to strike out the words "having jurisdiction of Indian affairs" and insert "of the Interior."

The amendment was agreed to.

The next amendment was in line 1340, to increase the appropriation "to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona" from $400,000 to $450,000.

The amendment was agreed to.

Mr. WINDOM. Before we pass from that page I desire to make an amendment not included in the printed bill, recommended by the committee. I move to strike out the proviso on the last line of the fifty-fourth page. The proviso now requires that all Indians shall share alike *per capita* in the goods, provisions, and other articles herewith furnished. The treaties under which this money is paid to these several tribes thus congregated at Fort Peck do not provide that they shall be paid equally, and it would be a violation of the treaty to retain the proviso.

The PRESIDING OFFICER. The question is on the amendment to strike out the proviso to the appropriations for the "Sioux at Fort Peck Agency, the Assinaboines, and the Gros Ventres," in the following words, from line 1325 to line 1329:

Provided, That all and each of said Indians shall share alike *per capita* of the goods, provisions, and other articles herewith furnished.

The amendment was agreed to.

The next amendment was in line 1347, after the words "Secretary of," to strike out "War" and insert "the Interior."

The amendment was agreed to.

The next amendment was in line 1380, to increase the appropriation "to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes, and sustain themselves by the pursuits of civilized life" from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was in line 1387, to increase the appropriation "to subsist and properly care for the Kansas Indians, including agricultural assistance, pay of employés, and for such other beneficial objects for the tribe at large as their necessities may indicate to be proper" from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 1395, to increase the appropriation for "clothing, food, agricultural implements, and seeds for the Modoc Indians that have been removed to and are now residing within the Indian Territory" from $5,000 to $7,000.

The amendment was agreed to.

The next amendment was in line 1412, to increase the appropriation "for the necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act" from $147,000 to $219,000.

The amendment was agreed to.

Mr. WINDOM. I submit from the committee another amendment to this paragraph. In line 1414, after the word "transportation," I move to insert the words "involving an expenditure of more than $1,000;" so as to read:

Provided, That hereafter contracts for transportation involving an expenditure of more than $1,000 shall be advertised, and let to the lowest bidder.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert the following paragraphs after line 1419:

For this amount, for the support of industrial schools and other educational purposes for the Indian tribes, $40,000.

For this amount, for the civilization of Indians and for their assistance in agricultural operations, $20,000.

That the sum of $20,000 is hereby appropriated out of the fund provided by article 1 of the treaty with the Great and Little Osages, proclaimed January 21, 1867, known as the civilization fund, for the education of forty youths, to be selected by the Secretary of the Interior from the various Indian tribes in the United States; said youths to be educated at some one or more of the various institutions of learning in the United States which may be willing to receive and provide for them.

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, $1,500.

The amendment was agreed to.

The next amendment was to strike out lines 1469 to 1491, as follows:

For payment of the expenses incurred by Silas H. Sweatland, special agent, sent by the Indian Department to make a *per capita* payment to the North Carolina Cherokees in 1869, to the following-named persons, to wit:

Samuel W. Davidson, $213.30.
Henry Smith, $554.66.
Henry Smith, $301.
N. J. Smith, $100.
James W. Terrell, $60.
A. McCallum, $100.
John Gray Bynum, $867.50.
J. D. Abbott, $175.
M. C. King, $212.03.
M. L. Brittain, $232.
Scroop Enloe, $125.35: *Provided*, That the amounts due J. D. Abbott, M. C. King, M. L. Brittain, and Scroop Enloe be charged to the fund held in trust by the Secretary of the Interior for the North Carolina Cherokees.

Mr. WITHERS. I wish to call the attention of the Senator from Minnesota, who reported this bill, to the amendment now pending, striking out that part of the appropriation designed for payment to the agent of the Cherokee Indians of North Carolina. It was stricken out by the committee, I understand, for want of some information on the subject. I am informed that the amount which is appropriated in the bill as it came from the House was incurred under a law of the Government; that bills have passed the Forty-second and Forty-third and the present Congress appropriating this amount, and that the Secretary of the Interior and the Commissioner of Indian Affairs allowed the justice of the claim. I think the clause ought to be restored to the bill; but if we have no opportunity of doing so now, I make this explanation in order to ask the attention of the chairman of the committee to it.

Mr. WINDOM. The amendment striking out these various provisions was made for three reasons: One is that the committee had no means of ascertaining the facts with reference to the provisions; the second, that they are private claims; the third, that this is a bill

for the next fiscal year and these appropriations are to pay back-dues, and should really be in the deficiency or sundry civil bill. Since the committee reported upon this point I have examined the facts, and am of the opinion that it is very clearly proven that the claims are right, but they ought to be in another bill rather than in this.

The amendment was agreed to.

The next amendment was to insert after line 1491 the following clause:

That the balance of the fund of the Eastern band of Cherokee Indians appropriated by the act of March 3, 1875, shall, upon the 1st day of July, 1876, be placed to their credit upon the books of the Treasury Department, and shall bear interest at the rate of 5 per cent. per annum; and the Secretary of the Interior is hereby authorized to use annually for educational purposes among said Indians so much of the principal of said fund as, with the interest annually accruing thereon, shall amount to $5,000.

Mr. SAULSBURY. I should like to inquire of the gentleman having in charge this bill whether it has been customary to pay interest upon money retained in the Treasury for the benefit of the Indians? It seems to me that, unless there is some requirement by treaty stipulations that we should pay interest on funds kept in the Treasury for their benefit, the amendment would be wrong. I do not know what the provisions of the treaty are with reference to it. I ask for information.

Mr. WINDOM. We have paid interest on this fund until the last year. I will state that the fund named in this amendment arose under the treaty of 1835 set apart by the act of 1849 to those Indians who did not remove West, bearing interest at 6 per cent. The *per capita* fund was $53.33, and interest accumulated until the whole amount in the Treasury was about $100,000. There has been expended under the act of March 3, 1875, about $55,000 for quieting the title to their lands in North Carolina. The Indians are in as good condition as the white citizens around them, and need this fund for school purposes. It was a fund provided for their removal, a *per capita* appropriation for that purpose. Those of them who did not go are entitled to have the money appropriated for that purpose.

Mr. SAULSBURY. It is upon that fund, as I understand, that we propose to pay them interest?

Mr. WINDOM. It is.

Mr. SAULSBURY. Has it been customary to pay interest on that fund, do I understand the chairman to say?

Mr. WINDOM. Interest has always been paid, until last year, I will state to the Senator.

Mr. SAULSBURY. I think we have interest account enough in this country. I am not in favor of paying interest unless there is some treaty stipulation requiring that we shall retain the money in the Treasury and pay them interest.

Mr. WINDOM. I think if we do not pay them the interest we ought to pay the principal.

Mr. SAULSBURY. If we owe them anything I am perfectly willing to pay it. I believe the Government ought to pay its honest debts, and if we owe the Indians we ought to pay them; but I am not disposed to see an accumulation of funds in the Treasury of this country bearing interest paid to Indians or paid to anybody else.

Mr. WINDOM. This was money received into the Treasury from the sale of lands belonging to these Indians at the time of their removal. It has remained in the Treasury ever since. Interest was paid on it until last year, and it seems to me we should pay the principal at once or pay the interest. It is better for the Indians, in the opinion of the Department, that we should pay a portion of the interest and a portion of the principal to maintain their schools.

The question being put upon the amendment, a division was called for.

Mr. EDMUNDS. Before the question is put, if we are to divide, I should be glad to have the Senator in charge of this bill point out the provisions of the treaty under which this money was received into the Treasury. If it has come in merely in the ordinary way of business and is merely on deposit there, there is a great deal in what the Senator from Delaware says, I think, about our obligation to pay interest; but if it has come in under a treaty stipulation by which we are to hold it in trust for them and have the use of it, then we ought to pay interest, which is merely another name for the use of the money. My vote would be guided by knowing the exact terms upon which we hold this money.

Mr. WINDOM. I have not the treaty before me, but I shall have it in a few moments.

Mr. EDMUNDS. The Senator perhaps can state the nature of it.

Mr. WINDOM. It is the treaty of 1835. I will state again more distinctly than I did before, that when provision was made for the removal of the Cherokee Nation west of the Mississippi a certain number of them remained at home. An appropriation of $53⅓ *per capita* was made for their removal. Those who remained behind have been held to be entitled to the money from that time until this, and it has been in the Treasury, and until last year we have paid interest upon it. This proposition is to pay a portion of the principal with a portion of the interest for the maintenance of their schools. I understand that those Indians were in excellent condition; as stated by the Department, in as good a condition as the surrounding white people almost; but this fund belongs to them, amounting to about $44,000. I believe they are highly civilized Indians, living upon farms.

Mr. EDMUNDS. Is this the article of the treaty?

The Cherokee Nation of Indians, believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of $10,000 for the sum of $214,000, the same to be invested by the President of the United States as a part of the general fund of the nation.

Mr. WINDOM. No; that is not it.

Mr. EDMUNDS. And—

Their present school fund, amounting to about $50,000, shall constitute a part of the permanent school fund of the nation.

Mr. SHERMAN. It seems to be conceded on all hands that this money is due. The amount of it was appropriated last year for a certain purpose, and only so much of it was used for that purpose; the balance remains in the Treasury; and as a matter of course the Government of the United States, according to its usual policy with Indian tribes, has paid interest on this money.

Mr. WINDOM. I will state to the Senator that the act adjusting this removal, passed in 1848, provides for interest on this amount. I have it before me.

Mr. SHERMAN. We have always paid interest to the Indians. In that respect the case is different from an ordinary claim against the Government of the United States which we are supposed to be ready to pay on sight. With the Indians it has been the policy of the Government always, if possible, to retain their money and pay interest on it, on the ground that they are not in proper condition to manage their own affairs.

Mr. WINDOM. Perhaps the quickest way to settle the question will be to read from the act of 1848, page 264, of the ninth volume of the Statutes:

SEC. 4. *And be it further enacted*, That the Secretary of War cause to be ascertained the number and names of such individuals and families, including each member of every family of the Cherokee Nation of Indians, that remained in the State of North Carolina at the time of the ratification of the treaty of New Echota, May 23, 1836, and who have not removed west of the Mississippi, or received the commutation for removal and subsistence, and report the same to the Secretary of the Treasury; whereupon the Secretary of the Treasury shall set apart, out of any moneys in the Treasury not otherwise appropriated, a sum equal to $53 33 for each individual ascertained as aforesaid, and that he cause to be paid to every such individual, or his or her legal representative, interest at the rate of 6 per cent. per annum on such *per capita* from the said 23d day of May, 1836, to the time of the passage of this act, and continue annually thereafter said payment of interest at the rate aforesaid.

Mr. EDMUNDS. It seems to be provided for by law.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out lines 1504 and 1505, as follows:

For incidental expenses of the Indian service in the following States and Territories.

And in lieu thereof to insert:

General incidental expenses of the Indian service:

For the general incidental expenses of the Indian service, subsistence, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, and for educational purposes and pay of employés, to be expended under the direction of the Secretary of the Interior in the States and Territories following.

And in line 1514, after "Arizona," to strike out "twenty" and insert "sixty-five;" in line 1515, after "California," to strike out "thirty" and insert "sixty;" in line 1516, after "Colorado Territory," to strike out "three" and insert "five;" in line 1516, after "Dakota Territory," to strike out "five" and insert "twenty;" in line 1517, after "Idaho Territory," to strike out "three" and insert "ten;" in line 1518, after "Montana Territory," to strike out "five" and insert "twenty;" in line 1519, after "Washington Territory," to strike out "five" and insert "twenty-five;" in line 1520, after "Wyoming Territory," to strike out "one thousand five hundred" and insert "five thousand;" in line 1521, after "Nevada," to strike out "five" and insert "thirty-five;" in line 1522, after "New Mexico," to strike out "fifteen" and insert "forty;" in line 1523, after "Oregon," to strike out "ten" and insert "forty-five;" after "Utah Territory," in line 1523, to strike out "ten" and insert "twenty;" in line 1524, after the word "all," to strike out "one hundred and twelve thousand five hundred" and insert "three hundred and fifty thousand."

Mr. WINDOM. The committee modifies the Montana appropriation by striking it down from $20,000 to $16,000.

The PRESIDING OFFICER. The amendment will be so modified, if there be no objection.

Mr. SAULSBURY. In these various items I observe a large increase by the committee. For instance, in Arizona I see the committee have struck out $20,000, which was deemed sufficient by the House, and inserted $35,000; and so in all the other items there has been a large increase. I should like to hear the necessity for it. I want to vote for proper amendments, but I do not like to vote in the dark.

Mr. WINDOM. I think the Senator will be entirely satisfied with the amendments when I explain them to him. He will see by a reference to the bill as it came from the House that it provides for general incidental expenses only. It allows for general incidental expenses of the Indian service in Arizona, $20,000; but there are a great many expenses in these Territories that are not properly incidental. If the Committee on Appropriations of the Senate had confined themselves to that which was purely incidental, and there had been no other service to be provided for, they would have made the appropriation less than it came from the House; but, if the Senator will look

at the amendment following the general heading, he will find that it provides not only for general incidental expenses but for "subsistence, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuit of civilized life, and for educational purposes, and pay of employés," &c.

I will say to the Senator that for a very large number of Indians there is no other appropriation whatever than that under this head. For instance, in Arizona, those at the Colorado agency, at the Pima and Maricopa agency, and one or two other agencies; in California at the Hoopa Valley, Round Valley, and Tulare and Mission agencies; in Nevada at the Nevada agency; in New Mexico at the Abiquiu, Pueblo, and Cimarron agencies; in Oregon at the Grande Ronde and Siletz agencies; in Utah at the Uintah Valley agency; and in Washington Territory at the Colville and Nisqually agencies, there is no provision whatever except under this general head. If we confined the bill to what is strictly incidental expenses we should fail to provide, as we have done for many years past, for a large number of Indians in these Territories. The total appropriation, I will say to the Senator, is no larger than it was last year; I believe it is just the same.

Mr. SAULSBURY. I do not know anything personally about the Indian service. All the information I have in reference to it is derived from comparing the appropriations of the last year with former appropriations, four, six, or ten years back. I remember that prior to 1860, and about 1860, the appropriations for this service never exceeded $3,000,000; and yet of late years the appropriations have run up some years to $7,000,000 for this service. Now there are not so many Indians in all this western country as there were formerly, and yet there is more than double the expenditure in appropriations for the Indian service. I have no personal knowledge of the necessities of the service. If there is an absolute necessity to make this appropriation in order to maintain the existence of these tribes that I think have been unduly oppressed very often, then I am willing to vote for it. If, however, it is true, as has been alleged, that much of the money which has been appropriated of late years has been squandered or gone into the pockets of men that are professing to be Indian agents and others having some supervision over them, then I think the less money we appropriate the better. If it is not to benefit the Indians, if it is simply to enrich the agents, then I think the time has come when we ought to cease making any of these appropriations.

I think at any rate there must be something wrong in this constant increase of the Indian service while the Indians are decreasing in numbers. They ought to be in a better condition when you take into consideration the vast expenditure of money by this Government for their benefit, and yet there has been a large increase in the last fifteen years in the money expended, till it has reached more than double the amount expended fifteen years ago for the Indians. I think there must be something wrong, and always when these Indian bills come up I feel some hesitation about voting for them because I fear that somebody is to gobble up the money which we design for the benefit of the Indians. I do not think these funds have been sufficiently protected in the past, and I think the committee in assuming the responsibility to appropiate so much money out of the public Treasury ought to be exceedingly careful that they provide the proper guarantees that it shall go to the Indians and not go into the pockets of private individuals.

Mr. WINDOM. A single word in answer to the Senator from Delaware. This little appropriation of $350,000—small in proportion, I mean, to the number of Indians concerned—is all there is for aiding in the subsistence of 22,170 Indians; and, in addition to that, from this fund are furnished employés, teachers, &c., for bands of Indians numbering 95,000 souls. It seems to me to be a very small appropriation. It is true we have no treaties with any of these tribes, but it is simply a small amount to enable us to give them some assistance.

The Senator compares the last two or three years with several years ago—1860. It is true that the Indian appropriations were smaller fifteen years ago than they are now; but nearly the entire difference may be accounted for by two appropriations, one for the Apaches in Arizona and New Mexico and the other for the Sioux. Those two appropriations alone—which I am sure we did not make at that time—amount to $2,000,000; and if you deduct those two appropriations from this bill you will have the bill about where it was at the period to which the Senator refers—1860. I think we have not been extravagant in our Indian appropriations.

Mr. INGALLS. Mr. President, the Senator from Delaware is quite right in saying that the mystery of the Indian Department is past finding out. During the past three years I have endeavored, with what little attention I could give to the matter, to understand the system and the method upon which these appropriations were made, and have followed the committee as far as possible in the recommendations they have presented to the Senate. I have heard a great deal, and all of us I suppose agree, that this is a year for the exercise especially of economy and retrenchment in our public affairs; not perhaps for parsimony, but certainly for frugality and for economy. In the bill that is before us the House of Representatives have submitted appropriations which comply in every respect, as I understand, with the treaty stipulations under which we are engaged with the various Indian tribes under our control. It appropriates two or three million dollars for the general purposes of the Indian service, to furnish them with agricultural implements, to educate them, to make them Christians and philosophers, to enable them to become civilized, and to perfect them in the arts of modern life. After having made those appropriations, then we have the extraordinary provision here of a miscellaneous item that goes on and specifies, for the same objects that have heretofore been appropriated, some eighty to one hundred thousand dollars more; and as if "miscellaneous" was not sufficiently comprehensive in its terms, was not enough of a drag-net to bring in everything that could possibly be comprised in the Indian service, we have what are called "the general incidental expenses of the Indian service" to the amount of between four and five hundred thousand dollars more.

Mr. WINDOM. Three hundred and fifty thousand dollars.

Mr. INGALLS. Three hundred and fifty thousand dollars more, which is an excess of $238,000 above the amount appropriated by the House of Representatives.

I object to these "miscellaneous" and to these "general incidental expenses of the Indian service" items in the first place, because there is no limitation whatever upon the authority of the Indian Department in the disbursement of these funds. It is an appropriation of money without limitation as to the objects for which it shall be disbursed. After we have complied with all our treaty stipulations, after we have named every Indian tribe from the Atlantic to the Pacific and from the British Possessions to the Gulf of Mexico, and given them two or three millions of dollars, then, as if that were not enough, the committee must come in with a miscellaneous appropriation giving a large amount more; and as if that were not sufficiently comprehensive, then a general incidental expense account giving $350,000 more.

I do not expect that anything I can say will produce any effect whatever upon the action of the Senate in regard to the Indian appropriation bill. I have tried the experiment in previous sessions of Congress and have learned that it is entirely futile and nugatory; but I cannot allow this bill to pass without entering my protest against the enlarged appropriations that have been made by the committee of the Senate, on the ground, in the first place, that I believe they are entirely superfluous and unnecessary; that they are uncalled for by treaty or by any obligation we are under to these tribes; and in the second place, because the result is to confide to the Indian Department the disbursement of a large sum of money without any control whatever on the part of the Legislature.

Mr. MAXEY. Mr. President, the bill under consideration, as framed by the House of Representatives, proceeds upon the theory that the Indians will be transferred to the charge of the War Department. The amendments of the Senate Committee on Appropriations proceed on the theory that the Indian Bureau will remain a part and parcel of the Interior Department. It is assumed by the House of Representatives, and they act upon that theory, that if the Indians are transferred to the control of the War Department, the expenses will be very largely decreased in this, that the agents and various employés, superintendents, &c., will be taken from officers of the Army not otherwise employed, and who can be spared by the War Department for the discharge of these duties, now drawing their pay as Army officers and doing nothing in the interest of the Government. That is the theory on which the House bill evidently has been framed. As to the special item now under consideration, it may be that it will not make much difference, but I am speaking of the entire framework of the bill.

There is a provision in this bill—and I see that the Senate committee has proposed to strike that out—transfering the control of the Indians to the War Department. Upon that we have not as yet acted. If we sustain the action of the House, if we sustain the bill as it was presented to us by the House, then I apprehend that the careful consideration given to the bill by the House in view of this transfer will be found to be right. If, however, that is voted down and the Bureau is left under the control of the Interior Department, then it may be that these amendments of the Senate committee are right.

So, then, the question of amendments turns to a very great degree, it seems to me, on what action the Senate may take upon the transfer of the Indians to the War Department; and that is the great question presented by this bill, upon which I do not care now to speak, because we have not reached that point. I only wish to say now in support of what was so well said by the Senator from Kansas, that the management of this Indian Bureau, the absorption of such vast sums of money, the wonderful increase in the expenses of this Indian Bureau from its organization so far back as we have any knowledge of it, I believe in 1832, down to 1875, are things that I confess I cannot find out and do not understand. I therefore think that the real question at last will come up (and that perhaps will settle the entire action on this bill) on whether the House bill is right or the Senate committee is right, whether the Indian Bureau shall remain in the Interior Department or be transferred to the War Department.

I do not myself like the expression "general incidental expenses of the Indian service." It may mean anything, everything, or nothing; it is altogether too broad, too indefinite to be fastened down. Here is in Arizona an increase from $20,000 proposed by the House to $65,000; in California, from $20,000 to $60,000; in Colorado Ter-

ritory from $3,000 to $5,000; in Dakota from $5,000 to $20,000; and so it goes along all the way through. I admit that the Senator from Minnesota has made a statement in regard to this which may be satisfactory, but I should like to know where all this money goes to? I think there should be in all these things something more specific, something more definite, when the money of the people goes out, than this general head "general incidental expenses of the Indian service." Especially where a bill has been presented by us to the House, in which the House in one case say that for Arizona, for example, $20,000 is enough and that is increased more than three times, up to $65,000, and so all the way through. In New Mexico, for example, the increase is from $15,000 to $40,000; in Oregon, from $10,000 to $45,000, four and a half times the amount that the House thought necessary. I should prefer to have some more definite explanation before I can vote for the amendment.

I agree with the Senator from Kansas—and my whole course in the Senate has shown it—that I do not propose to be parsimonious in legislation, but I do propose to be economical; and when I vote for the expenditure of the people's money I want to know why I vote for it. If I am made satisfied that an appropriation of money is necessary for the general welfare of the country, I will vote it as freely as any other man; but I must be convinced of that fact, and where I see such startling differences as are exhibited by this item between the view taken by the House of Representatives and that taken by the Senate committee, I prefer that some one should rise here and explain.

The PRESIDING OFFICER. The question is on the amendment from line 1503 to line 1525.

Mr. WINDOM called for the yeas and nays; and they were ordered.

Mr. WINDOM. Before the vote is taken I will attempt again very briefly to explain why these items are so much larger than those contained in the bill as it came to us, and I hope that I may have the attention of the Senate while I attempt to do so.

The bill as it came to us undertook to provide, as we understand, for strictly and technically "incidental expenses" only, and did not provide, certainly did not provide funds, for subsistence, for aiding the Indians, and for the other purposes for which they have received aid several years past.

The Senator from Kansas leaves the impression upon the Senate, or at least upon my mind, that we have in other parts of the bill provided for the same Indians that we are now seeking to appropriate these items for. I will say to the Senator from Kansas that the Indians who are to receive this fund have no other appropriation whatever; and although, as he says, we have appropriated from one end of the continent to the other for Indians under treaty stipulations and in various ways, we have in no other part of the bill, except possibly for general educational purposes, made any provision whatever for the subsistence of the Indians in the various Territories mentioned here.

Mr. INGALLS. If that is the case, why are not these appropriations made specifically for the Indians for whose benefit they are designed, so that we may know for what purpose the money is to be used? What I object to particularly is the fact that here is a great fund that is appropriated in general terms and that can be applied at discretion by the Department of the Interior, or by the Commissioner of Indian Affairs, not only to those Indians who the Senator says are the ones to be benefited, but for any other purpose whatever. If there are tribes of Indians that require appropriations, why not name those tribes and say for their benefit such and such a sum of money?

Mr. WINDOM. I presume that might be done; but the amount for each Territory is by no means large, and it is deemed better, and I myself believe it is better, to place this fund in the hands of the Interior Department, specifying what amounts shall be used for each Territory. We have no estimates before us of the exact amount necessary for each tribe. I think that sometimes they may need more for one tribe and sometimes more for another in a Territory, and my impressions are that this is the best way to make the appropriation.

Mr. INGALLS. I believe that irregularities, not to say corruptions, are inseparable from the appropriation of money to be employed at discretion without any legislative control.

Mr. WINDOM. There is no more discretion in this than there is in almost every appropriation that is made in the Indian list. I know it is a difficult bill in which to make appropriations. I agree with the Senator from Kansas that there is no service more difficult than the Indian service, and there is nothing I have more regretted than that I have been compelled ever since I have had the honor to be in the Senate to have charge of the Indian appropriation bill. I have been compelled to listen annually to this diatribe against the rascality of Indian officials. Now, sir, I believe if you will examine the purchases made by the Indian Department, the expenditure of money made by the Indian Bureau, you will find that money has been as economically expended as it has been in any other Department of the Government. I believe that it has been demonstrated elsewhere by the production of the receipts and expenditures, the payments for articles of supply to the Indians, that the money has been as carefully and as economically expended as anywhere else.

I have no doubt that there may be, and is, rascality at distant frontier posts; and I want to say further that I believe that when years ago this Indian Bureau was organized and it was provided that an agent should receive but $1,500 per annum, it must have been contemplated that he would steal, and I think he has stolen less than was reasonably to have been expected under the circumstances. The idea that a man competent to manage hundreds of thousands of dollars, on the distant frontiers, surrounded by the circumstances which surround the Indian agents, should be expected to leave civilization, to abandon the comforts of civilized life, and take charge of a fund of that kind, living among savages, and receive $1,500 a year, is simply absurd; and yet I believe that a great deal that is said about stealing in the Indian Department is purely gratuitous. I have had a great deal to do with that Department during my services in Congress, having been for six years chairman of the Committee on Indian Affairs of the other House, and since that time having had charge of this bill in the Senate, and I have taken the trouble to scan carefully the expenditures of money, and I do not believe that these general charges that the Indian Department in all its branches is more dishonest than any other department are sustained by the facts. If my honorable friend from Kansas will take the reports of expenditures under this very clause which he says is so loose, with no responsibility anywhere, he will find, I think, every dollar of last year's appropriation accounted for and just what has been done with it. Although the appropriations are general, there is a specific account rendered, and he can ascertain where every dollar of the $350,000 of last year went. Now, I think it will create great disturbance in all these Territories, it will work a great injury to the service if we fail to appropriate this money.

Having said this much, I submit the matter entirely to the discretion of the Senate. If they think we ought not to appropriate this money, if they think that, having hitherto for many years past furnished supplies to Indians numbering some 22,000, we should suddenly cease those supplies in all these Territories, upon the Senate be the responsibility, and not on me. I have endeavored to make the statement as plain as I could.

Mr. INGALLS. I think in this year of commercial depression the Indians ought to practice economy as well as white men, and if we are compelled to reduce our expenses they ought to be compelled to diminish theirs in proportion. But the Senator certainly cannot accuse me of having made any general allegation of rascalities or irregularities in the Indian service. I was merely calling attention to what seemed to me to be an extraordinary looseness in the method of appropriation; and, with his permission, I now desire to call his attention to the amendment on page 58 of this bill under the general head of "miscellaneous." The committee have appropriated $83,000 in excess of what was reported by the House. In line 1420 it reads:

For this amount, for the support of industrial schools and other educational purposes for the Indian tribes, $40,000.

I ask the Senator to state to me what limitation there is upon that appropriation, in what Territory it is to be expended, to the education of what tribes it is to be applied, or what necessity for the appropriation exists.

Mr. WINDOM. There is no limitation as to what Indian tribe it shall be applied to. It is for the educational service, as I understand.

Mr. INGALLS. Then under the head of "general incidental expenses of the Indian service," on page 62, we have again "for educational purposes and pay of employés" in the different Territories, these amounts aggregating $350,000.

Mr. WINDOM. I stated expressly when on my feet before that that was the only case in which any provision was made for the Indians contemplated in the amendment under discussion.

Mr. INGALLS. But this will certainly apply to them.

Mr. WINDOM. I said that was the only exception; that it did so far as an educational appropriation was concerned apply to them also. The $40,000 which the Senator has referred to is a general appropriation for that purpose. Hitherto there has been a fund, just how large I cannot state, arising out of the sale of the Osage lands. The treaty with the Osage Indians provided that certain funds received from the sale of their lands should be used for general educational purposes applied to all the Indians. Owing to the fact that lands in that locality have ceased to sell as formerly, that fund is not now available, and there is this appropriation in order to prevent the schools from being discontinued. It is not limited, I will say frankly to the Senator, but is a general appropriation for the Indian educational service.

The PRESIDING OFFICER. The yeas and nays have been ordered upon this amendment. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 16, nays 30; as follows:

YEAS—Messrs. Allison, Cameron of Pennsylvania, Conover, Frelinghuysen, Hamlin, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sherman, Windom, and Wright—16.

NAYS—Messrs. Alcorn, Bogy, Booth, Christiancy, Clayton, Cockrell, Cooper, Dawes, Eaton, Edmunds, Goldthwaite, Hamilton, Hitchcock, Ingalls, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Thurman, Wadleigh, Wallace, and Whyte—30.

ABSENT—Messrs. Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Caperton, Conkling, Cragin, Davis, Dennis, Dorsey, Ferry, Gordon, Harvey, Howe, Jones of Florida, Jones of Nevada, McDonald, McMillan, Merrimon, Sargent, Sharon, Spencer, West, and Withers—27.

So the amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out the following proviso, from line 1526 to 1533:

Provided, That none of the appropriations herein or hereafter made under the head of incidental expenses of the Indian service shall be expended in payment of employés in said service, but the same shall be used for annuity goods, subsistence, agricultural implements, for educational purposes, and for repairs of flour-mills, saw-mills, and other agency buildings, and incidental transportation, and for no other purposes.

The amendment was rejected,

Mr. WINDOM. I suppose a vote will be in order in the Senate on this proposition?

The PRESIDING OFFICER. The amendment can be renewed in the Senate. The next amendment of the Committee on Appropriations will be read.

The next amendment was in section 2, to strike out the words "and the warriors thereof," between the words "tribe" and "shall" in line 8; so as to make the section read:

SEC. 2. That no supplies or annuity goods for which appropriation is made in this act shall be issued to any band or tribe of Indians while the same may be engaged in hostilities against the United States or in depredations upon settlers; nor shall any sum of money appropriated by this act for any tribe of Indians for whom a reservation of territory shall have been made be paid to them or expended for their benefit, unless such tribe shall remain peaceably within the limits of the territory assigned to them, unless absent by the consent of the agent.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau, are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army, under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian Affairs under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under, the control of the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided further*, That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

Mr. LOGAN addressed the Senate in favor of the amendment and in opposition to the section. Having spoken for some time,

Mr. WINDOM, (at four o'clock and thirty minutes p. m.) I move, with the consent of the Senator from Illinois, that the Senate take a recess from five o'clock until half past seven.

Several SENATORS. Why not from now?

Mr. LOGAN. I do not want any recess on my account.

Mr. WINDOM. My motion is that at five o'clock the Senate take a recess until half past seven.

A division was called for.

Mr. WINDOM. I think we had better have the yeas and nays on this question.

The yeas and nays were ordered.

Mr. WINDOM. It is absolutely necessary that we devote more hours to work if we expect to get through before the close of the fiscal year.

Mr. COCKRELL. The Senator from Louisiana [Mr. WEST] being called away, and having to leave just at this particular time, I am paired with him on this question. He would vote for the recess, and I should vote "nay."

Mr. ALLISON. I ought to state that the Senator from California [Mr. SARGENT] is compelled to be absent.

The yeas and nays being taken, resulted—yeas 19, nays 19; as follows:

YEAS—Messrs. Allison, Booth, Caperton, Clayton, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin, Johnston, Logan, Morrill of Maine, Morrill of Vermont, Paddock, Patterson, Sherman, Windom, and Wright—19.

NAYS—Messrs. Alcorn, Bogy, Cooper, Davis, Eaton, Goldthwaite, Hitchcock, Ingalls, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Robertson, Saulsbury, Stevenson, Wallace, and Withers—19.

ABSENT—Messrs. Anthony, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Conover, Dennis, Dorsey, Gordon, Hamilton, Harvey, Howe, Jones of Florida, Jones of Nevada, Key, McDonald, McMillan, Merrimon, Mitchell, Morton, Oglesby, Ransom, Sargent, Sharon, Spencer, Thurman, Wadleigh, West, and Whyte—35.

So the motion was not agreed to.

Mr. WINDOM. I hope the Senate will remain in session, then, until we finish the bill.

The PRESIDENT *pro tempore*. The Senator from Illinois is entitled to the floor.

Mr. LOGAN. I have no doubt the Senate is very impatient and very anxious that I should get through. I know I am. I do not expect that my asking the attention of the Senate to what little I may say hereafter will be of any use; but I do ask those who desire to hear to give me their attention for a few minutes and I shall be through.

[Mr. LOGAN continued and concluded his speech, which in full is as follows:]

Mr. LOGAN. Mr. President, this question is the one referred to by the Senator from Texas [Mr. MAXEY] a short time ago as the important question presented by this bill; and although I am satisfied that the Senate is not desirous at this time of hearing any extended argument in connection with this bill, yet I deem it my duty to give my reasons why the proposition as presented by the House should not be agreed to by the Senate.

I desire to call the attention of Senators to that which has transpired in reference to changes or attempted changes from the civil departments to the War Department. I have always, since I have had a voice in the Congress of the United States, protested against the civil department of the Government going into the hands of the Military Department. I believe that they are and ought to be entirely separate and distinct; their services are of an entirely different character, and their education leads them in entirely different lines.

I find that this winter an attempt was made not only to transfer the Indian Bureau to the War Department, and that was done upon the theory of economy, but also to transfer the Pension Bureau to the War Department, and following that would come the transfer of the Land Office to the War Department. This is merely the entering-wedge for the destruction of what originally was called the Home Department, or Interior Department of this Government. In order to verify my statement so far, I have here a report made to the House of Representatives by a committee of that House not only in reference to transferring the Indian Bureau to the War Department, but also in favor of transferring the Pension Bureau to the War Department. That branch of the subject I will not discuss any further than to call the attention of the Senate to the fact. The conclusion of the report, made by Mr. JENKS, from the Committee on Invalid Pensions, is this:

It is suggested the duplicate labor performed by the finance division of the Pension Bureau and the pension agencies can be done by the Paymaster's Department of the Army with very little addition to its present force. The duplicate labors now performed by the War Department and the Surgeon-General's Office can be avoided, with all the correspondence pertaining to it, by the transfer of the Bureau of Pensions to the War Office, and greater efficiency, integrity, and intelligence can thereby be secured.

There is the attempt made by the House of Representatives this winter not only to transfer, as I said, the Indian Bureau but the Pension Bureau to the War Department; and I have heard it suggested—I know it would follow also if this should be accomplished—to transfer the Land Office to the War Department, thereby giving the War Department in fact the administration of a great portion of the civil affairs of this country. Against that I enter my solemn protest. If I shall draw a line of economy even between the civil Department that has charge of the Indian affairs and the War Department which will not be very favorable to the War Department, in what I wish to say to the Senate in reference to the management of the affairs of the Indian Department, I now give notice to Senators who differ with me on this question, if they think I am in error in any statement that I make, it will not interfere with me one particle if they will stop me and ask me for the proof, for I have right here before me documentary evidence, commencing at the foundation of this Government down to the present time, in reference to the management of Indian affairs.

Sir, I feel compelled on behalf of the honor and good name of our Republic as a great civilizing and enlightening agency, on behalf of humanity and Christianity, to oppose the transfer of the Indian Bureau to the War Department with all the power and ability I possess. Did it involve only a question of preference between two Departments of our Government, as to which should exercise certain functions, I would not trouble the Senate with any remarks upon the subject, but content myself with simply casting my vote. Did it involve only a question of dollars and cents, I should feel far less solicitude in reference to the final result than I do.

But, sir, attempt as we may to reduce it simply to a question of economy, a thorough examination of the principles involved must show to every thinking mind that something of much greater importance to civilized humanity and enlightened nations is connected with the decision of Congress on this question.

It is true, sir, that in making laws in reference to the administration of the affairs of Government it is our duty always to consider the expense as one and an important item in making up our decision, yet it by no means follows that the plan involving the least expenditure in dollars and cents is the proper one to be selected; in fact, as a rule there are questions of still greater importance connected with all laws of a general character. In erecting our public buildings permanency and usefulness are of more importance than the saving of a few thousand dollars with the loss of these items. In providing means for the administration of our laws equity and justice are to be considered first. When our unity as a nation and the great principles of freedom were at stake, we did not even stop to consider the cost in order to know how to cast our votes. If, therefore, it should appear upon a thorough examination of this subject that important principles in reference to civilization and the efficiency of our Government as a great agent in civilizing and enlightening mankind and elevating the standard of morality are involved, surely no one in this Senate will contend for a moment that these should be sacrificed in order to save a few thousand dollars. I am in favor of economy, and would be glad

to see the eyes of our people opened to the folly of the extravagance that prevails in our midst; nay, more, sir, I believe it is the duty of our legislators and public officers to set the example of prudence and economy both in their public capacity and private life. But even placing this matter on the basis of dollars and cents, the result is not in favor of the passage of this act, as I shall attempt to show before I am through.

It has been stated that the opposers of this transfer, in their great anxiety to protect and civilize the Indians, have forgotten that the right and lives of our border settlers are also involved. I am fully aware, Mr. President, that these brave and hardy pioneers who have pressed onward to the borders of civilization have rights and interests equal to, and I may say superior to, those of the Indians, which it is our duty to protect and foster; and in opposing this act I conscientiously believe I am doing this more effectually than I would be in advocating it. This I propose to bring more fully to your notice before I conclude.

Other questions of more or less importance are also involved, for it is far more complicated as regards its connection with other subjects than we are disposed to believe until we have thoroughly studied it. But, sir, the great question raised by this proposition, and the one which, in my opinion, overtops all the rest, is this: Shall we as a nation cut short our work of civilization in reference to the Indians? Shall we by our action say to the world that we abandon all hope of elevating and fitting them for that standard in life the God who made them designed them to enjoy? Shall we confess our inability as a nation, notwithstanding the vast resources at our command, to civilize a few thousand degraded wards completely under our control, and thus condemn them to extinction? Shall we, as the representatives and legislators of the great Republic of the world, a Christian nation, while singing centennial anthems of praise, decide in the most solemn and official manner possible that the God to whom we ascribe all our glory and prosperity has created other peoples only for the purpose of destruction and extinction, and that we, as a nation, are the divinely appointed agency to execute the sentence of annihilation?

Mr. President, this may appear somewhat strong language to use in reference to an act which seemingly proposes only to transfer certain duties from one Department of Government to another; yet, sir, I firmly believe I do not exaggerate the importance of the questions involved, for such I am forced to believe will be the result if the principles contained are allowed to work out fully their legitimate effects.

I will therefore present my reasons for this opinion, and address myself first to the discussion of this point as the one of first and chief importance. If the facts and reasons adduced show that I am correct in this respect, then the matter is settled with every one who has any regard for our honor as a nation, and all secondary considerations sink into insignificance.

It is evident to every one who is at all acquainted with the history of our relations with the Indians that our contact with them must result in one of two things—their civilization or extinction. No one in his senses doubts this; even the most ultra advocate of this change now before us will admit this without a single dissenting "if." As all look forward with certainty to the extinction of the buffaloes now roaming over the great plains of the West, with equal certainty do they look forward to and prophesy the extinction of the Indians unless by some means they are civilized and localized. There is no middle ground, and it is impossible there should be. Civilized and savage life cannot exist together; the former must always overcome the latter by force or example. Even if civilized, they may ultimately be absorbed into the Caucasian race, and thus at last the distinctions between the two be lost; but uncivilized, they must soon be swept from the stage of existence by the onward progress and inherent vitality of their white brethren.

This being admitted—and no one will attempt to deny it—any action on our part which indicates an abandonment of the attempt to civilize them is virtually saying to the world that we hand them over to their fate—extinction. The enlightened nations of earth and the humane portion of our own country can look upon such action on our part in no other light, and they will put no other construction upon it. The responsibility of the care, protection, and well-being of these unfortunate races is thrown upon us; no other nation, however willing they might be to do so, can or would be allowed to assume it. It is ours and cannot be shifted or avoided, and whether we desire it or not we must face this responsibility and will be held accountable by the enlighted world for the result. Why, sir, this responsibility was assumed at the time we obtained a foothold on this continent, not by action only, but was directly avowed in the early days of Plymouth Colony. Most of the early royal charters and patents issued for British North America professed, as one chief object in view, civilizing and Christianizing the Indians or infidels, as they were then termed; as for example that of James I to the Nova Scotia colony, (1621;) the preamble of the Pennsylvania charter; the first royal charter of the Massachusetts Bay colony, (1628.)

This you will find in Halkett's History of the Indians. I read from pages 239 and 240:

> Almost all the early royal charters and patents issued for British North America professed, among other things, the object of converting the Indians. King James I, in the Nova Scotia patent, (1621,) declared, in reference to those countries "as are either inhabited or occupied by unbelievers, whom to convert to the Christian faith is a duty of great importance to the glory of God." In the preamble to the Pennsylvania charter, during a subsequent reign, it is also stated to be a principal object "to reduce the savage natives by just and gentle manners to the love of civil society and Christian religion."

So I might read further Halkett's work on Indians, which is the best authority in this country. In reference to every charter and every beginning in this country there was a provision that the Indians should be treated with for the purpose of civilizing and Christianizing them.

When we come to the annals of our present Government we find it repeated directly or indirectly under every administration, as I will show before I get through, both by the official expression and assurances of those in authority and by the laws relating to Indian affairs. By every one they were treated in a manner showing that civilization and Christianization were the intention of our Government.

Hear, for example, the words of Washington to the Cherokee delegation, which you will find in McKinney's Wrongs and Rights, volume 2, page 131:

> I am highly satisfied with the confidence you repose in me and in the United States as your friends and protectors. We shall indeed rejoice in being the instruments of the *Great Master of breath* to impart to you and to your whole nation all the happiness of which your situation will admit; to teach you to cultivate the earth and to raise your own bread as we do ours; to raise cattle; to teach your children such arts as shall be useful to them; and to lead you by degrees from one information to another in order not only to better your situation on this earth, but by enabling your minds to form a more perfect judgment of the great works of nature to lead you to a more exalted view of the Great Father of the universe. *Rest, therefore, on the United States as your security against all injury.*

That was the declaration of George Washington, the Father of his Country, to the Cherokee Nation, promising them the faith of this country to teach them to till the soil and to educate and teach them a religious life.

Mr. President, by examination you will find that this idea of civilizing and Christianizing the Indians is not of recent date. It is not of a few years past. It commenced with the first organization of this Government. It commenced with the first dawn of the liberty of this country, and has been followed down by every fair-minded and honest administration from the time of the organization of the Government to the present day.

Washington goes on further, and in order to show them his good faith in making this pledge he added at the conclusion:

> I shall subscribe my name to this talk, which shall be written in your book in order to be preserved among you as a witness to our transactions together, and to which you may have recourse in the future.

Washington says "It shall be written; my name shall be signed to this talk; you shall have it as a guarantee for all time to come of the good faith of this Government."

The same principle was asserted by General Knox in 1789 while Secretary of War, and again and again by Presidents and Secretaries from that time to the present; by the ordinances and laws of our Government, directly or indirectly, from the ordinance of July 12, 1775, that of January 27, 1776, and the ninth article of the Confederation of 1777 down to this time; and, as President Polk in his message to Congress December 5, 1848, solemnly declares, this has always been the policy of the United States.

For the truth and verification of what I say I cite you to the Reports of Committees, second session Twenty-seventh Congress, 1841-'42, volume 4, No. 854, page 96, which I have here. Also, the Reports of Committees, first session Twenty-third Congress, 1833-'34, volume 4, No. 474, page 93. Also, Executive Document, second session Thirtieth Congress, 1848-'49, volume 1, page 919. I will not detain the Senate by reading extracts, but call their attention to my statement, which they will find verified in these documents.

We cannot therefore expect now, when we have grown strong and mighty and the Indians few and comparatively weak, to avoid this responsibility or shield ourselves by flimsy excuses from the censure of the enlightened world if we are derelict in our duty in this respect.

But, sir, I am met at the very threshold of this discussion with this question: "Does transferring the care of the Indians from the Interior to the War Department necessarily indicate or imply our abandonment of the attempt to civilize them?" The question is a pertinent one; in fact it presents fairly and squarely the chief point at issue; and in reply I answer most emphatically, yes. The heart of every Christian and philanthropist which has beaten high with the hope of redemption which seemed to be dawning on these poor wretches will answer yes with a sigh of grief and sorrow. And those of other countries, who have been watching with deep interest and solicitude the progress of the present system, will affirm the decision.

If nothing more could be urged than the very name of the Department to which this bill proposes to transfer their care, it alone would be sufficient to indicate at least our abandonment of the peace policy; and to counteract and remove this belief, if even incorrect, would require much explaining and time and tend to depress and check all private efforts to ameliorate the condition of this people. Therefore, unless the reasons for the change are urgent and very important, the step would be unwise even on this account alone. Add to this the fact that the Interior Department, where this care now resides, is felt to be and in fact is the peace Department, the domestic or Home De-

partment as it was formerly usually termed, and the contrast becomes still stronger, the opinion and belief suggested by the name of the former become intensified. And will not all be justified in believing, despite all our protestations to the contrary, that the transfer from a peace Department to a War Department signifies a change from a peace to a war policy? Sir, it is reasonable that such should be the effect on all minds.

Mr. MAXEY. Will the Senator allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. MAXEY. I wish to understand the Senator from Illinois. I understand his position is that a transfer of this Bureau from the Interior Department to the War Department would be a transfer from a peace policy to a war policy.

Mr. LOGAN. That is what I said.

Mr. MAXEY. I wanted to understand the position.

Mr. LOGAN. I said that would be so understood by everybody, and I think I will show it before I am through. That is the way I understand it.

But even the surface indications, if I may be allowed to use a mining term, do not stop here. Why change unless the present plan is a failure? Why abandon the system which is understood to be in part at least experimental, unless unsuccessful? Will not this action of necessity indicate to the world that the experiment has been a failure? It is impossible that it should do otherwise. This must be admitted. Will we be justified in abandoning after such a short time an experiment which at the outset was understood to require a generation to test it? No matter how much we may flatter ourselves, another system may be successful. The plan now in operation was long ago suggested by Christians, philanthropists, and statesmen, and hence is entitled to a fair and thorough trial even if it were but an experiment only, which it is far from being. But not one of those noble humanitarians expected that a few short years would suffice to test the plan. I might fill page after page with quotations in proof of this assertion; but this is unnecessary, as all who are acquainted with our dealings with the Indians and the efforts to civilize them are fully aware of the fact. An abandonment, therefore, of the system must be taken either as evidence of an entire want of capacity on our part to understand the difficulties we have to contend with and the principles embraced in the effort, or, as is far more likely, that we abandon the attempt to civilize them. Unless the enlightened portion of mankind look upon us as utterly void of statesmanship, they must look upon the passage of this act as a giving up of all hope of civilizing these unfortunate races and abandoning them to the sure work of decay and extinction. This would surely be a sad comment on the work of American statesmen in the hundredth year of our existence as a Christian nation. Nevertheless it would be just.

But, sir, the world may be wrong and Galileo right. Surface indications may not be a true index of what is hid beneath. Let us therefore probe the crust and see what lies below. In other words, let us see whether this action would in fact *be an abandonment* of the peace policy and of the hope of civilizing the Indians. To answer this point fully in all its bearings would require a volume instead of a single speech, hence we can only glance at some of the chief items embraced, and some of the most prominent facts bearing upon it. These are to be found, first, in the spirit of our institutions, as shown by the plan of our Government, its Constitution, laws, &c.; second, in the opinions of enlightened Christians, philanthropists, and statesmen, based upon a knowledge of the Indian character and of civilized and savage life; and, third, in the experience of the past in reference to the point in controversy.

As regards the first we may safely assume as granted that one great object of our present form of government was to ameliorate the condition of mankind by affording protection to life and liberty and ample opportunity for the pursuit of happiness; and this not to a selected few, but to all who come within the pale of our authority and under our protection. As I have already shown, the Indians are expressly included as proper subjects of this humane object; it having been avowed again and again by our authorities in treaties made with them and in our statutes that one chief object of our control over them is to elevate them to that standard where they can be admitted to share in the administration of government. War (although sometimes unavoidable) and all that pertains to war, as a rule, are inimical to freedom, happiness, and moral progress; and the restraining influence of military power (although sometimes necessary) is detrimental to the progress of civilization and to all that tends to elevate and ennoble man in a moral and intellectual point of view. Hence it has always been a leading principle in the administration of our Government to have as little recourse to military control and restraint as possible. And why? Because it has been felt, not only by our wisest statesmen and best men, but by the nation at large, that military control is a hinderance to civilization and enlightened progress. Our great *Magna Charta* of liberty has always been felt to be the right of civil authority to rule and control the military; or in other words, the subserviency of military to civil authority. It is a principle lying at the very basis of our institutions that the military arm of the Government is to be used, so far as relates to internal affairs, only as an aid in executing civil authority. Nowhere in our fundamental laws or plan of organization does the idea once enter that military power shall be used as a primary means of administering justice and equity any more than it does that it should arrogate to itself legislative power. It follows, then, that it is contrary to the very spirit of our institutions to make use of the military arm as a primary means of civilizing the Indians and leading them up to the standard of citizenship. There is no more reason to assume that such an idea is embraced in the organization and fundamental laws of our Government than that emigrants who come to this country should be placed under its care until they have attained the rights of citizenship. The difficulties to be encountered in the one case may call for more frequent use of military power than the other, but this does not change the principle or justify or excuse

If adoption of a different policy.

the this be true—and I see not how it can be successfully refuted—then, sir, seeking to transfer a portion of the civil administration of the Government to the Military Department is contrary to the spirit of our institutions and the fundamental principles upon which our Republic is based.

It may be said that no one expects or desires by this transfer to check the efforts to civilize the Indians; that because the aid of military power is so often necessary, we may as well place the whole matter in the hands of that Department. Without agreeing to the latter part of this proposition, which I am far from doing, let us for the moment admit it. Will even this justify us in this transfer, when the spirit of our institutions and the fundamental principles of our Government cry out against such an act? Hear the words of a venerable Christian and philanthropist who on account of his probity and knowledge of Indian history and character was commissioned by our Government to examine into their condition and make suggestions in reference to their civilization. I refer to Professor Morse, of Massachusetts, who made an examination in 1820, and in 1822 a report to the War Department, which I hold in my hand. On page 95 of his report Professor Morse says:

> The work of educating and changing the manners and habits of nearly half a million Indians as they are now situated [1822] is acknowledged to be great, arduous, and appalling. My enthusiasm on this subject does not blind me to the difficulties and obstacles which are to be overcome. *But these difficulties are not insurmountable.* The labor required is usually proportioned to the magnitude of the good to be effected as its reward. But even such obstacles and such labor, formidable as they are, intimidate and palsy not the heart and arm of the man of real courage in the cause of humanity.

I have not time to give copious extracts. You will find in this report, which is very elaborate, more information in reference to Indians than you can gather from almost any other source. It gives his travels for years among them and his association with them. This report was made to the Secretary of War at the special solicitation of the Department.

These were brave words from a brave and noble heart; words which to-day are echoed by thousands, yea, tens of thousands, of Christian and philanthropic hearts which are palpitating with fear lest Congress, by one rash act, shall blast all their hopes of elevating this outcast race, and thus in part erase the dark stain which blots the pages of our history.

Listen to the words of General Knox, first Secretary of War. You will find the quotation that I make from General Knox in Reports of Committees, Twenty-seventh Congress, second session, 1841-'42, No. 854, page 2. I have the book here. General Knox says:

> That the civilization of the Indians would be an operation of complicated difficulty, that it would require the highest knowledge of the human character and a steady perseverance in a wise system for a series of years, cannot be doubted. But to deny that under a course of favorable circumstances it could be accomplished is to suppose the human character under the influence of such stubborn habits as to be incapable of melioration or change, a supposition entirely contradicted by the progress of society from the barbarous ages to its present degree of perfection.

Sir, the difficulties in our way, the expenses necessary to be incurred, form no excuse for violating the fundamental principles of our Republic. Why, sir, it was this spirit of obedience to civil authority that relegated to civil life a vast army of conquering heroes with a speed and quietude that amazed the nations of the Old World. And to-day, while it cherishes and looks with pride upon the brave officers and soldiers of our Army as they stand as the nation's guard upon our outposts and frontiers, yet it watches with jealous eye every attempt at encroachment by military upon civil authority.

A second class of evidence which goes to show that transferring the Indian Bureau to the War Department would be an abandonment of the peace policy and an end to all hope of civilizing these wild races is to be found in the opinions of enlightened Christians, philanthropists, and statesmen based upon a knowledge of Indian character and civilized and savage life. My time will permit me to give but a hasty glance at the voluminous testimony embraced in this division of the subject. And before introducing this it is proper to state that one additional link will be necessary in order to render it directly applicable to the point at issue, but as this can be better presented after this testimony is introduced than now, I will defer it to that point in my argument.

President Monroe, in his inaugural address in 1821, uses this language:

> For the territory thus ceded by each tribe some reasonable equivalent should be granted to be vested in permanent funds for the support of the *civil* government over them, and for the education of their children; for their instruction in the arts of husbandry, and to provide sustenance for them until they can provide it for themselves. My earnest hope is that Congress will digest some plan *founded on these principles*, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

President Monroe in his message at that time to the Congress of the United States laid down the very proposition that is to-day being carried out by the present Administration in administering the Indian affairs. It is well for Senators to remember that during these declarations made by these Presidents and Secretaries that I have quoted the Indian Department then was under the War Department, and it was with a desire that it should be changed from the War Department and placed upon a peace basis and a peace policy that the Presidents made these declarations for the last three-quarters of a century to the people of this country.

Washington's words to the Cherokee delegation already quoted, likewise those of Rev. Jedediah Morse, and General Knox, all agree in sentiment, looking to education, instruction in the arts of husbandry, and moral influences as the only means by which the Indians can be civilized. Mr. Halkett, an English gentleman, relative of Sir Alexander Selkirk, who traveled extensively among the Indians of British America and the United States and who had studied more thoroughly than any other man of his day all that had been said and done on this subject, after pointing out the causes of failure, gives it as his opinion that instruction in agriculture and industrial arts combined with education is the only way to accomplish this work. The same views are substantially given by Thomas L. McKinney, who was for some length of time Indian Commissioner under the War Department, and who has written some of our best works on Indian history.

But why select a few names out of the hundreds who have expressed similar views. President after President, Secretaries, Commissioners, and agents have endeavored to impress this upon the Government from the days of Washington to the present. Christian bodies and societies, especially the Moravians, who first put the plan in practice in our country, have urged the same thing. But, sir, the evidence on this point does not stop here for the Government in various Indian treaties and acts of Congress has directly or indirectly expressed the same view, as may be seen by reference to the treaties with the Creeks, August 7, 1790, and Cherokees, July 2, 1791, the acts of March 1, 1793, and March 30, 1802, and numerous acts and treaties from that time to the present. (Report of Committee, No. 474, first session Twenty-third Congress, volume 4, page 4, 1833-'34.) We may therefore take for granted as admitted in reference to the Indians, as history shows to have been true with reference to other savage nations, that instruction in the arts of husbandry and education is the primary and indispensable agency in civilization.

It was perhaps unnecessary to produce any evidence on this point, but I have presented it briefly, as it affords, as I conceive, a conclusive argument why the Indian affairs should not be turned over to the War Department.

If the slow process of instructing them in the arts of husbandry and in educating them affords the only method of civilizing them, it is apparent that the primary object for which the Indian Bureau was established is wholly incompatible with the duty of the officer and soldier. Neither husbandry nor anything that appertains to it forms any part of their education, and if they become husbandmen and teachers they are no longer officers and soldiers except in name. If they employ others to do this work, this of itself is an admission of their incapacity for the duties required and that they have been placed in wrong hands. Why, sir, if it is admitted that the Indians can be civilized only by the means mentioned—and no one will deny it—it seems to me there are no grounds for discussion as to where this Bureau properly belongs; and placing it under the War Department can signify nothing less than an abandonment of the peace policy and a giving up of all hope of civilizing these unfortunate beings. It will not do to say we do not intend this when our actions contradict our words. A nation is judged by its actions rather than by its words, and when we say a certain course only can result in civilizing them and follow another, it is rightly presumed we intend another result.

What does our past history teach us in reference to the capacity of the War Department to accomplish this work which we have always professed to be the object of our dealings with the Indians?

This Department has had the charge and care of Indian affairs from the organization of that Department, August 7, 1789, until 1849, when the Bureau was transferred to the Interior Department by the act establishing that Department.

If the arguments which are presented in favor of this transfer have any force in them, then in the fifty years that this Department had the chief or entire control, some reasonably adequate policy ought to have been presented and some decidedly marked progress in the solution of the great problem made, radical errors ought to have been ascertained and corrected and abuses prevented. I wish Senators to bear in mind that I am not now contending that the present system is by any means perfect or without serious defects or that there are not abuses which need correction; I am simply trying to show that the history of this Bureau under the War Department affords no hope of improvement by the transfer contemplated by this bill, but the contrary.

In 1820 Mr. Calhoun, then Secretary of War, in a communication o Henry Clay, Speaker of the House, says:

> Although partial advances may be made under the present system to civilize the Indians, I am of the opinion that until there is a radical change in the system any efforts which may be made must fall short of complete success.

That was the declaration of the Secretary of War, Mr. Calhoun, made to the House of Representatives, and Senators will find it in the State Papers, first session Sixteenth Congress, volume 3, No. 46, page 4, which I have here. The discussion of that question showed clearly at that time that the War Department had never advanced one step; but the Indians, if I may use such an expression, were on the "downward grade" at that time.

Here, then, is an acknowledgment from the head of that Department that in thirty years no progress had been made and no adequate system adopted.

In an elaborate and very able report made by the House Committee on Indian Affairs, May 30, 1834, (Reports of Committees, first session Twenty-third Congress, volume 4, No. 474, page 1,) it is stated that "So manifestly defective and inadequate is our present system that an immediate revision seems to be imperiously demanded." And Congress appears to have thought so too, for at that session, in pursuance of the recommendation of the committee, the act of 1834 was passed, under which the Indian Bureau was transferred from the War Department in 1849, when the Home, or Interior Department as it is now called, was established upon the recommendation of Robert J. Walker, then Secretary of the Treasury.

In regard to the Indian Department, as it was then called, the committee say further:

> The present organization of this Department is of doubtful origin and authority. Its administration is *expensive, inefficient, and irresponsible.*

That is the language of a committee of the House of Representatives in 1834 in reference to the management of Indian affairs under the War Department. They say it is "expensive, inefficient, and irresponsible." Fourteen years more, and growing worse instead of better, no effective system or practical laws suggested by the Department in charge. Had there been a Home Department in existence then, does any one suppose this Bureau would have remained long where it was? It was not removed, because there was no place for it to go to.

In 1841 a Committee on Retrenchment was ordered by the House; they submitted their report May 23, 1842, in which we find the following statement in reference to the Indian Bureau:

> The evidence is submitted as to the general management and present condition of Indian affairs, and it requires but little comment. It exhibits an almost total want of method and punctuality, equally unjust and injurious to the Government and to the tribes to whom we have voluntarily assumed obligations which we are not at liberty to disregard. It will be seen that the accounts of millions of expenditures have been so loosely kept as scarcely to furnish a trace or explanation of large sums, and that others have been misapplied so as to impose serious losses on the Indians and heavy responsibilities on the Government; that in some books (the only record of these accounts) no entries have been made for a period of several years; and that where entries have been made they are so imperfect that the very clerks who kept them could not state an account from them. The whole system of accounts in this Department requires revision and radical form. There has been great prodigality as to funds which should have been invested for the Indians, and the investments actually made have been in stocks of States, purchased in some instances above par, and now paid out by the Government as trustee at par, while they are worth only 25 or 30 cents on the dollar. The accounts in the Indian Bureau and in the Second Auditor's Office are very imperfect and are so kept as to facilitate the practice of irregularities with impunity. (Reports of Committees, second session Twenty-seventh Congress, 1841-'42, volume 4, No. 471, page 26.)

And yet, Mr. President, we are urged now to turn this Bureau over to the War Department, in order that correct accounts may be kept and irregularities checked. We have now been following its history under this Department for fifty years, and still matters grow no better, but worse, if anything.

Now, when Senators are told "the War Department for economy," here is a report made as late as 1842 that tells you the accounts were so imperfectly kept, so loosely kept, that no reliable statement could be made from them; that the Government was liable to great losses; that the money of the Indians was invested in stocks of States at great loss. This was the management; and now we are asked to turn it over again to a Department from which it was taken because of their neglect, because of the loose manner of doing business, because of their manner of treating the Indians. We are asked as a civilized nation to take it back there. Mr. President, I ask have the Senate and House of Representatives of this country forgotten the history of Indian affairs in this country? Have they failed to examine the history of Indian affairs while it was under the War Department? Is it because they have forgotten it that they wish it to go back there again where ten times the amount of irresponsibility exists, according to every report and every history that is found to-day?

I have now been following the history of this Indian Bureau under the War Department for fifty years, and still matters grow no better, but worse all the time. I call the attention of the Senate to this fact: Commence in 1789, when the Indians were placed under the War Department at its organization, follow the system for fifty years, and its history shows that it grew worse every day, instead of better. I defy contradiction.

Where, sir, in all these facts do we find any evidence of that rigid system and stern integrity for which this Department has been so much lauded in contrast with other Departments? As has already been said by some in this city, I will not say where, who advocated this side of the question, they want to turn it over to military men because they are honest. I am not here to assail the honesty of any man; but "I am sick and tired, and so is the country, of this eternal

boast of the proverbial integrity and honesty of Army officers over other citizens." They are men of like passions as ourselves; and, while we cheerfully concede that they are our peers in honesty, integrity, and ability in their respective calling, we are unwilling to admit that they as a class are better than other men or that they are endowed by nature with or have acquired by education more versatile talents than other people have.

Reference has been made to extortions and wrongs perpetrated upon the Indians under the present system. That there are errors which need correction I will not deny; but let us refer to some of the prices paid by the Indians for articles under the old *régime*.

I call the attention of the Senate to a report which I have here, and I have copied it from the papers accompanying the report of 1834, made to the Congress of the United States already referred to. I find that at Fort Leavenworth, within easy reach of the markets, guns which cost in Saint Louis $7 were sold to the Indians for $30 apiece; axes costing thirty-seven and a half cents were turned over to them for $2 apiece. A double handful of salt—for that was the way they measured it then to the Indian—costing sixty-two cents a bushel, was turned over to the Indians for $1. Five and six gallon kettles, costing twenty-five cents per pound, sold for $12 apiece by the War Department to the Indians. On the navigable waters of the Upper Missouri a yard of strouding, costing $1.80, sold for $8; a blanket costing $3 sold for $10; calico costing sixteen cents per yard sold for $1; powder costing thirty cents per pound sold for $1.50; tobacco costing from five to seven cents sold for $1; blue strouding costing eighty cents sold for $9, &c.

If any gentleman disputes this, I have right here the sworn evidence, the bills reported to a committee of Congress in 1834, showing these facts in the face of all the honesty that is attributed to the War Department. I defy any man to show me that such robbery has ever been perpetrated on Indians in this country as was perpetrated, according to this report of 1834, by the War Department on the Indians of this country. It was robbery, sir; it was not fraud; it was open, palpable robbery.

Mr. BOGY. Will the Senator permit me one question?

Mr. LOGAN. Certainly.

Mr. BOGY. I desire to know whether the Senator means to state that the Indian Department of the War Department paid for the goods at one price and that they were turned over by the Department to the Indians at another price?

Mr. LOGAN. I do. That is just what I say, that they were sold to the Indians at these prices while under the War Department.

Mr. BOGY. I cannot understand it.

Mr. LOGAN. I will explain.

Mr. BOGY. What is that report? Who made the report?

Mr. LOGAN. I will give the Senator the report, so that he will have no trouble about it. If it was not for taking up the time of the Senate I would read the whole thing. It is in the reports of committees for the second session of the Congress or 1841–'42, volume 1, No. 471, page 26, a report made by a committee who were investigating this question. The Indian Bureau then was in the War Department, and the evidence before that committee shows that these prices were paid by the lists of purchasers under the War Department, and sold to the Indians at the prices I have given. That is the report.

I do not want to take up the time of the Senate by reading from books; but, as I said in the outset, every statement I make is backed by official documents, and I will give you the page, &c., so that there shall be no trouble in finding it, and I will give you the book when I am through. I think I have searched this question up from its beginning. I have been at it a good while, and I do not propose to misstate anything.

Mr. BOGY. I have no doubt of the correctness of the Senator's statement so far as he is concerned; he should not misunderstand me; but there must be some misunderstanding somewhere, because it could not have been that the War Department obtained the goods at one price and turned them over to the Indians at another price, because the War Department at no time was authorized to trade and make a profit for the benefit of the War Department. There may have been some fraud. These may have been the prices of the Indian traders.

Mr. LOGAN. Let the Senator understand me. I do not say that the War Department turned them over for profit to the War Department. I am not saying that; but the War Department had control of the Indians; they belonged to the War Department; and if the officers of the Army had those goods bought at one price, and let them go to sutlers and traders, and allowed them to sell them at such an enormous advance, it was a fraud on the Indians, I do not care whether it was done by the Secretary of War, or by an officer, or anybody else.

Mr. BOGY. Those were the prices charged the Indians by the Indian traders.

Mr. LOGAN. Very well.

Mr. BOGY. Of course, I do not justify any such imposition, but there is a wide room and margin for explanation. I only wished it understood that these were the prices, not charged by the War Department, but charged by the Indian traders who were engaged in that business.

Mr. LOGAN. I understand that as well as the Senator. I do not care whether it was done by the Indian trader, or the Secretary of War, or whom. The War Department had the full and complete control of the whole thing. No matter whether they did it themselves or permitted it to be done by others, the responsibility is the same. I am speaking of the difference between the swindling of Indians then and the swindling of Indians now; and the man who says that Indians are defrauded to-day as they were under the War Department does not know anything about the history of the Indians of this country or their treatment.

I would ask, Mr. President, if anything under the present system has ever equaled such outrageous extortion as that to which I have called attention? It is true this was under the old trader system; but why had this not long before been corrected; why had not the War Department brought about a correction of these errors when the responsibility rested with it for the policy pursued?

But, sir, it may be claimed that the Department was not responsible for the system or agents appointed. If not, then for Heaven's sake and for the honor of our country let us place it where somebody will be responsible. If a Department in fifty years' time can bring forward no plan to correct such abuses and cure such defects, but waits and waits until outside pressure forces these things home upon Congress, it is certainly time to remodel the Department or remove the business to some other.

It may be said that improvements were introduced between that time and 1849. That is in a measure true, sir, but these improvements originated not so much from the recommendations of that Department as from external influences pressing home upon Congress these crying evils and this defective management. It may also be said that this argument, if worth anything, applies also to the present management. That there are evils which need correction, I admit. In fact the House Committee on Appropriations in their report of February 25, 1871, say:

> The testimony shows irregularity, neglect, and incompetency, and in some instances a departure from the express provisions of law for the regulation of Indian expenditures and in the management of affairs in the Indian Department, but have not found evidence of fraud or corruption on the part of the Indian Commissioner.

This is true, sir, but what good would it do to another Department where it was even worse? But let us read a little further in the committee's report:

> With much to criticise and condemn, arising partly from a *vicious system inherited from the past* and partly from errors of judgment in the construction of statutes passed.

So that it appears even the errors now pertaining to this Bureau are in part chargeable to a vicious system which originated while it was under the War Department.

I call attention to another thing. At this very session of Congress the House of Representatives organized a committee for the purpose of examining the Indian Bureau to find frauds and peculations and everything of the kind, and yet I ask Senators to point out in the report of that committee these frauds that are talked about before the country as having been proven. They find no such thing. You find irregularities as you will in any matter connected with Indian tribes or people far off, in transportation or something of that kind; but when you talk about wholesale frauds in the Indian Department as compared with the outrages when it was under the War Department, there is no comparison.

Another matter of experience bearing upon this point is the influence exerted by soldiers when placed in the vicinity of Indians in reference to morality, good order, and progress in civilization. Senators are doubtless aware that in 1875 a circular was issued by the board of Indian commissioners to the various agencies making inquiry on this point as well as others. The answers with few exceptions show that this influence is pernicious, and that wherever soldiers are brought in contact with the Indians the debauchery of the women and the demoralization of the men inevitably follow. But, sir, lest it be said that the judgment of these agents was warped by interest, let us look back to the time when this Bureau was under the War Department and see what was the testimony on this point then. In the report of the committee made in 1834, page 22, to which I have already alluded, they say that from the facts brought to their notice they "cannot forbear the expression of a decided opinion of the impolicy of locating permanent military posts in the vicinity of Indian settlements."

The accompanying report of the three Indian commissioners is still stronger. They say, page 93 of the same report:

> It has been found by sad experience that a large military force stationed as this is—

Speaking of a certain force there—

> surrounded by Indian settlements, has a demoralizing and unhappy influence upon the Indians, and serves to counteract in a very great degree the benevolent efforts of the Government to improve their condition. It has been found impossible to restrain the intercourse between the soldiers and the Indians; and what must be the consequence of such intercourse of near one thousand men such as soldiers generally are can be easily imagined.

It cannot be said that these commissioners were influenced by any such motives as are attributed to those answering in 1875, yet they speak out in unreserved terms as to the demoralizing influence exerted by soldiers when placed in the vicinity of Indians. And the

fact is, Mr. President, we all know this is true without appealing to this testimony. It is and must be the universal verdict of experience. It is unnecessary for me to take up the time of the Senate in giving the facts and reasons for this, for every Senator is familiar with them.

But, sir, there is a reason taught by experience why this transfer should not be made which, as I have said, overtops all others in importance, and that is that it means war—war, interminable war, or war until the Indians are extinct. The word comes to us again and again that the military forces have struck a blow here that will quiet a tribe for all time to come; that a lesson has been taught another which will not be forgotten, yet scarcely a year passes by until another blow and another lesson are deemed necessary. Look, sir, to the history of this Bureau under the War Department and tell me what you see there. Each alternate page is crimson with blood, while we search the record almost in vain for any signs of progress in civilization. Our libraries teem with histories of these wars, while a few short pages tell us all that was done to redeem these tribes from savage life; wars, sir, which to-day cause every American philanthropist to hang his head in shame for his country, as he well knows that by judicious management, patient and humane treatment, they might have been prevented.

Take, for example, the history of the Seminole or Florida war as written by Captain John T. Sprague. I will not take time to read it, but will give the facts as they will be found, and I will give you the pages, so that any Senator can examine my authorities and see whether I am correct or not. He was brevetted for services rendered during that conflict; he does not hesitate to admit it was brought on unnecessarily, and then proceeds to give us a volume of more than half a thousand pages of the bloody record. There is the history of the Seminole war, (exhibiting a book.) Not more than a thousand Indians existed as Seminoles, and it required half a thousand of pages in order to recount the scenes of bloodshed and murder that took place during that time. That war against a foe scarce a thousand strong cost the nation $19,480,000, exclusive of the expenditures pertaining to the regular Army, which added make a total of $50,000,000. It lasted for seven years. Sir, the policy adopted then, and which is ever that of military control, is coolly given at the very commencement of this work of Sprague's. He says—

The liberty allowed them (the Indians) was to be circumscribed—

I desire you to listen to this. It shows what brought about the war—

The liberty allowed them (the Indians) was to be circumscribed, and they *brought to know* and *to feel, too*, that they were *temporary occupants of the soil*; and while *indulgently* allowed to remain in *any part* of the territory, law, good order, and sobriety, and *subserviency to the whites* must prevail.

This, then, was carried out by the soldiery until their outrages upon them produced war. We know what the result was of their bloody war. Take the language of Drake, the historian, (book 4, page 121, chapter 18:)

Nobody could have been surprised that a war in Florida should break out if they were at all acquainted with the circumstances which caused it; nor could they have been much surprised that a hundred men in the midst of the Indian country should have been beset and slain, leaving none to carry the tidings of such disaster. Our only surprise is that the work had not been done in a more savage manner, and that only a monument of ashes of the slain had not marked the place where they fell. These things astonish us, not the war itself.

Fifty million dollars spent, fourteen hundred and fifty-six lives from the Army alone, exclusive of the marines and citizens, sacrificed in a war for which there was no justification whatever. But what was the glory gained? Ah, sir, there is the point. There was glory in that war; and what was it? On page 551 of this volume you find this:

List of officers of the United States Army and Marine Corps upon whom have been conferred brevets for services in Florida, fifty-five.

That was the glory. A war lasting seven years, costing $50,000,000, against a thousand poor Indians down in Florida, brought about by circumscribing their rights and teaching them that they were only temporary occupants of the soil until they undertook to defend themselves, and our glory was that fifty-five officers received brevets! Rather expensive brevets, I must confess, but they got them. This is one chapter in the history of the War Department in their control of Indian affairs. Would to God it was the only one of the kind!

There is another that relates to the Sacs and Foxes, another relating to the Creeks and Cherokees. And even since the Bureau has been under the Interior Department it is stated positively by the Commissioner in 1868, and so far as I have seen not refuted, "That almost all the Indian wars which have depleted the Treasury and desolated our frontiers ever since the Bureau was given to the Interior Department had their origin in the precipitated and ill-considered action of the military stationed in the Indian country." Read, sir, the record given, officially charging the Sioux war of 1852-'54, the Cheyenne wars of 1864 and 1867, the Sioux war of 1866, and others of scarcely less importance, to the imprudence and impatience of the military forces on the frontiers. And even now the war-cry is sounding around the Black Hills to protect our citizens in violating the provisions of a treaty that we have solemnly made with the Indians.

There is the war-whoop you hear to-day. On what justification? The Army marches to the Black Hills, marching there with bayonet and sword to destroy the Indian. For what purpose? For the purpose of making him behave himself? No, sir; but to protect violators of the law violating the very treaty that you in this Senate solemnly agreed to between the United States and the Sioux in reference to their peaceable possession of the Black Hills country. But we must have war. Officers will not be needed unless we have war. Doubtless ere long we shall receive news perhaps of some brilliant campaign and a splendid victory which will equal perhaps the victories we have had in times gone by. Where does the blame lie? In the Army or in the Government?

There are some very curious things revealed by the records of military operations among the Indians. Take for example one or two of the tabulated statements copied into the report of the condition of the Indian tribes, made in 1867 by the joint special committee. The one on page 267 gives the lists and dates of stock taken by and from the Indians; and the number of officers, soldiers, citizens, and Indians killed and wounded during the year 1864 within the department of New Mexico. This table shows that on January 3 twenty mules were taken and one citizen killed and three wounded. On the 5th eleven cattle were taken. On the 6th of the same month fifty horses were taken from the Indians and forty Indians killed and thirty-five wounded; on the 11th another Indian killed; on the 12th sixty-two sheep, twenty-five horses, and one mule taken from the Indians and three Indians killed. Such is the record in full of ten days of great exploits—a number of Indians killed, very few white men, a number of horses, a number of cattle, a number of sheep, all taken from the Indians. Referring to the summing up for the year we find 4,250 sheep, 26 horses, 154 mules, and 32 cattle taken by the Indians; taken from them, 12,284 sheep, 2,472 horses, 35 mules, 31 cattle, and 18 burros—a clear gain on the part of the Government, if it received the benefit of the overplus, of 8,034 sheep, 2,446 horses, and 18 burros against a loss of 119 mules and 1 cow.

That is the statement made by the report of that Indian raid. The Indians made a terrible raid on the soldiery that year, and there were about three hundred Indians killed, and only three white people, and I believe two of them were citizens. In the great war of that year, in which we lost three persons, we captured 12,000 head of cattle more than they did. What became of them I do not know. This shows that it was a profitable business to have the Indians all the time attacking the white people. The death record shows one officer, six men, and eighteen citizens on the one side killed, and three hundred and sixty-three Indians killed on the other. Beyond all doubt, Mr. President, this exhibits alacrity and pluck on the part of the Army, but what shall we say in reference to it as a civilizing operation?

The matter of expense has been urged as one important reason why this Bureau should be transferred to the War Department. Although, as I have attempted to show, even if the arguments were sustained by the facts, this would not justify us in making the change; yet, sir, I do not believe the facts which really bear upon this point will justify us in believing the affairs will be administered more economically under that Department than under the Interior Department.

It is evident to every one who will examine the subject even superficially that a comparison of the expenses incurred in the administration of these affairs under the former with those under the latter afford no correct data by which to judge of this matter. The difference in the number of Indians under the care of the Government, the impossibility of arriving at the amount of war or Army expenses on this account, must necessarily vitiate all such general statistics to such an extent as to make them valueless in our attempt to arrive at a correct conclusion on this point. But even these, unreliable as they are, do not favor the proposed change.

Even limiting the expenses to those directly chargeable to the Bureau of Indian Affairs and comparing them with the number of Indians under the care of this Bureau at the corresponding dates, the result is still in favor of the Interior Department. But, sir, this gives us no clew to the expenses incurred in the unnecessary wars in which we have been involved by the imprudence and unadvised action of the military forces stationed among the Indians, or by the war policy which has so repeatedly been brought into play, both before and after the change in 1849, through military influence. We may add further, as an item showing the unreliability of such statistics, that until recently all estimates of the numbers of Indians in the various tribes were as a rule purely guess-work, and not the result of actual count.

Our estimates of the comparative expenses under the two Departments must therefore be made, not upon the figures derived from past history, but upon what is now known; not upon the unworthy statistics of the past, but upon the prices and costs of the present.

It is not supposed that Army officers and soldiers will cease their military functions and duties to become agents and employés, for this is presuming that there is now a surplus of these which might be better employed than at present, which is most emphatically denied by the military authorities whenever an attempt at reduction is made. It follows, then, that no reduction in the number of agents and employés could be made under the War Department which cannot as well be made under the Interior Department, if necessary. There is, sir, no escape from this conclusion. In this respect it is therefore clear no reduction in expense could be made after the change which cannot as well be made without it. In the next place, the cost paid for articles purchased by the Indian Department—I call the attention of my friend from Missouri to this table to show the difference in the cost price of purchases by the Army and by the Indian Bureau,

inasmuch as he was a little surprised at my statement a short time ago. This table is taken from an official report:

Schedule showing the cost of beef supplies purchased by the War Department and Indian Office during the years 1874 and 1875 for military posts and Indian agencies at or near the same places.

Fiscal years.	Military posts and Indian agencies.	Army cost, gross.	Indian cost, gross.	Army cost over Indian cost.	Indian cost over Army cost.
1874	Fort Hall, Idaho	$5 00	$2 85	$2 15	.....
1875		5 00	2 40	2 60	.....
1874	Fort Sully, Dakota, or Cheyenne agency,	3 74	2 76½	97½	.....
1875		3 80	2 30½	1 49½	.....
1874	Tularosa, New Mexico, or South Apache agency.	4 87	4 48	39½	.....
1874	Camp Verdi, Arizona, or Verdi agency.	6 19½	5 00	1 19½	.....
1875		4 80½	2 69	2 17½	.....
1874	Camp Bowie, Arizona, or Chiricahua agency.	6 19½	5 00	1 19½	.....
1875		4 80½	2 69	2 17½	.....
1874	Camp Apache, or Apache Agency	6 19½	5 00	1 19½	.....
1875		4 80½	2 69	2 17½	.....
1874	Fort Sill, or Kiowa and Cheyenne agencies.	*2 70½	*1 76	94½	.....
1875		*2 06	*1 83	23	.....
1874	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*3 65⅚	*2 65	1 00	.....
1875		*3 50	2 46½	1 03½	.....
1874	Fort Randall, or Yancton agency	4 12½	2 30½	1 81½	.....
1874	Camp Supply, Indian Territory	4 00	2 46½	1 53½	.....
		3 54	1 64	1 90	.....

FLOUR.

1874	Fort Sill, or Kiowa agency	6 17	4 29	1 88	.....
1875		5 38	4 57	81	.....
1874	Camp Robinson, or Red Cloud and Spotted Tail agencies.	*6 35	5 40	95	.....
1875		*5 07½	4 49	58½	.....
1874	Fort Randall, or Yancton agency	3 22½	3 73	.....	50½
1875		3 22	(†)	.....	.....
1874	Fort Wingate, or Navajo agency	5 55	(‡)	.....	.....
1875		5 38	7 35	.....	1 97

CORN.

1874	Omaha	69 71 7[illegible] 6[illegible]	59	.....	.....

* Average. † None supplied. ‡ No contract.

The excess is almost double all the way through in the cost of beef, in the cost of flour, in the cost of corn. Then if you go to transportation I have the contracts here that I can show in the matter of transportation where the difference is about the same. Where the Indian Bureau pays $2 a hundred for transporting their goods the Army pays $3.75, and that is the way it runs all through. When I speak of this I only do so to show that this talk of economy by placing the Bureau under the War Department is utterly without foundation in fact.

I have been speaking in reference to the difference in price for certain articles, and exhibiting a table showing the amount paid by the War Department and by the Indian Bureau. If that table is correct, how can this change bring about the reduction in expenses that it is claimed it will do? Sir, it is all a fallacy, and is made, I must believe, without thoroughly considering the matter or question of expense. While it is claimed that the Army officers are proverbially honest, it has always been admitted that all operations under military men are proverbially expensive. Add to this the expense of an exterminating war, which is almost sure to be the result if this change is made, and then you will be able to form a proper idea of what will be the effect of changing this Bureau. Why, sir, the military authorities will most assuredly understand that it indicates an abandonment of the peace policy, and that it means war; yes, sir, war to the hilt. And ere long report after report from Department officers will be pouring in asking more forces for this point and more troops for that, thereby making an increase of the Army necessary. It requires no prophet to foresee this, as it is a natural consequence attested by the history of the past. Do Senators desire such a result as this? If they do, all they have to do is to follow the House in transferring this Bureau to the War Department.

But why was this Bureau transferred from the War Department to the Interior Department? I ask Senators whom I find perhaps determined to vote for this transfer merely for a change on the idea that they may make the country believe that it is for economy, when they come to argue this question, to tell me why this Bureau was transferred from the War Department. It was there for fifty years. Why was it done? Was it done to benefit the Indians? Was it done to benefit the Army? Why was it done? It was done to benefit the Indians first, the officers and soldiers second, then to secure the Government against outrages. It was the result of long experience and thorough deliberation on the part of great statesmen, equally as great, I think, as we find at this day.

The act of August 7, 1789, establishing the War Department, places Indian affairs under that Department. As early as 1816 Mr. Crawford, then Secretary of War, suggests that Indian affairs ought to be removed from that Department, and states briefly his reasons therefor. (American State Papers, Indian Affairs, volume 2, page 27.) If I am not mistaken, though I have not the reference at hand, Mr. Monroe, in 1825, urges the same thing. And Mr. Webster, in a speech in 1849, says that Washington and Jefferson suggested a home department, which indicates at least that they held the same view as to where this Bureau ought to go. This view was repeatedly expressed during this part of our history, which I shall not take time to refer to, but I will delay for a moment to call attention to the last communication made by Mr. Robert J. Walker before retiring from his position as Secretary of the Treasury, not only to show his opinion on the point now before us, but also to contrast his broad and statesman-like views on the Indian questions with those held by some of his pretended followers at the present day.

In his communication he remarks:

The duties now performed by the Commissioner of Indian Affairs are most numerous and important, and *must be vastly increased* with the great number of tribes scattered over Texas, Oregon, New Mexico, and California, and with the interesting progress of so many of the tribes in Christianity, knowledge, and civilization. These duties do not necessarily appertain to war, but to peace and to our domestic relations with those tribes placed by the Constitution under the charge of the Government. This most important Bureau, then, should be detached from the War Department, with which it has no necessary connection. (Executive Document, second session Thirtieth Congress, volume 2, 1848–'49, No. 2, page 36.)

The mind of Robert J. Walker, in 1849, a statesman and a Secretary of the Treasury, who is regarded as a model, was drawn to see what some people cannot now see, for I have heard it asked how it is that the expenses are greater now than they were fifteen years ago. If the Senator who asked that question will read the report of Robert J. Walker he will find in that report the reason. What is it? He says our relations across the Mississippi with the Indians of Texas, Arizona, New Mexico, and all this vast country that we had acquired the year before would, of course, increase our expenses. These Indians were brought in as this country was brought in by us, and he speaks of it, and says that this Bureau has no connection necessarily with the War Department, but with the peace Department, and therefore he recommends its immediate change. I will venture the assertion that you cannot find a report made by any statesman, by any man of eminence in this country, outside of a military officer, that ever advocated the Bureau belonging to the War Department. If it can be found, I should like to see it, for I have searched in every history, in every report that I could find. I may have missed some. If I have, I hope somebody else will find it; but I fail to find that any statesman or man having charge of this Government as President or Secretary has ever recommended that this Bureau should belong to the War Department; but they have universally said it ought to be divorced or separated from the War Department, for the reason that it ought to be in the peace Department, if we intended civilization.

Mr. President, Mr. Walker did not expect the scope of Indian affairs to remain within its then even extended limits; he looked forward not only to an expansion in work, but also in expense, and in the great work of civilizing and Christianizing these unfortunate tribes. And I would to God that to-day Congress could be induced to look upon it as a great work, a work on which with proper organization and system, and with hearty interest, not only seven but ten millions might be judiciously expended annually and yet not increase our total expenditures by a single penny, but eventually stop war and bloodshed and redeem these wandering tribes from their savage state.

This recommendation of Mr. Walker, after able discussion in Congress, resulted in the formation of the Interior Department and the transfer of the Bureau of Indian Affairs thereto. It cannot, therefore, be said that this transfer was accidental or hastily done without due deliberation; it was the result of long experience and much thought on the part of the ablest statesmen whose names adorn our political history.

Has subsequent experience served to change this view, so universal before the transfer? Far from it, sir; although affairs have not been administered with the prudence and fidelity which the people had a right to demand and expect; although much remains to be corrected, and the system is yet far from being perfect, the great mass of testimony speaks loudly against such transfer as is contemplated by the House of Representatives.

In 1866 a joint committee was appointed by Congress to inquire into the condition of the Indian tribes and their treatment by the civil and military authorities. This committee made their report January 26, 1867, through Senator Doolittle to the Senate of the United States. An examination of this report, which is voluminous, shows the committee did their work thoroughly and faithfully, and that this question of transfer was thoroughly considered. The conclusion they arrived at is in these words, Mr. Doolittle speaking for the committee as chairman:

Weighing the matter and all the arguments for and against the proposed change, your committee are of the unanimous opinion that the Indian Bureau should remain where it is.

Coming close upon the heels of a long and tedious internal war, this opinion is significant.

That has been the report of every committee that has ever been formed for that purpose until two, one of this last House and one

other. In 1867, but six months after the report alluded to, Congress created a board of commissioners for the purpose of establishing peace with certain hostile Indians. This commission, composed of the Indian Commissioner, one Senator, two civilians, and four generals of the Army, made report to the President January 8, 1868, in which they express themselves in reference to this point as follows:

> This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military Department of the Government. *To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to have war with them the Bureau should go to the Secretary of War.* If we intend to have peace it should be in the civil Department. In our judgment such wars are wholly unnecessary, and hoping that the Government and people will agree with us we cannot now advise the change.

They then proceed to give briefly their reasons for this opinion, which coincide, so far as they go, with those I have advanced.

Strange as it may seem, this same committee in October, 1868, after presenting their report, met in Chicago, Senator Henderson being absent, thus leaving the military element in the majority, and there they gave it as their opinion that this Bureau should at once be transferred to the War Department.

That proves what I said, that you cannot find a report of statesmen in this country that has not been against it, except where military men have had control; but the first report was a unanimous report.

Mr. ALLISON. Do I understand the Senator from Illinois to say that the military officers resolved so at Chicago?

Mr. LOGAN. Yes, sir.

Mr. ALLISON. If the Senator has the report, I should be glad to have him read it.

Mr. LOGAN. I have part of it.

Mr. ALLISON. I think there was a disagreement there among the military officers.

Mr. LOGAN. That makes no difference; their report never was made, and I only speak of what they resolved. The first report against the transfer was made to the President, and afterward in a meeting these men did vote in favor of a transfer to the War Department. That is so given in the history of the affair in the report of the commissioners.

If we suppose they understood and intended what they said in their first report, how are we to understand the second? Unless we look upon them as children, forgetting to-day what they said yesterday, we must believe, not that their views changed as to general principles, but as to purpose and policy, and the predominance of the military element unfolds the secret. They believed at the first meeting that the transfer meant war and useless war, but the convenient "now" inserted in the first report has passed, and the opportunity to express the military sentiment has come. And what is it Mr. President? War! war! war! We need no stronger evidence of the opinion so often expressed that the transfer means war; exterminating war.

Before closing let us examine a moment the results under the present arrangement, and see whether there are not some good fruits, notwithstanding the errors and defects with which it is chargeable.

Look at the summary of the statistics presented by the Commissioner of Indian Affairs for 1874, and found on page 112 of his report:

Number of Indians in the United States, exclusive of those in Alaska		275,003
Number of Indians who are mixed bloods		5,703
Number of white persons on Indian reservations:		
Employés		904
Additional members of families		855
Other white persons		750
Number of school buildings upon Indian reservations		232
Number of schools upon Indian reservations		345
Number of scholars: males, 5,797; females, 5,161		10,958
Number of teachers		407
Number of Indians who can read: adults, 1,392; youths, 2,616		4,008
Number of Indians who have learned to read during the year		961
Number of missionaries among the Indians		111
Amount contributed by religious societies:	For education	$11,234 15
	For other purposes	$45,530 04
Number of church buildings		128
Number of church members		21,596
Number of Indians who have learned trades during the year		81
Number of Indians who have received medical attendance		27,553
Number of births		2,152
Number of deaths		1,490
Number of Indians who wear citizens' dress		43,953
Number of Indians killed during the year:	By members of same tribe	102
	By hostile Indians	52
	By United States soldiers,	122
	By citizens	55
Number of white persons killed by Indians		85
Number of white persons committing crimes against Indians		149
Number of white persons punished for crimes against Indians		19

First we have the exact number of Indians, which is one very important step in the work before us; three hundred and forty-five schools upon reservations and nearly eleven thousand scholars, or 4 per cent. of the entire Indian population attending these schools. Is there no sign of progress in this? Number of church members, 21,596, or nearly 8 per cent. of all that are within our bounds. Is there not encouragement in this? No matter if their ideas of the obligations of this relation are crude, the simple fact that nearly one-twelfth of the entire Indian population has entered into this relation ought certainly make us hesitate long before placing a check upon it. Another encouraging indication is the increase of births over deaths. Although the statistics on this point appear to be defective, nevertheless they show clearly a tendency to increase under the present policy, which is one of the best possible marks of success.

A Senator awhile ago spoke of the decrease of the Indians. I call his attention to the statistics to see whether he is correct or not. There is an increase of births over deaths; and until this policy was adopted there was no such thing as an increase among the Indians. They were decreasing all the time from wars among themselves and wars with the whites; but since this policy has been adopted, within the last eight years, there is an increase of births over deaths and destruction of life among the Indians, which is an encouraging sign.

Now let us turn to the table on page 131 of the same report, giving a summary of the industrial operations. From this we ascertain that the Indians cultivated during the year 317,213 acres of land, producing nearly 2,000,000 bushels of corn, over 260,000 bushels of wheat, 346,000 bushels of potatoes, 171,000 bushels of oats, besides turnips, onions, and other vegetables and things that were necessary to their subsistence. Is there no sign of civilization in this, Mr. President? When we see such progress as this, and learn there are nearly 44,000, or 16 per cent. of the entire number, engaged in agricultural pursuits, it is worse than neglect or carelessness on our part to let this good work be checked; it is dishonor to our nation and a criminal disregard of our duty and the obligations we owe to these outcast races. Sir, when I look at these statistics, which seem to mark the dawn of a brighter day for these savage tribes, and in the light of past history contemplate the effect of the passage of this bill, I grow faint and sick at heart.

But how stands the work of civilization when the numbers are compared? Out of 275,000 there are 100,000 who, as the Commissioner informs us, may, without violence to the term, be called civilized; 52,000 who are in a semi-civilized state; while in the wilder tribes, among which the hostile members are to be found, there are less than 100,000. Thus we see that in fact about 36 per cent. of the entire number are already civilized and almost, if not quite, ready to be granted full rights of citizenship; 18 per cent. are being brought under the influence of civilization and are laying aside their wild and savage habits; while there are but 36 per cent. yet in their wild and savage state.

Will we dare say in the face of all these facts, unsatisfactory as many experiments have been when we look at the isolated efforts, that the Indians cannot be civilized? Sir, it is too late in the day to express such an opinion as that, when the civilizing forces have already broken off from the mass more than half its bulk.

I tell Senators now there is no political reputation in this; there is no political clap-trap in proving to the country that you have no faith in civil authority. There is nothing to be gained by trying to convince the country that this must become a military despotism. The man who attempts to make himself a popular statesman by advocating military authority to rule over civil authority fails to utter the voice of the American people. Sir, I have been a soldier many years of my life, and I love the position of a soldier. I was fond of it when I belonged to the Army, but my belonging to the Army never changed my education so far as governmental affairs were concerned. I have learned from history, by my reading from my childhood, that the downfall of governments was by putting power in military hands. I have learned that republics must and can only be maintained by civil authority, not by military.

Put the Indian Department under the War Department, then the Pension Bureau next, then the Land Office next, then abolish the Interior Department next, and then you have got one-fourth of the Government under the charge of the military, and thus a long step taken toward the resumption of military authority in this country. Remember the voice of Clay and Webster, of the great statesmen in this land against the usurpations and inroads of military authority. It is a lesson that might well be learned now by men who are pluming themselves that they are becoming great statesmen. Sir, it is a lesson to be learned by the rising and future generations, for the time will never come that you will satisfy the honest people of this country by making them believe that they are not fit for civil Government. I warn now the party that undertakes this step in politics as well as in civilization and the advance of Christianity in this country; I warn the man of his future who does it, for there is not an honest Christian in this land, be he of whatever politics he may, who does not abhor the idea of military government. He believes in peaceful means in bringing about civilization, and is willing to undertake it, and do not deprive him of the opportunity.

Mr. President, I have not examined in order to see, but am inclined to believe there is one space in our Centennial display which remains unoccupied: that is an exhibit of the effect of our Indian policy during the past hundred years. There may be and doubtless are exhibits of Indian relics, implements, ornaments, trappings, &c., and there may be examples of their workmanship and evidences of their recent progress in the arts of industry; but, sir, I scarcely think we will find there a list of the tribes which once flourished on the soil we now occupy, but which have become extinct in consequence of our contact with them. I presume that we will not find exhibited there the crimson pages of our history, stained by the blood of unnecessary Indian wars. I presume, sir, we will find there no display of the treaties so solemnly made, which have been ruthlessly broken in our anxiety to obtain their lands and appropriate their possessions.

There may be antiquities to remind us of the days of William Penn,

but we will scarcely find any tokens to call before us the war of the Everglades and the history of the Seminoles. Sir, I fear, nay, I should rather say I rejoice, to think this space is left vacant or filled with other things than that which belongs there properly.

Had I the time and a list prepared I would present in array one after another the numerous tribes that once flourished over our broad area but have silently passed into oblivion before the irresistible progress of civilization, with scarcely an effort on our part to save them from extinction. I would point you to a few miserable remnants of tribes, who once sent terror through our borders when provoked by unnecessary war and unwise action on our part. That some have met deserved fate there is no doubt; that horrid cruelties have their history cannot be denied; but, sir, it was our mission to redeem them from savage life and elevate them in the scale of being for which they were formed. And as we now stand upon the one hundredth annual round of our national existence and look down the vista of receding years can we contemplate the picture without a single pang of remorse; can we say we have been faithful to the trust reposed in us?

Sir, the record is made, the history is written, and, although much of it is crimsoned with unnecessary blood, it must stand; it is beyond our power now to change it; but the present and the future are not beyond recall. Let us then in this matter vindicate our right to the name "Christian nation," and let no false ideas of economy, in order to gain political capital, prevent us from doing our duty, and whole duty, as a nation to these unfortunate and degraded people.

One single item in the Commissioner's last report, small as it is, is sufficient in itself to justify our outlay on this Bureau; that is, that the births exceed the deaths. It indicates that the tendency to extinction has ceased, and that by wise measures and the civilizing process the forces of decay may be checked.

Why, sir, when I turn away from the sad picture of the past and look forward to what the future of this people may be if the policy now adopted is properly sustained and the system for accomplishing the work thoroughly and wisely revised and placed on a proper footing, I feel a deep anxiety to have my name recorded as one of the advocates and defenders of this policy. As I look forward and trace the history of the future, as the veil lifts year by year, and see one after another of the tribes gathered on suitable reservations and gradually, though slowly, learning the arts of husbandry, and the children gathered in the school-rooms and gradually acquiring an education; as I see the females, now beasts of burden, step by step acquiring their proper position in social life, it binds my heart to my country by a new tie. As I lengthen my gaze and look a little farther, I see waving fields of grain and happy homes where once roved the wild buffalo and wilder savages; the children of these once savage hordes have grown into manhood and womanhood; they have taken on them the habiliments of civilization; and now no longer is the wild war-whoop heard from ocean to ocean, no longer is there need for a military post, scout, or soldier on our borders of civilization, for we have none save the ocean bounds east and west and national bounds north and south. I catch one more glance before the vision fades, and I see these tribes, redeemed and Christianized, admitted to all the rights of civilization and citizenship, and side by side in these halls sit their representatives, and I listen in admiration while that native eloquence, now educated and trained in all the arts of elocution and oratory, thrills with admiration the attentive audience. Sir, could I link my name with a measure which will result in this end, I will feel sure that it will live and endure while the rolls and records of time endure.

Mr. WINDOM. Mr. President, I move that the Senate take a recess from twenty-five minutes past five until half past seven o'clock. I fix the time at twenty-five minutes past five because the Senator from Florida [Mr. CONOVER] is very anxious for an executive session. I need not attempt to impress the Senate with the necessity for this night session. Every Senator must understand it as well as I do. There is but this one proposition in the bill that will occupy any time. The evening is cool and pleasant, and with a recess I am satisfied that we can close this bill to-night. If we do not take a recess we shall probably adjourn half an hour hence, and spend the entire day to-morrow. We have no day to spare.

Mr. EATON. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate adjourn.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business. I will state——

The PRESIDENT *pro tempore*. The motion of the Senator from Connecticut has priority. His motion is that the Senate do now adjourn.

Mr. EATON. I withdraw it for the motion of the Senator from Florida.

Mr. EDMUNDS. Let us settle the recess first.

The PRESIDENT *pro tempore*. Is the motion to adjourn withdrawn?

Mr. EATON. Only for the motion of the Senator from Florida.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his motion?

Mr. CONOVER. The Senator from Connecticut, I understand, withdraws his motion to allow me to have my motion considered.

Mr. WINDOM. I have allowed time enough for an executive session.

Mr. CONOVER. I will withdraw the motion for the purpose of settling the matter of the recess.

Mr. EATON. Then I insist on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut, that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 16, noes 23.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate take a recess from twenty-five minutes past five to half past seven o'clock this evening.

The motion was agreed to; there being on a division—ayes 22, noes 15.

EXECUTIVE SESSION.

Mr. CONOVER. Now I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty-five minutes p. m.) the Senate took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, the pending question being on the amendment of the Committee on Indian Affairs to strike out the third section of the bill, in the following words:

SEC. 3. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau are hereby abolished; and the salary heretofore paid to such officers respectively shall cease, and the duties now intrusted to, and performed by, said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army, under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs, under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under, the control of the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided further*, That nothing in this act shall be construed to authorize an increase in the number, rank, pay or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment heretofore reserved, pending the fate of the amendment just acted upon, will now be read.

The CHIEF CLERK. It is proposed to insert as lines 8 to 55 of section 1.

For pay of one superintendent of Indian affairs for the central superintendency, $2,000.

For pay of sixty-eight agents of Indian affairs, at $1,500 each, except the one at Iowa, at $500, namely:

Six for the tribes in Oregon, namely, Warm Springs, Klamath, Grande Ronde, Siletz, Umatilla, and Malheur agencies;

Five for the tribes in Washington Territory, namely, Neah Bay, Yakama, Colville, Nisqually, and Skokomish agencies;

Three for the tribes in California, namely, Hoopa Valley, Round Valley, and Tule River agencies;

Two for the tribes in Nevada, namely, Pi-Ute and Walker River and Pyramid Lake agencies;

Three for the tribes in Idaho, namely, Nez Percé, Lemhi, and Fort Hall agencies;

Four for the tribes in Montana, namely, Flathead, Blackfeet, Crow, and Fort Peck agencies;

Eleven for the tribes in Dakota, namely, Red Cloud, Spotted Tail, Yankton, Ponca, Crow Creek, Grand River, Cheyenne River, Fort Berthold, Sisseton, Devil's Lake, and Lower Brulé agencies;

One for the tribes in Wyoming, namely, Shoshone agency;

One for the tribes in Utah, namely, Uintah Valley agency;

Five for the tribes in New Mexico, namely, Pueblo, Abiquiu, Navajo, Mescalero, Apache, and Southern Apache agencies;

Three for the tribes in Colorado, namely, Los Pinos, White River, and Southern Ute agencies;

Six for the tribes in Nebraska, namely, Great Nemaha, Omaha, Winnebago, Pawnee, Ottoe, and Santee agencies;

One for the tribes in Kansas;

Seven for the tribes in the Indian Territory, namely, Sac and Fox, Quapaw, Osage, Kiowa and Comanche, Cheyenne and Arapaho, and Wichita agencies; and one for the Cherokees, Creeks, Choctaws and Chickasaws, and Seminoles:

One for the tribes in Minnesota, namely, at the White Earth agency;

One for the tribes in Iowa, namely, at the Sac and Fox of Iowa agency, $500: *Provided*, That no salary shall be paid to the agent unless he lives near enough to the agency to teach and care for the tribe every day; and no incidental expenses shall be allowed for this agency, and no employés except teachers;

For the support of a school at said agency, $1,000 is hereby appropriated.

Mr. WINDOM. I move to strike out after the word "agency," in line 52, the words, "and no employés except teachers."

The amendment to the amendment was agreed to.

Mr. WINDOM. I move also to strike out lines 54 and 55, as they are provided for elsewhere; they are by mistake duplicated:

For the support of a school at said agency, $1,000 is hereby appropriated.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is upon the amendment of the committee as amended.

Mr. CHRISTIANCY. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment, as amended, was agreed to.

The next reserved amendment of the Committee on Appropriations was to insert as lines 55 to 143, the following words:

Two of the tribes in Wisconsin, namely, at the Green Bay and La Pointe agencies:

One for the tribes in Michigan, namely, at the Mackinac agency;

One for the New York Indians, namely, at the New York agency;

Four for the tribes in Arizona, namely, Colorado River, Pima and Maricopa, San Carlos, and Moquis Pueblo agencies; in all, $101,000.

For pay of six special agents, namely, one for the Chippewas at Red Lake; one for the Pillagers at Leach Lake, Minnesota; one for the Mission Indians in California; one for the Eastern Cherokees and other Indians in North Carolina; and two for the tribes in Washington Territory, namely, Tulalip and Quinaielt, at $1,500 each, $9,000.

For pay of one chief clerk, $1,600; one assistant clerk, $1,200; and one copyist, $600, for the Central superintendency, $3,400.

For pay of seventy-seven interpreters, as follows:

Seven for the tribes in Oregon, namely, two for the Klamath agency, and one each for the Grande Ronde, Siletz, Umatilla, Warm Spring, and Malheur, at $500 per annum each;

Six interpreters for the tribes in Washington Territory, to be assigned to such agencies as the Secretary of the Interior may direct, at $500 each per annum;

Two for the tribes in Idaho, namely, at Nez Percé and Fort Hall agencies, at $500 per annum each;

Three for the tribes in Nevada, namely, at Pi-Ute and Walker River and Pyramid Lake reservations, at $500 each;

Five for the tribes in Montana, namely, one each at Flathead, Blackfoot, and Crow, and two at Fort Peck agencies, at $400 each;

Twelve for the tribes in Dakota, namely, two at Fort Berthold, and one each at Red Cloud, Spotted Tail, Yankton, Ponca, Crow Creek, Grand River, Cheyenne River, Sisseton, Devil's Lake, and Lower Brulé agencies, at $400 per annum each;

One for the tribes in Wyoming, at the Shoshone agency, at $500;

One for the tribes in Utah, at $500 per annum;

Seven for the tribes in New Mexico, namely, two for the Navajo agency, and one each for the Cimarron, Mescalero Apache, Southern Apache, Pueblo, and Abiquiu agencies, at $500 each per annum;

Three for the tribes in Colorado, namely, Los Pinos, White River, and Southern Ute agencies, at $500 per annum each;

Seven for the tribes in Nebraska, to be assigned to such agencies as the Secretary of the Interior may direct, at $400 per annum each;

For the tribes in Kansas, $500, to enable the Secretary of the Interior to supply temporary interpreters;

Eight for the tribes in the Indian Territory, to be assigned as the Secretary of the Interior may direct, at $400 per annum each; and $600, or so much thereof as may be necessary, to enable the Secretary of the Interior to supply temporary interpreters for the semi-civilized tribes;

Three for the tribes in Wisconsin, namely, one for the Green Bay and two for the La Pointe agency, at $400 each;

Four for the tribes in Minnesota, namely, Boise Forte, White Earth, Red Lake, and Leach Lake special agencies, at $400 each;

Two for the tribes in Michigan, namely, Mackinac agency, at $400 each;

Six for the tribes in Arizona, namely, two for San Carlos, and one each for Colorado River, Pima and Maricopa, Moquis Pueblo, and Papago agencies, at $400 each; making forty-seven interpreters, at $400 each; thirty interpreters, at $500 each; and $1,100 for temporary interpreters; in all, $34,900.

For pay of three Indian inspectors, at $3,000 each, $9,000.

For necessary traveling expenses of three Indian inspectors, $6,000.

For buildings at agencies, and repairs of the same, $15,000.

For contingencies of the Indian service, including traveling, incidental, current, and contingent expenses of superintendents and agents, and of their offices, $30,000.

The amendment was agreed to.

The next amendment was in section [4,] 3, to strike out in line 3 the words, "made to Congress of the operations of the Department having charge of the Indian service," and to insert the words, "of the Commissioner of Indian Affairs;" so as to read:

That in all lettings of contracts in connection with the Indian service the proposals or bids received shall be filed and preserved, and in the annual report of the Commissioner of Indian Affairs there shall be embodied a detailed or tabular statement of all bids, &c.

The amendment was agreed to.

The next amendment was in section [4,] 3, line 11, after the word "received," to strike out the following words:

And an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That the distribution of all annuities, goods, and provisions shall, as far as practicable, be made at the various military posts.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. The certificate of a judge of the district court of the United States, or of a judge of the supreme court of any Territory, given under the seal of the court, attached to the application of any citizen of the United States for license to trade with the Indians, which certificate shall set forth that such person is of good moral character and a fit person to be in the Indian country, shall be accepted by the agent to which it is directed, and by the head of the Department in charge of Indian affairs as conclusive evidence of the fitness of such person to receive a license to trade with the Indians, subject to the provisions of law and regulations issued in accordance therewith; and upon compliance herewith a license shall be granted to the applicant, which license shall be approved by the head of the Department having jurisdiction of the Indian affairs.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Appropriations. The bill is open to amendment.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Shall the amendments be concurred in in gross?

Mr. DAVIS. I ask what has been done with that portion of the bill relating to the transfer of the Indian Bureau?

The PRESIDENT *pro tempore*. The amendment has been agreed to.

Mr. DAVIS. Of course that amendment will have to be reserved. It is generally known that I make no objection to anything that is done. When I entered the Chamber there were but few Senators here, and a vote was being taken. I had no idea that on any amendment on which there was a question a vote would be taken. I thought this amendment would be passed by, and therefore I said nothing. It is well known that there are two or three Senators on this side of the Chamber who wish to speak on that amendment.

The PRESIDENT *pro tempore*. The Senator can reserve it.

Mr. DAVIS. I understand that very well; but I hardly thought the Senator from Minnesota having charge of the bill would press the amendment to a vote in committee. I understand that as it now stands a vote cannot be taken upon it.

The PRESIDENT *pro tempore*. The vote can be taken upon it in the Senate. The bill is now in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole. If the Senator from West Virginia wishes to reserve the amendment referred to, the vote will be taken separately upon it.

Mr. DAVIS. I understand just how it is. The bill is in the Senate; but there are two or three Senators who wish to speak upon the amendment to which I refer. I shall probably vote with the Senator from Minnesota upon the bill; but I think it unfair to those Senators that we should hurry it along in that way without giving them an opportunity to speak before the bill was reported to the Senate. I do not know what amendment they may desire to it. They may desire to make some amendment to the amendment. I hope it will be withheld for a few minutes at least, until one or two of those Senators come in. I saw one as I came along who had told me previous to the recess that he intended to speak upon the amendment. I think it would be better not to hurry, but to wait a few minutes.

Mr. WINDOM. I certainly have had no desire to hurry the bill. I will say to my friend from West Virginia that the amendments came up in their regular order. As I understood the recess, we were to meet at half past seven. It is now a quarter of an hour past the time. I had not taken the trouble to count the Senate. It looked a little sparse, I know, at the time we re-assembled, but I had my eye upon my friend from Vermont, [Mr. EDMUNDS,] who always makes a quorum, and I had no doubt that there was a quorum in the Chamber.

Mr. DAVIS. I will not ask the question whether or not a quorum is present. The Senator from Minnesota knows whether there is or not. It is hardly worth while to call the fact in question.

Mr. WINDOM. I desire to take advantage of no one, certainly, Mr. President.

Mr. DAVIS. Of course there is not a quorum here now.

Mr. WINDOM. If the Senator from West Virginia or any one else desires to be heard, the question is now open and he can address the Senate on the amendment, having first reserved it.

Mr. DAVIS. I probably will agree with the Senator from Minnesota upon the bill. I know his fairness and that he has no desire to get rid of any question. We know there was a speech, and a very able one, made this evening on one side of the question, and I think I probably said to the Senator that there would be one or two more Senators on this side who wished to address the Senate on the subject.

Mr. WINDOM. What does the Senator desire now?

Mr. DAVIS. I desire more to take time until those Senators come in than anything else, and probably that is the reason I am speaking now.

Mr. WINDOM. The Senator has the floor and can move a call of the Senate. Perhaps the Senators to whom he refers will be in by that time.

Mr. KERNAN. I desire to inquire whether the bill has been reported to the Senate?

The PRESIDENT *pro tempore*. The bill has been reported to the Senate, and the question now is on concurring in the amendments made as in Committee of the Whole.

Mr. KERNAN. On that I ask for the yeas and nays. I desire to say that, like the Senator in charge of the bill, I relied on the Senator from Vermont to see whether there was a quorum. I did not get here quite soon enough.

Mr. WINDOM. The Senator misunderstood my meaning. I did not rely on the Senator from Vermont in that sense.

Mr. KERNAN. I said I did; but I got in the Chamber ten minutes late.

Mr. EDMUNDS. I am surprised to hear my friend from New York say he was a little late. I supposed he was here in obedience to the rules of the Senate. I kept my eye on the Chair, and I had no doubt I was supported by my friend from New York and all the democracy. They are always here.

Mr. KERNAN. I will say to my friend that I got here a little late; but I have been here for some minutes. I desire to have the yeas and nays to see whether there is a quorum to begin with.

Mr. EDMUNDS. If we have a call we can find out who are here.

Mr. KERNAN. I ask for a division.

Mr. EATON. May I ask the Chair a question? As I understand, the pending amendment before the recess was to strike out the part of the bill relating to the transfer of the Indian Bureau to the War Department. What was done with that amendment?

The PRESIDENT *pro tempore*. It was agreed to.

Mr. EATON. The section has been stricken out?

The PRESIDENT *pro tempore*. It is stricken out.

Mr. EATON. Stricken out with a dozen members present! I suppose it will be open to debate hereafter in the Senate.

The PRESIDENT *pro tempore*. The Chair presumed there was a quorum present. The attempt was made to call for the yeas and nays, but there was not a sufficient number seconding the call.

Mr. EATON. It was the presumption of a quorum.

The PRESIDENT *pro tempore*. The presumption of the Chair was that there was a quorum present.

Mr. EATON. It was doubtless a proper, though rather a violent one.

The PRESIDENT *pro tempore*. Hardly, in the presence of the Senator from Connecticut.

Mr. KELLY. I ask that a separate vote be taken on the amendment to strike out section 3.

Mr. EDMUNDS. That is the transfer amendment?

Mr. KELLY. It is the transfer amendment.

The PRESIDENT *pro tempore*. The Senator from Oregon reserves the amendment he has named.

Mr. BOGY. I think there is a little misunderstanding about what has transpired. The object, I understood, was to get the bill out of Committee of the Whole and into the Senate in the least time, and any one having any objection to any portion of the bill can make it in the Senate as well as in committee.

Mr. EDMUNDS. Certainly; and any one can make it now.

Mr. BOGY. There is really no consequence in it. This amendment has now been reserved, and the same objection can be made in the Senate as could have been made in committee.

Mr. COCKRELL. I desire to reserve all those amendments which relate to the transfer of the Indian Bureau to the War Department from the Interior, so as to include all that touch that question.

The PRESIDENT *pro tempore*. The Senator from Oregon has reserved the amendment striking out section 3 in relation to the transfer.

Mr. COCKRELL. There is one particular amendment, section 3, and then there are other amendments in the beginning of the bill which ought to be reserved in connection with it. I desire to reserve all those amendments which refer directly to that question.

The PRESIDENT *pro tempore*. The amendments incident to the transfer amendment will be reserved.

Mr. DAVIS. It will be noticed that at the beginning of the bill there are a number of these amendments. If the transfer of the Indian Bureau should be made as the bill came from the House, of course these amendments would be useless.

The PRESIDENT *pro tempore*. The Senator from Missouri desires the amendments to be reserved down to page 7.

Mr. COOPER. I ask for a separate vote upon all the amendments adopted in committee.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks a separate vote upon all the amendments. They will be taken in their order. The first amendment will be reported.

Mr. KERNAN. I suggest, if it meet the approbation of Senators, that we vote on the amendment relating to the transfer first, because many of the other amendments will depend on whether that is concurred in.

Mr. COOPER. I have no objection to that course.

Mr. KERNAN. I ask that the amendments be passed over until we reach the amendment striking out the section which proposes a transfer of the Indian Bureau to the War Department. That is the third section. If gentlemen desire to address the Senate upon it, they can do so, and this course will enable us to get a vote upon that amendment first.

Mr. DAVIS. I think the Senator from New York is right, because on that amendment depend all these other amendments.

Mr. KERNAN. We had better dispose of that first.

Mr. ALLISON. As I understood the Senator from Tennessee, he asked for a separate vote upon all the amendments agreed to in committee. The amendments which do not relate to the transfer of the Indian Bureau can be taken up and acted on now.

Mr. KERNAN. We had better dispose of them afterward, and settle this question first.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment striking out the third section as proposed by the Committee on Appropriations. It will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the third section of the bill, in the following words:

SEC. 3. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau, are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army, under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under, the control of the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided further*, That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

Mr. MAXEY. Mr. President, the opinions which I entertain on the question before the Senate have long been formed and are decided. Indeed they are convictions. Representing a State with an area of 273,000 square miles, with its entire western boundary subject to Indian raids, it is but reasonable that I should take a deep interest in the adoption of a policy best adapted to the protection of the frontier. The Senator from Illinois [Mr. LOGAN] has told us to-day that the policy of transferring the Indian Bureau back to the War Department is in effect a declaration of war; that it is setting back the clock of civilization and of Christian influences; that it is war to the extermination of the nomadic tribes. If this be true, it would be a war to be deprecated by all Christian and enlightened people. In every case where a question of fact is to be settled, the true course to be pursued is to take the best evidence of which the case is susceptible. Where the true course to be pursued toward the Indians, looking also to the protection of the frontier, is the question, as it is here, then those best acquainted with the habits of the Indians and with the proper methods of their control are the best witnesses if they be credible. The same rule which would apply in a court of justice in a case of fact would apply with equal force in the Senate on a question of fact. The best evidence of which a case is susceptible is that which is required by law to be offered. The Senator from Illinois has given his opinions on this question, and I propose before I conclude to furnish the evidence of men who have had the best possible means of knowing the truth in respect to the question before the Senate. I propose to traverse every material position which has been taken by the Senator from Illinois in reference to the true mode of conducting Indian affairs.

First, it has been stated that General Washington was in favor of Christianizing, enlightening, and educating the Indian, in teaching him the methods of peace; and that General Knox was also in favor of it. Undoubtedly that is true. The Senate would be led by the inferences of the Senator to believe that all the Christianity, all the civilization, all the enlightenment which some of the former nomadic tribes now have are the result of what is generally called the peace policy. Yet it is true that long, long before the Interior Department was ever heard of, long before the Indian Bureau was transferred to the Interior Department, some tribes, notably the Cherokees, Choctaws, and Chickasaws were Christianized; they were passing rapidly on toward enlightenment; they had their own villages, their own schools and churches, their own shops and farms and cattle and horses. Neighbors to me, the Choctaws, the Chickasaws, the Cherokees, the Seminoles, and the Creeks, years before this transfer to the Interior Department was made, owned their own farms, had their own schools, some of them spoke the English language, owned their own stock, had their own churches, and were rapidly emerging from the state of the original savage to that of Christian civilization. It is therefore not true that they owe their progress to the so-called peace policy. They had their own forms of government, their legislature, with an upper and lower house and their governor, like the white people. All this they had, I say, before the Interior Department itself was ever heard of or the transfer of the Indian Bureau to the Interior Department was accomplished, and years before this wonderful peace policy which is now talked about as the best that has ever been adopted was ever thought of. I do not speak of the Indians of New York and their advance in civilization, nor of those in Michigan. Senators who represent those States understand that matter better than I do. I speak of those who live in my neighborhood and who advanced, I know, far beyond their original nomadic relations to a condition of civilization and Christianity while the Indian Bureau was entirely and exclusively under the control of the War Department, and whose condition has not at all been bettered by the peace policy. Facts speak louder than any theory.

It has been said that this transfer was made under a democratic administration. Those of us who remember the history of this transfer know very well that it was in a whig administration that the Interior Department was created, and it was in a whig administration that the Indian Bureau was transferred to the Interior Department. I am speaking of a historical fact, and we all, who remember anything about the history of that transaction, know perfectly well that the Interior Department was established in order to get the ability and statesmanship of Thomas Ewing into the Cabinet of President Taylor.

Mr. LOGAN. I do not wish to controvert the proposition; but inasmuch as the Senator differs with me in my statement that it was

done in a democratic administration, although it is entirely immaterial, I wish to call his attention to the fact that in 1834, when the law was passed by Congress under which the transfer was made in 1849, a democratic administration was then in power.

Mr. MAXEY. The administration of President Taylor was inaugurated in 1849, on the 4th of March.

Mr. LOGAN. The Senator well remembers that the Interior Department was organized in 1849, but the Indian Bureau was taken from the War Department (which was not done until 1849, when the Interior Department was organized) under the law of 1834, which was passed in a democratic administration.

Mr. MAXEY. As a question of history, (though not material, still it is best to be accurate,) the Indian Bureau was never transferred to the Interior Department until in 1849, when that Department was established, while it is true, as a question of history, that the Indians were under the control of the War Department from 1789 down to 1849. It is also true that the Bureau itself was not organized as a bureau until the year 1832.

It has been said that under the control of the War Department the expenses were greater; that there was more extravagance during those days than since the peace policy was inaugurated. Is that true? I had the honor upon the 6th of March last to offer a resolution of inquiry in these words:

That the Secretary of the Interior be, and he is hereby, directed to furnish for the information of the Senate, if not incompatible with the public interest, a statement showing the annual expenditures of the Indian Bureau since its organization to the present time, and also the number of Indians provided for at the expense of the Government each year since the organization of said Indian Bureau.

That resolution was unanimously adopted by the Senate, and the Commissioner of Indian Affairs addressed to the Secretary of the Interior a communication accompanied by a tabular statement showing the number of Indians each successive year from 1832 down to and including 1875, together with the expense annually of providing for those Indians. It is true, he states, that there is nothing in his Office which makes this an absolutely certain statement, but that it approximates, and he places it in the possession of the Senate for what it may be worth. At all events this paper is such a one as ought to contain the truth, and, I presume, does contain as near the truth as can be furnished by that Bureau.

The figures furnished by the Commissioner in response to the resolution are as follows:

Year.	Population.	Expenditures.	Year.	Population.	Expenditures.
1832	70,000	$1,352,419 75	1854	92,000	$1,550,339 55
1833	70,000	1,802,980 93	1855	92,500	2,772,990 78
1834	70,000	1,003,953 20	1856	98,700	2,644,263 97
1835	70,000	1,706,444 48	1857	99,000	4,354,418 87
1836	73,000	5,037,022 88	1858	108,300	4,978,266 18
1837	74,600	4,348,036 19	1859	100,500	3,400,534 53
1838	75,000	5,504,191 34	1860	110,000	2,991,124 54
1839	77,500	2,528,917 28	1861	115,000	2,865,481 17
1840	79,500	2,331,794 86	1862	119,500	2,327,948 37
1841	80,500	2,514,837 12	1863	138,600	3,152,032 70
1842	80,500	1,199,099 68	1864	138,760	2,629,975 97
1843	82,000	*578,371 00	1865	140,000	5,050,360 71
1844	82,000	1,256,532 39	1866	142,000	3,295,729 32
1845	82,030	1,539,351 35	1867	142,000	4,642,531 77
1846	83,000	1,027,693 64	1868	150,000	4,100,982 32
1847	83,000	1,430,411 30	1869	161,000	7,042,923 06
1848	83,000	1,252,296 81	1870	169,300	3,407,938 15
1849	83,000	1,374,161 55	1871	191,600	7,425,997 44
1850	85,000	1,663,591 47	1872	199,900	7,061,728 82
1851	85,000	2,829,601 77	1873	201,500	7,951,704 88
1852	87,500	3,043,576 04	1874	203,000	6,692,402 09
1853	90,600	3,880,494 12	1875	206,600	8,384,656 82

*For the half year, from January 1, 1843, to June, 30, 1843. The statement of expenditures is by calendar years to 1843, and by fiscal years from that time.

From the population as given in this table the number of Cherokees, Choctaws, and Chickasaws, and Six Nations of New York has been uniformly excluded.

These figures show that the expenses of the Indian Bureau have increased from $1,374,161.55, the expenditure in 1849 when the transfer was made from the War Department to the Interior Department, to the enormous sum in 1875, under the peace policy, of $8,384,656.82. Under the present policy, it is necessary for the Government to have a separate Commissary Department for the feeding and providing of the Indians, and a separate Quartermaster's Department, if you please to call it by that name, for that is what it is, for furnishing clothing, blankets, &c., to the Indians. Clothing and subsistence have to be furnished through this Indian Bureau for the Indians. Clothing and subsistence for the Army have to be furnished by the Quartermaster's and Commissary Departments of the Army, and this clothing and this subsistence go to precisely the same posts where the Indian Bureau sends its clothing and subsistence for the Indians. We have two separate and distinct systems, whereas every business man knows that under one system the expense could be very largely reduced. That is the testimony of every officer of the United States Army who has spoken upon that question.

Mr. LOGAN. Will the Senator allow me at that point to make one suggestion, if it does not annoy him?

Mr. MAXEY. With pleasure. It is no annoyance.

Mr. LOGAN. We all want to get at the facts, of course. I have looked very thoroughly into this question. In speaking about the cost of the Indian Bureau the Senator finds the millions of dollars that he is speaking about. If he will only examine the case a little further, he will find that the majority of this expense is simply to pay annuities to the Indians for property, their lands, &c., which we purchased from them since they were under the control of the War Department. There is only a little over $2,000,000 of that expense, if the Senator will examine it; that is really in fact the expense of the Indian Department. The Senator will see further, when he cuts off the annuities under the treaties that have to be paid and takes the year 1838, (I think it was 1838; it was somewhere between 1830 and 1840,) it is more than the expense of the Indian Bureau has ever been from that day to this. That of course is when you take out the amount of money that is paid them under treaty for lands purchased of them.

Mr. MAXEY. I think I know perfectly well all about that transaction. It was in the years 1836, 1837, and 1838 that the Cherokees, Choctaws, and Chickasaws were removed from east of the Mississippi River to their present home, west of Arkansas and north of Texas. The United States by treaty had acquired the magnificent country which these Indians owned in the State of Georgia, the State of Mississippi, and a portion of the States of Tennessee and Alabama, and had ceded to them the country they now occupy, and it was during those years that the Indians were removed from that country to where they now are at an enormous expense, fully shown by the figures for those years in the tabular statement already read. Whole tribes of them were removed at an enormous expense and transferred to the country west of Arkansas and north of the Red River, and but a few miles from where I live. It was on that account that those expenses during those three years, 1836, 1837, and 1838, ran up to the increase which I read to the Senate. After this was accomplished, it dropped down, as I have shown, in 1849 to $1,374,161.55. The figures show the correctness of the statement which I make.

In support of the position which I have taken in regard to this dual system of supporting under one system of commissary and quartermasters the Army and under another system the Indians at the same post, I will read the testimony of General Mackenzie, one of the best officers in the United States Army, and a man whose testimony upon an Indian question is as good as that of any man in the Army. I happen to know something about General Mackenzie. While on the Rio Grande he was a terror to Mexican cattle-thieves, and in quick pursuit drove them across the river, as he ought to have done, and this or a like policy is essential on that frontier. There is not a man in the Army whose testimony can be more relied upon. I will refer to what he says on this very point. I read from a document furnished to the Forty-fourth Congress, first session, report of committee No. 354, made in the House of Representatives on the 9th of March, 1876, and ordered to be printed. It is an official document, and I read from the statement of General Mackenzie:

Should the Government propose to conduct its Indian affairs without reference to political party, its transfer to the War Department would be very advantageous to the Indians, and no particular disadvantage to the Army. If the question of party politics is to be kept in view in its management, with which the affairs of Indians have no rational connection, its transfer will be a very great disadvantage to the Army, and of no special benefit to anybody else.

As a sensible matter of government, this transfer is an apparent necessity. The dual system, as applied to the tribes which need the continual presence of troops, is probably as great an absurdity as has ever been conceived; while the affairs of the tribes which are uncivilized can just as readily be administered by the War Department, and indeed there are certain advantages which, from having an established system of supply, are enjoyed by the War Department, and which have with difficulty to be duplicated by the Interior Department. To explain what I mean: It is necessary to purchase flour for the use of troops; it is just about as easy to purchase a much larger amount and include the Indian supply. To purchase for the Army the War Department is obliged to keep in the large markets officers selected for that very purpose, and the Indian supplies may as well be procured by them.

I am now talking dollars and cents as a matter of common sense and common economy. I see, as every other man must see who knows anything about this thing of supplies, that where you are compelled to keep a set of officers for the very purpose of purchasing supplies they can purchase one thousand barrels of flour, for an instance, on better terms than they can purchase one hundred, because of the larger bulk, and there will be but one set of officers to pay. For that reason this dual system is, as was stated by General Mackenzie, an entire absurdity as a business transaction. He says further:

This, of course, applies to all tribes who receive anything whatever from the Government, peaceable or hostile, and is entirely independent of any question of the employment of the force needed to sustain authority.

The wilder tribes, to the government of which allusion has been made in a former part of this paper, and with whom the presence of troops is so thoroughly understood that the mere mention of the fact is considered necessary, can only rationally be ruled by the War Department. The troops must be near their agencies; they must be a visible power.

Now, it appears to be the desire of the best people of the United States that these Indians should be kindly, though resolutely, governed, and for that purpose the very best capacity which the Government can employ should be used.

The success of an officer from the day he enters the line of the Army till the day he ceases to belong thereto is mainly a question of the kindly government of other men, and would seem the very best preparation for the firm, kindly control of these bands. It is a question, too, of integrity of administration, and to an officer's success a strong suspicion of a dishonest act (though it may not be proved or drive him at once from the service) is fatal.

That is the view of an enlightened, intelligent officer who has spent the best years of his life on the frontier, actively engaged face to face with those Indians, and who knows whereof he testifies. It is

of the very best evidence according to all the rules of courts of justice. I will go one step further. I will now read the statement made by William T. Sherman, the General of the Army of the United States. Will any one gainsay his testimony in a case like this? His integrity is beyond all question. His intelligence all will admit. His observation has enabled him to speak confidently of that whereof he speaks, because it has been his duty to make himself thoroughly conversant with the facts in regard to the correct treatment of the Indians. He has had personal observation because he has been out there among them and has judged for himself. When asked the question what he believes the true policy to be, he answered as I will read from the same document:

General Sherman was asked this question, on page 8:

What is your opinion as to the propriety of transferring the Indian and Pension Bureaus to the War Department?

I will confine what he stated exclusively to the Indian Bureau, because we have nothing here to do with the Pension Bureau. To that he answers:

The transfer of the Indian Bureau would result in economy and efficiency.

That is the opinion of General Sherman; but we are told by the Senator from Illinois that we hear nothing in regard to this transfer except from officers of the Army. Are we left to infer in these latter days of ours that the fact that a man wears the uniform of his country and marches under its flag thereby makes him unworthy of belief? Does it follow that because it has been made the duty of these officers to specially know the facts whereof they speak, that because they are officers of the Army, therefore they are unworthy of credit? Why, sir, the time was when the very fact that a man wore the uniform of his country gave him a *carte blanche* to the best society in America or in the world. I doubt not the same is true yet. But, sir, is the experience of William T. Sherman limited to the Army? Not at all. He has had large experience not only as an officer of the United States Army but in civil life. No man is better qualified to testify in regard to the true policy of the Government in respect to Indians than General Sherman, having as he has the experience and observation of the civilian as well as the soldier. But what further does he say?

The present Army is now stationed in small detachments at military posts, chiefly at or near these reservations, to keep the peace between these Indians and their white neighbors, between whom there has always existed a conflict of interest and natural hostility. Now, as the military authorities are already charged with the duty of keeping the peace—

We were told that if they were transferred to the War Department it meant war. The General of the Army tells you the duty of the Army is to keep the peace, and every one knows that the object of war is to secure peace—

Now, as the military authorities are already charged with the duty of keeping the peace, I am sure they will be the better able to accomplish this end if intrusted with the issue of the annuities, whether of money, food, or clothing. Each military post has its quartermaster and commissary, who can, without additional cost, make the issues directly to the Indians, and account for them; and the commanding officer can exercise all the supervision now required of the civil agent, in a better manner, because he has soldiers to support his authority, and can easily anticipate and prevent the minor causes which have so often resulted in Indian wars.

How? The very fact that you place the service under the control of an intelligent Army officer prevents those causes which result in war; and yet we are told that the transfer to the War Department means war.

In like manner, our country is divided into military departments and divisions, commanded by experienced general officers named by the President, who can fulfill all the functions now committed to Indian superintendents; and these, too, have near them inspectors who can promptly investigate and prevent the incipient steps that are so apt to result in conflict and war.

Why, sir, it would be impossible for me to present the ideas which I have upon this great question more clearly and lucidly than they are presented here by this able, learned, accomplished, and gallant officer.

Therefore, I firmly believe that the Army now occupies the positions and relations to the great mass of the Indian tribes that will better enable the Government to execute any line of policy it may deem wise and proper, than by any possible system that can be devised with civil agents.

Is that testimony worth nothing? When did it come about that you are going to trample under foot the solemn statements officially made by the highest officers in the American Army? I remember well—I have a feeling knowledge of that fact—when those who wore the blue were regarded as "without fear and without reproach in this country." They were the heroes of song and story. I think they are entitled to the credit of being in this case disinterested, intelligent, entirely credible, and reliable witnesses.

The Indians, more especially those who occupy the vast region west of the Mississippi, from the Rio Grande to the British line, are natural warriors—

Yes, sir, that is true; the General of the Army states the truth—

are natural warriors, and have always looked to the military rather than to the civil agents of the Government for protection or punishment.

I state it here as a fact that you may start out to-day among the nomadic tribes a second lieutenant with a dozen men of the cavalry, with the Commissioner of Indian Affairs or the superintendent or the Secretary of the Interior, and the chiefs will pay deference to the officer without the slightest respect to the civilian more than is enforced by the presence of the troops. It is their nature. They are natural warriors, and they are taught to respect power, and they do respect power, and it is about the only thing that they do respect, from my knowledge of them.

But we are told that if this policy is adopted it means war. What does the General of the Army say?

And, were the troops to be withdrawn, instant war would result.

I am proceeding, Mr. President, on the theory that this is a question of fact, and, being so, that it is my duty, in support of the position which I have assumed, to introduce the best evidence of which the case is susceptible, and I am giving the evidence of men who were raised and educated by the Government and know whereof they testify, and are sent by the Government into that very country to make themselves personally cognizant of the facts in regard to the matter. They are the best witnesses.

Mr. President, I fear that I am occupying more time than I designed; but this is a very grave question to many of us. The Senator who occupies the chair [Mr. FRELINGHUYSEN] does not feel it as I do. The Senator on my right from Nebraska, [Mr. HITCHCOCK,] and other Senators whom I could name, whose States have suffered by Indian raids, feel the importance of this question; and we trust that the Senate will at least pay us the honor of listening to our arguments in behalf of the position which we have taken.

If it be the policy of the Government, as I believe it is, to save the remnant of these tribes, it can only be accomplished by and through military authority.

Ah! but we are told that if they are transferred to the military power it means extermination. The General-in-Chief of the Army says the only way to save the remnant of these tribes is by transferring them to the military authority.

Mr. LOGAN. Does not the Senator believe that if he would ask the officers of the Army if they could not perform the duties of the diplomatic corps better than they are being performed they would answer that they could; and so of every department of the Government, would he not get an affirmative answer to such a question?

Mr. MAXEY. I am sure I should not.

Mr. LOGAN. I think he would.

Mr. MAXEY. I regard the Army officers as high-minded honorable gentlemen; men as upright and as pure as the Senator from Illinois and myself. They speak in regard to this question because it has been the study of their life-time, and their testimony has for that reason been sought and brought out by the other House. There is not an officer of the cavalry or an officer of the infantry, from the highest to the lowest, but has served his apprenticeship right in the Indian country and is personally cognizant of that of which he speaks. I assume that General Sherman would not make the statements unless he knew the truth of them, and I know that he has been there among them. He has been on my own frontier, and I was very proud that he was there, because he made it safer for our people than it had been for years.

If it be the policy of the Government, as I believe it is, to save the remnant of these tribes, it can only be accomplished by and through military authority. These will obey orders and *enforce* any line of policy that may be prescribed for them by law or regulation.

He goes on then and says in regard to this idea which we have heard this evening:

The idea which prevails with some that the Army wants war with the Indians is not true. Such wars bring exposure, toil, risk, and privations, with no honor. Therefore it (the Army) naturally wants peace, and very often has prevented wars by its mere presence; and if intrusted with the exclusive management and control of the annuities and supplies as well as force, I think Indian wars will cease, and the habits of the Indians will be gradually molded into a most necessary and useful branch of industry—the rearing of sheep, cattle, horses, &c. In some localities they may possibly be made farmers.

That is the testimony of the General of the Army.

On page 26 of this book General Hancock gives the same testimony, and who will doubt the statement of that gallant soldier?

Question 9. What is your opinion as to the propriety of transferring the Indian and Pension Bureaus to the War Department?

Answer. I believe it would be a decided advantage to the country, to the Indian, and the pensioners to transfer those Bureaus to the War Department; and in regard to Indian matters especially, I may say that I believe there is no motive save the interests of the Indians and those of the country, which would lead Army officers to advocate or advise such a transfer, for it could but add to their labors and responsibilities, and would invite hostile criticism, injurious to the Army at large, should cases of maladministration by individuals occur.

On page 28 General Schofield gives the same testimony:

The transfer of the Indian and Pension Bureaus to the War Department would undoubtedly result in economy and honest administration, and would be wholly beneficial to the public service, *provided* too much of the labor of those Bureaus be not imposed upon the Army proper. The Army should not be burdened with duties not strictly military to such extent as to cripple its efficiency, or in the event of war to render necessary the sudden transfer of an important branch of the public service to untried civilians, in order that the Army officers might go to the field. The legitimate benefit that would be conferred upon those Bureaus by the transfer would arise mainly from the introduction into them of the fundamental principles upon which the military department is organized, and the civil departments also, of all well-administered governments; that is, the tenure of office dependent upon good behavior, instead of upon the ever-varying phases of political controversy, with the necessary machinery for the certain detection and punishment of official crimes. The difficulty of adopting this principle in the civil departments of our Government is doubtless very great, and the experiment, if anybody regards it in the light of an experiment, could not be more fairly made than by a transfer of the Indian and Pension Bureaus to the War Department.

On page 33 General McDowell says:

If, however, with the transfer of the Indian affairs, you will re-organize the Bureau by substituting commanding officers of posts for Indian agents, and military district and department commanders for superintendents of Indian affairs;

by having the officers of the Quartermaster's, Commissary, and Medical Departments of the Army make all contracts for Indian supplies, transport, care for, issue, and account for them; by having all payments to, or on account of, Indians made by the Pay Department of the Army, and by having an officer detailed by the War Department to act as Commissioner of Indian Affairs, I am of opinion it would be a good thing for the Indians, the Treasury, and the country, and a very disagreeable and thankless one for the Army.

Why, sir, according to the Baconian theory of induction the conclusion is absolutely irresistible, because here you have an array of intelligent, enlightened, and truthful witnesses, all converging to one common point, driving, burning the thought which they desire to enforce into the very hearts of those who hear it; we cannot avoid its irresistible force.

On page 37 General Terry says:

I have so little acquaintance with the business of the Bureau of Pensions that I am not able to express an opinion upon that part of this question which relates to it; but I am decidedly of opinion that the Bureau of Indian Affairs should be transferred to the War Department.

On pages 40 and 41 General Ord says:

Question. Do you think the transfer should be such as to put the entire control of the whole Indian matter into the possession of the War Department?

Answer. I think to have it mixed it would be worse than at present. Each Department would be able to accuse the other of short-comings. It ought to be entirely transferred, and, as far as practicable, under the control of permanent officers of the Army. It was formerly under control of the War Department, and officers were sometimes assigned to temporary duty in the Indian Bureau as *ex officio* agents. My father was Indian agent for fifteen or sixteen years; under the War Department nearly all the time.

Q. Tell us briefly what some of the advantages would be over the present system by the transfer of the control of the Indians entirely to the War Department.

A. Promptness in the delivery of rations and supplies. We have to deliver them now to troops in the immediate vicinity of the agents, and the same machinery, in a measure, could do both.

The reduction of the number of employés. A very large reduction would occur. The clerical duties here at Washington and at department headquarters performed by general-service men would be very materially reduced.

Another advantage would be maintaining peaceable relations, because, if we had to fight the Indians, we should want to do it as rapidly as possible. If we want to maintain peaceable relations, we ought to know the Indians thoroughly in time of peace and put the best men in as agents, men who would do their whole duty. The Indians, as a rule, respect force. They respect men who can successfully enforce the orders they have given. I have found wherever I have been that the military were successful with the Indians in California and Arizona, and the Indians were very well satisfied. When General Crook took charge in Arizona he had no trouble. I myself have gone right amid the wild Indians at war. I directed the establishment of the two posts spoken of in the testimony and know what they cost. I had some fourteen companies together up there to move the Indians just as winter was coming on; it begins there in October. I could not get the Department to tell me when they were going to move the agencies until the last minute. It cost the Government between $50,000 and $60,000 to move the troops and establish the posts.

On page 58 General Mackenzie says:

Should the Government propose to conduct its Indian affairs without reference to political party, its transfer to the War Department would be very advantageous to the Indians, and no particular disadvantage to the Army. If the question of party politics is to be kept in view in its management, with which the affairs of Indians have no rational connection, its transfer will be a very great disadvantage to the Army, and of no special benefit to anybody else.

As a sensible matter of government, this transfer is an apparent necessity. The dual system, as applied to the tribes which need the continual presence of troops, is probably as great an absurdity as has ever been conceived; while the affairs of the tribes which are uncivilized can just as readily be administered by the War Department, and, indeed, there are certain advantages which, from having an established system of supply, are enjoyed by the War Department, and which have with difficulty to be duplicated by the Interior Department. To explain what I mean: It is necessary to purchase flour for the use of troops; it is just about as easy to purchase a much larger amount and include the Indian supply. To purchase for the Army, the War Department is obliged to keep in the large markets officers selected for that very purpose, and the Indian supplies may as well be procured by them.

This, of course, applies to all tribes who receive anything whatever from the Government, peaceable or hostile, and is entirely independent of any question of the employment of the force needed to sustain authority.

The wilder tribes, to the government of which allusion has been made in a former part of this paper, and with whom the presence of troops is so thoroughly understood that the mere mention of the fact is considered necessary, can only rationally be ruled by the War Department. The troops must be near their agencies; they must be a visible power. Now, it appears to be the desire of the best people of the United States that these Indians should be kindly, though resolutely, governed, and for that purpose the very best capacity which the Government can employ should be used.

The success of an officer from the day he enters the line of the Army till the day he ceases to belong thereto is mainly a question of the kindly government of other men, and would seem the very best preparation for the firm, kindly control of these bands. It is a question, too, of integrity of administration, and to an officer's success a strong suspicion of a dishonest act (though it may not be proved, or drive him at once from the service) is fatal.

I will also read from the testimony of General Marcy, on page 144. Right here I want to stop a moment. Randolph B. Marcy is, in my judgment, one of the most intelligent and capable officers in the American Army. Some of the best reconnaissances which have ever been made in the western country, and notably in the State in which I live and west of me, were made by Randolph B. Marcy. The effect of his work of thirty years ago is felt along where I now live by the steam-horse running across the prairie. He is the Inspector-General of the Army, intimately familiar with Indian affairs, and hence his testimony is worthy of all credit. He has been in the Army nearly as long as I have been living. His position as Inspector-General shows the estimate in which he is held by the Army. He says on page 144:

That the transfer or the return of the Indian and Pension Bureaus to the War Department would be a measure of wisdom and economy does not, in my judgment, admit of a question.

Does anybody look into these things more carefully then the Inspector-General of the Army?

My reasons for this are set forth at length in a paper which I had the honor to furnish you a short time since.

This paper is to be found on page 145 at large. General Palmer, of the United States Army, who commenced in the Mexican war, in the year 1846 in the rifle regiment thirty years ago—I speak advisedly, because we were of the same class—and has served the most of his active life for thirty years upon the western borders among the Indians, in the cavalry and in the mounted rifles, says:

With regard to the transferring of the Indian and Pension Bureaus to the War Department, I will give it as my opinion that the pensioners of the Army could be paid by the disbursing officers of the Army without any great increase of the expense; and if the money appropriated for the Indians were placed in the hands of Army officers, it would all be disbursed fairly and honestly; but then what would become of the noble army of Indian agents who think it very hard if they cannot make a fortune in a very few years on a salary of $1,500 a year?

Ah, Mr. President, the grand fight that has been made outside of the Congress of the United States against the transfer of the Indian Bureau from the Interior to the War Department is covered by that very expression. It is the noble army of martyrs at $1,500 a year that grow fat in four years. Look at your Red Cloud agency, look at the developments which have been made everywhere in proof of this fact.

It is said that these gentlemen are wonderfully Christian, in fact they have risen to the dignity of Christian statesmen, and therefore it will not do for an outside barbarian like myself to have anything to say in regard to them. I will let Captain Guy V. Henry give his statement, a captain in the Third Cavalry, and I judge from his rank, which is that of brevet colonel in the United States Army, that he has seen some service. He says:

As to the transfer of the Indian Bureau to the War Department, I should consider it a matter of economy, because the very officers who issued to the troops at Camp Robinson last winter, for instance, could have made the issues to the Indians at the same time, and thus have avoided the existence of this agency. So far as I have observed, I have never seen anything done to better the condition of the Indian by the Indian Department. I have never seen any instruction given in cultivating the soil; and, as to its Christianizing effect, I should say, from my experience, that it has been demoralizing. "Squaw-men" are very common out there; that is, men who are employed and tolerated at the agency, and keep their squaws. I do not make this assertion with reference to the agents, but to men who are employed at the agencies to assist them. This class of men generally come to the agencies in the winter and have as many of their squaws as they wish to keep, who are fed at the expense of the Government.

That is beautiful Christian statesmanship! It is one of the lovely effects of this beautiful system.

Some of these are white men and some are half-breeds; but most of them are the lowest class of white men we have out West.

And yet they are fed at the expense of this Government, as this officer says:

They have their teepies put up around the agencies, and keep their squaws there, who are counted in on the ration-returns and fed at the Government expense.

The question is then asked:

Are all these Indian agents not supposed to be Christian and pious men?

And he answers:

I suppose they have been selected on account of their pious inclinations, but I do not think the results seem to show any great amount of piety. I would not trust any of them I have ever seen, though there may be some honorable exceptions to the rule. They get demoralized after they get out there, even if they are good men when they started. I think, as a general thing, they are worse than the Indians.

General Tower has given his statement. I know of no man in the Army of broader mind than General Tower, and his testimony corresponds precisely with that of all the others whom I have named. I will read it:

Question 9. What is your opinion as to the propriety of transferring the Indian and Pension Bureaus to the War Department?

Answer. Of the wisdom of putting the Indian Bureau in the War Department I have no doubt.

I have now given the views of twelve officers of the United States Army, eleven of them among the most distinguished men in the Army, and whose personal character and moral integrity stand above and beyond all suspicion, and they all agree upon this question. So far, then, as we have gone, there can be no question in my mind that the transfer should be made to the War Department, making the War Department exclusively responsible, dividing no responsibility between the Interior Department and the War Department, having but one system of officers to furnish supplies and that under the control of the Army.

And, sir, my judgment about Army men is that, as a rule, they will do their duty anywhere. It was but a few years ago that on the western frontier, west of where I live some two hundred miles, our women and children were carried into captivity; the houses of our frontiersmen were burned down, the men were murdered, and women suffered worse than death. It was about that time that the General of the Army went on a tour of inspection into that country, and while he was there eight teamsters of the United States were fastened by Indians to a wagon and murdered in cold blood. That was the work of Satanta and Big Tree, the beautiful exponents of this glorious system of Christian statesmanship! The General had those men conveyed in irons to the State of Texas, and they were tried and sentenced to be hung, and the sentence was commuted by the governor to imprisonment for life. What was done by him? Were we getting peace and quiet from this peace power? Not one word of it; but these

Indians were placed over at Fort Sill, in the Indian Territory, north of the Red River, and beyond our limits, and he placed General Mackenzie, one of the best officers that he had in his command, with the Fourth Cavalry, at Fort Sill; and it was only last Thursday that General Sherman told me that the peace which we have on the northwest frontier of Texas, which I am proud to say we now enjoy, is owing to the presence of General Mackenzie and the Fourth Cavalry at Fort Sill, and I believe it. I do not believe it is owing to your peace-policy at all. Take those troops away, and instantly you turn these savages loose on the frontiers of our country, to murder again and to burn our houses, steal our stock, and capture our women and children.

Sir, I say, in the language of Henry Clay in the Senate Chamber years ago, "I love my own country better than any other country; I love my own people better than any other people;" and it is because I do love them and because I know it is the duty of this Government to protect them that I stand here and assert that the true policy and the best protection for those people is to transfer the control of the Indians back to the War Department, where it justly and properly belongs.

Now, Mr. President, I have occupied more of the attention of the Senate than I had designed when I rose to speak; but I hope the Senate will pardon me. It is a question in which the people of Texas are most deeply interested; we have seven hundred miles of frontier, and we have suffered beyond almost all human endurance. We have suffered to such an extent that we, the people of Texas, at our own expense, have kept troops armed and equipped in the field at an expense ranging from half a million to $1,000,000 per annum, paid not by the Federal Government, but by the people of Texas for their own defense, because the troops furnished by the Federal Government were inadequate to complete protection. Turn this Bureau back into the War Department where it justly belongs; place it under the control of that clear-headed and able General of the Army who now controls the Army of the United States; have one system of disbursing officers, one system of commissaries, one system of quartermasters, one system of paymasters, and have one policy; compel these people to remain within their reservations, and teach them the methods of peace; teach them the great lesson which the Bible has taught us, that man must earn his living by the sweat of his brow. Why is an Indian better than I am? Why shall I work to support him in idleness? Teach him how to work, and make him work. Sir, there is but one means of controlling the Indian, and I assert it here according to the view I look at it, and I think I could, were it necessary, give my personal knowledge in addition to that which I have given here, because I understand this question practically—there is but one way of controlling the Indian, and that is by a manifestation of physical power, coupled with an exhibition of the will to exercise that power in case of necessity. It is by that means and that only you can control him. Treat him kindly; but with the Indian you must have a hand of iron, covered though it may be with the glove of silk; but the power must be there if you control him. If you want to protect your women and your children upon the frontier, if you wish to save the cabin of the hardy man who builds up and makes States from the incendiary's torch, if you wish to save the frontiersman from murder and his wife and daughters from a fate worse than murder, give the control of the Indian into that Department of the Government which has the physical power to make its will effective. It is the only way.

Now, Mr. President, I fully agree with the General of the Army that if you want to Christianize this man, to enlighten him, to humanize him, to give him schools, to give him churches, the best way possible to do that is to place him under the control of the Army of the United States, and make him work for his living. Sir, I am not one of those who believe that all men are dishonest or corrupt. I am not one of those who believe that honorable officers would come before the Congress of the United States and testify from an interested stand-point for the sake of power. I do not believe it. I believe that among the best, the truest, the most honorable portion of the employés of this Government are to be found the officers of the Army of the United States. That is my candid conviction. I am told, and we are referred to the fact, what a dangerous thing it is to intrust power to an army. Why, Mr. President, are the brave men of the United States, a people of 44,000,000, afraid of a little handful of 35,000 men constituting the Army of the United States? No, sir. The Constitution says that it is the duty of this Government to provide for the common defense, and the Army is necessary for that purpose. No man in all the land would be more opposed to a government supported by the military arm than I would. I remember reading that the Pretorian guards got control of the Roman empire, and put up the crown to the highest bidder, and Didius became the purchaser for a price paid to the Pretorian guards. I never want to see that time, and I never will see it so long as the strength of the Government rests on the love of the people. The way to make the people love the Government is to protect them. That is all I ask, protect us.

I have now said all that I care to say on this subject. I trust that the amendment of the Senate committee will not be adopted, but that the third section of the House bill will be concurred in by the Senate.

Mr. BOGY. Mr. President, I regret I was not aware that this question would be presented in the Indian appropriation bill. A bill passed the House of Representatives a short time ago to transfer the Indian Bureau from the Interior Department to the War Department. That bill was referred to the Committee on Indian Affairs, of which I am a member, and is there yet, not having yet been considered. I regret this, as I look on this question as one of the most interesting as well as one of the most important that can be presented to the consideration of Congress.

I listened with great attention to the speech made by the Senator from Illinois, [Mr. LOGAN,] and it struck me that he only presented one argument in opposition to this proposed transfer, which was the extravagance of the War Department. He compared the expenses of the Indian Bureau when under the War Department with the expenses of the same Bureau now under the control of the Interior Department, and in making that contrast according to his figures the expenses are much less now than they were heretofore. I do not believe in the accuracy of the statistics read by the Senator. I know and we all know that nothing in the world will lie so effectually, and apparently so logically, as figures when you do not put them exactly in the right place; and I am convinced from my observation, with some little experience in the administration of the Indian Bureau, that the expenses are now too high by perhaps double, and that they would be much less in the War Department, and ought to be much less even if the Bureau remains where it is now.

This subject of Indian administration, or the treatment of the Indian question, comes to us in a double aspect. First, we are here brought face to face with a people not civilized, who are yet barbarians, who are in our power, and under our control, and called the wards of the Government. This imposes upon us a duty of the very highest character. What can we do to promote not only the well-being of the Indian in his present condition as an uncivilized man, but what can we do to bring this race to a condition of civilization? If he can be civilized, and it is within our power to accomplish this, it is plainly our duty to use all the means within our control to enable him to attain this great blessing.

While I am not prepared to deny as a great philosophic fact that the North American Indian can be civilized, I am prepared to say that thus far all our efforts which have been made to civilize him have been utter failures, and now I see nothing in the future which gives me any hope that we shall succeed any better hereafter. It seems to me that that race is destined to pass away, and I have often thought that when the vessel that brought Christopher Columbus across the then unknown Atlantic Ocean touched the shores of the island of San Salvador the fate of the North American Indian was fixed and his doom was sealed; that at that moment his destiny was written upon a plate of adamant with a pen of steel; and that time itself would never erase the inscription; and from that day, nearly four hundred years ago, he has been melting before the rays of the bright sun of civilization like snow under a midsummer sun.

At that time the islands of the Gulf of Mexico, all those rich and beautiful islands of that great ocean, were peopled with this race. They were called Indians because Columbus, when he touched the shores of the island of San Salvador, believed he had discovered the Indies; not the West Indies, as now called, but the East Indians. The islands of San Domingo, of Jamaica, of Cuba, all the archipelago, indeed, of the Gulf of Mexico, were inhabited by this race. They have all disappeared, and are no longer to be found there. They are gone, gone more than a century ago; and history has preserved only the names of a few great leaders and of the different tribes.

How is it in our own country? What has become of those numerous and powerful tribes formerly settled upon the Atlantic coast? What has become of the Pequods who lived on the shores of the Connecticut River and visited the mountains and valleys of Massachusetts? Where are they? Gone! Where are the brave and warlike Narragansetts who had their home on the shores of the magnificent bay that bears their name to this day? Where are they? Gone, gone and passed away like a dream of the night more than a hundred years ago. Where are the Iroquois, the Oneidas, the Tuscaroras, the Senecas, the Hurons, the Mohawks, and all those different tribes that formed that powerful combination known as the confederacy of the Six Nations? They have disappeared and melted away. And in my own day, in my own section of the country, where Indians were once numerous, they have dwindled down to a few and nearly disappeared, and these few have gone away to the far West. It must be so; it cannot be otherwise. Whether it could have been otherwise by having pursued another system and a different policy from the beginning I am not prepared to say. I speak of the present system as a failure. If this people who were found here when the Europeans first came could have been civilized or not under a different system is a question I do not pretend to be able to decide. I speak of their condition in connection with the policy which was pursued.

Civilization in contact with barbarism; the enlightened man in contact with the barbarian! Sir, it is the old fable of the earthen vessel in contact with the iron vessel. Which one will break? Which one will give way? It must be one or the other. Civilization of course will triumph. This civilization has been going on with the history of man traveling from the east to the west, and in its onward march it has come in contact with this race in the New World. Face to face—antagonistic in every thing—the result has been here what it has been elsewhere in every age where a superior race was brought in contact with a weaker one.

Mr. President, I am a friend of the Indian. There are many rea-

sons why this should be so. My earliest recollections in my boyhood are of the most agreeable character in connection with Indian children and Indian sports in my own native town. I have tried to be their friend on this floor. I am in favor of liberal appropriations, not only for their civilization, but for their actual support when they are in a destitute condition. Yet, friend of the Indian as I profess to be, and willing to take the responsibility of voting proper appropriations so as to aid him in his lowly and dependent condition, nevertheless I can very well see that his fate is sealed if the present wretched policy is continued.

The word "civilization" is upon the lips of everybody. But civilization is a growth which comes to maturity very slowly indeed. The white race itself marched toward perfect civilization but with slow steps. It was the work of centuries, indeed of many centuries. How many years after Cæsar conquered the Gauls before they were civilized? How many hundred years after the Romans visited the shores of the Rhine before the Germans were fully civilized? How many years after Cæsar landed on the shores of Britain before the early settlers of the British islands were also civilized? As already said, it is a growth slow and gradual.

Has the Government at any time respected the rights of the Indian when he occupied any portion of territory needed by the white race? Has the Congress of the United States ever respected them? Does Congress to-day respect the Indian in his right? Does this body that now hears me respect these Indian rights? We have had questions presented this session within the last few days so plain that the blind could see, where the justice in favor of the Indian was so manifest, so evident, that nobody could misunderstand them; and yet they were not respected. Who can deny that the Sioux Indian is entitled according to the laws and treaties to the country known as the Black Hills, where he and his forefathers have been for untold generations, and which the law recognizes as his? Yet, because there may be scattered over this country, on its mountain-sides and valleys, a few grains of gold, perhaps enough to invite white men to go there, it is only by management and industry and persuasion that we have been able to pass a bill by a bare majority in this body to appoint a commission to go to that country to try and reconcile the Indians to this flagrant spoliation, made in the face of the most solemn treaties. The rights of the Indians have not been respected by us at any time. Even in the making of treaties with them the object of our own commissioners has been to drive the best bargain, and in many instances advantage was taken of his ignorance. This humiliating fact cannot be denied, and I feel it to be my duty to state it.

As I said a while ago, civilization is a word found in the mouth of a great many persons, but which is not thoroughly understood; and, as I said also, it is of slow growth, and like everything that grows, whether it be in the animal or vegetable world, it must come from within.

We are told that the Creeks, Choctaws, Cherokees, and Chickasaws, and some others of those Indians south of my own State and west of Arkansas, are highly civilized. Such is not exactly the fact. The Choctaw and Chickasaw and Cherokee, of full blood, are many of them very nearly as savage to-day as they were when Jackson fought their forefathers. The civilized Indians are those who are partly white, half or less. It is the white blood infused into them that has brought them to a degree of civilization, and I acknowledge that many of them are civilized, and among them I recognize some personal friends who are men of character, ability, and education; but they are not pure Indians; they have Indian blood, but the white blood is mixed with it; and it is that white blood which is the cause of their civilization. There may be, and no doubt there are, a few full-blooded Indians who, being surrounded by civilizing circumstances, have made fair progress.

We have for years expended large sums of money to educate Indians. There is at this day on the Pawnee reservation, near Omaha, a school-house called a college that cost some $50,000, to educate the Pawnee children. A few years ago these Indians were the most cruel and savage in that whole portion of the country. They were not numerous, but brave and valiant, and in constant war with the Sioux. They were brought to this reservation, and efforts made to educate them, but the attempt has utterly failed. Will anybody tell me that he ever saw or heard of a Pawnee Indian who had been educated at this college? Yet large appropriations were made for it year after year. Of all absurdities, this is undoubtedly the greatest. It has cost immense sums of money, and for whose benefit, excepting a few lazy fellows pretending to be the teachers and instructors of these poor people?

The first step toward civilizing a barbarian is to localize him and teach him the love of home and one wife. This I admit is not a very easy thing to do, but on the contrary one of the very hardest to impress on his mind. The love of home and the family ties of one wife and children are the first step; and until you have taught him this lesson, it is not worth while to build colleges for his education. I have already said the first lesson is to localize him and to teach and create around him the family ties. Then the next step is to put in his hand a hoe and an ax, and teach him how to work, however so little, enough if possible to feed one cow, which will give milk for his children. After he has found that by labor a cow can be fed, you may create an ambition in him to have two cows, and to feed these two cows it will require just double as much work as it did to support one, and then he may wish to have four, and then eight. When he has attained this point, his education in the way of civilization has commenced, and not before.

The hunter's life is the primitive condition of man, not only of the Indian, but of all and in all ages. The next step is the shepherd's. I do not say that education is a bad thing, but before you educate you must teach not only the love of labor, but how to work and also create a necessity for it, which is done by the wants of the family. The first and great law of God is that man must earn his bread by the sweat of his brow, and this law he must first obey as the first step toward civilization; and if you have created for him a home and family ties and instilled the love of one wife and of children, his progress may be onward. But has this been our system and is it the system now? No, sir; a sickly sentimentality, not true philosophy, has from the beginning asked for large appropriations of money to educate a race who had not taken the first step; and the consequence is that not only has the money been utterly wasted, but the poor Indian has been the sufferer; and instead of life, we have given him death; and hence he has nearly disappeared from the land. With good intentions, for the want of wisdom all our efforts have only proved to be in hostility to his well being.

Having passed from the hunter to the pastoral state, the next step is the agricultural, and this is the perfection of the material civilization. From this on education is a requisite to any further advance. We have reversed that law. We found him a hunter, and while in this state we have attempted to educate him; this has been a failure and also fatal, for we have taught him all the vices and vicious habits of civilization without its virtues. An educated Indian has no place among his people, and has lost the manly virtues of his forefathers.

Let us suppose a graduate of Yale College to return to his tribe and native home. The next thing is what can he do? What mission is open to him? He cannot be a member of Congress as so many whites are anxious to be, for his people have no congress. He cannot be a lawyer, for the time has not yet come when this useful profession is necessary. He cannot be a physician, for the reason that these children of nature have a knowledge of many simple remedies furnished by the herbs and plants of the valleys with which they cure their maladies. Then what can he do? His education is his misfortune. What can an educated Indian do among Indians? An educated Indian among Indians is a lost Indian; and as he has lost the rude virtues and warlike habits of his fathers, he becomes an object of contempt; and the only way for him to restore himself to his proper position in his tribe is to put off the habiliments of the civilized man and put on the clout and the leggings and the moccasins of his forefathers, and to learn how to hunt the elk, the deer, and the buffalo, and to prove himself brave in war. These are the virtues of that condition of life, and without which there is neither fame nor distinction.

Mr. EDMUNDS. Is that so in the Indian nations of the Indian country, among the Cherokees, and Chickasaws, and Creeks? Is there not a pretty large body of Indians who have acquired education?

Mr. BOGY. If my friend had done me the honor to listen to the previous portion of my speech the question would not be necessary. I will, however, answer him, although he is disturbing a very handsome train of thought that I was in. [Laughter.]

The Cherokees, Choctaws, and Chickasaws, as I said a while ago, of full blood, are very nearly in the same condition they were when Jackson fought them upwards of fifty years ago. There may be a few exceptions; I know a few myself who, being surrounded by powerful circumstances, have thrown off the leggings and put on the pantaloons—and are certainly civilized, and are also good men—but I think this number not large. Certainly many of the pure bloods are not civilized.

The Cherokees and Choctaws who are civilized and those others who have made some progress are not generally pure Indians. I have known many such myself, and as I said a while ago, I recognize several of them as my personal friends.

Mr. EDMUNDS. But have they not codes of laws, of civilized laws, which punish the having an abundance of wives and which regulate social affairs just about as they do in Missouri or in Vermont?

Mr. BOGY. I will answer the Senator that he is mistaken in regard to the condition of these Indians. I wish to speak of them with the utmost kindness and the utmost truth as far as I know. These Indians have a code of laws of their own, and have made considerable progress in civilization. For more than one hundred years there have been a pretty large number of white men intermarried with these southern tribes, and how much is due to this circumstance the Senator from Vermont can judge as well as I can.

I do not see that there has been any progress in civilizing the Indian race—I speak of the Indian of pure blood—by anything which is the result of our legislation. For one hundred years back it has been an utter failure.

Mr. MAXEY. Let me ask if Ross, Ridge, Boudinot, and Bell, of the Cherokee Nation, to which the Senator refers, are not all largely more white than Indian; and are they not the men who control the Cherokee Nation?

Mr. BOGY. I think they are.

Mr. LOGAN. Did the Senator never see a civilized Indian, one who had no white blood in him?

Mr. BOGY. I think I have seen a few that were civilized, and who were dressed like white men, and spoke English, and had many of the virtues of the white man, and also his vices.

Mr. LOGAN. I can say to the Senator that I knew an Indian without white blood, who was a staff officer on General Grant's staff, a finely educated and thoroughly civilized man, and a gentleman anywhere.

Mr. BOGY. I know him very well myself. He is certainly a civilized man and a gentleman, and belongs to the Oneida Indians in New York; and I hold him in the highest respect. That would not prove the proposition, however, any more than one swallow proves a summer. It is possible, and as I said a while ago, you will find among the Choctaws and Chickasaws and Cherokees a few full-blooded Indians who are civilized; but when we speak of the civilization of those Indians west of Arkansas and south of Missouri we really have in our mind's eye the Rosses and Boudinots and Adairs and Vanns, and those men who have in their veins but very little Indian blood.

Mr. LOGAN. I have a letter from Mr. Ross, Mr. Adair, and the men whom the Senator has just mentioned, protesting against the very thing he designs to do.

Mr. BOGY. I have no doubt about that. Those men are civilized. There is very little Indian in them; the white blood preponderates. But I say, as a general proposition, as a philosophical fact, that you cannot civilize a barbarian race yet in the hunter state by first approaching the intellect and trying to teach it to read and write. It is against the law of sense and sound philosophy, as well as against reason and experience. And here is the mistake we have made for upward of one hundred years.

I am the friend of the Indian and would like to promote his happiness and elevate his condition; and, as I have been so from earliest youth, I do not propose to abandon him now, and the change I now advocate is what I consider for his good, and, indeed, as the only way to arrest his rapid extinction. But, while I am his friend, I am not blind to his condition. I see for him no future, excepting to go as soon as possible on reservations of sufficient size; and, if I had my way, these should be large, and on which he would be compelled to remain, and there made to learn how to use the ax and the hoe. If his home had been respected from the beginning, it is possible he might have made some progress; but he has had no home, no place or spot of earth he could call his own and on which he could form any idea how long he would be allowed to remain. He has been an Ishmaelite by force, and the heavy hand of the Government was all the time on him; and yet, while this was so, the sentimentalists of this country were all the time trying to educate him. Does not the bare statement of the facts show how foolish and ridiculous such attempts were? No home, no country, no property but his bow and his arrows, with no fixed family ties, because he had no home to protect these, an outcast, no one respecting his rights and no one to defend him. How can such a man receive education? How can he be made to believe that your religion is true which could sanction such cruelties? This Capitol stands where the Algonquins formerly had their home. This was the most powerful tribe in North America, and roamed from the banks of the Potomac and Chesapeake to the far-distant shores of Massachusetts and Maine. They were brave, numerous, and powerful. Yet they have passed away, their name barely remembered; for I remember a short time ago, when a new Territory was about being created, that I proposed this name in the place of Pembina—which is not an Indian name, but a corruption of two French words—that many Senators came to me for an explanation of the name. As a matter of Indian history, I will state that the Delawares and Shawnees are Algonquins—a few of these remain, a mere remnant, partly civilized, and now living on the borders of my State south of Kansas.

I look upon the present system, besides its real cruelty to a dependent race who ought to have been protected, as the promoter and abettor of fraud. It is a system without a head and without any responsibilty resting on anybody. Even an honest man in office, as I believe the present Commissioner to be, is utterly powerless to arrest fraud or even to expose it. All of us, when in executive session, have had to vote on the nominations of Indian agents. Who knows them? Really no one who is responsible under any law. The President does not know them, the Secretary of the Interior does not, nor does the Commissioner; they are said to be recommended by the different churches. However good and holy these may be, they are not responsible under any law. The consequence is that at no time before have we ever had such bad agents as now. Their duties call them far away, where there is no supervision, and the consequence is they yield to the first temptation, and the majority become dishonest, and instead of being the friend and protector of the Indian are his worst enemy, robbing him of the small pittance he receives from the Government under the sanction and cover of his office. This, I regret to say, I believe to be the case with a majority of these agents.

Mr. LOGAN. Will the Senator allow me to call his attention to one fact? He was speaking a while ago about civilization, and he is still on that point. Will he allow me to suggest what he will find by examining the reports of the Superintendents of Indian Affairs? The Indians of the Indian Territory, the Cherokees and others, cultivate 500,000 acres of land; they have an agricultural fair, have 200 free schools, 9 high schools, 10,000 church members, 6,000 children at school—mostly full-blooded Indians. Does that show any civilization?

Mr. BOGY. That is very good in that report beyond a doubt, but this is subject to much explanation. We all know how these reports are made and how false they are in point of the real truth. What is a school? It may be large or it may be small; it may be good or worse than nothing. All such statements are made for an object, and I attach but little importance to them.

As to the cultivation in that country I admit it does exist, but this is in accordance with my policy, that is to localize them and keep them on a reservation, so that they shall no longer be hunters, but from necessity be compelled to work and cultivate the earth. To do this with the wild Indians requires the strong arm of the Army; otherwise he will roam in pursuit of the game, and will not remain on his reservation. Nothing short of the military will make him remain there.

Mr. LOGAN. The Senator spoke very highly of Mr. Ross a while ago, an educated gentleman, did he not?

Mr. BOGY. I did.

Mr. LOGAN. And of Mr. Adair?

Mr. BOGY. Of course I did.

Mr. LOGAN. This statement is signed by them.

Mr. BOGY. Suppose it is, what of it?

This report would indicate a very high degree of education and refinement in that country, as also a high condition of agriculture. Yet we know this is not so; not but that there is some education there and also a fair progress made in farming, but not to the degree that the reading of this report would lead one to believe. In that country there are many white people; some of whom are married with women of the tribe and some are not. It is also traversed from north to south by a railroad, and hence they are in constant contact with the white race and surrounded with civilizing influences. Indeed it is surprising they are not more advanced than they are, and only shows, what I said at the outset, that the progress of civilization is slow and goes on only from generation to generation, and not from one individual to another.

Mr. LOGAN. From 1849 to the present time those roving tribes of the plains that we had to fight nearly every morning when I first passed through their country are now the most of them on reservations, and are quiet, peaceable Indians. Does the Senator call that any advance?

Mr. BOGY. Of course that does not controvert the fact which I stated.

Mr. LOGAN. It only proves that since 1849 some of the wild, roving savages that were thirsting for blood at that time are now quiet, peaceable Indians.

Mr. BOGY. Why?

Mr. LOGAN. Because they have been taught to be peaceable.

Mr. BOGY. Because the Army is there in sight of them, and they dare not move for fear of the bayonets being thrust in their side. That is the reason.

This does not in the least disprove what I have said. The Indians can be localized and subjugated by force and be made to remain on a reservation; but this can only be done by employing the Army. No wild tribe of the plains would long remain on a reservation if the Army was not close by to chastise if he left. To deny this is to deny the plainest proposition.

Mr. LOGAN. When I traverse this country I am now more afraid of the James brothers than the Indians.

Mr. BOGY. I am not responsible for the fears or the timidity of the Senator. That is his own lookout. I am myself not afraid of the white man of the frontier. I have been much among them, and I have not yet been killed; and I will say more, I never have been insulted by a brave frontier man. These men may be rude, but under this rough exterior there beats not only a brave but a generous heart.

Mr. MAXEY. I should like to ask the Senator from Illinois a question. He referred a moment ago to a very intelligent Indian who was a member of the President's staff when he was General of the Army, and who was also formerly Commissioner of Indian Affairs. Did the Senator refer to Colonel Parker?

Mr. LOGAN. I did.

Mr. MAXEY. I will state to the Senator that Colonel Parker, who is a very intelligent Indian, favors the transfer of the Indian Bureau to the War Department. I will read what he says:

It is greatly to be regretted that this beneficent and humane policy had not been adhered to, for it is a fact not to be denied that at this day Indian trading licenses are very much sought after, and when once obtained, although it may be for a limited period, the lucky possessor is considered as having already made his fortune.

The eagerness also with which Indian agencies are sought after and large fortunes made by the agents in a few years, notwithstanding the inadequate salary given, is presumptive evidence of frauds against the Indians and the Government.

Many other reasons might be suggested why the Indian Department should altogether be under military control; but a familiar knowledge of the practical working of the present system would seem to be the most convincing proof of the propriety of the measure.

It is pretty generally advocated by those most familiar with our Indian relations and, so far as I know, the Indians themselves desire it.

Civil officers are not usually respected by the tribes, but they fear and regard the military, and will submit to their counsels, advice, and dictation when they would not listen to a civil agent.

I put that against the paper introduced here by the Senator from Illinois.

Mr. LOGAN. I had no reference to any views of Mr. Parker. I only spoke of him as a civilized Indian.

Mr. MAXEY. If the Senator will permit me, a statement was introduced here that the Cherokees were opposing the transfer. Here is a statement from a highly intelligent man, who is a full-blooded Indian.

The expenses of the Indian Bureau have increased from $1,500,000 within a few years to the enormous sum of $8,000,000 a year, and there are less than 300,000 Indians.

Mr. ALLISON. Does not the Senator from Missouri know that the sum provided for the Osages this morning is not to be given to the Indians, but is to be expended by the Secretary of the Interior in the purchase of plows, hoes, farming implements, and in the erection of houses and homes under the direction of the Secretary of the Interior?

Mr. BOGY. Of course I know it; but does the Senator believe that the Secretary will go down there himself to superintend this expenditure? Here is an expenditure of $200,000 made to enable these Indians to farm. They have good lands. This sum of money was paid to them last year. There are 3,000 of these Indians, including the men, women, and children. This shows the extreme viciousness of this agent system. This large sum is recommended by him when it is not necessary, and the plows and farming implements that you will furnish him will be taken immediately to the first whisky shop or store and there exchanged. These Indians should be made to work, and under a good system this would be done.

So it is that all our efforts heretofore made, and well meant and well intended, to civilize this people and to educate them, have been failures, because the agencies and appliances and the system, everything indeed was bad and defective. The head was too far removed from the place where the duties of the office were discharged, and for this reason alone there was no responsibility. Will there be any improvement if this Bureau is transferred to the War Department. If I did not believe this I would not advocate it; but to my mind this is plain and conclusive. The Army is a regular and permanent body; the officer holds his position during life. He is a man of education, and must be a man of character to remain in the Army. All his surroundings protect him and fortify him against low and venal temptations. It is a chain, going link by link from one to the other, regular subordination as well as organization, and so arranged that it is difficult if not nearly impossible for one officer to do any very great wrong. Again, we should not overlook the fact that the head of the Army, whoever he might be, would feel very great responsibility to have this branch of the public service faithfully and vigilantly done. The present head of the Army certainly gives us the very highest guarantee from his known character that fraud would not be tolerated that ever got to his knowledge.

Again, it is said that the Army is likely to encourage Indian wars. This, in my estimation, is the reverse of the fact. All their interests lead to peace, and not to war. No reputation calculated to tempt a man of ambition can be acquired in this character of warfare. While the danger and the hardships are great, the crop of glory would be small.

It is also a fact well worthy of consideration that by the transfer of the board Army officers will take the place of the Indian agents, and in this way from sixty to seventy agents now receiving large pay would be dispensed with, and this without any expense, the Army officer receiving only the pay he is entitled to as an officer. All contracts for supplies would be made by the Quartermaster and Commissary of the Army, and the rations furnished the Indians under regulations of one of these officers. This would furnish such checks and guards as to make fraud impossible. The Indian would then receive all the Government pays for and has agreed to furnish him. This we know is not the case now. We all know the frauds perpetrated in this very thing.

Mr. LOGAN. I state it as a fact shown by the record, which I can present here as I did to-day, that the beef at all the different Indian stations bought by the Army costs more than the beef bought by the Indian Bureau; the corn bought by the Army costs more than the corn for the Indian Bureau; the flour costs more than the flour bought by the Indian Bureau.

Mr. BOGY. As a matter of course it all does cost more.

Mr. LOGAN. Why?

Mr. BOGY. For the simplest reason in the world. The Army pays for what it gets, and it gets what it pays for. An Indian contractor will agree to sell beef for one cent a pound if necessary to secure the contract, but he will deliver you that beef, perhaps, several times over, or charge for five hundred pounds, when, in point of fact, he only delivered one hundred; this is an old trick well understood and successfully played.

Mr. LOGAN. I ask the Senator why is it that the transportation of the Army costs more than the transportation of the Indian Department?

Mr. BOGY. I will answer the Senator once for all, and then I will object to his disturbing me any further.

The answer to this question of the Senator is virtually the same as was made to his first question, which is simply that in the case of the Army the contractors are made to carry out their agreement to the letter, while in the case of the Indian contract this is not the fact. The agreement is not carried out because of collusion with the agent and sometimes his utter incapacity; for many of them are very ignorant and know nothing of business. The fact that contracts are not faithfully carried out under the present system is one of the main reasons for the change, so as to apply a remedy to this shameful and long-standing wrong.

I wish the Senator to understand that I am arguing the general proposition that the organization of the Indian Department at present is so defective that it inevitably leads to fraud for the want of responsibility and for the want of proper organization. That is what I mean.

Mr. LOGAN. Does not the Senator know that every Indian agent was at one time removed, that every man connected with the Indian Department was removed, and that Army officers, called supernumerary officers, were detailed by President Grant and placed in charge of the Indians at every Indian post?

Mr. BOGY. That may be; but if the Senator will recognize that I have the floor I will go on; I am unwilling to be further disturbed.

I am not here to vindicate the Army, because it is not necessary that I should do so. Neither do I want to assail the Indian agents because they are Indian agents. I attack a system which in my opinion leads to fraud and to dishonesty, and in place of a bad system I would introduce the Army, because of its perfect organization.

The Senator read this morning from a paper stating that some years ago, while the Indian Bureau was under the War Department, at Leavenworth goods that cost a certain figure were delivered to the Indians at another figure. I understood the Senator to say that they were delivered so by the War Department. Upon inquiry, he corrected this. He stated that axes that cost thirty-seven and a half cents were sold for $2.50.

The answer to this is simply that these were the prices fixed by the Indian traders, over whom the War Department had no control whatever. They were licensed by the Bureau in this city or the superintendent in Saint Louis, and had the power to do as they please in carrying on this trade with the Indians.

I do not wish to be understood as saying that the Army is a very economical department; far from it. I believe, on the contrary, its expenses are too large and call loudly for reduction, and I am willing and ready to join the Senator from Illinois or any other to apply the pruning-knife. Nevertheless while this is the fact, it is not as high in proportion as $8,000,000 for the Indian service. I believe this sum could be reduced fully one-half if your Indians were placed on reservations and kept there by the Army. I believe the time has come when our Indian policy must change and when all the Indians within our borders must be brought within certain reservations, and thus be localized. The reservations ought to be large. We have a vast territory and can give them plenty of room. In time the land will come back to us, as their title is only possessory.

While I believe that Indian wars are now brought about by the Army because of the conflict between the civil and military, yet I believe that if the responsibility was thrown on the Army to keep the Indians in subjection and maintain peace this would not be the case. There is a constant conflict now between the Army officer and the Indian agent, a clashing of authority. Orders are issued from the Interior Department, and orders are issued from the War Department, and then other orders are issued by the Indian agents, and finally orders are issued by commanding officers in the field; one conflicting with the other. It is "confusion worse confounded." Harmonize all this by placing the whole matter under the control of the Army and hold it responsible to the country, and I believe honestly that peace would be the result, and that speedily too, and great economy be gained; and further, that the Indian would soon be forced to believe that the time had come when he, like the white man, had to work for his living; and whenever he is taught this, he has learned the first lesson in civilization and taken the first step.

There appears to be a great misapprehension on this subject as to the effect of this transfer. Senators argue as if this would take from Congress its present legislative powers. Nothing of this character is contemplated, nor could this in any way be the fact. The same power we have and exercise now we would have then; not the slightest change in this particular. This branch of the subject has been treated at very great length by different Senators on the other side. I do not think it important to dwell on the point, but simply to say that these lengthy arguments have no foundation in fact, none whatever. This being so, it is answer sufficient.

Mr. LOGAN. Inasmuch as the Senator questions the veracity of some of the statements made by the reports, here is a report made in 1833, while the Indian Bureau was in the War Department. Lewis Cass, being Secretary of War, was required to report statistics in reference to the Indians of the different tribes and everything in connection with them, their manner of treatment, &c., to the House of Representatives. I find that "Mr. H. Everett, from the Committee on Indian Affairs, made the following report," on page 96:

Whether competition among traders after the abandonment of the factory system has answered the expectation of the Government will appear by examining the prices now charged in the Indian country.

The traders were then under the control of the War Department. The War Department had a board, as they have now, at the trading-posts, the Indian traders being under the supervision of the Army at the different Indian posts.

Who would have supposed—

Says this report—

that on the borders of the navigable waters of the Missouri, no farther west than Fort Leavenworth, guns which cost in Saint Louis $7 are sold for $50.

Squaw-axes which cost 37½ cents sold at $2. A double handful of salt, which cost 62 cents per bushel, sold at $1; five and six gallon kettles, costing 25 cents per pound, sold at $12

The report goes on further and says:

Who would have supposed that on the navigable waters of the Upper Missouri the Indians would be compelled to pay the following prices:

Articles.	Cost in Saint Louis.	Sold at—
For a yard of strouding, costing per yard	$1 80	$8 00
1 three-point Mackinac blanket	4 00	12 00
1 two-and-a-half-point Mackinac blanket	3 00	10 00
American calico, per yard	16	1 00
English calico, per yard	22	1 50
Indian guns, per piece	7 50	25 00
Gunpowder, per pound	30	1 50
Tobacco, per pound	7	1 00
Hoes, per piece	40	2 50
Vermilion, per pound	1 50	7 50
Whisky, per gallon	25	16 00
Blue strouding, per yard	80	3 buffalo robes.
White beads, per pound	35	3 00
Tobacco, per pound	5	1 00

Mr. BOGY. Does the Senator intend to read the whole invoice?

Mr. LOGAN. No; but the Senator disputed my statement and I wanted to prove what I said by records which no man can dispute.

Mr. BOGY. What report is that?

Mr. LOGAN. I stated that that was a report made by Mr. Horace Everett on the request of the chairman of the Committee on Indian Affairs, made to the House of Representatives, and the detailed statement is given to the House of Representatives by the Secretary of War, Lewis Cass.

Many other articles are specified in the schedules referred to, marked E., F., G.

There is no reason to doubt the fact that one company has now in operation an extensive distillery of ardent spirits at the mouth of the Yellowstone River, where it is said alcohol reduced to proof is exchanged with Indians at $64 per gallon, and when carried to the interior at a much higher price.

Mr. BOGY. I have nothing to say about that bill of items; let that be as it may; if it proves anything it proves the correctness of my argument. A vigilant commanding officer would have stopped this dishonest traffic practiced by Indian traders.

Under the new system, which would be inaugurated, of placing Indians on reservations and feeding them, the rations could be given out as they are given to the soldiers, regularly, of given weight and quality.

I do not forget the duty resting upon us to protect this dependent people and to do all in our power for their well-being, and as far as possible to lead them on from the ignorance of barbarism and the darkness of paganism to civilization and Christianity. I am not unmindful of my duty in this respect, and if I believed that this transfer would in any way prevent us from discharging our entire duty in these respects I would oppose it. I am fully satisfied, on the contrary, that the well-being of this race, as well as its civilization and ultimately his becoming a Christian, will all be promoted by the change. We have had many Indian wars in this country, which have entailed very large expenses on the Government; but Indian wars should be a thing of the past, and with any wisdom on our part cannot again ever occur. The Indian is not now what his forefathers were; he has no longer a vast and boundless unpeopled territory to roam over. The white race surrounds him on every side, and the time has come when he must cease to be a hunter or he must cease to exist. The decision of this question is left with him. The law of necessity, growing out of the spread of population, makes it plain what he must expect hereafter. It cannot be permitted that a few thousand hunters will remain in possession of the interior of this continent as mere hunters. The earth was created for a better purpose, and it must be made to yield food for the human family. Hence he must retire to a reservation, and there kept under the surveillance of intelligent Army officers, where he will be taught to work for his living, and where the teachers of religion will impart to his mind the great lesson which leads to a happier life hereafter.

Mr. INGALLS. Mr. President, I rise at this late hour in the session and at this period of the debate to make a proposition which I hope will meet with the approbation of the friends and the opponents of the proposition that is now pending. I am in favor myself of the transfer of the Indian Department to the charge of the Secretary of War; but I am convinced that the proposition that is now before the Senate in the bill reported by the Committee on Appropriations is ill-advised, improvidently drawn, and incapable of accomplishing the results that I desire to see obtained.

A bill has passed the House of Representatives, numbered 2677, to transfer the Office of Indian Affairs from the Interior to the War Department, which is elaborate in its details, well guarded, and, in my judgment, calculated to accomplish the results that I suppose are intended by the third section of the bill now before the Senate.

I am still further embarrassed by the precedent that has been heretofore established to resist legislation upon appropriation bills, and I should regret exceedingly to be compelled to depart from that by voting against the amendment and in favor of the third section as it stands in the bill now before the Senate.

I desire, therefore, to propose that the debate on this amendment shall be informally suspended; that the Committee on Indian Affairs be instructed to report House bill No. 2677 immediately, and that the debate continue upon that bill; that the vote be taken, and we shall then be able to ascertain what the sense of the Senate is, be relieved from all embarrassments on the pending question, and determine whether or not the Senate is willing to vote for the transfer from the Interior Department to the Department of War relieved from all these complications that surround us in the way in which it is now presented. Of course, I am aware that this can only be done by a common understanding or unanimous consent, and I trust that the suggestion will be met in the spirit in which it is made, and that we shall be able to proceed, after a decision of this question, in a way that will meet the approbation of both the friends and the opponents of the proposition now before the Senate.

Mr. ALLISON. Mr. President, if I understand the proposition of the Senator from Kansas, it is that the Senate disagree to the third section of this bill.

Mr. INGALLS. The Senator does not understand me. I am willing that the Senate shall disagree to the third section of the bill provided action can be had upon House bill No. 2677, whichever way that may go.

Mr. ALLISON. I submit to the Senator from Kansas that that involves a postponement of the regular Indian appropriation bill.

Mr. INGALLS. It is entirely immaterial, so far as the question of postponement is concerned, whether this debate proceeds upon the third section of the Indian appropriation bill or upon House bill No. 2677; but, if that bill from the House is taken up and considered, then we shall reach a determination of this question that will be final, and this bill can then proceed to be considered by the Senate as reported by the Committee on Appropriations.

Mr. WINDOM. I sympathize somewhat with the Senator from Kansas in his position on this question. My judgment is by no means convinced that we should pass any bill transferring the Indian Bureau to the War Department; and yet I am not prepared to say how I should vote upon such a bill from the Indian Committee. I shall not, however, vote for the transfer or for the abolition of the Indian Bureau in this bill; nor can I consent, as one member of the Committee on Appropriations, to lay this bill aside for the purpose of bringing the other in and discussing it before this is acted upon. I think it would indefinitely postpone this bill. I had hoped that the discussion of this question had about closed, and I believe that if we are patient an hour or two longer we can close it and vote on the proposition. I am willing to vote against the abolition proposed by the bill and take the chances on the report of the other bill when it comes at the proper time, after being duly considered by the Committee on Indian Affairs.

Mr. INGALLS. It appears to me that, if a majority of the Senate favor the transfer of the Office of Indian Affairs from the Interior to the War Department, it is desirable that the transfer should be made in the best manner possible; that whatever action may be had, whether by bill or amendment or otherwise, should be well guarded and well considered; and therefore it appears to me that the object of the Senator from Minnesota, as well as of those who do not agree with him, would be best accomplished by considering a measure that is properly guarded and properly before the Senate. So far as the third section of this bill is concerned, I believe with him that it is an abolition of the Indian Department rather than a proper transfer of it to the Military Department.

Mr. EDMUNDS. Why not dispose of this, then, and allow the other to come up in its regular order?

Mr. INGALLS. Simply because I apprehend it will not come up in its regular order.

Mr. EDMUNDS. You can move to take it up at any time.

Mr. INGALLS. I know that, and so can any other member of the Senate; but I know that if this subject is considered by piecemeal the Indian appropriation bill will be passed and that the opportunity for considering the question will have passed by.

Mr. WINDOM. I am willing to trust the committee who have charge of that bill. I am not willing to force action on this transfer, as it will be forced if we pass the third section. I think that it should take its regular course, and I believe that the committee of the Senate will at the proper time report upon it. It can do no harm, it seems to me, to reject this third section, because if we shall after this pass the bill from the House now before the Indian Committee some of these appropriations would simply fall. Almost all of them will have to stand precisely as they are if the transfer be made, but the appropriations for the pay of officers in the Indian Bureau would simply fall for want of recipients, provided we make the transfer.

I can see no difficulty about it, and it seems to me we have wandered into a much wider range of debate than is necessary on this bill. The question is as to the propriety of this third section and as to the propriety of passing it here, and I am willing to vote upon one thing at a time. I am clearly of opinion that this third section ought to be stricken out, and I think when the Senator from Kansas turns his attention directly to the third section rather than to the general proposition, he will, as he says he does, agree with me. I suggest

that the best compromise is to consider this bill on its own merits and pass it as soon as possible, and then when the committee report the other, take it up and act upon it.

Mr. HITCHCOCK. Mr. President, I am too weak and ill to make the Senate hear, perhaps, anything that I shall undertake to say, but I believe that we living upon the borders have a right to a fair vote upon the question of the transfer of the Indian Bureau from the Secretary of the Interior to the Secretary of War.

I introduced on the 20th of December last a carefully prepared bill upon that subject and for that purpose, and that bill was referred to the Committee on Indian Affairs and no report has been made either *pro* or *con* upon that bill. The bill which has passed the House and which is proposed by the honorable Senator from Kansas to be taken up and voted upon as an independent proposition substantially corresponds with the bill which I then introduced and which was referred to the Committee on Indian Affairs. I am unwilling, and believe it to be a bad principle as a general rule, to vote legislation upon appropriation bills. I believe it is the fair way that the Senate should take up and consider separately the bill for this purpose as an independent proposition before the Indian appropriation bill is forced to a vote. It will certainly take no longer, and the question can be decided then upon its merits; and when it is so decided, no one can justly complain.

I trust, therefore, that the motion of the Senator from Kansas will be carried, that the House bill will be taken up and acted upon, and then the vote upon the appropriation bill can be had understandingly and in accordance with the result thus arrived at.

Mr. ALLISON. Mr. President, in reply to the remarks just made by the Senator from Nebraska with reference to the bill introduced by him in the early stages of the session, I desire to say that the bill proposed by him was referred to a subcommittee, and that the subcommittee reported some time ago. In the mean time a House bill on the same subject came to the Senate, and was referred to the Committee on Indian Affairs; that bill has also been considered by the committee, and I doubt not will finally be considered by the committee to-morrow at its meeting, and could be reported to the Senate to-morrow.

I regret exceedingly that we are met face to face in an appropriation bill with a proposition, and that a crude proposition, to transfer the control of three hundred thousand Indians, with their annuities, with the treaty stipulations binding upon the people of the United States, to the War Department by a single section in an appropriation bill, without any machinery whatever to carry out the provisions of law and of treaty with reference to the subject.

Here is a proposition prohibiting the employment of civil officers, clerks, or employés in the Indian service; declaring that hereafter all functions performed with reference to the Indians shall be performed by officers and soldiers of the Army of the United States; a proposition novel in its character; one never proposed before; one never existing upon our statute-books—a new, and strange, and novel proposition, brought in upon an appropriation bill when there are but twelve days left of the fiscal year, when all these appropriations ought to go into effect in order to carry out the treaty stipulations on our statute-book. That is the proposition we have before us. Turn to this third section; and I am not surprised that the Senator from Kansas, who is in favor of the transfer, should make a proposition at this stage of the debate to lay aside an appropriation bill, which ought to go into effect on the 1st of July, for the purpose of taking up another and a different bill, which has never been reported by a standing committee of this Senate, and ask the Senate to consider it in advance of an appropriation bill, in order that this crude proposition may be put in shape by the Senate of the United States in such a way as to make this bill effective if the service is to be transferred to the War Department.

Mr. President, I have listened to this debate during this day and this evening, especially the remarks made by the Senator from Texas [Mr. MAXEY] and by the Senator from Missouri, [Mr. BOGY,] and one would infer that up to the organization of the Interior Department the Army of the United States had had control of Indian affairs. It never has been so since the Government of the United States has been organized. The Indians of this country have always been controlled by civil officers of the Government, and never have been controlled by officers of the Army save and except the year and a half that they were so controlled under the order of President Grant, beginning with his Administration in 1869 and ending by an act of Congress prohibiting it on the 15th day of July, 1870. No officer of the Army during any of the administrations of our Government preceding the organization of the Interior Department ever had control of the civil affairs of our Indians. They were always controlled by civil officers, and as early as 1832 an Indian Department or Bureau was organized in the War Department, with superintendents and agents and sub-agents. All the machinery which is now in existence was organized in 1832 for the control of the Indians.

Mr. MAXEY. Will the Senator permit me a word?

Mr. ALLISON. Yes, sir.

Mr. MAXEY. I ask him if the Indian Bureau was not a part and parcel of the War Department from 1832 down to 1849?

Mr. ALLISON. The Indian Bureau was then a Bureau of the War Department, but every officer of that Bureau was a civil officer, giving bond as a civil officer, and no Army officer was ever detailed for civil service, except to inspect Indian goods that had been purchased for the Indian Bureau by officers civil in their character and functions and not Army officers.

Mr. MAXEY. Now I will ask the Senator to whom the superintendents of Indian affairs, the Commissioner of Indian Affairs, and all the agents connected with the Bureau reported, and under whose orders and authority they were?

Mr. ALLISON. As a matter of fact, they reported to the Secretary of War.

Mr. MAXEY. And were under the orders of the Secretary of War.

Mr. ALLISON. Undoubtedly, but under the direction of law. The law passed in 1834 regulating intercourse with Indian tribes stands practically on our statute-books to-day unchanged; a law civil in its character, especially defining the duties of Army officers. Let any gentleman turn to that statute of 1834, or the Revised Statutes in which it is embodied, and he will see that the Army could do nothing except what was defined by statute. They have no authority or control such as is proposed in this section. Here we do not legislate at all. We allow everything to be done by or under regulations to be made by the President of the United States and the Secretary of War.

Mr. MAXEY. The point I make is that every officer of the Indian Bureau, the Commissioner of Indian Affairs, the superintendents of Indian affairs, the Indian agents, were all under the control of the Secretary of War. The Army was under the control of the Secretary of War. There was a complete and perfect autonomy between the system of superintendencies and agencies and the Army, and no collusion whatever, because they were all responsible to the same common head.

Mr. ALLISON. Yes, but the Senator from Texas seems to mistake entirely the point I make, and that is that the Indian Bureau was controlled by law and not by Army officers. The Secretary of War was a civil officer, as much as the head of your Bureau of Indian Affairs was a civil officer. He is recognized as a civil officer in our Government. He is a Cabinet minister. He is not an Army officer. It is true he has control of the Army in a sense, but he had no control of Indian affairs except that control which was given to him by law, and if you will examine the statute of 1834 you will see that the control of the Army over Indians was limited by law. That is the point I make.

Mr. MAXEY. I will ask the Senator if the Secretary of War did not have precisely the same control over the Indian Bureau and all its officers that he had over the Army itself? All the authority he had was authority by law.

Mr. ALLISON. By no means. He had control of the civil officers in the Indian Bureau, but he could not detail an Army officer as an agent, and he could not direct Army officers to do specific things, because the intercourse act of 1834 directed specifically what the Army could do, and they could do nothing except what was specified in the statute of 1834; and that is the law to-day.

Now, we have a novel proposition, a proposition not transferring this Indian Bureau to the War Department, a civil Department of this Government, but a proposition to turn over 300,000 Indians, some of them civilized, some of them semi-civilized, and others barbarous, to the control and direction of the Army of the United States. That is the point I make, and that is the difference. That is a novel proposition, and it is without any limitation of law, under the Army regulations, under the control of the Secretary of War, without law, and without limitation. It is the most extraordinary proposition that I have ever seen presented to the American Senate, or to any legislative body, turning over the control of more than 100,000 civilized Indians to the Army of the United States, and another 100,000, semi-civilized and in course of civilization, and another 100,000 of barbarous tribes.

I want to say right here to the Senator from Missouri, whom I know to be familiar with Indian affairs, that I was amazed at some of his statements made this evening. Does he not know that the civilized tribes known as the Five Nations in the Indian Territory, numbering 55,000 people, are, in the sense that it is important to us as a nation, to-day as civilized as we are? They are not supported by our bounty or by our charity. They live by the labor of their hands as we live by the labor of our hands, and that is the great question after all to be considered by the American people. It is an economic question. Of course we must civilize them and advance them as rapidly as we can in civilization, as we do our own people; but the great object we should have in our legislation is to make these Indians self-supporting. How can that be done? It can only be done by beginning with the ruder arts of agriculture, by teaching them how to work; and will it be claimed that a soldier of our Army is as likely or more likely to inculcate these arts of industry than the Indian agent or the civil officer of the Government? Does not my friend from Missouri know that we do not appropriate a single dollar for these 55,000 Indians in the Indian Territory known as the five civilized nations?

Mr. INGALLS. What do they have an agent for?

Mr. ALLISON. They have an agent and they would be glad to get rid of him even, but the Cherokee annuities are paid over to the Indians themselves and they are disbursed by an Indian council, and the agent of the United States has no control whatever over those funds.

Mr. HITCHCOCK. Will the Senator allow me to ask a question?

Mr. ALLISON. Certainly.

Mr. HITCHCOCK. If they do not need an agent and do not desire an agent, why make an appropriation for an agent?

Mr. EDMUNDS. He is the representative of the United States.

Mr. ALLISON. Certainly. We pay them annuities as provided by treaty, and about the only office of the agent is to see that the goods and moneys are delivered to the Indians properly and taken care of properly. They are not bounties; they are for services. They are for land that we purchased of them and agreed to pay them for as long ago as 1832 and 1836. Now it is proposed by the third section of this bill to turn these fifty-five thousand civilized Indians over to the Army of the United States without law and without limitation; and of course an Army officer will be assigned to that duty. It is a most extraordinary proposition.

It may be true that we cannot civilize these Indian tribes. I do not say that we can; I only say that that has been the policy of the Government from the beginning, and the uniform testimony of all the men who have examined this question has been and is that if we would civilize the Indian we must not put over him an army. That is not a civilizing medium.

The Senator from Texas read something from General Sherman upon this topic. I have here the deliberate words of General Sherman uttered at a most remarkable period in the history of our Indian relations. You all remember the wars of 1864, 1865, 1866, and 1867; wars that cost the people of this country millions upon millions of dollars, arising from various circumstances connected with the emigration to the Pacific coast, and arising from the fact that we undertook to build an iron railway across the State of Nebraska and the Territories to the Pacific coast. We engaged in a war with these tribes, and after having expended several millions of dollars in a vain effort to secure peace the Congress of the United States passed a law in 1867 creating a commission, consisting of the most eminent men of our Army, including one Senator of the United States, to make treaties with the tribes who had been at war with us. That commission consisted of the then Commissioner of Indian Affairs, a democrat from the State of Tennessee; General Henderson, of Missouri, then a Senator of the United States; William T. Sherman, then Lieutenant-General and now General of our Army; William S. Harney, brevet major-general, who had spent most of his long life in fighting the Indian tribes; John B. Sanborn, a volunteer general of the Army from the State of Minnesota; Alfred H. Terry, a brigadier-general of the United States Army; S. F. Tappan, an eminent citizen; and C. C. Augur, a major-general in the United States Army. These eminent men spent a year and a half in endeavoring to secure peace with hostile Indian tribes.

Mr. MAXEY. What is the date of that communication?

Mr. ALLISON. I read the report of that commission, signed by every member of it, dated January 7, 1868.

Mr. MAXEY. One of the letters I read from, General Sherman's, is dated the 4th of February, 1876; the other the 19th of January, 1876; and in addition I will state that General Augur in this book also favors the same thing, and so does Sanborn.

Mr. ALLISON. I am aware that the other branch of this Congress addressed letters to eminent officers in our Army, who, I have no doubt, sat down without any consideration and answered them. But here is a report signed by four generals of the United States Army, and I read from that report to show what was their deliberate judgment after their return from a visit to the hostile tribes and after they had made peace with those tribes; and I shall have something to say of the character of that peace in a moment. I read from page 22 of their report:

> This brings us to consider the much-mooted question whether the Bureau should belong to the civil or military department of the Government. To determine this properly we must first know what is to be the future treatment of the Indians. If we intend to make war with them, the Bureau should go to the Secretary of War. If we intend to have peace, it should be in the civil department. In our judgment such wars are wholly unnecessary, and hoping that the Government and the country will agree with us, we cannot now advise the change. It is possible, however, that, despite our efforts to maintain peace, war may be forced on us by some tribe or tribes of Indians. In the event of such occurrence, it may be well to provide, in the revision of the intercourse laws or elsewhere, at what time the civil jurisdiction shall cease and the military jurisdiction begin.

That is the language of General Sherman, uttered in 1868, in a deliberate report to Congress, intended to exercise an influence over the deliberations of Congress upon a most vital question at that moment.

Mr. MAXEY. And eight years after that he concluded that the time had come to which he referred by the word "now;" and he declared in favor of the transfer.

Mr. ALLISON. Very well; I should be glad to cross-examine General Sherman upon that subject, and if General Sherman believes as those who have advocated this policy to-night believe, that it is because of the enormous expenditure of the Indian Bureau, then I will reply to General Sherman that nearly three millions—two millions and a half—of the money contained in this appropriation bill results directly and absolutely from treaties made by General Sherman and his *confrères* in 1867 and 1868.

Mr. HITCHCOCK. I should like to inquire if the Senator means to say that they are in accordance with the provisions of those treaties or not.

Mr. ALLISON. I will answer the Senator. They are in direct accordance with the provisions of the treaties or they inevitably result from the making of those treaties.

Mr. HITCHCOCK. They are not in accordance with the provisions of those treaties directly at all, are they?

Mr. ALLISON. More than a million dollars of them are. General Sherman and his *confrères* made a treaty with the Sioux tribes by which they agreed to give to every male Indian over fourteen years of age a suit of clothes annually for thirty years, and to every female over fourteen years of age a suit of clothing, describing it, for thirty years; and they agreed to give to all the children of these tribes a sufficient amount to clothe them once a year for thirty years. They agreed to pay for every Indian roaming, and they all roam, $10 per annum for thirty years. They agreed to pay $20 a year for thirty years to every Indian on that reservation who would farm. If you will multiply these several sums, leaving out of account anything whatever for subsistence, and faithfully carry out that treaty with the Sioux Nation, you have involved this Government for thirty years in an annual expenditure of $1,000,000 per annum, and more. And now are we to be told that this Indian Bureau is extravagant, because in this bill we appropriate in all for 300,000 Indians a little less than $5,000,000?

General Sherman and his *confrères* not only made this treaty—I am not finding fault with it, but I am only answering those who charge that we are appropriating money here unjustly; I am only showing that these appropriations are made in direct accordance with treaty stipulations, and because of treaty stipulations—but in addition they agreed to subsist these Sioux tribes for four years after they went upon their reservation, and under that treaty of General Sherman there has been expended by the Government of the United States in the last six years $12,000,000; and if you will take the *per capita* cost of supporting these Indians under that treaty, you will find that their subsistence has cost, I think, less than ten cents *per capita*.

The commission, of which General Sherman was a distinguished member, made treaties not only with the Sioux but with a large number of other Indian tribes that are now included within this appropriation bill. So that what I said in the beginning is true, that these large appropriations result chiefly from the treaties made in 1867 and 1868; and I want no gentleman here to say that I am attacking those treaties. I believe they were in the main economical treaties. We had just spent nearly $30,000,000; warring with the Sioux, we had spent $19,000,000; and, as the Senator from Illinois showed to-day, nearly $50,000,000, but certainly $19,000,000, in warring with a thousand Seminoles in Florida during the year 1835 and the years that followed. This commission showed very conclusively that although they made liberal provisions for the Sioux tribes, those provisions were economical when compared with the war policy that had prevailed against them.

Mr. WINDOM. It being apparent that we cannot finish the bill to-night, the Senator from Iowa yields to me to make a motion to adjourn.

Mr. ALLISON. I do not care to occupy very much time.

The motion to adjourn was agreed to; and (at eleven o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

UNION PACIFIC RAILROAD.

Mr. WIKE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

> *Resolved*, That the report of Hon. T. M. Morris, as commissioner appointed by the President of the United States, in the year 1869, to examine and report upon the condition of the Union Pacific Railroad, a copy of which report has been submitted to the House by the Secretary of the Interior in pursuance of a resolution of the House, be, and the same is hereby, ordered to be printed.

EXPLOSIVE ILLUMINATING OILS AND OTHER FLUIDS.

Mr. WILLARD. I ask unanimous consent to report from the Committee for the District of Columbia for consideration at this time, as a substitute for House bill No. 1504, a bill to prevent the sale and use of adulterated and explosive illuminating oils and other fluids in the District of Columbia.

The SPEAKER *pro tempore*. The bill will be read, after which objections will be in order.

The first section of the substitute provides that no person shall adulterate, for the purpose of sale or use, or keep for sale in the District of Columbia, any coal or kerosene oil, or other fluid to be used for illuminating purposes, in such a manner as shall render them dangerous to use, nor shall any person sell or keep for sale, or knowingly use, any coal or kerosene oil, or any of the products thereof, which, by reason of being adulterated, or for any other reason, will, at a temperature of 110° Fahrenheit thermometer, emit an explosive gas which will take fire on exposing thereto or plunging therein a lighted match; and

any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the District jail for not more than one year, or by fine not exceeding $500, or both fine and imprisonment, in the discretion of the court.

The second section provides that it shall be the duty of the health officer of the board of health of the District of Columbia, upon the written application or complaint of any person, to inspect and test all oils and fluids to be used for illuminating purposes against which complaints may be made; and if such oils or fluids shall not meet the requirements herein prescribed, it shall be unlawful for the owner or vendor to sell or use such fluid for illuminating purposes, and for so doing such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties provided in the preceding section.

The third section directs the health officer of the board of health of the District of Columbia to report all violations of the act to the United States district attorney for the District of Columbia, whose duty it shall be to prosecute the same in the same manner as other criminal offenses committed within the limits of the District.

The fourth section provides that the possession of such adulterated oils or fluids shall be held and taken as evidence that the same is held for sale by the person so found in possession thereof.

The fifth section provides that the act shall take effect thirty days after the date of its approval.

There being no objection, the bill (H. R. No. 3745) was received, read three several times, and passed.

Mr. WILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PONTON BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on Commerce for consideration at this time the bill (H. R. No. 1539) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota. I desire to state that this bill receives the unanimous indorsement of the Committee on Commerce.

Mr. DURHAM. I hope the gentleman will not press that bill now.

Mr. DUNNELL. Let the bill be read; I think there can be no objection to it.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Green Bay and Minnesota Railroad Company, a corporation authorized by the laws of the State of Wisconsin, to construct a pile and ponton bridge across the Mississippi River at some feasible point in Buffalo County, in the State of Wisconsin, so as to connect with the opposite shore of the said river within the present limits of the city of Winona, in the State of Minnesota; said bridge to be built subject, except as herein modified, to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, so far as they may be applicable thereto.

SEC. 2. That the bridge shall be constructed with one suitable ponton-draw of not less than four hundred feet in width, located over the main channel of the river: *Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and the location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

SEC. 3. That the said city of Winona, or by its consent and subject thereto, any citizen of said city, or any company organized for that purpose, shall have the right to construct, on such terms, conditions, and restrictions as shall be just and equitable, in connection with, and as a part of, said railroad bridge, a bridge for the passage of travelers by highway and any baggage or property by them carried or transported, and for the passage of horsemen, footmen, horses, cattle, swine, wagons, sleighs, and other vehicles, and so forth: *Provided*, That the said city, person, or company constructing said bridge for the passage of teams, and so forth, shall not have the right in any way to interfere with or obstruct the free use by the said railroad company of its bridge at any and all times, and shall be bound, in case of the construction of a bridge for the passage and transportation of teams, and so forth, in connection with, and as a part of, said railroad bridge, as aforesaid, to pay a just and proportionate share of the cost of the said bridge, and of the expense of the repair and maintenance of the same.

Mr. HOLMAN. The controlling power of the Secretary of War over this bridge is retained?

Mr. DUNNELL. Yes; the same as you indicated the other day.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call for the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin at twenty-eight minutes past twelve o'clock, and the business during the morning hour is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary.

DAMAGES FOR INFRINGEMENT OF PATENTS.

The SPEAKER *pro tempore*. At the expiration of the last morning hour on public-bill day the gentleman from Wisconsin [Mr. LYNDE] had called the previous question on the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes, reported from the Committee on the Judiciary. The previous question was not seconded, because a quorum did not vote. The question now is on seconding the call for the previous question.

Mr. EAMES. I desire to say——

The SPEAKER *pro tempore*. Debate is not in order pending the call for the previous question.

Mr. LAWRENCE. Allow me to inquire of the gentleman in charge of this bill whether there is not one difficulty in regard to it——

Mr. EAMES. I propose to claim the floor.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin [Mr. LYNDE] yield, and, if so, to whom?

Mr. LYNDE. I do not propose to yield to any one.

Mr. HOLMAN. I ask the gentleman from Wisconsin [Mr. LYNDE] whether he will not yield in order that the bill to equalize bounties of soldiers of the late war may be taken up and disposed of finally? I think we can dispose of that bill in less than half an hour.

Mr. LYNDE. This bill, if I succeed in getting the previous question ordered, will soon be disposed of.

Mr. LAWRENCE. The gentleman had better yield for the soldiers' bounty bill, with the understanding that the morning hour shall commence afterward.

The SPEAKER *pro tempore*. The gentleman from Wisconsin has demanded the previous question.

Mr. EAMES. I rise to a parliamentary inquiry. This bill was before the House about a week ago, when it was reported from the Committee on the Judiciary and a very brief explanation of it was made by the gentleman who reported it. During the brief discussion upon the measure, which was limited to a few minutes upon each side, I attempted to get the floor for the purpose of proposing or suggesting an amendment to the gentleman having charge of the bill, who, however, declined to yield. I asked the privilege of having the amendment read, which was also declined, whereupon the question was taken by a rising vote upon seconding the demand for the previous question. Tellers were asked for, and upon the last vote then taken it appeared that there was no quorum voting. I now claim that the demand then made for the previous question was not sustained because no quorum voted, and that I am entitled to the floor. If so, I desire to propose an amendment to the bill.

The SPEAKER *pro tempore*. The RECORD shows substantially what the gentleman from Rhode Island [Mr. EAMES] states. It also shows that the gentleman from Wisconsin was on the floor insisting upon the previous question; that the question on seconding the demand was put to the House, and it only failed because there was no quorum. The gentleman from Wisconsin has still the right to call up that question as unfinished business in this morning hour. The Chair has recognized the gentleman from Wisconsin.

Mr. EAMES. May I ask the Chair, very respectfully, how many times this question may be tried?

The SPEAKER *pro tempore*. No quorum having appeared on the previous vote, the vote will be again taken.

The question being taken on seconding the demand for the previous question, there were—ayes 83, noes 17; no quorum voting.

Tellers were ordered; and Mr. LYNDE and Mr. EAMES were appointed.

The House divided; and the tellers reported—ayes 121, noes 25.

So the previous question was seconded.

The main question was ordered; and under the operations thereof the amendments reported by the Committee on the Judiciary were agreed to.

The question being on ordering the bill, as amended, to be engrossed and read a third time,

Mr. WILSON, of Iowa, and Mr. EAMES called for the reading of the bill as amended; and it was read.

Mr. SAMPSON. I desire to call the attention of the gentleman in charge of this bill to one fact——

The SPEAKER *pro tempore*. Debate is not in order at this time.

Mr. SAMPSON. The bill is retrospective in its operation and destroys existing rights.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. EAMES. I ask the gentleman from Wisconsin to yield the floor to me for a few minutes.

Mr. LYNDE. I must insist upon the regular order.

Mr. EAMES. Will the gentleman allow me to state——

The SPEAKER *pro tempore*. The previous question is operating, and no debate is in order.

The bill was ordered to be engrossed and read a third time; and it was read a third time by its title.

Mr. OLIVER. I call for the reading of the engrossed bill.

The SPEAKER *pro tempore*. The bill is not engrossed. The gentleman must be aware of that.

Mr. LYNDE. Does not the demand come too late?

The SPEAKER *pro tempore*. The gentleman is in time, and has the right to call for the reading of the engrossed bill.

Mr. LYNDE. I move to reconsider the vote by which the bill was ordered to be engrossed, and upon that motion I call for the yeas and nays.

Mr. HOLMAN. I wish to make a parliamentary inquiry. Was it not too late to call for the reading of the engrossed bill after this order has been passed?

The SPEAKER *pro tempore*. Immediately after the Clerk read the bill the third time by its title the gentleman from Iowa rose. The title, however, had been read.

Mr. HOLMAN. The order that the bill be engrossed and read a third time had been passed.

The SPEAKER *pro tempore*. Then the Chair directed the Clerk to read the engrossed bill by its title, which was done; and almost immediately upon that the gentleman from Iowa rose.

Mr. SPRINGER. Would it be in order now to move that the further consideration of this bill be postponed?

The SPEAKER *pro tempore*. The motion to reconsider made by the gentleman from Wisconsin [Mr. LYNDE] is now pending.

Mr. SPRINGER. I move that the further consideration of the motion to reconsider be postponed until to-morrow, immediately after the reading of the Journal. By that time the bill will have been engrossed, and we can at once take a vote upon its passage.

The motion of Mr. SPRINGER was agreed to.

DOWER IN THE DISTRICT OF COLUMBIA.

Mr. LAWRENCE, from the Committee on the Judiciary, reported back, with a recommendation that it pass, the bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia.

The bill was read. It provides that the widow of any person dying shall be endowed of one full and equal third part of all the lands and tenements of which her husband was seized as an estate of inheritance at any time during the coverture; and she shall in like manner be endowed of one-third part of all the right, title, or interest, legal or equitable, that her husband, at the time of his decease, had in any lands and tenements. Dower may be assigned specifically by metes and bounds, or as of a third part of the net annual value of the rents, issues, and profits of the lands and tenements, or interest therein, in which the dower right exists.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Now that the bill has passed, would it not be well for the gentleman from Ohio [Mr. LAWRENCE] to explain its provisions?

Mr. LAWRENCE. It is to give dower in the District of Columbia and to extend the right of dower to equitable estates as well as legal estates.

Mr. HOLMAN. Has the gentleman considered the policy of abolishing that relic of the feudal ages?

Mr. LAWRENCE. Of course that is a different question.

The SPEAKER *pro tempore*. The bill has passed, and debate is not in order.

LAND PATENTS.

Mr. LAWRENCE also, from the Committee on the Judiciary, reported back a bill (H. R. No. 844) relating to land patents, with amendments.

The bill, which was read, provides that all patents for land which have been or may be issued shall, in all actions to recover the title or possession of said land, for all purposes of any statute or law limiting the time for commencing actions, or otherwise, have effect as if issued to the party entitled thereto at the time such party was or may be authorized to make any proof of a right to such patent.

The committee recommended that the bill be amended in line 4, after the word "actions," by inserting the words "hereafter commenced," and in the sixth line by striking out the words "or otherwise."

Mr. PAGE. I should like to hear some explanation of this bill from the gentleman from Ohio.

Mr. LAWRENCE. This bill has been very carefully considered by the Judiciary Committee, and they have recommended one or two amendments, making it applicable to actions hereafter commenced. I will state in a few words the object of the bill.

By the law as it now stands the statute of limitations does not run against the Government. The result is that whenever a party makes an entry of land and procures his certificate of entry, if he delays for twenty, forty, or even a hundred years to take out his patent, and in the mean time sells out his equitable interest conveyed to him by the certificate of entry, the party in possession is never protected in his title by the statute of limitations. Now the object of this bill is simply to provide that whenever a party is lawfully entitled to a patent, if he delays to take it out, or if his heirs shall delay to take it out, the party in possession holding the equitable title shall have the same benefit, and the patent shall have the effect, so far as every purpose of the statute of limitations is concerned, as though it had been issued at the time the party was lawfully entitled to it. The effect of this bill will, of course, give to a party in adverse possession claiming title the benefit of the statute of limitations, no matter how his title or claim of title accrued. The bill is designed to give repose and security to parties in possession under claim of title. It is designed to cut off the great evil of permitting parties to set up a title by mere delay in procuring a patent against those who have long been in possession. It seems to me there is no objection to the bill. It has the sanction of the Judiciary Committee. I have heretofore, at an early day in the session, presented my views more fully on this bill than I propose to do now, and I refer to them for the reasons on which it rests.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PARTITION OF REAL ESTATE IN THE DISTRICT.

Mr. LAWRENCE also, from the Committee on the Judiciary, reported back a bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia, with amendments.

The bill, which was read, provides that the supreme court of the District of Columbia may decree a partition of any lands or tenements within said District, or any right, interest, or estate therein, either legal or equitable, on the bill or petition of any joint tenant, tenant in common, or any parcener, or any concurrent owner, whether claiming by descent or by purchase; or if it appears that the said lands or tenements, or right, interest, or estate therein, cannot be divided without loss or injury to the parties interested, the court may decree a sale thereof and a division of the money arising from such sale among the parties, according to their respective rights. The act shall apply to cases where all the parties are of full age, and to cases where all the parties are infants, and to cases where some of the parties are of full age and some infants, and to cases where some or all of the parties are *non compos mentis;* and also to apply to cases where any or all of the parties are non-residents; and any party, whether of full age, infant, or *non compos mentis*, may file a bill under the act, an infant by his guardian or *prochein ami*, and a *non compos* by his committee or trustee.

The committee recommended an amendment in the sixth line, after the word "equitable," to insert the words "including contingent remainders;" and also to add to the section the following:

> The court shall have power to appoint guardians *ad litem*, or trustees for absent parties, or to represent contingent interests, and to require bonds and accounts from such trustees when equity shall require. And in all cases of sales in partition proceedings, the court shall require an appraisement and re-appraisement from time to time if necessary by appraisers appointed and duly authorized by the court; and no sale shall be made for less than two-thirds of the appraised value of the land or interests therein.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEMALE ATTORNEYS.

Mr. LAWRENCE. I am directed by the Committee on the Judiciary to report back to the House a bill (H. R. No. 2622) relating to the admission of persons in the courts to practice law, which I ask be read.

The bill, which was read, provides that every person shall be entitled to be admitted in every court of the United States to practice as an attorney and counselor at law and solicitor in chancery who may be properly qualified according to law, without regard to sex.

Mr. LAWRENCE. I am directed by the Committee on the Judiciary to report that back with an adverse report. I am also authorized by the committee to ask a vote of the House on it. Members will see its purpose. It simply provides that all persons shall be entitled to practice as attorneys and counselors at law in the courts of the United States, without regard to sex. I demand the previous question.

Mr. HOLMAN. I hope the bill will be recommitted, so the Committee on the Judiciary can report more definitely on this subject.

Mr. LAWRENCE. It is not worth while to recommit. The whole merits are before the House.

Mr. HOLMAN. It ought to be more carefully examined.

Mr. LAWRENCE. It has been examined. Let us pass the bill. That is what ought to be done.

Mr. HOLMAN. I move to recommit.

The SPEAKER *pro tempore*. The motion to lay on the table is pending, and on that the previous question has been demanded.

The question being taken, the previous question was not seconded.

Mr. HOLMAN. Now I make the motion to recommit.

The SPEAKER *pro tempore*. The motion to lay on the table is still pending.

The motion was agreed to; and the bill was laid on the table.

CIRCUIT AND DISTRICT COURT TERMS IN IOWA.

Mr. McCRARY, from the Committee on the Judiciary, reported a bill (H. R. No. 3746) relating to the terms of the circuit and district

courts of the United States in and for the district of Iowa; which was read a first and second time.

The bill was read in full.

Mr. HOLMAN. If I understand correctly the provisions of the bill from its reading, it does not provide for an additional clerk, but only for a deputy clerk and deputy marshal. Am I correct?

Mr. McCRARY. Yes, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SERVICE OF PROCESS IN UNITED STATES COURTS.

Mr. McCRARY also, from the Committee on the Judiciary, reported a bill (H. R. No. 3747) to secure service of process in United States courts in certain cases; which was read a first and second time.

The bill, which was read, provides that wherever service of process in any cause at law or in equity heretofore commenced or that may be hereafter commenced in any of the courts of the United States against any corporation or body corporate cannot be made by reason of the fact that the officer upon whom, by the law of such State, service is to be made has resigned, or cannot be found, or by reason of there being no such officer, the service may be made upon any officer or agent of the corporation or body corporate.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL CIRCUIT-COURT COMMISSIONERS.

Mr. McCRARY also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 865) to provide for the appointment of additional circuit-court commissioners and to prevent oppression.

The bill, which was read, provides that hereafter it shall be the duty of each of the circuit courts of the United States to appoint at least one commissioner of the circuit court in each county and parish in the circuit of such court, who shall exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts; and all persons arrested for violation of any of the laws of the United States, and entitled to a preliminary hearing upon said charge, shall be entitled to have such hearing before the nearest commissioner.

Mr. McCRARY. A word of explanation may be proper in reference to this bill. Gentlemen are aware that informations for violation of the revenue laws of the United States and other criminal matters are filed before the commissioners of the circuit courts, and parties who are charged with these offenses are brought before commissioners for examination. In many of the circuits there are but a few of these commissioners, and parties are often required to go a long distance to reach the place where an examination can be had. This has been found to be very oppressive, and the object of this bill is to remove that evil and prevent that oppression.

The bill provides that in each county and parish in the circuit of each circuit court a commissioner of the circuit court shall be appointed, and the party accused shall be brought before the nearest commissioner for examination. The House will see that this will relieve the penal statutes of much of the odium that now attaches to them. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. U. S. GRANT, jr., his Private Secretary, who also informed the House that the President had approved bills of the following titles:

An act (H. R. No. 2434) to amend section 5271 of the Revised Statutes of the United States, relating to extradition;

An act (H. R. No. 3573) to amend an act for the relief of certain settlers on the public lands, approved December 23, 1874, and for other purposes;

An act (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes;

An act (H. R. No. 2140) establishing Cheboygan, in the State of Michigan, a port of delivery; and

An act (H. R. No. 2135) relating to the execution of custom-house bonds.

JUDGMENT LIENS.

Mr. McCRARY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3150) in relation to judgment liens.

The bill was read. It provides that, except as provided in a subsequent section, judgments and decrees for the payment of money rendered by the courts of the United States within any State shall be liens upon the real estate of the judgment-debtors within the district in all cases where by the law of such State the judgments of State courts are or may be liens upon real estate.

The second section provides that in any State where by the laws thereof any form of registration, docketing, filing, or recording is or shall be required to constitute any judgments of the courts of such State liens upon real estate, and where such State shall provide by law for registering, docketing, filing, or recording the judgments of courts of the United States upon the same terms and in the same manner as the judgments of State courts, such State laws shall apply to and govern the liens of judgments of United States courts to the same extent and in the same manner as they apply to and govern the liens of judgments of the State courts.

The third section provides that this act shall not apply to judgments heretofore rendered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I hope the bill will be reported again.

Mr. McCRARY. Before the Clerk reads the bill I will make a brief explanation. The only purpose of the bill is to apply to judgments of the Federal courts of the several States precisely the same rule as to liens that is applied by the State laws. The statute of the United States as it now stands was intended to accomplish that purpose, but it does not do so under the decision of the Supreme Court of the United States, for this reason: In many of the States the judgment of the State courts is a lien only within the county where it is rendered, or in a county where a transcript of the judgment has been filed or registered under the State law. Where such laws as these prevail the Supreme Court has decided that judgment of the Federal courts are liens throughout the entire district, although the judgments of the State courts are liens only within the counties where they are rendered. It is to meet that difficulty that we reported this bill, and provide that in all cases where the State laws provide any mode of registration for the purpose of making a judgment a lien in counties other than that where it was actually rendered that mode shall be followed as to Federal judgments which are to be registered according to the State law; provided, of course, that the State shall make provision for the registration of the judgments of the Federal courts on the same terms and manner as the judgments of the State courts are registered. The reason of this is that it is not competent for Congress to direct that a State officer shall be required to register judgments of the jourts of the United States. There is a printed report which accompanies this bill which I ask to have printed with my remarks.

The report is as follows:

The only law of the United States having any relation to the question of the nature or extent of the liens created by judgments rendered in the courts of the United States, is that embodied in sections 916 and 967 of the Revised Statutes, as follows:

"SEC. 916. The party recovering a judgment in any common law cause in any circuit or district court shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment-debtor as are now provided in like causes by the laws of the State in which such court is held, or by any such laws hereafter enacted, which may be adopted by general rules of such circuit or district court; and such courts may, from time to time, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgments as aforesaid by execution or otherwise."

"SEC. 967. Judgments and decrees rendered in a circuit or district court within any State shall cease to be liens on real estate or chattels real in the same manner and at like periods as judgments and decrees of the courts of such State cease by law to be liens thereon."

It has been repeatedly held by the Supreme Court that judgments in the circuit and district courts are liens on the lands of the debtor in all cases and under like circumstances as when rendered in State courts. (Freeman on Judgments, section 404; Ward *vs.* Chamberlain, 2 Black, 430; Baker *vs.* Martin, 12 Wallace, 158; Riggs *vs.* Johnson Co., 6 Wallace, 191.)

In many of the States a judgment rendered in a State court is a lien upon land only within the county in which it is rendered, and can be made a lien upon land situated in other counties only by filing in such counties a transcript of the judgment or having the same recorded or registered therein. The question has arisen in several of the States where these laws were in force, whether a judgment of a Federal court in such States should be held a lien only in the county where rendered until recorded elsewhere, or whether such judgment, from the time of its rendition, should be held a lien upon all the land of the defendant situated within the jurisdiction, *i. e.*, within the judicial district. It was contended that the acts of Congress above quoted were intended to give to the judgments of the Federal courts precisely the same force and effect as liens as is given to the judgments of State courts by State laws. But in Messengill *et al. vs.* Downs, 7 Howard, 760, the Supreme Court held that "in those States where the judgment or the execution of a State court creates a lien only within the county in which the judgment is entered, it has not been doubted that a similar proceeding in the circuit court of the United States would create a lien to the extent of its jurisdiction." And a similar rule has been followed in the State courts. (Freeman on Judgments, section 405; United States *vs.* Duncan, 12 Illinois, 523; Trapnell *vs.* Richardson, 13 Arkansas, 543; Sellers *vs.* Corwin, 5 Ohio, 398; and in the United States circuit court, Doe *vs.* Jones, 2 McLean, 73.)

The result is that in many of the States judgments of the Federal courts are liens upon the lands of the debtor throughout the State, without being filed or recorded elsewhere than in the place where rendered, while judgments of the highest courts of the State are liens only within the county where they are rendered or recorded.

It is deemed proper to place the judgments of the State and Federal courts upon precisely the same footing in all these States where the same provisions are made by statute for filing, registering, or recording judgments rendered by both State and Federal courts.

And for this purpose your committee report the accompanying substitute for said bill, and recommend its passage.

Mr. HOLMAN. I withdraw the call for the rereading of the bill.

I am entirely satisfied that it is an excellent measure and one which corrects an error which has long existed.

Mr. CANNON, of Illinois. Does the bill make provision for the redemption of sales made upon executions issued from the Federal courts by virtue of executions from the State courts?

Mr. McCRARY. I will say to the gentleman that this bill does not touch the subject of redemption at all; but there is another bill before the Committee on the Judiciary, which I think has been agreed on by the committee, which deals with that question.

The bill was passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDEMPTION OF LANDS.

Mr. CAULFIELD, from the Committee on the Judiciary, reported, as a substitute for House bill No. 3408, a bill (H. R. No. 3748) fixing the time of redemption for lands sold by decrees and judgments in the chancery and Federal courts; which was read a first and second time.

The bill was read. It provides that whenever real estate shall be sold under judgments or decrees in any court of the United States in civil causes, whether such causes be suits at law or suits in equity, the same right and period shall be allowed for redemption from such sale of such real estate as is allowed by the statutes of the State within which such real estate is situated, and the practice, forms, and modes of proceeding to effect such redemption shall conform as near as may be to the practice, forms, and modes of proceeding existing at the time in like cases in the courts of record of the State in which such real estate is situated.

Mr. CANNON, of Illinois. I would be glad to ask the gentleman who reports this bill a question.

Mr. CAULFIELD. What is it?

Mr. CANNON, of Illinois. It is if it would not be practicable and also wise to so amend the bill as to allow a redemption from a sale upon an execution issued from a Federal court by virtue of an execution from a State court? In listening to the reading of the bill it occurred to me that it did not cover that kind of cases.

Mr. CAULFIELD. The object of the bill is simply to allow the same period for redemption under sales by judgment and decree of the courts of the United States as is allowed by judgments and decrees of the State courts.

Mr. CANNON, of Illinois. I understand that; but my question is this: Where real estate is sold by virtue of executions issued from the Federal courts there is a redemption either by virtue of law or decree in chancery. As I recollect, there is no provision by which a judgment creditor in a State court can redeem from that sale, so that a judgment creditor who cannot obtain status in the Federal courts loses the right of redemption. Does the bill meet that point?

Mr. CAULFIELD. I think the bill meets that point.

Mr. CANNON, of Illinois. Do you think that it authorizes a judgment creditor in a State court to redeem from a sale under the judgment of a Federal court?

Mr. CAULFIELD. O, I am not prepared to say that. I could not accept of any amendment to the bill, as this is a report from a committee, but the gentleman can offer an amendment.

Mr. CANNON, of Illinois. From my experience in practicing law, it occurs to me that such an amendment should be made or such a bill passed that will cure that defect.

Mr. CAULFIELD. That has not occurred to me, and I think the gentleman had better let this bill pass and not object to it on that account.

Mr. CANNON, of Illinois. Very well.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CAULFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TESTIMONY OF PERSONS CHARGED WITH CRIME.

Mr. FRYE, from the Committee on the Judiciary, reported back, with a recommendation that the same do pass, the bill (H. R. No. 396) to allow all persons charged with the commission of crimes or offenses, when on trial in any and all the Federal courts, to be competent witnesses.

The bill was read, as follows:

Be it enacted, &c., That in the trial of all indictments, complaints, and other proceedings against persons charged with the commission of crimes or offenses, and in all proceedings in the nature of criminal proceedings in any and all the Federal courts, and before any and all Federal officers and persons acting judicially, the person so charged with any crime or offense, when on trial or examination, shall, at his own request, but not otherwise, be deemed a competent witness; but, if the accused shall neglect or refuse to avail himself of his right to testify, it shall not raise any presumption of guilt, nor shall the circumstance be referred to by any attorney prosecuting the case, nor shall the same be considered by the court or jury before whom the trial takes place.

The question was upon ordering the bill to be engrossed and read a third time; and upon a division there were—ayes 79, noes 37.

Mr. YOUNG. No quorum has voted, and I call for a further count.

Tellers were ordered; and Mr. FRYE and Mr. YOUNG were appointed.

The House again divided; and the tellers reported that there were—ayes 96, noes 27; no quorum voting.

ORDER OF BUSINESS.

Mr. RICE and Mr. HOLMAN. Has the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. RICE. I desire to call up——

Mr. COOK. I wish to call up the special order for to-day.

Mr. DOUGLAS. I rise to make a report from a committee authorized to report at any time.

WAGON-ROAD.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on a proposed wagon-road between Gila River and Camp Apache; which was referred to the Committee on Military Affairs.

INTERNATIONAL PENITENTIARY CONGRESS.

The SPEAKER *pro tempore* (at the request of Speaker KERR) laid before the House the memorial of Hon. Horatio Seymour, of New York, asking certain supplementary legislation to explain and perfect the appropriation made last year to meet the expenses of the United States commissioner to the international penitentiary congress; which was referred to the Committee on Appropriations.

PAY AND BOUNTY OF COLORED SOLDIERS, ETC.

Mr. DOUGLAS, from the Select Committee on the Freedman's Bank, reported a preamble and joint resolution (H. R. No. 128) in relation to the payment of moneys due colored soldiers, sailors, or marines, their heirs and representatives; which was read a first and second time.

The preamble of the joint resolution states that it appears from a communication of the Secretary of War to the House of Representatives, bearing date June 7, 1876, that a certain provision made by joint resolution of the two Houses of Congress approved March 29, 1867, for the payment of moneys due colored soldiers, sailors, and marines, their heirs and representatives, has in part been defeated of its purpose by a fraudulent contrivance of the late Bureau of Refugees, Freedmen, and Abandoned Lands, whereby many such soldiers, sailors, and marines have been prevented from receiving payment of their just claims in the premises; that from the same communication it further appears that settlements covering those delinquent claims have been had with the Second Auditor of the Treasury by General O. O. Howard, late commissioner, and G. W. Balloch, late chief disbursing officer of the said Bureau, in which fraudulent vouchers and other false evidence of payments were filed and used by the said officers, whereby they obtained improper credits for money alleged to have been paid out by them to the said soldiers, sailors, and marines so defrauded as aforesaid, and procured the making up of records of said settlement in the office of the said Second Auditor which wrongfully disclose upon their face the full payment of said delinquent claims; and that to remedy the evil thus shown to exist further legislation is required.

The first section of the joint resolution authorizes and directs the proper accounting officers of the Treasury to settle the claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives, in cases in which, upon proper investigation by the War Department, it shall be established that they have failed to receive payment upon settlements heretofore made, and in which vouchers purporting to represent actual payments have been filed with the accounting officers of the Treasury by the disbursing officers of the late Bureau of Refugees, Freedmen, and Abandoned Lands.

The second section provides that the investigation for the purpose of determining the fact as to the non-receipt by any claimant of the money purporting by vouchers filed with the accounting officers of the Treasury to have been paid to him or her shall be made under the direction of the Secretary of War; and in each and every case in which the investigation shall prove to his satisfaction that the claimant or claimants have not in fact received payment of their claims, he shall so report to the accounting officer of the Treasury, who will thereupon settle the claim or claims to which such report by the Secretary of War shall pertain.

The third section provides that said settlements shall be made in accordance with existing laws governing the original settlement of such claims, and shall be chargeable against the same appropriation as were the original settlements.

The fourth section provides that nothing herein contained shall be construed as relieving the Commissioner of the late Bureau of Refugees, Freedmen, and Abandoned Lands, or the officers or agents acting under him, of any responsibility or accountability which under existing laws or regulations attaches to him or them in connection with any claim to which this law has reference.

The fifth section provides that such expenses as may be necessitated by the investigation hereinbefore provided shall be defrayed by the Secretary of War from the appropriation for the collection and payment of bounties, &c., for the fiscal year ending June 30, 1877.

The sixth section provides that the investigation herein ordered shall include a searching and thorough inquiry into the official conduct of any and of all persons charged by law with any duty in connection with the payment of the aforesaid claims, and report thereof shall

be made through the Secretary of the Treasury to the Attorney-General, who shall thereupon direct such proper legal proceedings to be instituted against any one or more of said persons as in his judgment said report may show to be necessary to vindicate public justice and to prevent loss to the Government.

Mr. KASSON. If it is in order to make this report at any time, I make the point of order that this joint resolution must receive its first consideration in Committee of the Whole, as it involves expenditures of appropriations.

Mr. DOUGLAS. The gentleman is mistaken; it does not appropriate any money at all.

Mr. KASSON. It involves an expenditure of money appropriated.

Mr. DOUGLAS. It involves an expenditure of money already appropriated for paying bounties to colored soldiers, sailors, and marines.

Mr. KASSON. The gentleman's claim is that money has already been paid to certain parties under vouchers; and this joint resolution requires the payment again to parties, and also the payment of the expenses of an investigation. It is directly within the rule.

Mr. DOUGLAS. I will state that the correspondence between the Secretary of War and the Secretary of the Treasury shows that the accounts were settled and the money passed over to the Commissioner of the Freedmen's Bureau for the purpose of paying these men, but that in fact it never was paid. This resolution, which was draughted at the War Department, sent to this House, and then referred to the committee of which I am chairman, proposes that these accounts, wherever it appears that credit has been given upon false vouchers, shall be resettled and charged against the appropriations heretofore made for this purpose.

Mr. KASSON. Do I understand the gentleman to say that no money has already been paid upon these claims to anybody?

Mr. DOUGLAS. O, yes; it was paid over to the Commissioner of the Freedmen's Bureau, but not to the parties entitled to it.

Mr. KASSON. Then it is clear that there must be another payment. I will say to the honorable gentleman that one reason for making my point, which I think he will appreciate, is that the evidence in this case has not been printed and the resolution embraces a recital of the charge (resting, I suppose, upon the evidence) that all this happened by the fault and connivance of the Commissioner of the Bureau of Refugees, &c. The House of course must desire to hear the evidence before it can with propriety adopt the resolution.

Mr. DOUGLAS. If the gentleman had not been so prompt in making his point of order, I had intended to state to the House that the preamble to the resolution, which was draughted by order of the committee, is designed to be only an epitome of the report as it came from the Secretary of War, embracing letters which have passed between that officer and the Secretary of the Treasury upon this subject, and which embody all the facts.

Mr. KASSON. The gentleman is aware that it was necessary to make the point of order promptly or it would have been considered as waived.

The SPEAKER *pro tempore*. The Chair will decide the point of order. It is very evident, in view of the provisions of section 5 of this resolution, that the point of order is well taken, in accordance with frequent decisions in this House. That section provides that—

> Such expenses as may be necessitated by the investigation hereinbefore provided shall be defrayed by the Secretary of War from the appropriation for the collection and payment of bounties, &c., for the fiscal year ending June 30, 1877.

Mr. DOUGLAS. I yield to the decision of the Chair, and move that the House resolve itself into Committee of the Whole for the purpose of considering this resolution.

Mr. KASSON. I suggest to the gentleman that he allow the resolution and evidence to be printed before we enter upon the consideration of the subject. We do not know what expenditure of money will be called for by the resolution, nor are we acquainted with the evidence upon which the proposition rests. I think gentlemen on all sides would prefer to see the resolution in print before it is acted upon.

Mr. HOAR. I ask leave to make a suggestion to the gentleman having charge of this matter.

Mr. DOUGLAS. I am very certain that if the resolution goes upon the table, it will never be reached. There is evidence enough to show that $64,000 is now due to these people, and that they ought to have it.

Mr. HOAR. This resolution embraces an assertion of grossly fraudulent conduct which is charged upon the distinguished major-general of the Army who gave his right arm in the service of his country. This House took pains the other day to remove from a member of the House on the opposite side of the Chamber a censure which affected his personal honor, the minority of the House vying with his political friends in their desire to do that gentleman the most ample and abundant justice. Now I ask the majority of this House whether they think it fair to adopt this resolution in regard to General Howard without our having before us in print the evidence on which it is based?

Mr. HOLMAN. Inasmuch as the gentleman from Virginia [Mr. DOUGLAS] has the right to report on this subject at any time, I suggest that the resolution be printed for consideration hereafter.

Mr. DOUGLAS. I propose to retain my privilege by moving that the resolution and accompanying correspondence referred to the Committee on Freedmen's Affairs be printed and recommitted; and then I enter a motion to reconsider.

The SPEAKER *pro tempore*. If there be no objection, this report will be ordered to be printed and recommitted, and the gentleman's motion to reconsider will be entered.

There was no objection.

Mr. KASSON. By this proceeding my point of order that this proposition must go to the Committee of the Whole is not waived.

The SPEAKER *pro tempore*. The point of order was sustained by the Chair.

Mr. DOUGLAS. When I report the resolution again, it can be referred to the Committee of the Whole if necessary.

The SPEAKER *pro tempore*. The Chair cannot tell in what form the resolution may be when it is brought back. In its present form, the Chair has decided the point of order well taken.

Mr. WILSON, of Iowa. When a motion is made to refer a proposition to different committees, the Committee of the Whole takes precedence of a standing committee. Hence if the majority desire to send this to the Committee of the Whole they may do so.

The SPEAKER *pro tempore*. That is a matter to be hereafter determined.

Mr. WILSON, of Iowa. My colleague [Mr. KASSON] has raised the point that this must go to the Committee of the Whole because it involves an appropriation.

The SPEAKER *pro tempore*. The understanding of the Chair was that the point of order being reserved, the resolution would be printed and recommitted by unanimous consent.

Mr. WILSON, of Iowa. I have no objection to that.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order of business, which I believe to be a bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Georgia, [Mr. COOK.]

Mr. COOK. I move that the House now proceed to the consideration of the special order, being the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union, which was made the special order for Thursday, March 23, after the morning hour, and from day to day thereafter until disposed of, to the exclusion of all other orders, excepting business of the Committees on Appropriations and Ways and Means. It was postponed to different times until May 17, when the Committee of the Whole House on the state of the Union was discharged from the consideration of the bill, and it was made the special order for Tuesday, May 23, after the morning hour, and from day to day thereafter until disposed of, not to interfere with the regular appropriation bills.

Mr. LORD. I raise the question of consideration, and move that the House proceed to the consideration of the bill (H. R. No. 2865) for the distribution of the unappropriated moneys of the Geneva award.

That bill, I believe, takes precedence at this time.

Mr. RICE. I also raise the question of consideration, and move the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of the bill (H. R. No. 2803) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pension.

The SPEAKER *pro tempore*. The question will be first put on the bills which have been made special orders in the House before the question of consideration is put on the bills which have been made special orders in the Committee of the Whole, as that has been the uniform custom.

Mr. JENKS. That is this bill.

Mr. HOLMAN. I rise to a question of order. The bill in regard to the Geneva award was made a special order for the 29th of March.

Mr. WILLIS. And from day to day thereafter until disposed of.

Mr. HOLMAN. And from day to day thereafter until disposed of, not to interfere with the general appropriation bills; but the bill to equalize the bounties of soldiers was made the special order for Thursday, March 23, and from day to day thereafter until disposed of.

Mr. JONES, of Kentucky. The Geneva award bill has been up for a long time and is now the unfinished business.

The SPEAKER *pro tempore*. The Chair will take the sense of the House.

Mr. BANNING. I would like to say a word. I would like, Mr. Speaker, to make an appeal to the gentleman from New York not to press his motion as this time. We gave way to him the other day. We agreed that the House bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union should be withheld until the gentleman from New York might take up for consideration the Geneva-award bill. He has had that bill up twice since, and I ask him to give way now and let us take up the bill to equalize the soldiers' bounties. It is an important bill, and ought to be considered. I hope the gentleman from New York will not press his motion as against the motion made by the gentleman from Georgia.

Mr. THORNBURGH. The Geneva-award bill is one in which only

a few insurance companies are interested, while in the bill to equalize the bounties of soldiers half a million of soldiers are interested.

Mr. HOLMAN. I do not think the bill to equalize the bounties of soldiers will take up the time of the House to exceed an hour and a half. When the gentleman from Tennessee has been heard, I have no doubt the previous question will then be demanded by the gentleman from Georgia, [Mr. COOK.]

Mr. LORD. I am willing to give way for an hour and a half.

Mr. JONES, of Kentucky. I hope the gentleman will not yield the floor. Let us go on and finish the Geneva-award bill. It has now been pending for ten days.

Mr. LORD. I will yield an hour and a half for the soldiers' bounty bill.

Mr. HOLMAN. The gentleman from Georgia [Mr. COOK] reported from the Committee on Military Affairs March 11 the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union, and it was not until the 16th of March that the gentleman from New York [Mr. LORD] reported from the Committee on the Judiciary the bill (H. R. No. 2685) for the distribution of the unappropriated moneys of the Geneva award, the latter being five days afterward, and the Chair is bound to put the question first on the motion of the gentleman from Georgia.

Mr. COOK. The gentleman from New York has yielded to me for an hour and a half.

The SPEAKER *pro tempore*. The question then recurs first on the motion of the gentleman from Georgia, to proceed with the consideration of the bill (H. R. No. 58) to equalize the bounties of the soldiers who served in the late war for the Union.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I am directed by the Committee on Appropriations to report a bill (H. R. No. 3749) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The bill was read a first and second time.

Mr. RANDALL. I move that the bill be printed, and referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. RANDALL. I now give notice that immediately after the disposal of the pending question I will move to go into Committee of the Whole on the state of the Union for the purpose of taking up that bill, and to-morrow I shall ask the House to proceed to its consideration by sections under the five-minute rule.

SOLDIERS' BOUNTIES.

Mr. BANNING. I present the petition of 1,060 soldiers, just received this morning, which is a petition, in addition to many thousands received before, for the passage of the bill to equalize the bounties of soldiers now before the House for action. I move that it be printed in the RECORD without the names.

The motion was agreed to; and the petition is as follows:

We, the undersigned, president and secretary respectively of the Soldiers and Sailors' National Beneficial Association of the United States, hereby certify that the foregoing is a correct list of names of members of the said association, and that we are authorized and empowered to present them as petitioners for the passage of a bill for the equalization of bounties to the soldiers and sailors of the late war.

D. W. BLISS,
President Soldiers and Sailors' Beneficial Association.

JAS. B. CARTER,
Corresponding Secretary.

ISSUE OF ARMS.

Mr. BROWN, of Kansas, by unanimous consent, introduced a joint resolution (H. R. No. 129) authorizing the Secretary of War to issue arms; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTIES TO SOLDIERS.

The House, pursuant to order, resumed the consideration of the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union, reported by Mr. COOK from the Committee on Military Affairs.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. THORNBURGH] is entitled to the floor.

Mr. THORNBURGH. I had the honor, Mr. Speaker, early in this session to introduce this bill, and I have labored assiduously to bring it before the House for its action. After so many delays I am glad to know that we will soon reach a vote and ascertain whether we can pass the bill.

IMPARTIAL JUSTICE TO OUR SOLDIERS—EQUALIZATION OF BOUNTIES.

"The pure and impartial administration of justice is perhaps the firmest bond to secure a cheerful submission of the people and to engage their affections to government." More than a hundred years have passed since these memorable words awakened a responsive echo in the hearts of the English people, and if all else written by the distinguished author, whose identity is still shrouded in mystery, had perished, this sentence, blending divine wisdom with human justice, would entitle the name of Junius to the reverential respect of all who love impartial justice and who strive to infuse its spirit into the laws of our free government.

More than ten years have elapsed since the armies of the Republic were disbanded and the roar and confusion of battle gave place to the music of peaceful industry. The nation was thankful when the last shot was fired, and I doubt not the civilized world rejoiced that brethren had ceased to war against each other, and that the unity and integrity of the American Republic were to continue unimpaired under a common flag.

If there are any living to-day who doubted the wisdom of that patriotic uprising which signalized the breaking out of the war or who doubted the ability of the Government to preserve in peace what it had won in battle, time and experience must have long since dispelled their doubts and conviced them that the sudden uprising of the people and that sublime devotion which impelled them to heroic sacrifices through four years of bloody war were but reflections of the divine will exerting itself in defense of a nation that was to endure as an example of Christian civilization.

Time has re-united the North and the South in bonds of mutual interest. True, there are still existing traces of that bitter antagonism which accompanied the rebellion, but they are gradually disappearing and I trust that before the close of another decade they will be gone forever. Strong prejudices die slowly, but die they must before the firm administration of impartial justice. Ten years have rebuilt what four years of madness had destroyed. States that emerged from a fruitless war broken and exhausted have recovered their vigor and strength and are daily growing in wealth and prosperity. The abolition of slavery which at first appeared a misfortune has become transformed into a blessing, and under the magical touch of free labor the South has commenced an industrial career which if wisely guided will eventually restore to her people not only her lost influence but the wealth which perished in her vain effort to establish a slave confederacy. While I believe that it will require a generation to extinguish altogether the resentments that are borne in the hearts of the few I confidently predict that the great masses of the people in the Southern States will be converted through the logic of events to believe that what at first appeared their loss was in reality their gain, and that the extinction of slavery was the removal of the incubus which in time would have crushed out their manhood and destroyed their existence. When this time comes—and the signs of the times indicate that it is not far distant—justice will be done to the brave men who made the change possible and to the great party of freedom that inspired and supported them in their heroic action.

To the soldiers of the Union we are indebted for whatever we are as a nation to-day. They stood the living bulwark around the temple of liberty. Statesmen may be entitled to honors; those who gave freely of their means, to praise; but the laurel-wreath belongs to the soldier, and with it should go some substantial evidence of the nation's gratitude.

In view of our national indebtedness to the soldiers who stood true to the Government in its hour of peril, may we not ask, Has the nation given this substantial expression of its gratitude by a full and complete measure of justice, so equitable in its character as to distribute equally among those who bore the burdens of the war the rewards of peace? In other words, has the administration of justice toward our soldiers been so pure and impartial as to command their cheerful submission and awaken their affection for the Government they saved?

Mr. LAWRENCE. May I ask the gentleman a question?

Mr. THORNBURGH. Certainly.

Mr. LAWRENCE. This bill gives the soldiers eight and one-third dollars per month. Is that inclusive of what they have already received?

Mr. THORNBURGH. No, sir. It is exclusive of what they have already received.

Mr. LAWRENCE. That is right. It is as it should be.

Mr. THORNBURGH. I am aware that the nation has given freely of its means and rewarded the soldiers who served it more bountifully than any other nation on the face of the earth; yet I feel that our bounty laws, while extending blessings, have lacked in the spirit of equity, and have thus failed to extend to many faithful and deserving soldiers and their families that exact justice which a grateful nation should be willing to give.

This question of equalizing the bounties is not a new one. Nearly every session since the close of the war it has been brought to the attention of Congress, and from time to time has been earnestly urged by those who felt that it was the only measure that could extend equal justice to the soldiers who served in the late war and do away forever with the special legislation which is continually being asked for to provide for meritorious cases which had been overlooked in previous bills. The necessity and justice of this measure have been recognized on all hands, and it appears to have received the cordial support of both parties. In fact never was a measure so popular and yet so long delayed. Both Houses have agreed to every material feature, and by a mere technicality it failed to become a law at the last session. State legislatures have indorsed it, leaders of both parties have advocated it. Conventions and popular assemblies have urged its passage, and tens of thousands of our citizens who are enjoying the fruits of the service to be paid for have united in petitioning Congress to grant this measure as one of justice and equity.

Why has it been delayed? I answer, either through the insincerity of those who profess to believe in it or through a misconception of

the amount of money required to meet it. I prefer to accept the latter reason as the cause, for a false idea of economy is more commonly found than a deceptive character such as the first would imply.

I shall therefore present to the House, first, the justice of the measure and then an estimate of what it will cost. If its justice can be established—and it appears to be already conceded—the question of cost becomes a matter of secondary consideration, for neither individuals nor nations have the right to repudiate a just debt because the sum required to cancel it appears too large.

THE PRINCIPAL BOUNTY LAWS.

In order to present in the most forcible light the necessity of this equalization bill, I shall review briefly the bounty laws already in existence and submit a few practical illustrations of the injustice which accompanies their application. Although we have upon our statute-books not less than sixty laws that refer to bounty, the bulk of the money appropriated has been expended under about six or seven of this number. The principal bounty laws, then, may be referred to as follows: Act of July 22, 1861; act of March 3, 1863; joint resolution of January 13, 1864; act of July 4, 1864; act of July 28, 1866, and act of April 22, 1872. The remaining fifty-four laws may be regarded as amendatory of the ones named or inoperative in their practical application.

On the 3d of May, 1861, President Lincoln issued his proclamation, calling into service 42,034 volunteers to serve for three years, *unless sooner discharged*. Under this proclamation General Order No. 15, dated May 4, 1861, was issued by the War Department, containing certain regulations for the organization of the troops called for, and certain distinct pledges to the soldiers. One of these pledges related to the payment of bounty. After specifying the rates to be paid for forage and travel pay while in actual service, the following language was used: "And, when honorably discharged, an allowance at the same rate from the place of his discharge to his home, and, in addition thereto, the sum of $100." Here was a distinct pledge made by the Government that $100 should be paid to the soldier when "honorably discharged." There was no other condition exacted, except that the enlistment should be for three years, and the discharge—whether caused by wounds or disease—an honorable one. How was this pledge kept? It was broken and utterly repudiated within three months. Under a decision of the Second Comptroller of the Treasury this pledge, which the soldiers had accepted in good faith, was openly violated in the name of the law, and all enlistments under the President's proclamation of May 3, 1861, were held to be governed by the provisions of the act of July 22, 1861. Here was a great injustice. Those who enlisted for three years and were promised $100 when honorably discharged were told that this honorable discharge must be after two years' service in order to entitle them to the one-hundred-dollar bounty. Yet this injustice, this violation of a sacred pledge, was allowed to continue nearly eleven years before the wrong done was righted by an act of Congress.

In March, 1870, the Supreme Court decided, on a test case brought before it, that the act of July 22, 1861, so far as it related to certain conditions requisite for the payment of bounty, did not apply to soldiers who enlisted for three years prior to its enactment. It was thought that this judicial opinion would govern the accounting officers in future settlements. But, unfortunately, a new and unexpected complication arose. The President's proclamation called for 42,034 men, whereas over 80,000 volunteers had been accepted under the call. They were needed; but the bounty had been pledged to only half the number, and the perplexing question arose who of the 80,000 were legally entitled to it. Thus it remained until Congress solved the problem by act of April 22, 1872, granting $100 bounty, based on honorable discharge, to all soldiers who had enlisted prior to July 22, 1861, and who were mustered in prior to August 6, 1861, provided they had not been promoted or received for the same service the $100 allowed under act of July 22, 1861. It is due to Congress and to the men who represented a patriotic constituency on this floor to say that a remedy was found for this wrong done the soldiers as soon as its existence was brought to their attention. Permit me to express the hope that the inequalities of the present laws and regulations which this bill proposes to heal may be as promptly corrected by this Congress as the injustice which I have referred to was by our predecessors.

The act of July 22, 1861, gave $100 bounty to all volunteers for two and three years enlisting between April 12, 1861, and December 24, 1863. After July 5, 1862, $25 of this bounty was paid in advance; the balance at end of term. Under March 3, 1863, a soldier discharged on account of wounds received in the line of duty was entitled to the full amount of bounty promised at time of enlistment. The act of March 3, 1865, and joint resolution April 12, 1866, are simply amendatory of the first named. The recruit or large bounty of $300, also the veteran bounty of $400, was legalized by joint resolution December 23, 1863, January 13, 1864, and March 3, 1864. Veteran volunteers were those who had previously served at least nine months and who had re-enlisted for three years. All others were considered and paid as recruits. There were exceptions to these two classes, arbitrary in their nature, and evidently made to suit the exigencies of the times. Out of these exceptions have grown many well-grounded complaints and hardships that fall little short of injustice. For instance, recruits enlisting in old organizations, or those already in the field, were paid $300 bounty subsequent to October 24, 1863, while those who joined new organizations at the same time received only $100, recruits to new organizations not being entitled to $300 until December 24, 1863. Then, again, there were special exceptions even among the class of exceptions named, applying to certain organizations in certain States, governed by no particular system, but purely arbitrary in their character. To even refer to these, except to note their existence, would lead to even greater confusion in trying to comprehend a question already too complex in its details.

Recruit and veteran bounty was paid to volunteers enlisting between the dates given, October 24 and December 24, 1863, and March 31, 1864. From this date to July 18, 1864, volunteers were allowed only $100 bounty. The act of July 4, 1864, provided again for the payment of large bounties, but the manner of payment was changed. This act was intended to encourage enlistment for one, two, and three years, a specified bounty being provided for each term. Thus the volunteer for one year was given one hundred, for two years two hundred, and for three years three hundred; and this plan is really the basis of this bill, giving $8.33⅓ each month. This bounty was to be paid in three equal installments, one-third on enlistment, one-third on expiration of half the service, the remaining one-third at the end of the term. Under the operations of this law and the draft which followed our armies were sufficiently recruited to assume the aggressive, and the result which followed in the spring of 1865 was the triumph of the Union forces, the complete subjugation of the confederate armies, and the vindication—let us hope for all time—of free government and the old flag which has waved over it for a century.

HARDSHIPS GROWING OUT OF THE PRESENT LAWS.

With the close of the war came universal rejoicing, tempered with the grief of a nation over the tragic death of its immortal leader, Abraham Lincoln. The people everywhere throughout the loyal States welcomed with open arms the bronzed veterans as they returned from the field to lay aside the trappings of the soldier, to enjoy, after the hardships of the camp, the sweet blessings of home.

The nation felt grateful, and justice was born of its gratitude. Homes for the disabled were provided; asylums where the worn-out and shattered could breathe out their lives in peace were established by private and public contributions; organizations vied with each other in their tender care for the soldier and those who depended upon his support; and Congress, catching the spirit of the people, hastened to equalize in a measure the burdens which had rested upon the shoulders of our brave deliverers. Out of this feeling of gratitude came the additional bounty act of July 28, 1866, accepted at the time as a compromise for a measure of equalization similar to the one now under consideration. It gave to each soldier who had enlisted into the Army of the United States after the 19th day of April, 1861, for a period not less than three years, who had been honorably discharged, either on account of wounds or by the expiration of his term, or, if dead, to his widow, minor children, or parents, the sum of $100 bounty, providing he had received or was entitled to receive from the United States $100, and no more. To those who had enlisted for two years, under like conditions, $50 were to be paid.

This act was a noble offering, and, though it fell short of exact justice, it was hailed by tens of thousands as the evidence of a grateful appreciation of the services of our soldiers that would eventually lead to the adoption of a measure that would be both just and equitable. From time to time this act has been extended and amended, so as to provide for certain classes of meritorious cases, yet, despite its liberal provisions, the failure to incorporate in it an equitable principle of distribution has made it of no benefit to thousands of volunteers who performed heroic service in their country's defense, and yet have never received a dollar of its bounty.

After examining our complex system of bounties, which governed enlistment during the war, and which only an expert can fully comprehend, I no longer marvel at the many acts of apparent hardship which accompanied their practical workings.

Let me illustrate a few of these hardships which have been brought to my attention. I shall make them general, for they illustrate classes rather than individuals, and comprehend thousands of a similar nature. Two soldiers leave home together; they enlist at the same time, in the same company, and in the same regiment; one is ruptured or loses a finger after a few weeks' service; he is adjudged unfitted for service, receives his discharge, and with it the bounty granted by act of March 3, 1863. It may be $100, $200, $300, or as high as $400, according to the provisions of the act under which he enlisted. To carry out the illustration more clearly, say he enlisted under act of July 22, 1861. He receives at the end of a few weeks' service $100 bounty. The other man remains in service, proves himself a hero on a dozen fields, contracts through exposure a deadly disease, that wastes his strength and consumes his body. There appears to be no hope of his immediate recovery, so he is discharged, it may be after a service of twenty-three months and twenty-nine days, yet he receives no bounty, for the law has provided none in his case. If he had remained another day in service he would have served two years, and under the law would have been entitled to $100. But he fell a day short, and though he goes through life shattered in his constitution, a mere wreck of his former self, not a dollar of bounty (except the $25 he may have received in advance) can be paid him under existing laws. His comrade who had lost a finger or become ruptured may be, for all

business purposes, as good as ever, yet the law has given him the bounty and denied it to the man who comes out of the service a mere skeleton, to continue, until the merciful grave receives him, a burden to himself and friends. Is this justice? It is law; but there is nothing of equity or right in it.

Two soldiers are stricken with the same disease. They enlisted together and shared equally the hardships of the camp and field. They are sent to hospital. The keen-eyed surgeon detects death in their malady. To make way for others both are discharged. They eagerly accept the discharge certificate, for it whispers of home and loved ones. One is too far gone to leave his cot. The other, with more of hope, staggers from the building and drops dead on the road, it may be within sight of the hospital he has left. The one who remained dies in his bed. Of course you say both are treated alike; the heirs of one get the same as the other. Not so! The mere accident of dying on the road instead of in the hospital-bed makes a difference of $100 bounty. The one died in the service, the other out of it. The one, in the technical language of the law, "availed himself of his discharge;" the other did not. Lest credence may not be given to a statement which seems devoid of even common sense, I quote the law that permits it, section 3, act July 2, 1864:

And be it further enacted, That when a soldier sick in hospital shall have been discharged, or shall be discharged from the military service, but shall be unable to leave, or to avail himself of his discharge in consequence of sickness or of wounds, and shall subsequently die in such hospital, he shall be deemed to have died in the military service so far as relates to bounties.

Congress never intended this act to work a hardship, yet the one I have mentioned is but one of many that have grown out of it. Is this equitable justice? Can we afford as a nation to place a few dollars and cents in the scale to outweigh the demands that humanity makes upon us for a law that shall remove these inequalities and do exact justice to all?

Again, two soldiers of equal merit and equal length of service are on the march. One receives a stray shot from the enemy that unfits him for service, the other a stroke of lightning that disables him for life. Both are discharged, the one to quickly recover, the other to grope through life little better than an idiot. If bounty is to be paid, the victim of lightning would seem to be the most worthy to receive it. Not so, says the accounting officer. I read from Rapp's Digest, page 158, section 544:

Injuries to head and spine by lightning not regarded a wound within the meaning of the law of March 3, 1865, and April 12, 1866.

The accidental falling of a tree or the loss of a finger may disable a soldier after a few days' service so as to entitle him to his discharge. Bounty, under the law, goes with it; but a stroke of lightning, that compels the discharge of a soldier a single day before two years' service, robs him of all right to bounty.

Is this justice? If it is, what constitutes injustice? Yet it is the law, and but one of many that have in the past and will in the future create like hardships, unless some equitable plan, like the one now before the House, shall make their recurrence impossible.

Another illustration: Two neighbors leave home together; they enlist in the same company and same regiment. They reach the rendezvous on 31st March, 1864. One enrolls himself immediately. The other by some mere accident is delayed a few hours. When he presents himself the mustering officer has gone. There is no alternative but to wait until morning. The next morning he enrolls his name, and with his comrade is sent to the field. Both fall in battle, side by side. The two widows apply for pay and bounty. One gets $300 bounty, the other only $100. The widow of the latter writes to the Department. Of course the mistake will be rectified. Not so! There has been no mistake. Both have been paid according to law; the payment of the three-hundred-dollar recruit-bounty expired on the 31st of March, under joint resolution January 13, 1864; the payment of $100 commenced on the 1st of April. Therefore the law has been complied with, yet who can say that the widow is satisfied or that the justice of the law is made manifest to her. She has made as great a sacrifice as the other woman. She has been deprived of her husband. Why should the mere accident of a few hours' delay in enlistment, which was no fault of the soldier, cause her the loss of $200 bounty? It is easy to explain that the law requires it, but more difficult to drive from her mind the knowledge that she has been unjustly dealt with.

Take, again, the case of two soldiers who arrived at a military rendezvous on the 23d of December, 1863. One, eager to enlist, enrolls his name at once; the other waits until the next day. Both join the same company, march together, fight together, die side by side in the same battle. Yet the delay of a few hours in enlistment, which in the case previously mentioned took from the soldier's heirs $200 bounty, gives to the heirs of this one three times the amount of bounty allowed to the heirs of the other. Or, to make the injustice still more apparent, both may have enlisted under the same bounty law. The one is slightly wounded and discharged; the other is captured by the enemy, thrown into a rebel prison, suffers the tortures of slow starvation, after many months is exchanged, and, being of no further use as a soldier, is discharged before the expiration of two years. The wounded man went home with the full bounty in his pocket; but this prisoner of war, emaciated, a ghastly skeleton, with just enough of life left to crawl home and die in the arms of his friends, is denied the bounty. He has suffered as few are called upon to suffer, but the law has made no provision by which bounty can be paid to him.

There are other features of our bounty laws that are entirely devoid of justice. Whether the defect exists in the laws themselves or in the interpretation placed upon them by the accounting officers, I leave you to judge. It is sufficient for my purpose to show that they exist.

Under the act of July 28, 1866, soldiers enlisting for three years, who had received or were entitled to receive $100 and no more, were allowed an additional $100 bounty. This would make $200 in all. I do not believe that it was the intent of Congress in the passage of this act to punish a soldier for doing extra service. Yet such is the operation of its provisions. To illustrate: The law in question gives $100 to three-years' soldiers who had received or were entitled to receive $100 and no more. Therefore if a soldier had served his two or three years under act of July 22, 1861, and had been paid his $100, he could receive under act of July 28, 1866, an additional $100. But if after his first service he had again enlisted under act of July 4, 1864, for one year, he could not receive a dollar of this additional bounty, because under his last enlistment he had received the first installment of bounty under act of July 4, 1864, $33.33⅓. Thus it will be seen that the soldier is debarred by the law from receiving the $100 additional bounty because he had received more than $100. His first service and his second enlistment give him a total of $133.33⅓. If he had not re-enlisted he would have received $200 in all. Therefore his excess of patriotism cost him, under the law of the nation he helped to defend, just $66.66⅔. I repeat, that I do not believe that this was the intent of Congress, but nevertheless such is the practical working of the law.

What greater sacrifice can be made by any one than to yield up his life in the defense of his country? Yet the mere acident of enlistment gives or denies bounty to the heirs of those who died or were killed in the service. The term of a regiment may be for two years. A soldier enlists for "the unexpired term," that is, the organization may have but twenty months to serve when the recruit joins it and his service is to end with that of the regiment. He may be the only one in his company who is killed, yet his widow and orphans are denied the bounty because the law makes no provision to pay it. The only law that was ever passed to meet this class of cases, that of March 3, 1863, section 11, became a dead letter on the statute-books. Let me quote the law. It provides:

That the bounty of $100 provided by the present laws to be paid to the heirs of volunteers killed in battle shall be extended to the widow if living, or if she be dead, to the children of any volunteer who shall have been, or may be, killed in the service, whether he shall have enlisted for two years or a less period of time.

Could language be more explicit? It would appear that under this law every widow whose husband had been killed in battle, whether he enlisted for ten days or three years, would be fairly entitled to the $100 provided. Not so, however. The Solons who construe these laws are wiser than the Solomons who make them. Again I refer to Rapp's Digest, the recognized authority in the Office of the Second Auditor and Second Comptroller. On page 107, section 217, we find the section of the law just quoted. Under it, with the words volunteers and militia italicised, is found this remarkable decision:

No *volunteers* were called for prior to July 18, 1864, for a less period than two years. Those enlisting for a less term of service were militia, and not entitled to bounty.

The question arises, How did they get into service if not called for? They were duly authorized to act, were duly mustered in, performed as good service as some of the older troops, and to split hairs over a distinction without a difference, over a dead militia-man and a dead volunteer, is as ridiculous as it would be to argue that a gentleman and a member of the House must, of necessity, be two distinct individuals.

Ah, the law is unsympathetic and harsh at best; but when construed by an official who is a stranger to impartial justice, it is as hard and soulless as a block of New England granite.

These are no fancy illustrations which I have given, conjured up in the imagination to point a moral or adorn a tale. They are stubborn facts, typical of classes, covering hundreds of cases of like nature which have been passed upon by the accounting officers of the Government, and I hazard nothing in saying that there are thousands of claims rejected or suspended in the Office of the Second Auditor of the Treasury involving principles of injustice even more marked than any I have mentioned. I have offered these illustrations not in a spirit of complaint but to show you that well-intended laws that are not framed on the basis of equitable justice will necessarily beget these inequalities and produce hardships in the very act of extending blessings. Thus much I have felt constrained to say in regard to the laws and their unequal application.

WHAT EQUALIZATION WILL COST.

I come now to the probable cost of this bill. Probably no subject was ever brought before Congress on which so little reliable and satisfactory data could be procured as on this. Leave the future out altogether; we cannot tell how much has been paid in the past under the several bounty laws. At the beginning of the war our Army accounts and the payments made of bounty and pay to our soldiers and heirs appear to have been kept as if the war was to be closed in sixty days, at which time a general review of the work could be made and the proper record system adopted. A defective system once started is hard to change, so the war was closed before any radical reform was suggested, and then the work of classification became one of enormous proportions, and on this account little has been done to arrange

the details of the service so as to give us the exact cost of each arm of the service, the aggregate sum paid to privates, corporals, sergeants, each rank of commissioned officers from second lieutenant to the General of the Army, and the amount paid under each appropriation of bounty, the whole so classified that we could tell by consulting the records not only how much was paid in the aggregate, but exactly what the aggregated cost of each item was. Had we such a system of records it could be ascertained more definitely how much this equalization measure would cost, leaving to speculation those questions which would arise out of heirship or the probable number of claimants now living to receive the bounty. But in the absence of this system we must estimate the cost, using the best data we can obtain.

I will have printed with my remarks a table showing the number of troops called for, the date of call, the quotas assigned, and the number actually obtained, as correct a table I believe as has been prepared:

Calls for volunteers and number obtained.

Date of call.	Number called.	Periods of service.	Quotas assigned.	Number obtained.
April 15, 1861	75,000	3 months.	73,391	93,326
May 3, 1861	42,034			
May 3, 1861, regulars	22,714	3 years.	611,821	714,231
May 3, 1861, seamen	18,000			
July 22, 25, 1861	500,000			
May and June, 1862		3 months.		15,007
July 2, 1862	300,000	3 years.	334,835	431,958
August 4, 1862	300,000	9 months.	334,835	87,588
June 15, 1863	100,000	6 months.		16,361
October 17, 1863	300,000	3 years.	467,434	374,807
February 1, 1864	200,000	3 years.		
March 14, 1864	200,000	3 years.	186,981	284,021
April 23, 1864	85,000	100 days.	113,000	83,652
July 18, 1864	500,000	1, 2, and 3 years.	346,746	384,882
December 19, 1864	300,000	1, 2, and 3 years.	290,000	204,568
Totals	2,942,748		2,759,043	2,690,401

Aggregate number obtained, reduced to three years' standard, 2,042,150.

From this table it will be seen that the total number of troops serving at different times during the war was 2,690,401. This includes one hundred days' men, three, six, nine, and twelve months' men, and those enlisting for two and three years. Reduced to a three years' standard of calls, the number would be reduced to 2,042,150. Thus, for our purpose of calculation, we can say that from April, 1861, to April, 1865, a period of four years, 2,042,150 men were called to serve three years. As some enlisted early, and others toward the close of the war, the question arises how many enlisted men actually served three years? I believe it would be a liberal estimate to say that one-half of the entire Army served for three years; and, more liberal still, to say that the average force of our armies from the beginning to the end of the war was 1,100,000 men. Let us allow to these men an average payment of $16.66⅔ a month, or just double the $8.33⅓ per month which we propose to pay as bounty, less amount already paid. This would make a total payment for forty-eight months of $879,999,936, or in round numbers $880,000,000. One-half of this amount would represent the total amount due for bounties, provided not a dollar had been paid.

How much has been paid? If we could ascertain this accurately, its deduction from the $440,000,000, ascertained to be the full amount that would be required to pay $8.33⅓ bounty per month to 1,100,000 men for forty-eight months, would give us the amount still due. In a table submitted by Mr. Gunckle, of Ohio, at the last session, he gives the amount of bounty already paid at $405,021,000. This, I am satisfied, is a mistake; for an examination of his table shows that he has charged every man enlisting under the several bounty laws with the full amount of bounty prevailing at the time. I shall therefore accept the statement furnished the Military Committee by the Paymaster-General, under date of April 22, 1876, in which the total amount of bounty paid by the Government up to March 31, 1876, is placed at $385,917,681.48.

This amount deducted from the $440,000,000, would leave $54,082,318.52 as the difference between what has been paid under present bounty laws and the amount which would have been paid on the basis of $8.33⅓ per month, provided that the average force of 1,100,000 were entitled to receive bounty. If this sum was distributed equally among the 1,100,000, it would give an average of a trifle less than $50 to each soldier.

What are the deductions that can fairly be made to the number thus estimated?

	Number.	Amount.
Deserters	198,000	$9,900,000
Substitutes	165,000	8,250,000
Veterans	158,000	7,900,000
Totals	521,000	26,050,000

This would leave to be paid $28,032,318.52, subject to the exceptions named in the bill, which would probably reduce the figures to about $20,000,000.

Mr. BANNING. May I ask the gentleman a question?

Mr. THORNBURGH. Certainly.

Mr. BANNING. I wish the gentleman would state how much it would be necessary to appropriate in order to make up all that the bill calls for.

Mr. THORNBURGH. I have been spending some time in trying to make that calculation and in endeavoring to get it correct. I am satisfied, if deductions are made of bounties granted by States, that in round numbers it will take $10,000,000 to pay the amount this bill calls for. But in the calculations which I have made the basis of my remarks the sum required is between nineteen and twenty millions of dollars, excluding all bounties that are paid by the States and taking no cognizance of them.

Mr. BANNING. I desire to ask the gentleman one question further. If the bill is enacted into law as it is now, would not the amount which it would be necessary to appropriate to pay its requirements in full be between nine and ten millions of dollars?

Mr. THORNBURGH. Such is the best judgment I have formed. It is safe to say that under the most liberal estimate that can be made this bill will require a much less amount than is annually paid for pensions, and Adjutant-General Townsend, in giving his opinion on the subject of payments, stated before a committee of the Forty-third Congress that it would require at least ten years to receive, act upon, and pay out the money appropriated to meet the provisions of this bill.

THE DEBT DUE FOR VALUE RECEIVED.

I have endeavored to show that the bill before us will not call for more than $20,000,000. Is this too high a price to pay for an act of justice? If there are any who think it is, let them reflect a moment on the great work accomplished and the valne which the nation received from the services rendered. I am aware that the nation is burdened with debt; that the item of interest is a staggering load to bear; and that wise economy is a virtue to be commended. But how much greater would have been our burdens had these brave soldiers been untrue in the hour of peril. If they had faltered when they were asked to give, not dollars and cents but their lives in defense of their country, where now would have been our national securities and the private fortunes that rest upon them? We should have had no public debt, it is true; no $90,000,000 of interest to pay yearly; but the very exemption from what we deem burdensome would have been the infliction of a poverty a hundredfold harder to bear.

We meet promptly the yearly interest on the money loaned us to carry on the war for national existence; shall we shrink from the payment of a trifling sum that every consideration of justice demands to liquidate a debt long since due to those who should be the preferred creditors of the nation who gave us their time, their health, their lives, that the Republic might live? Double the amount of the estimate and who can deny the justice of the payment? The salvation of the Republic was the work accomplished. What is that worth to the forty-three million who to-day enjoy its blessings? What is it worth to the world's civilization and to aspiring humanity everywhere? What will be its value to future generations who shall draw their inspiration from the battle-fields of the rebellion as the Christian world does from the cross at Calvary?

If human selfishness blinds us to those grand moral triumphs which came from the sacrifices of our soldiers, if universal liberty and equal rights to all men weigh nothing in the scale of values, we have at hand a test by which the most selfish and grasping can determine the money-value to the nation of the work for which this bill provides an equitable payment. This test is the census of 1870. Examine its tables, note the unparalleled growth of the nation in every department of labor, in every branch of home industry. The Eastern, Middle, Western, and Pacific States were called upon to bear the heavy burdens of the war, but the only true sacrifices were those of their soldiers.

In the item of real estate note the increase in value in a single decade. In the Eastern States this increase was $576,163,230; in the Middle States, $1,515,260,840; in the Western States, $916,062,193, and in the Pacific States, $121,015,129, or a total increase, in the face of a destructive war, of $3,128,501,392. During the same time the real estate of the Southern States shows a depreciation in value of $365,111,106. Let us ask ourselves the question suggested by these facts: Had we failed how great would have been the depreciation of our property? That we did not fail is due to the valor, the undying patriotism of the soldiers of the Union.

Take another lesson from the census. In order to present it clearly I present the following table to show the growth in the products of our manufactures. It but strengthens the former statement that the wealth of the nation was born of the sacrifices of our soldiers:

States.	Products of manufactures.		Increase.
	1860.	1870.	
Eastern States	$468,599,287	$1,009,116,772	$540,517,485
Middle States	706,926,290	1,793,813,923	986,887,633
Western States	346,675,290	1,072,933,358	726,258,068
Southern States	193,462,521	253,618,436	60,155,915
Pacific States	71,229,989	89,342,482	18,112,493
Total	1,876,893,377	4,208,824,971	2,331,931,594

The following table however contains a more impressive lesson, and gives a more vivid idea of the immense wealth that has grown out of the victories of our Armies than the other statement presented.

Our growth in true wealth has been simply marvelous, as the table appended will show:

States.	True wealth.		Increase.
	1860.	1870.	
Eastern	$1,863,848,765	$4,039,875,247	$2,176,026,482
Middle	4,150,920,784	12,181,738,740	8,030,817,956
Western	3,966,735,753	9,536,453,603	5,569,717,850
Southern	5,868,209,219	3,343,007,589	*2,525,201,630
Pacific	236,805,250	721,459,961	484,654,711
Territories	73,096,297	245,963,367	172,887,070
Total	16,159,616,068	30,068,518,507	13,908,902,439

*Decrease; value of slaves included in 1860.

The failure of the Southern States, even though tempered by a magnanimity on the part of the victor that has no parallel in the world's history, is followed by a loss of $2,525,201,630 in true wealth. How startling the contrast! The victory of the Northern States, made possible by the devotion of our soldiers, is accompanied by an increase of true wealth to the enormous amount of $16,434,104,069.

Here, then, we have the value in dollars and cents of the patriotic labors of our volunteer soldiers. Can any fair-minded man dwell upon this stupendous growth, attributable to the preservation of the nation, and deny the justice of this equalization measure which will cancel the money debt which the nation owes its preservers? Are there some who believe that the country has paid enough for the services rendered, and that no more money should be given the soldier? Let me ask them of what value would have been our currency to-day had not our soldiers saved the nation? Our bonds and notes would have been less valuable than the paper on which they are printed, and, like the currency of the southern confederacy, they would be sold to the paper-mill by the bushel or barrel. The wise financial policy of the republican party did much toward maintaining our national credit; but this rested upon the valor of our soldiers, and would have come to naught had they failed in the work intrusted to them. During the war our currency fell in value with every defeat and rose in value with every victory. When Richmond fell and the confederate armies surrendered to our brave soldiers, our national bonds and currency rose in value over $400,000,000 in a single day. Money-holders rejoiced, the people were wild with joy; yet the soldiers of our armies knew, if others were forgetful of the fact, that every dollar of this appreciation had been paid for by the blood of their comrades and the tears of their widows and orphans. Therefore, to cancel this debt we still owe the soldier, or his widow and orphans, is not only to remove all the inequalities of the character I have mentioned, and the just complaints that arise therefrom, but to return to them what has been too long withheld, their share, richly earned, of the money whose value in peace has come from their sacrifices in war.

I urge the payment of this bounty money as a debt, as sacred and binding in its character as if it already stood recognized in our statutes. I have no sympathy for that view which construes bounty as a gratuity and not a debt. A gratuity conveys the idea of simple charity, the bestowment of something to alleviate suffering or prevent distress. There is no moral claim to enforce it; it is a free gift, without any value received. Not so with bounties given our soldiers. The grant was accompanied with conditions, and these conditions demanded bodily suffering, hardships, privations, heroic courage, and oftentimes life itself. These were the considerations named in the bond, and being faithfully given the bounty offered became a debt as sacred as any between man and man. In living up to the strict letter of the bond the nation has unwittingly violated its spirit, and to correct this, to do justice where justice is due, to reward like services with like bounty and thus put the cap-stone on the pillar of national gratitude, that future generations may know that we were as just as we were generous, is the purpose of this bill.

At no more seasonable time could this debt be paid. The depression of business has brought poverty to the door of many who served their country in the hour of need and who never received a dollar of its bounty. To such the passage of this bill will be as a ray of sunlight. The diseases of the camp and prison-pen still linger in the system of thousands who gave their strength to the nation, but under its laws have been denied its bounty. To such the passage of this bill will be tardy justice, gratefully appreciated. The death of husband and father has left to the cold charities of the world thousands of widows and orphans. Our pension laws grant but little to these worthy wards of the nation. Hard times pinch them, and want and misery are their only companions. Their prayers ascend to Heaven for this relief which a nation owes them. Shall a republic that lives because of their sacrifices be deaf to their petitions and entreaties? To all such the passage of this bill will be as the sweet answer to prayer, telling them that a grateful nation has not yet forgotten them. Pass this bill, and homes that have been shrouded in gloom since the close of the war will enjoy the first ray of sunlight that has crossed their threshold.

The wealth of a nation is not in its accumulation of gold and silver; it is rather to be found in the happiness of its people and in the loyal satisfaction expressed by them in the wisdom and justice of its laws. To promote this happiness and to rekindle the affection of those who have had just cause for complaint I advocate this bill. The money to be paid under its provisions will not impoverish the nation. It will not be felt as a burden; on the contrary, it will lift from the industries of the country a burden that has long rested upon them. It will relieve want, inspire activity, find its way into business channels, and like new blood infused into the sinking frame will impart life and vigor to the whole system. It will go, not into the pockets of the capitalists, but into the hands of the poor, the industrious, the deserving, and in the shape of products of labor will contribute to the general wealth, and in time be restored to the nation that gave it as an investment a hundred-fold repaid.

As a citizen who has enjoyed the blessings of this Republic, as a soldier who shared the privations of war, and as the Representative of a patriotic constituency who love the Union and know the full value of the services rendered to preserve it, I advocate and urge the prompt passage of this bill.

For its patriotic impulses, which found expression in wise laws and firm measures; for its faith in the Republic which in the darkest hours never wavered; for its support of our armies in the field and its tender care of the sick and wounded in hospitals; for its ready response to justice in striking the shackles from the slave; for its generous bestowment of bounties to those who bore the brunt of battle; for its permanent pensions to the disabled and the dependent, and for its wisdom in gathering up the fragments of the broken confederacy and re-uniting them as an integral part of the Union, the republican party deserves the thanks of the civilized world. It but needed the enactment of this equitable measure, to which it was pledged, to have rounded out its record and made its administration of justice the most glorious chapter on human government that the world has ever read.

But as this measure is not partisan in its character, but one that has received the indorsement of both parties, through State Legislatures and political conventions, let me express the hope that the failure of a republican Congress to secure it as a law of the land has in no wise impaired the claim or made it less binding on the representatives of the people. It represents—if there is any meaning in language—the expressed will of the nation, so grandly uttered by the lamented Lincoln, when he stood at his second inaugural on the threshold of the temple of peace, to him the gateway of immortality. To the nation, whose love of justice I invoke, and to those who make and administer its laws, I commend these oft-repeated but still golden words:

> With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in—to bind up the nation's wounds; to care for him who shall have borne the battle and for his widow and his orphans; to do all which may achieve and cherish a just and lasting peace among ourselves and other nations.

Mr. LYNCH. I have been unable to obtain a copy of the bill introduced by the gentleman from Tennessee [Mr. THORNBURGH] and reported by the Committee on Military Affairs, and I desire to inquire of him if it provides that white and colored soldiers, their widows and their heirs, shall be placed on precisely the same footing?

Mr. THORNBURGH. It does. The bill makes no distinction of color. Any man who served this Government in the Army during the rebellion who has not received his full bounty will be entitled to $8.33 for every month he served.

Mr. LYNCH. Then it is an excellent bill.

Mr. COOK. I now demand the previous question.

Mr. EAMES. Will the gentleman before he moves the previous question yield to me to offer an amendment?

Mr. COOK. No, sir.

Mr. EAMES. I hope the call for the previous question will be voted down that I may offer my amendment.

The question being taken, there were—ayes 93, noes 6.

Mr. O'BRIEN. A quorum has not voted.

Mr. HOLMAN. Then let tellers be ordered.

Mr. EAMES. I would like to have my amendment read for the information of the House.

Mr. BANNING. I demand the regular order.

The SPEAKER *pro tempore*, (Mr. HOSKINS.) A quorum not having voted on the question of seconding the demand for the previous question, the Chair will order tellers, and appoints the gentleman from Georgia, Mr. COOK, and the gentleman from Rhode Island, Mr. EAMES.

The House again divided; and the tellers reported—ayes 122, noes 24.

So the previous question was seconded.

The SPEAKER *pro tempore*. The question is, Shall the main question be now ordered?

Mr. O'BRIEN. On that I demand the yeas and nays.

Mr. HILL. Take them on the passage of the bill.

On the question of ordering the yeas and nays there were ayes 5[illegible] not a sufficient number.

So the yeas and nays were not ordered.

The main question was ordered.

The question was on ordering the bill to be engrossed and read a third time; and being taken, there were—ayes 101, noes 30.

Mr. O'BRIEN. A quorum has not voted,

Mr. THORNBURGH. I call for tellers.

The SPEAKER *pro tempore*. A quorum not having voted, tellers will be ordered, and the Chair appoints the gentleman from Georgia, Mr. COOK, and the gentleman from Maryland, Mr. O'BRIEN.

The House again divided; and the tellers reported—ayes 123, noes 27.

So the bill was ordered to be engrossed and read a third time.

Mr. O'BRIEN. I call for the reading of the engrossed bill.

The SPEAKER *pro tempore*. The gentleman from Georgia, [Mr. COOK,] who has charge of the bill, has risen to close debate. He is entitled to one hour.

Mr. HOLMAN. I desire to make a parliamentary inquiry. I understood that by unanimous consent an hour and a half was allowed for the consideration of this bill. Does not that imply that the bill should be disposed of within that hour and a half? It was understood when that arrangement was made that the Geneva-award bill, under the charge of the gentleman from New York, [Mr. LORD,] would then be entitled to the floor. Under these circumstances, I suggest that the gentleman from Georgia, inasmuch as everybody understands the provisions of the bill, which has been pending here for seven years, bring it to a vote at once.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Georgia, [Mr. COOK,] who has charge of the bill.

Mr. HURLBUT. We do not want any more debate.

The SPEAKER *pro tempore*. Under the rule the gentleman from Georgia is entitled to an hour after the previous question has been seconded.

Mr. HOLMAN. I submit that the time to be occupied by this bill was limited to an hour and a half.

Mr. THORNBURGH. I did not understand any such order to be made. There was some such arrangement between the gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York, [Mr. LORD,] but the House made no such order.

The SPEAKER *pro tempore*. The gentleman from Georgia is entitled to the floor.

Mr. COOK. I yield ten minutes to the gentleman from Kansas, [Mr. GOODIN.]

Mr. GOODIN. Mr. Speaker, I am quite glad that amid the various special orders upon the Calendar which have consumed so much time in their discussion the friends of the pending bill to equalize the bounties of the gallant men who upon land and sea successfully fought the war of the great rebellion have at last been enabled to get this hour set apart for its consideration.

Sir, the sense of justice of the American people has been aroused at the inequality which is the offspring of the established system of bounties authorized by the several statutes upon that subject. I am aware, Mr. Speaker, that great difficulties have been experienced in the endeavor to frame a bill which will meet all the equitable phases presented, but I believe that the present measure approximates as nearly as any that could well be devised in securing equalization in bounties.

I have never been able, Mr. Speaker, to exactly see why, in the allotment of bounties to soldiers and seamen, discriminations should be made against those whose term of service was short, either by reason of the shortness of enlistment or by reason of discharges in consequence of the termination of the war. The theory—or one of the several theories—upon which a bounty was paid to those enlisting for three years or during the war, and who served fully two years of their time, was, that when the service was long and continuous the probabilities were in favor of consequent dangers and hardships. While, as a general proposition, it might be reasonably assumed that the longer the service the greater the trials and dangers, yet there were many cases where, in a very brief service, the soldier endured untold trials and confronted great perils. So far as engagements in battle were concerned, many newly-enlisted soldiers in the very month of enlistment were called upon to face the enemy on several hard-fought fields, while in many other instances—with no fault of the soldiers, I admit, who were ever ready to go where duty called—the full period of enlistment passed away and the smoke of battle was rarely, if ever, seen by them.

But, aside from services actually rendered in battle, thousands of instances occurred during that fearful conflict when sickness and deaths in hospitals were far more to be dreaded than the bristling bayonets upon the field of battle. No, Mr. Speaker, I see no real basis for discrimination in favor of or against any soldier who performed duty in that great struggle. Whether the period of enlistment be long or short, without reference to the duration of service I would allow a fixed sum per month, as does this bill, to every man who actually served in the cause of his imperiled country.

This is what we term equalization; the placing of every soldier upon precisely the same footing. As I have said, sir, the failure of a soldier to march or fight was no matter over which he had control. His enlistment and enrollment placed him at the disposal of the military commander who had supervision over him; and let it be said to the credit of that noble Army of citizens who, garbed in the chosen blue of the Republic, while the life of the nation was jeopardized, went forth to do service for their country, that of the number of enrollments, which embraced about two million six hundred and seventy-five thousand men, comparatively few wavered in the discharge of their whole duty.

I had intended, Mr. Speaker, to discuss somewhat in detail the provisions of this bill, and to submit some statistics and estimates showing the resources of the country, the amount of money required to carry the measure into effect, and to correct, as far as I could, some of the erroneous conclusions, as I believe them, arrived at by those who seem to shudder at the thought of such an enactment as is here proposed. But the gentleman from Tennessee [Mr. THORNBURGH] has anticipated me, and by his able, logical, and carefully prepared speech has left little margin for me. The tables submitted by him have manifestly been compiled with care, and from them it would seem that instead of a requirement of thirty, forty, or fifty millions of dollars to carry this bill into effect twenty millions will be ample for that purpose. But, sir, if the highest of these estimates should be necessary that fact would not drive me from its support, so thoroughly am I convinced that the principle upon which the bill is founded is sound in reason and abounds in good conscience. But it may be claimed, sir, that even if but $20,000,000 should be required to equalize bounties according to the purposes of this bill, that the amount is too large to be expended at this time; that admitting the equity of the cause for which I contend, we should wait until our Treasury shall have been replenished, until the country becomes more prosperous, until a general revival of business is brought about.

I am quite cognizant, Mr. Speaker, of the fact that financial embarrassments surround thousands of our people at this time; that the authorization of the issue of gold interest-bearing bonds to purchase silver bullion and the fixing of the 1st day of January, 1879, for the resumption of specie payments has caused distrust, anxiety, and alarm throughout the entire country; that the people's money has been stolen by faithless officials, and that corruption and extravagance in the administration of public affairs have caused misery and shame everywhere. But I rejoice, sir, to know that the spirit of economy has animated this House, and that in the several measures which have received its sanction millions of dollars have already been saved compared with expenditures for like purposes in the past.

This fact, Mr. Speaker, emboldens me somewhat in urging the passage of this bill. If in a single session of Congress we shall be able to save a sufficient sum to meet the requirements of this proposition of the equalization of bounties, I shall certainly feel that I have been compensated for the unfaltering support I have given to every measure which has been considered by this House looking to the reduction of public expenditures. In this connection I desire also to say that in each vote which I have cast in the line of retrenchment I have kept steadily in mind that every dollar saved would serve the friends of this bill as an argument when it came to be considered against those who feared that the financial condition of the country would not warrant the expenditure. As I had occasion once before to say upon this floor, I now repeat, that the million and a half dollars donated to the centennial corporation for an international jubilee had better by far be applied to aid and assist in furthering this great act of justice, and I trust, Mr. Speaker, that whatever of opposition comes to the measure, it may not come from the lips of those who so vehemently pressed the passage of the great show bill!

But, Mr. Speaker, I was remarking upon the money which would be taken from the Treasury and given to the soldiers if this bill should meet the sanction of Congress, and of the curtailment of expenditures in other directions to meet this new demand upon us. Although as a nation we are far from that condition of prosperity which should be ours legitimately, yet that our energies would be crippled materially if we should vote the amount of money called for by this bill I do not believe. In a time of general business depression I know of nothing which would revive the drooping spirits of the laboring classes more than the diffusion of a few millions of dollars throughout the country. It must be remembered that this money will go to the debtor classes, thus enabling them to pay their small indebtedness, and soon the effect of the distribution will be felt in the life and impetus given to business in every county and State in the Union.

Sir, the poor soldiers of the land, whose term of enlistment and service have not been such as to secure them bounties under laws previously enacted, are looking to this Congress, and to this session of it, for proper recognition. As they recall the reminiscences and sufferings in camp and field, and reflect upon the sacrifices endured for the nation's safety, they are slow to see the humanity of the reasoning by which they are shorn of the pittance which has been granted to their comrades in arms. Two citizens residing in the same neighborhood at their country's call enter the service. Both enlist for "three years or during the war," the Government agreeing to give them for their services $13 per month! They bid farewell to home and all of its endearments, and are attired in the proud panoply of an American soldier, and with their brave companions take up their line of march to danger's front.

Brave boys are they, brave boys are they,
Who go at their country's call;
And yet, and yet, we cannot forget
That many brave boys must fall.

The two soldiers named meet the foe in the same engagements, sleep in the same tent, eat in the same mess, drink out of the same

canteen, and generally experience the same privations and hardships. The one serves exactly two years, and receives $200 of bounty; the other lacks but a day of the two years' service, and gets no bounty at all. The unfairness to the last-mentioned soldier is manifest. Proportionately to the time of service each should receive equal consideration at the hands of the country.

But, Mr. Speaker, we frequently hear it asserted outside of this Hall—and it is not unlikely that it may be here insisted—that if we pass this measure giving indiscriminately to all of our soldiers alike equal bounties, we should also in the line of exact justice re-imburse the several States for local bounties paid by them to secure enlistments. Some of the States paid no bounties, while others paid large amounts. But, sir, while fully appreciating the patriotism which dictated the appropriation by municipalities of money as an inducement to fill up the ranks of the Army, it must be remembered that by these means the draft was prevented in those States, and thus a benefit was derived from the outlay. Hence I say, Mr. Speaker, I would not vote to re-imburse the States for money expended to enable the quotas to be filled and to avoid conscription, neither would I leave those who have failed in securing bounties in those States where no local bounties were paid, to be provided for by such States.

These men, sir, were not State soldiers; they were not summoned to arms for the maintenance of local laws. The nation itself was menaced and in danger of dismemberment and overthrow. The men who engaged on the side of the Union fought for the preservation of our national existence. State boundaries formed "No pent-up Utica" for their exploits of patriotic valor, and we do not propose now to refer them to the States for that justice of which they have been deprived!

The nation, independent of what States or individuals may have done or may do for its citizen-soldiery, should deal honestly, humanely, generously, equally with those who, in times of public peril, braved everything for their country's welfare. It has been said that—

> A people who cannot find in their own proper forces their own protection are not worth saving.

And let me say, sir, that the nation which neglects to properly recognize the chivalric deeds of its fighting forces not only evokes the contempt and censure of other powers, but is guilty of the severest wrong to itself.

Mr. Speaker, I feel a special solicitude for the passage of this bill, because of the interest taken in it by the soldiers of my own State, and particularly those of my district. Hundreds of them who fought gallantly in the late war have never received any bounty whatever. In the first call for troops right nobly did that young Commonwealth "rally round the flag" and furnish her quota. During the beginning of their service the First and Second Regiments of Kansas Volunteers were engaged in the first great battle of the war. There is not a gentleman upon this floor who does not remember vividly the battle of Wilson's Creek, where the chivalrous Lyon fell. The deeds of daring of the Kansas troops upon that bloody field on the memorable 10th day of August, in the first year of the war—

> Where the hottest fire was seen and heard,
> And the loud cannon pealed its hoarsest strains,

will never be forgotten by a people who love devotion to principle and admire that spirit of bravery which dares all things and fears nothing. Their patriotism is sweetly enshrined in thousands of grateful hearts; and, whether living or dead, their acts upon that occasion will survive for all time. Fully one-third of the two regiments named, either wounded or slain, fell upon that field; and under existing laws many of the survivors have failed in securing any bounty at all. By the passage of this bill all those who have thus been deprived will be allowed a bounty proportioned to the length of service which they may have rendered.

But, Mr. Speaker, I did not intend to occupy so much of the time of the House as I have already consumed, and I shall not undertake further to point out what I conceive to be the various cases under different calls for troops where injustice has been done to enlisted men. To my mind they are numerous, and I know of no legislation which will meet this injustice better than the pending bill. I congratulate myself that it has received the unanimous approval of the Military Committee, and, further, that it is here reported from that committee by one who fought gallantly upon the other side in that fratricidal struggle. It is also a matter of the profoundest satisfaction to me, as it must be to the country, to know that among its most enthusiastic supporters are to be found those upon this floor and elsewhere who met these men, for whom we provide, upon many hotly-contested fields. What better earnest of returning good-will, what better evidence of a cemented, restored, blessed, happy, "perpetual union," such as was contemplated by its founders, do we desire, than to find the soldiers of the South admitting the loss of the cause for which they contended, coming forward with such unanimity to the support of a measure which gives substantial recognition not only to those against whom they fought, but also to the survivors of those who fell in that never-to-be-forgotton contest!

And now, sir, since this is the case, let those whose sympathies and energies from the beginning were on the side of the Government not hesitate to give their hearty approval to this bill. And to the Union soldiers upon this floor let me say that here is an opportunity for the commingling of the "blue and the gray" which means something. Let us all strike hands in meting out to our brave defenders an act of simple justice which has already been too long procrastinated.

Mr. COOK. I now yield three minutes to the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. By the consent of the committee I desire to submit an amendment.

The SPEAKER *pro tempore*. The Chair would say to the gentleman from Indiana that no amendments are now in order and none can be offered; but if the gentleman desires to have the amendment read as a portion of his remarks, the time occupied in the reading will be taken out of the three minutes to which he is entitled.

Mr. LANDERS, of Indiana. As the amendment cannot be offered, I desire it read.

The SPEAKER *pro tempore*. Then the Clerk will read the amendment as a part of the remarks of the gentleman from Indiana.

The Clerk read the amendment, as follows:

> That in case the bounty due any person under this act shall amount to a sum not less than $100, it shall be at the option of such person to receive from the Government, through the Second Auditor of the Treasury, in lieu of such bounty, a warrant, not subject to assignment, receivable at any of the land offices of the United States in full payment of one hundred and sixty acres of any of the public lands subject to entry by homestead or purchase; and for any lands located with said warrants patents shall be issued without requiring proof of either residence or settlement.
>
> That the Secretary of the Treasury is hereby authorized and directed to issue an amount of legal-tender notes necessary to carry out the provisions of this act: *Provided*, That the whole amount issued, including the amount already outstanding, will not exceed $400,000,000.

Mr. LANDERS, of Indiana. Mr. Speaker, at a very early day in the session I introduced a bill very similar to the one now under consideration. It differed from this one in that it contained the two sections that I have had read. It will be seen that my object in offering this amendment was to provide means for paying the soldiers. At the last session of Congress there was a bill passed by this House equalizing the bounties of soldiers very like the one now under consideration. That bill was vetoed, one of the grounds for vetoing the bil. being that there was no money to pay with.

[Cries of "O, no!"]

Mr. LAWRENCE. The gentleman is mistaken about that.

Mr. LANDERS, of Indiana. For that reason I desire that money shall be provided to pay the soldiers in this bill.

Again, it is well understood that a large volume of currency is being taken from the country by the national banks, and Congress is doing nothing to supply the deficiency thus created. I insist that as national-bank currency is withdrawn from circulation, legal-tenders should be used in its stead. The question is often asked how are we to get our legal-tender currency into circulation?

I say, Mr. Speaker, that here is a fine opportunity. Soldiers as a general thing are needy men, and if this currency be paid out to the soldier it will speedily find its way into business circles so that it will not only be a great benefit to the soldier but also to the business interests of the country.

Mr. COOK. I now yield ten minutes to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. It has been announced here to-day by the gentleman from Tennessee, [Mr. THORNBURGH,] who opened the debate in favor of this bill, that it was a popular measure and that it had three times passed the House of Representatives. It has not yet become a law; so that it is apparent from the fact that it has three times passed the House and has not yet become a law that its popularity is to some extent tinged by other facts connected with the bill.

Mr. BANNING. Will the gentleman allow me to say that the soldier never had as many real friends in Congress as he has now.

Mr. O'BRIEN. I find in answer to what the gentleman from Ohio remarks the fact that upon this floor this bill is supported, I believe, by every member of the republican party.

The opposition to it does not come from any political party, so far as I know, on account of any political reasons. I do not oppose it upon the ground of politics. I do not oppose it because of the fact that the soldiers are to derive some advantage from the many millions that are to be appropriated by this bill. I do not oppose it because I am unwilling to recognize the great debt of gratitude which this nation owes to the soldiers who perpetuated the Government in the late struggle by their arms, by their lives. I am willing to recognize that it is not within the power of this people to pay that debt; that there is not money enough in the Treasury of the United States to-day, nor has there been since the war ceased, to compensate the families of the men who laid down their lives in behalf of the Government, in behalf of what they believed to be their country.

But, sir, I invite attention of the House to the fact that this is not in any sense what the gentleman from Tennessee in an able speech, carefully prepared for the occasion, claims that it is, and that is, a legal debt binding upon the Government. I would scorn, were I a representative of a soldiery constituency, to admit the fact that my soldier constituents went into that war under any obligation, either express or implied, that they were to be paid for the services that they were to render; that the blood that they were to shed was to be compensated with money. I know the fact that there are those upon this very floor, men who served gallantly in the Union Army, men who

contributed their treasure in behalf of the maintenance of the Government, who would be unwilling to take a single dollar or as many thousands as you could pour into their laps, if it were to be given them as legal compensation for the services which they rendered. If we owe our soldiers anything we owe them that which we never can pay; we owe them the heartfelt, undying, inestimable gratitude of a free people for the liberties which they have preserved for us and for our children.

But, sir, there is not a man in this House to-day who dares to stand up in his place and say that the patriotism which emanated from every soldier's heart, as he shouldered his musket and faced the enemy in the late war, was manifested by him for an equivalent in money. It is true that it was necessary that the soldiers should be paid. It is true that in some of the States and even by the Government of the United States bounties were offered to a certain extent to secure their services. The answer to that is that that money was immediately handed over to their bereft families; they themselves did not take a dollar of it. Their bounties were either given directly or passed over at once by the proper papers to their families.

Our soldiers labored and toiled and shed their blood and laid down their lives in behalf of the great principles of constitutional liberty, of patriotism, of love of country, through which motives they were invited to take their places in the field in defense of their beloved country. Yet it is now here pretended that we owe them a debt of money; that we are to pay them for their services; that we are to give them an equivalent which will offset the services rendered by them; that we are to wipe out our obligation to them by an equalization of bounties to be given to all the men who fought in the late war. Those who went in the first hour for a few dollars are to receive the same pay as the men who went into the war at the eleventh hour for the dollars they received.

In the name of the soldiers, so far as I know their sentiments, I repudiate such a thought, such an idea. There is no man here the advocate of this bill, whether it be the introducer of it or the one who stands sponsor for it from the committee, who is more faithful in his devotion, more warm in his love, more determined in his honor for the soldiers than I am. There is no one here who is more willing under proper circumstances and in a proper manner to give to the soldiers what really is a proper gratuity.

If we were in the midst of plenty, if to-day our Treasury, as it has been in the past under democratic rule, was filled to the overflowing of its coffers, then I might say it might be proper and right, in the magnanimity of a great people looking to that gratitude which we owe the soldiers who upheld the Government and maintained it when it was in peril, to give them a gratuity, a bounty to the full extent, perhaps, that may be proposed by this bill.

Such, however, is not the fact. We are confronted to-day by a Treasury with a deficit of millions. Our people are impoverished; our industries are paralyzed. We are not in any condition, either before the country or as the Representatives of our constituents, to say that we have that within our control which we can give away as a bounty or as a gift to any man or any set of men; for a bounty is a gift.

Let the soldiers, through their Representatives, claim all honor, for they are entitled to it; they are entitled to the gratitude of this generation; they are entitled to the gratitude of generations to come. But there is no just, no legal right by which their Representatives can demand of this Government, at this time, that we, with a depleted Treasury, should pay out a sum of money amounting, as has been alleged, to $100,000,000 to gratify a sentiment. It was alleged by a Senator, in a speech which I would have the right to read, that upon information received from the officers of the Treasury, who are regularly appointed to ascertain such facts, the amount that might be required under this bill would exceed $100,000,000. It is true that it is claimed here that this bill will appropriate a less sum—not more than twenty-nine millions or thirty millions or forty millions of dollars.

I ask you, Mr. Speaker, by what authority the majority in this House, responsible for the action of the House, have any right to step up to an almost empty Treasury and take from it its last dollar, and then to impose upon the people an additional debt, a bonded debt; for you must resort to that in order to obtain the money so that any person whatever may be given a gratuity.

We are not in a condition to do that which this bill asks. I beg of this House in the name of justice which is paramount to gratitude, in the name of law, in the name of their duty to the American people, to do no such ungracious and unfaithful act as to impose a new debt upon this people without their direct and positive command.

[Here the hammer fell.]

One moment more, Mr. Speaker. I further appeal to this House in the name of justice to put behind them any presumed political expediency which may tempt them to vote for this bill. I tell my friend that never yet was there an unjust act done upon the principle that the end justifies the means, or that some political expediency will wipe out the guilt, that the result of the wrong did not fall upon the heads of those who committed it. I trust that this House to-day, I appeal to both sides of it, will not, unless in their consciences they believe it be just, vote for any such measure as this. If they are honest men, as I know them to be, if they will but reason this matter logically and fairly, if they will regard the true interest of the soldier and of the country, they will not perpetrate this great wrong and inflict upon an impoverished people an additional debt amounting to such an enormous sum.

I have felt it my duty, at the risk of my motives being misunderstood, to oppose this measure. I believe that the country will hold us to a strict and just accountability for our actions. I cannot conscientiously vote away the money of the people to gratify a popular demand based not upon right but on sentiment, though the sentiment may commend itself as a gracious act for heroic services in behalf of our common country. With this duty performed I leave the question to the House.

Mr. PHILLIPS, of Kansas. Will the gentleman from Georgia [Mr. COOK] yield to me for a few minutes?

Mr. COOK. How long a time does the gentleman desire?

Mr. PHILLIPS, of Kansas. Not more than three or four minutes.

Mr. COOK. I will yield to the gentleman for three minutes.

Mr. PHILLIPS, of Kansas. The time is very rapidly approaching, Mr. Speaker, when those who preserved this Republic will be considered as more entitled to the gratitude of the American people than those who founded it. And in reply to the gentleman from Maryland [Mr. O'BRIEN] I would say that this bill does not propose to wipe out the obligation conferred by the soldiers of the Union upon the country by the preservation of the Government. We cannot wipe out that obligation until we wipe out this House; we cannot wipe out that obligation until we wipe out this Capitol; we cannot wipe out that obligation until we wipe out our country, the place it has held among the nations, and our whole history. Nothing can ever wipe out that obligation until there is no Union to love and no people to love it.

In the brief time allowed me, I wish to say that this bill merely proposes to give to soldiers who served the Government faithfully and did not receive their equal share of bounty the same amount that was given by the law of the United States to other soldiers. It proposes in simple justice to equalize the small amount, the miserable pittance, paid to the United States soldiers in the late war. I say that no treasury can be so bankrupt that it cannot and should not meet such an obligation. I say to the gentleman from Maryland that no demand upon the country presents itself with such a strong claim upon the American people. I say to the gentleman when he rises to vindicate other claims that there is no stronger or higher demand upon the Government than to do equal justice to the soldiers of the United States who defended this country and gave it to us.

I yield one minute of my time to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I have only one word to say in reference to this bill; and that will be in reply to the gentleman from Ohio, [Mr. BANNING,] the chairman of the Committee on Military Affairs, who stated that the House of Representatives, until the present session of Congress, had been unfriendly to the passage of this measure. While the election was pending in California last year I was attacked by every democratic newspaper and every democratic stump-orator in my district for having voted in favor of the last bill equalizing the bounties of soldiers. I am, therefore, glad to know that the other side of the House is ready and willing at this time to join this side in doing justice to the brave soldiers who fought so gallantly in defense of our common country.

Mr. COOK. I now yield three minutes to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. Mr. Speaker, I do not propose to make a speech or an argument upon this bill. This House has frequently heretofore declared in favor of this measure. It has been promised to the soldier since 1862; but it is left for this Congress to redeem the promises of gentlemen upon the opposite side, who have been making them and making them and making them, but have never kept them. I believe that those promises will be redeemed to-day, and it will be done by this Congress, that gentlemen have seen fit to denominate a "confederate Congress." When the news goes abroad that this "confederate Congress" has rendered unto the soldier that which is his, but which the republican party failed to give him, then I hope the cry of "confederate Congress" will be buried forever.

Mr. Speaker, this bill will not take out of the Treasury the large amount of money stated by some gentlemen upon this floor. If we should repay to the States the amount that they have paid, it would take, as has been demonstrated, $29,000,000. But the bill avoids that; and the whole amount necessary to carry out the equalization made by this bill will be only between nine and ten million dollars, which will not be paid all at once, but in the course of the next six years.

I hope, therefore, that this bill will pass, and that the men who carried the knapsack and musket in the service of the Government will be given that bounty which is justly theirs. I mean the men who volunteered early in the service; not the men who received large bounties, not the men who went into the war as substitues, but the soldiers who went at the first call to the defense of the country.

I hope that we may now have a vote, and that this bill will be passed by the large majority which justice and right demand it should receive.

Mr. HENDERSON. I would like to ask the gentleman from Ohio [Mr. BANNING] a question.

Mr. KEHR. I wish to put a question to the gentleman from Georgia, [Mr. COOK.]

Mr. FORT. I ask the gentleman from Georgia to yield to me five minutes.

[Cries of "Regular order."]

Mr. COOK. I must decline to yield. I ask that a vote be taken.

Mr. FORT. As the gentleman does not yield to me, I ask leave to have a few remarks on this subject printed in the RECORD.

There was no objection. [See Appendix.]

Mr. PAGE. I ask unanimous consent that this debate may be prolonged thirty minutes.

Several members objected.

Mr. HENDERSON. I desire to ask the gentleman from Ohio, [Mr. BANNING,] who has said that this side of the House have broken their promises in reference to this measure, whether he thinks that this bill can be passed without our votes?

Mr. BANNING. No, sir; we expect to have all good men like you vote with us.

[Cries of "Regular order."]

The SPEAKER *pro tempore*. The regular order is demanded, which is the third reading of the engrossed bill.

Mr. SPRINGER. I ask unanimous consent that the bill be printed in the RECORD, and not read in full at this time.

The SPEAKER *pro tempore*. Unless objection be made the bill will be read by its title only.

Mr. WILSON, of Iowa, demanded the reading of the engrossed bill.

The bill was read.

Mr. SPRINGER. I move that the bill be printed in the RECORD.

The SPEAKER *pro tempore*. That will be done.

The bill is as follows:

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier, sailor, and marine, including those borne upon the rolls as slaves and Indians, who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of $8.33½ a month for all the time which such non-commissioned officer, musician, artificer, wagoner, and private soldier, sailor, and marine, actually so served, between the 12th day of April, 1861, and the 9th day of May, 1865. And the provisions of this act shall extend to all soldiers who were mustered into the service of the United States, and were subsisted, clothed, and paid by the Government of the United States.

SEC. 2. That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, or marine, the allowance and payment shall be paid to his widow, if she has not remarried, or if there be no widow, or she has remarried, then to the minor child or children of such deceased non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, or marine.

SEC. 3. That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, or marine, or to his proper representative, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws.

SEC. 4. That no bounty under the provisions of this act shall be paid to or on account of any soldier who served as a substitute in the Army, or who was a captured prisoner of war at the time of his enlistment, nor to any one who was discharged, on his own application or request, for other cause than disability incurred in the service prior to the 19th day of April, 1865, unless such discharge was obtained with a view to re-enlistment, or to accept promotion in the military or naval service of the United States, or to be transferred from one branch of the military service to another, and such person did actually so re-enlist, or accept promotion, or was so transferred; and no bounty shall be paid to any soldier discharged on the application or at the request of parents, guardians, or other persons, or on the ground of minority.

SEC. 5. That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States or State laws to the non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, or marine by whom or by whose representative the claim is made.

SEC. 6. That any attorney or agent who shall receive from any claimant a sum greater than $10 for the prosecution of any claim under the provisions of this act, upon conviction thereof shall pay a fine not to exceed $1,000, or imprisonment for a term not less than one year, or both, as the court or jury may adjudge, and shall forever thereafter be excluded from prosecuting claims of any nature whatsoever against the Government of the United States.

SEC. 7. That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, final statement, descriptive list, or other paper, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of this act. And all such transfers, assignments, barters, or sales heretofore made are hereby declared null and void as to any rights intended to be so conveyed by any such soldier.

SEC. 8. That in any case where a person entitled to receive payment of bounty under the provisions of this act shall make application therefor, or where such application shall be made by the proper representative of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Secretary of the Treasury shall prescribe.

SEC. 9. That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, or marine, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

Mr. KASSON. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 141, nays 46, not voting 103; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Atkins, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Blair, Bland, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Campbell, Cannon, Cason, Caswell, Cate, Caulfield, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cutler, Danford, De Bolt, Denison, Dibrell, Dobbins, Dunnell, Durand, Eames, Eden, Finley, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Glover, Goodin, Andrew H. Hamilton, Haralson, Hartzell, Hatcher, Haymond, Hendee, Henderson, Goldsmith W. Hewitt, Hill, Hoge, Holman, Hopkins, Hoskins, Hubbell, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Joyce, Kasson, Kelley, Ketcham, Kimball, Franklin Landers, George M. Landers, Lawrence, Le Moyne, Levy, Lynch, L. A. Mackey, Maish, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Monroe, Morgan, Morrison, Mutchler, Oliver, O'Neill, Page, Payne, John F. Phillips, William A. Phillips, Poppleton, Potter, Pratt, Rainey, Randall, Rea, John Reilly, Rice, John Robbins, William M. Robbins, Robinson, Rusk, Sampson, Savage, Sayler, Sheakley, Sinnickson, Smalls, A. Herr Smith, Southard, Springer, Strait, Stenger, Stone, Tecse, Washington Townsend, Tufts, Turney, Van Vorhes, Robert B. Vance, Wait, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, White, Whiting, Wike, Willard, Charles G. Williams, James D. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Yeates—141.

NAYS—Messrs. Blackburn, Blount, Boone, Bradford, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Chapin, John B. Clarke of Kentucky, Culberson, Davis, Durham, Felton, Forney, Goode, Robert Hamilton, Henry R. Harris, John T. Harris, Hartridge, Henkle, Hereford, Hoar, Hooker, Hunton, Thomas L. Jones, Kehr, Lewis, Lord, Lynde, Mills, O'Brien, Pierce, Piper, Reagan, Schleicher, Singleton, William E. Smith, Tarbox, Thompson, Throckmorton, Warren, James Williams, Jeremiah N. Williams, and Willis—46.

NOT VOTING—Messrs. Ashe, George A. Bagley, Bass, Beebe, Bell, Blaine, Bliss, Bradley, Bright, John Young Brown, Chittenden, Collins, Conger, Cowan, Cox, Crapo, Crounse, Darrall, Davy, Douglas, Egbert, Ellis, Ely, Evans, Faulkner, Garfield, Gause, Gibson, Gunter, Hale, Hancock, Hardenbergh, Benjamin W. Harris, Harrison, Hathorn, Hays, Abram S. Hewitt, House, Hunter, King, Knott, Lamar, Lane, Lapham, Leavenworth, Luttrell, Edmund W. M. Mackey, Magoon, MacDougall, Meade, Milliken, Money, Nash, Neal, New, Norton, Odell, Packer, Parsons, Phelps, Plaisted, Platt, Powell, Purman, James B. Reilly, Riddle, Roberts, Miles Ross, Sobieski Ross, Scales, Schumaker, Seelye, Siemons, Sparks, Spencer, Stevenson, Stowell, Swann, Terry, Thomas, Thornburgh, Martin I. Townsend, Tucker, John L. Vance, Waddell, Gilbert C. Walker, Walling, Ward, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Andrew Williams, Alpheus S. Williams, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, Woodworth, and Young—103.

So the bill was passed.

During the vote,

Mr. BOONE stated that his colleague, Mr. BROWN, was absent by leave of the House on account of sickness, and that he was paired on all questions with the gentleman from Massachusetts, [Mr. HARRIS.]

He further stated that his colleague, Mr. MILLIKEN, was absent on account of sickness.

Mr. WIKE stated that his colleague, Mr. SPARKS, was absent on account of sickness.

Mr. McFARLAND stated that his colleague, Mr. YOUNG, was unavoidably absent, having been called away by important business.

Mr. DOUGLAS stated that he was paired with Mr. MACDOUGALL, who if present would vote in the affirmative, while he himself would vote in the negative.

Mr. DURAND stated that his colleagues, Mr. A. S. WILLIAMS and Mr. CONGER, were absent by order of the House, and that if present both would vote in the affirmative.

Mr. JOHN REILLY stated that his colleague, Mr. JAMES B. REILLY, was absent by leave of the House.

Mr. SOUTHARD stated that his colleague, Mr. NEAL, was absent attending the funeral of a friend—relative.

Mr. CABELL stated that his colleague, Mr. TUCKER, was absent by leave of the House, and that if present he would vote in the negative.

Mr. SPRINGER stated that the gentleman from Louisiana, Mr. SPENCER, was absent on account of sickness in his family.

Mr. FORT stated that his colleague, Mr. STEVENSON, was absent by order of the House on the Louisiana Committee, and that, if present, he thinks he would vote in the affirmative.

Mr. W. B. WILLIAMS stated that his colleague, Mr. BRADLEY, was absent by leave of the House.

Mr. RAINEY stated that his colleague, Mr. MACKEY, was absent by leave of the House, and that if present he would vote in the affirmative.

Mr. WILLIAMS, of Wisconsin, stated that his colleague, Mr. MAGOON, was absent by leave of the House.

Mr. PAGE stated that Mr. WOODBURN was absent by leave of the House, and that if present he would vote in the affirmative.

Mr. FRYE stated that his colleague, Mr. BLAINE, was absent on account of sickness; that Mr. PLAISTED was absent by order of the House attending a committee, and that his other colleague, Mr. HALE, was absent on business.

Mr. VAN VORHES stated that his colleague, Mr. VANCE, was absent by leave of the House.

Mr. BURCHARD, of Illinois, stated that he agreed to pair with Mr. TUCKER, but as he did not know how he would vote, he asked leave to record his vote in the affirmative.

Several MEMBERS, (on the democratic side.) Vote.

Mr. BURCHARD, of Illinois, then voted in the affirmative.

Mr. CUTLER stated that his colleague, Mr. HARDENBERGH, was absent by leave of the House.

Mr. J. H. BAGLEY stated that Mr. EVANS was absent by leave of the House, and that if present he would vote in the affirmative.

Mr. McMAHON stated that his colleagues, Mr. WALLING and Mr. VANCE, were absent by leave of the House, and that if present they would vote in the affirmative.

The vote was then announced as above recorded.

Mr. COOK. I move that the title of the bill stand as it is.

The motion was agreed to.

Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUBBELL. I move that the House do now adjourn.

Mr. LORD. I have risen to move that the House proceed with the consideration of the bill relating to the Geneva award.

Mr. HOLMAN. I desire to make this suggestion to the House: It is very important that the sundry civil appropriation bill should be disposed of to-morrow. I ask that by unanimous consent the House take a recess until ten o'clock to-morrow morning for the consideration of that bill. It will then be in print.

Mr. KASSON. Several important committees will be in session to-morrow morning.

Mr. HOLMAN. There will, of course, be some debate on the bill before any action is taken.

Mr. KASSON. I do not object to the gentleman's proposition, on condition that no vote shall be taken until after the adjournment.

The SPEAKER *pro tempore*, (Mr. COX having resumed the chair.) The gentleman from Indiana asks unanimous consent that the House take a recess till ten o'clock to-morrow morning for general debate on the sundary civil bill.

Mr. HOLMAN. No, sir; for action on the bill.

Mr. KASSON. I object to that. As I have said, several important committees will be in session to-morrow morning. Notice has been given of a very important session of the Committee on Banking and Currency to-morrow. Members must be there, and they would not like to be absent during the consideration of the sundry civil bill.

Mr. HOLMAN. Nothing will be accomplished unless the bill itself is taken up for consideration.

The SPEAKER *pro tempore*. Objection is made.

Mr. HOLMAN. Then I shall submit a motion.

REFORM SCHOOL IN THE DISTRICT.

The SPEAKER *pro tempore*. The Chair desires to make an announcement. By the sixteenth section of the act passed on the 3d of May, 1876, revising and amending the various acts establishing and relating to a reform school in the District of Columbia, it is enacted that two consulting trustees shall be appointed, namely, one Senator of the United States, by the presiding officer of the Senate, for the term of four years, and one member of the House of Representatives, by the Speaker thereof, for the term of two years. Under that provision of law, and with the consent and at the suggestion of the Speaker of the House, the Chair names Hon. A. E. STEVENSON, of Illinois, for that position.

SOUTH PASS OF MISSISSIPPI RIVER.

Mr. HEREFORD, by unanimous consent, from the Committee on Commerce, presented a letter from the Secretary of War, transmitting a report by Major Cyrus B. Comstock, Corps of Engineers, United States Navy, relating to the South Pass improvements of the Mississippi River, and moved that it be printed and recommitted.

The motion was agreed to.

PACIFIC RAILROAD BILL.

Mr. LAWRENCE. Mr. Speaker, I wish to state that a few days ago I announced that I would this day ask a vote on the bill (H. R. No. 3672) to amend the Pacific Railroad acts, so as to require the so-called Pacific Railroad Companies to create a sinking fund to pay the principal and interest of the subsidy bonds issued to them.

The Judiciary Committee this morning, or a majority of the committee, for reasons which they deemed satisfactory, directed that no vote should be asked on the bill until the 6th day of July. I deem it just to myself to say I do not concur in the expediency of that action of the committee; but of course I yield to it with entire respect for the majority who deemed this course advisable. It is proper to say one member of the committee who wishes to submit some views in opposition to the bill desired further time, and in a day or two more doubtless quite a number of members expect to start to Saint Louis. If the bill shall finally pass, it will save to the Government more than a sufficient sum to pay the soldiers the bounties so justly due them.

EXTRADITION TREATY WITH GREAT BRITAIN.

The SPEAKER *pro tempore*. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the Senate and House of Representatives:

By the tenth article of the treaty between the United States and Great Britain, signed in Washington on the 9th day of August, 1842, it was agreed that the two governments should, upon mutual requisitions respectively made, deliver up to justice all persons who, being charged with certain crimes therein enumerated, committed within the jurisdiction of either, should seek an asylum or be found within the territories of the other.

The only condition or limitation contained in the treaty to the reciprocal obligation thus to deliver up the fugitive was that it should be done only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed.

In the month of February last a requisition was duly made, in pursuance of the provisions of the treaty, by this Government upon that of Great Britain for the surrender of one Ezra D. Winslow, charged with extensive forgeries and the utterance of forged paper, committed within the jurisdiction of the United States, who had sought an asylum, and was found within the territories of Her Britannic Majesty, and was apprehended in London. The evidence of the criminality of the fugitive was duly furnished and heard, and, being found sufficient to justify his apprehension and committment for trial, if the crimes had been committed in Great Britain, he was held and committed for extradition.

Her Majesty's government, however, did not deliver up the fugitive in accordance with the terms of the treaty, notwithstanding every requirement thereof had been met on the part of the United States, but, instead of surrendering the fugitive, demanded certain assurances or stipulations not mentioned in the treaty, but foreign to its provisions, as a condition of the performance by Great Britain of her obligations under the treaty.

In a recent communication to the House of Representatives and in answer to a call from that body for information on this case, I submitted the correspondence which has passed between the two governments with reference thereto. It will be found in Executive Document No. 173 of the House of Representatives of the present session, and I respectfully refer thereto for more detailed information bearing on the question.

It appears from the correspondence that the British government bases its refusal to surrender the fugitive and its demand for stipulations or assurances from this Government on the requirements of a purely domestic enactment of the British Parliament, passed in the year 1870.

This act was brought to the notice of this Government shortly after its enactment, and Her Majesty's government was advised that the United States understood it as giving continued effect to the existing engagements under the treaty of 1842 for the extradition of criminals; and, with this knowledge on its part and without dissent from the declared views of the United States as to the unchanged nature of the reciprocal rights and obligations of the two powers under the treaty, Great Britain has continued to make requisitions and to grant surrenders in numerous instances without suggestion that it was contemplated to depart from the practice under the treaty which has obtained for more than thirty years until now, for the first time, in this case of Winslow, it is assumed that under this act of Parliament Her Majesty may require a stipulation or agreement not provided for in the treaty as a condition to the observance by her government of its treaty obligations toward this country.

This I have felt it my duty emphatically to repel.

In addition to the case of Winslow, requisition was also made by this Government on that of Great Britain for the surrender of Charles J. Brent, also charged with forgery committed in the United States and found in Great Britain. The evidence of criminality was duly heard and the fugitive committed for extradition.

A similar stipulation to that demanded in Winslow's case was also asked in Brent's, and was likewise refused.

It is with extreme regret that I am now called upon to announce to you that Her Majesty's government has finally released both of these fugitives, Winslow and Brent, and set them at liberty, thus omitting to comply with the provisions and requirements of the treaty under which the extradition of fugitive criminals is made between the two governments.

The position thus taken by the British government, if adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that government under the treaty.

It will be a cause of deep regret if a treaty which has been thus far beneficial in its practical operation, which has worked so well and so efficiently, and which, notwithstanding the exciting and at times violent political disturbances of which both countries have been the scene during its existence, has given rise to no complaints on the part of either government against either its spirit or its provisions, should be abruptly terminated.

It has tended to the protection of society and to the general interests of both countries. Its violation or annulment would be a retrograde step in international intercourse.

I have been anxious and have made the effort to enlarge its scope and to make a new treaty which would be a still more efficient agent for the punishment and prevention of crime. At the same time I have felt it my duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing treaty, to amend it by practically conceding by treaty the identical conditions which that government demands under its act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing treaty, I deemed it inadvisable to treat of only the one amendment proposed by Great Britain while the United States desires an enlargement of the list of crimes for which extradition may be asked and other improvements which experience has shown might be embodied in a new treaty.

It is for the wisdom of Congress to determine whether the article of the treaty relating to extradition is to be any longer regarded as obligatory on the Government of the United States or as forming part of the supreme law of the land. Should the attitude of the British government remain unchanged, I shall not, without an expression of the wish of Congress that I should do so, take any action either in making or granting requisitions for the surrender of fugitive criminals under the treaty of 1842.

Respectfully submitted.

U. S. GRANT.

WASHINGTON, *June* 20, 1876.

Mr. BANKS. I move that the message of the President just read be referred to the Committee on Foreign Affairs, and that it be printed.

The motion was agreed to.

CLAIMS UNDER ACT OF JULY 4, 1864.

Mr. WHITE. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House a list of claims arising under the act of July 4, 1864, which have been examined and allowed since December, 7, 1875, by the proper accounting officers, and which have not been reported to Congress.

Mr. EDEN. Let the resolution be referred.

Mr. WHITE. I desire to say just one word in explanation.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution now?

Mr. WHITE. I merely desire to say that the claims have all been allowed and that they are just.

Mr. O'BRIEN. What are they?

Mr. WHITE. They are claims which have been allowed by the Treasury Department for quartermaster's stores and little matters of that sort, for sums varying from ten dollars to two or three hundred dollars each, which will not be reported before the end of the fiscal year unless we pass a resolution of that kind, and there can be no appropriation till they are reported. The object of the resolution is to require them to be reported.

Mr. BURCHARD, of Illinois. Are these the claims referred to in the report of the Secretary of the Treasury?

Mr. WHITE. No, sir; these are additional claims which have been

allowed since the report of the Secretary of the Treasury. They have been allowed since the 7th of December last.

Mr. O'BRIEN. There is no objection to the resolution.

Mr. WELLS, of Missouri. I hold in my hand a letter from the Secretary of the Treasury dated March 24, and printed as an executive document, containing all the items allowed up to that date.

Mr. LAWRENCE. But others have been allowed since. The law requires the Secretary of the Treasury to make a report to Congress of claims allowed, and Congress makes an appropriation to pay for them. This resolution is entirely right.

Mr. KASSON. Before the question is taken on the motion for a recess, I wish to say that it has been suggested that a session of the House necessarily vacates appointments for the meeting of committees which have not leave to sit during the sessions of the House. That being so, I have no reason to insist on my objection to a recess.

The SPEAKER *pro tempore*. The question before the House is not the motion for a recess, but the resolution of the gentleman from Kentucky, [Mr. WHITE.]

The question being taken, Mr. WHITE's resolution was adopted.

FIDELIO L. HUNT.

Mr. LAMAR, by unanimous consent, introduced a bill (H. R. No. 3750) for the relief of Fidelio L. Hunt, late collector of internal revenue in the second district of Mississippi; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EXCHANGE OF UNITED STATES BONDS.

Mr. MUTCHLER, by unanimous consent, introduced a bill (H. R. No. 3751) authorizing the exchange of registered bonds for coupon bonds; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EXPENDITURES ON PUBLIC BUILDINGS.

Mr. POPPLETON. I desire the adoption of the resolution which I send to the Clerk's desk, to enable a subcommittee of the Committee on Expenditures on Public Buildings to take testimony.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Expenditures on Public Buildings be, and is hereby, authorized to send a subcommittee of said committee to New York City and such other places as the commtttee may deem proper and necessary for the purpose of taking testimony in matters of expenditures on public buildings in said city and elsewhere, and that said subcommittee have power to send for persons and papers and employ a stenographer, and the chairman of such subcommittee shall have power to administer oaths.

Mr. KASSON. Is that resolution reported from the committee?

Mr. POPPLETON. Yes, sir.

Mr. KASSON. And it entitles the subcommittee to go anywhere, to New York or any other city?

Mr. POPPLETON. Yes; but especially to New York.

The resolution was agreed to.

Mr. POPPLETON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX ON NOTES OF STATE BANKS.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 3752) to repeal section 3412 of the Revised Statutes, which imposes a 10 per cent. tax on the notes of State banks and State banking associations used for circulation and paid out by them; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FRUIT BRANDY.

Mr. PHILIPS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 3753) authorizing the growers of fruit to manufacture the same into brandy under certain limitations; which was read a first and second time, referred to the Committee of Ways and Means, and, with the accompanying memorial, ordered to be printed.

SAMUEL DUNNELL.

Mr. BURLEIGH, by unanimous consent, introduced a bill (H. R. No. 3754) for the relief of Samuel Dunnell, late a second lieutenant in Company C, Twenty-seventh Regiment Maine Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS ARMSTRONG.

Mr. GLOVER, by unanimous consent, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 1977) for the relief of Francis Armstrong; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GLOVER also, by unanimous consent, from the same committee, reported adversely on the petition of R. N. Hood; and the same was laid on the table, and the report ordered to be printed.

NICHOLAS DOWLING.

Mr. CAULFIELD, by unanimous consent, introduced a bill (H. R. No. 3755) granting a pension to Nicholas Dowling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. BATEMAN.

Mr. LE MOYNE, by unanimous consent, introduced a bill (H. R. No. 3756) for the relief of Henry A. Bateman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MASTERS IN THE NAVY.

Mr. VAN VORHES, by unanimous consent, introduced a bill (H. R. No. 3757) to range the members of the class of 1870, graduates of the United States Naval Academy, now serving in the Navy, as masters on the masters' list; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RAILWAY FROM LAKE MICHIGAN TO THE ATLANTIC.

Mr. HAYMOND, by unanimous consent, introduced a bill (H. R. No. 3758) chartering a freight and passenger railway from Lake Michigan to the southwest Atlantic seaboard; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, of Iowa, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Sally E. Herrick, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. BEEBE was granted leave of absence for ten days on account of important business.

Mr. SPENCER was granted an extension of his leave of absence until the 26th instant on account of illness.

Mr. LAWRENCE was granted leave of absence for ten days on account of important business.

Mr. HURD was granted leave of absence for two weeks.

Mr. WILLIAMS, of Delaware, was granted leave of absence for two weeks.

The question was then taken on Mr. HUBBELL's motion, and it was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of D. W. Bliss, president, and James B. Carter, corresponding secretary, of the Soldiers and Sailors' National Beneficial Association, presenting the names of 1,060 of the members of said association asking for the passage of a bill for the equalization of bounties to the soldiers and sailors of the late war, to the Committee on Military Affairs.

By Mr. CLARKE, of Kentucky: The petition of Samuel T. Jones, for a pension, to the Committee on Invalid Pensions.

By Mr. COX: The petition of T. S. Stewart, for a pension, to the same committee.

By Mr. FINLEY: The petition of Mary Falaney, widow of Fernando Falaney, a soldier of the Florida Indian war of 1837 and 1838, for a pension, to the same committee.

By Mr. HENKLE: Resolutions of the mayor and city council of Baltimore, favoring the erection of a light-house on the White Rocks in the Patapsco River, to the Committee on Commerce.

By Mr. HUNTON: The petition of Mrs. Sidney A. Harrison, that the pension granted to her late husband may be continued to herself, to the Committee on Revolutionary Pensions.

By Mr. JENKS: The petition of Dr. S. S. Christy, for office rent, fuel, subsisting recruits, and for services rendered as recruiting agent for the Eighteenth Regiment United States Army, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *June* 21, 1876.

Prayer by Rev. P. H. BURGHENETT, of Washington, District of Columbia.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MORTON, and by unanimous consent, the further reading was dispensed with.

EXTRADITION TREATY WITH GREAT BRITAIN.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which, on motion of Mr. MORTON, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

By the tenth article of the treaty between the United States and Great Britain, signed in Washington on the 9th day of August, 1842, it was agreed that the two governments should, upon mutual requisitions respectively made, deliver up to justice all persons who, being charged with certain crimes therein enumerated, committed within the jurisdiction of either, should seek an asylum or be found within the territories of the other.

The only condition or limitation contained in the treaty to the reciprocal obligation thus to deliver up the fugitive was that it should be done only upon such evidence of criminality as, according to the laws of the place where the fugitive or

person so charged should be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed.

In the month of February last a requisition was duly made, in pursuance of the provisions of the treaty, by this Government upon that of Great Britain for the surrender of one Ezra D. Winslow, charged with extensive forgeries and the uttering of forged paper, committed within the jurisdiction of the United States, who had sought an asylum, and was found within the territories of Her Britannic Majesty, and was apprehended in London. The evidence of the criminality of the fugitive was duly furnished and heard, and, being found sufficient to justify his apprehension and commitment for trial, if the crimes had been committed in Great Britain, he was held and committed for extradition.

Her Majesty's government, however, did not deliver up the fugitive in accordance with the terms of the treaty, notwithstanding every requirement thereof had been met on the part of the United States, but, instead of surrendering the fugitive, demanded certain assurances or stipulations not mentioned in the treaty, but foreign to its provisions, as a condition of the performance by Great Britain of her obligations under the treaty.

In a recent communication to the House of Representatives and in answer to a call from that body for information on this case, I submitted the correspondence which has passed between the two governments with reference thereto. It will be found in Executive Document No. 73 of the House of Representatives of the present session, and I respectfully refer thereto for more detailed information bearing on the question.

It appears from the correspondence that the British government bases its refusal to surrender the fugitive and its demand for stipulations or assurances from this Government on the requirements of a purely domestic enactment of the British Parliament, passed in the year 1870.

This act was brought to the notice of this Government shortly after its enactment, and Her Majesty's government was advised that the United States understood it as giving continued effect to the existing engagements under the treaty of 1842 for the extradition of criminals; and, with this knowledge on its part and without dissent from the declared views of the United States as to the unchanged nature of the reciprocal rights and obligations of the two powers under the treaty, Great Britain has continued to make requisitions and to grant surrenders in numerous instances without suggestion that it was contemplated to depart from the practice under the treaty which has obtained for more than thirty years until now, for the first time, in this case of Winslow, it is assumed that under this act of Parliament Her Majesty may require a stipulation or agreement not provided for in the treaty as a condition to the observance by her government of its treaty obligations toward this country.

This I have felt it my duty emphatically to repel.

In addition to the case of Winslow, requisition was also made by this Government on that of Great Britain for the surrender of Charles J. Brent, also charged with forgery committed in the United States and found in Great Britain. The evidence of criminality was duly heard and the fugitive committed for extradition.

A similar stipulation to that demanded in Winslow's case was also asked in Brent's, and was likewise refused.

It is with extreme regret that I am now called upon to announce to you that Her Majesty's government has finally released both of these fugitives, Winslow and Brent, and set them at liberty, thus omitting to comply with the provisions and requirements of the treaty under which the extradition of fugitive criminals is made between the two governments.

The position thus taken by the British government, if adhered to, cannot but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that government under the treaty.

It will be a cause of deep regret if a treaty which has been thus far beneficial in its practical operation, which has worked so well and so efficiently, and which, notwithstanding the exciting and at times violent political disturbances of which both countries have been the scene during its existence, has given rise to no complaints on the part of either government against either its spirit or its provisions, should be abruptly terminated.

It has tended to the protection of society and to the general interests of both countries. Its violation or annulment would be a retrograde step in international intercourse.

I have been anxious and have made the effort to enlarge its scope and to make a new treaty which would be a still more efficient agent for the punishment and prevention of crime. At the same time I have felt it my duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing treaty, to amend it by practically conceding by treaty the identical conditions which that government demands under its act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing treaty, I deemed it inadvisable to treat of only the one amendment proposed by Great Britain while the United States desires an enlargement of the list of crimes for which extradition may be asked, and other improvements which experience has shown might be embodied in a new treaty.

It is for the wisdom of Congress to determine whether the article of the treaty relating to extradition is to be any longer regarded as obligatory on the Government of the United States or as forming part of the supreme law of the land. Should the attitude of the British government remain unchanged, I shall not, without an expression of the wish of Congress that I should do so, take any action either in making or granting requisitions for the surrender of fugitive criminals under the treaty of 1842.

Respectfully submitted.

U. S. GRANT.

WASHINGTON, *June* 20, 1876.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of the Adjutant-General in the matter of the proposed relinquishment of the garden tract at Camp Verde, Arizona Territory, and recommending the passage of an act authorizing the relinquishment of the same to the custody and control of the Secretary of the Interior for disposition under the public land laws; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia;

A bill (H. R. No. 3411) authorizing the repavement of Pennsylvania avenue;

A bill (H. R. No. 3740) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia;

A bill (H. R. No. 3741) amending an act incorporating the proprietors of Glenwood Cemetery;

A bill (H. R. No. 3745) to prevent the sale and use of adulterated and explosive illuminating oils and other fluids in the District of Columbia; and

A joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and for other purposes.

The bill (H. R. No. 1539) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota, was read twice by its title and referred to the Committee on Commerce.

The bill (H. R. No. 3717) making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of George W. Hubbard and W. E. Conant, of Brooklyn, New York, praying for the extension of their patent for an improvement in double-acting steam-engines; which was referred to the Committee on Patents.

Mr. MERRIMON. I present the petition of Reni E. de Russy, late first lieutenant Second Artillery, accompanied by many papers in support of it, praying that Congress take such action as may lead to his re-appointment to his former position with benefits of and credits for length of service as a commissioned officer in the Army prior to November 16, 1874. I move that the petition and papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of the Pennsylvania Company for Insurance on Lives and Granting Annuities, executors and trustees of the estate of Thomas McA. Fleming, deceased, praying to have refunded to the estate of the decedent the amount of certain moneys alleged to have been captured by United States forces at New Orleans during the late war, and covered into the Treasury by order of General B. F. Butler; which was referred to the Committee on Claims.

Mr. CLAYTON presented a petition of the mayor and common council of Fort Smith, Arkansas, praying an appropriation for the improvement of the Arkansas River at that place; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was recommitted the bill (S. No. 435) for the relief of William S. Robinson, of Malden, Massachusetts, have instructed me to report it with an amendment. I will state that this bill was at one time reported to the Senate and its indefinite postponement recommended by the committee. It was recommitted upon evidence, and, upon an examination of that evidence, the committee agree to report it back and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. WRIGHT. The same committee have had under consideration the petition of Mrs. Mary Walsh, praying compensation for services rendered by her husband, Redmond Walsh, as plumber and gas-fitter at the Government Insane Asylum, Washington, District of Columbia, from August 1, 1867, to May 1, 1875, and also for services as a private in the Marine Corps, United States Navy, from April 13, 1858, to April 13, 1876. The committee find upon an examination of this petition that it is not sworn to and there is no evidence whatever accompanying it. The claim itself seems to be most extraordinary; and we recommend that the committee be discharged from its further consideration, and that the claim be rejected.

The report was agreed to.

Mr. WRIGHT. The same committee, to whom was recommitted the bill (H. R. No. 37) for the relief of William H. Nessle, after a recommendation that it be indefinitely postponed, have had it again under consideration. They have examined the additional evidence, adhere to their former recommendation, and again ask the Senate to concur in the order that the bill be postponed indefinitely.

The bill was indefinitely postponed.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of H. H. Mathis, of Saint Francis County, Arkansas, praying compensation for cotton taken and appropriated by United States troops during the late war, submitted a report thereon, accompanied by a bill (S. No. 931) for the relief of H. H. Mathis, of Arkansas.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 781) for the relief of Margaret Ireland, widow of Amos Ireland, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the petition of David De Haven, praying compensation for

the loss of the steamer Alonzo Child, taken possession of by the rebel forces at Memphis, Tennessee, in May, 1862, and subsequently taken by the United States forces and placed in the naval service of the United States, submitted a report thereon, accompanied by a bill (S. No. 932) for the relief of David De Haven.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 623) for the relief of settlers on certain lands in the State of California, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue certificate of relocation for six hundred and forty acres of land in the territory of Missouri to legal representatives of Samuel Ware, reported it without amendment.

Mr. CONOVER, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 759) authorizing the President to appoint Henry Hoover a naval constructor in the United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 299) to amend section 1588 of the Revised Statutes, relating to the pay of medical and pay directors, reported adversely thereon.

Mr. ALLISON. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2677) to transfer the Office of Indian Affairs from the Interior to the War Department, to report it back and ask that it be postponed until the Thursday after the first Monday in December next.

Mr. INGALLS. I ask that the bill may lie on the table, and that it be not acted upon at this time.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the bill lie on the table for the present. Is there objection?

Mr. ALLISON. I do not object to the bill being passed over for the moment; but it ought to be disposed of.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the bill will lie on the table for the present.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the petition of Thomas S. Whitenack, praying an extension of his patent for an improvement in rakes for harvesters, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Julius A. Pickering, praying an extension of patent No. 23532, for attaching boot-straps, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 280) for the relief of Jacob A. Conover, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2952) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 722) for the relief of Charles F. Chandler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Ezra G. Cone, praying for the extension of his patent on sleigh-bells, submitted a report thereon, accompanied by a bill (S. No. 933) for the relief of Ezra G. Cone.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 419) for the relief of William H. Ward, reported it with an amendment.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. No. 383) for the relief of Ingalls B. Andrews, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred a joint resolution of the General Assembly of Connecticut, in relation to the navy-yard near New London, Connecticut, asking for an appropriation to continue the work now in progress thereat, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom were referred resolutions of the Chamber of Commerce of New York, in regard to the navy-yard at New London, Connecticut, asked to be discharged from their further consideration, and that they be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 340) to amend an act entitled "An act for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855," approved January 30, 1875, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Captain William Chandler, formerly an officer in the Navy, praying for the difference of pay between "leave" pay of lieutenant and that of commander from September 14, 1855, to December 22, 1858, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Lieutenant Samuel C. Barney, United States Navy, praying to be restored to the retired list of the Navy, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of H. L. Gamble, widow of the late Lieutenant John Gamble, United States Marine Corps, praying compensation for the capture by her husband during the war of 1812 of the vessel Seringapatam, asked to be discharged from its further consideration; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 597) for the relief of Anderson J. Smith, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Cavalry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers, reported it without amendment, the committee adopting the report of the House committee.

He also, from the same committee, to whom were referred the following petitions, memorial, and resolution, asked to be discharged from their further consideration; which was agreed to:

The petition of Andrew Lutz, late major of the Eighth New York Volunteers, praying to be allowed the pay due him as such officer from August 1, 1861, to November 22, 1861;

The petition of James H. Johnson, of Roane County, Tennessee, late major of the Eleventh Regiment of Tennessee Cavalry, praying reimbursement of certain moneys expended by him in recruiting and organizing said regiment;

A memorial of the city council of Alexandria, Virginia, in relation to the proposed construction of a monument at Yorktown, Virginia, commemorative of the closing battle of the revolutionary war; and

A resolution of the Legislature of Kansas against any reduction of the Army and in favor of stationing troops on the frontier to protect settlers from anticipated incursions and depredations of the Sioux and other tribes of Indians.

Mr. LOGAN. I am also directed by the Committee on Military Affairs, to whom were referred the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private of Company D, Tenth Tennessee Volunteers, together with the message of the President of the United States returning the bill with his objections thereto, to ask to be discharged from its further consideration; and that it be referred to the Committee on Claims. The bill seems to have been reported from the Committee on Claims originally, but was referred, with the veto message of the President, to the Military Committee. I move that the Committee on Military Affairs be discharged from their further consideration, and that the bill and message be referred to the Committee on Claims.

Mr. WRIGHT. My impression is that the report was originally made by the Committee on Military Affairs.

Mr. LOGAN. I do not so understand it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3200) to change the name of the steambarge Dolphin, of Clayton, New York, reported it without amendment.

CHANGE OF NAME OF STEAMER.

Mr. CONKLING. The Committee on Commerce, to whom was referred the bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania, have had the same under consideration and directed me to report it without amendment.

Mr. BOGY. I hope that bill will be taken up at once. It will lead to no opposition, and it is very important that it should pass. The steamer is now waiting for the change of name, in the harbor of Saint Louis. The bill will meet with no opposition and will take no time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania, to that of E. O. Stanard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CALENDAR.

Mr. INGALLS. If there is no further morning business, I move the remainder of the morning hour be devoted to unobjected cases on the Calendar.

The PRESIDENT *pro tempore*. The Chair will entertain morning business prior to the motion of the Senator from Kansas. Bills and resolutions are now in order.

SEIZURE OF PRIVATE DISPATCHES.

Mr. MORTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Privileges and Elections be instructed to inquire what laws, if any, protect the inviolability of private dispatches sent by magnetic telegraph, and what legislation is necessary to prevent the seizure of such dispatches by unauthorized or irresponsible persons; and to report by bill or otherwise.

P. B. S. PINCHBACK.

Mr. MITCHELL. I desire to give notice that on next Monday morning, after the morning business and in the morning hour, I shall ask the Senate to proceed to the consideration of the resolution providing for the compensation of Mr. P. B. S. Pinchback, late a contestant for a seat in the Senate.

CONFERENCE AS TO GOLD AND SILVER.

Mr. SHERMAN. I move to take up the joint resolution (S. R. No. 16) to authorize the President to appoint commissioners to attend our international conference upon the subject of the relative values of gold and silver.

Mr. WINDOM. I have no objection to taking up the resolution if it does not give rise to debate. Otherwise, I shall object to its consideration and move to take up the Indian appropriation bill.

Mr. SHERMAN. If it is to give rise to debate, I shall not ask that it be considered now.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that should the government of one or more countries invite a conference or convention to consider the important change which has recently occurred in the relative values of gold and silver, and the adoption of international measures for the removal of embarrassments arising therefrom, the President of the United States is authorized to appoint three properly qualified persons as commissioners to attend such conference or convention.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WINDOM. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. PADDOCK. I should like to call up a bill if the Senator from Minnesota will give way. It will take but a moment to pass it, I think.

Mr. WINDOM. I should be very much gratified to yield to the Senator; but when I have stated to the Senator why I cannot do so, I am sure he will appreciate it. Two or three Senators left the Senate Chamber a moment ago, stating that if no bills would be called up they would go out for a few moments. I said that so far as I was concerned I would not consent that the Indian bill should be displaced by other business.

The PRESIDENT *pro tempore*. If there be no further morning business, the motion of the Senator from Kansas [Mr. INGALLS] has priority. The Senator from Kansas has moved that the Senate proceed to the consideration of the Calendar of unobjected cases.

Mr. WINDOM. I hope the Senate will continue the consideration of the Indian appropriation bill. We can finish it, I think, in a short time. Certainly we should not displace it for the Calendar at present.

Mr. INGALLS. There would be no displacement of the regular appropriation bill by the consideration of unobjected cases on the Calendar. That bill does not come up in order until the expiration of the morning hour at one o'clock. I therefore hope that the Senator from Minnesota will allow us for the next thirty minutes to go on with the Calendar and see if we cannot transact some business of a private nature.

Mr. WINDOM. I think the appropriation bills are more pressing than the Calendar. There is another appropriation bill reported and ready for action. The Indian bill ought to be disposed of at the earliest possible moment. I hope the Senate will not take up the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the Calendar of unobjected cases.

The motion was not agreed to.

ISSUE OF SILVER COIN.

Mr. SHERMAN. Yesterday I reported a House joint resolution which the Senator from Indiana [Mr. MORTON] desired time to consider. I am urged, I may say, to bring it to the attention of the Senate in order to facilitate the exchange and the payment out of silver coin. I think the matter is of so pressing and important a nature that I shall again venture to ask the attention of the Senate to it.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota yield for that purpose?

Mr. WINDOM. I yield if it does not give rise to debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 109) for the issue of silver coin. It provides that the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin now in the Treasury to an amount not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange are to be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and the fractional currency, when so substituted, is to be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

The bill was reported from the Committee on Finance with an amendment, in line 5 to strike out the word "now" after "coin;" so as to read:

May issue the silver coin in the Treasury to an amount not exceeding $10,000,000, &c.

The amendment was agreed to.

Mr. SHERMAN. I have here a telegram which will explain an amendment which I will propose and the provision of which has already been adopted, I think, in both Houses. I will offer the amendment myself, as I have not had time to consult the Committee on Finance; and as it has already passed both Houses it will no doubt be assented to. It is urged in the Treasury Department that the condition of the trade-dollar should also be defined in this resolution, and as the resolution is in its last stages it is better that it should be put on here. I move to insert at the end of the resolution the following:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

This provision has already been adopted in different bills by the two Houses, but is not embraced in this resolution. I therefore move to add these words as an additional section. It is to relieve a condition of embarrassment in California.

Mr. HOWE. What is the objection to the trade-dollar being made a legal tender?

Mr. SHERMAN. The objection is that it is now a legal tender for gold contracts in California, and it being of less intrinsic value than gold the result is to create an embarrassment. The Senator from California [Mr. SARGENT] can explain it better than I can. It is a matter of local interest there. Both Houses have already acted on the proposition favorably.

Mr. WINDOM. If the resolution is to give rise to debate I must ask for the regular order.

Mr. SHERMAN. I will withdraw the amendment if it takes time.

Mr. SARGENT. I trust not.

Mr. HOWE. If I can have a little information on that point it is all I want.

Mr. SARGENT. The trade-dollar is now at a greater discount than the ordinary subsidiary silver coinage, although it is intrinsically of greater value. It is extremely unpopular. It is simply worth ninety cents in gold, being taken at that rate, and dealers refuse to take it for more. Subsidiary silver coin is worth some ninety-three or ninety-four cents, ninety-five I believe at the present time, on the Pacific coast. There is a general protest against this trade-dollar. It was originally intended simply for export to oust the Mexican dollar in the China market.

Mr. HOWE. The trade-dollar contains four hundred and twenty grains of silver.

Mr. SARGENT. It is worth more than the two half-dollars of subsidiary coinage, and yet it is at greater discount. By some law of trade, difficult to be explained perhaps—I cannot say that I entirely understand it—it has fallen in discount below the amount of the subsidiary coinage. It is received with extreme disfavor by all parties on the Pacific coast. This amendment confines it to its original purpose, that is, for export, to compete with and drive out the Mexican dollar in our trade with China. I trust there will be no objection to the amendment, believing it to be a great relief to my section.

Mr. HOWE. I am not going to make any objection; but we have a bill before us which proposes to make a dollar with four hundred and twelve and a half grains a legal tender. Here is a resolution which we are to pass at the same session which is to say that a dollar of four hundred and twenty grains of silver is not a legal tender. It is said there is some occult law of trade which justifies the two measures.

Mr. SHERMAN. I explained the whole of that, and I will not enter into an explanation again, because it is a matter of indifference to me. It is possible the silver bill will not pass, and it is important that this amendment should be adopted to relieve the difficulty in California; but, if the Senator objects to it and has any doubt about it, I will withdraw the amendment, as time is important.

Mr. HOWE. I am not going to make any objection. I take the statement of the Senator from California to be true, that there is some law of trade by which this anomaly can be explained, but I declare, if I was to be held responsible for this measure, I think I should not consent to it until I knew what that law of trade was.

Mr. SARGENT. The fact exists.

Mr. BOOTH. I think I can suggest a possible solution of that law of trade which seems to be so mysterious, and that is that only a limited amount of subsidiary silver can be issued and coined, while the

amount of trade-dollars which can be issued is unlimited. It depends altogether upon the demand. That demand is for export.

Mr. SHERMAN. I also explained that this trade-dollar is issued at the demand of the owners of bullion who can bring it in and get trade-dollars for the bullion; but the subsidiary coin is only issued by the Government of the United States and the amount is within its control. But I do not want to go into that. If the Senator from Wisconsin does not object, I ask for a vote on the amendment.

Mr. HOWE. I hardly think the explanation is satisfactory, but I shall not object.

The amendment was agreed to.

Mr. SHERMAN. I ought to say that my own impression is—and I think that is the opinion of the committee—that the amount ought to be increased. I think ten millions is not sufficient, especially if we should fail to pass the silver bill at this session. I call attention to the fact now. I think the amount ought to be increased to twenty millions, and if the Senate will agree to it unanimously I believe the House will concur, because I fear that if we fail to pass the silver bill at this session there may be a scarcity of change on account of the difficulty of getting it out. It is for the Senate to say whether or not under all the circumstances we had better increase the amount to twenty millions.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. SHERMAN. I move to amend by increasing the amount from ten to twenty millions.

Mr. SARGENT. I desire to object to an increase of the amount. At best it is an experiment. I have some hesitation in voting for the joint resolution even in its present shape. I shall certainly wish to be heard if it be insisted that the amount be raised to $20,000,000.

Mr. SHERMAN. Very well, I withdraw the amendment, for I do not want to delay the matter.

The joint resolution was reported to the Senate as amended.

Mr. FRELINGHUYSEN. I would ask the Senator from Ohio whether there was not an amendment that a like amount of United States notes were to be withdrawn?

Mr. SHERMAN. That is a part of the text of the resolution. This is a House resolution to facilitate the issue of change; it is not the silver bill at all. I think though the Senator from California will regret that he objected to increasing the amount, because we may have a real difficulty about change before next December. I wish to place on record my conviction that the amount ought to be increased, and I have no doubt that the House would agree to it; but still I do not wish to press it.

Mr. SARGENT. If this were simply a measure operating on this side of the Rocky Mountains, I would not object at all; but the necessary effect of it is to send an enormous quantity of silver to the Pacific coast and drown out our gold currency; but perhaps the $10,000,000 may be absorbed on this side. I am willing to consent to that; but I object to increasing the amount.

Mr. SHERMAN. I will submit the amendment for $20,000,000, and let us take the vote.

Mr. MORRILL, of Vermont. I hope not. I hope the Senator from Ohio will not go so far as that. It is important that this measure should pass; but, as the Senator from California has suggested, it is an experiment.

Mr. SHERMAN. I withdraw the amendment; but at the same time I must express my conviction, which I place on the record, that it is a mistake for this Congress to adjourn without issuing more than $10,000,000.

Mr. MORTON. I shall not oppose the adoption of this resolution in its present form, although I have very great doubt about the propriety of it. If I remember correctly the figures that were submitted to the Senate some days ago, the present subsidiary coin, which it is now proposed to issue to the amount of $10,000,000 in lieu of greenbacks, is worth about eighty-four cents on the dollar. It was worth at that time about eighty-four and three-eighths cents; it is now worth about eighty-four cents on the dollar. It looks a good deal like saying to the world that our greenbacks to-day are only worth eighty-four cents on the dollar, and that we offer to take them up and redeem them at that price.

Mr. SHERMAN. It is a purely voluntary process.

Mr. CONKLING. This measure having been reported yesterday, in order I suppose to be printed, is not on my desk, and other Senators tell me it is not on theirs. I ask that the joint resolution be reported as it will stand if the amendments made in Committee of the Whole be agreed to—a request which I would not make if I could read the joint resolution myself.

The PRESIDENT *pro tempore*. It will be read as amended.

The CHIEF CLERK. The joint resolution as amended by the Senate as in Committee of the Whole reads as follows:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin in the Treasury to an amount not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

ORDER OF BUSINESS.

Mr. PADDOCK. I move that the Senate proceed to the consideration of Senate bill No. 552. If it is likely to give rise to any debate, I will not insist on it now.

Mr. WINDOM. The morning hour has so near expired, and I have already, contrary to my expectation, yielded, that I will not insist. The Senator may ask unanimous consent, and if there is no debate I will not insist on calling up the unfinished business at this moment.

Mr. PADDOCK. The provisions of this bill are so important and equitable that I think it will commend itself, on its reading, to the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska to take up the bill (S. No. 552) to restore the franking privilege.

The bill was read at length.

Mr. KERNAN. It is quite obvious that this bill cannot pass without examination and debate. I object to taking it up.

The PRESIDENT *pro tempore*. The Chair will put the question.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business. An executive session is important for a few moments.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were re-opened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union;

A bill (H. R. No. 844) relating to land patents;

A bill (H. R. No. 865) to provide for the appointment of additional circuit-court commissioners, and to prevent oppression;

A bill (H. R. No. 3150) in relation to judgment liens;

A bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

A bill (H. R. No. 3746) relating to the terms of the circuit and district courts of the United States in and for the district of Iowa;

A bill (H. R. No. 3747) to secure service of process in the United States courts in certain cases; and

A bill (H. R. No. 3748) to provide for the redemption of real estate sold under judgments and decrees in the courts of the United States.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, the pending question being on concurring in the amendment made as in Committee of the Whole, to strike out section 3, in the following words:

SEC. 3. That the office of the Commissioner of Indian Affairs is hereby abolished and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau are hereby abolished; and the salary heretofore paid to such officers respectively shall cease, and the duties now intrusted to, and performed by, said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army, under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian Affairs, under such regulations as the President may prescribe: *Provided*, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to, and placed under, the control of the Secretary of War, who is hereby empowered to, and shall, exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided further*, That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

Mr. WINDOM. I move that the five-minute rule be applied to debate on this bill.

Mr. INGALLS. I hope the rule will not be applied. I think it would be unjust, considering the fact that the debate has already continued for a considerable time and some Senators who are opposed to the transfer have occupied hours in consideration of the subject, now to apply the five-minute rule. The subject is one of very great importance, as the Senator himself admits, and I am confident he does not wish to repress debate.

Mr. WINDOM. I do not, but the debate on the bill has extended over some twelve hours, eight hours at least on this question. I wish

to test the sense of the Senate as to whether they desire the five-minute rule applied to the bill. There has been about an equal amount of debate on each side, I think.

Mr. SAULSBURY. I hope that the five-minute rule will not be applied to this bill, and especially that section of the bill which proposes a transfer of the charge of Indian affairs to the War Department. That is a very important matter, one affecting not only the interests of the Indian, but affecting very seriously the interests of the country as to the expenditures of money for the Indian service, and it ought not to be disposed of under a debate of five minutes. It is a matter with which I am very little acquainted, and I do not expect to occupy any time on the subject; but there are gentlemen here, and especially gentlemen from the West, who are acquainted with the Indian service, who desire to be heard; and we who have to vote upon the question and are not so well acquainted would be glad to hear all we can in reference to that question. I hope, therefore, the five-minute rule will not be applied.

The PRESIDENT *pro tempore*. The Chair reminds Senators that debate is not in order. The question is on the motion of the Senator from Minnesota, that the Senate apply the five-minute rule to this bill.

The motion was not agreed to; there being on a division—ayes 17, noes 21.

Mr. WINDOM. I will not call for the yeas and nays now, but will renew the request for the five-minute rule if the debate seems likely to run to any great length.

Mr. ALLISON. Mr. President, at the adjournment last night I was calling the attention of the Senate to the fact that a very large portion of the amount appropriated by the bill under consideration is required by treaty stipulations entered into in 1867 and 1868 by means of a commission appointed under an act of Congress, of which commission four distinguished generals of the Army were members. I stated that I believed under the several treaties proposed by that commission nearly two and a half millions of the present appropriation bill are required. I have examined more carefully and find that I made an overstatement of the amount. The appropriations in this bill under the several treaties of 1867 and 1868 amount in the aggregate to about two millions and a quarter, or, in accurate figures, $2,265,000.

I stated then that I did not complain of the provisions of these treaties, but I referred to the fact that at that time, fresh as we were from a long and protracted Indian war on our borders, the generals of the Army believed that it was cheaper and better to enter into relations with those Indians whereby we should provide them with clothing and subsistence rather than to continue and procrastinate hostilities with them.

It was suggested by the Senator from Missouri [Mr. BOGY] in debate yesterday that all the Indian agents, or most of them, are dishonest. I cannot believe that that statement is true in any large sense; but, if it be true, I do not see that a transfer of the service to the War Department is likely to effect a change. Here let me call attention to some of the circumstances surrounding the appointment of Indian agents under what is known as the President's policy. It will be remembered by all that for many years the appointments of Indian agents were under the control of political partisans. In the report to which I called attention yesterday, made by General Sherman and others, especial attention was called to the fact that the agents were political appointees, and that much of the trouble and difficulty we had encountered had originated from that circumstance. The President of the United States, General Grant, when he came into office in 1869, in accordance with the recommendation of this commission, removed every Indian agent I believe then in office and substituted for the ordinary agents appointed under the civil authority Army officers. Perhaps in saying this I ought to except the State of Nebraska and perhaps a portion of the State of Kansas, which were then under the control of Indian agents appointed by the Society of Friends; but all the other agents were removed and Army officers substituted in their stead.

I believe by an act passed in 1870 on an appropriation bill, about July 15 of that year, Army officers were prohibited from exercising civil functions, so that again at that time all the Army officers who had been assigned to these civil duties were required to return to their commands. The President of the United States—and I want to call the attention of the Senator from Missouri particularly to this fact—withdrew from the republican party, who had control as a matter of fact over the offices of the country or were entitled to such control, the appointments of Indian agents, and placed them absolutely in the control of the religious denominations of the country; and from that time to the present no person except connected with those religious associations has ever recommended an Indian agent, nor has an Indian agent, to my knowledge, been appointed except upon the recommendation of the religious societies of the country. If, then, any frauds have been committed by these Indian agents (and I have not yet observed that frauds have been committed) since this policy was adopted by the President of the United States, it certainly is not the fault of any political party in this country; it is the fault of the great religious element of the country, which has had absolute control over these appointments during this period of time. But it is a fact that Indian agents have frequently been changed, and whenever they have been changed the religious societies have been called upon to recommend others instead of the Indian agents removed from any cause.

It may be that we can adopt a better policy in reference to the civilization of the Indians than to place them absolutely in the control of the great religious denominations of the country; and the President has made no distinction between the religious denominations. He has given the Methodists, the Baptists, the Congregationalists, the Catholics, and all the great religious denominations of the country their proper control of the various tribes of Indians. I submit to the Senator, therefore, that it is hardly fair to charge upon all these religious denominations that the appointments they have recommended have been without exception dishonest, and that men have been appointed who, without exception, have been guilty of fraud.

Now, it is proposed to change the entire character of our Indian policy and substitute for these agents Army officers. I think I have as high respect for the Army of the United States as any Senator on this floor. I have, I think, as much faith in the integrity of its officers as any Senator on this floor. I believe they are men of honor and of integrity; but I do not believe that their occupation is such as will enable them to faithfully discharge the duties of Indian agents, provided the object of the Government is to civilize the Indians and to make them self-supporting; and that is the great object and aim of our Government. In the nature of things it must be so. We are expending now some $2,000,000 annually in the subsistence of Indians. Are we to continue that forever, or are we to perfect a policy which will result finally in self-support on the part of the Indians? That is the only true policy, and we cannot succeed unless we teach them the arts of agriculture; and I submit that Army officers are not the persons to engage in this class of duties. They will not do it; they cannot do it from the very nature of their employment.

Take the Sioux Nation, if you please. By the treaty of 1868 they have been placed upon a reservation, a reservation which, in my judgment, is not fitted for their support; yet they are there. We say to them, "You must remain upon this reservation." There is no game there. They have no opportunity of self-support. The country is not suited to agriculture. Now, what shall they do? We say to them, "You must remain upon the reservation in accordance with the provisions of the treaty." The only thing left for us is to subsist them, and we have appropriated from year to year from a million to a million and a half of dollars for the subsistence of these tribes since 1869; and this appropriation bill provides a million of dollars for the subsistence of these Indians.

Now, Mr. President, it seems to me that it is the duty of Congress to provide some method whereby the Indians can be made self-supporting and self-sustaining. Many of the Indians in the Indian Territory are already so; others are rapidly becoming so under the present policy. Is that all to be reversed, and are we to rule the Indians wholly and solely by means of the Army, because that is the proposition that is presented to us in the third section of the bill now before us? It is a proposition to abdicate all the policies which have hitherto been adopted for the purpose of making the Indians self-supporting, and to place them absolutely under the control of Army officers and the United States Army. We have a great many treaty stipulations with Indians providing that we shall furnish them with carpenters, and blacksmiths, and saw-mills, and teachers, and agricultural implements; and yet all these provisions are absolutely ignored by the third section of this bill; no provision whatever is made for them, and no means to carry out these several treaty stipulations is provided. I submit that we cannot afford to enter upon a policy of this character.

It was said yesterday by the Senator from Missouri [Mr. BOGY] and also by the Senator from Texas, [Mr. MAXEY,] that we had in the Army the proper machinery for the purchase of clothing and for the purchase of food for the Indians. But are we to continue forever the purchase of food and the purchase of clothing for the Indians? Have we no higher policy than that? Why should they not be compelled to support themselves as we support ourselves? Are we to organize and continue forever a great machinery to distribute clothing and subsistence to Indians? Is that the only object we have in view? If it is, I agree that the Army perhaps can distribute clothing quite as well as civil employés, perhaps better. I agree that subsistence can be better distributed among the Indians by the Army than by civilians. But all these provisions are merely temporary, and we must sooner or later—and the sooner the better—make some arrangement whereby the Indians shall support themselves.

A new policy was entered upon in 1868, a policy which had for its object mainly the drawing together of all the Indians of the United States upon a few reservations, and General Sherman and his *confrères*, members of the commission to which I have referred, recommended that all the Indians should be placed upon four reservations finally; that certain portions of them should be placed upon the reservation called the Sioux reservation, others in the Indian Territory, and that two reservations of sufficient extent should be provided for the Pacific coast. That policy has been steadily pursued from that time up to the present moment—the gathering of Indians on reservations in order that they might support and sustain themselves. This has led to a considerable expenditure in the Territories of New Mexico and Arizona with the wild tribes of those Territories, and this bill provides for some $600,000 to subsist Indians in these two Territories. It is said that these are extraordinary provisions, and propose large sums of money to be squandered upon these Indians. And yet it is a fact stated in

a report made to the Senate of the United States in 1867 that from the organization of the Territory of New Mexico up to that time we had been involved in a cost of $4,000,000 per annum for the Indians in that Territory alone, and General Sumner, who was in command in that Territory at one time, recommended the absolute purchase of all the right of citizens in that Territory in order that it might be set apart for the occupation of Indians wholly. And now we complain because we pay from $450,000 to $600,000 per annum for the subsistence of the wild tribes in New Mexico and Arizona until they can be brought into such a condition of civilization as will enable them to support themselves.

I am not here, Mr. President, to say that all the money that has been appropriated to the Indian service has been faithfully applied. I do not believe it has been so applied; but certainly we are capable of reforms in this regard. I believe such reforms have been inaugurated in the Indian Bureau; and I am sustained in that belief from the fact that to-day no one can point, so far as I know, to a single instance where the public moneys appropriated for the Indian service are being squandered. I know of no present instance of it, though I have no doubt there has been wasteful expenditure in the past.

But now, Mr. President, it seems to me a most damaging proposition to the Indians themselves if they are to be civilized, and, if I may be permitted here to express an opinion upon that subject, I think it will be equally damaging to the Army of the United States. We propose to transfer all the control of three hundred thousand Indians to Army officers. I am very much mistaken if the effect of that will not be the actual and utter demoralization of the Army. It takes away from their proper duties at least one hundred and fifty officers. Can they be spared? If you will look at the last report of the Secretary of War, you will find that our entire Army is actually employed now; and yet it is proposed I believe to reduce the Army and the number of Army officers. They are all in employment; but this bill proposes to divert from one hundred to one hundred and fifty of the officers to civil employment, and make them responsible to a civil department of the Government rather than to the Army.

But who is it that asks for this transfer, and why? Do any of the Indians seek this transfer? Do any of them consent to it? I know of no single Indian tribe that has given its consent in any manner to this transfer. I have now on my table the memorial of the five civilized nations of the Indian Territory, protesting against the transfer of these civilized nations to the control of the Army. So of all the Indian tribes who are capable of protesting. I want some one to tell me in what respect economy will result from this transfer. There are from thirty-five thousand to forty thousand Sioux that must be subsisted. We appropriate this year a million dollars for that purpose; last year we appropriated about $1,300,000, and it was all expended. Will it be claimed, can it be claimed that the Army will subsist these Sioux more cheaply than the Indian Bureau is doing to-day? I was at the Red Cloud agency last year, and I made inquiry of the relative cost of provisions in the Army and at the agency, and in every instance the supplies were delivered at the agency cheaper under the Indian Bureau than they were at Camp Robinson, a mile and a half away. But our laws provide that all the Indian supplies shall be inspected by Army officers, and there can be no frauds at any of the agencies to-day if the laws are enforced, unless those frauds are connived at by Army officers, because every article of Indian goods must be inspected by an Army officer under existing law, and I believe it is a wise provision that requires their inspection by proper Army officers.

The expense of the Indian Bureau is an expense that cannot be avoided under existing circumstances. That is the trouble. We have treaty stipulations; we have necessities arising from the condition of the Indians which compel us to expend this money. Every portion of our country now is settled by white people. The Pacific Railroad extends from the Missouri River to the Pacific Ocean, dividing this country into two great parts, and all the country between the Rocky Mountains and the Pacific Ocean is to-day traversed by miners and others seeking wealth and homes, and they are constantly intruding upon Indian reservations and upon the rights of the Indians; and the necessary result is that the hunting-grounds of the Indians have been absolutely destroyed, and they are compelled either to resort to agriculture or to marauding for the purpose of gaining a subsistence, or else they must be subsisted by the Government. They are entitled to a fair consideration by the Government. We have purchased from them at nominal rates nearly the entire western portion of our country. I remember only a day or two since looking over a treaty which embraced the purchase of a portion of my State and the northern portion of the State of Illinois and the southern portion of the State of Wisconsin. I found that that whole country was purchased of Indian tribes at five cents an acre—Southern Wisconsin, Northern Illinois, and Northeastern Iowa; and yet all those lands brought into the Treasury of the United States a dollar and a quarter an acre and they are worth to-day from fifty to a hundred dollars an acre. And yet we complain because we are compelled to appropriate a few thousand dollars annually to these same tribes that have been driven west to a country which is not self-supporting.

I say, then, the Indians have some claim upon us for our consideration, and expenditures must be made for them whether they are under the control of the Army or whether they are under the control of a civil department of the Government.

Now, Mr. President, I want some Senator who is in favor of this transfer to tell me where and how money is to be saved by it. We have seventy Indian agents. Seventy Army officers may be assigned to take their places; but if they are so assigned they must be drawn away from some other duty; and is it possible that we have seventy Army officers who are not now required for the military service? A bill was reported this morning by the Committee on Indian Affairs, and I do not know but this third section provides that Army officers on the retired list may be assigned to this duty. Is that the way a saving is to be made? Are men who have gone before an Army board and sworn or brought proper evidence before the board showing that they are unfit for any duty to be assigned to the borders of our country and to have charge of these great Indian tribes? Certainly not. The men who will be assigned to these agencies must be Army officers in the regular line; men who are in actual service. Can they be spared? I do not believe they can be. By transferring this Bureau to the Army you can save no expense that I know of except the pay of the seventy agents. You must still employ carpenters and blacksmiths; you must have saw-mills and flouring-mills. Why? Because the treaties require them. Can you assign soldiers to these duties? This bill says that no persons other than Army officers and soldiers and the regular employés of the Army shall be employed under the third section; you cannot save any money by changing the service to the Army in that way, because these employments must be continued, and the men who are thus employed must be paid.

Are you to save anything in the contingent expenses of the agencies? I know of no way by which a saving will be made in that regard. Can the Army subsist the Indians more cheaply than they are now being subsisted? Go to the records of your Army, and you will see that the Army pays more in every instance for the same character of supplies than is paid by the Indian Bureau. Do you say that the Indian agents do not deliver these supplies? I answer you that the law to-day requires that they shall be delivered in the presence of an Army officer; and if they are not honestly delivered, there is a fault in the administration of existing law. There cannot be fraud in the delivery of these articles unless that fraud is connived at and assented to by an Army officer, because this inspection is not only required by law, but, as I understand, by a regulation of the Department. The goods are inspected at every point; they are inspected in New York, where they are purchased; they are inspected again in Omaha; they are inspected at the end of the railway, and they are inspected finally at the agencies, provided the Army officers discharge the duties assigned them by law. Not only this, but men have followed important shipments of goods from the place of shipment to the place of delivery in order to see that the actual goods purchased should be delivered to the Indians.

I cannot see what possible saving is to result from a bodily transfer of this Bureau to the War Department and from placing under the absolute control of Army officers the Indians and the distribution of all their supplies. That is all there is of this question. There certainly is no party in this question; there certainly ought to be none. There cannot be a party division with reference to this subject, as it seems to me; surely there ought to be none. There are no party spoils in it. The Indian agents now are all appointed, not by party, not by the President in the interest of party, but entirely by religious denominations, absolutely without the control of party organizations; so that there can be no party object, it seems to me, in securing this transfer.

Mr. President, I did not rise with any desire to occupy the time of the Senate in the discussion of this question. I only desired to call attention to one or two leading points which I think ought to govern us in the discharge of our duties here in reference to the Indians. We owe an obligation to them to endeavor at least to civilize them, and we owe an obligation to the Government to so civilize them as to make them self-supporting. Purely as a question of economy on our own part, as a question of money, we should make them self-supporting wherever they are, whether under the Army or under the Indian Bureau. I submit to the good sense of Senators that if we are to teach them agriculture an Army officer or a soldier is not the person to perform that service. I submit again that this is a civil service and not an Army service. We have Indian treaties now with nearly all the tribes in our country. They have large trust funds amounting in the aggregate to $15,000,000 or $16,000,000. The disbursement of these funds is a civil duty; it is not a duty pertaining to the Army; it is a civil function, and ought to be performed by civil officers. In addition to that, we have placed under our control a large amount of land which we are required to sell, and which must be sold under the care of the Interior Department. All our land system is in that Department; that is the repository of our land titles and everything pertaining to them. All this is a part of our Indian policy and Indian service. Take the Osages as an example of our duty. We have a large reservation in trust which we are bound to sell and account for to those Indians. Is that to be done under the War Department? Is that the proper place? So of nearly all the services to be performed with reference to the Indians.

What are we to gain economically by the transfer? I submit that it is an impossibility unless you assume, to begin with, that there is no honesty except in the Army; unless you assume, to begin with, that the Interior Department is, and of necessity must be, under all administrations and under all circumstances, absolutely and irretrievably cor-

rupt; that we can find no man in this country with honesty and intelligence enough to administer the Bureau of Indian Affairs unless we assign to its administration a colonel of the Army.

I, for one, am not ready to admit such a proposition. I submit, therefore, that no Senator can point out to me a material saving by the transfer of this Bureau to the War Department.

And having said this much, Mr. President, I shall conclude by adding only that it is my purpose to oppose at every stage possible the transfer of the Indians to the care of the Army of the United States.

Mr. SAULSBURY. Will the Senator before he takes his seat allow me to ask him how many employés there are under this Bureau?

Mr. ALLISON. If the Senator will tell me what he means by "employés," I will answer.

Mr. SAULSBURY. I mean all the persons employed by the Indian Bureau to effect the objects of the Bureau, to carry out the policy of the Bureau.

Mr. ALLISON. There are eighty Indian agents. This bill appropriates for sixty-eight. There is a reduction in the number of agents. There are, I believe, in the Bureau of Indian Affairs thirty-five clerks who are keeping the books of the Bureau. Does the Senator from Delaware suppose that those clerks will not be necessary if the Bureau is transferred to the War Department? They have clerks in the War Department as they have in the Indian Bureau, and yet this bill makes no provision whatever for the keeping of the accounts of the Indian Bureau in the War Department.

Mr. SAULSBURY. My question was one for information, not for criticism at all.

Mr. ALLISON. I understand. There are thirty-five employés in the Bureau proper here.

Mr. MORTON. Mr. President, the question before the Senate is as to the transfer of the government of the Indians and the management of their affairs from the Interior to the War Department. This is in no sense a question of appropriation. It is no more a question of appropriation than is the making of an Indian treaty. It is general legislation of the most important character, and I call the attention of Senators who propose to vote for this transfer to the fact that while we have insisted on the proposition as applied to other appropriation bills that general legislation changing essentially the character of the service of the United States should not be put upon such bills, if we adopt this transfer we break down that partition entirely, because here is a proposition of a general character involving no appropriation whatever, and if we can adopt this we can on appropriation bills change the whole civil service of the United States, and we can refer the administration and the organization of the civil service to the Appropriation Committees of the two Houses. That is my first objection to the third section of the bill. I have taken the ground with regard to other appropriation bills that it is not the duty nor is it a part of the office of the Appropriation Committees to recommend and present legislation of this kind; but if we recognize it in this case we are perfectly naked, so far as legislation of this kind is concerned, in reference to every other appropriation bill. I would say, therefore, to Senators that to be consistent upon this subject they must exclude the consideration of this matter from this bill. It is too big a question to come up on an appropriation bill. It is a question that ought to be considered not by the Appropriation Committee, but by the Committee on Indian Affairs. If the Appropriation Committee be the proper committee to consider this question, they may take all the Indian business just as well. It belongs to the Committee on Indian Affairs, and has no place upon this bill.

Mr. President, this proposition, in my opinion, involves another; and that is, it is equivalent to saying, if it is adopted, that the Indians cannot be civilized, and that they have but one prospect, and that is war and extinction. It is a simple declaration that the Indians cannot be civilized. The argument of my friend from Missouri [Mr. BOGY] yesterday, and every argument I have heard in favor of the transfer, proceeds on that hypothesis, that the only fate awaiting the Indian is extinction and that he cannot be civilized. That is the substance of every argument that is made or that can be made in favor of the proposition. It is certainly the substance of what my friend from Missouri said. I do not believe in that doctrine for one moment. I do not believe there is a race of men on earth that cannot be civilized. There is not a civilized nation to-day that was not at one time a race of savages, and it is very doubtful whether what we call civilization originated with white men. The probability is that it originated with men who are called red or copper-colored. Why should we say that the Indians cannot be civilized? Has the experiment failed? It certainly has not. Look at the condition of the tribes in the Indian Territory. They are not what we would like them to be; but yet they have made great advances, and their condition is full of hope and encouragement. Look at the remnants of tribes in New York and other States, scattered around now in all the older States of this Union. The Indian can be civilized, and he will be civilized, if the proper surroundings are had and the proper method is taken.

But, Mr. President, one great difficulty in the way of civilizing the Indians is that we have not acquired their confidence, that we have not kept faith with them. We have dealt with them falsely for a hundred years past, ay for two hundred years, and we are breaking faith with them this very day. We are now in the beginning of what threatens to be a formidable Indian war, the most formidable we have had for many years, and that war grows absolutely and entirely out of a breach of faith on the part of this Government. Can my friend deny it? When we talk about civilization, it is a little questionable where it should begin, whether with this race or with the other. Years and years ago we set apart the Black Hills country to a race of Indians; we gave it to them in perpetuity; we made as solemn an engagement with them as we could make with any nation in the world, and we solemnly promised to protect them in the enjoyment of that property. We did that for a consideration. They gave up lands and territories that are now rich, covered with white population. We made this contract with them and we are breaking it, and the whole world knows we are breaking it. There is no disguise about it. We promised to keep that country for them and to keep the white men out, and we do not do it; we let the gold-hunters go in there by the thousand, destroying their game, taking away their means of subsistence. We do not keep them out and we do not try to keep them out. Then the Indians take the only course that uncivilized men know anything about. They have got no courts; they cannot prosecute these gold-hunters for trespass for invading their territory. They employ the only law that is known to them, and that is the law of force; and then we make war upon them. We are now sending nearly three thousand men into that territory, three or four columns of troops, that will cost us perhaps from five to ten millions of dollars. Nobody can tell the end of it. The Indian war in Florida, where there was not one Indian where there are twenty in the Black Hills, cost this Goverment over $40,000,000. Now we are entering upon a most formidable Indian war, and the cost of it no man can predict; and it is brought about absolutely and entirely by a breach of faith on the part of this Government, and yet we say these people cannot be civilized, therefore turn them over to extinction.

I am asked the question "What is the highest measure of civilization?" The observance of good faith, keeping your word. I know of no brighter jewel in the crown of civilization than truth, good faith, integrity, and honest dealing. That is what we are not doing. We let these gold-hunters go by the thousand into the country of the Indians, absolutely annihilating their game and means of living, and in doing that we are not only doing the Indians a great wrong, but we are doing the gold-hunters a great wrong. All the evidence goes to prove that there is but little gold there. Hundreds of them have starved to death; nearly all come back ruined, and many of them come back desperate. More men die from starvation, and there is far more suffering brought about by disappointment and defeat than there is by the violence of the Indians. If we had kept these men out and done our duty, we should have performed for them the highest possible service; but they were deluded by speculators, by adventurers, and they have been drawn on by visions of sudden wealth from the gathering of gold until there has been untold suffering among them. The gold is not there, except in very small quantities. The Indians become outraged. A great war is to result, to cost us many, many millions of dollars. Yet we say we will turn these Indians over to the War Department because they cannot be civilized. Well, if they are to judge of our civilization by our truthfulness, by our good faith, they will have none of it. That is very certain.

My friend from Missouri says the system has failed. It is not the failure of that system; it is the failure of ourselves; that is it; and, if the failure is in ourselves, how much better will it be when you put the matter in the hands of the War Department? They cannot civilize. That is not their trade. Soldiers never made missionaries. Men who are educated for war do not look to the arts of peace; they look inevitably in the direction of their education. My friend would do so, and I would do so, and any other man would if he was brought up in the Army. I know something about the power of education, and we understand distinctly that the Army cannot be a civilizer, and it cannot and will not be a missionary.

Mr. MERRIMON. I beg to ask the Senator a question with the view of getting his views on the point I am going to make. Why will the transfer of the Indian Bureau to the War Department necessarily imply that war will be made upon the Indians or that they will not have all the advantages they now have of missionaries to civilize them? Does war or the driving out of the missionaries follow as a necessary consequence of transferring the Indian Bureau to the War Department?

Mr. MORTON. I say to my friend from North Carolina that I think it does imply the abandonment of every organized effort at civilization.

Mr. MERRIMON. Why?

Mr. MORTON. Because it is a military government with military ideas; and because the change will be made on account of the very conviction, as argued by the Senator from Missouri, that you cannot civilize them. That is the reason. The change proceeds upon that hypothesis; and after you have made the change for the express reason that you cannot civilize them, does my friend believe the effort to civilize them will be continued? Certainly not.

Mr. MERRIMON. I have the impression, if the Senator wants me to answer now, that it is perfectly competent to use the Army in such way as to keep the white man from trespassing on the Indians and opening up the most efficient avenues for purposes of civilization—avenues that certainly will be much more effective than those now employed—and to send missionaries and school-teachers there and protect them in a way that they are not now protected, giving them a power to operate their offices that they do not now enjoy.

Mr. MORTON. That argument would be a pretty good one for military government in every respect. I want to make one suggestion to my friend in reference to the present effort being made to civilize the Indians. As was shown yesterday by the Senator from Illinois, [Mr. LOGAN,] it has been a favorite idea with this Government from the time of its first organization to civilize the Indians. It was the opinion of Washington, of Jefferson, of Madison, of Monroe, and of their successors, that the Indian could be and ought to be civilized; but we have now taken a step in advance—and I call the attention of the Senator to it—in the way of civilizing the Indian that was never taken before, and the prospect is better than it ever was before I see the Commissioner of Indian Affairs here to-day, and I venture to assert that under the operation of the present system and policy we have a better class of Indian agents now along the whole frontier and beyond it than we have ever had before.

Mr. OGLESBY. The Commissioner of Indian Affairs not having the liberty to speak on this floor, I rise to answer the question of the Senator from Indiana, and to state that it is the decided opinion of the Commissioner of Indian Affairs and his colleagues that the Government never had a better set of Indian agents than it has at this time.

Mr. MORTON. So I understand. Ten, twenty, thirty, forty years ago we had Indian agents, but they were appointed chiefly through the instrumentality of politicians. They were men who were needy, who could afford to go out there for a small salary, expecting sometimes to augment it by improper means. They were not chosen because of their fitness always, although many good men were chosen, and there were shortcomings and there were failures. But now we have this policy, and I think Senators ought to consider it. The different churches in this country, the great religious denominations, have taken the matter into their hands. The selection of agents is no longer left to chance. It is no longer left to Senators and Representatives who may want to reward their friends or to provide for some hungry dependent; but the church, in its anxiety to make civilization a success in a particular tribe, selects the agent and keeps a watch over him. There is an espionage over the agents now that never existed before; they are better watched; and, in addition to the ordinary means of watching them, the churches that select them keep a look-out over them, and the honor of that church is bound up in the integrity and the efficiency of the agent.

Therefore we have got the best Indian agents as a class we have ever had. I think that the agents selected by the churches ought to be appointed in every case, I do not care what State they come from. If the Society of Friends choose their agents, and have got them still, and are willing to commit the honor of their church and the success of their undertaking to their choice, we ought to confirm those agents and let them go. The churches have this matter at heart. There are thousands of religious men in this country who are not in office. Without doubt they are intent upon the civilization of the Indians and the bettering of their condition. They spend their time and they spend their money for this object, and instead of being snubbed by us they ought to be encouraged. The men who are engaged in this are the very "salt of the earth."

We hear it said in a general way that the Indian agents are all stealing. The general charge is that they are all thieves and all steal. I suppose there is a great deal of general lying upon that subject. There are thefts now and then, and there will be until human nature becomes far more perfect than it is now.

Mr. LOGAN. I will call the attention of the Senator to the fact that there has been a committee of the other House investigating this question all winter, and they have not found anything of the kind. They have made their report.

Mr. MORTON. Still the general charge is made. I heard the charge made in the other House myself the other day that the Indian agents are thieves. That is the general impression. It has been said so often that a great many believe it. There will be a theft now and then under any system until you reform white nature, to say nothing about Indian nature. If you put the Army into that condition, with all the safeguards thrown around the Army, you may now and then find an officer who will yield to temptation. You will not elevate the Army by it; you will possibly drag it down.

I may remark right here, in regard to putting these duties upon Army officers, that officers are not educated and have not entered the Army for this purpose. You may talk about the rank and file of the Army discharging the duties performed by employés, acting as blacksmiths and wagonmakers, acting as the mechanics for the Indians, and performing daily labor, but I tell you the Army is not enlisted for that purpose. You cannot put the rank and file to that kind of labor without violating the very contract under which every man is enlisted. There is a contract with the common soldier which we ought to have some respect for, even if we have no respect at all for our engagements with the Indians. When you take the officer out of his sphere and put him upon duty that does not belong to him, you are not observing the contract with him; and when you take the common soldier from the ranks and put him to the performance of manual labor, as this bill contemplates, you are not keeping your contract with the common soldier, because he did not enlist for that purpose. That is not a part of his general duties. No, sir; this thing is a violation of duty all around.

But what is the argument urged upon the part of our friends in favor of this change? They say it is cheaper, as if cheapness were the only consideration; that we have a right to do a thing because it is cheaper. I once heard the same argument made in favor of slavery, because men could raise cotton cheaper with slave labor than with free labor. The world put that argument under its feet. Here we have the argument in favor of this transfer that it is cheaper; therefore every other consideration must be ignored. Will it be cheaper? As the Senator from Iowa [Mr. ALLISON] pertinently asked a few minutes ago, will it be cheaper? I say it will be productive of Indian war, war after war, and one Indian war will cost more perhaps than it would cost to maintain the Indians for ten years. The Florida war with a handful of Seminoles cost the Government over $40,000,000; a war which ought to have been avoided, which was utterly groundless; a war that was brought about like the present Black Hills war, by bad faith on the part of the United States. Yet we would break our faith at every step, and the result of it is to give over these Indians as a bad job and say they cannot be civilized.

As was remarked awhile ago, Mr. President, we have a duty to perform to the Indians. In the first place, if we turn them over to the War Department and abandon all attempts at their civilization, it is saying to the Indians in the face of the world, "We expect to support you until you are dead; our interest therefore is to have you killed off as fast as possible; we take no step to make you self-supporting; we provide you with no education, with no agricultural implements; we do not instruct you to take care of yourselves; we have to take care of you, and will submit to it as long as you live; therefore it is our interest that you shall not live very long."

On the score of economy we should make them self-supporting; we should educate them. The only Indians who do not cost us anything are those living in the Indian Territory to-day, who by means of civilization are raising their own bread and making their own provisions. They are the only Indians who are taking care of themselves. The experiment is a success in that Territory, and it can be made so elsewhere.

Then, Mr. President, we have a duty to perform toward the Indians. They were the original proprietors of this country. We are living upon their soil. They were the original owners. The Presbyterians, the Methodists, the Baptists, the Episcopalians, the Catholics, and others are contributing their money every year, hundreds and thousands and even millions of dollars, to send missionaries to China, to the far-off islands of the Southern Pacific, to civilize and to Christianize them; and shall we turn our backs upon the natives and savages of our own country and say that we abandon them, that they are incapable of civilization? No, Mr. President, we cannot take this step without degrading our own civilization. It would be an impeachment of it; it would be an acknowledgment that we are not the civilized people that we fondly claim that we are.

Mr. FRELINGHUYSEN. Mr. President, I do not rise to make a speech, but cannot avoid expressing my disapprobation of this measure to transfer the Indians of the country to the charge of the War Department. I am glad that Senators have given the attention to this subject that they have, and have made such able expositions of the subject that the country may fully understand the measure.

Mr. President, in our interior and on our frontier there is a people which every Senator knows and the civilized world knows we are bound by every obligation of justice, of humanity, and of honor to protect and cherish as our wards. Once they were rich and we were poor; they were free and we dependent; they were powerful and we were weak; and there is not a generous heart in America that does not to-day regret that our prosperity has been disastrous to them. There is a remnant of that people still with us, toward whom we have the opportunity of making some indemnity for the wrong that we have done those whom we have superseded. There is a remnant toward whom we by our justice and by our generosity can relieve somewhat the national conscience and do something to improve the reputation of our country. Within the last few years we have seen measures taken to that end. Every religious denomination of the country, the Methodists, the Presbyterians, the Catholics, and the Episcopalians, has joined with the Chief Magistrate, as distinguished for his humanity as for his courage, and has been vigorously at work to ameliorate the condition of the Indians. These denominations contribute their money, they send their missionaries, they select the Indian agent, and in many instances he is the agent of his denomination in distributing their benefactions. The religious community of the country feel the deepest interest in this subject. They ask no change. The chairman of the Committee on Indian Affairs assures me that every religious denomination in the country asks that things may remain as they are. The Indians without exception ask that they may remain as they are. The President of the United States, who has this subject at heart, asks that things may remain as they are; and yet we propose with a ruthless hand to break down this noble work of charity and justice, and, while all are satisfied, propose to hand this whole subject over to the War Department.

I should like to know in what capacity it is that the War Department is to take charge of the Indians. Does the Senate of the United States undertake to say that it will in times of peace render inhabitants of this country subject militarily to the War Department? Are we to take 55,000 civilized inhabitants of this country and all other Indians, and say "you shall be subject to the sword?" I presume that nobody will assume that we intend any such thing; and I do

not understand the advocates of this measure to place it upon that ground. If I am mistaken, I should like to be corrected. As no one so asserts, I assume that the advocates of this measure hold that these Indians are not to be subject to the soldiers and officers of the Army in a military capacity; that would be an atrocity that no one would advocate.

You cannot send the military into any part of the country where there is insurrection, even at the call of the governor, such is the jealousy of our people, that there is not an outcry against the supremacy of the military power over the civil power.

Well, if the officers and soldiers of the Army do not take charge of this subject in a military capacity, I should like to know what advantage is to accrue from the proposed change to the border States, who say that this subject is more interesting in its effects to them than upon those States that are remote from the Indian tribes. They can receive no more protection from the Army after the transfer than they do now.

But, Mr. President, if the Indian Bureau is not transferred to the War Department in its military capacity, I should like to know by what authority we can transfer the civil administration of this country to the Army. What right have we to transfer the administration of any civil interests of the nation to the Army? It is a violation of the very spirit of the Constitution. The Indian agents are civil officers; their functions are civil; they are nominated by the President and confirmed by the Senate. The Constitution requires that these officers shall so be created. But this bill undertakes to say that the Congress of the United States shall confer the functions of these civil officers upon the Army, thus in effect usurping the power of the President by nomination and the power of the Senate by confirmation to select the persons who shall perform those civil duties.

Mr. President, this should not be a political question, and I hope that the Senate of the United States will show the American people that they are prepared to do justice to this afflicted race, and that the people will have the support and countenance of the Senate in their work of justice and charity, and I hope that this step in retrogression, this step which seems to be more an advance toward barbarism than toward civilization, will not, in this year of our Lord 1876, receive the approval of the American Senate.

Mr. INGALLS. Mr. President, the War Department is not a slaughter-house, neither is the Army composed exclusively of butchers. The idea is not entertained by those who favor the transfer of the Indian Bureau to the War Department that, when that desirable object is attained, the Indians will be assembled upon a reservation and put to the sword. It is not the purpose of any Senator who desires this change in the administration of Indian affairs that these tribes should be gathered together and shot to death by musketry. I trust the Senator from New Jersey and the Senator from Indiana, in arguing that this is a policy of extinction, of blood, a policy that is an impeachment upon modern civilization, do not seriously intend to leave the impression upon the country that those who favor this policy propose the indiscriminate massacre of our Indian wards. Certainly, sir, it seems almost like a burlesque, and I am at a loss to understand what these Senators mean who profess the opinion that the administration of Indian affairs should continue in the Interior Department when they allege that the change which is proposed is dictated by a malignant purpose to extirpate the Indians from the face of the earth.

Why, sir, what conceivable motive has the Army to provoke a warfare or to incite the Indians to depredations? Is there any honor or glory to be achieved in Indian warfare? On the contrary, would it not be the object and purpose of the Army—if they had the control of Indian affairs—to maintain peace with those tribes? Would it not be the inevitable result—if this transfer were made—that the Army would be devoted to the peaceful solution of the Indian question? What officer or private desires to lose his life in an Indian campaign? What glory, honor, or distinction is to be obtained either by the general commanding an expedition or by the soldier who shares in the hardships of an Indian campaign? Why, sir, that theory is absurd and untenable. I trust when these general allegations are made that this is a policy of bloodthirstiness, of extinction and extermination, that the Senators who entertain these views will not believe that the country is to be imposed on by assertions of that description.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. INGALLS. Certainly.

Mr. LOGAN. He asks what glory there is in an Indian war. I will merely call his attention to one thing that I presume he has noticed; at least, if he has not, it is because perhaps he is not connected with the Military Committee. For the last three years at every session of the Senate we have had quite a number of brevet appointments sent to the Senate for confirmation. There are now lying in the Committee on Military Affairs over one hundred. Nearly every officer on the frontier has been brevetted within the last two or three years, and the brevets lie down in our committee-room, and for this reason: I have opposed all the time brevetting men for making assaults on the Indians, on the ground that the law recognizes brevets only in time of war for gallant conduct in the face of the enemy. We decided under that statute that where no war had been declared according to law brevets could not be made, and they lie there unacted on.

Mr. CONKLING. Are those brevets all for services against Indians?

Mr. LOGAN. All for services against Indians, and over one hundred of them are now lying in the room of the Committee on Military Affairs.

Mr. INGALLS. And that proves precisely what I said: that no matter how bravely a man may fight; what hardships he may encounter; what loss of limb or health or life he may suffer in campaigns against Indians, he cannot even secure the paltry decoration of a brevet from the Senate. Why, sir, the hardships and privations that have been endured, the deeds of gallantry and valor that have been performed upon the frontier during the last five years, if they had been done during the late civil war, would have secured the thanks of Congress and the highest honors of the service; and yet the men who are now engaged in this Indian warfare receive no recognition. You do not even dignify it with the title of war; you do not acknowledge it to be a condition of war; you dispatch converging columns into an enemy's country, order them to rendezvous at a certain point; they continue for months in the field, and when they ask the Senate for recognition of their heroic deeds, you refuse them the cheap embellishment of a brevet!

Mr. LOGAN. The Senator will allow me a word inasmuch as he makes that statement, and I think he is a very great friend to the Army and desires them all to be brevetted. I do not pretend to know much about war or the Army, but I do pretend in my capacity as a Senator to at least try to interpret the law as I think it ought to be interpreted. The very statement the Senator made, that there was no glory in Indian warfare, only proves that, if the Senate will not recognize glory in assaults on Indians merely for the purpose of getting promotion, there will not be any glory in Indian warfare. It is because we do not desire to encourage men to make assaults on Indians that we say the law in its meaning does not recognize brevets for such services. Brevets are recognized as the law says for gallant conduct in time of war in the face of the enemy. That is the language of the statute. We all understand what "war" means. War in the legal acceptation is only recognized when war is declared. We decided that on the law, and I say now that if you will construe that law so as to give brevets for Indian warfare you will have an Indian war from the time you do it until the Senate denies it. It is the occupation of the men; the manner in which they attain distinction is by fighting. The very moment you let them know that by assaulting Indians they will get promotion war will be incessant. That is human nature. If the gentleman had been a young officer himself once, perhaps he would know something about this thing.

Mr. INGALLS. Mr. President, I am a friend of the Army, as the Senator intimates. I believe it to be the profession of honor. I believe, as I have heretofore said on this floor, that it consists largely of men who do not know how to lie and who have never been taught to steal, and I say to the Senator that, when he alleges that the recent military operations that have been conducted for the protection of the frontier of the West have been mere volunteer operations of the Army against the Indians for the purpose of getting brevets, he is very much outside of the record; and if he does intend to be so understood, at least their efforts have been very unsuccessful——

Mr. LOGAN. The Senator, I suppose, does not desire to misrepresent the statements of other Senators. I said no such thing.

Mr. INGALLS. The Senator certainly intimated that these operations by our forces in the West were volunteer aggressions by the Army; that they had been conducted for the purpose of making a warfare in which they themselves could obtain some distinction or some honor.

Mr. LOGAN. I said no such thing.

Mr. INGALLS. I understood the Senator so.

Mr. LOGAN. No; I said that if the Senate would recognize raids on Indians as war, and would brevet and promote for them, then war would be incessant. That is what I said. You can infer what you please from that.

Mr. INGALLS. Why, Mr. President, war does not depend upon the wish of the Army, nor upon the general, nor the colonel, nor upon the privates who are enlisted in the Army. These men are directed by their superiors to proceed to a point to accomplish certain results; and to say that the mere empty gratification of a brevet to be obtained by aggression along the western frontier by Army officers is something that would either captivate their imagination or stimulate them into activity seems to me to be very much outside of what the facts would warrant.

Mr. LOGAN. Of course war does not proceed from the direction of a colonel or a major; it proceeds probably by the direction of the President following out some law of Congress, or of the General of the Army or the Secretary of War. But I will say to the Senator that his familiarity with military men—I will not say military matters—perhaps would suggest this to him, if he would think for a moment: How does the General of the Army know anything about ordering troops in Arizona? What knowledge has he for the purpose of making an order as to troops there? Does not the Senator know that his action must be based on information obtained from Army officers in Arizona? Does he not know that the movements of the Army, outside of a general plan or arrangement, are based upon suggestions made or information given by inferior and subordinate officers? Does he not know that? Does he not know that the very movements now

in the Black Hills are not the movements of the Secretary of War, or of the General, or of the President, but they are based upon certain information given by officers there, and not officers here?

Mr. HITCHCOCK. Will the honorable Senator allow me to ask him a question.

Mr. LOGAN. Certainly.

Mr. INGALLS. I hope I do not lose the right to the floor by these interruptions.

Mr. HITCHCOCK. I merely want to ask a question in regard to a statement the Senator from Illinois has just made. Does not the honorable Senator know that the movements now in the Black Hills were made at the special request of the peace commissioners and the Interior Department.

Mr. LOGAN. Suppose they were?

Mr. HITCHCOCK. I understood the honorable Senator to state that they were made by reason of the reports of the military officers there.

Mr. LOGAN. I did not say "reports of the officers." I said upon information from there. It makes no difference whether it comes from an officer or not. Naturally it would come in that way, and usually it does. I was speaking of Arizona. So far as the Black Hills are concerned, I do not know on what information the recent movement has been ordered; but it is not the information of the President, not the information of the General; but it is an act based upon information acquired from somebody else.

Mr. HITCHCOCK. The honorable Senator stated that the present movement in the Black Hills was made upon information and reports from the military officers there. I stated that it was made at the request of the Interior Department and the peace commissioners, who the honorable Senator is so anxious should retain the control of the Indian Department.

Mr. LOGAN. I have nothing to do with controlling the Indians. I am only discussing the question the same as any other Senator; but I will say to the honorable Senator from Nebraska that he exhibits too much feeling on this subject. He is a man who has great knowledge and experience in reference to the management of Indian affairs; he is a man whose experience and knowledge I would certainly give weight to in regard to many things; but I see no occasion for his exhibition of feeling whenever this question is mentioned. I will only say to him, though my information may not be so correct as his, though I may not know so much about the matter, that I did not know that it was at the request of the Indian commissioners. The Senator could have said that it was without exhibiting the feeling that he did. I said that the General of the Army could not tell anything about the movements necessary to be made in Arizona, nor could the President or the Secretary of War; that their orders must be based upon information derived from the subordinates there. I said that; and I said, too, that I presumed the movement in the Black Hills was being made on information of the same character. I did presume so. It is on some information, certainly not of their own volition, of their own desire. I was only attempting to show the Senate that all movements of armies were not originated in the General, or the President, or the Secretary of War, but were based upon information, and that that information naturally would come from subordinate officers, because that is the channel through which they obtain their information in reference to the management of Army affairs. It is seldom that there is any other channel through which they obtain information. Of course they will not refuse information coming through any other channel, but that is the natural channel and the one through which they almost always obtain their information.

Mr. INGALLS. Mr. President, "The way to resume is to resume." I have been by this digression diverted from the point which I was attempting to make, which was to repel the imputation that the transfer of the administration of Indian affairs to the War Department was necessarily based upon a policy of destruction. The Senator from Illinois seems to imply that this warfare along the western frontier is waged exclusively for the benefit of the Army, got up by the officers themselves for personal purposes. He must be strangely ignorant of the history of Indian affairs during the past five years if he cannot recall the memorable campaigns that have been carried on by Crook in Arizona and New Mexico, at a cost of not less than $10,000,000; the campaign a year and a half ago of General Miles from Fort Sill, in Texas, and the Indian country, which resulted in the pacification of all the tribes of the plains; and those movements that are now going on in which three heavy columns are being concentrated at a point on the Yellowstone River, there to be dispersed during this summer and to operate locally for the purpose of disintegrating and destroying all power of the Indians for injury in the Territories of the Northwest. I say, sir, that these wars that have been conducted have been in every sense of the term wars; actual wars. They have been based upon military operations of a very grand description, covering vast extents of territory and necessitating the expenditure of immense sums of money, the performance of a great deal of individual gallantry, and resulting in the accomplishment of very valuable results: and they have been rendered necessary by the operations of what is known as "the peace policy," of which he is such an eminent advocate. If there had been no peace policy there would have been no Indian wars on the frontier during the past five years.

Mr. LOGAN. How does the Senator account for the wars in 1864, the Sioux war and the other different wars at that time? Were they caused by the peace policy?

Mr. INGALLS. Those were sporadic and exceptional. They originated from the condition of affairs in which we as a nation were then situated.

Mr. LOGAN. I merely suggest to the Senator that I do not accuse any particular person of getting up a war; I only say as to the result in Arizona, however beneficial it may have been to the Indians, which he seems to think it has been, it was somewhat beneficial to General Crook. It made him a general in the Army.

Mr. INGALLS. And very properly so, indeed, I think.

Mr. LOGAN. I do not say it was not proper.

Mr. INGALLS. He performed services that entitle him to more distinction than he has received, to a prouder recognition than his country has yet bestowed upon him.

Mr. LOGAN. I do not question that.

Mr. INGALLS. The Senator from New Jersey, in the remarks which he has made, which do honor to his heart and credit to his sensibilities, alluded to the fact that the Indian tribes existing in this country are a little remnant, as he calls them, of a once proud nation. If the Senator from New Jersey were a little more familiar with the facts in regard to the Indian population of this country he would somewhat modify his statements. There are at the present time within our dominion about three hundred thousand Indians, and there never was over half a million from the time Columbus first discovered the continent, including the tribes that lived in New England, those that inhabited the great Ohio basin, those that lived to the south and that now reside in the Indian Territory, and the Dacotah or wild Indians of the West, then beyond the Mississippi River, there never have been to exceed half a million in this country since it was first discovered; and that is a statement which is borne out by the facts of history. In 1492 the great mass of aboriginal population of this country was on the Mexican plateau. There were some twelve or fifteen million Indians then inhabiting this plateau around the city of Mexico; but up the valley of the Mississippi, along the Ohio, upon the flanks of the Alleghanies, and in New York and New England, there were a few scattered, incoherent bands of Indians, incapable of being either powerful or wealthy from the fact that they moved from place to place without settled agricultural or definite habitations; and there never have been at any time to exceed 20,000 fighting Indians on the soil of this country since white men first reached our shores. That apparently insignificant force, by its truculence, its ferocity, its absolute indifference to danger, has resisted the westward progress of Anglo-Saxon civilization in its successive movements, and has compelled the tide of humanity, as it has flowed westward down the Alleghanies and along the Ohio and across the Mississippi and the Missouri to break forever upon the frontier in a surf of flame and of blood. They are just as capable of mischief, just as capable of inflicting indescribable wrongs and nameless outrages upon the inhabitants of the West to-day as they were one hundred years ago upon the citizens of the then West, of Ohio and Indiana and Kentucky and Tennessee and Illinois.

No, sir, this question of bad faith on the part of this Government toward the Indian that is continually conjured here by the sickly sentimentalism of our humanitarian friends on this subject is a feeble and fleshless phantom. The Government, the people, have always manifested good faith toward the Indians. When you describe them as the owners of the soil, you might as well aver that the rattlesnake, the coyote, and the buffalo are the proprietors of the land where they dwell. They were never the owners of the soil. The law of nations, the law of civilization, the law of humanity repels the assertion as baseless and unfounded. They had the mere right of occupancy. They had the right to exist. But the assertion that barbarism has rights that are superior to those of civilization; that the savage is entitled to exclusive occupancy as against the Anglo-Saxon, he is maintaining a proposition that certainly will find no defenders among the writers upon international law. The Indians had no rights that were superior to the claims of civilization.

Mr. DAWES. That means "no rights that the white man is bound to respect."

Mr. INGALLS. I understand the remark of the Senator from Massachusetts when he says they have no rights that white men are bound to respect. I do not say that they have no rights which white men are bound to respect, but that when the claims of the Indian and the white man conflict, the rights of civilization are superior to the degradations of barbarism.

Mr. DAWES. Will the Senator allow me, as he has done me the honor to allude personally to me——

Mr. INGALLS. The honor was first done by the Senator from Massachusetts.

Mr. DAWES. Will he be kind enough to tell me on what principle of law the title to the land a man occupies is graded by his degree of civilization?

Mr. INGALLS. It would be a difficult subject to define, a very difficult one, indeed; but that is not the question now at issue.

Mr. DAWES. So I think.

Mr. INGALLS. But if the Senator from Massachusetts believes that as against the Pequods and the other aboriginal inhabitants of New England the pilgrim fathers, Winthrop and Bradford, their associ-

ates and co-laborers and descendants, had no rights. I should labor in vain to convince him. Civilization, in my judgment, is superior to barbarism. Enlightenment, religion, education, intelligence, good order, law—all these things that characterize an elevated race have their proper place; and whenever degradation, ignorance, or vice, crime or savagery comes in conflict with them they must yield. It is the right of civilization; it is a right that is recognized by every writer on international law and by every instinct of the human heart. The Senator himself knows that the Indians never had anything that could be called a title to the soil of this country; they never had the slightest right in it. It never has been recognized, and even in the reservations that they now have given them by Congress or by executive order, they simply have the possessory right, the right of occupancy, subject to the right of eminent domain in the American people.

Mr. ALLISON. May I ask a question?

Mr. INGALLS. Certainly.

Mr. ALLISON. Has it not uniformly been held that the right of occupancy to the soil is in the Indian, and that if that occupancy is taken from him it must be by treaty stipulation? Has that not uniformly been so?

Mr. INGALLS. Why was not that enforced against the invaders of the Black Hills?

Mr. ALLISON. I am asking if that has not been the uniform policy of the Government from the beginning, recognized over and over again by the Supreme Court of the United States?

Mr. INGALLS. The Supreme Court has repeatedly held that the only right of the Indian in the soil is that of mere possession. This principle is too well established to admit of doubt.

I am somewhat impatient, I must confess, at the annual repetitions and reiterations of this perpetual tirade against what is called the bad faith of Anglo-Saxons toward the American Indians. They have not diminished in number materially; their condition has been immeasurably improved. There are to-day thousands of semi-civilized Indians where there was not one, or the trace of one, when the contest between civilization and barbarism began, and their future is infinitely more hopeful, infinitely better in every respect than it was when this struggle commenced, notwithstanding these continual assertions to the contrary. If the Senator from Massachusetts can believe for an instant that the great Supreme Ruler of this universe, the Maker, the Framer, and Architect of this world, designed this continent for the exclusive use and occupation of half a million semi-naked, breech-clouted, vermin-covered savages, then his idea of divine Providence is different from mine. The land that we are occupying to-day was bought and paid for. Whatever they desired they have obtained for it, and when the Senator from Iowa speaks about the soil of his State, and of Illinois, and of Wisconsin having been purchased for five cents an acre, that was more than it was worth. It was dear at five cents an acre; there was nothing produced upon it that could be sold; there was nothing that was worth the attention of civilized men until it had been surrendered by the Indian, and by the advances and by the increments of civilization had been made the abode of communities of happy and prosperous men.

I must allude to one remark made by the Senator from Indiana in the observations that fell from him just before the Senator from New Jersey took the floor. He referred to the enormous expense of the Black Hills war, of the Florida war, and of the other Indian wars that have afflicted this country. Let me say to him that the war that is now waged in the Black Hills is the absolute and direct result of the peace policy. Had there been no peace policy, there would not have been an Indian war in the Black Hills. A year and a half ago I called the attention of the Senate and of the country to the treaty stipulations under which the Sioux Indians were entitled to the exclusive occupation of that territory, to the invasions that were being made, and to the inevitable disasters that were sure to follow. My predictions have been more than realized; and I repeat that if when this invasion first began the President of the United States had issued his proclamation notifying all trespassers that that country was sacredly set apart and held by treaty stipulation for the use of the Indians, and warning all intruders that if they entered they would be expelled by military force, all this trouble would have been averted. But it was left to the broad-brimmed hat, the drab skirt, and the "thee" and "thou" of the Quaker; it was left to the potential influences of the school-master, the preacher, and the Sunday-school superintendent; and the result is that to-day the bones of hundreds of misguided men lie strewn along those melancholy wastes from Laramie to the Yellowstone, while three columns of troops are penetrating the country for the purpose of enforcing the rights of white men against the Indians.

Sir, when this difficulty began, if the Army had had control of this business, if at the gate-way of that enchanted region there had been stationed a military force, armed and equipped, sufficient to expel every man that set his foot within that locality, we should not have had this difficulty about the invasion of the Black Hills or the present Indian war.

Mr. MORTON. Will the Senator allow me a word?

Mr. INGALLS. Certainly.

Mr. MORTON. I understand the Senator to say that this existing Black Hills war is the result of the peace policy.

Mr. INGALLS. Absolutely.

Mr. MORTON. But the argument that my friend offers to sustain that comes entirely short. He says that if the Army had been there instead of the drab-coats and the Quakers with their theeing and thouing to keep the intruders from the Black Hills, we should have had no war. What has the peace policy got to do with that, I should like to know? The Quakers were not intrusted with keeping people out of the Black Hills; that was not their business. He says that if the President had issued his proclamation to keep all intruders away, and notifying them that they should be expelled, we should not have had them there. My friend forgets that the President did that very thing; his proclamation was issued, unless my memory is at fault.

Mr. ALLISON. Undoubtedly the Army were sent there, but they failed to take out those people from the Black Hills. There are nearly twelve hundred miles of border there; and how can an army keep people out of that country?

Mr. MORTON. My friend from Kansas, I think, forgets that the President did issue a proclamation warning all intruders away; but they did not stay away; they went there in violation of the treaty. And now this brings me right back to the point that the Black Hills war is the result of a violation on the part of the whites of a treaty; that that country was given to the Indians in perpetuity, and the solemn faith of this nation was pledged to their peaceable enjoyment of it; but the whites have gone there, and that has led to the war. I submit to my friend that I am right after all, and that his proposition is not right. The proposition on the part of the Quakers, if you please, that they would take charge of certain tribes and attempt to civilize them, teach them the arts of peace and agriculture, is one thing, and the question of keeping the whites out of the Black Hills is another thing. The Quakers never undertook to do that; and so the violation of that rule is not the result of the peace policy.

Mr. WINDOM. I wish to say before the Senator sits down that there are no Quakers, probably, within five hundred miles of there.

Mr. MORTON. I did not say there were; but my friend from Kansas said there were, and he said it was because they were there, and that the theeing and thouing brought about that war. [Laughter.] The error is not mine.

Mr. INGALLS. That was merely a figure of speech. [Laughter.] It is immaterial for my argument whether it was a Quaker or a Presbyterian or a Congregationalist or an Episcopalian or a Catholic or any other man of the gown and the stole. I used the Quaker as an illustration, as a representative man, as opposed to the man of arms, to the strong hand.

But in regard to the action of the Department and of the authorities here upon this question originally, I beg to say to the Senator from Iowa that he is entirely mistaken in alleging that there was any proclamation made warning those people out of the hills. They were told that they had better not go in until arrangements were made by which they could go in peaceably and lawfully. It was a very mild and feeble protest that meant but little, as is apparent by the fact that it was immediately followed by a very active immigration by the seekers after gold.

I do not understand that this proposition now before the Senate is in any way to interfere with the efforts of the religious denominations of the country to civilize, Christianize, and elevate the Indian, but I venture the assertion that there never has been a native Indian civilized or Christianized. Whenever he is civilized and Christianized he ceases to be an Indian. You may turn over the pages of aboriginal history in this country from its first bloody leaf down to its last, and there never has been a single instance of an aboriginal Indian who has ever been civilized or Christianized. Yesterday we were referred to the nations now in the Indian country, the Cherokees, the Creeks, the Choctaws, the Seminoles, and the Chickasaws. Whatever of civilization those men have they owe to their Anglo-Saxon blood. There is not an exception in that country even, and they are an entirely different type of Indian from the Algonquins and Iroquois families.

The case of the gentleman who was on the staff of General Grant during the war was also alluded to. I think his name was Colonel Parker; and he was referred to as an illustration of the fact that the Indian can be civilized and elevated; but he was a member of the New York nation of Indians, one of the Six Nations as they were called originally, and is the product of a dozen generations of civilizing influences brought to bear upon him from all the surroundings of that great and opulent Empire State. Colonel Parker is not an apt illustration of the effects of the peace policy upon the Indian in the way of civilization and refinement and Christianization! His ancestors for generations had been subject to refining influences, and he is the product of long and mature development.

Some races are plastic and can be molded; some races are elastic and can be bent; but the Indian is neither; he is formed out of rock, and when you change his form you annihilate his substance. You cannot civilize the Indian, and all efforts that are made to do it will be as expensive as they are nugatory and futile. Civilization destroys the Indian, absolutely destroys him, and the sooner the country understands that all these efforts are valueless unless they are based upon force supplemented by force and continued by force, the less money we shall waste and the less difficulty we shall have. It is force that the Indian respects, and not the Bible or the primer. It is the armed

hand of the soldier, and not the gown and book of the missionary or of the apostle.

I admit, sir, that in the aspect in which this case now presents itself there is some embarrassment. We have established the precedent of not making general legislation upon appropriation bills. The Senator from Indiana referred to that, and I think very properly; but I now propose to obviate that difficulty by a motion that I shall shortly submit. The Committee on Indian Affairs this morning reported House bill No. 2677 with the recommendation that it be postponed until the Thursday after the first Monday in December next. At my suggestion the bill was laid upon the table, where it lies subject to the action of the Senate. It involves precisely the question that is now under consideration on the amendment of the Committee on Appropriations to strike out the third section of the general Indian appropriation bill. I am exceedingly reluctant to embarrass in any way the progress of this bill. I shall endeavor not to do so. I shall throw no obstacles in the way of a conclusion of the argument upon this question; and in the motion that I am about to make I beg the Senator from Minnesota to understand that in my opinion a result can be just as well reached by the course that I propose as by the one that is now proceeding before the Senate. I move, therefore, for the purpose of enabling the Senate to proceed with the consideration of House bill No. 2677, that the bill now before the Senate be postponed, and upon that question I ask a vote.

Mr. MORRILL, of Maine. Mr. President, that motion is open to debate, I believe.

The PRESIDING OFFICER, (Mr. ROBERTSON in the chair.) It is.

Mr. MORRILL, of Maine. On that proposition I desire to submit a few general observations on the condition of this bill. I want to invite the attention of the Senate to the proposition contained in the bill, and examine in a few brief moments our obligations to the bill as an appropriation bill; then, what is proposed in regard to it, and the effect of that proposition.

This is an appropriation bill. We have drifted so far away from it that I am afraid honorable Senators have forgotten what we really are attempting to do and what our duty on that subject would seem to be in these last few days of this fiscal year. It is about seven months now from the beginning of this session, and within eight or nine days of the close of this fiscal year. We have spent two days in discussing abstract propositions as to the civilized and barbarian races, referred to by my honorable friend from Missouri [Mr. BOGY] yesterday. Let us now consider what our obvious and plain duty is. Let me read the title to this bill: "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes." That implies an obligation, does it not? It implies treaties, and it implies obligations resulting from treaty stipulations. We have promised that we would do certain particular things in regard to the Indian tribes; not a new promise, but a promise extending back further than the existence of this Government. We began to make these stipulations, as referred to by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] before we were a Government. We have continued it down to this time. These obligations rest upon us, rest upon us as treaty stipulations; and, in a moral sense, so touchingly alluded to by the Senator from New Jersey, they rest upon us to pay the most solemn of our obligations, notwithstanding the taunts and the sneers of my honorable friend who sits near me [Mr. INGALLS] about the savage ferocity of the Indians. We cannot afford as a Christian nation to stand here in the Senate of the United States and give utterance to such sentiments. They will get no response from the American people, nor from any Christian heart anywhere. The time was, and history records it too—my honorable friend is mistaken about history—that three million red men hunted over these hills and these mountains, and in the providence of God they owned this country, and we were the invaders. It ill becomes us to talk as we do here, when we have driven them from pillar to post, till now they are in their extremity, and the question is whether we will take the life or whether we will feed the remnant of these poor scattered, fugitive bands of Indians, men, women, and children, utterly within our power, whether we will crush them to the earth or whether we will allow them to linger out that miserable doom in which the honorable Senator from Kansas I will not say seems to take a pride in pointing to. Such sentiments shock me. I admit they shock me.

Mr. INGALLS. To what sentiments does the Senator allude?

Mr. MORRILL, of Maine. Those that have been uttered by my honorable friend to-day and by the Senator from Missouri yesterday. What on earth has all this to do with the business of to-day here? Here we are, as if there were no responsibilities upon us, trifling with all the great interests of this country, which hang now upon the duties which we shall perform in these next seven days in regard to all the civil service of this country. And my honorable friend feels himself at liberty, belonging to the majority of this body who are responsible for the conduct of the business of the Senate, to introduce a proposition which he knows cannot be discussed with any propriety whatever without jeopardizing the highest interests of this country. Our duty is to do what? To appropriate for the fulfillment of certain treaty stipulations. We are under high, solemn obligations to the Indians, as high and as solemn as we can make, as mortal men exercising the high functions of government can make by treaty stipulations, and as high and holy as a great people can be subjected to to a perishing and feeble and devastated race. That is our position to-day, sir. What have we undertaken to do in those treaties? We have undertaken to help the Indians. We have undertaken to civilize the Indians. We have taken their lands everywhere. They are now on a few fragmentary sections of land, here and there. We have pledged our faith to them and said to them that having taken their lands we will make their fate just as comfortable as we can.

Let me read a moment from the bill in order to give you an idea of what these obligations are. The very first treaty which we propose to fulfill gives an epitome of the whole obligation of this Government in regard to this miserable and perishing race, as it has been characterized here. Let us see what we undertake to do and what my honorable friend pretends to invoke the Senate to turn over to the Army to execute. Let us see whether the function is that of the civil or the military. What do we propose to do? What are we bound to do? What do these treaty stipulations require that we shall do? What do humanity, justice, even decency—I will put it on that ground—require us to do? Let me read:

Under the tenth article of treaty of October 21, 1867, concluded at Medicine Lodge Creek, in Kansas, &c., and under the third article of treaty of the same date, &c.

What do we agree to do?

For purchase of clothing, as provided in the same treaty, $15,000.

Mr. INGALLS. I presume the Senator from Maine does not wish to put me in a false attitude before the Senate. I am making no objection to the paying of treaty stipulation, nor any objection whatever to any appropriations presented in this bill. On the contrary, I am in favor of their immediate constant payment, in accordance with the strictest demands of good faith.

Mr. MORRILL, of Maine. All right; I am glad to hear that. Let me come to the next item:

For pay for a carpenter—

The Army will do that, says my honorable friend, a great deal better—

Farmer——

Mr. INGALLS. If the Senator will allow me——

Mr. MORRILL, of Maine. I do not yield.

The PRESIDENT *pro tempore*. The Senator from Maine declines to yield.

Mr. MORRILL, of Maine. I will not do the Senator any injustice.

Mr. INGALLS. Does the Senator decline to yield?

Mr. MORRILL, of Maine. I decline to yield.

Mr. INGALLS. The Secretary declines to yield?

Mr. MORRILL, of Maine. No, sir; the Senator declines to yield.

Farmer—

O, but the Senator says the Army are all farmers; they can do this work just as well and better, and it will not cost anything either!

Blacksmiths—

They are all blacksmiths, brought up to that, from the major-general down to the sergeant! They have agreed to do this. The Army are the proper instrumentalities. That was expected, that was implied in the treaty! It was expected to be done at the hands of the Army, of course! Those were the instrumentalities to be invoked when we made these solemn treaties! We are not violating any treaty when we propose to turn these Indians over to the Army; and we are not violating any pledge at all! They are all blacksmiths!

Mr. BOGY. Turning over the Bureau to the Army makes no changes in that respect.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. MORRILL, of Maine. I will not yield to anybody.

Mr. INGALLS. The Senator is unyielding.

Mr. BOGY. The Senator ought to know better than——

The PRESIDENT *pro tempore*. The Senator from Maine declines to yield.

Mr. MORRILL, of Maine. I will hear what the Senator from Missouri says.

Mr. BOGY. I say the transfer of the Indian Bureau from the Interior to the War Department makes no change in the respect to which he is referring.

Mr. MORRILL, of Maine. I will show my honorable friend that I know what I am about, if I do not know any better. I will pay my respects to him directly.

Mr. BOGY. Very well, and I will pay them back.

Mr. MORRILL, of Maine. I understand what I am doing on that matter. I have paid some little attention to this subject, first and last. Let us see.

Miller—

We provide for a miller. Of course the Army can do that!

And engineer—

That I concede they might do. Then—

For pay of physician and teacher.

Bless my soul, cannot all these things be done by an army?

That is what we have undertaken to do, and this bill is full of it. Let us see how many we have of this kind, what we have employed, what these stipulations require, what they demand of us. Let us see

what our treaty stipulations are to this dying and perishing race whom my honorable friend from Missouri calls barbarians. They must perish, he says, no matter what we do; we will make it as easy and comfortable for them as possible; but their fate is inevitable; it is no use to do anything at all; there never was and never will be a civilized Indian, for the logical reason suggested by my honorable friend who sits at my right [Mr. INGALLS] that the moment you make him a civilized Indian he is no Indian at all.

Mr. INGALLS. That is true.

Mr. MORRILL, of Maine. Well, that may be; but it is singular logic.

Mr. INGALLS. It may not be logic, but it is a fact.

Mr. MORRILL, of Maine. I have seen Indians who entertain sentiments not half as barbarian as I have heard expressed on the floor of the Senate in regard to the Indian race. Let us go on with the question of what we have undertaken to do. We have undertaken to civilize these Indians, to help them, and we have agreed specifically how we will help them. When I come to consider the proposition to turn this Bureau over to the Army, I will address myself to my honorable friend on my left [Mr. BOGY] and show what he does propose to do. I do not believe that my honorable friend has read these provisions, because I know his comprehension when he undertakes to read a thing and understands it. These treaties provide for one hundred and fifty-two common laborers to help these people in their way of farming. They provide for two hundred and thirty-three skilled laborers. Is not the Army full of them? Would it not be a nice thing to open a recruiting office for two or three hundred skilled laborers to enlist as soldiers and to be under the direction of the Army to civilize these Indians? That is what our treaty stipulations provide for, certainly. Very well, let us go on. Teachers, doctors, one hundred and seventeen are provided for by those treaties and employed in the duty and office of educating these poor children. Does anybody undertake to say here in the presence of the Senate that it is a fulfillment of the treaty stipulations to turn that service over to the Army? That is what this bill is.

Let us look a little further. The treaties provide for seventy-seven interpreters. If you are not going to have any civilization, perhaps you do not need the interpreters. I should think not; and if the thing goes to the Army, we had better not have anybody to interpret the transactions between the Army and the Indians.

Mr. CONKLING. The Army would not interpret; they would execute.

Mr. MORRILL, of Maine. Ah! they would execute and interpret, and interpret and execute.

Mr. MORTON. They would execute first.

Mr. MORRILL, of Maine. Alas for them! Alas for the annals of these days and of this country, if that thing should be done. In Heaven's name, if it must be done, let us have no interpreters at hand to interpret the proceedings or report them. The treaties provide for eighty agents. What do you want with agents if you have an army?

Mr. INGALLS. We propose to dispense with them.

Mr. MORRILL, of Maine. I know you do. I understand that perfectly; but who are to be the substitutes?

Mr. INGALLS. If the Senator will read House bill No. 2677 he will find out who are to be the substitutes.

Mr. MORRILL, of Maine. I am talking about the bill before the Senate. I will pay my respects to my honorable friend when I come to speak of what the Senator proposes to offer. I am not considering that bill, nor is anybody else considering it. There may be very proper things in it, and there may be very improper things in it. What I say is that we have no time at all to consider whether it is good or not. Our business now is with this appropriation bill and nothing else. We are not here to consider policies or politics; we are here to know our duty in regard to these Indians under these treaty stipulations and to perform it. There are six hundred and ninety-eight all told, teachers, blacksmiths, farmers, skilled laborers, and common laborers.

Mr. WINDOM. And that includes a number of matrons provided for under the treaties, I will say to my friend, and I ask how the soldiers are to perform their duties?

Mr. MORRILL, of Maine. Yes, sir; there will be matrons too.

You see that by treaties we have taken upon ourselves the obligation of an effort to civilize the Indians. Is not that true? We have pointed out the agencies to be used. They shall have doctors, they shall have farmers, they shall have ministers, they shall have mechanics, they shall have teachers, they shall have the instrumentalities of civilization put into their hands, and we will stand behind them. Under this condition of things schools have grown up. Ten thousand Indian children are educated day by day and year by year in these schools. In the name of Heaven, will the Senate of the United States turn those children over to the Army?

Mr. BOGY. Of course nobody means that.

Mr. MORRILL, of Maine. My honorable friend says that of course nobody wants that done, and yet he made a two hours' speech in favor of doing it. I will read further in a moment, without bandying words on that point. The Senator certainly did advocate the proposition in this bill, and he cannot deny it. I will show what it means. There are ten thousand of these children, but they are savages and they cannot be civilized! To civilize an Indian is to exterminate him! That is the logic of my honorable friend. He says they are not elastic, not supple; that they are made of stern, ribbed rocks; that they are hewn up out of the solid rocks. The honorable Senator from Kansas said that that is the character of the Indian; that he is indocile, unteachable; that the moment you undertake to civilize him he is no longer an Indian. The logic of that in turning him over to the War Office is to exterminate him, and the quicker the better. That is the kind of logic which I heard this morning, and which I heard from my honorable friend from Missouri yesterday. The logic of it, if you believe all that, is to give him the most speedy and the easiest death at hand. That is not the humanity of this age. That is not the great duty that devolves upon this great people who have succeeded to the inheritance of these Indians. I should be pained if I thought the great bulk of the American people would agree to that. I should think it was a sorry time for the people of this country when a peace policy has been established which has been characterized here in no glowing terms, in no worthy terms, to say the least of it, when the religious heart and the philanthropic heart of this country have entered into the subject of Christianizing and civilizing these primitive tribes, if now the Senate of the United States would be willing to turn the whole over to the executioner. That is the evangel of death, think of it as you will. The policy which necessarily springs from the third section of the bill inaugurates the evangel of death touching the Indians in all the domain of this country.

Let me see whether I have been mistaken. In no sense, I say to my honorable friend from Missouri, is this a turning over of the Indian Bureau to the War Department. It is an utter extinction, an utter abolition of the entire Indian service as provided for by these treaty stipulations and by various statutes of the country, as I will proceed to show. It has been argued here that this is simply a transfer of the Indian service, Bureau and all, over to the War Department, so that it shall fall under the supervision of the head of the War Department instead of the supervision of the head of the Interior Department. I invite the attention of the Senate to the third section. Let me read:

That the office of the Commissioner of Indian Affairs is hereby abolished—

That is the way it starts. That does not look much like a transfer—

and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employés of the Indian Bureau are hereby—

What? Transferred to the War Department? No; they are to be—

hereby abolished.

What becomes of your Indian service? It is to be absolutely and unqualifiedly, from the beginning to the end, abolished, rubbed out. The whole conversation has been about transferring the entire service over to the supervision of the War Department. Let us go on a little further and see what it is proposed to do. What is the next step?

And the duties now intrusted to, and performed by, said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army.

How? Under what rules and regulations, under what treaty stipulations, under what law, under what statutes?

Shall be performed—

Allow me to repeat—

by the officers, soldiers, and employés of the Army, under the direction of the Secretary of War.

Under his direction. By what laws? Let us see:

And they shall receive no additional pay by reason of the performance of the duties aforenamed, thus transferred to them, other than the pay they may receive as officers and employés of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs, under such regulations as the President may prescribe.

Now what have you got? Instead of a well-defined service regulated by law, prescribed by law, in harmony with your obligations under your treaty stipulations, you propose to abolish the whole of it, rub it out, and turn the Indians over to the War Department. All your relations which I have enumerated would have to be performed by the officers and the soldiers and the employés of the Army, under such rules and regulations as the Secretary of War may make, subject to the direction of the President of the United States. That is not only turning over your civil functions to the Army, but it is turning over the execution of your treaties. It is turning over to these executors, these fearful executors of the Army, all these high and holy functions which the Government of the United States has pledged itself to perform in regard to this fast-fading and perishing race of men. That is what you are doing. That is what this provision is. Does my honorable friend from Missouri think I am mistaken now about the force and effect of this proposition, about the purpose of it, the scope of it, the inevitable result of it? Nobody can doubt it.

Is there not another party in this case? In the name of heaven, what right have we to devolve this duty upon the Army of the United States? Did the officers and the men who enlisted in the Army to carry the flag and defend the country against its enemies contract to

become missionaries and millers and school-teachers and divines and doctors and all that sort of thing, to go into the Indian schools and take care of these children? If they had any capacity for it, is there anybody here or anywhere who would say it was not an outrage to undertake to devolve any such thing as that upon the Army of the United States?

Mr. MERRIMON. They are not to do it.

Mr. MORRILL, of Maine. No; they will not do it, of course.

Mr. MERRIMON. I say this proposed statute does not provide for any such thing as that.

Mr. MORRILL, of Maine. I hear what the honorable Senator says, and the Senate has heard what I have said. That is the inevitable effect of it. Let us see further:

And the duties now intrusted to and performed by said officers, of every kind and description, shall be performed by officers, soldiers, and employés of the Army, &c.

Mr. MERRIMON. How broad is that? It embraces not only all the Army, but it embraces school-teachers, blacksmiths, teachers, preachers, and all classes of people necessary to carry out the treaties.

Mr. MORRILL, of Maine. Perhaps that is a contradiction of what I have said. That is the proposition, as I understand it, and we have spent these last two days in considering that proposition upon an appropriation bill, the simple duty and high obligation of which are that we shall make appropriations according to the treaty stipulations which are recited in this bill.

I submit, therefore, to the Senate that the simple duty to-day of the Senate of the United States is to provide for the service according to the treaty stipulations; and if the Senate knows its duty and performs it, I beg to say that it will ignore at this late day in the session of this Congress all questions which give rise to debate upon the character of a service about which there is so much diversity of opinion as there is about this, in regard to which discussion is so endless, as it would seem to be.

One word in regard to the proposition of my honorable friend from Kansas. While in the midst of the consideration of an appropriation bill my honorable friend makes a motion to postpone the consideration of that bill with a view of considering a distinct public service.

Mr. INGALLS. It is the same thing.

Mr. MORRILL, of Maine. I do not mean to say it has no relation to this bill; but I mean to say that he undertakes to postpone a bill of exigent necessity in the last hours almost of the fiscal year, in the last days certainly of the fiscal year, in order to invite the Senate to a discussion of a proposition fraught with many difficulties, dangers, and divisions, the end of which nobody can see. He proposes to postpone this bill while we go on and consider that proposition. I hope the Senate of the United States will not do that thing. Let us pass this bill. Let us divest it of this objectionable feature of legislation, and go on and make the appropriations implied in our treaty stipulations; and then, at the earliest moment, I say to my honorable friend, I will second his movement to bring the subject of the bill he has so much at heart to the attention of the Senate. I will vote with him the earliest moment when we are not embarrassed by an appropriation bill, which I think ought to have precedence. In that sense I ask that we ought none of us to feel justified at this period of the session in thrusting anything into one of these appropriation bills which will hinder it for any considerable time whatever. I say at the earliest moment that the Senate can have an opportunity to take up that bill, when it does not interfere with an appropriation bill, I will vote to bring it to the attention of the Senate. I say that to my honorable friend in the hope that he will not urge us to lay this bill aside in order to enter upon the consideration of the proposition which he has submitted.

Mr. INGALLS. Mr. President, it is not my purpose to detain the Senate, and I beg to say that I am not unconscious that it implies a larger amount of intrepidity than most men are supposed to possess to differ with the Senator from Maine, who is so soon to deprive us of the light of his countenance and the benefit of his suggestions in this body. A sense of duty, however, to myself and my constituents compels me to venture to express the opinion that the remarks he has made in opposition to the matter now pending upon my motion evince a total misapprehension and misconception of the subject before the Senate. If declamation were argument, I should think, indeed, that our case was hopeless, for I can say of the effort that has just been made by the Senator from Maine it certainly was *vox*. I should be unwilling to add it was *præterea nihil;* but when he assumes that by the attempt to transfer the Indian administration to the War Department we propose that every miller and blacksmith and matron shall be an enlisted man, he certainly is going into the region of fancy. Why cannot a quartermaster hire a miller or a teacher or a blacksmith? What is there in the nature of the constitution of the Army that prevents its officers from paying out their annuities in money or in goods to the various Indian tribes? Certainly, under ordinary circumstances, if that kind of argument had been advanced against any other bill on this floor, I should say that a commission *de lunatico inquirendo* ought to be issued at once.

That is an absolute, total misstatement and misapprehension of the bill. There is no intention whatever to make these millers and teachers and physicians and matrons enlisted men in the Army, but simply to provide that the disbursements under these treaties, the payment of these annuities, the hiring of these employés, shall be under the direction of the officers of the Army. We have fully as good a guarantee of their capacity to do this work and their honesty to carry out the provisions of the laws as we have had during the last eight years in the administration under the peace policy.

The sentiments of the Senator from Maine are such as are uniformly entertained by those people who have got rid of their Indians. If the honorable Senator had made the speech that he delivered to-day one hundred and fifty years ago, if he was living then in Maine, he could not have gone back to his constituency. They would have burned him in effigy. That was the time when the pioneers of Maine were getting rid of the aborigines; when they were carrying on their warfare, when their pioneer settlers were being slaughtered and massacred, and their wives and children hurried into captivity, but having obtained the whole territory of that State, nothing being left but the euphonious names and appellations which the Indians appended to the rivers, lakes, and mountains of his State; having driven the Indians from frontier to frontier, he now is exceedingly anxious that there should be no effort made to harass and destroy the happiness of this last lingering remnant of a once proud people.

There are two aspects in which this question is viewed. One is practical and the other is sentimental. One is entertained in the East and one in the West. One is entertained by men who have got rid of their Indians, and the other by men who are subjected to their atrocities. During the last eight years, in which the peace policy has been in force under the present Administration, not less than one hundred and fifty of the citizens of my State have been brutally and outrageously butchered. They were not men who were invading Indian reservations; not men who were engaged in harassing the Indian tribes, but men who were in the peaceful avocations of life, who had every guarantee to maintain peaceful relations with the Indians, who had their wives and their children and their property at the skirmish-line of civilization. By the operations of this peace policy not less than one hundred and fifty citizens of my State who had been invited thither by the Government itself and assured of protection have been massacred, their property destroyed, and their wives and children hurried into a brutal and revolting captivity.

Do you suppose that those who have experienced these bitter results of the peace policy of the Quaker system are inclined to regard it with any particular approbation? Do you suppose that they are inclined to listen with patience to appeals such as have been made by the Senator from Maine? On the contrary, those who have been wronged and outraged believe, and I, as their representative, believe that we have had enough of this; that any change will be for the better; and that the best time to consider whether this change shall be made is now. The Senator goes into eloquent periods in regard to the necessities of the country upon the appropriation bill. He says it is wrong to delay for an instant, in the expiring hours of this session, the consideration of an appropriation bill. The lives and property of the citizens of the frontier are of infinitely more importance than appropriation bills; and before I shall consent to vote more money for the payment of Indian annuities, or for the civilization and Christianization of the Indian tribes, I shall insist upon the protection of citizens of my State by the transfer of this Bureau to the War Department, believing that it at least offers us the promise of something better in exchange for the wrongs that we have suffered during the last eight years.

Mr. STEVENSON. I do not desire to make a speech, but to say that if the proposition of the Senator from Kansas shall fail, I shall then propose to offer as an amendment to this bill the bill which this morning was reported from the Committee on Indian Affairs. That would bring us to a direct vote and test the sense of the Senate upon the mere question of transfer.

Mr. DAWES. Mr. President, I do not desire to detain the Senate for any length of time; but I have had some interest in this peace policy toward the Indians. In the other branch of Congress I was upon the Committee on Appropriations at the time it was adopted. It was the belief of those who inaugurated it that it was a change of policy. The Indians had been then a year and a half under the War Department, practically under the mangement of the President. That management and the result of it were not such as to satisfy even him, so closely as he had been connected with the Army, and who had as much pride in its character and confidence in its executive efficiency and its ability to perform the civil functions of the Government as any other man. It was through consultation with him and with those religious societies that took a special interest in the matter that the provision which turned the attention of the public to another method of dealing with the Indian was adopted. I drew that provision myself. It was inserted in an appropriation bill which I had charge of in the other House. I felt in reference to it that light was breaking in upon a dark subject; that a policy which hitherto had been surrounded with difficulty and attended with obstacles which seemed almost insurmountable was at last finding a healthy, a moral, and a hopeful solution. It was accompanied with a considerable reduction in the appropriations of that year. So far as I have been able to follow the appropriations since, while large expenditures in reference to the Indians and accompanying appropriations have certainly been made, yet so far as the policy then inaugurated has been concerned it has been attended all along with a reduction of expenditures.

It is said by those who are now proposing this change of administration that they are not proposing any change of policy. Certainly the sentiments advocated by the Senator from Kansas [Mr. INGALLS] are new. They are new within the life-time of my service in Congress. For the first time have I heard it proclaimed that the Indian has no more rights in this country than the snake and the frog; that God has given this country, and the very land that the Indian occupies, to the white man, and has given the Indian no rights there or elsewhere in this land. Who has made us the giver? In what light, I ask to know, have we the right to say to the Indian that that which he possesses is ours? I know that civilization is strong and advancing, and that savage life must yield to it; but I do not know that civilization has a right to wrench from those not blessed with its privileges, with its light and its culture and its education, that which they possess. The very soil upon which the Senator from Kansas himself was born was purchased of the Indians. Winthrop, and Endicott, and Brewster, and Robinson entertained two hundred and fifty years ago no such doctrine as the Senator from Kansas has advocated upon this floor. The title-deeds to the very ground upon which he was born are recorded in Massachusetts. Pennsylvania, every rood of it, was purchased of the Indians by William Penn. The State that the Senator from Kansas himself represents has been purchased from the Indians at a great cost by this Government. Yet the Senator from Kansas stands up here and tells us that the Indians have no more rights there than the frogs and the snakes, and, however much he may himself complain of the remark I made, he demonstrates, so far as he can by argument, that the Indian has no rights, in his judgment, that the white man is bound to respect. I do not contend against the great law of civilization to which he must yield; but in compelling him to yield to it we forget that the brightest of all the jewels in its crown should be justice. He has got to yield to it. As the advancing wave that the Senator has described is moving to the westward, there is coming up another one from the shores of the Pacific, and he is to be overwhelmed between the two. It is said of the Spanish inquisition that among its instruments of torture and extinction there was one by which the martyr was placed in the center of the building and there chained between two approaching walls, from the advance of which on either side it was impossible for him to escape, and with his fate before his eyes he was compelled to await the result. Such may be the fate of the Indian between these two waves of civilization; but I beg of the Senator from Kansas not to so far forget the title-deeds of his ancestors as to come here and in the Senate of the United States proclaim that the mission of civilization is to demonstrate to the world that these people have no rights in the land.

Mr. INGALLS. Will the Senator be kind enough to state what the compensation was for the soil that was purchased in Massachusetts from the original proprietors?

Mr. DAWES. A very small sum was given for the town of Haverhill, but it was all that it was deemed worth by those who possessed it and whose ownership to it was acknowledged by those who purchased it and took the title-deed and recorded it in the county of Essex, Massachusetts. They did not tell the Indian to get out of this possession because he had no more right to it than the frogs and snakes and that he was to be civilized as the rattlesnake in the forests and wilds of the West is civilized. They did not treat with him so. Penn did not treat with him so. Chief Justice Marshall, in his opinion delivered in the Supreme Court upon the rights of the Indians in Georgia, had no such idea of their rights to the land they occupied. Mr. President, your ancestors taught a different lesson when they took their lives in their hands and went forth from the State that bought every rood that it now possesses from the Indians to attempt to brave the hardships of frontier life in the effort to civilize the Indians.

The doctrine advanced by the Senator from Kansas should come from some other source, from some other teaching, from some other blood. It seems to me to be so in conflict with every pulsation of the heart that is good, so at war with all the teachings of humanity and of education, that the Senator will permit me, with all respect, to express my protest and at the same time my wonder that he saw anything strange in the remark of mine that he was teaching the doctrine that the Indians had no rights that the white man was bound to respect. What right, according to his theory and his argument, can he find in all he said and in all he maintained here? What right has he left the Indian but the right of extinction? What is strange, then, in the remark that he was teaching a doctrine that the Indian had no rights which the white man was bound to respect? I know the enormities that have been committed by savages upon border life; I know the cruelties to which settlers are often exposed, and I know how difficult it is for us in the Eastern States to comprehend the state of things there; but I am compelled to believe that in many instances it is brought upon them by just such sort of teaching as we hear to-day, that the red man has no rights in the land and in the possessions in which he is found. Such a doctrine as that can bring upon its advocate nothing except the results which the Senator from Kansas himself has so graphically described. When he tells the savage, in the peaceful possession of the lands that he has occupied since the beginning of the world, for aught the Senator from Kansas and myself know, that he has no right to the little home and wigwam, humble as it may be, which he occupies at night when he comes home from his hunting-ground, except that right of self-defense which is planted as well in the Indian as in the white man, what is to be expected? If there be no desire to change the policy of the Government, what does this anxiety, this distress mean? Why is it proposed to lay aside the appropriation bills in the last hours of the session to take up a bill to make this transfer if it be simply to effect a change of persons to carry out the same measures in the administration of an established policy? The very anxiety and the very earnestness which back up the argument, as well as the argument itself, demonstrate that there is an intention and that there is a purpose best defined in its character and in its effect by the Senator from Kansas himself in this effort to turn over the administration of the Indian policy to the War Department.

The Indians are in the way; they do not diminish as fast as could be desired; they were half a million two hundred years ago, and the Senator from Kansas tells us that they are 300,000 now. He is discouraged with the policy under which he tells us they are to-day increasing in spite of all hope and expectation and promise of the past. According to the accounts that were given us yesterday, there is little prospect of that "consummation devoutly to be wished," when the last of all the Indians may be found upon the earth, when "the only good Indian is the dead Indian." The schools that are established, the churches that are built, the frames of government that are adopted in the Indian country, and the men of education and of influence and of character that are found among them give the Senator from Kansas little hope that the day is soon to come when the last of the Indians in this country shall be found. I admit that. I admit that if such be the purpose there must be a change of policy. I admit another thing: there must be a change of this peace policy or there will be no occasion for Indian wars that carry along with them such fruit in their train, that open up new reservations, extinguish Indian titles in reservations, and open up lands for railroads or for any other purpose. Certainly there must be a change of policy, or we shall have less of these opportunities for spreading civilization over Indian reservations.

I am reminded that there has not been a session of Congress in the last twenty years which has not been full of bills for the purpose of extinguishing Indian titles to lands; and yet the Senator from Kansas tells us that the Indian has no title to the land he occupies any more than the rattlesnake and the frog. What does it all mean? It means that in the contact of the good men who go out to the frontier with the Indian they forget, being the stronger and dealing with the weaker, that there is a double injunction upon them like that which rested upon William Penn, John Winthrop, Endicott, Brewster, and Robinson, to deal justly with them, to take care not only that they should have faith kept with them, but that there should be no appearance of an attempt to overreach them.

So long as the spirit which pervaded the men who dealt with th Indians in early times prevailed in this country there were no Indian wars. Why is it that across the border in Canada the Indians are at peace with the government under which they live? Why was it that for fifty or a hundred years in Alaska there never was heard of an Indian disturbance of the slightest account; but after we became the owners of Alaska the Army of the United States had not been there six months before we had an Indian war upon that virgin Territory for the first time in all its history? Why is it that such a spirit so seems to possess those in this country who go among the Indians that the Indian himself becomes at once alarmed, not only for the safety of his possessions, but also for his life and for those whom he loves? No more striking illustration of the folly, the perversity, and the terrible consequences of the policy with the Indian which it is now proposed to re-adopt in this country can be found than comparing it with that upon our border, to which I have alluded, and to that in the Russian possessions right before our eyes, which had remained for years and for centuries in peace and quiet as undisturbed as any civilized people upon the face of the earth. No man ever went there and taught the doctrine that the Senator from Kansas has stood up here and preached to-day. He would not have been tolerated in preaching it. The permission was only given to him and to those missionaries who carried civilization upon the bayonet into the territory when the territory became ours.

I deprecate all this effort to depart from a policy in the spirit in which this peace policy was established, it having the sanction of those most experienced in Army life, who had the most confidence of all in the honor and integrity of the Army, and who yet felt that it was not fit for the Army to take charge of the Indian policy of the country.

Senators on the other side tell us that little hope of civilization exists at all in our treatment of the Indians; at any rate that it is a long and difficult and discouraging work. So it is, sir. It is but five years since this policy was adopted; it has hardly had a fair trial. No permanent fruit resulting from it could have been expected in the short trial of four or five years. It were better not to have adopted it at all than to adopt and then abandon it in this way. It originated, as I have said, with the Executive in co-operation with the most benevolent and high-toned and devoted Christian men of the country. With no interest pecuniarily; with no hope of reward; with no official honor to attain, they turned aside from the peaceful walks of life and tendered their gratuitous services to the country, and they were accepted by the Government, and they have gone to their work; and so far as the Government has upheld their hands and sustained

them in that work there is every reason for encouragement, both in the effect it has had upon the Indians themselves and in that which is quite as necessary upon those who live upon the border and in the effect which it has had upon the current expenses of the Government. No single argument has been urged for the change, except that urged in the spirit which characterized the recent debate upon the motion to lay aside the appropriation bill and at once address ourselves to the abandonment of this policy, while all things else in legislation should stop. I think the people of this country will say that those reasons are not quite sufficient; are not quite in harmony with the convictions and the conscience and the heart of the American people; certainly not quite enough so in harmony for the American people to think it best to stop all other legislation while this change can be initiated.

Mr. MERRIMON. Mr. President, I feel and take a warm interest in this debate; and, although the day is far spent, I will venture to add a few remarks to what has already been said.

If I could believe, if I could be convinced, that the proposition to transfer the Indian Bureau to the War Department was calculated in any sense to injure the Indian race, I should be as far from giving my support to that proposition as any Senator upon this floor. I have no hostile feeling to the Indian. On the contrary, I have the warmest sympathy for him. I believe that he has suffered all the ills which Senators have told us he has suffered, and more besides. I believe it is impossible for the pen of civilization to describe in adequate terms and colors the sufferings and outrages to which the poor Indians have been subjected by the white race. I have no desire to contribute further to such injury, persecution, and outrage. On the contrary, above all things in this respect, I desire to be a humble instrument in bettering their condition. My desire and purpose toward them are peace and good will. I wish to benefit them, to bless them, to civilize them, to make them happy and prosperous; and I will go as far as any one in advocating and supporting any line of policy toward that end; and all I want to know in that behalf is the truth, and govern my action by it; and I think this debate ought to lead to that end, and to no other, and that we ought to meet every issue and every question that the debate on this proposition presents in a spirit of candid fairness, so that we may ascertain the real merits of the proposition before the Senate.

I do not concede—and those who oppose this proposition seem to take it for granted—that the proposed transfer of the Indian Bureau will have the effect attributed to it. It does not propose war upon the Indians; it does not propose to take from him by force or stratagem that which belongs to him; it does not propose to cut him off from the means of civilization. On the contrary, I maintain that the effect of it will be to promote his interests in that respect, and place the civilizing means, which have heretofore been extended for his benefit, to greater advantage in that direction. I dissent entirely from the views expressed by the honorable Senator from Kansas [Mr. INGALLS] as to the Indian's incapacity for civilization. I do not concur in the doctrine that he is hewn out of a rock, and that you cannot bend him, but must break him, must exterminate him. In the first place, it is unnatural to so believe; and I know by some experience and considerable observation that his views are radically erroneous. In my own State there are about twenty-three hundred Cherokee Indians. Though they cannot to-day be measured by the highest standard of civilization, still they are far advanced in that direction. It may be said they are civilized. They voluntarily live in houses, cultivate their own fields; they have schools and churches; they have preachers and teachers, and all of their own race. They exhibit in their lives a high sense of right and wrong.

The Indian is capable of civilization, of realizing, accepting, and enjoying in a high degree those humane blessings which it is competent for the white man to extend to him; and I repeat what I said a while ago, that I desire to see them extended to him and to help to extend them to him; but we ought to do this in the most judicious way; we ought to learn and adopt the most certain means to that end. We know by sad experience that the so-called "peace policy" which has prevailed for the last five years has failed, signally failed to accomplish that purpose. We have tried it and it has failed; it has injured and wronged the Indian and disgraced the nation. The Indian has been outraged perhaps as he never was before. Time after time we have been about to be precipitated upon a war with the Indians by it, and they have been robbed and plundered, in a way that is disgraceful to the American name, of the funds that have been appropriated from the national Treasury from time to time for their benefit, and their treaty rights have been violated by force and fraud. This "peace policy" agency has stood by and seen these things done, and done virtually with impunity; indeed, it has been said that this agency helped often in the perpetration of real outrage. The time has come when those who are the real friends of the Indians should step forward and devise some policy, some means by which such plunder, robbery, and crime can be suppressed; and I believe that the means proposed by the measure under consideration, when properly guarded, will effectuate that purpose.

Let us look at the matter in a practical light. Who is the Indian? He is a savage; he has no due sense of right and wrong. It may be questioned whether in his savage state he has a developed moral sense at all. He does not duly appreciate the crime of murder, arson, theft, or any crime. He is in his habits and practices more like the wild and savage beasts that roam in the forest than like civilized man. I do not undertake to say that he is a beast; far from it. I know that he is a human being; that he has a soul to be saved or lost; that he is human; but he is in such condition as that he is but little removed from the wild and savage beast that roams through the forest, and which he pursues for his livelihood.

In another view, he is somewhat like the lunatic or the madman among civilized men. How do we use such people as those? Do we adopt a "peace policy" like that which prevails among the Indians in our management of that unhappy class of our people? We know that we do not. It would be absurd to attempt such a course of conduct, ridiculous to talk about such a thing. The lunatic is arrested; the madman is arrested; force is applied to him; he is confined, not for a day, or a week, or a month, but for his lifetime if need be, not for the benefit of those who confine him, but in the discharge of that humane duty which rests upon every civilized people, which rests preeminently upon the American people who boast of their civilization and their desire to do good to all men; not only their persons are seized and confined, but their property is taken jurisdiction of by the courts of the country, and it is cared for and administered, not in the interest of society as society, not in the interest of any particular individual, or any particular class, other than the lunatic himself. The lunatic is the ward of the law; he is the ward of society. By the laws of nature, by the moral law and social rights, by the civil law of the country and civilization, he is entitled to be protected against himself, against his want of intelligence, against his want of capacity to protect himself and to protect his property. Society, the law, the Constitution protects him in his life and his liberty; it is bound to watch him, to reform and cure him and fit him for life and all engagements incident to it, and, if that cannot be done, to smooth his pathway to the grave. Society is not only thus bound to protect his life, but it is bound in good faith to protect his property and not to administer it in the interest of one person or another person, or the State, but to take care of that fund and protect it and administer it in his interest and in the interest of those who have the claims of nature upon him.

I maintain that this Government sustains a like relation to the Indian. I will not detain the Senate now to discuss how such an obligation arose; it is sufficient that it is and has been recognized for nearly a century; the Government has taken charge of the Indian, taken charge of his property; it has stipulated treaties with the Indians to so protect them. Be it said to the shame of our nation, to the shame of the American people, that those treaties are merely nominal, exacted often by force and intrigue. And even such treaties are often grossly violated, and always with impunity. The protection and benefit promised are often withheld; injury, wrong, and insult are often heaped upon them. I believe that such a course of conduct ought to be suppressed and forever; that we ought to look to and regard the right of the Indian in the matter of his land and the matter of his claims upon humanity and civilization, and particularly his rights under treaty stipulations with our Government.

But how shall we protect the Indians and their rights? Not by trifling and temporizing with them. The only effective way to do it, in my judgment, is to do as you do with the lunatic or the madman; take hold of them if need be by reasonable force; hold him, and hold him in such way as to make him feel and say that you do justly by him, so that all men and God will judge that he is so held in his own interest, and for his own benefit, and in the interest of humanity. That is the way to do it. You cannot control or manage a savage in such way as to civilize him or benefit him in any respect by temporizing with him; you must make him understand your power and feel that it is exercised for his benefit and submit to it. Why, sir, if the huntsman goes into the jungles of Africa to capture a lion or a tiger or an elephant, he does not go there temporizing with such animal and pursuing what is called here the "peace policy." He resorts at once to force and to stratagem until he gets the animal completely under his dominion, and then he treats him kindly, extends to him such benefits as he can appreciate, and the result is that by and by the civilizing effect prevails over the brute.

Mr. ALLISON. May I ask the Senator from North Carolina a question?

Mr. MERRIMON. Yes, sir.

Mr. ALLISON. I ask it for information, and to illustrate the point he is now making. I should be glad to know the successive processes by which the eastern band of Cherokees have reached the high state of civilization which they now enjoy in his own State—if the strong arm of the Army has ever been imposed in any way upon them?

Mr. MERRIMON. There can be no question that the strong arm of the Army has been applied to them.

Mr. ALLISON. When?

Mr. MERRIMON. The Cherokees, who inhabited almost exclusively at one time the western part of North Carolina, were taken by force and removed west of the Mississippi, with the exception of a handful that hid themselves in the mountains and remained by stratagem. They have been allowed to remain there; they have grown up among the white people, and in that way the civilizing effects of association with the white man have been made manifest. I take it that if a considerable portion of the American people could go into the Indian country and live among the Indians, so that the white people would

greatly prevail, a like effect would come to pass there in the course of years. But such a policy as that is utterly impracticable, and nobody proposes or suggests it.

Why, sir, you saw the same thing illustrated in the South among the negroes. When the negroes were brought to the South originally they were stolen or brought from their native country and they were savages, but the numbers of the white people preponderated. They were brought among the white people, and they were kept in subjection. When it was necessary force was applied. By and by the civilizing effects of association with the white people did its office upon them, until to-day the most civilized portion of the black race on the face of the earth is in the Southern States. That is the way civilization came to them, and that is the way it might come to the Indians if white people were permanently among them in sufficient numbers. But if our Government were to undertake to civilize a race of barbarians in Africa, and we were prepared to expend means to that end, we could not go there with a handful of preachers and teachers, however good they might be and however humane might be their purposes, and civilize them. You would have to take an army along and get hold of them by reasonable force, and then, while you hold them for their own benefit—not for their hurt—let the preacher and the teacher do their humanizing and civilizing work. To do this you must exercise force, with a strong, steady, just hand, and in such way as manifestly to benefit the party held under its dominion.

The true policy toward the Indians in my judgment—and I submit it with great diffidence—is to put the Army in charge of them under just rule and take hold of them with the strong arm of power, not violently, not in such a way as to show that you are hostile to them, that you desire to kill them, that you desire to take their land, that you desire to exterminate them, but in such a way as to show that you intend to benefit and to bless them; hold them if need be until the preacher and the teacher can go among them and do their legitimate work, protect the Indian against himself, and protect against his violence and his savagery the teacher and the preacher. That is the true policy.

But gentlemen express great fears of the Army. They say if the War Department shall take control of the Indian Bureau this will imply war and nothing but war, and that implies extermination. I deny it. Such a consequence will not follow; no one has shown that it would. I propounded a question to the Senator from Indiana [Mr. MORTON] a while ago to test the force of his declamation on that point. He offered no reason in its support, and I contend no reason can be assigned to support his simple empty declaration to that effect. It seems to me that the reason of the thing is just the other way.

But why should any one dread the Army? Who are the Army? Outside of the legal profession there is no class of men in this country better educated in a general knowledge of the law than the regular officers of the Army. They are taught the law as part of their military education, and every good officer has a high sense of right. He is humane and careful of the rights of others. They are careful of the weak and helpless. Wherever we find an officer of the Army who properly understands his duty and does it, you find no man in the whole land who is more humane, who is more honest and honorable, or who has greater regard for the oppressed and the helpless than he. There is no doubt about that. But everybody does not have the same opportunity to be informed that he has. He is educated to know the law; to learn it is a part of the discipline that he undergoes in order to fit himself to command armies; and the great mass of the people, even teachers and preachers, do not understand it generally as well as he does. The soldier and the officer are not monsters; they do not necessarily mean war; they are a means to peace and right.

Mr. President, a Senator suggests to me privately that there is some disposition in the Senate to get rid of the subject in some way or other, and, if there is, I do not care to protract my remarks at this time; but if we are going to have a vote on the merits of this proposition I want to continue my remarks, for I feel a deep interest in the subject, and I do believe that some of those gentlemen who have been called humanitarians (and I believe I belong to that class myself) are in error. The right way to civilize the Indians, in my judgment, is to put the Indian Bureau under the control of the War Department, and direct the Army how their rights are to be supervised and protected; how they are to be protected against white men and against themselves; and how ample avenues shall be opened up to let preachers and teachers and every humanizing influence go in among them and have free vent. I now yield for any suggestion that those who have the bill in charge may see fit to make at this moment, with the view to expedite the business before the Senate.

Mr. EDMUNDS. I have not the bill in charge; but in sympathy with the suggestion the Senator from North Carolina has made, and in view of the general desire to get rid of this bill, I wish to make a suggestion. I believe every Senator on all sides of the Chamber will agree that this provision, like a thousand others that might be inserted in an appropriation bill, is not harmonious in it, however good the provision may be, or however defective; and therefore the question is what we ought to do, considering the present state of the session and the fact that we all know that on the night of the 30th of June, this very month, nine days from now, the effective powers of the Indian Department and of every other Department of the Government must stop under existing law unless the appropriation bills are passed.

Since the old times when the appropriation bills ran over into July we have, in the interest of economy and the proper safeguards for public interests, passed laws without party division, united in by gentlemen of all parties, provided for protecting the public money against unauthorized expenditures, and protecting the public credit against unauthorized contracts; in other words, we have provided that the Executive Departments shall do nothing but provide for expending the money that had already been appropriated. That is the state of the law now, so that on the 1st of July, without these regular and ordinary appropriation bills of all classes, substantially the wheels of Government must stop. That, it seems to me, appeals to everybody that we must provide, as we are, under existing laws until we change them, staying here as long as it is necessary for the public interests to do so, for carrying on the Government as it is, be it ever so bad, and I do not know but that it is bad, because I will say with the utmost frankness that I have during the past autumn and winter been strongly disposed to believe that this change ought to be made under suitable and proper safeguards. But the same candor requires me to say that, after hearing the discussion and the statements about it, I am not so clear as I was; but I have not changed the impression, although I may do so.

Now, if you postpone this bill and take up the other one, where do we find ourselves? Every Senator who occupies the attitude about it that I do—and I dare say there are many—having impressions but not perfectly convinced, and certainly not prepared to determine upon a definite and carefully guarded and discussed plan, is forced to decide upon it now, is forced to go into detail from beginning to end. That will lead to long discussion. It ought to do so, necessarily and fairly. Is it not, therefore, Mr. President, wise and just to all sides of this question, to public interests in every way connected with this question and all others, to provide now for the public exigencies as the law is, and then apply ourselves diligently to making such changes in the law as the public good may seem to require?

Occupying that attitude, I appeal to the Senators who are making this motion to postpone and to those who are discussing the merits to withhold the discussion of the merits of this matter and to leave this clause out of this bill which everybody agrees as it stands in it is not perfect, is not correct, even if the principle be right, as I have said I have been inclined to believe it is, and to pass this bill upon the law as it is, and then devote ourselves with the time that may be necessary to changing the law, if on consideration we think it ought to be changed; because we are drifting day by day by an inexorable fate that carries on one day after another to a time when we shall all be sorry that, however imperfect this system and all the other systems of government may be, we have nothing to carry it on with at all.

Mr. WINDOM. Mr. President, the Senator from North Carolina has yielded to me to consult the wishes of the Senate as to whether we shall take a recess or remain in session. I have no choice about the matter; but, in order to test the wish of the Senate, I move that the Senate take a recess from five o'clock until half past seven. If the recess be not taken, I hope that it may be with the understanding that we shall remain and finish the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate take a recess to-day from five o'clock to half past seven.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas, [Mr. INGALLS.]

Mr. MERRIMON. I said, Mr. President, that if it was the purpose of the Senate to pass upon the merits of this proposition, I desired to continue my remarks and make some points that I had not yet adverted to. On the other hand, if it is the purpose of the Senate to dispose of the matter as suggested by the Senator from Kansas some time since in the course of the debate, we can have the discussion over it at the time the bill he referred to shall be considered. I do not want to talk for talk's sake. I wish to contribute something toward the passage of the bill.

Mr. INGALLS. The Senator from Vermont [Mr. EDMUNDS] appears to me to misunderstand the precise attitude of the question. This debate is not upon the amendment proposed by the committee to strike out the third section of the bill, but on the motion I made to postpone the consideration of this bill for the purpose of proceeding to act upon House bill No. 2677. I am unable to see in what respect this debate is to be shortened by the course proposed by the Senator from Vermont. I am as anxious as any Senator upon this floor to have the appropriation bills acted upon; but I do not entertain a very sanguine belief that we are to reach a concurrence between the two Houses on these bills by the 30th day of June. Therefore I do not apprehend that anything is in peril or hazard by the continuation of the debate on this subject. In any event, however, it is immaterial whether the debate proceed upon the third section of the appropriation bill or upon the motion to proceed to the consideration of House bill No. 2677; and if Senators are willing to postpone debate and take a vote upon that motion at once, I certainly have no objection to interpose. I would suggest that by common consent we may proceed immediately or at half past seven o'clock to vote upon the motion to proceed to the consideration of House bill No. 2677 without any further discussion.

Mr. MERRIMON. I did not understand the Senator's proposition.

I thought it was to strike this third section out of the bill, with the understanding on the part of the Senate that the bill that the Senator referred to would be called up at some apppropriate time and its whole merits discussed.

Mr. INGALLS. I made that suggestion last night, but it was not entertained. The amendment that is proposed by the Committee on Appropriations is to strike out the third section of the bill. I contend that the same result would be reached by moving to postpone the bill and allowing the debate to proceed on House bill No. 2677. If the Senate shall conclude that House bill No. 2677 should pass, then we can relieve the appropriation bill of all difficulties and all complications by striking out the third section.

Mr. ALLISON. Why not take the vote now on the Senator's proposition to postpone, if that is to be a test question?

Mr. INGALLS. I am entirely willing to do so.

Mr. SHERMAN. I wish to make only a practical observation as to the effect of a motion like that proposed by the Senator from Kansas. If whenever in the course of an appropriation bill a subject-matter that is controverted is reached the Senate then postpones the whole appropriation bill, which is always a matter of pressing exigency, in order to take up the matter that is introduced improperly and in violation of just principles of legislation on an appropriation bill, it will never be possible to end the business of the session of Congress. For instance, suppose that there is in this appropriation bill or any appropriation bill a proposition to pay certain officers to carry into execution the bankrupt law, and some Senator, finding some provision for the execution of the bankrupt law in the bill, should propose to stop, to arrest the progress of the appropriation in order to discuss the question whether the bankrupt law ought to be repealed; would that be logical? Would that be the way to progress with the public business? Suppose there was some provision here to carry into execution the laws in relation to the mints, and some Senator desirous of having silver coin issued, like myself, should propose because of the provision in the bill to carry into execution the laws relating to mints, to stop the consideration of the appropriation bill and to take up the silver bill; would that be logical, would that be right? It seems to me that the proposition of the Senator from Kansas would lead to inextricable confusion; that it is not logical. An appropriation bill is an appropriation to carry into effect existing law; and when you arrest this necessary business of legislation in order to go into collateral measures and take up collateral bills merely because the subject-matter of those bills is mentioned in the appropriation bill, it seems to me you establish a principle dangerous to legislation and which would arrest and prevent the passage of all appropriation bills necessary to carry into execution existing laws. I would not vote for such a proposition if I were ever so much in favor of it. In my judgment the Senator from Vermont expresses the true idea, that we should confine this appropriation bill to carrying into execution existing law.

This section was put on in the House of Representatives as an amendment. It changes and revolutionizes the whole system of our legislation in regard to Indian affairs. It is there standing in the way of the execution of our duty, which is to appropriate the money necessary to carry into execution existing law. It seems to me the true logic of our position is to strike that out, leaving the bill for the transfer of the Indian Bureau to its appropriate time and to its appropriate committee and to its appropriate opportunity just like many other measures of high importance are now left. I therefore should vote against any proposition of that kind even if I were in favor of the measure. I think it would be introducing a disorderly proceeding in the midst of our business and ought not to be sanctioned by a precedent such as is proposed in this case.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas, to postpone the present consideration of the Indian appropriation bill.

The question being put, there were on a division—ayes 13, noes 20; no quorum voting.

Mr. INGALLS and Mr. WINDOM called for the yeas and nays, and they were ordered,

The Chief Clerk proceeded to call the roll.

Mr. DAWES, (when Mr. EATON's name was called.) I desire to say that the Senator from Connecticut [Mr. EATON] and my colleague [Mr. BOUTWELL] are paired on this question. My colleague would vote against the postponement and the Senator from Connecticut would vote for it.

Mr. OGLESBY, (when Mr. MORTON's name was called.) The Senator from Indiana [Mr. MORTON] stated to me that he was paired with the Senator from Missouri, [Mr. BOGY.] How the Senator from Missouri would vote on this question I do not know, but the Senator from Indiana would vote "nay."

Mr. SAULSBURY, (when his name was called.) I was paired upon the question of the transfer with the Senator from Oregon, [Mr. MITCHELL.] He would have voted against the transfer, but I do not know how he would vote on the pending proposition, and I therefore decline to vote. Mr. MITCHELL was unwell and had to leave the Chamber.

Mr. STEVENSON, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. LOGAN.] If he were here he would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. CLAYTON. I am paired with the Senator from Mississippi [Mr. ALCORN] upon the proposition of transferring the Indian Department to the War Department, but I do not know whether he would vote to postpone the consideration of the appropriation bill. Some of the friends of the transfer say that they think he would, and therefore I decline to vote.

Mr. DENNIS. On the question of the transfer I am paired with the Senator from Pennsylvania, [Mr. CAMERON,] and therefore I decline to vote.

Mr. KERNAN. The Senator from Nebraska [Mr. PADDOCK] was called away and has paired with me. He would vote "nay" and I should vote "yea" on this question.

The result was announced—yeas 20, nays 17; as follows:

YEAS—Messrs. Barnum, Booth, Caperton, Cockrell, Cooper, Davis, Harvey, Hitchcock, Ingalls, Johnston, Kelly, Key, McCreery, Maxey, Norwood, Ransom, Robertson, Thurman, Windom, and Withers—20.

NAYS—Messrs. Allison, Christiancy, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Sherman, Wadleigh, and Wright—17.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bogy, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Dennis, Dorsey, Eaton, Goldthwaite, Gordon, Hamilton, Hamlin, Jones of Florida, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Merrimon, Mitchell, Morton, Paddock, Patterson, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Wallace, West, and Whyte—36.

So the motion to postpone was agreed to.

BILL RECOMMITTED.

On motion of Mr. DENNIS, the bill (H. R. No. 2799) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels was recommitted to the Committee on Commerce.

TRANSFER OF INDIAN BUREAU.

Mr. INGALLS. I move that the Senate proceed to the consideration of House bill No. 2677.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived, the Senate takes a recess until half past seven o'clock.

EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

Mr. EDMUNDS. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. There is no pending question.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill introduced by the Senator from Indiana, [Mr. MORTON.] It is the bill (S. No. 686) to amend the second, fourth, and fifth sections of the act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and as a substitute for sections 5506 and 5507 of the Revised Statutes.

Mr. MERRIMON. I understand that just before the recess was taken the Senate agreed to postpone the consideration of the Indian appropriation bill and to take up the bill specially transferring the Indian Bureau to the War Department.

The PRESIDENT *pro tempore*. The Senator is correct in the fore part of his statement, that the Senate postponed the consideration of the Indian appropriation bill; but it did not take up the bill referred to. The Senator from Kansas [Mr. INGALLS] stated that his object in moving the postponement was to consider that bill, but the Senator did not include its taking up in his motion, because had he done so, debate would have been out of order. Debate on the merits of the question on a motion to take up the bill would have been out of order, and the Senator doubtless was careful in making his motion simply to confine it to postponing the Indian appropriation bill. The Chair should state that the Senator from Kansas rose for some purpose when the time arrived for a recess to be taken, and it became the duty of the Chair to announce the recess. The Chair did so announce it and the Senate took a recess.

Mr. MERRIMON. As the Senator from Kansas is not in his seat and a quorum is not present, with a view to a reasonable delay I move a call of the Senate.

The motion was agreed to.

The Chief Clerk called the roll, and 16 Senators answered to their names.

Mr. EDMUNDS. I ask that the absentees be called.

The Chief Clerk called the names of the absent Senators.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absentees.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order. [A pause.] The Secretary will call the absentees.

Mr. EDMUNDS. Have not the absentees been called?

The PRESIDENT *pro tempore*. They were called once, but many Senators have entered the Chamber since the call was made. There may be a quorum present now.

Mr. EDMUNDS. That makes no difference, I submit, while we are executing the order.

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. EDMUNDS. I object for the time being. I want to see whether this order can be executed once or not.

Mr. INGALLS, (at eight o'clock p. m.) Is there a quorum present?

The PRESIDENT *pro tempore*. The Chair cannot tell until report is made.

Mr. INGALLS. Let the Clerk report.

Mr. EDMUNDS. An order of the Senate is being executed.

Mr. INGALLS. I rise to inquire whether there is a quorum present?

Mr. EDMUNDS. The Chair cannot tell.

Mr. INGALLS. I ask the Clerk to inform us.

Mr. EDMUNDS. The Senator cannot have any communication with the Clerk.

The PRESIDENT *pro tempore*, (at eight o'clock and three minutes p. m.) The Sergeant-at-Arms reports that he has executed the order notifying Senators to be present.

Mr. INGALLS. Do I understand the Chair to say that the Sergeant-at-Arms has reported that the order has been executed?

The PRESIDENT *pro tempore*. He has so reported.

Mr. INGALLS. I move, then, that further proceedings under the call be dispensed with.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. EDMUNDS. We do not know that we have a quorum yet.

Mr. INGALLS. There is a quorum here.

Mr. EDMUNDS. There is no quorum reported as yet.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to dispense with further proceedings under the call.

The question being put, there were on a division—ayes 19, noes 13; no quorum voting.

Mr. COOPER. I call for the yeas and nays.

The yeas and nays were ordered.

Several SENATORS. What is the question?

Mr. EDMUNDS. The motion is to suspend proceedings under the call, there being no quorum present.

Mr. INGALLS. How does it appear that there is not a quorum present?

The PRESIDENT *pro tempore*. By the count; the division was 19 to 13, that number not being a quorum.

Mr. LOGAN. Before the roll-call proceeds I move that the Senate do now adjourn, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yea 1, nays 38; as follows:

YEA—Mr. Norwood—1.

NAYS—Messrs. Allison, Anthony, Bogy, Booth, Christiancy, Cockrell, Conkling, Cooper, Cragin, Davis, Dawes, Dennis, Eaton, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Kelly, Kernan, Logan, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Windom, and Withers—38.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conover, Dorsey, Goldthwaite, Gordon, Hamilton, Johnston, Jones of Nevada, Key, McDonald, McMillan, Maxey, Mitchell, Morton, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, Spencer, White, and Wright—34.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn. The question recurs on the motion of the Senator from Kansas [Mr. INGALLS] that all further proceedings under the call be dispensed with, on which the yeas and nays have been ordered. The roll-call will proceed.

Mr. ALLISON. Is there a quorum present?

The PRESIDENT *pro tempore*. There is.

Mr. INGALLS. Who called for the yeas and nays?

Mr. EDMUNDS. I called for the yeas and nays, and they were ordered.

Mr. THURMAN. I suggest that by unanimous consent the call be withdrawn, as there is a quorum here.

Mr. EDMUNDS. I do not propose to withdraw it. The Senate has only a bare quorum now, and I wish the yeas and nays to show whether we are going to have a quorum who will work here to-night or not.

The question being taken by yeas and nays, resulted—yeas 26, nays 8; as follows:

YEAS—Messrs. Anthony, Bogy, Booth, Cockrell, Conkling, Cooper, Cragin, Dennis, Eaton, Ferry, Hamilton, Hamlin, Harvey, Howe, Ingalls, Kelly, Kernan, McCreery, Morrill of Maine, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Windom, and Withers—26.

NAYS—Messrs. Allison, Christiancy, Dawes, Edmunds, Frelinghuysen, Morrill of Vermont, Norwood, and Oglesby—8.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conover, Davis, Dorsey, Goldthwaite, Gordon, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Key, Logan, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morton, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, Spencer, West, Whyte, and Wright—39.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. DAVIS. Mr. President——

Mr. EDMUNDS. The Senator cannot vote after the result has been announced.

The PRESIDENT *pro tempore*. The vote cannot be received.

Mr. HOWE, (at eight o'clock and sixteen minutes p. m.) I move that the Senate adjourn.

The motion was not agreed to.

Mr. THURMAN. Now I move that all further proceedings under the call be dispensed with.

Mr. EDMUNDS. Has not the Senate just ordered that they be dispensed with by a yea and nay vote?

The PRESIDENT *pro tempore*. There was not a quorum voting on that question.

Mr. EDMUNDS. I know it; but you can dispense with the proceedings under a call without a quorum.

Mr. CONKLING. Certainly you can; but there has been a motion to adjourn in the mean time, so that business has intervened.

Mr. EDMUNDS. After we have suspended the order, there is nothing pending before the Senate.

Mr. CONKLING. I beg pardon. Did a majority vote to dispense with the call?

Mr. EDMUNDS. Certainly.

Mr. CONKLING. Then the call is dispensed with; a majority has voted to dispense with further proceedings; and now we stand without a quorum and with no motion for a call.

Mr. EDMUNDS. That is where we are.

Mr. ALLISON. Is there a majority of the Senate present?

The PRESIDENT *pro tempore*. There is not a quorum present according to the last vote.

Mr. ALLISON. Then I move a call of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

Mr. HOWE. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Dawes, Edmunds, Ferry, Hamilton, Hamlin, Hitchcock, Jones of Florida, Logan, McCreery, Merrimon, Morrill of Maine, Oglesby, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Windom, Withers, and Wright—24.

NAYS—Messrs. Bogy, Conkling, Cooper, Davis, Dennis, Eaton, Frelinghuysen, Goldthwaite, Harvey, Howe, Ingalls, Kelly, Kernan, Norwood, and Spencer—15.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Cockrell, Conover, Cragin, Dorsey, Gordon, Johnston, Jones of Nevada, Key, McDonald, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, and Whyte—34.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms——

Mr. INGALLS. I move that proceedings under the call be dispensed with, there being a quorum present.

The motion was agreed to.

Mr. WINDOM. I move to reconsider the vote by which the Indian appropriation bill was postponed.

Mr. EDMUNDS. I believe I had a motion pending.

Mr. INGALLS. I believe I had a motion pending at the time the Senate took a recess. I moved just before the Senate took its recess that the Senate proceed to the consideration of House bill No. 2677. I was recognized by the Chair and made the motion.

The PRESIDENT *pro tempore*. The Senator from Kansas states that he made that motion. It was not recognized by the Chair. The Senator is incorrect in that respect; but the Senator from Kansas states that he made the motion. The Chair stated in the absence of the Senator that he had risen for some purpose when the hour for the recess had arrived and the Chair declared it. The Senator now states that he rose to make that motion. If so, the Chair will entertain it.

Mr. CONKLING. Was that bill reported to-day?

Mr. EDMUNDS. I should like to know what the recollection of the Chair is.

The PRESIDENT *pro tempore*. The Chair did not entertain the motion, but the Senator from Kansas states that he made the motion. If so, the Chair feels that he should recognize it.

Mr. EDMUNDS. Then I inquire of the Chair whether the bill the Senator from Kansas moves to take up was reported to-day.

The PRESIDENT *pro tempore*. It was.

Mr. EDMUNDS. Then I say it cannot be taken up to-day. I make that point of order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. Now I move to reconsider the vote postponing the Indian appropriation bill.

Mr EDMUNDS and Mr. WINDOM called for the yeas and nays; and they were ordered, and the Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. BOUTWELL.] He would vote "yea" if he were here, and I would vote "nay."

Mr. KERNAN, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. PADDOCK.] If present he would vote "yea," and I should vote "nay."

Mr. LOGAN, (when Mr. KEY's name was called.) I understand that the Senator from Tennessee [Mr. KEY] and the Senator from Florida [Mr. CONOVER] are paired. I do not know the fact, but I was so informed and presume my information is correct.

The roll-call was concluded.

Mr. DENNIS. I am paired with the Senator from Pennsylvania, [Mr. CAMERON,] as I have heretofore stated.

Mr. INGALLS. When the name of the Senator from California [Mr. SARGENT] was called I omitted to state that I was paired with him. He left the Chamber this evening in ill-health, and I agreed to pair with him on this question. He would vote for the reconsideration if he were present, and I should vote against it.

The result was announced—yeas 23, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Conkling, Cragin, Davis, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Howe, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Spencer, Wadleigh, West, Windom, and Wright—23.

NAYS—Messrs. Bogy, Booth, Cockrell, Cooper, Goldthwaite, Harvey, Hitchcock, Jones of Florida, Kelly, McCreery, Merrimon, Norwood, Stevenson, Thurman, Wallace, and Withers—16.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conover, Dennis, Dorsey, Eaton, Gordon, Ingalls, Johnston, Jones of Nevada, Kernan, Key, McDonald, McMillan, Maxey, Mitchell, Morton, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sharon, and Whyte—34.

So the motion was agreed to.

Mr. INGALLS, (at eight o'clock and thirty minutes p. m.) I move that the Senate adjourn.

Mr. WINDOM. I hope the Senator will not filibuster.

Mr. INGALLS. It is just as fair on one side as on the other.

Mr. EDMUNDS. Nothing of the kind has been done.

Mr. INGALLS. What else has been done all the evening?

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 18, noes 23.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, being before the Senate, the question recurs on the motion of the Senator from Kansas [Mr. INGALLS] to postpone its consideration for the present.

The motion was not agreed to.

Mr. WINDOM. I move that the five-minute rule be applied to this bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made in Committee of the Whole striking out the third section of the bill.

Mr. MERRIMON. I thought the Senate agreed to postpone the consideration of the Indian appropriation bill.

The PRESIDENT *pro tempore*. That vote has been reconsidered and the question of postponement decided negatively. The question now is on concurring in the amendment made as in Committee of the Whole striking out section 3.

Mr. HAMILTON. I wish to have a part of the protest of the civilized Indians in the Indian country read. It is a very thoughtful, well-digested paper, which I think deserves the consideration of the Senate. I send it up to the desk and ask to have the part I have marked read.

The Chief Clerk read from the protest by the "lawful delegates of the civilized nations of Indians of the Indian Territory, on their behalf and on behalf of the Indian race, against the passage of a law by Congress transferring them and their property to military control," as follows:

CIVILIZATION AND HUMANITY.

In the name of civilization and humanity we respectfully, but none the less earnestly, demand a hearing and fair treatment of the Government and people of the United States. You have heretofore dealt with us as men able to contract with you. You have long since plighted to us your public faith for your protection under civil control. In our oft retarded but steady march forward many of us have made commendable progress, and have a right to a proper consideration. We are physically powerless to enforce our just claims to a Christian and civilized hearing and treatment by the Government, but we feel that in this era of civil progress, in this enlightened age, and before the people of this great country, (that was once ours but is not now) we need not do more than to call on you for that justice which you alike bestow on natives and foreigners of all other races on earth who come to or reside within your limits the benefit of just treatment under the civil departments of the Government. The flag of your nation, and emblem of its power, will float more triumphantly before the world in this its centennial year when it attests that those under its peculiar protection, as we are, have been led forward, and not by military dictation forced backward, in the march of a Christian civilization.

It is a sad commentary either upon the white race or the red one if in the one-hundredth anniversary of our relations with this enlightened, Christian, and powerful people it, for supposed economic purposes, consigns us unheard to military dictation, in face of all the past treaties between the races, and for no fault of ours, but only the asserted bad conduct of its own officials.

An army, no matter how organized or of whom composed, is by the very nature of its organization and purpose the verge and not the center of civilization; and so your fathers, the founders of the Government of the United States, considered it when they wisely provided in the Constitution that the military should be subject to the civil power, and that no soldier should be quartered upon a civilian in times of peace without his consent.

The governments of all uncivilized peoples are military and despotic, while all civilized peoples establish, as a necessity to civil progress and prosperity, deliberative and representative governments, using the military as a police, only to enforce order when the civil power decides it to be necessary.

While it is desirable that the Indians who are not already so should become civilized, and under civil laws and habits, it is by the bills referred to proposed to place them under military control, where they will certainly and only learn by precept and example a renewal of their old military ideas and habits of war and idleness.

It is worse than folly to say that the Army will or can teach peace to these untutored people while it is necessarily and daily in presence of those about it training and preparing for war.

It is claimed that the military are the proper persons to teach civilization to the Indians. We would respectfully refer you to Cortez, Pizarro, and other earlier commanders, and to the military history of the United States for answer to this proposition.

The uncivilized Indians should learn daily labor in farming and stock-raising as the only vocation now open to them, neither of which the Army officers have been taught or would be willing to practice, their education and training being that of war.

These Army officers could not follow those employments and remain efficient Army officers if they would.

No worthy competent civilian would occupy a post of instruction as a farmer or stock-raiser under military dictation in business they did not understand, any more than a worthy and competent military officer would drill under a farmer or herder who was ignorant of military duties.

Drilling men for battle and drilling wheat for growing are quite different employments. If you wish to have the Indians unlearn the former and to learn the latter, the transfer of these people from civil to military control will defeat your good intentions. You will not allow white people—men, women, or children, whether native or foreign—to be governed and controlled by the military in time of peace. Why treat the Indians differently, and especially those of them who are civilized, Christianized, and educated, as are the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, and most others in the Indian Territory?

It is not necessarily the fault of the men composing or controlling an army or military force that renders it improper to have charge of the Indians and their property.

Mr. EATON. I desire to ask a question of the Chair.

The PRESIDENT *pro tempore*. The Chair will hear it.

Mr. EATON. There is a five-minute rule put on the members of this body. I beg to ask if a paper can be introduced, coming from any source, with regard to the very question under discussion and that paper be read, no matter what its length may be?

Mr. EDMUNDS. It depends on the will of the Senate.

Mr. EATON. It strikes me that it is not in order.

The PRESIDENT *pro tempore*. The Chair will rule that the five minutes are not quite up. There is one minute yet left. The Chair will drop the gavel at the end of the five minutes.

Mr. EDMUNDS. I rise to a parliamentary inquiry. I ask the Chair if there is not a rule that when it is proposed that a paper be read it is at the pleasure of the Senate whether it shall be read or not; and if the Senate is willing and authorizes the paper to be read, then it must be read through?

The PRESIDENT *pro tempore*. That question has not been submitted to the Senate. The Chair understood the Senator from Texas to rise to address the Senate and to ask that this paper be read as part of his speech, and on that the Chair was ruling.

Mr. EDMUNDS. Then the Chair is quite right.

The PRESIDENT *pro tempore*. When the other question is raised, the Chair will submit it to the Senate. The reading will proceed.

The Chief Clerk continued the reading, as follows:

It is the nature and condition of things. It is on account of the purpose, education, and necessities of the Army as contradistinguished to the condition, former education, and present necessities of the Indians. It is the difference between peace and war; between preparation for peace and a preparation for war; in the great and controlling necessity of teaching the Indians, (not already civilized,) but too long accustomed to military ideas in war and in their governments, to turn from that mode of life to peaceful and industrious habits and thoughts.

The PRESIDENT *pro tempore*. The time of the Senator from Texas has expired.

Mr. HAMILTON. How much more is there of the protest from the point which I have marked? I hope there will be no objection to reading the rest of it.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

Mr. DAWES. I ask to have, as part of my remarks, the remainder of the paper read.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to address the Senate for five minutes, and asks that the reading of the paper be continued as a part of his speech.

The Chief Clerk read as follows:

War, no matter whom with, is not civilization any more than a counter-irritation on the human system is the human system; though sometimes temporarily necessary, is not long to be continued. It is not used in health, nor should the military be used in time of peace.

Mr. EDMUNDS. I rise to a point of order. I do not think that a Senator has a right to have, if there be any objection, a paper read as part of his remarks without the consent of the body. I only make the point of order, not that I do not wish to hear this paper read, but to guard against what might be an unfortunate precedent. I submit to the Chair that no paper can be read at the desk as a part of anybody's remarks without the consent of the Senate.

The PRESIDENT *pro tempore*. The Chair did not understand that any Senator objected to the reading. The Senator from Connecticut made the point that no longer than five minutes could be taken up. The Chair stated that he would arrest the reading when the five minutes were up. The Chair did so. The Senator from Massachusetts then rose to address the Senate and asked that the reading of it be continued as part of his speech, and the Chair entertained it, no Senator objecting. If the Senator from Vermont objects to the reading, the Chair will submit the question to the Senate.

Mr. EDMUNDS. I do object.

The PRESIDENT *pro tempore*. The Chair will then submit the question to the Senate, shall the reading of this paper be concluded?

Mr. DAWES. I withdraw the paper. I supposed the Senate would like to hear the remainder of it read.

Mr. EDMUNDS. I should like to hear it; but I wish to vote on the question.

The PRESIDENT *pro tempore*. Shall the reading of the document be concluded?

Mr. THURMAN. I wish to make an inquiry. I did not catch from whom that paper comes.

Mr. CONKLING. From civilized Indians in the Indian Territory.

Mr. THURMAN. Let the Secretary report.

The CHIEF CLERK. The title-page of this paper is:

Protest by the lawful delegates of the civilized nations of Indians of the Indian Territory, on their behalf and on behalf of the Indian race, against the passage of a law by Congress transferring them and their property to military control.

Mr. THURMAN. Then I hope the reading will be concluded.

Mr. EDMUNDS. I move that the paper be read. I did not make the objection to prevent its reading, but in order to keep within the rule.

The PRESIDENT *pro tempore*. The Chair was about to put the question on continuing the further reading of the paper.

The question being put, it was determined in the affirmative.

The Chief Clerk resumed and concluded the reading of the paper, as follows:

Your Army authority is always withdrawn from any troubled section of the country so soon as peace and quiet is restored, and the people left to civil control and pursuits. Why not continue to apply the same principle to the Indians, when, as you are informed by the Indian Bureau, they are at peace?

The idleness that is unavoidable about a frontier post, and the drinking and consequent immoralities that are too common there, are not conducive to the industry and sobriety of the Indians near them.

The difference in degrees of civilization of the Indian nations and tribes demands your closest consideration. It is little encouragement to those who have made progress in civilization, education, and industry if we are to be turned back into the hands of the military, as violators of law are to the police. We earnestly hope that Congress will not treat us with so little consideration.

The civilized nations of Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles are no expense to the Government now, except for one union agency, which we do not need, and which has so far not been profitable to us, and which we hope you will abolish.

NO CONFIDENCE.

No people learn well of those they do not trust, and it is a fact worthy the notice of Congress that the Indians of the frontier are not well disposed toward the Army, and we fully believe that their transfer to military control will not be conducive to peace with or prosperity of the Indians.

The many bloody massacres of Indians, including women and children, known as the Chivington, Pegan, Black Kettle, Camp Grant, and many others that could be named if necessary, have caused much distrust on their part, and their watchfulness of military movements and disturbed confidence will be continued with loss to them at this time. The scarcity of game and rapidity with which white settlements are forming around and about them, with the comparatively kind treatment they have received under the administration of President Grant, have turned their attention toward agriculture. There are but few tribes now who do not cultivate the soil to some extent.

It will be fatal to this prosperity to turn these people back again to military dictation and control.

VIOLATES THE GENIUS OF FREE GOVERNMENT.

The people, acting in honest support of the spirit of free government of the United States, and upon which it has been and now is carried on with all other peoples of whatever race or clime, must abhor this invidious distinction against the Indians, when it is not even claimed that it is for their fault but for the dishonor of civilized men; and certainly the genius of the United States Government is again invaded in the excuses offered for this transfer; for while the Government is based by its founders on the intelligence and integrity of the people, this movement is on the basis that there is no honor in civil life worthy to be trusted, and hence a transfer to the military as the only safety in the line of economy and integrity. The sequence of such position must sooner or later transfer other Bureaus, and eventually the Government itself, to military control.

If the civil officers of the United States Government are so corrupt and new ones cannot be had from civil life under the appointing and confirming powers, what will become of the Government "of the people, for the people, and by the people?" Will the great civil Government of the United States fall and become a military despotism simply because the Army officers have monopolized all the official virtue, economy, and integrity of the country? Is it true that there is such a monopoly, notwithstanding past history and recent developments? We did not think it was true, even without these developments. But it may be valuable, in this connection, to remember that the Army officers are of Adam's race, born in civil life and the ordinary way.

Such position is a sore reflection on the 40,000,000 people in your nation, and on the appointing power and Senate. We cannot indorse such doctrine as true, nor the propriety of its utterance. The Constitution of the United States places military under, and not over, the civil power, and says: "No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law."

The Constitution provides that treaties may be made with Indian tribes, and, in pursuance of this provision, three hundred and seventy-two treaties, besides other contracts, were made with them by the Government of the United States, and by these you have secured nearly all our lands; and at this anniversary of the hundredth year of your national existence comparatively few of our people survive, and though many of these are civilized, Christianized, and educated, and others on the way to that consummation of your long-professed desire for our welfare, it is now—in an evil hour of avaricious designs, against which we can, in Congress, take no part, and have no voice or power—proposed by bills reported to turn our people and their property—these people with whom the United States has treated on equal terms—over to its own military, unheard, not for their faults, but confessedly on account of the bad conduct of some of its own civil officials and in violation of treaty stipulations with us.

We will not believe that an act so fraught with evil to our race will obtain your sanction.

We know of no parallel to such backward step, and hope our race will not become the first sad example.

D. H. ROSS, *Chairman*;
WM. P. ADAIR,
JNO. L. ADAIR,
RUFUS O. ROSS,
Cherokee Delegation.

D. N. McINTOSH,
PLEASANT PORTER,
D. M. HODGE,
Creek Delegation.

JOHN CHUPCO,
JAMES FACTOR,
ROBT. JOHNSON,
Seminole Delegation, (by W. P. ADAIR.)

P. P. PITCHLYNN,
Choctaw Delegate.

JOEL M. BRYAN,
JNO. L. McCOY,
Commissioners of Old Settler Cherokees.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the third section of the bill.

Mr. STEVENSON. I move to amend by striking out all of section 3 after the word "that," in line 1, and inserting what I send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all after the word "that," in the first line of section 3, and in lieu of the words stricken out to insert:

From and after the 1st day of July, 1876, the Secretary of War shall exercise the supervisory and appellate powers and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them.

SEC. —. That the Secretary of War shall make such details of officers of the Army as may be necessary, from time to time, to administer the affairs of the Indian branch of the War Department.

SEC. —. That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list, as may be necessary, from time to time, to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector-General of the Army shall discharge the duties of inspector of Indian affairs, and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes; and such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war; and the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof are concerned.

SEC. —. That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law, and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

SEC. —. That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner, and, as far as practicable, at the same time, provided for supplies and transportation for the use of the Army.

SEC. —. That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

SEC. —. That the offices of Commissioner of Indian Affairs, inspectors of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent and subagent in the office of Indian affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior, and connected with the administration of Indian affairs, not including the clerks of the Indian Bureau, shall be abolished and cease on the 1st day of July, 1876, on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus superseded.

SEC. —. That it shall be the duty of the Secretary of War, at as early a day as practicable after the 1st day of July, 1876, to cause a careful enumeration of all Indians in the United States to be made; and such census shall thereafter be retaken at his discretion, whenever there may be reasonable doubt as to the number of any Indians in any tribe or tribes; and all issues of rations shall be upon the basis of the number of Indians reported by said enumerations.

SEC. —. That it is hereby provided that all religious denominations shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthopic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their civilizing and educational efforts.

SEC. —. That whenever any Indian belonging to any organized Indian tribe or nation having treaty relations with the United States shall desire to become a citizen of the United States, he may become such citizen by appearing in open court in the United States district court nearest to the reservation of his tribe or nation and making proof, to the satisfaction of said court, that he is sufficiently intelligent and prudent to control his own affairs and interests; that he has adopted the habits of civilized life, and has for at least five years been able to support himself and family; and by taking an oath to support the Constitution of the United States: *Provided*, That no Indian who avails himself of the provisions of this act shall be that account forfeit any interest which he may have in any improvement or other property in the reservation of the tribe or nation to which he may have belonged; nor shall such act in any manner impair his rights and interests in the lands, claims, or other property belonging or which may hereafter belong to his tribe or nation.

SEC. —. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. STEVENSON. I ask the Clerk to strike out the word "July" wherever it occurs and insert the word "October."

Mr. EDMUNDS. What does that mean?

Mr. WINDOM. That is as to the time when it is to go into effect.

Mr. EDMUNDS. Is it to take effect next October?

The PRESIDENT *pro tempore*. Next October instead of July.

Mr. EDMUNDS. That will be a good time.

The PRESIDENT *pro tempore*. That modification will be made by unanimous consent. The question is on the amendment proposed by the Senator from Kentucky as modified.

Mr. ALLISON. I ask if those words will be amendable if they are inserted?

The PRESIDENT *pro tempore*. They will be by striking out and adding, or by addition alone.

Mr. ALLISON. I wanted particularly to know whether they could be added to.

Mr. WINDOM. Does the Senator from Kentucky desire to make any remarks on his amendment?

Mr. STEVENSON. Not at this time.

Mr. WINDOM. I move to lay the amendment on the table.

Mr. STEVENSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAYTON, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. ALCORN.] If he were here he would vote "nay," and I should vote "yea" on this motion.

Mr. HAMLIN, (when Mr. DAVIS's name was called.) I have been requested to state that the Senator from West Virginia [Mr. DAVIS] and the Senator from Louisiana [Mr. WEST] are absent in a committee of conference. If present the Senator from Louisiana would vote "yea," and the Senator from West Virginia would vote "nay" on this motion.

The roll-call was concluded.

Mr. DENNIS. On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here he would vote "yea," and I should vote "nay" on this motion.

The result was announced—yeas 25, nays 22, as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Howe, Jones of Nevada, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Wadleigh, Windom, and Wright—25.

NAYS—Messrs. Bogy, Booth, Caperton, Cockrell, Cooper, Goldthwaite, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Stevenson, Thurman, Wallace, and Withers—22.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Davis, Dennis, Dorsey, Eaton, Gordon, McDonald, McMillan, Mitchell, Morton, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, West, and Whyte—26.

So the amendment of Mr. STEVENSON was ordered to lie on the table.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment striking out section 3.

Mr. THURMAN. Before the question is put to strike the section out, I move to amend it by adding at the end:

This section shall take effect from and after the 1st day of January next.

It is obvious that this section, if enacted into a law, ought not to go into effect immediately.

Mr. LOGAN. Why not?

Mr. THURMAN. It would leave matters in a very bad state, because it will be impossible now so to arrange matters as to assign Army officers to these duties by the 1st of July.

Mr. LOGAN. That is the best way.

Mr. THURMAN. I do not think so.

Mr. LOGAN. Why?

Mr. THURMAN. My friend from Illinois, who is opposed to the whole measure and proposes to keep the present system, I dare say does not care how much confusion may be produced; but I think confusion ought to be avoided if possible. Therefore I have moved the amendment.

Mr. EDMUNDS. Would not the 27th of the present month do just as well? [Laughter.] If we are to have it, let us have it now.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was rejected; there being on a division—ayes 18, noes 21.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole, striking out section 3.

Mr. COOPER. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CLAYTON, (after having first voted in the affirmative.) I am paired with the Senator from Mississippi, [Mr. ALCORN,] and therefore I withdraw my vote. I voted inadvertently.

The result was announced—yeas 24, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Howe, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Wadleigh, Windom, and Wright—24.

NAYS—Messrs. Bogy, Booth, Caperton, Cockrell, Cooper, Goldthwaite, Harvey, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Norwood, Stevenson, Thurman, Wallace, and Withers—22.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Davis, Dennis, Dorsey, Eaton, Gordon, Ingalls, McDonald, McMillan, Mitchell, Morton, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, West, and Whyte—27.

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The Secretary will now report the first amendment to the bill made as in Committee of the Whole, all the amendments having been reserved.

Mr. WINDOM. Was not the third section the only amendment reserved?

The PRESIDENT *pro tempore*. They were all reserved, and a separate vote must be taken on each amendment if that is persisted in.

Mr. WINDOM. The others are merely formal amendments.

Mr. COOPER. I asked to have all the amendments reserved, but I will not insist upon it.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his request. The question is on concurring in all the amendments in gross.

The amendments were concurred in; there being on a division—ayes 21, noes 18.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. WINDOM. On page 62 of the bill I move to strike out the words "for incidental expenses of the Indian service in the following States and Territories, namely, in Arizona, $20,000," and insert:

For the general incidental expenses of the Indian service, including traveling expenses of agents, fuel, lights, stationery, office rent, purchase of office furniture, forage for agency animals, as follows, namely: In Arizona, $10,000.

The object of this amendment is to meet the difficulty felt by some Senators when the proposition was before the Senate yesterday. The Senate rejected the committee's amendments increasing the appropriation for incidental expenses in the Territories. I propose now to offer amendments reducing the amount which the House bill proposes for strictly incidental expenses, and to follow them with other amendments for each of the agencies in the various Territories provided for in the bill. The objection was urged yesterday that the language used was not sufficiently specific. I offer this amendment preparatory to offering the reductions for the purely incidental expenses which I will name after this is acted upon.

Mr. EDMUNDS. I should like to ask the Senator whether there is not anything in the bill as it now stands which can be devoted to incidental expenses?

Mr. WINDOM. I think there is nothing that can be devoted to incidental expenses in these Territories for these particular tribes. There is a general provision for educational purposes and for the general contingencies of the Bureau; but further than that I do not know of any.

Mr. EDMUNDS. Out of the general contingencies of the Bureau incidental expenses could be paid.

Mr. WINDOM. It would be difficult to pay $350,000 out of $30,000.

Mr. EDMUNDS. How is the present provision, as it now stands agreed to, for the general contingencies of the Bureau?

Mr. WINDOM. For the Bureau, $30,000.

Mr. EDMUNDS. What is the appropriation for the Arizona Indians?

Mr. WINDOM. The appropriation for the Arizona Indians is $20,000 as the bill now stands.

Mr. EDMUNDS. Considering the hardness of the times, I shall vote for the $20,000 and against my friend's amendment.

Mr. WINDOM. I will not re-argue this question, as it was somewhat fully argued the other day. I will only say that it would produce a great deal of difficulty in the Territories to leave the bill as it stands. There are over twenty thousand Indians that have no provision made for them other than the general provision for educational purposes. They have for years received this small amount.

Mr. EDMUNDS. They have $20,000 in Arizona now, the Senator says?

Mr. WINDOM. I say there is no other provision except what is made under this head of "general incidental expenses." They received in Arizona last year $65,000 in all; and the sum now in the bill is entirely inadequate to meet the wants of the service in that Territory. I think there is no place in the bill where a reduction of $200,000 could be made that would create as much difficulty in the Indian service throughout the Territory as in this. That is the opinion of the Department, and I submit it to the Senate without further argument.

Mr. EDMUNDS. I do not wish to appear to be severe on these Indians or on this service, because in some way it must be performed, either under the present arrangement or under some other. I find on page 55, for the Apaches of Arizona and New Mexico:

For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, $450,000.

And then on page 62 "for general incidental expenses"—that is, for the means of paying out this $450,000 I suppose, and all the various things incidental that naturally arise—there are provided $20,000 more. It does appear to me, without any great knowledge of the subject I admit, that we ought to try the experiment of getting on with these two provisions; and without wasting the time of the Senate by going into the reasons at large, I state that for the consideration of the Senate as being what we might try for this year.

Mr. WINDOM. A single word in answer to the Senator from Vermont. The amount now sought to be provided is not for the Apaches of Arizona, but for the Colorado River agency, and I propose——

The PRESIDENT *pro tempore*. The Chair reminds the Senator that he is out of order.

Mr. WINDOM. I ask the Chair to insist upon keeping me in order.

The PRESIDENT *pro tempore*. The Senator has spoken once on this amendment.

Mr. THURMAN. I wish to ask the Senator from Minnesota——

The PRESIDENT *pro tempore*. The Senator from Ohio calls the attention of the Senator from Minnesota.

Mr. THURMAN. There was so much conversation in the Chamber that I did not catch what the Senator from Minnesota said on this subject except in a very imperfect manner; but if I understood him correctly, after having failed to raise the sum in the original bill to $65,000, he now proposes to reduce it to $10,000.

Mr. WINDOM. I do, but I propose to follow that amendment afterward by making a provision for the Indians in that Territory for whom no other provision is made. I propose to make this up in the incidental expenses, as the heading indicates.

Mr. THURMAN. That is what I understood the Senator to say, that he intends to follow it up by another provision; but, in order to vote understandingly upon this amendment, I should like to hear from him what his other provision is to be.

Mr. WINDOM. That is what I proposed to state, but under the rule the Chair stopped me and I could not do it.

Mr. THURMAN. Under what rule—the Senator's five-minute rule?

The PRESIDENT *pro tempore*. The Senator had spoken once, and the rule provides that but one speech shall be made on each amendment, extending to five minutes or less.

Mr. ANTHONY. I suppose there will be unanimous consent to hear the Senator from Minnesota.

Mr. THURMAN. The Senator has the bill in charge and we want information. I hope he will be allowed to proceed.

The PRESIDENT *pro tempore*. Is there objection to allowing the Senator from Minnesota to proceed? The Chair hears none.

Mr. WINDOM. My proposition is, if the amendment now pending be adopted, to follow it by striking down nearly all the sums named on the sixty-second page, which are for strictly incidental expenses; and then I propose in the case of Arizona, for instance, to propose $55,000 for the expense of subsistence, employés, &c., in the Territory. It is the amount they have had for many years past, and I wish to test the sense of the Senate as to whether it is willing to give it to them this year.

Mr. EDMUNDS. It is a substantial increase.

Mr. THURMAN. The proposition of the Senator from Minnesota really amounts to precisely the proposition which we voted down yesterday.

Mr. WINDOM. It is the same proposition in effect; but certain Senators objected to that because it did not specify for what agencies this money was to be appropriated.

Mr. THURMAN. I understand that the House of Representatives thinks $20,000 is necessary. The Senator thinks not only $20,000 necessary, but $45,000 more for Arizona, and so on with the rest. The proposition is now first to cut down the House bill and then to add to it. It adds to the bill precisely the same as the amendment of our committee, which was voted down. Under these circumstances I feel bound to vote against the Senator's amendment.

Mr. WINDOM. Mine is precisely the same as the committee's proposition, except that it specifies what it is for.

Mr. EDMUNDS. That is a fair statement. Go ahead.

Mr. SARGENT. The short time allowed the Senator from Minnesota to explain perhaps did not enable him to inform the Senate of the full scope of his intention. So far as it relates to Arizona it seems to me that I should not be doing justice to the people of that Territory, near my own State and largely peopled by persons from my own State, if I did not say that there is danger of very great trouble in that Territory unless the present condition of things be maintained. The Indians of Arizona are a very wild, savage class of Indians. They are very murderous in their character. For a number of years the murders committed by them were daily, and sometimes as many as two or three a day. By the policy which has been pursued for four or five years past these Indians have been pacified and have been put upon reservations. We have to feed them there because the reservations are nearly barren. If this policy is discontinued and these Indians necessarily, for purposes of subsistence, are compelled again to roam over the Territory, there is nothing that will prevent the old collisions occurring again with the whites, the Territory being deluged with blood, and the old scenes re-enacted. I feel confident of that. I feel certain that by the time we meet here in the Senate again next winter we shall have the same old story coming up from Arizona that the Indians are wild, untamable, barbarous, and murderous.

I trust that the Senate will consider before it refuses to make the small necessary appropriation to keep the Indians of Arizona at peace with the Government. The policy which has been pursued has had that effect, and I would not feel myself blood-guiltless if I did not say that I believe the present policy must be continued, provided we would save the lives of our citizens there.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Allison, Anthony, Christiancy, Clayton, Conkling, Conover, Cragin, Dawes, Ferry, Frelinghuysen, Harvey, Howe, Logan, Morrill of Maine, Oglesby, Paddock, Sargent, Sherman, Spencer, Windom, and Wright—21.

NAYS—Messrs. Bogy, Caperton, Cockrell, Cooper, Edmunds, Goldthwaite, Hamilton, Hitchcock, Johnston, Kelly, Kernan, Key, McCreery, Maxey, Merrimon, Morrill of Vermont, Norwood, Stevenson, and Thurman—19.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Davis, Dennis, Dorsey, Eaton, Gordon, Hamlin, Ingalls, Jones of Florida, Jones of Nevada, McDonald, McMillan, Mitchell, Morton, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Wadleigh, Wallace, West, Whyte, and Withers—33.

So the amendment was agreed to.

Mr. THURMAN. I wish to inquire of the Senator from Minnesota if he thinks we can get through this bill to-night. If not, we had better adjourn at once.

Mr. WINDOM. I think we can get through in fifteen minutes. I move to add after line 1533, on page 63, the following:

Arizona:

For support of Indians at the Colorado River agency and for pay of employés in the Territory of Arizona, $55,000.

The question being put, a division was called for, and the ayes were 14——

Mr. WINDOM. With the consent of the Senate I will withdraw the amendment.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. WINDOM. I will offer one other amendment. There is no provision whatever for incidental expenses in the central superintendency, where there are some 20,000 Indians and seven agencies. I move to insert after the word "dollars," in line 1524:

Central superintendency, $4,000.

Making that amount for incidental expenditures.

Mr. MORRILL, of Vermont. Let us take that, it is so small.

Mr. WINDOM. There is nothing whatever for incidental expenditures there appropriated in the bill.

Mr. EDMUNDS. How much do you propose?

Mr. WINDOM. I propose $4,000.

Mr. EDMUNDS. All right.

Mr. SHERMAN. Is that one of the printed amendments reported from the Committee on Appropriations?

Mr. WINDOM. It is not. It is an amendment I have offered since from the committee.

Mr. SHERMAN. The reason why I voted against the amendment acted on just now was that the Senate have acted already upon every amendment reported from the committee that has been printed. I do not think we ought, at this period of the session, to take up new amendments from the committee. It seems to me we had better take the bill as it is, and if there is an accidental omission, perhaps it can be supplied.

Mr. WINDOM. I cannot say that this is an accidental omission; but it is a sum that ought to be appropriated.

Mr. SHERMAN. In that case let it go in.

The PRESIDENT *pro tempore*. The Chair will state that in Committee of the Whole the Senate non-concurred in the amendments of the Committee on Appropriations on page 62, leaving the bill as it came from the House.

Mr. SHERMAN. That was done in a full Senate by a yea-and-nay vote, and it is scarcely worth while to reconsider the votes that we have had.

Mr. WINDOM. This amendment was not voted upon.

Mr. EDMUNDS. This is a fresh one.

Mr. SHERMAN. I will state to the Senator from Minnesota that, if this is an oversight and we have not already voted upon it, I have no objection to letting it go in.

Mr. WINDOM. We have not considered it before.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. WINDOM. I do not propose to offer any other amendment, but, as I have withdrawn the amendments with reference to incidental expenditures, I desire to leave those items as the House left them. We have changed the $20,000 for Arizona to $10,000. I do not think anybody wants to do that.

Several SENATORS. Put it back.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the amendment in regard to Arizona, in line 1514, will be regarded as reconsidered, and the item will remain as it is in the House bill. ["Agreed."]

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. EDMUNDS. Mr. President——

Mr. SARGENT. I wish to have the naval appropriation bill taken up to be left as the unfinished business.

Mr. EDMUNDS. Is that ready?

Mr. SARGENT. It is.

Mr. EDMUNDS. Then I make no objection, though I rose to move another bill.

Mr. SARGENT. I move to proceed to the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at nine o'clock and forty-one minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 21, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to move that the House now resolve itself into Committee of the Whole for the purpose of considering the sundry civil appropriation bill.

Mr. LYNCH. Will the gentleman yield to me to introduce a couple of bills for reference only?

Mr. RANDALL. I will yield for that purpose.

WILLIAM HOLMES.

Mr. LYNCH, by unanimous consent, introduced a bill (H. R. No. 3759) for the relief of William Holmes, of Adams County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATILDA SHIELDS.

Mr. LYNCH also, by unanimous consent, introduced a bill (H. R. No. 3760) for the relief of Matilda Shields; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDSON S. POST.

Mr. PHILIPS, of Missouri, by unanimous consent, from the Committee of Claims, reported back, with a recommendation that the same do pass, the bill (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the Navy.

The question was upon ordering the bill to be read a third time.

The bill directs the Secretary of the Treasury to refund to Judson S. Post, late disbursing officer of the United States Navy, the sum of $202.59, being the amount of interest paid by him on $450.24, claimed to have been due from him to the United States, and paid by him upon the final settlement of his account as a disbursing officer of the United States Navy, the said sum of $450.24 having been refunded to him by the Secretary of the Treasury.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. PHILIPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM PENSION COMMITTEE.

Mr. BAGBY. As I shall be obliged soon to leave the city on service of a committee of this House, I ask unanimous consent to make several reports from the Committee on Invalid Pensions.

There was no objection, and leave was granted accordingly.

SUSAN A. HEAZLIT.

Mr. BAGBY, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2970) granting a pension to Susan A. Heazlit, aunt of George W. Heazlit, a deceased soldier, and moved that the committee be discharged from its further consideration and that it be referred to the Committee of Claims.

The motion was agreed to.

ADVERSE REPORTS.

Mr. BAGBY also, from the same committee, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2769) granting a pension to William Reynolds, late a member of Company H, Forty-first Regiment Enrolled Missouri Militia;

A bill (H. R. No. 2805) restoring the name of Martha L. Reams, widow of William P. Reams, deceased, to the pension-rolls; and

The petition of Bridget Collins, widow of John Collins, late a private Company I, United States Infantry, for a pension.

FAVORABLE REPORTS.

Mr. BAGBY also reported back from the same committee, with a recommendation that the same do pass, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 309) granting a pension to Theodore Pillard;

A bill (H. R. No. 3087) granting a pension to Mary Rogers, mother of John Rogers, deceased, Company D, Fourth Tennessee Infantry Volunteers;

A bill (H. R. No. 1714) restoring the name of Thomas W. Brown, late private Company C, Thirty-fourth Illinois Volunteers, to the pension-roll;

A bill (H. R. No. 3496) granting a pension to James Kile, late private Company I, Seventeenth Illinois Volunteers; and

A bill (H. R. No. 3560) granting a pension to Mrs. Elmira Forbes, widow of D. Brazilla Forbes, late a private in Company F, Seventy-sixth Regiment Illinois Volunteers.

Mr. BAGBY also, from the same committee, reported the following bills; which were read a first and second time, with the accompanying reports ordered to be printed, and referred to the Committee of the Whole on the Private Calendar:

A bill (H. R. No. 3761) granting a pension to Charles W. Parker, private Company E, Thirty-third Massachusetts Volunteers;

A bill (H. R. No. 3762) as a substitute for House bill No. 3598, granting a pension to Edward Wilson, private Company G, Third North Carolina Mounted Infantry Volunteers;

A bill (H. R. No. 3763) as a substitute for House bill No. 2444 granting a pension to Martha J. Robinson, widow of James H. Robinson; and

A bill (H. R. No. 3764) granting a pension to Norman Comstock, late captain Company E, One hundred and twenty-third Illinois Volunteers.

INFRINGEMENT OF PATENTS.

Mr. LYNDE. I rise to a privileged question, and call up the motion to reconsider the vote by which the House ordered to be engrossed and read a third time the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes. By order of the House the consideration of that motion was postponed until this morning immediately after the reading of the Journal. I now call up that motion.

Mr. EAMES. I rise to debate the motion.

Mr. LYNDE. I withdraw the motion to reconsider.

Mr. SAMPSON. I renew the motion to reconsider.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman for that purpose. The Chair recognizes the gentleman from Wisconsin [Mr. LYNDE] as entitled to the floor to call up the business he has indicated.

Mr. CONGER. I wish to inquire whether the motion to reconsider has been withdrawn, because there are interests involved which I wish to preserve?

The SPEAKER *pro tempore*. The gentleman from Wisconsin has withdrawn the motion to reconsider.

Mr. CONGER. Then I renew it. I desire to do so that we may save some rights in regard to this matter.

Mr. HOLMAN. I rise to a question of order. The gentleman from Pennsylvania [Mr. RANDALL] has moved to suspend the rules that the House resolve itself into Committee of the Whole on the sundry civil appropriation bill. I submit that that has priority over any motion to reconsider.

The SPEAKER *pro tempore*. The Chair has not understood that the gentleman from Pennsylvania made that motion.

Mr. RANDALL. O, yes, sir; I made the motion, and then merely yielded for these requests for unanimous consent.

The SPEAKER *pro tempore*. The Chair will submit the matter to the House for consideration. The gentleman from Wisconsin has made a privileged motion, which comes up this morning by unanimous consent given yesterday. It is simply a question of reconsidering a vote that was then taken. On motion of the gentleman from Illinois [Mr. SPRINGER] the further consideration of the motion to reconsider was postponed until to-day immediately after the reading of the Journal. Unanimous consent was given to that arrangement.

Mr. RANDALL. I have no objection to having this matter disposed of.

Mr. HOLMAN. I hope that the previous question will be called and the vote taken at once.

Mr. LYNDE. The previous question is already ordered.

The SPEAKER *pro tempore*. The previous question is already ordered; and the reading of the engrossed bill is the first business in order.

Mr. OLIVER. The motion to reconsider is renewed; I renew that motion.

The SPEAKER *pro tempore*. The gentleman from Wisconsin is on the floor in charge of this bill; the Chair cannot take him off the floor.

Mr. CONGER. I rise to a point of order. I object to withdrawing the motion to reconsider.

Mr. EAMES. I objected at the time.

The SPEAKER *pro tempore*. The Chair heard no objection in time.

Mr. EAMES. I made objection promptly.

The SPEAKER *pro tempore*. Not in time; the Chair begs the gentleman's pardon.

Mr. WILSON, of Iowa. I think we should not go quite so fast upon this matter. The motion to reconsider is a privileged question. It was withdrawn, which of course can be done, but it has been renewed; and the motion when renewed to-day is a question of privilege, as this is within the time allowed by the rules for motions to reconsider.

The SPEAKER *pro tempore*. The previous question was seconded on this bill, and the gentleman from Wisconsin is on the floor. The Chair cannot take him from the floor. He has been recognized to carry through his measure.

Mr. WILSON, of Iowa. He could not be taken from the floor if he had insisted on speaking upon the motion to reconsider or upon having that motion put to the House; but when he withdrew it, it became the privilege of any other member of the House to renew the motion.

Mr. LYNDE. I call the gentleman to order.

The SPEAKER *pro tempore* There are various precedents this session for the ruling of the Chair.

Mr. WILSON, of Iowa. By this proceeding we are destroying the right of reconsideration altogether.

The SPEAKER *pro tempore*. The Chair has decided the point. The gentleman from Wisconsin has been recognized as in charge of this bill.

Mr. OLIVER. I rise to a question of order. I make the point of order that the gentleman from Rhode Island [Mr. EAMES] objected to the withdrawal of the motion.

The SPEAKER *pro tempore*. The Chair did not hear that until it was too late.

Mr. OLIVER. The gentleman made the objection at the time. I distinctly understood him.

The SPEAKER *pro tempore*. The Chair will state that the House is now acting under an order made by unanimous consent, and the Chair will enforce the rule in that regard.

Mr. EAMES. I think the record does not show any unanimous consent.

The SPEAKER *pro tempore*. The first business in order is the reading of the engrossed bill.

Mr. OLIVER. I rise to a point of order. I desire respectfully to inquire whether the gentleman from Rhode Island had not a right to object to the withdrawal of this motion? I understood him distinctly as objecting at the time of the withdrawal.

The SPEAKER *pro tempore*. The Chair has already said that the objection came too late.

Mr. OLIVER. The gentleman from Rhode Island has himself stated to the Chair that he made the objection in time.

The SPEAKER *pro tempore*. It is unnecessary for the Chair to discuss the question further.

Mr. O'BRIEN. I would like to say one word further on the question of order. I wish to refer to what has been the universal practice of this House, both in the House and in Committee of the Whole, and it is a practice for which precedents can be found within the last ten days. I refer particularly to the occasion when the gentleman from Massachusetts [Mr. SEELYE] stated that he had made a point of order in time, which however did not come to the attention of the gentleman from Illinois, [Mr. SPRINGER,] who was in the chair. That gentleman then laid down this rule, (and he said it was a ruling which had never been departed from,) that when a gentleman states upon his honor as a Representative that he made a point in time and refers to the members around him to sustain him, the occupant of the chair always regards the point as being made in time.

The SPEAKER *pro tempore*. The Chair will state that this matter had progressed some time before the statement of the gentleman from Rhode Island; and the Chair does not propose to withdraw his ruling.

Mr. EAMES. That is not my recollection, and I wish to state that very distinctly.

Mr. FORT. I wish to say, in confirmation of what the gentleman from Rhode Island states, that he did object to the withdrawal of the motion to reconsider, but I think it likely that it was in such a low tone the Chair did not hear it.

Mr. HOLMAN. Is a single objection sufficient? The gentleman from Wisconsin had the floor and had the right to withdraw his motion, according to the understanding yesterday.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Rhode Island, according to the record, rose for the purpose of debating the motion to reconsider, and not to object to its withdrawal. That is what the reporters report. The Chair must be corrected only by the record.

Mr. EAMES. I ask to be treated as other members are, and no more. Just as soon as the motion to reconsider was withdrawn I objected to its withdrawal and rose to debate it, and that is what I said. If the reporters took my language correctly, that is precisely what I said.

The SPEAKER *pro tempore*. Does the gentleman state that he rose to object to the withdrawal of the motion to reconsider?

Mr. EAMES. I do.

The SPEAKER *pro tempore*. The Chair will take the gentleman's word. The Chair only heard that the gentleman rose for the purpose of debate, and the reporters bear the Chair out in that statement.

Mr. WILSON, of Iowa. I must object to that procedure. The gentleman from Wisconsin had the right to withdraw that motion. The point I raise is that my colleague from Iowa [Mr. SAMPSON] renewed it on the spot, and he had the right to do it.

Mr. HOLMAN. I rise to a point of order. The gentleman from Wisconsin had the floor. He made a motion to recommit. He had the right to withdraw it.

Mr. WILSON, of Iowa. No; he made the motion to reconsider the vote by which the bill was engrossed.

Mr. HOLMAN. Yes; he made the motion to reconsider.

Mr. WILSON, of Iowa. And he had the right to withdraw it.

Mr. HOLMAN. And he did withdraw it.

Mr. WILSON, of Iowa. But that is a question of privilege which any other member of the House has the right to renew, and we are here attempting to ride down the right of a member to reconsider.

Mr. HOLMAN. You could not do that with the previous question pending. That motion was entered by unanimous consent.

Mr. WILSON, of Iowa. Unanimous consent! No, sir; you are mistaken. It was the postponement that was agreed to by unanimous consent. The motion to reconsider is a personal right, and that is what we are riding down.

Mr. RANDALL. Mr. Speaker, what is the question before the House?

Mr. HURLBUT. I rise to a point of order; for those who are sitting back on the outer row cannot hear a word that is going on.

The SPEAKER *pro tempore*. The Chair will rule on the point of order. The motion to reconsider has this quality: that any member can make it, and take any member off the floor to make it. That is understood to be the rule. If the gentleman from Rhode Island states that he rose for the purpose of objecting and renewing the motion to reconsider, the Chair will entertain it.

Mr. EAMES. I did not state that. I have not said that. What I did state was that immediately on the gentleman from Wisconsin withdrawing the motion to reconsider I objected, and rose to debate the motion.

The SPEAKER *pro tempore*. As no member rose to reconsider——

Mr. SAMPSON. I remember that when the gentleman from Wisconsin stated he withdrew the motion to reconsider I rose and said that I renewed it, when the Speaker ruled that I had not the floor for the purpose of making that motion.

The SPEAKER *pro tempore*. Does the gentleman say he made the motion at that time?

Mr. SAMPSON. I do.

The SPEAKER *pro tempore*. As the rules indicate that a member may be taken off the floor for that purpose, the Chair rules on the point of order that the motion to reconsider is still pending. That is the final decision.

Mr. LYNDE. I move the motion to reconsider be laid on the table.

Mr. SAMPSON. I think the gentleman from Wisconsin has lost the floor.

Mr. RANDALL. I move to go into Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. That is the superior motion.

Mr. SAMPSON. I claim the floor on the motion to reconsider.

The SPEAKER *pro tempore*. The gentleman has not the floor to claim it. The question recurs on the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that the House resolve itself into Committee of the Whole on the state of the Union, to take up the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLACKBURN in the chair) on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. RANDALL. It is not my intention to detain the House with any general remarks on this bill, but in preference to give, under the five-minute rule as opportunity offers, such explanation in detail as may be required from time to time by members of the House who may seek information as to its provisions.

Mr. STENGER. I should have greatly preferred to speak directly on the bill reported by the Select Committee to Investigate the Freedman's Savings and Trust Company. But I entertain the fear that that bill may not be reached in its regular order. I am not without hope, however, that the presentation of the affairs of this company may hasten the action of the House upon the bill; and it is for that reason that I seize this opportunity to say what I have to say with reference to this defunct corporation.

Mr. Chairman, the close of the war threw 4,000,000 colored people upon the care of the nation. They were a helpless people. They had been born and reared under a system which made it the duty of their masters to provide for their bodily wants. In their condition of servitude they found that on each recurring day they were supplied with the necessaries of life without exercising any forethought of their own. They therefore took no thought of the morrow, caring not for what they should eat or what they should drink, or wherewithal they should be clothed, and feeling sure that their earthly master or their heavenly Father would know that they needed all these things. Thus, possessed of the idea that others must care for them, and not they for themselves, they could not readily realize the necessity for exertion which came with their emancipation.

Slavery had made them indolent. Their number, as a rule, was greatly in excess of that required to perform the labor of the plantations. Theirs was a lazy, thriftless life. They took no heed of the flight of time and had no appreciation of its value. Whether the work given them to do was done to-day or to-morrow was a matter of complete indifference to them. It is not surprising, therefore, that when thrown upon their own resources they lacked the disposition and energy to begin quickly the acquirement of industrious habits.

Slavery had kept them in ignorance. Few of them had acquired any knowledge of literature, science, philosophy, history, or finance, and the vast majority of them could neither read nor write. Above the clangor of trumpets, the clash of bayonets, the rattle of musketry, and the roar of cannon they had heard a "still small voice" telling them of their coming deliverance, and they cherished an abiding faith that "the year of jubilee" would come; but when it did come they were incapable of appreciating the grand and beneficent results that were to flow from it or of warding off and protecting themselves from the dangers arising from the machinations of evil-disposed and avaricious men. They could not realize the transcendant importance of their newly-acquired rights; they could not understand the gravity

of their newly-imposed responsibilities. Coming from the gross darkness of bondage into the dazzling light of liberty so suddenly, they could not see the way in which they were called to walk. They had never been accustomed to consider, much less to reason upon, political or financial matters, and were therefore of necessity compelled to lean upon others for information and direction. Their ignorance thus exposed them to the snares that might be set for them by the unscrupulous.

The only persons who had the opportunity to keep them from being caught in such snares were those who affiliated with and led the party in power; for in them, and them only, did these poor, helpless, and ignorant negroes repose their trust. The idea had been ingeniously and persistently instilled into the minds of the freedmen that they owed their freedom entirely to the then dominant party, and that it would not only be an act of base ingratitude, but one of self-destruction, on their part to repudiate the friendly efforts of the men of that organization who were devoting wearisome days and sleepless nights to the work of advancing their political, social, and financial welfare. It was but natural, then, that they should go for guidance to those who were credited with having achieved their liberation from slavery; and to them they did go. We shall see what kind of treatment they have received at their hands.

Just here it becomes a duty and a necessity to draw a line between two classes of men with whom the freedmen were brought into contact, both composed of their so-called natural protectors. The one was animated by a true philanthropy which sought earnestly, honestly, and faithfully to protect the interests and promote the welfare of the freedmen. The efforts of such men to elevate a race just released from bondage appealed to the noblest sentiments of the human heart and elicited the warmest sympathy from and commanded the highest admiration of all good citizens throughout the Union. They were enthusiastically devoted to the cause of the freedmen, because they loved liberty for its own sake. They were irreconcilably hostile to all distinctions of caste, and hence had never let slip an opportunity to strike a blow at slavery as it existed in America. Their motives have long been misjudged because of the bitterness which attended and followed the "irrepressible conflict." The passions excited by the war were too violent to admit immediately upon its close of justice being done to many who waged an unceasing and unrelenting crusade against the peculiar institution of the South. But, sir, I am gratified to be able to say in my place upon this floor, in this year which closes the first century of our nation's existence, that, from my association with many Representatives of the southern people in this body, I am satisfied that they not only rejoice over the fact that slavery is dead and buried beyond the hope of resurrection, but that they are ready and willing to do justice to the memories of the men who, in aiming their deadly blows at its life, were animated by a sincere regard for the welfare of the bondmen. They can appreciate the marvelous beauty of the picture drawn by the poet wherein he represents Abou Ben Adhem awakening from "a deep dream of peace" and seeing, "within the moonlight in his room," "an angel writing in a book of gold" "the names of those who love the Lord:"

> "And is mine one?" said Abou. "Nay, not so,"
> Replied the angel. Abou spoke more low,
> But cheerily still; and said, "I pray thee, then,
> Write me as one who loves his fellow-men."
> The angel wrote, and vanished. The next night
> It came again, with a great wakening light,
> And showed the names whom love of God had blessed,
> And, lo! Ben Adhem's name led all the rest!

Some there were, Mr. Chairman, in that fierce struggle between brethren, amid whose agonizing throes was born the liberty of the slave, who loom up grandly now, in the light of subsequent events, as men who hated slavery simply because it contravened their sense of justice and right between man and man, and who sought its destruction for no other reason than that they "loved their fellow-men" who were held in bondage. And toward that class, the men of the South, as far as I can ascertain, entertain no animosity to-day.

But there is another class, sir, which has been governed by a mock philanthropy. Their conduct has been marked by the vilest hypocrisy. They have made broad their phylacteries, prayed upon the street-corners, and thanked their God that they are not as other men are. They have "stolen the livery of the court of heaven to serve the devil in." They have gone to the freedmen with words of promise and hope and encouragement upon their lips, but with consuming greed and avarice in their hearts. They have borne to these helpless and ignorant people proffers of help, while their minds were busily engaged in schemes to rob them. They have solicited their confidence as friends, while they have been devising ways and means to plunder them of their hard earnings. They have assumed the garb of teachers, while their only mission has been to learn how to steal from them. They have gone with the teachings of Christ in their mouths, while their chief ambition has been to be of the class of political carpet-baggers, abhorred of all decent men, or of the class of money-changers whom Christ drove mercilessly from the temple. Toward this class, sir, the good people of the South, and the good people of the North as well, entertain an uncompromising and undying hatred. They can extend no charity toward such human vultures, whose only purpose was to cover and devour.

I regret to say that into the clutches of this latter class did the uneducated, helpless, but confiding freedmen fall. I say confiding, because there is no race of men on earth which gives itself up with such perfect confidence to the leadership of those in whom it trusts. There is no race that loves with a more ardent affection. The man who has been a slaveholder knows and appreciates well the intensity of the love of his faithful servant for the children committed to his care. We of the North, Mr. Chairman, have seen and, I trust, appreciated the love of the colored people for our own children. And these designing men who sought their own enrichment through the impoverishment of the colored man were not slow to estimate the advantage of securing his childlike confidence.

Of the first class which I have described was Charles Sumner. I know, sir, that the lamp of his life ceased to burn at a time when the contumely of the party whose standard he had so often helped to bear to victory was his portion; but that was owing to the fact that he would not permit a change to come over the spirit of his dream of a pure republican government; because he would not lend himself to the prosecution of a scheme of personal aggrandizement on which the Administration had set its heart; because he would not "crook the pregnant hinges of the knee that thrift might follow fawning." I know too that, owing to misrepresentation, the same spirit of vindictiveness that ousted him from the high position which he filled with so much grace and honor and dignity in the Senate has also alienated for a time from him the affections of the colored people whom he had served so well, but history will do him justice, and the colored people of coming generations will rise up and call him blessed. And I do not doubt, sir, that the Southerner of hottest blood, who wrongfully approved the act of Preston Brooks when he struck him down in his senatorial chair, cannot help being impressed by the grandeur and majesty of the man who would not yield his convictions of right at the dictation of the Executive, although he knew that his refusal so to do would be followed by the extremest displeasure of that officer and ostracism from the councils of his party.

Out of a spirit of true philanthropy Mr. Sumner, on the 17th day of February, 1865, reported the bill by which the Freedman's Bank was called into being, and on the 3d day of March following it became a law. He did not frame the bill and is, therefore, not responsible for its defects or omissions. Large numbers of colored men had served in the Union Army, many of them as gallant soldiers, and had saved portions of their pay and bounties. They were entirely unfitted to make safe and remunerative investments of their money. Here was a proposition to render them necessary assistance, by providing a depository where their funds could be received and invested for their benefit "in the stocks, bonds, Treasury notes, or other securities of the United States." It was a lofty and a laudable purpose. It was calculated to encourage the freedmen to the exercise of industry so that he might make money, and to the practice of frugality so that he might husband his resources, and thus provide for the wants of himself and family against the coming of old age, sickness, and death. And with this purpose Mr. Sumner could not but feel the heartiest sympathy. In the short debate in the Senate on the bill, he characterized it "as a simple charity." He ingrafted upon it an amendment requiring the officers of the bank to give security. But it never occurred to him that it was necessary to inspect, line by line, a bill that had been placed in his hands by men known as the professed zealous friends of the freedmen. He never dreamed that there might be a predetermination on the part of these men to abuse the great trust then about to be placed in their hands. Had such a thought occurred to him, I do not doubt that additional restrictions would have been imposed and some very important provisions added.

But, sir, devilish cunning and ingenuity played their part, and played it well, in framing this act of incorporation. There were men who saw in this project a golden opportunity to make money for themselves. The act is not only remarkable on account of some provisions which it contains, but on account of certain other very necessary provisions which were left out; and from the results which followed its passage, toward the accomplishment of which some of the active originators and promoters of the enterprise contributed so largely, it is not too uncharitable to believe that they framed it with a view to the attainment of their own selfish purposes.

Take some illustrations. In the charter fifty gentlemen, most of them men of high character for integrity and business capacity, were named as corporators and first trustees of the corporation. This was intended to commend it to the support of the colored men, the names of these eminent business men apparently affording a perfect guarantee for a safe, prudent, and lucrative management of the institution. Among these names was that of William Cullen Bryant, whose journal, published in New York, recently commenting on the report of the committee investigating the Freedman's Savings and Trust Company, said:

> Unfortunately, it is an unquestionable fact that the money of the depositors is gone, while it is as true that, with proper management, it would have been saved for them. As to its misappropriation, we believe that the committee is unanimous. Assuming the account to be exact, it is to be regretted that there is not some new and unique term to describe this meanest of swindles, and some special and exquisite punishment for the rascals who are guilty of it.

But the extraordinary provision was inserted that nine of the fifty trustees "shall form a quorum for the transaction of business at any regular or adjourned meeting of the board of trustees," and the af-

firmative vote of seven members was declared sufficient to make "any order for, or authorizing the investment of, any moneys, or the sale or transfer of any stock or securities, belonging to the corporation, or the appointment of any officer receiving any salary therefrom." This was a crafty device, which looked to the formation of an unscrupulous ring that could fatten upon the small earnings of the confiding negroes.

Again, this charter, as originally framed, contemplated the widest possible stretch of territory for the operations of the company. It did not mean to be hemmed in by any sort of inconvenient limitations. Its missionaries were to be commissioned to go into all the States of the Union, and, while proclaiming themselves as the deliverers of the bondmen and teaching the latter "to toil and to save," to gather in their little savings, so that the ring might have immense sums upon which to speculate and grow rich. But a timely objection made by several Senators—one a distinguished gentleman from my own State, [Mr. Buckalew,]—prevented such a monstrosity from becoming a law, and compelled these missionaries, if they should see fit to cover such a wide range of territory, to do it in violation of law. The history of this legislation is interesting, not only as showing the extent of the powers conferred upon the corporation, as understood by the Senate and House, but also as showing a juggle or trick by which the charter was illegally procured and the freedmen deprived of the services and protection of one of their warmest and stanchest friends. It shows that the act was conceived in fraud and brought forth in iniquity.

The bill as reported to the Senate provided that fifty gentlemen, whose names were given, "and their successors, are constituted a body-corporate, by the name of the Freedman's Savings and Trust Company, and by that name may sue and be sued in any court of the United States." When the bill was under consideration in the Senate, on the 2d of March, 1865, the following remarks were made. I quote from the Congressional Globe, volume 55, page 1311:

Mr. BROWN. I move to dispense with the reading. Let the Senator state whether it is an ordinary savings-bank charter.

Mr. SUMNER. It is an ordinary savings-bank charter, and its character is indicated in its title, to incorporate the Freedman's Savings and Trust Company.

Mr. POWELL. No extraordinary privileges?

Mr. SUMNER. No extraordinary privileges, and its object is a simple charity.

Mr. BUCKALEW. I have read the bill; it is in proper form, and the only question is whether we ought to establish such an institution outside of the District of Columbia.

* * * * * * *

Mr. POWELL. I find by the reading of that bill that it is a roving kind of commission for these persons to establish a savings-bank in any part of the United States. I think the bill is wholly unconstitutional. I do not believe Congress has any right to establish a savings-bank outside of the District of Columbia.

Mr. SUMNER. Very well, let it be limited to the District. Let the amendment be made by inserting after the words "body-corporate," in the nineteenth line of the first section, the words, "in the District of Columbia." That is precisely the amendment which was made last night in the bill founding the asylum.

The amendment to the amendment was agreed to.

* * * * * * *

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. Powell, its title was amended by the addition of the words "in the District of Columbia."

On the following day the bill was called up in the House, and, strange to say, did not contain the amendments suggested by Mr. Sumner and Mr. Powell, and incorporated in it by the Senate, as is shown by the following remarks made in the House. I read from the Congressional Globe, volume 55, page 1403:

Mr. GANSON. I would ask where this bank or association is to be located?

Mr. ELIOT. In Washington City.

Mr. GANSON. It is not so stated in the bill.

Mr. ELIOT. That is an error. Then I ask unanimous consent to insert after the words "body-corporate" the words "in Washington City, District of Columbia."

No objection was made, and the amendment was adopted.

Mr. GANSON. I think there should be among the corporators the name of some person in this District.

Mr. ELIOT. I move to amend by inserting the name of Salmon P. Chase among the trustees.

No objection was made, and the amendment was accordingly agreed to.

The bill was then ordered to be read a third time; and was read the third time, and passed.

The bill thus amended was never sent back to the Senate for concurrence in the amendments made by the House, but the Congressional Globe, volume 55, page 1360, contains this statement:

The message further announced that the House of Representatives had passed the bill of the Senate (S. No. 443) to incorporate the Freedman's Savings and Trust Company.

It said nothing about the amendments.

It will be thus seen that there was somebody about who was engineering the bill, and who dared to fix it according to his own wishes by unceremoniously and summarily dropping the words added to the title by the Senate, and entirely disregarding the wishes of the House as to Mr. Chase. And the law is published in the statute-books without the words "in the District of Columbia" in the title and without naming Mr. Chase as one of the trustees. Thus a mammoth corporation was brought into being through trickery and fraud, with fifty corporators and trustees named, ostensibly to do business in the city of Washington, and not a single one of its corporators residing within the District limits. As Mr. J. W. Alvord and General O. O. Howard were the "originators" of the bank, it might be well for them to explain the process by which these unsatisfactory amendments were lopped off, and why the name of Mr. Chase was not allowed to appear among the trustees of an institution in whose welfare he could certainly have been expected to take the liveliest interest and to whose success he could have contributed so largely.

But in addition to all this there was an entire omission to provide in the bill for the punishment of faithless officials. It visited no pains or penalties upon those who should be guilty of fraud, embezzlement, or any sort of malfeasance in office, and when defalcations were disclosed and the faithlessness of officials was brought to light there was no statute adequate to their punishment. In other words, the law was framed to permit the practice of all kinds of roguery upon the colored people and to permit the scoundrels who practiced it to go free. It is true that in 1874, when the bank was tottering to its fall, legislation looking to the punishment of the criminals was enacted, but, even under that, only two or three of the many rascals who ought to be now looking out from behind the cross-bars of penitentiary doors have been convicted.

Such was the mode of procurement and such was the composition of the charter that was soon heralded to the world as calculated to shower innumerable and inestimable blessings upon the freedmen. A movement was immediately set on foot to bring the institution to the attention of all the colored people of the South. The principal office, without any shadow of warrant for it in the charter, was established in New York and remained there until 1867, when it was removed to Washington. Agents were sent down among these credulous people to excite their interest and solicit their small sums of money for deposit. The Freedmen's Bureau, authorized on the same day that the bank was chartered, had its agents also in the South, who "worked up" the interests of the bank as they visited the freedmen. Branch banks to the number of thirty-four were established at various places in the South, ostensibly for the convenience of the freedmen in making their deposits, but in reality for the convenience of the managers in collecting the money for transmission to the Washington office. The establishment of these branches was a signal violation of the charter. There can be no warrant for them in the act of incorporation except by the most preposterous construction, and in the course of our examination no one has been found bold enough to attempt to find it. These trusting negroes were made to believe that the Government of the United States would be responsible for the payment of their deposits; that, if through any mismanagement, or accident, or fraud, the bank should fail, the depositors could fall back upon the Government and collect every dollar of their money with the interest accrued thereon. On this point I quote the testimony of Anson M. Sperry, who has been in the continuous service of the bank since its organization in various capacities, among others as its inspector from 1871 to 1874, a most intelligent and, in my judgment, reliable witness:

Question. Do you known whether at Vicksburgh, or any other branch, the inducement was held out to depositors to deposit in that bank because it was a Government institution?

Answer. I think it was.

Q. That inducement was made to induce persons to deposit; that it was a Government institution and that the Government was bound to the depositors?

A. Yes; I cannot say specially at Vicksburgh, though I think that that foolish policy was adopted there.

Q. Did they not represent that the deposits made by individuals would be guaranteed by the Government of the United States?

A. I think they did, but I will qualify my answer by saying that I am not certain as to Vicksburgh; though I think so. But of this I am certain, that you will find on many of the pass-books of the New York branch these words, in English, French, and German: "The Government of the United States has made this bank perfectly safe."

Q. You say that that will be found on many of the pass-books?

A. Yes. I wanted to raise this question before the committee because it is important, and it relates to the history of the institution. I do not think our more judicious cashiers ever adopted that phrase.

True, the "more judicious cashiers" never did adopt that phrase, but a little pamphlet was prepared containing the charter and by-laws of the bank and distributed among the freedmen, which contained this statement:

The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence to the bank.

It needed only a reference to the martyr-President who had signed the act of emancipation to inspire the utmost confidence. Everything that the wits of these people, sharpened by the whettings of their infernal avarice, could suggest was resorted to for the purpose of drawing money from the freedmen's pockets. The "Christian soldier," General Howard, was then loud in his professions of love for the negroes, and his certificate was sent out as follows:

I consider the Freedman's Savings and Trust Company to be greatly needed by the colored people and have welcomed it as an auxiliary to the Freedman's Bureau.

O. O. HOWARD,
Major-General.

The colored people were entreated to practice industry and frugality. It was a matter of importance to put these appeals in a form that would attract and carry conviction to their uneducated minds,

and hence this rhyme, the poetry of which is no better than the morality of its authors:

'Tis little by little the bee fills her cell;
And little by little a man sinks a well;
'Tis little by little a bird builds her nest;
By littles a forest in verdure is drest;
'Tis little by little great volumes are made;
By littles a mountain or levels are made;
'Tis little by little an ocean is filled;
And little by little a city we build;
'Tis little by little an ant gets her store;
Every little we add to a little makes more;
Step by step we walk miles, and we sew stitch by stitch;
Word by word we read books, cent by cent we grow rich.

It turns out that these lessons of industry and frugality were taught to the negroes so that the managers of the bank at Washington might live in laziness and luxury on the proceeds of their labor, and "grow rich" upon the "cent by cent" saved by the self-denial of the freedmen.

By these and other means, which I have not time to enumerate, the confidence of the freedmen was secured to such an extent that, as shown by the books of the bank, in the nine years of its existence its deposits amounted to $56,000,000. The vast bulk of this money was sent to the principal office at Washington. The whole South was drained of its money, and it went into the custody of the men in charge of the office here. True, a pretended power was given to and exercised by some of the branches to loan out money for the alleged purpose of accommodating the freedmen, but it is notorious that those branches were in charge of men who either loaned the money to their relatives or favorites or stole it themselves, so that the freedmen derived no benefit from them. In this connection I quote from a speech made on this floor March 2, 1875, by the gentleman from South Carolina, [Mr. RAINEY,] who, I take pleasure in saying, has manifested a marked interest in this investigation affecting the rights of the people of his own race. He said:

It must not be lost sight of that at the time these sums were forwarded to the principal bank at Washington the depositors in the Southern States invariably believed that the moneys so deposited by them were subject to their order, as per rules and regulations governing the branch bank, and if sent to the parent bank it was for the purpose of being guarded with greater security or invested to better advantage. But, alas! they were deceived.

The suffering to which the poor creditors have been subjected is heart-rending in the extreme. Both their aged and their young have been deprived of the ordinary necessaries of life; their sick could not be cared for, nor their dead decently interred by them nor by benevolent societies, because all their gathered funds had been swallowed up in this gulf of destruction.

Parents and guardians could not send their children or wards to school, because they had not the means to buy them comfortable clothing. Truly the distress has been alarming, starvation and destitution being threatened on every hand and in many instances their little homesteads sold from over their heads.

It needs no additional words of mine to depict the distress which has come upon these unfortunate and betrayed people.

The last report of the commissioners of the bank shows that its total liabilities on the 31st day of December, 1875, were $3,004,875.62, of which the amount due to colored depositors was $2,992,033.55. Preferred claims, amounting to $48,180.71, have been paid, and on the balance, to wit, $2,956,694.91, a dividend of 20 per cent. has been declared. When this dividend shall have been paid, there will remain due to the creditors $2,365,355.93, to be paid out of the assets remaining after the dividend was declared. I cannot see, sir, how it is possible for the remaining assets to be made to realize enough to bring the final losses of the freedmen below $1,500,000, and it is more likely, in my judgment, that they will be compelled to suffer to the extent of $2,000,000.

In these days when stock and gold gamblers make hundreds of thousands of dollars in a single venture, in a single day, this sum may seem small to the millionaires of Wall street, but when it is remembered that its represents the hard earnings and small savings of seventy thousand poor colored people, just released from slavery and looked upon as "the wards of the nation," this sum of a million and a half or two millions, outweighs in importance the wealth of the Rothschilds.

Now, Mr. Chairman, how has this money been lost and where does the terrible responsibility for its loss rest? These questions will necessarily be answered together as the history of these losses is unfolded.

A portion of the money was embezzled or stolen in the branch banks. These defalcations discovered at the following branches are shown to be as follows:

Charleston, South Carolina	$1,500
Atlanta, Georgia	8,000
Beaufort, South Carolina	10,000
Mobile, Alabama	5,081
New Berne, North Carolina, from $2,250 to	2,750
Wilmington, North Carolina	2,416
Natchez, Mississippi	1,125
Lynchburgh, Virginia	900
Jacksonville, Florida	1,000
Lexington, Kentucky	5,000

This statement discloses the actual defalcations of the persons in charge of ten of the branches. But it does not embrace the losses incurred in the branches by loans upon insufficient securities. Mr. Sperry says "the latest report from the commissioners' agent, Mr. Lockwood, is that at Jacksonville the company will probably lose $100,000 out of the $150,000 or $160,000 that was put out there." At Beaufort "the amount of the loans, I think, was between $135,000 and $145,000, of which $100,000 may safely be set down as lost." At Vicksburgh loans were made to the amount of $11,000, which the witness regards as a clear loss to the bank. At Wilmington, North Carolina, overdrafts were allowed to the extent of $28,000, which have not been paid. In the Washington branch there is a discrepancy of $40,000 which is utterly incapable of explanation. Many of the bonds taken from the agents in charge of these branches were informal, so that they could not be enforced, or, if regular in form, were utterly worthless on account of the irresponsibility of the sureties.

The real responsibility, however, for all these defalcations and losses on loans rests upon the shoulders of those who had charge of the principal office in Washington, who established these branches without authority of law and in open violation of the charter.

But these losses, important as they seem, are utterly insignificant compared with those sustained by reason of the irregularities and frauds practiced in the principal office at Washington. Here it was that the men intent on plunder found and tilled the richest field. I venture the assertion that the history of all the banks in America does not disclose a record of such shameless disregard of law and wanton violation of rights as does the history of the principal office of the Freedman's Savings and Trust Company. Here, in the American Congress, I arraign at the bar of public opinion the men who have heartlessly speculated upon, misused, squandered, and sunk the hard earnings of a helpless race of people, whom they were hypocritically pretending to befriend. And I cannot but think it strange that successive Congresses, containing large majorities of those who claimed to be the only true friends of the colored people, should not have taken sufficient interest in their welfare, and watched the operations of those in charge of this company, so as to have prevented this terrible abuse of a sacred trust, and the consequent shameful plunder of the freedmen. The charter provided "that the books of the corporation shall at all times, during the hours of business, be open for inspection and examination to such persons as Congress shall designate or appoint," but no such persons were appointed. This failure on the part of these pretended guardians to exercise the necessary vigilance for the thorough protection of these people is in the highest degree reprehensible. But when it is taken into account that the legislation enacted by Congress helped to facilitate the swindling operations of the ring, words are powerless to express the enormity of their conduct.

From the time the principal office was opened in Washington down to the day when the bank closed its doors its affairs were under the almost exclusive management of the finance committee and the actuary, the latter officer corresponding to a cashier in other banks. The board of trustees seems to have virtually delegated or surrendered their powers to the finance committee, and the latter conducted the operations of the bank to suit their own convenience, pleasure, and profit.

During the period of the grossest maladministration of the affairs of the bank this committee consisted of Henry D. Cooke, William S. Huntington, Lewis Clephane, J. M. Brodhead, and Le Roy Tuttle. J. W. Alvord, as president of the bank, was president *ex officio* of the committee and presided over its deliberations, except when "the majority of the committee acted upon the street," as he puts it in his testimony. Messrs. Brodhead and Tuttle seem to have been passive instruments in the hands of the others, and the only blame that attaches to them is that they did not open their eyes and look into what was going on around them.

Mr. Alvord pleads utter helplessness to avert the evils that finally came upon the bank because he was not allowed to vote; but his plea is not sound. He was the president of the bank, the highest official in charge of the moneys of the freedmen. His judgment told him, according to his own statement, that these moneys were being irregularly loaned and otherwise used. He said that he discountenanced and disapproved of many of the investments of the committee. But he kept his mouth shut. While the work of converting United States bonds into money and investing that money in the bonds of companies of doubtful character was going on; while the perversion of what was known as the "available fund" was in progress; while the charter was being violated also by the taking of real-estate securities of insufficient value, he gave no sign to the freedmen whose entire earnings were thus being swallowed up before his open eyes, and all the while he was the salaried guardian, the paid watchman of the freedmen's interests.

It seems to be too true that he and the remaining three members of the finance committee, Henry D. Cooke, William S. Huntington, Lewis Clephane, and the two actuaries, D. L. Eaton and George W. Stickney, inside of the bank, and Alexander R. Shepherd, Hallet Kilbourn, John O. Evans, J. V. W. Vanderburg, and others, outside of the bank, formed a ring, by the operations of which, at times and in ways without number, money was procured from the bank on worthless or insufficient securities, or on no securities whatever, to be used in hazardous enterprises and profitable speculations by members of the ring.

Henry D. Cooke was a member of the firm of Jay Cooke & Co. and president of the First National Bank of Washington at the same time that he was president of the finance committee of the Freedman's Bank; Huntington was cashier of the First National Bank while a member of this committee. Prior to the erection of the Freedman's Bank building the money of the freedmen was deposited in the First

National; and when United States bonds were bought or sold, ostensibly for the benefit of the Freedman's Bank, they were bought or sold by the First National or Jay Cooke & Co., and the commissions went to them. The control of the freedmen's money was a matter of very considerable interest to Mr. Cooke on this account; but when it became important to sell large numbers of Central Pacific or Union Pacific or to "kite" Northern Pacific bonds, it was still more convenient to have the money of the freedmen at hand with which to buy them. A wholesome effect could thus be produced upon the stock or bond market for the benefit of the two banking institutions in which Mr. Cooke had such a large interest.

Let us note some of the devices, ingenious and otherwise, that were resorted to in order to open the door for investments that were not contemplated by the charter. The fifth section of the act of incorporation provided that the investments of the moneys of the bank should be "in the stocks, bonds, Treasury notes, or other securities of the United States." The board of trustees, deferring to the judgment of the finance committee, asked this question of the latter:

Are Pacific Railroad bonds a security contemplated by the charter?

And Messrs. Cook, Huntington, and Clephane answered:

Pacific Railroad bonds are not a security contemplated in the charter, but the Government bonds issued to the company are within the meaning of the law.

Accordingly, soon afterward follows a large sale of United States bonds through the agency of Jay Cooke & Co., on which that house got its commission, and the minutes show the purchase, at the dates given, of the following amounts of Pacific bonds:

June 8, 1868, Union Pacific	$15,000
June 23, 1868, Central Pacific	40,000
October 8, 1868, Central Pacific	300,000
February 17, 1869, Union Pacific	100,000
April 30, 1869, Union Pacific	200,000
May 4, 1869, Union Pacific	50,000

This shows an investment of $705,000 of the money of the freedmen in these bonds within eleven months.

But the recklessness of the finance committee is shown in another instance. I call the special attention of the House to this matter. The sixth section of the charter provided that one-third of the deposits was to be kept as an "available fund" to meet current payments of the corporation, and might be "left on deposit at interest, or otherwise, or in such available form as the trustees may direct." In June, 1868, it was proposed to set apart $50,000 of this "available fund" to be loaned on real estate. This was before the charter was amended so as to allow loans upon real estate to be made out of the other two-thirds of the deposits. But Mr. Cooke, as chairman of the finance committee, wrote a letter, which will be found incorporated in the minutes of the company, dated June 30, 1868, in which he gave a very just and sensible construction to this clause of the charter. He denied the power to invest in real estate, and said:

My understanding of the clause is that it authorizes the leaving of a certain sum on deposit, which deposit may draw interest or otherwise, but it must be always subject to check at sight; and I think a careful reading of the clause will justify this interpretation.

One would have thought that this "available fund" would certainly have been safe from attack at the hands of a committee that had such a clear and correct understanding of the charter. But we find this entry in the minute-book:

JANUARY 13, 1870.

Committee met at banking-house of H. D. Cooke.

The question under consideration was the recommendation to the board of the right to loan, under section 6, a portion of the idle funds now on deposit.

It was decided so to recommend.

D. L. EATON, *Actuary.*

And between that date and the 7th of the following month the sum of $99,593.43 was loaned out to various persons on all manner of securities not recognized by the charter, the same finance committee authorizing or ratifying the loans. This was the inauguration of an abuse which soon assumed monstrous proportions and has been a fruitful source of woes to the colored people. The barriers once broken down the door was thrown wide open, and out from the vaults of the bank went hundreds of thousands of dollars of the freedmen's money upon so-called securities that no prudent man of business, managing his own affairs, would have consented to buy at any price, and which remain to-day in the hands of the commissioners, utterly worthless, to tell the story of the flagrant outrage thus perpetrated upon these defenseless people.

Indeed, so utterly regardless of the charter and of their own former construction of it did Mr. Cooke and the finance committee become, that on the 9th day of May, 1871, we find them making a special report and argument in behalf of the proposition that the Freedman's Bank should become an agent for the sale of Northern Pacific Railroad bonds, in this extraordinary mode; the bank to pay par for the bonds and sell them if it could, for which it was to receive a commission, and to take the guarantee of Jay Cooke & Co. to buy them back within one year if not sold. This seems so surprising that lest we should be thought to be dealing in fiction we produce the words of Mr. Cooke himself, which, when read in the light of our present knowledge as to the value of those bonds, cause us to wonder by what strange streak of good fortune the bank was saved from being totally ingulfed in this yawning whirlpool. It is clear that on the 7th day of February, 1871, $50,000 of these Northern Pacific bonds were bought for the bank, and then the question seems to have arisen, according to the minutes, as to whether they should be bought or not. There was a considerable commotion about it, and the board of trustees passed a resolution May 3, 1871, "doubting the expediency of investing $50,000 in these bonds." Then came Mr. Cooke's special report on the 9th of the same month, in which he thus expresses the judgment of the finance committee:

The second resolution, as to the investment of the company in the bonds of the Northern Pacific Railway:

In investing its "available fund" the actuary found this state of facts: On the 7th of February, the day on which this purchase was made, the lowest priced 6 per cent. United States bond in the market was the 5-20 coupon bond of 1865 or 1867, 109¼. This bond at 109¼ pays the investor 5 4-10 per cent. The Northern Pacific Railroad bond at 100 pays 7 3-10 per cent. So that the Northern Pacific Railroad bond is better by 1 9-10 per cent.

Further: The actuary, with the consent of the finance committee and of the board [of trustees] in full session, bought the bonds for sale; and the conditions were that we receive 3½ per cent. commission in cash and 3½ per cent. in stock for all bonds disposed of, so that this company realizes actually in cash 5 4-10 per cent. more than on the best investment in Government bonds; and in addition thereto, 3½ per cent. in stock of the Northern Pacific Railroad Company for all bonds sold.

The only question, therefore, is, Are these bonds safe? In answer to this we show the written guarantee of Messrs. Jay Cooke & Co. to redeem them on demand any time within one year from date of purchase at same rates we gave for them.

It was these considerations of profit and of safety, abundant, as it seemed to the committee, which led to the investment in question, and they are still of force in their minds. As to the other statements of the resolution, touching the character of the bond itself, namely, "that the road is but begun, and may not for years be able to pay any interest out of its earnings," we would respectfully state that the [N. P. R. R.] company has already six hundred miles of road in operation; that nearly three hundred miles of track have been laid during the three hundred days which have elapsed since the commencement of work upon the road; that the company is endowed by Government with a grant of land amounting to over fifty millions of acres, worth at Government rates over $150,000,000 from the sale of which ample provision is made for the payment of the interest and [the] principal of the bonds, in addition to the security given by the road, its equipments, and all the property and franchises of the company.

These bonds were thus foisted upon the bank by this man, who had a large and direct pecuniary interest in the Northern Pacific Railroad, and although one of the commissioned and trusted guardians of the freedmen, he took money to pay for them from the "available fund," which he, as we have shown, had construed to be a fund "always subject to check at sight."

Another illustration of the faithlessness of the officers of the bank is furnished by their action with reference to the bonds of the Maryland Freestone Mining and Manufacturing Company. This corporation has become somewhat notorious throughout the country as the "Seneca Stone Company."

A tract of land, containing some six hundred acres, situate in Montgomery County, Maryland, was bought by Henry D. Cooke, Henry H. Dodge, and John L. Kidwell, from one Thomas Peters, for $70,000, and improvements were made thereon involving the expenditure of an additional sum of $50,000.

The whole amount of the investment was about $120,000. The land contained quarries of the Seneca stone, and these enterprising gentlemen procured a charter from the State of Maryland and organized the corporation whose name I have given. They caused five thousand shares of stock, each share of the par value of $100, to be issued, as follows:

Henry D. Cooke	1,664 shares.
Henry H. Dodge	1,663 shares.
John L. Kidwell	1,663 shares.
James Heath Dodge	5 shares.
Thomas Anderson	5 shares.

The financial success of the corporation depended upon the market that could be established or the demand that could be created for the stone to be taken from its quarries. To make this market and create this demand it was thought necessary to enlist the influence of men of prominence in political, military, social, and business circles, so that this company might furnish large quantities of stone for the erection of private residences and more particularly public buildings in the District of Columbia. The effort was therefore made to "put the stock where it would do the most good," and its recipients embrace persons in every branch of the public service and in all kinds of private business enterprises. It may be a matter of curiosity as well as interest and profit to examine the list of stockholders herewith furnished:

List of original stockholders in the Maryland Freestone Mining and Manufacturing Company.

Dates.	Number of certificate.	Number of shares.	Names.
November 21, 1867	1	930	Henry D. Cooke.
November 21, 1867	2	734	
November 21, 1867	3	930	John L. Kidwell.
November 21, 1867	4	733	
November 21, 1867	5	930	Henry H. Dodge.
November 21, 1867	6	733	
November 21, 1867	7	2	J. Heath Dodge.
November 21, 1867	8	3	
November 21, 1867	9	2	Thomas Anderson.
November 21, 1867	10	3	
Total		5,000	

List of stockholders as they at present appear upon the books and as they were transferred by Messrs. Cooke, Kidwell, and Dodge subsequently.

Date.	Names.	Shares.
Nov. 22, 1867	B. B. French	200
Nov. 22, 1867	William H. Seward	200
Nov. 22, 1867	U. S. Grant	200
Nov. 22, 1867	J. K. Barnes	200
Nov. 22, 1867	Caleb Cushing	200
Jan. 21, 1870	U. S. Grant, (dividend)	120
Jan. 21, 1870	Caleb Cushing, (dividend)	120
Jan. 21, 1870	B. B. French, (dividend)	120
Jan. 21, 1870	E. B. Washburne, (dividend)	120
Jan. 21, 1870	R. J. Dobbins	240
Jan. 21, 1870	W. S. Huntington	60
Jan. 17, 1868	E. B. Washburne	100
May 5, 1868	E. B. Washburne	100
May 2, 1868	R. J. Dobbins	200
Mar. 1, 1876	R. J. Dobbins	40
Oct. 20, 1868	F. T. Dent, (dividend)	100
April 30, 1870	F. T. Dent, (dividend)	40
Oct. 20, 1868	Mrs. H. L. Dent, (dividend)	100
April 30, 1870	Mrs. H. L. Dent, (dividend)	40
Dec. 3, 1868	W. S. Huntington	100
Feb. 23, 1870	Caleb Cushing	3.5
April 14, 1874	J. K. Barnes	60
Jan. 2, 1869	W. B. Love	3
Jan. 21, 1870	W. B. Love	1.8
Jan. 2, 1869	C. H. Hayden	30
Jan. 21, 1870	C. H. Hayden	21
Feb. 17, 1869	J. A. Wills	100
Jan. 21, 1870	J. A. Wills	60
Jan. 25, 1869	W. B. Boggs	100
Jan. 21, 1870	W. B. Boggs	60
June 25, 1869	J. L. Kidwell	544
Oct. 31, 1869	J. L. Kidwell	2
April 14, 1874	J. L. Kidwell	217 6
July 13, 1869	E. D. Townsend	50
Jan. 21, 1870	E. D. Townsend	30
July 13, 1869	Robert Williams	150
Jan. 21, 1870	Robert Williams	90
Jan. 21, 1870	H. R. Hubbard	120
June 2, 1870	H. R. Hubbard	100
June 2, 1870	H. R. Hubbard	100
Feb. 2, 1870	H. D. Cooke	468
Sept. 27, 1870	H. D. Cooke	235
April 15, 1871	H. D. Cooke	80
Jan. 20, 1873	H. D. Cooke	160
May 20, 1873	H. D. Cooke	46
Aug. 27, 1873	H. D. Cooke	100
Jan. 2, 1874	H. D. Cooke	2
Feb. 28, 1870	J. C. Kennedy	75
Mar. 1, 1870	J. C. Kennedy	80
Feb. 2, 1872	J. C. Kennedy	25
Feb. 2, 1872	J. C. Kennedy	20
Feb. 2, 1872	J. C. Kennedy	20
Feb. 2, 1872	J. C Kennedy	10
Mar. 9, 1870	Joseph L. Savage	80
Mar. 30, 1870	Mrs. M. W. Lyndo	40
Aug. 18, 1870	Wyman Crow and Edwin C. Cushman	160
Dec. 1, 1870	H. A. Risley	150
Dec. 19, 1870	Thomas B. Bryan	320
Mar. 12, 1872	Thomas B. Bryan	40
Mar. 24, 1871	J. W. Pilling	10
Mar. 24, 1871	J. W. Pilling	10
Mar. 24, 1871	J. W. Pilling	10
Mar. 24, 1871	James C. Pilling	10
April 12, 1871	Mrs. Charlotte L. Burnett	160
April 12, 1871	N. W. Burchell	10
April 13, 1871	Lewis Johnson & Co	50
July 22, 1871	Riley A. Shinn	100
Dec. 12, 1871	Charles A. Nichols	50
Mar. 12, 1872	Mrs. Mariah V. Brown	125
Mar. 12, 1872	R. T. Merrick	2
Mar. 12, 1872	W. F. Mattingly	2
Mar. 15, 1872	W. G. Metzerott & Co	2
Mar. 22, 1872	Watkins Addison	5
Mar. 22, 1872	Watkins Addison	5
Mar. 22, 1872	Charles E. Mix	5
Mar. 22, 1872	R. P. Dodge	8
Mar. 26, 1872	J. V. N. Huyk	1
Dec. 21, 1872	J. V. N. Huyk	2
April 3, 1872	Evan Hughes	2
Nov. 13, 1872	Evan Hughes	12
May 9, 1873	Evan Hughes	14
Dec. 19, 1872	A. H. Seward	80
Dec. 19, 1872	F. H. Seward	80
Dec. 19, 1872	William H. Seward	80
Dec. 19, 1872	Olive Risly Seward	80
Jan. 6, 1873	Francis Dodge	9.3
Jan. 20, 1873	George Peter	4
May 9, 1873	Huyk & Addison	12
Aug. 22, 1873	J. H. Cochrane	80
Aug. 22, 1873	Enoch Totten	50
Aug. 22, 1873	Enoch Totten	50
April 14, 1874	F. W. Jones	10
May 26, 1874	Edwin M. Sems, (trust estate of Jay Cooke & Co.)	400
April 14, 1874	J. W. Alvord	10
Nov. 10, 1874	W. V. Brown, jr	4

It will be remembered that Henry D. Cooke was one of the originators of this company, the largest owner of its stock, and the leading spirit of the finance committee of the Freedman's Bank. On the 26th day of April, 1871, the board of trustees of the bank adopted this resolution, and referred it to the finance committee:

Resolved, That the company ought not to loan its funds upon mining and manufacturing stocks or bonds; and that the loan of that nature now existing ought to be called in as soon as it may be.

To this resolution the finance committee, through Henry D. Cooke, made the following answer:

Special report finance committee.

First resolution: The committee beg leave to state respectfully that with the general proposition in this resolution they are in full accord. This case is, however, exceptional: First, (in that) the Maryland Mining and Manufacturing Company is a well-known and solvent company established and doing business in this city; its business is profitable; it is earning dividends; and its stocks and bonds are both well known and have ready sale in this market; that it has real estate to the amount of six hundred acres of land, the farm thus constituted being one of the most productive and profitable in the State of Maryland.

The machinery and buildings in use at their works have cost over $200,000, and the latter would sell for three-fourths of its original cost for use in any other quarry, even if it [they] were no longer needed for this; that the fifty-seven thousand dollars' worth of bonds of this company, which are held as collateral for this loan of the Freedman's Savings and Trust Company, ($27,000,) are really a first-mortgage bond secured upon all this real estate and other property; that the whole issue of bonds is not equal to more than one-third [of] the value of the property, and therefore the loan itself comes fully within the stipulation of the charter of the bank, to wit, a loan on real estate to the extent of one-half the value thereof; or even if this were not true, the loan comes fully and abundantly within the resolution unanimously adopted by the board May 12, 1870, touching the "available fund," that it shall be loaned "only on collateral of Government or railway bonds or other securities of a marketable value of at least 10 per cent. more than the loan." The marketable value of the bonds held here as collateral is at least double the loan. * * * Further, the quarry of this company is furnishing the stone from which the banking-house of this savings company is erecting. It employs constantly about three hundred colored men in its works and in this city, and it is in these respects an institution kindred with the bank; their interests are mutual. Those who from week to week and month to month watch over and strive to direct the best use of the freedmen's money in the bank are those who also afford them this field of valuable and profitable labor.

The evidence differs entirely from the statements made in this report. The business of the company was not profitable. If it earned any dividends, it is certain none were declared except a stock dividend of 60 per cent., when it was deemed expedient to water the stock, which dividend, it is proper to add, is entered on the stock-list which I have submitted as of the date of January 21, 1870. The bonds never had a ready sale in the market, and could not, by giving any natural meaning to words, be construed to come within the stipulations of the charter either as to real-estate loans or the disposition of the "available fund." And in view of the worthless bonds of this company which now lie in the vaults of the bank, it seems like cruel mockery for the finance committee to have asserted that it was an "institution kindred with the bank;" that "their interests were mutual;" and it was worse than mockery—it was adding insult to injury—to refer to the men who were engaged in ruinous speculation upon the money of the colored people as "those who from week to week and month to month watch over and strive to direct the best use of the freedmen's money in the bank."

There is no doubt, however, that those men who were pecuniarily interested both in the bank and the Seneca Stone Company did strive to make the latter "an institution kindred with the bank." They saw that the bank was full of money and that the Seneca Stone Company had none, and they very quickly jumped to the conclusion that it would be a good thing for the stockholders of the latter to put some of the money of the former into their bonds. This would supply the company with money for working purposes and would make a show of activity in its bonds. "By ways that were dark and tricks that were vain" the bank was saddled with a number of these bonds. It does not appear from the books exactly in what manner it was brought about. There is a mystery about the transactions between the bank and the company which has not been completely unraveled. The bank was made to pay 90 per cent., however, for $20,000 of the first-mortgage bonds, when they would not bring 50 per cent. upon the street. The bonds issued by the Seneca Stone Company were secured by a first and second mortgage, each for $100,000, and it will be observed that Mr. Cooke, in the report quoted, speaks of "$57,000 in bonds then held by the bank as a first mortgage." But the actuary, George W. Stickney, makes the following report as covering the transactions of these "kindred" institutions:

Statement of the actuary of the Freedman's Savings and Trust Company in regard to the transactions had with the Maryland Freestone Mining and Manufacturing Company and with Messrs. Kilbourn & Evans.

WASHINGTON, D. C., *November* 6, 1873.

J. M. LANGSTON, Esq.,
Chairman Special Committee:

At your request I would make the following statement as to transactions had by this company with the Maryland Mining and Manufacturing Company and with Messrs. Kilbourn & Evans.

First. As shown by the books of the company May 18, 1870, $4,000 was loaned to said Maryland Freestone and Mining Company, secured by $10,000 of their second-mortgage bonds.

Second. July 25, 1870, the Freedman's Savings and Trust Company bought of said Maryland Freestone and Mining Company $20,000 of their first-mortgage bonds at 90, with the verbal understanding that the company would take said bonds back from the bank at par after two years.

Third. July 17, 1871, a further loan was made of the Freedman's Savings and Trust Company by said mining company of $27,000, secured by $49,000 second-mortgage bonds of the same as collateral. This statement shows that up to January 2, 1872, the bank held of second-mortgage bonds of the Maryland Mining and Manufacturing Company $30,000, and $20,000 of the first mortgage.

Fourth. On January 2, 1872, as shown by the books, the transactions as between the bank and said company were settled, said company at that date being in debt to the Freedman's Savings and Trust Company for cash loaned:

First. Loan of May 18, 1870	$4,000 00
Second. Loan of July 25, 1870, being amount paid for twenty first-mortgage bonds	18,000 00
Third. Loan of July 17, 1871	27,000 00
Fourth. Interest due on above loans December 30, 1871	2,785 73
Total due Freedman's Savings and Trust Company	51,785 73

At this date, according to the books of this company, a transaction covering this whole matter was had with Messrs. Kilbourn & Evans, whereby their note was given for $50,000, payable six months after date and secured as follows, namely: Twenty-four shares American Dredging Company, Philadelphia, Pennsylvania, $2,400; seventy-five shares Metropolitan Paving Company stock, 100, par value, $7,500; one thousand shares market-house stock, 50, par value, $50,000; forty shares National Metropolitan Life Insurance Company, $2,000; one hundred and fifty bonds Maryland Mining and Manufacturing Company, $500 each, $75,000; and payment by the Maryland Freestone Mining and Manufacturing Company of $1,785.73 on account of interest. This payment was made by check on the First National Bank, signed by C. W. Hayden, treasurer.

G. W. STICKNEY, *Actuary.*

A true copy. Attest:

A. M. SPERRY, *Agent.*

From this report it would seem that the bank held only $20,000 of first-mortgage bonds, but held, in addition thereto, $59,000 of second-mortgage bonds, making $79,000 in all as collateral security for the debt of $51,785.73. About this time, December 30, 1871, consternation struck the ring. The fact that these worthless bonds of the Seneca Stone Company had found their way into the vaults of the bank became a common topic of conversation and unfavorable comment on the streets. The newspapers got hold of it. There was danger that the public would be made acquainted with the "true inwardness" of these nefarious operations by which the freedmen were being swindled. An infamous scheme was devised by which the public should be deceived, the bond transactions be covered up, and the bank be put in a worse condition than it was then; and the martyr-patriot, Hallet Kilbourn, and John O. Evans came to the rescue. The following *secret* agreement was entered into:

Agreement between Hallet Kilbourn and John O. Evans and the finance committee of the Freedman's Savings and Trust Company.

OFFICE OF THE COMMISSIONERS OF THE FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., December 30, 1873.

The Freedman's Savings and Trust Company has this day made a loan to John O. Evans and Hallet Kilbourn of $50,000 upon the following-described securities as collateral to their note: $2,400 stock American Dredging Company, Philadelphia; $2,000 Metropolitan Insurance Company stock, Washington, District of Columbia; $75,000 Maryland Freestone Manufacturing and Mining Company 6 per cent. gold bonds, Montgomery County, Maryland; $7,500 Metropolitan Paving Company stock, Washington, District of Columbia; $50,000 Washington Market-House stock, Washington, District of Columbia. Said note is payable six months after date, with 10 per cent. interest; and in case said Evans and Kilbourn's note shall not be paid as it becomes due, then it is fully agreed that the Freedman's Savings and Trust Company shall keep the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company as full payment of said note and interest, and surrender to said Evans and Kilbourn the other securities above enumerated, (save and except the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company,) together with their note.

D. L. EATON, *Actuary.*

Approved:

L. CLEPHANE,
WM. S. HUNTINGTON,
L. R. TUTTLE,
Finance Committee.

A true copy of the agreement and indorsements.

GEO. W. STICKNEY.

Of course Evans & Kilbourn's note was not paid when it became due, and then followed the consummation of the iniquitous job, as shown by this receipt:

Received, Washington, D. C., November 15, 1873, of the actuary of the Freedman's Savings and Trust Company the within-mentioned securities, with the exception of the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company, with the understanding that our note for $50,000 is to be returned to us on or before the 18th instant.

HALLET KILBOURN.
JOHN O. EVANS.

Received note as agreed above.

JOHN O. EVANS.

Thus the money of the freedmen was first taken from the bank on securities that were not worth anything, except the $20,000 of first-mortgage bonds; then this scheme of depositing the note and additional securities was resorted to for the purpose of concealing the transaction from inquisitive eyes; and in the final shuffle Kilbourn & Evans got back their note and securities, and the bank got cheated out of its $20,000 of first-mortgage bonds, and had $16,000 of second-mortgage bonds substituted for them, which, with the other $59,000 held as security for the loans to the mining company and $20,000 more held as security for the loan to J. C. Kennedy, make $95,000 of second-mortgage bonds, which are not worth a dollar in the market to-day. If this be not a swindle that calls loudly for the punishment of all who were engaged in it, I am at a loss to know what state of facts would constitute one.

In this connection it is but simple justice to Mr. Kidwell that a portion of his testimony bearing upon this matter be given. And while it evinces an earnest purpose on his part to save the bank from loss on account of these bonds, it shows how utterly indifferent Mr. Cooke and the other officers were as to whether it was saved from loss or not:

Question. Do you know anything of the juggle by which this loan to the Seneca Stone Company appeared for a time to be extinguished by a note of John O. Evans and Hallet Kilbourn, and how afterward it was revived, and Evans and Kilbourn's note was withdrawn from the Freedman's Bank, and nothing left except the $95,000 in second-mortgage bonds of the Seneca Stone Company?

Answer. It was a piece of juggiery which I know nothing about and could not possibly have anything to do with. I have no association with that kind of people. When it was known to me that the loan at the Freedman's Bank had been created to the extent of $50,000, and that second-mortgage bonds to the amount of $95,000 had been deposited as security, I said to Henry D. Cooke that I felt unpleasant about that transaction, and I offered, with him, to raise $25,000 by the sale of real estate, if he would do the same, and to take up those bonds, myself and himself, from the Freedman's Bank, paying them dollar for dollar. He promised me from month to month to do it, but he failed to do it. I then said to him, "Mr. Cooke, this thing does not suit me; I will not have any imputation resting on my children growing out of this matter, and although it will give me inconvenience, I will make a proposition to you, (he was then one of the trustees of the Freedman's Bank:) I will give the bank real estate to the amount of $50,000 to take up those bonds, and I will select one man and let the bank select one man to fix the value of the property." He carried my proposition, as he said, to the Freedman's Bank, but it was declined. He soon vacated his position as trustee of the Freedman's Bank, and Mr. Moses Kelly, who was then cashier of the Metropolitan Bank, succeeded him as trustee. Mr. Kelly and I were friends. I went to Mr. Kelly and I renewed this proposition to him. I told him that I felt unpleasant about the transaction, and I induced Mr. Kelly to renew my proposition to the Freedman's Bank. Mr. Kelly proposed it at two different meetings of the board of trustees. He was again unsuccessful; and, strange to say, he reported to me that the proposition was defeated by the colored members of the board. In that proposition I offered to give real estate on Vermont avenue, a little above the Arlington House, on the corner of K street and running up Vermont avenue to L street, at $1.65 a foot, for that $50,000. The next time the offer was made through the actuary, Mr. Stickney, and with the knowledge of the president, Mr. Alvord. It was again refused. I afterward sold a portion of that property at $1.80 a foot, having offered it to the Freedman's Bank for $1.65, and out of the proceeds I loaned $30,000 to the Seneca Stone Company, with the hope of getting the Freedman's Bank paid. I made that loan with the view of giving vitality and force to the Seneca Stone Company, in hopes that it would pay the debt to that bank. I did it to sustain the credit of the company.

There is no doubt that the names of the illustrious men who were reputed to be stockholders of the Seneca Stone Company had much to do with quieting the apprehensions of the colored trustees as to the value of its bonds and inducing them not to favor the exchange of them for Mr. Kidwell's real estate.

But Henry D. Cooke was also connected with the government of the District of Columbia, as were George W. Balloch, of the examining committee; William S. Huntington, of the finance committee; Z. B. Richards, of the board of trustees; and D. L. Eaton, actuary of the Freedman's Bank. The board of public works was presided over by Mr. Cooke and controlled by Alexander R. Shepherd. There came a time when money was wanting to sustain the contractors under the board. The board of public works had no money, but it issued certificates. These certificates would not sell in the market for anything near their face, and its employés had to be paid for their labor. With five officers of the Freedman's Bank connected with the board of public works, it was not a hard matter for Mr. Cooke and the finance committee to come to the conclusion that the board of public works was another "institution kindred with the bank;" and accordingly a raid was made upon its "available fund" to meet this exigency. Contractors swarmed around the doors of the bank. The actuary, D. L. Eaton, was bribed by a one-half interest in a hundred-thousand-dollar sewer-pipe contract with Vandenburgh; and the result is that Vandenburgh's indebtedness to the bank, as stated by the commissioners, is to-day $144,164.83. All sorts of "irregularities" appear in connection with loans upon District securities and the worthless bonds of other corporations, in which members of the finance committee were interested either as corporators or stockholders. Those connected with the District government obtained whatever accommodations they desired upon securities that could not be negotiated anywhere else.

The facility with which Mr. Shepherd could get money from the bank is shown by the following testimony of Mr. Stickney, the actuary:

By the CHAIRMAN:

Question. Do you know of any loan at any time made to Vandenburgh, on the personal assurance of Alexander R. Shepherd that it would be paid in a day or two.

Answer. That loan was not made to Vandenburgh. I recollect the transaction you refer to. It occurred in November, 1873. I was away at the time, (simply for the Saturday.) Governor Shepherd and Colonel Magruder came to Mr. Alvord and got the loan of $50,000 on a $30,000 check on the First National Bank, drawn by J. A. Magruder, treasurer, and on a $20,000 certificate of the board of public works, to be paid out of the first moneys that the board received when the appropriation was made by Congress. I found out from Mr. Tuttle, the assistant treasurer, as soon as the check was made for the amount of the appropriation, and the next morning, before the bank was opened, I went to the First National Bank and deposited this $30,000 check, and got it placed to my credit by Mr. Swayne, the cashier of the First National Bank. The $20,000 certificate ran along without being paid until February or March, 1874. One day, as I was in the Metropolitan National Bank, Mr. Moses Kelly said that the board of public works wanted a loan of $35,000, and would give a 6 per cent. bond on the District of Columbia for it. Mr. Kelly was one of the finance committee at the time, and he advised that the loan be made, saying that it was a good loan, and the bonds were good. The market-price was then 85, and the bonds could be sold in any amount for that. I told him I was not willing to make that loan, unless the $20,000 certificate was included in it, and bonds deposited enough to cover the $55,000. That was agreed to, and I made the loan of $35,000, and took $65,000 in bonds to cover that loan and the $20,000 certificate, which made the amount $55,000. That ran along some time, something less than a month, when the whole amount was paid. Mr. Vandenburgh had nothing whatever to do with it, unless perhaps he got the money from the board of public works. The loan of $50,000 was made to Governor Shepherd by Mr. Alvord.

By Mr. STENGER:

Q. What was the certificate worth at that time?

A. None of the certificates or obligations of the board of public works were ever worth less than 85 or 90 up to that date. None of them brought less than 80 or 85 until after the panic. That certificate was put into this new loan.

The President of the bank, upon the mere request of Mr. Shepherd, thus paid out $50,000 of the freedmen's money, and took as security therefor nothing but the check of the treasurer of the board of public works for $30,000 and a certificate of the same board for $20,000, which would not have sold on the street for more than $17,000 or $18,000, when he knew that there would be no no funds to meet either

the check or the certificate until Congress would make an appropriation.

Another instance shows how Mr. Shepherd helped to swell Vandenburgh's indebtedness to the bank which still remains unpaid, and how he failed to keep his promises in connection therewith. The same witness testifies:

By Mr. STENGER:

Q. Did you never say to C. B. Purvis, or to any other person, that you had done one wrong thing, and that was allowing that money to be paid to Vandenburgh on the personal pledge of Shepherd?

A. No, sir; I have no recollection of that. I know where Dr. Purvis got that idea. In November, 1872, Vandenburgh came to me and wanted some more money—five or six thousand dollars—to pay his men. I told him that he was so much indebted to the bank that I did not feel like letting him have any more money on the securities of the board of public works, as other people seemed to get their money and we could not. He said it was for Mr. Shepherd. I went to Mr. Shepherd and he said, "If you allow Vandenburgh to have that amount of money now, you shall have all that is due you paid up when we get the first appropriation; but if you let him have any more, it will be your own lookout." I let him have about $5,000 on that occasion, and when the appropriation was made I got $22,000 of him instead of some hundred and odd thousand, as was promised; but as to any sum of $30,000, I know nothing about it.

Q. Did Mr. Shepherd agree that he would pay that money himself?

A. No; he agreed that it should be paid out of the first appropriation that the board got from Congress.

Q. And you got $22,000 instead of $100,000?

A. Yes. There was due the bank from Vandenburgh and the paving company some $100,000, and we got about $22,000.

Q. You mean to say that when that loan of $5,000 was made, Mr. Shepherd said that you should have the whole amount that had been loaned by the bank, which at that time was over $100,000.

A. Yes, sir.

The "available fund" was intended, as Mr. Cooke expressed it, to be a fund subject to check at sight. When the bank failed the amount of loans standing unpaid that had been made out of this fund was $353,532.10, and for the payment of this sum the bank had a list of the following motley securities: Northern Pacific Railroad bonds, shares of Young Men's Christian Association stock, "Seneca stone" bonds, shares of the International Steamship and Railway Supply Company, Metropolitan paving stock, Morris Mining Company (Colorado) stock, chattel mortgages on furniture in the Arlington and Saint James Hotels, State bonds of Virginia, city of Philadelphia bonds, shares of East Capitol Building Association, mortgage bonds of the Chesapeake and Ohio Railroad Company, Detroit Car Loan Company stock, shares of the Capital Publishing Company, shares of the American Seal-Lock Company, Columbia Railroad stock, State of Florida bonds, bonds of the First Congregational church, Second National Bank stock, District of Columbia 8 per cent. certificates, auditor's certificates, paving and curb-stone tax, orders on and acceptances of the board of public works, orders on paymaster Treasury Department, orders on and acceptances of treasurer of county schools, and life-insurance policies. There does not seem to have been any money in the "available fund" at that date unless it was an item of "$45.20 nickel" set down by the commissioners as belonging to the principal office. The vast majority of these loans were overdue and had been for periods ranging from one month to two years. The last report of the commissioners, dated January 18, 1876, shows that of this "available fund" that was always to be "subject to check at sight," there remained still unpaid, at that date, loans amounting to $248,030.24, and the chances are that nearly, if not all, of these will be lost.

But almost contemporaneous with the first raid made upon the "available fund" a change was wrought in the charter by which the field of investment for the other moneys of the bank was enlarged. The original act of incorporation was amended on May 6, 1870, by authorizing the investment of one-half of the loanable money "in bonds or notes, secured by mortgage on real estate in double the value of the loan." This gave rise to a small army of real-estate brokers, who besieged the bank and, by the practice of getting the biggest possible loan on the least possible real-estate security, swelled finally the losses which overthrew the bank. Kilbourn & Latta were appointed regular appraisers of real estate for the bank, and at the same time acted as brokers in procuring loans from the bank. This acting in a double capacity in matters so vital to the interests of the freedmen does not admit of extenuation. It threw open the door to the admission of securities that were by no means double the value of the loan as required by the charter. This has been abundantly proven by the large losses that the bank has suffered on its real-estate securities. The instances are very rare in which the real-estate loans have been collected without suit, and in very many cases the securties are utterly worthless, so that the suits have entailed expense without any benefit. These losses have not only been incurred by false valuations but from defects in title and prior liens, which were not seemingly inquired after at the time the loans were made, and from downright conspiracies to defraud.

The testimony discloses "irregularities," in addition to those already referred to, on the part of George W. Stickney, the last actuary, which cannot be and are not denied, whereby the bank has lost large sums of money. There has been a misapplication of funds on his part, which cannot properly be defined by any other name than that of embezzlement. Besides, his account in the books is so confused that it is impossible to understand it. Two competent experts have certified, in a report which will be found annexed to the report of the committee, that his account is "perfectly unintelligible" to them. And, in regard to the general character of the books and accounts, these gentlemen say, "We found leaves cut out from the original ledger, leaves without number pasted together, balances not brought forward, and of which, at this date, no trace has been found; and these omissions occur in every book so far examined." These experts conclude their report as follows:

In conclusion, we would say that our duties have been laborious. We do not make comments, it being our purpose to state facts. We have presented figures from which your honorable committee can draw conclusions. It is our privilege as well as our duty, however, to state that a more perverted arrangement could scarcely have been devised by human ingenuity if the design had been specially directed to obscure the transactions of the institution. Incompetency at the beginning may be made an excuse for palpable errors and omissions, but when eminent bankers direct investments and indicate the business of the institution this apology fails.

We cannot suppose there was a "lack of common sense" on the part of the managers of the concern, but certainly there is a notable deficiency in all the well-understood principles of accounts, for which experience should have provided a remedy, even for the most ignorant and unskilled, much more for competent financiers and professed accountants.

There are three commissioners now in charge of the bank, each receiving a salary of $3,000. There is no necessity for this. One person can easily attend to the duties. Indeed, it is admitted that two of the present commissioners really do nothing, and give to the third a portion of their salaries for doing the work. But I am of the opinion that a change in the entire commission is desirable. The acting commissioner has been subjected to serious charges, and although he denies them, grave suspicions of their truthfulness still attach to him. But I do not desire to take up the time of the committee further on this point, because I have a stronger reason, in my judgment, why there should be a change. These commissioners have been in office two years, and men who have plundered the freedmen—well known to them to have done so—not only go unwhipped of justice, but no effort has been made on their part to hold them civilly or criminally responsible for their misconduct. For myself, I have no doubt of the right and power of Congress to abolish this commission, and being fully convinced of the propriety of an entire change, for this, if for no other reason, I shall support the amendment offered by my friend and colleague on the committee, [Mr. BRADFORD,] which has this object in view, and which provides for the appointment of a new and competent man by the Secretary of the Treasury, under whose supervision such commissioner is to act. I regard it as of great importance to the freedmen that the House should act on the pending bill and amendments at an early day.

Mr. Chairman, the freedman no longer regards the Washington ring as a myth. To him its existence is a stern, solemn, sad fact. It has cast a great shadow over his home and life. It has dissipated the earnings and savings of wearisome days. It has given him over to many, many nights of unrest. It has doomed him to years of harder toil. It has brought penury, want, suffering, and deep distress to his loved ones. It has driven hope from his heart. It has undermined his confidence in man. It has shaken his faith in God.

When the president of the bank was interrogated before the committee as to the pecuniary condition of the actuary, he replied:

I think that he is pretty largely interested in a good many parcels of property which may come to something, or on which he may lose everything as the shrinkage goes on, but I think that all these things will shrink away from him as they have done from the rest of us.

Mr. Chairman, what a commentary is this! "These things" have, indeed, shrunk away from some of these men. Some there are who fattened upon the freedmen's savings for a time and are now total bankrupts in fortune. But these are exceptional cases. Most of them have large possessions. And as I see them reveling in the lap of luxury; as I observe them arrayed in fine linen and faring sumptuously every day; as I witness the investment of their ill-gotten gains in magnificent business-houses and palatial residences along these beautiful streets; as I hear of them, by the power of their wealth and social influence, packing and debauching juries, controlling courts, and subsidizing newspapers; as I listen to the story of their nearness to him who executes the laws for this great, free people—and then turn my eyes upon the poor freedman, ragged, hungry, suffering, wretched, robbed, whose money has been filched from him by these very people—I wonder whether, if there be a God in heaven, as I believe there is, all these things shall not, one day, "shrink away" from them also.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker *pro tempore* having taken the chair, a message from the Senate was communicated to the House by Mr. SYMPSON, one of their clerks.

The message informed the House that the Senate had passed without amendment the bill (H. R. No. 2824) to change the name of the steamboat Paragon, of Pittsburgh, Pennsylvania.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the joint resolution (H. R. No. 109) for the issue of silver coin.

The message further announced that the Senate had passed a joint resolution (S. R. No. 16) to authorize the President to appoint commissioners to attend the international conference upon the subject of the relative values of gold and silver; in which the concurrence of the House was requested.

The Committee of the Whole resumed its session.

Mr. COX. I desire to move that the committee rise for one moment,

that I may ask the House to concur in an amendment made by the Senate to the silver-coin bill.

The motion was agreed to.

The committee accordingly rose; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the special order, a bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

SILVER COIN.

Mr. COX. I move that the joint resolution (H. R. No. 109) for the issue of silver coin, returned from the Senate with an amendment, be taken from the Speaker's table, and that the amendment of the Senate be concurred in. This is the bill as to the issue of $10,000,000 of silver coin, and the amendment of the Senate is to strike out the word "now."

The SPEAKER *pro tempore*. The Clerk will report the Senate amendments.

The Clerk read as follows:

Amend the bill in line 4 by striking out the word "now," after the word "coin;" so that it will read: "the silver coin in the Treasury."

Add the following section:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. COX. I move that the House concur in the Senate amendments.

Mr. RANDALL. I ask that the joint resolution be read in full, as proposed to be amended by the Senate.

The Clerk read as follows:

That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin in the Treasury to an amount not exceeding $10,000,000, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund, separate and apart from all other money in the Treasury, and be re-issued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States; and said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April 17, 1876.

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. LANDERS, of Indiana, rose.

Mr. COX. I move to concur in the Senate amendments, and on that motion I call the previous question.

Mr. LANDERS, of Indiana. I see it is provided that the trade-dollar shall not hereafter be a legal tender. Is that one of the amendments we are called upon to concur in?

The SPEAKER *pro tempore*. The Clerk will again report the Senate amendments.

The Senate amendments were again read.

Mr. RANDALL. Mr. Speaker, I suggest——

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. LANDERS] yield to the gentleman from Pennsylvania, [Mr. RANDALL?]

Mr. COX. I yield for a moment to the gentleman.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. LANDERS] has the floor.

Mr. LANDERS, of Indiana. I desire to say that I am opposed to this amendment, which proposes to take from the silver coin of the country its legal-tender qualities.

Mr. RANDALL. I would like to make a suggestion to the gentleman from Indiana. This is a very important subject, and, if the gentleman from New York [Mr. COX] will permit, I would suggest that this bill and the Senate amendments be printed in the RECORD, and that the gentleman from New York have the privilege of calling it up in the morning. A change in a word is sometimes a very serious matter in legislation, and this question involving the currency of the country ought to be approached with great care and decided upon only after due deliberation.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield to the gentleman from Pennsylvania to make that proposition?

Mr. LANDERS, of Indiana. I agree that this is an important question.

Mr. COX. Mr. Speaker, I did not yield the floor to the gentleman from Indiana.

Mr. LANDERS, of Indiana. I have no objection to the proposition of the gentleman from Pennsylvania if the House will have the privilege of discussing the question when it is again called up.

Mr. COX. I did not yield the floor to the gentleman from Indiana. I called the previous question on the motion to concur in the Senate amendments. But I am willing to withdraw that call and to accept the suggestion of the gentleman from Pennsylvania.

The SPEAKER *pro tempore*. The Chair will have to rule that the gentleman from Indiana [Mr. LANDERS] was properly recognized by the Chair; and necessarily so, the previous question not having been called.

Mr. LANDERS, of Indiana. I will yield, that the suggestion of the gentleman from Pennsylvania to have the amendments printed and called up for action to-morrow morning may be submitted to the House.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the amendments of the Senate to the joint resolution be printed in the RECORD, and that by unanimous consent the consideration of them be postponed till to-morrow morning.

Mr. SPRINGER. Why not commit the bill and amendments to the Committee on Banking and Currency? I make that motion.

Mr. COX. There is no necessity for that.

Mr. LANDERS, of Indiana. I desire to have it understood that when the joint resolution and amendments are reported back they do not come back under the operation of the previous question.

The SPEAKER *pro tempore*. The Chair will again state the proposition of the gentleman from Pennsylvania and inquire whether there is objection or not. The proposition of the gentleman from Pennsylvania is that the amendments of the Senate be printed in the RECORD, and that the subject be postponed until to-morrow morning and then be considered. Is there objection to this proposition?

Mr. SPRINGER. I object.

The SPEAKER *pro tempore*. Then the gentleman from Indiana [Mr. LANDERS] will proceed.

Mr. SPRINGER. Will the gentleman from Indiana yield for a motion that the bill, with the amendments of the Senate, be recommitted to the Committee on Banking and Currency and printed?

Mr. COX. I desire to say this——

The SPEAKER *pro tempore*. The gentleman from Indiana is entitled to the floor.

Mr. RANDALL. Is it not competent to move to postpone further consideration of this matter?

Mr. COX. It is generally understood all around here that I called the previous question.

The SPEAKER *pro tempore*. The Chair very properly and necessarily recognized the gentleman from Indiana, as the gentleman from New York did not call the previous question.

Mr. COX. I presume the Chair will take my statement that I did call the previous question.

Mr. HAMILTON, of New Jersey. The gentleman from New York certainly did call the previous question, and there are forty members here who heard him call it.

The SPEAKER *pro tempore*. The Chair heard when the gentleman called the previous question, and it was after the Chair had necessarily recognized the gentleman from Indiana.

Mr. COX. I never left the floor.

Mr. SPRINGER. Then I withdraw my objection to the proposition of the gentleman from Pennsylvania if it is going to provoke discussion.

Mr. COX. I desire to say that when I took the floor I had no idea of bringing up a debate on this question at this time while the appropriation bill is pending. I want to advance the appropriation bills so as to give the people this money as soon as possible.

The SPEAKER *pro tempore*. The Chair will restate the question: The gentleman from Pennsylvania asks unanimous consent that the Senate amendments be printed in the RECORD, and that the subject be postponed until to-morrow morning, and be then considered by the House.

Mr. O'BRIEN. Immediately after the reading of the Journal.

The SPEAKER *pro tempore*. That is not the proposition of the gentleman from Pennsylvania.

Mr. O'BRIEN. Then I offer that as an amendment.

The SPEAKER *pro tempore*. The gentleman from Maryland has not the floor, and is not in order.

Mr. BURCHARD, of Illinois. I object to the proposition of the gentleman from Pennsylvania. I think we had better dispose of this matter to-day.

Mr. RANDALL. Then I move to refer the bill, with the pending amendments, to the Committee on Banking and Currency.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield for that motion?

Mr. LANDERS, of Indiana. No, sir; I do not.

The SPEAKER *pro tempore*. Then the gentleman from Indiana will proceed.

Mr. LANDERS, of Indiana. Mr. Speaker, I desire at this time to say to the House that I am not disposed to yield to any further motions committing questions of this character to the Committee on Banking and Currency. Its delays and our past experience is of such a nature that I feel confident I shall be sustained in this position. This currency question assumes many forms and will not be put down or silenced by any individual, committee, or political party. Here, for instance, is a proposition coming from the Senate to demonetize silver. Sir, I admit that the quality of our money is not what I desire it should be, but under no circumstances will I consent to any further depreciation of its value by demonetizing its power in the payment of debts contracted under it.

I understand full well why this motion was made. It is another effort in the interest of the bondholders against the people, and in the same direction as that of the act of 1869, and, permit me to say, almost as great a fraud upon the people as was that act. Why? Because under the acts by which the bonded debt of the Government was originally created every dollar of its principal and interest could

have been justly paid in silver, but because silver has now depreciated in value it is insisted that we should not offer it in payment of that debt. That such is the case is no fault of ours. Our duty is to act fairly toward both the debtor and creditor class, and if, as some hold, the agreement was made to pay that debt either in gold or silver, then, sir, it is at the option of the debtor to say in which kind of coin that payment shall be made. It will not injure the credit of the Government if we offer silver in payment of our debts. I do not understand that the credit either of individuals or the Government is impaired by a strict compliance with contracts, and whatever they contracted to do they ought to fulfill, and nothing more.

It is insisted that our bonds will be sent home and thrown on the market. That is just where I want them. I would be pleased to see every bond of the United States now held by foreigners brought home and the interest on them paid to our own people. If men abroad do not want to hold our bonds, and receive payment in accordance with the contract, let them send them here and they will find plenty of purchasers.

I do not understand that those who hold our bonds in foreign countries are entitled to any more consideration than those who hold them here. If persons abroad see proper to invest in our securities they do it with the understanding that their payment is regulated by the laws of the United States, and that they are entitled to no privileges beyond its citizens.

Mr. Speaker, I want every contract strictly complied with. I would not cast a vote in this House or elsewhere to relieve the debtor from one cent justly due the creditor. Neither will I vote to take one cent from the debtor and give it to the creditor when he is not justly and lawfully entitled to it. Whatever is due I will vote to pay; no more, no less.

In this case it is the right of the debtor class to pay their debts in silver, and I am in favor of making it a full legal tender in payment of all debts public and private. The object of the Senate amendment is to take it out of the power of the debtor to offer silver in payment of debts created when silver was a full legal tender.

Silver has depreciated in value because it has been demonetized. Now, Mr. Speaker, on the contrary, I hold that it is our duty to make it as valuable as possible and to perpetuate that value by determining it by the stamp of the Government. We should give to it all the qualities of money it possessed when this debt was contracted, and then offer it in payment of that debt; and what honorable man could complain when the contract has thus been fully and fairly complied with?

It is argued that we ought to increase the quantity of silver that is contained in a dollar. I insist that this is not right. There was a certain dollar that was current in this country, that was legal tender, of a certain weight and fineness, when this debt was created. I want the same standard kept up. I do not consent that because silver has depreciated in value it is our duty now to put more silver in the dollar than there was at the time the debt was created; not at all. It would be just as fair and reasonable to say that if a debt was contracted to be paid in corn or wheat, and the corn or wheat should decline in price below that fixed in the contract, there should be more wheat or corn put in a bushel. The same argument holds good in the one case as the other.

Our policy is to act fairly and honorably with both parties to this contract. I am in favor of the old silver dollar containing four hundred and twelve and one-half grains of silver, and not four hundred and twenty, as is now proposed. But if we cannot get that, I will take the trade-dollar with its four hundred and twenty grains.

I insist that it is unfair to the debtor class to demonetize silver. But the question is whether that class can get justice done them in this Congress. I do not think they can; they never have, and I doubt whether they ever will. This is one of the many cunningly devised schemes to take money from one class and put it into the pockets of another.

We have men here who claim that the currency of this country should be based upon coin. Now silver, when coined, was a full legal tender, equal with gold, until 1873. It is now proposed to take from it that quality and to leave gold as the sole standard of value.

Mr. Speaker, I want members of this House to distinctly understand why it is that this effort is being made against silver. I hold that it is simply to increase the purchasing power of the bondholder, whose interest is paid him in gold. I also hold that the currency of the country should be based upon its credit, upon all its gold, silver, real estate, labor, and everything possessing value.

But if that policy cannot be adopted; if the "hard-money men," as they are styled, are to succeed, (which means the perpetuation of national banks based upon coin,) then I want a basis for the currency which has some existence, as has not neither in the Treasury, the vaults of the banks, nor in the pockets of the people. I want a broader basis than gold alone can give; one that gives to the people an amount of money sufficient to transact their business.

Let their policy be carried out, and every business man in the country will soon become bankrupt.

If their theory is carried into effect, and silver demonetized and legal-tender notes retired, what will be left for the people to use as money?

Under their policy everything is to depreciate except the bonds of the Government, the interest of which to-day has three times the purchasing power it had when those bonds were first issued; the advantage to the bondholding class (who seem to have so many ardent friends here) will thus be made clear. Now, take from the people the legal-tender currency, demonetize silver, and 1 per cent. upon the income from bonds would be equal to 4 per cent. of that which it is now, and the result will be to concentrate all the wealth of this country in the hands of a few men; and it is this that I want to protest against. I want some legislation in the interest of the producers of this country. I want its industries looked after, as well as the interests of the non-producers.

Mr. Speaker, I hope this amendment will not be agreed to. Although the trade-dollar is now a legal tender to the amount of $5, I want this House to say to the Senate that it shall go no further with this contracting policy. This idea that it will not do to have two standards of value is a new one, known only to the statesmen of this day. Sir, we have always had two standards; we never, until 1873, had anything else. It cannot be defended that because silver has been discountenanced as money by some of the monarchial governments of Europe it should also be demonetized here. I want to know if it is the policy of an American Congress to shape its legislation after such governments! I want to know whether that is to be our future policy. That is just what is now being done by this specie-basis, contraction policy inaugurated by England in the interest of her bondholders, who soon became her lords and masters and reduced the number of landholders in that country from one hundred and sixty thousand to less than forty thousand and have filled her with peasantry and paupers ever since. Will not the same policy produce the same result here? Is it to be our policy to legislate all the property of this country into the hands of a few men and to make slaves of all the balance? If so, let such legislation be carried into effect. Mr. Speaker, again I say I hope this amendment will not be concurred in by this House.

Mr. COX. Inasmuch as these amendments simply strike out the word "now," which is an indifferent matter, and add a new section, and as there may be a necessity for some consideration whether that provision should be attached to this bill or to the other, or whether it might not be wise to add our other bill to this and seek a conference with the Senate on the disagreement, I move to refer the bill, with the amendments, to the Committee on Banking and Currency; and on that motion I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion of Mr. COX to refer the bill and amendments was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House again resolve itself into Committee of the Whole upon the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

Mr. COOK. Mr. Chairman, I shall not detain the House in the discussion of any mere abstract or political question, but shall address myself to two questions in which my section of the country is greatly interested. They are questions which present the strongest claims to the consideration of the House and the country. The war is over, and no human being desires to renew it, certainly not any of those who participated personally in it.

The Union still exists, and the Constitution, with its amendments. Every charge and every insinuation that the southern people desire to renew hostility to the Government is most untrue and absolutely false. They most earnestly desire the peace and prosperity of the whole country.

All parties and all sections acknowledge their allegiance to the Constitution and their obligations to support it. Its highest interpretation and binding force are derived from the decisions of the Supreme Court of the United States. Beyond that there is no appeal, and its decisions hitherto have been the recognized law of the land in every court and in every State in the Union. Among the various acts of Congress of which our people complain there are two the operations of which have been sorely felt by the South and regarded as acts of peculiar hardship and imposition, and not justified by any authority found in the Constitution. To relieve the southern people as far as possible from the gross injustice of these acts, I introduced in the last Congress two bills, which were referred to the proper committees, and there they perished, no report ever having been made upon them. Early in the present session I again introduced the same bills; they were properly referred, and so far no action has been taken upon either of them. I allude to House bill No. 232, to refund the cotton tax collected after the war, and to House bill No. 233, authorizing the payment of the proceeds of the sales of cotton seized after the war and which are now in the Treasury of the United States.

In the four years succeeding the war $68,723,038.79 was collected as tax upon the single product of raw cotton. This tax was first levied during the war and, after various amendments and modifications, was repealed by the same party which enacted it. I will devote but little of my time to the discussion of the constitutionality of this act, first, because it was mainly repealed from the fact that it was re-

garded as not warranted by any provision of the Constitution, and, second, upon the questions of the constitutionality of that act being carried to the Supreme Court of the United States that court was equally divided, the Chief Justice being absent. The doubt raised by this division of the court upon the constitutionality of this tax-act should be given to the tax-payer, and against the Government.

Section 8, article 1, of the Constitution gives Congress "the power to collect taxes, duties, imposts, and excises," "but all duties, imposts, and excises shall be uniform throughout the United States." What is meant by being uniform throughout the United States? That these "duties, imposts, and excises" should fall alike upon all the citizens of each of the States of this Union. Was this tax so "uniform throughout the United States?" Did it affect any State except those in which the cotton was grown? Was it not as absolutely restricted to the cotton States as if they had been specified by name, and was it not intended that such should be its effect and operation? If, then, this tax was either a duty, impost, or excise, it was in clear violation of the above article of the Constitution, which declares that all duties, imposts, and excises "shall be uniform throughout the United States." If it was neither a duty, impost, or excise, it was a direct tax; if a direct tax, it should have been "apportioned among all the States according to their population."

The ninth section of the first article of the Constitution declares that—

> No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Such is the language of the Constitution. I do not know that it has ever been held that Congress can impose a direct tax on land in kind and collect it of the individual owner.

Is it not, then, a forced construction of the power of Congress to levy this tax upon certain agricultural products, limited and restricted absolutely to certain States? If the land itself is not subject to this tax, ought not its products to be equally exempt? If it was now proposed to tax the silver and gold ore dug from the earth, or the wheat, hemp, barley, and flax which is grown in this country, upon what sections of it would it fall and what would be the roar and clamor raised against such an unequal and unjust tax? And yet, sir, it would be no more unequal or unjust than the cotton tax levied upon the South. The same section and article of the Constitution provides that—

> No tax or duty shall be laid on articles exported from any State.

Is not almost the entire cotton crop of the South grown for exportation, and is it not put upon the market at once for that purpose? By the order under which this tax was first collected, no farmer could remove a bale from his farm until he had paid the tax. This was subsequently modified, and it could not then be removed beyond the collection districts. If cotton, therefore, was an article of export from any State, this tax was levied without any authority of the Constitution. But this tax was most unjust and unequal in another view as between those who paid it. The tax was arbitrary in this, that it was the same on all grades of cotton, the poorest and the finest. It was also unjust because it was not regulated by the value of the cotton. It was two and a half cents per pound in 1865–'66, when cotton was worth thirty to forty cents per pound, and in 1867 when cotton declined to ten cents per pound in December it was taxed three cents, and it was proposed on this very floor to tax it as high as six and ten cents per pound, and evidence was taken to prove that it could well pay it.

The bill which I introduced provides that the amount collected in each of the States shall be refunded to the States respectively, and that the Legislatures thereof shall make provision for the payment of the amount to those parties who actually paid the tax; and it will be found that the planter in nine cases out of ten paid the tax. This bill protects the Government in thus limiting the amount paid out to the amount received by it, for it is well known that millions were collected of the people which have never been accounted for by the agents of the Government. The great frauds perpetrated upon the Government revenues by officials in the whisky ring, in the Freedmen's Bureau, and in the Freedman's Bank and Indian Bureau, would altogether sink into insignificance compared with the frauds practiced in the collection of this cotton tax. In the second place, it saves the Government the expense of the commission which is asked by some bills and refers the whole subject of individual claims to such courts as the Legislatures may provide. In the third place, it will defeat the hungry crowd of cormorants known here as claim agents, many of whom undertake to collect claims for one-half and then steal the other. In the fourth place, the rights of the parties will be litigated in the States and in the collection districts where the tax was paid, in easy access of the parties and their witnesses and collectors' books and local counsel, where any and all attempts of fraud can and will be detected and frustrated.

The provisions of this bill are not onerous upon the Government, considering the long use of the money received from this source and the amount of it. There is also a bill before the House proposing to refund it to the States as a school fund. To this proposition I am unqualifiedly opposed, first, because the citizens of the South are now heavily taxed to pay obligations wrongly imposed on them and are taxed heavily for school purposes; second, if this fund is not rightfully the property of the Government, it is the rightful property of the individual who paid it, and it would be violative of every principle of law and justice to give that amount of property belonging to individual citizens to any public use, no matter how worthy the purpose.

No, sir, rather let it remain where it is than direct it to any other purpose than restore it to those from whom it was extorted in the hour of our defenseless condition, and when we had no representatives on this floor.

I ask the attention of the House to the main features of the bill I have introduced, and it will be seen that every provision is made to protect the interest of the Government and secure it to the rightful parties, the true claimants, whether they be the factor, purchaser, or the farmer. The bonds to be issued will be in sums of one hundred, five hundred, and one thousand dollars, fractions under one hundred dollars being paid in currency. These securities will be at par or above par. They will form a foundation for the credit of our people upon which they can realize such amounts as may be required to prosecute their business. This fund will be distributed throughout our whole section and in every locality. The hearts of many colored and white men, alike in their cabins and their poverty, would be gladdened by this act of justice. The old men of my section whose fortunes perished in an hour, worn down with care and oppressed with debts, the young men struggling into life without a dollar, the colored man in the possession of his freedom who felt this tax upon his first efforts to maintain himself, would each and all rejoice at the passage of this bill and feel that justice, though long delayed, had still been done.

Various measures are being urged before Congress for the purpose, or at least with the statement, that their passage will greatly benefit the South. Let me say to all who desire to benefit the South, to aid it in its deep distress and want, that no measure has been or ever will be presented to Congress which will so surely and so greatly benefit all her people. It will restore confidence. It will win back the respect and affection of the people, and disabuse their minds of the thought and feeling that they have been kept in the Union only to feel its power to oppress or to tax them.

The other bill to which I desire to call the attention of the House is No. 233, and it provides for the payment for all cotton seized after the 29th day of May, 1865. On that day the President issued his proclamation, as follows:

> I hereby grant to all persons who have directly and indirectly participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, &c.

Not to detain the House by specific details as to amounts and dates, I will state that, under various acts of Congress and orders of the Treasury Department, over one hundred and sixty thousand bales of cotton were seized and sold. The amount accounted for to the Treasury as the proceeds of the sales of this cotton was $35,000,000, the charges and expenses, about nine millions, being deducted, left something like twenty-six millions in the Treasury. Two millions or more of this fund was paid out by the Treasurer to fraudulent claimants, who perhaps never owned a bale of cotton. Congress passed a joint resolution on the 30th of March, 1868, requiring all proceeds arising from the sales of captured and abandoned property to be covered into the Treasury.

By the several acts of March 12, 1863, July 2, 1864, and July 27, 1868, jurisdiction was given exclusively to the Court of Claims for this cotton or its proceeds. Suits were instituted for the larger portion of this cotton. Most of these were defeated or dismissed. Judgments have been recovered for a sum less than ten millions, leaving in the Treasury between seventeen and twenty million dollars. The claimant had to prove his *loyalty* and ownership, and he had to establish his loyalty first, by what was known as the Drake amendment, and was limited to two years. Thus most of the claimants and true owners of this cotton or its proceeds were denied admission to the court.

But the Supreme Court, in the case of United States *vs.* Padelford, 9 Wallace, 531; Anderson *vs.* United States, 9 Wallace, 56; United States *vs.* Klein, 13 Wallace, 128; Planters' Bank *vs.* Union Bank, 16 Wallace, 496, held that so much of these acts as required the owner to prove his loyalty was unconstitutional and void. The court also held that this fund was held in trust for the true owners of it. Before this decision was made, however, the period of two years allowed these claimants to enter the courts to prove ownership had expired, and thus we see $20,000,000, which was most unjustly seized from our people, in the Treasury of the Government and every effort made to secure its payment to the individual citizen fail. The Supreme Court of the United States has most emphatically declared that this is a trust fund; that the Government so holds it; that the law by which it was withheld was unconstitutional and void; and yet some men who prate so loudly about their constitutional obligations refuse now this act of justice which has been so long delayed. It is yet to be seen how long this trust fund is to remain in the Treasury as an evidence of the wrong and injustice to a portion of the people of this country.

I stated that the amount accounted for by the Treasury agents of the Government was but a small portion of what was realized. In support of this I will state the history of the seizure of one hundred and sixty-two bales of cotton taken from a friend of mine whose farm was in my county and within a few hours' ride of where I lived. The

seizure was made in the month of August in the year 1865. The cotton was shipped to Nashville, Tennessee, to Cincinnati, thence to New York, and sold. The market value of that cotton at the time of its seizure was about $63,000, and the owner was paid upon proof of his ownership the sum of $11,268.38 in the month of November, 1873, upon his giving a receipt in full for all charges against the Government. Here was a clear, unqualified *steal* of over fifty thousand dollars. This act of plunder and robbery forced to bankruptcy one of the most worthy and energetic citizens of my State; and yet when he denounces the thief who robbed him he is called disloyal. And what is true in this case is true, I believe, in every case of seizure. I ask the Clerk to read from a speech I made in the last Congress upon this subject, as I desire the facts and history of some of these transactions to be kept before the public. I shall ask that this table of figures be printed as part of my speech.

The Clerk read as follows:

The following statement of the sales of cotton seized in the southern cities, with the expenses charged and reductions made under various pretexts, exhibits the showing of the Treasury Department, and on its face is specious and plausible. Of the Savannah cotton, sea island, which was worth about $2.50 a pound, was sold at about 80 cents, and upland was sold at about 40 cents, when it ought to have averaged over $1.

A great fraud is concealed in these figures, a fraud which could have been perpetrated only by false samples and other similar dishonest contrivances. That such fraudulent devices were used has long been well known and understood. The history of the commercial world may be searched in vain for any similar frauds on a scale so gigantic and with results so ruinous and unjust to the parties concerned.

Of the cotton sold by Simeon Draper, United States cotton agent, derived from Savannah, there were of sea island 6,531 bales, weighing 2,644,673 pounds, value, currency, $1,657,231.77; charges of transportation, &c., following cotton to sale, $101,958.58; making net value $1,555,273.20; or an average of $238.13 per bale.

From the foregoing proceeds there was subsequently to the sale deducted by direction of the Secretary of the Treasury—

1½ per cent. to cover incidental expenses	$24,858 47
1 per cent. to pay commission to agents	16,572 31
Internal-revenue tax on 2,044,673 pounds	40,893 46
Total	82,324 24

Or $12 61 per bale; leaving as an absolute net balance upon which judgments were paid of but $225 53 per bale.

Of upland from Savannah, 32,827 bales of cotton, 16,034,415 pounds	$6,418,600 36
Charges of transportation, &c., following cotton to sale	512,478 00
Net value of sale	5,906,122 36

Or an average of $179.91 per bale.

Deducted after sale:

1½ per cent. incidental expenses	96,279 00
1 per cent. commission to agents	64,186 00
2 cents per pound revenue tax, 16,034,415 pounds	320,688 30
Total	481,153 30

Or $14.34 per bale; leaving an absolute net amount of $165.57, and which amount has been paid on judgments of the Court of Claims.

Of sales from Charleston, South Carolina:	
Sea islands, 1,063 bales, 286,302 pounds	$202,671 24
Charges of transportation following cotton to sale	7,876 83
Making net value	194,794 41

Or an average of $183.25 per bale.

Charges subsequently deducted:

1½ per cent. incidental expenses	3,040 06
1 per cent. agents' commissions	2,026 71
2 cents internal-revenue tax on 286,302 pounds	5,726 04
Total	10,792 81

Or $10.15 per bale reduction; leaving but $173.10 on which judgments were rendered.

Of upland cotton, Charleston, South Carolina:	
3,639 bales, 1,437,118 pounds	$530,421 03
Charges of transportation following cotton to sale	26,964 46
Net of sales	503,456 57

Or an average of $138.36 per bale.

Amounts subsequently deducted:

1½ per cent. to cover incidental expenses	7,956 31
1 per cent. to pay commissions of agents	5,304 21
2 cents per pound on 1,437,118 pounds by internal-revenue tax	28,742 36
Total	42,002 88

Or $11.54 per bale; leaving $126.82 per bale to satisfy the judgments of the Court of Claims.

Of sales from Mobile, Alabama, derived from seizures by the military forces:	
3,220 bales upland cotton, 1,628,873 pounds	$628,645 91
Charges following the cotton to sale	22,319 15
Net of sales	606,326 76

Or $188.31 per bale.

Charges deducted after sale:

1½ per cent. to cover incidental expenses	9,429 67
1 per cent. commission of agents	6,256 45
2 cents per pound on 1,628,873 pounds, internal revenue	32,577 46
Total	48,293 58

Or $14.99 per bale; leaving but $173.32 per bale for any claimant in the court.

Of sales from Mobile, Alabama, derived from the agents of the Treasury:	
2,986 bales of cotton, 4,018,689 pounds	$1,461,077 27
Charges following the cotton to sale	111,013 38
Net of sales	1,350,063 89

Or $135.20 per bale.

Charges deducted after sale:

1½ per cent. to cover incidental expenses	$21,916 17
3½ per cent. to commissions of agents	51,137 70
2 cents per pound internal revenue on 4,018,689 pounds	80,373 78
Total	153,426 65

Or $15.36 per bale; leaving but $119.84 upon which judgments are rendered to claimants.

The cottons derived from New Orleans and received at New York were disposed of with the same charges attached. Those sold at New Orleans by the several agents had only the two cents per pound revenue tax deducted, besides the other expenses, and without any percentage for incidental expenses or for the commission of agents.

The average net amount obtained per bale—

By the sales of military	$192 00
By B. F. Flanders, Treasury agent	146 64
By G. H. Burbridge, Treasury agent	
By O. N. Cutler, Treasury agent	160 37
The sea-island cotton seized at Savannah, 2,044,673 pounds, was worth, at $2.50 per pound	5,111,682 50
It was reported as sold for	1,657,231 77
Loss unexplained	3,454,550 73
The real value of the upland cotton seized at Savannah, 16,034,415 pounds, was	16,034,415 00
Reported as sold for	6,418,600 36
Loss unexplained	9,615,814 64

Similar, or even worse results, will be shown by an investigation of the sales made of the cotton seized in the other southern cities.

Mr. COOK. It will be seen from this table that the sea-island cotton seized in Savannah was 6,531 bales, weighing 2,644,673 pounds. It brought $1,657,231.77. The market value of this sea-island at the time was $5,111,682.50, showing a loss unexplained of $3,354,550.73.

There was upland cotton seized at Savannah, 32,827 bales, weighing 16,034,415 pounds. This was sold for $6,418,600.36. The actual value of this cotton was $16,034,415; it sold for $6,418,600.36; loss unexplained, $9,615,814.64, showing a variance in the amount turned into the Treasury from the cotton seized at the port of Savannah alone of $13,070,365.37.

And the same is true of the seizures and sales at Charleston, Mobile, and New Orleans. I have procured these figures to rebut the unjust charge which is frequently made against the people of the South that they are asserting claims against the Government for losses greater than they sustained. I desire to mention among many whose cotton was seized at Savannah was a colored man who by his honest industry had purchased his freedom, and by his subsequent exertions had purchased a few bales of cotton which were stored in Savannah, where he lived. This cotton was seized and sold, and though he has indorsed upon his paper, in the handwriting of Secretary Stanton, that he satisfied him of his ownership of the cotton and his loyalty, he has never yet been able to realize one dollar even in the house of his friends. This man was also a depositor in that pious and safe institution known as the Freedman's Savings Bank. What he has ever realized from that safe deposit your reports show. If this man in reflecting upon his losses should feel that he had fallen into similar hands with the one who traveled from Jericho to Jerusalem, no one should censure him. I also introduced a bill for his relief, which yet rests quietly in the committee-room.

It is charged against the people of the South that they are asserting claims against the Government for losses never sustained, for pay for their slaves, and even for the assumption of the confederate war debt and for the payment of the bonds of the States issued during the corrupt, arbitrary, and destructive period while they were undergoing reconstruction. I have shown how grossly unjust and false is this charge as to the claims for cotton. However desirable it might be to us, and however just the demand, I know of no one who supposes for one moment that that provision of the fourteenth amendment to the Constitution which prohibits the payments for the slaves of the South will ever be repealed or violated for that purpose.

As to the payment for any of these claims as charged against us, no such proposition has ever been made by any democratic legislature or convention or any active assemblage of *our* people. These debts were founded, many of them, in the grossest fraud, and used in many instances for private purposes and in the procurement of corrupt and infamous legislation, and the assumption of these at any time by this Government would be opposed by every honest man South. No, sir; there are many losses to the South for which no reparation will ever be made or expected; but there are certain acts of this Government since the war deeply affecting the rights and prosperity of our people which this Government can and should, in justice to itself as well as the whole people of this country, at once repeal and modify, and relieve us from their injustice. I allude to the cotton tax and the cotton seizures, and this Government will never place itself rightly before the world until this is done.

If, sir, we sinned in the rebellion, as you call it, grievously have we atoned for it. The marks of the ruin and desolation of your troops as they marched through our country are yet to be seen. In my own State a thousand chimneys to-day point to heaven as mournful monuments of the devastation of war. The old people who had gathered around their hearthstones for generations have perished in their poverty, and their descendants are scattered in destitution throughout the country.

I will notice one other charge which is constantly made through the

republican press of the country and even by some members on this floor, which I do not attribute to any improper motive, but simply to their absolute ignorance of the situation of affairs in the South and especially in my own State. I take one extract from a republican paper, because it contrasts my State by name with that of the State of South Carolina. Here is the extract:

South Carolina is the most prosperous of all the Southern States. This is attributable to the fact that the negro has there been protected in all his rights, and, instead of idling away his time, he has been laboring faithfully, and plenty has crowned his labors. In the counties of the mountainous portions of the State, especially in York, Spartanburgh, and Union, the material interests of the people have never been in a more promising condition. Not so, however, across the Savannah River, in the State of Georgia. There the colored man has been hounded down, robbed of his labor and its fruits, and generally so maltreated that he has lost self-respect and has ceased to be industrious. It is stated by those best able to judge that South Carolina was saved from such an appalling consequence by the promptness with which the national arm was there interposed and the unlettered whites taught that the negro had rights that the white man was bound to respect. Too much praise cannot be accorded the pioneers of South Carolina reconstruction for the kindly relations which to-day exist between the races in that State. The two Carolinas present happy fruits of the results of reconstruction.

I am gratified at the prosperous condition of South Carolina as portrayed above, but I had been induced to doubt that such was the condition of that State. I am glad to have republican authority for the statement that "kindly relations exist there to-day between the races."

But I ask the attention of the House to another republican statement as to the condition of South Carolina, and leave it for gentlemen on the other side to console themselves as best they can with the picture drawn of the condition of that State by a republican judge, and as to the cause of it.

Hear the extract:

HARD TIMES IN SOUTH CAROLINA.

[From the Charleston News.]

The judge of the court of common pleas at Barnwell, South Carolina, had to bring business to a sudden halt last week to save colored jurors from starvation. They said they had been without food for the whole day, and could get neither money nor credit. The kind-hearted judge proceeded to give them the following "crumbs of comfort:"

"Under the circumstances I will be compelled to discharge you, for I cannot keep you here in a starving condition. But you see to what a condition you have brought the country. You are not without blame, for the men in office, responsible for the stoppage of the court, were put there by your votes. Here we are in the month of May; there is no money to pay your judge, to pay jurors, to support the prisoners in jail, or pay the other expenses of the county. You colored voters are responsible for this thing, for by your votes the bad men who have brought about this lamentable state of affairs were elected."

This is the condition of republican South Carolina, "where the negro has been protected in all his rights," "where he has labored faithfully and plenty has crowned his labors," where the "most kindly relations exist to-day between the races." "Happy and prosperous" South Carolina! Happy and prosperous only in her degradation and desolation.

In alluding to my State, Georgia, the article referred to says the colored man has been hounded down, robbed of his labor and its fruits, and generally so maltreated that he has lost self-respect and has ceased to be industrious. A more untrue representation of the condition of the colored people of my State was never contained in as many lines. I say that the most friendly and even kindly relations exist to-day throughout my entire State between the races. The colored people are regarded by us as the very best class of laborers we can get. They are employed in our homes, our hotels, on our farms and public works at remunerative wages, and I assert are as promptly and faithfully paid as any class of laborers throughout this country.

But, sir, the contradiction of that statement does not depend alone upon my denial. I will read from the last report of the comptroller-general made for the year ending December 31, 1875. This shows the colored polls to be 87,569; an increase of 3,349 since the year 1874. The colored people own 396,658 acres of land, valued by themselves at $1,263,902; city and town property valued at $1,203,202; money and solvent debts, $102,194; aggregate of all property owned by them, including household and kitchen furniture and farm implements, $5,393,885, and they pay a tax upon this property of $26,969.42. This, sir, is the official statement of the condition of the "colored man" in Georgia, who is "hounded down," "robbed of his labor and its fruits," "and generally so maltreated that he has lost self-respect," "and has ceased to be industrious" Sir, no one will be more astonished at the sad picture drawn of the condition of the colored man in Georgia than the worthy and industrious owners of this five millions of property.

I regret to say that the colored man of my State has been robbed and shamefully treated; but I deny most emphatically that it has ever been done by the white people of the State. It has been done by that most infamous concern known as the Freedman's Bureau, and subsequently by that grander and yet more infamous swindle, the Freedman's Bank. The colored people of Georgia had $361,000 in that bank, of which they have been robbed; and but one man has ever been tried or convicted for the frauds perpetrated by that bank and its officers, and that was in my State. I allude to one Corie, the treasurer of the branch of that bank in Atlanta, Georgia. He was educated in the Freedman's Bureau, and when that perished from its own rottenness and corruption he was left in Georgia as a missionary; and when the branch of the Freedman's Bank was established at Atlanta, being a Christian gentleman and loyal to the last degree, he was transferred from the field of his missionary labors to the cashiership of that bank. He admitted his defalcations to the amount of $8,000, and how much more could not be ascertained either from Corie himself or his books. I have yet to see the first republican paper that has ever denounced this great plunder of the colored people of the South or publish the facts connected with it.

In another extract from the same paper, dated March 25, the following statement was made:

KU-KLUX AT WORK AGAIN.

Private letters received from Georgia convey the startling intelligence that Ku-Klux organizations in that State have again commenced to practice their deeds of blood. In the county of Columbia two negroes were killed last week, and over a dozen were taken from their homes and severely whipped, four of the number having been tortured by having hot sealing-wax dropped upon their naked bodies. In the counties of Burke, Jefferson, and Chatham similar outrages have been perpetrated in the past fifteen days, and in the vicinity of Macon three negroes were found hanging to trees in the neighborhood of a leading democrat. These inhumanities were evidently impelled by the recent democratic defeat in New Hampshire. Somebody in Georgia must receive the vials of wrath, and they are poured out upon the heads of inoffensive colored men and women, whose only crimes are that they belong to a despised race and are republicans. Hundreds of negroes are annually offered up as sacrifices to democratic hate in God-forsaken Georgia, and yet only a few of the instances are known, as democratic newspapers are careful not to give publicity to such facts, and the two or three republican papers there seem to be afraid to allude to them. History presents no instances where the peasantry of a country were ever subjected to such inhumanities as are the negroes of the South, especially in Georgia. Robbed of their labor and all its fruits, they drag out a wretched existence, and in many instances it is a real relief when these victims are taken from their homes by painted ruffians and put to death.

The utter falsehood of the above statement is known to every man in my State, where these crimes are alleged to have taken place, and the paper which gave circulation to the above had the cleverness a few days afterward to correct the evil as far as it could by stating it had been deceived. But when such a statement starts on its errand who can estimate its mischief, no matter how soon contradicted? But to show what actually did take place in the city of Macon, Georgia, where some of these alleged outrages are said to have taken place, I will read from the daily paper published in that city—and this about the very time that said outrages were charged to have been perpetrated:

THE FUNERAL OF CHARLIE CRAFT.

The colored Presbyterian church on Washington avenue was crowded on yesterday afternoon by a sympathizing assembly, to perform the obsequies and render the last sad tribute of respect to the memory of this worthy man and good citizen.

Quite a number of our best citizens, ladies and gentlemen, exhibited by their presence an appreciation of the worth of the deceased and sympathy with the bereaved. It was an interesting spectacle to witness the widow, through the whole solemn exercises, resting upon the arm of one whom she nursed in infancy as her "young marster," and the entire family following as mourners. The colored Mason lodge and the Lincoln Guards, of both of which he was a member, were in the procession with full ranks.

The scene was one that would have surprised if not startled the people at the North, who have been educated into the belief that the people of the South treat the negro with the utmost inhumanity and disrespect. Charlie Craft, though a colored man, was recognized and respected as a good citizen, and as such a fitting tribute was paid to his memory by those who knew and esteemed him.

Such was the tribute paid to a worthy colored man in a southern city distinguished for the refinement and intelligence of its citizens. And I hesitate not to say, from an extensive acquaintance with the citizens of that city and the county in which it is located, that no people in this whole land would more universally condemn or promptly punish the perpetrators of all such crimes as are charged against them.

We hear continued boasts of what the republican party has accomplished. What, sir, is the known history of that party? A Vice-President has been driven in disgrace from the high position he held in his party and before the country covered with crimes of the grossest and most infamous character. A Cabinet officer has resigned his position under charges which involve his character and integrity as a man and official. Our foreign minister to one of the most important courts of the world was forced by the indignant sentiment of a great nation to retire from the post of his duty, and his conduct receives the universal censure and condemnation of his own country. The private secretary of your President stands to-day indicted before the criminal courts of your country for crimes of the gravest character. We have seen members expelled from their seats on this floor for their connection with legislation in favor of corporations which has imposed a liability of one hundred and fifty or eighty millions of dollars upon the toiling industry of this country, thus showing that when Oaks Ames said he had put his "money where it would do the most good" he knew full well what he was doing. The chief clerk of your Treasury, the confidential and trusted friend of the Secretary himself, has been transferred from his Bureau in that Department to the State prison. The editor in chief and owner, I believe, of the leading western republican organ, whose wealth is estimated at half a million of dollars, has been convicted of crimes against your revenues and has been transferred from the editorial tripod to the quiet cell of a prison. He was one of those who prated loudest of his loyalty and denounced rebels with the greatest vehemence. The soldier in the field has been plundered of his pittance by the sale of post-traderships established alone for his benefit and convenience. The wounded soldier, the widow and the orphan, the objects of the bounty of the Government, have been robbed through your Pension Bureau, and been compelled to pay tribute to these official plunderers. The freedman has been plundered of his hard earnings to the extent of millions by an organized band of plunderers under the very shadow of the White House. The Indian is robbed of 75 per cent. of the

amount appropriated to discharge the obligations of the Government to him and to supply his wants. The appropriations made for the erection of monuments and head-stones to perpetuate the memory of the brave men who defended your Government, and to show the affection and gratitude of the nation, were even made a source of official speculation and corruption.

When these locusts of republicanism, like the locust of Kansas or Egypt, had swept everything before them in the South, they then turned upon the Government which had kept them in power and place and plundered its Treasury in open day and almost in the very presence of the Treasurer himself. Thus the Government itself, the negro and the Indian, the widow and the orphan, the living soldier and the dead, each and all paid tribute to this spirit of loyalty and rascality.

The resolutions of the Cincinnati convention congratulate the people upon the prosperity of the country. But what is the statement made upon this floor by gentlemen from every section, and representing every interest? The ironmongers inform us that the fires of their furnaces have ceased to burn; the machinery of their workshops is idle and unemployed; the busy hum of the spindle and the loom is no longer heard; your shipping lies idle, and universal prostration prevails throughout the entire business interest of the country. The failures of the oldest and best business houses, the savings-banks, the various corporations, and the largest individual capitalists of the country are daily announced. The honest laborer in many sections, without labor or bread, has become the tramp, spreading terror and dismay among the people in many sections.

The gentleman from Pennsylvania [Mr. KELLEY] a few days since stated that the homes of the laboring people were being sold at every sale-day by the sheriff, and this in his city where Congress voted to expend one and a half millions of dollars a few months since, and yet he adheres to the party and the policy which have brought all these evils upon the country. Like Ephraim of old, he is joined to his idols; no argument or appeal from this side the House, not even the cries of the laboring masses about him, nor the sad reality which he states, that day after day their homes are passing from their possession under the sheriff's hammer, can induce him to change the folly of his life, which has contributed so much to this universal ruin and distress in every interest and section of our common country.

The republican party has made its nomination and the people of the country are challenged to its support. I ask attention to an editorial in the leading republican paper of this city and, I believe, the national organ of the party:

> The nomination of a milk-and-water republican at Cincinnati, one who will allow his antechamber to be filled with rebels and carry out their behests, will greatly dispirit southern republicans and cause many of them to regret that they ever allied themselves to the party.

The very cordial indorsement given the nominee of the party by that paper I must regard as assuring the country that the nominee is no "milk-and-water republican," and that "rebels will not be permitted to enter his antechamber."

We are thus put upon notice that the eight or ten millions of intelligent people of the South, who own the property in great part and pay the taxes for the support of the Government, are to be denied by that administration, if elected, any rights in the Government, even the poor privilege of being admitted to the antechamber of this President.

This, sir, is the candidate of a party of a section of the country, who is to deny admission to his very presence of millions of the people of his country, no matter what may be their rights or their interest.

Sir, I think the time has come in the hour of our national disgrace and the universal distress and gloom which overspread our whole land, when the good people of this great nation should rise up to the importance of the occasion and elect a man to that great office who will be the President not of a party, not of a section, but President in deed and in truth of the whole country, and of every interest, and of every section of it. A President whose antechamber will be open alike to all, the humblest and poorest as well as the proudest; when bitter and malignant party zeal will not alone be a passport to admission, but whose antechamber will be open to every decent citizen of this country who desires to call. When, sir, we shall be able to put such a man in the presidential chair we shall then have peace, that peace which flows from a just government honestly administered, that peace which springs from the heart of a prosperous, happy, and united people, and not that peace which the republican party has brought to the country, which, like the peace of the Scriptures, "passeth all understanding."

Mr. FOSTER. Mr. Chairman, the bill under consideration, known as the "sundry civil bill," appropriates $14,636,000, about $12,000,000 less than was appropriated last year, for the current year. This bill is one of a kind in which the appropriations rest very largely upon the discretion of Congress. It is the bill of all others upon which a large reduction can very properly be made. In many of the reductions made here—I may say in most of them—I have concurred. For some matters embraced in the bill the appropriations are, in my judgment, too small; but, upon the whole, most of the reductions here proposed can properly be made.

I would have done otherwise in reference to the public buildings of the country. I would not appropriate money to buildings not already commenced; but as to those now in progress I would have been more liberal than the committee has been, for the reason that there never was a time in the history of the country when these buildings could have been completed so cheaply as now, and besides that, it would be a godsend to the labor of the country to have this employment.

Let me analyze the bill for a moment only. For public printing about $1,100,000 is appropriated. There was appropriated for this purpose last year, I believe, $1,600,000. The amount named in the bill has been recommended by the Committee on Printing and is, I presume, based upon the estimate of Mr. Rives, of this city. Whether it is enough or not, I am not prepared to say, but the minority of the Committee on Printing is of opinion that it is not enough. For the judiciary two and one-half million dollars are appropriated. The able head of that Department says to the committee that this is not a sufficient amount, that $3,000,000 is absolutely necessary.

For the District of Columbia no appropriation is made. They are totally without funds and no means to get any as yet. The tax bill reported by this House has not yet passed the Senate. It is probable that no tax bill will pass.

Mr. RANDALL. The gentleman must not inferentially attribute any blame to the Committee on Appropriations on that score.

Mr. FOSTER. I am not doing so. I am merely stating what is the fact. In my judgment, after looking at this matter of the District of Columbia, I think the committee ought to appropriate $600,000 for the District of Columbia. For their 3.65 bond interest, for which the Government is holden and for which the faith of the nation is pledged, no appropriation has been made. There is an appropriation in the bill directing payment out of the revenues of this District, but there are no revenues.

Mr. RANDALL. I might as well state the fact here that there will be an amendment offered providing if those revenues are not sufficient the Government shall advance the amount necessary, so that in this bill we shall make sure there shall be no default in the payment of interest on the 3.65 bonds during the next fiscal year.

Mr. FOSTER. I understand the committee will propose an amendment of that sort?

Mr. RANDALL. Yes, sir.

Mr. FOSTER. That is all right. Still the District will be without money. We have been appropriating year after year more or less for the support of the District, and probably it will be done this time if the District government is to be maintained.

On the question of the public lands very great reduction has been made. The whole subject has been turned over to my very generous friend from Indiana, [Mr. HOLMAN,] who has very carefully examined it, and he makes a reduction of $900,000. I am not prepared to say whether the service will stand that reduction or not. I do not know whether the judgment of gentlemen better informed than I am was taken.

I rose principally to say, Mr. Chairman, this was a bill in reference to the provisions of which discretion very largely entered, and that I favored most of the reductions which have been made. I believe this is a time in the history of the country when we should prune the bill to the fullest extent possible. I agreed to most of what has been done. I now yield for thirty minutes to the gentleman from Illinois, [Mr. HENDERSON.]

Mr. HENDERSON. Mr. Chairman, I ask the indulgence of the committee for a short time while I call attention to a subject in which the people of my district, and especially those residing in the western part of it, feel a deep interest. I allude to the subject of completing the Rock Island armory and arsenal, a national work now being constructed on Rock Island, in the State of Illinois.

But, Mr. Chairman, while the people whom I have the honor to represent on this floor and the people of Iowa on the other side of the river feel a strong local pride and interest in the completion of this armory and arsenal, yet it is a work in which the people in all sections of the country should feel an interest. It is a national work, intended for national defense, and, in my judgment, it would be most unwise to neglect it or to stop short of its entire completion. It is for the purpose of attempting to show this fact that I now ask the attention of the committee.

Although, Mr. Chairman, the people of the United States are now at peace with themselves and at peace with all the world, yet the subject of our national defenses is one of great interest to all our people, and one which cannot be neglected without endangering the national peace and the national safety. "In time of peace prepare for war" is a political axiom which has been approved by the universal sense of mankind in all ages of the world, and is no less true to-day than when it was first uttered centuries ago. In fact, with all the improved appliances and enginery of modern warfare it has only become more important that we should heed this great lesson taught us by the wisdom of the past and be reasonably prepared at all times for war. This, Mr. Chairman, is necessary, in the first place, as a means of preserving the national peace, and, in the second place, if war comes, as war may come, it is necessary to preserve the national honor, if not the national existence.

It will not do to say that we will not go on with necessary works of national defense, like the construction of this arsenal, because we are now at peace. Such national defenses as the Rock Island armory and arsenal is designed to be cannot be built in time of war, or, if they can, they cannot be so well, so thoroughly, and so economically

constructed as in time of peace. Nor will it do, Mr. Chairman, to say, because we are now at peace, that therefore we are not going to have any more war. I believe in peace with all my heart, and it is to be most earnestly desired that we shall as a people and as a nation remain at peace; that we shall have no more war. But who can assure us that we shall remain at peace? Human nature is the same it has ever been. The passions of men, the pride as well as the selfishness of individuals and of nations, remain unchanged. And no people on the earth can claim an absolute exemption from war.

Wars come, Mr. Chairman, as the storms sometimes come, suddenly and unexpectedly. The cloud, when first seen, may not be bigger than a man's hand; and yet very soon the storm bursts with fury upon the land. And so from very slight and unexpected causes wars come and drench nations in blood. Who, sir, in 1860, when we were holding a peaceful election to determine who should be the Chief Magistrate of the United States for four years, believed that in 1861 the storm of war would in so short a time burst upon our land, to continue for four years, with all its terrible desolation and destruction? No man, I think, in 1860 fully realized or believed so great a calamity could come upon our country as did in 1861; and, if we then could have had such an armory and arsenal as this at Rock Island is intended to be, it can be safely said that it would more than have paid for itself every year of the war. Besides, our soldiers would have been well and promptly armed, the war would have been shortened in its duration, blood and treasure would have been saved, and much of the national demoralization would have been averted. And I say here to-day, Mr. Chairman, and I wish every member to hear what I say, that, if we ever have another war and have not the means of speedily arming a requisite number of soldiers with the very best arm in use, whether the number be large or small, it will be a disgrace to our people and to our country. And our public men and our statesmen, whose duty it is to provide for the national defense and to see and know that it is complete and adequate, will be justly condemned, by not only our own people, but by all the world.

I remember, Mr. Chairman, in the spring of 1861, when war seemed inevitable, and when, in fact, the war cloud was then throwing its dark shadows over the land, a distinguished statesman of Illinois, whose name is dear to the American people—I allude to Stephen A. Douglas—uttered these memorable words:

> The shortest road to peace is the most stupendous preparation for war.

And I say, sir, that the surest way to preserve the peace of this or any other country is to be well and thoroughly prepared for war.

Mr. Chairman, one of the very objects had in view by our fathers in the adoption of the Constitution of the United States, as expressed in the preamble, was to provide for the common defense; and, as if to show its importance, the power to make this provision was among the first conferred upon Congress by the Constitution. It is found in the very first clause of the section of the Constitution defining the powers of Congress; and where a power is conferred upon Congress to perform a necessary act, it imposes a duty to do it, and there is no higher duty devolving upon Congress than that of providing for the common defense of the country.

But I presume, Mr. Chairman, no one will deny the necessity of providing for the national defense; and if we are to have any national defense at all, then nothing is more important in providing for it than our arsenals; not arsenals for the storage and repair of arms merely, but for their construction as well.

The necessity for arsenals for the construction of arms, and of all that a soldier fights with, was felt and sorely felt at the very beginning of the late war and all through it. But very few of our soldiers went into the field in the late war with a serviceable arm. I remember well that regiments were supplied with old Harper's Ferry muskets and with Austrian and Belgian muskets; arms that the men had no confidence in; and in many instances it was a year or more before a better arm was furnished. And this, so far as new regiments were concerned, continued throughout the war.

The Government purchased during the late war, as I have seen it stated, about three-quarters of a million muskets, at a cost of about $15,000,000. It is said these muskets were worth as a merchantable article from seventy cents to $5 each, or say $2,000,000; so that, in the purchase of these arms, there must have been a loss to the Government of about $13,000,000, besides the much greater loss of having our soldiers armed with an inferior arm. If we had had such an arsenal as this at Rock Island will be when finished, as it is I think the highest duty of the Government to finish it, we could have armed a million of men with the very best arm in use. And it can be demonstrated that the difference in cost of material alone would have more than paid for this arsenal every year of the war.

It was the necessities of the Government during the late war, Mr. Chairman, the impossibility of getting serviceable arms in sufficient quantities to meet the demands of the service, and the great expense to the Government of purchasing even inferior arms, which suggested the building of this armory and arsenal at Rock Island, in the State of Illinois.

I do not intend, Mr. Chairman, to enter into any extended argument, at this time, to show the great importance, if not the absolute necessity, of the Government being prepared at all times to manufacture arms, and all the material of war to supply our armies, in Government shops. We were taught that by the bitter and costly experience of the late war. No Government should be at the mercy of foreign nations or of home contractors in the matter of supplying its armies with arms and munitions of war, because it is more expensive, and because it may absolutely endanger the national safety. It is by far the wiser and more economical policy to be prepared at all times to manufacture for our soldiers the very best arms in use at the time it is needed. With the improvements being constantly made in all that pertains to war, what may be regarded as a good arm to-day may prove to be a very inferior one in a short time; and it is due to the brave men of our country, whenever called upon to fight its battles, that they should be furnished with the very best arm in use. This is also true economy in every way in which it may be viewed.

Mr. Chairman, it has not been the policy of our country to maintain a large standing army. We have relied upon our militia and upon volunteers for national defense; and it is to arm and equip these in the great Mississippi Valley that this arsenal is being constructed, in case of war with our own people or with foreign nations. I say Mississippi Valley, Mr. Chairman, because it was the intention of Congress and of the Ordnance Department that this arsenal should be made the great arsenal of construction and deposit for the Mississippi Valley. To show that that is so, I read the following extract from the report of the Chief of Ordnance, October 19, 1869:

> Rock Island, in the State of Illinois, is eminently suitable for the principal arsenal of construction and deposit for the Mississippi Valley, and the Government owns all the land that is required for a first-class armory and arsenal. The arsenal at that point is being built upon a scale commensurate with its great importance.

For the same purpose and also to show more fully the opinion of the then Chief of Ordnance, General Dyer, as to its location and value to the Government, I read the following extract from his report of October 24, 1871:

> The construction of the Rock Island arsenal has been carried on as rapidly as the liberal appropriations made by Congress would allow. Two of the workshops are nearly completed, and will very shortly be occupied, one as a store-house and the other in place of the temporary workshops, which are to be removed. The act of Congress of April, 1864, authorized and empowered the Secretary of War to take possession of the whole of the island of Rock Island, and directed him to build thereon and maintain an arsenal for the construction, deposit, and repair of arms and munitions of war. It seems manifest that Congress intended that this arsenal should be made the great arsenal of deposit and construction for the Mississippi Valley, and that it should possess the manufacturing capacities of the national armory at Springfield, Massachusetts, and of one of our largest arsenals of construction, and it was planned with that end in view and has been so built. Its location is most admirable and its importance and value to the Government, especially in time of war, will be very great, almost incalculably so. A recent inspection of this arsenal has shown me that the work is being economically, rapidly, and well done. I hope that the appropriations asked for the next fiscal year will be granted by Congress.

It is not necessary for me to attempt to give the history of this arsenal, but I will say that it originated during the late war, and when Congress and the whole country could realize the necessity for it. Congress in 1862, by an act approved July 11, 1862, established three arsenals—one at Columbus, Ohio, one at Indianapolis, Indiana, and the other at Rock Island, Illinois—and appropriated $100,000 for each of said arsenals. And I understand we are largely indebted for the act establishing the arsenal at Rock Island to Hon. S. S. Cox, Speaker *pro tempore* of the House. I with pleasure give him the credit to which he is entitled. In 1864 Congress passed an act authorizing and empowering the Secretary of War to take and hold full and complete possession of all the lands and shores of the island of Rock Island, in the State of Illinois, on behalf of the United States, and to hold the same when taken as a military reservation by the War Department, upon which to build and maintain an arsenal for the construction, deposit, and repair of arms and munitions of war.

Under these two acts of Congress, and another approved June 27, 1866, the Rock Island armory and arsenal was planned, and the work of building it was commenced. It is now in process of completion. More than two-thirds of the work has already been done, and more than two-thirds of the expense has already been incurred, necessary to complete this great national work and give to the country a first-class arsenal—amply sufficient to supply the wants of the Mississippi Valley in which it is located. And the question is, Mr. Chairman, Shall this great work, so wisely begun, so indispensable to the national peace, and in case of war, to the national safety, go on to completion, or shall it be crippled now, and finally be abandoned in a half-finished condition? I hope not; and yet unless the Committee on Appropriations can be induced to make a larger appropriation than that provided in this bill, now under consideration, or unless the House can be induced to do so, the work will practically come to a stand-still in a very short time, and certainly at the end of this year; and then, Mr. Chairman, if the work is ever resumed again, it will be at very great loss to the Government. A moment's reflection must convince any one of that. If this arsenal is to be completed, there are many reasons why it should not be interrupted now, why the work should go on to completion.

The Committee on Appropriations refused to allow any appropriation for "shop G," as it is called, it being an iron working and finishing shop; and the reason given is that it is a new shop, and they will not allow anything for new work. Now I have urged before the Committee on Appropriations, and I urge again here before this Committee of the Whole House, that while shop G, this iron working and finishing shop, is a new shop, yet it is not in a proper sense new work. This shop is a part of the original plan designed for the

armory and arsenal, and it must be built before the arsenal is completed.

The original plan of the arsenal contemplates the building of ten shops, each being intended for a particular use, and all necessary to a complete arsenal. Six of these shops are now either completed or in process of completion, and all must be constructed before the arsenal is finished. To be more explicit, each of these shops is a part of a well-designed system of shops, and all necessary to make a complete armory and arsenal such as we should have in the great Mississippi Valley.

It can be said with as much propriety that a man is a perfect man without an arm or without a leg as to say that this arsenal is a complete arsenal with any of these shops unfinished. To leave any of these shops unfinished, to use a borrowed but very forcible illustration, is like building a two-horse wagon and hitching but one horse to it. And instead of having a great armory and arsenal, one that the country can safely rely upon in the future as a necessary, permanent, national defense, we have an incomplete, unfinished arsenal, one that in case the necessity should arise for it would be a reproach to us and to all our statesmen whose duty it is under the Constitution to provide for the national defense.

If an appropriation for shop G is not made for the next fiscal year, we are told by the very able and intelligent officer who has the immediate charge of this work that the work of building the arsenal will come nearly, if not quite, to a stand-still at the close of this year. And in that event a large number of mechanics, artisans, and laborers must be discharged and turned out of employment.

The number is as follows:

Stone-cutters and helpers	130
Stone-masons and helpers	75
Machinists, smiths, founderymen, and helpers, (all iron-workers)	125
Carpenters, painters, and helpers	130
Other workmen of various kinds, experts, including masters, foremen, &c.	50
Laborers, &c., say	350
Total	860

This force is, of course, reduced when outdoor work stops in winter, and may be increased in hurried times in summer. But this is about the regular force of mechanics and laborers who would be turned out of employment if the work should be abandoned. And this is a carefully selected and well-organized force, the result of education and experience, extending through many years; and if broken up, it could not be readily replaced, as will be seen, and then at great loss to the Government in the future prosecution of the work.

Another reason why the work should go on is, that on account of the reduction in labor and material it can be carried on at greatly reduced cost. A building can be erected now for about $448,000 that at old rates cost about $620,000. This is owing largely to the reduced cost of iron and to the improved system of carrying on the work inaugurated by Colonel Flagler, who is in command at the arsenal and has charge of the work.

But there is economy in commencing shop G and in going on with the work of completing the arsenal, even if the cost of labor and material should remain the same. The large excavation required for this shop is now much needed for filling low grounds at site of other shops. Then the machinery and tools are there already for use, as well as the necessary force of experienced, skillful workmen, masters and foremen, mechanics, artisans, and laborers. Again, the construction of different buildings at the same time places the work in such condition that a fair amount of each kind of work, laborer's work, masonry, iron work, and carpenter's work will come in each year, and will prevent loss by stopping one kind of work and pressing too much of another kind into one year. While some are excavating, others are engaged in preparing stone and building walls. While some are engaged in roofing, others are at work interarching and flooring. And thus the work goes on in harmony, and at much less expense in constructing two or more buildings at the same time than it would be in constructing only one.

This system is undoubtedly the true one when more than one building is to be constructed, because it is the most economical. And if it is not pursued, one kind of work will fail entirely in one year and there will be too much of it in another, and it will cause the discharge of many valuable workmen at times for a whole year and the breaking up of a carefully organized force.

But, Mr. Chairman, the Committee on Appropriations have not only refused to make any appropriation for shop G, because they consider it new work, but they have only appropriated $80,000 for shop F, a shop in process of construction, when the estimates, both original and revised, ask for $170,000 to complete that shop. And if no new shop is to be commenced, there is a much stronger necessity for making the full appropriation asked for to complete shop F. Every interest in the way of economy demands that it should be made. To stop the work before the completion of shop F, to discharge the workmen employed, and let all the tools and machinery now employed lie idle would be most unwise; and I hope the committee will reconsider their action so far as the estimate for shop F is concerned at least, and allow the full amount asked for to complete it.

But again, Mr. Chairman, in the original estimates submitted by the War Department there was estimated for the water-power connected with the arsenal $60,000. After this estimate had been submitted a more careful survey of the river was made, and it was found that to complete the development of water-power at the arsenal and carry out existing contracts made in good faith by the Government with the Moline Water-Power Company, it would require $157,350 instead of $60,000 as originally asked for. A report to that effect was made by Colonel Flagler to the Chief of Ordnance in February last, and was transmitted by that officer, with a letter recommending that the appropriation be made, to General Belknap, then Secretary of War. And he submitted the report and letter of the Chief of Ordnance to the House of Representatives, accompanied by a letter from himself under date of February 19, 1876, recommending also that the appropriation asked for should be made. These documents were referred by the Speaker to the Committee on Commerce; and at my request they were reported back and referred to the Committee on Military Affairs, that committee being, as I supposed, the appropriate committee to consider the subject. The subject was considered by the Committee on Military Affairs, and upon their own investigation and examination they referred the matter to the Committee on Appropriations, and recommended that the sum of $157,350 be appropriated, as asked for by the commandant of the Rock Island arsenal, and recommended by the Chief of Ordnance and the Secretary of War.

I may say further, Mr. Chairman, that after Hon. Alphonzo Taft was appointed Secretary of War, and he was requested to revise the estimates, his attention was called to this subject by myself, and the documents before referred to were submitted to him; and after examining the subject in connection with the Chief of Ordnance, General Benét addressed a letter to Judge Taft, explaining about this special appropriation, and recommending again that it be made; and that letter and recommendation of the Chief of Ordnance was approved by Secretary Taft and submitted by him to the Committee on Appropriations; and I know, Mr. Chairman, that Judge Taft approved the recommendation of General Benét after he had examined the subject, and not until he had done so. And I say here, as a member of this honorable body, after a personal examination of the condition of the water-power connected with the arsenal, and after a careful examination of the contracts and agreements made with the Moline Water-Power Company, that if good faith and honest, fair dealing ever required an appropriation to be made, they require that this appropriation shall be made to develop the water-power and to remove the deposits which have obstructed the flow of water into the pool, so much so as almost to destroy the water-power at low water, and very seriously to damage the Moline Water-Power Company.

Mr. Chairman, I shall not read all of the documents—the report of Colonel Flagler and the letters of General Benét, the letter of General Belknap, and approval of Secretary Taft on the last letter of General Benét—but only some parts of them. But I ask that they may be printed and form a part of my remarks.

And at the proper time, Mr. Chairman, I shall move to amend this bill, first, to make an appropriation to commence shop G; second, to increase the amount to complete shop F from $80,000 to $170,000 asked for for that purpose; and, third, to appropriate the sum of $157,350 to complete the development and maintenance of the water-power.

And now, Mr. Chairman, I will not trespass upon the time and patience of the committee much longer. I believe it the part of wisdom and prudence to go on and complete this armory and arsenal as it was originally intended to be. As I have already said, two-thirds of the expense has already been incurred, and two-thirds of the work is done. If we stop now, it is safe to say we will have only about half the capacity we shall have by expending the other third and finishing the arsenal according to the original plan. And when finished, it is a work worthy of the great Mississippi Valley in which it is located and of the nation. It is not a temporary work, built to-day to molder away to-morrow. It is intended to be permanent, lasting; as permanent and enduring as the firm foundations of this great Capitol. It is located in one of the great States of the Northwest, the future seat of empire, and of the Union, and it is the only national work of any importance in the Northwest.

Mr. Chairman, while the Committee on Appropriations have been, as I think, illiberal with us in the appropriations for this national work, the only one in Illinois, Illinois pays into the Treasury of the United States a large part of the internal revenue of the country. I am not certain as to the amount, but think the State pays at least one-seventh of the entire internal revenue of the United States. Why, Mr. Chairman, the collection district in which I live has paid into the Treasury of the United States in any single month of the last fiscal year more than four times as much revenue as the Committee on Appropriations have allowed for this great national arsenal. In the last month, the month of May, sir, the collection district in which I live, paid into the Treasury of the United States $736,608.56, and for the eleven completed months of the present fiscal year that single district has paid into the national Treasury $7,292,802.87, to say nothing of what the rest of the State has paid, and that is more than three times sufficient to complete this arsenal and make it all it is required to be for a century to come.

Illinois, Mr. Chairman, is one of the great States of this proud Republic. Its wealth, its population, its geographical position, and, above all, its patriotism, its proud devotion to the American Union and to the flag of our country, the emblems of our hopes and our liberties, make it a most suitable State in which to locate this great arsenal; and Rock Island is the most desirable location in the State

whereon to build it. The island is one of the noblest of the islands of the Mississippi River. It contains about nine or ten hundred acres of beautiful land, lying high above low-water mark; and it is founded on a rock, as its name indicates. The Government owns every foot of it. It is not only on the great Father of Waters, the noblest river of our country, but it is on one of the great lines of railway communication leading from the East to the West. It is in the immediate neighborhood of inexhaustible coal-fields; it has an ample water-power owned by the Government. It is surrounded by one of the richest agricultural districts in the country and by three enterprising, prosperous, and beautiful cities, containing an aggregate population of perhaps not less than fifty thousand inhabitants; and it is in the valley of the Mississippi, one of the grandest valleys in the world. There is certainly no better location for a great arsenal in any part of our country.

And now, Mr. Chairman, allow me in conclusion to say that I hope we shall not be so unwise as to permit this great work, so essential in providing for the national defense, to be crippled and left in an unfinished condition. On the contrary, let us go on and with reasonable appropriations prosecute the work to completion. When completed it will be an arsenal that the nation will be proud of. It will be a silent, lasting, ever-present, and ever-ready power for peace, and in time of war, if war shall come, for national defense and national preservation.

[The following are the documents referred to by Mr. HENDERSON in his speech:]

A.

ROCK ISLAND ARSENAL, ILLINOIS,
February 4, 1876.

SIR: Referring to my letter to you dated May 6, 1875, respecting the deposits at the head of the water-power pool at this arsenal, the difficulty in getting a sufficient supply of water into the pool, complaints of the Moline Water-Power Company, &c., and to the item of $60,000 in my annual estimate for the fiscal year ending June 30, 1877, for prosecuting the development of the water-power by making provision to admit the necessary amount of water into the pool, I have the honor to submit for your information and consideration the following calculations and remarks:

Estimate of amount of water required for the water-power for which a water-way into the pool should be provided.

Provision should be made to furnish to the United States at least two thousand horse-power. The best plant of water-wheels, penstocks, and machinery cannot utilize more than 78 per cent. of the power of the water. At low water the head at the dam is seven feet. This would require for the use of the arsenal 3,234 cubic feet of water per second:

$$\frac{2000 \times 550}{0.78 \times 62.3 \times 7} = 3234$$

The contract made with the Moline Water-Power Company requires that one-third as much more be provided for the use of that company. This makes the total amount required 4,312 cubic feet per second. I think it best to put this amount at 4,400.

It is the object of this paper to determine the best method of getting this amount of water; that is, of getting it from the river into the pool. As explained in my letter of May 6, 1875, the water cannot get into the pool now because of obstructing rocks and deposits of mud and sand. The removal of these deposits would be very expensive, is nearly impracticable, and would not be effectual in producing much lasting good.

It is, therefore, necessary to provide some other way.

Whatever plan is adopted, it should possess as many of the following requisites of a good plan as is practicable:

First. It should be as economical as may be.

Second. It should be effectual.

Third. It should be such as will prevent future deposits of sand and mud, or such as will admit of the easiest and most economical removal of these deposits, which, unless prevented, must continue forever.

Fourth. The development of this part of the water-power must be such as not to prevent a future increase of the water-power, but should be such as to make such an increase as easy and economical as may be.

The future manufacturing interests of this community and the probable future wants of this great arsenal make attention to this last requisite important.

After discussing the only two plans of development that are proposed, and making calculations and estimates for them, it will be well to see how far each fulfills the above requirements.

First plan, or that of building a long wing-dam up the river.

You are aware that the president and members of the Moline Water-Power Company have advocated the building of a long wing-dam up the river. The proposed location of this dam is shown by a red line on the accompanying map, (marked A.)

It is claimed for this plan that by running the head of the dam into deep water, it will give so large a cross-section at the head of the pool (A B on map) that enough water will always enter the pool and that also this dam will raise the water in the pool nearly to the height of the river at the head of the dam. The level of the river at the proposed head of the dam (A B on the map) is 1.6 feet higher than at the present head of the pool, (C D on the map.) It is further claimed that this increased height would carry the water over the obstructions which are now at the head of the pool, thus remedying the present evil, besides giving an increased head and a large increase of power at the water-power dams.

I have been unwilling to adopt this plan until after a thorough examination and study of this part of the river could be had.

It will be readily understood that this plan, instead of making a pool all the way to the head of the proposed wing-dam, would substantially make a canal between the wing-dam and the Illinois shore, down which all the water for the water-power would have to be brought. This canal would be more than two miles long, and generally about nine hundred feet wide. The water in all this part of the river is shallow. I have been afraid from the first that to get enough water to flow down this long, shallow canal so much fall in the surface of the water would be required that nearly all, or more than all, of the increased head, namely, 1.6 feet, would be consumed in this way; that is, that the slope of the surface of the water in the canal would be greater than outside in the river. If this were so, then at low water the wing-dam would dam the water out of the pool; the water in the pool would be lower than it is now, none of the benefits claimed for the plan would be gained, but great damage would be done.

During the last two years I have given much attention to this subject. Last fall I finished complete soundings and measurements of all this part of the river. These soundings are numerous and accurate, embracing in all about 15,000 soundings. From them I have made cross-sections of the proposed canal 200 feet apart throughout its whole length, and from these cross-sections determined the capacity of the canal. The canal at low water would have an average depth of not much more than 1.2 feet.

Obstructions and the uneven bottom would produce eddies and contractions. I have from a study of the cross-sections determined as nearly as possible the form of bottom and sides of a canal of equal capacity for flow, but of a uniform cross-section at low water, and have calculated the flow in the latter. Of this canal the area of cross-section would be 980 square feet; the length of wet perimeter, 880 feet, (approximately;) length of canal, 12,500 feet.

(*a*) To discharge 4,400 cubic feet per second through this canal, the required fall is determined by calculation to be 26.5 feet; that is, it would be impossible.

(*b*) If we suppose the fall in the canal to be the same that it is in the river outside, namely, 1.6, the canal would discharge 1,001.78 cubic feet per second, representing at the upper dam 907.8 horse-power. To get even this, we would still have to clear a channel through the rock and mud at the head of the pool.

(*c*) With the stage of water 1 foot above low water, to discharge 4,400 cubic feet per second there would be required a fall of 3.598 feet, leaving the water in the pool still nearly 2 feet lower than in the river outside. With stage of water, the wing-dam would still injure the water-power, if the maximum amount of water for which the water is built (4,400 cubic feet per second) were required.

With the stage of water 1.45 feet above low water to discharge 4,400 cubic feet per second, the required fall in the canal would be 1.6 feet, the same as in the river outside, and no damage would be done by the wing-dam. As the river rises above this stage, the wing-dam, if built high enough, would begin to be beneficial.

It is to be remembered, however, that the supposed improvement is only desired or needed at low water. If the determined cross-section of the canal is correct, or anywhere near correct, then the calculations prove positively that at low water the wing-dam would dam the water out of the pool and effectually destroy the water-power.

Nor is this the principal injury that the wing-dam would effect. From the instant that it is completed the deposits in this channel must commence. It is impossible that the deposit should be less than it is now, and even if the canal were a good one to begin with, sooner or later it must be filled up, precisely as the head of the pool is now. Then, instead of having as we have now, the objectionable difficulty of clearing out a channel 2,400 feet long through the mud and rock, we should have the increased difficulty of clearing out and keeping clear a similar channel 12,500 feet, or nearly 2½ miles long. The expense of this last undertaking would make it impracticable.

Moreover, the deposit must be much greater than it is now. We have now the deposit only from the still water that comes into the pool. The wing-dam would give us additional deposits from the other water that does not come into the pool. It is proposed to build the wing-dam to a height of not more than 3 feet above low water. At higher stages, when the water is most charged with sediment, the river is to flow over this dam. It will then be like any other obstruction at the bottom of the Mississippi that causes a bar to form above and below it. The fillets of water below the level of the top of the dam will have from little to no current; will receive a portion of the sediment from the running water above, and, being too sluggish to carry it away, will deposit it. I believe the deposit abstracted from this water which we would not use, and from which we would get no benefit, would be more than that we now get from the water which comes into the pool and which we do use.

Some plans are proposed for washing out this deposit. They might mitigate the evil, but that they would succeed sufficiently to keep the water-power in operation at low-water is, I believe, subject to grave doubt.

COST.

To build the dam to the height of three feet above low water, of loose rock dumped in the river, (the cheapest construction,) would require, according to my estimate, 75,000 cubic yards and cost $225,000.

It has been proposed to deepen the canal between the wing-dam and the shore, increase its cross-section, and thus avoid the evil of injuring or partially destroying the water-power at low water, as shown by the calculations herein, and to use the rock thus obtained for building the wing-dam. This would be effectual, and is, on a larger scale, substantially the same as the other plan proposed, but to do it it would be necessary to coffer and pump out all of this part of the river. The expense would be very great and incompatible with the benefit obtained. The increased deposit described on page 10 would still obtain. It is true that the excavation would give a smooth channel which might be dredged, but, instead of having a lesser amount to dredge from a channel 2,400 feet long, there would be a larger amount to dredge from a channel 12,500 feet long.

To make this channel at all valuable, that is, to deliver the required 4,400 cubic feet per second and increase materially the height of water in the pool, would require at low water that the excavation clear a channel 4 feet deep and 800 feet wide. This channel would require a fall of .53 feet, and save 1.07 feet of head. Its cost would probably exceed $750,000.

If this plan of excavating is abandoned on account of its cost, I should say then that at low water the wing-dam would injure the water-power; that if provision is to be made to bring into the pool the required 4,400 cubic feet per second, then the wing-dam would injure the water-power for any stage of water less than 2½ feet above low water; that in any case it would multiply the difficulty and cost of keeping the water-power in good condition; that it would benefit the water-power when the stage of water is 3 feet above low water and the benefit is not needed, because then it can be obtained by other inexpensive means; that at stages of water between 0 and 3 feet above low water, if the arsenal is using little or no water, and the Moline Water-Power Company is using only about 750 horse-power, then that company would get material benefit from the plan in increased head; provided that the United States keeps the water-power in order.

The other plan proposed is to excavate a channel from deep water, when near the

(*a*) $$\frac{\text{Fall in feet}}{12{,}500} = \frac{\left(\frac{4400}{980}\right)^2 \times 880 \times .0001114}{980} + \frac{\frac{4400}{980} \times 880 \times .00002426}{980}$$

$$\text{Fall in feet} = 26.50.$$

(*b*) $$\text{Discharge per second} = 980\left(\sqrt{\frac{980 \times \frac{1.6}{12{,}500} \times 8975}{880}} - .1089\right)$$

$$= 1001.78 \text{ cubic feet per second}$$

$$\frac{1001.78 \times 62.3 \times 7 \times \frac{80}{100}}{550} = 907\frac{8}{10} \text{ H. P.}$$

(*c*) $$\frac{\text{Fall in feet}}{12500} = \frac{\left(\frac{4400}{1880}\right)^2 \times 880 \times .0001114}{1880} + \frac{\frac{4400}{1880} \times 880 \times .00002426}{1880}$$

$$\text{Fall in feet} = 3.598.$$

head of the wing-dam now built, down through the pool until deep water is reached. (See M M' on the map.) It is proposed to make this channel 400 feet wide, 3½ feet deep, about 2,400 feet long, and to use a portion of the rock obtained in extending the wing-dam now built about 500 feet (shown on the map) up-stream and out into deep water. This extension of the wing-dam would be into deep water where the current is rapid, and should turn a part of the current into the pool, and would raise the water a few inches at this place. I estimate this raise at .33 feet, which would give a little more than 3.8 feet of water in the channel excavated.

As has been stated, there is now a deposit of mud and sand over all the head of the pool, which dams the water out of the pool. Underlying this deposit is rough, uneven rock, coming sometimes near to the surface of low water. A channel cannot be dredged through it, because the rock interferes. To dredge out the deposit over all the head of the pool would be difficult, expensive, and nearly impossible, because of the uneven rock bottom. It would not be effectual, because the deposit would soon return in the same objectionable form.

The object of the proposed channel through this mud and rock is to furnish—

First. A sufficient water-way into the pool; and

Second. An effectual and economical method of maintaining the water-way.

To determine the sufficiency of this water-way the calculations for flow through it give the following results:

To discharge through it the maximum amount to be provided for, namely, 4,400 cubic feet per second, would require at low water a fall of .59 feet.

To discharge the same amount through it with the stage of water 1 foot above low water would require a fall of .33 feet.

With the stage of water at 2 feet the fall would be .16 feet, or practically nothing. This supposes the channel to be clear of deposits.

Ordinarily the maximum amount of water would not be required. A considerable deposit in this channel might then exist and the capacity of the channel remain sufficient. In time of peace the amount of water used by the United States will be small. At such times, for many years to come, I suppose the combined consumption of both the arsenal and the Moline Company would not exceed 1,750 cubic feet per second, equivalent to 1,110 horse-power.

To discharge this amount through the channel, having in it a deposit 2 feet deep at extreme low water, would require a fall of .48 feet; with the stage of water at 1 foot, the required fall would be .12 feet; with the stage of water at 2 feet, the required fall would be .045 feet, or practically nothing. Therefore in time of war, or if at any time the arsenal required a large amount of power, the channel would have to be kept clear. At other times a considerable deposit could be allowed to accumulate and the water-way still be sufficient. It would be better if the depth could be increased to 4 feet, but the additional depth would cost about $40,000.

Second. The channel is also to afford an effectual and economical method of maintaining a water-way. If the use of the dredge cannot be avoided, then the channel would permit that the deposit be allowed to go on till it is deep and the dredge can get a full scoop and work economically. It would confine the dredging to a narrow channel and give a smooth bottom to dredge over. Moreover, I hope it may prevent the necessity for dredging, or at any rate reduce very much its amount and expense.

I have provided in the lower dam four large sluice or wash gates, which can be opened against any pressure of water. The other gates can be opened against the pressure of low water. By opening all the gates not in use in both dams a strong, rapid current would be drawn down through the proposed channel. Then by stirring up the mud and sand in the channel by mechanical means it is probable that the deposit might be washed out and its accumulation controlled in this way without much expense. This could be done from Saturday to Monday, when the water-power is not used.

Cost.

My estimate of the cost of excavating this channel is as follows:

Six hundred yards of coffer-dam, at $7 per yard	$4,200 00
Eleven hundred yards of mud-coffer, at $1 per yard	1,100 00
Pumping out water	350 00
Excavating 58,000 cubic yards of mud and sand, at 30 cents per yard	17,400 00
Excavating 52,000 cubic yards of rock, at $2.50 per yard	130,000 00
Removing coffers	1,300 00
Tram-ways, scows, and other expenses	3,000 00
Total	157,350 00

It is proposed to apply to this work whatever appropriation Congress makes for this object, and to prosecute the work as indicated as fast as appropriations for it can be obtained. A less amount than that asked for could not be applied so economically as the whole amount.

I believe it would be unwise and not economical for the Government after having expended so much money and built so great a water-power to leave it unfinished. It is also clear that the acts of Congress on this subject, and the contracts made with the Moline company, require that the work shall be done.

Comparing this second plan with the first one proposed, I think it is clear—

First. That it is more economical than the first plan; provided the first plan be made effective.

Second. That the second plan will be effective at low water, the only time when it is needed, and that at any reasonable cost the first plan cannot be made sufficiently effective to give at low water the maximum amount of water required.

Third. That the second plan admits of satisfactory and economical methods of removing the deposits that will always occur, and that the first plan would increase these deposits, and would furnish no satisfactory or economical method of getting rid of them.

Fourth. If the first plan were carried out, it seems to admit of no future increase of the water-power, except by digging out through rock the channel 2½ miles long between the proposed wing-dam and the Illinois shore; a work so expensive that I doubt if it would ever be undertaken.

If the second plan is carried out, and at any future time (fifty years hence) the wants of the arsenal and manufacturers in this region demand it, certainly the water-power can be increased at a reasonable cost by deepening the channel.

In the calculations for flow in the channel between the proposed wing-dam and the Illinois shore (first plan) the cross-section of available channel was taken for low water at 980 square feet. If this cross-section is correct, then the results obtained in the calculations for flow are very nearly correct. It may be claimed that this cross-section is too small. Certainly, if a larger cross-section is the true one, it would give better results. But, discarding all calculations, this much is true: The discharge of the Mississippi at this point at low water has been carefully measured and calculated, and is not more than 17,000 cubic feet per second. Not more than one-tenth of this flow is in the part of the river under consideration at extreme low water. To partition off this part of the river from the rest could not in any way increase its flow. Leave the slope of the surface the same that it is now, and the discharge is 1,700 cubic feet per second, equivalent to about 1,100 horse-power.

The water in the pool cannot be raised without diminishing the slope or fall of the channel above. To diminish this means diminish the flow and diminish the horse-power. Building the wing-dam would then confine us to 1,100 horse-power as a maximum. It would dam us off from getting any more, and to get this an opening would have to be cut down through the rock and deposits now at the head of the pool.

If, however, the water-power is to be reduced to, say, 1,000 horse-power and be constructed for the present needs of the Moline company only, then the slope in the channel above can be diminished; the surface of water in the pool will be raised, and the small increase of head at the water-power dam so much desired will be gained. But the deposit will at once commence, and unless cleared out will sooner or later reduce the power at low water to zero.

I regret the length of this paper, but the subject could not be very well explained in less space. As it is, much has been left out that is pertinent to the subject. The matter could be explained verbally much better while using the maps and drawings.

Very respectfully, your obedient servant,

D. W. FLAGLER,
Major of Ordnance,
Brevet Lieutenant-Colonel United States Army, Commanding.

To the CHIEF OF ORDNANCE,
United States Army, Washington.

B.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, February 17, 1876.

SIR: I have the honor to transmit herewith a report of Major D. W. Flagler, commanding Rock Island arsenal, showing the necessity for an appropriation for completing the development of the water-power.

The agreements made by the United States with the Moline Water-Power Company binds the former under the obligations hereinafter stated:

First. Proceedings of Rock Island commission, of January 24, 1867, (Executive Document No. 27, Senate, second session Thirty-ninth Congress,) which requires "the Government to develop and maintain the power, so far as it can be done with the money heretofore appropriated, or that which may hereafter be appropriated, by Congress for that purpose; the Moline Water-Power Company to have the use in perpetuity * * * of one-fourth of the entire water-power developed." * * *

Second. Agreement with the Moline Water-Power Company, signed by General Grant, Secretary of War *ad interim*, and Charles Atkinson, president of water-power company, August 20, 1867, in which the company convey "their entire water-power" and the free use of so much of the bed of the river as may be required "for the further development of said water-power." The Moline company be granted the free use of "one-fourth of their entire water-power above conveyed." The United States agreeing to apply $40,000, "or so much thereof as the War Department may consider necessary, to complete the wing-dam," &c.

Third. Agreement between the Moline Water-Power Company and Secretary Rawlins, dated April 8, 1869, which stipulates that the United States shall resume * * * "the development and prosecute to completion, &c., the upper portion of the water-power and the removal of the deposits in the pool."

Upon this subject Major Flagler, in his report of May 6, 1875, to the Chief of Ordnance, says: "I certainly believe that the obligations of the United States set forth in these papers have been thus far properly discharged, and somewhat liberally discharged, in the benefit conferred upon the Moline Water-Power Company, and that you should not feel that injustice has been done to this company by the United States. The Government has certainly bound itself to develop and maintain the water-power. What this development and maintenance shall be is not exactly set forth, and has caused, and probably always will cause, discussion, because only one party to the benefits to be obtained has to expend the money for them." And, further, it is a nice question to decide to what extent the development and maintenance shall go on, and whether the Government, which pays the expenses thereof, shall not be the judge of the manner and quantity of such development and maintenance. At any rate, the action of this department is limited by the appropriations, and I have no doubt that full justice has been done to the interests of the Moline Water-Power Company. The necessity for further appropriations is apparent, and this Bureau has estimated for the next fiscal year as follows:

"Improvement of the water-power, $60,000."

"NOTE.—This estimate is for opening a channel in the rock-bed of the river and improving the wing-dam to increase the amount of water flowing into the water-power pool during low water."—*Book of Estimates*, page 124

This sum, however, is not sufficient to complete the work as wisdom and economy demands that it should be done, as is shown in the report transmitted herewith.

The Moline Water-Power Company feel aggrieved because the quantity of water at its disposal is not sufficient. It is admitted that the passage to the pool is obstructed, and that to give the Moline Water-Power Company and the United States the full benefit of the development already made, measures must be taken to cause a sufficient flow of water into the pool to supply the necessary power. The Government is bound by its agreement (after taking possession of the water-power property) to do this work, and in the interest of the two parties interested, for economy, and particularly for the protection of valuable interests to the United States, the work should be done now, and the entire amount, $157,350, should be appropriated.

Two methods are proposed for doing this work. Major Flagler's report, transmitted herewith, fully proves that the proper way to effect the object is by carrying out the plan proposed in that report; that it will, for the least money, satisfy most of the conditions and give all the water necessary for the company and the United States, and make provision for dredging out the channel, and at all times keep the work in working condition. This plan, No. 2, is therefore approved and recommended, and the money required, $157,350, should be asked from Congress at the present session.

This matter is respectfully recommended to the honorable Secretary of War for favorable action, and that it be brought to the attention of Congress.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT,
Washington City, February 19, 1876.

SIR: I have the honor to transmit for the consideration of Congress a communication from the Chief of Ordnance, inclosing a report by the commanding officer Rock Island arsenal, asking for an appropriation of $157,350 to complete the development of the water-power. The agreements entered into by my predecessors under the joint resolution of Congress of March 2, 1867, make it the duty of the United States to carry out this work to completion, and the interests of private parties require that the work should be done as speedily as possible. The whole appropriation asked for would enable this Department to complete the work and afford the relief called for in a few months, and thus fulfill the engagements entered into by the United States.

Should the full amount not be appropriated, as asked for by the Chief of Ordnance, the sum of $60,000 at least should be given in order to enable the Department to make progress in the work.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

To the SPEAKER,
House of Representatives.

WASHINGTON, D. C., *March 24, 1876.*

The Committee on Military Affairs, to whom was referred the letter of Secretary of War and accompanying reports in relation to appropriation for improvement of

water-power at Rock Island arsenal, recommend that the Committee on Appropriations grant the amount asked for, namely, $157,350.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, May 18, 1876.

SIR: I have the honor to invite your attention to my letter to the Secretary of War, of February 17, 1876, on the subject of completing the development of the water-power at the Rock Island arsenal, submitting a special estimate of $157,350, and earnestly recommending that its appropriation be made by Congress, which letter was submitted to Congress by the honorable Secretary of War. This special estimate was made at that late day, after the regular estimate had been submitted to Congress, because the data upon which it was based could not be obtained earlier, and it was intended to take the place of the $60,000 for the same embraced in the Book of Estimates.

In the recent revision of the War Department estimates by the Secretary of War this special estimate of $157,350 was inadvertently overlooked, not being in the Book of Estimates, and the attention of the Secretary of War was not called to it. Had it come up when revising the estimates, I would have recommended, as I do now, that the entire appropriation be made as an economical measure, and as the surest and speediest means of carrying out satisfactorily the agreement entered into by the Government in obtaining possession of the water-power.

I have the honor to submit the case for your favorable action, as I understand that the revised estimates are supposed to exclude this special estimate of $157,350.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

Mr. FOSTER. I yield what remains of my time to the gentleman from Rhode Island, [Mr. BALLOU.]

CONGRESSIONAL PRINTING.

Mr. BALLOU. Mr. Chairman, there were some remarks and statements made by my colleagues on the Printing Committee on the resolution to refer to the Committee on Appropriations certain sections of their report which I think upon calm reflection they would desire to greatly modify, or perhaps change altogether. They are so different from my own understanding of the matter, and so calculated in my judgment to mislead, that I feel that it is due to myself, to the Congressional Printer, and to this House that the plain facts should be stated.

Perhaps it has been made sufficiently clear to the House heretofore that an over or under charge to a Department does not necessarily affect the cost of printing, as these charges are simply an approximation of the cost made from general rules and estimates as a guide for the amount of work to be done for any particular appropriation. But the account of the Congressional Printer with the Treasurer of the United States will show the real cost of every item, whether for repairs, material, or labor, as a voucher must be left with the Treasurer for every dollar received. It is very difficult to purchase goods either so perfect in quality or so low in price of any parties that others interested may not afterward be found who would have been glad to have given you a much better bargain if you had patronized them. It is not easy to see, however, that there is any particular inducement or temptation to the Government Printer to trade with others than those with whom, all things considered, he can best serve the Government, and to change his customer whenever its interests would be promoted thereby. In the searching investigation for fraud in the Government Printing Office no instance has been discovered in which any pecuniary benefit has been received or sought for by the Congressional Printer in his private capacity, either directly or indirectly, on account of any Government patronage or official transaction.

But I wish especially now to call attention to three particulars made prominent in the previous discussion, in which the Government Printer is charged—

First. With having deposited government money illegally in bank.

Second. With having sworn falsely in relation to the money deposited in the safe of the printing office.

Third. That "he was invited to be present at the examination of every witness," and that "at the examination of any witness he was never excluded from the committee-room."

In order to obtain a definite and clear statement of the facts on these several points, I addressed a letter to the Government Printer for the necessary information, which it will be unnecessary to read, as all that is essential is quoted by him and appears *verbatim* in his reply, which is as follows:

OFFICE OF CONGRESSIONAL PRINTER,
Washington, D. C., May 22, 1876.

DEAR SIR: I have the honor to acknowledge the receipt of your favor of this date. You are pleased to propound to me certain inquiries relating to the late so-called printing investigation in the House, which I propose to answer *seriatim* with entire frankness and candor.

You say—

First. "In the RECORD of May 19 you are quoted as having answered under oath to the question of the House Committee on Printing as follows:

"Question. Have you no deposit in any bank in the city?

"Answer. No, sir.

"Please state whether this answer was correct; and, if so, how you reconcile it with the testimony of J. A. Ruff and H. C Swain that A. M. Clapp was a depositor in their respective banks at that time."

Had the committee been fair enough to quote my entire testimony on that point, neither yourself nor the public would be in doubt as to the correctness of my answer. I was being questioned as to my official action and in relation to certain moneys belonging to the Government which had been retained in my possession, and the answer was truthful. I had no deposit of Government funds in any bank in the city. The accounts sworn to by Messrs. Ruff and Swain were my private accounts, and as my private affairs had not been alluded to, the question and answer had no reference whatever to them; of this I think the committee must be fully aware.

Second. "Please reconcile also your answer to the question in the same RECORD—"What amount of money you now have on deposit in your safe belonging to the Government, in which you say 'somewhere in the vicinity of $50,000,' with the report of the committee's clerk, who says: 'I counted the same in the safe, and found that it amounted to $16,257.99.'"

In making that answer it was done without proper consideration. I had been explaining to the committee the purpose and manner of the use of the money in question in the office; that it was always in the safe or on the pay-rolls of the office, or to my credit in the Treasury subject to my check. When I answered, it did not occur to my mind that a part of it was at that time on the pay-rolls as vouchers in the Treasury Department. But immediately afterward, as you no doubt recollect, I advised the committee that possibly all of it might not be in the safe at that moment; a portion might be on the pay-rolls. But to this the committee paid no attention, would not give me the benefit of a record of my statement, but hurried their clerk to the office to place me in a false position. It appeared that my expressed apprehension was well founded, as all but the sum named as being found there was on the pay-rolls in the Treasury. I had no motive or purpose in misrepresenting the matter. I was mistaken, and was not allowed to have the benefit of the correction that immediately followed.

"Third. Also please state whether the chairman of the committee is strictly correct when he says, as quoted in the same RECORD, 'he [Mr. A. M. Clapp] was invited to be present at the examination of every witness; that he was there part of the time, and was never denied the privilege of being there; an invitation was extended to him to be present;' and the statement of the member of the committee from Mississippi, 'that whenever he chose to be present at the examination of any witness, he was never excluded from the committee-room; * * * he was there on many occasions, as is well known, * * * when his clerks and foremen were examined; he was present at the examination of several of them, and I might say that he prompted them so far as he was allowed to do so.'"

I am greatly surprised at the concurrent declarations of these Representatives on this point, for they are not sustained by the facts. I was not notified and did not know when Mr. De Vinne, Mr. Gane, Mr. Garner, Mr. Edwards, Mr. Solomons, Mr. Dorsey, Mr. Parker, Mr. Judd, Mr. Pearson, Mr. Behlé, and a long list of others who were called and were before the committee to testify in this case, and hence I could not be present to confront and cross-examine them. When my clerks and foremen were called to the committee-room, I was not invited to accompany them nor to be present to listen to their testimony, except for a few minutes upon two occasions; one was when Mr. Roberts was on the stand. I was admitted to the room, but not to take part in the examination; only to wait until he was through, when I was to testify. Another occasion was when one of the clerks, Mr. Collins, was called to the stand before I left the room. I lingered to take him with me to the office when he closed his testimony, and during his examination—I think near its close for that day—I presumed to put a single question to him by way of cross-examination. The committee had found that he had received $20 from a customer of the office which he had omitted to enter on his cash-book.

The gentleman from Mississippi was badgering the young man on account of his remissness, when I ventured to interpose the following question: "Did you enter that money on your journal?" His reply was, "Yes!" For this interposition I was grossly insulted by the gentleman from Mississippi, as this was not the character of testimony sought by the committee.

You cannot have forgotten this incident, I am sure. And this is a specimen of the opportunity I had of being present to cross-examine witnesses.

There are two other incidents connected with this investigation which I will refer to as evidence that the statement that I "was never excluded from the committee-room" is entirely erroneous. You may recollect the circumstance. Upon one of the occasions when I was called as a witness Mr. J. A. Ruff was waiting to testify. He was put upon the stand, and when the first question was propounded to him his answer was checked, and the chairman, and I think the gentleman from Mississippi also, requested me to leave the committee-room while Mr. Ruff gave his testimony. I did so, and when Mr. Ruff was through I was admitted again. I am sure you will corroborate this statement, if present, and, if not, Mr. Ruff recollects it well, and will verify it.

I desire, in this connection, to state another occurrence which will show whether or not I could be present at the examination of a witness whenever I chose. Mr. Collins, one of my subordinates, was called for to be present on Saturday, April 8, at 10.30 o'clock in the morning, and I was requested to be present an hour or two later.

At the hour named for me to present myself I was at the door, which was guarded by a faithful sentinel outside. I asked if I could go in, and requested him to give my name to the committee and say I was at their service. The word returned was in substance that I could wait on the outside until I was needed. I waited for several hours without gaining admission, became tired of cultivating the acquaintance of the outside guardian of the door to the secret chamber, and departed.

The committee adjourned, and I was not admitted to the room at all on that occasion. And, sir, if I ever had an invitation to be present, I was not made aware of it. I was invited there at no time while the committee was in session, unless it was to be put on the witness-stand; and the double assertion that I was invited and could be present when I chose and was never excluded from the committee-room is at variance with the facts.

The committee had promised me all that they now contend that I enjoyed at their hands, but they did not in any proper and honorable degree realize to me any of their promises in this behalf. If they ever intended to do so, they evidently changed their minds, for I was grossly deceived and wronged by their treatment of this case.

In this I have given you a plain statement of facts, in which I "nothing extenuate nor set down aught in malice."

I am yours, respectfully,

A. M. CLAPP,
Congressional Printer.

Hon. L. W. BALLOU.

Mr. Chairman, things appear very different when viewed from different stand-points, and what is deemed fair by those who are in pursuit of guilt seems altogether unfair by those conscious of innocence. Contrary to the sound maxim that "every man is presumed to be innocent until he is proved guilty," I think unintentionally this investigation has been carried on with the presumption that the Government Printer was guilty, and the witnesses have been summoned and examined for the purpose of confirming it, and therefore his presence to hear the testimony, to cross-examine, or to explain was not deemed desirable. It might lead to collusion with witnesses and frustrate justice. And when we consider that many of the witnesses were unfriendly either to the Government Printer or the Government Office, or so limited in their knowledge of its affairs as to form very erroneous opinions, being discharged employés, merchants anxious for Government patronage, printers and binders who deemed that the Government was monopolizing a business which should be theirs, it is not strange that in an *ex parte* examination, where the witness only was admitted and then the door locked and guarded, ex-

travagant statements should be made and an impression produced of incompetency, wastefulness, and probable corruption.

That the Government Office is a perfect institution, or that those who conduct it have always done the wisest thing in its management, or that its system of keeping accounts may not in some respects be improved, is not contended; and possibly some saving can be made by giving more particular attention to the purchase of material, and it may be some reduction made in portions of the labor; yet taking it for all in all, it is now one of the best-appointed institutions for the purposes for which it was established in this or any other country, and its efficiency is demonstrated not only by the vast amount of work performed, but by its quality and the promptness of its production. Certainly that cannot be all corrupt that produces so much that is good.

And with such an institution, established by the Government for its special benefit, with all the machinery and material necessary to carry on in the most extensive manner the various branches of business for all the Departments, and after having tried the "private contract system" for a series of years and finding it inadequate and unsatisfactory, how unwise it seems to go back to the old way, surrendering by positive law the CONGRESSIONAL RECORD, and by the manner of payment the Departmental printing, leaving only the Congressional printing to the present office; for the proposed act provides that money cannot be drawn from the appropriations of the several Departments for printing until the work for which the money is intended is finished, delivered, and accompanied by an itemized statement of the cost; when it is a fact that a majority of the Department work is many months being completed, and in many cases several years, while labor must be paid at least monthly, which will prevent the Government Printer from doing the work, as he can draw no money to pay for it until the whole is completed. Thus, under the plea of mismanagement, this large accumulated property of years is to be sacrificed, the Government lose the control of the business, and become subject to the cupidity and dictation of private contractors. Surely they will not take the risk without the prospect of large profits, which with equally good management the Government can save to itself, and be master of its own affairs.

I have no disposition to put any obstacles in the way of those who are honestly striving to expose corruption, or to apologize for it when found; neither will I silently stand by and hear the name and character of a public officer or private citizen denounced as corrupt and fraudulent without proof, if it is in my power to defend them. And whatever else may have been testified to or thought to be proved by partisan witnesses against the Government Printer, there is not the least shadow of evidence that one cent of Government funds has ever been fraudulently appropriated to himself or to any of his subordinates; and the charges of inefficiency and extravagance may sink into insignificance when a proper opportunity is given for a personal explanation and that inestimable privilege and right of every American citizen shall again be restored, of meeting your accuser face to face to answer and cross-examine.

The brightest and most treasured names in our history, and those who stand out most prominently now as leaders and benefactors whom the people would honor, have been and are traduced and vilified as corrupt and ambitious gamblers and speculators with the public means and public interests for their own personal selfish ends.

I would not weaken in the public mind the enormity of the crime of him who robs me of my purse, but greatly would I magnify the crime of him who robs me of my good name.

The inestimable treasure transmitted to us by Washington, which enriches our country, humanity, and the world, was not gold, nor station, nor title, nor office, but that sublime character, pure, upright, noble, a model of true greatness. And yet even he was grossly traduced, and all who have succeeded him in the highest office the people confer have in their turn been vilified; and the work of defamation still goes on, form and wings being given to every idle rumor that tends to blacken the names of distinguished men. Let corruption be exposed and punished, but the right of the accused to meet his accuser is essential to all. It will not save the guilty, but it is absolutely necessary to protect the innocent from the slanders of malice and envy, from which no man is safe.

Our real riches consist in what we are, and not in what we possess; and the only inheritance worthy to leave to our children, or that shall be a blessing to posterity, is a good name, a self-sacrificing, upright, noble character. He who loses these loses all that is worth preserving. He who unjustly takes them from us robs us of our richest treasure. All have the right to this treasure, however humble or exalted, and all may possess and transmit it to others. Let us be careful how we deprive any man of the means of defending and preserving it.

Mr. RANDALL. I ask that, by unanimous consent, all general debate on the bill now close, and that the House proceed to the consideration of it by paragraphs for amendment.

There was no objection, and it was so ordered.

Mr. RANDALL. I would also like to have unanimous consent that when the hour of half past four is reached the House take a recess until eight o'clock, to proceed with the consideration of this bill in Committee of the Whole.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania that at half past four a recess be taken until eight o'clock? [After a pause.] The Chair hears none. The Clerk will proceed to read the bill by paragraphs for amendment.

Mr. FORT. I desire to submit to the Chair the question whether the order for a recess can be made in Committee of the Whole?

The CHAIRMAN. It can only be understood as the unanimous consent of the committee.

Mr. FORT. The committee cannot control the House in that matter.

The CHAIRMAN. The Chair understands very well that the order would not be obligatory on the House. It simply binds the gentlemen present, if they make no objection.

Mr. RANDALL. My object was simply to ask the unanimous consent of the committee, and at the same time to give notice that in the House I would move for a recess.

The CHAIRMAN. The Chair so understood the gentleman from Pennsylvania.

Mr. HOAR. Can the committee give unanimous consent for a recess?

The CHAIRMAN. The Chair has stated, in answer to the interrogatory of the gentleman from Illinois, that the Chair does not understand that the action of the committee in giving unanimous consent is obligatory on the House. But it was expressed as the unanimous purpose of the committee that a recess should be taken until eight o'clock. The Clerk will proceed with the reading of the bill.

The Clerk read the following paragraph:

That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June 30, 1877, namely:

HOUSE OF REPRESENTATIVES.

The following sums are hereby appropriated to pay the widows of late members of the present Congress, in conformity with the direction of the House of Representatives, namely:

To enable the Clerk of the House to pay the widow of Henry H. Starkweather, $2,500.

To pay the widow of James Buffinton, $3,136.98.

To pay the widow of John W. Head, $1,250.

To pay the widow of Samuel M. Fite, $1,250.

To pay the widow of Garnett McMillan, late member-elect from the ninth district of Georgia, $1,250.

Mr. WARREN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, as an additional paragraph, the following:

To pay the executor of the estate of Henry Wilson, late Vice-President of the United States, the sum of $10,222, to be held and applied by said executor as if a part of the estate of said Wilson given and bequeathed by his will.

Mr. HOLMAN. I think it is proper to reserve the question of order on that amendment until the gentleman from Massachusetts is heard in support of it.

The CHAIRMAN. The point of order is reserved.

Mr. WARREN. I trust there will be no objection to this amendment. The precedents in the matter are found in the appropriation to the widow of General Harrison and in the appropriation to the widow of Mr. Lincoln. In each case the sum of $25,000, a year's salary, was appropriated to the widow, less any sum that had been received during the year of death. There is no precise precedent for an appropriation in the case of the death of the Vice-President. There have been but two instances of the death of a Vice-President in office since the adoption of the Constitution. One was the case of Elbridge Gerry, a Massachusetts man; the other was the case of Mr. King, who died without having rendered any service, within a month of his taking office, and who, I believe, left no family.

The facts in regard to Mr. Wilson's case are somewhat peculiar. He had served the country, as gentlemen know, for a great many years, and he died poor. He left, I think, nothing after the payment of his debts, except the house in which he lived, which was an ordinary frame house of no great value. His family consisted of an adopted child, a girl of tender years, I think seven or eight years of age, and the mother of his wife, also dependent upon him. It will be observed that I have drawn this amendment so that the money shall be paid to the executors to be disposed of according to the directions of the will. That will carry it to the support of this child and aged lady. I trust there will be no objection to the amendment.

I do not think there is anything in the point of order, and for this reason the salary of the Vice-President is provided by general law. This will not increase the regular and ordinary expenditure of the Government called for by existing statutes. As matters stand now the President *pro tempore* of the Senate does not succeed to the salary of the Vice-President. And while to be sure we might make something if we did not pay this on account of the death of the Vice-President, yet on the other hand we do not lose anything. The expenses of the Government go on in their ordinary course. In the cases I have referred to as precedents, where there was a death of a President in office, the payment was in the nature of a donation, because another succeeded to the office and drew the salary, and the $25,000 was a gift outright. Here we do not increase the ordinary expenses of the Government at all; and I hope there will be no objection to the amendment.

Mr. HOLMAN. Without pressing for the moment the point of order, I wish to say that, however desirable it might be to make such an appropriation of money, it is still an appropriation without any precedent in our history. I believe in two instances a year's pay has been paid out of the Treasury for the widow of a deceased President of the United States. But here the proposition is to appropriate the balance

of the pay for the term of service of the Vice-President of the United States to other persons than his widow.

There would seem to be force in the two precedents to which reference has been made; but, while it is clear that this appropriation is not in order on this bill, or in any other bill making appropriations of money, I do not feel called upon to press the point of order. I think the responsibility of meeting a question like this should rest upon the entire committee. I shall therefore not press the point of order, and, so far as I am concerned, the subject may go before this committee for its decision; and the only question is whether we shall extend the precedent further than it has heretofore gone.

I am aware, sir, that the impulse of gentlemen is to make this appropriation of money. We are inclined to act with magnanimity; that is pleasant to all. Men desire to act with magnanimity toward those who have been near and dear to us, when our acts connect themselves with the memory of those who are now no more. Therefore the impulse of every gentleman, so far as his feelings and sympathies are concerned, would be to make this appropriation of money.

But the question is whether it is proper to do so out of the public revenues. In behalf of this appropriation but two precedents can be cited, and those the cases of widows of Presidents of the United States; none in behalf of collateral relatives. I understand from the statement of the gentleman from Massachusetts that the mother of the wife of the late Vice-President and an adopted child would be the recipients of this bounty of the Government.

I am well aware that everything can be said in regard to the memory of the distinguished citizen of this country who lately held the office of Vice-President. His own high and generous character, his humane impulses, and the interest that he had in all that pertained to the elevation of his race, all this speaks well for his memory, and will do so for all time to come in this country. But the question is simply whether we as the Representatives of the people, dealing with the public revenue, are justifiable under the Constitution and laws of the country in making an appropriation like this. That is a question which the committee will have to decide.

Mr. HOAR. I think the distinguished gentleman from Indiana [Mr. HOLMAN] is in error when he says there are but two precedents, the cases of the widows of two deceased Presidents of the United States, for the action which is now proposed. No man can be more opposed than I am to the principle which prevails in other countries of giving pensions either to retired public servants or to their families; a practice which has overburdened the English people, as we all know, with pensions for favored classes.

In this country we recognize only the obligation to give pensions to soldiers who have served the country in war, and recently we have given pensions to a very few judges who, holding office for life and deprived of the opportunity of earning money by other business, after a long term of service have retired from public office.

We have, however, always enforced and acted upon this principle, that where a member of Congress, or a person holding a high executive office, or in our service here, in an employment which has called upon him to forego the ordinary methods of earning money by requiring him to devote his time to the public business, has suddenly been stricken down, we have paid for a brief period after death, for the benefit of the dependent family of such person, the salary which he would have received had he lived. We did that in the case of the widow of President Lincoln; we did it in the case of the widow of President Harrison, as my colleague [Mr. WARREN] has already stated. We have done it in the case of every page or doorkeeper of this House who has died in office since I have been a member of the House. We have done it in the case of every member of the House. We have appropriated a sum equal to the pay for three months, or six months, or nine months, whatever was supposed to be a reasonable time, for the benefit of those who were left by a dying public officer.

It is upon that principle, for which there are a hundred precedents in our appropriation bills, that this grant for those who were dependent upon the late Vice-President Wilson is asked. The late Vice-President was a person who for years had devoted himself to the public service. He was a man of the most frugal life, living at home and here in the most plain and inexpensive way; a person of such generosity and kindliness of nature that he could not keep money in his pocket when any suffering human being came near him would be benefited by his parting with it.

Under these circumstances he has died without leaving any considerable property, and leaving two women who were dependent upon him for support and one for education. It is proposed to continue for the brief period of one year and three months to those dependent upon the late Vice-President Wilson the salary he would have received as Vice-President if he had lived.

The Committee of the Whole will remember, as has been already stated, that this will be no loss to the Government. It is not a case where another public officer comes in and receives the salary which the late Vice-President would have received had he lived. His functions as presiding officer of the Senate are performed by a member of the Senate, who receives his ordinary salary as a Senator from the State of Michigan. I trust, therefore, that there will be no objection to this amendment.

Mr. WOOD, of New York. If I am correctly advised, there being now no Vice-President, there is no person who is in receipt of the salary of the Vice-President. As the balance of the term for which Mr. Wilson was elected Vice-President is but a few months, I certainly hope that the Committee of the Whole will not refuse to adopt this amendment.

I do not care what precedents there may be. It is entirely within our power to vote this money, and I think it is our duty to do so. The Vice-President is, next to the President, the most prominent official we have in the Government.

This deceased gentleman discharged his duty faithfully without complaint from any one to the day of his death. The fact that he died a poor man, after a very long term of public service, is the best proof in the world that he was an honest man. I hope, therefore, that the committee will adopt the amendment offered by the gentleman from Massachusetts, [Mr. WARREN.]

Mr. RANDALL. I ask for a vote.

Mr. KELLEY. Allow me one moment.

Mr. HOLMAN. I would suggest to the gentleman from Massachusetts [Mr. WARREN] that instead of establishing what seems to be a new precedent, that by appropriating for the unexpired term of office we follow the precedents which have been heretofore acted upon and appropriate a sum equal to the salary for one year, as was done in the case of Mrs. Harrison, the widow of President Harrison, and also in the case of the widow of President Lincoln. In that view of the matter such an appropriation cannot be regarded as going beyond reasonable limits.

Mr. KELLEY. There is another precedent, the case of the daughter of General Taylor, to whom, I think, $25,000 was voted on motion of the gentleman from Maine, [Mr. BLAINE.]

Mr. HOLMAN. If it is in order, I would ask the gentleman from Massachusetts [Mr. WARREN] if he will accept an amendment to make the pay for one year, and that will be substantially in harmony with the precedents?

Mr. WARREN. My view was to provide for the payment of the salary to the end of the term, and I thought that inasmuch as the excess over one year was so small no objection would be made; however, if there is objection to it on that ground, I will accept the amendment of the gentleman from Indiana. [Cries of "Pay the whole."]

Mr. HOLMAN. Very well, sir; I will not press the amendment.

The question was taken on Mr. WARREN's amendment, and it was agreed to.

The clerk resumed the reading of the bill, and read as follows:

To pay the widow of James Buffinton $3,136.88.

Mr. FORT. I desire to offer the following amendment, to come in after the clause just read:

Which shall be allowed in lieu of the three months' pay now allowed by law.

I wish to say in reference to this matter that in this case I know, because I investigated it, that the widow of Mr. Buffinton is entitled by law to three months' pay.

Mr. HOLMAN. What case is that?

Mr. FORT. The case of Mr. Buffinton's widow.

Mr. RANDALL. Do you wish to cut the amount down? I hope not.

Mr. FORT. If the gentleman had paid attention he would have seen that my amendment does not propose to cut it down.

Mr. RANDALL. I am paying attention, and I do not wish the amount cut down.

Mr. FORT. Certainly not.

The CHAIRMAN. The Chair would state that the amendment of the gentleman does not reduce the sum.

Mr. FORT. Mr. Buffinton died on the 6th of March. His widow, under the law as it now stands, was entitled to draw three months' pay, and perhaps has drawn it. I presume she has. Now the amount appropriated in this bill is the amount that was sent to the Committee on Appropriations from the Committee on Accounts. That committee investigated the matter and found that the new member elected in November had covered into the Treasury his pay from March to November, and that is exactly the sum that it is designed the widow should have. But I do not suppose the committee intended to give her the sum named in the bill and also the three months' pay besides.

Mr. HOLMAN. I think there is some misapprehension about this matter. I find that Mrs. Buffinton has received the sum of $1,250, being the amount she was entitled to receive under the law. That would leave $1,941.27 still due; so that the amount here should be stricken out.

Mr. FORT. It is not necessary to strike it out.

Mr. HOLMAN. My friend will see that his amendment has no limitation, because the bill appropriates three thousand-odd dollars.

Mr. FORT. The bill as it stands is wrong. I do not suppose that the committee intend to pay Mrs. Buffinton the salary for the remainder of the term and also three months' pay.

Mr. RANDALL. I ask to have the resolution of the House passed upon this subject read.

Mr. HOLMAN. Let the amendment be again read.

Mr. RANDALL. I want the resolution read so as to explain why the committee put the sum at $3,100.

The Clerk read the resolution, as follows:

Whereas Hon. James Buffinton, a member-elect to this Congress from the first district of the State of Massachusetts, died on the 7th day of March, 1875, after

a service of many years in this House, eaving a widow and children surviving; and whereas Hon. WILLIAM W. CRAPO, who was elected to fill the vacancy in said district, has voluntarily covered into the Treasury his pay from the 4th day of March to the 2d day of November last, amounting to $1,136.98: Therefore,

Resolved, That the Committee on Appropriations be instructed to provide in the miscellaneous appropriation bill to pay to Mrs. Sarah Buffinton, widow of the said James Buffinton, deceased, $1,876.71, which, with the three month's pay allowed the said widow by existing law, amounts to the sum which was covered into the Treasury by said sitting member.

Mr. FORT. Now I think that this committee will see clearly that the Committee on Appropriations do not intend that this bill shall be passed as they have reported it in this particular. They simply intend that the widow of Mr. Buffinton shall have the pay that he would have been entitled to had he lived until the 2d day of November last. This provision gives the widow that pay, as well as three months' pay which she has already received under the law. The resolution which has been read passed the House long ago and was referred to the Committee on Appropriations, and it fixed the exact amount due.

Mr. RANDALL. I supposed the object was to give the widow the amount turned over into the Treasury by Mr. CRAPO, and that was the reason why the amount was placed at $3,100.

Mr. HOLMAN. I offer the amendment which I send to the Clerk's desk. The object is to pay Mrs. Buffinton up to the time of the election of Mr. Buffinton's successor, Hon. Mr. CRAPO, his successor, having surrendered all the pay he was entitled to up to his election.

Mr. FORT. Well, if the bill passes as it now stands, she will draw that three months' pay in addition.

Mr. HOLMAN. I would say that the amendment I offer was drawn up by the gentleman who now represents that district and understands exactly the condition of this matter.

Mr. FORT. The resolution as it went to the Committee on Appropriations was right; the bill is not right as it now stands.

Mr. HOLMAN. I ask the gentleman to listen to my amendment.

The Clerk read as follows:

Amend by striking out all after the word "Buffinton" in line 14 and inserting "in addition to the amount already received by her, $1,941.77."

Mr. FORT. I withdraw my amendment. It had in view the same thing.

The amendment was agreed to.

The Clerk read as follows:

Miscellaneous:

To enable the Clerk of the House to pay Robert Christy and Samuel Shellabarger counsel fees in the *habeas corpus* case of Hallet Kilbourn, $1,000 each, the same to be disbursed under the direction of the Committee of Accounts and to be added to the miscellaneous item of the contingent fund of the House.

To pay George W. Green, contestee, expenses in contested-election case of Green *vs.* Van Wyck.

Mr. LANDERS, of Indiana. I move to amend by striking out "$1,000," appropriated in line 27 as "counsel fees," and insert "$500."

Several MEMBERS. Too late.

The CHAIRMAN. Under the rule each clause of an appropriation bill is considered as a section; and the objection is made that this amendment comes too late.

Mr. RANDALL. In justice to the Committee on Appropriations I want to state that the appropriation named in the bill is in accordance with the unanimous recommendation, as we understand, of the Judiciary Committee.

Mr. LAWRENCE. That is the fact, as I understand it.

Mr. RANDALL. I have here the recommendation of the Judiciary Committee, which I would like to have read.

Mr. LANDERS, of Indiana. Certainly this section was not finished when I rose and made my motion.

The CHAIRMAN. Objection is made that the amendment of the gentleman from Indiana comes too late under the rules; and that point the Chair unhesitatingly sustains.

Mr. RANDALL. In justice to the Committee on Appropriations, I ask unanimous consent that the recommendation of the Judiciary Committee on this subject may be inserted in the RECORD.

There was no objection, and it was ordered accordingly.

The resolution of the Judiciary Committee is as follows:

JUDICIARY COMMITTEE, *June* 16, 1876.

Mr. LYNDE submitted the following resolution; which was agreed to:

Resolved, That in the opinion of this committee $2,000 is a reasonable compensation for services rendered by Samuel Shellabarger and Robert Christy as counsel under employment of the Sergeant-at-Arms of the House in the *habeas corpus* case of Hallet Kilbourn, the same to be disbursed under the direction of the Committee of Accounts and to be added to the miscellaneous items of the contingent fund of the House; and we recommend that it be provided for in the sundry civil appropriation bill.

On motion of Mr. MCCRARY, the clerk was directed to furnish a copy of the above resolution to the chairman of the Committee on Appropriations.

Mr. LANDERS, of Indiana. I want to call the attention of the Chairman to the fact that the Clerk made no stop whatever after reading the clause which I desire to amend.

The CHAIRMAN. The Chair must say to the gentleman from Indiana that if the Clerk should make a pause at the conclusion of every line or sentence, an appropriation bill would not be speedily passed. The Clerk reports that he had passed from the clause of the bill which the gentleman proposes to amend, and was reading another clause when the gentleman rose to offer his amendment.

Mr. SPRINGER. I submit that this is taking "snap judgment" upon a member of this House who was on his feet calling "Mr. Chairman."

The CHAIRMAN. Does the gentleman from Illinois [Mr. SPRINGER] desire to appeal from the ruling of the Chair?

Mr. SPRINGER. I desire to ask the Chair——

The CHAIRMAN. Does the gentleman desire to appeal?

Mr. SPRINGER. I do not desire to be discourteous to the Chair, but I submit——

The CHAIRMAN. The Chair has no objection to hearing the gentleman from Illinois, if he will simply state the purpose for which he rises.

Mr. SPRINGER. I submit, if the Chair pleases, that——

The CHAIRMAN. Does the gentleman ask unanimous consent to be heard?

Mr. SPRINGER. Will the Chair allow me to state a point?

The CHAIRMAN. The Chair will ask the gentleman whether he desires to appeal from the ruling of the Chair?

Mr. SPRINGER. I rise to a question of order. I desire to state that the gentleman from Indiana was on the floor while the Clerk was reading the clause which the gentleman desires to amend and was calling "Mr. Chairman;" and the Clerk, in the face of that call, read beyond that clause. Now I submit in all fairness that the gentleman had the right to move this amendment.

The CHAIRMAN. The Chair will state that the gentleman from Illinois is not in order in undertaking to discuss a point of order that has been decided by the Chair, unless he desires to take an appeal from that decision.

Mr. SPRINGER. I desire to state a fact in connection with it.

The CHAIRMAN. Does the gentleman desire to take an appeal?

Mr. LANDERS, of Indiana. I desire to take an appeal.

Mr. BANNING. I move to lay the appeal on the table.

The CHAIRMAN. The gentleman will remember that that proceeding cannot be had in Committee of the Whole. The gentleman from Indiana will reduce his appeal to writing and send it to the Clerk's desk.

Mr. HOLMAN. I submit as a question of order that it is not the practice of this House or the Committee of the Whole to require an appeal to be reduced to writing under ordinary circumstances. It has seldom been done, on account of the consumption of time.

The CHAIRMAN. If it be the pleasure of the committee, the Chair will submit the question without further consumption of time.

The CHAIRMAN having called Mr. CLYMER to the chair, the question was put, "Shall the decision of the Chair stand as the judgment of the committee?" and there were—ayes 101, noes 35.

So the decision of the Chair was sustained.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CLYMER having taken the Chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally and particularly the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. I move that the House now take a recess till eight o'clock this evening. I desire to state that we want a business session to-night, and if there is no quorum present it will necessitate a call of the House. I hope gentlemen will come.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FREEMAN for ten days on account of important business;

To Mr. BURLEIGH for ten days;

To Mr. J. H. BAGLEY for ten days on account of sickness;

To Mr. STONE for ten days from the 24th instant;

To Mr. WARD for two weeks on account of illness in his family; and

To Mr. MONROE from evening sessions of the House on account of ill-health.

HOUSTON AND TEXAS CENTRAL RAILROAD.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Quartermaster-General, relative to a bill for the relief of the Houston and Texas Central Railroad Company; which was referred to the Committee on Military Affairs.

LIEUTENANT JOHN C. WHITE.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of Lieutenant John C. White, United States Army; which were referred to the Committee on Military Affairs.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation, in Washington Territory;

An act (S. No. 166) to amend section 1225 of the Revised Statutes of the United States;

An act (S. No. 375) for the relief of Maria W. Sanders; and

An act (S. No. 34) to amend an act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

The motion of Mr. RANDALL that the House take a recess till eight o'clock was then agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at eight o'clock p. m., Mr. COX, Speaker *pro tempore*, in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move the House resolve itself into Committee of the Whole on the state of the Union on the civil sundry appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CLYMER in the chair) on the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The Clerk read as follows:

To pay George W. Green, contestee, expenses in contested-election case of Green *vs.* Van Wyck, fourteenth district of New York, Forty-first Congress, $3,000.

Mr. HOAR. I raise the point of order on that part of the bill that it is not provided for by any existing law. It is to pay some old contested-election case.

The CHAIRMAN. Under the uniform practice of the House the point of order has been decided to be not well taken.

Mr. HOAR. I take an appeal from that decision of the Chair, and will state from my own knowledge that there has been no such uniform practice. There cannot be found an instance in this Congress where it has been held to be in order. The Chair takes it for granted in making that observation that it is some contested-election case of the present Congress.

Mr. RANDALL. Does not the gentleman remember that in the last Congress there were as many as eight contestees paid in this manner?

Mr. HOAR. But they belonged to the same Congress, except in one or two cases where special bills were introduced, and they were referred to the Committee of the Whole. Bills were passed allowing those cases.

Mr. RANDALL. The gentleman is mistaken.

Mr. HOAR. I raise the point of order.

Mr. RANDALL. Pending that I should like to have read the grounds upon which the committee stand.

Mr. HOAR. I object.

Mr. RANDALL. What does the gentleman do?

Mr. HOAR. The question on the merits is not open on the point of order. If the Chair takes the responsibility of ruling that paragraph to be in order, I take an appeal.

Mr. RANDALL. The gentleman from Massachusetts has made an assertion that the House has never done such a thing, and I wish to show precisely the ground upon which the committee stand in reference to this provision of the bill.

The CHAIRMAN. The Chair will be glad to hear the statement of the gentleman from Pennsylvania.

Mr. HOAR. My objection is to a discussion on the merits.

Mr. RANDALL. I wish to say last year we appropriated in a corresponding bill in precisely the same way for like cases.

Mr. HOAR. My point of order is taken.

Mr. MCCRARY. A motion was made for suspension of the rules so as to make it in order, as the RECORD will show. It was done against my earnest protest.

Mr. HOAR. That is my recollection.

Mr. RANDALL. This is one which was then omitted.

Mr. HOAR. I warn the House they are opening the door to one of the wickedest abuses ever perpetrated.

Mr. RANDALL. After the gentleman has made such a remark as that, I ask to have the paper read as a matter of right.

Mr. HOAR. I do not speak of the merits of this case at all.

Mr. RANDALL. The gentleman has no right to use such language. It is unbecoming in him, and unbecoming in a legislative body.

Mr. HOAR. I am responsible for the language I used. I object to the reading of that paper.

Mr. RANDALL. I want to discuss the point of order, and in that connection I desire to have the paper read.

The CHAIRMAN. Does the Chair understand that the gentleman from Pennsylvania makes this a part of his remarks on the point of order?

Mr. RANDALL. Yes, sir. It presents the reasons which induced the committee to insert this paragraph in the bill.

Mr. HOAR. I object to the gentleman discussing the merits of the appropriation on the point of order.

Mr. RANDALL. You have been discussing the merits; you just now described this as wicked.

Mr. HOAR. O, no; the gentleman from Pennsylvania misunderstood me; I was speaking of that class of claims generally.

Mr. RANDALL. You said this was opening the door to wicked legislation. If that is not discussing the merits of the proposition I do not know what would be.

Mr. HOAR. I desire to say that I made no remarks whatever on the particular proposition before the committee. I was speaking of the class of these old claims for expenses in contested-election cases as a wicked class of claims; and I say that a ruling that lets that claim in——

Mr. RANDALL. I am sorry you were not so sensitive about this matter at the last session of Congress.

Mr. HOAR. Will open the door to the admission of a wicked class of claims. I do not mean on the point of order to say anything as to the merits of this particular claim. This is not the time to discuss that.

Mr. RANDALL. I have sent up that paper to be read to enable the Chair to decide the point of order.

Mr. CONGER. I cannot see how the merits of the claim can affect the point of order.

Mr. RANDALL. This has nothing to do with the merits of the claim. It is a statement of fact as to how this proposition came to be in the bill.

Mr. HOAR. I call the attention of the Chair to the one hundred and twenty-first rule and to the statement in Barclay's Digest on the sixteenth page.

Mr. RANDALL. This was a gross outrage committed on this man. He was duly elected, and it is now confessed on all hands that he was; but in a period of great political excitement in the Forty-first Congress he was unjustly thrown out, notwithstanding that the chairman of the Committee on Elections, who was a republican, reported in his favor.

The CHAIRMAN. Does the gentleman from Massachusetts still object to the reading of the paper sent to the desk by the gentleman from Pennsylvania?

Mr. RANDALL. The gentleman from Massachusetts does not know what is in the paper.

Mr. HOAR. The gentleman states that the paper contains reasons on behalf of the claim.

Mr. RANDALL. He states no such thing. The point I make on behalf of the reading of that paper is that it contains the reason why this paragraph is inserted in the bill. I do not want the reading of that paragraph to show anything in the least degree as to the merits of this case.

Mr. MCCRARY. Does the gentleman from Pennsylvania say that the paper will show either that it is new legislation or that it is in the line of retrenchment?

Mr. RANDALL. I stated that the paper when read will show why this paragraph is inserted in this bill.

Mr. MCCRARY. But will it bring it within the rule?

Mr. RANDALL. That the Chair will decide.

The CHAIRMAN. The Chair has withdrawn his decision for the purpose of hearing gentlemen on the point of order.

Mr. RANDALL. I do not see how the gentleman from Massachusetts can object to the reading of a paper until he knows what is in it.

The CHAIRMAN. Does the gentleman from Massachusetts still object to the reading of the paper?

Mr. HOAR. Certainly; unless the gentleman from Pennsylvania answers the gentleman from Iowa [Mr. MCCRARY] in the affirmative.

Mr. CROUNSE. Let the rule be read.

Mr. RANDALL. I must insist on that paper being read.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

FOURTEENTH DISTRICT, NEW YORK,
Committee of Elections, June 19, 1876.

Mr. PAGE. There was objection to the reading of that paper. I believe the objection has not been withdrawn.

Mr. RANDALL. The Chair has overruled the gentleman from Massachusetts in making that objection, and he will certainly overrule the gentleman from California now.

Mr. PAGE. How do you know what the Chair will do?

The CHAIRMAN. The Chair desires the paper to be read for his information, a point of order having been made.

Mr. WILLARD. Is there any objection to the reading of the rule? Cannot the rule be read?

The CHAIRMAN. The Clerk will read the paper sent to the desk by the gentleman from Pennsylvania.

The Clerk read as follows:

FOURTEENTH DISTRICT NEW YORK,
Committee of Elections, June 19, 1876.

Mr. BLACKBURN offered the following:

"*Resolved*, That Mr. BEEBE, of New York, be instructed to request the Committee on Appropriations, asking that the sum of $3,000 be inserted in the sundry civil service bill, to be paid to George W. Green, of New York, for his expenses incurred as contestee in the case of Van Wyck *vs.* Green, in the Forty-first Congress, and that the vouchers for such expenditures by Green accompany his communication to said Committee on Appropriations.

"Which was agreed to unanimously."

A true copy from the record.

H. P. COCHRAN, *Clerk*.

Mr. RANDALL. "Unanimously;" that is the point I want to have on the record.

Mr. PAGE. I hope the chairman of the Committee on Appropriations has got all the information he wants.

At this point Mr. BLACKBURN took the chair as chairman of the Committee of the Whole.

Mr. CLYMER. When I had the honor to occupy the chair temporarily during your absence, Mr. Chairman, a clause in the appropriation bill making an appropriation for the pay of a former contestee being read, the gentleman from Massachusetts [Mr. HOAR] raised the point of order that it was new legislation and not in the line of retrenchment, and therefore was liable to objection under the one hundred and twentieth rule of the House.

Mr. HOAR. Is it proposed that the gentleman who heard the discussion on the point of order as Chairman shall then take the floor and discuss it as a member?

Mr. CLYMER. I merely desire to state fairly what occurred for the information of the present Chairman.

The CHAIRMAN. The Chair would inquire whether the point of order has been disposed of?

Mr. CLYMER. I would state that without any deliberation on the point of order, and under the advice of the Speaker *pro tempore* of the House, I decided that the point of order raised by the gentleman from Massachusetts was not well taken. The matter being further discussed, I withdrew my decision in order that it might be discussed for information and mature decision.

That is the present condition of the case. I would state that on reconsideration and after examination of the Journal of the last House, the gentleman from New York, Mr. Boardman Smith, when he desired to pay a contestee, introduced a resolution, which was adopted, making it in order to offer an amendment to the appropriation bill for that purpose. This was held to be necessary. No such resolution has been adopted in this case. I made my decision as chairman hastily, and I was not at the time aware of the precedent I have alluded to. With this information, which I deem it just to communicate to the Chair, I leave the question for his determination.

Mr. HOAR. If this be a meritorious claim which has received the unanimous assent of one or two committees of the House there can certainly be no difficulty in passing it as a separate bill, either by sending it to the Committee of the Whole or by passing it under a suspension of the rules. It seems to me that this is one of the most important securities for the legislation of this body which can be appealed to. It has been the policy of Congress for many years past not to pay any election expenses of contestees, but the House has been in the habit of making such payments to contestants. But the gentleman from Iowa [Mr. MCCRARY] introduced a bill or resolution, which was passed when he was chairman of the Committee of Elections, diminishing very much the cases in which payments even of contestants were to be made. Now, sir, it would be wrong to establish a rule for the purpose of paying sitting members whenever their political friends think that the decision of the Committee of Election was clearly wrong.

The number of cases in the past has been very large, and if we establish this principle the drain upon the Treasury will be very large. Every old member of the House knows that the amount of these cases has been very large, in some Congresses amounting to forty or fifty. The contestants in these cases whose claims were not recognized may easily be able to satisfy their political friends in the House that the decisions against them were clearly erroneous.

Now, Mr. Chairman, I am quite sure that, although the present occupant of the Chair is shown by what has been read to have had charge of a measure from the Committee of Elections, he is too just and too intelligent to desire to accomplish this purpose which he designs to accomplish by a defiance of the plain rules of the House.

Mr. RANDALL. My object is accomplished in having that paper read. This afternoon when the gentleman from Massachusetts [Mr. WARREN] introduced his amendment to pay the executors of Henry Wilson I urged the gentleman from Indiana [Mr. HOLMAN] not to raise any point of order. The gentleman from Massachusetts [Mr. HOAR] knew then that that proposition was as much out of order which he advocated as is this.

Mr. HOAR. The gentleman will permit me to say that I do not think that that amendment was out of order.

Mr. RANDALL. It was not in order, and a point of order was made upon it.

Mr. HOAR. I do not think the point of order was well taken.

Mr. RANDALL. The gentleman from Massachusetts was found advocating that proposition. I am only showing the consistency of the gentleman in this respect. I heard no opposition to the proposition made to pay the widow of Mr. James Buffinton, and it came to our committee just as this claim did. It is true that that case came from Massachusetts.

I heard no objections from that side of the House, to their honor be it said, when we proposed to pay the widow of the late Mr. Starkweather. Nor did I find any objections coming from any source to the other three cases. Therefore, having already inserted in this bill several claims upon account of deceased members, together with the additional payment to the executors of Henry Wilson, I thought there was no impropriety in following up what we had done as to others with this payment to a contestee. That is the ground upon which the committee acted. I do not think there is anybody in this House who will charge that the Committee on Appropriations as a body have exhibited too much liberality this winter. [Laughter.]

Mr. PAGE. You are right there.

Mr. RANDALL. I therefore hope that the gentleman from Massachusetts [Mr. HOAR] will let this case go along with the two cases from Massachusetts and the case from Connecticut.

Mr. HOAR. I should certainly be ashamed to trade off the provision which this House has made for the family of a deceased public officer——

The CHAIRMAN. The gentleman from Massachusetts [Mr. HOAR] will remember that we are operating under the five-minute rule, and debate on this point of order seems to have been exhausted

Mr. HOAR. I desire to point out the difference between these two cases, if the Chair will allow me. These provisions relating to the families of deceased public officers dying in office are for the existing year or the next year. The continuance of the salary of a public officer to his family, which would have been provided for in this bill and would have belonged to him for the year had he lived, belongs to that class of subjects connected with the carrying on of the Government for the current fiscal year; it has nothing to do with the cases of contested elections.

The CHAIRMAN. The Chair feels sufficiently advised to rule upon the point of order raised by the gentleman from Massachusetts, [Mr. HOAR.] It is true, as the gentleman from Massachusetts has suggested, that the present occupant of the chair, as a member of the Committee of Elections, had indorsed the action taken by that committee in the request made of the Committee on Appropriations to insert this clause in this bill. The Chair is decidedly of the opinion, and has no hesitation in expressing that opinion, that the point of order taken by the gentleman from Massachusetts is well taken. The Chair does not conceive that a claim of this character, if the point of order be made and insisted upon, can be excepted from the rule of the House, which would require that it should be brought in in the form of a bill representing a private claim, or else, under the precedents of the House, brought in under a suspension of the rules. The Chair, therefore, sustains the point of order made by the gentleman from Massachusetts.

Mr. HOAR. If the Chair will permit me a moment, I wish to say that I regarded this as so very important a question that I desired to raise the point of order upon it. I now ask leave of the committee, having secured a decision of the Chair, to waive the point of order in this case.

The CHAIRMAN. The point of order made by the gentleman from Massachusetts has been sustained by the Chair.

Mr. RANDALL. This clause had better go out. The decision of the Chair will be a good ruling for taking out other clauses of the bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. HOAR] asks leave to waive the point of order.

Mr. RANDALL. I insist upon the point of order, because I want to exercise the same right in reference to other clauses of this bill.

The CHAIRMAN. Objection being made to the withdrawal of the point of order, it is sustained by the Chair, and the paragraph is ruled out of the bill.

The Clerk resumed the reading of the bill and read the following:

To enable the Clerk of the House to pay the following-named persons the sums severally due them, namely:

To Adolph Erdman, for clerical services rendered the Committee on Expenditures in the War Department, $45.

Mr. JENKS. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay the clerk of the Committee on Invalid Pensions at the rate of $1,800 per annum from the date of his appointment until the close of the Forty-fourth Congress, such sum as shall be sufficient to pay said salary after deducting any amount said clerk shall have already received.

Mr. JENKS. As will be seen by reference to the rule on page 122 of the Digest, the clerk of the Committee on Invalid Pensions has heretofore received the same compensation as the clerk of the Committee of Claims. There were several committees of this House the clerks of which received a compensation of $2,160 each per annum, and the clerk of the Committee on Invalid Pensions was one of those clerks.

By reference to page 144 of the Revised Statutes it will be found that this provision of the rule is re-enacted; and upon page 403 of the Revised Statutes there is a clause in the appropriation bill giving the clerk on Invalid Pensions an additional sum of $180; so that the amount received by that clerk last year was $2,340.

The compensation for the labor of any employé of this House should be in proportion to the amount of labor done and care and responsibility assumed by him. The Committee on Invalid Pensions has before it between eleven hundred and twelve hundred bills. Many of the members of this House pay very little attention to many of those bills after they have been sent to the committee. The whole of the labor in examining and preparing those bills must be assumed either by the committee itself or by its clerk.

In regard to a great proportion of those bills the testimony consists merely of the petition accompanying the bill, except in those cases coming from the Pension Bureau. It becomes the duty of the clerk of the committee to write to the claimant in each case for any evidence which will justify the committee in acting favorably upon his claim. Considering that there are over eleven hundred bills before

the committee, and that the clerk of the committee has the preparation of every one of these cases for the proper action of the committee, I submit to the House whether there is any other committee of the House whose clerk has an amount of labor to perform at all proportioned to the labor performed by the clerk of the Committee on Invalid Pensions.

Then, considering the question upon its merits and taking in view the fact that this clerk does as much work as any other clerk in the House, if not more, and that it is useful and necessary work, I ask the House to allow him $1,800 a year from the date of his appointment until the expiration of the Congress.

Mr. HURLBUT. Will the gentleman state for the information of the House what the present compensation of this clerk is?

Mr. JENKS. Five dollars a day, lasting only during the session. But we desire that this clerk shall remain here during the recess in order that in those cases which come here without any evidence except the mere petition or bill, the evidence may be sent for and obtained, so that the cases may be acted on intelligently after the House shall meet next winter. Many bills which are presented cannot be acted upon until this is done. There is scarcely a member of the House who has not a number of bills before the committee in that situation. Hence I ask that this compensation may be allowed as a matter of justice.

Mr. RANDALL. Mr. Chairman, I have no hostility to this amendment; but it is my duty to state just what will be its effect. It proposes to make the clerk of this committee a permanent clerk, receiving pay throughout the year. He is now being paid at the rate of $5 per day during the session. The amendment proposes to pay him about the same rate throughout the year.

There is great force in the statement of the gentleman from Pennsylvania, [Mr. JENKS,] the chairman of the Committee on Invalid Pensions, that there is a vast amount of work which may properly be performed by this clerk during the recess; and for one or two years it has been the practice to allow that committee to employ their clerk permanently. But the Committee on Appropriations did not find that to be in accordance with law; and therefore we made no provision for it. With this statement the Committee of the Whole will of course vote as it sees fit.

Mr. WILLIAMS, of Indiana. I move to amend by striking out the last word. I find that there are only five committees whose clerks are legally authorized to be paid by the year; and this clerk is not one of that number. The Committee of Accounts, in consequence of the immense amount of labor which we understood was required to be performed in connection with the Committee on Invalid Pensions, allowed to this clerk the highest rate of pay, $5 a day, which is at the rate of $1,800 a year or $150 a month; but we provided for paying this compensation only during the session. I hope we shall not now commence making a change in this respect; for, if we do, I presume that almost every clerk in the House will request to be continued during the recess.

Mr. RANDALL. I ask for a vote.

The question being taken on agreeing to the amendment, there were—ayes 31, noes 43; no quorum voting.

Tellers were ordered; and Mr. JENKS, and Mr. WILLIAMS of Indiana were appointed.

The committee divided; and the tellers reported—ayes 72, noes 44; no quorum voting.

Mr. RANDALL. As there is no quorum present, I suggest, in order to avoid breaking up the committee, that a vote be taken on the amendment in the House.

The CHAIRMAN. The gentleman from Pennsylvania suggests that this amendment be passed over informally, that the question upon it be reserved, and a vote taken in the House. If there be no objection, that arrangement will be made.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

To V. H. McCormick, special messenger and watchman to the Select Committee on the Freedman's Savings and Trust Company, from June 12 to April 4, 1876, inclusive, at $3.60 per day, $302.40.

Mr. RANDALL. I move to amend by striking out in the paragraph just read the word "June" and inserting "January."

The amendment was agreed to.

The Clerk read as follows:

To E. C. Stevens, for services as folder, rendered during the month of February, 1875, such sum as may be necessary.

Mr. RANDALL. I move to amend by striking out the words "such sum as may be necessary," and inserting "$100.80."

The amendment was agreed to.

Mr. SHEAKLEY. I move to amend by inserting after the paragraph just read the following.

For amount due J. E. W. Thompson for services under the Doorkeeper during the month of July, 1874, $111.60.

Mr. RANDALL. I would like to have some explanation of this amendment. It may be right, though it dates back to 1874. I reserve the point of order upon it.

Mr. SHEAKLEY. I see that in the deficiency bill already passed provision is made for the payment of one of four or five folders for whom no appropriation was made at the proper time. The appropriation in the deficiency bill is as follows:

For amount due William M. Long for services under the Doorkeeper during the months of July and August, 1874, $223.25.

I am well satisfied that this amendment is perfectly right, and that this amount ought to be paid.

Mr. RANDALL. Does the gentleman say that the amount is due this man; that he performed the work?

Mr. SHEAKLEY. Yes, I know that to be true, for I am acquainted with the case.

Mr. HURLBUT. In what year were these services rendered?

Mr. SHEAKLEY. In 1874.

Mr. HURLBUT. I make the point of order that the amendment is not appropriate to this bill.

The CHAIRMAN. Without discussion, the Chair does not hesitate to sustain the point of order as made by the gentleman from Illinois, [Mr. HURLBUT.] This case stands on precisely the same ground with the one ruled upon a few moments ago.

The Clerk read as follows:

For folding documents, including pay of folding and materials, for the year ending June 30, 1876, $9,850.

Mr. EDEN. I move to insert after line 54 what I send up to the Clerk's desk to be read.

The Clerk read as follows:

To enable the Clerk of the House to pay for extra clerical service in the Committee on War Claims rendered necessary by the reports of the commissioners of claims, $450.

Also, to enable the Clerk of the House to pay to Henry Thomas for twenty-eight days' service as messenger to the Committee on War Claims, at $2 per day, $56.

Mr. EDEN. I do not propose to antagonize the Committee on Appropriations, and if opportunity had presented itself to me I should have asked to have these items inserted in the bill. It will not do to pay a clerk any more than he ought to have and than what others get. It is not for the purpose of increasing the pay of this clerk, but owing to the fact that the Committee on War Claims have to examine the reports of the commissioners of claims, and there is rendered necessary a large amount of clerical service which cannot be performed by the regular clerk of the committee. This service has been performed by Mr. Everett, who performed the same service in both sessions of the last House, and an appropriation of $500 was made at each session. The work performed at this session is precisely similar to what was performed at both sessions of last Congress.

I will give this committee an idea of this service. This extra clerk made a record of the two reports of the commissioners of claims for 1873 and 1874 for the use of the file clerk of the House of Representatives, about two thousand six hundred rejected cases, and then placed them on the House files. He examined the papers in each of seven hundred and seventy-five allowed cases, fifth report, verifying the computations in each case. After doing this he prepared the appropriation bill. There still remains to be made a record of the seven hundred and eighty-six rejected claims of the fifth report. There were some twelve to fifteen hundred separate bills and petitions referred to the Committee on War Claims, also the letter of the Secretary of the Treasury containing what is known as the 4th of July cases, amounting to five or six hundred; then, too, the reports of the commissioners of claims, including those allowed and those rejected, amounting to between fifteen and sixteen hundred cases.

In order that the committee should act properly in reference to the reports of the commissioners of claims it was necessary that they should have the service of Mr. Everett, the same clerk who acted at both sessions of the last Congress, and he rendered service faithfully and it has occupied half of his time probably during the session.

The last House, I say, allowed him $500 for the last session and $500 for the preceding session. Inasmuch as the Committee on Appropriations has established the precedent of making a reduction of 10 per cent. on all salaries, I have reduced the amount of appropriation in this provision to $450.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I think there is a rule which should guide the House in all such cases. Where a committee of this House has employed in good faith, believing they had a right to do so, any one, and that officer has performed the service under such belief, there is to my mind a propriety in paying him. If such is the case, as I believe it is, I do not of course object to the amendment moved by the gentleman from Illinois.

Mr. EDEN. I ask the gentleman from Pennsylvania to yield to me for a moment to explain the remaining portion of my amendment.

Mr. RANDALL. I yield for that purpose.

Mr. EDEN. The committee have proposed to pay the messenger of that committee for twenty-eight days' service, which the Committee of Accounts know cannot be paid as it now stands. He served the committee at the rate of $2 a day from the time the committee organized; but the resolution was not introduced in the House for a considerable time, and consequently there are twenty-eight days for which he cannot be paid. This amendment is to pay him for those twenty-eight days at $2 a day, amounting to $56.

Mr. REAGAN. What was the regular clerk doing at the time this clerk was performing this service?

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. EDEN. I only desire——

Mr. WILSON, of Iowa. I move to strike out the last word, and will yield my time to the gentleman from Illinois.

Mr. EDEN. As every gentleman who served on the Committee on War Claims knows, the regular clerk could not perform this service at all. It required the assistance of a clerk perfectly familiar with the business of the commissioners of claims in order to do it. The regular clerk, without reference to this particular service, probably had as much business to do as any clerk of any committee of this House, owing to the great amount of business before that committee, and it was utterly impossible from the very nature of the case for the regular clerk to perform this service. It requires a man familiar with the whole business of the commissioners of claims, and it was performed by Mr. Everett, who was perfectly familiar with it, having rendered the same service at both sessions of the last Congress for the Committee on War Claims. Indeed I do not know how the committee could have managed to get along without his service.

Mr. REAGAN. It seems to me if an expert was necessary and was employed, and the clerk could not perform the service required of him in that position, the proper way would have been to discharge the clerk and to have allowed the other to receive the salary. I do not think it is desirable to appoint gentlemen to positions of this kind who are not capable of performing their duties, and letting them hold sinecures, while others are employed to do the duties.

Mr. EDEN. Mr. Chairman, the gentleman from Texas [Mr. REAGAN] wholly misunderstood me. The clerk of that committee is as competent a clerk as the clerk of any committee of this House. This same service was required in the last House when Mr. Smith was clerk of that committee, a gentleman who had had five or six years' experience. It was found to be just as necessary then as it is now. I repeat that the clerk of that committee has had as much service to perform, without reference to that, as the clerk of any committee of this House, unless perhaps the clerk of the Committee on Appropriations. If we had discharged the present clerk, the clerk who performed this duty could not have performed the duties of both clerks. It would have been utterly impossible for him to do so. One clerk could not do the work, and we employed the same clerk as was employed heretofore, for the reason that he was an expert in that class of business.

Mr. REAGAN. This custom of having clerks for committees is a modern institution, and has been carried to an extravagant extent in assigning one clerk to each committee. This is a further step toward multiplying the clerks of committees, and I hope it will not be permitted.

Mr. RANDALL. I ask for a vote.

Mr. WILLIAMS, of Indiana. I ask for the reading of the amendment again.

The CHAIRMAN. The formal amendment of the gentleman from Iowa [Mr. WILSON] is withdrawn, and the Clerk will report the pending amendment offered by the gentleman from Illinois, [Mr. EDEN.]

The amendment was again read.

Mr. WILLIAMS, of Indiana. I ask the gentleman from Illinois whether he will not amend his amendment by inserting the name of the person who is to receive this money?

Mr. EDEN. I have no objection to that. The name is S. S. Everett.

Mr. EDEN'S amendment was agreed to.

Mr. SHEAKLEY. The gentleman from Illinois [Mr. HURLBUT] informs me that he is willing to withdraw the point of order to the amendment I offered a short time ago. I renew that amendment.

Mr. HURLBUT. The gentleman from Pennsylvania [Mr. SHEAKLEY] has shown me that these services have been rendered and that the appropriation is a proper one. I withdraw the point of order.

Mr. SHEAKLEY'S amendment was agreed to.

Mr. HEREFORD. The clerk of the Committee on Commerce served for eight days after he was elected by the committee before he was sworn in. I offer the following amendment:

After the amendment just adopted insert the following:
To S. I. Warren, for clerical services as clerk of the Committee on Commerce, for eight days' services, $40.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

That the accounting officers of the Treasury be, and they are hereby, directed to allow credit to the Clerk of the House of Representatives for the sum of $193.46, amount paid John E. Kelly by order of the House.

Mr. FOSTER. I offer the following amendment:

After the paragraph just read insert the following:
For the payment of Charles F. Benjamin and Henry H. Smith, for services rendered the Treasury Department in the investigation of the fraudulent claim of Sugg Fort, $500.

These gentlemen were employed by the Secretary of the Treasury to investigate the frauds in the Sugg Fort case. The Secretary of the Treasury is perfectly willing to pay these gentlemen, having employed them; but for the reason that they were employés of the House at the time they made the investigation, and the law therefore intervening, he is unable to pay them, and he recommends Congress to make this appropriation.

Mr. ATKINS. Were they receiving a salary?

Mr. FOSTER. They were clerks on a salary.

The question being taken, there were—ayes 96, noes 16.

Mr. ATKINS. A quorum has not voted.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order that a quorum has not voted?

Mr. ATKINS. I do make that point.

The CHAIRMAN. Then the Chair will order tellers, and appoints the gentleman from Ohio [Mr. FOSTER] and the gentleman from Tennessee, [Mr. ATKINS.]

The committee again divided; and the tellers reported ayes 94, noes not counted.

So the amendment was agreed to.

Mr. REAGAN. Inasmuch as this is to pay double salaries, I shall ask for a vote on this amendment in the House.

Mr. FOSTER. I offer the following amendment:

After the amendment just adopted insert the following:
And $60 to pay A. R. Searl for wages as riding-page for the month of December, 1875.

Mr. NEAL. This claim was examined by the Committee of Claims and received their unanimous favorable recommendation. That committee reported a resolution to the House directing the Clerk of the House to pay that sum out of the contingent fund. The resolution was adopted by the House unanimously. The claim is for services rendered by this young man as riding-page in the months of December and January last. The Clerk informs me that owing to some technical construction put upon the law by the officers of the Treasury they are unable to pay the money.

The amendment was agreed to.

Mr. RANDALL. I offer the following amendment:

After the amendment just adopted insert the following:
To J. B. Summers, for clerical services rendered the Committee on Expenditures in the Department of Justice, $92.

Mr. REAGAN. Is that a second clerk of the committee? I ask that the amendment may be read again.

The amendment was again read.

Mr. CAULFIELD. I will explain the object of the amendment. This is the clerk of the Committee on Expenditures in the Department of Justice, and the necessity for the amendment is owing to the fact that this clerk had rendered services for a certain period before taking the oath, the omission of which was entirely by mistake. He rendered the services precisely as if the oath had been taken. My attention as chairman of the committee was not for some time called to the fact that he had not taken the oath. He then took the oath, and this is for the purpose of remunerating him for services as clerk of the committee prior to his taking the oath.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

BOTANICAL GARDEN.

For painting, glazing, and repairing the conservatory, buildings, and fences of the Botanical Grounds, $1,500.

Mr. CLYMER. I move to strike out the paragraph just read, relating to the Botanical Garden, and to insert the following:

For painting, glazing, and repairing the conservatory, green-houses, and forcing houses; for extension and repairs of the heating apparatus; for sash and glazing to complete the double glazing on the north side of the conservatory; for filling grounds and raising the fence on the south side of B street; for the erection of iron fence and the erection of porch for the central building on Maryland avenue, and the ceiling of a portion of the rotunda of the conservatory, $3,500.

I have no desire to antagonize any just effort on the part of the committee in the way of retrenchment, and, if I did not believe that it is absolutely necessary for the preservation of the Government property that the amendment I have offered should be adopted, I should be unwilling to urge its adoption.

I have from the Architect of the Capitol a statement in which he says that the sum of $4,500 is necessary for these purposes; it includes $800 for a concrete pavement and $200 for curbing. I do not believe that those two items are absolutely necessary, but, if the Botanical Garden is to be maintained, it is absolutely necessary that the conservatory should be kept in repair, that the green and forcing houses should be perfectly glazed, and the heating-apparatus should be kept in perfect order and be of adequate capacity. Any one who will examine the main building and forcing and green houses will discover that they are in a dilapidated condition; that they need putty, paint, and glass, and for these purposes and for the heating-apparatus and other necessary repairs an appropriation of $3,000, of at least $3,000, is absolutely demanded.

I am not here to say that this establishment is absolutely necessary, but if it is to be maintained we must furnish money enough to maintain it, and in that case it would require at least this amount. I have endeavored to reduce the estimates as made by the Government architect, and in this amendment there is no item that looks to any extension or to any new erection, and if gentlemen have received pleasure from this department, if it has been of any benefit to their constituents, I want them to preserve it. If they care nothing about it I wish them to vote for the amount reported by the Committee on Appropriations; but if they wish to preserve it the amount of the appropriation should be increased at least $2,000.

Mr. RANDALL. It will be remembered that in these economic times we should reduce all the expenditures we can which are unnecessary or in the nature of luxuries. The Committee on Appropriations deem that this Botanical Garden is somewhat in the nature of a luxury; and while they are willing to give something toward keeping it in order, they wanted to be parsimonious in this respect, and

therefore they reduced the application of the architect of the Capitol from $3,500 to $1,500.

Mr. CLYMER. I beg leave to say that while in one sense it might be a matter of luxury, yet in another it is keeping up a source of interest and profit not only to us here but to our constituents extending over this broad land.

I would say in justice to this institution that I believe if there is any department of the Government which is managed economically, fairly, and justly, and at the least possible expense considering the amount of work done, it is this. I do not desire to press this matter further on the committee, but I desire to say to the committee that if they wish to keep up this establishment my amendment should be adopted.

The question was taken on Mr. CLYMER's amendment, and it was agreed to, ayes 78, noes not counted.

The Clerk resumed the reading of the bill, and read as follows:

PUBLIC PRINTING AND BINDING.

Office of the Congressional Printer:

For the Congressional Printer, $3,600; three clerks, at $1,600 each, $4,800; one clerk, $1,300, one clerk to keep accounts of CONGRESSIONAL RECORD, $1,200; messenger, $840; in all, $11,740.

Mr. VANCE, of Ohio. In line 83 I move to strike out all after the word "dollars" down to the word "messenger" in line 84, as follows: "one clerk to keep accounts of the CONGRESSIONAL RECORD, $1,200." This matter is provided for in line 123, which makes an appropriation for the printing of the debates and proceedings of Congress, and it is unnecessary in this place.

The question was taken on the amendment, and it was agreed to.

Mr. FOSTER. I move to strike out the last word for the purpose of calling the attention of the chairman of the Committee on Appropriations to the fact that there is no appropriation made here whatever for the printing necessary for the Supreme Court and the Court of Claims.

Mr. RANDALL. Both of those items will be provided for in the proper place. The chairman of the Committee on Printing will offer an amendment, placing one at $10,000 and the other at $5,000.

Mr. FOSTER. Certainly; then I withdraw the *pro forma* amendment.

Mr. RANDALL. The gentleman from Ohio will remember that the estimates for this work were sent to the Committee on Appropriations and by them referred to the Committee on Printing. For some reason the Committee on Printing did not report them back to the Committee on Appropriations.

The Clerk resumed the reading of the bill, and read as follows:

For printing and binding for the State Department, $15,000; for the Treasury Department, $180,000; for the War Department, $72,000; for the Navy Department, $39,000; for the Interior Department, $135,000; for the Agricultural Department, $9,000; for the Department of Justice, $6,000; for the Post-Office Department, $105,000; for the Congressional Library, $15,000; in all, $576,000.

Mr. VANCE, of Ohio. I offer the following amendment to the clause just read:

Insert the following:

For the Supreme Court of the United States, $10,000: *Provided*, That the record in all cases in which the Government is not a party shall be printed at the expense of the parties thereto.

For the Court of Claims, $5,000: *Provided*, That the records for the claimants in said courts shall be printed at the cost of such claimants: *And provided further*, That the clerk of the Supreme Court and the clerk of the Court of Claims shall administer such oaths to private printers who shall execute such work as said courts may deem necessary.

Mr. LYNDE. I move to amend that amendment by striking out $10,000 for the printing of the Supreme Court and inserting in lieu thereof $20,000, and by striking out $5,000 for the Court of Claims and inserting $10,000.

Mr. Chairman, for several years past, last year certainly—I have not looked back to the time before that, before last year—$25,000 was appropriated for printing for the Supreme Court, and I think that $20,000 is as small a sum as can possibly answer the purpose for the printing for that court. Every case presented is printed, and the decisions of the court are printed on slips, and they dispose of three hundred cases per year, and the printing of those decisions alone has amounted to over $10,000; at ordinary rates $20,000 is as low a sum as I think they can possibly get along with.

The appropriation last year for the Court of Claims was $10,000. Every case presented to that court and the testimony in the case must be printed for the court, and $10,000 is not more than is needed for that purpose.

We certainly are desirous of placing no obstacle in the way of a proper administration of justice in these courts. I would be glad, indeed, if we could get along with the sum named by the chairman of the Committee on Printing; but I am satisfied that we cannot.

Mr. VANCE, of Ohio. From an examination made of this subject during the past winter I am satisfied that the necessary printing for the Supreme Court, for which the United States should pay, can be done for the sum of $10,000. The same examination satisfies me thoroughly that $5,000 will pay for the printing of all the records and other matters required by the Court of Claims. I am supported in that opinion by a conversation had to-day with one of the gentlemen connected with that court.

Mr. REAGAN. I move to strike out the last word for the purpose of inquiring if it is not true that private litigants have to pay for printing their records?

Mr. LYNDE. Parties litigant in the Supreme Court have never been taxed for the printing of their cases; they are only taxed for the copy which is given by the clerk to the Printer, but they have never been taxed for printing the cases.

Mr. REAGAN. I desire to say that in a case which I tried lately in the Supreme Court I was charged $200 for printing the record of the case.

The question was taken upon the amendment of Mr. LYNDE to the amendment of Mr. VANCE, of Ohio; and upon a division there were—ayes 47, noes 66.

No further count being called for, the amendment was declared to be rejected.

Mr. McCRARY. I ask that the amendment be again read, in order that I may fully understand the purpose of the provisos.

The Clerk read the amendment, as follows:

For the Supreme Court of the United States, $10,000: *Provided*, That the record in all cases in which the Government is not a party shall be printed at the expense of the party thereto; for the Court of Claims, $5,000: *provided*, That the records for claimants in said court shall be printed at the cost of such claimants: *And provided further*, That the clerk of the Supreme Court and the clerk of the Court of Claims shall administer such oaths to private printers who may execute such work as such courts may deem necessary.

Mr. REAGAN. Why is that proviso put in, it being true that suitors must deposit money for the printing of their records?

Mr. RANDALL. This amendment comes from the Committee on Printing, and the chairman of that committee will state the reason for it.

Mr. VANCE, of Ohio. It appears that this matter has not been clearly defined in the past, and the object of this amendment is to make it clear and distinct.

Mr. McCRARY. I desire to say a word in favor of striking out the two provisos, and I move to amend the amendment to that extent. I do not understand that the practice now is that private parties shall pay for the printing of the records in cases taken to the Supreme Court. There is no law and no rule of that kind that I know anything about. I have no kind of doubt but that the adoption of these provisos will work a very great hardship, almost an entire prohibition upon taking a great many cases to the Supreme Court. The cost of printing the record is often a very large item of expense, and if the litigant happens to be a poor man, it may well happen that he will be wholly unable to pay the expense of this printing.

This printing is for the benefit of the court. It is as much a matter of public printing which ought to be paid out of the Treasury of the United States as the printing of the bills that are on file to-day on our desks. It is not for the litigant; it is not for the convenience of the litigant; it is to enable the Supreme Court of the United States, one of the departments of this Government, to discharge its duties and transact its business with reasonable facility and within a reasonable time. To put the cost of this printing, which is in every sense of the word public printing, for the benefit of the public in the cause of the speedy administration of justice—to put the cost of this printing upon the litigants who go to that court is an injustice and a hardship, a departure from the practice which has heretofore prevailed in that court. I hope that the provisos will be stricken out.

Mr. REAGAN. I desire to ask the gentleman from Iowa [Mr. McCRARY] if he has had occasion to file records upon appeal to the Supreme Court of the United States?

Mr. McCRARY. I have.

Mr. REAGAN. Have not litigants in those cases been obliged to deposit money for the printing of the records?

Mr. McCRARY. There is a fee, I believe, for one copy of the record, but there is no requirement of the law and no rule of the court which requires the litigant to pay the cost of the printing.

Mr. REAGAN. Not having examined the law, I will state a single item of personal experience. In taking a case to the Supreme Court last fall I was notified by the clerk of the circuit court that before the case could be filed it would be necessary for me to deposit with the clerk of the Supreme Court $200 to pay for printing the record. The record remained here for some time before it was filed, and I had to bring that money and deposit $200 to pay for printing the record before the clerk of the Supreme Court would file the papers.

Mr. McCRARY. The gentleman from Texas [Mr. REAGAN] must have been improperly advised.

Mr. REAGAN. I was first notified by the clerk of the circuit court, and next by the clerk of the Supreme Court.

Mr. McCRARY. The amount usually deposited, $250, is to cover the costs, not simply to pay for the printing.

Mr. REAGAN. No, sir.

The CHAIRMAN. Debate is exhausted upon the amendment to the amendment.

Mr. REAGAN. I move to strike out the last word. I say that I am not mistaken. The office of the Supreme Court is not far from here; and any gentleman who will take the trouble to go there will find that he cannot have his transcript filed unless he pays the money for printing at the time of filing it. In the case which I have already mentioned the party was a very poor man, and he was put to some trouble to raise the money for printing that record.

The question being taken on the amendment of Mr. McCRARY, it was agreed to.

The question then recurred on the amendment of Mr. VANCE, of Ohio, as amended.

Mr. FOSTER. Now, the amount ought to be increased. I move to amend by making it $18,000 for the Supreme Court.

The amendment of Mr. FOSTER was not agreed to.

The amendment of Mr. VANCE, of Ohio, as amended, was agreed to.

Mr. BALLOU. I move to amend, as follows:

At the end of line 122, add the following:

Provided, That any surplus in either the appropriations for printing or for binding may, if necessary, be applied to meet any deficiency in the other branch of the work.

Mr. Chairman, I will explain the object of this amendment, which perhaps would have been more appropriate at the end of line 111. The amounts expended for printing and binding vary considerably, so that, a definite sum being appropriated for each, it may happen that with respect to one class of work the whole appropriation may be expended, while as to the other a large balance may remain. Without some amendment of this kind the work of either class must stop as soon as the appropriation for that specific work is exhausted. The object of the amendment is that if any portion of the appropriation for printing or for binding should remain it may be used for either class of work in which there may be a deficiency.

Mr. RANDALL. That amendment destroys, as to money which may be expended for public printing, the responsibility which should attach to each Department. I think that the amounts have been carefully considered by the Committee on Printing, guided by past experience. I hope, therefore, that the amendment will not prevail.

The amendment was not agreed to.

Mr. MILLER. I desire to ask a question of the chairman of the committee; and for the purpose of doing so I move to strike out the last word. I notice that in this section there is appropriated for printing for the Agricultural Department $9,000. I wish to inquire whether that is supposed to be sufficient for printing the annual report of the Commissioner of Agriculture?

Mr. VANCE, of Ohio. That is not provided for in this paragraph; it is provided for elsewhere.

Mr. MILLER. Is it provided for in another bill? Will the chairman of the committee give us the information?

Mr. RANDALL. It is provided for elsewhere.

Mr. MILLER. In this bill?

Mr. RANDALL. It is provided for in the various items of this bill.

Mr. MILLER. The appropriation to which I refer is for printing for the Agricultural Department, and this would seem to be the proper place to provide for printing that report.

Mr. RANDALL. This is intended to cover the expenses of blanks, letter-heads, books for keeping accounts of the Department, seed-labels, &c. The printing of the monthly reports and the general annual report is provided for in various amounts in other places; for instance, in the appropriations for wages, and for binding, and various other items which have preceded this item. This appropriation relates to the printing required by the Department for the transaction simply of the Bureau business.

Mr. MILLER. I understand that last year in this very place—in the appropriation for printing for the Agricultural Department—$75,000 was appropriated. I am so informed by a member of the last House. It is understood by some gentlemen around me that it is not the intention to print the annual report of the Commissioner of Agriculture. If that is so, we wish to understand it.

Mr. FOSTER. It has been stated by the gentleman who just occupied the floor [Mr. MILLER] that it is not the intention to print the Agricultural Report. I call upon the chairman of the Committee on Printing to state whether that is a fact.

Mr. RANDALL. I believe that some further legislation is required by both branches of Congress before the Agricultural Report can be printed.

Mr. FOSTER. We want to understand that.

Mr. VANCE, of Ohio. I will state for the information of gentlemen that it requires concurrent action of the two Houses to print the Agricultural Report. This appropriation, as I understand it, is designed to be under the control of the head of that Department for the printing expenses of the Bureau. He certainly has no authority to print his annual report out of this appropriation, and it has not been done in that way.

Mr. HARRISON. I move to strike out the last word, in order that I may read a paragraph from last year's report.

It says here, for the Agricultural Department, $15,000. There was no $75,000.

Mr. FORT. There was a special provision put in.

Mr. HARRISON. This is last year's bill.

Mr. HURLBUT. On that I should like to know explicitly from the committee whether or not in the total amount given, page 5, $1,115,737.50 for printing, it is intended to include the printing of the Agricultural Report?

Mr. RANDALL. That embraces money enough to print more than we expect to have done during the entire year. If Congress shall see fit to be excessive in ordering printing, of course there will be a deficiency. But I think that will not be the case. I believe this Congress will not order an excessive amount of printing.

Mr. HURLBUT. Has the committee estimated in that sum for printing the Agricultural Report or not?

Mr. RANDALL. We put in that amount, $1,115,737.50, what we believe to be sufficient to print everything Congress shall order.

Mr. FORT. As I understand it the provisions made in this bill are only sufficient for the printing of the usual number of Agricultural Reports to be distributed by the Department of Agriculture, but not for the purpose of the printing of Agricultural Reports to be distributed generally by members of Congress. If we desire to print enough Agricultural Reports for general distribution among the people by members of Congress, of course we should provide for it here.

Mr. RANDALL. O, no; this is enough for everything. This Congress so far has not been extravagant in ordering the printing of books.

The CHAIRMAN. This debate is all out of order, not even a formal amendment being pending.

Mr. FORT. Other gentlemen have been debating it.

The CHAIRMAN. But on amendments on which debate is now exhausted.

Mr. FORT. I move to strike out the last word.

The CHAIRMAN. That has been offered now three times.

Mr. FORT. Then I move to strike out all of it. [Laughter.] If the gentleman comes to make a calculation he will find that the appropriation last year provided for enough Agricultural Reports to be distributed by the Commissioner of Agriculture to his correspondents. He has his correspondents in every county. He has those to whom he sends his reports. But you will find not one single report will be delivered to members of Congress to be distributed by them under the appropriation here made; and it is a question the House might as well understand now as at any other time. If they wish to have the report distributed by the Commissioner of Agriculture, all right; but if they wish to have several hundred thousand printed for distribution by members of Congress among the people, then it will take $75,000 or $80,000 to do it.

The CHAIRMAN. Does the gentleman withdraw his motion to strike out?

Mr. FORT. I do.

The CHAIRMAN. Without objection the Chair will instruct the Clerk to insert in line 122, instead of $576,000, $591,000, so as to include the $10,000 for the records of the Supreme Court and $5,000 for the records of the Court of Claims, inserted by vote of the committee in order to make the summing up correct.

Mr. RANDALL. Certainly; let that be done.

There was no objection.

The Clerk read as follows:

For debates and proceedings of Congress, $100,000: *Provided*, That from and after the passage of this act it shall be the duty of the Government Printer to pay no greater price for labor performed by printers, book-binders, and other employés in the Government Printing Office for each hour's work or piece-work than the average price paid for an hour's work or for piece-work of the same description in the cities of New York, Philadelphia, and Baltimore; nor shall it be lawful for him to employ any workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction; and whenever it becomes necessary for the Government Printer to make purchases of materials not already due under contracts, he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article, and shall invite proposals for furnishing the same, either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid, and the awards of the contracts.

Mr. MUTCHLER. I move to amend by striking out all after the last word in line 125 to and including the word "to" in line 131, and by striking out the word "any" in line 131 and inserting the word "no" in lieu thereof.

The provision in the bill is intended to reduce the compensation paid to employés of the Government Printing Office, or rather to regulate that compensation by what is paid to similar employés in the cities of New York, Philadelphia, and Baltimore. I am informed, Mr. Chairman, that if this paragraph becomes a law the wages of the employés of the Government Printing Office will be reduced from 30 to 40 per cent. This reduction is a direct contravention of the policy adopted by the Committee on Appropriations in all the appropriation bills which have been before the House. The rule laid down by the committee and acted on by this House was to reduce all salaries above $1,200 10 per cent. That rule was adhered to except in two cases. No one receiving a salary less than $1,200 had his compensation interfered with by any legislation which has taken place on any appropriation bill in this House. I say this is making a distinction between the clerical force of the Government and the mechanical force of the Government. The latter, when it has performed honest labor, receives less than $1,200 a year. There are few in the Government Printing Office who receive that amount of compensation.

Yet this amendment is intended to reduce them still further than the clerical force has been reduced. There are good reasons, Mr. Chairman, why that should not be done, and there are good reasons why their compensation should not be compared with the compensation of similar workmen in the cities of Baltimore, New York, and Philadelphia. It is well known to all of us that the expense of living here is much higher than it is in those cities. It is also known to us that the persons employed in the Government Printing Office do not get steady work. They are only employed when the work is furnished to them by the Departments and the two branches of Congress.

This paragraph proposes that they shall not receive any more by the hour than the average price paid for an hour's work in the cities

of New York, Philadelphia, and Baltimore. Now, in this District they labor but eight hours a day; whereas in the other cities named they work from ten to fifteen hours. Therefore if their wages——

[Here the hammer fell.]

Mr. DUNNELL. I trust that the amendment introduced by the gentleman from Pennsylvania will be adopted by the committee. I wish to ask the attention of the committee to some facts additional to those which have been so well presented by the gentleman who has introduced the amendment.

It will be recollected that in the last Congress the same attempt was made to reduce the pay of these Government printers. That attempt was not successful, as I hope this will not be. It ought not to be forgotten that these Government printers are here in Washington, a very large proportion of them with families dependent upon them for support. It is proposed by this bill to reduce their pay from $4 a day to $2.40. The average pay in the cities cited in the bill is about $18 a week. That will give about $70 a month, or in that neighborhood. Here is a very large reduction.

These are Government employés, and they ought to enjoy the benefit of the eight-hour law as much as any other class of Government employés. These men are compelled to be at their places promptly on time and to remain all the time that is allowed them to work, while at the same time they have not the privileges which the other employés of the Government have here in Washington. They have no holidays. They have no privilege at all, but are compelled to work every day. And it is now proposed in the presence of these other employés of the Government who work but six, seven, and eight hours--it is proposed to compel them absolutely to work ten hours a day in order to get the same compensation. There is no use in denying the fact that it is more expensive to live here than it is to live in the cities which are named in this paragraph.

The amendment should be adopted. If the paragraph is passed without amendment it will make an invidious distinction between this class of men and the other employés of the Government.

It will be noticed further down in this bill that the Public Printer is required to employ only those who are thoroughly skilled. Now, it is proposed to require the Public Printer to employ only skilled workmen and in the same bill you reduce their pay from $4 a day down to $2.40.

Gentlemen on the other side of the House have talked in the interest of the laboring-man, in the interest of those who are compelled to work. If there be anywhere a class of men in the employ of this Government who earn all the money they get, and earn it faithfully, it is these men who work in the Public Printing Office. [Applause in the galleries.] And it is known, Mr. Chairman, that there are periods when they are without work. They are then compelled to do without work. And in this instance it will be an act of clear injustice to attempt a reduction of the pay of this class of workmen far beyond the reduction meted out to any other class of Government employés.

Mr. VANCE, of Ohio. The Government Printing Office is paying to-day sixty cents per thousand ems and fifty cents per hour, or at the rate of $4 per day—$24 per week—for type-setters and certain other employés in the office. At the same time men equally skilled in their profession, who have spent just as many years in learning the art of printing and binding, are working in the city of Washington at fifty cents per thousand ems, or forty cents per hour. Now, I have yet to learn that this Congress ought to pay more for labor in the Public Printing Office than is paid to equally skilled labor elsewhere in the city of Washington. It should not make a discrimination between workmen of equal skill.

The argument is advanced that there is not steady work there. This matter of steady work depends entirely upon the Congressional Printer. He can say whether or not men shall have steady work, and need not employ in his office more men than are necessary. I know that at various times of the year he is much crowded with work; but at those times, in the exercise of that good judgment and discretion that should belong to an officer of the Government having such vast responsibilities on his hands, he should call to his aid extra help. And when that is done he should let that help go and keep the regular hands in his employment.

I say it is setting a bad example all over the nation to have this Government pay more than private employers; to make itself a close corporation and to regulate prices of labor not only here but elsewhere. A few minutes since I heard a gentleman say in a casual remark that it was difficult to ascertain what was paid in New York, Baltimore, and Philadelphia. It is not at all difficult to tell. The average price can be obtained at any time within an hour. And further, if these gentlemen are not satisfied with what wages they get there, it is very easy for them to resign and give their places to others who understand the business perfectly as well as they do and who would be glad to get them.

Mr. LUTTRELL. Have not many of these printers here wives and families to support?

Mr. RANDALL. Do not Philadelphia printers have wives and families too?

Mr. VANCE, of Ohio. The want of employment at particular times is no more here than elsewhere. That matter can be most thoroughly and perfectly regulated.

Mr. MUTCHLER. Is it not a fact that the Government printers here in Washington have to pay more for their subsistence than printers who live elsewhere?

Mr. VANCE, of Ohio. I think not.

Mr. RANDALL. No, sir; I think I can live as cheaply here as I can in Philadelphia.

[Here the hammer fell.]

Mr. RANDALL. I move to strike out the last word.

This is not a new question. It has often before been agitated in Congress.

The Committee on Appropriations inserted this proposition at the instance of the Committee on Printing; but I do appeal to this House that when they come to vote upon this question they will decide it upon its merits, and not in consequence of applause in the galleries, or disagreement, or reflection from the galleries, or from any organized body whatever. I say here with great regret that I see an effort made to control action on this floor by applause in the galleries.

Now, sir, this proposition is either right or wrong, and it suggests to my mind one single proposition, and that is whether the Government should go into cities, into the walks of life, and employ printers at the same rates that private citizens employ them in private establishments. Is there any valid reason why men should be paid more by the Government than is paid by the owners of private printing establishments in the very city where we have this Government Printing Office?

Mr. PHILLIPS, of Kansas. Will the gentleman yield to me for a moment?

Mr. RANDALL. Yes, sir.

Mr. PHILLIPS, of Kansas. It is not true that the printers of New York, Philadelphia, and Baltimore work all the year around, and thus receive a larger compensation than the printers here do?

Mr. RANDALL. Is it not also true that these printers here can seek employment in those cities when they are idle here, and is it not also true that printers from those cities seek employment in the Government Printing Office?

Now, these things regulate themselves on the principle of the law of supply and demand. When there is a demand here the printers come here. When there is no demand here they go elsewhere.

I have had applications from printers in my own city to obtain employment here, and when they did not get employment here they would go back to Philadelphia and seek employment there. But I rose more particularly to express my hope that in the treatment of this question the House will not be swayed in its judgment by popular applause in the galleries.

Mr. HOSKINS. For one I am in full accord with the gentleman who offered the amendment to strike out so much of the proviso as reduced the pay of the Government printers. It has been the policy of this Congress, through the action of the Committee on Appropriations, to reduce all salaries at the rate of 10 per cent. where the salaries were above $1,200 per year. These Government printers are now receiving less, or at least not more, than $1,200 a year. They are now receiving at the rate of $24 per week, and, counting three hundred working days in the year, which is as much as any Government printer can be expected to work, the salary paid to the printers is only $1,200 a year. The proposition of the Committee on Appropriations is to reduce the compensation of every printer in the Government Printing Office who now receives a compensation of $24 a week to an annual compensation of $750. These Government printers are men who are fixtures here in the city of Washington, as much so as any clerk in a Department, with wives and families; and I appeal to every gentleman on the floor if any man with a family to support can live in the Government employ at $750 a year. The law fixes the hours of labor at eight hours a day, and the committee propose to pay these printers the average compensation paid to printers in the cities of New York, Philadelphia, and Baltimore. The hours of labor in those cities are ten hours a day, and compositors receive on an average about $19 a week for ten hours' service per day, which is $76 per month; and you propose to make the daily compensation of these printers at $2.50 a day, which, calculated at the rate of three hundred laboring days in the year, makes the compensation $750 a year.

Now, every clerk in the Departments has thirty days to himself in the shape of a holiday or vacation annually; but the Government printers are not entitled to one hour's vacation.

It is very well known that when a clerk is sick for a day or a week his salary goes on. But when a Government printer goes to his case in the morning five minutes late, one hour is deducted from his day's pay.

I say to gentlemen here that it is not a fair comparison to make between this city and other cities. Everybody knows that this is not a city of manufactures, commerce, or trade. Its population is made up almost entirely of Government employés. Every man on this floor knows that both in regard to these employés and to members of Congress the prices which must be paid here for everything are such as tend to increase the amount required for their support. This is not like other cities, not like any other city on the face of the continent. The price of living in every respect, either of a member of Congress or a Department clerk, is higher here than in the city of Baltimore or in other cities.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSKINS. Allow me a moment more.
Mr. KELLEY. I desire to say a few words.
Mr. RANDALL. I call for a vote on the amendment.
Mr. KELLEY. I move to strike out the last two words.
Mr. RANDALL. I move that the committee rise.
Mr. BANKS. For what purpose?
Mr. RANDALL. I desire to have debate closed on this amendment.
Mr. BANKS. We do not want it closed; you have had your talk, let us have ours.
The motion that the committee rise was not agreed to.
Mr. KELLEY. Before proceeding to the discussion of the question, I desire to say that I concur with my colleague, the chairman of the Committee on Appropriations, [Mr. RANDALL,] in what he has said about the action of the galleries. It is always improper, and on a local question like this peculiarly so.
I was a little amused at the comparison made between the wages paid printers in the Government Printing Office and the wages paid "in the town of Washington" somewhere—the Government Printing Office, the finest printing office in the world, that establishment in which precise printing can be the most quickly done of any establishment in the world. I had occasion recently to have some pages of the French tariff set up, in which were the most minute fractions. There is no other establishment that I know of in this country that could have put that up, or, having the material, could have put it up in a week. Yet in the Government Printing Office it was put up during the night after the copy was left there. The words that will be uttered latest here to-night will be well printed and laid upon our desks to-morrow morning.
The very proviso of this amendment requires that none but first-class workmen, who shall have proved their skill under observation, shall be employed in the Government Printing Office. Yet their wages are to be compared to the wages of compositors who set up the type for a village newspaper "in the town of Washington." [Laughter.] I protest against settling this great question by any such comparisons as these.
Sir, if the eight-hour law is to be repealed, let it be done by express statute, and not in this left-handed way; for this is a virtual repeal of the eight-hour law as to printing in the District of Columbia. No, gentlemen, if we are ready to repeal that law, let us do it in terms. Who will make the motion? Not I, sir; not I.
Would you regulate the wages of these skilled workmen by the wages of workmen in Boston, New York, and Philadelphia, in a time of depression unparalleled in our history, when skilled workmen seek a refuge in the house of correction; when thousands are unemployed and will work for the fifty cents a day they get in Washington, (I think that was the statement, or perhaps it was fifty cents for a thousand ems, or something of that sort;) a time when men to keep shelter over wife and children—or, as I know some skilled workmen living in this very city now, to give them bread and sirup twice a day seven days in the week. Who shall go forth on behalf of this Government and learn how cheaply these men will work, and to say that what their necessities will compel them to take shall be the wages of the most skilled printers of the world in the Government Printing Office?
[Here the hammer fell.]
Mr. HEREFORD. I feel a little surprised at the remarks that have just fallen from the lips of my friend from Pennsylvania [Mr. KELLEY] who has just taken his seat. He announced the other day to this House that in a certain city in the State of Indiana there were some fourteen thousand workmen, out of twenty-six thousand, I believe, who were living upon garbage. Yet to-night he tells us that you must give men more than $1,000 or $1,200 a year that they may live here. He says that to-day there are fourteen thousand people in Indianapolis living upon garbage.
Mr. KELLEY. Not that; but what I told was the truth.
Mr. HEREFORD. He told us the other day that there were fourteen thousand people in Indianapolis living upon garbage.
Mr. KELLEY. I said that there were fourteen thousand people out of employment, and some of them living on garbage.
Mr. HEREFORD. He said there were 14,000 out of 26,000 who were thrown out of employment, and many of them were living upon garbage. Why? Because the people in this country are taxed to death.
During ten years past, as I had occasion to say the other day, $5,000,000,000 has been collected from the people; yet our debt is over $2,000,000,000. It is because the people are taxed to death. Yet when this Committee on Appropriations proposes to-night, as it has upon every occasion, to reduce those taxes, to prevent those men from "living upon garbage," my friend from Pennsylvania rises in his seat and says you must tax them more, although if you tax them more, still more will they "live upon garbage." I want them to have as fair and reasonable wages as men get throughout the length and breadth of this country. But I say to gentlemen on either side of the House when you go to your homes how many men and women do you find there who are "teaching the young idea how to shoot," who are teaching in your schools, and who would be glad to get $1,000 or $1,200 a year? Yet my friend from Pennsylvania, who is so much opposed to "garbage," says that is not enough.
Mr. KELLEY. Do you like garbage? [Laughter.]
Mr. HEREFORD. No, sir; I do not like "garbage." [Renewed laughter.] But I want to reduce the taxes of this country, so that one part of our people shall not be millionaires, while the others are eating "garbage." I want to equalize matters. That is my reason for opposing the amendment to increase the appropriation recommended by the committee.
[Here the hammer fell.]
Mr. KELLEY. I withdraw the formal amendment.
Mr. BANKS. I renew it. It seems to me that the just objection to this proposition in regard to the printers is that it undertakes to apply to them a rule which we do not apply to any other officers or employés of the Government. In regard to these men, we have sent out into other cities—Philadelphia, Baltimore, New York—to ascertain what shall be paid to officers and workmen of the Government here in Washington. We do not apply this test to any other class of public servants. We have never sent out into the city of Baltimore or Washington or New York to ascertain what men received there for such services as we perform here. We do not undertake to be guided by any such test in fixing our own pay.
In the city of Boston there was a bank cashier for whose pardon from imprisonment application was made not long since by every officer of the bank upon which he had committed a defalcation. But the defalcation was one which he confessed himself, which no one would have known if he had not admitted it. When he came to close his accounts he confessed to his employers what he had done. He was receiving a salary too meager to support himself and his family from day to day, and in order to save that family from hunger he abstracted funds of the bank, little by little, in amounts which nobody missed. When these men discovered what they had been paying this cashier in the city of Boston they all agreed in asking for his pardon.
Why do we not send to the city of Boston, the city of New York, or the city of Baltimore to ascertain what starving clerks are paid there, and why do we not intrust the interests of this Government to men who will work for the same compensation? We know that such a policy would not answer. It is not a rule that would succeed. The Government must have not only able and prompt men, but reliable men, men of integrity, such as the ordinary occupations and employments in which young men are engaged do not require.
What have these printers done that the gentlemen of the Committee on Appropriations should enter upon a hunt against them? If they have been applauding anybody here, certainly it is an indiscretion; but most of the gentlemen here get what little reputation they have from the applause of the galleries. [Laughter.] I have heard gentlemen say again and again that never at any previous session has the practice of the galleries applauding prevailed as it has at this; and certainly, in my twenty years' experience, I never saw men who liked it any better that the members of this House. [Laughter.]
Why should we adopt in reference to these printers a rule or method of regulating compensation different from that which is applied to all other officers? Is it because these men are workmen? Is it because they are mere laborers? Do the gentlemen of the Committee on Appropriations strike against these men because they are laborers, because they are workmen? Why, sir, they are officers of the Government as much as we are or as much as the officers of the Executive Departments. These printers are officers upon whose skill and fidelity the House is absolutely dependent for the correctness of its printed proceedings.
Now, let me call the attention of gentlemen to what other men have done: Thirty-six years ago Mr. Van Buren, as the head of the executive branch of the Government, set an example which since that time has never been disapproved by anybody. It was that the Government of the United States should cut down the time of labor from twelve or fourteen hours a day to ten hours a day. For thirty-six years that has been the wise rule of the Government of the United States, which has been adopted by every State and in almost every branch of private business.
[Here the hammer fell.]
Mr. SPRINGER. Mr. Chairman, I am very glad to learn that the gentleman from Pennsylvania [Mr. KELLEY] has on this occasion made one exception to the uniform rule of his life. As a member of Congress, so far as I have observed his career, he has always been the most devoted to the interests of his constituents of any of the members on this floor. But to-night I see that he is advocating higher wages for the printers in the District of Columbia than are paid in the city of Philadelphia, which he has the honor to represent upon this floor. I think in that respect the gentleman is departing from the uniform rule of his life. He has been faithful in representing the interest, as he calls it, of labor, but to some it would appear, at least to me, his efforts in behalf of labor tend to favor the few great manufacturers at the expense of the laboring millions. He advocates the great fallacy of the protectionists, which is this: That the more you tax the people the richer they will get. He is for a high protective tariff upon all articles which the people of this country consume, and hopes to make them rich and prosperous by taxing them to death.
Now, Mr. Chairman, something has been said about the great reduction proposed by the appropriation bills which have been passed by this House. In this respect I think the Committee on Appropriations have performed a work which entitles them to the gratitude of the

laboring-men and the tax-payers of this country. I believe our Committee on Appropriations and this House will receive the thanks and the gratitude of the people when our work is finished and submitted to them.

I have before me, Mr. Chairman, a carefully prepared estimate of the appropriation bills which have passed this House and the one now pending, and I will send it to the reporters and have it printed as a portion of my remarks. It includes the appropriations made by bills passed as well as those in the bill pending, and when this table has been examined in detail it will appear that, although the officers in the various Executive Departments of this Government have estimated the amounts they desired for the ensuing year at $203,000,000 for the purpose of paying the necessary expenses of the Government, this committee and this House have reduced those estimates down to $138,000,000, being a reduction of $64,000,000 in the appropriations below the estimates made by the various Executive Departments of the Government.

It will be seen also by this table that although the appropriations for the current fiscal year were $177,000,000 and upward, the appropriations made this year, as appears by the bills already passed and by the one now pending, are only $138,000,000, being a reduction for the next fiscal year over the current fiscal year of $39,421,964.50. Here we have, then, as the work of this committee and of this House, a saving in expenditure to the tax-payers and to the laborers of the country of nearly $40,000,000 annually.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I ask that the table be published with my remarks.

The CHAIRMAN. The Chair hears no objection.

The table referred to by Mr. SPRINGER is as follows:

Statement of appropriation bills passed by the House of Representatives at the present session of Congress, showing the estimates of the Departments for each bill; the amounts appropriated for the ensuing year ending June 30, 1877, by this House; the reductions made in each bill below the estimates, and the reductions made by this House below the amounts appropriated for the present year.

Bills.	Estimates of the Department for year ending June 30, 1877.	Appropriation for present year.	Appropriation bill as passed the House for the year ending June 30, 1877.	Reduction below estimates of the Department.	Reduction below appropriations for the present year.
Military Academy, passed the House January 31	$437,470 00	$364,740 00	$231,241 00	$206,229 00	$133,499 00
Pension bill, passed the House January 31	29,533,500 00	30,000,000 00	29,533,500 00	.....	466,500 00
Consular and diplomatic, passed the House April 10	1,352,485 00	1,351,285 00	922,847 50	429,637 50	428,437 50
Fortification bill, passed the House February 15	3,406,000 00	850,000 00	315,000 00	3,091,000 00	535,000 00
Legislative, executive, and judicial, passed the House April 28	20,836,307 00	18,734,225 00	13,009,807 61	7,826,499 39	5,724,417 39
River and harbor bill, passed the House April 10	14,301,100 00	6,643,517 50	5,872,850 00	8,428,250 00	770,667 50
Deficiency bill, passed the House April 12	2,722,471 70	4,703,699 18	671,486 74	2,051,984 96	4,032,212 44
Post-office bill, passed the House May 17	37,939,805 99	37,574,361 00	33,739,109 00	4,200,696 99	3,785,252 00
Navy bill, passed the House May 23	20,871,666 40	17,011,306 90	12,432,855 40	8,438,811 00	4,578,451 50
Indian bill, passed the House June 6	5,787,995 64	5,360,554 55	3,979,602 11	1,808,393 53	1,380,952 44
Army bill, passed the House	33,348,708 50	28,331,070 00	*23,155,077 12	*10,193,631 38	*4,778,752 88
Sundry civil bill	32,560,475 29	26,644,350 09	*14,626,981 74	*17,933,493 55	*12,017,368 35
Total	203,098,985 82	177,912,319 72	138,490,358 22	64,608,647 30	39,421,961 50

* If passed as reported.

Mr. BANKS. I withdraw the amendment.

Mr. WHITE. I renew it, and yield my time to the gentleman from Massachusetts.

Mr. BANKS. Mr. Chairman, I was speaking a moment ago of the ten-hour rule having been established by Mr. Van Buren and the democratic party in 1839 and its successful operation for some thirty-six years. Now, eight years ago the present head of the Government issued his proclamation, under instructions of the two Houses of Congress, that for all persons employed under the Government of the United States eight hours should be a day's labor. It has operated for eight years. Congress has never reversed that rule. The President has never asked the two Houses of Congress to reverse it. It stands as the law of the land for all employés and laborers under the Government of the United States. Why should we select the printers of this city as the only employés and laborers to be excepted from that beneficent and wise rule? I say it is beneficent, because if it be properly executed it will bring to the service of the Government here and every other Department of the Government the best workmen that can be obtained in this or any other country. Why should we except the printers alone from the operation of this wise and beneficent and democratic rule or law? Certainly if there is anybody entitled to it they are entitled to it.

While I say I am for economy and reduction of the expenditures of the Government, I do not believe it is necessary or wise or just to strike at the laboring portion of the population. Especially it is not wise to strike at any particular class of men employed by the Government, and that is what we do by the passage of this proposition. It is a repeal of the law of the United States regulating the hours of labor, a wise and just law to which there has been no objection, and to which in a little time all occupations will conform, not to the detriment or loss of the people of the country, but to their benefit. It is following in that wise series of laws which secure to the laboring-men their homesteads, their furniture, their tools, their right to vote, and their right to all the blessings under a free government. This is exactly one of its principles, and one which has produced as many good results as any other. Why should we strike down this law as regards this one class of workmen and leave it applicable to every other class of workmen employed by the Government of the United States?

[Here the hammer fell.]

Mr. VANCE, of Ohio, rose.

Mr. RANDALL. I ask that debate close on this paragraph.

Mr. VANCE, of Ohio. Will not the gentleman yield to me for a few moments?

Mr. RANDALL. If the chairman of the Committee on Printing desires to speak, I withdraw for the present the request that debate close on this paragraph.

Mr. VANCE, of Ohio. I shall not occupy more than a moment or two.

I have no desire to disparage the Government Printing Office. The gentleman from Pennsylvania very well says that its appointments are magnificent, and that it was prepared to execute work with facility and in good order. But at the same time it is but proper to say that the Government of the United States has placed at the disposal of this office all that money could buy in the shape of type and presses. It is also proper to say that the work done in the Government Printing Office, as a class, does not require the most skillful labor. And I beg to impress this upon the gentlemen who have advocated most strongly the present system of payment; the class of work done there does not require the most skillful labor. There are in the United States not less than two hundred offices whose work requires better printers, as a class, than are needed in this office. And I say this from a practical knowledge of the business myself, and after a careful inquiry into it in all its branches.

This is no doubt a very fine office; and the statement has been made here that it has drawn to Washington the better class of printers of the country. In reference to that I say without fear of successful contradiction that of those employed in the Government Printing Office to-day there is a greater number of incompetent men than can be found in any establishment in the United States employing an equal number. The average of incompetent men in the Government Printing Office is greater in proportion to the number employed. And why? I am casting no reflection upon the chief of the office when I make this assertion. It is simply because he is in a certain sense bound by the rules that govern politicians generally, and must put in men there at the dictation of Senators and members of Congress. There are to-day men there who in a respectable Philadelphia office or in a respectable Baltimore or New York establishment could not earn $10 per week.

Mr. FORT. I desire to ask the gentleman from Ohio a question. Are not these printers paid by the piece?

Mr. VANCE, of Ohio. A few of them are; a few.

Mr. FORT. Is it not a fact that the majority of them are so paid?

Mr. VANCE, of Ohio. No, sir; the great proportion of the printers in the Government Printing Office are paid by the week.

Mr. FORT. Are they paid for incompetent work? Do they not do competent work?

Mr. VANCE, of Ohio. Under the rules of the establishment, a number of them are not required to earn what they get.

Mr. FORT. The gentleman from Ohio is chairman of the Commit-

tee on Printing. I do not understand why he has not investigated that before now.

Mr. RANDALL. He has.

Mr. HOSKINS. Will the gentleman from Ohio allow me to ask him one question?

Mr. VANCE, of Ohio. If it does not come out of my time I will.

Mr. RANDALL. Of course it comes out of the gentleman's time.

Mr. VANCE, of Ohio. I do not yield.

A statement has been made to-night that this establishment comes under the rule adopted by the Committee on Appropriations to make no reduction of compensation less than $1,200 per annum. I cannot see how it comes under that rule. These men are hired there and discharged at the option of the Government Printer, and according to the statement which has been made here some of them are furloughed during a part of the year, their services not being required.

Mr. FORT. Do they get pay for the time they are furloughed?

Mr. VANCE, of Ohio. No, sir. No statement to that effect has been made. Furthermore, Mr. Chairman, the eight-hour law has been brought into this discussion. Now, there is not a gentleman here who is acquainted with the working of the Government Printing Office who does not know——

[Here the hammer fell.]

Mr. VANCE, of Ohio. I would like a few moments more.

The CHAIRMAN. The gentleman's time has expired. It is not in the power of the Chair to extend it.

Mr. LANDERS, of Indiana, was recognized, and yielded a portion of his time to Mr. VANCE, of Ohio.

Mr. VANCE, of Ohio. I find the time goes more rapidly than I thought.

The simple proposition is that the Government of the United States shall not lend itself as an agent to bolster up the salaries of these men to the detriment of workmen of a like class in other parts of the country. There are great numbers of men all over this land, skilled in this profession or art of printing, who would be glad to come here and do the work at the rates proposed and at the rates paid in the city of Washington outside of the Government Office.

Now, one word further. I do not object to the galleries cheering this proposed amendment. Not at all. These gentlemen who fill the galleries are examples of the fact that this Government can pay men well and permit them to come here and cheer propositions to keep their pay in excess of what their fellow-workmen all over this land are receiving. This Government Office should be conducted as an establishment run in the interest of the country, and that is all that is asked. No reduction is demanded here which brings the wages of workmen below what that class of skilled labor receives all over this country. It is not asked to make their pay one dollar less than that.

One proposition further. The wages paid to these printers to-day are as great as they were during the darkest hours of the war, when everything in the way of the cost of living was high. These men are to-day getting as much as they did during that period.

Mr. LANDERS, of Indiana. I desire to inquire of the Chair whether, if debate be closed on this proposition, other amendments will be in order?

The CHAIRMAN. The Chair would state to the gentleman from Indiana that any other germane amendment will be in order after the closing of the debate. The closing of debate has not the effect that the previous question has in the House. It does not exclude amendments, but simply cuts off debate upon them.

Mr. LANDERS, of Indiana. I desire to move to amend the paragraph by striking out, in lines 130 and 131, the words "the cities of New York, Philadelphia, and Baltimore," and insert in lieu thereof "the city of Washington."

Do I understand that a vote will be taken on these amendments separately?

The CHAIRMAN. The Chair will state to the gentleman from Indiana that a vote will be taken on every amendment separately; that is the uniform rule of the House.

Mr. LANDERS, of Indiana. I want to say this, that the wages of these men ought to be regulated by the wages paid in Washington City. I know not if there be any difference between the wages paid in this city and the wages paid in the cities named in the bill; but it is evident that the wages of these men ought to be regulated by the wages paid in the city where they work.

Again, I think I am as much disposed to adopt a course of economy as any gentlemen in the House, but I find that gentlemen are very liberal in voting large compensations when that compensation is to men of certain professions. One thousand dollars is nothing for them to vote for a few days' service, but when it comes to the question of the pay of the laboring-man it is difficult.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Is debate on the pending amendment exhausted?

The CHAIRMAN. Debate on the amendment of the gentleman from Indiana is not exhausted.

Mr. CANNON, of Illinois. I want to say a word in reference to this matter and to protest against the proposed action of the Committee on Appropriations. I do not know that I shall be able to produce any effect upon the committee, but I desire to say that it appears strange to me that the Committee on Appropriations in their great desire to economize should leave the first-class clerks alone and pay them still $1,200 and yet seek to cut down the pay of these men in the Government Printing Office.

Now who are the first-class clerks? A great majority of them, as I understand it, are men who have no qualifications superior to employés in the Government Printing Office. A common-school education qualifies a first-class clerk to perform his duties, while I understand that these printers have to serve an apprenticeship for four years before they are competent to do their work. Now it may be that $1,200 a year is too much for these men. If so, cut down their pay, but do not discriminate between these men and the first-class clerks in the Departments. If you are going to cut down anybody's pay, cut it from all, including ourselves, for that matter.

Now, then, the gentleman from Ohio [Mr. VANCE] stated, I believe, that some of these parties worked by the piece. I am credibly informed that the men who work by the piece in the Government Printing Office are men that are not sufficiently competent to receive pay at the rate the others receive, and not being sufficiently skillful to receive the ordinary wages they are paid only for the work they do and by the piece. I understand also that there are but a small number of this kind of employés in the Government Printing Office.

Now, then, I do not see why a man should not be paid for his skill in this Department as men are paid for their skill in other Departments of the Government. Why, sir, you are paying women and a great many of them, lady clerks, at the rate of $1,200 a year. I would not cut down their wages, nor would I cut down the wages of these men, most of whom have a wife and children depending on their labor for support.

Now, my friend from Illinois [Mr. SPRINGER] got up here and made a speech and asked leave to print, and I expect that it will cover eight or ten pages of the RECORD, and that in a five minutes' speech. He says that you have cut $64,000,000 off from the estimate. Why did not he cut off $150,000,000 below the estimate; you could have done it as easily or you could refuse to appropriate anything.

Mr. SPRINGER. On that question I will meet the gentleman before his constituents.

Mr. CANNON, of Illinois. If you meet me before my constituents I expect you will get beaten. [Laughter.] But I suggest to the gentleman that he will have quite enough to do in his own district without attending to mine.

Mr. SPRINGER. If I have as much difficulty in my district as the gentleman had in getting here, I shall have a hard time of it.

Mr. CANNON, of Illinois. I cannot tell whether the gentleman will have much or little difficulty in his district. One thing I do know, that I received a decided majority of all the votes cast in my district. Can the gentleman say as much?

[Here the hammer fell.]

Mr. SINGLETON. I move *pro forma* to strike out the last two words.

I had made up my mind as a member of the Committee on Printing to recommend the reduction which is now embraced in this bill, and to say not a word upon the subject. I should have been perfectly willing that a vote should be taken upon the amendment which has been offered without debate; but when I find that gentlemen on the other side of the House are so eager to make an issue with us, are so fully determined to drag us before the country as wrong-doers, I feel then that it is my duty to vindicate the action of the Committee on Printing.

Now, sir, there is a great deal more sentimentality indulged in here than I think is becoming this Congress. We cannot legislate upon sentiment. If you undertake to do that you will have to take care of every man's family in the city of Washington when he is not able to take care of it himself. Some gentleman near me suggests that we are doing that now; that is not quite the case. But if we permit ourselves to be forced from that propriety which should mark our course as members of Congress, in looking alone to the people who reside in the city of Washington and not to the whole mass of the people, we will soon have the whole of them upon our hands.

Mr. LANDERS, of Indiana. Mr. Chairman, I desire to say——

Mr. SINGLETON. Hold on a minute; I am not through yet. Let us come down to common sense about this matter; let us regard it in the light of stubborn facts, and see whether the charge made upon the other side of the House against the Committee on Appropriations is correct or not. My friend from Illinois [Mr. CANNON] is almost taken with a spasm every time the Committee on Appropriations is mentioned. It seems to have almost the same effect upon him that the galvanic battery has upon a dead frog; it seems to straighten him right ont every time the Committee on Appropriations is mentioned. We are here to perform the duty which is demanded at our hands as economists and as true friends of all the people of the country. And are we to be abused by every man who can get up and indulge in that sort of tirade without any sort of justification for it? Do we represent any particular class of individuals in this community? Are we to legislate for any class of men, or are we here to represent the country at large? Every man, if he answers that question candidly, will say that we are to represent the whole country, to look to the interests of the country, to keep them steadily in view. Whatsoever may be our feelings on the subject we cannot depart from that line of action, but must follow it let it lead where it may.

Has it come to this, that we are to take money out of the pockets of the people of this country who now have scarcely bread to eat, as

we have been told so often on this floor, and pay it to those who choose to remain here in public employment? If so, then we had better allow them to come in and divide among themselves what is in the Treasury, and then go home and tell our people that we have no control whatsoever over this matter.

The plain facts in the case are just these: The testimony taken during the investigation by the Printing Committee shows that the most enormous prices are paid to the employés of the Government Printing Office, far above the prices paid in private printing establishments. Why should we do this? Can any one give a good reason for it? Any man who is carrying on this business in his own name would seek to employ his labor at a reasonable price, not above that paid in other first-class printing establishments outside of Washington.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SINGLETON] has expired.

Mr. RANDALL. As a member of the Committee on Appropriations I desire to say that I expected all the abuse that has been heaped upon the Committee on Appropriations when we started in this work. It is a very plain duty that we have to perform, and the issue between that side of the House and this side is a very distinct one, and he who runs may read.

Mr. O'NEILL. Will my friend allow me——

Mr. RANDALL. Do not interrupt me; sit down, if you please.

Mr. O'NEILL. I want to remind my colleague——

Mr. RANDALL. Mr. Chairman, will you see that that gentleman sits down? [Laughter.]

The CHAIRMAN. It is not necessary that the Chair should remind the gentleman from Pennsylvania [Mr. O'NEILL] that he is not in order in persisting in speaking against the statement of his colleague [Mr. RANDALL] that he does not yield to him.

Mr. O'NEILL. I merely wanted to jog his memory.

The CHAIRMAN. The gentleman is not in order.

Mr. RANDALL. The issue is a distinct one. These facts are presented to us, and we must govern ourselves accordingly; we must either run in debt, issue more bonds in that direction, or we must levy more taxes in order to obtain more revenue, or we must cut down the expenditures of the Government. We must choose which of these three we will do, either to increase the public debt, or impose additional taxation, or cut down expenditures. The Committee on Appropriations has selected the last; and they believe they have selected that course which meets the approval of the American people.

To make the issue more distinct, it is whether we shall give the $40,000,000 which we propose to save in these expenditures to the great mass of the people, or allow you to continue to divide it among the appointees and employés and contractors of this Government. That is the issue here to-night; that is the issue now before the people of this country between the two parties that represent the political divisions of the nation.

When you talk about appeals to the laboring interests, I feel, humble as I am, that it would be unworthy of me to listen to any such appeals. I have vastly more respect for those who applaud in these galleries than I have for gentlemen upon this floor, who ought to be statesmen, who get up here and lower themselves by making appeals to the prejudices of the laboring classes, as they suppose. I tell you that the laboring classes understand this question. The laboringman knows that the taxes in this country must be reduced in order that prosperity may again prevail throughout the length and breadth of this land, and that he shall not be deprived of the provisions and the clothing necessary for himself and his family.

We have sought as a committee to pursue a straight and just line, discriminating neither on the one side nor the other, doing by the Government exactly as we would do in our individual business. Who is there here to gainsay the correctness of our course in that respect? I hear no reply. I am done.

I move that the committee rise for the purpose of closing debate.

Mr. CONGER, Mr. FORT, Mr. FOSTER, and Mr. CANNON of Illinois addressed the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has moved that the committee rise to close debate.

Mr. FOSTER. I hope the gentleman will yield.

Mr. RANDALL. I want to dismiss your complaint against this side of the House that we are behindhand in passing the appropriation bills.

Mr. CONGER. I hope the gentleman will not insist upon his motion now.

The CHAIRMAN. Does the gentleman insist on the motion?

Mr. RANDALL. I do.

Mr. CONGER. Then I hope it will be voted down.

The question being taken on the motion of Mr. RANDALL, there were—ayes 88, noes 39.

Mr. PAGE. No quorum!

The CHAIRMAN. Does the gentleman make that point?

Mr. SPRINGER. A quorum is not required to vote upon a motion that the committee rise, which in this respect is equivalent to a motion that the House adjourn.

The CHAIRMAN. The chair would remind the gentleman from California [Mr. PAGE] that upon this motion no quorum is required to vote. The motion is agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House again resolve itself into Committee of the Whole on the sundry civil bill; and, pending that motion, I move that all debate in Committee of the Whole on the pending paragraph terminate in one quarter of a minute.

Mr. PAGE. Pending that, I move that the House adjourn.

The question being taken on the motion of Mr. PAGE, there were—ayes 29, noes 111.

So the motion was not agreed to.

Mr. PAGE. No quorum has voted.

Mr. BLACKBURN. No quorum is required on a motion to adjourn.

The question then recurred on the motion of Mr. RANDALL, that all debate in the Committee of the Whole on the pending paragraph be terminated in fifteen seconds.

Mr. PAGE. I would inquire what time the gentleman from Pennsylvania proposes to let the House adjourn?

Mr. RANDALL. I have nothing to do with that. The House adjourns itself.

The motion was agreed to.

The question being taken on the motion of Mr. RANDALL that the House again resolve itself into Committee of the Whole on the sundry civil appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The question being taken on the amendment of Mr. LANDERS, of Indiana, it was not agreed to.

The question then recurred on the amendment of Mr. MUTCHLER.

The question being taken, there were—ayes 71, noes 58; no quorum voting.

Tellers were ordered and Mr. MUTCHLER and Mr. SPRINGER were appointed.

The committee divided; and the tellers reported—ayes 78, noes 57; no quorum voting.

Mr. RANDALL. I will ask a vote in the House on this amendment, so that the Committee of the Whole may not be broken up for want of a quorum.

The CHAIRMAN. The amendment, then, will be regarded as agreed to.

Mr. KASSON. I call the attention of the chairman of the Committee on Appropriations to the fact that by a statute passed in 1874 the title of the printer was changed from "Government Printer" to "Public Printer." I move, therefore, to amend by striking out "Government" and inserting "Public."

The amendment was agreed to.

Mr. VANCE, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 144 insert the following as a new paragraph:

That the Joint Committee on Printing of the Senate and House shall, upon the passage of this act, advertise for proposals for the printing and binding of the debates of Congress for the second session of the Forty-fourth Congress, and shall award the contract to the lowest responsible bidder, who shall give bond in the sum of $100,000 for the faithful performance of the contract. And it shall be the duty of the heads of the various Departments and of the Librarian of Congress severally upon the passage of this act to prepare schedules of the printing and binding required for the year ending June 30, 1877, and to advertise for proposals for executing the same, and shall award the contract to the lowest responsible bidders upon good and sufficient security being given for the prompt and faithful performance of the work: *Provided*, That it shall be the duty of the Government Printer to submit to the heads of the various Departments and the Librarian of Congress a statement setting forth the cost at the Government Printing Office of the work required; and should the cost set forth by the Government Printer be as low or lower than the bids, then the work shall be executed at the Government Printing Office; and whenever work is executed at the Government Printing Office it shall be the duty of the Government Printer to furnish with each and every document, pamphlet, blank, blank-book, with and without printed headings, job of printing or job of binding thus executed, a bill or memorandum setting forth the number of copies, the quantity, weight, cost, the description of paper, the number of pages, the number of thousand ems, printer's measurement, the cost of composition, making-up, and imposing, proof-reading, correcting, and press-work, the cost, if any, of stereotyping, electrotyping, lithographing, or engraving, including paper and printing, the cost of dry-pressing, folding, gathering, stitching, sewing, and binding, including materials.

Mr. HURLBUT. I make a point of order on that amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. HURLBUT. That the amendment is new legislation in violation of existing law, and does not on its face show any economy. Combinations of contractors are very common in this country.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. HURLBUT. I do not.

The CHAIRMAN. Then the Chair overrules the point of order, and without discussion, under the rule which provides that no amendment shall be in order changing existing laws except where it retrenches expenditure. In the judgment of the Chair the amendment proposed is a reduction in the expenditures of the Government.

Mr KASSON. I rose to submit the point of order at the same time with the gentleman from Illinois, and should be glad, with the permission of the Chair, to say a word in support of it.

The CHAIRMAN. If there be no objection, the Chair will hear the gentleman from Iowa.

Mr. KASSON. I do not know that I ought to say anything after the decision of the Chair. I will only say a word in support of the point of order. It does appear, under the ruling made formerly when a like question was before the House, that this amendment of and by itself will not result in any economy of expenditure. There is nothing in the amendment whatever that indicates it. The whole effect is to change the mode of doing the public printing without any reduction of expenditure resulting so far as the amendment would indicate it.

The CHAIRMAN. The Chair has expressed his judgment on the point of order raised, and unless some gentleman desires to take the sense of the committee on an appeal from the decision of the Chair, the Chair will put the question on the amendment.

Mr. CANNON, of Illinois. I rise to oppose the amendment, and I only wish to say——

Mr. RANDALL. Debate has been closed on this paragraph.

The CHAIRMAN. Debate has been closed on the pending paragraph, and as this is an amendment to the pending paragraph it is not open to debate.

Mr. KASSON. This is an entirely new proposition.

The CHAIRMAN. But it is offered as an amendment to the pending paragraph, on which debate has been closed by order of the House.

Mr. CANNON, of Illinois. The House never could have contemplated by cutting off debate on the pending paragraph they also cut off debate on this additional section. If that were true, you could offer an amendment to a section on which debate had been closed appropriating $20,000,000 for any purpose whatever, and all debate on it would be cut off.

Mr. RANDALL. The Chair has decided the point of order.

The CHAIRMAN. The Chair has decided that under the order of the House debate is cut off until the following paragraph shall be reached, and that paragraph has not yet been read by the Clerk.

Mr. BANKS. Upon these questions the House invariably closes debate only on the subject under discussion. This subject has not been and could not have been under discussion up to this moment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BANKS. Such was not intended to be the order when the motion was made closing debate.

Mr. RANDALL. It was so made and was so intended, and was so understood by the House.

Mr. FOSTER. Debate was closed only on the pending paragraph.

Mr. RANDALL. And this is an amendment to the pending paragraph.

Mr. BANKS. I appeal from the decision of the Chair.

Mr. PHILLIPS, of Kansas. Could the gentleman from Pennsylvania, after closing debate on the paragraph, move an amendment to it.

Mr. RANDALL. Of course he could; read the rule.

Mr. BANKS. I do not wish to debate the point of order, but——

Mr. RANDALL. It cannot be debated, as debate has been closed.

Mr. BANKS. I have listened to——

The CHAIRMAN. Is there objection to the gentleman going on?

Mr. RANDALL. I object to debate.

The CHAIRMAN. The question will be taken on the appeal.

Mr. BANKS. The chairman of the committee, who made the motion to close debate, misrepresented it to the House.

Mr. RANDALL. The gentleman when he makes that remark is unworthy of a seat here—no, it was a remark unworthy of him.

Mr. PAGE. I ask that the words be taken down.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House? The Chair asks the gentleman from Illinois [Mr. SPRINGER] to take the chair and take the vote on the appeal.

Mr. BANKS. Then I withdraw the appeal, if the Chair goes to so much trouble.

The CHAIRMAN. The Chair does not desire to act as judge in the matter of the appeal.

Mr. BANKS. It is the duty of the Chair. I withdraw the appeal.

The question recurred on the amendment of Mr. VANCE, of Ohio.

The committee divided; and there were—ayes 59, noes 34.

Mr. CANNON, of Illinois. I make the point of order that no quorum has voted.

The CHAIRMAN. The Chair appoints Mr. VANCE, of Ohio, and Mr. CANNON, of Illinois, as tellers.

Mr. RANDALL. I suggest that this go as the other amendment, and we have a vote on it in the House.

Mr. O'NEILL. O, no.

The committee again divided; and the tellers reported—ayes 70, noes 15; no quorum voting.

Mr. RANDALL moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the Chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move the House take a recess until eleven o'clock to-morrow morning.

Mr. PAGE. I move the House adjourn.

Mr. BLACKBURN. Is not the question first to be taken on the motion of the gentleman from Pennsylvania, as that fixes the time to which the House shall adjourn?

Mr. WILSON, of Iowa. I make the point of order that the time of meeting cannot be changed in that way.

The SPEAKER *pro tempore*. The Chair sustains the point of order raised by the gentleman from Iowa.

Mr. BANKS. It requires a quorum to take a recess.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 44, noes 95.

So the House refused to adjourn.

And then (at eleven o'clock and thirty minutes p. m.) the House took a recess until eleven o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House re-assembled at eleven o'clock a. m. Thursday, June 22, Mr. COX, Speaker *pro tempore*, in the chair.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

Mr. HURLBUT. Before the House goes into Committee of the Whole I would like to be allowed to make a report from the Committee on Military Affairs.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield for that?

Mr. RANDALL. Yes, sir: if it gives rise to no debate.

A. J. SMITH.

Mr. HURLBUT, by unanimous consent, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 3711) to authorize the President of the United States to place the name of A. J. Smith, late colonel of the Seventh Cavalry, on the retired list; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. SAMPSON. I rise to a privileged question. I desire to call up the motion to reconsider the vote by which the bill (H. R. No. 3370) to amend the statutes in relation to damages for infringement of patents, and for other purposes, was ordered to be engrossed and read a third time.

Mr. HOLMAN. I rise to a question of order. The motion to suspend the rules suspends the rule under which the gentleman from Iowa [Mr. SAMPSON] can claim the floor for the purpose he has indicated.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, [Mr. RANDALL,] moves to suspend all rules, in order that the House may go into Committee of the Whole House on the sundry civil appropriation bill.

Mr. SAMPSON. As I understand, the motion I have called up is of the highest privilege.

The SPEAKER *pro tempore*. The gentleman will find on examining the rules that when other matters are pending the motion to reconsider cannot be called up. Any member may enter the motion to reconsider and take any other member off the floor for that purpose; but it is another thing to call up that motion. The pending question is that the rules be suspended, and that the House resolve itself into Committee of the Whole for the consideration of the sundry civil appropriation bill. When that is concluded, the Chair will be pleased to recognize the gentleman from Iowa.

SUNDRY CIVIL APPROPRIATION BILL.

The motion of Mr. RANDALL was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 3749) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

After line 144 insert the following as a new paragraph:

That the Joint Committee on Printing of the Senate and House shall, upon the passage of this act, advertise for proposals for the printing and binding of the debates of Congress for the second session of the Forty-fourth Congress, and shall award the contract to the lowest responsible bidder, who shall give bond in the sum of $100,000 for the faithful performance of the contract. And it shall be the duty of the heads of the various Departments and of the Librarian of Congress severally, upon the passage of this act, to prepare schedules of the printing and binding required for the year ending June 30, 1877, and to advertise for proposals for executing the same, and shall award the contract to the lowest responsible bidders upon good and sufficient security being given for the prompt and faithful performance of the work: *Provided*, That it shall be the duty of the Government Printer to submit to the heads of the various Departments and the Librarian of Congress a statement setting forth the cost at the Government Printing Office of the work required; and should the cost set forth by the Government Printer be as low or lower than the bids, then the work shall be executed at the Government Printing Office; and

whenever work is executed at the Government Printing Office it shall be the duty of the Government Printer to furnish with each and every document, pamphlet, blank, blank-book, with and without printed headings, job of printing or job of binding thus executed, a bill or memorandum setting forth the number of copies, the quantity, weight, cost, the description of paper, the number of pages, the number of thousand ems, printer's measurement, the cost of composition, making up, and imposing, proof-reading, correcting, and press-work, the cost, if any, of stereotyping, electrotyping, lithographing, or engraving, including paper and printing, the cost of dry-pressing, folding, gathering, stitching, sewing, and binding, including materials.

Mr. KASSON. I would like to suggest to the gentleman from Pennsylvania, as the House is thin, that there be unanimous consent to postpone for the present the consideration of this amendment. It involves interests of great importance.

Mr. RANDALL. It involves a saving of $300,000, probably.

Mr. KASSON. It involves a question in regard to which there should be some consideration.

Mr. RANDALL. My anxiety is to press this bill through, but I am willing to allow ten minutes of discussion on this amendment, five minutes to each side.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania that ten minutes' discussion be allowed on the pending amendment?

There was no objection.

Mr. KASSON. I should be glad, before saying anything myself, if the gentleman from Pennsylvania would explain the effect as he regards it of this amendment.

Mr. RANDALL. So far as I understand it, the effect of the amendment is this: First, it provides for letting out the printing and binding of the debates of Congress to the lowest bidder. Then it provides that heads of Departments shall advertise for bids for the printing and binding they require, such as blanks, ledgers, and various account-books, and all forms to be used by the Departments; that they shall advertise for them, and that the public shall have a right to bid; and it compels the Public Printer to bid with other people; the Public Printer having the advantage in bidding against private parties of his type on hand, of his building, with no rent to pay, no taxation, no cost for heating, no cost in fact for anything except the labor alone and the material furnished. If the Public Printer shall be the lowest bidder, the Government shall do the work. Or if he offers to do it at the same price that others offer to do it, then he shall have the preference. This in no manner, as I understand it, interferes with the proposition that all congressional printing shall be done at the Public Printing Office.

Mr. CANNON, of Illinois. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. RANDALL. Yes, sir.

Mr. CANNON, of Illinois. Suppose the Public Printer comes in and bids, having all the material furnished, and gets the contract, and fails to execute it, who is responsible for the damage?

Mr. RANDALL. Well, sir, the removal of the Public Printer is the remedy; because, if he is not fit to make a bid for a contract which he can execute when he has all these advantages I have enumerated as against the private individual, why surely he is not fit for his place. He has no rent to pay, as I have said. He has the type furnished. He has everything except the material and the labor.

Mr. CANNON, of Illinois. The object is, then, to ascertain when the Public Printer should be removed?

Mr. RANDALL. Not at all. The Public Printer will of course continue the publication of all documents ordered by Congress, resolutions, bills, and congressional documents. But this opens to the competition of the public the printing of the debates and secures to the Government at the lowest price all the matters now printed and furnished by the Government Printing Office to the various heads of Departments necessary for the conduct of their business during the year.

I should not have taken so much time if it had not been that I was invited by the gentleman from Iowa to give an explanation of the amendment.

Mr. KASSON. The gentleman from Pennsylvania has expressed the theory on which he thinks it advisable that we shall adopt this amendment. I happen to be one of those gentlemen in the House who have not a single appointee in nor the slightest devotion to or interest in the Government Printing Office, except so far as the public interest is involved. My only object is that we shall adopt such a system as shall be for the advantage of the Government.

Mr. RANDALL. This amendment proposes to create competition.

Mr. KASSON. It occurs to me that the Government has a large investment in the building, machinery, and material in the Government Printing Office; and as every private citizen finds his advantage in putting all his invested capital to use, so should the Government, having full control of a completely equipped printing office, use its entire capacity to the extent of its entire business. If the Public Printer must bid against private individuals, one of two results must arise from this condition of affairs: either that the Government shall allow its capital and its complete set of fixtures to remain idle, or else that the outsider who desires to take this business from the Government Printing Office shall allow his capital and material to remain idle. Both must be fully equipped to do it all, and one or both must suffer loss or combine for high prices.

You have also your force of employés there hired by the year and hired by the week, and we propose not to give them all the work that the Government requires, and yet that their salaries shall go on. There is but one concern besides the Government in the city of Washington which has ability to do this work on the CONGRESSIONAL RECORD. The competition, in case you open the matter to bids, would be exclusively between the two offices, the office of Rives and the Government Printing Office. The amendment means that that establishment with so much capital now lying idle shall be allowed to bid against the Public Printing Office, and to the loss of the Government Office, or it means nothing.

I have always acknowledged the excellence and the good style of the work done in printing the Congressional Globe. I do not know whether it was wise for us to make the change that was made. But gentlemen must remember the motive of the change; it was to get greater economy by doing this work under the direction of the Government and saving to the Treasury the profits which a private establishment would derive from it. This is a proposition to change the system back again, and gentlemen should show us facts, very carefully ascertained, proving the economy of the other system, before asking us to pass this amendment.

For these reasons I hope that this question will be deferred to more careful consideration and be considered in a separate bill. I think it unsafe for us to accept it in its present form.

Mr. RANDALL. This is a test on the Government Printing Office in the line of economy.

The question was taken on the amendment; and on a division there were—ayes 60, noes 31; no quorum voting.

Mr. KASSON. I will not make the point of order that there is no quorum voting, but I shall ask for a vote upon this amendment in the House.

Mr. RANDALL. The gentleman will have a right to vote on the amendment in the House without asking it here.

The CHAIRMAN. No further count being demanded, the amendment is agreed to.

The Clerk proceeded to read the bill, and read as follows:

That so much of all laws or parts of laws as provide for the election or appointment of Congressional Printer or Public Printer be, and the same are hereby, repealed, to take effect on the 30th day of June, 1876; and the President of the United States shall appoint, by and with the advice and consent of the Senate, a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office from and after the day aforesaid; he shall be called the "Government Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Congressional Printer; he shall give bond in the sum of $100,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior; and he shall receive a salary at the rate of $3,500 a year.

Mr. RANDALL. I move to strike out in line 146 the word "Congressional," and insert in lieu thereof "Public;" so that it shall read: "Public Printer." I move also, in line 157, to strike out the word "Congressional" and insert "Public;" so that it shall read: "Public Printer."

The amendments were agreed to.

Mr. FOSTER. I move *pro forma* to strike out the last clause of the paragraph. I am disposed to favor the proposition embraced in this clause under consideration. Much has been said upon this floor about the large reductions that have been made by this House and by the Committee on Appropriations. They have been stated to amount to $40,000,000. I am willing to concede that the Committee on Appropriations has labored incessantly and has labored for good ends, but I believe this, that the chairman of the Committee on Appropriations and the House will thank me for making a correct statement of what the reductions are.

I am not surprised that the gentleman from New York and the gentleman from Illinois make misstatements as to the reductions, but I am surprised that the chairman of the Committee on Appropriations should make a statement to the House and the country that there is a reduction of $40,000,000. I hold in my hand a statement submitted last night by the gentleman from Illinois, and in that I find a reduction of $4,000,000 in the deficiency appropriation bill. I submit to the House and to the country that this cannot be credited to this Committee on Appropriations. If there is any credit that is due to anybody at all it is due to the committee of the last Congress. This appropriation for deficiencies was for the last year, and the Lord only knows how much the deficiencies will be for the next year. The gentleman from Pennsylvania, the chairman of the committee, has stated time and again on this floor that deficiencies will have to be provided for at the next session. Now this is an amount, $4,000,000; deduct that and it leaves $35,000,000. Then we have re-appropriated money, without naming any sum, now in the Treasury amounting to $3,000,000 more, which reduces it to $32,000,000. We have made no appropriation whatever to pay the judgments of the Court of Claims, amounting probably to about $2,000,000, and we have made an indefinite appropriation which will amount to about $1,000,000 more for the maintenance of mint and assay offices, so that the total reduction cannot be counted at more than $30,000,000. This is a very large reduction; a larger reduction than I think is wise, and I believe when next December comes the chairman of the Committee on Appropriations will come before the House with very large deficiencies, as he has already indicated time and again to the House.

Mr. RANDALL. One point about the deficiencies. In estimating the amount of appropriations for each year it is but fair to take into

account the appropriation bills of that year and the amounts appropriated by them. During the war, for instance, the deficiencies were very large, and we could not count them in the appropriations for the prior year, but we counted them in the appropriations of the year in which they were made. That is the only legitimate, fair, and intelligent way in which to estimate the reductions, by calculating the amounts appropriated each year in the twelve general appropriation bills, and instituting a comparison between those twelve appropriation bills of the one year and the same bills for the preceding year. I know of no other way to do it.

Now, as to the deficiencies having been less this year than last year, I am glad of it; and so far as is just I concede the merit of that to the Committee on Appropriations of last year. But I am reminded of the fact that notice was served on the Departments by the minority of the House in the last Congress that they would obtain no deficiencies this year unless they were absolutely necessary and were of such a character as to show that the Departments could not do without them. I claim a little merit for the minority upon that account, for the notice they served in the last Congress, knowing that they would become the majority in this Congress.

Mr. FOSTER. I withdraw my amendment and move to strike out the last word. Notwithstanding the explanation of the gentleman from Pennsylvania [Mr. RANDALL] I claim that I have shown conclusively that the actual reductions made by the Committee on Appropriations this year are not over $30,000,000. For that they are entitled to whatever credit there is in it. I give the gentleman from Pennsylvania great credit for what he has done; he has labored day and night. I believe the difficulty with him has been that before he entered upon this work he made the announcement to the country that he was going to make a reduction in the expenditures of the Government to the extent of $40,000,000. He has been laboring for the reduction of that forty millions rather than always for the good of the service. I believe these reductions can stand at twenty to twenty-five millions without serious results.

The gentleman, I think, has made rather a loose statement, for him, in regard to the financial condition of the country. He stated here some days ago that the deficit in the revenues would be from seventeen to twenty millions of dollars. Yet in fact it was shown by the gentleman from Iowa [Mr. KASSON] that the deficit would only be about $5,000,000; and the receipts for the remainder of June may reduce that to perhaps $4,000,000.

As to the next year, who knows anything about it? The receipts from internal revenue this year would have been clear up to the estimates but for the attempt at this session to legislate in the line of a reduction of the tax on whisky. And the attempt to interfere with the tariff has undoubtedly affected the revenues from customs.

No one knows what next year will bring forth. I make the prediction, however—and I believe I have the authority of the Treasury Department for it—that the reduction of revenues from customs will not exceed $10,000,000, and the chances are that there will be a very perceptible increase in the revenues from internal sources, and from miscellaneous revenues we may expect an increase of revenues also. Therefore the Government is not so poor as the gentleman from Pennsylvania represents.

I do not make this statement as any argument for extravagance. I believe we should put in the pruning-knife to the hilt wherever we can. But the country ought not to understand that the Treasury is in so near a bankrupt condition as stated by the gentleman from Pennsylvania.

For the past two years every item of the ordinary expenses of the Government has been paid and the sinking fund has been provided for. Therefore, after all the loose statements made by the gentleman from Pennsylvania, the fact stands that the condition of the Treasury is better now than it has been before for the past four years.

One other point. Much has been said, and particularly last night, about the estimates, and I want to say a word about that. It is stated here often, I believe always, that the Department asks for this and asks for that. That is a mistake. Take your river and harbor bill as you passed it last year and as you passed it this year. You provide for a large number of surveys of rivers and harbors all over the country. The board of engineers make the estimates for what you ask them to make estimates for. You direct them to make these surveys and estimate for the improvements, and they do so. They make estimates for public buildings, for fortifications, for light-houses, and all that sort of thing. They tell you what it will cost, and if you want to appropriate for it you may. The Department does not ask Congress to appropriate a single dollar for these things; but at our request they tell us what these things will cost and what existing laws call for. That is all there is of it.

Mr. RANDALL. The gentleman seeks to parry the assertion which I made, that $40,000,000 of reduction can be made in the expenses of this Government, by stating that it was a loose remark.

Mr. FOSTER. O, no; not that. What I referred to was in reference to the finances.

Mr. RANDALL. I want to say to the gentleman that that judgment was made up after many years' investigation on this floor of appropriation bills. It is true that I never had the privilege until this year of being a member of the Committee on Appropriations, but the gentleman will bear in mind that I have always investigated the appropriation bills very closely.

Now I want to say here to-day, as a result of studious and industrious investigation of the expenditures of this Government, (and I do not believe the gentleman from Ohio, with his practical knowledge, will controvert the statement,) that if he and I, both having been reared in mercantile pursuits, were to sit down and go over the appropriations of this Government we could further reduce its expenditures $15,000,000 more.

There is a very remarkable fact in connection with appropriation bills; and it is that in 1866 the sundry civil appropriation bill, containing appropriations amounting to about $7,000,000, failed, and no injury ever came to the Government by the failure of that bill; and no person ever suffered by its failure except those to whom specific amounts were therein appropriated.

Mr. KASSON. The gentleman will remember that at that time the Executive Departments of the Government had the right under the law to incur liabilities in the absence of appropriations.

Mr. RANDALL. Some of the persons who would have received appropriations under that bill never received them in any other bill, showing clearly and conclusively that in the bill there were sums appropriated for the expenditure of which there was neither public obligation nor necessity.

Now, this matter of economy is not exclusively a democratic commodity. In May, 1858, Mr. JOHN SHERMAN, then a Representative from Ohio, now a Senator from that State, a member of the body resisting these reductions, made a most remarkable speech. At that time some who were in accord with the then administration of James Buchanan resisted his position. I ask the Clerk to read a portion of the speech which he made on that occasion.

[Here the hammer fell.]

Mr. RANDALL. I will take occasion, then, in a few minutes to have this extract read. It is worth six months' study. It proves that my six months' labor as chairman of the Committee on Appropriations has not been without an advocate in former times on the other side of this House.

Mr. FOSTER. I withdraw my *pro forma* amendment.

Mr. HARRISON. Mr. Chairman, I move to amend by striking out in lines 151 and 152 the words "a practical printer and versed in the art of bookbinding," and inserting "well versed in the arts of bookbinding and printing." It strikes me that the requirement that the person chosen for this work shall be a "practical printer" might exclude from the position many men well versed in general business who would be abundantly competent for the position and who might otherwise obtain it. The language which I propose to insert will accomplish the object desired without narrowing the choice too closely. Probably the chairman of the committee will assent to the amendment.

The language "a practical printer" may be construed as meaning a person who has passed through an apprenticeship at the printing business and can set type. Now, a man thoroughly competent to take charge of this work may be unable to set type, and on the other hand many men able practically to set type might not have the capacity for controlling an immense establishment like this, which disburses millions of dollars every year.

Mr. RANDALL. The gentleman from Illinois [Mr. HARRISON] yields to me the balance of his time, and I ask to have read by the Clerk the paragraph to which I have alluded, because perhaps it may have some effect on the minds of members who are now called upon to vote on this question. The extract about to be read is from Mr. SHERMAN'S speech.

The Clerk read as follows:

> Sir, retrenchment and reform are now matters of imperative necessity. It is not the mere cry of demagogues, but a problem demanding the attention and worthy the highest ability of the Representatives of the people. No party is fit to govern this country which cannot solve it. It is in vain to look to executive officers for reform. Their power and influence depend upon executive patronage; and while we grant they will squander. The Senate is neither by the theory of our system nor by its composition fitted for the task. This House alone has the constitutional power to perfect a radical reform. The Constitution provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" and that "all bills for raising revenue shall originate in the House of Representatives." These provisions were designed to invest in this House the entire control over the public purse, the power of supply. This is invested in the House of Commons, and has been jealously guarded by it. It is the pearl beyond price, without which constitutional liberty in England would long since have fallen under the despotism of the Crown.
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> Instead of a representative Republic, we are degenerating into a bureaucracy, governed by red tape and subaltern clerks. While the powers of the House are invaded, the Executive takes care to extend by construction his just powers. Of this we have an example in the Utah war.

Mr. KASSON. The gentleman from Pennsylvania said, as I understood him, that the sundry civil bill failed in 1866.

Mr. RANDALL. I believe that was the year.

Mr. KASSON. I have before me the sundry civil appropriation act for that year, approved July 28, 1866.

Mr. HOLMAN. The bill referred to failed in the session of 1864-'65.

Mr. KASSON. That is the one to which I referred the other day. No bill of that kind has failed since that time, so far as I know.

Mr. HOLMAN. That bill involved appropriations of about seven million dollars.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. HARRISON.]

Mr. HARRISON. I believe the chairman of the Committee on Printing assents to my amendment.

Mr. RANDALL. I believe the head of this bureau should be a practical printer.

The amendment was not agreed to.

Mr. KASSON. The gentleman from Pennsylvania consented, I believe, to changing the word "Government," in line 154, to "public."

Mr. RANDALL. Yes, sir.

The CHAIRMAN. That amendment will be made, if there be no objection.

There was no objection.

The Clerk read as follows:

That so much of section 3826 of the Revised Statutes as provides that all advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress, and executive proclamations and treaties, shall be advertised by publication in three daily papers published in the District of Columbia, be, and the same is hereby, amended to limit such publication hereafter to two daily newspapers, published in said District, one of which shall be selected by the Joint Committee on Printing on the part of the Senate and one by the Joint Committee on Printing on the part of the House of Representatives: *And provided further*, That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. KASSON. For the purpose of making an inquiry I move to strike out that paragraph. I see that it assumes the laws of Congress are now still published in newspapers. That is not so. The last Congress repealed that part of the former law, and there is no authority now whatever for the publication of the laws of Congress in any newspaper.

By implication it would seem, from a cursory reading, as if this renewed the authority for the publication of the laws of Congress in the newspapers. It was repealed in 1874 and no occasion for the paragragh exists, so far as the laws of Congress are concerned.

There is another point in it. I do not see why the chairmen of the Committee on Printing in the House and in the Senate should designate a newspaper in the District of Columbia for the publication of executive proclamations and treaties. I know very well why the law was changed as it was, and I disapproved of it. We ought to do here as in respect to the Public Printer, and adopt the proper system of letting them be designated by the Executive Departments of the Government. The chairman of the Committee on Printing of the Senate and the House ought not to have anything to do with it. We ought never to have allowed the Senate to designate the Public Printer. I doubt its constitutionality in some respects. Here we now propose to make a new appointing power in the chairmen of the two Committees on Printing, in the Senate and in the House. I do not think that mode of getting at the result is a wise one.

Now, Mr. Chairman, I have no objection whatever to change the law so as to require the two newspapers in which the laws are published to be of different political sentiments. So far as that is concerned I have not the least objection. I think it is right it should be so. Gentlemen can amend the law by requiring the proper Executive Department to designate them. I think the gentleman from Pennsylvania will agree with me it is hardly worth while to adopt this, however, when there are no laws of Congress to be published, to allow the chairmen of the Committee on Printing of the House and of the Senate to designate the newspapers in which the laws are to be published when the law in that respect has been changed and no publication is provided for.

Mr. RANDALL. The Committee on Appropriations has only asked to insert this for the purpose which I will mention, and that is that the publication of the laws should be confined to two instead of three newspapers, which would cut off a part of the expense. Another consideration, and I am free to state it, was that in the publication of the laws all parties and all persons should be cognizant of their terms. It is very desirable to publish the laws in papers of both political sentiments. There are certain classes of people who take a paper of one political sentiment, while others take a paper of different political sentiments. If these laws are only published in one paper, or the papers of one political party, they will of course reach only that portion of the people who read those papers.

Mr. KASSON. I have already said that I would not object to requiring the papers to be of opposite politics, but I do object to changing the mode of appointment.

Mr. RANDALL. We do not propose to give to any member of Congress any authority not provided by the Constitution and laws thereunder.

Mr. KASSON. Why not let this go over for the present, and then the gentleman can draw up a substitute for this paragraph covering the point which he has stated?

Mr. RANDALL. I am willing to let it pass over for the present.

Mr. KASSON. I withdraw my motion to strike out.

The CHAIRMAN. The Chair hears no objection, and the paragraph will be passed over for the present.

Mr. RANDALL. I move to insert in line 175 the following.

The Clerk read as follows:

For lithographing and mapping for the Supreme Court of the United States, $2,000.

The amendment was agreed to.

Mr. RANDALL. I move the following amendment.

The Clerk read as follows:

And in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any moneys in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be re-imbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury, until the whole amount shall have been refunded.

Mr. RANDALL. A word in explanation of that amendment. The Committee on Appropriations do not want to have renewed any delay such as occurred in the August payment of the interest on the 3.65 bonds. The amount necessary to pay the interest on those bonds during the fiscal year, which you will notice we provide for, is $501,000, which we desire the Government of the United States shall advance in case the revenues of the District shall not be sufficient to meet that interest.

Mr. HOLMAN. I hope the amendment will be reported again; and I hope the committee will at least understand what it is doing.

The amendment was again read.

Mr. HOLMAN. I do not know certainly whether that is subject to the point of order or not.

Mr. RANDALL. That amendment did not come from the committee. I offered it myself.

Mr. HOLMAN. I desire to make the point of order on it that it is new legislation.

Mr. RANDALL. But the amendment has been received and debated, and it is too late to make the point of order after its consideration.

The CHAIRMAN. The Chair rules the point of order comes too late, because the amendment has already been debated. It does not deprive the gentleman from Indiana, however, of the right to take the sense of the committee on it.

Mr. HOLMAN. Of course not. I am fully aware, Mr. Chairman, of my right in that respect, and I have no objection to the ruling of the Chair, provided that ruling is uniform, that the point of order must be made before any debate whatever.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that it is the purpose of the Chair, and has been the practice of its present incumbent, to so rule in every case except where the gentleman offering the amendment has himself engaged in the debate to the exclusion of the point of order.

Mr. HOLMAN. I did not engage in the debate. The gentleman from Pennsylvania submitted the proposition and made a statement. I rose and desired that the amendment should be read, saying that I did not know what it was; whether it was subject to the point of order or not. I had not debated it myself. The gentleman from Pennsylvania, who offered the amendment, had.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the amendment was under consideration in committee before the gentleman from Indiana asked to have it reread; and it was only after the rereading of the amendment and discussion on it that the point of order was made.

Mr. HOLMAN. The amendment was submitted by the gentleman from Pennsylvania, and he immediately proceeded to make his remarks on it.

The CHAIRMAN. Does the gentleman from Indiana propose to discuss the amendment?

Mr. HOLMAN. I do, if the Chair rules that it is not subject to the point of order.

The CHAIRMAN. The Chair would rule that it is not subject to the point of order at this stage.

Mr. HOLMAN. I wish it to be understood that this proposition does not come from the Committee on Appropriations. The gentleman from Pennsylvania offers it on his responsibility as a member of the House. The provision incorporated into this bill directing the Secretary of the Treasury to reserve out of the revenues of the District a sum sufficient to pay the interest on these bonds was thought by the Committee on Appropriations to be sufficient.

The proposition of the gentleman from Pennsylvania is that this interest shall be paid out of the Federal Treasury, and refunded from time to time—the time being left entirely indefinite—to the Government of the United States out of the revenues of the District. I do not wish to see the Government assume the responsibility of the payment of that interest. If we do it in this instance a precedent is established, and I predict, sir, that if this provision becomes law, the Government will have to provide for the payment of this interest year after year.

This is not a debt of the whole people of this country. It is not a debt of the United States. It is a debt of the District of Columbia, and a charge upon its revenues. And I hold that Congress does its full duty when it provides that the necessary reservation from the revenues of the District shall be made by the Secretary of the Treasury to meet the interest on these bonds.

Why should the whole people of this country be chargeable with this debt? Gentlemen must see that by a slow and gradual process we are assuming the responsibility of the entire debt of this District. I am aware of the value of the public credit; but I am not aware that the credit of this Government is involved in the payment of the interest on these bonds. I am aware that this Government should declare that the revenues of this District shall pay the interest; but I am not aware that the whole revenues of this country should be chargeable with the duty of paying this debt, either interest or principal. And for one, representing the constituency who I think should not bear this burden or any part of this burden, I shall vote against the amendment.

Mr. RANDALL moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3749)) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and fifty-seven minutes a. m. Thursday, June 22) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CRAPO: The petition of William S. McFarlin, for a pension, to the Committee on Invalid Pensions.

By Mr. HAYMOND: A paper relating to the establishment of a post-route from La Porte, Indiana, to Three Oaks, Michigan, via Hatch Mills, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: Papers relating to the claim of Matilda Shields, for compensation for property taken, occupied, and destroyed by the United States authorities at Alexandria, to the Committee on War Claims.

By Mr. O'BRIEN: Remonstrance of the Medical and Chirurgical Faculty of the State of Maryland, against the passage of the bill incorporating the National Medical Institute of the District of Columbia, to the Committee for the District of Columbia.

By Mr. REAGAN: Memorial of citizens of Eastern and Northeastern Texas, against the removal of the place of holding the Federal courts from Tyler to Dallas, Texas, to the Committee on the Judiciary.

By Mr. SAVAGE: The petition of citizens of Des Moines Valley, Iowa, to be protected in their rights and homes on the odd sections of land in the valley of the Des Moines, to the Committee on the Public Lands.

IN SENATE.

THURSDAY, *June* 22, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. KELLY, the further reading was dispensed with.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 865) to provide for the appointment of additional circuit-court commissioners, and to prevent oppression;

A bill (H. R. No. 3150) in relation to judgment liens;

A bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

A bill (H. R. No. 3746) relating to the terms of the circuit and district courts of the United States in and for the district of Iowa;

A bill (H. R. No. 3747) to secure service of process in the United States courts in certain cases; and

A bill (H. R. No. 3748) to provide for the redemption of real estate sold under judgments and decrees in the courts of the United States.

The bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union was read twice by its title and referred to the Committee on Military Affairs.

The bill (H. R. No. 844) relating to land patents was read twice by its title and referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the petition of John Edwards, jr., late captain Third United States Artillery, praying to be restored to his former rank and position in the Army of the United States; which was referred to the Committee on Military Affairs.

Mr. CONKLING. I present the memorial of the presidents of the various marine-insurance companies of the city of New York, remonstrating against the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen. In connection with this memorial, I wish to say that a variety of communications come to me, addressed to me personally, the writers supposing that under the rules of the Senate they are presentable here. As the Chair knows and as I know, they are not presentable; and so I cannot present them; but I make this mention of them to say that some of them are representations in one direction and some in the other. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present also the petition of a large number of firms, bankers, and corporations in the city of New York, praying for the passage of the bill recently introduced by me, the bill (S. No. 846) to punish the counterfeiting of trade-mark goods and the sale of or dealing in counterfeit trade-mark goods. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. DENNIS presented the memorial of Workman & Co., and various citizens of the United States, ship-owners, merchants, and others, remonstrating against the passage of the bill (H. R. No. 3187) to amend title 53 of the Revised Statutes relating to merchant seamen; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 833) granting a pension to Johanna Luskey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2581) to amend section 3887 of the Revised Statutes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2575) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books and other matters therein contained, and prohibiting lottery circulars passing through the mail, reported it without amendment.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1896) granting a pension to Benjamin Hickey, a private in Company C, First Regiment Tennessee Volunteer Cavalry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2838) granting an increase of pension to Thomas H. Martin, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2700) granting increase of pension to Edward Dempsey, late private Company C, Fourth Kentucky Cavalry, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 790) granting a pension to Michael Frederick, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 854) to repeal a part of section 4713 of the Revised Statutes of the United States relating to pensions, asked to be discharged from its further consideration; which was agreed to.

Mr. HAMILTON. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan, to report it back and ask to be discharged from its further consideration. It appears that the application of the claimant is still pending in the Pension Office.

The report was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3359) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 2691) for the allowance of certain claims reported by the accounting officers of the Treasury Department, reported it with amendments.

Mr. WRIGHT. I desire before we pass to other business to say that immediately after the disposition of the naval appropriation bill I shall ask the Senate to proceed to the consideration of each of these bills. They are in the nature of appropriation bills, and I think ought to have the early consideration of the Senate. They have been very faithfully considered, as I understand, by the House committee, and have passed the House of Representatives. We have considered them very carefully in our committee and have made some amendments. The amendments are for the most part merely formal, as to names. Some of the claims we have disallowed, and others we have recommitted to the claims commission. So soon as the naval appropriation bill shall be passed, I hope to get these bills before the Senate.

Mr. EDMUNDS. I wish to enter a *caveat* against the notice of my friend, as there are one or two bills of a good deal of importance reported from the Judiciary Committee some time ago that it is very important should be acted upon; and I think I must move as soon as the naval bill is over, as I have tried once or twice before, to get them up.

Mr. WRIGHT. I wish to state that there is nothing in these cases that will take any time except the reading of the bills, and I do not think the reading even will be called for. If I supposed they would take time so as to exclude business of more importance, I should certainly not insist upon calling them up at once; but these bills ought to be passed at the earliest day possible.

Mr. DAVIS. I should like to ask the Senator from Iowa whether

the amendments now reported from the committee are of sufficient importance to require that the bills should be reprinted?

Mr. WRIGHT. Not at all. For the most part they are merely corrections in the names of claimants, and there is no necessity for reprinting the bills at all.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2602) granting a pension to Eleanor Douglass, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company G, Twelfth Illinois Infantry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOWE. The Committee on Foreign Relations, to whom was referred the bill (S. No. 541) relating to telegraphic communication between the United States and foreign countries, have directed me to report back the bill without amendment and to recommend its passage. The bill does nothing but authorize the Secretary of State to allow cables to be landed on our shores where other countries allow them to be landed on their shores; and it directs the order in which dispatches shall be sent, and punishes the violations of the offenses against the cables. That is all the bill does. I think there will be no objection to passing it now, if the Senate will hear it.

Mr. EDMUNDS. Yes, there will be.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. My only objection (because I have no doubt I shall vote for the bill as it is described) is that at this stage of the session, when we are in a hurry, I doubt whether any bill, except the most formal one, ought to pass on the day it is reported, we so often fall into accidents by action of that kind; and if it will not make any great difference to my friend, I prefer to have this bill go on the Calendar.

Mr. HOWE. Very well.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

COLONEL W. H. EMORY.

Mr. LOGAN. I ask unanimous consent to take up a bill, the consideration of which I think will require but a few minutes. It is a bill authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general. I will state the reason why I make this request. The next officer in rank has been asked for by the General to take command of an expedition, and in order that he may take command Colonel Emory will have to be retired. He is of the age to be retired; and if he is not retired by this bill the President will have to retire him in a grade less than the bill proposes to retire him, and this bill will have to be passed to-day to be effective. That is the reason I give to the Senate for asking that this bill be acted upon this morning, and if there is no objection I would be glad to have it passed.

Mr. SAULSBURY. Is Colonel Emory to be retired by his own consent?

Mr. LOGAN. Certainly. He requests it. He is of the age to be retired anyhow; but still he asks it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general.

The bill was reported to the Senate without amendment.

Mr. LOGAN. I will state to the Senate that this is an exception to the general rule. It is the first time that I, as chairman of the Military Committee, have ever agreed to an exception to the rule of retiring officers; but in this case I do not think it will set a precedent to be followed hereafter. This officer is the oldest officer in the Army of his rank. He has served forty-three years, and has been ten years in command according to the rank which he will hold if he is retired under the bill, but he has been jumped by appointments all the time and kept in the rank of colonel. The committee considered it nothing but fair to him, in consideration of his long service in the Army in the position he held in which he should have had the rank, that he be retired now on that rank. I ask for this reason that the bill be passed. There is a printed report in connection with the bill.

Mr. KELLY. It is not to be a precedent, I understand.

Mr. LOGAN. Not a precedent at all, for there is no man in the Army of the same service and the same age as this man.

Mr. KELLY. I have no objection, if it is not to stand as a precedent.

Mr. LOGAN. It will not.

Mr. THURMAN. I shall vote for this bill, but I wish to say a word in explanation. When I first heard of the proposition, I was under the impression that General Emory was in some sort responsible for what I consider a very great violation of the Constitution: the interference of the military with the Legislature of Louisiana at the last organization or attempted organization of that body. If I were satisfied that that was the case, I could not vote for retiring him in this exceptional manner to a higher rank than he really would be entitled to upon the retired list. I am satisfied, however, from facts that have come to my knowledge, that General Emory was not responsible at all for that military interference, and as he is undoubtedly a very meritorious officer I shall vote for the bill.

Mr. LOGAN. I do not put it upon the ground of responsibility or irresponsibility. I do not care whether he was responsible or not for that matter. He is entitled to be retired on this rank.

Mr. THURMAN. I am speaking for myself. If I thought he were responsible for that action, I could not vote for the bill.

Mr. LOGAN. I do not want to go into a discussion of that question at this time.

The bill was ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 934) to provide for furnishing certified transcripts of territorial records; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 935) providing for a disbursing officer for the Congressional Printing Office; which was read twice by its title, referred to the Committee on Printing, and ordered to be printed.

STATEMENTS OF PUBLIC DEBT.

Mr. DAVIS. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be requested to furnish to the Senate at an early day a statement showing the public debt at the end of each fiscal year from 1836 to 1876, as appears upon the books of the Register.

Mr. EDMUNDS. How much will that cost?

Mr. DAVIS. I will say to the Senator that this is a request to the Treasury Department to state the gross amount of the public debt at the end of each fiscal year since 1836, as it appears upon the books of the Register. We have annual statements for each year of the public debt as it appears in the Secretary's report. Now I should like to know how it appears upon the books of the Register. The Committee on Finance, in its report made a few days ago with regard to some remarks that I made some time ago to the Senate, say that the books have not been changed. It is plain that the official reports have been changed; and this resolution is asking information as to what is the gross amount of the debt at the end of each fiscal year as appears on the books of the Treasury. The purpose is, I will say, to ascertain whether or not the amount that appears on the books of the Treasury agrees with the official reports to Congress. That is the object.

Mr. EDMUNDS. The resolution is still subject to objection, and I only wish to find out what it means, and the expense of such calls. I notice, as the Senator has stated, that this information is asked for the state of a particular set of books, the Register's books. Now, then, my query is whether we ought not to provide also for information which would elucidate, if any elucidation be necessary, any real or apparent difference between the books of the Register and the books of the Treasurer, if you please, or the books of the loan branch, if that is the branch which has charge of the public debt. My query about it is whether we are going to get information that is substantially accurate by asking in respect to one particular set of books; and in that view I rather think the resolution had better go over until to-morrow, so that we can ascertain what should be done. I wish to get the information very much.

Mr. DAVIS. I hope the Senator will hear me before he makes the objection. I greatly prefer to have the information as indicated by the Senator; but believing that it would involve considerable work to get it from the different books, and believing from the annual reports that they would not agree, I thought it would be much shorter and much more convenient to take it from the books of the Register, which the Senator knows are the official books. I believe the Register is the book-keeper of the Treasury Department, and his office is the official resting-place of all warrants, and is the source from which the official accounts come of the expenditures, receipts, and the public debt. I understand that up to 1870 or 1871 the Register's office was the only branch in which such accounts were kept; but at that time there was inaugurated in the Treasury another department in the Secretary's office which got up a new table and since that time it has been kept up there. If the Senator desires any amendment I will accept it with a great deal of pleasure; but after showing the resolution to the chairman of the Committee on Finance, I thought that was the shortest and most complete way of getting the information.

Mr. EDMUNDS. Mr. President, I do not doubt that the thoughts of my friend from West Virginia are perfectly correct; they generally are; but I wish to suggest that all the books of the Treasury, I think, are official books, just as much as those of the Register's office; and my fear was that I might be misled, as well as other people, if you take the status of a particular set of books in the Treasury, in order to get at a general fact, without reference to the counter-books, if they may be so called, in other branches of the Treasury. That difficulty occurring to my mind was my reason for desiring the resolution to lie over, that I might understand the subject a little better, so that we should get information which should not mislead anybody when we obtain it.

Mr. DAVIS. If the Senator prefers I will strike out "the Register's books" and insert "the books of the Treasury Department."

Mr. EDMUNDS. I will look at it before the resolution comes up again.

Mr. SHERMAN. I wish to say to the Senator from West Virginia and the Senator from Vermont, that the very information called for

is contained in the very report referred to by the Senator from West Virginia; that is, the report made by the Committee on Finance the other day. Every year from the foundation of the Government the amount of the public debt is given. As to discrepancies in the accounts, they are explained away to the satisfaction of every member of the committee. No discrepancy exists in fact, and there has been no alteration of the books; but the fact simply is that in 1870 the mode of keeping the books was changed.

Mr. EDMUNDS. Then what do we want this information for if we have it already?

Mr. SHERMAN. I do not know. Every particle of this information is published in every finance report since the time those reports were made. Every year there are tables showing the amount of expenditures, the amount of the debt, the amount of receipts, and so on. But it will not cost anything to answer this resolution. It can be answered, I suppose, by sending down a printed statement cut out of the last finance report.

Mr. DAVIS. I do not think the Senator from Ohio intends to say what I understood him to say, that the report made by the Finance Committee within the last few days contains the information asked for in this resolution. I do not think he means that. If so, either he or I must be greatly mistaken. It is plain to all who have given the subject any thought or read the report that the report says that the books have not been changed, but it admits in substance more than once that the official reports to Congress that are made each year have been changed, and the amount of the public debt has been largely increased, over $200,000,000, by the changes.

Mr. EDMUNDS. What does the Senator mean by "changed;" a difference in a succeeding year from a former one?

Mr. DAVIS. Yes, sir; I mean by "changed" that, say in the year 1836—there is where the change commences—the figures which were given to the country as correct have been changed and increased to a larger amount. I mean that in another year the figures given to the country as the official report and as they remained for many years in the official reports were changed, and in one year I recollect now, increased as much as $75,000,000. I ask this information to know whether the official reports made to Congress and the books of the Treasury Department correspond, and if they do not, which is correct.

Mr. EDMUNDS. Let the resolution go over.

Mr. DAVIS. I ask that it be printed, and I give notice I will call it up to-morrow morning.

The resolution was ordered to be printed.

Mr. WEST. Mr. President——

Mr. SHERMAN. I wish to say a word.

Mr. WEST. But the resolution has gone over.

Mr. SHERMAN. I think I ought to be allowed to say a word on this resolution after what has occurred.

Mr. WEST. Very well, I yield.

Mr. SHERMAN. Mr. President, it is always painful to me to hear statements made like those just made by the Senator from West Virginia, because he does not think about their effect. Why, sir, if what he has said is correct, every man who has held the office of Secretary of the Treasury from the foundation of this Government has been a corrupt man. He speaks of changing the books of the Treasury Department! Why, sir, that is a penitentiary offense; and yet it is charged against every such officer of the Government from the foundation down. Certainly the Senator does not mean that. What is there about this charge? The books of the Treasury Department have not been changed in a word or a figure.

Mr. DAVIS. Will the Senator say the same thing about the official reports to Congress?

Mr. SHERMAN. I do. No official report to Congress has ever been changed and dare not be. It is printed every year just as it is sent here. This is what the Senator means, and he does not mean any more than this, that in 1870 the Secretary of the Treasury, believing that the elements which entered into the statement of the public debt were not correct, that is, that they did not give the information necessary to show at a particular time the amount of the public debt for a particular year, undertook to revise the previous statements that were printed in the reports of the Treasury Department to show that certain new elements ought to have been included at the time the statement of the debt was made every year. In 1870-'71 he gave us a statement of the public debt revised, including these new elements; for instance, the accruing interest and the trust funds which were counted as part of the debt in the new statement and not in the old one, and there were other elements that did not enter into the previous statement. He made a statement including these items. I will state to my honorable friend that the report made a few days ago, to which we gave a good deal of attention, not so much to satisfy my friend from West Virginia as to satisfy everybody who wanted to study the matter—and every member of the committee was of the same opinion—gives the facts and figures, gives the debt as it was originally stated, and the reasons why the change was made. It states the important elements that were omitted in the previous statement and the reasons why those elements were brought into the subsequent account. Then the Secretary of the Treasury, with these new elements made up by officers of the Treasury Department, undertook to state that for 1836, although the debt then was reported at so much, yet if the trust funds had been added, and the accrued interest had been added, &c., and these other matters had been brought in at that time, as he proposed to do subsequently, the debt would have been so and so. No figures were changed, but only in the statements made in 1870 and from that time on new elements were considered as being proper to have been stated that had been omitted without any fault or crime or aleration or forgery.

Mr. WEST. Now, Mr. President——

Mr. DAVIS. Mr. President——

Mr. WEST. I believe I have the floor.

The PRESIDENT *pro tempore*. This resolution is still pending.

Mr. DAVIS. Does the Senator wish to cut me off?

Mr. WEST. If the Senator desires now to continue the debate, I have no objection; but I think we shall have to undergo it all again when the resolution comes up for action. It has gone over upon the objection of the Senator from Vermont. However, if the Senator thinks it necessary that he shall be heard, I shall not interpose.

Mr. DAVIS. The Senator was very willing to hear one side, and I think he ought to be willing to hear the other.

Mr. President, I have stated, and I restate, and it is a fact, that the official figures stated by the Treasury Department to Congress in each one of the official reports since 1871 have been changed.

Mr. EDMUNDS. Tell us what you mean by "changed."

Mr. DAVIS. I mean what I said a moment ago. Take the year 1861-'62, if you please. In that year Mr. Chase reported the public debt to be $514,000,000. His successors, Fessenden, McCulloch, &c., stated it to be the same amount, not only in giving the figures but in reviewing the situation of the country; and in 1870 those figures were changed and raised over $10,000,000, and the public debt for that year was reported at $524,000,000.

Mr. DAWES. I want to understand. Does the Senator mean to say that those figures that Mr. Chase made do not stand now exactly as they did before?

Mr. DAVIS. I mean to say that in each report since 1870 they do not. They have been changed and raised.

Mr. DAWES. That is not my inquiry. Mr. Chase made some figures in 1861, I understand.

Mr. DAVIS. He reported the debt in 1861-'62 at $514,000,000, in round numbers.

Mr. DAWES. That report is in the Treasury Department, is it not?

Mr. DAVIS. I am asking whether it is now by this resolution. I have never been able to see.

Mr. DAWES. Will the Senator be kind enough to tell me whether he has ever seen it or not?

Mr. DAVIS. Seen what?

Mr. DAWES. The report in the Treasury Department which Mr. Chase made and put his signature to.

Mr. DAVIS. I take it that the official reports sent to Congress are a copy of the books and reports in the Treasury.

Mr. DAWES. I made the inquiry in good faith in order to ascertain of the Senator whether he means to state that the figures which Mr. Chase made at that time and which Mr. McCulloch made at another time do not stand there now in the Treasury Department just as they made them.

Mr. DAVIS. That is the very point of this resolution, to know whether it is so or not.

Mr. DAWES. Has the Senator the slightest information that will enable him to answer this question, whether those figures do not stand in the Treasury Department now just as they did when they were made?

Mr DAVIS. Well, I am not able to say. The Senator who made the report from the Finance Committee says that they do. I say that the official reports sent to Congress and to the country put down a larger amount than that reported in 1861. Take the last report sent to Congress; it says the debt in 1861-'62 was $524,000,000—I speak in round numbers—while the reports from 1862 to 1871 say it was $514,000,000.

Mr. DAWES. I understood the Senator to say distinctly that certain figures made by certain Secretaries whose names he gave, and the date of the time when they made those figures, had been changed on the books.

Mr. DAVIS. Let me make myself understood. I say each report to Congress since 1871, and including 1871, has increased the debt from what it appeared to be in the official reports from 1861 to 1871.

Mr. EDMUNDS. And that is all you mean by "changed?"

Mr. DAVIS. Not quite all. That is one of the changes.

Mr. EDMUNDS. Tell us all.

Mr. DAVIS. We are speaking of the public debt now. Of course there are a great many other changes. I mean to say that if you take the table of the public debt from 1836—for that is the date when the changes commenced, I believe, as reported to Congress—take the official finance reports previous to 1870 and run up that column and then take the reports made subsequent to 1870 to the last one that came here, and you will find that the aggregate increase of the public debt is over $200,000,000 and you will find in some particular years there is an advance of as much as $75,000,000 from the amounts reported previously to 1871. There was a change there. The Ex-Secretary of the Treasury, the Senator from Massachusetts, [Mr. BOUTWELL,] and the Finance Committee, as I understand, have admitted that what I say is a fact, that is, the figures reported to Congress since 1871 have been larger whereby the public debt has been increased apparently, but they say at the same time that the books have not been changed. Now the object of the resolution that I offer is to ascertain whether or not the books have been changed.

Mr. EDMUNDS. Then the resolution will not answer the purpose, because the resolution does not call for any such information as to whether they have been changed or not. It merely calls for a fact. However, we can consider it to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over.

GEORGE E. PAYNE.

Mr. WEST. I desire the consent of the Senate to call up the bill (S. No. 809) referring the claim of George E. Payne to the Court of Claims. There is an elaborate report coming from the Committee on Claims with regard to this case that I presume the Senate will not desire to be detained by listening to; but it presents the case in all its details, and sets forth the facts that this gentleman was deprived of the enjoyment and the use of his property in 1862; that he has been before Congress for the last thirteen years in an effort to get some remuneration or indemnity for the disadvantage of that seizure; that certain moneys have accrued to the Treasury of the United States by virtue thereof; and he asks that the case be submitted to the Court of Claims. The officer who made the seizure is exempt from responsibility in the matter under a law of the United States that so exempts him. The claimant is also debarred from regular proceedings in the Court of Claims, without special sanction of Congress, by the act of limitation.

The case has been before the Committee on Claims several sessions. A report was prepared once by the former chairman, Hon. Mr. Pratt, of Indiana, but failed of presentation owing to the lateness of the session. It has now been fully considered by the committee and comes before the body with their full sanction. I think we can do nothing less than grant the prayer of the petitioner and let the case go to the Court of Claims.

Mr. EDMUNDS. It is quite obvious to me that this ancient claim, which involves repealing the statute of limitations for this one claimant, and so for everybody else I suppose when others apply, cannot be disposed of in the ten minutes we have left before the naval appropriation bill comes on; and it will be merely a waste of time to take it up at this present moment. I should hope the Senate would take up the naval appropriation bill ten minutes in advance of the time that it must come up, in order that we may get forward with that.

Mr. SHERMAN. I was going to ask the Senate to allow me to call up one or two pension bills reported favorably and which are on the Calendar, to which I think there will be no objection. If the Senator from Louisiana is satisfied that he cannot pass his bill——

Mr. WEST. I do not know that I am satisfied that it cannot be passed; and I think we can devote the time as profitably to the discussion of this claim as of any other claim presented by any other Senator. Whatever the Senator from Vermont has to say against the claim I shall be happy to hear, and, of course, it will have its influence with the Senate.

Mr. EDMUNDS. I cannot discuss this bill until it is up and the report is read. It may be perfectly correct; but it involves, as I say, very important considerations about repealing the statute of limitations in matters of this kind, and I do not want to embarrass my friend in having the bill considered. It ought to be considered, if it can be, taking time enough for it. I only made the suggestion that to consider it for ten minutes now, it was quite obvious, would be a mere waste of time, and suggested that we go on with the naval appropriation bill. But if my friend thinks it will do any good to take his bill up and consider it for ten minutes, reading the report, I certainly shall not have any objection.

Mr. WRIGHT. Allow me to say one word. The report was made by the Senator from Oregon, [Mr. MITCHELL,] and he remembers the particulars of this case much better than I do. So far as the removal of the bar of the statute is concerned, we found, as I remember, that this case was exceptional in its character. We have been exceedingly particular as a committee upon that very subject during the entire year.

Mr. EDMUNDS. The Senator is debating the merits. The bill is not up.

Mr. WRIGHT. I know the bill is not up; but I want to explain the matter to the Senate so as to obviate the necessity of reading the report, which is quite lengthy and embodies all the facts. The committee have considered that point time and again, and we do not remove the bar and allow parties to go to the Court of Claims unless the case is exceptional. This case was regarded by the committee as exceptional, and hence they agreed to allow the party to go to the court.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana to proceed to the consideration of the bill named by him.

Mr. WEST. Noticing the fact that the morning hour is just about expiring and that a number of Senators have little matters that they can take this opportunity of pressing through before we take up the naval appropriation bill, I withdraw the motion to call this bill up at the present time, but to-morrow morning I will make an earlier attempt; I have given way a good deal to-day; I shall make an earlier attempt to-morrow, and hope that those gentlemen who feel disposed to oppose the bill will be ready, and not make their objections then in the way of delay.

MRS. MARTHA R. ROBINSON.

Mr. THURMAN. I move to take up the bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio, which has been reported upon favorably by the Committee on Pensions of this body after having passed the House. It will take but a moment I am quite sure.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha R. Robinson, widow of Major Joshua V. Robinson, late of the Thirty-third Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROBERT CAVANAUGH.

Mr. SHERMAN. There is a similar bill granting a pension to Robert Cavanaugh on the Calendar, reported favorably. I move that the Senate proceed to consider it now.

The motion was agreed to; and the bill (H. R. No. 1989) granting a pension to Robert Cavanaugh was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, Robert Cavanaugh, late a private in Company D, Ninety-eighth Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN G. TAYLOR.

Mr. WRIGHT. I move that the Senate proceed to the consideration of Senate bill No. 823.

The motion was agreed to; and the bill (S. No. 823) for the relief of John G. Taylor, of Annapolis, was read the second time, and considered as in Committee of the Whole. It is an instruction to the Secretary of the Treasury to credit John G. Taylor, of Annapolis, Maryland, in his accounts as collector of customs at Annapolis, with $127.09, the amount paid by him to John R. Briscoe, at the time of such payment acting surveyor of customs at the port of Nottingham, Maryland.

Mr. EDMUNDS. What does that mean?

Mr. WRIGHT. I will explain. Mr. Briscoe was acting surveyor of customs. He applied to Mr. Taylor for the payment of his salary. Mr. Taylor having no notice that he was such officer communicated with the Treasury Department to ascertain what were the facts. He was advised that he was such officer, and he made him this payment. It turned out afterward that Mr. Briscoe had not taken the oath of office nor given the bond, and when Taylor came to settle his accounts the Department refused to allow him the amount he had thus paid for the reason that he had paid it to an officer who had not taken oath or given bond.

Mr. EDMUNDS. What is the evidence that he was advised by the Department that the man was an officer?

Mr. WRIGHT. By a letter to us from the Department as well as by the communication to Taylor.

Mr. EDMUNDS. From the proper officer?

Mr. WRIGHT. From the proper officer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM RULE.

Mr. KEY. I move to take up for present consideration House bill No. 2849. It will lead to no discussion, and there will be no trouble about it, I am sure.

The motion was agreed to; and the bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee, was considered as in Committee of the Whole. It provides for placing $600 to the credit of William Rule, in his account as postmaster at Knoxville, Tennessee, being the amount of surplus money-order funds mailed by him August 1, 1874, for deposit with the postmaster at Cincinnati; the money having been burned and destroyed with the steamboat Pat Rogers *en route* to Cincinnati.

Mr. EDMUNDS. Is there a report? If there is, I wish to hear it.

Mr. KEY. There is a report accompanying that bill.

The PRESIDENT *pro tempore*. The Secretary will read the report.

The Secretary read the following report submitted by Mr. KEY, from the Committee on Post-Offices and Post-Roads, on the 25th of May:

The Committee of the Senate on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee, having duly considered the same, ask leave to submit the following report:

The following facts are established in this case beyond controversy: William Rule was postmaster at Knoxville, Tennessee. On the 1st of August, 1874, and in accordance with the rules, regulations, and instructions of the Post-Office Department, he made up and mailed a package of the surplus money-order funds of his post-office, amounting to $600, composed of national-bank and legal-tender notes, specially described in the testimony. This package was addressed to the postmaster at Cincinnati, Ohio, and passed along and through the mail-routes, post-offices, and postal agents from Knoxville, via Chattanooga and Nashville, Tennessee, to Louisville, Kentucky, at which point it was delivered, in its due and proper course of transmission through the mails, by H. B. Jenks, clerk of the Louisville and Nashville Railroad post-office, to W. T. Hall, route agent of the Post-Office Department on the Louisville and Cincinnati river-mail route, on the steamer Pat Rogers, and, on the morning of the 5th of August, 1874, was burned and destroyed in the conflagration of said boat.

In all this Mr. Rule was in no default. He had parted with the control, custody, and possession of this money in the precise manner prescribed by law and the rules and regulations of the Post-Office Department. The custody and possession of the funds had passed completely into the hands of that Department, so that no further duty or liability remained with Mr. Rule in relation to this money. The money belonged to the Department of the Post-Office and not to Mr. Rule, who had faithfully discharged in regard thereto the duties imposed upon him.

The committee therefore recommend the passage of the bill without amendment, and ask that it go upon the Calendar.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE HALL.

Mr. ALCORN. I desire to enter a motion to reconsider the vote whereby the bill (S. No. 723) for the relief of Nannie Hall was postponed indefinitely the day before yesterday. The record of it will be found on page 28 of the RECORD of the 21st instant. I desire to enter the motion now so as to be within the three days.

The PRESIDENT *pro tempore*. The motion will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 770) for the relief of Judson S. Post, of Missouri, late disbursing officer of the Navy; and

A bill (S. No. 558) making a further appropriation for the erection of Government buildings in Dover, Delaware.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation, in Washington Territory;

A bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States;

A bill (S. No. 375) for the relief of Maria W. Sanders; and

A bill (S. No. 634) to amend an act entitled "An act to incorporate the joint-stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

NAVAL APPROPRIATION BILL.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair calls up the unfinished business, which is the naval appropriation bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes.

Mr. SARGENT. The condition of my health is such this morning that I shall not go into any extended statement with reference to the bill before the Senate, and trust I may be able to avoid debating the bill at any length prior to its passage. At the same time I shall be very happy to answer any questions that any Senator may wish to ask, and give any information in my power in reference to the bill.

I will state briefly that the amount of the annual estimates of the Department for the naval service the next fiscal year is $20,871,666.40. There was appropriated for the present fiscal year $17,011,306.90. The bill as reported back from the Committee on Appropriations of the Senate appropriates $16,119,290.40. The increase on the House bill is $3,685,000. The decrease from last year is $892,016.50, and of course the decrease from the estimates or the amount allowed less than the estimates is between $4,000,000 and $5,000,000.

In the amendments which the committee have reported they have endeavored, as far as possible, to concede matters of discretion in the House bill. In nearly every item in the bill as it came to the Senate there is a reduction, and in nearly every case we have assented to the reduction. There are some cases, however, where the Senate committee recommend an increase over the House bill, in the aggregate amounting to considerable; but in many of these cases the appropriation proposed is less than that of last year.

The very first amendment, which is to the first item in the bill, is an increase over last year, and is made necessary by the condition of the service. I hold in my hand a list of the officers of the United States Navy, that is to say, the number of admirals, rear-admirals, commodores, captains, commanders, lieutenant-commanders, &c., and the respective pay to each officer at sea, on shore, or other duty, or waiting orders. The bill as it comes to us from the House does not propose to reduce the number of these officers or to reduce their pay, but inadequately appropriates for their pay. The appropriations for several years past have been inadequate to reach the amount which the law requires and the deficiency has been made up from the balances of appropriations which are allowable upon the item of "pay of the Navy" because that pay necessarily runs from year to year. Seamen are enlisted for several years, and their pay, they being on foreign stations, runs on from month to month and year to year, and is received at the time they arrive with their vessels in the United States within reach of the Treasury Department, when they are finally paid off and perhaps re-enlisted or entirely discharged. This has made a necessity for continuing balances in the item of pay of the Navy, but those balances are now completely exhausted.

This roll of officers and men amounts to $7,600,000. Not a dollar less will pay them, and there is no discretion on the part of the Navy Department to pay any one who is mentioned on the roll a dollar less than the amount which is carried out in this schedule. The law fixed it in every case, and the House bill does not change the law in any case. It is mandatory on the Treasury this year to pay these amounts. The Secretary of the Navy must make requisitions for these amounts. Nevertheless, the necessary amount of appropriation is not put at the disposal of the Secretary of the Navy to pay this roll. The amount of the estimates corresponding with this roll is $7,600,000. The amount appropriated last year was $6,250,000, and, as I have said, it was not sufficient to pay the annual expenses. The House bill appropriates $5,750,000, which is $1,900,000 short of the actual necessities of the service. I do not know how it is proposed to pay the officers and seamen in the Navy under an appropriation like that. It may be that it is designed that there shall be a two-million-dollar deficiency next year. If that is so, of course the difficulty will be met, because the whole of this will not accrue in the first part of the year, and next December an appropriation can be made to pay for the rest of the year or that which is left unpaid. Still, that is not the way that we have been accustomed to legislate. I do not think it is a good way. It is much better to appropriate the amount in the regular appropriation bills and discourage deficiency bills, especially as we have stringent laws on the statute-books which prohibit the creation of deficiencies.

Mr. EATON. How much was the pay-roll of last year?

Mr. SARGENT. The pay-roll of last year was exactly the same. There is no change.

Mr. EATON. How much was appropriated?

Mr. SARGENT. The amount appropriated was $6,250,000, but there were unexpended balances running on from year to year, and had been for some years past. Now those balances are exhausted and we must look the difficulty in the face and make a sufficient appropriation.

The House, however, cut off one thousand of the men of the Navy, and the Senate Committee on Appropriations, with a good deal of reluctance I must confess, have assented to this reduction of the men, which makes a difference of $400,000, and consequently the item of amendment, instead of being $7,600,000, is $7,200,000; but I do not think the reduction is made that ought to be made. The service is top-heavy. There are too many officers in proportion to the men. The men are the least costly portion of the service, and, of course, are very useful. Whether it is possible to reduce the naval list of officers justly may be a question. Of course it would be a work of great delicacy. A large number of the officers of the Navy, both on the retired and active list, have rendered distinguished service to the country, and I suppose we all would regret harsh measures toward them by dropping them suddenly, or perhaps dropping them at all. The retired list contains many men who have become utterly disabled in the service of the country; who bear honorable wounds; who are unfit on account of their physical condition to earn their living, and are reduced to that condition by the hardships and the wounds which they endured and received in the service, and it is really a very delicate matter to deal with. Of course time will correct it, as it will with reference to our pension-rolls. Men die. Men are more liable to die who have incurred disease or received wounds disorganizing their physical system, and it may be that it is the part of patriotism, and decency even, to allow the large retired list and the active list where men have earned their positions by gallantry for the country, to remain without being cut down; but if that is so—and that is the theory of the House bill—then it is impossible to pay the roll with $5,750,000 or any sum like that. It is absolutely necessary to adopt the amendment of the Senate committee in that respect.

I say we have assented to cutting down by one thousand the men who are employed in the service. The representations which have come to the committee, especially to the subcommittee, on this matter have been very strong. The Chief of the Bureau of Equipment informs us that the effect of it will be to discharge the boys that have been in training for American seamen; that the effect of this sudden application will also be to prevent the re-enlistment of men who have been in the service for a good while, who, as their terms of enlistment expire, re-enlist again and make the best sailors we have, and with whom, under the policy of the law, there is an implied contract that they may re-enlist, and for their second or third or fourth re-enlistment receive a higher rate of pay than new hands. These are very strong considerations. Nevertheless, the House insist that there shall be this economy, and it can be done without the absolute and positive injustice that would be done by cutting down the retired list or discharging the officers who have earned their promotion by gallant service. Therefore, with a desire to yield as far as possible to the demands for economy, the Senate Committee on Appropriations, after long deliberation, determined that they would assent to this change made by the House.

With reference to the other amendments of the committee, they are somewhat large in amount, but they go to the very vital question whether we shall have a Navy afloat or not. If we have a Navy afloat, it is necessary that it should be kept in repair. Of course ships in use very rapidly deteriorate; their cordage, their spars, their sails need repair. Sometimes in hot climates, sometimes in cold, exposed to the weather and continual use, repairs are absolutely necessary. We must furnish the money with which these repairs can be made. And so with reference to the Bureau of Yards and Docks, auxiliary to this very purpose. It is necessary that it should be kept up with some degree of efficiency.

I do not know what the ultimate fate of the bill may be in a committee of conference. The Committee on Appropriations have endeavored, while meeting the House as far as they could, to make the bill

that which is absolutely necessary for the service, and I will ask the Senate to stand by the committee in these particulars, because we have endeavored to be just and reasonable just so far as the demand for economy is concerned, not unreasonable in asking money for the actual wants of the service. If subsequently, in a committee of conference, it may be necessary to reduce these items, I shall feel as if the interest of the service absolutely required the passage of the naval appropriation bill, and be disposed to do whatever may be just and reasonable in that respect.

Mr. THURMAN. Mr. President, it is admitted on all hands that the expenses of the Government must be reduced, or there must be additional taxes levied upon the people, or we must do what no government ought to do in a time of peace, borrow money to defray the ordinary expenses of the Government. The falling off of the revenue in the present fiscal year is not less, I believe, as stated by any one, than nine or ten millions of dollars, and some Senators estimate it at double that sum. The probable decrease of the revenue for the coming fiscal year, as estimated by Senators who have paid much attention to that subject, is stated by none I think at less than sixteen millions of dollars and by some as high as forty millions. It is, therefore, perfectly clear that we must do one of these three things: we must lessen expenditures, or we must increase taxes, or we must borrow money and increase the public debt to carry on the ordinary operations of the Government. Now, I suppose, there is not one Senator on this floor who would be willing to borrow money to pay the ordinary expenses of the Government unless it were in an emergency when no other means could be resorted to; and therefore that is to be dismissed. We are brought, then, to the choice between increasing the taxation of the country or lessening expenses.

I am not going into any declamation about the weight and burden of taxation resting on the American people, imposed by every form of government, from the Federal Government down to the lowest municipality in the land. Every one knows that; and every one knows that this great burden of taxation is one of the causes, and a very potent cause, of the depression in the business of the land. I think, therefore, no one proposes just now to increase taxation. It seems to be admitted on all hands that that is not practicable. We are left, then, to no other mode whatsoever to bring our expenses within our means than a reduction of expenses.

Now, as has been truly said by the Senator from California, this is a very delicate subject; and it is impossible to execute any system of reduction—I do not care what it is; I do not care how wisely and thoroughly it may be considered—without its operating hardly, grievously indeed, upon some class of citizens, or at least upon some individuals. But we must make these reductions, or we must find that we are without the means to carry on the Government. In respect to reductions in the naval service, nothing was more just than the remarks of the Senator from California about the difficulty of discharging officers of the Navy; but there was another consideration that he did not mention, and which has always had great influence with me in considering the case of those who have been a long time in the naval service, and that is that the very fact that they have been in that service almost disqualifies them for any other occupation. A man who has been forty years, for instance, in the naval service, as most of the retired officers have been—some of them fifty years and more; one of them, I believe, sixty years—is absolutely, I may say, disqualified for those pursuits of civil life which would be necessary to gain him a livelihood. It would be treating him with very great hardship indeed, after having had the benefit of all the best years of his life, to turn him out without support in the last days of his existence. There is great difficulty in that, and therefore I have turned my attention to that point, and I moved at the last session of Congress an amendment—not upon the naval bill, but upon the Military Academy bill, which stands upon pretty much the same footing—to lessen the appointments to the naval and military schools.

Mr. CRAGIN. Will the Senator allow me a word?

Mr. THURMAN. Certainly.

Mr. CRAGIN. At the last session we passed an act requiring six years as the term of study at the Annapolis Academy, which practically reduces by one-third the number of officers entering the Navy, which will gradually decrease the number. It has not been done at the Military Academy.

Mr. THURMAN. I am aware of that, and it was a move in the right direction, and I do not know but that it can be carried still further. My impression is that there are more appointees than there is any necessity for both at West Point and Annapolis. I do not see the necessity of every member of the House of Representatives appointing a cadet at West Point or Annapolis, the representation increasing all the while. It is taking a set of young men, very meritorious indeed, none more so, to be educated at the public expense for the naval or military service and bringing them as subaltern officers every year into the service far beyond the demands of the service. I have been in hopes that the Military and Naval Committees would address themselves to that end of the service, so to speak, and lessen the number of officers who are going into the Navy. It is very true that that might be done much more advantageously in the Army than in the Navy; for naval education is a specialty. You can make good Army officers out of men who never were in military life. I can see before me in this Senate men who never belonged to anything but a militia company, but who served gallantly and efficiently in the war and came out with the epaulets of a major-general and did good service. You can do that in the Army; but you cannot pick up a landsman and make a seaman out of him in a day. You cannot pick up a man from the service of the ordinary mercantile marine of the country and make a good naval officer of him in a day, or a month, or perhaps in a year. There is, therefore, a greater necessity for always having a body of thoroughly educated naval officers than there is for having a body of thoroughly educated military officers at a military school; and although I would be very far from abolishing the West Point Academy and believe that it is well for the country to educate young men both for the military and for the naval service, yet I do think that a very considerable reduction might be made in that direction by cutting down the number of cadets at West Point without in any wise impairing the efficiency of that very noted and very meritorious academy.

I am getting off the naval bill and on to the military now, but it is all germane to this subject of reduction. I have heard it said, and said by officers, "You cannot do that; if you reduce the number of cadets at West Point too much you destroy the school." Not so, sir. If you were to reduce the number one-half there would be still more there than there were fifty years ago; and I think that the attention of those who have military subjects in charge ought to be directed to lessening our expenses in that direction. It will not relieve our present necessities, but it will tend to lessen the expenses in the future.

Mr. President, having made these general remarks on the subject, I wish to call the attention of the Senator from California, who has this bill in charge, and also of the Senate, to some of the amendments reported by the Committee on Appropriations. If the Senator is entirely right in saying that the pay-roll requires $7,200,000, then I say that the right way to do is to appropriate the money and not have a deficiency bill; and the right way is to appropriate the money rather than to let the pay-roll be eked out by balances of old appropriations which were not made for the purpose of the pay-roll at all, or by the use of money that has been obtained by the Department from the sale of old ships or condemned stores, or the like. Therefore, if the estimate is right that we must have $7,200,000 to meet the pay-roll, there is but one way to do, and that is to vote the money.

But now, turning over the bill, I come to page 13, where our committee propose an increase over the House bill of a million dollars for the Bureau of Construction and Repair, and I think it unfortunate that they propose to strike out a part of the section as it comes from the House. The House appropriate $1,500,000 for the Bureau of Construction and Repair. Our committee propose to increase that to $2,500,000, making an increase of a million dollars, and to strike out this clause in the section:

> And that the sum of $200,000 of the above sum, or so much thereof as may be necessary, shall be used in employment of labor to put the live-oak timber in the different yards in wet docks, and labor for that purpose shall be employed during the months of July, August, or September, and shall be discharged before the 1st of October, 1876; and during the months of October and November of the year 1876 there shall not be exceeding fifty persons borne on the lists as laborers at any navy-yard at the expense of the Government.

I do not know what is the necessity or propriety of using $200,000 of this appropriation for putting live-oak timber into wet docks. That is a matter upon which I have no information. I do not know whether the House is right or whether our committee is right in respect to that subject; but I do think that this provision in the bill that during the months of October and November of the year 1876 there shall not be exceeding fifty persons borne on the list as laborers at any navy-yard at the expense of the Government ought not to be stricken out.

I shall be quite frank about this; I have nothing to conceal. The fact is notorious; it has been abundantly proved that hands are taken on at navy-yards in anticipation of elections, men who are not needed at all taken on by hundreds, men who are not needed and who render no service for the money that is paid them or no material service to the Government, but who are kept there and paid by the Government until they have cast their votes in the direction that is required, and then are discharged from the service. It was to remedy that evil, it was to remedy that perversion of the public money, it was to remedy that corrupt interference in elections, it was to put an end to a practice that is injurious to the naval service as well as demoralizing to the country, that the House very properly put in that provision in respect to the number of laborers that should be employed at any navy-yard during the months of October and November.

If this were mere clamor, if this were mere vague rumor that such things had been done, I should attach no importance to it, for I am not given to clamor against any man's reputation; I am not given to repeating vague rumors prejudicial to any man's reputation. I do not believe in any such mode of procedure, certainly not any such mode of political tactics; but this is a fact which I think any Senator can test for himself by the least investigation. Any one who will look into the testimony taken this very session by the House committee will see that the fact is undeniable that hundreds of men have been "taken on," as it is called, at the navy-yards previous to an election without necessity, paid out of the public funds for services not rendered, or which were not needed, and discharged as soon as the election was over and they had deposited their votes in the direction for which they were employed.

There is no necessity for striking out this clause. It may be said,

"Who can anticipate what will be the condition of the country next October and November; there may be a great necessity for work in the navy-yards then; and are you going to limit the number to fifty?" I think, Mr. President, that we need fear no war next October or November; I think we need fear no war with any naval power that will require any great activity in the Navy Department. I think it is much safer for us to rely upon the existence of peace next October and next November than it is to leave the door open to practices that are dishonoring to the naval service and injurious to the country.

I hope, therefore, that the last clause, in relation to the number of laborers who may be employed at any navy-yard in October or November, will not be stricken out; and I am also inclined to hope, until I hear some satisfactory explanation from the Senator who has this bill in charge, that we shall not consent to the amendment increasing this appropriation by the sum of $1,000,000. The Senator's attention has not been called to it, and he has not explained, except in a very general way, why this increase is made. He says that if we are to have a Navy at all there must be a Bureau of Construction and Repair, and that Bureau must have, necessarily, a great deal to do.

Mr. SARGENT. I did not say anything about the Bureau. I said we had to keep ships in repair.

Mr. THURMAN. The Bureau of Construction and Repair has that work in charge; and so that was the idea. I do not mean to use the exact words of the Senator. Nobody doubts that they are to keep it in repair as far as necessary; but no reason is given yet for this increase. I shall make no criticism until I hear what reason can be given why the estimate of our committee is better than the estimate of the House committee and of the House itself. They supposed that $1,500,000 would be sufficient. Our committee thinks it should be increased by $1,000,000; but, until I can hear some good reasons for it, and very strong reasons too, I shall be opposed to that increase.

As I said before, we must begin retrenchment, and I do not know anywhere where we can better begin retrenchment than in this very matter of construction and repair of the Navy. While I am a friend of the Navy, and always have been, it must be admitted that of all the service in the country it is the service which, in case of absolute necessity, could be dispensed with the easiest and with the least injury to the public.

Turning again to another matter, in the Bureau of Yards and Docks the committee move to increase the appropriation from $440,000 to $760,000, making an increase of $320,000. I invite the attention of my friend from California to this item, and hope he will explain why in the opinion of our committee that increase is necessary. It is the same in respect to the Bureau of Equipment and Recruiting, on page 9. The committee propose to increase the appropriation from $970,000 to $1,250,000, being an increase of $280,000. I should like to know why that is done.

There is a very small item on page 3 to which I will also ask the attention of my friend. "Pilotage" is included among the things that are appropriated for in line 48, and then on page 4, line 74, "pilotage" is again appropriated for. The sums are small, but I do not know why there should be two appropriations for "pilotage."

Mr. MORRILL, of Vermont. One is for pilotage of vessels in distress and the other is for naval vessels.

Mr. THURMAN. The bill does not say so. This bill is far better framed than any naval appropriation bill that I have seen since I came into the Senate. I have seen bills passed here with seven and eight millions of dollars in a single item of appropriation with the objects of appropriation all grouped together.

Mr. SARGENT. The Senator is mistaken in regard to the pilotage. In line 47 it is for "relief of vessels in distress and pilotage," and on page 4 it is "for foreign and local pilotage and towage of ships of war."

Mr. THURMAN. If they are distinct things, well and good; but that does not appear from the bill.

Mr. SARGENT. One is under the head of "contingent expenses of the Navy Department" and the other relates to the general service abroad and at home.

Mr. THURMAN. It is a small matter, and I only wished to call attention to it.

These, Mr. President, are all the observations that I wish to make. What I rose principally to do was to impress as I was able upon the Senate the fact that we have to increase taxation or reduce expenditures. It has been thought that the House of Representatives has been going wild on this subject; but I think any one who will consider the fact I have stated, that our revenue for this fiscal year has fallen off not less than $10,000,000, and according to some Senators' estimates twice that sum, that a further reduction in the revenue is certain to take place in the next fiscal year, and that we have no more revenue now than is actually needed, must see that when we are brought face to face with the proposition we must either add to the already onerous burdens of taxation that exist or we must reduce expenditures. No one can properly say that the House has gone wild on this subject. Certainly they have gone in the right direction. I do not know but that they may have erred in details. I am not familiar enough with the subjects of appropriation bills to say that they have not erred in details; but that they have been going in the right direction, and that the Senate ought to meet them in the same spirit, it does seem to me to be as clear as any proposition can be. I think, if there should be a failure of appropriation bills at the end of this fiscal year, a dead lock, we shall not be free from responsibility; the responsibility cannot be cast upon the Representatives of the people. It may be that they will be to blame; it may be that we shall be to blame; but certainly it seems to me that, if the Senate will meet the House in the same spirit of retrenchment and economy that the House have evinced, there will be no dead lock in the appropriation bills at the end of the fiscal year, but that they will all be passed, and the means for carrying on the Government provided.

Mr. SARGENT. It was my purpose to remark upon the amendments in their order as we reached them, and I did not attempt to explain anything in my former remarks, except the first amendment only, which would soon be reached and voted upon. I thought the explanation I gave was satisfactory to the Senator from Ohio. At any rate, he seems to adopt the same theory that I did in reference to it. He, however, calls my attention to a peculiarity of the House bill, on page 13, with reference to the employment of force in the navy-yards in October and November next. I am not surprised—as this is what might be called a political item—that the Senator from Ohio deems it of a great deal of importance. My impression is that anything of a political nature which the other House can get into appropriation bills and compel the Senate to accept as a condition to the Government continuing to run at all ought to be important to bolster up the failing fortunes of my friend's party.

Mr. THURMAN. That is the wrong word.

Mr. SARGENT. My friend says that I use the wrong word. I use it deliberately; I think, understandingly and prophetically. If I desired, however, to take an advantage of the democratic party, I could not see my way clearer to it than by allowing a provision like that to go into the bill, provided the people could be convinced it was put there and insisted upon at the instance of the democratic Representatives and Senators and that we could only get this bill by means of our assent to it. During the months of October and November men are to be kept out of employment for fear they will vote the republican ticket. I should like to go into the town of Vallejo with two or three thousand people to hear me, as they would assemble, and say to them, "You have been out of employment for months; your families have been suffering; here at the end of this month of October, and all through the next month of November, though the election takes place on the first Tuesday after the first Monday of November, you are to be kept out of employment. The Government has work for you to do; there are funds in the Treasury to pay for it; but you cannot have it for fear you might be influenced perhaps to vote the republican ticket; and you know who insisted that this should be so; you know who are the guardians of your political consciences; you know who they were who said that you and your children should not have bread under the circumstances; they were your democratic friends in Congress." Do you think no argument could be drawn from a proposition like that? Do you not know it is a two-edged sword, and that it would show you were afraid to employ laborers, and denied them bread, lest they turn republicans?

Mr. DAVIS. Will the Senator allow me to interrupt him?

Mr. SARGENT. I yield with great pleasure.

Mr. DAVIS. My friend spoke of the navy-yard in his section of the country. If I am not misinformed it would make very little difference there, because I am told no man can get work there if he does not vote the republican ticket. Therefore the party cannot gain much by telling the story which now he is relating to us, because all of them have to vote the republican ticket or get no work.

Mr. SARGENT. I presume whatever rule my friend supposes to exist there he will admit exists everywhere.

Mr. DAVIS. Certainly, in the navy-yards.

Mr. SARGENT. Then the argument would apply elsewhere as well as there. My impression is that it has been the rule from time immemorial in all the navy-yards, when democratic administrations were in power they gave the preference to democrats for office and employment, and the republicans have done the same thing. If you object to it, you object to the consistent course of your own party, and the same course it will pursue again if it comes into power on the 4th of March next. It is a tradition, and laughed at in my State, that one of my democratic predecessors on this floor insisted upon the appointment as superintendent of dry-docks of a man who was totally unfit for the place. It was represented to him that this man was not fit for the office, that he could not discharge the duties, &c. He said: "I do not want him there because he is fit for it, but I want him for the office;" and the man was appointed.

I have always noticed that parties out of power are spasmodically proper and honest and virtuous; but let them get into office and they are about as good as the average of mankind, and no better.

These appropriations come into force on the 1st day of July, or are presumed to do so. I hope they will do so this year. From that time until winter comes is the time which can be best devoted to labor. The days then are longer, men are not hurried by darkness away from their work; they do not work in the cold and the snow. From July until the 1st of December is the best time for the purposes of Government to have this work done, and as a rule it is done during that time. An election occurs during those months, and that work, it is said, must not be done for fear the workmen will vote the republican ticket. That is the logic of it. It is really to the advantage of the Government that the work shall be done during those months.

Mr. THURMAN. Will the Senator allow me interrupt him?

Mr. SARGENT. Certainly.

Mr. THURMAN. When the House said that not more than fifty men should be employed in any navy-yard in those months, I take it that it was not done without a knowledge of what the exigencies of the service require. They have estimated, certainly, that that number will be sufficient for the public service at that time, and my remarks were based upon the supposition that that estimate is correct. If the Senator will convince me that fifty men in a navy-yard will not be sufficient at that time, I shall vote to increase the number until it is sufficient. I have not any objection to having a sufficient number of men to do all that the Government needs done; but I am opposed to having men employed who are not required to do anything that the Government needs to have done.

Mr. SARGENT. Mr. President, I am not able to fix the number that the Government needs. I am not the Secretary of the Navy or the Chief of the Bureau of Construction. I know that the Government needs a certain amount of money in order to keep its Navy in repair. We appropriate that amount from year to year—we must do so—and leave something to the discretion of those having the matter in charge as to how it shall be employed; but I deny that the evidence shows that men for whom the Government has no use are employed in the navy-yards about the time of election, and set about no useful employment. That there may be a great many men employed during the summer months and discharged some time late in November is unquestionably true; yet, so far as my observation has gone, the men are usefully employed and the Government money is expended for proper purposes. That is the fact, so far as I know, and I say that in my reading of the testimony which has been taken on the other side there is nothing inconsistent with this position or nothing worthy the name of testimony. It may be said that a great many men were at work about the time of elections, and the inference is that they were needlessly so, so far as Government work is concerned. If you want me to stand here and say that the republican party is in every respect immaculate or that the democratic party would be, if it came into power, in every respect diabolical, I say nothing of the kind. I say, however, that if my friend from Ohio were elected to the Presidency of the United States, for which he is named, (and if we are to have a democratic President I wish he should be the one,) I would expect an honest and fair administration. I do not believe that because the democratic party should come into power everything would necessarily go to ruin. I think there would still be some hope for the country. I caution my democratic friends against believing every statement of suspicion or breath of slander against the republicans. Concede to us, at any rate, that we endeavor to administer the Government with decency and fairness; and that, so far as we can, the general purpose is to do right; that when we ask for appropriations here it is not in order to influence elections, but it is because the Navy needs repair, and that the summer months of the year are those in which it is best to have the work done.

To justify me in saying that this is a political item, I may be allowed to allude to another bill which is laid upon our tables, wherein I find in an appropriation for defraying the expenses of the Supreme Court and the circuit and district courts of the United States, including jurors and witnesses, expenses of suits in which the United States are concerned, safe keeping of prisoners, &c., the following proviso:

Provided, That all of the provisions of title 26 of the Revised Statutes of the United States in relation to the registration of voters and the appointment of supervisors of elections and deputy and special deputy marshals, and touching the supervision of elections, are hereby repealed.

Is that fair? Is it fair to require the wheels of government to stop, that there shall be no light-house service, that there shall be no completion of public buildings, no Signal Service, none of the various matters which are provided for in this great sundry civil bill, unless all the barriers which have been put up against frauds in elections are swept away? I suppose no one can doubt that in our great cities there are enormous frauds committed upon the elective franchise, that men are often fraudulently registered, that men are repeaters, that illegal votes are cast, that decent votes are excluded. The United States having the right to guard the purity of elections of members of Congress, and electors going to the very foundation and inception of the Government, having the right to exercise this power, and having by the development and prevention of fraud tended toward a true ballot, real self-government by the people, all this must be swept away before we can have any money to carry out the ordinary operations of the Government in these important Departments!

I do not know whether my friend from Ohio will get up and insist, when the time comes and the sundry civil bill is under consideration, that the clause I have read must be adopted because the House has a discretion which is superior to that of the Senate; that it has a discretion which we ought to listen to for everything and doubt ourselves when we differ from that body. I trust he will not be betrayed into that position, because there are some positions which even party zeal does not excuse.

Mr. THURMAN. May I call the attention of my friend to a fact?

Mr. SARGENT. Certainly.

Mr. THURMAN. I wish to ask the Senator if the very provisions proposed to be repealed were not enacted in an appropriation bill?

Mr. SARGENT. Very likely; but they were not the conditions of an appropriation; because the appropriation bill would have been passed without them or with them; but here these provisions of law are to be swept away as a condition of appropriation.

The amount appropriated last year for the Bureau of Construction and Repair was $3,300,000. The Senate committee assent to a reduction to $2,500,000, a reduction of $800,000. Even to make that amount of reduction we have got to stop all work in putting the iron-clads in repair. There are ten single-turreted and five double-turreted, which are being repaired, some of them nearly completed, which will be worth more, when they are finished, for effective war purposes than they were originally; they will be comparatively indestructible. Out of the ordinary appropriation, without asking special appropriations for the purpose, the Department has been repairing them year by year. I do not think this work ought be stopped; but it will have to be stopped provided we reduce this Bureau from the appropriation of last year $800,000. If you reduce it still further than that you will not be able to carry on the repairs of the ordinary vessels and send them to sea at all.

The other items of the bill I will consider when we reach them.

The PRESIDING OFFICER, (Mr. SPENCER in the chair.) The Chief Clerk will read the bill, and the amendments of the Committee on Appropriations will be acted upon in their order when reached in the reading of the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in line 14, to increase the appropriation "for pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed, and for the actual expenses of officers traveling under orders, and for pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men of the engineers' force, and for the Coast Survey service, (seven thousand five hundred men,)" from $5,750,000 to $7,200,000.

Mr. EATON. Mr. President, I do not propose to be drawn into a political discussion here to-day. We shall have time enough for that by and by. I shall propose at the outset a measure in which the Senate may agree with the House, and I trust the Senators who have this bill in charge will concur in it. I understand from the Senator from California that the seventy-five hundred men here spoken of is a reduction of one thousand from what the number was last year. Therefore I submit that the House committee in making their appropriation of $5,750,000 have taken into consideration the less amount to be paid, there being a reduction of one thousand men. I ask my friend from California if $6,250,000, the same amount which was last year appropriated, will not be sufficient this year, when one thousand less men are employed by the Department. I feel disposed, so far as possible, to put the bill in such a shape as that both Houses will agree to it. I am perfectly willing to make this sum $6,250,000, so that when the conference committee of the two Houses meet, if possible, they may agree upon the bill. I make the suggestion to the Senator from California, hoping he will see it in the same light that I do, in order that we may pass the bill through a conference without difficulty and delay.

Mr. SARGENT. I should like to show the Senator the pay-roll under this item of $6,250,000. If the Senator will step to my seat he will see that this roll begins with the Admiral. His pay per annum is put on and carried out. Then come the rear-admirals, six of them at sea, four of them on other duty, two waiting orders, and the total is carried out.

Mr. EATON. I understand that.

Mr. SARGENT. And following this footing-up, running all the way down through these several officers, the aggregate is $7,600,000. I should be very happy indeed to have some one show a mistake in it; and if these figures are not right there must be a mistake.

Mr. THURMAN. That is the list for the coming fiscal year?

Mr. SARGENT. Yes, sir.

Mr. THURMAN. Is there not a bill now pending for the reduction of the pay of those men?

Mr. SARGENT. I am not personally aware of such a bill, but there may be. There is nothing of the kind in this bill.

Mr. THURMAN. I do not know that it is a matter of any materiality; but if that bill should pass, this sum would not be needed.

Mr. SARGENT. I am not aware, however, of such a bill. I am not entirely sure that a bill could not be devised which would root out some persons who are less deserving than others of being upon the Navy pay-roll; but at any rate that has not been done up to this time, and we are confronted with this roll. It is a question of mathematics. I can only say to my friend that I cannot see that two and two make five. It is a matter of impossibility to do that. If it is suggested that it would be wise under all the circumstances to make this $6,250,000, and that if it is not sufficient we can next December make it right, I would say that perhaps that is one way out of the difficulty.

Mr. EATON. I am disposed to deal fairly, I would say to the Senator from California. The pay-roll is less by half a million this year than last in round numbers. In other words, a thousand men are stricken out of the list.

Mr. SARGENT. Four hundred thousand dollars.

Mr. EATON. Very well; $400,000 less. If $6,250,000 was enough last year——

Mr. SARGENT. It was not.

Mr. EATON. Wait one moment; I have not got through. If $6,250,000 was enough last year, surely $6,250,000 ought to be enough this year when you have a thousand men less to pay. I understand it to be the fact, and I suppose the Senator from California understands the same thing, that a great deal of property is sold by the Navy Department, the proceeds thereof held by the Department, and moneys that are gotten by the sale of such property are used for any purpose that may be deemed necessary by the Department.

Mr. CRAGIN. The Senator will allow me to say that in the case of all property that is sold by the Navy Department the money has to be covered into the Treasury.

Mr. EATON. Is it covered into the Treasury?

Mr. CRAGIN. Yes, sir.

Mr. EATON. When was that law passed?

Mr. CRAGIN. Two or three years ago.

Mr. SARGENT. It is the law now in all the Departments.

Mr. CRAGIN. It applies to the sale of all vessels and old materials. I do not know how it would be if a few chips were sold at a navy-yard bringing five or ten dollars. I am not sure whether that amount would be covered in or not; but the proceeds of all vessels and old material of any value are required to be put in the Treasury of the United States.

Mr. EATON. I should like to try this proposition, any way. I want to go as far as I can. My friend from California, I know, appreciates my motives in this matter. I will not go into a political discussion, I leave that to others; but nothing is truer than the proposition stated by my distinguished friend from Ohio. Certainly our revenue is falling off. No Senator will say that the falling off in revenue is less than nine or ten million dollars this year. In my judgment it is $15,000,000. No mind that examines this question can fail to be thoroughly satisfied that the falling off in the revenue the coming year will not be less than from twenty to thirty million dollars. It may be extravagant to say $40,000,000, as some gentlemen do say who have given this matter a very thorough examination. Let us agree, if possible, upon an appropriation bill here that the conference committee of the Senate will be able, when they meet the other conference committee, to agree upon. I hope my friend will consent to this. I move no amendment, but leave it to him. If my friend would move, instead of $7,200,000, to make the item $6,250,000, I should be very glad to vote for this clause in the appropriation bill. I do not desire to see any meritorious officer who has been wounded in the service of the country stricken from the rolls, and I should be glad to vote for the bill.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 55, to increase the appropriation "for the civil establishment of the several navy-yards" from $85,000 to $100,000.

Mr. EATON. I should like to know why $15,000 is added by this amendment.

Mr. SARGENT. This item includes the whole civil establishment of the navy-yards. The amount appropriated for this fiscal year was $158,000. The amount of the estimates is $160,000. The House cut it down to $85,000. We did not put it at $158,000, because we wanted to be economical as well as the House, and we put it at $100,000. Three years ago on my motion the appropriation for the whole civil service of the navy-yards was reduced 40 per cent. in the naval bill then in my charge in the House of Representatives.

Mr. EATON. A wise movement.

Mr. SARGENT. We cut them then as close as possible, I thought; and I cannot for my life now see how the service can be run on $100,000. The Secretary of the Navy says he will try and if possible run it on $100,000, but to attempt it on $85,000 is absolutely out of the question. We have not only compromised with the House on this matter, but have come almost to them.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The PRESIDING OFFICER. The next is a verbal amendment in line 66, striking out the word "and" where it twice occurs. That will be considered as agreed to.

Mr. WRIGHT. I suggest to the Senator from California that in line 71 "herewith" should be changed to "hereby," so as to read, "hereby appropriated."

Mr. SARGENT. Very well; I ask that that change be made.

The PRESIDING OFFICER. That is a verbal amendment. The Secretary will make the change.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in the appropriation for the Bureau of Navigation, in line 75, to increase the item "for foreign and local pilotage and towage of ships of war" from $45,000 to $50,000.

The amendment was agreed to.

Mr. KEY. I suggest that the reading of that portion of the bill be dispensed with where there is no difference between the bill and the amendments of the committee.

The PRESIDING OFFICER. If there be no objection, that course will be pursued. The Chair hears no objection, and only the amendments reported by the Committee on Appropriations will be read.

Mr. SARGENT. On behalf of the committee, on page 7, after line 139, I move to insert the words:

For expenses of Nautical Almanac, namely.

This is really a verbal correction.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in lines 188 and 189, under the head "Bureau of Equipment and Recruiting," to increase the appropriation "for equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation; storage, labor, hemp, wire, and other materials for the manufacture of rope; hides, cordage, canvas, leather; iron for manufacture of cables, anchors, and galleys; condensing and boat detaching apparatus; cables, anchors, furniture, hose, bake-ovens, and cooking-stoves; life-rafts for monitors; heating-apparatus for receiving-ships, and for the payment of labor in equipping vessels, and manufacture of articles in the several navy-yards," from $970,000 to $1,250,000.

Mr. EATON. Here is an increase over the appropriation made by the House of $280,000. I hope the honorable Senator from California will give some reason why this large increase should be made.

Mr. SARGENT. I will do so with pleasure. The amount appropriated for this present fiscal year is $1,250,000, and the estimate is $1,500,000. The Bureau and the Secretary inform us that this amount is absolutely necessary, that they need it for coal for steamers' and ships' use; for storage, labor, hemp, wire, and other materials for the manufacture of rope; for hides, cordage, canvas, leather; iron for manufacture of cables, anchors, and galleys, and so on through a long list of articles which are mentioned from line 178 to line 188. They say that they cannot buy these things with the amount that is appropriated by the House bill. They are willing to forego the estimate, which was $250,000 more than the amount for the present year, but that they need the amount we propose to supply; that they have not had any more during the present year than was necessary to keep the vessels afloat; that they cannot keep them afloat unless they have the coal, anchors, &c., which are provided for in this item, and that this amount is necessary to buy an adequate supply of these materials.

This seems like a general statement, and yet it is the result of careful inquiry, because the Senator from Virginia who was with me upon the subcommittee [Mr. WITHERS] and myself personally examined this matter, conversed with the Secretary of the Navy upon the subject, and endeavored to inform ourselves, and to reduce where reduction was possible. We came to the conclusion that upon this item and one or two others which seem to be large in amount the bill must be increased. You must remember that a navy is a large thing. It is an expensive machine if we are to have one at all, and certainly a nation like this should have a navy. I say that with a desire to be as economical as possible we still found in reference to these items that we had to make substantial additions not above the amount now being expended, generally below the amount now being expended, but somewhat higher than the House allowed. This is all I can say as the result of our inquiry.

Mr. EATON. I understand the Senator from California to say that this is the same amount which was expended last year. Now I propose that we do not expend as much this year as we did last year. I undertake to say that in the condition of the Treasury we ought to expend less upon this very branch of the public service; and if cutting off $250,000 upon this one item will reduce the number of ships that we may send to sea, so be it, and let them lie up in ordinary. Nothing can be truer than that we must reduce our expenditures, or, as the Senator from Ohio very properly remarked, increase our taxation or borrow money in a time of peace. Now, I say that this is one of the items that ought to be reduced, that can be reduced. I call for the yeas and nays on the amendment.

Mr. SARGENT. I do not know that I wish to go into the discussion of the financial aspect of this matter. The chairman of the Committee on Finance, perhaps, is the one to whom that subject ought to be left. But when I see that during the past month we paid off between two and three millions of the public debt; that the month before that we paid off between two and three millions of the public debt, and that every month for months past we have reduced the public debt from one to three million dollars, I do not understand these continual jeremiads over the terrible state of our finances. There is some indefinite shadow of a sinking fund which is held up here before our eyes; and though we have reduced the public debt by anywhere from ten to fifty million dollars within a certain year, we are told that we still owe the sinking fund a large amount of money; and that is the reason and the only reason that can be given why we shall not make decent and adequate appropriations for the expenses of the Government. Why, sir, we are to withdraw our ships from the Asiatic waters, or the Mediterranean Sea, or anywhere else where they are necessary to watch our commerce and protect the interests of our citizens abroad, and lay them all up in ordinary, on the ground that our finances are so deranged that we have got to borrow money. Borrow money for what? We are told that our income has fallen off during the present year some $15,000,000 or more. We are reducing the debt monthly by millions. If the revenues have fallen off, I do not see why we have to borrow money when we are continually reducing the public debt, and have a surplus for that purpose. I do not think there is any force at all in the argument. Last year, just as Con-

gress adjourned, we set in motion an entirely new system of internal revenue and of collection of duties; we put a horizontal elevation upon one and an increase upon the other; and the result was considerable confusion and the holding up of stocks on hand rather than paying the difference in taxes. At that time the Senator from Ohio, the chairman of the Finance Committee, [Mr. SHERMAN,] warned the country that the effect would be that our revenues would fall off. He said, "For the coming year you will not collect as much revenue as you would if you allowed the old revenue laws to stand; that which is apparently designed to increase the revenue will have the opposite effect."

I was not convinced by his reasoning at that time and voted against him. I do not see him in his seat, but I may state that at least three times this present session he has reminded me of the wisdom of his remarks then made. I admit their wisdom now. I voted against him, and the measure passed by a very close vote. I believe we should have had more revenue collected if we had kept the old system, but I think that is only a temporary condition of things, because as the old stocks on hand are exhausted new ones must be imported or new articles manufactured liable to internal-revenue taxes, and when the enhanced taxes come into operation they necessarily will produce an increase in the receipts of the Treasury; so that for the next fiscal year, instead of judging by the present and presuming that there will be a decrease, common sense would seem to imply that there is likely to be an increase. Certainly there will be, taking the theory of the chairman of the Committee on Finance at the time the last revenue bill was passed.

Now, sir, I am not disposed to have our ships laid up in ordinary. I think that the brilliant little Navy which we have ought to be kept actively employed. It is not straining the national resources for us to have ships stationed here and there, picketing the waters of the globe, where our flag can occasionally be seen by our seamen and our American citizens who may be abroad, and in case of disaster or of difficulty in which they may be involved furnish them the relief which a great Government should be ready to give to its citizens abroad.

I might relate to my friend from Connecticut many instances during this present and the past fiscal year where the Navy Department has been suddenly called on in different parts of the globe for such assistance as our national vessels could render, and those vessels have been kept busy plying from station to station on duties which were of very great importance, for a navy is important in time of peace as well as in time of war. Of course, its great usefulness and necessity are when we are assailed or need to strike an enemy; but its usefulness is great also in time of peace, when it acts like a guardian of our commerce and carries our flag to foreign shores where our citizens may wander for purposes of business or pleasure, and there it gives them a sense of security under the shadow of the American name. Therefore, I think that it would be supreme folly to lay up our ships in ordinary and dismantle our Navy, to abdicate the position of a maritime power, and all to save $250,000.

Mr. EATON. Mr. President, of course the Senator from California will display his own taste in expressing his judgment on the questions that arise on this bill. But it seems strange to me that when a Senator rises here and says that, in his judgment, a certain amount is not necessary; that $250,000 less will answer the purposes of the Department, and that the condition of the Treasury, that the condition of the country is such as to demand at our hands retrenchment and reform wherever practicable, that expression should be called a jeremiad. It may be good taste or it may not be. And we are told that it is absolutely a want of common sense to talk about the fact, which is well known, that there is not a single financier in the United States of any character, no matter what his political views may be, who does not assert to the country that the income of the Government for the coming fiscal year will be from twenty to forty millions of dollars less than the last. And yet we are told that it is a want of common sense to announce a proposition of that character on the floor of this Senate. I have no idea that the ships of the United States are to be laid up in ordinary by cutting down this branch of the expenditure $250,000. I have no idea but that the flag of the country will float all over the world. Wherever there is water enough to bear an American bottom there it will go. Our sailors will be protected, our people will be protected, even if we cut down this item of expenditure $250,000.

Mr. SAULSBURY. Mr. President, I have no disposition to oppose any proper appropriation for the Navy of the country. I remember with pride the glorious achievements of our Navy in the past history of the country, and I would be among the last men to cripple that service or do injustice to it in any respect; but, in my opinion, the sentiment uttered by the Senator from Connecticut is a very just one, that the financial condition of this country requires vigilance on the part of the Senate in order that the expenses of this Government may be curtailed at every proper point.

The House of Representatives have sent here a bill declaring as their judgment that for the special objects contemplated by this item $970,000 are sufficient. That judgment was arrived at not captiously, but upon examination, because we all know that during the present session of the House of Representatives there have been thorough investigations into these branches of the public service, and after most careful investigation the committee of the House of Representatives have reported to the House and the House have adopted and sent to the Senate for its concurrence a proposition for this special branch of the service, appropriating $970,000; and it is now proposed to increase that to $1,250,000, an increase of $280,000 over the appropriation deemed proper by the House of Representatives. May we not justly inquire whether it is not time to pause and to see whether the amount named in the bill as it came from the House may not be an appropriate and proper appropriation to make for this service?

The Senator from California seems to treat with contempt any suggestions from others in reference to this service.

Mr. SARGENT. I trust my friend will not do me injustice.

Mr. SAULSBURY. I do not mean to do so.

Mr. SARGENT. The Senator from Connecticut also on that point misunderstood me or misinterpreted me. I shall leave unchanged everything that I have said; but I object to being thus misrepresented. I have no such feeling toward any fellow-Senator. I have not intended to use language implying it.

Mr. SAULSBURY. I misunderstood the Senator if that was not his intention. I certainly would not do injustice to the Senator from California or any other Senator on this floor. I concede to the Senator from California a familiarity with naval affairs much greater than I possess; but an honest difference of opinion may be entertained; and when I look back at the expenditures for the naval service, when I remember that within the last sixteen years there have been more than $500,000,000 expended on the naval service of this country, I am justified in the belief, when I look at the present condition of the Navy, that there has been an injudicious and unwise, if not an extravagant, expenditure of the public money. Why, sir, in the last eight years, during the existence of the present Administration, there have been more than $175,000,000 expended for the Navy of this country. And what have we to show for it? Your Navy to-day is not in as good condition, as I am informed—I have but little personal knowledge in this matter—as it was in 1860; and yet during the Administration of President Grant you have spent $175,000,000, averaging for the last eight years not less than $22,000,000 a year. What is the condition of our Navy to-day? I remember that only a few years ago the Secretary of the Navy detailed in his report the deplorable condition of the Navy.

Sir, it is high time that we should be giving diligent attention to the expenditures of money in this department of the public service. While we maintain the efficiency of our Navy, while we appropriate for maintaining and are proud to maintain the efficiency of that service which has done honor to the country, and ought to do it no injustice whatever, we ought, I say, carefully to inspect the expenditure of this money, especially in this time of general depression of the industries of the country, when the revenues of the Government are falling off, when industry is not properly rewarded, when thousands of men are out of employment, and when paralysis seems to have seized on every industrial interest of the country. It is time we had reduced the expenditures of this Government to as low a point as is possible.

There are other provisions in this bill, one of which has already been discussed to a certain extent, that demand attention. The one already discussed refers to the employment of persons in the navy-yards. Why, sir, what is revealed by the investigations in the other House? That men are employed and placed in the navy-yards for political purposes is unquestionable. If you turn to the month of November, in the year 1874, you will find that more than a thousand men were dismissed from the construction department of that service who had, I assert, not from general rumor, but from facts deducible from the investigations made in the other House, been taken in temporarily in order that their votes might be controlled at the election. I have before me the report of the investigation, and I find from a statement that the total discharges in the month of November, 1874, were 1,059 men. There were 178 shipwrights discharged, and 67 borers, and so on; the whole list is given; 489 laborers were discharged. And this only covers the employés of one Bureau of the Navy Department, the Bureau of Construction and Repair. Why were these men discharged in the month of November? An examination of the report which I hold in my hand will show that in the month of October and in the month of September the force in the yards was very largely increased; and yet when November came around this large number was dismissed and sent away. What was that for? The legitimate inference is that it was done for political purposes, to give employment to men in the navy-yards so that their votes might be controlled in the election. Unfortunately many of these men are poor; they have families dependent upon them; and, while they may be independent in their spirits, yet their circumstances are such that they are not at liberty to be independent in their action when those that give them employment demand that they shall vote in a particular way. What were those men discharged for? Here were 1,059 men discharged in the month of November. The fair inference, from the fact that these employés were increased in the months of September and October and discharged immediately after the election, is that employment was given them in order that they might be serviceable at the election. What did that cost the Government? I find in this report the testimony of Commodore Nichols. The following question was put to him by Mr. MILLS, of Texas:

I called the other day for a report of the amount of money expended in the construction department during the months of September, October, and November, 1874, exclusive of your permanent force. Can you furnish that report now?

He answered:

As per memorandum furnished from the construction department, I find that $40,631.11 was expended in the month of September; in October, $49,642.69; in November, $23,504.40.

Here was a falling off not only of a thousand men, but more than half of the expenditure for the month of October or the month of September was also reduced. Now am I not at liberty to inquire why was that done? Am I not at liberty to infer that the increase was made for a political purpose, and when that purpose was accomplished these men were discharged? The prosecution of political objects has thus cost this Government a large amount of money.

But that is not the only proof. There is more direct proof still. Here is a letter I find contained in this report as to the Boston navy-yard, directed to the commodore:

Private.] BOSTON, MASSACHUSETTS, *October* 23, 1874.

MY DEAR COMMODORE: I wish you would approve requisitions for men to be employed as they may be made until the 1st of November.

Some fifty additional men has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The Administration desire the success of Gooch and FROST.

Yours, respectfully,

I. HANSCOM.

Commodore E. T. NICHOLS, U. S. N.,
Commandant.

There is the direct testimony that employment was given to men to gratify the wishes of the Executive of the country. There is the testimony, direct and positive and conclusive, that the public service has been used for political purposes and to advance the wishes of the Administration, and yet when these bills come in and we propose a reduction there is astonishment!

Mr. DAWES. Would it interrupt the Senator if I were to make an inquiry?

Mr. SAULSBURY. Not at all, for I have no set speech to make.

Mr. DAWES. If the Senator were familiar with the laws of Massachusetts I think he would find some difficulty in discovering what benefit would result politically to anybody in Massachusetts by the employment of men in that yard at that time. No man can vote in Charlestown, where that yard is situated, unless he has resided in the State a year, and has resided in the town of Charlestown six months, and has paid a tax assessed upon him within two years. Any employment of men in that yard during the summer of any year previous to an election, after the first day of May, will not help anybody politically. No man can vote in Charlestown, the single objection of anybody in the world will stop his voting, unless he is able to prove seven days before he goes to the poll that he has been a resident of the State for a whole year and of the town of Charlestown for a period of six months; and this he has got to do seven days before the day of election. If the Senator will show us how employment during the month of October or November in the Charlestown Navy Yard will enable any one party to poll more votes in that district, he will do what nobody in Massachusetts who is familiar with the laws of Massachusetts and the way they are administered has been able as yet to discover.

Mr. SAULSBURY. I am very much indebted to the Senator from Massachusetts for the information, and am very happy to inform him that I am somewhat acquainted with the requirements of the election laws of Massachusetts. I believe her statutes now on her books provide that nobody can vote unless he can read a certain amount of the Constitution or of the Bible. I am not entirely ignorant of the requirements of the statute-laws of Massachusetts in reference to the qualifications of electors, and I suppose that some qualifications of residence may be required. But how easy it is to put upon the pay-rolls of the navy-yard men whose residence is not changed or men who may have been transferred from one district to another, who may have changed their residence, and reward them as partisans. I do not know that that was done, and I will not say that it was done; but I do say that the fact appears—appears positively and affirmatively by this letter directed to the commodore by Mr. Hanscom—that the President desired the election of Gooch and FROST, and that it might become necessary to add to the voters of the district.

Mr. DAWES. I am quite aware that Mr. Hanscom said two things: first, that it might be necessary to employ certain men in that district and, second, that the President desired the election of those gentlemen; but, while those two things are in that letter, they hardly justify the Senator in saying that here is proof positive of an attempt to put men in that navy-yard for the purpose of getting more votes polled at Charlestown than they would be entitled to have, for, as I said, (and the Senator has been unable to show in what way it can be done,) no man can be taken from one town in Massachusetts and put into another after the 1st day of May and succeed in putting in his vote there. It cannot be done. The process is too cumbersome, there are too many difficulties in the way, and it is too easy of detection.

A committee of the House of Representatives—if I may be permitted to allude to their proceedings—have been upon that navy-yard, the Committee of Elections of the House of Representatives; and what have they found? Not that a single one of those men cast a vote there for the sitting member, but simply that the sitting member recommended that a certain number of men might be employed in that yard; that is all. And they have come to the conclusion that that disfranchises the man who happens to have carried in his pocket such a recommendation, so that he is not a voter!

Mr. SAULSBURY. I ask the Senator from Massachusetts what this request was made for if it was not for political purposes; what other object could there have been, especially when you connect it with the fact that the wishes of the President are urged in a letter in that behalf?

Mr. DAWES. I do not see anything in the letter indicating that those men were to be employed for political purposes. If any such thing was attempted, it was attempted by a man who did not know the laws of Massachusetts and by a man who knew less of the temper and spirit of the voters of Massachusetts, for it turned out that all the men of the yard voted against Mr. Gooch. The action of the very men that were recommended by him and by Mr. FROST for employment in that yard shows that the recommendation was not for political purposes. No man in Massachusetts attempts to lead the voter by any such scheme or by any such promise as that. Four to one of all the employés of the navy-yard in Charlestown, Massachusetts, voted against the Administration at that very election.

Mr. SAULSBURY. Mr. President, I honor Massachusetts if that is the spirit and sentiment of the people of Massachusetts; that they will not suffer any corruption of voters or any improper influences to be exercised over them; but that does not satisfy me that the attempt was not made; and the Senator from Massachusetts has not explained what were the purport and meaning and intent of this letter; whether the object contemplated was not to influence the election in those districts when Mr. Hanscom penned that letter to the commodore, and whether the employment of the men was not for that purpose. It may be that after those men came into the yard they exercised the privileges of freemen, and were not the dumb slaves of the superintendents of those yards, but voted according to the dictates of their own judgment; but that does not relieve the intent, the object, and the purpose for which the employment was given and for which this request was made.

Mr. DAWES. I venture to say to the Senator from Delaware that there is not a scintilla of proof and there is no fact that bears him out in the statement that a man cast a vote in Charlestown who was not entitled to cast his vote there in Charlestown, whether he was employed in the navy-yard or whether he was employed anywhere else.

Mr. SAULSBURY. That may be all true. I do not say that any person voted illegally in Boston or Charlestown, or any part of Massachusetts. That is not the point. My point is that the employés of these navy-yards were increased for the purpose and object of influencing their votes; and whether it had that effect or not is not the question.

Mr. DAWES. I understand the Senator's point to be that, and that led me to make the inquiry what evidence he had to sustain him.

Mr. SAULSBURY. I have the evidence before me that the employés were largely increased in the months of September and October, and that many were dismissed immediately after the election—more than a thousand of them—and that the cost to the country of this poceeding was more than $100,000.

Mr. DAWES. Has the Senator any other evidence than that? If the Senator has any other evidence than that, I should like to hear it; but, unless he says he has, I take it that the only evidence he has is that it did so happen in the business of the navy-yard during the year that there were more men employed during the months of September and October than there were in any other months of the year; but it did so also happen—and the Senator has failed to take notice of that fact—that it could not serve anybody in Massachusetts, and, therefore, nobody in Massachusetts, for political purposes, desired any such proceeding as that; and nobody in Massachusetts could have any such proceeding forced upon him from here in ignorance of the law of Massachusetts and of the fact that it could not avail anything.

Mr. SAULSBURY. I had not expected, when I commenced the remarks which I am making, to detain the Senate half this time. I am glad, however, that I have furnished the opportunity to the Senator from Massachusetts to disclaim all iniquitous practices in reference to elections on the part of the people of his State. I bring no charge against them that the citizens of Massachusetts are politically dishonest. That was not my point. My point was that the public money of this country was being expended in the navy-yards of this country for political purposes, and that this had been attempted in the Charlestown navy-yard, and I produced authority here from which it is legitimate to infer that the attempt was a very large one indeed. When I find that a thousand men as soon as the elections were over were discharged from the navy-yard, I have a right to infer that their employment in the navy-yard up to that time was for the purpose of controlling and influencing the elections in that neighborhood. And it is not only true of that yard, but I have been credibly informed that it is true of almost all the navy-yards in this country. I know that a very responsible gentleman who has much business with the navy-yard in Philadelphia informed me some time ago that he had gone to that yard just before an election and found it full. I think he stated at one time that it carried on its rolls twenty-seven hundred men; and he told me that a number of those men—he watched their operations—were simply employed in taking the bark off the edges of oak timber with something like a case-knife or an instrument very similar to a case-knife, and that those men were kept until after the election, and when he went there a second time a large portion of them had been dismissed from the service.

I am not expressing this opinion entirely from inferences either, because I find before me remarks delivered in the House of Representatives by a gentleman familiar with this subject, who is on the Naval Committee in the other House, and who expressed himself in very decided terms. I read from a speech of Mr. MILLS:

Now, sir, about one thousand hands were employed under that order to cut down the hull of the steamship Virginia—

The order which I have alluded to—

an old vessel commenced in 1816, and that has the most magnificent hull of live-oak timber of the very best quality in the United States Navy, officers of the Navy say as sound and hard as rock, and the work done cost the Government I suppose eight or ten thousand dollars in the injury to the vessel, but the expenses to the Treasury for the payment of hands amounted to over $100,000. One hundred thousand dollars of the treasure of the Government of the United States, if you will allow me to discard poetry and speak in the language of truth and fact, was embezzled by the officers of the Government to elect two gentlemen to Congress who were agreeable to the taste of the Administration; and I will say in praise of the gentleman from Massachusetts that all the energies of the Administration, all the sinews of its power in that yard, all the influence of $100,000 that was robbed from the Treasury to defeat him by putting men in the yard who would vote against him—notwithstanding all this, when the day of election came, so strong is his hold on the affections of the people of Massachusetts that these men went to the polls to a man and cast their votes for him.

Mr. BANKS. I cannot dispute it, sir.

The Administration desired the election of Gooch and FROST, but Mr. BANKS was returned by the honest men who found employment in the navy-yard at Charlestown.

Mr. DAWES. From whose speech did the Senator read?

Mr. SAULSBURY. Mr. MILLS'S, one of the members of the committee in the other House.

Mr. DAWES. Does he say that public money was embezzled for the purpose stated?

Mr. SAULSBURY. I read his language precisely.

Mr. DAWES. Will the Senator do me the favor to read it again?

Mr. SAULSBURY. Yes, sir.

One hundred thousand dollars of the treasure of the Government of the United States, if you will allow me to discard poetry and speak in the language of truth and fact, was embezzled by the officers of the Government to elect two gentlemen to Congress who were agreeable to the taste of the Administration.

Mr. DAWES. Now, Mr. President, at some time——

Mr. SAULSBURY. And Mr. BANKS said he could not deny it.

Mr. DAWES. That is not what Mr. BANKS said. It was charged that those voters voted for Mr. BANKS, and not for this gentleman, and that is what Mr. BANKS said he did not deny.

Mr. SAULSBURY. That may have been his meaning. I supposed, however, it was an indorsement of all that was said. He did not deny that part; that is very certain.

Mr. CAMERON, of Pennsylvania. I am sorry to interrupt my good friend from Delaware.

Mr. SAULSBURY. I always yield with pleasure to my friend from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I did not feel any interest in this contest when it was between Delaware and Massachusetts; but when Pennsylvania is alluded to I do feel a little interest, and I have risen only to say that if anything wrong was done at the navy-yard at Philadelphia within a few years it was in putting democrats in the yard. I am sure that a majority of all the people employed there last year and the year before, probably in other years, but certainly in those two years, were placed there by a democratic Congressman, and I think upon one or two occasions they were put in there to help some of my personal friends in Delaware; not political friends, of course; I would not allude to it if it were; but Delaware has had her good share of all the pickings about the navy-yard in Philadelphia. [Laughter.] A long while ago a very distinguished man, a Senator from the State of Delaware, had a law passed—I think it will be found somewhere on the books—requiring that oak timber should be taken from the forests of Delaware; and I am sure that at least three-fourths of all the oak timber consumed at the navy-yard in Philadelphia for the last ten, fifteen, or twenty years has come from those beautiful forests in the State of Delaware. Those grand old oak trees, which in the time of the Revolution shaded and covered the patriots of those days, have been cut down to take care of the democratic candidates for office in that good State of Delaware. [Laughter.]

Mr. SAULSBURY. Mr. President, I anticipated when I referred to the navy-yard in Philadelphia that the distinguished Senator from Pennsylvania would come to the rescue. I have no question that he states truly that many of the employés in that navy-yard have been democrats. Ah, sir, that has been too often, unfortunately, the policy of our republican friends; when they found a man poor in property, who needed employment, who had a wife and children to support, and who was dependent upon his daily toil for his subsistence, they would capture him by giving him employment and then read to him the higher law, "Vote the ticket or go out." Unfortunately that has been too often the case, and then, when my friend from Pennsylvania invited democrats so lovingly into the navy-yard in Philadephia, the invitation was not because of any high regard for the humble poor man who desired employment, but in order that he might be constrained to vote the republican ticket. That has been the policy which has been pursued too often in that navy-yard. I am happy to inform my friend that, while Delaware has contributed something and did during the war to the materials which went into your vessels, yet she never charged anything but reasonable and fair prices. Her contractors were always the lowest bidders and never got a contract through favoritism, as has been the case in some other sections of the country.

Mr. LOGAN. I should like to ask the Senator from Delaware a question, with his permission.

Mr. SAULSBURY. I yield.

Mr. LOGAN. I ask the Senator if the democrats of Delaware would vote the republican ticket merely because they were employed?

Mr. SAULSBURY. My friend from Illinois has been asleep. They did not employ Delaware democrats in that navy-yard. They left a very fair number at home.

Mr. LOGAN. Any sort of democrats. Does the Senator think they could be induced to vote the republican ticket by such employment?

Mr. SAULSBURY. Yes, sir. The Senator from Illinois knows as well as I do that when a man has a wife and children dependent on him, and when they are actually starving for bread, he will too often forego his independence. I am sorry it is so. I am sorry any man in this country is in such pecuniary circumstances that he has to surrender his independence as a freeman. I am sorry that every man is not at liberty to vote his own sentiments without fear, favor, reward or the hope thereof; but I know that too frequently men in authority, men who have employment to give, do give it with reference to the influence which they may exert over the unfortunate man whose means are very short and whose family is dependent upon him. Why, sir, it is notorious; it cannot be laughed out of court; it cannot be ridiculed. The fact is, there is no doubt about it, in my mind, that the employment of these men just before the election was for political purposes. I am glad that I see the chairman of the Naval Committee of this body giving me his attention. I hope he will investigate this matter and apply the proper remedy to correct it in the future.

Mr. President, I have said all that I care to say on this subject. I am fully satisfied, in the first place, that the expenditures in the Naval Department have been greater than were necessary. I am satisfied that much of the money has been improperly expended; or otherwise, for the vast amount of money that has been expended for the Navy, we should have a better navy to-day. We have as good seamen, we have as brave officers, we have as noble men upon our decks to-day as ever trod the decks of American vessels or any other vessels; but unfortunately their vessels are many of them inferior, as the report of the Secretary a few years ago told us in strains almost as doleful as those of Milton in Paradise Lost. He told you of the deplorable condition of your Navy, and that, too, after there had been an expenditure of $500,000,000 since the democrats went out of power, and more than $150,000,000 since the present Administration came into power. There is something wrong; "something is rotton in the state of Denmark." I will join with my friends on the other side in helping to build up an efficient navy; one that will do honor to the country, that will protect the rights of American commerce and American citizens everywhere; but I demand of those gentlemen having charge of these affairs and having the majority to rule them, that they shall economize wherever they can, and that they shall heed the voice of the people which is coming up for relief against the burdens of taxation which are now oppressing them.

Mr. DAWES. I do not desire to detain the Senate any longer about the matter of the Charlestown navy-yard; but I may be allowed a few words from the fact that the charge has been repeatedly made that by some action of the Administration, through its patronage or the employment of men in Massachusetts, there was an attempt, which was carried out, to cause votes to be polled in and about the town of Charlestown, where the navy-yard is situated, by men who had no right to vote. And it is charged that very many hundred men were employed in the navy-yard at Charlestown two years ago, just before the election, for that purpose, and that after the election they were discharged. The reason why a large number were employed there in the months of September and October previous to that election has all been stated by those who employed them, in the very evidence before the Senator from Delaware, who has forgotten to read it. I attempted during his remarks to show him that if they were employed for any such purpose as he suggested, it was impossible for them to have carried out that purpose. I was in hopes before the Senator sat down that he would give the public the benefit of the statement of the very man who wrote the letter which he has read, how it was and for what purpose it was that he employed, during the months of September and October, in the Charlestown navy-yard this large force. But the Senator, following a member of the House, has taken the liberty to assert that because it happened in those months that many men were employed, and because after the election it also happened that a large proportion of those men were discharged, that was the purpose, that was the reason. *Post hoc, propter hoc*, is the logic of the Senator, without the support of one particle of evidence.

Mr. SAULSBURY. I ask the Senator from Massachusetts if there is any other inference to be drawn from the letter of Mr. Hanscom than that which I drew when he positively says that—

Some fifty additional men has allowed from the Chelsea district, and I suppose some more will be required from Gooch's district!

Is there any other inference, would it not be violence to the language to put any other inference on it than that they were wanted there for the purpose of voting the republican ticket? I ask the Senator to deal candidly with that question.

Mr. DAWES. The Senator has put his construction on that letter without giving Mr. Hanscom the benefit of his own statement in reference to that letter.

Mr. SAULSBURY. The letter speaks for itself.

Mr. DAWES. The letter does speak for itself quite as much as the Senator attempts to speak for it, and the author of the letter speaks for it, too, quite as authoritatively, it seems to me, as the Senator. Who authorized the Senator to interpret the language of Mr. Hanscom in the face of what he says himself? Mr. Hanscom tells the Senator, and it is before him in the record, what employment it is necessary to have and what work it was necessary to perform in that yard during those months; and I have told the Senator—and the Senator has not shown one particle of evidence to the contrary of what I have stated—that if that had been the purpose of Mr. Hanscom it was futile and vain. There has never been produced one particle of evidence anywhere, it does not exist, because the fact does not exist, that any men were put in the Charlestown navy-yard during those months or any other months to vote in Charlestown or vote in any other town in Massachusetts who were not authorized by the laws of Massachusetts to vote in the town where they cast their ballots. So far as their being put in there for the purpose of helping this or that man friendly to the Administration is concerned, the result shows that the influence of those very men in seeking for the appointment of their fellow-citizens around the Charlestown navy-yard was not a political influence or actuated by political considerations. It was their desire to give employment to very many industrious men roundabout Charlestown who were seeking employment and seeking it through every avenue and through every influence, and seeking it of the Government there as they seek it here, as they flock to this city and as they crowd the rooms of members of Congress and of Senators. I think the Senator himself has told me that, strange to say, people seem to think he has some influence sometimes to obtain employment for honest and deserving men. I have no doubt that if he has such influence it is a great pleasure to him to exert it; and it would not be fair for me to say that he makes a condition of exerting his influence in that behalf that the recipient of that benefit shall henceforth devote himself to his political advancement.

Mr. SAULSBURY. Will the Senator allow me a moment? Did I understand him to say that I had boasted that I had some influence with this Administration or any other Administration?

Mr. DAWES. Why, Mr. President, I have not said the Senator boasted of any such thing. I have said that it seemed to me I had heard the Senator admit that persons, following the vain idea that seems to possess people all over this land that they have but to turn their faces Governmentward in these times of distress and they can find employment here, seek it through all the avenues possible, and through all the members and Senators they can reach, and through officials here. I know they approach democrats, and I know they can find no more kind-hearted or generous or liberal one than the Senator from Delaware, and I know the Senator from Delaware too well to believe that he would make it a condition-precedent that they should abjure their political faith and join themselves to his party and serve him before he would give them his influence.

Mr. SAULSBURY. I desire to ask the Senator a question, because I do not see the relevancy of his remarks entirely. I now want to ask him what is meant by the "Chelsea district" and what is meant by "Gooch's district?" Does that mean the navy-yard? I want to know whether those terms refer to election districts. The Senator has the information and I should be glad if he would furnish me with it.

Mr. DAWES. There was a necessity, Mr. Hanscom says, for taking care of the timber in that yard. I have no doubt that in employing the men——

Mr. SAULSBURY. He speaks of certain districts, not of the yard.

Mr. DAWES. Will my friend let me get through? I have no doubt that in employing those men to work in that yard it was the disposition of Mr. Hanscom to distribute them among those different districts, to make his selections from the different districts and not take them all from one point, so that the benefit of the employment might be general throughout that whole section of country. That is what I suppose he meant by it; and I persist in the assertion, and shall until I get some answer from the Senator from Delaware, or until he ceases to charge an attempt upon anybody to undertake to stuff fraudulent votes in the ballot-boxes of Massachusetts, that he shall explain the mode by which it is possible for it to be done.

Mr. SAULSBURY. I do not mean to be put on the defensive. I have been propounding questions to my friend, but he is adroitly seeking to make a witness out of me. I want him to explain this letter of Mr. Hanscom; I want him to explain what it means, if it does not mean that these men were to be employed for political purposes. Explain that, and I shall be satisfied; and if he answers it to my satisfaction I will then say that I have put a misconstruction on the letter; but, according to my reading of this plain language, it means that and nothing else, that there was employment to be given for political considerations to men in the navy-yard at Charlestown. I do not say that they were influenced by it to vote; I mean to say that that was the object, if I can judge the purport and meaning of a letter so plain as this.

Mr. DAWES. I know the Senator does not say so any more than the man spoke of the quality of his sausages on a celebrated occasion. But I have to repeat that Mr. Hanscom has himself given a fair and honest and full explanation of all he did and all he said there, and that is before the Senator; and the Senator has failed, in making his exposition of the course of Mr. Hanscom, to give him the benefit of what he has said himself.

I have also asked the Senator from Delaware repeatedly, and he has failed to respond, to show me, before I explain that letter, how it is possible that it could have the construction which he puts upon it, in the face of the answer which I give him, that the law itself is in his way and that it could not have that effect. It not only did not have that effect, but the gentleman who received the benefit of that political influence, such as it was, was opposed to the Administration and opposed to the very men whose names are mentioned in that letter.

I beg pardon of the Senate for occupying so much time about this matter, but I did think that some time might occur when this charge floating all around over the country would be made by some Senator or somebody in a place where I should like to ask him to explain the process by which it could be done. I have done that now. I have failed to receive an answer. I do hope the Senator from Delaware will study it well and get up some answer before he repeats that charge again.

Mr. CRAGIN. Mr. President——

Mr. FRELINGHUYSEN. Will my honorable friend permit me to make a statement? It is desirable that there should be an executive session for a few minutes to confirm some one or two nominations that are pressing. The chairman of the Committee on Foreign Relations asked me to make this request of the Senate. As we are about taking a vote, and the yeas and nays are demanded, it occurred to me that there was a possibility that there might not be found a quorum; and therefore I suggest now that at any time it is agreeable to the Senate I should like to have them go into executive session for a purpose which will only occupy a minute or two. It is to make some confirmations that it is requisite should be made to-day.

Mr. SARGENT. I suggest to the Senator that he make his motion now. It will be better perhaps than to make it later. After my friend from New Hampshire has spoken, as he has already claimed the floor, I shall ask the indulgence of the Senate to apply the five-minute rule to this bill. We have had very general debate on both sides of the House. Massachusetts and Delaware have shaken hands, and none of the rest of us want to enter into any particular fight over what is left of the bill. I shall therefore, at a convenient time, ask to apply the five-minute rule.

Mr. CRAGIN. I shall not consume five minutes. There are many things that I should like to say, but I will confine myself within that time.

Mr. SARGENT. Very well. Then, with the consent of the chairman of the Committee on Naval Affairs, I move that the five-minute rule be now applied to the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session, the doors were re-opened.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3375) making appropriations for the naval service for the year ending June 30, 1877, and for other purposes, the pending question being on the amendment of the Committee on Appropriations to increase the appropriation for equipment of vessels, in lines 188 and 189, from $970,000 to $1,250,000.

Mr. CRAGIN. Mr. President, I should like to say a good deal upon this subject, but time is so precious and it is so important that we progress with the business before us that I will not venture to occupy the time of the Senate more than a few moments.

The Senator from Delaware has referred to the employment of men in the navy-yards prior to elections. This is no new subject to me. I have heard and thought much upon it ever since I have had a seat in the Senate, and I have often thought that there were some abuses practiced under that idea; but I have discovered that it is no new thing. It is not a matter that is confined to republican administration at all, but it goes far back. I have heard, I believe, that Mr. Van Buren, when he was President, ordered three vessels from Norfolk, where everything was safe for the democratic party, to be taken to the Brooklyn yard and there repaired, that being a locality where it was deemed necessary to increase the democratic vote. I hold in my hand a report made by a committee of the House of Representatives in 1860, signed by R. Hatton, Samuel Steel Blair, and JOHN SHERMAN, upon this very subject, and I find in this report facts as remarkable as any that have been presented here by the Senator from Delaware, and I wish especially to call his attention to the facts contained in this report.

In May, 1858—James Buchanan was then President of the United States—in the New York yard there were thirteen hundred and